

WATER PERMIT NO. 6808-3

Name of Applicant: Ardell Lovejoy

Address: 30439 Pleasant Valley Ave, Wakonda SD 57073

Phone: 605 267-2439

Amount of Water Claimed: 2.22 cfs

Total Acres: 135

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: 5 miles southeast of Wakonda

PRIORITY

Date Received: 2-22-07

Application/License Fee: \$300

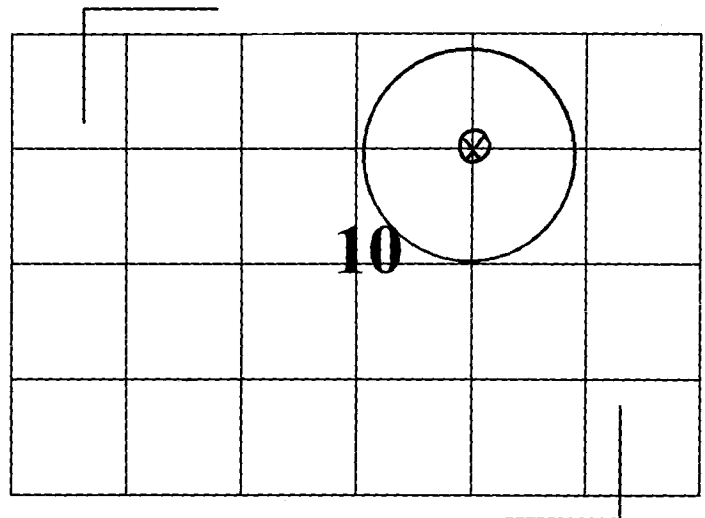
Corrected Application Received:

Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: center NE ¼ Sec 10-T94N-R52W

Land to be Irrigated: NE ¼ Sec 10-T94N-R52W



Depth of Well: 160 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Keith ? Clay Co FSC

Reviewed and the Number Assigned on: 2-22-07

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6808-3</u> (office use only) <u>10170102</u>	RECEIVED FEB 22 2007 WATER RIGHTS PROGRAM
	Basin <u>Vermillion River</u> Newspaper <u>Plain Talk</u> <u>PO Box 256</u> <u>Vermillion</u> <u>605-624-2695</u> <u>SD 57069</u>	

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.) _____

- Name of Applicant ARDELL LOVEJOY Phone 605-267-2439
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 30439 PLEASANT VALLEY AVE. WAKONDA State SD 57813
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.93*CFS or 1000**GPM 865***AF Total Acreage 135
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply WATER well, ON SITE, Lower Vermillion Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well, Center of NE 1/4, Section 10, Twp 94N, R 52W
County Clay
- County or counties where water will be used Clay
- Annual period during which water is to be used April - Sept 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SAME AS QUESTION 4 LOCATION	135		
<u>NE 1/4 Sec 10 T94N R 52W</u>			

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

CROP IRRIGATION

STATE OF SOUTH DAKOTA) SS

County of Clay

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, Karla K. Bird, 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

Subscribed and sworn to before me this 20th day of February 2007

Karla K. Bird

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6808-3**

Date of first receipt of application February 22, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6808-3 to Ardell Lovejoy, 30439 Pleasant Valley Ave, Wakonda SD 57073 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. 6808-3 appropriates 1.93 cubic feet of water per second (cfs) from one well to be completed into the Lower Vermillion Missouri Aquifer (approximately 160 feet deep) located in the center of the NE 1/4 Section 10 to irrigate 135 acres located in the NE 1/4 Section 10; all in T94N-R52W.
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 February 22, 2007.
4. The date of approval of Permit No. 6808-3 is May 14, 2007.
5. One-fifth of the construction is to be completed on or before November 14, 2009.
6. All construction is to be completed on or before May 14, 2012.
7. Water is to be put to beneficial use on or before May 14, 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 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. 6808-3 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.
4. Permit No. 6808-3 prohibits applying any chemical (chemigation) through the irrigation system located in the NE 1/4 Section 10-T94N-R52W.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 16 2007
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 160'
- b) Casing Type PVC Diameter 16" Thickness 1"
- c) Screen Type PVC Diameter 16" Thickness 1"
- d) Gravel Pack 1/16" - 1/4" Length of Gravel Pack 70'
- e) Depth to Top of Water Bearing Material 80'
- f) Depth to Water (ground surface to water level) 40'
- g) Distance to nearest existing domestic well:
On applicants property > 2500' On property owned by others > 2500'

2. Wastewater Disposal System Information

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

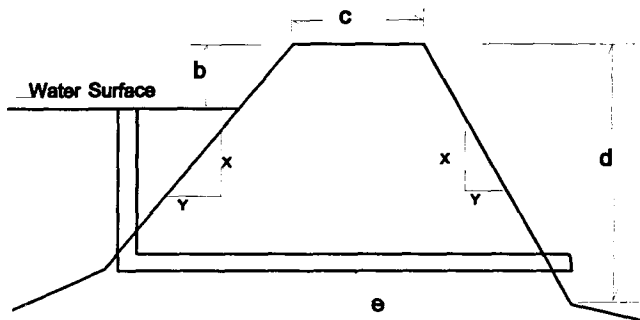
3. Dugout Information

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

4. Water Storage Dams

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

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



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

9.63
NHSL

719
907
5
75.44
NHSL

3403
998
1
147.82
NHSL

4091
999
1
15.92
NHSL

3403
998
3
17.68
NHSL

3403
998
4
9.72
HEL

725
916
6
2.07
NHSL

4091
999
1
15.64
NHSL

4091
999
2
1.32
NHSL

4091
999
3
2.2
NHSL

3403
998
5
5.4
NHSL

725
916
8
0.56
NHSL

725
916
10
10.13
NHSL

3754
984
2
10.93
NHSL

3754
984
1
24.23
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725
916
4
6.9
NHSL

725
916
5
4.35
NHSL

725
916
1
12.07
HEL

725
916
2
18.54
NHSL

725
916
9
18.7
NHSL

725
916
3
27.54
NHSL

666
938
2
19.83
HEL

666
938
8
12.02
NHSL

666
938
4
9.87
NHSL

666
938
1
4.72
NHSL

666
938
3
1.54
HEL

666
938
5
80.71
NHSL

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



South Dakota Clay County

10-94N-52W

Handwritten signature and date: 2/20/07

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 aerial verified 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.

October 19, 2006

Automatic Irrigation Inc.



1111 Railway Street
Centerville, SD 57014
(605) 563-2649 office

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FEB 22 2007

WATER RIGHTS
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Detail MAP

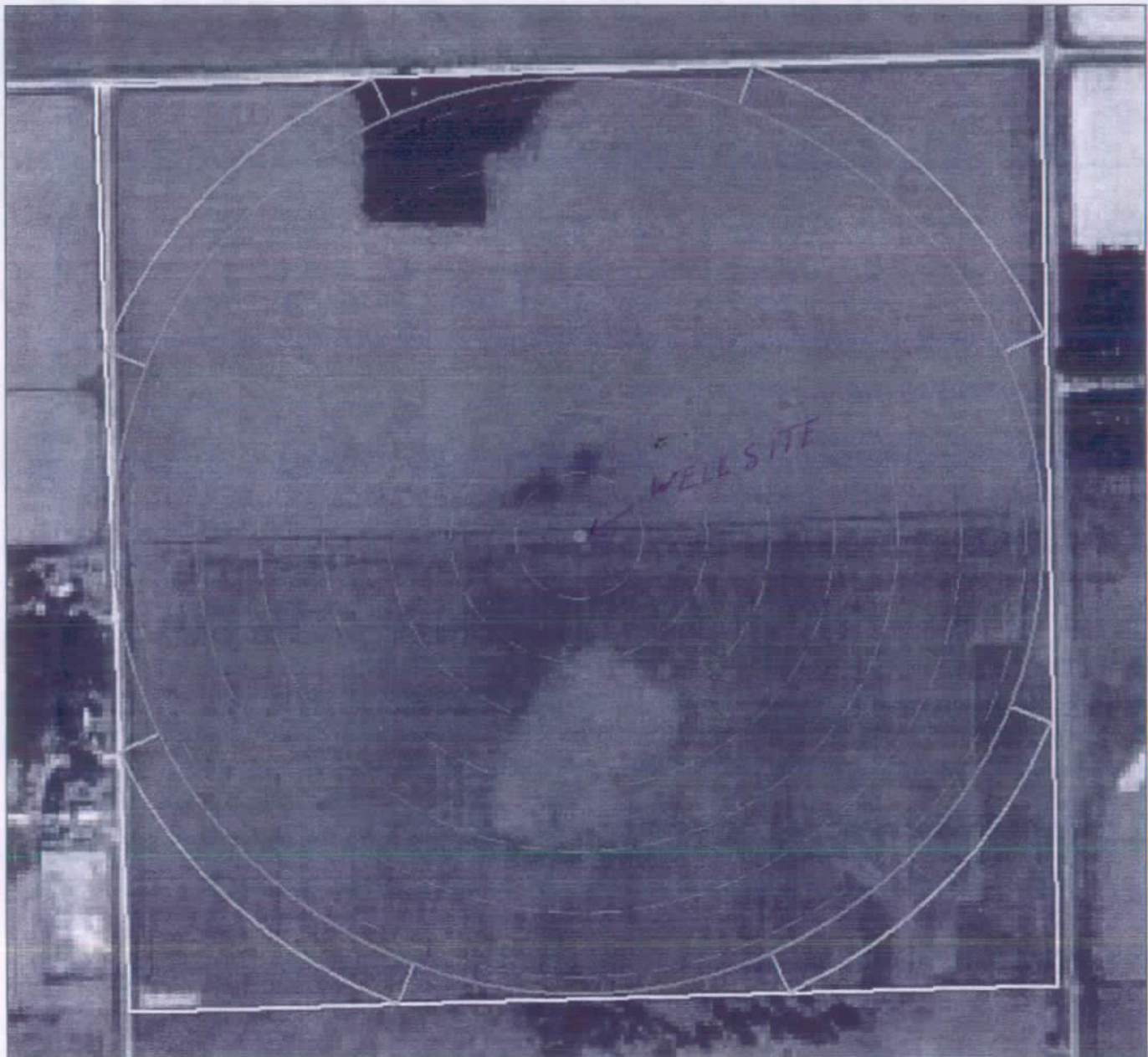
TWP 94N, R 52W, SECTION 10 NE 1/4

Farm: Field1

Grower:

2/14/2007

Systems:	Length	Spans / Overhang	Total area including endgun
● Pivot 1	1305.65 ft	7 spans / 44 ft	134.54 acres



← 1/2 MILE →

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date Feb 22, 20 07

RECEIVED OF Ardell Lovejoy, 30439 Pleasant Valley Ave, Wakonda SD 57073

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

Fee for Application for Permit No. <u>6702-3</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>6802-3</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. **2957**

By Garland Erbe
Chief Engineer

(KS)

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Appl. No. 6808-3, Ardell Lovejoy

ADDRESS: COUNTY: Clay

DATE: February 22, 2007 TELEPHONE: 267-2439

RE: Amount of water claimed

COMMENTS:

I called Mr. Lovejoy to inform him that the 1000 gpm on his application is greater than the statutory limit for irrigation of 135 acres. I stated the limit for this many acres is 865 gpm (1.93 cfs). Mr. Lovejoy asked that I amend his application accordingly to comply with the statutory limit for the proposed pivot.

NAME: Eric Henderson



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 18, 2007

Greg Merrigan, System Manager
Clay Rural Water System
30376 SD Hwy 19
Wakonda SD 57073-6416

Dear Mr. Merrigan:

Ardell Lovejoy has filed a water right permit application to appropriate ground water for irrigation in Clay County.

Enclosed is the report, recommendation and public notice for the application. The notice is being published in the Plain Talk on April 27 and May 4th. Petitions to intervene to cause a hearing before the Water Management Board must be submitted by May 14th as set forth in the public notice.

This information is being sent to keep Clay Rural Water System informed of these water permit application. Please contact Jim Goodman or myself if you have questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosures



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MAY - 3 2007
WATER RIGHTS
PROGRAM

CRWS

Clay Rural Water System

30376 SD HWY 19
Wakonda SD 57073-6416
Phone: 605-267-2088
Fax: 605-267-2085
Email: office@clayruralwater.com

May 1, 2007

Chief Engineer
Water Rights Program
Foss Building – 523 E Capitol
Pierre SD 57501

RE: Application to Appropriate Water No. 6808-3

To The Chief Engineer:

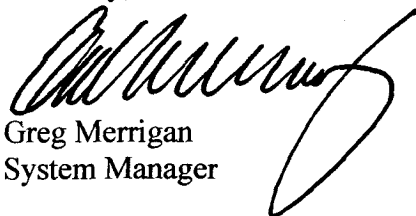
The Clay Rural Water System has received the Notice of Application for the above referenced permit.

The proposed well lies within the source water protection area of the Clay Rural Water System (see attached map). Clay Rural Water has three wells within ½ mile of the site. These wells supply drinking water to approximately 4,200 residents in parts of five counties in southeast South Dakota. The water quality in the aquifer is very good and we wish to take proactive measures to ensure it remains a quality drinking water source.

We have no objections to the withdrawal rate proposed for the well, but we do wish to request that no chemical injection be allowed through the irrigation pivot. The well will be direct conduit to the aquifer and any chemical application via the well and pivot could be a potential source of contamination to the aquifer.

Thank you for the opportunity to comment and please contact me if you need any additional information.

Sincerely,



Greg Merrigan
System Manager

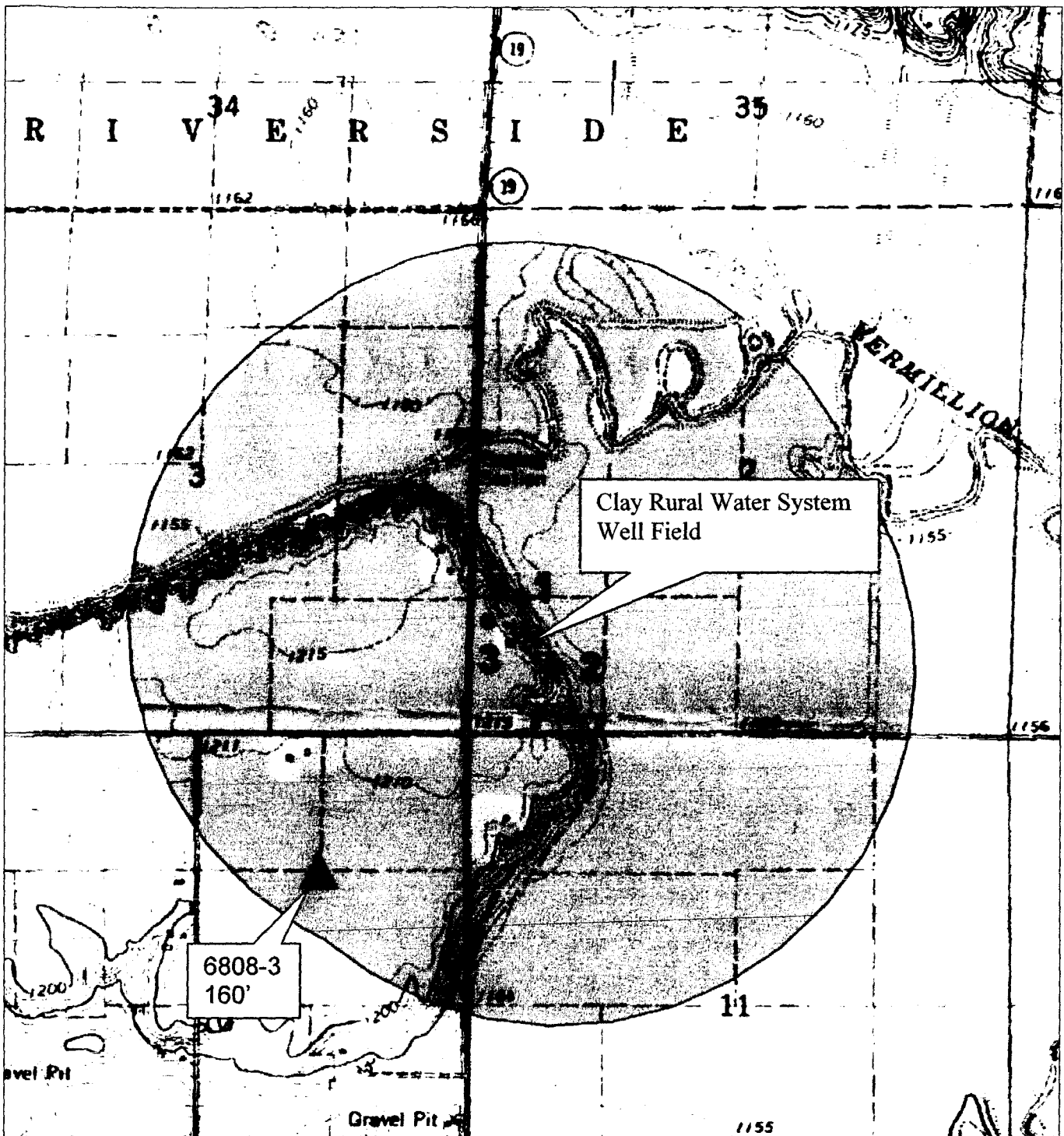
c: Ardell Lovejoy

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MAY - 3 2007

WATER RIGHTS
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Clay Rural Water System – Source Water Protection Area



RECEIVED

JUN - 1 2007

WATER RIGHTS
PROGRAM

May 30, 2007

South Dakota Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

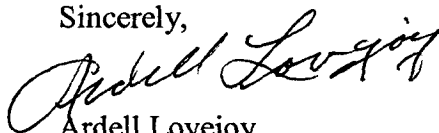
ATTN: Eric Gronlund

Re: Water Permit Application No. 6808-3

Dear Sirs:

Pursuant to your request and the request of Clay Rural Water, this letter is to confirm that the irrigation system to be serviced from the water appropriated with regard to Water Permit Application No. 6808-3 will not have chemicals pumped through the irrigation system. It is my understanding that with this acknowledgment, the permit as applied for and as recommended for approval by the Chief Engineer will be approved. If you need further information from me, please let me know right away.

Sincerely,



Ardell Lovejoy
30439 Pleasant Valley Ave.
Wakonda, SD 57073



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 14, 2007

Ardell Lovejoy
30439 Pleasant Valley Avenue
Wakonda SD 57073

Dear Mr. Lovejoy:

Please find enclosed the Chief Engineer's revised recommendation for Water Permit Application No. 6808-3. The recommendation has been revised at a result of your letter stating the irrigation system in this quarter section will not have any chemical injection through the pivot. Clay Rural Water System has stated that this adequately addresses their concerns. The Water Rights Program will now issue the water permit with the conditions as shown. There will not be a hearing before the Water Management Board.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

cc: Greg Merrigan, System Manager, Clay Rural Water System, 30376 SD Hwy 19
Wakonda SD 57073-6416



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6808-3, Ardell Lovejoy**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6808-3, Ardell Lovejoy, 30439 Pleasant Valley Avenue, Wakonda SD 57073.

The Chief Engineer is recommending APPROVAL of Application No. 6808-3 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 qualification:

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. 6808-3 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.
4. Permit No. 6808-3 prohibits applying any chemical (chemigation) through the irrigation system located in the NE ¼ Section 10, T94N, R52W.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 11, 2007

Note: The recommendation is revised at the request of the applicant to include a condition prohibiting chemigation on the irrigated acreage.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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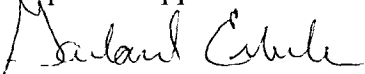
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6808-3, Ardell Lovejoy**

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. 6808-3, Ardell Lovejoy, 30439 Pleasant Valley Avenue, Wakonda SD 57073.

The Chief Engineer is recommending APPROVAL of Application No. 6808-3 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 qualification:

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. 6808-3 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
April 17, 2007

REPORT ON WATER PERMIT NO. 6808-3

For Ardell Lovejoy

March 29, 2007

Application No. 6808-3 proposes to appropriate 1.93 cfs from one well approximately 160 feet deep located in the center of the NE $\frac{1}{4}$ of section 10 to irrigate 135 acres located in the NE $\frac{1}{4}$ of section 10; all in T94N R52W in Clay County.

AQUIFER – LOWER VERMILLION MISSOURI (LVM)

The Lower Vermillion Missouri is a buried outwash (sand and gravel) that appears to be under water table at this site. The Lower Vermillion Missouri underlies 100,800 acres and contains an estimated 1.5 million acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends into Union County to the southeast, blends into the Upper Vermillion Missouri aquifer to the north, and blends into the Missouri Elk Point aquifer to the south. Just to the northeast of this application the Lower Vermillion Missouri aquifer appears to be hydraulically connected to the overlying Parker Centerville aquifer and is also hydraulically connected to the Vermillion River. Ground water movement has a basic component of northwest to southeast in Clay County with locally movement toward the Vermillion River (Christensen, 1967). This would mean most of the time the aquifer is discharging to the river.

No test well was drilled for this application. At this site a well would probably encounter 150 to 175 feet of saturated sands and gravels (Christensen, 1967). The well should be completed as deep as possible into the source for a more reliable well. This is because the greater saturated thickness allows for a higher capacity well. There is a good well log for Clay Rural Water System located in the SW $\frac{1}{4}$ of section 2, T94N R52W (about $\frac{1}{2}$ miles northeast of this proposed well site). This log indicates sand and gravel from about 40 feet to 200 feet below land surface. The completed well had a static water level of about 57 feet below land surface and was capable of producing 1,500 gpm with 9 feet of drawdown. This is a specific capacity of 166 gpm/ft of drawdown.

The Water Rights Program monitors an observation well CL-57B (located about one and one-half miles south of this application and completed into the Lower Vermillion Missouri aquifer. Water levels for this well shows 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 record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007). A hydrograph for this observation well is included with this report.

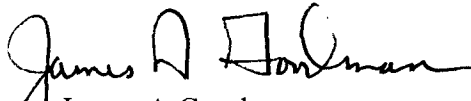
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water rights are for Clay Rural Water System. Clay Rural has three production wells producing a total of 4.0 cfs (Water Right Nos. 3905-3 and 5979-3). The nearest production is about $\frac{1}{2}$ to $\frac{3}{4}$ miles northeast of this proposed well. There is another application No. 6821-3 for a well located about 2,300 feet northwest of the well

for this application. There are no other nearby permitted users from the Lower Vermillion Missouri aquifer. Interference is not expected to be a concern. At this distance between wells drawdown is not expected to be significant. This is verified by the observation well record.

CONCLUSIONS

1. Water is available from the Lower Vermillion Missouri aquifer.
2. Interference is not expected to be a concern. The observation well records indicate drawdown is not a significant in this area (see hydrograph for observation well CL-57B). The aquifer appears to be under water table conditions at the well site and drawdown created by pumping is not expected to be significant.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards and will be more than likely be deeper than 160 feet applied for. The applicant will need to do testing to evaluate the aquifer thickness and production in this area.


James A Goodman
Natural Resources Engineer

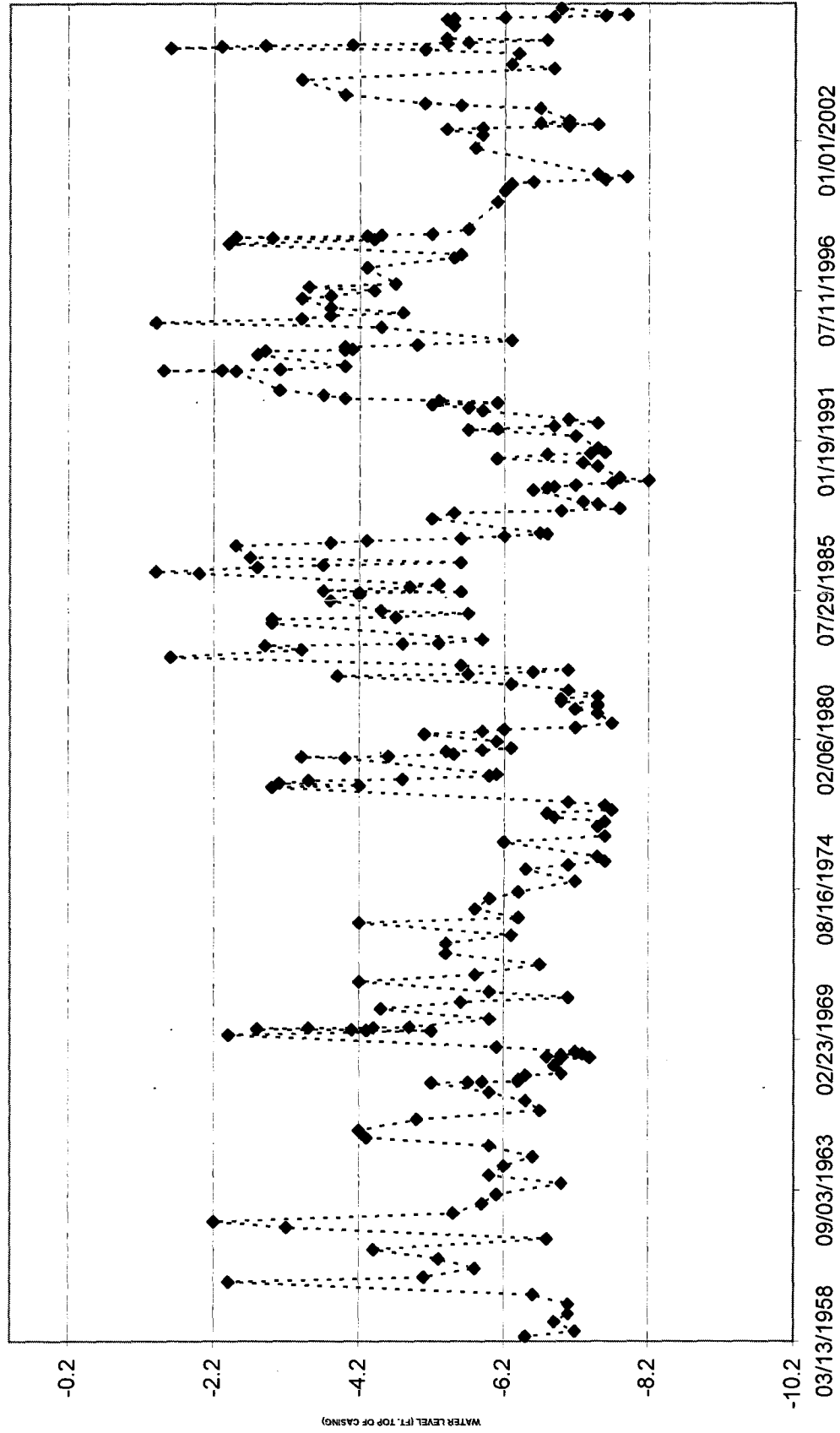
BIBLIOGRAPHY

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

Water Rights, 2007, Unpublished Observation Well Data for Turner and Clay Counties, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
CL-57B



AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Penny Tucker

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 NO. 6808-3

TO APPROPRIATE WATER

ARDELL LOVEJOY

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 April, 20 07, and that the succeeding publications were severally

on Friday, the 4th day of May, 20 07,

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

Thirty-eight dollars and 66 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.

Penny Tucker

Subscribed and sworn to before me

this _____ day of _____, 20 07

JOAN E. WILLROTH

NOTARY PUBLIC
SOUTH DAKOTA

Notary Public

My Commission Expires 04/17/2011

RECEIVED

MAY 11 2007

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION

NO. 6808-3 to

Appropriate Water

Notice is given that Ardell Lovejoy, 30439 Pleasant Valley Ave., Wakonda, SD 57073 has filed an application for a water permit to appropriate 1.93 cubic feet of water per second (cfs) from one well to be completed into the Lower Vermillion Missouri Aquifer (approximately 160 feet deep) located in the center of the NE 1/4 Section 10 to irrigate 135 acres located in the NE 1/4 Section 10; all in T94N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6808-3 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 these applications, 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 this 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 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 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 May 14, 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.

Publish: April 27 & May 4, 2007



April 19, 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

PLAIN TALK
PO BOX 256
VERMILLION SD 57069

ATTENTION: Legal Public Notice

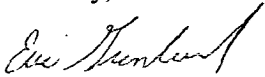
Enclosed is a Notice on Application No. 6808-3 to Appropriate Water to be published twice. Please publish the first notice on April 27, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Ardell Lovejoy, 30439 Pleasant Valley Ave, Wakonda SD 57073 (Ph # 605-267-2439).

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. 6808-3

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

Date _____

We are in receipt of your letter of April 18, 2007 enclosing Notice to Appropriate Water by Application No. 6808-3 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.

April 18, 2007

ARDELL LOVEJOY
30439 PLEASANT VALLEY AVE
WAKONDA SD 57073

Dear Mr. Lovejoy:

Water Permit Application No. 6808-3 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 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 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 April 27, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6808-3 to Appropriate Water

Notice is given that Ardell Lovejoy, 30439 Pleasant Valley Ave, Wakonda SD 57073 has filed an application for a water permit to appropriate 1.93 cubic feet of water per second (cfs) from one well to be completed into the Lower Vermillion Missouri Aquifer (approximately 160 feet deep) located in the center of the NE ¼ Section 10 to irrigate 135 acres located in the NE ¼ Section 10; all in T94N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6808-3 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 these applications, 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 this 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 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 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 May 14, 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.



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 16 2007

Ardell Lovejoy
30439 Pleasant Valley Ave
Wakonda SD 57073

Dear Mr. Lovejoy:

Enclosed is Water Permit No. 6808-3 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

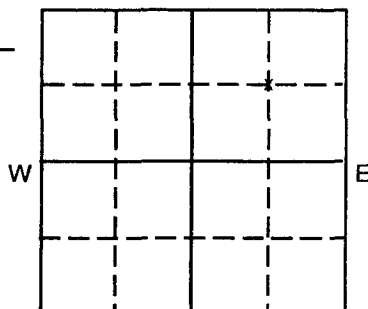
SOUTH DAKOTA WATER WELL COMPLETION REPORT

6808-3

11-02

Location nw $\frac{1}{4}$ ne $\frac{1}{4}$ Sec 10 Twp 94n Rg 52wCounty Clay North

Please mark well location with an "X"



Well Completion Date

2/20/2008

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

? 2,900.0 ft. from septic system (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	92.0 FT	22.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
ent grt	34	9.5 Lb/gal	0.0 Ft	87.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 60.0 Feet
Material pvcSlot Size 0.060 Set From 92.0 Feet to 152.0 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? HTH tablets
☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Ardell Lovejoy

Business Name:

Address: 30443 Pleasant Valley AveCity, State, Zip: Wakonda SD 57073

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, brown, clayey;loess	0	4
Clay, brown, pebbly	4	85
gravel, medium to coarse	85	162

STATIC WATER LEVEL 56.0 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

62.0 Ft. After 3.0 Hrs. pumped 840.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 800.0 GPM

RECEIVED

FEB - 2 2009

WATER RIGHTS PROGRAM

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: 12/08/08

Vermillion River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **July 24, 2012**, made a thorough examination of the water use system constructed by **Ardell Lovejoy** of **Wakonda, SD** holder of Permit No. **6808-3**, bearing the priority of **February 22, 2007** authorizing the diversion of **1.93** cu. ft. per second of the waters of **Lower Vermillion Missouri aquifer** for **irrigation** purposes, in **Clay** County.

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

A. Works used to divert the water:

Well:

- 1) Casing: **16 inch PVC, 92 feet long**
- 2) Screen: **60 feet of PVC**
- 3) Total Depth: **152 feet**

Pump:

- 4) Make:
- 5) Model: **submersible**
- 6) Size:
- 7) Capacity GPM: **800 (1.78 cfs)**

Motor:

- 1) Make: **Franklin**
- 2) Horsepower rating hp: **50**

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

- 1) Type: **PVC Mainline**
- 2) Size (inches): **16 inch**
- 3) Length (feet): **20 feet**

C. Works used to apply water to beneficial use: **Center Pivots**

- 1) Make: **Zimmatic**
- 2) Overall length feet: **1257, 1355 with endgun**
- 3) Number of towers: **7**
- 4) Distance between towers feet: **179.5**
- 5) End gun **Y/N** **Y**
- 6) High or low pressure: **low**
- 7) Capacity GPM: **650 (1.45 cfs)**

The system is in the following condition **good**. The point of diversion is located as follows:

**Measurements made from the NE corner of Sec 10 T94N-R52W: 1,310 ft. south and 1,340 ft. west;
42.9791° N, 96.9692° W; near the center of the NE ¼ of Sec 10 T94N-R52W**

The works are capable of diverting and conveying to the place of use **1.45** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

Sec 10 T94N-R52W

NW¼ NE¼	33.75 ac
NE¼ NE¼	33.75 ac
SW¼ NE¼	33.75 ac
SE¼ NE¼	33.75 ac

comprising a total of **135** acres of land and the license should be issued for **1.45** cfs. Applicable permit qualifications have been complied with **Yes**. Exceptions to compliance are: **none**.

Date: **July 16, 2013**



Adam Mathiowetz
Natural Resources Engineer
DENR Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 6808-3

DATE: 7/24/12

Other permit(s) associated with the project:

DIVERIONS POINT LEGAL LOCATION: Measurements made from the NE corner of Sec 10

T94N-R52W: 1,310 ft. south and 1,340 ft. west

WELL INFORMATION:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) feet 152 feet
- 4) Well Log is available Y/N Y
- 5) Comments: Well log, supplemental information, and map provided by Automatic Irrigation Inc. in Water Permit file is as built.

Casing:

- 1) Diameter inches: **16**
- 2) Length feet: **92**
- 3) Type: **PVC**

Screen:

- 1) Type: **PVC**
- 2) Length feet: **60**
- 3) Static water level feet: **56**

Pump:

- 1) Make:
- 2) Model: **submersible**
- 3) Size:
- 4) Capacity GPM: **800**

Motor:

- 1) Make: **Franklin**
- 2) Model No.:
- 3) Horsepower rating hp: **50**

DISTRIBUTION LINES OR CANALS:

- 1) Type: PVC Mainline
- 2) Size (inches): 16 inch
- 3) Length (feet): 20 ft.

SYSTEM TYPE:**Center pivot:**

- 1) Make: **Zimmatic**
- 2) Overall length feet: **1257, 1355 with endgun**
- 3) Number of towers: **7**
- 4) Distance between towers feet: **179.5**
- 5) End gun Y/N **Y**
- 6) High or low pressure: **low**
- 7) Capacity GPM: **650**

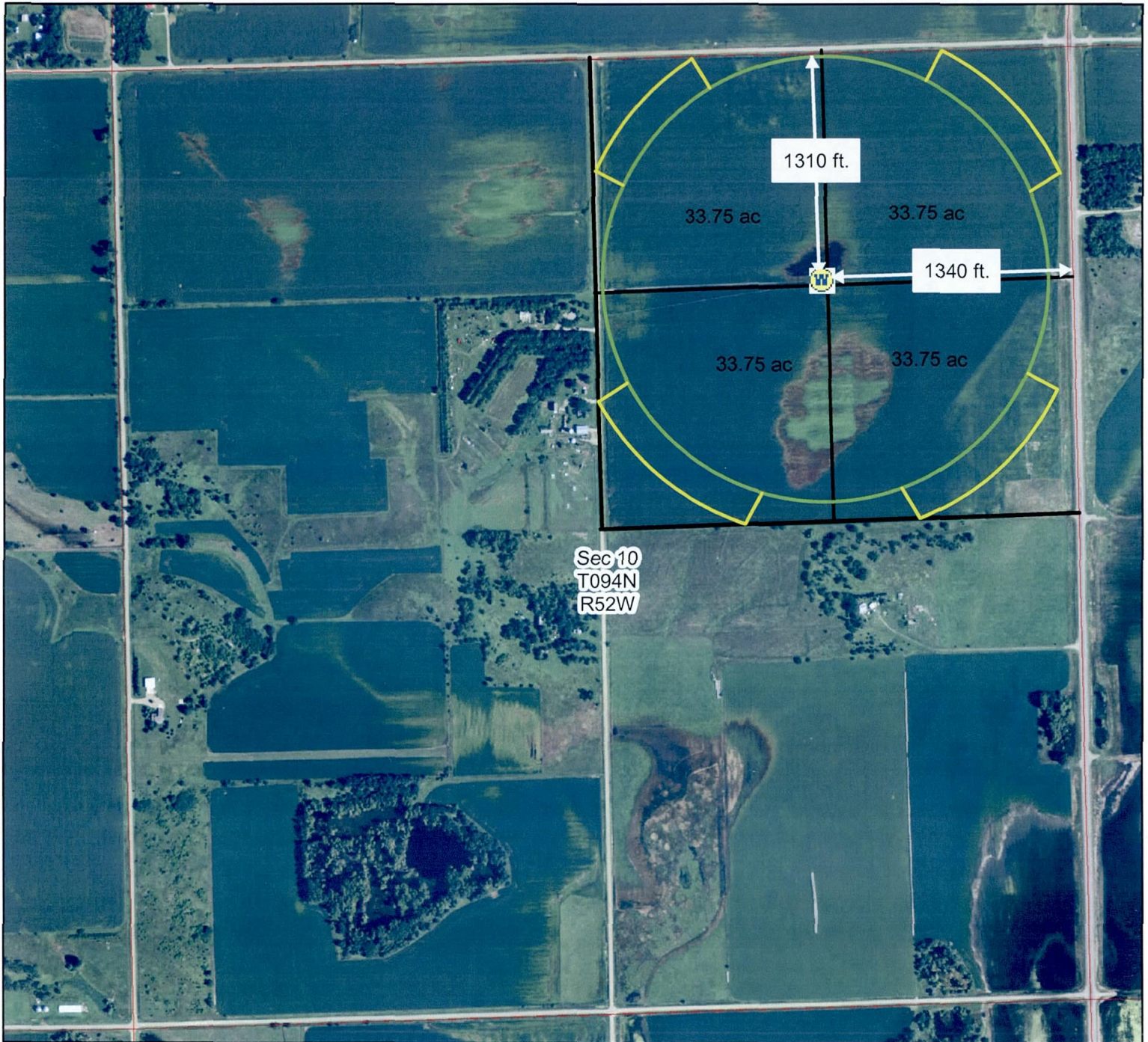
CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y/N **N**

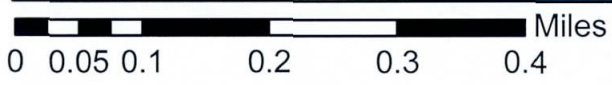
PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and land listed on permit Y/N **Y**
- 2) Special qualifications to permit being abided by Y/N **Y**
- 3) All structures, wells and lands on map Y/N **Y**
- 4) Irrigation Questionnaires check to determine if permit owner started irrigation by the end of construction period Y/N **Y**

Ardell Lovejoy
30439 Pleasant Valley Ave
Wakonda, SD - Clay County
Water Permit No. 6808-3



Sec 10
T094N
R52W



Legend

- Section Boundaries - PLSS
- Well

Adam Mathiowetz
Adam Mathiowetz
Natural Resources Engineer
DENR Water Rights Program
07/16/2013



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6808-3**

(1) Ardell Lovejoy, 30439 Pleasant Valley Ave, Wakonda SD 57073 made Application No. 6808-3, February 27, 2007 for a water permit to divert 1.93 cubic feet of water per second from ground water (one well – Lower Vermillion Missouri Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 6808-3, with a priority date of February 22, 2007 was approved May 14, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 14, 2012 and the application to beneficial use of water on or before May 14, 2016.

(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 1.45 cubic feet of water per second for beneficial use.

The location of the diversion point is 1,310 feet south and 1,340 feet west of the NE corner of Section 10, T94N, R52W (near the center of the NE 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 10, T94N, R52W	NW ¼ NE ¼	33.75 acres
	NE ¼ NE ¼	33.75 acres
	SW ¼ NE ¼	33.75 acres
	SE ¼ NE ¼	33.75 acres
	Total	135.00 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ardell Lovejoy, 30439 Pleasant Valley Ave, Wakonda SD 57073 the holder and/or owner of Water Right No. 6808-3 is issued a license to appropriate water, the right to use 1.45 cubic feet of water per second from ground water (one well – Lower Vermillion Missouri Aquifer) with a priority date of February 22, 2007 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. 6808-3 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. 6808-3 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. *The well was completed in February, 2008 by Hammond Wetmore Drilling. A copy of the well log is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- Permit No. 6808-3 prohibits applying any chemical (chemigation) through the irrigation system located in the NE ¼ Section 10, T94N, R52W.



Jeanne Goodman, Chief Engineer

Water Rights Program
Department of Environment and Natural Resources

JUL 17 2013

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUL 17 2013

6808-3

Ardell Lovejoy
30439 Pleasant Valley Ave
Wakonda SD 57073

Dear Mr. Lovejoy:

Enclosed is Water License No. 6808-3. 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. 6808-3, 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 17, 2019

6808-3

Lovejoy Family Trust
30439 Pleasant Valley Ave
Wakonda SD 57073

Dear Sirs:

I am writing in regard to ownership of land described in Water Right No. 6808-3 (see enclosed copy). The water right, currently listed in the name of Ardell Lovejoy authorizes irrigation of 135 acres located in the NE 1/4 Section 10, T94N, R52W. It is our understanding Mr. Lovejoy passed away in the spring of 2018.

The water right should be transferred to the family trust or into the name of whoever may now own the land. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Also needed to keep the water right up to date is completion of the 2018 irrigation questionnaire. I have enclosed the form with this letter. If you have any questions or need assistance in completing the questionnaire or the transfer form, please let me know.

Sincerely,

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

enclosures: transfer form, irrigation questionnaire, copy of water right, postage paid envelope

PAID

JAN 24 2019

Ck# 1345

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JAN 24 2019

WATER RIGHTS
PROGRAM

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 6808-3

Date: _____

I We request that Water Right No. 6808-3

formerly owned by: Ardell Lovejoy

be transferred to: (name & address) Lovejoy Family Trust

30439 Pleasant Valley Ave

Wakonda SD 57073 Telephone No. 605 660 9657

Title to the following described land(s)/property has been transferred as described above:

135 acres - NE 1/4 Section 10, T94N, R52W

I We understand that the validity of Water Right No. 6808-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I We Marlene Lovejoy, the new owner, certify that the above information is true and correct.
trust owner

Marlene Lovejoy
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 25, 20 19

RECEIVED OF Lovejoy Family Trust 30439 Pleasnat Valley Ave Wakonda SD 57073

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. _____		
Fee for Filing Transfer Form <u>6808-3</u>		
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. **08981**

By

Jeanne Goodman
Chief Engineer
JMG

6808-3



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

January 20, 2022

NOTICE

TO: LOVEJOY FAMILY TRUST, MIKE LOVEJOY, 30427 PLEASANT VALLEY AVE,
WAKONDA, SD 57073

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6808-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 6808-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 6808-3 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 2, 2022** 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 genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ANPXGS**

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

January 25, 2022

6808-3

Mike Lovejoy
Lovejoy Family Trust
30427 Pleasant Valley Ave
Wakonda SD 57073

Dear Mr. Lovejoy:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 6808-3. 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
Genny.mcmath@state.sd.us



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 28, 2019

6808-3

Darlene Lovejoy
Lovejoy Family Trust
30439 Pleasant Valley Ave
Wakonda SD 57073

Dear Ms. Lovejoy:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 6808-3.

The ownership change has been completed. Water Right No. 6808-3 formerly held by Ardell Lovejoy is now listed in the name of Lovejoy Family Trust.

Enclosed for your records is Receipt No. 08981 in the amount of \$50 which you paid for filing the ownership change.

If you have any questions, please contact me.

Sincerely,

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

Water Rights Program File Documentation

Permit/Right No. and Owner:

Permit No.	Owner	Status	Uses
973-3	Nicholas & Courtney Blake	License	Irrigation
974-3	Hansen Ventures LLC	License	Irrigation
1813-3	Hansen Ventures LLC	License	Irrigation
1916-3	Troy & Sheila Gust	License	Irrigation
3905-3	Clay Rural Water System Inc	License	Rural Water System
4731-3	Richard & Gayle Johnson	License	Irrigation
5979-3	Clay Rural Water System Inc	License	Rural Water System
6563-3	Rus Farms Real Estate LLC	License	Irrigation
6565-3	Rus Farms Real Estate LLC	License	Irrigation
6566-3	Hansen Ventures LLC	License	Irrigation
6569-3	Smit Family Trust	Permit	Irrigation
6571-3	Rus Farms Real Estate LLC	License	Irrigation
6572-3	Brad & Linda Trudeau Living Trust	License	Irrigation
6808-3	Lovejoy Family Trust	License	Irrigation
6813-3	Rus Farms Real Estate LLC	License	Irrigation
6815A-3	Rus Farms Real Estate LLC	License	Irrigation
6817-3	Hansen Ventures LLC	Permit	Irrigation
6818-3	Hansen Ventures LLC	Permit	Irrigation
6819-3	Hansen Ventures LLC	License	Irrigation
6821-3	Tim Gregoire	License	Irrigation
6822-3	Hansen Properties	Permit	Irrigation
7001-3	Rus Farms Real Estate LLC	License	Irrigation
7003-3	Hansen Ventures LLC	License	Irrigation
7383-3	Hansen Ventures LLC	Permit	Irrigation
7693-3	Hansen Ventures LLC	Permit	Irrigation

Date: January 14, 2025

County: Clay

RE: aquifer designation

COMMENTS:

Jensen (2025) as part of a review of the Lower Vermillion Missouri aquifer (LVM) determined that Water Right Nos. 973-3, 974-3, 1813-3, 1916-3, 3905-3, 4731-3, 5979-3, 6563-3, 6565-3, 6566-3, 6569-3, 6571-3, 6572-3, 6808-3, 6813-3, 6815A-3, 6817-3, 6818-3, 6819-3, 6821-3, 6822-3, 7001-3, 7003-3, 7383-3, & 7693-3, should have the aquifer reassigned. In reviewing the best information currently available for aquifer and management unit naming

conventions, the best aquifer designation for Water Rights previously listed is the Southern management unit of the Upper Vermillion Missouri aquifer (UVM:S) shown in Figure 1.

This change of aquifer designation, to the Southern management unit of the Upper Vermillion Missouri aquifer, does not represent a physical change in the water source. It is an update to the name of the aquifer materials to reflect the currently best available information for aquifer extents. This update to the aquifer name does not authorize any increase in the amount of water appropriated by Water Right Nos. 973-3, 974-3, 1813-3, 1916-3, 3905-3, 4731-3, 5979-3, 6563-3, 6565-3, 6566-3, 6569-3, 6571-3, 6572-3, 6808-3, 6813-3, 6815A-3, 6817-3, 6818-3, 6819-3, 6821-3, 6822-3, 7001-3, 7003-3, 7383-3, & 7693-3, relocation of existing wells, or completion of additional wells into the aquifer. Going forward, issuance of any pertinent documents will reflect the updated aquifer designation.

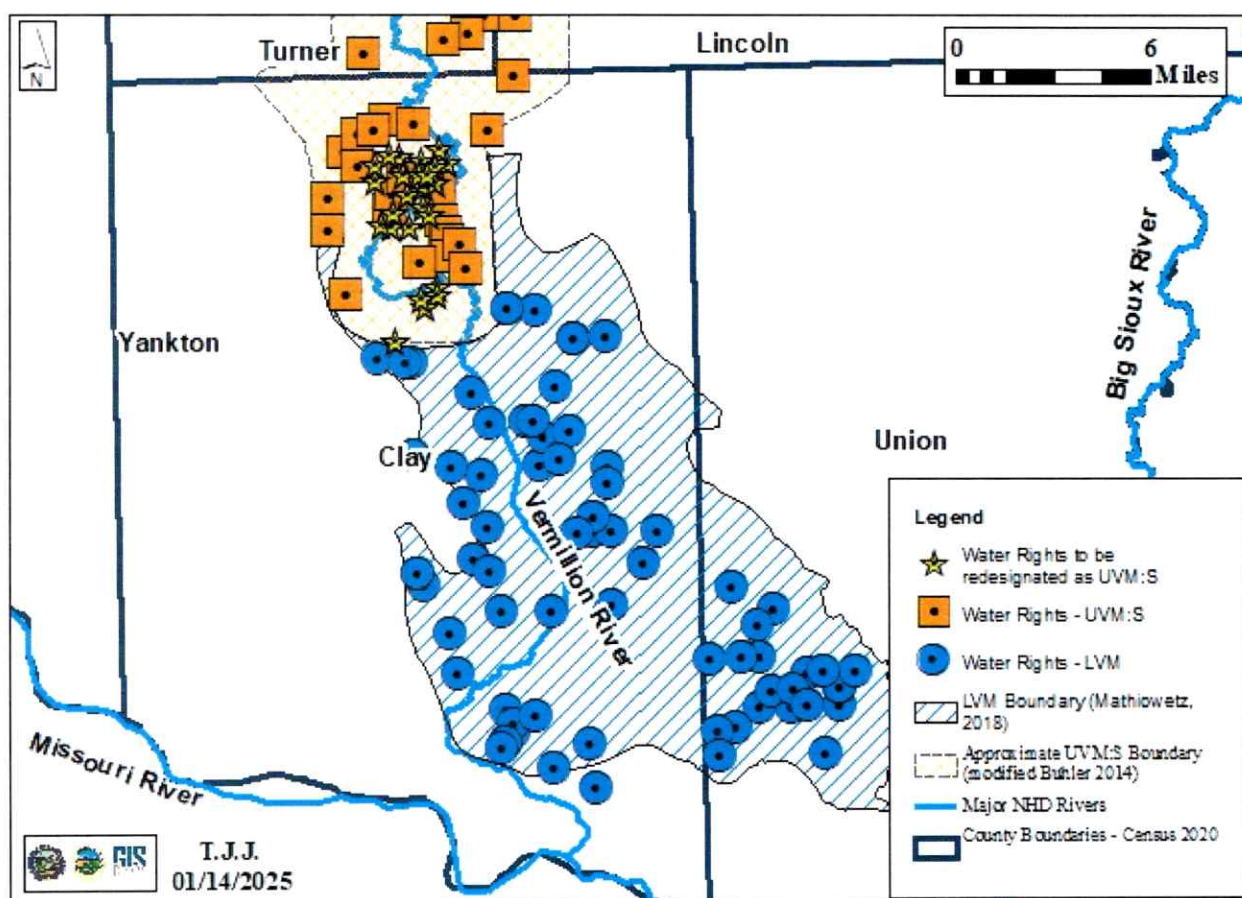


Figure 1. Map of the approximate Upper Vermillion Missouri: South aquifer boundary (Buhler, 2014), map of the approximate Lower Vermillion Missouri aquifer boundary (Mathiowetz, 2018), Water Rights/Permits for Upper Vermillion Missouri: South aquifer, Water Rights/Permits for Lower Vermillion Missouri aquifer, and Water Rights/Permits for Upper Vermillion Missouri: South aquifer previously assigned Lower Vermillion Missouri aquifer.



Tyler Jensen
Natural Resources Engineer I



Eric Gronlund
Chief Engineer

References

Buhler, K. A. 2014. Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer. SD DANR – Water Rights Program, Joe Foss Bldg. Pierre, SD.

Jensen, T. 2025. Report to the Chief Engineer on Water Permit Application No. 8910-3. SD DANR-Water Rights Program. Joe Foss Building, Pierre, South Dakota.

Mathiowetz, A. 2018. Report to the Chief Engineer on Water Permit Application 8335-3. Natural Resource Engineer IV, SD DANR – Water Rights Program, Joe Foss Bldg. Pierre, SD.