

WATER PERMIT NO. 1358B-3

Name of Applicant: Wipf Acres LP

Address: 17801 401st Ave, Frankfort SD 57440

Phone: 605 460 1690

Amount of Water Claimed: no additional

Total Acres: no additional

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 8 miles southeast of Frankfort

PRIORITY

Date Received: 11-8-18

Application/License Fee: \$ 300

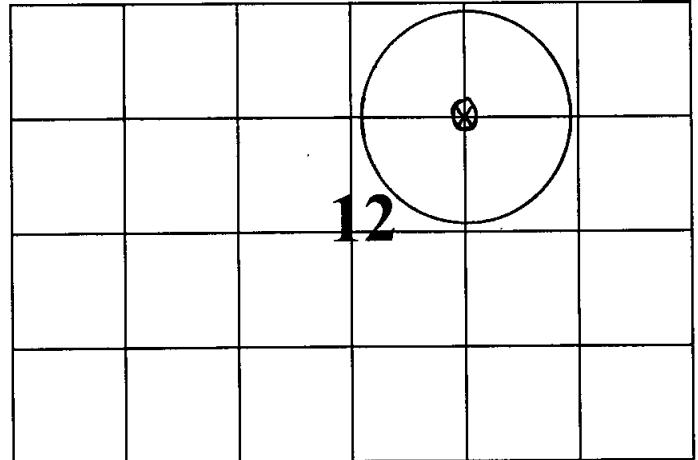
Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: Transfer diversion rate authority and acreage authorized by No. 1358-3

Diversion Point: center of NE 1/4 Sec 12-T115N-
R62W

Land to be Irrigated: NE 1/4 Sec 12-T115N-R62W



Depth of Well: 80 – 100 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-8-18

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**REISSUED
SOUTH DAKOTA
WATER PERMIT NO. 1358B-3**

To reflect action taken by the Water Management Board on July 17, 2019 to delete the qualification on Water Permit No. 1358B-3 regarding plugging of the original well located in the SW 1/4 SW 1/4 Section 17-T115N-R61W, Water Permit No. 1358B-3 is being reissued as follows:

The Chief Engineer, on behalf of the Water Management Board approved Water Permit No. 1358B-3 to Wipf Acres LP, c/o Gary Wipf, 17801 401 Ave, Frankfort SD 57440 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. 1358B-3 amends Water Right No. 1358-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1358-3 appropriates 1.78 cubic feet of water per second from one well located in the SW 1/4 SW 1/4 Section 17 to irrigate 160 acres located in the SW 1/4 Section 17; all in T115N-R61W. This permit authorizes moving the irrigation system approximately 2 miles northwest with the well to be located in the approximate center of the NE 1/4 Section 12 to irrigate 135 acres located in the NE 1/4 Section 12; all in T115N-R62W which is approximately 7 miles southeast of Frankfort SD. 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 – November 1.
3. The date from which applicant may claim right is February 10, 1967 (established by Water Right No. 1358-3).
4. The date of approval of Permit No. 1358B-3 is January 28, 2019.
5. 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 Permit No. 1358B-3 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. 1358B-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. Applicable portions of Water Right No. 1358-3 are incorporated into Water Permit No. 1358B-3.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUL 18 2019

date



**SOUTH DAKOTA
WATER PERMIT NO. 1358B-3**

Date of first receipt of application November 8, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1358B-3 to Wipf Acres LP, c/o Gary Wipf, 17801 401 Ave, Frankfort SD 57440 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. 1358B-3 amends Water Right No. 1358-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1358-3 appropriates 1.78 cubic feet of water per second from one well located in the SW 1/4 SW 1/4 Section 17 to irrigate 160 acres located in the SW 1/4 Section 17; all in T115N-R61W. This permit authorizes moving the irrigation system approximately 2 miles northwest with the well to be located in the approximate center of the NE 1/4 Section 12 to irrigate 135 acres located in the NE 1/4 Section 12; all in T115N-R62W which is approximately 7 miles southeast of Frankfort SD. 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 – November 1.
3. The date from which applicant may claim right is February 10, 1967 (established by Water Right No. 1358-3).
4. The date of approval of Permit No. 1358B-3 is January 28, 2019.
5. 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 Permit No. 1358B-3 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. 1358B-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. Applicable portions of Water Right No. 1358-3 are incorporated into Water Permit No. 1358B-3.
5. The well located in the SW ¼ SW ¼ Section 17–T115N-R61W shall be plugged in accordance with South Dakota Well Construction Standards, Administrative Rules of South Dakota Chapter 74:02:04.

WATER MANAGEMENT BOARD

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

FEB 22 2019

date



NOV 08 2018

WATER RIGHTS
PROGRAM

PAID

NOV 08 2018

Ck# 4013

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>1358B-3</u>	(office use only) Hydrologic Unit <u>101600006</u>
	Basin <u>James River</u>	
	Newspaper <u>Redfield Press</u>	
	<u>Phinsman</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 1358-3
(Use predates Mar 2, 1955)

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

Transfer acreage & well To new location

1. Name to Appear on Irrigation Permit Wipf Acres LP (Gary Wipf)
Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
Mailing Address 17801 401 Ave Frankfort SD 57440
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 6054601690 Email _____

2. Amount of water claimed No Additional CFS or **GPM No Additional** AF Total Acreage No Additional
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground water

4. Location of point of diversion 1 well middle of NE 1/4 12 115-62
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used April thru 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
<u>1 Quarter Section</u>	<u>135</u>		

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

Better Soils - Better Area of Aquifer

I, Gary D. Wipf, Owner, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

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

For either Existing or Proposed Wells:

c) Well Depth (required) 80'-100' Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____d) Distance to nearest domestic well on applicant's property _____ Property owned by others To the SW
approx 1/2 to 3/4 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 (e.g. 3 to 1 is a typical slope)

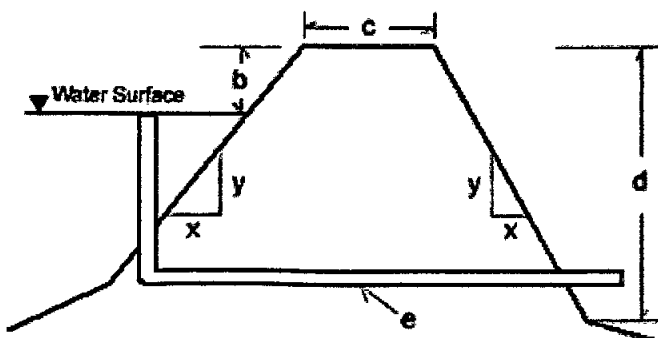
Upstream _____

Downstream _____

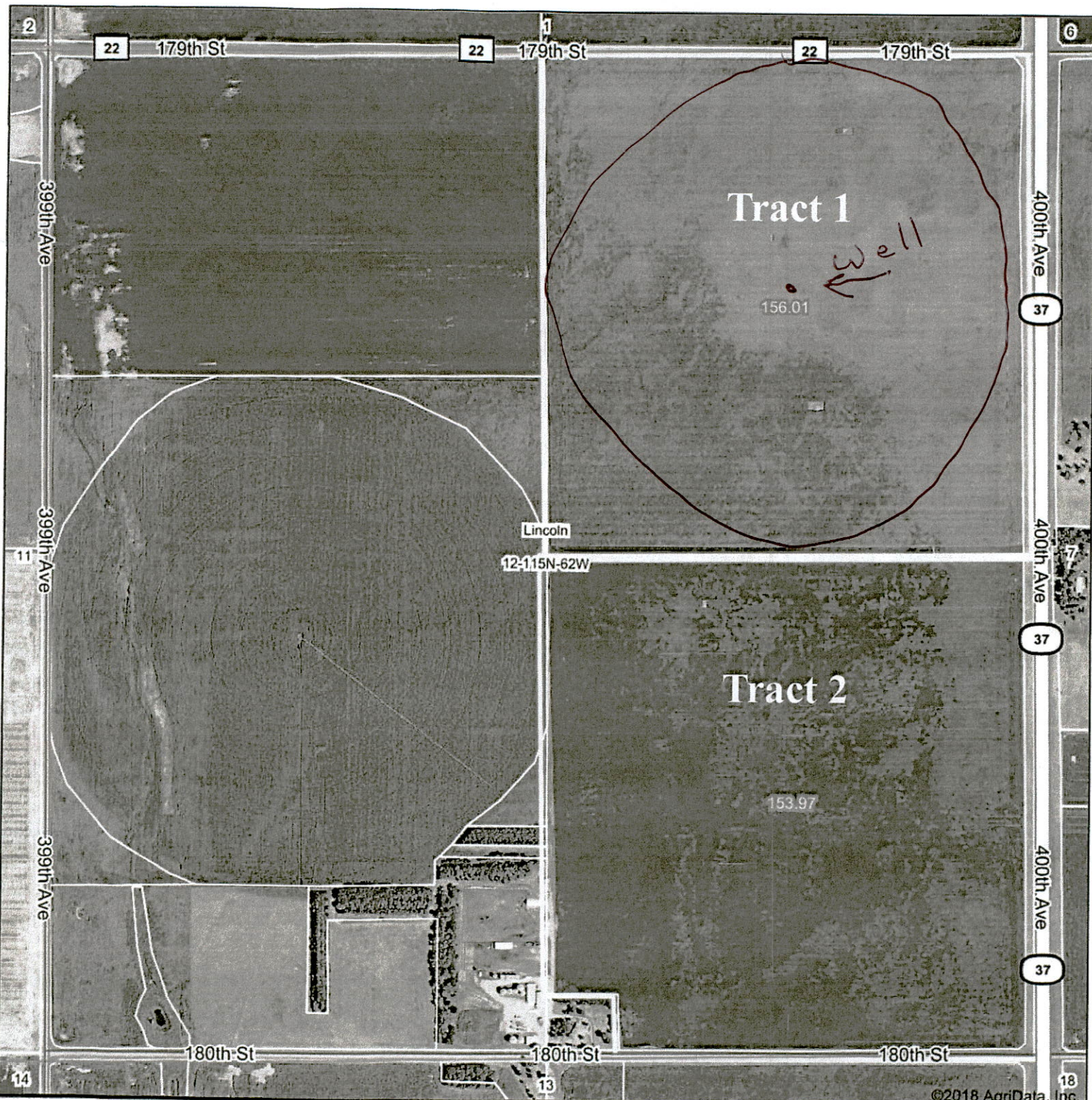
h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Aerial Map - Tract 1 & 2



United
Country
ADVANTAGE *Land* CO.

Maps Provided By:

 **surety**
CUSTOMIZED ONLINE MAPPING
© AgriData, Inc. 2018 www.AgriDataInc.com

map center: 44° 47' 4.06, -98° 13' 50.56

0ft 817ft 1634ft

12-115N-62W
Spink County
South Dakota



3/20/2018

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **November 8**, 20 **18**

RECEIVED OF **Wipf Acres LP 17801 401 Ave Frankfort SD 57440**

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

Fee for Application for Permit No. <u>1358B-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>1358B-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. **08802**

By

Jeanne Goodman
Chief Engineer
2911



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

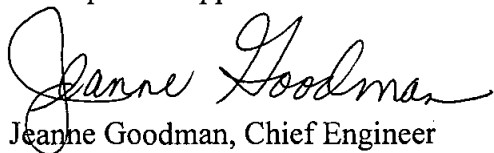
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1358B-3, Wipf Acres LP**

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. 1358B-3, Wipf Acres LP, c/o Gary Wipf, 17801 401st Avenue, Frankfort SD 57440.

The Chief Engineer is recommending APPROVAL of Application No. 1358B-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under Permit No. 1358B-3 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. 1358B-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. Applicable portion of Water Right No. 1358-3 are incorporated into Water Permit No. 1358B-3.
5. The well located in the SW ¼ SW ¼ Section 17-T115N-R61W shall be plugged in accordance with South Dakota Well Construction Standards, Administrative Rules of South Dakota Chapter 74:02:04.

See report on application for additional information.


Jeanne Goodman, Chief Engineer

January 8, 2019

NOTE: A total of 25 acres remain under Water Right No. 1358-3. These 25 acres have not been historically irrigated since a center pivot was installed on this quarter section. The remaining 25 acres authorized under Water Right No. 1358-3 will be scheduled for cancellation. You will be provided notice of hearing scheduling this remaining 25 acres for cancellation.

REPORT TO THE CHIEF ENGINEER

Water Permit Application No. 1358B-3

Wipf Acres LP

January 8, 2019

Water Permit Application No. 1358B-3 proposes to amend Water Right No. 1358-3 by transferring the irrigated acreage and the point of diversion to other land. Water Right No. 1358-3 is licensed for the irrigation of 160 acres at a maximum diversion rate of 1.78 cubic feet per second (cfs) from one well (141 feet deep). This well is completed into the East James management unit of the Tulare aquifer. The licensed acres are located in the SW $\frac{1}{4}$ Section 17, and the existing well is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17; all in T115N-R61W. At the time of the licensing inspection (October 22, 1969), the irrigation system was comprised of tow-lines. The tow-line irrigation system was subsequently replaced with a center pivot irrigation system in the 1970's, reducing the number of acres that were irrigated.

This application is seeking to transfer 135 acres from the SW $\frac{1}{4}$ Section 17 T115N-61W to the NE $\frac{1}{4}$ Section 12 T115N-R62W (approximately 2 miles to the northwest). This application is also seeking to move the point of diversion from the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17 T115N-R61W to a new well to be completed in the approximate center of NE $\frac{1}{4}$ Section 12 T115N-R62W (approximately 2 miles to the northwest). The water source for this application will remain the East James management unit of the Tulare aquifer and no increase in the diversion rate or the number of irrigated acres is being requested by this application.

AQUIFER: Tulare: East James (T:EJ)

South Dakota Codified Law 46-5-34

Pursuant to SDCL 46-5-34, "All water used in this state for irrigation purposes shall remain appurtenant to the land upon which it is used. However, 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."

Information provided on the application by Mr. Wipf indicates that the proposed acreage contains better soils and is located in a better area of the aquifer. The Tulare: East James aquifer is approximately 60 feet thick and under confined conditions at the existing and proposed locations. This application, if approved, would retain the priority date of 2/10/1967 of Water License No. 1358-3. This application is not seeking to increase the total acres irrigated.

Irrigation questionnaires have been submitted for Water Right No. 1358-3 since 1968, however, irrigation questionnaire records prior to 1983 are not continuous. A summary of the reported annual usage for Water Right No. 1358-3 since 1983 is included below.

Table 1: Reported irrigation usage since 1983 for Water Right No. 1358-3 (Water Rights, 2018d)

	Acres	Pump Rate [gpm]	Hours	Est. Use [Acre-feet]
1983	Did not irrigate			
1984	135	800	168	24.7
1985	Did not irrigate			
1986	Did not irrigate – sufficient rain			
1987	90	800	264	38.9
1988	130	600	816	90.2
1989	Did not irrigate			
1990	Did not irrigate - hail			
1991	130	750	720	99.4
1992	130	800	360	53.0
1993	Did not irrigate – too much rain			
1994	130	800	144	21.2
1995	Did not irrigate			
1996	130	800	696	102.5
1997	Did not irrigate – standing water			
1998	Did not irrigate - flooded			
1999	130	800	198	29.2
2000	130	800	960	141.4
2001	132	800	1080	159.1
2002	135	800	1680	247.5
2003	136	800	960	141.4
2004	136	800	624	91.9
2005	136	800	720	106.1
2006	136	800	504	74.2
2007	Did not irrigate – sufficient moisture			
2008	160	800	216	31.8
2009	Did not irrigate – sufficient moisture			
2010	Did not irrigate – sufficient moisture			
2011	Did not irrigate – sufficient moisture			
2012	136	800	1272	187.4
2013	Did not irrigate - hail			
2014	136	800	720	106.1
2015	136	800	480	70.7
2016	136	800	720	106.1
2017	136	800	648	95.5

South Dakota Codified Law 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed

use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest.

Since this application is seeking to transfer existing irrigated acres and the associated diversion point to a different location while remaining in the same aquifer, the availability of unappropriated water does not need to be considered for this application. The potential impact of this proposed transfer on existing rights and domestic users will be addressed in this report.

EXISTING WATER RIGHTS

The location of the diversion points for water rights/permits authorized to withdraw water from the Tulare: East James aquifer in the vicinity of this application are shown in Figure 1 and summarized in Table 2. The nearest existing water right to the proposed location is for Water Right No. 1894-3, whose diversion point is located approximately 0.35 miles to the southwest. The nearest residence is located approximately 0.35 miles to the southeast, however, the Water Rights Program does not have a well completion report on file (Water Rights, 2018b), and it is unknown if their well is completed into the Tulare: East James aquifer.

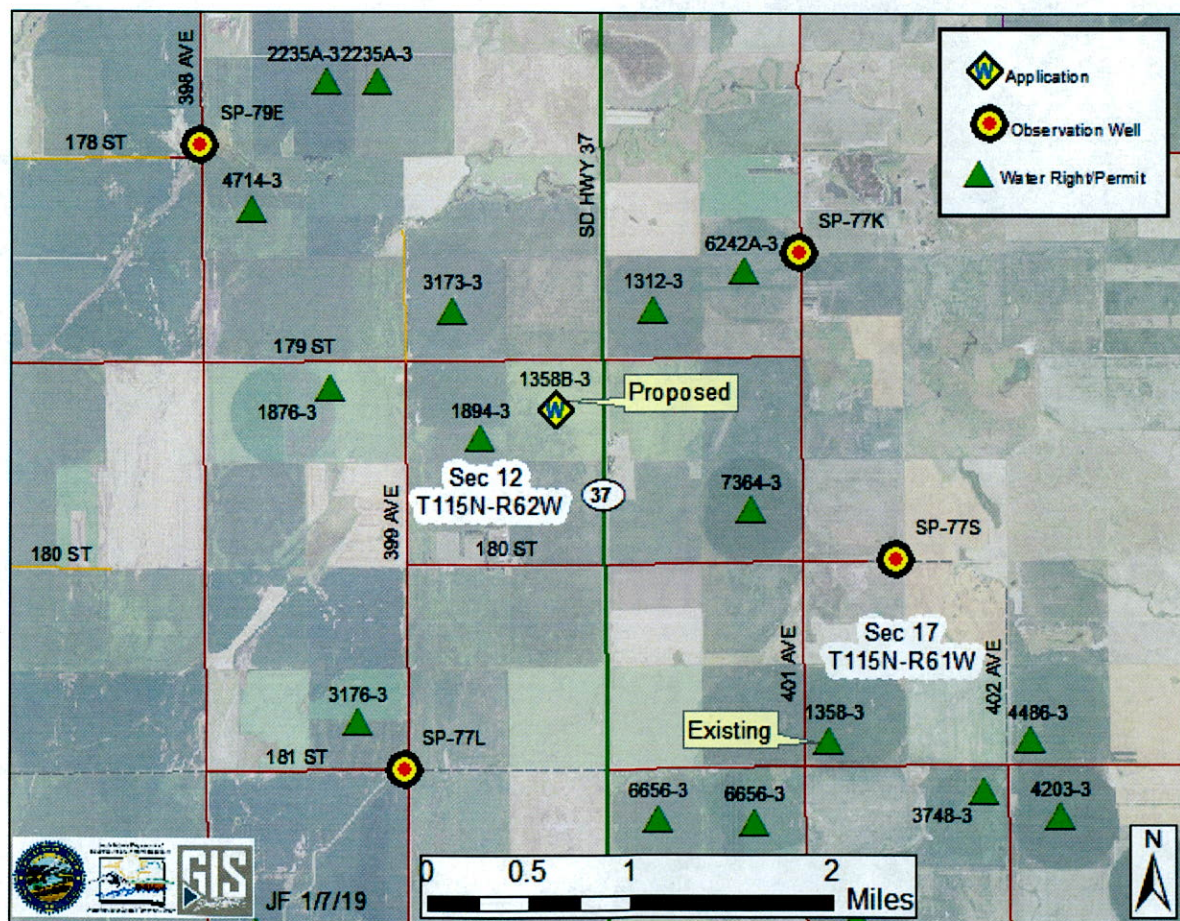


Figure 1: Map of the vicinity of Application No. 1358B-3 including the approximate locations of Tulare: East James aquifer water right/permit diversions and observation wells (Water Rights, 2018a; Water Rights, 2018c)

Table 2: Summary of Water Rights/Permits in Figure 1 (Water Rights, 2018a)

Permit No.	Name	Status	Use	Rate (CFS)	Acres	Priority Date
1312-3	Gary D Wipf	LC	IRR	2.2	160	09/27/1966
1358-3	Wipf Acres LP	LC	IRR	1.78	160	02/10/1967
1876-3	Glendale Httrn Brth	LC	IRR	3.55	272	05/03/1971
1894-3	Leola J Maendl Living Trust	LC	IRR	2.66	200	10/21/1971
2235A-3	Gary D Wipf	LC	IRR	5.33	539	03/17/1975
3173-3	Glendale Httrn Brth	LC	IRR	1.78	136	10/15/1976
3176-3	Leola J Maendl Living Trust	LC	IRR	1.88	272	10/20/1976
3748-3	Glendale Httrn Brth	LC	IRR	1.46	102	01/25/1977
4203-3	Danny J Baum	LC	IRR	1.78	136	12/20/1977
4486-3	Duwane/Sharon Decker	LC	IRR	1.71	132	03/06/1980
4714-3	Robert & Sheryl Robinson	LC	IRR	1.77	126.8	04/08/1981
6242A-3	Gary D Wipf	LC	IRR	1.56	138	10/01/1976
6656-3	Lenny Peterson	LC	IRR	3.56	270	08/16/2005
7364-3	Wipf Acres LP	LC	IRR	1.67	135	05/24/2012
LC = License, IRR = Irrigation						

Observation Well Data

There are four observation wells near the proposed location that are monitored by the Water Rights Program (Water Rights, 2018c). These observation wells are all identified as being under confined conditions. As this area of the aquifer is under confined conditions, drawdown from pumping may extend for some distance.

The hydrographs for these observation wells are shown in Figure 2. These observation well hydrographs are representative of the Tulare: East James aquifer. The hydrographs show that the aquifer responds well to hydrologic conditions, recharging during wetter periods and declining during drier periods. The observation well measurements show that the effects from pumping are temporal, and that the aquifer generally returns to pre-pumping conditions when pumping ends. Observation wells SP-77L and SP-79E both show a greater seasonal fluctuation presumably due to nearby irrigation wells and greater withdrawals.

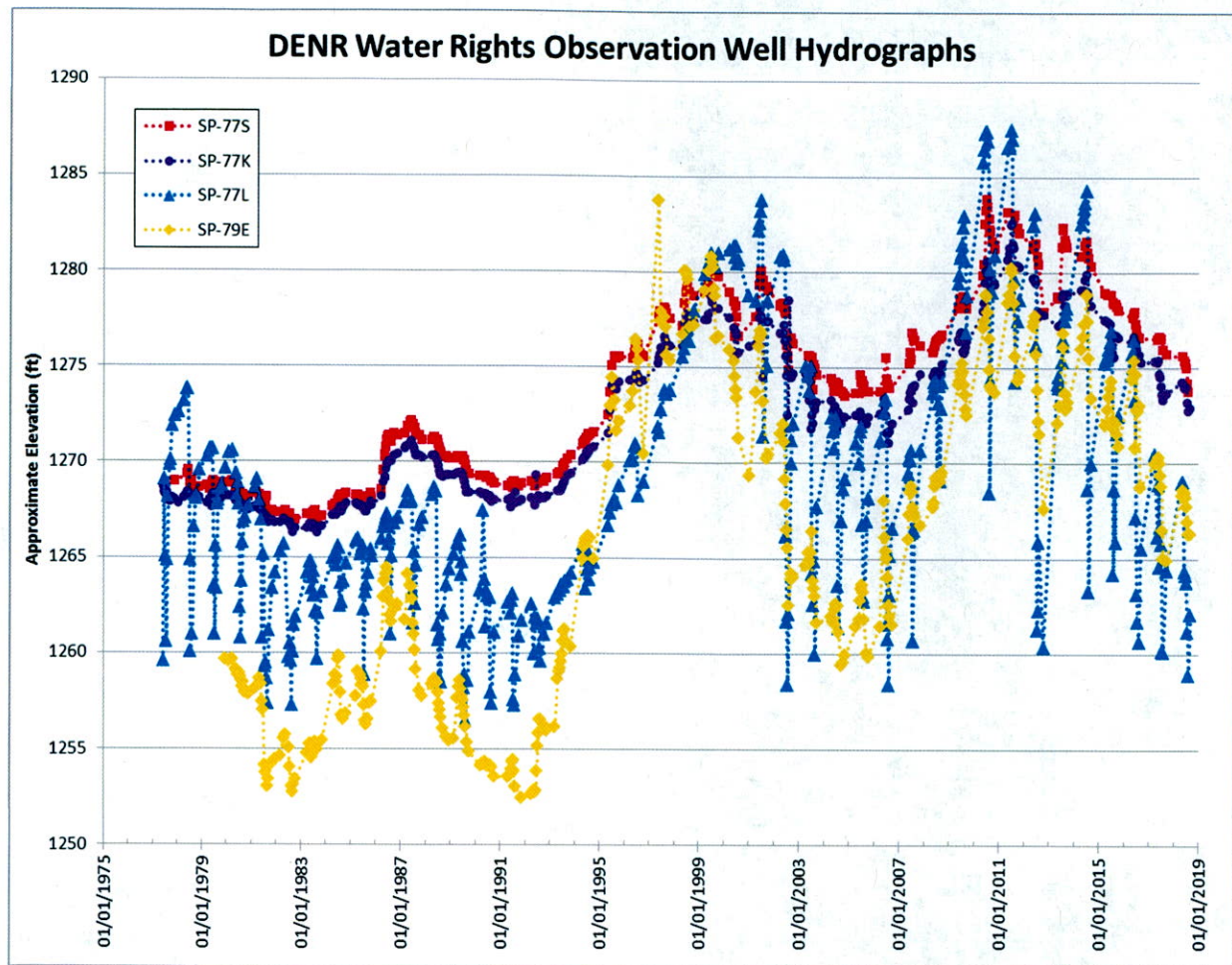


Figure 2: Hydrographs for Observation Wells SP-77K, SP-77L, SP-77S, and SP-79E (Water Rights, 2018c)

Even though there are many high capacity wells in the Tulare: East James aquifer there has not been a history of well interference. In the past, the Water Management Board has recognized that to place water to the maximum beneficial use, a certain amount of drawdown may occur. With no history of well interference complaints from users of the Tulare: East James aquifer in Spink County, adequate wells of appropriative and domestic users are not expected to be adversely impacted if this application is approved.

An adequate well has been defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) as:

“a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet”.

CONCLUSIONS

1. Water Permit Application No. 1358B-3 proposes to amend Water Right No. 1358-3 by severing and immediately transferring a portion of the irrigated acreage and moving the diversion point to a new location.
2. SDCL 46-5-34 allows for the transfer of acres authorized for irrigation should it become impracticable to use all or any part of the water beneficially or economically for irrigation.
3. Water Right No. 1358-3 appropriates water from the Tulare: East James aquifer for the irrigation of 160 acres at a maximum diversion rate of 1.78 cfs from one well. The authorized acres are located in the SW ¼ Section 17, and the well is located in the SW ¼ SW ¼ Section 17; all in T115N-R61W.
4. This application proposes to transfer the authority to irrigate 135 of the acres authorized for irrigation under Water Right No. 1358-3 to the NE ¼ Section 12 T115N-R62W. This application also proposes to move the diversion point to a new well to be completed in the Tulare: East James aquifer and located in the approximate center of NE ¼ Section 12 T115N-R62W.
5. The Tulare: East James aquifer is considered fully appropriated. However, this application is not requesting any increase in the appropriation, and therefore, there is no need to consider if unappropriated water is available from the aquifer.
6. There is a reasonable probability that the diversion proposed by this application will not adversely impact adequate wells for existing water rights and domestic uses.



John Farmer
SD DENR – Water Rights Program

REFERENCES

- Water Rights. 2018a. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018b. Well Completion Report Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018c, “Observation Well Database”, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018d. Irrigation Questionnaire Database. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

JAN 28 2019

WATER RIGHTS
PROGRAM

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:

#3134 NOTICE OF APPLICATION

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 JANUARY 16TH, 2018, that THIRTY-ONE and .06/100 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 16TH day of JANUARY, 2018.



Notary Public, South Dakota

My commission expires 09/26/2024

NOTICE OF APPLICATION

#3134

NOTICE OF APPLICATION NO. 1358B-3

Notice is given that Wipf Acres LP, c/o Gary Wipf, 17801 401st Ave, Frankfort SD 57440 has filed Application No. 1358B-3 which requests to amend Water Right No. 1358-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1358-3 appropriates

1.78 cubic feet of water per second from one well located in the SW 1/4 SW 1/4 Section 17 to irrigate 160 acres located in the SW 1/4 Section 17; all in T115N-R61W. This application proposes to move the irrigation system approximately 2 miles northwest with the well to be located in the approximate center of the NE 1/4 Section 12 to irrigate 135 acres located in the NE 1/4 Section 12; all in T115N-R62W which is approximately 7 miles southeast of Frankfort SD. 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. Wipf indicates the proposed location has better soil and aquifer conditions.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1358B-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/> public or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501

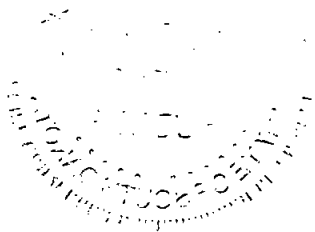
(605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 28, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Published once at the total approximate
cost of \$31.06. (Jan. 16)



PRINTER'S AFFIDAVIT

RECEIVED

FEB 21 2019

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

WATER RIGHTS
PROGRAM

I, MCKENDZIE CASTILLO, 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:

BEADLE COUNTY- #4032 RESOLUTION

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 16TH Day JANUARY 2019. That the full amount of the fee charged for publishing **FOURTY-SEVEN & 23/100** 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 thereof has been agreed to be paid to any person whom so ever.

Mickenzie Castillo

Subscribed and sworn to me before this 19TH Day
of **FEBRUARY 2019**.

[Signature]

Notary Public, South Dakota

My term expires 03/11/2022
Legal #4007

F.P. 01-16-19

**NOTICE OF
APPLICATION
NO. 1358B-3**

Notice is given that Wipf Acres LP, c/o Gary Wipf, 17801 401st Ave, Frankfort SD 57440 has filed Application No. 1358B-3 which requests to amend Water Right No. 1358-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1358-3 appropriates 1.78 cubic feet of water per second from one well located in the SW 1/4 SW 1/4 Section 17 to irrigate 160 acres located in the SW 1/4 Section 17; all in T115N-R61W. This application proposes to move the irrigation system approximately 2 miles northwest with the well to be located in the approximate center of the NE 1/4 Section 12 to irrigate 135 acres located in the NE 1/4 Section 12; all in T115N-R62W which is approximately 7 miles southeast of Frankfort SD. 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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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1358B-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 28, 2019.

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Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pimer,
Secretary, Department of
Environment and
Natural Resources
No. 4032 (adv.)

Published once at the
total approximate cost of
\$47.23.

NOTICE OF APPLICATION NO. 1358B-3

Notice is given that Wipf Acres LP, c/o Gary Wipf, 17801 401st Ave, Frankfort SD 57440 has filed Application No. 1358B-3 which requests to amend Water Right No. 1358-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1358-3 appropriates 1.78 cubic feet of water per second from one well located in the SW 1/4 SW 1/4 Section 17 to irrigate 160 acres located in the SW 1/4 Section 17; all in T115N-R61W. This application proposes to move the irrigation system approximately 2 miles northwest with the well to be located in the approximate center of the NE 1/4 Section 12 to irrigate 135 acres located in the NE 1/4 Section 12; all in T115N-R62W which is approximately 7 miles southeast of Frankfort SD. 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. Wipf indicates the proposed location has better soil and aquifer conditions.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1358B-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 28, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, January 08, 2019 1:01 PM
To: rcrandall@plainsman.com
Subject: 1358B-3, Wipf Acres LP
Attachments: 1358B-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on January 16, 2019.

Wipf Acres LP, c/o Gary Wipf, 17801 401st Ave, Frankfort SD 57440 (605 460-1690) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, January 08, 2019 1:01 PM
To: 'kunderstock@redfieldpress.com'
Subject: FW: 1358B-3, Wipf Acres LP
Attachments: 1358B-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on January 16, 2019.

Wipf Acres LP, c/o Gary Wipf, 17801 401st Ave, Frankfort SD 57440 (605 460-1690) has been notified to contact you to authorize publication and arrange for payment.

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

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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

January 8, 2019

Wipf Acres LP
c/o Gary Wipf
17801 401st Ave
Frankfort SD 57440

Dear Mr. Wipf:

Water Permit Application No. 1358B-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 # 605 353-7414). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 22 2019

Wipf Acres LP
c/o Gary Wipf
17801 401 Ave
Frankfort SD 57440

Dear Mr. Wipf:

Enclosed is Water Permit No. 1358B-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

RECEIVED

APR 01 2019

WATER RIGHTS
PROGRAM

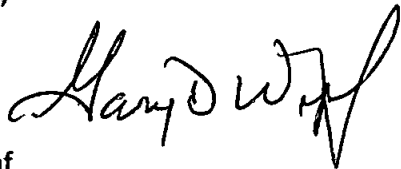
Gary Wipf
Wipf Acres, LP
17801 401st Ave.
Frankfort, SD 57440
March 29, 2019

S.D. Dept. of Natural Resources
Water Management Board
523 East Capitol Ave.
Pierre, SD 57501

Dear S.D. Dept. of Natural Resources
Water Management Board:

I would like to request that you delete the plugging requirement on the well located at the former site of the Water Permit No. 1358-3. The well is located in the SW ¼ SW Section 17-T115N-R61W. I have sold this property to Lenny Peterson and he would like to retain use of the well for livestock watering purposes.

Sincerely,



Gary Wipf

Enclosure

RECEIVED

APR 01 2019

WATER RIGHTS
PROGRAM

INSTRUMENT NO. 73280
BOOK: 422 DEED
PAGE: 859
TRANSFER FEE: \$ 672.00
PAID
2019/02/04 01:15:22 PM

Pages: 1



Prepared by and Return to:
Rodrick L. Tobin
Siegel, Barnett & Schutz, L.L.P.
PO Box 490
Aberdeen, SD 57402-0490
(605) 225-5420

SHARON JUNGWIRTH, REGISTER OF DEEDS
SPINK COUNTY, SOUTH DAKOTA

Recording Fee: \$ 30.00
Return To: LENNY PETERSON

QUIT CLAIM DEED

Wipf Acres, Limited Partnership, a Minnesota Limited Partnership, of 17801 401th Avenue, Frankfort, SD, 57440-7303, Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys, and quit claims all of his right title and interest to Lenny and Karen Peterson, a married couple, of 1911 Maple Avenue, Hitchcock, SD, 57348, Grantee, the following described real estate:

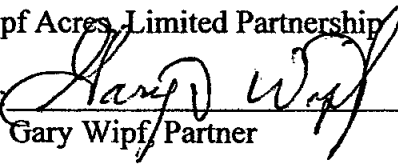
Southwest Quarter of Section 17, Township 115 North, Range 61 West of
the 5th P.M., Spink County, South Dakota,

subject to all exceptions, reservations, easements, rights of way and restrictions, if any.

Dated this 4 day of Feb, 2019.

Wipf Acres, Limited Partnership

By

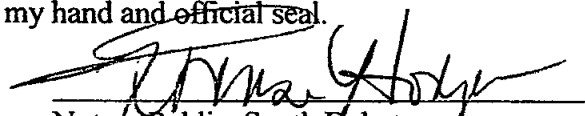

Gary Wipf, Partner

STATE OF SOUTH DAKOTA)
)ss.
COUNTY OF)

On February 4, 2019, before me, the undersigned officer, personally appeared Gary Wipf, who acknowledged himself to be a Partner of Wipf Acres, Limited Partnership, a Minnesota Limited Partnership, and that he, as such Partner, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Partner.



IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public, South Dakota
My Commission Expires: 4-21-21

RECEIVED

APR 01 2019

WATER RIGHTS
PROGRAM

Lenny Peterson
19111 Maple Ave.
Hitchcock, SD 57458
March 28, 2019

Water Management Board
SD Dept. of Natural Resources
523 E. Capitol Ave.
Pierre, SD 57501

Dear Water Management Board:

I would like to ask that the well located on the SW1/4 Section 17-T115N-R61W not be required to be plugged. I have recently purchased this property from Wipf Acres, LP and would like to use the well to water livestock. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lenny Peterson". The signature is fluid and cursive, with the first name "Lenny" written in a larger, more prominent script than the last name "Peterson".

Lenny Peterson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

April 11, 2018

Gary Wipf
17801 401st Avenue
Frankfort SD 57440

Lenny Peterson
1911 Maple Avenue
Hitchcock SD 57458

Dear Gary and Lenny:

DENR received your letters requesting deletion of the qualification No. 5 on Water Permit No. 1358B-3 that requires plugging of the well located in the SW ¼ SW1/4 Section 17-T115N-R61W. The letters states a desire to retain the well for livestock watering purposes.

This letter is to inform you the request to retain the well will not be scheduled for consideration by the Water Management Board until its July 10th – 11th meeting. This is due to a two day contested case hearing currently scheduled that fills up the May meeting's agenda.

Future notice will be provided to both of you when this matter is scheduled before the Board.

Sincerely,

COPY

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

June 13, 2019

NOTICE

TO: Gary Wipf
Wipf Acres LP
17801 401st Avenue
Frankfort SD 57440

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Notice Scheduling Hearing Regarding Request to Delete Qualification on Water Permit
No. 1358B-3, Wipf Acres LP

Water Permit No. 1358B-3 amended Water Right No. 1358-3 by transferring the irrigated acres and point of diversion to other land. Water Right No. 1358-3 appropriated 1.78 cubic feet of water per second from one well (Tulare:East James aquifer) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17 to irrigate 160 acres located in the SW $\frac{1}{4}$ Section 17; all in T115N-R61W. The amendment allow transferring the diversion point and acres to the NE $\frac{1}{4}$ Section 12-T115N-R62W. Qualification No. 5 placed on Permit No. 1358B-3 required plugging of the original well located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17-T115N-R61W.

You have requested deletion of this qualification requiring plugging of the well. A letter has also been received from Lenny Peterson stating that he purchased the property in the SW $\frac{1}{4}$ of Section 17-T115N-R61W and would like to use the existing well to water livestock.

As Chief Engineer, I am recommending deletion of qualification No. 5 on Water Permit No. 1358-3. The owner of the well must know that that if the well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17-T115N-R61W is abandoned and not used for livestock water it will need to be plugged in accordance with South Dakota well construction standards.

The Water Management Board will conduct a hearing to consider deletion of qualification No. 5 on Water Permit No. 1358B-3 at 11:00 AM on Wednesday, July 17, 2019, at Legislative Conference Room 414, State Capitol Avenue, 500 E Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed due to prior agenda items. Please use the north entrance to the State Capitol as the other doors require a security access card

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

C: Ann Mines Bailey, Assistant Attorney General
Lenny Peterson, 19111 Maple Avenue, Hitchcock SD 57458

CERTIFICATION

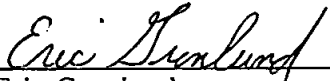
I hereby certify that on June 13, 2019 I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 13, 2019, regarding notice scheduling the hearing to delete a qualification on Water Right Permit No. 1358B-3, as addressed below:

Gary Wipf
Wipf Acres LP
17801 401st Avenue
Frankfort SD 57440

Lenny Peterson
19111 Maple Avenue
Hitchcock SD 57458

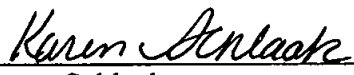
Sent Inter-office to:

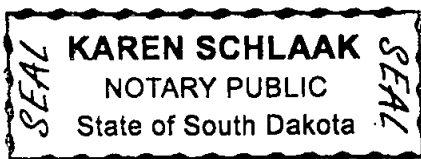
Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501


Eric Gronlund
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of June, 20¹⁹~~25~~


Karen Schlaak
Notary Public
My Commission expires April 1, 20¹⁹~~25~~





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 13 2019

Gary Wipf
Wipf Acres LP
17801 401st Ave
Frankfort SD 57440

Dear Mr. Wipf:

Enclosed is Reissued Water Permit No. 1358B-3 which reflects action taken by the Water Management Board on July 17, 2019 to delete the qualification on Water Permit No. 1358B-3, regarding plugging of the original well located in the SW 1/4 SW 1/4 Section 17-T115N-R61W.

If you have any questions, please contact this office.

Sincerely,

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

enclosure

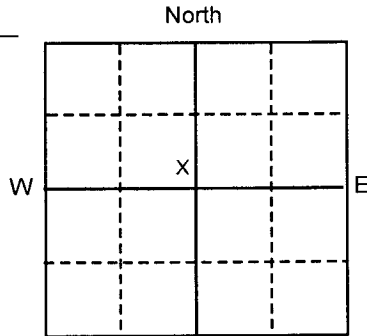
c: Lenny Peterson

1358B-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ NW ¼ Sec 112 Twp 115 Rg 62County SpinkPlease mark well
location with an "X"

Well Completion Date

May 18, 2020

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
LB/FT	16.00 IN	0.0 FT	85.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
DF Grout	37	Lb/gal	0.0 Ft	80.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 15.0 FeetMaterial Stainless SteelSlot Size 0.057 Set From 85.0 Feet to 100.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? P-Rock

Describe packer(s) and location

80-100

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Granulated Chlorine
☐ No, Why Not? _____
Lab to which water
quality sample sent for analysis _____Well Owner: Gary Wipf

Business Name: _____

Address: 17801 401st AveCity, State, Zip: Frankfort SD 57440

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Clay	0	10
Sand	10	20
Sand & Gravel	20	80
Gravel & Large Rocks	80	100

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

This well was drilled under license # 440 and this report is true and accurate.Drilling firm: Pullman Well Drilling Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

DEC 28 2020

Date: _____

WATER RIGHTS
PROGRAM

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1358B-3

I have this day, June 26, 2024, made a thorough examination of the water use system constructed by Wipf Acres LP of 17801 401st Ave, Frankfort SD 57440 holder of Permit No. 1358B-3, bearing the priority of February 10, 1967 authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater Tulare: East James Aquifer for irrigation purposes, in Spink County.

Inspection contact & relationship Gary Wipf owner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Pullman Well Drilling Inc
- 2) No. of Wells 1
- 3) Depth(s) 100 feet
- 4) Well log is available Y If no, explain in comments
Comments: NA

Casing:

- 1) Diameter 16 inches
- 2) Length 85 feet
- 3) Type plastic

Screen:

- 1) Type stainless steel
- 2) Length 15 feet
- 3) Static water level NA feet

Pump:

- 1) Make Grundfos
- 2) Model submersible
- 3) Capacity 800 GPM

Motor:

- 1) Make Grundfos
- 2) Horsepower rating 40 hp

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

- 1) Type steel
 - 2) Size 8 inches
 - 3) Length 15 feet
- Comments: none

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun Y

5) Capacity 800 GPM

Chemigation Equipment:

1) Does chemigate N

D. Compliance with Permit Requirements:

1) Permit qualifications being abided by Y

2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: from the NE corner of Sec 12 T115N-R62W 1325 ft W and 1320 ft S, latitude of 44.78803 and longitude of -98.22607, approx. center NE ¼.

2. The works are capable of diverting and conveying to the place of use 1.78 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 land is located in Sec 12 T115N-R62W
NW ¼ NE ¼ -34 ac NE ¼ NE ¼ - 33.5 ac SE ¼ NE ¼ - 33.5 ac SW ¼ NE ¼ - 34 ac
comprising a total of 135 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map Y

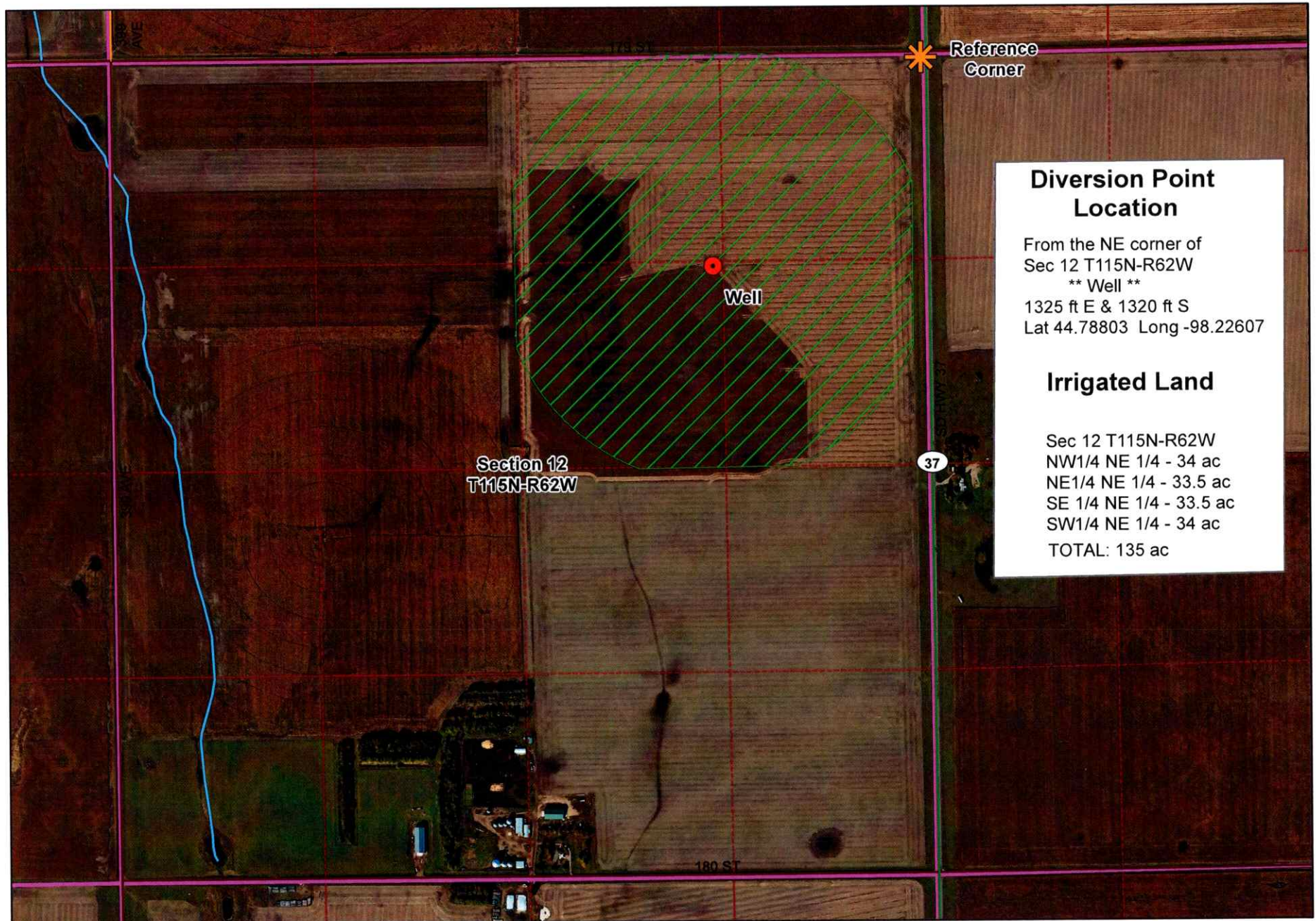
F. Comments or other permit(s) associated with the project:

none.



Mark D Rath
Water Rights Inspector
DANR, Water Rights Program

Date report completed: July 2, 2024



Diversion Point Location

From the NE corner of
Sec 12 T115N-R62W
** Well **
1325 ft E & 1320 ft S
Lat 44.78803 Long -98.22607

Irrigated Land

Sec 12 T115N-R62W
NW1/4 NE 1/4 - 34 ac
NE1/4 NE 1/4 - 33.5 ac
SE 1/4 NE 1/4 - 33.5 ac
SW1/4 NE 1/4 - 34 ac
TOTAL: 135 ac



0.5 0.25 0 0.5 Miles



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 09 2024

1358B-3

Wipf Acres LP
c/o Gary Wipf
17801 401st Ave
Frankfort SD 57440

Dear Mr. Wipf:

Enclosed is Water License No. 1358B-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 in the future, the owner of an existing well, 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.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1358B-3**

(1) Wipf Acres LP, 17801 401st Ave, Frankfort SD 57440, made Application No. 1358B-3, November 8, 2018, for a water permit to transfer the irrigated acres and diversion point authorized by Water Right No. 1358-3 to a new location. Water Permit No. 1358B-3 authorized the diversion of 1.78 cubic feet of water per second from groundwater, one well (Tulare: East James Aquifer), Spink County, South Dakota for irrigation purposes. Permit No. 1358B-3 was approved January 28, 2019, and issued to the applicant for diversion of water with construction of the described water supply system to be completed and for the application to beneficial use. The applicable portions of Water Right No. 1358-3 were incorporated into Permit No. 1358B-3.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,325 ft E & 1,320 ft S of the NE corner Section 12, T115N, R62W (approx. center NE $\frac{1}{4}$)
(Latitude 44.78803 & Longitude -98.22607)

(3) The amount of 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 – November 1.

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

Section 12, T115N, R62W			
NE $\frac{1}{4}$ NE $\frac{1}{4}$	33.5 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$	33.5 acres
TOTAL: 135 acres			

(5) Pursuant to South Dakota Water Law 46-5-30.1 Wipf Acres LP, the holder and/or owner of Water Right No. 1358B-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Tulare: East James Aquifer), with a priority date of February 10, 1967 (established by 1358-3), 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. 1358B-3 and subject to the following qualifications:

1. The well approved under Permit No. 1358B-3 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. 1358B-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 grouter (bottom to top) pursuant to Section 74:02:04:28. *(The well was drilled in 2020 by Pullman Well Drilling Inc. A copy of the well completion report is on file with the Water Rights Program.)*

continued

3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.
4. Applicable portions of Water Right No. 1358-3 are incorporated into Water Permit No. 1358B-3.

Eric Gronlund

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

JUL 09 2024

date

