

WATER PERMIT NO. 7983-3

Name of Applicant: **Richard or Sharon Beitelspacher**

Address: **13418 328 Ave, Bowdle SD 57428** Phone: **605 281-1334**

Amount of Water Claimed: **2.78 cfs** Total Acres: **195 acres**

Source of Water Supply: **groundwater (3 wells)**

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

Type of Waste Disposal System:

Location: **1/2 south of Bowdle**

PRIORITY Date Received: **3-11-14**

Application/License Fee: **\$ 1150**

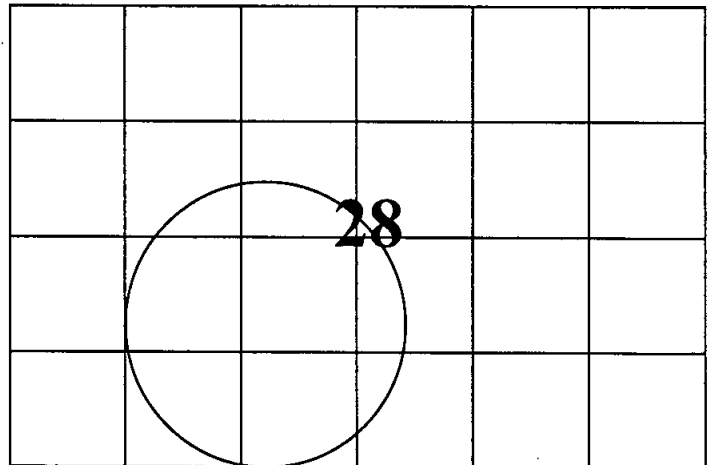
Corrected Application Received: **3-14-14**

Period of Annual Use: **April 1- October 10**

Remarks:

Diversion Point: **SW 1/4 SW 1/4 Sec 28-T123N-
R73W**

Land to be Irrigated: **SW 1/4, S 1/2 NE 1/4 W 1/2
SE 1/4, SW 1/4 NE 1/4 Section 28; all in T123N-
R73W**



Depth of Well: **24 feet**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Ron Duvall**

Reviewed and the Number Assigned on: **3-17-14**

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. <u>7983-3</u>	(office use only) Hydrologic Unit <u>10130106</u>
	Basin <u>Missouri River</u>	<u>605-285-6161</u>
	Newspaper <u>Pride of the Prairie, Box 514, Bould 57428</u>	<u>605-225-4106</u>
	<u>American News, Box 4430, Aberdeen 57402</u>	

RECEIVED
MAR 11 2014
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Richard Beitelspacher or Sharon Beitelspacher
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)

Mailing Address 13418 328 Ave Bowdle S.D. 57428
(Address) (City) (State) (Zip Code)

Home Phone 605-285-6581 Cell 605-281-1334 Email _____

2. Amount of water claimed 2.78 *CFS or 1250 **GPM ***AF Total Acreage 195
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ground water horizontal well 24 ft deep 700 to 800 ft length

4. Location of point of diversion 3 wells (1 in sec NE 1/4 32 123N73W 2 in sec 28SW 1/4 123N73W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
(SW 1/4 SW 1/4) County Edmunds

5. County or counties where water will be used Edmunds

6. Annual period during which water is to be used April to Oct 10

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
<u>123 N 73 W Sec 28</u>	<u>App 195</u>	<u>NW 1/4 SW 1/4</u>	<u>38</u>
<u>SW 1/4 NW 1/4 11ac</u>	<u>NW 1/4 SE 1/4 14ac</u>	<u>SW 1/4 SW 1/4</u>	<u>30</u>
<u>SE 1/4 NW 1/4 16ac</u>	<u>SW 1/4 SE 1/4 8ac</u>	<u>SE 1/4 SW 1/4</u>	<u>37</u>
<u>SW 1/4 NE 1/4 1ac</u>		<u>NE 1/4 SW 1/4</u>	<u>40</u>

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

Enclosed map -

Sharon Beitelspacher

I, Richard Beitelspacher, 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. 7983-3 FOR IRRIGATION

Date of first receipt of application March 11, 2014.

Date of return to applicant for corrections, amendments or changes March 11, 2014.

Date of receipt of corrected application March 14, 2014.

The Water Management Board approved Water Permit No. 7983-3 on October 22, 2014 for Richard or Sharon Beitelspacher, 13418 328th Ave, Bowdle SD 57428 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7983-3 appropriates 2.78 cubic feet of water per second from three wells to be completed into the Bowdle:Edmunds Aquifer (24 feet deep) located in the SW 1/4 SW 1/4 Section 28 for irrigation of 195 acres located in the SW 1/4, S 1/2 NW 1/4, W 1/2 SE 1/4, SW 1/4 NE 1/4 Section 28; all in T123N-R73W. The wells authorized by Water Right No. 7013-3 and Permit No. 7983-3 will be used interchangeable for the authorized acres.
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 10.
3. The date from which applicant may claim right is March 11, 2014.
4. One-fifth of the construction is to be completed on or before April 22, 2017.
5. All construction is to be completed on or before October 22, 2019.
6. Water is to be put to beneficial use on or before October 22, 2023.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under Water Permit No. 7013-3 and 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 new well authorized by Permit No. 7983-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

DEC 16 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 1 Have test holes been drilled ☒ Yes ☐ No Drilled by General dr - Permit
DeWind Dewatering
(if yes, please provide copies of logs)

b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by General dr - Permit
DeWind Dewatering

c) Well Depth 24 Depth to Top of Water Bearing Material 20 Depth to Water from Surface 21'

d) Distance to nearest existing domestic well:

On applicant's property Richard Beitel On property owned by others EX Boulder Sole Barn
now Boulder Hardware
store

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)

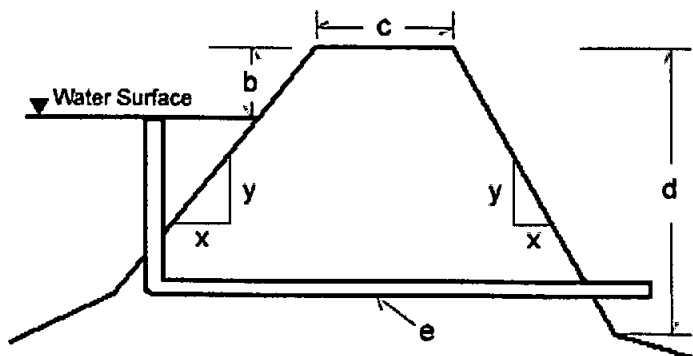
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

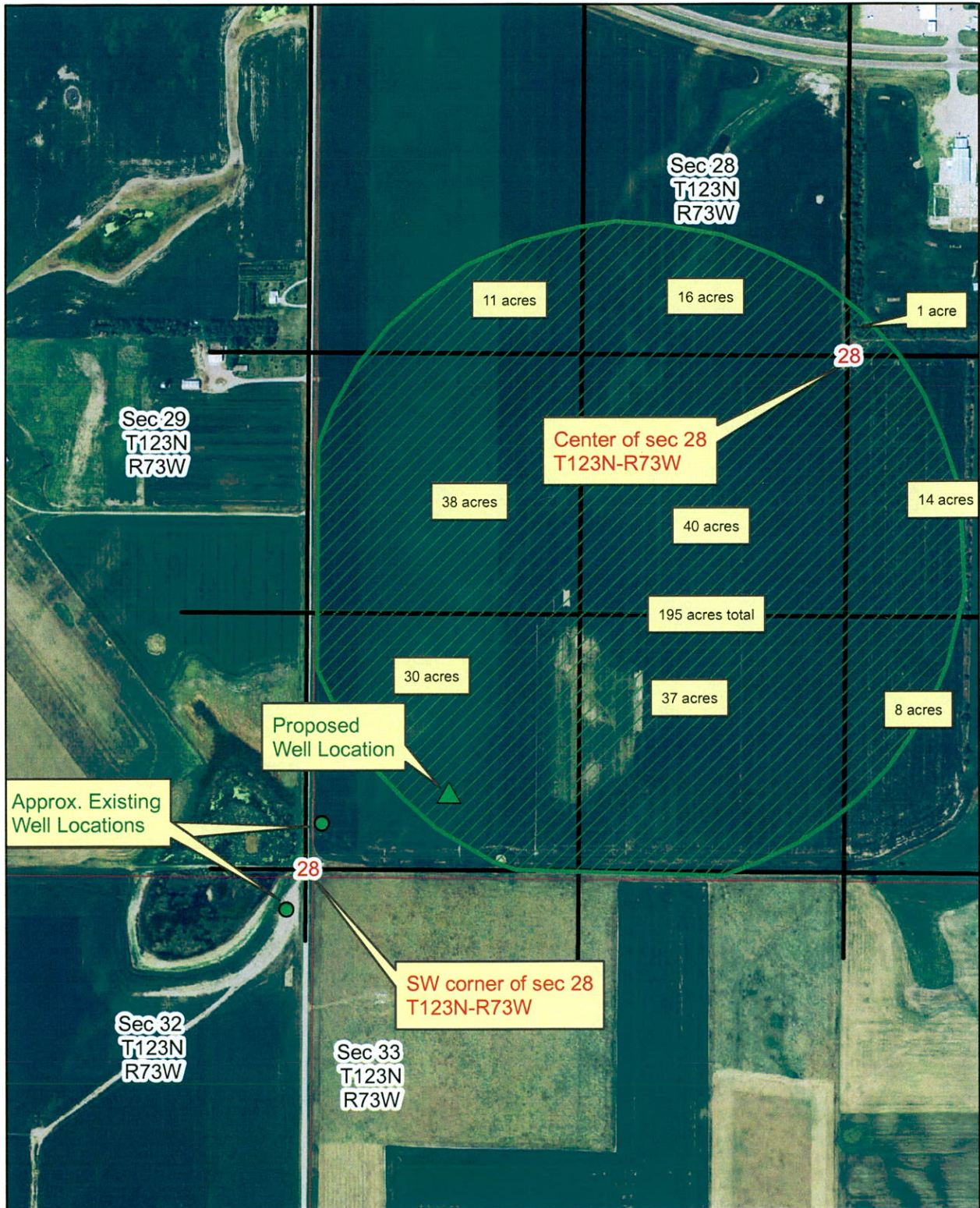
j) Drainage Area Above Dam _____ Acres



Scale: 1 inch = 743 feet

1,000

Feet



Completed by:

Ron Duvall
Ron Duvall, W. R. Permitting Administrator
Water Rights Program

Date: March 24, 2014

Appl No. 7983-3

Map of See 28-123N 73W

face of 2012

(12) Hwy

Sec 28

W 26+H

0-3.5' TOP Soil

3.5-15' Course Sand

15-23' Sand/gravel

Water At 5'

Air Strip

x clay at 12'

x clay at 18'

x - clay at 20'

x Pond

Clay at 14'

old Sale Barn

owner Richard B.

x - clay at 16'

Clay at 16'

x LOW SPOT

x clay at 20'

x 10" Cylvert

x clay at 20'

x clay at 20'

x x

Clay at 14'

135+H

x test holes

NE 1/4
23N 73W32
Pivot

Control Box Power

Existing Wells

Any Questions give me a call ^{cell} 605 281-1334
or home 605 385 6581
We drilled these test holes + well in fall of 2012

Thanks for your help -
if I need to send money give me a call
with the amount

Richard B.

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General Irrigation, Inc.



8973 Hwy 1 South
Oakes, ND 58474
701-742-3223 office

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WATER RIGHTS
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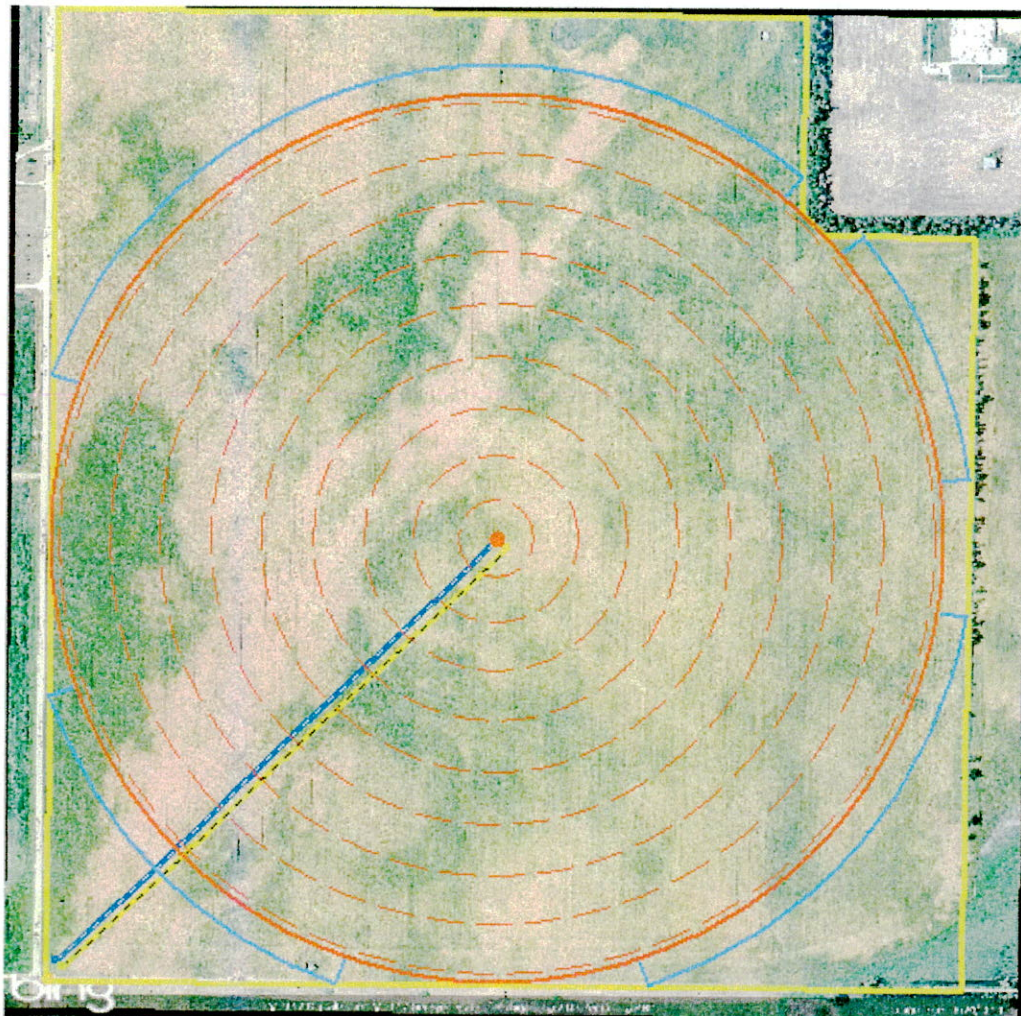
Farm: Beitelspacher Ranch

Grower: Richard Beitelspacher

11/6/2013

Systems:	Length	Spans	Total area including endgun
● Zimmatic Center Pivot Max	1573.50 ft	9 spans + 22 ft o.h.	195.12 acres

Pipe and Wire:	Length / Size	Description
● Buried PVC Pipe	2148.11 ft / 8"	
● Buried Power Wire	2159.69 ft / 4	



DEWIND DEWATERING, INC. - HORIZONTAL IRRIGATION SYSTEM INSTALLATION LOG

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



Installation method: DeWind MT750C Trencher Installation date: 2/19/12 Installer: Jim V. Head location: N045°26.007 W099°40.039 Static water level: 6.0' Trench length: 700'	Casing diameter: 12" (steel) Casing wall thickness: .375" Casing length: 25' Horizontal screen: 8" diameter heavy spec Filter sock: Yes Well grouted: Yes, bentonite wrap
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Formation Description	Thickness	Depth To Bottom
Topsoil w/sand (removed prior to trenching)	3	3
Fine to medium sand, loose, wet	15	18
Medium sand, wet	5	23



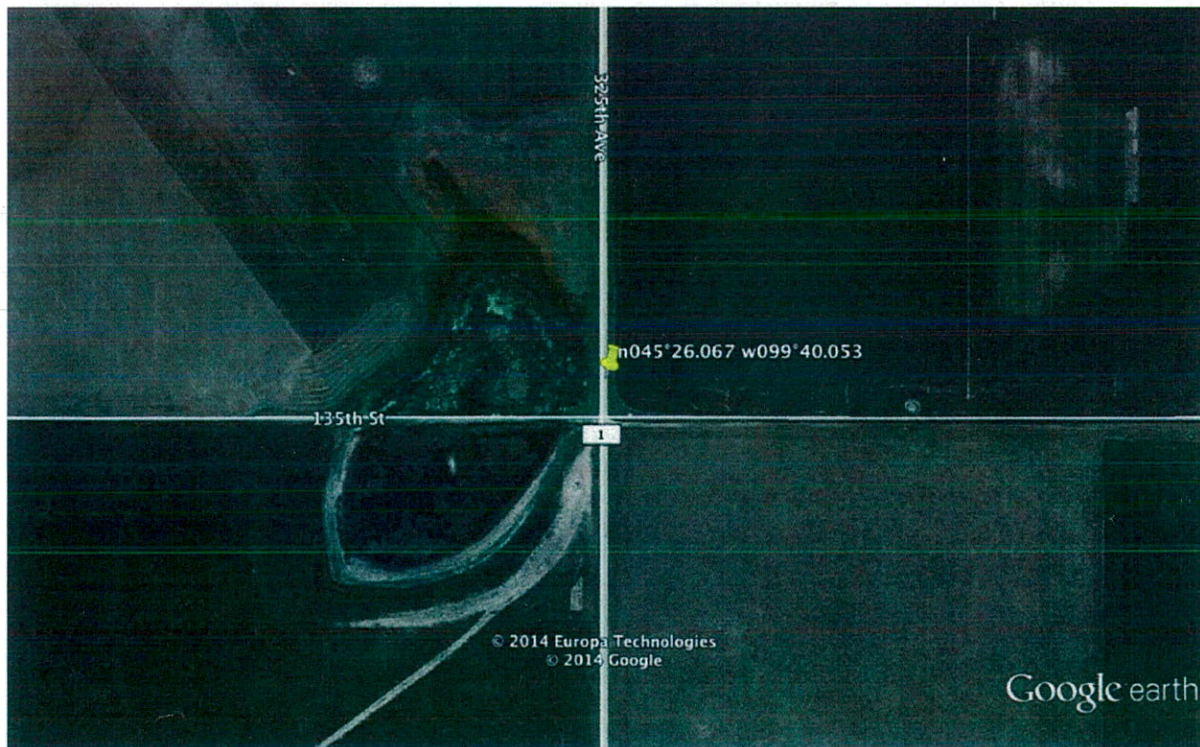
DEWIND DEWATERING, INC. - HORIZONTAL IRRIGATION SYSTEM INSTALLATION LOG

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



Installation method: DeWind MT750C Trencher Installation date: 10/12/12 Installer: Jim V. Head location: N045°26.067 W099°40.053 Static water level: 6.5' Trench length: 700'	Casing diameter: 12" (steel) Casing wall thickness: .375" Casing length: 25' Horizontal screen: 8" diameter heavy spec Filter sock: Yes Well grouted: Yes, bentonite wrap
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Formation Description	Thickness	Depth To Bottom
Topsoil w/sand (removed prior to trenching)	3.5	3.5
Med. to coarse sand, well graded, wet	11.5	15
Coarse sand w/ gravel, wet	8	23



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/14, 20 14

RECEIVED OF N B R Farms Inc 13418 328th Ave Bowdle SD 57428

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

Fee for Application for Permit No. <u>7983-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	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>7983-3</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	1150 00

No. **06784**

By *James Hoelmer*
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov



March 11, 2014

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Richard Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. Beitelspacher:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Edmunds County. In order to complete the application, the following is required.

- Enclosed is an aerial photo map prepared by Ron Duvall. Please review the map for accuracy and mark the proposed well location with an "X".
- Regarding item No. 2, Amount of water claimed, the application states 800 gallons per minute (gpm). Is this the correct amount of water needed to operate your proposed system? State Statutes limit diversions to 1 cubic foot of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 2.78 cfs or 1250 gpm to irrigate the total 195 acres. Please let us know if you wish to amend the amount of water you are claiming.
- The application/license fee for irrigation of 195 acres is \$ 1,150.00. Please submit this amount.

Enclosed check for \$1150.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

*Regarding item # 2
Please amend the amount of water
to 1250 gpm.*

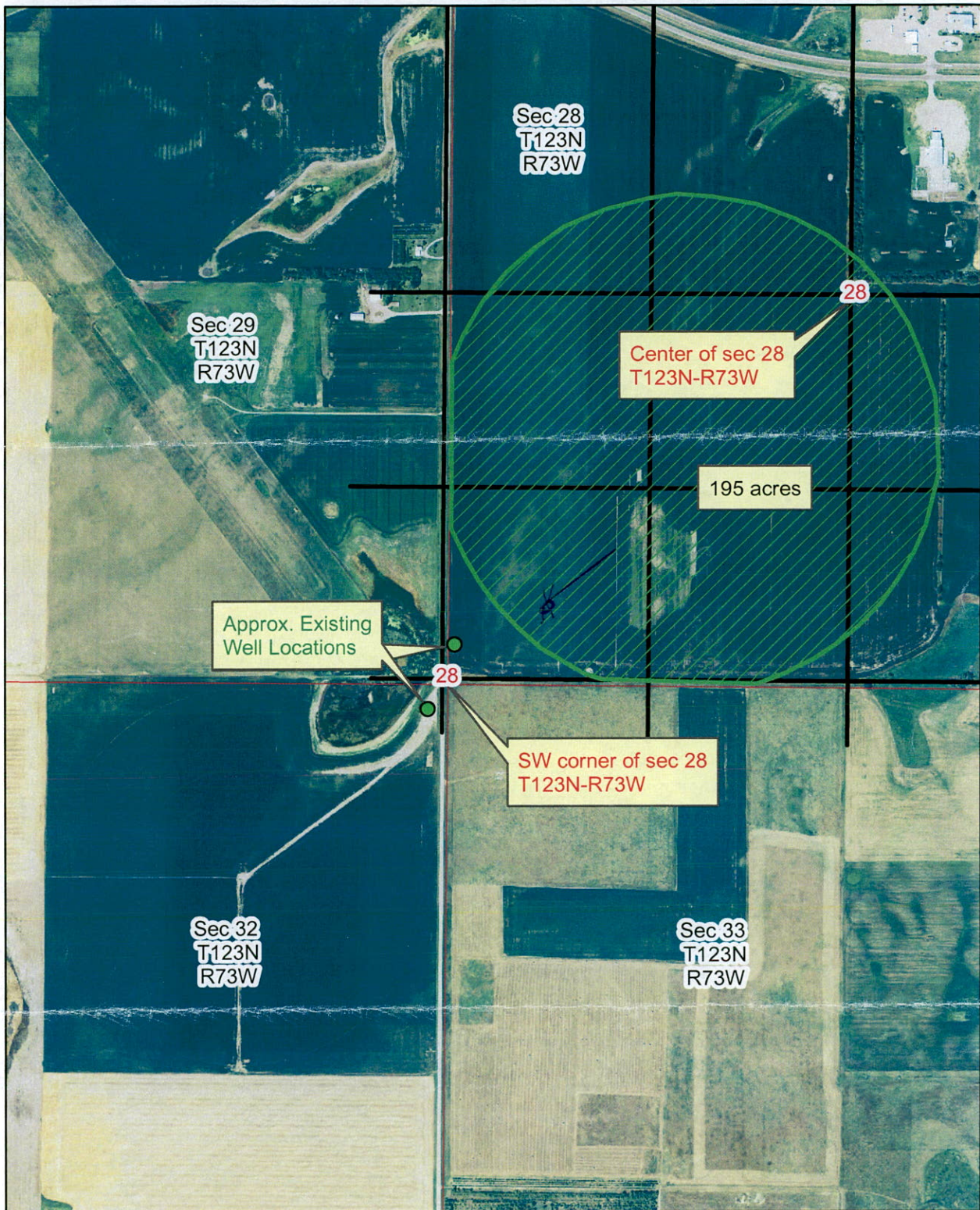
*Thank you!
Richard Beitelspacher
cell 605-281-1334*

enclosures

Scale: 1 inch = 993 feet

1,400

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

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MAR 14 2014

**WATER RIGHTS
PROGRAM**

Completed by:

Ron Duvall

Ron Duvall, W. R. Permitting Administrator
Water Rights Program

Date: March 11, 2014

Appl No.



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov



**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER
PERMIT APPLICATION NO. 7983-3, Richard or Sharon Beitelspacher**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7983-3, Richard or Sharon Beitelspacher, 13418 328th Avenue, Bowdle SD 57428.

The Chief Engineer is recommending APPROVAL of Application No. 7983-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under Water Permit No. 7013-3 and 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 new well authorized by Permit No. 7983-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer

for May 8, 2014

**REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NO. 7983-3
RICHARD BEITELSPACHER
May 5, 2014**

Water Permit Application No. 7983-3 proposes to appropriate water at a rate of 2.78 cubic feet per second (cfs) from two existing wells and one proposed well completed at a depth of approximately 24 feet below ground surface. The water will be used to irrigate 195 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ (11 acres), SE $\frac{1}{4}$ NE $\frac{1}{4}$ (16 acres), SW $\frac{1}{4}$ NE $\frac{1}{4}$ (1 acre), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (14 acres), SW $\frac{1}{4}$ SE $\frac{1}{4}$ (8 acres), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (38 acres), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (30 acres), SE $\frac{1}{4}$ SW $\frac{1}{4}$ (37 acres), and NE $\frac{1}{4}$ SW $\frac{1}{4}$ (40 acres) all in Section 28, T123N-R73W. The proposed well and one of the existing wells are located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T123N-R73W. The other existing well is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T123N-R73W in Edmunds County. The two existing wells are currently being used under Water Permit No. 7013-3. Mr. Beitelspacher has requested these existing wells be used for irrigation under Water Permit No. 7013-3 as well as the land specified in this permit application.

AQUIFER: Edmunds Management Unit of the Bowdle aquifer (B: E).

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Bowdle: Edmunds aquifer is composed predominately of surficial outwash (sand and gravel). Review of lithological records indicate the aquifer is under unconfined conditions in the area of interest. The Bowdle: Edmunds aquifer underlies 36,000 acres and contains an estimated 108,000 acre-feet of recoverable storage in Edmunds County (Hedges, 1982). To the west and south the aquifer extends into Walworth County, and water within the aquifer generally flows from northeast to southwest (Kume, 1987).

No test hole records were submitted with this application. However, records are available for the two existing wells. These records indicate gravel is present in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T123N-R73W in the interval of two to 21 feet below ground surface. The static water level was reported to be two feet below ground surface. Test hole records for the Town of Bowdle water system indicate there is a superficial layer of clay in some places below ground surface up to 24 feet thick and water bearing material extends as far down as 90 feet below ground surface (Water Rights, 2014c). However, extensive drilling has not been conducted in this area.

SDCL 46-2A-9:

In accordance with SDCL 46-2A-9, a permit may be issued to appropriate water only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will review the availability of unappropriated water to supply the additional amount needed for Water Permit Application No. 7983-3.

WATER AVAILABILITY:

This application proposes to divert water from the Bowdle: Edmunds aquifer at a rate of 2.78 cfs to irrigate 195 acres. If the application is approved, it is unlikely the amount of water needed to irrigate the land will exceed 195 ac-ft/yr. The probability of unappropriated water available from the aquifer can be evaluated using SDCL 46-6-3.1 which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.”

HYDROLOGIC BUDGET:

Recharge:

Using observation well measurements, Hedges’ (1982) determined the recharge rate in the Bowdle: Edmunds aquifer to be 2.7 inches per year. Given the aerial extent of the management unit (36,000 acres), it follows that the annual recharge rate is 8,100 acre-feet per year (ac-ft/yr).

Discharge:

There are currently 16 water rights/permits pumping water from the Bowdle: Edmunds aquifer (Water Rights, 2014b). Thirteen of these are for irrigation purposes, and three are for municipal systems for the towns of Bowdle and Tolstoy. Although Bowdle and Tolstoy maintain their wells and water rights for standby purposes, water for the towns is supplied by local rural water systems. Therefore, actual withdrawals under their respective water rights are limited to emergencies and do not occur regularly. For the purposes of calculating total withdrawals from the Bowdle: Edmunds aquifer, withdrawals by the towns of Bowdle and Tolstoy are assumed to be zero. The amount of water pumped by irrigators from 1979-2012 is displayed in Table 1. The average amount pumped from the Bowdle: Edmunds aquifer for irrigation purposes is approximately 337 ac-ft/yr. The maximum annual amount pumped was in 2012 and was approximately 896 ac-ft (Water Rights, 1980-2013).

Water Balance:

Given the expected annual recharge rate of 8,100 ac-ft, and a maximum diversion of 896 ac-ft/yr, it follows that at least 7,204 ac-ft/yr is available for use. Therefore, unappropriated water is available from the Bowdle: Edmunds aquifer for the proposed application.

Year	Number of Permits	Appropriation (ac-ft/yr)	Reported Pumped (ac-ft/yr)
1979	5	1860	136
1980	8	2120	476
1981	8	2120	372
1982	6	1706	362.39
1983	6	1838	226.61
1984	7	2318	413
1985	7	2318	616
1986	6	1838	22.6
1987	6	1838	394
1988	6	1838	682.4
1989	7	1862	678
1990	8	1878	182
1991	8	2002	136.9
1992	6	1810	217
1993	5	1640	12
1994	6	1350	83.44
1995	6	1350	58.71
1996	4	1180	147.61
1997	4	1180	191
1998	4	1180	135.89
1999	4	1180	155.11
2000	4	1180	76.45
2001	4	1180	154.67
2002	4	1180	103.41
2003	4	1180	97.44
2004	6	1704	341.22
2005	7	1784	403.61
2006	7	1784	517.18
2007	8	2016	551.67
2008	13	3316.96	668.36
2009	13	3316.96	597.49
2010	13	3316.96	825.85
2011	13	3316.96	522.45
2012	13	3316.96	895.52
Average	6.94	1911.73	336.88

Table 1: Summary of irrigation questionnaires from 1979 to 2012 (Water Rights, 1980-2013).

OBSERVATION WELL DATA:

Administrative Rule of South Dakota Section 74:02:05:07 requires “The Water Management Board shall rely upon the record of observation well measurements to determine that the quantity

of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The SD DENR Water Rights program monitors 10 observation wells completed into the Bowdle: Edmunds aquifer. The closest of these wells to the proposed well site (as well as the existing wells) is ED-75B and is located approximately 1,500 feet to the north (Water Rights, 2014 a). Historic water levels in Observation Well ED-75B are shown below in Figure 1.

Water levels in Observation Well ED-75B reflect climatic conditions. Levels rise as the aquifer recharges during wet years and drop during dry years. Although the effects of pumping are visible, they are not significant. Therefore, natural discharge is available for capture, and unappropriated water is available for use.

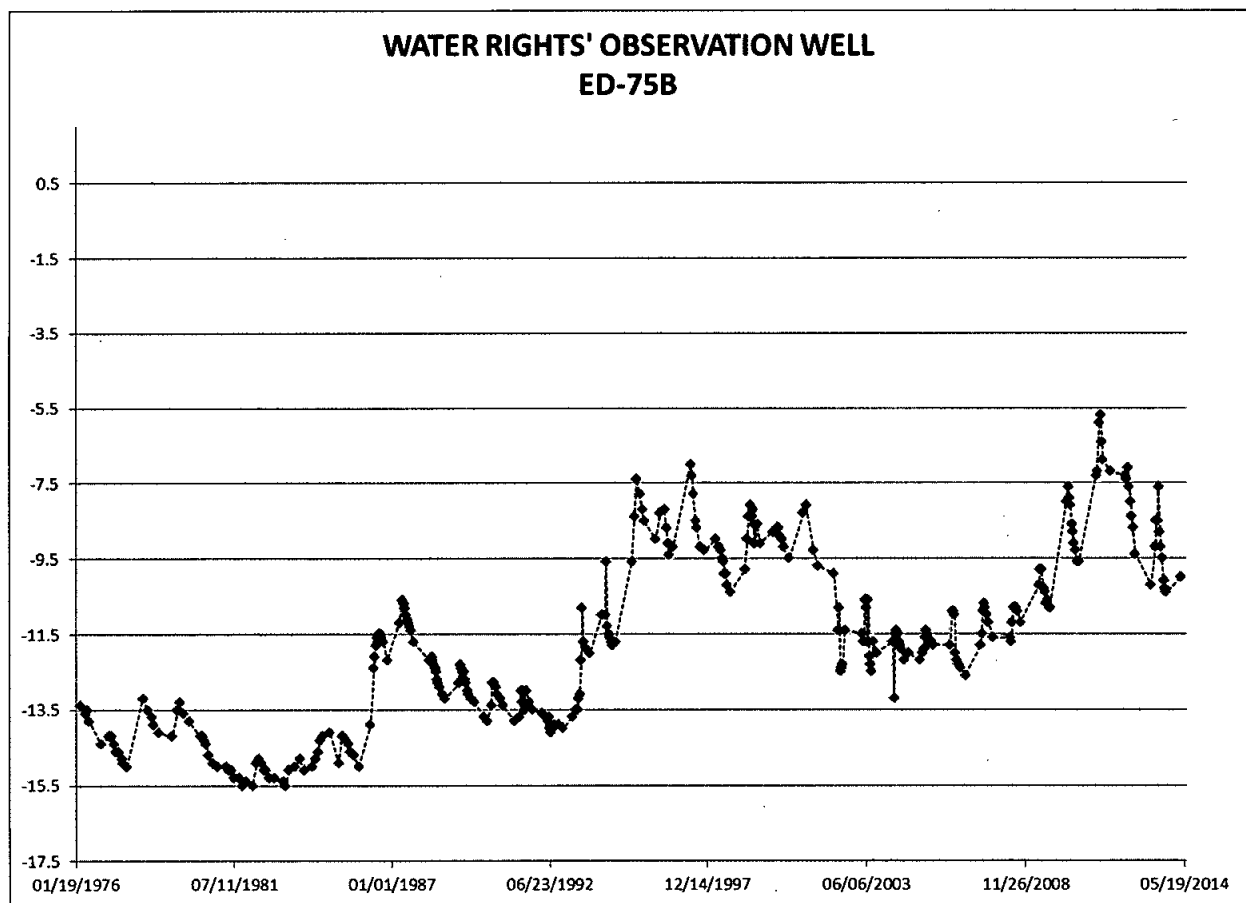


Figure 1: Historic water levels in Observation Well ED-75B (Water Rights, 2014a).

EXISTING WATER RIGHTS:

The SD DENR Water Rights Database was reviewed for the nearest existing water rights/permits and domestic wells that could be potentially impacted by the pumping proposed in this application. The nearest water right (704-3/704B-3) is located approximately 4,000 feet to the northeast of the proposed well site. Given the aquifer characteristics in the region and the

distance between the wells, interference is not expected. The nearest domestic well on file with the DENR Water Rights Program is located approximately one mile to the northeast of the proposed well site. This is sufficient distance to minimize the potential for any negative effects as a result of pumping, therefore interference with domestic wells in the area is not expected to occur.

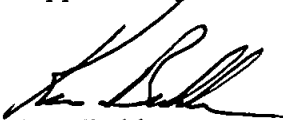
CONCLUSIONS:

1. Water Permit Application No. 7983-3 proposes to appropriate up to 390 ac-ft/yr at a maximum diversion rate of 2.78 cfs for the irrigation of 195 acres from two existing wells and one new well completed into the Bowdle: Edmunds aquifer.
2. There is a reasonable probability that unappropriated water is available from the Bowdle: Edmunds aquifer to supply this proposed diversion.
3. There is a reasonable probability that the diversion rate requested by this application can be made without adversely impacting existing water rights/permits and domestic users.



Bracken Capen
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Water Rights. 1980-2013. "1979-2012 Irrigation Summaries by Aquifer and County": SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014a. Observation Well Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014b. Water Right/Permit Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014c. Well Completion Reports. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Kume, J., L. Howells, 1987. "Water Resources of Walworth County, South Dakota" Water Resources Investigation Report 85-4015, USGS, Huron, SD.

RECEIVED

MAY 15 2014

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Edmunds) SS
I, Tim Dewald

certify that the attached printed Notice was taken

from the Pride of the Prairie

printed and published in Bowdle
County of Edmunds and

state of South Dakota. The notice was published

in the newspaper on the following date:

May 15, 2014

Cost of Printing \$ 26.07

Tim Dewald
(Signature)

Billing - Newspaper
(Title)

05-14-14

(Date Signed)

NOTICE OF APPLICATION
NO. 7983-3
to Appropriate Water

Notice is given that Richard or Sharon Beitelspacher, 13418 328th Ave, Bowdle SD 57428 have filed an application for a water permit to approximate 2.78 cubic feet of water per second (cfs) from three wells to be completed into the Bowdle: Edmunds Aquifer (24 feet deep) located in the SW 1/4 SW 1/4 Section 28 for irrigation of 195 acres located in the SW 1/4, S 1/2 NW 1/4, W 1/2 SE 1/4, SW 1/4 NE 1/4 Section 28; all in T123N-R73W.

Mr. Beitelspacher also holds Water Permit No. 7013-3 which appropriates 1/89 cfs from four wells completed into the Bowdle: Edmunds Aquifer to be located in the NE 1/4 Section 32 to irrigate 156 acres located in the NE 1/3 Section 32; all in T123N-R73W. This notice also serves to correct the well location of the two wells authorized by No. 7013-3. The two developed wells as constructed are located in the NE 1/4 NE 1/4

Section 32 and SW 1/4 SW 1/4 Section 28; all in T123N-R73W. It is Mr. Beitelspacher's intent to have the wells authorized by No. 7013-3 and Application No. 7983-3, if approved, interchangeable for irrigation of authorized acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7983-4 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 May 27, 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 \$26.40 at .02 cents per reader.

orsation

TIM DEWALD APPEARS
BEFORE Cheryl McCullen
NOTARY

RECEIVED

MAY 19 2014

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brown) SS

I, Mary Bastin

certify that the attached printed Notice was
taken

from the American News

printed and published in Aberdeen

County of Brown and

state of South Dakota. The notice was
published

in the newspaper on the following date:

May 15 2014

Cost of Printing \$5.37

Mary Bastin
(Signature)

Adv. Betty Spec
(Title)

5/16/14
(Date Signed)

(No. 1777173)
(May 15, 2014 - 1T)

**NOTICE OF APPLICATION NO. 7983-3
to Appropriate Water**

Notice is given that Richard or Sharon Beitelspacher, 13418 328th Ave, Bowdle SD 57428 have filed an application for a water permit to appropriate 2.78 cubic feet of water per second (cfs) from three wells to be completed into the Bowdle-Edmunds Aquifer (24 feet deep) located in the SW 1/4 SW 1/4 Section 28 for irrigation of 195 acres located in the SW 1/4, S 1/2 NW 1/4, W 1/2 SE 1/4, SW 1/4 NE 1/4 Section 28; all in T123N-R73W.

Mr. Beitelspacher also holds Water Permit No. 7013-3 which appropriates 1.89 cfs from four wells completed into the Bowdle-Edmunds Aquifer to be located in the NE 1/4 Section 32 to irrigate 156 acres located in the NE 1/4 Section 32; all in T123N-R73W. This notice also serves to correct the well location of the two wells authorized by No. 7013-3. The two developed wells as constructed are located in the NE 1/4 NE 1/4 Section 32 and SW 1/4 SW 1/4 Section 28; all in T123N-R73W. It is Mr. Beitelspacher's intent to have the wells authorized by No. 7013-3 and Application No. 7983-3, if approved, interchangeable for irrigation of authorized acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7983-4 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 May 27, 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 \$55.37.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 8, 2014

The Pride of the Prairie
PO Box 514
Bowdle SD 57428

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7983-3 to Appropriate Water. Please publish the notice once on May 15, 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 Richard or Sharon Beitelspacher, 13418 328th Ave, Bowdle SD 57428 (Ph # 605-285-6581).

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



May 8, 2014

American News
PO Box 4430
Aberdeen SD 57402

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7983-3 to Appropriate Water. Please publish the notice once on May 15, 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 Richard or Sharon Beitelspacher, 13418 328th Ave, Bowdle SD 57428 (Ph # 605-285-6581).

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.**

May 8, 2014

Richard or Sharon Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Sir:

Water Permit Application No. 7983-3 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 *Pride of the Prairie* printed at Bowdle SD (Ph # 605-285-6161) and the *American News* printed at Aberdeen SD (Ph # 605-225-4100). 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 May 15, 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. 7983-3 to Appropriate Water

Notice is given that Richard or Sharon Beitelspacher, 13418 328th Ave, Bowdle SD 57428 have filed an application for a water permit to appropriate 2.78 cubic feet of water per second (cfs) from three wells to be completed into the Bowdle:Edmunds Aquifer (24 feet deep) located in the SW 1/4 SW 1/4 Section 28 for irrigation of 195 acres located in the SW 1/4, S 1/2 NW 1/4, W 1/2 SE 1/4, SW 1/4 NE 1/4 Section 28; all in T123N-R73W.

Mr. Beitelspacher also holds Water Permit No. 7013-3 which appropriates 1.89 cfs from four wells completed into the Bowdle:Edmunds Aquifer to be located in the NE 1/4 Section 32 to irrigate 156 acres located in the NE 1/4 Section 32; all in T123N-R73W. This notice also serves to correct the well location of the two wells authorized by No. 7013-3. The two developed wells as constructed are located in the NE 1/4 NE 1/4 Section 32 and SW 1/4 SW 1/4 Section 28; all in T123N-R73W. It is Mr. Beitelspacher's intent to have the wells authorized by No. 7013-3 and Application No. 7983-3, if approved, interchangeable for irrigation of authorized acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7983-4 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 May 27, 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



May 13, 2014

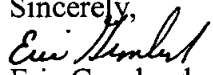
Jami Belcher
13439 325th Avenue
Bowdle SD 57428

Dear Mrs. Belcher:

As per our phone conversation, please find the following enclosed regarding Water Permit Application No. 7983-3 filed by Richard and Sharon Beitelspacher.

- Public notice
- Recommendation of Chief Engineer
- Staff report
- Map showing acres to be irrigated and proposed well location.

Please contact staff engineer Bracken Capen if you have question after reviewing his staff report.

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

enclosures

RECEIVED

MAY 22 2014

WATER RIGHTS
PROGRAM

Chief Engineer
DENR Water Rights Program
Joe Foss Building
523 East Capitol Ave
Pierre, SD 57501

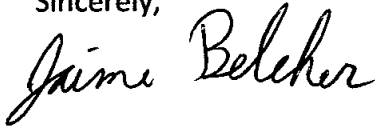
Richard Beitelspacher
13418 328th Ave
Bowdle, SD 57428

RE: Water Permit Application No. 7983-3

Dear Ms. Goodman & Mr. Beitelspacher,

I am writing to petition in opposition to the above water permit application. I am petitioning the installation of irrigation by Mr. Beitelspacher because I am concerned about the effects to our water supply. The proposed location for the irrigation is approximately a half mile from our house and well. I am concerned that a well this close to our home will diminish our water supply greatly. Our well is our only source of water for our home and farm. Thank you for understanding my concerns.

Sincerely,



Jaime Belcher
13439 325th Ave
Bowdle, SD 57428
5/21/14

RECEIVED

MAY 23 2014

WATER RIGHTS
PROGRAM

Chief Engineer
Water Rights Program
Joe Foss Building
523 East Capitol Ave
Pierre, SD 57501

Richard Beitelspacher
13418 328th Ave
Bowdle, SD 57428

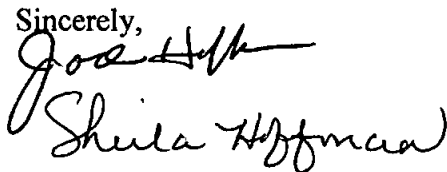
May 22, 2014

To Whom It May Concern:

We are writing to express our concern regarding water permit application 7983-3. We fear that an irrigation system that is drawing water this close to our home will draw down the well that we use for our home and farm. This well is our only supply of water, and connecting to the WEB rural water system is not an option due to the cost involved. For these reasons, we feel that we must protect our domestic water supply and oppose this water permit application.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheila Hoffman". The signature is written in a cursive, flowing style.

Joel & Sheila Hoffman
13457 325th Ave
Bowdle, SD 57428



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



May 29, 2014

NOTICE OF HEARING

TO: Richard and Sharon Beitelspacher Joel and Sheila Hoffman
13418 328th Avenue 13457 325th Avenue
Bowdle SD 57428 Bowdle SD 57428

Jaime Belcher
13439 325th Avenue
Bowdle SD 57428

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application No. 7983-3, Beitelspacher

Petitions opposing approval of Water Permit Application No. 7983-3 have been filed in response to the Notice of Application published in the *Pride of the Prairie* and *Aberdeen American News*. This notice schedules a hearing on the application before the South Dakota Water Management Board.

Water Permit Application No. 7983-3 proposes to appropriate 2.78 cubic feet of water per second (cfs) from three wells to be completed into the Bowdle:Edmunds Aquifer (24 feet deep) located in the SW 1/4 SW 1/4 Section 28 for irrigation of 195 acres located in the SW 1/4, S 1/2 NW 1/4, W 1/2 SE 1/4, SW 1/4 NE 1/4 Section 28; all in T123N-R73W.

Mr. Beitelspacher also holds Water Permit No. 7013-3 which appropriates 1.89 cfs from four wells completed into the Bowdle:Edmunds Aquifer to be located in the NE 1/4 Section 32 to irrigate 156 acres located in the NE 1/4 Section 32; all in T123N-R73W. This notice also serves to correct the well location of the two wells authorized by No. 7013-3. The two developed wells as constructed are located in the NE 1/4 NE 1/4 Section 32 and SW 1/4 SW 1/4 Section 28; all in T123N-R73W. It is Mr. Beitelspacher's intent to have the wells authorized by Permit No. 7013-3 and Application No. 7983-3, if approved, interchangeable for irrigation of authorized acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7983-3 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.

The Water Management Board will consider Application No. 7983-3 at 1:00 PM on Thursday, July 10, 2014, in the Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave. Pierre SD. The agenda time is an estimate. Parties will be provided written notice if there is a change to the hearing time or date.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based on the facts presented at the public hearing.

The July 10, 2014, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by June 30, 2014. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

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

Contact Eric Gronlund at the above Chief Engineer's address to request copies of the staff report, recommendation, application or any other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Enclosed is a copy of the report, recommendation, affidavits of publication and petitions in the matter of Water Permit Application No. 7983-3. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The information being provided to you is also being sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules." You are encouraged to review these documents prior to the hearing.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by direct mail to you, and the applicable date to give notice to the Chief Engineer is June 10, 2014. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right, the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02 and ARSD Chapter 74:02:04.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

enclosures

c: Ann Mines, Assistant Attorney General
Matt Naasz, Assistant Attorney General

CERTIFICATION

I hereby certify that on May 29, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Hearing dated May 29, 2014, regarding scheduling the hearing for Water Right Permit Application No. 7983-3, as addressed below:

Richard and Sharon Beitelspacher
13418 328th Avenue
Bowdle SD 57428

Joel and Sheila Hoffman
13457 325th Avenue
Bowdle SD 57428

Jaime Belcher
13439 325th Avenue
Bowdle SD 57428

Sent Inter-office to:

Ann Mines, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

Matt Naasz, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



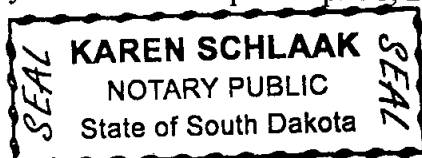
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 29th day of May, 2014



Karen Schlaak
Notary Public
My Commission expires April 1, 2019



June 3-2014

Dept of Environment
and Natural Resources
Joe Loss Bldg.
523 East Capitol
Pierre So. Dak 57501-3182

RECEIVED

JUN - 4 2014

WATER RIGHTS
PROGRAM

To - Jeanne Goodman, Chief Engineer

Subject - Hearing on Water Permit application # 1983-3
Beitelspacher

Received your notice of the hearing on
Thursday July 10-2014 at the Mathew Training
Center, Joe Loss Bldg at 1:00 p.m. which works
for me.

I visited with the opposition (Belcher + Hoffman)
to alleviate their concern, with little hope
anything will satisfy them.

Enclosed are the letters send to
Belcher and Hoffman.

Sincerely,

Richard Beitelspacher
13418 328 Ave
Boulder So. Dak 57428

ph 605 285-6581
cell 605 281-1334

Chief Engineer
DENR Water Rights Program
Joe Foss Building
523 East Capitol Ave.
Pierre, SD 57501

RECEIVED
JUN - 4 2014
WATER RIGHTS
PROGRAM

RE: Water Permit Application No. 7983-3

June 2, 2014

Jaime Belcher
13439 325th Ave.
Bowdle, SD 57428

Dear Jamie:

I can appreciate your concern for your domestic water supply in your home. My well for the irrigation is only 24 feet deep. It is in the Bowdle/Edmunds Aquifer, which I've been assured has plenty of water. Therefore, to alleviate your concern, I will pay for a new well on your property, should you run out of water within the next three years.

Sincerely,



Richard Beitelspacher
13418 328th Ave.
Bowdle, SD 57428



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov
July 16, 2014



NOTICE

TO: Richard and Sharon Beitelspacher
13418 328th Avenue
Bowdle SD 57428

Joel and Sheila Hoffman
13457 325th Avenue
Bowdle SD 57428

Jaime and Charles Belcher
13439 325th Avenue
Bowdle SD 57428

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board directed Ann Mines, Assistant Attorney General to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision in the matter of the approval of Water Permit Application No. 7983-3. The Board will consider adoption of Findings, Conclusions and Final Decision at 9:00 AM, on Wednesday, October 22, 2014, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre SD. Notice will be provided if there is a change in the hearing date or time.

The Board requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and parties by October 2, 2014. Written objections or comments in support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision are to be mailed to each Board member, the Board attorney (mailing list enclosed) and parties of record by October 12, 2014. Board counsel requests that the draft findings or alternative findings be provided in a WORD format file via email to jeff.hallem@state.sd.us.

At the Board's discretion, oral arguments by parties who timely filed written comments in opposition or support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision may be made on October 22, 2014. The public hearing was completed on July 10, 2014. No additional testimony will be received.

If you have questions about the findings process, please contact Eric Gronlund at (605) 773-3352.

Enclosure

c: Jeff Hallem, Assistant Attorney General
Ann Mines, Assistant Attorney General

2014 WATER MANAGEMENT BOARD MEMBERS

Chad Comes - Chairman
116 W Center
Madison SD 57042

Leo Holzbauer - Secretary
PO Box 877
Wagner SD 57380

Rodney Freeman Jr Hearing Officer
PO Box 176
Huron SD 57350

Peggy Dixon – Vice Chairman
3311 Hogan Court
Rapid City SD 57702

Everett Hoyt
4422 Carriage Hills Dr
Rapid City SD 57702

Tim Bjork
112 W Oak St
Pierre SD 57501

Jim Hutmacher
802 E 7th Street
Oacoma SD 57365

BOARD ATTORNEY

Jeff Hallem, Assistant Attorney General
Natural Resources Section
Office of Attorney General
George S Mickelson Criminal Justice Center
1302 E Hwy 14, Suite 1
Pierre, SD 57501

WATER RIGHTS PROGRAM

Department of Environment and
Natural Resources
Jeanne Goodman, Chief Engineer
Water Rights Program
523 East Capitol Ave
Pierre, SD 57501

STAFF ATTORNEYS

Matt Naasz & Ann Mines
Office of Attorney General
Natural Resources Section
George S Mickelson Criminal Justice Center
1302 E Hwy 14, Suite 1
Pierre SD 57501

CERTIFICATION

I hereby certify that on July 16, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 16, 2014, regarding preparation of findings for Water Right Permit Application No. 7983-3, as addressed below:

Richard and Sharon Beitelspacher
13418 328th Avenue
Bowdle SD 57428

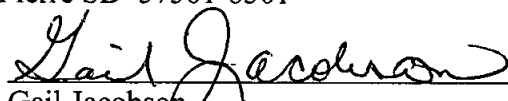
Joel and Sheila Hoffman
13457 325th Avenue
Bowdle SD 57428

Jaime and Charles Belcher
13439 325th Avenue
Bowdle SD 57428

Sent Inter-office to:

Ann Mines, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

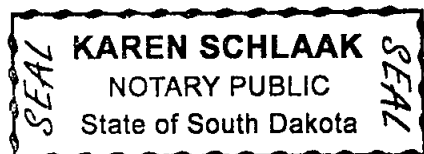
Jeff Hallem, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501


Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of July, 2014


Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov



July 30, 2014

Richard Beitelspacher
1348 328th Avenue
Bowdle SD 57428

Dear Mr. Beitelspacher:

The South Dakota Department of Environment and Natural Resources (DENR) received an inquiry regarding irrigation taking place through the center pivot located primarily in the SW ¼ Section 28, T123N, R73W south of Bowdle. This is land proposed to be irrigated under your pending Application No. 7983-3.

A hearing was held on July 10, 2014, before the Water Management Board on your water permit application for irrigation of this property. The Board took testimony and made a preliminary verbal ruling but directed that draft findings of fact, conclusions of law and a final decision be prepared. A notice was sent to you on July 16, 2014, regarding this process. The Board will consider adoption of a final decision on October 22, 2014. Until a final decision is in place you do not have a legal right to irrigate the land proposed for irrigation by Application No. 7983-3.

You confirmed that the center pivot was in operation using the two existing wells. When informed that the water permit is not in place, you stated you would "shut it down".

Pursuant to water rights law, a permit to appropriate water must be obtained prior to placing water to beneficial use. Failure to follow the law by irrigating prior to obtaining the permit may result in one or more of the following actions being taken:

- directing the Attorney General's office to request a temporary restraining order or injunction
- seeking a fine of up to five hundred dollars for each day of violation

Thank you for cooperating and agreeing to shut the system down when contacted. Please contact me at (605) 773-3352 or eric.gronlund@state.sd.us if you have questions regarding this matter.

Sincerely,

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

7983-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 7983-3, Richard Beitelspacher

ADDRESS: COUNTY: Edmunds County

DATE: July 30, 2014 TELEPHONE:

RE: operation of center pivot in SW ¼ Section 28, T123N, R73W

At approximately 11:00 AM received a call from Joel Hoffman who is a petitioner that participated in the July 10, 2014 Water Management Board hearing on Application No. 7983-3. He asked if the permit was in place for irrigating this property. I said no. The Board heard the evidence and issued a verbal ruling but their final decision will not be adopted until the Board's October 22, 2014 meeting. He stated that the system was up and running. I told him DENR will get a hold of Mr. Beitelspacher.

Mr. Hoffman also stated it is hard for him to understand how their domestic well will not be impacted when the slough next to the wells goes dry when pumping is occurring.

At 11:20 AM on July 30th, I called Mr. Beitelspacher at (605) 281-1334 regarding whether he was operating the system in the SW ¼ Section 28, T123N, R73W. He indicated he was using the two wells authorized by his other permit. I told him that the permit is not in place until the Water Management Board adopts a final decision and that will not occur until October 22, 2014. He stated his contractor General Irrigation told him it was okay to start pumping. I reiterated that the permit is not in place. He said he'd go shut the system down.

NAME: Eric Lundberg

7983-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 7983-3, Richard Beitelspacher

ADDRESS: COUNTY: Edmunds County

DATE: August 4, 2014 TELEPHONE:

RE: operation of center pivot in SW ¼ Section 28, T123N, R73W

Mr. Beitelspacher called and in my absence left a message. He apologized for operating the irrigation system proposed under Application No. 7983-3 prior to the permit being in place. He stated that he initially thought General Irrigation was going to one rotation "dry" run of the system. I presume this means rotate the system through a 360 degree circle without water. However, water was applied. He said this was an error on his part and will not happen again as he didn't want to anything to jeopardize getting the water permit. He said he got the message in my letter "loud and clear" to not irrigate until the permit is obtained.

NAME:

Eric Stenberg



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



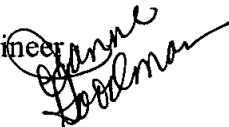
October 24, 2014

NOTICE

TO: Richard and Sharon Beitelspacher
13418 328th Avenue
Bowdle SD 57428

Joel and Sheila Hoffman
13457 325th Avenue
Bowdle SD 57428

Jaime and Charles Belcher
13439 325th Avenue
Bowdle SD 57428

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Adoption of Finding of Fact, Conclusion of Law and Final Decision in the matter
of Water Permit Application No. 7983-3

This is to notify you that the Water Management Board's Ruling and the Final Decision, including Findings of Fact and Conclusions of Law, were adopted October 22, 2014, by the Water Management Board in the matter of Water Permit No. 7983-3, Richard Beitelspacher. The Board ruling and signed Findings of Fact, Conclusions of Law and Final Decision are enclosed.

South Dakota statutes provide that decisions of the Board may be appealed to the Courts pursuant to the procedures established in SDCL 1-26-31 and 1-26-32.

Enclosures

c: Jeff Hallem, Assistant Attorney General
Ann Mines-Bailey, Assistant Attorney General

OCT 17 2014

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

SOUTH DAKOTA WATER MANAGEMENT BOARD

IN THE MATTER OF WATER	)	FINDINGS OF FACT,
PERMIT APPLICATION No.7983-3,	)	CONCLUSIONS OF LAW,
RICHARD and SHARON	)	AND FINAL DECISION AND ORDER
BEITELSPACHER	)	

This matter came before the South Dakota Water Management Board for hearing on July 10, 2014. Board members Chad Comes, Tim Bjork, Jim Hutmacher, and Leo Holzbauer were present and heard the evidence presented. Mr. Beitelspacher appeared on his own behalf. Petitioners Jaime and Charles Belcher and Joel Hoffman also appeared *pro se*. Ann Mines represented the DENR Water Rights Program and its Chief Engineer (DENR).

The Board, having considered the testimony and exhibits presented and all records and documents on file and having entered its oral decision and rulings on the parties' submissions, now enters the following:

FINDINGS OF FACT

1. Mr. Beitelspacher seeks a permit to divert water from the Bowdle: Edmunds aquifer at a rate of 2.78 cubic feet per second (cfs) for irrigation of 195 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ (11 acres), SE $\frac{1}{4}$ NE $\frac{1}{4}$ (16 acres), SW $\frac{1}{4}$ NE $\frac{1}{4}$ (1 acre), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (14 acres), SW $\frac{1}{4}$ SE $\frac{1}{4}$ (8 acres), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (38 acres), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (30 acres), SE $\frac{1}{4}$ SW $\frac{1}{4}$ (37 acres), and NE $\frac{1}{4}$ SW $\frac{1}{4}$ (40 acres) all in Section 28, T123N-R73W, Edmunds County.
2. The sole proposed use is irrigation.

3. The application anticipates using two existing wells and proposes construction of an additional well. The proposed well would be a horizontal well construction.

4. The proposed well and one of the existing wells are located in the SW¼SW¼ of Section 28, T123N-R73W. The other existing well is located in the NE¼NE¼ of Section 32, T123N-R73W in Edmunds County.

5. The two existing wells were previously permitted for irrigation (Water Right 7013-3). Mr. Beitelspacher requests that these two wells be used for irrigation under Water Right 7013-3 as well as under this permit.

6. The Chief Engineer recommended approval of the application subject to the permit including three specified qualifications.

7. Notice of the Application and hearing was timely advertised in the Pride of the Prairie and the Aberdeen American News on May 15, 2014.

8. The Beitelspacher application is a new water permit application which requires a determination that there is a reasonable probability that there is unappropriated water available for the proposed use, whether the use would impair existing rights, whether the use would be a beneficial use, and whether the proposed use is in the public interest.

9. In considering water availability this Board must examine whether the quantity of water withdrawn annually from the groundwater source would exceed the quantity of the average estimated annual recharge of water to the groundwater source if this permit was granted.

10. The Bowdle: Edmunds aquifer underlies 36,000 acres and contains an estimated 108,000 acre-feet of recoverable storage in Edmunds County.

11. The expected annual recharge rate of the Bowdle: Edmunds aquifer is 8,100 acre-feet per year.

12. The maximum annual amount pumped for irrigation was in 2012 and was approximately 896 acre-feet per year.

13. There is approximately 7,204 acre-feet per year of water in the Bowdle: Edmunds aquifer available for appropriation.

14. There are ten observation wells completed into the Bowdle: Edmunds aquifer.

15. Water levels in the observation wells reflect climatic conditions. Monitoring of the wells indicate that the effects of pumping are not significant and that natural discharge is available for capture and unappropriated water is available for use.

16. DENR witness, Bracken Capen, a natural resources engineer, reviewed the permit application, analyzed the hydrology of the Bowdle: Edmunds aquifer, reviewed the information obtained from observation wells located in the aquifer, as well as water right/permit files, irrigation summaries, and well completion reports for the aquifer. Based upon these sources and his education and experience, Capen opined there was unappropriated water available to fulfill the application.

17. The Board finds that there is a reasonable probability that there is unappropriated water available for the Applicant's proposed use.

18. The Board must also examine whether granting this application would impair existing rights. There are currently 16 water rights/permits pumping water from the Bowdle: Edmunds aquifer. Thirteen of the permits appropriate water for irrigation while the remaining three are for municipal systems.

19. The nearest domestic well on file is located approximately one mile to the northeast of the proposed well site.

20. Joel and Sheila Hoffman and Jaime and Charles Belcher intervened in the matter.

21. The Hoffmans have an unrecorded well used for domestic purposes located approximately 500 feet from the proposed well site. This well was hand-dug and is approximately 24 feet deep. The well, however, likely does not meet the definition of an adequate well.

22. The Belchers also have an unrecorded well which is used for domestic purposes located approximately 500 feet from the proposed well site. The Belchers have been unable to obtain information on the specific dimensions of their well as it was constructed by an unlicensed well driller by the previous owner. They were able to confirm, however, that the well is 25 feet deep. Nonetheless, it is uncertain whether this well meets the definition of an adequate well.

23. The Hoffmans and the Belchers expressed concern that the proposed well under this permit application would interfere with their domestic wells.

24. Witness Capen testified that there is an observation well located between the site of the proposed well and the Hoffman and Belcher wells. Witness Capen further testified that any interference resulting from the proposed well would first be noticeable in the readings from the observation well. Witness Capen additionally testified that based upon his education and experience, he did not believe that the proposed well would adversely or unlawfully impair the Hoffman and Belcher wells. The Board finds his testimony to be credible.

25. In addition to Witness Capen's conclusion that there would not likely be adverse interference with the domestic wells, the Chief Engineer proposes a qualification that will negate the likelihood of unlawful impairment. That qualification is that "[t]he 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."

26. The Board additionally received testimony from Dana Rosendahl, a licensed well driller who testified on behalf of Mr. Beitelspacher as to the construction of the proposed well. He testified that the proposed well was to be a horizontal well consisting of a 12 inch casing and an 8 inch perforated pipe. He further testified that the cone of depression is the same the entire length of the well and that maximum drawdown would most likely be less with this construction than with a vertical well.

27. In light of the testimony received, in addition to the location of an observation well between the proposed well site and the Hoffman and Belcher

wells, the Board finds that granting the proposed application will not result in an impairment of existing rights.

28. The Board further finds that the proposed use of irrigation is a beneficial use of the water.

29. The Board additionally finds that the proposed use of the water is in the public interest.

Based on the foregoing findings of fact, the Board makes the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter. The present application falls within the Board's responsibility over water appropriation and regulation in Title 46.

2. Publication was properly made and the Notice of Hearing was properly issued pursuant to SDCL 46-2A-4.

3. The Chief Engineer recommended approval of Beitelspacher's application. This recommendation is not, however, binding on the Board. SDCL 46-2A-4(8).

4. For a new permit application, the Applicant would need to prove each of the elements in SDCL 46-2A-9.

5. SDCL 46-2A-9 provides that a permit to appropriate water may be issued "only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest." Each of these

factors must be met and the permit must be denied if the Applicant does not meet its burden of proof on any one of them.

6. The first element in SDCL 46-2A-9 is whether there is water available for the appropriation. Consideration of water availability includes consideration of the criteria in SDCL 46-6-3.1 pertaining to recharge/withdrawal: whether “according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.”

7. Although there is a “greenhorn” exception to the recharge/withdrawal consideration in SDCL 46-6-3.1, it applies only to applications filed for use in public water supply systems and is not applicable here.

8. There is a reasonable probability that there is unappropriated water available to fulfill the amount requested by the application.

9. The second element in SDCL 46-2A-9 is whether the proposed water use would impair existing rights. The proposed diversion can be developed without unlawful impairment of existing rights.

10. The third element in SDCL 46-2A-9 is whether the use of water would be a beneficial use: one that is reasonable and useful and beneficial to the appropriator and also consistent with the interest of the public in the best utilization of water supplies under SDCL 46-1-6(3). The proposed use (irrigation) is a beneficial use.

11. The fourth element of SDCL 46-2A-9 concerns the public interest. The public interest element requires weighing the general public interest in the local economy associated with farming and irrigation along with any other public interest issues presented. It is in the public interest to grant the application subject to the qualifications set as recommended by the Chief Engineer.

FINAL DECISION AND ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Board enters its determination that Application No. 7983-3 is hereby granted with the following qualifications:

1. The wells approved under Water Permit 7013-3 and 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 new well authorized by Permit No. 7983-3 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.

Dated this 22 day of October, 2014.

BY THE BOARD:

A handwritten signature in cursive script, appearing to read "Chad Comes", is written over a horizontal line.

Chad Comes, Chairman
S.D. Water Management Board

STATE OF SOUTH DAKOTA

SOUTH DAKOTA WATER MANAGEMENT BOARD

IN THE MATTER OF WATER	)	WATER MANAGEMENT BOARD'S
PERMIT APPLICATION No.7983-3,	)	RULINGS ON PARTIES
RICHARD and SHARON	)	SUBMISSIONS
BEITELSPACHER	)	

Pursuant to the direction of the Water Management Board, counsel for the Department of Environment and Natural Resources, Water Rights Program (DENR) submitted proposed Findings of Fact, Conclusions of Law, and Final Decision in the above-entitled matter. Neither Applicants Richard and Sharon Beitelspacher or Petitioners Jamie and Charles Belcher and Joel Hoffman, who appear pro se, filed any proposed Findings of Fact, Conclusions or Law or Objections to DENR's submission. The Board, upon review of the submission received, the administrative record, and having orally entered its decision, enters the following rulings:

A. That DENR's proposed Findings of Fact Nos. 2-29 are accepted by the Board as consistent with and supported by the administrative record and the Board's oral decision.

B. DENR's proposed Finding of Fact No. 1 is accepted by the Board as consistent with and supported by the administrative record and the Board's oral decision as modified to include "Edmunds County" at the end of the legal description.

C. DENR's proposed Conclusions of Law Nos. 1-11 are accepted by the Board as consistent with and supported by the administrative record, the

Board's oral decision and Findings of Fact adopted by the Board in the above rulings.

D. DENR's proposed Final Decision is accepted by the Board as consistent with and supported by the administrative record, the Board's oral decision, and the Findings of Fact and Conclusions of Law adopted by the Board in the above rulings.

E. The Board's attorney is directed to prepare Findings of Fact, Conclusions of Law and Final Decision and Order consistent with the above rulings to be executed by the Chair of the Board or the Board's designee without further notice of hearing.

Dated this 22 day of October, 2014

BY THE BOARD

By: Chad A. Comes
Chad Comes, Chair
South Dakota Water Management Board

CERTIFICATION

I hereby certify that on October 24, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 24, 2014, regarding adoption of findings for Water Right Permit Application No. 7983-3, as addressed below:

Richard and Sharon Beitelspacher
13418 328th Avenue
Bowdle SD 57428

Joel and Sheila Hoffman
13457 325th Avenue
Bowdle SD 57428

Jaime and Charles Belcher
13439 325th Avenue
Bowdle SD 57428

Sent Inter-office to:

Ann Mines-Bailey, Assistant Attorney
General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

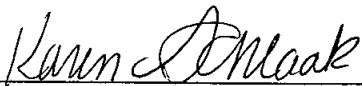
Jeff Hallem, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



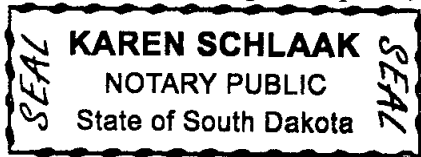
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 24th day of October, 2014



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



DEC 16 2014

Richard or Sharon Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Sir or Madam:

Enclosed is Water Permit No. 7983-3 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

7983-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 28, 2020

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

Mark Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. Beitelspacher:

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

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

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

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

Sincerely,

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

enclosures

PAID

AUG - 3 2020

Ck# 1848

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

AUG 03 2020

WATER RIGHTS
PROGRAM

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

No. 7983-3

Date:

7-30-2020

I/We request that Water Permit No. 7983-3

formerly owned by: Richard or Sharon Beitelspacher

be transferred to: (name & address)

Sharon or Mark Beitelspacher
32715 US Hwy 12
Bowdle, SD 57428 Telephone No. 605-285-6581

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

195 acres - SW ¼, S ½ NW ¼, SW ¼ NE ¼, W ½ SE ¼ all in Section 28, T123N, R73W

I/We understand that the validity of Water Permit No. 7983-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Sharon Beitelspacher
Mark Beitelspacher
(Signed by new owner)

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

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

7983-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>7983-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
 Chief Engineer DM

7983-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

Mark Beitelspacher
13418 328th Ave
Bowdle SD 57427

Sharon Beitelspacher
32715 US Hwy 12
Bowdle SD 57428

Dear Mr. Beitelspacher and Ms. Beitelspacher:

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

The ownership changes have been completed as follows:

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

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

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

Sincerely,

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

Enclosures – Receipts (Sharon's letter)

7983-3



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

January 20, 2022

NOTICE

TO: SHARON OR MARK BEITELSPACHER, 32715 US HWY 12, BOWDLE, SD 57428
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

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

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

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

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

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

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

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

7983-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 2, 2022

7013-3
7122-3
7983-3

Sharon or Mark Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. & Mrs. Beitelspacher:

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

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

If you have any questions, please contact me.

Sincerely,

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