

WATER PERMIT NO. 2570-2

Name of Applicant: Jim Epke

Address: HC 78 Box 31, Crookston NE 69212

Phone: 605 747-2512

Amount of Water Claimed: 2.28 cfs

Total Acres: 160

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Todd

Type of Waste Disposal System:

Location: 8 miles southwest of Mission

PRIORITY

Date Received: 9-28-05

Application/License Fee: \$300

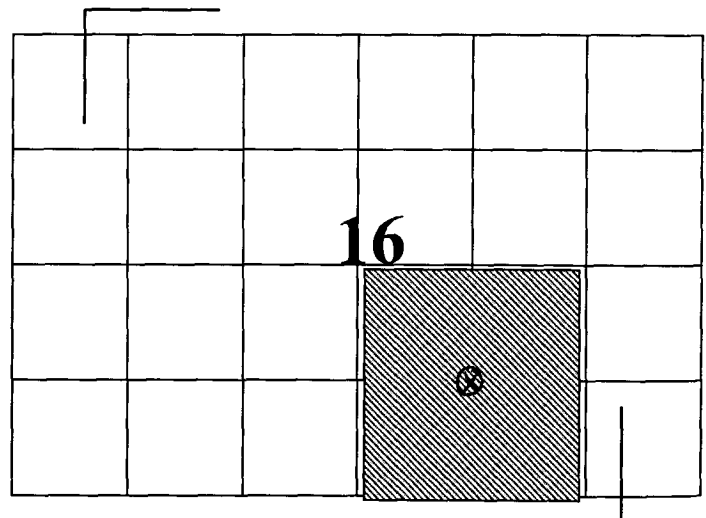
Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: center SE ¼ Sec 16-T37N-R29W

Land to be Irrigated: SE ¼ Sec 16-T37N-R29W



Depth of Well: 250 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 9-29-05

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2570-2</u> (office use only) Hydrologic Unit <u>10140203</u>
	Basin <u>White River</u>
	Newspaper <u>Todd Co. Tribune</u>

RECEIVED
 SEP 28 2005
 WATER RIGHTS
 PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant Jim Epke Phone (605) 747-2512
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address HC 78 Box 31 Crookston State NE 69212
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.280 *CFS or **GPM ***AF Total Acreage 160
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply groundwater - 1 well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Todd
Center of SE1/4 section 16-T37N-R29W
- County or counties where water will be used Todd
- Annual period during which water is to be used Apr 1- Oct 31
- 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
SE1/4 section 16-T37N-R29W	160		

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

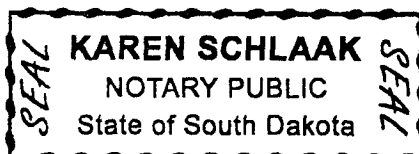
STATE OF SOUTH DAKOTA) SS
 County of Hughes

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, Jim Epke, 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.

Applicant's signature Jim Epke

Subscribed and sworn to before me this 28th day of September 20 05



Karen Schlaak

Notary Public signature

My Commission Expires
 April 1, 2007

**SOUTH DAKOTA
WATER PERMIT NO. 2570-2**

Date of first receipt of application September 28, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2570-2 to Jim Epke, HC 78 Box 31, Crookston NE 69212 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. 2570-2 appropriates 2.28 cubic feet of water per second from one well to be completed into the Ogallala Formation (approximately 250 feet deep) located in the center of the SE ¼ Section 16 to irrigate 160 acres located in the SE ¼ Section 16; all in T37N-R29W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is September 28, 2005.
4. The date of approval of Permit No. 2570-2 is January 2, 2006.
5. One-fifth of the construction is to be completed on or before July 2, 2008.
6. All construction is to be completed on or before January 2, 2011.
7. Water is to be put to beneficial use on or before January 2, 2015.
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 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.
2. The well authorized by Permit No. 2570-2 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: Garland Erbele

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

JAN 09 2006

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 250
- b) Casing Type Plastic Diameter 16in Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 106ft
- g) Distance to nearest existing domestic well:
On applicants property 1/4 mile On property owned by others 1/2 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

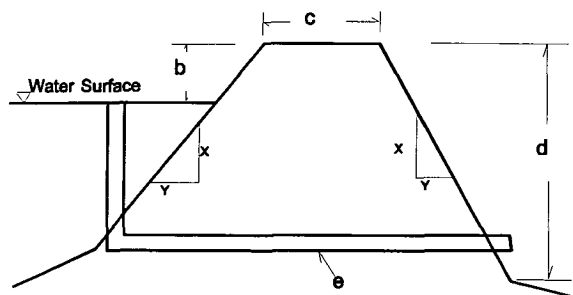
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
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

Date 8/28, 20 05

RECEIVED OF Jimmie Moke, HC 78 Box 63, Crookston NE 69212

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

Fee for Application for Permit No. <u>2570-2</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>2570-2</u>	50	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	300.00

No.

00029 12

By

Harland Eide
Chief Engineer

Scale: 1 inch equals 769 feet

1,100

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall

Ron Duvall, Natural Resources Engineer
Water Rights Program

~~Diversion point(s) located using GeoExplorer II GPS~~

RD

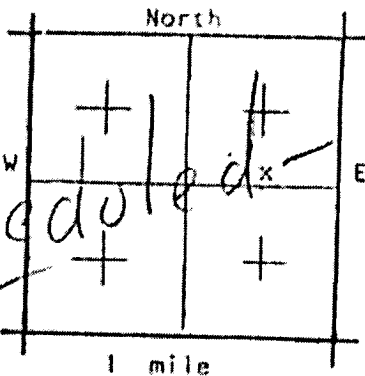
Date: Sept 28, 2005

Water Right No.

Well Owner:

Name Gene Popkes
 Address Star Route
Crockston, Nebraska 69212

Well Location:

Mark location
with an "X"

County Todd
SW 1/4 SE 1/4 NE 1/4 Sec. 15 Twp. 37 Rg. 29

Proposed Use:

☐ Domestic ☐ Municipal ☐ Test
☒ Irrigation ☐ Industrial ☐ Stock
 Holes

Method of Drilling:

☐ Forward Rotary ☐ Bored ☐ Jetted
☒ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 34"
 Depth 228
 Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
 If other, specify _____

Was casing end left open No
 Was a well screen installed Yes
 Describe Well Screen
 Diameter 16" Material Steel
 Slot size 3" x .125
 Was well gravel packed Yes
 Was well grouted No
 Was water sample taken No

Remarks:

ss sandstone
 ms med sand
 m-c med to coarse sand
 stks streaks

Water Level Information:

Static water level 106 below land surface
 If flowing, closed to pressure _____ PSI
 rate of loss _____ GPM

Controlled by:

☒ Valve ☐ Reducers ☐ Other

If other; specify _____

Well Test Data:

☒ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

ft. After	Hrs. pumped	GPM
156	1 1/2	750
160	1 1/2	800
178	2 1/2	1000

Well Log:

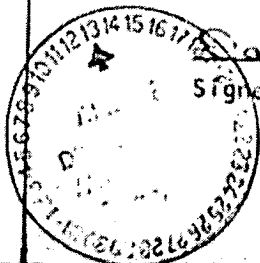
Formation	Depth	
	From	To
sand, ss	0	60
m sand, ss, cemented ss	60	120
m-cs, ss, c ss	120	135
m-cs, ss, some c ss w/ clay streaks	135	150
m-cs & ss	150	165
m-cs & some ss & clay	165	180
clay w/ss stks & m-c sand	180	195
m-c sand	195	223
clay	223	225
clay & red rock	225	240

(Use Back if Necessary)

Date Completed: March 24, 1981

Driller:

Sargent Irrigation Co. 273
 Driller's or Firm's Name License N
Box 70
Bassett, Nebraska
 Address

Signed By Joe WilsonDate 4-8-81

WATER PERMIT APPLICATION NUMBERS 2569-2, 2570-2 AND 2571-2

JIM EPKE

NOVEMBER 21, 2005

Water Permit Application No. 2569-2 proposes to appropriate 2.28 cubic feet of water per second from one well to be completed into the Ogallala Formation (approximately 250 feet deep) located in the center of the SW¼ Sec. 9, T37N-R29W, to irrigate 160 acres located in the SW¼ Sec. 9, T37N-R29W, Todd County.

Water Permit Application No. 2570-2 proposes to appropriate 2.28 cfs from one well to be completed into the Ogallala Formation (approximately 250 feet deep) located in the center of the SE¼ Sec. 16, T37N-R29W, to irrigate 160 acres located in the SE¼ Sec. 16, T37N-R29W, Todd County.

Water Permit Application No. 2571-2 proposes to appropriate 2.28 cfs from one well to be completed into the Ogallala Formation (approximately 250 feet deep) located in the center of the SW¼ Sec. 14, T37N-R29W, to irrigate 160 acres located in the SW¼ Sec. 14, T37N-R29W, Todd County.

The diversion points proposed by these three applications are all within about one and one-half mile of each other, therefore the applications will be considered collectively in this report

AQUIFER: Ogallala (OGLL)

GENERAL:

The High Plains aquifer consists of the upper sandstone units of the Arikaree Formation, the Ogallala Formation, and the Sand Hills Formation, and any terrace or alluvial deposits, all of which are hydraulically connected (Kolm and Case, 1983). The High Plains aquifer underlies 4,750 square miles of South Dakota and contains an estimated 700 million acre feet of water in the state (Gutentag and others, 1984). The Ogallala Formation, which consists of clays, silts, sands and surface gravel deposits, makes up a major part of the High Plains aquifer. The Ogallala Formation underlies approximately 412,800 acres of Todd County and contains an estimated 12,384,000 acre-feet of recoverable water in storage in the county (Allen and others, 1985). The well sites proposed by this application are located about 14 miles south of the northern edge of the High Plains aquifer, and about eight miles south of the northern extent of the Ogallala Group and the Sand Hills Formation (Martin and others, 2004). The saturated thickness of the aquifer is estimated to be 200-400 feet in this area. (Kolm and Case, 1983). The Ogallala Formation overlies the Arikaree Formation in this area and it appears that the water levels for the Ogallala are higher than the Arikaree. This would indicate the potential for downward movement of ground water from the Ogallala to the Arikaree. The aquifer is under unconfined conditions with the water table controlled locally by topography. Precipitation is the principal source of recharge to the aquifer. The annual recharge rate has been estimated to be 8 percent of the precipitation rate, or about 1.3 in./yr to 1.8 in./yr (Kolm and Case, 1983). This would equate to an annual recharge of 44,700 acre-feet to 61,900 acre-feet in Todd County. Natural discharge occurs to streams and springs, and directly to the atmosphere by evapotranspiration.

WATER AVAILABILITY:

Water Rights Program monitors 81 observation wells completed into the Ogallala Formation, of which 21 are located in Todd County (Water Rights, 2005a). Water Rights' Observation Wells

TD-76A, TD-76B, TD-76D and TD-76G are all located within about three miles of the wells proposed by these applications. The hydrographs for these wells are shown in figures 1-4.

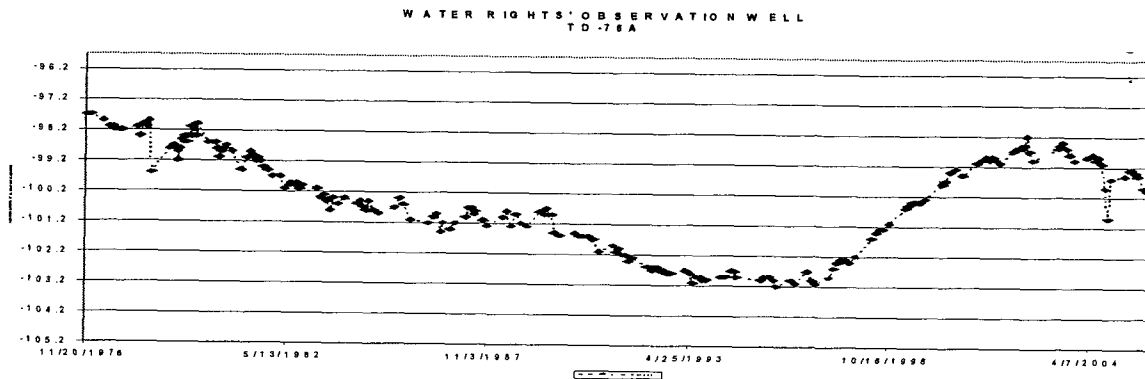


Figure 1. Hydrograph of Water Rights' Observation Well located near proposed diversion points

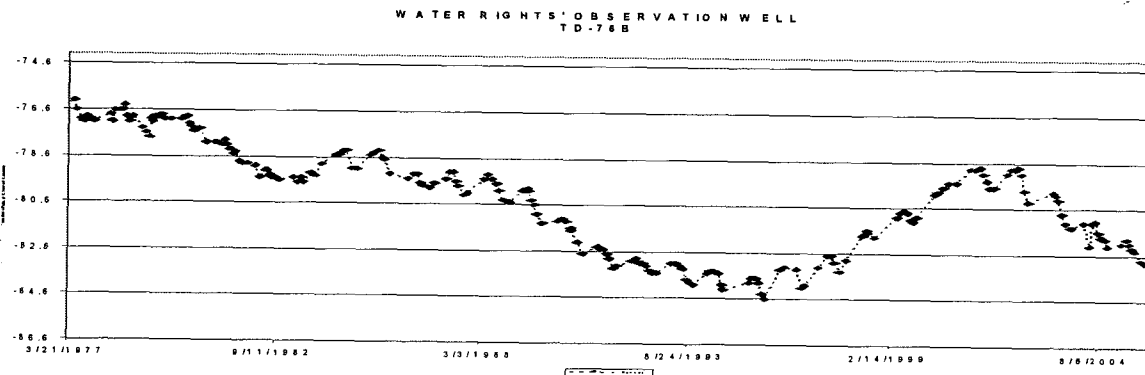


Figure 2. Hydrograph of Water Rights' Observation Well located near proposed diversion points

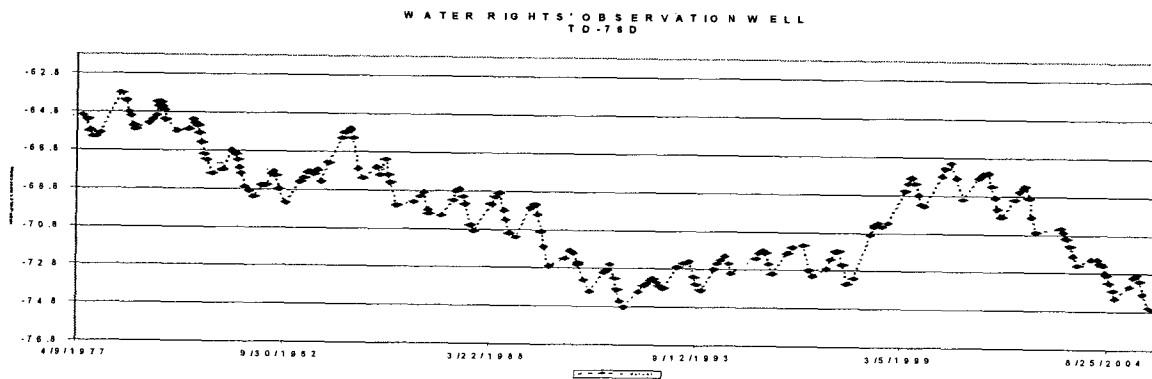


Figure 3. Hydrograph of Water Rights' Observation Well located near proposed diversion points

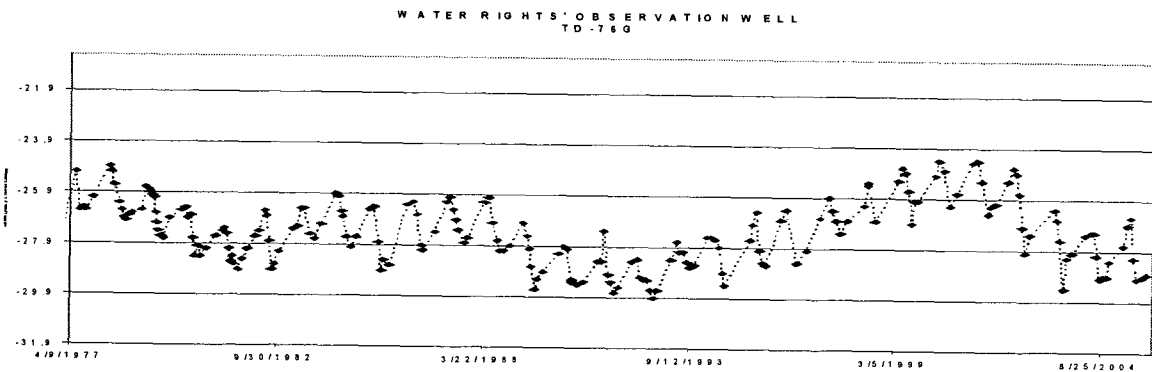


Figure 4. Hydrograph of Water Rights' Observation Well located near proposed diversion points

These observation wells are read monthly and show only slight fluctuations due to existing pumping and changes in climatic conditions (Water Rights, 2005c).

The observation wells represented by the hydrographs in Figures 1-4 are located within about a 20 square miles area. Located within this same area are 21 Water Rights/Permits authorizing 34 irrigation wells. The observation well data shows the aquifer water levels have been virtually unaffected by the irrigation, and the Ogallala aquifer can probably support additional appropriations.

There are 140 permits/rights which appropriate water from the Ogallala aquifer in South Dakota. There are 54 permits/rights from the Ogallala in Todd County. Irrigation is the major water use from the aquifer. Reported pumpage from the Ogallala for irrigation use can be seen in figure5.

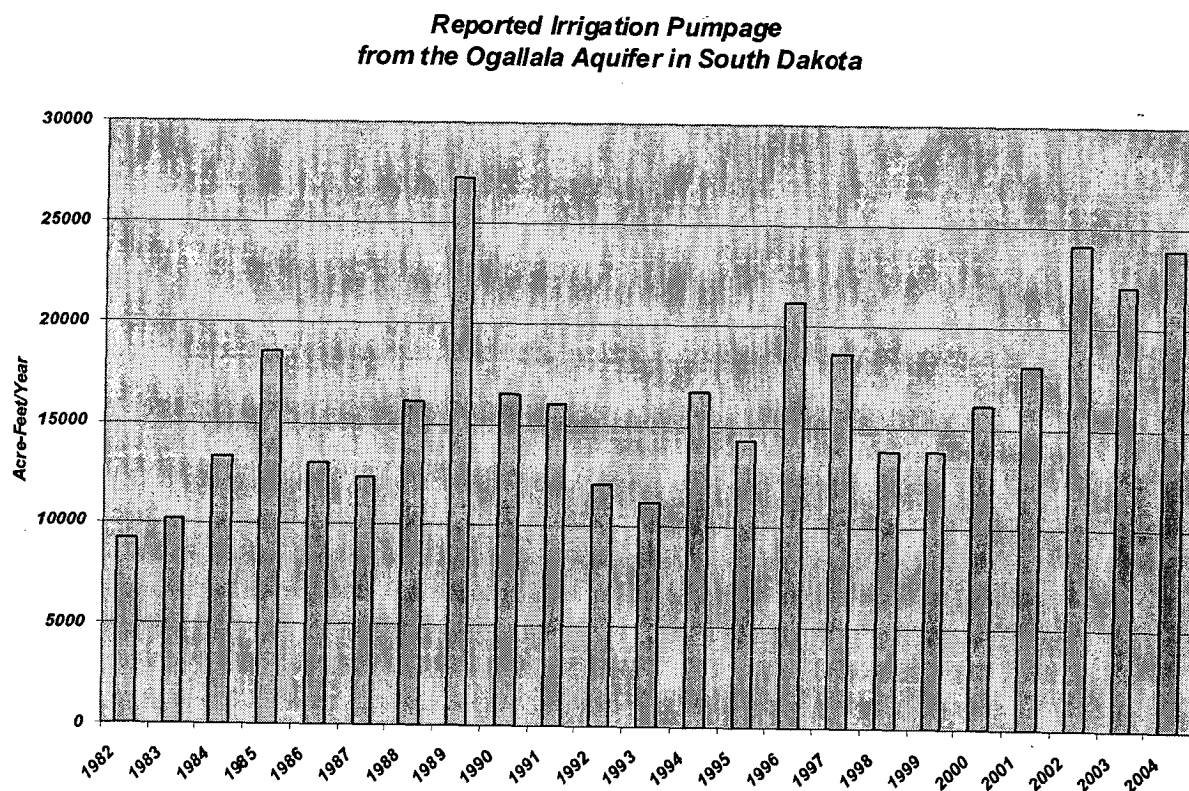


Figure 5. Irrigation usage from the Ogallala aquifer (Water Rights, 1983-2005)

AFFECTS ON EXISTING RIGHTS:

Application No.2569-2 and No.2570-2 proposes to irrigate acreage once was covered under Water Permit No. 1284-2. The Office of Solicitor, United States Department of Interior, in a letter dated October 28, 1975, contends that the State of South Dakota lacks jurisdiction with respect to issuance of permits to use waters within the exterior boundaries of an Indian Reservation. The permit (1284-2) was approved in spite of this "objection", but systems were never developed and the permit was ultimately cancelled.

Water Rights/Permits within about a twenty square mile area containing the three wells proposed by these applications area shown in table 1

PERMIT NO	NAME	CFS	ACRES
1224-2	MISSION FARMS	14.30	1,048.00
1253A-2	DANIEL VAVRA	5.30	389.00
1272A-2	DANIELSKI HARVESTING & FARMING	1.80	125.00
1294-2A	MISSION FARMS	3.60	255.00
1311-2	GENE POPKES	1.89	142.00
1476-2	MISSION FARMS	1.80	128.00
1615-2	DANIELSKI HARVESTING & FARMING	13.40	993.00
1681-2	GUNNINK FARM INC.	1.78	128.00
1922-2	DANIELSKI HARVESTING & FARMING	5.57	401.00
2092-2	MISSION FARMS	1.78	132.00
2096-2	MISSION FARMS	1.78	132.00
2522-2	DANIEL VAVRA	1.94	136.00
2523-2	DANIEL VAVRA	1.94	136.00

Table 1. Water Rights/Permits within the twenty square mile area containing the three wells proposed by these applications

Since the Ogallala aquifer is under unconfined conditions, drawdown from pumping an individual well is not expected be significant very far from the well, therefore adverse impact between appropriators is not expected.

Any well interference caused by this appropriation is not likely to result in "adversely impacted domestic wells" as defined by ARSD 74:02:04:20(7) since the Ogallala aquifer is under unconfined conditions.

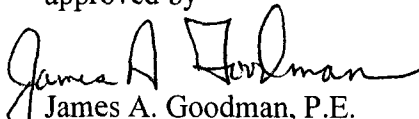
CONCLUSIONS:

1. The Ogallala Aquifer is a viable aquifer in this area, and water is available for these appropriations.
2. Well interference should not be a problem in this area.



Ken Buhler
Natural Resources Engineering Specialist

approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

REFERENCES:

- Allen, J.C., Iles, D.L., and Petres, A.K., 1985, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Task 3A.B.C. and 4A.B.: Groundwater Resource Inventory: South Dakota Department of Water and Natural Resources,
- Gutentag, E.D., Heimes, F.J., Krothe, N.C., Luckey, R.R., Weeks, J.B. 1984, Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming: U.S. Geological Survey Professional Paper 1400-B, 63 p.
- Kolm, K.E., and Case III, H.L., 1983, A Two-Dimensional, Finite-Difference Model of the High Plains Aquifer in Southern South Dakota: U.S. Geological Survey Water-Resources Investigations Report 83-4175, 34 p.
- Martin, J.E., Sawyer, J.F., Fahrenbach, M.D., Tomhave, D.W., and Schulz, L.D., 2004, Geologic map of South Dakota: SD DENR-Geologic Survey General Map 10, one sheet, scale 1:500,000
- Water Rights Program, 1983-2005, "Irrigation Use Summary": DENR-Water Rights Program
- Water Rights Program, 2005a, "Observation Well Files": DENR-Water Rights Program
- Water Rights Program, 2005b, "Water Permit Files": DENR-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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2570-2, Jim Epke**

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. 2570-2, Jim Epke, HC 78 Box 31, Crookston NE 69212.

The Chief Engineer is recommending APPROVAL of Application No. 2570-2 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 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.
2. The wells authorized by Permit No. 2570-2 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.

Garland Erbele, Chief Engineer
December 6, 2005

AFFIDAVIT OF PUBLICATION

State of South Dakota
County of Todd

Mandy Scherer being duly sworn, says: That The Todd County Tribune is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, as amended, published at Mission, Todd County, South Dakota by Huether Brothers Publishing, Inc.; 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 of advertisement, a printed copy of which is attached, was published in said newspaper for 2 successive issues, bearing the following dates:

December 14, 2005
December 21, 2005

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 56.32, insures 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 by any other person.

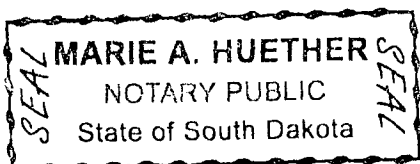
Mandy Scherer

Bookkeeper

Subscribed and sworn to before me this 21 day of December A.D., 2005

Marie Huether

Notary Public



My Commission Expires
July 6, 2007

Notice of Application

Nos. 2569-2, 2570-2 and 2571-2 to Appropriate Water

Notice is given that Jim Epke, HC 78 Box 31, Crookston, NE 69212 has filed the following applications for a water permit.

Application No. 2569-2 proposes to appropriate 2.28 cubic feet of water per second (cfs) from one well to be completed into the Ogallala Formation (approximately 250 feet deep) located in the center of the SW 1/4 Section 9 to irrigate 160 acres located in the SW 1/4 Section 9; all in T37N-R29W.

Application No. 2570-2 proposes to appropriate 2.28 cfs from one well to be completed into the Ogallala Formation (approximately 250 feet deep) located in the center of the SE 1/4 Section 16 to irrigate 160 acres located in the SE 1/4 Section 16; all in T37N-R29W.

Application No. 2571-2 proposes to appropriate 2.28 cfs from one well to be completed into the Ogallala Formation (approximately 250 feet deep) located in the center of the SW 1/4 Section 14 to irrigate 160 acres located in the SW 1/4 Section 14; all in T37N-R29W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2569-2, 2570-2 and 2571-2 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this applications or recommendations 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 January 2, 2006.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

Steven M. Pirner, Secretary,

Department of Environment and Natural Resources

Pub. December 14 and 21, 2005.

RECEIVED
DEC 30 2005
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

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

December 6, 2005

Jim Epke
HC 78 Box 31
Crookston NE 69212

Dear Mr. Epke:

Water Permit Application Nos. 2569-2, 2570-2 & 2571-2 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Todd Co Tribune printed at Mission, SD (Ph # 605-856-4469). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on December 14, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 2569-2, 2570-2 and 2571-2 to Appropriate Water

Notice is given that Jim Epke, HC 78 Box 31, Crookston NE 69212 has filed the following applications for a water permit.

Application No. 2569-2 proposes to appropriate 2.28 cubic feet of water per second (cfs) from one well to be completed into the Ogallala Formation (approximately 250 feet deep) located in the center of the SW $\frac{1}{4}$ Section 9 to irrigate 160 acres located in the SW $\frac{1}{4}$ Section 9; all in T37N-R29W.

Application No. 2570-2 proposes to appropriate 2.28 cfs from one well to be completed into the Ogallala Formation (approximately 250 feet deep) located in the center of the SE $\frac{1}{4}$ Section 16 to irrigate 160 acres located in the SE $\frac{1}{4}$ Section 16; all in T37N-R29W.

Application No. 2571-2 proposes to appropriate 2.28 cfs from one well to be completed into the Ogallala Formation (approximately 250 feet deep) located in the center of the SW $\frac{1}{4}$ Section 14 to irrigate 160 acres located in the SW $\frac{1}{4}$ Section 14; all in T37N-R29W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2569-2, 2570-2 and 2571-2 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this applications or recommendations must filed 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 January 2, 2006.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 6, 2005

Todd Co Tribune
PO Box 229
Mission SD 57555-0229

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 2569-2, 2570-2 & 2571-2 to Appropriate Water to be published twice. Please publish the first notice on December 14, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. Please **BILL the APPLICANT for the cost of publication.** The APPLICANT is Jim Epke, HC 78 Box 31, Crookston NE 69212 (Ph # 605-747-2512).

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
Natural Resources Engineer
605 773-3352

enclosures

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

Nos. 2569-2, 2570-2 & 2571-2

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

Date _____

We are in receipt of your letter of December 6, 2005 enclosing Notice to Appropriate Water by Application Nos. 2569-2, 2570-2 & 2571-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 09 2006

Jim Epke
HC 78 Box 31
Crookston NE 69212

Dear Mr. Epke:

Enclosed are Water Permit Nos. 2569-2, 2570-2 & 2571-2 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



2570-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 2007

2569-2
2570-2
2571-2

Jim Quigley
PO Box 266
Valentine NE 69201

Dear Mr. Quigley:

I am contacting you in follow-up to your phone conversation with Garland Erbele concerning ownership of Water Permit Nos. 2569-2, 2570-2 and 2571-2. Enclosed are copies of the water rights which may be given to the new owner(s).

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change with each permit. The forms should be completed and signed by the new owner(s). Once completed, they will need to be returned to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures

2570-2

James H. Quigley

ATTORNEY-AT-LAW

P. O. Box 206

(402) 376-3501

Valentine, Nebraska 69201

January 25, 2007

RECEIVED

JAN 26 2007

WATER RIGHTS
PROGRAM

Environment and Natural Resources

ATTN: Genny

PMB 2020

523 East Capitol

Pierre, SD 57501-3182

Re: Water Permits 2569-2, 2570-2 and 2571-2

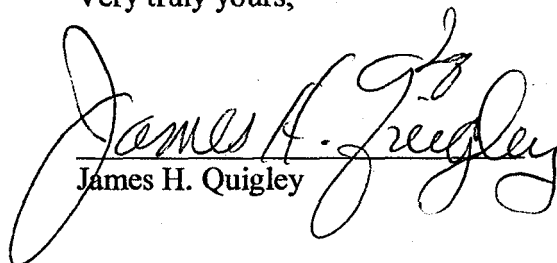
Dear Genny:

Enclosed please find Notice of Transfer of Ownership forms in regard to the above permits, which have been signed by the new owner.

Also enclosed is my check in the amount of \$7.50 for the filing fees.

Thank you.

Very truly yours,


James H. Quigley

JHQ:dq
enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 26, 2007, 20__

RECEIVED OF James H Quigley, Attorney at Law, PO Box 266, Valentine NE 69201

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2.50	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2570-2</u>		
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	2.50

No.

02866

By Garland Erbele
Chief Engineer Garland Erbele

(Signature)

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2570-2

Date: 1-25-07

I/We request that Water Permit No. 2570-2

formerly owned by: Jim Epke

be transferred to: (name & address) Harvey F. Gunnink
214 N. Hall St., Valentine, NE 69201

Telephone No. 402/376-3334

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

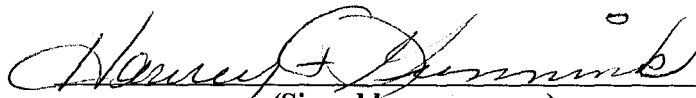
SE ¼ Section 16, T37N, R29W

I/We understand that the validity of Water Permit No. 2570-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Harvey F. Gunnink, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

File No. 2569-2

2570-2

2571-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Harvey Gunnink, 214 N Hall St, Valentine NE 69201

DATE: January 26, 2007

TELEPHONE: 402 376-3334

RE: ownership changes for Water Permit Nos. 2569-2, 2570-2 and 2571-2

COMMENTS:

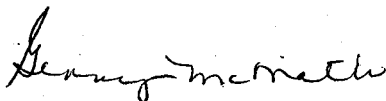
In response to three transfer of ownership forms received today, I called Mr. Gunnink to find out if he wanted all the irrigation questionnaires sent to his Valentine address or his address for Gunnink Farms in Crookston. He said to list everything in Gunnink Farms at Crookston.

His address in Valentine is:

214 N Hall St, Valentine NE 69201

The farm address is:

HC 78 Box 22, Crookston NE 69212



Genny McMath

Environmental Scientist



January 26, 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

2569-2
2570-2
2571-2

Harvey F Gunnink
214 N Hall St
Valentine NE 69201

Dear Mr. Gunnink:

I am writing to acknowledge receipt of the ownership changes you filed for Water Permit Nos. 2569-2, 2570-2 and 2571-2. The transfers have been completed. The water permits formerly listed in the name of Jim Epke are now listed in your name.

For purposes of reporting annual use, we will use your Crookston address when sending out the annual irrigation questionnaires. All of the irrigation questionnaires for your existing two water rights and the permits just transferred to your name have already been submitted for 2006 and nothing further is needed until next October.

The receipts for the filing fees paid for the ownership changes are being forwarded to James Quigley, Attorney at Law. If I can answer any questions for you, please contact me.

Sincerely,

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

c: James H Quigley, Attorney at Law, PO Box 266, Valentine NE 69201
w/Receipt Nos. 02865, 02866, 02867

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 16 Twp 37 Rg 29

County

Todd

North

Please mark well location with an "X"

W

E

Well Completion Date

3/28/2007

1 Mile

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

? ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
19.8 LB/FT	16.00 IN	0.0 FT	120.0 FT	30.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
CEMENT	23	15.5 Lb/gal	0.0 Ft	20.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 120.0 FeetMaterial PVCSlot Size .051 Set From 120.0 Feet to 240.0 Feet

Other information

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? NA
☒ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: HARVEY GUNNINK

Business Name:

Address:

214 N. HALL STREET

City, State, Zip:

VALENTINE NE 69201

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	2
sand, sandstone	2	34
sand, sandstone, f-m pepper sand	34	76
sand, sandstone, pep sand, clay layer	76	88
clay	88	94
sand, sandstone, pep sand, clay layer	94	132
sand, pep sand, sandstone, clay layer	132	176
m-c pepper sand, thin clay layers	176	232
red rock	232	240

STATIC WATER LEVEL

100.0 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: RAWHIDE & PUMPING
☐ Bailed

☐ Other

Pumping Level Below Land Surface

210.0 Ft. After 2.0 Hrs. pumped 700.0 GPM186.0 Ft. After 2.0 Hrs. pumped 600.0 GPM

If pump installed, pump rate:

600.0 GPM

REMARKS

RECEIVED

JUL 23 2007

WATER RIGHTS PROGRAM

This well was drilled under license #

189

And this report is true and accurate.

Drilling firm: Grosch Irrigation Co., Inc

Signature of License Representative:

[Signature] POA

Signature of Well Owner or Equitable Property Holder:

Date:

Permit No. 2570-2
White River - Water District

Other permit/license(s) associated with project: None directly related to this system

Contact Person & Address: Harvey Gunnink, 214 N Hall Street, Valentine NE 69201 and

Jay Gunnink accompanied me on the licensing investigation
HC78 Box 22, Crookston, NE 69212

Report Of Examination Of Works

On, September 21, 2010, I made a thorough examination of the water use system constructed by Gunnink Farms of 214 N Hall Street, Valentine NE 69201 holder of Permit No. 2570-2, bearing the priority of September 28, 2005 authorizing the diversion of 2.28 cu. ft. per second of the waters of the Ogallala Aquifer for irrigation purposes, in Todd County.

The system is in the following condition excellent. The point of diversion is located in the approximate center of the SE ¼ Section 16, T37N, R29W (1,320 feet north and 1,375 west of the SE ¼ Section 16) with a longitude of -100.75405 and a latitude of 43.17595. The works are capable of diverting and conveying to the place of use 1.45 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

all in Section 16, T37N, R29W

NW ¼ SE ¼	30 acres	SW ¼ SE ¼	30 acres
NE ¼ SE ¼	30 acres	SE ¼ SE ¼	30 acres

comprising a total of 120 acres of land and the license should be issued for 1.45 cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

- 1) Well Drilling Firm: Grosch Irrigation (No. 189)
- 2) No. of Wells 1
- 3) Depth(s) 240 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 16 inches
- 2) Length 120 feet
- 3) Type plastic

Screen:

- 1) Type PVC
- 2) Length 120 feet
- 3) Static water level 100 feet

Pump\ Motor:

- 1) Pump Make
- 2) Pump Model
- 3) Capacity 650 GPM
- 4) Motor Make US Electric
- 5) Motor Model No. BF65A
- 6) Horsepower rating 75 hp

System Type:

Center pivot:

- 1) Make Valley 8000 series
- 2) Overall length 1277.4 feet
- 3) Number of towers 7
- 4) End gun not installed
- 5) High or low pressure low
- 6) Capacity 650 GPM

Chemigation:

- 1) Does chemigate yes
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain yes
- 5) Discharge is 20' from source #
- 6) Interlock type
- 7) Injection pump type
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump #
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules #

COMMENTS: Well completion report states well pump rate as 600 gpm. Mr. Jay Gunnink during the licensing investigation said he can get 650 gpm out of the well and this is reflected in irrigation questionnaires submitted in 2007 and 2008 (2009 reported 600 gpm). Providing the benefit to the permit holder, I recommend licensing for 650 gpm (equates to 1.45 cfs)



Eric Gronlund PE
Natural Resources Engineer
DENR, Water Rights Program

12/21/10

Date

RECEIVED

DEC 14 2010

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

MAIL TO: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

Date October 26, 2010FROM: Harvey Gunnink, Gunnink Farms
(name)214 North Hall Street
(address)Valentine NE 69201 402 376-3334
(city) (state) (zip) (phone)

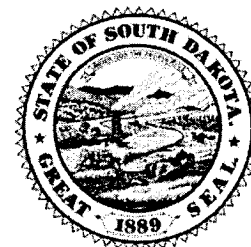
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

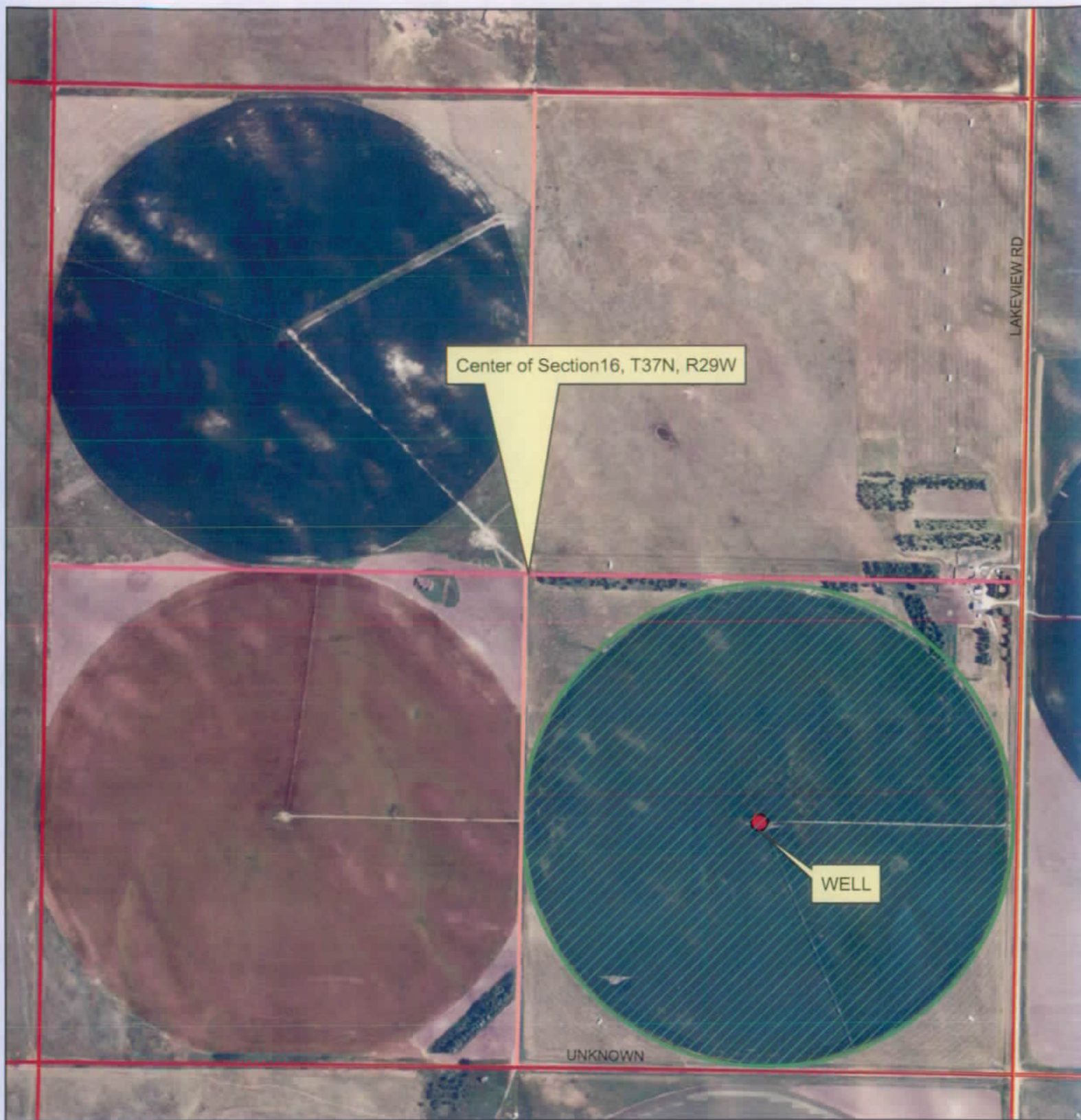
Water Permit No. 2570-2 states that the water use system is to be constructed by
January 2, 2011, and water is to be put to beneficial use by January 2, 2015
(date) (date)

The water use system was completed on April 1, 2007
(date)

Applying the water to beneficial use was completed on June 1, 2007
(date)

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





0 250 500 1,000 1,500 2,000
Feet

Well located in the approximate center of the SE 1/4 Section 16, T37N, R29W
1,320 feet north and 1,375 feet west of SE corner
Longitude -100.75405 Longitude 43.17585



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
License Investigation - September 21, 2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 14 2011

2570-2

Harvey F Gunnink
214 N Hall St
Valentine NE 69201

Dear Mr. Gunnink:

Enclosed is Water License No. 2570-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2570-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2570-2**

(1) Jim Epke made Application No. 2570-2, September 28, 2005 for a water permit to divert 2.28 cubic feet of water per second from ground water (one well – Ogallala Formation), Todd County, South Dakota for irrigation purposes. Permit No. 2570-2, with a priority date of September 28, 2005 was approved January 2, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 2, 2011 and for the application to beneficial use of said water on or before January 2, 2015.

On January 25, 2007, Water Permit No. 2570-2 was transferred to Harvey F Gunnink.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on December 14, 2010. The "*Notice*" stated the water use system was completed and water placed to beneficial use in 2007.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.45 cubic feet of water per second (650 gallons per minute) for beneficial use. The location of the diversion point is in the approximate center of the SE ¼ Section 16, T37N, R29W.

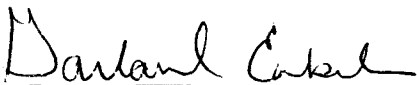
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 16, T37N, R29W	NW ¼ SE ¼	30 acres
	SW ¼ SE ¼	30 acres
	NE ¼ SE ¼	30 acres
	SE ¼ SE ¼	30 acres
	Total	120 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Harvey F Gunnink, Gunnink Farms, 214 N Hall St, Valentine NE 69201 the holder and/or owner of Water Right No. 2570-2 is issued a license to appropriate water, the right to use 1.45 cubic feet of water per second from ground water (one well – Ogallala Formation) with a priority date of September 28, 2005 from the location specified in (2) of this license for irrigation purposes.

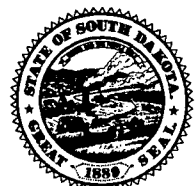
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2570-2 and subject to the following qualification:

- 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. 2570-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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. ***Well drilled by Grosch Irrigation Co, Inc. in 2007- well log on file with the Water Rights Program.***
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

JAN 14 2011
date





2570-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: GUNNINK FARM INC, HARVEY GUNNINK, HC 78 BOX 22, CROOKSTON, NE 69212

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaires

Our records indicate that the 2010 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1681-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1860-2, 2569-2, 2570-2 & 2571-2 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 1860-2, 2569-2, 2570-2 & 2571-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1681-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2011

Harvey Gunnink
Gunnink Farm Inc
HC 78 Box 22
Crookston NE 69212

RE: Water Permit or Right Nos. 1681-2, 1860-2, 2569-2, 2570-2, 2571-2

Dear Mr. Gunnink:

I am writing to acknowledge receipt of your 2010 irrigation questionnaires.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1681-2, 1860-2, 2569-2, 2570-2 and 2571-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



2570-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: GUNNINK FARM INC, HARVEY GUNNINK, 29712 270th AVE, CROOKSTON, NE 69212
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1681-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1860-2, 2569A-2, 2570-2, 2571-2 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 1860-2, 2569A-2, 2570-2, 2571-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1681-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2012

Harvey Gunnink
Gunnink Farm Inc
29712 270th Ave
Crookston NE 69212

RE: Water Right or Permit Nos. 1681-2, 1860-2, 2569A-2, 2570-2 and 2571-2

Dear Mr. Gunnink:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires. The forms arrived the morning after the notice of hearing was sent out.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right or Permit Nos. 1681-2, 1860-2, 2569A-2, 2570-2 and 2571-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 22, 2013

Gunnink Farm Inc
26861 296th St
Crookston NE 69212 7025

RE: Water Permit or Water Right Nos. 1681-2, 1860-2, 2569A-2, 2570-2 and 2571-2

Dear Mr. Gunnink:

Enclosed is a "Notice" dated October 18, 2013 concerning the 2013 irrigation questionnaires for Water Permit or Water Right Nos. 1681-2, 1860-2, 2569A-2, 2570-2 and 2571-2.

The notice was originally mailed to 29712 270th Ave, Crookston NE. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 15, 2013

Jay Gunnink
26861 296th St
Crookston NE 69212

RE: Water Right or Permit Nos. 1681-2, 1860-2, 2569A-2, 2570-2, 2571-2

Dear Mr. Gunnink:

Thank you for the prompt return of the 2013 irrigation questionnaires. It is my understanding from the notation you made on the forms that ownership changes are needed.

Water Right Nos. 1681-2 and 1860-2 are listed in the name of Gunnink Farm Inc. The other three are listed under Harvey F Gunnink. If your intent is to have them all listed under Gunnink Farm Inc., you do not need to file ownership changes on Nos. 1681-2 & 1860-2.

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

I have included copies of all the water permits and rights in the event you do not have them. If I can answer any questions for you, please give me a call.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

Enclosed are the water rights
that need to be transformed.

The other 2 - 1681-2 and 1860-2
will remain in Gunnink Farm Inc.

Thank you
Jay Gunnink

RECEIVED

DEC - 9 2013

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/9, 20 13

RECEIVED OF Jay Gunnink 26861 296th St Crookston NE 69212

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2570-2</u>		
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. _____	50	00
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	50 00

No. **06514**

By Jeanne Henderson
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC - 9 2013

WATER RIGHTS
PROGRAM

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

No. 2570-2

Date: 12-4-13

I/We request that Water Right No. 2570-2

formerly owned by: Harvey F Gunnink

be transferred to: (name & address) Jay + Malinda Gunnink

26861 29th St.

Crookston Ne 69217

Telephone No. 605-429-3247

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

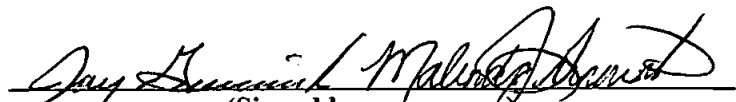
120 acres - SE ¼ Section 16, T37N, R29W

I/We understand that the validity of Water Right No. 2570-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Jay + Malinda Gunnink, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 19, 2013

Jay Gunnink
26861 296th St
Crookston NE 69212

RE: Water Right or Permit Nos. 1681-2, 1860-2, 2569A-2, 2570-2, 2571-2

Dear Mr. Gunnink:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 2570-2 and 2571-2 and Water Permit No. 2569A-2.

The ownership changes have been completed. Nos. 2570-2, 2571-2 and 2569A-2, formerly held by Harvey F Gunnink, are now listed under "Jay and Malinda Gunnink". As you requested, Water Right Nos. 1681-2 and 1860-2 listed in the name of Gunnink Farm Inc. will remain in that name.

Enclosed for your records are Receipt Nos. 06513, 06514 and 06515 in the amount of \$50 each which you paid for filing the ownership changes. If you have any questions, please contact me.

Sincerely,

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

enclosures

2570-2



**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: GUNNINK FARM INC, JAY GUNNINK, 26861 296TH ST, CROOKSTON, NE 69212 7025

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1681-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1860-2, 2570-2, 2571-2 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) 1860-2, 2570-2, 2571-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1681-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires 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 questionnaires 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: RMYCGL**

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.

2570-2



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

February 1, 2022

Jay & Malinda Gunnink
Gunnink Farm Inc
26861 296th St
Crookston NE 69212 7025

RE: Irrigation Questionnaires for Water Right Nos. 1681-2, 1860-2, 2570-2, 2571-2

Dear Mr. & Mrs. Gunnink:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 1681-2, 1860-2, 2570-2 and 2571-2. 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