

WATER PERMIT NO. 6845-3

Name of Applicant: Dihl J Grohs

Address: 23539 365th Ave, Kimball SD 57353

Phone: 605 778-6714

Amount of Water Claimed: 1.0 cfs

Total Acres: 266

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Jerauld

Type of Waste Disposal System:

Location: 18 miles southwest of Wessington Springs

PRIORITY

Date Received: 11-16-07

Application/License Fee: \$350

Corrected Application Received: 3-28-07

Period of Annual Use: March 1 – November 30

Remarks:

Diversion Point: SW ¼ SW ¼ Sec 17-T106N-
R67W

Land to be Irrigated: E ½ Sec 17-T106N-R67W

Depth of Well: 200 feet deep

Well Driller: Huron Drilling

Remarks:

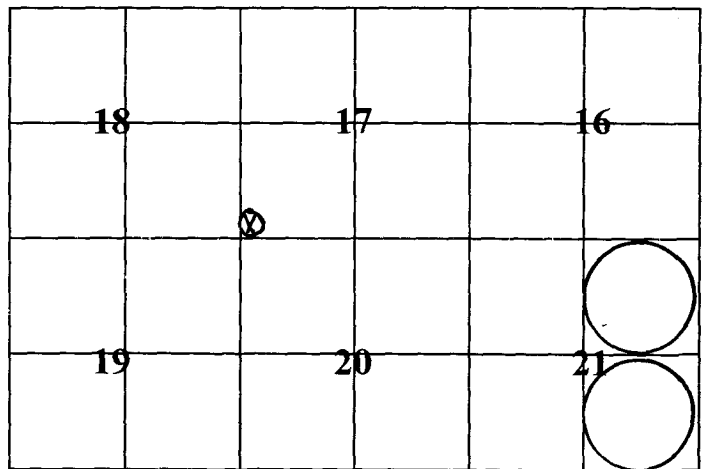
Type of Map: aerial

Prepared by: Diane Tong, NRCS

Reviewed and the Number Assigned on: 3-28-07

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>6845-3</u> (office use only) <u>10140105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>True Dakotan P.O. Box T Wess Sp.</u>
	<u>605-539-1281</u> <u>57382</u>

RECEIVED
NOV 16 2006
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant Dihl J Grohs Phone 605 778 6714
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 23539 365th Ave Kimball State SD 57355
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.0 *CFS or 1800 **GPM ***AF Total Acreage 736.266
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Ground Water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
South West corner of SW 1/4 of SW 1/4 17-106-67
County Terraud
- County or counties where water will be used Terraud
- Annual period during which water is to be used March 1 - November 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
New ALL IN T106N R67W (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 NE 1/4 Sec. 21	33	NW 1/4 SE 1/4 Sec 21	33
NE 1/4 NE 1/4 Sec 21	33	NE 1/4 SE 1/4 Sec 21	33
SE 1/4 NE 1/4 Sec 21	33	SE 1/4 SE 1/4 Sec 21	33
SW 1/4 NE 1/4 Sec. 21	33	SW 1/4 SE 1/4 Sec. 21	33

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

STATE OF SOUTH DAKOTA) SS
County of Terraud

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

Applicant's signature [Signature]

Subscribed and sworn to before me this 7th day of November 20 06

[Signature]
Notary Public signature
My commission expires: 6-10-07

**SOUTH DAKOTA
WATER PERMIT NO. 6845-3**

Date of first receipt of application November 16, 2006.

Date of return to applicant for corrections, amendments or changes November 21, 2006.

Date of receipt of corrected application March 28, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6845-3 to Dihl J Grohs, 23539 365th Ave, Kimball SD 57353 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. 6845-3 appropriates 1.0 cubic feet of water per second from one existing well completed into the Crow Creek Aquifer (200 feet deep) located in the SW ¼ SW ¼ Section 17 to irrigate 266 acres located in E ½ Section 21; all in T106N-R67W. The existing well is currently authorized by Water Permit Nos. 4660-3 and 5603-3 to irrigate other land.
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: March 1 - November 30.
3. The date from which applicant may claim right is March 28, 2007.
4. The date of approval of Permit No. 6845-3 is June 29, 2007.
5. One-fifth of the construction is to be completed on or before December 29, 2009.
6. All construction is to be completed on or before June 29, 2012.
7. Water is to be put to beneficial use on or before June 29, 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 Permit Nos. 4660-3, 5603-3 and 6845-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

AUG 03 2007

date





Jerauld County, South Dakota

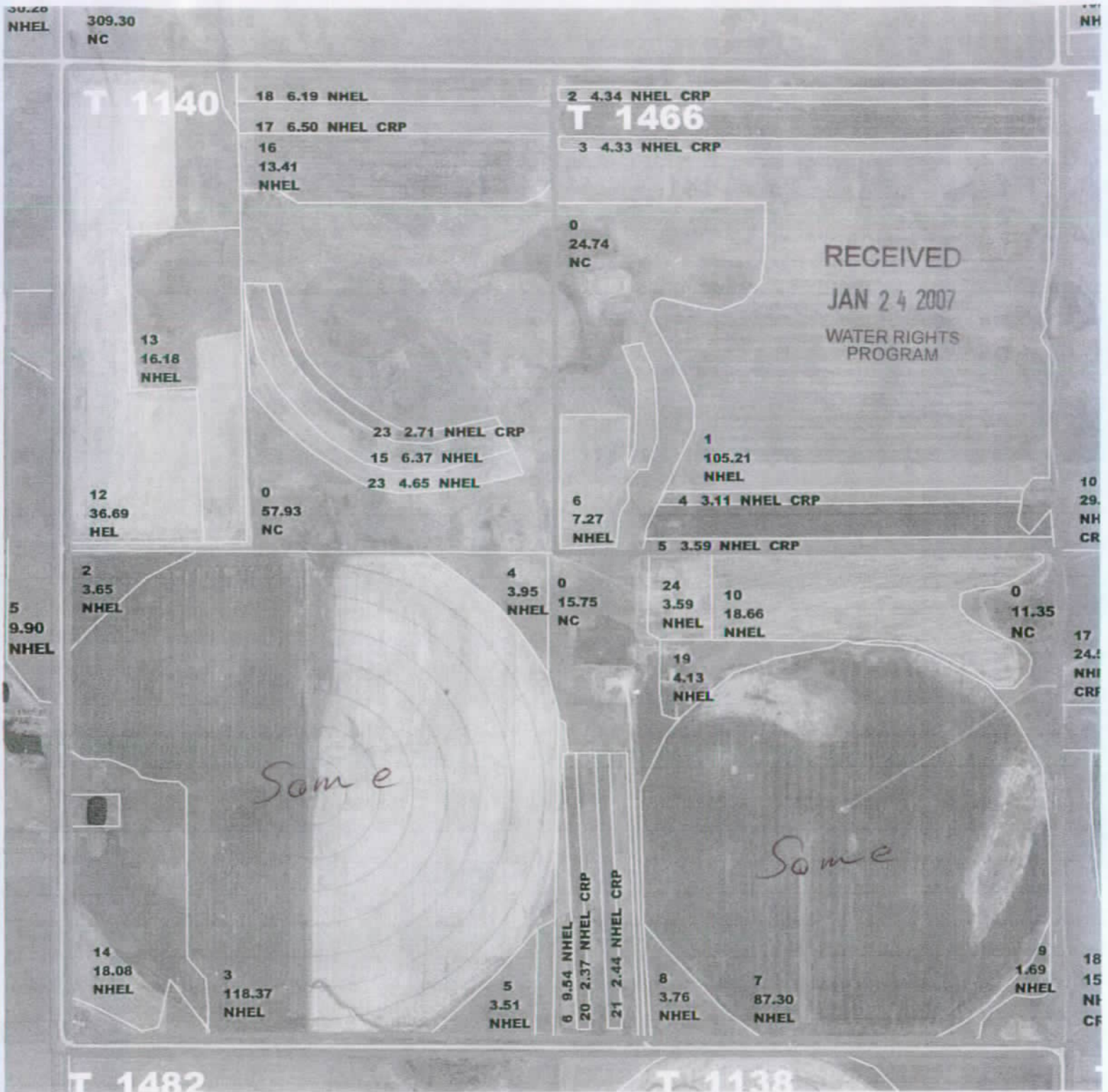
Sec-Twp-Rng: 16-106N-67W

Map Printed: Mar 23, 2005

Map Not to Scale
No Official Wetland Determination

Diana Long
Soil Tech
NRCS





Map Not to Scale
No Official Wetland Determination

Jerauld County, South Dakota

Sec-Twp-Rng: 17-106N-67W

Map Printed: Mar 31, 2006

Diana Long
Soil Tech
NRCS





Map Not to Scale
 No Official Wetland Determination

Jerauld County, South Dakota

Sec-Twp-Rng: 20-106N-67W

Map Printed: Mar 23, 2005

*Diana Long
 Soil Tech
 NRCS*



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date

Feb 7, 20 07

Dihl Grohs, 23539 365th Ave, Kimball SD 57355

RECEIVED OF

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

Fee for Application for Permit No. 5603A-3 6845-3 to Appropriate Water, to construct and to put water to beneficial use	160	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. 5603A-3 6845-3	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	100.00

No.

02932

By

Garland Eikele

Chief Engineer

(KS)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/28, 20 07

RECEIVED OF DIHL JOANNE GROHS 23539 365TH AVE KIMBALL SD 57355

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

Fee for Application for Permit No. <u>6845-3</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. _____		
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	250 00

No.

03014

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 21, 2006

Dihl J Grohs
23539 365th Ave
Kimball SD 57355

RECEIVED

NOV 30 2006

**WATER RIGHTS
PROGRAM**

Dear Mr. Grohs:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following needs to be clarified.

Eric Gronlund indicated he spoke with your regarding this application, but we are unclear on your intent. The application indicates you are proposing to irrigate 264 acres located in the E ½ Section 21. Are the 264 acres listed on this application, additional acres or a change in acreage authorized by existing permit Nos. 5603-3 and 4660-3? The existing permits combined authorize irrigation of 736 acres from one well located in the SW ¼ SW ¼ Section 17. When Permit No. 5603-3 was approved in 1992, the file indicates the well was capable of diverting 2.88 cubic feet of water per second (1300 gallons per minute). What is the diversion rate from the existing well?

Also, a map outlining the area to be irrigated is required. The map needs to reference a government section corner or quarter corner. 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).

The application/license filing fee will be determined once we know if these are additional acres, a change in acres, or if the diversion rate is being increased.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
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January 18, 2007

Dihl J Grohs
23539 365th Avenue
Kimball SD 57355

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JAN 24 2007

**WATER RIGHTS
PROGRAM**

Dear Mr. Grohs:

On November 16, 2006, you filed a water permit application to change the location of a portion of the acres authorized by Water Permit Nos. 4660-3 and 5603-3. Since that time Karen Schlaak has wrote you on two occasions seeking clarification and stating what is necessary to complete the application.

I am enclosing a copy of Karen's December 5, 2006 letter. In summary the letter requests:

- 1) Clarification on the diversion rate from the existing well.
- 2) A map referencing section corners showing the acreages that you want to irrigate. The map must be signed by a land surveyor, professional engineer or government employee who prepares maps as a part of their duties.
- 3) The application filing fee of \$100.

Your application is on hold until the application is complete. Please respond to above items so that the Water Rights Program may proceed with processing your application. The change of acres is not authorized until you have a water right permit in place.

Please feel free to contact me if you have any questions.

Sincerely,

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

enclosures

My Intention is to
devent ~~4~~ CFS

1800 gal / Min.

Dick Loh

RECEIVED

JAN 24 2007

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 30, 2007

Dihl J Grohs
23539 365th Ave
Kimball SD 57355

Dear Mr. Grohs:

On January 24, 2007, we received most of the additional information required to process your *Application for a Permit to Appropriate Water* for irrigation.

As stated in the Eric Gronlund's letter dated January 18, 2007, the application filing fee will be \$100.

Upon receipt of the fee, further processing of your application will continue. If you have any questions, please contact me.

Sincerely,

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

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right for Dihl Grohs

ADDRESS: COUNTY: Jerauld

DATE: March 19, 2007 TELEPHONE: cell – 730 -2997

RE: Application to transfer lands under Permit No 5603-3 to the E ½ Section 21, T106N, R67W

I contacted Mr. Grohs stating that the report was prepared on his application to transfer 266 acres authorized under Water Permit No. 5603-3 to the E ½ Section 21, T106N, R67W. I stated the Chief Engineer is not recommending favorably on the application because the land where the 266 acres is being transferred from has not been being irrigated. He admitted that the NW ¼ of Section 16 and the W ½ Section 21 as authorized under Water Permit No. 5603-3 have not been being irrigated.

I discussed the following alternatives:

- 1) He could contest the Chief Engineer's recommendation before the Board.
- 2) Provide documentation that the acres in question have been historically irrigated
- 3) Apply for the 266 acres in the E ½ as new acres.

Mr. Grohs stated he would apply for a new permit to irrigate these 266 acres and to bring the diversion capability to 4.0 cfs (1800 gpm). He indicated his well is currently capable of 1,350 gpm (3.0 cfs). The new application will consist of increasing the diversion rate by 1.0 cfs. I told Mr. Grohs he will need to send us a letter requesting the application be amended to be a new application for the irrigation of 266 acres. An additional fee of \$250 will need to be submitted.

NAME: Eric Grohs

March 26, 2007

Department of Environment and Natural Resources
Attn: Eric Gronlund
Joe Foss Building
523 East Capitol
Pierre, SD 57501

RECEIVED
MAR 28 2007
WATER RIGHTS
PROGRAM

Dear Eric Gronlund,

I am writing in regards to our water application. Please treat our Water Permit application as a new application. I request that new acres in Section 21 be added. (Please refer to the application for the acres we are applying for.) I am also requesting that the water volume to be increased from 1350 gal/minute to 1800 gal/minute. If you have any questions, please contact me at (605) 778-6714.

Sincerely,

A handwritten signature in black ink, appearing to read "Dohl Grohs", with a long horizontal flourish extending to the right.

Dohl Grohs
Horseshoe K Ranch



**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6845-3, Dihl Grohs**

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. 6845-3, Dihl Grohs, 23539 365th Avenue, Kimball SD 57355.

The Chief Engineer is recommending APPROVAL of Application No. 6845-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Permit Nos. 4660-3, 5603-3 and 6845-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 31, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6845-3

For Dihl J Grohs

May 23, 2007

Application No. 6845-3 proposes to appropriate 1.0 cfs from one existing well completed to a depth of about 200 feet located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 17 to irrigate 266 acres located in the E $\frac{1}{2}$ of section 21; all in T106N R67W. The existing well is currently authorized by Water Permit Nos. 5603-3 and 4660-3 for irrigation of other lands.

AQUIFER – CROW CREEK AQUIFER (CC)

The Crow Creek aquifer is a buried outwash (sand and gravel) that is under confined or artesian conditions in this area. The aquifer underlies 70 square miles and contains an estimated 270,000 acre-feet of recoverable water in storage in Jerauld County (Hamilton, 1985). Hamilton estimated the rate of recharge to the aquifer of about 2.4 inches per year or about 9,100 acre-feet per year for Jerauld County. The aquifer extends into Buffalo County to the west and may be hydraulically connected to the Crow Lakes aquifer to the east. Ground water movement is from east to west in the area of this application (Hamilton, 1985). Water use from the Crow Creek aquifer was 1,103.9 acre-feet in 2005 (Irrigation Summary, 2005). This total represents the entire total from Buffalo and Jerauld Counties and the recharge estimate is for Jerauld County only.

The Water Right Program monitors two observation wells completed into the Crow Creek aquifer and located within two miles of the well for this application. One of the observation wells JE-79J is located within the immediate area of this production well and the other observation well JE-78L is located about one and one-half miles to the north. Water levels for these wells show good response to climatic conditions and to pumping. Note the fluctuation of the water levels approach 70 feet during the irrigation season in JE-78L and 25 feet in JE-79J. Hydrographs for these two observation wells are included with this report (Water Rights, 2007).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

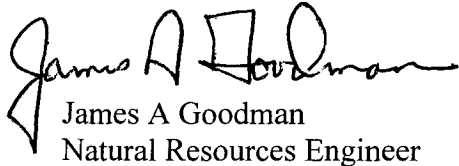
There is an existing water permit No. 6748-3 (0.17 cfs, domestic use) with the well located about one mile south of the well for this application. Drawdown will occur as shown by the observation well hydrographs however this should not be adverse the pumps can be lowered in the wells if necessary. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Crow Creek aquifer.
2. The aquifer is under artesian conditions at this site. Drawdown will occur. This is shown by the observation well hydrographs. Interference is not expected to be adverse.
3. It is unlikely that this well is capable of producing 4.00 cfs on a sustained basis. The well/system was inspected in 1991 and found to be capable of producing

2.88 cfs. More than likely this rate is based upon the system design not the capacity of the well. The result is permit No. 4660-3 was never licensed. It is not likely that the applicant ever has used 4.00 cfs.

4. This application is simply adding additional acreage and using an existing irrigation well. This application allows an additional 1.0 cfs diversion rate from the existing well.



James A Goodman
Natural Resources Engineer

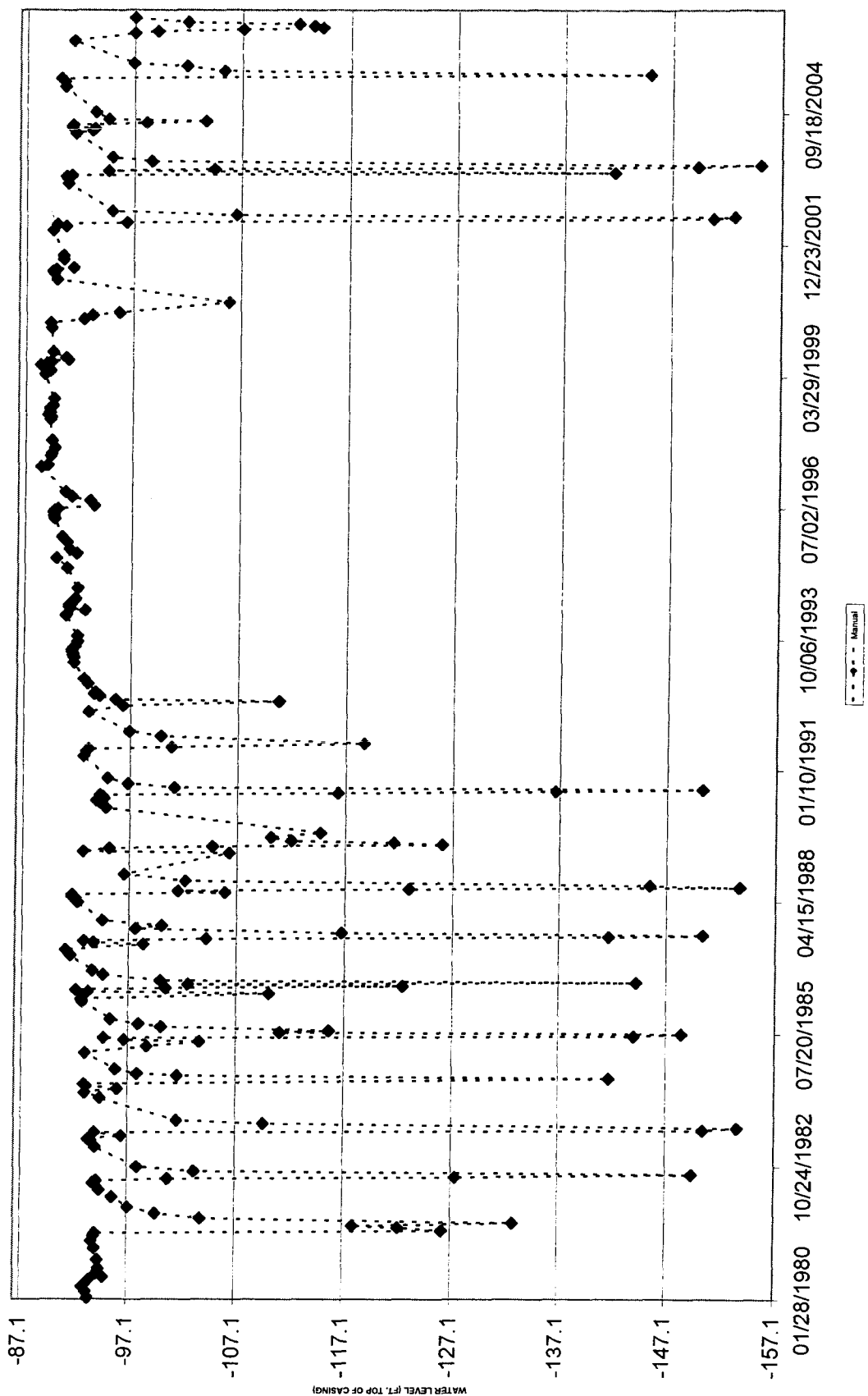
BIBLIOGRAPHY

Hamilton, L.J., 1985, Water Resources of Aurora and Jerauld Counties, South Dakota, Water Resources Investigations Report 84-4030, USGS, Huron, SD, 57350.

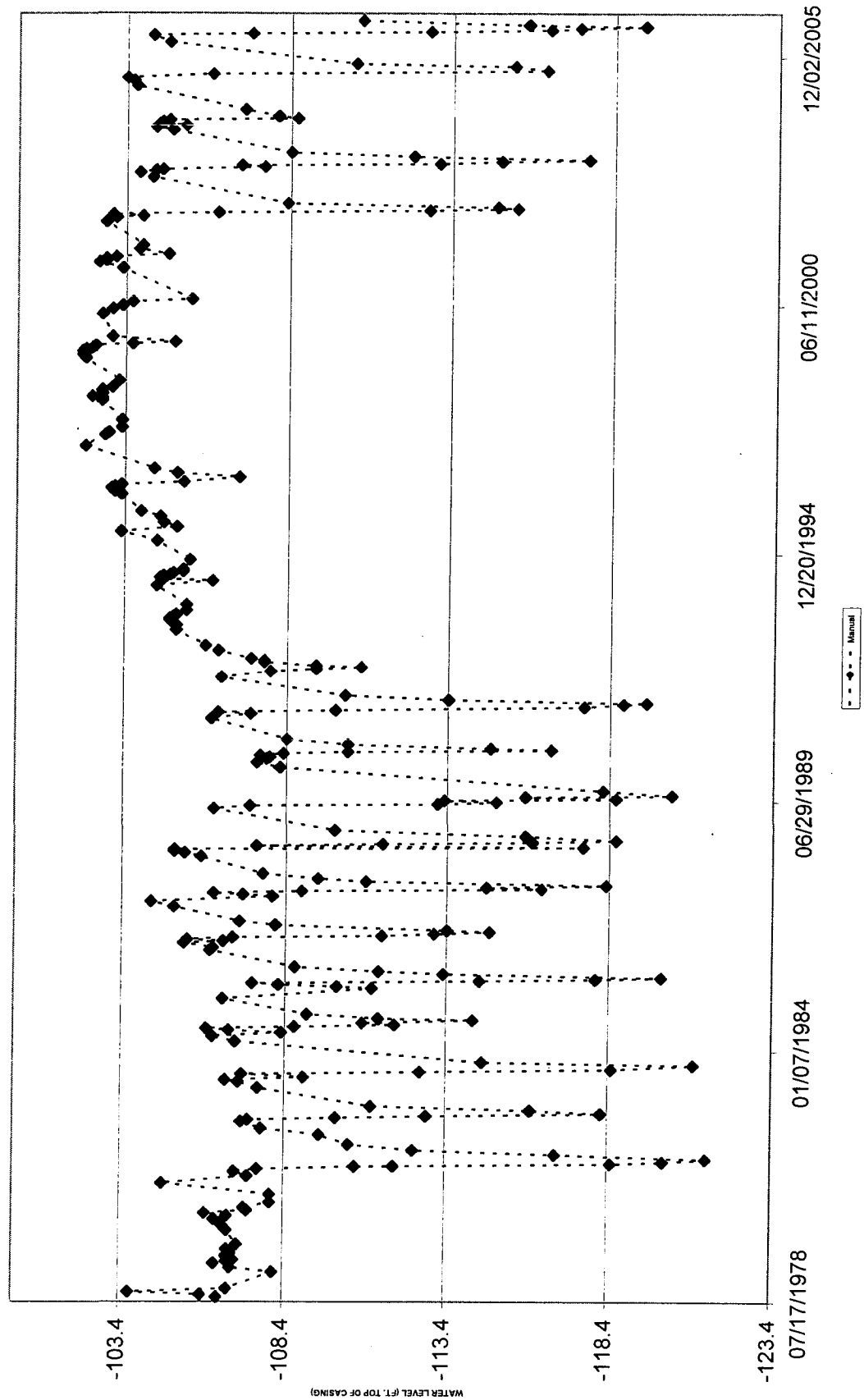
Irrigation Summary, 2005, Irrigation Summary for 2005, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Water Rights, 2007, Unpublished Observation Well Data for the Crow Creek Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL JE-79J



WATER RIGHTS' OBSERVATION WELL JE-78L





**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 4, 2007

Brian Havlik
23625 365th Avenue
Kimball SD 57355

Dear Mr. Havlik:

Enclosed is the report, recommendation and public notice for Water Permit Application No. 6845-3 filed by Dihl Grohs. The notice is scheduled to be published on June 12th and 19th in the True Dakotan.

Sincerely,

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

enclosure

RECEIVED

JUL - 6 2007

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

Karen Wenzel

I, first duly sworn, deposes and says: that he/she is a resident of the County of Jerauld and State of South Dakota; and the True Dakotan is a weekly newspaper of general circulation, published in Wessington Springs, in said county by J. Craig and Dennis P. Wenzel; and is now and has been such newspaper continuously, during the times hereafter mentioned; that the affiant is, and was during all the times hereafter mentioned, the business manager of said newspaper, in charge of the advertising department thereof; and has personal knowledge of all facts stated in this affidavit:

That the notice and advertisement headed

Notice of Application - Grohs

dated copy of which is hereunto attached and made a part hereof, was printed and published in said newspaper in 2 successive issues. That the first publication of said notice in said newspaper aforesaid was on Tuesday, the 12 day of June 2007, and that the succeeding publications were:

Tuesday, the 19 day of June, 2007

Tuesday, the _____ day of _____, 20____

Tuesday, the _____ day of _____, 20____

the fee charged for the printing and publishing of said notice and advertisement in said newspaper aforesaid, was 44 dollars and 91 cents, and for affidavit; and that said fee for printing and publishing said notice and advertisement in said newspaper has been full paid; that the full amount of fees charged for publishing of the said attached and annexed notice and advertisement inures to benefit of the publisher of the said True Dakotan; and no agreement or understanding for the division thereof has been made with any person whomsoever; that said newspaper is a legal newspaper as provided by law.

Subscribed and sworn to before me, this _____ day of _____, 20____
Karen Wenzel

Subscribed and sworn to before me, this 26 day of June 2007.

Penny Wenzel Notary Public in and for
Jerauld County, South Dakota

AFFIDAVIT EX REL PUBLICATIONS FEES STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

_____ being first duly sworn on his oath, says that he is one of the authorized attorneys of the _____ In the action mentioned and described in the annexed notice; that the affiant directed the publication of the annexed notice; that no agreement or understanding for any division of the fees therefore has been made with any person whomsoever; and that no part thereof has been refunded or rebated by the party publishing said notice.

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public, Jerauld County, South Dakota

NOTICE OF APPLICATION NO. 6845-3 to Appropriate Water

Notice is given that Dini Grohs, 23539 365th Ave., Kimball, SD 57355 has filed an application for a water permit to appropriate 1.0 cubic feet of water per second from one existing well completed into the Crow Creek Aquifer (200 feet deep) located in the SW 1/4 SW 1/4 Section 17 to irrigate 266 acres located in E 1/2 Section 21; all in T106N-R67W. The existing well is currently authorized by Water Permit Nos. 4660-3 and 5603-3 to irrigate other land.

Pursuant to SDCL 46-2A-2 the Chief Engineer recommends APPROVAL of Application No. 6845-3 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 the 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, 535 E Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 29, 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.
c-36-37



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 4, 2007

TRUE DAKOTAN
PO BOX T
WESSINGTON SPRINGS SD 57382

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6845-3 to Appropriate Water to be published twice. Please publish the first notice on June 12, 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 Dihl Grohs, 23539 365th Ave, Kimball SD 57355(Ph # 605-778-6714).

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. 6845-3

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

Date _____

We are in receipt of your letter of June 4, 2007 enclosing Notice to Appropriate Water by Application No. 6845-3 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
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www.state.sd.us/denr

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

June 4, 2007

DIHL GROHS
23539 365TH AVE
KIMBALL SD 57355

Dear Mr. Grohs:

Water Permit Application No. 6845-3 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 True Dakotan printed at Wessington Springs SD (Ph # 605-539-1281). 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 report on the application is 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 June 12, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6845-3 to Appropriate Water

Notice is given that Dihl Grohs, 23539 365th Ave, Kimball SD 57355 has filed an application for a water permit to appropriate 1.0 cubic feet of water per second from one existing well completed into the Crow Creek Aquifer (200 feet deep) located in the SW ¼ SW ¼ Section 17 to irrigate 266 acres located in E ½ Section 21; all in T106N-R67W. The existing well is currently authorized by Water Permit Nos. 4660-3 and 5603-3 to irrigate other land.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6845-3 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 June 29, 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

AUG 03 2007

Dihl J Grohs
23539 365th Ave
Kimball SD 57353

Dear Mr. Grohs:

Enclosed is Water Permit No. 6845-3 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



6845-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: DIHL J GROHS, 23539 365TH AVE, KIMBALL, SD 57355

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4660-3, 5603-3 & 6845-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 4660-3, 5603-3 & 6845-3 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 11, 2008** 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) 4660-3, 5603-3 & 6845-3 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 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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**

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

January 29, 2008

4660-3
5603-3
6845-3

Dihl J Grohs
23539 365th Ave
Kimball SD 57355

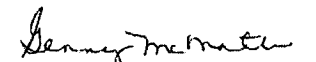
Dear Mr. Grohs:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Permit Nos. 4660-3, 5603-3 and 6845-3.

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

If you have any questions, please contact me.

Sincerely,


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



6845-3
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 23, 2009

NOTICE

TO: DIHL J GROHS, 23539 365TH AVE, KIMBALL, SD 57355

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4660-3, 5603-3 & 6845-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 4660-3, 5603-3 & 6845-3 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 11, 2009** 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) 4660-3, 5603-3 & 6845-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation on Water Right No. 4660-3, Water Rights Staff will be recommending to the Board that the water right be suspended for three years;**
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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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.

68453

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Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 6739**
Status: **Delivered**

Your item was delivered at 1:10 PM on January 24, 2009 in KIMBALL, SD 57355. The item was signed for by D GGROHS.

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

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No FEAR Act EEO Data

FOIA

Signature Confirmation

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 6739

DIHL J GROHS
23539 365TH AVE
KIMBALL SD 57355

ing.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail[™] Service
☐ First-Class Mail[®] parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 28, 2009

4660-3
5603-3
6845-3

Dihl J Grohs
23539 365th Ave
Kimball SD 57355

Dear Mr. Grohs:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit Nos. 4660-3, 5603-3 and 6845-3.

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 cursive script that reads "Genny McMath".

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 23, 2013

Dihl J Grohs
6005 N Western Ave
Sioux Falls SD 57107 0850

RE: Water Permit or Right Nos. 4660-3, 5603-3, 6845-3, 7309-3 & 7310-3

Dear Mr. Grohs:

Enclosed is a "Notice" dated October 18, 2013 concerning the 2013 irrigation questionnaire.

The notice was originally mailed to PO Box 190, Kimball SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 6845-3Date: 3-3-14I/We request that Water Right/Permit No. 6845-3 formerly owned by:D. H. Grohs

be transferred to:

New Owner Name: Todd GrohsAddress: 509 Slocum Ave SCity, State, Zip Washington Springs SD 57382 Telephone No. 680-9900

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

RECEIVED
MAR 05 2014
WATER RIGHTS
PROGRAM

☒ I understand that the validity of Water Right/Permit No. 6845-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Todd Grohs, the new owner, certify that the above information is true and correct.



(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 3/5, 20 14

RECEIVED OF Todd Grohs 509 Slocum Ave S West Springs SD 57382

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>6845-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
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. **06776**

By J. L. Looman Jr.
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2014

Todd Grohs
509 Slocum Ave S
Wessington Springs SD 57382

RE: Water Permit Nos. 7310-3, 7309-3, 6845-3, 5603-3 and 4660-3

Dear Mr. Grohs:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for filing an ownership change on Water Permit Nos. 7310-3, 7309-3, 6845-3, 5603-3 and 4660-3.

The ownership changes have been completed. The above listed permits formerly held by Dihl Grohs are now listed in your name.

Enclosed for your records are Receipt Nos. 06774, 06775, 06776, 06777 and 06778 in the amount of \$50 each. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures

6845-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

4660-3
5603-3
6845-3
7309-3

OCT 19 2015

Todd Grohs
1007 Main St E
Wessington Springs SD 57382

Dear Mr. Grohs:

Enclosed is Water License No. 7309-3. 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 wells authorized by Water Right No. 7309-3, 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

Note: Upon licensing, the applicable portions of Water Permit Nos. 4660-3, 5603-3 and 6845-3 were incorporated into Water License No. 7309-3.