

WATER PERMIT NO. 6791-3

Name of Applicant: Virgil Tjeersdma

Address: 30628 414th Ave, Tyndall SD 57066

Phone: 605 589-4162

Amount of Water Claimed: 1.67 cfs

Total Acres: 85

Source of Water Supply: groundwater

Water to be used for: irrigation

County: BonHomme

Type of Waste Disposal System:

Location: 6 miles southwest of Tyndall

PRIORITY

Date Received: 12-26-06

Application/License Fee: \$275

Corrected Application Received: 1-8-07

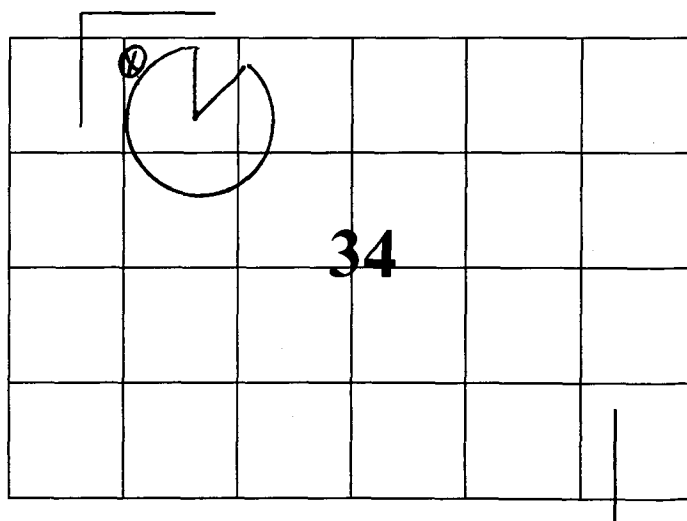
Period of Annual Use: April 1 – September 30

Remarks: Requesting more than 1 cfs per 70 acres

Diversion Point: NW ¼ NW ¼ Sec 34-T94N-

R60W

Land to be Irrigated: NW ¼ Sec 34-T94N-R60W



Depth of Well: 220 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Erin R Burns, Bon Homme Co FSA

Reviewed and the Number Assigned on: 1-9-07

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	No. <u>6791-3</u> (office use only)
	Basin <u>Missouri River</u>
	Newspaper <u>Tyndall Tribune Tyndall SD</u>
	<u>605-589-3242</u> <u>57066</u>

RECEIVED
DEC 26 2006
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant Virgil Teeerdsma Phone 589-4162 cell 464-1945
(check one) X Owner Tenant/lessee
- Mailing Address 30628 414th Av. Tyndall State S.D. 57066
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.21 *CFS or 558 **GPM ***AF Total Acreage 85
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) One well in
NW 1/4 section 34-T-94-N-R-60-W (NW 1/4 NW 1/4)
County Bon Homme
5. County or counties where water will be used Bon Homme
6. Annual period during which water is to be used mid April to mid Sept. 30
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
<u>N 1/2 NW 1/4 Excl Tract A & All SW 1/4 NW 1/4</u>	<u>97.26</u>		
<u>West of Railroad Tracks 34-94-60</u>	<u>85</u>		
<u>(NW 1/4)</u>			

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

STATE OF SOUTH DAKOTA) SS
County of Bon Homme

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)

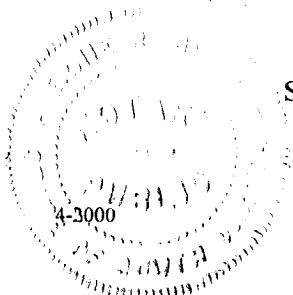
I, Virgil Teeerdsma, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Virgil Teeerdsma

Subscribed and sworn to before me this 18th day of December 20 06

E R B

Notary Public signature



SOUTH DAKOTA
WATER PERMIT NO. 6791-3

Date of first receipt of application December 26, 2006.

Date of return to applicant for corrections, amendments or changes December 29, 2006.

Date of receipt of corrected application January 8, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6791-3 to Virgil Tjeerdsma, 30628 414th Ave, Tyndall SD 57066 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. 6791-3 appropriates 1.21 cubic feet of water per second (cfs) from one well to be completed into either the Choteau-Tyndall Aquifer or Niobrara Formation (approximately 220 feet deep) located in the NW ¼ NW ¼ Section 34 to irrigate 85 acres located in the NW ¼ Section 34; all in T94N-R60W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is December 26, 2006.
4. The date of approval of Permit No. 6791-3 is March 26, 2007.
5. One-fifth of the construction is to be completed on or before September 26, 2009.
6. All construction is to be completed on or before March 26, 2012.
7. Water is to be put to beneficial use on or before March 26, 2016.
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 authorized by Permit No. 6791-3 shall be constructed into a single water source, either the Choteau Tyndall or the Niobrara, but not both. At the time of licensing, the final water right will be issued for the developed water source.
2. 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.
3. This permit should be limited to the statutory diversion rate of 1 cfs per 70 acres or 1.21 cfs per 85 acres.
4. 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 30 2007

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28" Depth 220'
- b) Casing Type plastic Diameter 16" Thickness 6/16"
- c) Screen Type plastic or steel Diameter 16" Thickness 6/16"
- d) Gravel Pack yes Length of Gravel Pack not for sure
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 150' (this is about where my other well comes to)
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

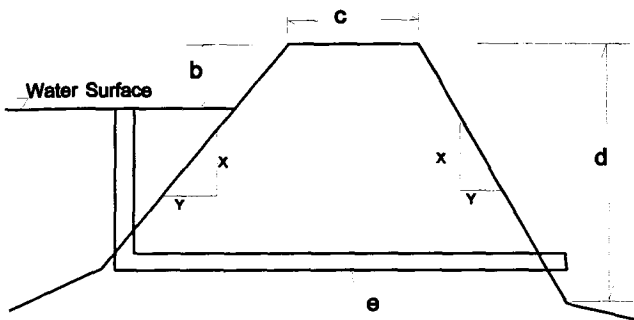
3. Dugout Information

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

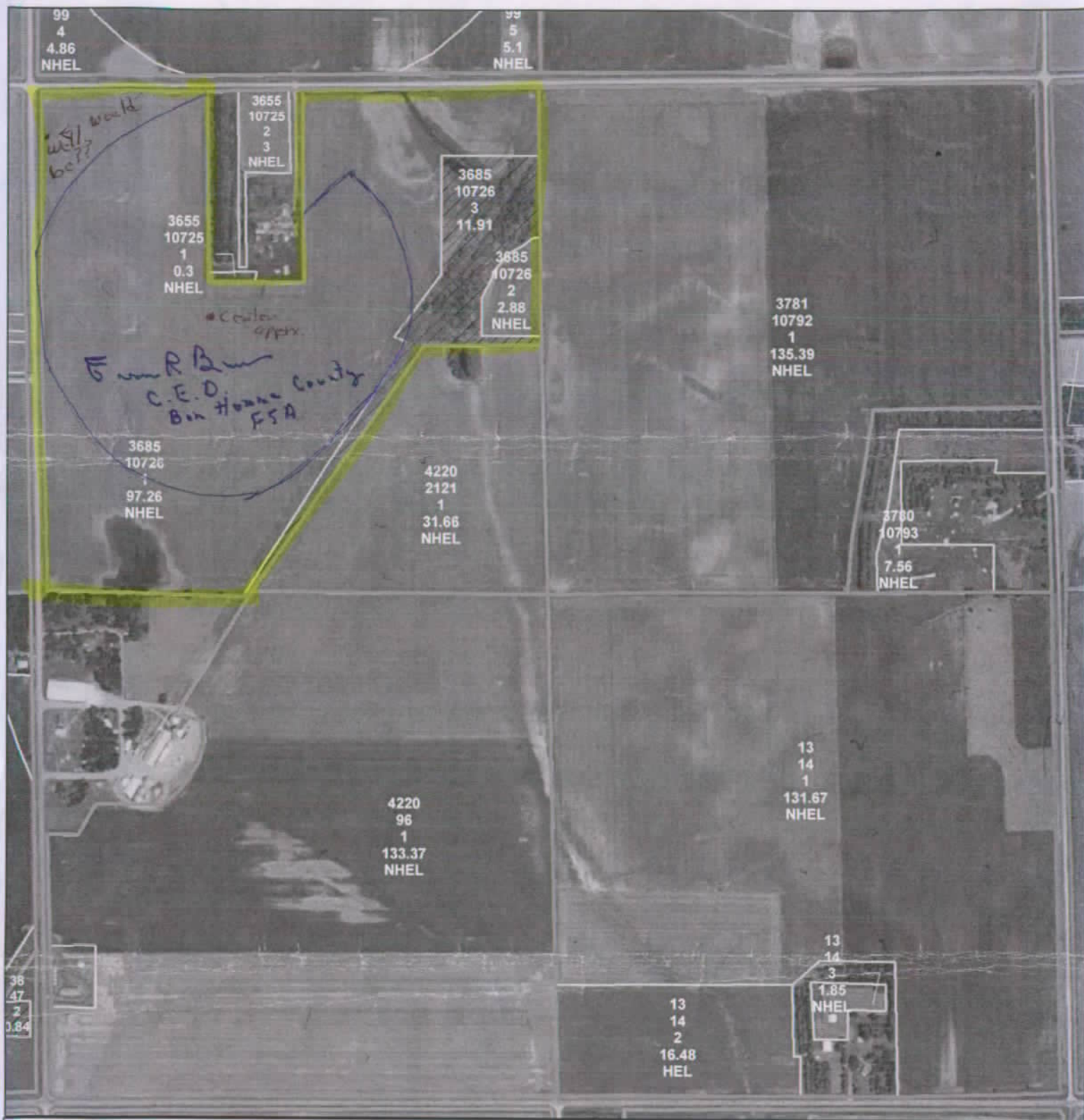
4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



USDA U.S. Dept. of Agriculture
Farm Service Agency



South Dakota Bon Homme County

34-94N-60W

Legend

- Wetlands
- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2004 ortho rectified imagery for South Dakota. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs.

May 02, 2006

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 2, 20 07

RECEIVED OF Virgil Tjeerdsma, 30628 414th Ave, Tyndall SD 57066

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

Fee for Application for Permit No. <u>6791-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
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	225.00

No. 02733

By Darlene E. Ebel
Chief Engineer *gm*

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 8, 20 07

RECEIVED OF Virgil Tjeerdsma, 30628 414th Ave, Tyndall SD 57066

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 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>6791-3</u>		
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	50.00

No.

02779

By

Darland Ebele

Chief Engineer

gm



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 29, 2006

Virgil Tjeerdsma
30628 414th Ave
Tyndall SD 57066

Dear Mr. Tjeerdsma:

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

- 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).
- On the application, two different acreage amounts are listed. The total acreage is listed as 85 acres. Under the land description, the total acreage is listed as 97.26 acres. Which amount is correct? *The size of the field the irrigation is going to be on is 97.26 ac. approx. 85 ac. is the amount that will be under water.*
- We have received a \$225 application filing fee. In addition to the application filing fee, the Water Rights Program collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit. *Virgil Tjeerdsma*

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

RECEIVED
JAN - 8 2007
WATER RIGHTS
PROGRAM

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6791-3, Virgil Tjeerdsma

ADDRESS: COUNTY: Bon Homme

DATE: February 27, 2007 TELEPHONE: cell # 464-1945

RE: Discussion regarding diversion rate

COMMENTS:

I called Mr. Tjeerdsma regarding the diversion rate. I explained the statutory limit for irrigating 85 acres is 1.21 cfs (550 gpm). He stated that would be enough water and requested that I amend the application accordingly.

NAME: Eric Tjeerdsma



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6791-3, Virgil Tjeerdsma**

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. 6791-3, Virgil Tjeerdsma, 30628 414th Avenue, Tyndall SD 57066.

The Chief Engineer is recommending APPROVAL of Application No. 6791-3 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 authorized by Permit No. 6791-3 shall be constructed into a single water source, either the Choteau Tyndall or the Niobrara, but not both. At the time of licensing, the final water right will be issued for the developed water source.
2. 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.
3. Application No. 6791-3 should be limited to the statutory diversion rate of 1 cubic feet per second (cfs) per 70 acres or for this application, 1.2 cfs per 85 acres.
4. 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
February 22, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6791-3

For Virgil Tjeerdsma

January 31, 2007

Application No. 6791-3 proposes to appropriate 1.67 cfs (750 gpm) from one well approximately 220 feet deep located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 34 to irrigate 85 acres located in the NW $\frac{1}{4}$ of section 34; all in T94N R60W in Bon Homme County.

AQUIFER – CHOTEAU TYNDALL (CH-T), NIOBRARA (NBRR)

The Choteau Tyndall is a buried outwash (sand and gravel) that is probably under artesian conditions at this site, however, locally may be under water table conditions. The aquifer underlies 31,300 acres and contains an estimated 140,850 acre-feet of recoverable water in storage in Bon Homme County (Hedges, 1982). The aquifer extends into Yankton County to the east and Hutchinson County to the north where it blends into the Lower James Missouri aquifer. Ground water movement is from north to south in the area of this application (Jorgenson, 1971). The Choteau Tyndall aquifer appears to be hydraulically connected to the Niobrara aquifer in the subsurface and also to Emmanuel Creek.

The Niobrara is a bedrock formation consisting of nearly horizontal layers of calcareous shale, chalk and chalky limestone (Jorgensen, 1971). Ground water movement in the Niobrara is from north to south in this area (Jorgensen, 1971). The aquifer underlies 470 square miles of Bon Homme and there is no estimate available for water in storage for the aquifer.

No test well information was filed with this application. According to the map of the aquifer published in the county study the aquifer should be about 50 feet thick or less in the area of this application. According to tests nearby the aquifer may not exist at this site. A domestic well just across the road to the north indicates the Niobrara was encountered with no overlying Choteau Tyndall aquifer. An irrigation well located a little over one-quarter mile to the north indicates a Choteau Tyndall aquifer well about 227 feet deep with a static water level of 89 feet and capable of producing 1,000 gpm with 23 feet of drawdown. This is a specific capacity of about 44 gpm/ft of drawdown.

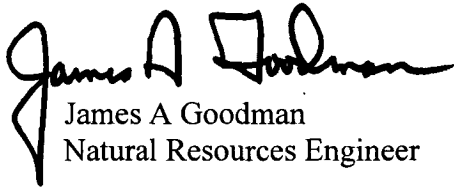
The Water Rights Program monitors two observation wells completed into the Choteau Tyndall aquifer and one well into the Niobrara aquifer within two miles of this application. Water levels for the Choteau Tyndall wells are remarkably similar. Both of these observation wells are under water table conditions. The record for the Niobrara well exhibits some of the same characteristics even though this well is under artesian conditions. The water level record shows good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. There are some small impacts that can be associated with pumping but by in large, pumping impacts are not significant. Hydrographs for observation wells BH-76D, BH-76C and BH-82C are included with this report (Water Rights, 2007).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are five existing irrigation wells completed into the Choteau Tyndall aquifer within a one mile radius of this application. All five of these wells reported water use during 2006 irrigation season. The nearest existing well is located about one-quarter mile to the north of this application. Interference should not be a concern. Drawdown created by pumping does not appear to extend very far or significantly from an individual production well in this area. The observation well hydrographs support this conclusion.

CONCLUSIONS

1. Water is available from either the Choteau Tyndall or the Niobrara aquifer.
2. Test holes are mandatory. The only way to tell for sure the water source in this instance is to complete test drilling. It would appear that the most likely source for a reliable supply of water for this application is the Choteau Tyndall aquifer.
3. Any well authorized by this permit if approved must be constructed in accordance with SD Well Construction Standards.
4. Interference is not expected to be a concern. A well completed into either water source is not expected to create significant drawdown nor cause adverse effects. This is based upon the observation well hydrographs for the area.



James A Goodman
Natural Resources Engineer

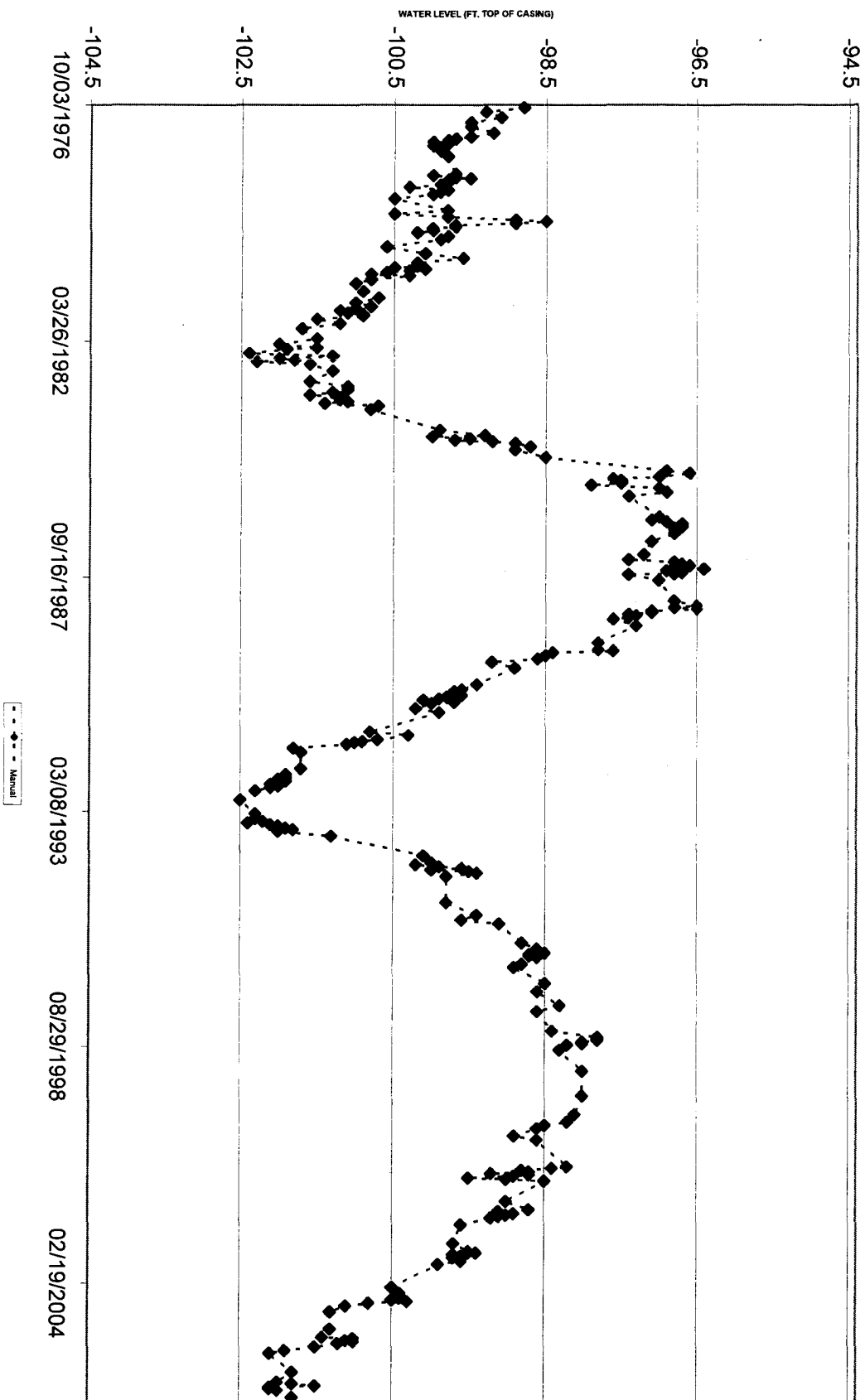
BIBLIOGRAPHY

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

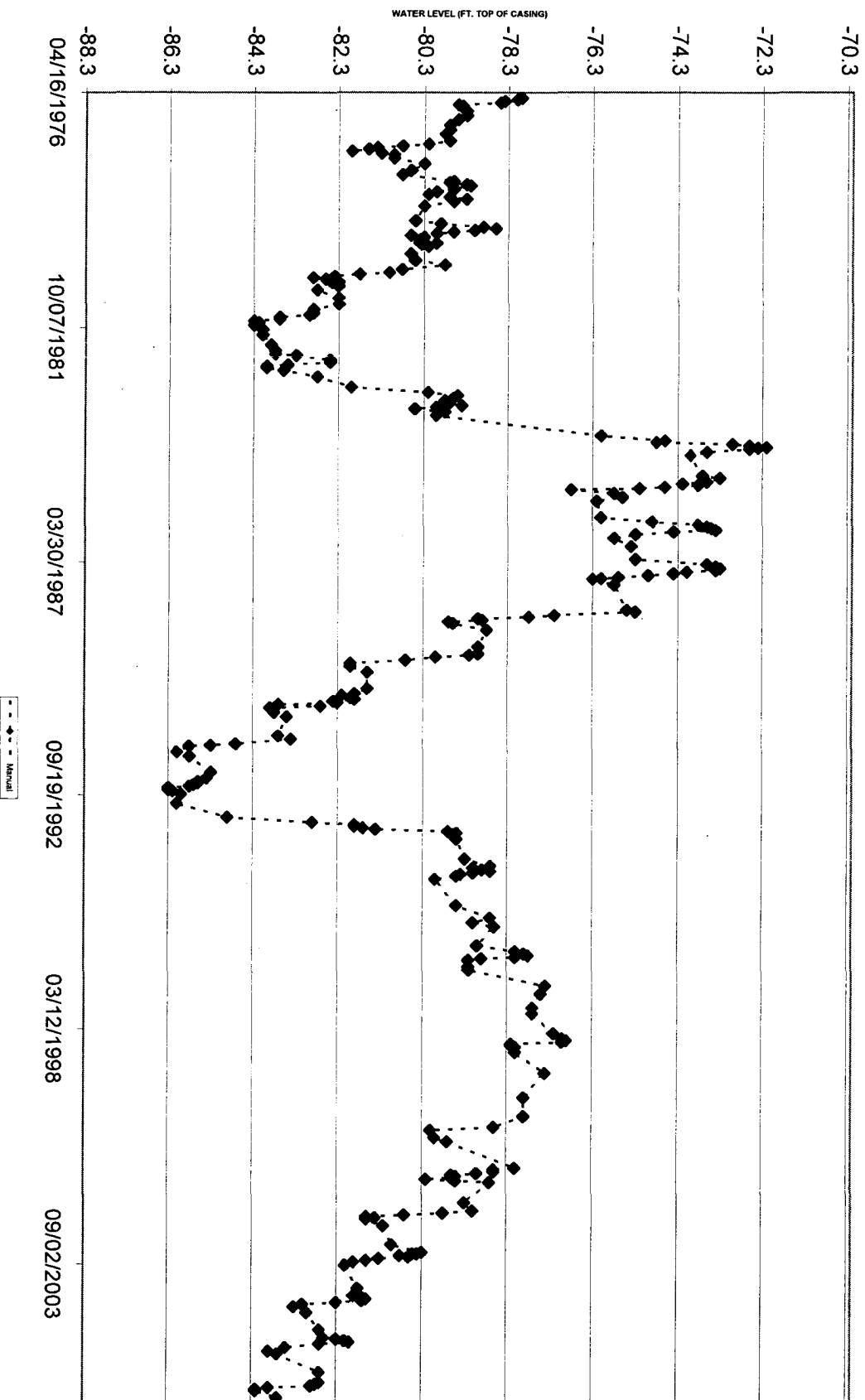
Jorgensen, D.G., 1971, Geology and Water Resources of Bon Homme County, South Dakota, Bulletin 21, Part II : Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2007, Unpublished Observation Well Data for Bon Homme County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

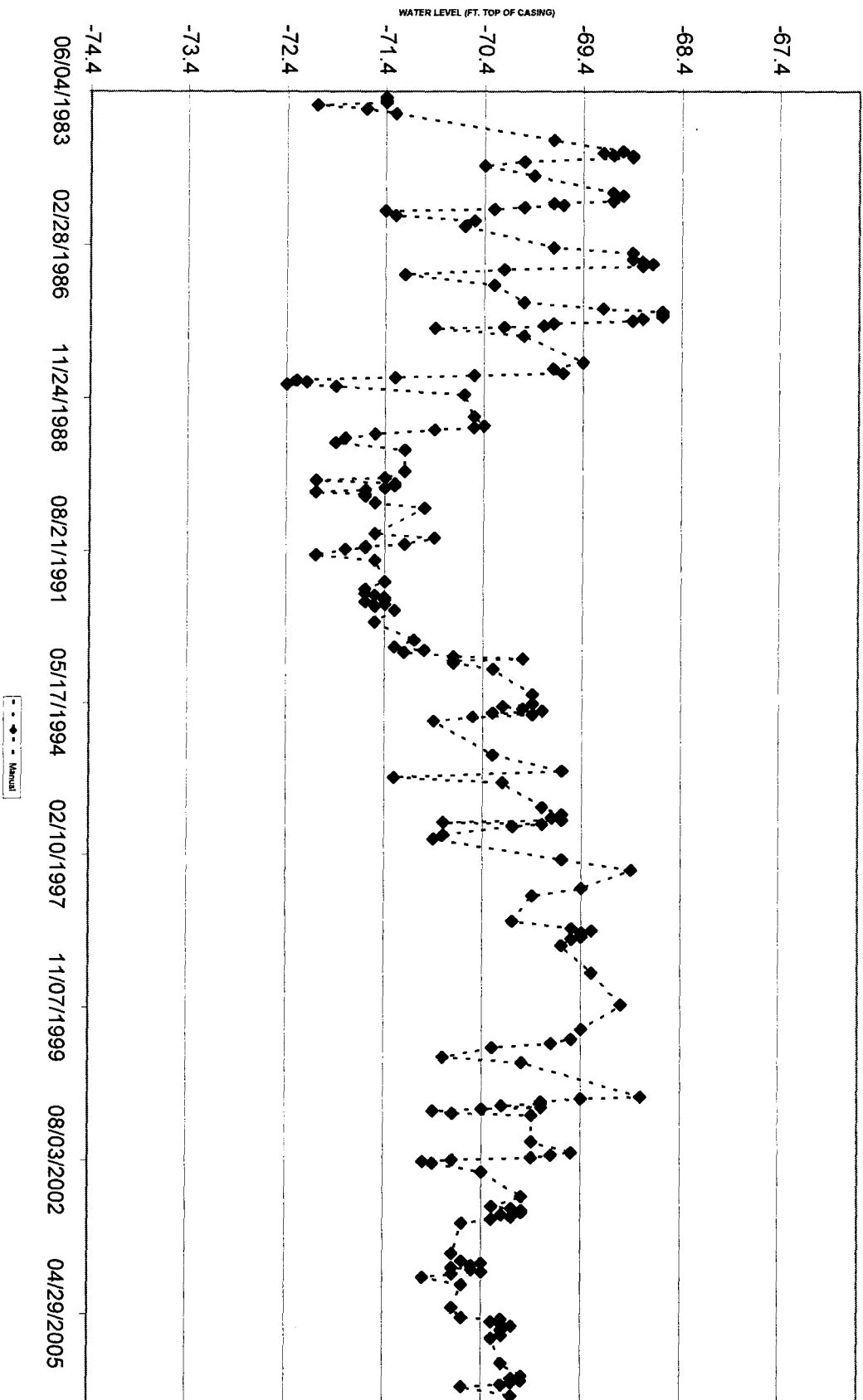
WATER RIGHTS' OBSERVATION WELL
BH-76D



WATER RIGHTS' OBSERVATION WELL BH-76C



WATER RIGHTS' OBSERVATION WELL BH-82C



Affidavit of Publication

State of South Dakota }
County of Bon Homme } SS

Rebecca Tyndall.....Being first duly sworn
says that the **Tyndall Tribune & Register** is a legal
weekly newspaper for publication of legal and other official
notices as required by Chapter 298 of the Session
Laws of South Dakota, 1939; that it has bona fide paid
circulation of more than two hundred copies weekly;
that it is published in English language in the City of
Tyndall, Bon Homme County, South Dakota, and has
been admitted to the United States mail under second
class mailing privilege for more than one year prior to
the first publication of the notice herein mentioned, and
that it is printed in an office maintained at the place of
publication at Tyndall, South Dakota, and that deponent
is the publisher in charge of the advertising department
of said newspaper; that the advertisement headed

Notice of Application No. 6791-3
62 @ 36.1 + 80% X 1

a printed copy of which is hereto attached, was printed
and published in said newspaper for *two* successive
weeks, upon the following dates:

March 7 20..0720.....
March 14 20..0720.....
.....20.....20.....
.....20.....20.....

That the full amount of the fee charged for the publication
of said notice, *\$40.28*, inures to the benefit
of the publisher of said newspaper, that no agreement or
understanding for the division thereof has been made
with any other person, and that no part has been agreed
to be paid to any person whomsoever.

Rebecca Tyndall

Subscribed and sworn to before me this

14th day of *March* 20..07

PEGGY SCHELSKE
Notary Public, South Dakota

My Commission expires 10-24-2009.

RECEIVED

APR - 6 2007

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION

NO. 6791-3 to Appropriate Water

Notice is given that Virgil Tjeerdma, 30628 414th Ave, Tyndall SD 57066 has filed an application for a water permit to appropriate 1.21 cubic feet of water per second (cfs) from one well to be completed into either the Choteau- Tyndall Aquifer or Niobrara Formation (approximately 220 feet deep) located in the NW1/4 NW1/4 Section 34 to irrigate 85 acres located in the NW1/4 Section 34; all in T94N-R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6791-3 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 March 26, 2007.

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.

(March 7 & 14)



February 28, 2007

TYNDALL TRIBUNE AND REGISTER
PO BOX 520
TYNDALL SD 57066

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6791-3 to Appropriate Water to be published twice. Please publish the first notice on March 7, 2007 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 Virgil Tjeerdsma 30628 414th Ave Tyndall SD 57066 (Ph # 605-589-4162).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6791-3

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

Date _____

We are in receipt of your letter of dated February 28, 2007 enclosing Notice to Appropriate Water by Application No. 6791-3 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

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

February 28, 2007

Virgil Tjeerdsma
30628 414th Ave
Tyndall SD 57066

Dear Mr. Tjeerdsma:

Water Permit Application No. 6791-3 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 Tyndall Tribune and Register printed at Tyndall, SD (Ph # 605-589-3242). 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 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 application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on March 7, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6791-3 to Appropriate Water

Notice is given that Virgil Tjeerdsma, 30628 414th Ave, Tyndall SD 57066 has filed an application for a water permit to appropriate 1.21 cubic feet of water per second (cfs) from one well to be completed into either the Choteau-Tyndall Aquifer or Niobrara Formation (approximately 220 feet deep) located in the NW ¼ NW ¼ Section 34 to irrigate 85 acres located in the NW ¼ Section 34; all in T94N-R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6791-3 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 March 26, 2007.

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.



APR 30 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

VIRGIL TJEERDSMA
30628 414th AVE
TYNDALL SD 57066

Dear Mr. Tjeerdsma:

Enclosed is Water Permit No. 6791-3 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

6791-3



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: VIRGIL TJEERDSMA, 30628 414TH AVE, TYNDALL, SD 57066

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) 4727-3, 5424-3, 6372-3 & 6791-3. 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) 4727-3, 5424-3, 6372-3 & 6791-3 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) 4727-3, 5424-3, 6372-3 & 6791-3 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>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

January 29, 2010

Virgil Tjeerdsma
30628 414th Ave
Tyndall SD 57066

RE: 2009 Irrigation Questionnaires for Water Permit or Right Nos. 4727-3, 5424-3, 6372-3 & 6791-3

Dear Mr. Tjeerdsma:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 4727-3 and 5424-3 and Water Permit Nos. 6372-3 and 6791-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



6791-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

January 15, 2016

NOTICE

TO: VIRGIL TJEERDSMA, 30628 414ST AVE, TYNDALL, SD 57066

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5424-3, 6372-3 & 6791-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 5424-3, 6372-3 & 6791-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** 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) 5424-3, 6372-3 & 6791-3 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 before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genney.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 3, 2016

5424-3
6372-3
6791-3

Virgil Tjeerdsma
30628 414th Ave
Tyndall SD 57066

Dear Mr. Tjeerdsma:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit No. 6791-3 and Water Right Nos. 5424-3 and 6372-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



6791-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: VIRGIL TJEERDSMA, 30628 414TH AVE, TYNDALL, SD 57066
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3811-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5424-3, 6372-3, 6791-3 & 8267-3 qualification:

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

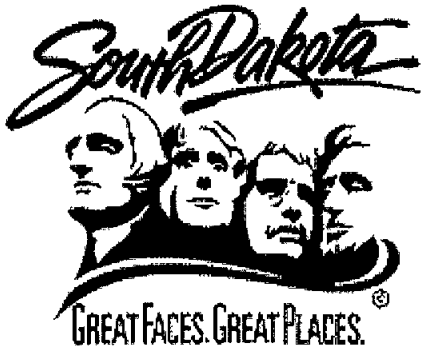
The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 5424-3, 6372-3, 6791-3 & 8267-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3811-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



6791-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
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February 5, 2018

Virgil Tjeerdsma
30628 414th Ave
Tyndall SD 57066

RE: Water Permit/Right Nos. 3811-3, 5424-3, 6372-3, 6791-3 & 8267-3

Dear Mr. Tjeerdsma:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit/Right Nos. 3811-3, 5424-3, 6372-3, 6791-3 & 8267-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6791-3

I have this day, June 19, 2018, made a thorough examination of the water use system constructed by Virgil Tjeerdsma, 30628 414th Ave., Tyndall, SD 57066, holder of Permit No. 6791-3, bearing the priority of December 26, 2006 authorizing the diversion of 1.21 cu. ft. per second of the waters of groundwater (Choteau: Tyndall Aquifer) for irrigation purposes, in Bon Homme County.

Inspection contact: Virgil Tjeerdsma, Owner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: AAA Well Co.
- 2) No. of Wells 1
- 3) Depth(s) 180 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 160 feet
- 3) Type AC Cement

Screen:

- 1) Type Johnson Irrigator Screen
- 2) Length 20 feet
- 3) Static water level 80 feet

Pump:

- 1) Make American Turbine
- 2) Model HH80
- 3) Capacity 550 GPM**

Motor:

- 1) Make Hydroflo
- 2) Model No. VHS405TP-4-123S
- 3) Horsepower rating 125 hp

** The well used by Permit No. 6791-3 was originally authorized for 2.0 cfs (900 gpm) by Water Right No. 3811-3. The capacity cited represents the reduced pump rate due to issues with the well. Since the one well serves both pivots the decision was made to incorporate Nos. 3811-3 and 6791-3 at the 2.0 cfs rate in order to provide the water right holder the ability to rehabilitate or replace the well in order to pump the amount authorized by the original Water Right No. 3811-3. Eric Gronlund

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 4,710 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 944 feet
- 3) Number of towers 5
- 4) End gun Yes
- 5) Capacity 550 GPM

Chemigation Equipment: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: Well: 2,275 feet west and 1,815 feet north from the SE corner of Section 33-T94N-R60W (Latitude 42.91370, Longitude - 97.93976 – NW1/4SE1/4).
2. The works are capable of diverting and conveying to the place of use 1.23 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: all in Section 34-T94N-R60W

<u>NW1/4NW1/4</u>	<u>26 acres</u>
<u>NE1/4NW1/4</u>	<u>12 acres</u>
<u>SW1/4NW1/4</u>	<u>21 acres</u>
<u>SE1/4NW1/4</u>	<u>7 acres</u>

comprising a total of 66 acres of land and the license should be issued for 1.23 cfs.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: The owner operates the irrigation system as shown on the attached map. He is considering the purchase of the farm yard just north of the irrigation system. If he does that, he may wish to clear the farm yard and let the center pivot operate in a full circle.

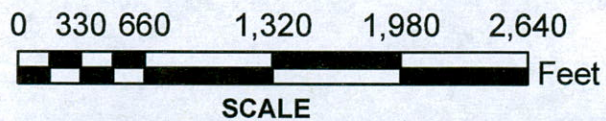
Also, the original permit included a well in the NW1/4 of the NW1/4 of Section 34. However, the test well had very little flow, so they connected the center pivot to the well for Water Right License No. 3811-3, which had adequate capacity. This well originally had a capacity of 900 gpm, but the owner stated that the well was tested in April of 2018 and now has a capacity of 550 gpm. The well log for Water Right License No. 3811-3 was not with the license data, but there was a well log in the DENR data base dated May 25, 1976 for Don Tjeerdsma that appears to be the well in question. I used that well log data for completing the report. Also, it appears that the pump and motor may have been replaced and the data shown in my report are from the pump and motor currently at the site.

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: July 6, 2018

Water Right No. 6791-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
July 6, 2018

6791-3

Barry Vannice

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 Section 33 Township 74N Range 60W
Well owner Don Tjeerdsma RR Springfield South Dakota
(Name) (Address)
Date well drilling completed 25 May 76 Purpose of well IRR
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	
0-2	<u>top soil</u>	<u>80</u>	ft.
2-45	<u>Yellow clay</u>	<u>80</u>	ft.
45-80 <i>NW</i>	<u>fine sand</u>	Name of producing aquifer (if known) <u>Hyndall-Scotland</u>	
80-90	<u>coarse gravel</u>	Total depth of drill hole <u>180</u>	ft.
90-170	<u>fine to medium gravel</u>	Depth to bottom of casing <u>180</u>	ft.
170-175	<u>good clean coarse gravel</u>	Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.	
175-180	<u>fine to medium sand</u>	<u>Casing-16" dia. AC cement pipe</u>	
		<u>13' lengths.</u>	
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.	
		<u>20' long, 16" dia 100 slot johnson</u>	
		<u>irrigator screen.</u>	
		If a flowing well, flow of completed well _____ G.P.M.	

Attach sheet if more space is needed

AAA Well Co. Paul C. Worme
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump National Pump 12" bore HR125
Type of pump Turbin Capacity of installed pump 900 G.P.M.
Depth of pump placement 146 ft., Date of pump installation May 1976

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

AAA Well Co. Paul C. Worme
Name of Pump Installation Contractor

6791-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 26 2018

3811-3
6791-3

Virgil Tjeerdsma
30628 414th Ave
Tyndall SD 57066

Dear Mr. Tjeerdsma:

Enclosed is Water License No. 6791-3. 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.

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

Note: The applicable portions of Water Right No. 3811-3 were incorporated into Water License No. 6791-3 to reflect the system as developed.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6791-3

(1) Virgil Tjeerdsma, 30628 414th Ave., Tyndall SD 57066 made Application No. 6791-3, December 26, 2006 for a water permit to divert 1.21 cubic feet of water per second from ground water, one well (Choteau-Tyndall or Niobrara Aquifer), Bon Homme County, South Dakota for irrigation purposes. Permit No. 6791-3, with a priority date of December 26, 2006 was approved March 26, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 26, 2012 and for the application to beneficial use of said water on or before March 26, 2016.

Water Right No. 3811-3, with a priority date of December 22, 1975, authorizes diversion of 2.0 cfs from a well into the Choteau Tyndall Aquifer to irrigate 168 acres. An adequate water supply was not found in the location originally authorized under Permit No. 6791-3. The center pivot system was hooked into the well authorized under No. 3811-3. The applicable portions of Water Right No. 3811-3 have been incorporated into this water license. Priority dates as they pertain to the acres irrigated are described in (3) of this license.

(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 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,275'W and 1,815'N of the SE corner of Section 33-T94N-R60W (NW ¼ SE ¼ Section 33)
Latitude 42.91370, Longitude -97.93976

(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 234 acres of land:

Section 33, T94N, R60W				Section 34, T94N, 60W	
168 acres*				66 acres**	
NE ¼ SW ¼	9 acres	NW ¼ SE ¼	40 acres	NW ¼ NW ¼	26 acres
SE ¼ SW ¼	9 acres	NE ¼ SE ¼	35 acres	NE ¼ NW ¼	12 acres
		SW ¼ SE ¼	40 acres	SW ¼ NW ¼	21 acres
		SE ¼ SE ¼	35 acres	SE ¼ NW ¼	7 acres

*Acreage in Section 33 retains a priority date of October 22, 1975 established under Water Right No. 3811-3

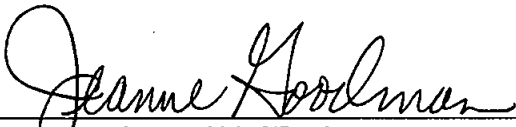
** Acreage in Section 34 retains a priority date of December 26, 2006 established under Water Permit No. 6791-3

(4) Pursuant to South Dakota Water Law 46-5-30.1 Virgil Tjeerdsma, 30628 414th Ave., Tyndall SD 57066 the holder and/or owner of Incorporated Water Right No. 6791-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water, one well (Choteau-Tyndall Aquifer) with a priority dates of October 22, 1975 (2.00 cfs & land in Section 33) and December 26, 2006 (Section 34) from the location 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 Incorporated Water Right No. 6791-3 and subject to the following qualifications:

- The well authorized by Permit No. 6791-3 shall be constructed into a single water source, either the Choteau Tyndall or the Niobrara, but not both. At the time of licensing, the final water right will be issued for the developed water source. *An adequate water supply was not found in the area authorized under Permit No. 6791-3. The pivot system was hooked to the well authorized under Water Right No. 3811-3 constructed into the Choteau Tyndall Aquifer).*
- 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.
- This permit shall be limited to the statutory diversion rate of 1 cfs per 70 acres or 1.21 cfs per 85 acres. *Due to the incorporation of Nos. 3811-3 and 6791-3, the water license is issued for 2 cfs as appropriated under No. 3811-3 for irrigation of 234 acres.*
- 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

SEP 26 2018

date

