

WATER PERMIT NO. 6879-3

Name of Applicant: **Jerry Duhaime**

Address: **48003 325th St, Elk Point SD 57025**

Phone: **605 356-2714**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **124**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Union**

Type of Waste Disposal System:

Location: **1 mile southeast of Elk Point**

PRIORITY

Date Received: **8-13-07**

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

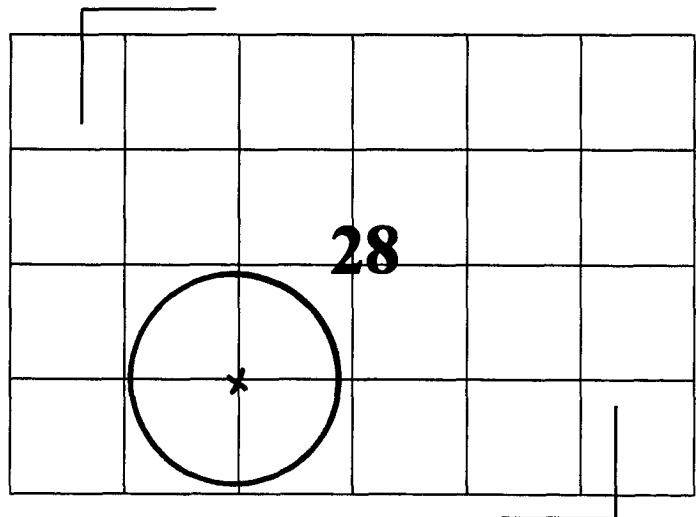
Corrected Application Received:

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

Remarks:

Diversion Point: **Center of SW ¼ Sec 28-T91N-R49W**

Land to be Irrigated: **SW ¼ Sec 28-T91N-R49W**



Depth of Well: **140 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Kevin G Beermann, NRCS**

Reviewed and the Number Assigned on: **8-13-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED

AUG 13 2007

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6879-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Leader Courier P.O. Box 310</u>
	<u>605-356-2632</u> <u>Elk Point 57025</u>

Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant Jerry Duhaine Phone 605-356-2714
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 48003 355st Elk Point State SD 57025
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78*CFS or 800 **GPM ***AF Total Acreage 124
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ground
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Union
SW 1/4 section 28-91N-49W (see map)
- County or counties where water will be used union
- Annual period during which water is to be used April - October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 28-91-49	124		

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

Appropriate ground water for center
pivot irrigation to apply to row crops
primarily corn and soy beans

STATE OF SOUTH DAKOTA)

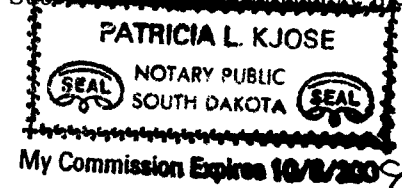
County of Union

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, Jerry Duhaine, 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 Jerry Duhaine

Subscribed and sworn to before me this 9th day of August 20 07



Patricia L. KJose
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6879-3**

Date of first receipt of application August 13, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6879-3 to Jerry Duhaime, 48003 325th St, Elk Point SD 57025 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. 6879-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 140 feet deep) located in center of the SW 1/4 Section 28 to irrigate 124 acres located in the SW 1/4 Section 28; all in T91N-R49W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is August 13, 2007.
4. The date of approval of Permit No. 6879-3 is September 24, 2007.
5. One-fifth of the construction is to be completed on or before March 24, 2010.
6. All construction is to be completed on or before September 24, 2012.
7. Water is to be put to beneficial use on or before September 24, 2016.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6879-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

OCT 19 2007

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16" Depth 140'
- b) Casing Type PVC Diameter 12" Thickness SCH 40
- c) Screen Type PVC slotted Diameter 12" Thickness 60 slot SCH 40
- d) Gravel Pack Akron Well Pack Length of Gravel Pack 70'
- e) Depth to Top of Water Bearing Material 75'
- f) Depth to Water (ground surface to water level) 18'
- g) Distance to nearest existing domestic well:

On applicants property N/A On property owned by others more than 1/4 mi

2. Wastewater Disposal System Information

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

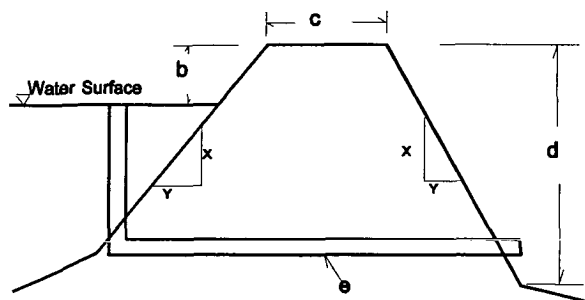
3. Dugout Information

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

4. Water Storage Dams

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

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



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

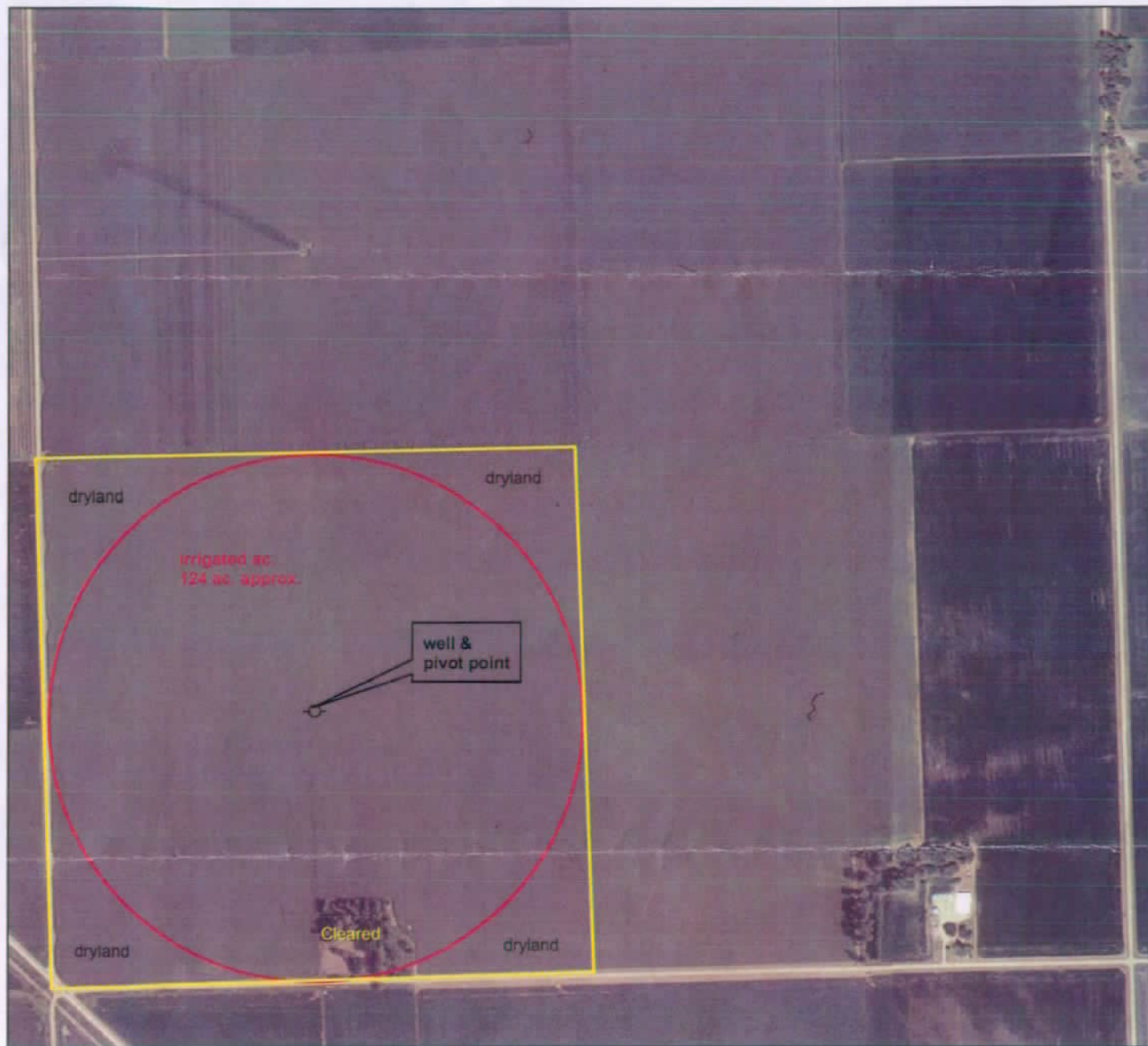
IRRIGATION PERMIT PLAN MAP

Date: 7/11/2007

Customer(s): JERRY LEROY DUHAIME
District: UNION COUNTY CONSERVATION DISTRICT

Field Office: ELK POINT SERVICE CENTER
Agency: NRCS
Assisted By: Kevin G Beermann
State and County: SD, UNION

Legal Description: SW1/4 28-91-49



Kevin G Beermann
R C T

Legend

-  water_permit
-  pivot_(Point)
-  irrigated_ac.(Polygon)



440 0 440 880 1,320 1,760 Feet



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/13, 2007

RECEIVED OF Duhaime Farms 48003 325th St Elk Point SD 57025

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

Fee for Application for Permit No. <u>6879-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6879-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300 00

No.

