

WATER PERMIT NO. 6391-3

Name of Applicant: Lee Rohrs, et al.

Address: 1609 Thorne St, Box 220, Syracuse NE 68446

Phone: 605 269-2587

Amount of Water Claimed: 1.91 cfs

Total Acres: 134

Source of Water Supply: groundwater (1 existing well)

Water to be used for: irrigation

County: Charles Mix

Type of Waste Disposal System:

Location: 2 miles north of Wagner

PRIORITY

Date Received: 2-3-03

Application/License Fee: \$300

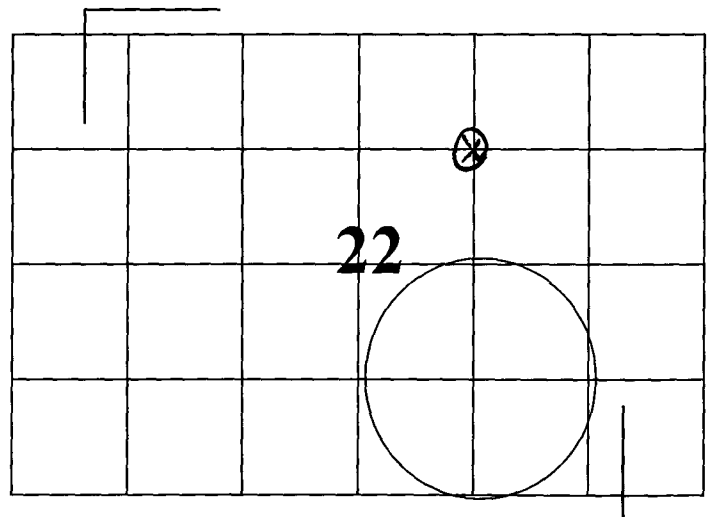
Corrected Application Received: 2-10-03

Period of Annual Use: April 1 – November 30

Remarks: Proposing to use same well as authorized by Water Right No. 5637-3

Diversion Point: center NE ¼ Sec 22-T96N-R63W

Land to be Irrigated: SE ¼ Sec 22-T96N-R63W



Depth of Well: 250 feet

Well Driller: : Sargent Irrigation Company

Remarks:

Type of Map: aerial

Prepared by: Mary Persson, FSA

Reviewed and the Number Assigned on: 2-10-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6391-3**

Date of first receipt of application February 3, 2003.

Date of return to applicant for corrections, amendments or changes February 3, 2003.

Date of receipt of corrected application February 10, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6391-3 to Lee Rohrs, et al., Box 220, Syracuse NE 68446 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6391-3 appropriates 1.91 cubic feet of water per second from one existing well (Choteau West Aquifer) 250 feet deep located in the center of the NE ¼ Section 22 to irrigate 134 acres located in the SE ¼ Section 22; all in T96N-R63W. The existing well is authorized by Water Right No. 5637-3 for irrigation of 132 acres in the NE ¼ of Section 22.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – November 30.
3. The date from which applicant may claim right is February 3, 2003.
4. The date of approval of Permit No. 6391-3 is April 28, 2003.
5. One-fifth of the construction is to be completed on or before October 28, 2005.
6. All construction is to be completed on or before April 28, 2008.
7. Water is to be put to beneficial use on or before April 28, 2012.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Right No. 5637-3 and Water Permit No. 6391-3, combined, authorize a diversion rate of 3.69 cfs. If a larger pump is not installed to bring the production in the existing well to 3.69 cfs by the end of the five year construction period, the water license will be limited to the developed diversion rate from the well.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

MAY 08 2003

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6391-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Wagner Post, Wagner</u>

RECEIVED
FEB - 3 2003
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 5637-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Irrigate additional 133 acres in NE 1/4 of 22-96-63 by diversion using buried underground pipe.

1. Name of Applicant Lee Rohrs, et al. (see attachment A) Phone 402-269-2001
(check one) X Owner Tenant/lessee

Mailing Address 1609 Thorne Street-Box 220 Syracuse State NE 68446
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.91 *CFS or 900 **GPM ***AF Total Acreage 134
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Existing well Permit No: 5637-3

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) at existing well Permit No: 5637-3
Center of NE 1/4 of 22-96-63

County Charles Mix

5. County or counties where water will be used Charles Mix

6. Annual period during which water is to be used April 1 - November 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 of SE 1/4 22-96-63	33.50		
NE 1/4 of SE 1/4 22-96-63	33.50		
SE 1/4 of SE 1/4 22-96-63	33.50		
SW 1/4 of SE 1/4 22-96-63	33.50		

8. Give a description of the project. (Attach sheet if more space is needed) Project will tap into existing well No: 5637-3 and divert water via 8" pvc pipe buried 4 1/2' in depth to the center of SE 1/4 of 22-96-63. Water will then be used to irrigate crops through a valley center pivot system with end gun. (See Attachment B)

STATE OF Nebraska GENERAL NOTARY - State of Nebraska
LYNN N. WILHELM
Notary Public Comm. Exp. Nov 18, 2006
County of Otoe Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Lee M. Rohrs, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Jerry L. Wiebusch Applicant's signature Nancy Rohrs Nancy Rohrs
Connie R. Wiebusch

Subscribed and sworn to before me this 30 day of January, 2003 20

Lynn N. Wilhelm
Notary Public signature

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter Existing Well Permit No: 5637-3 Depth Existing Well Permit No: 5637-3
- b) Casing Type Permit #5637-3 Diameter Permit #5637-3 Thickness Permit #5637-3
- c) Screen Type Permit #5637-3 Diameter Permit #5637-3 Thickness Permit #5637-3
- d) Gravel Pack Permit #5637-3 Length of Gravel Pack Permit #5637-3
- e) Depth to Top of Water Bearing Material Permit #5637-3
- f) Depth to Water (ground surface to water level) Permit #5637-3
- g) Distance to nearest existing domestic well:

On applicants property 3/4th mile west

On property owned by others Yes - Leo Holzbauer

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) N/A
- b) System Capacity (gallons) N/A Year Constructed N/A
- c) Connected to the City of N/A Sanitary System N/A

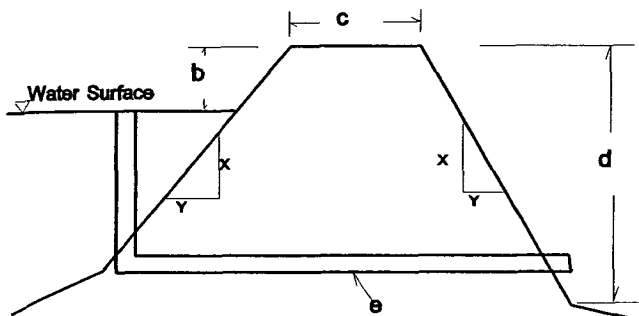
3. Dugout Information

- a) Surface Dimensions N/A Depth
- b) Depth to water (ground surface to water level)

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard N/A
- c) Crest Width N/A
Crest Length N/A
- d) Height N/A
- e) Primary Outlet Capacity N/A
If pipe, diameter
- f) Secondary Spillway Capacity N/A
Spillway Width
- g) X & Y Slope N/A
Upstream
Downstream
- h) Surface Area of Impoundment N/A
- i) Storage N/A Acre Feet
- j) Drainage Area Above Dam N/A Acres

ATTACHMENT TO FORM 2:
APPLICATION FOR IRRIGATION IN SOUTH DAKOTA
AMENDMENT TO PERMIT NO: 5637-3

1. Name of Applicant: Lee Rohrs, et al.
2. The Owners of the property covered by existing Permit No: 5637-3 and the land to be added thereto are as follows:

Nancy Rohrs Revocable Trust, an undivided $\frac{1}{2}$ (50%) interest, of 1609 Thorne Street – Box 220, Syracuse, Nebraska, 68446; Jerry L. Wiebusch Revocable Trust, an undivided $\frac{1}{4}$ (25%) interest; and Connie R. Wiebusch Revocable Trust, an undivided $\frac{1}{4}$ (25%) interest, of 4401 Birchhollow Drive, Lincoln, Nebraska, 68516

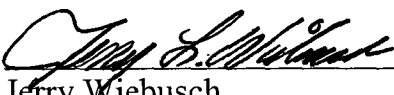
Telephone # for Nancy Rohrs is (402) 269-2587.

Telephone # for Jerry Wiebusch and Connie Wiebusch is (402) 423-8867.

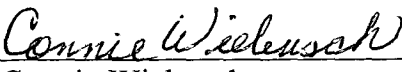
3. Lee Rohrs, the spouse of Nancy Rohrs will be the responsible person for notice under this Application.
4. We, Nancy Rohrs, Jerry Wiebusch and Connie Wiebusch, being the Trustees of the above and aforementioned Trust, hereby appoint Lee Rohrs as our agent under this permit.



Nancy Rohrs



Jerry Wiebusch



Connie Wiebusch

SOUTH DAKOTA WATER WELL COMPLETION REPORT

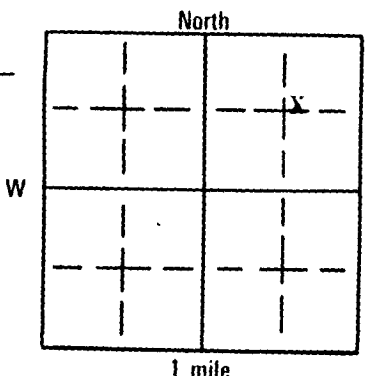
10-85

Location 1/4 NE 1/4 Sec 22 Twp 96 Rg 63

County

CHARLES MIX

Please mark well location with an "X"

Well Completion Date MAY 12, 1992

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

REVERSE ROTARY

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>36.91</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>110</u> FT	<u>30</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 22 FEETWhat is grouting material? CONCRETE GROUTCement, number of sacks? 50Describe grouting procedure TREMIE PIPEWhat was grout weight? 12 to 16 LB/GALSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 16 IN Length 140 FEETMaterial STEEL SLOTTEDSlot Size .100 Set From 110 Feet To 250 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Is a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

If plain _____

Microbiological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name GERRIT JUFFERAddress WAGNER, SD 57380-0220

Well Log:

Depth 250'

Formation	From	To
clay, top soil, fine sand	0	15
clay with a few gravel stones	15	29
blue clay	29	30
blue & brown clay, few stones	30	45
blue clay	45	60
clay	60	63
fine to med gravel & stones	63	75
fine-med grav & stones, poss rocks	75	90
fine-med grav, coarse sand, st, rock	90	105
gravel stones & clay	105	120
mostly sticky clay & sand layers	120	135
mostly clay layers	135	145
sand layers	145	150
coarse sand to fine gravel	150	165 *
fine-med gravel & some crs sand	165	180 *
fine gravel & coarse sand	180	195 *
fine grav, some med & coarse sand	195	210 *
clay layer & hard ledge	210	211 *
fine-med grav & crs sand, clay stky	211	225 *
clay layers	225	229 *
coarse sand mixed	229	240 *
medium to coarse sand	240	248 *
clay layers	248	255 *
fine to medium sand	255	267 *
clay layers	267	270 *
fine to medium sand	270	280 *
clay layers	280	285

STATIC WATER LEVEL 57 Feet

If flowing: closed in pressure _____ PSI

GPM flow 900 through 8 inch pipeControlled by ☐ Valve ☐ Reducers ☐ OtherIf other; specify SPRINKLER SYSTEMCan well be completely shut in? YES

WELL TEST DATA:

☒ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

71 ft. After 1 Hrs. pumped 1000 GPM765 ft. After 1 Hrs. pumped 1500 GPM87 ft. After 1 Hrs. pumped 2200 GPM

REMARKS:

This well was drilled under license # 273

And this report is true and accurate.

Drilling firm CHAS. SARGENT IRRIGATION CO., INC.

Signature of License Representative:

by Mike White

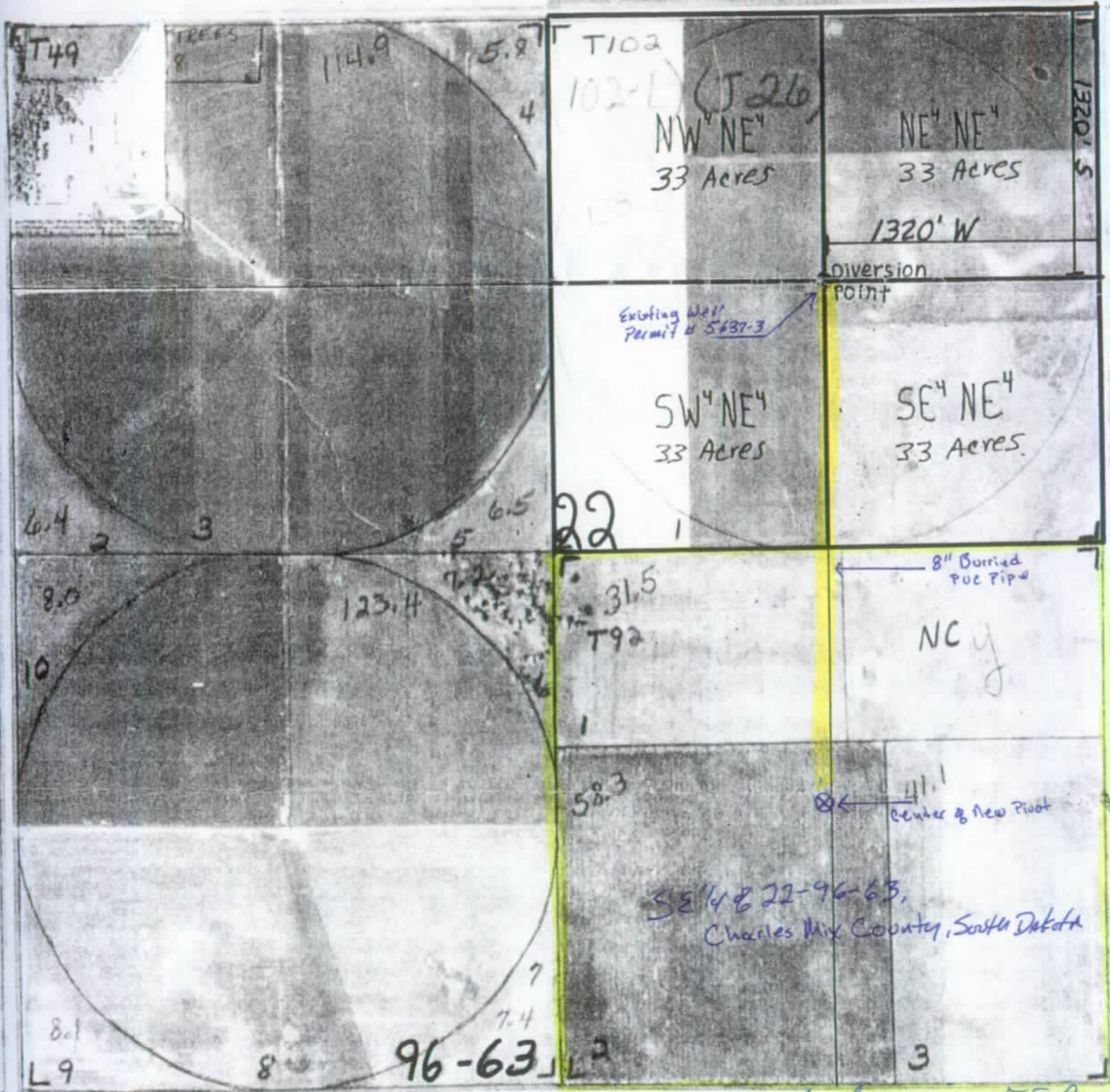
Signature of Well Owner:

Date

12-14-92



NOT TO SCALE



Mary Persson Program Technician - FSA
Barry McLaury *Barry McLaury*
Environmental Scientist
Division of Water Rights
Date *2-8-95*
6391-3

WATER RIGHTS PROGRAM

Date February 12, 20 01

RECEIVED OF Charles H. Thompson, Jr., ESQ. for 121, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 505, 507, 509, 511, 513, 515, 517, 519, 521, 523, 525, 527, 529, 531, 533, 535, 537, 539, 541, 543, 545, 547, 549, 551, 553, 555, 557, 559, 561, 563, 565, 567, 569, 571, 573, 575, 577, 579, 581, 583, 585, 587, 589, 591, 593, 595, 597, 599, 601, 603, 605, 607, 609, 611, 613, 615, 617, 619, 621, 623, 625, 627, 629, 631, 633, 635, 637, 639, 641, 643, 645, 647, 649, 651, 653, 655, 657, 659, 661, 663, 665, 667, 669, 671, 673, 675, 677, 679, 681, 683, 685, 687, 689, 691, 693, 695, 697, 699, 701, 703, 705, 707, 709, 711, 713, 715, 717, 719, 721, 723, 725, 727, 729, 731, 733, 735, 737, 739, 741, 743, 745, 747, 749, 751, 753, 755, 757, 759, 761, 763, 765, 767, 769, 771, 773, 775, 777, 779, 781, 783, 785, 787, 789, 791, 793, 795, 797, 799, 801, 803, 805, 807, 809, 811, 813, 815, 817, 819, 821, 823, 825, 827, 829, 831, 833, 835, 837, 839, 841, 843, 845, 847, 849, 851, 853, 855, 857, 859, 861, 863, 865, 867, 869, 871, 873, 875, 877, 879, 881, 883, 885, 887, 889, 891, 893, 895, 897, 899, 901, 903, 905, 907, 909, 911, 913, 915, 917, 919, 921, 923, 925, 927, 929, 931, 933, 935, 937, 939, 941, 943, 945, 947, 949, 951, 953, 955, 957, 959, 961, 963, 965, 967, 969, 971, 973, 975, 977, 979, 981, 983, 985, 987, 989, 991, 993, 995, 997, 999, 1001, 1003, 1005, 1007, 1009, 1011, 1013, 1015, 1017, 1019, 1021, 1023, 1025, 1027, 1029, 1031, 1033, 1035, 1037, 1039, 1041, 1043, 1045, 1047, 1049, 1051, 1053, 1055, 1057, 1059, 1061, 1063, 1065, 1067, 1069, 1071, 1073, 1075, 1077, 1079, 1081, 1083, 1085, 1087, 1089, 1091, 1093, 1095, 1097, 1099, 1101, 1103, 1105, 1107, 1109, 1111, 1113, 1115, 1117, 1119, 1121, 1123, 1125, 1127, 1129, 1131, 1133, 1135, 1137, 1139, 1141, 1143, 1145, 1147, 1149, 1151, 1153, 1155, 1157, 1159, 1161, 1163, 1165, 1167, 1169, 1171, 1173, 1175, 1177, 1179, 1181, 1183, 1185, 1187, 1189, 1191, 1193, 1195, 1197, 1199, 1201, 1203, 1205, 1207, 1209, 1211, 1213, 1215, 1217, 1219, 1221, 1223, 1225, 1227, 1229, 1231, 1233, 1235, 1237, 1239, 1241, 1243, 1245, 1247, 1249, 1251, 1253, 1255, 1257, 1259, 1261, 1263, 1265, 1267, 1269, 1271, 1273, 1275, 1277, 1279, 1281, 1283, 1285, 1287, 1289, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317, 1319, 1321, 1323, 1325, 1327, 1329, 1331, 1333, 1335, 1337, 1339, 1341, 1343, 1345, 1347, 1349, 1351, 1353, 1355, 1357, 1359, 1361, 1363, 1365, 1367, 1369, 1371, 1373, 1375, 1377, 1379, 1381, 1383, 1385, 1387, 1389, 1391, 1393, 1395, 1397, 1399, 1401, 1403, 1405, 1407, 1409, 1411, 1413, 1415, 1417, 1419, 1421, 1423, 1425, 1427, 1429, 1431, 1433, 1435, 1437, 1439, 1441, 1443, 1445, 1447, 1449, 1451, 1453, 1455, 1457, 1459, 1461, 1463, 1465, 1467, 1469, 1471, 1473, 1475, 1477, 1479, 1481, 1483, 1485, 1487, 1489, 1491, 1493, 1495, 1497, 1499, 1501, 1503, 1505, 1507, 1509, 1511, 1513, 1515, 1517, 1519, 1521, 1523, 1525, 1527, 1529, 1531, 1533, 1535, 1537, 1539, 1541, 1543, 1545, 1547, 1549, 1551, 1553, 1555, 1557, 1559, 1561, 1563, 1565, 1567, 1569, 1571, 1573, 1575, 1577, 1579, 1581, 1583, 1585, 1587, 1589, 1591, 1593, 1595, 1597, 1599, 1601, 1603, 1605, 1607, 1609, 1611, 1613, 1615, 1617, 1619, 1621, 1623, 1625

Fee for Application for Permit No. <u>6371-3</u> and to put water to beneficial use	to Appropriate Water, to construct	250.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6371-3</u>		50.00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. <u>6</u>		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300.00

No.

By

Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 3, 2003

Lee Rohrs
Box 220
Syracuse NE 68446

RECEIVED

FEB 10 2003

WATER RIGHTS
PROGRAM

Dear Mr. Rohrs:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following is required.

Enclosed is the map submitted with the application. This map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office). The existing signature on the map was placed there as it related to the licensing inspection of Water Right No. 5637-3 in 1995.

Also, enclosed is another partially completed *Notice of Transfer* form for use in filing an ownership change on Water Right No. 5637-3. The transfer form should be checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 6391-3

For Lee Rohrs, etal.

March 24, 2003

Application No. 6391-3 proposes to appropriate 1.91 cfs (857 gpm) from an existing well approximately 250 feet deep located in the center of the NE $\frac{1}{4}$ of section 22 to irrigate 134 acres located in the SE $\frac{1}{4}$ of section 22; all in T96N R63W in Charles Mix County. The existing well is authorized by Water Right No. 5637-3 for irrigation of 132 acres in the NE $\frac{1}{4}$ of section 22, T96N R63W.

AQUIFER – CHOTEAU WEST (CH-W)

The Choteau West is a buried outwash (sand and gravel) and western origin stream deposits (Kume, 1977) that is under confined or artesian conditions at this site. The Choteau West underlies 169,600 acres and contains an estimated 1.225 million acre-feet of recoverable water in storage in Charles Mix County (Hedges, 1982). The aquifer extends into Bon Homme County to the southeast, into Douglas and Hutchinson Counties to the north and east and is also hydraulically connected to the Niobrara Formation and the Codell Sandstone in the subsurface. Both of these formations are considered aquifers in Charles Mix County.

This application proposes to use an existing well. The well log indicates a 250 feet deep well with 140 feet of slotted screen and a specific capacity of 70 to 75 gpm/ft of drawdown. The static water level of the well was about 57 feet below land surface and the well was capable of producing 2200 gpm with 30 feet of drawdown after one hour of pumping. This equates to a specific capacity of 73.3 gpm/ft of drawdown.

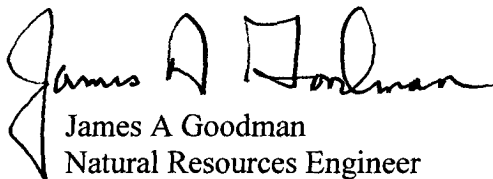
The Water Rights Program monitors five observation wells within a two mile radius of this application. Four of these observation wells are completed into the Choteau West aquifer. Hydrographs for observation wells CM-72B, CM-72C, CM-68F and CM-80D are included with this report. Water levels for these wells show good response to pumping and to climatic conditions. In general, the water levels indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2003).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are five existing irrigation wells within a one mile radius of the well for this application. Interference will occur, that is, drawdown created by pumping will overlap and extend to these wells. This is shown and verified by the observation well hydrographs. These wells have been in use for many years and this increase is not expected to significantly change the aquifer response to pumping. During exceptionally dry years it may become necessary to lower the pumps in nearby irrigation wells or domestic wells.

CONCLUSIONS

1. Water is available from the Choteau West aquifer.
2. The aquifer is under artesian conditions. Pumping will cause water levels to fluctuate. This phenomenon is readily apparent from examination of the water level record. Adding this diversion will potentially increase the amount of drawdown but this amount should not be significant over and above what is already occurring.
3. This is an existing well which has been licensed to pump 1.78 cfs. Approval of this application would allow installation of a larger pump to increase the rate from the well to 3.69 cfs (1656 gpm). If the larger pump is not installed then this application would have to be licensed for the developed diversion rate not the capacity of the well. This would likely mean that this application is only for additional lands not additional diversion rate.
4. The applicant needs to be aware that water from the Choteau West aquifer can be of marginal quality for irrigation use. The applicant needs to be aware of the potential for soil water compatibility problems.
5. The Choteau West aquifer does recharge, however, the response is not immediate. Subtle changes both up and down are shown by the hydrographs, with water levels gradually declining during drought periods and gradually rising during wet climatic conditions. The aquifer has a tremendous amount of water in storage and is sensitive to pumping. Limiting issuance of water permits because of relatively small declines in water levels would curtail development of the aquifer. Besides, the water level record at present would indicate recharge has been sufficient to maintain the existing level of development.

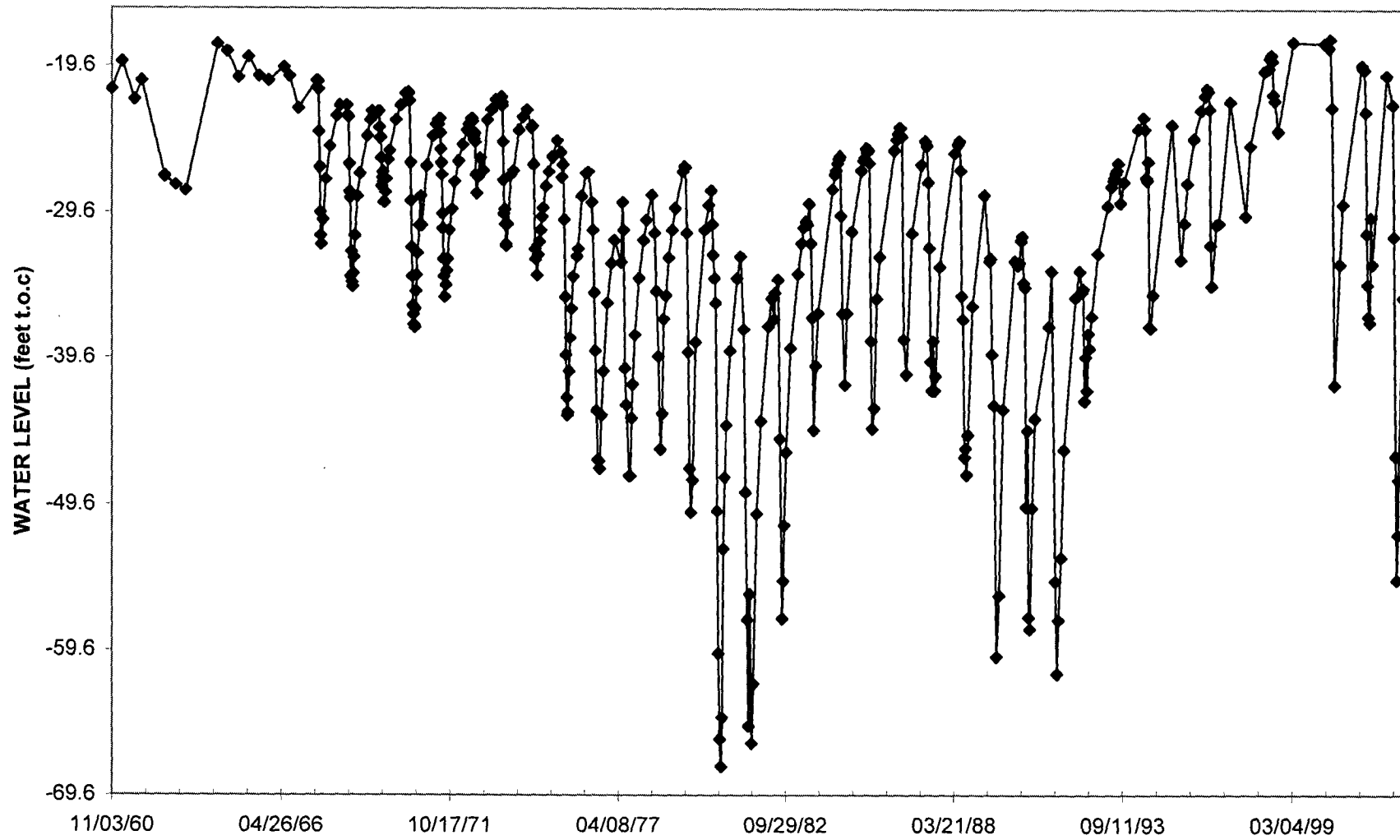


James A Goodman
Natural Resources Engineer

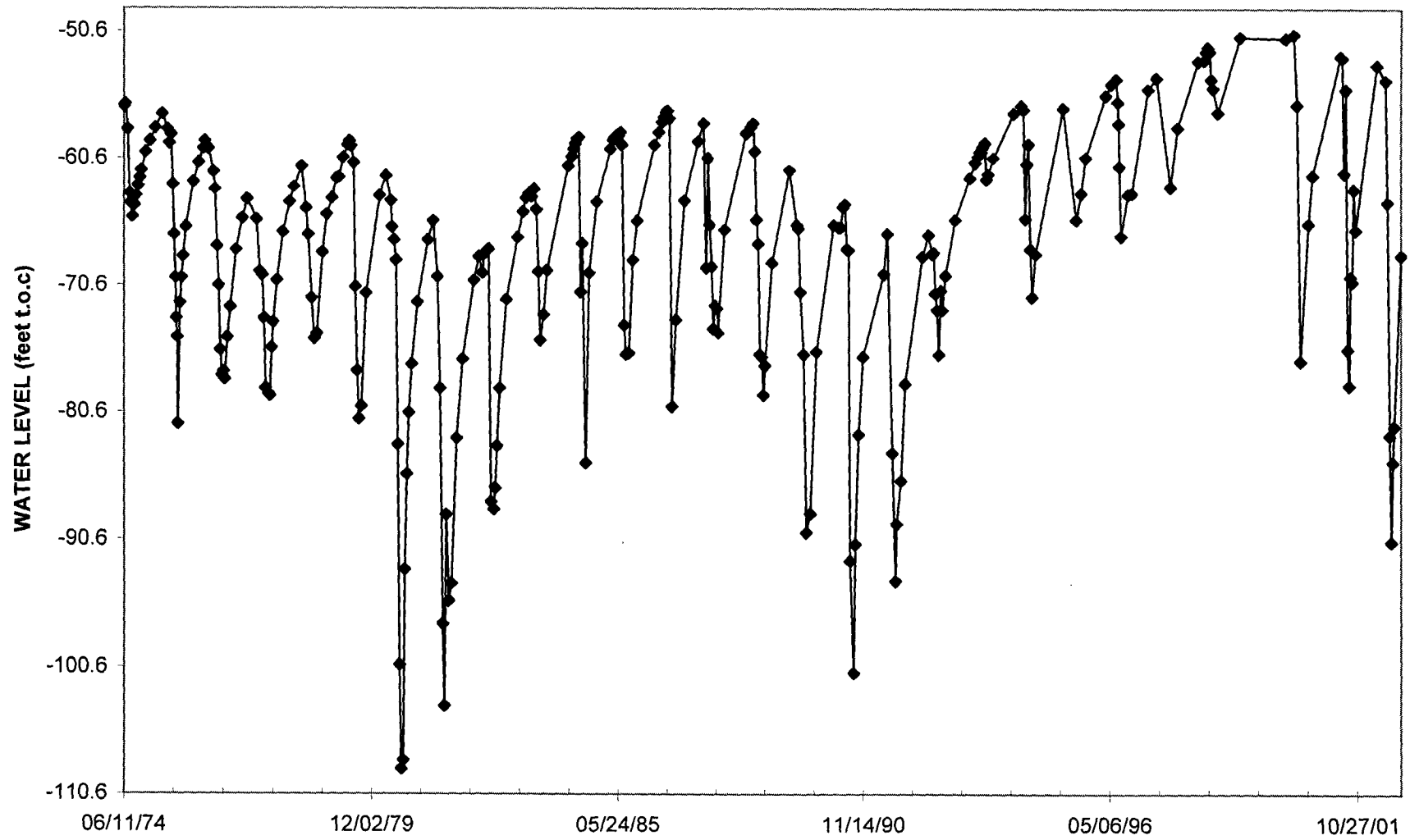
BIBLIOGRAPHY

- Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Kume, J., 1977, Geology and Water Resources of Charles Mix Counties, South Dakota, Part II: Water Resources, Bulletin 22, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 2003, Unpublished Observation Well Data for the Choteau Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

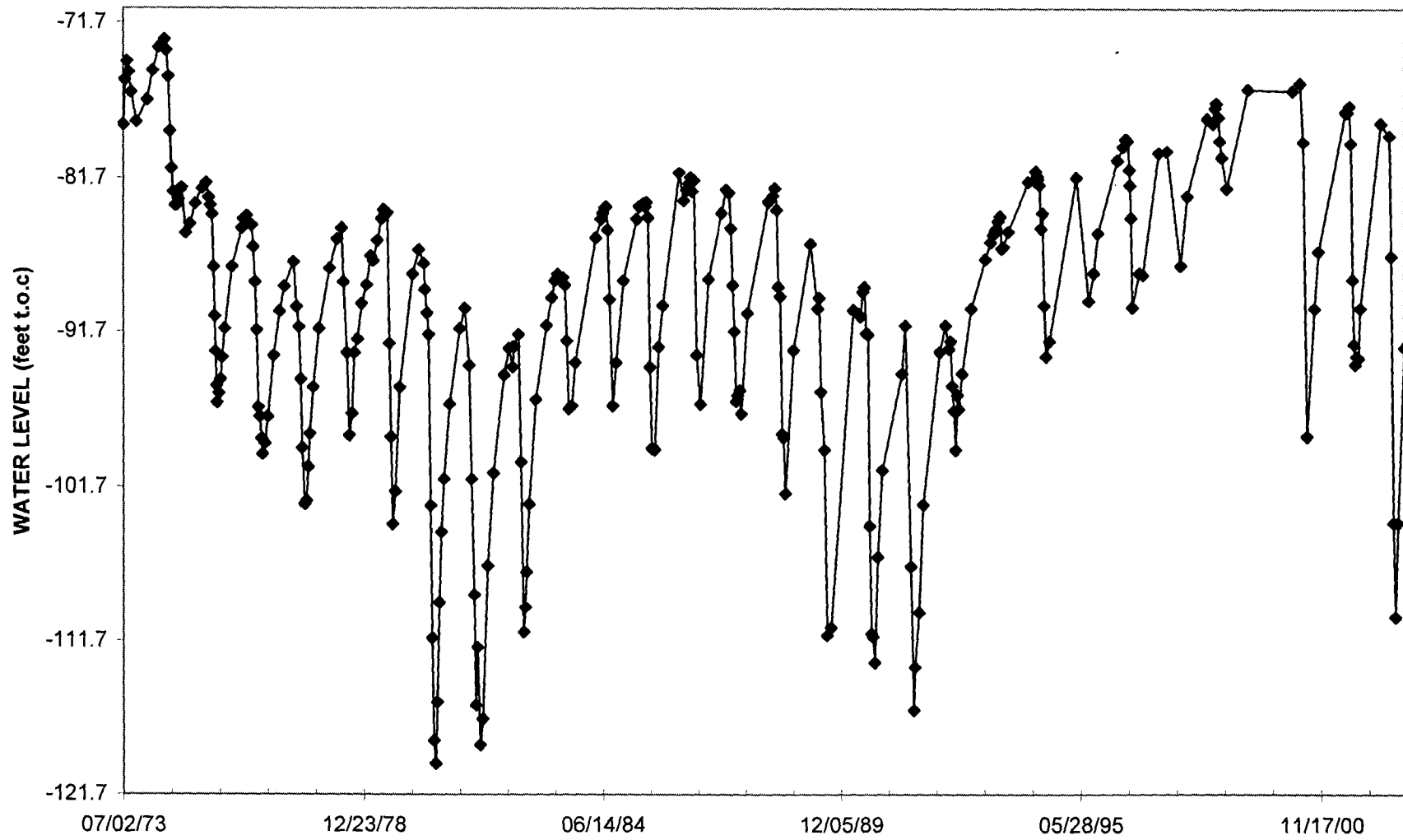
**WATER RIGHTS' OBSERVATION WELL
CM-80D**



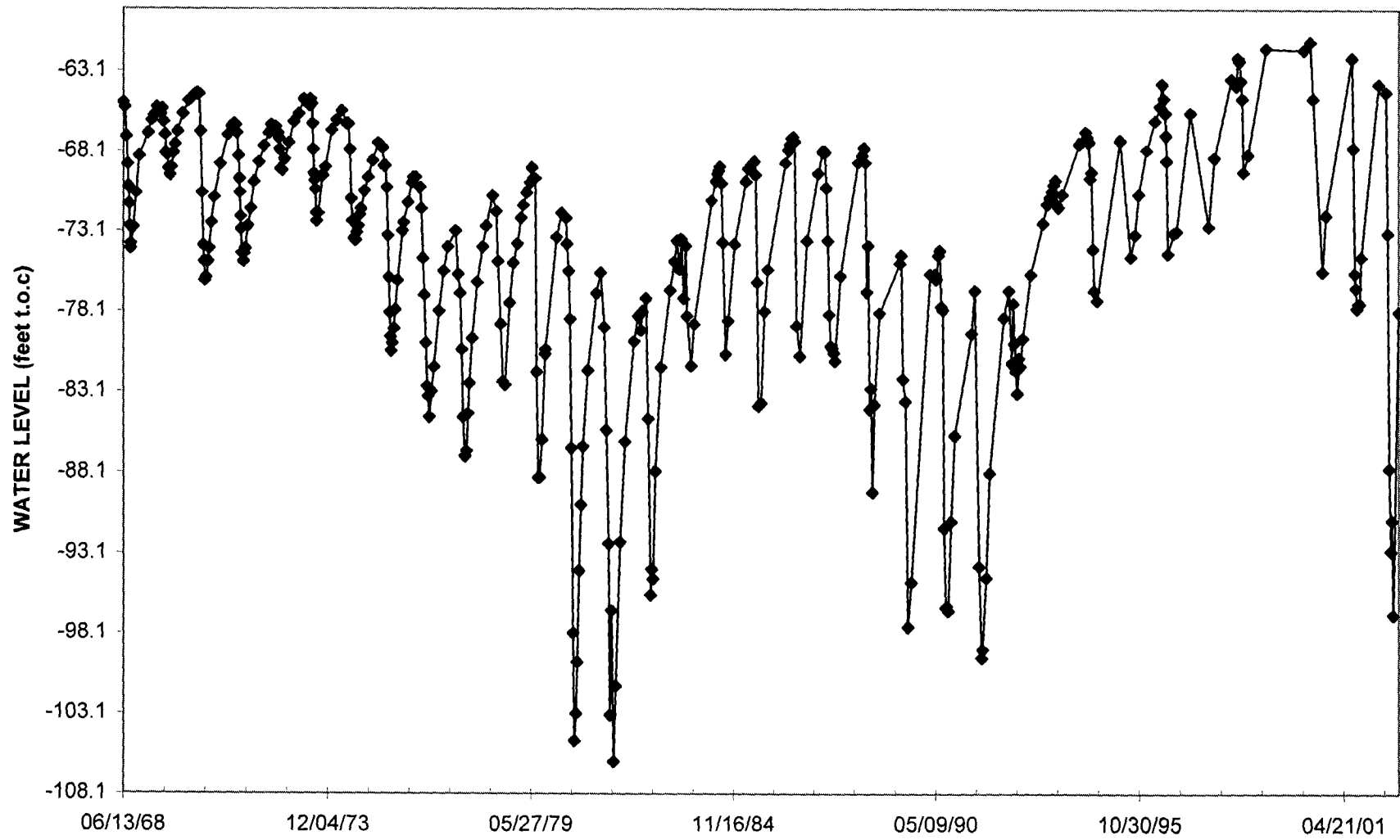
**WATER RIGHTS' OBSERVATION WELL
CM-72B**



**WATER RIGHTS' OBSERVATION WELL
CM-72C**



**WATER RIGHTS' OBSERVATION WELL
CM-68F**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6391-3, Lee Rohrs, et al.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6391-3, Lee Rohrs, et al., 1609 Thorne Street, Box 220, Syracuse NE 68446.

The Chief Engineer is recommending APPROVAL of Application No. 6391-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Right No. 5637-3 and Water Permit No. 6391-3, combined, authorize a diversion rate of 3.69 cfs. If a larger pump is not installed to bring the production in the existing well to 3.69 cfs by the end of the five year construction period, the water license will be limited to the developed diversion rate from the well.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 31, 2003

Affidavit of Publication

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF CHARLES MIX)

Peggy Nedved, of said County and State being first duly sworn on her oath says: That *The Wagner Post* is a legal newspaper of general circulation, printed and published in Wagner, in said County and State, by Peggy Nedved, and has been such newspaper during the time herein mentioned; and that I, Peggy Nedved, the undersigned, am office manager of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for 2 successive weeks.

1st publication made on 9 day of Apr, 2003. ¹⁹

2nd publication made on 16 day of Apr, 2003

3rd publication made on ____ day of _____, 2003

4th publication made on ____ day of _____, 2003

5th publication made on ____ day of _____, 2003

That said newspaper is a legal newspaper, and has a bonafide circulation of more than two hundred copies weekly, and has been published within the County of Charles Mix for more than fifty-two successive weeks prior to the first publication of said notice, and is printed in an office maintained in Wagner, South Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is

\$ 35.25

Peggy Nedved

Subscribed and sworn to before me this 16th day of Apr, 2003.

Jan Ubold

Notary Public

My commission expires 4/17/2007

Public Notice

NOTICE OF APPLICATION NO. 6391-3 TO APPROPRIATE WATER

Notice is given that Lee Rohrs, et al, Box 220, Syracuse NE 68446 has filed an application for a water permit to appropriate 1.91 cubic foot of water per second from one existing well (Choteau West Aquifer) 250 feet deep located in the center of the NE1/4 Section 22 to irrigate 134 acres located in the SE 1/4 Section 22; all in T96N-R63W. The existing well is authorized by Water Right No. 5637-3 for irrigation of 132 acres in the NE1/4 of Section 22.

Pusuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6391-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in oppos-

Wednesday, April 9, 2003

ing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 28, 2003.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary
Department of Environment and
Natural Resources

Pub: April 9, 16, 2003

RECEIVED
APR 17 2003
WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on April 9, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6391-3 to Appropriate Water

Notice is given that Lee Rohrs, et al, Box 220, Syracuse NE 68446 has filed an application for a water permit to appropriate 1.91 cubic feet of water per second from one existing well (Choteau West Aquifer) 250 feet deep located in the center of the NE ¼ Section 22 to irrigate 134 acres located in the SE ¼ Section 22; all in T96N-R63W. The existing well is authorized by Water Right No. 5637-3 for irrigation of 132 acres in the NE ¼ of Section 22.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6391-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 28, 2003.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

April 1, 2003

Lee Rohrs, et al
Box 220
Syracuse NE 68446

Dear Mr. Rohrs:

Water Permit Application No. 6391-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Wagner Post printed at Wagner, SD (Ph # 605-384-5616). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

April 1, 2003

Wagner Post
PO Box 187
Wagner SD 57380-0187

ATTENTION: Legal Public Notice

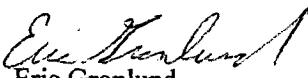
Enclosed is a Notice of Hearing on Application No. 6391-3 to Appropriate Water to be published twice. Please publish the first notice on April 9, 2003 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Lee Rohrs, et al, Box 220, Syracuse NE 68446 (Ph # 402-269-2587).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 6391-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of April 1, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6391-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name Newspaper



MAY 08 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Lee Rohrs, et al
Box 220
Syracuse NE 68446

Dear Mr. Rohrs:

Enclosed is Water Permit No. 6391-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 8-5-03

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Lee M. Rohrs
(name)
1609 Thorne - P.O. Box 220
(address)
Syracuse, NE 68446 402-269-2587
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6391-3 states that the water use system is to be constructed by April 28, 2008, and water is to be put to beneficial use by April 28, 2012.
(date) (date)

The water use system was completed on July 03, 2003.
(date)

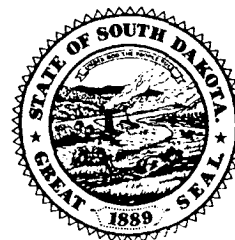
Applying the water to beneficial use was completed on July 19, 2003.
(date)

You may schedule an investigation so that the water license may be issued.

Lee M. Rohrs
(signature)

7-98

RECEIVED
AUG 14 2003
WATER RIGHTS
PROGRAM



ANDERSON LAW OFFICE, P.C.

120 Second St. SE
P.O. Box 425
Wagner, SD 57380

BRUCE V. ANDERSON
DAVA A. WANTOCH
ATTORNEYS AT LAW

TELEPHONE
605-384-5970
FAX 605-384-3679

December 14, 2005

Department of Environment & Natural Resources
Division of Environmental Services
523 East Capitol Avenue
Pierre, SD 57501-3181

Re: Charles Mix County Water Transfer Permits (Rohrs/Wiebusch/Evans)

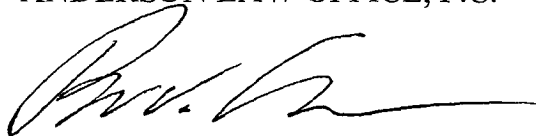
To Whom It May Concern:

Enclosed you will find three Notice of Transfer of Ownership forms transferring ownership of the water rights/permits from Nancy Rohrs, Lee Wiebusch and Connie Wiebusch to Roger and Maureen Evans. I am also enclosing a check in the amount of \$7.50 for the filing fees.

Should you have any questions, please contact this office.

Sincerely,

ANDERSON LAW OFFICE, P.C.



Bruce V. Anderson

BVA:ja
enclosure

RECEIVED
DEC 15 2005
WATER RIGHTS
PROGRAM

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date December 15, 20 05

RECEIVED OF Anderson Law Office, PO Box 425, Wagner SD 57380

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6391-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
		2.50

No.

002077

By

Darlene Erbe
Chief Engineer *gm*

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 6391-3

Date: _____

I/We request that Water Right/Permit No. 6391-3

Nancy Rohrs Revocable Trust, Lee Rohrs, of Syracuse NE, 1/2 Interest
formerly owned by: Connie Wiebusch Revocable Trust, of Linclon, NE, 1/4 interest
Jerry Wiebusch, Jerry Weibusch Revocable Trust, Linclon, NE 1/4 interest

be transferred to: (name & address) Roger W. Evans, and Maureen Evans, P.O. Box 42,
Sioux Center, IA 51250

Telephone No 712-332-7082

Title to the following described land(s)/property has been transferred as described above:

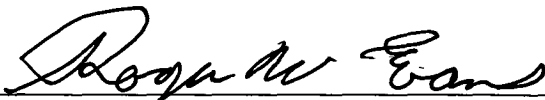
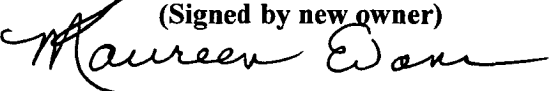
See schedule A attached

I/We understand that the validity of Water Right/Permit No. 6391-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Roger Evans & Maureen Evans, the new owner, certify that the above information is true and correct.


(Signed by new owner)


NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse
3. For a third violation of a condition of a water permit/right.

RECEIVED

DEC 15 2005

WATER RIGHTS
PROGRAM



6391-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 19, 2005

5635-3
5637-3
6391-3

Bruce V Anderson
Anderson Law Office PC
PO Box 425
Wagner SD 57380

Dear Mr. Anderson:

I am writing to acknowledge receipt of the ownership changes you submitted for transferring Water Right Nos. 5635-3, 5637-3 and Water Permit No. 6391-3. The transfers have been completed. The water rights and water permit formerly held by Nancy Rohrs Revocable Trust, Connie Wiebusch Revocable Trust and Jerry Wiebusch Revocable Trust are now listed in the names of Roger W and Maureen A Evans.

Enclosed are your Receipt Nos. 002075, 002076 and 002077 in the amounts of \$2.50 each which you paid for filing the ownership changes.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

c: Roger W and Maureen A Evans



6391-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2012

NOTICE

TO: ROGER W & MAUREEN A EVANS, PO BOX 147, THERMOPOLIS, WY 82443 0147

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5635-3, 5637-3 & 6391-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5635-3, 5637-3 & 6391-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5635-3, 5637-3 & 6391-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 27, 2012

5635-3
5637-3
6391-3

Roger & Maureen Evans
PO Box 147
Thermopolis WY 82443 0147

Dear Mr. & Mrs. Evans:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 5635-3 & 5637-3 and Water Permit No. 6391-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Missouri River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **December 1, 2015**, made a thorough examination of the water use system currently owned by **Roger and Maureen Evans** of **PO Box 147 Thermopolis, WY** holder of Permit No. 6391-3, bearing the priority of **February 3, 2003** authorizing the diversion of **1.91** cu. ft. per second of the waters of the **Choteau: West** aquifer for **irrigation** purposes, in **Charles Mix** County. The irrigation system used under Permit No. 6391-3 uses the well authorized by Water Right No. 5637-3. Water Right No. 5637-3 authorizes the irrigation of 132 acres in the NE ¼ Sec. 22-T96N-R63W at a diversion rate of 1.78 cu. ft. per second.

The system is in the following condition: **good**. The point of diversion is located: **the approximate center of the NE ¼ Sec. 22-T96N-R63W-1,320 ft. south and 1,320 ft west of the NE corner of Sec. 22** with latitude **43.1215°** and longitude **-98.2731°** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **1.78** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All land is in Sec. 22-T96N-R63W				
Right No. 5637-3	NW ¼ NE ¼ - 33	NE ¼ NE ¼ - 33	SE ¼ NE ¼ - 33	SW ¼ NE ¼ - 33
Permit No. 6391-3	NW ¼ SE ¼ - 33.5	NE ¼ SE ¼ - 33.5	SE ¼ SE ¼ - 33.5	SW ¼ SE ¼ - 33.5

comprising a total of **266 acres** of land.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

1. Well Drilling Firm: **Sargent Irrigation Co.**
2. No. of Wells: **1**
3. Well log available: **Yes**
4. Well Depth: **250 ft.**
5. Casing/Screen Diameter and Material: **16 inch PVC**
6. Casing Length: **110 ft.**
7. Screen Length: **140 ft.**
8. Pump Type: **Turbine line shaft**
9. Pump Size: **8 inch**
10. Pump Capacity: **800 gpm**
11. Motor Size: **100 hp**

B. Works used to transport water to place of use: **2,640 ft of buried 10 inch PVC pipe**

C. Works used to apply water to beneficial use:

NE ¼ Sec. 22 – Center Pivot System (5637-3)

1. Make: **Valley**
2. Length: **1,260 ft.**
3. No. of towers: **10**
4. End Gun: **Yes**
5. High or Low Pressure: **High**
6. Capacity: **800 gpm**

SE ¼ Sec. 22 – Center Pivot System (6391-3)

1. Make: **Valley**
2. Length: **1,350 ft.**
3. No. of towers: **10**
4. End Gun: **Yes**
5. Pressure: **45 psi**
6. Capacity: **750 gpm**

Is there chemigation: No. Applicable permit qualifications have been complied with: Yes. Exceptions to compliance are: None. Water Right No. 5637-3 should be incorporated into Water Permit No. 6391-3 and the license should be issued for a diversion rate of 1.78 cu. ft. per sec and 266 acres. The diversion rate of 1.78 cu. ft. per sec. and the 132 acres authorized by Water Right No. 5637-3 should bear a priority date of March 17, 1992 and the 134 acres authorized by Water Permit No. 6391-3 should bear the priority date of February 3, 2003.

**Comments: The land is currently rented by Clearfield Colony and the operator is Dale Glanzer.

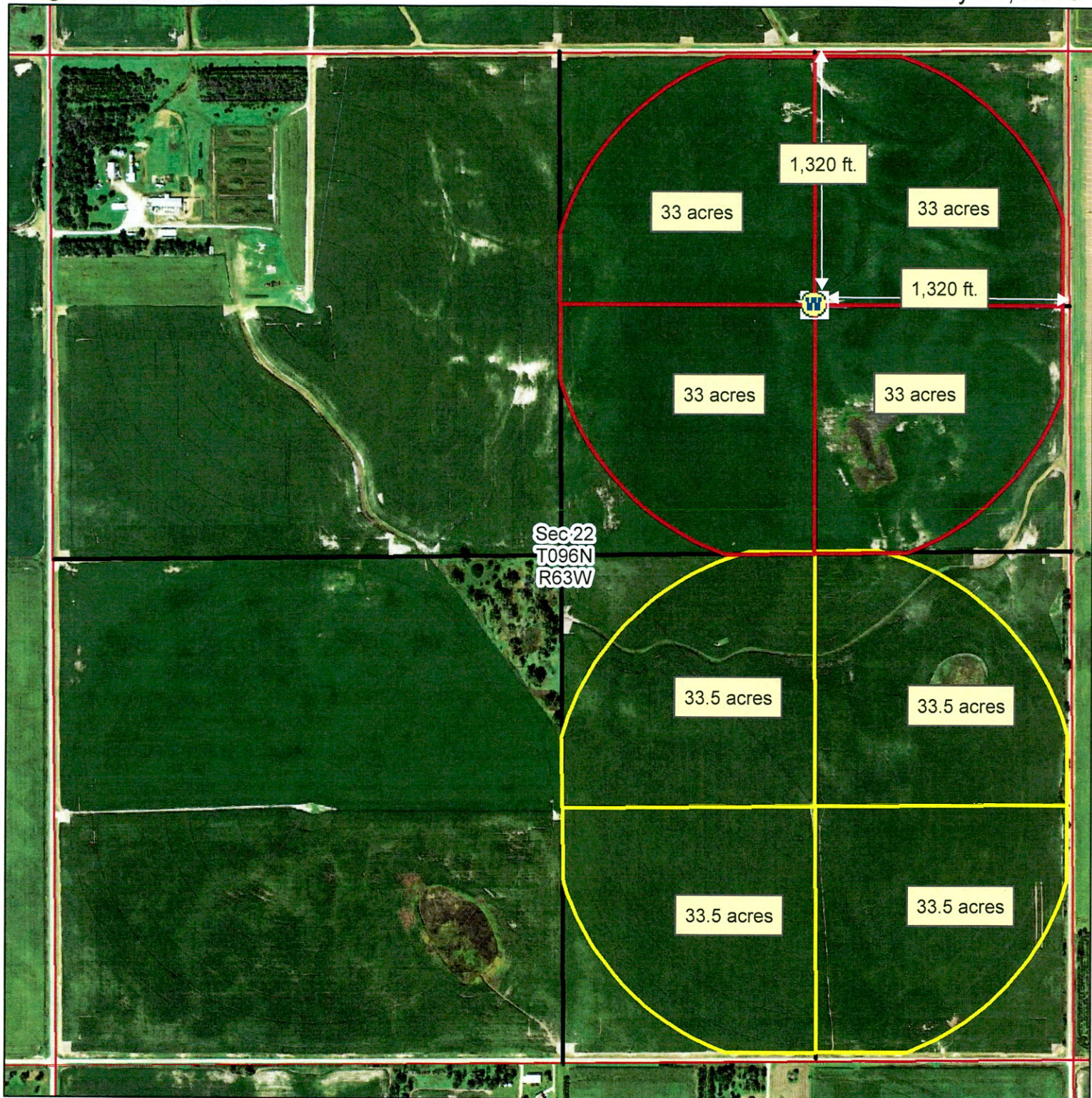
Date: January 27, 2016



Adam Mathiowetz
Natural Resources Engineer
DENR-Water Rights Program

Water Right No. 6391-3 and
Incorporated License No.5637-3
Roger and Maureen Evans

January 27, 2016



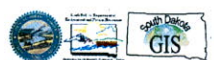
0 0.1 0.2 0.4 Miles

	Well
	5637-3
	6391-3



Adam Mathiowetz

Adam Mathiowetz
Natural Resources Engineer
DENR-Water Rights Program



6391-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

FEB 01 2016

5637-3
6391-3

Roger W & Maureen A Evans
PO Box 147
Thermopolis WY 82443-0147

Dear Mr. & Mrs. Evans:

Enclosed is Water License No. 6391-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6391-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

The applicable portions of Water Right No. 5637-3 have been incorporated into Water License No. 6391-3. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is written in a cursive, flowing style.

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

c: Dale Glanzer, Clearfield Colony, 40248 293rd St, Delmont SD 57330

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6391-3

(1) Lee Rohrs, et al, Syracuse NE made Application No. 6391-3, February 3, 2003 for a water permit to divert 1.91 cubic feet of water per second (cfs) from ground water, one existing well (Choteau West Aquifer), Charles Mix County, South Dakota for irrigation purposes. Permit No. 6391-3, with a priority date of February 3, 2003 was approved April 28, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 28, 2008 and for the application to beneficial use of said water on or before April 28, 2012.

Water Permit No. 6391-3 authorized an additional 134 acres and 1.91 cfs from a well authorized under Water Right No. 5637-3. No. 5637-3, with a priority date of March 17, 1992 authorizes 1.78 cfs from one well to irrigate 132 acres. The existing well, capable of a total of 1.78 cfs supplies both pivots. The applicable portions of Water Right No. 5637-3 are incorporated into Water Permit No. 6391-3.

On December 15, 2005, both Water Right No. 5637-3 and Water Permit No. 6391-3 were transferred to Roger W and Maureen A Evans.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is located 1,320 feet south and 1,320 feet west of the NE corner of Section 22 T96N, R63W (center of the NE ¼).

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T96N, R63W Section 22	NW ¼ NE ¼	33.0 acres	Priority date: March 17, 1992 (established under No. 5637-3)
	NE ¼ NE ¼	33.0 acres	
	SE ¼ NE ¼	33.0 acres	
	SW ¼ NE ¼	33.0 acres	
	NW ¼ SE ¼	33.5 acres	Priority date: February 3, 2003 (established under No. 6391-3)
	NE ¼ SE ¼	33.5 acres	
	SE ¼ SE ¼	33.5 acres	
	SW ¼ SE ¼	33.5 acres	
Total		266.0 acres	

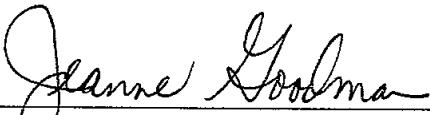
(4) Pursuant to South Dakota Water Law 46-5-30.1 Roger W and Maureen A Evans, PO Box 147, Thermopolis, WY 82443-0147 the holders and/or owners of Incorporated Water Right No. 6391-3 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Choteau West Aquifer) with priority dates of March 17, 1992 (NE ¼) & February 3, 2003 (SE ¼) from the location specified in (2) of this license for irrigation purposes.

continued

Water License No. 6391-3

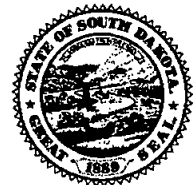
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6391-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- ***(Qualification taken from original permit for No. 6391-3)*** Water Right No. 5637-3 and Water Permit No. 6391-3, combined, authorize a diversion rate of 3.69 cfs. If a larger pump is not installed to bring the production in the existing well to 3.69 cfs by the end of the five year construction period, the water license will be limited to the developed diversion rate from the well. ***A larger pump was not installed. This license is limited to the developed capacity of 1.78 cubic feet of water per second.***
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 01 2016
date





6391-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2017

NOTICE

TO: ROGER W & MAUREEN A EVANS, PO BOX 147, THERMOPOLIS, WY 82443 0147

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5635-3 & 6391-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5635-3 & 6391-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5635-3 & 6391-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



6391-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 15, 2017

5635-3
6391-3

Roger & Maureen A Evans
PO Box 147
Thermopolis WY 82443 0147

Dear Mr. & Mrs. Evans:

I am writing to acknowledge receipt of the information for your 2016 irrigation questionnaires. I completed forms for you based on my conversation with Dale Glanzer at Clearfield Colony.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 5635-3 and 6391-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you would like future questionnaires to go directly to the colony since they farm the land, please let me know. This does not change ownership; it merely allows us to gather the information from the renter. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: ROGER W & MAUREEN A EVANS, PO BOX 147, THERMOPOLIS, WY 82443 0147

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5635-3 & 6391-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5635-3 & 6391-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5635-3 & 6391-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ECNGOI**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 28, 2023

5635-3
6391-3

Roger W & Maureen Evans
PO Box 147
Thermopolis WY 82433-0147

Dear Mr. & Ms. Evans:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires. The forms were completed and returned by Tim Hermann.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 5635-3 & 6391-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 29, 2024

5635-3

6391-3

Roger & Maureen Evans
17923 County Rd D62
Monticello IA 52310-7593

Dear Mr. & Ms. Evans:

Enclosed is a "Notice" dated October 23, 2024, concerning the 2024 Irrigation Questionnaires.

The notice was originally mailed to PO Box 147, Thermopolis WY 82443. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaires or submit your reports online at <https://danr.sd.gov/iq/> using this password *CJIWNQ*.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: Our records indicate that Mr. Timothy Hermann operates your irrigation systems. If you would like future irrigation questionnaires to me mailed to Mr. Hermann, please contact our office with his mailing information.

enclosures

333 NFE 1141/2410010/23/24
RETURN TO SENDER
EVANS
17923 COUNTY ROAD D62
MONTICELLO IA 52310-7593
RETURN TO SENDER
|||||



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

File No. 6391-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Tyler Radke for Roger and Maureen Evans

ADDRESS: PO Box 147, Thermopolis WY 82443

DATE: November 5, 2024

PHONE: 605.999.0919

RE: Replacement Well

COMMENTS:

An irrigation application was received which indicated that a replacement well had been drilled for an existing well that had "filled with sand." The application indicated that the location was in section 22-T99N-R66W. Since the legal of the township and range did not match an existing water right in the Evans name, I called the number on the application and spoke to Tyler Radke who had submitted the application on behalf of Roger and Maureen Evans. I informed Mr. Radke the existing permit was in section 22, but the township and range was T96N-R63W. Mr. Radke checked the county atlas and confirmed that the township and range is T96N-R63W.

Mr. Radke indicated that the replacement was about 30 feet from the old well and was drilled in July 2023 (August 11, 2023 according to well completion report) by Heine Drilling. However, the well did not get setup for use until this August so no irrigation occurred in 2024. I asked Mr. Radke whether any more acres were going to be irrigated – he confirmed the pivots are remaining unchanged and will be operated one at a time as had been past practice so there will be no increase in pump rate. According to the well completion report on file, the new well is the same depth as the well being replaced.

RECOMMENDED ACTION:

I informed Mr. Radke that since it was a replacement with no increase in acres, amount of water appropriated, and, in the same aquifer, no additional permitting was needed. Mr. Radke indicated that an application fee had been sent from another office. I told him the application fee would end up being refunded.

Ron Duvall, Engineer III
SD DANR, Water Rights Program

6391-3

PAID

MAY 16, 2005

CHK #: 1064

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 6391-3

Date: 4/29/25

I/We request that Water Right/Permit No. 6391-3 formerly owned by:

Roger W and Maureen A Evans

be transferred to:

New Owner Name: Milk and Honey Holdings, LLC

Address: 5883 Mile Rd NW Suite 101

mobile: 616-384-4610

City, State, Zip

Grand Rapids, MI 49544

email: rlenger@agbus.com

Title to the following described land(s)/property has been transferred as described above:

Section 22, T96N, R63W

NE 1/4 - 132 acres

SE 1/4 - 134 acres

*EMAILED SHANNON 5.16.25

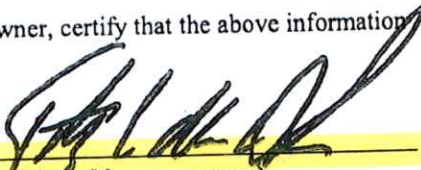


I understand that the validity of Water Right/Permit No. 6391-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, TIM den DUKE, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three-year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 16th, 2025

RECEIVED OF Mikota Holding LLC 588 3 Mile Rd NW Suite 101 Grand Rapid Mi 49544

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form #6391-3 & 5635-3	\$100.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$100.00

By


Chief Engineer