

WATER PERMIT NO. 6235-3

Name of Applicant: Harold Boer

Address: PO Box 98, Lyons SD 57041 Phone: 605 446-3701

Amount of Water Claimed: 0.25 cfs (100 gpm) Total Acres: 10

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Minnehaha

Type of Waste Disposal System:

Location: 1 mile northwest of Lyons or 10 miles northwest of Sioux Falls

PRIORITY Date Received: 9-18-2000

Fee: \$150

Corrected Application Received:: 10-20-2000

Period of Annual Use: January 1 – December 31

Remarks: water will also be supplied to a 1 acre pond

Diversion Point: SW ¼ SW ¼ Sec 7-T103N-R50W

Land to be Irrigated: 10 acres within the SW ¼
SW ¼ Sec 7-T103N-R50W

Depth of Well: 20 feet deep

Well Driller: : Lacey Well Drilling

Remarks:

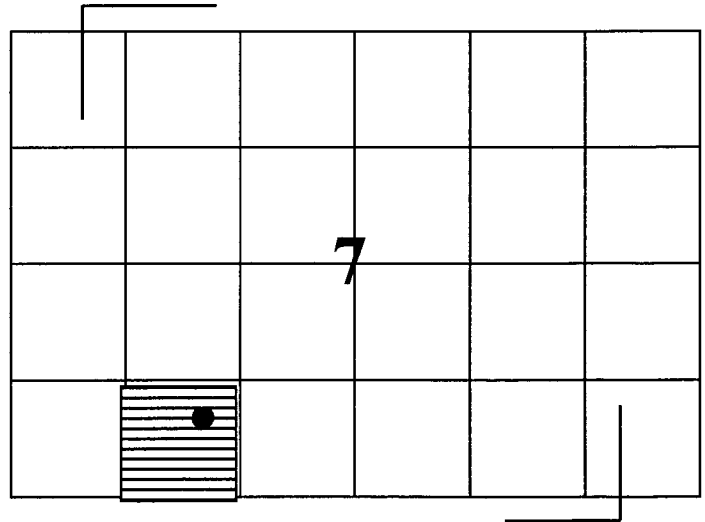
Type of Map: aerial

Prepared by: Linda Wagner, NRCS

Reviewed and the Number Assigned on: 10-20-2000

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6235-3

Date of first receipt of application September 18, 2000.

Date of return to applicant for corrections, amendments or changes October 5, 2000.

Date of receipt of corrected application October 20, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6235-3 to Harold Boer, PO Box 98, Lyons SD 57041 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. 6235-3 appropriates 0.25 cubic feet of water per second from one well (Middle Skunk Creek management unit of Big Sioux Aquifer) 20 feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7 to irrigate 10 acres located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7; all in T103N-R50W. Water will also be supplied to a 1 acre pond.
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: January 1 – December 31.
3. The date from which applicant may claim right is September 18, 2000.
4. The date of approval of Permit No. 6235-3 is January 29, 2001.
5. One-fifth of the construction is to be completed on or before July 29, 2003.
6. All construction is to be completed on or before January 29, 2006.
7. Water is to be put to beneficial use on or before January 29, 2010.
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. Water Permit No. 6235-3 entitles the permit holder to divert sufficient water annually to maintain the water level of a one acre pond.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6235-3 authorizes a maximum diversion rate of 0.25 cfs for the irrigation of 10 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.

(continued)

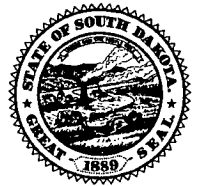
4. The City of Sioux Falls has priority right to water from the Middle Skunk Creek management unit of the Big Sioux Aquifer under future use withdrawal permits, Permit No. 6235-3 is subject to their prior rights if or when the city develops the reserved water supply.
5. This Permit is approved subject 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

FEB 15 2001

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>62353</u>	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Argus Leader, Sioux Falls 57117</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right Amendment/Correction to Permit No.
(check one) (Use predates Mar 2, 1955)

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

- Name of Applicant Harold Boer ☒ Owner Phone 546 3701
Mailing Address PO Box 98 Lyons ☐ Tenant/Lessee (check one) State SD 57041
(Street, RR, or Box) (Zip Code)
- Amount of water claimed .25 *CFS or 100 **GFM ***AF Total Acreage 10.60
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply groundwater (well)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) well in SW1/4 of SW1/4 of Section 7 Twp 103N Range 50 W of 5th P.M. Minnehaha
County excepted And Lot H2
- County or counties where water will be used Minnehaha
- Annual period during which water is to be used 12 months Jan 1 - Dec 31
- 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
SW1/4 Sec 7 T103N R50W	10		

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

Water well supply for farm use. Located in SW1/4 of SW1/4 of Sec 7 T103N R50W.

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

STATE OF SOUTH DAKOTA)

County of Minnehaha ss

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

Signed Harold Boer

Subscribed and sworn to before me this 14th day of September 2000

Wayne J. Auer
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 20" Depth 20'6"
- b) Casing Type ~~12" PVC~~ Diameter 12" Thickness 61/60
- c) Screen Type PVC Diameter 5'x12" Thickness sch 40
- d) Gravel Pack MURCATINE Length of Gravel Pack 10'
- e) Depth to Top of Water Bearing Material 10'
- f) Depth to Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:

On applicants property _____

On property owned by others 2500'

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

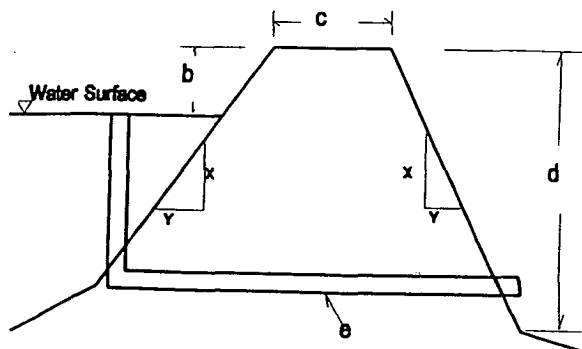
3. Dugout Information

- 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

07-92

Date: 9-14-00



MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416632

Pierre, September 18, 2000

RECEIVED OF Harold or Helen Roer, PO Box 98, Ly9nn, SD 57041-0098
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6235-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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	150 00

By Garland Erbele
Chief Engineer
Garland Erbele



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 5, 2000

Harold Boer
PO Box 98
Lyons SD 57041

Dear Mr. Boer:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. Since you submitted two different applications, I am unclear as what you are proposing to do.

One application states the amount of water claimed to be 0.16 cubic feet per second (cfs). The other application, request 0.25 cfs or 100 gpm. Which amount is correct? Also, we need to know the total number of acres to be irrigated. From the aerial photo submitted with the application, it appears that you intend to irrigate 40 acres located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7-T103N-R50W.

We have received the \$150 application filing fee which is the correct amount to irrigate 40 acres. In addition to the application filing fee, the Water Rights Program now collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit.

Please make the necessary clarifications. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NC 416660

Pierre, October 20, 2000, _____

RECEIVED OF Harold Boar, 46608 252nd St, Lyons SD 57041
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

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. 6235-3

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Harold Erbe

Chief Engineer

Water Rights Program - File Documentation

NAME: Harold Boer

ADDRESS: Lyons

DATE: 10-20-2000 **COUNTY:** Minnehaha **TELEPHONE:** 446-3701

RE: Pending application

COMMENTS:

I called Harold Boer regarding his application. Mr. Boer stated he would be irrigating a maximum of 10 acres of yard and trees within the SW ¼ SW ¼ of Sec 7-T103N-R50W. Mr. Boer further stated that water from the well would supply a small 1 acre pond located in the same area. The pond will be for ascetics purposes only.

Karen Schlaak

Karen Schlaak
Environmental Scientist

WATER PERMIT APPLICATION NO. 6235-3
HAROLD BOER
DECEMBER 20, 2000

Water Permit Application No. 6235-3 proposes to appropriate 0.25 cubic feet of water per second from one well (Middle Skunk Creek management unit), 20 feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.7 to irrigate 10 acres located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7; all in T103N-R50W, Minnehaha County. Water will be use to supply a one acre pond to be used for aesthetic purposes.

AQUIFER: Middle Skunk Creek (BS-MSC)

The Middle Skunk Creek management unit of the Big Sioux aquifer consists of alluvium mantled glacial outwash deposits containing poorly sorted sands and gravels with some interbedded clays and silts (Lingren and Niehus, 1992). The aquifer is mainly under unconfined (water table) conditions. The Middle Skunk Creek management unit has an areal extent of approximately 18,300 acres, underlying parts of Minnehaha and Moody Counties (Hedges,1982). Recoverable water in storage in the management unit has been estimated to be 41,180 acre-feet (Hedges, 1982). Recharge to the aquifer occurs through infiltration of precipitation in the flood plain of Skunk Creek and connecting tributaries. The Middle Skunk Creek Aquifer is also hydraulically connected to both Skunk Creek and the West Branch of Skunk Creek. Depending on the hydraulic gradient between the aquifer and the streams, water migrates from the streams into the aquifer (losing stream condition) or from the aquifer to the streams (gaining stream condition). In general, gaining stream conditions prevail between the BS-MSC aquifer and Skunk Creek. Recharge to the Middle Skunk Creek management unit is estimated to be six inches per year (Ohland, 1987) or 9,150 acre-feet per year.

The Water Rights Program monitors seven observation wells completed into the Middle Skunk Creek management unit (Water Rights, 2000_b). Observation well MA-78D is located less than one mile south east of this well. Observation well MA-78C is located less than two miles north east of this well. Hydrographs for these wells, figures 1 and 2 respectively, show annual fluctuations in water levels resulting from climatic conditions. The effects of drawdown from pumping wells is not apparent on the hydrographs.

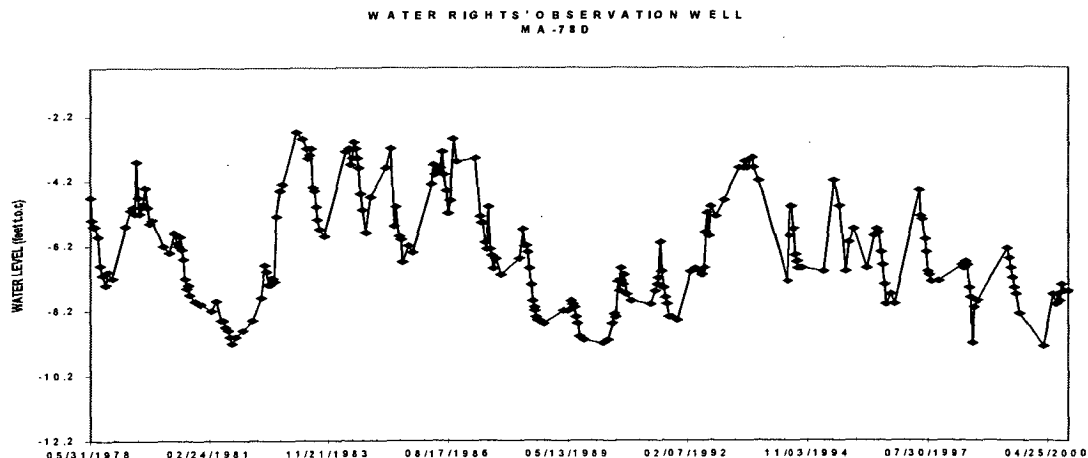


Figure 1, Hydrograph of Observation Well MA-78D

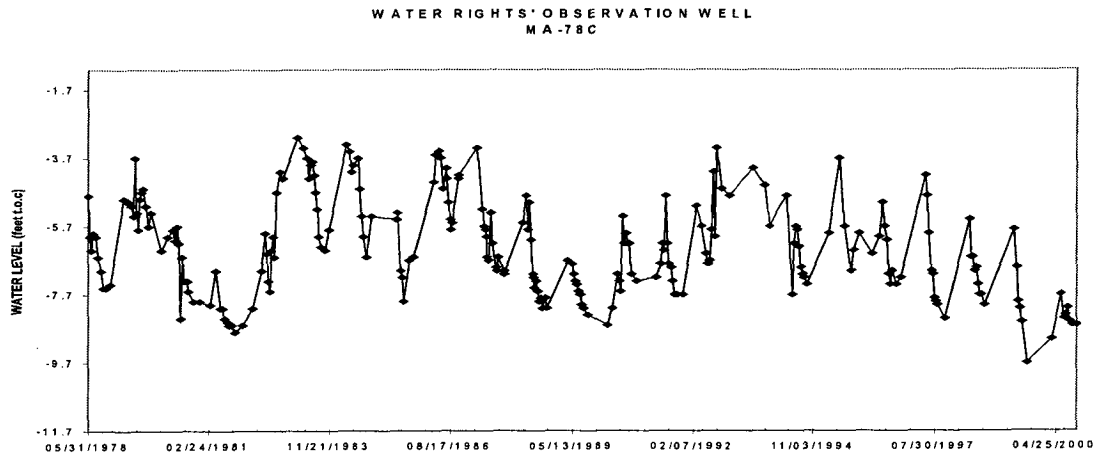


Figure 2, Hydrograph of Observation Well MA-78C

Affects on Existing Water Rights:

There are a number of domestic wells completed into the Middle Skunk Creek management unit (Water Rights, 2000_a). There are 14 water permits/rights authorizing withdrawals from the Middle Skunk Creek management unit. The water is used for irrigation (eight Water Rights) and for municipal use (six Permits). Irrigation water rights appropriate up to 2,559 ac-ft/yr and municipal use permits appropriate 4,883 ac-ft/yr. In addition, 183 ac-ft/yr remain reserved by Future Use Permit No. 5522-3. Total appropriation from the aquifer equals 7,625 ac-ft/yr.

Except for Water Permit No. 5726-3, City of Sioux Falls, which appropriates 66 ac-ft/yr, municipal permits from this management unit are withdrawals of water reserved by Future Use Permit No. 5522-3. The Future Use Permit originally reserved 5,000 ac-ft/yr. Future use permits can be fully developed, so municipal use could theoretically reach 5,000 ac-ft/yr from the management unit. Irrigation usage is considerably lower than the amount appropriated. Actual irrigation use reported from the aquifer is shown in the following table.

YEAR	REPORTED PUMPAGE (ac-ft/yr)
1999	145.1
1998	77.86
1997	140
1996	287.93
1995	95.45
1994	40.92
1993	7
1992	11
1991	460
1990	4

Combined historic irrigation use values (<460 ac-ft/yr), theoretical municipal use values (5,000 ac-ft/yr) and this application's requested appropriation (20 ac-ft/yr), will not exceed recharge estimates for the management unit (9,150 ac-ft/yr).

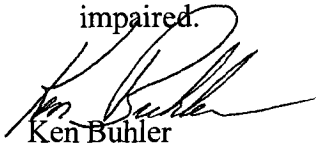
There are four existing water rights/permits appropriating ground water within one mile of this well site. The nearest permitted well is the City of Sioux Falls' well no. 110, authorized by

Water Permit No. 5775-3, which is located approximately one half mile from this well. Well interference is not expected to be a problem at this distance.

This well is located within the area reserved for future use by the City of Sioux Falls by Future Use Permit No. 5522-3. This permit, if approved, will be junior to any appropriations, from the future use.

CONCLUSIONS:

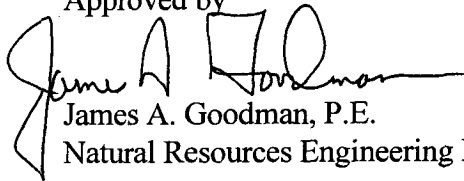
1. Water is available from the BS-MSC management unit. The total estimated, actual and reserved water use does not exceed the recharge estimate for the management unit.
2. Interference is not expected to be a problem. Existing water rights will not be unlawfully impaired.



Ken Buhler

Natural Resources Engineering Specialist

Approved by



James A. Goodman, P.E.

Natural Resources Engineering Director

REFERENCES:

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, US Army Corps of Engineers, DENR-Geological Survey, Vermillion, SD

Lingren, R.J., Niehus, C.A., 1992, Water Resources of Minnehaha County, South Dakota, USGS Water Resources Investigations Report 91-4101, Huron, SD

Ohland, G.L., 1990, Appraisal of the Water Resources of the Skunk Creek Aquifer in Minnehaha County, SD, USGS Water Resources Investigations Report 87-4156, Huron, SD

Water Rights Program, 2000_a, "Domestic Well Log Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2000_b, "Observation Well Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2000_c, "Water Right/Permit Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501



**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. 6235-3, Harold Boer**

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. 6235-3, Harold Boer, PO Box 98, Lyons SD 57041.

The Chief Engineer is recommending APPROVAL of Application No. 6235-3 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. Water Permit No. 6235-3 entitles the permit holder to divert sufficient water annually to maintain the water level of a one acre pond.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6235-3 authorizes a maximum diversion rate of 0.25 cfs for the irrigation of 10 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. The City of Sioux Falls has priority right to water from the Middle Skunk Creek management unit of the Big Sioux Aquifer under future use withdrawal permits, Permit No. 6235-3 is subject to their prior rights if or when the city develops the reserved water supply.
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
January 5, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 5, 2001

Randy Janssen, Water Plant Superintendent
Water Purification Plant
2100 N. Minnesota Avenue
Sioux Falls SD 57104

Dear Mr. Janssen:

I am writing in to inform you of a pending water right permit application filed by Harold Boer. This application proposes to appropriate 0.25 cubic feet of water per second from the Middle Skunk Creek management unit of the Big Sioux Aquifer.

Enclosed is a copy of the staff report, recommendation and public notice on the application. The notice is to be published in the Argus Leader on January 12 and 19, 2001.

This information is being sent to you because of Sioux Falls continuing interest in water permitting issues in the area. The Boer well is near an existing city well and is within the city's future use area authorized by Future Use Permit No. 5522-3. Please see the staff report for more information.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 5, 2001

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6235-3 to Appropriate Water to be published twice. Please publish the first notice on January 12, 2001 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 Harold Boer, PO Box 98, Lyons SD 57041 (Ph # 605-446-3701).

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

-----CUT HERE-----

No. 6235-3

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

Date _____

We are in receipt of your letter of January 5, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 6235-3 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.

January 5, 2001

Harold Boer
PO Box 98
Lyons SD 57041

Dear Mr. Boer:

Water Permit Application No. 6235-3 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 Argus Leader printed at Sioux Falls, SD (Ph # 605-331-2200). 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 January 12, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6235-3 to Appropriate Water

Notice is given that Harold Boer, PO Box 98, Lyons SD 57041 has filed an application for a water permit to appropriate 0.25 cubic feet of water per second from one well (Middle Skunk Creek management unit of Big Sioux Aquifer) 20 feet deep located in the SW ¼ SW ¼ Section 7 to irrigate 10 acres located in the SW ¼ SW ¼ Section 7; all in T103N-R50W. Water will also be supplied to a 1 acre pond.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6235-3 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 January 29, 2001.

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.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Beth Buchanan being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

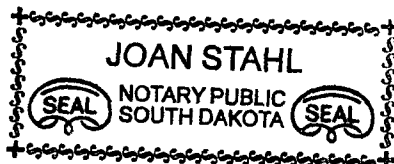
Wed	, the	10	day of	January	2001,
Wed	, the	17	day of	January	2001,
	, the		day of		2001,
	, the		day of		2001,
	, the		day of		2001,
	, the		day of		2001,
	, the		day of		2001,

and that \$87.31 was charged for publishing the same including
A \$5.00 affidavit fee.

Beth Buchanan

Subscribed and sworn to before me January 17, 2001,

Joan Stahl



Notary Public, South Dakota

My Commission expires June 30, 2005

State Notices

NOTICE OF APPLICATION NO. 6235-3 to Appropriate Water

Notice is given that Harold Boer, PO Box 98, Lyons, SD 57041 has filed an application for a water permit to appropriate 0.25 cubic feet of water per second from one well (Middle Skunk Creek management unit of Big Sioux Aquifer) 20 feet deep located in SW1/4 SW1/4, Section 7 to irrigate 10 acres located in the SW1/4 SW1/4 Section 7; all in T103N-R50W. Water will also be supplied to a 1 acre pond.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6235-3 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 January 29, 2001.

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
Jan. 10, 17, 2001
20220





FEB 15 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Harold Boer
PO Box 98
Lyons, SD 57041

Dear Mr. Boer:

Enclosed is Water Permit No. 6235-3 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

Permit No. 6235-3
Big Sioux 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 27, 2006, made a thorough examination of the water use system constructed by Harold Boer of P.O. Box 98, Lyons SD 57041 holder of Permit No. 6235-3, bearing the priority of September 18, 2000 authorizing the diversion of 0.25 cu. ft. per second and/or storage in a 1.0 acre pond of the waters of Middle Skunk Creek Aquifer for irrigation purposes, in Minnehaha County.

Inspection contact & relationship **Harold Boer – 605.543.5591 work number**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lacy Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 20.5 feet
- 4) Well log is available yes
- 5) Comment:

Casing:

- 1) Diameter 12 inches
- 2) Length 15.5 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 5 feet
- 3) Static water level 10 feet

Pump:

- 1) Make submersible
- 2) Model
- 3) Size
- 4) Capacity 50 GPM

Motor:

- 1) Make
- 2) Model No.
- 3) Horsepower rating 10 hp

Pond Information:

- 1) depth 15-20 feet
- 2) surface area 1.7 acres
- 3) Approx. storage 12 ac-ft

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

- 1) Type pvc 2) Size 2 inches 3) Length 1070 feet

C. Works used to apply water to beneficial use:

Sprinkler System:

- 1) Make Rainbird
2) Number of heads 40
3) Capacity per head 2 gpm
4) Number of Zones 3
5) Capacity 26 GPM

Chemigation Equipment:

- 1) Does chemigate no

D. Compliance with Permit Requirements:

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

The system is in good condition with the point(s) of diversion located as follows: 1115' N and 985' E of the SW corner Section 7, T103N, R50W, 43.735194/-96.886913. The works are capable of diverting and conveying to the place of use 0.06 cu. ft. per second of water and/or storing 12 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 7-T103N-R50W:
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3 acres

comprising a total of 3 acres of land and the license should be issued for 0.11 cfs and/or 12 acre-feet of storage.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project:

The sprinkler system runs up to 13 heads at a time for a maximum of 26 gpm. Pump at 50 gpm when pumping to the pond.


Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: July 5, 2006

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6235-3

(1) Harold Boer, PO Box 98, Lyons SD 57041 made Application No. 6235-3, September 18, 2000 for a water permit to divert 0.25 cubic feet of water per second from groundwater (one well), Minnehaha County, South Dakota for irrigation purposes. Permit No. 6235-3, with a priority date of September 18, 2000 was approved January 29, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 29, 2006 and for the application to beneficial use of water on or before January 29, 2010.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6235-3 is issued a license, bearing a priority date of September 18, 2000 to appropriate 0.11 cubic feet of water per second from groundwater (one well) to irrigate 3 acres. Water also supplies a 1 acre pond.

The diversion point is located: 1,115 north and 985 feet east of the southwest corner Section 7-T103N-R50W (SW ¼ SW ¼). The acres authorized for irrigation are as follows:

3 acres SW ¼ SW ¼ Section 7-T103N-R50W

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6235-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Water Permit No. 6235-3 entitles the permit holder to divert sufficient water annually to maintain the water level of a one acre pond.
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6235-3 authorizes a maximum diversion rate of 0.11 cfs for the irrigation of 3 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
- The City of Sioux Falls has priority right to water from the Middle Skunk Creek management unit of the Big Sioux Aquifer under future use withdrawal permits. Permit No. 6235-3 is subject to their prior rights if or when the city develops the reserved water supply.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

APR 20 2007
date



WATER RIGHT NO. 6235-3

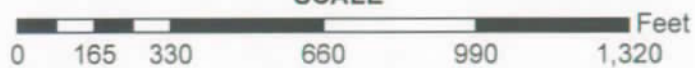
Harold Boer

R50W

T103N



SCALE



Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR - Water Rights Program
July 5, 2006





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 20 2007

6235-3

HAROLD BOER
PO BOX 98
LYONS SD 57041

Dear Mr. Boer:

Enclosed is Water License No. 6235-3. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6235-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures