

WATER PERMIT NO. 7840-3

Name of Applicant: **Edward Kreber**

Address: **42027 310th St, Springfield SD 57062**

Phone: **605 589 3655**

Amount of Water Claimed: **0.86**

Total Acres: **66 acres**

Source of Water Supply: **Missouri River**

Water to be used for: **irrigation**

County: **Bon Homme**

Type of Waste Disposal System:

Location: **5 miles northeast of Springfield**

PRIORITY

Date Received: **5-13-13**

Application/License Fee: **\$ 950**

Corrected Application Received:

Period of Annual Use: **April 1 – October 31**

Remarks: **Utilize Missouri River diversion point authorized by No. 420-3.**

Diversion Point: **S 1/2 SW 1/4 Sec 11-T93N-R59W**

Land to be Irrigated: **S 1/2 Sec 11-T93N-R59W**

Depth of Well: **NA**

Well Driller:

Remarks:

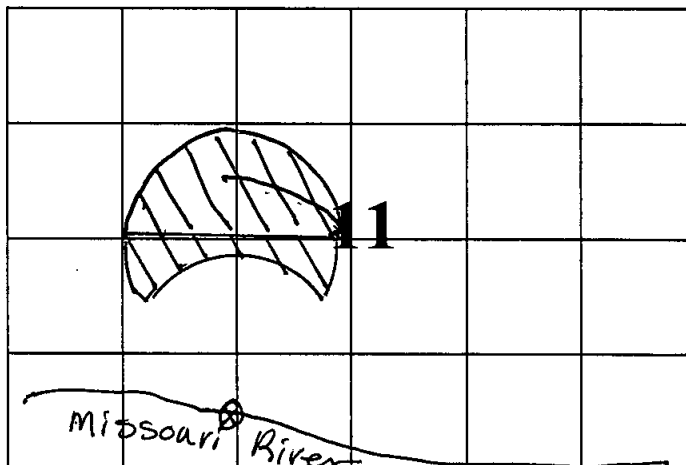
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **5-14-13**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 7840-3 (office use only)
Hydrologic Unit 10170101
Basin Missouri River 605-369-2441
Newspaper Springfield Times Box 465 57062
Press & Dakotan 319 Walnut Yankton 57078 605-665-7811

RECEIVED
MAY 13 2013
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.)

land currently irrigated under WR No. 251-3 from Snatch Creek. Plan to use diversion works of WR No. 420-3 from Missouri River to irrigate land more efficiently with a partnership of neighboring landowner - McCann

1. Name to Appear on Irrigation Permit Edward Kreber

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

(name and complete address if different than above name)

Mailing Address 42027 310th Street Springfield SD 57062
(Address) (City) (State) (Zip Code)

Home Phone 605-589-3655 Cell _____ Email _____

2. Amount of water claimed 0.86 *CFS or **GPM ***AF Total Acreage 66
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri River - Lewis & Clark Reservoir

4. Location of point of diversion S 1/2 SW 1/4 Section 11, T93N, R59W - authorized by WR No. 420-3
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Bon Homme

5. County or counties where water will be used Bon Homme

6. Annual period during which water is to be used April 1 - October 31

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
SW 1/4 NW 1/4 Section 11, T93N, R59W	33		
SE 1/4 NW 1/4 Section 11, T93N, R59W	33		

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

Intention is to work in partnership with neighboring landowner to set up a center pivot for coverage of a portion of the land authorized by WR No. 251-3. However, the water source will be the Missouri River (Lewis & Clark Reservoir). The remaining acre in yellow outside of the pivot boundary will continue to be irrigated from Snatch Creek.

