

WATER PERMIT NO. 6920-3

Name of Applicant: **Ernest Namminga & Larry D Bayer**

Address: **40786 310th St, Springfield SD** Phone: **402 372-7253**

Amount of Water Claimed: **2.22 cfs** Total Acres: **160**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation** County: **Bon Homme**

Type of Waste Disposal System:

Location: **6 miles west of Springfield**

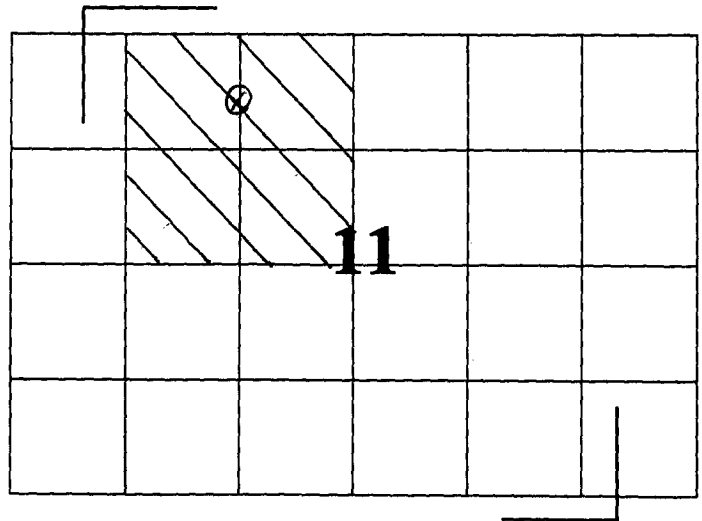
PRIORITY Date Received: **12-10-07** Application/License Fee: **\$300.00**

Corrected Application Received: Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **N ½ NW ¼ Sec 11-T93N-R61W**

Land to be Irrigated: **NW ¼ Sec 11-T93N-R61W**



Depth of Well: **240 feet deep**

Well Driller: : **Sargent Irrigation Company**

Remarks:

Type of Map: **aerial**

Prepared by: **Paul F Rolston, BH County NRCS**

Reviewed and the Number Assigned on: **12-10-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6920-3</u> (office use only)	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Springfield Times PO. 465</u>	
	<u>605-369-2441</u> <u>Springfield 7022</u>	

RECEIVED

DEC 10 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.)

1. Name of Applicant Joint Application Ernest Namias 40786 310 St. Springfield
Larry D. Beyer Phone 402-372-7253
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 3409 Golf View Dr Norfolk NE 68701
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 2.22*CFS or 1,004 **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 Frigate Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Ben Horne
1 Well in the NW 1/4 NW 1/4 Sec 11-93N R 61W
5. County or counties where water will be used Ben Horne
6. Annual period during which water is to be used April through October 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
<u>NW 1/4 NW 1/4 - 11-93-61</u>	<u>40</u>		
<u>NE 1/4 NW 1/4 - 11-93-61</u>	<u>40</u>		
<u>SE 1/4 NW 1/4 - 11-93-61</u>	<u>40</u>		
<u>SW 1/4 NW 1/4 - 11-93-61</u>	<u>40</u>		

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

Frigate Well with Center pivot
in the NW 1/4 Sec 11-93N-61W

STATE OF SOUTH DAKOTA)

SS

County of Ben Horne

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, Larry D. Beyer, 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 Larry D. BeyerSubscribed and sworn to before me this 17th day of December 20 07F. R. B.

Notary Public signature

My Commission expires 10-15-2010

**SOUTH DAKOTA
WATER PERMIT NO. 6920-3**

Date of first receipt of application December 10, 2007.

The Chief Engineer, on alf of the Water Management Board, issues Water Permit No. 6920-3 to Ernest Namminga and Larry Boyer, c/o Mr. Namminga at 40786 310th St, Springfield SD 57062 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. 6920-3 appropriates 2.22 cubic feet of water per second from one well to be completed into the Choteau:West Aquifer (approximately 240 feet deep) located in N 1/2 NW 1/4 Section 11 to irrigate 160 acres located in the NW 1/4 Section 11; all in T93N-R61W.
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 – October 31.
3. The date from which applicant may claim right is December 10, 2007.
4. The date of approval of Permit No. 6920-3 is February 11, 2008.
5. One-fifth of the construction is to be completed on or before August 11, 2010.
6. All construction is to be completed on or before February 11, 2013.
7. Water is to be put to beneficial use on or before February 11, 2017.
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. 6920-3 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

APR 02 2008

date



(type or print in ink)

*Lee Well drillers
109-*

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 540'
- b) Casing Type Plastic Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) North west
- g) Distance to nearest existing domestic well: 2 M.T. He uses rural water.
- On applicants property on Ernest On property owned by others _____

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 _____

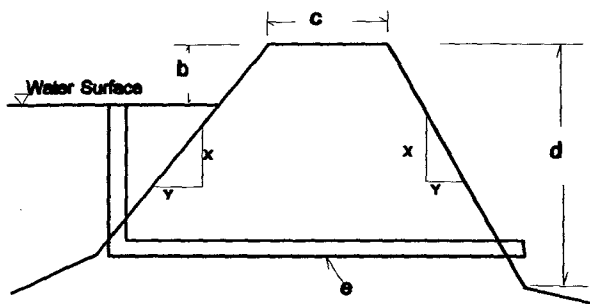
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

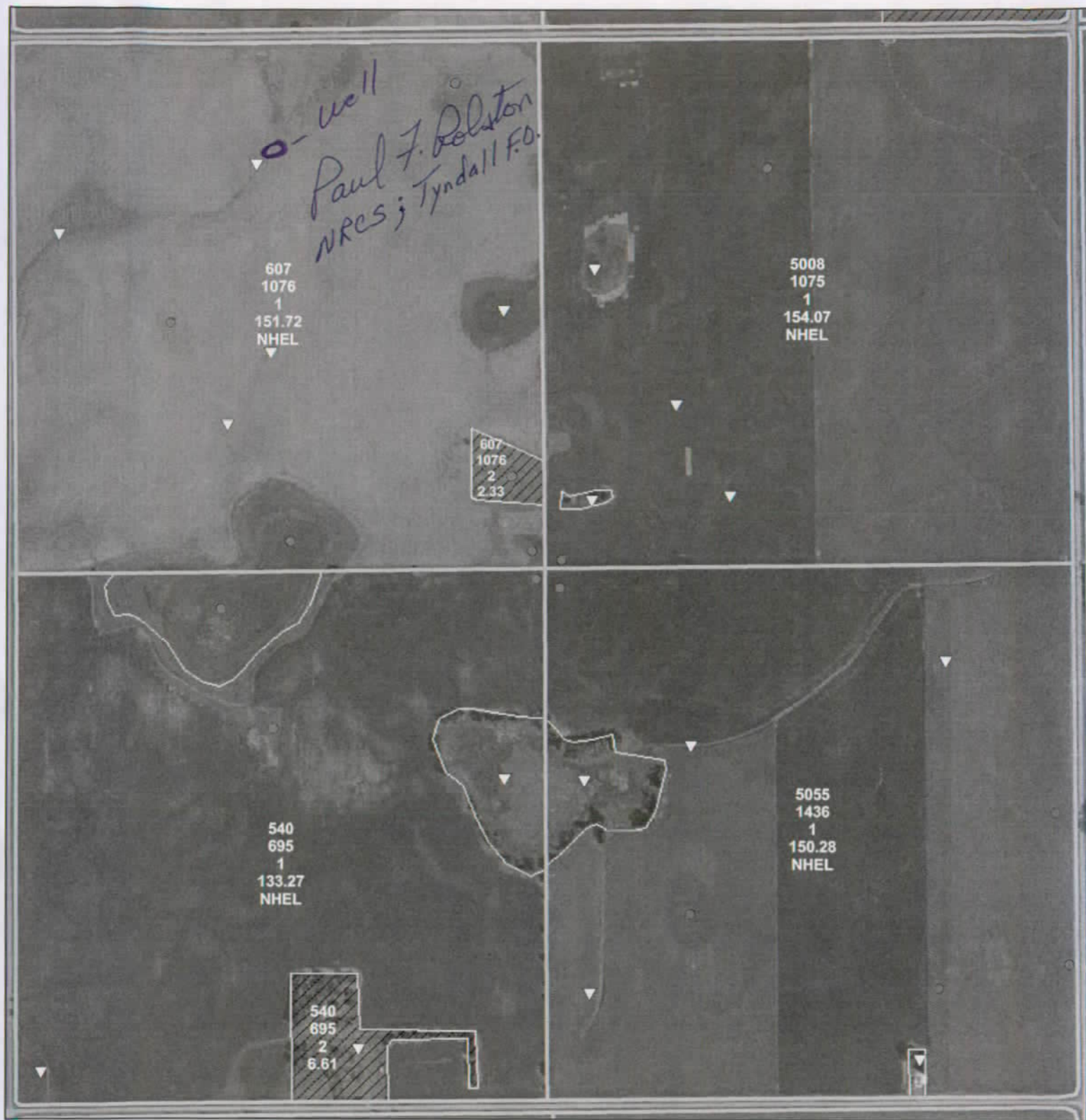
4. Water Storage Dams

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



USDA - Farm Service Agency

Bon Homme, SD

11-93N-61W

1:7,525

November 16, 2007



USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions



SARGENT IRRIGATION CO.

NELIGH, NEBRASKA 68756

PHONE (402) 887-4112

TEST WELL LOG

DATE: 11-7-07

GPS READING ELEVATION: 1404

LATITUDE: 42° 53' 33.6"

LONGITUDE: 98° 01' 31.4"

LEGAL: NW 11-93-61 Bonner/VAE

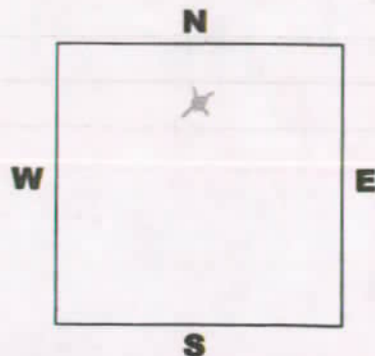
TO: Hammings + Bayer

ADDRESS:

TEST LOG NO.: 07-266

0	20	Brown Clay + rocks
20	40	Brown Clay into blue clay w/ rock layers
40	60	Blue clay
60	80	Blue clay (tripped out)
80	100	Blue clay w/ embedded gravel + rocks
100	120	1' 1/2' 1/2'
120	140	5' embedded rocks 15' gray clay w/ embedded rocks
140	160	6' clay 7' gravel + rocks 7' clay
160	180	10' hard gray clay 10' gravel + rocks
180	200	coarse s. + gravel
200	220	coarse s. + gravel w/ rocks in the bottom 5'
220	240	7' gravel + rocks 13' shale
240	260	
260	280	
280	300	
300	320	
320	340	
340	360	
360	380	
380	400	
400	420	
420	440	
440	460	
460	480	
480	500	
500	520	
520	540	
540	560	

COMMENTS:



Chas. Sargent Irrigation Co.
Neligh, NE

T E S T W E L L L O G

TO: Namminga/Bayer DATE : 11/07/07 TEST # 07-266

ADDRESS: Norfolk, NE 68701-0000 PHONE: 402-372-7253

0 to 20 Brown clay & rocks
20 to 40 Brown clay into blue clay w/rock layers
40 to 60 Blue clay
60 to 80 Blue clay (tripped out)
80 to 120 Blue clay w/embedded gravel & rocks
120 to 140 5'embedded rocks,15'gray clay w/embedded
120 to 140 rocks
140 to 160 6'clay,7'gravel & rocks,7'clay
160 to 180 10'hard gray clay,10'gravel & rocks
180 to 200 Coarse sand & gravel
200 to 220 Coarse sand & gravel w/rocks in the bottom
200 to 220 5'
220 to 240 7'gravel & rocks,13'shale

COMMENTS :
:

Test Well Location Map : -----



Legal Description
Legal NW
Section 11
Township 93
Range 61
County BON HOMME
Common Name
Test Hole #07-266

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/10, 2007

RECEIVED OF Larry D Bayer 3409 Golf View Dr Norfolk NE 68701

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

Fee for Application for Permit No. <u>6920-3</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>6920-3</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.

03241

By *Garland Erbe*
Chief Engineer

JK



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 1, 2007

Dale Schindler
Sargent Irrigation Company
Box 9
Neligh, NE 68756

Dear Mr. Schindler:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Sargent Irrigation Company is authorized to construct a test well for Larry Bayer & Ernie Namminga. The test well will be completed constructed in the NW¼ Section 11, T93N-R61W, Bon Homme County. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes/wells that are abandoned must be plugged pursuant to the SD Well Construction Standards.

A SD Water Permit must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

Sargent Irrigation Company

**IRRIGATION ENGINEERING
TEST HOLES AND IRRIGATION WELLS
PUMPS & SERVICE**

Box 9
South Highway 14 & 70

Neligh, Nebr.
68756

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NOV - 1 2007

**WATER RIGHTS
PROGRAM**

Phone
402-887-4112

October 30, 2007

Water Rights Program
Environment & Natural Resources

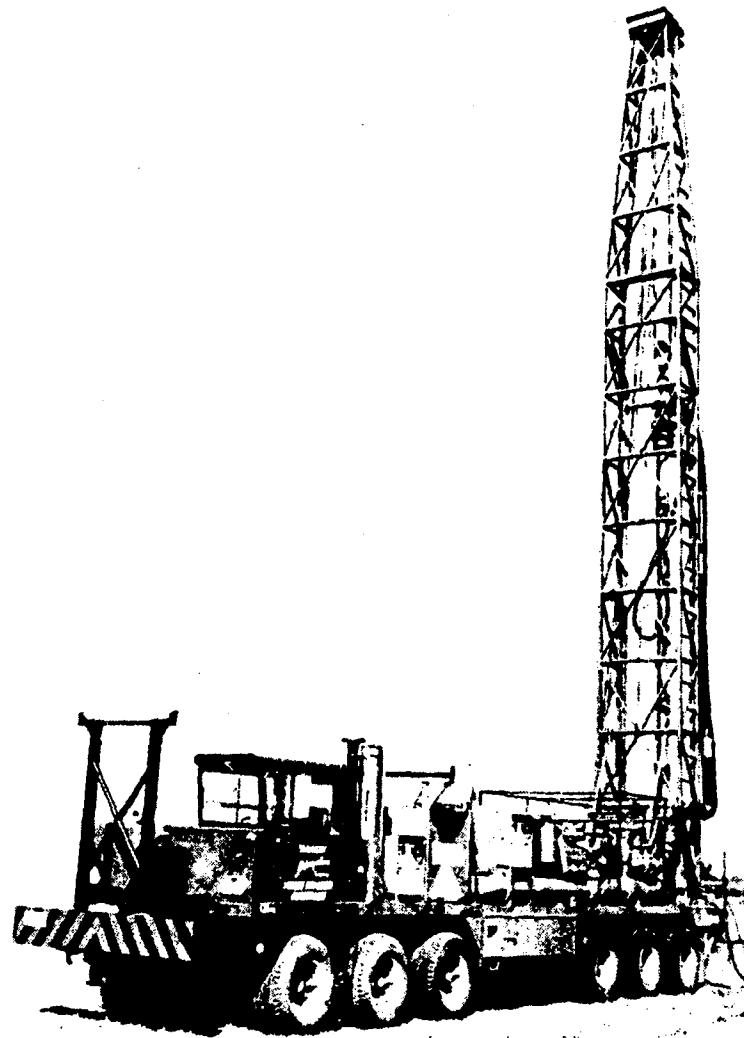
Sargent Irrigation Company at Neligh, NE would like permission to drill a test well for Larry Bayer & Ernie Namminga.

The test well will be in the NW ¼ 11-93-61 Bon Homme Co. Thank you.

Sargent Irrigation Company

Dale Schindler

Dale Schindler





**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. 6920-3, Ernest Namminga and Larry D. Bayer**

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. 6920-3, Ernest Namminga, 40786 310th Street, Springfield SD 57062 and Larry D. Bayer, 3409 Golf View Drive, Norfolk NE 68701.

The Chief Engineer is recommending APPROVAL of Application No. 6920-3 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. The well authorized by Permit No. 6920-3 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
January 16, 2008

NOTE: An important consideration in developing an irrigation project is assessing the compatibility of the soils with the quality of the water to be used. The Choteau West Aquifer may be of marginal quality for irrigation use. Reduced crop yield and damage to the soil structure may occur without proper irrigation management. I encourage you to complete a soil/water compatibility analysis and implement an irrigation management plan to maintain the suitability of the soil.

REPORT ON WATER PERMIT APPLICATION NO. 6920-3
For Ernest Namminga and Larry D Bayer
January 9, 2008

Application No. 6920-3 propose to appropriate 2.22 cfs (1,000 gpm) from one well approximately 240 feet deep located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of section 11 to irrigate 160 acres located in the NW $\frac{1}{4}$ of section 11; all in T93N R61W in Bon Homme County.

AQUIFER – CHOTEAU WEST (CH-W)

The Choteau West is a buried outwash and alluvium (sand and gravel) that is under artesian conditions at this site. The aquifer underlies 20,500 acres and contains an estimated 121,480 acre-feet of recoverable water in storage in Bon Homme County (Hedges, 1982). The aquifer extends into Charles Mix County to the west and appears to be hydraulically connected to the underlying Niobrara Formation in this area. Ground water movement is probably from north to south across this portion of Bon Homme County (Jorgensen, 1971) at least Jorgensen mapped the water level for the Niobrara as generally from north to south in this area. Also it does appear from test well drilling, existing irrigation wells and observation wells in the area that the water levels from the Niobrara aquifer and the Choteau aquifer are similar. The Choteau aquifer lies in the ancient Ponca Creek valley which has been incised through the Pierre shale bedrock surface and cut into or through the Niobrara chalk and in some areas cut into the Carlile shale (Christensen, 1974). Even though the aquifer is technically under artesian conditions the observation well response is damped and more like a water table situation.

A test well log filed with the application indicates sand and gravel from about 170 feet to about 227 feet below land surface. This would be about 57 feet of aquifer material and should be sufficient to develop a high capacity well. An irrigation well (located about two miles to the south of this site) tested a specific capacity of about 71 gpm/ft of drawdown (yielded 850 gpm), another irrigation well located about one mile west of this site tested with a specific capacity of 16 gpm/ft of drawdown (yielded 700 gpm). The first well was completed into sand and gravel (65 feet thick) and the second well was completed into chalk (Niobrara Formation with 15 feet of sand and gravel overlying the chalk).

The Water Rights Program monitors two observation wells completed into the Choteau West aquifer in this area. These are BH-78D (located about one mile east of this site) and BH-82D (located about one and one-half miles west of this site). 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 the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). Hydrographs for these two observation wells are included with this report.

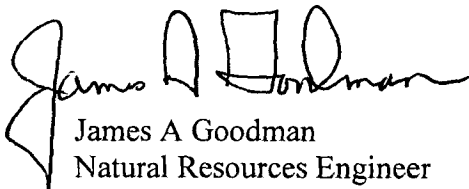
REVIEW OF EXISTING WATER RIGHTS

The nearest irrigation well (Water Right No. 2320A-3) is located about three-fourths mile northwest of this proposed site. The existing well appears to be completed into the Niobrara aquifer. The Niobrara aquifer and the Choteau aquifer will be considered the same source of water in this area. Another irrigation well (Water Right No. 4132-3) is located about one and one-half miles mostly west of this proposed well and also appears to be completed into the Niobrara aquifer. Another irrigation well (Water Right No. 6379-3) is located about one mile west of this proposed well and is completed into the Niobrara aquifer with 15 feet of sand and gravel lying directly upon the chalk. The final irrigation well in this area (Water Permit No. 6487-3) is located about two miles to the south of this proposed site and is completed into sand and gravel (Choteau aquifer). Interference is not expected to be a concern. This conclusion is based upon the effects of pumping existing irrigation wells as shown upon the observation wells water level record.

