

WATER PERMIT NO. 6006-3

Name of Applicant: Lyle Wagner

Address: 1019 Ridgecrest, Vermillion SD 57069

Phone: 605 624-2470

Amount of Water Claimed: 1.00 cfs

Total Acres: 70

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System: NA

Location: 3 miles north of Elk Point

PRIORITY

Date Received: 5-14-97

Fee: \$225

Corrected Application Received: 6-2-97

Period of Annual Use: May 1 - October 1

Remarks:

Diversion Point: S 1/2 SW 1/4 Sec 31-

T92N-R49W

Land to be Irrigated: E 1/2 S 1/2 Lot 2, W 1/2

S 1/2 Lot 2, Sec 31-T92N-R49W

Depth of Well: 100 feet

Well Driller:

Remarks:

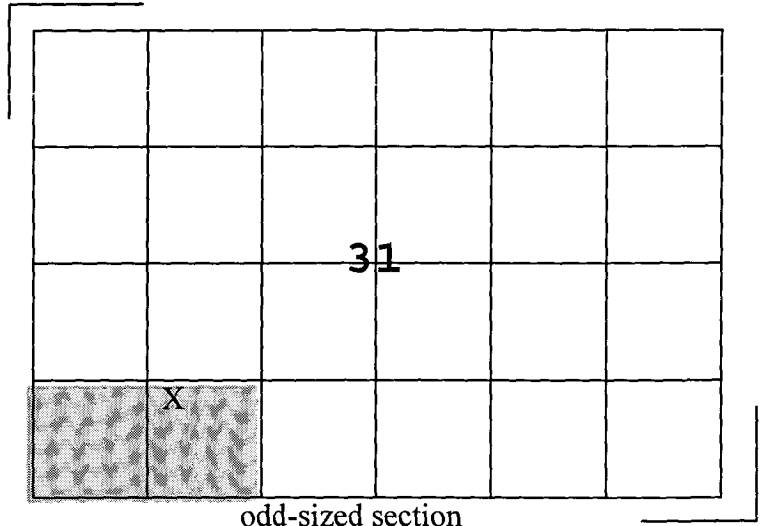
Type of Map: aerial

Prepared by: Robert Kfer, FSA

Reviewed and the Number Assigned on: 6-2-97

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6006-3**

Date of first receipt of application May 14, 1997.

Date of return to applicant for corrections, amendments or changes May 19, 1997.

Date of receipt of corrected application June 2, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6006-3 to Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069 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. 6006-3 appropriates 1.00 cubic feet of water per second from one well (Missouri:Elk Point Aquifer) 100 feet deep located in the S 1/2 SW 1/4 Section 31 to irrigate 70 acres located in the S 1/2 of Lot 2 (SW 1/4) Section 31; all in T92N-R49W
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 - October 1.
3. The date from which applicant may claim right is May 14, 1997.
4. The date of approval of Permit No. 6006-3 is July 28, 1997.
5. One-fifth of the construction is to be completed on or before January 28, 2000.
6. All construction is to be completed on or before July 28, 2002.
7. Water is to be put to beneficial use on or before July 28, 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. 6006-3 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) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. 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

AUG 14 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>6006-3</u> Hydrologic Unit <u>10170101</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Elk Point Leader Courier, Elk Point, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.

(Use predates Mar 2, 1955)

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

1. Name of Applicant Lyle Wagner Phone 605-624-2470
(check one) Owner Tenant/lessee
Mailing Address 1019 Ridgecrest Vermillion State SD 57069
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 1.00 *CFS or **GPM ***AF Total Acreage 70
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use 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) S1/2 SW1/4 - 31-92-49

County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used May 1 thru October 1

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)

SE 1/4	Land Description	Acres	Land Description	Acres
E1/2 S1/2	Lot 2 Section 31; T092N R49W	35		
W1/2 S1/2	Lot 2 Section 31; T092N R49W	35		
SW 1/4				

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

Will use 1 well to flood irrigate approximately 70 acres in the S1/2 SW1/4 Section 31; T092N R49W.

STATE OF SOUTH DAKOTA) SS
County of CLAY

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Lyle Wagner, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Lyle Wagner

Subscribed and sworn to before me this 6th day of May 1997

SANDRA BROWN
My Commission Expires June 16, 2002

Sandra Brown
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30" Depth 100 FT
- b) Casing Type PLASTIC Diameter 16 INCH Thickness 3/8
- c) Screen Type PLASTIC Diameter 16 INCH Thickness 3/8
- d) Gravel Pack Thickness 6-9 INCHES Length of Gravel Pack 20 FT
- e) Depth to Top of Water Bearing Material 20 FT
- f) Depth to Water (ground surface to water level) 10 FT
- g) Distance to nearest existing domestic well:
On applicants property NA On property owned by others 2600 FT

2. Wastewater Disposal System Information

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

3. Dugout Information

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

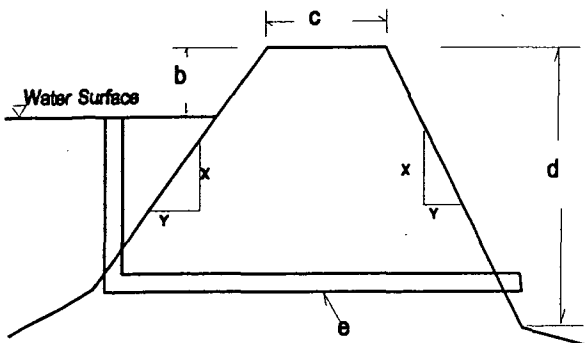
4. Water Storage Dams

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:

NA

- 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



T-1703
105L
NHEL
163.4

T-1638
Gated Pipe
Irrigated
NHEL
1135.0

T-553
Gated Pipe
IRRIGATED
NHEL
105L
168.4

T-1709
NHEL
NHEL
NHEL
NHEL
1149.0

T-1670
NHEL
118.5
105L
31
2 55.5
T-1662
NHEL
1153.8

T-1705
Irrigated
NHEL
2 46.0
Irrigated
1103.7
T-1707
Irrigated
NHEL
171.8

Robert K. Jue
4/14/97
1207 ft from
west fence line
Union Co.
FSA office



1207 ft from west fence line
ERR
92-49

RECEIPT

415355

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, May 15, 19 97

RECEIVED OF Lyle Wagner, 1019 Ridgcrest, Vermillion, SD 57069

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

Fee for Application for Permit No. <u>6006-3</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

Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 1997

Scott Wagner
1043 Valley View Drive
Vermillion, SD 57069

Dear Mr. Wagner:

As per your phone request on January 9, 1997, please find enclosed an application for irrigation for the acreage located in Section 31; T092N R49W in Union County. I have also enclosed an aerial photo for your use and a copy of form 2A for well information. Note that the aerial photo must show the location of the diversion point along with the irrigated acreage and must be signed by a Registered Professional Engineer, Registered Land Surveyor, or by any government employee who normally prepares maps as part of his assigned duties.

Please complete part 4 of the application. Review the application and sign the bottom in the presence of a Notary Public. Please return the application with an application fee of \$225.00 in the self-addressed envelope provided.

If you have any questions, feel free to contact me at 605-773-3352.

Sincerely,

Barry A. McLaury
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 19, 1997

Lyle Wagner
1019 Ridgecrest
Vermillion, SD 57069

Dear Mr. Wagner:

Thank you for submitting the *Application for a Permit to Appropriate water* for the irrigation of land in Union County.

Please clearly outline the area to be irrigated on the map that I am returning. Also, has a well log or driller's test log been performed by a SD licensed well driller? If so, a copy should be submitted with the application.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

THE DRILLER OF THE WELL IS
DECEASED. I REALLY DO NOT WANT
TO CONTACT HIS WIDOW. I ASSUME
THE GEOLOGICAL SURVEY IN VERMILION
WOULD BE KNOWLEDGEABLE OF THE
AREA.
Lyle Wagner

REPORT ON WATER PERMIT APPLICATION NO. 6006-3
for Lyle Wagner
June 18, 1997

Application No. 6006-3 proposes to appropriate 1.00 cfs (450 gpm) from one well approximately 100 feet deep located in the S 1/2 SW 1/4 of Section 31 to irrigate 70 acres located in the S 1/2 of SW 1/4 of Section 31, T92N-R49W in Union County.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) which is probably under confined conditions at this site. 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). The aquifer is hydraulically connected to the Big Sioux South aquifer to the north, the Upper Vermillion Missouri aquifer to the north and west, extends into Clay County to the west and directly overlies the Dakota Formation over much of the southern portion of Union County. Also the aquifer is hydraulically connected to the Big Sioux and Missouri Rivers. Ground water movement is basically from northwest to southeast with local movement toward the rivers. No well data was filed with the application, however, there is sufficient information available from the county study, Water Rights observation wells and other well logs for this area to evaluate water availability for this application.

The Water Rights Program monitors two observation wells UN-87G and UN-87H which are completed into the Missouri Elk Point aquifer and located within a two mile radius of this application. Water levels for these wells show good correlation with 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 two observation wells are included with this application.

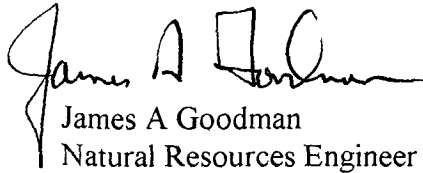
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing water rights with diversion points approximately one half mile radius from this proposed application. Interference is not expected to be a concern. Even though the aquifer is confined at this site drawdown created by pumping is not significant as shown by the observation well hydrographs.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is probably confined and under artesian conditions. Drawdown can be expected as a result of pumping. This is not expected to be adverse or cause adverse interference. This is shown by the observation well hydrographs.

3. No information was provided concerning the well for this application. The well if already drilled cannot be evaluated for well completion or if the well is yet to be completed then the well must be completed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

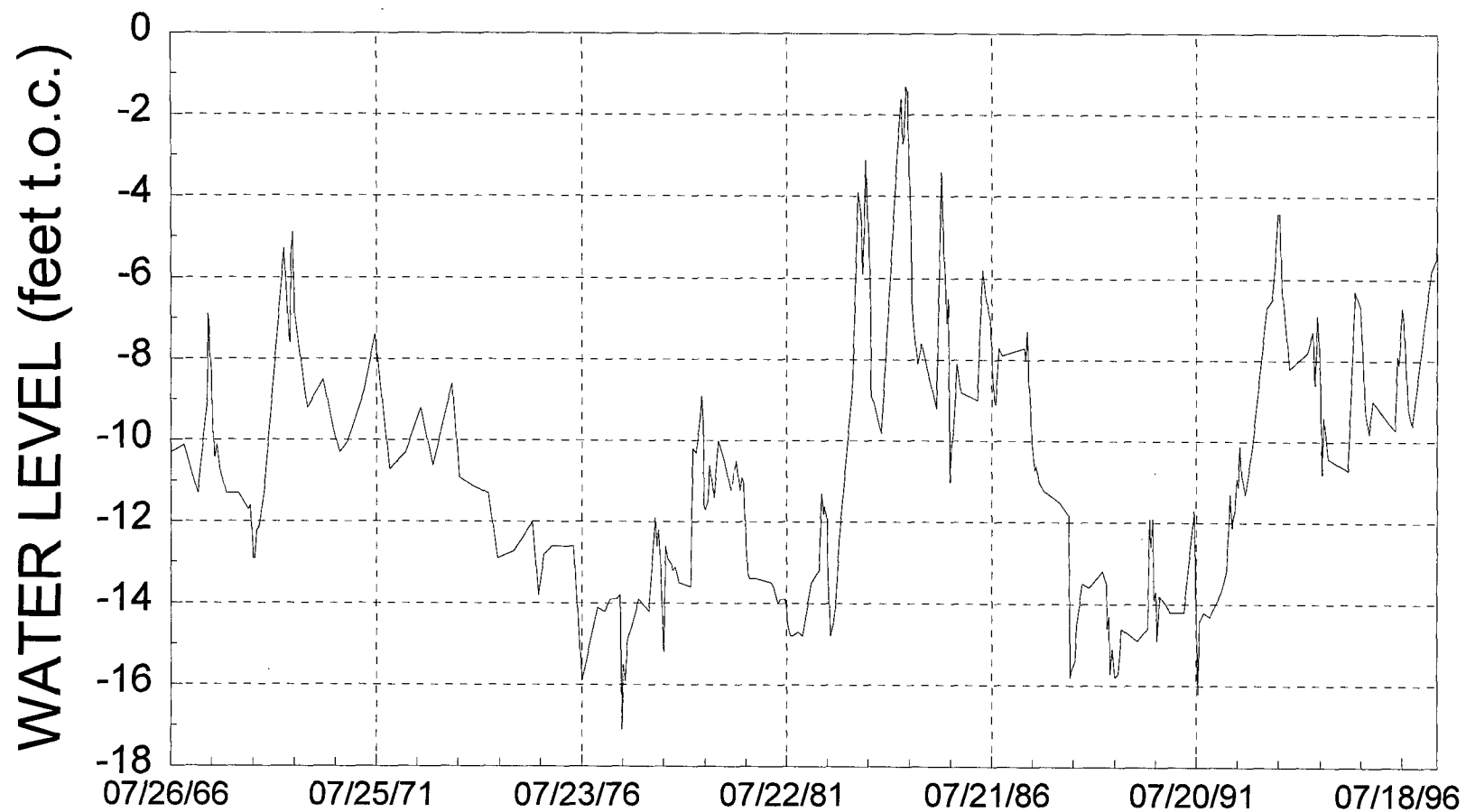
BIBLIOGRAPHY

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.

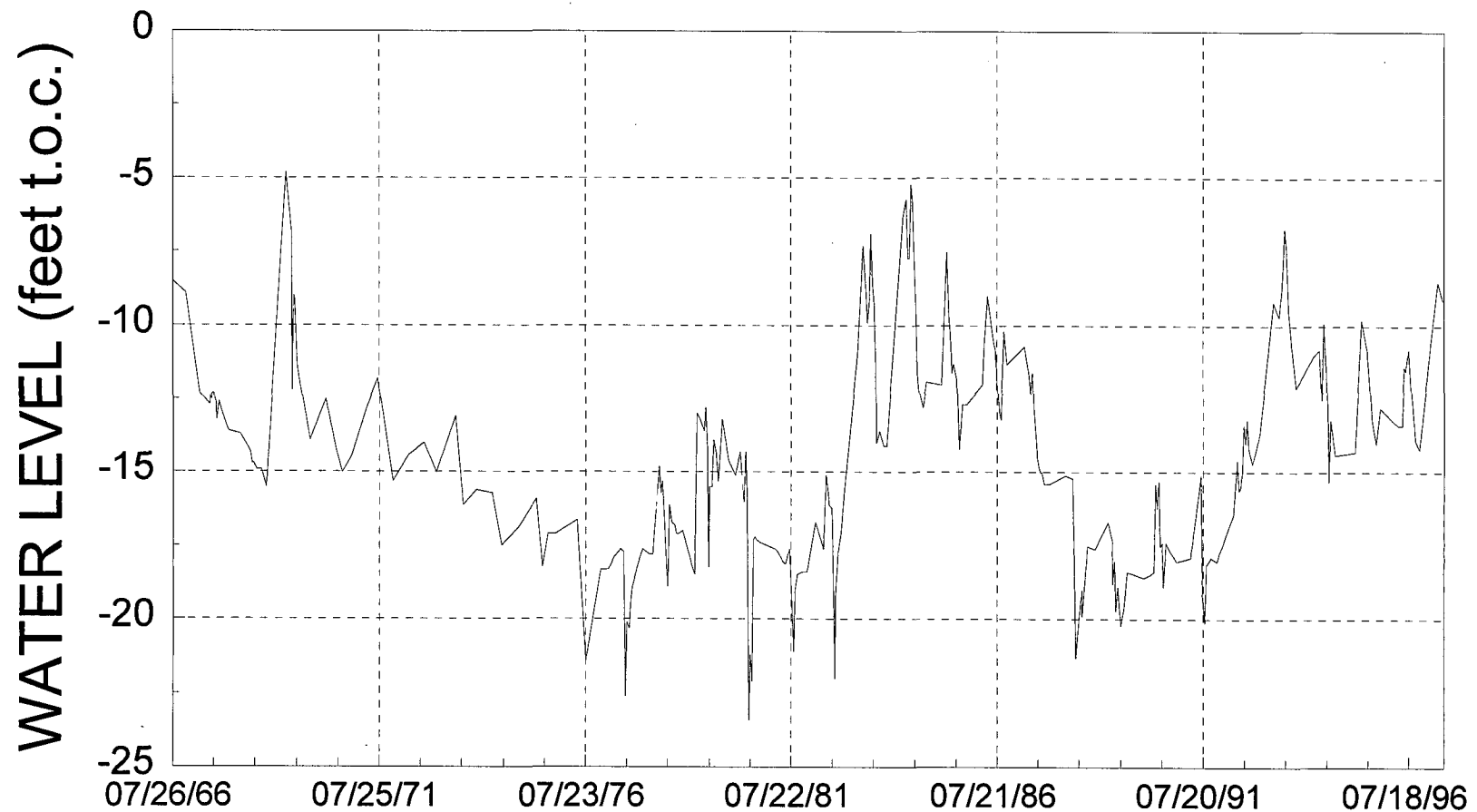
WATER RIGHTS OBSERVATION WELL

UN-87G



WATER RIGHTS OBSERVATION WELL

UN-87H



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6006-3, Lyle Wagner**

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. 6006-3, Lyle Wagner, 1019 Ridgecrest, Vermillion, SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 6006-3 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 wells authorized by Permit No. 6006-3 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) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
June 26, 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.

July 2, 1997

Lyle Wagner
1019 Ridgecrest
Vermillion, SD 57069

Dear Mr. Wagner:

Water Permit Application No. 6006-3 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) 356-2632). 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

July 2, 1997

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6006-3 to be published twice. Please publish the first notice on July 10, 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 Lyle Wagner, 1019 Ridgcrest, Vermillion, SD 57069 (Ph # (605) 624-2470).

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 July 10, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6006-3 to Appropriate Water

Notice is given that Lyle Wagner, 1019 Ridgecrest, Vermillion, SD 57069 has filed an application for a water permit to appropriate 1.00 cubic feet of water per second from one well (Missouri:Elk Point Aquifer) 100 feet deep located in the S 1/2 SW 1/4 Section 31 to irrigate 70 acres located in the S 1/2 of Lot 2 (SW 1/4) Section 31; all in T92N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6006-3 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 July 28, 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.

Form 8



126
**NOTICE OF APPLICATION
NO. 6006-3 to Appropriate
Water**

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Union) SS

I, Susan Olson

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:

July 10, 1997

July 17, 1997

Cost of Printing 33.15

Susan Olson
(Signature)

Owner
(Title)

7/31/97
(Date Signed)

Notice is given that Lyle Wagner, 1019 Ridgecrest, Vermillion, SD 57069 has filed an application for a water permit to appropriate 1.00 cubic feet of water per second from one well (Missouri: Elk Point Aquifer) 100 feet deep located in the S 1/2 SW 1/4 Section 31 to irrigate 70 acres located in the S 1/2 of Lot 2 (SW 1/4) Section 31; all in T92N-R49W.

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NETTIE H. MYERS,
Secretary, Department of Environment and Natural Resources.
Publish July 10 and 17, 1997.
52-6-60



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 14 1997

Lyle Wagner
1019 Ridgecrest
Vermillion, SD 57069

Dear Mr. Wagner:

Enclosed is Water Permit No. 6006-3 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.



NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Date 9-24-97

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

FROM: LYLE WAGNER 1019 RIDGECREST
(name) (address)

VERMILLION SD 57069 605-624-2470
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 6006-3.

Water Permit No. 6006-3 states that the diversion system is to be constructed by JULY 28, 2002, and that the water is put to beneficial use by
(date)

JULY 28, 2006
(date)

The diversion system was completed on JULY 12, 1997.
(date)

Applying the water to beneficial use was completed on NA DID NOT USE IN 97
(date)

You may schedule an inspection so that the Water License may be issued.

Lyle Wagner
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

September 3, 1999

Wayne Heckathorn
31792 473rd Avenue
Elk Point SD 57025

Dear Mr. Heckathorn:

I am writing regarding Water Permit No. 6006-3 for irrigation of 68.5 acres in the oversized quarter-quarter (Lot 2 – SW¹/₄ SW¹/₄) Section 31, T92N, R49W (see attached map). On August 10, 1999, I conducted an on-site visit accompanied by Chad Heckathorn for the purpose of licensing the water permit.

At the time of my visit, Chad was uncertain of the actual production capability of this well. I checked the past years irrigation questionnaire for this information. Since this land was not irrigated in 1998, the pump capability was not available. He indicated that you would know this information. Additionally, there was no well completion report ever filed for this well. If you have a copy in your records, I'd appreciate a duplicate copy.

Please complete the attached form and return in the self addressed stamped envelop.

Thank you,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 4, 1999

Wayne Heckathorn
31792 473rd Avenue
Elk Point SD 57025

Dear Mr. Heckathorn:

I am writing to follow-up on my September 3rd letter (copy enclosed) regarding the pump capability of the well authorized by Water Permit No. 6006-3. This water permit is in the name of Lyle Wagner for irrigation of 68.5 acres in the oversized quarter-quarter (Lot 2 – SW¼ SW¼) Section 31, T92N, R49W.

Again I ask that you complete the attached form and return in the self addressed stamped envelop.

Thank you,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 10, 2000

Wayne Heckathorn
31792 473rd Avenue
Elk Point SD 57025

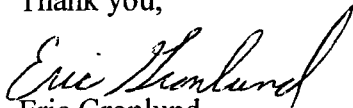
Dear Mr. Heckathorn:

I am writing once again to obtain the pump capability of the well authorized by Water Permit No. 6006-3. This permit is for irrigation of 68.5 acres in the oversized quarter-quarter (Lot 2 – SW¼ SW¼) Section 31, T92N, R49W (see attached map). The permit is held in the name of Lyle Wagner but I believe you farm this ground. On August 10, 1999, I conducted an on-site visit accompanied by Chad Heckathorn for the purpose of licensing the water permit.

At the time of my visit, Chad was uncertain of the actual production capability of this well. I checked the past years irrigation questionnaire for this information. Since this land was not irrigated in 1998, the pump capability was not available. He indicated that you would know this information. Additionally, there was no well completion report ever filed for this well. If you have a copy in your records, I'd appreciate a duplicate copy.

This information is necessary to the water permit can be licensed which is the final step under state law to finalize the water right. Please complete the attached form and return in the self addressed stamped envelope.

Thank you,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

Attn: Eric Gronlund, Water Rights Program, DENR

Water Permit No. 6006-3, Lyle Wagner

SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 2) Section 31, T92N, R49W



What is the diversion capacity of this well? 1200 gpm

Who drilled the well? WETMORE DRILLING



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

May 22, 2000

Wayne Heckathorn
31792 473rd Avenue
Elk Point, SD 57025

Dear Mr. Heckathorn:

I received your response to my request for information on the diversion capacity of the well authorized under Water Permit No. 6006-3. The permit appropriates a diversion capacity of 1.0 cubic feet of water per second (450 gpm) for irrigation of 70 acres located in the S $\frac{1}{2}$ Lot 2 (SW $\frac{1}{4}$) Section 31, T92N, R49W. This permit is held in the name of Lyle Wagner but it is my understanding that you farm this property.

When the application was filed the quantity of water requested coincided with the statutory limit of 1.0 cfs (450 gpm) for each 70 acres to be irrigated. The developed diversion rate capacity you listed of 1200 gpm equates to 2.67 cfs per 70 acres of irrigation. This quantity far exceeds the amount originally requested and the diversion limit set by state law for irrigation.

State law changed a few years ago to allow a greater diversion rate than the statutory limit of 1.0 cfs per 70 acres, if the method of irrigation, time constraints on the diversion of water, or the type of soils so requires. However, an application will need to be filed for an additional appropriation of water to provide a legal right to divert up to the rate of 1200 gpm.

Currently, Water Permit No. 6006-3 allows a maximum diversion rate from the well of 450 gpm. If the water license is to be issued right now it can only be for a diversion rate of 450 gpm. I realize this is a very busy time of the year for you but I believe this is an issue we need to discuss. Please contact me at your convenience so we can discuss this further. I believe the two options are to issue the water license for the 450 gpm in which case the diversion rate would be limited to this amount or to file an application and go through the process of increasing the diversion rate.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

cc: Lyle Wagner, 1019 Ridgecrest, Vermillion, SD 57069



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 1, 2000

Lyle Wagner
1019 Ridgecrest
Vermillion, SD 57069

Wayne Heckathorn
31792 473rd Avenue
Elk Point, SD 57025

Dear Mr. Wagner and Mr. Heckathorn:

Based on my telephone conversation with Wayne Heckathorn, I am enclosing a partially completed form to apply for an additional diversion rate to Water Permit No. 6006-3. This application proposes to increase the authorized diversion rate from 450 gpm (current permitted amount) to 1200 gpm (actual diversion from the well).

The application will need to be signed and notarized and returned along with a \$200 application/licensing fee. Also, the state law that allows for a rate greater than the statutory limit requires justification be submitted for the increase. Specifically, a greater diversion rate can be allowed only if the method of irrigation, time constraints or type of soil so requires. I believe Wayne during our conversation explained the reason for the large diversion rate. I would ask that this information be put in writing and included as an attachment to the application.

I have also included a blank application form in the event there is an error on the application and you need to make a change.

If the application for the greater diversion rate is approved, the new permit and Water Permit No. 6006-3 will be incorporated into one water license document.

Please feel free to give me a call if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 13 2001

6222-3

Lyle Wagner
1019 Ridgecrest
Vermillion, SD 57069

Dear Mr. Wagner:

Enclosed is Water Permit and License No. 6222-3. This is the final water right document completing your process of obtaining a Water Right.

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. 6222-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

The applicable portions of No. 6006-3 are incorporated into Water License No. 6222-3.

enclosures