

WATER PERMIT NO. 6951-3

Name of Applicant: Verlyn Hybertson

Address: 5817 W 32nd St, Sioux Falls SD 57106

Phone: 605 334-1947

Amount of Water Claimed: 2.14 cfs

Total Acres: 150

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: 6 miles northeast of Vermillion

PRIORITY

Date Received: 1-22-08

Application/License Fee: \$300

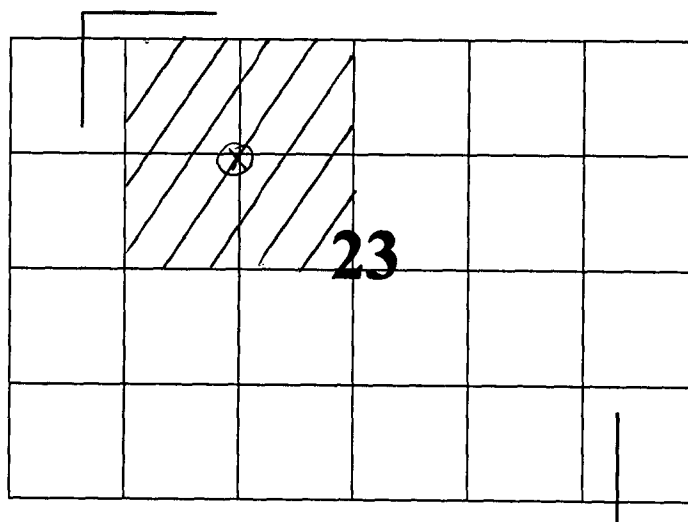
Corrected Application Received: 2-1-08

Period of Annual Use: March 15 – October 1

Remarks:

Diversion Point: Center of NW ¼ Sec 23-T93N-R51W

Land to be Irrigated: NW ¼ Sec 23-T93N-R51W



Depth of Well: 200 feet deep

Well Driller: :

Remarks:

Type of Map: aerial

Prepared by: Kelly Andersen, Clay Co FSA

Reviewed and the Number Assigned on: 2-1-08

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	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED
JAN 22 2008
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.)

1. Name of Applicant Verlyn Hybertson Phone (605) 334-1947
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 5817 W 32nd St Sioux Falls State SD 57106
(Street, RR, or Box and City) (Zip Code)

② Amount of water claimed 2.14 *CFS or 960 **GPM ***AF Total Acreage 150
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Under ground

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay

Dead Center of the four forty acres plots NW 1/4 -23-51 23-93N-~~SW~~ SW 51W

5. County or counties where water will be used Clay

6. Annual period during which water is to be used 3/15 thru 10/01 of current year

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 of NW 1/4-23-51 <u>Sec 23 T93N R51W</u>	<u>37.25</u>		
SW 1/4 of NW 1/4-23-51	<u>37.25</u>		
NE 1/4 of NW 1/4-23-51	<u>37.25</u>		
SE 1/4 of NW 1/4-23-51	<u>37.25</u>		

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

Drill well in center of quarter NW1/4-23-51 install pump and over head irrigation system

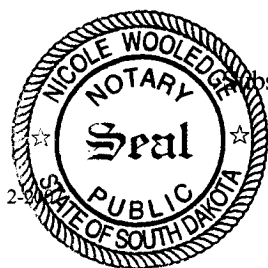
STATE OF SOUTH DAKOTA) SS
County of Minnehaha

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, VERLYN HYBERTSON, 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 Verlyn Hybertson

Subscribed and sworn to before me this 18 day of January 20 08



Nicole Woolledge
Notary Public signature

Comm 11/22/12

**SOUTH DAKOTA
WATER PERMIT NO. 6951-3**

Date of first receipt of application January 22, 2008.

Date of return to applicant for corrections, amendments or changes January 28, 2008.

Date of receipt of corrected application February 1, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6951-3 to Verlyn Hybertson, 5817 W 32nd St, Sioux Falls SD 57106 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. 6951-3 appropriates 2.14 cubic feet of water per second from one well to be completed into the Lower James:Vermillion Aquifer (approximately 200 feet deep) located in the center of the NW 1/4 Section 23 to irrigate 150 acres located in the NW 1/4 Section 23; all in T93N-R51W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 15 – October 1.
3. The date from which applicant may claim right is January 22, 2008.
4. The date of approval of Permit No. 6951-3 is March 24, 2008.
5. One-fifth of the construction is to be completed on or before September 24, 2010.
6. All construction is to be completed on or before March 24, 2013.
7. Water is to be put to beneficial use on or before March 24, 2017.
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. 6951-3 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

MAY 07 2008

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 200'
- b) Casing Type PVC Diameter 16" Thickness _____
- c) Screen Type PVC Diameter 16 Thickness _____
- d) Gravel Pack 1/2 - 3/8 Pea Rock Length of Gravel Pack 70'
- e) Depth to Top of Water Bearing Material 120'
- f) Depth to Water (ground surface to water level) 100'
- g) Distance to nearest existing domestic well:
On applicants property none On property owned by others 1/4 mile

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

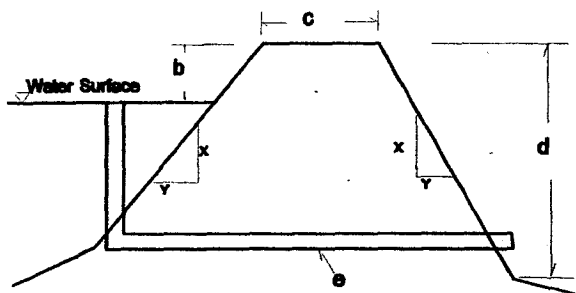
3. Dugout Information

- 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.

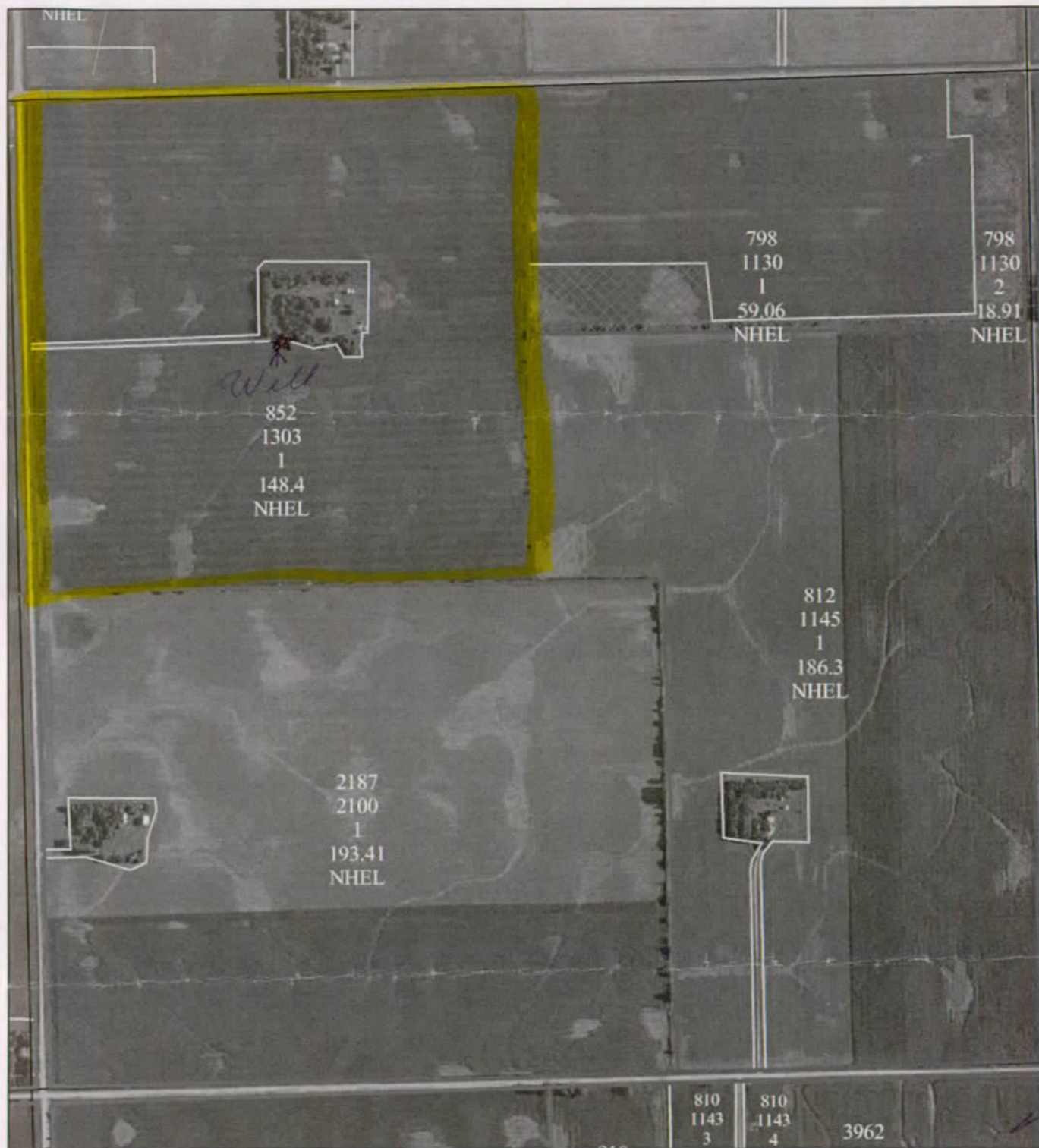
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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

Sec. NW $\frac{1}{4}$ -23-51

Kelly Andersen, PT
1-18-2008

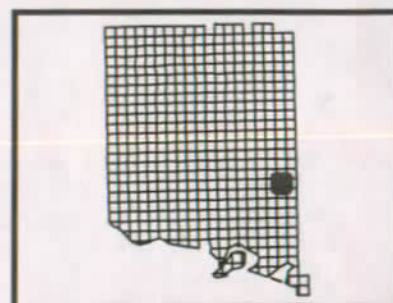


United States Department of Agriculture
Farm Service Agency



1:8,710

South Dakota
Clay County
23-93N-51W



February 28, 2007

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/22, 20 08

RECEIVED OF V Hybertson Farm 5817 W 32nd St Sioux Falls SD 57106

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

Fee for Application for Permit No. <u>6951-3</u> to Appropriate Water, to construct and to put water to beneficial use	250 00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form _____	
Fee for _____	
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law) TOTAL	250 00

No.

03397

By

Sharon Erbelle

Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/1, 20 08

RECEIVED OF V HYberston Farm 5817 W 32nd St Sioux Falls SD 57106

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. <u>6951-3</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	50	00

No.

03403

By

Inland Erbe
Chief Engineer

09



January 28, 2008

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECEIVED

FEB - 1 2008

WATER RIGHTS
PROGRAM

Verlyn Hybertson
5817 W 32nd St
Sioux Falls SD 57106

Dear Mr. Hybertson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Clay County. In order to complete the application the following is required.

- Please complete Item No. 2 – Amount of Water Claimed. State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 2.14 cfs or 963 gallons per minute irrigate 150 acres.
- We have received the \$250 application filing fee. In addition to the application filing fee, the Water Rights Program collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit.
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

*We do not have a well log
because the well is not drilled
yet. We will send the log as
soon as the well is finished*

Thank you *1-29-08*
Verlyn Hybertson



**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. 6951-3, Verlyn Hybertson**

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. 6951-3, Verlyn Hybertson, 5817 W 32nd Street, Sioux Falls SD 57106.

The Chief Engineer is recommending APPROVAL of Application No. 6951-3 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. 6951-3 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
February 28, 2008

NOTE: An important consideration in developing an irrigation project is assessing the compatibility of the soils with the quality of the water to be used. The staff report indicates that water in this area has a high specific conductance. A soil/water analysis may prove valuable in successfully developing this irrigation project. I encourage you to complete a soil/water compatibility analysis and implement a management plan to maintain the suitability of the soil. You can contact the Water Resource Institute in Brookings at 605.688.4910 if you have questions about conducting this analysis.

REPORT ON WATER PERMIT NO. 6951-3
For Verlyn Hybertson
February 21, 2008

Application No. 6951-3 proposes to appropriate 2.14 cfs (960 gpm) from one well approximately 200 feet deep located in the center of the NW ¼ of section 23 to irrigate 150 acres located in the NW ¼ of section 23; all in T93N R51W in Clay County.

AQUIFER – LOWER VERMILLION MISSOURI (LVM)

The Lower Vermillion Missouri is a predominantly buried outwash (sand and gravel) that is under either slightly confined or water table conditions in Clay County. The aquifer underlies 100,800 acres and contains an estimated 1.512 million acre-feet of recoverable water in storage (Hedges, 1982). The aquifer blends into the Upper Vermillion Missouri to the North, the Parker Centerville aquifer to the north, blends into the Missouri Elk Point aquifer to the south and extends into Union County to the east. Ground water movement is from northeast to southwest in the vicinity of this application (Stephens, 1967). Stephens also reported the aquifer could be 150 to 175 feet thick in this area. This does not include the roughly 80 to 90 feet of till overlying the aquifer at this site. In the subsurface the aquifer also appears to be hydraulically connected to the Niobrara Formation to the northeast.

No test wells were drilled for this application. There is sufficient information available that indicates the aquifer is present at this site and should be of sufficient thickness to complete an irrigation well at this site. However, test drilling and test pumping should be conducted to further evaluate the aquifer at this site. The depth estimate provided in the application is close to what the production well should be when completed.

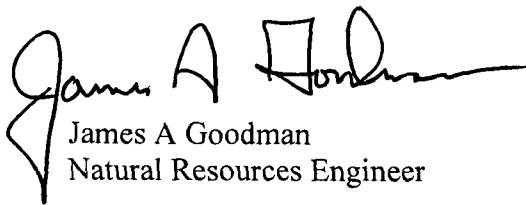
The Water Rights Program monitors an observation well CL-80F completed into the Lower Vermillion Missouri aquifer and located about one mile east of this application. Water levels for this observation well show good correlation with climatic conditions. That is water levels rise during wet periods and gradually decline during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There really are no other nearby Water Permits/Rights in this area. There are two exiting Water Rights located over two miles from the application. At this distance between wells drawdown will not be noticeable. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Lower Vermillion Missouri aquifer.
2. The aquifer is buried and may be under slightly artesian conditions at this site. However the water levels in the area behave more like water table conditions. Drawdown is not expected to be significant from the production well. Interference is not a concern. There nearest permitted users from the aquifer are over two miles from this proposed well.
3. This well must be completed in accordance with SD Well Construction Standards.
4. The water chemistry for this area indicates water that has a high specific conductance (2000 to 2500 micromhos). The water and soil should be compared for irrigation purposes by a soil or irrigation specialist.

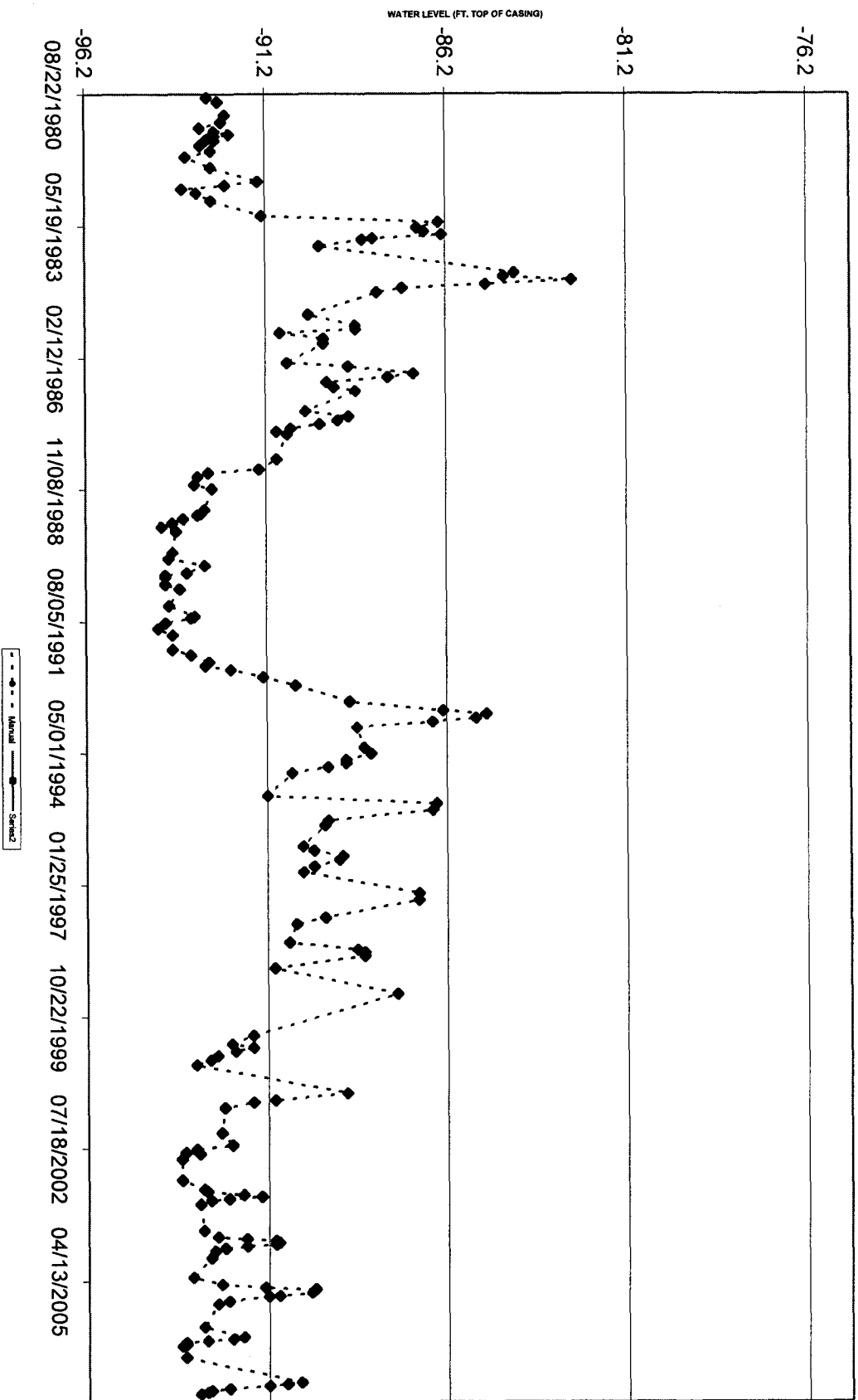


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Stephens, J.C, C.M. Christensen, 1967, Geology and Hydrology of Clay County, South Dakota, Part II Water Resources, Bulletin 19, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 2008, Unpublished Observation Well Data for Clay County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL CL-80F



AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Penny Tucker

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

NOTICE OF APPLICATION NO. 6951-3

TO APPROPRIATE WATER

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 7th day of March 20 08, and that the succeeding publications were severally

on Friday, the 14th day of March, 20 08,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Thirty-eight dollars and 12 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever



Subscribed and sworn to before me

this 14th day of March, 20 08



EXP-5-2013

Notary Public

RECEIVED
MAR 17 2008
WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 6951-3 to Appropriate Water

Notice is given that Verlynn Hybertson, 5817 W. 32nd St., Sioux Falls, SD 57106, has filed an application for a water permit to appropriate 2.14 cubic feet of water per second from one well to be completed into the Lower James Vermillion Aquifer (approximately 200 feet deep) located in the center of the NW 1/4 Section 23 to irrigate 150 acres located in the NW 1/4 Section 23; all in T93N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6951-3 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 March 24, 2008.

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. Firner, Secretary, Department of Environment and Natural Resources.

Publish: March 7 & 14, 2008



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 29, 2008

Plain Talk
PO Box 256
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6951-3 to Appropriate Water to be published twice. Please publish the first notice on March 7, 2008 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 Verlyn Hybertson, 5817 W 32nd St, Sioux Falls SD 57106 (Ph # 605-334-1947).

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. 6951-3

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

Date _____

We are in receipt of your letter of February 29, 2008 enclosing Notice to Appropriate Water by Application No. 6951-3 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.

February 29, 2008

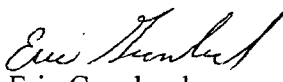
Verlyn Hybertson
5817 W 32nd St
Sioux Falls SD 57106

Dear Mr. Hybertson:

Water Permit Application No. 6951-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Plain Talk printed at Vermillion SD (Ph # 605-624-2695). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

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 March 7, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6951-3 to Appropriate Water

Notice is given that Verlyn Hybertson, 5817 W 32nd St, Sioux Falls SD 57106 has filed an application for a water permit to appropriate 2.14 cubic feet of water per second from one well to be completed into the Lower James:Vermillion Aquifer (approximately 200 feet deep) located in the center of the NW ¼ Section 23 to irrigate 150 acres located in the NW ¼ Section 23; all in T93N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6951-3 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 March 24, 2008.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 07 2003

Verlyn Hybertson
5817 W 32nd St
Sioux Falls SD 57106

Dear Mr. Hybertson:

Enclosed is Water Permit No. 6951-3 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

6951-3

RECEIVED

SEP - 4 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9/2/02

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Verlyn Hybertson
(name)
5817 West 32nd St.
(address)
Sioux Falls SD 57106 605-334-1947
(city, state, zip) (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.

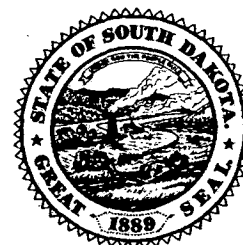
Water Permit No. 6951-3 states that the water use system is to be constructed by
6-2-02, and water is to be put to beneficial use by 6-10-02
(date) (date)

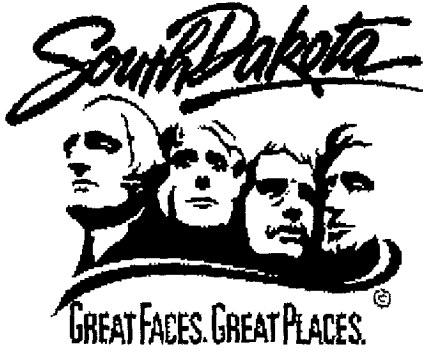
The water use system was completed on 6-10-02
(date)

Applying the water to beneficial use was completed on 7-20-02
(date)

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

Verlyn Hybertson
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 5, 2008

6951-3

Veryln Hybertson
5817 W 32nd St
Sioux Falls SD 57106

Dear Mr. Hybertson:

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,

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location se $\frac{1}{4}$ nw $\frac{1}{4}$ Sec 23 Twp 93n Rg 51w

County

clay

North

Please mark well
location with an "X"

W

E

Well Completion Date

6/29/2008

1 Mile

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

700.0 ft. from abandoned well (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	16.00	0.0	116.0	22.00
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From Ft	To Ft
port grt	21	9.5	0.0	111.0
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 50.0 FeetMaterial PVCSlot Size 0.060 Set From 116.0 Feet to 166.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? HTH tablets
☐ No, Why Not?
Lab sample sent to for
water quality analysisWell Owner: Verlyn Hybertson

Business Name:

Address: 5817 w. 32nd streetCity, State, Zip: Sioux Falls SD 57106

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, brown, sandy	0	4
Clay, brown, silty, pebbly (till)	4	26
Clay, gray, silty, pebbly, (till)	26	104
Sand, gray, med to coarse, pebbly	104	168

STATIC WATER LEVEL 91.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

105.0 Ft. After 1.0 Hrs. pumped 700.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 800.0 GPM

REMARKS

RECEIVED

FEB - 2 2009

WATER RIGHTS
PROGRAMThis well was drilled under license # 666

And this report is true and accurate.

Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

12/08/08



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



December 2, 2014

6951-3

Mark D Nelson
46629 311th St
Vermillion SD 57069

Dear Mr. Nelson:

I am writing to acknowledge receipt of the 2014 irrigation questionnaire for Water Permit No. 6951-3.

Based on the notation made on the questionnaire, enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water permit in the event you do not have one. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2015

6951-3

Mark D Nelson
46629 311th St
Vermillion SD 57069

Dear Mr. Nelson:

I am writing in regard to ownership of land described in Water Permit No. 6951-3. The water permit is currently held by Verlyn Hybertson. On December 2, 2014, I forwarded a transfer of ownership form to you for filing an ownership change. This was done based on a notation you made on the 2014 irrigation questionnaire. To date, we have not received the transfer form back from you.

In the event you do not have the original form, enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you were completing the irrigation questionnaire as renter and do not own the land, please give me a call. Thank you in advance for your assistance.

Sincerely,

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

enclosure

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Mark D Nelson, 46629 311th St, Vermillion SD 57069

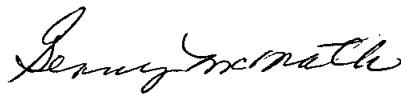
DATE: March 5, 2015

RE: Water Permit No. 6951-3

COMMENTS:

In response to my letter of March 3rd concerning ownership of land described in Water Permit No. 6951-3, Mr. Nelson called to explain that he was the renter of the property and Verlyn Hybertson still owned the land. He indicated that Mr. Hybertson was elderly and preferred to have someone else handle everything.

I told Mr. Nelson to disregard the transfer form I had sent to him. He indicated it would be fine to put his name in the file as that of renter and have the annual irrigation questionnaires sent directly to him.



Genny McMath
Water Rights Program

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6951-3

I have this day, November 3, 2016, made a thorough examination of the water use system constructed by Verlyn Hybertson, 5817 W 32nd St, Sioux Falls SD 57106 of Permit No. 6951-3, bearing the priority of January 22, 2008 authorizing the diversion of 2.14 cu. ft. per second of the waters of Lower James: Vermillion Aquifer for irrigation purposes, of 150 acres, in Clay County.

Inspection contact & relationship **Mark Nelson, tenant**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells 1
- 3) Depth(s) 166 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 116 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 50 feet
- 3) Static water level 91 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Capacity 800 GPM

Motor:

- 1) Make Omni Right Angle Gear
- 2) Model No. G-30
- 3) Horsepower rating 60 hp

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Lindsay
- 2) Overall length 1301 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800 GPM

Comments: Water Permit 6951-3 appropriated 2.14 cfs or 960 gpm, however only 1.78 cfs or 800 gpm was developed.
System is driven by a Diesel Generator Set with above ground diesel fuel tank.

Chemigation Equipment:

- 1) Does chemigate Yes
- 2) Main line check valve Yes
- 3) Inspection port/air relief Yes
- 4) Low pressure drain Yes
- 5) Discharge is 20' from source Yes
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve Yes
- 9) Injection line check valve or positive displacement pump Yes

Comments: Permit holder was not chemigating at time of inspection, but provided the above answers to questions asked. Permit holder indicated he uses chemigation primarily to apply liquid nitrogen to corn crop. A copy of the chemigation rules and Appendix A were reviewed with the tenant.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2002.
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: East 1330', South 1340' from NW Corner of Sec 23-T93N-R51W; Lat 42.86263/Long -96.84047; approximate center of NW 1/4 Sec 23-T93N-R51W.
2. The works are capable of diverting and conveying to the place of use 1.78 cfs or 800 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 23-T93N-R51W.

NW 1/4 NW 1/4 - 32 ac

NE 1/4 NW 1/4 - 33 ac

SW 1/4 NW 1/4 - 33 ac

SE 1/4 NW 1/4 - 34 ac

comprising a total of 132 acres of land and the license should be issued for 1.78 cfs or 800 gpm.

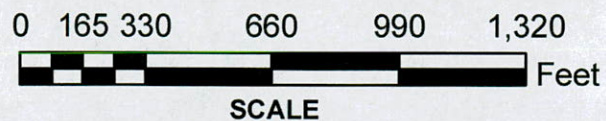
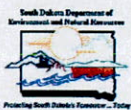
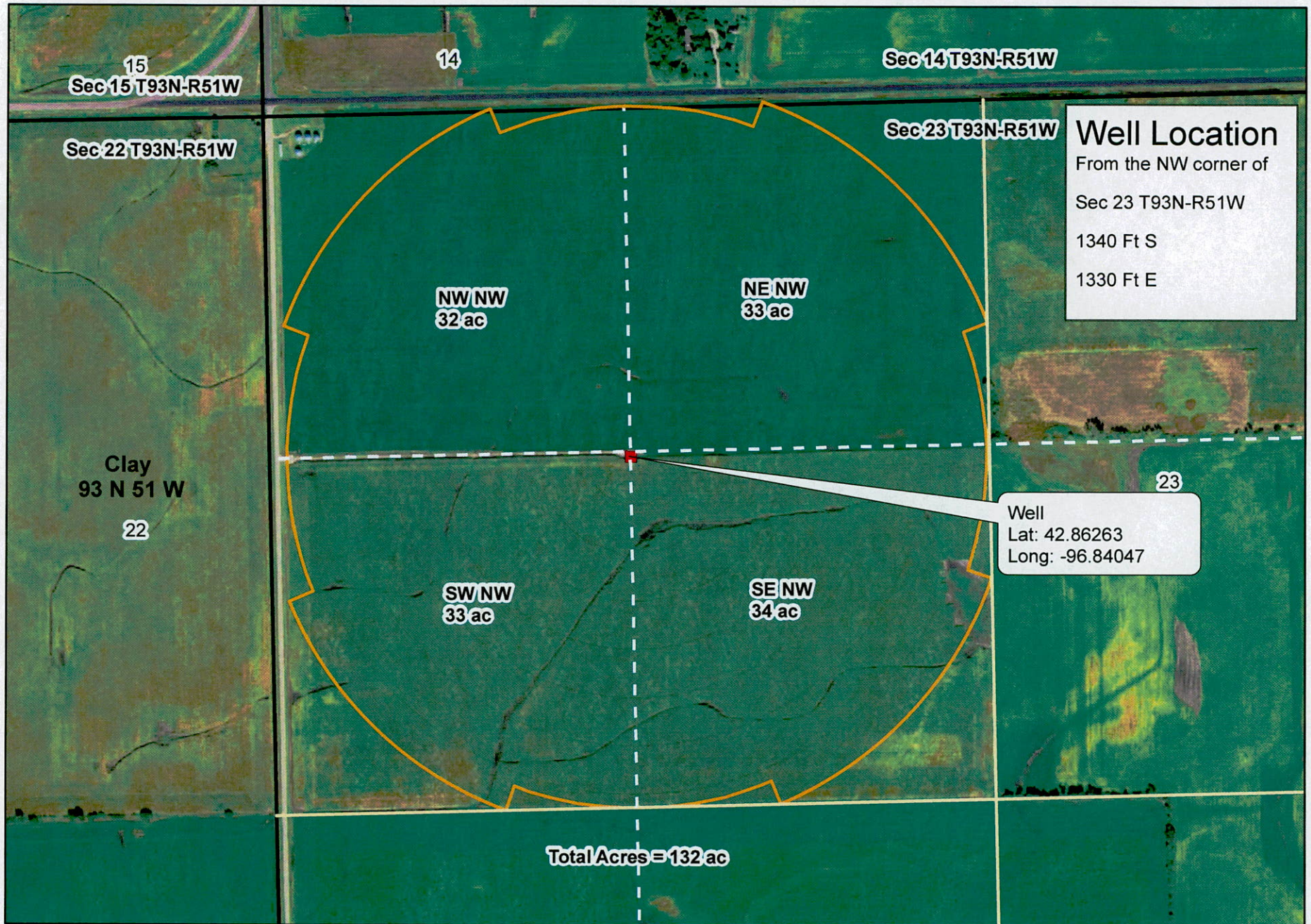
3. All structures, wells and lands on map Yes



Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: April 20, 2017

6951-3



Harold Holoch
Harold Holoch, PE
Staff Engineer
April 20, 2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 30 2017

6951-3

Verlyn Hybertson
5817 W 32nd St
Sioux Falls SD 57106

Dear Mr. Hybertson:

Enclosed is Water License No. 6951-3. 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. 6951-3, 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

c: Mark Nelson, 46629 311th St, Vermillion SD 57069

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6951-3

(1) Verlyn Hybertson, 5817 W 32nd St, Sioux Falls SD 57106 made Application No. 6951-3, January 22, 2008 for a water permit to divert 2.14 cubic feet of water per second from ground water, one well (Lower James Vermillion Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 6951-3, with a priority date of January 22, 2008 was approved March 24, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 24, 2013 and for the application to beneficial use of said water on or before March 24, 2017.

(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 1,330 feet east and 1,340 feet south of the NW corner of Section 23, T93N, R51W (approximate center of the NW quarter).

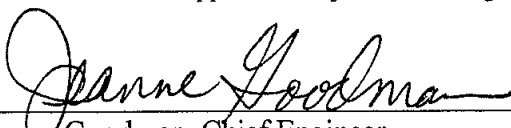
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 23, T93N, R51W	NW ¼ NW ¼	32 acres
	SW ¼ NW ¼	33 acres
	NE ¼ NW ¼	33 acres
	SE ¼ NW ¼	34 acres
Total		132 acres

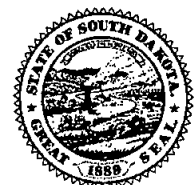
(4) Pursuant to South Dakota Water Law 46-5-30.1 Verlyn Hybertson, 5817 W 32nd St, Sioux Falls SD 57106 the holder and/or owner of Water Right No. 6951-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Lower James Vermillion Aquifer) with a priority date of January 22, 2008 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. 6951-3 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. 6951-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in June, 2008 by Hammond Wetmore Drilling. A copy of the well completion report 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

MAY 30 2017
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 7, 2017

6951-3

Verlyn Hybertson
700 S Spring
Sioux Falls SD 57104-4833

Dear Mr. Hybertson:

Enclosed is your Water License No. 6951-3.

The letter was originally mailed to 5817 W 32nd St, Sioux Falls SD. We have your new address and I will update our records accordingly.

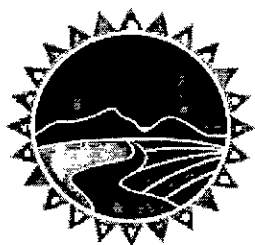
If you have any questions, please contact me.

Sincerely,

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

enclosures

6951-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 2020

6951-3

Mark Nelson
31079 467th Ave
Vermillion SD 57069 6819

Dear Mr. Nelson:

Enclosed is a "Notice" dated October 23, 2020 concerning the 2020 irrigation questionnaire.

The notice was originally mailed to 46629 311th St, Vermillion. 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,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, written over a horizontal line.

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 6, 2025

6951-3

Nicholas O'Connell
30485 466th Ave
Beresford SD 57704

Dear Mr. O'Connell:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to irrigators across the state, for the purpose of collecting information on annual water use from our state's waters.

This year we received word from Mark Nelson, that he no longer rents the property covered under Water Right No. 6951-3 that he had previously reported on, and that you should now be listed as the renter.

Water Right No. 6951-3, held by Verlyn Hybertson, authorizes the irrigation of 132 acres in the NW ¼ Section 23-T93N-R51W, Clay County, South Dakota.

Please complete the enclosed 2025 Irrigation Questionnaire with this year's water use and your appropriate contact information. Should you decide you wish to discontinue the irrigation on this piece of land, or have any additional questions or concerns, we ask that you let us know.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure

Cc: Verlyn Hybertson, 700 S Spring, Sioux Falls SD 57104

6951-3



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

January 20, 2026

NOTICE

TO: NICHOLAS O'CONNELL, 30485 466TH AVE, BERESFORD SD 57004
FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5290-3 & 8954-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 6951-3 qualification:

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

The hearing will be held on Wednesday, March 4, 2026 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) 6951-3 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 4, 2026 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: MUWTWS

cc: VERLYN HYBERTSON, 700 S SPRING, SIOUX FALLS SD 57104

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.