

WATER PERMIT NO. 5988-3

Name of Applicant: SD Parks & Wildlife Foundation

Address: 523 E Capitol, Pierre SD

Phone: 773-4503

Amount of Water Claimed: 3.1² cfs (1400 gpm)

Total Acres: 265

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System: NA

Location: approximately one mile west of McCook Lake

PRIORITY

Date Received: 3-26-97

Fee: NA

Corrected Application Received:

Period of Annual Use: April 1 - September 30

Remarks: Irrigation of the same land is authorized by Water Right No. 3807-3

Diversion Point: NE 1/4 SE 1/4

Sec 17-T89N-R48W

Land to be Irrigated: SW 1/4 NW 1/4, W 1/2
SW 1/4 Sec 16; E 1/2 NW 1/4, SW 1/4 NW 1/4,
N 1/2 SW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4,
SE 1/4 Sec 17; all in T89N-R48W

Depth of Well: 100 feet

Well Driller:

Remarks: well not constructed

Type of Map: aerial

Prepared by: Larry D Wilcox

Reviewed and the Number Assigned on: 3-26-97

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

	17		16		15
	20		21		22

SOUTH DAKOTA
WATER PERMIT NO. 5988-3

Date of first receipt of application March 26, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5988-3 to South Dakota Parks and Wildlife Foundation, 523 E Capitol, Pierre SD 57501 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. 5988-3 appropriates 3.12 cubic feet of water per second from one well (Missouri Elk Point Aquifer) approximately 100 feet deep located in the NE 1/4 SE 1/4 Section 17 to irrigate 265 acres located in the SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 16; E 1/2 NW 1/4, SW 1/4 NW 1/4, N 1/2 SW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4, SE 1/4 Section 17; all in T89N-R48W. Water Right No. 3807-3 authorizes irrigation of the same acreage from the Missouri River.
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 March 26, 1997.
4. The date of approval of Permit No. 5988-3 is May 12, 1997.
5. One-fifth of the construction is to be completed on or before November 12, 1999.
6. All construction is to be completed on or before May 12, 2002.
7. Water is to be put to beneficial use on or before May 12, 2006.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved 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. The well authorized by Permit No. 5988-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The diversion rate from Water Right No. 3807-3 and this Permit, combined, shall not exceed the statutory limit of 1.0 cfs per 70 acres and 2 acre feet per acre annually.

(continued)

4. 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



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>5988-3</u> Hydrologic Unit <u>10170101</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>EIK Point Leader Courier, EIK Point, SD</u>

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.)

1. Name of Applicant Parks & Wildlife Foundation ☐ Owner ☐ Tenant/Lessee Phone 605-773-4503
(check one)
- Mailing Address 523 E. Capitol Pierre State SD 57501
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 3.12 *CFS or 1400 **GPM ***AF Total Acreage 265
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Ground water
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE 1/4 of SE 1/4 of Sec 17, 89-48
One well in Sec 17, T89N, R48W County Union

5. County or counties where water will be used Union County

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

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

SEE ATTACHMENT FROM WATER RIGHT 3807-3 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
see attached water right 3807-3		SE 1/4 17-89-48	160
SW 1/4 17-89-48	160		
NE 1/4 17-89-48	160		
SW 1/4 17-89-48	160		

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

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 Higdon ss

I, SUSAN EDWARDS, 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 [Signature]

Subscribed and sworn to before me this 25th day of July 1997

[Signature]
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22 " Depth 100 '
- b) Casing Type PVC Diameter 16 " Thickness Sch 40
- c) Screen Type PVC Diameter 16 " Thickness Sch 40
- d) Gravel Pack Thickness 3 " Length of Gravel Pack 40 '
- e) Depth to Top of Water Bearing Material 3 '
- f) Depth to Water (ground surface to water level) 20 '
- g) Distance to nearest existing domestic well:
- On applicants property 4000 ' On property owned by others 6000 '



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 _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

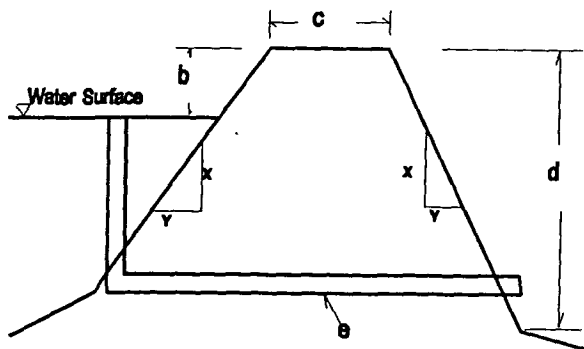
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

5988-3

Location W 1/2 1/4 W 1/2 1/4 Sec 16 Twp 89 Rg 48
County Unkon

Please mark well location with an "X"

W

E

1 Mile

Well Completion Date 6-7-97

Well Owner: SD Parks & Wildlife
Business Name: _____
Address: Pierre, SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Sand</u>	<u>2</u>	<u>42</u>
<u>Clay</u>	<u>42</u>	<u>49</u>
<u>Sand & Gravel</u>	<u>49</u>	<u>115</u>

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) > 3000 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>2 1/2</u> LB/FT	<u>16</u> IN	<u>55</u> FT	<u>0</u> FT	<u>22</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>bent</u>	<u>25</u>	_____ lb./gal	<u>55</u> ft	<u>20</u> ft
<u>cmt</u>	<u>30</u>	<u>15.5</u> lb./gal	<u>20</u> ft	<u>0</u> ft

Describe grouting procedure Tremie

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 16 IN Length 60 FEET

Material PVC

Slot Size 50 Set From 115 Feet to 55 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

X YES, How: ce

_____ NO, Why Not? _____

laboratory sent to for water quality analysis _____

STATIC WATER LEVEL 16 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

- ☒ Pumped Describe: _____
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

44 ft. After 24 Hrs. pumped 1400 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 1400 GPM

REMARKS

This well was drilled under license # 341

And this report is true and accurate.

Drilling firm Watmore Drilling

Signature of License Representative _____

Signature of Well Owner or Equitable Property Holder: _____



966-5697

Map #1

NOT

1996

UNION COUNTY FSA OFFICE

Post Office Box 460

ELK POINT, SOUTH DAKOTA 57025-0460



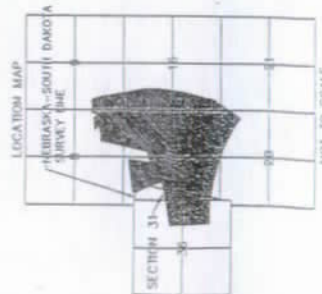


Project
Location

E 3 0001 00078
Adams, Edna
T 89 N, R 48 W, Sec 17
Union County, SD

Duplicate of

ADAMS TRACTS 4, 5, 6, 8, 9, 10 AND 11
IN SECTIONS 8, 9, 16, 17, 20 AND 21,
T89N, R48W OF THE 5TH P.M.,
AND IN SECTIONS 31 AND 36,
T30N, R8E OF THE 6TH P.M.,
ALL IN UNION COUNTY, SOUTH DAKOTA



UNITED STATES
DEPARTMENT OF
AGRICULTURE

Farm
Service
Agency

1101 E Main St.
POB 460
Elk Point SD 57025

January 11, 1996

S.D. Game Fish & Parks
Attn: Susan Edwards
Foss Building - 523 E Capitol
Pierre SD 57501



Dear Susan:

RE: Mary Adams Property - Union County SD

At the request of a local producer, this office has compiled the attached maps showing the farmable acreages of the Mary Adams property located in Sec. 17-89-48 of Union County, SD.

Attached are the following:

Map #1 - Yellow shaded area represents all the irrigated acreage.
This totals 234.5 acres.

Map #2 - This parcel totals 81.1 acres with the blue area having
45.0 acres and the yellow area having 36.1 acres.

Map #3 - This parcel totals 120.7 acres with the blue area having
60.7 acres and the yellow area having 60.0 acres.

Map #4 - The yellow shaded parcel totals 45.1 acres. The blue shaded
parcel totals 38.6 acres.

If you have any questions, please feel free to contact me at 605/356/
3315.

Yours truly,
Larry D. Wilcox
Larry D. Wilcox
CED
Union County FSA



REPORT ON WATER PERMIT APPLICATION NO. 5988-3
for South Dakota Parks and Wildlife Foundation
April 9, 1997

Application No. 5988-3 proposes to appropriate 3.12 cfs (1400 gpm) from one well approximately 100 feet deep located in the NE 1/4 SE 1/4 of Section 17 to irrigate 265 acres located in the SW 1/4 NW 1/4, W 1/2 SW 1/4 of Section 16; E 1/2 NW 1/4, SW 1/4 NW 1/4, N 1/2 SW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4, SE 1/4 of Section 17; all in T89N-R48W in Union County. Water Right No. 3807-3 authorizes irrigation of the same acreage from the Missouri River.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point aquifer is an alluvium mantled outwash (sand and gravel) which is unconfined or under water table conditions in this area. The aquifer underlies 180 square miles and contains an estimated 1.5 million acre feet of recoverable water in storage in Union County (Niehus, 1994). Ground water movement is from northwest to southeast for the entire aquifer with discharge into the Missouri and Big Sioux rivers. The aquifer is hydraulically connected to the Big Sioux and Missouri rivers, the Big Sioux South aquifer to the north and the Upper Vermillion Missouri aquifer to the northwest. This application is located within one half mile of the Missouri River and the stage of the river probably dominates the ground water level. No test hole log was filed with the application, however, the information in the Union County Study (Niehus, 1994) and from existing well logs in the area is sufficient to evaluate this application.

The Water Rights Program does monitor 27 observation completed into the Missouri Elk Point in Union County. One of these wells UN-78C is located about two miles east of this application. Water levels for this well 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).

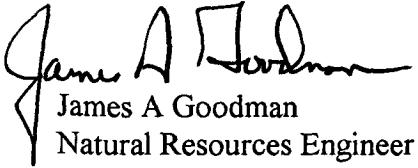
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are numerous existing water permits/rights from the Missouri Elk Point aquifer in this area, however, there are no existing permits within one mile of this application. Interference is not a concern. The Missouri River is less than one half mile from this application and drawdown created by pumping should not be significant.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is unconfined and under water table conditions. The Missouri River is hydraulically connected to the aquifer and within one half mile of this application. Drawdown is not expected to be significant and interference will not be a concern.

3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. This application will cover the same lands as Water Right No. 3807-3 which obtains water from the Missouri River. The combination of diversions from the existing water right and this application cannot exceed the statutory limit of two acre feet per acre.


James A Goodman
Natural Resources Engineer

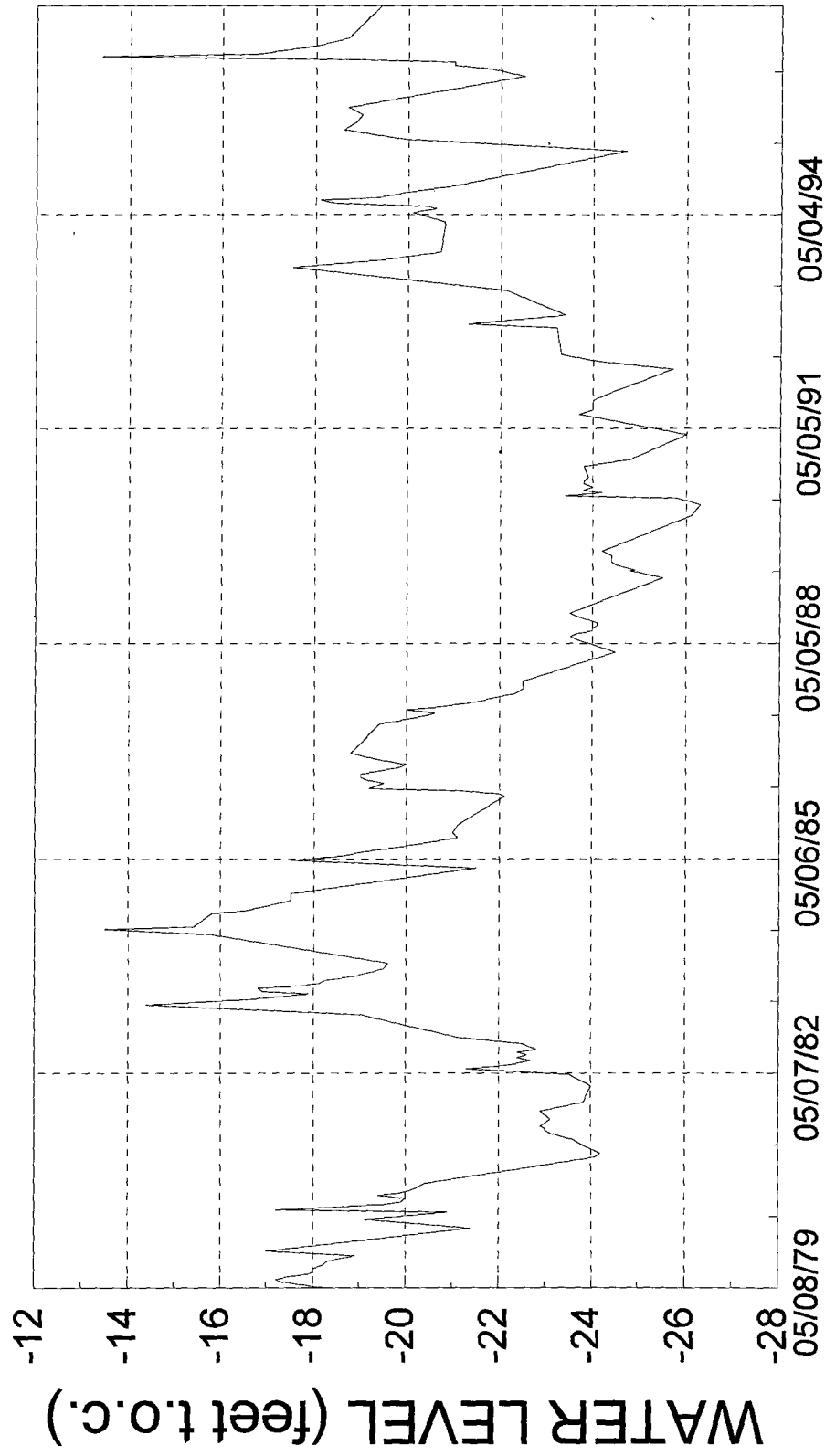
BIBLIOGRAPHY

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, Water Resources Investigations Report 93-4195, USGS, Rapid City, SD, 57702.

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

WATER RIGHTS OBSERVATION WELL

UN-78C



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5988-3, South Dakota Parks and Wildlife Foundation**

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. 5988-3, South Dakota Parks and Wildlife Foundation, %Susan Edwards, 523 E. Capitol Ave., Pierre, SD 57501

The Chief Engineer is recommending APPROVAL of Application No. 5988-3 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. The well authorized by Permit No. 5988-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The diversion rate from Water Right No. 3807-3 and this Permit, combined, shall not exceed the statutory limit of 1.0 cfs per 70 acres and 2 acre feet per acre annually.
4. 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 14, 1997



**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 15, 1997

South Dakota Parks & Wildlife Foundation
%Susan Edwards
523 East Capitol
Pierre, SD 57501

Dear Ms. Edwards:

Water Permit Application No. 5988-3 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 Elk Point Leader Courier printed at Elk Point, SD (Ph # (605) 356-0310). 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 15, 1997

Elk Point Leader Courier
Box 310
Elk Point, SD 57025-0310

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5988-3 to be published twice. Please publish the first notice on April 24, 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 South Dakota Parks & Wildlife Foundation, %Susan Edwards, 523 East Capitol, Pierre, SD 57501 (Ph # (605) 773-4503).

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. 5988-3

Date _____

We are in receipt of your letter of 4/15/97 enclosing Notice of Hearing to Appropriate Water by Application No. 5988-3 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 24, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5988-3 to Appropriate Water

Notice is given that the SD Parks & Wildlife Foundation, 523 E Capitol, Pierre SD 57501 has filed an application for a water permit to appropriate 3.12 cubic feet of water per second from one well (Missouri Elk Point Aquifer) approximately 100 feet deep located in the NE 1/4 SE 1/4 Section 17 to irrigate 265 acres located in the SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 16; E 1/2 NW 1/4, SW 1/4 NW 1/4, N 1/2 SW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4, SE 1/4 Section 17; all in T89N-R48W. Water Right No. 3807-3 authorizes irrigation of the same acreage from the Missouri River.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5988-3 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 12, 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.

