

WATER PERMIT NO. 6610-3

Name of Applicant: **J Robert Wardin**

Address: **1 Eagle Ridge Rd, North Oaks ND 55127**

Phone: **612 868-8909**

Amount of Water Claimed: **1.78**

Total Acres: **135**

Source of Water Supply: **one well**

Water to be used for: **irrigation**

County: **Clay**

Type of Waste Disposal System:

Location: **8 miles northwest of Vermillion**

PRIORITY

Date Received: **3-11-05**

Application/License Fee: **\$300**

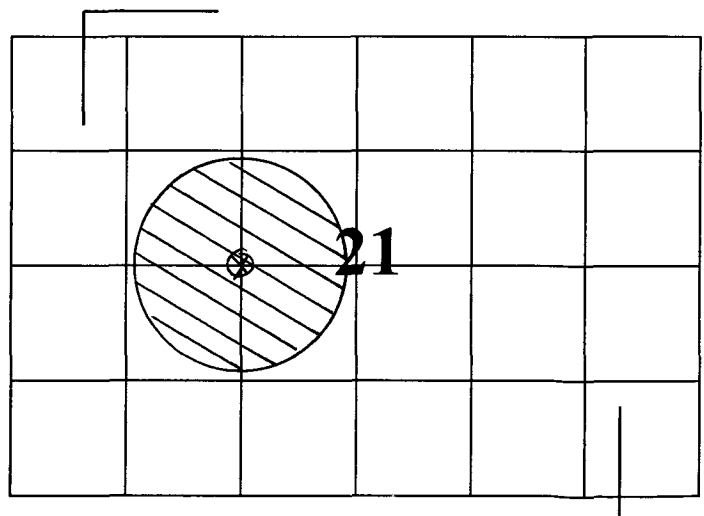
Corrected Application Received: **3-29-05**

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

Remarks:

Diversion Point: **center of the ¼ line between NW
¼ SW ¼ Sec 21-T93N-R53W**

Land to be Irrigated: **S ½ NW ¼, N ½ SW ¼ Sec
21-T93N-R53W**



Depth of Well: **110 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Keith Janten, Clay Co FSA**

Reviewed and the Number Assigned on: **3-30-05**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

(office use only)
No. 6610-3 Hydrologic Unit 10170101
Basin Vermillion River
Newspaper Plain Talk

RECEIVED

MAR 11 2005

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 J Robert Wardin Phone (612) 868-8909
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 1 Eagle Ridge RD North Oaks State MN 55127-6409
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 135
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply ground water
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
South half of Section 21 T-93N 53-W Center of quarter line between NW1/4 + SW1/4
5. County or counties where water will be used Clay
6. Annual period during which water is to be used April through 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
SW Qtr of NW Quarter	34	NW Qtr of SW Quarter	34
SE Qtr of NW Quarter	34	NE Qtr of SW Quarter	33
<u>Sec 21-T93N-R53W</u>			

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

Drill a new well at the center point between the NW Quarter and SW Quarter of Section 21. Irrigate cropland with a full circle. Would like to drill well in May.

MINNESOTA
STATE OF SOUTH DAKOTA) SS
County of Freeborn

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, J Robert Wardin, 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 [Signature]

Subscribed and sworn to before me this 10th day of March 20 05



SARAH L. BERVEN
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2007

[Signature]
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6610-3**

Date of first receipt of application March 11, 2005.

Date of return to applicant for corrections, amendments or changes March 14, 2005.

Date of receipt of corrected application March 29, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6610-3 to J Robert Wardin, 1 Eagle Ridge Rd, North Oaks MN 55127-6409 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. 6610-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located on the center of the quarter line between the NW ¼ and SW ¼ Section 21 to irrigate 135 acres located in the S ½ NW ¼, N ½ SW ¼ Section 21; all in T93N-R53W.
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 March 11, 2005.
4. The date of approval of Permit No. 6610-3 is June 14, 2005.
5. One-fifth of the construction is to be completed on or before December 14, 2007.
6. All construction is to be completed on or before June 14, 2010.
7. Water is to be put to beneficial use on or before June 14, 2014.
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. The well authorized by Permit No. 6610-3 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.

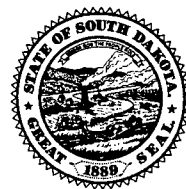
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 01 2005

date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction No well drilled or test hole.

- a) Drill Hole Diameter 36" Depth 110'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type SLOTTED PVC Diameter 16" Thickness 1/2"
- d) Gravel Pack ROAD CLASS Length of Gravel Pack 80'
- e) Depth to Top of Water Bearing Material 30'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:

On applicants property 3 miOn property owned by others 1 1/2 mi**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

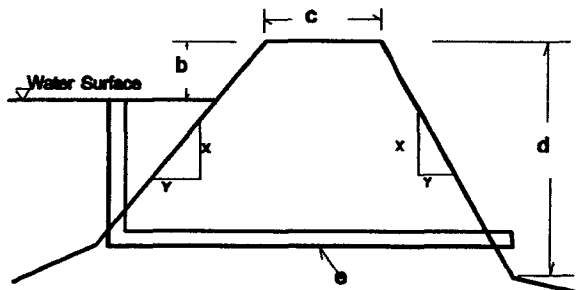
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 14, 20 05

RECEIVED OF J Robert Wardin, One Eagle Ridge Road, North Oaks MN 55127

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

Fee for Application for Permit No. <u>6610-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6610-3</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	300.00

No.

001713

By

J. D. Anderson
Chief Engineer



United States Department of Agriculture
Farm Service Agency

Clay County Farm Service Agency

121 W Kidder St. Suite 102
Vermillion, SD 57069-3033

Kelly J. Smith CEO

N



21-93-53

Clay County

March 3, 2004

1997 Digital Orthophotography - Not To Scale



March 14, 2005

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECEIVED

MAR 29 2005

WATER RIGHTS
PROGRAM

RCVP 1/05
3/28/05
[Signature]

J Robert Wardin
1 Eagle Ridge Rd
North Oaks MN 55127-6409

Dear Mr. Wardin:

Thank you for submitting the three *Applications for a Permit to Appropriate Water* for irrigation in Clay County. The applications are being returned for the following:

- Please complete Form 2A, Supplemental Information for the applications located in Section 12 and 21. The applications state you have not drilled a test hole for these two well locations. Please indicate as much information as possible regarding the proposed well construction. A proposed well depth is required. It is to your advantage to have a test hole drilled prior to submitting the applications.
- The application submitted for Section 22 is being returned for your signature.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

*Dear Karen Schlaak,
returning what you
sent us with the
inf filled-in.*

[Signature]

*note: we already have wells on
sec 10, sec 22 and neighbor
has sec 9. so probably can
use that data - test not required*

REPORT ON WATER PERMIT APPLICATION NO. 6610-3

For J. Robert Wardin

May 6, 2005

Application No. 6610-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 110 feet deep located near the center of the W ½ of section 21 to irrigate 135 acres located in the S ½ NW ¼, N ½ SW ¼ of section 21; all in T93N R53W in Clay County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies 74,500 acres and contains an estimated 1.117 million acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends into Yankton County to the west, into Union County to the east and is hydraulically connected to the James, Vermillion and Missouri Rivers. Ground water movement is from west to east in the area of this application (Christensen, 1967). A hydrogeologic map in the Christensen report indicates that the aquifer should be 100 to 125 feet thick in the area in and around section 21. Christensen went on to describe the aquifer as follows “On the floodplains of the Missouri and Vermillion Rivers the outwash is overlain by alluvium--gravel, sand, silt, and clay that was transported by the rivers and deposited at place where the velocity of the water was insufficient to maintain the materials in motion. Much of the floodplain alluvium is permeable and forms a single aquifer with the underlying outwash” (Christensen, 1967).

No test well was provided with this application. However there is sufficient information to evaluate this application. The 110 feet depth estimated for a well depth is reasonable. This aquifer is very prolific and this thickness is more than sufficient to obtain the amount of water requested.

The Water Rights Program monitors two observation wells in the area of this application. These are observation well YA-80KA (located about four miles southwest) and CL-80B (located about four miles south) of this application. Water levels for these wells show good response to climatic conditions that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005). Hydrographs for these two observation wells are included with this report. One other interesting facet is that the water levels in these two observation wells appear to have slightly declined over time. This is apparently due to down cutting or entrenching of the Missouri River which in turn lowers the ground water levels near to the river.

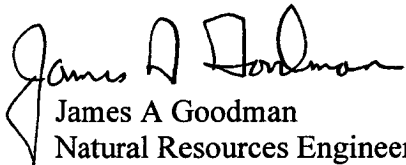
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit is No. 6554-3 for irrigation with a well located about three-fourths mile south of the well for this application. Interference is not expected to be

a problem. At this distance between wells drawdown created by pumping should not be significant.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions in this area. Interference is not a concern. Drawdown created by pumping at this proposed rate is not expected to be significant very far from the production well.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

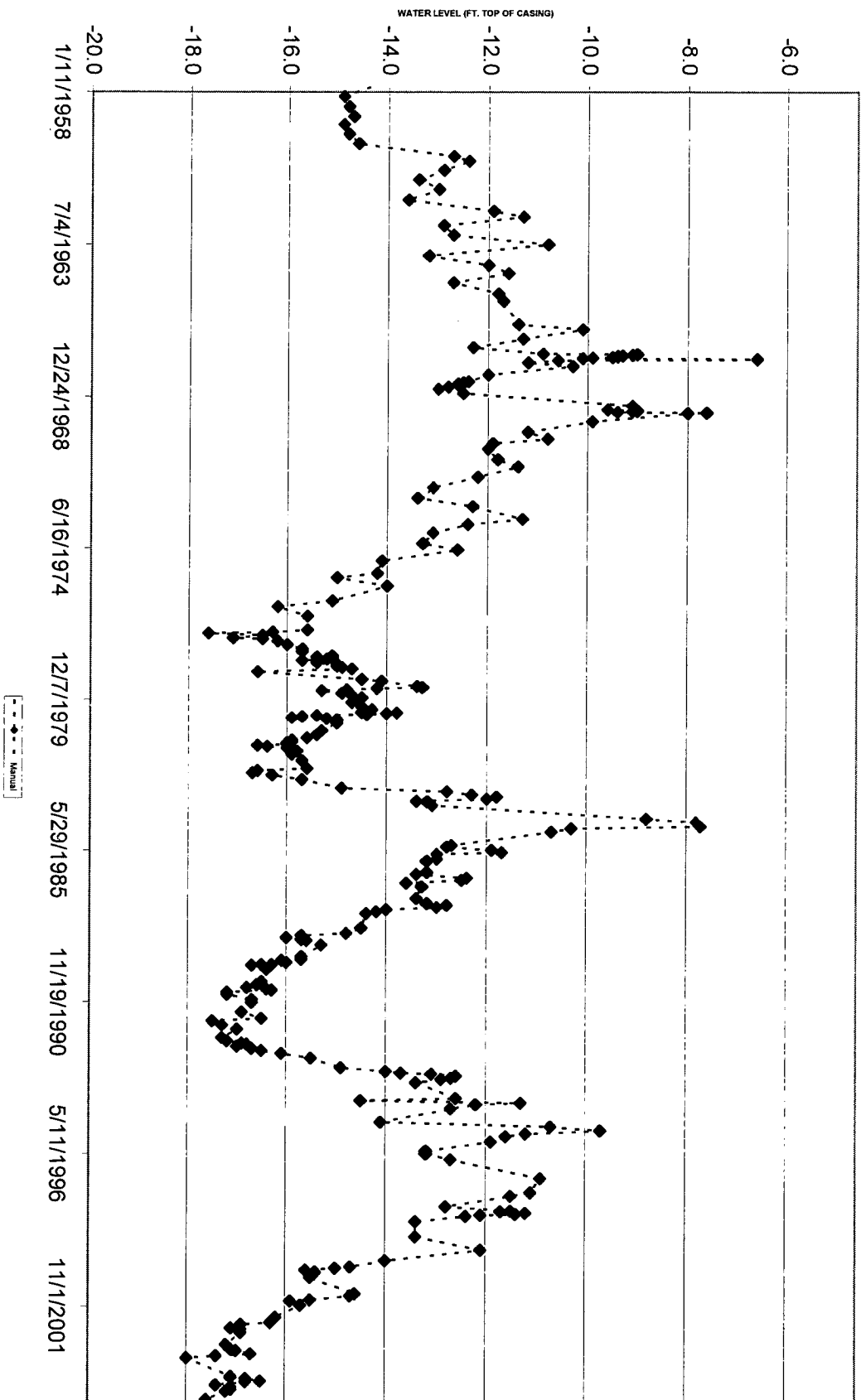
BIBLIOGRAPHY

Christensen, C.M., J.C.Stephens, 1967, Geology and Hydrology of Clay County South Dakota, Part II Water Resources, Bulletin 19, SD DENR, SDGS, Vermillion, SD, 57069.

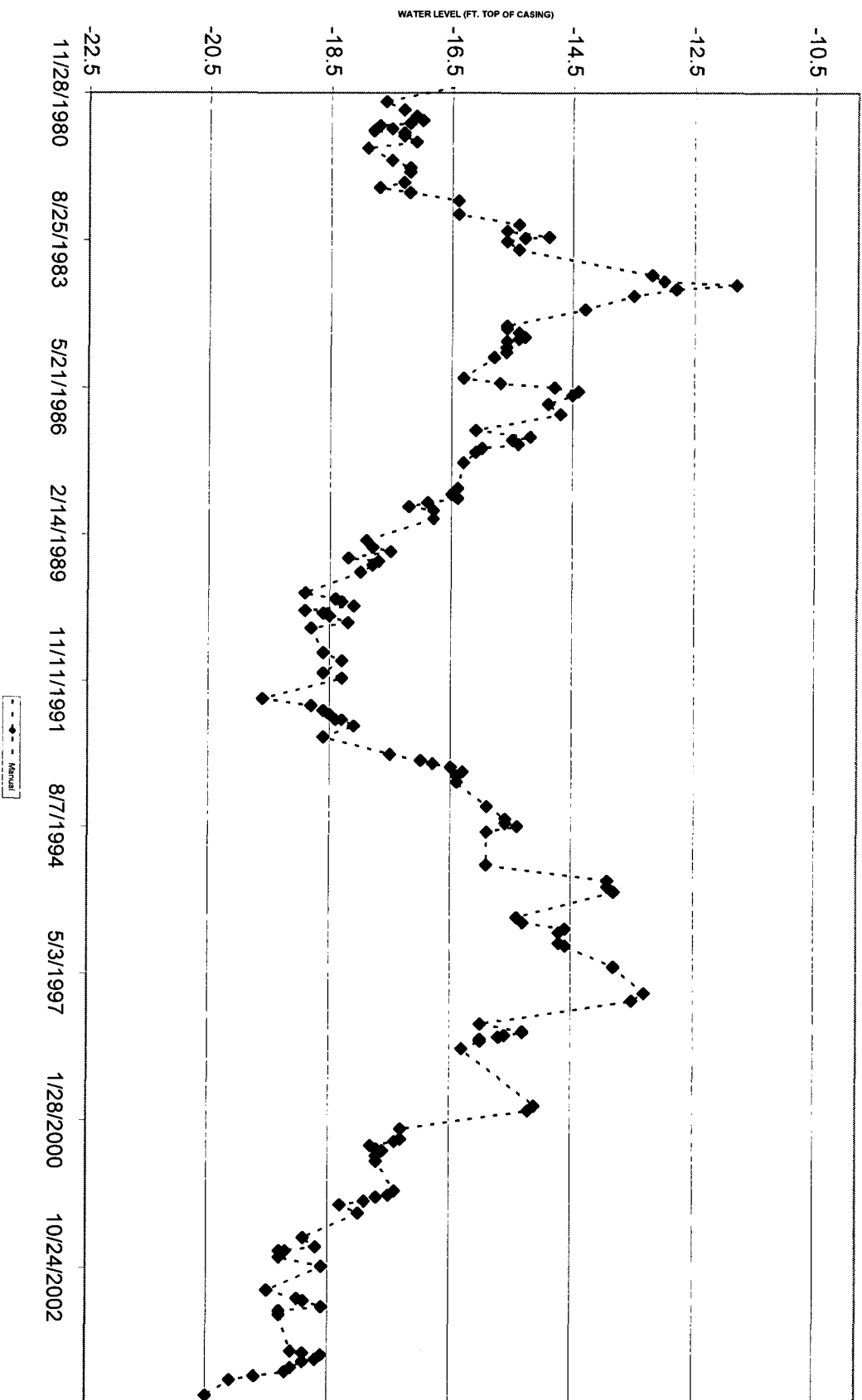
Hedges, L.S, and others, 1982, Evaluation of Ground Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SSD, 57069.

Water Rights, 2005, Unpublished Observation Well Data for Yankton and Clay Counties, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
CL-80B



**WATER RIGHTS' OBSERVATION WELL
YA-80KA**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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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. 6610-3, J. Robert Wardin**

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. 6610-3, J. Robert Wardin, 1 EagleRidge RD, North Oaks MN 55127-6409.

The Chief Engineer is recommending APPROVAL of Application No. 6610-3 because 1) there is a 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. 6610-3 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
May 16, 2005

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Shani Bonner

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

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

NOTICE OF APPLICATION NOS. 6610-3 & 6611-3

TO APPROPRIATE WATER: J ROBERT WARDIN

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 27th day of May, 20 05, and that the succeeding publications were severally

on Friday, the 3rd day of June, 20 05,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

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

Forty-five dollars and 49 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Shani Bonner

Subscribed and sworn to before me

this 30th day of June, 20 05

JOAN E. WILLROTH

SEAL NOTARY PUBLIC SOUTH DAKOTA SEAL

Notary Public

RECEIVED

JUN 16 2005

WATER RIGHTS PROGRAM

My Commission Expires 04/17/2011

NOTICE OF APPLICATION NOS. 6610-3 and 6611-3 to Appropriate Water

Notice is given that J. Robert Wardin, 1 Eagle Ridge Rd., North Oaks, MN 55127-6409 has filed the following applications for water permits.

Application No. 6610-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located on the center of the quarter line between the NW 1/4 and SW 1/4 Section 21 to irrigate 135 acres located in the S 1/2 NW 1/4, N 1/2 SW 1/4 Section 21; all in T93N-R53W.

Application No. 6611-3 proposes to appropriate 2.0 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located in the E 1/2 NW 1/4 Section 12 to irrigate 173 acres located in the NW 1/4, W 1/2 NE 1/4 Section 12; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6610-3 and 6611-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 June 14, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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: May 27 & June 3, 2005



**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.

May 16, 2005

J Robert Wardin
1 Eagle Ridge Rd
North Oaks MN 55127-6409

Dear Mr. Wardin:

Water Permit Application Nos. 6610-3 & 6611-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Plain Talk printed at Vermillion, SD (Ph # 605-624-2695). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports on the applications 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 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. 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on May 27, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6610-3 and 6611-3 to Appropriate Water

Notice is given that J Robert Wardin, 1 Eagle Ridge Rd, North Oaks MN 55127-6409 has filed the following applications for water permits.

Application No. 6610-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located on the center of the quarter line between the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ Section 21 to irrigate 135 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 21; all in T93N-R53W.

Applications No. 6611-3 proposes to appropriate 2.0 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 12 to irrigate 173 acres located in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 12; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6610-3 and 6611-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 June 14, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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

May 16, 2005

Plain Talk
PO Box 256
Vermillion SD 57069-0256

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6610-3 & 6611-3 to Appropriate Water to be published twice. Please publish the first notice on May 27, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 J Robert Wardin, 1 Eagle Ridge Rd, North Oaks ND 55127 (Ph # 612-868-8909).

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-----

Nos. 6610-3 & 6611-3

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

Date _____

We are in receipt of your letter of May 16, 2005 enclosing Notice to Appropriate Water by Application Nos. 6610-3 & 6611-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 01 2005

J Robert Wardin
1 Eagle Ridge Rd
North Oaks MN 55127-6409

Dear Mr. Wardin :

Enclosed are Water Permit Nos. 6610-3, 6611-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Two Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return these completed forms after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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



6610-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 2, 2005

6610-3
6611-3

Less Farms
21601 Fir Ave
Merrill IA 61038

Dear Sir:

I am writing in follow-up to our phone conversation concerning the irrigation done in 2005 on land you rent from Robert Wardin. Enclosed are copies of Water Permit Nos, 6610-3 and 6611-3.

I completed the 2005 irrigation questionnaires for these permits based on our phone conversation. Next year's questionnaires will be mailed to you around mid October, 2006.

If you have any questions, please contact me.

Sincerely,

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

enclosures

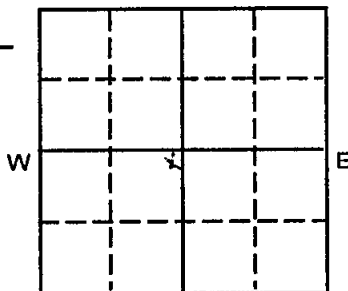
SOUTH DAKOTA WATER WELL COMPLETION REPORT

6610-3
11-02Location NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 21 Twp 93N Rg 53W

County

Clay

North

Please mark well
location with an "X"

Well Completion Date

7/18/2005

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

2,500.0 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
LB/FT	IN	FT	FT	IN
	16.00	0.0	82.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	FT	FT
Bentonite	21	9.6	0.0	80.0

Describe grouting procedure

Tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 30.0 FeetMaterial PVCSlot Size .080 Set From 82.0 Feet to 112.0 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?
Lab sample sent to for
water quality analysis
☒ No, Why Not?
Well Owner: Bob Wardin

Business Name:

Address:

North OAKS, MN

City, State, Zip:

Meckling SD 57044

WELL LOG:

DEPTH

FORMATION	FROM	TO
Clay, brown, silty	0	17
Sand, fine to very fine, brown	17	24
Silt, brown, sandy, coarsens b/ 55'	24	80
Gravel, fine to med, rx at 105-109	80	115
Shale, dk gray, sticky	115	135

STATIC WATER LEVEL

22.0 FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve

☐ Reducers

☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

35.0 Ft. After 6.0 Hrs. pumped 950.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate:

GPM

REMARKS

This well was drilled under license #

666

And this report is true and accurate.

Drilling firm: Hammond-Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

7/20/05

RECEIVED

FEB 02 2006

WATER RIGHTS
PROGRAM



6610-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
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www.state.sd.us/denr

January 26, 2007

NOTICE

TO: LESS FARMS, RENTER, 21601 FIR AVE, MERRILL, IA 51038

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6610-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 6610-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 6610-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

c: **J ROBERT WARDIN, 1 EAGLE RIDGE RD, NORTH OAKS, MN 55127-6409**

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.

6610-3

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LESS FARMS, RENTER
21601 FIR AVE
MERRILL IA 51038

Waiver of Signature ☐ YES ☐ NO

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www.state.sd.us/denr

February 6, 2007

6610-3

Less Farms
21601 Fir Ave
Merrill IA 51038

Dear Sir:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires for Water Permit Nos. 6610-3 and 6611-3. You may disregard the January 26, 2007, "Notice" concerning reporting requirements.

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

c: J Robert Wardin, 1 Eagle Ridge Rd, North Oaks, MN 55127-6409



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 2009

5658B-3
6610-3
6611-3

Brian Peterson
Whiskey Creek Partnership
1739 Charles Ave
Lawton IA 51030-8077

Dear Mr. Peterson:

Enclosed as we discussed are the 2009 irrigation questionnaires for land you farm for Robert Wardin. I have included copies of the water permits and also a copy of one of the questionnaires that Ken Less sent in last year.

The yellow questionnaires will need to be completed and returned to us as soon as possible. Typically, they are sent out in October and are due by December 1st. The forms were originally sent to Ken Less and he returned them to us December 9th indicating he no longer farmed the property.

The forms can be submitted by any of the following methods:

- on-line: <http://denr.sd.gov/iq.aspx>
- fax: 605 773-4068
- by regular mail in the envelope provided; or
- by phone at 605 773-3352

If you have any questions, please contact me.

Sincerely,

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

enclosures

c: J Robert Wardin, 1 Eagle Ridge Rd, North Oaks, MN 55127-6409 (without attachments)



6610-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: WHISKEY CREEK PARTNERSHIP, BRIAN PETERSON - RENTER, 1739 CHARLES AVE,
LAWTON, IA 51030

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5658B-3, 6610-3 & 6611-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 5658B-3, 6610-3 & 6611-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 5658B-3, 6610-3 & 6611-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

c: J ROBERT WARDIN, 1 EAGLE RIDGE RD, NORTH OAKS, MN 55127-6409

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.

6610-3

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- Sorting Complete, January 25, 2010, 8:59 am, LAWTON, IA 51030
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WHISKEY CREEK PARTNERSHIP
BRIAN PETERSON - RENTER
1739 CHARLES AVE
LAWTON IA 51030

Waiver of Signature ☐ YES ☐ NO

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6610-3

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 9563

J ROBERT WARDIN
1 EAGLE RIDGE RD
NORTH OAKS MN 55127

Waiver of Signature ☐ YES ☐ NO

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and NATURAL RESOURCES**

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

February 2, 2010

Brian Peterson
Whiskey Creek Partnership
1739 Charles Ave
Lawton IA 51030

RE: 2009 Irrigation Questionnaires for Water Permit Nos. 5658B-3, 6610-3 & 6611-3

Dear Mr. Peterson:

I am writing to acknowledge receipt of the 2009 irrigation questionnaires for land you farm for Robert Wardin. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit Nos. 5658B-3, 6610-3 & 6611-3.

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
email: genny.mcmath@state.sd.us

c: Robert Wardin

Water Permit No. 6610-3
Clay County

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, September 23, 2014 made a thorough examination of the water system used by J Robert Wardin, 1 Eagle Ridge Rd., North Oaks MN 55127, holder of Water Permit No. 6610-3, bearing the priority date of March 11, 2005. Water Permit No. 6610-3 authorizes the diversion of 1.78 cubic feet per second (cfs) from one well completed into the Missouri: Elk Point aquifer at approximately 110 feet below ground surface for the purposes of irrigating 135 acres in Clay County as follows: 33.75 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, 33.75 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, 33.75 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, 33.75 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, all in T93N-R53W.

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
One irrigation pump, manufacturer unknown.
- 2) Works used to transport water to a place of use:
Underground pipes, 6 inch diameter.
- 3) Works used to apply water to beneficial use:
One Valley 8000 Pivot.

The system is in the following condition: well maintained. The well is in the following location:

- 1) **2,600 feet north and 1,300 feet east of the southwest corner of Section 21, T93N-R53W.**
Lat 42.85890N Lon 97.11728W.

The lands irrigated by the fore mentioned well are as follows:

- 1) **33.75 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T93N-R53W.**
- 2) **33.75 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T93N-R53W.**
- 3) **33.75 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, T93N-R53W.**
- 4) **33.75 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, T93N-R53W.**

For a total of 135 acres.

License should be issued for the developed diversion rates of: **1.67 cfs or 750 gpm.**

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**

Date Report Completed: **June 15, 2015**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 6610-3

DATE OF INVESTIGATION:	September 23, 2014
NAME & ADDRESS OF PERMIT HOLDER	J Robert Wardin 1 Eagle Ridge Rd. North Oaks MN 55127
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Brian Peterson Operator
DIVERSION POINT LEGAL LOCATIONS	2,600 feet north and 1,300 feet east of the southwest corner of Section 21, T93N-R53W. Lat 42.85890N Lon 97.11728W.

WELL INFORMATION:

- 1) Well Drilling Firm: **Hammond Wetmore Drilling**
- 2) Number of Wells: **1**
- 3) Depth: **135 feet**
- 4) Well Log Available: **Yes**
- 5) Comment:

Motor

- 1) Make: **Unknown**
- 2) Model No:
- 3) Power:

System Type

- 1) Make: **Valley 8000**
- 2) Overall length: **1,300 feet**
- 3) Number of Towers: **7**
- 4) Distance Between Towers:
- 5) End Gun:
- 6) Pressure:
- 7) Capacity: **700 gpm**

Pumps

- 1) Make: **Unknown**
- 2) Model:
- 3) Size:
- 4) Capacity: **750 gpm**

Casing

- 1) Diameter: **16 inches**
- 2) Length: **82 feet**
- 3) Type: **Plastic**

Screen

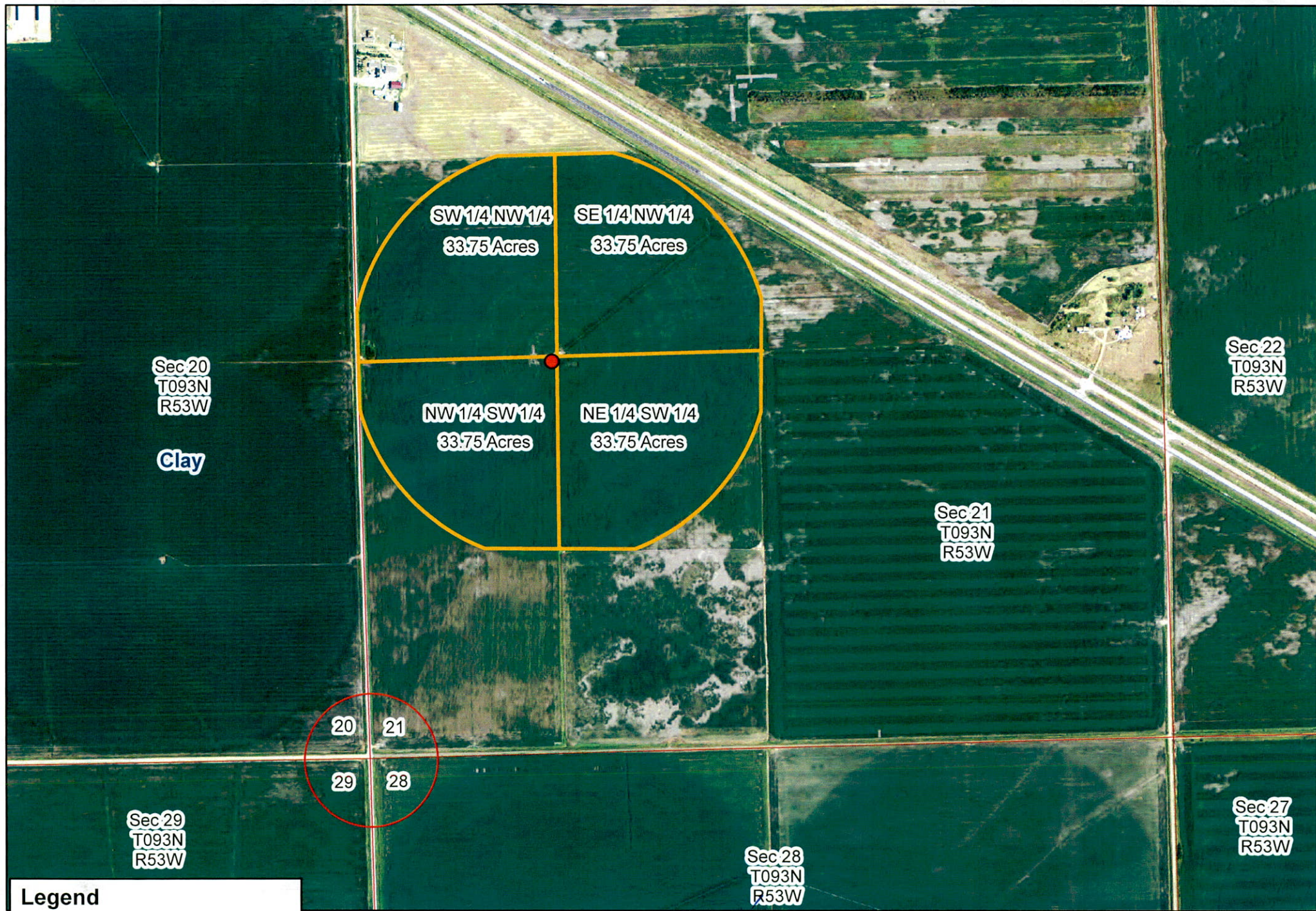
- 1) Type: **Manufactured**
- 2) Length: **30 feet**
- 3) Static Water Level: **22 feet**

CHEMIGATION EQUIPMENT: No

- 1) Mainline Check Valve:
- 2) Low Pressure Drain:
- 3) Inspection Port/Air Relief:
- 4) Discharge 20 Feet Away:
- 5) Injection Line Check Valve or Positive Displacement Pump:
- 6) Injection Check Valve:
- 7) Properly Installed:

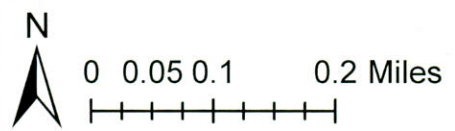
PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Reported irrigation from 2006 to present.**

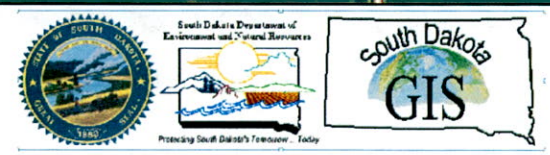


Legend

- Irrigated_Acres
- Section Boundaries - PLSS
- Well Location 6610-3



[Signature]
Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUN 18 2015

6610-3

J Robert Wardin
1 Eagle Ridge Rd
North Oaks MN 55127

Dear Mr. Wardin:

Enclosed is Water License No. 6610-3. 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 the owner of an existing well, such as the well authorized by Water Right No. 6610-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6610-3**

(1) J Robert Wardin, 1 Eagle Ridge Rd., North Oaks MN 55127-6409 made Application No. 6610-3, March 11, 2005 for a water permit to divert 1.78 cubic feet of water per second from ground water (one well, Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 6610-3, with a priority date of March 11, 2005 was approved June 14, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 14, 2010 and for the application to beneficial use of said water on or before June 14, 2014.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.67 cubic feet of water per second for beneficial use.

The location of the diversion point is 2,600 feet north and 1,300 feet east of the SW corner of Section 21, T93N, R53W (NW ¼ SW ¼).

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

Section 21, T93N, R53W	SW ¼ NW ¼	33.75 acres
	SE ¼ NW ¼	33.75 acres
	NW ¼ SW ¼	33.75 acres
	NE ¼ SW ¼	33.75 acres
	Total	135.00 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 J Robert Wardin, 1 Eagle Ridge Rd., North Oaks MN 55127-6409 the holder and/or owner of Water Right No. 6610-3 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from ground water (one well, Missouri Elk Point Aquifer) with a priority date of March 11, 2005 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6610-3 and subject to the following 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 by Permit No. 6610-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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. *Well drilled in 2005 by Hammond-Wetmore Drilling. A copy of the log is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 18 2015

date

