

WATER PERMIT NO. 6683-3

Name of Applicant: Spark Ranch LLC

Address: c/o Jeffrey Spark, 28648 396th Ave, Armour SD

Phone: 605 491-2606

Amount of Water Claimed: 0.45 add'l cfs (200 gpm)

Total Acres: 40 acres

Source of Water Supply: groundwater (1 existing well)

Water to be used for: irrigation

County: Charles Mix

Type of Waste Disposal System:

Location: 10 miles northwest of Wagner

PRIORITY

Date Received: 1-10-06

Application/License Fee: \$200

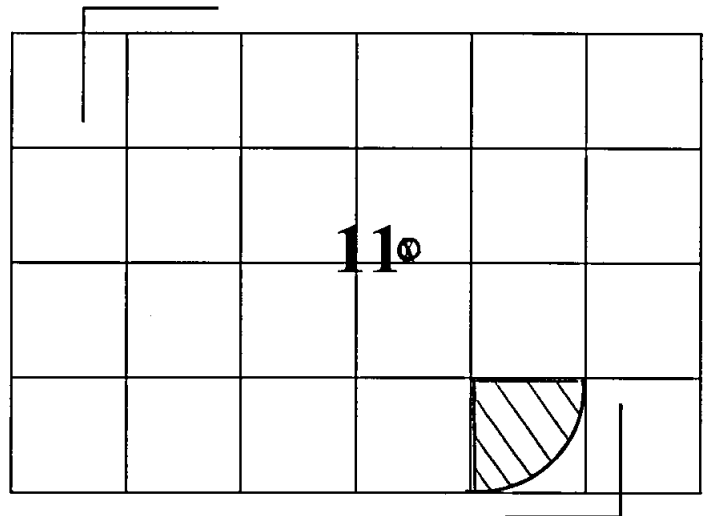
Corrected Application Received:

Period of Annual Use: April 1 – November 30

Remarks: Increase acreage and diversion rate authorized by Water Right No. 5779-3

Diversion Point: SW ¼ NE ¼ Sec 11-T97N-R63W

Land to be Irrigated: SE ¼ SE ¼ Sec 11-T97N-R63W



Depth of Well: 49 feet deep

Well Driller: : Lacey Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Barry McLaury

Reviewed and the Number Assigned on: 1-10-06

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>6683-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Wagner Post, Wagner</u>

RECEIVED
JAN 10 2006
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right ☒ Amendment/Correction to Permit No. 5779-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
add 36 acres to permit so the current pivot can complete its circle

- Name of Applicant Spark Ranch LLC Jeffrey Spark Phone 605-491-2606
(check one) ☒ Owner ☒ Tenant/lessee Purchase Agreement
Mailing Address 28648 396th Ave Armour SD 57313 State SD (Zip Code) 57313
(Street, RR, or Box and City) 200 gpm add'l
- Amount of water claimed 0.45 *CFS or 800 **GPM ***AF Total Acreage 236 36 add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable) ac
- Source of water supply Existing Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW 1/4 NE 1/4 section 11, T97N, R63W
County Charles Mix
- County or counties where water will be used Charles Mix
- Annual period during which water is to be used May April - November
- 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
<u>SE 1/4 SE 1/4 Sec 11-T97N-R63W</u>	<u>36</u>		

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

Attached

STATE OF SOUTH DAKOTA) SS
County of Charles Mix

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, Jeffrey Spark of Spark Ranch LLC, 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 Jeffrey Spark

Subscribed and sworn to before me this 9 day of January 20 06

[Signature]
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6683-3

Date of first receipt of application January 10, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6683-3 to Spark Ranch LLC, 28648 396th Ave, Armour SD 57313 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6683-3 authorizes an additional 0.45 cubic feet of water per second (cfs) and irrigation of an additional 36 acres to what is currently authorized by Water Right No. 5779-3. Water Right No. 5779-3 appropriates 1.33 cfs from one well completed into the Delmont Aquifer (49 feet deep) located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11 to irrigate 170 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11; all in T97N-R63W. This permit appropriates an additional diversion of 0.45 cfs from the existing well to irrigate an additional 36 acres located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11-T97N-R63W. This will allow the center pivot to make a full rotation.
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 30.
3. The date from which applicant may claim right is January 10, 2006.
4. The date of approval of Permit No. 6683-3 is February 20, 2006.
5. One-fifth of the construction is to be completed on or before August 20, 2008.
6. All construction is to be completed on or before February 20, 2011.
7. Water is to be put to beneficial use on or before February 20, 2015.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

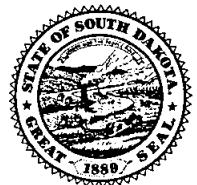
QUALIFICATIONS

1. The 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.
2. 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

APR 07 2006
date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 10, 20 06

RECEIVED OF David Spark, 1307 W 11th St., Spencer IA 51301

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

Fee for Application for Permit No. <u>66683-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>66683-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200.00

No.

002137

By

Darlene Ebel
Chief Engineer
gm

REPORT ON APPLICATION NO. 6683-3

For Jeffrey Spark

January 20, 2006

This application proposes to appropriate an additional 0.45 cubic feet of water per second (cfs) to irrigate an additional 36 acres located in the SE 1/4 SE 1/4 Section 11, T97N R63W to what is currently authorized by Water Right No. 5799-3. Water Right No. 5799-3 appropriates 1.33 cfs from one well completed into the Delmont aquifer (approximately 49 feet deep) located in the SW 1/4 NE 1/4 Section 11 to irrigate 170 acres located in the S 1/2 NE 1/4, E 1/2 SW 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4 Section 11; all in T97N R63W in Charles Mix County. This will allow the center pivot to make a full rotation.

AQUIFER – DELMONT (D)

The Delmont aquifer is composed of alluvium and glacial deposits ranging from fine sand to very coarse gravel. The aquifer represents an unconfined condition with water table characteristics in the area of this application. The aquifer underlies 12,200 acres and contains an estimated 35,200 acre feet of recoverable water in storage in Charles Mix County (Hedges, 1982). The aquifer extends into Douglas County to the north and is hydraulically connected to Choteau Creek. According to a well completion report submitted with the application the well has a static water level of 8 feet. Recharge to the Delmont aquifer has been estimated to be 5.6 inches per year (7,300 acre-feet per year) (Hedges, 1983). The estimated water use from the Delmont was found to be less than the estimated annual recharge to the aquifer.

The Water Rights Program monitors two observation wells completed into the Delmont aquifer located within 1 mile of this application. These are observation wells CM-69B and CM-72A. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the observation well record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005). A hydrograph for these observation wells are included in this report and labeled as Figures 1 and 2.

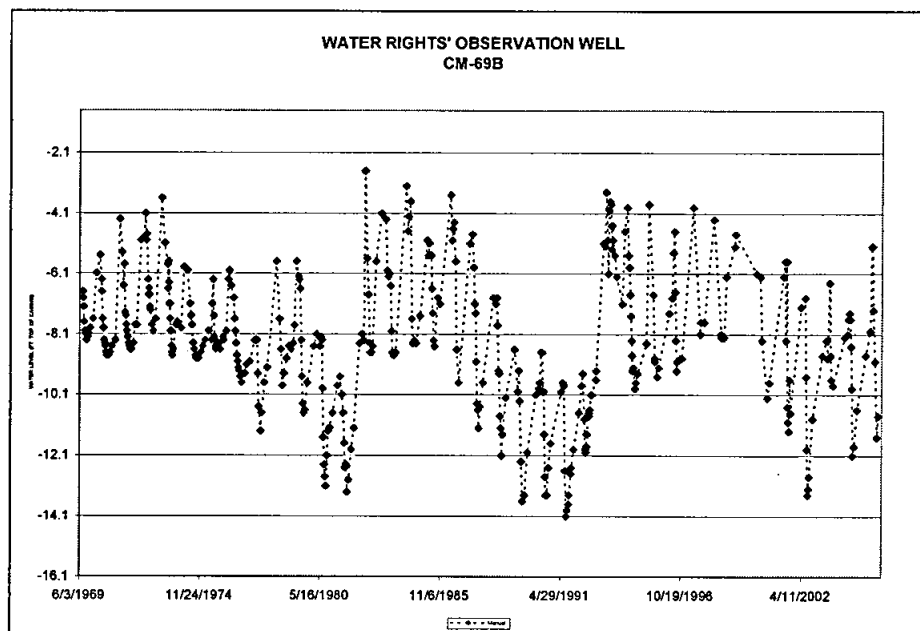


Figure 1. Hydrograph of observation well CM-69B.

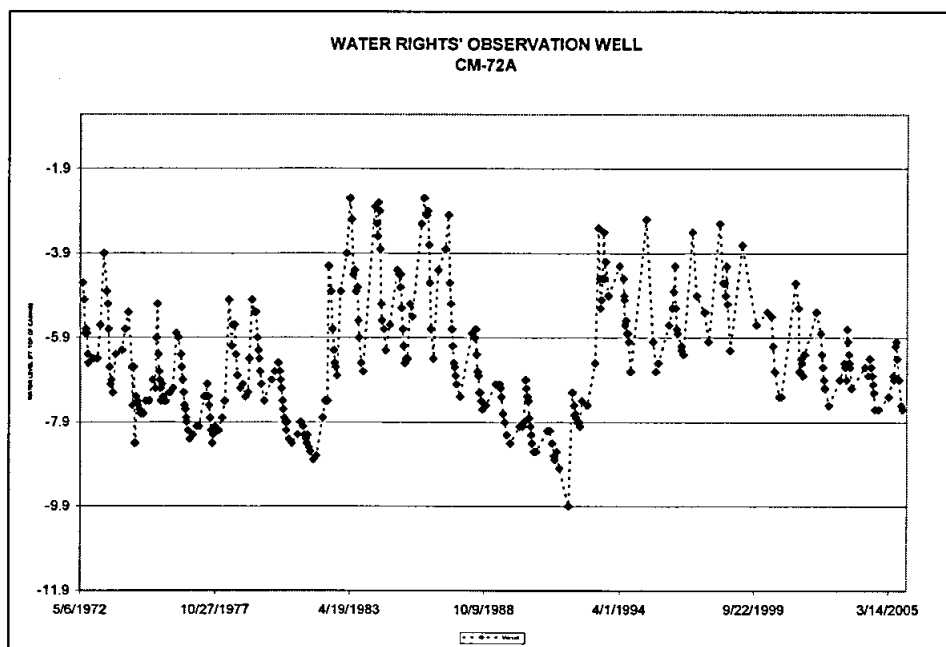


Figure 2. Hydrograph of observation well CM-72A.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are several existing Water Rights appropriating ground water within a two mile radius of this application. A list of the permits is included with this report labeled as Table 1. The nearest water right/permit from the Delmont aquifer is approximately 0.75 miles to the south. This well is for Water Right No. 2232-3 (2.28 cfs for irrigation). Interference is not expected to be a problem.

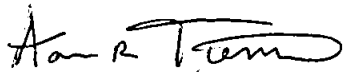
Table 1. Table identifying permits within a two mile radius of the application.

PERMIT NO	LAST NAME	AQUIFER	USE	CFS
1884-3	EITEMILLER	CH	IRR	1.9
2232B-3	GREENWOOD HTRN BRTH	D	IRR	3.5
3708-3	STOEBNER	D	IRR	1.07
3967-3	GREENWOOD HTRN BRTH	CH	IRR	1.77
4461-3	STOEBNER	D	IRR	2
4535-3	SANDERS	D	IRR	1.56
4670-3	GOETZ	D	IRR	1.78
5779-3	SPARK	D	IRR	1.33
6299-3	BUHLER	D	IRR	2
6513-3	BUHLER	D	IRR	2.28

CONCLUSIONS

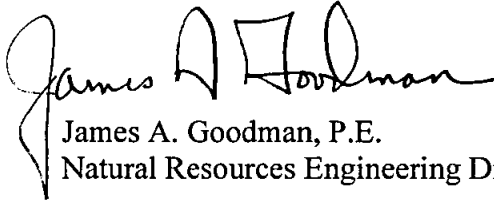
1. The Delmont aquifer is a viable groundwater source and water is available for this appropriation.
2. The aquifer is under unconfined conditions at this site. The well completion report filed with this application indicates a static water level of 8 feet. Interference should not be a concern.

3. The well authorized for this application is an existing well and appears to be completed in accordance with SD Well Construction Standards.



Aaron R. Tieman
Natural Resources Engineer

Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

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

Hedges, L.S., 1983, Same, Task 7: Ground Water Recharge, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.

Water Right, 2005, Dakota Formation Observation Well Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**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. 6683-3, Spark Ranch, LLC**

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. 6683-3, Spark Ranch, LLC, c/o Jeffrey Spark, 28648 396th Avenue, Armour SD 57313.

The Chief Engineer is recommending APPROVAL of Application No. 6683-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The 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.
2. 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
January 25, 2006

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Charles Mix) SS

I, Jan Wood

certify that the attached printed Notice was taken

from the Wagner Post

printed and published in Wagner

County of Charles Mix and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

February 1, 2006

February 8, 2006

Cost of Printing 47.53

Jan Wood
 (Signature)

Editor
 (Title)

Feb. 8, 2006
 (Date Signed)

RECEIVED
 FEB 10 2006
 WATER RIGHTS
 PROGRAM

THE WAGNER POST

Public Notice

NOTICE OF APPLICATION
 NO. 6683-3 TO
 APPROPRIATE WATER

Notice is given that Spark Ranch LLC, c/o Jeffrey Spark, 28648 396th Ave, Armour SD 57313 has filed an application for a water permit to appropriate an additional 0.45 cubic feet of water per second (cfs) and irrigate an additional 36 acres to what is currently authorized by Water Right No. 5779-3. Water Right No. 5779-3 appropriates 1.33 cfs from one well completed into the Delmont Aquifer (49 feet deep) located in the SW 1/4 NE 1/4 Section 11 to irrigate 170 acres located in the S 1/2 NE 1/4, E 1/2 SW 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4 Section 11; all in T97N-R63W. This application proposes to divert an additional 0.45 cfs from the existing well to irrigate an additional 36 acres located in the SE 1/4 SE 1/4 Section 11-T97N-R63W. This will allow the center pivot to make a full rotation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No 6683-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested party or the applicant must be filed by February 20, 2006.

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
 Pub: February 1, 8, 2006



**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.

January 25, 2006

Spark Ranch LLC
%Jeffrey Spark
28648 396th Ave
Armour SD 57313

Dear Mr. Spark:

Water Permit Application No. 6683-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Wagner Post printed at Wagner, SD (Ph # 605-384-5616). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on February 1, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6683-3 to Appropriate Water

Notice is given that Spark Ranch LLC, c/o Jeffrey Spark, 28648 396th Ave, Armour SD 57313 has filed an application for a water permit to appropriate an additional 0.45 cubic feet of water per second (cfs) and irrigate an additional 36 acres to what is currently authorized by Water Right No. 5779-3. Water Right No. 5779-3 appropriates 1.33 cfs from one well completed into the Delmont Aquifer (49 feet deep) located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11 to irrigate 170 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11; all in T97N-R63W. This application proposes to divert an additional 0.45 cfs from the existing well to irrigate an additional 36 acres located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11-T97N-R63W. This will allow the center pivot to make a full rotation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6683-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 20, 2006.

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

January 25, 2006

Wagner Post
PO Box 187
Wagner SD 57380-0187

ATTENTION: Legal Public Notice

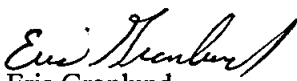
Enclosed is a Notice on Application No. 6683-3 to Appropriate Water to be published twice. Please publish the first notice on February 1, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Spark Ranch LLC, % Jeffrey Spark, 28648 396th Ave, Armour, SD (Ph # 605-491-2606).

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. 6683-3

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

Date _____

We are in receipt of your letter of January 25, 2006 enclosing Notice to Appropriate Water by Application No. 6683-3 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

APR 07 2008

Spark Ranch LLC
% Jeffrey Spark
28648 396th Ave
Armour SD 57313

Dear Mr. Spark:

Enclosed is Water Permit No. 6683-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

6683-3

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

Date 4/17/2006

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

FROM: Jeff Spark of Spark Ranch LLC
(name)
28648 396th Ave Armour
(address)
Armour SD 57313 605-491-2606
(city, state, zip) (phone)

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

Water Permit No. 6683-3 states that the water use system ^{was} ~~is to be~~ constructed by 6/15/1993, and water is to be put to beneficial use by 4/17/2006.
(date) (date)

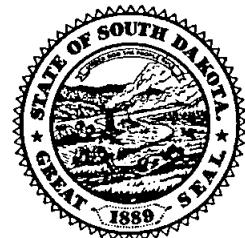
The water use system was completed on 4/17/2006.
(date)

Applying the water to beneficial use was completed on 4/17/2006.
(date)

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

Jeffery R Spark
(signature)

RECEIVED
APR 19 2006
WATER RIGHTS
PROGRAM



Permit No. 6683-3
Vermillion River - Water District

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

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

I have this day, July 12, 2006, made a thorough examination of the water use system constructed by Spark Ranch LLC, of 28648 396th Ave, Armour SD 57313 holder of Permit No. 6683-3, bearing the priority of January 10, 2006 authorizing the diversion of 0.45 cu. ft. per second of the waters of ground water (Delmont aquifer) for irrigation purposes, in Charles Mix County.

Inspection contact & relationship to permit holder, if applicable: **Jeff Spark**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 49 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 14 inches
- 2) Length 37 feet
- 3) Type Steel

Screen:

- 1) Type Stainless steel
- 2) Length 12 feet
- 3) Static water level 8 feet

Pump:

- 1) Make Western Land Roller
- 2) Capacity 800 GPM

Motor:

- 1) Make US Electrical
- 2) Model No. 1049951
- 3) Horsepower rating 60 hp

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

- | | | |
|-----------------------|-------------------------|-----------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>2,300</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>6</u> inches | 3) Length <u>2,500</u> feet |
| 1) Type <u>Rubber</u> | 2) Size <u>4</u> inches | 3) Length <u>660</u> feet |

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Number of towers 8
- 3) End gun Y
- 4) High pressure Y
- 5) Capacity 800 GPM

Gun:

- 1) Make EZ-Rain
- 2) Nozzle size 1.5 inches
- 3) Capacity 600 GPM
- 4) Hose size 4 inches

Chemigation Equipment:

- 1) Does chemigate N

Report of Examination of Works

Permit No. 6683-3

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

The system is in good condition with the point of diversion located as follows: Well: 2,800 feet N and 2,275 feet W from the SE corner section 11-T97N-R63W (Latitude 43.23459, Longitude -98.25626 -- SW $\frac{1}{4}$ NE $\frac{1}{4}$). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: all in section 11-T97N-R63W

NE $\frac{1}{4}$ SE $\frac{1}{4}$	36 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	22 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	39 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	36 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$	3 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	32 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5 acres

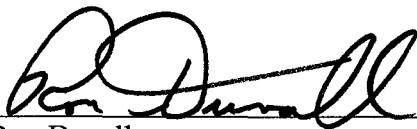
comprising a total of 206 acres of land and the license should be issued for 1.78 cfs.

All structures, wells and lands on map Y

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

Water Right No. 5779-3 (which incorporates No. 2163-3) needs to be incorporated into No. 6683-3. A common well is used for irrigation of all the land. Assignment of priority dates is as follows:

- **December 10, 1974 for irrigation of 154 acres established under No. 2163-3**
- **July 8, 1993 for irrigation of 16 acres established under No. 5779-3**
- **January 10, 2006 for irrigation of 36 acres established under No. 6683-3**



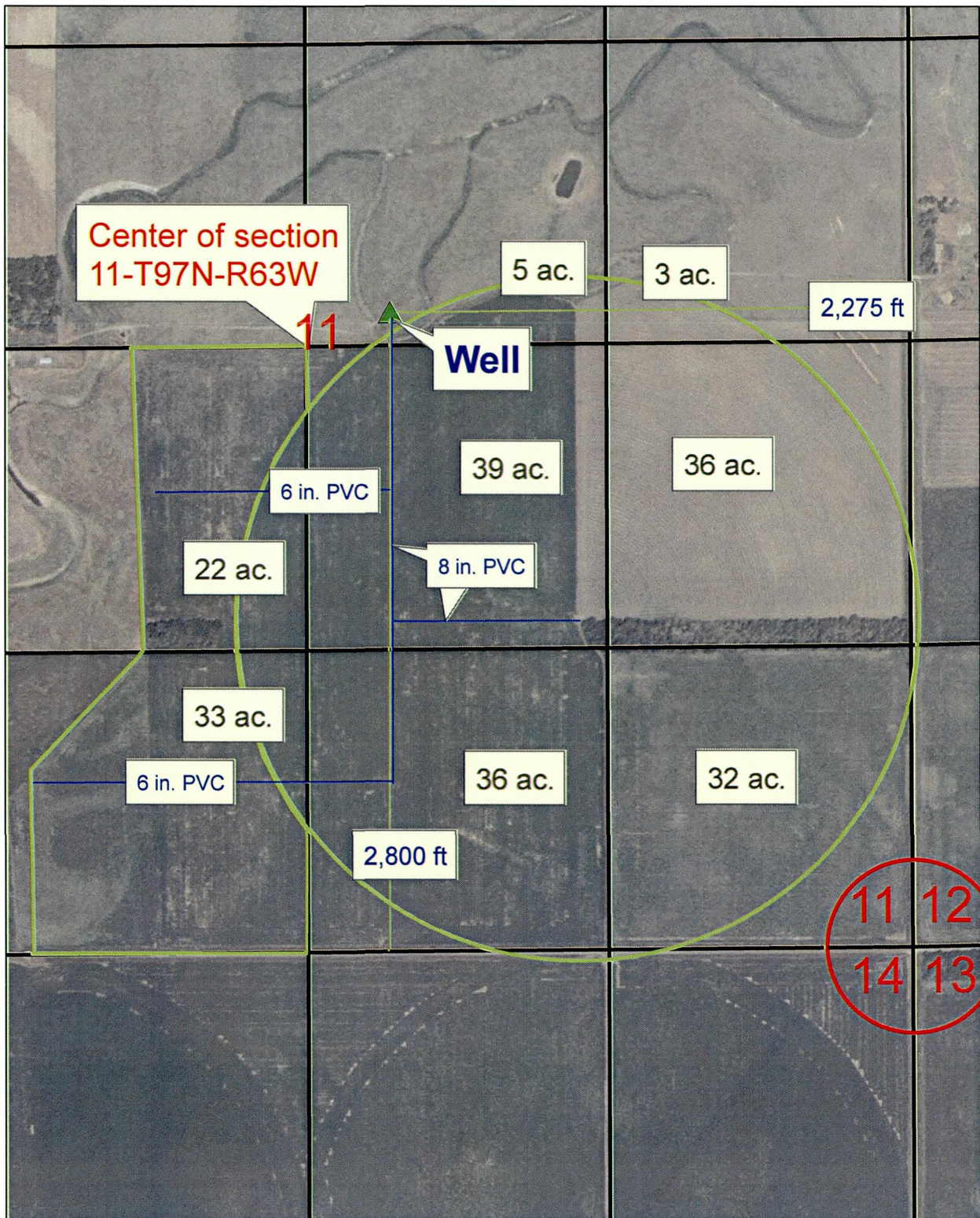
Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: September 12, 2006

Scale: 1 inch equals 657 feet

925

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Sept 12, 2006

Water Right No. 6683-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 03 2006

6683-3
5779-3

Jeff Spark
Spark Ranch LLC
28648 396th Ave
Armour SD 57313

Dear Mr. Spark:

Enclosed is your Water License No. 6683-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is a copy of the map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6683-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

Note: The applicable portions of Water Right No. 5779-3 were incorporated into Water License No. 6683-3.

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6683-3

(1) Spark Ranch LLC, 28648 396th Ave, Armour SD 57313 made Application No. 6683-3, January 10, 2006 for a water permit to divert an additional 0.45 cubic feet of water per second (cfs) from ground water (one well – Delmont Aquifer), Charles Mix County, South Dakota for irrigation of an additional 36 acres to what is currently authorized by Water Right No. 5779-3. Permit No. 6683-3, with a priority date of January 10, 2006 was approved February 20, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 20, 2011 and for the application to beneficial use of said water on or before February 20, 2015.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on April 19, 2006. The "*Notice*" stated the water use system was completed and the water placed to beneficial use on April 17, 2006.

Water Right No. 5779-3 (which incorporated No. 2163-3) appropriates 1.33 cfs from one well to irrigate 170 acres. Permit No. 6683-3 authorized additional water and the irrigation of an additional 36 acres to allow the center pivot to make a full rotation. The applicable portions of Water Right No. 5779-3 are being incorporated into this Water License No. 6683-3. Priority dates for the irrigated acres are listed in (3) below.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 2,800 feet N and 2,275 feet W of the SE corner of Section 11, T97N, R63W (SW ¼ NE ¼).

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

Section 11, T97N, R63W			
NE ¼ SE ¼	36 acres	NE ¼ SW ¼	22 acres
NW ¼ SE ¼	39 acres	SE ¼ SW ¼	33 acres
SW ¼ SE ¼	36 acres	SE ¼ NE ¼	3 acres
SE ¼ SE ¼	32 acres	SW ¼ NE ¼	5 acres
Total of 206 acres			

Priority dates for above land: **December 10, 1974** (established by No. 2163-3) for irrigation of 154 acres
July 8, 1993 (established by No. 5779-3) for irrigation of 16 acres
January 10, 2006 (established by No. 6683-3) for irrigation of 36 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Spark Ranch LLC, 28648 396th Ave, Armour SD 57313 the holder and/or owner of Incorporated Water Right No. 6683-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well – Delmont Aquifer) with priority dates of December 10, 1974, July 8, 1993 and January 10, 2006 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

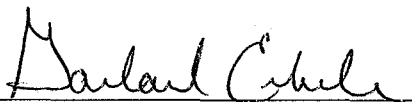
(continued)

Page 2

Water License No. 6683-3

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 6683-3 and subject to the following qualifications:

- The well approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Water Right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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

NOV 03 2008

date





6683-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: SPARK RANCH LLC, JEFFREY SPARK, 28648 396TH AVE, ARMOUR, SD 57313
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6683-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6683-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6683-3 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 before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2018

6683-3

Jeffrey Spark
Spark Ranch LLC
28648 396th Ave
Armour SD 57313

Dear Mr. Spark:

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 6683-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: SPARK RANCH LLC, JEFFREY SPARK, 28648 396TH AVE, ARMOUR, SD 57313

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6683-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 6683-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 6683-3 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 before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JVXXFN**

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 31, 2022

6683-3

Jeffrey Spark
Spark Ranch LLC
28648 396th Ave
Armour SD 57313

Dear Mr. Spark:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 6683-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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