

WATER PERMIT NO. 782A-3

Name of Applicant: Wayne Binger

Address: 37923 183rd St, Tulare SD 57476

Phone: 605 450-0255

Amount of Water Claimed: no add'l

Total Acres: no add'l

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: spink

Type of Waste Disposal System:

Location: 4 miles west of Tulare

PRIORITY

Date Received: 6-2-14

Application/License Fee: \$ 300

Corrected Application Received:

Period of Annual Use: April 1 – Nov 30

Remarks: transfer water right to new land

Diversion Point: NE 1/4 SW 1/4 Sec 25-T115N-
R65W

Land to be Irrigated: SW 1/4, W 1/2 SE 1/4 Sec
25-T115N-R65W

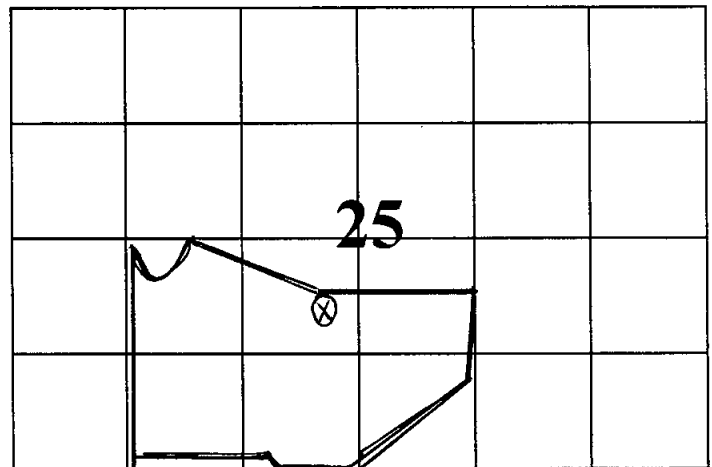
Depth of Well: 130 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund



Reviewed and the Number Assigned on: 6-2-14

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

RECEIVED
JUN - 2 2014
WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>782A-3</u> (office use only) Hydrologic Unit <u>10160009</u>
	Basin <u>James River</u> <u>605-472-0822</u>
	Newspaper <u>Redfield Press Box 440 57469</u> <u>605-353-</u>
	<u>Plainsman Box 1278 Huron 57350 7401</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 782-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
transfer water right to new land

1. Name to Appear on Irrigation Permit Wayne Binger

(check one) ☐ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent 3

(name and complete address if different than above name)

Mailing Address 37923 183rd Street Tulare SD 57476
(Address) (City) (State) (Zip Code)

Home Phone 596-4352 Cell 450-0255 Email _____

2. Amount of water claimed no addl *CFS or ***GPM ***AF Total Acreage no addl
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Tulare Western Spink Hitchcock aquifer

4. Location of point of diversion NE 1/4 SW 1/4 Section 25, T115N, R65W

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used April 1 - November 30

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
NW 1/4 SW Section 25, T115N, R65W	30	NW 1/4 SE Section 25, T115N, R65W	16
SW 1/4 SW Section 25, T115N, R65W	34	SW 1/4 SE Section 25, T115N, R65W	24
NE 1/4 SW Section 25, T115N, R65W	22		
SE 1/4 SW Section 25, T115N, R65W	36		

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

The land authorized by Water Right No. 782-3 is owned by Mr. Steinbis and has been enrolled in the CRP program for years. Mr. Steinbis has agreed to allow me to transfer the water right to other land.

I, Wayne Binger Wayne Binger, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 782A-3**

Date of first receipt of application June 2, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 782A-3 to Wayne Binger, 37923 183rd St, Tulare SD 57476 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. 782A-3 amends Water Right No. 782-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 782-3 appropriates 2.0 cubic feet of water per second from one well located in the SE 1/4 SW 1/4 Section 21 for irrigation of 160 acres located in the SW 1/4 Section 21; all in T114N-R64W. This permit authorizes moving the system approximately 2 miles west and 5 miles north with the well to be located in the NE 1/4 SW 1/4 Section 25 to irrigate 160 acres located in the SW 1/4, W 1/2 SE 1/4 Section 25; all in T115N-R65W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated are requested by this permit.
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 – November 30.
3. The date from which applicant may claim right is June 20, 1961 (established by Water Right No. 782-3).
4. The date of approval of Permit No. 782A-3 is September 2, 2014.
5. One-fifth of the construction is to be completed on or before March 2, 2017.
6. All construction is to be completed on or before September 2, 2019.
7. Water is to be put to beneficial use on or before September 2, 2023.
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. 782A-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.
4. Water Permit No. 782A-3 incorporates Water Right No. 782-3.

WATER MANAGEMENT BOARD

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

SEP 22 2014

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☒ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____

c) Well Depth 130 feet Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest existing domestic well:

On applicant's property ____ On property owned by others 1 mile west (Steinhauser)

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 (e.g. 3 to 1 is a typical slope)

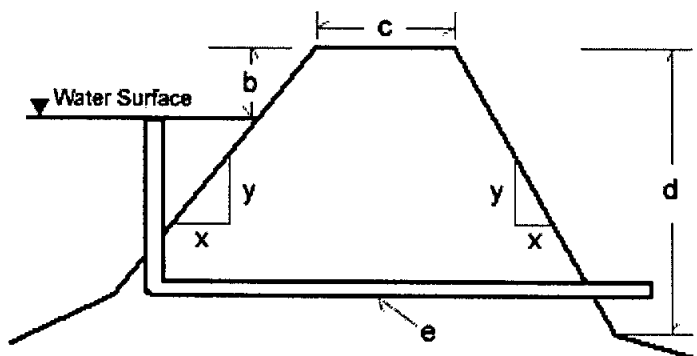
Upstream ____

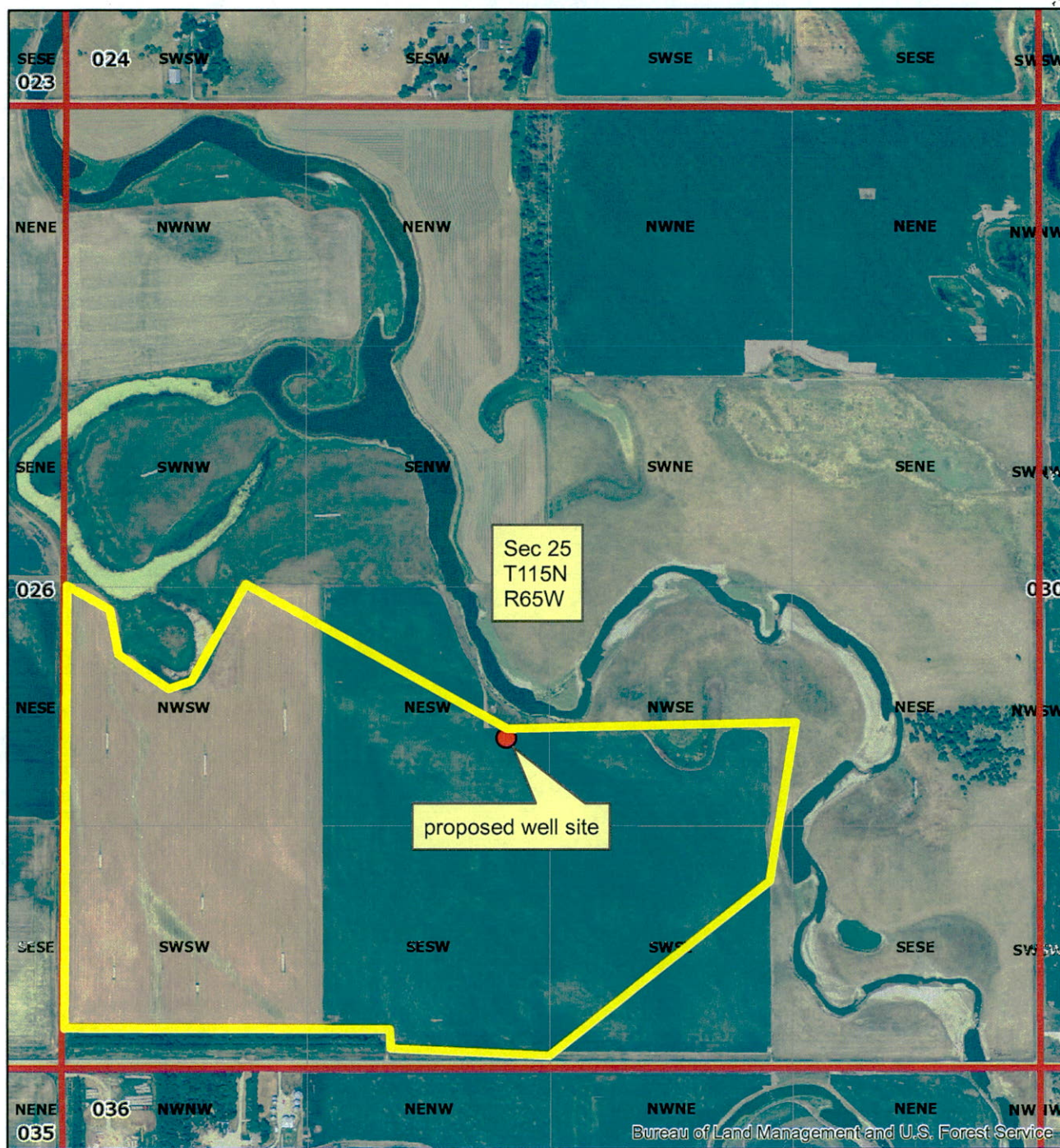
Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres





1,300 650 0 1,300 Feet



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Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
based on representation by Wayne Binger
on June 2, 2014

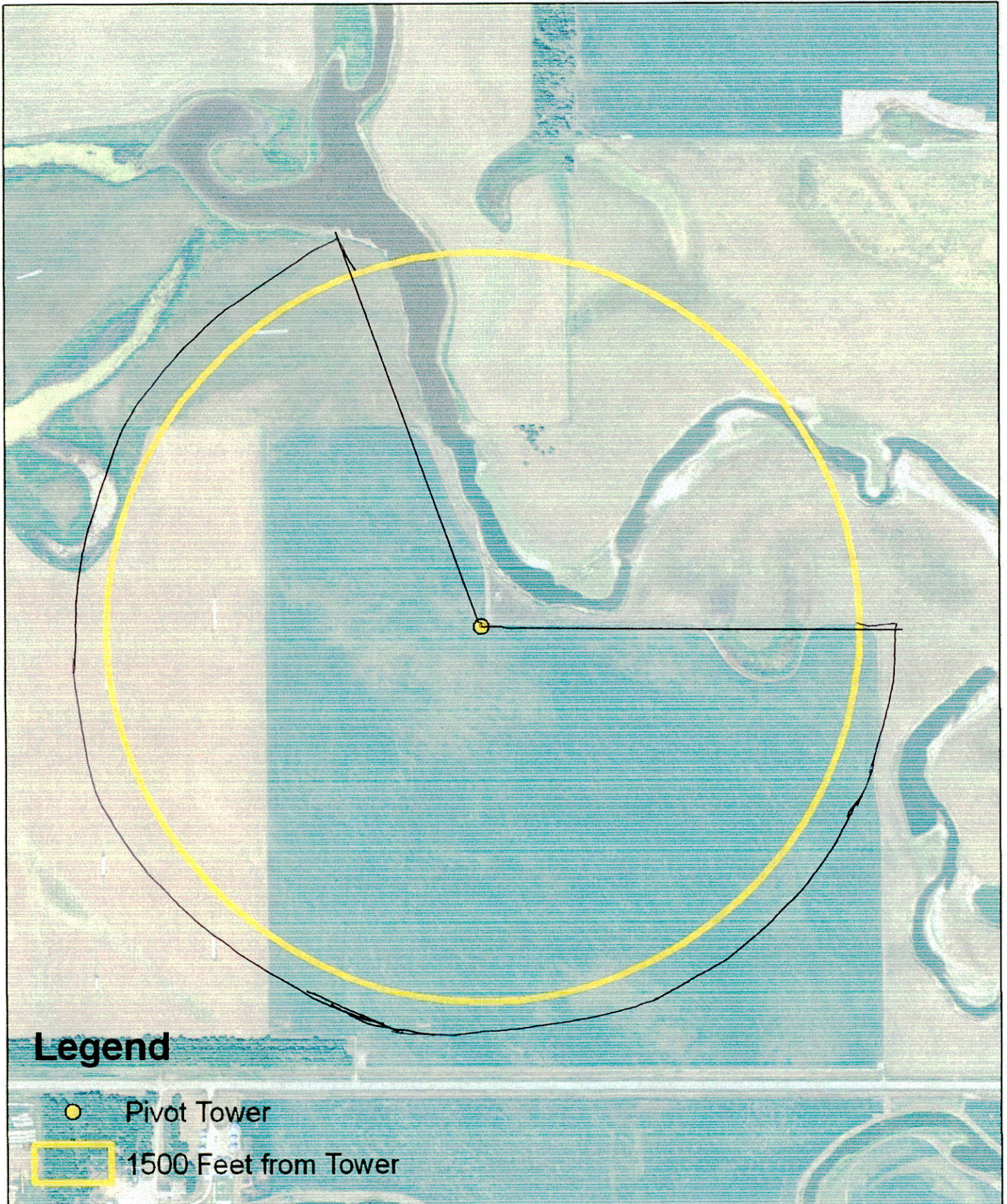
8 5 1/2 25-115-65

LA25SH Pivot

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JUN - 2 2014

WATER RIGHTS
PROGRAM



RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 6/2, 20 14

RECEIVED OF Wayne Binger 37923 183rd St Tulare SD 57476

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	100	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. _____	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	300	00

No. **06874**

By *James Goodman*
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 782A-3, Wayne Binger**

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. 782A-3, Wayne Binger, 37923 183rd Street, Tulare SD 57476.

The Chief Engineer is recommending APPROVAL of Application No. 782A-3 because the proposed diversion can be developed without unlawful impairment of existing rights 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. 782A-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.
4. Water Permit No. 782A-3 incorporates Water Right No. 782-3.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
August 11, 2014

REPORT TO THE CHIEF ENGINEER
ON
APPLICATION NO. 782A-3
WAYNE BINGER
JULY 21, 2014

Application No. 782A-3 proposes to amend Water Right No. 782-3 by transferring the acreage authorized for irrigation and the authorized point of diversion to new locations. Water Right No. 782-3 authorizes the diversion of water from one well located in the SW¼ SE¼ Section 21, T114N-R64W at a maximum rate of 2.00 cubic feet of water per second (cfs). The water right authorizes the irrigation of 160 acres located in the SW¼ Section 21, T114N-R64W. Application No. 782A-3 proposes to authorize the relocation of the system approximately two miles west and five miles north. The diversion point proposed by Application No. 782A-3 is to be a well located in the NE¼ SW¼ Section 25, T115N-R65W. Application No. 782A-3 proposes a permit authorizing the irrigation of 160 acres located in the SW¼, W½ SE¼ Section 25, T115N-R65W. The water source for this irrigation system is the Tulare: Western Spink /Hitchcock aquifer and no increase in the diversion rate or number of acres irrigated are requested by this application.

**AQUIFER: WESTERN SPINK/HITCHCOCK MANAGEMENT UNIT OF THE
TULARE AQUIFER**

Based on the best information available regarding recharge to the Tulare Western Spink/Hitchcock aquifer as it compares to withdrawals from the aquifer, along with the projected water use associated with acreage currently authorized for irrigation, the Water Management Board found the Tulare Western Spink/Hitchcock aquifer is fully appropriated [In the matter of Water Permit Application Nos. 7725-3, et al., Findings of Fact, Conclusions of law and Final Decision issued December 5, 2013].

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-5-34

SDCL 46-5-34 allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Neither the practicality nor economics of irrigating the original parcel of land compared to irrigating the of parcel of land proposed by this application were addressed in the application and will not be addressed in this report.

WATER RIGHT NO. 782-3

Water Permit Application No. 782-3 was filed June 20, 1961, and Permit No. 782-3 was issued August 3, 1961. The permit was inspected by a State Water Resources Commission staff engineer on August 22, 1962, and permit holder, Raymond Steinbis, made proof of the completion of works of sufficient capacity for diverting 2.0 cfs and the irrigation of 160 acres on November 9, 1962. Water Right No. 782-3 was issued on November 9, 1962. Note: a map prepared by a registered land surveyor, that was submitted with the application incorrectly identifies the well location in Section 21, T114N-R65W, rather than Section 21, T114N-R64W as listed on the water license. The diversion point advertised in the public notice for this

application also incorrectly identified the location of the well. SDCL 46-5-4.1 allows that any license issued prior to January 1, 1983 is “cured, legalized, and validated.” The Water Right was transferred from Raymond Steinbis to Wayne Binger on May 19, 2014.

The acreage this permit authorizes for irrigation was reportedly in the Federal Reserve Program in 1989 and the Conservation Reserve Program since 1990. Irrigation questionnaire data for Water Right No. 782-3 for the period of 1968-1989 is shown in Table 1.

YEAR	ACRES	AC-FT/YR
1968	60	87.5
1969	60	133.0
1970	70	81.3
1971	Did not Report	
1972	60	106.1
1973	Did not Report	
1974	Did not Report	
1975	45	261.8
1976	Did not Report	
1977	80	119.7
1978	Did not Report	
1979	Did not Report	
1980	Did not Report	
1981	Did not Report	
1982	Did not Report	
1983	Did not irrigate	
1984	Did not irrigate	
1985	Did not irrigate	
1986	Did not irrigate	
1987	Did not irrigate	
1988	Did not irrigate	

Table 1. Irrigation questionnaire data for Water Right No. 782-3 for the period of 1968-1989 (Water Rights, 2014)

Pursuant to SDCL 46-5-37:

“If any person entitled to the use of appropriated water fails to use beneficially any part of the water for the purpose for which it was appropriated, for a period of three years, the unused water shall revert to the public and shall be regarded as unappropriated public water.”

SDCL 46-5-37.2 provides that no water right or permit may be forfeited for nonuse if land is placed in an acreage reserve or production quota program. The irrigation questionnaire data suggests that the entire 160 acres authorized for irrigation by the water right have never been irrigated in a given year. It is not clear if there was an annual rotation of irrigated acres or if the same acreage was idled and therefore forfeited and subject to cancellation.

This proposed transfer will not result in an additional appropriation from the Tulare: Western Spink/Hitchcock management unit. Based on the historic usage, it will likely result in an additional volume of water to be used under this appropriation. Although the Water Management Board has determined that the Tulare: Western Spink/Hitchcock aquifer is fully appropriated based on use, SDCL 46-5-34 allows for the transfer proposed by this application without regard to the availability of unappropriated water.

EXISTING RIGHTS:

SDCL 46-5-34 requires that an amendment to transfer a water right/permit is subject to existing rights. Existing water rights/permits filed for diversion points within approximately one mile of the well site proposed by this application are shown in Figure 1 and Table 2.

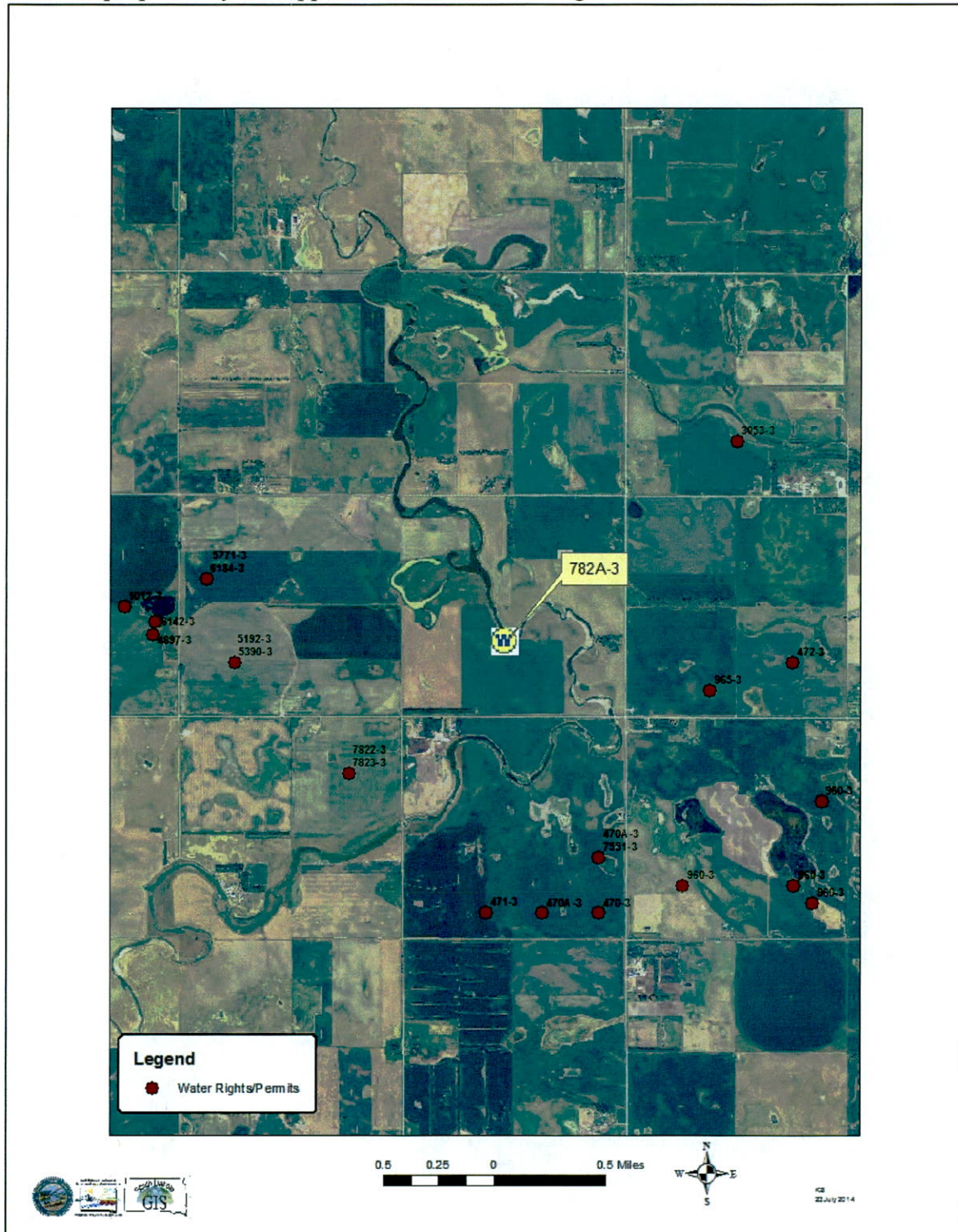


Figure 1. Location of the well site proposed by Application No. 782A-3 and diversion points for existing water rights/permits.

PERMIT NO	NAME	PRIORITY DATE	STATUS	CFS	ACRES
3053-3	BRETT BINGER	09/14/1976	LC	1.88	152
470A-3	WAYNE BINGER	04/22/1957	LC	1.56	134
470-3	E BRUCE MACNEILL	04/22/1957	IL	NA	NA
471-3	WAYNE BINGER	04/22/1957	LC	2.25	160
472-3	BRETT, DARIN, CHAD BINGER	04/22/1957	LC	2.25	160
4897-3	BRETT, DARIN, CHAD BINGER	05/10/1982	IL	NA	NA
5192-3	STEINHEUSER	05/05/1988	IL	NA	NA
5390-3	STEINHEUSER	02/06/1990	LC	1.89	272
5771-3	STEINHEUSER	04/27/1993	IL	NA	NA
960-3	CHAD BINGER	01/25/1962	LC	6.2	624
965-3	GERALD BINGER	02/02/1962	CA	2.28	160
1012-3	EUGENE MEYER	12/17/1962	CA	0	0
6142-3	DARIN BINGER	05/10/1982	LC	2.22	240
6184-3	STANLEY STEINHEUSER	03/02/2000	LC	1.89	270
7551-3	WAYNE BINGER	12/07/2012	PE	0	90
7822-3	DARIN BINGER	<Null>	WI	NA	NA
7823-3	DARIN BINGER	<Null>	WI	NA	NA

NA= Not Applicable, LC= License, IL= Incorporated, WI= Withdrawn

Table 2. Water Permit Applications with status within approximately one mile of the diversion point proposed by this application.

Historically, well interference has not been an issue in the Tulare: Western Spink Hitchcock aquifer. The Tulare: Western Spink/Hitchcock aquifer is under confined conditions, and there is currently approximately 30 feet of artesian pressure in this area. The DENR-Water Rights Program monitors an observation well (SP-66H) completed into the Tulare: Western Spink/Hitchcock aquifer that is located approximately three-fourths of a mile northeast of the well site proposed by this application. Annual fluctuation from an irrigation well that is located approximately three-fourths of a mile from the observation well is approximately 6-10 feet (see Figure 2).

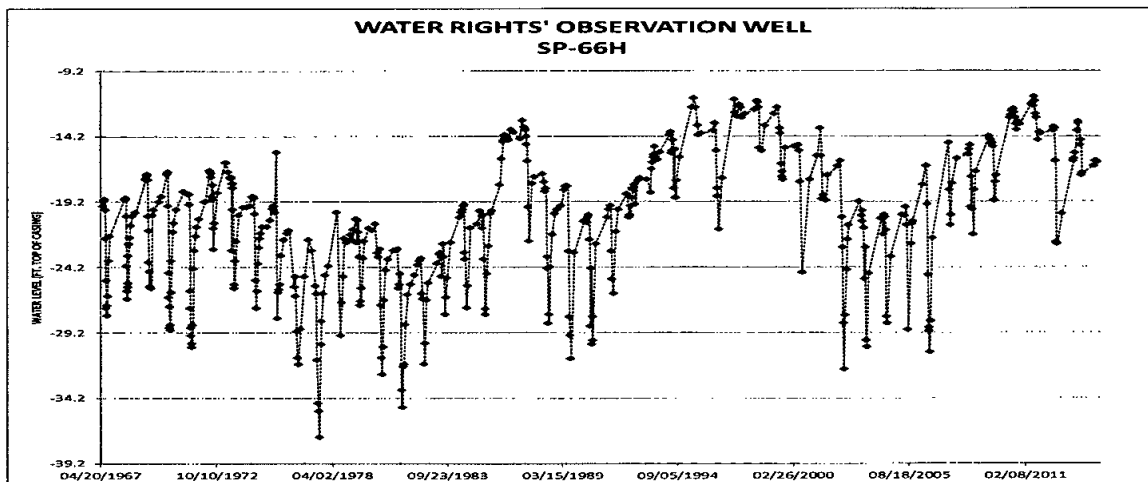


Figure 2. Hydrograph of Observation Well SP-66H

A second Tulare: Western Spink/Hitchcock aquifer observation well (SP-80P) located approximately one and one-half miles northwest of this proposed well site displays similar drawdown from irrigation well withdrawals.

If the water levels in the Tulare: Western Spink/Hitchcock aquifer were to decline, owners of existing wells bear the responsibility of lowering the pump inlet in the well to the top of the aquifer, if necessary. Increased lift would decrease the pump discharge; or require a larger pump or a different type of a pump to maintain the same output.

An increase in operating expenses that may result from interference between wells is not necessarily an adverse impact. The Water Management Board considered this situation in the matter of Water Permit Application 2313-2, Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted findings of fact and conclusions of law that basically state that if the increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable.

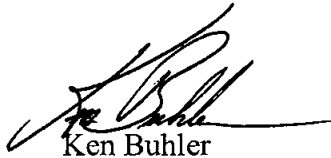
South Dakota Codified Law (SDCL) 46-6-6.1 does not protect artesian head pressure as a means of delivery, and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. South Dakota Supreme Court ruled that although SDCL 46-6-6.1 does not require irrigation to be regulated to absolutely protect artesian pressure for domestic uses, reasonable domestic use must be assured (*Fraser v. Water Rights Commission of Dept. of Natural Resource Development*, 1980, 294 N.W.2d 784). In order to balance interests between irrigation use and delivery of water by artesian pressure the Water Management Board defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

"a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs"

The nearest domestic well completed into the Tulare: Western Spink/Hitchcock aquifer on file with the DENR-Water Rights Program was drilled for Gerald Binger and is located approximately one-half mile from the well site proposed by this application. Well interference should not be a concern for adequate domestic wells.

CONCLUSIONS:

1. SDCL 46-5-34 provides authority to sever an irrigation right from one parcel of land and simultaneously transfer it to another parcel.
2. The Tulare: Western Spink Hitchcock aquifer was determined to be fully appropriated from 2008 to 2012 and from 2013 to present.
3. Approval of this transfer is likely to result in an increase of the average annual withdrawal from the aquifer.
4. The availability of unappropriated water is not a consideration required in SDCL 46-5-34.
5. Diversions from the well site proposed by this application are not expected to adversely impact existing water rights.



Ken Buhler

SD DENR-Water Rights Program

Water Rights Program, 1995, Findings of Fact, Conclusions of Law and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of The Black Hills , SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights, 2014, Irrigation Questionnaire Report Database, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Affidavit of Publication

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STATE OF SOUTH DAKOTA,
County of Spink: ss.

SEP 10 2014

WATER RIGHTS
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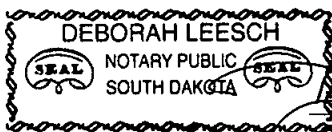
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

#1005 NOTICE

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on August 20th, 2014, that Thirty-two and 20/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 20th day of August, 2014.




Notary Public, South Dakota

My commission expires 10/09/2019

Notice

#1005

NOTICE OF APPLICATION NO. 782A-3

Notice is given that Wayne Binger, 37923 183rd St, Tulare SD 57476 has filed Application No. 782A-3 which requests to amend Water Right No. 782-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 782-3 held by Raymond Steinbis appropriates 2.0 cubic feet of water per second from one well located in the SE 1/4 SW 1/4 Section 21 for irrigation of 160 acres located in the SW 1/4 Section 21; all in T114N-R64W. This application proposes to move the system approximately 2 miles west and 5 miles north with the well to be located in the NE 1/4 SW 1/4 Section 25 to irrigate 160 acres located in the SW 1/4, W 1/2 SE 1/4 Section 25; all in T115N-R65W. The water source for this irrigation system is the Tulare-Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated are requested by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. The land currently authorized by Water Right No. 782-3 has been enrolled in the Conservation Reserve Program. State Law 46-5-37.2 provides that no water right or permit may be forfeited for nonuse if land is placed in an acreage reserve or production quota program. Mr. Steinbis submitted a letter agreeing to this transfer of Water Right No. 782-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 782A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 September 2, 2014.

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.

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PRINTER'S AFFIDAVIT

AUG 26 2014

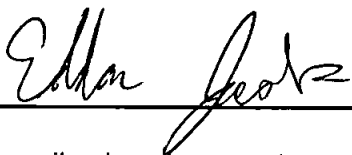
STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

WATER RIGHTS
PROGRAM

I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

SD ENVIRONMENTAL & NATURAL RES
- BINGER WATER RIGHTS

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 20TH day AUG 2014. That the full amount of the fee charged for publishing is: **FORTY-EIGHT & 74/00** dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.



Subscribed and sworn to me before this 20TH day of AUG 2014.


Notary Public, South Dakota

My term expires 10/25/2017
Legal #1405

F.P. 08-20-14

**NOTICE OF
APPLICATION
NO. 782A-3**

Notice is given that Wayne Binger, 37923, 183rd St, Tulare SD 57476 has filed Application No. 782A-3 which requests to amend Water Right No. 782-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 782-3 held by Raymond Steinbis appropriates 2.0 cubic feet of water per second from one well located in the SE 1/4 SW 1/4 Section 21 for irrigation of 160 acres located in the SW 1/4 Section 21; all in T114N-R64W. This application proposes to move the system approximately 2 miles west and 5 miles north with the well to be located in the NE 1/4 SW 1/4 Section 25 to irrigate 160 acres located in the SW 1/4, W 1/2 SE 1/4 Section 25; all in T115N-R65W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated are requested by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. The land currently authorized by Water Right No. 782-3 has been enrolled in the Conservation Reserve Program. State Law 46-5-37.2 provides that no water right or permit may be forfeited for nonuse if land is placed in an acreage reserve or production quota program. Mr. Steinbis submitted a letter agreeing to this transfer of Water Right No. 782-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends
APPROVAL of Application No. 782A-3

because 1) existing rights will not be unlawfully impaired, 2) it is of beneficial use of water, and 3) 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 the 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 September 2, 2014.

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 Environmental and Natural Resources.

No. 1405 (adv.)
Published once at the total approximate cost of \$48.74.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



August 12, 2014

Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 782A-3. Please publish the notice once on August 20, 2014. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Wayne Binger, 37923 183rd St, Tulare SD 57476 (Ph # 605-596-4352).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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

Schlaak, Karen

From: Ruby Crandal <rnewman.plainsman@midconetwork.com>
Sent: Tuesday, August 12, 2014 11:16 AM
To: Schlaak, Karen
Subject: Re: Notice for Wayne Binger

I have received your email.
Thank you.

Ruby (Newman) Crandall
Creative Services Supervisor

Plainsman/Payday/Print Shop
49 3rd Street SE
Huron, SD 57350

605-353-7412

1-800-859-3045, ext. 412

fax: 605-353-7422

rnewman.plainsman@midconetwork.com

On Aug 12, 2014, at 10:45 AM, Schlaak, Karen wrote:

Attached is a Notice of Application No. 782A-3, Wayne Binger, 37923 183rd St, Tulare SD 57476 (605 596-4352 or cell 605 450-0255). The notice is to be published on August 20, 2014. Mr. Binger has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit ASAP.

Thanks,

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



August 12, 2014

Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 782A-3. Please publish the notice once on August 20, 2014. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Wayne Binger, 37923 183rd St, Tulare SD 57476 (Ph # 605-596-4352).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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(S) RIGHT AWAY.**

August 12, 2014

Wayne Binger
37923 183rd St
Tulare SD 57476

Dear Mr. Binger:

Water Permit Application No. 782A-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 Redfield Press printed at Redfield SD (Ph # 605-472-0822) and the Plainsman printed at Huron SD (Ph # 605-353-7401). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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 the Notice on August 20, 2014. 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.

NOTICE OF APPLICATION NO. 782A-3

Notice is given that Wayne Binger, 37923 183rd St, Tulare SD 57476 has filed Application No. 782A-3 which requests to amend Water Right No. 782-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 782-3 held by Raymond Steinbis appropriates 2.0 cubic feet of water per second from one well located in the SE 1/4 SW 1/4 Section 21 for irrigation of 160 acres located in the SW 1/4 Section 21; all in T114N-R64W. This application proposes to move the system approximately 2 miles west and 5 miles north with the well to be located in the NE 1/4 SW 1/4 Section 25 to irrigate 160 acres located in the SW 1/4, W 1/2 SE 1/4 Section 25; all in T115N-R65W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated are requested by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. The land currently authorized by Water Right No. 782-3 has been enrolled in the Conservation Reserve Program. State Law 46-5-37.2 provides that no water right or permit may be forfeited for nonuse if land is placed in an acreage reserve or production quota program. Mr. Steinbis submitted a letter agreeing to this transfer of Water Right No. 782-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 782A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 September 2, 2014.

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 once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



SEP 22 2014

Wayne Binger
37923 183rd St
Tulare SD 57476

Dear Mr. Binger:

Enclosed is Water Permit No. 782A-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,

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

enclosures



SOUTH DAKOTA WATER WELL COMPLETION REPORT

SD EForm - 1621LD V1

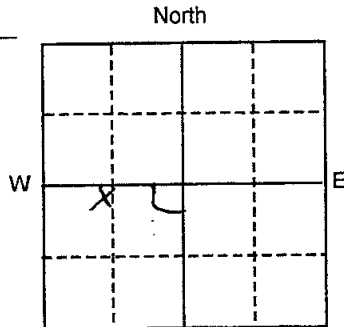
11-02

782A-3

Location NW 1/4 NW 1/4 Sec 25 Twp 11S Rg 65

County Spink

Please mark well location with an "X"



Well Completion Date

3/10/2016

1 Mile

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

None ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Circulation

CASING DATA:

☐ Steel ☒ Plastic ☒ Other

If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
SDR26 LB/FT	16 IN	0 FT	80 FT	26 IN
304 SS LB/FT	16 IN	80 FT	110 FT	26 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type No. of Sacks Grout Weight From To
Lb/gal Ft Ft
Lb/gal Ft Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16 Inches Length 30 Feet

Material Stainless Steel

Slot Size .050 Set From 80 Feet to 110 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ No

If so, what material? Environ plug

Describe packer(s) and location

Above Screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Wayne Binger

Business Name:

Address: 37923 183rd St.

City, State, Zip: Tulare SD 57467

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Fine Sand	2	6
Yellow Clay	6	10
Blue Clay	10	25
Blue Clay & Rocks	25	65
Sand & Coal	65	110

STATIC WATER LEVEL

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: Submersable

☐ Bailed

☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

RECEIVED

APR - 7 2016

WATER RIGHTS PROGRAM

TULARE: WEDRON SPINK HITCHCOCK ER

This well was drilled under license # 722 and this report is true and accurate.

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Tom Fratherson

Signature of Well Owner or Equitable Property Holder:

Wayne Binger

Date: 3-30-16



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 9, 2017

Wayne Binger
37923 183rd St
Tulare SD 57476

Dear Mr. Binger:

A well completion report filed by Stretch's Well Service Inc. shows they completed a new well for you on June 2, 2017 (copy enclosed). Based on a phone conversation with Eric Gronlund, you indicated this was an additional well located approximately 300 feet from the well authorized by Water Permit No. 782A-3.

Water Permit No. 782A-3 authorizes 2.0 cubic feet of water per second (cfs) from one well located in the NE 1/4 SW 1/4 Section 51 to irrigate 160 acres located in SW 1/4, W 1/2 SE 1/4 Section 25; all in T115N-R65W. The source of water for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer.

Enclosed is a partially completed application requesting the additional well. Please review, sign and return the application. On the enclosed map, please mark and label the location of the existing well and the new well.

No increase in the authorized diversion rate of 2.0 cfs from the Tulare:Western Spink Hitchcock Aquifer is requested. If the diversion rate increases, a new water permit will need to be obtained.

If you have questions, please contact Eric Gronlund or me.

Sincerely,

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

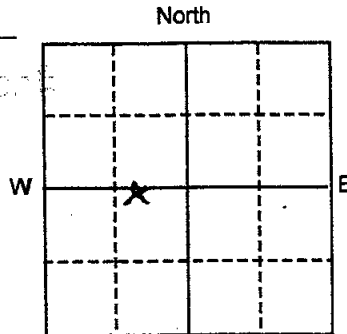
enclosures

11-02

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location NW 1/4 SW 1/4 Sec 26 Twp 115 Rg 65County Spink

Please mark well location with an "X"



Well Completion Date

6/2/2017

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
None ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rig

CASING DATA:

☐ Steel ☒ Plastic ☒ Other
If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
SDR26 LB/FT	16 IN	0 FT	51 FT	26 IN
SS LB/FT	16 IN	51 FT	91 FT	26 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
#20	10	Lb/gal	0 Ft	50 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16 Inches Length 40 Feet
Material Stainless SteelSlot Size .050 Set From 51 Feet to 91 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? Enviro PlugDescribe packer(s) and location
Above Screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: Wayne Binger

Business Name:

Address: 37923 183rd StCity, State, Zip: Tulare SD 57476

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	3
Yellow Clay	3	25
Blue Clay	25	45
Sandy Gravel Coal	45	65
Fine Sand	65	91

STATIC WATER LEVEL 26 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: Submersable☐ Bailed☐ Other

Pumping Level Below Land Surface

60 Ft. After 12 Hrs. pumped 450 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Tulare Western Spink/HitchcockAMThis well was drilled under license # 722 and this report is true and accurate.Drilling firm: Stretch's Well Service Inc.

Signature of Drilling Representative:

Signature of Well Owner or Equitable Property Holder:

Wayne BingerDate: 6-27-17

RECEIVED

JUL 14 2017

WATER RIGHTS
PROGRAM

73387

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED
DEC 08 2017
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 782A-3
(Use predates Mar 2, 1955)

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

Requesting additional diversion point under 46-5-13.1

1. Name to Appear on Irrigation Permit Wayne Binger

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 37923 183rd St Tulare SD 57476
(Address) (City) (State) (Zip Code)

Phone 605 596-4352 Mobile 605 450-0255 Email _____

2. Amount of water claimed no add'l*CFS or _____**GPM _____***AF Total Acreage no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Tulare:Western Spink Hitchcock Aquifer

4. Location of point of diversion NE 1/4 SW 1/4 Section 25-T115N-R65W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used April 1 - November 30

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
Same lands as authorized under No. 782A-3			

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

No increase in the diversion rate of 2.0 cfs or 160 acres authorized by Water Permit No. 782A-3.

X I, Wayne Binger, owner, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Sec.23
T115N
R65W

Sec.24
T115N
R65W

Sec.19
T115N
R64W

Sec.26
T115N
R65W

Sec.25
T115N
R65W

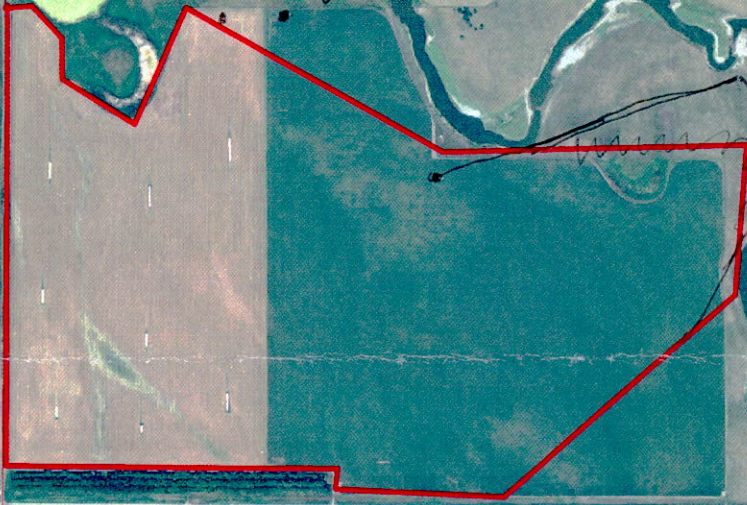
Sec.30
T115N
R64W

Sec.35
T115N
R65W

Sec.36
T115N
R65W

Sec.31
T115N
R64W

Existing
wall New
Wall



Request for Additional Diversion Point

NAME: Wayne Binger

ADDRESS: 37923 183rd St., Tulare, SD 57476

DATE: December 29, 2017 **COUNTY:** Spink **TELEPHONE:**

BACKGROUND:

Water Permit No. 782A-3 appropriates 2.0 cubic feet of water per second (cfs) from one well completed into the Tulare: Western Spink Hitchcock aquifer. A well 110 feet deep (completed in 2016) is located in NW ¼ SW ¼ Section 25 in T115N, R65W. This well is used for the irrigation of 160 acres located in SW ¼, and W ½ SE ¼ Section 25 in T115N, R65W.

A well completion report was received by the South Dakota DENR Water Rights Program indicating an irrigation well was drilled in June 2017 for Mr. Binger. An application was then submitted requesting the addition of a diversion point on Water Permit No. 782A-3. This new well is an additional diversion point for the existing irrigation system. The new well is located in NE ¼ SW ¼ Section 25, T115N R65W. The new well was drilled to a depth of 91 feet in June 2017. In relation to the existing well, the new well is located approximately 300 feet to the east.

AUTHORITY:

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

- **Developed water source same as permitted source**

The water source authorized by Water Permit No. 782A-3 is the Tulare: Western Spink Hitchcock aquifer. The existing well is completed to a depth of 110 feet. The additional well is completed to a depth of 91 feet. The well logs indicate that the additional well is also in the Tulare: Western Spink Hitchcock aquifer.

- **No additional water appropriated**

No additional appropriation of water is requested. This request is for the addition of a diversion point. Water Permit No. 782A-3 appropriates 2.0 cfs for irrigation use from one well.

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 domestic well on file and completed into this aquifer is approximately one half mile south of the current diversion and additional diversion location. The nearest water right/permit completed into this aquifer is located approximately one mile west of the current diversion and additional diversion. Based upon the small change in distance from other users in the Tulare: Western Spink Hitchcock aquifer, interference is not expected to be a concern.

Observation Well Data

The Water Rights Program has 50 observation wells completed into the Tulare: Western Spink Hitchcock aquifer. The nearest observation well completed into this aquifer (SP-66H) is located approximately eight tenths of a mile northeast of the well sites. Historic water levels in SP-66H show that the artesian pressure in that area of the aquifer has remained fairly steady with seasonal fluctuations from pumping and longer fluctuations from climatic conditions.

CONCLUSION

- The addition of a diversion point does not propose to appropriate additional water.
- The water source continues to be the Tulare: Western Spink Hitchcock aquifer.
- Unlawful impairment of existing water rights/permits and domestic wells is not expected to occur.

RECOMMENDED ACTION

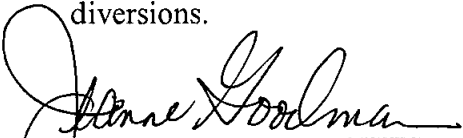
Based on the above criteria, it is recommended that the additional diversion point under Water Permit No. 782A-3 should be approved.



John Farmer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

The additional diversion point does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



782A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 2, 2017



Wayne Binger
37923 183rd St
Tulare SD 57476

Dear Mr. Binger:

Water Permit No. 782A-3 authorizes 2.0 cubic feet of water per second (cfs) from one well completed in the Tulare: Western Spink Hitchcock aquifer in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 25 for the irrigation of 160 acres in the SW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 25 all in T115N, R65W.

You filed a request to add an additional diversion point for Water Permit No. 782A-3. The new well location is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of the same section and is approximately 300 feet east of the existing permitted well.

Upon review of the request and pursuant to SDCL 46-5-13.1, the diversion point change for Water Permit No. 782A-3 is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate has been requested or approved.

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

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program

Permit No. 782A-3

Contact Person & Address: Wayne Binger, 37923 183rd Street, Tulare, SD 57476

Report of Examination of Works

On, November 15, 2019, I made a thorough examination of the water use system constructed by Wayne Binger holder of Permit No. 782A-3, bearing the priority of June 20, 1961 authorizing the diversion of 2.0 cu. ft. per second of the waters of Tulare: Western Spink Hitchcock Aquifer for irrigation purposes, in Spink County.

The system is in the following condition good. The points of diversion are located from the West ¼ corner of section 25-T115N-R65W (Left Well) 50 feet South and 1,270 feet East with latitude of 44.74215 and a longitude of -98.60019 and (Right Well) 15 feet South and 1,588 feet East with latitude of 44.74223 and a longitude of -98.59898 as determined using GPS. The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 25, T115N, R65W

NW ¼ SE ¼ - 22 ac SW ¼ SE ¼ - 27 ac

NW ¼ SW ¼ - 18 ac NE ¼ SW ¼ - 23 ac SE ¼ SW ¼ - 37 ac SW ¼ SW ¼ - 9 ac

comprising a total of 136 acres of land and the license should be issued for 1.94 cfs (statutory limit for acres developed).

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by yes
- 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 yes
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

Well Information:

LEFT WELL

1) Well Drilling Firm: Stretch's Well Services, Inc. 2) No. of Wells 1 3) Depth(s) 110 feet

4) Well log is available yes.

Casing:

1) Diameter 16 inches 2) Length 80 feet 3) Type PVC

Screen:

1) Type Stainless Steel 2) Length 30 feet 3) Static water level na feet

Pump:

1) Make Submersible 2) Model na 3) Size na 4) Capacity 450 GPM

Motor:

1) Make na 2) Model No. na 3) Horsepower rating 40 hp

Well Information:

RIGHT WELL

- 1) Well Drilling Firm: Stretch's Well Services, Inc. 2) No. of Wells 1 3) Depth(s) 91 feet
4) Well log is available yes.

Casing:

- 1) Diameter 16 inches 2) Length 51 feet 3) Type PVC

Screen:

- 1) Type Stainless Steel 2) Length 40 feet 3) Static water level 26 feet

Pump:

- 1) Make Submersible 2) Model na 3) Size na 4) Capacity 450 GPM

Motor:

- 1) Make na 2) Model No. na 3) Horsepower rating 40 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Size 8 inches 3) Length 1,520 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmatic 2) Overall length 1,660 feet
3) Number of towers 9 4) End gun yes
5) High or low pressure low 6) Capacity 900 GPM

CHEMIGATION EQUIPMENT:

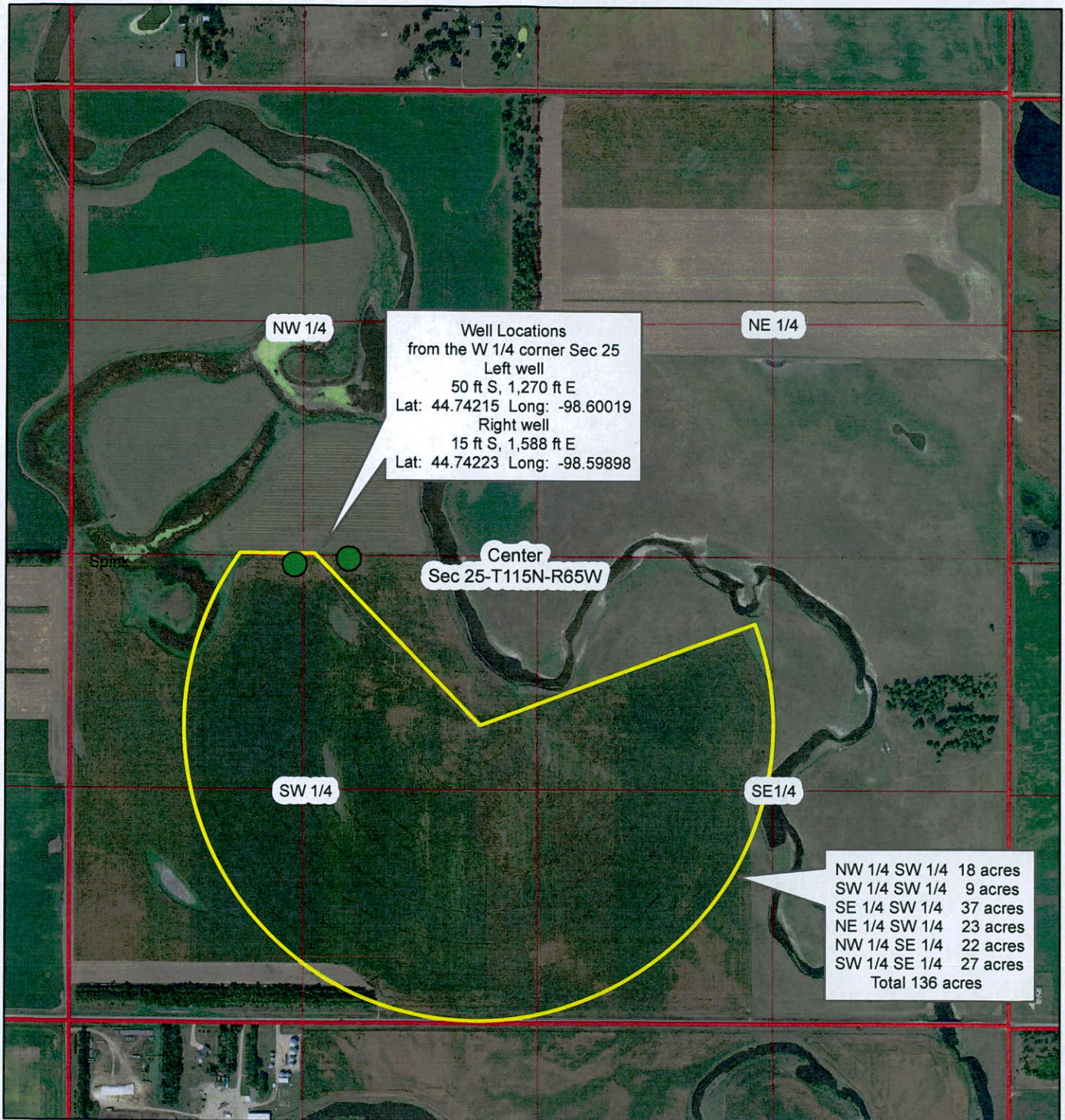
- 1) Does chemigate Periodically 2) Main line check valve yes
3) Inspection port/air relief yes 4) Low pressure drain yes
5) Discharge is 20' from source -- 6) Interlock type --
7) Injection pump type -- 8) Injection check valve --
9) Injection line check valve or positive displacement pump --
10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules: **NOTE, CHEMIGATION EQUIPMENT WAS NOT ON SITE. Permit holder shall make sure the low pressure drain outlets at least 20' from the water source.**

Dated: March 6, 2020



Terry D Helms, Water Rights Inspector

Water Right No. 782A-3, Wayne Binger



0 305 610 1,220 1,830 2,440 Feet



Terry D Helms

Terry D Helms, PE
Water Rights Inspector
DENR, Water Rights Program
November 22, 2019



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 25 2020

470A-3
782A-3
7551-3

Wayne Binger
37923 183rd St
Tulare SD 57476

Dear Mr. Binger:

Enclosed are Water License Nos. 782A-3 and 7551-3. They are the final water right document completing your process of obtaining Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

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

The staff engineer noted in his report that chemigation is used however the equipment was not present at the time of the investigation. Please ensure that a low pressure drain outlets at least 20 feet from the water source when you are applying chemicals or fertilizer through the systems.

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

Sincerely,

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

Enclosures

Note: Upon licensing, the applicable portions of Water Right No. 470A-3 were incorporated into No. 7551-3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 782A-3

(1) Wayne Binger, 37923 183rd St., Tulare SD 57476 made Application No. 782A-3, June 2, 2014 for a water permit to amend Water Right No. 782-3 by transferring the irrigated acreage and point of diversion to other land. No. 782-3 authorized diversion of 2.00 cubic feet of water per second from ground water, one well (Tulare Western Spink Hitchcock Aquifer), Spink County, South Dakota for irrigation purposes. Permit No. 782A-3, with a priority date of June 20, 1961 (established under No. 782-3) was approved September 2, 2014 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 2, 2019 and for the application to beneficial use of water on or before September 2, 2023.

Approval of Water Permit No. 782A-3 authorized moving the irrigation system approximately 2 miles west and 5 miles north with no increase in the diversion rate or number of acres irrigated. Permit No. 782A-3 incorporated the applicable portions of Water Right No. 782-3.

In December 2017 the permit holder requested authorization to drill an additional well 300 feet to the east of the existing well. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer approved the additional well and made a finding the additional 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 1.94 cubic feet of water per second for beneficial use. The location of the diversion points are as follows:

West well: 50'S and 1,270'E of the W $\frac{1}{4}$ corner of Section 25, T115N, R65W (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
Latitude 44.74215, Longitude -98.60019

East well: 15'S and 1,588'E of the W $\frac{1}{4}$ corner of Section 25, T115N, R65W (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
Latitude 44.74223, Longitude 98.59898

(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:

T115N, R65W Section 25	NW $\frac{1}{4}$ SW $\frac{1}{4}$	18 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	22 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	23 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	27 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	37 acres		
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	9 acres	Total	136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wayne Binger, 37923 183rd St., Tulare SD 57476 the holder and/or owner of Water Right No. 782A-3 is issued a license to appropriate water, the right to use 1.94 cubic feet of water per second from ground water, two wells (Tulare Western Spink Hitchcock Aquifer) with a priority date of June 20, 1961 from the locations specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 782A-3 and subject to the following qualifications:

- The wells approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 782A-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 wells were drilled in March 2016 and June 2017 by Stretch's Well Service Inc. Copies of the well completion reports are on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

MAR 25 2020

date



NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 782A-3

Date: 12-19-2025

I/We request that Water Right/Permit No. 782A-3 formerly owned by:
Wayne Binger be transferred to:

New Owner Name: SCOTT BINGER
Address: 37921 183rd ST mobile: 605-460-1106
City, State, Zip: TULARE, SD 57476 email: SNLBINGER@GMAIL.COM

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

136 acres located in T115N - R65W
SW1/4, W1/2, SE1/4

☒ I understand that the validity of Water Right/Permit No. 782A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, SCOTT BINGER, the new owner, certify that the above information is true and correct.

Scott Binger
(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

RECEIPT

WATER RIGHTS PROGRAM

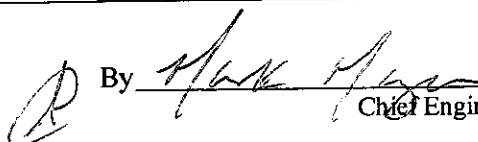
South Dakota Department of Agriculture and Natural Resources

Date December 19, 2025

RECEIVED OF Scott Binger 37921 183rd St Tulare SD 57476

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 #782A-3	\$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  _____
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 22nd, 2025

782A-3

Scott Binger
37921 183rd St
Tulare, SD 57476

Dear Mr. Binger:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the required fees you submitted for Water Right No. 782A-3. Enclosed is a receipt of payment for your records.

Water Right No. 782A-3 previously held by Wayne Binger is now listed under Scott Binger. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the License (copy enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the License will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Right No. 782A-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure