

WATER PERMIT NO. 6540-3

Name of Applicant: **Roger Mohr**

Address: **16416 459 Ave, Watertown SD 57201**

Phone: **605 886-6657**

Amount of Water Claimed: **2.22 cfs**

Total Acres: **160 acres**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Codington**

Type of Waste Disposal System:

Location: **10 miles northeast of Watertown**

PRIORITY

Date Received: **9-21-04**

Application/License Fee: **\$300**

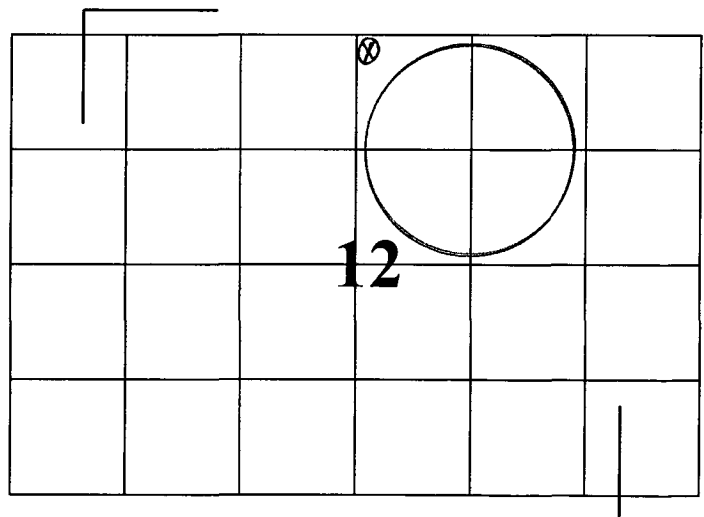
Corrected Application Received:

Period of Annual Use: **April 1 – November 1**

Remarks:

Diversion Point: **NW ¼ NE ¼ Sec 12-T118N-R52W**

Land to be Irrigated: **NE ¼ Sec 12-T118N-R52W**



Depth of Well: **67 feet**

Well Driller: : **Kaiser Well Drilling, Inc.**

Remarks:

Type of Map: **aerial**

Prepared by: **W. Stanley Lamb, CD Co FSA**

Reviewed and the Number Assigned on: **9-21-04**

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>2540-3</u> (office use only)
	Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Public Opinion, Watertown SD</u>

RECEIVED
SEP 21 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.) _____

1. Name of Applicant ROGER MOHR Phone 605-886-6657
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 16416 459 AVE WATERTOWN State SD 57201
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 2.2 *CFS or 1000 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply 1 WELL - ground water
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in NW corner of NE 1/4 - 12 - 118 - S2 (NW 1/4 NE 1/4)
County CODINGTON
5. County or counties where water will be used CODINGTON
6. Annual period during which water is to be used APR 1 - NOV 1
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 of NE 1/4 12-118-S2	40		
NW 1/4 of NE 1/4 12-118-S2	40		
SE 1/4 of NE 1/4 12-118-S2	40		
SW 1/4 of NE 1/4 12-118-S2	40		

8. Give a description of the project. (Attach sheet if more space is needed)
water to supply 1 circle pivot to increase my yields & guarantee me a crop

STATE OF SOUTH DAKOTA) SS
County of Codington

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, Roger Mohr, 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 Roger Mohr
Subscribed and sworn to before me this 20th day of September 20 04

Sarah Hansen 1-31-05
Notary Public signature

**SOUTH DAKOTA
TEMPORARY USE
WATER PERMIT NO. 6540-3 FOR IRRIGATION**

Date of first receipt of application September 14, 2004.

The Water Management Board approved Temporary Use Water Permit No. 6540-3 on May 4, 2005 for Roger Mohr, 16416 459th Ave, Watertown SD 57201 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. Temporary Use Water Permit No. 6540-3 appropriates 2.23 cubic feet of water per second from one well to be completed into the Big Sioux:North Aquifer (approximately 80 feet deep) located in the NW ¼ NE ¼ Section 12 to irrigate 160 acres located in the NE ¼ Section 12; all in T118N-R52W.
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 – November 1.
3. The date from which applicant may claim right is September 14, 2004.
4. One-fifth of the construction is to be completed on or before November 4, 2007.
5. All construction is to be completed on or before May 4, 2010.
6. Water is to be put to beneficial use on or before May 4, 2014.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

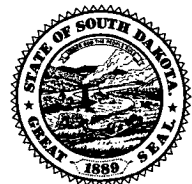
QUALIFICATIONS

1. The city of Watertown has priority right to this water under future use withdrawal permits. This permit is issued as a temporary use permit pursuant to SDCL 46-5-39 and is subject to Watertown's prior rights if or when the city develops the reserve water supply. This permit may be subject to cancellation when the city puts to beneficial use water reserved by their future use permit. The Chief Engineer must provide the permit holder six months notice prior to cancellation of this temporary use permit.
2. The well 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.
3. The well authorized by Temporary Use Permit No. 6540-3 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.
4. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
5. 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

JUL 11 2005
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18" Depth 80'
- b) Casing Type PLASTIC Diameter 12" Thickness Sch 40
- c) Screen Type plastic Diameter 12 Thickness Sch 40
- d) Gravel Pack Red Flint 1/4 X 1/8 Length of Gravel Pack 21'
- e) Depth to Top of Water Bearing Material 23
- f) Depth to Water (ground surface to water level) FLOWING WELL
- g) Distance to nearest existing domestic well:
On applicants property 2000' On property owned by others 1600'

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 _____

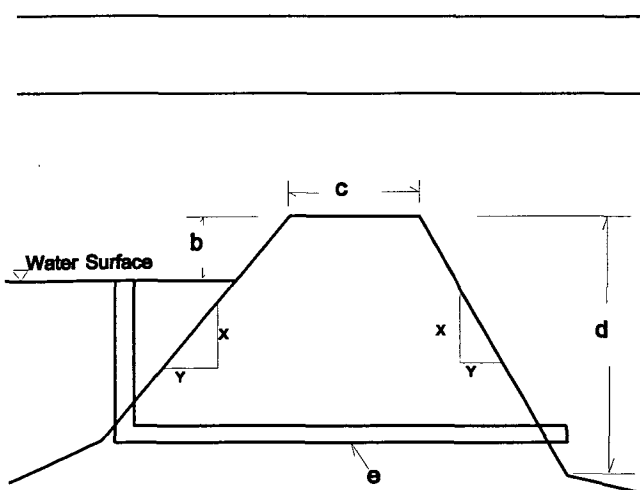
3. Dugout Information

- 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 SEPTEMBER 21, 20 04

RECEIVED OF ROGER D MOHR, 16146 459TH AVE., WATERTOWN SD 57201

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

Fee for Application for Permit No. <u>6540-3</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>6540-3</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.

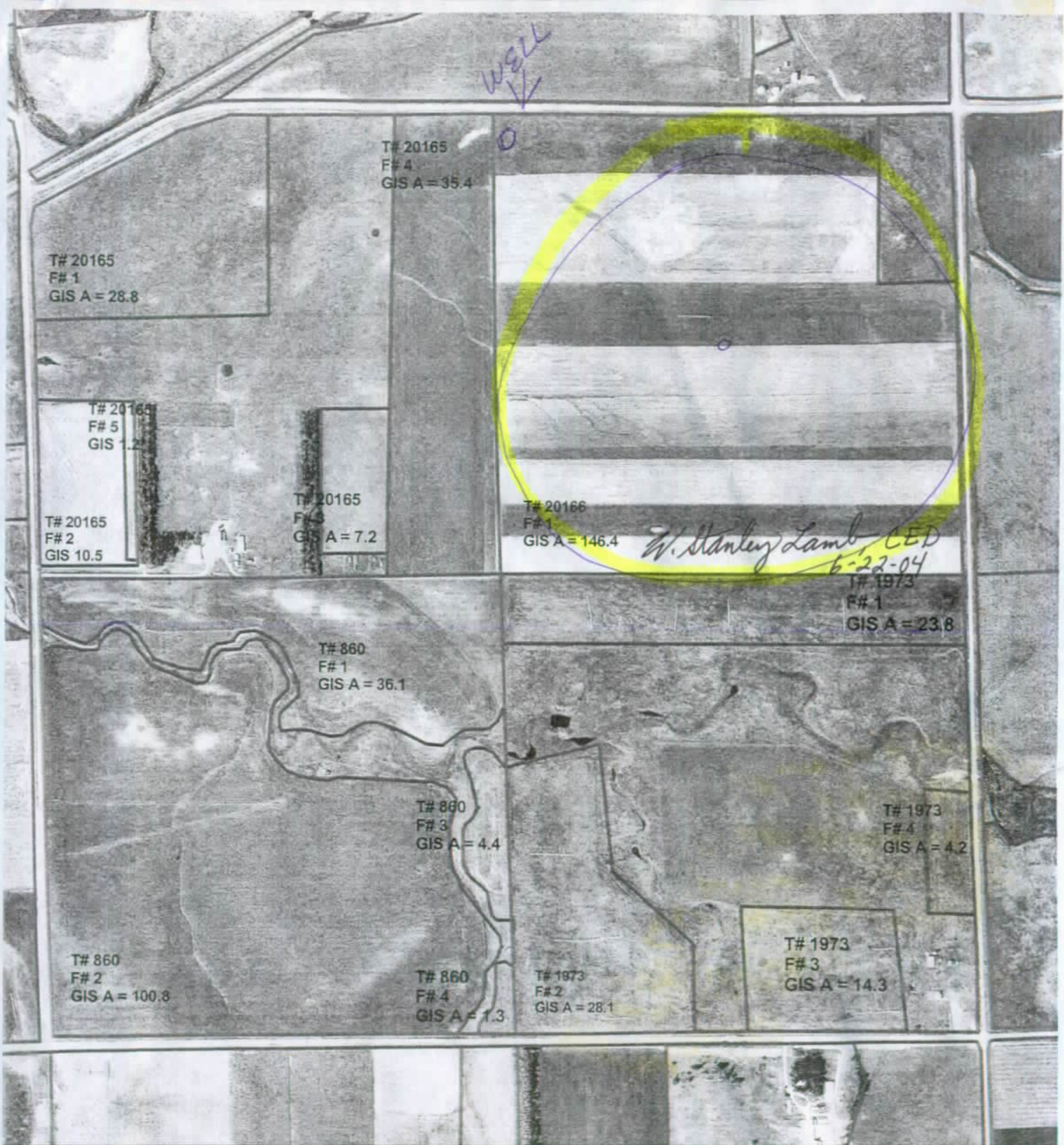
001-001

By

Darland Ebele

Chief Engineer

gm



United States Department of Agriculture
Farm Service Agency

12-118-52

December 8, 2003

Codington County

1997 Digital Orthophotography - Not To Scale



6540-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

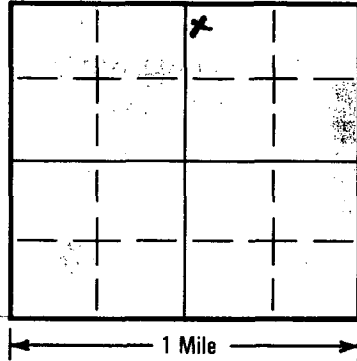
Location NW 1/4 NE 1/4 Sec 12 Twp 118 Rg S 2
 County Codington North

Please mark well location with an "X"

W

E

Well Completion Date

5/18/04

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Direct RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>3.41</u> LB/FT	<u>4</u> IN	<u>4' 4 1/2</u> FT	<u>52</u> FT	<u>8 1/4</u> IN
<u>3.41</u> 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>10</u>	<u>94</u> lb./gal	<u>0</u> ft	<u>52</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pressure pull methodSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4 IN Length 20 FEETMaterial plasticSlot Size 1035 Set From 52 Feet to 72 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? And from tankDescribe packer(s) and location? 10 Sumps

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: HTH tablets☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

PioneerWell Owner: Royce MahrBusiness Name: 16146 459 AVEAddress: WATER TOWN SD

WELL LOG:

DEPTH

FORMATION

FROM

TO

Top Soil	0	1
yellow clay	1	3
Clean yellow sand	3	6
Dirty yellow gravel with 10% iron	6	18
Clean grey gravel medium	18	23
Blue clay	23	44
Grey clean sand fine to medium	44	50
Blue clay	50	59
Clean Medium gravel	59	67

STATIC WATER LEVEL

4 1/2 abg

Feet

If flowing: closed in pressure _____ PSI

GPM flow 30 through 4 inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other _____Reduced Flowrate 10 GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: 70+ gpm down down 1 foot in a 2 hour pumping

Pumping Level Below Land Surface

4 1/2 ft. After 1 Hrs. pumped 30 GPM4 1/2 ft. After 6 Hrs. pumped 10 GPM

If pump installed, pump rate _____ GPM

REMARKS Hand Pack 67 - 69Clean coarse gravel grey 69 - 80 ft downmailed 5/20/04This well was drilled under license # 689

And this report is true and accurate.

Drilling firm Kuiper Well Drilling Inc.Signature of License Representative: [Signature]Signature of Well Owner or Equitable Property Holder: Royce Mahr

Date: _____

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6-24-04

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 1/4 Sec 11 Twp 118 Rg 52County
Codington

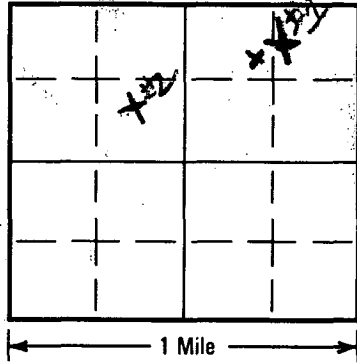
North

Please mark well location with an "X"

W

E

Well Completion Date

5-16-04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 20 ft. from Creek (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Direct RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5.25</u> LB/FT	<u>4</u> IN	<u>469</u> FT	<u>70</u> FT	<u>8 3/4</u> IN
<u>5.40</u> 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>8</u>	<u>94</u> lb./gal	_____ ft.	_____ ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4 IN Length 10 FEETMaterial plastic
Slot Size .035 Set From 20 Feet to 30 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? Mud from tankDescribe packer(s) and location? 10' Slugs

DISINFECTION: Was well disinfected upon completion?

YES, How: HTH Tablets

NO, Why Not? _____

Laboratory sent to for water quality analysis

privateWell Owner: Rogers Mohr

Business Name: _____

Address: 16146 459 NE
Watertown SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
yellow sand	1	3
yellow gravel medium	3	27
Blue Clay	27	47
yellow clay	47	68
Blue Clay	68	100

STATIC WATER LEVEL

15'

Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by: ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: Sub-pump☐ Bailed☐ Other _____

Pumping Level Below Land Surface

1 ft. After 20 Hrs. pumped 50 GPM2 ft. After 25 Hrs. pumped 50 GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 689

And this report is true and accurate.

Drilling firm Kaiser Well Drilling Inc.Signature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

RECEIVED

JUN 22 2004

WATER RIGHTS PROGRAM

mailed
5-20-04

6-24-04



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 7, 2004

Roger Mohr
16146 459 Ave
Watertown SD 57201

Dear Mr. Mohr:

Well driller's report filed by Kaiser Well Drilling, Inc. shows that they completed three new wells for you to be used for irrigation purposes. Based on the information in the report, it appears you may need a water permit(s).

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of less than 25,920 gallons per day with a maximum rate not to exceed 25 gallons per minute. Irrigation of more than one acre requires obtaining a water permit.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation. The completed forms with the application fee and map can be returned to the: Water Rights Program, 523 E Capitol, Pierre SD 57501.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Eric Gronlund or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program

enclosures

REPORT ON WATER PERMIT NO. 6540-3
FOR Roger Mohr
November 10, 2004

Application No. 6540-3 proposes to appropriate 2.23 cfs (1000 gpm) from one well approximately 80 feet deep located in the NW ¼ NE ¼ of section 12 to irrigate 160 acres located in the NE ¼ of section 12; all in T118N R52W in Codington County.

AQUIFER – BIG SIOUX NORTH (BS-N)

The Big Sioux aquifer is a predominantly surficial outwash (sand and gravel) that underlies 150 square miles and contains an estimated 350,000 acre-feet of water in storage in Codington and Grant Counties (Hansen, 1990). The Big Sioux North aquifer (management unit of the entire Big Sioux aquifer) underlies 67,300 acres and contains an estimated 151,430 acre-feet of recoverable water in storage in Codington County (Hedges, 1982). The aquifer is hydraulically connected to the Big Sioux River and locally to Mud Creek (Gravel Creek). Ground water movement is from northeast to southwest across the area of this application and regionally toward the Big Sioux River.

A test well log filed with the application indicates sand and gravel from 3 to 23 feet followed by clay from 23 to 44 feet, sand from 44 to 50 feet, followed by clay from 50 to 59 feet followed by gravel from 59 to 80 feet below land surface. This well had a static water level about 4.5 feet above the land surface was capable of free flowing 30 gpm and was pumped at a rate of 70 gpm. It appears at this site that the aquifer is confined and under artesian conditions. Even so, it is likely that the surficial aquifer and this buried outwash at this site are the same aquifer system.

Recharge to the aquifer has been estimated to be about 5.53 inches per year (Putnam, 1996). Other estimates for recharge range from 1.0 to 6.9 inches per year (Hedges, 1983). Because this application lies upstream of a future use permit for the city of Watertown (Water Permit No. 5862-3) any diversions from this aquifer would be subject to the City of Watertown. In fact, a portion of the Watertown water permit was deferred because it was determined the aquifer was fully appropriated from the future use area and upstream. A report for water permit application No. 6362-3 quantifies all the permits and irrigation withdrawals for this selected (12,500 acre) area (Goodman, 2002).

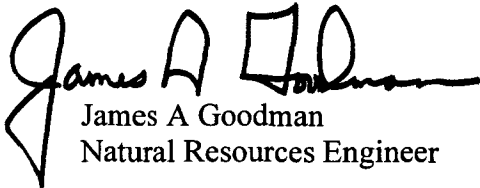
The Water Rights Program monitors three observation wells within a two mile radius of this application. These are observation wells CD-76C (located about 1.5 miles west), CD-76E (located about one-half mile east) and CD-76F (located about 1.5 miles northeast) all from the well for this application. Water levels for these three wells all indicate climatic conditions are the dominant factor contributing to water levels (Water Rights, 2004). Hydrographs for these three wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water right Nos. 4180A-3 and 2827-3 located within one mile of the application. The well for 2827-3 is located about 4150 feet southwest of the well for this application and the closest well #4 for 4180A-3 would be about 1050 feet northwest of the well for this application. Well #4 reportedly produced 800 gpm and was the best well by far of the four listed for 4180A-3. Interference is likely, that is, there will be overlapping drawdown created by well #4 and this proposed well. Until this well is drilled and adequately tested the potential for interference can not be fully evaluated.

CONCLUSIONS

1. This portion of the Big Sioux North aquifer has been determined to be fully appropriated. In fact a portion of water permit No. 5862-3 for the City of Watertown remains in a deferred status.
2. Because the City of Watertown has not yet developed their future use, water can be developed from the aquifer but that water would be subject to Watertown's future use permit.
3. Water Permit No. 6362-3 for irrigation has been issued by the Water Management Board as a temporary permit subject to the City of Watertown.
4. The observation well record indicates that climatic effects are the major causes of fluctuating water levels.
5. The aquifer is under water table conditions over most of its area. At this site it appears to be under artesian conditions. It is assumed that the water table aquifer and this site are the same source of water. Drawdown should not be significant at the distance between wells. However, aquifer testing will need to be completed to verify this statement.
6. A well at this site will need to be completed in accordance with SD Well Construction Standards and because it can be a free flowing well at the land surface controlled to prevent the waste of water.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Goodman, J.A., 2002, Report on Water Permit Application No. 6362-3 for Rodney Zemlicka, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, WRI 89-4147, USGS, Huron, SD, 57350.

Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota 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 South Dakota 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.

Putnam, L.D., R.C. Thompson, 1996, Appraisal of the Water Resources of the Big Sioux Aquifer, Codington and Grant Counties, South Dakota, WRI 96-4275, USGS, Rapid City, SD, 57702.

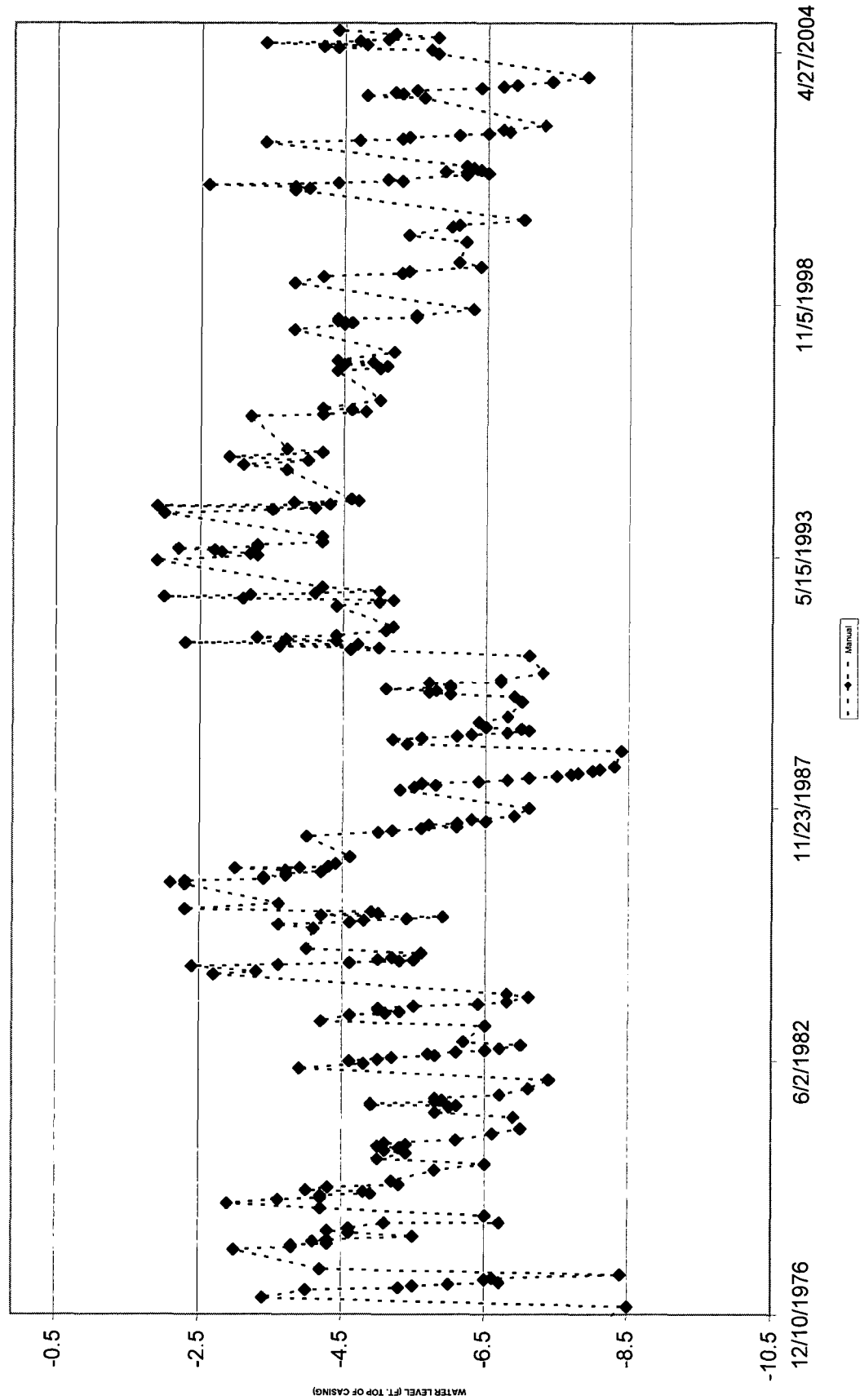
Water Rights, 2004, Unpublished Observation Well Data for Codington County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

The graph displays water level data (ft. top of casing) from 12/10/1976 to 4/27/2004. The y-axis ranges from -11.7 to -3.7. The data shows significant fluctuations, with a major peak around 1982 and a general decline towards the end of the period.

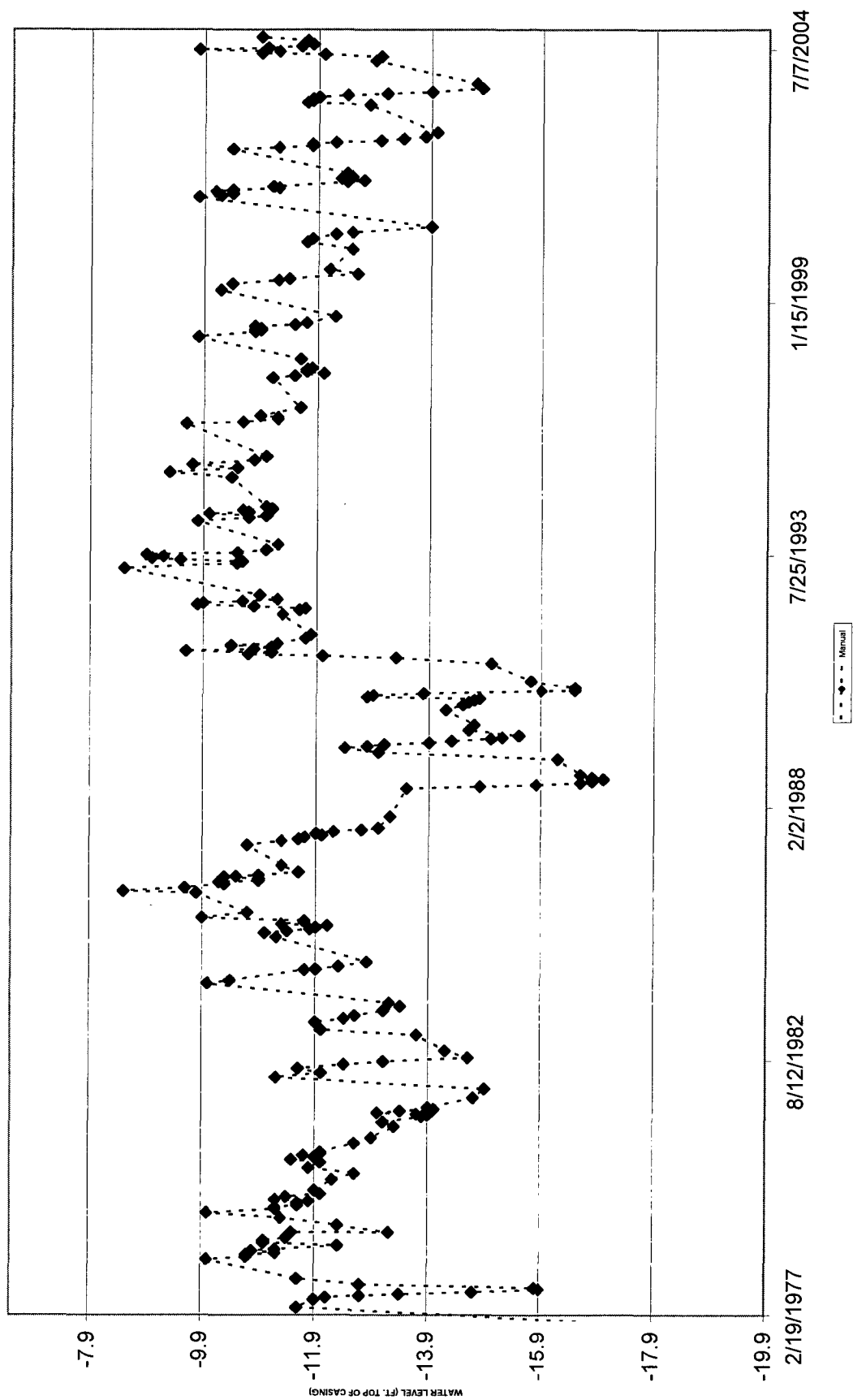
Date	Water Level (ft. top of casing)
12/10/1976	-8.2
12/10/1976	-8.5
12/10/1976	-8.8
12/10/1976	-9.0
12/10/1976	-9.2
12/10/1976	-9.5
12/10/1976	-9.8
12/10/1976	-10.0
12/10/1976	-10.2
12/10/1976	-10.5
12/10/1976	-10.8
12/10/1976	-11.0
12/10/1976	-11.2
12/10/1976	-11.5
12/10/1976	-11.7
12/10/1976	-11.9
12/10/1976	-12.0
12/10/1976	-12.2
12/10/1976	-12.5
12/10/1976	-12.8
12/10/1976	-13.0
12/10/1976	-13.2
12/10/1976	-13.5
12/10/1976	-13.8
12/10/1976	-14.0
12/10/1976	-14.2
12/10/1976	-14.5
12/10/1976	-14.8
12/10/1976	-15.0
12/10/1976	-15.2
12/10/1976	-15.5
12/10/1976	-15.8
12/10/1976	-16.0
12/10/1976	-16.2
12/10/1976	-16.5
12/10/1976	-16.8
12/10/1976	-17.0
12/10/1976	-17.2
12/10/1976	-17.5
12/10/1976	-17.8
12/10/1976	-18.0
12/10/1976	-18.2
12/10/1976	-18.5
12/10/1976	-18.8
12/10/1976	-19.0
12/10/1976	-19.2
12/10/1976	-19.5
12/10/1976	-19.8
12/10/1976	-20.0
12/10/1976	-20.2
12/10/1976	-20.5
12/10/1976	-20.8
12/10/1976	-21.0
12/10/1976	-21.2
12/10/1976	-21.5
12/10/1976	-21.8
12/10/1976	-22.0
12/10/1976	-22.2
12/10/1976	-22.5
12/10/1976	-22.8
12/10/1976	-23.0
12/10/1976	-23.2
12/10/1976	-23.5
12/10/1976	-23.8
12/10/1976	-24.0
12/10/1976	-24.2
12/10/1976	-24.5
12/10/1976	-24.8
12/10/1976	-25.0
12/10/1976	-25.2
12/10/1976	-25.5
12/10/1976	-25.8
12/10/1976	-26.0
12/10/1976	-26.2
12/10/1976	-26.5
12/10/1976	-26.8
12/10/1976	-27.0
12/10/1976	-27.2
12/10/1976	-27.5
12/10/1976	-27.8
12/10/1976	-28.0
12/10/1976	-28.2
12/10/1976	-28.5
12/10/1976	-28.8
12/10/1976	-29.0
12/10/1976	-29.2
12/10/1976	-29.5
12/10/1976	-29.8
12/10/1976	-30.0
12/10/1976	-30.2
12/10/1976	-30.5
12/10/1976	-30.8
12/10/1976	-31.0
12/10/1976	-31.2
12/10/1976	-31.5
12/10/1976	-31.8
12/10/1976	-32.0
12/10/1976	-32.2
12/10/1976	-32.5
12/10/1976	-32.8
12/10/1976	-33.0
12/10/1976	-33.2
12/10/1976	-33.5
12/10/1976	-33.8
12/10/1976	-34.0
12/10/1976	-34.2
12/10/1976	-34.5
12/10/1976	-34.8
12/10/1976	-35.0
12/10/1976	-35.2
12/10/1976	-35.5
12/10/1976	-35.8
12/10/1976	-36.0
12/10/1976	-36.2
12/10/1976	-36.5
12/10/1976	-36.8
12/10/1976	-37.0
12/10/1976	-37.

12/10/1976	6/2/1982	11/23/1987	5/15/1993	11/5/1998	4/27/2004
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WATER RIGHTS' OBSERVATION WELL
CD-76F



WATER RIGHTS' OBSERVATION WELL
CD-76E





**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. 6540-3, Roger Mohr**

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. 6540-3, Roger Mohr, 16416 459th Avenue, Watertown SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 6540-3 as a TEMPORARY USE PERMIT pursuant to SDCL 46-5-39 because 1) water is available to be appropriated as a temporary use permit until the City of Watertown develops water reserved from their future use permits, 2) the proposed diversion can be developed as a temporary use permit 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 city of Watertown has priority right to this water under future use withdrawal permits. This permit is issued as a temporary use permit pursuant to SDCL 46-5-39 and is subject to Watertown's prior rights if or when the city develops the reserve water supply. This permit may be subject to cancellation when the city puts to beneficial use water reserved by their future use permit. The Chief Engineer must provide the permit holder six months notice prior to cancellation of this temporary use permit.
2. The well 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.
3. The well authorized by Temporary Use Permit No. 6540-3 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.
4. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
5. 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
November 19, 2004

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of CODINGTON)

I, MONICA K. SAATHOFF

certify that the attached printed Notice was
 taken

from the WATERTOWN PUBLIC OPINION

printed and published in WATERTOWN

County of CODINGTON and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

12-1-04

12-8-04

Cost of Printing 95.90

Monica Saathoff
 (Signature)

BOOKKEEPER

(Title)

12-8-04

(Date Signed)

sion can be developed as a temporary permit without unlawful impairment of existing rights, 3) the proposed use is a beneficial use 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 20, 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. Pinner, Secretary, Department of Environment and Natural Resources.

(December 13, 2004)

95.90

DENR**NOTICE OF APPLICATION
NO. 6540-3 to****Appropriate Water**

Notice is given that Roger Mohr, 16416 459 Ave, Watertown SD 57201 has filed an application for a water permit to appropriate 2.23 cubic feet of water per second from one well to be completed into the Big Sioux North Aquifer (approximately 80 feet deep) located in the NW 1/4 NE 1/4 Section 12 to irrigate 160 acres located in the NE 1/4 Section 12; all in T118N-R52W.

The Chief Engineer recommends APPROVAL of Application No. 6540-3 as a TEMPORARY USE PERMIT pursuant to SDCL 46-5-39 because 1) water is available to be appropriated as a temporary permit until the City of Watertown develops water reserved from their future use permits, 2) the proposed diver-

RECEIVED
 DEC 13 2004
 WATER RIGHTS
 PROGRAM

Instruction to Newspaper - Publish first Notice on December 1, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6540-3 to Appropriate Water

Notice is given that Roger Mohr, 16416 459 Ave, Watertown SD 57201 has filed an application for a water permit to appropriate 2.23 cubic feet of water per second from one well to be completed into the Big Sioux:North Aquifer (approximately 80 feet deep) located in the NW ¼ NE ¼ Section 12 to irrigate 160 acres located in the NE ¼ Section 12; all in T118N-R52W.

The Chief Engineer recommends APPROVAL of Application No. 6540-3 as a TEMPORARY USE PERMIT pursuant to SDCL 46-5-39 because 1) water is available to be appropriated as a temporary permit until the City of Watertown develops water reserved from their future use permits, 2) the proposed diversion can be developed as a temporary permit without unlawful impairment of existing rights, 3) the proposed use is a beneficial use 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 20, 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**

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 22, 2004

Roger Mohr
16416 459 Ave
Watertown SD 57201

Dear Mr. Mohr:

Water Permit Application No. 6540-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules.

Please notice the Chief Engineers recommendation is to approve the application as a temporary use permit because of the future use permits held by the City of Watertown.

A notice has been sent to the Publisher of the Public Opinion printed at Watertown, SD (Ph # 605-886-6901). 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 22, 2004

Public Opinion
PO Box 10
Watertown, SD 57201-0010

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6540-3 to Appropriate Water to be published twice. Please publish the first notice on December 1, 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 Roger Mohr, 16416 459 Ave, Watertown SD 57201 (Ph # 605-886-6657).

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. 6540-3

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

Date _____

We are in receipt of your letter of November 22, 2004 enclosing Notice to Appropriate Water by Application No. 6540-3 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

November 22, 2004

Jeff DeVille
City of Watertown
PO Box 910
Watertown SD 57201

Dear Mr. DeVille:

Please find enclosed a copy of the report, recommendation and public notice for Water Permit Application No. 6540-3 filed by Roger Mohr.

The public notice is to be published on December 1 and 8, 2004 in the Watertown Public Opinion. Petitions to intervene need to be filed by December 20, 2004 if the city wishes to have a hearing scheduled before the Water Management Board on this application. Please note that the Chief Engineer's recommendation is to issue as a temporary use permit because the city has priority rights due to future use permit held by the city which may be developed at a future date.

This information is being sent to keep you apprised of water permit applications in the Watertown area. Contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352
eric.gronlund@state.sd.us

enclosure

MUNICIPAL UTILITIES DEPARTMENT

901 Fourth Avenue Southwest

WATERTOWN, SOUTH DAKOTA 57201-4107

PHONE (605) 882-6233 • FAX (605) 882-6238

November 24, 2004

Eric Gronlund
Department of Environment and Natural Resources
Joe Foss Building 523 East Capitol
Pierre S.D. 57501-3182

RECEIVED

NOV 29 2004

WATER RIGHTS
PROGRAM

RE: Water Right Permit Application No. 6540-3

Dear Mr. Gronlund:

This letter is to petition water right permit application No. 6540-3 as an interested party. The Municipal Utilities Department is in favor of the Chief Engineers recommendations to issue as a temporary use permit. The City of Watertown is growing and we are interested in preserving the water rights for our future growth. I am not going to request a hearing with the Water Management Board on water right permit application No. 6540-3.

Thank you and please call if you have any questions.

Sincerely,



Jeff DeVille
Water Superintendent
Watertown Municipal Utilities Dept.

Cc: Roger Mohr

11-29-04

To whom it may concern-

After receiving and reviewing the recommendation of Chief Engineers report, I do wish to contest his recommendation of a temporary use permit as:

- 1) the artesian well is free flowing.
- 2) the water is very hard and has an offensive taste.
- 3) the well is located approximately 15 miles upstream from Watertown.
- 4) with the substantial amount invested, I would not like to be shut down in a time of greatest need.

Thank you
Roger Mohr
(605-886-6657)

RECEIVED

DEC 1 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

December 7, 2004

NOTICE

TO: Roger Mohr
16416 459th Avenue
Watertown SD 57201

Jeff Deville
Water Superintendent
Watertown Municipal Utilities Dept.
901 Fourth Avenue SW
Watertown SD 57201-4107

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application No. 6540-3, Roger Mohr

Petitions have been submitted by Roger Mohr and the Watertown Municipal Utilities Department in response to the notice for Water Permit Application No. 6540-3 filed by Mr. Mohr. The Watertown Municipal Utilities Department petition supports the Chief Engineer's recommendation that the permit be issued as a temporary use permit. Mr. Mohr's petition contests the recommendation that the permit be issued as a temporary use permit. Since a petition contesting the recommendation has been submitted, the application is being scheduled for a hearing before the Water Management Board.

Application No. 6540-3 proposes to appropriate 2.23 cubic feet of water per second from one well to be completed into the Big Sioux:North Aquifer (approximately 80 feet deep) located in the NW ¼ NE ¼ Section 12 to irrigate 160 acres located in the NE ¼ Section 12; all in T118N-R52W.

The Water Management Board will conduct a hearing to consider Application No. 6540-3 at 9:00 AM, Wednesday, March 2, 2005, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD 57501. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. The hearing time is an estimate and may be delayed due to prior agenda items. Future notice will be provided to all parties if there is a change in the hearing date or time.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommended APPROVAL of Application No. 6540-3 as a TEMPORARY USE PERMIT pursuant to SDCL 46-5-39 because 1) water is available to be appropriated as a temporary use permit until the City of Watertown develops water reserved from their future use permits, 2) the proposed diversion can be developed as a temporary use permit without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the evidence presented at the public hearing.

The March 2, 2005, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 18, 2005.

This hearing may be an adversarial proceeding. Any party of record and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Notice is further given to persons with disabilities that this hearing is being held in a physically accessible place and that interpreter services will be provided, upon request, during the hearing. Please notify Eric Gronlund at (605) 773-3352 by February 21, 2005, if you have any questions about the hearing process or have special needs for which the department will make arrangements.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-6-3, 46-6-3. 1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

c: Diane Best, Assistant Attorney General

NOTE: Since this matter does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case need not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by February 21, 2005.

CERTIFICATION

I hereby certify that on December 7, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 7, 2004 regarding Notice of Hearing on Water Permit Application #6540-3 addressed as stated below:

Roger Mohr
16416 459th Avenue
Watertown SD 57201

Jeff Deville
Water Superintendent
Watertown Municipal Utilities Dept.
901 Fourth Avenue SW
Watertown SD 57201-4107

A copy of the above described Notice was sent Inter-office to:

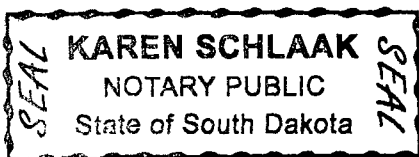
Diane Best, Assistant Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of December, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIVED

JAN - 5 2005

WATER RIGHTS
PROGRAM

**SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
WATER RIGHTS PROGRAM**

**In Re Water Permit Application
No. 6540-3, Roger Mohr**

ROGER MOHR,

Applicant.

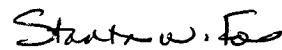
NOTICE OF APPEARANCE

COMES NOW the City of Watertown and the Watertown Municipal Utilities Department, by and through its attorney, Stanton W. Fox, and files its Notice of Appearance with the Water Rights Management Board to advise the Board of its intent to appear at the hearing on the above-referenced permit application scheduled for March 2, 2005 at 9:00 AM in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre, SD.

On November 24, 2004, the Municipal Utilities Department advised the Board of its support of the Chief Engineer's recommendation on the above-referenced permit and subsequently learned the applicant has contested that recommendation. Given the City of Watertown's existing future water use permits, we intend to appear at the contested hearing to encourage the Board to affirm the recommendation of the Chief Engineer.

DATED this 3rd day of January 2005 at Watertown, South Dakota.

CITY OF WATERTOWN:



Stanton W. Fox
City Attorney
City Attorney's Office
23 2nd Street S.E.
Watertown, SD 57201
(605) 882-6200

1

2

3 **CERTIFICATE OF SERVICE**

4 Pursuant to S.D.C.L. §§46-2A-6; 15-6-5(b), I hereby certify
5 that on this 3rd day of January 2005 I caused a true and correct
6 copy of the foregoing document to be served by:

7 X U.S. Mail ☒ Facsimile ☒ Hand Delivery

8 to the following person(s):

9 Garland Erbele, P.E. Roger Mohr
10 CHIEF ENGINEER 16416 459TH Avenue
11 DENR Watertown, SD 57201
12 Joe Foss Building
13 523 East Capitol
14 Pierre, SD 57501-3182

15 John Guhin Diane Best
16 500 East Capitol Office of the Attorney General
17 Pierre, SD 57501 500 East Capitol
18 Pierre, SD 57501-5070

19 By: Stanton W. Fox
20 Stanton W. Fox, City Attorney
21
22
23



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2005

NOTICE

TO: Roger Mohr
16416 459th Avenue
Watertown SD 57201

Stanton W. Fox, City Attorney
City Attorney's Office
23 2nd Street SE
Watertown SD 57201

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Hearing to Consider Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board directed John Guhin, the Board's Attorney, to prepare proposed Findings of Fact, Conclusions of Law and Final Decision in the matter of approval of Temporary Use Water Permit No. 6540-3 filed by Roger Mohr. The Board will consider adoption of Findings, Conclusions and Final Decision at 1:00 PM on May 4, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The agenda time is an estimate. Future notice will be sent to parties if there is a change in the time, date or place of the meeting.

The Board requested that copies of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and parties by April 14, 2005. Written objections or comments in support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision are to be mailed to each Board member, the Board attorney (mailing list enclosed) and parties by April 25, 2005.

At the discretion of the Board, oral arguments by parties who timely filed written comments in opposition or support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision may be made on May 4, 2005. The public hearing was completed on March 2, 2005. No additional testimony will be received on May 4, 2005.

Enclosure

c: Diane Best, Assistant Attorney General

WATER MANAGEMENT BOARD MEMBERS

Francis E. Brink
1214 South Wells Street
Aberdeen, SD 57401-7351

Leo Holzbauer
RR 1, Box 170
Wagner, SD 57380-9681

Rodney Freeman, Jr.
P.O. Box 176
Huron, SD 57350-0176

Bernita Loucks
219 42nd Street
Rapid City, SD 57702-0240

Marian Gunderson
811 West 3rd
Yankton, SD 57078-3702

Dwayne Rollag
320 Lincoln Lane S
Brookings SD 57006-2741

James Hutmacher
802 East 7th Street
Oacoma SD 57365

BOARD ATTORNEY

John Guhin, Deputy Attorney General
Office of Attorney General
Natural Resources Section
State Capitol Building
Pierre, SD 57501

WATER RIGHTS PROGRAM

Department of Environment and
Natural Resources

Garland Erbele, Chief Engineer
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

STAFF ATTORNEY

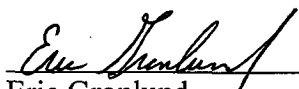
Diane Best
Assistant Attorney General
Office of Attorney General
Natural Resources Section
State Capitol Building
Pierre, SD 57501

CERTIFICATION

I hereby certify that on March 7, 2005, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 4, 2005 regarding Hearing to consider findings of Fact Conclusions of Law and Final Decision addressed as stated below:

A copy of the above described Notice was sent Inter-office to:

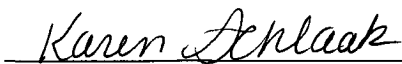
John Guhin, Deputy Attorney General, Capitol Building



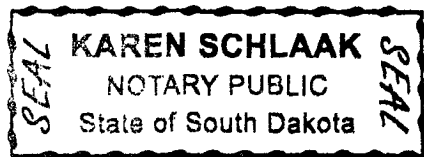
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



CERTIFICATION

I hereby certify that on March 4, 2005, I personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 4, 2005, regarding a consideration of findings of fact, conclusions of law and final decision in the matter of Water Permit Application No. 6540-3, Roger Mohr, addressed as stated below.

Roger Mohr
16416 459th Avenue
Watertown SD 57201

Stanton W. Fox, City Attorney
City Attorney's Office
23 2nd Street SE
Watertown SD 57201

A copy of the Notice was sent Inter-office to:

Diane Best, Assistant Attorney General



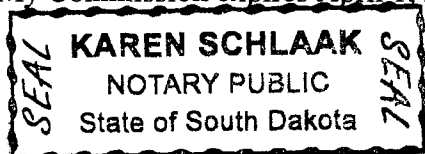
Eric Gronlund
Natural Resource Engineer
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



CERTIFICATION

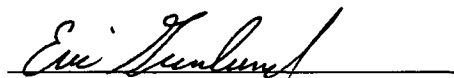
I hereby certify that on March 9, 2005, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 4, 2005 regarding Hearing to consider findings of Fact Conclusions of Law and Final Decision addressed as stated below:

Roger Mohr
16416 459th Avenue
Watertown SD 57201

Stanton W Fox City Attorney
City Attorney's Office
PO Box 910
Watertown SD 57201-0910

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



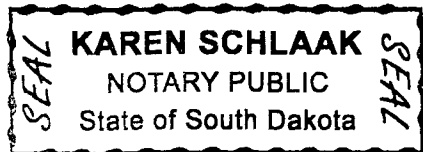
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of March, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
Phone (605) 773-3215
FAX (605) 773-4106
www.state.sd.us/atg

LARRY LONG
ATTORNEY GENERAL

RECEIVED

APR 14 2005

WATER RIGHTS
PROGRAM

MARK BARNETT
CHIEF DEPUTY ATTORNEY GENERAL

MEMORANDUM

April 13, 2005

TO: Members of the Water Management Board and
Interested Parties

FROM: John P. Guhin, Assistant Attorney General *John Guhin*

RE: In the Matter of Water Permit Application No. 6450-3,
Roger Mohr

Pursuant to the direction of the Board, I am herewith enclosing proposed Findings of Fact, Conclusions of Law and a Final Decision in the above-entitled matter.

Please see the Notice of the Chief Engineer dated March 4, 2005, for further information.

JPG/jmm

Enclosure

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)
APPLICATION NO. 6450-3,)
ROGER MOHR.)

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
FINAL DECISION

FINDINGS OF FACT

1. This is an application to appropriate 2.23 cfs (1000 gpm) from one well approximately eighty feet deep to irrigate 160 acres in Codington County.

2. The expert for the Water Rights Program, Mr. James Goodman, testified that the proposed well at that location would be placed in the Big Sioux North aquifer, a management unit of the entire Big Sioux aquifer. Goodman testified that the Big Sioux North aquifer underlies 67,300 acres and contains an estimated 151,430 acre-feet of recoverable water in storage in Codington County. To support his opinion that the proposed well would be drilled into the Big Sioux North aquifer, Mr. Goodman relied on his extensive background and experience regarding the Big Sioux aquifer, and the fact that the county study had revealed no aquifers in the county except the Big Sioux aquifer

3. Mr. Roger Mohr, the applicant, testified to his personal opinion that the aquifer in question was not associated with the Big Sioux aquifer. Mr. Mohr, however, produced no expert evidence of that fact.

4. Because there is credible evidence supporting the claim, and no credible evidence to the contrary, the Board concludes that the source of the water in question for this

application is the Big Sioux North aquifer, a management unit of the entire Big Sioux aquifer.

5. The aquifer is hydraulically connected with the Big Sioux River in that water flows from the aquifer to the river. The river does not recharge the aquifer. The aquifer is hydraulically connected locally to Mud Creek, also known as Gravel Creek. Ground water movement is from the northeast to the southwest across the area of this application and regionally toward the Big Sioux River.

6. In 1995, the city of Watertown applied for a Future Use permit for 6275 acre-feet annually from the Big Sioux North aquifer. To determine whether water would be available for the Future Use, a calculation was made of the area within the Big Sioux North which would be available to supply water. This area constituted three sections designated by the City for the wells which would eventually be placed to withdraw the water, plus the area of the Big Sioux North aquifer above the withdrawal area. The total area was 12,500 acres. Based upon conservative estimates of recharge, the Board approved a Future Use permit for 3750 acre-feet of water for Watertown in 1995.

7. The remainder of the Future Use application, 2575 acre-feet, was put in deferred status.

8. In 2002, the Board approved an application for Mr. Zemlica in the Future Use area as a Temporary Permit pursuant to SDCL 46-5-39. At that time, the recharge was estimated at 5.53 inches per year in the 12,500 acre area. This estimate was higher than that employed in 1995. This calculation of recharge

and area yielded a total annual recharge of 5760 acre-feet for the affected area.

9. As matters stand at the time of the present application, there are roughly 500 acre-feet of water being used for irrigation within the affected area. The city of Watertown holds a Future Use permit for 3750 acre-feet. The city of Watertown also has a deferred application for a Future Use permit for 2575 acre-feet. Finally, the recent estimate of recharge to the affected area is 5760 acre-feet per year.

10. The Board finds that the Big Sioux North aquifer, in the part at issue in this case, is fully appropriated, considering the amount of water actually in irrigation use, the amount of water in Future Use status, and the amount of water which has been applied for as a Future Use but which is in deferred status.

11. The application of Mr. Mohr is for irrigation, which is a beneficial use.

12. The city of Watertown produced evidence that it now maintains a water plant adjacent to Lake Kampeska and that the water plant has been in use since prior to statehood. The City further established that it is not practical to continue to use the water from the lake given the age of the water plant, and given the likelihood that new regulations relating to disinfection byproducts are likely to go into effect in the next few years. The city of Watertown therefore intends to abandon the use of Lake Kampeska water and begin the use of its new source of water in 2009.

13. The city of Watertown produced further evidence that it is likely to continue to expend its use of water under its Future Use permit.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.
2. When existing irrigation, the Watertown Future Use, and the deferred portion of the Watertown Future Use application are considered, the relevant portion of the North Management Unit of the Big Sioux should be considered to be fully appropriated.
3. In the situation presented to the Board, the only permit which can reasonably be granted to an applicant within the area is a Temporary Use Permit under SDCL 46-5-39.
4. The proposed use for irrigation is a beneficial use.
5. The proposed diversion can be developed without unlawful impairment of existing rights, when developed as a Temporary Use Permit pursuant to SDCL 46-5-39 and in accordance with the qualifications set forth below.
6. The proposed use is in the public interest when developed as a Temporary Use Permit and in accordance with the qualifications set forth below.
7. There is a reasonable probability that there is water available for the proposed use, when the water is utilized as part of a Temporary Use Permit, but not otherwise.

FINAL DECISION

The application for Permit No. 6540-3 is approved as a Temporary Use Permit pursuant to SDCL 46-5-39 with the following qualifications:

1. The city of Watertown has priority right to this water under Future Use withdrawal permits. This permit is issued as a Temporary Use Permit pursuant to SDCL 46-5-39 and is subject to Watertown's prior rights if or when the city develops the reserve water supply. This permit may be subject to cancellation when the city puts to beneficial use water reserved by their Future Use permit. The Chief Engineer must provide the permit holder six months notice prior to cancellation of this Temporary Use Permit.

2. The well 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 have prior water rights.

3. The well authorized by Temporary Use Permit No. 6540-3 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.

4. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not

being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Dated this _____ day of _____, 2005.

BY THE BOARD

Leo Holzbauer, Chairman

pld.jpg (Findings of Fact Permit No. 6540-3...) (jmm)

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)
APPLICATION NO. 6450-3,) CERTIFICATE OF SERVICE
ROGER MOHR.)

The undersigned hereby certifies that true and correct copies of proposed Findings of Fact, Conclusions of Law and Final Decision In the Matter of Water Permit Application No. 6450-3, Roger Mohr, were served upon each of the following by enclosing the same in envelopes with first class postage, prepaid and affixed thereto, and depositing said envelopes in the United States mail, at Pierre, South Dakota, on this 13th day of April 2005:

Francis E. Brink
1214 South Wells Street
Aberdeen, SD 57401-7351

Marian Gunderson
811 West 3rd Street
Yankton, SD 57078-3702

Leo Holzbauer, Chairman
29416 395th Avenue
Wagner, SD 57380-9681

Bernita Loucks
219 42nd Street
Rapid City, SD 57702-0240

Rodney Freeman, Jr.
P.O. Box 176
Huron, SD 57350-0176

Dwayne Rollag
320 Lincoln Lane, South
Brookings, SD 57006-2741

James Hutmacher
802 East 7th Street
Oacoma, SD 57365

Roger Mohr
16416 459th Avenue
Watertown, SD 57201

Stanton W. Fox, City Attorney
City Attorney's Office
23 2nd Street, S.E.
Watertown, SD 57201

By interoffice to:

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources
Foss Building
523 East Capitol
Pierre, SD 57501

By hand delivery to:

Diane Best
Assistant Attorney General
500 East Capitol Avenue
Pierre, SD 57501



John P. Guhin
Deputy Attorney General
500 East Capitol Avenue
Pierre, South Dakota 57501-5070
Telephone: (605) 773-3215
Assistant Attorney General

p1d.jpg (Certificate of Service Roger Mohr) (jmm)



**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 18, 2005

NOTICE

TO: Roger Mohr
16416 459th Avenue
Watertown SD 57201

Stanton W. Fox, City Attorney
City Attorney's Office
23 2nd Street SE
Watertown SD 57201

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Change in Hearing Time to Consider Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board is scheduled to consider adoption of Findings of Fact, Conclusions of Law and a Final Decision in the matter of approval of Temporary Use Permit No. 6540-3, Roger Mohr at their May 4, 2005 meeting. The hearing time is being changed to 11:00 AM. The Board will now consider adoption of Findings, Conclusions and Final Decision at 11:00 AM on May 4, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The agenda time is an estimate.

Applicable provisions of the March 4, 2005 notice sent to parties will still apply at this hearing.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on April 18, 2005, I personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 18, 2005, regarding a consideration of findings of fact, conclusions of law and final decision in the matter of Water Permit Application No. 6540-3, Roger Mohr, addressed as stated below.

Roger Mohr
16416 459th Avenue
Watertown SD 57201

Stanton W. Fox, City Attorney
City Attorney's Office
23 2nd Street SE
Watertown SD 57201

A copy of the Notice was sent Inter-office to:

Diane Best, Assistant Attorney General



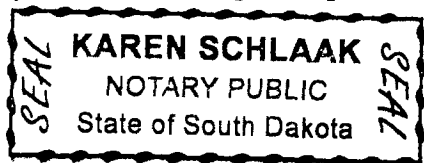
Eric Gronlund
Natural Resource Engineer
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of April, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



**My Commission Expires
April 1, 2007**

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)
APPLICATION NO. 6450-3,)
ROGER MOHR.)

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
FINAL DECISION

FINDINGS OF FACT

1. This is an application to appropriate 2.23 cfs (1000 gpm) from one well approximately eighty feet deep to irrigate 160 acres in Codington County.

2. The expert for the Water Rights Program, Mr. James Goodman, testified that the proposed well at that location would be placed in the Big Sioux North aquifer, a management unit of the entire Big Sioux aquifer. Goodman testified that the Big Sioux North aquifer underlies 67,300 acres and contains an estimated 151,430 acre-feet of recoverable water in storage in Codington County. To support his opinion that the proposed well would be drilled into the Big Sioux North aquifer, Mr. Goodman relied on his extensive background and experience regarding the Big Sioux aquifer, and the fact that the county study had revealed no aquifers in the county except the Big Sioux aquifer

3. Mr. Roger Mohr, the applicant, testified to his personal opinion that the aquifer in question was not associated with the Big Sioux aquifer. Mr. Mohr, however, produced no expert evidence of that fact.

4. Because there is credible evidence supporting the claim, and no credible evidence to the contrary, the Board concludes that the source of the water in question for this

application is the Big Sioux North aquifer, a management unit of the entire Big Sioux aquifer.

5. The aquifer is hydraulically connected with the Big Sioux River in that water flows from the aquifer to the river. The river does not recharge the aquifer. The aquifer is hydraulically connected locally to Mud Creek, also known as Gravel Creek. Ground water movement is from the northeast to the southwest across the area of this application and regionally toward the Big Sioux River.

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and area yielded a total annual recharge of 5760 acre-feet for the affected area.

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10. The Board finds that the Big Sioux North aquifer, in the part at issue in this case, is fully appropriated, considering the amount of water actually in irrigation use, the amount of water in Future Use status, and the amount of water which has been applied for as a Future Use but which is in deferred status.

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13. The city of Watertown produced further evidence that it is likely to continue to expend its use of water under its Future Use permit.

CONCLUSIONS OF LAW

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2. When existing irrigation, the Watertown Future Use, and the deferred portion of the Watertown Future Use application are considered, the relevant portion of the North Management Unit of the Big Sioux should be considered to be fully appropriated.
3. In the situation presented to the Board, the only permit which can reasonably be granted to an applicant within the area is a Temporary Use Permit under SDCL 46-5-39.
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5. The proposed diversion can be developed without unlawful impairment of existing rights, when developed as a Temporary Use Permit pursuant to SDCL 46-5-39 and in accordance with the qualifications set forth below.
6. The proposed use is in the public interest when developed as a Temporary Use Permit and in accordance with the qualifications set forth below.
7. There is a reasonable probability that there is water available for the proposed use, when the water is utilized as part of a Temporary Use Permit, but not otherwise.

FINAL DECISION

The application for Permit No. 6540-3 is approved as a Temporary Use Permit pursuant to SDCL 46-5-39 with the following qualifications:

1. The city of Watertown has priority right to this water under Future Use withdrawal permits. This permit is issued as a Temporary Use Permit pursuant to SDCL 46-5-39 and is subject to Watertown's prior rights if or when the city develops the reserve water supply. This permit may be subject to cancellation when the city puts to beneficial use water reserved by their Future Use permit. The Chief Engineer must provide the permit holder six months notice prior to cancellation of this Temporary Use Permit.

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3. The well authorized by Temporary Use Permit No. 6540-3 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.

4. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not

being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Dated this 4 day of May, 2005.

BY THE BOARD


Leo Holzbauer, Chairman

p1d.jpg (Findings of Fact Permit No. 6540-3...) (jmm)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 5, 2005

NOTICE

TO: Roger Mohr
16416 459th Avenue
Watertown SD 57201

Stanton W. Fox, City Attorney
City Attorney's Office
23 2nd Street SE
Watertown SD 57201

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and Final Decision

This is to notify you that the Final Decision, including Findings of Fact and Conclusions of Law, were adopted May 5, 2005, by the Water Management Board approving Temporary Use Water Permit No. 6540-3. A copy of the signed Findings of Fact, Conclusions of Law and Final Decision is enclosed.

South Dakota statutes provide that decisions of the Board may be appealed to the Courts. Notice of appeal of the Board's decision must be filed within thirty days of this notice and be in accordance with procedures established in SDCL 1-26-31.

Enclosure

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on May 5, 2005, I personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 6, 2005, regarding a consideration of findings of fact, conclusions of law and final decision in the matter of Temporary Use Water Permit No. 6540-3, Roger Mohr, addressed as stated below.

Roger Mohr
16416 459th Avenue
Watertown SD 57201

Stanton W. Fox, City Attorney
City Attorney's Office
23 2nd Street SE
Watertown SD 57201

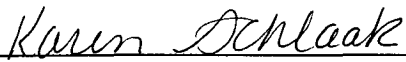
A copy of the Notice was sent Inter-office to:

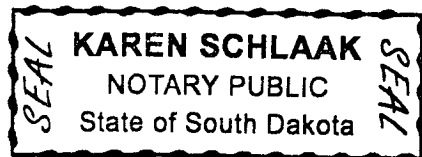
Diane Best, Assistant Attorney General


Eric Gronlund
Natural Resource Engineer
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of May, 2005.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 11 2005

Roger Mohr
16416 459th Ave
Watertown SD 57201

Dear Mr. Mohr:

Enclosed is Temporary Use Water Permit No. 6540-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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



6540-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2007

NOTICE

TO: ROGER MOHR, 16416 459TH AVE, WATERTOWN, SD 57201

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6540-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6540-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6540-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

6540-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0799 6071
Status: **Delivered**

Your item was delivered at 11:33 AM on January 27, 2007 in
WATERTOWN, SD 57201. The item was signed for by R MOHR.

[Additional Details >](#)[Return to USPS.com Home >](#)

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United States Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 6071

ROGER MOHR
16416 459TH AVE
WATERTOWN SD 57201

Waiver of Signature ☐ YES ☐ NO

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 1, 2007

6540-3

Roger Mohr
16416 459th Ave
Watertown SD 57201

Dear Mr. Mohr:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Permit No. 6540-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

6540-3

7-2-06

Erin

Please find enclosed my permits for the wells. If you have any questions please contact me at 605 881-~~5567~~ 5567

RECEIVED

JUL - 5 2006

WATER RIGHTS
PROGRAM

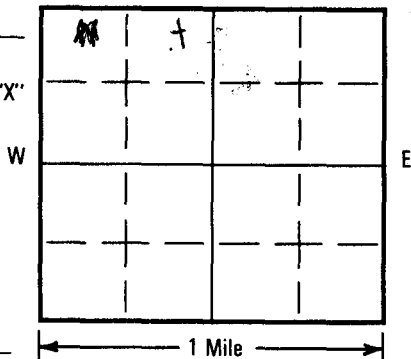
Thank you
Roger Smith

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NE 1/4 1/4 Sec 12 Twp 118 Rg 52
County COD. North

Please mark well location with an "X"



Well Completion Date

5-31-06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2200 ft. from septic system (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</u> LB/FT	<u>8</u> IN	<u>0</u> FT	<u>18</u> FT	<u>12 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Bentonite No. of Sacks 2.25 Grout Weight 9 lb./gal From 0 ft To 15 ft
_____ lb./gal _____ ft _____ ft

Describe grouting procedure Pressure Grouted From
Top of Sand Pack To Ground Surface

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 8 IN Length 7 FEET
Material PVC
Slot Size .085 Set From 18 Feet to 25 Feet
Other information _____

WAS A PACKER OR SEAL USED?

☐ YES ☒ NO

If so, what material? _____

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: chlorinated

Laboratory sent to for water quality analysis _____

NO, Why Not? _____

Well Owner: Roger Mohr
Business Name: _____
Address: Water-towa SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>3</u>
<u>Oxidized Gravel</u>	<u>3</u>	<u>15</u>
<u>Blue clay</u>	<u>15</u>	<u>18</u>
<u>Clean Gravel coarse</u>	<u>18</u>	<u>25</u>
<u>Blue clay</u>	<u>25</u>	<u>40</u>

STATIC WATER LEVEL 6' 6" 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: pumped with 3" Centrifugal Pump
☐ Bailed
☐ Other

Pumping Level Below Land Surface

12 ft. After 1 Hrs. pumped 80 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm Maniowski Well Drilling, Inc.

Signature of License Representative: Byron Maniowski

RECEIVED

Signature of Well Owner or Equitable Property Holder: Roger Mohr

JUL - 5 2006

WATER RIGHTS PROGRAM

Date: 5-31-06

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12 1/4 Depth 25'
- b) Casing Type plastic Diameter 8" Thickness Class 200
- c) Screen Type plastic Diameter 8" Thickness Class 200
- d) Gravel Pack yes Length of Gravel Pack 10'
- e) Depth to Top of Water Bearing Material 6'6" 18'
- f) Depth to Water (ground surface to water level) 6'6"
- g) Distance to nearest existing domestic well:
On applicants property 1500' On property owned by others 1600'

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 _____

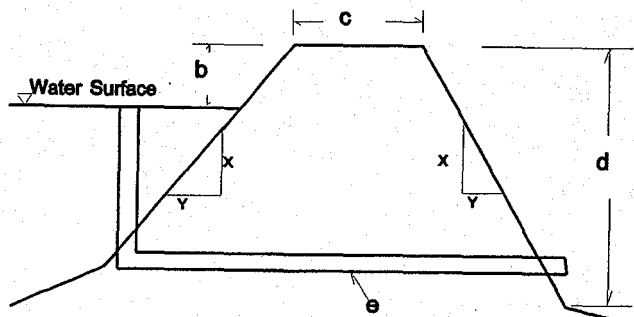
3. Dugout Information

- 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

#2

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12 1/4 Depth 23'
- b) Casing Type plaster Diameter 8" Thickness Class 200
- c) Screen Type plaster Diameter 8" Thickness Class 200
- d) Gravel Pack yes Length of Gravel Pack 9'
- e) Depth to Top of Water Bearing Material 14'
- f) Depth to Water (ground surface to water level) 4'
- g) Distance to nearest existing domestic well:
- On applicants property 1400 On property owned by others 1900

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 _____

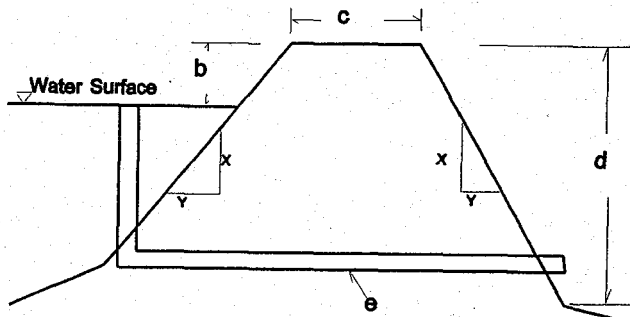
3. Dugout Information

- 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:



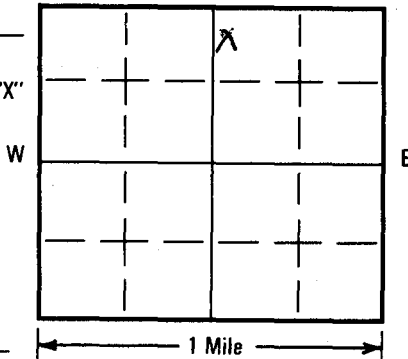
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NE 1/4 Sec 12 Twp 118 Rg 52
County Cod

Please mark well location with an "X"



Well Completion Date

5-11-06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1100 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>Class 200</u> LB/FT	<u>8</u> IN	<u>+1</u> FT	<u>65</u> FT	<u>12</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>Hg 3000</u>	_____	_____ lb./gal	<u>0</u> ft	<u>60</u> ft
<u>Bentonite</u>	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Tremie line

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 8 IN Length 12 FEET

Material PVC

Slot Size 1085 Set From 65 Feet to 77 Feet

Other information _____

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? well used for test of yield

Laboratory sent to for water quality analysis _____

Well Owner: Roger Mohr

Business Name: _____

Address: Water-town, SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Yellow clay	2 3	5 5
Gravel	5 5	10
Yellow clay	10	18
Blue clay	18	48
Sandy blue clay	48	53
Gravel	53	60
Blue clay	60	63
Gravel	63	77
Blue clay	77	

STATIC WATER LEVEL 20 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through 4" 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

63 ft. After 3 Hrs. pumped 200 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Sealed Pump in well pumped @ 265 GPM and pull 5" well next to 8" well down to 50' below gravel surface. estimate max production of 8" well 200 GPM

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: Roger Mohr

Signature of _____

Date: 5-31-06

RECEIVED

JUL - 5 2006

WATER RIGHTS PROGRAM

A3

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12 1/4 Depth 77
- b) Casing Type plastic Diameter 8" Thickness Class 200
- c) Screen Type plastic Diameter 8" Thickness Class 200
- d) Gravel Pack yes Length of Gravel Pack 18'
- e) Depth to Top of Water Bearing Material 63'
- f) Depth to Water (ground surface to water level) 8'
- g) Distance to nearest existing domestic well:
- On applicants property 1700 On property owned by others 1300'

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 _____

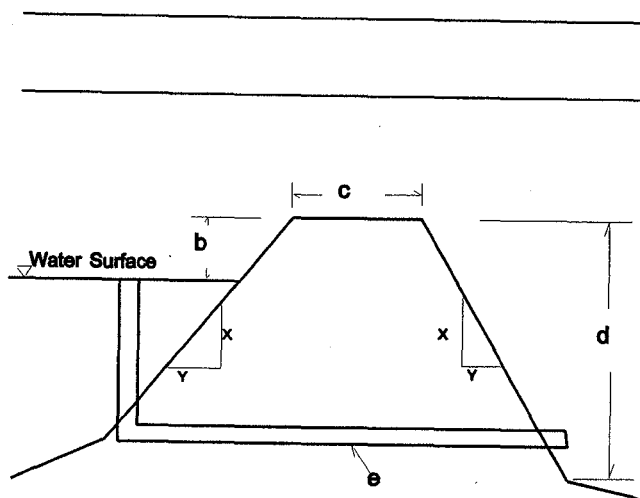
3. Dugout Information

- 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

Approval of an Additional Diversion Point

NAME: Roger Mohr

ADDRESS: 16416 459th Avenue, Watertown SD 57201

DATE: August 15, 2006

COUNTY: Codington

TELEPHONE:

BACKGROUND:

Roger Mohr obtained Temporary Use Permit No. 6540-3 in 2005 appropriating 2.23 cfs from one well to be completed into the Big Sioux:North Aquifer located in the NW ¼ NE ¼ Section 12 to irrigate 160 acres in the NE ¼ Section 12; all in T118N, R52W. This well was to be completed at a depth of approximately 80 feet. Well completion reports are on file showing that Mr. Mohr drilled three wells in order to obtain adequate production to operate the center pivot.

Mr. Mohr filed a request to authorize the two additional wells to operate the irrigation authorized by Temporary Use Permit No. 6540-3. This request is made pursuant to SDCL 46-5-13.1 to authorize the additional wells.

The additional wells are located in the NE ¼ NW ¼ and the NW ¼ NE ¼ of Section 12, T118N, R52W.

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 authorized by Temporary Use Permit No. 6540-3 is the Big Sioux:North Aquifer. The well completion report for the original well indicates a completed depth of 77 feet. The two additional wells are completed to a depth of 23 and 25 feet.

The Findings of Fact, Conclusion of Law and Final Decision adopted for Temporary Use Permit No. 6540-3 concludes that the wells at the completed depth are the Big Sioux:North Aquifer whether 25 or 80 feet deep.

No additional appropriation of water is being requested. The original water permit appropriates 2.23 cfs (1,000 gpm). Based on the well completion reports, the three wells are not capable of producing at a rate greater than the permitted amount.

- **Review of Existing Diversions**

A review was conducted of existing water rights and domestic wells.

There are two water rights that appropriate water from the Big Sioux:North Aquifer located within one mile of Temporary Use Permit No. 6540-3. Water Right No. 2827-3 is located

about 4,150 feet southwest of these wells. The two additional wells are not appreciably closer to this existing well. Water Right No. 4180A-3 authorizes 4 wells to the north in the S ½ of Section 1, T118N, R52W. The closest well (known as No. 4) is about 1,050 feet north of the three wells to be used by Permit No. 6540-3. The report on Application No. 6540-3 states that there will be overlapping drawdown created between well # 4 and the well for No. 6540-3 but that drawdown should not be significant at the distance between wells. However, the report went on to state that aquifer testing needs to be completed. The three wells constructed for Permit No. 6540-3 are in close proximity to one another and they remain approximately 1,000 feet from neighboring well No. 4.

A review of well completion records in the Water Right database found 2 domestic/stock wells constructed into the Big Sioux:North Aquifer owned by others in neighboring sections. This review reflects only those well completion reports on file with the Water Rights Program.

CONCLUSION

- The additional well does not appropriate additional water.
- The additional wells are constructed into the Big Sioux:North Aquifer which is the same water source as the existing well authorized by Temporary Use Permit No. 6540-3.
- Existing domestic wells and prior water rights should not be adversely impacted by authorizing this additional well. If adverse impacts occur, the permit holder will need to limit his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- There have been no complaints regarding development at this site.
- The use of water remains a temporary use permit. The city of Watertown has priority right to this water under future use withdrawal permits.

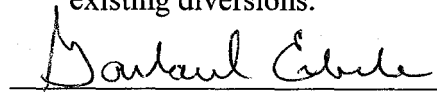
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the additional diversion be authorized under Water Permit No. 6540-3.


Eric Gronlund
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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 21, 2006

Roger Mohr
16416 459th Avenue
Watertown SD 57201

Dear Mr. Mohr:

I am writing in regard to your request for two additional wells for Temporary Use Permit No. 6540-3. Temporary Use Permit No. 6540-3 appropriates 2.23 cfs from one well to be completed into the Big Sioux:North Aquifer located in the NW ¼ NE ¼ Section 12 to irrigate 160 acres in the NE ¼ Section 12; all in T118N, R52W.

You have requested authorization for two additional well that were drilled according to the well completion report approximately 1,100 west and 560 feet southeast of the originally intended well. All three wells are completed into the Big Sioux:North Aquifer and the total diversion rate from these wells does not exceed 1,000 gallons per minute.

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 pursuant to SDCL 46-2A-4.

Permit No. 6540-3 remains a temporary use permit and is subject to Watertown's prior rights when the city develops water from the city's future use permit in this aquifer.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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



January 18, 2008

NOTICE

TO: ROGER MOHR, 16416 459TH AVE, WATERTOWN, SD 57201

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6540-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6540-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6540-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

6540-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 3295
Status: **Delivered**

Your item was delivered at 9:53 AM on January 21, 2008 in WATERTOWN, SD 57201. The item was signed for by R MOHR.

[Additional Details >](#) | [Return to USPS.com Home >](#)

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No FEAR Act EEO Data

FOIA

Signature

562E 2000 0000 0802 3295

ROGER MOHR
16416 459TH AVE
WATERTOWN SD 57201

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

SIGNATURE CONFIRMATION NUMBER: 562E 2000 0000 0802 3295



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2008

6540-3

Roger Mohr
16416 459th Ave
Watertown SD 57201

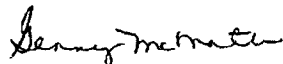
Dear Mr. Mohr:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Permit No. 6540-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,


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

6540-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 05 2023

Roger Mohr
16146 459th Ave
Watertown, SD 57201

6540-3

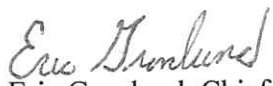
Dear Mr. Mohr:

Enclosed is Reissued Temporary Water Use Permit No. 6540-3. The temporary use water permit was reissued to reflect the system as developed. The reissued permit is based on a field investigation done by a staff engineer with our program. A copy of his map is included, showing the location of the diversion point and the acres developed for irrigation.

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.

The Reissued Temporary Use Water Permit is subject to the qualifications listed in the permit. If you have any questions, please contact our office.

Sincerely,


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

enclosures

**REISSUED
SOUTH DAKOTA
TEMPORARY USE WATER PERMIT NO. 6540-3
AS DEVELOPED**

On July 11, 2005, the Chief Engineer, on behalf of the Water Management Board, issued Temporary Use Water Permit No. 6540-3 to Roger Mohr; 16146 459th Ave, Watertown, SD 57201 authorizing construction of the water use system and placement of water to beneficial use.

1. On May 2, 2023 an investigation was conducted of the water use system described in Temporary Use Water Permit No. 6540-3. The investigation found the system had been developed as follows: three wells (Big Sioux: North Aquifer) located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T118N, R52W.

Well #1 approximately 150 ft S and 2,635 ft W of the NE corner of Section 12, T118N, R52W (Latitude 45.04907 Longitude -97.01461)

Well #2 approximately 135 ft S and 3,250 ft W of the NE corner of Section 12, T118N, R52W (Latitude 45.04923 Longitude -97.01684)

Well #3 approximately 115 ft S and 3,725 ft W of the NE corner of Section 12, T118N, R52W (Latitude 45.04929 Longitude -97.01876)

The temporary use permit holder is authorized to divert 1.33 cubic feet of water per second from the above wells to irrigate 133.0 acres located as follows:

Section 12, T118N, R52W	NW $\frac{1}{4}$ NE $\frac{1}{4}$	32.9 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	29.8 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	33.2 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	37.1 acres
	TOTAL	133.0 acres

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 – November 1.
3. The date from which the temporary use water permit holder may claim right is September 14, 2004.
4. Water rights obtained in compliance with laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The City of Watertown has priority right to this water under future withdrawal permits. This permit is issued as a temporary use permit pursuant to SDDL 46-5-39 and is subject to Watertown's prior rights if or when the city develops the reserve water supply. This permit may be subject to cancellation when the city puts to beneficial use the water reserve by their future permit use. The Chief Engineer must provide the permit holder six months notice prior to cancellation of this temporary use permit.

continued

TEMPORARY USE WATER PERMIT NO. 6540-3

Page 2

2. 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 their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior rights.
3. The wells authorized by Temporary Use Permit No. 6540-3 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 wells were all drilled by (Manikowski Well Drilling Inc.) in (2006). A copy of the well completion report is on file with the Water Rights Program)*
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

JUN 05 2023

date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6540-3

I have this day, May 2, 2023, made a thorough examination of the water use system constructed by Roger Mohr, 16146 459th Ave, Watertown, SD 57201 of Permit No. 6540-3, bearing the priority of September 14, 2004 authorizing the diversion of 2.23 cu. ft. per second of the waters of the Big Sioux:North Aquifer for irrigation purposes, in Codington County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Manikowski Well Drilling
- 2) No. of Wells 3
- 3) Depth(s) 77, 23, 25 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 8, 8, 8 inches
- 2) Length 65, 17, 18 feet
- 3) Type Steel, PVC, PVC

Screen:

- 1) Type PVC
- 2) Length 12, 6, 7 feet
- 3) Static water level 20, 4, 6.5 feet

Pump:

- 1) Make Submersibles
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 600 total GPM

Motor:

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

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

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 2,890 feet

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

- 1) Make Valley
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 600 total GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: **WELL LOCATIONS**
From the NE corner Sec 12 T118N R52W; WELL #1: 150 ft S & 2,635 ft W, Lat 45.04907 Long -
97.01461 WELL #2: 135 ft S & 3,250 ft W, Lat 45.04923 Long -97.01684 WELL #3 115 ft S & 3,725
ft W, Lat 45.04929 Long -97.01876 (NE ¼ NW ¼).

2. The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

All land in Sec 12 T118N R52W

NW ¼ NE ¼ – 32.9 acres

NE ¼ NE ¼ – 29.8 acres

SE ¼ NE ¼ – 33.2 acres

SW ¼ NE ¼ – 37.1 acres

comprising a total of 133.0 acres of land and the temporary license will be re-issued for 1.33 cfs, reflecting the system as it was developed

3. All structures, wells and lands on map Y

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

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

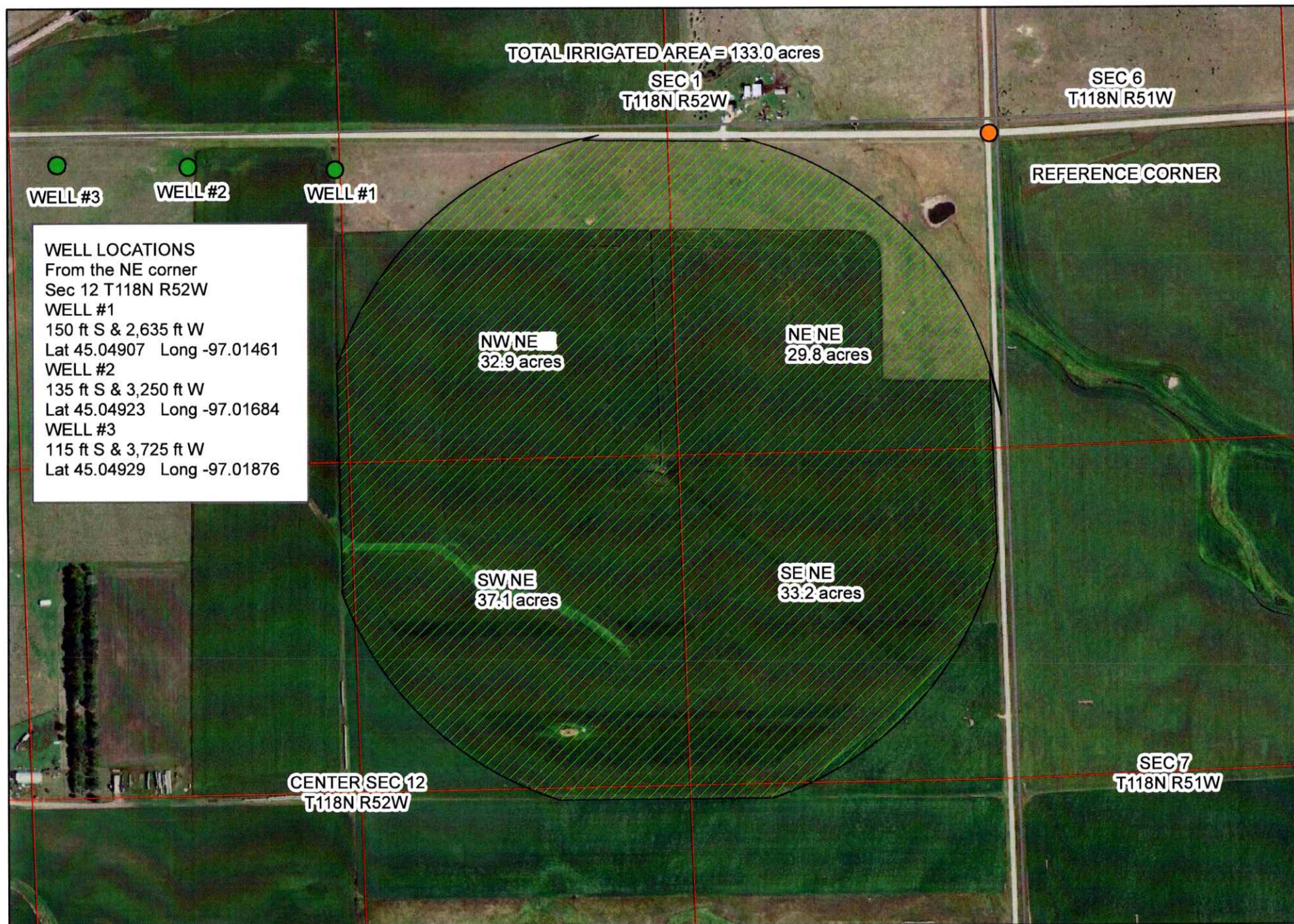
The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The mailing address in the permit materials has an error where two numerals are interposed. Should be 16146 459th Ave. A new contact number is 605/881-5567.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: May 6, 2023



0 0.05 0.1 0.2 0.3 0.4 Miles



Darrell DeBoer
Water Right Inspector



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: ROGER MOHR, 16146 459TH AVE, WATERTOWN, SD 57201

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2927-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6540-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6540-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2927-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: WMTLXO**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 30, 2025

2927-3

6540-3

Roger Mohr
16146 459th Ave
Watertown SD 57201

Dear Mr. Mohr:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 2927-3 & 6540-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us