

WATER PERMIT NO. 7304-3

Name of Applicant: Michael E Neuharth

Address: 33839 107th St, Eureka SD 57437

Phone: 605 284-2043

Amount of Water Claimed: 1.78 cfs

Total Acres: 160 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: McPherson

Type of Waste Disposal System:

Location: 12 miles northeast of Eureka

PRIORITY

Date Received: 1-3-12

Application/License Fee: \$ 1,050

Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: SE ¼ SE ¼ Sec 9-T127N-R71W

Land to be Irrigated: SE ¼ Sec 9-T127N-R51W

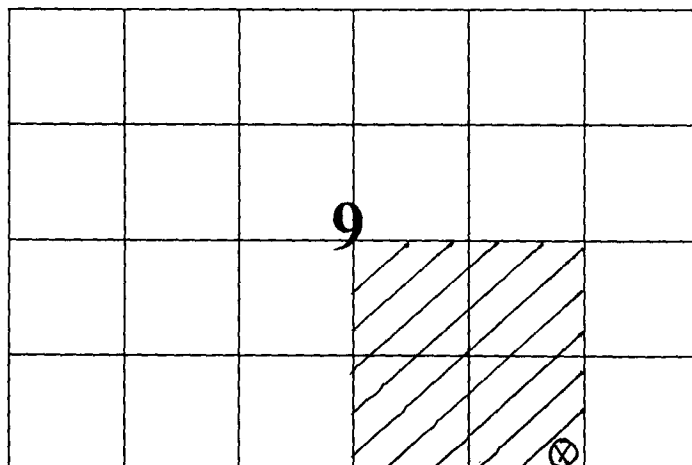
Depth of Well: 95 feet deep

Well Driller: M & W Drilling

Remarks:

Type of Map: aerial

Prepared by: Carol Lindelspere, MP Co FAS



Reviewed and the Number Assigned on: 1-3-12

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>7304-3</u> (office use only)	Hydrologic Unit <u>10130106</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Northwest Blade</u>	<u>PO Box 797</u>
	<u>605-284-2631</u>	<u>Eureka 57437</u>

RECEIVED
JAN - 3 2012
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 Michael C. Neuhanth Phone 605-284-2043
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 33839 107th St. Eureka State SD 57437
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78 CFS or 800 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply WELL
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County McPherson
SE 1/4 SE 1/4 SECTION 9-T127N-R71W
- County or counties where water will be used McPherson
- Annual period during which water is to be used April 1 through October 31
- 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
SE 1/4 SE 1/4, SEC 9, 127N, R71W	40		
SW 1/4 SE 1/4, SEC 9, 127N, R71W	40		
NW 1/4 SE 1/4, SEC 9, 127N, R71W	40		
NE 1/4 SE 1/4, SEC 9, 127N, R71W	40		

- Give a description of the project. (Attach sheet if more space is needed)
put a centerpivot in the SE Quarter of Sec 9
to improve the productivity of the farmland.

STATE OF SOUTH DAKOTA) SS
County of McPherson

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, Michael C. Neuhanth, 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 Michael C. Neuhanth

Subscribed and sworn to before me this 29th day of December 20 11

Julie K Hoelein
Notary Public signature
My Commission Expires: 11-19-2013

**SOUTH DAKOTA
WATER PERMIT NO. 7304-3**

Date of first receipt of application January 3, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7304-3 to Michael C Neuharth, 33839 107th St, Eureka SD 57437 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. 7304-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Spring Creek:McPherson Aquifer (95 feet deep) located in SE 1/4 SE 1/4 Section 9 for irrigation of 160 acres located in the SE 1/4 Section 9; all in T127N-R71W.
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 – October 31.
3. The date from which applicant may claim right is January 3, 2012.
4. The date of approval of Permit No. 7304-3 is March 19, 2012.
5. One-fifth of the construction is to be completed on or before September 19, 2014.
6. All construction is to be completed on or before March 19, 2017.
7. Water is to be put to beneficial use on or before March 19, 2021.
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. 7304-3 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 31 2012
date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 17.5'' Depth 93'
- b) Casing Type PVC Diameter 12'' Thickness SDR-21
- c) Screen Type PVC Diameter 12'' Thickness SDR-21
- d) Gravel Pack 58' Length of Gravel Pack 35' to 93'
- e) Depth to Top of Water Bearing Material 35'
- f) Depth to Water (ground surface to water level) 8' 6''
- g) Distance to nearest existing domestic well:
On applicants property 4000 FT. $\frac{3}{4}$ of a mile 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

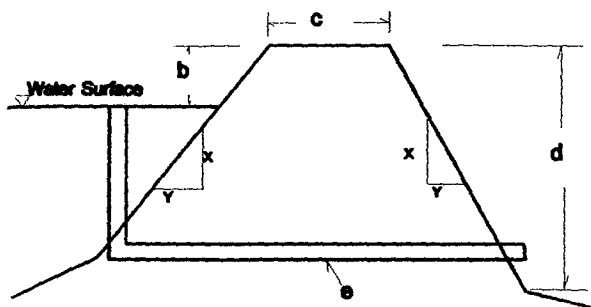
3. Dugout Information

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

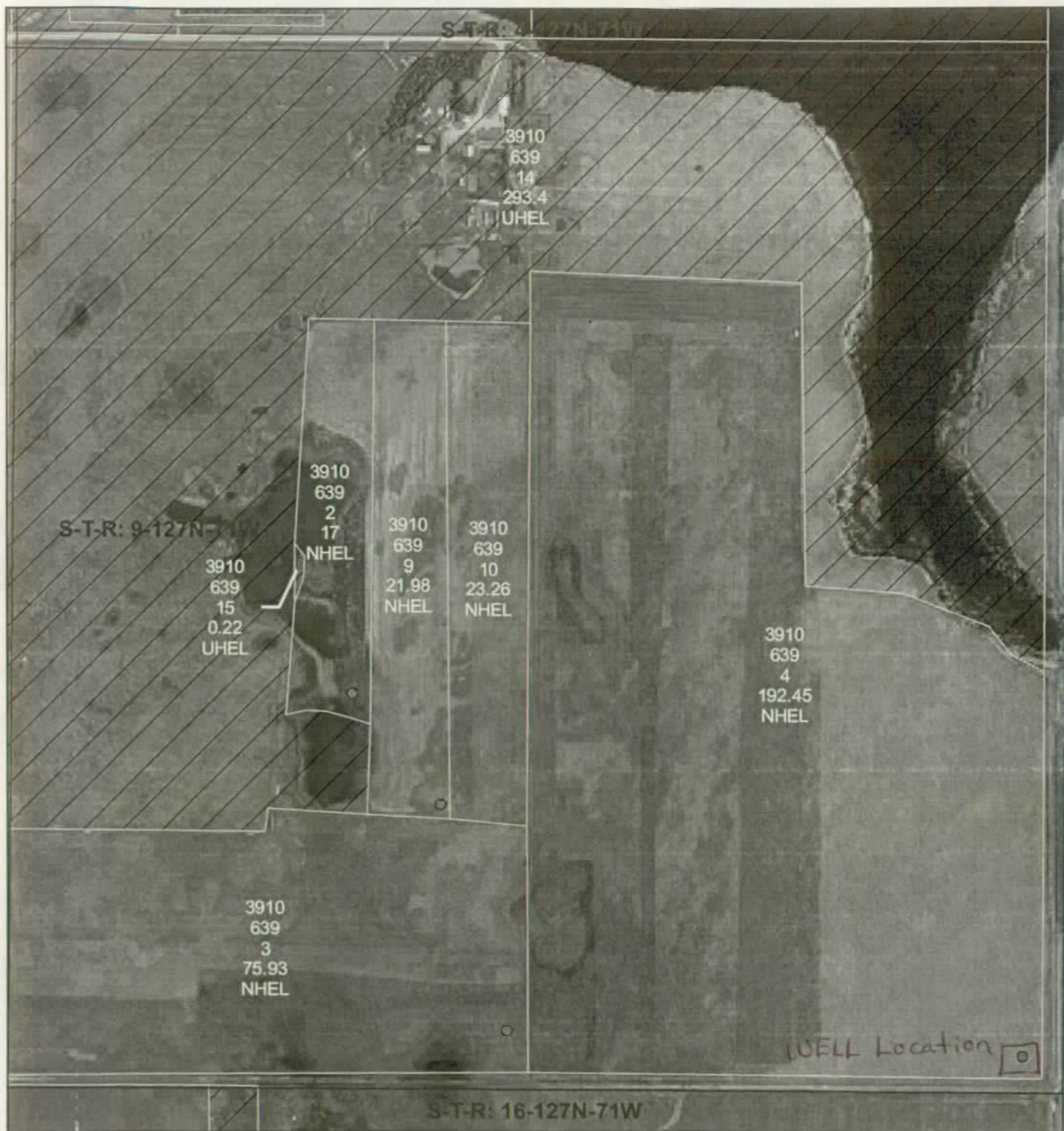
4. Water Storage Dams

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



United States Department of Agriculture
Farm Service Agency

PLSS: 9_127N_71W
Farm: 3910

McPherson County

1:8,171



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WATER RIGHTS
PROGRAM

January 19, 2011

*Carol Dindelsper, GIS PT
McPherson County FSA*

Wetland Determination Identifiers

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

12/21/2011

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.

Common Land Units

//// Non Cropland

2010 Ortho-Photography - Not to Scale

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/3, 20 12

RECEIVED OF Michael C Neuharth 33839 107th St Eureka SD 57437

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

Fee for Application for Permit No. <u>7304-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7304-3</u>	200	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	1050 00

No. **05193**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7304-3, Michael C Neuharth**

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. 7304-3, Michael C Neuharth, 3383 107th Street, Eureka SD 57437

The Chief Engineer is recommending APPROVAL of Application No. 7304-3 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. 7304-3 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
February 23, 2012

REPORT ON WATER PERMIT APPLICATION NO. 7304-3

For Michael C. Neuharth

February 1, 2012

Application No. 7304-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 93 feet deep located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 9 for irrigation of 160 acres located in the SE $\frac{1}{4}$ of section 9; in T127N R71W in McPherson County.

AQUIFER – SPRING CREEK-MCPHERSON (SC-M)

The Spring Creek McPherson aquifer underlies 101,200 acres and contains an estimated 307,000 acre-feet of recoverable water in storage in McPherson County (Hedges, 1982). The aquifer consists of outwash (sand and gravel), attains a maximum thickness of 85 feet and ranges in depth from 20 to 200 feet below land surface (Hamilton, 1974). The aquifer is buried at this site and appears to be under artesian conditions. Ground water movement appears to be from northeast to southwest across the area of this application.

Test well information supplied by the applicant indicates coarse gravel from 35 to 93 feet below land surface. No static water level or pumping information was supplied with the application. However, production tests located to the east in SW $\frac{1}{4}$ of section 10 and the NW $\frac{1}{4}$ of section 16 indicate specific capacities of 79.7 gpm/ft of drawdown and 68 gpm/ft of drawdown respectively. These production wells had a static water level of 14.7 and 8.9 feet below land surface. It is apparent from this data that the aquifer in this area is prolific and capable of producing the amount of water requested.

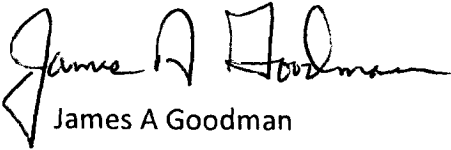
The Water Rights Program monitors three observation wells completed into the Spring Creek McPherson aquifer and within four miles of this application. Observation well MP-80C is located about three miles southwest, well MP-80D is located about one mile south, and well MP-80E is located about one and one-half miles southeast of the well for this application. Water levels for these wells show good response to climatic conditions and also the effects of pumping for irrigation. The water level record indicates some effects of pumping in wells MP-80D and MP-80E with annual fluctuation of five to six feet during the summer. In general the record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2012).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing wells under Water Permit No. 6258-3 located about 1860 feet from this proposed location. These two existing wells are located near the center of the SW $\frac{1}{4}$ of section 10 and near the center of the NW $\frac{1}{4}$ of section 16, T127N R71W. At this distance drawdown is not expected to be significant nor adversely affect the water supply from the aquifer. There will be interference, that is there will be overlapping cones of depression during pumping however this is not expected to be adverse. This is based upon the distance between wells and the relatively high specific capacity of the existing wells and relative thickness of the aquifer in this area.

CONCLUSIONS

1. Water is available from the Spring Creek McPherson aquifer.
2. The aquifer is under artesian conditions at this site.
3. Drawdown will occur and will cause interference. This is not expected to adversely affect water availability from the aquifer.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
5. Water levels at this time are about 5 to 10 feet above the normal water levels of the 1980's. A return to those climatic conditions will cause area wide declines in water levels for the aquifer. This would occur whether or not there was pumping for irrigation. Even in those climatic conditions these wells should be able to maintain production because of the thickness of the aquifer.



James A Goodman

Natural Resources Engineer

BIBLIOGRAPHY

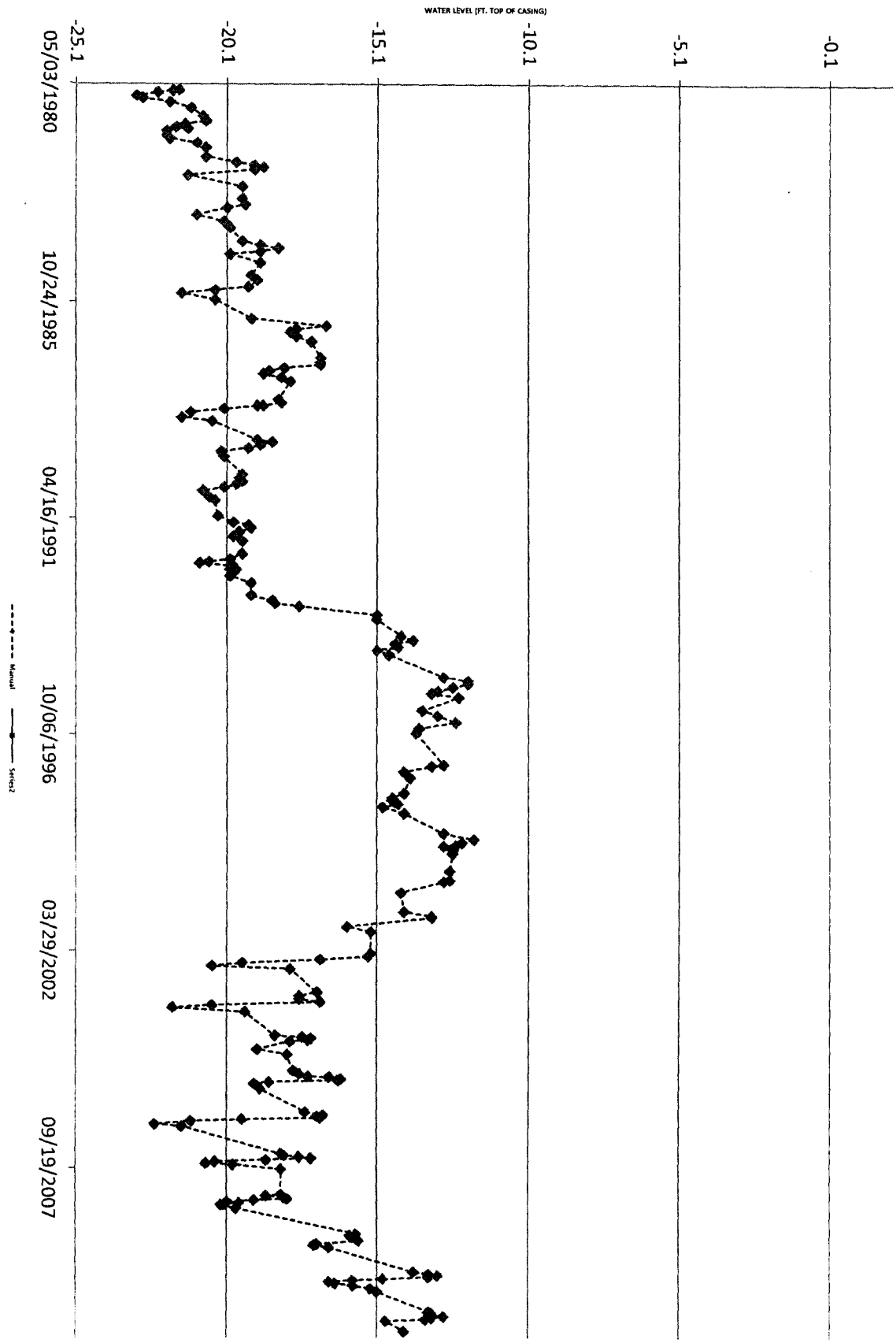
Hamilton, L.J., 1974, Major Aquifers in McPherson, Edmunds, and Faulk Counties, South Dakota, Information Pamphlet No. 8, SDGS, Vermillion, SD, 57069.

Hamilton, L.J., 1982, Geology and Water Resources of McPherson, Edmunds, and Faulk Counties, South Dakota, Bulletin 26, Part II : Water Resources, SDGS, Vermillion, SD, 57069.

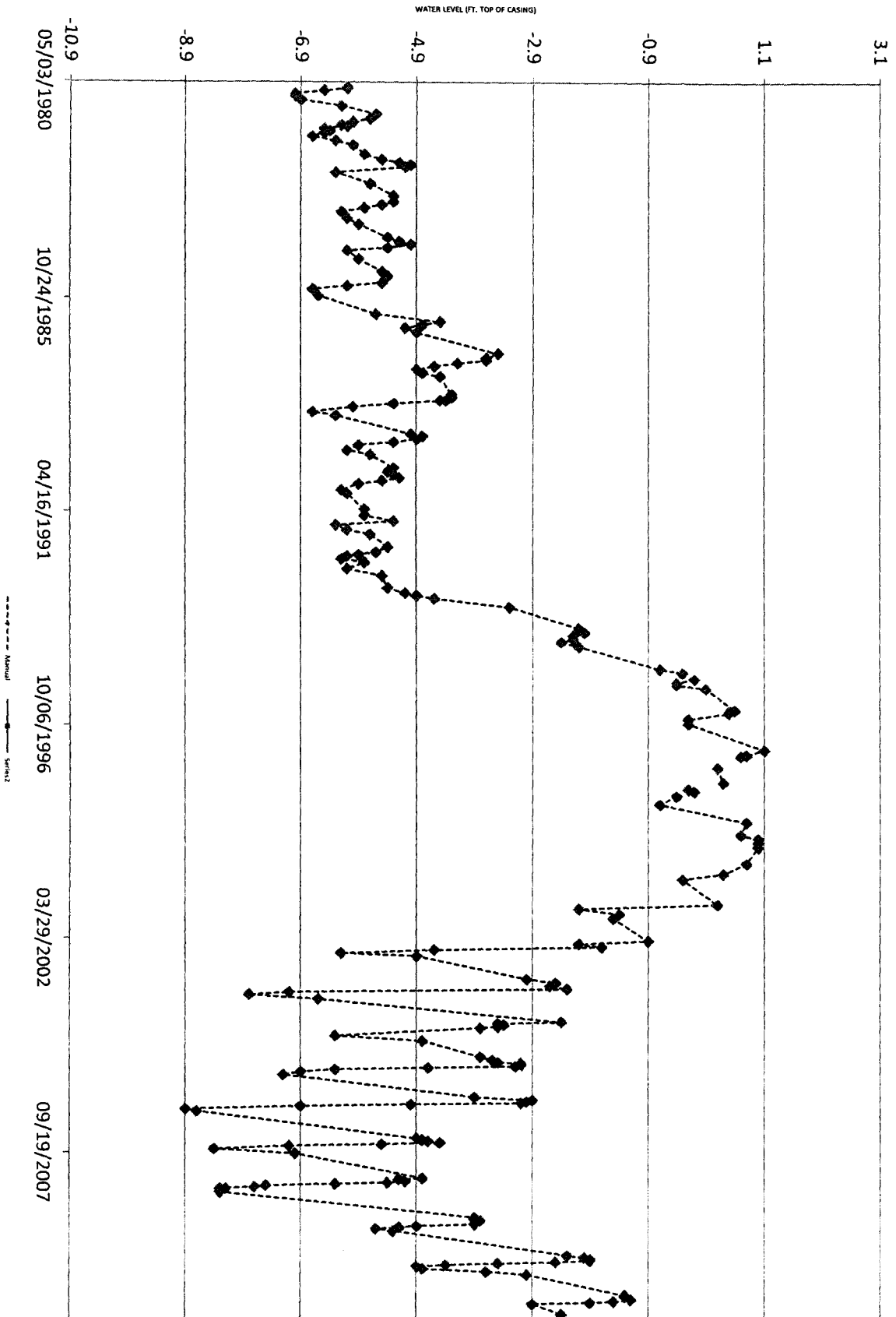
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota, and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2012, Unpublished Observation Well Data for McPherson County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

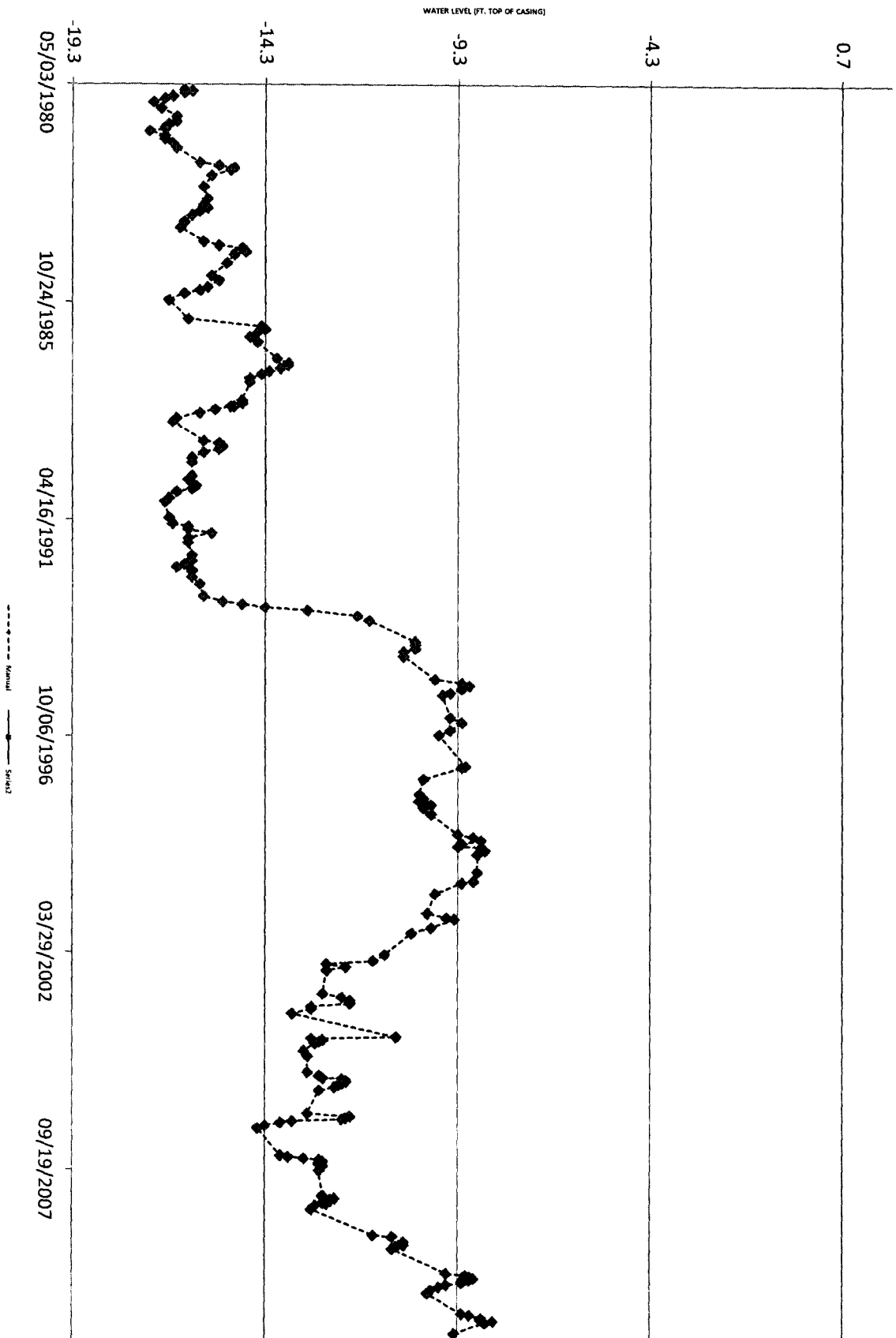
WATER RIGHTS' OBSERVATION WELL MP-80D



WATER RIGHTS' OBSERVATION WELL MP-80E



WATER RIGHTS' OBSERVATION WELL MP-80C



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MAR - 1 2012

Form 8

WATER RIGHTS
PROCEDURE

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of McPherson) SS

I, Cindy Schumacher

certify that the attached printed Notice was taken

from the Department of Environment
and Natural Resources

printed and published in Northwest Blade

County of McPherson and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

3-1-12

3-8-12

Cost of Printing \$64.13 per week,

\$128.26 Total

Cindy Schumacher
(Signature)

Accounts Receivable
(Title)

2-29-12
(Date Signed)

NOTICE OF APPLICATION NO. 7304-3 to Appropriate Water

Notice is given that Michael C Neuharth, 33839 107th St, Eureka SD 57437 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Spring Creek:McPherson Aquifer (95 feet deep) located in SE 1/4 SE 1/4 Section 9 for irrigation of 160 acres located in the SE 1/4 Section 9; all in T127N-R71W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7304-3 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 March 19, 2012.

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.

Published twice at the total approximate cost of \$71.25 at .02 cents per reader.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 24, 2012

The Northwest Blade
PO Box 797
Eureka SD 57437

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7304-3 to Appropriate Water to be published twice. Please publish the first notice on March 1, 2012 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 Michael C Neuharth, 33839 107th St., Eureka SD 57437 (Ph # 605-284-2043).

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. 7304-3

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

Date _____

We are in receipt of your letter of March 1, 2012 enclosing Notice to Appropriate Water by Application No. 7304-3 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
denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

February 24, 2012

Michael C Neuharth
33839 107th St
Eureka SD 57437

Dear Mr. Neuharth:

Water Permit Application No. 7304-3 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 Northwest Blade printed at Eureka SD (Ph # 605-284-2631). 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 Notices 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 applications.

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 March 1, 2012 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

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Published twice at the total approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

MAY 31 2012

Michael C Neuharth
33839 107th St
Eureka SD 57437

Dear Mr. Neuharth:

Enclosed is Water Permit No. 7304-3 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

7304-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 9 Twp 127 Rg 71

County McPherson

Please mark well location with an "X"

Well completion Date 12-12-12

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) 5,000 ft. from Farm yard (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:
Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50R21</u> LB/FT	<u>12</u> IN	<u>1</u> FT	<u>64</u> FT	<u>17 1/2</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>Benite Grout</u>	<u>12</u>	<u>9.7</u> Lb/gal	<u>0</u> Ft	<u>40</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure Tremie line Pumped from 40' to surface

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 30 Feet

Material PVC

Slot Size 1051 Set From 64 Feet to 94 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? chlorine

☐ No, Why Not? _____

Lab sample sent to for water quality analysis _____

Well Owner: Mike Neuhauf

Business Name: _____

Address1: _____

Address2: 33839 102th st

City, State, Zip: Eureka, SD 57437

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>yellow clay</u>	<u>1</u>	<u>13</u>
<u>Blue Clay</u>	<u>13</u>	<u>27</u>
<u>sand & Gravel</u>	<u>27</u>	<u>93</u>
<u>Shale</u>	<u>93</u>	<u>94</u>

STATIC WATER LEVEL 16 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: Submersible Pump

☐ Bailed

☐ Other

Pumping Level Below Land Surface

35 Ft. After 4 Hrs. pumped 860 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED
 DEC 26 2012
 WATER RIGHTS PROGRAM

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm: MANIKOWSKI Well Drilling, Inc.

Signature of License Representative: Raymond Manikowski

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

Please return White Copy to DENR Water Rights

523 E. Capitol Ave., Pierre SD 57501

7304-3
RECEIVED

JUN 27 2013

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 6-25-13TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Michael Npuharth

(name)

33839 107th St.

(address)

Eureka SD 57437

(city, state, zip)

605-284-2043

(phone)

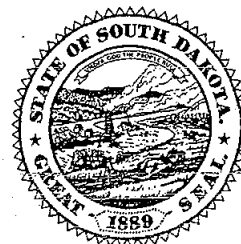
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7304-3 states that the water use system is to be constructed byMar 19, 2017
(date)

, and water is to be put to beneficial use by

Mar 19-2021
(date)The water use system was completed on JUNE 25-2013
(date)Applying the water to beneficial use was completed on JUNE 25-2013
(date)

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

Michael Npuharth
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

July 1, 2013

7304-3

Michael Neuharth
33839 107th St
Eureka SD 57437

Dear Mr. Neuharth:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

Permit No. 7304-3
Spring Creek: McPherson Aquifer

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 use system constructed by **Michael E Neuharth, 33839 107th St, Eureka SD 57437**, holder of Permit No. **7304-3**, bearing a priority date of **January 1, 2012** authorizing the diversion of **1.78 cubic feet per second (cfs)** from the **Spring Creek: McPherson aquifer** for **irrigation** purposes, in **McPherson County**.

I have observed the following conditions for the above system:

- A) Works used to divert water:
One well in place with a 60 HP pump/motor.
- B) Works used to transport water to place of use:
Well head is located southeast of the pivot in the southeast corner of the section.
- C) Works used to apply water to beneficial use:
One 7 tower Valley 8000 center pivot.

The system is in the following condition: **excellent**. The location of the pump can be described as follows:

- **Approximately 100 feet north and 90 feet west of the southeast corner of Sec 9, T127N-R71W. Lat 45.825067N Lon 99.407667W**

The areas irrigated by the well described above are broken down as follows:

- **34 acres in the NW ¼ SE ¼ of Sec 9, T127N-R71W.**
- **34 acres in the SW ¼ SE ¼ of Sec 9, T127N-R71W.**
- **34 acres in the SE ¼ SE ¼ of Sec 9, T127N-R71W.**
- **34 acres in the NE ¼ SE ¼ of Sec 9, T127N-R71W.**

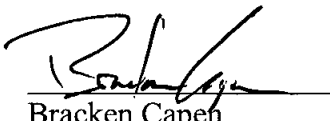
136 acres total in the SE ¼ of Sec 9, T127N-R71W.

This breakdown of acres is a best estimate based on information provided from Michael E. Neuharth and the FSA aerial using ArcMap.

Applicable permits have been complied with: **Yes**

Exceptions to compliance are: **None**

Date Report Completed: **August 23, 2013**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 7304-3

DATE OF INVESTIGATION	August 19, 2013
NAME & ADDRESS OF PERMIT HOLDER	Michael E. Neuharth 33839 107th St Eureka, SD 57437
NAME AND ADDRESS OF INVESTIGATION CONTACT/RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Same as Above
DIVERSION POINT LOGAL LOCATIONS	Lat 45.825067 Lon 99.407667 --- approx. 100' North and 90' West of SE Corner Section 9 T127N, R71W

WELL INFORMATION:

- 1) Well Drilling Firm: **Manikowski Well Drilling Inc.**
- 2) No. of Wells: **1**
- 3) Depth: **94 feet**
- 4) Well Logs Available: **Yes**
- 5) Comment:

PUMP:

- 1) Make:
- 2) Model:
- 3) Size:
- 4) Capacity: **850 GPM**

SYSTEM TYPE:

- 1) Make: **Valley 8000**
- 2) Overall Length: **1250 feet (w/o end gun)**
- 3) Number of Towers: **7**
- 4) Distance Between Towers:
- 5) End Gun: **Yes (146 feet)**
- 6) High or Low Pressure: **Low**
- 7) Capacity: **850 GPM**

CASING:

- 1) Diameter: **12 inches**
- 2) Length: **65 feet**
- 3) Type: **PVC**

SCREEN:

- 1) Type: **PVC**
- 2) Length: **30 feet**
- 3) Static Water Level: **16 feet**

MOTOR:

- 1) Make:
- 2) Model:
- 3) Horsepower Rating: **60 hp**

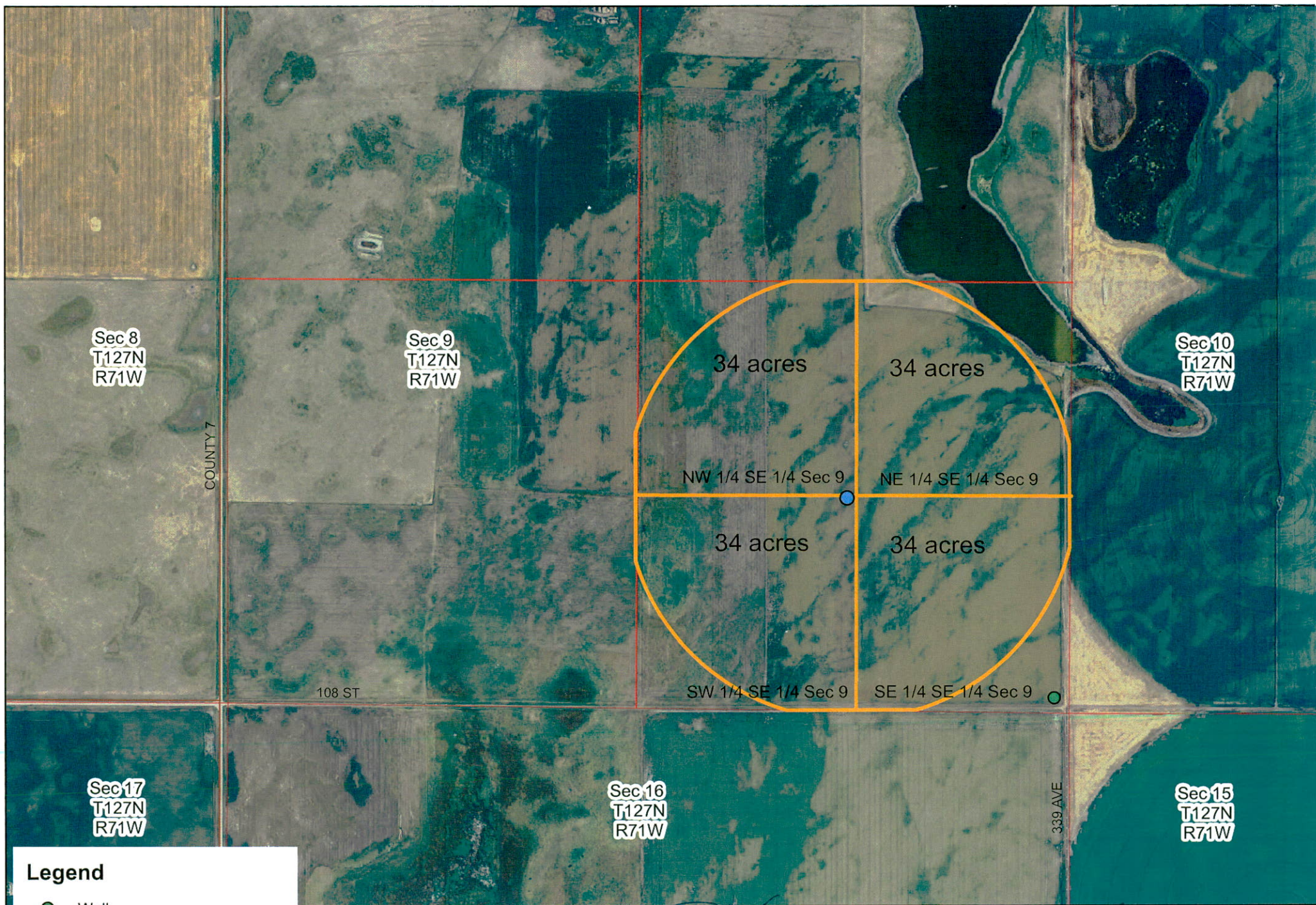
CHEMIGATION EQUIPMENT: No

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being added on: **No**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: **N/A, no questionnaire submitted yet, irrigation verified during inspection**

COMMENTS:

- Notice of completion of works filed June 25, 2013.
- Irrigation began in 2013, verified by inspection.
- Water Permit No. 7304-3 authorizes 160 acres of irrigation. Inspection found 136 acres being irrigated. No irrigation questionnaire has been submitted to verify or deny this acreage.
- Well is capable of up to 1250 GPM, however pump and pivot are only capable of 850 GPM and Mr. Neuharth is only Licensed for 800 GPM.



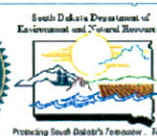
Legend

- Well
- Pivot
- Irrigated Area
- Section Boundaries - PLSS



0 0.05 0.1 0.2 Miles

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





Legend

- Existing Water Rights/Permits
- ▭ Township Boundaries



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 27 2013

7304-3

Michael E Neuharth
33839 107th St
Eureka SD 57437

Dear Mr. Neuharth:

Enclosed is Water License No. 7304-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7304-3, 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

Note: Water Permit No. 7304-3 was permitted for the requested amount of 800 gallons per minute (1.78 cfs). The inspection of your water use system found the pump and center pivot capable of 850 gallons per minute. A water license cannot be issued for greater than what was originally permitted and therefore is limited to a diversion rate of 800 gallons per minute.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7304-3**

(1) Michael C Neuharth, 33839 107th St, Eureka SD 57437 made Application No. 7304-3, January 3, 2012 for a water permit to divert 1.78 cubic feet of water per second from ground water (one well, Spring Creek McPherson Aquifer), McPherson County, South Dakota for irrigation purposes. Permit No. 7304-3, with a priority date of January 3, 2012 was approved March 19, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 19, 2017 and for the application to beneficial use of said water on or before March 19, 2021.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on June 27, 2013. The "*Notice*" stated the water use system was completed and the water placed to beneficial use on June 25, 2013.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 100 feet north and 90 feet west of the SE corner of Section 9, T127N, R71W (SE ¼ SE 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 9, T127N, R71W	NW ¼ SE ¼	34 acres
	SW ¼ SE ¼	34 acres
	SE ¼ SE ¼	34 acres
	NE ¼ SE ¼	34 acres
	Total	136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Michael C Neuharth, 33839 107th St, Eureka SD 57437 the holder and/or owner of Water Right No. 7304-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well, Spring Creek McPherson Aquifer) with a priority date of January 3, 2012 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7304-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7304-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was completed in December, 2012 by Manikowski Well Drilling Inc., a copy of the well log is 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

SEP 27 2013

date





7304-3
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 25, 2019

NOTICE

TO: MICHAEL C NEUHARTH, 33839 107TH ST, EUREKA, SD 57437
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7304-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 7304-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 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) 7304-3 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 6, 2019** 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: <http://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
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 31, 2019

7304-3

Michael C Neuharth
33839 107th St
Eureka SD 57437

Dear Mr. Neuharth:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 7304-3. 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
email: genny.mcmath@state.sd.us