

WATER PERMIT NO. 6009-3

Name of Applicant: **David C DeRouchey Trust**

Address: **PO Box 264, Vermillion SD 57069**

Phone: **605 624-2219**

Amount of Water Claimed: **1.94 cfs**

Total Acres: **136 acres**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Clay**

Type of Waste Disposal System: **NA**

Location: **18 miles north of Vermillion**

PRIORITY

Date Received: **06-30-97**

Fee: **\$225.00**

Corrected Application Received:

Period of Annual Use: **April 1 - November 30**

Remarks: **This well is also be used to irrigate the NW 1/4 Section 15 which is covered under Water Right No. 1569-3**

Diversion Point: **SW 1/4 NW 1/4 Sec 15-**

T95N-R52W

Land to be Irrigated: **SW 1/4 Sec 15-**

T95N-R52W

Depth of Well: **158 feet deep**

Well Driller:

Remarks: **well has not been drilled**

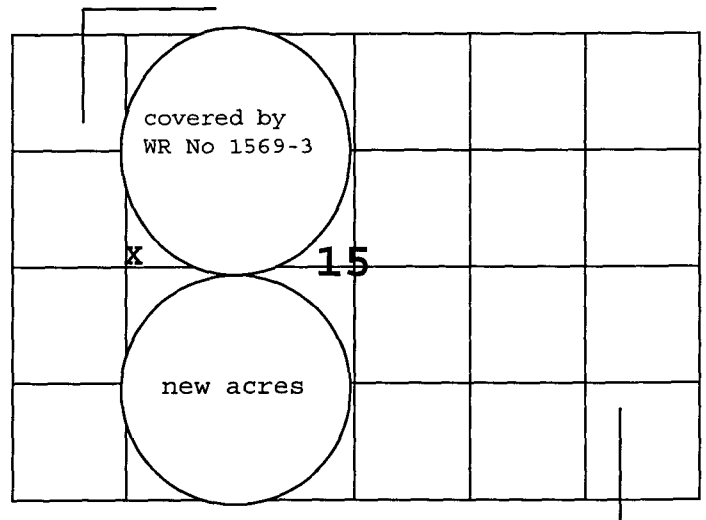
Type of Map: **aerial**

Prepared by: **Kevin Beermann**

Reviewed and the Number Assigned on: **7-1-96**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6009-3

Date of first receipt of application June 30, 1997

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6009-3 to David C DeRouchey Trust, PO Box 264, 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. 6009-3 appropriates 1.94 cubic feet of water per second from one well (Lower Vermillion Missouri Aquifer) 158 feet deep located in the SW 1/4 NW 1/4 Section 15 to irrigate the SW 1/4 Section 15; all in T95N-R52W. The well will also be used to irrigate the NW 1/4 Section 15-T95N-R52W which is covered under Water Right No. 1569-3.
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 - November 30.
3. The date from which applicant may claim right is June 30, 1997.
4. The date of approval of Permit No. 6009-3 is September 2, 1997.
5. One-fifth of the construction is to be completed on or before March 2, 2000.
6. All construction is to be completed on or before September 2, 2002.
7. Water is to be put to beneficial use on or before September 2, 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. 6009-3 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 well will also be used for irrigation of acreage authorized by Water Right No. 1569-3.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
5. Approval of Permit No. 6009-3 is subject to plugging the old abandoned well authorized by No. 1569-3 in accordance with Water Management Board Rules Chapter 74:02:04.

WATER MANAGEMENT BOARD

By: _____

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

NOV 12 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	No. <u>6009-3</u>	(office use only) Hydrologic Unit <u>10/70/02</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Plain Talk, Vermillion, SD</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 1569-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Amends Water Right No. 1569-3 for an additional diversion point

1. Name of Applicant David C. DeRouche Trust Phone (605) 624-2219
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 264, Vermillion State SD 57069
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 1.94 *CFS or 873 **GPM ***AF Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply groundwater (one well)

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW 1/4 NW 1/4 Sec 15-T95N-R52W
County Clay

5. County or counties where water will be used Clay

6. Annual period during which water is to be used April 1 - November 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 SW 1/4 Sec 15-T95N-R52W	34		
NW 1/4 SW 1/4	34		
SE 1/4 SW 1/4	34		
NE 1/4 SW 1/4	34		

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

This well will also be used to irrigate the NW 1/4 Sec 15-T95N-R52W which is covered under Water Right No. 1569-3.

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)

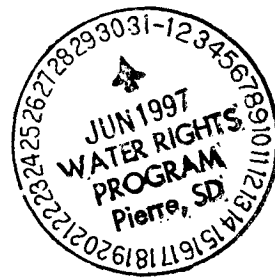
I, David C. DeRouche, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed David C. DeRouche
Subscribed and sworn to before me this 24th day of June 19 97

Bill Hansen
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 158'
- b) Casing Type PVC Diameter 16" Thickness SCH 40
- c) Screen Type PVC Diameter 16" Thickness SCH 40
- d) Gravel Pack 2" Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 50'
- g) Distance to nearest existing domestic well:
- On applicants property 0 On property owned by others 2640

2. Wastewater Disposal System Information

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

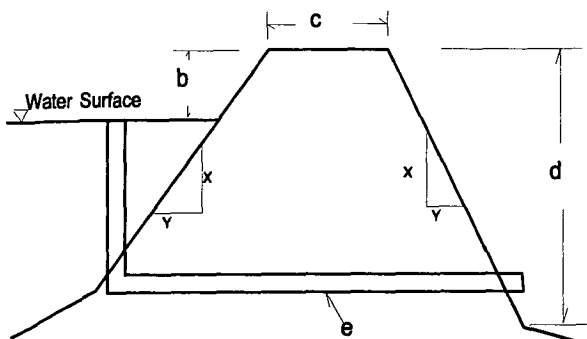
3. Dugout Information

- 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

RECEIPT

415405

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ June 30, 19 97

RECEIVED OF Riverside Farms (David C. DeRouchey Trust), RR 2, Box 51, Centerville, SD 57014

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

Fee for Application for Permit No. <u>6005-J</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	25000

By John Hatch
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 15 Twp 9S Rg 52
County Clay North

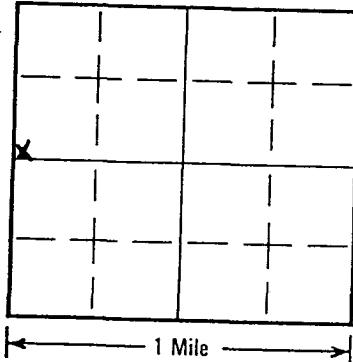
Please mark well location with an "X"

W

E

Well Completion Date

5-16-97



Well Owner: Don Hunter

Business Name: _____

Address: Bareford, SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>3</u>
<u>Clay</u>	<u>3</u>	<u>92</u>
<u>Sand & Gravel</u>	<u>92</u>	<u>158</u>

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2000 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>Sch 40</u> LB/FT	<u>14</u> IN	<u>108</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>best</u>	<u>60</u>	_____ lb./gal	<u>108</u> ft	<u>20</u> ft
<u>ant</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 14 IN Length 50 FEET

Material PVC

Slot Size 50 Set From 158 Feet to 108 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?

☒ YES, How: ce

Laboratory sent to for water quality analysis _____

☐ NO, Why Not? _____

STATIC WATER LEVEL 60 Feet

If flowing: closed in pressure _____ PS

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

85 ft. After 24 Hrs. pumped 800 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 800 GPM

REMARKS

This well was drilled under license # 341

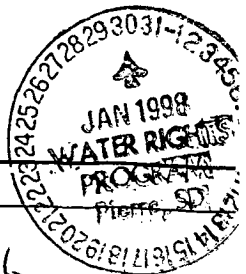
And this report is true and accurate.

Drilling firm Wetmore Drilling

Signature of License Representative _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



Water Rights Program - File Documentation

NAME: Bill Hansen, Lessor

ADDRESS: Centerville SD

DATE: 6-05-97 **COUNTY:** Clay **TELEPHONE:** 605 563-2484

RE: Pending application for additional acreage

COMMENTS:

I called Mr. Hanson regarding the faxed application he submitted. I informed Mr. Hansen that Water Right No. 1569-3 authorized irrigation of the N 1/2 Section 15-T95N-R52W. Mr. Hansen indicated the land located in the NE 1/4 of Section 15 had not been irrigated for several years, in fact, it was under different ownership than the land in the NW 1/4 Section 15.

The well Mr. Hanson is proposing to drill in the SW 1/4 NW 1/4 Section 15 would supply water to the NW 1/4 and the new acreage located in the SW 1/4 Section 15.

It appears that after the project for the SW 1/4 is completed and upon inspection will incorporate the portion of Water Right No. 1569-3 for the NW 1/4 which is still being irrigated.



Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1997

William H Hansen
2201 State Street
Centerville SD 57014

Dear Mr. Hansen:

Enclosed is a partially completed set of application forms for your proposed irrigation project. Please review the application, complete Item No. 1 and have the application signed and notarized. The filing fee for this application will be \$250.00. I am returning all the information that you faxed to us. Remember, the aerial photo must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

Also, enclosed is a *Notice of Transfer* form. The portion of Water Right No. 1569-3 still being irrigated should be transferred to the current owner or leasor. This form also needs to be completed, signed and notarized, and returned with a \$2.50 fee.

If you have any questions or feel something is inaccurate on the application, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Dear Karen,

I have enclosed transfer of ownership form, application for irrigation permit and signed map by Kevin Beermann, Resource Conservation Technician. Also find check for \$252.50 for Application + Transfer. I will be working with David DeRachey and balance of transfer of ownership forms.

Please let me know if there is anything else needed.

Thank You!

Bill Hansen

REPORT ON WATER PERMIT APPLICATION NO. 6009-3
for David C. DeRouchery Trust
July 29, 1997

Application No. 6009-3 proposes to appropriate 1.94 cfs (870 gpm) from one well approximately 158 feet deep located in the SW 1/4 NW 1/4 of Section 15 to irrigate the SW 1/4 of Section 15; all in T95N-R52W in Clay County. This same well will also be used to irrigate the NW 1/4 of Section 15, T95N-R52W which is covered under Water Right No. 1569-3.

AQUIFER - LOWER VERMILLION MISSOURI (LVM)

The Lower Vermillion Missouri aquifer is a mostly buried glacial outwash (sand and gravel) which is under predominantly water table conditions in Clay County. The aquifer underlies 100,800 acres and contains an estimated 1.5 million acre feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer is hydraulically connected to the Upper Vermillion Missouri aquifer to the north, the Parker Centerville aquifer to the north and to the Vermillion River to the east. Ground water movement is from north to south and locally toward the Vermillion River (Christensen, 1967).

The Water Rights Program monitors an observation well CL-66A which is located about one-half mile south of this application and completed into the Lower Vermillion Missouri aquifer. Water levels for this well show good correlation with climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997). A hydrograph for observation well CL-66A is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing Water Right No. 1569-3 for 2.0 cfs which irrigated the N 1/2 of Section 15, T95N-R52W from a well near the center of the half section. This existing well apparently failed in 1995 and can no longer be used. This application will replace that existing well at a different location and add additional acres. The next nearest appropriation is Water Permit No. 5319-3 which is located about one half mile north. Interference is not a concern. Diversions from this aquifer do not create significant drawdown and this is shown by the observation well hydrographs.

CONCLUSIONS

1. Water is available from the Lower Vermillion Missouri aquifer.
2. The aquifer is buried but under predominantly water table conditions. Interference is not expected to be a concern. This is shown by the observation well hydrograph.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Approval of this application will alter Water Right No. 1569-3. The original diversion point will be changed to this proposed site and additional acres added. Also apparently the NE 1/4 of Water Right No. 1569-3 is no longer irrigated and is under different ownership. This application would allow a diversion rate of 1.94 cfs from the new well for irrigation in the SW 1/4 and Water Right No. 1569-3

is licensed for 2.0 cfs to irrigate the NW 1/4 from the old well. In theory, if this application is approved then 2.0 cfs could be diverted from the new well to irrigate NW 1/4, also.

5. The old well under Water Right No. 1569-3 is apparently abandoned and should be plugged in accordance with SD Well Construction Standards.
6. No test hole or well log information was submitted with this application but there is sufficient geologic and hydrologic information available to evaluate this application.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

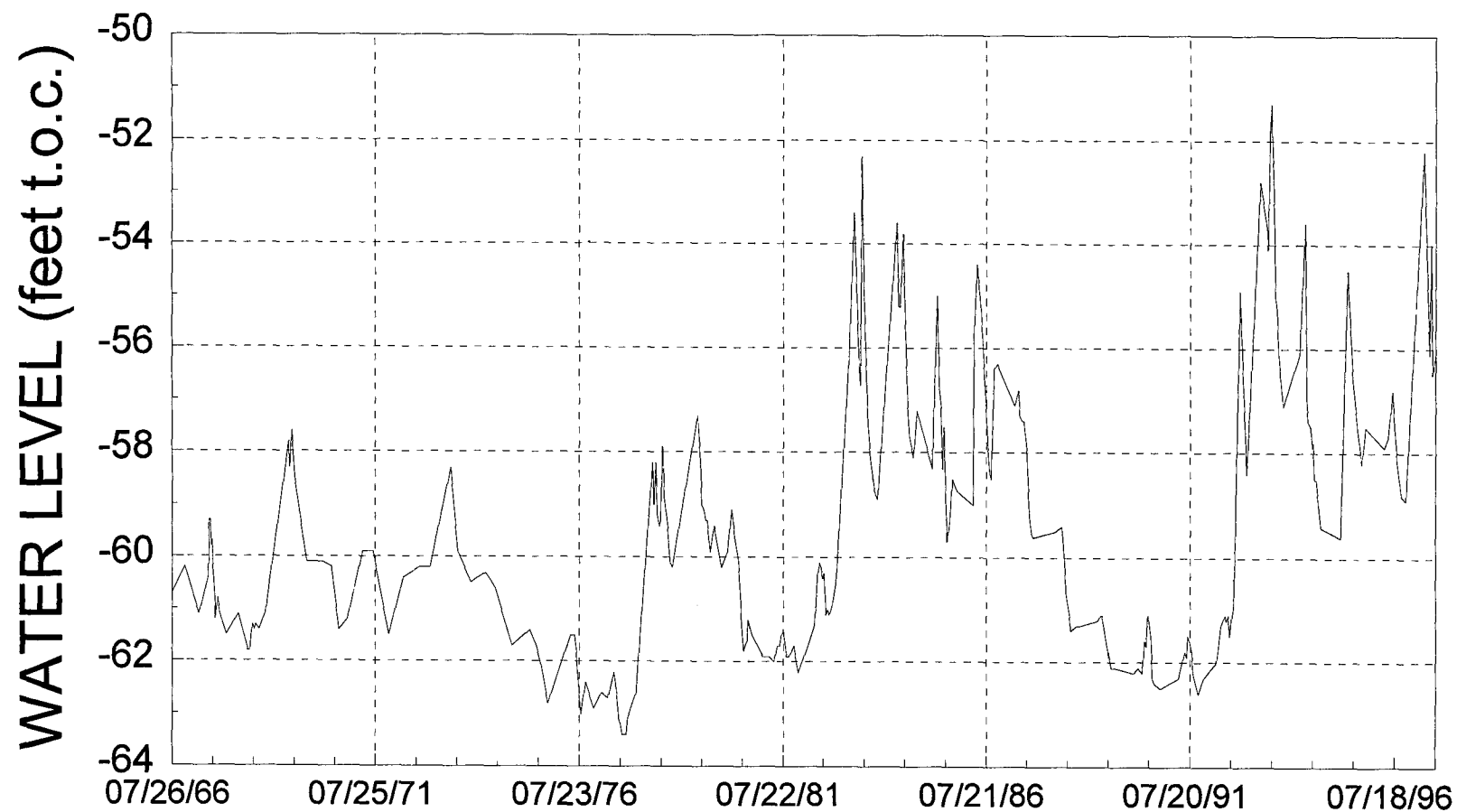
Christensen, C.M., J.C. Stephens, 1967, Geology and Hydrology of Clay County South Dakota, Bulletin 19, SD DENR, SDGS, Vermillion, SD, 57069.

Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

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

WATER RIGHTS OBSERVATION WELL

CL-66A



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6009-3, David C. DeRouchey Trust**

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. 6009-3, David C. DeRouchey Trust, PO Box 264, Vermillion, SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 6009-3 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. 6009-3 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 well will also be used for irrigation of acreage authorized by Water Right No. 1569-3.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
5. Approval of Permit No. 6009-3 is subject to plugging the old abandoned well authorized by No. 1569-3 in accordance with Water Management Board Rules Chapter 74:02:04.

See report on application for additional information.



JOHN HATCH, Chief Engineer
August 5, 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.

August 6, 1997

David C. DeRouchey Trust
P.O. Box 264
Vermillion, SD 57069

Dear Mr. DeRouchey:

Water Permit Application No. 6009-3 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 Plain Talk printed at Vermillion, SD (Ph # (605) 624-2695). 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 / KS

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.

c: Bill Hansen, 2201 State St., Centerville, SD 57014



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 1997

Plain Talk
Box 256
Vermillion, SD 57069-0256

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6009-3 to be published twice. Please publish the first notice on August 15, 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 David C. DeRouchey Trust, P.O. Box 264, Vermillion, SD 57069 (Ph # (605) 624-2219).

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 /KS
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 August 15, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6009-3 to Appropriate Water
and to Amend Water Right No. 1569-3

Notice is given that David C DeRouchey Trust, P.O. Box 264, Vermillion, SD 57069 has filed an application for a water permit to appropriate 1.94 cubic feet of water per second from one well (Lower Vermillion Missouri Aquifer) 58 feet deep located in the SW 1/4 NW 1/4 Section 15 to irrigate the SW 1/4 Section 15; all in T95N-R52W. This well will also be used to irrigate the NW 1/4 Section 15-T95N-R52W which is covered under Water Right No. 1569-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6009-3 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 September 2, 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



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Clay) SS

I, Nikka Harris

certify that the attached printed Notice was taken

from the Plain Talk

printed and published in Vermillion

County of Clay and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

August 15, 1997

August 22, 1997

Cost of Printing \$35.37

Nikka Harris

(Signature)

Receptionist

(Title)

Aug 22/97

(Date Signed)

NOTICE OF APPLICATION No. 6009-3 to Appropriate Water and to Amend Water Right No. 1569-3

Notice is given that David C. DeRouchey Trust, P.O. Box 264, Vermillion, SD 57069 has filed an application for a water permit to appropriate 1.94 cubic feet of water per second from one well (Lower Vermillion Missouri Aquifer) 58 feet deep located in the SW1/4NW1/4 Section 15 to irrigate the SW1/4 Section 15, all in T95N-R52W. This well will also be used to irrigate the NW1/4 Section 15-T95N-R52W which is covered under Water Right NO. 1569-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application NO. 6009-3 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 September 3, 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 Greenland 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: August 15 & 22, 1997



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

David C. DeRouchey Trust
P.O. Box 264
Vermillion, SD 57069

Dear Mr. DeRouchey:

Enclosed is Water Permit No. 6009-3 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.

c: Bill Hansen, 2201 State St., Centerville, SD 57014



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 17, 1997

6009-3

Bill Hansen
2201 State St
Centerville, SD 57014

Dear Mr. Hansen:

Enclosed, as we discussed, is a Form 10 "Notice of Completion of Works and Application of Water to Beneficial Use", to be used for Water Permit No. 6009-3, David DeRouchey Trust.

The purpose of the form is to notify us that the project has been completed and is ready for investigation. The date specified in the permit for completion of works is September 2, 2002, with the water being placed to beneficial use by September 2, 2006.

If you have any questions, please give me a call.

Sincerely,

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

WOODS
FULLER
SHULTZ &
SMITH P.C.

LAWYERS
EST. 1887

300 South Phillips Avenue
Suite 300
Post Office Box 5027
Sioux Falls, South Dakota
57117-5027

Telephone (605) 336-3890
Telecopier (605) 339-3357

www.wfss.com

Merle A. Johnson
Richard O. Gregerson
William Taylor
William P. Fuller
Gary P. Thimsen
Bradley C. Grossenburg
James M. Wiederrich
Comet H. Haraldson
J.G. Shultz
Roger W. Damgaard
Frederick M. Entwistle
David C. Kroon
James E. Moore
Kristine Kreiter O'Connell
Elizabeth A. Lewis
Tim R. Shattuck
Melanie L. Carpenter
Susan M. Sabers
William G. Beck
Daniel J. Harmelink
Jennifer L. Wollman
Lisa Marshik Prostrullo
Christopher J. Lent
Gregory S. Starnes
Jeffrey L. Bratkiewicz
Carey A. Miller
Mary A. Akkerman
Mary Ellen Dirksen
J. Vincent Jones

Melvin T. Woods
(1899-1983)
Howell L. Fuller
(1909-1981)
John B. Shultz
(1912-1975)
Francis M. Smith
(1910-2004)

July 21, 2004

Lisa Marshik Prostrullo
lprostro@wfss.com

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

Re: Notices of Transfer of Ownership

Dear Madam or Sir:

Enclosed please find 8 Notices of Transfer of Ownership for Water Right/Permit Numbers: 214-3, 215-3, 229-3, 3543-3, 973-3, 974-3, 1569-3, and 6009-3. Also enclosed is a check in the amount of \$20.00 to cover your filing fees. It is our understanding that you notify the new owner that the transfer has occurred. When you send out that correspondence, please send me a copy of such correspondence for our records. I have enclosed a stamped self addressed envelope for your convenience. Should you have any questions, please do not hesitate to contact me.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.


Lisa Marshik Prostrullo

Enclosures

cc: Mr. Roger Hansen

6009-3

RECEIVED
JUL 23 2004
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JUL 23 2004

WATER RIGHTS
PROGRAM

Water Right/Permit No. 6009-3

Dated: July 16, 2004

We request that Water Right/Permit No. 6009-3 formerly owned by:
David DeRouche Trust be transferred to:

New Owner Name: Roger A. Hansen, d/b/a Hansen Properties
Address: P.O. Box B
City, State, Zip: Centerville, South Dakota 57014 Telephone No.: (605) 563-2212

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

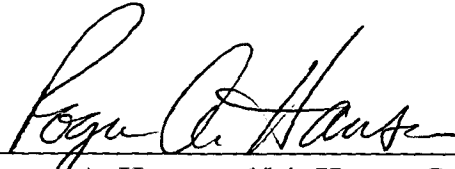
136 acres - SW¼ Section 15-T95N-R52W

☒ We understand that the validity of Water Right/Permit No. 6009-3 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 Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

Roger A. Hansen, d/b/a Hansen Properties, the new owner, certifies that the above information is true and correct.



Roger A. Hansen, d/b/a Hansen Properties

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 23, 2004

RECEIVED OF Lewis & Clark Title Co., PO Box 177, Yankton SD 57078

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2 50	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6009-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. 001300

By Darland White
Chief Engineer gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 27, 2004

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

I am writing to acknowledge receipt of the ownership changes for Water Right Nos. 214-3, 215-3, 229-3, 973-3, 974-3, 1569-3 and Water Permit Nos. 3543-3 & 6009-3. The transfer of ownership for each has been completed. The above listed water permits and rights, formerly listed in the David DeRouchey are now listed in the name of Hansen Properties.

Each year we mail irrigation questionnaire to all irrigators in the state with the exception of those with water spreading systems. I am enclosing one of the actual forms submitted last year for your review. This will give you an idea of what type of information you will need to keep track of during the irrigation season. The forms can be completed and returned by regular mail or if you wish, blank forms can be downloaded from our website or filled out on-line and submitted electronically. More information concerning the questionnaires will be sent to you in October, 2004.

The receipts for the filing fees (totaling \$20.00) are being forwarded to Lewis & Clark Title Company in Yankton, SD.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

c: Lisa Marshik Prostrullo w/Woods, Fuller, Shultz & Smith PC
Lewis & Clark Title Company



6009-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 29, 2004

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

Enclosed, for your records, are copies of Water Permit and Right Nos. 214-3, 215-3, 229-3, 973-3, 974-3, 1569-3, 3543-3 and 6009-3. I included the ownership changes that were filed with them.

Copies of the same files are also being sent to Ms. Prostrullo for her records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

c: Lisa Marshik Prostrullo w/Woods, Fuller, Shultz & Smith PC



6009-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6563-3, Roger Hansen

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. 6563-3, Roger Hansen, Box B, Centerville SD 57014.

The Chief Engineer is recommending APPROVAL of Application No. 6563-3 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) it is in the public interest with the following qualifications:

3. 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.
4. Water Permit No. 6563-3 incorporates the applicable portions of Water Permit No. 6009-3 and Water Right No. 1569-3. The non-constructed portion of No. 6009-3 and forfeited portion of No. 1569-3 are cancelled.
5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 17, 2005

Note: Water Permit No. 6009-3 appropriates 1.94 cfs from one well to irrigate 136 acres in the SW $\frac{1}{4}$ Section 15, T95N, R52W. This well was also to be used to irrigate the land in the NW $\frac{1}{4}$ of Section 15 authorized by Water Right No. 1569-3. The well is constructed however the land in the SW $\frac{1}{4}$ of Section 15 was not developed by the time to complete construction. In addition, Water Right No. 1569-3 is licensed for the irrigation of 270 acres in the N $\frac{1}{2}$ of Section 15, however, the applicant concedes that the NE $\frac{1}{4}$ of this section has not been irrigated in recent years and is therefore subject to forfeiture for nonuse.