

WATER PERMIT NO. 6790-3

Name of Applicant: Allen & Rebecca Walth

Address: 13640 Walth Bay Road, Glenham SD 57631

Phone: 605 762-3371

Amount of Water Claimed: 0.330 cfs

Total Acres: 46 add'l acres

Source of Water Supply: Missouri River

Water to be used for: irrigation

County: Walworth

Type of Waste Disposal System:

Location: 9 miles south of Glenham

PRIORITY

Date Received: 1-3-07

Application/License Fee: \$200

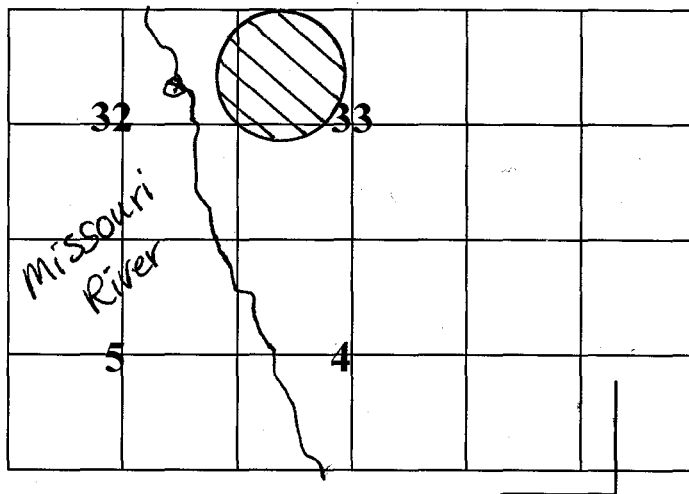
Corrected Application Received:

Period of Annual Use: April 1 – September 30

Remarks: Appropriates an add'l 0.33 cfs and to irrigate 46 add'l acres to what is currently authorized by Water Right No. 1986-3

Diversion Point: S ½ NE ¼ Sec 32-T123N-R78W

Land to be Irrigated: E ½ NE ¼ Sec 32 and NW ¼, N ½ SW ¼ Sec 33; all in T123N-R78W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 1-8-07

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	(office use only) No. <u>6790-3</u> Hydrologic Unit <u>10130102</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Mobridge Tribune</u>

RECEIVED
JAN - 3 2007
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.)

add additional acres and change the diversion point to Water Right No. 1986-3

1. Name of Applicant Allen Walth ^{Rebecca} Phone (605) 762-3371
(check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address 13640 Walth Bay Road Glenham State SD 57631
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.330 *CFS or **GPM ***AF Total Acreage 46
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Missouri River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Walworth
S 1/2 NE 1/4 Section 32, T123N, R78W
5. County or counties where water will be used Walworth
6. Annual period during which water is to be used April 1 - September 30
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
E 1/2 NE 1/4 Section 32			
NW 1/4 and N 1/2 SW 1/4 Section 33	180		
<u>see attached sheet</u>			

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

Appropriate and additional 0.33 cfs and 46 additional irrigated acres to reflect the system as it exists.

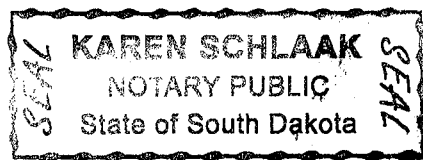
STATE OF SOUTH DAKOTA) SS
County of Hughes

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, Allen Walth, 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 Allen Walth Rebecca Walth

Subscribed and sworn to before me this 3rd day of January 20 07



Karen Schlaak
Notary Public signature

My Commission Expires
April 1, 2007

Breakdown of new acreage for water permit application filed by Allen and Rebecca Walth to add acreage to Water Permit No. 1986-3

Legal description	acres	Deviation from WR No. 1986-3
NW ¼ NW ¼ Sec. 33, T123N, R78W	33	- 1
NE ¼ NW ¼ Sec. 33, T123N, R78W	24	- 10
SW ¼ NW ¼ Sec. 33, T123N, R78W	40	+ 7
SE ¼ NW ¼ Sec. 33, T123N, R78W	36	+ 3
NW ¼ SW ¼ Sec. 33, T123N, R78W	14	+ 14
NE ¼ SW ¼ Sec. 33, T123N, R78W	9	+ 9
NE ¼ NE ¼ Sec. 32, T123N, R78W	8	+ 8
SE ¼ NE ¼ Sec. 32, T123N, R78W	15	+ 15
NE ¼ SE ¼ Sec. 32, T123N, R78W	1	+
Total	180	+ 46

* Based on representation by Allen and Rebecca Walth on their office visit on January 3, 2007

**SOUTH DAKOTA
WATER PERMIT NO. 6790-3**

Date of first receipt of application January 3, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6790-3 to Allen and Rebecca Walth, 13640 Walth Bay Rd, Glenham SD 57631 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. 6790-3 appropriates an additional 0.33 cubic feet of water per second (cfs), changes the diversion point location and authorizes irrigation of 46 additional acres to what is currently authorized by Water Right No. 1986-3. Water Right No. 1986-3 authorizes 1.91 cfs from the Missouri River located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29-T123N-R78W to irrigate 134 acres located in the NW $\frac{1}{4}$ Section 33-T123N-R78W. The system as developed is capable of diverting 2.24 cfs from the Missouri River located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 32 to irrigate 180 acres located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 32 and NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 33; all in T123N-R78W.
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 – September 30.
3. The date from which applicant may claim right is January 3, 2007.
4. The date of approval of Permit No. 6790-3 is February 20, 2007.
5. One-fifth of the construction is to be completed on or before August 20, 2009.
6. All construction is to be completed on or before February 20, 2012.
7. Water is to be put to beneficial use on or before February 20, 2016.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

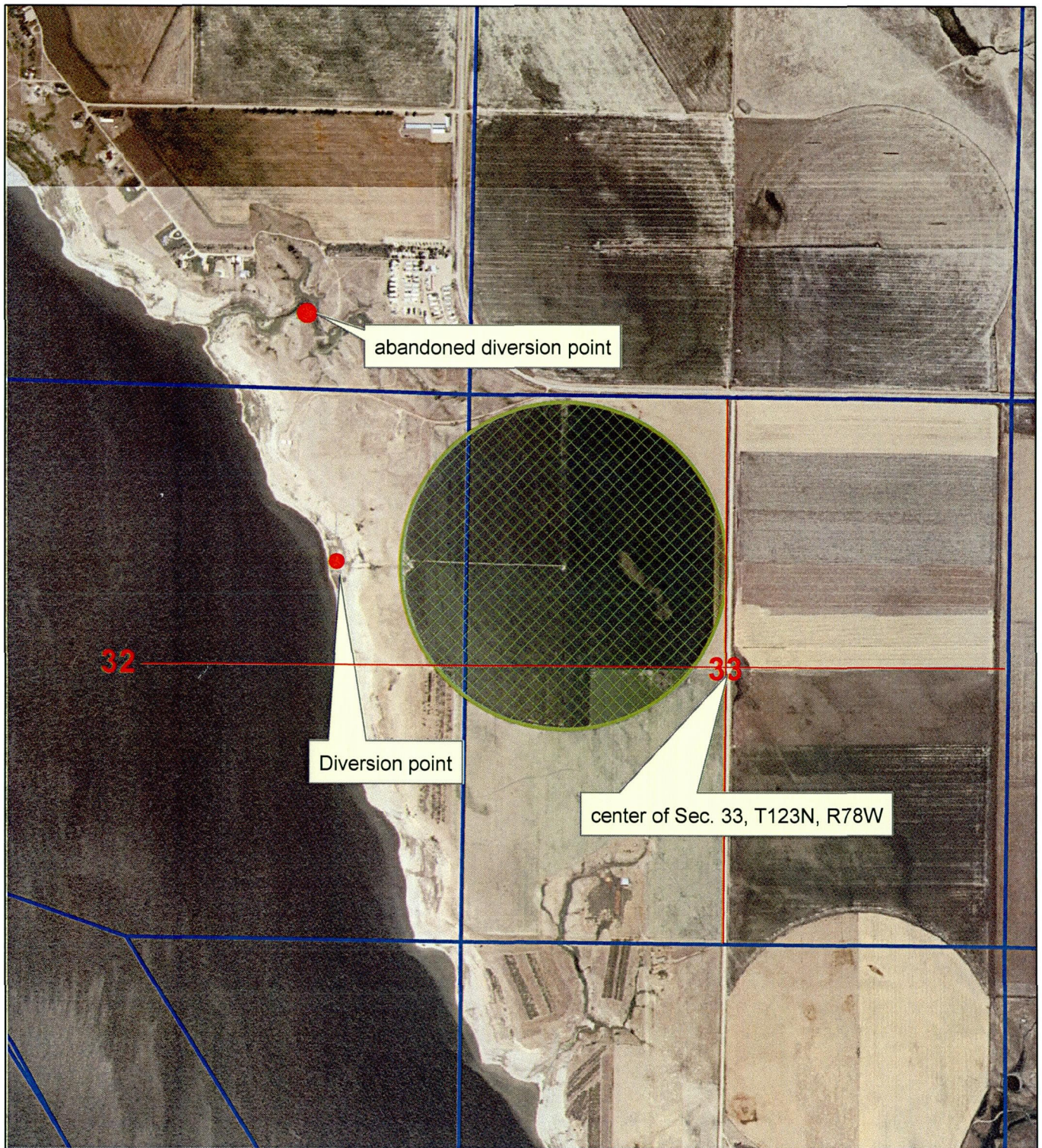
By: Garland Erbele

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

MAR 16 2007

date





0 500 1,000 2,000 3,000 4,000 Feet



A larger center pivot was installed a few years ago capable of irrigating 180 acres. This necessitates applying for an additional 46 acres to the 134 acres authorized by Water Right No. 1986-3. This application also seeks an additional appropriation of 150 gpm to reflect a 1,000 gpm total diversion capability. Finally, the application clarifies the location of the diversion intake currently in use.

Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
January 3, 2007

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 3., 20 07

RECEIVED OF Allen Walth, 13640 Walth Bay Road, Glenham SD 57631

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

Fee for Application for Permit No. <u>6790-3</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>6790-3</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.

02750

By

Darlan Ebel

Chief Engineer

gm



**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. 6790-3, Allen and Rebecca Walth**

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. 6790-3, Allen and Rebecca Walth, 13640 Walth Bay Road, Glenham SD 57631.

The Chief Engineer is recommending APPROVAL of Application No. 6790-3 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 qualification:

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 23, 2007

REPORT ON WATER PERMIT APPLICATION NOS. 6789-3 & 6790-3

Allen and Rebecca Walth

January 18, 2007

Application No. 6789-3, Allen and Rebecca Walth, proposes to appropriate 3.71 cubic feet of water per second (cfs) from the Missouri River located in Walworth County in the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 4-T122N-R78W to irrigate 262 acres located in the E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 33 and W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34; all in T123N-R78W. Due to declining water levels in Oahe Reservoir, this diversion point will also be utilized to irrigate lands authorized by Water Right No. 5246-3 until water levels rebound in Oahe Reservoir. Water Right No. 5246-3 authorizes 2.28 cfs from the Missouri River to irrigate 174 acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33-T123N-R78W and NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4-T122N-R78W.

Application No. 6790-3 proposes to appropriate an additional 0.33 cfs, change the diversion point location and to irrigate 46 additional acres to what is currently authorized by Water Right No. 1986-3. Water Right No. 1986-3 authorizes 1.91 cfs from the Missouri River also in Walworth County located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29-T123N-R78W to irrigate 134 acres located in the NW $\frac{1}{4}$ Section 33-T123N-R78W. The system as developed is capable of diverting an additional 0.33 cfs from the Missouri River located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 32 to irrigate an additional 46 acres located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 32 and NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 33; all in T123N-R78W. This application, if approved, will authorize a total diversion rate of 2.24 cfs for irrigation of 180 acres.

Review of the Water Source

The water source for these two applications is the Missouri River impounded behind Oahe Dam. The U.S. Army Corps of Engineers (USACE) constructed Oahe Dam in the 1950's and 1960's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams; Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point; are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included. Specifically Oahe Reservoir can impound up to 23.4 million acre-feet of water (MAF) when full. Due to an ongoing 7 year region wide drought, Oahe reservoir is currently 12.7 (MAF) below full and down 46.9 feet from full and down 34.4 feet below the top of the multiple use storage zone. Water availability is not a concern when using the Missouri River as a source, but accessing water due to declining water levels and receding shore line as reservoir levels drop can become an issue.

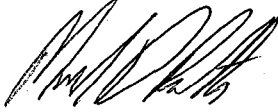
Review of Existing Water Rights

There are 216 existing water rights/permits appropriating water from the Missouri River in South Dakota. Since water availability is not an issue, approval of these permits would not adversely affect these existing water rights.

Conclusions

1. Application No. 6789-3 proposes 3.71 cfs from the Missouri River located in Walworth County to irrigate 262 acres.

2. Application No. 6790-3 proposes to appropriate an additional 0.33 cfs, change the diversion point location and to irrigate 46 additional acres to the 1.91 cfs and 134 acres currently authorized by Water Right No. 1986-3.
3. Water availability is not a concern when using the Missouri River as a source, but accessing water due to declining water levels and receding shore line as reservoir levels drop can become an issue.



Mark D. Rath
Natural Resources Engineering Specialist

RECEIVED
FEB 09 2007
WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I, Caroline J. Iverson, having first duly sworn under oath say: The Mobridge Tribune is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Bridge City Publishing, Inc., in Mobridge, in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of Application for Water Permit

SD Dept. Of Environment & Natural Resources

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive weeks upon the following dates, to-wit:

January 31, 2007, and February 7, 2007

that the full amount of the fees charged for publishing the same to-wit: the sum of \$9.42 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Caroline J. Iverson

Subscribed and sworn to before me this 7th day of February, 2007

Rebecca L. Olson
Seal expires 19th May, 2012

(Seal)

PUBLIC NOTICES

Water application permit filed

NOTICE OF APPLICATION NOS. 6789-3 and 6790-3 to Appropriate Water

Notice is given that Alan and Rebecca Walth, 13640 Walth Bay Road, Glenham, SD 57631 have filed the following applications for a water permit.

Application No. 6789-3 proposes to appropriate 3.71 cubic feet of water per second (cfs) from the Missouri River located in the N 1/2 SW 1/4 Section 4-T122N-R78W to irrigate 262 acres located in the E 1/2 NE 1/4, SW 1/4 NE 1/4, SE 1/4 Section 33 and W 1/2 NW 1/4, SW 1/4 SW 1/4 Section 34; all in T123N-R78W. Because of low Lake Oahe water levels, this diversion point will also be utilized to irrigate lands authorized by Water Right No. 5246-3 until water levels rebound in Lake Oahe. Water Right No. 5246-3 authorizes 2.28 cfs from the Missouri River to irrigate 174 acres located in the S 1/2 SE 1/4 Section 33-T123N-R78W and NE 1/4, E 1/2 NW 1/4 Section 4-T122N-R78W.

Applications No. 6790-3 proposes to appropriate an additional 0.33 cfs, change the diversion point location and to irrigate 46

additional acres to what is currently authorized by Water Right No. 1986-3. Water Rights No. 1986-3 authorizes 1.91 cfs from the Missouri River located in the SW 1/4 SE 1/4 Section 29-123N-R78W to irrigate 134 acres located in the NW 1/4 Section 33-T123N-R78W. The system as developed is capable of diverting an additional 0.33 cfs from the Missouri River located in the S 1/2 NE 1/4 Section 32 to irrigate and additional 46 acres located in the NE 1/4 SE 1/4, E 1/2 NE 1/4 Section 32 and NW 1/4, N 1/2 SW 1/4 Section 33; all in the T123N-R78W. This application, if approved, will authorize a total diversion rate of 2.24 cfs for irrigation of 180 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6789-3 and 6790-3 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) 733-3352" 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, 2007.

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'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 Pimer, Secretary
Department of Environment and
Natural Resources

-013107-020707



January 23, 2007

Mobridge Tribune
PO Box 250
Mobridge SD 57601-0250

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6789-3 to Appropriate Water to be published twice. Please publish the first notice on January 31, 2007 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 Allen and Rebecca Walth, 13640 Walth Bay Road, Glenham, SD (Ph # 605-762-3371).

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. 6789-3

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

Date _____

We are in receipt of your letter of January 23, 2007 enclosing Notice to Appropriate Water by Application No. 6789-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

January 23, 2007

Allen & Rebecca Walth
13640 Walth Bay Road
Glenham SD 57631

Dear Mr. & Ms. Walth:

Water Permit Application No. 6789-3 and 6790-3 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 Mobridge Tribune printed at Mobridge, SD (Ph # 605-845-3646). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications 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 recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on January 31, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6789-3 and 6790-3 to Appropriate Water

Notice is given that Allen and Rebecca Walth, 13640 Walth Bay Road, Glenham SD 57631 have filed the following applications for a water permit.

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Application No. 6790-3 proposes to appropriate an additional 0.33 cfs, change the diversion point location and to irrigate 46 additional acres to what is currently authorized by Water Right No. 1986-3. Water Right No. 1986-3 authorizes 1.91 cfs from the Missouri River located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29-T123N-R78W to irrigate 134 acres located in the NW $\frac{1}{4}$ Section 33-T123N-R78W. The system as developed is capable of diverting an additional 0.33 cfs from the Missouri River located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 32 to irrigate an additional 46 acres located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 32 and NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 33; all in T123N-R78W. This application, if approved, will authorize a total diversion rate of 2.24 cfs for irrigation of 180 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6789-3 and 6790-3 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, 2007.

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

MAR 16 2007

ALLEN AND REBECCA WALTH
13640 WALTH BAY RD
GLENHAM SD 57631

Dear Mr. and Mrs. Walth:

Enclosed is Water Permit Nos. 6789-3 and 6790-3 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

**Permit No. 6790-3 & License No. 1986-3
Missouri River - Water District**

Contact Person & Address: Allen Walth, 13640 Walth Bay Road, Glenham SD 57631

Report Of Examination Of Works

On, September 16, 2015, I made a thorough examination of the water use system constructed by Allen and Rebecca Walth holder of License No. 1986-3, bearing the priority of April 16, 1973 authorizing the diversion of 1.91 cu. ft. per second and Permit No. 6790-3, bearing the priority of January 3, 2007 authorizing the diversion of 0.33 cu. ft. per second of the waters of surface water; Missouri River for irrigation purposes, in Walworth County.

The system is in the following condition good. The point of diversion is located from the NE corner of Sec 32 T123N-R78W; 1630 ft S and 890 ft W with latitude of 45.43058 and a longitude of -100.28816 as determined using GPS. The works are capable of diverting and conveying to the place of use 2.01 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:

Land is located in Sec 32 T123N-R78W

NE ¼ NE ¼ - 8 ac SE ¼ NE ¼ - 15 ac NE ¼ SE ¼ - 1 ac

Land is located in Sec 33 T123N-R78W

NW ¼ NW ¼ - 33 ac NE ¼ NW ¼ - 24 ac SE ¼ NW ¼ - 36 ac SW ¼ NW ¼ - 40 ac
NW ¼ SW ¼ - 14 ac NE ¼ SW ¼ - 9 ac

comprising a total of 180 acres of land and the license should be issued for 2.01 cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes.
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

Pump:

- 1) Make Submerible
- 2) Model NA
- 3) Size NA
- 4) Capacity 900 GPM

Motor:

- 1) Make Submersible
- 2) Model No. NA
- 3) Horsepower rating 75 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum & PVC
- 2) Size 10 inches
- 3) Length 2000 feet

SYSTEM TYPE:

Center pivot:

- | | |
|---|---|
| 1) Make <u>Reinke</u> | 2) Overall length <u>1540</u> feet |
| 3) Number of towers <u>8</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>900</u> GPM |

CHEMIGATION EQUIPMENT:

- 1) Does chemigate **no**

Comments : none

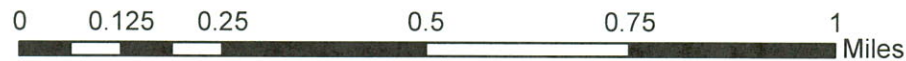
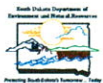
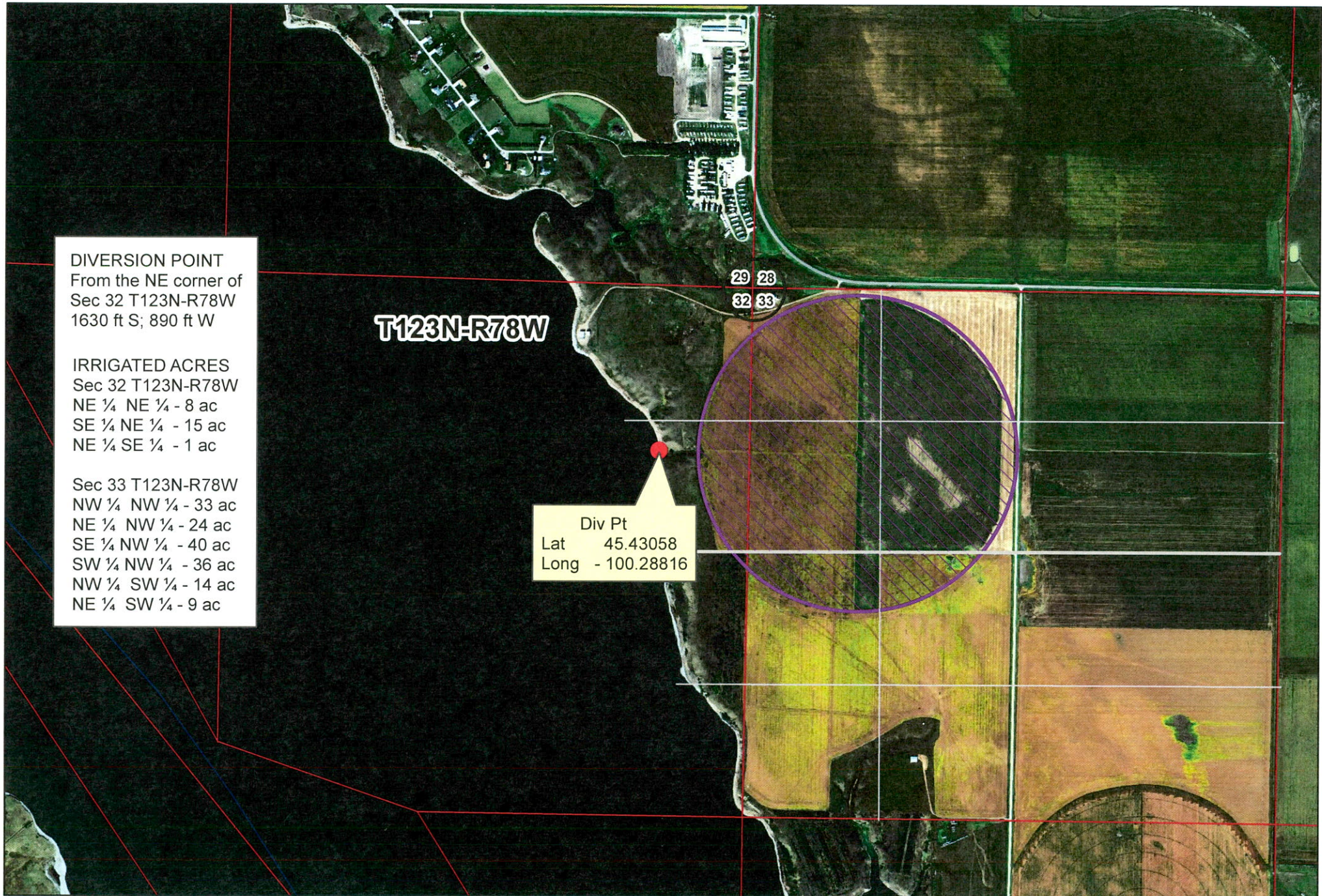


Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program

9-17-15

Date

6790-3



Mark D Rath 9-17-15
Mark D Rath
Natural Resources Engineer

6790-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

SEP 29 2015

1986-3
6790-3

Allen & Rebecca Walth
13640 Walth Bay Rd
Glenham SD 57631

Dear Mr. & Mrs. Walth:

Enclosed is Water License No. 6790-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 1986-3 were incorporated into Water License No. 6790-3.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6790-3**

(1) Allen & Rebecca Walth, 13640 Walth Bay Road, Glenham SD 57631 made Application No. 6790-3, January 3, 2007 for a water permit to divert 0.33 cubic feet of water per second (cfs) from the Missouri River, Walworth County, South Dakota for irrigation purposes. Permit No. 6790-3, with a priority date of January 3, 2007 was approved February 20, 2007 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before February 20, 2012 and for the application to beneficial use of said water on or before February 20, 2016.

Water Permit No. 6790-3 was obtained to change the point of diversion on the Missouri River and increase the diversion rate and acreage authorized under Water Right No. 1986-3. An investigation of the overall system found a total diversion rate of 900 gallons per minute or 2.00 cfs irrigating 180 acres. The applicable portions of Water Right No. 1986-3 are incorporated into this Water License No. 6790-3.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 2.00 cubic feet of water per second for beneficial use.

The location of the diversion point is 1,630 feet south and 890 feet west of the NE corner of Section 32, T123N, R78W (SE ¼ NE ¼).

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

Section 32, T123N, R78W		Section 33, T123N, R78W		Section 33, T123N, R78W	
NE ¼ NE ¼	8 acres	NW ¼ NW ¼	33 acres	NW ¼ SW ¼	14 acres
SE ¼ NE ¼	15 acres	NE ¼ NW ¼	24 acres	NE ¼ SW ¼	9 acres
NE ¼ SE ¼	1 acre	SE ¼ NW ¼	36 acres		
		SW ¼ NW ¼	40 acres		
				Total 180 acres	

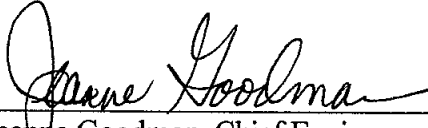
Priority dates for acreage irrigated:

- **April 16, 1973 (established under No. 1986-3) for NW ¼ Section 33, T123N, R78W**
- **January 3, 2007 (established under No. 6790-3) for remaining acreage**

(4) Pursuant to South Dakota Water Law 46-5-30.1 Allen & Rebecca Walth, 13640 Walth Bay Road, Glenham SD 57631 the holders and/or owners of Incorporated Water Right No. 6790-3 are issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from the Missouri River with priority dates of April 16, 1973 (1.91 cfs) and January 3, 2007 (0.09 cfs) from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 6790-3 and subject to the following qualification:

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



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

SEP 29 2015

date

