

WATER PERMIT NO. 6962-3

Name of Applicant: Norman Kramer

Address: 31105 436 Ave, Yankton SD 57078 Phone: 712-540-2401

Amount of Water Claimed: 1.56 Total Acres: 160 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 4 miles southeast of Beresford

PRIORITY Date Received: 2-11-08 Application/License Fee: \$300

Corrected Application Received: Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: NW ¼ NW ¼ Sec 23-T95N-R50W

Land to be Irrigated: NW ¼ Sec 23-T95N-R50W

Depth of Well: 75 feet deep

Well Driller: : Richard Hammond

Remarks:

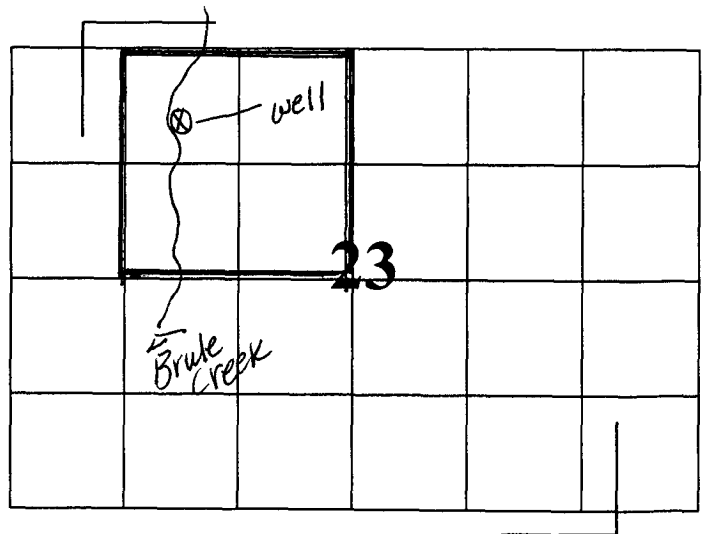
Type of Map: aerial

Prepared by: Racheal Kirkelan, Union Co. FSA

Reviewed and the Number Assigned on: 2-11-08

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>6962-3</u> (office use only)
	Basin <u>Snow River</u> Hydrologic Unit <u>10170203</u>
	Newspaper <u>Berksford Republic</u>

RECEIVED
FEB 11 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 Norman Kramer Phone 712-540-2401
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 31105 436 ave, Yankton State SD 57078
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.56*CFS or 700**GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 1 well on Brule creek aquifer to 75'
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Union
95N-50W-23 - NW1/4 - NW1/4
- County or counties where water will be used Union
- Annual period during which water is to be used May - Sept 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
95N-50W-23, NW1/4 - NW1/4	40	95N-50W-23 - NE1/4 - NW1/4	40
95N-50W-23, SW1/4 - NW1/4	40	95N-50W-23 - SE1/4 - NW1/4	40

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

crop irrigation

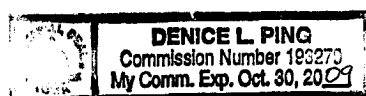
STATE OF SOUTH DAKOTA) SS
County of Union

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Norman Kramer, 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 Norman Kramer

Subscribed and sworn to before me this 5th day of February 20 08



Denise L. Ping
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6962-3**

Date of first receipt of application February 11, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6962-3 to Norman Kramer, 31105 436th Ave, Yankton SD 57078 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. 6962-3 appropriates 1.56 cubic feet of water per second (cfs) from one well to be completed into the Brule Creek Aquifer (approximately 75 feet deep) located in NW 1/4 NW 1/4 Section 23 to irrigate 160 acres located in the NW 1/4 Section 23; all in T95N-R50W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is February 11, 2008.
4. The date of approval of Permit No. 6962-3 is May 27, 2008.
5. One-fifth of the construction is to be completed on or before November 27, 2010.
6. All construction is to be completed on or before May 27, 2013.
7. Water is to be put to beneficial use on or before May 27, 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. 6962-3 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. Pursuant to SDCL 46-5-6, the combination of diversions authorized by Permit Nos. 6961-3 and 6962-3 shall not exceed 1.0 cfs per 70 acres irrigated and a total annual volume of 2 acre feet of water per acre per year.
4. 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

JUN 27 2008

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 75'
- b) Casing Type PVC Diameter 16" Thickness 3/4"
- c) Screen Type PVC Diameter 16" Thickness 3/4"
- d) Gravel Pack 1/8 - 3/8 pea rock Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 66'
- f) Depth to Water (ground surface to water level) 8'
- g) Distance to nearest existing domestic well:
- On applicants property NA On property owned by others 4,000'

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

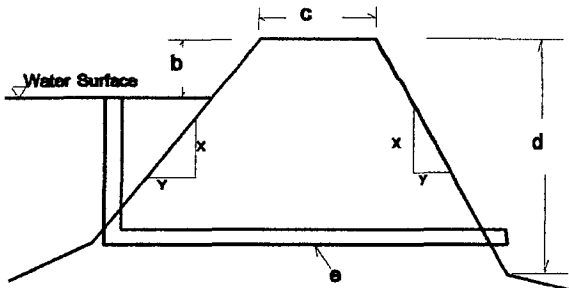
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/11, 20 08

RECEIVED OF Riverside Farms N Ksamer 1717 460th St Hawarden IA 51023

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

Fee for Application for Permit No. <u>6962-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6962-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		
TOTAL	300	00

No.

03518

By

Paul R. Erbe

Chief Engineer



USDA - Farm Service Agency **Union County, SD**

23-95N-50W

1:8,700

May 22, 2007

N



Legend

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

Wetland Determination Identifiers

- Restricted Use
- ▼ Limited Restrictions
- Exempt from Conservation Compliance Provisions

USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Notes

BENTONITE GROUT EMPLACED FROM 90 TO 8 FEET, CEMENT GROUT FROM 8 TO 3 FEET, AND NATIVE SOIL FROM 3 TO 0 FEET.

Lithologic Information

<u>Elevation (ft.)</u>	<u>Depth (ft.)</u>	<u>Description</u>
1328.0 - 1327.0	0.0 - 1.0	TOPSOIL, BLACK
1327.0 - 1269.0	1.0 - 59.0	SAND, COARSE, VERY PEBBLY
1269.0 - 1264.0	59.0 - 64.0	CLAY, GRAY; SOFT (LAKE CLAY?)
1264.0 - 1238.0	64.0 - 90.0	CLAY, GRAY; HARD (CARLILE SHALE)

Record 13 of 25**Location Information**

Legal SE SE NW NW SEC. 23, T. 095 N., R. 50 W.

Location:

County: UNION Location: 095N50W23BBDD

Basin: BIG SIOUX Latitude: 43 02' 14"

Hydrologic 10170203 Longitude: 96 43' 20"

Unit Code:

Land Ground Surface Elev. (ft.): 1334 T

Owner:

Project Information

Project: BERESFORD
CITY STUDY

Drill Date: 07/01/1972 Geologist: G. BAKER

Company: SDGS Geologist's Log: X

Drilling ROTARY Driller: R. SCHOON

Method:

Test Hole Q Driller's Log:

Number:

Samples: Total Drill Hole Depth (ft.): 80.0

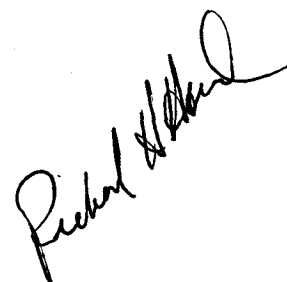
Lithologic Information

<u>Elevation (ft.)</u>	<u>Depth (ft.)</u>	<u>Description</u>
1334.0 - 1331.0	0.0 - 3.0	ALLUVIUM
1331.0 - 1256.0	3.0 - 78.0	SAND, COARSE; WITH PEA-SIZED GRAVEL

Screen PVC, MFG. Screen Length (ft.):
Type:
Total Casing 57.8 Casing Stick-up (ft.): 2.70 I
and Screen
(ft.):
Well 06/13/1985
Maintenance
Date:

Lithologic Information

<u>Elevation (ft.)</u>	<u>Depth (ft.)</u>	<u>Description</u>
1335.7 - 1331.7	0.0 - 4.0	TOPSOIL, BLACK
1331.7 - 1329.7	4.0 - 6.0	CLAY, YELLOW-BROWN
1329.7 - 1307.7	6.0 - 28.0	SAND, BROWN, COARSE
1307.7 - 1292.7	28.0 - 43.0	SAND, BLUE-GREEN, FINE; WITH SOME COAL
1292.7 - 1262.7	43.0 - 73.0	GRAVEL, FINE

**Record 12 of 25****Location Information**

Legal SE SE SE SE SEC. 22, T. 095 N., R. 50 W.
Location:
County: UNION Location: 095N50W22DDDD
Basin: BIG SIOUX Latitude: 43 01' 33"
Hydrologic 10170203 Longitude: 96 43' 35"
Unit Code:
Land Ground Surface Elev. (ft.): 1328 T
Owner:

Project Information

Project: LINCOLN-
UNION CO.
STUDY
Drill Date: 10/05/1987 Geologist: R. HAMMOND
Company: SDGS Geologist's Log: X
Drilling ROTARY Driller: D. IVERSON
Method:
Test Hole R20-87-31 Driller's Log:
Number:
Samples: Total Drill Hole Depth (ft.): 90.0



**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. 6962-3, Norman Kramer**

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. 6962-3, Norman Kramer, 31105 436th Avenue, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6962-3 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. 6962-3 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. Pursuant to SDCL 46-5-6, the combination of diversions authorized by Permit Nos. 6961-3 and 6962-3 shall not exceed 1.0 cfs per 70 acres irrigated and a total annual volume of 2 acre feet of water per acre per year.
4. 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
April 30, 2008

WATER PERMIT APPLICATION NOS. 6961-3, 6962-3 & 6963-3
NORMAN KRAMER
APRIL 9, 2008

Water Permit Application No. 6961-3 proposes to appropriate 1.56 cubic feet of water per second (cfs) from a dugout located in the NW¼ NW¼ Section 23, T95N-R50W; to irrigate 160 acres located in the NW¼ Section 23, T95N-R50W, Union County.

Water Permit Application No. 6962-3 proposes to appropriate 1.56 cfs from one well to be completed into the Brule Creek aquifer (approximately 75 feet deep) located in the NW¼ NW¼ Section 5, T95N-R50W; to irrigate 160 acres located in the NW¼ Section 23, T95N-R50W, Union County. Combinations of diversions authorized by Application No. 6961-3 and this application, if approved, may not exceed one cfs for each 70 acres irrigated.

Water Permit Application No. 6963-3 proposes to appropriate 1.44 cfs from one well to be completed into the Brule Creek aquifer (approximately 110 feet deep) located in the SE¼ SE¼ Section 3, T94N-R50W; to irrigate 80 acres located in the E½ SE¼ Section 3, T94N-R50W, Union County. The application is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres.

AQUIFER: BRULE CREEK AQUIFER (BRC)

The Brule Creek aquifer appears to be the same aquifer that was referred to as the "Lower Buried Outwash" in the Water Supply for the City of Beresford (Baker, 1962). The Brule Creek aquifer consists of medium sand to coarse gravel of both glacial and nonglacial origin. A small portion of the aquifer underlies a part of Clay County, but the majority of the aquifer underlies parts of Lincoln and Union Counties (Hedges and others, 1982). The aquifer underlies 180 square miles of Lincoln and Union Counties and contains an estimated 570,000 acre-feet of recoverable water in storage in the counties (Niehus, 1994). The sand and gravel attains a maximum thickness of 88 feet and has an average thickness of 33 feet (Niehus, 1994).

The applicant did not do any test hole drilling as required by ARSD 74:02:01:08.01. However, a number of test holes were drilled in this area by the S.D. Geological Survey as part of the Lincoln-Union County Study and the Beresford City Study and there is adequate information available to assess the Brule Creek aquifer. The log of a test hole drilled for the Beresford City Study around 500 feet southeast of the well site proposed by 6962-3 identifies sand and gravel from 3-78 feet below grade (S.D. Geological Survey, 2008). The dugout proposed by Application No. 6961-3 and the well proposed by Application No. 6962-3 are located approximately 750 and 900 feet respectively from Water Rights Observation Well UN-77A. The drill log of the observation well identifies sand and gravel from 6-73 feet below grade (Water Rights, 2008a). The water level data from the observation well suggests the water table in this unconfined aquifer fluctuates from about ground surface to around four feet below grade at the diversion points proposed by Application Nos. 6961-3 and 6962-3.

Water Rights' Observation Well UN-77D is located approximately 1,250 feet south of the well site proposed by Application No. 6963-3. The driller's log for UN-77D identifies sand from one foot below grade to 78 feet below grade with three feet of clay from 18-21 feet below grade. Water Level data for the observation well suggests the table fluctuates from 2.6-10.6 feet below grade in the vicinity of the well site proposed by Application No. 6963-3.

Recharge to the Brule Creek aquifer occurs primarily through infiltration of precipitation in areas where the aquifer is near land surface. Average annual recharge has not been quantified for the Brule Creek aquifer.

Discharge from the Brule Creek aquifer is through well withdrawals, evapotranspiration where the aquifer is near ground surface, possibly through discharge to the Newton Hills and Big Sioux aquifers.

Observation Well Data:

The Water Rights Program monitors 10 observation wells completed into the Brule Creek aquifer. Hydrographs of the observation wells show the water level of the aquifer fluctuates with seasonal changes in recharge and discharge. The water levels rise during the late winter through early summer in response to increased recharge, and decline from early summer through late winter because withdrawals (from wells and natural discharge) exceed recharge. Three observation wells are located within approximately two miles of the dugout proposed by Application No. 6961-3 and the well proposed by Application No. 6962-3. Four observation wells are located within approximately two miles of the well site proposed by Application No. 6963-3. Hydrographs for the wells are shown below in figures 1 through 6.

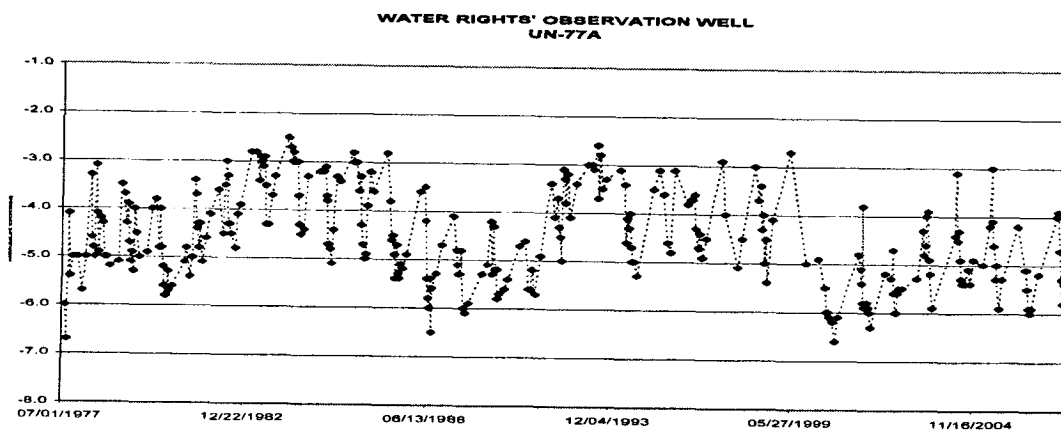


Figure 1. Hydrograph of Water Rights' observation well located approximately 750 and 900 feet respectively, from the diversion points proposed by Application No. 6961-3 and 6962-3.

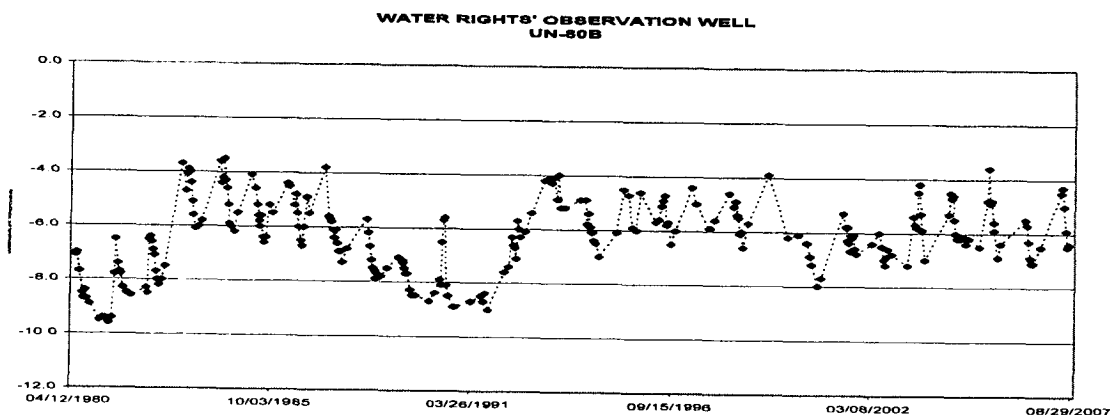


Figure 2. Hydrograph of Water Rights' Observation well located approximately one mile north of the diversion points proposed by Application No. 6961-3 and 6962-3.

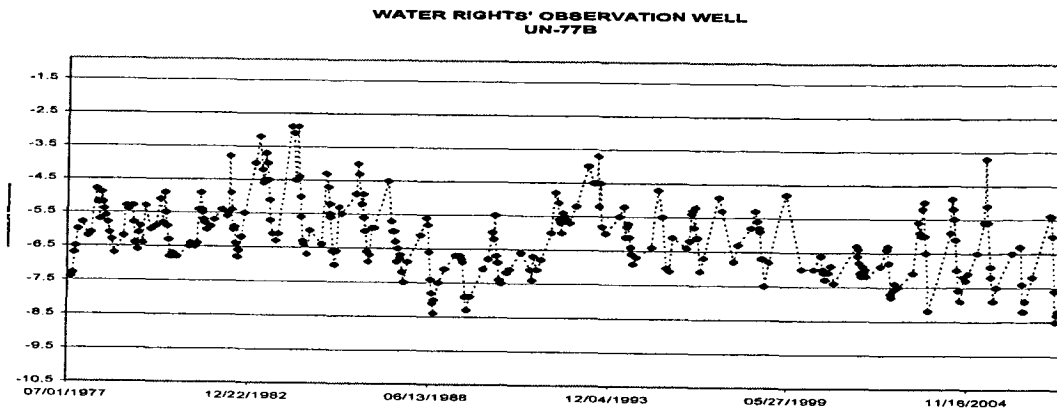


Figure 3. Hydrograph of Water Rights' Observation well located approximately two miles south of the diversion points proposed by Application No. 6961-3 and 6962-3, and approximately one and three-fourths miles north of the diversion point proposed by Application No. 6963-3.

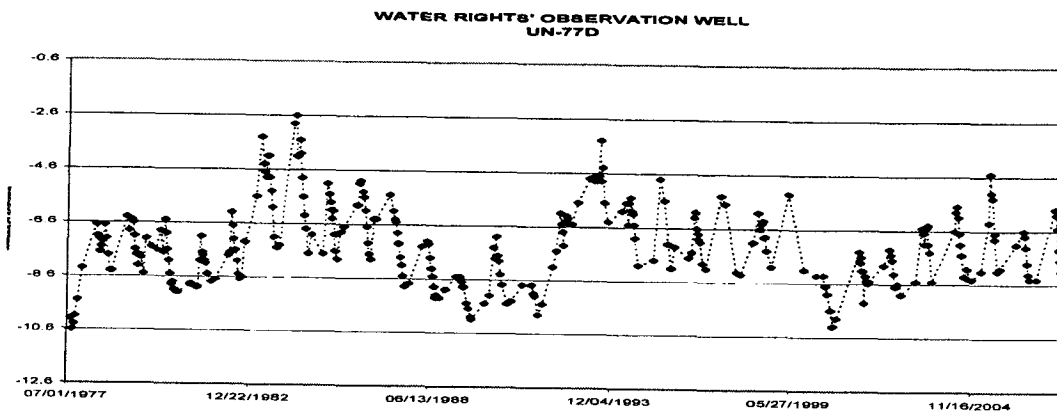


Figure 4. Hydrograph of Water Rights' Observation well located approximately 1250 feet south of the diversion point proposed by Application No. 6963-3

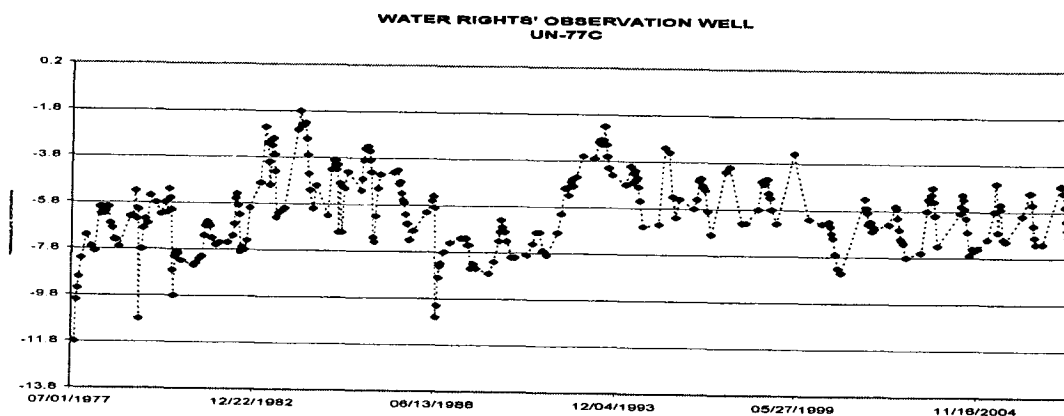


Figure 5. Hydrograph of Water Rights' Observation well located approximately one and one-quarter mile northwest of the diversion point proposed by Water Permit Application No. 6963-3

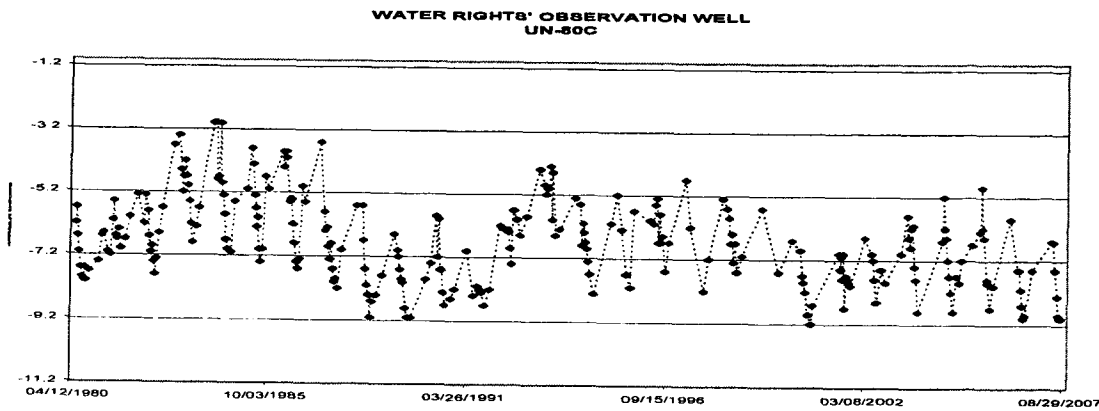


Figure 6. Hydrograph of Water Rights' Observation well located approximately one and one-quarter mile east of the diversion point proposed by Water Permit Application No. 6963-3

The hydrographs document that in general, withdrawals have not exceeded recharge over the period of record and unappropriated water is available for this appropriation. The hydrographs also document the lack of significant drawdown caused by pumping from the Brule Creek aquifer. One example of this small drawdown can be seen at observation well UN-77B which is located about 1,250 feet from the 800 gpm well that supplies Water Right No. 4685-3. Observation well UN-77C which is located approximately 1,350 feet from the 500 gpm well that supplies Water Right No. 2183-3 further illustrates the small drawdown.

REVIEW OF EXISTING WATER RIGHTS/PERMITS

There are currently 12 Water Rights/Permits appropriating water from the Brule Creek aquifer, they are shown in table one (Water Rights, 2008c).

PERMIT NO.	NAME	USE	CFS	ACRES
1384-3	JIM ANDREWS	IRR	1.94	136.00
2193-3	LARRY D ANDREWS	IRR	1.94	136.00
2194-3	LARRY D ANDREWS	IRR	1.94	136.00
4685-3	ALLEN ANDREWS	IRR	1.77	136.00
4909-3	CITY OF BERESFORD	MUN	1.92	
5536-3	DON LERSETH	IRR	1.77	136.00
5660-3	CITY OF BERESFORD	REC	0.00	
5950-3	LARRY D ANDREWS	IRR	1.65	116.00
6556-3	JAMES ANDREWS	IRR	1.15	80.00
6558-3	MARLOW CHRISTENSEN	COM	0.04	
672-3	CITY OF ALCESTER	MUN	0.44	
758-3	CITY OF ALCESTER	MUN	0.17	

Table 1. Water Rights/Permits appropriating water from the Brule Creek aquifer

Water uses by holders of non-irrigation appropriations from the Brule Creek aquifer can be considered negligible. Almost all of the water use from the Brule Creek aquifer is for irrigation. From 1986 through 2006 there have been between seven and ten irrigation Water Rights/Permits appropriating water from the aquifer. The average appropriation during the time period was 2,634.4 acre-feet per year. Pumpage reported from the Brule Creek aquifer from 1986-2006 averaged 653.24 acre-feet per year (Water Rights, 2008a). The total irrigation appropriations and reported pumpage for 1986-2006 are shown in figure 7.

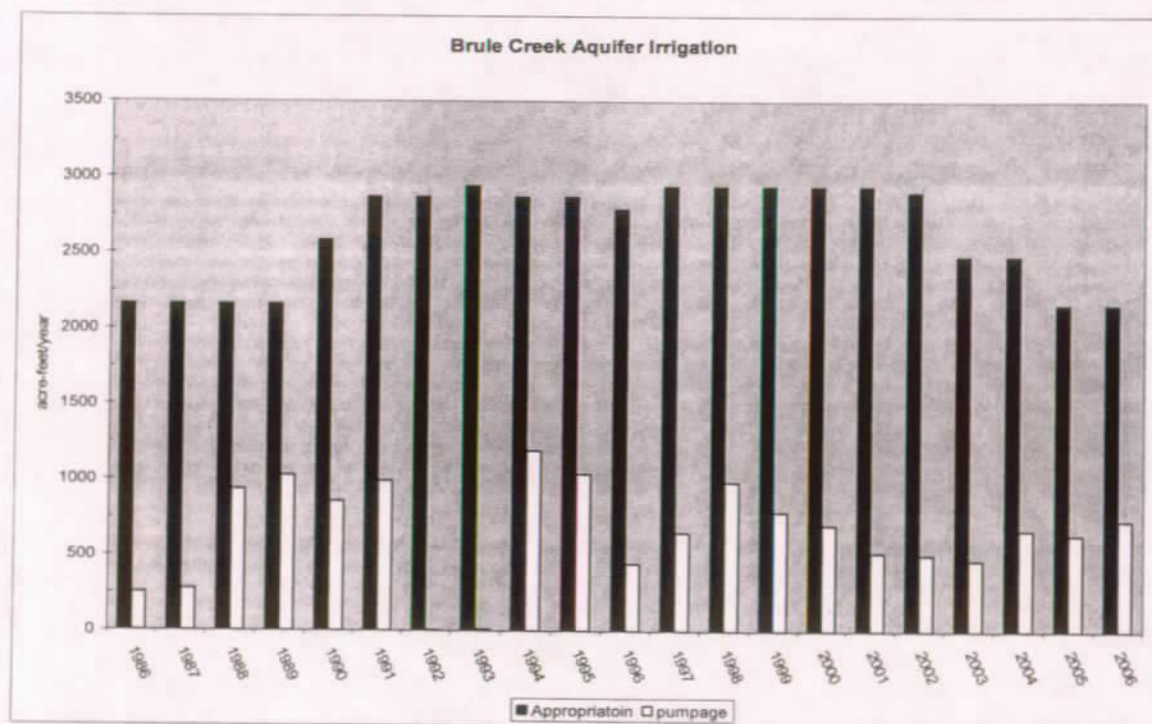


Figure 7. Total appropriation and reported pumpage from Brule Creek aquifer irrigation appropriations 1986-2006.

There are two pending applications from the Brule Creek aquifer: Water Permit Application No. 6932-3 proposes to pump water from a well to Brule Creek, and use Brule Creek to convey the water approximately six river miles to where the water will be put to use; and Water Permit Application No. 6933-3 which proposes to pump water from a well through pipeline for irrigation. The availability of unappropriated water from the Brule Creek aquifer should not be an issue regardless of the disposition of the pending applications.

CONCLUSIONS:

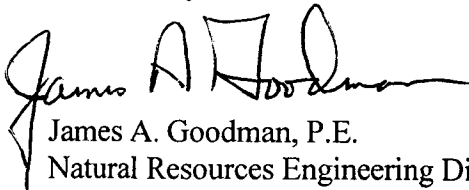
1. The Brule Creek aquifer is a viable aquifer and unappropriated water is available for the appropriations proposed by Application No. 6961-3, Application No. 6962-3 and Application No. 6963-3.
2. The Brule Creek aquifer is under unconfined conditions in this area. Drawdown created by pumping is not expected to be significant and interference with existing wells is not expected to be a problem.

3. The dugout proposed by Water Permit Application No. 6961-3 is a well as defined by SDCL 46-1-6(18). However, pursuant to ARSD 74:02:04:20(64) the dugout does not need to be constructed in accordance with the SD Well Construction Standards.
4. Water Permit Application Numbers 6961-3 and 6962-3 propose to irrigate the same acreage. If approved, total diversions of the two permits can not exceed two acre-feet per acre annually with a maximum diversion rate of one cfs per seventy acres.
5. The diversion rate proposed by Water Permit Application No. 6963-3 exceeds the "one cubic foot of water per second for each seventy acres" limitation established by SDCL 46-5-6. No justification for the increased diversion rate was included with the application.



Ken Buhler
Natural Resources Engineering Specialist

approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

REFERENCES:

- Baker, G.K., 1962, Water Supply for the City of Beresford: S.D. Department of Environment and Natural Resources, Office of Geological Survey Special Report 22, 11 p.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa: S.D. Department of Water and Natural Resources, Office of Geological Survey Contract DACW 45-80-C-0185
- Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 93-4195, 57 p.
- S.D. Geological Survey, 2008, Lithologic Logs Database, DENR-Geological Survey, Akeley- Lawrence Science Center, Vermillion, SD
- Water Rights, 2008a, "Unpublished Irrigation Summary by Aquifer", DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights, 2008b, "Observation Well Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights, 2008c, "Water Right/Permit Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

SS

COUNTY: UNION

RECEIVED

CITY: BERESFORD

JUN - 2 2008

NEWSPAPER: BERESFORD REPUBLIC

WATER RIGHTS
PROGRAM

Notice of Application Nos. 6961-3, 6962-3 and 6963-3 to Appro- priate Water

Notice is given that Norman Kramer, 31105 436th Ave, Yankton, SD 57078 has filed the following applications for a water permit.

Application No. 6961-3 proposes to appropriate 1.56 cubic feet of water per second (cfs) from a dugout located in the NW1/4 NW1/4 Section 23 to irrigate 160 acres located in the NW 1/4 Section 23; all in T95N-R50W.

Application No. 6962-3 proposes to appropriate 1.56 cfs from one well to be completed into the Brule Creek Aquifer (approximately 75 feet deep) located in NW1/4 NW 1/4 Section 23 to irrigate 160 acres located in the NW1/4 Section 23; all in T95N-R50W. Combinations of diversions authorized by Application No. 6961-3 and this application, if approved, may not exceed 1 cfs for each 70 acres irrigated.

Application No. 6963-3 proposes to appropriate 1.44 cfs from one well to be completed into the Brule Creek Aquifer (approximately 110 feet deep) located in the SE1/4 SE 1/4 Section 3 to irrigate 80 acres located in the E1/2 SE1/4 Section 3; all in T94N-R50W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6961-3, 6962-3 and 6963-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Allyson M. Hill, being first duly sworn, on oath, says that the BERESFORD REPUBLIC IS a weekly newspaper published in said city and county, State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, and has met all the requirements for at least one year next prior to the first publication of the attached public notice, and that said notice, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper

2 time(s) as follows: that the first publication of said notice in said newspaper aforesaid was on Thursday the

8 day of May, 2008, and that the succeeding publications were severally on

Thursday, the 15 day of May, 2008;

Thursday, the ____ day of _____, 2008;

Thursday, the ____ day of _____, 2008

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charges for the publication hereof are:

DOLLARS \$ 48.52

x Allyson M. Hill, Allyson M. Hill

Subscribed and sworn to before me this 30 day of May, 2008.

[Signature]

Notary Public
My commission expires 11/14/2012

SHANE HILL
NOTARY PUBLIC
SOUTH DAKOTA

Any person interested in opposing or supporting these applications 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 recommendations. 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 May 27, 2008.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

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 1, 2008

Beresford Republic
PO Box 111
Beresford SD 57004

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6961-3, 6962-3 and 6963-3 to Appropriate Water to be published twice. Please publish the first notice on May 8, 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 Norman Kramer, 31105 436th Ave, Yankton SD 57078 (Ph # 712-540-2401).

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-----

Nos. 6961-3, 6962-3 & 6963-3

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

Date _____

We are in receipt of your letter of May 1, 2008 enclosing Notice to Appropriate Water by Application Nos. 6961-3, 6962-3 & 6963-3 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.**

May 1, 2008

Norman Kramer
31105 436th Ave
Yankton SD 57078

Dear Mr. Kramer:

Water Permit Application Nos. 6961-3, 6962-3 & 6963-3 for irrigation use have 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 Beresford Republic printed at Beresford SD (Ph # 605-763-2006). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer are enclosed. The reports will be mailed next week. 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 recommendations, 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 May 8, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6961-3, 6962-3 and 6963-3 to Appropriate Water

Notice is given that Norman Kramer, 31105 436th Ave, Yankton SD 57078 has filed the following applications for a water permit.

Application No. 6961-3 proposes to appropriate 1.56 cubic feet of water per second (cfs) from a dugout located in the NW ¼ NW ¼ Section 23 to irrigate 160 acres located in the NW ¼ Section 23; all in T95N-R50W.

Application No. 6962-3 proposes to appropriate 1.56 cfs from one well to be completed into the Brule Creek Aquifer (approximately 75 feet deep) located in NW ¼ NW ¼ Section 23 to irrigate 160 acres located in the NW ¼ Section 23; all in T95N-R50W. Combinations of diversions authorized by Application No. 6961-3 and this application, if approved, may not exceed 1 cfs for each 70 acres irrigated.

Application No. 6963-3 proposes to appropriate 1.44 cfs from one well to be completed into the Brule Creek Aquifer (approximately 110 feet deep) located in the SE ¼ SE ¼ Section 3 to irrigate 80 acres located in the E ½ SE ¼ Section 3; all in T94N-R50W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6961-3, 6962-3 and 6963-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 recommendations. 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 May 27, 2008.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

JUN 27 2008

Norman Kramer
31105 436th Ave
Yankton SD 57078

Dear Mr. Kramer:

Enclosed are Water Permit Nos. 6961-3, 6962-3 and 6963-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

6962-3
11-02

Date: 12/4/08



6962-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: NORMAN KRAMER, 31105 436TH AVE, YANKTON, SD 57078
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6961-3, 6962-3, 6963-3 & 7233-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 6961-3, 6962-3, 6963-3 & 7233-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 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) 6961-3, 6962-3, 6963-3 & 7233-3 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 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



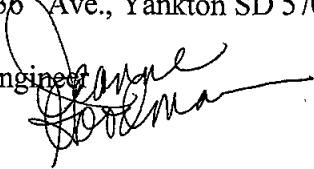
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2018

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER PERMITS

TO: Norman Kramer, 31105 436th Ave., Yankton SD 57078

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Permit Nos. 6961-3, 6962-3, 6963-3 & 7233-3

On March 7, 2018, the Water Management Board ordered:

Effective April 7, 2018, Water Permit Nos. 6961-3, 6962-3, 6963-3 & 7233-3 be suspended for the 2018 irrigation season for failure to submit the 2017 irrigation questionnaires.

If the 2017 irrigation questionnaires are received prior to April 7, 2018, the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2018 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2018 unless the 2017 irrigation questionnaires are submitted by April 7th.

After April 7th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2017 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 2-3, 2018, in Pierre, SD. The letter should include your reasons for not completing the 2017 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

6962-3

I hereby certify that on March 8, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2018 regarding Water Management Board action taken March 7, 2018 for Irrigation Questionnaire violations addressed as stated below:

Amendments:

Water Right No. 410-2: John Anthony DeRungs, 11684 Indian Canyon Rd, Edgemont SD 57735
Water Right No. 4309B-3: Ronald J Gorder, PO Box 185, Estelline SD 57234-0185
Water Right No. 394-1: Larry B Reinhold, Lonetree Ranch, 14666 Lonetree, Sturgis SD 57785
Water Right No. 2350-3: Bill Boyer, River Valley Farms, PO Box 486, Alcester SD 57001

One Year Suspensions:

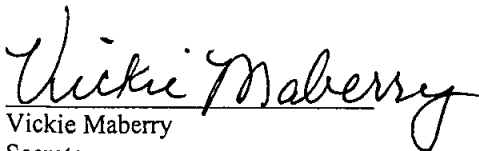
Water Right No. 4472-3, Darrell Biddle, 37461 287th St, Geddes SD 57342
Water Right No. 635-2: Tom Lauing, Dakota Hills Inc., 14129 Ringneck Rd, Oral SD 57766
Water Permit No. 8019-3: Mark Hohn 40455 266th St, Ethan SD 57334
Water Right No. 1213B-1: Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788
Water Right No. 1233-1: Ed & Kathy Kling, 12345 Vallery Rd, Nisland SD 57762-9717
Water Permit Nos. 6961-3, 6962-3, 6963-3 & 7233-3, Norman Kramer, 31105 436th Ave., Yankton SD 57078
Water Permit Nos. 7265-3 & 7265A-3: Leigh Leesman, Leesman Ranch, 30729 206th St, Pierre SD 57501
Water Right No. 5441-3, Water Permit Nos. 6408A-3 & 7118-3: Barry Little, 45696 SD Hwy 22, Castlewood SD 57223-5220
Water Right No. 5735-3: Mark McCloud, 33670 183rd St, Highmore SD 57345
Water Permit No. 1923-1: Jim Montieth, PO Box 1238, Spearfish SD 57783 8502
Water Right No. 962B-1: Steve Olinger, 12241 Vallery Rd, Nisland SD 57762-7600
Water Right No. 2074-2: Tamara Rogers, Prairie Gardens Inc., 13979 Cobb Rd, Hermosa SD 57744-5415
Water Right Nos. 1612-3 & 1997-3: Brandon Vostad, Prairie Winds Golf Club, 555 S Lake Dr, Watertown SD 57201
Water Right No. 2106-2: Stuart Rice, 2300 Skyline Ranch Rd., Rapid City SD 57701
Water Right No. 2696-3A: Danny Schmidt, 18684 421st Ave., Willow Lake SD 57278
Helen M Schmidt, 19053 427th Ave., Willow Lake SD 57278
Water Right No. 4292-3: Stanley S Schulz, 41300 SD Hwy 20, Conde SD 57434
Water Right No. 1554A-1/Water Permit No. 1935-1: Donald J Stange, 2807 Gamble Ct, Mitchell SD 57301-6411
Water Permit Nos. 8164-3, 8165-3 & 8166-3: Todd Swenson, 38770 235th St., Wessington Springs SD 57382
Water Right No. 2954-3: Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Second violation - Three year suspensions:

Water Right No. 495-2: Harlan Eisenbraun, 21362 Creighton Rd, Wall SD 57790
Water Right No. 1530-2, Viola Keszler, 30317 289th St, Clearfield SD 57580

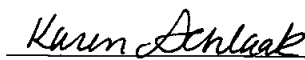
Third violation - Cancellation:

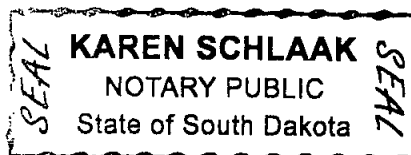
Water Right No. 3937-3: Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231


Vickie Maberry
Secretary
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 20 18.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



6962-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 2018

Norman Kramer
31105 436th Ave
Yankton SD 57078

RE: Water Permit Nos. 6961-3, 6962-3, 6963-3 & 7233-3

Dear Mr. Kramer:

On March 7th the Water Management Board ordered Water Permit Nos. 6961-3, 6962-3, 6963-3 & 7233-3 suspended if the 2017 irrigation questionnaires were not received prior to April 7, 2018. The questionnaire information for your water permits was received March 16, 2018.

Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. You may irrigate during the 2018 irrigation season.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program