

WATER PERMIT NO. 6971-3

Name of Applicant: **Brian Baum**

Address: **39278 217 St, Alpena SD 57312** Phone: **605 849-3486**

Amount of Water Claimed: **1.56 cfs** Total Acres: **230**

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

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

Type of Waste Disposal System:

Location: **2 miles southwest of Huron**

PRIORITY Date Received: **2-11-08**

Application/License Fee: **\$325**

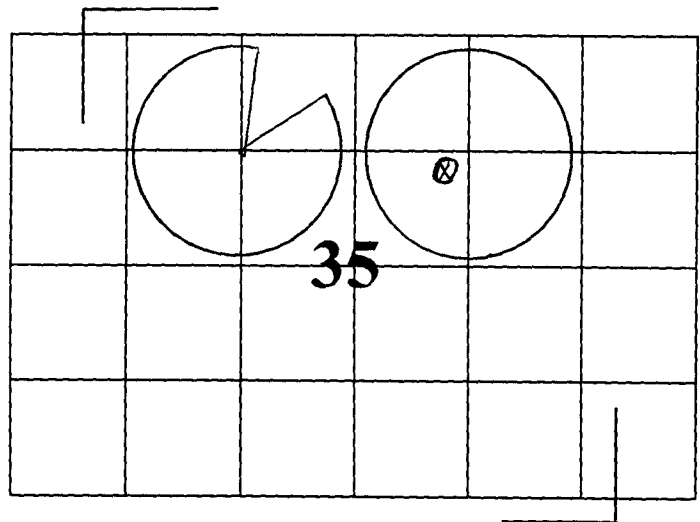
Corrected Application Received: **2-14-08**

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

Remarks: **Lands originally covered under Water Right No. 1775-3**

Diversion Point: **SW ¼ NE ¼ Sec 35-T110N-R62W**

Land to be Irrigated: **N ½ Sec 35-T110N-R62W**



Depth of Well: **66 feet deep**

Well Driller: : **Empire Irrigation Drilling Co.**

Remarks:

Type of Map: **aerial**

Prepared by: **Randy Richards, Beadle Co FSA**

Reviewed and the Number Assigned on: **2-14-08**

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>6971-3</u> (office use only) Hydrologic Unit <u>10/60006</u>
	Basin <u>James River</u>
	Newspaper <u>The Plainsman</u> PO Box <u>1278</u>
	<u>2005-352-6401</u>

RECEIVED
FEB 11 2008

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 Brian Baun Phone 605-849-3486
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address 39278 217th St Alpena State SD 51312
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.56 *CFS or **GPM ***AF Total Acreage 230
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground Water (one well) - Warren West James Aquifer

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) One well 1420's and 1454' W of the NE Corner Section 35, 110N, R62 W (SW1/4 NE1/4) County Beadle

5. County or counties where water will be used Beadle

6. Annual period during which water is to be used May 1st to Sep 1st

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
all in Sec 35 T110N (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 - NW 1/4	30	NW 1/4 NE 1/4	30
NE 1/4 NW 1/4	20	NE 1/4 NE 1/4	30
SE 1/4 NW 1/4	30	SE 1/4 NE 1/4	30
SW 1/4 NW 1/4	30	SW 1/4 NE 1/4	30

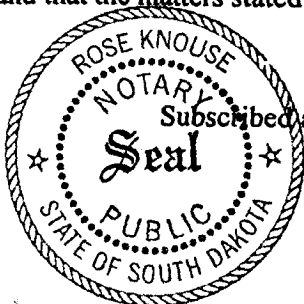
8. Give a description of the project. (Attach sheet if more space is needed)

Center Irrigation pivot for farm crops

STATE OF SOUTH DAKOTA) SS
County of Beadle

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, Brian Baun, 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 [Signature]
Subscribed and sworn to before me this 30th day of January 2008

Notary Public signature Rose Knouse
Comm Expires: 12-24-2009

**SOUTH DAKOTA
WATER PERMIT NO. 6971-3**

Date of first receipt of application February 11, 2008.

Date of return to applicant for corrections, amendments or changes February 11, 2008.

Date of receipt of corrected application February 14, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6971-3 to Brian Baum, 39278 217th, Alpena SD 57312 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. 6971-3 appropriates 1.56 cubic feet of water per second from one well completed into the Warren:West James Aquifer (66 feet deep) located in SW 1/4 NE 1/4 Section 35 to irrigate 230 acres located in the N 1/2 Section 35; all in T110N-R62W.
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 1.
3. The date from which applicant may claim right is February 11, 2008.
4. The date of approval of Permit No. 6971-3 is April 21, 2008.
5. One-fifth of the construction is to be completed on or before October 21, 2010.
6. All construction is to be completed on or before April 21, 2013.
7. Water is to be put to beneficial use on or before April 21, 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Right No. 1775-3 is cancelled.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAY 16 2008

date



Supplemental Information

(type or print in ink)

(See Water License No.
1775-3)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ 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) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ 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 _____

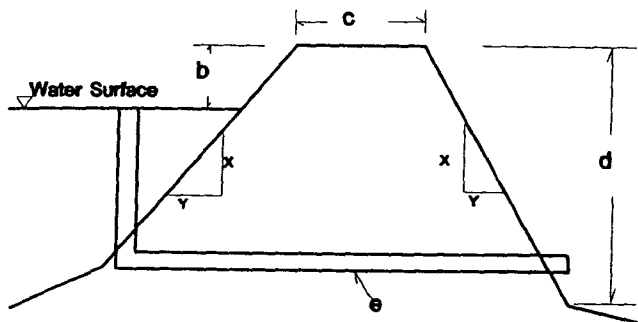
3. Dugout Information

- 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

NOT TO SCALE

5.0 T-912 130.2

Prepared by:

Lynn Beck

Lynn Beck
Natural Resource Engineer
Water Rights Division
DENR

11/21/91 Total Acres = 120

38 (3) 378-63R

75.1 T-914

Knox
Eddy

110-62

110-62

NW⁴ NE⁴
30 acres

NE⁴ NE⁴ 30 acres

Center
Pivot

Well 
SW⁴ NE⁴ 30 acres

SE⁴NE⁴ 30 acres

4.6
35

14.7

21.7

12.7

6.2

T 912

12.

Allen

Dro. dah.

Larry Johnson

14

7

2

1775-3

Consolidated Ready Mix Inc.



1921 3rd St SE
Huron, SD 57350
605-352-3296 office

RECEIVED

FEB 14 2008

WATER RIGHTS
PROGRAM

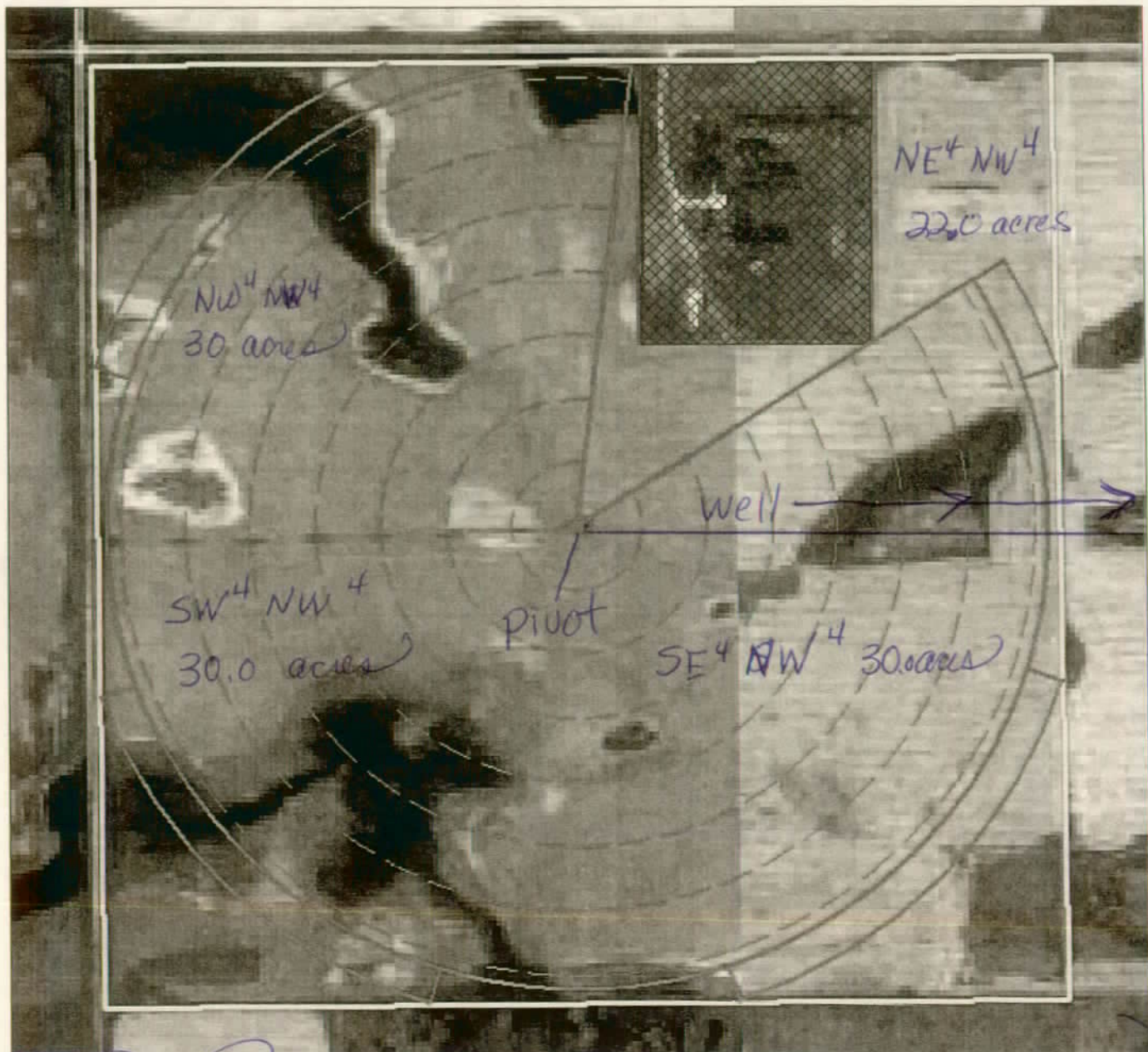
NW 1/4 Section 36 T110N R62W

Farm: Brian Baum, South

Grower: Baum

2/5/2008

Systems:	Length	Spans	Total area including endgun
● Pivot 1	1292.67 ft	7 spans + 33 ft o.h.	112.73 acres



by: Randy Richards - Beadle County FSA - CED 2-12-08

Consolidated Ready Mix Inc.



1921 3rd St SE
Huron, SD 57350
605-352-3296 office

RECEIVED

FEB 14 2008

WATER RIGHTS
PROGRAM

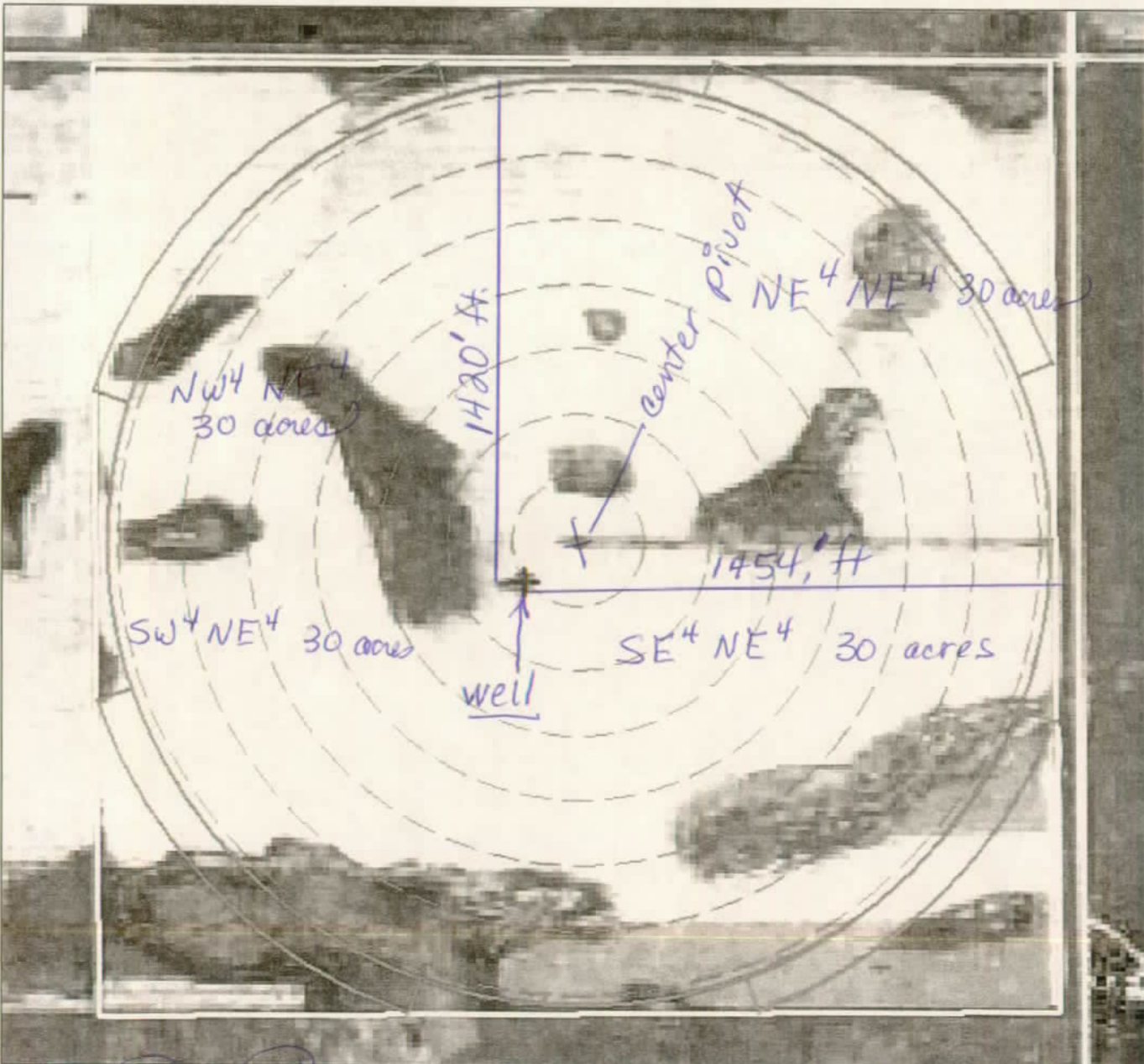
NE 1/4 Section 35 T110N - R62W

Farm: BaumNE

Grower: Brian Baum

2/5/2008

Systems:	Length	Spans	Total area including endgun
● Pivot 2	1281.67 ft	7 spans + 22 ft o.h.	129.70 acres



by: Randy Richards - Beadle County FSA - CED 2-12-08

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 14, 20 08

RECEIVED OF Brian Baum, 39278 217th St, Alpina SD 57312

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

Fee for Application for Permit No. <u>6971-3</u> to Appropriate Water, to construct and to put water to beneficial use	275	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>6971-3</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	325	00

No.

03525

By

Harland Ebele

Chief Engineer

(KS)

Schlaak, Karen

From: Gronlund, Eric
Sent: Tuesday, January 29, 2008 4:34 PM
To: Schlaak, Karen
Subject: Brian Baum

Mr. Baum called and is filing two applications. Both of these applications are for land covered under existing water rights that have not been used for a number of years. Part of the processing of these applications will include cancellation of the current water rights

No. 1775-3 is for irrigation of the NE 1/4 Section 35 from a well in the SW 1/4 NE 1/4. This well also has been used to irrigate the NW 1/4 of this section that was not under permit. His application will include both quarter sections from the one well.

No. 3891-3 is for the SW 1/4 Section 26 from its own well in the center of the SW 1/4.

The well information should be on file as well as the maps Lynn did when she inspected the water rights in 1991.

Mr Baum wants to do the right thing and if we have any questions, he'll willing get us what we need (ie. - he seems to be a nice guy!)

Brian Baum
39278 217th St
Alpena SD 57312

.....

Baum Farms

Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre SD 57501-3181
605-773-3352

RECEIVED
FEB 11 2008
WATER RIGHTS
PROGRAM

February 8, 2008

To Whom It May Concern:

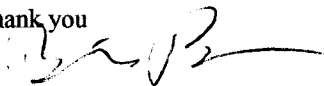
I am requesting permits on three quarters of ground that will run off two wells. I have two water permits on two of the quarters (license no. 3891-3 and 1775-3). I bought this land in 2005 and the pivots were old and not used for a while, and that winter we had a bad Ice storm that took the all three pivots down. I have been in touch with Eric Gronlund and he said the water right might be in fault because they have not been used for a while so Eric thought it would probably is best to file for new permits.

Two of the Quarters had license no. (3891-3 and 1775-3) and the third quarter did not, and I'm requesting license for that Quarter but it will pull out of the same well as (license no.1775-3). I used the information off the water (license no. 3891-3 and 1775-3) to fill out the application and send a copy of the old license and attached it to the applications. And the quarter that did not have a license, I hope I did it right if it is wrong please let me know so that I can correct it.

I have never had Irrigation Pivots before so the is a learning experience for me. If you have any questions or anything I need to correct any mistakes let me know.

brianjbaum@hotmail.com

Thank you



Brian Baum

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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

Brian Baum
39278 217th St
Alpena SD 57312

Dear Mr. Baum:

Thank you for submitting the two *Applications for a Permit to Appropriate Water* for irrigation in Beadle County. In order to complete the applications, the following is required.

- Regarding the application to irrigate 230 acres located in the N ½ Section 35-T110N-R62W, please submit an aerial photo map outlining the acres to be irrigated and the location of the well. 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 NRCS or FSA office).

The map submitted with your application prepared by Lynn Beck, staff engineer with our office doesn't meet the statutory requirement because it does not outline the acreage in the NW ¼ Section 35.

- The application/license filing fees will be as follows:

230 acres located in the N ½ Sec 35-T110N-R62W	- \$325.00
128 acres located in the SW ¼ Sec 26-T110N-R62W	- <u>\$300.00</u>
Total	- \$625.00

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

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



**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. 6971-3, Brian Baum**

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. 6971-3, Brian Baum, 39278 217th Street, Alpena SD 57312.

The Chief Engineer is recommending APPROVAL of Application No. 6971-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Right No. 1775-3 is cancelled.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 26, 2008

REPORT ON WATER PERMIT NO. 6971-3
For Brian Baum
March 19, 2008

Application No. 6971-3 proposes to appropriate 1.56 cfs (700 gpm) from one existing well approximately 66 feet deep located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 35 to irrigate 230 acres located in the N $\frac{1}{2}$ of section 35; all in T110N R62W in Beadle County.

AQUIFER – WARREN WEST JAMES (W-WJ)

The Warren West James is a predominantly buried outwash (sand and gravel) that is under confined or artesian conditions in this area. The aquifer underlies 119,500 acres and contains an estimated 568,000 acre-feet of recoverable water in storage in Beadle County (Hedges, 1982). The aquifer extends into Sanborn County to the south and blends into the Warren Wolsey aquifer to the west. Recharge to the aquifer has been estimated to range from 0.24 to 0.72 inches per year in the artesian portions of the aquifer and 0.9 to 3.4 inches per year for the water table portions of the aquifer (Emmons, 1988). The direction of ground water movement is from northwest to southeast in the area of this application. The estimated annual recharge to the aquifer exceeds the average use from the aquifer at this time. Also in the subsurface the aquifer may be hydraulically connected to the Niobrara aquifer.

The well log for this site indicates the aquifer is under water table conditions. A test well log at the site of this existing irrigation well indicates interbedded sand and clay from about 15 feet to 66 feet below land surface. Most the log was sand with a few clay layers. No well completion report is available for this existing irrigation well. This well had been authorized by Water Right No. 1775-3 but is subject to cancellation because of nonuse.

The Water Rights Program monitors an observation well BD-76L located about one-quarter mile northeast of this existing well site. Water levels for this well show response to pumping. The observation well is under artesian conditions and fluctuation due to pumping is readily obvious. Also the fact that this well was not been used for many years appears obvious from the observation well record. The aquifer does recharge and in general the record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008).

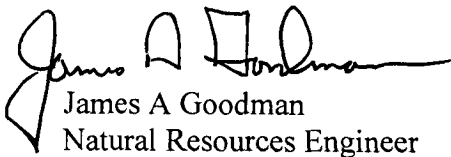
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing water permit No. 6536-3 with a well located about one-half mile to the north of this existing well. Interference will occur. Drawdown will be created and there will be overlapping cones of depression created between the wells. The observation well hydrograph demonstrates this fact. In addition there is an existing Water Right 3891-3 (also subject to cancellation for nonuse and with a new application No. 6972-3 on file) with a well located about 3,700 northwest of the well for this application. That well will also cause drawdown and create some potential interference. The well for Water Permit

No. 6536-3 has a low specific capacity of about 18 gpm/ft of drawdown. The well for Water Right No. 3891-3 and new application No. 6972-3 has a specific capacity of about 45 gpm/ft of drawdown. There is no pumping data for the irrigation well for this application (Water Right No. 1775-3). It appears that the irrigation wells in this area all draw the water levels down into the aquifer a considerable distance. This indicates the wells may not be able to sustain pumping rates for an irrigation season or during an extended drought. Also the water quality from the aquifer appears to be marginal for irrigation use. Interference is likely between these three irrigation wells but it appears to be more of a well capacity problem rather than an interference problem.

CONCLUSIONS

1. Water is available from the Warren West James aquifer.
2. The aquifer is may be under water table conditions at this site but appears to be under artesian conditions in the immediate surrounding area. Drawdown does occur as a result of pumping in the area. This is documented by the observation well hydrograph. Interference should not be a concern.
3. This is an existing well. The construction of this well can not be determined for conformance with SD Well Construction Standards.
4. Approval of the application results in the forfeiture and abandonment of Water Right No. 1775-3. Water Right No. 1775-3 is cancelled if this application is approved.
5. For purposes of this report the priority of this application No. 6971-3 preceeds that of application No. 6972-3 even though the dates received for both are the same.

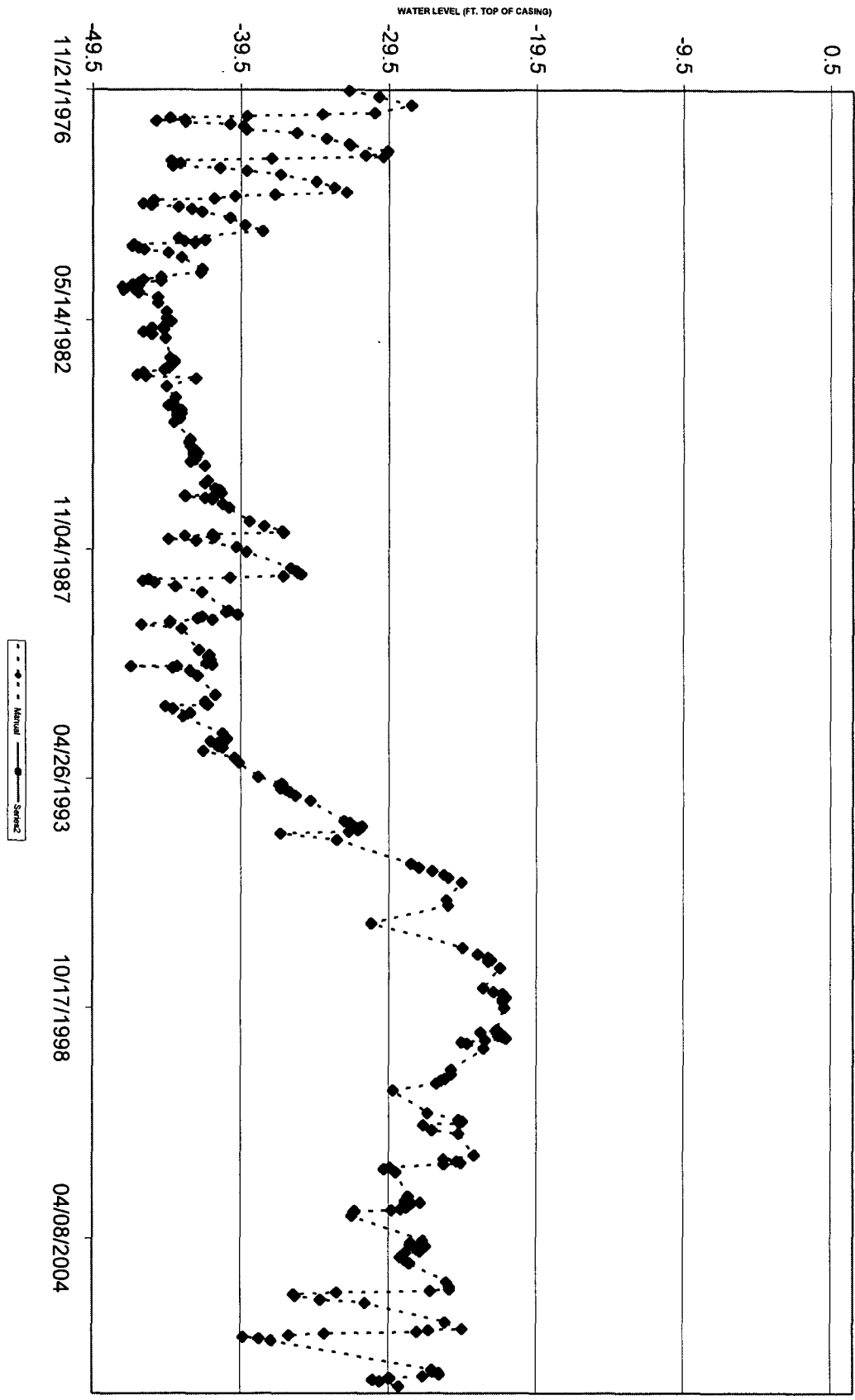


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Emmons, P.J., 1988, A Digital Simulation of the Glacial-Aquifer System in Sanborn and Parts of Beadle, Miner, Hansen, Davison, and Jerauld Counties, South Dakota, Water Resources Report 87-4082, USGS, Huron, SD, 57350.
- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 2008, Unpublished Observation Well Data for Beadle County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS: OBSERVATION WELL
BD-76L



Form 8

RECEIVED

APR 15 2008

WATER RIGHTS
PROGRAM

OK

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Beadle) SS

I, Jerat Baugen

certify that the attached printed Notice was taken

from the Hausman

printed and published in Huron

County of Beadle and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

4-3-08

4-10-08

Cost of Printing \$53.62

Jerat Baugen
(Signature)

Business Manager
(Title)

4-14-08
(Date Signed)

F.P. 01-03-08

L.P. 04-10-08

NOTICE OF APPLICATION

NOS. 6971-3 and 6972-3

to Appropriate Water

Notice is given that

Brian Baum, 39278

217th St, Alpena SD

57312 has filed the fol-

lowing applications for a

water permit.

Application No. 6971-3

proposes to appropriate

1.56 cubic feet of water

per second from one

well completed into the

Warren:West James

Aquifer (66 feet deep)

located in SW 1/4 NE

1/4 Section 35 to irrigate

230 acres located in the

N 1/2 Section 35; all in

T110N-R62W.

Application No. 6972-3

proposes to appropriate

1.56 cubic feet of water

per second from one

well completed into the

Warren:West James

Aquifer (100 feet deep)

located in the center of

the SW 1/4 Section 26

to irrigate 128 acres

located in the SW 1/4

Section 26; all in T110N-

R62W.

Pursuant to SDCL 46-

2A-2, the Chief

Engineer recommends

APPROVAL of Applica-

tion Nos. 6971-3 and

6972-3 because 1)

unappropriated water is

available, 2) existing

rights will not be unlaw-

fully impaired, 3) it is a

beneficial use of water,

and 4) it is in the public

interest. In accordance

with SDCL 46-2A-23,

the Chief Engineer will

act on these applica-

tions, as recommended,

unless a petition is filed

opposing the applica-

tions or the applicant

files a petition contest-

ing the Chief Engineer's

recommendations. If a

petition opposing the

applications or contest-

ing the recommenda-

tions is filed, then a

hearing will be sched-

uled and the Water

Management Board will

consider the application.

Notice of the hearing will

be given to the applicant

and any person filing a

petition.

Any person interested in opposing or supporting these applications 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 recommendations. 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 April 21, 2008.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

No 140 (adv.)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 26, 2008

The Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6971-3 and 6972-3 to Appropriate Water to be published twice. Please publish the first notice on April 3, 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 Brian Baum, 39278 217th St, Alpena SD 57312 (Ph # 605-849-3486).

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-----

Nos. 6971-3 & 6972-3

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

Date _____

We are in receipt of your letter of March 26, 2008 enclosing Notice to Appropriate Water by Application Nos. 6971-3 & 6972-3 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.

March 26, 2008

Brian Baum
39278 217th St
Alpena SD 57312

Dear Mr. Baum:

Water Permit Application Nos. 6971-3 and 6972-3 for irrigation use have 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 Plainsman printed at Huron SD (Ph # 605-352-6401). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on April 3, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6971-3 and 6972-3 to Appropriate Water

Notice is given that Brian Baum, 39278 217th St, Alpena SD 57312 has filed the following applications for a water permit.

Application No. 6971-3 proposes to appropriate 1.56 cubic feet of water per second from one well completed into the Warren:West James Aquifer (66 feet deep) located in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35 to irrigate 230 acres located in the N $\frac{1}{2}$ Section 35; all in T110N-R62W.

Application No. 6972-3 proposes to appropriate 1.56 cubic feet of water per second from one well completed into the Warren:West James Aquifer (100 feet deep) located in the center of the SW $\frac{1}{4}$ Section 26 to irrigate 128 acres located in the SW $\frac{1}{4}$ Section 26; all in T110N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6971-3 and 6972-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 recommendations. 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 April 21, 2008.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. 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

MAY 16 2003

Brian Baum
39278 217th
Alpena SD 57312

Dear Mr. Baum:

Enclosed are Water Permit Nos. 6971-3 and 6972-3 authorizing your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Water Right Nos. 1775-3 and 3891-3 were cancelled for forfeiture for nonuse.

Two Form 10s, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems 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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6971-3

I have this day, November 19th, 2015, made a thorough examination of the water use system constructed by Brian Baum of 39278 217 St, Alpena, SD authorized by Permit No. 6971-3, bearing the priority of February 11th, 2008 authorizing the diversion of 1.56 cu. ft. per second of the waters of Warren: West James for irrigation purposes, in Beadle County.

Inspection contact & relationship to permit holder, if applicable: **Brain Baum, contacted by telephone**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Empire Irrigation and Drilling Co.
- 2) No. of Wells one
- 3) Depth 66 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter unknown
- 2) Length unknown
- 3) Type fiberglass

Screen:

- 1) Type fiberglass
- 2) Length unknown
- 3) Static water level unknown

Pump:

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

Motor:

- 1) Make US Electric Motors
- 2) Model No. 365TP WPI
- 3) Horsepower rating 75 hp

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

- 1) Type underground pipe
- 2) Length 200 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1,289 feet
- 3) Number of towers 7

- 4) End gun Yes (end gun range 88 feet)
- 5) Pressure 34 psi
- 6) 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
List any extended period of nonuse: none
- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows: SW ¼ NE ¼ Section 35-T110N-R62W (1,387 south and 1,505 west of the NW corner of section 35, latitude: 44.29422 and longitude: -98.24013). E
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. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

NW ¼ NE ¼ Section 35-T110N-R62W 34 acres
 SW ¼ NE ¼ Section 35-T110N-R62W 34 acres
 SE ¼ NW ¼ Section 35-T110N-R62W 1 acre

legal description/acreage

NE ¼ NE ¼ Section 35-T110N-R62W 32 acres
 SE ¼ NE ¼ Section 35-T110N-R62W 32 acres
 NE ¼ NW ¼ Section 35-T110N-R62W 1 acre

comprising a total of 134 acres of land and the license should be issued for 1.56 cfs..

3. All structures, wells and lands on map Yes

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

The permit authorizes a maximum diversion rate of 1.56 cfs (700 gpm), however the based on the inspection the system is capable of 800 gpm. Irrigation was not developed for the NW 1/4 of section 35 (other than the two acres that the end gun of the pivot in the NE ¼ catches), so only 134 acres in the N ½ of Section 35 were developed of the permitted 230 acres.

Whitney Kilts
 Whitney Kilts

Natural Resources Engineer
 DENR, Water Rights Program

Date report completed: 03/11/2016

Kilts, Whitney (DENR)

From: Gronlund, Eric
Sent: Friday, March 11, 2016 10:52 AM
To: McMath, Genny; Kilts, Whitney (DENR)
Subject: RE: 6972-3, Brian Baum

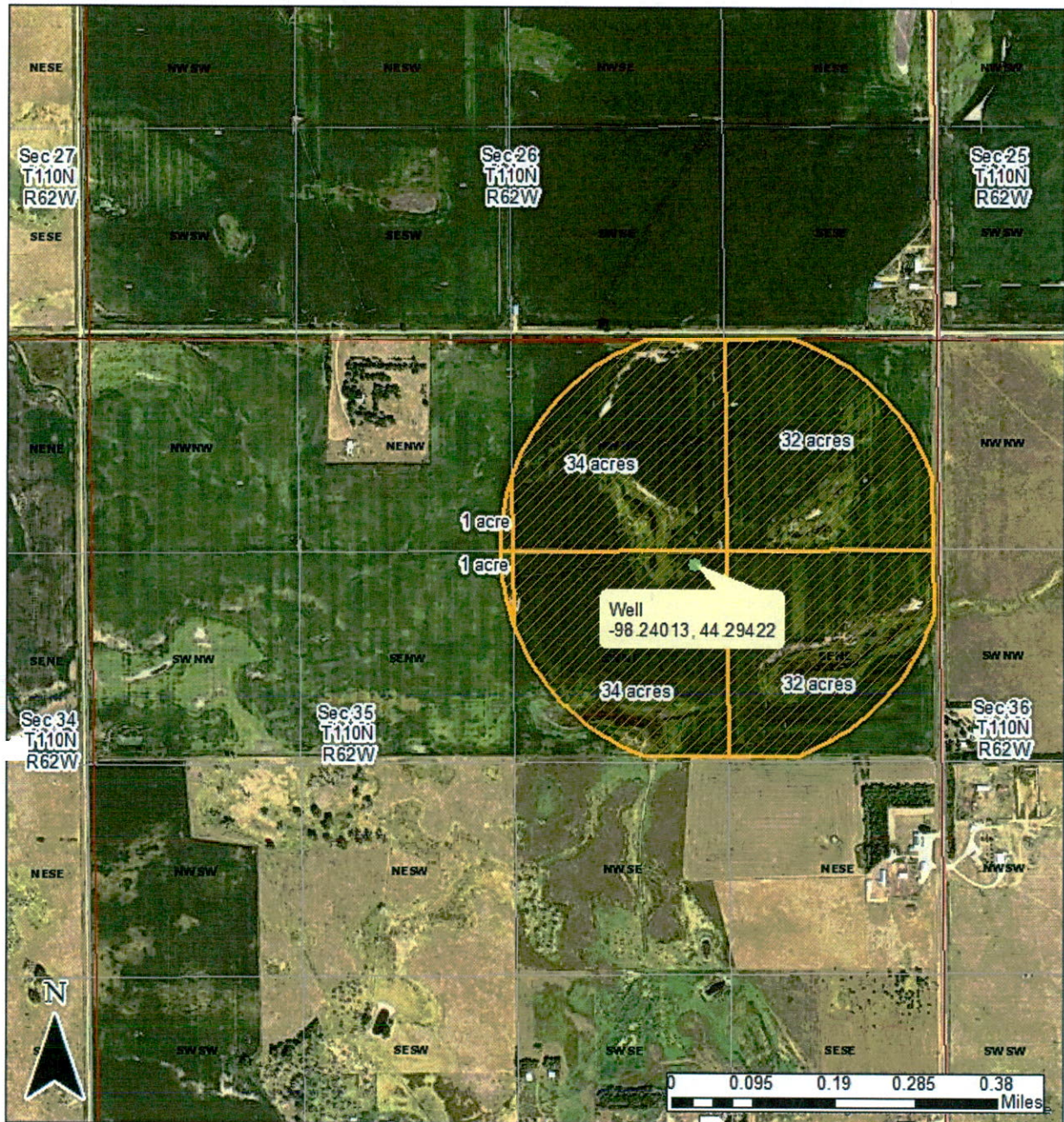
Oh ya and the other Baum permit (No. 6971-3) was sold to Ducks Unlimited. Mr. Baum will still farm this property.

From: Gronlund, Eric
Sent: Friday, March 11, 2016 10:38 AM
To: McMath, Genny; Kilts, Whitney (DENR)
Subject: 6972-3, Brian Baum

Gary Mattke called and said he purchased this ground and will be closing on the sale next Thursday. He will file the notice of transfer of ownership.

This is the permit issued for 1.56 cfs (700 gpm) that Whitney did the licensing inspection and found the well capable of 800 gpm. I informed him we are in the process of licensing and the license can only be issued for the 1.56 cfs. He asked his options.

I said he can reduce the diversion ability to 700 gpm or apply for the additional 100 gpm. He was going to check with the irrigation supply person and then make a decision which way to go.



Diversion point located using Garmin eTrex 10 GPS

Completed by: Whitney Kilts
 Whitney Kilts, Natural Resources Engineer
 SD DENR, Water Rights Program

Date: March 11, 2016

Water Right No. 6971-3



6971-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

MAR 14 2016

6971-3
6972-3

Brian Baum
39278 217th St
Alpena SD 57312

Dear Mr. Baum:

Enclosed are Water License Nos. 6971-3 and 6972-3. They are the final water right documents completing your process of obtaining water rights. Included with each 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 wells authorized by Water Right Nos. 6971-3 and 6972-3, 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.

The investigation of the water use systems found they are each capable of 1.78 cubic feet per second (800 gallons per minute). The original permits authorized a maximum diversion rate of 1.56 cubic feet per second (700 gallons per minute). The water licenses cannot be issued for more than the permitted diversion rate and are limited to 700 gpm.

DENR understands that you have sold the land and closing will occur soon. A notice of transfer of ownership will need to be filed by the new owner for each water right. In the case of Water Right No. 6972-3, you have indicated the new owner intends to adjust the nozzles on the pivot to limit the application rate to 700 gpm.

As long as you use the water beneficially, as stated in the Water Licenses, 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. 6971-3**

(1) Brian Baum, 39278 217th St., Alpena SD 57312 made Application No. 6971-3, February 11, 2008 for a water permit to divert 1.56 cubic feet of water per second from ground water, one well (Warren West James Aquifer), Beadle County, South Dakota for irrigation purposes. Permit No. 6971-3, with a priority date of February 11, 2008 was approved April 21, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 21, 2013 and for the application to beneficial use of said water on or before April 21, 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 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is 1,387 feet south and 1,505 feet west of the NE corner of Section 35, T110N, R62W (SW ¼ NE ¼).

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

Section 35, T110N, R62W

NW ¼ NE ¼	34 acres	SE ¼ NW ¼	1 acre
SW ¼ NE ¼	34 acres	NE ¼ NW ¼	1 acre
NE ¼ NE ¼	32 acres		
SE ¼ NE ¼	32 acres	Total	134 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Brian Baum, 39278 217th St., Alpena SD 57312 the holder and/or owner of Water Right No. 6971-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water, one well (Warren West James Aquifer) with a priority date of February 11, 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. 6971-3 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- Water Right No. 1775-3 is cancelled.



Jeanne Goodman, Chief Engineer

Water Rights Program
Department of Environment and Natural Resources

MAR 14 2016

date