I, Edward Kreber, 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. 7840-3

Date of first receipt of application May 13, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7840-3 to Edward Kreber, 42027 310th St, Springfield SD 57062 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. 7840-3 appropriates 0.86 cubic feet of water per second from the Missouri River to irrigate 66 acres utilizing the existing diversion point authorized by Water Right No. 420-3 held by Greg McCann located in the S 1/2 SW 1/4 Section 11-T93N-R59W. This permit authorizes irrigation of 66 acres located in the S 1/2 NW 1/4 Section 11-T93N-R59W.
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 May 13, 2013.
4. The date of approval of Permit No. 7840-3 is July 22, 2013.
5. One-fifth of the construction is to be completed on or before January 22, 2016.
6. All construction is to be completed on or before July 22, 2018.
7. Water is to be put to beneficial use on or before July 22, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

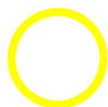
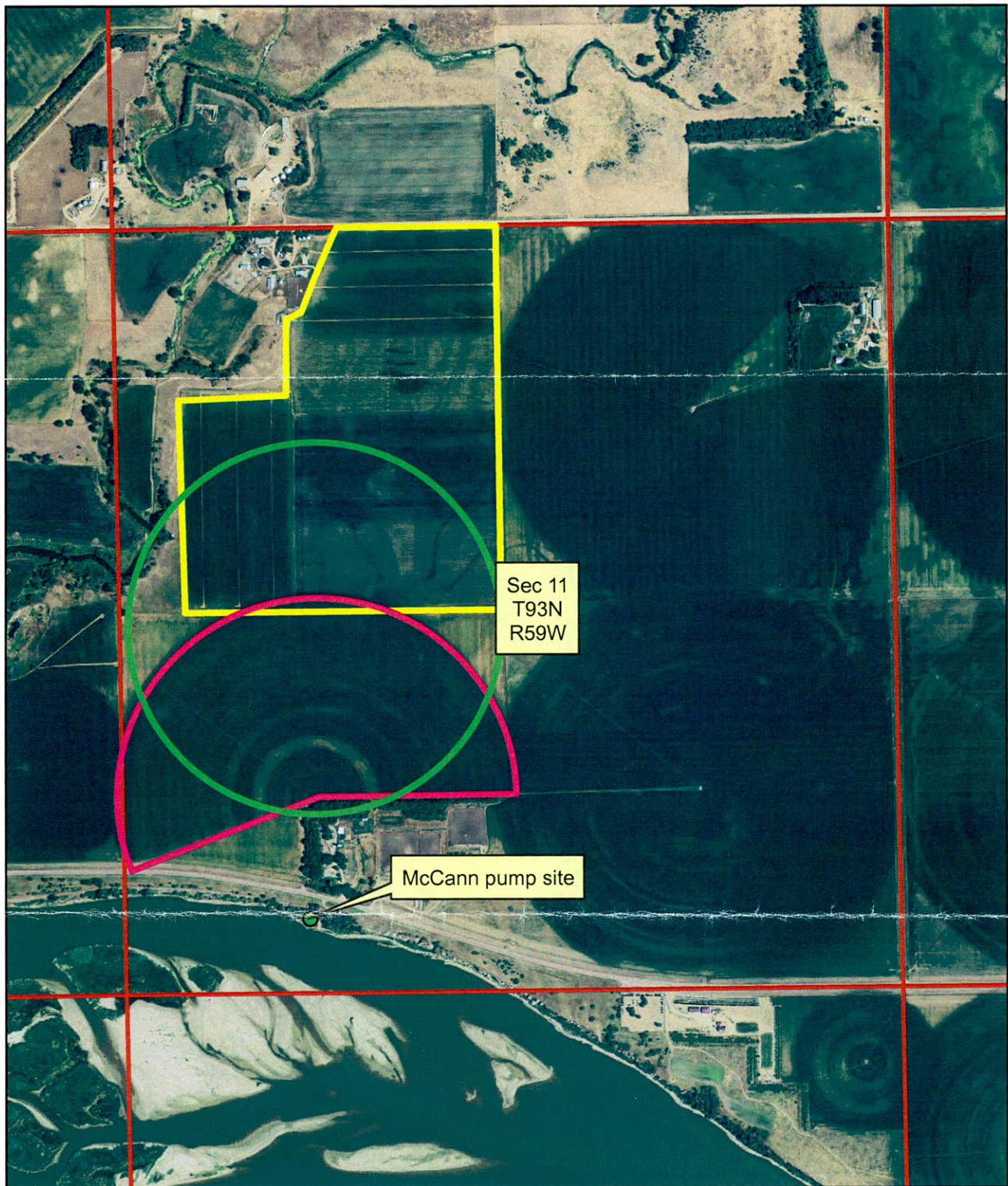
By: *Jeanne Goodman*

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

AUG 30 2013

date





existing Kreber WR No. 251-3



existing McCann WR No. 420-3



intended irrigation coverage planned (remain yellow area will continue to be irrigated from Snatch Creek)

RECEIVED

MAY 13 2013

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date

May 14, 2013

RECEIVED OF Edward Kreber, 42027 310 St, Springfield SD 57062

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

Fee for Application for Permit No. <u>7840-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>7840-3</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	950.00

No. 06336

By Jeanne Goodman
Chief Engineer

(KS)

Water Rights Permits

**Ref: 251-3
420-3**

Dear Sir :

**I Edward Kreber ,42027 310th.St. Springfield, SD 57062,
Bon Homme TWP T93N-R59W Section 11 permit no.251-3 which takes irrigation water from
Snatch Creek (tail water) of Lewis and Clark reservior request permission to move the source to
Lewis and Clark reservior itself to McCann permit No. 420-3**

**In doing this we will both become more efficient. I will
be changing from a traveling gun to a center pivot. McCann permit No.420-3 will be getting
better use of his pivot and I will be getting a more dependable water supply.**

**Acres irrigated will be the same however I will need to keep permit No.251-3 in effect to
Irrigate the balance of that permits acres.**

Thank you,

Edward Kreber

Phone 605-589-3655



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 8, 2013

Edward Kreber
42027 310th Street
Springfield SD 57062

Dear Mr. Kreber:

The Water Rights Program received your request to add the McCann's diversion point from Lewis and Clark reservoir to allow irrigation of a portion of the land authorized by Water Right No. 251-3 to divert from Snatch Creek. It has been deemed that Snatch Creek and Lewis and Clark reservoir are not the same source since the USGS quadrangle map does not show the reservoir impounding water up to your pump site on Snatch Creek. Therefore, the Water Rights Program believes a new water permit is required to irrigate the land currently authorized by Water Right No. 251-3 from Snatch Creek.

I have enclosed aerial imagery in an effort to depict the existing systems under Water Right Nos. 251-3 and 420-3 and the area outlined in green showing the pivot as planned. It is my understanding the remaining portion of your land (outlined in yellow) will still be irrigated from Snatch Creek.

Also, enclosed is a draft application that I have taken the liberty of partially completing. However, you will need to review it to insure accuracy. The application as drafted is only for those acres in the S ½ NW ¼ Section 11 that will be irrigated by the "green" pivot from the Lewis and Clark reservoir pump site of McCann's. If more acres will be irrigated from the McCann pump site the application will need to be amended to reflect those additional acres.

Since the application is considered new, the application filing fee applies. The fee for 66 acres from a different source totals \$950 (\$750 application filing fee + \$200 licensing).

Please contact me if you have any questions.

Sincerely,

Eric Gronlund

Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure



**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. 7840-3, Edward Kreber**

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. 7840-3, Edward Kreber, 42027 310th Street, Springfield SD 57062.

The Chief Engineer is recommending APPROVAL of Application No. 7840-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) as conditioned 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 qualification:

1. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
July 2, 2013

REPORT ON WATER PERMIT APPLICATION NO. 7840-3

Edward Kreber

May 30, 2013

Application No. 7840-3 proposes to appropriate 0.86 cubic feet of water per second from the Missouri River utilizing the existing diversion point authorized by Water Right No. 420-3 held by Greg McCann and located in the S 1/2 SW 1/4 Section 11-T93N-R59W. This application proposes to irrigate 66 acres located in the S 1/2 NW 1/4 Section 11-T93N-R59W. The proposed project is located approximately 5 miles northeast of the town of Springfield in southern Bon Homme County.

Review of the Water Source

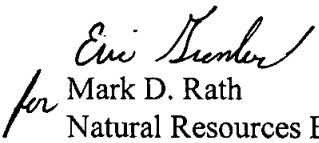
The water source for this application is from the natural flow of the Missouri River in the reach impounded behind Gavins Point Dam along the southern border of Yankton and Bon Homme County. The U.S. Army Corps of Engineers (USACE) constructed Gavins Point Dam in the early to mid-1950's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams: Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point are operated as a system providing storage and water releases for the congressionally authorized purposes of which irrigation is included. Water availability is not a concern when using the natural flows of the Missouri River as a source.

Review of the Proposed Project and Existing Water Rights

There are 263 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1279.71 cfs. The applicant proposes utilizing diversion works authorized by Water Right No. 420-3 held by Greg McCann. The irrigation system operated by Mr. McCann will be repositioned, and in an agreement between the applicant and Mr. McCann, be allowed to make a full unimpeded revolution irrigating the land authorized by No 420-3 and acres proposed by this application. Since water availability is not an issue, approval of this permit would not adversely affect these existing water rights.

Conclusions

1. This application proposes to appropriate 0.86 cubic feet of water per second from the Missouri River to irrigate 66 acres.
2. The applicant proposes utilizing the existing diversion point authorized by Water Right No. 420-3 held by Greg McCann.
3. The water source for this project is the natural flow of the Missouri River in the reach below Gavins Point Dam.
4. Water availability for this project will not be a problem.


for Mark D. Rath
Natural Resources Engineering III

Affidavit of Publication

State of South Dakota }
County of Bon Homme } SS

RECEIVED

JUL 15 2013

Rebecca Tycz Being ^{WATER RIGHTS} ~~legally~~ ^{PROGRAM} sworn says that the **Springfield Times** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Springfield, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Springfield, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notice of App # 7840-3 Kreber
63 @ 37.2

a printed copy of which is hereto attached, was printed and published in said newspaper for One successive weeks, upon the following dates:

July 10 2013 20.....
..... 20..... 20.....
..... 20..... 20.....
..... 20..... 20.....

That the full amount of the fee charged for the publication of said notice, \$23.44, inures 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 has been agreed to be paid to any person whomsoever.

Rebecca Tycz, publisher

Subscribed and sworn to before me this

10 day of July 2013

Peggy Scheels
Notary Public
South Dakota

My Commission Expires Oct 24, 2015

NOTICE OF APPLICATION

NO. 7840-3 to Appropriate Water

Notice is given that Edward Kreber, 42027 310th St, Springfield SD 57062 has filed an application for a water permit to appropriate 0.86 cubic feet of water per second from the Missouri River to irrigate 66 acres utilizing the existing diversion point authorized by Water Right No. 420-3 held by Greg McCann located in the S 1/2 SW 1/4 Section 11-T93N-R59W. This application proposes to irrigate 66 acres located in the S 1/2 NW 1/4 Section 11-T93N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7840-3 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 July 22, 2013.

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 \$23.44

RECEIVED

JUL 17 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Application No. 7840-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 10th DAY OF July 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.15 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 7/10/2013

FILED ON: 7/12/2013

Notice is given that Edward Kreber, 42027 310th St, Springfield SD 57062 has filed an application for a water permit to appropriate 0.86 cubic feet of water per second from the Missouri River to irrigate 66 acres utilizing the existing diversion point authorized by Water Right No. 420-3 held by Greg McCann located in the S 1/2 SW 1/4 Section 11-T93N-R59W. This application proposes to irrigate 66 acres located in the S 1/2 NW 1/4 Section 11-T93N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7840-3 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 July 22, 2013.

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. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$26.15.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF July 2013

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 2, 2013

Springfield Times
PO Box 465
Springfield SD 57062

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7840-3 to Appropriate Water. Please publish the notice once on July 10, 2013. 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 Edward Kreber, 42027 310th St, Springfield SD 57062 (Ph # 605-589-3655).

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

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 2, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**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.**

July 2, 2013

Edward Kreber
42027 310th St
Springfield SD 57062

Dear Mr. Kreber:

Water Permit Application No. 7840-3 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 Springfield Times printed at Springfield SD (Ph # 605-369-2441) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). 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 July 10, 2013. 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. 7840-3 to Appropriate Water

Notice is given that Edward Kreber, 42027 310th St, Springfield SD 57062 has filed an application for a water permit to appropriate 0.86 cubic feet of water per second from the Missouri River to irrigate 66 acres utilizing the existing diversion point authorized by Water Right No. 420-3 held by Greg McCann located in the S 1/2 SW 1/4 Section 11-T93N-R59W. This application proposes to irrigate 66 acres located in the S 1/2 NW 1/4 Section 11-T93N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7840-3 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 July 22, 2013.

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Published once 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

AUG 30 2013

Edward Kreber
42027 310th St
Springfield SD 57062

Dear Mr. Kreber:

Enclosed is Water Permit No. 7840-3 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

7840-3
RECEIVED

SEP 06 2013

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate Sep 3 2013TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Edward Kneben
(name)42027 310 St.
(address)Springfield S. DAK 57062 605 589 3655
(city, state, zip) (phone)

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

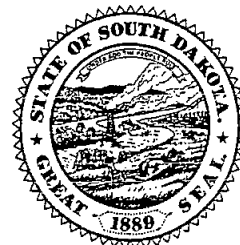
Water Permit No. 7840-3 states that the water use system is to be constructed by Jul 22 2018, and water is to be put to beneficial use by Jul 22 2022.
(date) (date)

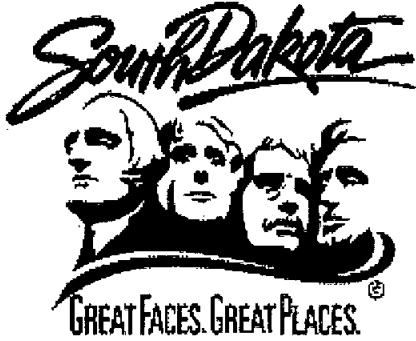
The water use system was completed on Jul 24 2013.
(date)

Applying the water to beneficial use was completed on Jul 24 2013.
(date)

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

Edward Kneben
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 12, 2013

7840-3

Edward Kreber
42027 310th St
Springfield SD 57062

Dear Mr. Kreber:

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 authorized under Water Permit No. 7840-3.

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

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

Sincerely,

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

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

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7840-3**

I have this day, April 29, 2020, made a thorough examination of the water use system constructed by Edward Kreber, 42027 310th St., Springfield, SD 57062, holder of Permit No. 7840-3, bearing the priority of May 13, 2013 authorizing the diversion of 0.86 cu. ft. per second of the waters of surface water (Missouri River) for the irrigation of 66 acres in Bon Homme County.

Inspection contact: Edward Kreber and Wayne Jelsma (hired hand for licensed Water Permit No. 420-3)

A. Works used to divert the water:

River Intake System is the same for Licensed Water Right Nos. 420-3, 2140-3 and 2241-3:

East Pump:

- 1) Make: Cornell
- 2) Model: 5H75-4
- 3) Capacity: Unknown GPM

East Motor:

- 1) Make: Gould
- 2) Model No.: X92757
- 3) Horsepower Rating: 100 hp

West Pump:

- 1) Make: Cornell
- 2) Model: 6H-F8
- 3) Capacity: Unknown GPM

West Motor:

- 1) Make: Marathon
- 2) Model No.: WE 365TTDS8074AP W
- 3) Horsepower Rating: 75 hp

B. Works used to transport water from existing piping to the place of use:

- 1) Type: PVC 2) Size: 8 inches 3) Length: 1,280 feet

C. Works used to apply water to beneficial use:

Center pivot:

Center Pivot

- 1) Make Valley
- 2) Overall length 1,296 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 1000 GPM

Chemigation Equipment:

- 1) Does chemigate: Yes
- 2) Main line check valve: Yes
- 3) Inspection port/air relief: Yes
- 4) Low pressure drain Yes
- 5) Discharge is 20' from source: Yes
- 6) Interlock type: Mechanical
- 7) Injection pump: Positive Displacement
- 8) Injection check valve: Yes

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: There are two acres being irrigated in the N1/2 of the NW1/4.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The river intake is 3,940 feet west and 470 feet north of the southeast corner of Section 11-T93N-R59W (Latitude 42.880575, Longitude -97.788211 – SE1/4 of the SW1/4).
2. The works are capable of diverting and conveying to the place of use 2.23 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 11-T93N-R59W:

<u>NW1/4NW1/4</u>	<u>1 acres</u>
<u>NE1/4NW1/4</u>	<u>1 acres</u>
<u>SW1/4NW1/4</u>	<u>17 acres</u>
<u>SE1/4NW1/4</u>	<u>35 acres</u>

comprising a total of 54 acres of land and the license should be issued for 0.77 cfs. (0.77 is the statutory limit for 54 acres)

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: Water Right No. 7840-3 is irrigating some of the property previously irrigated under licensed Water Right No. 251-3. The center pivot also irrigates one acre in the NW1/4 of the NW1/4 and one acre in the NE1/4 of the NW1/4. Both parcels are adjacent to the property noted in the permit and the parcels are owned by Mr. Kreber.

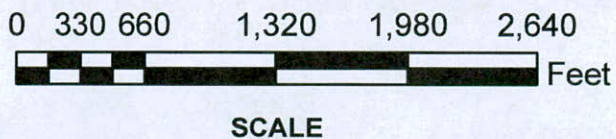
Licensed Water Right Nos. 420-3, 2140-3 and 2241-3 all share the same river intake source that Water Right No. 7840-3 uses along with some of the piping. Licensed Water Right No. 420-3 also shares one center pivot with Water Right No. 7840-3. However, all of the water rights should remain separate since they are for different properties and some have different owners.



Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: May 5, 2020

Water Permit No. 7840-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
May 5, 2020

Licensing of Acreage Outside of Permitted Area

NAME: Edward Kreber

ADDRESS: 42027 310th St Springfield SD 57062

DATE: June 4, 2020 COUNTY: Bon Homme TELEPHONE:

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

All irrigated acres will be located in the NW ¼ of Sec 11 T93N-R59W as originally permitted. The location of the acres currently irrigated:

All land located in Sec 11 T93N-R59W

NW ¼ NW ¼ - 1 ac

NE ¼ NW ¼ - 1 ac

SW ¼ NW ¼ - 17 ac

SE ¼ NW ¼ - 35 ac

The acreage developed for irrigation is 54 acres as compared to 66 acres authorized by the permit. Licensing of the permit will result in a reduction in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**
Yes
- **Owned by Same Property Owner**
Yes
- **Developed Prior to Expiration of Construction Period**
Yes

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the two-acre area be included in the water license.



Mark D Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Eric Gronlund, Chief Engineer
Water Rights Program



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

7840-3

JUN 15 2028

Edward Kreber
42027 310th St
Springfield SD 57062

Dear Mr. Kreber:

Enclosed is Water License No. 7840-3. 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.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7840-3**

(1) Edward Kreber, 42027 310th St., Springfield SD 57062 made Application No. 7840-3, May 13, 2013 for a water permit to divert 0.86 cubic feet of water per second from the Missouri River, Bon Homme County, South Dakota for irrigation purposes. Permit No. 7840-3, with a priority date of May 13, 2013 was approved July 22, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 22, 2018 and for the application to beneficial use of water on or before July 22, 2022.

An investigation conducted for licensing purposes found two acres developed for irrigation under Water Permit No. 7840-3 not in the area authorized by the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(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 0.77 cubic feet of water per second for beneficial use. The location of the diversion point (river intake) is as follows:

- 3,940' W and 470' N of the SE corner of Section 11-T93N-R59W (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
Latitude 42.880575, Longitude -97.788211

The river intake is also used to irrigate land described in Water Right Nos. 420-3, 2140-3 and 2241-3

(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:

T93N, R59W Section 11	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.0 acre
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.0 acre
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	17.0 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	35.0 acres
Total		54.0 acres

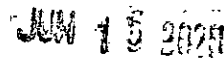
(4) Pursuant to South Dakota Water Law 46-5-30.1 Edward Kreber, 42027 310th St., Springfield SD 57062 the holder and/or owner of Water Right No. 7840-3 is issued a license to appropriate water, the right to use 0.77 cubic feet of water per second from the Missouri River with a priority date of May 13, 2013 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. 7840-3 and subject to the following qualification:

- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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



date

