

WATER PERMIT NO. 6396-3

Name of Applicant: Carey Buhler

Address: 600 Greenridge Ln, Mitchell SD 57301 Phone: 605 996-6233

Amount of Water Claimed: 1.43 cfs Total Acres: 100 acres

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation County: Douglas

Type of Waste Disposal System:

Location: 2 miles west of Delmont

PRIORITY Date Received: 2-3-03

Application/License Fee: \$275

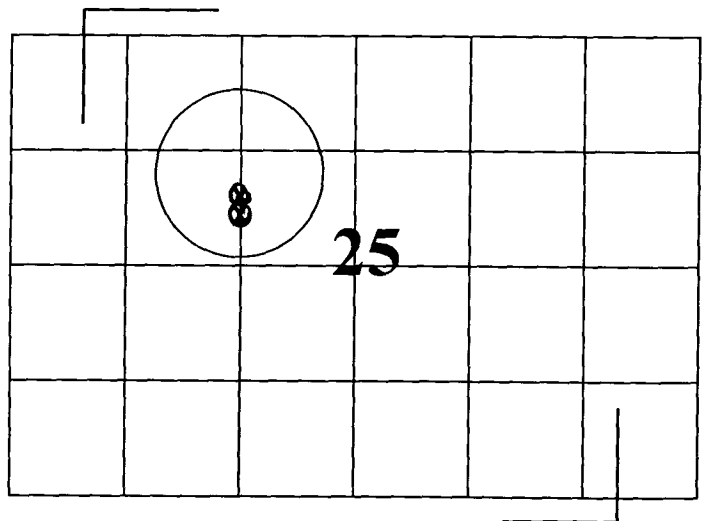
Corrected Application Received: 2-14-03

Period of Annual Use: June 1 – September 30

Remarks:

Diversion Point: center of S ½ NW ¼ Sec 25-
T98N-R63W

Land to be Irrigated: NW ¼ Sec 25-T98N-R63W



Depth of Well: 38 feet

Well Driller: : Lacey Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Doug Knudopf, Douglas Co FSA

Reviewed and the Number Assigned on: 2-18-03

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6396-3

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 14, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6396-3 to Carey Buhler, 600 Greenridge Ln, Mitchell SD 57301 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. 6396-3 appropriates to 1.43 cubic feet of water per second from two wells (Delmont Aquifer) 38 feet deep located in the center of the S ½ NW ¼ Section 25 to irrigate 100 acres located in the NW ¼ Section 25; all in T98N-R63W.
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: June 1 – September 30.
3. The date from which applicant may claim right is February 3, 2003.
4. The date of approval of Permit No. 6396-3 is May 2, 2003.
5. One-fifth of the construction is to be completed on or before November 2, 2005.
6. All construction is to be completed on or before May 2, 2008.
7. Water is to be put to beneficial use on or before May 2, 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 wells 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. The wells authorized by Permit No. 6396-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
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

JUN 13 2003

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6396-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Armour Chronicle, Armour</u>	

RECEIVED
FEB - 3 2003
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name of Applicant CAREY Buhler Phone 605-996-6233
(check one) X Owner Tenant/lessee
- Mailing Address 600 Greenville Ln, Mitchell, SD State SD Zip Code 57301
(Street, RR, or Box and City)
2. Amount of water claimed 1.43*CFS or 800**GPM ***AF Total Acreage 100
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
3. Source of water supply Delmont Aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
2 wells - near center of S 1/2 of NW 1/4 Sect 25, T98N-R63W -
See map for more detail. County Douglas
5. County or counties where water will be used Douglas
6. Annual period during which water is to be used June 4 to September 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 NW 1/4 Sect 25, T98N-R63W	15		
NE 1/4 of NW 1/4 Sect 25, T98N-R63W	15		
SE 1/4 of NW 1/4 Sect 25, T98N-R63W	35		
SW 1/4 of NW 1/4 Sect 25, T98N-R63W	35		

8. Give a description of the project. (Attach sheet if more space is needed)
Install Center Pivot Irrigation NW 1/4 Sect 25. Approximate location of wells and location of the Pivot Irrigation as diagrammed on attached map.

STATE OF SOUTH DAKOTA) SS
County of

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, Carey Buhler, 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.

Applicant's signature Carey Buhler

Subscribed and sworn to before me this 30th day of January 20 03

Alana G. Foss
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction - See test well report

- a) Drill Hole Diameter 20" Depth 38'
- b) Casing Type Steel Diameter 12" Thickness Schedule 40
- c) Screen Type Stainless Steel Diameter 12" Thickness 3/16"
- d) Gravel Pack 3-4" Length of Gravel Pack 15 ft
- e) Depth to Top of Water Bearing Material 5 ft
- f) Depth to Water (ground surface to water level) 5
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 1/2 to 3/4 mile

2. Wastewater Disposal System Information

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

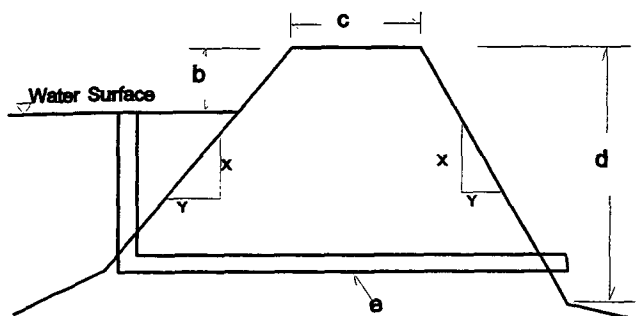
3. Dugout Information

- a) Surface Dimensions _____ 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:



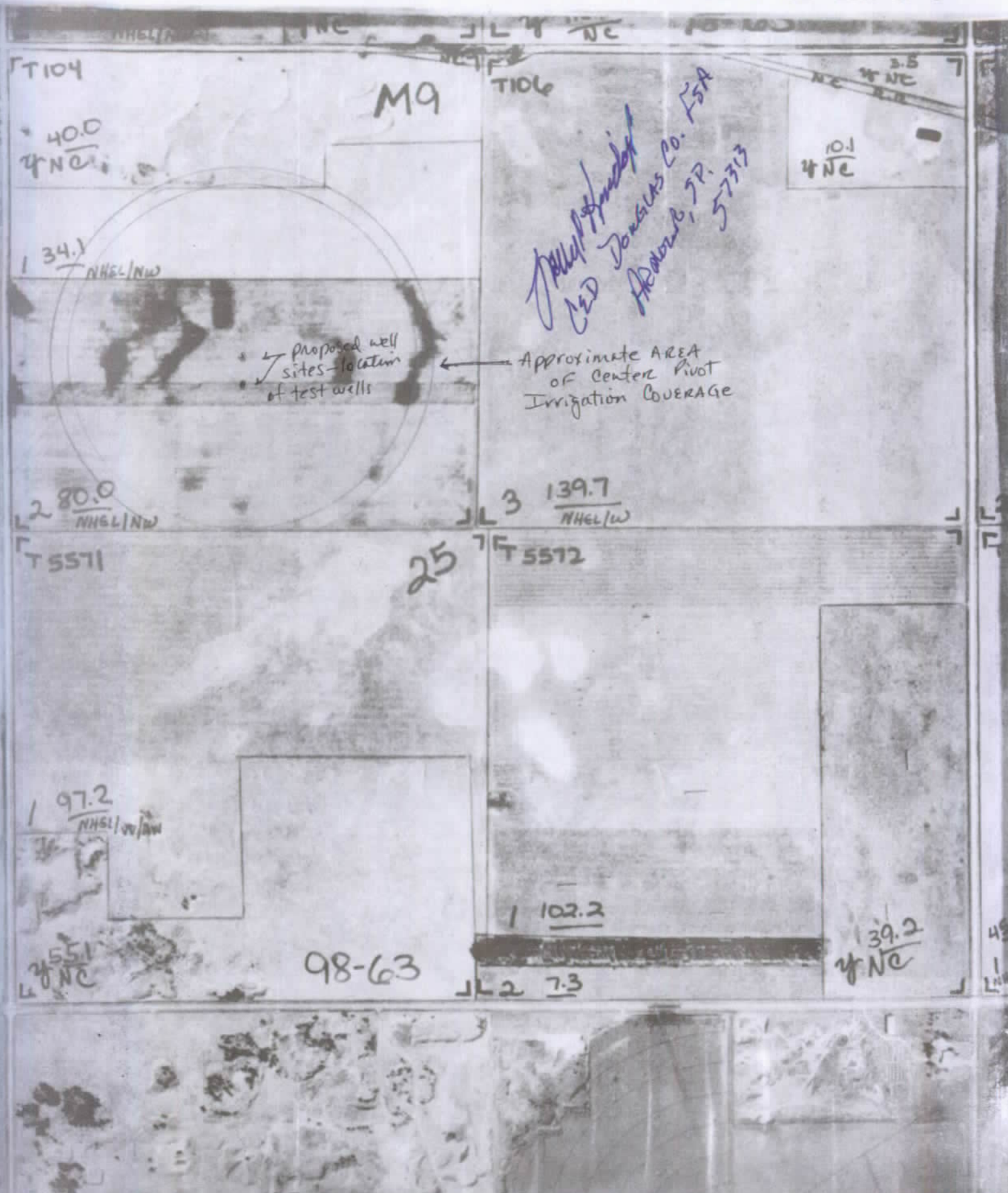
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

2003

MAP NOT TO SCALE

THIS IS NOT AN OFFICIAL WETLAND MAP.

Douglas County FSA Office
P.O. Box 399
Armour, SD 57313-0399



6396-3

In Water Since 1946

Wells — Pumps
Dewatering Work
Test Drilling

LACEY WELL DRILLING
RR 1 - Box 24
Dell Rapids, South Dakota 57022
Telephone (605) 428-5979

Down-Hole Camera
Water Specialists
Irrigation Supplies

9.23-02

Curt-

Here are logs of 2 test wells
drilled on CALEY Buhlers property in the
SE 4 of the NW 4 of SEC 25, T8-63.
0-2 Topsoil / 2-33 sand & gravel
SW 13' pumped water sample
TH 300' S of approximate center
0-2 topsoil, 2-39 sand & gravel - very
open gravel SW 14'. You may want
to apply for 2 wells. I feel one
will do the job. Casing will be
12" steel with a 12" Johnson stainless steel
screen, set inside 20" false casing.

(water sample
went to Brookings)

Thanks,
Jim



**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

Carey Buhler
600 Greenridge Ln
Mitchell SD 57301

Dear Mr. Buhler:

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. Someone from the Douglas County FSA office would be qualified to sign the map.

Item No. 2 of the application indicates the amount of water claimed to be 900 gallons per minute (gpm). State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 640 gpm for the 100 acres to be irrigated. We understand that in order to accommodate the type of irrigation system you are purposing, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

February 12, 2003

Karen Schlaak
Department of Environment
And Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RECEIVED

FEB 14 2003

WATER RIGHTS
PROGRAM

Dear Ms. Schlaak,

Thank you for your letter of 2/3/03 informing me of the deficiencies in the *Application for a Permit to Appropriate Water* for irrigation.

I have enclosed the map, which has been signed in the Douglas County FSA office.

Please modify Item No. 2 of the application. I request to claim the maximum allowable diversion under statute, 640 gallons per minute.

Thank you for promptly reviewing my application. If there are any further questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Carey Buhler", followed by a period.

Carey Buhler
605-996-6233

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 3, 20 03

RECEIVED OF Carey Euhler, 600 Greenridge Ln., Mitchell SD 57301

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

Fee for Application for Permit No. <u>6396-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>6396-3</u>	50	00
Fee for Filing Transfer Form _____		
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	275.00

No.

000630

By

Darland Euhler

Chief Engineer

gm

REPORT ON WATER PERMIT APPLICATION NO. 6396-3
For Carey Buhler
March 25, 2003

Application No. 6396-3 proposes to appropriate 1.43 cfs (642 gpm) from two wells approximately 38 feet deep located in the center of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of section 25 to irrigate 100 acres located in the NW $\frac{1}{4}$ of section 25; all in T98N R63W in Douglas County.

AQUIFER – DELMONT (D)

The Delmont is a surficial outwash (sand and gravel) which is under water table conditions in this area. The aquifer underlies 15,700 acres and contains an estimated 35,320 acre-feet of recoverable water in storage in Douglas County (Hedges, 1982). The aquifer extends into Charles Mix County to the south and the direction of ground water movement is from north to south and northeast to southwest across Douglas County into Charles Mix County (Kume, 1977). Recharge to the Delmont aquifer has been estimated to average about 5.6 inches per year (Hedges, 1983). This equates to a volume of about 7,326 acre-feet per year.

Two test wells completed by Lacey Drilling indicate sand and gravel from 2 to 33 feet and from 2 to 39 feet with static water levels of 13 and 14 feet below land surface, respectively. This geology would be typical for the Delmont aquifer.

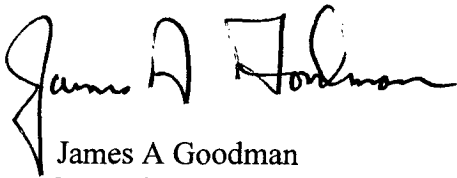
The Water Rights Program monitors five observation wells completed into the Delmont aquifer in Douglas County. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. Three of these observation wells, DG-57A, DG-72A and DG-72B are located within a two mile radius of this application. Hydrographs for these three wells are included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2003).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water right is No. 1805-3 and it is located about one-half mile southwest of this application. The proposed wells for this application are about three-quarters of a mile northeast of the existing irrigation well for No. 1805-3. Interference is not a concern. At this distance drawdown would not be significant. However, the hydrographs do show that water levels can be expected to fluctuate between 10 and 15 feet from extreme wet and extreme dry conditions. What makes this important is that irrigation wells completed into areas where the saturated thickness is relatively thin may be impacted by drought conditions. In the long run it will benefit the irrigator to locate the most favorable areas in the aquifer by test drilling, possibly completing two wells instead of depending upon one or designing a system which requires less water.

CONCLUSIONS

1. Water is available from the Delmont aquifer.
2. The aquifer is under water table conditions. Drawdown created by pumping typically is not significant and does not extend very far from individual production wells. This is shown by the observation well water level record. Interference is not a concern.
3. The well(s) authorized by this application if approved must be constructed in accordance with SD Well Construction Standards.
4. Initial irrigation development was controversial in this area. There have been no water availability problems from the Delmont aquifer in the last twenty years.

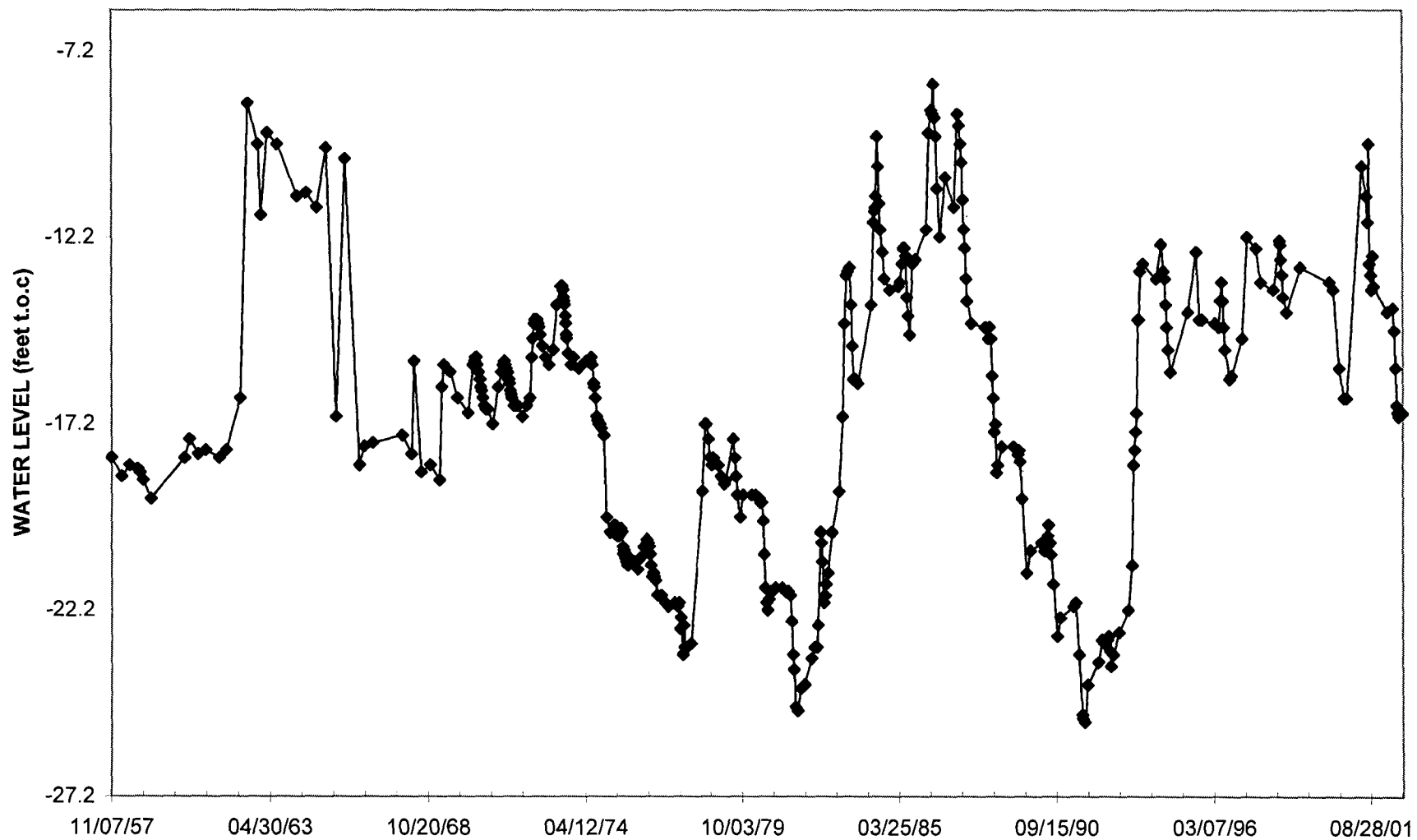


James A Goodman
Natural Resources Engineer

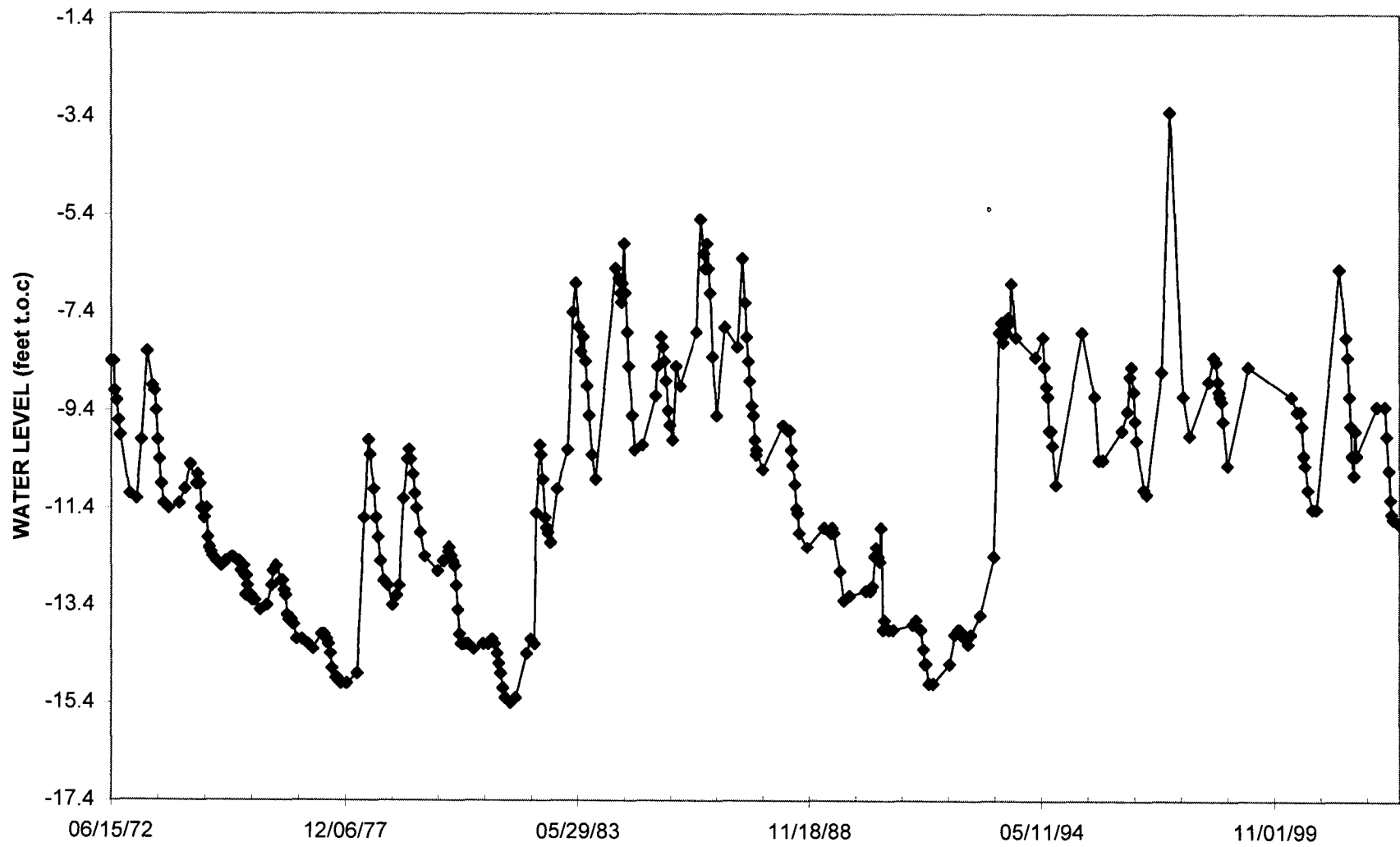
BIBLIOGRAPHY

- 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.
- Hedges, L.S., etal, 1983, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, Task 7: Ground Water Recharge, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Bulletin 22, Part II: Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 2002, Unpublished Observation Well Data for Douglas and Charles Mix Counties, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

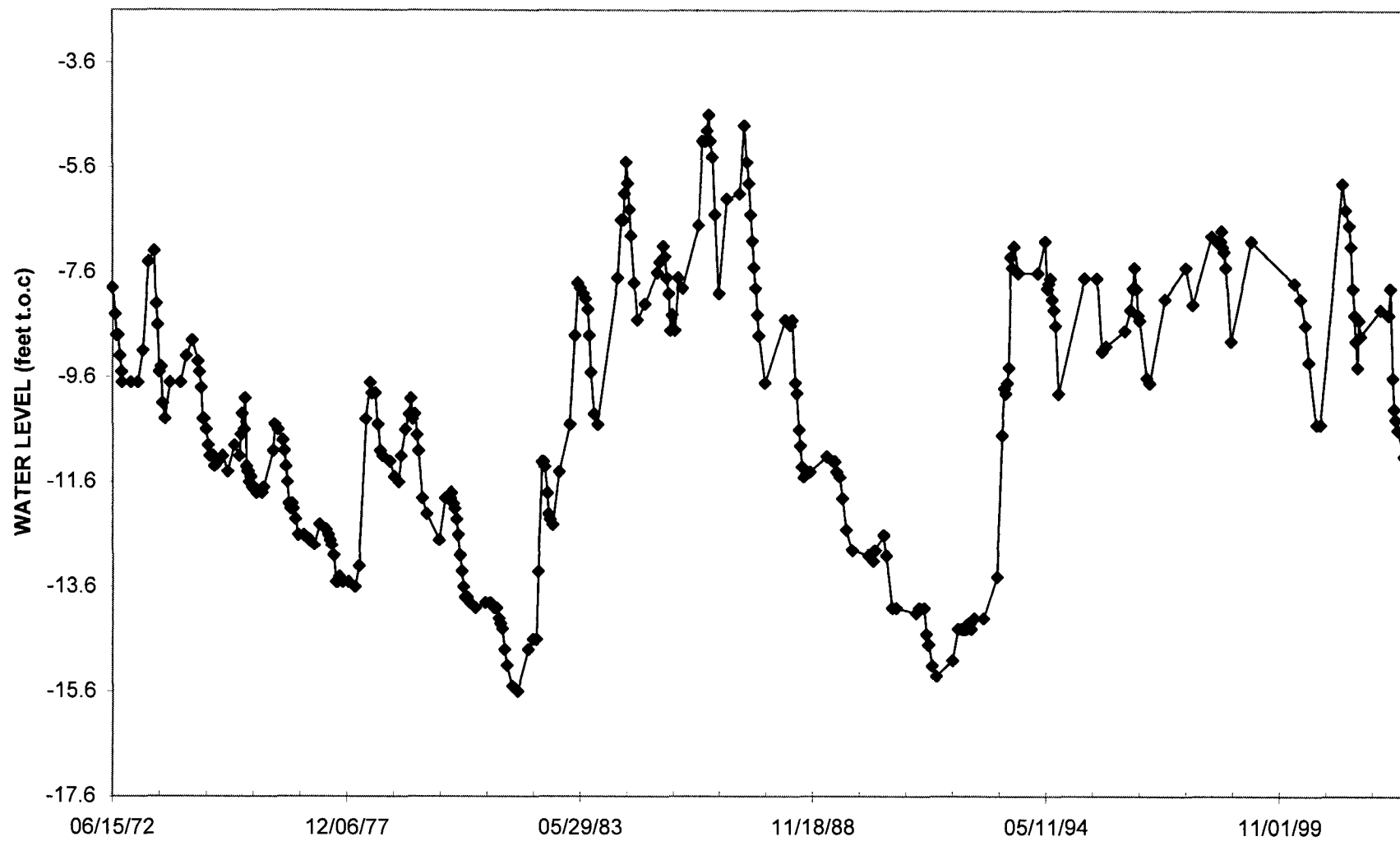
**WATER RIGHTS' OBSERVATION WELL
DG-57A**



**WATER RIGHTS' OBSERVATION WELL
DG-72A**



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





**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. 6396-3, Carey Buhler**

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. 6396-3, Carey Buhler, 600 Greenridge Lane, Mitchell SD 57301.

The Chief Engineer is recommending APPROVAL of Application No. 6396-3 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 wells 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. The wells authorized by Permit No. 6396-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 1, 2003

Armour Chronicle
PO Box 129
Armour SD 57313-0129

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6396-3 to Appropriate Water to be published twice. Please publish the first notice on April 8, 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 Carey Buhler, 600 Greenridge Ln, Mitchell SD 57301 (Ph # 605-996-6233).

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. 6396-3

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. 6396-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name _____

Newspaper _____



**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

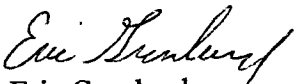
Carey Buhler
600 Greenridge Ln
Mitchell SD 57301

Dear Mr. Buhler:

Water Permit Application No. 6396-3 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 Armour Chronicle printed at Armour, SD (Ph # 605-724-2747). 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

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

April 11, 2003

Carey Buhler
600 Greenridge Ln
Mitchell SD 57301

Dear Mr. Buhler:

I have talked with Dianne from the Armour Chronicle. She indicated the paper did not receive the Notice of Application No. 6396-3 to Appropriate Water. Therefore, I faxed her another notice to be published on April 15 and 22, 2003. I have enclosed a copy of the notice for you. The only change in the notice is the date for petitions to be submitted which is located in the last sentence of the third paragraph.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Karen Schlaak
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 11, 2003

Armour Chronicle
PO Box 129
Armour SD 57313-0129

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6396-3 to Appropriate Water to be published twice. Please publish the first notice on April 15, 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 Carey Buhler, 600 Greenridge Ln, Mitchell SD 57301 (Ph # 605-996-6233).

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 / KS
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6396-3

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

Date _____

We are in receipt of your letter of April 11, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6396-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on April 15, 2003 with the second publication April 22, 2003. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6396-3 to Appropriate Water

Notice is given that Carey Buhler, 600 Greenridge Ln, Mitchell SD 57301 has filed an application for a water permit to appropriate 1.43 cubic feet of water per second from two wells (Delmont Aquifer) 38 feet deep located in the center of the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 25 to irrigate 100 acres located in the NW $\frac{1}{4}$ Section 25; all in T98N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6396-3 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 May 2, 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.

Affidavit Of Publication

STATE OF SOUTH DAKOTA,

County of Douglas

MARY NEUGEBAUER of said County and State, being first duly sworn, on her oath says: THE ARMOUR CHRONICLE is a weekly newspaper of general circulation, published in Armour, Douglas County, State of South Dakota by MARY NEUGEBAUER and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bona fide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all of the facts stated in this affidavit; that the advertisement headed

Notice of Application
No. 6396-3 to
Appropriate Water

a printed copy of which is hereto attached, was printed and published in said newspaper

for two successive weeks and that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on April 15, 20 03,

the second publication being made on April 22, 20 03,

the third publication being made on _____, 20 _____,

the fourth publication being made on _____, 20 _____,

the fifth publication being made on _____, 20 _____,

the sixth publication being made on _____, 20 _____,

the seventh publication being made on _____, 20 _____,

and the eighth publication being made on _____, 20 _____,

that \$ 39.27 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Mary Neugebauer

Subscribed and sworn to before me this 29th day of April, 20 03.

Beverly Frenstie

Notary Public, Douglas County, South Dakota

My Commission Expires 11-28-07

Notice of Application No. 6396-3 to Appropriate Water

Notice is given that Carey Bühler, 600 Greenridge Ln., Mitchell, S.D. 57301, has filed an application for a water permit to appropriate 1.43 cubic feet of water per second from two wells (Delmont Aquifer) 38 feet deep located in the center of the S 1/2 NW 1/4 Section 25 to irrigate 100 acres located in the NW 1/4 Section 25; all in T98NR63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6396-3, 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, S.D. 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 May 2, 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 retained, contact Eric Grindland at the above Water Rights Program address to request copies of information pertaining to this application.

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

15-22c

RECEIVED

MAY - 1 2003

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION-
Customer Number: 078340
Invoice Number: 11966

DEPTMENT OF ENVIRONMENT & NAT. RES.

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

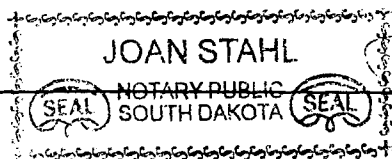
Vicki Kiel being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Tuesday ,the 8 day of April 2003 ,
Tuesday ,the 15 day of April 2003 ,
_____,the _____ day of _____ 2003 ,
_____,the _____ day of _____ 2003 ,
_____,the _____ day of _____ 2003 ,
_____,the _____ day of _____ 2003 ,
_____,the _____ day of _____ 2003 ,

and that \$86.56 was charged for publishing the same including A \$5.00 affidavit fee.

Vicki Kiel

Subscribed and sworn to before 4/15/2003 .



Dani Stahl
Notary Public, South Dakota

My Commission expires June 30th, 2005

State Notices

State Notices

NOTICE OF APPLICATION NO. 6396-3

to Appropriate Water
Notice is given that Carey Buhler, 600 Greenridge Ln, Mitchell, SD 57301 has filed an application for a water permit to appropriate 1.43 cubic feet of water per second from two wells (Delmont Aquifer) 38 feet deep located in the center of the S 1/2 NW 1/4 Section 25 to irrigate 100 acres located in the NW 1/4 Section 25; all in T98N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6396-3 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 Pro-

gram, 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 25, 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.
11966 Apr. 8, 15, 2003

RECEIVED

APR 17 2003

WATER RIGHTS
PROGRAM

PAYMENT REQUEST FORM

PAYEE: Argus Leader
PO Box 5034
Sioux Falls, SD 57117-5034

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Payment of Legal Notice

AMOUNT: \$86.56

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barbale Ebele

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



JUN 13 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

Carey Buhler
600 Greenridge Lane
Mitchell SD 57301

Dear Mr. Buhler:

Enclosed is Water Permit No. 6396-3 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 6/23/03

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

FROM: Carey Buhler

(name)

600 Greenridge Ln

(address)

Mitchell, SD 57301

(city, state, zip)

605-996-6233

(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. 6396-3 states that the water use system is to be constructed by5/2/2008

(date)

, and water is to be put to beneficial use by

5/2/2012

(date)

The water use system was completed on 6/16/03

(date)

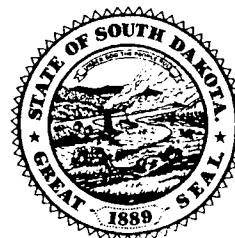
Applying the water to beneficial use was completed on 6/16/03

(date)

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

RECEIVED

JUN 26 2003

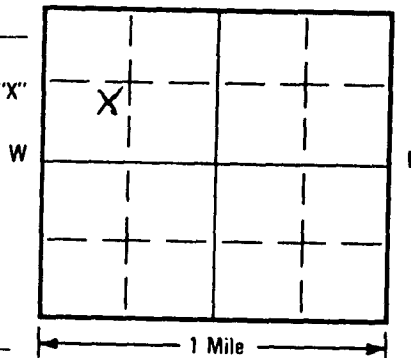
WATER RIGHTS
PROGRAMCarey Buhler
(signature)

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6396-3

07-92

Location SW 1/4 NW 25 Twp 90N Rg 63W
 County Douglas
 Please mark well location with an "X"



Well Completion Date

4-16-03

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 3000 ft. from Feed Lot (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Bucket / False Casing

CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50</u> LB/FT	<u>12</u> IN	<u>+2</u> FT	<u>28.5</u> FT	<u>20</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	_____	_____ lb./gal	_____ ft.	_____ ft.
		_____ lb./gal	<u>0</u> ft.	<u>16</u> ft.

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12 IN Length 9 FEET
 Material Stainless Steel
 Slot Size .100 Set From 28.5 Feet to 37'6" Feet
 Other information _____

WAS A PACKER OR SEAL USED?

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION:

Was well disinfected upon completion? X YES, How: Chlorinated Pack
 _____ NO, Why Not? _____

Laboratory sent to for water quality analysis

Brookings, SD

Well Owner: Cary Buhler

Business Name: _____

Address: _____

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Sandy Topsoil</u>	<u>0</u>	<u>2</u>
<u>Sand / Gravel</u>	<u>2</u>	<u>37'6"</u>

STATIC WATER LEVEL

16' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: Ram Test
☐ Bailed Pump / Submersible
☐ Other Electric
 Pumping Level Below Land Surface
30 ft. After 4 Hrs. pumped 450 GPM
 _____ ft. After _____ Hrs. pumped _____ GPM
 If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

FEB - 9 2004

WATER RIGHTS
PROGRAM

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm Lacey Well Drilling, Inc

Signature of License Representative:

Joan Redder Lacey

Signature of Well Owner or Equitable Property Holder:

Date: _____

Permit No. 6396-3
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, August 24, 2004, made a thorough examination of the water use system constructed by Carey Buhler of 600 Greenridge Ln, Mitchell SD 57301 holder of Permit No. 6396-3, bearing the priority of February 3, 2003 authorizing the diversion of 1.43 cu. ft. per second of the waters of ground water (Delmont aquifer) for irrigation purposes, in Douglas County.

Inspection contact & relationship to permit holder, if applicable: **Curtis Buhler (father of Carey)**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 37.5 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 28.5 feet
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 9 feet
- 3) Static water level 16 feet

Motor/Pump:

- 1) Make Submersible unit
- 2) Size 15 hp

B. Works used to transport water to place of use:

- 1) Type PVC
- 2) Size 6 inches
- 3) Length 300 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Number of towers 5
- 3) End gun Y
- 4) Low pressure 23 psi
- 5) Capacity 500 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: none

Report of Examination of Works

Permit No. 6396-3

The system is in good condition with the point of diversion located as follows: Well: 1,970 feet S and 1,370 feet E from the NW corner section 25-T98N-R63W (SE $\frac{1}{4}$ NW $\frac{1}{4}$.) The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: **all in section 25-T98N-R63W**

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17 acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 24 acres

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 37 acres

comprising a total of 88 acres of land and the license should be issued for 1.11 cfs.

All structures, wells and lands on map Y | Comments or other permit(s) associated with the project: **none**



Ron Duvall

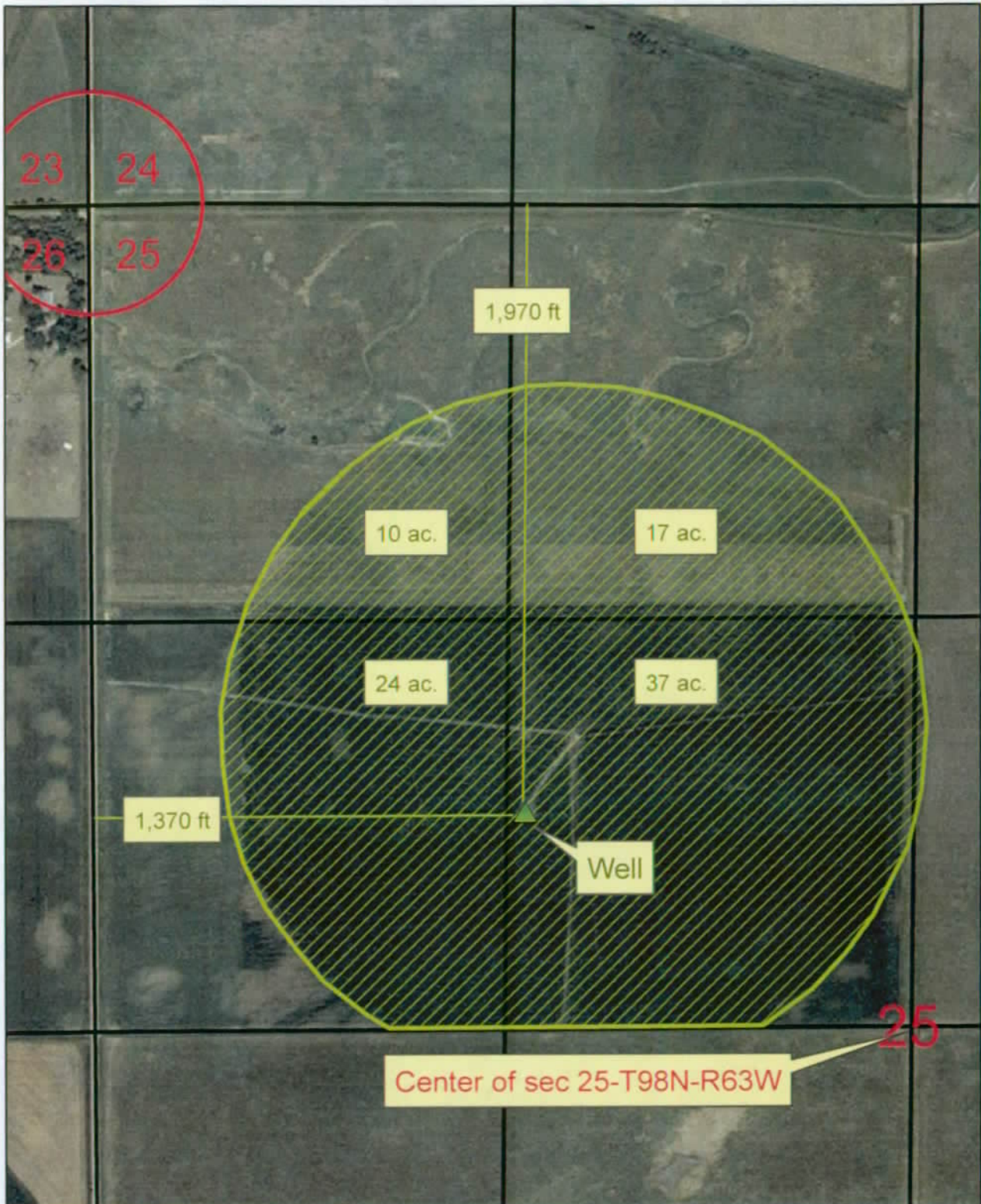
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: September 15, 2004

Scale: 1 inch equals 479 feet

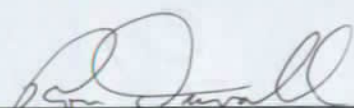
675

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:


Ron Duvall, Natural Resources Engineer
Water Rights Program

Date: Sep 15, 2004

Water Right No. 6396-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 30 2004

6396-3

Carey Buhler
600 Greenridge Ln
Mitchell SD 57301

Dear Mr. Buhler:

Enclosed is Water License No. 6396-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is a map prepared by the engineer who conducted the 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. 6396-3, 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.

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,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6396-3**

(1) Carey Buhler, 600 Greenridge Ln, Mitchell SD 57301 made Application No. 6396-3, February 3, 2003 for a water permit to divert 1.43 cubic feet of water per second from ground water (two wells – Delmont aquifer), Douglas County, South Dakota for irrigation purposes. Permit No. 6396-3, with a priority date of February 3, 2003 was approved May 2, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 2, 2008 and for the application to beneficial use of water on or before May 2, 2012.

On June 26, 2003, the permit holder submitted a “*Notice of Completion of Works and Application of Water to Beneficial Use*”. The “*Notice*” indicated the water use system was completed and the water had been applied to beneficial use.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Carey Buhler the holder and/or owner of Water Right No. 6396-3 is issued a license, bearing a priority date of February 3, 2003 to appropriate 1.11 cubic feet of water per second from ground water (one well – Delmont aquifer) for irrigation purposes.

The diversion point is located 1,970 feet S and 1,370 feet E of the NW corner of Section 25, T98N, R63W (SE ¼ NW ¼). The acres authorized for irrigation are as follows:

Section 25, T98N, R63W			
NE ¼ NW ¼	17 acres	SW ¼ NW ¼	24 acres
NW ¼ NW ¼	10 acres	SE ¼ NW ¼	37 acres
Total - 88 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6396-3 including the following qualifications:

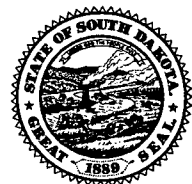
- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights (*only one well was constructed*).
- The wells authorized by Permit No. 6396-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28 (*only one well was constructed*).
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 30 2004

date





6396-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: CAREY BUHLER, 600 GREENRIDGE LN, MITCHELL, SD 57301

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6396-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 6396-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 6396-3 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 February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



6396-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0223

Your item was delivered at 1:38 pm on January 21, 2005 in MITCHELL, SD 57301. The item was signed for by N SIMPSON.

[Shipment Details >](#)

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0223

CAREY BUHLER
600 GREENRIDGE LN
MITCHELL SD 57301

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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Access internet web site at
www.usps.com
or call 1-800-222-1811

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(See Reverse)

PS Form 153, July 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 2005

6396-3

Carey Buhler
600 Greenridge Ln
Mitchell SD 57301

Dear Mr. Buhler:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 6396-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



6396-3
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 21, 2011

NOTICE

TO: CAREY BUHLER, 600 GREENRIDGE LN, MITCHELL, SD 57301
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6396-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 6396-3 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 9, 2011** 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) 6396-3 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 4, 2011**, 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.

6396-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0803 0163

Service(s): Signature Confirmation™

Status: Delivered

Your item was delivered at 4:07 pm on February 14, 2011 in MITCHELL, SD 57301. The item was signed for by C BUHLER.

Track & Confirm

Enter Label/Receipt Number.

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Detailed Results:

- Delivered, February 14, 2011, 4:07 pm, MITCHELL, SD 57301
- Notice Left, January 22, 2011, 12:29 pm, MITCHELL, SD 57301
- Out for Delivery, January 22, 2011, 7:42 am, MITCHELL, SD 57301
- Sorting Complete, January 22, 2011, 7:32 am, MITCHELL, SD 57301
- Arrival at Post Office, January 22, 2011, 5:20 am, MITCHELL, SD 57301

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FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0803 0163

CAREY BUHLER
600 GREENRIDGE LN
MITCHELL SD 57301

Waiver of Signature ☐ YES ☐ NOPostmark
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2011

6396-3

Carey Buhler
600 Greenridge Ln
Mitchell SD 57301

Dear Mr. Buhler:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 6396-3. 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



6396-3
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: CAREY BUHLER, 600 GREENRIDGE LN, MITCHELL, SD 57301
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) 6396-3. 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) 6396-3 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) 6396-3 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.



6396-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 31, 2017

6396-3

Carey Buhler
600 Greenridge Ln
Mitchell SD 57301

Dear Mr. Buhler:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 6396-3. 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
email: genny.mcmath@state.sd.us