

WATER PERMIT NO. 6972-3

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: **128**

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**

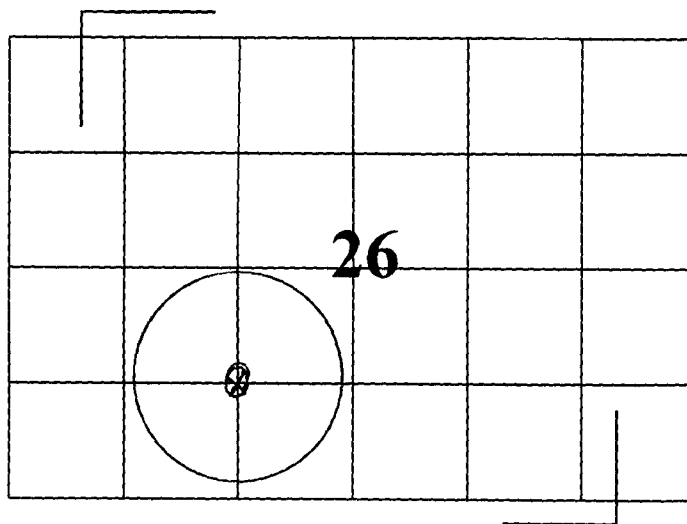
Period of Annual Use: **May 1 – September 1**

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

✓ 3491-3

Diversion Point: **center of SW ¼ Sec 26-T110N-R62W**

Land to be Irrigated: **SW ¼ Sec 26-T110N-R62W**



Depth of Well: **Empire Drilling**

Well Driller: : **100 feet deep**

Remarks:

Type of Map: **aerial**

Prepared by: **Lynn Beck**

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	(office use only)	
	No. <u>6972-3</u>	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>The Plainsman Huron SD</u>	

RECEIVED
FEB 11 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.) _____

- Name of Applicant Brian Baum Phone 605-845-3480
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 35278 217th Ave SD 57312 State SD 57312
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.56 *CFS or **GPM ***AF Total Acreage 128
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ground water Cone well - Warren West James Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1,320 feet N and 1,340 feet E of the SW corner of section 26, 110 N, R 62 W (approximate center) County Beadle
- County or counties where water will be used Beadle
- Annual period during which water is to be used May 1st to September 1st
- 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
Section 26, T110N, R62W (Total)	128	NW 1/4 SW 1/4	32
		SE 1/4 SW 1/4	32
		NE 1/4 SW 1/4	32
		SW 1/4 SW 1/4	32

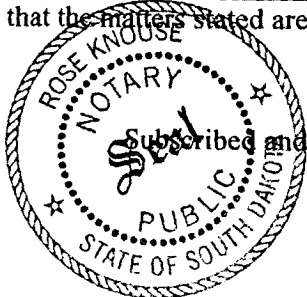
8. Give a description of the project. (Attach sheet if more space is needed)

Center Irrigation Pivot for farm crops

STATE OF SOUTH DAKOTA)
County of Beadle 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, Brian Baum, 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

Rose Krouse
Notary Public signature Rose Krouse
comm expires: 12-24-2009

SOUTH DAKOTA
WATER PERMIT NO. 6972-3

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. 6972-3 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. 6972-3 appropriates 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.
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. 6972-3 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. 3891-3 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)
3891-3

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 _____

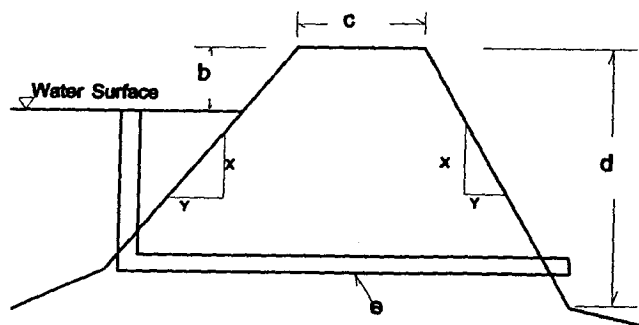
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 14, 2008

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

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

Fee for Application for Permit No. <u>6972-3</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>6972-3</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.

63026

By

Harold E. Eide

Chief Engineer

(KS)

NOT TO SCALE





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

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. 6972-3, 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. 6972-3, Brian Baum, 39278 217th Street, Alpena SD 57312.

The Chief Engineer is recommending APPROVAL of Application No. 6972-3 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. 3891-3 is cancelled.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 26, 2008

REPORT ON WATER PERMIT NO. 6972-3

For Brian Baum

March 20, 2008

Application No. 6972-3 proposes to appropriate 1.56 cfs (700 gpm) from one existing well approximately 100 feet deep located in the center of the SW $\frac{1}{4}$ of section 26 to irrigate 128 acres located in the SW $\frac{1}{4}$ of section 26; 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. The irrigation well log indicates topsoil and clay from the surface to 45 feet, medium sand from 45 to 75 feet, fine sand from 75 to 98 feet below land surface. This well reportedly had a static water level of 57 feet below land surface in 1979. According to observation well records this water level should be about 15 to 20 feet higher at present as opposed to 1979 when the irrigation well was drilled. A well completion report is available for this existing irrigation well. This well had been authorized by Water Right No. 3891-3 but is subject to cancellation because of nonuse.

The Water Rights Program monitors an observation well BD-76L located about one mile east of this existing well site. Water levels for this observation 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).

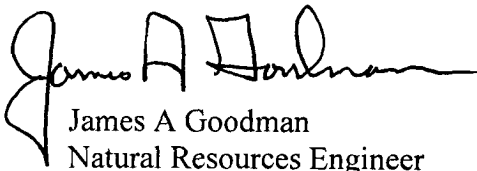
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing water permit No. 6536-3 with a well located about one-half mile to the east of the irrigation well for this application. Interference will occur. There will be overlapping cones of depression (drawdown) created by pumping of the irrigation wells. The observation well hydrograph demonstrates this fact. In addition there is an existing

Water Right 1775-3 (also subject to cancellation for nonuse and with a new application No. 6971-3 on file) with a well located about 3,700 southeast 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 this application No. 6972-3 has a specific capacity of about 45 gpm/ft of drawdown. It appears that the pumping levels in the irrigation wells in this area decline a considerable distance into the aquifer. This indicates the wells may not be able to sustain pumping rates for an extended irrigation season or during extended drought periods. 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 issue rather than overall drawdown issue.

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. There is a well completion report available for this well.
4. Approval of the application results in the forfeiture and abandonment of Water Right No. 3891-3. Water Right No. 3891-3 is cancelled if this application is approved.
5. For purposes of this report the priority of this application No. 6971-3 precedes that of application No. 6972-3 even though the dates received for both are the same.



James A Goodman
Natural Resources Engineer

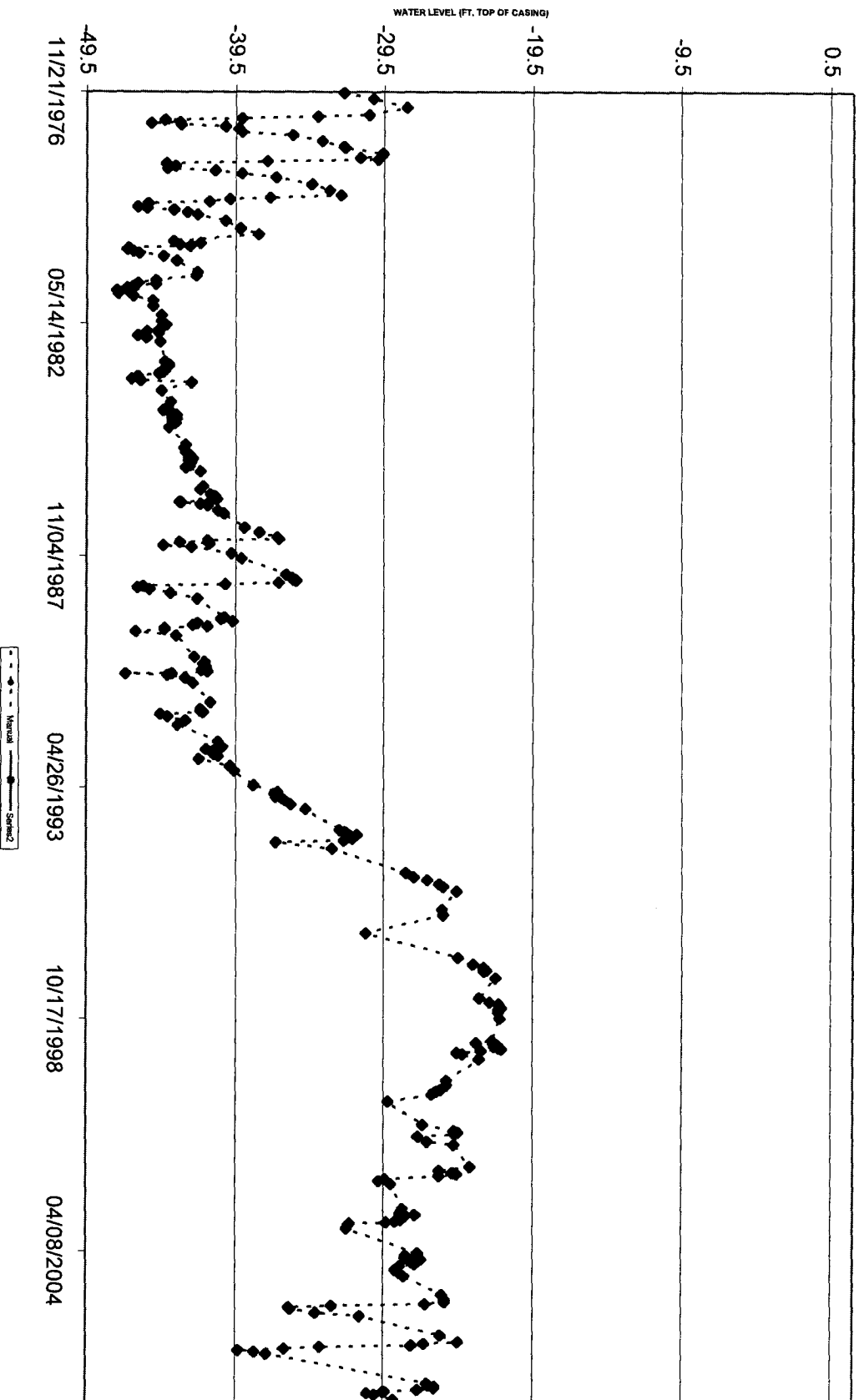
BIBLIOGRAPHY

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



RECEIVED

APR 17 2008

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Beadle) SSI, Jeanette
certify that the attached printed Notice was
takenfrom the Hausmanprinted and published in HuronCounty of Beadle andstate of South Dakota. The notice was
published

in the newspaper on the following two dates:

4-3-084-10-08Cost of Printing \$53.62Jeanette
(Signature)Business Manager
(Title)4-14-08

(Date Signed)

F.P. 01-03-08

L.P. 04-10-08

NOTICE OF
APPLICATIONNOS. 6971-3 and 6972-3
to Appropriate WaterNotice 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 support-
ing 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 recom-
mendations. The Chief
Engineer's address is
"Water Rights Program,
Foss Building, 523 E
Capitol, Pierre SD
57501 (605 773-3352)"
and the applicant's mail-
ing 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 peti-
tioner's interest in the appli-
cations, the petitioner's
reasons for opposing or
supporting the applica-
tions, and the signature
and mailing address of
the petitioner or the peti-
tioner'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 Environ-
ment 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 2008

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. 6972-3

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. 6972-3, 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: **Brian 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 98 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 32 inches
- 2) Length unknown
- 3) Type fiberglass

Screen:

- 1) Type fiberglass
- 2) Length unknown
- 3) Static water level 57 feet below grade

Pump:

- 1) Make Western Land Roller
- 2) Model KB79985
- 3) Capacity 800 GPM

Motor:

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

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

- 1) Type underground pipe
- 2) Length 20 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) Capacity 800 GPM
- 6) Pressure 34 psi

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 of diversion located as follows: approximate center of SW ¼ Section 26-T110N-R62W (1,375 feet north and 1,370 feet east of the SW corner of section 26, latitude:44.30188 longitude:-98.24947).

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 SW ¼ Sec 26-T110N-R62W 32 acres
NE ¼ SW ¼ Sec 26-T110N-R62W 32 acres

legal description/acreage

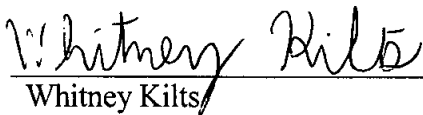
SW ¼ SW ¼ Sec 26-T110N-R62W 32 acres
SE ¼ SW ¼ Sec 26-T110N-R62W 32 acres

comprising a total of 128 acres of land and the license should be issued for 1.56 cfs.

3. All structures, wells and lands on map Yes

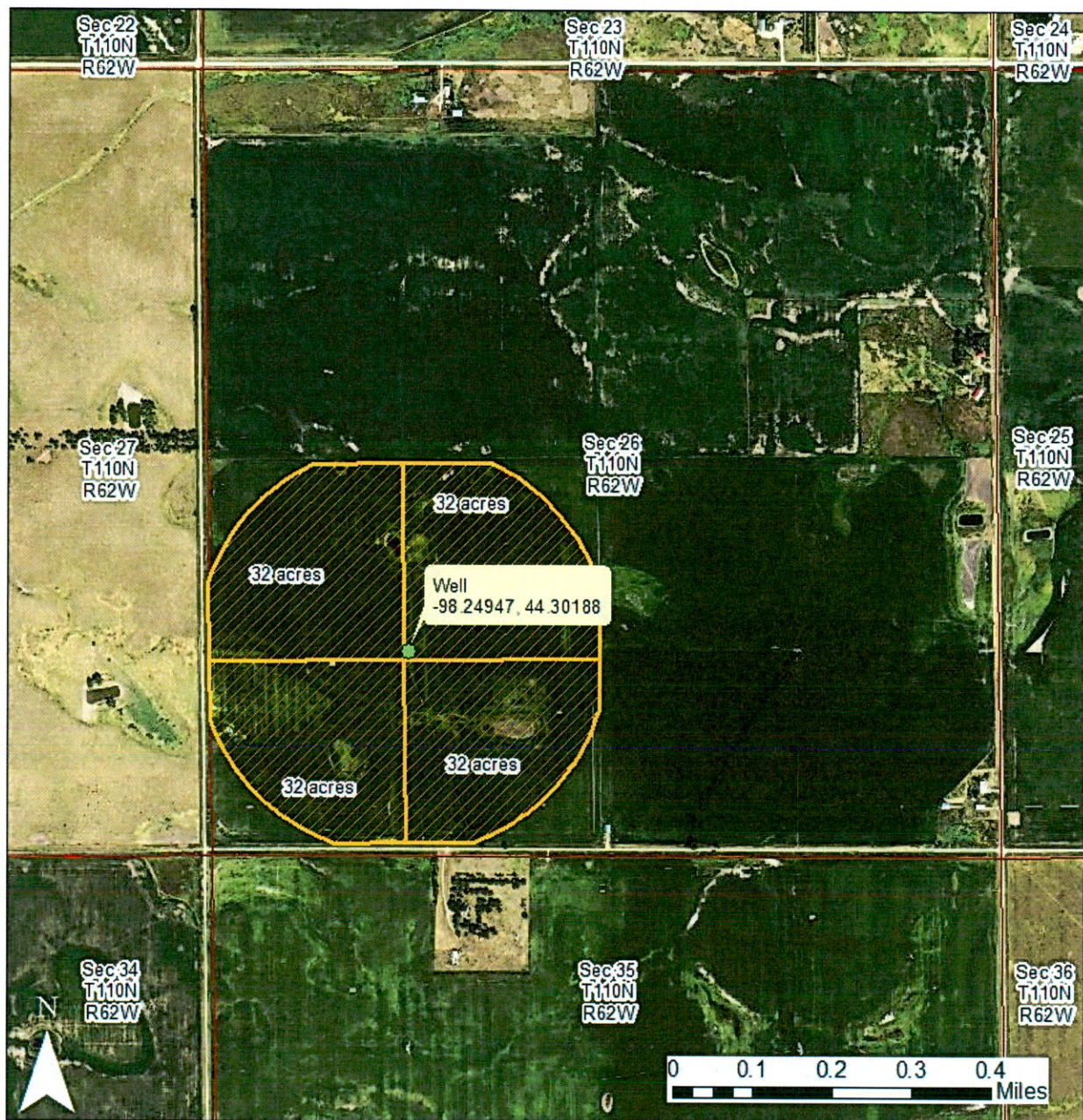
F. Comments or other permit(s) associated with the project:

The permit authorizes a maximum diversion rate of 1.56 cfs (700 gpm), however the system is capable of 800 gpm.


Whitney Kilts

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 03/10/2016



Diversion point(s) located using Garmin eTrex 10 GPS

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

Date: March 10, 2016

Water Right No. 6972-3



6972-3

**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. 6972-3**

(1) Brian Baum, 39278 217th St., Alpena SD 57312 made Application No. 6972-3, 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. 6972-3, 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 1,375 feet north and 1,370 feet east of the SW corner of Section 26, T110N, R62W (approximate center of the quarter).

(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:

T110N, R62W Section 26	NW ¼ SW ¼	32 acres
	NE ¼ SW ¼	32 acres
	SW ¼ SW ¼	32 acres
	SE ¼ SW ¼	32 acres
	Total	128 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. 6972-3 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. 6972-3 and subject to the following qualifications:

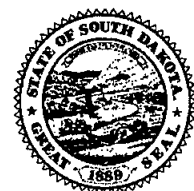
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- Water Right No. 3891-3 is cancelled.



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

MAR 14 2016

date



Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 6972-3Date: 3-10-16I/We request that Water Right/Permit No. 6972-3 formerly owned by:Brian Baum

be transferred to:

New Owner Name: Gary MattheAddress: 40405 217th StCity, State, Zip Huron SD 57350Telephone No. 605-352-5154

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

SW 1/4 Section 26; all in T110N-R62W

☐ I understand that the validity of Water Right/Permit No. 6972-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Gary Matthe, the new owner, certify that the above information is true and correct.

Gary Matthe
(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.

Cell phone 3509977

Gary Matthe
40405 217th St
Huron SD 57350

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/15, 20 16

RECEIVED OF Brian J Baum 39278 217th St Alpena SD 57312

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	50	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. _____		
Fee for Filing Transfer Form <u>6972-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
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	50 00

No. **07789**

By *James Houlman*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

March 15, 2016

6972-3

Gary Mattke
40405 217th St
Huron SD 57350

Dear Mr. Mattke:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 6972-3.

The ownership change has been completed. Water Right No. 6972-3, formerly held by Brian Baum is now listed in your name. The receipt for the filing fee is being sent under separate cover to Mr. Baum.

For informational purposes, I have included a copy of the recently issued water license, the map and inspection report prepared by our staff engineer and a couple past irrigation questionnaires. You may keep these for your records.

The purpose for sending the irrigation questionnaires is to give you an idea of what type of information to keep track of during the irrigation season. These forms are sent annually to irrigators in South Dakota for reporting water use. The actual form you will need to complete and return will be mailed to you in October, 2016.

If you have any questions, please contact me.

Sincerely,

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

c: Brian Baum, 39278 217th St, Alpena SD 57312 w/Receipt No. 07789

6972-3



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: GARY MATTKE, 40405 217TH ST, HURON, SD 57350

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) 6972-3. 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) 6972-3 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) 6972-3 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: ACRESP**

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 12, 2020

6972-3

Gary Mattke
40405 217th St
Huron SD 57350

Dear Mr. Mattke:

I am writing in follow-up to your phone conversation with Genny McMath concerning your Water Right No. 6972-3. It is my understanding you would like to move the existing center pivot one quarter mile north to avoid the slough area on the south end of the field.

Your current water right was licensed in 2016 for 128 acres in the SW ¼ Section 26, T110N, R62W (copy enclosed). In order to amend the water right to move acreage, a new water permit application will need to be filed. Enclosed is a partially completed application. Please review the application and make any necessary changes. Please include your cell number and email address, if available and sign at the bottom.

I have included a map which hopefully outlines the 128 acres you are proposing to irrigate. If the map is incorrect, please outline the correct area and make the necessary changes on the Item No. 7 of the application prior to returning the application and map to us.

The application/license fee for this amended application will be \$300. Please be aware that you will be responsible for payment of the public notice.

If you have any questions concerning the process, please let us know.

Sincerely,

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

enclosures

6972-3



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

February 14, 2022

6972-3

Gary Mattke
40405 217th St
Huron SD 57350

Dear Mr. Mattke:

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. 6972-3. 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