

WATER PERMIT NO. 7013-3

Name of Applicant: **Richard Beitelspacher**

Address: **13418 328th Ave, Bowdle SD 57428** Phone: **605 285-6581**

Amount of Water Claimed: **1.89 cfs** Total Acres: **156**

Source of Water Supply: **groundwater (4 wells)**

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

Type of Waste Disposal System:

Location: **1 mile southwest of Bowdle**

PRIORITY Date Received: **4-14-08** Application/License Fee: **\$300**

Corrected Application Received: Period of Annual Use: **June 1 – October 31**

Remarks:

Diversion Point: **NE ¼ Sec 32-T123N-R73W**

Land to be Irrigated: **NE ¼ Sec 32-T123N-R73W**

Depth of Well: **22 - 50 feet deep**

Well Driller: : **K & K**

Remarks:

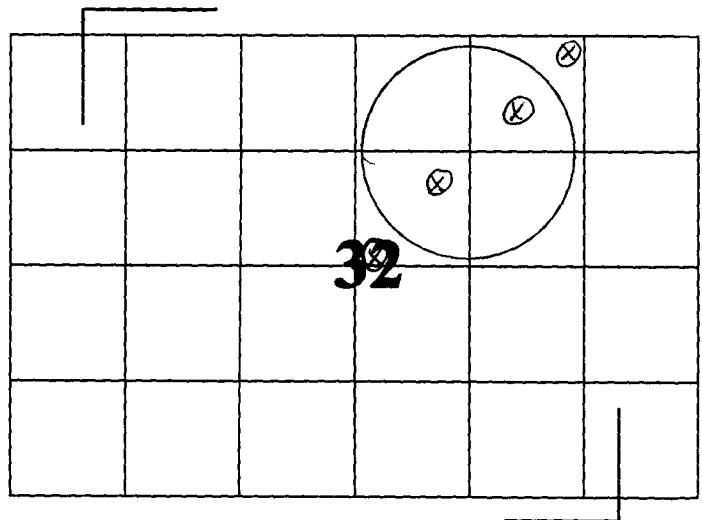
Type of Map: **aerial**

Prepared by: **K J Kehrwald, Edmunds Co NRCS**

Reviewed and the Number Assigned on: **XX**

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>7013-3</u> (office use only)	Hydrologic Unit <u>10130106</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Roscoe - Hammon Independent</u>	
	<u>605-426-6421</u> <u>PO Box 7 Ipswich 57451</u>	

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APR 14 2008

WATER RIGHTS
PROGRAM**Application For Permit To Appropriate Water For Irrigation**
 Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
 (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant Richard Beitelspacher Phone 605-285-6581
 (check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 13418 328 Ave State Bowdle 57428
 (Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.89 CFS or 850 GPM ***AF Total Acreage 157.56/156
 (*Cubic Foot per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply 4 wells approximately 60 feet in depth.
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 4 wells in
NE 1/4 Sec 32 123N 73W Bowdle twp. County Edmunds
5. County or counties where water will be used Edmunds
6. Annual period during which water is to be used June to Oct
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 NE 1/4 Sec 32 123N 73W	39		
NW 1/4 NE 1/4 Sec 32 123N 73W	39		
SE 1/4 NE 1/4 Sec 32 123N 73W	39		
SW 1/4 NE 1/4 Sec 32 123N 73W	39		

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

Establish a center pivot for irrigation

STATE OF SOUTH DAKOTA) SS

County of Edmunds

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, Richard Beitelspacher, 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 Richard BeitelspacherSubscribed and sworn to before me this 10 day of April 20 08
Carol Knecht
 Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7013-3**

Date of first receipt of application April 14, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7013-3 to Richard Beitelspacher, 13418 328th Ave, Bowdle SD 57428 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. 7013-3 appropriates 1.89 cubic feet of water per second from four wells to be completed into the Bowdle:Edmunds Aquifer (approximately 22 - 50 feet deep) located in NE 1/4 Section 32 to irrigate 156 acres located in the NE 1/4 Section 32; all in T123N-R73W.
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: June 1 – October 31.
3. The date from which applicant may claim right is April 14, 2008.
4. The date of approval of Permit No. 7013-3 is June 23, 2008.
5. One-fifth of the construction is to be completed on or before December 23, 2010.
6. All construction is to be completed on or before June 23, 2013.
7. Water is to be put to beneficial use on or before June 23, 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 wells 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 wells authorized by Permit No. 7013-3 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

JUL 24 2008

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9" Depth 22 ft 50 ft
- b) Casing Type Plastic Diameter 6" Thickness SDR 21 ^{200 ft}
- c) Screen Type PVC slotted Diameter 6" Thickness 25000 in permeability
- d) Gravel Pack Buckshot Length of Gravel Pack 25'
- e) Depth to Top of Water Bearing Material 3' to 40'
- f) Depth to Water (ground surface to water level) 2' to 13'
- g) Distance to nearest existing domestic well: approximately 1/2 mile
- On applicants property _____ On property owned by others X

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 _____

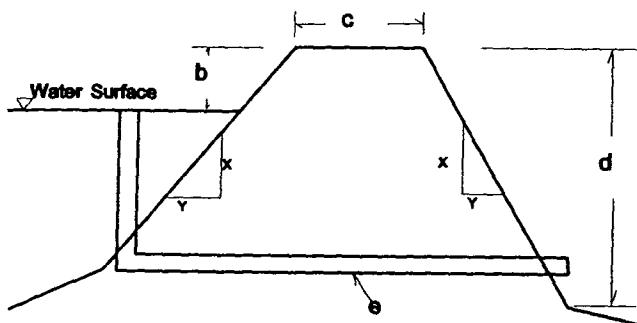
3. Dugout Information

- 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

Richard Beitelspacher
Proposed Irrigation
Edmunds County, South Dakota
Section 32, T123N - R73W

