

WATER PERMIT NO. 6216-3

Name of Applicant: Eric Gross

Address: 19805 408 Ave, Yale SD 57386 Phone: 605 352-7273

Amount of Water Claimed: 1.56 cfs Total Acres: 134

Source of Water Supply: groundwater (existing well)

Water to be used for: irrigation County: Beadle

Type of Waste Disposal System:

Location: 5 miles northwest of Yale

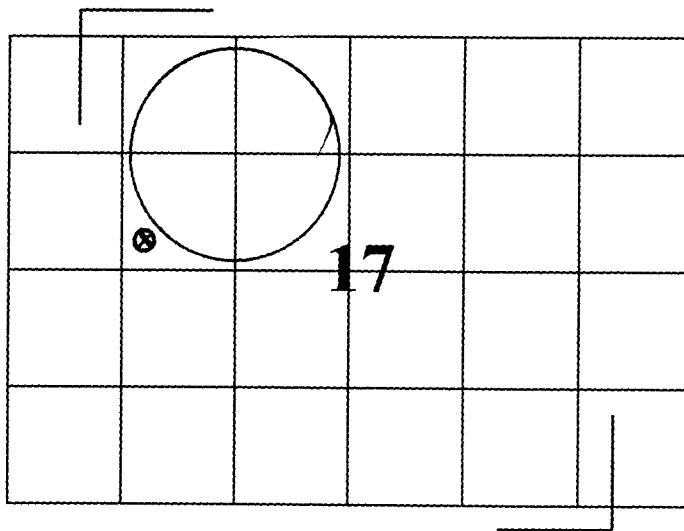
PRIORITY Date Received: 6-16-2000 Fee: \$250

Corrected Application Received:: Period of Annual Use: March 1 – November 30

Remarks: Cancelled Water Right No. 3262-3 originally covered irrigation of these lands.

Diversion Point: SW ¼ NW ¼ Sec 17-T112N-
R60W

Land to be Irrigated: NW ¼ Sec 17-T112N-R60W



Depth of Well: 118 feet deep

Well Driller: : Huron Drilling

Remarks:

Type of Map: aerial

Prepared by: Denise Gauer, NRCS

Reviewed and the Number Assigned on: 6-16-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6216-3**

Date of first receipt of application June 16, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6216-3 to Eric Gross, 19805 408 Ave, Yale SD 57386 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. 6216-3 appropriates 1.56 cubic feet of water per second from one well (Floyd:East James Aquifer) 118 feet deep located in the SW ¼ NW ¼ Section 17 to irrigate 134 acres located in the NW ¼ Section 17; all in T112N-R60W.
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: March 1 – November 30.
3. The date from which applicant may claim right is June 16, 2000.
4. The date of approval of Permit No. 6216-3 is September 5, 2000.
5. One-fifth of the construction is to be completed on or before March 5, 2003.
6. All construction is to be completed on or before September 5, 2005.
7. Water is to be put to beneficial use on or before September 5, 2009.
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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

SEP 18 2000

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6216-3</u>	(office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>The Plainsman</u>	



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.) _____

- Name of Applicant Eric Gross Phone 605-352-7273
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 19805 408 Ave Yale, SD State 57386
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.56 *CFS or 700 **GPM ***AF Total Acreage 134
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 118' deep well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in SW corner of NW 1/4 section 17-112-60 Beadle County, Liberty Twp
County _____
- County or counties where water will be used Beadle
- Annual period during which water is to be used March 1 thru November 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
NW 1/4 section 17-112-60	134		

- Give a description of the project. (Attach sheet if more space is needed)
for operation of an existing 10 tower Olson center pivot to irrigate 134 acres of cropland. The pivot is supplied by water from 1600' of buried 8" PUC from well to center pivot

STATE OF SOUTH DAKOTA) SS
County of Beadle

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, Eric Gross, 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.

Applicant's signature Eric Gross
Subscribed and sworn to before me this 14th day of June 2000

Brian Hansen
Notary Public signature
Commission Expires 11-7-02

Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 118'
- b) Casing Type Fiberglass Diameter 16" Thickness _____
- c) Screen Type Fiberglass Diameter 30 Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicants property None

On property owned by others 3/4 mile

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 _____

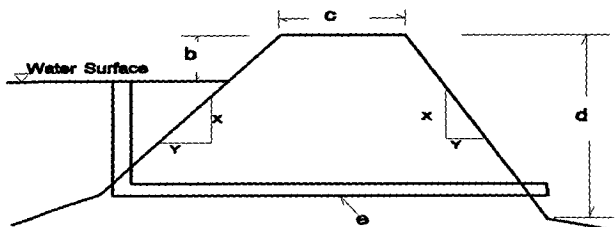
3. Dugout Information

- 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

6-14-00

DEAR,

This is an application for
a Water Right from the
previous owner which I
let expire. Enclosed is
the original application plus
the new application.

Thanks,

Eric Gross

2000



6216-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416547

Pierre, June 16, 2000

RECEIVED OF Eric Gross, 19805 40-8 Ave, Yale SD 57386

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

Fee for Application for Permit No. 6216-3 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. 6216-3

50 00

Fee for Filing Transfer Form

Fee for Filing Extension Request

Fee for

(Any Other Work Provided by Law)

Total

~~250 00~~ 300.00

By Harland Erbe
Chief Engineer

(KS)

REPORT ON WATER PERMIT APPLICATION NO. 6216-3
for Eric Gross
July 20, 2000

Application No. 6216-3 proposes to appropriate 1.56 cfs (700 gpm) from one well approximately 118 feet deep located in the SW 1/4 NW 1/4 of Section 17 to irrigate 134 acres located in the NW 1/4 of Section 17; all in T112N-R60W in Beadle County.

AQUIFER - FLOYD EAST JAMES (F-EJ)

The Floyd East James is a buried outwash (sand and gravel) which is under confined or artesian conditions at this site. The aquifer underlies 146,600 acres and contains an estimated 700,000 acre feet of recoverable water in storage in Beadle County (Hedges, 1982). The aquifer extends into Sanborn County to the south and ground water flow is from east to west toward the James River (Emmons, 1988). Test hole information supplied with the application indicates sand and gravel beginning at a depth of 75 feet and extending to a depth of 118 feet. No test or water level information is available for this log.

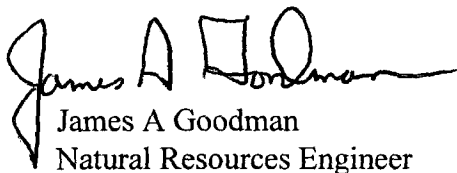
The Water Rights Program does monitor observation wells completed into the Floyd East James aquifer in this area. Observation well, BD-77C, is located about two miles northwest of this application and observation well, BD-77D, is located about one and one-half miles northeast of this application. Water levels for these two wells show good response to climatic conditions, that is, rising water levels during dry 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, 2000). Hydrographs for these two observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing Water Right No. 243-3 located about one mile northwest of this application. Interference is not a concern. Drawdown is not expected to be significant at the distance between diversion points. This is shown by the observation well hydrographs.

