

WATER PERMIT NO. 5934-3

Name of Applicant: James Van DeRostyne

Address: RR 1, Box 18, Parker SD 57053

Phone: 605 332-0366

Amount of Water Claimed: 1.67

Total Acres: 120 acres

Source of Water Supply: dugout

Water to be used for: irrigation

County: Turner

Type of Waste Disposal System: NA

Location: just north of Parker

PRIORITY

Date Received: 5-2-96

Fee: \$225

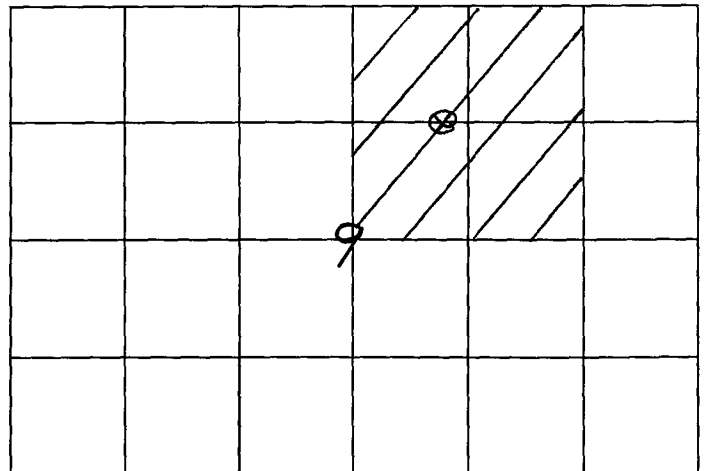
Corrected Application Received:

Period of Annual Use: April 1 - September 30

Remarks:

Diversion Point: W 1/2 NE 1/4 Sec 9-T99N-R53W

Land to be Irrigated: NE 1/4 Sec 9-
T99N-R53W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Edie Schoenwald

Reviewed and the Number Assigned on: 5-2-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 5934-3

Date of first receipt of application May 2, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5934-3 to James Van DeRostyne, RR 1, Box 18, Parker SD 57053 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. 5934-3 appropriates 1.67 cubic feet of water per second from a dugout (Vermillion West Fork Aquifer) located in the W 1/2 NE 1/4 Section 9 to irrigate 120 acres located in portions of the NE 1/4 Section 9; all in T99N-R53W.
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 - September 30.
3. The date from which applicant may claim right is May 2, 1996.
4. The date of approval of Permit No. 5934-3 is June 24, 1996.
5. One-fifth of the construction is to be completed on or before December 24, 1998.
6. All construction is to be completed on or before June 24, 2001.
7. Water is to be put to beneficial use on or before June 24, 2005.
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 dugout approved under this Permit is groundwater connected and will be located near domestic wells and other wells which may obtain water from the same aquifer. The permit holder 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: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 18 1996

date



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	(office use only)
	No. <u>5934-3</u> Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>The New Era, Parker, SD</u>


Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant James P. Van De Rostyne ☐ Owner ☒ Tenant/Lessee Phone 605-332-0366 H297
 Mailing Address RR1 Box 18 Parker SD. (Street, RR, or Box) State SD. 57053 (Zip Code)
 2. Amount of water claimed 1.67 *CFS or 750 **GPM ***AF Total Acreage 120
 (*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout if applicable
 3. Source of water supply Dugout ~~well later on~~
 4. Location of point of diversion (example: 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Dugout in NW1/4 NE1/4
Sec. 9, T-99-N-R-53-W County Turner
 5. County or counties where water will be used Turner
 6. Annual period during which water is to be used ~~June through August~~ April through Sept. 30
 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
NE1/4 NE1/4 Sec 9 T-99-N-R-53-W	40 40		
SE1/4 NE1/4 Sec 9 T-99-N-R-53W	30		
SW1/4 NE1/4 Sec 9 T-99-N-R-53W	30		
NW1/4 NE1/4 Sec 9 T-99-N-R-53W	20		

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

I am planning on irrigating with a gun system 120 acres located at this farm.

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)

STATE OF SOUTH DAKOTA)

 County of Turner SS

 I, James P. Van De Rostyne, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

 Signed James P. Van De Rostyne

 Subscribed and sworn to before me this 30 day of April 1996

Notary Public

Form 2A

(Complete applicable portions only)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

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

2. Wastewater Disposal System Information

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



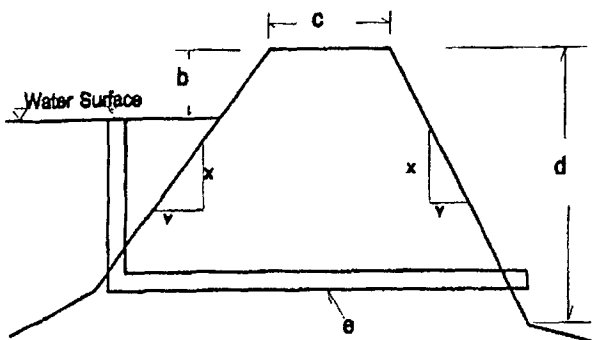
3. Dugout Information

- a) Surface Dimensions 100 x 200 ft Depth 20 ft
- b) Depth to water (ground surface to water level) The level of the dugout is the ground water level.

4. Water Storage Dams

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

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



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

RECEIPT

414937

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 2, 19 96

RECEIVED OF James P. VanDeRostyne, RR 1, Box 18, Parker, SD 57053

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

Fee for Application for Permit No. <u>5934-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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 _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	225 00

By John Hatch
Chief Engineer

NOT TO SCALE



W W

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: James Van DeRostyne

ADDRESS: COUNTY: Turner

DATE: May 3, 1996 TELEPHONE:

RE: Called regarding his water permit applications

COMMENTS:

Mr Van DeRostyne called regarding the three applications he submitted. We discussed the following issues:

1. All of the application should be amended to be solely from the each respective dugout and the reference to a well is deleted. Mr. Van DeRostyne stated that the dugouts are ground water fed and that at sometime in the future he may want to drill wells instead of drawing water from the dugouts. He understood that if this was considered a new water source he will have to apply for a new water permit. If the well is considered the same water source he may be able to amend the water permits but this will still take an application process.
2. Application from the SE $\frac{1}{4}$ Section 8, T99N, R53W
 - He asked that I amend the application to be for 49 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 8, T99N, R53W.
 - I explained the statutory limit for irrigation of 49 acres is 315 gallons per minute. He wanted to know if there's anyway to get a greater diversion rate and limit pumping time. I explained the recent legislative action that would provide more flexibility but stated that statute change will not go into effect until July 1, 1996. He agreed to amending the application to 315 gpm.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Henderson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

May 13, 1996

James Van DeRostyne
RR 1 Box 18
Parker, SD 57053

Dear Mr. Van DeRostyne:

This letter will serve as authorization to you to test pump three dugouts. The three dugouts are located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9 and the W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 9, T99N, R53W. The dugouts can be pumped at a rate of 400 gallons of water per minute for a maximum of two days (at each site). The time frame to complete the testing is between May 15 and June 15, 1996. The water must be land applied to prevent erosion or possible flooding of adjacent landowner's property.

It is my understanding you wish to determine if the water level declines or remains constant after pumping. You will need to keep in mind that while the area is currently under high water table conditions, this will change from year to year. The water level in the dugouts will decline in dryer years and may not be a reliable source of water.

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 5934-3

for James Van De Rostyne

May 17, 1996

Application No. 5934-3 proposes to appropriate 1.67 cfs from a dugout located in the W 1/2 NE 1/4 of section 9 to irrigate 120 acres located in portions of the NE 1/4 of section 9; all in T99N R53W in Turner County.

AQUIFER - VERMILLION WEST FORK (VWF)

The Vermillion West Fork is a surficial glacial outwash (sand and gravel) which is under predominantly unconfined or water table conditions. The aquifer underlies 18 square miles and contains an estimated 51,000 acre feet of water in storage in Turner County (Lindgren, 1990). The Vermillion West Fork aquifer is hydraulically connected to the West Fork of the Vermillion River, to the Vermillion East Fork aquifer to the east and north and to the Parker Centerville aquifer to the south. Ground water movement is probably from north to south toward the river in this area.

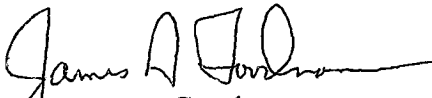
The Water Rights Program monitors two observation wells, TU-80C and TU-77O, located about one mile south and one mile north respectively of this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. Hydrographs for these two wells are included in this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water rights Nos. 2156-3 and 4341-3 which are located within one mile of this application. Both of the diversion points for these rights are located on the opposite of the West Fork of the Vermillion and about one-half mile from the diversion point for this application. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Vermillion West Fork aquifer.
2. The aquifer is unconfined and under water table conditions. Interference is not expected to be a concern.
3. Dugouts have generally proven to be an unreliable source of water in this area especially during drought periods. The observation well fluctuation illustrates this potential problem.


James A Goodman
Natural Resources Engineer

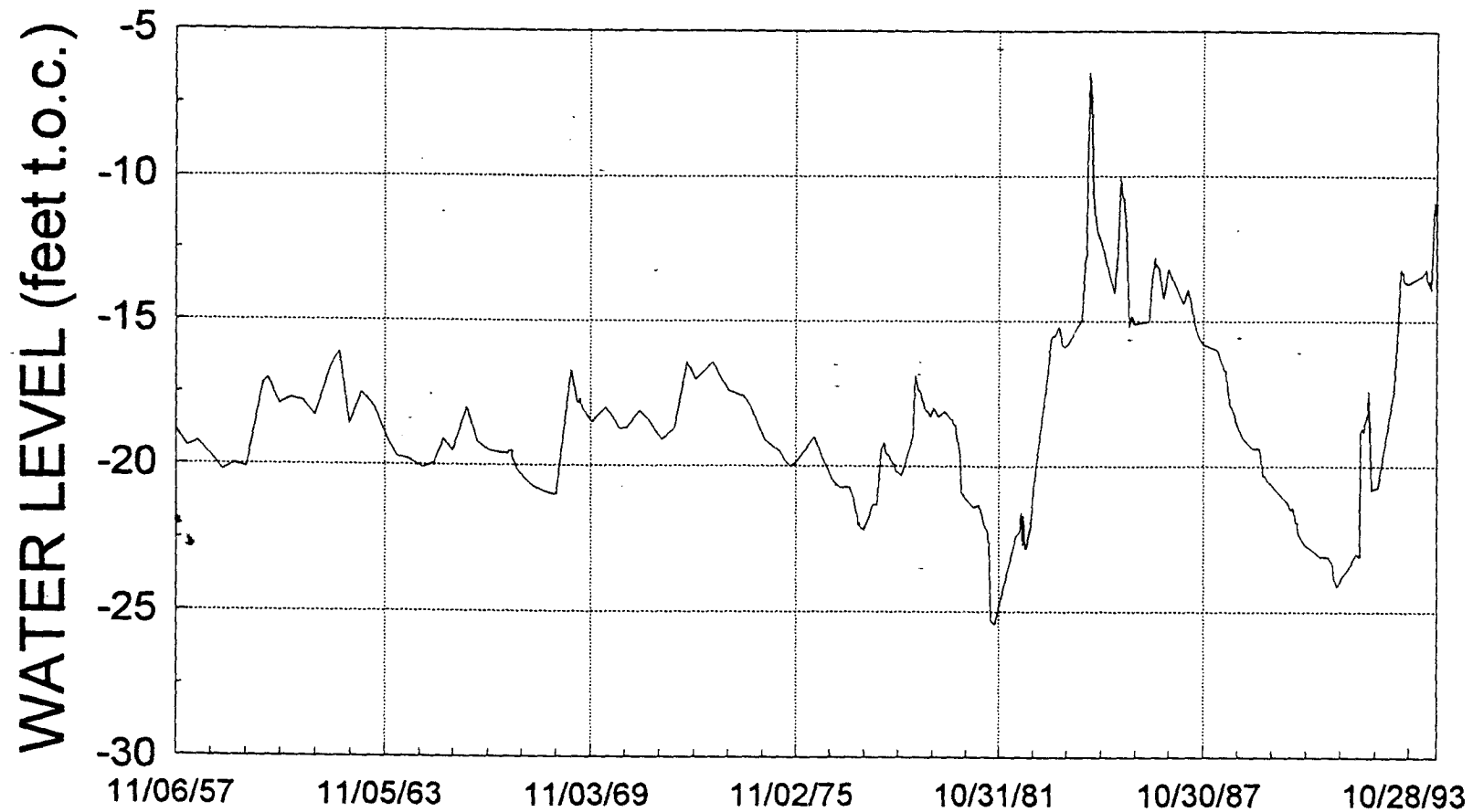
BIBLIOGRAPHY

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, USGS WRI 90-4093, USGS, Huron, SD, 57350.

Water Rights, 1996, Unpublished Observation Well Records for Turner County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

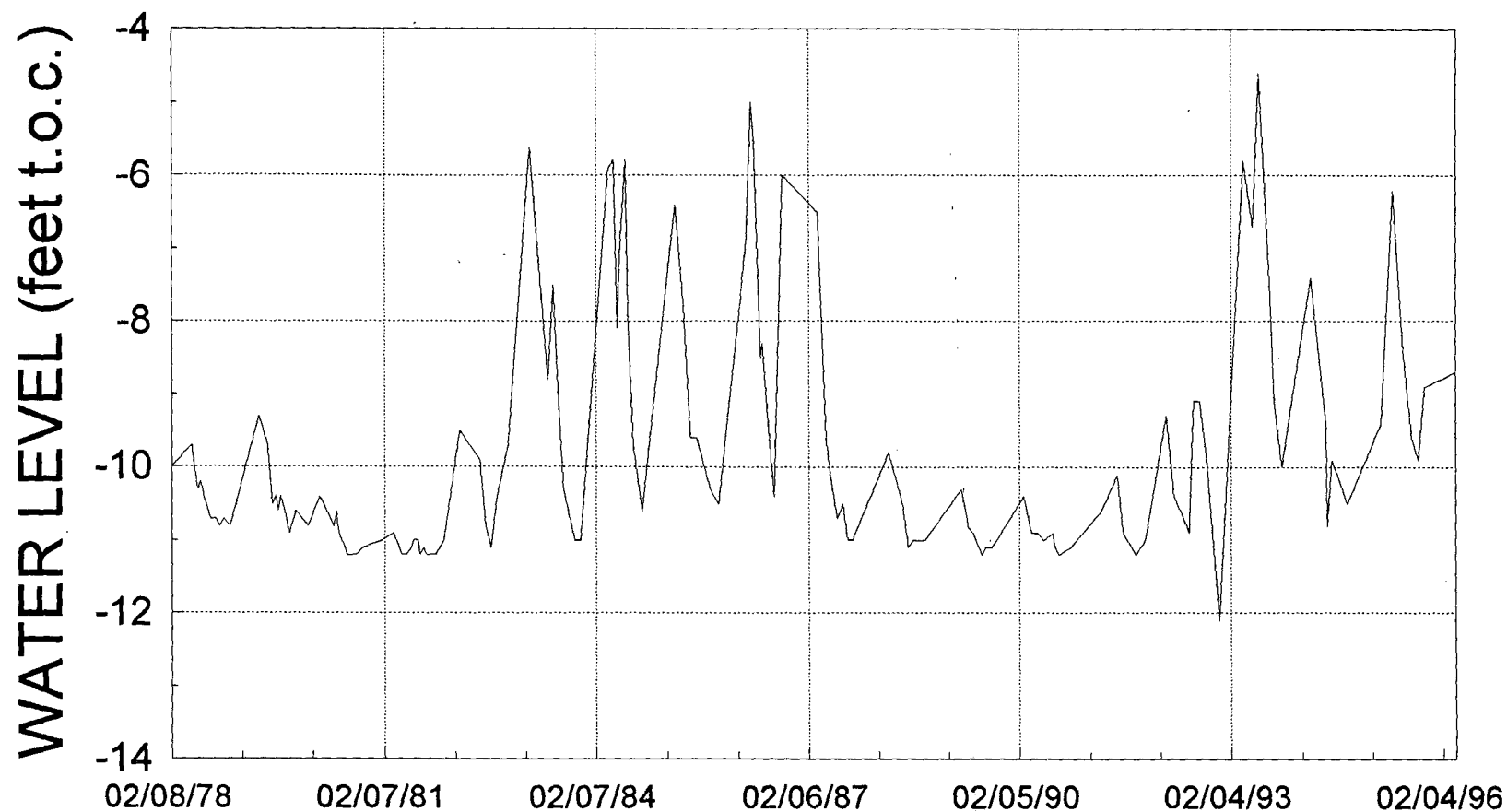
WATER RIGHTS OBSERVATION WELL

TU-80C



WATER RIGHTS OBSERVATION WELL

TU-770



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5934-3**

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. 5934-3, James VanDeRostyne, RR 1, Box 18, Parker, SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 5934-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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 dugout approved under this Permit is ground water connected and 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.



JOHN HATCH, Chief Engineer
May 28, 1996

NOTE: The dugout is hydraulically connected to the Vermillion West Fork Aquifer and may be an unreliable source of water especially during drought conditions. an application to amend this water permit is required for the permit holder to construct a well into the aquifer.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

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

May 29, 1996

James VanDeRostyne
RR 1, Box 18
Parker, SD 57053

Dear Mr. VanDeRostyne:

Water Permit Application Nos. 5932-3, 5933-3 and 5934-3 for irrigation use have 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 New Era printed at Parker, SD (Ph # (605) 297-4419). For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

May 29, 1996

The New Era
Box 577
Parker, SD 57053-0577

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5932-3, 5933-3 and 5934-3 to be published twice. Please publish the first notice on June 6, 1996, 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 James VanDeRostyne, RR 1, Box 18, Parker, SD 57053 (Ph # (605) 332-0366).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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. No action may be taken on the permit applications until proof of publication has been received.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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 Nos. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 6, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 5932-3, 5933-3 and 5934-3 to Appropriate Water

Notice is given that James VanDeRostyne, RR 1, Box 18, Parker, SD 57053 has filed three water permit applications. The dugouts listed as the water sources on the applications are ground water but may receive some incidental surface runoff.

Water Permit Application No. 5932-3 appropriates 0.70 cubic feet of water per second (cfs) from a dugout (Vermillion West Fork Aquifer) located in the NW 1/4 SE 1/4 Section 8 to irrigate 49 acres located in portions of the W 1/2 SE 1/4 Section 8; all in T99N, R53W.

Water Permit Application No. 5933-3 appropriates 1.67 cfs from two dugouts (Parker Centerville Aquifer) located in the SE 1/4 SW 1/4 Section 26 to irrigate 120 acres located in the SW 1/4 Section 26; all in T99N, R53W.

Water Permit Application No. 5934-3 appropriates 1.67 cfs from a dugout (Vermillion West Fork Aquifer) located in the W 1/2 NE 1/4 Section 9 to irrigate 120 acres located in portions of the NE 1/4 Section 9; all in T99N, R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5932-3, 5933-3 and 5934-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's 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 24, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Turner) SS

I, Mary Lee

certify that the attached printed Notice was

taken from the New Era

printed and published in Turner Parker

County of Turner and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

June 6, 1996

June 13, 1996

Cost of Printing: \$44.07

Mary Lee
(Signature)

Office Manager
(Title)

6-12-96
(Date Signed)



Notice of Applications #5932-3, #5933-3, & #5934-3 to Appropriate Water

Notice is given that James VanDeRostyne, RR1, Box 18, Parker, SD 57053 has filed three water permit applications. The dugouts listed as the water sources on the applications are ground water but may receive some incidental surface runoff.

Water Permit Application No. 5932-3 appropriates 0.70 cubic feet of water per second (cfs) from a dugout (Vermillion West Fork Aquifer) located in the NW 1/4 SE 1/4 Section 8 to irrigate 49 acres located in portions of the W 1/2 SE 1/4 Section 8; all in T99N, R53W.

Water Permit Application No. 5933-3 appropriates 1.67 cfs from two dugouts (Parker Center-ville Aquifer) located in the SE 1/4 SW 1/4 Section 26 to irrigate 120 acres located in the SW 1/4 Section 26; all in T99N, R53W.

Water Permit Application No. 5934-3 appropriates 1.67 cfs from a dugout (Vermillion West Fork Aquifer) located in the W 1/2 NE 1/4 Section 9 to irrigate 120 acres located in portions of the NE 1/4 Section 9; all in T99N, R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of the Application Nos. 5932-3, 5933-3 and 5934-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the applications as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3333)" 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 24, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications.

Nettie H. Myers, Secretary
Department of Environment and
Natural Resources

#1298, June 6 & 13, 1996.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

JUL 18 1996

James VanDeRostyne
RR 1, Box 18
Parker, SD 57053

Dear Mr. VanDeRostyne:

Enclosed are Water Permit Nos. 5932-3, 5933-3 and 5934-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

Very truly yours,

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

enclosures

PLEASE NOTE: The dugouts authorized by these water permits are hydraulically connected to the Vermillion West Fork Aquifer (Permit Nos. 5932-3 and 5934-3) or the Parker Centerville Aquifer (Permit No. 5933-3). The dugouts may be an unreliable source of water, especially during drought conditions. An application to amend a water permit is required for the permit holder if a well is constructed into the aquifer to supply water. An amendment to a water permit usually does not affect the established priority date.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



5934-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 4, 1997

NOTICE

TO: JAMES VAN DEROSTYNE, RR 1 BOX 18, PARKER, SD 57053
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s). 5932-3, 5933-3 & 5934-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 5932-3, 5933-3 & 5934-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5932-3, 5933-3 & 5934-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 5932-3, 5933-3 & 5934-3 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 February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 6, 1997

5932-3
5933-3
5934-3

James Van Derostyne
RR 1 Box 18
Parker, SD 57053

Dear Mr. Van Derostyne:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, **Notice of Violation of Water Permit Nos. 5932-3, 5933-3 and 5934-3.**

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

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

5-934-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 9, 1998

NOTICE

TO: JAMES VAN DEROSTYNE, RR 1 BOX 18, PARKER, SD 57053

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5932-3, 5933-3 & 5934-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 5932-3, 5933-3 & 5934-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 5932-3, 5933-3 & 5934-3 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 February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 26, 1998

5932-3
5933-3
5934-3

Jim Van Derostyne
RR 1 Box 18
Parker, SD 57053

Dear Mr. Van Derostyne:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 5932-3, 5933-3 and 5934-3.

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

During our telephone conversation on February 23rd, you indicated that the land described in Water Permit No. 5933-3 will no longer be irrigated and you do not wish to maintain the water permit. The water permit will be scheduled for cancellation consideration at an upcoming Board meeting. You will be notified of the time, date and place of the hearing once it is scheduled.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 9, 1998

James Van Derostyne
RR 1 Box 18
Parker, SD 57053

Dear Mr. Van Derostyne:

Enclosed, as you requested, are two "Notice of Transfer of Ownership" forms for use in transferring two of your water permits to your dad's name. If you have sold the land under the third permit, that should also be transferred.

Please review the forms and complete as needed. They will need to be signed by your dad, in the presence of a notary public. Upon completion, please return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 5934-3

Date: 2-18-98

I/We request that Water Permit No. 5934-3

formerly owned by: James Van Derostyne

be transferred to: (name & address) Donald Peter Van De Rostyne P.O. Box 487
Parker SD. 57053 Telephone No. 605-797-3770

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

I/We understand that the validity of Water Permit No. 5934-3, has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

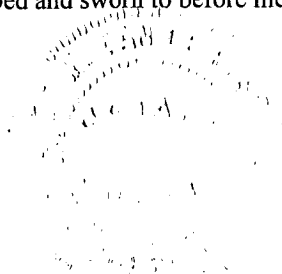
STATE OF SOUTH DAKOTA)

County of Turner)

I/We Donald P. Van De Rostyne being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Donald P. Van De Rostyne
(Signed)

Subscribed and sworn to before me this 18th day of February, 19 98.



Janet M. Van Derostyne
(Notary Public)

My Commission Expires 2-20-98

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415664

Pierre, February 26, 19 98

RECEIVED OF James VanDeRostyne (Donald Peter VanDeRostyne), 27656 - 453rd Ave., Parker, SD 57053
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

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 Water Permit No. 5934-3

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

John Hatch (signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

April 22, 1998

No. 5932-3
5934-3

James VanDeRostyne
27656 - 453rd Ave.
Parker, SD 57053

Dear Mr. VanDeRostyne:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 5932-3 and 5934-3.

Our records now show Donald Peter VanDeRostyne as the owner of Water Permit Nos. 5932-3 and 5934-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

c: Donald Peter VanDeRostyne, P.O. Box 487, Parker, SD 57053.

File No. 5932-3

5934-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Jim Van Derostyne

DATE: February 6, 2007

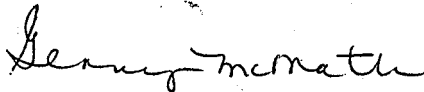
TELEPHONE:

RE: possible changes to Water Permit Nos. 5932-3 and 5934-3, Donald Peter Van Derostyne

COMMENTS:

Jim Van Derostyne called to ask the status of the two permits in his dad's name. He said he was going to be operating the irrigation systems for his dad and perhaps buying the land. He wanted to find out if the permits were still in good standing. I told him that they were if they had not been abandoned or forfeited for non-use. I explained the use it or lose it statute and legal excuse.

He indicated that they had pumped a little water every couple years just to keep the permits up. He thought they would be switching from big gun to center pivot soon. He talked about adding a corner system with the pivot and which would mean they would be irrigating a few more acres. We discussed the fact that he would have to amend the existing permits to add acres. He understood and said he wasn't ready to apply for permits just yet.



Genny McMath
Environmental Scientist

Permit No. 5934-3
Vermillion 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, **01 August 2007**, made a thorough examination of the water use system constructed by **James Van De Rostyne** of **R.R 1 Box 18, Parker, SD. 57053** holder of Permit No. **5934-3**, bearing the priority of **02 May 1996** authorizing the diversion of **1.67** cu.ft. per second of the waters of **the Vermillion West Fork aquifer** for **irrigation** purposes, in **Turner** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Lacey Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **25** feet
- 4) Well log is available **Y**
- 5) Comment: **Well is in bottom of reclaimed gravel pit, this is a dugout system**

Casing:

- 1) Diameter **Unknown** inches
- 2) Length **Unknown** feet
- 3) Type **PVC**

Screen:

- 1) Type **PVC**
- 2) Length **10** feet
- 3) Static water level **2.5** feet

Pump:

- 1) Make **Berkely**
- 2) Model **R32PL**
- 3) Capacity **750** GPM

Motor:

- 1) Make **Baldor Electric**
- 2) Horsepower rating **40** hp

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Number of towers 7
- 3) End gun Y
- 4) High or low pressure Low

Gun:

- 1) Make Unknown

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: NW ¼ NE ¼ Sec 9 T99N-R53W, approximately 1,232 feet south and 1,050 feet west of the northeast corner of sec 9 -T99N-R53W.

The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

NE ¼ Sec 9-T99N-R53W

120 acres

comprising a total of 120 acres of land and the license should be issued for 1.67 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: None



Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 16 August 2007

owned by:
Donald Peter Van Derostyne
PO Box 487
Parker SD



South Dakota

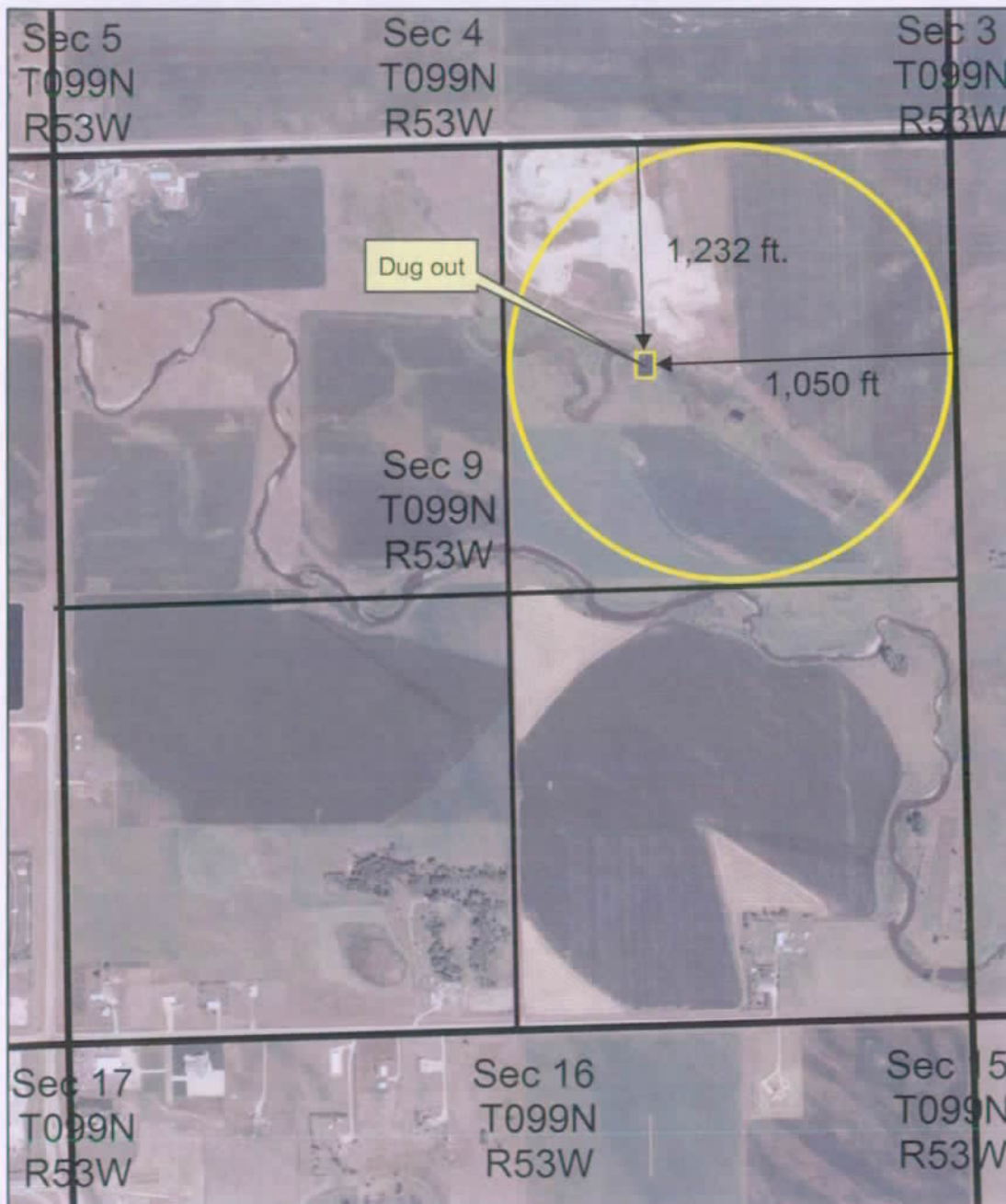
5934-3

James Van DeRostyne
RR 1, Box 18
Parker, SD. 57053

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today



Mark Costello
Mark Costello
Natural Resources Engineer
DENR, Water Rights Program
16 August 2007

0 500 1,000 2,000 3,000
Feet



RECEIVED
AUG 30 2007
WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 17, 2007

5932-3
5934-3

Donald Peter VanDeRostyne
PO Box 487
Parker SD 57053

Dear Mr. VanDeRostyne:

On August 1, 2007 the investigation of your water use systems, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 5932-3 and 5934-3, was completed by Mark Costello, a staff engineer with our program. The water licenses can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license (each). Upon receipt of a total of \$100.00 from you, we will complete processing your water licenses. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water rights will be similar to property rights that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permits, investigation of your water use systems or payment of the fee, please contact me.

Sincerely,

Genny McMath

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

*Attached is my check # 2171 - Wells Fargo acct.
For the above described water permits
Thank you.
Don VanDeRostyne*

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/30, 20 07

RECEIVED OF Donald Van de Rostyne PO Box 487 Parker SD 57053

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5934-3</u>		
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	50 00

No.

03145

BY Garland Ervick
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5934-3

(1) James Van DeRostyne made Application No. 5934-3, May 2, 1996 for a water permit to divert 1.67 cubic feet of water per second from ground water (dugout into the Vermillion West Fork Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 5934-3, with a priority date of May 2, 1996 was approved June 24, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 24, 2001 and for the application to beneficial use of said water on or before June 24, 2005.

On February 26, 1998, Water Permit No. 5934-3 was transferred to Donald Peter Van DeRostyne.

(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 1.67 cubic feet of water per second for beneficial use. The location of the diversion point is 1,232 feet south and 1,050 feet west of the NE corner of Section 9, T99N, R53W (NW ¼ NE 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:

NE ¼ Section 9, T99N, R53W 120 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Donald Peter Van DeRostyne, PO Box 487, Parker SD 57053 the holder and/or owner of Water Right No. 5934-3 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from ground water (dugout into the Vermillion West Fork Aquifer) with a priority date of May 2, 1996 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5934-3 and subject to the following qualifications:

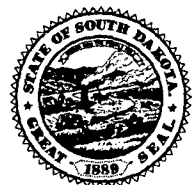
- The dugout approved under this Water Right is ground water connected and will be located near domestic wells and other wells which may obtain water from the same aquifer. The water right holder shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells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



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

OCT 17 2007

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 23, 2007

5932-3

5934-3

Donald Peter Van Derostyne
510 W South St
Parker SD 57053-2140

Dear Sir:

Enclosed is a "Notice" dated October 19, 2007 concerning your 2007 irrigation questionnaires. The notice was originally mailed to PO Box 487, Parker 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
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 17 2007

5932-3
5934-3

Donald Peter Van DeRostyne
PO Box 487
Parker SD 57053

Dear Mr. Van DeRostyne:

Enclosed are your Water License Nos. 5932-3 and 5934-3. Water License Nos. 5932-3 and 5934-3 are the final documents which completes the process of obtaining water rights. Included with your licenses are maps prepared by the staff engineer who conducted the field investigation and also your Receipt Nos. 03144 and 03145 in the amounts of \$50.00 each.

As long as you use the water beneficially, as stated in the Water Licenses, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures



5934-3

**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 21, 2011

NOTICE

TO: DONALD PETER VAN DEROSTYNE, 510 W SOUTH ST, PARKER, SD 57053 2140

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5932-3 & 5934-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 5932-3 & 5934-3 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 9, 2011** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5932-3 & 5934-3 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 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 0720

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 11:00 am on January 24, 2011 in PARKER, SD 57053. The item was signed for by D VANDEROSTYNE.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 24, 2011, 11:00 am, PARKER, SD 57053
- Notice Left, January 22, 2011, 9:39 am, PARKER, SD 57053
- Out for Delivery, January 22, 2011, 8:40 am, PARKER, SD 57053
- Sorting Complete, January 22, 2011, 8:30 am, PARKER, SD 57053
- Arrival at Post Office, January 22, 2011, 7:18 am, PARKER, SD 57053
- Processed through Sort Facility, January 22, 2011, 3:52 am, SIOUX FALLS, SD 57104

Notification Options

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Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

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No FEAR Act EEO Data

FOIA

United States Postal Service

United States Postal Service

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 0720DONALD PETER VAN DEROSTYNE
510 W SOUTH ST
PARKER SD 57053 2140Waiver of Signature ☐ YES ☐ NOPostmark
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
-
- ☐
- First-Class Mail® parcel
-
- ☐
- Package Services parcel

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JAN 28 2011

WATER RIGHTS
PROGRAM

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

No. 5934-3

Date: 1-26-2011

I/We request that Water Right No. 5934-3

formerly owned by: ~~Donald~~ James Van DeRostyne

be transferred to: (name & address) James P. VanDeRostyne 45388 274th Street
Parker S.D. 57053

Telephone No. _____

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

120 acres - NE 1/4 Section 9, T99N, R53W

I/We understand that the validity of Water Right No. 5934-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We James P. VanDeRostyne, the new owner, certify that the above information is true and correct.

James P. VanDeRostyne 1-26-2011
(Signed by new owner)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2011

5932-3

5934-3

James P Van DeRostyne
45388 274th St
Parker SD 57053

Dear Sir:

I am writing to acknowledge receipt of the 2010 irrigation questionnaires, the "Notice of Transfer of Ownership" forms and the filing fees for Water Right Nos. 5932-3 and 5934-3.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right Nos. 5932-3 and 5934-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

With reference to the ownership changes, the transfers have been completed. The water rights formerly held by Donald are now listed in your name. Enclosed for your records are Receipt Nos. 04897 and 04898 in the amounts of \$50.00 each.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/28, 20 11

RECEIVED OF James P Vanderostyne 45388 274th St Parker SD 57053

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
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>5934-3</u>		50 00
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	50 00

No. 04078

By Harold D. Erbe
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 23, 2017

James VanDeRostyne
45388 274th St,
Parker SD 57053

Dear Mr. VanDeRostyne:

Water Right No. 5934-3 appropriates 1.67 cubic feet of water per second (cfs) from a well completed in the Vermillion West Fork aquifer located in the W ½ NE ¼ of Sec 9, T99N, R53W for the irrigation of 120 acres in Turner County.

You requested authorization to add two wells located in the SW ¼ NE ¼ of Sec 9, T99N, R53W to supplement the flow of water from the existing well. The basis for this request was an inadequate flow of water from the existing well associated with Water Right No. 5934-3.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional diversion locations are authorized without application or publication of a notice of hearing pursuant to SDCL 45-2A-4. No increase in the authorized diversion rate of 1.67 cfs or the number of irrigated acres (120 acres) under Water Permit No. 5934-3 has been requested or approved. If the total diversion rate or the number of acres irrigated increases, a new water permit will need to be obtained from the SD DENR Water Rights Program.

If you have any questions, please contact John Farmer at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

Request for Additional Diversion Points

NAME: James VanDeRostyne

ADDRESS: 45388 274th St, Parker SD 57053

DATE: January 19, 2017

COUNTY: Turner

TELEPHONE: (605) 332-0366

BACKGROUND:

Water Right No. 5934-3 appropriates 1.67 cubic feet of water per second (cfs) from a well located in a dugout in the W ½ NE ¼ Section 9, T99N, R53W. The diversion was erroneously described in the inspection as being located 1,232 feet south and 1,050 feet west of the NE corner of Section 9, T99N, R53W (NW ¼ NE ¼). On the Water Permit, the diversion location is described correctly as being in the W ½ NE ¼ Section 9, T99N, R53W. This water is used to irrigate 120 acres of land in the NE ¼ of the same section. The water from the well in the dugout has been determined to be ground water from the Vermillion West Fork aquifer.

Mr. VanDeRostyne submitted a letter to the South Dakota DENR Water Rights Program requesting the addition of two wells to Water License No. 5934-3. These two wells would be used in addition to the existing well. The original diversion, a 12" well at a depth of 28 feet, is able to produce 150-200 gallons per minute (gpm). The two additional wells have been drilled, and are both 8" wells, one drilled to a depth of 20 feet and the other to 32 feet. Their locations, as indicated on the map that was included with the request, are respectively approximately 110 feet southeast and 150 feet southeast of the original diversion, in SW ¼ NE ¼ Section 9, T99N, R53W. Mr. VanDeRostyne expects to be able to pump 230 gpm from the 32' well and possibly another 200 gpm from the 20' well if it is not dry.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source authorized by Water Right No. 5934-3 is the Vermillion West Fork aquifer. The well completion reports show that the new wells are placed in gravel at a depth similar to the original diversion. Although the additional diversion points are not in the same dugout, the water source is the same.

No additional appropriation of water is requested. This request is to add additional diversion points. Water Right No. 5934-3 appropriates 1.67 cfs (750 gpm) for irrigation from the dugout. The current diversion is able to produce 200 gpm, with an expected additional 430 gpm from the new diversion points. The total usage is expected to be 630 gpm (1.40 cfs) for irrigation.

- **No new land for irrigation**

The request states that the water will be used to irrigate most of the 120 acres that are under the pivot irrigation system. The water license states that the water will be used to irrigate 120 acres. No new land is being irrigated.

Review of Existing Diversions

The well completion report and water rights databases were reviewed for the nearest domestic wells and water rights/permits on file. The nearest domestic well on file completed into this aquifer is approximately 0.7 miles south of the diversion. The nearest water right completed into this aquifer is located approximately a quarter mile north of the diversion points. Based on no change in distance from other users in the Vermillion West Fork aquifer, interference is not expected to be a concern.

Observation Well Data

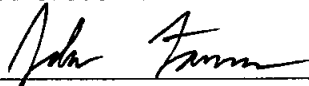
The Water Rights Program has two observation wells completed into the Vermillion West Fork aquifer. The closest observation well completed into this aquifer (TU-80CR) is located approximately 1.0 miles to the south of the well sites. This well has been in place since 1957 and shows static water level fluctuations of 5 to 24 feet below the top of the casing. Historic water levels in TU-80CR do not show the effects of pumping but appear to be predominately controlled by climatic conditions.

CONCLUSION

- The additional diversion points do not propose to appropriate additional water.
- The water source continues to be Vermillion West Fork aquifer.
- Unlawful impairment of existing water rights/permits and domestic wells is not expected to occur.

RECOMMENDED ACTION

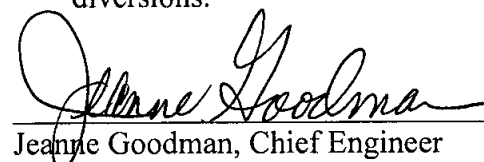
Based on the above criteria, it is recommended that the additional diversion point locations under Water Right No. 5934-3 should be approved.



John Farmer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

The additional diversion point locations do not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program

Eric Gronlund
DENR
523 East Capitol
Pierre, SD 57501-3182

by email
RECEIVED
DEC 16 2016
WATER RIGHTS
PROGRAM

Dear Mr. Gronlund:

This summer I was having trouble getting enough water to run my pivot on permit #5934-3. I have had trouble in the past but it was worse this year as I have finally gotten most of the 120 acres under the pivot reclaimed and tillable as it was a gravel pit on about 100 acres before. I have never been able to get more than about 150-200 gallons per minute from well #1 since it was dug. It has a small submersible pump as Jim Lacey the well digger said that the ground did not let the water in any faster and I would waste my money with a bigger pump. Because of a shortage of water this summer I called Jeremy Prommes of Quality well service and he came and dug me 2 wells. The first is only 20 feet deep and has never been pumped and will probably not work when it is dry and I need water because it is so shallow. This shallow well is labeled 3 on the map. The other well labeled #2 is about 38 ft deep if I remember correctly and I had Elton Schoenwald of Marion Well Service put a submersible pump in it after Jeremy dug it. The pump is rated at max 230 gpm. Between the #1 and #2 wells I am getting about 350 to 400 gallons per minute. I cannot operate my pivot 24/7 because of lack of water yet but it is much better than it was. I try not to irrigate during the day especially on short crops as so much is lost to evaporation. I am also on Southeast Electric's peak load program. This gives Southeast the ability to shut off my pivot when they have peak loads which is generally in the heat of the day and the worst time to irrigate.

I believe that if you would allow me to use this well or both wells that I would still be under my allotted amount of water usage on my water permit. I am not asking for any more acres to irrigate, just the 120 acres that were on the original permit.

I would appreciate it very much if you would allow me to do this.

Thank you,

Jim VanDeRostyne



#1
old well 150-200 GPM

#2 new well 230 GPM about 38' Deep

#3 maybe another 200 GPM well only 20ft. Deep