

WATER PERMIT NO. 6826-3

Name of Applicant: Joseph P Nemmers

Address: 47680 240th St, Trent SD 57065 Phone: 605 428-3982

Amount of Water Claimed: 2.0 Total Acres: 160

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Moody

Type of Waste Disposal System:

Location: ½ west of Trent

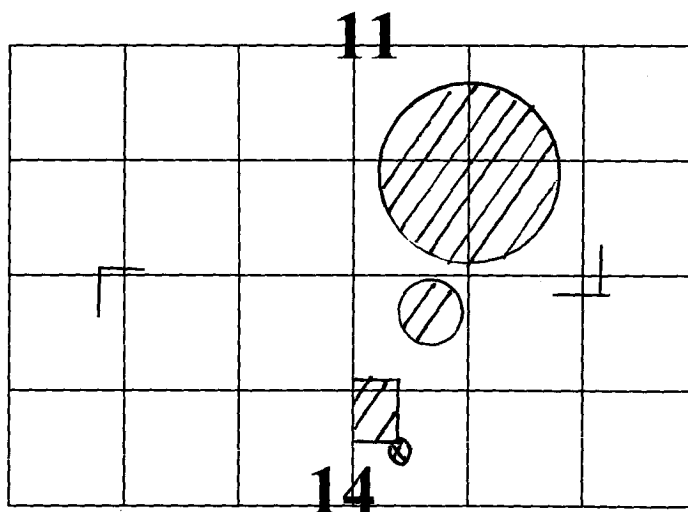
PRIORITY Date Received: 3-12-07 Application/License Fee: \$300

Corrected Application Received: Period of Annual Use: June 1 – Sept 30

Remarks:

Diversion Point: SW ¼ NE ¼ Sec 14-T105N-
R49W

Land to be Irrigated: W ½ NE ¼ Sec 14 and SE ¼
Sec 11; all in T105N-R49W



Depth of Well: 30 feet deep

Well Driller: : Lacey Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Joel Curran, NRCS

Reviewed and the Number Assigned on: 3-12-07

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

RECEIVED
MAR 12 2007
WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No.	6826-3	(office use only) Hydrologic Unit	10170203
	Basin	Big Sioux River		
	Newspaper	Moody Co. Ent. P071		
	605-997-3725			

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 Joseph P Nemmers Phone 605-428-3982
(check one) ☒ Owner ☐ Tenant/leasee
- Mailing Address 47680 240th Street State SD 57065
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 2 *CFS or 900 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Moody
1 well NE 1/4 Section 14 - T105N R49W
SW 1/4
5. County or counties where water will be used Moody
6. Annual period during which water is to be used June 1 - Sept. 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)

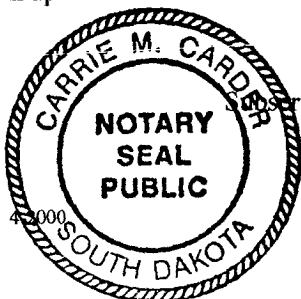
Land Description	Acres	Land Description	Acres
N 1/2 W 1/2 NE 1/4 14 105-49	20	SW 1/4 SE 1/4 11-105-49	30
S 1/2 W 1/2 NE 1/4 14 105-49	20	NW 1/4 SE 1/4 11-105-49	30
SE 1/4 SE 1/4 11 105-49	30		
NE 1/4 SE 1/4 11 105-49	30		

8. Give a description of the project. (Attach sheet if more space is needed)
Install Center pivot in Sec 11. That will cover approx 120 A.
Install well & either pivot or trawler gun in Sec 14.

STATE OF SOUTH DAKOTA) SS
County of Moody

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, Joseph P Nemmers, 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 Joseph P Nemmers

Subscribed and sworn to before me this 5th

day of March

20 07

Comm. exp. 1/4/11

Notary Public signature [Signature]

**SOUTH DAKOTA
WATER PERMIT NO. 6826-3**

Date of first receipt of application March 12, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6826-3 to Joseph P Nemmers, 47680 240th St, Trent SD 57065 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. 6826-3 appropriates 2.0 cubic feet of water per second from one well to be completed into the Big Sioux:Moody Aquifer (approximately 30 feet deep) located in the SW ¼ NE ¼ Section 14 to irrigate 160 acres located in the W ½ NE ¼ Section 14 and the SE ¼ Section 11; all in T105N-R49W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – September 30.
3. The date from which applicant may claim right is March 12, 2007.
4. The date of approval of Permit No. 6826-3 is June 4, 2007.
5. One-fifth of the construction is to be completed on or before December 4, 2009.
6. All construction is to be completed on or before June 4, 2012.
7. Water is to be put to beneficial use on or before June 4, 2016.
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. The well authorized by Permit No. 6826-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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

JUN 20 2007

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 20" Depth 30'
- b) Casing Type STEEL Diameter 12" Thickness 3/8"
- c) Screen Type S.S. Diameter 12" Thickness 3/16
- d) Gravel Pack YES Length of Gravel Pack 16'
- e) Depth to Top of Water Bearing Material 4
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property 2200' On property owned by others 4000'

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

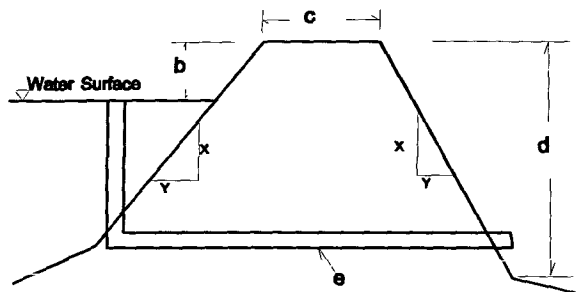
3. Dugout Information

- 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

Joe Nemmer well location

Date: 3/1/2007

Field Office: FLANDREAU SERVICE CENTER

Agency: USDA NRCS

Assisted By: Joel R Curran

Legal Description: W 1/2 NE 1/4 14, 105N 49W



Joel Curran, DC
USDA-NRCS

3-6-07

Legend



○ Irrigation well location

430 0 430 860 1,290 1,720 Feet



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/12, 20 07

RECEIVED OF JOSEPH NEMMEPS 47680 240TH ST TRENT SD 57065

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

Fee for Application for Permit No. <u>6826-3</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>6826-3</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.

02987

By

Latina Erbele
Chief Engineer

In Water Since 1946

LACEY WELL DRILLING, INC.

Wells — Pumps
Dewatering Work
Test Drilling

47582 - 240th St.
Dell Rapids, South Dakota 57022
Telephone (605) 428-5979

Down-Hole Camera
Water Specialists
Irrigation Supplies

2-27-07

Log of Test hole for
JOE NEMMEYS

0-4 Black Topsoil
4-30 COARSE GRAY GRAVEL
gw 4'

Jim Lacey, Driller
Lic # 111

I am planning on Building The
System in Stages

- ① Well & large pivot. w water line.
- ② Small pivot + towable gun.

The Second stage will be completed
after The Main pivot is up and running.
This may take a year or two after The
main pivot is up and running

Joe Nemms



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

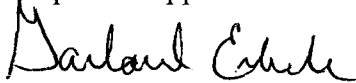
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6826-3, Joseph P Nemmers**

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. 6826-3, Joseph P Nemmers, 47680 240th Street, Trent SD 57065.

The Chief Engineer is recommending APPROVAL of Application No. 6826-3 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:

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. The well authorized by Permit No. 6826-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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
May 10, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6826-3
For Joseph P. Nemmers
April 18, 2007

Application No. 6826-3 proposes to appropriate 2.0 cfs from one well approximately 30 feet deep located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 14 to irrigate 160 acres located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ of section 14 and the SE $\frac{1}{4}$ of section 11; all in T105N R 49W in Moody County.

AQUIFER – BIG SIOUX MOODY (BS-M)

The Big Sioux Moody is a surficial outwash (sand and gravel) that is under water table conditions at this site. The aquifer consists of fine to medium, poorly sorted sand, to well-sorted sand and medium gravel (Hansen, 1986). The aquifer is limited to the flood plain of the Big Sioux River and is underlain by glacial till. The aquifer underlies 58 square miles and contains an estimated 163,000 acre-feet of water in storage in Moody County (Hansen, 1986). The aquifer extends into Brookings County to the north and into Minnehaha County to the south. The aquifer is hydraulically connected to the Big Sioux River. Ground water movement is from west to east in this area toward the Big Sioux River (Hansen, 1986). Hansen calculated the average recharge to the Big Sioux aquifer in Moody County to be 6.5 inches (Hansen, 1988).

Test well data provided with the application indicates sand and gravel from about 4 feet to 30 feet below land surface with a static water level of about 4 feet below land surface. This data fits well with the county study drilling data, observation wells and other irrigation and domestic wells in the area. No production information was filled with this application.

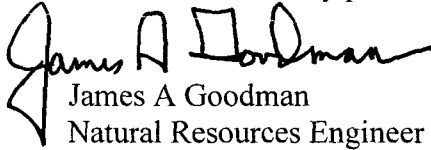
The Water Right Program monitors two observation wells MY-77A and MY-77B located within one mile of this application. Water levels for these wells show good response to climatic conditions, that is rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007). Hydrographs for these two observation wells area included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing Water Right Nos. 3254-3 and 3293-3 with wells located in the west half of section 14. This proposed well would be about one quarter mile east of one of the wells for Water Right No. 3293-3. At this distance interference should not be a concern. Drawdown should not significant at this distance between pumping wells.

CONCLUSIONS

1. Water is available from the Big Sioux Moody aquifer.
2. The aquifer is under water table conditions at this site. Drawdown is not expected to be significant. Interference is not a concern.
3. This well must be constructed in accordance with SD Well Construction Standards.
4. The distance this proposed well is from the Big Sioux River is sufficient to minimize any potential impact upon flows in the river.


James A Goodman
Natural Resources Engineer

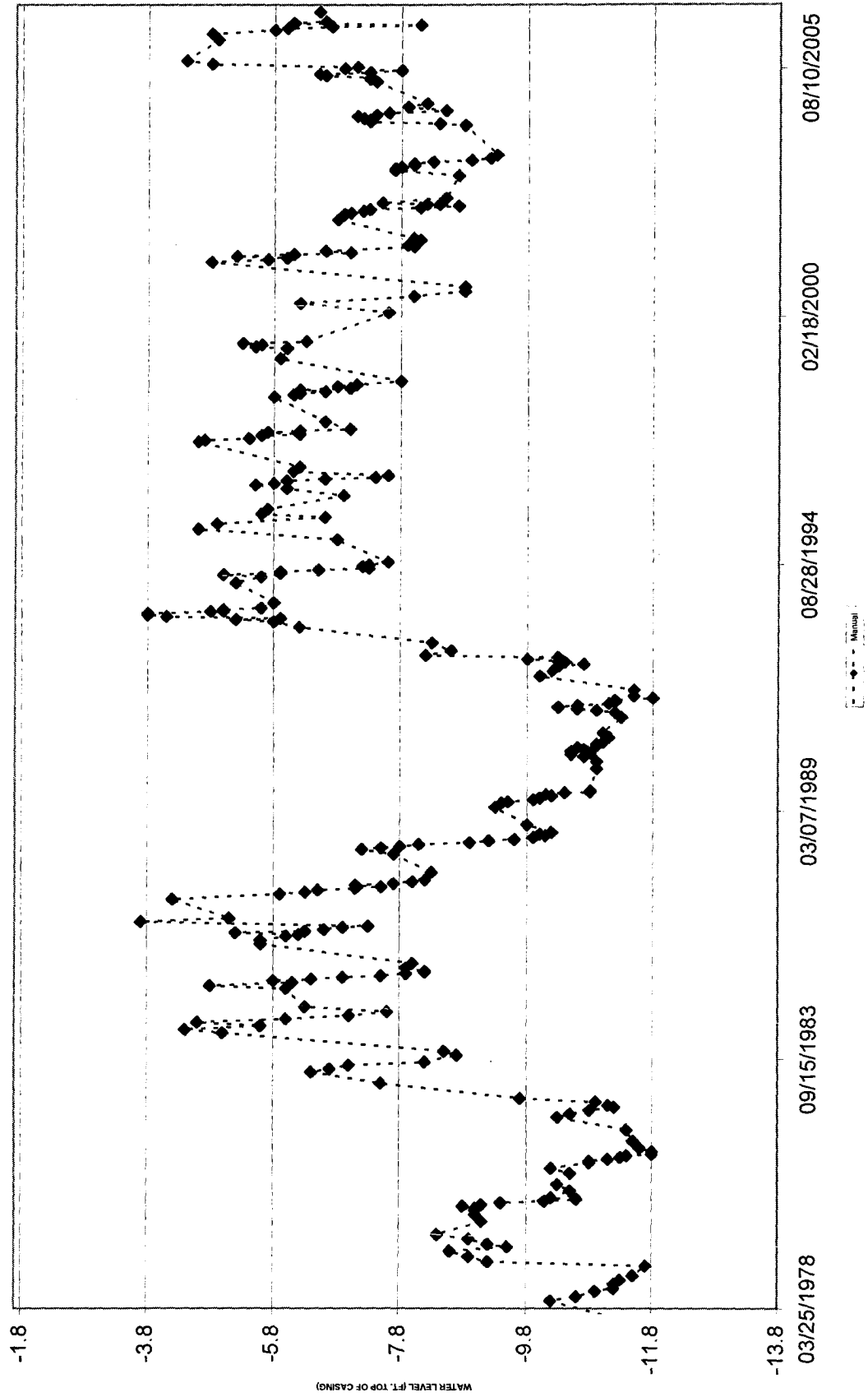
BIBLIOGRAPHY

Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, Water Resources-Investigations Report 84-4209, USGS, Huron, SD, 57350.

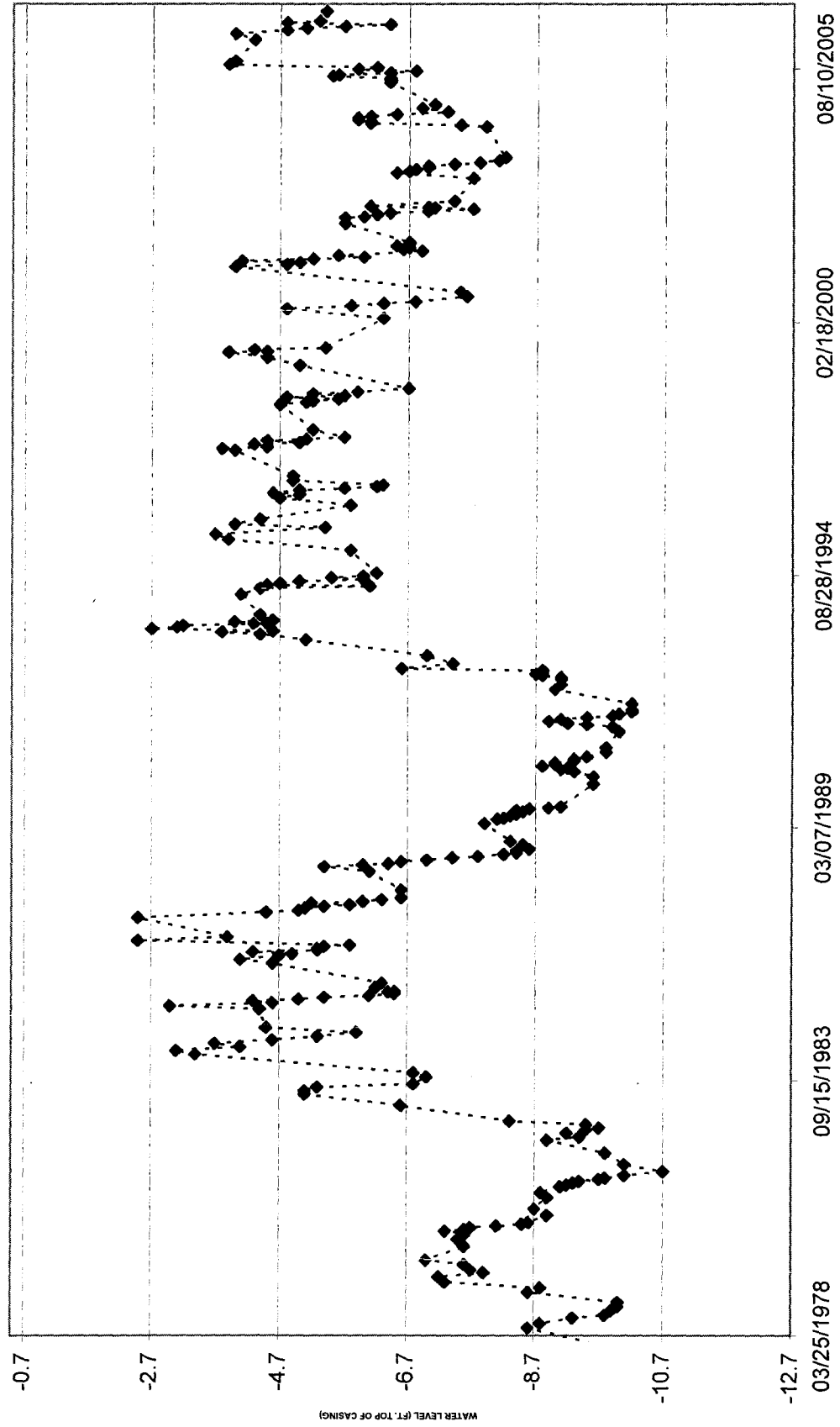
Hansen, D.S., 1988, Appraisal of the Water Resources of the Big Sioux Aquifer, Moody County, South Dakota, Water-Resources Investigations Report 87-4057, USGS, Huron, SD, 57350.

Water Rights, 2007, Unpublished Observation Well Data for the Big Sioux Aquifer in Moody County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
MY-77B



WATER RIGHTS' OBSERVATION WELL
MY-77A



Form 8

RECEIVED
SD STATE TREASURER
DENR WATER RIGHTS
MAY 29 2007
FIRST PREMIER BANK
WATER RIGHTS
PROGRAM

RECEIVED
MAY 29 2007
WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Moody) SS

I, Angela Wippelink

certify that the attached printed Notice was taken

from the Moody County
Enterprise

printed and published in Flandreau

County of Moody and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

May 16, 2007

May 23, 2007

Cost of Printing \$45.76

Angela Wippelink
(Signature)

Office mgr.
(Title)

5-23-07
(Date Signed)

NOTICE OF APPLICATION

NO. 6826-3 to Appropriate Water

Notice is given that Joseph P. Nemmers, 47680 240th St, Trent SD 57065 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Big Sioux: Moody Aquifer (approximately 30 feet deep) located in the SW 1/4 NE 1/4 Section 14 to irrigate 160 acres located in the W 1/2 NE 1/4 Section 14 and the SE 1/4 Section 11; all in T105N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Applications No. 6826-3 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 applications, as recommended, unless a petition is filed opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this 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, 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 June 4, 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 council, if legal council is obtained. Contact Eric Gronlund at the Water Rights Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

5-16-20



**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 11, 2007

MOODY COUNTY ENTERPRISE
PO BOX 71
FLANDREAU SD 57028

ATTENTION: Legal Public Notice

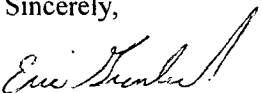
Enclosed is a Notice on Application No. 6826-3 to Appropriate Water to be published twice. Please publish the first notice on May 16, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Joseph P Nemmers, 47680 240th St, Trent SD 57065 (Ph # 605-428-3982).

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. 6826-3

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

Date _____

We are in receipt of your letter of May 11, 2007 enclosing Notice to Appropriate Water by Application No. 6826-3 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.

May 11, 2007

JOSEPH P NEMMERS
47680 240TH ST
TRENT SD 57065

Dear Mr. Nemmers:

Water Permit Application No. 6826-3 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 Moody County Enterprise printed at Flandreau SD (Ph # 605-997-3725). 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 reports 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 applications.

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 May 16, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6826-3 to Appropriate Water

Notice is given that Joseph P Nemmers, 47680 240th St, Trent SD 57065 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Big Sioux:Moody Aquifer (approximately 30 feet deep) located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14 to irrigate 160 acres located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 14 and the SE $\frac{1}{4}$ Section 11; all in T105N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6826-3 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 these applications, 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 this 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 recommendations 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 June 4, 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

JUN 20 2007

Joseph P Nemmers
47680 240th St
Trent SD 57065

Dear Mr. Nemmers:

Enclosed is Water Permit No. 6826-3 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

6826-3
07-92

Transit 50DAK. 57065

Topsoil	0	3
Coarse open Gravel	3	22

Date: _____

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6826-3

I have this day, 27 October 2015, made a thorough examination of the water use system constructed by Joseph P Nemmers, 47680 240th Street, Trent, SD 57065 of Permit No. 6826-3, bearing the priority of 12 March 2007 authorizing the diversion of 2.00 cu. ft. per second of the waters of the Big Sioux: Moody aquifer for irrigation purposes, in Moody County.

Inspection contact & relationship **Joseph Nemmers**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells one
- 3) Depth(s) 27 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 18 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 10 feet
- 3) Static water level 3 feet (2 January 2008)

Pump:

- 1) Make Western Land Roller Turbin
- 2) Model 310CHt110CM
- 3) Size 10
- 4) Capacity 800 GPM

Motor:

- 1) Make US Motor
- 2) Horsepower rating 30 hp

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

- 1) Type PIP 2) Size 8 inches 3) Length 3285 feet

Comments: **Buried from well to center pivot one to center pivot two**

C. Works used to apply water to beneficial use:**Center pivot₁:**

- 1) Make Reinke
- 2) Overall length 630 feet
- 3) Number of towers 4
- 4) End gun Yes
- 5) Capacity 650 GPM

Center pivot₂:

- 1) Make Reinke
- 2) Overall length 990 feet
- 3) Number of towers 6
- 4) End gun Yes
- 5) Capacity 650 GPM

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

List any extended period of nonuse: na

- 3) Exceptions to compliance are: na

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: 2035 feet south and 2350 feet west of the NE corner of Sec. 14, T105N-R49W (Lat./Lon.: 43.90078/-96.67708).
2. The works are capable of diverting and conveying to the place of use 1.45 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:

NW¼NE¼ Sec. 14, T105N-R49 W: 17.6 acres
SW¼NE¼ Sec. 14, T105N-R49 W: 0.4 acres
NW¼SE¼ Sec. 11, T105N-R49 W: 11.7 acres
NE¼SE¼ Sec. 11, T105N-R49 W: 9.7 acres
SE¼SE¼ Sec. 11, T105N-R49 W: 21.8 acres
SW¼SE¼ Sec. 11, T105N-R49 W: 22.6 acres

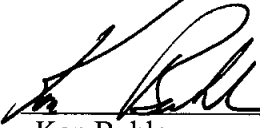
comprising a total of 83.8 acres of land and the license should be issued for 1.2 cfs.

3. All structures, wells and lands on map Yes

If no, describe: **na**

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

Has turned a full circle with Pivot No. 1 at times in the past. Will install stops instead of get new permit.


Ken Buhler
DENR, Water Rights Program

Date report completed: 10 January 2016

6826-3

Legend

- 6826-3_PVT2
- 6826-3_PVT1
- PVT2_Acres
- PVT1_Acres
- 6826-3 Well
- 8-inch_PVC
- Quarter-Quarter Section lines

NWSE
11.7 acres

NESE
9.7 acres

SWSE
22.6 acres

SESE
21.8 acres

NWNE
17.6 acres

SWNE
0.4 acres

NE Corner
Sec. 14, T105N-R49W

2035'

625

312.5

0

625 Feet

2350'

Base Map: FSA-2012-Statewide

KB
24 Nov. 2015





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

6826-3

MAY 03 2016

Joseph P Nemmers
47680 240th St
Trent SD 57065

Dear Mr. Nemmers:

Enclosed is Water License No. 6826-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

Please be aware if the south pivot completes a full rotation, a new water permit must be obtained for the additional acres located in the W 1/2 of the NE 1/4 of Section 14-T105N-R49W. You indicated to the staff engineer that stops will be installed on the pivot instead of applying for the additional acreage.

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. 6826-3, 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,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6826-3

(1) Joseph P Nemmers, 47680 240th St, Trent SD 57065 made Application No. 6826-3, March 12, 2007 for a water permit to divert 2.0 cubic feet of water per second from one well-Big Sioux:Moody Aquifer, Moody County, South Dakota for irrigation purposes. Permit No. 6826-3, with a priority date of March 12, 2007 was approved June 4, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 4, 2012 and for the application to beneficial use of water on or before June 4, 2016.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6826-3 is issued a license, bearing a priority date of March 12, 2007 to appropriate 1.20 cubic feet of water per second from one well – Big Sioux:Moody Aquifer to irrigate 83.8 acres.

The diversion point is located: 2,035 feet south and 2,350 feet west of the NE corner of Section 14-T105N-R49W (SW 1/4 NE 1/4). The acres authorized for irrigation are as follows:

Section 14-T105N-R49W	NW 1/4 NE 1/4	17.6 acres
	SW 1/4 NE 1/4	0.4 acres
Section 11-T105N-R49W	NW 1/4 SE 1/4	11.7 acres
	NE 1/4 SE 1/4	9.7 acres
	SE 1/4 SE 1/4	21.8 acres
	SW 1/4 SE 1/4	<u>22.6 acres</u>
	Total	83.8 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6826-3 including the following qualifications:

- 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.
- The well authorized by Permit No. 6826-3 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. *The well was drilled by Lacey Well Drilling, Inc. in January, 2008. A copy of the log is on file with the Water Rights Program.*
- 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

MAY 03 2016
date





6826-3
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 20, 2017

NOTICE

TO: JOSEPH NEMMERS, 47680 240TH STREET, TRENT, SD 57065

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6826-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 6826-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 6826-3 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 1, 2017** 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

denr.sd.gov

January 31, 2017

6826-3

Joseph Nemmers
47680 240th St
Trent SD 57065

Dear Mr. Nemmers:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 6826-3. 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



6826-3
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 23, 2020

NOTICE

TO: JOSEPH NEMMERS, 47680 240TH STREET, TRENT, SD 57065

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6826-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 6826-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 6826-3 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 **February 26, 2020** 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://denr.sd.gov/iq> using this password: MKYGUM**

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.

6826-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 2020

6826-3

Joe Nemmers
47680 240th St
Trent SD 57065

Dear Mr. Nemmers:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 6826-3. 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,

A handwritten signature in cursive script that reads "Genny McMath".

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

June 9, 2021

6826-3

Chad Anderson
47880 244th St
Dell Rapids SD 57022

Dear Mr. Anderson:

Thank you for contacting us about the need for an ownership change for a portion of land described in Water Right No. 6826-3.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right, map and inspection report. With respect to the acreage you now own in Section 14, I made notations on the license to show how the water right will be divided and reissued. If you have any questions, please let me know.

Sincerely,

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

enclosures

He called after receiving my letter - said he did not mean to transfer any land - he wanted to apply for his own permit. Sent him the link to our website for forms.