

WATER PERMIT NO. 6021-3

Name of Applicant: University of South Dakota, Physical Plant

Address: 414 E Clark St, Vermillion SD 57069-2390

Phone: 605 677-6005

Amount of Water Claimed: 0.033 cfs (15 gpm)

Total Acres: 2.75

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Clay

Type of Waste Disposal System:

Location: within Vermillion city limits

PRIORITY Date Received: 9-12-1997

Fee: \$15

Corrected Application Received:

Period of Annual Use: April 1 - October 30

Remarks: Application based on inspection by L Beck - Priority date of January 1, 1910

Diversion Point: NE 1/4 SE 1/4

Sec 13-T92N-R52W

Land to be Irrigated: W 1/2 Sec 18-T92N-R51W

Depth of Well: 46 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Lynn Beck

Reviewed and the Number Assigned on: 9-12-1997

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

T92N-R52W		T92N-R51W			
13		18		17	
24		19		20	

SOUTH DAKOTA

VESTED WATER RIGHT NO. 6021-3 FOR IRRIGATION

Date of Receipt of Claim September 12, 1997.

Date of Validation November 3, 1997.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 6021-3 for the University of South Dakota, Facilities Management, 414 E Clark St, Vermillion SD 57069 irrigation purposes for with the following limitations, conditions and qualifications:

1. Vested Water Right No. 6021-3 appropriates 0.033 cubic feet of water per second (15 gallons per minute) from one well (Lower Vermillion Missouri Aquifer) 165 feet deep located in the NE 1/4 SE 1/4 Section 13-T92N-R52W to irrigate 2.25 acres located in the W 1/2 SW 1/4 Section 18-T92N-R51W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1910.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

QUALIFICATION

Vested Water Right No. 6021-3 is validated 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

FEB 27 1998

date





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

Application For Permit To Appropriate Water For Irrigation

Type of Application: _____ 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.) For acres irrigated since 1910 in conjunction with Vested Water Right 1035-3.

- Name of Applicant University of South Dakota, Physical Plant Phone (605) 677-6005 or 677-5341
(check one) ☒ Owner _____ Tenant/lessee _____
Mailing Address 414 E. Clark St., Vermillion State SD 57069-2390
(Street, RR. or Box) (Zip Code)
- Amount of water claimed _____ *CFS or 15 **GPM ***AF Total Acreage 2.75
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Lower Vermillion Missouri Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 3368' S and 64' W of the NE corner Section 13, T92N, R52W in the NE1/4 SE1/4 Section 13.
County Clay
- County or counties where water will be used Clay
- Annual period during which water is to be used April 1 through October 30.
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW1/4 SW1/4 Section 18, T92N, R51W	1.25		
SW1/4 SW1/4 Section 18, T92N, R51W	1.0		

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

This application is for acres in addition to acres covered under Vested Water Right No. 1035-3. Acres currently irrigated under Vested Water Right 1035-3 are 5 acres located in the NE1/4 SE1/4 Section 13, T92N, R51W.

STATE OF SOUTH DAKOTA) SS
County of _____)

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, _____, 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 _____

Subscribed and sworn to before me this 11th day of September 19 97

Debra A. Boomgaarden
Notary Public

Affidavit of Water Use

Form 2B

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit is needed to document historical water use, primarily with vested right claims.

Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

Name of Applicant (Same as Form 2) University of South Dakota Physical Plant

Mailing Address 414 E. Clarck St., Vermillion SD 57069-2390

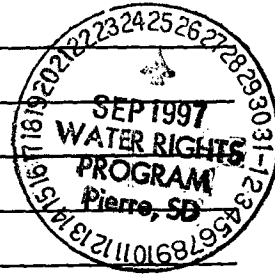
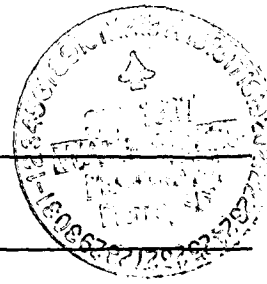
(Street, RR or Box)

(City)

(State)

(Zip Code)

- A. Notice of Appropriation _____ Date of Posting _____
Date of Recording _____ Recording Date _____
- B. Date of start of construction of water supply system 1910
- C. Date that water was first applied to beneficial use 1910
- D. Name of owner of original water supply system University of South Dakota
- E. Amount of water originally applied to beneficial use 150,000 gallons per day
- F. Present use of water - amount of water now being used 0.111
Date that this water was first used 1910
- G. Chronological History of Water Use



Applicant has pumped water from its present source since 1910. Until 1958 this well furnished water for the entire campus. The amount of water pumped prior to the conversion to the city water supply was approximately 150,000 gallons per day. Vested Water Right 1035-3 is for 0.54 cfs to irrigate 38.48 acres located in the E $\frac{1}{2}$ of Section 13, T92N, R52W. Currently Vested Water Right 1035-3 irrigates 5 acres located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ from one well located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 13, the statutory limit on water use is 32 gpm. This application is for 1.25 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.0 acre in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 18, T92N, R51W, statutory limit on water use is 15 gpm. These acres are irrigated in conjunction with Vested Water Right 1035-3.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)
) SS

County of Clay)

Debra A. Boomgaarden
(print or type)

the applicant, certify that I have read the foregoing and that the matters therein are true.

Signed

Kenneth Schmidt

Subscribed and sworn to before me

September 24, 19 97

Debra A. Boomgaarden
Notary Public

expires 6-1-03

I signed do hereby certify that I know about the water use system described above, that I have read the and that the matters therein are true.

Kenneth Schmidt

(Print Name)

Form 2A
(Complete applicable portions only)**Supplemental Information**

(type or print in ink)

**1. Well Information - Proposed Construction**

- a) Drill Hole Diameter _____ Depth 46
- b) Casing Type PVC Diameter 16" Thickness _____
- c) Screen Type stainless steel Diameter 16 Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 39'
- f) Depth to Water (ground surface to water level) 22'
- g) Distance to nearest existing domestic well: _____

On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

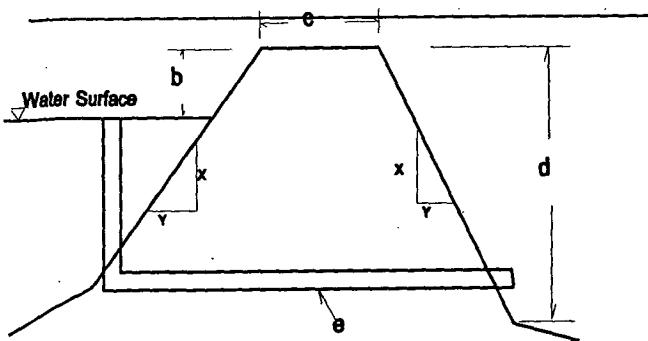
3. Dugout Information

- 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

RECEIVED

415463

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Facilities Management

Pierre,

September 12, 19 97

RECEIVED OF USD, ~~Physical Plant~~, 414 E. Clark St., Vermillion, SD 57069

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

Fee for Application for Permit No. <u>6021-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	15	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	15 00

By

John Hatch (P)
Chief Engineer

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **John Jordt, USD Physical Plant Manager** File No. **1035-3**
Address: **USD Physical Plant 414 E. Clark St., Vermillion SD 57069-2390** County: **Clay**
Date: **6-30-93** Telephone: **(605) 677-6005**
RE:

Comments:

License No. 1035-3 was looked at while investigating Permit Nos. 5545-3 and 5546-3 on June 30, 1993. Vested Right No. 1035-3 was licensed for 18.52 acres in the N $\frac{1}{2}$ SE $\frac{1}{4}$ and 19.96 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T92N, R52W for 0.54 cfs. The license should be reissued for 5.5 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T92N, R52W for 0.079 cfs with a priority date of 1910. A new application is needed for 1.25 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T92N, R51W for 0.032 cfs.

 8-25-97

Lynn Beck
Natural Resources Engineer

NOT TO SCALE

NOT TO SCALE

5546-5





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 27, 1997

John Jordt
USD Physical Plant Manager
414 E. Clark St.
Vermillion SD 57069-2390

Dear Mr. Jordt:

Please find enclosed a partially completed application form for a Vested Water Right, instruction sheet, and affidavit of water use. You will not have to provide a map as stated in item 2 as I have already prepared one.

While inspecting Water Permits 5545-3 and 5546-3 it was found that Vested Water Right 1035-3 irrigates 5.5 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T92N, R52W; 1.25 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T92N, R51W for a total of 7.75 acres. The statutory limit on water use (1 cubic feet of water per second per 70 acres of land) for 7.75 acres is 0.111 cubic feet of water per second (cfs) or 50 gpm. Vested Water Right 1035-3 authorizes 0.54 cfs to irrigate 18.52 acres in the N $\frac{1}{2}$ SE $\frac{1}{4}$ and 19.92 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T92N, R52W.

A new Vested Water Right is needed to authorize irrigation of lands not covered in Vested Water Right 1035-3 and the water use associated with those acres. The fee as stated in item 5 on the instruction sheet is \$15.00.

After an application has been submitted and approved and the fee paid, the Vested Water Right will be licensed.

If you have any questions, please feel free to contact me.

Sincerely,

Lynn Beck
Natural Resources Engineer III
(605) 773-3352

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **John Jordt** File No. **1035-3**
Address: **USD Physical Plant, 414 E. Clark St., Vermillion SD 57069-2390** County: **Clay**
Date: **August 27, 1997** Telephone: **(605) 677-6005**
RE: **Lands irrigated under VR 1035-3.**

Comments:

I called Mr. Jordt about the lands irrigated under Vested Water Right No. 1035-3. The lands in Section 18, T92N, R51W were not included in the original license. Mr. Jordt said that the lands in Section 18 have been irrigated as long as the lands listed in 1035-3.

Vested Water Right 1035-3 needs to be amended to include 1.25 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 18, T92N, R51W.



Lynn Beck
Natural Resources Engineer

RECEIPT

Division of Water Rights

415463

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 12, 19 97

RECEIVED OF USD, Physical Plant, 414 E. Clark St., Vermillion, SD 57069

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

Fee for Application for Permit No. <u>6021-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	15	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	15 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 22, 1997

Kenneth Schmidt
University of South Dakota, Physical Plant
414 E Clark St
Vermillion SD 57069

Dear

Enclosed is the *Affidavit of Water Use* which was submitted with your *Application for Permit to Appropriate Water for Irrigation*. This form is being returned in order for you to sign and notarize it. Please return in the enclosed postage paid envelope.

If you have questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

UNIVERSITY of
SOUTH DAKOTA

414 EAST CLARK STREET • VERMILLION SD 57069-2390

FACILITIES MANAGEMENT

(605) 677 - 5341

FAX (605) 677 - 6242

Fax Transmittal Cover Sheet

Transmission has 29 pages including this cover sheet.date: 10/10/97

Please deliver to:

NAME: Ron
OFFICE/FIRM: DENR
ADDRESS: Pierre
PHONE # (605) 773-3392 FAX # (605) 773-4068

From:

NAME: Luann
OFFICE/FIRM: USD Facilities Management
PHONE # (605) 677-5344 FAX # (605) 677-6242

Comments/Message:

Ron -
Returning per our conversation
so you can change Physical
Plant to Facilities Management.
Understood you will contact the
Vermillion Plain Talk; if that is
not the case, please let me know so
I can deliver my copy to the
Plain Talk.

LD

REPORT ON WATER PERMIT APPLICATION NO. 6021-3
for the University of South Dakota Physical Plant
September 17, 1997

Application No. 6021-3 proposes to validate a vested water right claim to appropriate 0.033 cfs (15 gpm) from one well approximately 165 feet deep located in the NE 1/4 SE 1/4 of Section 13, T92N-R52W to irrigate 2.75 acres located in the W 1/2 SW 1/4 of Section 18, T92N-R51W in Clay County. The water use has a claimed priority date of January 1, 1910.

AQUIFER - LOWER VERMILLION MISSOURI (LVM)

The Lower Vermillion Missouri is a mostly buried glacial outwash (sand and gravel) which is predominately under 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 into Turner County to the north and Union County to the east, to the Parker Centerville aquifer to the north, to the Missouri Elk Point aquifer to the south, and to the Vermillion and Missouri Rivers. Ground water movement is from north to south and locally toward the Vermillion River (Christensen, 1971).

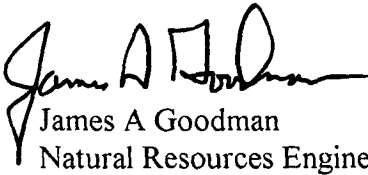
The Water Rights Program does monitor observation wells in the general area but none are located within the immediate area of this application. Water levels for the aquifer show good correlation with climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. A hydrograph for observation well CL-66B (located about four miles east of this application) is included with this report. In general, the water level record that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The well for this application is an existing well which is already permitted under Water Right No. 1035-3. This application is being made as a result of an inspection which revealed that additional acres had been developed which were not included in the license for the original permit. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Lower Vermillion Missouri aquifer.
2. The aquifer is buried and may be under slightly confined conditions at this site. Drawdown will occur but is not expected to be a significant problem. This request is for a small amount of water added to the existing diversion which has not caused any problems. Interference is not a concern.
3. No information is available to determine if this well is constructed in accordance with SD Well Construction Standards.
4. Approval of this application will allow licensing of this system to reflect the actual construction.



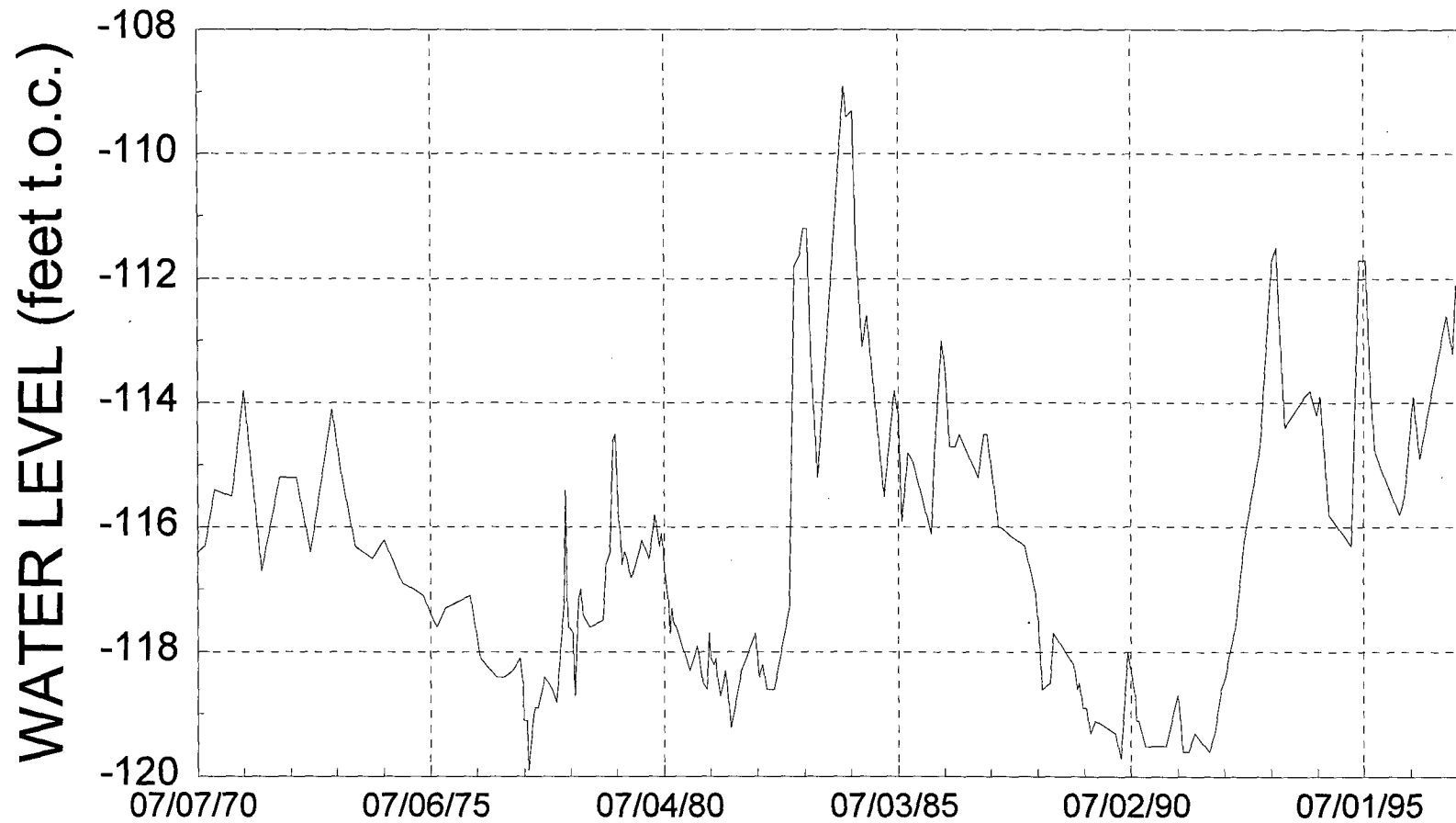
James A Goodman
Natural Resources Engineer

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 Data for Clay County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

CL-66B



RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED
WATER RIGHT APPLICATION NO. 6021-3, University of South Dakota, Physical Plant

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 6021-3, University of South Dakota, Physical Plant, c/o Kenneth Schmidt, Director of Facilities Management, 414 E. Clark Street, Vermillion, SD 57069-2390.

The Chief Engineer is recommending VALIDATION of Application No. 6021-3 for 15 gallons per minute because 1) water has been appropriated as described for irrigation use with a priority date of January 1, 1910, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualification.

Vested Water Right No. 6021-3 is validated subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
October 3, 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.

October 7, 1997

University of South Dakota, Physical Plant
%Kenneth Schmidt, Director of Facilities Management
414 E. Clark Street
Vermillion, SD 57069-2390

Dear Mr. Schmidt:

Vested Water Right Application No. 6021-3 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
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

October 7, 1997

Plain Talk
Box 256
Vermillion, SD 57069-0256

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6021-3 to be published twice. Please publish the first notice on October 17, 1997, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is University of South Dakota, Physical Plant, %Kenneth Schmidt, Director of Facilities Management, 414 E. Clark Street, Vermillion, SD 57069-2390 (Ph # (605) 677-6005).

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 October 17, 1997, with the second publication 7 days later. The applicant is responsible for payment.

Notice of Application To Validate
Vested Water Right Application No. 6021-3

Notice is given that University of South Dakota, ~~Physical Plant~~ ^{Facilities Management}, 414 E Clark St., Vermillion SD 57069-2390 has filed an application to validate a vested water right claim to appropriate 0.033 cubic feet of water per second (15 gallons per minute) from one well (Lower Vermillion Missouri Aquifer) 165 feet deep located in the NE 1/4 SE 1/4 Section 13-T92N-R52W to irrigate 2.75 acres located in the W 1/2 SW 1/4 Section 18-T92N-R51W. The water use has a claimed priority date of January 1, 1910.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 6021-3 because 1) water has been appropriated as described for January 1, 1910, 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 November 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 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, County of Clay, ss.

Jill Elle



Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; 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:

Application to validate water right

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 2 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 Clay 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 Vermillion, the said place of publication; that the first publication of said notice in said newspaper as

aforesaid was on Friday, the 17 day of October, 19 97, and that the succeeding publications were severally

on Friday, the 24 day of October, 19 97

on Friday, the _____ day of _____, 19 _____

on Friday, the _____ day of _____, 19 _____

on Friday, the _____ day of _____, 19 _____

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Twenty dollars and 57 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures 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.

Jill M. Elle

Subscribed and sworn to before me this 24th

day of October, 19 97

My Commission Expires
April 17, 2005

Notary Public

NOTICE OF APPLICATION TO VALIDATE VESTED WATER RIGHT APPLICATION No. 6021-3

Notice is given that University of South Dakota, Facilities Management, 414 E Clark St., Vermillion SD 57069-2390 has filed an application to validate a vested water right claim to appropriate 0.033 cubic feet of water per second (15 gallons per minute) from one well (Lower Vermillion Missouri Aquifer) 165 feet deep located in the NE 1/4 SE 1/4 Section 13-T92N-R52W to irrigate 2.75 acres located in the W 1/2 SW 1/4 Section 18-T92N-R51W. The water use has a claimed priority date of January 1, 1910.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 6021-3 because 1) water has been appropriated as described for January 1, 1910, 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 November 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 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: October 17 & 24, 1997



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1998

6021-3

5545-3

5546-3

University of South Dakota
c/o Kenneth Schmidt, Director Facilities Mgmt.
414 E Clark Street
Vermillion SD 57069-2390

Dear Mr. Schmidt:

Enclosed are Vested Water Right No. 6021-3, Vested Water Right License No. 6021-3, Water License No. 5545-3 and Water License No. 5546-3. These documents complete the process of obtaining water rights for the University of South Dakota.

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

Very truly yours,

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

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 6021-3 FOR IRRIGATION

(1) The University of South Dakota, Facilities Management, 414 E Clark St, Vermillion SD 57069 made Application No. 6021-3, September 12, 1997 for validation of a vested right claim to appropriate 0.033 cubic feet of water per second (cfs) from groundwater (one well), Clay County, South Dakota, for irrigation purposes. Vested Water Right No. 6021-3 was validated November 3, 1997 with a priority date of January 1, 1910. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Vested Right No. 1035-3 authorizes 0.54 cfs to irrigate 38.48 acres located in the E 1/2 Section 13-T92N-R52W. An investigation found that only 5.5 acres are still being irrigated. The applicable portions of Vested Right No. 1035-3 are incorporated into Vested Right No. 6021-3.

(2) The vested right owner is entitled to divert 0.11 cubic feet of water per second for beneficial use. The location of the diversion point is: 3,368 feet south and 64 feet west of the north of the northeast corner of Section 13-T92N-R52W (NE 1/4 SE 1/4).

The location of the irrigated acreage is:	Section 13-T92N-R52W	NE 1/4 SE 1/4	5.50 acres
	Section 18-T92N-R51W	NW 1/4 SW 1/4	1.25 acres
		SW 1/4 SW 1/4	1.00 acres
	Total		7.75 acres

(3) Pursuant to Section 46-5-30.1 the University of South Dakota, Facilities Management, 414 E Clark St, Vermillion SD 57069-2390 the holder and/or owner of Incorporated Vested Water Right No. 6021-3 is issued a license to appropriate 0.11 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1910 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Incorporated Vested Water Right No. 6021-3 and subject to South Dakota State Law.


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

FEB 27 1998
date





6021-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: FACILITIES MGMT - USD, MARK NEITZKE, 414 E CLARK ST, VERMILLION, SD 57069
2390

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5545-3, 5546-3, 6021-3 & 7137-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5545-3, 5546-3, 6021-3 & 7137-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** 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) 5545-3, 5546-3, 6021-3 & 7137-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2015

Nate Steele
Facilities Management – USD
414 E Clark St
Vermillion SD 57069

RE: Water Permit or Right Nos. 5545-3, 5546-3, 6021-3 & 7137-3

Dear Mr. Steele:

I am writing to acknowledge receipt of the 2014 irrigation questionnaires for USD.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit or Right Nos. 5545-3, 5546-3, 6021-3 & 7137-3. The information was received in our office prior to the Water Management Board meeting and no violation has occurred.

If you have any questions, please contact me.

Sincerely,

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



6021-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: FACILITIES MGMT - USD, NATE STEELE, 414 E CLARK ST, VERMILLION, SD 57069
2390

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5545-3, 5546-3, 6021-3 & 7137-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5545-3, 5546-3, 6021-3 & 7137-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5545-3, 5546-3, 6021-3 & 7137-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



6021-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 21, 2016

Nate Steele, Grounds & Landscaping Mgr
University of South Dakota
414 E Clark St
Vermillion SD 57069

RE: Water Right/Permit Nos. 5545-3, 5546-3, 6021-3 & 7137-3

Dear Mr. Steele:

I am writing to acknowledge receipt of the 2015 irrigation questionnaires for the above listed water rights and water permit. The forms were received on-line on January 15, 2016.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 5545-3, 5546-3, 6021-3 and Water Permit No. 7137-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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