

WATER PERMIT NO. 6523-3

Name of Applicant: Arlyn & Rose Spindler

Address: 14509 320th Ave, Hoven SD 57450

Phone: 605 948-2464

Amount of Water Claimed: 2.0 cfs

Total Acres: 160

Source of Water Supply: groundwater (three wells)

Water to be used for: irrigation

County: Walworth

Type of Waste Disposal System:

Location: 3 miles north of Hoven

PRIORITY

Date Received: 7-8-04

Application/License Fee: \$300

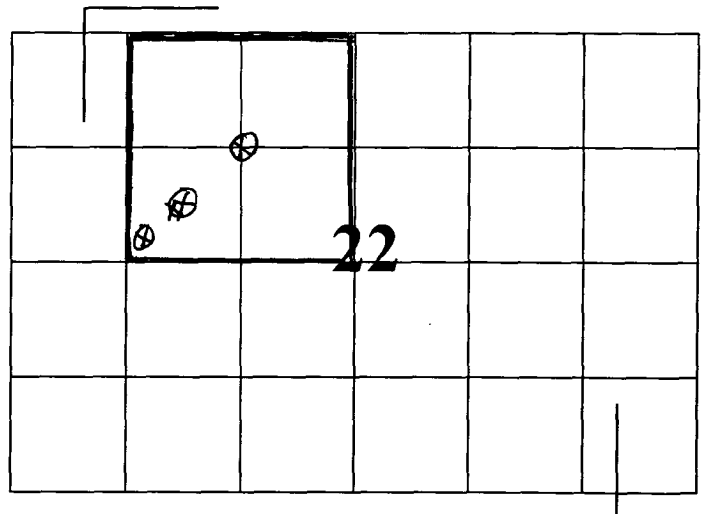
Corrected Application Received:

Period of Annual Use: June 1 – September 30

Remarks:

Diversion Point: NW ¼ Sec 22-T121N-R74W

Land to be Irrigated: NW ¼ Sec 22-T121N-R74W



Depth of Well: 50 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Devin Bachland, NRCS

Reviewed and the Number Assigned on: 7-8-04

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>65233</u> (office use only)
	Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Selby Record, Selby</u>

RECEIVED
JUL - 8 2004
WATER RIGHTS
PROGRAM

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.) _____

- Name of Applicant Arlene + Rose Spindler Phone 605 948-3464
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 14509 320th Ave Haven State SD 57450
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 3 wells in NW 1/4 of Sec. 22-121-74
County Walworth
- County or counties where water will be used Walworth
- Annual period during which water is to be used June 1 - Sept 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 of NW 1/4 Sec. 22-121-74	40		
SE 1/4 of NW 1/4 Sec. 22-121-74	40		
SW 1/4 of NW 1/4 Sec. 22-121-74	40		
NE 1/4 of NW 1/4 Sec. 22-121-74	40		

- Give a description of the project. (Attach sheet if more space is needed)
We would like to dig 3 wells to irrigate dry land.
We know there's water on this quarter of land.

STATE OF SOUTH DAKOTA)
County of Walworth SS

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 7 day of July 20 04

Connie C. Farney
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6523-3**

Date of first receipt of application July 8, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6523-3 to Arlyn & 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. 6523-3 appropriates 2.0 cubic feet of water per second from three wells to be completed into the Bowdle:Hoven North Aquifer (approximately 50 feet deep) located in the NW ¼ Section 22 to irrigate 160 acres located in the NW ¼ Section 22; all in T121N-R74W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – September 30.
3. The date from which applicant may claim right is July 8, 2004.
4. The date of approval of Permit No. 6523-3 is October 18, 2004.
5. One-fifth of the construction is to be completed on or before April 18, 2007.
6. All construction is to be completed on or before October 18, 2009.
7. Water is to be put to beneficial use on or before October 18, 2013.
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. 6523-3 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. The wells authorized by Permit No. 6523-3 must be located at least 1,320 feet from the existing wells on neighboring property.
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

NOV 19 2004

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12" Depth 50'
- b) Casing Type plastic Diameter 8" Thickness 1/4"
- c) Screen Type Stainless Steel Diameter 8" Thickness 1/4"
- d) Gravel Pack pea rock Length of Gravel Pack 40 ft
- e) Depth to Top of Water Bearing Material 10 ft
- f) Depth to Water (ground surface to water level) 18 ft
- g) Distance to nearest existing domestic well:
- On applicants property 1/4 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 _____

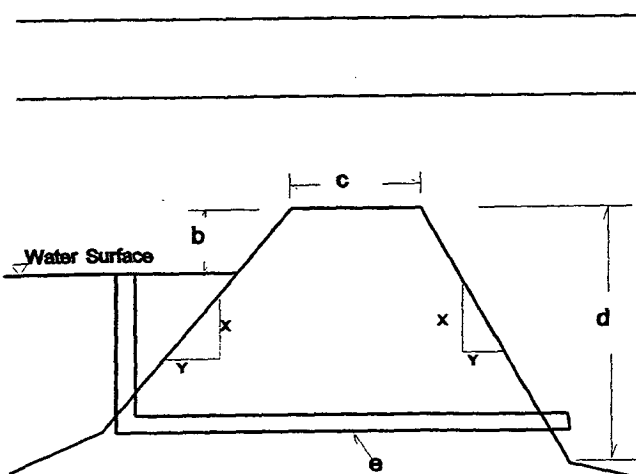
3. Dugout Information

- 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 July 8, 20 04

RECEIVED OF Arlyn or Rose Spindler, 14509 320th Ave, River SD 57450

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

Fee for Application for Permit No. <u>6523-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6523-3</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	300.00

No.

000000

By

Darland Ebel

Chief Engineer

gm

Verin Bag

NOT TO SCALE

121-74

158.3

818 T1385

138.9

7.0 T1147

well No3

well No2

well No1

2

22

157.6

152.4

T1150

121-74

REPORT ON WATER PERMIT APPLICATION NO. 6523-3
For Arlyn and Rose Spindler
August 24, 2004

Application No. 6523-3 proposes to appropriate 2.0 cfs (898 gpm) from three wells approximately 50 feet deep located in the NW ¼ of section 22 to irrigate 160 acres located in the NW ¼ of section 22; all in T121N R74W in Walworth County.

AQUIFER – BOWDLE HOVEN NORTH (B-HN)

The Bowdle Hoven North aquifer is a surficial outwash (sand and gravel) that is under water table conditions in this area. 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 (approximately the southern half of the Bowdle aquifer as described by Kume) underlies 10,900 acres and contains an estimated 24,000 acre-feet of recoverable water in storage (Hedges, 1982). This aquifer extends into Edmunds County to the east and into Potter County to the south. Ground water movement is from east to west across the area of this application (Kume, 1987).

No test wells were drilled for this application. This application was evaluated based upon observation wells in the area, test drilling for the county study and existing irrigation and domestic wells in the area. It is likely that the aquifer underlies this site however the saturated thickness of the aquifer is the real question. Because the aquifer is thin there is the likelihood that three or more wells may be necessary to provide sufficient water for a 132 acre center pivot system. Test drilling and actual production testing is needed to further evaluate this area.

Recharge to the aquifer has been estimated to be 2.2 inches per year (Hedges, 1983). This equates to an annual volume of about 2,000 acre-feet. Reported irrigation useage for the aquifer was 624 acre-feet in 2002 and 787 acre-feet in 2003. The report for 2003 appears to be significantly over reported. This permit application plus the two new permits issued in the last year will probably double the existing water useage. In theory this would still leave some water available for appropriation.

The Water Rights Program monitors four observation wells completed into the Bowdle Hoven North aquifer and within a two mile radius of this application. Two of these observation wells WL-58B and WL-75W are located within one mile of this application. Water levels for these wells all show the same characteristics. Water levels rise during wet years (recharge) and gradually decline over the dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2004). Hydrographs for observation wells WL-58B, WL-75W, WL-76R and WL-75V are included with this report.

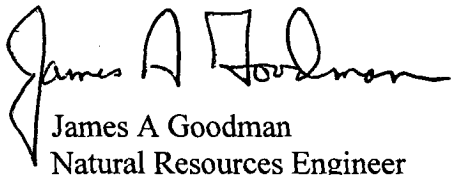
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water rights Nos. 2719-3 and 1701-3 and two existing water permit Nos. 6444-3 and 6467-3 within a two mile radius of this application. Water Right No. 2719-3 and water permit No. 6467-3 are located in adjacent section quarters to this application. The nearest well of the three proposed for this application would be about 1,320 feet from the closest existing well. Interference should not be a concern.

Drawdown created by pumping typically does not extend very far from a production well in this geohydrologic scenario. Care should be taken to minimize any potential impact on existing wells by spacing these proposed wells at least 1,320 feet apart. Wells for an individual permit can be closer together because that is an economic decision based upon pipeline lengths and pumping costs.

CONCLUSIONS

1. Water is available from the Bowdle Hoven North aquifer.
2. The aquifer is under water table conditions. Drawdown created by pumping is not significant. This is shown by the observation well hydrographs. Interference is not expected to be a problem.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Test holes were not drilled for this application. The proposal is for three wells. In order to prevent the perception of interference these wells should be spaced at least 1,320 feet from existing wells. The sites as depicted upon the map submitted with the application should be acceptable.
5. Historically there was an irrigation permit No. 2899-3 that applied for the same land as this application that was denied by the Water Right Commission (now the Water Management Board). This permit was denied because of concern over water availability, numerous complaints and low water levels.
6. In general, the water levels have been unusually high during the last ten to 15 years. In fact, the water level record indicates that water levels at present are four to six feet above the levels during the late 1970's and early 1980's. The point is that water levels can be expected to decline again due to drought to those low levels. When that occurs, it will become even more difficult for these shallow wells to produce the amount of water needed. This would not be a well interference problem but a saturated thickness problem related to the drought.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

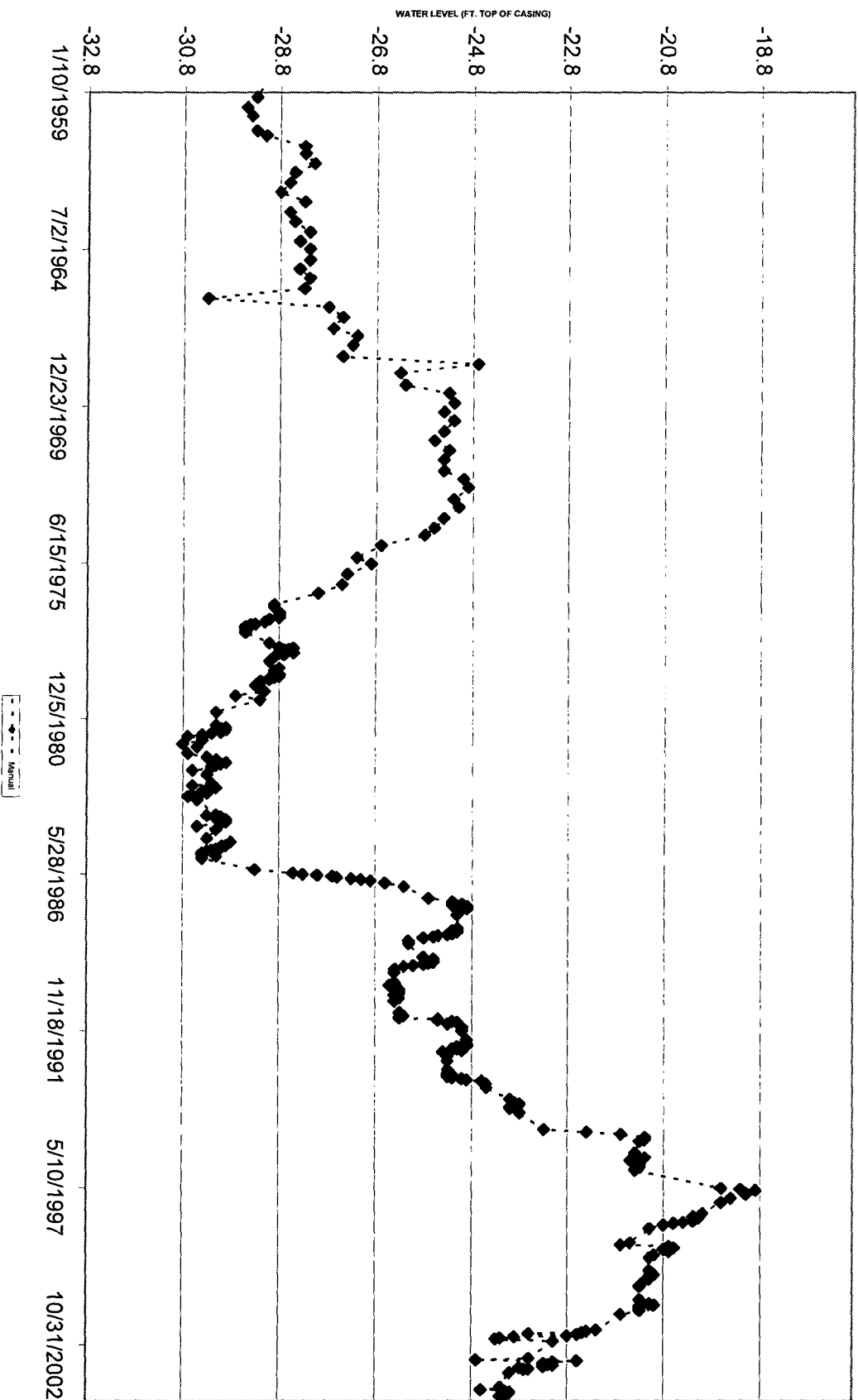
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

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.

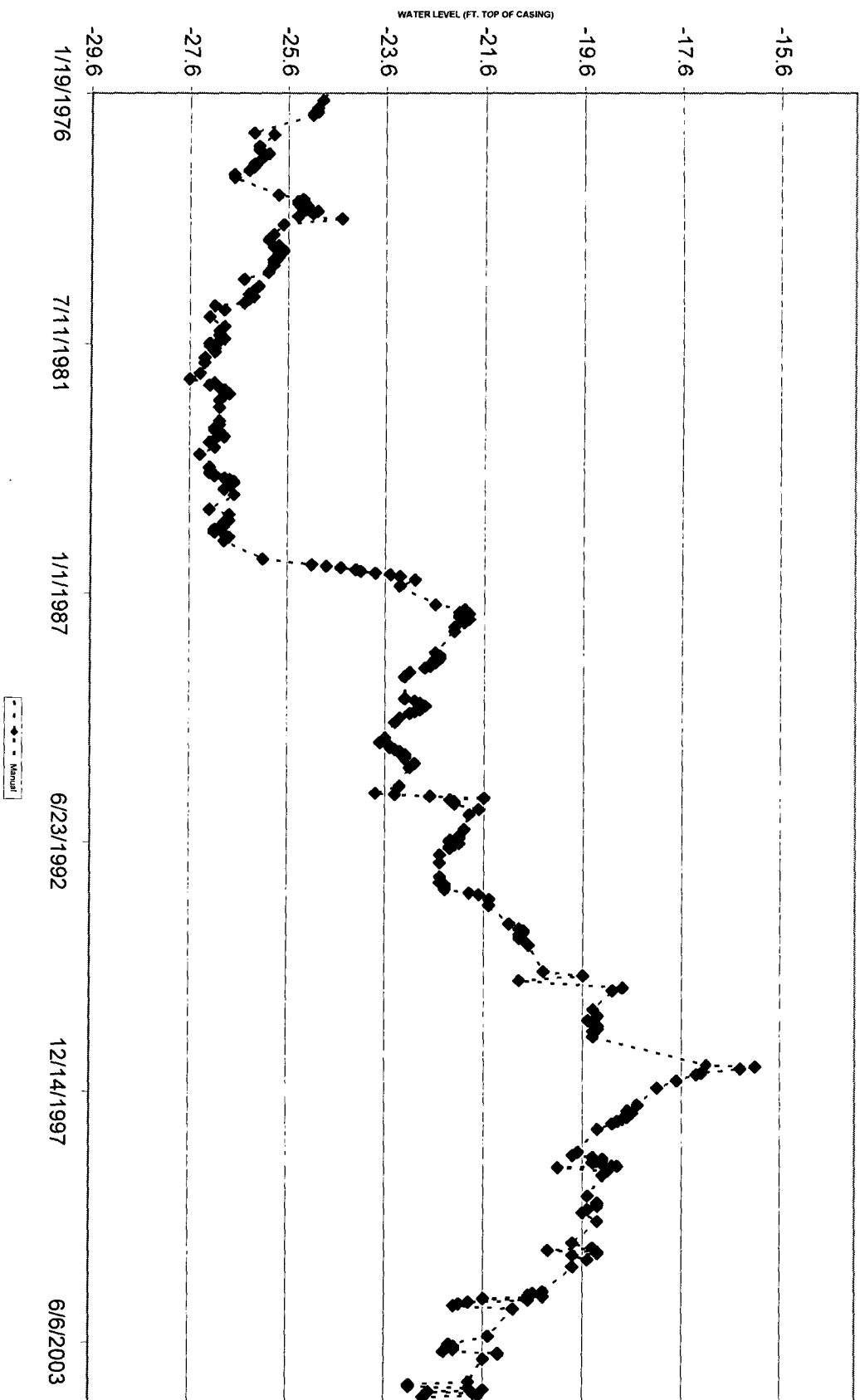
Kume, J., L.Howells, 1987, Water Resources of Walworth County, South Dakota, WRI 85-4015, USGS, Huron, SD, 57350.

Water Rights, 2004, Unpublished Observation Well Data for Walworth County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

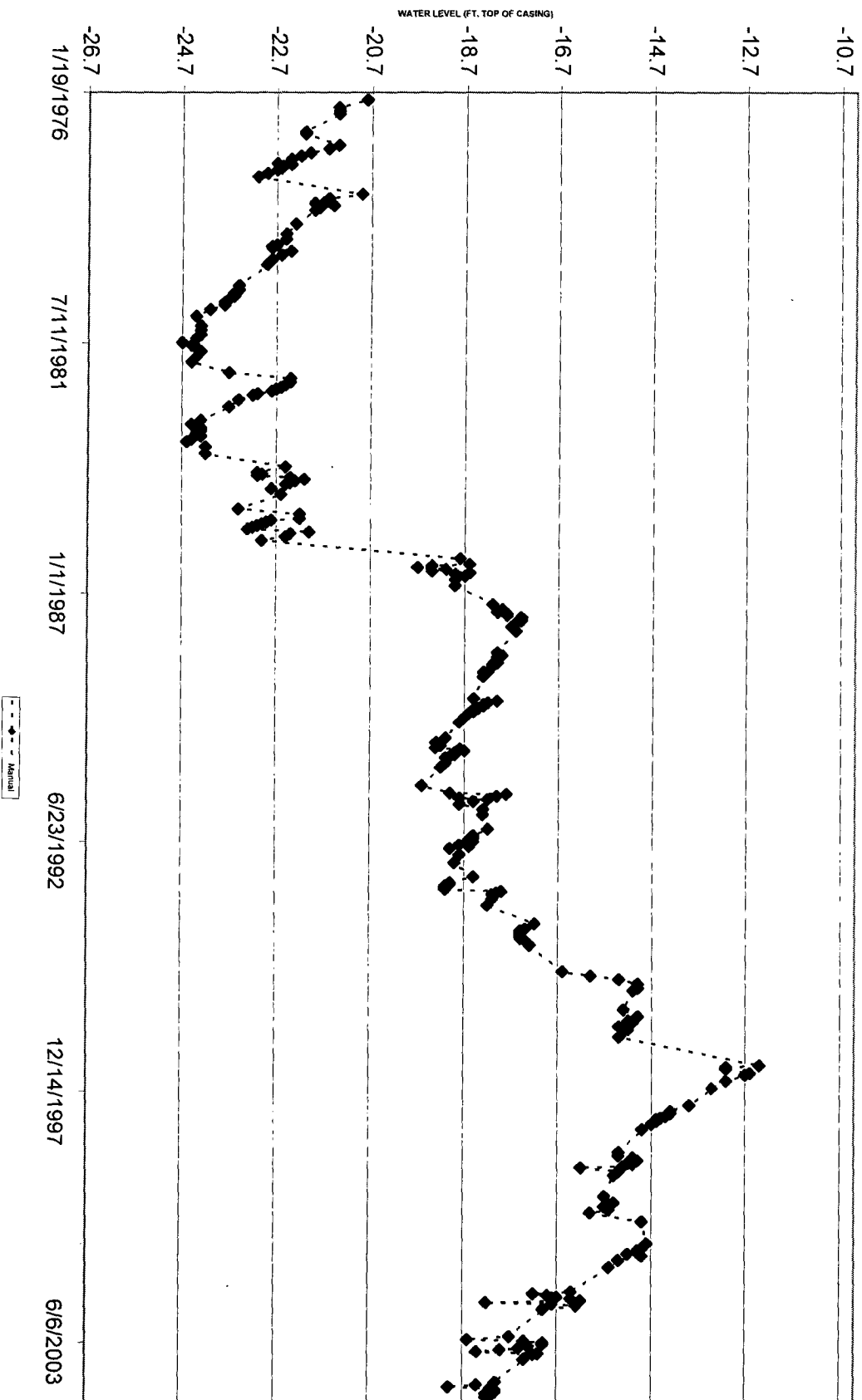
WATER RIGHTS' OBSERVATION WELL
WL-58B



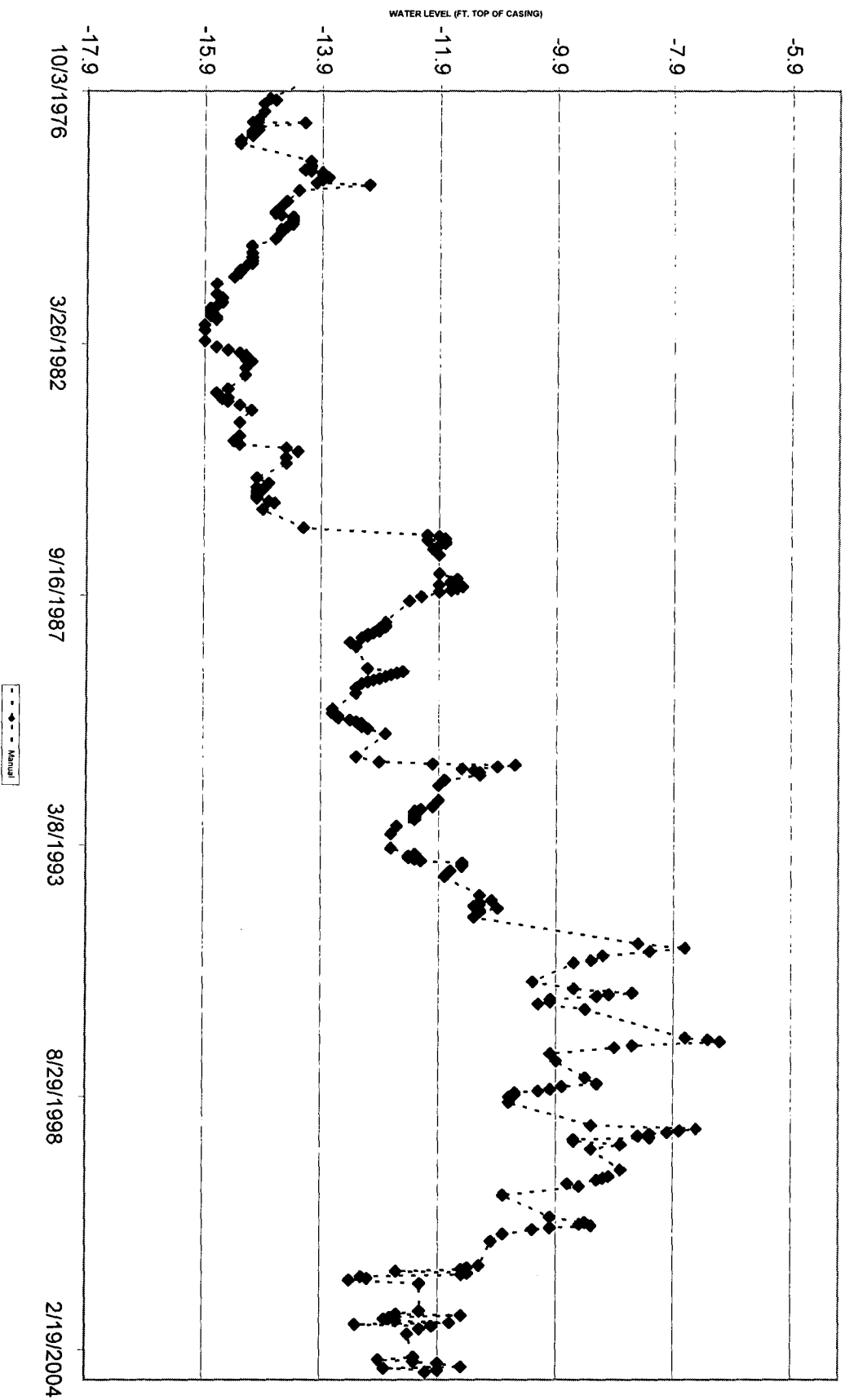
WATER RIGHTS' OBSERVATION WELL
WL-75W



WATER RIGHTS' OBSERVATION WELL
WL-75V



WATER RIGHTS' OBSERVATION WELL
WL-76R





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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. 6523-3, 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. 6523-3, Arlyn & Ros Spindler, 14509 320th Avenue, Hoven SD 57450.

The Chief Engineer is recommending APPROVAL of Application No. 6523-3 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. 6523-3 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. The wells authorized by Permit No. 6523-3 must be located at least 1,320 feet from the existing wells on neighboring property.
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
September 21, 2004

OK

Affidavit of Publication

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF WALWORTH)

I, Sandy Bond, being first duly sworn under oath say: the Selby Record/continuing the Java Herald is a legal weekly newspaper of general circulation as required by South Dakota Codified Laws, and any acts amendatory thereto, published by Sharon Wolff in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper, I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice - Spindler

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

2 successive weeks upon the following dates, to wit:

<u>9-30</u> , 2004	<u>2004</u>
<u>10-7</u> , 2004	<u>2004</u>
<u> </u> , 2004	<u>2004</u>
<u> </u> , 2004	<u>2004</u>

That the full amount of the fees charged for publishing the same to wit: the sum of \$ 33.40

inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

X Sandy Bond
Sharon Wolff

Subscribed and sworn to before me this 7 day of Oct, 2004

My Commission expires: 10-29-04

LEGAL NOTICE

NOTICE OF APPLICATION NO. 6523-3 TO APPROPRIATE WATER

Notice is given that Arlyn & Rose Spindler, 14509 320th Ave., Hoven SD 57450 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from three wells to be completed into the Bowdle:Hoven North Aquifer (approximately 50 feet deep) located in the NW1/4 Section 22 to irrigate 160 acres located in the NW1/4 Section 22; all in T121N-R74W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6523-3 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 application 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 application 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 October 18, 2004.

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. Pirmer, Secretary, Department of Environment and Natural Resources.

Published in the Selby Record September 30 and October 7, 2004.

RECEIVED
SEP 30 2004
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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.

September 22, 2004

Arlyn & Rose Spindler
14509 320th Ave
Hoven SD 57450

Dear Mr. & Mrs. Spindler:

Water Permit Application No. 6523-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice 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 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. 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 September 30, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6523-3 to Appropriate Water

Notice is given that Arlyn & Rose Spindler, 14509 320th Ave, Hoven SD 57450 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from three wells to be completed into the Bowdle:Hoven North Aquifer (approximately 50 feet deep) located in the NW ¼ Section 22 to irrigate 160 acres located in the NW ¼ Section 22; all in T121N-R74W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6523-3 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 October 18, 2004.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 22, 2004

Selby Record
PO Box 421
Selby SD 57472-0421

ATTENTION: Legal Public Notice

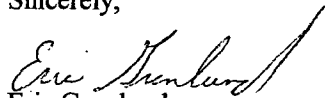
Enclosed is a Notice on Application No. 6523-3 to Appropriate Water to be published twice. Please publish the first notice on September 30, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 (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. 6523-3

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

Date _____

We are in receipt of your letter of September 22, 2004 enclosing Notice to Appropriate Water by Application No. 6523-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



NOV 19 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Arlyn & Rose Spindler
14509 320th Ave
Huron SD 57450

Dear Mr. & Mrs. Spindler:

Enclosed is Water Permit No. 6523-3 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

On the water permit No.
6523-3 we would like to have
permission to dig a 4th well. We
can get by with 3 but would
be more efficient with 4.

Thanks

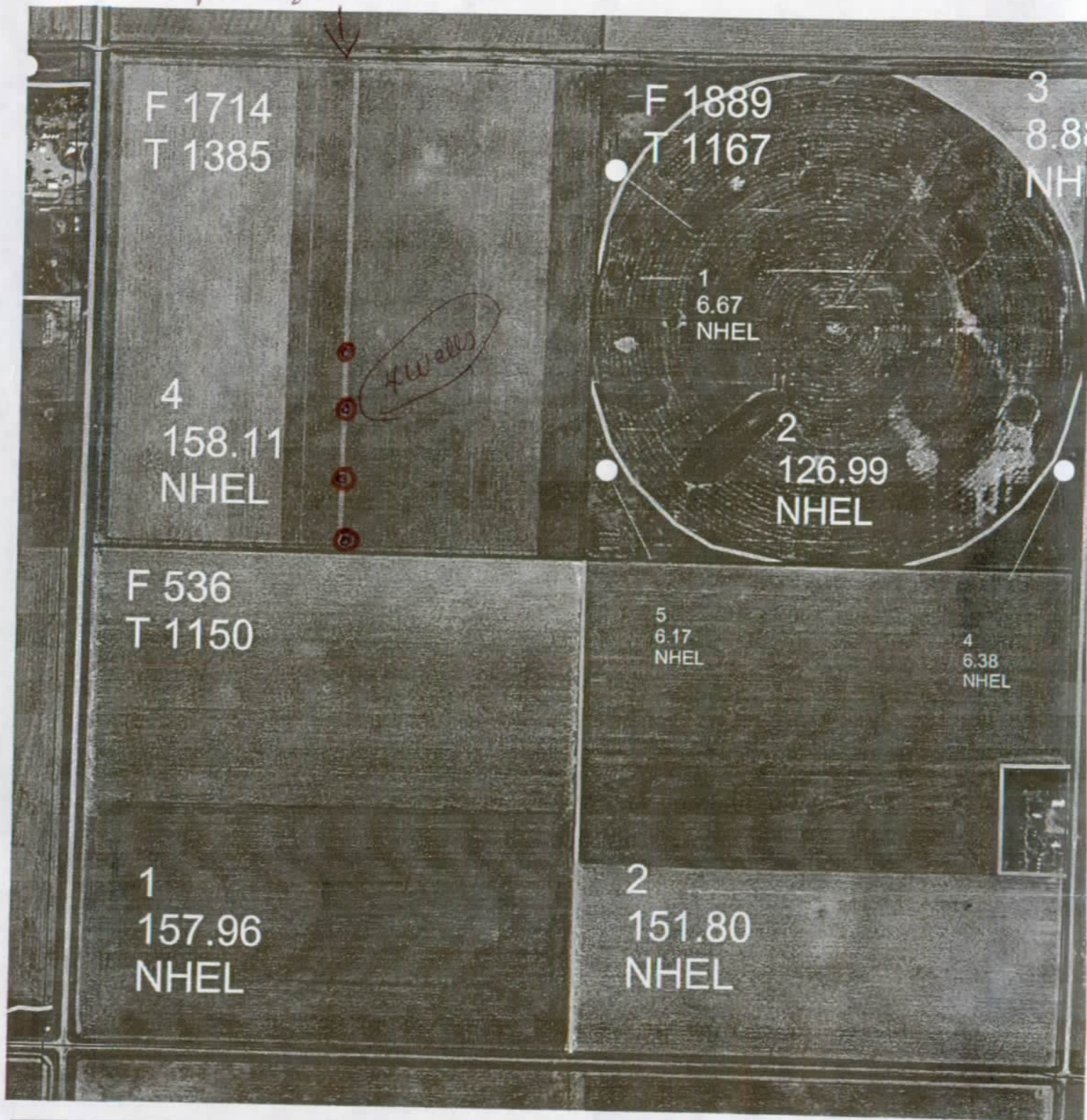
Rene Spindler

RECEIVED

MAR - 8 2005

WATER RIGHTS
PROGRAM

4 points of diversion



Map Not to Scale
No Official Wetland Determination

Walworth County, South Dakota

Sec-Twp-Rng: 22-121N-74W

Map Printed: Sep 28, 2004



Approval of Additional Diversion Point

NAME: Aryln & Rose Spindler**ADDRESS:** 14509 320th Avenue, Hoven SD 57450**DATE:** March 17, 2005**COUNTY:** Walworth**TELEPHONE:**

Rose Spindler has made a request to construct an additional well for irrigation of land authorized by Water Permit No. 6523-3.

Water Permit No. 6523-3 appropriates 2.0 cubic feet of water per second from three wells to be completed into the Bowdle:Hoven North Aquifer (approximately 50 feet deep) located in the NW ¼ Section 22 to irrigate 160 acres located in the NW ¼ Section 22; all in T121N-R74W. The water permit bears a priority date of July 8, 2004.

Mrs. Spindler request is for an additional well located in the S ½ NW ¼ of Section 22, T121N, R74W. The request states that the system can operate more efficiently with 4 wells.

Based on the map submitted with the request the wells are constructed in a straight line from the center of the NW ¼ of Section 22 in a southern direction to east-west quarter line for Section 22.

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 same as permitted source and no additional water appropriated**

The water source remains the Bowdle:Hoven North Aquifer. No additional water is to be appropriated by this request. A new water permit is necessary for an additional appropriation of water if the diversion rate exceeds the 2.0 cfs authorized by Water Permit No. 6523-3.

- **If irrigation, no new land is irrigated**

No additional land is to be irrigated above the 160 acres authorized by Water Permit No. 6523-3. This request is solely to authorize an additional well.

- **Review of Existing Diversions**

A review of diversions within a one mile radius of the additional well was conducted. There are four water rights for irrigation within a one mile radius of Permit No. 6523-3. Two of these water rights are held by the Spindlers. Robert Spindler holds Water Right No. 2719-3 located in the adjoining quarter in the NE ¼ of Section 22. Wayne and Jerad Simon obtained Water Permit No. 6550-3 in January 2005 for irrigation from six wells to irrigate the SE ¼ Section 15 and the SW ¼ Section 14 which are to the north of Permit No. 6523-3. Three wells are to be located in each quarter section under this water permit.

The expected production from wells in this aquifer is relatively low which requires a number of wells to supply a center pivot. The wells authorized by Water Permit No. 6550-3 are in the process of being developed. This aquifer is under water table condition in this area. Pumping is not expected to create significant drawdown.

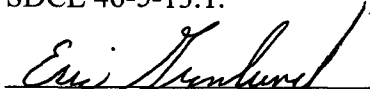
A review of the well log database was also conducted in sections adjacent to Section 22. Four domestic wells were found constructed into the Bowdle:Hoven North Aquifer. The nearest domestic well is located approximately one half mile away from the wells authorized by this permit and this domestic well is owned by the Spindlers. The nearest domestic well owned by someone else is located approximately 1 ½ miles away in the NE ¼ NE ¼ of Section 15. This review of database records does not include well reports that were not filed nor does it provide an indication whether the domestic wells are still in use.

- **Past Decisions from the Bowdle:Hoven North Aquifer**

The Water Rights Commission (predecessor to the Water Management Board) denied a number of permits in this area in 1981. This included denying a permit application for Spindlers for the land now authorized by Permit No. 6523-3. The Board actions back in 1981 were because of perceived water problems in the area at that time.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the additional diversion point be authorized pursuant to SDCL 46-5-13.1.



Eric Gronlund, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This additional diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



6523-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 5, 2005

Rose Spindler
145089 320th Avenue
Hoven SD 57450

Dear Mr. and Mrs. Spindler:

I am writing in regard your request to authorize an additional well to the irrigation system in Walworth County.

Water Permit No. 6523-3 appropriates 2.0 cubic feet of water per second from three wells to be completed into the Bowdle:Hoven North Aquifer (approximately 50 feet deep) located in the NW ¼ Section 22 to irrigate 160 acres located in the NW ¼ Section 22; all in T121N-R74W. The water permit bears a priority date of July 8, 2004.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional well is authorized without application or publication of a notice of hearing. The additional well is to be located in the S ½ NW ¼ Section 22, T121N, R74W

No additional appropriation above the 900 gpm authorized by Water Right No. 6523-3 is allowed. If the combined diversion rate from the four wells exceeds 900 gpm, a new water permit must be obtained. The qualifications to Permit No. 6523-3 still apply. This included the condition that the wells must be located at least 1,320 feet from existing wells on neighboring property.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

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

Date 5-19-05

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

RECEIVED
MAY 23 2005
WATER RIGHTS
PROGRAM

FROM:

Spindler Farms
(name)14509 320 Ave
(address)Hoven SD 57450
(city, state, zip)605-948-2464
(phone)

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

Water Permit No. 6523-3 states that the water use system is to be constructed by

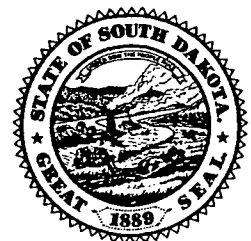
Oct 18 2009, and water is to be put to beneficial use by Oct 18 2013
(date) (date)

The water use system was completed on May 18 2005
(date)

Applying the water to beneficial use was completed on May 19 2005
(date)

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

Gale Spindler
(signature)





6523-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 2, 2005

1701-3
6523-3

Arlyn & Rose Spindler
14509 320th Ave
Hoven SD 57450

Dear Mr. & Mrs. Spindler:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. Two of the forms I am returning to you for completion. In order for the questionnaires to be considered complete, the back side also needs to be filled out.

Please include the number of acres, pump rate (in gallons per minute), days per month and hours per day the system(s) was running. The information is important to us in calculating how much water was used from a specific source.

Please complete the forms and return them to us by **December 2, 2005**. Thank you in advance for your help. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

Permit No. 6523-3
Hoven North - Water District

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

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

I have this day, October 30, 2006, made a thorough examination of the water use system constructed by Arlyn and Rose Splinder of 14509 320th Ave., Hoven, SD 57450 holder of Permit No. 6523-3 bearing the priority of July 8, 2004 authorizing the diversion of 2.0 cu. ft. per second of the waters of Bowdle:Hoven North Aquifer for Irrigation purposes, in Walworth County.

Inspection contact & relationship **Arlyn and Rose Splinder 948-2464**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells 4
- 3) Depth(s) Approximately 50 feet
- 4) Well log is available N
- 5) Comment: Well logs are not available. The information for the wells in this report is from Form 2A which was provided by the applicant with the application and information on the WR-info database..

Casing:

- 1) Diameter 12 inches
- 2) Length unknown feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length unknown feet
- 3) Static water level 18 feet

Pump:

- 1) Make (All 4 pumps are identical) Grundfos submersible
- 2) Model 2305-3
- 3) Size 10 hp

- 4) Capacity 200 GPM

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Number of towers 7
- 3) End gun Y
- 4) High or low pressure Low

Chemigation Equipment:

- 1) Does chemigate? N

C. Compliance with Permit Requirements:

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

The system is in good condition with the point(s) of diversion located as follows:

All well locations are from the NW corner of Section 22-T121N-R74W

Well 1: Approximately 1380 feet south and 1315 feet east. (N 45.28507, W -99.76635)

Well 2: Approximately 1650 feet south and 1610 feet east. (N 45.28562, W -99.76511)

Well 3: Approximately 1830 feet south and 1275 feet east. (N 45.28434, W -99.76527)

Well 4: Approximately 1570 feet south and 1010 feet east. (N 45.28487, W -99.76403)

The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for Irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

All in Section 22-T121N-R74W

NW ¼ NW ¼-34 acres

NE ¼ NW ¼-34 acres

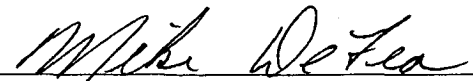
SW ¼ NW ¼-34 acres

SE ¼ NW ¼-34 acres

comprising a total of 136 acres of land and the license should be issued for 1.78 cfs.

All structures, wells and lands on map Y

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


Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **January 8, 2007**

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6523-3

(1) Arlyn & Rose Spindler, 14509 320th Ave, Hoven SD 57450 made Application No. 6523-3, July 8, 2004 for a water permit to divert 2.00 cubic feet of water per second from ground water (three wells – Bowdle: Hoven North Aquifer), Walworth County, South Dakota for irrigation purposes. Permit No. 6523-3, with a priority date of July 8, 2004 was approved October 18, 2004 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before October 18, 2009 and for the application to beneficial use of water on or before October 18, 2013.

In March 2005, the permit holders requested an additional well to make the system run more efficiently. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer authorized the additional well and made a finding that the additional diversion point did not increase the potential for adverse effects to existing diversions. The authorization did not allow for an increase in the permitted diversion rate or acres irrigated.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on May 23, 2005. The "*Notice*" stated the water use system was completed on May 18, 2005 and the water placed to beneficial use on May 19, 2005.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Arlyn & Rose Spindler, 14509 320th Ave, Hoven SD 57450 the holders and owners of Water Right No. 6523-3 are issued a license, bearing a priority date of July 8, 2004 to appropriate 1.78 cubic feet of water per second from ground water (four wells – Bowdle:Hoven North Aquifer) to irrigate 136 acres.

The diversion points are located as follows:

- Well #1** – 1,380 feet south and 1,315 feet east of the NW corner Section 22, T121N, R74W (SW ¼ NW ¼)
Well #2 – 1,650 feet south and 1,610 feet east of the NW corner Section 22, T121N, R74W (SE ¼ NW ¼)
Well #3 – 1,830 feet south and 1,275 feet east of the NW corner Section 22, T121N, R74W ((SW ¼ NW ¼)
Well #4 – 1,570 feet south and 1,010 feet east of the NW corner Section 22, T121N, R74W (SW ¼ NW ¼)

The acres authorized for irrigation are as follows:

Section 22, T121N, R74W	
NW ¼ NW ¼	34 acres
NE ¼ NW ¼	34 acres
SW ¼ NW ¼	34 acres
SE ¼ NW ¼	34 acres
Total	136 acres

continued

Page 2

Water License No. 6523-3

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6523-3 including the following qualifications:

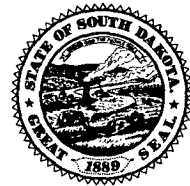
- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 6523-3 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) from the producing formation to the surface pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

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

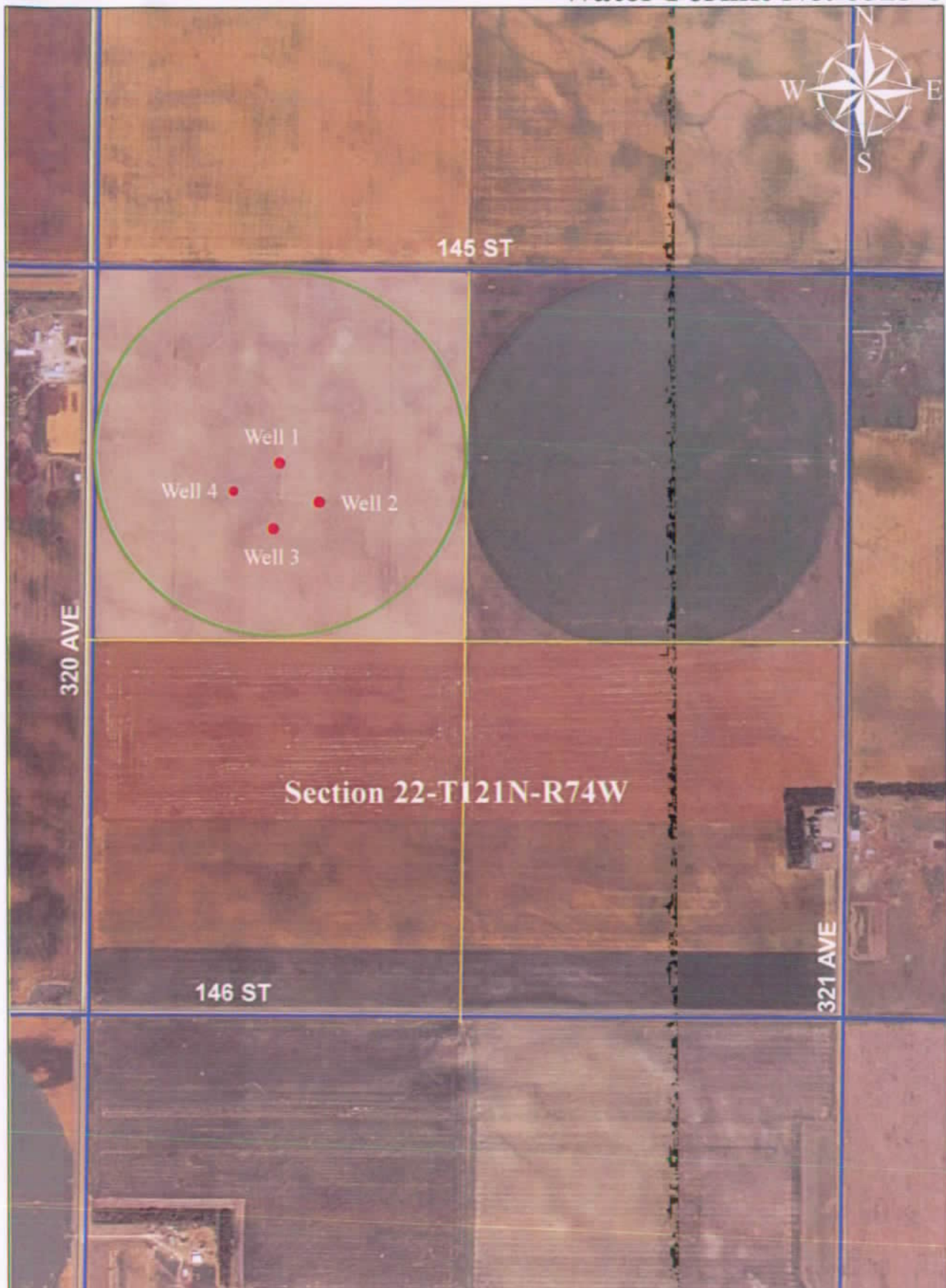
APR 20 2007

date



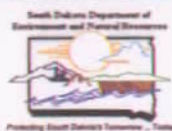
Arlyn & Rose Spindler
14509 320th Ave
948-2464

Water Permit No. 6523-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
January 8, 2007



0 360 720 1,440 2,160 2,880 Feet



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 20 2007

6523-3

Arlyn & Rose Spindler
14509 320th Ave
Hoven SD 57450

Dear Mr. & Mrs. Spindler:

Enclosed is Water License No. 6523-3. This is the final water right document completing your process of obtaining a Water Right. Also included is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well(s) authorized by Water Right No. 6523-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures