

WATER PERMIT NO. 6335-3

Name of Applicant: Joe Hummel

Address: PO Box 27, Davis SD 57021

Phone: 605 238-5219

Amount of Water Claimed: no additional

Total Acres: 120

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Turner

Type of Waste Disposal System:

Location: 2 miles east of Hurley

PRIORITY

Date Received: 6-26-2002

Application/License Fee: \$275

Corrected Application Received:

Period of Annual Use: May 1 – September 30

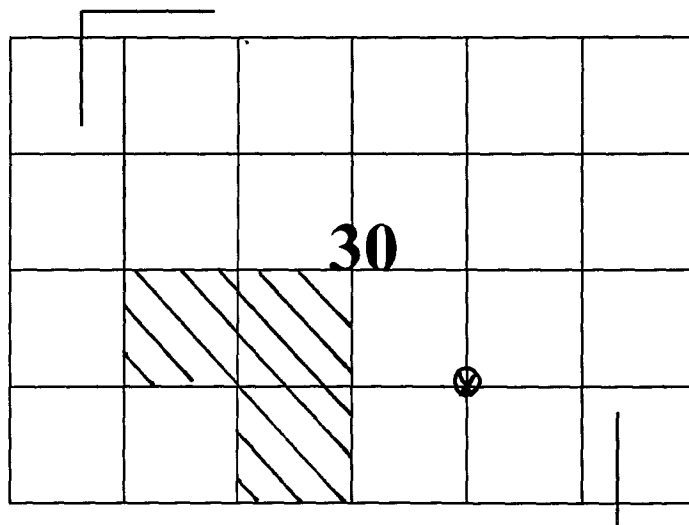
Remarks: Planning to irrigate 120 acres using the well authorized by Water Permit No. 5973-3

Diversion Point: approximate center of SE ¼ Sec

30-T98N-R52W

Land to be Irrigated: N ½ SW ¼, SW ¼ SW ¼ Sec

30-T98N-R52W



Depth of Well: 185 feet deep

Well Driller: :

Remarks:

Type of Map: aerial

Prepared by: Edie Schoenwald

Reviewed and the Number Assigned on: 6-26-2002

By: Karen Schlaak

SOUTH DAKOTA
WATER PERMIT NO. 6335-3

Date of first receipt of application June 26, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6335-3 to Joe Hummel, PO Box 27, Davis SD 57021 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. 6335-3 authorizes irrigation of an additional 120 acres. Water Permit No. 5973-3 authorizes 2.28 cubic feet of water per second from one well (Upper Vermillion Missouri Aquifer) approximately 185 feet deep located in the SE $\frac{1}{4}$ Section 30 to irrigate 160 acres located in the SE $\frac{1}{4}$ Section 30; all in T98N-R52W. This permit authorizes the existing well to irrigate an additional 120 acres located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30-T98N-R52W. This permit does not authorize any increase in the developed diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is June 26, 2002.
4. The date of approval of Permit No. 6335-3 is September 9, 2002.
5. One-fifth of the construction is to be completed on or before March 9, 2005.
6. All construction is to be completed on or before September 9, 2007.
7. Water is to be put to beneficial use on or before September 9, 2011.
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

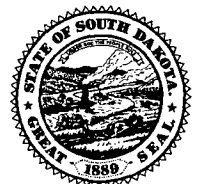
By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

SEP 17 2002

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6335-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>The New Era</u> <u>Parker</u>	

RECEIVED
JUN 26 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Adding diversion Point to well on Permit #5973-3

- Name of Applicant Joe Hummel Phone 605-238-5219
(check one) X Owner Tenant/lessee
Mailing Address P.O. Box 27 Dalis State SD 57021
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed No Addnl *CFS or **GPM ***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground Water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in SE 1/4 of Section 30
Township 98 North Range 52 W of 5th PM (existing) (approximate
center SE 1/4) County TURNER
- County or counties where water will be used TURNER
- Annual period during which water is to be used May 1 through Sept 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} N ⁵ SW ⁴ Sect 30 T98 NR 52W	40		
NE ^{1/4} N ⁵ SW ⁴ Sect 30 T98 NR 52W	40		
SW ^{1/4} N ⁵ SW ⁴ Sect 30 T98 NR 52W	40		

8. Give a description of the project. (Attach sheet if more space is needed) Using existing well on Permit 5973-3, Extension 8" PVC Piping will be buried along the S. edge of NE^{1/4} of N⁵ of SW⁴ plus the S. edge of the NW^{1/4} SE⁴ of Section 30 T98 NR 52W to the new center pivot system. Existing well will now irrigate the existing 160 acres plus the new 120 acres on a rotating basis.

STATE OF SOUTH DAKOTA) SS
County of TURNER

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, JOE HUMMEL, 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 Joe Hummel

Subscribed and sworn to before me this 24th day of June 2002

Ruth L. Weiser

Notary Public signature

My
Commission
Expires
5-06-08

Supplemental Information

(type or print in ink)

See Permit #5973-3

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ 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 _____ 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 _____

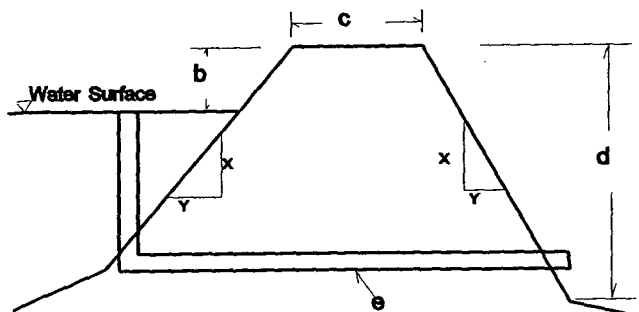
3. Dugout Information

- 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.

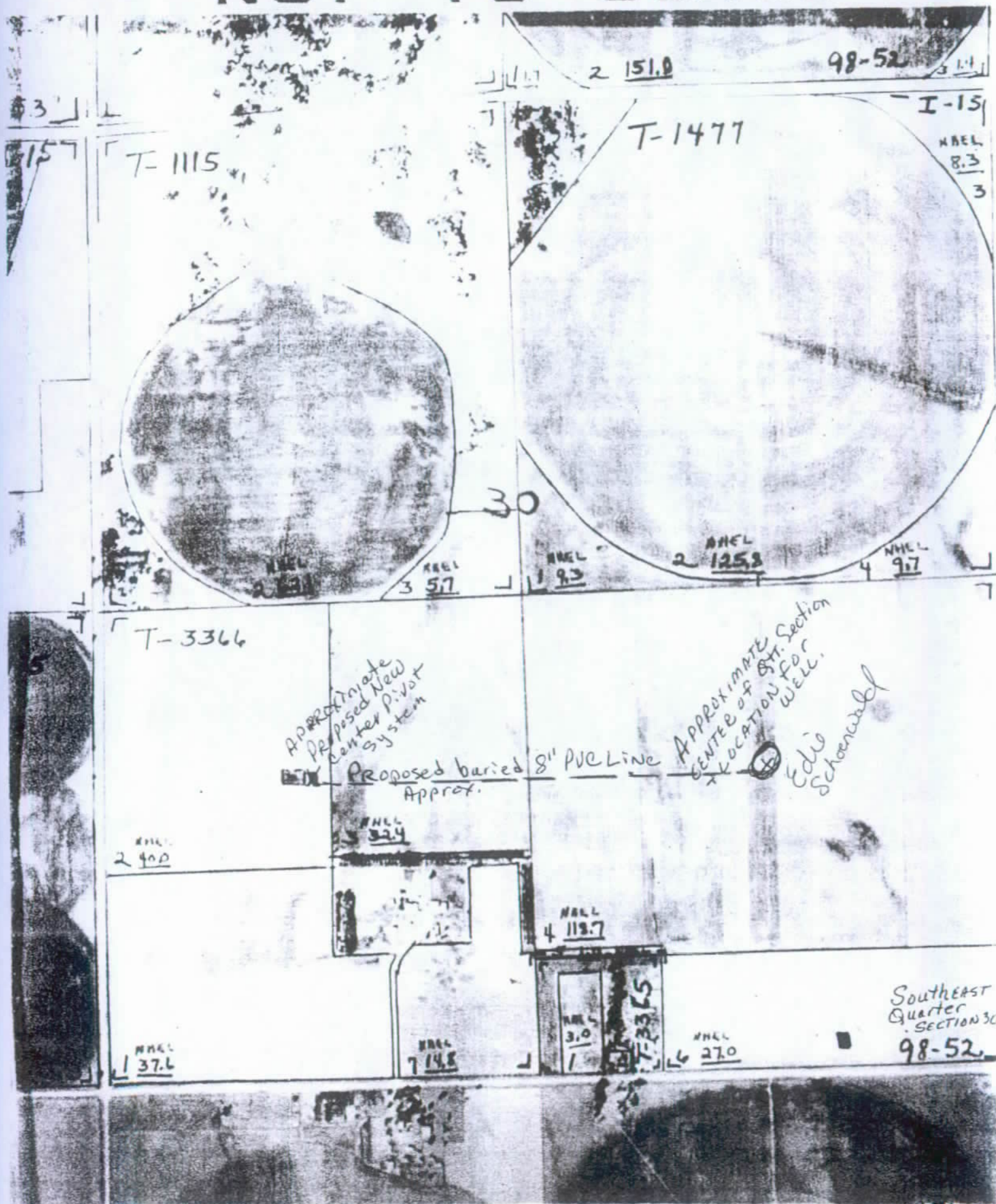
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:
- _____
- _____



- 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

Joe Hummel

NOT TO SCALE



Southeast
Quarter
SECTION 30
98-52

5973-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NR 417206

Pierre, June 26, 20 02

RECEIVED OF Joe Hummel, Box 27, Davis SD 57021
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>4335-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225 00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4335-3</u> _____	50 00
Fee for Filing Transfer Form _____	
Fee for Filing Extension Request _____	
Fee for _____	

(Any Other Work Provided by Law)	
Total	275 00

By Darland Ebele
Chief Engineer *gme*

REPORT ON WATER PERMIT APPLICATION NO. 6335-3

For Joe Hummel

July 31, 2002

Application No. 6335-3 proposes to irrigate an additional 120 acres. Water Permit No. 5973-3 authorized 2.28 cfs from one well approximately 185 feet deep located in the SE $\frac{1}{4}$ of section 30 to irrigate 160 acres located in the SE $\frac{1}{4}$ of section 30; all in T98N R52W in Turner County. This application is a request to utilize the existing well to irrigate an additional 120 acres located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 30, T98N R52W. This application, if approved, does not authorize any increase in the developed diversion rate.

AQUIFER – UPPER VERMILLION MISSOURI (UVM)

The Upper Vermillion Missouri aquifer is a buried outwash (sand and gravel) which is under confined or artesian conditions at this site. The aquifer contains an estimated 1.8 million acre-feet of water in storage and underlies 207 square miles of Turner County (Lindgren, 1990). Ground water movement is from north to south through the area of this application. The Upper Vermillion Missouri aquifer consists of two distinct sand and gravel layers separated by glacial till in this area. The two layers do appear to be hydraulically connected. Also, the aquifer is overlain by the Parker Centerville aquifer which is a surficial outwash (sand and gravel) and under water table conditions. The Parker Centerville and the Upper Vermillion Missouri aquifer are not hydraulically connected in this area.

The Water Rights Program does monitor observation wells in this immediate area. The water level record indicates fluctuation due to pumping can approach 20 feet during the irrigation season. Observation well TU-77I shows the amount of fluctuation, which occurs, and this monitoring point is located about $\frac{1}{4}$ mile southeast of the well for this application. A hydrograph for this observation well is included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002).

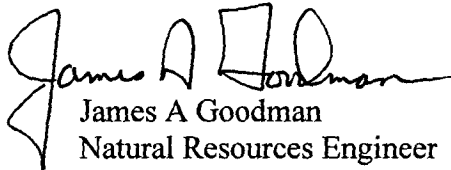
REVIEW OF EXISTING WATER PERMITS/RIGHTS

This area of Turner County is intensively irrigated. Two sources of water are utilized, the Upper Vermillion Missouri and the Parker Centerville aquifers. There are four existing irrigation wells completed into the Upper Vermillion Missouri aquifer within a $\frac{3}{4}$ mile radius of the well for this application. Interference is not a concern. These wells have been in use for many years with no apparent problems. The observation well hydrograph verifies this conclusion.

CONCLUSIONS

1. Water is available from the Upper Vermillion Missouri aquifer.

2. The aquifer is confined and under artesian conditions. Drawdown will occur as a result of pumping. The magnitude of the drawdown is shown by the observation well hydrograph. Interference is not a concern.
3. No well log was filed with the application. This log needs to be submitted to the Water Rights Program for review of the construction.
4. Pumping from the Upper Vermillion Missouri aquifer does not affect water levels in the Parker Centerville aquifer.
5. No additional diversion rate is authorized by this application but an additional 240 acre-feet of water is appropriated by this application, if approved.

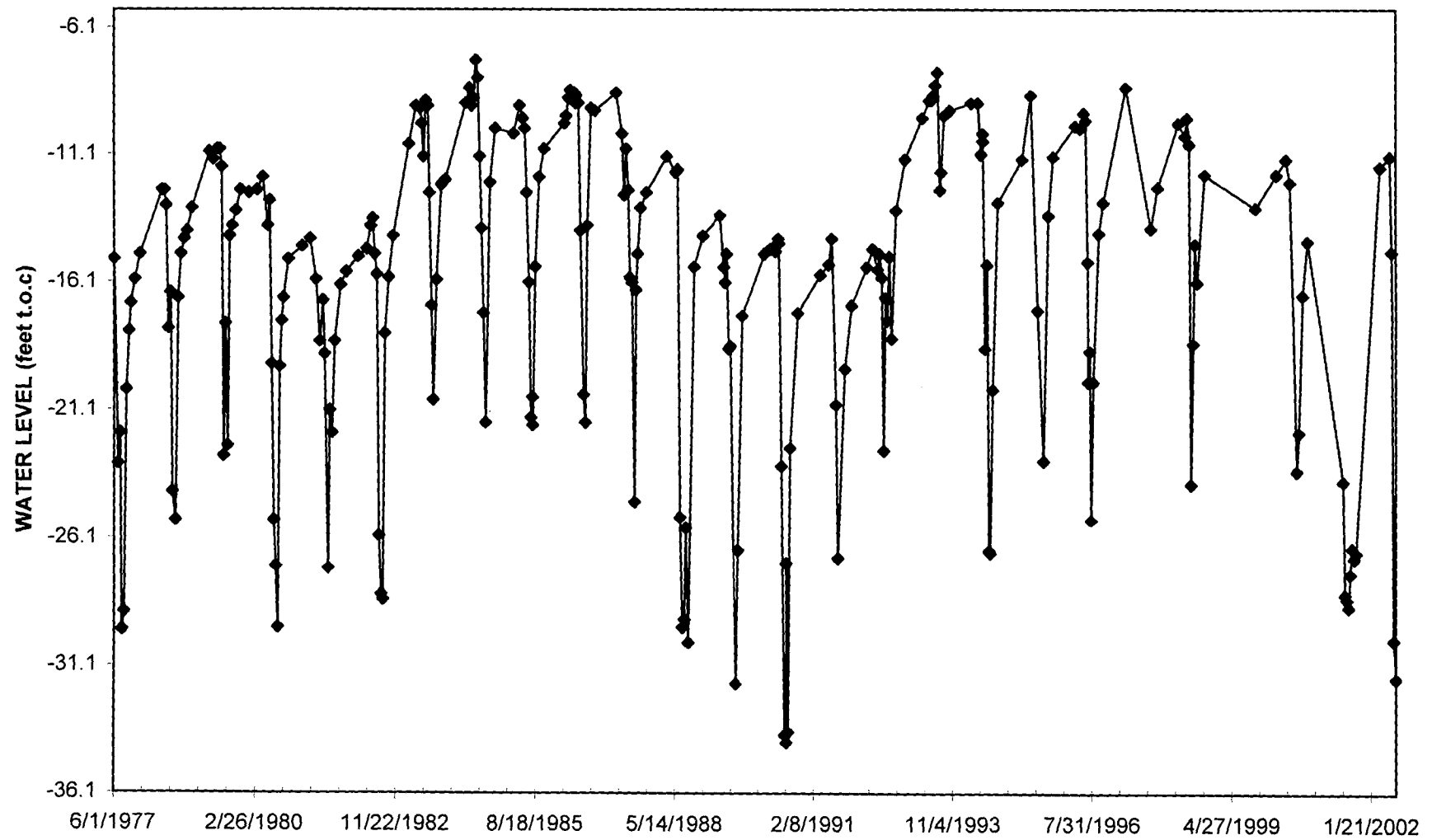


James A Goodman
Natural Resources Engineer

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties South Dakota, WRI 90-4093, USGS, Huron, SD, 57350.

Water Rights, 2002, Unpublished Observation Well Data for Turner County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
TU-77I





**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. 6335-3, Joe Hummel**

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. 6335-3, Joe Hummel PO Box 27, Davis SD 57021.

The Chief Engineer is recommending APPROVAL of Application No. 6335-3 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 9, 2002

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF TURNER

:ss

OK

I, Sarah Ebeling of the City of Parker, County of Turner, State of South Dakota, State of South Dakota, being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon-Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the

undersigned, the affiant, is the Office Manager of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

#2870 - notice of application

printed copy of hereto attached, was printed and published in the said

newspaper for two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 22 day of August, 2002;

On Thursday, the 29 day of August, 2002;

On Thursday, the _____ day of _____, 200 _____;

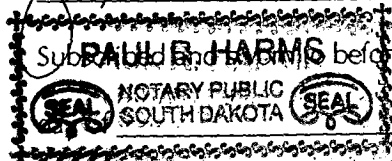
On Thursday, the _____ day of _____, 200 _____;

On Thursday, the _____ day of _____, 200 _____;

That \$ 43.04 being the full amount of the fees for publication of the attached notice insures solely for the benefits of the publishers of the said newspaper; that no arrangement or understanding for a 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.

My Commission Expires:

02/02
2006



Subscribed and sworn to before me this

10th

September, 2002.

Paul R. Harms

Notary Public, Turner County, South Dakota

Notice of Application No. 6335-3 to Appropriate Water

Notice is given that Joe Hummel, PO Box 27, Davis, S.D. 57021 has filed an application for a water permit to irrigate an additional 120 acres. Water Permit No. 5973-3 authorized 2.28 cubic feet of water per second from one well (Upper Vermillion Missouri Aquifer) approximately 185 feet deep located in the SE 1/4 Section 30 to irrigate 160 acres located in the SE 1/4 Section 30; all in T98N-R52W. This application requests to utilize the existing well to irrigate an additional 120 acres located in the N 1/2 SW 1/4, SW 1/4 SW 1/4 Section 30-T98N R52W. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6335-3 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 Engineers 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 Engineers recommendation. The Chief Engineers 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 9, 2002.

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.

(#2870, 8/22/02, 8/29/02, The New Era)

Publication Fees ... \$ _____

Notary Fees \$ _____

Total ... \$ 43.04

Received Payment, _____

RECEIVED

SEP 12 2002

WATER RIGHTS
PROGRAM



**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 12, 2002

Joe Hummel
PO Box 27
Davis, SD 57021

Dear Mr. Hummel:

Water Permit Application No. 6335-3 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 The New Era printed at Parker, SD (Ph # 605-297-4419). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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 57501-3182
www.state.sd.us/denr

August 12, 2002

The New Era
PO Box 579
Parker, SD 57053-0579

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6335-3 to Appropriate Water to be published twice. Please publish the first notice on August 22, 2002 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 Joe Hummel, PO Box 27, Davis, SD 57021 (Ph # 605-238-5219).

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. 6335-3

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

Date _____

We are in receipt of your letter of August 12, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6335-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Instruction to Newspaper - Publish first Notice on August 22, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6335-3 to Appropriate Water

Notice is given that Joe Hummel, PO Box 27, Davis SD 57021 has filed an application for a water permit to irrigate an additional 120 acres. Water Permit No. 5973-3 authorized 2.28 cubic feet of water per second from one well (Upper Vermillion Missouri Aquifer) approximately 185 feet deep located in the SE $\frac{1}{4}$ Section 30 to irrigate 160 acres located in the SE $\frac{1}{4}$ Section 30; all in T98N-R52W. This application requests to utilize the existing well to irrigate an additional 120 acres located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30-T98N-R52W. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6335-3 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 9, 2002.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 2002

Joe Hummel
PO Box 27
Davis SD 57021

Dear Mr. Hummel:

Enclosed is Water Permit No. 6335-3 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 11-15-2002

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

RECEIVED

MAR 28 2003

WATER RIGHTS
PROGRAM

FROM: Joe Hummel
(name)

P.O. Box 27
(address)

DAVIS, SD 57021
(city, state, zip)

605-238-5218
(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.

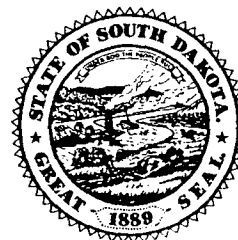
Water Permit No. 6335-3 states that the water use system is to be constructed by
September 9/2007, and water is to be put to beneficial use by September 9/2011
(date) (date)

The water use system was completed on March 22/2003
(date)

Applying the water to beneficial use was completed on March 22/2003
(date)

You may schedule an investigation so that the water license may be issued.

Joe Hummel
(signature)





6335-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: JOE HUMMEL, PO BOX 27, DAVIS, SD 57021 0027

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5973-3 & 6335-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 5973-3 & 6335-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 5973-3 & 6335-3 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 **February 27, 2004**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



6335-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 2004

5973-3
6335-3

Joe Hummel
PO Box 27
Davis SD 57021-0027

Dear Mr. Hummel:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit Nos. 5973-3 and 6335-3.

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,

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

Permit Nos. 5973-3 and 6335-3
Vermillion 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, August 25, 2004, made a thorough examination of the water use system constructed by Joe Hummel of 408 W US Highway 18 (Box 27), Davis SD 57021, ~~Davis SD 57021~~ holder of Permit Nos. 5973-3 and 6335-3, bearing the priority of December 16, 1996 and June 26, 2002, respectfully authorizing the diversion of 2.28 cu. ft. per second of the waters of Upper Vermillion Missouri Aquifer for irrigation purposes, in Turner County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

40 HP US Motor and pump divert water from a well constructed into the Upper Vermillion Missouri Aquifer

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

A 8" aluminum pipe conveys water the short distance to the pivot in the SE ¼ of Section 30, T98N, R52W and an 8" underground line conveys water to the pivot in the SW ¼ of this section.

C. Works used to apply water to beneficial use:

Two Zimmatic – Lindsey low pressure center pivot systems.

The system is in the following condition good. The point of diversion is located approximately 1320 feet north and 1320 feet west of the SE corner of Section 30, T98N, R52W (Lat/Lon N43.27575 W-097.02876). The works are capable of diverting and conveying to the place of use 1.78 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 30, T98N, R52W

NW ¼ SE ¼	33 acres	NW ¼ SW ¼	33 acres
NE ¼ SE ¼	33 acres	NE ¼ SW ¼	33 acres
SW ¼ SE ¼	33 acres	SW ¼ SW ¼	33 acres
SE ¼ SE ¼	33 acres		

comprising a total of 231 acres of land and the license should be issued for 1.78 cfs

Applicable permit qualifications have been complied with: Yes X* No

Exceptions to compliance are: none Date Report Completed: January 18, 2005


 Eric Gronlund
 Natural Resources Engineer
 DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NOS. 5973-3 and 6335-3, Joe Hummel

DATE OF INVESTIGATION:	August 25, 2005
NAME & ADDRESS OF PERMIT HOLDER	Joe Hummel 408 US Hwy 18 / Box 27 Davis SD 57021
DIVERSION POINT LEGAL LOCATION	<u>approximately 1320 feet north and 1320 feet west of the SE corner of Section 30, T98N, R52W (Lat/Lon N43.27575 W-097.02876)</u>

Other permit(s) associated with the project: Water Permit Nos. 5973-3 and 6335-3 should be incorporated into one water license. At time of investigation, Mr. Hummel indicated in the future he may want to drill a well in the SW quarter so the systems can operate independently. Mr. Hummel understood this would require additional permitting.

WELL INFORMATION:

- 1) Well Drilling Firm:
- 2) No. of Wells 1
- 3) Depth(s) approx. 185 feet
- 4) Well log is available Unable to find a well log
- 5) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length 120 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 65 feet
- 3) Static water level approx. 15 feet

Pump:

- 1) Make Wester Land Roller
- 2) Model Not visible
- 3) Size
- 4) Capacity 800 GPM*

* according to Mr. Hummel

Motor:

- 1) Make US Motor
- 2) Model No. not visible
- 3) Horsepower rating 40 hp

DISTRIBUTION LINES OR CANALS: underground to pivot in SW 1/4

- 1) Type plasti
- 2) Size 8 inches
- 3) Length 2,640 feet

SYSTEM TYPE:**Center pivot:**

- 1) Make Zimmatic
- 2) Overall length 1,320 feet (including end gun)
- 3) Number of towers 7
- 4) Distance between towers approx. 150 feet
- 5) End gun Yes
- 6) High or low pressure Low
- 7) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

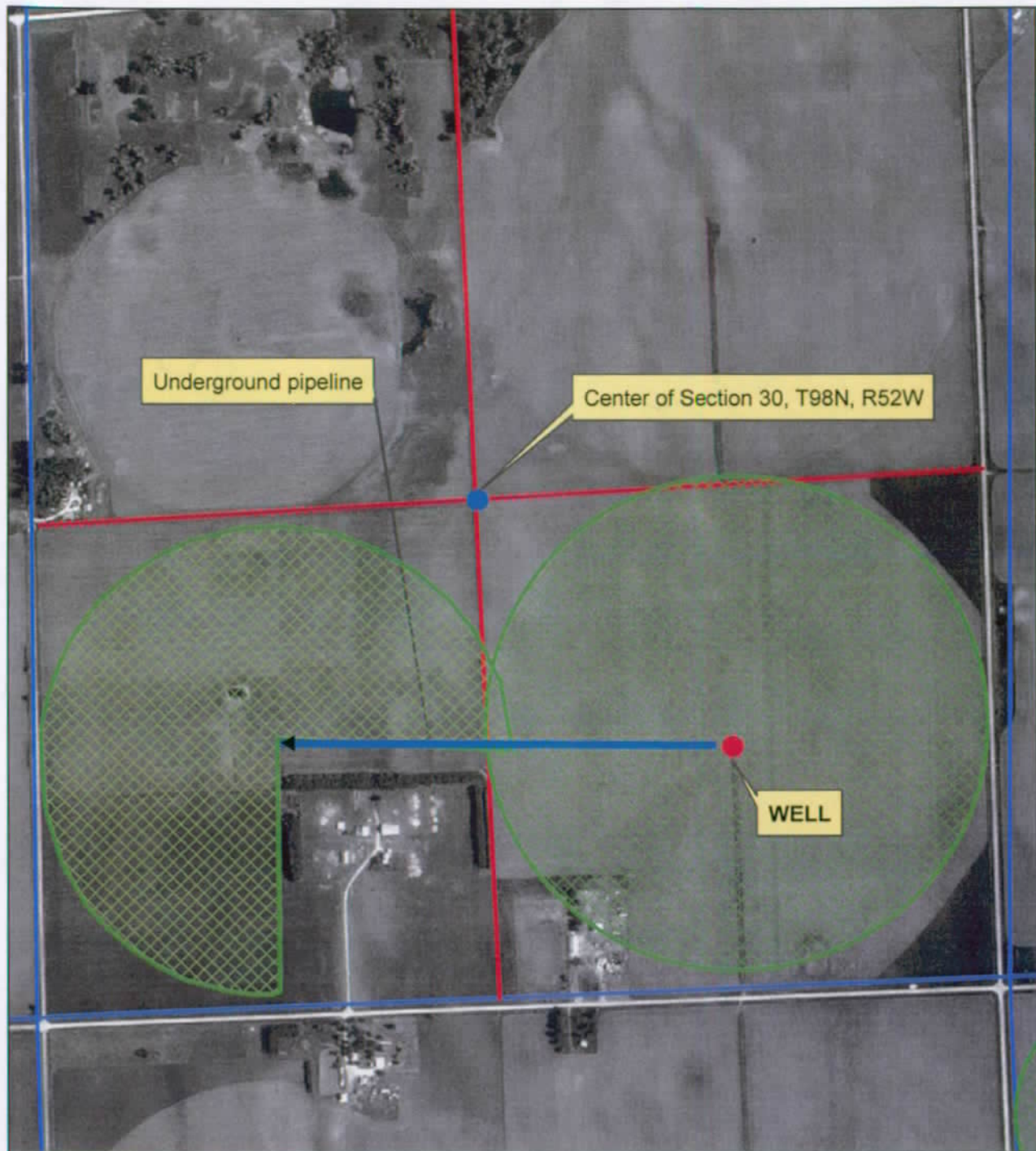
Has a chem.-valve in place but does not chemigate

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

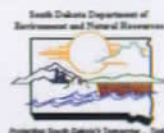
There is a farmstead in the southwest corner of the SW ¼ SE ¼ of this section. Currently, the pivot is the SE ¼ does not make quite a full rotation because of an old barn. It is Mr. Hummel's intent to raze this barn so the pivot can make full rotation. It is my belief that the water license can be issued for the entire amount because the timeframe on the permit to place the water to beneficial use is March 3, 2006.

Additionally, at the time of the licensing investigation the SW ¼ SW ¼ was not under irrigation. This land is currently in pasture. Mr. Hummel indicated it is his intent to break this ground for crop production. The pivot is capable of irrigating this land now once a fence is taken down. I use the same logic as in the above paragraph to include this acreage on the water license. The works have been constructed and Mr. Hummel has until September 2011 to place the water to beneficial use under Permit No. 6335-3.



0 500 1,000 2,000 3,000 4,000 Feet

Well located approximately 1320 feet north and 1320 feet west
of the SE corner of Section 30, T98N, R52W
(Lat/Lon N43.27575 W-97.02876)



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
Licensing Investigation - August 25, 2004

Water Permit Nos. 5973-3 and 6335-3, Joe Hummel



Well and Pivot Point authorized by
Water Permit No. 5973-3

Pivot Point authorized by Water Permit No. 6335-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6335-3

(1) Joe Hummel, PO Box 27, Davis SD 57021 made Application No. 6335-3, June 26, 2002 for a water permit to divert no additional cubic feet of water per second (cfs) from groundwater (one existing well), Turner County, South Dakota for irrigation purposes. Permit No. 6335-3, with a priority date of June 26, 2002 was approved September 9, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 9, 2007 and for the application to beneficial use of water on or before September 9, 2011.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on March 28, 2003. The *Notice* stated the diversion system was completed and the water placed to beneficial use on March 22, 2003.

Water Permit No. 5973-3, with a December 16, 1996 priority date, authorized diversion of 2.28 cfs from one well to irrigate 185 acres. The applicable portions of No. 5973-3 are incorporated into No. 6335-3.

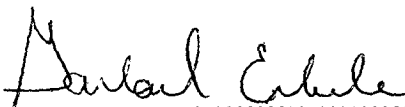
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 6335-3 is issued a license, bearing priority dates of December 16, 1996 (132 acres located in the SE ¼) and January 26, 2002 (99 acres located in the SW ¼); both in Section 30-T98N-R52W) to appropriate 1.78 cubic feet of water per second from groundwater (one well) to irrigate 231 acres.

The diversion point is located: 1,320 feet north and 1,320 feet west of the southeast corner of Section 30-T98N-R52W. The acres authorized for irrigation are as follows:

Section 30-T98N-R52W			
NW ¼ SE ¼	33 acres	NW ¼ SW ¼	33 acres
NE ¼ SE ¼	33 acres	NE ¼ SW ¼	33 acres
SW ¼ SE ¼	33 acres	SW ¼ SW ¼	33 acres
SE ¼ SE ¼	33 acres		
Total 231 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 6335-3 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.
- The well authorized shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from a depth of approximately 100 feet to the surface pursuant to Section 74:02:04:28.
- 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 19 2005

date





**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 19 2005

6335-3

Joe Hummel
PO Box 27
Davis SD 57021

Dear Mr. Hummel:

Enclosed is Water License No. 6335-3. 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

NOTE: The applicable portions of No. 5973-3 are incorporated in Water License No. 6335-3.

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 16, 2005

6335-3

Joe Hummel
PO Box 27
Davis SD 57021

Dear Mr. Hummel:

I am writing in follow-up to our phone conversation concerning your irrigation questionnaires and Water Right No. 6335-3.

In 2004, Eric Gronlund with our program conducted a field investigation for licensing purposes of the irrigation system developed under Water Permit Nos. 5973-3 and 6335-3. A license was issued which combined the two permits in April, 2005. Enclosed is a copy of the license and map.

Hopefully being able to report all of your irrigation on one form has made it easier for you. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures