

WATER PERMIT NO. 6444-3

Name of Applicant: Arlyn and Rose Spindler

Address: 14509 320th Ave, Hoven SD 57450

Phone: 605 948-2464

Amount of Water Claimed: 2.0

Total Acres: 126 acres

Source of Water Supply: groundwater (three wells)

Water to be used for: irrigation

County: Walworth

Type of Waste Disposal System:

Location: 1 mile north of Hoven

PRIORITY

Date Received: 10-6-03

Application/License Fee: \$200

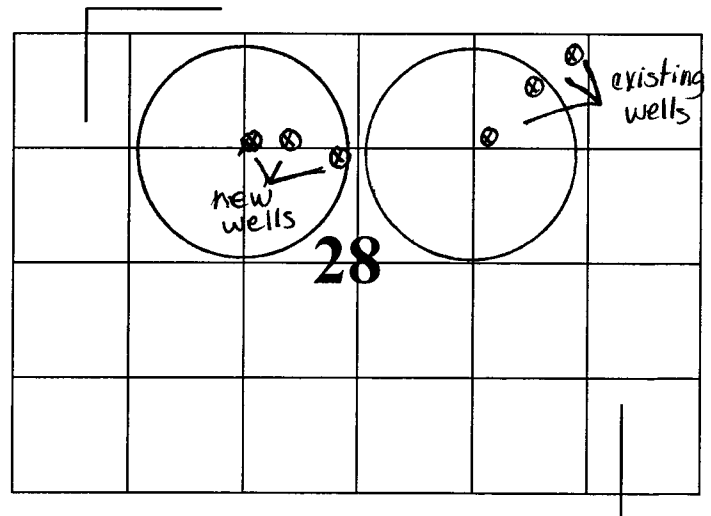
Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: 3 additional wells to irrigate 126 acres authorized by Water Right No. 1701-3

Diversion Point: E ½ NW ¼ Sec 28-T121N-R74W

Land to be Irrigated: NW ¼ Sec 28-T121N-R74W



Depth of Well: 45 feet

Well Driller: :

Remarks:

Type of Map: aerial

Prepared by: Devin Bachman, NRCS

Reviewed and the Number Assigned on: 10-6-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

228 9/12/03

SD EForm - 0499 V1

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

RECEIVED

OCT - 6 2003

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6444-3</u> (office use only) Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Selby Record</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ 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.)

Additional diversion rate to Water Right No. 1701-3

- Name of Applicant Arlyn and Rose Spindler Phone 605 948 2464
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 14509 320th Avenue Hoven State SD 57450
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.8 *CFS or 900 **GPM ***AF (no add'l) Total Acreage 126
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply ground water (Bowdle:Hoven North Aquifer)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Walworth
3 wells in NW 1/4 Sec 28 - 121-74
- County or counties where water will be used Walworth
- Annual period during which water is to be used April 1 through October 31
- 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
same as on Water License No. 1701-3			
NW 1/4 Section 28, T121N, R74W	126		
NE 1/4 Section 28, T121N, R74W	126		

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

Intend to construct another well and increase the diversion rate authorized by Water Right No. 1701-3 in order to irrigate the pivots at the same time. Currently, only one pivot can operate at a time.

STATE OF SOUTH DAKOTA) SS
County of Walworth

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, Rose Spindler, 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 Rose Spindler

Subscribed and sworn to before me this 3RD day of October 20 03

Connie C. Forney
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6444-3**

Date of first receipt of application October 6, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6444-3 to Arlyn and Rose Spindler, 14509 320th Ave, Hoven SD 57450 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. 6444-3 appropriates an additional 1.8 cubic feet of water per second (cfs) from three additional wells to irrigate acres authorized by Water Right No. 1701-3. Water Right No. 1701-3 authorizes 2.0 cfs from three wells located in the NE ¼ NE ¼ Section 28 to irrigate 252 acres (2 center pivots) located in the N ½ Section 28; T121N-R74W. This permit authorizes 1.8 cfs from three additional wells (Bowdle Hoven North Aquifer) 45 feet deep located in the E ½ NW ¼ Section 28 to irrigate the 126 acres located in the NW ¼ Section 28; T121N-R74W. This will allow both pivots to run simultaneously. There is no increase in the acres authorized by Water Right No. 1701-3.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is October 6, 2003.
4. The date of approval of Permit No. 6444-3 is December 1, 2003.
5. One-fifth of the construction is to be completed on or before June 1, 2006.
6. All construction is to be completed on or before December 1, 2008.
7. Water is to be put to beneficial use on or before December 1, 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. 6444-3 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. Water Permit No. 6444-3 authorizes a maximum diversion rate of 1.80 cubic feet of water per second (cfs) to irrigate 126 acres pursuant to the statutory limit of 1 cfs per 70 acres set forth in SDCL 46-5-6.
4. 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

DEC 29 2003

date



Supplemental Information

Refer to Permit No. 1701-3 (type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12 inch Depth 45 ft
- b) Casing Type plastic Diameter 8 inch Thickness _____
- c) Screen Type Stainless 13 ft Diameter 8 inch 13 ft Slotted Thickness _____
- d) Gravel Pack pea rock Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 20 ft
- f) Depth to Water (ground surface to water level) 9 ft
- g) Distance to nearest existing domestic well:

On applicants property _____

On property owned by others 1/2 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 _____

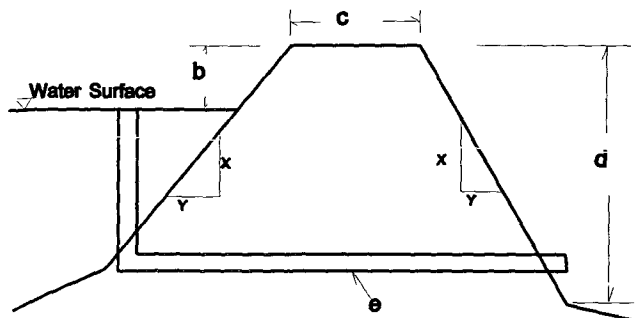
3. Dugout Information

- 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 OCTOBER 6, 2003

RECEIVED OF Spindler Farms Inc., 14509 320th Ave, Hoven SD 57450

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

Fee for Application for Permit No. <u>6444-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	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>6444-3</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	200.00

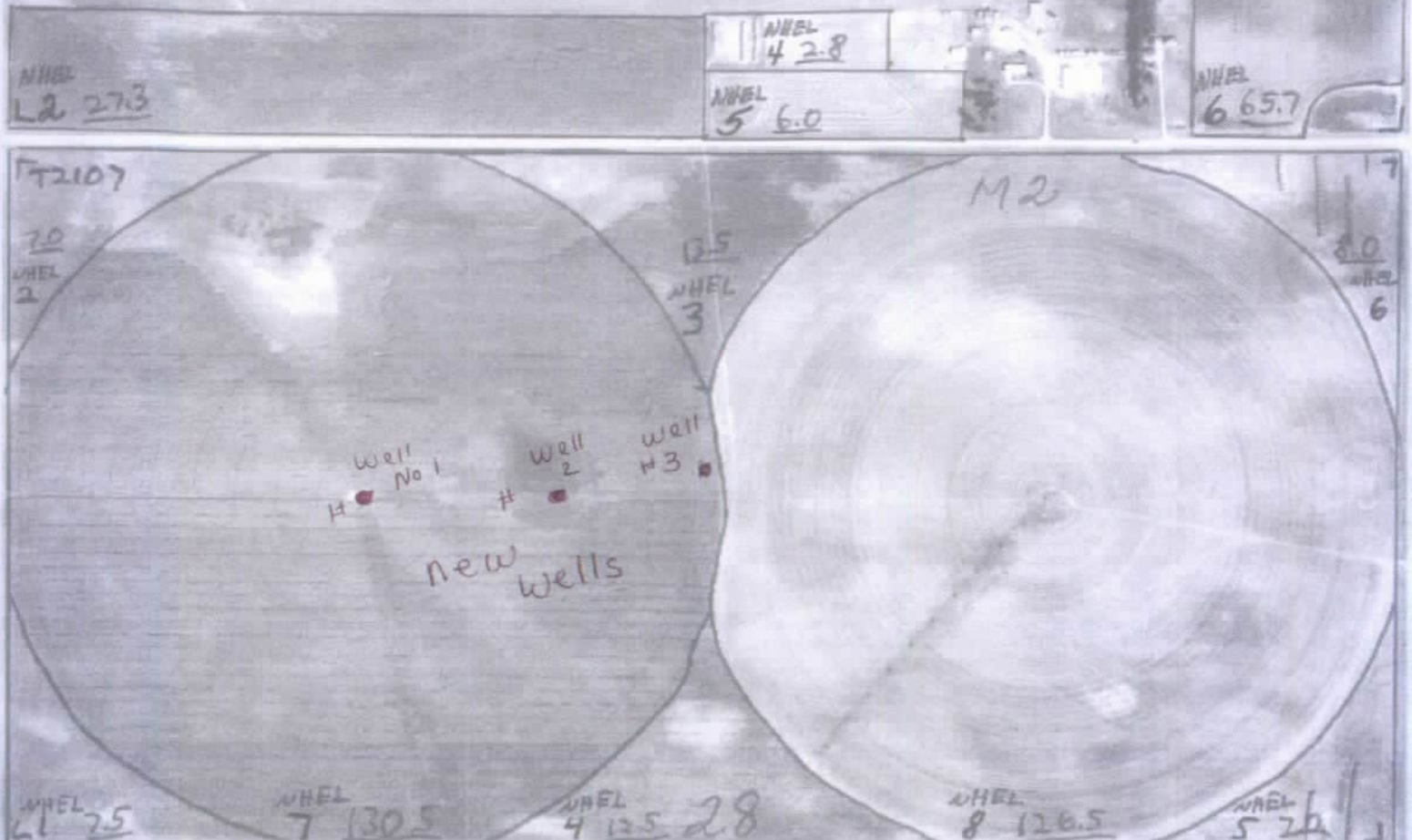
No.

000837

By

Darland Elbe
Chief Engineer gms

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



T1187

T1160

Transferred to
Potter County

Devin Bodman

NRCS - Searcy Field Office.

NHSL
L6 76.6

T2205

NHSL
1 49.0

121-74

NHSL
1 157.0

6444-3

NOT TO SCALE



Total Acres = 252 T1160

Prepared By
 Lynn Beck
 Lynn Beck
 Natural Resources Engineer
 DENR, Water Rights Division
 L6 2-4-93

49.2

Trans to
 Potter Co
 121-74

195.0 A17
 W.L. No. 1701-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

6444-3

Location NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 28 Twp 121 Rg 74Well Owner: Arlin Spindler

Business Name: _____

Address: 14509 320 AveCity, State, Zip: Hoven SD 57450

County

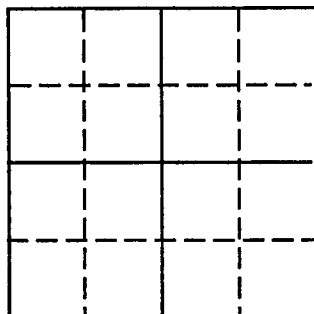
North

Potter

Please mark well location with an "X"

W

E



1 Mile

Well Completion Date

6/18/2003

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? _____ ft. from In Pasture (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	8.00 IN	0.0 FT	32.0 FT	12.75 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
ement	6	Lb/gal	0.0 Ft	20.0 Ft
olclay	3	Lb/gal	20.0 Ft	29.0 Ft

Describe grouting procedure
Lin

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 8.00 Inches Length 13.0 FeetMaterial PVCSlot Size .057 Set From 32.0 Feet to 45.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? Gravel Pack

Describe packer(s) and location

32 To 45

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Pellets
☐ No, Why Not?

Lab sample sent to for water quality analysis

WELL LOG:

DEPTH

FORMATION	FROM	TO
Yellow Clay	0	3
Yellow Gravel	3	20
Coarse Gray sand	20	40
Coarse Sand	40	45
Blue Clay	45	52

STATIC WATER LEVEL 9.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: w/Air
☐ Bailed

☐ Other

Pumping Level Below Land Surface

9.0 Ft. After 2.0 Hrs. pumped 100.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

DEC 31 2003

WATER RIGHTS PROGRAM

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc

Signature of License Representative:

Wayne Pullman

Signature of Well Owner or Equitable Property Holder:

Date: 12-29-03

REPORT ON WATER PERMIT APPLICATION NO. 6444-3
For Arlyn and Rose Spindler
October 22, 2003

Application No. 6444-3 proposes to appropriate an additional 2.0 cfs (900 gpm) from three additional wells to irrigate acres authorized by Water Right No. 1701-3. Water Right No. 1701-3 authorizes 2.0 cfs from three wells located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 28 to irrigate 252 acres located in the N $\frac{1}{2}$ of section 28; T121N R74W. This application proposes to appropriate 2.0 cfs from three additional wells approximately 45 feet deep located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ of section 28 to irrigate the 126 acres located in the NW $\frac{1}{4}$ of section 28; T121N R74W in Potter County. This will allow both existing pivots to run simultaneously. There is no increase in the acres authorized by Water Right No. 1701-3 and the applicant is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres.

AQUIFER – BOWDLE HOVEN NORTH (B:HN)

The Bowdle Hoven North aquifer is a surficial outwash (sand and gravel) which is under water table conditions at this site. The Bowdle aquifer underlies 20,400 acres and contains an estimated 60,000 acre-feet of water in storage in Walworth County (Kume, 1987). The Bowdle Hoven North aquifer underlies 10,900 acres and contains an estimated 24,000 acre-feet of recoverable water in storage (Hedges, 1982). Ground water movement is from northwest to southeast across this area (Kume, 1987). The aquifer extends to the south and blends into the Bowdle Hoven South and extends to the north and east and blends into the Bowdle Edmunds aquifer.

Recharge to the Bowdle probably can be estimated at about 2.2 inches per year (Hedges, 1983). This would equate to a volume of about 2,000 acre-feet per year recharge to the Bowdle Hoven North aquifer.

The Water Rights Program monitors seven observation wells completed into the Bowdle aquifer within a three mile radius of this application. Two of these wells, WL-58B and WL-76R are located within one mile of this application. Hydrographs for these two 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).

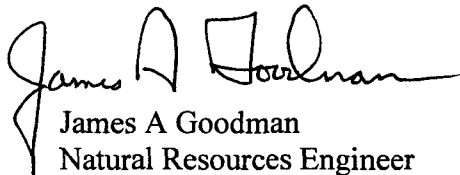
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing wells (Water Right No. 1701-3) are also for the applicant. The wells for this application will be within one-half mile of the nearest existing well #1 for Water Right No. 1701-3. Interference is not a concern. Drawdown created by pumping does not extend very far from individual production wells. This is shown by the observation well hydrographs. At one time development of irrigation in this area was controversial. There were four irrigation permits in this immediate area which were denied by the Board in 1981. Since that time, permits have been abandoned and studies have been completed which indicate that water is available in this area. But realistically, water levels rose in

response to climatic conditions and recharge and the people complaining about everything forgot about it.

CONCLUSIONS

1. Water is available from the Bowdle Hoven North aquifer.
2. The aquifer is under water table conditions, and drawdown created by pumping is not significant. This is shown by the observation well hydrographs. Interference is not a concern.
3. This is a thin and low yield aquifer. That is the reason it may take three or more wells to obtain the volume of water necessary to run a full size pivot.
4. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
5. The applicant did not give a reason for using more water than the statutory limit of one cfs for 70 acres. The application should only be allowed a diversion rate of 1.80 cfs.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

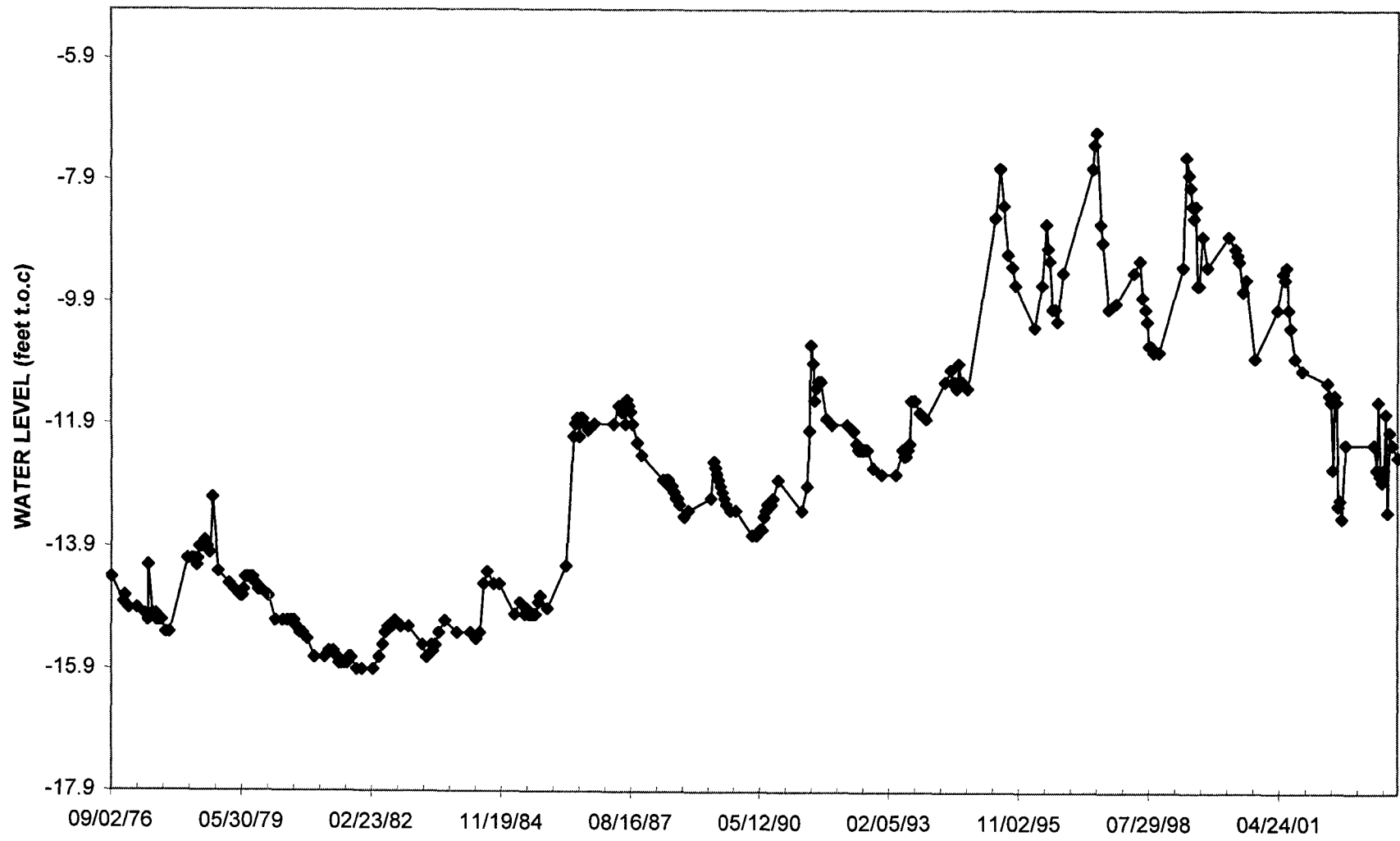
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Hedges, L.S., and others, 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.

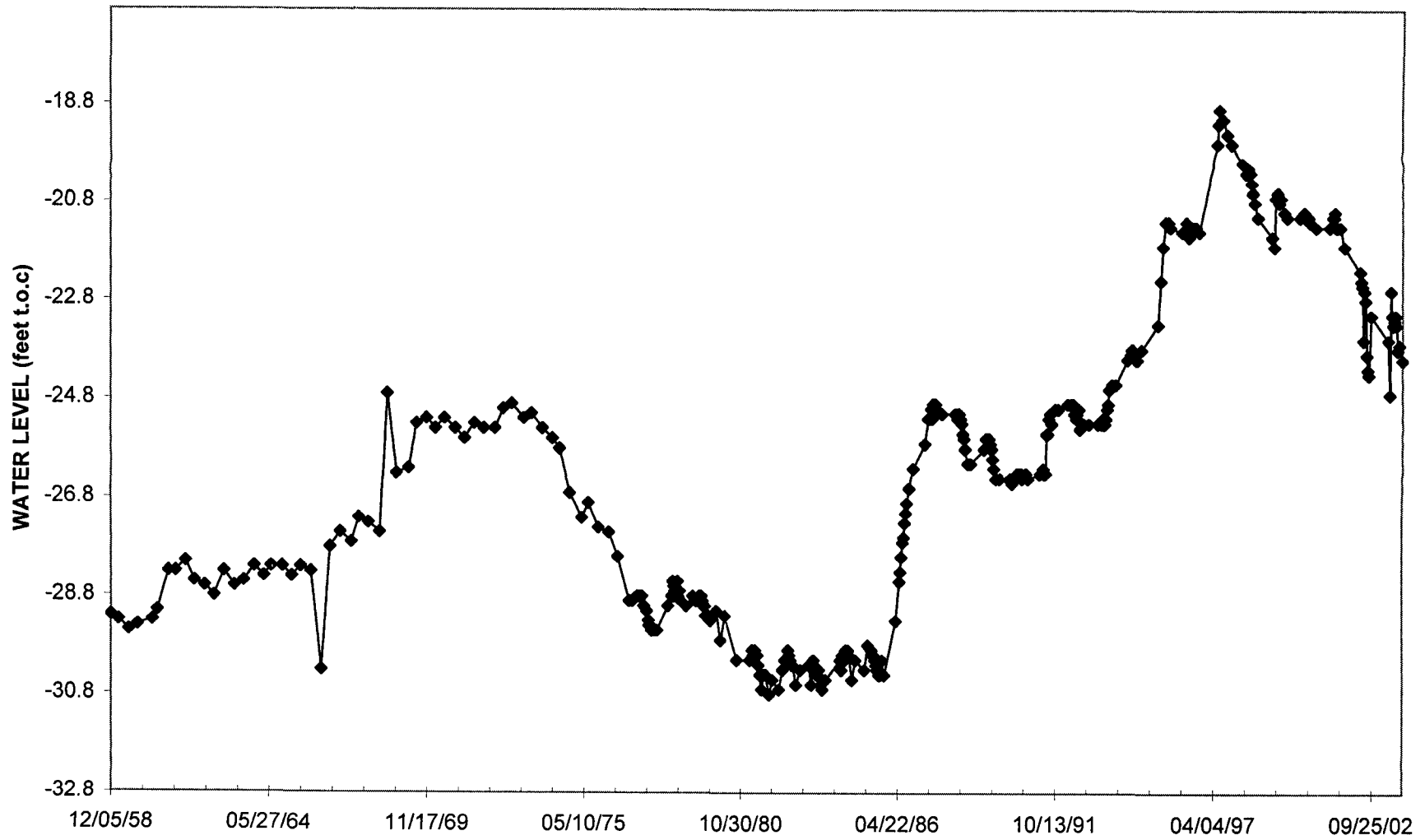
Kume, J., L. Howells, 1987, Water Resources of Walworth County, South Dakota, WRI 85-4015, USGS, Huron, SD, 57350.

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

**WATER RIGHTS' OBSERVATION WELL
WL-76R**



**WATER RIGHTS' OBSERVATION WELL
WL-58B**





**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. 6444-3, Arlyn and Rose Spindler**

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. 6444-3, Arlyn and Rose Spindler, 14509 320th Avenue, Hoven SD 57450.

The Chief Engineer is recommending APPROVAL of Application No. 6444-3 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. 6444-3 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. Water Permit No. 6444-3 authorizes a maximum diversion rate of 1.80 cubic feet of water per second (cfs) to irrigate 126 acres pursuant to the statutory limit of 1 cfs per 70 acres set forth in SDCL 46-5-6.
4. 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
October 30, 2003



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 3, 2003

Selby Record
PO Box 421
Selby SD 57472-0421

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6444-3 to Appropriate Water to be published twice. Please publish the first notice on November 13, 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 Arlyn & Rose Spindler, 14509 320th Ave., Hoven SD (Ph # 605-948-2464).

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. 6444-3

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

Date _____

We are in receipt of your letter of November 3, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6444-3 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.**

November 3, 2003

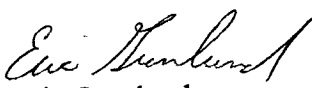
Arlyn & Rose Spindler
14509 320th Ave
Hoven SD 57450

Dear Mr. & Ms. Spindler:

Water Permit Application No. 6444-3 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 Selby Record printed at Selby, SD (Ph # 605-649-7866). 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.

Instruction to Newspaper - Publish first Notice on November 13, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6444-3 to Appropriate Water

Notice is given that Arlyn and Rose Spindler, 14509 320th Ave, Hoven SD 57450 has filed an application for a water permit to appropriate an additional 2.0 cubic feet of water per second (cfs) from three additional wells to irrigate acres authorized by Water Right No. 1701-3. Water Right No. 1701-3 authorizes 2.0 cfs from three wells located in the NE ¼ NE ¼ Section 28 to irrigate 252 acres (2 center pivots) located in the N ½ Section 28; T121N-R74W. This application proposes to appropriate 2.0 cfs from three additional wells (Bowdle Hoven North Aquifer) 45 feet deep located in the E ½ NW ¼ Section 28 to irrigate the 126 acres located in the NW ¼ Section 28; T121N-R74W. This will allow both pivots to run simultaneously. There is no increase in the acres authorized by Water Right No. 1701-3. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6444-3 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 December 1, 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SSCounty of WALWORTH)I, Sharon Wolff

certify that the attached printed Notice was taken

from the Selby Recordprinted and published in SelbyCounty of WALWORTH and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

11-13-0311-20-03Cost of Printing \$41.18Sharon Wolff
(Signature)owner
(Title)11-20-03
(Date Signed)RECEIVED
NOV 20 2003
WATER RIGHTS
PROGRAM

nber 20, 2003

LEGAL
NOTICENOTICE OF APPLICATION NO.
6444-3 TO APPROPRIATE WATER

Notice is given that Arlyn and Rose Spindler, 14509 320th Ave., Hoven, SD 57450 has filed an application for a water permit to appropriate an additional 2.0 cubic feet of water per second (cfs) from three additional wells to irrigate acres authorized by Water Right No. 1701-3. Water Right No. 1701-3 authorizes 2.0 cfs from three wells located in the NE1/4NE1/4 Section 28 to irrigate 252 acres (2 center pivots) located in the N1/2 Section 28; T121N-R74W. This application proposes to appropriate 2.0 cfs from three additional wells (Bowdle Hoven North Aquifer) 45 feet deep located in the E1/2NW1/4 Section 28 to irrigate the 126 acres located in the NW1/4, Section 28; T121N-R74W. This will allow both pivots to run simultaneously. There is no increase in the acres authorized by Water Right No. 1701-3. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6444-3 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 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 December 1, 2003.

The petition may be informal, but must include a statement describing 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.

Published in the Selby Record November 13 and 20, 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

DEC 29 2003

Arlyn & Rose Spindler
14509 320th Ave
Hoven SD 57450

Dear Mr. & Ms. Spindler:

Enclosed is Water Permit No. 6444-3 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NE 1/4 Sec 28 Twp 121 Rg 74County Walworth North

Please mark well location with an "X"

W

E

Well-Completion Date

4-2-08

1 Mile

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2000 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5000</u> LB/FT	<u>8</u> IN	<u>1</u> FT	<u>17</u> FT	<u>12 1/4</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>Portland Cement</u>	<u>2.5</u>	<u>95</u> lb./gal	<u>15</u> ft	<u>0</u> ft
		lb./gal	ft	ft

Describe grouting procedure Tremie Pipe 12' to TopSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 8 IN Length 30 FEETMaterial PVCSlot Size 0.51 Set From 17 Feet to 47 FeetOther information Gravel Pack
with pea gravelWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: chlorine☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Arlin Spindler

Business Name: _____

Address: Hoven, SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
yellow silty clay	1	3
Oxidized Gravel	3	20
Grey Coarse Sand & Gravel	20	38
Blue clay silty	38	38.6
Coarse Sand	38.6	47
+ Blue Clay	47	50

STATIC WATER LEVEL

11' 9" 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: Submersible Pump
☐ Bailed
☐ Other

Pumping Level Below Land Surface

37 ft. After 2 Hrs. pumped 440 GPM

ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Test Well for
Pilot

RECEIVED
MAY - 8 2008
WATER RIGHTS
PROGRAM

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm Manikowsky Well Drilling Inc.

Signature of License Representative:

Arlin Spindler

Signature of Well Owner or Equitable Property Holder:

Arlin SpindlerDate: 5-6-08

6444-3

RECEIVED
MAY - 8 2008
WATER RIGHTS
PROGRAM

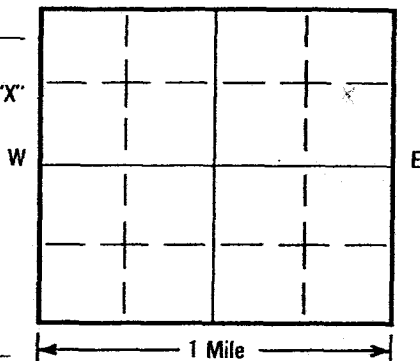
SOUTH DAKOTA WATER WELL COMPLETION REPORT

6444-3

07-92

Location SE 1/4 NE 1/4 Sec 28 Twp 12N Rg 74
 County Walworth

Please mark well location with an "X"



Well Completion Date

4-09-08

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): 1500 ft. from Stack Pond (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

- ☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SDR 21 LB/FT</u>	<u>8 IN</u>	<u>+1 FT</u>	<u>22 FT</u>	<u>12 3/4 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Benotrite No. of Sacks 3 Grout Weight 9.9 lb./gal From 0 ft. To 18 ft.

Describe grouting procedure Tremie from 18' to top of hole

SCREEN:

☐ Perforated pipe ☐ Manufactured
 Diameter 8 IN Length 20 FEET
 Material PVC

Slot Size .051 Set From 22 Feet to 42 Feet

Other information Gravel Packed with pea Gravel

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: Chlorine

NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Arlyn Spindler

Business Name: _____

Address: Hoven SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>To P601</u>	<u>0</u>	<u>1</u>
<u>Silty Yellow clay</u>	<u>1</u>	<u>3</u>
<u>Oxidized Sand & Gravel</u>	<u>3</u>	<u>12</u>
<u>Sand & Gravel</u>	<u>12</u>	<u>42</u>

STATIC WATER LEVEL

If flowing: closed in pressure _____

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate _____

Can well be completely shut in? _____

WELL TEST DATA:

- ☐ Pumped
☐ Bailed
☐ Other

Describe: Pumped with 25 Hr 400 GPM Submersible

Pumping Level Below Land Surface

30 ft. After 2 Hrs. pumped 390 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Middle well for west Pivot (addendum)

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm Manikowski Well Drilling Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

2/24/08

Permit No. 6444-3
Bowdle Hoven North Aquifer

Report of Examination of Works and/or Application to Beneficial Use

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

I have on this day, **August 19, 2013**, made a thorough examination of the water use system constructed by **Arlyn and Rose Spindler, 14509 320th Ave., Hoven, SD 57450** holder of Water Permit No. **6444-3**, bearing the priority date of **October 6, 2003** and authorizing additional diversion of **1.8 cubic feet per second (cfs)** from the **Bowdle Hoven North aquifer** for further **irrigation** of acres already included in License No. **1701-3** in **Walworth County**. Water Permit No. **6444-3** appropriates an additional 1.8 cfs to more efficiently irrigate land already included in Water Right No. **1701-3**.

I have the following to report on the conditions of the aforementioned system:

- 1) Works to divert water:
Three new wells in place, each with 250 gallons per minute (gpm) capacity.
- 2) Works used to transport water to place of use:
New well heads are located in the E ½ NE ¼ of Sec 28, T121N-R74W.
- 3) Works used to apply water to beneficial use:
One 8 tower Valley center pivot in the NW ¼ and a 10 tower Valley center pivot in the NE ¼.

The system is in the following condition: **excellent**. The location of each of the three new wells associated with Water Permit No. 6444-3 can be described as follows:

- 1) **1,540 feet south of and 260 feet west of the northeast corner of Sec 28, T121N R74W. Lat 45.27065N, Lon 99.77125W.**
- 2) **1,540 feet south of and 600 feet west of the northeast corner of Sec 28, T121N R74W. Lat 45.2706N Lon 99.77253W.**
- 3) **1,540 feet south of and 900 feet west of the northeast corner of Sec 28, T121N R74W. Lat 45.27065N Lon 99.77375W.**

The location of the three existing wells associated with Water License No. 1701-3 can be described as follows:

- 4) **340 feet south of and 100 feet west of the northeast corner of Sec 28, T121N R74W. Lat 45.27395N Lon 99.77068W.**
- 5) **650 feet south of and 720 feet west of the northeast corner of Sec 28, T121N R74W. Lat 45.27309N Lon 99.77300W.**
- 6) **1,300 feet south of and 1,360 feet west of the northeast corner of Sec 28, T121N R74W. Lat 45.27125N Lon 99.77568W.**

The irrigated areas under Water License No. 1701-3 by quarter-quarter section are as follows:

- **31.5 acres in the NE ¼ NE ¼ of Sec 28**
- **31.5 acres in the NW ¼ NE ¼ of Sec 28**
- **31.5 acres in the SW ¼ NE ¼ of Sec 28**
- **31.5 acres in the SE ¼ NE ¼ of Sec 28**
- **31.5 acres in the NE ¼ NW ¼ of Sec 28**

- 31.5 acres in the NW ¼ NW ¼ of Sec 28
- 31.5 acres in the SW ¼ NW ¼ of Sec 28
- 31.5 acres in the SE ¼ NW ¼ of Sec 28

In total, 252 acres in the NW ¼, NE ¼ of Sec 28, T121N-R74W are being irrigated under Water License No. 1701-3 and Water Permit No. 6444-3.

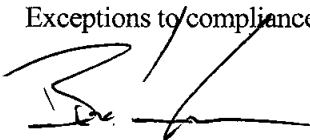
This breakdown of acres is a best estimate based on information provided and by viewing the 2012 FSA aerial using ArcMap.

The total area being irrigated under Water Permits No. **6444-3 and 1701-3** in section 28 is **252 acres** with a total diversion rate of **3.8 cfs (1.8 cfs under Water Permit No. 6444-3 in addition to 2.0 cfs under Water Right No. 1701-3)**. The license should reflect these conditions.

During the time of inspection, Well No. 5 (see map) was not accessible. However, given the information provided by Mr. Spindler, the physical verification of the other 5 wells, and the visual verification of Well No. 5 using the 2012 FSA aerial on ArcMap, it was assumed that Well No. 5 exists and is operational.

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None** Date Report Completed: **September 11, 2013**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 6444-3

DATE OF INVESTIGATION:	August 19, 2013
NAME & ADDRESS OF PERMIT HOLDER	Arlyn and Rose Spindler 14509 320th Ave Hoven, SD 57450
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Arlyn Spindler
DIVERSION POINT LEGAL LOCATIONS	1) 1,540 feet south of and 260 feet west of the northeast corner of Sec 28, T121N R74W. Lat 45.27065N, Lon 99.77125W. 2) 1,540 feet south of and 600 feet west of the northeast corner of Sec 28, T121N R74W. Lat 45.2706N Lon 99.77253W. 3) 1,540 feet south of and 900 feet west of the northeast corner of Sec 28, T121N R74W. Lat 45.27065N Lon 99.77375W.

WELL INFORMATION:

- 1) Well Drilling Firm:
Manikowski Well Drilling, Inc.
- 2) Number of Wells: **3**
- 3) Depths: **40-50 feet**
- 4) Well Logs Available: **Yes**
- 5) Comment:

Screen

- 1) Type: **PVC**
- 2) Length: **30' in Well No. 3, 20' in Wells No. 1 and 2**
- 3) Static Water Level: **11' 9" in Well No. 3, 4' 10" in Well No. 2, and 11' 6" in Well No. 1**

Pumps

- 1) Make:
- 2) Model:
- 3) Size:
- 4) Capacity: **250 gpm each**

Motor

- 1) Make:
- 2) Model No:
- 3) Power:

Casing

- 1) Diameter: **8 inches**
- 2) Length: **18' in Well No. 3, 23' in Wells No. 1 and 2**
- 3) Type: **Plastic**

SYSTEM TYPE:

- 1) Make: **Valley**
- 2) Overall length: **1250' w/o end gun**
- 3) Number of Towers: **8 in NW ¼, 10 in NE ¼**
- 4) Distance Between Towers:
- 5) End Gun: **Yes**
- 6) Pressure: **28 psi**
- 7) Capacity: **750 GPM**

CHEMIGATION EQUIPMENT: Unknown

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **No**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Yes, submitted under No. 1701-3**

COMMENTS:

- 1) At time of inspection, the area in which the wells were authorized to be completed was the NW ¼ of Sec 28. However, Mr. Spindler had chosen to complete the wells in the NE ¼ of Sec 28. A change of diversion point request has been filed at the same time as this report.
- 2) In addition to changing the diversion points associated with the three new wells, Mr. Spindler has rerouted the existing wells to supply the pivot in the NW ¼ and connected the new wells to the pivot in the NE ¼. However, if both 1701-3 and 6444-3 are incorporated into a single license, this detail will become irrelevant as all six wells and both pivots will be part of a single system.
- 3) Well completion reports for all three wells are on file.
- 4) Water Right No. 1701-3 appropriates 2.0 cfs to be used in the irrigation of 252 acres in the N ½ Sec 28, T121N-R74W. Water Permit No. 6444-3 proposes to appropriate an additional 1.8 cfs to irrigate the NW ¼ of Sec 28 independently of the NE ¼. The addition of Water Permit No. 6444-3 allows both quarter sections to be irrigated simultaneously and independently.

File No. 6444-3

Approval of Change of Diversion Point

NAME: Arlyn and Rose Spindler

ADDRESS: 14509 320TH St.

DATE: September 10, 2013

COUNTY: Walworth

TELEPHONE: (605) 948-2464

BACKGROUND:

Water Permit No. 6444-3 appropriates an additional 1.8 cubic feet per second (cfs) from three wells completed into the Bowdle Hoven North aquifer at a depth of approximately 45 feet. The additional water is to be used to irrigate 126 of the 252 acres licensed under Water Right No. 1701-3 located in the NW ¼ and NE ¼ of Sec 28, T121N-R74W. Although no additional acreage is to be irrigated, the additional water will allow both the NE ¼ and the NW ¼ of Sec 28 to be irrigated simultaneously. The new wells were permitted in the E ½ NW ¼ of Sec 28, T121N-R74W. Water Permit No. 6444-3 has a priority date of October 6, 2003 and is conditioned with well interference, well construction, and irrigation questionnaire qualifications.

During an inspection on August 19, 2013 it was noted that the three additional wells had been completed in the E ½ NE ¼ of Sec 28 rather than in the E ½ NW ¼. Mr. Spindler indicated that the change in diversion point location from the initially planned E ½ NW ¼ of Sec 28 was a result of inadequate water in the NW ¼. All wells are completed into the permitted aquifer and do not withdraw more than the permitted amount of water (1.8 and 2.0 cfs for a total of 3.8 cfs).

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source is the same as permitted source and no additional water is appropriated.**

The water source authorized by Water Permit No. 6444-3 is the Bowdle Hoven North aquifer. The new wells are all completed at depths of between 40 and 50 feet, ensuring that they are completed into the Bowdle Hoven North aquifer.

The change of diversion points is for the purpose of diverting the full permitted amount of water from the Bowdle Hoven North aquifer. No additional appropriation of water beyond the permitted amount is authorized. Water Permit No. 6444-3 appropriates 1.8 additional cfs and no additional diversion rate authority is being requested beyond the 1.8 cfs.

Review of Existing Conditions

The well completion report and water rights databases were reviewed for the nearest domestic wells and water rights on file. The nearest water right (2855B-3), belonging to the City of Hoven, lies approximately 1.5 miles to the southwest. The nearest domestic well is located approximately one mile to the north. At these distances, interference is not expected to be a concern nor will the potential for interference be increased by changing the diversion point location to the E ½ NE ¼ of Sec 28.

Observation Well Data

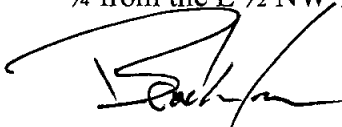
The Water Rights Program monitors several observation wells located in the Bowdle Hoven North aquifer. The closest observation well, WL-58B is located approximately 0.5 miles to the east of the completed wells. The historic water levels within this well show small effects from seasonal pumping which are almost entirely eclipsed by climatic conditions.

CONCLUSION:

- The relocation of the wells does not propose to appropriate additional water.
- The wells are completed into the permitted formation, the Bowdle Hoven North aquifer.
- Given that the distance between the wells associated with Water Permit No. 6444-3 and existing domestic wells and water rights does not decrease significantly with the relocation of the wells, increased interference is not expected to occur.

RECOMMENDED ACTION:

Based on the above criteria, it is recommended that the change of diversion points to the E ½ NE ¼ from the E ½ NW ¼ of Sec 28, T121N-R74W be approved.



Bracken Capen
Natural Resources Engineer

The Chief Engineer makes a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14:01 that:

The change of diversion points does not increase the potential for adverse effects of existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program

Sec 20
T121N
R74W

Sec 21
T121N
R74W

Sec 22
T121N
R74W

Sec 23
T121N
R74W

Sec 28
T121N
R74W

31.5 acres

31.5 acres

31.5 acres

31.5 acres

31.5 acres

31.5 acres

31.5 acres

31.5 acres

NW 1/4 NW 1/4 of Sec 28

NE 1/4 NW 1/4 of Sec 28

NW 1/4 NE 1/4 of Sec 28

NE 1/4 NE 1/4 of Sec 28

SW 1/4 NW 1/4 of Sec 28

SE 1/4 NW 1/4 of Sec 28

SW 1/4 NE 1/4 of Sec 28

SE 1/4 NE 1/4 of Sec 28

1,300 feet

340 feet

650 feet

100 feet

720 feet

1,540 feet

1,360 feet

300 feet

340 feet

260 feet

Legend

- New Wells Under 6444-3
- Existing Wells Under 1701-3
- Pivots
- Irrigated Area
- Section Boundaries - PLSS



0 0.05 0.1 0.2 Miles

[Signature]

Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program



WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Rose Spindler, 14509 320th Ave., Hoven SD 57450

DATE: October 7, 2013

TELEPHONE: 605 948-2464

RE: chemigation system

Water Permit No. 6444-3 is being licensed to incorporate the applicable portions of Water Right No. 1701-3. When writing up the license, I found a note in the original inspection for No. 1701-3 which indicated the chemigation equipment did not comply with standards. The permit holder was notified they needed to install a low pressure drain 20 feet from the water source. No follow-up was done.

The staff inspection done in August 2013 did not include checking to see if the low pressure drain had been installed. On today's date, I spoke with Rose Spindler concerning the chemigation system. She indicated she thought the drain had been installed because Inman's put it in.



Genny McMath
Water Rights Program

6444-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

OCT 09 2013

1701-3
6444-3

Arlyn & Rose Spindler
14509 320th Ave
Hoven SD 57450

Dear Mr. & Mrs. Spindler:

Enclosed is Water License No. 6444-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 6444-3, 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.

Upon licensing, the applicable portions of Water Right No. 1701-3 have been incorporated into Water License No. 6444-3. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6444-3

(1) Aryln & Rose Spindler, 14509 320th Ave, Hoven SD 57450 made Application No. 6444-3, October 6, 2003 for a water permit to divert 1.80 cubic feet of water per second from ground water (3 wells – Bowdle Hoven North Aquifer), Walworth County, South Dakota to irrigate portions of land described in Water Right No. 1701-3. Permit No. 6444-3, with a priority date of October 6, 2003 was approved December 1, 2003 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before December 1, 2008 and for the application to beneficial use of water on or before December 1, 2012.

Water Right No. 1701-3 authorizes diversion of 2.00 cfs from three wells located in the NE ¼ NE ¼ Section 28, T121N, R74W to irrigate 252 acres in the N ½ Section 28, T121N, R74W. The additional wells permitted under No. 6444-3 allowed both pivots to run simultaneously.

The inspection of the water use system found the three wells authorized under Water Permit No. 6444-3 in the E ½ NW ¼ Section 28 were actually drilled in the E ½ NE ¼ Section 28, T121N, R74W. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in location of the diversion points did not increase the potential for adverse effects to existing diversions.

The applicable portions of Water Right No. 1701-3 have been incorporated into this Water License. A priority date of October 13, 1969 as established under No. 1701-3 is retained for 2.00 cfs. A priority date of October 6, 2003 established under No. 6444-3 is retained for 1.80 cfs.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.80 cubic feet of water per second for beneficial use. The location of the diversion points are:

- 1,540 feet south and 260 feet west of the NE corner of Section 28, T121N, R74W (SE ¼ NE ¼);
- 1,540 feet south and 600 feet west of the NE corner of Section 28, T121N, R74W (SE ¼ NE ¼);
- 1,540 feet south and 900 feet west of the NE corner of Section 28, T121N, R74W (SE ¼ NE ¼);
- 340 feet south and 100 feet west of the NE corner of Section 28, T121N, R74W (NE ¼ NE ¼);
- 650 feet south and 720 feet west of the NE corner of Section 28, T121N, R74W (NE ¼ NE ¼);
- 1,300 feet south and 1,360 feet west of the NE corner of Section 28, T121N, R74W (NW ¼ NE ¼);

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

Section 28, T121N, R74W

NE ¼ NE ¼	31.5 acres	NE ¼ NW ¼	31.5 acres
NW ¼ NE ¼	31.5 acres	NW ¼ NW ¼	31.5 acres
SW ¼ NE ¼	31.5 acres	SW ¼ NW ¼	31.5 acres
SE ¼ NE ¼	31.5 acres	SE ¼ NW ¼	31.5 acres

Total 252 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Aryln & Rose Spindler, 14509 320th Ave, Hoven SD 57450 the holders and/or owners of Incorporated Water Right No. 6444-3 are issued a license to appropriate water, the right to use 3.80 cubic feet of water per second from ground water (6 wells – Bowdle Hoven North Aquifer) with priority dates of October 13, 1969 (2.00 cfs) and October 6, 2003 (1.80 cfs) from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 6444-3 and subject to 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.
- The wells authorized by Permit No. 6444-3 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. ***Well logs on file with the Water Rights Program.***
- Water Permit No. 6444-3 authorized a maximum diversion rate of 1.80 cubic feet of water per second (cfs) to irrigate 126 acres pursuant to the statutory limit of 1 cfs per 70 acres set forth in SDCL 46-5-6. ***Total authorized for the incorporated water license is 3.80 cfs (2.00 cfs from No. 1701-3 and 1.80 cfs from No. 6444-3).***
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

OCT 09 2013

date



FILE DOCUMENTATION

WATER LICENSE NO. 6444-3

DIVIDED AND REISSUED AS NO. 6444A-3 AND 6444B-3

On October 27, 2017, Robert Spindler filed an ownership change for a portion of the land described in the water right. Based on the ownership change, Water Right No. 6444-3 was divided and reissued to reflect separate ownership as follows:

- **No. 6444A-3, Arlyn & Rose Spindler, 14509 320th Ave, Hoven SD 57450** authorizing diversion of 1.80 cfs from 6 wells located in the NE ¼ Section 28, T121N, R74W to irrigate 126 acres located in the NW ¼ Section 28, T121N, R74W. A priority date of October 6, 2003 (specific to the NW 1/4 as outlined in No. 6444-3) was retained.
- **No. 6444B-3, Robert Spindler 89 4th Ave E, PO Box 274, Hoven SD 57450** authorizing diversion of 2.00 cfs from 6 wells located in the NE ¼ Section 28, T121N, R74W to irrigate the NE ¼ Section 28, T121N, R74W. A priority date of October 13, 1969, as established under No. 1701-3, was retained.