Proposed Wells

Section 32
T123N - R73W

Proposed Irrigation

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K J Kehrwald
K J Kehrwald, DC, NRCS



South Dakota State University

Oscar E. Olson Biochemistry Laboratories
Analytical Services Laboratory

Box 2170, Rm. 133 ASC
Brookings, SD 57007-1217
Telephone: (605) 688-6171
FAX: (605) 688-6295
WEB: <http://anserv.sdstate.edu>

Report of Analysis

RICHARD BEITELSPACHER
13418 328TH AVE.
BOWDLE, SD 57428

Reported: 10/03/2007
Received: 09/26/2007

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07S-15268

WATER NE1/4 32 123N 73W BOWDLE

Alkalinity, mg CaCO ₃ /L (ppm)	328
Bicarbonate, mg/L (ppm)	400.00
Bicarbonate, meq/L	6.56
Carbonate, mg/L (ppm)	N.D.
Carbonate, meq/L	N.C.
Chloride, mg/L (ppm)	50.2
Chloride, meq/L	1.42
Electrical Conductivity, umhos/cm	1210
Electrical Conductivity, dS/M	1.21
Nitrate Nitrogen, mg/L (ppm)	N.D.
pH	7.1
Sulfate, mg/L (ppm)	319
Sulfate, meq/L	6.64
Boron, mg/L (ppm)	0.270
Calcium, mg/L (ppm)	157
Calcium, meq/L	7.83
Magnesium, mg/L (ppm)	44.6
Magnesium, meq/L	3.67
Potassium, mg/L (ppm)	1.6
Potassium, meq/L	0.0400
Sodium, meq/L	2.12
Sodium, mg/L (ppm)	48.6
Sodium Absorption Ratio	0.880
Bower Adjusted Sodium Absorption Ratio	N.C.



South Dakota State University

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Report of Analysis

RICHARD BEITELSPACHER
13418 328TH AVE.
BOWDLE, SD 57428

Reported: 10/03/2007
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N.D. means none detected.

You will receive additional interpretative information from Dr. Todd Trooien, Water Resources Institute. N.C. means Not Calculated.

Reviewed By:

Nancy Thies
Nancy Thies

CC: WATER RESOURCES INSTITUTE
SDSU AE 211 BOX 2120
BROOKINGS, SD 57007



South Dakota
State University

Olson Biochemistry Laboratories
Box 2170, Rm. 133 ASC
South Dakota State University
Brookings, SD 57007-1217

Telephone: (605) 688-6171
FAX: (605) 688-6295

October 3, 2007

Richard Beitelspacher
13418 328th Ave
Bowdle, SD 57428

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SAMPLES INCLUDED IN THE BILLING:
S 15268

Sample handling:	1 @ \$ 3.00/SAMPLE	\$ 3.00
Irrigation analysis:	1 @ \$119.50/SAMPLE	119.50
	SUBTOTAL	\$122.50
	5% University fee	6.13
	Tax	7.72
	TOTAL	\$136.35

Please make checks payable to: **OLSON BIOCHEMISTRY LABS**

Please return this form with your remittance!

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

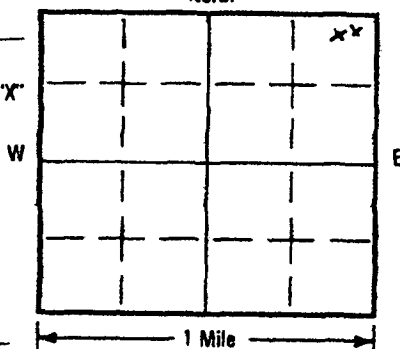
Location NE 1/4 NE 1/4 Sec 32 Twp 123 Rg 73

County

Edmunds

North

Please mark well location with an "X"



Well Completion Date

Sept 3, 07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well,

feed lot, etc.)? Unknown ft. from Unknown (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
<u>50R2 LB/FT</u>	<u>4 IN</u>	<u>1 FT</u>	<u>25 FT</u>	<u>8 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>SB Chgs</u>	<u>3</u>	_____ lb./gal	<u>0 ft</u>	<u>10 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure grout poured into annulusSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 4 IN Length 20 FEETMaterial PVCSlot Size 16 Set From 15 Feet to 25 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?

X YES, How: chlorine flushed.

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis

Well Owner: RICHARD BILTESPAHL

Business Name: _____

Address: _____

Bowdle, SD 57428

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>sand silty EAST HOLE.</u>	<u>0</u>	<u>4</u>
<u>sand fine to coarse</u>	<u>4</u>	<u>26</u>
<u>WEST HOLE.</u>		
<u>sand - silty 0.</u>	<u>0</u>	<u>2</u>
<u>sand - fine to coarse</u>	<u>2</u>	<u>21</u>

STATIC WATER LEVEL 2 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

- ☒ Pumped Describe: suction pump - 100 GPM
☐ Bailed
☐ Other

Pumping Level Below Land Surface

20 ft. After 1 Hrs. pumped 100 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

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This well was drilled under license # 732

And this report is true and accurate.

Drilling firm K&K

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

4-14-08

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/14, 2008

RECEIVED OF Richard Beitelspacher 13418 328th Ave Bowdle SD 57428

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

Fee for Application for Permit No. <u>7013-3</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>7013-3</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

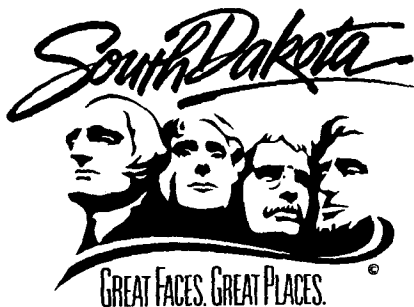
No.

03620

By

Richard E. Erbe

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 30, 2008

Maurice Hoffman
Hoffman Farms
13754 323rd Avenue
Bowdle SD 57428

Perry and Candice Hoffman
Hoffman Harvesting
31660 139th Street
Bowdle SD 57428

Dear Mr. Hoffman:

Please find enclosed the report, recommendation and public notice for the water permit application filed by Richard Beitelspacher.

Please contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosures



**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. 7013-3, Richard Beitelspacher**

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. 7013-3, Richard Beitelspacher, 13418 328th Avenue, Bowdle SD 57428.

The Chief Engineer is recommending APPROVAL of Application No. 7013-3 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 wells 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 wells authorized by Permit No. 7013-3 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.
4. 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
May 30, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7013-3
For Richard Beitelspacher
May 21, 2008

Application No. 7013-3 proposes to appropriate 1.89 cfs (850 gpm) from four wells approximately 22 to 50 feet deep located in the NE ¼ of section 32 to irrigate 156 acres located in the NE ¼ of section 32; all in T123N R73W in Edmunds County.

AQUIFER – BOWDLE EDMUNDS (B-E)

The Bowdle Edmunds is a predominantly surficial outwash (sand and gravel) that appears to be under water table conditions in this area. The aquifer underlies 36,000 acres and contains an estimated 108,000 acre-feet of recoverable water in storage in Edmunds County (Hedges, 1982). The aquifer extends into Walworth County to the west and south and the general direction of ground water movement is from northeast to southwest (Kume, 1987).

Two test wells were drilled for this application. These tests indicate sand and gravel from 4 to 26 feet and 2 to 21 feet below land surface. The static water level was reported at about 2 feet below land surface and the tests capable of producing 100 gpm using a suction pump. Also, the SDGS did conduct a city study for the town of Bowdle for which test holes were drilled all around this site. Records for two test holes #27 (clay and gravel from the surface to 24 feet and sand and gravel from 74-90 feet) and #26 (some clay and gravel from 0-14 feet but nothing else) indicate some potential from the shallow sand and gravel but nothing significant. Test well #27 is located just across the road to the northeast of this application and test hole #26 is located about one mile to the west of this site. Two other test wells #34 (located about one mile southwest of this site) and #35 (located about one mile south of this site) indicates that mixed clay and gravel occur near the surface to a shallow depth but nothing definitive. None of these test wells from the city study indicates great potential for irrigation development. Other test well drilling in the area shows variable thickness of surficial sand and gravel and also indicates the potential for “basal” sand in the area which according to the city study may be absent at this proposed site (Rukstad, 1964). At best further testing is needed to evaluate the potential for irrigation in this area while at worst nothing will happen because there simply isn’t enough water to develop.

The Water Rights Program monitors two observation wells ED-75A and ED-75B located within a two mile radius of this site and completed into the Bowdle Edmunds aquifer. Water levels for these wells show good response to climatic conditions. Water levels rise during wet years (recharge) and gradually decline during dry years. In general the water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). Hydrographs for these two observation wells are included with this report. Note the typical pattern of the hydrograph showing the lack of effects of pumping and the overall affect of the climatic conditions.

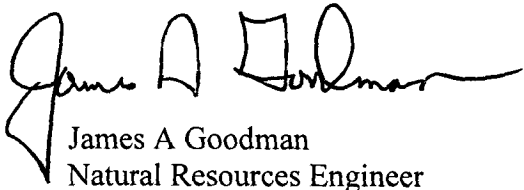
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permitted ground water users are about one to two miles to the northeast. Those rights are for the City of Bowdle and for Bowdle Livestock. Bowdle now obtains water from WEB Rural Water but still retains ground water rights from the

Bowdle Edmunds aquifer. If the applicant is able to find sufficient water at this site there may be interference between his own wells (proposed to be drilled close together) that is a consideration the applicant must evaluate on his own. Interference with other water permits/right is not a concern. The distance between users is sufficient to minimize any potential impacts. The nearest irrigation could be authorized by a group of wells authorized by Water Permit Application No. 6996-3 and if approved would be located about two miles southwest of these proposed wells.

CONCLUSIONS

1. Water is available from the Bowdle Edmunds aquifer.
2. The aquifer thickness is probably not sufficient to allow development of a single irrigation well capable of diverting the amount of water requested. There is no indication that drilling to bedrock in this area will encounter any more sand and gravel. It also appears that 30 feet will probably penetrate the entire thickness of the aquifer.
3. The aquifer appears to be under water table conditions in this area.
4. Any wells authorized by this application must be completed in accordance with SD Well Construction Standards.
5. Interference should not be a concern. The only affect of pumping would be the applicant on his own wells.
6. Just to be sure the applicant should drill test wells of sufficient depth to penetrate to the Pierre shale. This could be a test hole to a total depth of possibly over 150 feet. This would answer the question once and for all whether sand and gravel (aquifer) underlies the surficial sand and gravel especially if the surficial outwash is not able to produce the amount of water needed. This permit application is only valid for the shallow surficial outwash named the Bowdle Edmunds aquifer.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