AFFIDAVIT OF PUBLICATION

State of South Dakota)

:ss

County of Union)

Kelly Kruithoff

an employee of the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and that has been such legal newspaper during the time herein-after mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 5988-3

to Appropriate Water

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper as

The first publication being made on Thursday, the 24 day of April 19 97, and that the succeeding publications were

on Thursday, the 1 day of May, 19 97

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 the fees for the printing and publishing of said notice and advertisement in said newspaper

as aforesaid were \$ 36.47, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Kelly Kruithoff

Subscribed and sworn to before me this 1 day of May 19 97

My commission expires 3-22-04

[Signature]

Notary Public

NOTICE OF APPLICATION NO. 5988-3 to Appropriate Water

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NETTIE H. MYERS, Secretary
Department of Environment
and Natural Resources

Publish April 24 and May 1, 1997
41-4-66 34.47

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Union) SS

I, Kelly Kruithoff

certify that the attached printed Notice was taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

4-24-97

5-1-97

Cost of Printing 36.47

Kelly Kruithoff
(Signature)

Editor
(Title)

5-1-97

(Date Signed)

NOTICE OF APPLICATION NO. 5988-3

to Appropriate Water

Notice is given that the SD Parks & Wildlife Foundation, 523 E. Capitol, Pierre, SD 57501 has filed an application for a water permit to appropriate 3.12 cubic feet of water per second from one well (Missouri Elk Point Aquifer) approximately 100 feet deep located in the NE1/4SE1/4 Section 17 to irrigate 265 acres located in the SW1/4NW1/4, W1/2SW1/4 Section 16; E1/2NW1/4, SW1/4NW1/4, N1/2SW1/4, W1/2NE1/4, SE1/4NE1/4, SE1/4 Section 17; all in T89N-R48W. Water Right No. 3807-3 authorizes irrigation of the same acreage from the Missouri River.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5988-3 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 12, 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

Publish April 24 and May 1, 1997
41-4-66



JUN 11 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

South Dakota Parks and Wildlife Foundation
%Susan Edwards
523 E. Capitol
Pierre, SD 57501

Dear Ms. Edwards:

Enclosed is Water Permit No. 5988-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

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.



5988-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: SD PARKS & WILDLIFE FOUNDATION, TIM BJORK, 523 E CAPITOL, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 5988-3, 3807-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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) 3807-3 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) 5988-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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) 5988-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3807-3 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 on/or before **February 28, 2003**, 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 (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 57501-3182
www.state.sd.us/denr

January 29, 2003

3807-3
5988-3

Tim Bjork
SD Parks & Wildlife Foundation
523 E Capitol
Pierre SD 57501

Dear Tim:

The 2002 irrigation questionnaires for Water Right No. 3807-3 and Water Permit No. 5988-3 have been received. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Nos. 3807-3 and 5988-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

Permit No. 5988-3
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, 2002**, made a thorough examination of the water use system constructed by **Parks and Wildlife Foundation** of **523 E Capitol, Pierre SD 57501** holder of Permit No. **5988-3**, bearing the priority of **March 26, 1997** authorizing the diversion of **3.12** cu. ft. per of the waters of **ground water (Missouri Elk Point aquifer)** for **irrigation** purposes, in **Union** County.

Inspection contact & relationship to permit holder, if applicable: **Dennis Chicoine, operator**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Wetmore Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **115** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **16** inches
- 2) Length **55** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Manufactured PVC**
- 2) Length **60** feet
- 3) Static water level **16** feet

Pump:

- 1) Make **Amarillo**
- 2) Model **S100A 209196**
- 3) Size **Hp rating 100**

Motor:

- 1) Make **Diesel - 6 cyl**
- 2) Model No. **641054**

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

- 1) Type **PVC**
- 2) Size **8** inches
- 3) Length **≈ 2,340** feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make **Zimmatic (towable)**
- 2) Number of towers **7**
- 3) End gun **Y**
- 4) Capacity **1,100** GPM

Chemigation Equipment:

- 1) Does chemigate **N**

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **Y**
- 3) Exceptions to compliance are: **none**

Report of Examination of Works

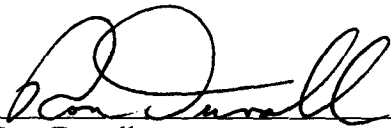
Permit No. 5988-3

The system is in good condition with the point of diversion located as follows: well: 1,670 feet N and 740 feet W from the SE corner section 17-T89N-R48W (NE $\frac{1}{4}$ SE $\frac{1}{4}$) Latitude 42.52211, Longitude -96.52936. The works are capable of diverting and conveying to the place of use 2.44 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: all in T89N-R48W

SW $\frac{1}{4}$ NW $\frac{1}{4}$	sec 16	1 ac	NW $\frac{1}{4}$ SE $\frac{1}{4}$	sec 17	39 ac
NW $\frac{1}{4}$ SW $\frac{1}{4}$	sec 16	17 ac	SW $\frac{1}{4}$ SE $\frac{1}{4}$	sec 17	11 ac
SW $\frac{1}{4}$ SW $\frac{1}{4}$	sec 16	8 ac	SE $\frac{1}{4}$ SE $\frac{1}{4}$	sec 17	29 ac
NW $\frac{1}{4}$ NE $\frac{1}{4}$	sec 17	1 ac	NE $\frac{1}{4}$ NW $\frac{1}{4}$	sec 17	2 ac
SW $\frac{1}{4}$ NE $\frac{1}{4}$	sec 17	34 ac	SW $\frac{1}{4}$ NW $\frac{1}{4}$	sec 17	2 ac
SE $\frac{1}{4}$ NE $\frac{1}{4}$	sec 17	11 ac	SE $\frac{1}{4}$ NW $\frac{1}{4}$	sec 17	37 ac
NE $\frac{1}{4}$ SE $\frac{1}{4}$	sec 17	40 ac	NE $\frac{1}{4}$ SW $\frac{1}{4}$	sec 17	32 ac
			NWSW $\frac{1}{4}$	sec 17	1 ac

comprising a total of 265 acres of land and the license should be issued for 2.44 cfs.

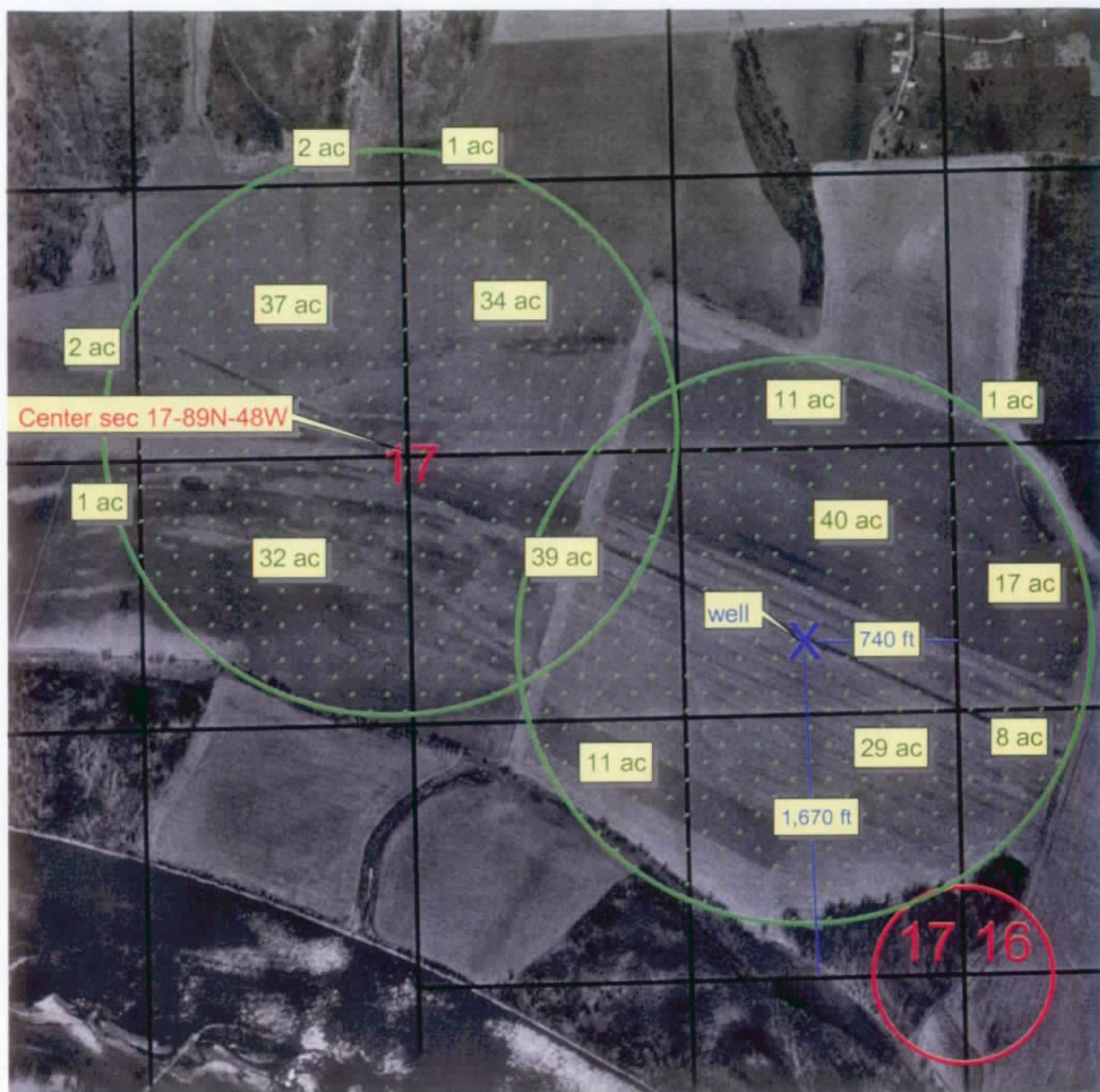
All structures, wells and lands on map Y | Comments or other permit(s) associated with the project: 3807-3



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: February 3, 2003

1000 0 1000 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall

Ron Duvall, Nat. Res. Engineer
February 3, 2003

No. 5988-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 13 2003

5988-3

South Dakota Parks & Wildlife Foundation
523 E Capitol
Pierre SD 57501

Dear Sir:

Enclosed is Water License No. 5988-3. This is the final water right document completing your process of obtaining a Water Right.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5988-3

(1) South Dakota Parks and Wildlife Foundation, 523 E Capitol, Pierre SD 57501 made Application No. 5988-3, March 26, 1997 for a water permit to divert 3.12 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 5988-3, with a priority date of March 26, 1997 was approved May 12, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 12, 2002 and for the application to beneficial use of water on or before May 12, 2006.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 5988-3 is issued a license, bearing a priority date of March 26, 1997 to appropriate 2.44 cubic feet of water per second from groundwater (one well) to irrigate 265 acres.

The diversion point is located: 1,670 feet north and 740 feet west from the southeast corner Section 17-T89N-R48W (NE ¼ SE ¼). The acres authorized for irrigation are as follows:

All in T89N-R48W					
Sec 16	SW ¼ NW ¼	1 acre	Sec 17	NW ¼ SE ¼	39 acres
				SW ¼ SE ¼	11 acres
	NW ¼ SW ¼	17 acres		SE ¼ SE ¼	29 acres
	SW ¼ SW ¼	8 acres			
Sec 17				NE ¼ NW ¼	2 acres
	NW ¼ NE ¼	1 acre		SW ¼ NW ¼	2 acres
	SW ¼ NE ¼	34 acres		SE ¼ NW ¼	37 acres
	SE ¼ NE ¼	11 acres			
				NE ¼ SW ¼	32 acres
	NE ¼ SE ¼	40 acres		NW ¼ SW ¼	1 acre
Total 265 acres					

Water Right No. 3807-3 authorizes irrigation of the same acreage from the Missouri River.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5988-3 including the following now applicable qualifications:

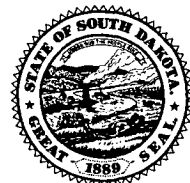
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 5988-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- The diversion rate from Water Right No. 3807-3 and this Permit, combined shall not exceed the statutory limit of 1.0 cfs per 70 acres and 2 acre feet per acre annually.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

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

MAR 13 2003

date



5988-3

2003 Water Management Board Irrigation Questionnaire

Please fill out and return before December 1, 2003

No. 5988-3
TIM BJORK
SD PARKS & WILDLIFE FOUNDATION
523 E CAPITOL
PIERRE SD 57501

Any address corrections?

Forwarded by Dennis Chicoine

Telephone No. 605 966 5595

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352 or send your form(s) electronically over the internet at <http://www.state.sd.us/eforms/secure/eforms/E0455V2-IQ.pdf>

1. Is the system constructed? *yes X no

*Type of system used (check all that apply):

center pivots X towlines big gun
flood sprinklers other

2. Did you irrigate in 2003? *yes X **no

*If yes, number of acres irrigated 225

**If no, list reason(s) in comment box and answer No. 3:

3. Is the land enrolled in CRP? *yes no X

*If yes, through what year?

4. Did you apply chemicals or fertilizer through the system in 2003? yes no X

5. If permitted for more than one water source, circle each source used. A. GROUNDWATER

B.

C.

Comment Box

We are adding a second pivot to the west of the current pivot on this farm which will irr. another 65A from the same well as this pivot



BB	BA	AB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD

1 square mile

Office use only

RECEIVED

FEB - 6 2004

WATER RIGHTS PROGRAM

Acreage permitted for irrigation under No. 5988-3

(see above section map for help reading legal descriptions)

sec 16-T089N-R48W, BC -- 1.00 acres
sec 16-T089N-R48W, CB -- 17.00 acres
sec 16-T089N-R48W, CC -- 8.00 acres
sec 17-T089N-R48W, BA -- 2.00 acres
sec 17-T089N-R48W, BD -- 37.00 acres
sec 17-T089N-R48W, BC -- 2.00 acres
sec 17-T089N-R48W, CB -- 1.00 acres
sec 17-T089N-R48W, CA -- 32.00 acres
sec 17-T089N-R48W, AB -- 1.00 acres
sec 17-T089N-R48W, AC -- 34.00 acres
sec 17-T089N-R48W, AD -- 11.00 acres
sec 17-T089N-R48W, DB -- 39.00 acres
sec 17-T089N-R48W, DC -- 11.00 acres
sec 17-T089N-R48W, DD -- 29.00 acres

Please provide your 2003 water use to irrigate the above acreage on the REVERSE side of this form.

For a sample completed questionnaire, please refer to the reverse side of your cover letter.

265 acres under license



February 19, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5988-3

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

Dear Mr. Chicoine:

I am writing in regard to Water Right No. 5988-3, held by the SD Parks and Wildlife Foundation. On the 2003 irrigation questionnaire you indicated you were adding a second pivot to the west of the current pivot which would irrigate another 65 acres.

Our records indicate the current set up of the irrigation system is one well and a towable pivot which irrigates 265 acres. Enclosed are a copy of the water license, inspection report and the map of the area.

My understanding from visiting with Tim Bjork, the Director of the Foundation, was that another pivot was added to eliminate the need for towing one pivot back and forth. If this is the case and no additional land will be irrigated or any additional water diverted over the perimeters of the water right, a new permit will not be necessary.

Please review the enclosed materials and get in touch with me so we can determine if changes need to be made to the water right. Thank you in advance for your help.

Sincerely,

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

enclosures

5988-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 22 2009

5988-3
6680-3

Wayne Winter
SD Parks & Wildlife Foundation
523 E Capitol
Pierre SD 57501

Dear Mr. Winter:

Enclosed is Water License No. 6680-3 for the South Dakota Parks and Wildlife Foundation. Included with the license is a map of the area prepared by the staff engineer who conducted the field investigation. Water License No. 6680-3 is the final document which completes the process of obtaining a water right.

Upon licensing, the applicable portions of Water Right No. 5988-3 were incorporated into Water License No. 6680-3. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures