

WATER PERMIT NO. 6946-3

Name of Applicant: **Brett Guthmiller**

Address: **28680 435th Ave, Menno SD 57045** Phone: **605 660-1474**

Amount of Water Claimed: **1.89 cfs** Total Acres: **133 acres**

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

Water to be used for: **irrigation** County: **Hutchinson**

Type of Waste Disposal System:

Location: **6 miles west of Menno**

PRIORITY Date Received: **1-14-08**

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

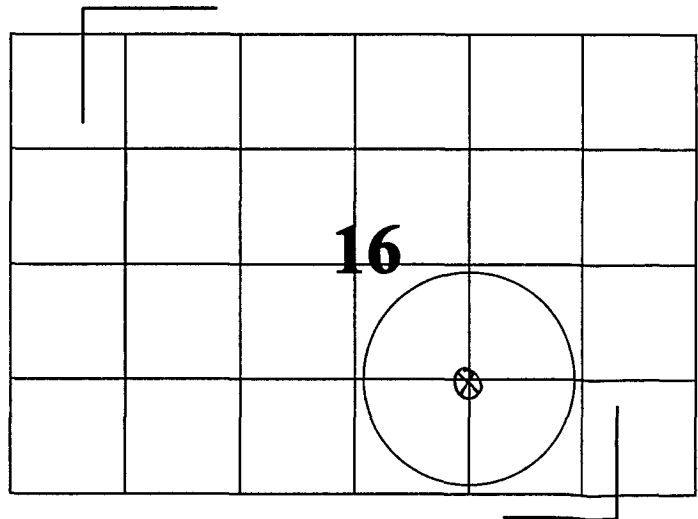
Corrected Application Received: **1-22-08**

Period of Annual Use: **May 1 – September 30**

Remarks:

Diversion Point: **center of SE ¼ Sec 16-T97N-R58W**

Land to be Irrigated: **SE ¼ Sec 16-T97N-R58W**



Depth of Well: **80 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Martin with Hutchinson Co FSA**

Reviewed and the Number Assigned on: **1-23-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6946-3</u>	(office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Hutchinson Herald, Menno</u>	

RECEIVED
JAN 14 2008
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 Brett Guthmiller Phone 605-660-1474
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 28680 435th Ave Menno State SD 57045
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.89 *CFS or 850 **GPM ***AF Total Acreage 133
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply underground well
4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County Hutchinson
In the center of SE 1/4 section 16-97N-58W
5. County or counties where water will be used Hutchinson
6. Annual period during which water is to be used May 1 thru September 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE 1/4 of SE 1/4 Section 16-97N-58W	133		
SW 1/4 of SE 1/4			
NW 1/4 of SE 1/4			
NE 1/4 of SE 1/4			

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

STATE OF SOUTH DAKOTA)
County of Hutchinson SS

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, Brett Guthmiller, 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 Brett Guthmiller
Subscribed and sworn to before me this 11th day of JANUARY 20 08

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6946-3**

Date of first receipt of application January 14, 2008.

Date of return to applicant for corrections, amendments or changes January 15, 2008.

Date of receipt of corrected application January 22, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6946-3 to Brett Guthmiller, 28680 435th Ave, Menno SD 57045 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. 6946-3 appropriates 1.89 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 80 feet deep) located in the approximate center of the SE ¼ Section 16 to irrigate 133 acres located in the SE ¼ Section 16; all in T97N-R58W.
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: May 1 – September 30.
3. The date from which applicant may claim right is January 14, 2008.
4. The date of approval of Permit No. 6946-3 is March 10, 2008.
5. One-fifth of the construction is to be completed on or before September 10, 2010.
6. All construction is to be completed on or before March 10, 2013.
7. Water is to be put to beneficial use on or before March 10, 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. 6946-3 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 01 2008

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28 Depth 80'
- b) Casing Type PVC Diameter 16" Thickness .616
- c) Screen Type PVC Diameter 16" Thickness .616
- d) Gravel Pack road Length of Gravel Pack 30-80'
- e) Depth to Top of Water Bearing Material 30'
- f) Depth to Water (ground surface to water level) 35'
- g) Distance to nearest existing domestic well:

On applicants property .85 miles

On property owned by others 1 mile

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

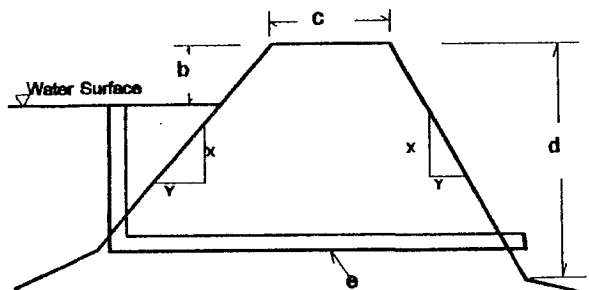
3. Dugout Information

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

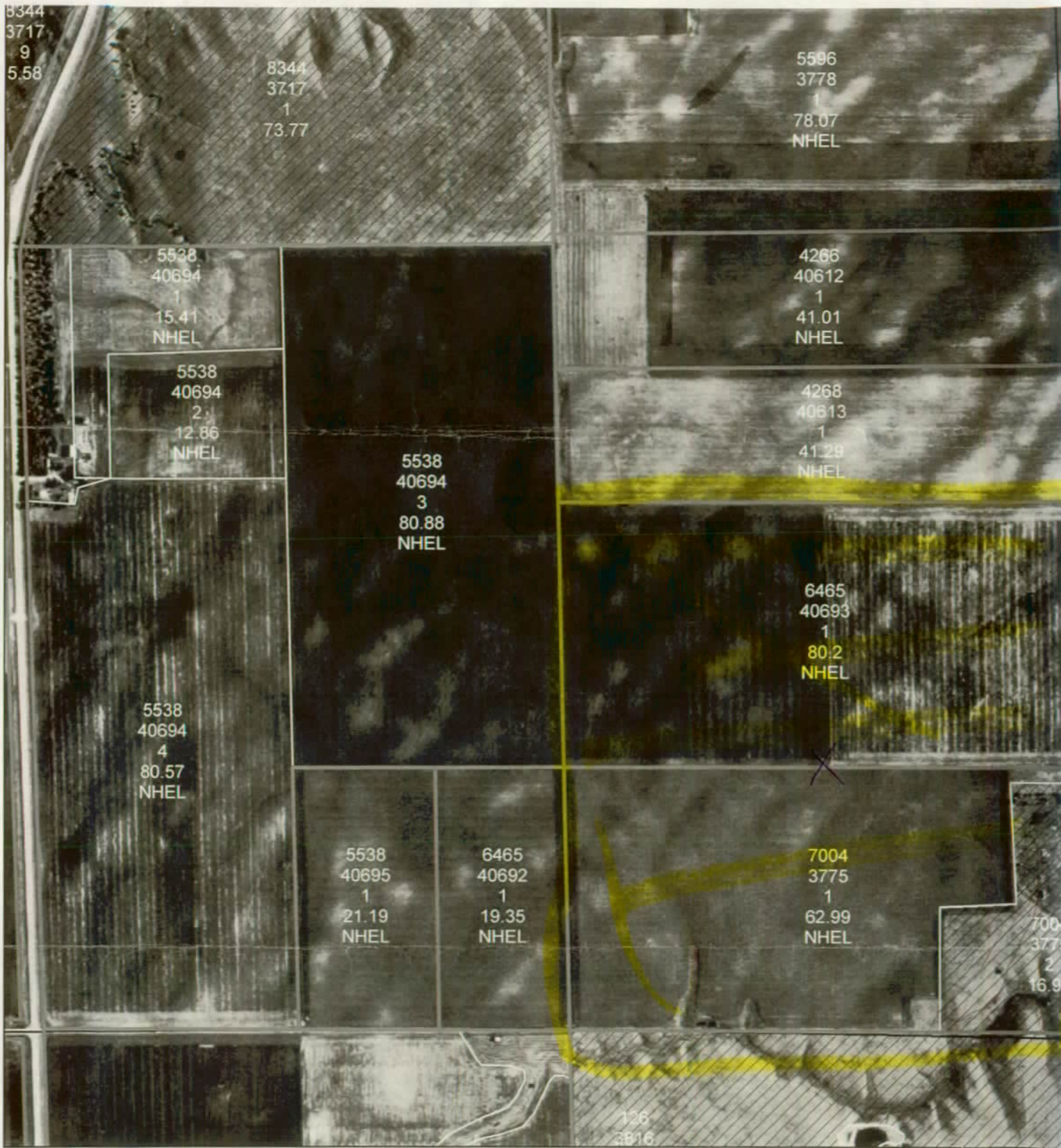
4. Water Storage Dams

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
RECEIVED
JAN 22 2008

United States Department of Agriculture
Farm Service Agency

Hutchinson County, SD

SURFACE WATER PROGRAM

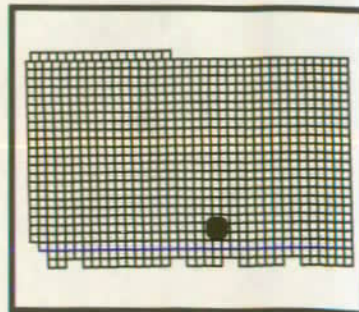
1:8,032

May 01, 2007

16-97N-58W

ESA

11/7/08



JOINS "SOUTH" WITTENBERG TWP

LAND OWNER MAPS

Section 30 I Michael Brown - 5.90
J Christopher Simantel - 14.32
Section 31 K Bernadette Chatham et al - 6.27

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/14, 20 08

RECEIVED OF Brett Guthmiller 28680 435th Ave Menno SD 57045

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

Fee for Application for Permit No. <u>6946-3</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>6946-3</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.

03000

By

Harold Frule

Chief Engineer



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 15, 2008

Brett Guthmiller
28680 435th Ave
Menno SD 57045

Dear Mr. Guthmiller:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Hutchinson County. In order to complete the application the following is required.

- Enclosed is the aerial photo map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local FSA office).
- Also, on the map please mark the proposed well location with an "X".
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6946-3, Brett Guthmiller**

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. 6946-3, Brett Guthmiller, 28680 435th Avenue, Menno SD 57045.

The Chief Engineer is recommending APPROVAL of Application No. 6946-3 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. 6946-3 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
February 11, 2008

NOTE: Test drilling will be needed to determine if the aquifer at this location has sufficient thickness provide the amount of water requested. Please read the staff report on your application.

REPORT ON WATER PERMIT APPLICATION NO. 6946-3
For Brett Guthmiller
February 7, 2008

Application No. 6946-3 proposes to appropriate 1.89 cfs from one well approximately 80 feet deep located in the approximate center of the SE ¼ of section 16 to irrigate 133 acres located in the SE ¼ of section 16; all in T97N R58W in Hutchinson County.

AQUIFER – LOWER JAMES MISSOURI (LJM)

The Lower James Missouri aquifer is a buried outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies 268 square miles and contains an estimated 2.367 million acre-feet of water in storage in Hutchinson County (Lindgren, 1990). The aquifer extends into Hanson County to the north, Yankton County to the south, blends into the Choteau aquifer to the west and may be hydraulically connected in the subsurface to the Niobrara formation over some of this area especially on the west side of the James River. Also, there is the likelihood that there is hydraulic connection to the James River at least over some of the county.

No test well was drilled for this application. The aquifer is mapped as lying under this site. The existing data from domestic well logs and numerous test holes drilled by the SDGS all indicate there is potential for irrigation at this site. However, until test drilling is completed this can not be evaluated further. The saturated thickness of the aquifer needs to be determined and some initial test pumping needs to be completed for this application. A nearby test well drilled by the SDGS and located about one-quarter mile east of this proposed well shows sand and gravel from about 5 feet below land surface to a depth of 65 feet. This well also should have a static water level of about 35 feet below land surface. Irrigation potential at this site may be marginal based upon the limited saturated thickness.

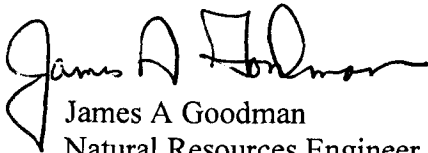
The Water Rights Program monitors four observation wells within four miles of this application. Observation well HT-83D is located about three miles northwest of this proposed well, observation well HT-78B is located about three miles east of this proposed well and observation well HT-80C is located about four miles south of this proposed well site. Water levels for these wells show response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining water levels during dry years. HT-83D also responds to pumping because of its close proximity to an irrigation well. Typically there can be 5 to 11 feet of measurable drawdown at this site (Water Rights, 2007). Hydrographs for these observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permitted user (Water Permit No. 5915A-3, 1.00 cfs, irrigation of 62 acres) from the Lower James Missouri aquifer is about one and one-half miles to the east of this proposed well. Drawdown at this distance is not expected to be significant. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping is not expected to be significant. This is shown by the observation well hydrograph. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Based upon the available data, this site may not have sufficient water to develop irrigation. Test wells will need to be drilled and tested to determine if the aquifer is sufficiently thick enough to provide the amount of water requested.



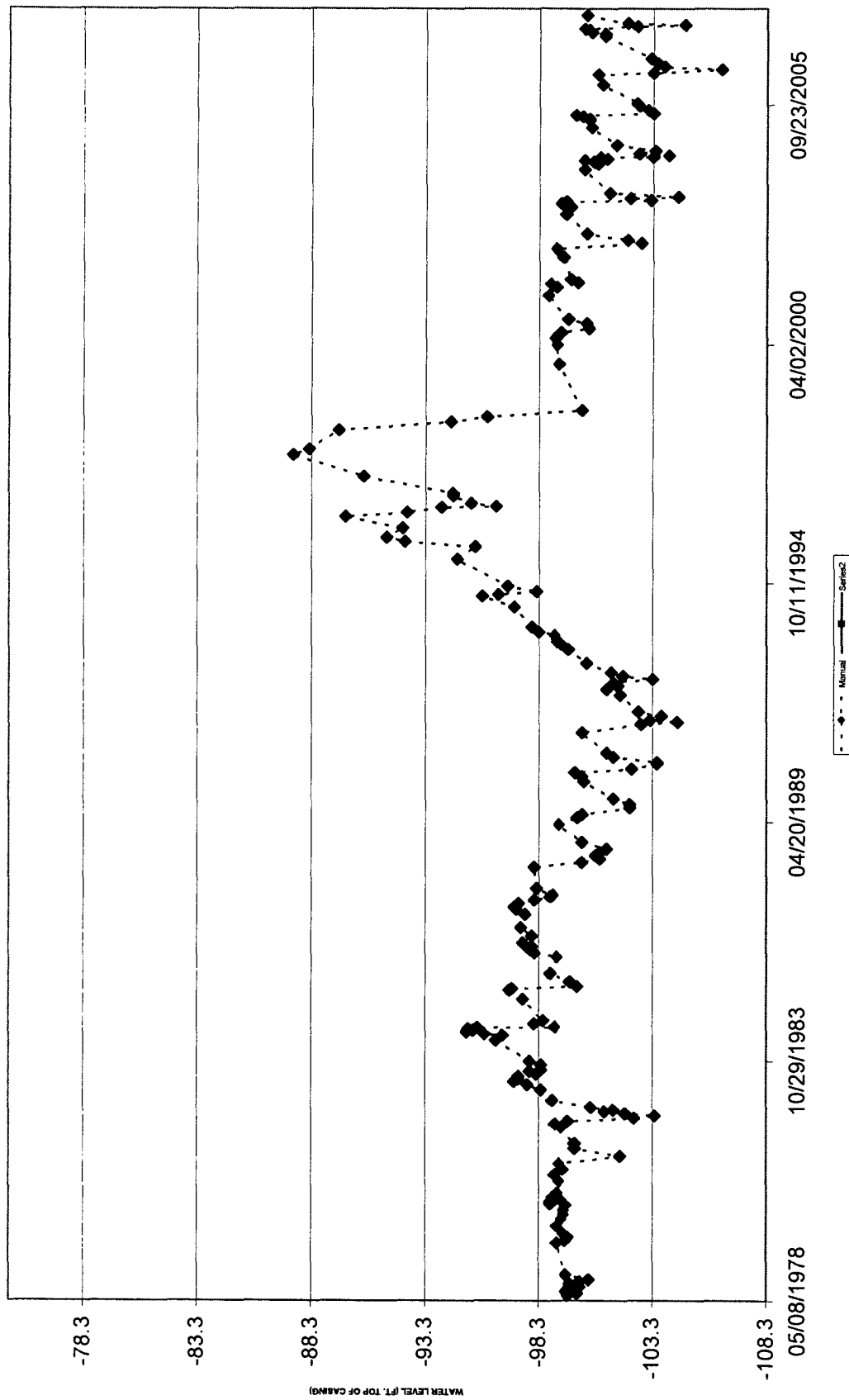
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

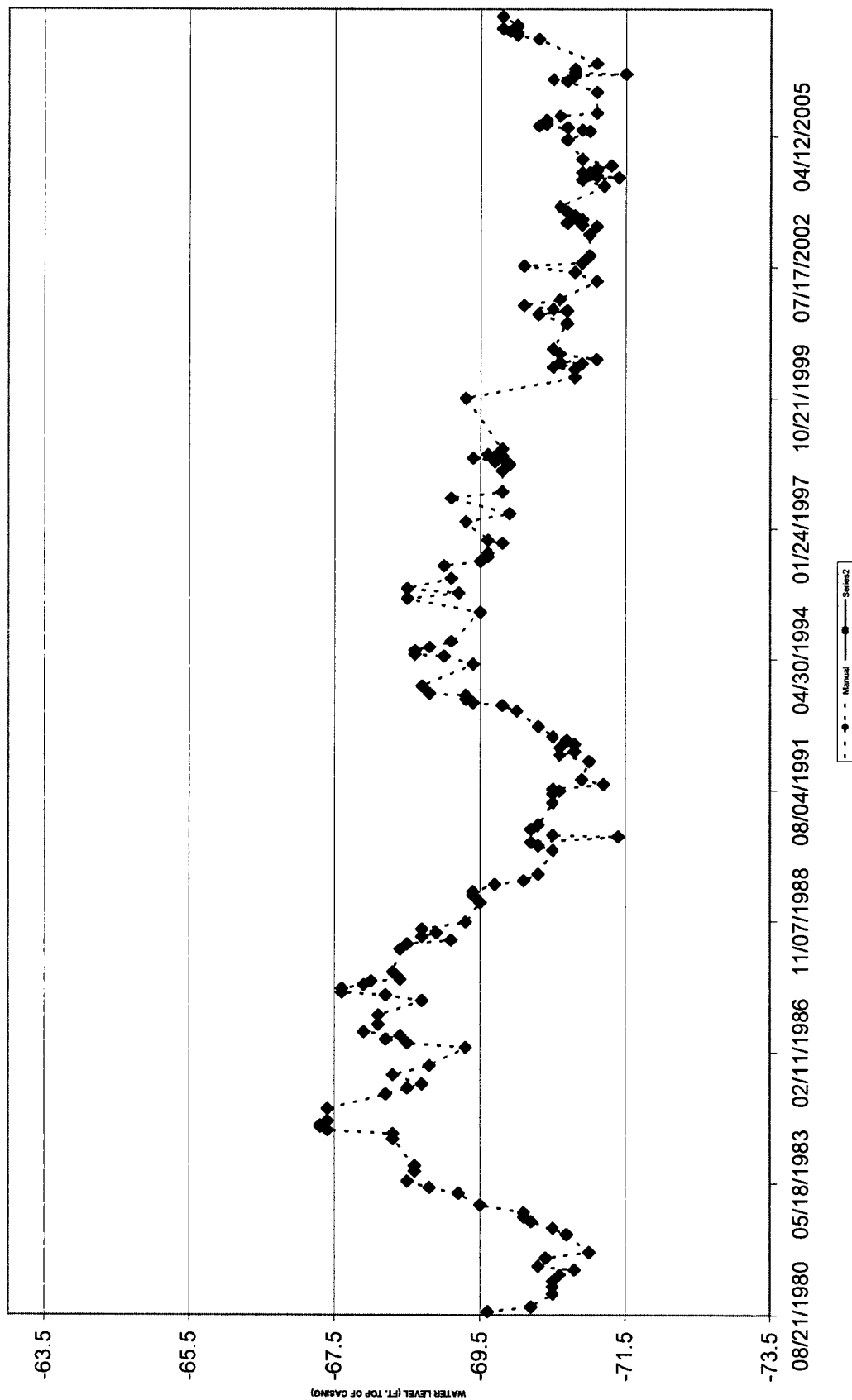
Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, Water-Resources Investigations Report 90-4093, USGS, Huron, SD, 57350.

Water Rights, 2007, Unpublished Observation Well Data for Hutchinson County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

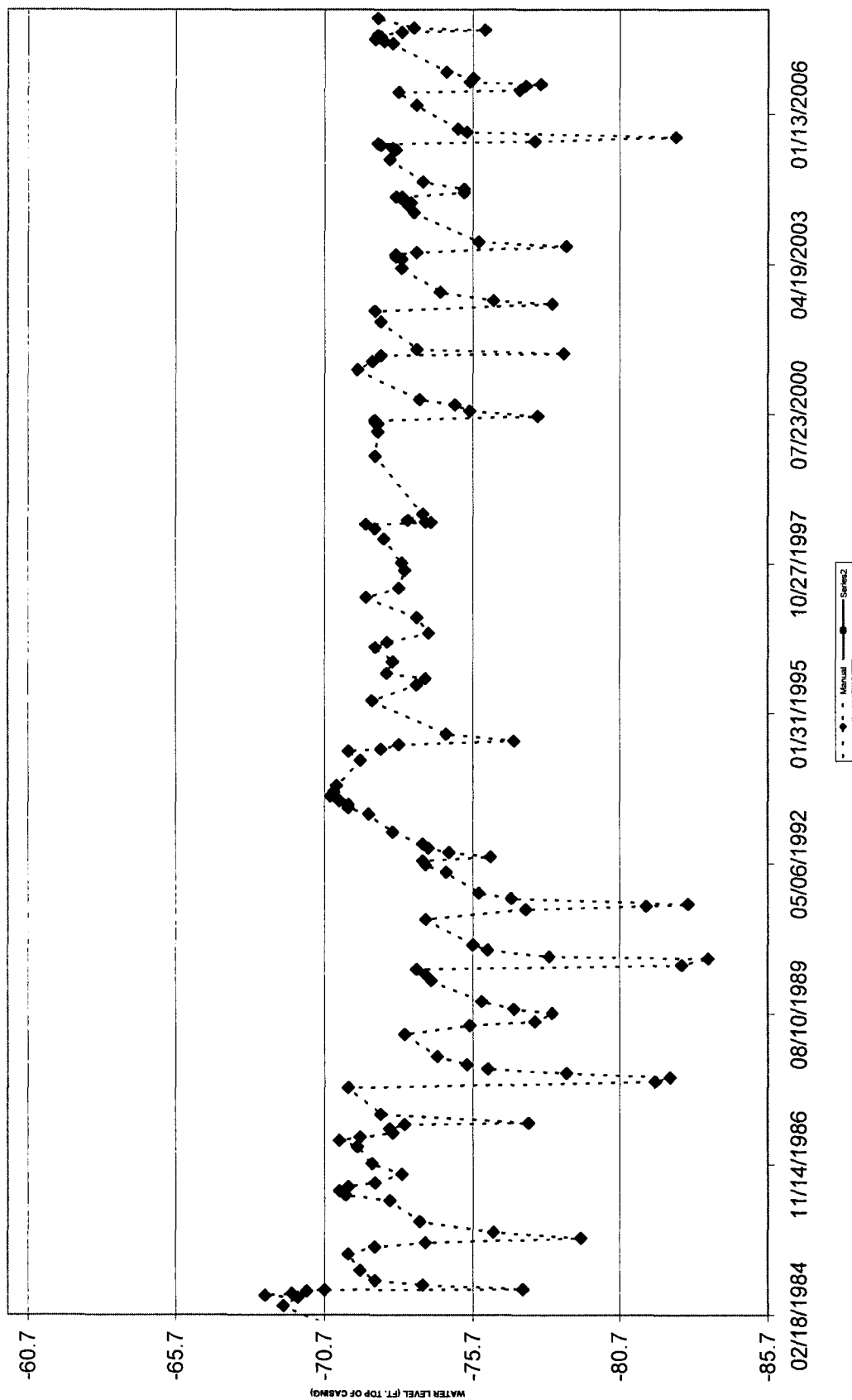
**WATER RIGHTS' OBSERVATION WELL
HT-78B**



**WATER RIGHTS' OBSERVATION WELL
HT-80C**



WATER RIGHTS' OBSERVATION WELL
HT-83D



AFFIDAVIT OF PUBLICATION

RECEIVED

FEB 29 2008

WATER RIGHTS
PROGRAM

County of Hutchinson)
) ss.
State of South Dakota)

Notice Of Application No. 6946-3 to Appropriate Water

Tim L. Waltner, of said county and state, be sworn, on his oath, deposes and says: That Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, published in the town of Freeman in said county and state by Tim L. Waltner, and has been such during the time hereinafter mentioned: That Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all stated in this affidavit, and that the advertisement headed **Appropriate Water 6946-3**

a printed copy of which is hereto attached, was published in the said newspaper for two issues to-wit:

The first publication on:
February 20, 2008

the second publication on:
February 27, 2008

and the third publication on:

That the full amount of the fees charged for publication of the same to-wit: The sum of \$44.85 insures benefit of the publisher of the Freeman Courier agreement or understanding for any division has been made with any other person whomsoever the amount of \$44.85 is the rate for publishing notices.

Notice is given that Brett Guthmiller, 28680 435th Ave., Menno, S.D. 57045, has filed an application for a water permit to appropriate 1.89 cubic feet of water per second from one well to be completed into the Lower James-Missouri Aquifer (approximately 80 feet deep) located in the approximate center of the SE 1/4 Section 16 to irrigate 133 acres located in the SE 1/4 Section 16; all in T97N-R58W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6946-3 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, S.D. 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 March 10, 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.

(Publish two weeks: Feb. 20, 27)

Subscribed and sworn to before me this 29th day of February 2008.

Notary Public
Commission expires: 10/9/12

Publication fee: \$44.85
Notary fee:
Total: \$44.85



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 2008

Hutchinson Herald
PO Box 506
Menno SD 57045

ATTENTION: Legal Public Notice

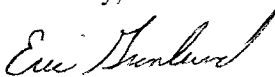
Enclosed is a Notice on Application No. 6946-3 to Appropriate Water to be published twice. Please publish the first notice on February 20, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Brett Guthmiller, 28680 435th Ave, Menno SD 57045 (Ph # 605-660-1474).

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. 6946-3

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

Date _____

We are in receipt of your letter of February 11, 2008 enclosing Notice to Appropriate Water by Application No. 6946-3 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.**

February 11, 2008

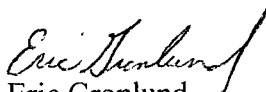
Brett Guthmiller
28680 435th Ave
Menno SD 57045

Dear Mr. Guthmiller:

Water Permit Application No. 6946-3 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 Hutchinson Herald printed at Menno SD (Ph # 605-387-5158). 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 Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on February 20, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6946-3 to Appropriate Water

Notice is given that Brett Guthmiller, 28680 435th Ave, Menno SD 57045 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 80 feet deep) located in the approximate center of the SE ¼ Section 16 to irrigate 133 acres located in the SE ¼ Section 16; all in T97N-R58W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6946-3 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 March 10, 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
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

APR 01 2008

Brett Guthmiller
28680 435th Ave
Menno SD 57045

Dear Mr. Guthmiller:

Enclosed is Water Permit No. 6946-3 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

RECEIVED

JUL 31 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 7-20-08

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

FROM:

Brett Guthmiller

(name)

28680 435th Ave

(address)

Memo, SD 57045

(city, state, zip)

605-387-2392

(phone)

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

Water Permit No. 6946-3 states that the water use system is to be constructed by

3-10-13

(date)

, and water is to be put to beneficial use by 3-10-17

(date)

The water use system was completed on 7-17-08

(date)

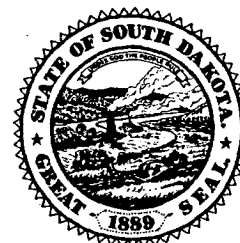
Applying the water to beneficial use was completed on 7-17-08

(date)

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

Brett Guthmiller

(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 31, 2008

6946-3

Brett Guthmiller
28680 435th Ave
Menno SD 57045

Dear Mr. Guthmiller:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

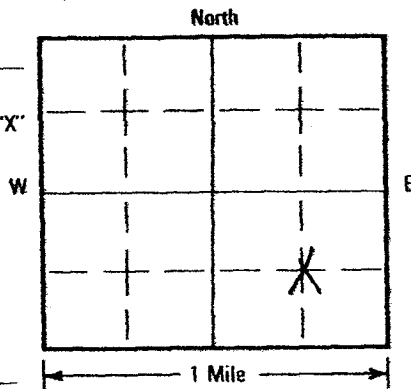
SOUTH DAKOTA WATER WELL COMPLETION REPORT

69463 07-92

Location SE 1/4 SE 1/4 Sec 16 Twp 97N Rg 58WCounty Hutchinson

Please mark well location with an "X"

Well Completion Date

6-18-08

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 5000 ft. from septic tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>160</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>95</u> FT	<u>28</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>25</u>	_____ lb./gal	<u>0</u> ft	<u>40</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pumped grout down tremie pipe

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 600 FEETMaterial BoxSlot Size 1085 Set From 95 Feet to 155 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Brett Guthmiller

Business Name: _____

Address: 28680 435th
Menno, SD 57054

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
clay + ROCKS	0	20
blue clay w/pebbles	20	30
med gravel + ROCKS	30	47
blue clay	47	62
stratified gravel & blue clay	62	80
blue clay	80	102
med sand + gravel	102	155
ROCKS	155	

STATIC WATER LEVEL 40' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: turbine pump w engine☐ Bailed☐ Other

Pumping Level Below Land Surface

56 ft. After 2 Hrs. pumped 1000 GPM51 ft. After 4 Hrs. pumped 700 GPMIf pump installed, pump rate 525 GPM

REMARKS

RECEIVED

JAN - 8 2009

WATER RIGHTS PROGRAM

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm Christensen Wells DrillingSignature of License Representative: Cody W. Christensen

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

60-8-1



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 21, 2011

NOTICE

TO: BRETT GUTHMILLER, 28680 435TH AVE, MENNO, SD 57045

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6946-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 6946-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 6946-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, 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.

6946-3

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 5251

Service(s): Signature Confirmation™

Status: Delivered

Your item was delivered at 10:37 am on January 22, 2011 in MENNO, SD 57045. The item was signed for by R GUTHMILLER.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 22, 2011, 10:37 am, MENNO, SD 57045
- Processed through Sort Facility, January 22, 2011, 3:53 am, SIOUX FALLS, SD 57104

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 5251

BRETT GUTHMILLER
28680 435TH AVE
MENNO SD 57045

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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January 26, 2011

6946-3

Brett Guthmiller
28680 435th Ave
Menno SD 57045

Dear Sir:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit No. 6946-3. 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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

Water Permit No. 6946-3
James River - Water District

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

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

I have this day, **September 30, 2014**, made a thorough examination of the water use system constructed by **Brett Guthmiller** of **28680 435th Ave., Menno, SD 57045** holder of Permit No. **6946-3**, bearing the priority of **January 14, 2008** authorizing the diversion of **1.89** cu. ft. per second of water from the **Lower James:Missouri Aquifer** for **Irrigation** purposes, in **Hutchinson** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Christensen Well & Irrigation**
- 2) No. of Wells **1**
- 3) Depth(s) **155** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **16** inches
- 2) Length **95** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Plastic**
- 2) Length **60** feet
- 3) Static water level **25** feet

Pump:

- 1) Make **Goulds**
- 2) Size **40 hp**
- 3) Capacity **525** GPM

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make **T & L**
- 2) Number of towers **8**

- 3) End gun Y
- 4) High or low pressure Low

Chemigation Equipment:

- 1) Does chemigate N

C. Compliance with Permit Requirements:

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

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 1,305 feet north and 1,365 feet west of the SE corner of Section 16-T97N-R58W
(N 43.21621, W -97.70177) (SW ¼ SE ¼)

The works are capable of diverting and conveying to the place of use 1.17 cu. ft. per second of water which is to be used for Irrigation use. Water has been put to beneficial use to the maximum extent as follows:

Section 16-T97N-R58W

NW ¼ SE ¼ - 33.25 acres

NE ¼ SE ¼ - 33.25 acres

SW ¼ SE ¼ - 33.25 acres

SE ¼ SE ¼ - 33.25 acres

comprising a total of 133 acres of land and the license should be issued for 1.17 cfs.

All structures, wells and lands on map Y

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

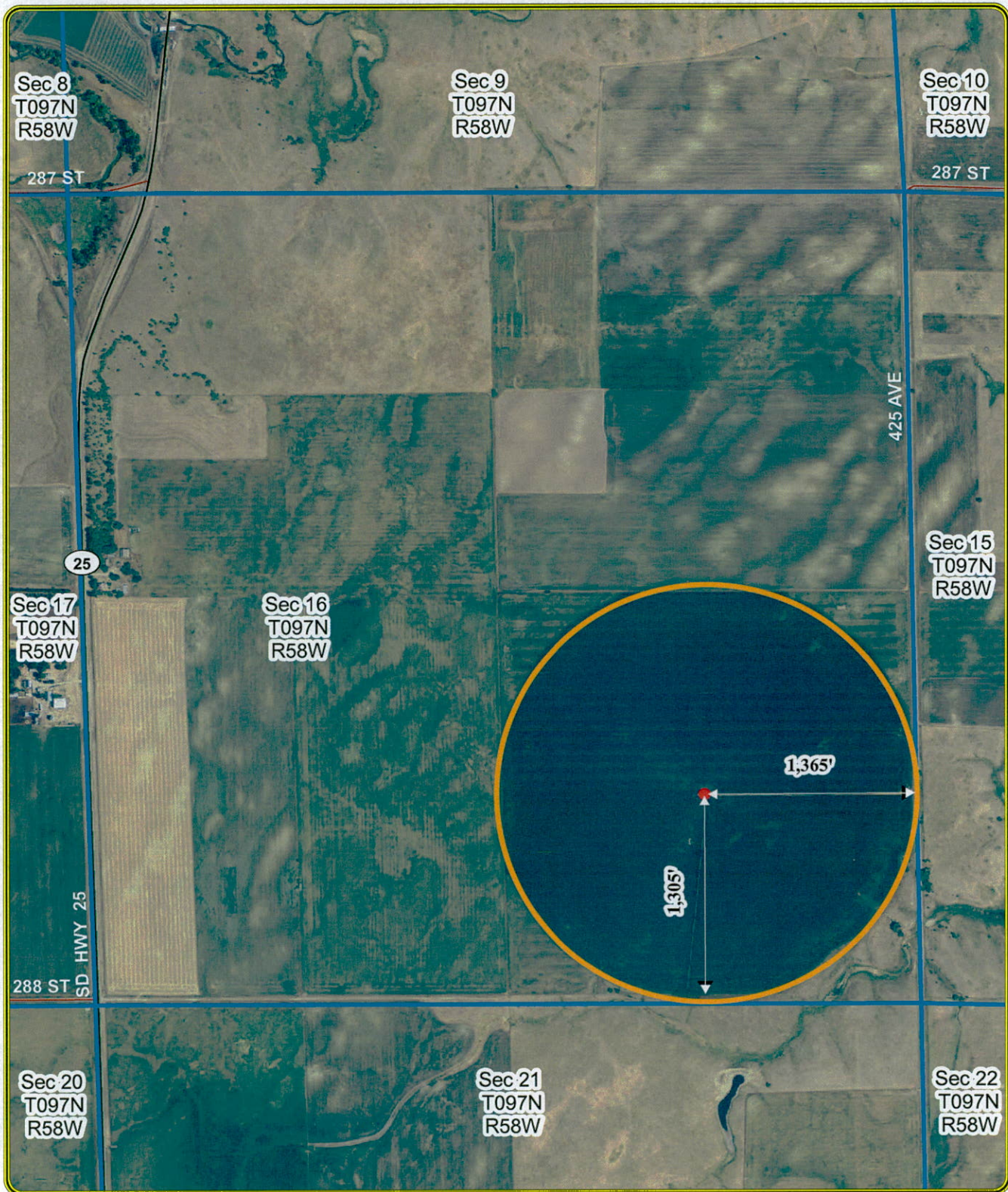


Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: October 17, 2014

Brett Guthmiller
Water Permit No. 6946-3



0 0.125 0.25 0.5 Miles

Mike DeFea
Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
October 17, 2014





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



OCT 28 2014

6946-3

Brett Guthmiller
28680 435th Ave
Menno SD 57045

Dear Mr. Guthmiller:

Enclosed is Water License No. 6946-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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. 6946-3, 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. 6946-3**

(1) Brett Guthmiller, 28680 435th Ave., Menno SD 57045 made Application No. 6946-3, January 14, 2008 for a water permit to divert 1.89 cubic feet of water per second from ground water (one well, Lower James Missouri Aquifer), Hutchinson County, South Dakota for irrigation purposes. Permit No. 6946-3, with a priority date of January 14, 2008 was approved March 10, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 10, 2013 and for the application to beneficial use of said water on or before March 10, 2017.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.17 cubic feet of water per second for beneficial use.

The location of the diversion point is approximately 1,305 feet north and 1,365 feet west of the SE corner of Section 16, T97N, R58W (SW ¼ SE ¼)

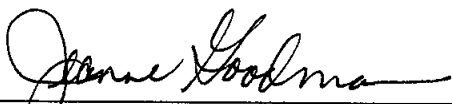
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 16, T97N, R58W	NW ¼ SE ¼	33.25 acres
	NE ¼ SE ¼	33.25 acres
	SW ¼ SE ¼	33.25 acres
	SE ¼ SE ¼	33.25 acres
	Total	133.00 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Brett Guthmiller, 28680 435th Ave., Menno SD 57045 the holder and/or owner of Water Right No. 6946-3 is issued a license to appropriate water, the right to use 1.17 cubic feet of water per second from ground water (one well – Lower James Missouri Aquifer) with a priority date of January 14, 2008 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. 6946-3 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. 6946-3 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. *Well completed in June, 2008 by Christensen Well & Irrigation Company. 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

OCT 28 2014

date

