

WATER PERMIT NO. 5987-3

Name of Applicant: James Bondeson

Address: 28468 US Hwy 19, Hurley SD 57036

Phone: 605 238-5482

Amount of Water Claimed: 1.33 cfs Total Acres: 100

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Turner

Type of Waste Disposal System: NA

Location: 1 mile north of Hurley

PRIORITY Date Received: 3-24-97

Fee: \$225

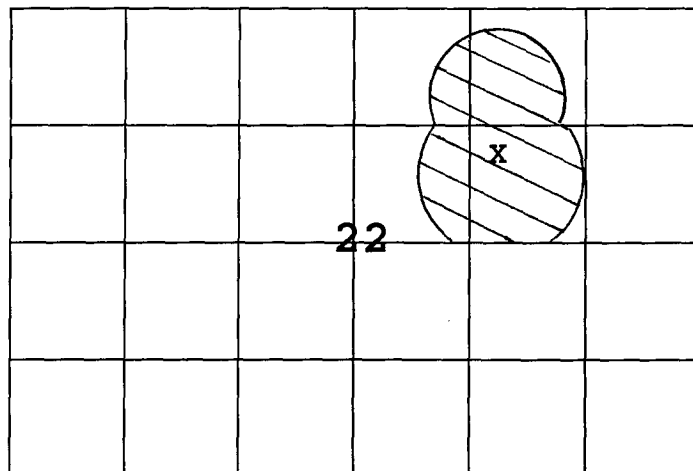
Corrected Application Received:

Period of Annual Use: May 1 - September 30

Remarks: Changes the water source for land irrigated by Water Permit No. 5892-3

Diversion Point: SE 1/4 NE Sec 22-T98N-R53W

Land to be Irrigated: NE 1/4 Sec 22-T98N-R53W



Depth of Well: 60 feet

Well Driller: Wetmore Drilling

Remarks:

Type of Map: aerial

Prepared by: Barry McLaury

Reviewed and the Number Assigned on: 3-24-97

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 5987-3**

Date of first receipt of application March 24, 1997.

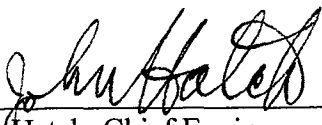
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5987-3 to James Bondesen, 28468 US Hwy 19, Hurley SD 57036 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5987-3 appropriates 1.33 cubic feet of water per second from one well (Parker Centerville Aquifer) 60 feet deep to irrigate 100 acres. Water Permit No. 5892-3 authorizes irrigation of the same acreage from one well (Upper Vermillion Missouri Aquifer) 100 feet deep. This permit is necessary since the well was constructed into a different water formation than originally authorized by Water Permit No. 5892-3. The well is located in the SE 1/4 NE 1/4 Section 22 and the irrigated acreage is located in the NE 1/4 Section 22; all in T98N-R53W. This permit does not authorize any increase in the developed diversion rate or the number of acres being irrigated.
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 March 24, 1997.
4. The date of approval of Permit No. 5987-3 is May 5, 1997.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

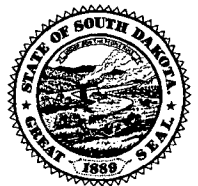
QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 11 1997
date



288
3/1/97

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352,	(office use only) No. _____ Hydrologic Unit <u>10170102</u> Basin <u>Vermillion River</u> Newspaper <u>The New Era, Box 577, Parker, SD 57053-0577, Ph 297-4419</u> (Thursday)
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Application For Permit To Appropriate Water For Irrigation

Type of Application: X 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.)

- Name of Applicant James Bondesen ☒ Owner Phone 238-5482
Mailing Address 28468 US Hwy 19, Hurley State SD 57036
(Street, RR, or Box) (Zip Code)
- Amount of water claimed 1.33 *CFS or **GPM ***AF Total Acreage 100
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage of dam/dugout if applicable
- Source of water supply Parker Centerville well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SE1/4 NE1/4 Sction 22, T98N, R53W
County Turner
- County or counties where water will be used Turner
- Annual period during which water is to be used May 1 - September 30
- 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
NW1/4 NE1/4 Section 22, T98N, R53W	15		
NE1/4 NE1/4 " " "	29		
SW1/4 NE1/4 " " "	18		
SE 1S NE1/4 " " "	38		

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

Application is to change the water source for the land irrigated by Water Permit No. 5892-3. Well authorized by Permit No. 5892-3 was to be constructed into the Upper Vermillion Missouri Aquifer, however, the well is actually completed into the Parker Centerville Aquifer. The map prepared as part of the licensing investigation and well completion report on file in Permit No. 5892-3.

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)

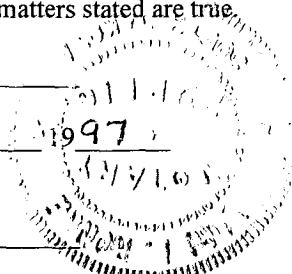
ss
County of Turner

I, James Bondesen, the applicant, have read this application, examined the attached map, and certify that the matters stated are true

Signed James Bondesen

Subscribed and sworn to before me this 20th day of March

Lori L. Ronke
Notary Public
exp 3-21-98



07-92

Date:

REPORT ON INSPECTION OF PERMIT NO. 5892-3/5987-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: June 18, 1996

NAME OF INSPECTION CONTACT: Jim Bondesen

NAME & ADDRESS OF PERMIT HOLDER: James Bondesen, 28468 US HWY 19, Hurley, SD 57036

DIVERSION POINT LEGAL LOCATION: 1780 feet S and 930 feet W from the NE corner of Section 22; T098N R53W (SE1/4 NE1/4)

WELL INFORMATION:

1) Well Drilling Firm: Wetmore Drilling

3) Depth(s) 60 feet

2) No. of Wells 1

4) Well log is available Y/N

Casing:

1) Diameter 16 inches

1) Type PVC

2) Length 20 feet

2) Length 40 feet

3) Type PVC

3) Static water level _____ feet

Motor:

1) Make Detroit Diesel

Pump:

1) Make Western Land Roller

2) Model No. 371

2) Model No. 3M

3) Horsepower rating 100 HP

3) Capacity 600 GPM

DISTRIBUTION LINES OR CANALS:

1) Type PVC 2) Size 8 inches 3) Length 800 feet

SYSTEM TYPE:

Center pivots: (South Pivot)

(North Pivot)

1) Make Reinke

1) Make Reinke

2) Overall length 830 feet

2) Overall length 740 feet

3) Number of towers 5

3) Number of towers 5

4) End gun Y

4) End gun Y

5) High or low pressure High

5) High or low pressure High

6) Capacity 600 GPM

6) Capacity 600 GPM

CHEMIGATION EQUIPMENT:

1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

COMMENTS:

Mr. Bondesen filled out a notice of completion of works on January 29, 1996. I inspected the Water Permit back in June of 1996 at which time he filled out a Notice of Completion of Works. Since last summer, I have lost that notice. So, he will send in another.

Permit No. 5892-3 & 5987-3
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, June 18, 1996, made a thorough examination of the water use system constructed by James Bondesen of 28468 US HWY 19, Hurley, SD 57036 holder of Permit No. 5892-3, bearing the priority of October 10, 1995 authorizing the diversion of 1.43 cu. ft. of water per second from ground water for irrigation purposes, in Turner County.

Note: The well was constructed into a different formation than authorized by Water Permit No. 5892-3. Water Permit No. 5897-3 was obtained to cover the new water source.

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

A. Works used to divert the water:

A 100 HP 371 Detroit Diesel motor with a 600 GPM Western Land Roller pump.

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

Approximately 800 feet of 8" PVC.

C. Works used to apply water to beneficial use:

2 Reinke 5 tower center pivots.

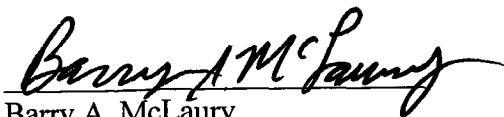
The system is in the following condition good. The point of diversion is located 1780 feet S and 930 feet W from the NE corner of Section 22; T098N R53W (SE1/4 NE1/4). The works are capable of diverting and conveying to the place of use 1.33 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T098N R53W	SECTION 22	NW1/4 NE1/4	15 acres
		NE1/4 NE1/4	29 acres
		SW1/4 NE1/4	18 acres
		SE1/4 NE1/4	38 acres

comprising a total of 100 acres of land and the license should be issued for 1.33 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

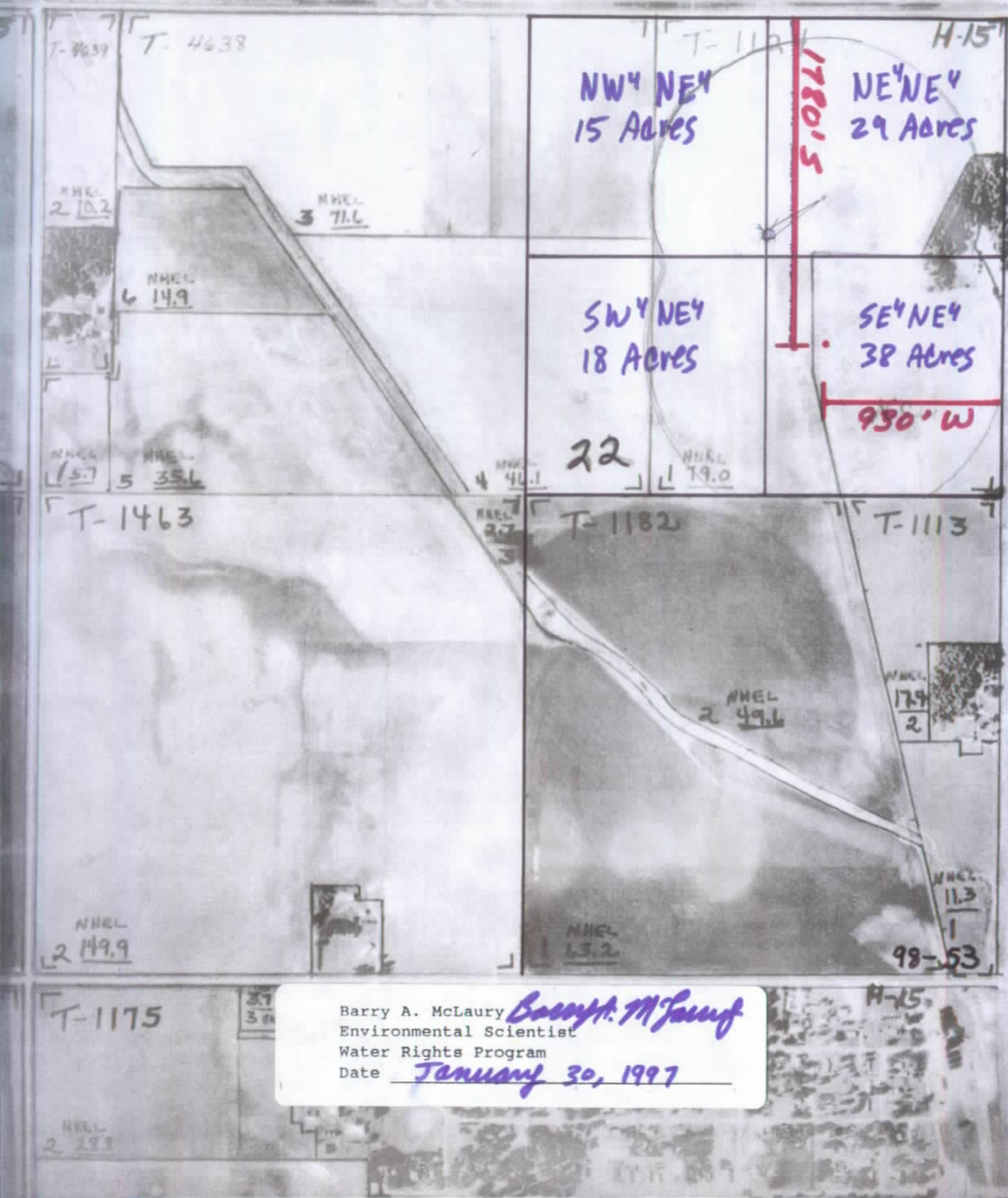
Exceptions to compliance are: None Date Report Completed: January 30, 1997



Barry A. McLaury
Natural Resources Scientist
DENR, Water Rights Program

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.

5892-3
5987-3



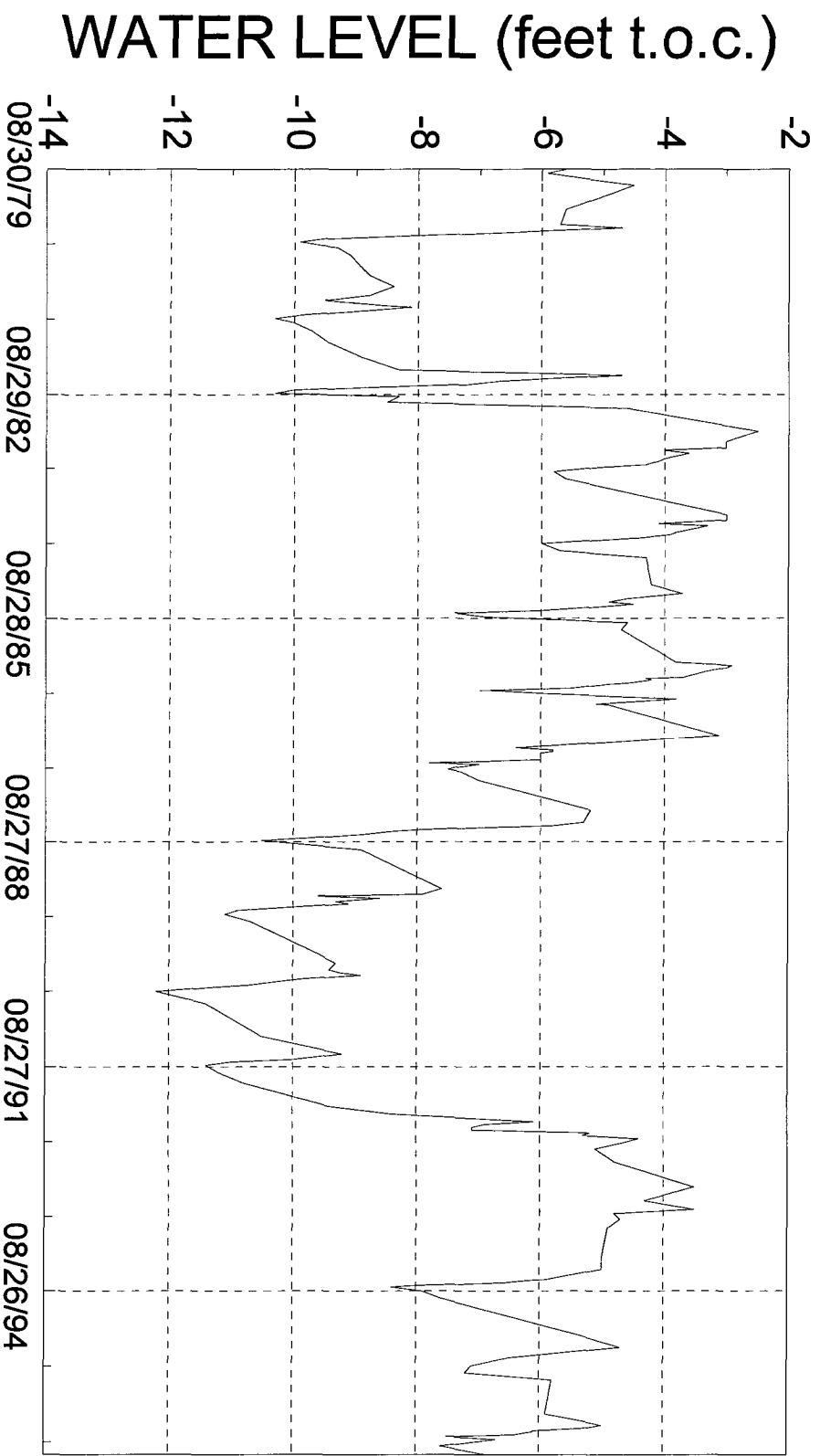
Barry A. McLaury
Environmental Scientist
Water Rights Program
Date

January 30, 1997

5987-3

WATER RIGHTS OBSERVATION WELL

TU-79F



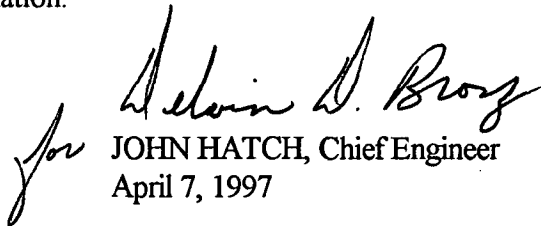
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5987-3, James Bondesen**

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. 5987-3, James Bondesen, 28468 US Hwy. 19, Hurley, SD 57036.

The Chief Engineer is recommending APPROVAL of Application No. 5987-3 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 approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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
April 7, 1997

NOTE: Approval of Application No. 5987-3 will allow licensing of this permit to reflect the irrigation system as built. The original permit (No. 5892-3) authorized a well constructed into the Upper Vermillion Missouri Aquifer for irrigation of these acres. Water Permit No. 5892-3 will be canceled since a well from this water source was not developed.



**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.**

April 8, 1997

James Bondesen
28468 US Hwy. 19
Hurley, SD 57036

Dear Mr. Bondesen:

Water Permit Application No. 5987-3 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 New Era printed at Parker, SD (Ph # (605) 297-4419). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice 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 application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 8, 1997

The New Era
Box 577
Parker, SD 57053-0577

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5987-3 to be published twice. Please publish the first notice on April 17, 1997, 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 Bondesen, 28468 US Hwy. 19, Hurley, SD 57036 (Ph # (605) 238-5482).

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 application 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 No. _____ 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 April 17, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5987-3 to Appropriate Water

Notice is given that James Bondesen, 28468 US Hwy. 19, Hurley SD 57036 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from one well (Parker Centerville Aquifer) 60 feet deep to irrigate 100 acres. Water Permit No. 5892-3 authorizes irrigation of the same acreage from one well (Upper Vermillion Missouri Aquifer) 100 feet deep well. This application is necessary since the well was constructed into a different water formation than originally authorized by Water Permit No. 5892-3. The well is located in the SE 1/4 NE 1/4 Section 22 and the irrigated acreage is located in the NE 1/4 Section 22; all in T98N-R53W. This permit does not authorize any increase in the developed diversion rate or the number of acres being irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5987-3 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 application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 5, 1997.

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

RECEIPT

415263

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 6, 19 97

RECEIVED OF James Bondesen, 28468 SD Hwy. 19, Hurley, SD 57036-6003

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. <u>5882-3 5787-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 1997

James Bondesen
28468 US Hwy 19
Hurley, SD 57036

Dear Mr. Bondesen:

I am writing concerning Water Permit No. 5892-3 which appropriates water for irrigation of your field in the NE1/4 Section 22, T98N, R53W. This permit was issued in 1996 authorizing one well (approximately 100 feet deep) to be constructed into the **Upper Vermillion Missouri Aquifer**. An investigation of the system for the purpose of licensing the water right was conducted last summer by Barry McLaury. Based on our review of the water permit prior to licensing it appears the completed well (60 feet deep) is constructed into the Parker Centerville Aquifer.

Qualification No. 3 on Permit No. 5892-3 (copy enclosed) states the permit does not authorize withdrawal of water from the overlying Parker Centerville Aquifer. I assume that when the well driller constructed the well he found adequate water to meet your needs at 60 feet and completed the well into the Parker Centerville Aquifer.

The waters of the state are managed by water source. In your instance, the well was completed into a different water source than requested in your application. I believe a new water permit is necessary to correctly identify the water source as the Parker Centerville Aquifer. I have enclosed partially completed water permit application forms to change the water source. Please sign in the presence of a notary public and submit the required \$225 application filing fee. I also want to make you aware that the cost of publication of the notice of hearing on the application is the responsibility of the applicant. I do not anticipate any obstacles in you being able to obtain a permit from the Parker Centerville Aquifer.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

RECEIPT

Division of Water Rights

415285

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 24, 19 97

RECEIVED OF James D. Bondesen, 28468 SD Hwy. 19, Hurley, SD 57036-6003

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

Fee for Application for Permit No. <u>5984-3</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

REPORT ON WATER PERMIT APPLICATION NO. 5987-3
for James Bondesen
April 2, 1997

Application No. 5987-3 proposes to appropriate 1.33 cfs (600 gpm) from one well approximately 60 feet deep to irrigate 100 acres. Water Permit No. 5892-3 authorizes irrigation of the same acreage from one well approximately 100 feet deep. This application is necessary since the well was constructed into a different water source than originally authorized by Water Permit No. 5892-3. The well is located in the SE 1/4 NE 1/4 of Section 22 and the irrigated acreage is located in the NE 1/4 of Section 22; all in T98N-R53W in Turner County. This permit does not authorize any increase in the developed diversion rate or the number of acres being irrigated.

AQUIFER - PARKER CENTERVILLE (PAC)

The Parker Centerville aquifer is a surficial outwash (sand and gravel) which is under predominantly water table conditions in this area. The aquifer underlies 74 square miles and contains an estimated 322,000 acre feet of water in storage in Turner County (Lindgren, 1990). Ground water movement is from the northwest to the southeast across the area of this application. The well log filed with the application indicates sand and gravel from a depth of 19 to 60 feet below land surface. The static water level was not reported on the well log but would probably be about 10 feet below land surface. This would indicate slight artesian conditions at the well site. The well as constructed is completed in accordance with SD Well Construction Standards.

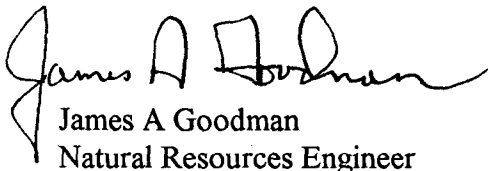
The Water Rights Program monitors three observation wells completed into the Parker Centerville aquifer and located within a two mile radius of this application. These are observation wells TU-56D, TU-77E and TU-79F. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997). Hydrographs for these wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing water permits/rights which also obtain water from the Parker Centerville aquifer located within a one mile radius of this application. Also, there are four existing water permits/rights which obtain water from the Upper Vermillion Missouri aquifer in this same one mile radius. The Upper Vermillion Missouri aquifer is a buried glacial outwash which for the most part is separated from the Parker Centerville aquifer by a clay or till layer which is about 35 feet thick in this immediate area (Schultz, 1994). The degree of hydrologic separation between the two aquifers is unknown. Over most of the area there is a separating clay layer between the two aquifers, but also there are areas to the north where the clay layer is absent. This would indicate at the least, that the Parker Centerville aquifer does provide some recharge water to the Upper Vermillion Missouri aquifer.

CONCLUSIONS

1. Water is available from the Parker Centerville aquifer.
2. The aquifer is confined and under slight artesian conditions at this site, however, for the most part the aquifer is unconfined in this immediate area. Interference is not expected to be a concern. Drawdown created by pumping is not significant and this is shown by the observation well hydrographs.
3. The well has been constructed and is built in accordance with SD Well Construction Standards.
4. The reason for this application is to change the water source. Approval of this application will allow licensing of this permit to reflect the system as built. The original permit for this area was Water Permit No. 5892-3 and this permit can be canceled.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

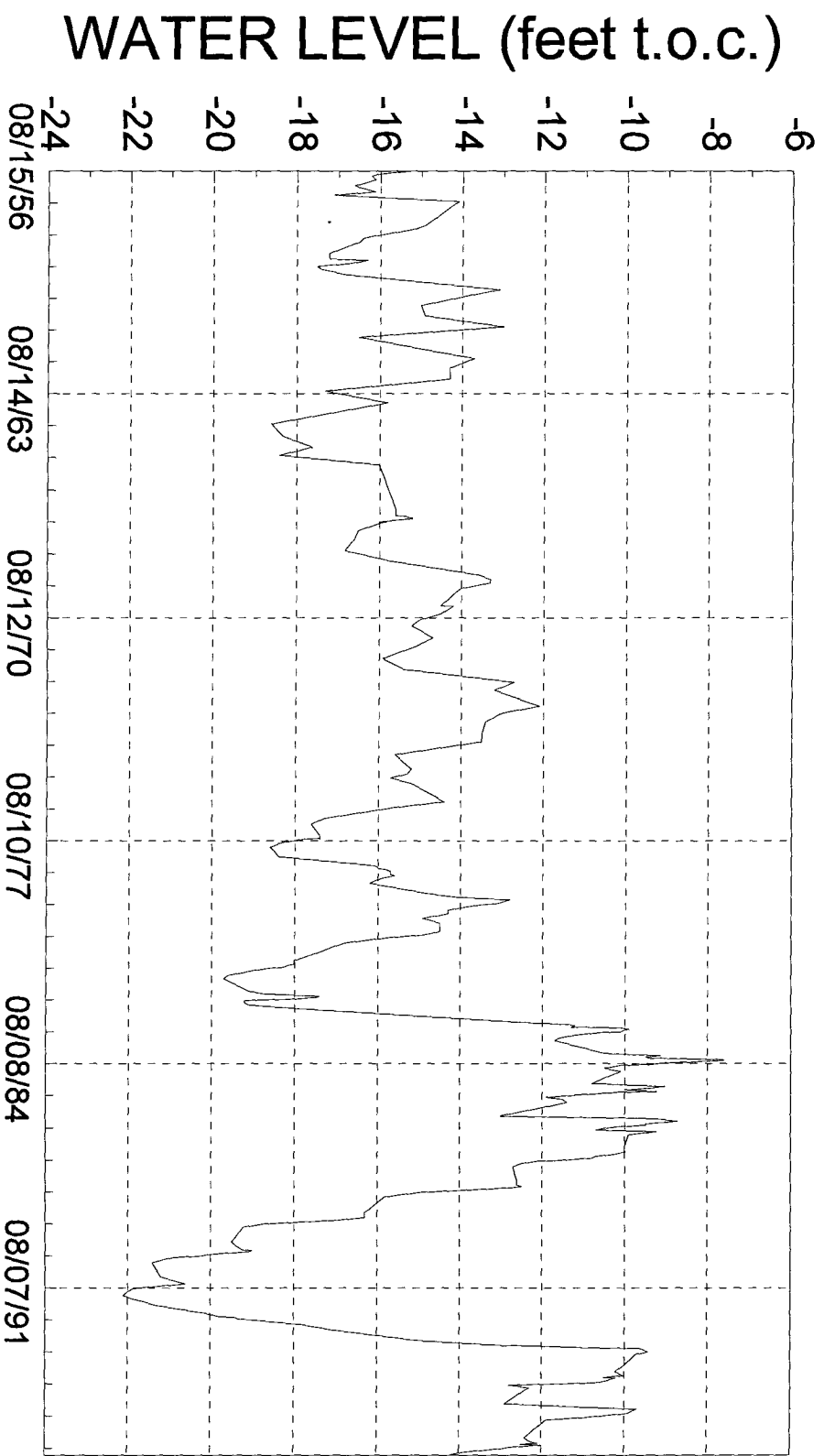
Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, WRI 90-4093, USGS, Huron, SD, 57350.

Schultz, L.D., 1993, Investigation of Ground-Water Resources in the Vicinity of Hurley, South Dakota, Open File Report 66-UR, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1997, Unpublished Observation Well Data for Turner County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

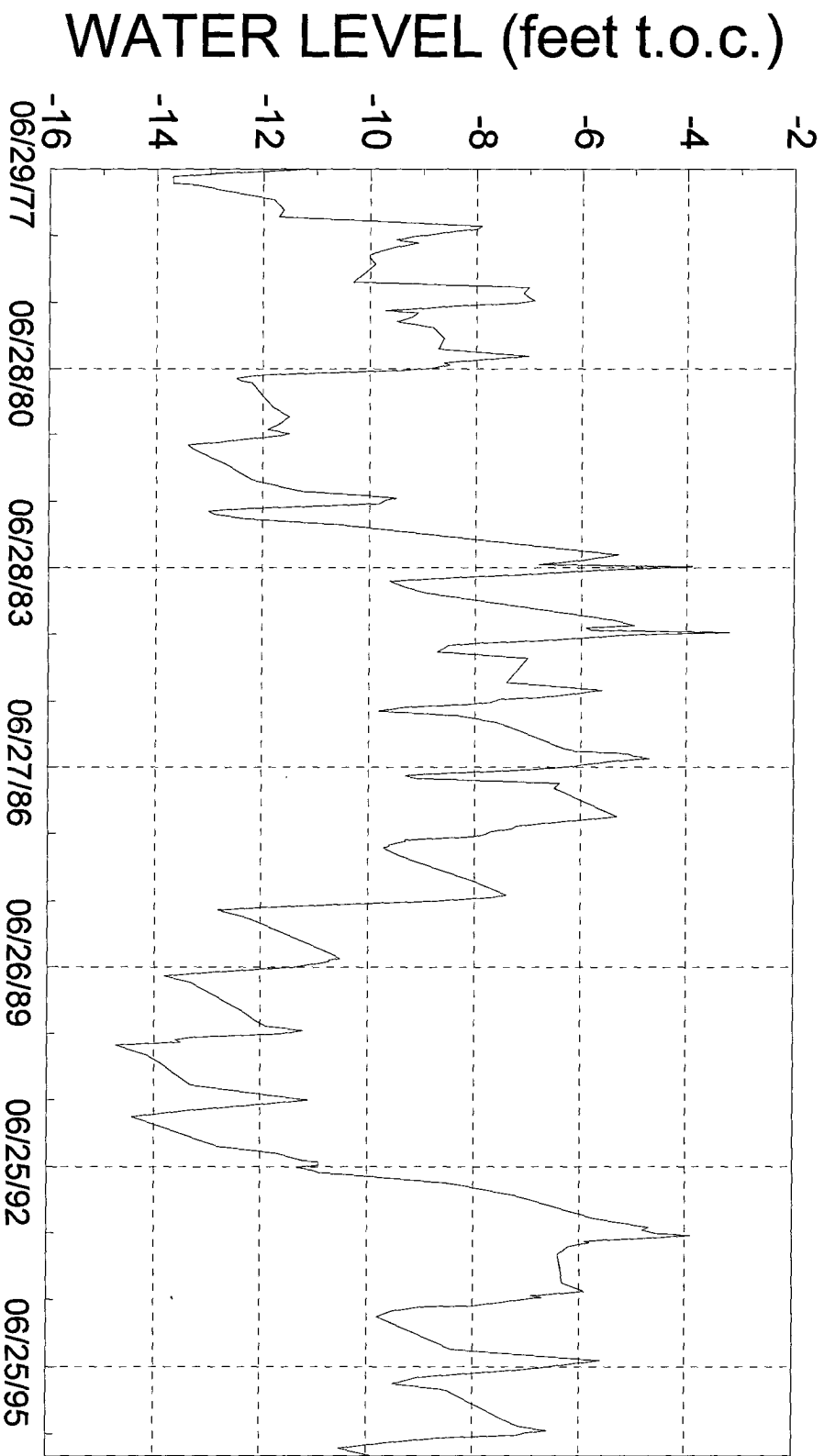
WATER RIGHTS OBSERVATION WELL

TU-56D



WATER RIGHTS OBSERVATION WELL

TU-77E



Affidavit of Publication



STATE OF SOUTH DAKOTA } ss.
COUNTY OF TURNER

I, Mary Lee of the City of Parker, County of Turner, State of South Dakota, being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon-Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the

undersigned, the affiant, is the Office Manager of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement

headed # 1527 - Notice of application to
appropriate Water - James Bondesen
printed copy of which hereunto attached, was printed and published in the

said newspaper for 2 successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 17 day of April, 1997;
On Thursday, the 24 day of April, 1997;
On Thursday, the _____ day of _____, 19____;
On Thursday, the _____ day of _____, 19____;
On Thursday, the _____ day of _____, 19____;
On Thursday, the _____ day of _____, 19____;
On Thursday, the _____ day of _____, 19____;

That \$ _____ being the full amount of the fees for publication of the attached notice insures solely for the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Mary Lee
Subscribed and sworn to before me this 28
day of April, 1997.

ANITA KOLLER



NOTARY PUBLIC
SOUTH DAKOTA



Notary Public, Turner County, South Dakota.

Notice of Application No. 5987-3 to Appropriate Water

Notice is given that James Bondesen, 28468 U.S. Hwy. 19, Hurley, S.D. 57036 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from one well (Parker Centerville Aquifer) 60 feet deep to irrigate 100 acres. Water Permit No. 5892-3 authorizes irrigation of the same acreage from one well (Upper Missouri Aquifer) 100 feet deep well. This application is necessary since the well was constructed into a different water formation than originally authorized by Water Permit No. 5892-3. The well is located in the SE 1/4 NE 1/4 Section 22 and the irrigated acreage is located in the NE 1/4 Section 22; all in T98N-R53W. This permit does not authorize any increase in the developed diversion rate or the number of acres being irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5987-3 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 application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, S.D. 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 May 5, 1997.

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

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

Public

Notar

#1527, April 17 and 24, 1997.

Total - - - - \$ _____

Received Payment,



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1997

5987-3

James Bondesen
28468 US Hwy. 19
Hurley, SD 57036

Dear Mr. Bondesen:

Enclosed is Water Permit and Water License No. 5987-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415263 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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. 5987-3, 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.

Very truly yours,

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

ks
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5987-3

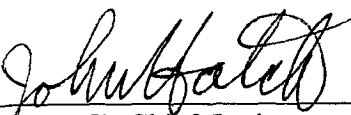
(1) James Bondesen, 28468 US Hwy 19, Hurley SD 57036 made Application No. 5987-3, March 24, 1997 for a water permit to divert 1.33 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes. Permit No. 5987-3, with a priority date of March 24, 1997 was approved May 5, 1997 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the applicant 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 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is 1,780 feet south and 930 feet west from the northeast corner of Section 22-T98N-R53W (SE 1/4 NE 1/4).

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

Section 22-T98N-R53W	NW 1/4 NE 1/4	15 acres
	NE 1/4 NE 1/4	29 acres
	SW 1/4 NE 1/4	18 acres
	SE 1/4 NE 1/4	38 acres
Total		100 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 James Bondesen, 28468 US Hwy 19, Hurley SD 57036 the holder and/or owner of Water Permit No. 5987-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from groundwater (one well) with a priority date of March 24, 1997 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5987-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 11 1997

date



5987-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: JAMES D BONDESEN, 28468 US HWY 19, HURLEY, SD 57036 6003

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 181-3, 3248-3 & 4265-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4647-3, 5987-3, 6383-3 & 7096-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 4647-3, 5987-3, 6383-3 & 7096-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 181-3, 3248-3 & 4265-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: <https://danr.sd.gov/iq> using this password: XNJXJD**

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.

5987-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2022

James D Bondesen
28468 US Hwy 19
Hurley SD 57036 6003

RE: Water Permit/Right Nos. 181-3, 3248-3, 4265-3, 4647-3, 5987-3, 6383-3 & 7096-3

Dear Mr. Bondesen:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit/Right Nos. 181-3, 3248-3, 4265-3, 4647-3, 5987-3, 6383-3 & 7096-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

5987-3

Dewell, Amanda

From: Dewell, Amanda
Sent: Friday, January 10, 2025 4:16 PM
To: kbondesen@msn.com
Subject: Water Rights_Ownership Transfer

Mr. Bondesen,

On the 2024 Irrigation Questionnaire you submitted for Water Right No. 5987-3, you indicated that the property had been sold to James Jager.

With this email I am hoping to obtain contact information for Mr. Jager in the form of a mailing address or phone number. Any information you could provide would be greatly appreciated.

Thank you,

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



PAID

DEC 15 2025

Ck# 2008

Rec't# RECEIVED

DEC 16 2025

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5987-3

Date: 12/11/2025

I/We request that Water Right/Permit No. 5987-3 formerly owned by:
James Bondesen

be transferred to:

New Owner Name:

L/SD Holdings LLC

Address:

Po Box 26

mobile:

City, State, Zip

Hurley, SD 57036

email:

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

100 acres located in Section 22, T98N, R53W

NW1/4 NE1/4 - 15 acres

NE1/4 NE1/4 - 29 acres

SW1/4 NE1/4 - 18 acres

SE1/4 NE1/4 - 38 acres

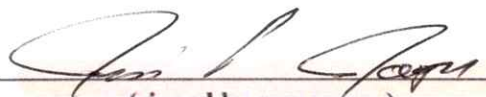


I understand that the validity of Water Right/Permit No. 5987-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

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


(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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 AGRICULTURE
and NATURAL RESOURCES**

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

December 22nd, 2025

5987-3

HSD Holdings LLC
PO Box 26
Hurley, SD 57036

Dear Mr. Jager:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the required fees you submitted for Water Right No. 5987-3. Enclosed is a receipt of payment for your records.

Water Right No. 5987-3 previously held by James Bondesen is now listed under HSD Holdings LLC. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the License (copy enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the License will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Right No. 5987-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date December 15, 2025

RECEIVED OF HSD Holding LLC PO Box 26 Hurley SD 57036

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 #5987-3	\$50.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$50.00

By  Chief Engineer