

WATER PERMIT NO. 6883-3

Name of Applicant: **Lloyd Terrill**

Address: **415 N Idaho St, Clark SD 57225** Phone: **605 532-3218**

Amount of Water Claimed: **1.88** Total Acres: **132**

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

Water to be used for: **irrigation** County: **Clark**

Type of Waste Disposal System:

Location: **8 miles southwest of Clark**

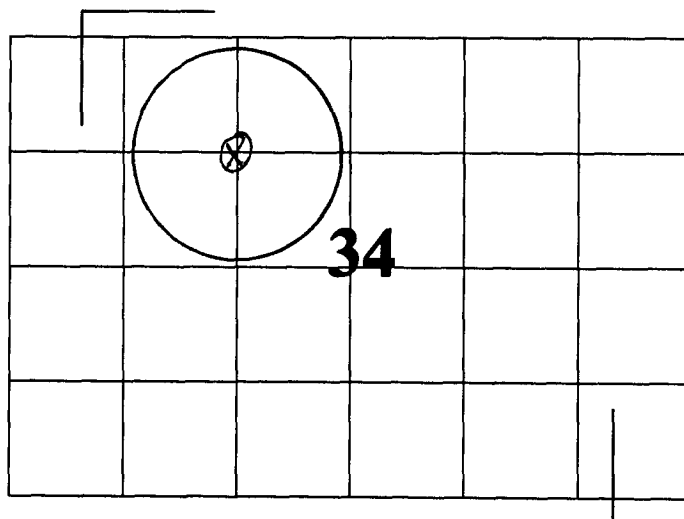
PRIORITY Date Received: **8-23-07** Application/License Fee: **\$300**

Corrected Application Received: Period of Annual Use: **April 1 – October 31**

Remarks: **Land was once authorized for irrigation under Water Right No. 3013-3**

Diversion Point: **center NW ¼ Sec 34-T116N-R59W**

Land to be Irrigated: **NW ¼ Sec 34-T116N-R59W**



Depth of Well: **115 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **8-27-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6883-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Clark Co. Courier 119 1st Ave</u>
	<u>605-532-3654</u> <u>Clark SD 57225</u>

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AUG 23 2007

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

cell phone 881-2005

1. Name of Applicant Lloyd Terrill Phone 532-3218
 (check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address 415 N. Idaho Street Clark State SD 57225
 (Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.88 *CFS or **GPM ***AF Total Acreage 132
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply ground water
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clark
 approximate center of the NW 1/4 Section 34, T116N, R59W
5. County or counties where water will be used Clark
6. Annual period during which water is to be used April 1 - October 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 NW 1/4 Section 34, T116N, R59W	33		
NE 1/4 NW 1/4	33		
SW 1/4 NW 1/4	33		
SE 1/4 NW 1/4	33		

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

Establish new center pivot irrigation in the NW 1/4 of Section 34, T116N, R59W. This land was once authorized for irrigation under Water Right No. 3013-3

STATE OF SOUTH DAKOTA)

County of Hughes

SS

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

Applicant's signature

Subscribed and sworn to before me this 23 day of August 2007Brenda Anderson

Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6883-3 FOR IRRIGATION

Date of first receipt of application August 23, 2007.

The Water Management Board approved Water Permit No. 6883-3 on March 11, 2008 for Lloyd Terrill, 415 N Idaho St, Clark SD 57225 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. 6883-3 appropriates 1.88 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 115 feet deep) located in center in the NW ¼ Section 34 to irrigate 132 acres located in the NW ¼ Section 34; all in T116N-R59W.
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 23, 2007.
4. One-fifth of the construction is to be completed on or before September 11, 2010.
5. All construction is to be completed on or before March 11, 2013.
6. Water is to be put to beneficial use on or before March 11, 2017.
7. 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. 6883-3 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

APR 08 2008
date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 115
- b) Casing Type _____ Diameter 16 Thickness _____
- c) Screen Type _____ Diameter 16 Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property 1/2 mile south On property owned by others 3/4 mile SW (Meyers

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

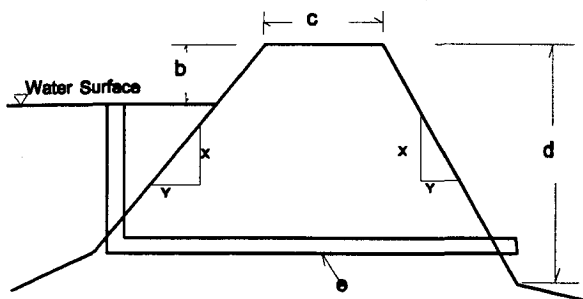
3. Dugout Information

- 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

Water Permit Application for Lloyd Terrill

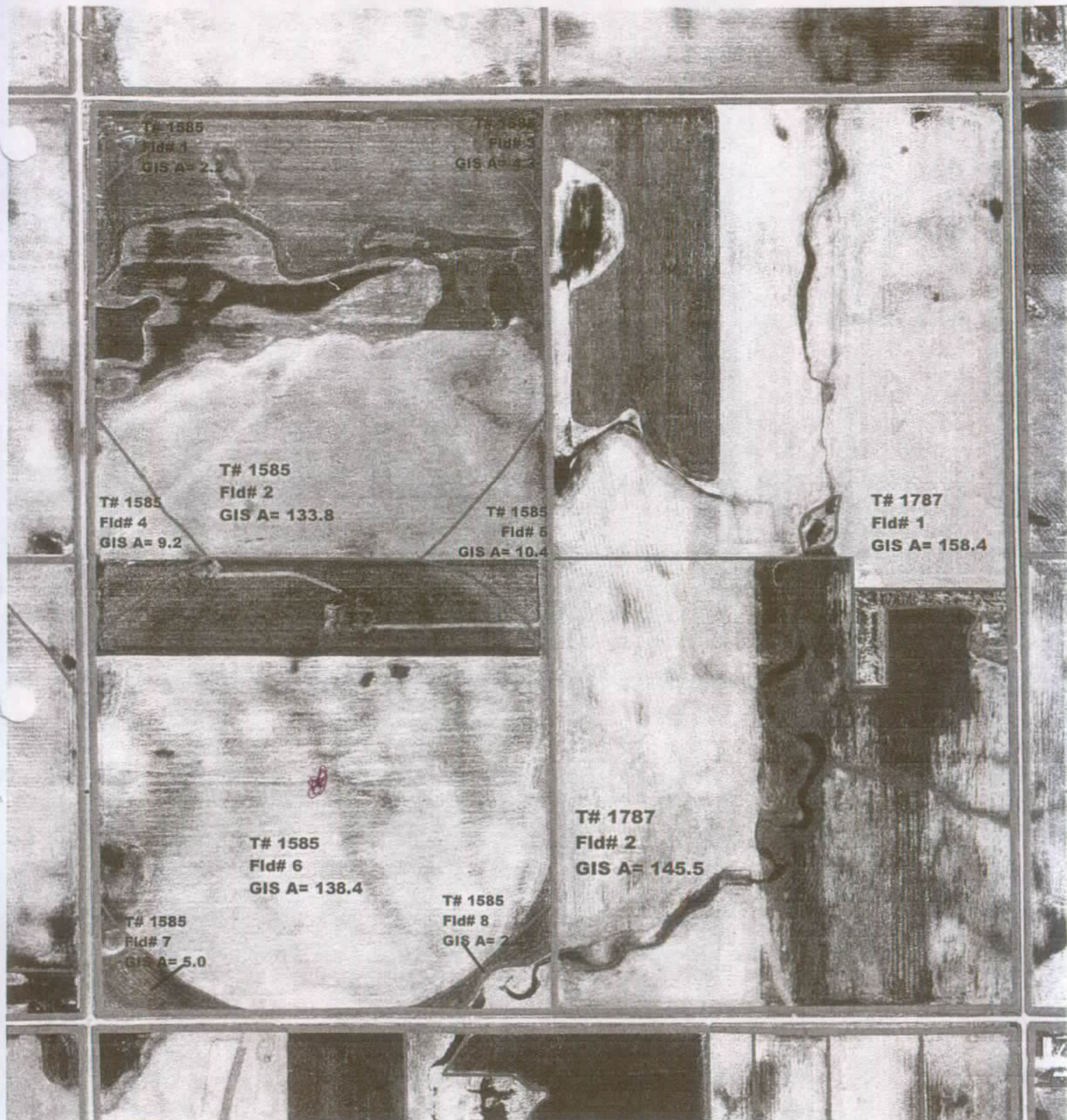


Well to be located in the approximate center of the NW 1/4 Section 34, T116N, R59W
Irrigated acres in the NW 1/4 Section 34, T116N, R59W



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AUG 23 2007
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PROGRAM

