

WATER PERMIT NO. 6982-3

Name of Applicant: James Barger

Address: 30277 436th Ave, Volin SD 57067 Phone: 605 364-7658

Amount of Water Claimed: 1.78 Total Acres: 130

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 6 miles northwest of Yankton

PRIORITY Date Received: 2-22-08 Application/License Fee: \$300

Corrected Application Received: Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: center SE ¼ Sec 33-T95N-R56W

Land to be Irrigated: SE ¼ Sec 33-T95N-R56W

Depth of Well: 220 feet deep

Well Driller:

Remarks:

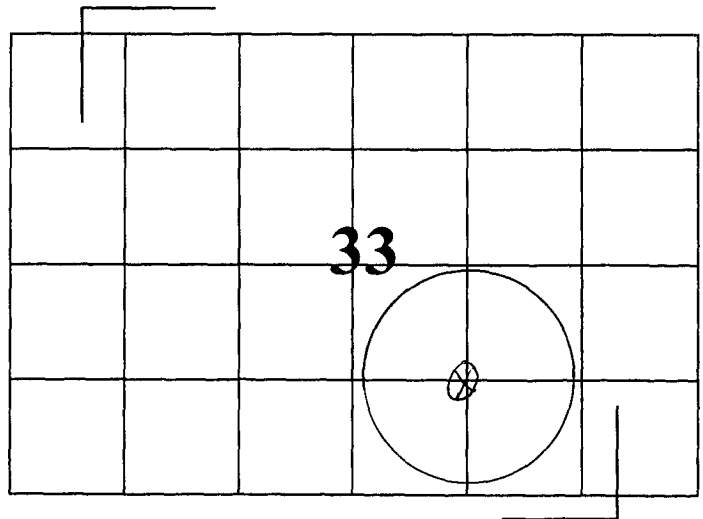
Type of Map: aerial

Prepared by: Mary L Bertsch, Yankton Co NRCS

Reviewed and the Number Assigned on: 2-25-08

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>6982-3</u> (office use only)	Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Daily Press & Dakotan</u>	<u>PO Box 56</u>
	<u>605-665-7811 (Thurs)</u>	<u>Yankton 57078</u>

RECEIVED
FEB 22 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 James Barger (check one) ☒ Owner ☐ Tenant/lessee Phone 605-364-7658 ⁶⁶⁰ 2443 Cell
Mailing Address 30277 436th Ave Utica State SD 57067
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78 *CFS or **GPM ***AF Total Acreage 136
(*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 1 well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in the
SE 1/4 of Section 33 T95N R56W
(approximate center) County Yankton
- County or counties where water will be used Yankton
- Annual period during which water is to be used 6 months April 1 - September 30
- 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
NW 1/4 of the SE 1/4 Sec. 33 T95N R56W	34		
NE 1/4 of the SE 1/4 "	34		
SW 1/4 of the SE 1/4 "	34		
SE 1/4 of the SE 1/4 "	34		

- Give a description of the project. (Attach sheet if more space is needed) Irrigate 136 Acres
of cropland. This will be through the months of April - September
and applied by a Pivot.

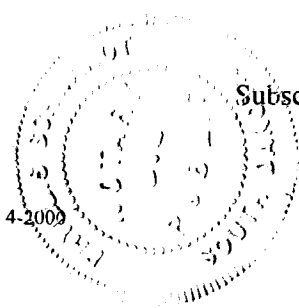
STATE OF SOUTH DAKOTA) SS
County of YANKTON

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, JAMES BARGER, 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 James Barger
Subscribed and sworn to before me this 19 day of FEB. 20 08

Phyllis Schubandt
Notary Public signature 5-10-2011



**SOUTH DAKOTA
WATER PERMIT NO. 6982-3**

Date of first receipt of application February 22, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6982-3 to James Barger, 30277 436th Ave, Utica SD 57067 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. 6982-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Lower James:Missouri Scotland Aquifer (approximately 220 feet deep) located in the approximate center of the SE 1/4 Section 33 to irrigate 136 acres located in the SE 1/4 Section 33; all in T95N-R56W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is February 22, 2008.
4. The date of approval of Permit No. 6982-3 is April 22, 2008.
5. One-fifth of the construction is to be completed on or before October 22, 2010.
6. All construction is to be completed on or before April 22, 2013.
7. Water is to be put to beneficial use on or before April 22, 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. 6982-3 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

MAY 01 2008
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 220'
- b) Casing Type PVC Diameter 16" Thickness 3/4"
- c) Screen Type PVC Diameter 16" Thickness 3/4"
- d) Gravel Pack 1/8" → 3/8" PEE ROCK Length of Gravel Pack 70'
- e) Depth to Top of Water Bearing Material 150'
- f) Depth to Water (ground surface to water level) 80'
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others 1400'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

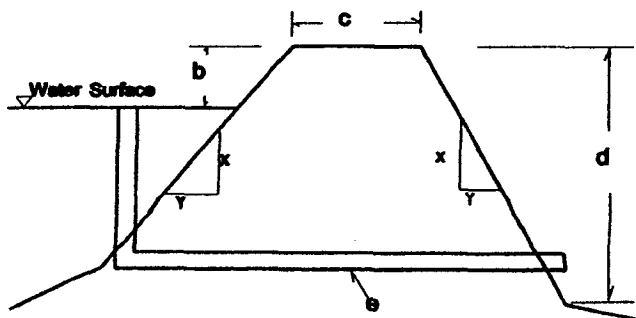
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

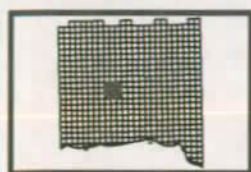
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



USDA - Farm Service Agency



Yankton County, SD

33-95N-56W

1:7,647

May 17, 2007

Legend

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

Wetland Determination Identifiers

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



USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use.

Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

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

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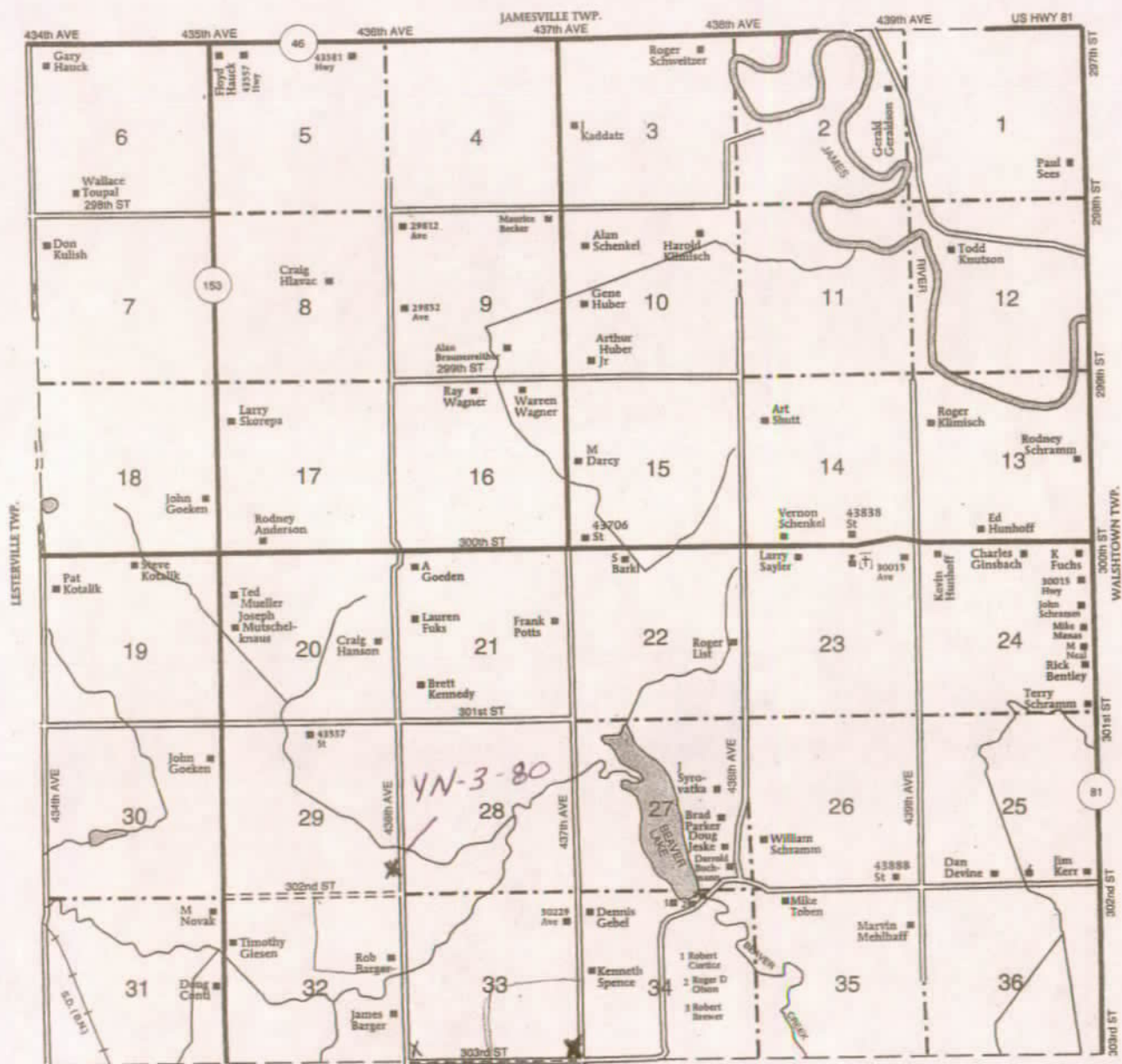
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T-95-N

CENTRAL DIRECTORY

(Residents - Owners or Renters)

R-56-W



1069.0 - 1029.0	256.0 - 296.0	CLAY, GRAY, SILTY, PEBBLY; NONCALCAREOUS (TILL)
1029.0 - 990.0	296.0 - 335.0	CLAY, GRAY; NONCALCAREOUS, GREASY LUSTER (CARLILE SHALE)

ROCK AT 265 FEET; ROCK BIT USED 265 TO 305 FEET.

Record 3 of 3

Location Information

Legal Location: SE SE SE SE SEC. 33, T. 095 N., R. 56 W.

County: YANKTON Location: 095N56W33DDDD

Basin: JAMES Latitude: 42 59' 46"

Hydrologic Unit Code: 10160011 Longitude: 97 27' 27"

Land Owner: Ground Surface Elev. (ft.): 1329 T

Project Information

Project: YANKTON COUNTY STUDY

Drill Date: 09/26/1977 Geologist: R. HELGERSON

Company: SDGS Geologist's Log: X

Drilling Method: ROTARY Driller:

Test Hole Number: RY-12 Driller's Log:

Samples: Total Drill Hole Depth (ft.): 320.0

Geophysical Information

Spontaneous X Potential: Single Point Resistivity: X

Natural Gamma: Extra:

Lithologic Information

Elevation (ft.)	Depth (ft.)	Description
1329.0 - 1328.0	0.0 - 1.0	SOIL, BROWN
1328.0 - 1324.0	1.0 - 5.0	SILT, SANDY (LOESS)
1324.0 - 1291.0	5.0 - 38.0	CLAY, BROWN, SILTY, PEBBLY (TILL)
1291.0 - 1173.0	38.0 - 156.0	CLAY, GRAY, SILTY, PEBBLY (TILL)
1173.0 - 1066.0	156.0 - 263.0	SAND AND GRAVEL
1066.0 - 1037.0	263.0 - 292.0	CLAY, GRAY, SILTY, SANDY (TILL)
1037.0 - 1028.0	292.0 - 301.0	CLAY, BROWN, SANDY, SILTY, PEBBLY; OXIDIZED (TILL)
1028.0 - 1009.0	301.0 - 320.0	SHALE, LIGHT-GRAY (CARLILE)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/25, 2008

RECEIVED OF James Barger 30277 436th Ave Utica SD 57067

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

Fee for Application for Permit No. <u>6982-3</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>6982-3</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.

03542

By

James Barger

Chief Engineer

Water Rights Program - File Documentation

NAME: James Barger

ADDRESS: 30277 436th Ave, Utica SD 57067

DATE: 2-25-07 **COUNTY:** Yankton **TELEPHONE:** 605 364-7658

RE: pending applications

COMMENTS:

James Barger called concerning his two applications. Mr. Barger indicated the small dark dot on each map was the proposed location of the wells. I said I'd make the mark more visible.

Regarding the application to irrigate 130 acres in SE ¼ Section 33-T95N-R56W the well is proposed to be located in the approximate center of the SE ¼.

Regarding the application to irrigate the NE ¼ Section 32-T95N-R56W the well is proposed to be located in the SW ¼ NE ¼. I told Mr. Barger that the area outlined on the map did not match what was identified on the application. Mr. Barger stated they hadn't determined the exact location or the size of the pivot and requested I include the SE ¼ NE ¼ and SE ¼ NW ¼ on the application and change the 120 acres to 130 acres.

The fee he submitted will cover the increased acreage.



Karen Schlaak
Environmental Scientist



**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. 6982-3, James Barger**

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. 6982-3, James Barger, 30277 436th Avenue, Utica SD 57067.

The Chief Engineer is recommending APPROVAL of Application No. 6982-3 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. 6982-3 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
March 31, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6982-3

James Barger

March 27, 2008

Application No. 6982-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 220 feet deep located in the approximate center of the SE $\frac{1}{4}$ of section 33 to irrigate 136 acres located in the SE $\frac{1}{4}$ of section 33; all in T95N R56W.

AQUIFER – LOWER JAMES MISSOURI SCOTLAND (LJM-S)

The Lower James Missouri Scotland is a buried outwash (sand and gravel) that is probably under artesian conditions at this site. The aquifer underlies 37,700 acres and contains an estimated 847,000 acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer extends into Bon Homme County to the west and blends into the Lower James Missouri aquifer to the east and north. The direction of ground water movement is probably from northwest to southeast in the area of this application. Reported well yields for the Lower James Missouri aquifer can be expected to yield at least 500 to more than 1,000 gpm (Bugliosi, 1986).

The applicant did not drill test holes for this application. There is a state drilled test hole located about one-quarter mile southeast of this proposed well site. This log indicates sand and gravel from 156 feet to 263 feet below land surface. This should be the Lower James Missouri Scotland aquifer. The water level should be about 100 feet below land surface in this area. This estimate is based upon the observation well water levels located north and east of this application and domestic wells in the area. The applicant estimated a total depth of 220 feet. The nearby test well information indicates a total depth of 263 feet. All that this means is that in order to develop the best well possible at this site adequate testing be conducted to determine the most favorable location for a high capacity well.

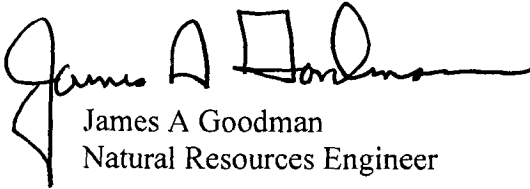
The Water Right Program monitors six observation wells within three miles of this application. Records for four of these observation wells are included with this report. Observation well YA-80J is located about two miles northwest, observation well YA-79D is located about one and one-half mile north, observation well YA-80W is located about two and one-half miles east and observation well YA-80K is located about two and one-half miles southeast all from the well for this application. In general the water level record indicates the aquifer is capable of sustaining additional use (Water Rights, 2008). The record indicates good response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining during dry periods. There is little water level fluctuation that can be attributed to pumping. Only observation well YA-79D shows water table fluctuation that could be attributed to pumping.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other water permits/rights obtaining water from the Lower James Missouri Scotland aquifer within two miles of this application. Drawdown is not expected to be significant. Interference is not a concern. This aquifer is used for domestic purposes and there are some domestic wells in the area. These domestic wells should not be adversely affected by this water permit.

CONCLUSIONS

1. Water is available from the Lower James Missouri Scotland aquifer.
2. The aquifer may be under artesian conditions at this site. However, the aquifer behaves more like a water table situation. Drawdown is not expected to be significant. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

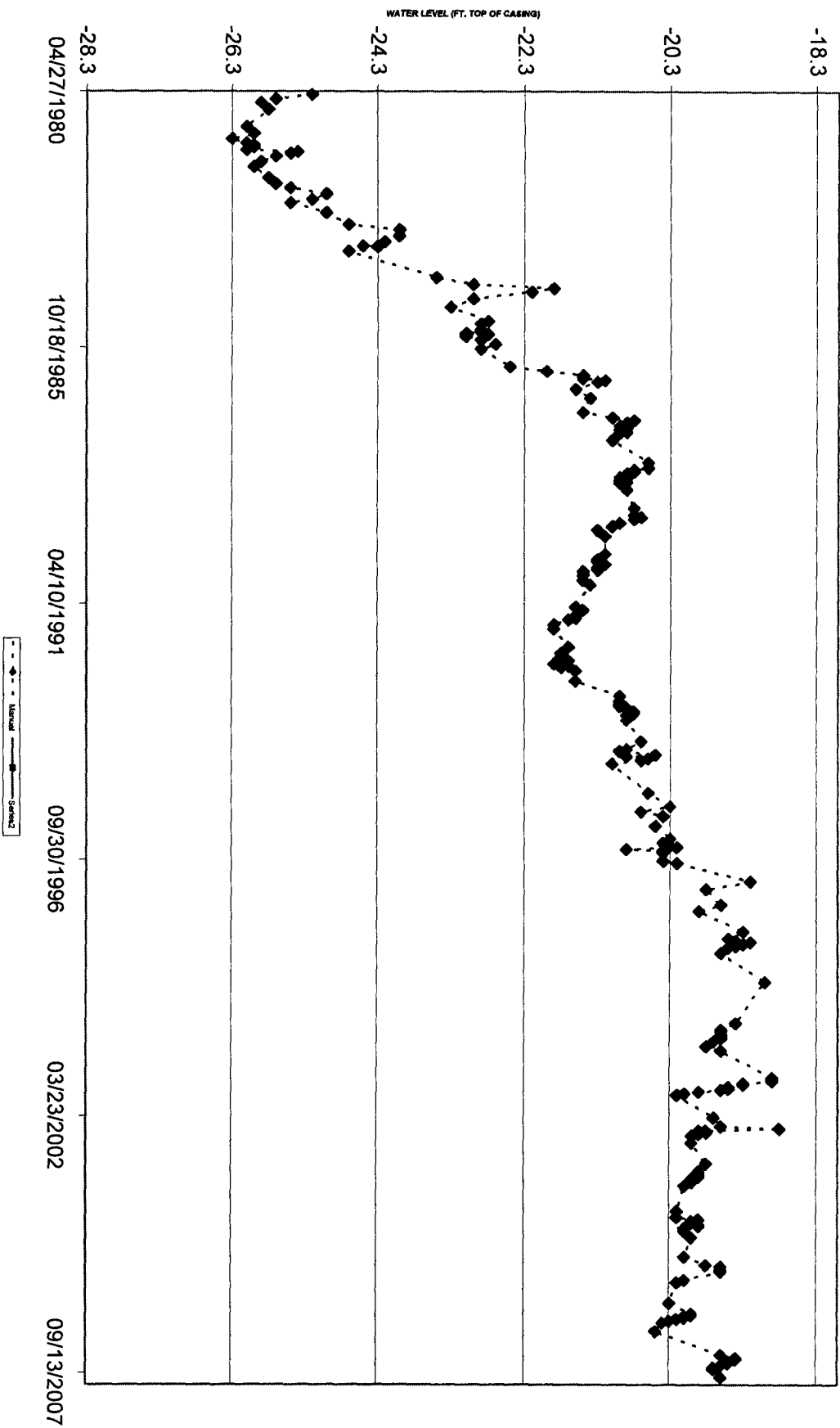
BIBLIOGRAPHY

Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, Water Resources Investigations Report 84-4241, USGS, Huron, SD, 57350.

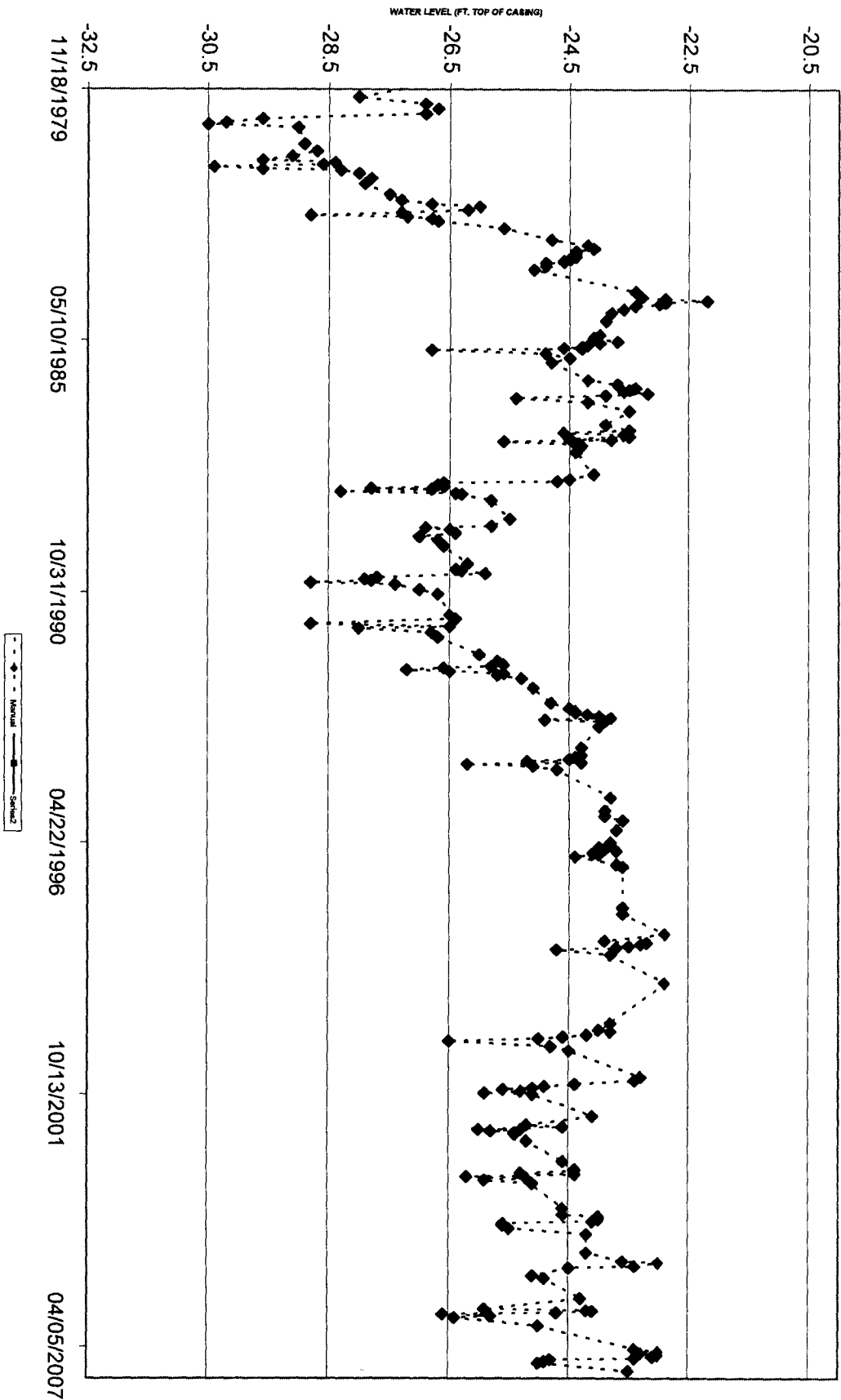
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

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

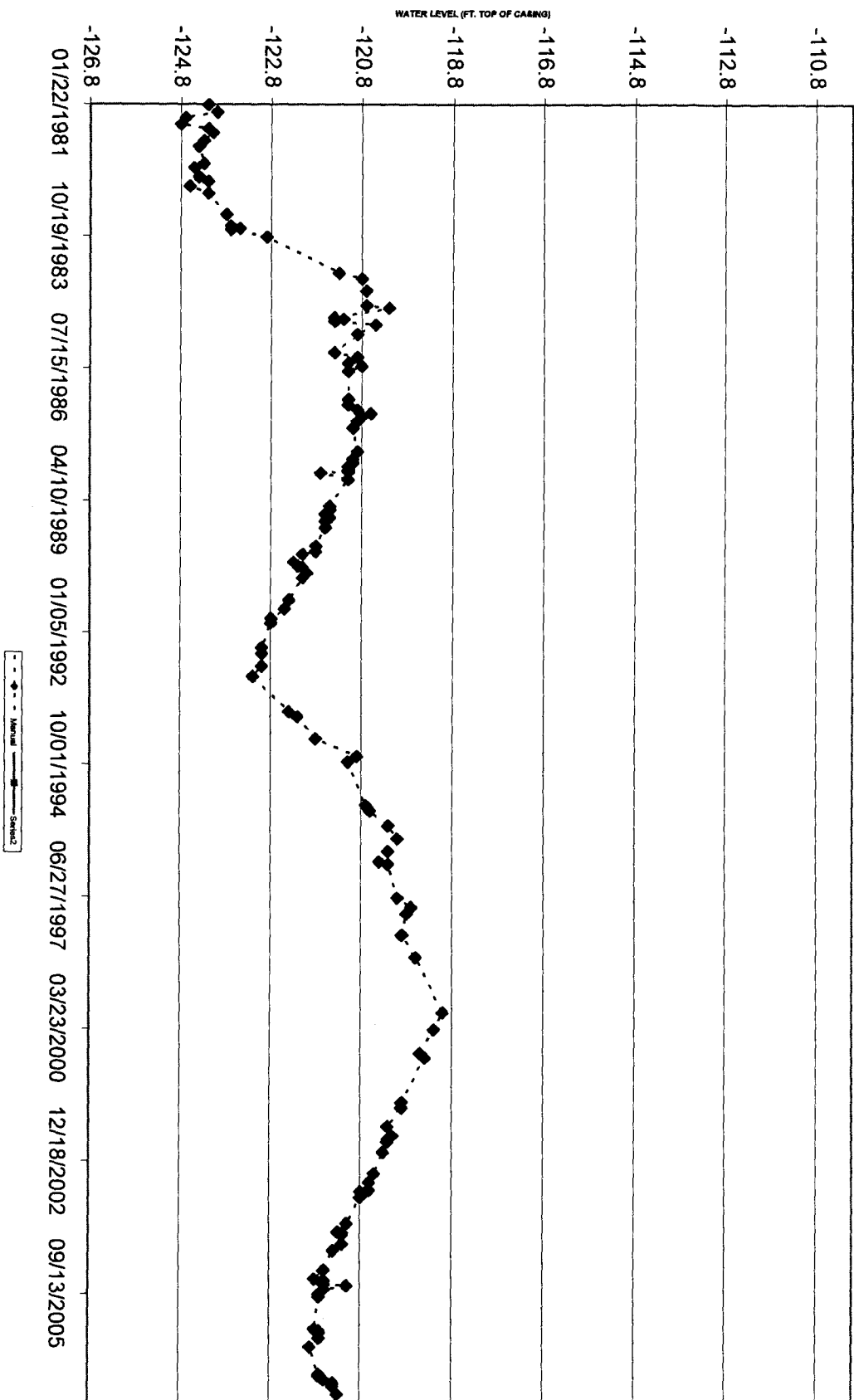
WATER RIGHTS' OBSERVATION WELL YA-80J



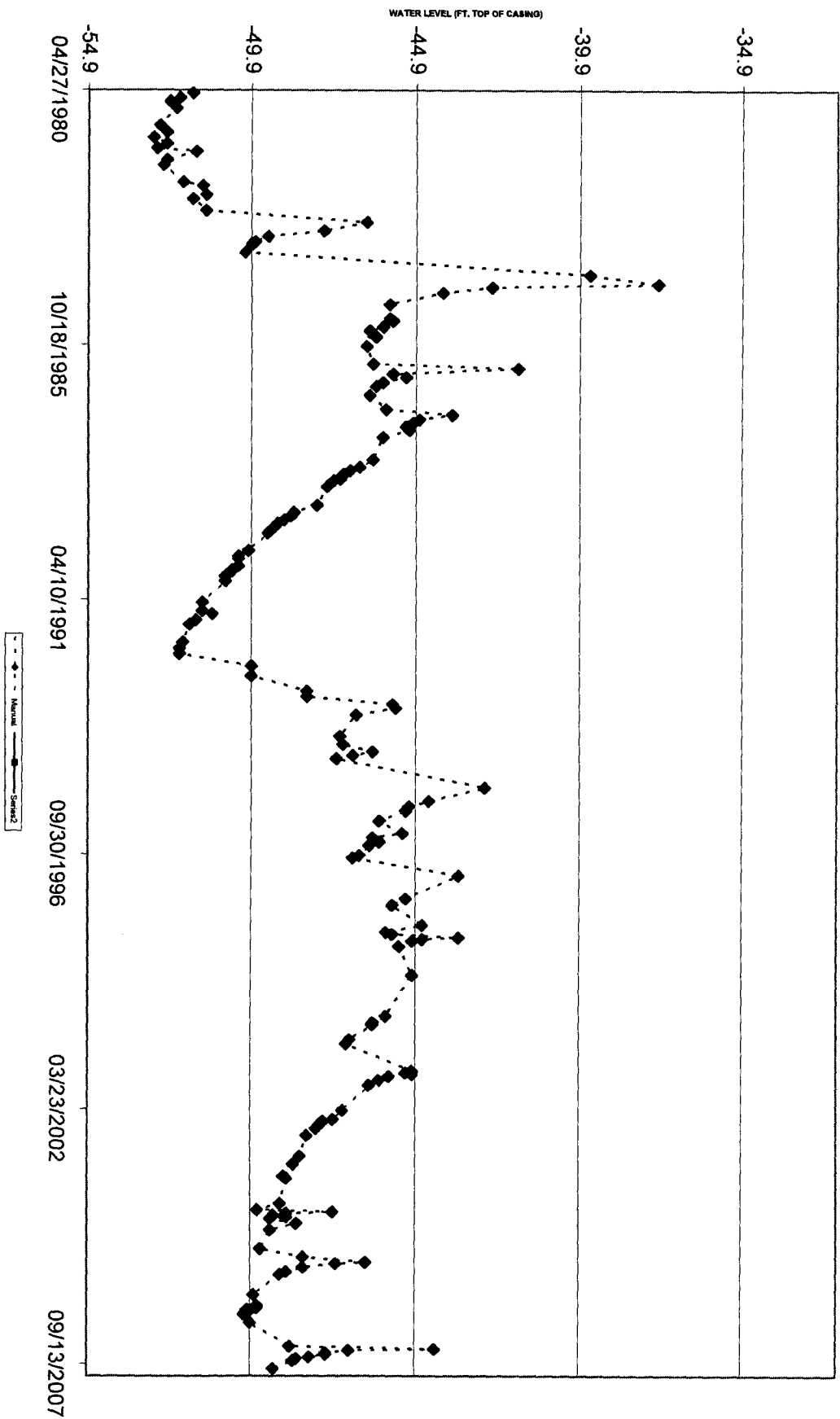
WATER RIGHTS' OBSERVATION WELL YA-79D



WATER RIGHTS' OBSERVATION WELL YA-80W



WATER RIGHTS' OBSERVATION WELL
YA-80K



RECEIVED

APR 17 2008

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

DENR
Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre, SD 57501-3181

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED Notice of Application Nos. 6982-3 & 6983-3 to Appropriate

Water

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 12th DAY OF April 2008
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$47.38 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 4/05, 4/12

FILED ON: 4/14/2008

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14th DAY OF April, 2008

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2009

4+5+12

NOTICE OF APPLICATION
NOS. 6982-3 and 6983-3 to
Appropriate Water

Notice is given that James Barger,
30277 436th Ave, Utica SD 57067
has filed the following applica-
tions for a water permit.

Application No. 6982-3 proposes
to appropriate 1.78 cubic feet of
water per second (cfs) from one
well to be completed into the
Lower James:Missouri Scotland
Aquifer (approximately 220 feet
deep) located in the approximate
center of the SE 1/4 Section 33 to
irrigate 136 acres located in the SE
1/4 Section 33; all in T95N-R56W.

Application No. 6983-2 proposes
to appropriate 1.78 cfs from one
well to be completed into the
Lower James:Missouri Scotland
Aquifer (approximately 220 feet
deep) located in the SW 1/4 NE
1/4 Section 32 to irrigate 130 acres
located in the NE 1/4, E 1/2 NW
1/4 Section 32; all in T95N-R56W.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends
APPROVAL of Application Nos.
6982-3 and 6983-3 because 1)
unappropriated water is available,
2) existing rights will not be
unlawfully impaired, 3) it is a ben-
eficial 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 appli-
cations or the applicant files a peti-
tion contesting the Chief
Engineer's recommendations. If a
petition opposing the applications
or contesting the recommenda-
tions 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 appli-
cant and any person filing a peti-
tion.



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 31, 2008

Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6982-3 & 6983-3 to Appropriate Water to be published twice. Please publish the first notice on April 10, 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 James Barger, 30277 436th Ave, Utica SD 57067 (Ph # 605-364-7658).

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. 6982-3 & 6983-3

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

Date _____

We are in receipt of your letter of March 31, 2008 enclosing Notice to Appropriate Water by Application Nos. 6982-3 & 6983-3 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 31, 2008

James Barger
30277 436th Ave
Utica SD 57067

Dear Mr. Barger:

Water Permit Application Nos. 6982-3 & 6983-3 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 Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). 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 10, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6982-3 and 6983-3 to Appropriate Water

Notice is given that James Barger, 30277 436th Ave, Utica SD 57067 has filed the following applications for a water permit.

Application No. 6982-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Scotland Aquifer (approximately 220 feet deep) located in the approximate center of the SE ¼ Section 33 to irrigate 136 acres located in the SE ¼ Section 33; all in T95N-R56W.

Application No. 6983-2 proposes to appropriate 1.78 cfs from one well to be completed into the Lower James:Missouri Scotland Aquifer (approximately 220 feet deep) located in the SW ¼ NE ¼ Section 32 to irrigate 130 acres located in the NE ¼, E ½ NW ¼ Section 32; all in T95N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6982-3 and 6983-3 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 22, 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 01 2000

James Barger
30277 436th Ave
Utica SD 57067

Dear Mr. Barger:

Enclosed are Water Permit Nos. 6982-3 and 6983-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *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 licenses 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



6982-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: JAMES BARGER, 30277 436TH AVE, UTICA, SD 57067

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6982-3 & 6983-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 6982-3 & 6983-3 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 11, 2009** 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) 6982-3 & 6983-3 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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2009

6982-3
6983-3

James Barger
30277 436th Ave
Utica SD 57067

Dear Mr. Barger:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit Nos. 6982-3 and 6983-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



6982-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: JAMES BARGER, 30277 436TH AVE, UTICA, SD 57067

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6982-3 & 6983-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 6982-3 & 6983-3 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 11, 2009** 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) 6982-3 & 6983-3 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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2009

6982-3
6983-3

James Barger
30277 436th Ave
Utica SD 57067

Dear Mr. Barger:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit Nos. 6982-3 and 6983-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location nw $\frac{1}{4}$ se $\frac{1}{4}$ Sec 33 Twp 95n Rg 56w

County

Yankton

North

Please mark well
location with an "X"

W

E

Well Completion Date

8/1/2008

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 2,700.0 ft from abandoned well (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	16.00	0.0	150.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From Ft	To Ft
bent grout	31	9.4	0.0	146.0

Describe grouting procedure
tremie

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 60.0 FeetMaterial PVCSlot Size .060 Set From 150.0 Feet to 210.0 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? hth tablets
☐ No, Why Not?
Lab sample sent to for
water quality analysisWell Owner: Jim Barger

Business Name:

Address: 30277 436 AveCity, State, Zip: Utica SD 57067

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, Yellow brn, silty, pebbly	0	41
Clay, gray, silty, pebbly	41	146
gravel, medium to coarse	146	227

STATIC WATER LEVEL 145.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

161.0 Ft After 12.0 Hrs. pumped 720.0 GPM

_____ Ft After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

FEB - 2 2009

WATER RIGHTS
PROGRAMThis well was drilled under license # 666

And this report is true and accurate.

Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12/10/08

6982-3
RECEIVED

FEB - 4 2009

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 1-29-09TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: JAMES M. BARGER
(name)
30277 436TH AVE
(address)
UTICA S.D. 57067 605-364-7658
(city, state, zip) (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.

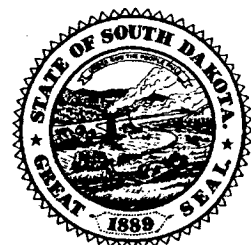
Water Permit No. 6982-3 states that the water use system is to be constructed by APRIL 22, 2013, and water is to be put to beneficial use by APRIL 22, 2017.
(date) (date)

The water use system was completed on JULY 20, 2008.
(date)

Applying the water to beneficial use was completed on AUGUST 1, 2008.
(date)

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

James M. Barger
(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

February 4, 2009

6982-3

James M Barger
30277 436th Ave
Utica SD 57067

Dear Mr. Barger:

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 on the SE ¼ Section 33, T95N, R56W as authorized by Water Permit No. 6982-3.

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,

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

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



6982-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: JAMES BARGER, 30277 436TH AVE, UTICA, SD 57067
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6982-3 & 6983-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 6982-3 & 6983-3 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 10, 2010** 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) 6982-3 & 6983-3 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 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq/asp>

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.



6982-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 8450

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 11:23 AM on January 26, 2010 in UTICA, SD 57067. The item was signed for by J BARGER.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 26, 2010, 11:23 am, UTICA, SD 57067
- Notice Left, January 23, 2010, 12:56 pm, UTICA, SD 57067

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

U.S. POSTAL SERVICE

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8450

JAMES BARGER
30277 436TH AVE
UTICA SD 57067

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**

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

January 29, 2010

6982-3
6983-3

James Barger
30277 436th Ave
Utica SD 57067

Dear Mr. Barger:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit Nos. 6982-3 & 6983-3.

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

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6982-3**

I have this day, June 22, 2020 made a thorough examination of the water use system constructed by James Barger, 30277 436th Ave., Utica, SD 57067, holder of Permit No. 6982-3, bearing the priority of February 22, 2008 authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater (Lower James Missouri: Scotland Aquifer) for the irrigation of 136 acres located in Yankton County.

Inspection contact: James Barger

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond Wetmore Drilling
- 2) No. of Wells: 1
- 3) Depth(s): 227 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 150 feet
- 3) Type: PVC

Screen:

- 1) Diameter: 16 inches
- 2) Length: 60 feet
- 3) Type: PVC
- 4) Static water level: 145 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 625s 600-3
- 3) Capacity: 740 gpm

Motor:

- 1) Make: Franklin
- 2) Model No.: Unknown
- 3) Horsepower rating: 60 hp

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

- 1) Type: Galvanized
- 2) Size: 8 inches
- 3) Length: 30 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 1304 feet
- 3) Number of towers: 7

- 4) End gun: Yes
- 5) Capacity: 740 gpm

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

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

E. Condition and Location:

- 1. The system is in good condition with the point(s) of diversion located as follows:
The well is 1,350 feet west and 1,300 feet north of the southeast corner of Section 33-T95N-R56W (Latitude 42.99952, Longitude -97.46292 – SW1/4 of the SE1/4).
- 2. The works are capable of diverting and conveying to the place of use 1.65 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 33-T95N-R56W:

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

comprising a total of 136 acres of land and the license should be issued for 1.65 cfs.

- 3. All structures, wells and lands on map Yes

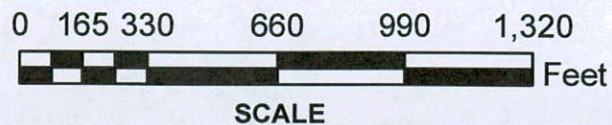
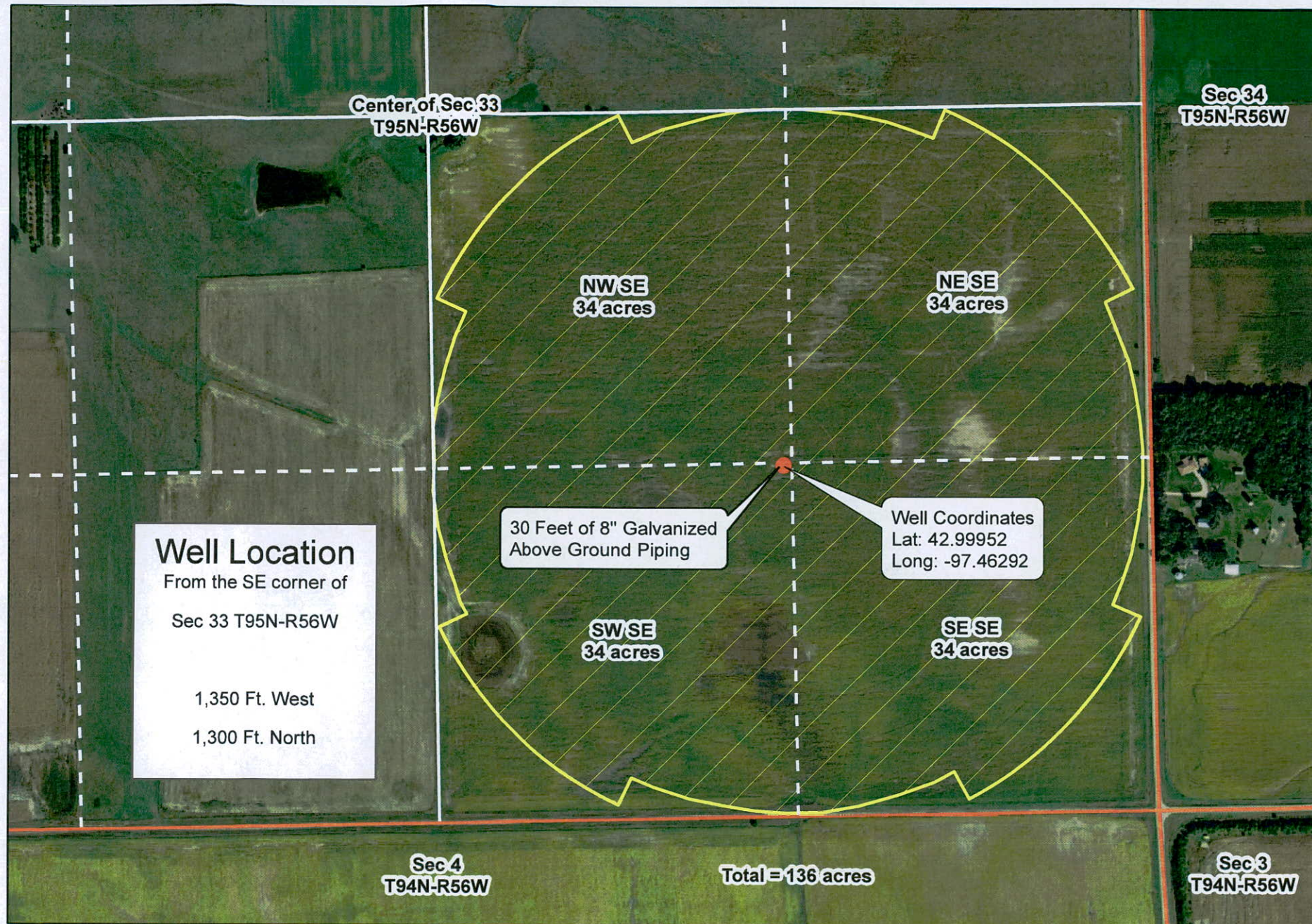
F. Comments or other permit(s) associated with the project: There is a chemical tank setting at the well site. Mr. Barger stated that he used the chemigation system the first year and had not used it since. He stated that he does not plan to use it in the future since the chemicals cause too much damage to the irrigation system.

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: June 30, 2020

Water Right No. 6982-3



Keith DeJong

Keith DeJong, PE
Staff Engineer
June 30, 2020



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 20 2020

6982-3

James Barger
30277 436th Ave
Utica SD 57067

Dear Mr. Barger:

Enclosed is Water License No. 6982-3. 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 in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6982-3**

(1) James Barger, 30277 436th Ave., Utica SD 57067 made Application No. 6982-3, February 22, 2008 for a water permit to divert 1.78 cubic feet of water per second from ground water, one well (Lower James Missouri Scotland Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 6982-3, with a priority date of February 22, 2008 was approved April 22, 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 22, 2013 and for the application to beneficial use of water on or before April 22, 2017.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.65 cubic feet of water per second for beneficial use. The location of the diversion point is located as follows:

- 1,350'W and 1,300'N of the southeast corner of Section 33, T95N, R56W (SW $\frac{1}{4}$ SE $\frac{1}{4}$ or approximate center of the SE $\frac{1}{4}$) Latitude 42.99952, Longitude -97.46292

(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 33, T95N, R56W	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres	Total 136 acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres	
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 James Barger, 30277 436th Ave., Utica SD 57067 the holder and/or owner of Water Right No. 6982-3 is issued a license to appropriate water, the right to use 1.65 cubic feet of water per second from ground water, one well (Lower James Missouri Scotland Aquifer) with a priority date of February 22, 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. 6982-3 and subject to the following qualifications:

- The well approved under this water right 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. 6982-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in August, 2008 by Hammond Wetmore Drilling. A copy of the well completion report is on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 20 2020
date

