

**WATER PERMIT NO. 1201A-3**

Name of Applicant: **Brent Decker**

Address: **1415 Idaho Ave SE, Huron SD 57350**

Phone: **605 352-2322**

Amount of Water Claimed: **2.0 cfs**

Total Acres: **140 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Spink**

Type of Waste Disposal System:

Location: **15 miles east of Tulare**

**PRIORITY**

Date Received: **12-10-12**

Application/License Fee: **\$ 300**

Corrected Application Received:

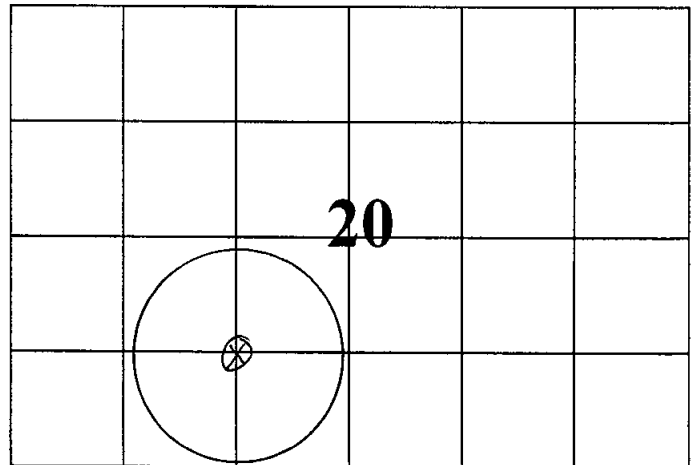
Period of Annual Use: **April 1 – October 31**

Remarks: **transfer acres and diversion point to other land**

Diversion Point: **approximate center of SW 1/4**

**Sec 20-T115N-R61W**

Land to be Irrigated: **SW 1/4 Sec 20-T115N-R61W**



Depth of Well: **100 feet**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **12-12-12**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_

RECEIVED

DEC 10 2012

WATER RIGHTS  
PROGRAM

|                                                                                                                    |                                                                      |
|--------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. <u>1201A-3</u> (office use only) Hydrologic Unit <u>10160006</u> |
|                                                                                                                    | Basin <u>James River</u>                                             |
|                                                                                                                    | Newspaper <u>Redfield Press &amp; Plainsman</u>                      |
|                                                                                                                    |                                                                      |

## Application For Permit To Appropriate Water For Irrigation

Type of Application:        New        Vested Right   X   Amendment/Correction to Permit No. 1201-3  
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) changing quarters  
Well went bad and want to change to electric power  
This new quarter allows me to do that

1. Name of Applicant Brent Decker Phone 605-352-2322  
(check one)   X   Owner        Tenant/lessee  
Mailing Address 1415 Idaho Ave SE State Huron 57350  
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 2.0 \*CFS or        \*\*GPM        \*\*\*AF Total Acreage 140  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Tulare East James

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Center of the  
SW 1/4 Sec 20 115-61  
County Spink

5. County or counties where water will be used Spink

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

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

| Land Description    | Acres | Land Description  | Acres |
|---------------------|-------|-------------------|-------|
| NW 1/4 of SW 1/4 20 | 35    | all in T115N-R61W |       |
| NE 1/4 of SW 1/4 20 | 35    |                   |       |
| SW 1/4 of SW 1/4 20 | 35    |                   |       |
| SE 1/4 of SW 1/4 20 | 35    |                   |       |

8. Give a description of the project. (Attach sheet if more space is needed)  
Moving permit from Sec 5 to Sec 20 to irrigate same  
acres. Have to drill new well anyway and want to  
convert to electric

STATE OF SOUTH DAKOTA) SS  
County of       

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,       , 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 Brent Decker

Subscribed and sworn to before me this        day of        20

**SOUTH DAKOTA**  
**WATER PERMIT NO. 1201A-3**

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Date of first receipt of application December 10, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1201A-3 to Brent Decker, 1415 Idaho Ave SE, Huron SD 57350 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. 1201A-3 amends Water Right No. 1201-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1201-3 appropriates 2.0 cubic feet of water per second (cfs) from one well located in the SE 1/4 SW 1/4 Section 5 to irrigate 140 acres located in the SW 1/4 Section 5 and NE 1/4 NW 1/4 Section 8; all in T115N-R61W. This permit authorizes moving the irrigation system approximately 3 miles south with the well to be located in the approximate center of the SW 1/4 Section 20 to irrigate 122 acres located in the SW 1/4 Section 20; all in T115N-R61W. The diversion rate is limited to 1.74 cfs. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit.
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 April 27, 1965 (established under No. 1201-3).
4. The date of approval of Permit No. 1201A-3 is March 11, 2013.
5. One-fifth of the construction is to be completed on or before September 11, 2015.
6. All construction is to be completed on or before March 11, 2018.
7. Water is to be put to beneficial use on or before March 11, 2022.
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. 1201A-3 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.

(continued)

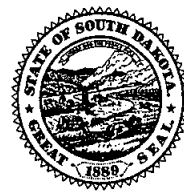
4. The well authorized by Water Right No. 1201-3 located in the SE ¼ SW ¼ Section 5, T115N, R61W may be temporarily abandoned by sealing the top of the casing with a watertight cap pursuant to Water Management Board Rule (ARSD 74:02:04:70.01). If this well is permanently abandoned it shall be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
5. Applicable portions of Water License No. 1201-3 issued October 30, 1967 are incorporated into this Permit and the abandoned/forfeited portion comprising 0.26 cfs and 18 acres are cancelled.

**WATER MANAGEMENT BOARD**

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

**APR 26 2013**

date



## Supplemental Information

(type or print in ink)

### 1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12" Depth 100'
- b) Casing Type plastic Diameter 10" Thickness \_\_\_\_\_
- c) Screen Type stainless Diameter 10" Thickness \_\_\_\_\_
- d) Gravel Pack pea rock Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material 30'
- f) Depth to Water (ground surface to water level) 27'
- g) Distance to nearest existing domestic well:  
On applicants property \_\_\_\_\_ 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

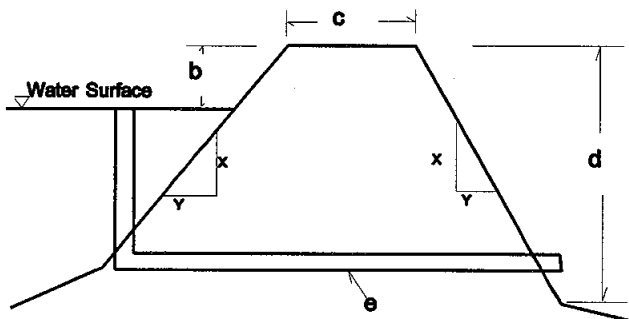
- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

### 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:

\_\_\_\_\_  
\_\_\_\_\_

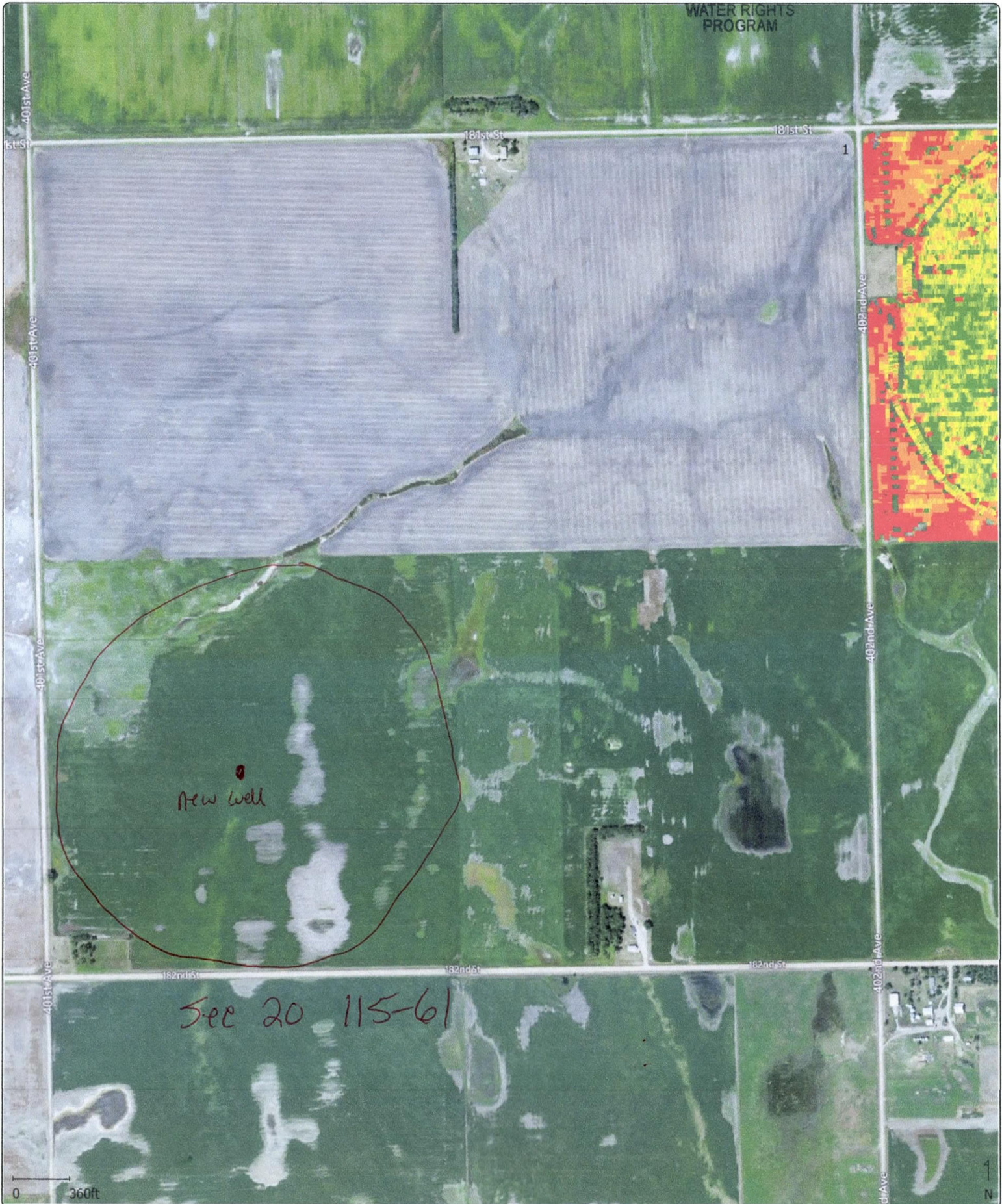


- b) Freeboard \_\_\_\_\_
- c) Crest Width \_\_\_\_\_  
Crest Length \_\_\_\_\_
- d) Height \_\_\_\_\_
- e) Primary Outlet Capacity \_\_\_\_\_  
If pipe, diameter \_\_\_\_\_
- f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway Width \_\_\_\_\_
- g) X & Y Slope \_\_\_\_\_  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_
- h) Surface Area of Impoundment \_\_\_\_\_
- i) Storage \_\_\_\_\_ Acre Feet
- j) Drainage Area Above Dam \_\_\_\_\_ Acres

# SMS Map

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DEC 10 2012



# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/12, 20 12

RECEIVED OF Brent A Decker 1415 Idaho Ave SE Huron SD 57350

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

|                                                                                                                         |     |    |
|-------------------------------------------------------------------------------------------------------------------------|-----|----|
| Fee for Application for Permit No. <u>1201A-3</u> to Appropriate Water, to construct and to put water to beneficial use | 100 | 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>1201A-3</u>            | 200 | 00 |
| Fee for Filing Transfer Form _____                                                                                      |     |    |
| Fee for _____                                                                                                           |     |    |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                                     |     |    |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                                      |     |    |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                                  |     |    |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                               |     |    |
| (Any Other Work Provided by Law) TOTAL                                                                                  | 300 | 00 |

No. **05758**

By

Shelley Erbe  
Chief Engineer

## Schlaak, Karen

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**From:** Gronlund, Eric  
**Sent:** Friday, November 30, 2012 2:25 PM  
**To:** Schlaak, Karen; Buhler, Ken  
**Subject:** WR 1201-3, Decker (Tulare:East James)

Allen Wipf called. One of the issues that he brought up was that Brent Decker is having a well drilled in Section 20, T115N, R61W. He said he thinks he's trying to move the pivot from Section 5, T115N, R61W authorized by WR 1201-3 to this location. No. 1201-3 authorizes irrigation of 140 acres. Looking at the IQ from the last 6 years, Mr. Decker reports applying water to between 100 – 140 acres. Mr. Wipf said that is not possible given the buildings. He said back in the day there was a trimatic system but since a pivot has been on there, there is no way Mr. Decker can irrigate that many acres. The inspection was conducted in 1967 by Burton Jones.

I do not find that Mr. Decker has an application pending with us to transfer acres or for new acreage. I asked if this could be a domestic well being drilled? Mr. Wipf responded not in the center of a quarter section.

I said I would contact Mr. Decker and Mr. Wipf said he is not filing a complaint and wants to see how this plays out.

This has implications as Mr. Wipf is one of the people that has discussed transferring corners off of water licenses that were issued for 160 acres when lateral systems were used but have long been replaced with center pivots system irrigating only 135 acres.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

[denr.sd.gov](http://denr.sd.gov)

February 20, 2013

Allen Wipf  
40476 184<sup>th</sup> Street  
Doland SD 57436

Dear Allen:

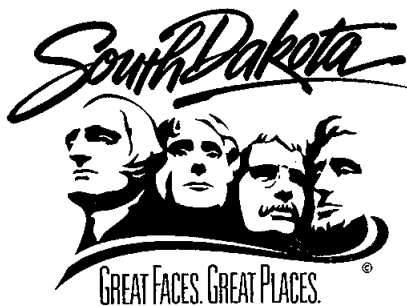
Please find enclosed the report, recommendation and public notice on Brent Decker's water permit application to transfer acres. You previously expressed concern regarding the application.

Sincerely,

Eric Gronlund

Water Rights Program, DENR  
605 773-3352  
[Eric.gronlund@state.sd.us](mailto:Eric.gronlund@state.sd.us)

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION  
NO. 1201A-3, Brent Decker**

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. 1201A-3, Brent Decker, 1415 Idaho Avenue SE, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 1201A-3 for 1.74 cfs to irrigate 122 acres because 1) only 122 acres of the 140 acres licensed under Water Right No. 1201-3 have been irrigated since converting to center pivot irrigation, 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 well authorized by Permit No. 1201A-3 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.
4. The well authorized by Water Right No. 1201-3 located in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 5, T115N, R61W may be temporarily abandoned by sealing the top of the casing with a watertight cap pursuant to Water Management Board Rule (ARSD 74:02:04:70.01). If this well is permanently abandoned it shall be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
5. Applicable portions of Water License No. 1201-3 issued October 30, 1967 are incorporated into this Permit and the abandoned/forfeited portion comprising 0.26 cfs and 18 acres are cancelled.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "Garland Erbele".

Garland Erbele, Chief Engineer  
February 15, 2013

REPORT TO THE CHIEF ENGINEER  
ON  
WATER PERMIT APPLICATION NO. 1201A-3  
BRENT DECKER  
FEBRUARY 19, 2013

Water Permit Application No. 1201A-3 proposes to amend Water Right No. 1201-3 by transferring both the diversion point and irrigated acreage authorized by the water right to a new location approximately three miles to the south. Water Right No. 1201-3 authorizes a maximum diversion rate of 2.0 cubic feet of water per second (cfs) from one well located in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 5, T115N-R61W to irrigate 140 acres located in SW  $\frac{1}{4}$  Section 5 and NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 8; all in T115N-R61W in Spink County. Water Permit Application No. 1201A-3 proposes to change the diversion point authorized by Water Right No. 1201-3 to the approximate center of SW  $\frac{1}{4}$  Section 20, T115N-R61W. This amendment also proposes to change the location of acreage authorized for irrigation to 140 acres located in the SW  $\frac{1}{4}$  Section 20, T115N-R61W. The water source for this irrigation system is the East James management unit of the Tulare aquifer.

**AQUIFER: East James management unit of the Tulare aquifer (T: EJ)**

**SDCL 46-6-34**

South Dakota Codified Law 46-5-34 allows:

“if for any reason it should become impracticable to use all or any part of the water beneficially or economically for irrigation of any land to which the right of its use is appurtenant, all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other land without losing priority of right previously established, subject to existing rights, upon approval of an application for an amended permit. No increase in total acres irrigated may be allowed under this section.”

Following a December 6, 2012 hearing, the Water Management Board approved water permit applications totaling an amount of water approximately equal to the probable quantity of water remaining unappropriated from the aquifer. The best available information indicates that there is no additional unappropriated water available and that any additional withdrawals from the Tulare: East James aquifer would exceed the estimated average recharge to the aquifer. This application proposes to transfer the authorization to irrigate 140 acres (i.e. 280 ac-ft of water) from SW  $\frac{1}{4}$  Section 5 and NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 8 to SW  $\frac{1}{4}$  Section 20; all in T115N-R61W. Based on Buhler (2012), the average irrigation application rate for the Tulare: East James aquifer has been 7.68 inches per year for the period of 1979 to 2011. Thus, the expected water use by this application, if approved, is expected to be 89.6 ac-ft/yr.

SDCL 46-5-37 states:

“When any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water.”

Table 1 shows the estimated irrigated acres as determined by analyzing Farm Service Agency (FSA) aerial imagery, the acres listed as irrigated on the SD DENR-Water Rights Program annual irrigation questionnaire, and the type of irrigation system as listed on the irrigation questionnaire for Water Right No. 1201-3.

| <b>Year</b> | <b>FSA Image Acres</b> | <b>Irr Questionnaire Acres</b> | <b>System Type</b> |
|-------------|------------------------|--------------------------------|--------------------|
| 2011        |                        | 122                            | Center Pivot       |
| 2010        | 92.49                  | 100                            | Center Pivot       |
| 2009        |                        | 140                            | Center Pivot       |
| 2008        | 92.49                  | 110                            | Center Pivot       |
| 2007        |                        | 96                             | Center Pivot       |
| 2006        | 113.2                  | 100                            | Center Pivot       |
| 2005        | 113.2                  | 90                             | Center Pivot       |
| 2004        |                        | 100                            | Center Pivot       |
| 2003        | 92.49                  | 100                            | Center Pivot       |
| 2002        |                        | 90                             | Center Pivot       |
| 2001        |                        | 100                            | Center Pivot       |
| 2000        |                        | 40                             | Big Gun            |
| 1999        |                        | 0                              | Big Gun            |
| 1998        |                        | 0                              | Big Gun            |
| 1997        |                        | 0                              | Big Gun            |
| 1996        |                        | 30                             | Big Gun            |
| 1995        |                        | 0                              | Big Gun            |
| 1994        |                        | 0                              | Big Gun            |
| 1993        |                        | 0                              | Big Gun            |
| 1992        |                        | 0                              | Big Gun            |
| 1991        |                        | 0                              | Big Gun            |
| 1990        |                        | 0                              | Big Gun            |
| 1989        |                        | 41                             | Big Gun            |
| 1988        |                        | 65                             | Big Gun            |
| 1987        |                        | 41                             | Big Gun            |
| 1986        |                        | 40                             | Big Gun            |
| 1985        |                        | 40                             | Big Gun            |
| 1984        |                        | 41                             | Big Gun            |
| 1983        | No Record Available    |                                |                    |
| 1982        | No Record Available    |                                |                    |
| 1981        | No Record Available    |                                |                    |
| 1980        | No Record Available    |                                |                    |
| 1979        |                        | 0                              | Big Gun            |

Table 1- Irrigated acres and irrigation system for Water Right No. 1201-3 (Water Rights, 1979-2012)

Figures 1 through 4 are maps of the area of Water Permit Application No. 1201A-3

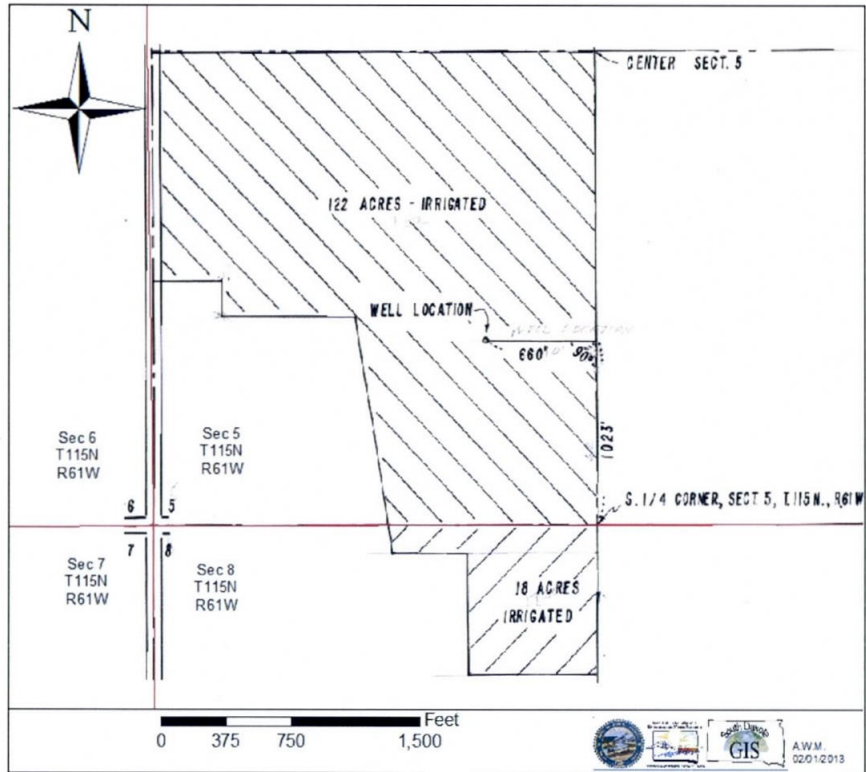


Figure 1- Map of acres authorized for irrigation by Water Right No. 1201-3



Figure 2- 2010 FSA aerial map of Water Right No. 1201-3



Figure 3- 2005 FSA aerial map of Water Right No. 1201-3

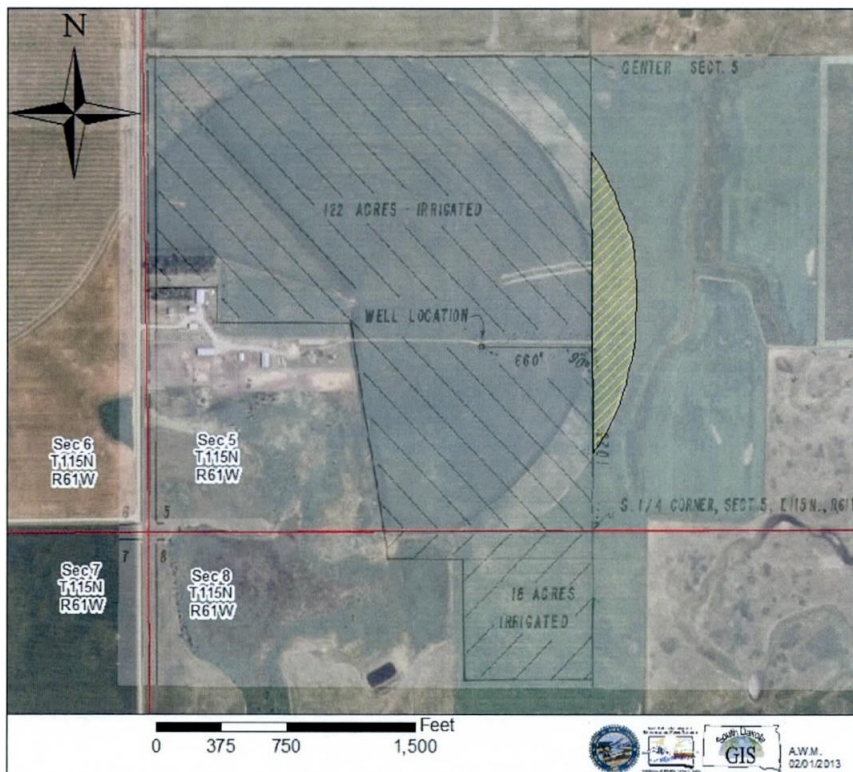


Figure 4- 2005 FSA aerial map overlain by map of acres authorized for irrigation by Water Right No. 1201-3

Figure 1 shows a map of the acres authorized for irrigation by Water Right No. 1201-3 as of the DENR-Water Rights Program inspection in 1967. There were 140 acres licensed in SW ¼ Section 5 and NE ¼ NW ¼ Section 8; all in T115N-R61W. Figure 2 is the FSA aerial image from 2010. The image shows a center pivot irrigation system operating in the SW ¼ Section 5, T115N-R61W. Figure 3 is the FSA aerial image from 2005. Figure 3 more clearly shows where the center pivot authorized by Water Right No. 1201-3 has irrigated. Figure 4 is the FSA aerial image from 2005 overlain by the map of the licensed acres. Figure 4 shows that part of the coverage of the center pivot is not within the licensed acreage, as shown by the highlighted area.

Figures 1 through 4 clearly show that since the change from a big gun to a center pivot irrigation system, as shown in table 1, it is not possible to irrigate the 140 acres licensed back in 1967. The largest irrigated area reported on the irrigation questionnaires that is reasonable is 122 acres located in the SW ¼ and the W ½ SE ¼ Section 5, T115N-R61W. Under SDCL 46-5-37 the non-irrigated acres would be forfeited for nonuse and it is not covered under the exceptions listed in SDCL 46-5-37.2, because the aquifer has been deemed fully appropriated. Therefore, only 122 acres of the licensed 140 acres are eligible for transfer to land in the SW ¼ Section 20, T115N-R61W.

#### **EXISTING WATER RIGHTS:**

There have been a total of 184 applications to appropriate water from the Tulare: East James aquifer. The status of the applications is shown in table 2. Development from the Tulare: East James aquifer dates back to the mid 1950's and well interference has never been an issue from the aquifer.

| STATUS       | NUMBER OF APPLICATIONS |
|--------------|------------------------|
| LICENSED     | 69                     |
| PERMITTED    | 34                     |
| INCORPORATED | 27                     |
| CANCELLED    | 29                     |
| DENIED       | 9                      |
| WITHDRAWN    | 16                     |

Table 2- Status of water permit applications from the Tulare: East James aquifer (modified from Buhler, 2012)

There are 12 water rights/permits authorizing wells within approximately 1.75 miles of the proposed well site, with the nearest being approximately 0.5 miles away (Water Rights, 2013b). Those water rights/permits are shown in table 3. The nearest domestic well on file with the SD DENR-Water Rights Program is approximately 0.7 miles from the proposed well site (Water Rights, 2013c). Figure 5 is the hydrograph for observation well SP-77N, which is 0.75 miles southeast of the proposed well site. The hydrograph does not show the effects of pumping even though it is within one mile of at least four irrigation wells. Considering how close the other water rights/permits are to each other, the distance from existing wells to the proposed well site, the hydrograph for observation well SP-77N, and the development history of the aquifer, there is a reasonable probability that this proposed transfer of acres and diversion point can be made without adversely impacting existing water rights/permits or domestic users.

| PERMIT NO.                                          | NAME                            | STATUS | TYPE | CFS  | ACRES |
|-----------------------------------------------------|---------------------------------|--------|------|------|-------|
| 1358-3                                              | Lonnie Wipf                     | LC     | IRR  | 1.78 | 160   |
| 1504B-3                                             | Larry Wipf                      | PE     | IRR  | 1.66 | 136   |
| 1722-3                                              | Peterson Farms                  | LC     | IRR  | 3.42 | 240   |
| 1723-3                                              | Albert A. Wipf                  | LC     | IRR  | 1.95 | 136   |
| 1724-3                                              | Camrose Hutterian Brethren Inc. | LC     | IRR  | 1.78 | 128   |
| 2514-3                                              | Willard Wipf                    | LC     | IRR  | 1.78 | 132   |
| 2618-3                                              | Albert Allen Wipf               | LC     | IRR  | 2.22 | 272   |
| 3748-3                                              | Glendale Httrn Brth             | LC     | IRR  | 1.46 | 102   |
| 4196-3                                              | Danny J. Baum                   | LC     | IRR  | 2    | 190   |
| 4203-3                                              | Danny J. Baum                   | LC     | IRR  | 1.78 | 136   |
| 4486-3                                              | Duwane/Sharon Decker            | LC     | IRR  | 1.71 | 132   |
| 6656-3                                              | Peterson Brothers               | PE     | IRR  | 3.56 | 320   |
| LC= Water Rights, PE= Water Permit, IRR= Irrigation |                                 |        |      |      |       |

Table 3- Water rights/permits within approximately 1.5 miles of proposed well site (Water Rights, 2013b)

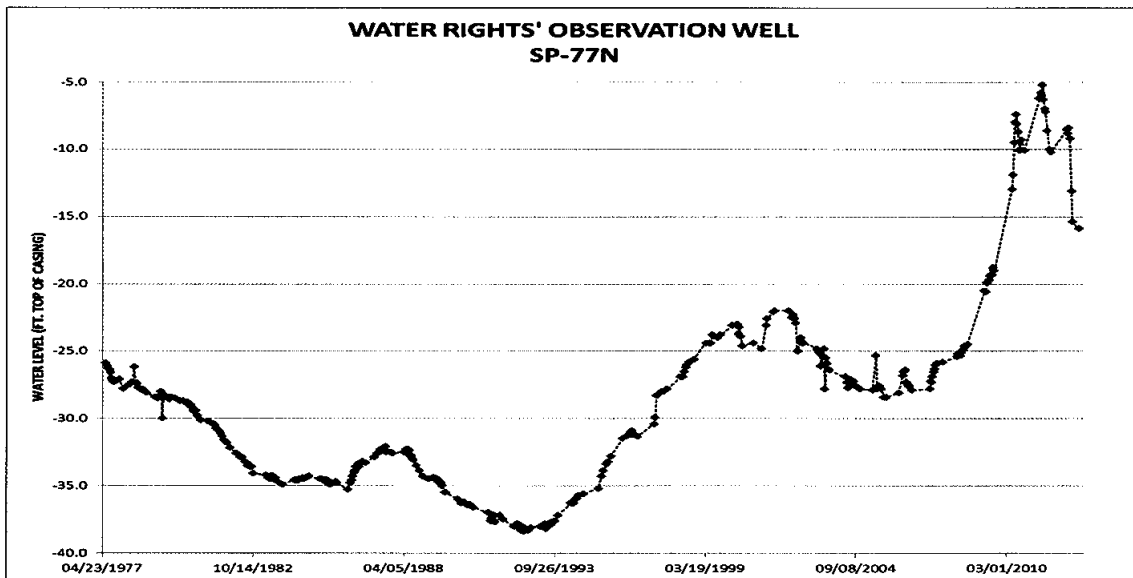


Figure 5- Hydrograph for observation well SP-77N (Water Rights, 2013a)

#### SDCL 46-5-6

If only 122 acres are transferred of the licensed 140, the rate of irrigation would be in excess of the statutory limit set forth in SDCL 46-5-6. The statute states that the diversion rate for an irrigation appropriation cannot be in excess of one cfs per second for every 70 acres, or “the equivalent thereof.” A diversion rate 2.0 cfs for 122 acres is equivalent to 1.15 cfs per 70 acres. Therefore, the maximum diversion rate for Water Permit Application No. 1201A-3 should be reduced to 1.74 cfs (782 gallons per minute).

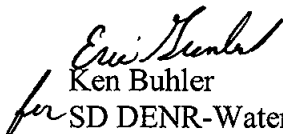
#### CONCLUSIONS:

1. Water Permit Application No. 1201A-3 proposes to transfer irrigation authority for 140 acres from the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 5, T115N-R61W to the SW  $\frac{1}{4}$  Section 5 and NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 8; all in T115N-R61W in Spink County.

2. The well authorized by Water Right No. 1201-3 and the proposed well are both completed into the Tulare: East James aquifer.
3. The Tulare: East James aquifer is considered fully appropriated.
4. Based on information submitted in the SD DENR-Water Rights Program annual irrigation questionnaire and analysis of the FSA aerial images a maximum of 122 acres of the licensed 140 has been irrigated since 2001.
5. The 18 acres that have not been irrigated since 2001 are subject to forfeiture due to non-use under SDCL 46-5-37.
6. There is a reasonable probability that the transfer of diversion point and irrigated acres can be made without adversely impacting existing appropriative or domestic users.
7. The change of acreage, from 140 to 122, would cause the maximum diversion rate for Water Permit Application No. 1201A-3 to be excess of the statutory limit. If the authorized acres are reduced to 122 the maximum diversion rate should also be reduced to 1.74 cfs.

  
Adam Mathiowetz  
SD DENR-Water Rights Program

Approved By:

  
Ken Buhler  
for SD DENR-Water Rights Program

**REFERENCES:**

Buhler, K.A. 2012. Report on Water Permit Application No. 7295-3, 7316-3, 7348-3, 7364-3, 7365-3, 7366-3, 7367-3, 7368-3, 7369-3, and 7370-3. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 1979-2012. "1979-2011 Irrigation Questionnaire for Water Right No. 11201-3": SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

Water Rights. 2013a. Observation Well Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

Water Rights. 2013b. Water Right/Permit Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

Water Rights. 2013c. Well Completion Reports. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

PRINTER'S AFFIDAVIT

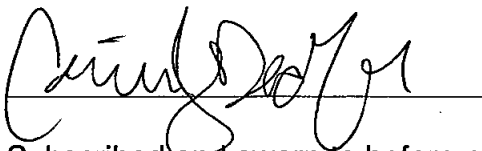
STATE OF SOUTH DAKOTA,  
COUNTY OF BEADLE: ss.

RECEIVED  
MAR - 5 2013  
WATER RIGHTS  
PROGRAM

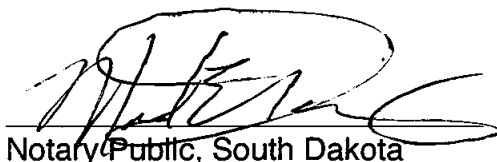
I, CORINN DECKER, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**SD ENVIRONMENTAL & NATURAL – WATER RIGHTS APPLICATION (DECKER)**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 27<sup>TH</sup> day FEB. 2013 That the full **FORTY-THREE & 87/000** dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part there of has been agreed to be paid to any person whom so ever.



Subscribed and sworn to before me this 28<sup>TH</sup> day of FEB. 2013.

  
Notary Public, South Dakota

My term expires 12/27/18

Legal # 629

F.P. 02-27-13

**NOTICE OF APPLICATION  
NO. 1201A-3**

Notice is given that Brent Decker, 1415 Idaho Ave SE, Huron SD 57350 has filed Application No. 1201A-3 which requests to amend Water Right No. 1201-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1201-3 appropriates 2.0 cubic feet of water per second, (cfs) from one well located in the SE 1/4 SW 1/4 Section 5 to irrigate 140 acres located in the SW 1/4 Section 5 and NE 1/4 NW 1/4 Section 8; all in T115N-R61W. This application proposes to move the irrigation system approximately 3 miles south with the well to be located in the approximate center of the SW 1/4 Section 20 to irrigate 140 acres located in the SW 1/4 Section 20; all in T115N-R61W. The water source for this irrigation system is the Tulare East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Decker indicates his justification for this change is due to existing well failure and converting to electric power.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1201A-3 for

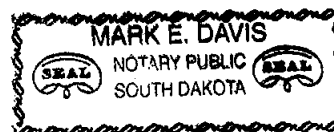
1.74 cfs to irrigate 122 acres because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 11, 2013.

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.

No. 629 (adv.)

Published one time at the total approximate cost of \$43.86.



## Affidavit of Publication

STATE OF SOUTH DAKOTA,  
County of Spink: ss.

I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

### #174 Notice

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on February 27th, that Thirty-one and 15/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 27th day of February, 2013.



Notary Public, South Dakota

RECEIVED

FEB 28 2013

WATER RIGHTS  
PROGRAM

My commission expires 04/06/2016.

## Notice

#174

### NOTICE OF APPLICATION NO. 1201A-3

Notice is given that Brent Decker, 1415 Idaho Ave SE, Huron SD 57350 has filed Application No. 1201A-3 which requests to amend Water Right No. 1201-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1201-3 appropriates 2.0 cubic feet of water per second (cfs) from one well located in the SE 1/4 SW 1/4 Section 5 to irrigate 140 acres located in the SW 1/4 Section 5 and NE 1/4 NW 1/4 Section 8; all in T115N-R61W. This application proposes to move the irrigation system approximately 3 miles south with the well to be located in the approximate center of the SW 1/4 Section 20 to irrigate 140 acres located in the SW 1/4 Section 20; all in T115N-R61W. The water source for this irrigation system is the Tulare-East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

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ically for irrigation on the current land. Mr. Decker indicates his justification for this change is due to existing well failure and converting to electric power.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1201A-3 for 1.74 cfs to irrigate 122 acres because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Published at an approximate cost of \$31.15. (Feb 27)



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

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

February 20, 2013

Brent Decker  
1415 Idaho Ave SE  
Huron SD 57350

Dear Mr. Decker:

Water Permit Application No. 1201A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Redfield Press printed at Redfield SD (Ph # 605-472-0822) and the Plainsman printed at Huron SD (Ph # 605-352-6401). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352

enclosures

**NOTE:** If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 20, 2013

Plainsman  
PO Box 1278  
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1201A-3 to Appropriate Water. Please publish the notice once on February 27, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Brent Decker, 1415 Idaho Ave SE, Huron SD 57350 (Ph # 605-352-2322).

**Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.**

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 20, 2013

Redfield Press  
PO Box 440  
Redfield SD 57469

ATTENTION: Legal Public Notice

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Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

Instruction to Newspaper - Publish the Notice on February 27, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

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### NOTICE OF APPLICATION NO. 1201A-3

Notice is given that Brent Decker, 1415 Idaho Ave SE, Huron SD 57350 has filed Application No. 1201A-3 which requests to amend Water Right No. 1201-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1201-3 appropriates 2.0 cubic feet of water per second (cfs) from one well located in the SE 1/4 SW 1/4 Section 5 to irrigate 140 acres located in the SW 1/4 Section 5 and NE 1/4 NW 1/4 Section 8; all in T115N-R61W. This application proposes to move the irrigation system approximately 3 miles south with the well to be located in the approximate center of the SW 1/4 Section 20 to irrigate 140 acres located in the SW 1/4 Section 20; all in T115N-R61W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

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Published once at the total approximate cost of \_\_\_\_\_.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

[denr.sd.gov](http://denr.sd.gov)

APR 26 2013

Brent Decker  
1415 Idaho Ave SE  
Huron SD 57350

Dear Mr. Decker:

Enclosed is Water Permit No. 1201A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer  
Water Rights Program  
(605) 773-3352

enclosures

## Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1201A-3

I have this day, November 3, 2015, made a thorough examination of the water use system constructed by Brent Decker, 1415 Idaho Avenue SE, Huron SD 57350 of Permit No. 1201A-3, bearing the priority of April 27, 1965 authorizing the diversion of 1.74 cu. ft. per second of the Tulare:East James aquifer for irrigation purposes, in Spink County.

Inspection contact & relationship     **Brent Decker - owner**  
to permit holder, if applicable:

### A. Works used to divert the water:

#### Well Information:

- 1) Well Drilling Firm: Pullman
- 2) No. of Wells 1
- 3) Depth(s) 103 feet
- 4) Well log is available Yes If no, explain in comments

Comments:

#### Casing:

- 1) Diameter 16 inches
- 2) Length 88 feet
- 3) Type plastic

#### Screen:

- 1) Type stainless steel
- 2) Length 15 feet
- 3) Static water level not provided on completion report feet

#### Pump:

- 1) Make submersible
- 2) Model \_\_\_\_\_
- 3) Size \_\_\_\_\_
- 4) Capacity 700 GPM

#### Motor:

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

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

- 1) Type \_\_\_\_\_ 2) Size \_\_\_\_\_ inches 3) Length \_\_\_\_\_ feet

Comments:

**C. Works used to apply water to beneficial use:**

**Center pivot:**

- 1) Make Zimmatic
- 2) Overall length 1299.58 feet
- 3) Number of towers 7
- 4) End gun An endgun is on the machine but is disabled to keep the irrigated acres to 122.
- 5) Capacity 700 GPM

**Chemigation Equipment:**

- 1) Does chemigate No chemigation equipment was present
- 2) Main line check valve n/a
- 3) Inspection port/air relief n/a
- 4) Low pressure drain n/a
- 5) Discharge is 20' from source Interlock type electrical or mechanical
- 6) Injection pump type n/a
- 7) Injection check valve n/a
- 8) Injection line check valve or positive displacement pump n/a

Comments:

**D. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by No

If no, describe: **qualification No. 4 states the original well authorized by Water Right No. 1201-3 in the SE ¼ SW ¼ Section 5, T115N, R61W could be temporarily abandoned by sealing top of casing or if permanently abandoned shall be plugged. Mr. Decker indicated he has not done anything with the well but it is his intention to have the well plugged.**

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes – first reported irrigation on this land in 2014

List any extended period of nonuse: No

- 3) Exceptions to compliance are:

**E. Condition and Location:**

1. The system is in **good** condition with the point(s) of diversion located as follows: **1,370 feet north and 1,330 feet east of SW corner of Section 20, T115N, R61W ( NE ¼ SW ¼). Latitude 44.75204 Longitude -98.19561**
2. The works are capable of diverting and conveying to the place of use **1.56** 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 20, T115N, R61W****NW ¼ SW ¼ - 30.5 acres****NE ¼ SW ¼ - 30.5 acres****legal description/acreage****SW ¼ SW ¼ - 30.5 acres****SE ¼ SW ¼ - 30.5 acres**

comprising a total of **122** acres of land and the license should be issued for **1.56** cfs.

3. All structures, wells and lands on map **Yes**

If no, describe:

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

Mr. Decker indicated that the endgun is disconnected so that he only irrigated 122 acres. The irrigation supply person stated the coverage without the endgun is 121.9 acres. Outlining and then digitizing the area irrigated on ArcMap verifies that only 122 acres are being irrigated.

Mr. Decker stated his intent to plug the well in the SE ¼ SW ¼ Section 5, T115N, R61W.



**Eric Gronlund**  
**Water Rights Engineer**  
**DENR, Water Rights Program**

Date report completed: **November 20, 2015**

1201A-3

SD EForm - 1621LD V1

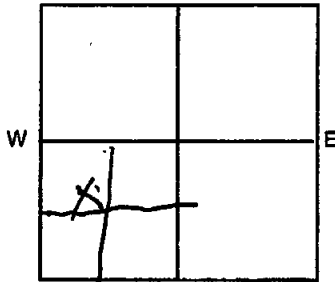
## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location N4W/4 Spink Sec 20 Twp 115 Rg 61County Spink ☒

North

Please mark well location with an "X"



Well Completion Date

07/30/2013

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 Air

## CASING DATA:

☐ Steel ☒ Plastic ☐ Other  
 If other describe \_\_\_\_\_

| PIPEWEIGHT | DIAMETER | FROM | TO    | HOLE DIAMETER |
|------------|----------|------|-------|---------------|
| 40 LB/FT   | 16 IN    | 0 FT | 88 FT | 24 IN         |
| LB/FT      | IN       | FT   | FT    | IN            |
| LB/FT      | IN       | FT   | FT    | IN            |

## GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From | To    |
|------------|--------------|--------------|------|-------|
| VolClay    | 55           | Lb/gal       | 0 Ft | 84 Ft |
|            |              | Lb/gal       | Ft   | Ft    |

Describe grouting procedure

Tremmie Line

## SCREEN:

☐ Perforated pipe ☒ Manufactured  
 Diameter 16 Inches Length 15 Feet
Material Stainless SteelSlot Size .057 Set From 88 Feet to 103 Feet

Other information

## WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? PearlockDescribe packer(s) and location  
at 84ft

## DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?
☐ No, Why Not?  
 Lab to which water  
 quality sample sent for analysis
Well Owner: Brent Decker

Business Name:

Address: 17874 401st AveCity, State, Zip: Frankfort ☒ SD ☒ 57440

## WELL LOG:

| FORMATION                   | DEPTH |     |
|-----------------------------|-------|-----|
|                             | FROM  | TO  |
| Yellow Clay                 | 0     | 13  |
| Yellow Clay w rock          | 14    | 17  |
| Blue clay w rock            | 18    | 52  |
| Fine w Coarse sand and coal | 53    | 113 |
|                             |       |     |
|                             |       |     |
|                             |       |     |
|                             |       |     |
|                             |       |     |
|                             |       |     |

## STATIC WATER LEVEL

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:☐ Bailed☐ Other

Pumping Level Below Land Surface

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate: \_\_\_\_\_ GPM

## REMARKS

RECEIVED

AUG 16 2013

WATER RIGHTS  
PROGRAMThis well was drilled under license # 440 and this report is true and accurate.Drilling firm: Pullman well Drilling

Signature of License Representative:

Kenn Pullman

Signature of Well Owner or Equitable Property Holder:

Date:

**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 11-3-15

FROM: Brent Decker  
(name)

1415 Idaho Avenue  
(address)

Huron SD 57350 605 350-3460  
(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.

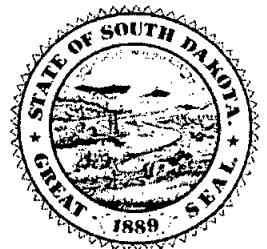
Water Permit No. 1201A-3 states that the water use system is to be constructed by \_\_\_\_\_, and water is to be put to beneficial use by \_\_\_\_\_  
(date) (date)

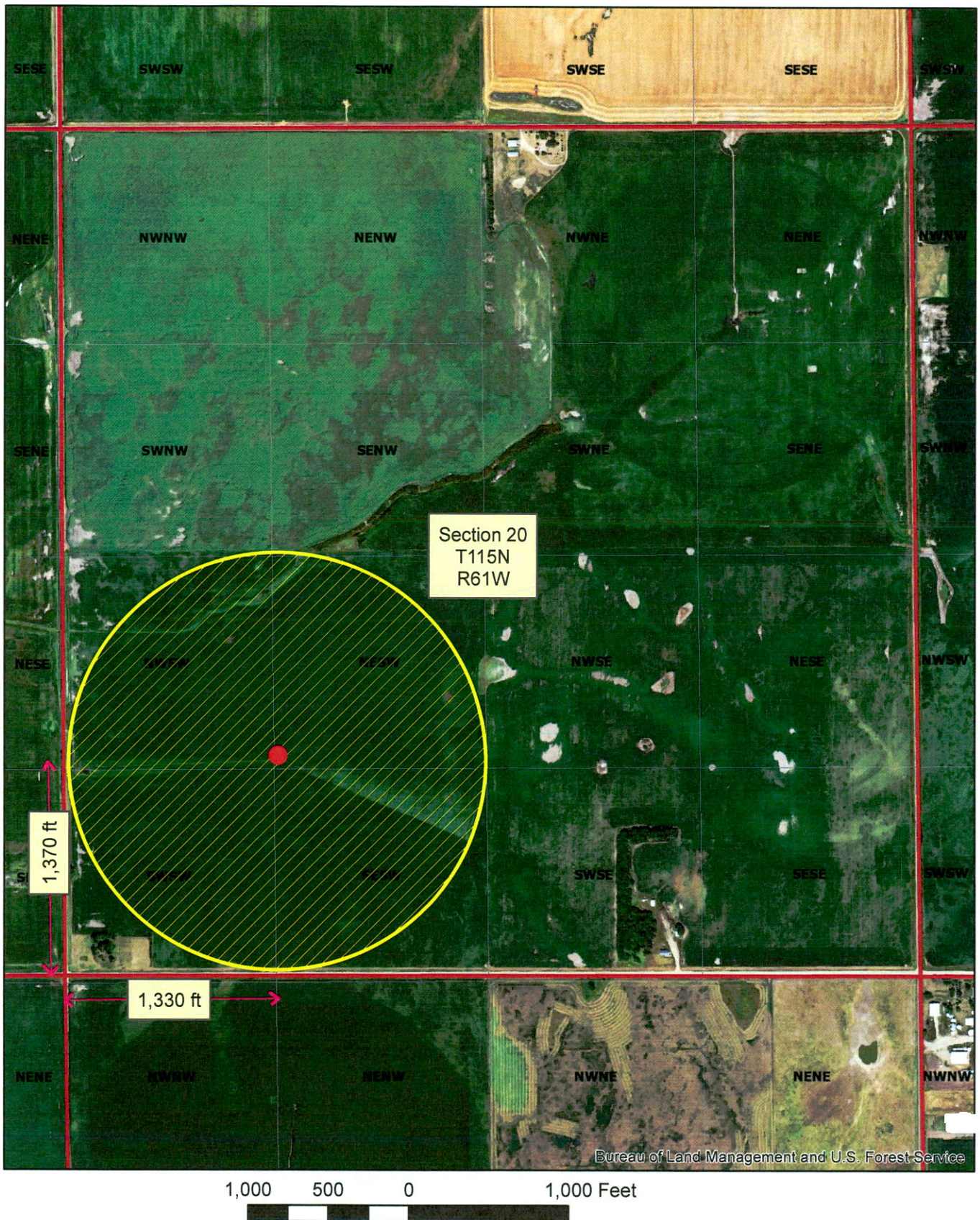
The water use system was completed on \_\_\_\_\_  
(date)

Applying the water to beneficial use was completed on 2014  
(date)

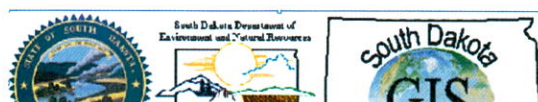
You may schedule an investigation so that the water license may be issued.

*Brent Decker*



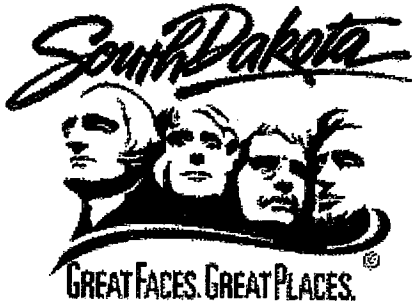


Well - 1,370 feet north and 1,330 feet east of southwest corner of Section 20, T115N, R61W  
Latitude. 44.75204  
Longitude -98.19561



*Eric Gronlund*

Eric Gronlund  
Water Rights Program, DENR  
Date of Inspection - November 3, 2015



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

FEB 24 2016

1201A-3

Brent Decker  
1415 Idaho Ave SE  
Huron SD 57350

Dear Mr. Decker:

Enclosed is Water License No. 1201A-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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. 1201A-3, 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,

Jeanne Goodman, Chief Engineer  
Water Rights Program  
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA**  
**WATER LICENSE NO. 1201A-3**

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(1) Brent Decker, 1415 Idaho Ave SE, Huron SD 57350 made Application No. 1201A-3, December 10, 2012 for a water permit to amend Water Right No. 1201-3 by transferring the irrigated acreage and point of diversion to other land. Permit No. 1201A-3, with a priority date of April 27, 1965 (established under No. 1201-3) was approved March 11, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 11, 2018 and for the application to beneficial use of said water on or before March 11, 2022.

Water Right No. 1201-3 appropriated 2.00 cubic feet of water per second (cfs) from one well (Tulare East James Aquifer) to irrigate 140 acres. Water Permit No. 1201A-3 authorized moving the irrigation system approximately 3 miles south. No. 1201A-3 was limited to 1.74 cfs with the remaining diversion authority cancelled due to abandonment and/or forfeiture.

The Permit holder filed a "*Notice of Completion of Works and Application of Water to Beneficial Use*" indicating the water use system was completed and water placed to beneficial use in 2014.

(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 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is 1,370 feet north and 1,330 feet east of the SW corner of Section 20, T115N, R61W (NE ¼ SW ¼).

(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:

|                        |           |             |
|------------------------|-----------|-------------|
| T115N, R61W Section 20 | NW ¼ SW ¼ | 30.5 acres  |
|                        | NE ¼ SW ¼ | 30.5 acres  |
|                        | SW ¼ SW ¼ | 30.5 acres  |
|                        | SE ¼ SW ¼ | 30.5 acres  |
|                        | Total     | 122.0 acres |

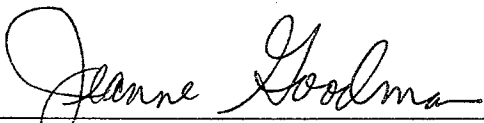
(4) Pursuant to South Dakota Water Law 46-5-30.1 Brent Decker, 1415 Idaho Ave., Huron SD 57350 the holder and/or owner of Water Right No. 1201A-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water, one well (Tulare East James Aquifer) with a priority date of April 27, 1965 (established under Water Right No. 1201-3) 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. 1201A-3 and subject to 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.

continued

- The well authorized by Permit No. 1201A-3 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. *The well was drilled in July, 2013 by Pullman Well Drilling. A copy of the well log is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- The well authorized by Water Right No. 1201-3 located in the SE ¼ SW ¼ Section 5, T115N, R61W may be temporarily abandoned by sealing the top of the casing with a watertight cap pursuant to Water Management Board Rule ARSD 74:01:04:70.01. If this well is permanently abandoned it shall be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
- Applicable portions of Water License No. 1201-3 issued October 30, 1967 are incorporated into this permit and the abandoned/forfeited portion comprising 0.26 cfs and 18 acres are cancelled. *This was done at the time of permitting.*



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

FEB 24 2016

date

