

WATER PERMIT NO. 6868-3

Name of Applicant: Joe T Hummel

Address: PO Box 27, Davis SD 57021

Phone: 605 238-5218

cell
605 321-4949

Amount of Water Claimed: 1.78 cfs

Total Acres: no add'l

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Turner

Type of Waste Disposal System:

Location: 2 miles east of Hurley

PRIORITY

Date Received: 7-2-07

Application/License Fee: \$200

Corrected Application Received:

Period of Annual Use: May 1 – September 30

Remarks: Water Right No. 6335-3 authorizes irrigation of the same acreage. This application is for an additional well to irrigate the SW ¼ Section 30

Diversion Point: center of SW ¼ Sec 30-T98N-R52W

Land to be Irrigated: N ½ SW ¼, SW ¼ SW ¼
Sec 30-T98N-R52W

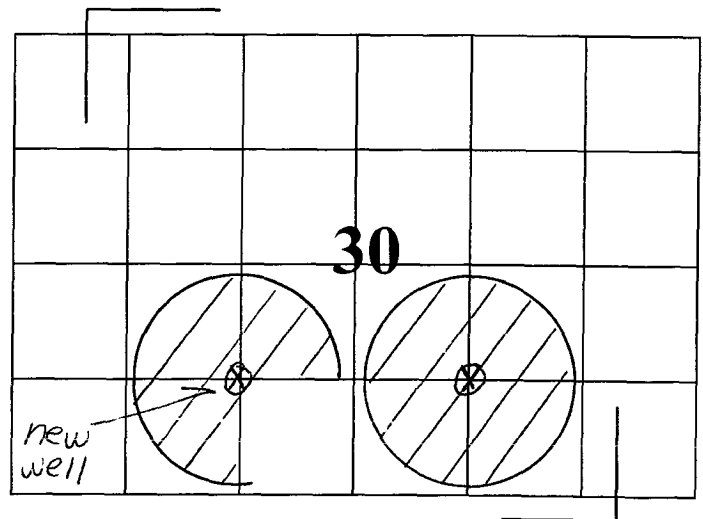
Depth of Well: 100 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Linda Kasten, Turner Co FSA



Reviewed and the Number Assigned on: 7-2-07

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>6868-3</u> (office use only) Hydrologic Unit <u>10170102</u> Basin <u>Vermillion River</u> Newspaper <u>The New Era PO Box 579 Parker</u> <u>605-297-4419 (Thurs)</u> <u>52053</u>
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RECEIVED
JUL - 2 2007
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Water Right No. 6335-3 authorizes irrigation of same acreage.
This application is for add'l well

- Name of Applicant Joe T. Hummel Phone 605-238-5218
(check one) ✓ Owner Tenant/lessee
Mailing Address P.O. Box 27 DAVIS, State SD 57021-0027
1.78 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed ~~2.78~~ *CFS or 200 **GPM 800 ***AF Total Acreage 160 add'l
(*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) APPROXIMATELY CENTER
OF THE SW1/4 OF SECTION 30, TOWNSHIP 98, NORTH RANGE 52, WEST OF THE
5th P.M. County TURNER
- County or counties where water will be used TURNER
- Annual period during which water is to be used MAY 1 Through September 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)

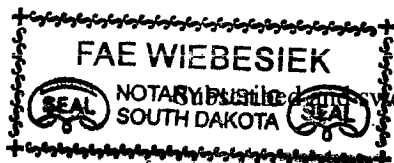
Land Description	Acres	Land Description	Acres
SECTION 30 - T98N - R52W			
NW1/4 SW1/4	33 <u>40</u>		
NE1/4 SW1/4	33 <u>40</u>		
SW1/4 SW1/4	33 <u>40</u>		

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

STATE OF SOUTH DAKOTA) SS
County of TURNER

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, JOE T HUMMEL, 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 Joe T Hummel
Subscribed and sworn to before me this 28th day of June 20 07

Fae Wiebesiek
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6868-3

Date of first receipt of application July 2, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6868-3 to Joe T Hummel, PO Box 27, Davis SD 57021 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. 6868-3 appropriates an additional 1.78 cubic feet of water per second (cfs) from an additional well to irrigate acres authorized by Water Right No. 6335-3. Water Right No. 6335-3 authorizes 1.78 cfs from one well located in the center of the SE 1/4 Section 30 to irrigate 231 acres located in the SE 1/4, N 1/2 SW 1/4, SW 1/4 SW 1/4 Section 30; all in T98N-R52W. This permit authorizes an additional 1.78 cfs from an additional well to be completed into the Upper Vermillion Missouri Aquifer (approximately 100 feet deep) located in center of the SW 1/4 Section 30 to irrigate 99 acres located in the SW 1/4 Section 30; all in T98N-R52W. This will allow both pivots to run simultaneously.
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: May 1 – September 30.
3. The date from which applicant may claim right is July 2, 2007.
4. The date of approval of Permit No. 6868-3 is October 1, 2007.
5. One-fifth of the construction is to be completed on or before April 1, 2010.
6. All construction is to be completed on or before October 1, 2012.
7. Water is to be put to beneficial use on or before October 1, 2016.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

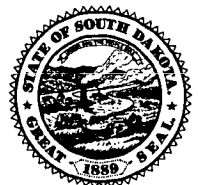
QUALIFICATIONS

1. The well approved under this Permit No. 6868-3 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. The well authorized by Permit No. 6868-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 6868-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 99 acres with an annual volume not to exceed 2 acre feet of water per acre per year.

WATER MANAGEMENT BOARD

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

OCT 09 2007
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30" Depth 100 ft.
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type PVC Diameter 16" Thickness 1/2"
- d) Gravel Pack 7" Length of Gravel Pack 35'
- e) Depth to Top of Water Bearing Material 5 ft.
- f) Depth to Water (ground surface to water level) 15 ft.
- g) Distance to nearest existing domestic well:

On applicants property Approx 800' On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic tank
- b) System Capacity (gallons) 1000 gallons Year Constructed 1967
- c) Connected to the City of N/A Sanitary System _____

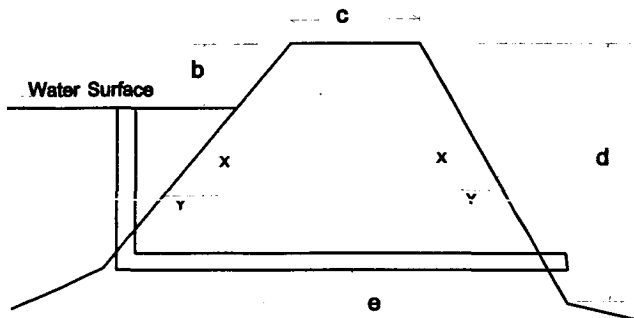
3. Dugout Information

- a) Surface Dimensions About 80 x 150' Depth 8'
- b) Depth to water (ground surface to water level) 2'

4. Water Storage Dams N/A

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

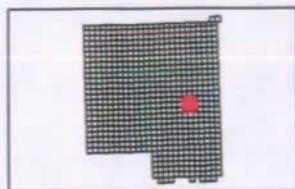
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



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



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



South Dakota
Turner County
30-98N-52W

Legend

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

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

April 05, 2006

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/2, 2007

RECEIVED OF Joe Hummel Po Box 27 Davis SD 57021

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

Fee for Application for Permit No. <u>6868-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	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>6868-3</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	200	00

No.

03286

By Jared Nelson
Chief Engineer

No. 6868-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6868-3, Joe Hummel

ADDRESS: COUNTY: Turner

DATE: August 23, 2007 TELEPHONE: cell 321-4949

RE: Acreage in the SW ¼ of Section 30, T98N, R52W

COMMENTS:

I contacted Mr. Hummel regarding the acreage proposed to be irrigated in the SW ¼ of Section 30 authorized by Water Right No. 6335-3. His application stated 120 acres irrigated which equates to 40 acres per quarter-quarter section. Since this is an existing pivot, I asked Mr. Hummel if he planned to reconfigure the system from the 99 acres under irrigation (33 acres per quarter-quarter section). Mr. Hummel states the same acreage would be irrigated.

NAME: Eric Hummel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6868-3, Joe Hummel**

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. 6868-3, Joe Hummel, PO Box 27, Davis SD 57021

The Chief Engineer is recommending APPROVAL of Application No. 6868-3 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 No. 6868-3 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. The well authorized by Permit No. 6868-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 6868-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 99 acres with an annual volume not to exceed 2 acre feet of water per acre per year.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 28, 2007

REPORT ON WATER PERMIT NO. 6868-3

For Joe T Hummel

August 21, 2007

Application No. 6868-3 proposes to appropriate an additional 1.78 cfs from an additional well to irrigate acres authorized by Water Right No. 6335-3. Water Right No. 6335-3 authorized 1.78 cfs from one well located in the center of the SE $\frac{1}{4}$ of section 30 to irrigate 231 acres located in the SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 30; all in T98N R52W. This application proposes to appropriate an additional 1.78 cfs from an additional well approximately 100 feet deep located in the center of the SW $\frac{1}{4}$ of section 30 to irrigate 99 acres located in the SW $\frac{1}{4}$ of section 30; all in T98N R52W in Turner County. The applicant is requesting a diversion rate greater than the statutory limit of one cfs per acre.

AQUIFER – UPPER VERMILLION MISSOURI (UVM)

The Upper Vermillion Missouri is a buried outwash (sand and gravel) that is under artesian conditions at this site. The aquifer underlies 207 square miles and contains an estimated 1.8 million acre-feet of water in storage in Turner County (Lindgren, 1990). Ground water movement appears to be from north to south in this area of this application. The Upper Vermillion Missouri aquifer consists of two distinct sand and gravel layers separated by clays (glacial till) in the area. The two layers do appear to be hydraulically connected based upon responses to pumping. Also the aquifer is overlain by the Parker Centerville aquifer which is a surficial outwash (sand and gravel). The Parker Centerville aquifer and the Upper Vermillion Missouri aquifers do not appear to be hydraulically connected in this area. However, there are locations about six miles to the north where it appears the sand and gravels are one continuous unit over one hundred feet thick.

No test wells were drilled for this application and the well log for the existing irrigation development (Water Right No. 6335-3) is not available. It appears from the county study drilling, observation well drilling and other irrigation and domestic wells in the area that the aquifer is present under this site.

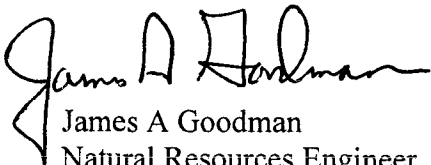
The Water Rights Program monitors three observation wells within one mile of this application. Two of these wells TU-77I and TU-77H are completed into the Upper Vermillion Missouri aquifer and the third TU-77J is completed into the Parker Centerville aquifer. Hydrographs for these three wells are included with this application. TU-77H is completed to a shallower depth than TU-77I but still in the Upper Vermillion Missouri aquifer. Note the fluctuation of water levels due to irrigation withdrawals and the general effects of climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. For practical purposes, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007).

REVIEW OF EXISTING WATER RIGHTS/PERMITS

This area is surrounded with irrigation from the Parker Centerville aquifer and the Upper Vermillion Missouri aquifer. Interference is not expected to be a concern. Wells in the Upper Vermillion Missouri aquifer do not affect the Parker Centerville aquifer. Also the drawdown created by pumping (as shown by the observation well hydrographs) does not adversely affect withdrawals from Upper Vermillion Missouri aquifer.

CONCLUSIONS

1. Water is available from the Upper Vermillion Missouri aquifer.
2. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
3. No test wells were drilled for this application. No well log is available for the existing irrigation well (for Water Right 6335-3). The applicant requests a well 100 feet deep which should be deep enough to penetrate the Upper Vermillion Missouri aquifer but not sufficiently deep enough for an irrigation well. The well will more likely be 180 to 200 feet deep. For sure this well cannot be completed into the Parker Centerville aquifer.
4. The lands for this application are already licensed under Water Right No. 6335-3 for 99 acres. The diversion rate of 1.78 cfs can be authorized because of the rate of water needed for an irrigation system of this size.
5. The existing water license for Water Right 6335-3 is in error. The lands irrigated in both the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ do not reflect the system as constructed at the time of inspection. It does not make sense to license a system under the conditions that are purely speculative in nature. Approval of this permit application to reflect what will actually be developed in the SW $\frac{1}{4}$ of section 30 will alleviate some of this problem.

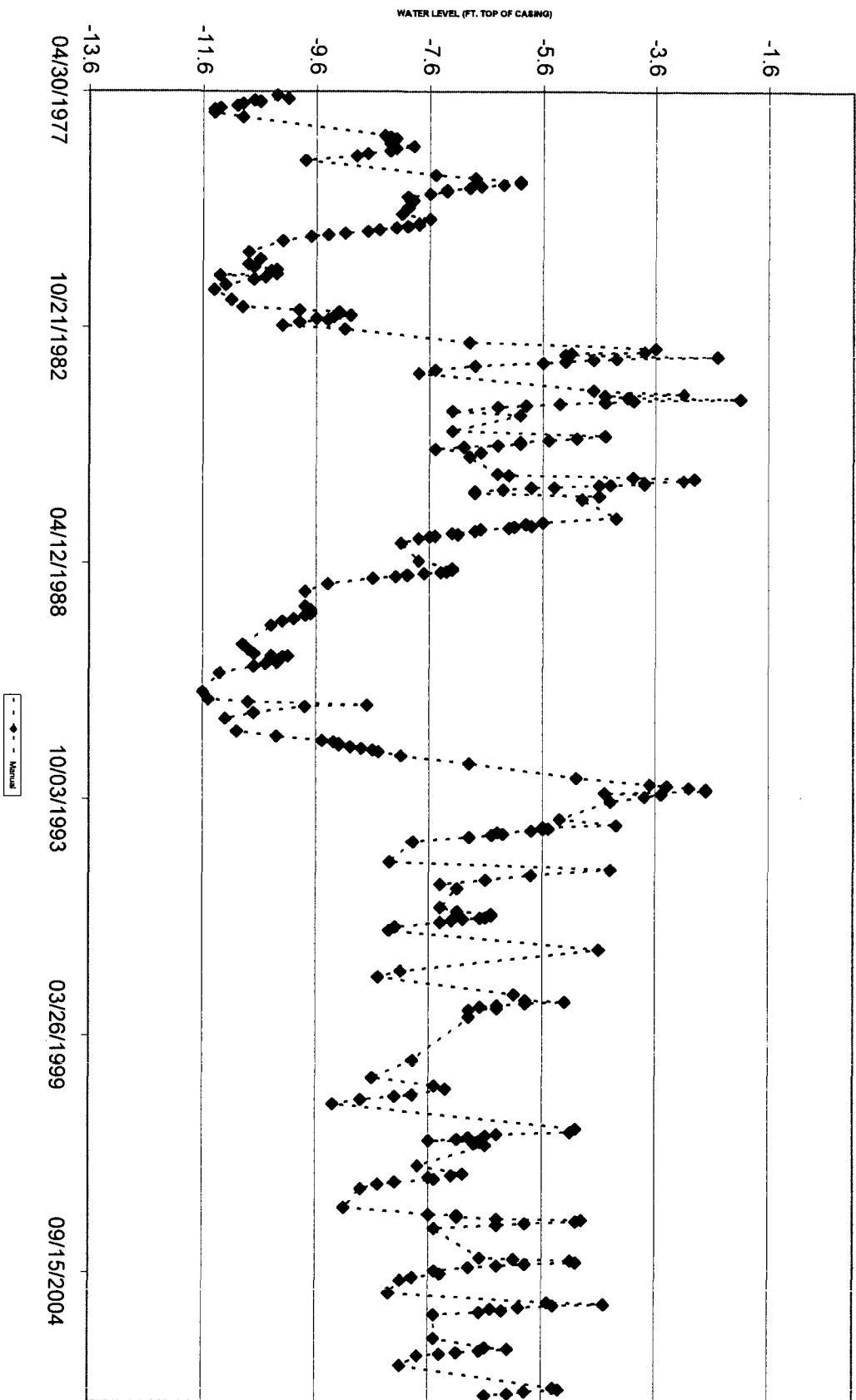

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

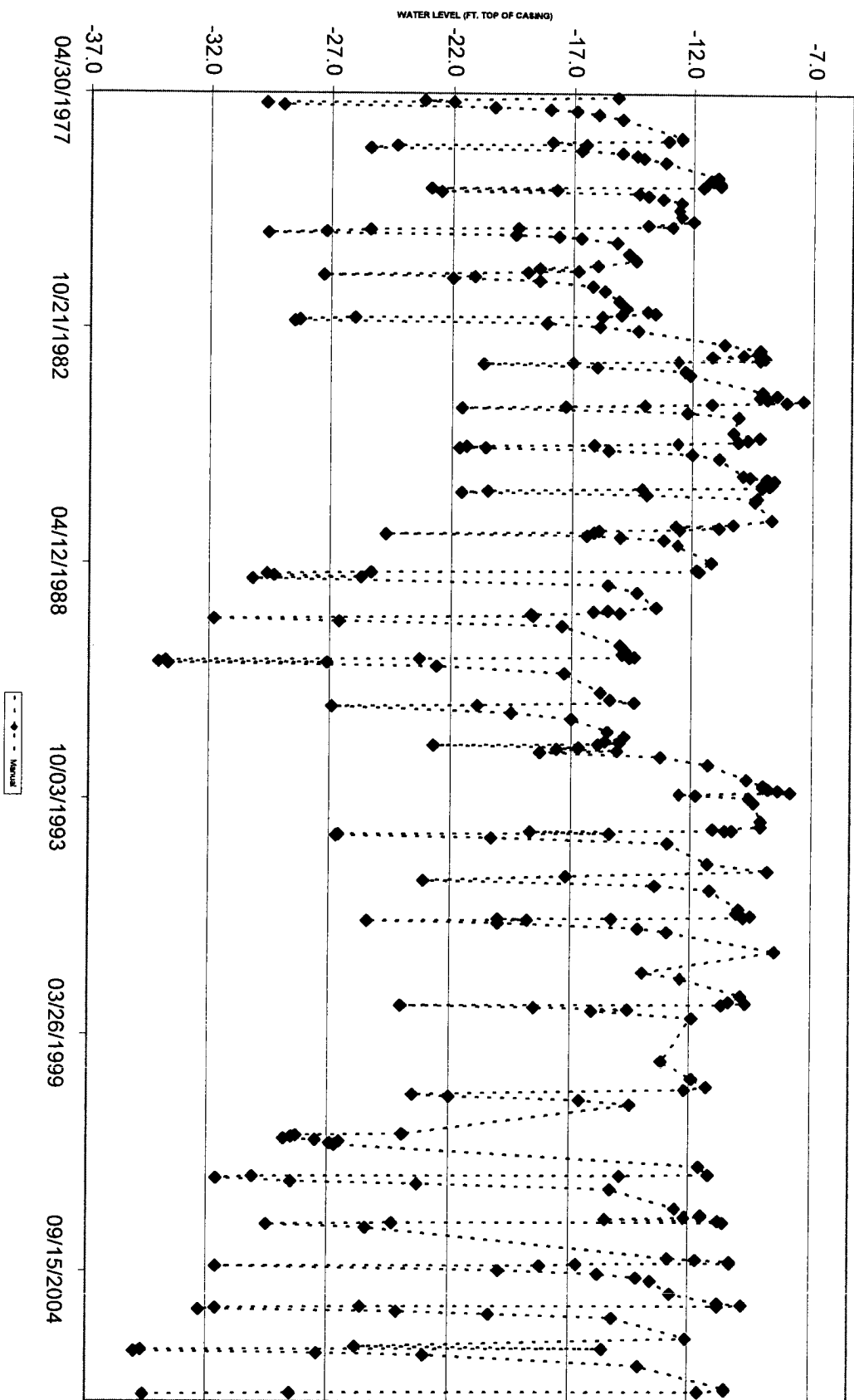
Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, WRI 90-4093, USGS, Huron, SD, 57350.

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

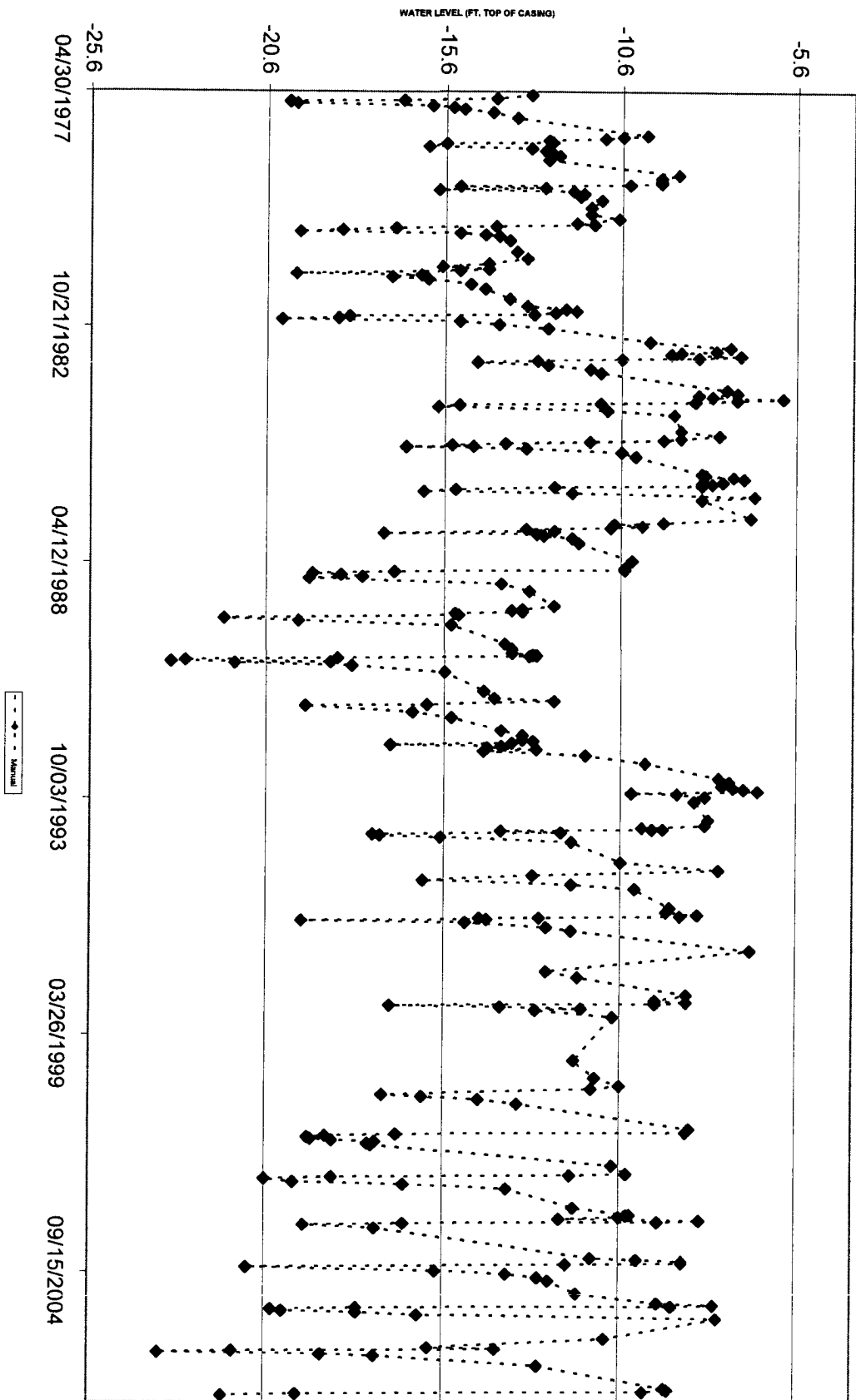
WATER RIGHTS' OBSERVATION WELL
TU-77J



**WATER RIGHTS' OBSERVATION WELL
TU-771**



WATER RIGHTS' OBSERVATION WELL TU-77H





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 28, 2007

The New Era
PO Box 579
Parker SD 57053

ATTENTION: Legal Public Notice

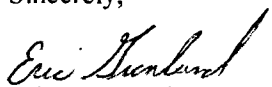
Enclosed is a Notice on Application No. 6868-3 to Appropriate Water to be published twice. Please publish the first notice on September 6, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Joe T Hummel, Po Box 27, Davis SD 57021(Ph # 605-238-5218).

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. 6868-3

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

Date _____

We are in receipt of your letter of August 28, 2007 enclosing Notice to Appropriate Water by Application No. 6868-3 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.

August 28, 2007

Joe T Hummel
PO Box 27
Davis SD 57021

Dear Mr. Hummel:

Water Permit Application No. 6868-3 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 New Era printed at Parker SD (Ph # 605-297-4419). 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.

Water Rights Program - File Documentation

NAME: The New Era

ADDRESS: Parker SD

DATE: 9-4-07 **COUNTY:** Turner **TELEPHONE:**

RE: Publication Notice for Joe Hummel

COMMENTS:

Donna called with the New Era and stated they did not receive the copy of the notice in time to publish in the paper this week. It will be published on September 13 and 20. I emailed notice to her.

I called Mrs. Hummel and explained the situation to her. The date for filing petitions will now be October 1, 2007



Karen Schlaak
Environmental Scientist

Instruction to Newspaper - Publish first Notice on September 6, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6868-3 to Appropriate Water

Notice is given that Joe T Hummel, PO Box 27, Davis SD 57021 has filed an application for a water permit to appropriate an additional 1.78 cubic feet of water per second (cfs) from an additional well to irrigate acres authorized by Water Right No. 6335-3. Water Right No. 6335-3 authorizes 1.78 cfs from one well located in the center of the SE $\frac{1}{4}$ Section 30 to irrigate 231 acres located in the SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30; all in T98N-R52W. This application proposes to appropriate an additional 1.78 cfs from an additional well to be completed into the Upper Vermillion Missouri Aquifer (approximately 100 feet deep) located in center of the SW $\frac{1}{4}$ Section 30 to irrigate 99 acres located in the SW $\frac{1}{4}$ Section 30; all in T98N-R52W. This will allow both pivots to run simultaneously. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6868-3 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 this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider 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 ~~September 24, 2007.~~

OCT 1, 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.

Affidavit of Publication

STATE OF SOUTH DAKOTA } :SS
COUNTY OF TURNER _____ }

RECEIVED
OCT - 3 2007
WATER RIGHTS
PROGRAM

I, **Donna Rumbaugh** of the City of Parker, County of Turner, State of South Dakota, being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the **Office Manager** of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

See attached

#4326 Notice of application No. 6868-3 to Appropriate Water

printed copy of hereto attached, is printed and published in the said newspaper for two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 13 day of September, 2007

On Thursday, the 20 day of September, 2007

That \$68.42 being the full amount of the fees for publication

of the attached notice insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a 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.

Donna Rumbaugh
Subscribed and sworn to before me this 14th

Day of September, 2007

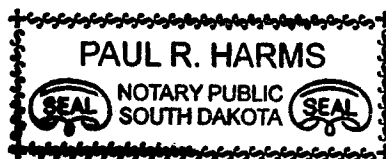
Paul R. Harms

Notary Public, Turner County, South Dakota

My Commission

Expires:

02/10
2012



Publication Fee \$

Notary Fees ..\$

Total ..\$

68.42

Received Payment Date,

**Notice of application No.
6868-3 to Appropriate
Water**

RECEIVED
OCT - 3 2007
WATER RIGHTS
PROGRAM

Notice is given that Joe T Hummel, PO Box 27, Davis SD 57021 has filed an application for a water permit to appropriate an additional 1.78 cubic feet of water per second (cfs) from an additional well to irrigate acres authorized by Water Right No. 6335-3. Water Right No. 6335-3 authorizes 1.78 cfs from one well located in the center of the SE 1/4 Section 30 to irrigate 231 acres located in the SE 1/4, N 1/2 SW 1/4, SW 1/4 SW 1/4 Section 30; all in T98N-R52W. This application proposes to appropriate an additional 1.78 cfs from an additional well to be completed into the Upper Vermillion Missouri Aquifer (approximately 100 feet deep) located in center of the SW 1/4 Section 30 to irrigate 99 acres located in the SW 1/4 Section 30; all in T98N-R52W. This will allow both pivots to run simultaneously. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6868-3 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 this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider 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 October 1, 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.

(#4326, 9/13/2007, 9/20/2007, The New Era)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 09 2007

Joe T Hummel
PO Box 27
Davis SD 57021

Dear Mr. Hummel:

Enclosed is Water Permit No. 6868-3 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

6868-3

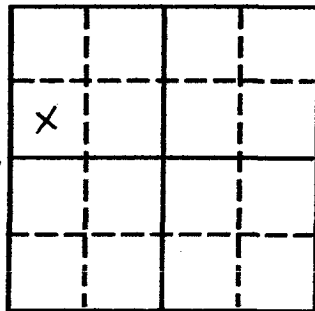
11-02

Location SW 1/4 NW 1/4 Sec 30 Twp 98N Rg 52

County

Turner

North



Please mark well location with an "X"

Well Completion Date

8-11-08

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

2600 ft from Irr. well (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
<u>sch 40</u> LB/FT	<u>12</u> IN	<u>266</u> FT	<u>53</u> FT	<u>17 3/8</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>portland</u>	<u>260</u>	<u>54</u> Lb/gal	<u>0</u> Ft	<u>20</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

pressure pull method

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 inches Length 30 Feet

Material plastic

Slot Size 1085 Set From 53 Feet to 83 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? HHT Tablets

☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Joe Hummel

Business Name:

Address: Po box 27

City, State, Zip: Davis SD 57021-0027

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top soil</u>	<u>0</u>	<u>2</u>
<u>yellow clay sandy</u>	<u>2</u>	<u>6</u>
<u>yellow sand fine</u>	<u>6</u>	<u>10</u>
<u>gray fine to medium</u>	<u>10</u>	<u>26</u>
<u>yellow clay</u>	<u>26</u>	<u>47</u>
<u>yellow gravel medium to coarse w/ L blocks</u>	<u>47</u>	<u>83</u>
<u>Blue clay</u>	<u>83</u>	<u>88</u>

STATIC WATER LEVEL 16 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

26 Ft. After 12 Hrs. pumped 900 GPM

26 Ft. After 24 Hrs. pumped 900 GPM

If pump installed, pump rate: none GPM

RECEIVED

REMARKS

MAR 19 2009

WATER RIGHTS PROGRAM

This well was drilled under license # 684

And this report is true and accurate.

Drilling firm: Kaiser Well Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

5/24/09

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit & Water Right Nos. 6335-3 & 6868-3

I have this day, April 16, 2025, made a thorough examination of the water use system constructed by Joe Hummel, PO Box 27, Davis, SD 57201 of Permit No. 6868-3, bearing the priority of July 2, 2007 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Upper Vermillion Missouri Aquifer for irrigation purposes, in Turner County.

A. Works used to divert the water:

Well Information: Well from 6868-3 (see 6335-3 for east well information)

- 1) Well Drilling Firm: Kaiser Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 83 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 53 feet
- 3) Type Plastic

Screen:

- 1) Type Plastic
- 2) Length 30 feet
- 3) Static water level 16 feet

Pump:

- 1) Make Mid America Turbine
- 2) Model #204857-08
- 3) Size Unknown
- 4) Capacity 900 GPM

Motor:

- 1) Make Electric Motor
- 2) Model No. Unknown
- 3) Horsepower rating 40 hp

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

- 1) Type Aluminum
- 2) Size 8 inches
- 3) Length 15 feet

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

- 1) Make Zimmatic
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 900 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by N

If no, describe: **West well is capable of pumping 2.0 cfs; authorized 1.78 cfs**

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: **WELL LOCATIONS**
From the SW corner Sec 30 T98N R52W; West Well 1360 ft N & 1170 ft E, 43.27558/-97.03822
(approx. center SW ¼) East Well 1440 ft N & 3705 ft E, 43.2575/-97.02876 (approx. center SE ¼)
2. The works are capable of diverting and conveying to the place of use 3.78 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:
All land in Sec 30 T98N R52W

<u>legal description/acreage</u>	<u>legal description/acreage</u>
NW 1/4 SW 1/4 - 26 acres	NE 1/4 SE 1/4 - 32 acres
NE 1/4 SW 1/4 - 30 acres	NW 1/4 SE ¼ - 39 acres
SE 1/4 SW 1/4 - 3 acres	SW 1/4 SE ¼ - 19 acres
SW 1/4 SW 1/4 - 25 acres	SE 1/4 SE ¼ - 30 acres

comprising a total of 204 acres of land and the license should be issued for 3.56 cfs.
3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

Permit No. 6868-3 authorized an additional well and increased acres. Reinspection of 6335-3 for the purpose of incorporation found originally authorized acres skewed due to non-conforming size of quarter sections at this location. The dispersal of acres will be corrected in the incorporation of 6335-3 into 6868-3.

FSA photographs and the ArcGIS software were used to estimate the irrigated acreage and to construct the map.

The pump discharge reported in a recent Irrigation Questionnaire was used to establish the flow capacity for the system.

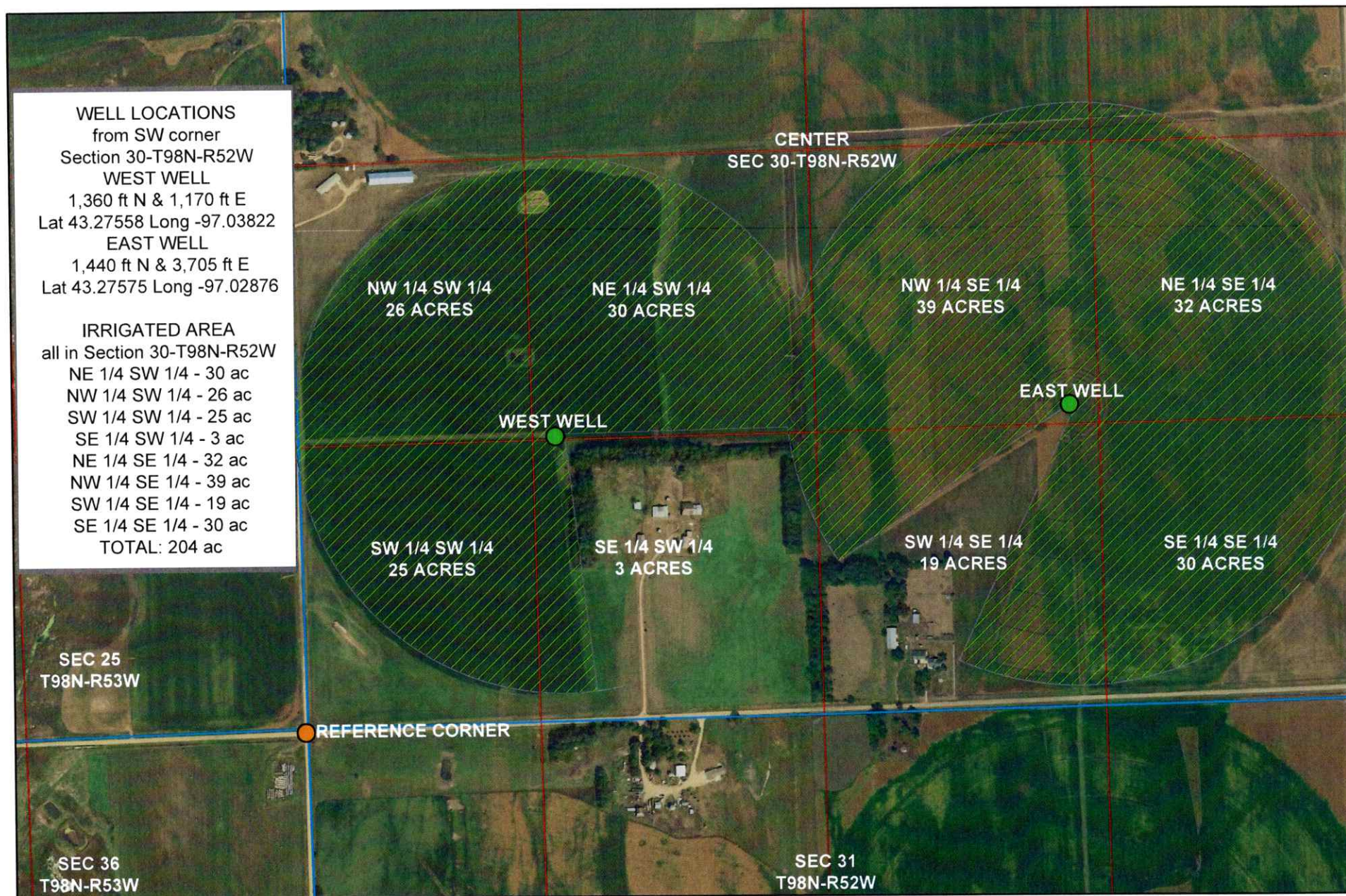
The mailing address and the telephone number in the permit materials are current.

I visited with Mr. Joe Hummel, owner (605/238-5218) during the field visit.

A handwritten signature in black ink, appearing to read 'Darrell DeBoer', written over a horizontal line.

Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: April 22, 2025



0 500 1,000 2,000 3,000 4,000 Feet

Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

NAME: Joe Hummel

ADDRESS: PO Box 27, Davis SD 57201

DATE: May 16, 2025 COUNTY: Turner

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is only 204 of the originally authorized 231 acres. No increase to the rate of diversion is authorized.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The permit holder relocated 3 acres into the SE ¼ SW ¼ contiguous to the other authorized acres located in the SW ¼; all in Section 30, T98N-R52W. Additionally, the inspection also found the section lines in the permitted area to be non-conforming, resulting in changes to the acre values originally licensed under Water Right No. 6335-3.

- **Owned by Same Property Owner**

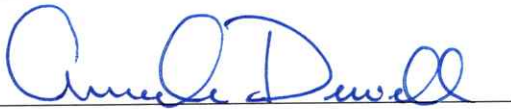
All the property involved is owned by Joe and Leann Hummel, according to Regrid.com.

- **Developed Prior to Expiration of Construction Period**

The construction completion date was to be completed by March 20, 2028. According to annual irrigation questionnaire submissions, irrigation began in 2023.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 3 acre area be included in the water license and the originally licensed figures adjusted for a more accurate representation of the system as developed.



Amanda Dewell, Permitting Administrator
Water Rights Program

The acting Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Mark Mayer, PE
Director of Office of Water



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

MAY 16 2025

6868-3

Joe Hummel
PO Box 27
Davis SD 57201

Dear Mr. Hummel:

Enclosed is Water License No. 6868-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

NOTES: The applicable portions of Water Right No. 6335-3 have been incorporated into Water Right No. 6868-3. The investigation found your irrigation system capable of diverting 3.79 cubic feet of water per second (cfs) which is equivalent to approximately 1,700 gallons per minute. The combined rate of diversion under Water Right No. 6335-3 & Permit No. 6868-3 was limited to 3.56 cfs (approx. 1,600 gpm). Diversion of water under this water license is limited to 3.56 cfs.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6868-3**

(1) Water Right No. 6335-3, held by Joe Hummel, PO Box 27, Davis SD 57201, bearing priority dates of December 16, 1996 & January 26, 2002, authorized the diversion of 1.78 cubic feet of water per second (cfs) from groundwater, one well (Upper Vermillion Missouri Aquifer), for irrigation purposes in Turner County, South Dakota. The applicable portions of Water Right No. 6335-3 have been incorporated into this license.

Joe Hummel made Application No. 6868-3, July 2, 2007, for a water permit to divert an additional 1.78 cfs, to what was already authorized under Water Right No. 6335-3, from groundwater, one additional well (Upper Vermillion Missouri Aquifer), Turner County, South Dakota, for irrigation purposes. Permit No. 6868-3, with a priority date of July 2, 2007, was approved October 1, 2007, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 1, 2012, and for the application to beneficial use of water on or before October 1, 2016.

An investigation conducted for licensing purposes found acreage developed outside of the permitted area. Additionally, the inspection also found the section lines in the permitted area to be non-conforming, resulting in changes to the acre values originally licensed under Water Right No. 6335-3. Pursuant to SDCL 46-5-30.5 and ARSD 74:02:01:14.01, the acting Chief Engineer made a finding that the change in acreage did not impair existing water rights and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.56 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- West Well: 1,360 ft N & 1,170 ft E of the SW corner Section 30, T98N, R52W (approx. center SW $\frac{1}{4}$) (Latitude 43.27558 & Longitude -97.03822)
- East Well: 1,440 ft N & 3,705 ft E of the SW corner Section 30, T98N, R52W (approx. center SE $\frac{1}{4}$) (Latitude 43.27575 & Longitude -97.02876)

(3) The amount of 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: May 1 – September 30.

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

Section 30, T98N, R52W			
NE $\frac{1}{4}$ SW $\frac{1}{4}$	30 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	32 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	26 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	39 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	25 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	19 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	3 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	30 acres
TOTAL: 204 acres			

(5) Pursuant to South Dakota Water Law 46-5-30.1 Joe Hummel, the holder and/or owner of Water Right No. 6868-3 is issued a license to appropriate water, the right to use 3.56 cubic feet of water per second from

continued

groundwater, two wells (Upper Vermillion Missouri Aquifer), with priority dates listed below, from the locations specified in (2) of this license for irrigation purposes.

December 16, 1996	1.78 cfs	132 acres
January 26, 2002		72 acres
July 2, 2007	1.78 cfs	

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6868-3 and subject to the following qualifications:

1. The well approved under Permit No. 6868-3 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. The well authorized by Permit No. 6868-3 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. *(The well was drilled in 2008 by Kaiser Well Drilling. A copy of the well completion report is on file with the Water Rights Program.)*
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Pursuant to SDCL 46-5-6, which allows a greater diversion rate if the method of irrigation, time constraints, or type of soil so requires, Permit No. 6868-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 99 acres with an annual volume not to exceed 2 acre-feet of water per acre per year. *(The incorporation of Water Right No. 6335-3 into Water Right No. 6868-3 has resulted in an increase to the rate of diversion to 3.56 cfs and the number of irrigated acres to 204, based on the system as developed.)*



Mark Mayer, PE
Director of Office of Water
Department of Agriculture and Natural Resources



