

WATER PERMIT NO. 8179-3

Name of Applicant: Douglas J Luebke

Address: PO Box 267, Corsica SD 57328

Phone: 605 770-7611

Amount of Water Claimed: no additional

Total Acres: 53 acres

Source of Water Supply: groundwater (2 existing wells)

Water to be used for: irrigation

County: Douglas

Type of Waste Disposal System:

Location: 7 miles southeast of Corsica

PRIORITY

Date Received: 8-21-15

Application/License Fee: \$ 1150 (refund \$450)

Corrected Application Received:

Period of Annual Use: April 1 – October 31

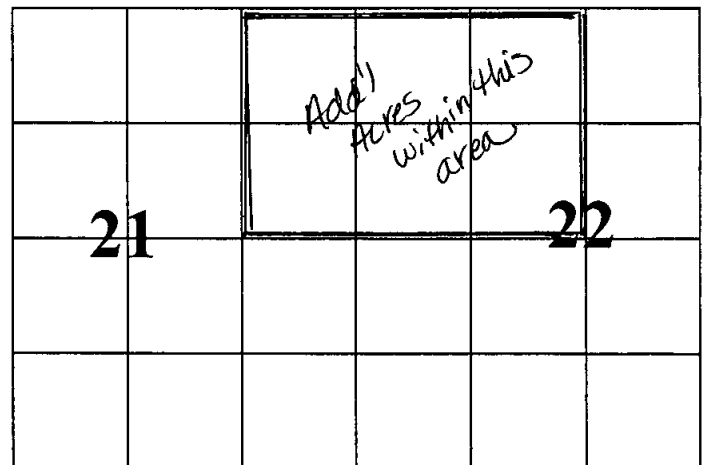
Remarks: Additional acres to Water Right No. 8179-3

Diversion Point: NE 1/4 NW 1/4 and SE 1/4 NW

1/4 Sec 22-T99N-R63W

Land to be Irrigated: E 1/2 NE 1/4 Sec 21 and NW

1/4 Sec 22; all in T99N-R63W



Depth of Well: 52 and 39 feet deep

Well Driller: Lacey Well Drilling

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 8-24-15

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>8179-3</u> (office use only)	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Corsica Globe</u>	
	<u>Daily Republic</u>	

RECEIVED

AUG 21 2015

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6324-39
(Use predates Mar 2, 1955) (based on inspection of)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
change current irrigated acres from 178 acres
to 229 acres 174

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

Mailing Address P.O. Box 267 Corsica SD 57328
(Address) (City) (State) (Zip Code)

Home Phone 605-946-5370 Cell 605-770-7611 Email dluebke@sioouxvalley.net

2. Amount of water claimed 2.22 *CFS or no addy **GPM ***AF Total Acreage 53
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 2 wells Delmont Aquifer

4. Location of point of diversion 1 well in the NE 1/4 NW 1/4 and 1 well in the
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
SE 1/4 NW 1/4 all in section 22-T99N-R63W County Douglas

5. County or counties where water will be used Douglas

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

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE 1/4 NE 1/4 21-99-63	40	NW 1/4 NW 1/4 22-99-63	35
NE 1/4 NE 1/4 21-99-63	40	NE 1/4 NW 1/4 22-99-63	33
SE 1/4 NW 1/4 22-99-63	39		
SW 1/4 NW 1/4 22-99-63	40	see attached sheet	

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

we will be changing from pivot irrigation to sub surface irrigation which will allow us to increase the number of acres irrigated.

I, Douglas J. Luebke, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

53 additional acres

All in T99N-R63W

Section 21	SE 1/4 NE 1/4	8 ac
	NE 1/4 NE 1/4	8 ac
Section 22	SE 1/4 NW 1/4	12.5 ac
	SW 1/4 NW 1/4	12.5 ac
	NW 1/4 NW 1/4	6 ac
	NE 1/4 NW 1/4	6 ac

**SOUTH DAKOTA
WATER PERMIT NO. 8179-3**

Date of first receipt of application August 21, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8179-3 to Douglas J Luebke, PO Box 267, Corsica SD 57328 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. 8179-3 authorizes irrigation of 53 new acres. Water Permit No. 6324-3 appropriates 2.22 cubic feet of water per second (cfs) from two wells completed into the Delmont Aquifer (52 and 39 feet deep) to be located in the NE 1/4 NW 1/4 Section 22 for irrigation of 235 acres located in the E 1/2 NE 1/4 Section 21 and the NW 1/4 Section 22; all in T99N-R63W. The permit was developed with a diversion rate capacity of 1.78 cfs from wells located in the NE 1/4 NW 1/4 and SE 1/4 NW 1/4 Section 22, T99N-R63W to irrigate 174 acres in the area described above. The water right is currently limited to amount developed since the time to complete works is past. This permit authorizes irrigation of 53 new acres located in the same area listed above from the two existing wells developed under Water Permit No. 6324-3. This permit also changes the location of one of the wells as developed in the SE 1/4 NW 1/4 of Section 22-T99N-R63W. This permit does not authorize any increase in the developed diversion rate.
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 August 21, 2015 (53 acres).
4. The date of approval of Permit No. 8179-3 is October 5, 2015.
5. One-fifth of the construction is to be completed on or before April 5, 2018.
6. All construction is to be completed on or before October 5, 2020.
7. Water is to be put to beneficial use on or before October 5, 2024.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under Water Permit Nos. 6324-3 and 8179-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

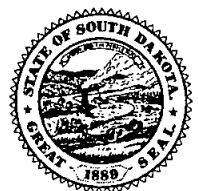
WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

OCT 09 2015

date



Supplemental Information

(type or print)

1. Well Information

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

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

b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by Lacey Well Drilling, Trenton, SD
No change in wells, information on file

c) Well Depth 46 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest existing domestic well:

On applicant's property 1500

On property owned by others 1/2 mile

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)

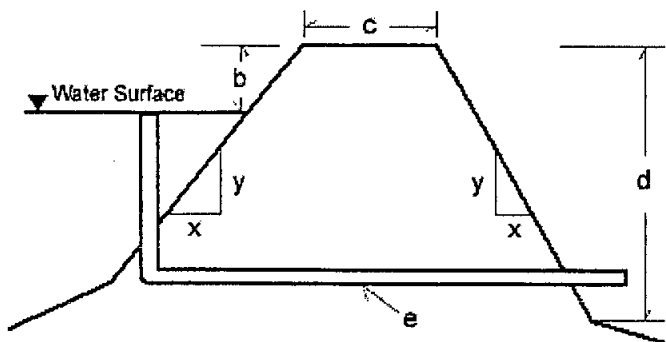
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



6324-3
07-92

4-4-03

Black Till	0	5
Clayey sand	5	20
Medium sand	20	30
Coarse gravel	30	39'

Date: 1-7-03

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/24, 20 15

RECEIVED OF Douglas Luebke PO Box 23 Corsica SD 57328

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	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. _____	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. 07476

By Jeanne Hoelmer 99
Chief Engineer

Gronlund, Eric

From: Douglas Luebke <dluebke@siouxvalley.net>
Sent: Monday, August 24, 2015 2:37 PM
To: Gronlund, Eric
Subject: Re: Water Permit Application

Eric,

Yes, we will be adding 53 acres. We do not intend to increase the pumping rate as the subsurface irrigation should use less water. Please contact me if you need additional information. Thank you.

Douglas Luebke

On 2015-08-24 13:21, Gronlund, Eric wrote:

Mr. Luebke:

DENR received your application to irrigate additional acres to what was previously developed under Water Permit No. 6324-3. Based on Whitney Kilts and Mark Rath's on-site visit, 174 acres had been developed for irrigation. The breakdown of acres by quarter-quarter section on your current application lists 227 acres to be irrigated. Therefore this application is for an additional 53 acres of irrigation (274 acres minus 174 acres). Do you concur?

The application also states a diversion rate of 2.22 cubic feet of water per second (1,000 gpm). The licensing inspection conducted by Whitney & Mark found one well's capacity at 650 gpm and the second well at 150 gpm for a total of 800 gpm. The question is whether you intend to maintain the current pump capacity of 800 gpm or increase production from the wells up to the 1,000 gpm. If you plan to increase the production up to the 1,000 gpm mark that will mean this application is for 200 gpm additional diversion rate authority. Let us know what your plan is.

Finally - you submitted the application as if the entire application was for "new" irrigation. You only need to pay for the portion that is additional development. DENR will be refunding \$450 of the submitted amount.

Let me know if you have questions.

Gronlund, Eric

From: Gronlund, Eric
Sent: Monday, August 24, 2015 2:21 PM
To: 'dluebke@siouxvalley.net'
Subject: Water Permit Application

Mr. Luebke:

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Let me know if you have questions.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8179-3, Douglas J Luebke**

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. 8179-3, Douglas J Luebke, PO Box 267, Corsica SD 57328.

The Chief Engineer is recommending APPROVAL of Application No. 8179-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Water Permit Nos. 6324-3 and 8179-3 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. 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
September 14, 2015

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8179-3
DOUGLAS J. LUEBKE
SEPTEMBER 1, 2015**

Water Permit No. 6324-3 authorizes the irrigation of 235 acres located in the E½ NE¼ Sec. 21, and the NW¼ Sec. 22, all in T99N-R63W; using water from two wells completed into the Delmont aquifer, diverted at a maximum rate of 2.22 cubic feet of water per second (cfs). Water Permit No. 6324-3 authorized two wells to be located in the NE¼ NW¼ Sec. 22, T99N-R63W. The water permit was developed with a maximum diversion rate capacity of 1.78 cfs from wells located in the NE¼ NW¼ and the SE¼ NW¼ Sec. 22, T99N-R63W. The developed irrigation system is capable of irrigating 174 acres in the permitted area in Douglas County.

Water Permit Application No. 8179-3 proposes authorization to irrigate 53 additional acres located in the E½ NE¼ Sec. 21, and the NW¼ Sec. 22, all in T99N-R63W; using water from the two existing wells developed for Water Permit No. 6324-3. This application, if approved, does not authorize an increase in the developed diversion rate. This permit also amends Water Permit No. 6324-3 to authorize the change of diversion point of one of the wells from the NE¼ NW¼ Sec. 22, T99N-R63W to the SE¼ NW¼ Sec. 22, T99N-R63W.

AQUIFER: DELMONT (D)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Delmont aquifer is a glacial outwash aquifer that was deposited by the meltwaters of a retreating glacier. Since the meltwaters fluctuated in volume, velocity and direction, the composition of the outwash varies considerably (Walker, 1961). The outwash consists mainly of poorly sorted silt, sand, and gravel deposits derived from the original unsorted glacial till material. The outwash can be discontinuous and highly variable in thickness (Walker, 1961). Walker (1961) estimated the thickness of the sands and gravels of this outwash averages 15.5 feet and commented that it rarely attains a thickness of more than 25 feet. He estimated that the outwash is generally saturated for only one third of its thickness. Walker was less than optimistic about the potential of the Delmont aquifer and stated "It is doubtful whether the outwash would yield enough water for sustained irrigation" (Walker, 1961).

Since the work by Walker, more detailed investigations have further delineated the extent of the aquifer. Kume, (1977) estimated the Delmont aquifer underlies approximately 26 square miles (16,640 acres) of Charles Mix and Douglas Counties. The Delmont aquifer underlies approximately 12,200 acres of Charles Mix County and approximately 15,700 acres of Douglas County and contains an estimated 36,610 and 35,320 acre-feet of recoverable water per county respectively (Hedges and other, 1982). The areal extent of the Delmont aquifer appears to correspond closely to an area that has been identified as having the first occurrence of an aquifer (sand and gravel) generally at or less than 50 feet below land surface in the vicinity of Choteau Creek (Jensen, 2008a and Jensen, 2008b). The wells developed for Water Permit No. 6324-3 identify the aquifer's saturated thickness of 19 and 36.75 feet, respectively. The aquifer is under

unconfined conditions, and groundwater is generally moving from north to south with a little east to west component in this area (Kume, 1977).

An aquifer test of the Delmont aquifer was made August 13, 1969, using a well located in the southwest corner of Section 1, T97N-R63W. The well was pumped for six hours at a rate of 40 gal/min, and the average transmissivity at the site was calculated to be 7,400 ft²/d (55,352 gallons per minute per foot) and the average storage coefficient was estimated to be 0.006 (Kume, 1977). The transmissivity of the aquifer was estimated using the pumping data that was provided for the wells developed for Water Permit No. 6324-3, to be 112,500 and 64,500 gallons per day per foot ("Transmissivity from Specific Capacity"). Table one includes well and aquifer data from a number of irrigation wells that have been completed into the Delmont aquifer.

Table 1. Well and aquifer data from irrigation wells that have been completed into the Delmont aquifer (Water Rights, 2015c)

Water Right/Permit	Rate (gpm)	Drawdown (ft)	Specific Capacity (gpm/ft)	Transmissivity* (gal/day/ft)
2232B-3	650	10	65	97,500
4528-3 (one well @ different rates)	975	25	39	58,500
	800	21	38	57,000
	600	11	54	81,000
6299-3 (two wells)	400	5.5	79	118,500
	400	5	80	120,000
6396-3	450	14	32	48,000
6513-3	600	15	40	60,000
*("Transmissivity From Specific Capacity")				

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, 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. This report will address the availability of unappropriated water and existing rights from the Delmont aquifer.

WATER AVAILABILITY:

If Water Permit No. 8179-3 is approved, the average annual withdrawal can be expected to be less than 53 acre-feet annually. The probability of unappropriated water available from the aquifer can be evaluated by considering 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."

Recharge versus Withdrawals:

Recharge:

Recharge to the Delmont occurs through infiltration and percolation of precipitation, seepage from Choteau Creek and movement of water into the aquifer from the adjacent glacial drift. The average annual recharge to the Delmont has been estimated using observation well data to be 5.6 inches/year (Hedges and others, 1985). Recharge for the entire aquifer would be approximately 13,020.5 ac-ft/yr. This is not to suggest that the entire volume of annual recharge is available for

use everywhere in the aquifer or that all of the recoverable water in storage in the aquifer is available for every diversion point.

Withdrawals:

There are a number of completion reports on file with the DENR-Water Rights Program for domestic use wells completed into the Delmont aquifer (Water Rights, 2015b), and there are 19 permits/water rights appropriating water from the Delmont aquifer, see Table 2.

Table 2. Water Rights/Permits appropriating water from the Delmont aquifer (Water Rights 2015c).

PERMIT/ RIGHT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
1805-3	JAMES T GOETZ	02/01/1971	LC	IRR	1.9	132
1895-3	DARREN & HEATHER FECHNER	10/12/1971	LC	IRR	1.91	150
2010-3	BRYON F RUNGE	08/21/1973	LC	FWP	1.89	0
2144-3	JAN GROSZ	11/29/1974	LC	IRR	1.67	128
2218-3	EUGENE J & BARBARA J SLABA	02/24/1975	LC	IRR	1.41	99
2232B-3	GREENWOOD HTRN BRTH	02/18/1975	LC	IRR	3.5	245
2284-3	ERVIN & JUDY BIETZ	04/28/1975	LC	IRR	1.74	122
3708-3	WALTER/JEANETTE STOEBNER	02/07/1977	LC	IRR	1.07	75
4461-3	WALTER/JEANETTE STOEBNER	03/17/1975	LC	IRR	2	163
4505-3	ELTOR BRENNER	02/21/1980	LC	IRR	1	150
4528-3	JERRY PEACOCK	07/17/1980	LC	IRR	2.67	216
4535-3	ELSIE G SANDERS	07/16/1980	LC	IRR	1.56	132
4670-3	JAMES T GOETZ	03/09/1981	LC	IRR	1.78	128
6396-3	CAREY BUHLER	02/03/2003	LC	IRR	1.11	88
6683-3	SPARK RANCH LLC	12/10/1974	LC	IRR	1.78	206
6324-3	DOUGLAS J LUEBKE	05/09/2002	PE	IRR	2.22	235
6513-3	CURTIS BUHLER	05/24/2004	PE	IRR	2.28	160
6299A-3	CURTIS BUHLER	02/18/2011	PE	IRR	2	165
7335-3	LEE & MATT HORSTMAN	02/23/2012	PE	IRR	1.56	160
LC= Water Right, PE= Water Permit, IRR= Irrigation, FWP= Fish & Wildlife Propagation						

Water Right No. 2010-3 is supposed to be a non-consumptive water use so the water use from the aquifer that requires an appropriation is shown in the irrigation questionnaire summary (see Table 3). The average annual withdrawal from the Delmont aquifer from 1979 through 2014 has been 1579.86 acre-feet/year.

Table 3. Irrigation from the Delmont aquifer (Water Rights, 1980-2015)

YEAR	NO.PMTS	APPROPRIATION (ac-ft/yr)	REPORTED PUMPED (ac-ft/yr)
2014	18	6622	2288.51
2013	18	6622	2280.60
2012	18	6622	2811.45
2011	17	6302	1767.61
2010	17	6406	964.22
2009	17	6406	1563.84
2008	17	6406	2241.3
2007	17	6406	1332.92
2006	17	6406	2217.01
2005	17	6334	2252.77
2004	16	6014	1832.56
2003	16	6038	2184.54
2002	15	5838	2167.42
2001	13	4934	1186.87
2000	13	4934	1347.66
1999	13	4934	846.68
1998	13	4934	1166.04
1997	13	4934	1666
1996	13	4934	1658.91
1995	13	4934	1183.38
1994	13	4934	1447.57
1993	16	5743	489.7
1992	16	5479	626.5
1991	17	5774	1885.4
1990	19	6334	1832
1989	19	6334	1863
1988	19	6334	2016.9
1987	19	6334	1747
1986	19	6334	933
1985	19	6334	1178
1984	18	6565	1311
1983	19	6672	1408.23
1982	19	6454	1134.5
1980	21	7165	1366
1979	16	6199	1096

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer”.

The DENR-Water Rights Program monitors 10 observation wells completed into the Delmont aquifer (Water Rights 2015a). Hydrographs for these observation wells are shown in Figures 1-10.

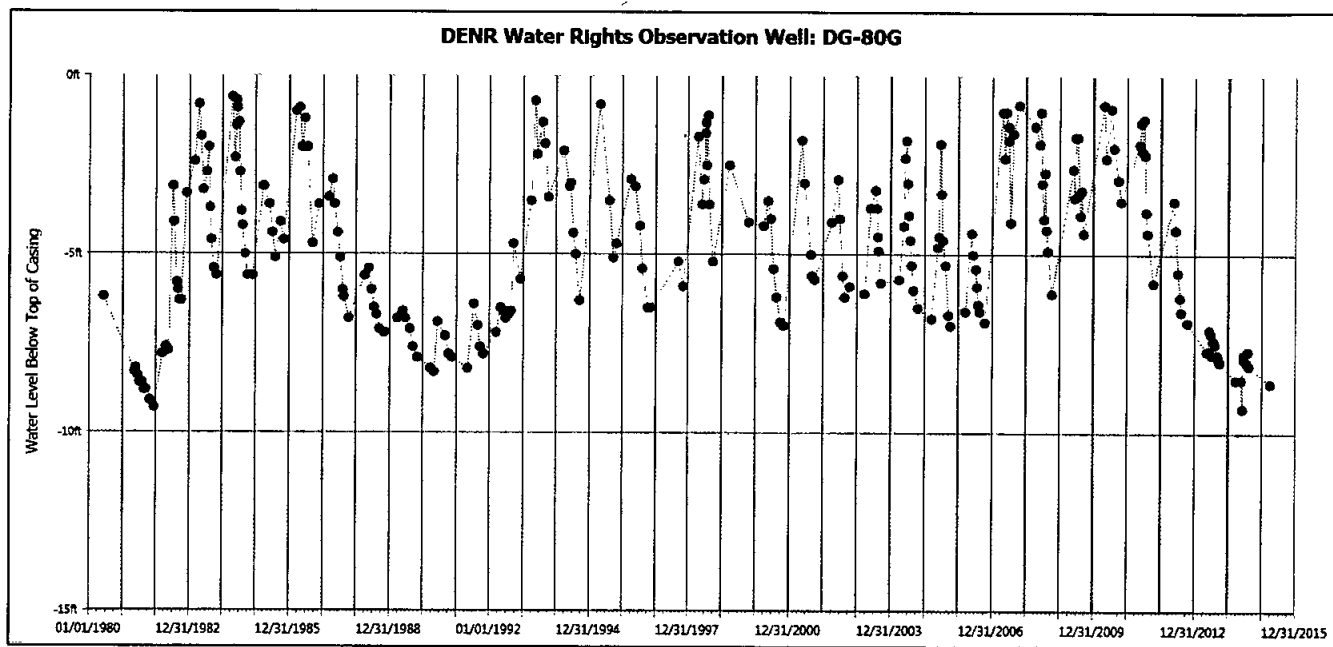


Figure 1. Hydrograph for DENR-Water Rights Observation Well DG-80G.

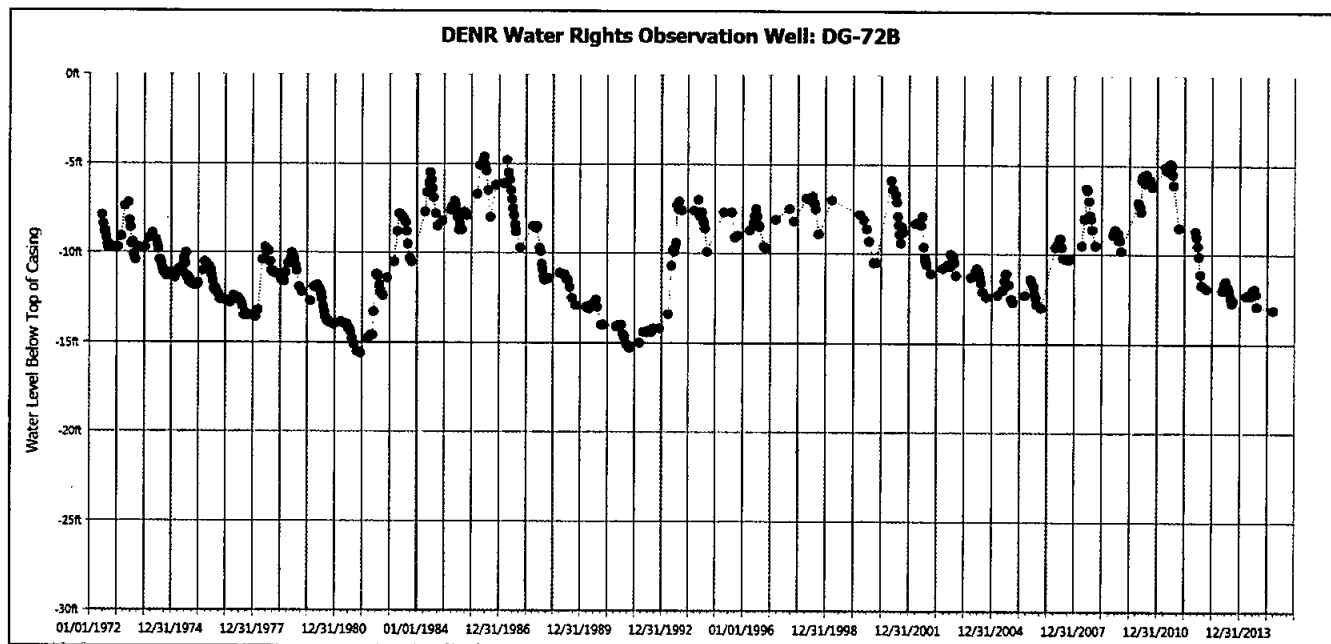


Figure 2. Hydrograph for DENR-Water Rights Observation Well DG-72B.

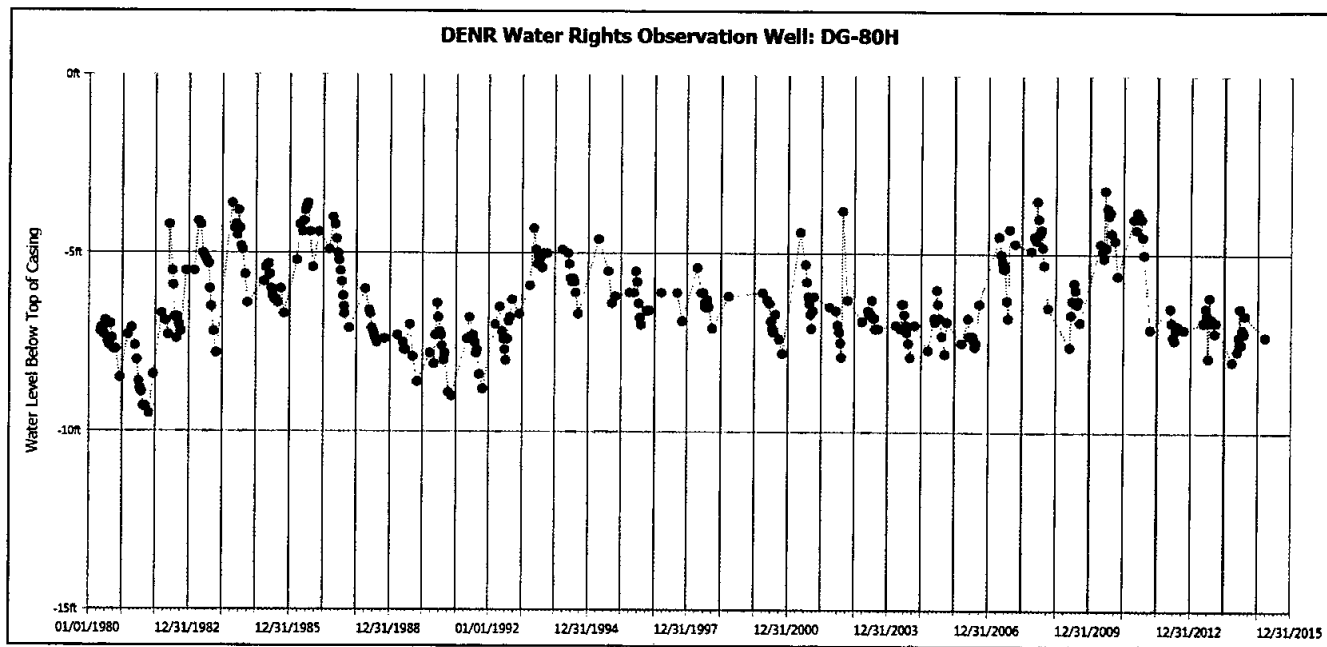


Figure 3. Hydrograph for DENR-Water Rights Observation Well DG-80H.

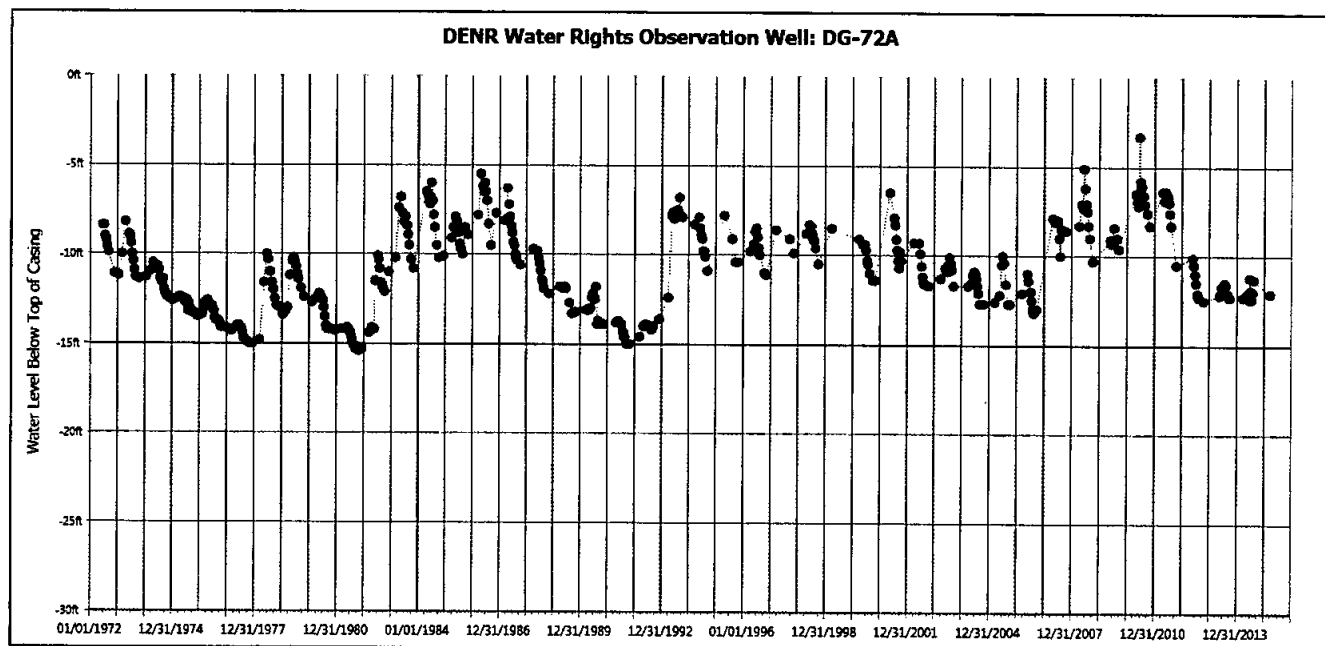


Figure 4. Hydrograph for DENR-Water Rights Observation Well DG-72A.

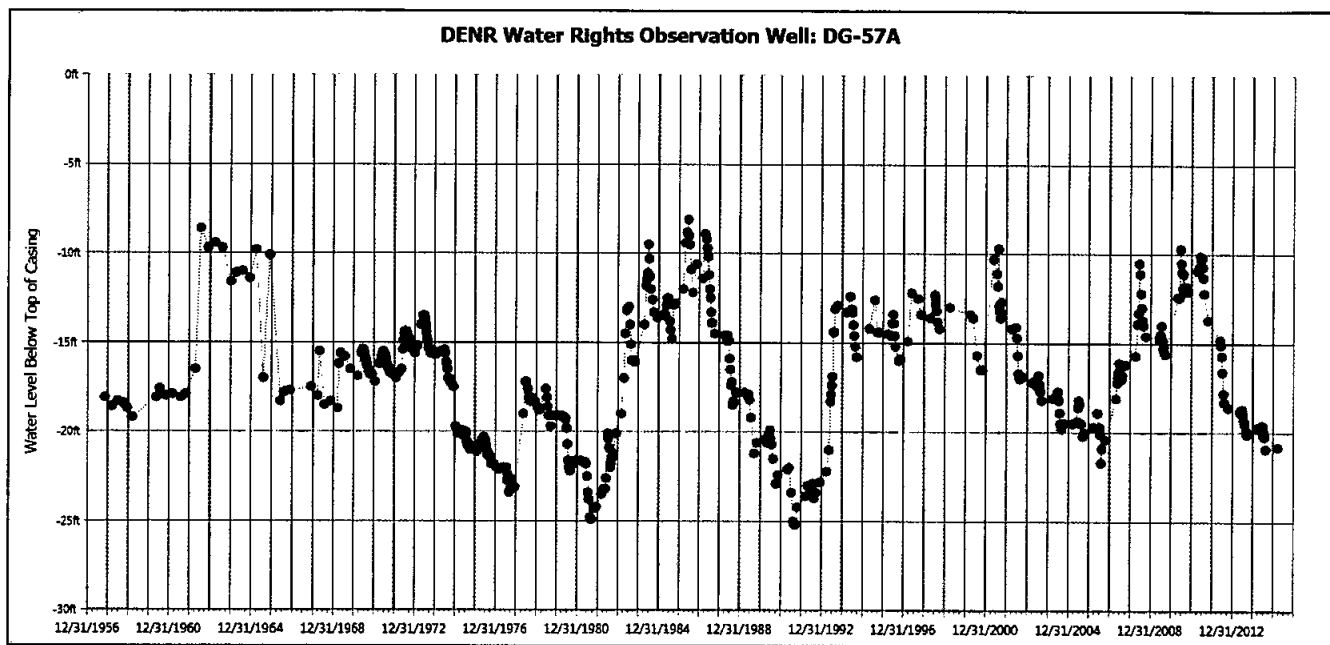


Figure 5. Hydrograph for DENR-Water Rights Observation Well DG-57A.

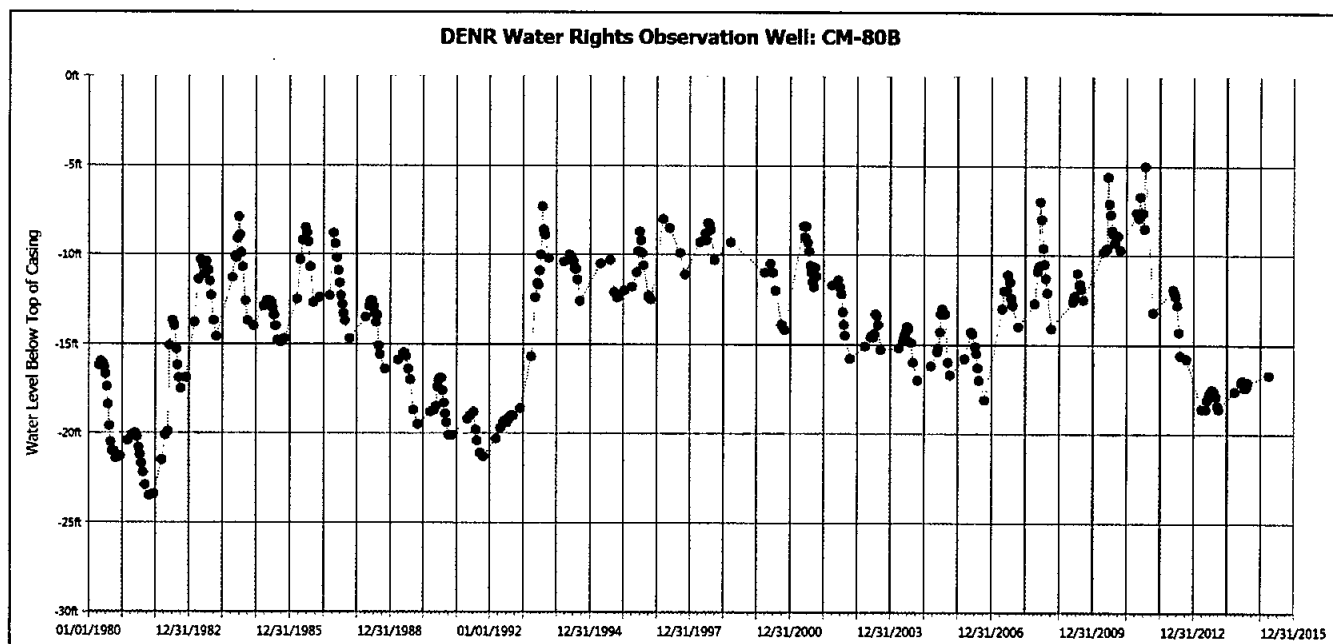


Figure 6. Hydrograph for DENR-Water Rights Observation Well CM-80B.

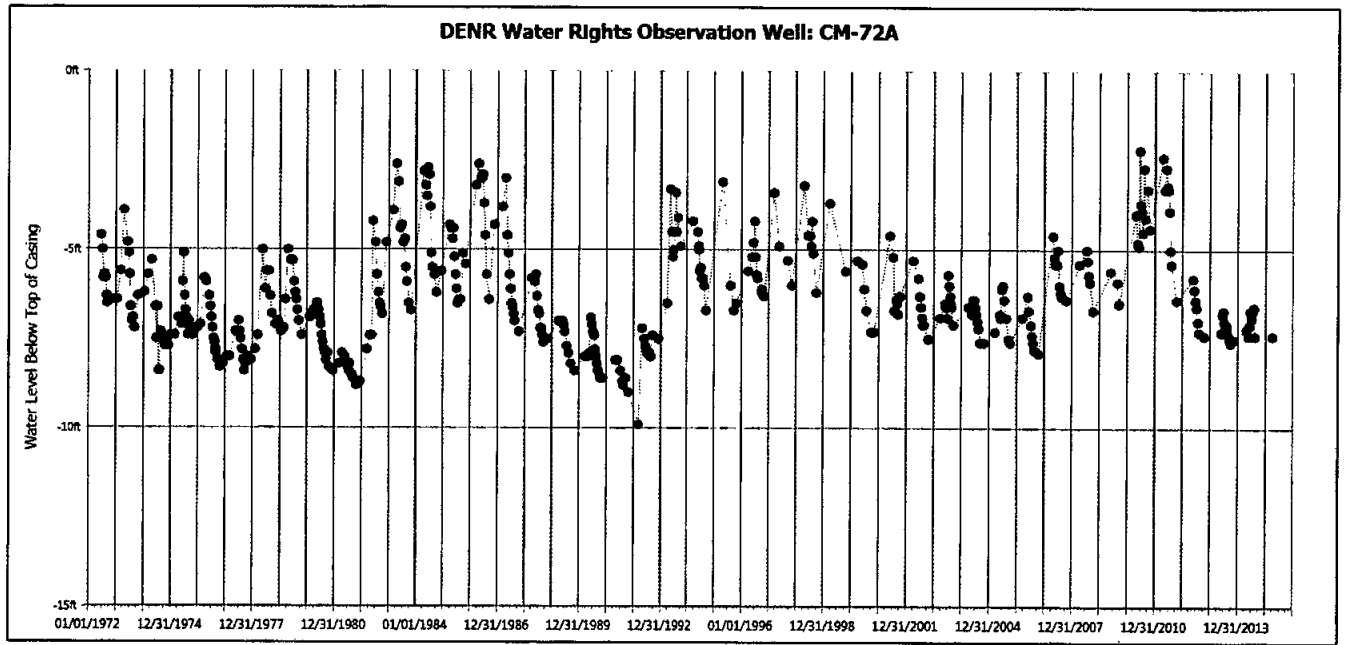


Figure 7. Hydrograph for DENR-Water Rights Observation Well CM-72A.

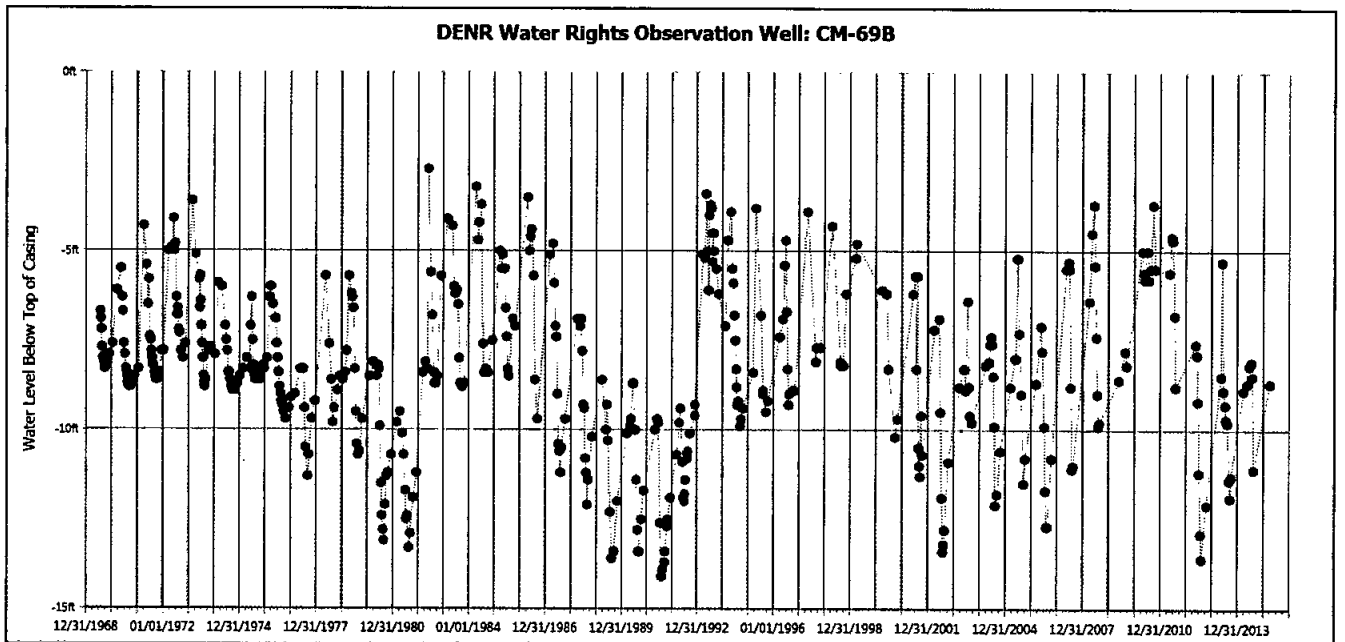


Figure 8. Hydrograph for DENR-Water Rights Observation Well CM-69B.

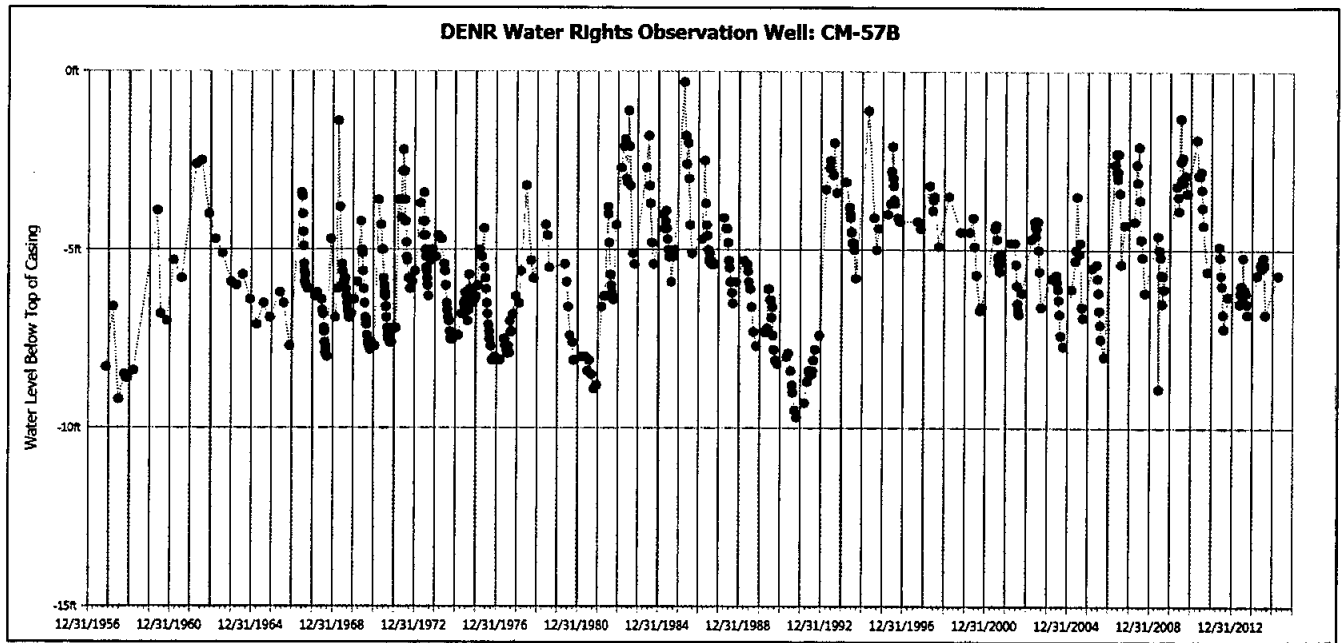


Figure 9. Hydrograph for DENR-Water Rights Observation Well CM-57B.

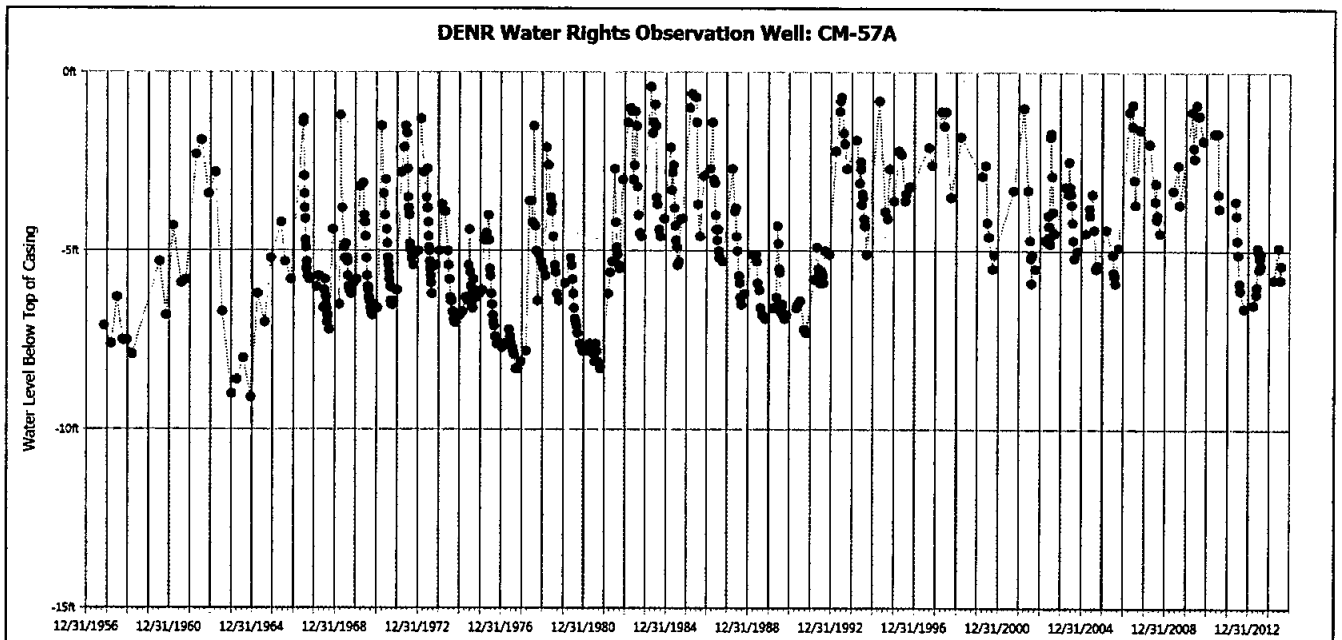


Figure 10. Hydrograph for DENR-Water Rights Observation Well CM-57A.

The nearest observation well to the wells that are to be used to supply water for this application is DG-80G, which is located approximately one and one-half miles south-southwest of the wells. A hydrograph for observation well DG-80G is shown in Figure 1. The observation well data shows the aquifer responds well to climatic conditions with rising water levels during wet years and gradually declining water levels during dry years. Water level fluctuations generally are related to the amount and distribution of precipitation and runoff and not to well pumpage (Kume, 1977). The water level record verifies that over the period of record, withdrawals have not exceeded recharge and unappropriated water is available for this appropriation.

EXISTING WATER RIGHTS:

There have been a total of 30 applications made beginning in 1968, to appropriate water from the Delmont aquifer. The majority of these applications (17) were made between 1970 -1977 and a number of these applications were contested.

In 1971, when the Water Rights Commission considered Water Permit Application No. 1805-3, "Six residents of the area and their attorney appeared before the Commission to express their concern that the proposed irrigation, plus existing irrigation from one irrigation well, could have an adverse effect on their shallow domestic and livestock watering wells and dugouts. The commission deferred action pending investigation by the Commission Staff" (Water Rights, 1973). One of the Commission Staff's conclusions was that a problem with the Delmont aquifer was that some of the domestic wells owned by opponents did not extend to the bottom of the aquifer. The Commission Staff also concluded there was not unappropriated water available for the irrigation of the SW¼ Section 26, T98N-R63W based on tests indicating saturated sand and gravel in the quarter of less than ten feet in depth, which was "not adequate for the desired irrigation well". Note: the application was approved for one of the two proposed wells (a well in the SE¼ Section 26, T98N-R63W).

In 1975, Commission consideration of a number of water permit applications was deferred to allow the Commission staff to "learn more about the effects of the existing irrigation, effects of withdrawals under Water Permit No. 2010-3 and would prefer that precipitation resulting in higher water tables would occur before consideration by the Commission of [the applications]" (Water Rights, 1975). All of these applications were eventually approved March 1977.

A number of applications to appropriate water from the Delmont aquifer were deferred in 1978 because the water levels of the aquifer were low, and staff recommended no action until the aquifer recharged (Water Rights, 1978). These applications were approved March 1978.

A complaint in 1980 alleged that since irrigation started from the Delmont aquifer, their domestic well had a bad odor, lowered water levels and reduced pressure. The domestic well was sampled, and the water analysis indicated the water was safe. There is no record of any further action regarding the complaint.

There are no records of any complaints regarding withdrawals or any opposition to new permit applications from the Delmont aquifer after 1980 (Buhler, 2012).

This application does not propose an increase in the developed diversion rate (1.78 cfs). However, assuming an average application rate of one acre-foot per acre, the irrigation of an additional 53 acres will result in an average annual rate increase of approximately 53 acre-feet per year. A rate of 53 acre-feet/year is equivalent to an average diversion rate during a 185 day irrigation season of 0.144 cfs (approximately 65 gpm). The specific capacities of the wells that are to be used to supply this permit were reported to be 75 gallons per minute per foot (gpm/ft) and 43 gpm/ft at 600 gpm. Assuming an average specific capacity of 59 gpm/ft, the drawdown at a production well producing 65 gallons per minute is expected to be approximately 1.1 feet. Therefore, the drawdown associated with an increased average diversion rate of 65 gpm is expected to be in the neighborhood of 1.1 feet. Since the Delmont aquifer is under unconfined

conditions, drawdown does not extend far from a production well. The distance of these well sites from existing rights is sufficient to ensure that well interference will not adversely impair existing rights.

The record does show however that overall the pumping from the aquifer may have a slight effect on the water levels especially during extended drought periods. Since most of the development from the Delmont aquifer is from a relatively concentrated area, during extended drought periods the water levels in the aquifer can change significantly. The yields of some irrigation wells may be reduced with the decline of the aquifer's saturated thickness during drought. However, irrigation withdrawals would only be minor contributors to this condition compared with the lack of recharge. Considering this contribution an adverse impact and limiting withdrawals based on priority would provide little if any protection to senior appropriators.

The Delmont aquifer is a relatively thin aquifer with a limited amount of water in storage. While the average annual withdrawal would not exceed average annual recharge to the aquifer, conditions may occur when the withdrawal exceeds recharge. When this occurs, water will be removed from storage, consequently reducing the saturated thickness of the aquifer. If saturated thickness is reduced to the extent that water rights/permits can no longer pump at their developed or "historically established" diversion rates, this may be considered an adverse impact.

CONCLUSIONS:

1. This application proposes to appropriate water from the Delmont aquifer to irrigate 53 acres.
2. There is a reasonable probability that unappropriated water is available from the Delmont aquifer to satisfy this proposed appropriation.
3. The Delmont aquifer is under unconfined (water table) conditions and drawdown from pumping is not expected to be significant very far from a production well.
4. Withdrawals from the wells proposed by this application will not adversely impair existing water rights.



Ken Buhler

SD DENR-Water Rights Program

REFERENCES:

- Buhler, K.A., 2012, Report to the Chief Engineer on Water Permit Application No. 7335-3, Lee & Matt Horstman, April 3, 2012: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD
- Jensen, A.M., 2008a, First Occurrence of Aquifer Materials in Douglas County, South Dakota: S.D. Geological Survey Aquifer Materials Map 28, scale 1:100,000
- Jensen, A.R., 2008b, First Occurrence of Aquifer Materials in Charles Mix County, South Dakota: S.D. Geological Survey Aquifer Materials Map 29, scale 1:100,000

Kume, J. 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota: Part II; Water Resources: S.D. Geological Survey Bulletin 22, 31 p

“Transmissivity from Specific Capacity.” Aquifer Test Forum sponsored by HydroSOLVE, Inc. 3 Sept.2011 < <http://www.aqtesolv.com/forum/transcap.asp>

Walker, I.R., 1961, Shallow Ground Water Resources in the Wagner Area, Charles Mix and Douglas counties, South Dakota: S.D. Geological Survey Report of Investigations 90, 53 p. 2 pls.

Water Rights, 1973, Water Right applications-Shallow aquifer west of Delmont, Report to the Water Rights Commission in Water Right 1805-3 file.

Water Rights, 1975, New Water Right Applications –Shallow Aquifer Near Delmont, Report to the Water Rights Commission in Water Right 2144-3 file.

Water Rights, 1978, Report on the Charles Mix – Douglas County Areas, March 23, 1978, Report to the Water Rights Commission by John Hatch in Water Right 3699-3 file.

Water Rights, 1980-2015, Irrigation Questionnaire Summaries 1980-2011, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2015a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2015b, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2015c, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

RECEIVED

SEP 24 2015

WATER RIGHTS
PROGRAM

**NOTICE OF
APPLICATION NO.
8179-3
to Appropriate Water**

Notice is given that Douglas J Luebke, PO Box 267, Corsica SD 57328 has filed an application to irrigate 53 new acres. The applicant holds Water Permit No. 6324-3 appropriating 2.22 cubic feet of water per second (cfs) from two wells completed into the Delmont Aquifer (52 and 39 feet deep) to be located in the NE 1/4 NW 1/4 Section 22 for irrigation of 235 acres located in the E 1/2 NE 1/4 Section 21 and the NW 1/4 Section 22; all in T99N-R63W. The permit was developed with a diversion rate capacity of 1.78 cfs from wells located in the NE 1/4 NW 1/4 and SE 1/4 NW 1/4 Section 22, T99N-R63W to irrigate 174 acres in the area described above. The water right is currently limited to amount developed since the time to complete works is past. This application proposes to irrigate 53 new acres located in the same area listed above from the two existing wells developed under Water Permit No. 6324-3. This notice also serves to change the location of one of the wells as developed in the SE 1/4 NW 1/4 of Section 22-T99N-R63W. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8179-3 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 intending to oppose or supporting this application 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 October 5, 2015.

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. Plmer,
Secretary, Department
of Environment and
Natural Resources.
Published once at the total approximate cost of \$76.98

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Penny Hohbach of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 issues(s), to wit:

Tuesday, September 22, 2015

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the fees charged for the publication thereof are: \$76.98

Signed: Penny Hohbach

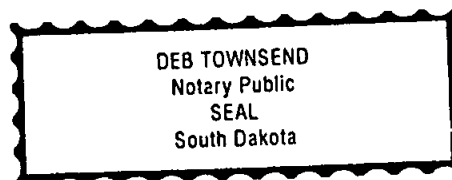
Subscribed and sworn to before me this 22nd day of September, 2015.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 09-21-18

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515



RECEIVED

SEP 24 2015

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Douglas) SS

I, Douglas J. Luebke

certify that the attached printed Notice was taken

from the Corsica

Globe

printed and published in Douglas

County of S.D. and

state of South Dakota. The notice was published

in the newspaper on the following date:

Sept. 22 2015

Cost of Printing \$30.45

Douglas J. Luebke
(Signature)

Sec/treas
(Title)

9. 22. 15
(Date Signed)

Notice of
Application
No. 8179-3 to
Appropriate Water

Notice is given that Douglas J. Luebke, PO Box 267, Corsica, SD 57328 has filed an application to irrigate 53 new acres. The applicant holds Water Permit No. 6324-3 appropriating 2.22 cubic feet of water per second (cfs) from two wells completed into the Delmont Aquifer (52 and 39 feet deep) to be located in the NE 1/4 NW 1/4 Section 22 for irrigation of 235 acres located in the E 1/2 NE 1/4 Section 21 and the NW 1/4 Section 22; all in T99N-R63W. The permit was developed with a diversion rate capacity of 1.78 cfs from wells located in the NE 1/4 NW 1/4 and SE 1/4 NW 1/4 Section 22, T99N-R63W to irrigate 174 acres in the area described above. The water right is currently limited to amount developed since the time to complete works is past. This application proposes to irrigate 53 new acres located in the same area listed above from the two existing wells developed under Water Permit No. 6324-3. This notice also serves to change the location of one of the wells as developed in the SE 1/4 NW 1/4 of Section 22-T95N-R63W. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8179-3 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 October 5, 2015.

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 \$30.45. 75,9 22,

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, September 15, 2015 7:58 AM
To: Hohbach, Penny (PHohbach@mitchellrepublic.com)
Subject: 8179-3, Douglas J Luebke
Attachments: 8179-3public.short.docx; FORM8 FRM.doc

Attached is a notice to be published on September 22, 2015.

Douglas J Luebke, PO Box 267, Corsica SD 57328, (h 605 946-5332 c 605 770-7611) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, September 15, 2015 8:00 AM
To: globe@siouxvalley.net
Subject: 8179-3, Douglas J Luebke
Attachments: 8179-3public.short.docx; FORM8 FRM.doc

Attached is a notice to be published on September 22, 2015.

Douglas J Luebke, PO Box 267, Corsica SD 57328, (h 605 946-5332 c 605 770-7611) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

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

Instruction to Newspaper - Publish the Notice on September 22, 2015. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8179-3 to Appropriate Water

Notice is given that Douglas J Luebke, PO Box 267, Corsica SD 57328 has filed an application to irrigate 53 new acres. The applicant holds Water Permit No. 6324-3 appropriating 2.22 cubic feet of water per second (cfs) from two wells completed into the Delmont Aquifer (52 and 39 feet deep) to be located in the NE 1/4 NW 1/4 Section 22 for irrigation of 235 acres located in the E 1/2 NE 1/4 Section 21 and the NW 1/4 Section 22; all in T99N-R63W. The permit was developed with a diversion rate capacity of 1.78 cfs from wells located in the NE 1/4 NW 1/4 and SE 1/4 NW 1/4 Section 22, T99N-R63W to irrigate 174 acres in the area described above. The water right is currently limited to amount developed since the time to complete works is past. This application proposes to irrigate 53 new acres located in the same area listed above from the two existing wells developed under Water Permit No. 6324-3. This notice also serves to change the location of one of the wells as developed in the SE 1/4 NW 1/4 of Section 22-T95N-R63W. This application, if approved, does not authorize any increase in the developed diversion rate.

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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

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

September 14, 2015

Douglas J Luebke
PO Box 267
Corsica SD 57328

Dear Mr. Luebke:

Water Permit Application No. 8179-3 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 Corsica Globe printed at Corsica SD (Ph # 605-946-5489) and the Daily Republic printed at Mitchell SD (Ph # 605-996-5514). 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.

October 8, 2015

PAYMENT REQUEST FORM

PAYEE: Douglas J Luebke
PO Box 23
Corsica SD 57328

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund on 8179-3 - overpayment

AMOUNT: \$450.00

FUNDING SOURCE:

GENERAL:

FEDERAL:

OTHER: Water Right Fees

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

October 8, 2015

Douglas J Luebke
PO Box 23
Corsica SD 57328

Dear Mr. Luebke:

Enclosed is Water Permit No. 8179-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The application was submitted with a fee of \$1150.00. The application /license fee for Permit No. 8179-3 is \$700.00. Therefore, \$450.00 will be refunded to you. The refund check should be received within two weeks.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return the 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



8179-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: DOUGLAS J LUEBKE, PO BOX 267, CORSICA, SD 57328 0267

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6324-3 & 8179-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 6324-3 & 8179-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 6324-3 & 8179-3 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 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

Jeanned,

8179-3

I am Austin Luebke son of Douglas, who passed away this summer/spring 2016.

We will need to switch name on the permit

Contact info:

Mail:

Box 267

Corsica, SD 57328

Email:

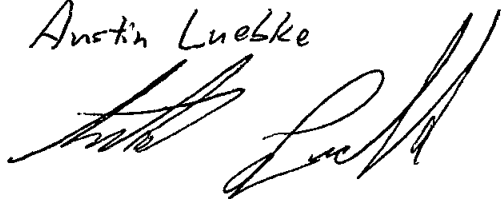
deet_hunter777@hotmail.com

phone:

605-770-7060

Thank you

Austin Luebke



RECEIVED

FEB - 7 2017

WATER RIGHTS
PROGRAM





8179-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 8, 2017

6324-3
8179-3

Austin Luebke
PO Box 267
Corsica SD 57328 0267

Dear Mr. Luebke:

I am writing to acknowledge receipt of the 2016 irrigation questionnaires and your letter indicating Nos. 6324-3 and 8179-3 should be transferred.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 6324-3 and Water Permit No. 8179-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each. The check or money order for the fee can be made payable to the Water Rights Program.

In the event you do not have them, I am enclosing a copy of Nos. 6324-3 and 8179-3. You may keep them for your records. If you have any questions, please contact me.

Sincerely,

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

enclosures



8179-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

September 7, 2017

6324-3
8179-3

Austin Luebke
PO Box 267
Corsica SD 57328 0267

Dear Mr. Luebke:

I am writing in regard to Water Right No. 6324-3 and Water Permit No. 8179-3, listed in the name of Douglas Luebke. In February, 2017, you mailed in the irrigation questionnaires for 2016 and a note indicating both Nos. 6324-3 and 8179-3 should be transferred. Forms were mailed to you on February 8th and to date we haven't received anything back from you.

In the event you do not have the original forms, I am enclosing an additional set. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

The 2017 irrigation questionnaires will be mailed out from our office in mid-October. It is important ownership records be kept current to ensure correspondence gets to the right person.

If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIVED

OCT 04 2017

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 8179-3

Date: _____

I/We request that Water Permit No. 8179-3

formerly owned by: Douglas J Luebke

be transferred to: (name & address)

Douglas J. Luebke Family Trust (1/2) Marlys L. Schult Luebke
Personal Rep of Marlys L. Schult Luebke Family Trust (1/2)

Telephone No. _____

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

53 acres - E 1/2 NE 1/4 Section 21 and NW 1/4 Section 22, T99N, R63W

I/We understand that the validity of Water Permit No. 8179-3 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 Douglas/Marlys Family Trusts, the new owner, certify that the above information is true and correct.

Marlys L. Schult Luebke
(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 4, 2017

RECEIVED OF D & M Leasing Inc. PO Box 267 Corsica 57328-0267

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	50	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. _____			
Fee for Filing Transfer Form _____ 8179-3			
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. _____	50	00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____			
(Any Other Work Provided by Law)	TOTAL	50	00

No. **08347**

By Jeanne Goodman
Chief Engineer *jm*



8179-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

October 5, 2017

6324-3
8179-3

Maryls L Schulz Luebke
PO Box 267
Corsica SD 57328-0267

Dear Ms. Luebke:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for transferring Water Right No. 6324-3 and Water Permit No. 8179-3.

The ownership changes have been completed. Nos. 6324-3 and 8179-3 formerly held by Douglas J Luebke are now held by Douglas J Luebke Family Trust (1/2) and Marlys L Schulz Luebke Family Trust (1/2).

Enclosed for your records are Receipt Nos. 08347 and 08348 in the amounts of \$50 each. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures



8179-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: DOUGLAS J LUEBKE FAMILY TRUST, MARLYS L SCHULZ LUEBKE FAMILY TRUST,
PO BOX 267, CORSICA, SD 57328 0267

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6324-3 & 8179-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 6324-3 & 8179-3 qualification:

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

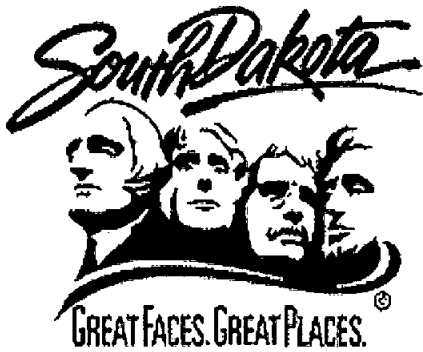
The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 6324-3 & 8179-3 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 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



8179-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 2018

6324-3
8179-3

Douglas J Luebke Family Trust
Marlys L Schulz Luebke Family Trust
PO Box 267
Corsica SD 57328-0267

Dear Mr. Luebke and Ms. Luebke:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 6324-3 and Water Permit No. 8179-3. 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,

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

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