

WATER PERMIT NO. 6952-3

Name of Applicant: **Brian Herrbolt**

Address: **42855 287th St., Menno SD 57045** Phone: **605 387-5448**

Amount of Water Claimed: **1.78 cfs** Total Acres: **90**

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

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

Type of Waste Disposal System:

Location: **1 ½ Southwest of Menno**

PRIORITY Date Received: **2-6-08** Application/License Fee: **\$275**

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

Remarks: **Using the existing well authorized by Water Right No. 6392-3 and requesting more than 1 cfs per 70 acres**

Diversion Point: **SW ¼ NE ¼ Sec 18-T97N-R57W**

Land to be Irrigated: **NW ¼ SE ¼, E ½ SW ¼ Sec 18-T97N-R57W**

Depth of Well: **240 feet deep**

Well Driller: : **Hammond-Wetmore Drilling**

Remarks:

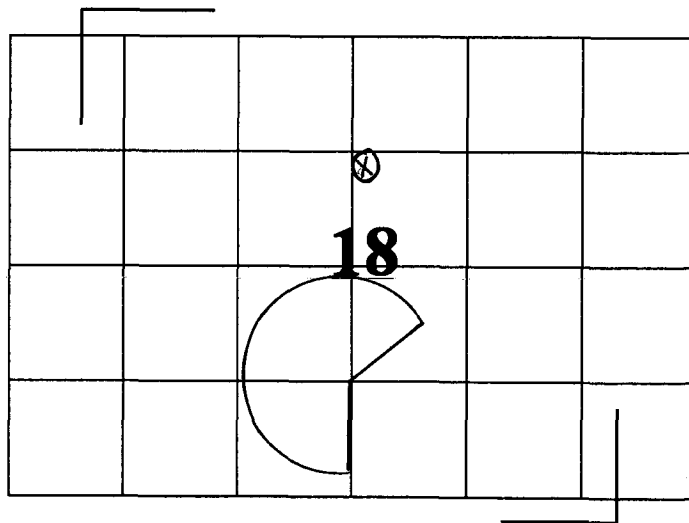
Type of Map: **aerial**

Prepared by: **Mary F Haag, Hutchinson Co FSA**

Reviewed and the Number Assigned on: **2-6-08**

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	No. <u>6952-3</u> (office use only)	Hydrologic Unit <u>10166011</u>
	Basin <u>James River</u>	
	Newspaper <u>Hutchinson Herald</u>	<u>PO Box 6</u>
	<u>605-387-5158</u>	<u>Menno 57045</u>

RECEIVED
 FEB - 6 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.) _____

- Name of Applicant Brian Herrboldt Phone 605-387-5448
 (check one) ☒ Owner ☐ Tenant/Lessee
 Mailing Address 42855 287th St Menno State SD 57045
 (Street, RR, or Box and City) no additional (Zip Code)
- Amount of water claimed 446 *CFS or 800 **GPM ***AF Total Acreage 90
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Groundwater
- Location of point of diversion (example- 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in W1/2 of
NE 1/4 (SW 1/4 NE 1/4) Sec 18 T97N R57W
 County Hutchinson
- County or counties where water will be used Hutchinson
- Annual period during which water is to be used April to October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 SE 1/4 18-97N-57W	24.8	25	
NE 1/4 SW 1/4 18-97N-57W	28.1	30	
SE 1/4 SW 1/4 18-97N-57W	34.9	35	

8. Give a description of the project. (Attach sheet if more space is needed)
 We would like to add a pivot onto our existing well to irrigate another 90 acres. Current license # is 6392-3.

STATE OF SOUTH DAKOTA) SS
 County of Hutchinson

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, Brian Herrboldt, 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 Brian Herrboldt

Subscribed and sworn to before me this 4th day of February 20 07

Notary Public signature



SOUTH DAKOTA
WATER PERMIT NO. 6952-3

Date of first receipt of application February 6, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6952-3 to Brian Herrboldt, 42855 287th St, Menno SD 57045 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. 6952-3 authorizes irrigation of an additional 90 acres located in the NW ¼ SE ¼, E ½ SW ¼ Section 18; all in T97N-R57W from an existing well authorized by Water Right No. 6392-3 which is located in the SW ¼ NE ¼ Section 18, T97N, R57W. Water Right No. 6392-3 appropriates 3.56 cubic feet of water per second from two wells completed in the Lower James:Missouri Aquifer to irrigate 272 acres is the E ½ NW 1/4 , NE ¼ Section 18 and the W ½ NW ¼ Section 17; all in T97N, R57W. There is no increase in the diversion rate authorized by Water Right No. 6392-3.
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 February 6, 2008.
4. The date of approval of Permit No. 6952-3 is March 31, 2008.
5. One-fifth of the construction is to be completed on or before September 30, 2010.
6. All construction is to be completed on or before March 31, 2013.
7. Water is to be put to beneficial use on or before March 31, 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. 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 15 2008

date



Form 2A

(Complete applicable portions only)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed ConstructionExisting well 1/2 mile South, Water license No
#6392-3

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ 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 _____ On property owned by others _____

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 _____

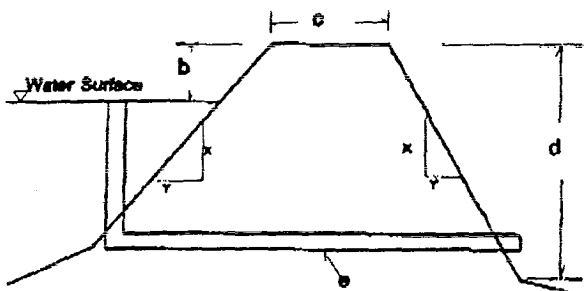
3. Dugout Information

- 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

Scale: 1 inch equals 818 feet

1,200

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

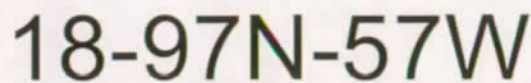
Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Nov 23, 2005

Water Right No. 6392-3



V Namg, I Haag.
Dutchinson Co. PT

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/6, 20 08

RECEIVED OF Brian Herrboldt 42855 287th St Menno SD 57045

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

Fee for Application for Permit No. <u>6952-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>6952-3</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	275	00

No.

03506

By

Paul E. Erbe
Chief Engineer

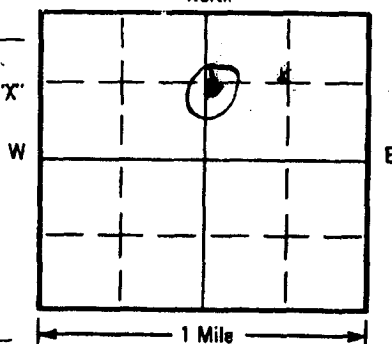
275.00
7/

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6392-3 07-92

Location SW 1/4 NE 1/4 Sec 18 Twp 97N Rg 57WCounty Hutchinson

Please mark well location with an "X"



Well Completion Date

May 13, 2003Well Owner: Brian Herrbohl

Business Name:

Address: Marion, SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>SILT, DK BRN CLAY,</u>	<u>0</u>	<u>3</u>
<u>clay, yellow BRN, pebbly</u>	<u>3</u>	<u>46</u>
<u>clay, grey, pebbly, SILT,</u>	<u>46</u>	<u>160</u>
<u>SAND, coarse, poorly sorted</u>	<u>160</u>	<u>235</u>
<u>CLAY DK GRAY, SAND,</u>	<u>235</u>	<u>240</u>

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1500 ft. from Septic Tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50 LB/FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>160 FT</u>	<u>24 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Best GRT</u>	<u>61</u>	<u>710 lb./gal</u>	<u>20 ft</u>	<u>155 ft</u>
<u>Cont GRT</u>	<u>10</u>	<u>714 lb./gal</u>	<u>1 ft</u>	<u>20 ft</u>

Describe grouting procedure TremieSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 70 FEETMaterial PVCSlot Size .050 Set From 160 Feet to 230 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:HTM☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

STATIC WATER LEVEL 111 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: Air Lift for 6 HR☐ Bailedw/ Surging; pumped for 6 HR☒ Other _____

Pumping Level Below Land Surface

147 ft. After 4 Hrs. pumped 1100 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 800 GPM

REMARKS

RECEIVED
JAN 30 2004This well was drilled under license # 666 WATER RIGHTS PROGRAM

And this report is true and accurate.

Drilling firm HANDMAN-LOTTING DRILLING

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 5-13-03

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6952-3, Brian Herrbolt

ADDRESS: COUNTY: Hutchinson

DATE: February 6, 2008 TELEPHONE: 605 387-5448

RE: Call to Mr. Herrbolt

COMMENTS:

I contacted Mr. Herrbolt regarding the proposed well for this application. Mr. Herrbolt intends to use the existing well in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T97N, R57W that is authorized under Water Right No. 6392-3. I stated the map indicated "well" new the center point for the new pivot. He indicated that was an error on his part and should have stated pivot point.

The application requests an appropriation of 800 gpm. Mr. Herrbolt stated that the well will not be changed from the 800 gpm it currently produced. The well will supply the two pivots on an alternating basis. Mr. Herrbolt agreed that this is a request for 90 additional acres with no increase in the diversion rate authority.

NAME: Eric Herrbolt



**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. 6952-3, Brian Herrboldt**

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. 6952-3, Brian Herrboldt, 42855 287th Street, Menno SD 57045.

The Chief Engineer is recommending APPROVAL of Application No. 6952-3 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. 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

REPORT ON WATER PERMIT APPLICATION NO. 6952-3

For Brian Herrboldt

February 21, 2008

Application No. 6952-3 proposes to irrigate and additional 90 acres located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ of section 18 all in T97N R57W. The water will be provided from an existing well approximately 235 feet deep authorized by Water Right No. 6392-3 which is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 18, T97N R57W. Water Right No. 6392-3 authorizes 3.56 cfs from two wells to irrigate 272 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ of section 18 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ of section 17; all in T97N R57W in Hutchinson County. No increase in the diversion rate authorized by Water Right No. 6392-3 is requested by this application.

AQUIFER – LOWER JAMES MISSOURI (LJM)

The Lower James Missouri is a buried outwash (sand and gravel) that is under predominantly water table conditions but appears it may be under artesian conditions at this site. The aquifer underlies 268 square miles and contains an estimated 2.367 million acre-feet of water in storage in Hutchinson County (Lindgren, 1990). The aquifer extends into Hanson County to the north, into Yankton County to the south and blends into the Choteau aquifer in the subsurface to the west. The aquifer appears to be hydraulically connected to the James River and ground water movement is from east to west toward the James River in the area of this application (Lindgren, 1990). Also it appears that the Lower James Missouri aquifer may be hydraulically connected to the Niobrara aquifer over portions of Hutchinson County.

The log for this irrigation well indicates coarse sand from a depth of 160 feet to a total depth of 235 feet below land surface. This well had a static water level of 111 feet below land surface. The well was tested at a rate of 1,100 gpm for six hours and had a drawdown of 36 feet. This equates to a specific capacity of about 30.5 gpm/ft of drawdown. This is a relatively small specific capacity for this aquifer.

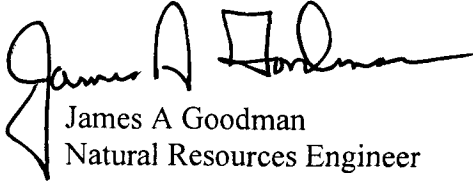
The Water Rights Program monitors an observation well HT-78B located about one-half mile northwest of this existing irrigation well and completed into the Lower James Missouri aquifer. Water levels for this well show good response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining water levels during dry years. There are small annual fluctuations in the water level that appear to be caused by pumping of nearby irrigation wells. 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

The nearest existing water permits/rights are located about one mile west of this application. This is Water Right No. 4804-3 (1.78 cfs, 131 acres). Interference is not expected to be a problem. The observation well record indicates that very small fluctuations due to pumping can be expected.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer may be under artesian conditions at this site but the water levels behave like water table conditions. Interference is not a concern. Notice there are slight changes in the water level during the irrigation season that would appear to be caused by pumping of the nearby irrigation wells.
3. This existing irrigation well has been constructed in accordance with South Dakota Well Construction Standards.



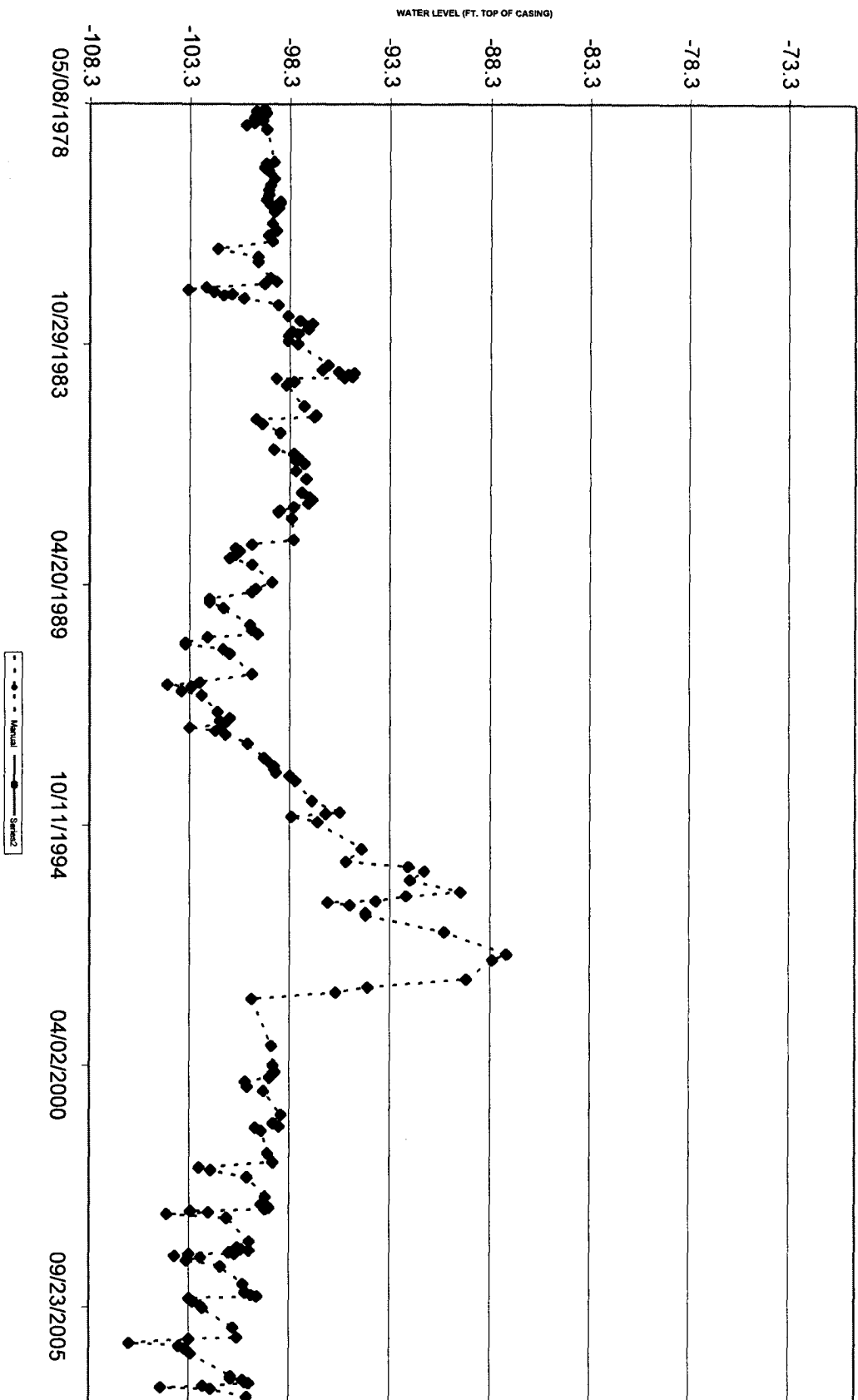
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

Water Rights, 2008, Unpublished Observation Well Data for Hutchinson County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
HT-78B



AFFIDAVIT OF PUBLICATION

County of Hutchinson)
) ss.
State of South Dakota)

Tim L. Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That the Hutchinson Herald is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Menno in said county and state by Tim L. Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Tim L. Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed **Appropriate Water**

a printed copy of which is hereto attached, was printed and published in the said newspaper for two successive issues to-wit:

The first publication on:
March 12, 2008

the second publication on:
March 19, 2008

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of \$50.22 insures solely to the benefit of the publisher of the Hutchinson Herald, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of \$50.22 is the rate for publishing legal notices.

T. L. Waltner

Subscribed and sworn to before me this 19th day of March 2008.

Linda Wey

Notary Public
Commission expires: 10/9/12

Publication fee: \$50.22
Notary fee:
Total: \$50.22

RECEIVED

MAR 21 2008

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 6952-3 To Appropriate Water

Notice is given that Brian Herrboldt, 42855 287th St., Menno, S.D. 57045 has filed an application for a water permit to irrigate an additional 90 acres located in the NW 1/4 SE 1/4, E 1/2 SW 1/4 Section 18; all in T97N-R57W from an existing well authorized by Water Right No. 6392-3, which is located in the SW 1/4 NE 1/4, Section 18, T97N, R57W. Water right number No. 6392-3 appropriates 3.56 cubic feet of water per second from two wells completed in the Lower James:Missouri Aquifer to irrigate 272 acres in the E 1/2 NW 1/4, NE 1/4 Section 18 and the W 1/2 NW 1/4 Section 17; all in T97N, R57W. No increase in the diversion rate authorized by Water Right No. 6392-3 is requested.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6952-3 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, S.D. 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 31, 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.

(Publish March 12 & 19, 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

March 3, 2008

Hutchinson Herald
PO Box 506
Menno SD 57045

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6952-3 to Appropriate Water to be published twice. Please publish the first notice on March 12, 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 Brian Herrboldt, 42855 287th St, Menno SD 57045 (Ph # 605-387-5448).

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. 6952-3

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

Date _____

We are in receipt of your letter of March 3, 2008 enclosing Notice to Appropriate Water by Application No. 6952-3 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.

March 3, 2008

Brian Herrboldt
42855 287th St
Menno SD 57045

Dear Mr. Herrboldt:

Water Permit Application No. 6952-3 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 Hutchinson Herald printed at Menno SD (Ph # 605-387-5158). 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 12, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6952-3 to Appropriate Water

Notice is given that Brian Herrboldt, 42855 287th St, Menno SD 57045 has filed an application for a water permit to irrigate an additional 90 acres located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18; all in T97N-R57W from an existing well authorized by Water Right No. 6392-3 which is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T97N, R57W. Water Right No. 6392-3 appropriates 3.56 cubic feet of water per second from two wells completed in the Lower James:Missouri Aquifer to irrigate 272 acres is the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 18 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 17; all in T97N, R57W. No increase in the diversion rate authorized by Water Right No. 6392-3 is requested.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6952-3 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 31, 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

APR 15 2008

Brian Herrboldt
42855 287th St
Menno SD 57045

Dear Mr. Herrboldt:

Enclosed is Water Permit No. 6952-3 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

RECEIVED
JUL 31 2008
WATER RIGHTS
PROGRAM

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 7-29-2008

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

FROM: Brian Herrboldt
(name)
42855 287th St
(address)
Menno, SD 57045 605-387-5448
(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.

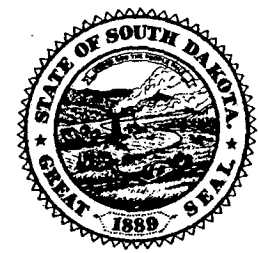
Water Permit No. 6952-3 states that the water use system is to be constructed by March 31 2013, and water is to be put to beneficial use by March 31 2017.
(date) (date)

The water use system was completed on July 7 2008.
(date)

Applying the water to beneficial use was completed on July 7 2008.
(date)

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

Brian Herrboldt
(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

August 1, 2008

6952-3

Brian Herrboldt
42855 287th St
Menno SD 57045

Dear Mr. Herrbolt:

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

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

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

Sincerely,

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

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6952-3**

I have this day, September 7, 2023, made a thorough examination of the water use system owned by Brian Herrbolt, 42855 287th St., Menno, SD 57045, holder of Permit No. 6952-3, bearing the priority date of February 6, 2008, authorizing the diversion of 0.0 cu. ft. per second of the waters of groundwater (Lower James: Missouri Aquifer) and the irrigation of 90 acres. This permit uses the water from a well associated with Water Right No. 6392-3, all located in Hutchinson County.

Inspection contact: Brian Herrbolt

A. Works used to divert the water:

Well Information from Water Right No. 6392-3

- 1) Well Drilling Firm: Hammond Wetmore Drilling
- 2) No. of Wells: 1
- 3) Depth(s): 230 feet
- 4) Well logs are available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 160 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 70 feet
- 3) Type: PVC
- 4) Static water level: 111 feet

Pump:

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

Motor:

- 1) Make: Unknown
- 2) Model No: Unknown
- 3) Horsepower rating: 60 - 65 hp

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

- 1) Type: PVC Size: 8 inches Length: 2,380 feet (west well to WR No. 6952-3 pivot)

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Valley
- 2) Overall length: 1,299 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 750 GPM

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: Positive displacement
- 8) Injection check valve: Yes
- 9) Injection line check valve or positive displacement pump: Yes

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
- 3) Exceptions to compliance are: None

E. Condition and Location:

- 1) The systems are in good condition with the point(s) of diversion located as follows:
The well is 1,375 feet south and 2,550 feet west of the northeast corner of Section 18-T97N-R57W (Latitude 43.22283, Longitude -97.62713– SW1/4 of the NE1/4).
- 2) The works are capable of diverting and conveying to the places of use 1.78 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in

Section 18-T97N-R57W

NE1/4SW1/4 39 acres

SE1/4SW1/4 29 acres

NW1/4SE1/4 22 acres

comprising a total of 90 acres of land and the license should be issued for 0.0 cfs.

- 3) All structures, wells and lands on map: Yes

F. Comments or other permit(s) associated with the project: This permit uses the west well associated with Water Right No. 6392-3. The well information was obtained from the licensing report for Water Right No. 6392-3. This permit could be combined with Water Right No. 6392-3 into one license.

Keith DeJong

Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: September 7, 2023

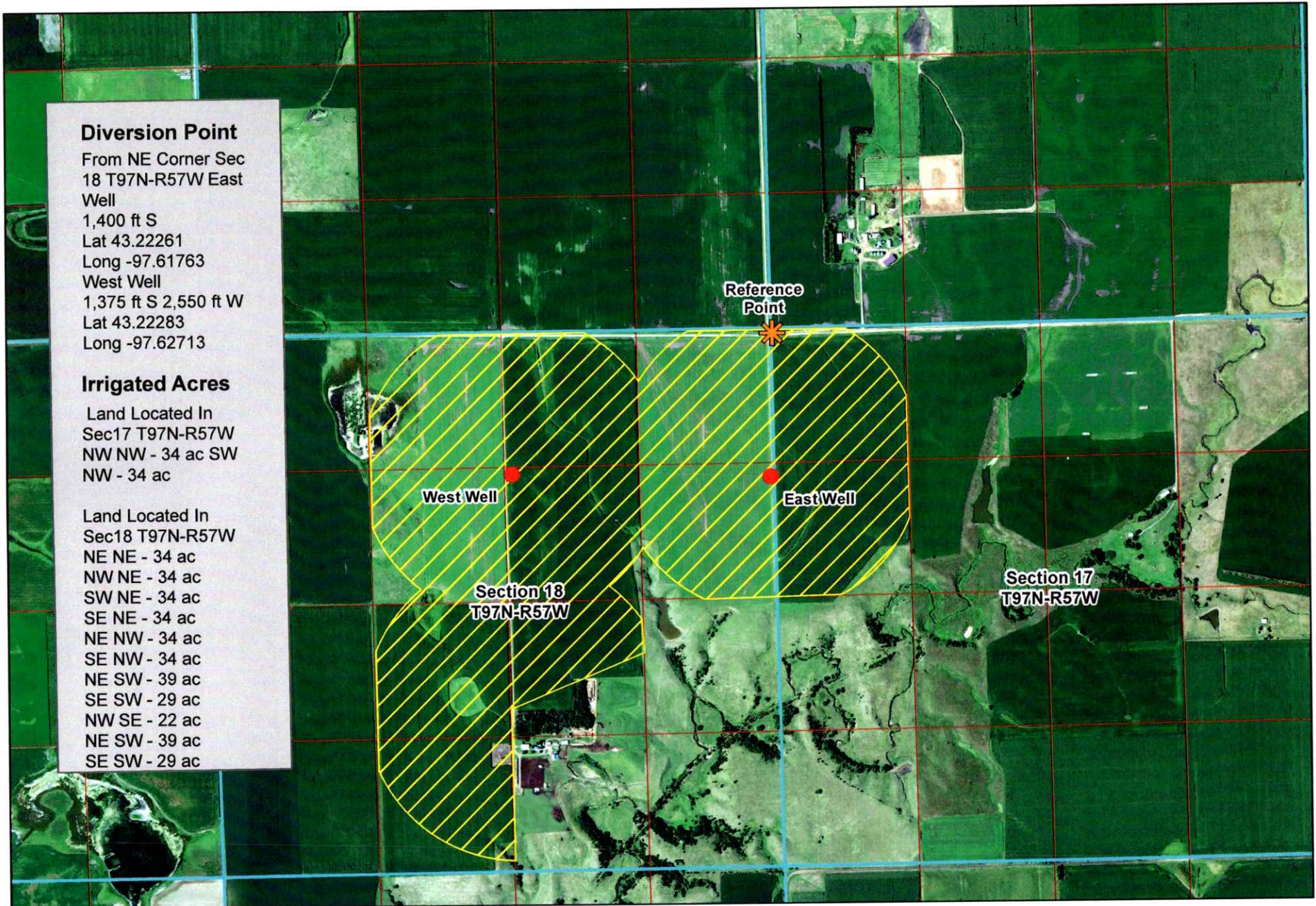
Diversion Point

From NE Corner Sec
18 T97N-R57W East
Well
1,400 ft S
Lat 43.22261
Long -97.61763
West Well
1,375 ft S 2,550 ft W
Lat 43.22283
Long -97.62713

Irrigated Acres

Land Located In
Sec17 T97N-R57W
NW NW - 34 ac SW
NW - 34 ac

Land Located In
Sec18 T97N-R57W
NE NE - 34 ac
NW NE - 34 ac
SW NE - 34 ac
SE NE - 34 ac
NE NW - 34 ac
SE NW - 34 ac
NE SW - 39 ac
SE SW - 29 ac
NW SE - 22 ac
NE SW - 39 ac
SE SW - 29 ac



Keith DeLong
Water Rights Inspector
September 7, 2023



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

SEP 11 2023

6952-3

Brian Herrboldt
42855 287th St
Menno SD 57045

Dear Mr. Herrboldt:

Enclosed is Water License No. 6952-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

NOTE: The applicable portions of Water Right No. 6392-3 have been incorporated into Water Right No. 6952-3.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6952-3**

(1) Brian Herrboldt; 42855 287th St, Menno SD 57045, made Application No. 6952-3, February 6, 2008, for a water permit to authorize the addition of 90 acres located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18, T97N, R57W, Hutchinson County, South Dakota for irrigation purposes. Permit No. 6952-3, with a priority date of February 6, 2008, was approved March 31, 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 31, 2013, and for the application to beneficial use of water on or before March 31, 2017.

Water Right No. 6392-3 authorizes the diversion of 3.56 cubic feet of water per second from groundwater, two wells (Lower James: Missouri Aquifer) for the irrigation of 272 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 18 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 17, all in T97N, R57W. The applicable portions of Water Right No. 6392-3 are now incorporated into Water Right No. 6952-3.

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

- East Well: 1,400 ft S of the NE corner of Section 18, T97N, R57W (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
(Latitude 43.22261 & Longitude -97.61763)
- West Well: 1,375 ft S & 2,550 ft W of the NE corner of Section 18, T97N, R57W (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
(Latitude 43.22283 & Longitude -97.62713)

(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 17, T97N, R57W
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 34 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 34 acres

Section 18, T97N, R57W

NE $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	39 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	29 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	22 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres		

TOTAL: 362 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Brian Herrboldt, the holder and/or owner of Water Right No. 6952-3 is issued a license to appropriate water, the right to use 3.56 cubic feet of water per second from groundwater, two wells (Lower James: Missouri Aquifer), with priority dates of February 3, 2003 for 3.56 cfs and 272 acres and February 6, 2008, for 90 acres, from the locations specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6952-3 and subject to the following qualifications:

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



Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

SEP 11 2023

date