There is an additional irrigation permit No. 6373-3 located in the NW $\frac{1}{4}$ of section 3, T93N R61W (about two miles northwest of this proposed well location) that has not been developed and could be cancelled. The construction time limit for this permit passed in December of 2007.

CONCLUSIONS

1. Water is available from the Choteau aquifer.
2. The aquifer is buried and under artesian conditions at this site. The drawdown created by pumping appears to behave more like water table conditions than artesian conditions. Drawdown is not expected to be significant. Interference should not be a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. This report assumes that the Niobrara aquifer and the Choteau aquifer are hydraulically connected in this area and will show similar effects.
5. The chemistry of the water from this aquifer should be considered in the overall management plan for irrigation of these soils.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

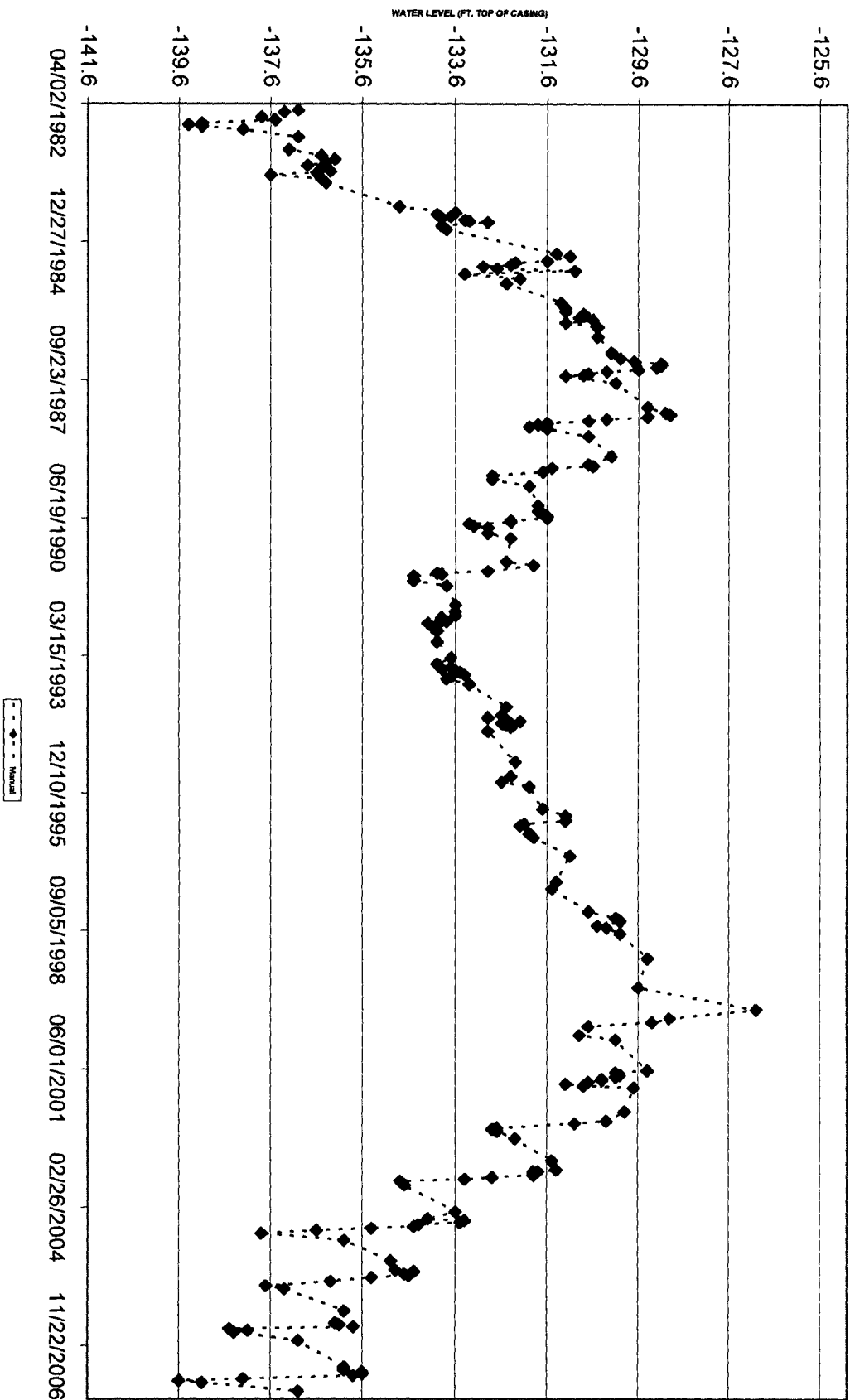
Christensen, C.M., 1974, Geology and Water Resources of Bon Homme County, South Dakota, Part I Geology, Bulletin 21, SD DENR, SDGS, Vermillion, SD, 57069.

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

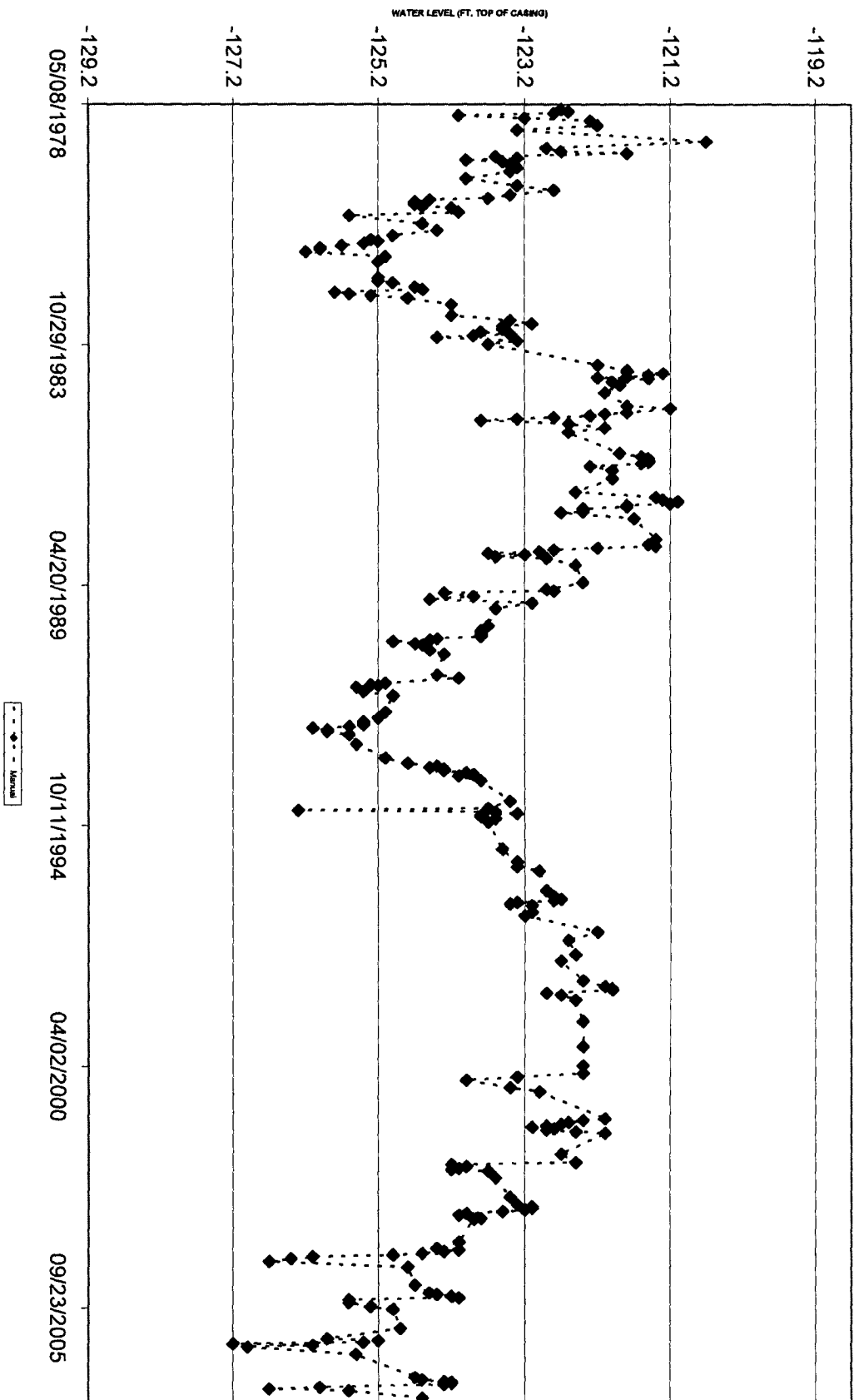
Jorgensen, D.J., 1971, Geology and Water Resources of Bon Homme County, South Dakota, Part II Water Resources, Bulletin 21, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2008, Unpublished Observation Well Data for Bon Homme County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL BH-82D



**WATER RIGHTS' OBSERVATION WELL
BH-78D**



Affidavit of Publication

State of South Dakota }
County of Bon Homme } SS

Rebecca Tycz Being first duly sworn says that the **Springfield Times** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Springfield, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Springfield, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notice of Application #6920-3
63037.2+80% x 1

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

<u>Jan 23</u> 20 <u>08</u>	20.....
<u>Jan 30</u> 20 <u>08</u>	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication of said notice, \$42.19, inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Rebecca Tycz, publisher

Subscribed and sworn to before me this

30th day of Jan 2008

Leggy Schelcke

Notary Public, South Dakota

My commission expires Oct. 24, 2009

RECEIVED

FEB - 4 2008

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 6920-3

TO APPROPRIATE WATER

Notice is given that Ernest Namminga, 40786 310th St, Springfield SD 57062 and Larry D Bayer, 3409 Golf View Dr, Norfolk NE 68701 have filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Choteau West Aquifer (approximately 240 feet deep) located in N 1/2 NW 1/4 Section 11 to irrigate 160 acres located in the NW 1/4 Section 11; all in T93N-R61W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6920-3 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 this 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 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 February 11, 2008.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirmer, Secretary, Department of Environment and Natural Resources. (publish January 23 and January 30)

Affidavit of Publication

RECEIVED

State of South Dakota }
County of Bon Homme } SS

FEB - 4 2008

WATER RIGHTS
PROGRAM

Rebecca Tyz.....Being first duly sworn
says that the **Springfield Times** is a legal weekly news-
paper for publication of legal and other official notices as
required by Chapter 298 of the Session Laws of South
Dakota, 1939; that it has bona fide paid circulation of
more than two hundred copies weekly; that it is pub-
lished in English language in the City of Springfield, Bon
Homme County, South Dakota, and has been admitted
to the United States mail under second class mailing
privilege for more than one year prior to the first publi-
cation of the notice herein mentioned, and that it is
printed in an office maintained at the place of publica-
tion at Springfield, South Dakota, and that deponent is
the publisher in charge of the advertising department of
said newspaper; that the advertisement headed

Notice of Application "69 20-3"
63037.2

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

<u>Jan 30</u>2008.....	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publica-
tion of said notice, N/A, inures to the benefit
of the publisher of said newspaper, that no agreement or
understanding for the division thereof has been made
with any other person, and that no part has been agreed
to be paid to any person whomsoever.

Rebecca Tyz, publisher

Subscribed and sworn to before me this

30th day of Jan, 2008.

Peggy Schelske
Notary Public, South Dakota

My commission expires Oct. 24, 2009

NOTICE OF APPLICATION NO. 6920-3

TO APPROPRIATE WATER

Notice is given that Ernest Nam-
minga, 40786 310th St, Springfield SD
57062 has filed an application for a wa-
ter permit to appropriate 2.22 cubic feet
of water per second from one well to be
completed into the Choteau:West Aquifer
(approximately 240 feet deep) lo-
cated in N 1/2 NW 1/4 Section 11 to ir-
rigate 160 acres located in the NW 1/4
Section 11; all in T93N-R61W.

Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends APPROVAL of
Application No. 6920-3 because 1) un-
appropriated water is available, 2) ex-
isting rights will not be unlawfully im-
paired, 3) it is a beneficial use of water,
and 4) it is in the public interest. In ac-
cordance with SDCL 46-2A-23, the Chief
Engineer will act on this application, as
recommended, unless a petition is filed
opposing the application or the appli-
cant files a petition contesting the Chief
Engineer's recommendation. If a peti-
tion opposing the application or con-
testing 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 recom-
mendations must file a written petition
with BOTH the applicant and Chief En-
gineer. The applicant must file a petition
if contesting the Chief Engineer's rec-
ommendation. The Chief Engineer's ad-
dress 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 peti-
tion filed by either an interested person
or the applicant must be filed by Febru-
ary 11, 2008.

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 sig-
nature and mailing address of the peti-
tioner 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 in-
formation pertaining to this application.
Steven M. Pirner
Secretary, Department of Environment
and Natural Resources.
(publish January 30)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2008

Springfield Times
PO Box 465
Springfield SD 57062

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6920-3 to Appropriate Water to be published twice. Please publish the first notice on January 23, 2008 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 Ernest Namminga, 40786 310th St, Springfield SD 57062 and Larry Bayer, 3409 Golf View Dr, Norfolk NE 68701(Ph # 402-372-7253 --Mr. Bayer).

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. 6920-3

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

Date _____

We are in receipt of your letter of January 17, 2008 enclosing Notice to Appropriate Water by Application No. 6920-3 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 17, 2008

Ernest Namminga
40786 310th St
Springfield SD 57062

Larry Bayer
3409 Golf View Dr
Norfolk NE 68701

Dear Mr. Namminga & Mr. Bayer:

Water Permit Application No. 6920-3 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 Springfield Times printed at Springfield SD (Ph # 605-369-2441). 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 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 Notices 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 January 23, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6920-3 to Appropriate Water

Notice is given that Ernest Namminga, 40786 310th St, Springfield SD 57062 and Larry D Bayer, 3409 Golf View Dr, Norfolk NE 68701 have filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Choteau West Aquifer (approximately 240 feet deep) located in N ½ NW ¼ Section 11 to irrigate 160 acres located in the NW ¼ Section 11; all in T93N-R61W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6920-3 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 this 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 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 February 11, 2008.

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

APR 02 2008

Ernest Namminga & Larry Boyer
c/o Mr Namminga
40786 310th St
Springfield SD 57062

Dear Mr. Namminga & Mr. Boyer:

Enclosed is Water Permit No. 6920-3 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



6920-3
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 15, 2016

NOTICE

TO: ERNEST R NAMMINGA, 40786 310TH ST, SPRINGFIELD, SD 57062 6220
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2320A-3, 6373-3 & 6920-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 2320A-3, 6373-3 & 6920-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 2320A-3, 6373-3 & 6920-3 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 3, 2016** 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

February 3, 2016

2320A-3
6373-3
6920-3

Ernest R Namminga
40786 310th St
Springfield SD 57062-6220

Dear Mr. Namminga:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 2320A-3 and Permit Nos. 6373-3 and 6920-3. 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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6920-3

I have this day, July 9, 2018, made a thorough examination of the water use system constructed by Ernest R. Namminga, 40786 310th St., Springfield, SD 57062, holder of Permit No. 6920-3, bearing the priority of December 10, 2007 authorizing the diversion of 2.22 cu. ft. per second of the waters of groundwater (Choteau: West) for irrigation purposes, in Bon Homme County.

Inspection contact: Ernest R. Namminga, Owner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Sargent Irrigation Co.
- 2) No. of Wells 1
- 3) Depth(s) 240 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 180 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 50 feet
- 3) Static water level 122 feet

Pump:

- 1) Make Sargent
- 2) Serial No. NE07A243
- 3) Capacity 800 GPM

Motor:

- 1) Make US Electric
- 2) Model No. BF68
- 3) Horsepower rating 100 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 600 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T&L
- 2) Overall length 1,270 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 800 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
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: Well: 1,320 feet east and 730 feet south from the northwest corner of Section 11-T93N-R61W (Latitude 42.89259, Longitude -98.0254 -N1/2NW1/4).
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: all in Section 11-T93N-R61W

<u>NW1/4NW1/4</u>	<u>31 acres</u>
<u>NE1/4NW1/4</u>	<u>33 acres</u>
<u>SW1/4NW1/4</u>	<u>33 acres</u>
<u>SE1/4NW1/4</u>	<u>34 acres</u>

comprising a total of 131 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: This water right piping is also connected to the well for Water Right No. 2320A-3. The owner stated that this is just a backup system for a situation where a pump or motor fails.

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: July 30, 2018

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location <u>NW ¼ NW ¼</u> Sec <u>11</u> Twp <u>93</u> Rg <u>61</u>		Well Owner: <u>Larry Bayer & Ernie Namminga</u>																																																													
County <u>Bon Homme Co.</u>		Business Name: _____																																																													
North Please mark well location with an "X"		Address: <u>3409 Gulf View Drive</u>																																																													
		City, State, Zip: <u>Norfolk</u> <u>NE</u> <u>68701</u>																																																													
Well Completion Date <u>11/14/2007</u>		WELL LOG: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">FORMATION</th> <th colspan="2">DEPTH</th> </tr> <tr> <th></th> <th></th> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr><td>0</td><td>to</td><td>20</td><td>Brown clay & rocks</td></tr> <tr><td>20</td><td>to</td><td>40</td><td>Brown clay into blue clay w/rock layers</td></tr> <tr><td>40</td><td>to</td><td>60</td><td>Blue clay</td></tr> <tr><td>60</td><td>to</td><td>80</td><td>Blue clay (tripped out)</td></tr> <tr><td>80</td><td>to</td><td>120</td><td>Blue clay w/embedded gravel & rocks</td></tr> <tr><td>120</td><td>to</td><td>140</td><td>5' embedded rocks, 15' gray clay w/embedded</td></tr> <tr><td>120</td><td>to</td><td>140</td><td>rocks</td></tr> <tr><td>140</td><td>to</td><td>160</td><td>6' clay, 7' gravel & rocks, 7' clay</td></tr> <tr><td>160</td><td>to</td><td>180</td><td>10' hard gray clay, 10' gravel & rocks</td></tr> <tr><td>180</td><td>to</td><td>200</td><td>Coarse sand & gravel</td></tr> <tr><td>200</td><td>to</td><td>220</td><td>Coarse sand & gravel w/rocks in the bottom</td></tr> <tr><td>200</td><td>to</td><td>220</td><td>5'</td></tr> <tr><td>220</td><td>to</td><td>240</td><td>7' gravel & rocks, 13' shale</td></tr> </tbody> </table>		FORMATION		DEPTH				FROM	TO	0	to	20	Brown clay & rocks	20	to	40	Brown clay into blue clay w/rock layers	40	to	60	Blue clay	60	to	80	Blue clay (tripped out)	80	to	120	Blue clay w/embedded gravel & rocks	120	to	140	5' embedded rocks, 15' gray clay w/embedded	120	to	140	rocks	140	to	160	6' clay, 7' gravel & rocks, 7' clay	160	to	180	10' hard gray clay, 10' gravel & rocks	180	to	200	Coarse sand & gravel	200	to	220	Coarse sand & gravel w/rocks in the bottom	200	to	220	5'	220	to	240	7' gravel & rocks, 13' shale
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Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) ? _____ ft. from _____ (identify source)																																																															
PROPOSED USE: ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes ☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well		STATIC WATER LEVEL <u>122.0</u> FEET If flowing: closed in pressure _____ PSI GPM flow <u>900.0</u> through <u>8.62</u> Inch pipe Controlled by ☐ Valve ☐ Reducers ☒ Other <u>Sprinkler System</u> Reduced flow rate _____ GPM Can well be completely shut in? _____																																																													
METHOD OF DRILLING: Reverse Rotary																																																															
CASING DATA: ☐ Steel ☒ Plastic ☐ Other If other describe _____																																																															
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Describe grouting procedure <u>Tremmie</u>																																																															
SCREEN: ☒ Perforated pipe ☐ Manufactured Diameter <u>16.00</u> Inches Length <u>50.0</u> Feet Material <u>26 SDR PVC Casing</u> Slot Size <u>.085</u> Set From <u>180.0</u> Feet to <u>230.0</u> Feet Other information <u>Gravel</u>		WELL TEST DATA: ☒ Pumped Describe: _____ ☐ Bailed ☐ Other Pumping Level Below Land Surface <u>178.0</u> Ft. After <u>1.0</u> Hrs. pumped <u>700.0</u> GPM <u>181.0</u> Ft. After <u>1.0</u> Hrs. pumped <u>1,000.0</u> GPM If pump installed, pump rate: <u>900.0</u> GPM																																																													
WAS A PACKER OR SEAL USED? ☒ Yes ☐ No If so, what material? <u>Concrete</u> Describe packer(s) and location <u>20' to Surface</u>		REMARKS This well was drilled under license # <u>273</u> And this report is true and accurate. Drilling firm: <u>Sargent Irrigation Co.</u> Signature of License Representative: <u>Sargent Irr Co. B. Dole Schindler</u> Signature of Well Owner or Equitable Property Holder: _____ Date: _____																																																													
DISINFECTION: Was well disinfected upon completion? ☒ Yes, How? <u>HTH</u> ☐ No, Why Not? _____ Lab sample sent to for water quality analysis																																																															

Well Data Sheet For NAMMINGA/BAYER

Customer: NAMMBAY
Legal: NW
Section: 11
Township: 93
Range: 61
County: BON HOMME
Common: 2007 WELL #150
Pump Base: 8"
Make: SP
Serial#: NE07A243
Depth Set: 220
Column: 8
Tube: 2 1/2
Shaft: 1 1/2
Bowl Stages: 4
Bowl Size: 12 SAE
Bowl Trims: 4 @ 8.75 U/F
Bowl GPM: 900.00

PSI: 55.00
HP: 100 HP
Total Head: 330.00
GH Size:
DL: 0
Jo Sc FT: 0.00
Slot:

Make:
Ratio:
GH S/N::
EM Size: 100
EM Model: US L0
EM S/N: L0763011445-004R20
Well Date: 11/13/07
Well/Pump #: 07-150
Well Job #: 0715011
Well Depth: 230.00
Perf: 50' PVC
Plain: 180' PVC
Test Pump: 11/14/07
St Water Lvl: 122

GPM	FROM
700	178
800	179
900	180
1000	181
0	
0	
0	
0	
0	
0	

Directions:

Well / Pump Comments:

Test Pump Comments:

6/14/12: Pulled pump
 6/19/12: Set pump

Customer Information

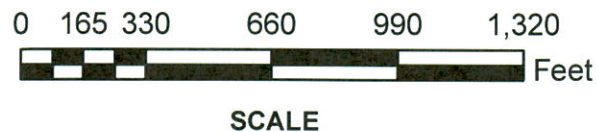
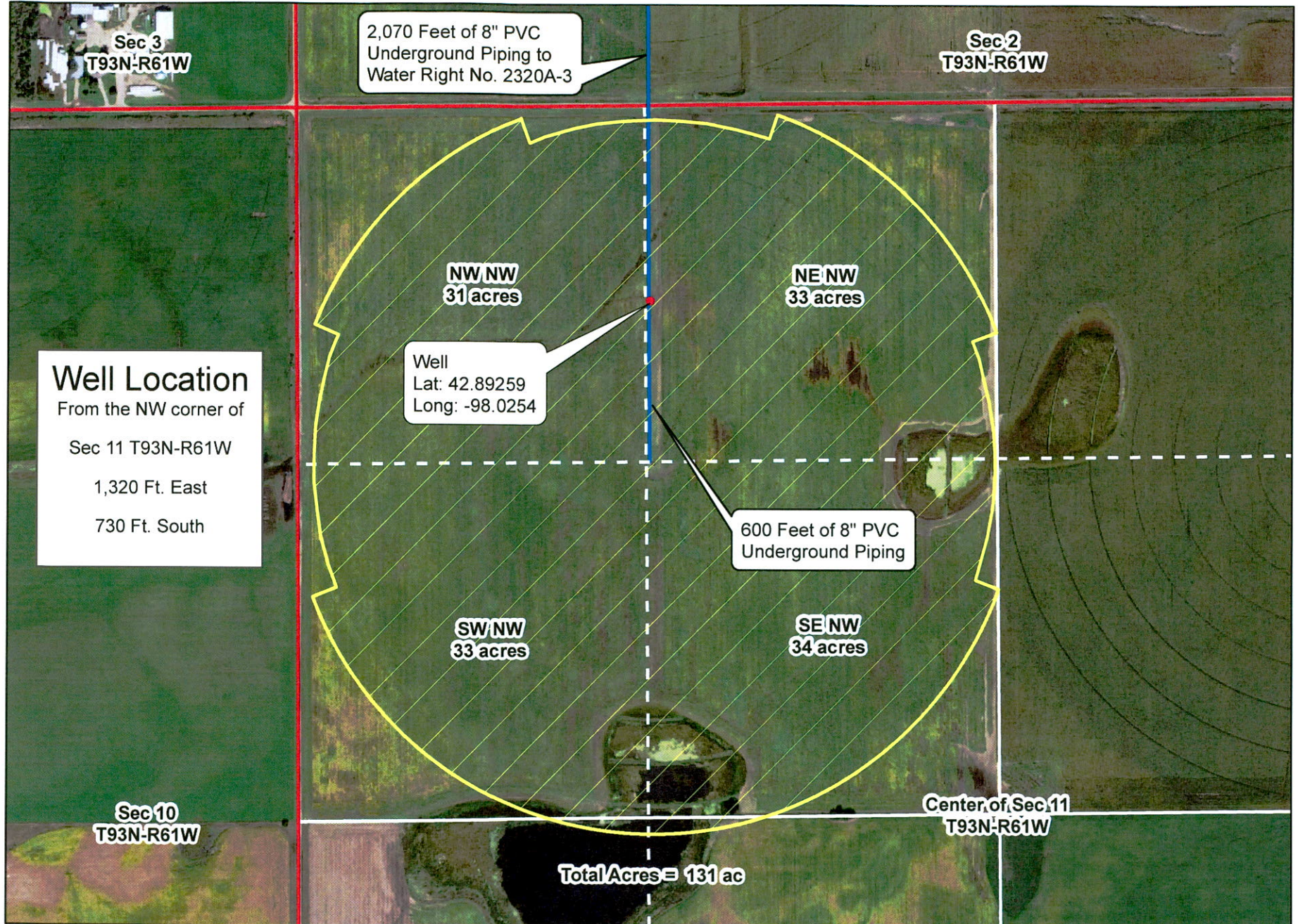
Name: NAMMINGA/BAYER
Address 1: Ernie Namminga/Larry Bayer
Address 2: 3409 Gulf View Drive
City, St Zip: Norfolk, NE 68701-0000

Home: 402-372-7253
Business:
Cell: 402-371-9507
FAX:

Email:
Type: 2FAX
Misc:

Comments:

Water Right No. 6920-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
July 30, 2018



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 10 2018

6920-3

Ernest Namminga
40786 310th St
Springfield SD 57062

Dear Mr. Namminga:

Enclosed is Water License No. 6920-3 issued under Ernest Namminga and Larry Bayer. This is the final water right document completing your process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

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

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. 6920-3**

(1) Ernest Namminga & Larry Bayer, 40786 310th St, Springfield SD 57062 made Application No. 6920-3, December 10, 2007 for a water permit to divert 2.22 cubic feet of water per second from ground water (Choteau: West Aquifer), Bon Homme County, South Dakota for irrigation purposes. Permit No. 6920-3, with a priority date of December 10, 2007 was approved February 11, 2008 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before February 11, 2013 and for the application to beneficial use of water on or before February 11, 2017.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to construction of the water supply system and are entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,320'E and 730'S south of the NW corner of Section 11, T93N, R61W (N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 11)
Latitude 42.89259, Longitude -98.0254

(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:

T93N, R61W Section 11	NW $\frac{1}{4}$ NW $\frac{1}{4}$	31 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
	Total	131 acres

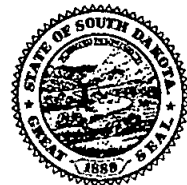
(4) Pursuant to South Dakota Water Law 46-5-30.1 Ernest Namminga & Larry Bayer, 40786 310th St, Springfield SD 57062 the holders and/or owners of Water Right No. 6920-3 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Choteau: West Aquifer) with a priority date of December 10, 2007 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 Water Right No. 6920-3 and subject to 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. 6920-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was constructed in November, 2007 by Sargent Irrigation Company. A copy of the well completion report 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

SEP 10 2018
date



PAID

MAY 17 2021

Ck# 001237

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

MAY 17 2021

WATER RIGHTS
PROGRAM

No. 6920-3

Date: 5/11/2021

I/We request that Water Right No. 6920-3

formerly owned by: Ernest Namminga and Larry Bayer

be transferred to: (name & address) Four Winds Enterprises, LLC
47519 288th Street
Beresford, SD 57004 Telephone No. 605-310-0410

Title to the following described land(s)/property has been transferred as described above:

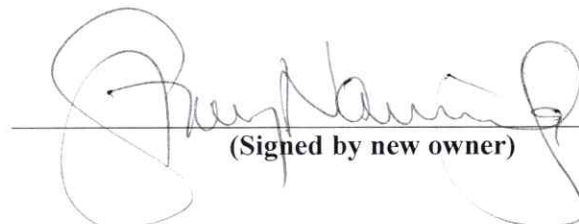
131 acres – NW ¼ Section 11, T93N, R61W

I/We understand that the validity of Water Right No. 6920-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Four Winds Enterprises the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

6920-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date May 17, 2021RECEIVED OF NAM Farms, LLC 47519 288th Street Beresford SD 57004

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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. _____	\$ _____
Fee for Filing Transfer Form <u>6920-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Gronlund
 Chief Engineer
 Um

6920-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 17, 2021

6920-3

Stacey Namminga
Four Winds Enterprises LLC
47519 288th St
Beresford SD 57004

Dear Ms. Namminga:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 6920-3.

The ownership change has been completed. Water Right No. 6920-3, formerly held by Ernest Namminga and Larry Boyer is now listed under Four Winds Enterprises LLC.

A receipt for the filing fee you paid is enclosed. If you have any questions, please let me know.

Sincerely,

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

enclosure



OFFICE OF THE SECRETARY OF STATE

STEVEN J. BARNETT, SECRETARY OF STATE

JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **Four Winds Enterprises LLC**

General Information

SOS Business ID DL152898
Filing Type: Limited Liability Company - Domestic
 08/23/2018
Status: Good Standing
Duration Term: Perpetual
Managed By: Member-Managed

Registered Agent Address

Stacey Clay Namminga
 47519 288TH STREET
 BERESFORD, SD 57004

Principal Address

47519 288TH STREET
 BERESFORD, SD 57004

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
09/11/2020	2020 Annual Report	B0152-5237
08/02/2019	2019 Annual Report	B0107-5970
08/23/2018	Initial Filing	B0071-1541



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: FOUR WINDS ENTERPRISES LLC, STACEY NAMMINGA, 47519 288TH ST,
BERESFORD, SD 57004

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) 6920-3. 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) 6920-3 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) 6920-3 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: YVCGFD**

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

February 22, 2022

6920-3

Stacey Namminga
Four Winds Enterprises LLC
47519 288th St
Beresford SD 57004

Dear Ms. Namminga:

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. 6920-3. 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



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

January 20, 2023

NOTICE

TO: FOUR WINDS ENTERPRISES LLC, STACEY NAMMINGA, 47519 288TH ST,
BERESFORD, SD 57004

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6920-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 6920-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 6920-3 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 8, 2023** 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: ARCIQM**

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

March 7, 2023

6920-3

Stacey Namminga
Four Winds Enterprises LLC
47519 288th St
Beresford SD 57004

Dear Ms. Namminga:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 6920-3. 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



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

January 19, 2024

NOTICE

TO: FOUR WINDS ENTERPRISES LLC, STACEY NAMMINGA, 47519 288TH ST,
BERESFORD, SD 57004

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6920-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 6920-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 6920-3 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 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: GCOHKQ**

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

6920-3

January 23, 2024

6920-3

Four Winds Enterprises LLC
c/o Stacey Namminga
47519 288th St
Beresford SD 57004

Dear Ms. Namminga:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 6920-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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