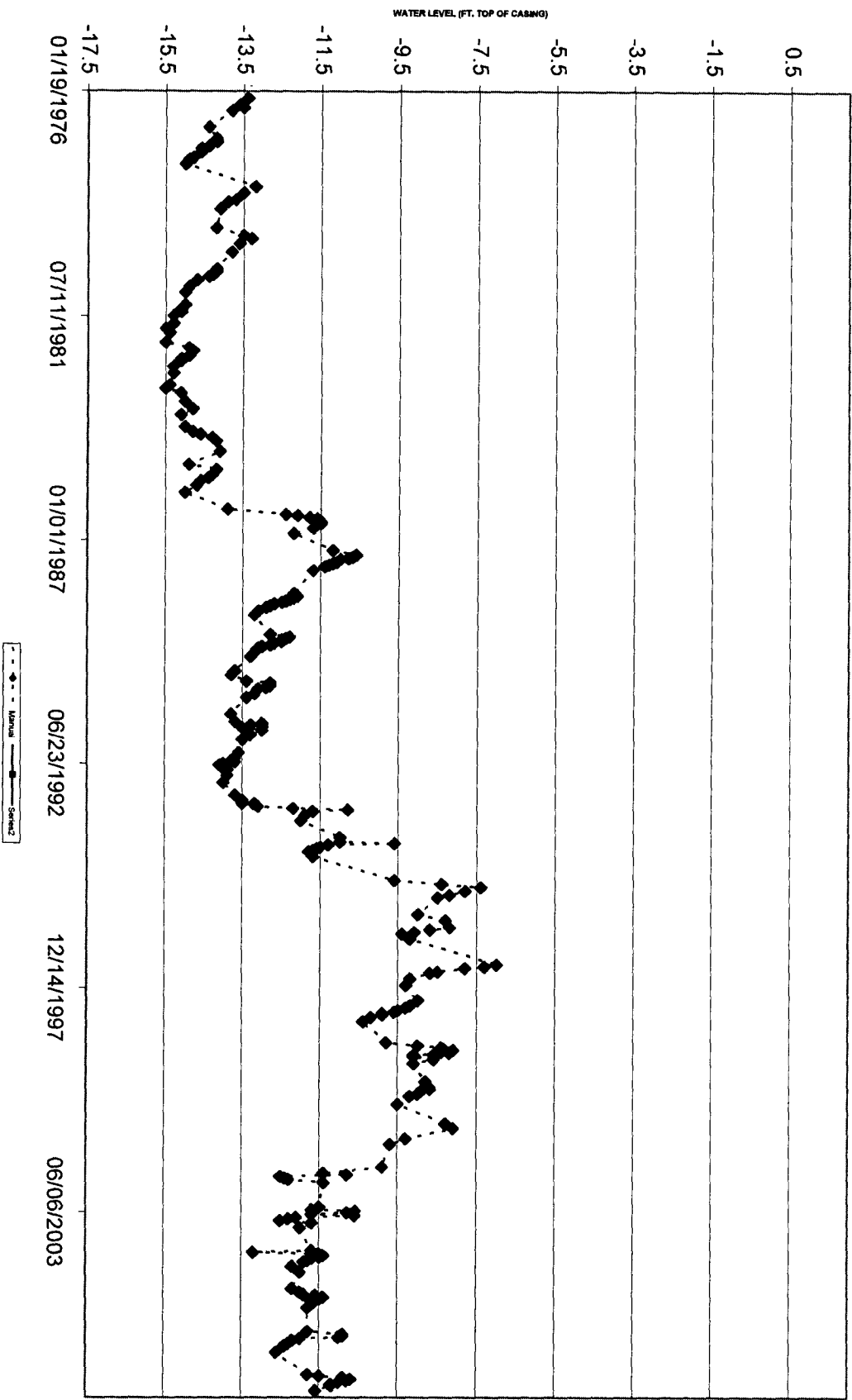
Hedges, L.S., and others, 1982, Evaluation of Ground Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Kume, J., L. Howells, 1987, Water Resources of Walworth County, South Dakota, Water-Resources Investigation Report 85-4015, USGS, Huron, SD, 57350.

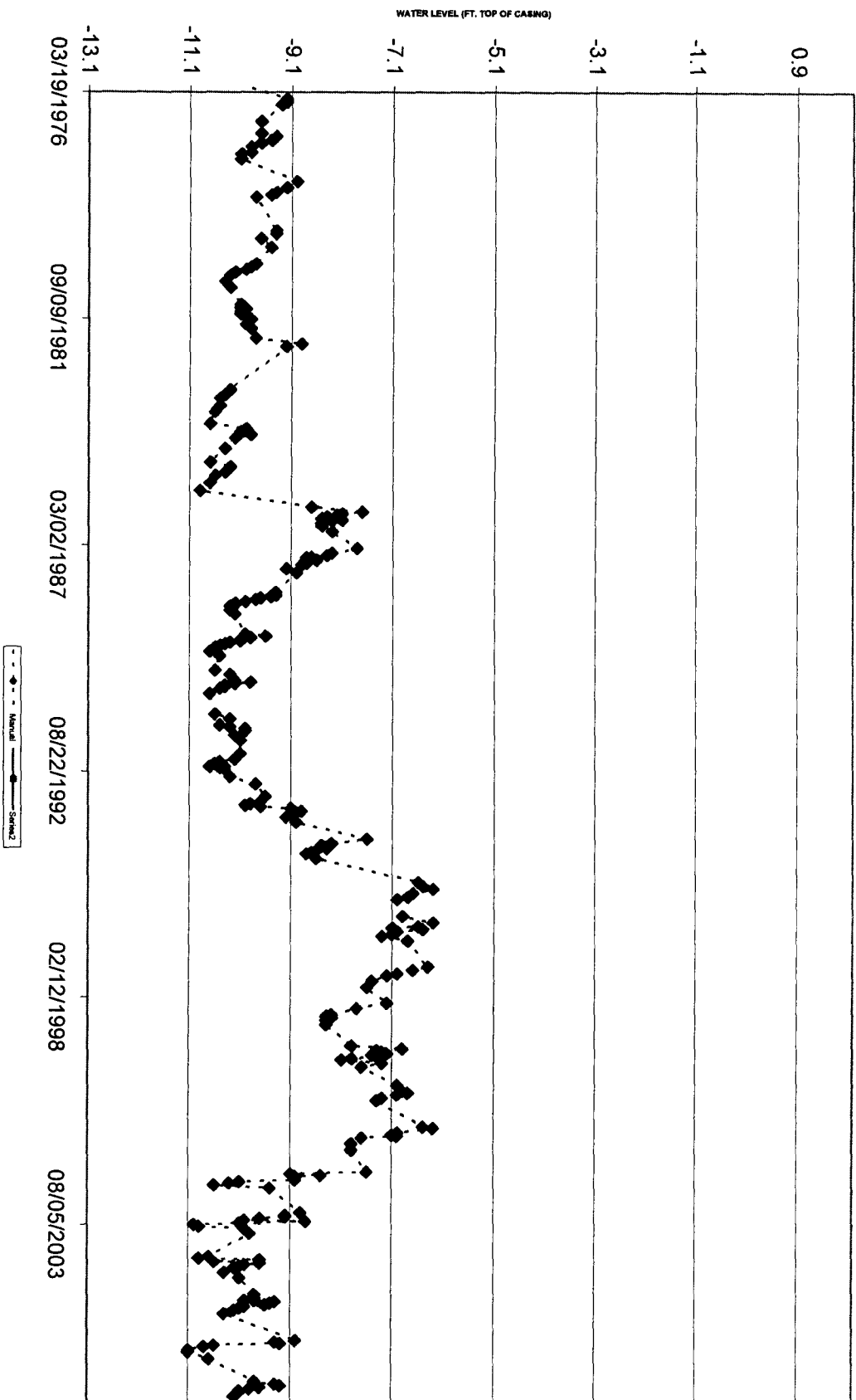
Rukstad, L.R., L.S. Hedges, 1964, Ground Water Supply for the City of Bowdle, Special Report 30, SDGS, Vermillion, SD, 57069.

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

**WATER RIGHTS' OBSERVATION WELL
ED-75B**



**WATER RIGHTS' OBSERVATION WELL
ED-75A**



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
County of Edmunds)

RECEIVED

JUN 20 2008

D.E. Gibson of said County and State, being first duly sworn, his oath says: Roscoe-Hosmer Independent is a weekly newspaper in general circulation, printed and published in Ipswich, in said County and State by the Gibson Publishing and Printing Company; and has been such newspaper during the times hereinafter mentioned; that said newspaper now has, and has had during the publication of the attached advertisement, a bonafide circulation of at least 200 copies weekly, and has been published within the said County of Edmunds fifty-two successive weeks prior to the publication of said attached advertisement, and was during the publications of said advertisement, and now is, printed in whole or in part, in an office maintained at said place of publication. That said newspaper is and has been during the publication of attached advertisement, a legal newspaper, as defined by the laws of the state of South Dakota.

That I, D.E. Gibson, the undersigned, am Publisher of said newspaper and am in charge of the advertising

thereof and have personal knowledge of all the facts stated in this affidavit and

that the advertisement headed
NOTICE OF APPLICATION NO. 7013-3
to Appropriate Water

a printed copy of which hereto attached, was printed and published in the said newspaper for two successive issues.

The First publication being made on the 4 day of June, 2008

The Second publication being made on the 11 day of June, 2008

The Third publication being made on the day of ,

The Fourth publication being made on the day of ,

The Fifth publication being made on the day of ,

The Sixth publication being made on the day of ,

The Seventh publication being made on the day of ,

The Eighth publication being made on the day of ,

The Ninth publication being made on the day of ,

The Tenth publication being made on the day of ,

That the full amount of the fee charged for publication of said annexed notice inures to the benefit of the publisher of the Roscoe-Hosmer Independent; that no agreement or understanding for the division of the fee thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

The charges for said legal publications are Thirty-nine

Dollars and fifteen cents (\$39.15)

Subscribed and sworn to before me this 18 day of June, 2008

Notary Public Edmunds County, South Dakota.

PUBLIC NOTICE

NOTICE OF APPLICATION NO. 7013-3 to Appropriate Water

Notice is given that Richard Beitelspacher, 13418 328th Ave, Bowdle SD 57428 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second from four wells to be completed into the Bowdle: Edmunds Aquifer (approximately 22 - 50 feet deep) located in NE 1/4 Section 32 to irrigate 156 acres located in the NE 1/4 Section 32; all in T123N-R73W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7013-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 23, 2008.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary,
Department of Environment
and Natural Resources
(Publish 16-4, 11)



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 30, 2008

Roscoe-Hosmer Independent
PO Box 7
Ipswich SD 57451

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7013-3 to Appropriate Water to be published twice. Please publish the first notice on June 4, 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 Richard Beitelspacher, 13418 328th Ave, Bowdle SD 57428 (Ph # 605-285-6581).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 7013-3

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

Date _____

We are in receipt of your letter of May 30, 2008 enclosing Notice to Appropriate Water by Application No. 7013-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.



**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.**

May 30, 2008

Richard Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. Beitelspacher:

Water Permit Application No. 7013-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Roscoe-Hosmer Independent printed at Ipswich SD (Ph # 605-426-6471). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on June 4, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 7013-3 to Appropriate Water

Notice is given that Richard Beitelspacher, 13418 328th Ave, Bowdle SD 57428 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second from four wells to be completed into the Bowdle:Edmunds Aquifer (approximately 22 - 50 feet deep) located in NE ¼ Section 32 to irrigate 156 acres located in the NE ¼ Section 32; all in T123N-R73W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7013-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 23, 2008.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JUL 24 2008

Richard Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. Beitelspacher:

Enclosed is Water Permit No. 7013-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



7013-3
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: RICHARD BEITELSPACHER, 13418 328th AVE, BOWDLE, SD 57428
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) 7013-3. 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) 7013-3 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) 7013-3 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.



7013-3

[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 8474**Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 2:11 PM on January 23, 2010 in BOWDLE, SD 57428. The item was signed for by R BEITELSPACHER.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 23, 2010, 2:11 pm, BOWDLE, SD 57428
- Out for Delivery or Available at PO Box, January 23, 2010, 9:50 am, BOWDLE, SD 57428
- Sorting Complete, January 23, 2010, 9:20 am, BOWDLE, SD 57428
- Arrival at Post Office, January 23, 2010, 8:06 am, BOWDLE, SD 57428

Notification Options

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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 8474

RICHARD BEITELSPACHER
13418 328th AVE
BOWDLE SD 57428

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2010

7013-3

Richard Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. Beitelspacher:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit No. 7013-3.

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

**Permit No. 7013-3
Edmunds County**

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

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

I have this day, **August 19, 2013** made a thorough examination of the water system used by **Richard Beitelspacher, 13418 328st Ave, Bowdle, SD 57428**, holder of **Water Permit No. 7013-3**, bearing the priority date of **April 14, 2008** and authorizing the diversion of **1.89 cubic feet per second (cfs)** or **850 gallons per minute (gpm)** from four wells completed into the Bowdle: Edmunds aquifer at approximately 22-50 feet deep for the purposes of supplying water for **irrigation use in the NE ¼ of Section 32, T123N-R73W in Edmunds County**. Although the initial permit allowed the construction of four wells in the NE ¼ of Section 32, only two have been constructed with one in the NE ¼ of section 32 and one in the SW ¼ of Section 28, all in T123N-R73W.

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
Two general irrigation pumps, brand/make unknown.
- 2) Works used to transport water to a place of use:
Underground pipes.
- 3) Works used to apply water to beneficial use:
One Zimmatic pivot.

The system is in the following condition: well maintained. The wells associated with Water Permit No. 7013-3 are located in the NE ¼ NE ¼ of Section 32 and the SW ¼ SW ¼ of Section 28, T123N-R73W. The exact location of each well is as follows:

- 1) **200 feet south and 20 feet west of the northeast corner of Section 32, T123N-R73W. Lat 45.43324N Lon 99.66794W.**
- 2) **250 feet north and 20 feet east of the southwest corner of Section 28, T123N-R73W. Lat 45.43475N Lon 99.66716W.**

The lands irrigated by the fore mentioned wells are as follows:

- 1) **35 acres in the NW ¼ NE ¼ of Section 32, T123N-R73W.**
- 2) **30 acres in the NE ¼ NE ¼ of Section 32, T123N-R73W.**
- 3) **35 acres in the SE ¼ NE ¼ of Section 32, T123N-R73W.**
- 4) **35 acres in the SW ¼ NE ¼ of Section 32, T123N-R73W.**

The areas total 135 acres.

License should be issued for the developed diversion rate of **1.56 cfs** or **700 gpm**.

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **One well has been constructed in different section than applied for.**

Date Report Completed: **June 27, 2014**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 7013-3

DATE OF INVESTIGATION:	August 19, 2013
NAME & ADDRESS OF PERMIT HOLDER	Richard Beitelspacher 13418 328st Ave Bowdle, SD 57428
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Richard Beitelspacher
DIVERSION POINT LEGAL LOCATIONS	1) 200 feet south and 20 feet west of the northeast corner of Section 32, T123N- R73W. Lat 45.43324N Lon 99.66794W. 2) 250 feet north and 20 feet east of the southwest corner of Section 28, T123N- R73W. Lat 45.43475N Lon 99.66716W.

WELL INFORMATION:

- 1) Well Drilling Firm: **Dewind**
- 2) Number of Wells: **2**
- 3) Depth: **Both 23 feet**
- 4) Well Logs Available: **Yes**
- 5) Comment: **Horizontal wells, extending
700 feet horizontally**

Pumps

- 1) Make: **Unknown**
- 2) Model:
- 3) Size:
- 4) Capacity: **Both 400 gpm**

Casing

- 1) Diameter: **12 inches**
- 2) Length: **25 feet**
- 3) Type: **PVC**

Screen

- 1) Type:
- 2) Length: **25 feet**
- 3) Static Water Level: **6 feet**

Motor

- 1) Make: **Unknown**
- 2) Model No:
- 3) Power:

System Type

- 1) Make: **Zimmatic**
- 2) Overall length: **1,300 feet**
- 3) Number of Towers: **7**
- 4) Distance Between Towers:
- 5) End Gun: **Yes (additional 96 feet)**
- 6) Pressure: **30 psi**
- 7) Capacity: **700 gpm**

CHEMIGATION EQUIPMENT: **Yes**

- 1) Mainline Check Valve: **Yes**
- 2) Low Pressure Drain: **Yes**
- 3) Inspection Port/Air Relief: **Yes**
- 4) Discharge 20 Feet Away: **Yes**
- 5) Injection Line Check Valve or Positive
Displacement Pump:
- 6) Injection Check Valve: **Yes**
- 7) Properly Installed: **Yes**

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Yes, began irrigating in 2012**

COMMENTS:

- 1) Although this permit allows four wells, two wells have been constructed. One of the well sites is not consistent with the initial application and is located in the SW ¼ of Section 28 instead of Section 32. Mr. Beitelspacher explained that this location provides more water and allows for fewer wells to be constructed. A request for a change of diversion point has been submitted in order to rectify this inconsistency.
- 2) Since the time of inspection, it has come to the attention of the SD Water Rights Program that the two constructed wells are of a horizontal design with horizontal trenches constructed 23 feet below ground surface at lengths of approximately 700 feet.

DEWIND DEWATERING, INC. - HORIZONTAL IRRIGATION SYSTEM INSTALLATION LOG

Customer: General Irrigation / Richard Bietelspacher
Address: 13418 328 Avenue, Bowdle, SD 57428
Phone: 605-281-1334 / 605-285-6581



Installation method: DeWind MT750C Trencher Installation date: 2/19/12 Installer: Jim V. Head location: N045°26.007 W099°40.039 Static water level: 6.0' Trench length: 700'	Casing diameter: 12" (steel) Casing wall thickness: .375" Casing length: 25' Horizontal screen: 8" diameter heavy spec Filter sock: Yes Well grouted: Yes, bentonite wrap
---	--

Formation Description	Thickness	Depth To Bottom
Topsoil w/sand (removed prior to trenching)	3	3
Fine to medium sand, loose, wet	15	18
Medium sand, wet	5	23



DEWIND DEWATERING, INC. - HORIZONTAL IRRIGATION SYSTEM INSTALLATION LOG

Customer: General Irrigation / Richard Bietelspacher
Address: 13418 328 Avenue, Bowdle, SD 57428
Phone: 605-281-1334



Installation method: DeWind MT750C Trencher Installation date: 10/12/12 Installer: Jim V. Head location: N045°26.067 W099°40.053 Static water level: 6.5' Trench length: 700'	Casing diameter: 12" (steel) Casing wall thickness: .375" Casing length: 25' Horizontal screen: 8" diameter heavy spec Filter sock: Yes Well grouted: Yes, bentonite wrap
--	--

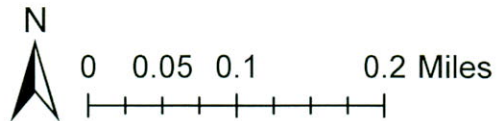
Formation Description	Thickness	Depth To Bottom
Topsoil w/sand (removed prior to trenching)	3.5	3.5
Med. to coarse sand, well graded, wet	11.5	15
Coarse sand w/ gravel, wet	8	23





Legend

- Irrigated Area
- Section Boundaries - PLSS
- Well Locations



Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



August 8, 2014

7013-3

Richard Beitelspacher
13418 328th Ave.
Bowdle, SD 57428

Dear Mr. Beitelspacher:

Water Permit No. 7013-3 proposes to appropriate 1.89 cubic feet per second (cfs) from four wells completed into the Bowdle: Edmunds aquifer at a depth of approximately 25 feet below ground surface. Water from these wells, originally proposed to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T123N-R73W (two wells in each quarter-quarter section) is intended to irrigate 156 acres in the NE $\frac{1}{4}$ of the same section. The original permit was conditioned with standard well interference, well construction and irrigation questionnaire qualifications.

During a licensing inspection, it was found that only two wells had been constructed, and the locations of these wells are the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, all in T123N-R73W. According to you, the wells in Sections 28 and 32 had been constructed because of a superior water supply at those locations, ultimately allowing for fewer wells to be constructed overall. In addition, the diversion points are horizontal wells instead of the customary vertical wells. The well completion report shows that both wells are completed into the permitted formation, the Bowdle: Edmunds aquifer at 23 feet deep.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in well location is authorized without application or publication of a notice of hearing pursuant to SDCL 45-2A-4. No increase in the authorized diversion rate of 1.89 cfs or the number of irrigated acres (156 acres) under Water Permit No. 7013-3 has been requested or approved. If the total diversion rate or the number of acres irrigated increases, a new water permit will need to be obtained from the SD DENR Water Rights Program.

If you have any questions, please contact Bracken Capen at (605) 773-3352.

Sincerely,


Jeanne Goodman
Chief Engineer
Water Rights Program

File No. 7013-3

Approval of Change Diversion Point

NAME: Richard Beitelspacher

ADDRESS: 13418 328st Ave, Bowdle, SD 57428

DATE: August 6, 2014

COUNTY: Edmunds

TELEPHONE: (605) 285-6581

BACKGROUND:

Water Permit No. 7013-3 proposes to appropriate 1.89 cubic foot per second (cfs) from four wells completed into the Bowdle: Edmunds aquifer at a depth of approximately 25 feet below ground surface. Water from these wells, proposed to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T123N-R73W (two wells in each quarter-quarter section) is intended to irrigate 156 acres in the NE $\frac{1}{4}$ of the same section. The original permit was conditioned with standard well interference, well construction and irrigation questionnaire qualifications.

During a licensing inspection, it was found that only two wells had been constructed and that the locations of these wells were the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, all in T123N-R73W. According to Mr. Beitelspacher, the well in Section 28 had been constructed because of a superior water supply at this location, ultimately allowing for fewer wells to be constructed overall. The well completion report shows that both wells are horizontal wells and are completed into the permitted formation, the Bowdle: Edmunds aquifer at 23 feet deep with 700 foot horizontal trenches.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional points may be licensed provided the following conditions are met and the potential for interference with other existing diversion points is not increased.

- **Developed water source is the same as licensed source and no additional water is appropriated.**

The water source authorized by Water Permit No. 7013-3 is the Bowdle: Edmunds aquifer. The new diversion locations are drawing water from the Bowdle: Edmunds aquifer.

No additional appropriation of water is authorized. Water Permit No. 7013-3 appropriates 1.89 cfs and no additional diversion rate authority is being requested.

Review of Existing Diversions

The well completion report and water rights databases were reviewed for the nearest domestic wells and water rights/permits on file. The nearest water right (704-3) is located approximately 2,700 feet to the northeast of Mr. Beitelspacher's non-permitted well site. Given that these wells have already been in operation without complaint and are not appreciably closer to Water Right No. 704-3 than the originally planned sites, interference of that water right is not expected to

occur. The nearest domestic well is located approximately one mile to the south of the non-permitted well sites. Given that the original well locations were nearer to this domestic well than the non-permitted well sites, the potential for interference is expected to be less than if the original well sites were developed. Consequently, interference with domestic wells in the region is not expected to be a concern.

Observation Well Data

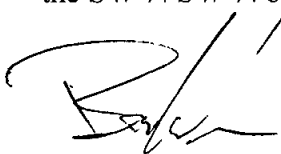
The Water Rights Program monitors a series of observation wells completed into the Bowdle-Edmunds aquifer. The closest observation well (ED-75B) is located approximately 2,000 feet to the north of the well site in Section 28. This well has been in place since 1975 and shows static water level fluctuations of 5 to 15 feet below the top of the casing. Historic water levels in ED-75B show that aquifer levels are climatically controlled with very little visible effects of pumping.

CONCLUSION:

- The new diversion points do not propose to appropriate additional water.
- The new diversion points will be pumping water out of the same source, the Bowdle-Edmunds aquifer.
- Unlawful impairment of existing water rights/permits and domestic wells is not expected to occur.
- The construction of horizontal wells instead of vertical wells does not change the permit qualifications.

RECOMMENDED ACTION:

Based on the above criteria, it is recommended that the request for a change of diversion point to the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T123N-R73W be approved.



Bracken Capen
Natural Resources Engineer

The Chief Engineer makes a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14:01 that: The change of diversion point does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



7013-3

AUG 18 2014

Richard Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. Beitelspacher:

Enclosed is Water License No. 7013-3. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 7013-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7013-3

(1) Richard Beitelspacher, 13418 328th Ave., Bowdle SD 57428 made Application No. 7013-3, April 14, 2008 for a water permit to divert 1.89 cubic feet of water per second from ground water (up to four wells, Bowdle Edmunds Aquifer), Edmunds County, South Dakota for irrigation purposes. Permit No. 7013-3, with a priority date of April 14, 2008 was approved June 23, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 23, 2013 and for the application to beneficial use of said water on or before June 2013, 2017.

Water Permit No. 7013-3 authorized up to four wells to be located in the NE ¼ Section 32, T123N, R73W. The investigation of the water use system found two wells were constructed with one of the wells located outside of the permitted area. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer of the Water Rights Program made a finding that the change in location of the diversion point did not increase the potential for adverse effects to existing diversions.

(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 1.56 cubic feet of water per second for beneficial use.

The location of the diversion points are:

- 200 feet south and 20 feet west of the NE corner of Section 32, T123N, R73W (NE ¼ NE ¼);
- 250 feet north and 20 feet east of the SW corner of Section 28, T123N, R73W (SW ¼ SW ¼).

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

Section 32, T123N, R73W	NW ¼ NE ¼	35 acres
	NE ¼ NE ¼	30 acres
	SE ¼ NE ¼	35 acres
	SW ¼ NE ¼	35 acres
Total		135 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Richard Beitelspacher, 13418 328th Ave., Bowdle SD 57428 the holder and/or owner of Water Right No. 7013-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water (two wells – Bowdle Edmunds Aquifer) with a priority date of April 14, 2008 from the locations 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. 7013-3 and subject to the following qualifications:

- The wells 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.

continued

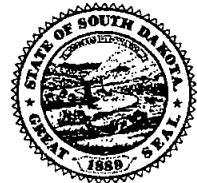
- The wells authorized by Permit No. 7013-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28 (*Horizontal wells were constructed, copies of well logs are on file with the Water Rights Program*).
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

AUG 18 2014

date





DENR
SOUTH DAKOTA

7013-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 28, 2020

7013-3
7121-3
7122-3
7983-3

Mark Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. Beitelspacher:

Thank you for contacting us regarding the need for an ownership change on Water Right Nos. 7013-3, 7121-3, 7122-3 and Water Permit No. 7983-3.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$200). The check or money order for the fee can be made payable to the Water Rights Program.

In your conversation with Eric Gronlund in our program, you clarified the land in Section 10 (No. 7121-3) was in CRP and the land in Section 23 (No. 7122-3) was not in CRP. I will review the files and ensure they are marked accordingly. Thank you for the information.

If you have any questions or need copies of the anything, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

PAID

AUG - 3 2020

Ck# 1848

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

AUG 03 2020

WATER RIGHTS
PROGRAM

7013-3

7-30-2020

I/We request that Water Right No. 7013-3

formerly owned by: Richard Beitelspacher

be transferred to: (name & address)

Sharon or Mark Beitelspacher

32715 US Hwy 12

Bowdle, SD 57428

Telephone No. 605-285-6581

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

135 acres - NE 1/4 Section 32, T123N, R73W

I/We understand that the validity of Water Right No. 7013-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Sharon Beitelspacher
Mark Beitelspacher the new owner, certify that the above information is true and correct.

Sharon Beitelspacher
Mark Beitelspacher

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

7013-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date August 3, 2020RECEIVED OF Richard/Sharon Beitelspacher 32715 Hwy 12 Bowdle SD 57428

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>7013-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$50.00

By *Eric Gronlund*
Chief Engineer*VM*



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

7013-3
7121-3
7122-3
7983-3

Mark Beitelspacher
13418 328th Ave
Bowdle SD 57427

Sharon Beitelspacher
32715 US Hwy 12
Bowdle SD 57428

Dear Mr. Beitelspacher and Ms. Beitelspacher:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right Nos. 7013-3, 7121-3, 7122-3 and Water Permit No. 7983-3.

The ownership changes have been completed as follows:

- No. 7013-3 formerly held by Richard Beitelspacher is now listed under Sharon or Mark Beitelspacher
- No. 7121-3 formerly held by Richard Beitelspacher is now listed under Mark Beitelspacher
- No. 7122-3 formerly held by Richard Beitelspacher is now listed under Sharon or Mark Beitelspacher
- No. 7983-3 formerly held by Richard Beitelspacher is now listed under Sharon or Mark Beitelspacher

For informational purposes, our records reflect the land described in Water Right No. 7121-3 (N ½ NW ¼ Section 10, T122N, R73W) is in CRP through 2026. Irrigation questionnaires will not be mailed for this water right until 2027.

Receipts for the filing fees are forwarded to Sharon by copy of this letter. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

Enclosures – Receipts (Sharon's letter)



7013-3

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

January 20, 2022

NOTICE

TO: SHARON OR MARK BEITELSPACHER, 32715 US HWY 12, BOWDLE, SD 57428

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7013-3, 7122-3, 7983-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7013-3, 7122-3, 7983-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7013-3, 7122-3, 7983-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: XUKNYZ**

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.

7013-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 2, 2022

7013-3
7122-3
7983-3

Sharon or Mark Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. & Mrs. Beitelspacher:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit/Right Nos. 7013-3, 7122-3, 7983-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us