

Considered: _____

WATER PERMIT NO. 5428-3
343-7055
HAP No. _____

Name of Applicant Verne Thorstenson

Post Office Address 3919 W. Omaha, Rapid City

Amount of Water Claimed 2.23 cfs Total Acres 136

Source of Water Supply groundwater

Water to be used for irrigation County Campbell

About 9 miles S of Mound City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 3/29/90 Fee 250⁰⁰ Remarks _____

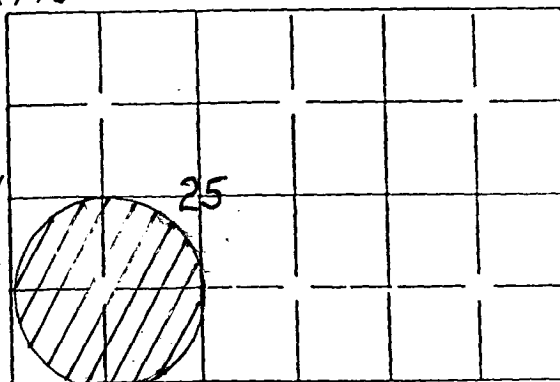
Corrected Application Received _____ Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED 3/28/90 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point center of SW¹/₄ - Sect 25 - T125N - R77W

Land to be Irrigated SW¹/₄ Section 25 - T125N R77W



Well Log: Driller Sargent Pipe Co. Licensed YES ☒ NO _____

Depth of Well 110' REMARKS _____

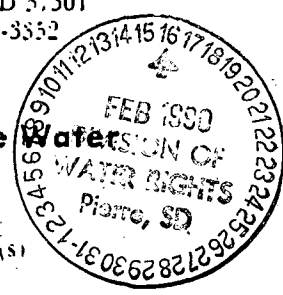
Type of Map Aerial PREPARED BY Gregory Kapp Reviewed and the Number

assigned on 3/29/90 By Eric S. Lund

(See instructions)

No. 5428-3 Hydrologic Unit 10130106
Basin Missouri River
Newspaper Pollock/The Prairie Pioneer Box 218

57648



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Verne Thorstenson Phone No. 343-7055
Post Office Address 3919 W. Omaha, Rapid City State S.D. 57702
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 2.23 Total acres irrigated 136 acres

3. Source of Water supply well

4. Location of point of diversion center of SW 1/4, Sec. 25, T125, R77

Campbell County South Dakota
5. Counties where water will be used Campbell

6. Annual period during which water is to be used May 1- September 30

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SW 1/4 Sec 25-T125N-R77W	136

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
(Specify)

9. Crops to be Irrigated: Alfalfa and corn

10. Give a description of proposed project. (Attach sheet if more space is needed) 31" hole. 16" cased well at center of quarter. 79' to top of water bearing strata. 75' of pipe. 31' to water. Full circle with drop noozles. 3 phase power.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Pennington)^{ss}

I, Verne Thorstenson, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Verne Thorstenson

Subscribed and sworn to before me this 15 day of February 19 90

Cindy R. Tonbom
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5428-3 FOR IRRIGATION

Date of first receipt of application February 16, 1990.

Date Soil/Water Compatibility Permit received March 26, 1990.

Date of return to applicant for corrections, amendments or changes March 21, 1990.

Date of receipt of corrected application March 29, 1990.

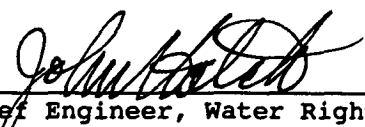
The Water Management Board approved Water Permit Application No. 5428-3 on May 24, 1990 for Verne Thorstenson, 3919 W. Omaha, Rapid City, SD 57702 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5428-3 appropriates 2.23 cubic feet of water per second from one well (Selby Aquifer) 110 feet deep to irrigate 136 acres. The well is located in the center of the SW1/4 of Section 25 T125N-R77W. The land to be irrigated is located in the SW1/4 of Section 25 T125N-R77W.
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: May 1 - September 30.
3. The date from which applicant may claim right is February 16, 1990.
4. One-fifth of the construction is to be completed on or before November 24, 1992.
5. All construction is to be completed on or before May 24, 1995.
6. Water is to be put to beneficial use on or before May 24, 1999.
7. 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 authorized by Permit No. 5428-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. 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.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 5 1990

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a Drill Hole Diameter 31" Depth 110' +
- b Casing Type PVC Diameter 16" Thickness 1/2"
- c Screen Type SS Diameter 16" Thickness 1/4"
- d Gravel Pack Thickness 8" Length of Gravel Pack 30'
- e Depth to Top of Water Bearing Material 79'
- f Depth to Water (ground surface to water level) 31'
- g Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 1/4 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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

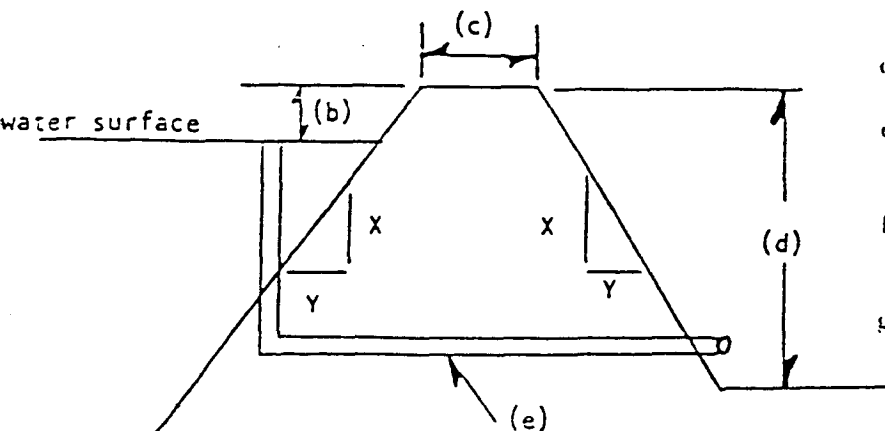
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Verne Thurstensen
Signature of Applicant

NOT TO SCALE

Verne Thorstenson



157.4

T1000

119.8

22L

116.3

2

T996

76.4

T990

125

3

area to
irrigate

P.T.
Walworth
County

X

125-77

76.8

T1033

45.2

T1032

17.9

2

172.5

T1069

T1033

88.1

100

22L

T990

Gregory Yapp
District Conservationist
Soil Conservation Service
Herron, SD

5428-3

CAMPBELL COUNTY SOIL MAP UNITS

SOIL TYPE	NAME	SLOPE	CAP. CLASS	WATER MGMT.-IRRIGATION
4	Grassna silt loam	0-2	IIc3	floods
57A	Williams-Bowbells loams	0-3	IIc2	favorable - floods
65B	Bryant-Sutley silt loams	2-6	IIe1	favorable - favorable
*68A	Bryant-Grassna silt loams	0-3	IIc2	favorable - floods
68B	Bryant silt loam	3-6	IIe1	favorable
68C	Bryant silt loam	609	IIIe1	slope

*Major soil type



Re : Water Permit Appli.
Gene Thurstenson

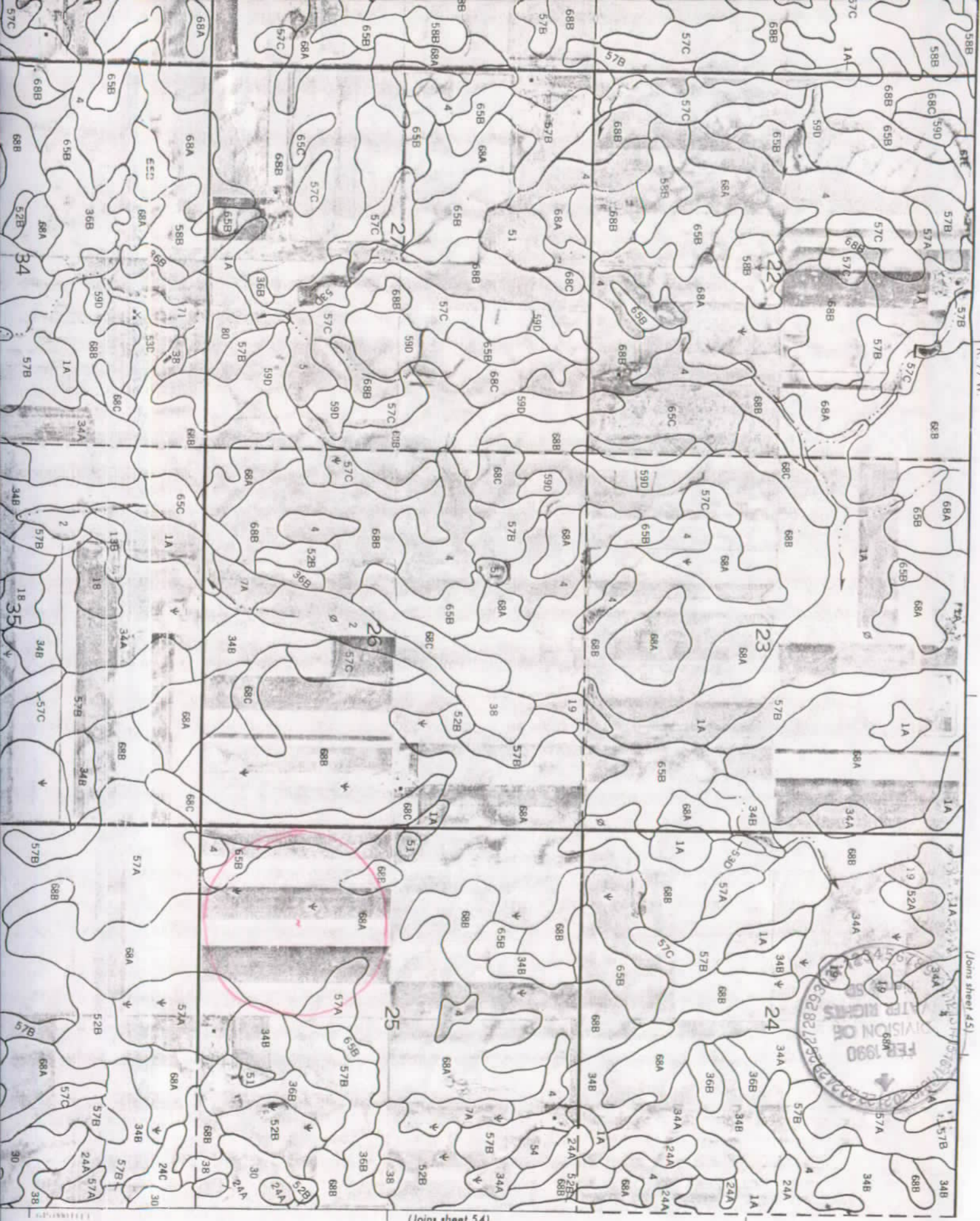
The soils information for the SW $\frac{1}{4}$ of
Sec. 25, R125 N, T 77 W, Campbell
County is enclosed. The surface flow
of water, if any, would generally be
toward the southeast.

Please advise us of the approx. date
of the hearing, provided all aspects appear
favorable. 343-7055

Gene Thurstenson



(Joins sheet 45)



5428-3

Scale 1:20000

Verne Thorsten

A scale bar consisting of two horizontal lines. The top line is labeled "1 Mile" and the bottom line is labeled "5,000 Feet".



Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4465

WR#

OWNERS NAME: Verna Thoratanson OWNERS ADDRESS: 3919 W. Omaha
Rapid City, SD 57702

COUNTY LAND LOCATED IN: Campbell PHONE: 605-343-7055

LEGAL DESCRIPTION:

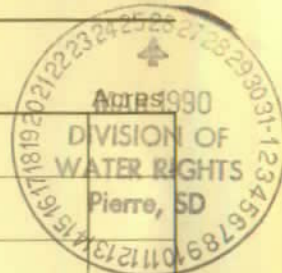
☒ Well

☐ Surface

1. LOCATION center of SW 1/4 25-T125N-R77W

Depth _____

Legal Description	Acres	Legal Description
SW 1/4 25-T125N-R77W	136	



2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: Alfalfa and corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0563

7. ADJUSTED (SAR): 11.04

5. SALINITY (EC X 10⁶): 1300

8. PERCENT SODIUM: 56.98

6. SODIUM (SAR): 4.64

Requirements:

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the division or the commission.

Due to the sodium content of the water, the success of the project is questionable. I suggest reconsideration before developing this project.

[Signature]
Director, Division of Conservation

Date

4/23/90

☒ APPROVED ☒ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

VERNE THORSTENSON

Attorney and Counsellor at Law

607 1/2 MT. RUSHMORE RD. SUITE 101
RAPID CITY, SOUTH DAKOTA 57701

813 St. Joseph

TELEPHONE (605) 343-7055

February 15, 1990

Water Rights Division DWNR
Jose Foss Building
Pierre, SD 57501



Re: Water Permit Application

Dear Sir:

Enclosed please find pages 1 and 2 of Application for Water Permit and our check in the amount of \$250.00. The water analysis sample dated November 15, 1989 and the drillers log are also enclosed.

Campbell County soil maps should be available in your office. The State has at least one monitoring well within 1½ miles to the south. Prairie Pioneer at Pollock would be the likely choice for publication in Campbell County.

Sincerely yours,

Verne Thorstenson

VT/ckt
Enc.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



March 21, 1990

Verne Thorstenson
3919 W. Omaha
Rapid City, SD 57702

Dear Mr. Thorstenson:

This letter is in response to your water permit application received on February 16, 1990. The following information still needs to be submitted in order to process your application.

- 1) A map you submitted must show the location of the well and outline the lands to be irrigated. Also, the map must be signed by one of the following: SD Registered Land Surveyor, SD Registered Professional Engineer or by any other government employee who normally prepares maps as part of his assigned duties (SCS, ASCS, etc.). I have attached your map.

The water permit application can not be considered by the Water Management Board until the application is complete. Please submit the above mentioned item referencing your water permit application and your application will be processed.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

3 - 22 90

enc.

Kindly send directly to Pierre upon completion. Well is exactly in center of quarter. The Dept. must have retained the orig. of the Appl. for Water Permit.

I am mailing this directly to you as directed by Mr. Thorstenson

*Gregory Yapp DC
SCS Herold*

3/27/90



Sargent Pipe Company

North 1st Avenue
Broken Bow, NE 68822
FAX 308-872-3136 TELEX 438106
Phone 308-872-6477

Top Soil 0-1
Yellow Brown Clay 1-5
Clay Sandy Brown 6-20
Fine Sand 20-39
Blue clay 39-79
Sand Gravel
Course 79-110



Dependable Vertical Turbine Pumps

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412096

Pierre, February 21, 1990

RECEIVED OF Verne Thorstenson, 3919 W. Omaha, Rapid City, SD 57702

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

Fee for Application for Permit No. <u>5428-3</u> to Appropriate Water, to construct works and to put water to beneficial use	31	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use			
Fee to retain Future Use Permit No. _____ after period of seven years.			
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____			
Fee for Filing Transfer Form <u>5428-3 DEN RTW</u>			
Fee for Filing Extension Request			
Fee for Certified Copy of			
Fee for Print Copy of Map			
Fee for Certifying			
Fee for _____			
(Any Other Work Provided by Law)	Total	250	00

By John Hatch Kerra
Chief Engineer

REPORT ON APPLICATION NO. 5428-3
VERNE THORSTENSON
APRIL 4, 1990

Water Permit Application No. 5428-3 proposes to irrigate 136 acres of land from a well 110 feet deep with 2.23 cubic feet per second of groundwater. The well is located in the center of the SW 1/4 of section 25, T125N R77W and the lands to be irrigated are the SW 1/4 of section 25, T125N R77W.

AQUIFER: Selby

The Selby aquifer underlies an area of approximately 270 square miles in southeastern Campbell, southwestern McPherson, and north-central Walworth Counties. The aquifer consists of fine to coarse sand and gravel. The aquifer is generally under water-table conditions except at the proposed well site where it is under artesian conditions. The Selby aquifer contains an estimated 605,000 acre-feet of recoverable water (Hedges 1982).

Recharge to the aquifer occurs from infiltration of precipitation. South Dakota Geological Survey has estimated the annual recharge to the Selby aquifer at a minimum of 2 inches over the area of the aquifer. The 2 inches would equate to a minimum of 28,800 acre feet of recharge. The Water Rights Division monitors 11 observation wells in the Selby aquifer. These wells are all under water table conditions and reflect the seasonal changes of wet and dry cycles.

EXISTING PERMITS:

There presently are 24 water rights withdrawing water from the Selby aquifer. There are 13,265 acre feet of water appropriated from the Selby aquifer. In 1988, the 24 permits reported pumping 2320 acre feet of water (less than 1/2 percent of the recoverable water in storage).

COMMENTS:

Statutes specify that only 1 cubic foot per second per 70 acres can be appropriated. Application No. 5428-3 requests 2.23 cfs for 136 acres or 1.15 cfs per 70 acres. The application should be limited to 1 cfs per 70 acres or 1.94 cfs.

CONCLUSIONS:

1. Application No. 5428-3 proposes to irrigate 136 acres of land from one well 110 feet deep with 2.2 cfs of water from the Selby aquifer.

2. While the majority of the Selby Aquifer is under water table conditions, at the site of the proposed well, the Selby Aquifer is under artesian conditions.
3. Water is available for Water Permit Application No. 5428-3.
4. There should be no interference with any existing permit withdrawing water from the Selby aquifer.
5. Application No. 5428-3 should be limited to 1.94 cubic feet per second as perscribed by statute.

Gale N. Selken

Gale N. Selken P.E.
Natural Resources Engineer IV

Bibliography

Hedges, L.S., Allen, Johnette, Holly, Dean, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, Task 7 Ground Water Recharge. for Planning Division U.S. Army Corps of Engineers, 215 North 17th street, Omaha Nebraska 68102. Department of Water and Natural Resources Office of Geological Survey Vermillion SD 57069

Hedges, L.S. Evaluation of Ground Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa for US Army Corps of Engineers, South Dakota Department of Water and Natural Resources Office of Geological Survey for U.S. Army Corps of Engineers

Howells, Lewis, Kume, Jack, Water Resources of Walworth County, South Dakota, Water-Resources Investigations Report 85-4015, 1987 U.S. Geological Survey Huron, South Dakota

Koch, Neil C., Geology and Water Resources of Campbell County South Dakota Part II Water Resources 1970, United States Geological Survey Bulletin 20, United States Geological Survey Huron South Dakota

Water Rights, 1990, Observation well records, Irrigation Questionnaire records, and test log records, South Dakota Department of Water and Natural Resources, Division of Water Rights, Joe Foss Bldg. Pierre, SD. 57501

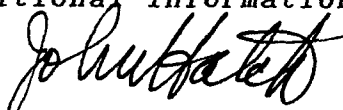
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5428-3, Verne Thorstenson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5428-3, Verne Thorstenson, 3919 West Omaha, Rapid City SD.

The Chief Engineer is recommending APPROVAL of Application No. 5428-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well authorized by Permit No. 5428-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. 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.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
April 11, 1990

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 13, 1990

The Prairie Pioneer
Box 218
Pollock, SD 57648-0218

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5428-3 to be published twice. Please publish the first notice on or before April 19, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Verne Thorstenson, 3919 W. Omaha, Rapid City, SD 57702-2187.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 19, 1990

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

Verne Thorstenson
3919 W. Omaha
Rapid City, SD 57702-2187

Dear Mr. Thorstenson:

Water Permit Application No. 5428-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Prairie Pioneer printed at Pollock SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first Notice on or before April 19, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5428-3 to Appropriate Water

Notice is given that Verne Thorstenson, 3919 W. Omaha, Rapid City, SD 57702-2187 has filed an application for a water permit to appropriate 2.23 cubic feet of water per second from one well (Selby Aquifer) 110 feet deep to irrigate 136 acres. The well is located in the center of the SW1/4 of Section 25-T125N-R77W. The land to be irrigated is located in the SW1/4 of Section 25-T125N-R77W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5428-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

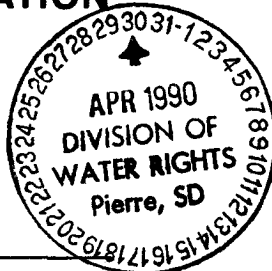
Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by May 11, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by May 11, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Campbell) ss.



I, Brenda Larson

certify that the attached printed Notice was taken
 from the Prairie Pioneer

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the Prairie Pioneer

of Pollock

County of Campbell and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

April 19, 1990

April 26, 1990

Brenda Larson
 (Signature)

Production Manager
 (Title)

4-27-90

(Date Sign) daily delayed for at least twenty days
 upon written request to the Chief
 Engineer from the applicant or a
 petitioner. The request for a delay
 must be received by May 11, 1990.

This application is made pursu-
 ant to SDCL 46-1-1 thru 46-1-9, 46-
 1-12 thru 46-1-15; 46-2-3.1, 46-2-9,
 46-2-11, 46-2-13, 46-2-17; 46-2A-1
 thru 46-2A-10, 46-2A-12, 46-2A-14,
 46-2A-15; 46-5-1 thru 46-5-11, 46-
 5-13 thru 46-5-15, 46-5-24, 46-5-
 25, 46-5-30.2, 46-5-30.4, 46-5-31;
 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10,
 46-6-13, 46-6-14; and Board Rules
 ARSD 74:02:01:01 thru 74:02:01:15.

16-17

Cost of Printing: \$38.55

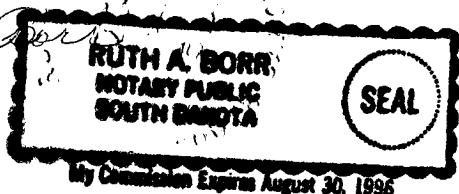
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 per second from one well (Selby
 Aquifer) 110 feet deep to irrigate
 136 acres. The well is located in the
 center of the SW1/4 of Section 25-
 T125N-R77W. The land to be irri-
 gated is located in the SW1/4 of
 Section 25-T125N-R77W.

Pursuant to SDCL 46-2A-2, the
 Chief Engineer of the Water Rights
 Division recommends APPROVAL
 of Application No. 5428-3 because
 1) unappropriated water is avail-
 able, 2) existing rights will not be
 unlawfully impaired, 3) it is a bene-
 ficial use of water and 4) it is in the
 public interest. This application will
 be considered by the Water Man-
 agement Board in the Pelican Room,
 Ramkota Inn, Hwy. 212, Watertown,
 S.D. on May 23, 1990 at 10:00 a.m.
 The Chief Engineer's recommenda-
 tion is not final or binding upon the
 Board. The Board is authorized to 1)
 approve, 2) approve with qualifica-
 tions, 3) defer or 4) deny this appli-
 cation based on the facts presented
 at the public hearing.

Any interested person that intends
 to participate in the hearing before
 the Board by presenting evidence
 or cross-examining witnesses ac-
 cording to SDCL 1-26, must file a
 written petition with BOTH the appli-
 cant and Chief Engineer by May 11,
 1990. The Chief Engineer's address
 is "Water Rights Division, Foss
 Building, 523 E. Capitol, Pierre, S.D.
 57501 (605-773-3352)". The peti-
 tion may be informal, but must in-
 clude a statement describing the
 petitioner's interest in the applica-
 tion, the petitioner's reasons for
 opposing or supporting the applica-
 tion and the signature and mailing
 address of the petitioner or legal
 counsel if legal counsel is obtained.
 The applicant need not file a peti-
 tion. Contact the Water Rights Divi-
 sion to request information on this
 application or to assure access to
 the hearing by the handicapped.

This hearing is an adversary pro-
 ceeding. Any person filing a petition
 and/or the applicant have the right
 to be represented by a lawyer. These
 and other due process rights will be
 forfeited if not exercised. Decisions
 of the Board may be appealed to the
 Circuit Court and State Supreme
 Court as provided by law. The time
 of the hearing will also be automati-





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 27, 1990

Merle Wahl
Rt. 1 Box 12
Mound City, SD 57646

Re: Information on application 5428-3

Mr. Wall:

Enclosed please find a copy of a report on Application No. 5428-3 for Verne Thorstenson and Bulletin 20 Geology and Water Resources of Campbell County South Dakota. When you are done with the bulletin, I would appreciate your returning it.

If you have any questions concerning either the report or the bulletin, please either contact myself or James Goodman at 773-3352.

I will not be in the office next week, but if you want to personally discuss Application No. 5428-3, Mr. Goodman will be in the office.

Sincerely,

A handwritten signature in cursive script that reads "Gale N. Selken". The signature is written in dark ink and is positioned above the printed name and title.

Gale N. Selken
Natural Resources Engineer IV
Water Rights Division

enclosures



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

5428-3

SEP 5 1990

Verne Thorstenson
3919 W. Omaha
Rapid City, SD 57702

Dear Mr. Thorstenson:

Enclosed is Water Permit No. 5428-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

5428-3
VERNE THORSTENSON
3919 W OMAHA
RAPID CITY
SD 57702

Telephone No. _____

Type of Power	No. of acres Irrigated
1. Electric	_____
2. Gravity	_____
3. Gasoline	_____
4. Nat. Gas pipeline	_____
5. Diesel	_____
6. Propane	_____
7. Other	_____
Type of System	
1. Hand moved sprinklers	_____
2. Portable booms	_____
3. Center pivots (# of)	_____
4. Gated pipes	_____
5. Sidewheels	_____
6. Towlines	_____
7. Big gun	_____
8. Siphons	_____
9. Flood	_____
10. Other	_____

1. SURFACE WATER _____ GROUNDWATER ☒
2. Did you irrigate during 1990? Yes ☒ No _____
3. Number of acres irrigated in 1990 _____
4. Has your system been constructed? Yes ☒ No _____
5. Do you apply fertilizer, insecticide or herbicide through your irrigation system? Yes _____ No _____
6. If no, do you apply above chemicals by other methods? Yes _____ No _____
7. If yes, please describe under comments.

CA/MI

S

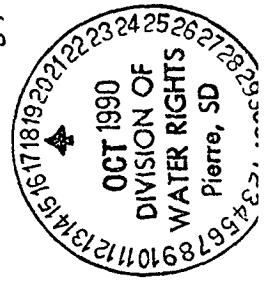
Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated & Estimated Water Use			
				Crop	Acres	Water Used	Water Used
April							
May							
June							
July							
August							
Sept.							
Oct.							
Other Months							

Owner or address change, if any:

COMMENTS:

10/17/90: Do you check the water now or next Spring after the system has been running?

Complete & return to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 24, 1990

5428-3

Verne Thorstenson
3919 W Omaha
Rapid City, SD 57702

Dear Mr. Thorstenson:

Your 1990 irrigation questionnaire has been received. On the questionnaire, you inquired as to whether or not we check the water in the fall or in the spring, after the system has been running.

The Water Rights Division has two observation wells in the area surrounding your well. The water levels in CA-80F and CA-57A are measured approximately 10-12 times a year, with more frequency during the summer months when pumping would occur.

I hope I have correctly understood and answered your question. If not, or if you have additional questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Natural Resources Analyst
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: VERNE THORSTENSON, 3919 W OMAHA, RAPID CITY, SD 57702

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5428-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5428-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 5428-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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.

5428-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0799 6361
Status: **Delivered**

Your item was delivered at 2:58 PM on January 29, 2007 in RAPID CITY, SD 57701. The item was signed for by V THORSTENSON.

[Additional Details >](#)[Return to USPS.com Home >](#)

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Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 6361

VERNE THORSTENSON
3919 W OMAHA
RAPID CITY SD 57702

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com[®]
or call 1-800-222-1811

☐ Priority Mail™ Service
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☐ Package Services parcel

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(See Reverse)



*a copy of my
copy sent in
Nov '06 is
used*
January 26, 2007
NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3782
www.state.sd.us/denr

James Thorstenson

TO: VERNE THORSTENSON, 3919 W OMAHA, RAPID CITY, SD 57702

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

Ron Duvall

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5428-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5428-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 5428-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2007

5428-3

Verne Thorstenson
3919 W Omaha
Rapid City SD 57702

Dear Mr. Thorstenson:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 1600-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for making another copy for me and getting it sent in. I'm not sure where the first one went but it's all taken care of now.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

5428-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 2015

5428-3

Verne Thorstenson
4825 Jericho Way Apt 306
Rapid City SD 57002 9697

Dear Mr. Thorstenson:

Enclosed is a "Notice" dated October 23, 2015 concerning the 2015 irrigation questionnaire.

The notice was originally mailed to 3919 W Omaha SD, Rapid City SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures

Water Permit No. 5428-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, **November 7, 2016**, made a thorough examination of the water use system constructed by **Verne Thorstenson** of **4825 Jericho Way A** holder of Permit No. **5428-3**, bearing the priority of **February 16, 1990** authorizing the diversion of **2.23** cu. ft. per second of water from the **Selby Aquifer** for **Irrigation** purposes, in **Campbell** County.

Inspection contact & relationship
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Pullman Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **103** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **16** inches
- 2) Length **83** feet
- 3) Type **Plastic**

Screen:

- 1) Type **PVC**
- 2) Length **20** feet
- 3) Static water level **38** feet

Pump:

- 1) Make **Unknown submersible**
- 2) Capacity **Unknown** GPM

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make **Reinke**
- 2) Number of towers **7**

- 3) End gun Y
- 4) High or low pressure Low
- 5) Capacity 835 GPM

Chemigation Equipment:

- 1) Does chemigate N

C. 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

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 1,285 feet north and 1,310 feet east of the SW corner of Section 25-T125N-R77W
(N 45.61211, W -100.10519) (SW ¼ SW ¼)

The works are capable of diverting and conveying to the place of use 1.86 cu. ft. per second of water which is to be used for Irrigation use. Water has been put to beneficial use to the maximum extent as follows:

Section 25-T125N-R77W

NW ¼ SW ¼ - 34 acres

NE ¼ SW ¼ - 34 acres

SW ¼ SW ¼ - 34 acres

SE ¼ SW ¼ - 34 acres

comprising a total of 136 acres of land and the license should be issued for 1.86 cfs.

All structures, wells and lands on map Y

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

There is no pump information available for this irrigation system. The Irrigation Questionnaires consistently indicate from 1993 through 2016 a pump rate of 835 gpm.

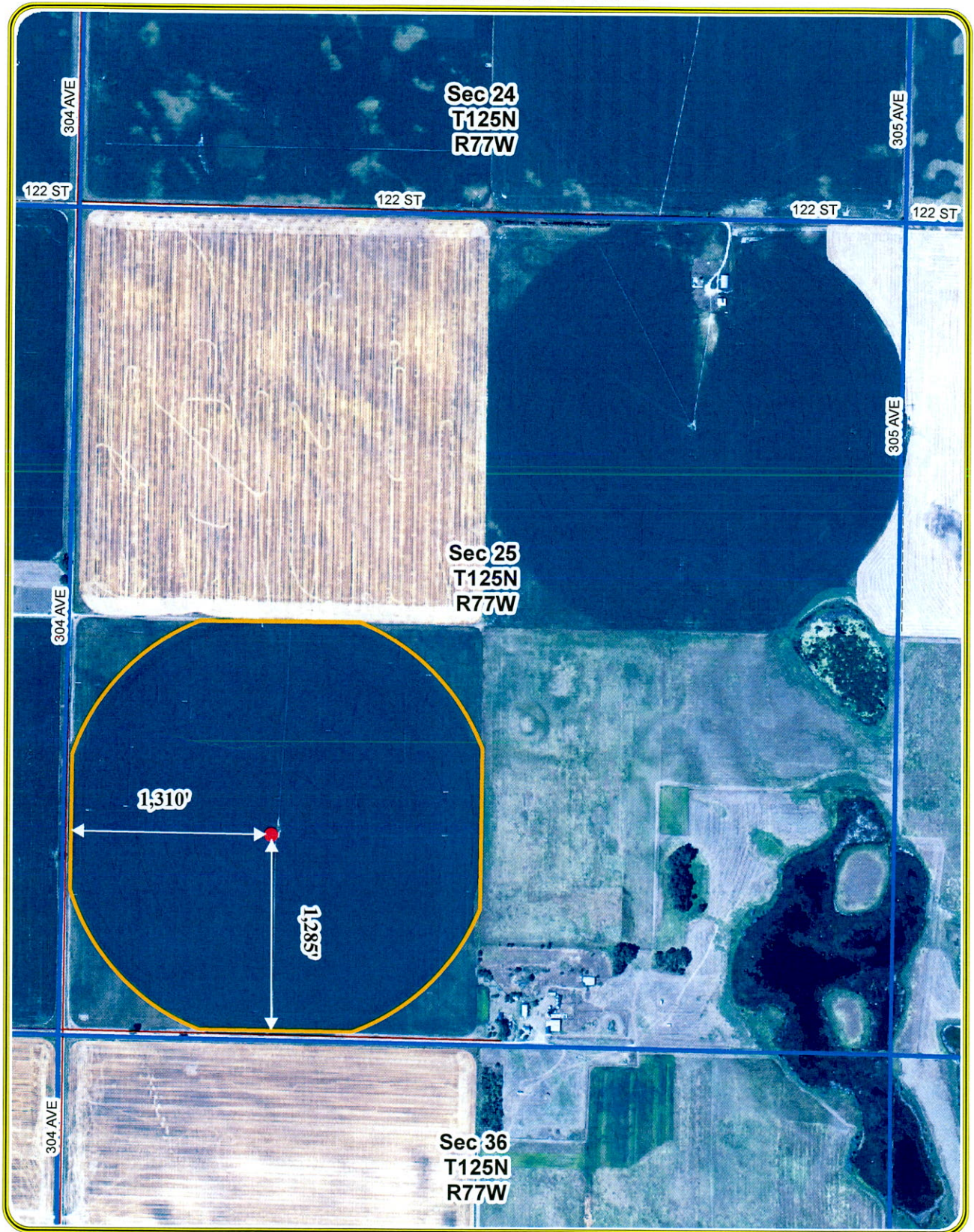


Mike DeFea
Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: January 30, 2017

Verne Thorstenson

Water Permit No. 5428-3



Mike DeFea
Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
January 9, 2017





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 08 2017

5428-3

Verne Thorstenson
4825 Jericho Way Apt 306
Rapid City SD 57702 9697

Dear Mr. Thorstenson:

Enclosed is Water License No. 5428-3. 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. 5428-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5428-3**

(1) Verne Thorstenson, 4825 Jericho Way, Apt 306, Rapid City SD 57702 9697 made Application No. 5428-3, February 16, 1990 for a water permit to divert 2.23 cubic feet of water per second from ground water, one well (Selby Aquifer), located in Campbell County, South Dakota for irrigation purposes. Permit No. 5428-3, with a priority date of February 16, 1990 was approved May 24, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 24, 1995 and for the application to beneficial use of said water on or before May 24, 1999.

(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 1.86 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1,285 feet N and 1,310 feet E of the SW corner of Section 25, T125N, R77W (SW ¼ SW ¼).

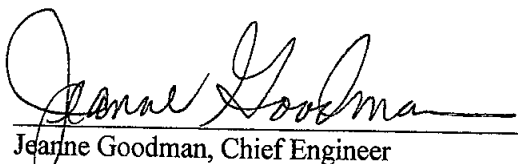
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T125N, R77W Section 25	NW ¼ SW ¼	34 acres
	NE ¼ SW ¼	34 acres
	SW ¼ SW ¼	34 acres
	SE ¼ SW ¼	34 acres
	Total	136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Verne Thorstenson, 4825 Jericho Way, Apt 306, Rapid City SD 57702 9697 the holder and/or owner of Water Right No. 5428-3 is issued a license to appropriate water, the right to use 1.86 cubic feet of water per second from ground water, one well (Selby Aquifer) with a priority date of February 16, 1990 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. 5428-3 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.
- The well authorized by Permit No. 5428-3 shall be constructed by a licensed well driller and construction shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29. *Section 74:02:04:29 was repealed. The minimum grouting requirements for wells are now covered under Section 74:01:04:28.*
- 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

MAR 08 2017

date



RECEIVED

MAR 20 2017

WATER RIGHTS
PROGRAM

5428-3

March 16, 2017

Dept of E & N W
523 E. Capitol

Pierre, SD 57501-3182

A letter dated Mar 8, 2017 from Jeanne
Goldman, claims without a hearing, to reduce
my 2.53 cfs from Selby Aquifer to 1.86!

Does this prevent me from expanding
to a portion of the rounded corners?

Would a new Permit be required to
better utilize my quarter?

What date was the hearing held to
reduce my Water Right?

Jeanne Forstenson



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

5428-3

denr.sd.gov

March 31, 2017

Verne Thorstenson
4825 Jericho Way Apt 306
Rapid City SD 57702

Dear Mr. Thorstenson:

This letter is in response to your letter to the SD Department of Environment and Natural Resources (DENR) regarding the licensing of Water Permit No. 5428-3. The letter indicates the amount of water was reduced from 2.23 cfs to 1.86 cfs without a hearing.

Water Permit No. 5428-3 was approved in 1990 authorizing the diversion of 2.23 cfs of water from one well (Selby Aquifer) located in the center of SW $\frac{1}{4}$ Section 25-T125N-R77W for irrigation of 136 acres located in the SW $\frac{1}{4}$ Section 25-T125N-R77W.

On November 7, 2016, a licensing inspection was conducted by Water Rights staff engineer Mike DeFea. The inspection found that the pump rate is 1.86 cfs (835 gpm) based upon what you historically filed on the annual irrigation questionnaire. This is the reason for the reduction from 2.23 cfs to 1.86 cfs. There was no reduction in the 136 acres permitted for irrigation.

South Dakota Water Rights Law, states that upon completion of an inspection, the Chief Engineer shall issue a license to the extent water was put to beneficial use.

46-5-30.1. License issued by chief engineer. Upon completion of an inspection, upon completion of any required changes and upon payment of any applicable fees, the chief engineer shall issue a license to appropriate water to the extent and under the conditions of the actual application of water to beneficial use, but he may not extend the rights described in the permit. No permit holder may divert water until the assessed license fee has been paid.

A Water License is issued to the permit holder for what has actually been developed. No hearing is required by law to issue the water license for the amount developed. If you dispute the pump rate of 1.86 cfs, please let us know along with an explanation of the error in filing the annual irrigation questionnaires.

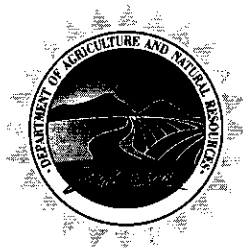
In your letter, you also ask if a new permit would be required to expand the irrigation system to include the corners of the section for irrigation. In the event you decide to expand the irrigation system to include the corners, these additional acres of land which are not currently licensed under Water Right No. 5428-3, will need to be permitted, and you will need to apply for a new permit for the additional acres to be irrigated. A new permit would be required regardless of the reduction of diversion rate in the license.

Thank you for your letter. If you have further any questions, please feel free to contact Mike DeFea at 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is fluid and cursive, with a large initial "J" and "G".

Jeanne Goodman, Chief Engineer
DENR, Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 3, 2023

5428-3

Verne Thorstenson
4825 Jericho Way, Apt 306
Rapid City SD 57702

Dear Mr. Thorstenson:

I am a Program Assistant in the South Dakota Water Rights program, charged with logging all the Irrigation Questionnaire information. Today I'm reaching out to you about the IQ submit for Water Right No. 5428-3.

On your submission you recorded 136 acres of corn irrigated June – September 2023. For the month of July, you recorded 1,440 hours of irrigation and another 2,080 hours in August. Both July and August only have 744 hours. I have enclosed a copy of the Questionnaire you'd submit for reference.

If you would please check your information and get back to me, I would very much appreciate it.

The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: I do not have an active phone number on file for you. Would you please provide an updated contact number as well?



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 5th, 2026

5428-3

Verne Thorstenson
4825 Jericho Way Apt 306
Rapid City, SD 57702

Dear Mr. Thorstenson:

I write to you today in response to the 2025 Irrigation Questionnaire mailed to us for Water Right No. 5428-3.

Water Right No. 5428-3 (copy enclosed) authorized diversion of 1.86 cubic feet of water per second (835 gpm) from one well (Selby Aquifer) for irrigation of 136 acres located in SW1/4, Section 25-T125N-R77W.

On this year's questionnaire you reported the irrigation of 156 acres. If an additional 20 acres have been developed for irrigation, additional permitting would be required.

Please contact me to either revise your 2025 Irrigation Questionnaire or discuss additional permitting.

Sincerely,

Shannon Konst
Water Rights Program
Shannon.konst@state.sd.us
(605) 773-8204

enclosure

5428-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: VERNE THORSTENSON, 4825 JERICHO WAY APT 306, RAPID CITY, SD 57702 9697
FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5428-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5428-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5428-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: WQISWO**

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.