CONCLUSIONS

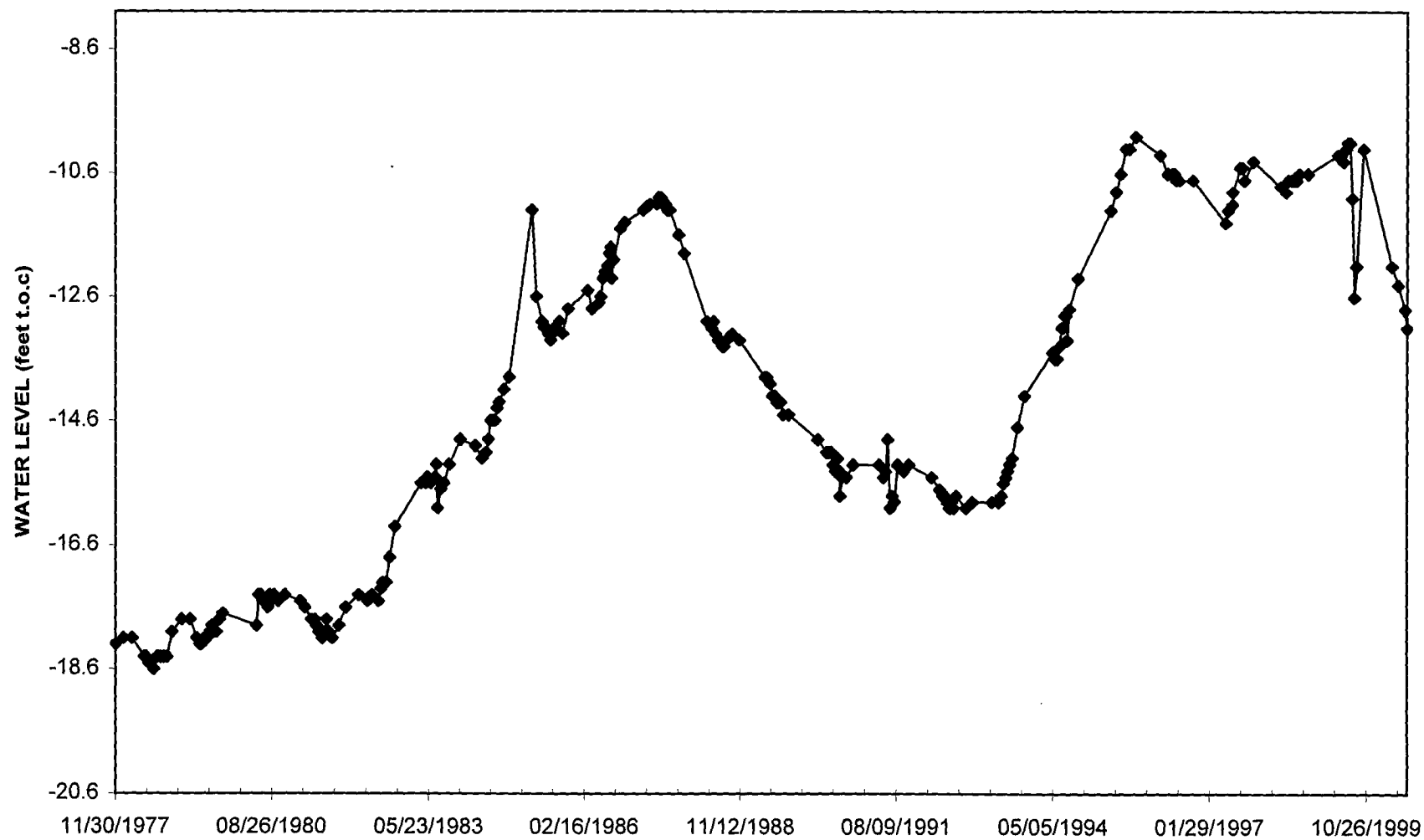
1. Water is available from the Floyd East James aquifer.
2. The aquifer is under artesian conditions. Drawdown will result from pumping. This is not expected to be significant at the distance between existing diversions. The observation well hydrographs show the amount of fluctuation which can be expected.
3. This land was covered by Water Right No. 3262-3. That right was canceled in 1998. This application is simply a renewal of the old water right.
4. Information is not available to determine if the well has been constructed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

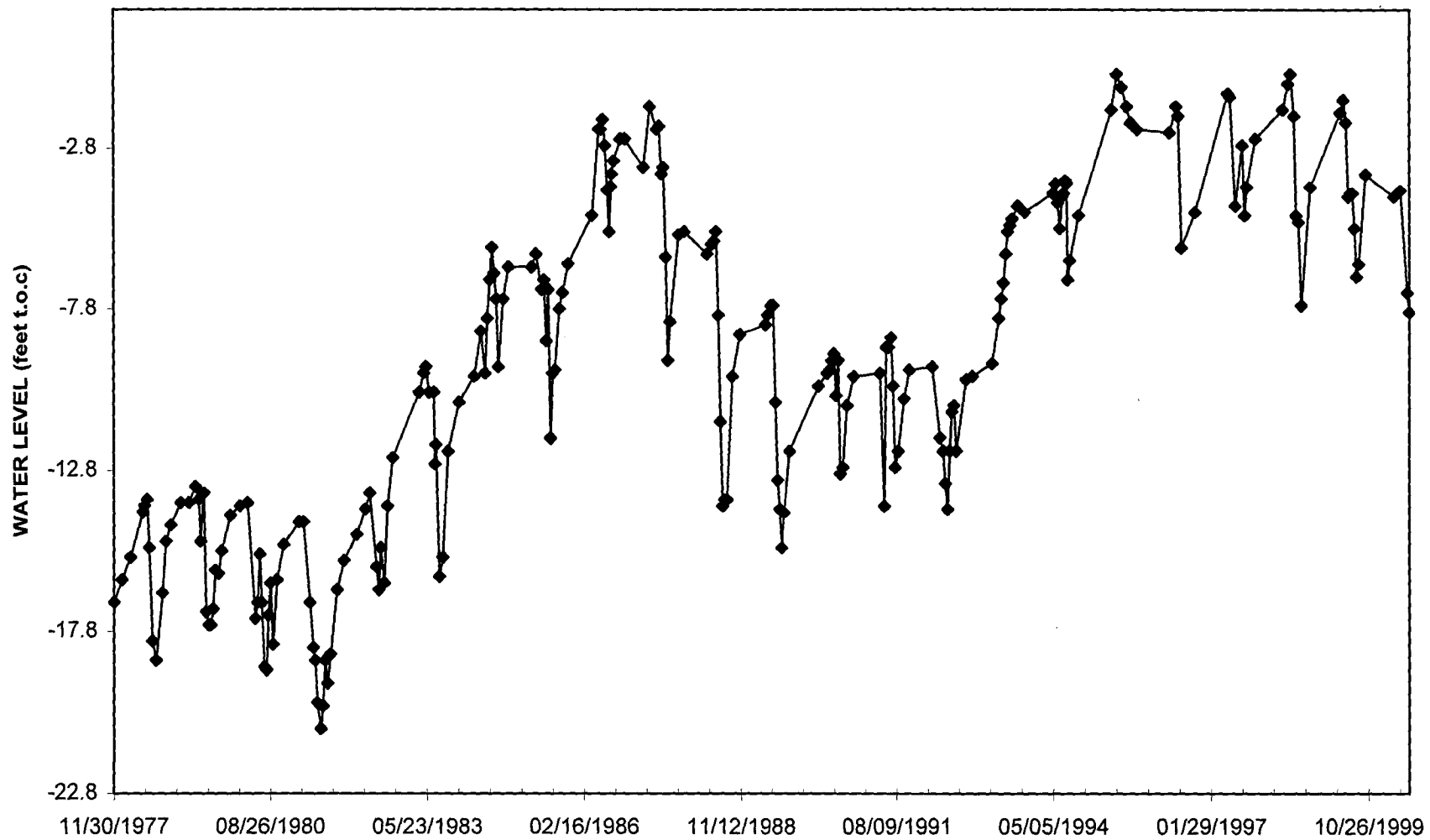
BIBLIOGRAPHY

- Emmons, P.J., 1988, A Digital Simulation of the Glacial-Aquifer System in Sanborn and Parts of Beadle, Miner, Hanson, Davison, and Jerauld Counties, South Dakota, WRI 87-4042, USGS, Huron, SD, 57350.
- Hedges, L.S., et al., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 2000, Unpublished Observation Well Data for Beadle County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
BD-77C**



WATER RIGHTS' OBSERVATION WELL
BD-77D





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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. 6216-3, Eric Gross**

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. 6216-3, Eric Gross, 19805 408th Avenue, Yale, SD 57386.

The Chief Engineer is recommending APPROVAL of Application No. 6216-3 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:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
August 10, 2000



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 10, 2000

The Plainsman
P.O. Box 1278
Huron, SD 57350-1278

ATTENTION: Legal Public Notice

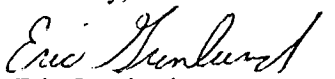
Enclosed is a Notice of Hearing on Application No. 6216-3 to Appropriate Water to be published twice. Please publish the first notice on August 17, 2000, with the second publication 7 days later.

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 Eric Gross, 19805 408 Ave., Yale, SD 57386 (Ph # (605) 352-7273).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 6216-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of August 10, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6216-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

August 10, 2000

Eric Gross
19805 408 Ave.
Yale, SD 57386

Dear Mr. Gross:

Water Permit Application No. 6216-3 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 Plainsman printed at Huron, SD (Ph # (605) 352-1278). 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.

Instruction to Newspaper - Publish first Notice on August 17, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6216-3 to Appropriate Water

Notice is given that Eric Gross, 19805 408 Ave, Yale SD 57386 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well (Floyd:East James Aquifer) 118 feet deep located in the SW ¼ NW ¼ Section 17 to irrigate 134 acres located in the NW ¼ Section 17; all in T112N-R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6216-3 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 5, 2000.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)
 County of Beadle) SS

I, Leslie Fraser

certify that the attached printed Notice was taken

from the Huron Plainsman

printed and published in Huron

County of Beadle and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

August 17, 2000

August 24, 2000

Cost of Printing \$71.40

Leslie Fraser
 (Signature)

Office Manager
 (Title)

August 24, 2000
 (Date Signed)

F.P. 8-17-00 L.P. 8-24-00
NOTICE OF APPLICATION NO. 6216-3 to Appropriate Water

Notice is given that Eric Gfoss, 19805 408 Ave, Yale SD 57386 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well (Floyd: East James Aquifer) 118 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17 to irrigate 134 acres located in the NW $\frac{1}{4}$ Section 17; all in T112N-R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6216-3 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 5, 2000.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

No. 315 (adv.)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 18 2000

Eric Gross
19805 408 Ave
Yale SD 57386

Dear Mr. Gross:

Enclosed is Water Permit No. 6216-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

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

Date 3-5-01

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



FROM: Eric Gross
(name)

19805 408 Ave
(address)

Yale SD 57386
(city, state, zip)

605-352-7273
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6216-3 states that the water use system is to be constructed by
on or before Sept 5, 05, and water is to be put to beneficial use by Sept 5, 2009.
(date) (date)

The water use system was completed on _____

Applying the water to beneficial use was completed on _____

You may schedule an investigation so that the water licens _____

Eric Gross
(signature)

This pivot was
on a piece of
ground I purchased.
It was completed
many years ago.

Permit No. 6216-3
James River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **June 25, 2001**, made a thorough examination of the water use system constructed by **Eric Gross** of **19805 408 th Avenue, Yale SD 57386** holder of Permit No. **6216-3**, bearing the priority of **June 16, 2000** authorizing the diversion of **1.56** cu. ft. per second of the waters of **ground water (Floyd:East James aquifer)** for **irrigation** purposes, in **Beadle** County.

Inspection contact & relationship to permit holder, if applicable: **Eric Gross**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Huron drilling?**
- 2) No. of Wells **1**
- 3) Depth(s) **118** feet
- 4) Well log is available **N**
- 5) Comment: **well drilled in '78**

Casing\Screen:

- 1) Diameter **16** inches
- 2) Type **fiberglass**

No log could be located during processing of the original application.

Pump:

- 1) Make **Byron - Jackson**

Motor:

- 1) Make **General Electric**
- 2) Horsepower rating **50** hp
- 3) **Motor laying beside wellhead - may switch power source**

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

- 1) Type **PVC**
- 2) Size **8** inches
- 3) Length **1,600** feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make **Olson**
- 2) Number of towers **10**
- 3) End gun **Y**
- 4) **High** pressure
- 5) Capacity **700** GPM

Chemigation Equipment:

- 1) Does chemigate **N**

D. Compliance with Permit Requirements:

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

Report of Examination of Works

Permit No. 6216-3

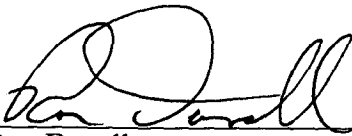
The system is in fair condition with the point of diversion located as follows: Well: $\approx$ 2,460 feet S and $\approx$ 180 feet E from the NW corner section 17-T112N-R60W (SW $\frac{1}{4}$ NW $\frac{1}{4}$). The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: **All in section 17-T112N-R60W**

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33.5 ac
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.5 ac

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.5 ac
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 33.5 ac

comprising a total of 134 acres of land and the license should be issued for 1.56 cfs.

Comments or other permit(s) associated with the project: **none** | All structures, wells and lands on map Y



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 6, 2001

700 0 700 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights


Ron Duvall, Nat. Res. Engineer
August 6, 2001

No. 6216-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6216-3

(1) Eric Gross, 19805 408th Ave, Yale SD 57386 made Application No. 6216-3, June 16, 2000 for a water permit to divert 1.56 cubic feet of water per second from groundwater (one well), Beadle County, South Dakota for irrigation purposes. Permit No. 6216-3, with a priority date of June 16, 2000 was approved September 5, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 5, 2005 and for the application to beneficial use of said water on or before September 5, 2009.

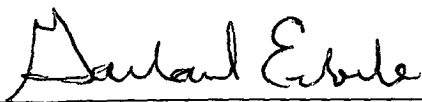
The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on March 14, 2001. The *Notice* stated the diversion system was completed and the water placed to beneficial use prior to March 14, 2001.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 2,460 feet S and 180 feet E from the NW corner Section 17-T112N-R60W (SW ¼ NW ¼).

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

Section 17-T112N-R60W	NE ¼ NW ¼	33.5 acres
	NW ¼ NW ¼	33.5 acres
	SW ¼ NW ¼	33.5 acres
	SE ¼ NW ¼	33.5 acres
Total		134 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Eric Gross, 19805 408th Ave, Yale SD 57386 the holder and/or owner of Water Right No. 6216-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from groundwater (one well) with a priority date of June 16, 2000 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 6216-3 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 13 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 13 2001

6216-3

Eric Gross
19805 408th Ave
Yale, SD 57386

Dear Mr. Gross:

Enclosed is Water License No. 6216-3. This is the final water right document completing your process of obtaining a Water Right.

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

Sincerely,

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

enclosures



6216-3
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 24, 2012

NOTICE

TO: ERIC GROSS, 19805 408 AVE, YALE, SD 57386

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6216-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 6216-3 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 7, 2012** 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) 6216-3 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 on/or before **March 2, 2012**, 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
www.denr.sd.gov

January 26, 2012

6216-3

Eric Gross
19805 408th Ave
Yale SD 57386

Dear Mr. Gross:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 6216-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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