

**McMath, Genny**

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**From:** Gronlund, Eric  
**Sent:** Wednesday, October 25, 2017 10:33 AM  
**To:** McMath, Genny  
**Subject:** 6444-3, Spindler

Received a call from Rose Spindler.

They sold the NE  $\frac{1}{4}$  Section 28, T121N, R74W to their son. They continue to own the NW  $\frac{1}{4}$  of this section. Their son will be filing a transfer of ownership for the NE  $\frac{1}{4}$ .

I told her once we receive that the water right will be split proportionately into "A" & "B"

6444B-3

RECEIVED

OCT 27 2017

WATER RIGHTS  
PROGRAM

We need water right Permit Split and  
the one for Sec 28-121M-R74 E 1/4 to  
be transferred to Robert Spindler.

We will retain the rights for Sec 28-121-74 W 1/4

Thank You Spindler

Mail to: PMB 2020  
DENR - Water Rights Program  
523 E Capitol Ave  
Pierre, SD 57501-3182

Water Right/Permit No. 6444-3Date: 10-25-17

I/We request that Water Right/Permit No. 6444-3 formerly owned by: (1/2 half of Sec 28)  
Arlyn E Rose Spindler be transferred to:

New Owner Name: Robert SpindlerAddress: 89 4<sup>th</sup> Ave, East Box 274City, State, Zip: Hoven SDTelephone No. 605 948 2591

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

Sec 28-121 M R 74 E 1/4

☒ I understand that the validity of Water Right/Permit No. 6444-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Robert Spindler, 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.

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 27, 20 17

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

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 | 50    | 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. _____            |       |       |
| Fee for Filing Transfer Form _____ 6444-3                                                                      |       |       |
| 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 | 50 00 |

No. **08369**

By

Jeannine Goodness  
Chief Engineer

*gln*



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

NOV 17 2017

6444B-3

Robert Spindler  
PO Box 274  
Hoven SD 57450-0274

Dear Mr. Spindler:

Enclosed is your Reissued Water License No. 6444B-3.

Based on the ownership change you filed, Water Right No. 6444-3 was divided and reissued to reflect separate ownership as follows:

- **No. 6444A-3, Arlyn & Rose Spindler, 14509 320<sup>th</sup> 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.
- **No. 6444B-3, Robert Spindler 89 4<sup>th</sup> 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.

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 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**  
**REISSUED WATER LICENSE NO. 6444B-3**  
**(DIVISION OF WATER LICENSE NO. 6444-3 INTO NOS. 6444A-3 & 6444B-3)**

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(1) Arlyn & Rose Spindler, 14509 320<sup>th</sup> Ave, Hoven SD 57450 hold Water Right No. 6444-3 for a water right to divert 3.80 cubic feet of water per second (cfs) from ground water (6 wells – Bowdle Hoven North Aquifer), located in Walworth County, South Dakota for irrigation purposes. Water Right No. 6444-3, with priority dates of October 13, 1969 (2.00 cfs) and October 6, 2003 (1.80 cfs) authorizes irrigation of 252 acres located in the N ½ Section 28, T121N, R74W.

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 is being divided and reissued to reflect separate ownership as follows:

- **No. 6444A-3, Arlyn & Rose Spindler, 14509 320<sup>th</sup> 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) is retained.
- **No. 6444B-3, Robert Spindler 89 4<sup>th</sup> 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, is retained.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law and is entitled to divert 2.00 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 water right 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:

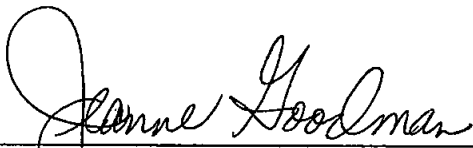
**Section 28, T121N, R74W**

|           |             |
|-----------|-------------|
| NE ¼ NE ¼ | 31.5 acres  |
| NW ¼ NE ¼ | 31.5 acres  |
| SW ¼ NE ¼ | 31.5 acres  |
| SE ¼ NE ¼ | 31.5 acres  |
| Total     | 126.0 acres |

(4) Pursuant to South Dakota Water Law 46-5-30.1 Robert Spindler 89 4<sup>th</sup> Ave E, PO Box 274, Hoven SD 57450 the holder and/or owner of Reissued Water Right No. 6444B-3 is issued a license to appropriate water, the right to use 2,00 cubic feet of water per second from ground water (6 wells – Bowdle Hoven North Aquifer) with a priority date of October 13, 1969 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 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. *The well logs are 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. *(This qualification was specific to the diversion rate applied to the NW ¼ Section 28, T121N, R74W now described in Water License No. 6444A-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

NOV 17 2017

date



Form 12

**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 320<sup>th</sup> 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.**

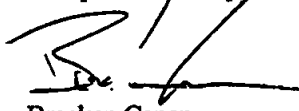
This breakdown of acres is a best estimate based on information provided and by viewing the 2012 FSA aerial using ArcMap.

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

**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**

