

WATER PERMIT NO. 8265-3

Name of Applicant: Wiskota Farm – Carl Pulvermacher

Address: 14050 SD Hwy 25, Webster SD 57274 Phone: 605 590-0426

Amount of Water Claimed: 1.11 cfs Total Acres: 58 acres

Source of Water Supply: slough

Water to be used for: irrigation County: Day

Type of Waste Disposal System:

Location: 1/2 mile north of Webster

PRIORITY Date Received: 1-23-17

Application/License Fee: \$ 700

Corrected Application Received: 1-30-17

Period of Annual Use: June 1 – Sept 30

Remarks:

Diversion Point: SE 1/4 NE 1/4 Sec 26-T112N-
R56W

Land to be Irrigated: NE 1/4 NE 1/4, S 1/2 NE 1/4
Sec 26-T122N-R56W

Depth of Well: NA

Well Driller:

Remarks:

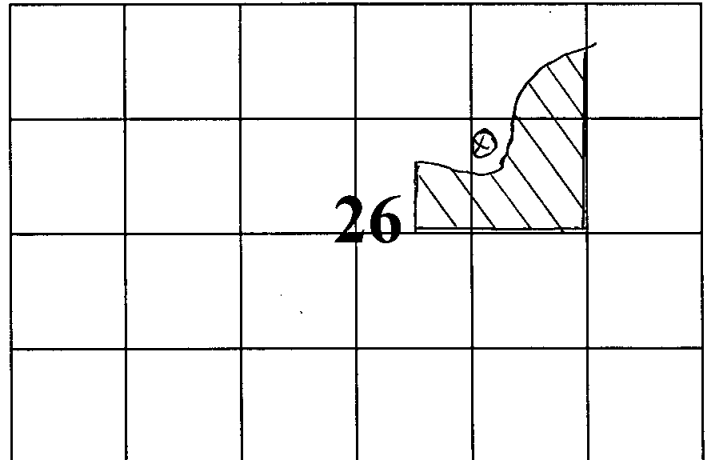
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-30-17

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>8265-3</u>	Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>	<u>605-345-</u>
	Newspaper <u>Reporter + Farmer - Webster</u>	<u>3356</u>
	<u>Dakota Opinion - Watrous</u>	<u>608-886-</u> <u>6901</u>

RECEIVED

JAN 23 2017

WATER RIGHTS
PROGRAM

1-20-17 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 Wiskota Farm - Carl Pulvermacher

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

Mailing Address 14050 S.D. Hwy 25 Webster S.D. 57274
(Address) (City) (State) (Zip Code)Phone _____ Mobil 605-590-0426 Email _____2. Amount of water claimed _____ *CFS or _____ **GPM 500 ***AF Total Acreage 58
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Slough4. Location of point of diversion Slough in 11 section 26
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R22E)T 122 N - R 56 W (SE1/4 NE1/4) County Day5. County or counties where water will be used Day6. Annual period during which water is to be used June September 307. 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>SE 1/4 of NE 1/4 of 26</u>	<u>30a.</u>		
<u>SW 1/4 of NE 1/4 of 26</u>	<u>13a.</u>		
<u>NE 1/4 of NE 1/4 of 26</u>	<u>15a.</u>		
<u>all in T122N-R56W</u>			

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

Slough water will be pumped on soil that is circled.I, Carl Pulvermacher Owner, the applicant, certify under
Name of Person Title (if applicable)

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

**SOUTH DAKOTA
WATER PERMIT NO. 8265-3**

Date of first receipt of application January 23, 2017.

Date of return to applicant for corrections, amendments or changes January 24, 2017.

Date of receipt of corrected application January 30, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8265-3 to Wiskota Farm, c/o Carl Pulvermacher, 14050 SD Hwy 25, Webster SD 57274 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. 8265-3 appropriates 1.11 cubic feet of water per second (cfs) from a slough. The diversion point is to be located in the SE 1/4 NE 1/4 Section 26 for irrigation of 58 acres located in the S 1/2 NE 1/4, NE 1/4 NE 1/4 Section 26; all in T122N-R56W.
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: June 1 – September 30.
3. The date from which applicant may claim right is January 23, 2017.
4. The date of approval of Permit No. 8265-3 is April 13, 2017.
5. One-fifth of the construction is to be completed on or before October 13, 2019.
6. All construction is to be completed on or before April 13, 2022.
7. Water is to be put to beneficial use on or before April 13, 2026.
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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8265-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 58 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
2. 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

MAY 01 2017

date



① 13a x 80 x 14.50
122N 56W 23

15,080.00
122N 5

water



④a
10a.

④b
10a.

122N 56W 26

① 13a

② 20a.

09

WH

20 ①a
09

③a 3a.

③b
5a

③ 10a

T



Sec 22
T122N
R56W

Sec 23
T122N
R56W

Sec 24
T122N
R56W

Sec 27
T122N
R56W

Sec 26
T122N
R56W

Sec 25
T122N
R56W

Sec 34
T122N
R56W

Sec 35
T122N
R56W

Sec 36
T122N
R56W

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/24, 20 17

RECEIVED OF Wiskota Farm LLC 14050 SD Hwy 25 Webster SD 57274

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

Fee for Application for Permit No. <u>8265-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>8265-3</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	700 00

No. **08129**

By *J. Eric Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 24, 2017

Wiskota Farm
Carl Pulvermacher
14050 SD Hwy 25
Webster SD 57274

Dear Mr. Pulvermacher:

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

- Enclosed is the aerial photo map submitted with the application. Please mark the proposed location of the diversion point from the slough with an "X".
- State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 0.82 cfs or 369 gpm to irrigate the total 58 acres. Your application requests 500 gpm. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).

If you have any questions, please contact me.

Sincerely,

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

enclosure

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JAN 30 2017

WATER RIGHTS
PROGRAM

Karen Schlaak

1-25-17

The diversion point will be in the vicinity of circled Black (X).

The pump company stated the pump capacity was between 250 g.p.m and 500 g.p.m. I used the higher number, but according to irrigation companies the efficiency of certain water winches need close to 500 g.p.m.

This all new to me and I used the higher number. I hope this answers your requests.

Carl Pulvermacher
14050 S.D Hwy 25
Webster, S.D.
57274



South Dakota Secretary of State

SHANTEL KREBS

Filing Information

Name: **WISKOTA FARM, LLC**

General Information

SOS Business ID **DA013036**
Filing Type: Limited Liability Company - Domestic
 01/22/2007
Status: Good Standing
Duration Term: Perpetual
Business Type: Farm

Registered Agent Address
CARL C PULVERMACHER
14050 SD HWY 25
WEBSTER, SD 57274-5624

Principal Address
14050 SD HWY 25
WEBSTER, SD 57274-5624

The following document(s) was/were filed in this office on the date(s) indicated below:

<u>Date Filed</u>	<u>Filing Description</u>	<u>Image #</u>
01/31/2016	2016 Annual Report	
01/24/2015	2015 Annual Report	
02/12/2014	2014 Annual Report	
12/22/2012	2013 Annual Report	
05/14/2012	2012 Annual Report	
02/04/2011	2011 Annual Report	
01/20/2010	2010 Annual Report	
01/08/2009	2009 Annual Report	
02/05/2008	Farm Qualification	
02/05/2008	2008 Annual Report	
01/22/2007	Initial Filing	DA013036



**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. 8265-3, Wiskota Farms**

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. 8265-3, Wiskota Farms, c/o Carl Pulvermacher, 14050 SD Hwy 25, Webster SD 57274.

The Chief Engineer is recommending APPROVAL of Application No. 8265-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8265-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 58 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

for 
Jeanne Goodman, Chief Engineer
March 22, 2017

REPORT ON WATER PERMIT APPLICATION NO. 8265-3

Wiskota Farms, c/o Carl Pulvermacher

March 15, 2017

Application No. 8265-3, Wiskota Farms, c/o Carl Pulvermacher, proposes to appropriate 1.11 cubic feet of water per second (cfs) from a slough located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26 for irrigation of 58 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26; all in T122N-R56W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The proposed project is located approximately $\frac{1}{2}$ mile north of the town of Webster in Day County, in northeastern South Dakota.

Review of the Proposed Project

The source of water for this application is from a slough. The slough fills from incidental surface water run-off from melting snow or rainfall when it occurs from a 186 acre watershed. Utilizing a slough cannot be considered a reliable water source due to the cyclical nature of the climate. Water will be pumped from the slough to irrigate 58 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T122N-R56W. The slough appears to be approximately 68 acres in size.

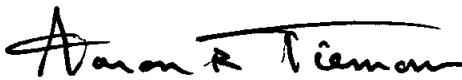
Review of Existing Water Rights

There are no existing water rights/permits utilizing surface water from this watershed in the immediate vicinity, therefore no rights would be adversely affected by this project.

Approval of this application will not eliminate the requirement of any local or federal permitting.

Conclusions

1. This application proposes to appropriate 1.11 cubic feet of water per second (cfs) from a 68 acre slough to irrigate 58 acres for irrigation purposes.
2. Utilizing a slough cannot be considered a reliable water source due to the cyclical nature of the climate.
3. There are no existing water rights/permits utilizing surface water from this watershed in the immediate vicinity, therefore no rights would be adversely affected by this project.



Aaron R. Tieman

Natural Resources Engineer II

Reviewed by:



Mark D. Rath

Natural Resources Engineer III



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

March 22, 2017

Roger Shoemaker
14010 SD Hwy 25
Webster SD 57274

Dear Mr. Shoemaker:

Enclosed is the report, recommendation and public notice for Water Permit Application No. 8265-3 filed by Wiskota Farm/Carl Pulvermacher. The application proposes to pump water from a slough for irrigation of 58 acre just north of Webster. The public notice is scheduled to be published April 3, 2017 in the Webster Reporter & Farmer and the Watertown Public Opinion.

The plat map indicates you may own land that abuts along the western edge of the slough. This information is being sent as a courtesy. If you have any questions regarding DENR's review of the application, please contact us.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

March 22, 2017

Ester Sandve
615 E 2nd Street
Webster SD 57274

Dear Ms. Sandve:

Enclosed is the report, recommendation and public notice for Water Permit Application No. 8265-3 filed by Wiskota Farm/Carl Pulvermacher. The application proposes to pump water from a slough for irrigation of 58 acre just north of Webster. The public notice is scheduled to be published April 3, 2017 in the Webster Reporter & Farmer and the Watertown Public Opinion.

The plat map indicates you may own land along the north edge of the slough. This information is being sent as a courtesy. If you have any questions regarding DENR's review of the application, please contact us:

Sincerely,

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

enclosures

RECEIVED

APR 24 2017

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

County of Day
State of South Dakota,

SS.

John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, John Suhr, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed, Water application, a printed copy of which is hereunto attached, was printed and published in the said newspaper one successive and complete issues as follows:

First Publication	April 3;
Second Publication	;
Third Publication	;
Fourth Publication	;
Fifth Publication	;

That the full amount of fees for publication of the annexed notice is 30.71 and inures solely to the Reporter & Farmer, published by The Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

Subscribed and sworn to before me this 3rd day of April, 2017.

LeAnn M. Suhr
Day County South Dakota
My Commission Expires November 2, 2017

Notary Public, Day County, South Dakota

Hearing on a

NOTICE OF APPLICATION NO. 8265-3 TO APPROPRIATE WATER

Notice is given that Wisconsin Farm, c/o Carl Pulvermacher, 14050 SD Hwy. 25, Webster, SD 57274 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second (cfs) from a slough. The diversion point is to be located in the SE 1/4 NE 1/4 Section 26 for irrigation of 58 acres located in the S 1/2 NE 1/4, NE 1/4 NE 1/4 Section 26; all in T122N-R56W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8265-3 with qualifications 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 Chief Engineer's recommendation with qualifications, the

Application for water permit

application and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 April 13, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner,
Secretary, Department
of Environment
and Natural Resources
Published once at the total
approximate cost of \$30.71.

RECEIVED
APR 17 2017
WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Jackie Wettestad

certify that the attached printed Notice was taken

from the Watertown

Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published

in the newspaper on the following date:

April 3, 2017

Cost of Printing \$50.96

Jackie Wettestad
(Signature)

Accounting Clerk
(Title)

4-11-17
(Date Signed)

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF APPLICATION NO.

8265-3 to Appropriate Water

Notice is given that Wiskota Farm, c/o Carl Pulvermacher, 14050 SD Hwy 25, Webster SD 57274 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second (cfs) from a slough. The diversion point is to be located in the SE 1/4 NE 1/4 Section 26 for irrigation of 58 acres located in the S 1/2 NE 1/4, NE 1/4 NE 1/4 Section 26; all in T122N-R58W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8265-3 with qualifications 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 Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 April 13, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

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

Published once at the total approximate cost of \$50.41.

(April 3, 2017) 50.96

All legal notices in the Public Opinion and other South Dakota newspapers can be found at sdpublicnotices.com

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 22, 2017 9:26 AM
To: news@reporterandfarmer.com
Subject: 8265-3, Wiskota Farm
Attachments: 8265-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on April 3, 2017.

Wiskota Farm, Carl Pulveracher, 14050 SD Hwy 25, Webster SD 57274 (605 590-0426) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 22, 2017 9:27 AM
To: legals@thepublicopinion.com
Subject: 8265-3, Wiskota Farm
Attachments: 8265-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on April 3, 2017.

Wiskota Farm, Carl Pulveracher, 14050 SD Hwy 25, Webster SD 57274 (605 590-0426) 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
SD DENR, Water Rights Program
(605) 773-3352





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.**

March 22, 2017

Wiskota Farm
Carl Pulvermacher
14050 SD Hwy 25
Webster SD 57274

Dear Mr. Pulvermacher:

Water Permit Application No. 8265-3 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 Reporter & Farmer printed at Webster SD (Ph # 605-345-3356) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). 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.

NOTICE OF APPLICATION NO. 8265-3 to Appropriate Water

Notice is given that Wiskota Farm, c/o Carl Pulvermacher, 14050 SD Hwy 25, Webster SD 57274 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second (cfs) from a slough. The diversion point is to be located in the SE 1/4 NE 1/4 Section 26 for irrigation of 58 acres located in the S 1/2 NE 1/4, NE 1/4 NE 1/4 Section 26; all in T122N-R56W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8265-3 with qualifications 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 Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 April 13, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

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 01 2017

Wiskota Farm
Carl Pulvermacher
14050 SD Hwy 25
Webster SD 57274

Dear Mr. Pulvermacher:

Enclosed is Water Permit No. 8265-3 authorizing construction of the 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

8265-3

RECEIVED

MAY 19 2017

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 5-8-17TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

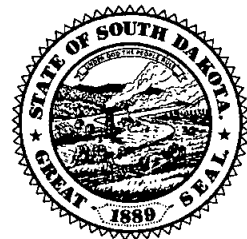
FROM:

Carl Pulvermacher
(name)
14050 S.D. Hwy 25
(address)Webster S.D.
(city, state, zip)605-590-0426
(phone)

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

Water Permit No. 8265-3 states that the water use system is to be constructed by4-13-22, and water is to be put to beneficial use by 4-13-26.
(date) (date)The water use system was completed on 6-1-17.
(date)Applying the water to beneficial use was completed on 6-1-17.
(date)

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


(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 22, 2017

8265-3

Carl Pulvermacher
14050 SD Hwy 25
Webster SD 57274

Dear Sir:

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

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

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

Sincerely,

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



**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: WISKOTA FARM, CARL PULVERMACHER, 14050 SD HWY 25, WEBSTER, SD 57274

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) 8265-3. 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) 8265-3 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) 8265-3 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: VIPOFT**

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.

8265-3

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Processed

In transit

Delivered

DATE	TIME	LOCATION	STATUS
Jan 22	1:39 PM	Webster, SD, United States	Delivered, left with individual
Jan 21	9:27 PM	Huron Sd Distribution Center	Departed USPS regional facility
Jan 21	12:00 AM		In transit to next facility
Jan 20	9:41 PM	Huron Sd Distribution Center	Arrived at USPS regional facility

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CARL PULVERMACHER
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WEBSTER SD 57274

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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8265-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2022

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER PERMIT

TO: Carl Pulvermacher, Wiskota Farm, 14050 SD Hwy 25, Webster SD 57274

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Permit No. 8265-3

On March 2, 2022, the Water Management Board ordered:

Effective April 4, 2022, Water Permit No. 8265-3 be suspended for the 2022 irrigation season for failure to submit the 2021 irrigation questionnaire.

If the 2021 irrigation questionnaire is received prior to April 4, 2022, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2022 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2022 unless the 2021 irrigation questionnaire is submitted by April 4, 2022.

After April 4th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2021 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 4-5, 2022, in Pierre, SD. The letter should include your reasons for not completing the 2021 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 3, 2022, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelopes containing a "Notice" dated March 3, 2022, concerning Board action to amend and/or suspend water rights to the following:

Amendments:

No. 3487-3: Dave Hanson, 31489 455th Ave., Meckling SD 57069
 No. 2460-3: Ryan Patterson, 10946 425th Ave., Britton SD 57430
 Patterson Farm Inc, 42474 SD Hwy 10, Britton SD 57430

Amend & Suspend:

Nos. 1397-2, 2647-2 & 2701-2: Cody Burull, 25299 Deer Valley Rd, Reliance SD 57569

Nos. 2072-3, 2126-3, 3204-3, 7236-3 & 7237-3:

- David Ulvestad, 46720 201st St., Bruce SD 57220
- Darwin Ulvestad, 46679 201st St, Bruce SD 57220

Three year suspensions:

No. 410B-2: Kathi Koester, PO Box 206, Custer SD 57730-0206
 Nos. 1350-3 & 6042-3: Scott Jensen, 24348 478th Ave., Dell Rapids SD 57022

One year suspensions:

No. 6947-3: Joe Adler, 48353 149th St, Milbank SD 57252
 Nos. 6263-3 & 8041-3: George G Hofer, Cedar Grove Colony, 36926 266th St, Platte SD 57369
 No. 881-2: Ryan Edwards, 25331 Yellow Eagle Rd, White River SD 57579
 No. 6316-3: Howard Athletic Club Inc., 508 E Farmer Ave., Howard SD 57349-9017
 Nos. 2851-3 & 4955-3: David Huber, 16010 413th Ave., Conde SD 57434

Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3: Joey Waldner Colony, 40068 Huron Colony Lane, Huron SD 57350-8001

Nos. 7286-3 & 7543-3: Brian Kozak, 30620 417th Ave., Tyndall SD 57066
 No. 5665-3: Pat Mentele, PO Box 41, Woonsocket SD 57385-0041
 No. 8326-3: Jerry D Nelsen, 45125 291st St., Viborg SD 57070
 No. 7005-3: Troy Randall, Randall Enterprise LLC, 24250 479th Ave., Dell Rapids SD 57022 6139
 No. 2497-2: Marty Vanderploeg, 22958 293rd St, Martin SD 57551-5930
 No. 8265-3: Carl Pulvermacher, Wiskota Farm, 14050 SD Hwy 25, Webster SD 57274
 Nos. 516-1 & 715-1: Lawrence Woodward, PO Box 220, Dupree SD 57623-0220



Genny McMath
 Program Assistant-Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

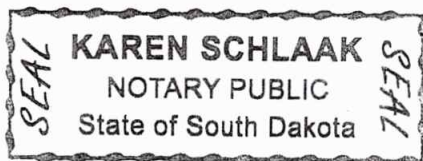
Sworn to, before me, this 3rd day of March, 2022.



Karen Schlaak

Notary Public

My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 15, 2022

8265-3

Carl Pulvermacher
Wiskota Farm
14050 SD Hwy 25
Webster SD 57274

Dear Mr. Pulvermacher:

On March 2, 2022, the Water Management Board ordered Water Permit No. 8265-3 be suspended if the 2021 irrigation questionnaire was not received prior to April 4, 2022. The questionnaire information for your water permit has been received.

Since the irrigation questionnaire is on file, no violation have occurred, and no suspension will take place. You may irrigate during the 2022 irrigation season.

If you have any questions, please contact us.

Sincerely,

Ron Duvall
Water Rights Permitting Administrator
Water Rights Program
(605) 773-3352

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8265-3**

I have this day, September 19, 2023, made a thorough examination of the water use system constructed by Wiskota Farm, 14050 SD Hwy 25, Webster, SD 57274 of Permit No. 8265-3, bearing the priority of January 23, 2017 authorizing the diversion of 1.11 cu. ft. per second of the waters of a slough for irrigation purposes, in Day County.

A. Works used to divert the water:

(See photo)

Pump:

- 1) Make Berkely
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 500 GPM

Tractor Engine PTO:

- 1) Make IH
- 2) Model No. Unknown
- 3) Horsepower rating Unknown hp

B. Works used to transport water to place of use:

- 1) Type Above ground aluminum
- 2) Size 6 inches
- 3) Length NA feet

C. Works used to apply water to beneficial use:

Big Gun:

- 1) Make Big Gun
- 2) Capacity 500 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in **good** condition with the point(s) of diversion located as follows: **PUMP LOCATION From the NE corner Sec 26 T122N R56W 1665 ft S & 960 ft W, Lat 45.35097 (SE ¼ NE ¼)**
2. The works are capable of diverting and conveying to the place of use **1.11** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

All land in Sec 26 T122N R56W

NE NE – 13 acres

SE NE – 34 acres

SW NE – 11 acres

legal description/acreage

comprising a total of **58** acres of land and the license should be issued for **1.11** cfs

F. Comments or other permit(s) associated with the project:

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The mailing address and the telephone number in the permit materials are current.

There has been a maximum of 23 acres out of the 58-acre field irrigated in a given year according to the Irrigation Questionnaires. However, the same acres are not irrigated every year but can be any part of the whole field.

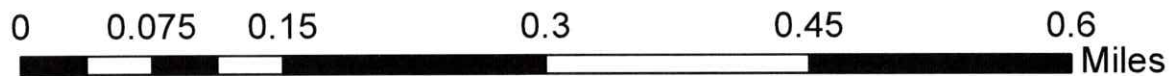
I talked to Mr. Carl Pulvermacher during the field inspection visit.



Darrell W DeBoer

Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **October 4, 2023**



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8265-3**

(1) Wiskota Farm, c/o Carl Pulvermacher, 14050 SD HWY 25, Webster SD 57274, made Application No. 8265-3, January 23, 2017, for a water permit to divert 1.11 cubic feet of water per second from a slough, Day County, South Dakota for irrigation purposes. Permit No. 8265-3, with a priority date of January 23, 2017, was approved April 13, 2017, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 13, 2022, and for the application to beneficial use of water on or before April 13, 2026.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,665 ft S & 960 ft W of the NE corner of Section 26, T122N, R56W (SE ¼ NE ¼)
(Latitude 45.35097 & Longitude -97.51331)

(3) The amount of appropriation may not exceed 2.0 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: June 1 – September 30.

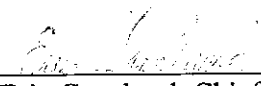
(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 26, T122N, R56W
NE ¼ NE ¼ 13 acres
SW ¼ NE ¼ 11 acres
SE ¼ NE ¼ 34 acres
TOTAL: 58 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Wiskota Farm, the holder and/or owner of Water Right No. 8265-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from a slough with a priority date of January 23, 2017, from the location specified in (2) of this license for irrigation purposes.

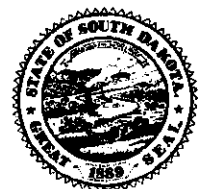
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8265-3 and subject to the following qualifications:

1. Pursuant to SDCL 46-5-6 which allows a greater diversion rate is the methos of irrigation, time constraints, or type of soils requires, Water Right No. 8265-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 58 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
2. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.


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

OCT 16 2017

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

OCT 16 2023

8265-3

Wiskota Farm
c/o Carl Pulvermacher
14050 SD HWY 25
Webster SD 57274

Dear Mr. Pulvermacher:

Enclosed is Water License No. 8265-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

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

enclosures