

WATER PERMIT NO. 6392-3

Name of Applicant: **Brian Herrboldt**

Address: **42855 287th St, Menno SD 57045**

Phone: **605 387-5448**

Amount of Water Claimed: **4.44 cfs**

Total Acres: **320**

Source of Water Supply: **groundwater (2 wells)**

Water to be used for: **irrigation**

County: **Hutchinson**

Type of Waste Disposal System:

Location: **1 ½ miles southwest of Menno**

PRIORITY

Date Received: **2-2-03**

Application/License Fee: **\$375**

Corrected Application Received: **2-11-03**

Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **approx. center between E ½ NW**

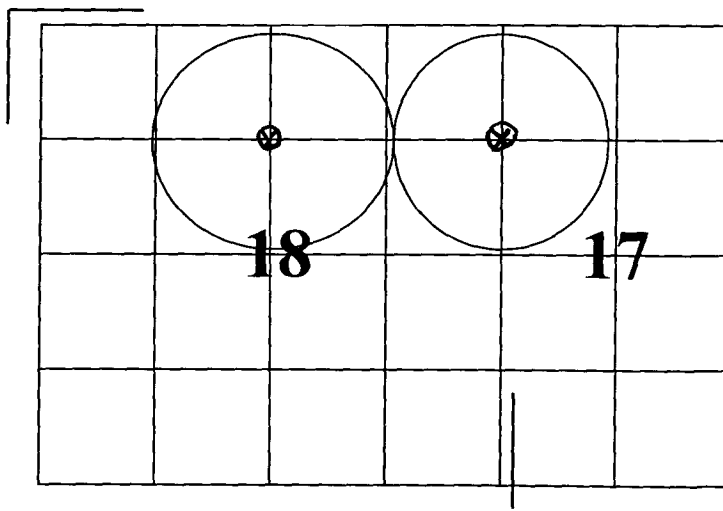
¼ & W ½ NE ¼ Sec 18 and approx center

between E ½ NE ¼ Sec 18 and W ½ NW ¼ Sec

17; all in T97N-R57W

Land to be Irrigated: **E ½ NW ¼, NE ¼ Sec 18**

and W ½ NW ¼ Sec 17; all in T97N-R57W



Depth of Well: **235 feet deep**

Well Driller: : **Hammond-Wetmore Drilling**

Remarks:

Type of Map: **topo**

Prepared by: **Robert A Kermolst, DC**

Reviewed and the Number Assigned on: **2-11-03**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6392-3**

Date of first receipt of application February 3, 2003.

Date of return to applicant for corrections, amendments or changes February 3, 2003.

Date of receipt of corrected application February 11, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6392-3 to Brian Herrboldt, 42855 287th St, Menno SD 57045 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. 6392-3 appropriates 4.46 cubic feet of water per second from two wells (Lower James Missouri Aquifer) 235 feet deep located in the approximate center between the E ½ NW ¼ and W ½ NE ¼ Section 18 and the approximate center between the E ½ NE ¼ Section 18 and W ½ NW ¼ Section 17 to irrigate 320 acres located in the E ½ NW ¼, NE ¼ Section 18 and W ½ NW ¼ Section 17; all in T97N-R57W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is February 3, 2003.
4. The date of approval of Permit No. 6392-3 is April 7, 2003.
5. One-fifth of the construction is to be completed on or before October 7, 2005.
6. All construction is to be completed on or before April 7, 2008.
7. Water is to be put to beneficial use on or before April 7, 2012.
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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 6392-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

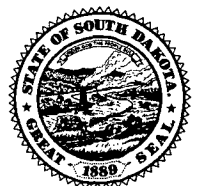
WATER MANAGEMENT BOARD

By: Garland Erbele

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

APR 09 2003

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6392-3</u>	Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Hutchison Herald, Menno</u>	

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FEB - 3 2003
WATER RIGHTS
PROGRAM

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.) _____

1. Name of Applicant BRIAN Herrboldt Phone 605-387-5448
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 42855 287th STREET, MENNO State SD 57045
(Street, RR, or Box and City) (each) (Zip Code)

2. Amount of water claimed 4.46 *CFS or 1000 **GPM ***AF Total Acreage 320
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply WATER wells - Glacial aquifer at 161 to 235 feet deep.

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 wells, NE 1/4 of 18-97N-57W
And NW 1/4 of 17-97N-57W approximate center between E 1/2 NW 1/4 + W 1/2 NE 1/4 Sec 18
and approx center between E 1/2 NE 1/4 Sec. 18 + W 1/2 NW 1/4 County Hutchinson
Sec 17, all T97N-R57W

5. County or counties where water will be used Hutchinson

6. Annual period during which water is to be used April to October 31

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

Land Description	Acres	Land Description	Acres
97N 57W Sec 18 NW 1/4 of the NE 1/4	40	97N 57W Sec 18 NE 1/4 of the NE 1/4	40
" " Sec 18 SW 1/4 of the NE 1/4	40	" " Sec 18 SE 1/4 of the NE 1/4	40
97N 57W Sec 18 NE 1/4 of the NW 1/4	40	97N 57W Sec 17 NW 1/4 of the NW 1/4	40
" " Sec 18 SE 1/4 of the NW 1/4	40	" " Sec 17 SW 1/4 of the NW 1/4	40

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

Center pivot Irrigation of crops on NE 1/4 of 18-97N-57W And
NW 1/4 of 18-97N-57W.

STATE OF SOUTH DAKOTA) SS
County of Hutchinson

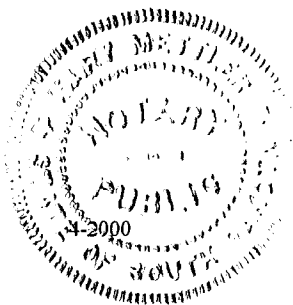
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Brian Herrboldt, 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 Brian Herrboldt

Subscribed and sworn to before me this 27th day of January 20 03

Mary Mewler
Notary Public signature



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 235'
- b) Casing Type PVC Diameter 16" Thickness Schedule 40
- c) Screen Type PVC Diameter 16" Thickness 250#
- d) Gravel Pack 1/8" - 3/8" Length of Gravel Pack 160' to 235'
- e) Depth to Top of Water Bearing Material 160'
- f) Depth to Water (ground surface to water level) 150'
- g) Distance to nearest existing domestic well:
On applicants property 1600' On property owned by others 2000'

2. Wastewater Disposal System Information

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

3. Dugout Information

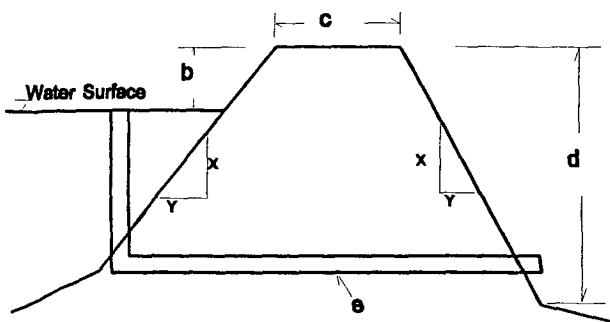
- a) Surface Dimensions NA Depth _____
- b) Depth to water (ground surface to water level) _____

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:

NA



- 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NE 1/4 Sec 10 Twp 9N Rg 57W

County

Hutchinson

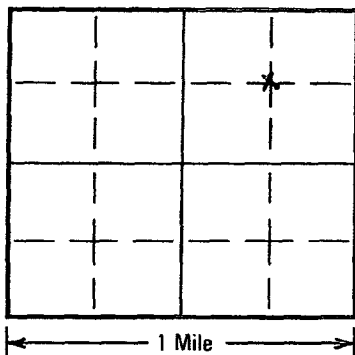
North

Please mark well location with an "X"

W

E

Well Completion Date

1-3-03

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well,

road lot, etc.)? 1600 ft. from Septic Tank (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☒ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

RotaryCasing Data: ☐ Steel ☐ Plastic ☐ OtherOther describe None

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u> </u> LB/FT	<u> </u> IN	<u>0</u> FT	<u>250</u> FT	<u>8</u> IN
<u> </u> LB/FT	<u> </u> IN	<u> </u> FT	<u> </u> FT	<u> </u> IN
<u> </u> LB/FT	<u> </u> IN	<u> </u> FT	<u> </u> FT	<u> </u> IN

ROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>at GRT</u>	<u>12</u>	<u>10</u> lb./gal	<u>250</u> ft.	<u>8</u> ft.
<u>in GRT</u>	<u>2</u>	<u>14</u> lb./gal	<u>8</u> ft.	<u>3</u> ft.

Describe grouting procedure Tremie from TDSCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter NA IN Length FEET

Material

Hole Size Set From Feet to Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NOIf so, what material? NA

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

YES, How:

Laboratory sent to for water quality analysis

☒ NO, Why Not? NAWell Owner: Brian Herrboldt

Business Name:

Address: 42855 287th StreetMenno SD 57045

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Silt, dk BRN, clayey</u>	<u>0</u>	<u>3</u>
<u>Clay, yellow-brn, silty, pebbly</u>	<u>3</u>	<u>46</u>
<u>Clay, gray, silty, pebbly</u>	<u>46</u>	<u>112</u>
<u>Clay, LT. GRAY, v silty, Rocks</u>	<u>112</u>	<u>161</u>
<u>Sand, coarse, poorly sorted</u>	<u>161</u>	<u>235</u>
<u>Abundant Angular grains;</u>		
<u>Clay, GRAY, v silty</u>	<u>235</u>	<u>250</u>

STATIC WATER LEVEL FeetIf flowing: closed in pressure PSIGPM flow through inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other Reduced Flowrate GPMCan well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: ☐ Bailed ☐ Other

Pumping Level Below Land Surface

 ft. After Hrs. pumped GPM ft. After Hrs. pumped GPMIf pump installed, pump rate GPM

REMARKS

Irrigation well TestThis well was drilled under license # 666

And this report is true and accurate.

Drilling firm Hammond-Wetmore Drilling

Signature of License Representative

[Signature]

Signature of Well Owner or Equitable Property Holder:

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FEB - 3 2003

WATER RIGHTS PROGRAM

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

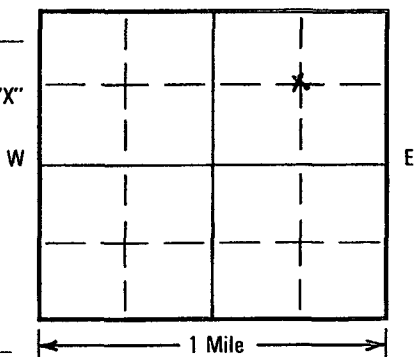
Location SW 1/4 NE 1/4 Sec 10 Twp 91N Rg 57W

County

Hutchinson

North

Please mark well location with an "X"



Well Completion Date

1-3-03

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well,

road lot, etc.)? 1600 ft. from Septic Tank (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☒ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

RotarySING DATA: ☐ Steel ☐ Plastic ☐ OtherOther describe None

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>LB/FT</u>	<u>IN</u>	<u>0</u> FT	<u>250</u> FT	<u>8</u> IN
<u>LB/FT</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>
<u>LB/FT</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>

ROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>wt 6RT</u>	<u>12</u>	<u>10</u> lb./gal	<u>250</u> ft.	<u>8</u> ft.
<u>2m 6RT</u>	<u>2</u>	<u>14</u> lb./gal	<u>8</u> ft.	<u>3</u> ft.

Describe grouting procedure Tremie from TDSCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter NA IN Length FEET

Material

Hole Size Set From Feet to Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NOso, what material? NA

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

YES, How:

Laboratory sent to for water quality analysis

☒ NO, Why Not? NAWell Owner: Brian Herrboldt

Business Name:

Address: 42855 287th Street
Menard SD 57045

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Silt, dk BRN, clayey</u>	<u>0</u>	<u>3</u>
<u>Clay, yellow-BRN, silty, pebbly</u>	<u>3</u>	<u>46</u>
<u>Clay, gray, silty, pebbly</u>	<u>46</u>	<u>112</u>
<u>Clay, LT-BRN, v silty, Rocks</u>	<u>112</u>	<u>161</u>
<u>Sand, coarse, poorly sorted</u>	<u>161</u>	<u>235</u>
<u>Abundant Angular grains,</u>		
<u>Clay, GRAY, v silty</u>	<u>235</u>	<u>250</u>

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Irrigation well TestThis well was drilled under license # 666

And this report is true and accurate.

Drilling firm Harmond-Wetmore Drilling

Signature of License Representative

Signature of Well Owner or Equitable Property Holder:

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FEB 3 2003

WATER RIGHTS PROGRAM

605-387-5513

County: Hutchinson
Township: Sweet
Range: 97-56
Section: 18
Date Tested:

Template Map

1 inch = feet

Legend		Avg.
	Water	
	Roads	
	Timber	
	ABC	
	Buildings	
	Irrigation	
	Power Lines	
	Field to spray	
	ABC	
	Field to spray	
	Field to spray	
		



2

4392-3

Mettler Fertilizer, Inc.

Menno, SD 57045

605-387-5513

Customer: Brian Herrboldt

Field: SW18 (#5228)

Description: Irrigation Plan

Acres: 130

of Samples: 0

County: Hutchinson

Township: Sweet

Range: 97-56

Section: 18

Date Tested:

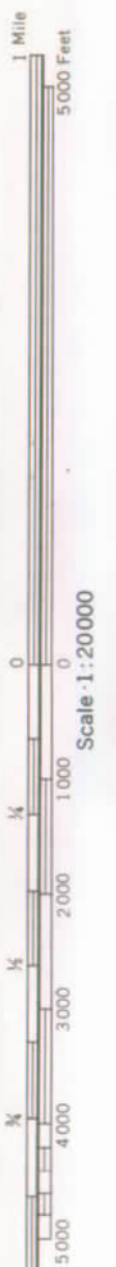
1 inch = feet

Template Map

Legend	Avg.
 Water	
 Roads	
 Timber	
 ABC	
 Buildings	
 Irrigation	
 Power Lines	
 Field to spray	
 ABC	
 Field to spray	
 Field to spray	



6392-3



6392-3

Sheet 9 Number 89 2-7-03



Scale 1:20,000
1 Mile
5000 Feet
0
1000
2000
3000
4000
5000
13000 FEET

6392-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 3, 20 03

RECEIVED OF Steve Gailoid, 42051 287th St., DeSmet SD 57045

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

Fee for Application for Permit No. <u>42051</u> to Appropriate Water, to construct and to put water to beneficial use	315.00
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>42051-5</u>	50.00
Fee for Filing Transfer Form _____	
Fee for _____	
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	
TOTAL	375.00

No.

000034

By

David E. Eide

Chief Engineer

gwm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2003

Brian Herrboldt
42855 287th St
Menno SD 57045

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FEB 11 2003
WATER RIGHTS
PROGRAM

Dear Mr. Herrboldt:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following is required.

Enclosed is the map submitted with your application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

Also, Item No. 2 of the application states the amount of water claimed to be 1000 gallons per minute. Is this amount a total from both wells or the amount requested from each well?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

1000 gallons per well

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 6392-3

For Brian Herrboldt

February 6, 2003

Application No. 6392-3 proposes to appropriate 4.46 cfs (2000 gpm) from two wells approximately 235 feet deep located in the approximate center between the E $\frac{1}{2}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$ of section 18 and the approximate center between the E $\frac{1}{2}$ NE $\frac{1}{4}$ of section 18 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ of section 17 to irrigate 320 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ of section 18 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ of section 17; all in T97N R57W in Hutchinson County.

AQUIFER – LOWER JAMES MISSOURI (LJM)

The Lower James Missouri aquifer is a buried outwash (sand and gravel) which underlies about 268 square miles of Hutchinson County (Lindgren, 1990). The aquifer extends into Yankton County to the south and into Hanson County to the north. In the subsurface, the aquifer is hydraulically connected to the Niobrara Formation in some areas and to the Choteau aquifer to the west. Ground water movement is toward the James River from both west and east of the river. The aquifer contains an estimated 2.367 million acre-feet of water in storage in Hutchinson County (Lindgren, 1990).

A test hole drilled by the applicant indicates the top of the aquifer was encountered at a depth of 161 feet and continued to a depth of 235 feet below land surface. The first 161 feet of drill hole encountered mostly clay (till). This would indicate a total aquifer thickness of 74 feet. The water level elevation would probably be about 100 to 110 feet below land surface. This indicates that the aquifer would be under artesian conditions at this site.

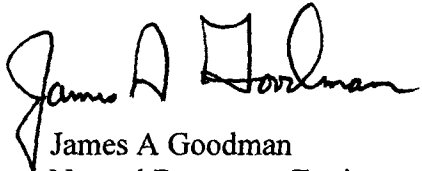
An observation well, HT-78B, is located about one-half mile west of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record in this area indicates behavior which would be like that of a water table aquifer. There is little drawdown created even though there is an existing irrigation well less than one-half mile from the observation well. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2003). A hydrograph of this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing water right No. 4804-3 located just to the west of this application. The well for this existing right is about one-half mile from one of the proposed wells for this application. Interference is not expected to be a concern. Drawdown created by pumping from other irrigation wells in this aquifer does not extend very far from the individual production wells. This is shown by the observation well records for the Lower James Missouri aquifer. The next nearest existing right is located over two miles from this application.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer is buried and under artesian conditions. However, the water levels response to pumping is similar to what would be expected under water table conditions. Drawdown is not significant. Interference is not expected to be a concern.
3. The wells authorized by this application if approved must be constructed in accordance with SD Well Construction Standards.



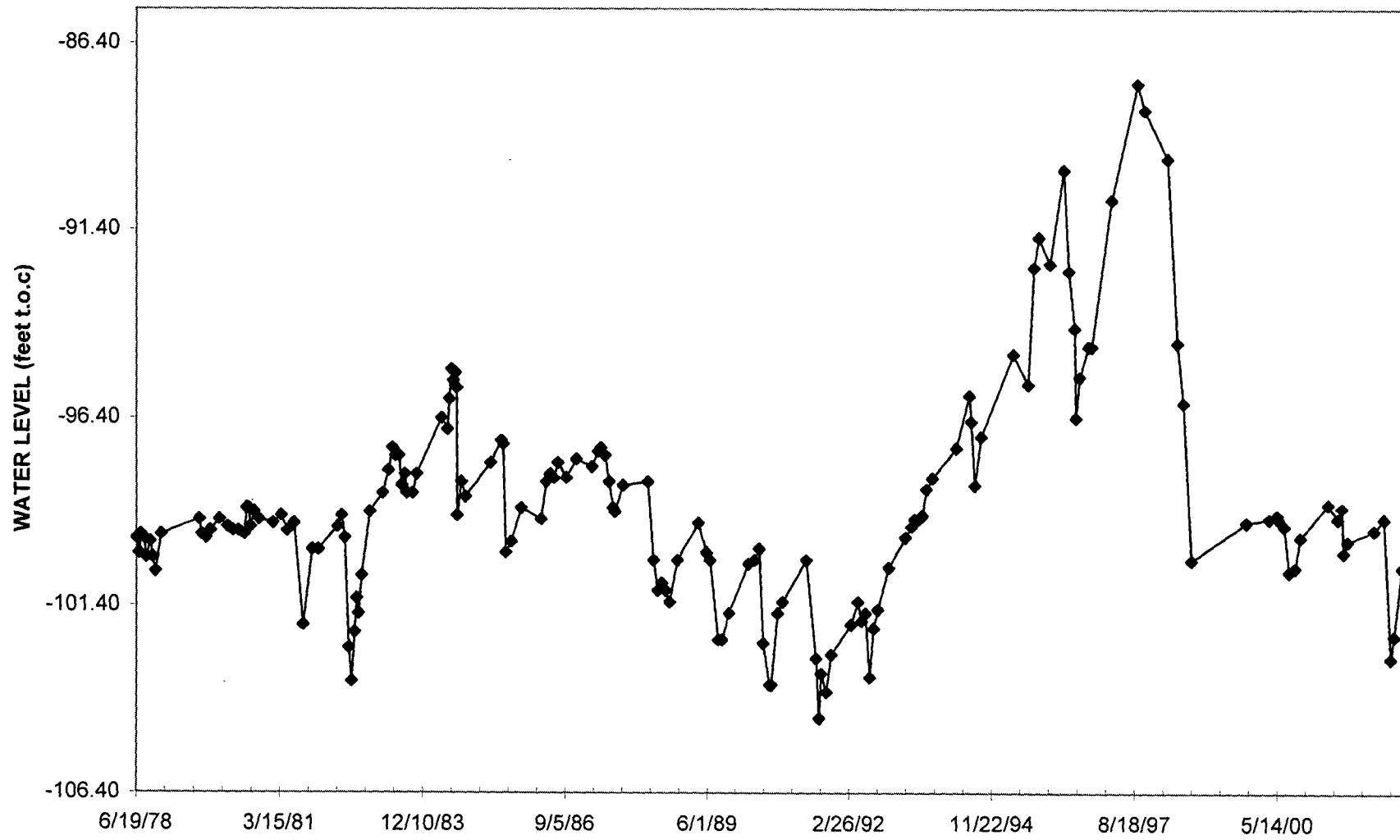
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

Water Rights, 2003, Unpublished Observation Well Records for the Lower James Missouri aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
HT-78B**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6392-3, Brian Herrboldt**

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. Brian Herrboldt, 42855 287th Street, Menno SD 57045.

The Chief Engineer is recommending APPROVAL of Application No. 6392-3 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. The well authorized by Permit No. 6392-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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
March 13, 2003

**Notice Of
Application
No. 6392-3
To Appropriate Water**

Notice is given that Brian Herrboldt, 42855 287th St, Menno SD 57045 has filed an application for a water permit to appropriate 4.46 cubic feet of water per second from two wells (Lower James Missouri Aquifer) 235 feet deep located in the approximate center between the E1/2NW1/4 and W1/2NE1/4 Section 18 and the approximate center between the E1/2NE1/4 Section 18 and W1/2NW1/4 Section 17 to irrigate 320 acres located in the E1/2NW1/4, NE1/4 Section 18 and W1/2NW1/4 Section 17; all in T97N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6392-3 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 April 7, 2003.

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.

(Publish March 19 and 26)

AFFIDAVIT OF PUBLICATION

County of Hutchinson)
) ss.
State of South Dakota)

Tim L. Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That the Hutchinson Herald is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Menno in said county and state by Tim L. Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Tim L. Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed **Appropriate Water**

a printed copy of which is hereto attached, was printed and published in the said newspaper for two successive issues to-wit:

The first publication on:
March 19, 2003

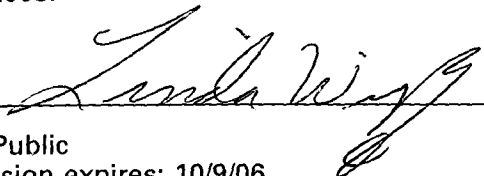
the second publication on:
March 26, 2003

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of **\$44.10** insures solely to the benefit of the publisher of the Hutchinson Herald, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of **\$44.10** is the rate for publishing legal notices.



Subscribed and sworn to before me this 31st day of
March 2003.



Notary Public
Commission expires: 10/9/06

Publication fee: \$44.10
Notary fee:
Total: \$44.10

RECEIVED
MAR 31 2003
**WATER RIGHTS
PROGRAM**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.**

March 13, 2003

Brian Herrboldt
42855 287th Street
Menno SD 57045

Dear Mr. Herrboldt:

Water Permit Application No. 6392-3 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 Hutchinson Herald printed at Menno, SD (Ph # 605-387-5158). 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 /ks

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on March 19, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6392-3 to Appropriate Water

Notice is given that Brian Herrboldt, 42855 287th St, Menno SD 57045 has filed an application for a water permit to appropriate 4.46 cubic feet of water per second from two wells (Lower James Missouri Aquifer) 235 feet deep located in the approximate center between the E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 18 and the approximate center between the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 18 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 17 to irrigate 320 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 18 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 17; all in T97N-R57W

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6392-3 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 April 7, 2003.

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

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

March 13, 2003

Hutchinson Herald
PO Box 506
Menno SD 57045-0506

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6392-3 to Appropriate Water to be published twice. Please publish the first notice on March 19, 2003 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 Brian Herrboldt, 42855 287th Street, Menno SD 57045 (Ph # 605-387-5448).

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 /ks
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6392-3

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

Date _____

We are in receipt of your letter of March 13, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6392-3 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

APR 09 2003

Brian Herrboldt
42855 287th St
Menno SD 57045

Dear Mr. Herrboldt:

Enclosed is Water Permit No. 6392-3 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 7-28-2003

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

RECEIVED

JUL 30 2003

WATER RIGHTS
PROGRAM

FROM: Brian Heffboldt
(name)

42855 287th St
(address)

Menno, SD 57045
(city, state, zip)

605-387-5448
(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. 6392-3 states that the water use system is to be constructed by

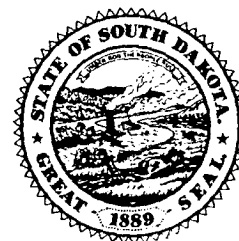
April 7, 2008 (date), and water is to be put to beneficial use by April 7, 2012 (date)

The water use system was completed on 7-18-2003
(date)

Applying the water to beneficial use was completed on 7-18-2003
(date)

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

Brian Heffboldt
(signature)



SOUTH DAKOTA WATER WELL COMPLETION REPORT

6392-3

07-92

Location NE 1/4 NE 1/4 Sec 18 Twp 97N Rg 57W

County

Hutchinson

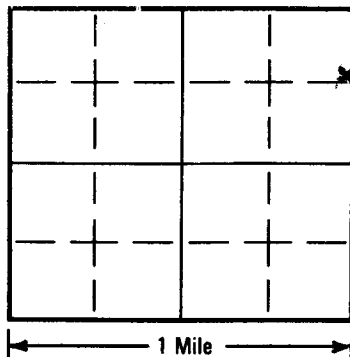
North

Please mark well location with an "X"

W

E

Well Completion Date

May 20, 2003

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2500 ft. from Feed lot (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SDR17 LB/FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>160 FT</u>	<u>24 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Best GRT</u>	<u>67</u>	<u>210 lb./gal</u>	<u>20 ft</u>	<u>160 ft</u>
<u>CONCRETE</u>	<u>22</u>	<u>214 lb./gal</u>	<u>0 ft</u>	<u>20 ft</u>

Describe grouting procedure TremieSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 60 FEETMaterial PVCSlot Size 50 Set From 160 Feet to 220 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: HTH

Laboratory sent to for water quality analysis

☐ NO, Why Not? _____Well Owner: Brigitte Hamblat

Business Name: _____

Address: 110 N 17th St

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>CLAY, BROWN, SILTY, pebbly</u>	<u>0</u>	<u>22</u>
<u>CLAY, GRAY, SILTY, pebbly</u>	<u>22</u>	<u>105</u>
<u>SAND, GRAY, V FINE, V SILTY</u>	<u>105</u>	<u>151</u>
<u>CLAY, GRAY, pebbly</u>	<u>151</u>	<u>160</u>
<u>SAND, COARSE, pebbly</u>	<u>160</u>	<u>236</u>

STATIC WATER LEVEL 110 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: Air Suck/HIT for 6 HR☐ Bailedpumped for 6 HR☒ Other _____

Pumping Level Below Land Surface

149 ft. After 3 Hrs. pumped 1100 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 800 GPM

REMARKS

RECEIVED

JAN 30 2004

This well was drilled under license # 666

WATER RIGHTS PROGRAM

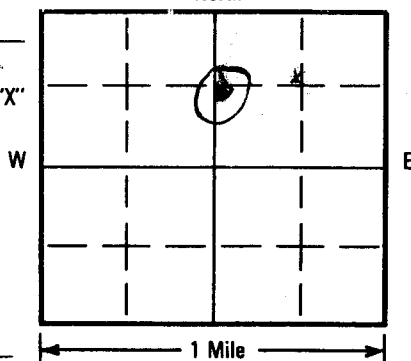
And this report is true and accurate.

Drilling firm HAMMOND WATER DRILLINGSignature of License Representative: [Signature]Signature of Well Owner or Equitable Property Holder: [Signature]Date: 5-23-03

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6392-3
07-92Location SW 1/4 NE 1/4 Sec 10 Twp 97N Rg 57W
County Hutchinson

Please mark well location with an "X"



Well Completion Date

May 13, 2003

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1300 ft. from Septic Tank (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50 & 17</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>160</u> FT	<u>24</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Best GRT</u>	<u>61</u>	<u>710</u> lb./gal	<u>20</u> ft	<u>155</u> ft
<u>Cont GRT</u>	<u>10</u>	<u>214</u> lb./gal	<u>1</u> ft	<u>20</u> ft

Describe grouting procedure TremieSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 70 FEETMaterial PVCSlot Size .050 Set From 160 Feet to 230 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: HTH☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Brian Herrbohn

Business Name: _____

Address: 110 W 100, SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>SILT, DK BRN CLAY,</u>	<u>0</u>	<u>3</u>
<u>clay, yellow BRN, pebbly</u>	<u>3</u>	<u>46</u>
<u>clay, GREY, pebbly, SILT,</u>	<u>46</u>	<u>160</u>
<u>SAND, coarse poorly sorted</u>	<u>160</u>	<u>235</u>
<u>CLAY DK GREY, sandy</u>	<u>235</u>	<u>240</u>

STATIC WATER LEVEL 111 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: Air lift for 6 HR☐ Bailed☒ Other

Pumping Level Below Land Surface

147 ft. After 4 Hrs. pumped 1100 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 800 GPM

REMARKS

RECEIVED

JAN 30 2004

This well was drilled under license # 666 WATER RIGHTS PROGRAM

And this report is true and accurate.

Drilling firm Hannum & Watson Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 5-13-03

2-1-04

Permit No. 6392-3
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, **October 11, 2005**, made a thorough examination of the water use system constructed by **Brian Herrboldt** of **42855 287th St, Menno SD 57045** holder of Permit No. **6392-3**, bearing the priority of **February 3, 2003** authorizing the diversion of **4.46** cu. ft. per second of the waters of **ground water (Lower James Missouri aquifer)** for **irrigation** purposes, in **Hutchinson** County.

Inspection contact & relationship to permit holder, if applicable: **Brian Herrboldt**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Hammond-Wetmore**
- 2) No. of Wells **2**
- 3) Depth(s) **230 & 220** feet
- 4) Well log is available **Y (both)**

Casing:

- 1) Diameter **16 (both)** inches
- 2) Length **160 (both)** feet
- 3) Type **plastic (both)**

Screen:

- 1) Type **PVC (both)**
- 2) Length **70 & 60** feet
- 3) Static water level **111 & 110** feet

Motor/Pump:

- 1) Make **Submersible**
- 2) Model **unknown**
- 3) Size **60 – 65 hp**
- 4) Capacity **800 (each)** GPM

B. Works used to apply water to beneficial use:

Center pivot (same for both pivots):

- 1) Make **Valley**
- 2) Number of towers **7**
- 3) End gun **Y**
- 4) Low pressure **32-35 psi**
- 5) Capacity **800 (each)** GPM

Chemigation Equipment:

- 1) Does chemigate **N**

C. 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 **Not applicable**
- 3) Exceptions to compliance are: **none**

Report of Examination of Works

Permit No. 6392-3

The system is in good condition with the point(s) of diversion located as follows: West well: 1,375 feet S and 2,550 feet W (Latitude 43.22283, Longitude -97.62713 -- SW $\frac{1}{4}$ NE $\frac{1}{4}$); East well: 1,400 feet S (Latitude 43.22261, Longitude -97.61763 -- SE $\frac{1}{4}$ NE $\frac{1}{4}$); both from the NE corner section 18-T97N-R57W. The works are capable of diverting and conveying to the place of use 3.56 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec 17-97N-57W	34 ac	NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 18-97N-57W	34 ac
SW $\frac{1}{4}$ NW $\frac{1}{4}$ "	34 ac	SW $\frac{1}{4}$ NE $\frac{1}{4}$ "	34 ac
NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec 18-97N-57W	34 ac	NE $\frac{1}{4}$ NW $\frac{1}{4}$ "	34 ac
SE $\frac{1}{4}$ NE $\frac{1}{4}$ "	34 ac	SE $\frac{1}{4}$ NW $\frac{1}{4}$ "	34 ac

comprising a total of 272 acres of land and the license should be issued for 3.56 cfs.

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



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: November 23, 2005

Scale: 1 inch equals 818 feet

1,200

Feet

N



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Nov 23, 2005

Water Right No. 6392-3



JUN 12 2008

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

6392-3

Brian Herrboldt
42855 287th St
Menno SD 57045

Dear Mr. Herrboldt:

Enclosed is Water License No. 6392-3. 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6392-3

(1) Brian Herrboldt, 42855 287th St, Menno SD 57045 made Application No. 6392-3, February 3, 2003 for a water permit to divert 4.46 cubic feet of water per second from groundwater (two wells), Hutchinson County, South Dakota for irrigation purposes. Permit No. 6392-3, with a priority date of February 3, 2003 was approved April 7, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 7, 2008 and for the application to beneficial use of water on or before April 7, 2012.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on July 30, 2003. The *Notice* stated the diversion system was completed on July 18, 2003 and the water placed to beneficial use on July 18, 2003.

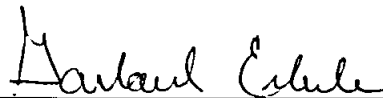
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6392-3 is issued a license, bearing a priority date of February 3, 2003 to appropriate 3.56 cubic feet of water per second from groundwater (two wells) to irrigate 272 acres.

The diversion points are located: West well: 1,375 feet south and 2,550 feet west (SW ¼ NE ¼); East well: 1,400 feet south (SE ¼ NE ¼); both from the northeast corner of Section 18-T97N-R57W. The acres authorized for irrigation are as follows:

Sec 17-T97N-R57W	NW ¼ NW ¼	34 ac	Sec 18-T97N-R57W	NW ¼ NE ¼	34 ac
	SW ¼ NW ¼	34 ac		SW ¼ NE ¼	34 ac
Sec 18-T97N-R57W	NE ¼ NE ¼	34 ac		NE ¼ NW ¼	34 ac
	SE ¼ NE ¼	34 ac		SE ¼ NW ¼	34 ac
Total 272 acres					

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6392-3 including the following now applicable qualifications:

- The wells 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 wells authorized by Permit No. 6392-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- 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

JUN 12 2008

date



**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6952-3**

I have this day, September 7, 2023, made a thorough examination of the water use system owned by Brian Herrbolt, 42855 287th St., Menno, SD 57045, holder of Permit No. 6952-3, bearing the priority date of February 6, 2008, authorizing the diversion of 0.0 cu. ft. per second of the waters of groundwater (Lower James: Missouri Aquifer) and the irrigation of 90 acres. This permit uses the water from a well associated with Water Right No. 6392-3, all located in Hutchinson County.

Inspection contact: Brian Herrbolt

A. Works used to divert the water:

Well Information from Water Right No. 6392-3

- 1) Well Drilling Firm: Hammond Wetmore Drilling
- 2) No. of Wells: 1
- 3) Depth(s): 230 feet
- 4) Well logs are available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 160 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 70 feet
- 3) Type: PVC
- 4) Static water level: 111 feet

Pump:

- 1) Make: Unknown
- 2) Model: Unknown
- 3) Capacity: 800 GPM

Motor:

- 1) Make: Unknown
- 2) Model No: Unknown
- 3) Horsepower rating: 60 - 65 hp

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

- 1) Type: PVC Size: 8 inches Length: 2,380 feet (west well to WR No. 6952-3 pivot)

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Valley
- 2) Overall length: 1,299 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 750 GPM

Chemigation Equipment:

- 1) Does chemigate: Yes
- 2) Main line check valve: Yes
- 3) Inspection port/air relief: Yes
- 4) Low pressure drain: Yes
- 5) Discharge is 20' from source: Yes
- 6) Interlock type: Electrical
- 7) Injection pump: Positive displacement
- 8) Injection check valve: Yes
- 9) Injection line check valve or positive displacement pump: Yes

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

E. Condition and Location:

- 1) The systems are in good condition with the point(s) of diversion located as follows:
The well is 1,375 feet south and 2,550 feet west of the northeast corner of Section 18-T97N-R57W (Latitude 43.22283, Longitude -97.62713– SW1/4 of the NE1/4).
- 2) The works are capable of diverting and conveying to the places of use 1.78 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in

Section 18-T97N-R57W

NE1/4SW1/4 39 acres

SE1/4SW1/4 29 acres

NW1/4SE1/4 22 acres

comprising a total of 90 acres of land and the license should be issued for 0.0 cfs.

- 3) All structures, wells and lands on map: Yes

F. Comments or other permit(s) associated with the project: This permit uses the west well associated with Water Right No. 6392-3. The well information was obtained from the licensing report for Water Right No. 6392-3. This permit could be combined with Water Right No. 6392-3 into one license.

Keith DeJong

Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: September 7, 2023

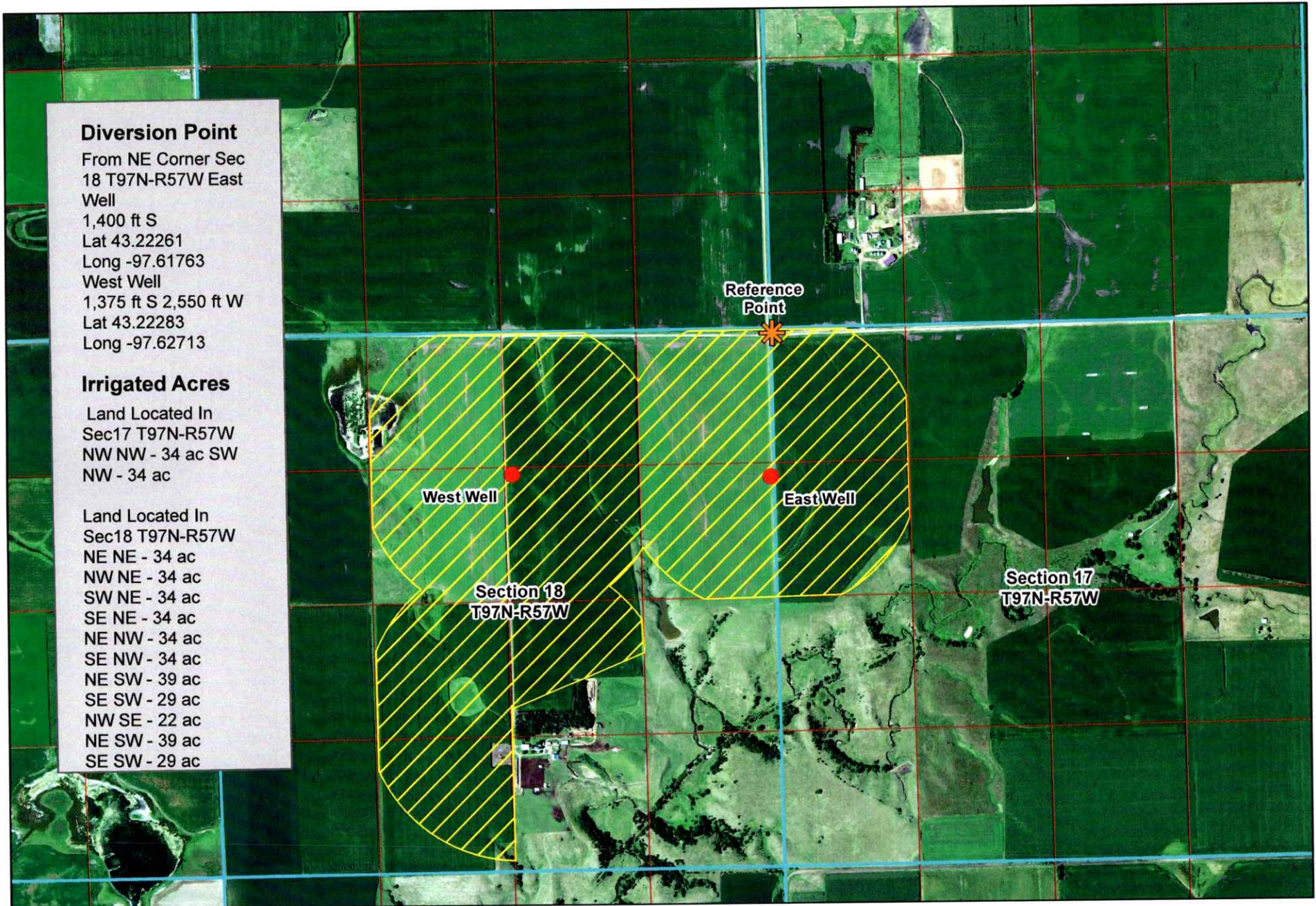
Diversion Point

From NE Corner Sec
18 T97N-R57W East
Well
1,400 ft S
Lat 43.22261
Long -97.61763
West Well
1,375 ft S 2,550 ft W
Lat 43.22283
Long -97.62713

Irrigated Acres

Land Located In
Sec17 T97N-R57W
NW NW - 34 ac SW
NW - 34 ac

Land Located In
Sec18 T97N-R57W
NE NE - 34 ac
NW NE - 34 ac
SW NE - 34 ac
SE NE - 34 ac
NE NW - 34 ac
SE NW - 34 ac
NE SW - 39 ac
SE SW - 29 ac
NW SE - 22 ac
NE SW - 39 ac
SE SW - 29 ac



Keith DeLong
Water Rights Inspector
September 7, 2023



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

SEP 11 2023

6952-3

Brian Herrboldt
42855 287th St
Menno SD 57045

Dear Mr. Herrboldt:

Enclosed is Water License No. 6952-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

So 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. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

NOTE: The applicable portions of Water Right No. 6392-3 have been incorporated into Water Right No. 6952-3.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6952-3**

(1) Brian Herrboldt; 42855 287th St, Menno SD 57045, made Application No. 6952-3, February 6, 2008, for a water permit to authorize the addition of 90 acres located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18, T97N, R57W, Hutchinson County, South Dakota for irrigation purposes. Permit No. 6952-3, with a priority date of February 6, 2008, was approved March 31, 2008, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 31, 2013, and for the application to beneficial use of water on or before March 31, 2017.

Water Right No. 6392-3 authorizes the diversion of 3.56 cubic feet of water per second from groundwater, two wells (Lower James: Missouri Aquifer) for the irrigation of 272 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 18 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 17, all in T97N, R57W. The applicable portions of Water Right No. 6392-3 are now incorporated into Water Right No. 6952-3.

(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 3.56 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- East Well: 1,400 ft S of the NE corner of Section 18, T97N, R57W (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
(Latitude 43.22261 & Longitude -97.61763)
- West Well: 1,375 ft S & 2,550 ft W of the NE corner of Section 18, T97N, R57W (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
(Latitude 43.22283 & Longitude -97.62713)

(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, T97N, R57W
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 34 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 34 acres

Section 18, T97N, R57W

NE $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	39 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	29 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	22 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres		

TOTAL: 362 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Brian Herrboldt, the holder and/or owner of Water Right No. 6952-3 is issued a license to appropriate water, the right to use 3.56 cubic feet of water per second from groundwater, two wells (Lower James: Missouri Aquifer), with priority dates of February 3, 2003 for 3.56 cfs and 272 acres and February 6, 2008, for 90 acres, from the locations specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6952-3 and subject to the following qualifications:

1. The wells approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Water Right shall control their 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 Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

SEP 11 2023

date

