

WATER PERMIT NO. 1963-1

Name of Applicant: Tom & Lori Wilson

Address: 11637 SD Hwy 20, Buffalo SD 57720

Phone: 605 548-1336

Amount of Water Claimed: 0.53 cfs

Total Acres: 216 acres

Source of Water Supply: 2 existing wells and 2 new wells

Water to be used for: irrigation and livestock water

County: Harding

Type of Waste Disposal System:

Location: 7 miles west of Buffalo

PRIORITY

Date Received: 3-30-2017

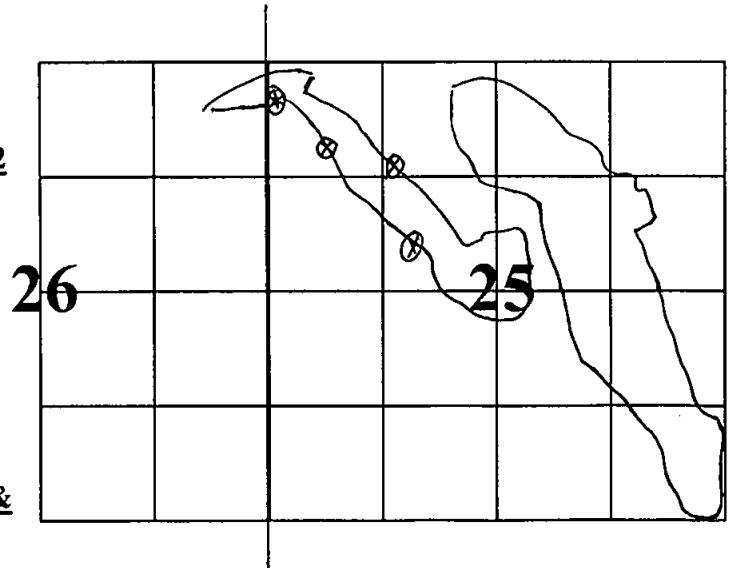
Application/License Fee: \$ 1150.00

Period of Annual Use: April 1 – Oct 31 (irrigation) and Jan 1 – Dec 31 (livestock)

Remarks:

Diversion Point: NW 1/4 Sec 25-T19N-R3E

Land to be Irrigated: N 1/2, NE 1/4 SW 1/4, N 1/2
SE 1/4, SE 1/4 SE 1/4 Sec 25 and NE 1/4 NE 1/4
Sec 26; all in T19N-R3E



Depth of Well: 140 feet deep

Well Driller: H & H Service & Gregory Water &
Energy Inc.

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlunch

Reviewed and the Number Assigned on: 3-31-17

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

RECEIVED
MAR 30 2017
WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>1963-1</u> (office use only) Hydrologic Unit <u>10130302</u>
	Basin <u>Grand River</u>
	Newspaper <u>Nation Center News, Buffalo</u>
	<u>Black Hills Pioneer, Spearfish</u>

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 Tom & Lori Wilson

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

Mailing Address 11637 SD Highway 20 Buffalo SD 57720
 (Address) (City) (State) (Zip Code)

Phone 605 375-3650 Mobile 605 848-1336 Email t_wilson32@hotmail.com

2. Amount of water claimed 0.53 *CFS or 240 **GPM ***AF Total Acreage 216
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply groundwater

4. Location of point of diversion two existing wells and two proposed wells located in the NW 1/4 Section 25,
 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
T19N, R3E County Harding

5. County or counties where water will be used Harding

6. Annual period during which water is to be used livestock - year round / irrigation April 1 - October 31

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

Land Description	Acres	Land Description	Acres
see attached sheet			

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

two existing wells are to be used to supply pipeline man camp under a temporary permit. These wells and two proposed well will be used for irrigation of fields.

The wells will also be used for livestock watering in spring and winter

Thomas R. Wilson
 Name of Person

_____, the applicant, certify under
 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. 1963-1

Date of first receipt of application March 30, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1963-1 to Tom & Lori Wilson, 11637 SD Highway 20, Buffalo SD 57720 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. 1963-1 appropriates a total of 0.53 cubic feet of water per second from two existing wells and two new wells, all completed into the Hell Creek aquifer (approximately 140 feet deep) located in the NW ¼ Section 25, with the two existing wells used to supply a temporary pipeline man camp while all four wells will be used for livestock watering and irrigation of 216 acres located in the N 1/2, NE 1/4 SW 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 Section 25 and NE 1/4 NE 1/4 Section 26; all in T19N-R3E.
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 (irrigation use) and January 1 – December 31 (domestic, livestock, and temporary pipeline man camp use).
3. The date from which applicant may claim right is March 30, 2017.
4. The date of approval of Permit No. 1963-1 is July 3, 2017.
5. One-fifth of the construction is to be completed on or before January 3, 2020.
6. All construction is to be completed on or before July 3, 2022.
7. Water is to be put to beneficial use on or before July 3, 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. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The two new wells authorized by Permit No. 1963-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUL 13 2017
date



Tom Wilson Water Permit Application

Approximate Acreage Breakdown

Section 25, T19N, R3E		Section 25, T19N, R3E	
NW ¼ NW ¼	11	NE ¼ SW ¼	10
NE ¼ NW ¼	24	NW ¼ SE ¼	21
SW ¼ NW ¼	5	NE ¼ SE ¼	28
SE ¼ NW 1/4	13	SE ¼ SE 1/4	20
NW ¼ NE ¼	20	Section 26, T19N, R3E	
NE ¼ NE ¼	1	NE ¼ NE ¼	17
SW ¼ NE ¼	35		
SE ¼ NE 1/4	11	TOTAL	216

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 2 Have test holes been drilled ☐ Yes ☐ No Drilled by Leroy Gregory
(if yes, please provide copies of logs)

b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) 140+ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

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)

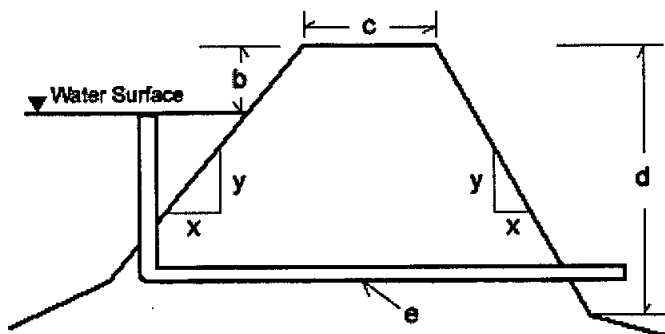
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 NW 1/4 Sec 25 Twp 19 Rg 3

County

Hawking

North

Please mark well location with an "X"

W

E

Well completion Date

3-29-2013

1 Mile

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 920 ft from Other Water Well (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Air-mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
5.00 LB/FT	6 IN	41 FT	118 FT	12 1/4 IN
2.00 LB/FT	6 IN	118 FT	125 FT	12 1/4 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Concrete 2800	10	12 Lb/gal	0 FT	20 FT
Grout 2800	22	10 Lb/gal	20 FT	115 FT

Describe grouting procedure pump down with tremie pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 6 Inches Length 40 FeetMaterial PVC Johnson VES wrapSlot Size 25 Set From 118 Feet to 158 FeetOther information 2 1/2 inch sand pack 10-20

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? H-H
☐ No, Why Not?

Lab sample sent to for water quality analysis

SD SHNEWell Owner: Tom Wilson

Business Name:

Address1: 11637 Highway 20

Address2:

City, State, Zip: Buffalo SD 57720

WELL LOG:

DEPTH

FORMATION	FROM	TO
Clay Brown	0	6
Sandy Brown	6	26
Sand Brown Course	26	66
Shale Gray	66	85
Sand Gray Course	85	95
Shale Gray	95	118
Sand Gray Medium	118	157
Shale Gray	157	170

STATIC WATER LEVEL

418.4

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve

☐ Reducers

☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: 200 gpm 30 min End
☐ Bailed
☐ Other

Pumping Level Below Land Surface

130

Ft. After

24

Hrs. pumped

60

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

60

GPM

REMARKS

This well was drilled under license #

643

And this report is true and accurate.

Drilling firm:

Murray Water & Energy Inc.

Signature of License Representative:

Tom Wilson

Signature of Well Owner or Equitable Property Holder:

Tom Wilson

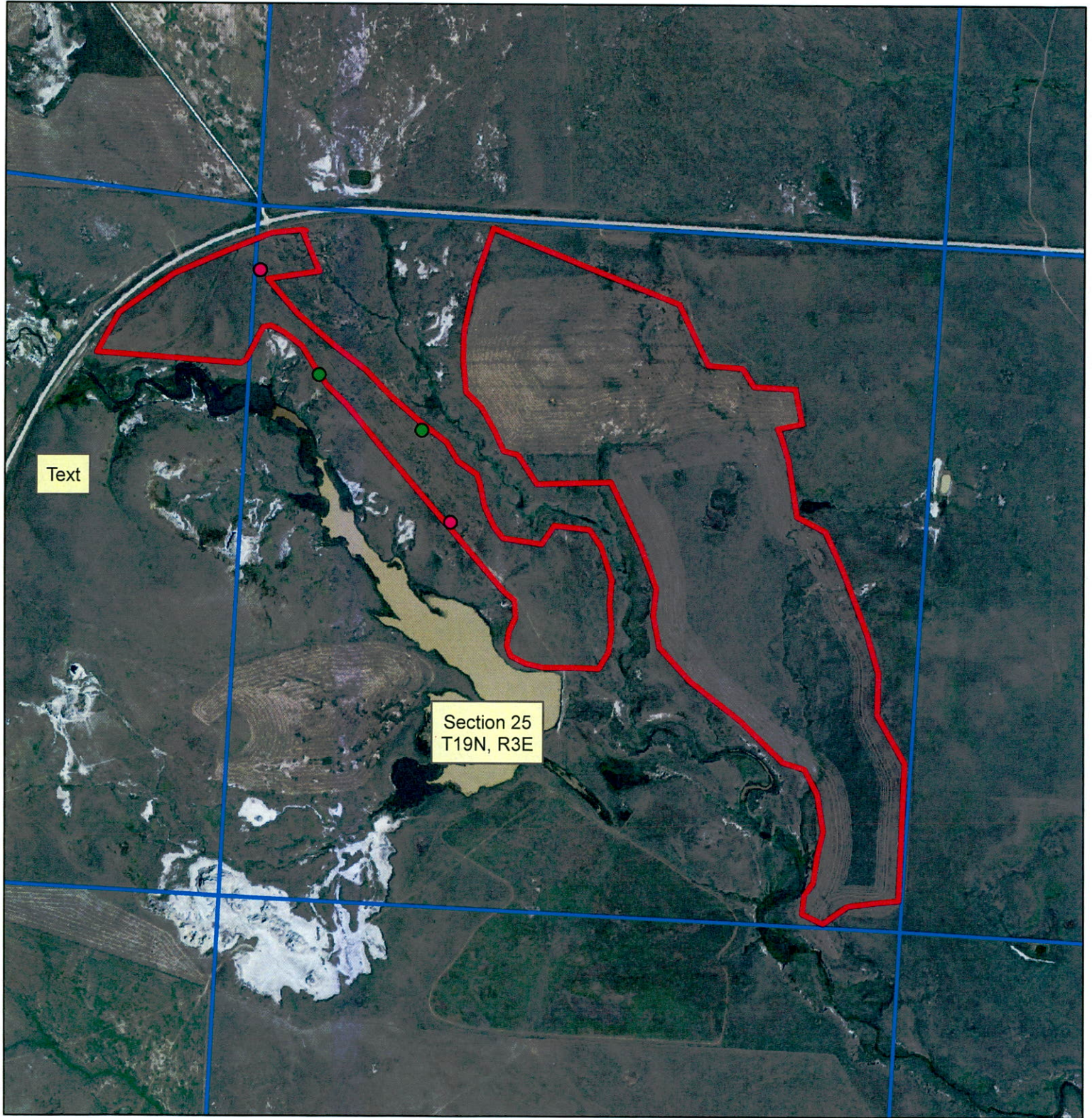
Date:

4-25-13

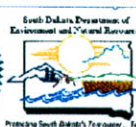
Please return White Copy to DENR Water Rights

523 E. Capitol Ave., Pierre SD 57501

Tom Wilson's Water Permit Application



- existing wells
- proposed wells



Eric Gronlund

Eric Gronlund
Water Rights Program, DENR

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3-30, 20 17

Tom Wilson, 11637 Hwy 20, Buffalo SD 57720

RECEIVED OF _____

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

Fee for Application for Permit No. <u>19163-1</u> to Appropriate Water, to construct and to put water to beneficial use	950	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>19163T1</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1150.00

No. **08215**

By Jeanne Goodman
Chief Engineer
(KS)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

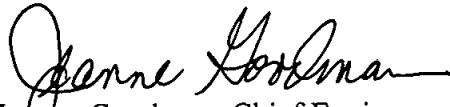
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1963-1, Tom & Lori Wilson**

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. 1963-1, Tom and Lori Wilson, 11637 SD Hwy 20, Buffalo SD 57720.

The Chief Engineer is recommending APPROVAL of Application No. 1963-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The two new wells authorized by Permit No. 1963-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
June 14, 2017

Report to the Chief Engineer
Water Permit Application 1963-1
Tom and Lori Wilson
May 23, 2017

Water Permit Application No. 1963-1 proposes to appropriate water from the Hell Creek aquifer at a maximum diversion rate of 0.53 cubic feet per second (cfs) for irrigation, stock watering, and to supply a pipeline construction man camp. The proposed diversion points are four wells (two existing and two planned) approximately 140 feet deep located in the NW ¼ of Section 25-T19N-R3E. The proposed irrigation is for 216 acres located in the N ½, NE ¼ SW ¼, N ½ SE ¼, SE ¼ SE ¼ Section 25 and NE ¼ NE ¼ Section 26; all in T19N-R3E in Harding County. Of these four wells the applicant has indicated that the two existing wells will serve as the water supply for the temporary man camp and all four wells will be used for irrigation and stock watering.

Aquifer: Hell Creek aquifer (HLCK)

Hydrogeology and Aquifer Characteristics

The Hell Creek Formation is part of the Cretaceous aged deposits that underlie portions of South Dakota, North Dakota, Wyoming, Montana, and Canada (Long et al., 2014). In compiling the hydrogeologic framework of the uppermost aquifer system of the Williston Basin area, Thamke et al. (2014) notes two hydrogeologic units in the Hell Creek Formation, the upper Hell Creek hydrogeologic unit and the Lower Hell Creek aquifer. The hydrogeologic units of the Thamke et al. (2014) and Long et al. (2014) study area are shown in Figure 1. These hydrogeologic divisions are approximately consistent with the division of the formation into the upper and lower Hell Creek Formation, with the term hydrogeologic unit being applied to the upper since it has been identified as a confining unit in some areas (Long et al., 2014 and Thamke et al., 2014). However, the upper Hell Creek hydrogeologic unit may not act as a confining unit across the entirety of the Williston Basin (Long et. al., 2014 and Thamke et al., 2014). In examining the lithologic and hydraulic data from well logs at selected sites in South Dakota from Thamke et al. (2014), wells in the Hell Creek Formation were completed in both the upper Hell Creek hydrogeologic unit and the Lower Hell Creek aquifer.

For the purpose of water management in South Dakota the Water Rights Program considers the entirety of the Hell Creek Formation to be the Hell Creek aquifer. In South Dakota, Allen et al. (1985) estimates that the Hell Creek Formation underlies about 5,390,720 acres of Harding, Perkins, Butte, Corson, Dewey, Meade, and Ziebach Counties with an estimated 82,190,400 acre-feet of water in storage. In areas of the Buffalo quadrangle (where the well sites for this application are located), Erickson (1956) notes that the Hell Creek Formation can be over 300 feet in thickness in some areas. In this area the Hell Creek Formation is composed of

bentonitic clays and silts, clays and shales with varying amounts of carbonaceous material, and sandstone (Erickson, 1956).

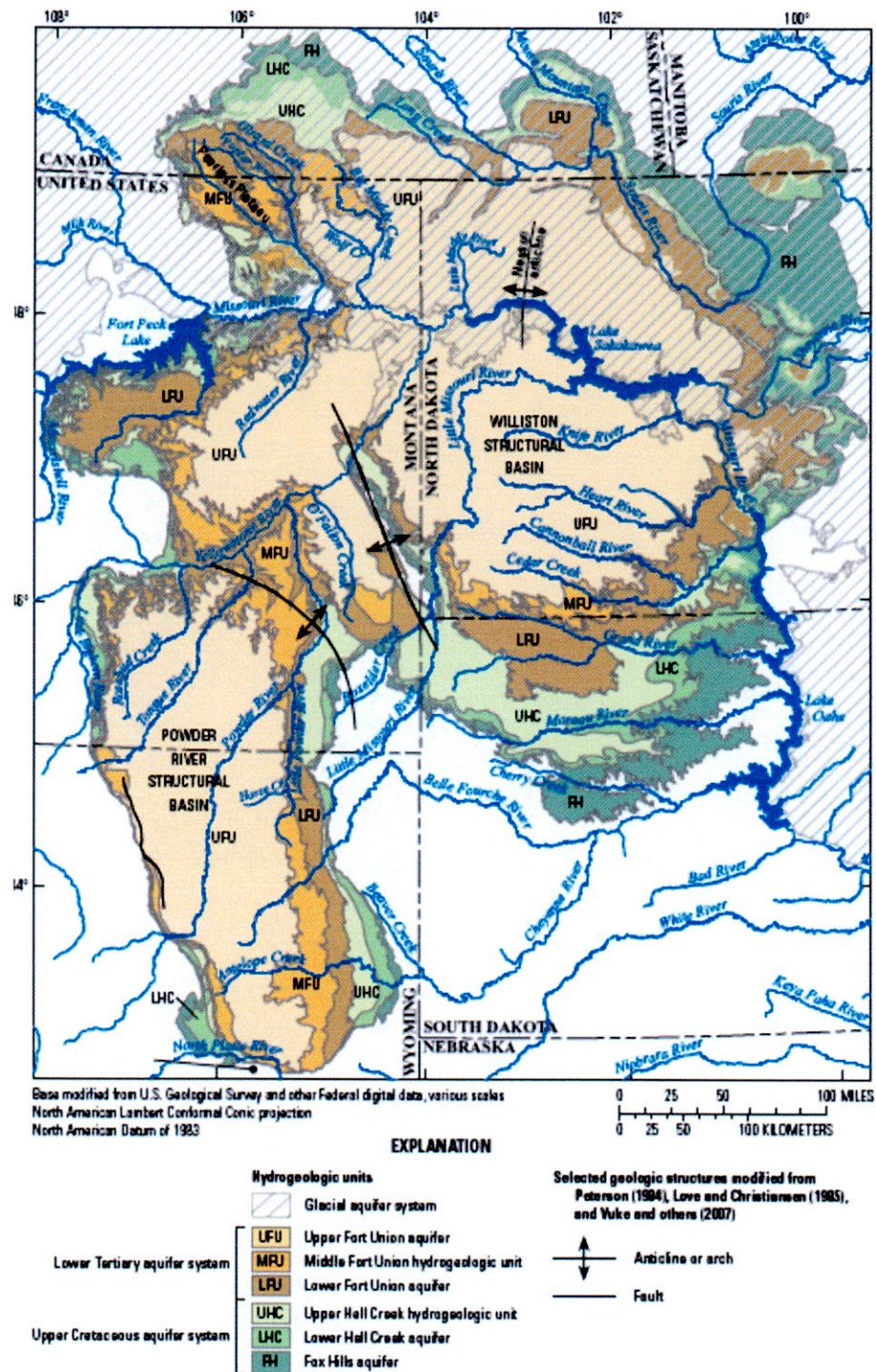


Figure 1: Thamke et al. (2014) and Long et al. (2014) study area and hydrogeologic units (modified from Thamke et al., 2014)

Well completion reports are available for the two existing wells that this application proposes to utilize. One well is 140 foot deep and was completed in 1980 with a static water level at completion of 80 feet below grade. The other well is 170 foot deep and was completed in 2013 with a static water level of 48.4 feet below grade. Available information indicates that these wells are completed into the Hell Creek aquifer (Erickson, 1956; Water Rights, 2017a; and Water Rights, 2017c). The applicant indicated that the two proposed wells are expected to be of a similar depth, therefore will likely be completed into the Hell Creek aquifer also.

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a 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 aquifer that are pertinent to this application.

Water Availability

Water Permit Application No. 1963-1 proposes to appropriate water from the Hell Creek aquifer for irrigation, stock watering, and to temporarily supply a pipeline construction man camp. The probability of unappropriated water being available from an 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." If the source of the water is older or lower than the Greenhorn Formation and the application is for a water distribution system defined pursuant to SDCL 46-1-6 (17), the Board need not consider the recharge/withdrawal issue. Here, only a temporary water distribution system is involved; however, the formation is not older or lower than the Greenhorn Formation, and therefore the withdrawal/recharge issue must be considered.

Observation Wells

In determining the availability of unappropriated water for a permit application Administrative Rule of South Dakota 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the average quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge.

The Water Rights Program monitors one observation well completed into the Hell Creek aquifer. Observation well HR-86F is located about 11.6 miles to the east southeast of the well sites for this application. The hydrograph for observation well HR-86F is shown in Figure 2.

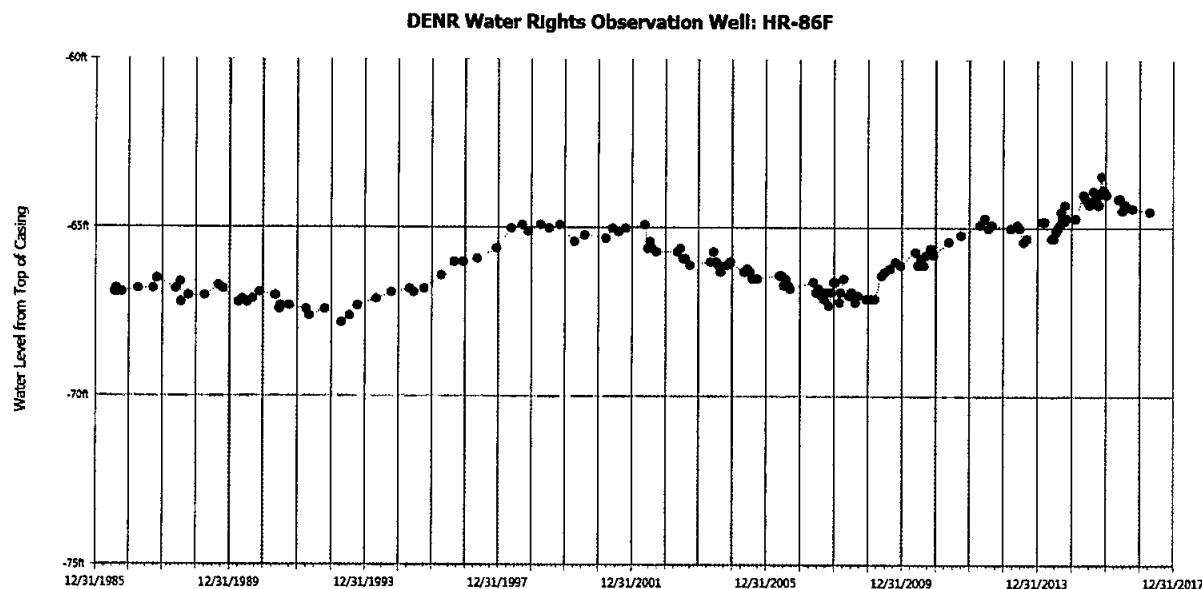


Figure 2: Hydrograph of observation well HR-86F (Water Rights, 2017a)

The observation well data documents cyclic conditions of water levels, recharging during wet periods and declining during dry periods. Fluctuations in water level of the period of record are relatively small (about 4.3 feet). Currently over the period of record, the hydrograph of observation well HR-86F shows increased water in storage in the aquifer in the area of this observation well. Observation well data indicates that at the current level of development temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer exceeds well withdrawal. The hydrograph demonstrates that the amount of water in storage has slightly increased from the start of the period of record, indicating that on average over period of record recharge to the aquifer has exceeded withdrawals. Therefore there is a reasonable probability that water is available for appropriation.

Hydraulic Budget

Recharge

Recharge to the Hell Creek aquifer occurs from the infiltration of precipitation, stream flow infiltration, and groundwater inflow (Long et. al., 2014). Hedges and Burch (1985) used base flow recession analysis at two locations to determine an order of magnitude for recharge resulting in estimates of 0.25 and 0.29 inches per year. A soil water balance model was utilized to examine the precipitation recharge potential from 1981 to 2011 in the study area shown in Figure 1 (Long et. al., 2014). Modeled average annual precipitation recharge from 1981 to 2011 to the Williston portion of the study area was 0.18 inches per year with rates that varied from 0 to 6.8 inches per year (Long et. al., 2014). Modeled precipitation recharge to the area of South Dakota underlain by the Hell Creek aquifer primarily ranged from 0 to 0.5 inches per year (Long et. al., 2014). However, the modeled rates are not aquifer specific and likely are not reflective of loss to any overlying aquifers (Long et. al., 2014 and Aurand, 2013). Also, Aurand (2013) notes

that model results should be used cautiously with the limits of the input data and model assumptions considered carefully.

Discharge

Discharge from the Hell Creek aquifer occurs through evapotranspiration, seepage to surface water near the outcrops, groundwater outflow, and well withdrawals (Long et al, 2014 and Bedner, 2013). Currently, there are ten water rights/permits appropriating water from the Hell Creek aquifer (Water Rights, 2017b). These water rights, which are all non-irrigation permits, are summarized in Table 1. Historically, water use by non-irrigation appropriations limited by instantaneous diversion rates has been less than 60% of full time pumping at the permitted authorized diversion rate resulting in as estimated annual water use for the water rights appropriating water from the Hell Creek aquifer of 422 acre-feet per year. Long et al. (2014) examined average groundwater withdrawal from South Dakota from the upper Hell Creek hydrogeologic unit and the Lower Hell Creek aquifer in five year periods from 1981 to 2005 for the Long et al. (2014) study area. Long et al. (2014) estimated groundwater use for 2001 to 2005 from the Hell Creek aquifer at 0.87 cfs, resulting in an estimated average annual withdrawal of 630 acre-feet per year for that time period.

Table 1: Estimated appropriative Water Use from the Hell Creek aquifer (Water Rights, 2017b)

Permit No.	Name	Status	Use	Rate (cfs)	Estimated Annual Rate (acre-feet)
278-1	Town of Buffalo	LC	MUN	0.13	56
1163-1	Town of Buffalo	LC	MUN	0.07	30
1178A-1	Town of Buffalo	LC	MUN	0.14	61
1178B-1	Town of Buffalo	LC	MUN	0.26	113
1273-1	City of Morrilton	LC	MUN	0.08	35
1626-1	Slim Buttes Lutheran Church	LC	INS	0.026	11
1691-1	Town of Buffalo	LC	MUN	0.156	68
1782-1	Floyd Johnson	LC	SHD/DOM	0.04	17
1909-1	Alvin L. Cordell	LC	COM	0.04	17
1940-1	Slim Buttes Lodge LLC	LC	COM	0.03	13
Total					422

LC-water right, MUN-municipal, INS-institutional, SHD-suburban housing development, DOM-domestic, com-commercial

Hydrologic Balance

Not all of the recharge to or storage in the Hell Creek aquifer is available at this location; therefore this general hydraulic budget simply demonstrates that the Hell Creek aquifer is a vast water resource. This also demonstrates the need to consider a localized view of water availability in the Hell Creek aquifer. This could be done either through a localized hydraulic budget or consideration of area observation wells. The majority of available information on the Hell Creek aquifer is regional in nature rather than localized, which creates scale issues when attempting to apply regional data to create a hydraulic budget of a localized area.

However, for the sake of perspective on water availability in the Hell Creek some additional discussion can offer further insight. Pursuant to South Dakota Codified Law 46-5-6

without approval by the Water Management Board annual diversions for irrigation may not exceed two acre-feet per acre. If this is applied to the 216 acres that this application proposes to irrigate a value of 432 acre-feet in irrigation withdrawals results. Using the recharge rate estimates of Hedges and Burch (1985) areas of about 17,876 acres and 20,736 acres would be needed to result in recharge of 432 acre-feet. By comparison the Hell Creek Formation underlies an estimated 1,629,440 acres of Harding County (Allen et al., 1985). This is not meant to imply that all recharge to the Hell Creek aquifer in Harding County is available at any one location; it only demonstrates the Hell Creek aquifer is a vast water resource in comparison to the appropriation proposed by this application. Therefore, there is a reasonable probability that water is available in the Hell Creek aquifer for this application.

Existing water rights/permits

Water rights/permits in the area of the well sites for this application are shown in Figure 3. The nearest water right is Water Right No. 1178B-1 for the Town of Buffalo. Water Right No. 1178B-1 is located about 7.2 miles east of the well sites for this application. Due to the distances involved there is a reasonable probability that this application, if approved, will not adversely impact existing water rights. There are several domestic/stock well completion reports on file with the South Dakota Water Rights Program with driller reported locations that are within approximately two miles of the proposed well location for this application, some of which are likely completed into the Hell Creek aquifer (Water Rights, 2017c).

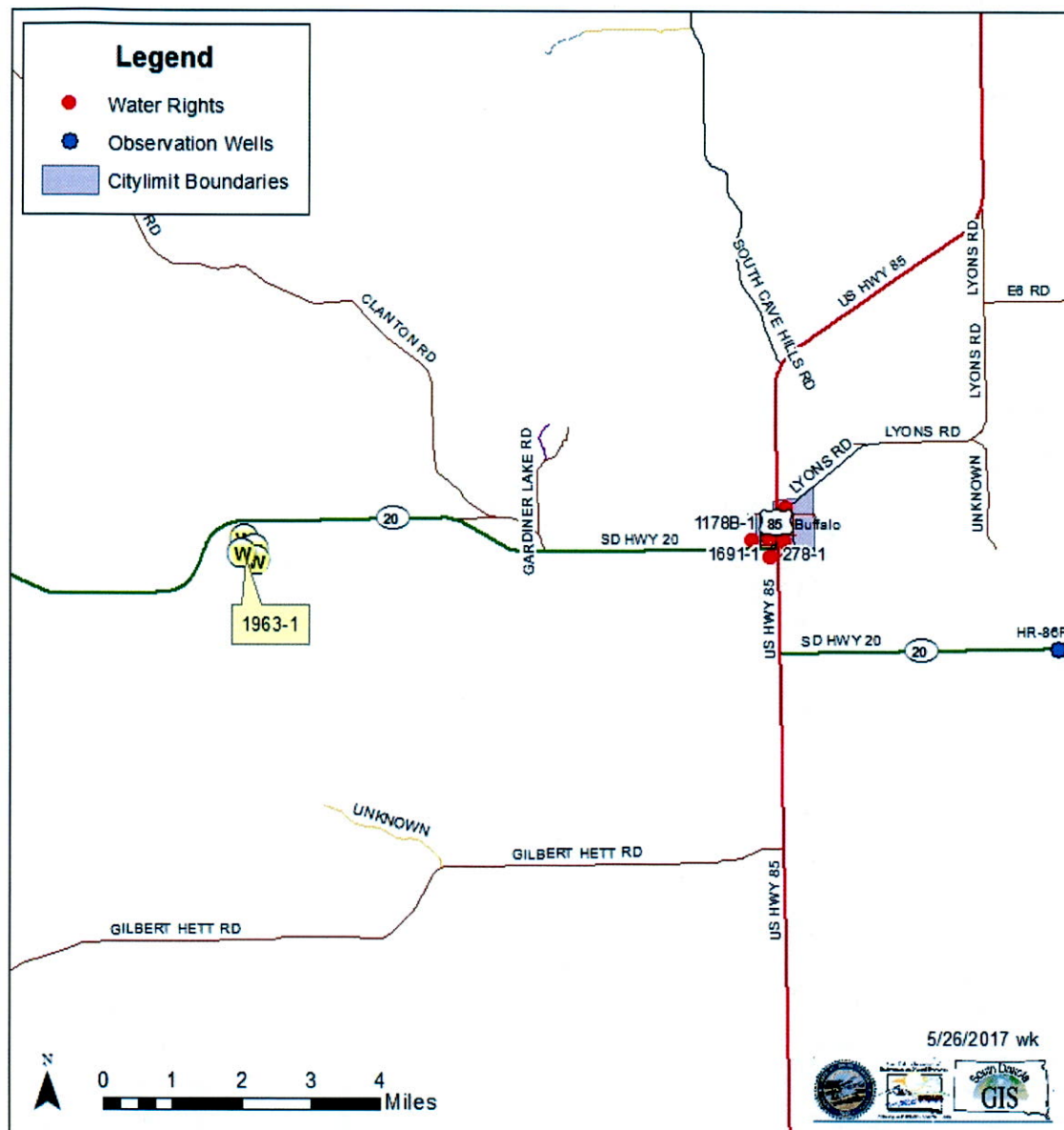


Figure 3: Water rights/permits currently authorized to appropriate water from the Hell Creek aquifer in the area of the well sites for Water Permit Application No. 1963-1 (Water Rights, 2017b)

Due to the proximity of the well locations for this application to each other, any drawdown as a result of pumping from this application will affect the other wells of this application before potentially affecting other wells in the area. Additionally, observation well HR-86F is located approximately 4.2 miles from the water rights for the City of Buffalo, and the hydrograph from the observation well (Figure 2) shows no signs of well interference. Therefore, there is a reasonable probability that pumping under this application, if approved, will not impair water rights/permits with a senior priority date. The Water Management Board has defined an adversely impacted domestic well as “a well in which the pump intake was set at least 20 feet

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

Conclusions

1. Water Permit Application No. 1963-1 proposes to appropriate water from the Hell Creek aquifer at a maximum diversion rate of 0.53 cfs for irrigation, stock watering, and to supply a pipeline construction man camp from four wells (two existing and two planned) located in the NW $\frac{1}{4}$ of Section 25-T19N-R3E. The proposed irrigation is for 216 acres located in the N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26; all in T19N-R3E.
2. The Hell Creek aquifer is a large water resource, with a relatively small volume of appropriative withdrawals in relation to water available. Therefore, there is a reasonable probability that water is available in the Hell Creek aquifer for this application.
3. There is a reasonable probability that this application, if approved, will not adversely impact existing water rights.


Whitney Kilts
SDDENR-Water Rights Program

References

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RECEIVED

JUN 26 2017

WATER RIGHTS
PROG

NOTICE OF APPLI-
CATION NO. 1963-1 to
Appropriate Water

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF HARDING:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the NATION'S CENTER NEWS is a legal weekly newspaper of general circulation, printed and published in the City of Buffalo, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Application
No. 1963-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 22nd day of June, 2017 and the last publication on the _____ day of _____, _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 27.72 insures solely to the benefit of the publisher of the NATION CENTER NEWS, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 22nd day of June, 2017

Arthur W. Richards

Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-2022

Notice is given that Tom and Lori Wilson, 11637 SD Hwy 20, Buffalo, SD 57720 have filed an application for a water permit to appropriate a total of 0.53 cubic feet of water per second from two existing wells and two new wells, all completed into the Hell Creek aquifer (approximately 140 feet deep) located in the NW 1/4 Section 25, with the two existing wells used to supply a temporary pipeline man camp while all four wells will be used for livestock watering and irrigation of 216 acres located in the N 1/2, NE 1/4 SW 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 Section 25 and NE 1/4 NE 1/4 Section 26; all in T19N-R3E. This is located approximately seven miles west of the town of Buffalo.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1963-1 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 July 3, 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
\$27.72

#397
Jun 22

RECEIVED

JUN 26 2017

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA:
COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice Of Application
No. 1963-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 22nd day of June, 2017, and the last publication on the day of , , that the full amount of fees charged for publishing same, to-wit: The sum of \$ 27.72 insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Letitia Lister
Subscribed and sworn to before me this 23rd day of June, 2017

Keith Richards
Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2022

NOTICE OF APPLICATION NO. 1963-1 to Appropriate Water

Notice is given that Tom and Lori Wilson, 11637 SD Hwy 20, Buffalo, SD 57720 have filed an application for a water permit to appropriate a total of 0.53 cubic feet of water per second from two existing wells and two new wells, all completed into the Hell Creek aquifer (approximately 140 feet deep) located in the NW 1/4 Section 25, with the two existing wells used to supply a temporary pipeline man camp while all four wells will be used for livestock watering and irrigation of 216 acres located in the N 1/2, NE 1/4 SW 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 Section 25 and NE 1/4 NE 1/4 Section 26; all in T19N-R3E. This is located approximately seven miles west of the town of Buffalo.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1963-1 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 July 3, 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
\$27.72.

#242
Jun 22

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 14, 2017 11:39 AM
To: Legals (legals@bhpioneer.com)
Subject: 1963-1, Tom & Lori Wilson
Attachments: 1963-1-Bpublic.short.docx; FORM8.FRM.doc

Attached is a notice to be published on June 22, 2017 in both the Black Hills Pioneer and Nation's Center News.

Tom & Lori Wilson, 11637 SD Hwy 20, Buffalo SD 57720 (605 375-3650 or c 605 848-1336) have 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 to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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, June 14, 2017 11:54 AM
To: 't_wilson32@hotmail.com'
Subject: Applicaiton No. 1963-1
Attachments: 1963-1.pdf

Tom & Lori Wilson,

Attached is the information regarding the public notice, report and chief engineers recommendation for your Water Permit Application No. 1963-1. Paper copy is being mailed today.

Please contact the Black Hills Pioneer (605 642-2761) ASAP to authorize publication and arrange for payment in both the Black Hills Pioneer and the Nation's Center News.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 19, 2017 10:18 AM
To: Schlaak, Karen
Subject: Amended notice for 1963-1, Tom & Lori Wilson
Attachments: 1963-1-Bpublic.short.docx

Kelly,
Here is the amended notice to be published on June 22 in both the BH Pioneer and the Nation's Center News. If you have questions, please let me know.
Thanks for your help,
Karen

From: Schlaak, Karen
Sent: Wednesday, June 14, 2017 11:47 AM
To: 'legals@bhpioneer.com'
Subject: RE: [EXT] 1963-1, Tom & Lori Wilson

I'm sending an email to Tom Wilson with the info, so he should be calling you soon.

From: legals@bhpioneer.com [<mailto:legals@bhpioneer.com>]
Sent: Wednesday, June 14, 2017 11:45 AM
To: Schlaak, Karen
Subject: Re: [EXT] 1963-1, Tom & Lori Wilson

Hello Karen,

I received this legal and will schedule it for the BH Pioneer and the Nation's Center News on the 22nd of June.
Thanks!

On Jun 14, 2017, at 10:39 AM, Schlaak, Karen <Karen.Schlaak@state.sd.us> wrote:

Attached is a notice to be published on June 22, 2017 in both the Black Hills Pioneer and Nation's Center News.

Tom & Lori Wilson, 11637 SD Hwy 20, Buffalo SD 57720 (605 375-3650 or c 605 848-1336) have 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 to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program

NOTICE OF APPLICATION NO. 1963-1 to Appropriate Water

Notice is given that Tom and Lori Wilson, 11637 SD Hwy 20, Buffalo, SD 57720 have filed an application for a water permit to appropriate a total of 0.53 cubic feet of water per second from two existing wells and two new wells, all completed into the Hell Creek aquifer (140 feet deep) located in the NW ¼ Section 25, with the two existing wells used to supply a temporary pipeline man camp while all four wells will be used for livestock watering and irrigation of 216 acres located in the N 1/2, NE 1/4 SW 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 Section 25 and NE 1/4 NE 1/4 Section 26; all in T19N-R3E. This is located approximately seven miles west of the town of Buffalo.

approximately

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1963-1 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 July 3, 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

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

June 14, 2017

Tom and Lori Wilson
11637 SD Hwy 20
Buffalo SD 57720

Dear Mr. & Mrs. Wilson:

Water Permit Application No. 1963-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. The notice has been emailed to the Black Hills Pioneer printed at Spearfish with instruction to publish in the Black Hills Pioneer and Nation's Center News, Buffalo SD on June 22, 2017. Please contact the Black Hills Pioneer (Ph # 605 642-2761) to authorize publication in both papers.

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 /KS

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUL 13 2017

Tom & Lori Wilson
11637 SD Hwy 20
Buffalo SD 57720

Dear Mr. & Mrs. Wilson:

Enclosed is Water Permit No. 1963-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A 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 information 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

1963-1



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: TOM & LORI WILSON, 11637 SD HWY 20, BUFFALO, SD 57720

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) 1963-1. 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) 1963-1 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) 1963-1 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: HCXTMA**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2022

1963-1

Tom & Lori Wilson
11637 SD Hwy 20
Buffalo SD 57720

Dear Mr. & Mrs. Wilson:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit No. 1963-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

1963-1



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

January 20, 2023

NOTICE

TO: TOM & LORI WILSON, 11637 SD HWY 20, BUFFALO, SD 57720

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1963-1. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 1963-1 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 1963-1 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 8, 2023** 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: VWDREO**

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.



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

January 31, 2023

1963-1

Tom & Lori Wilson
11637 SD Hwy 20
Buffalo SD 57720

Dear Mr. & Mrs. Wilson:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit No. 1963-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

January 14, 2025

NOTICE

TO: TOM & LORI WILSON, 11637 SD HWY 20, BUFFALO, SD 57720

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1963-1. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 1963-1 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 1963-1 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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: VZNALQ**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 4, 2025

1963-1

Tom & Lori Wilson
11637 SD Hwy 20
Buffalo SD 57720

Dear Mr. & Ms. Wilson:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1963-1. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us