

4281A-3

WATER PERMIT NO. 7197-3

Name of Applicant: **Kevin F Hueser**

Address: **125 Green Court, Elk Point SD 57025** Phone: **605 356-2151**

Amount of Water Claimed: **1.78 cfs** Total Acres: **160**

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

Water to be used for: **irrigation** County: **Union**

Type of Waste Disposal System: **NA**

Location: **3 miles west of Jefferson**

PRIORITY Date Received: **4-19-10**

Application/License Fee: **\$1,050**

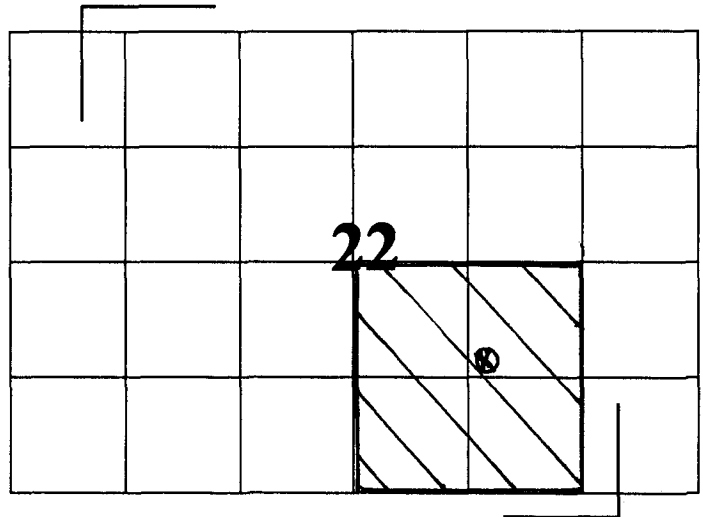
Corrected Application Received: **4-29-10**

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

Remarks:

Diversion Point: **NE ¼ SE ¼ Sec 22-T90N-R49W**

Land to be Irrigated: **SE ¼ Sec 22-T90N-R49W**



Depth of Well: **120 feet deep**

Well Driller: **Dakota Drilling & Backhoe**

Remarks:

Type of Map: **aerial**

Prepared by: **Racheal Kirkelak, FSA**

Reviewed and the Number Assigned on: **4-29-10**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>4281A-3</u> (office use only)
	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Southern Union Co. Leader-Courier</u>

Originally
Received
4-19-2010

PO Box 310 Elk Point 57025

Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No. 4281-3
(Use predates Mar 2, 1955)

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

cell 712-898-7061

1. Name of Applicant Kevin F Hueser Phone 605 356-2151
(check one) Owner Tenant/lessee
Mailing Address 125 Green Court, Elk Point State SD 57025
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed ; *CFS or **GPM ***AF Total Acreage 160 X
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply groundwater

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NE 1/4 SE 1/4 Sec 22-T90N-R49W
County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used April 1 - October 31

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

Land Description	Acres	Land Description	Acres
SE 1/4 Sec 22-T90N-R49W	160 X		

8. Give a description of the project. (Attach sheet if more space is needed)
Well is for quarter mile system Drill a new well so system is independent
of well also authorized by WR #2763-3

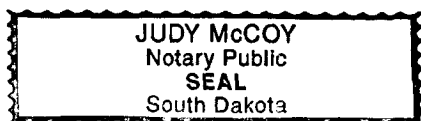
STATE OF SOUTH DAKOTA) SS
County of Union

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, Kevin F. Hueser, 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 Kevin F. Hueser

Subscribed and sworn to before me this 27 day of April 20 10



Judy McCoy
Notary Public signature
Exp 1-9-2016

SOUTH DAKOTA
WATER PERMIT NO. 4281A-3

Date of first receipt of application April 19, 2010.

Date of return to applicant for corrections, amendments or changes April 20, 2010.

Date of receipt of corrected application April 29, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 4281A-3 to Kevin F Hueser, 125 Green Court, Elk Point SD 57025 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. 4281A-3 amends Water Right No. 4281-3 by changing the point of diversion. Water Right No. 4281-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Missouri Elk Point Aquifer located in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27 to irrigate 160 acres located in the SE $\frac{1}{4}$ Section 22; all in T90N-R49W. This existing well is also authorized by Water Right No. 2763-3 appropriating 1.7 cfs to irrigate 120 acres in the NE $\frac{1}{4}$ Section 27, T90N, R49W. The existing well currently supplies the two center pivots on a alternating basis. The permit authorizes drilling a new well completed in the Missouri Elk Point Aquifer located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T90N, R49W to supply the existing diversion rate authority to irrigate the SE $\frac{1}{4}$ Section 22.
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 12, 1978.
4. The date of approval of Permit No. 4281A-3 is June 14, 2010.
5. One-fifth of the construction is to be completed on or before December 14, 2012.
6. All construction is to be completed on or before June 14, 2015.
7. Water is to be put to beneficial use on or before June 14, 2019.
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 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 14 2010

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16" Depth 120'
- b) Casing Type SCH 40 PVC Diameter 12" Thickness SCH 40
- c) Screen Type SCH 40 PVC Diameter 12" Thickness SCH 40
- d) Gravel Pack Pea gravel Length of Gravel Pack 90'
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 18'
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others More than 1/4 mi. from any

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 _____

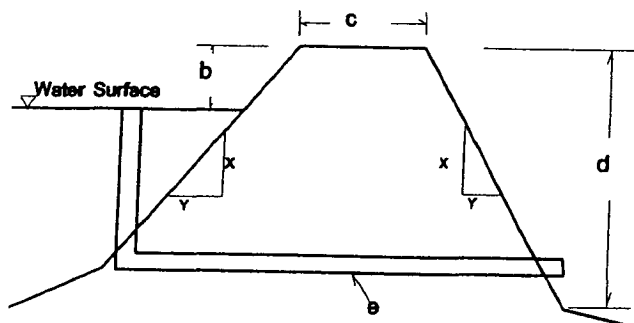
3. Dugout Information

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

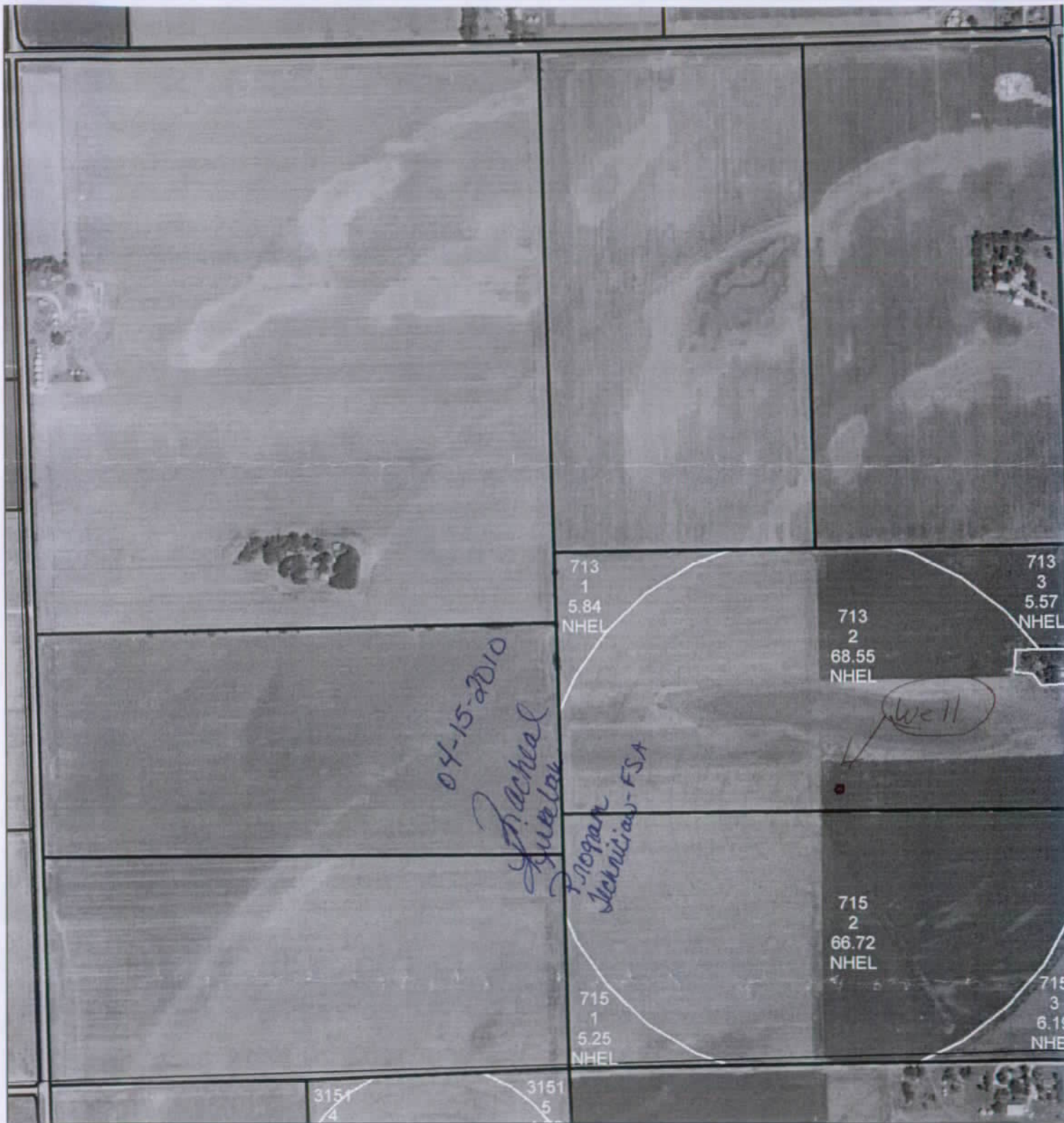
4. Water Storage Dams

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



United States Department of Agriculture
Farm Service Agency

April 15, 2010

PLSS: 22_90N_49W
Farm: 4797

UNION COUNTY

1:8,407

RECEIVED
APR 19 2010
WATER RIGHTS
PROGRAM

Wetland Determination Identifiers
● Restricted Use
▽ Limited Restrictions
■ Exempt from Conservation Compliance Pro

Common Land Units

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original dermination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

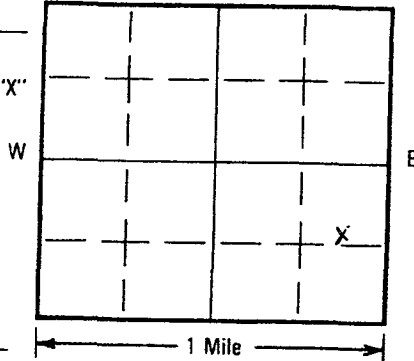
2008 Ortho-Photography - Not to Scale

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 SE 1/4 Sec 22 Twp 90N Rg 49W
 County Union

Please mark well location with an "X"



Well Completion Date

11-17-09

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1500 ft. from Any (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5.44</u> LB/FT	<u>12</u> IN	<u>0</u> FT	<u>112</u> FT	<u>15</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	_____	_____ lb./gal	<u>30</u> ft.	<u>10</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure Pumped in

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 12 IN Length 40 FEET

Material PVC

Slot Size 50 Set From 72 Feet to 112 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

_____ YES, How: _____

X NO, Why Not? _____

Irrigation

laboratory sent to for water quality analysis _____

Well Owner: Kevin Heuser

Business Name: _____

Address: 125 Green Court Dr.
Elk Point, SD 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>top soil</u>	<u>0</u>	<u>3</u>
<u>sand</u>	<u>3</u>	<u>39</u>
<u>clay</u>	<u>39</u>	<u>50</u>
<u>med. gravel</u>	<u>50</u>	<u>56</u>
<u>clay + gravel streaks</u>	<u>56</u>	<u>80</u>
<u>gravel</u>	<u>80</u>	<u>105</u>
<u>fine gravel</u>	<u>105</u>	<u>120</u>

STATIC WATER LEVEL 18 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

- ☐ Pumped Describe: Not completed to date
☐ 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

JAN 21 2010

WATER RIGHTS PROGRAM

This well was drilled under license # 467

And this report is true and accurate.

Drilling firm Dakota Drilling & Backhoe, Inc.

Signature of License Representative:

Donna E. Valer

Signature of Well Owner or Equitable Property Holder:

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/20, 20 10

RECEIVED OF Kevin Huether 125 Green Court Elk Point SD 57025

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

Fee for Application for Permit No. <u>7197-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7197-3</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	1050 00

No. **04535**

By [Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2010

^{ue}
Kevin Heuser
125 Green Court Dr
Elk Point SD 57025

Dear Mr. Heuser:

A well driller's report filed by Dakota Drilling & Backhoe, Inc. shows that they completed a new well for you. The report indicates the well water will be used for irrigation. I have reviewed our files and can not find a water permit for a well located in SE ¼ Section 22-T90N-R49W. Based on the information in the report, it appears you need a water permit.

Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E Capitol, Pierre SD 57501.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Eric Gronlund or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures



RECEIVED
APR 29 2010
WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 20, 2010

Kevin F Hueser
125 Green Court Dr.
Elk Point SD 57025

Dear Mr. Hueser:

Thank you for submitting the *Application for a Permit to Appropriate Water*. After reviewing the application, I realized the wrong forms were sent to you. Enclosed is a partially completed *Application for a Permit to Appropriate Water for Irrigation*. In order to complete the application, the following is required.

- Please complete Item No. 2, Total Acreage and Item No. 7.
- The application will need to be signed and notarized again.

Enclosed is a postage prepaid envelope for your use in returning the application form. I apologize for sending out the wrong forms. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 7197-3, Kevin Hueser

ADDRESS: 125 Green Court, Elk Point SD

COUNTY: Union

DATE: May 5, 2010 TELEPHONE: cell 712 898-7061

RE: Conversation with Mr. Hueser regarding his application

I contacted Mr. Hueser regarding his application. Since the land is authorized by Water Right No. 4281-3 for irrigation, DENR considers this application to be an amendment to the existing water right to change the diversion point location.

DENR will refund \$750 of his \$1050 application/licensing fee.

NAME: Eric Stenlund



**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. 4281A-3, Kevin F Hueser**

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. 4281A-3, Kevin F Hueser, 125 Green Court, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 4281A-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 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 18, 2010

**Report on Water Permit Application No. 4281A-3
for Kevin F. Hueser
May 6, 2010**

Application No. 4281A-3 proposes to amend Water Right No. 4281-3 by changing the point of diversion by drilling a new well. Water Right No. 4281-3 appropriates 800 gallons per minute (1.78 cfs) from one well approximately 145 feet deep located in the NE ¼ of Section 27, T90N R49W in Union County. The well for Water Right No. 4281-3 also appropriates water to irrigate separate acreage authorized by Water Right No. 2763-3. The well currently supplies two center pivots on an alternating basis. The annual period during which water will be used is April 1 through October 31. This new well has been drilled and a well completion report has been included with the application. Water from the new well will be used to irrigate 160 acres located in the SE ¼ of Section 22, T90N R49W.

AQUIFER: Missouri Elk Point

This report will address the availability of unappropriated water from the Elk Point management unit of the Missouri aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Missouri Elk Point is a buried outwash (sand and gravel) that is under water table conditions in the area of this application. The aquifer underlies 115,200 acres and contains an estimated 1.5 million acre feet of recoverable water in storage in Union County (Niehus, 1994). The aquifer underlies the flood plains of the Missouri and Big Sioux Rivers in southern Union County (Niehus, 1994). Groundwater movement is basically from northwest to southeast in the area of this application (Niehus, 1994).

The well completion report submitted by Dakota Drilling and Backhoe, Inc. for this application indicates topsoil from 0 to three feet below land surface, sand from three to thirty nine feet below land surface, clay from thirty nine to fifty feet below land surface, medium gravel from fifty to fifty six feet below land surface, clay and gravel streaks from fifty six to eighty feet below land surface, gravel from eighty to one hundred five feet below land surface, and fine gravel from one hundred five to one hundred twenty feet below land surface. The static water level was eighteen feet below land surface.

The well appears to have been constructed in accordance with SD Well Construction Standards.

Observation Well Data:

The Water Rights Program monitors three observation wells, UN-77O, UN-77P and UN-99A which are located within two and a half miles of this application location. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years

due to natural discharge and to pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2010).

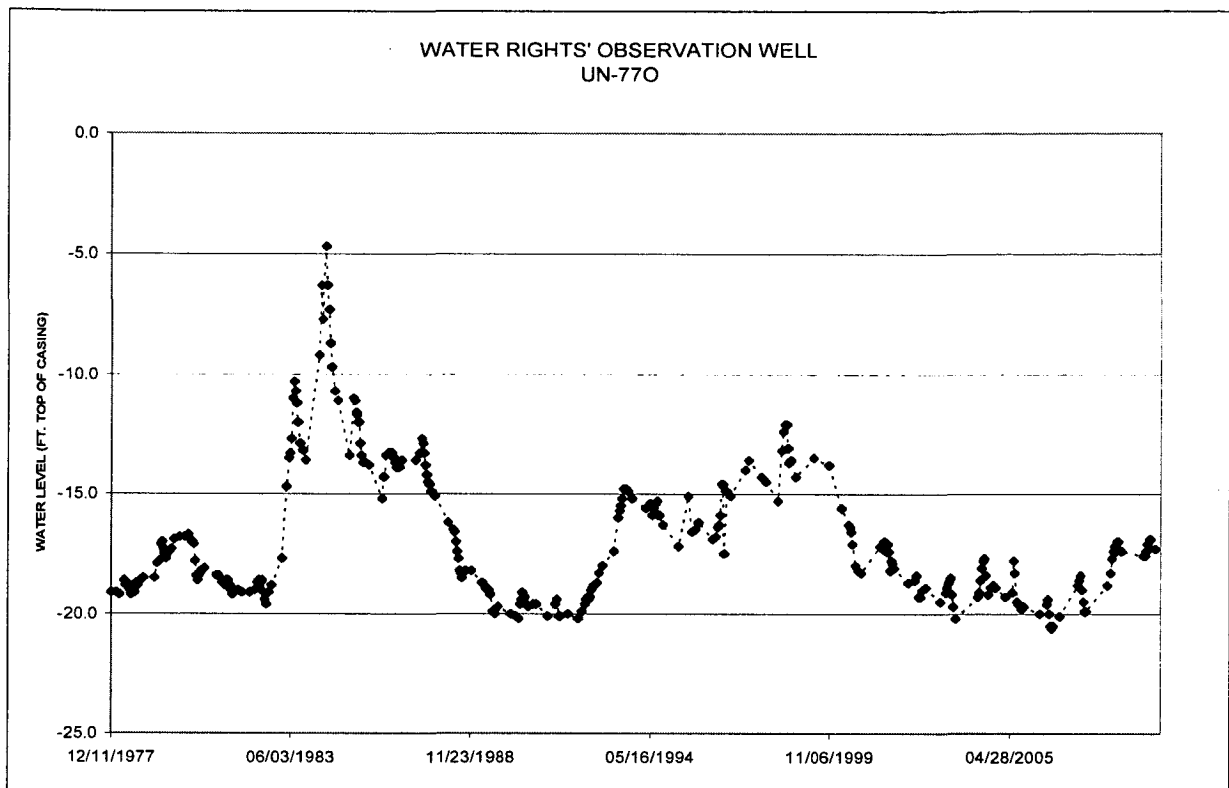


Figure 1. Hydrograph for Water Rights Observation Well UN-77O completed into the Missouri:Elk Point within two and a half miles of 4281A-3

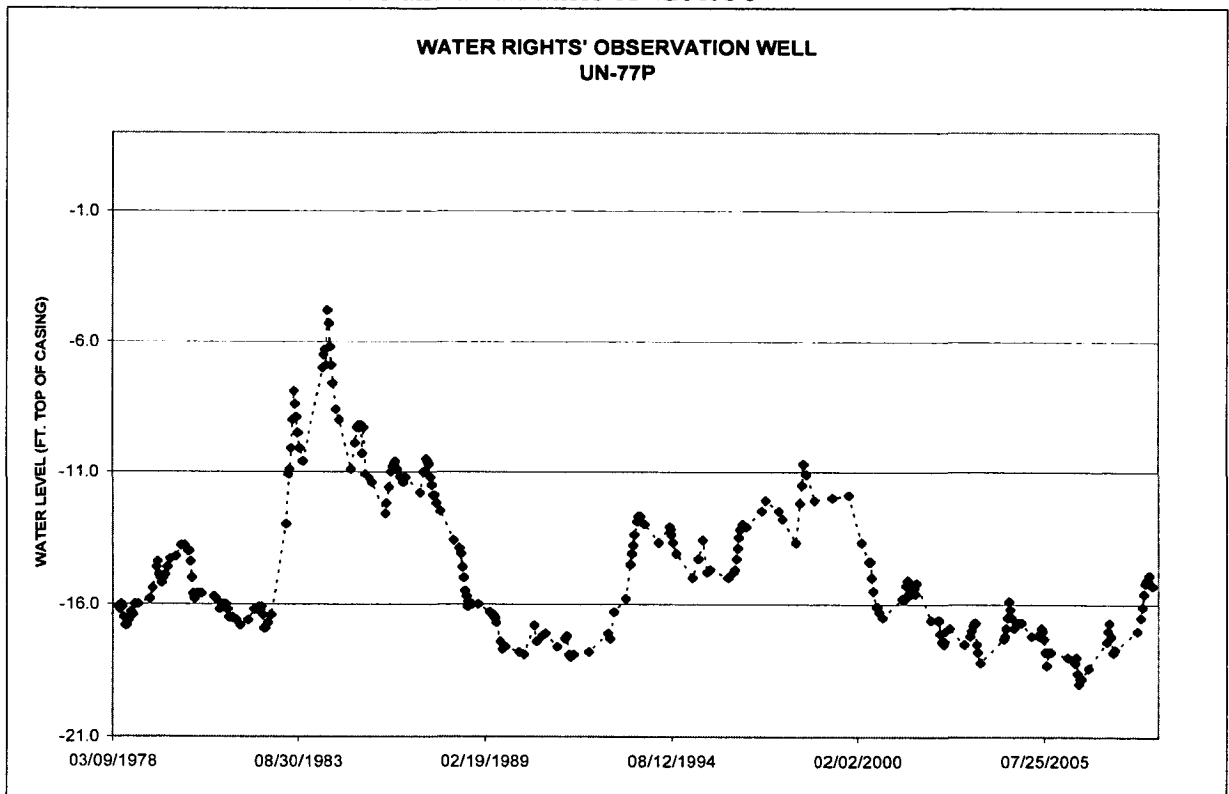


Figure 2. Hydrograph for Water Rights Observation Well UN-77P completed into the Missouri:Elk Point within one and a quarter miles of 4281A-3

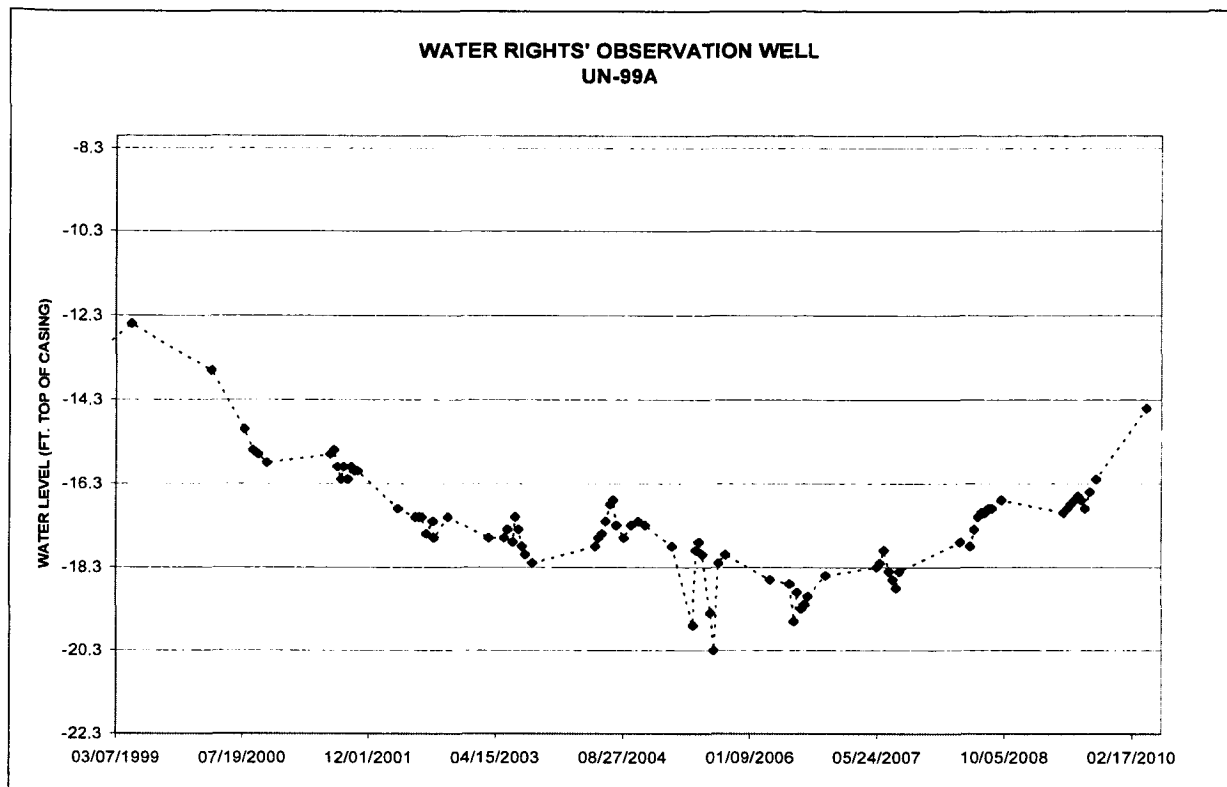


Figure 3. Hydrograph for Water Rights Observation Well UN-99A completed into the Elk Point within two miles of 4281A-3

In general, the hydrographs show that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

Records of irrigation use from the Missouri aquifer, which includes the Peoria management unit, the Pierre management unit, the Greenwood management unit and the Elk Point management unit date back to 1979. The Elk Point management unit typically includes the majority of irrigators, irrigators in the other management units typically total less than ten.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year. The average number of appropriations is just over 304, with the average annual appropriation being nearly 128,000 acre-feet and the average annual pumpage reported at over 17,000 acre-feet.

IRRIGATION USE (ac-ft/yr) M:EP			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2008	396	151130.4	16261.88
2007	368	140746.6	31052.03
2006	355	137411.6	28874.29
2005	337	130966.6	24176.62
2004	323	127635.8	24515.85
2003	315	126059.8	27161.56
2002	316	126235.8	24105.36
2001	314	126217.4	19451.93
2000	310	125532.2	27070.99
1999	308	125225.6	14748.02
1998	313	127862.6	11127.24
1997	305	126518.2	17182
1996	296	124606.2	9412.78
1995	292	121644.25	18320.24
1994	297	123656.75	10323.94
1993	299	125656.3	1475.2
1992	296	125336.68	1881.95
1991	301	126551.68	18798.6
1990	299	128458.33	19694.5
1989	294	126847.33	25941.9
1988	283	124014.13	28756.35
1987	282	124104.33	13439.7
1986	288	125842.47	6451.6
1985	284	125068.47	13983.5
1984	283	126743.35	9194.3
1983	274	121895.73	10834.04
1982	272	123559.28	18822.35
1981	302	136318	14233
1980	267	126362	15205
1979	265	124828	10377
AVERAGE	304.47	127767.86	17095.79
MAXIMUM	396	151130.4	31052.03
MINIMUM	265	121644.25	1475.2

Table 1. Irrigation usage from the Missouri aquifer (Water Rights, 1979-2008).

There are ten existing water permits/rights for irrigation located within one mile of this application. Four permits are within a half mile of this location including Water Permit No. 4281-3, which shares a diversion point (well) with Water Permit No. 2763-3. The well for that permit is located approximately 1,400 feet south-southeast. Water levels do fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

Recharge:

The Missouri aquifer is recharged from several sources. Recharge to the Missouri aquifer occurs through infiltration and subsequent percolation of precipitation in areas where the aquifer is near land surface (Niehus, 1994). Recharge to the aquifer also occurs from the

Lower Vermillion-Missouri aquifer at the northern boundary and from the Big Sioux aquifer at the extreme northeastern boundary of the Missouri aquifer (Niehus, 1994). The aquifer is also recharged from the underlying Dakota aquifer and some recharge also is from the Missouri River during periods of high flow and stage (Niehus, 1994).

Conclusions:

1. This application is for an amendment to an existing permit authorization, Water Permit No. 4281-3, which consists of changing the diversion point by authorizing a new well.
2. Approval of this application will not appropriate additional water. The water has been previously appropriated under Water Permit 4281-3.
3. The aquifer is under water table conditions at this location. Drawdown will result from pumping. Interference is not expected to be a problem.
4. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, of the capacity of the well or periods of operation or other arrangements may be required to protect these water supplies.
5. It appears that this well has been constructed in accordance with SD Well Construction Standards.



Hayes Haas
Natural Resources Engineer

Bibliography:

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI Report 93-44195, United States Geological Survey, Rapid City, SD 57702

Water Rights, 2010, Unpublished Observation Well Records for Union County, SD DENR, Division of Water Rights, Pierre, SD, 57501

RECEIVED

JUN 04 2010

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of _____ Union) SS

I, Susan Odson

certify that the attached printed Notice was taken

from the Southern Union County
Leader-Courier

printed and published in Elk Point

County of _____ Union _____ and

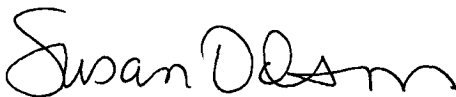
state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 3, 2010

June 10, 2010

Cost of Printing \$54.91



(Signature)

Affidavits Coordinator

(Title)

June 10, 2010

(Date Signed)

NOTICE OF APPLICATION NO. 4281A-3 TO APPROPRIATE WATER

Notice is given that Kevin F. Hueser, 125 Green Court, Elk Point SD 57025 has filed an application to amend Water Right No. 4281-3 by changing the point of diversion. Water Right No. 4281-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Missouri Elk Point Aquifer located in NE1/4NE1/4 Section 27 to irrigate 160 acres located in the SE1/4 Section 22; all in T90N-R49W. This existing well is also authorized by Water Right No. 2763-3 appropriating 1.7 cfs to irrigate 120 acres in the NE1/4 Section 27, T90N, R49W. The existing well currently supplies

the two center pivots on an alternating basis. The application proposes to drill a new well completed in the Missouri Elk Point Aquifer located in the NE1/4SE1/4 Section 22, T90N, R49W to supply the existing diversion rate authority to irrigate the SE1/4 Section 22.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4281A-3 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 June 14, 2010.

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'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.
Published May 27 and June 3, 2010
Published twice at the total approximate cost of \$54.91
21-8-82



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 19, 2010

Southern Union County Leader-Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 4281A-3 to Appropriate Water to be published twice. Please publish the first notice on May 27, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Kevin F Hueser, 125 Green Court, Elk Point SD 57025 (Ph # 605-356-2151).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 4281A-3

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

Date _____

We are in receipt of your letter of May 19, 2010 enclosing Notice to Appropriate Water by Application No. 4281A-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 19, 2010

Kevin F Hueser
125 Green Court
Elk Point SD 57025

Dear Mr. Hueser:

Water Permit Application No. 4281A-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 Publisher of the Southern Union County Leader-Courier printed at Elk Point SD (Ph # 605-356-2632). You will need to contact the newspaper 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 to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

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.

Instruction to Newspaper - Publish first Notice on May 27, 2010 with the second publication 7 days later. 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.

NOTICE OF APPLICATION NO. 4281A-3

Notice is given that Kevin F Hueser, 125 Green Court, Elk Point SD 57025 has filed an application to amend Water Right No. 4281-3 by changing the point of diversion. Water Right No. 4281-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Missouri Elk Point Aquifer located in NE ¼ NE ¼ Section 27 to irrigate 160 acres located in the SE ¼ Section 22; all in T90N-R49W. This existing well is also authorized by Water Right No. 2763-3 appropriating 1.7 cfs to irrigate 120 acres in the NE ¼ Section 27, T90N, R49W. The existing well currently supplies the two center pivots on a alternating basis. The application proposes to drill a new well completed in the Missouri Elk Point Aquifer located in the NE ¼ SE ¼ Section 22, T90N, R49W to supply the existing diversion rate authority to irrigate the SE ¼ Section 22.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4281A-3 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 June 14, 2010.

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.

Published twice at the total approximate cost of_____.

PAYMENT REQUEST FORM

PAYEE: Kevin F Hueser
125 Green Court
Elk Point SD 57025

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund on Water Permit # 4281A-3

AMOUNT: \$750.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barbara C. Cabel 7/14/10

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 14 2010

Kevin F Hueser
125 Green Court
Elk Point SD 57025

Dear Mr. Hueser:

Enclosed is Water Permit No. 4281A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

This application was submitted with a \$1050.00 fee. The correct fee is \$300.00. Therefore, \$750.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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

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

Sincerely,

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

enclosures

Permit No. 4281A-3101702101 Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day, August 21, 2013, made a thorough examination of the water use system constructed by Kevin Hueser of Elk Point, SD holder of Permit No. 4281A-3, bearing the priority of April 12, 1978 authorizing the diversion of 1.78 cfs of the waters of the Missouri: Elk Point aquifer for irrigation purposes, in Union County. Water Permit No. 4281A-3 amends Water Right No. 4281-3 by changing the diversion point without adding diversion rate or acres. Water Right No. 4281-3 appropriates 1.78 cfs from one well completed into the Missouri: Elk Point aquifer for irrigation of 136 acres.

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

A. Works used to divert the water:

One well is in place with a submersible pump that is capable of producing 1.78 cfs (800 gpm).

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

The well is 950 ft from the pivot point. Water is conveyed via 8 in steel pipeline. The system is powered by a submersible motor.

C. Works used to apply water to beneficial use:

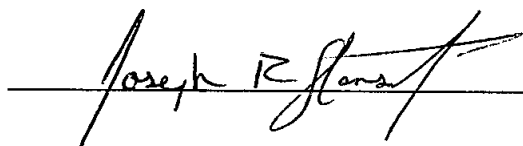
Center pivot with end gun, 1,299 ft in length with 7 towers. Capacity is 1.78 cfs (800 gpm).

The system is in the following condition: good. The point of diversion is located 1,700 ft north and 500 ft-east ^{West} of the SE corner of Section 22, T90N-R49W (42.595609 °N, 96.607946 °W). The works are capable of diverting and conveying to the place of use 1.78 cfs of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

34 ac	NW¼ SE¼	Section 22, T90N-R49W
34 ac	SW¼ SE¼	Section 22, T90N-R49W
34 ac	SE¼ SE¼	Section 22, T90N-R49W
34 ac	NE¼ SE¼	Section 22, T90N-R49W

comprising a total of 136 acres of land and the license should be issued for 1.78 cfs. Applicable permit qualifications have been complied with: Yes.

Date: May 28, 2014



REPORT ON INSPECTION OF PERMIT NO. 4281A-3

DATE: 8/21/13

Other permit(s) associated with the project: 4281-3

Water Permit No. 4281A-3 changes the location of the diversion point authorized by Water Right No. 4281-3 without adding diversion rate or acres. The well authorized by Water Right No. 4281-3 is located in the NE¼ NE¼ Section 27, T90N-R49W. This well is also authorized to Water Right No. 2763-3 for separate acres and diversion rate authority.

DIVERSION POINT(S) LEGAL LOCATION(S):

NE¼ SE¼ Section 22, T90N-R49W (42.595609 °N, 96.607946 °W)

WELL INFORMATION:

- 1) Well Drilling Firm: Dakota Drilling and Backhoe, Inc
- 2) Depth, feet: 120'
- 3) Well Log is available Y/N: Yes

Casing:

- 1) Diameter, inches: 12"
- 2) Length, feet: 112'
- 3) Type: sch 40 plastic

Screen:

- 1) Type: 0.50 slot PVC
- 2) Length, feet: 40'
- 3) Static water level, feet: 18' (11/07/09)

Pump:

- 1) Type: submersible

DISTRIBUTION LINES OR CANALS:

- 1) Type: steel
- 2) Size, inches: 8"
- 3) Length, feet: 950'

SYSTEM TYPE:

Center pivot:

- 1) Make: Valley Pivot 8000
- 2) Overall length, feet: 1,299'
- 3) Number of towers: 7
- 4) Pressure: 30 PSI
- 5) End gun Y/N: Yes
- 6) Capacity, gallons per minute: 800 GPM

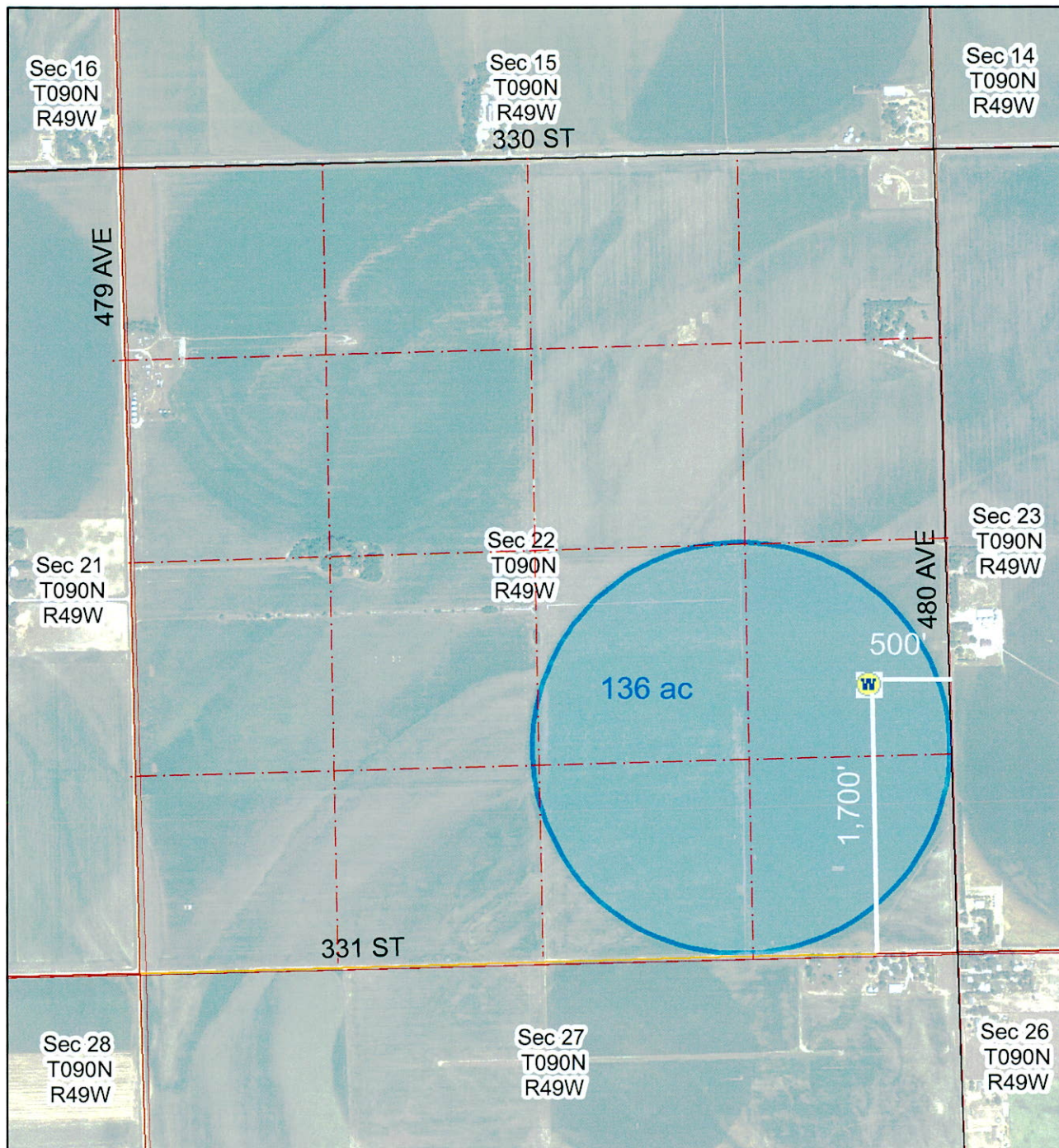
CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y/N: No

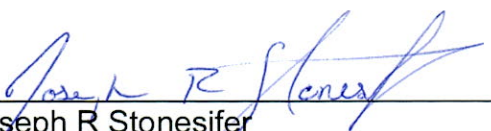
PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y/N: Yes
- 2) All structures, wells and lands on map Y/N: Yes
- 3) Irrigation Questionnaires check to determine if permit owner started irrigation by the end of construction period Y/N: Yes

Kevin Hueser
Water Permit No. 4281A-3



0 0.125 0.25 0.5 Miles


Joseph R Stonesifer
SD DENR Water Rights Program
May 28, 2014



	Well Location
	Irrigated Acres
	Section Boundaries
FSA - 2012	

4281A-3



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



JUN 18 2014

4281-3
4281A-3

Kevin & Michelle Hueser
1505 Jack Nicklaus Dr
Elk Point SD 57025

Dear Mr. & Mrs. Hueser:

Enclosed is Water License No. 4281A-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. 4281A-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.

The applicable portions of Water Right No. 4281-3 have been incorporated into Water License No. 4281A-3. 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. 4281A-3**

(1) Kevin F Hueser, 1505 Jack Nicklaus Dr, Elk Point SD 57025 made Application No. 4281A-3, April 19, 2010 for a water permit to amend Water Right No. 4281-3 by changing the point of diversion. The irrigation project is located in Union County, South Dakota. Permit No. 4281A-3, with a priority date of April 12, 1978 (established under Water Right No. 4281-3) was approved June 14, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 14, 2015 and for the application to beneficial use of said water on or before June 14, 2019.

Water Right No. 4281-3 authorizes irrigation of the SE ¼ Section 22, T90N, R49W from a well located in the NE ¼ NE ¼ Section 27, T90N, R49W. The well was also used to irrigate land described in Water Right No. 2763-3. The change in point of diversion authorized under Water Permit No. 4281A-3 allows the acreage in the SE ¼ Section 22 to be irrigated independently of the pivot authorized under Water Right No. 2763-3.

The applicable portions of Water Right No. 4281-3, held by Kevin F and Michelle M Hueser, have been incorporated into Water License No. 4281A-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 1,700 feet north and 500 feet west of the SE corner of Section 22, T90N, R489W (NE ¼ SE 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:

T90N, R49W Section 22	NW ¼ SE ¼	34 acres
	SW ¼ SE ¼	34 acres
	SE ¼ SE ¼	34 acres
	NE ¼ SE ¼	34 acres
	Total	136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Kevin F & Michelle M Hueser, 1505 Jack Nicklaus Dr, Elk Point SD 57025 the holders and/or owners of Incorporated Water Right No. 4281A-3 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer) with a priority date of April 12, 1978 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. 4281A-3 and subject to the following qualifications:

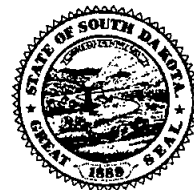
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

JUN 18 2014

date





4281A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: KEVIN F HUESER, 1505 JACK NICKLAUS DR, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4281-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4281A-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4281A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4281-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

4281A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 2015

2763-3
4281A-3

Alfred LaCroix Jr
47993 331st St
Jefferson SD 57038

Dear Mr. LaCroix:

I am writing in follow-up to our phone conversation of January 20th concerning irrigation questionnaires for Water Right Nos. 2763-3 (your name) and 4281A-3 (Kevin Hueser). I completed questionnaires for you based on our phone conversation.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 2763-3 and 4281A-3. The information was received in our office prior to the Water Management Board meeting and no hearing will be held concerning these water rights.

If you have any questions, please contact me.

Sincerely,

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

c: Kevin Hueser, 1505 Jack Nicklaus Dr, Elk Point SD 57025