

WATER PERMIT NO. 6426-3

Name of Applicant: **Terrill Wheeler**

Address: **RR 2 Box 12, Raymond SD 57258**

Phone: **605 532-3563**

Amount of Water Claimed: **2.22 cfs**

Total Acres: **299.6**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Clark**

Type of Waste Disposal System:

Location: **5 miles northeast of Clark**

PRIORITY Date Received: **4-21-2003**

Application/License Fee: **\$350**

Corrected Application Received: **7-1-2003**

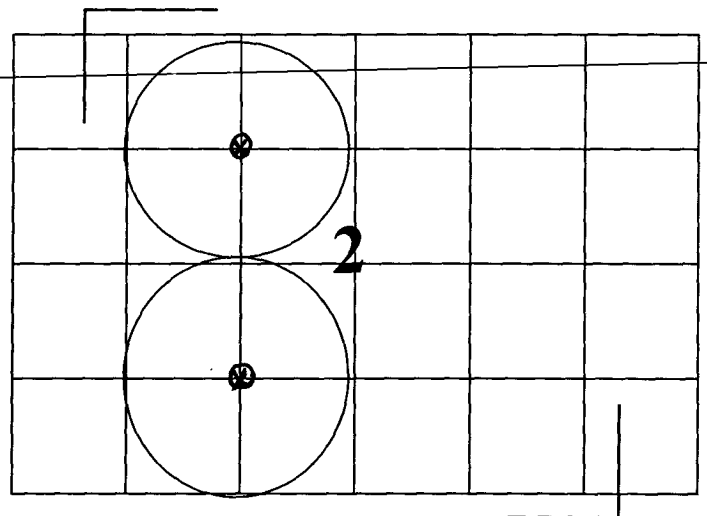
Period of Annual Use: **May 1 – September 30**

Remarks:

Diversion Point: **centers of SW ¼ and NW ¼**

Section 2-T117N-R59W

Land to be Irrigated: **W ½ Section 2-T117N-R59W**



Depth of Well: **190 feet deep**

Well Driller: :

Remarks:

Type of Map: **aerial**

Prepared by: **Jim Doglla, NRCS**

Reviewed and the Number Assigned on: **7-1-2003**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6426-3**

Date of first receipt of application April 21, 2003.

Date of return to applicant for corrections, amendments or changes April 22, 2003.

Date of receipt of corrected application July 1, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6426-3 to Terrill Wheeler, RR 2, Box 12, Raymond SD 57258 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. 6426-3 appropriates 2.22 cubic feet of water per second from two wells (Altamont Aquifer) 190 feet deep located in the centers of the SW ¼ and the NW ¼ Section 2 to irrigate 299.6 acres located in the W ½ Section 2; all in T117N-R59W.
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: May 1 - September 30.
3. The date from which applicant may claim right is July 1, 2003.
4. The date of approval of Permit No. 6426-3 is September 8, 2003.
5. One-fifth of the construction is to be completed on or before March 8, 2006.
6. All construction is to be completed on or before September 8, 2008.
7. Water is to be put to beneficial use on or before September 8, 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. 6426-3 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

OCT 10 2003

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6426-3</u> (office use only) <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Clark Co. Courier, Clark</u>

RECEIVED
APR 21 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 Terrill Wheeler Phone 605-532-3563
(check one) X Owner Tenant/lessee
- Mailing Address RR# 2 Box 12 Raymond State SD 57258
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 2.22 *CFS or 500 **GPM each ***AF Total Acreage 299.6
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
3. Source of water supply well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in middle of SW #2 117-59 and 1 well in middle of NW #2 117-59 County Clark
5. County or counties where water will be used Clark
6. Annual period during which water is to be used May - Sept. 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 # 2 117-59	145.6		
SW # 2 117-59	154.0		

8. Give a description of the project. (Attach sheet if more space is needed)

drill well for circle irrigation

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, Terrill Wheeler, 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 Terrill Wheeler

Subscribed and sworn to before me this 17th day of April 20 03

3-9-2005
4-2000

Riane Mangelsen
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 190'
- b) Casing Type PVC 16" Diameter 16" Thickness 1/2 wall
- c) Screen Type Stainless Diameter 16" Thickness 1/4 wall
- d) Gravel Pack 40' Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 180'
- f) Depth to Water (ground surface to water level) 65'
- g) Distance to nearest existing domestic well:
On applicants property 4 mile On property owned by others 1 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 _____

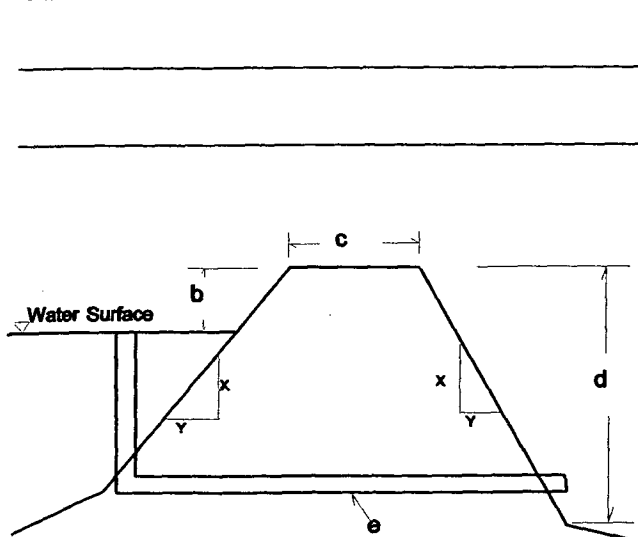
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 28, 2003

RECEIVED OF Wheeler Farms, RR 2 Box 12, Raymond SD 57258-9709

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

Fee for Application for Permit No. <u>6426-3</u> to Appropriate Water, to construct and to put water to beneficial use	300	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>6426-3</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	350.00

No.

000732

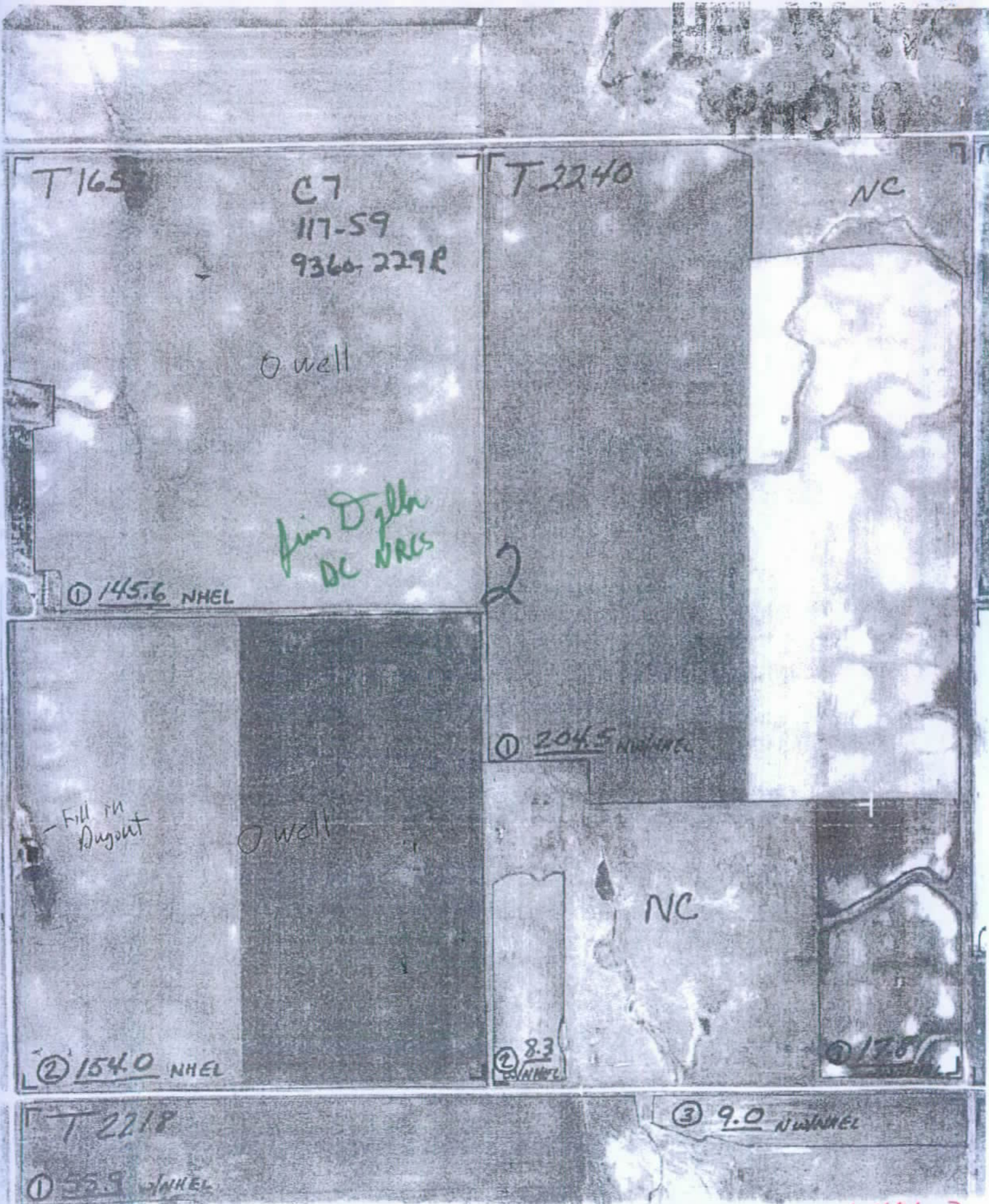
By

David E. Eide
Chief Engineer *gm*

all wheels, 00

MAP NOT TO SCALE #907
T1652

THIS IS NOT AN OFFICIAL WETLAND MAP



6426-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

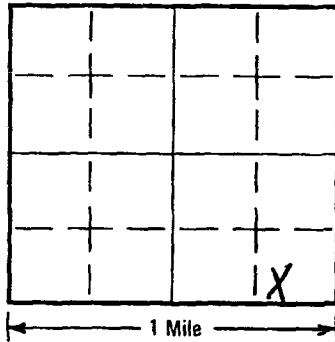
Location SE 1/4 Sec 23 Twp 118 Rg 59
County Clark North

Please mark well location with an "X"

W

E

Well Completion Date

8/7/98

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 150 ft. from feed yard (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>5</u> IN	<u>0</u> FT	<u>180</u> FT	<u>8 1/2</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>Emuls</u>	<u>4</u>	lb./gal	<u>0</u> ft	<u>20</u> ft
<u>Vol-clay</u>	<u>10</u>	lb./gal	<u>20</u> ft	<u>160</u> ft

Describe grouting procedure _____

line to 160 ft.SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 20 FEETMaterial GVCSlot Size 0.16 Set From 180 Feet to 200 Feet

Other information _____

Gravel packedWAS A PACKER OR SEAL USED? ☒ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____gellets

NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Travel Wheeler

Business Name: _____

Address: _____

RR 2 Box 12
Raymond S.D. 57258

WELL LOG:

DEPTH

FORMATION

FROM

TO

<u>Yellow clay</u>	<u>6</u>	<u>40</u>
<u>Blue clay</u>	<u>40</u>	<u>75</u>
<u>Sand & Gravel</u>	<u>25</u>	<u>93</u>
<u>Blue clay</u>	<u>93</u>	<u>180</u>
<u>Sand & Gravel</u>	<u>180</u>	<u>198</u>
<u>Shale</u>	<u>198</u>	

STATIC WATER LEVEL 6.5 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:

☒ PumpedDescribe: 100 +☐ Bailedcompressor☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Gallman Lock Pully

Signature of License Representative: _____

R. C. Kunk

Signature of Well Owner or Equitable Property Holder: _____

Date: _____





**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 22, 2003

Peggy Wheeler
Wheeler Farms
RR 2 Box 12
Raymond SD 57258-9709

Dear Mrs. Wheeler:

We are in receipt of the water permit application Wheeler Farms submitted for irrigation of the W ½ of Section 2, T117N, R59W. The fee that was submitted is in excess of amount required. Enclosed is the submitted check in the amount of \$600. Please remit a check in the amount of \$350 in the enclosed self addressed stamped envelope.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352



April 29, 2003

Peggy Wheeler
Wheeler Farms
RR 2 Box 12
Raymond SD 57258-9709

Dear Mrs. Wheeler:

Regarding your *Application for a Permit to Appropriate Water*, we have received your check for \$350.

Enclosed is the aerial photo map submitted with your application. The map is being returned because it 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).

Upon receipt of the signed map, ~~further processing of your application will continue.~~ 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

RECEIVED

JUL - 1 2003

WATER RIGHTS
PROGRAM



June 20, 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Peggy Wheeler
Wheeler Farms
RR 1 Box 12
Raymond SD 57258-9709

Dear Mrs. Wheeler:

On April 21, 2003, you submitted an Application for Permit to Appropriate Water Within the State of South Dakota for irrigation in Clark County. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received the required information.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

enclosure

REPORT ON WATER PERMIT NO. 6426-3
For Terrill Wheeler
July 23, 2003

Application No. 6426-3 proposes to appropriate 2.22 cfs (1000 gpm) from two wells approximately 190 feet deep located in the centers of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of section 2 to irrigate 199.6 acres located in the W $\frac{1}{2}$ of section 2; all in T117N R59W in Clark County.

AQUIFER – ALTAMONT (A)

The Altamont is a buried outwash (sand and gravel) which is under predominantly confined or artesian conditions in Clark County. However, at this site the Altamont is buried and probably under water table conditions. The applicant did not drill test wells at this site, so the geologic information available is from the Clark County Study (Hamilton, 1986) and a state observation well CK-78D located in the immediate area. The applicant requested wells approximately 190 feet deep however, the observation well would indicate about 110 to 120 feet would be the total depth at this site. The Altamont aquifer underlies (referred to as the Altamont 2 aquifer by Hamilton) 630 square miles and contains an estimated 3.23 million acre-feet of water in storage in Clark County (Hamilton, 1986). The aquifer extends into Day County to the north, Hamlin and Codington Counties to the east, Spink County to the west and Beadle County to the south. Ground water movement is from east to west in the area of this application. Hamilton also estimated the average annual recharge to the Altamont 2 and 3 aquifers to be about 54,000 acre-feet per year.

The Water Rights Program monitors five observation wells completed into the Altamont aquifer within three miles of this site. The nearest observation well, CK-78D, is located immediately south of this application and within one-half mile of a proposed irrigation well. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2003). A hydrograph for this observation well is included with this report.

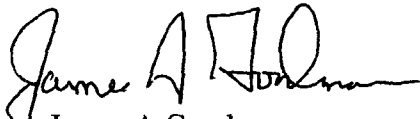
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water right is No. 3198A-3 (one well, 1.88 cfs for irrigation of 261 acres) and is located about one mile southwest of this application. Interference is not a concern. The distance between the existing irrigation well and the proposed wells (about one and one-half miles) is sufficient to minimize any potential effects.

CONCLUSIONS

1. Water is available from the Altamont aquifer.

2. The aquifer appears to be under water table conditions at this site. The saturated thickness is about 40 feet. It is likely that a properly completed well at this site can yield 500 gpm, however, the site needs to be properly test drilled.
3. The wells authorized by this application must be completed in accordance with SD Well Construction Standards.



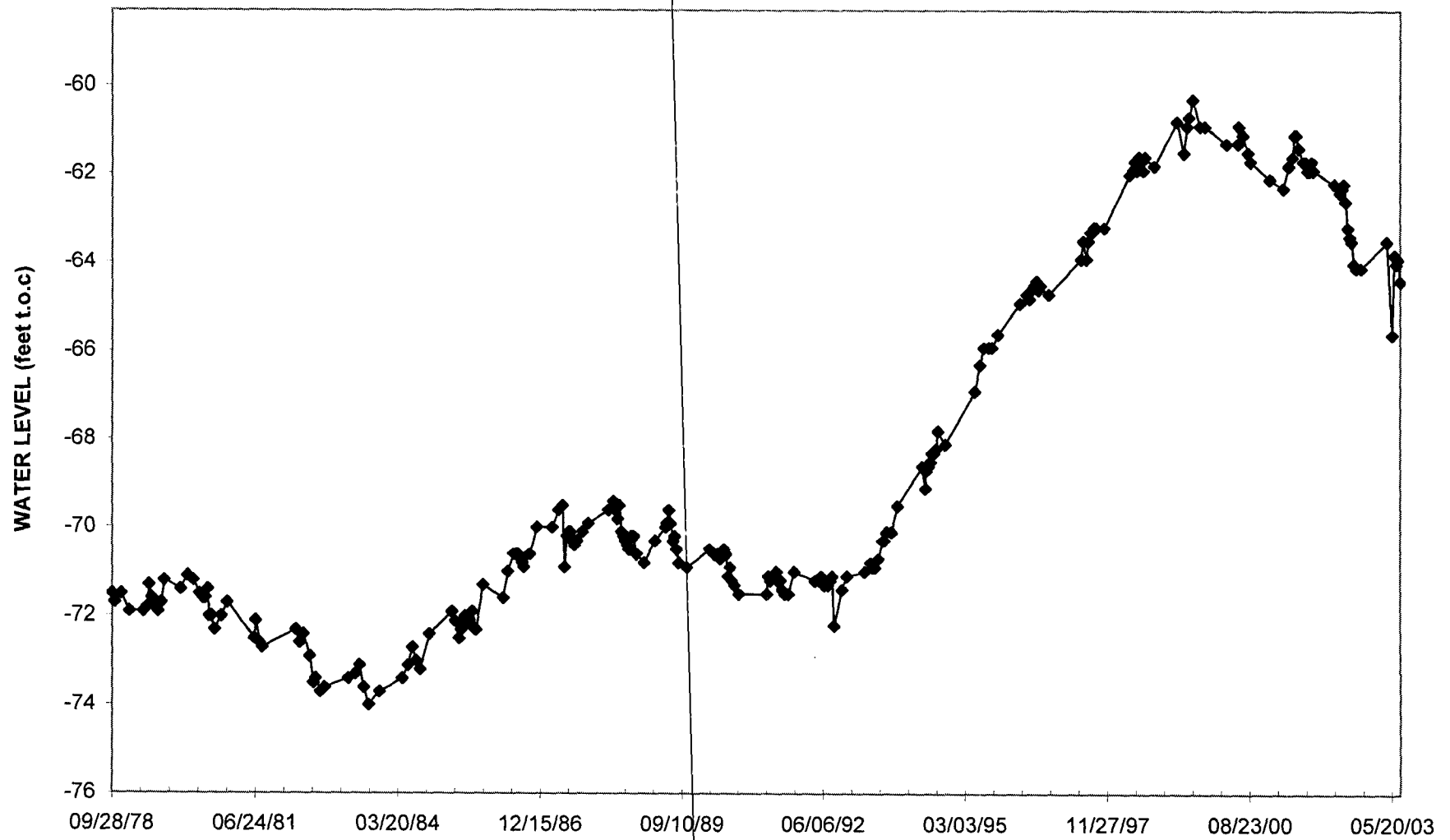
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.S., 1986, Geology and Water Resources of Clark County, South Dakota, Bulletin 29, Part II: Water Resources, SDGS, Vermillion, SD, 57069.

Water Rights, 2003, Unpublished Observation Well Data for Clark County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
CK-78D**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6426-3, Terrill Wheeler**

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. 6426-3, Terrill Wheeler, RR 2 Box 12, Raymond SD 57258.

The Chief Engineer is recommending APPROVAL of Application No. 6426-3 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. 6426-3 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
August 8, 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

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

August 11, 2003

Terrill Wheeler
RR 2 Box 12
Raymond SD 57258

Dear Mr. Wheeler:

Water Permit Application No. 6426-3 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 Clark Co Courier printed at Clark, SD (Ph # 605-532-3654). 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

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

August 11, 2003

Clark Co Courier
119 1st Ave E
Clark SD 57225

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6426-3 to Appropriate Water to be published twice. Please publish the first notice on August 20, 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 Terrill Wheeler, RR 2 Box 12, Raymond SD 57258 (Ph # 605-532-3563).

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. 6426-3

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

Date _____

We are in receipt of your letter of August 11, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6426-3 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 August 20, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6426-3 to Appropriate Water

Notice is given that Terrill Wheeler, RR 2 Box 12, Raymond SD 57258 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from two wells (Altamont Aquifer) 190 feet deep located in the centers of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ Section 2 to irrigate 299.6 acres located in the W $\frac{1}{2}$ Section 2; all in T117N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROAL of Application No. 6426-3 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 September 8, 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.

**NOTICE OF APPLICATION NO.
6426-3 to Appropriate Water**

Notice is given that Terrill Wheeler, RR 2 Box 12, Raymond, SD 57258 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from two wells (Altamont Aquifer) 190 feet deep located in the centers of the SW1/4 and the NW1/4 Section 2 to irrigate 299.6 acres located in the W1/2 Section 2; all in T117N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6426-3 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.

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

8-20-03

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

**APPLICATION NO 6426-3
WHEELER APPLICATION**

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

(two)

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

August 20, 2003

August 27, 2003

that the full amount of the fees for the publication of the annexed notice is

\$37.10

William J. Krikac

Subscribed and sworn to before me this

28th day August, 2003

Kimberly L. Seefeldt
Notary Public
Clark County, South Dakota

My commission expires: 10-02-07

RECEIVED

AUG 29 2003

**WATER RIGHTS
PROGRAM**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 10 2003

Terrill Wheeler
RR 2 Box 12
Raymond SD 57258

Dear Mr. Wheeler:

Enclosed is Water Permit No. 6426-3 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



January 20, 2005

6426-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: TERRILL WHEELER, RR 2 BOX 12, RAYMOND, SD 57258

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) 6426-3 & 6507-3. 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) 6426-3 & 6507-3 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) 6426-3 & 6507-3 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.



6426-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1039

Your item was delivered at 5:55 am on February 07, 2005 in PIERRE, SD 57501 to CENTRAL MAIL SERVICE. The item was signed for by B KELLY.

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1039

TERRILL WHEELER
RR 2 BOX 12
RAYMOND SD 57258

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

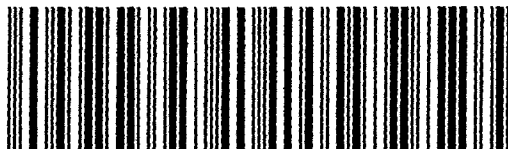
- ☐ Priority Mail®
☐ Package Services

(See Reverse)

PS Form 153, July 2001

ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM
523 E CAPITOL PMB 2020
PIERRE SD 57501

United States Postal Service
SIGNATURE CONFIRMATION™



2301 3460 0000 8516 1039

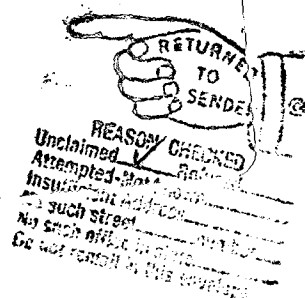
☐ **WAIVER OF SIGNATURE**

If addressee or addressee's agent is not available to sign for delivery,
I authorize that the delivery employee's signature constitutes valid proof
of delivery if the item can be left in a secure location.

CUSTOMER SIGNATURE

TERRILL WHEELER
RR 2 BOX 12
RAYMOND SD 57258

RECEIVED
FEB - 7 2005
WATER RIGHTS
PROGRAM





6426-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2005

NOTICE

TO: Terrill Wheeler, RR 2 Box 12, Raymond SD 57258

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

SUBJECT: Unclaimed Certified Mail
Concerning Violation of Water Permit Nos. 6426-3 and 6507-3

The attached notice was sent certified mail - signature confirmation requested. The post office has returned the certified mail envelope to our office marked "unclaimed". The envelope indicated the post office notified you January 25th and February 1st to pick up and sign for the certified mail.

If you have any questions, please contact Genny McMath, (605) 773-3352.

enclosure

CERTIFICATION

I hereby certify that on February 7, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 7, 2005 regarding Unclaimed Certified Mail Concerning Violation of Water Permit Nos. 6426-3 & 6507-3 addressed as stated below:

Terrill Wheeler
RR 2 Box 12
Raymond SD 57258



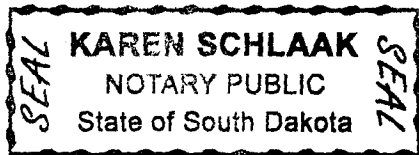
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of February, 2005



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





6426-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 2005

6426-3
6507-3

Terrill Wheeler
RR 2 Box 12
Raymond SD 57258

Dear Mr. Wheeler:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Permit Nos. 6426-3 and 6507-3.

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



6426-3
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: TERRILL WHEELER, 16645 416TH AVE, RAYMOND, SD 57258

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) 6426-3 & 6507-3. 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) 6426-3 & 6507-3 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) 6426-3 & 6507-3 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.

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Search Results

Label/Receipt Number: 2303 2160 0000 0802 0737

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 6:43 am on February 08, 2011 in PIERRE, SD 57501 to CENTRAL MAIL SERVICE. The item was signed for by B PRUESS.

Detailed Results:

- **Delivered**, February 08, 2011, 6:43 am, PIERRE, SD 57501
- **Unclaimed**, February 07, 2011, 10:28 am, RAYMOND, SD
- **Notice Left**, January 22, 2011, 11:15 am, RAYMOND, SD 57258
- **Out for Delivery**, January 22, 2011, 8:29 am, RAYMOND, SD 57258
- **Sorting Complete**, January 22, 2011, 8:19 am, RAYMOND, SD 57258
- **Arrival at Post Office**, January 22, 2011, 8:00 am, RAYMOND, SD 57258

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0737

TERRILL WHEELER
16645 416TH AVE
RAYMOND SD 57258

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail™ Service
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☐ Package Services parcel



**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 8, 2011

NOTICE

TO: Terrill Wheeler, 16645 416th Ave, Raymond SD 57258

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

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with a large, stylized initial "R".

SUBJECT: Unclaimed Mail Concerning Violation of Water Permit Nos. 6426-3 and. 6507-3

The attached notice was sent "Signature Confirmation" on January 21, 2011. The post office has returned the "signature confirmation mail piece to our office marked "unclaimed". The post office indicated they notified you January 22nd and January 27th to pick up and sign for the document before returning it to us February 6th.

. If you have any questions, please contact Genny McMath, (605) 773-3352.

CERTIFICATION

I hereby certify that on February 8, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated February 8, 2011 regarding unclaimed mail concerning violation of Water Permit Nos. 6426-3 & 6507-3 addressed as stated below:

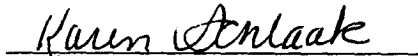
Terry Wheeler, 16645 416th Ave. Raymond SD 57258 (6426-3 & 6507-3)


Gail Jacobson

Secretary/Water Rights

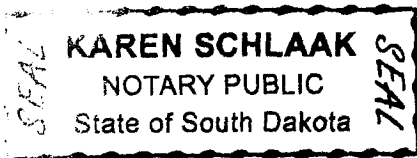
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of February, 20 11.


Karen Schlaak

Notary Public

My Commission expires April 1, 2013



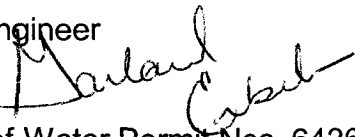


6426-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 10, 2011

NOTICE OF ONE YEAR SUSPENSION

TO: Terrill Wheeler, 16645 416th Ave, Raymond SD 57258

FROM: Garland Erbele Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Permit Nos. 6426-3 and 6507-3

On March 9, 2011, the Water Management Board ordered:

That effective April 9, 2011, Water Permit Nos. 6426-3 & 6507-3 be suspended for the 2011 irrigation season for failure to submit the 2010 irrigation questionnaires.

If the 2010 irrigation questionnaires are received prior to April 9, 2011 the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2011 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2011 unless the irrigation questionnaires are submitted by April 9th.

After April 9th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2010 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May, 2011 in Pierre, SD. The letter should include your reasons for not completing the 2010 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 10, 2010, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 10, 2011 regarding cancellations and suspensions addressed as stated below:

One year suspension:

No. 592-1

Zearl Drum, PO Box 203, Faith SD 57626

Nos. 5222-3 and 6874-3

Clayton Kern, Supt, McCook Country Club, PO Box 129, Salem SD 57058

No. 3937-3

Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231

No. 5257-3

Wayne L Bertrand, Scotland Golf Club Inc, Box 488, Scotland SD 57059

Nos. 6426-3 & 6507-3

Terrill Wheeler, 16645 416th Ave, Raymond SD 57258

Three Year Suspension

No. 1080-2

Larry Schell, Schell Ranch, 22955 Jensen Rd, Wall SD 57790

Nos. 2696-3A & 4414-3

Donald Schmidt, 19053 427th Ave, Willow Lake SD 57278-6205

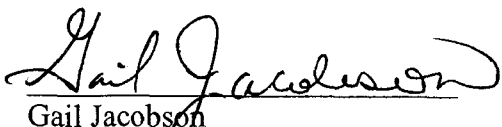
Cancellation

Nos. 1473-2 & 1502-2

Randy Bachelor, 25409 266th Ave, White River SD 57579

No. 5124-3

Victor L Wiczorek, 39507 266th St, Mt Vernon SD 57363



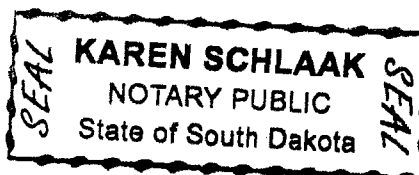
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 2011.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





6426-3
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 26, 2018

NOTICE

TO: TERRILL WHEELER, 16645 416TH AVE, RAYMOND, SD 57258
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6426-3 & 6507-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 6426-3 & 6507-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 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) 6426-3 & 6507-3, in accordance with applicable provisions of SDCL 46-1-12; **Based on a previous violation, the Water Rights Program will recommend a three year suspension of Nos. 6426-3 and 6507-3;**
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 7, 2018** 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.

6426-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 22, 2018

NOTICE

TO: Terrill Wheeler
16645 416th Ave
Raymond SD 57258

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Permit No. 6426-3 and
6507-3

A handwritten signature in black ink, appearing to read "Ron Duvall".

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you January 27, 2018 to pick up and sign for the certified mail.

If you have any questions, please contact Genny McMath, (605) 773-3352.

CERTIFICATION

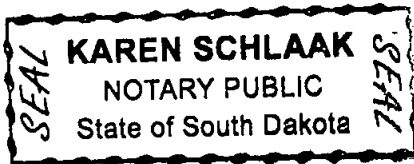
I hereby certify that on February 22, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated February 22, 2018 regarding Unclaimed Certified Mail addressed as stated on the attached list.

Eric Gronlund
Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of February, 2018.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019



STUART RICE
2300 SKYLINE RANCH ROAD
RAPID CITY SD 57701

LANE TEKRONY
47840 180TH ST
CLEAR LAKE SD 57226-5405

PRAIRIE GARDENS INC.
TAMARA ROGERS, PRESIDENT
13979 COBB RD
HERMOSA SD 57744-5415

JOHN ANTHONY DERUNGS
11684 INDIAN CANYON RD
EDGEMONT SD 57735

TERRILL WHEELER
16645 416TH AVE
RAYMOND SD 57258

MARK MCCLOUD
33670 183RD ST
HIGHMORE SD 57345

VIOLA KESZLER, OPERATOR
30317 289TH ST
CLEARFIELD SD 57580

BARB & RON CLINE
CLINT & RANDI KRAMBECK
10340 UPPER REDWATER RD
SPEARFISH SD 57783

TROI D ANDERNACHT, OPERATOR
45835 284TH ST
HURLEY SD 57036-6100

PRAIRIE WINDS GOLF CLUB
BRANDON VOSTAD
555 S LAKE DR
WATERTOWN SD 57201

STEVE OLINGER
12241 VALLERY RD
NISLAND SD 57762-7600

FREEMAN AREA GOLF COURSE
DOUG MCCUNE
PO BOX 610
FREEMAN SD 57029-0610

6426-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2018

6426-3
6507-3

Terrill Wheeler
1029 N Smith
Clark SD 57225

Dear Mr. Wheeler:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit Nos. 6426-3 and 6507-3. 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

6426-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 7, 2021

6426-3
6507-3

Thomas Wheeler
16633 416th Ave
Raymond SD 57258

Dear Mr. Wheeler:

The 2021 irrigation questionnaires for Water Permit Nos. 6426-3 and 6507-3 were received December 3rd. I note from the comments on the forms you have purchased the land.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$100. The check or money order for the fee can be made payable to the Water Rights Program.

Thank you in advance for updating the water permits. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

6426-3

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 7, 2022

RECEIVED OF Thomas/Rebecca Wheeler 16633 416th Ave., Raymond SD 57258

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 <u>6426-3</u>	<u>\$50.00</u>
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	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
vax

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JAN 07 2022

WATER RIGHTS
PROGRAM

JAN 7 2022

PAID
1129

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

No. 6426-3

Date:

1-5-22

I/We request that Water Permit No. 6426-3

formerly owned by: Terrill Wheeler

be transferred to: (name & address)

Thomas Wheeler

16633 416th Ave

Raymond SD 57258 Telephone No. 605-233-1003

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

W 1/2 Section 2, T117N, R59W

I/We understand that the validity of Water Permit No. 6426-3 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 Fifty Dollars (\$50.00) 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 Thomas Wheeler, 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.

6426-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 11, 2022

6426-3
6507-3

Thomas Wheeler
16633 416th Ave
Raymond SD 57258

Dear Mr. Wheeler:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for Water Permit Nos. 6426-3 and 6507-3.

The ownership changes have been completed. The permits formerly held by Terrill Wheeler are now listed in your name.

Enclosed for your records are receipts for the filing fees you paid. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures



6426-3
DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

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

JUL 07 2023

Thomas Wheeler
16633 413th Ave
Raymond SD 57258

6507-3
6426-3

Dear Mr. Wheeler:

Enclosed are Water License Nos. 6507-3 & 6426-3. These are the final water right documents completing your process of obtaining Water Rights. Included with your licenses is a map prepared by the staff engineer who conducted the field investigations.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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 Licenses, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The investigation found your irrigation system for Water Right No. 6426-3 is capable of diverting 3.56 cubic feet of water per second (cfs) which is equivalent to approximately 1,600 gallons per minute. Your original permit authorized the diversion of 2.22 cfs (approximately 1,000 gpm). Diversion of water under this water license is limited to 2.22 cfs.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6426-3

(1) Terrill Wheeler; RR2 Box 12, Raymond SD 57258, made Application No. 6426-3, April 21, 2003, for a water permit to divert 2.22 cubic feet of water per second from groundwater, two wells (Altamont Aquifer), Clark County, South Dakota for irrigation purposes. Permit No. 6426-3, with a priority date of April 21, 2003, was approved September 8, 2003, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 8, 2008, and for the application to beneficial use of water on or before September 8, 2012.

Water Permit No. 6426-3 was transferred to Thomas Wheeler; 16633 413th Ave, Raymond SD 57258, in January 2022.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.22 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- Well #2: 1,340 ft S & 1,319 ft E of the NW corner of Section 2, T117N, R59W (SW ¼ NW ¼)
(Latitude 44.97521 Longitude -97.89635)
- Well #3: 3,910 ft S & 1,319 ft E of the NW corner of Section 2, T117N, R59W (NW ¼ SW ¼)
(Latitude 44.96815 Longitude -97.89641)

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

Section 2, T117N, R59W			
NW ¼ NW ¼	31.0 acres	NW ¼ SW ¼	32.0 acres
NE ¼ NW ¼	31.0 acres	NE ¼ SW ¼	32.5 acres
SE ¼ NW ¼	33.0 acres	SE ¼ SW ¼	32.0 acres
SW ¼ NW ¼	33.0 acres	SW ¼ SW ¼	32.0 acres
TOTAL: 256.5 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Thomas Wheeler, the holder and/or owner of Water Right No. 6426-3 is issued a license to appropriate water, the right to use 2.22 cubic feet of water per second from groundwater, two well (Altamont Aquifer), with a priority date of July 1, 2003, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6426-3 and subject to the following qualifications:

1. The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right 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.

continued

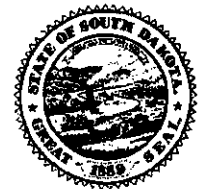
2. The wells authorized by Permit No. 6426-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 07 2023

date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6426-3

I have this day, June 22, 2023, made a thorough examination of the water use system constructed by Terrill Wheeler, RR 2 Box 12, Raymond, SD 57258 of Permit No. 6426-3, bearing the priority of July 1, 2003 authorizing the diversion of 2.22 cu. ft. per second of the waters of the Altamont Aquifer for irrigation purposes, in Clark County.

A. Works used to divert the water:

Well Information: NO RECORDS TO BE FOUND IN DANR WELL LOG DATA BASE –
FOLLOWING IS BASED ON AVAILABLE DATE IN PERMIT MATERIALS

- 1) Well Drilling Firm: _____
- 2) No. of Wells 2
- 3) Depth(s) 190 ESTIMATED feet
- 4) Well log is available N If no, explain in comments

Comments: See above

Casing:

- 1) Diameter 16??? inches
- 2) Length _____ feet
- 3) Type PVC?

Screen:

- 1) Type Stainless steel?
- 2) Length _____ feet
- 3) Static water level 65 feet

Pump:

- 1) Make Submersibles
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 800 each GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating Unknown hp

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

- 1) Type Aluminum 2) Size 8 inches 3) Length 10 feet

Comments: Well at pivot

C. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make 2 - Valleys
 2) Overall length 1300 feet
 3) Number of towers 7
 4) End gun Y
 5) Capacity 800 each GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by N

If no, describe: Pumping 1600 gpm (800 gpm well at each pivot) (3.56 cfs)

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: **WELL LOCATIONS**
From the NW corner Sec 2 T117N R59W WELL #2: 1340 ft S & 1319 ft E, Lat 44.97521 Long -
97.89635 (SW ¼ NW ¼) WELL #3: 3910 ft S & 1319 ft E, Lat 44.96815 Long -97.89641 (SE ¼ SW ¼)
2. The works are capable of diverting and conveying to the place of use 3.56 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:

legal description/acreage
All land in Sec 2 T117N R59W
NW ¼ NW ¼ - 31.0 acres
NE ¼ NW ¼ - 31.0 acres
SE ¼ NW ¼ 33.0 acres
SW ¼ NW ¼ - 33.0 acres

legal description/acreage
NW ¼ SW ¼ - 32.0 acres
NE ¼ SW ¼ - 32.5 acres
SE ¼ SW ¼ 32.0 acres
SW ¼ SW ¼ - 32.0 acres

comprising a total of 256.5 acres of land and the license should be issued for 2.22 cfs (Permit authorization controls)

3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity. However, the IQ report is not completely accurate as he reports only 800 gpm when he should be reporting 1600 gpm for the two (2) pumps. He verified the case to be such by a phone call to him on June 27, 2023.

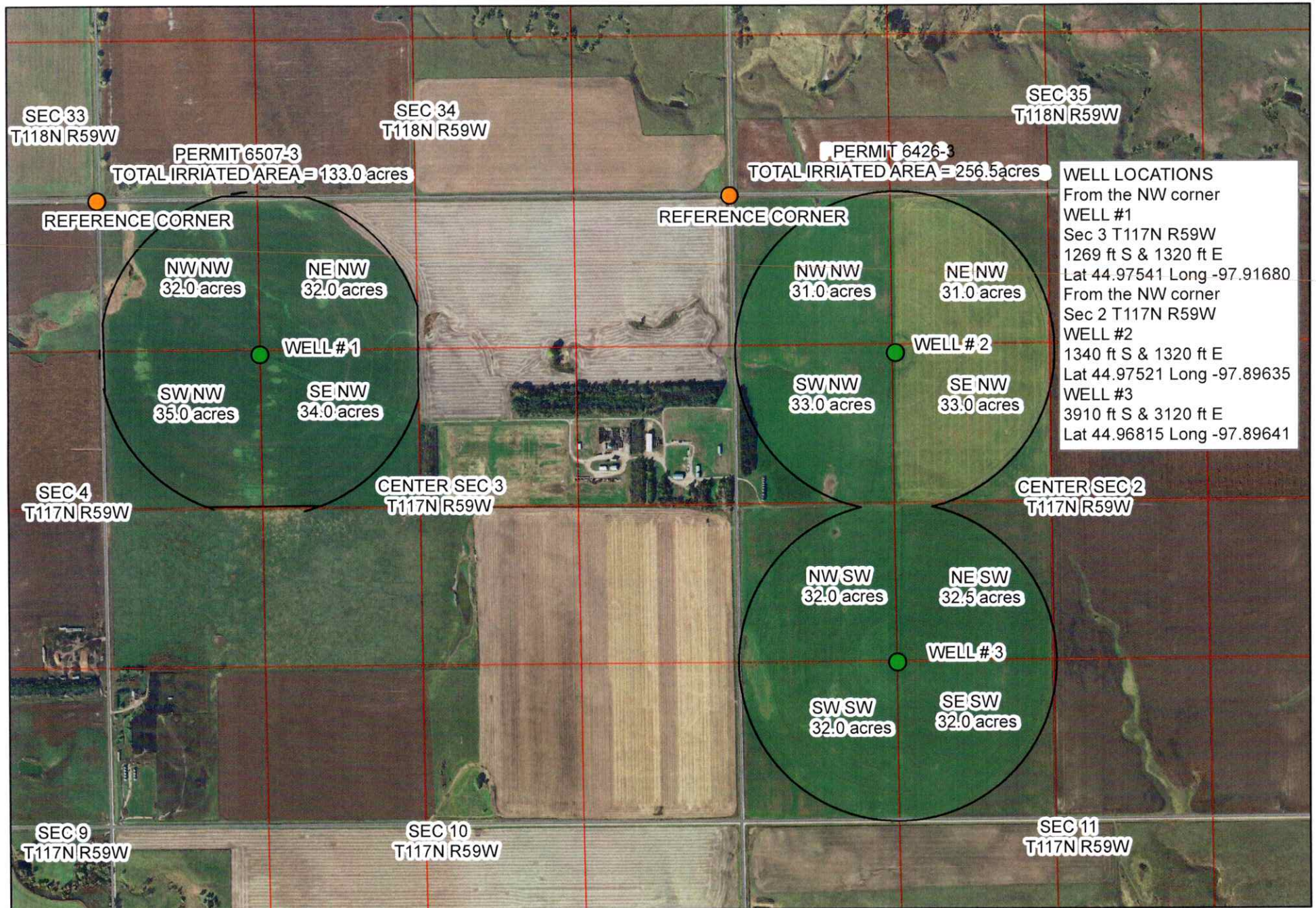
The mailing address for the new owner, Thomas Wheeler, is 16633 416th Ave, Raymond, SD 57258 as reported in the latest IQ. The new contact telephone number is 605/233-1003.

I talked to Thomas Wheeler during the field inspection visit.

A handwritten signature in black ink, appearing to read "Darrell W DeBoer", written over a horizontal line.

Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **June 27, 2023**



0 0.15 0.3 0.6 0.9 1.2 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 10, 2026

6426-3

Thomas Wheeler
16633 416th Ave
Raymond, SD 57258

Dear Mr. Wheeler,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us