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



United States Department of Agriculture
Farm Service Agency

N

34-116-59

Clark County

January 15, 2004

1997 Digital Orthophotography - Not To Scale

EMPIRE

IRRIGATION & DRILLING COMPANY

IRRIGATION

Wells
Pumps
Pipes

Highway 14 East

P. O. Box 1252

Huron, South Dakota

Ph. 352-458

WATER SYSTEMS

Domestic
Municipal
Stock

POWER UNITS

Diesel
Propane
Gasoline
Electric

PUMPS

Turbines
Centrifugals
Submersibles
Jets

WELL: L.S. Terrill

Clark, SD 57225

WATER LEVEL

Feet	Feet	Feet	Feet	Feet
6	12	18	24	30
36	42	48	54	60
66	72	78	84	90
126	132	138	144	150
186	192	198	204	210
246	252	258	264	270
306	312	318	324	330
366	372	378	384	390
426	432	438	444	450
486	492	498	504	510
546	552	558	564	570
606	612	618	624	630
666	672	678	684	690
726	732	738	744	750
786	792	798	804	810
846	852	858	864	870
906	912	918	924	930
966	972	978	984	990
1026	1032	1038	1044	1050
1086	1092	1098	1104	1110
1146	1152	1158	1164	1170
1206	1212	1218	1224	1230
1266	1272	1278	1284	1290
1326	1332	1338	1344	1350
1386	1392	1398	1404	1410
1446	1452	1458	1464	1470
1506	1512	1518	1524	1530
1566	1572	1578	1584	1590
1626	1632	1638	1644	1650
1686	1692	1698	1704	1710
1746	1752	1758	1764	1770
1806	1812	1818	1824	1830
1866	1872	1878	1884	1890
1926	1932	1938	1944	1950
1986	1992	1998	2004	2010
2046	2052	2058	2064	2070
2106	2112	2118	2124	2130
2166	2172	2178	2184	2190
2226	2232	2238	2244	2250
2286	2292	2298	2304	2310
2346	2352	2358	2364	2370
2406	2412	2418	2424	2430
2466	2472	2478	2484	2490
2526	2532	2538	2544	2550
2586	2592	2598	2604	2610
2646	2652	2658	2664	2670
2706	2712	2718	2724	2730
2766	2772	2778	2784	2790
2826	2832	2838	2844	2850
2886	2892	2898	2904	2910
2946	2952	2958	2964	2970
3006	3012	3018	3024	3030
3066	3072	3078	3084	3090
3126	3132	3138	3144	3150
3186	3192	3198	3204	3210
3246	3252	3258	3264	3270
3306	3312	3318	3324	3330
3366	3372	3378	3384	3390
3426	3432	3438	3444	3450
3486	3492	3498	3504	3510
3546	3552	3558	3564	3570
3606	3612	3618	3624	3630
3666	3672	3678	3684	3690
3726	3732	3738	3744	3750
3786	3792	3798	3804	3810
3846	3852	3858	3864	3870
3906	3912	3918	3924	3930
3966	3972	3978	3984	3990
4026	4032	4038	4044	4050
4086	4092	4098	4104	4110
4146	4152	4158	4164	4170
4206	4212	4218	4224	4230
4266	4272	4278	4284	4290
4326	4332	4338	4344	4350
4386	4392	4398	4404	4410
4446	4452	4458	4464	4470
4506	4512	4518	4524	4530
4566	4572	4578	4584	4590
4626	4632	4638	4644	4650
4686	4692	4698	4704	4710
4746	4752	4758	4764	4770
4806	4812	4818	4824	4830
4866	4872	4878	4884	4890
4926	4932	4938	4944	4950
4986	4992	4998	5004	5010
5046	5052	5058	5064	5070
5106	5112	5118	5124	5130
5166	5172	5178	5184	5190
5226	5232	5238	5244	5250
5286	5292	5298	5304	5310
5346	5352	5358	5364	5370
5406	5412	5418	5424	5430
5466	5472	5478	5484	5490
5526	5532	5538	5544	5550
5586	5592	5598	5604	5610
5646	5652	5658	5664	5670
5706	5712	5718	5724	5730
5766	5772	5778	5784	5790
5826	5832	5838	5844	5850
5886	5892	5898	5904	5910
5946	5952	5958	5964	5970
6006	6012	6018	6024	6030
6066	6072	6078	6084	6090
6126	6132	6138	6144	6150
6186	6192	6198	6204	6210
6246	6252	6258	6264	6270
6306	6312	6318	6324	6330
6366	6372	6378	6384	6390
6426	6432	6438	6444	6450
6486	6492	6498	6504	6510
6546	6552	6558	6564	6570
6606	6612	6618	6624	6630
6666	6672	6678	6684	6690
6726	6732	6738	6744	6750
6786	6792	6798	6804	6810
6846	6852	6858	6864	6870
6906	6912	6918	6924	6930
6966	6972	6978	6984	6990
7026	7032	7038	7044	7050
7086	7092	7098	7104	7110
7146	7152	7158	7164	7170
7206	7212	7218	7224	7230
7266	7272	7278	7284	7290
7326	7332	7338	7344	7350
7386	7392	7398	7404	7410
7446	7452	7458	7464	7470
7506	7512	7518	7524	7530
7566	7572	7578	7584	7590
7626	7632	7638	7644	7650
7686	7692	7698	7704	7710
7746	7752	7758	7764	7770
7806	7812	7818	7824	7830
7866	7872	7878	7884	7890
7926	7932	7938	7944	7950
7986	7992	7998	8004	8010
8046	8052	8058	8064	8070
8106	8112	8118	8124	8130
8166	8172	8178	8184	8190
8226	8232	8238	8244	8250
8286	8292	8298	8304	8310
8346	8352	8358	8364	8370
8406	8412	8418	8424	8430
8466	8472	8478	8484	8490
8526	8532	8538	8544	8550
8586	8592	8598	8604	8610
8646	8652	8658	8664	8670
8706	8712	8718	8724	8730
8766	8772	8778	8784	8790
8826	8832	8838	8844	8850
8886	8892	8898	8904	8910
8946	8952	8958	8964	8970
9006	9012	9018	9024	9030
9066	9072	9078	9084	9090
9126	9132	9138	9144	9150
9186	9192	9198	9204	9210
9246	9252	9258	9264	9270
9306	9312	9318	9324	9330
9366	9372	9378	9384	9390
9426	9432	9438	9444	9450
9486	9492	9498	9504	9510
9546	9552	9558	9564	9570
9606	9612	9618	9624	9630
9666	9672	9678	9684	9690
9726	9732	9738	9744	9750
9786	9792	9798	9804	9810
9846	9852	9858	9864	9870
9906	9912	9918	9924	9930
9966	9972	9978	9984	9990
10026	10032	10038	10044	10050

STATIC WATER LEVEL: 13 ft.

Logan

N W 06 34

116 W R 59 W

Well is 119' ft deep. Hit gravel at 79'

Lloyd S. Terrill
R. R. 3
Clark, SD 57225

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 2 1/2" Depth 115'
 (2) Casing, Type Steel Diameter 12" Thickness 1/4"
 (wood, concrete, steel, etc)
 (3) Perforated Screen, Type Cont. Slot Diameter 12" Length 2 1/2'
 Thickness 4" Length of gravel pack 25'

E. Dugout Information or Estimates

(1) Surface dimensions _____ Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials 0' to 5' top soil, 5' to 90' yellow clay, 90' to 115' water bearing mixed sand & gravel - unusually coarse for the area.

Depth to top of water bearing material 90'
 Depth to bottom of water bearing material 115'
 Thickness of water bearing material 25'
 Depth to water (ground surface to water level) 33'

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 1/2 Sec 47 rds. On property owned by others 300' rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

[Signature]
 Signature of Applicant

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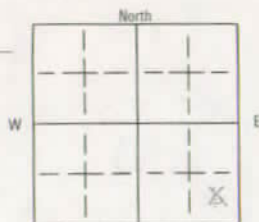
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

N 22 1/2 Sec Twp 15 Rg 57W

County

CLARK

Please mark well
location with
an "X"

Well Completion Date

7-24-86

PROPOSED USE

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling

Turned Rotary

CASING DATA

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUT:

Was the well grouted? ☐ YES ☐ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner

Name Lloyd Terrill

Address

201 S. Clark Blvd. 51225

Well Log

Formation	Depth	
	From	To
Yellow Clay	0	33
Blue Clay	33	40
Red Clay w/ sand & gravel	40	80
Med sand	80	87
Dark sand	87	100
Blue Clay	100	170
Gravel	170	175
Gravel	175	176
Gravel	176	177

STATIC WATER LEVEL _____ Feet

If flowing, closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped _____☐ Bailed Describe: _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

34 grains sand

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm _____

Signature of License Representative: _____

Signature of Well Owner: _____

Date 7-24-86

 Send to Lloyd Terrill
 CLARK SD.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 23, 20 07

RECEIVED OF L Terrill 415 N Idaho St Clark SD 57225

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

Fee for Application for Permit No. <u>6883-3</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>6883-3</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. 03142

By

Harold Orville

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. 6883-3, Lloyd Terrill**

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. 6883-3, Lloyd Terrill, 415 N Idaho Street, Clark SD 57225.

The Chief Engineer is recommending APPROVAL of Application No. 6883-3 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. 6883-3 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
October 25, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6883-3

For Lloyd Terrill

October 10, 2007

Application No. 6883-3 proposes to appropriate 1.88 cfs (845 gpm) from one well approximately 115 feet deep located in the center of the NW $\frac{1}{4}$ of section 34 to irrigate 132 acres located in the NW $\frac{1}{4}$ of section 34; all in T116N R59W in Clark County.

AQUIFER – ALTAMONT (A)

The Altamont is a predominantly buried outwash (sand and gravel) that is under artesian conditions in this area. In this area, Hamilton called the aquifer the Altamont 2. The Altamont 2 underlies 630 square miles and contains an estimated 3.2 million acre-feet of water in storage in Clark County (Hamilton, 1986). Ground water movement is from west to east across this portion of Clark County (Hamilton, 1986). Hamilton estimated the volume of recharge to the Altamont 2 and 3 aquifers to be about 54,000 acre-feet annually.

No test well was drilled for this application. There is sufficient information available from the county study, observation wells in the area and other irrigation and domestic wells in this area to evaluate this application. There is a Water Rights observation well CK-76E located within one-half mile to the northwest of this proposed irrigation well.

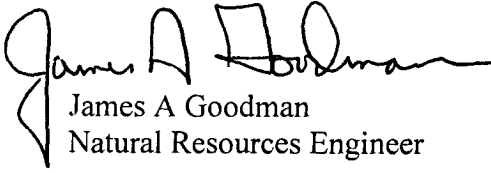
The Water Rights Program monitors two observation wells completed into the Altamont aquifer within two miles of this site. These are observation well CK-76E (within one-half miles to the northwest) and CK-76I (about two miles to the southwest) all from this proposed well for this application. Hydrographs for these two wells are included with this report. In general the hydrographs indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007). Also, note the amount of fluctuation due to pumping. Water levels can fluctuate 30 to 35 annually in response to pumping.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three Water Permits/Rights within two miles of this application. These are Water Right Nos. 1776-3, 3059-3, and Water Permit No. 6385-3. The first two water rights are for irrigation use and the water permit is for a dairy operation. The nearest existing irrigation well is about one-half mile south of this application and is for Water Right No. 1776-3. The well for Water Right No. 3059-3 is about 2,950 feet southwest of this proposed well and the two permitted wells for Water Permit No. 6385-3 are to be located about one mile south of this application. Apparently Water Permit No. 6385-3 has not been developed and will be subject to cancellation in May of 2008. Interference will occur but should not be adverse. Additional drawdown can be expected because of the artesian conditions. However, at this distance between diversions the magnitude of the drawdown is not expected to adversely affect existing wells. This concept is backed up by the observation well record which indicates some 30 to 35 feet of fluctuation due to pumping under existing conditions.

CONCLUSIONS

1. Water is available from the Altamont aquifer.
2. The aquifer is under artesian conditions at this site. Drawdown does occur as a result of pumping and will increase in magnitude. Interference will occur but is not expected to cause adverse effects and should not be a problem.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. No test well was drilled for this application. Adequate testing must be completed to determine the best site for a production well.



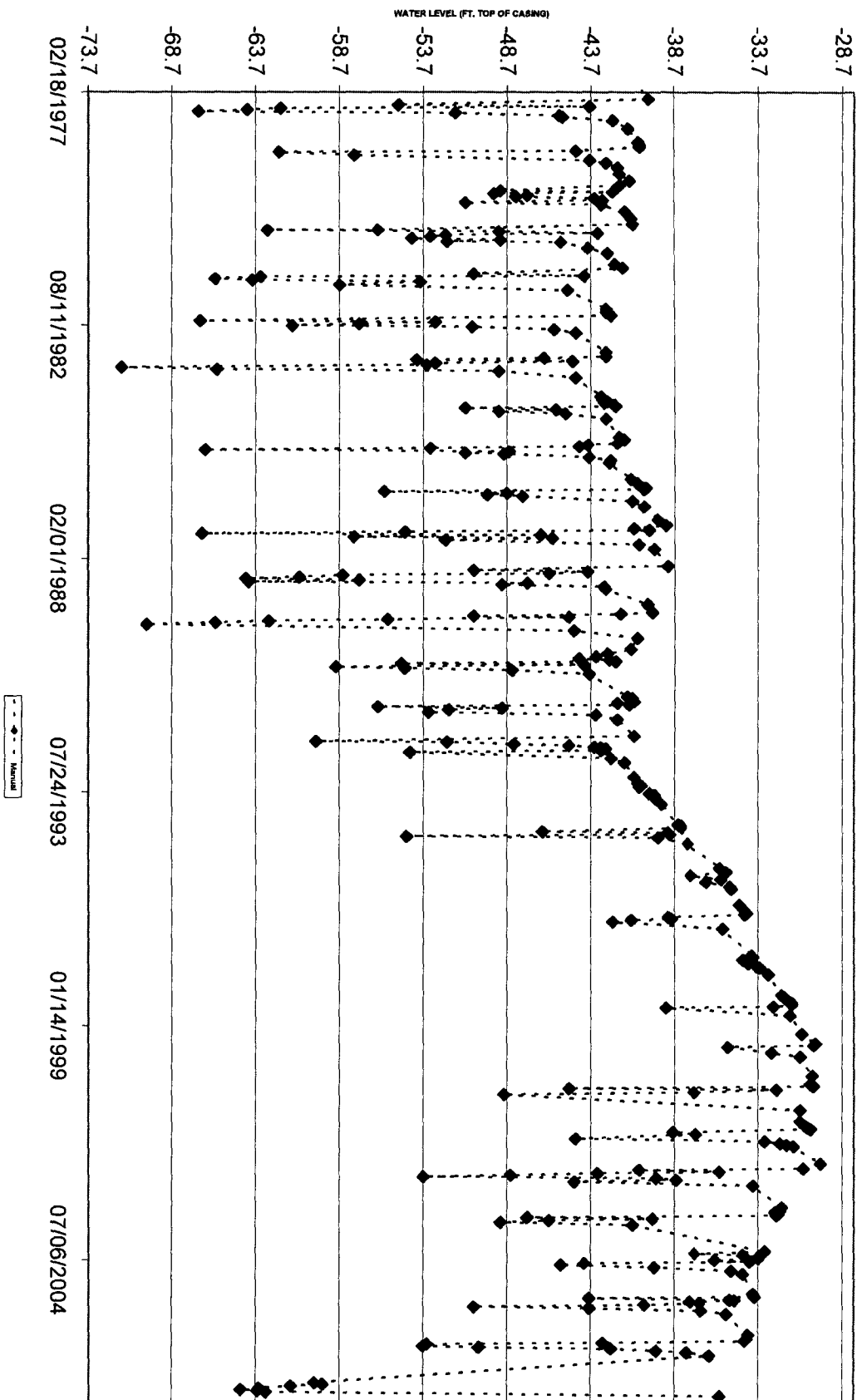
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

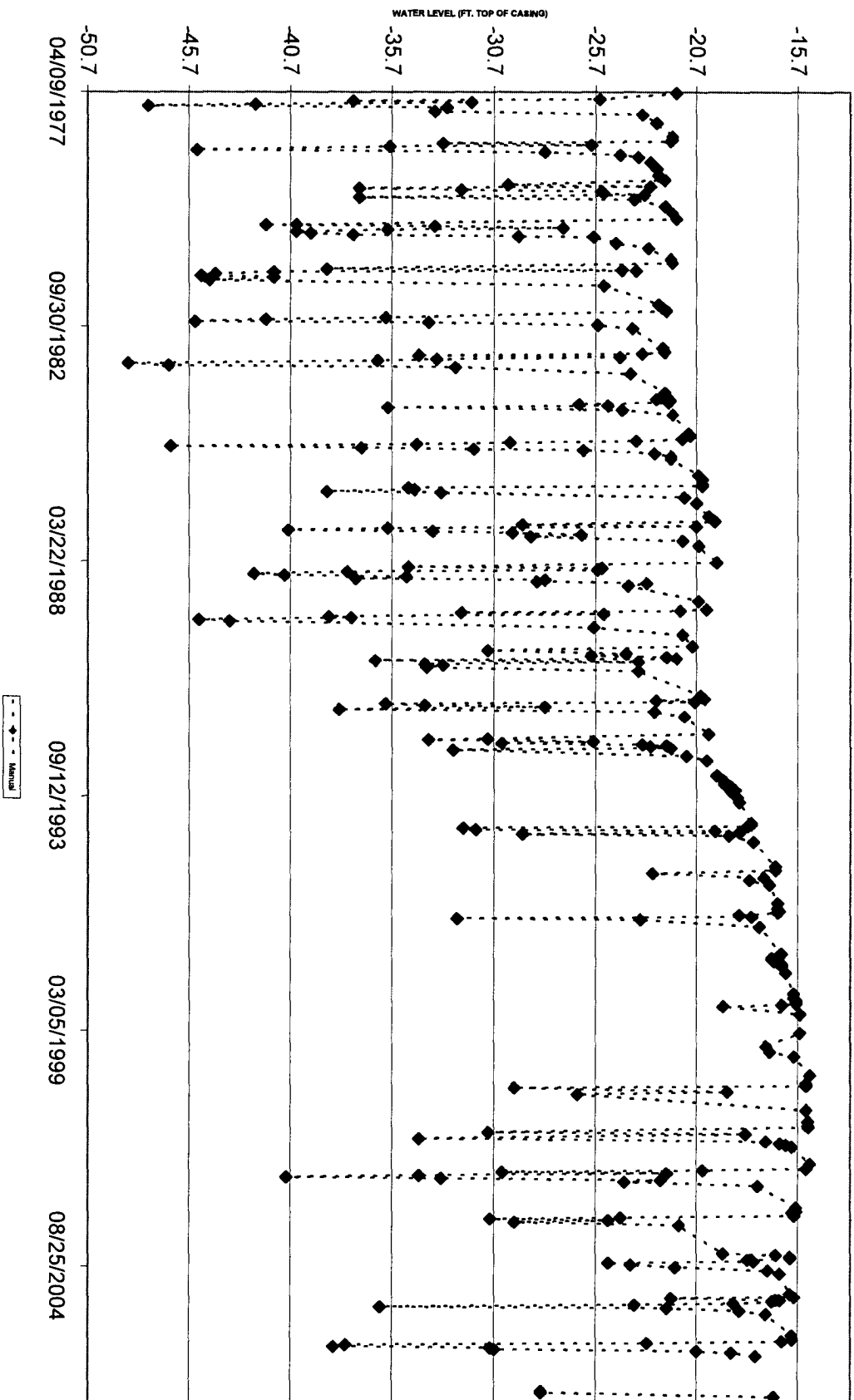
Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota, Bulletin 29, SD DENR, SDGS, Vermillion, SD, 57069.

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

**WATER RIGHTS' OBSERVATION WELL
CK-76E**



WATER RIGHTS' OBSERVATION WELL
CK-761



NOTICE OF APPLICATION

NO. 6883-3 to Appropriate Water

Notice is given that Lloyd Terrill, 415 N Idaho St, Clark SD 57225 has filed an application for a water permit to appropriate 1.88 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 115 feet deep) located in center of the NW 1/4 Section 34 to irrigate 132 acres located in the NW 1/4 Section 34; all in T116N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6883-3 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 recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 26, 2007.

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

11-7-2t

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

LLOYD TERRILL

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

TWO

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

NOVEMBER 7, 2007
NOVEMBER 14, 2007

that the full amount of the fees for the publication of the annexed notice is

39.86

William J. Krikac

Subscribed and sworn to before me this

28TH DAY OF NOVEMBER, 2007

Ann Helke

Notary Public

Clark County, South Dakota

My commission expires: 06/04/2013

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NOV 29 2007
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 26, 2007

Clark County Courier
119 1st Ave E
Clark SD 57225

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6883-3 to Appropriate Water to be published twice. Please publish the first notice on November 7, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Lloyd Terrill, 415 N Idaho St, Clark SD 57225(Ph # 605-532-3218).

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. 6883-3

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

Date _____

We are in receipt of your letter of October 26, 2007 enclosing Notice to Appropriate Water by Application No. 6883-3 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.

October 26, 2007

Lloyd Terrill
415 N Idaho St
Clark SD 57225

Dear Mr. Terrill:

Water Permit Application No. 6883-3 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 Clark County Courier printed at Clark SD (Ph # 605-532-3654). 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 November 7, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6883-3 to Appropriate Water

Notice is given that Lloyd Terrill, 415 N Idaho St, Clark SD 57225 has filed an application for a water permit to appropriate 1.88 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 115 feet deep) located in center of the NW ¼ Section 34 to irrigate 132 acres located in the NW ¼ Section 34; all in T116N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6883-3 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 November 26, 2007.

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

RECEIVED
NOV 9 2 2007
WATER RIGHTS
PROGRAM

SIEGEL, BARNETT & SCHUTZ, L.L.P.

ATTORNEYS AT LAW
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Web Site: www.sbslaw.net

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*Also Licensed in North Dakota
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STAN SIEGEL (1928-1996)
JOSEPH H. BARNETT (1931-1985)
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SIOUX FALLS OFFICE
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TELEPHONE (605) 335-6250
FAX (605) 335-6749
[E-mail: siegellawsf@sbslaw.net]

November 26, 2007

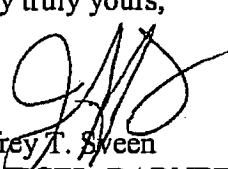
Mr. Lloyd Terrill
415 North Idaho Street
Clark, SD 57225

Re: Petition in Opposition to Application for a Water Permit Application No. 6883-3,
Lloyd Terrill

Dear Mr. Terrill:

Pursuant to the Notice of Application in regard to the above matter, please find enclosed a copy of the Petition in Opposition to Application for a Water Permit No. 6883-3, Lloyd Terrill. A copy of the same has been submitted to Messrs. Gronlund and Pirner as required.

Very truly yours,


Jeffrey T. Sveen
of SIEGEL, BARNETT & SCHUTZ, L.L.P.
jsveen@sbslaw.net

JTS:klb

Enclosure

pc w/encl. via facsimile and e-mail: Mr. Eric Gronlund
Mr. Steven M. Pirner
pc w/encl. via facsimile: Clark Hutterian Brethren, Inc.

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NOV 26 2007

WATER RIGHTS
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PETITION IN OPPOSITION TO APPLICATION
FOR A WATER PERMIT NO. 6883-3, LLOYD TERRILL

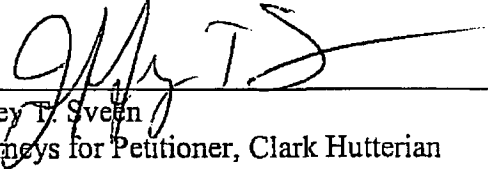
Petitioner, Clark Hutterian Brethren, Inc., hereby opposes the Application for a Water Permit to appropriate 1.88 cubic feet of water per second from one well to be completed into the Altamont Aquifer approximately 115 feet deep located in the center of the Northwest Quarter (NW¼) of Section Thirty-four (34) to irrigate 132 acres located in the Northwest Quarter (NW¼) of Section Thirty-four (34) all in Township One Hundred Sixteen (116) North, Range Fifty-nine (59) West.

Petitioner currently has a permit to use water from said aquifer for irrigation purposes. In the past when Applicant, Lloyd Terrill, and other individuals have drawn from the aquifer, this has negatively impacted Petitioner in that there has not been sufficient water to irrigate Petitioner's crops. Petitioner is fearful that any additional appropriation, especially of such a large amount, will negatively impact Petitioner and other users of this aquifer.

Petitioner hereby requests a complete copy of the Chief Engineer and Department of Water and Natural Resources' recommendations and records concerning their analysis and recommendation and a hearing on the same.

Furthermore, Petitioner opposes said permit license because 1) there is not unappropriated water available; 2) any use of additional water from the Altamont Aquifer will negatively impact those permitted users already using said aquifer; 3) it is not a beneficial use of the water, and 4) it is not in the public's interest to allow said additional use.

SIEGEL, BARNETT & SCHUTZ, L.L.P.



Jeffrey T. Sveen
Attorneys for Petitioner, Clark Hutterian
Brethren, Inc.
415 South Main Street, 400 Capitol Building
PO Box 490
Aberdeen, SD 57402-0490
Phone: 605-225-5420
Facsimile: 606-226-1911
jsveen@sbslaw.net

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NOV 27 2007

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SIEGEL, BARNETT & SCHUTZ, L.L.P.

ATTORNEYS AT LAW

415 S. MAIN STREET - 400 CAPITOL BUILDING

P.O. BOX 490

ABERDEEN, SOUTH DAKOTA 57402-0490

TELEPHONE (605) 225-5420

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TELEPHONE (605) 335-6250
FAX (605) 335-6749
[E-mail: siegellawsf@sbslaw.net]

November 26, 2007

Mr. Steven M. Pirner, Secretary
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

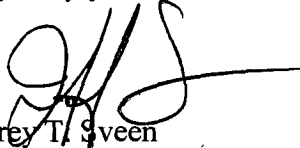
Mr. Eric Gronlund, Chief Engineer ✓
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Petition in Opposition to Application for a Water Permit Application No. 6883-3,
Lloyd Terrill

Dear Messrs. Pirner and Gronlund:

Please find enclosed the original Petition in Opposition to Application for a Water Permit No. 6883-3, Lloyd Terrill. I have sent this information to the both of you via facsimile and e-mail. Thank you.

Very truly yours,



Jeffrey T. Sveen
of SIEGEL, BARNETT & SCHUTZ, L.L.P.
jsveen@sbslaw.net

JTS:klb

Enclosure

pc w/out encl.: Clark Hutterian Brethren, Inc.

PETITION IN OPPOSITION TO APPLICATION
FOR A WATER PERMIT NO. 6883-3, LLOYD TERRILL

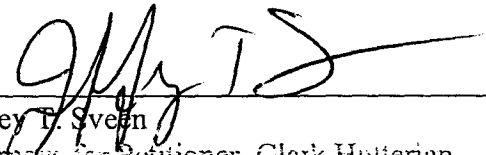
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Petitioner currently has a permit to use water from said aquifer for irrigation purposes. In the past when Applicant, Lloyd Terrill, and other individuals have drawn from the aquifer, this has negatively impacted Petitioner in that there has not been sufficient water to irrigate Petitioner's crops. Petitioner is fearful that any additional appropriation, especially of such a large amount, will negatively impact Petitioner and other users of this aquifer.

Petitioner hereby requests a complete copy of the Chief Engineer and Department of Water and Natural Resources' recommendations and records concerning their analysis and recommendation and a hearing on the same.

Furthermore, Petitioner opposes said permit license because 1) there is not unappropriated water available; 2) any use of additional water from the Altamont Aquifer will negatively impact those permitted users already using said aquifer; 3) it is not a beneficial use of the water, and 4) it is not in the public's interest to allow said additional use.

SIEGEL, BARNETT & SCHUTZ, L.L.P.



Jeffrey T. Sveen
Attorneys for Petitioner, Clark Hutterian
Brethren, Inc.

415 South Main Street, 400 Capitol Building
PO Box 490
Aberdeen, SD 57402-0490
Phone: 605-225-5420
Facsimile: 606-226-1911
jsveen@sbslaw.net



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 2007

NOTICE

TO: Lloyd Terrill
415 N Idaho Street
Clark SD 57225

Jeffrey T. Sveen
Attorney for Petitioner
Siegel, Barnett & Schutz
PO Box 490
Aberdeen SD 57402-0490

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application No. 6883-3, Lloyd Terrill

A petition to intervene has been filed in response to the public notice of Water Permit Application No. 6883-3 filed by Lloyd Terrill. This notice schedules a hearing before the Water Management Board to consider Application No. 6883-3. Enclosed is a copy of the staff report, recommendation and the petition to intervene.

As specified in the publication notice, Application No. 6883-3 proposes to appropriate 1.88 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 115 feet deep) located in center of the NW ¼ Section 34 to irrigate 132 acres located in the NW ¼ Section 34; all in T116N-R59W.

The Water Management Board will conduct a hearing to consider Application No. 6883-3 at 9:30 AM on Tuesday, March 11, 2008 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. The hearing time is an estimate and may be delayed due to prior agenda items. Notice will be provided to all parties of record of any change in the hearing time or date.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6883-3 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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the evidence presented at the public hearing.

The March 11, 2008, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any party who timely filed a petition opposing the application. The request for an automatic delay must be filed by February 29, 2008.

This hearing may be an adversarial proceeding. Any party of record and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Notice is further given to individual with disabilities that this hearing is being held in a physically accessible facility. Please notify Eric Gronlund at (605) 773-3352 by February 29, 2008, if you have any questions about the hearing process or have special needs for which the department will make arrangements.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

enclosures

c: Diane Best, Assistant Attorney General

NOTE: Since this matter does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case need not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by February 29, 2008.

CERTIFICATION

I hereby certify that on November 29, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated November 29, 2007, regarding scheduling of hearing for Water Right Permit Application No. 6883-3, Lloyd Terrill, as addressed below and on the attached parties of record.

Lloyd Terrill
415 N Idaho Street
Clark SD 57225

Jeffrey T. Sveen
Attorney for Petitioner
Siegel, Barnett & Schutz
PO Box 490
Aberdeen SD 57402-0490

A copy of the above described Notice was sent Inter-office to:

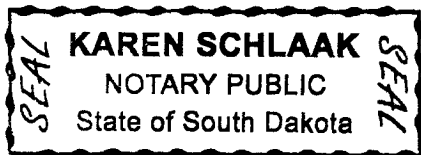
Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501


Gail Jacobson, Secretary
Water Rights Program, DENR

[illegible]

Sworn to, before me, this 29th day of November, 2007.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2013



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DEC - 5 2007

WATER RIGHTS
PROGRAM

SIEGEL, BARNETT & SCHUTZ, L.L.P.

ATTORNEYS AT LAW
415 S. MAIN STREET - 400 CAPITOL BUILDING
P.O. BOX 490

ABERDEEN, SOUTH DAKOTA 57402-0490

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TELEPHONE (605) 335-6250
FAX (605) 335-6749
[E-mail: siegellawsf@sbslaw.net]

December 4, 2007

Mr. Garland Erbele, Chief Engineer
South Dakota Department of Environment
and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

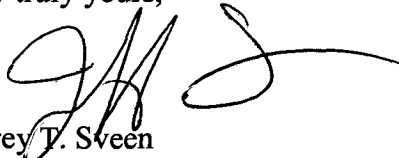
Re: Water Permit Application No. 6883-3, Lloyd Terrill

Dear Mr. Erbele:

I have received from your office the application and report in regard to Water Permit Application No. 6883-3, Lloyd Terrill and the Department's recommendations. I am requesting copies of any other information which the Department may have, including notes of any investigation, testing, telephone conversations, letters, electronic mail, or any other information gathered, including hand written notes in the file, which may address or discuss the Department's position on this issue.

If there is nothing in the file, please let me know. Also, if the information is not available without a subpoena, please let me know and I will submit the same. Thank you for your assistance.

Very truly yours,



Jeffrey T. Sveen
of SIEGEL, BARNETT & SCHUTZ, L.L.P.
jsveen@sbslaw.net

JTS:klb

pc: Ms. Diane Best, Assistant Attorney General
Mr. Ben Waldner

Gronlund, Eric

From: Gronlund, Eric
Sent: Thursday, December 13, 2007 9:01 AM
To: 'Jeff Sveen'; 'Kristie Scherbenske'
Cc: Best, Diane
Subject: Lloyd Terrill water permit application - administrative file

Mr. Sveen and Ms. Scherbenske:

As requested in your letter dated December 4, 2007, please find attached the current administrative record for Water Permit Application No. 6883-3 filed by Lloyd Terrill. This record includes the application, report, recommendation, publication notice, letters and any electronic correspondence. There are not any other notes regarding this application that I am aware of. There may have been an informal email of inquiry between Ms. Scherbenske and myself that I did not view as substantive at the time and therefore deleted from my email account.

Diane Best with the Attorney General's office is counsel for the Water Rights Program in this matter. She may be reached at (605) 773-3215 or diane.best@state.sd.us.

Finally, I request that you respond to acknowledge receipt of the email. If you have any problem opening the attachment, please let me know and I will email you a hard copy of the administrative record.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
fax 605 773-4068
eric.gronlund@state.sd.us

12/13/2007



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 18, 2007

Jeff T. Sveen
Siegel, Barnett & Schutz
PO Box 490
Aberdeen SD 57402-0490

Dear Mr. Sveen:

As per your letter dated December 4th, please find enclosed a copy of the current administrative record for Water Permit Application No. 6883-3 filed by Lloyd Terrill. This record includes the application, staff report, recommendation, publication notice, letters and electronic correspondence. This information was sent via electronic mail to you on December 13th. Since I did not receive a response acknowledging receipt of my email, I am sending this material by US Mail to ensure your request is fulfilled.

This letter also serves to inform you that Diane Best with the Attorney General's office is counsel for the Water Rights Program in this matter. Diane may be reached at (605) 773-3215 or diane.best@state.sd.us.

Please contact me if I may be of further assistance.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 2008

NOTICE

TO: Lloyd Terrill
415 N Idaho Street
Clark SD 57225

Jeffrey T. Sveen, Attorney for Petitioner
Siegel, Barnett & Schutz
PO Box 490
Aberdeen SD 57402-0490

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Hearing on Water Permit Application No. 6883-3, Lloyd Terrill

Application No. 6883-3 proposes to appropriate 1.88 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 115 feet deep) located in center of the NW ¼ Section 34 to irrigate 132 acres located in the NW ¼ Section 34; all in T116N-R59W.

The Water Management Board will conduct a hearing to consider Application No. 6883-3 at 8:45 AM on Tuesday, March 11, 2008, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. Please note the hearing time on the agenda has been moved up to 8:45 AM.

Applicable provisions of the public notice published in the Clark County Courier and the notice dated November 29, 2007 will still apply. This hearing may be an adversarial proceeding. Any party of record has the right to be present and 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 State Supreme Court as provided by law.

Enclosed is a copy of the report, recommendation and petition in the matter of Water Permit Application No. 6883-3. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. This same information will be sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules". You are encouraged to review these documents prior to the hearing.

Please contact Eric Gronlund at (605) 773-3352 if you have questions regarding the upcoming hearing before the Board.

enclosures

c: Diane Best, Assistant Attorney General

CERTIFICATION

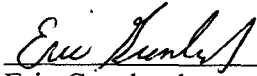
I hereby certify that on February 15, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 15, 2008, regarding the hearing for Water Right Permit Application No. 6883-3, Lloyd Terrill, as addressed below and on the attached parties of record.

Lloyd Terrill
415 N Idaho Street
Clark SD 57225

Jeffrey T. Sveen
Attorney for Petitioner
Siegel, Barnett & Schutz
PO Box 490
Aberdeen SD 57402-0490

A copy of the above described Notice was sent Inter-office to:

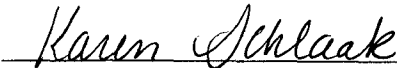
Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501



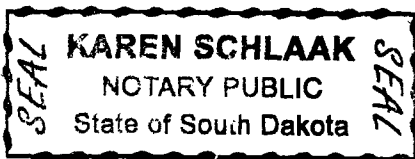
Eric Gronlund
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of February 2008.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIVED

FEB 22 2008

WATER RIGHTS
PROGRAM

SIEGEL, BARNETT & SCHUTZ, L.L.P.

ATTORNEYS AT LAW

415 S. MAIN STREET - 400 CAPITOL BUILDING

P.O. BOX 490

ABERDEEN, SOUTH DAKOTA 57402-0490

TELEPHONE (605) 225-5420

FAX (605) 226-1911

Web Site: www.sbslaw.net

RAYMOND M. SCHUTZ
HARVEY C. JEWETT
JEFFREY T. SVEEN
JOSEPH P. BARNETT
REED RASMUSSEN
GREGG C. MAGERA
KATHRYN J. HOSKINS
JULIA M. DVORAK*
RODRICK L. TOBIN
MATTHEW T. TOBIN

*Also Licensed in North Dakota
• Also licensed in Montana

STAN SIEGEL (1928-1996)
JOSEPH H. BARNETT (1931-1985)
TERENCE A. O'KEEFE (1938-1999)

SIOUX FALLS OFFICE
300 NORTH DAKOTA AVENUE, SUITE 606
P.O. BOX 1286
SIOUX FALLS, SOUTH DAKOTA 57101
TELEPHONE (605) 335-6250
FAX (605) 335-6749
[E-mail: siegellawsf@sbslaw.net]

February 21, 2008

Mr. Eric Gronlund
Water Rights Program, DENR
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

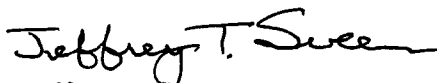
Re: Petition in Opposition to Application for a Water Permit Application No. 6883-3
Lloyd Terrill

Dear Mr. Gronlund:

As you know, my client, Clark Hutterian Brethren, Inc. (Clark Colony) filed a Petition in Opposition to Application for a Water Permit Application No. 6883-3 for Lloyd Terrill. After receiving all of the information from the Department and discussing this matter with my client, they have elected to withdraw their Petition in Opposition to Mr. Terrill's permit. Therefore, please deem my client's Petition as "withdrawn" and we will not appear at March 11, 2008 hearing.

If you have any questions, please feel free to give me a call at the above Aberdeen address.

Very truly yours,



Jeffrey T. Sveen
of SIEGEL, BARNETT & SCHUTZ, L.L.P.
jsveen@sbslaw.net

JTS:rls

pc via facsimile: Mr. Ben Waldner



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2008

NOTICE

TO: Lloyd Terrill
415 N Idaho Street
Clark SD 57225

Jeffrey T. Sveen, Attorney for Petitioner
Siegel, Barnett & Schutz
PO Box 490
Aberdeen SD 57402-0490

FROM: *for* Garland Erbele, Chief Engineer
Water Rights Program

Eric Gronlund

SUBJECT: Withdrawal of Petition and Change of Hearing Time for Water Permit Application No. 6883-3, Lloyd Terrill

Application No. 6883-3 proposes to appropriate 1.88 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 115 feet deep) located in center of the NW ¼ Section 34 to irrigate 132 acres located in the NW ¼ Section 34; all in T116N-R59W.

Clark County originally petitioned in opposition to this application. On February 22nd, the Water Rights Program received a letter from Mr. Jeffrey Sveen, counsel for Clark County, withdrawing his client's opposition to the application. A copy of this letter is enclosed.

The Water Management Board will still conduct a hearing to consider Application No. 6883-3 on March 11th. Since this is no longer a contested application, the hearing time is being changed to better accommodate agenda items. The hearing is now scheduled for 10:30 AM on Tuesday, March 11, 2008, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD.

Please contact Eric Gronlund at (605) 773-3352 if you have questions regarding the upcoming hearing before the Board.

Enclosure

C: Diane Best

CERTIFICATION

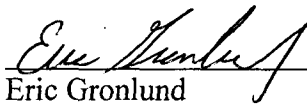
I hereby certify that on February 25, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 25, 2008, regarding the hearing for Water Right Permit Application No. 6883-3, Lloyd Terrill, as addressed below and on the attached parties of record.

Lloyd Terrill
415 N Idaho Street
Clark SD 57225

Jeffrey T. Sveen
Attorney for Petitioner
Siegel, Barnett & Schutz
PO Box 490
Aberdeen SD 57402-0490

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501



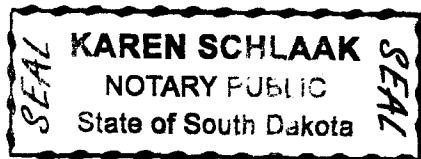
Eric Gronlund
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 25th day of February 2008.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 08 2008

Lloyd Terrill
415 N Idaho St
Clark SD 57225

Dear Mr. Terrill:

Enclosed is Water Permit No. 6883-3 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2009

1776-3
6883-3

Brady Janzen
United Feeders
26406 470th Ave
Morris MN 56267

Dear Mr. Janzen:

I am writing in follow-up to your phone conversation with Eric Gronlund with our program.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes on Water Right No. 1776-3 and Water Permit No. 6883-3. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). 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,

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

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

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

MAR 13 2009

WATER RIGHTS
PROGRAM

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

No. 6883-3

Date: 3/9/09

I/We request that Water Permit No. 6883-3

formerly owned by: Lloyd Terrill

be transferred to: (name & address) West Central Land, LLP
26406 470th Avenue
Morris, MN 56267 Telephone No. 320-392-5609

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

132 acres – NW ¼ Section 34, T116N, R59W

I/We understand that the validity of Water Permit No. 6883-3 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 Two Dollars and Fifty Cents (\$2.50) 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 West Central Land, LLP, the new owner, certify that the above information is true and correct.

Brady Jensen, General Partner
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/13, 20 09

RECEIVED OF West Central Land LLP 26410 470th Ave Morris MN 56267

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	2	50
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 _____ 6883-3		
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	
	2	50

No.

04009

By

Michael Erdreich
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 13, 2009

1776-3
6883-3

Brady Janzen
West Central Land LLP
26406 470th Ave
Morris MN 56267

Dear Mr. Janzen:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for transferring Water Right No. 1776-3 and Water Permit No. 6883-3.

The ownership changes have been completed. Water Right No. 1776-3 and Water Permit No. 6883-3 formerly held by Lloyd Terrill are now listed in the name of "West Central Land LLP.

Enclosed are your Receipt Nos. 04068 and 04069 in the amount of \$2.50 each. You may keep these for your records.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 18, 2010

Brady Janzen
Riverview LLP
26406 470th Ave
Morris MN 56267

RE: United Feeders LLP and West Central Land LLP Water Rights and Permits

I am writing in follow-up to your email communication with Eric Gronlund concerning the recent merger of West Central Land LLP and United Feeders LLP into Riverview LLP.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for the following Water Permits or Rights:

- West Central Land LLP - 1776-3, 6883-3 and 7105-3
- United Feeders - 6724-3, 1072-3, 1073-3, 3035-3, 6998-3, 7063-3 and 3175A-3

Please complete the forms and return them to our office with a required filing fee of \$50.00 each (total of \$500.00). 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,

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

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

enclosures

RECEIVED

OCT 25 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6883-3

Date: 10-21-10

I/We request that Water Permit No. 6883-3

formerly owned by: West Central Land LLP

be transferred to: (name & address) Riverview, LLP

26406 470th Ave

Morris, MN 56267

Telephone No. 320-392-5609

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

132 acres - NW ¼ Section 34, T116N, R59W

I/We understand that the validity of Water Permit No. 6883-3 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 Riverview, LLP, the new owner, certify that the above information is true and correct.

Brady Jensen Partner
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/25, 2010

RECEIVED OF Riverview LLP 26406 470th Ave Morris MN 56267

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

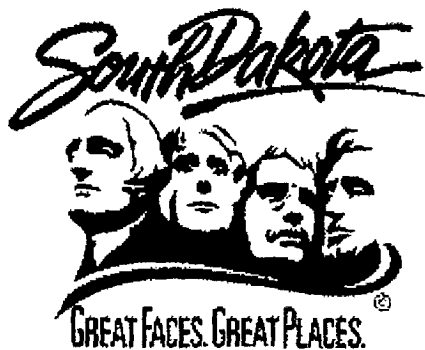
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6883-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04642

By

Harold E. Miller
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 26, 2010

Brady Janzen
Riverview LLP
26406 470th Ave
Morris MN 56267

Re: Water Permit or Right Nos. 7105-3, 7063-3, 6998-3, 6883-3, 6724-3, 3175A-3,
3035-3, 1776-3, 1073-3, 1072-3

Dear Mr. Janzen:

The recent ownership changes you filed for Riverview LLP have been completed. The water rights or permits formerly held by West Central Land LLP and United Feeders are now listed in the name of Riverview LLP.

The receipts for the filing fees are enclosed. 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

enclosures

McMath, Genny

From: Brady Janzen <brady.janzen@riverviewllp.com>
Sent: Thursday, July 21, 2011 7:56 AM
To: mikedurre@hotmail.com; Peterson, Mark (DOT); Hicks, Matt;
mcdirector@venturecomm.net; Mohan, Krishna (MDH); Wegleitner, Paul; Myers, Ben;
billkleindl@co.stevens.mn.us; Schwint, George (MPCA); McMath, Genny;
sheri.reuss@state.mn.us; janell.miersch@state.mn.us; Gronlund, Eric; Woodmansey, Kent;
Kindt, Trish
Cc: anthony.ekren@riverviewllp.com; brad.fehr@riverviewllp.com
Subject: Contact Change

Hello,

Just wanted to give everyone notice that Anthony Ekren will be taking over the permitting, zoning, and annual reporting duties here at Riverview. Please direct all future correspondences to him. He can be reached at 320.392.5609 ext 297 (office), 320.287.0978 (cell), or anthony.ekren@riverviewllp.com.

Thanks and have a great day!

Brady Janzen
Riverview, LLP
320.392.5609

6883-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 21, 2013

Damon Knobloch
Riverview LLP
26410 470th Avenue North
Morris MN 56267

Dear Mr. Knobloch:

Riverview LLP has filed a request to change the location of the well authorized by Water Permit No. 6883-3 which also supplies water to land authorized by Water Right No. 1776-3 and Water Permit No. 7105-3. This request for a change in well location is because of the potential for problems with access to the well and operation of the well due to standing water during wet conditions.

Water Permit No. 6883-3 appropriates 1.88 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 115 feet deep) to be located in the center of the NW ¼ Section 34 to irrigate 132 acres located in the NW ¼ Section 34; all in T116N, R59W.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in well location to approximately 1,095 feet south of the center of the NW ¼ Section 34, T116N, R59W is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate from the Altamont Aquifer is authorized.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

A handwritten signature in cursive script that reads "Garland Erbele".

Garland Erbele, Chief Engineer
Water Rights Program

Approval of a Change of Diversion Point

NAME: Riverview LLP, c/o Damon Knobloch

ADDRESS: 26410 470th Avenue, Morris MN 56267

DATE: March 19, 2013 **COUNTY:** Clark **TELEPHONE:**

BACKGROUND:

Water Permit No. 6883-3 appropriates 1.88 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 115 feet deep) to be located in the center of the NW ¼ Section 34 to irrigate 132 acres located in the NW ¼ Section 34; all in T116N, R59W. The permit has a August 23, 2007 priority date and is conditioned with the well interference, well construction and irrigation questionnaire qualifications.

Riverview LLP has requested to move the well location approximately 1,095 feet south from the center of the NW ¼ Section 34 due to fact that standing water becomes an issue for access to the site. Based on a phone conversation with Damon Knobloch the week of March 4, 2013, the well has been drilled.

Water Permit No. 7105-3 and Water Right Nos. 1776-3 are affiliated with Water Permit No. 6883-3. All three water rights combined appropriate 3.81 cfs from two wells (NW ¼ and SW ¼ Section 34) for irrigation of 631 acres in the W ½ Section 34 T116n, R59W and W ½, S ½ SE ¼, NW ¼ SE ¼ Section 3, T115N, R59W.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source authorized by Water Permit No. 6883-3 is the Altamont Aquifer.

No additional appropriation of water is authorized. Water Permit No. 6883-3 each appropriates 1.88 cfs from a well to supply the center pivots set forth in Water Right/Permit Nos. 1776-3, 6883-3 and 7105-3.

Review of Existing Diversions

The well completion report and water right databases were reviewed for the nearest domestic wells and water rights on file.

The nearest domestic wells are located approximately 5,500 feet northeast and 8,400 feet southeast of the requested well location.

The nearest water right for wells completed into the Altamont Aquifer are located as follows:

No.	Holder	Use	CFS	Distance from Additional well
7105-3/1776-3	Riverview	IRR	1.93 cfs	1,630 feet south
3059-3	Meyer Trust	IRR	2.01 cfs	5,600 feet SW
6998-3	Riverview	COM	0.89 cfs	4,100 feet SE
2489-3	Clark Farmer Coop	IRR	1.78 cfs	11,400 feet SW

See map for location of existing domestic and permitted wells.

Observation Well Data

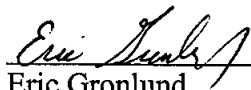
The Water Rights Program monitors two observation wells that are located within two miles of the well site. CK-76E is approximately 2,640 feet to the north and CK-76I is located just less than 2 miles to the southwest. Hydrographs for the two observation wells are attached. Seasonal pumping is readily evident due to pumping and water levels records indicate fluctuations of 30 – 35 feet. However, this drawdown is not expected to adversely impact existing rights.

CONCLUSION

- The change in well location does not propose to appropriate additional water.
- The well is completed into the Altamont Aquifer.
- Given the distance from domestic and existing water rights, interference is not expected to be a concern.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the change of diversion point location to a point approximately 1,095 feet south of the center of the NW $\frac{1}{4}$ (S $\frac{1}{2}$ NW $\frac{1}{4}$) Section 34, T116N, R59W be authorized.



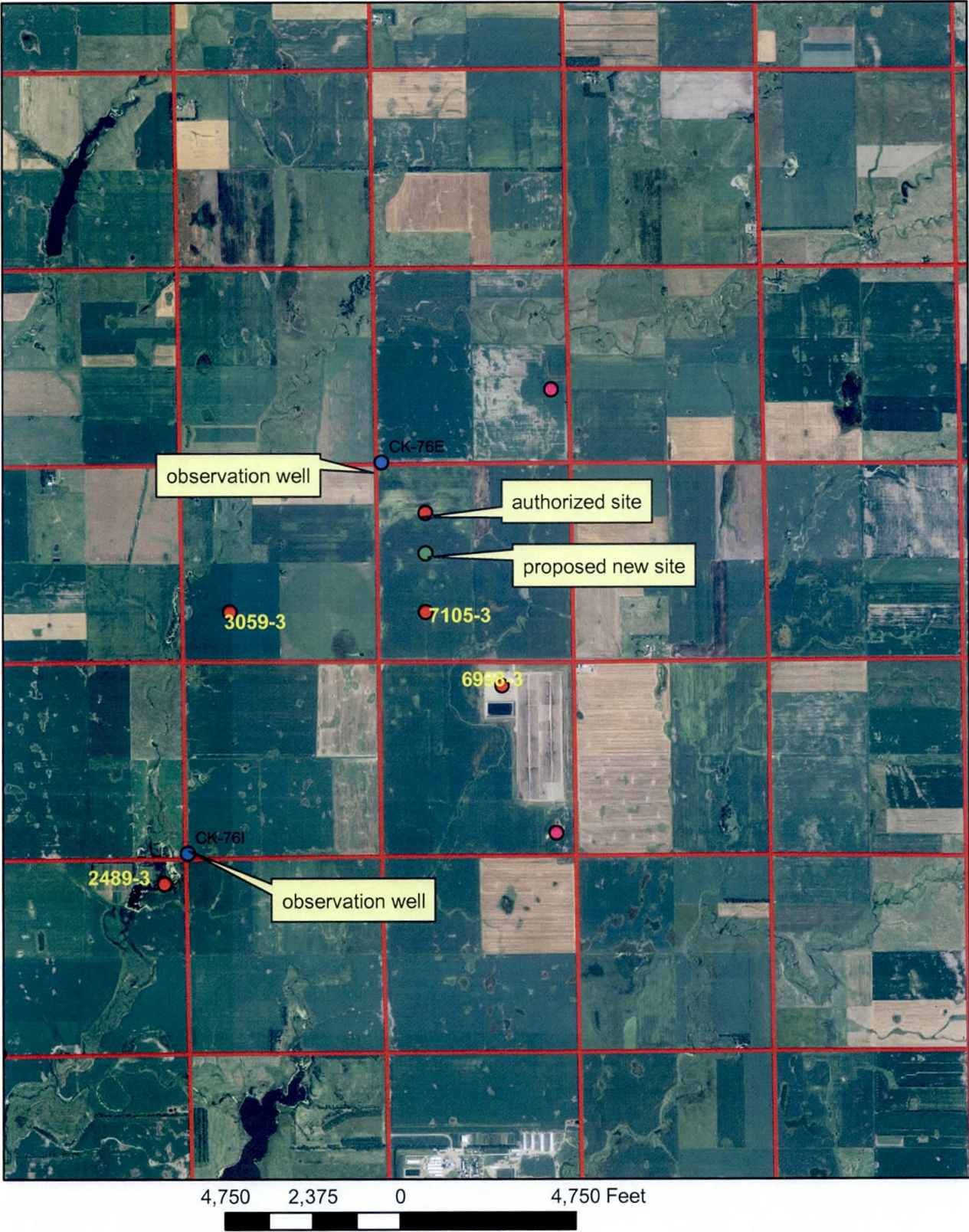
Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in the diversion point does not increase the potential for adverse effects to existing diversions.

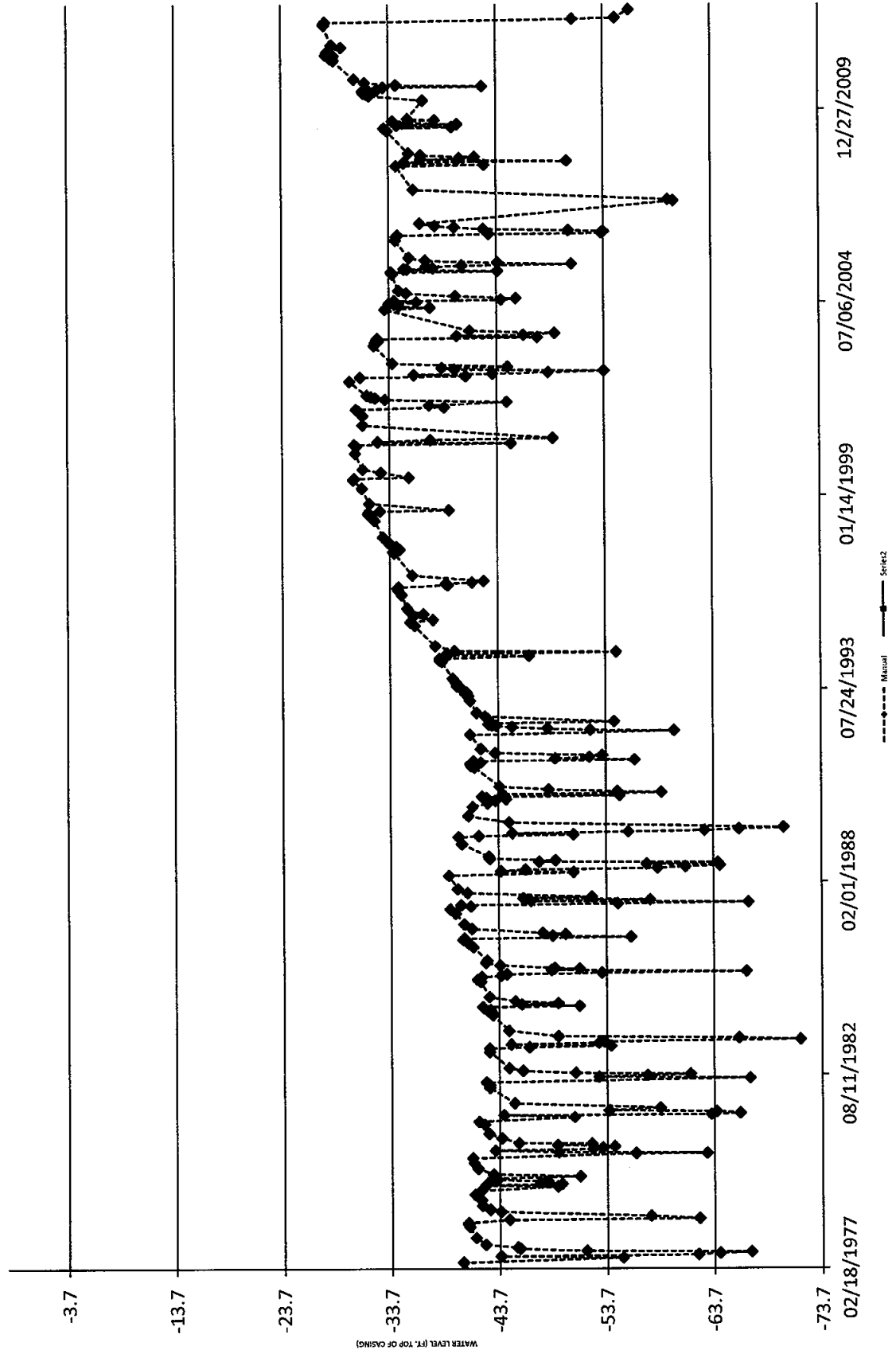


Garland Erbele, Chief Engineer
Water Rights Program

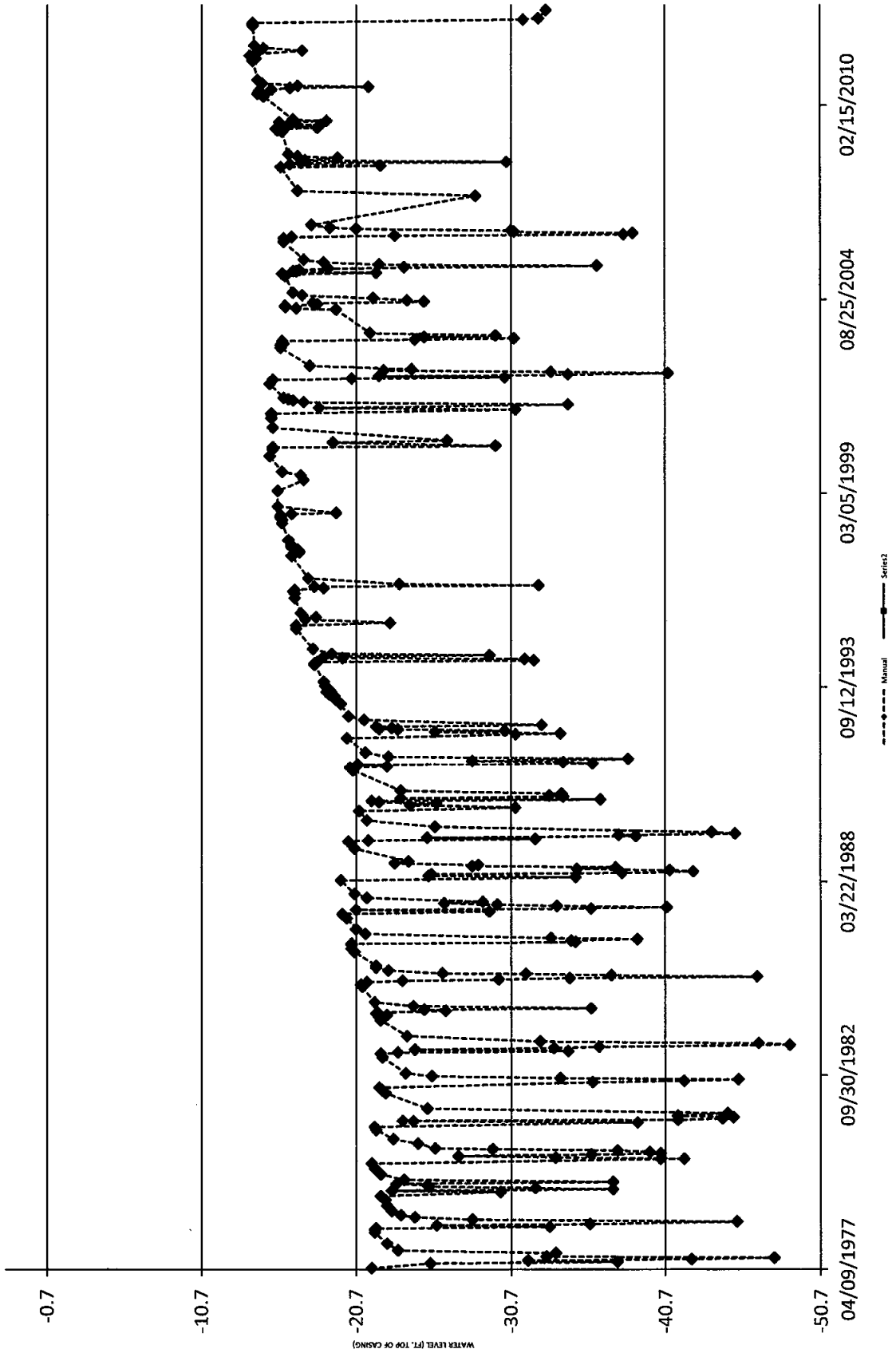


- observation wells
- domestic wells on file
- existing water rights in the Altamont Aquifer

WATER RIGHTS' OBSERVATION WELL CK-76E



WATER RIGHTS' OBSERVATION WELL CK-76I





26410 470th Avenue Morris, MN 56267
Office: (320) 392-5609 Fax: (320) 392-5319

February 6, 2013

Eric Gronlund
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

This notification is in reference to Water Permit No. 6883-3. We would like to move this well location 1,095' south from the center pivot, which is where the current permit describes the well location. This relocation is due to the low area at the center pivot location and during high rainfall years, standing water becomes a problem for access to the well and for the well to function properly.

Under the proposed construction, no change will be needed for the number of acres to be irrigated, there is no change to the amount of water claimed, and the aquifer is the Altamount, of which there is no change.

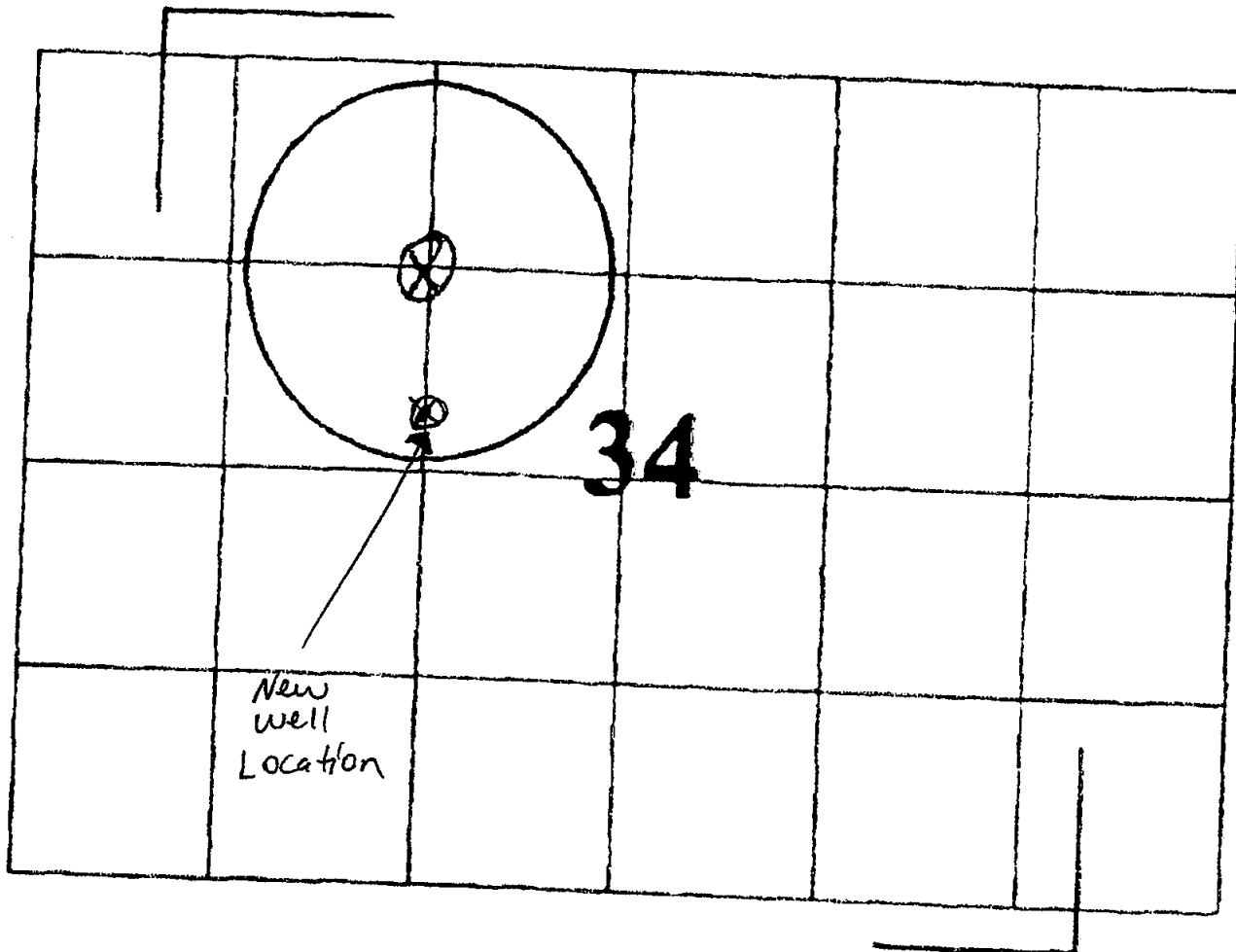
Attached is a map showing the new well location.

Please call my cell phone with questions.

Thank You!

Damon Knobloch
(320) 287-1102-cell
Riverview, LLP, General Partner

NW ¼ Sec 34-T116N-R59W





February 24, 2020

26406 470th Ave
Morris, MN 56267
(320) 392-5609

SD DENR Water rights program

RE: Change in contact information

Dear Eric Gronlund,

I will no longer be with Riverview at the end of March, please remove me as the contact person for the Riverview water rights permits. Please make the following changes:

Please make the following person the main contact person for Riverview water rights permits:

Brady Janzen
320-349-0318
Brady.janzen@riverviewllp.com

Additionally, please make the following person a secondary contact person for Riverview water rights permits:

Matt Waldbeser
320-287-1028
Matt.waldbeser@riverviewllp.com

Thank you,



Anthony Ekren

From: [Dewell, Amanda](#)
To: matt.waldbeser@riverviewllp.com
Subject: Riverview LLP 6883-3
Date: Monday, July 8, 2024 3:35:00 PM
Attachments: [image001.png](#)

Matt –

This email is in regard to Riverview LLP's [Water Permit No. 6883-3](#), which we'd briefly discussed on the phone this morning. With this email, I hope to explain the situation as I understand it and we can decide how to move forward.

Water Permit No. 6883-3 was approved March 11, 2008, for 1.88 cfs (845 gpm) from one well (Altamont Aquifer) located in the approx. center NW ¼ Section 34 for irrigation of 132 acres located within the NW ¼ Section 34; all in T116N-R59W. Construction of the project was to be completed by March 11, 2013, and water put to beneficial use by March 11, 2017.

In March 2013, the Water Rights Program approved a location change for the diversion point to the S ½ NW ¼ Section 34, T116N-R59W. The request was approved since the determination was made that the well was drilled prior to the construction deadline and no interference with other appropriators was expected.

In May 2023, a Water Rights Program staff engineer conducted an inspection of the permit for the purpose of licensing the irrigation system. The engineer noted that while the well was drilled, there was no indication that irrigation had been developed. This caused our office to look deeper into the annual irrigation questionnaires submitted for Permit No. 6883-3 from 2008-2023. Irrigation was reported as follows:

2008 – No irrigation (system not constructed)
2009 – No irrigation (system not constructed)
2010 – No irrigation (sufficient moisture)
2011 – No irrigation (system not constructed)
2012 – No irrigation (system not constructed)
2013 – No irrigation (sufficient moisture)
2014 – No irrigation
2015 – No irrigation (system not constructed)
2016 – No irrigation (system not constructed)
2017 – No irrigation (system not constructed)
2018 – No irrigation
2019 – No irrigation (no water available)
2020 – No irrigation (no water available)
2021 – No irrigation (sufficient moisture)
2022 – No irrigation (sufficient moisture)
2023 – Irrigated 132 acres of soybeans

These reports, paired with the engineer's inspection report, begs the question: When was the

irrigation system on the NW ¼ Section 34, T116N, R59W constructed?

If the system was not constructed prior to the March 11, 2013, construction deadline, a new permit application would need to be submit and Permit No. 6883-3 would be scheduled before the South Dakota Water Management Board for cancellation due to non-construction.

If the system was in place, prior to the March 11, 2023, construction deadline, and was down for maintenance or some other reason at the time of inspection, a new inspection would need to be conducted, so long as the system was not dismantled for a period of 3 or more years w/o legal excuse, as outlined in [Water Rules 74:02:01:37.1](#)

Thank you,

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



File No. 6883-3
& 7105-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Matt Walbeser w/ Riverview LLP

DATE: 07/25/2024

TELEPHONE: 320-287-1028

RE: irrigation practices of 6883-3

COMMENTS:

After Darrell's inspection found no irrigation system in place at the acreage authorized by 6883-3, I contacted Matt w/ Riverview LLP to determine whether any system had ever been constructed at that location, also outlining the IQ responses from 2008-2023. (see email in 6883-3 file from July 8, 2024)

On July 25, 2024, Matt called to confirm that there had never been an irrigation system constructed on that acreage and that the 2023 IQ response was incorrect.

Since 6883-3 provides diversion authority to 7105-3, it has been determined by Ron Duvall and myself that the best way to handle the situation would to incorporate 6883-3 & 7105-3, allowing the diversion rate to continue being used, while subsequently dropping coverage of the acres that were not developed for irrigation.

Matt was informed of this decision, which would negate the need to bring 6883-3 before the Board for cancellation.



Amanda Dewell
Water Rights Program