

WATER PERMIT NO. 2455-2

Name of Applicant: Martin J Vanderplog

Address: PO Box 188, Tuthill SD Phone: 605 685-1199

Amount of Water Claimed: 0.444 cfs - 20 AF storage Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: fish & wildlife propagation County: Bennett

Type of Waste Disposal System:

Location: 1 mile west of Tuthill

PRIORITY Date Received: 2-15-2001

Fee: \$150

Corrected Application Received: 2-28-2001

Period of Annual Use: January 1 - December 31

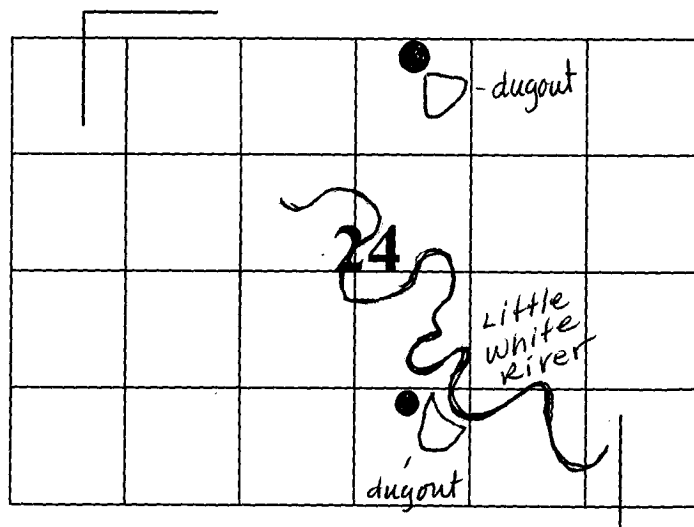
Remarks: pump from 2 wells to fill 2 dugouts (20 AF storage capacity)

Diversion Point: NW ¼ NE ¼, SW ¼ SE ¼

Sec 24-T37N-R36W

Dugouts: NW ¼ NE ¼, SW ¼ SE ¼

Sec 24-T37N-R36W



Depth of Well: 60 feet deep

Well Driller: : _

Remarks:

Type of Map: aerial

Prepared by: Diane Gronlund, NRCS

Reviewed and the Number Assigned on: 2-28-2001

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2455-2

Date of first receipt of application February 15, 2001.

Date of return to applicant for corrections, amendments or changes February 16, 2001.

Date of receipt of corrected application February 28, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2455-2 to Martin J Vanderploeg, 5239 Zumwalt Station Road, Ames IA 50014 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. 2455-2 appropriates 0.45 cubic feet of water per second (cfs) [200 gallons per minute] from two wells (Ogallala Formation) 60 feet deep located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24 to fill two dugouts (20 acre-feet total storage) also located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24; all in T37N-R36W. The dugout located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24 may also receive water from the Little White River as specified in Water Permit No. 2456-2.
2. The water appropriated shall be used for the purpose of supplying water for fish and wildlife propagation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2455-2 is May 29, 2001.
5. The date from which applicant may claim right is February 15, 2001.
6. One-fifth of the construction is to be completed on or before November 29, 2003.
7. All construction is to be completed on or before May 29, 2006.
8. Water is to be put to beneficial use on or before May 29, 2010.
9. 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 wells authorized by Permit No. 2455-2 shall be constructed by a licensed well driller and construction 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.

(continued)

3. Water Permit No. 2455-2 authorized two dugouts with a storage capacity of 20 acre-feet of water.
4. Pumping from the wells is not authorized when diversion of water will cause the dugouts to overflow.

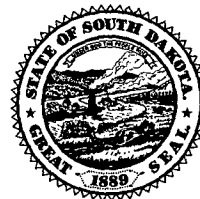
WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 03 2001

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2455-2</u>	(office use only) Hydrologic Unit <u>10140203</u>
	Basin <u>White River</u>	
	Newspaper <u>Bennett Co. Booster II, Martin</u>	
		<u>57551-0610</u>



Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☒ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

- Name of Applicant Martin J. Vanderploeg Phone 605-685-1199
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 188, Tuttle 5239, Ames IA 50014 State SD 57574
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.444 *CFS or 200 **GPM 20 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply 2 wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 wells
NW1/4 NE1/4, SW1/4 SE1/4 Sec 24 - T37N-R36W
dugouts located in same areas County Bennett
- County or counties where water will be used Bennett
- Annual period during which water is to be used Annual (Jan 1-Dec 31)
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

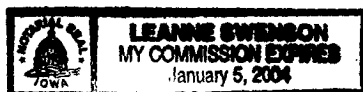
STATE OF SOUTH DAKOTA)

County of Bennett) SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Marty Vanderploeg, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Martin Vanderploeg
Subscribed and sworn to before me this 7th day of February 2001



Leanne Swenson
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16" Depth 60'
- b) Casing Type PVC Diameter 10" Thickness schedule 40
- c) Screen Type PVC Diameter 10" Thickness schedule 40
- d) Gravel Pack _____ Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 30'
- f) Depth to Water (ground surface to water level) 30'
- g) Distance to nearest existing domestic well:
- On applicants property .5 miles On property owned by others 1.2 miles

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 _____

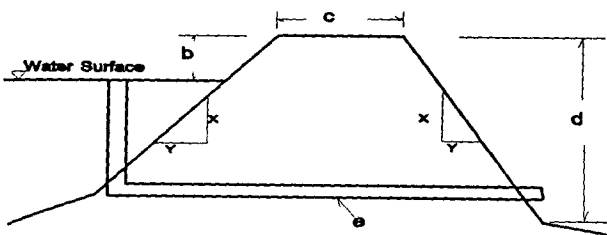
3. Dugout Information

- a) Surface Dimensions 3 acres Depth 3'
- b) Depth to water (ground surface to water level) 30'

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 _____
 Upstream _____
 Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

N2 416773

Pierre, February 15, 2001

RECEIVED OF Marty Vanderploeg, Laura Williams, PO Box 188, Tuthill, SD 57574-0188
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2455-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. <u>2455-2</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

By Darland Erbele
Chief Engineer *gsm*

59.0
1

31 Floyd Canyon 614
37-36

374.8
Total

390.8

71825

3-76L

1 NHEL
NIN

well location
1

T370 CONT. ON
615

well location

51.5 #2

5

NHES

Dug out
to be filled 3.9

5' max

1.87

J. H. ... 3-76L

E 1/2 Sec 2 T37 R36

Grant L. Houlbourn

March 50

2455-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 2001

Martin J Vanderploeg
PO Box 188
Tuthill SD 57574

Dear Mr. Vanderploeg:

Thank you for submitting the two *Applications for a Permit to Appropriate Water* for fish and wildlife propagation. In order to complete the applications, the following is required.

Regarding the application for the two wells, please complete Item No. 1, Well Information – Proposed Construction on Form 2A. If a test hole log is available, please submit that also.

Enclosed are the maps submitted with the applications. We have consulted with Diane Gronlund about the map requirements. The maps needs to be legible, reference a section corner and also show the location of the ponds as well as the diversion points.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2455-2, Martin J. Vanderploeg**

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. 2455-2, Martin J. Vanderploeg, PO Box 188, Tuthill SD 57574.

The Chief Engineer is recommending APPROVAL of Application No. 2455-2 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 wells authorized by Permit No. 2455-2 shall be constructed by a licensed well driller and construction 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. Water Permit No. 2455-2 authorized two dugouts with a storage capacity of 20 acre feet of water.
4. Pumping from the wells is not authorized when diversion of water will cause the dugouts to overflow.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 26, 2001

NOTE: It may be necessary to seal the bottom of the dugouts in order for them to hold water without having to continually divert ground water to maintain the water level.

REPORT ON WATER PERMIT APPLICATION NO. 2455-2
for Martin J. Vanderploeg
March 5, 2001

Application No. 2455-2 proposes to appropriate 0.444 cfs (200 gpm) from two wells approximately 60 feet deep located in the NW 1/4 NE 1/4 and the SW 1/4 SE 1/4 of section 24 to fill two dugouts (20 acre feet total storage) also located in the NW 1/4 NE 1/4 and the SW 1/4 SE 1/4 of section 24; all in T37N R36W in Bennett County. The dugout located in the SW 1/4 SE 1/4 of section 24 may also receive water from the Little White River as specified in water permit application No. 2456-2. The water is for fish and wildlife production.

AQUIFER - OGALLALA (OGLL)

The Ogallala Formation consists of an Upper and Lower Unit in this area and the aquifer is generally the Lower Unit. The Lower Unit can be described as up to 200 feet of light-gray to light-olive-green fine to medium, unconsolidated sand with locally the lower part cemented with calcium carbonate (Ellis, 1971). Geologically this area is mapped as alluvium along the Little White River bottom lands, terrace deposits in the uplands and underlain by the Monroe Creek Member of the Arikaree Formation (Collins, 1958). For purposes of this report and simplicity, two aquifers are recognized in this area the Ogallala and the Arikaree Formations. The Ogallala underlies 280,960 acres and contains an estimated 2.809 million acre feet of recoverable water in storage in Bennett County (Allen, 1984).

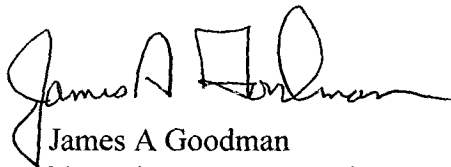
The Water Rights Program monitors three observation wells within two miles of this application. Observation well BT-57A is located about one and one-half miles northeast of this application and is completed to a depth of 30 feet into sand lying below alluvium, observation well BT-76D is located about one mile east of this application and is completed into sand lying upon the Arikaree Formation at a depth of about 127 feet, the third observation well BT-78G is located about two miles southeast of this application and is completed into the Arikaree Formation to a depth of 305 feet. The first two observation wells are completed into the Ogallala Formation and hydrographs for these three wells are included with this report (Water Rights, 2001). The water level record indicates that the aquifer responds to climatic conditions, that is, rising during wet years and gradually declining during dry years. The record indicates that there has been very little fluctuation in the water levels for the period of record.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest groundwater permit No. 374-2 is located about one mile southeast of this application. Interference is not expected to be a concern. There is sufficient distance between diversion points to minimize any potential drawdown. The aquifer is under water table conditions in this area and the observation wells do not indicate that drawdown is significant.

CONCLUSIONS

1. Water is available from the Ogallala aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping is not expected to be significant. Interference is not a concern.
3. Any well authorized by this application must be constructed in accordance with SD Well Construction Standards. No test holes were drilled for this application. The data for the surrounding area indicates that the Ogallala aquifer is present but test drilling will be necessary to fully evaluate the aquifer at this site.
4. Approval of this application will allow a total diversion rate of 200 gpm from either of two wells to be used to fill two dugouts. Pumping is limited to 20 acre feet annually. This would allow pumping at the approved rate for about 23 days. It may be necessary to seal the bottom of the dugouts so that they will hold water.

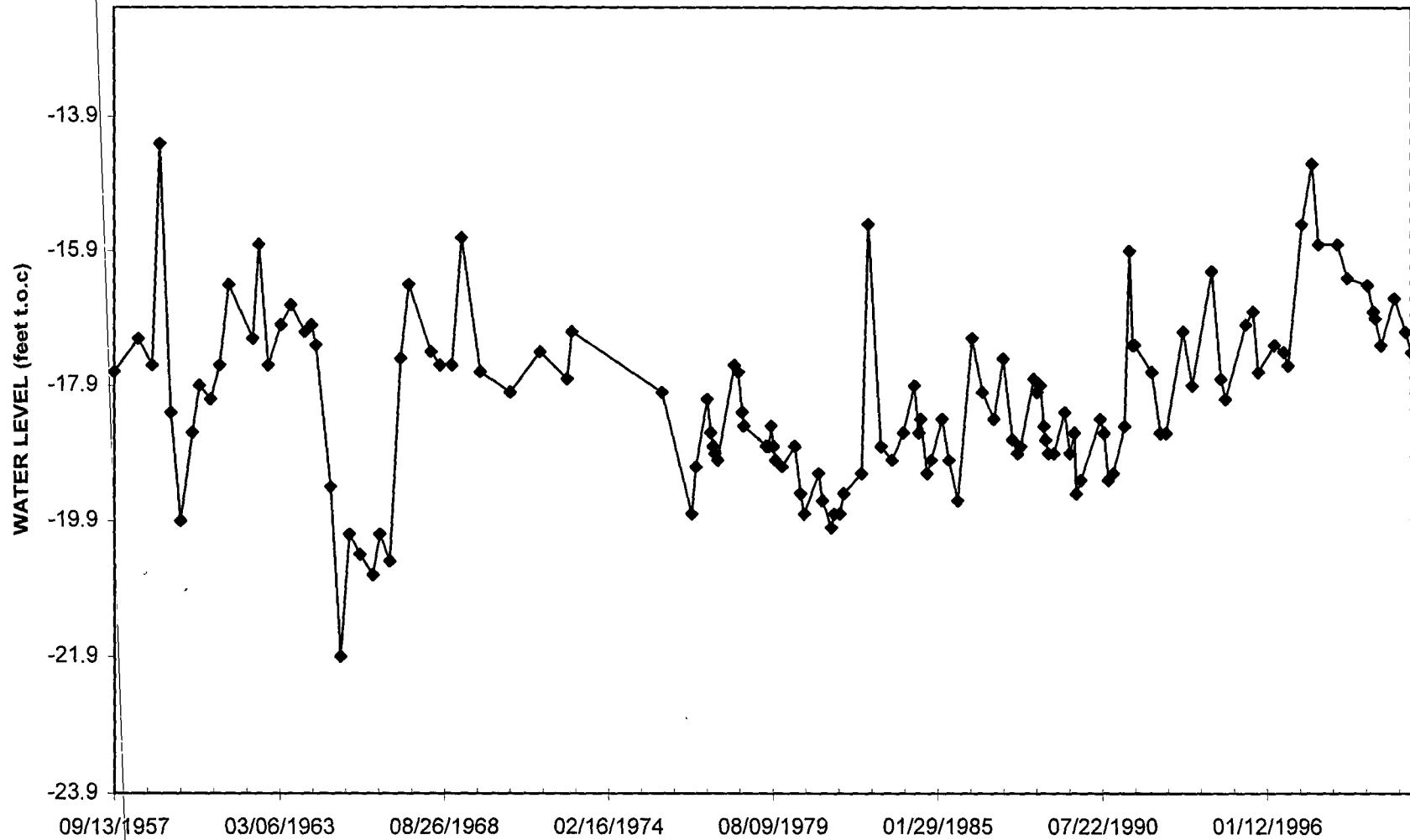


James A Goodman
Natural Resources Engineer

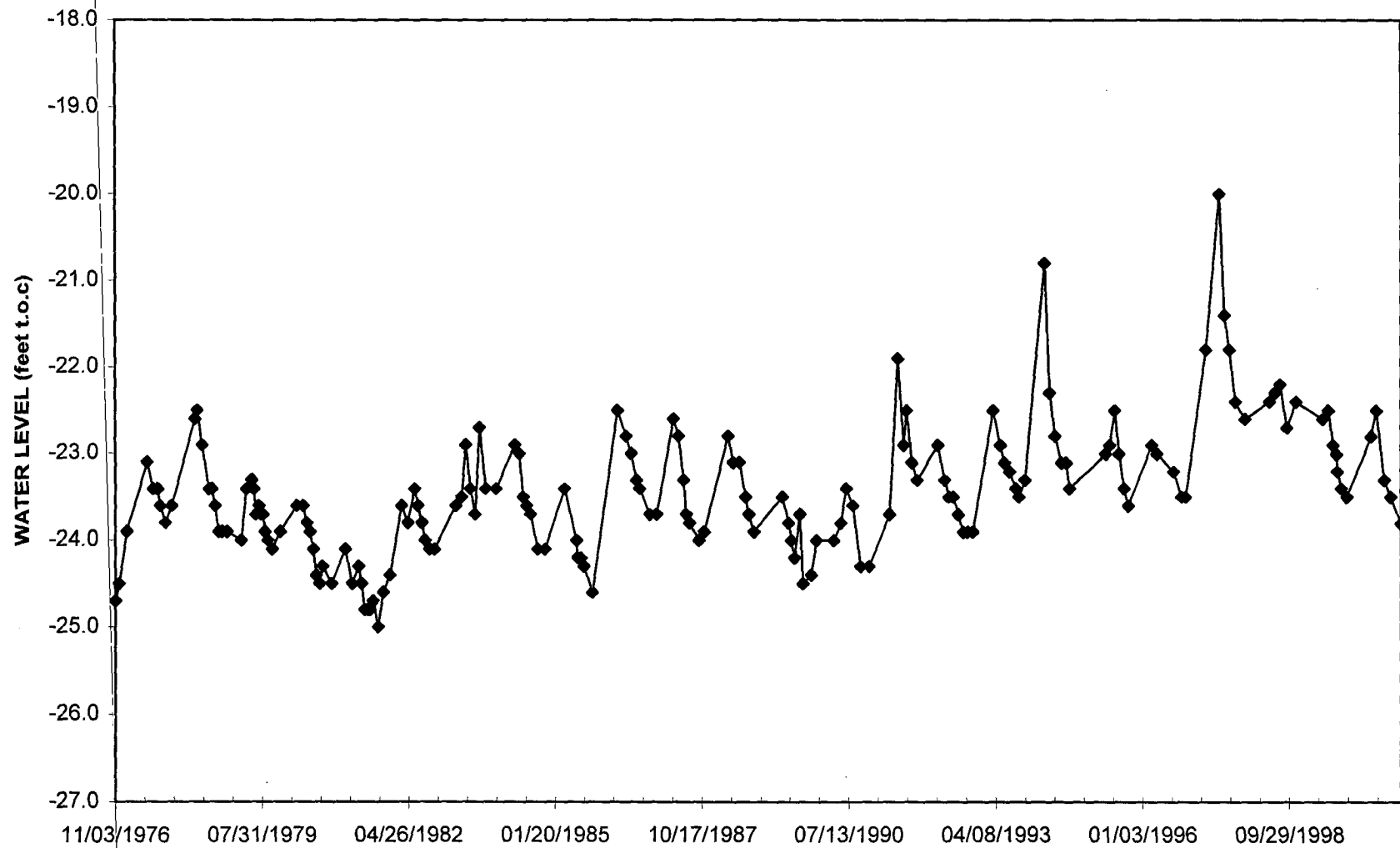
BIBLIOGRAPHY

- Allen, J.C., D.L. Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Collins, S.G., 1959, Geology of the Martin Quadrangle South Dakota, SD DENR, SDGS, Vermillion, SD, 57609.
- Ellis, M.J., D.G. Adolphson, 1971, Hydrogeology of the Pine Ridge Indian Reservation, South Dakota, Hydrologic Investigations Atlas HA-357, USGS, Washington, D.C.
- Water Rights, 2001, Unpublished Observation Well Data for Bennett County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

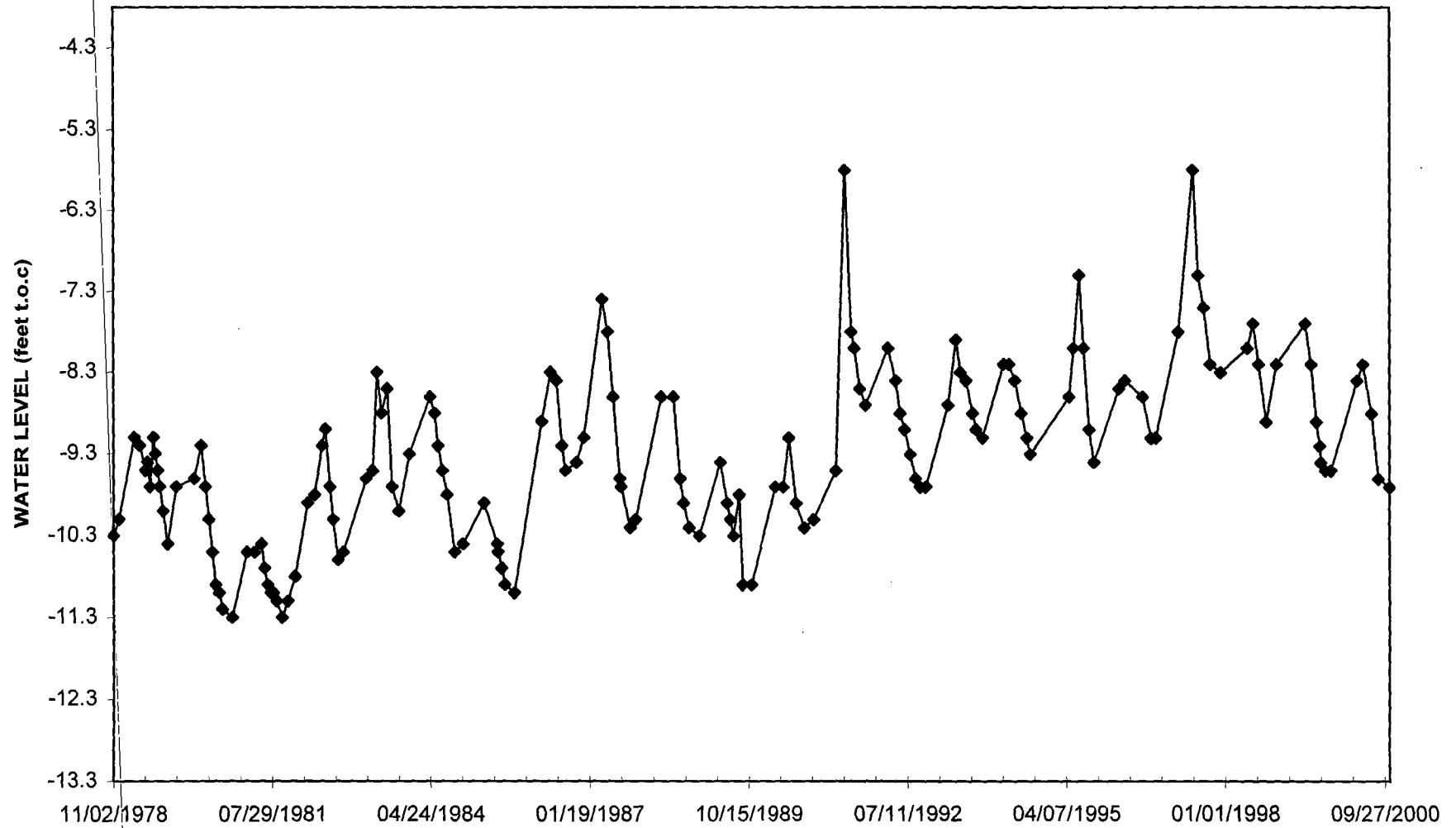
**WATER RIGHTS' OBSERVATION WELL
BT-57A**



**WATER RIGHTS' OBSERVATION WELL
BT-76D**



**WATER RIGHTS' OBSERVATION WELL
BT-78G**



Affidavit of Publication

State of South Dakota }
County of Bennett } SS.

Tim Huether

being duly sworn, says: the Bennett County Booster II is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in SDCL 17-2-2, as amended published at Martin, Bennett County, South Dakota; that affiant is and during all of said times was, an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was

published in said newspaper for two successive issues, bearing the following dates:

May 9, 20⁰¹

May 16, 20⁰¹

_____, 20____
_____, 20____
_____, 20____
_____, 20____
_____, 20____

that the full amount of the fee charged for publishing

the same, to-wit, the sum of \$ 70.22, inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Tim Huether

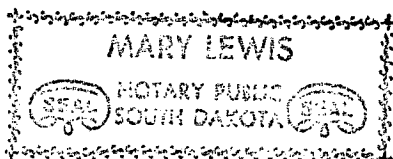
Subscribed and sworn to before me this 16th day

of May, 20⁰¹

Mary Lewis
Notary Public

County of Bennett, South Dakota

My commission expires June 27, 2002



NOTICE OF APPLICATION NOS. 2455-2 and 2456-2 to Appropriate Water

Notice is given that Martin J. Vanderploeg, P. O. Box 188, Tuthill, S.D., 57574 has filed the following applications for water permits.

Water Permit Application No. 2455-2 appropriates 0.45 cubic feet of water per second (cfs) [200 gallons per minute] from two wells (Oglallala Formation) 60 feet deep located in the NW1/4NE1/4 and the SW1/4SE1/4 Section 24 to fill two dugouts (20 acre-foot total storage) also located in the NW1/4NE1/4 and the SW1/4SE1/4 Section 24; all in T37N, R36W. The dugout located in the SW1/4SE1/4 Section 24 may also receive water from the Little White River as specified in the application below.

Water Permit Application No. 2456-2 proposes to appropriate an additional 0.22 cfs (100 gpm) from the Little White River, authorize diversion of water to an additional dugout and slough area and add diversion points to Water Permit No. 2432-2. Water Permit No. 2432-2 appropriates 0.45 cfs (200 gpm) from the Little White River to fill four oxbows. This existing permit authorizes diversion from the Little White River from October 1-December 15 of year and impoundment of up to 32 acre feet of water in four oxbows located in the E1/2SE1/4 Section 24, T37N, R36W and the S1/2SW1/4 Section 19, T37N, R35W. This application proposes to increase the diversion rate by 0.22 cfs from the Little White River and add diversion points to include the NW1/4SE1/4 and the SW1/4SE1/4 Section 24, T37N, R36W. The application authorizes making diversions to a dugout and slough area (20 acre-foot total storage) located in the SW1/4SE1/4 and the S1/2NE1/4, NE1/4SE1/4 Section 24, T37N, R36W. This application also proposes to lengthen the allowed diversion period to September 1 thru April 30. A portable pump will be moved to the various locations to fill the dugouts and oxbow cutoff impoundments. The total diversion rate authorized under this application, if approved, shall not exceed 0.67 cfs (300 gpm) at any given time from the Little White River.



The water use for both projects is for fish and wildlife propagation. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2455-2 and 2456-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, S.D. 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 29, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. 2tc-19



May 9, 196

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 27, 2001

Bennett Co. Booster II
Box 610
Martin, SD 57551-0610

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2455-2 & 2456-2 to Appropriate Water to be published twice. Please publish the first notice on May 9, 2001 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Martin J. Vanderploeg, PO Box 188, Tuthill, SD 57574 or Martin J. Vanderploeg, 5239 Zumwalt Station Rd., Ames, IA 50014 (Ph # 605-685-1199).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund /ks

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 2455-2 & 2456-2

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of April 27, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 2455-2 & 2456-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Tom Huebner

Name

Bennett Co. Booster

Newspaper

Instruction to Newspaper - Publish first Notice on May 9, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 2455-2 and 2456-2 to Appropriate Water

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Water Permit Application No. 2456-2 proposes to appropriate an additional 0.22 cfs (100 gpm) from the Little White River, authorize diversion of water to an additional dugout and slough area and add diversion points to Water Permit No. 2432-2. Water Permit No. 2432-2 appropriates 0.45 cfs (200 gpm) from the Little White River to fill four oxbows. This existing permit authorizes diversion from the Little White River from October 1 – December 15 of year and impoundment of up to 32 acre feet of water in four oxbows located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 24, T37N, R36W and the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 19, T37N, R35W. This application proposes to increase the diversion rate by 0.22 cfs from the Little White River and add diversion points to include the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T37N, R36W. The application authorizes making diversions to a dugout and slough area (20 acre-feet total storage) located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24-T37N-R36W. This application also proposes to lengthen the allowed diversion period to September 1 thru April 30. A portable pump will be moved to the various locations to fill the dugouts and oxbow cutoff impoundments. The total diversion rate authorized under this application, if approved, shall not exceed 0.67 cfs (300 gpm) at any given time from the Little White River.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2455-2 and 2456-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 29, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

April 27, 2001

Martin J. Vanderploeg
PO Box 188
Tuthill, SD 57574

Dear Mr. Vanderploeg:

Water Permit Application Nos. 2455-2 & 2456-2 for fish and wildlife use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Bennett Co. Booster II printed at Buffalo, SD (Ph # 605-685-6866). For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports 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 to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has 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 /155

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

cc: Martin J. Vanderploeg, 5239 Zumwalt Station Rd, Ames, IA 50014

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
www.state.sd.us/denr

April 27, 2001

Bennett Co. Booster II
Box 610
Martin, SD 57551-0610

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2455-2 & 2456-2 to Appropriate Water to be published twice. Please publish the first notice on May 9, 2001 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Martin J. Vanderploeg, PO Box 188, Tuthill, SD 57574 or Martin J. Vanderploeg, 5239 Zumwalt Station Rd., Ames, IA 50014 (Ph # 605-685-1199).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund /ks

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 2455-2 & 2456-2

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of April 27, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 2455-2 & 2456-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 03 2001

Martin J Vanderploeg
5239 Zumwalt Station Rd
Ames, IA 50014

Dear Mr. Vanderploeg:

Enclosed are Water Permit Nos. 2455-2 and 2456-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

WELL OWNER Martin Vanderploeg, Martin, SD
 LOCATION SE Quarter of Section 24
 LEGAL DESCRIPTION T 3.7N, R 36W Bennett County
 DRILLED BY TIM ADAIR, PENNY GARNELLE, Stacy Carrywater
 PROJECT _____
 DATE _____

DEPTH	FORMATION
0 - 1	TOP SOIL
1 - 46	SAND, (fine)
46 - 200	SAND (fine & med), clay
200 - 220	Very fine SAND (water bearing)
-	-
-	-
-	-
-	-
-	-
-	-
-	-

ALL DEPTHS MEASURED FROM GROUND LEVEL

5" WELL CASING PVC	200	+2	TO	200
5" WELL CASING PVC	250	-0	TO	-0
5" WELL SCREEN PVC	250	-0	TO	-0
5" WELL SCREEN STAINLESS STEEL 5"		200	TO	220
SCREEN SLOTS	.010	INCHES		
GRAVEL PACK * TYPE	Silica	195	TO	220
GROUT	Environmental Bentonite Grout 10'		TO	30
FORMATION STABILIZER		30	TO	195
TOTAL DEPTH TO BOTTOM OF WELL	220'	LF		
WELL DEVELOPMENT TIME	5	HOURS		

FOOTNOTE - 2 HP, 19 gpm pump Set at 200' -
 pumping level 187'
 well started at 24 gpm, after bmo. of pumping it
 dropped to 12 gpm

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date Oct. 25 2005

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

FROM: Martin Vanderploeg
(name)

(address)

(city, state, zip)

(phone)

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

Water Permit No. 2455-2 states that the water use system is to be constructed by
8/2004, and water is to be put to beneficial use by 9/2004.
(date) (date)

The water use system was completed on 8/2004.
(date)

Applying the water to beneficial use was completed on 9/2004.
(date)

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

Martin Vanderploeg



Permit No. 2455-2
White River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **October 25, 2005**, made a thorough examination of the water use system constructed by **Martin Vanderploeg** of **Box 188, Tuthill SD 57574** holder of Permit No. **2455-2**, bearing the priority of **February 15, 2001** authorizing the diversion of **0.45** cu. ft. per second of the waters of **Ogallala Formation** for **fish and wildlife propagation** purposes, in **Bennett** County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

A 60 foot well (see picture)

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

Water is diverted by pipeline to either of two seasonal wetlands. The well is located adjacent to one of the seasonal wetlands and basically just flows into wetland as needed

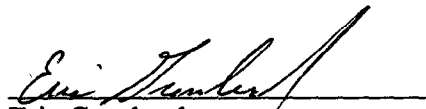
C. Works used to apply water to beneficial use:

None – well water spreads just flows into the wetlands

The system is in the following condition **good**. The point of diversion is located **approximately 1,800 feet north and 2,400 feet west of SE corner Section 24, T37N, R36W Lat/Lon N43.16182 W-101.52200.** The works are capable of diverting and conveying to the place of use **0.045** cu. ft. per second of water and/or storing up to **4.7** acre feet of water which is to be used for **wildlife propagation**. Water is capable of being put to beneficial use to the maximum extent and the license should be issued for **0.045** cfs

Applicable permit qualifications have been complied with: **YES** - well completion report was not filed by driller so am unable to review whether well was properly constructed.

Exceptions to compliance are: **none** Date Report Completed: **December 16, 2005**



Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 2455-2

DATE OF INVESTIGATION:	October 25, 2005
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Martin Vanderploeg Box 188 Tuthill SD 57574
NAME & ADDRESS OF PERMIT HOLDER	Same
DIVERSION POINT LEGAL LOCATION	<u>approximately 1,800 feet north and 2,400 feet</u> <u>west of SE corner Section 24, T37N, R36W</u> <u>Lat/Lon N43.16182 W-101.52200</u>

Other permit(s) associated with the project: 2432-2, 2456-2 and 2497-2 which include these ponds maintained from the Little White River as a source.

WELL INFORMATION:

- 1) Well Drilling Firm: Doug O'Bryan
Construction
- 2) No. of Wells 1
- 3) Depth(s) approx. 60 feet
- 4) Well log is available No
- 5) Comment: see below

Casing:

- 1) Diameter 6 inches
- 2) Length _____ feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length _____ feet
- 3) Static water level unknown feet

Pump: Submersible

- 1) Make unknown
- 2) Model
- 3) Size
- 4) Capacity 20 GPM

Motor:

- 1) Make
- 2) Model No.
- 3) Horsepower rating 5 hp

The horsepower and production is based on information provided by Mr. Vanderploeg. A 5 hp pump seems very large for on 20 gpm of production.

DAM INFORMATION: The impoundments authorized by these permits are not dams per se but instead are depressions, plugged oxbows or diked areas. They do not have spillways, crests, etc.

	Surface Area	Storage Ac – Ft	
Pond 3	2.9	2.9	Seasonal
Pond 5	1.8	1.8	Seasonal

The two ponds are filled on a seasonal basis for waterfowl production. At the time of the inspection there was no water in either pond. Pond No. 5 was not personally viewed during the inspection due its remote location. The surface area of each pond was approximated using the acreage calculator with ArcMap.

The capacity of the ponds was approximated based on Mr. Vanderploeg's statements that the the seasonal ponds are fills to a depth of 2.5 feet.

General rule for calculating capacity – Surface Area X Depth X 0.4 = storage capacity

Project Description – water is diverted from the well on a seasonal basis to maintain habitat for wildlife production. The well produces only 20 gpm (0.045 cfs) because of the sand in the formation and required the installation of an extremely fine screen. The second well to the north was not constructed and there are no plans to construct it according to Mr. Vanderploeg. See change of diversion point location report.

The well driller, O'Bryan Constructed, was contacted by phone and by written correspondence but has not provided the well completion report or any information about the pump installed in the well. The information contained in the report was provided by Mr. Vanderploeg.

I am uncertain but there is the possibility that the well may be able to serve the other ponds authorized by Permit Nos. 2432-2, 2456-2 and 2497-2. However, this is such a low producing well that it is unlikely that there would be much benefit to be gained by diverting the water to systems operated by these permits.

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by **Yes**
- 2) All structures, wells and lands on map **Yes – see report on change of diversion point**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **not applicatble**

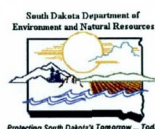


Well authorized by Water Permit No. 2455-2



0 500 1,000 2,000 3,000 4,000 Feet

Well is located approximately 1,800 feet north and 2,400 feet west of the SE corner of Section 24, T37N, R36W
Lat/Lon N 43.16182 W-101.52200



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
Licensing Investigation - October 25, 2005

Change of Diversion Point

NAME: Martin Vanderploeg

ADDRESS: PO Box 188, Tuthill SD

DATE: December 16, 2005 **COUNTY:** Bennett County

BACKGROUND:

Water Permit No. 2455-2 appropriates 0.45 cubic feet of water per second from two wells constructed into the Ogallala Formation (60 feet deep) located in the NW ¼ NE ¼ and the SW ¼ SE ¼ Section 24 to fill two dugouts (20 acre feet total storage) also located in the NW ¼ NE ¼ and the SW ¼ SE ¼ Section 24, T37N, R36W. A licensing investigation found that only the southern most well was constructed. This investigation also found that the well and ponds were constructed outside the quarter-quarter designation under the permit. The developed well is located in the NW ¼ SE ¼ of Section 24 while the ponds are located in the NW ¼ SE ¼ and SW ¼ NE ¼ of Section 24, T37N, R36W.

Based on the map submitted with the original application, it appears the well and ponds are constructed relatively close to their intended locations. However, due to the poor quality of the map the legal descriptions were misinterpreted and public noticed incorrectly.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The well authorized by Water Permit No. 2455-2 which was located in the NW ¼ SE ¼ Section 24 was completed into the Ogallala Aquifer at a depth of approximately 60 feet. The well only produces 20 gpm and will be licensed for that amount. No additional appropriation of water is requested.

The ponds are not on dry draws so no impairment will occur to neighboring dry draw dams. The capacity of the ponds is 4.7 acre feet which is less than the originally permitted amount.

- **Review of Existing Diversions**

This proposed change of diversion locates the well in the quarter-quarter section to the north of the publicly advertised location. There are no irrigation water rights from groundwater in the immediate area. There are a few domestic wells in the area. The minor change in the location of the well will move the Vanderploeg well farther from these domestic wells. Interference between wells is not a concern.

CONCLUSION

- This change in the location of the permitted well does not appropriate additional water.
- The well will be constructed into the Ogallala Aquifer which is the water source authorized by Water Permit No. 2455-2.
- Existing domestic wells will not be adversely impacted by authorizing this change in the location of the well.
- Authorizing the change in the point of diversion of the well and ponds will allow the licensing of Water Permit No. 2455-2 as constructed.

RECOMMENDED ACTION

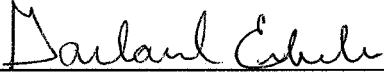
Based on the above criteria, it is recommended that the change of the diversion point be authorized.



Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change of diversion point will not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 01 2006

2455-2
2478-2
2553-2

Martin Vanderploeg
PO Box 188
Tuthill SD 57574

Dear Mr. Vanderploeg:

Enclosed are Water License Nos. 2455-2, 2478-2 and 2553-2. These are the final documents completing your process of obtaining a Water Right.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2455-2

(1) Martin Vanderploeg, Box 188, Tuthill SD 57574 made Application No. 2455-2, February 15, 2001 for a water permit to divert 0.45 cubic feet of water per second from groundwater (two wells) and impound 20 acre-feet of water in two dugouts from Bennett County, South Dakota for fish and wildlife propagation purposes. Permit No. 2455-2, with a priority date of February 15, 2001 was approved May 29, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 29, 2006 and for the application to beneficial use of water on or before May 29, 2010.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on October 25, 2005. The *Notice* stated the diversion system was completed August, 2004 and the water placed to beneficial use September, 2004.

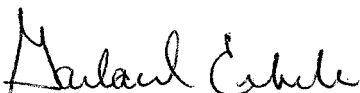
An investigation conducted for licensing purposes found the well and ponds under Water Permit No. 2455-3 were not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion points does not increase the potential for interference with existing water rights.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2455-2 is issued a license, bearing a priority date of February 15, 2001 to appropriate 0.045 cubic feet of water per second from groundwater (one well) and impound 4.7 acre-feet of water in two dugouts for fish and wildlife propagation purposes.

The diversion point is located: approximately 1,800 feet north and 2,400 feet west of the southeast corner Section 24-T37N-R36W (NW ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2455-2 with the following qualifications:

- The well 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.
- The well authorized by Permit No. 2455-2 shall be constructed by a licensed well driller and construction 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.
- Water Permit No. 2455-2 authorizes two dugouts with the storage capacity of 4.7 acre-feet of water (developed capacity).
- Pumping from the well is not authorized when diversion of water will cause the dugouts to overflow.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 01 2008

date