03119

By

Edward Erbe

Chief Engineer

2



**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. 6879-3, Jerry Duhaime**

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. 6879-3, Jerry Duhaime, 48003 325th Street, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 6879-3 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 this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6879-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 27, 2007

Report on Application for Water Right
Permit No. 6879-3
Jerry Duhaime
15 August 2007

Application No. 6879-3 is a new application proposing to appropriate 1.78 cfs from the Missouri-Elk Point aquifer in Union County, SD. The water is to be used for irrigation on 124 acres of land located at SW¼ Sec 28-T91N-R49W which is approximately 1 mile southeast of Elk Point, SD. The statutory limit of 1 cfs appropriated to irrigate 70 acres equals a diversion rate of 1.77 cfs when applied to 124 acres. The proposed diversion consists of one well to be constructed to the Missouri-Elk Point aquifer. The proposed period of use is April 1st to October 1st of each year.

Aquifer – Missouri-Elk Point (M-EP)

The Missouri-Elk Point aquifer is a surficial outwash (unconsolidated gravel and sand) located in southeastern South Dakota. It underlies nearly all of Union County and extends to Clay and Yankton Counties to the west. It averages 84 feet thick and the top of the aquifer ranges from 0 to 105 feet below the land surface. The Missouri-Elk Point is overlain by alluvium and underlain by the Dakota aquifer (Niehus, 1994). It blends into the Lower Vermillion-Missouri aquifer to the north and the Big Sioux aquifer to the northeast (**figure 1**).

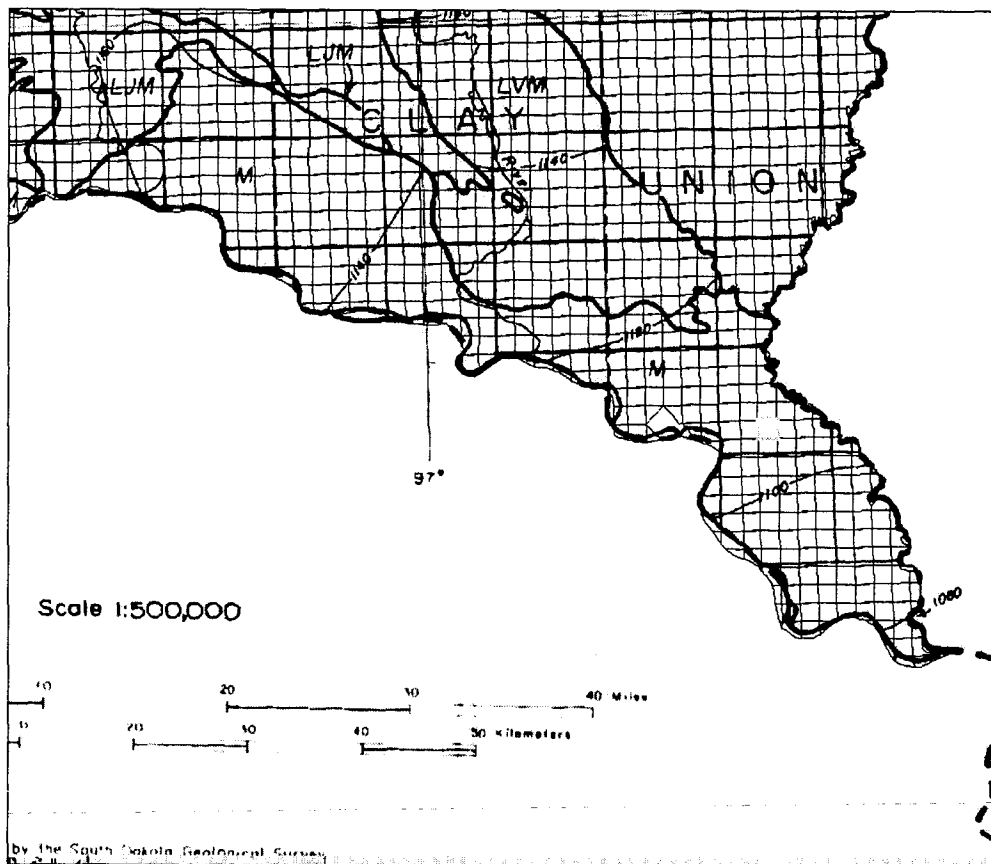


Figure 1: Aquifer map

The Missouri-Elk Point is hydraulically connected to both the Lower Vermillion and the Big Sioux aquifers and is recharged, in part, by both adjoining aquifers as well as from the underlying Dakota aquifer (Niehus, 1994). The general direction of flow in the Missouri-Elk Point is to the southeast (Niehus, 1994). The Missouri-Elk Point, in southern Union County, discharges primarily to the Big Sioux River (Niehus, 1994). Drainage in the far northwest of

Union County is to the Vermillion River (Niehus, 1994). The aquifer underlies 99,600 acres of Union County with approximately 1.5 million acre-feet of recoverable water (Hedges, 1982).
Water availability

The Water Rights program operates a monitoring well approximately 1,900 feet south-west of the proposed site that is completed to the Missouri-Elk Point aquifer. The hydrograph of this observation well (UN-80E) is displayed in **figure 2**. Observation well UN-77M is located approximately 2 miles northwest of the site; its hydrograph is displayed in **figure 3**.

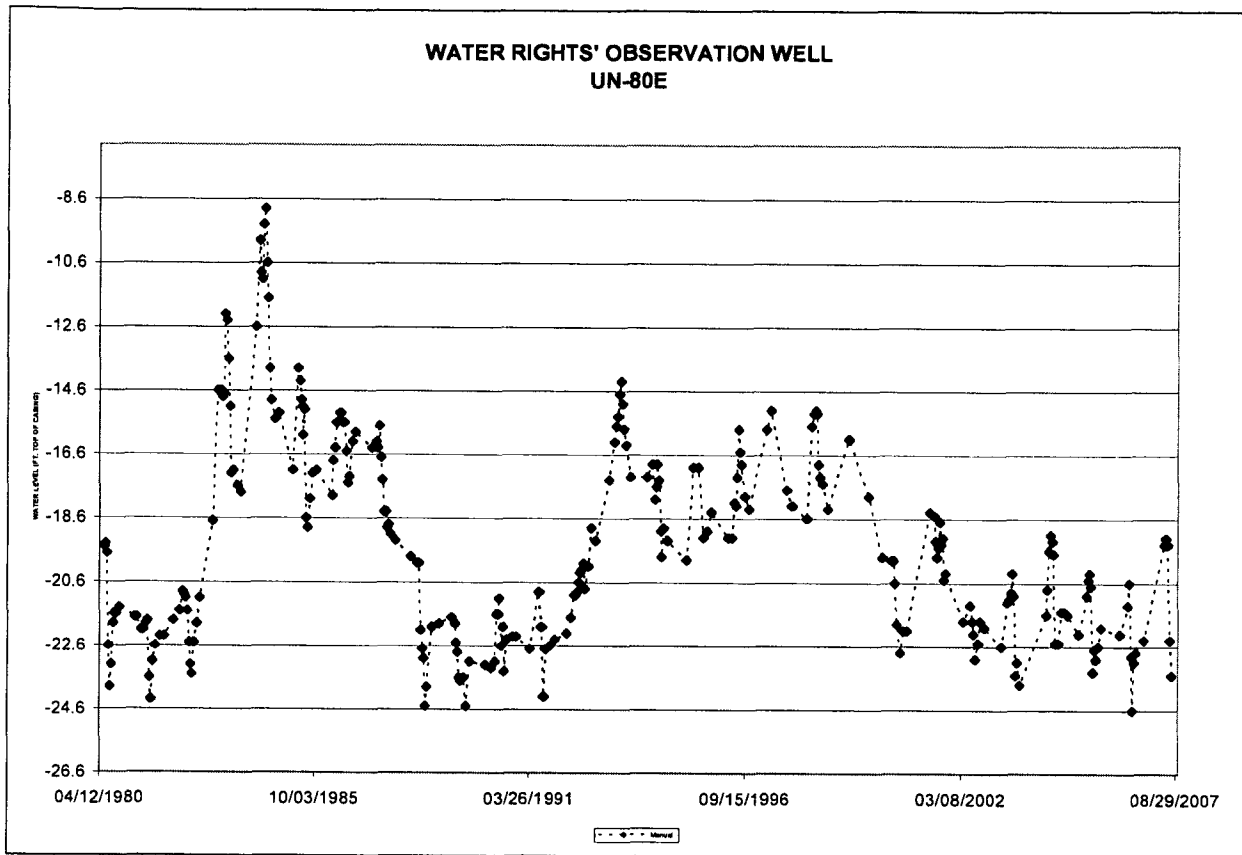


Figure 2: Observation well water levels

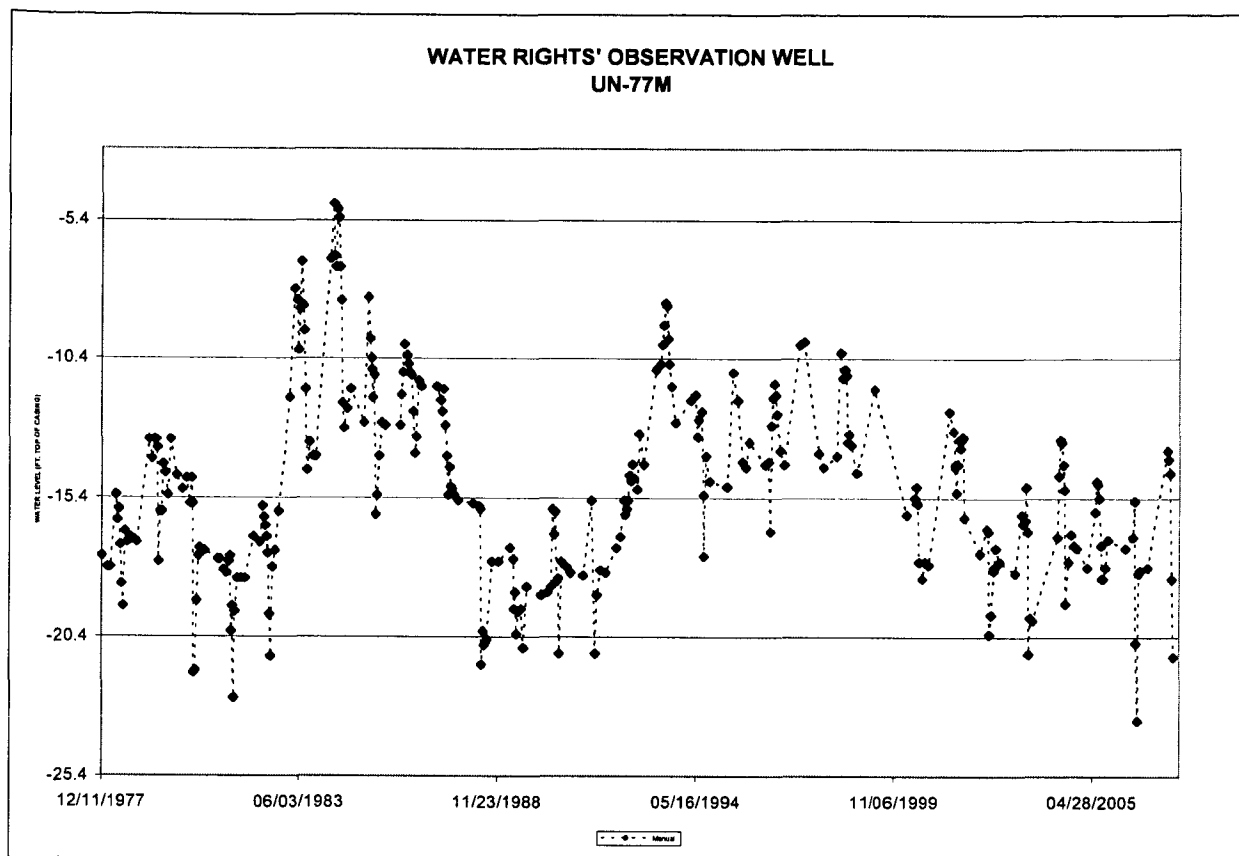


Figure 3: Observation well water level

The hydrographs in **figures 2 and 3** indicate that the aquifer is responding well to climatic conditions, rising water levels in wet years and gradually declining water levels in dry years. The eleven reporting years between 1996 and 2006 had a recorded average of 317 permits that appropriated 127,184.71 ac-ft of water from the aquifer annually. The reported amount used for that same time period averaged 20,115.02 ac-ft or 15.8% of the appropriated water annually.

Review of Existing Permits

Water Right No. 3353-3 is located 3,000 feet northwest of the proposed site. It appropriates 1.71 cfs from the Missouri-Elk Point aquifer. Water right No. 3677-3 is approximately 1,700 feet southeast of the proposed site and appropriates 1.71 cfs from the Missouri-Elk Point. Water right No. 1761-3 is approximately 4,000 feet southeast of the proposed site and appropriates 1.1 cfs of the waters of the Missouri-Elk Point aquifer. There are no other water rights or permits within one mile of the proposed site.

Conclusions

1. The Missouri-Elk Point aquifer is under water table conditions in southern Union County.
2. There is unappropriated water available in the Missouri-Elk Point aquifer.
3. The proposed appropriation can be developed without unlawfully impairing existing water rights.
4. The well authorized by Permit No. 6879-3 shall be constructed by a licensed well driller and shall comply with all applicable well construction rules and standards.

Mark Costello

Mark Costello

Natural Resources Engineer

Reviewed by:

James A. Goodman

James Goodman, P.E

Natural Resources Engineer

Bibliography

Hedges, L. S. et al., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Big Sioux River, South Dakota and Iowa, for Planning Division, U.S Army Corps of Engineers, SDDENR, SDGS, Vermillion, SD. 57069.

Niehus, C., Water Resources of Lincoln and Union Counties, South Dakota, US Geological Survey, Water-Resource Investigations Report 93-4195. Rapid City, SD. 1994.

Water Rights, Observation Well Information. South Dakota Department of Environment and Natural Resources Pierre, SD. 57501. Accessed 13 August 2007.

RECEIVED

SEP 17 2007

WATER RIGHTS
PROGRAM

Form 8

**NOTICE OF APPLICATION
NO. 6879-3 TO
APPROPRIATE WATER**

Notice is given that Jerry Duhaime, 48003 325th St, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri: Elk Point Aquifer (approximately 140 feet deep) located in center of the SW1/4 Section 28 to irrigate 124 acres located in the SW 1/4 Section 28; all in T91N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6879-3 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.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.

Publish September 6 and 13, 2007
36-7-68

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Union) SS

I, Susan Odson

certify that the attached printed Notice was
taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

September 6, 2007

September 13, 2007

Cost of Printing \$ 45.23

Susan Odson
(Signature)

Affidavits Coordinator
(Title)

9/13/07
(Date Signed)



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

Leader Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

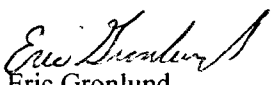
Enclosed is a Notice on Application No. 6879-3 to Appropriate Water to be published twice. Please publish the first notice on September 6, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Jerry Duhaime, 48003 325th St, Elk Point SD 57025 (Ph # 605-356-2714).

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. 6879-3

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. 6879-3 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

Jerry Duhaime
48003 325th St
Elk Point SD 57025

Dear Mr. Duhaime:

Water Permit Application No. 6879-3 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 Leader Courier printed at Elk Point SD (Ph # 605-356-2632). 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 September 6, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6879-3 to Appropriate Water

Notice is given that Jerry Duhaime, 48003 325th St, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 140 feet deep) located in center of the SW ¼ Section 28 to irrigate 124 acres located in the SW ¼ Section 28; all in T91N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6879-3 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.

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.



OCT 19 2007

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Jerry Duhaime
48003 325th St
Elk Point SD 57025

Dear Mr. Duhaime:

Enclosed is Water Permit No. 6879-3 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

6879-3

RECEIVED

DEC 21 2007

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 12-14-07TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Jerry Duhaime
(name)48003 325th St
(address)Elk Point SD 57025
(city, state, zip)605-356-2714
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

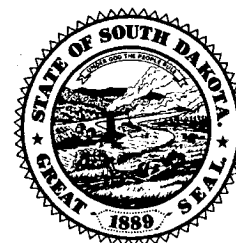
Water Permit No. 6879-3 states that the water use system is to be constructed by 11-30-07, and water is to be put to beneficial use by 5-1-08.
(date) (date)

The water use system was completed on 11-20-07.
(date)

Applying the water to beneficial use was completed on 11-20-7.
(date)

You may schedule an investigation so that the water license may be issued.

Jerry Duhaime
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 26, 2007

6879-3

Jerry Duhaime
48003 325th St
Elk Point SD 57025

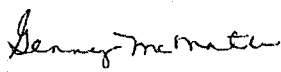
Dear Mr. Duhaime:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

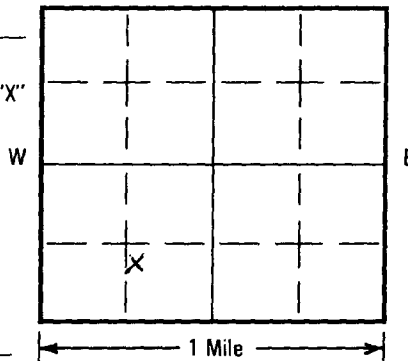

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6879-3
07-92

Location SE 1/4 SW 1/4 Sec 28 Twp 91N Rg 49W
County Union

Please mark well location with an "X"



Well Completion Date

7-5-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? N/A ft. from N/A (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SC40 LB/FT</u>	<u>12 IN</u>	<u>0 FT</u>	<u>100 FT</u>	<u>18 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	_____	_____ lb./gal	<u>30 ft</u>	<u>8 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pumped in

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 12 IN Length 40 FEET

Material PVC

Slot Size .50 Set From 100 Feet to 140 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: _____

☒ NO, Why Not? _____

Laboratory sent to for water quality analysis

Irrigation well

Well Owner: Jerry Duhaime

Business Name: _____

Address: 48003 325th St.

Elk Point, SD 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Heavy clay	0	5
Wet clay	5	46
Silt	46	49
Fine sand	49	50
Medium sand	50	85
Medium gravel*	85	142
* Rock @ 124'		

STATIC WATER LEVEL 18'6" Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ Pumped

☐ Bailed

☐ Other

Describe: Pumped with customer's permanent pump

Pumping Level Below Land Surface

31 ft. After 1 1/2 Hrs. pumped 1000 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 800 GPM

REMARKS

RECEIVED

JAN 30 2008

WATER RIGHTS PROGRAM

This well was drilled under license # 667

And this report is true and accurate.

Drilling firm Dakota Drilling & Backhoe, Inc.

Signature of License Representative:

Vernon E. Vapoc

Signature of Well Owner or Equitable Property Holder:

Date: _____

Permit No. 6879-310170203 Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day, August 20, 2013, made a thorough examination of the water use system constructed by Jerry Duhaime of Elk Point, SD holder of Permit No. 6879-3, bearing the priority of August 13, 2007 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Missouri: Elk Point aquifer for irrigation purposes, in Union County.

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

A. Works used to divert the water:

One well is in place with a submersible pump that is capable of producing 1.78 cfs (800 gpm).

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

The well is 12 ft from the pivot point. Water is conveyed via 8 in steel pipeline. The system is powered by a submersible motor.

C. Works used to apply water to beneficial use:

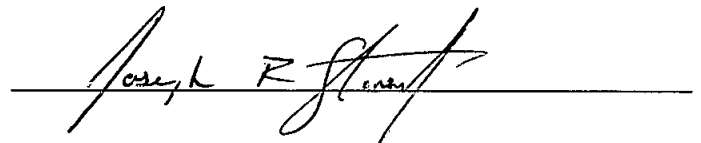
Center pivot with end gun, 1,295 ft in length with 7 towers. Capacity is 1.89 cfs (850 gpm).

The system is in the following condition: good. The point of diversion is located 1,320 ft north and 1,320 ft east of the SW corner of Section 28, T91N-R49W (42.667583 °N, 96.640683°W). The works are capable of diverting and conveying to the place of use 1.78 cfs of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

31 ac	NW¼ SW¼	Section 28, T91N-R49W
31 ac	SW¼ SW¼	Section 28, T91N-R49W
31 ac	SE¼ SW¼	Section 28, T91N-R49W
31 ac	NE¼ SW¼	Section 28, T91N-R49W

comprising a total of 124 acres of land and the license should be issued for 1.78 cfs. Applicable permit qualifications have been complied with: Yes.

Date: May 28, 2014



REPORT ON INSPECTION OF PERMIT NO. 6879-3

DATE: 8/20/13

Other permit(s) associated with the project: none

DIVERSION POINT(S) LEGAL LOCATION(S):

Center of SW¼ Section 28, T91N-R49W (42.667583 °N, 96.640683°W)

WELL INFORMATION:

- 1) Well Drilling Firm: Dakota Drilling and Backhoe, Inc
- 2) Depth, feet: 142'
- 3) Well Log is available Y/N: Yes

Casing:

- 1) Diameter, inches: 12"
- 2) Length, feet: 100'
- 3) Type: sch 40 plastic

Screen:

- 1) Type: 0.50 slot PVC
- 2) Length, feet: 40'
- 3) Static water level, feet: 18.5' (7/5/07)

Pump:

- 1) Type: submersible
- 2) Capacity: 800 GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type: steel
- 2) Size, inches: 8"
- 3) Length, feet: 12'

SYSTEM TYPE:

Center pivot:

- 1) Make: Valley / Lindsey Manufacturing Company
- 2) Overall length, feet: 1,295'

- 3) Number of towers: 7
- 4) Pressure: 40 PSI
- 5) End gun Y/N: Yes
- 6) Capacity, gallons per minute: 850 gpm

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y/N: No

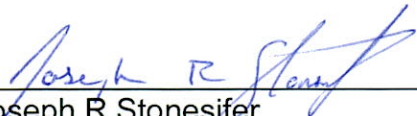
PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y/N: Yes
- 2) All structures, wells and lands on map Y/N: Yes
- 3) Irrigation Questionnaires check to determine if permit owner started irrigation by the end of construction period Y/N: Yes

Jerry Duhaime
Water Permit No. 6879-3



0 0.125 0.25 0.5 Miles


Joseph R Stonesifer
SD DENR Water Rights Program
May 28, 2014



	Well Location
	Irrigated Acres
	Section Boundaries
FSA - 2012	



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



JUN 18 2014

6879-3

Jerry Duhaime
48003 325th St
Elk Point SD 57025

Dear Mr. Duhaime:

Enclosed is Water License No. 6879-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6879-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6879-3**

(1) Jerry Duhaime, 48003 325th St, Elk Point SD 57025 made Application No. 6879-3, August 13, 2007 for a water permit to divert 1.78 cubic feet of water per second from ground water (one well, Missouri Elk Point Aquifer), Union County, South Dakota for irrigation purposes. Permit No. 6879-3, with a priority date of August 13, 2007 was approved September 24, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 24, 2012 and for the application to beneficial use of said water on or before September 24, 2016.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use.

The location of the diversion point is 1,320 feet north and 1,320 feet east of the SW corner of Section 28, T91N, R49W (center of SW ¼).

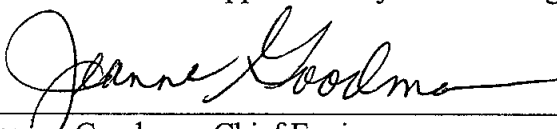
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T91N, R49W Section 28	NW ¼ SW ¼	31 acres
	SW ¼ SW ¼	31 acres
	SE ¼ SW ¼	31 acres
	NE ¼ SW ¼	31 acres
	Total	124 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jerry Duhaime, 48003 325th St, Elk Point SD 57025 the holder and/or owner of Water Right No. 6879-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well, Missouri Elk Point Aquifer) with a priority date of August 13, 2007 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6879-3 and subject to the following qualifications:

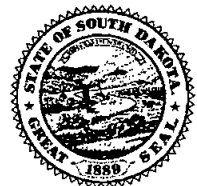
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6879-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. ***Well drilled in July, 2007 by Dakota Drilling and Backhoe, Inc. A copy of the well log is on file with the Water Rights Program.***
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

JUN 19 2014

date



6879-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 6, 2018

6879-3

Jerry Duhaime
619 Fawn Holw
N Sioux City SD 57049

Dear Mr. Duhaime:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaire.

The notice was originally mailed to 48003 325th St, Elk Point 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

6879-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date February 7, 2022RECEIVED OF Duhaime Farm Account 619 Fawn Hollow Dakota Dunes SD 57049

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	\$ _____
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>6879-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Ironlund
Chief Engineerme

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

FEB 07 2022

WATER RIGHTS
PROGRAM

No.

6879-3

Date:

2/3/22

PAID

FEB 7 2022
Ck# 8488

Rec't#

I/We request that Water Right No. 6879-3

formerly owned by: Jerry Duhaime

be transferred to: (name & address) Sandra Duhaime

1619 Fawn Hollow

Dakota Dunes, SD 57049

Telephone No. 712-204-6300

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

124 acres – SW ¼ Section 28, T91N, R49W

I/We understand that the validity of Water Right No. 6879-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Sandra Duhaime, the new owner, certify that the above information is true and correct.

Sandra Duhaime
(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.

6879-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 16, 2022

6879-3

Sandra Duhaime
619 Fawn Hollow
Dakota Dunes SD 57049

Dear Ms. Duhaime:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 6879-3.

The ownership change has been completed. The water right formerly listed under Jerry Duhaime is now listed in your name.

Thank you for updating the water right. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure



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

January 20, 2022

NOTICE

TO: JERRY DUHAIME, 619 FAWN HOLW, N SIOUX CITY, SD 57049
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6879-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6879-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6879-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: INRSTG**

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



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

January 24, 2022

6879-3

Sandra Duhaime
619 Fawn Holw
N Sioux City SD 57049

Dear Ms. Duhaime:

Thank you for calling about your irrigation questionnaire. I followed up with Reid and obtained the information for the questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water 6879-3. Future irrigation questionnaires will be directed to Reid Duhaime.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure