

WATER PERMIT NO. 6983-3

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

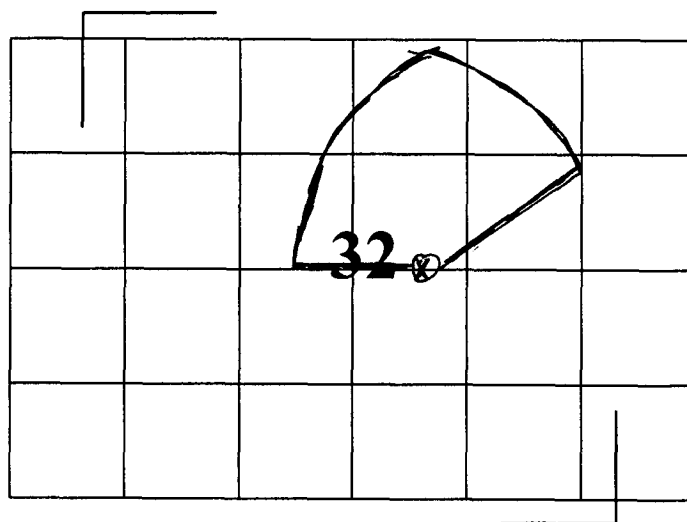
PRIORITY Date Received: 2-22-08 Application/License Fee: \$300

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

Remarks:

Diversion Point: SW ¼ NE ¼ Sec 32-T95N-R56W

Land to be Irrigated: NE ¼, E ½ NW ¼ Sec 32-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: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6983-3</u> (office use only) <u>10/60011</u>
	Basin <u>James River</u>
	Newspaper <u>Daily Press & Dakotan</u> <u>PO Box 56</u>
	<u>605-624-7811</u> <u>Yankton SD 57018</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 120/30
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 1 Ground Water Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in the
NE 1/4 of Section 32 T95N R56W
County Yankton
- County or counties where water will be used Yankton
- Annual period during which water is to be used 6 months April 1 - Sept. 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
NE 1/4 of the NE 1/4 of Sec 32 T95N R56W	30.26	SE 1/4 NE 1/4	19
NW 1/4 " "	30.38	SE 1/4 NW 1/4	9
SW 1/4 " "	30		
NE 1/4 of the NW 1/4 " "	30.8		

- Give a description of the project. (Attach sheet if more space is needed) I irrigate cropland
using a pivot through the months of April - September.

STATE OF SOUTH DAKOTA) SS

County of YANKTON

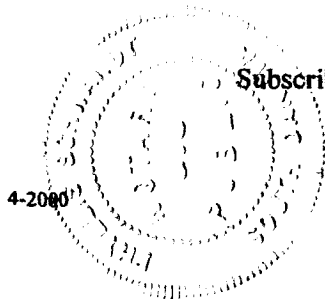
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, JAMES M. 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 M. Barger

Subscribed and sworn to before me this 19 day of FEB. 20 08

Phyllis Schwandt
Notary Public signature 5-10-2011



**SOUTH DAKOTA
WATER PERMIT NO. 6983-3**

Date of first receipt of application February 22, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6983-3 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. 6983-3 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 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.
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. 6983-3 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. 6983-3 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 PBE RAK 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 600' On property owned by others _____

2. Wastewater Disposal System Information

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

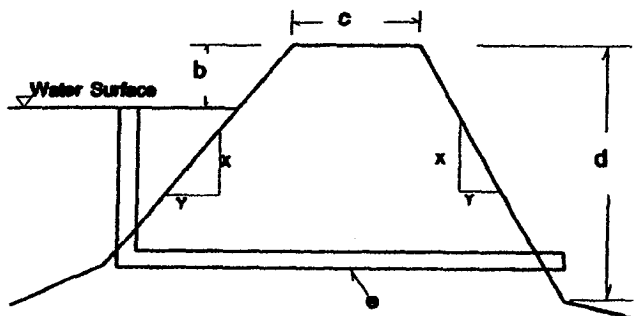
3. Dugout Information

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

4. Water Storage Dams

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

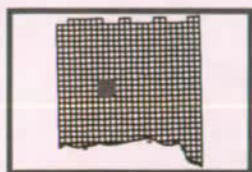
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



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



USDA - Farm Service Agency



Yankton County, SD

32-95N-56W

1:7,609

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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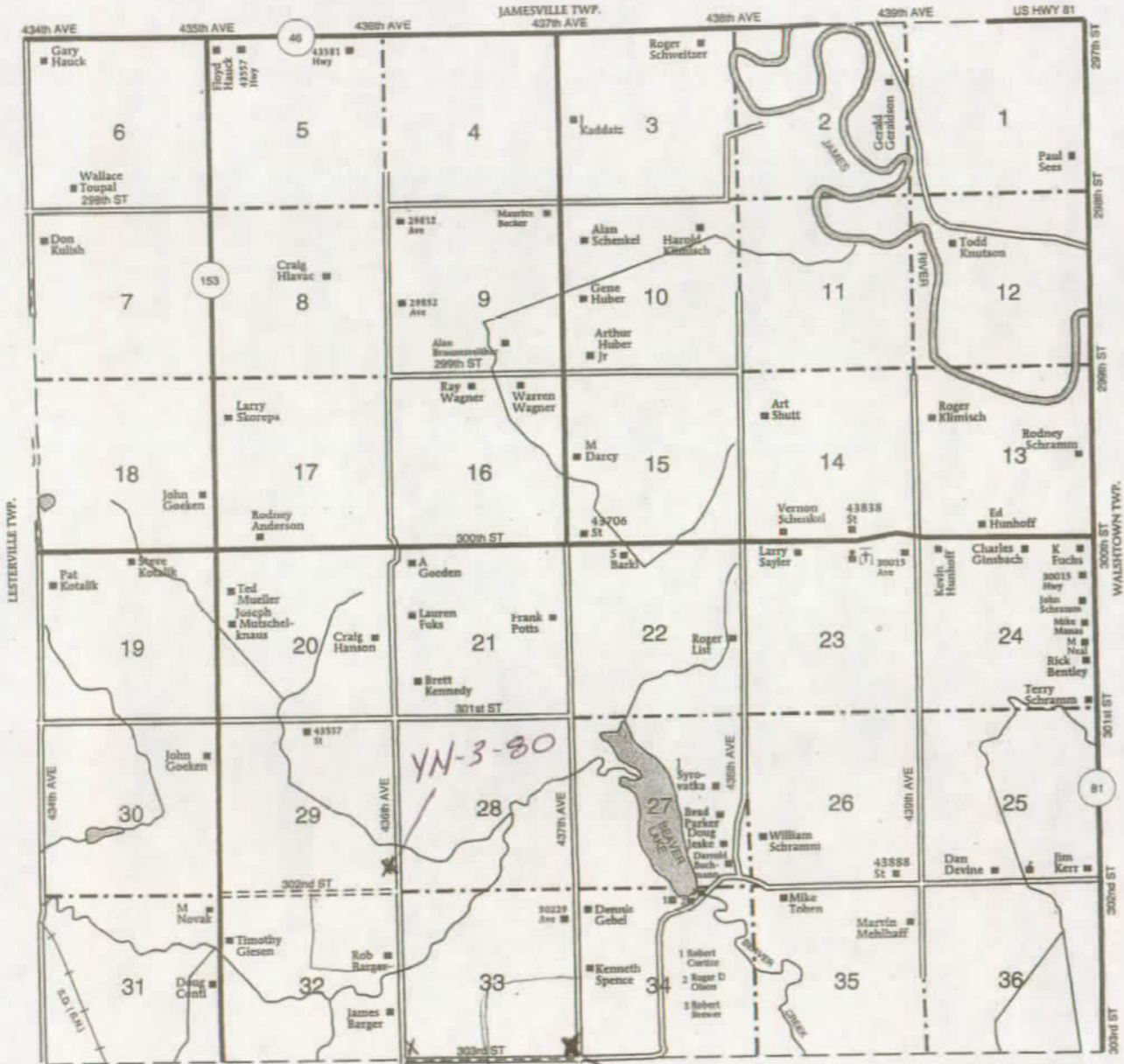
H054

T-95-N

CENTRAL DIRECTORY

(Residents - Owners or Renters)

R-56-W



UTICA TWP.

OBSERVATION WELL
RY-12

Location Information

Legal Location: NE NE SE SE SEC. 29, T. 095 N., R. 56 W.
 County: YANKTON Location: 095N56W29DDAA
 Basin: JAMES Latitude: 43 00' 47"
 Hydrologic Unit Code: 10160011 Longitude: 97 28' 40"
 Land Owner: Ground Surface Elev. (ft.): 1290 T

Project Information

Project: YANKTON COUNTY STUDY
 Drill Date: 04/22/1980 Geologist: G. JOHNSON
 Company: SDGS Geologist's Log: X
 Drilling Method: ROTARY Driller: M. THOMPSON
 Test Hole Number: YN-3-80 Driller's Log:
 Samples: Total Drill Hole Depth (ft.): 305.0

Well Information

SDGS Well Name: YN-3-80 Aquifer: LOWER-JAMES-MISSOURI
 Water Rights Well: YA-80J Management Unit: SCOTLAND
 Other Well Name: Casing Top Elev. (ft.): 1292.00
 Casing Type: PVC Casing Diameter (in.): 2.0
 Screen Type: PVC, MFG. Screen Length (ft.): 5.0
 Total Casing and Screen (ft.): 222.9 Casing Stick-up (ft.): 2.20 T
 Well Maintenance Date: 07/09/1985

Lithologic Information

Elevation (ft.)	Depth (ft.)	Description
1290.0 - 1288.0	0.0 - 2.0	TOPSOIL, BLACK, SILTY
1288.0 - 1264.0	2.0 - 26.0	CLAY, YELLOW-BROWN, SILTY, PEBBLY (OXIDIZED TILL)
1264.0 - 1229.0	26.0 - 61.0	CLAY, GRAY, SILTY, PEBBLY (TILL)
1229.0 - 1228.0	61.0 - 62.0	GRAVEL, MEDIUM (STRINGER)
1228.0 - 1179.0	62.0 - 111.0	CLAY, LIGHT-GRAY, GRAVELLY; CALCAREOUS (TILL)

1179.0 - 1095.0	111.0 - 195.0	SAND AND GRAVEL, COARSE SAND (SOME MEDIUM) TO FINE GRAVEL (SOME MEDIUM)
1095.0 - 1055.0	195.0 - 235.0	SAND, FINE TO MEDIUM
1055.0 - 1020.0	235.0 - 270.0	CLAY, GRAY, SILTY, VERY SANDY; NO PEBBLES (TILL)
1020.0 - 991.0	270.0 - 299.0	SAND, FINE; WITH MINOR CLAY
991.0 - 985.0	299.0 - 305.0	CLAY, GRAY, SILTY, SANDY; GREASY LUSTER, TILL COMPOSED OF CARLILE SHALE (?); IS PROBABLY BEDROCK

DRILLER REPORTED COARSE SAND FROM 195 TO 299 FEET.

Page 1 of 1 (goto top)

Page:

1

Drill to
195 (= 220e drill site)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/25, 20 08

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>16983-3</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>16983-3</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.

03541

By

Garland Erbe

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

6983-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6983-3, James Barger

ADDRESS: COUNTY: Yankton County

DATE: February 25, 2008 TELEPHONE: 364-7658

RE: Acreage Breakdown

COMMENTS:

The application did not include a breakdown of acres for the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 32. Mr. Barger confirmed in a previous conversation that the pivot may irrigate portions of these acres. Based on this I conducted an approximate acreage breakdown. To do this I placed a pivot using ArcMap to replicate the area on the map submitted by the applicant (taking into account the farmstead). This is not a perfect fit because I do not believe the pivot center can be located where the map shows to the acres irrigated. Here is the breakdown I arrived at. Some additional acreage was provided in the S $\frac{1}{2}$ NE $\frac{1}{4}$ to represent the map but I do not believe they can be irrigated by a pivot intended to irrigate maximize the acreage to be irrigated.

All in Section 32, T95N, R56W

NW $\frac{1}{4}$ NE $\frac{1}{4}$	38 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	26 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	30 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	19 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	8 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	9 acres

Total 130 acres

NAME: Eme Shultz



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6983-3, 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. 6983-3, James Barger, 30277 436th Avenue, Utica SD 57067.

The Chief Engineer is recommending APPROVAL of Application No. 6983-3 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. 6983-3 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. 6983-3

James Barger

March 27, 2008

Application No. 6983-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 220 feet deep located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 32 to irrigate 130 acres located in the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ of section 32; all in T95N R56W in Yankton County.

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 from 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 mile northeast of this proposed well site. This log indicates coarse sand from 111 feet to 195 feet and sand from 195 to 235 feet all below land surface. This should be the Lower James Missouri Scotland aquifer. The water level is about 70 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 235. 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.

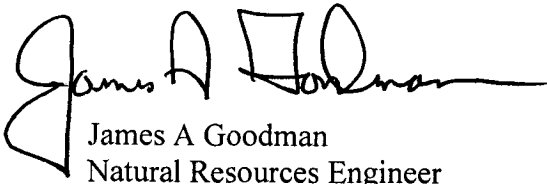
The Water Right Program monitors five observation wells within three miles of this application. Records for three of these observation wells are included with this report. Observation well YA-80J is located about one mile northwest, observation well YA-79D is located about two miles northeast and observation well YA-80E is located about three miles west 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 is an existing Water Right No. 4661-3 located about one mile west of this application. The well for this water right is about 200 feet deep but according to the log is completed into the Niobrara Formation. The Lower James Missouri Scotland aquifer is probably hydraulically connected to the Niobrara Formation in this area and for all practical purposes could be considered the same source at this at this location. 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.
4. Because the applicant did not construct test wells the source of water for this application can not be identified. The water source will either be the Niobrara or more than likely the Lower James Missouri Scotland aquifer. In either case the wells should be nearly the same depth and probably hydraulically connected in the subsurface.



James A Goodman
Natural Resources Engineer

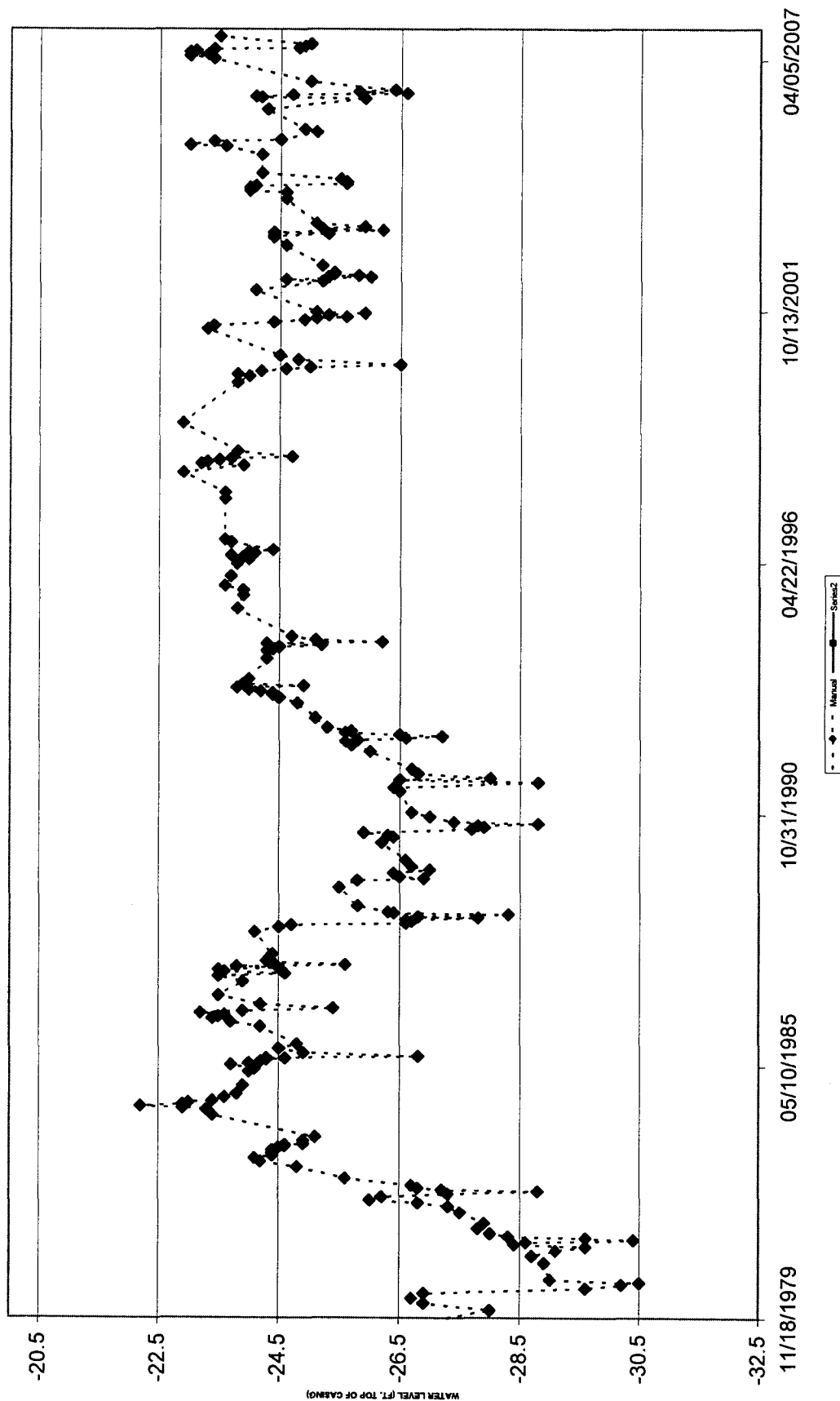
BIBLIOGRAPHY

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

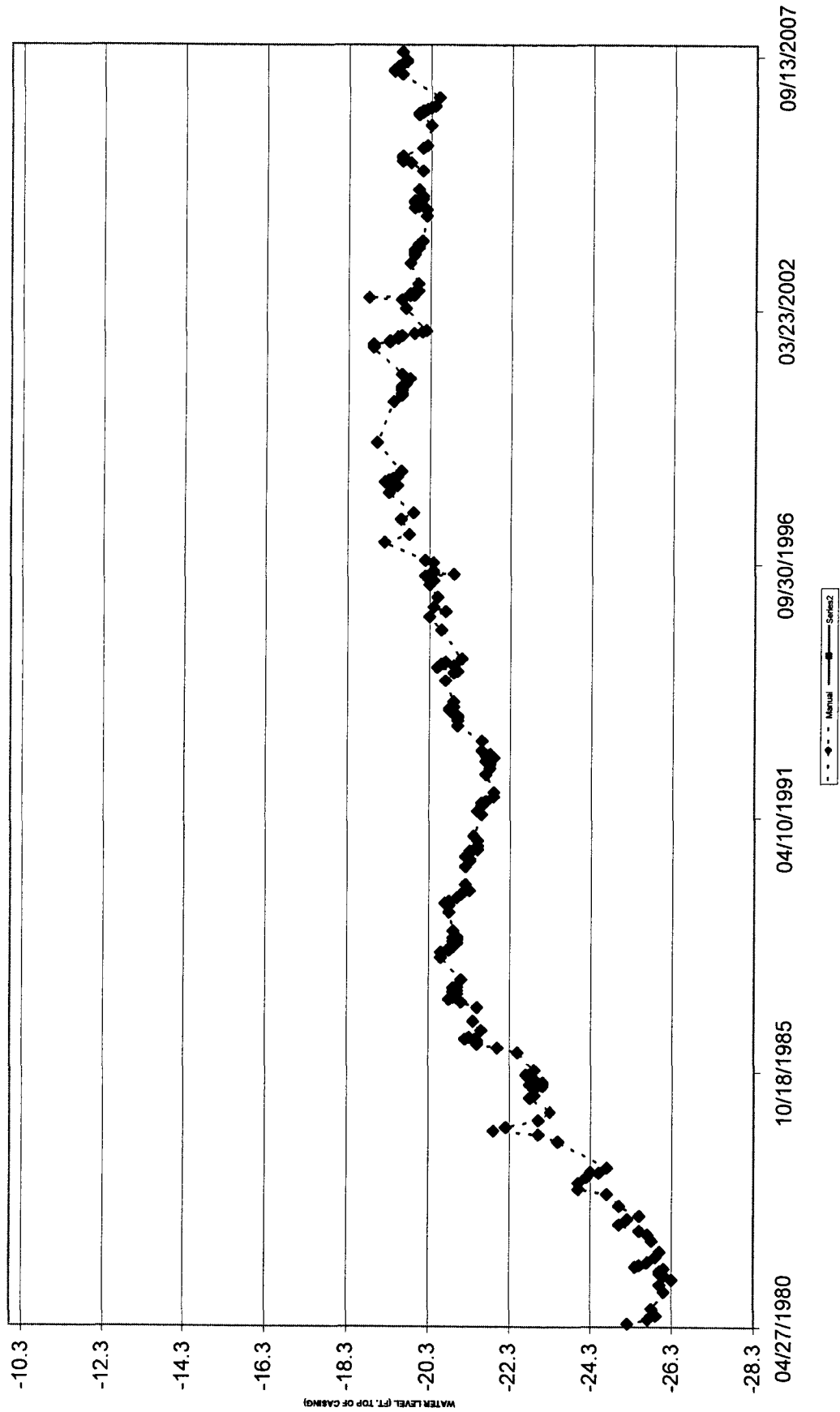
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

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

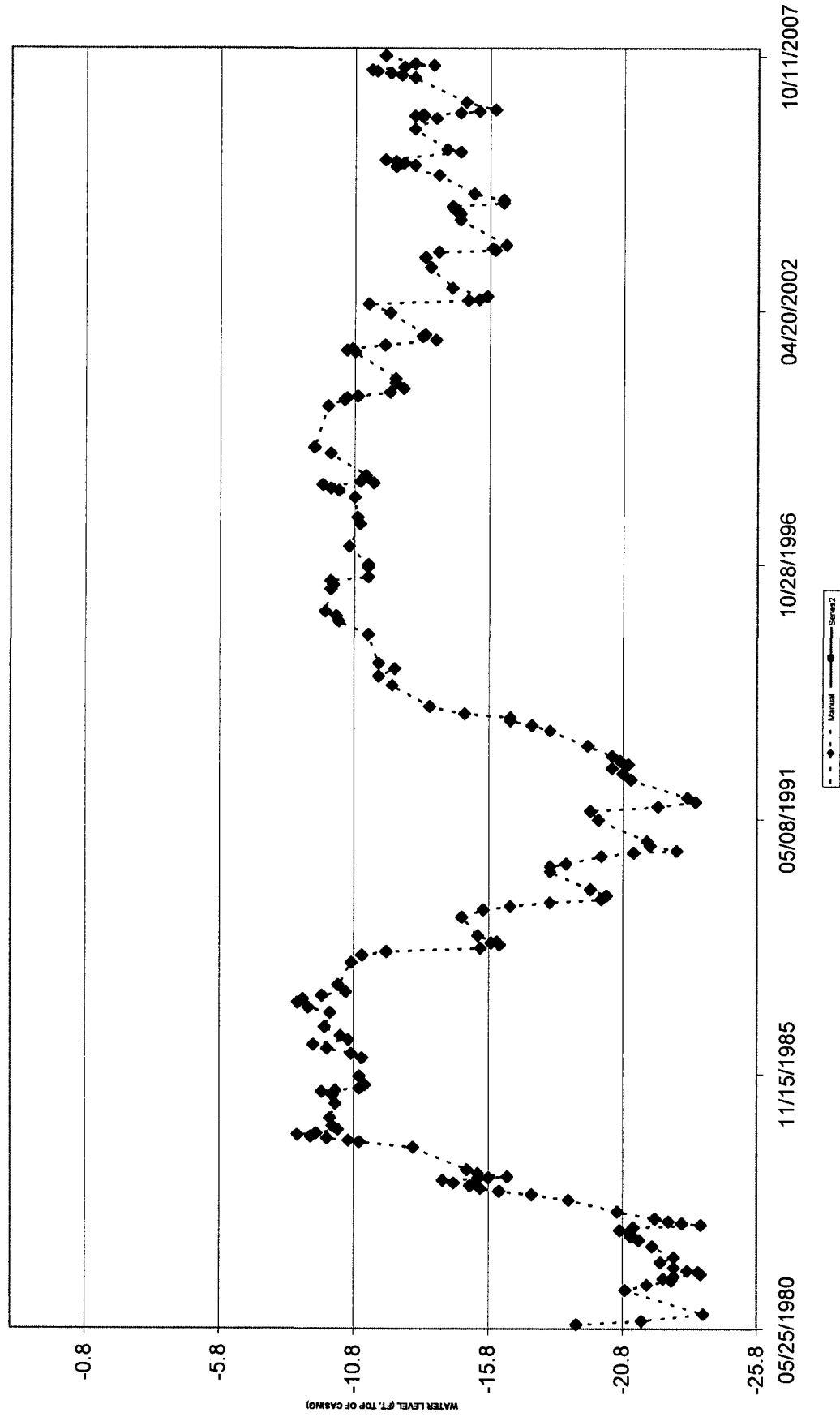
WATER RIGHTS' OBSERVATION WELL
YA-79D



**WATER RIGHTS' OBSERVATION WELL
YA-80J**



WATER RIGHTS' OBSERVATION WELL
YA-80E



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APR 17 2008

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

4+5+12

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

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 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 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.

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

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

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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 $\frac{1}{4}$ Section 33 to irrigate 136 acres located in the SE $\frac{1}{4}$ 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 $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32 to irrigate 130 acres located in the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ 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 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 28, 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 2008

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



6983-3

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.

6983-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 6418**
Status: **Delivered**

Your item was delivered at 1:15 PM on January 24, 2009 in UTICA, SD 57067. The item was signed for by G BARGER.

Track & Confirm

Enter Label/Receipt Number.

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 >](#)

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 6418

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 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

6983-3



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.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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,

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

6983-3

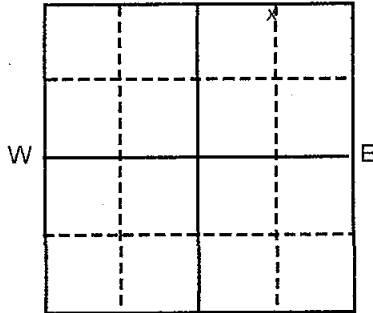
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location nw 1/4 ne 1/4 Sec 32 Twp 95n Rg 56wCounty yankton

North

Please mark well
location with an "X"

Well Completion Date

11/29/12

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,500.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16.00</u> IN	<u>0.0</u> FT	<u>185.0</u> FT	<u>21.00</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>bent grt</u>	<u>32</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>170.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 30.0 FeetMaterial pvcSlot Size .085 Set From 185.0 Feet to 215.0 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?

☐ No, Why Not?
Lab to which water
quality sample sent for analysis
state chemWell Owner: Jim Barger

Business Name:

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

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, brown, silty, pebbly, till	0	35
Clay, gray, silty, pebbly, till	35	137
Silt, gray, Lake silts?	137	182
Gravel, fine, and coarse sand	182	215

STATIC WATER LEVEL 61.0 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: 4 hours of airlift development
☐ Bailed
☒ Other

Pumping Level Below Land Surface

80.0 Ft. After 2.0 Hrs. pumped 650.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 650.0 GPM

REMARKS

RECEIVED

FEB - 1 2013

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: 12-12-12

6983-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 28 2022

James Barger
30277 436th Ave
Utica SD 57067

Dear Mr. Barger:

Enclosed are Water Permit No. 8568-3 and Water License No. 8568-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with the license is a map prepared by the staff engineer who conducted the investigation.

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

Sincerely,

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

Note: The applicable portions of No. 6983-3 are incorporated into Water License No. 8568-3.

enclosures