

WATER PERMIT NO. 6964-3

Name of Applicant: Franklin F Orr

Address: 30804 Bluff Rd, Volin SD 57072

Phone: 605 267-2182

Amount of Water Claimed: 1.78 cfs

Total Acres: 260 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: 4 miles southeast of Volin

PRIORITY Date Received: 1-24-08

Application/License Fee: \$350

Corrected Application Received: 2-8-08

Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: center of NE ¼ Sec 33-T94N-R53W

Land to be Irrigated: E ½ Sec 22-T94N-R53W

Depth of Well: 110 feet deep

Well Driller: Dick Hammond

Remarks:

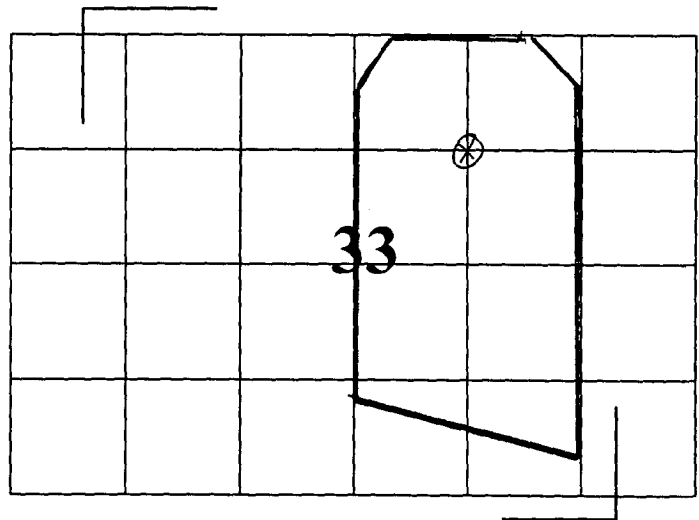
Type of Map: aerial

Prepared by: Sheree Christensen, Clay Co FSA

Reviewed and the Number Assigned on: 2-12-08

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



(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. <u>6964-3</u>	Hydrologic Unit <u>10/70/02</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Plain Talk PO Box 256</u>	
<u>605-624-2695 (Fri)</u>		<u>Vermillion 57069</u>

RECEIVED

JAN 24 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 Franklin F. Orr Phone 605-267-2182 3
 (check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 30804 Bluff Rd Volin, S State SD 57072-631
 (Street, RR, or Box and City) (Zip Code) FFO
2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 260 A
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Lower Missouri Elk Point Aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
well in 33-94N 1 well in 33-94N-S3W in Clay County SD
Center NE 1/4 Lower Missouri Aquifer
5. County or counties where water will be used Clay
6. Annual period during which water is to be used April thru September
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
3425, 2107, 4 NHEL	50	3425, 2107, 6	125A FFO
3425, 2107, 3 NHEL	45	(See attached)	
3425, 2107, 2 NHEL	13		
3425, 2107, 6 NHEL	27 FFO		

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

Proposed Pivot to cover approximately 260 acres in Clay County
 would also use to water cattle and livestock, household

STATE OF SOUTH DAKOTA) SS

County of Clay)

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, Franklin F. Orr, 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 Franklin F. OrrSubscribed and sworn to before me this 29th day of November 2007Barbara Hackett

Notary Public signature

BARBARA HACKETT


 My Commission Expires:
 October 3, 2010

Acreage Breakdown

SE¹/₄ NE¹/₄ 40 AC

all in

SW¹/₄ NE¹/₄ 40 AC

Sec 33-T94N-R53W

NE¹/₄ NE¹/₄ 34 AC

NW¹/₄ NE¹/₄ 33 AC

SE¹/₄ SE¹/₄ 15 AC

SW¹/₄ SE¹/₄ 18 AC

NE¹/₄ SE¹/₄ 40 AC

NW¹/₄ SE¹/₄ 40 AC

SOUTH DAKOTA
WATER PERMIT NO. 6964-3

Date of first receipt of application January 24, 2008.

Date of return to applicant for corrections, amendments or changes January 24, 2008.

Date of receipt of corrected application February 8, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6964-3 to Franklin F Orr, 30804 Bluff Rd, Volin SD 57072 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. 6964-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 110 feet deep) located in center of the NE 1/4 Section 33 to irrigate 260 acres located in the E 1/2 Section 33; all in T94N-R53W. Well will also be used for livestock watering.
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: Irrigation use - April 1 – September 30, Domestic use – January 1 – December 31.
3. The date from which applicant may claim right is January 24, 2008.
4. The date of approval of Permit No. 6964-3 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. 6964-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

APR 08 2008

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 110'
- b) Casing Type PVC Diameter 16" Thickness 3/4"
- c) Screen Type PVC 16" Diameter 16" Thickness 3/4"
- d) Gravel Pack 1/8 to 3/8 pea gravel Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 25'
- g) Distance to nearest existing domestic well:
On applicants property 1 1/2 mile On property owned by others 3/4 mile Steve Johnson

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) 800 gal per min ^{inflows} Year Constructed 2008
- c) Connected to the City of _____ Sanitary System

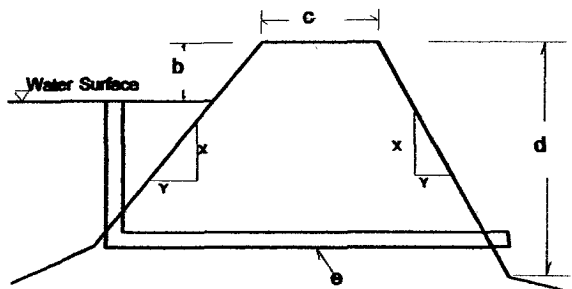
3. Dugout Information

- 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



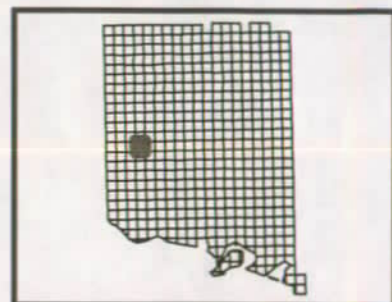
United States Department of Agriculture
Farm Service Agency

*William J. Ruesch, DC
NRCS, 8-17-07*



**South Dakota
Clay County**

33-94N-53W



1:8,589

*Sheree Christensen, Clay County
Program Tech. 8-17-07*

February 28, 2007

This well was drilled under license # 444



1 mile

Well Completion Date 2/20/92

PROPOSED USE:

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

Method of Drilling:

STRAIGHT ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>4</u> IN	<u>75</u> FT	<u>5</u> FT	<u>8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 25' TO 5' AT PITLESS FEETWhat is grouting material? PORTLANDIf cement, number of sacks? 4 1/2Describe grouting procedure TRIPLEWhat was grout weight? 15 LB/GALSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 4 IN Length 20 FEETMaterial 200 LB PVCSlot Size 016 Set From 95 Feet To 75 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain Chlorine in gravel pack + in wellBacteriological analysis ☒ YES ☐ NO

<u>Med SAND</u>	<u>20</u>	<u>50</u>
<u>Rocky GRAVEL</u>	<u>50</u>	<u>60</u>
<u>GRAVEL</u>	<u>60</u>	<u>80</u>
<u>Rocky GRAVEL</u>	<u>80</u>	<u>90</u>
<u>GRAVEL</u>	<u>90</u>	<u>100</u>

STATIC WATER LEVEL 25 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: 15 GAL PER MIN WITH 1 HP SUBMERSIBLE

Pumping Level Below Land Surface

25 1/2 ft. After 48 Hrs. pumped 15 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

RECEIVED

FEB - 8 2008

WATER RIGHTS
PROGRAMThis well was drilled under license # 444

And this report is true and accurate.

Drilling firm CHRISTENSEN WELL CO.

Signature of License Representative:

William J. Christensen

Signature of Well Owner:

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/24, 20 08

RECEIVED OF Frank Orr 30804 Bluff Rd Volin SD 57072

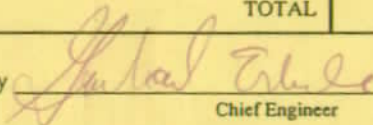
The following amount in fees for services rendered as provided for by law:

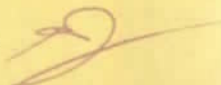
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	300	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	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	350	00

No.

03415

By


Chief Engineer





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2008

Franklin F Orr
30804 Bluff Rd
Volin SD 57072

Dear Mr. Orr:

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.

- Enclosed is the aerial photo map submitted with the application. Please mark the proposed well location with an "X" and outline the 260 acres to be irrigated.
- 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



**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. 6964-3, Franklin F. Orr**

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. 6964-3, Franklin F. Orr, 30804 Bluff Road, Volin SD 57072.

The Chief Engineer is recommending APPROVAL of Application No. 6964-3 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. 6964-3 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 29, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6964-3
For Franklin F. Orr
February 25, 2008

Application No. 6964-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 110 feet deep located in the center of the NE ¼ of section 33 to irrigate 260 acres located in the E ½ of section 33; all in T94N R53W in Clay County.

AQUIFER –LOWER JAMES MISSOURI (LJM)

The Lower James Missouri is a buried outwash (sand and gravel) that is under predominantly water table conditions in this area. The aquifer underlies 5,400 acres and contains an estimated 81,000 acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends into Yankton County to the west and blends into the much larger Missouri Elk Point aquifer just to the south. For all practical purposes the two aquifers could be considered the same in Clay County. Ground water movement is from northwest to southeast in the area of this application (Christensen, 1967). The hydrogeologic map in the Christensen report indicates the aquifer should be 75 to 100 feet thick in this area. Christensen described the aquifer as follows “On the floodplains of the Missouri and Vermillion Rivers the outwash is overlain by alluvium--gravel, sand, silt, and clay that was transported by the rivers and deposited at places where the velocity of the water was insufficient to maintain the materials in motion. Much of the floodplain alluvium is permeable and forms a single aquifer with the underlying outwash” (Christensen, 1967).

No test well was drilled for this application. The information available from the county study, area domestic and irrigation wells and the observation wells all indicates the aquifer is present at this site and should be capable of producing the amount of water requested. A nearby domestic well indicates topsoil and clay from the surface to 10 feet, sandy clay from 10 to 20 feet and sand and gravel from 20 to 100 feet all below land surface. This well had a static water level of 25 feet below land surface.

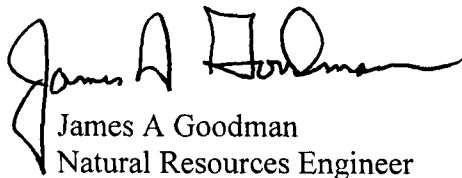
The Water Rights Program monitors an observation well CL-80A that is located about four miles southeast of this application. Water level records for this observation well go back in time to 1958. Water level records for this well show good response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining water levels during dry years. The water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permitted user is Water Permit No. 6886-3. This permitted well is located about one-half mile to the southeast of the well proposed for this application. Interference is not a concern. Drawdown created by pumping will not be significant at this distance. This is also shown by the observation well record. Also there have never been any reported water availability problems for the Missouri Elk Point or Lower James Missouri aquifers in Clay County.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer or the Missouri Elk Point aquifer.
2. The aquifer appears to behave like it is under water table conditions. Until a test well is drilled it can not be determined if a well would be water table or artesian at this site. It is not anticipated that drawdown created by pumping will be significant nor cause any adverse effect. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

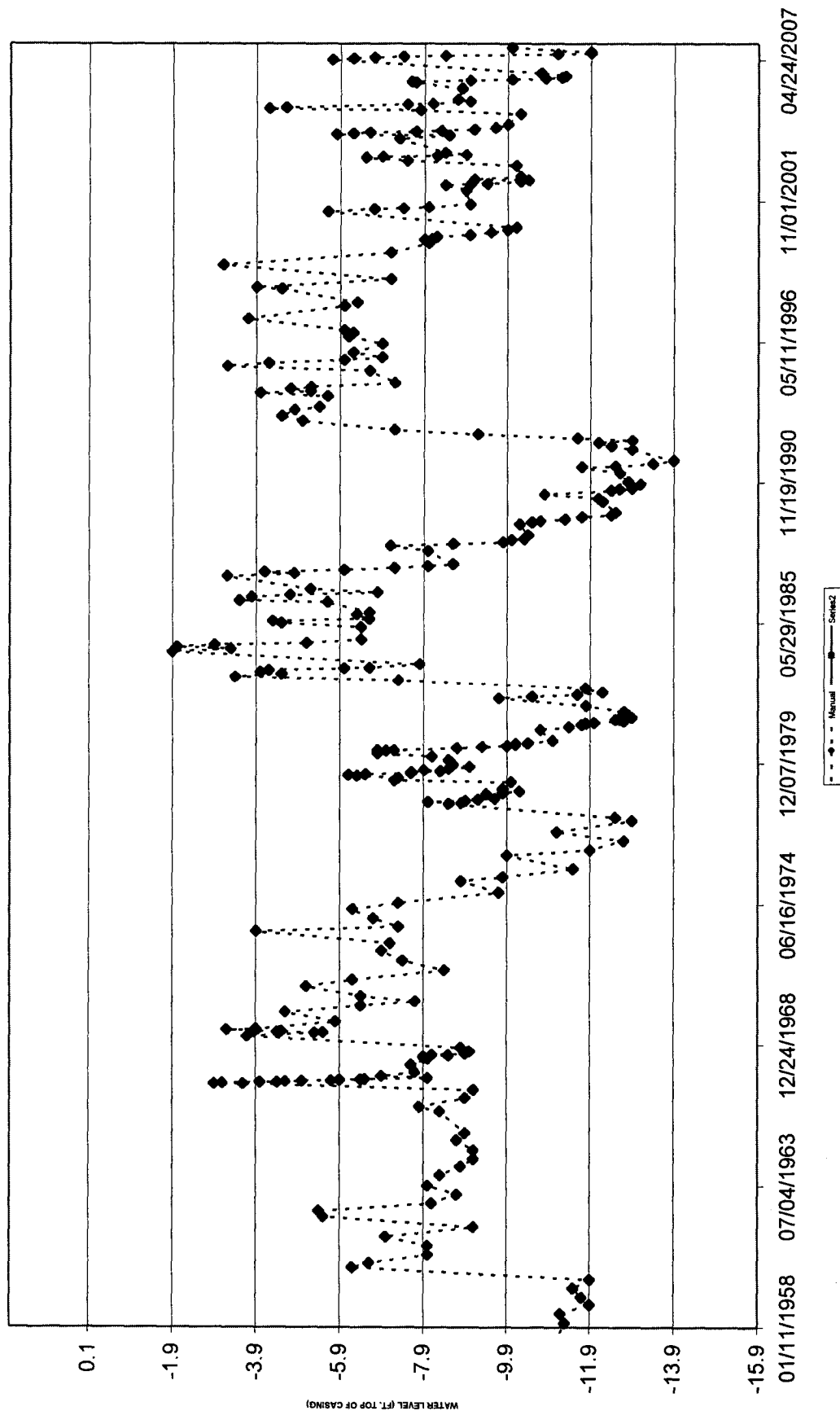
BIBLIOGRAPHY

Christensen, C.M., J.C. Stephens, 1967, Geology and Hydrogeology of Clay County, South Dakota, Part II Water Resources, Bulletin 19, SD DENR, SDGS, Vermillion, SD, 57069.

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.

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

WATER RIGHTS' OBSERVATION WELL CL-80A



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. 6964-3

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-nine _____ dollars and 33 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.

Penny Tucker

Subscribed and sworn to before me

this 14th day of March, 20 08

Diana J. Kovic

Exp 9-5-2013

Notary Public

RECEIVED

MAR 17 2008

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 6964-3 to Appropriate Water

Notice is given that Franklin F. Orr, 30804 Bluff Rd., Volin, SD 57072, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Lower James-Missouri Aquifer (approximately 110 feet deep) located in center of the NE 1/4 Section 33 to irrigate 260 acres located in the E 1/2 Section 33; all in T94N-R53W. Well will also be used for livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6964-3 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.

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. 6964-3 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 Frank F Orr, 30804 Bluff Rd, Volin SD 57072 (Ph # 605-267-2182).

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. 6964-3

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. 6964-3 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

Frank F Orr
30804 Bluff Rd
Volin SD 57072

Dear Mr. Orr:

Water Permit Application No. 6964-3 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. 6964-3 to Appropriate Water

Notice is given that Franklin F Orr, 30804 Bluff Rd, Volin SD 57072 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 110 feet deep) located in center of the NE ¼ Section 33 to irrigate 260 acres located in the E ½ Section 33; all in T94N-R53W. Well will also be used for livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6964-3 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

APR 08 2008

Franklin F Orr
30804 Bluff Rd
Volin SD 57072

Dear Mr. Orr:

Enclosed is Water Permit No. 6964-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 2009

6964-3

Frank Orr
30804 Bluff Rd
Volin SD 57072

Dear Mr. Orr:

Thank you for contacting our office concerning the ownership change needed for Water Permit No. 6964-3.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. As the new owner, your son will need to complete and sign the form. Once completed, please return the form to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I have also included a copy of the permit in the event you do not have one to pass along to your son. If I can answer any questions for you, 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

enclosures

RECEIVED

JAN 12 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6964-3

Date: 1-8-09

I/We request that Water Permit No. 6964-3

formerly owned by: Franklin F Orr, 30804 Bluff Rd, Volin SD 57072

be transferred to: (name & address) Justin F Orr 31146 456th Ave
Meckling SD 57069

Telephone No. (605) 638-0456

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

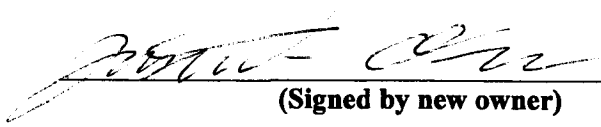
260 acres – E ½ Section 33, T94N, R53W

I/We understand that the validity of Water Permit No. 6964-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Justin F Orr, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/12, 20 09

RECEIVED OF Justin Orr 31146 456th Ave Meckling SD 57044

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6964-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

63026

By

Michael Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 12, 2009

6964-3

Justin F Orr
31146 456th Ave
Meckling SD 57069

Dear Mr. Orr:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Permit No. 6964-3. The transfer has been completed. The permit formerly held by Franklin F Orr is now listed in your name.

Enclosed is your Receipt No. 03926 in the amount of \$2.50. You may keep this for your records.

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

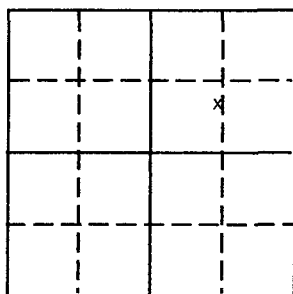
11-02

Location sw $\frac{1}{4}$ ne $\frac{1}{4}$ Sec 33 Twp 94n Rg 53w

County

Clay

North



Please mark well location with an "X"

Well Completion Date

7/18/2008

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

? 2,600.0 ft. from septic tank (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	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	63.0 FT	22.00 IN

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

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bent grt	19	9.5 Lb/gal	0.0 Ft	57.0 Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 40.0 FeetMaterial pvcSlot Size 0.080 Set From 63.0 Feet to 103.0 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 analysis

Well Owner: Frank Orr

Business Name:

Address: 30804 Bluff RoadCity, State, Zip: Volin SD 57072

WELL LOG:

DEPTH

FORMATION	FROM	TO
Clay, brown silty	0	16
Sand, brown fine, silty	16	45
Clay, gray, silty,	45	56
Gravel, med to coarse, sandy	56	108

STATIC WATER LEVEL 15.0 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

28.0 Ft. After 1.0 Hrs. pumped 900.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 800.0 GPM

REMARKS

RECEIVED
FEB - 2 2009
WATER RIGHTS
PROGRAM

This 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:

12/10/08



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 19, 2009

6964-3

Justin F Orr
30804 Bluff Rd
Volin SD 57072-6313

Dear Mr. Orr:

Enclosed is a "Notice" dated October 16, 2009 concerning the 2009 irrigation questionnaire.

The notice was originally mailed to 31146 456th Ave, Meckling SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



6964-3
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 20, 2017

NOTICE

TO: JUSTIN F ORR, 30804 BLUFF RD, VOLIN, SD 57072 6313

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6964-3, 7089-3, 7474-3, 7493-3, 7494-3 & 7899-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 6964-3, 7089-3, 7474-3, 7493-3, 7494-3 & 7899-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 6964-3, 7089-3, 7474-3, 7493-3, 7494-3 & 7899-3 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 1, 2017** 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>

c: FRANKLIN & GWEN ORR, 2821 PETTERSEN RD, VERMILLION SD 57069

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.



6964-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 1, 2017

Justin F Orr
30804 Bluff Rd
Volin SD 57072 6313

Dear Mr. Orr:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 6964-3, 7089-3, 7474-3, 7493-3, 7494-3 & 7899-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Franklin & Gwen Orr, 2821 Pettersen Rd, Vermillion SD 57069

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6964-3

I have this day, **October 27, 2016**, made a thorough examination of the water use system constructed by **Franklin F Orr** transferred January 12, 2009 to **Justin Orr, 30804 Bluff Rd, Volin SD 57072** of Permit No. **6964-3**, bearing the priority of **January 24, 2008** authorizing the diversion of **1.78** cu. ft. per second of the waters of **Lower James:Missouri Aquifer** for **irrigation** purposes, of **260** acres, in **Clay** County. The well will also be used for livestock watering.

Inspection contact & relationship **Justin Orr**
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) **103** feet
- 4) Well log is available **Yes**

Casing:

- 1) Diameter **16** inches
- 2) Length **63** feet
- 3) Type **PVC**

Screen:

- 1) Type **PVC Perforated**
- 2) Length **40** feet
- 3) Static water level **15** feet

Pump:

- 1) Make **Grundfos Submersible**
- 2) Model **800s400-2aa**
- 3) Capacity **800** GPM

Motor:

- 1) Make **Grundfos**
- 2) Model No. **Submersible**
- 3) Horsepower rating **40** hp

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T-L Irrigation Systems
- 2) Overall length 1310 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 800 GPM

Comments: T-L Irrigation uses a hydraulic drive system.
The permit holder will also use the well for livestock watering.

Chemigation Equipment:

- 1) Does chemigate No

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 2008.

List any extended period of nonuse: Did not use in 2014 due to adequate rainfall.

- 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: West 1330', South 1810' from NE Corner of Sec 33-T94N-R53W; Lat 42.91932/Long -97.10670; SW ¼ NE ¼ Sec 33-T94N-R53W.
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 and livestock watering. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 33-T94N-R53W.

NW ¼ NE ¼ - 20 ac

SW ¼ NE ¼ - 39 ac

NW ¼ SE ¼ - 10 ac

NE ¼ NE ¼ - 19 ac

SE ¼ NE ¼ - 38 ac

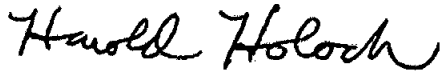
NE ¼ SE ¼ - 11 ac

comprising a total of 137 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

F. Comments or other permit(s) associated with the project:

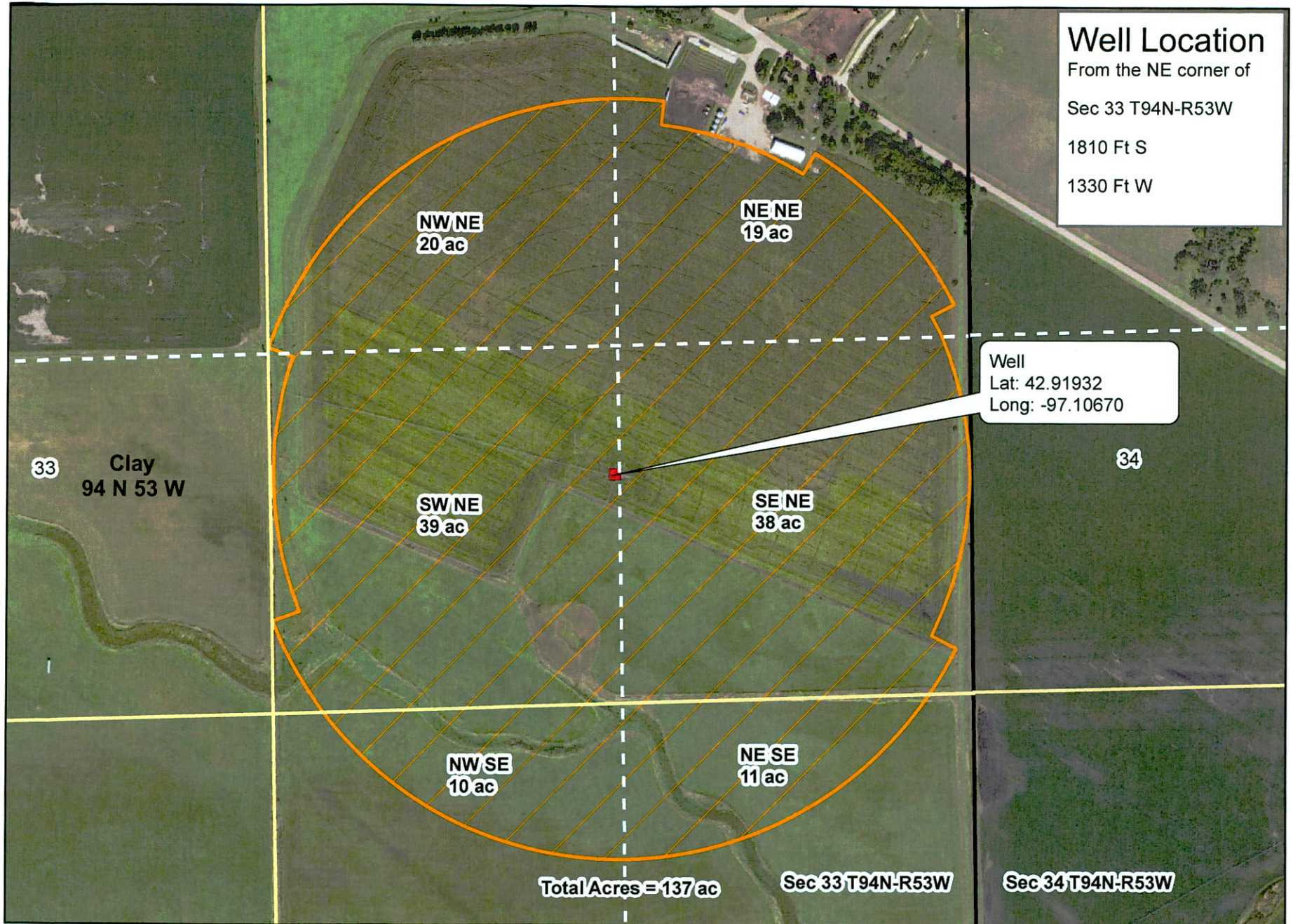
Water Permit 6964-3 will also use the well for livestock watering.



Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: **December 7, 2017**

6964-3



0 165 330 660 990 1,320
Feet
SCALE

Harold Holoch
Harold Holoch, PE
Staff Engineer
May 19, 2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 21 2018

6964-3

Justin F Orr
30804 Bluff Rd
Volin SD 57072

Dear Mr. Orr:

Enclosed is Water License No. 6964-3. 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.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6964-3**

(1) Franklin F Orr, Volin SD 57072 made Application No. 6964-3, January 24, 2008 for a water permit to divert 1.78 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer), Clay County, South Dakota for irrigation and domestic purposes. Permit No. 6964-3, with a priority date of January 24, 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.

On January 12, 2009, Water Permit No. 6964-3 was transferred to Justin F Orr, 30804 Bluff Rd, Volin SD.

(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'W and 1,810'S of the NE Corner of Section 33, T94N, R53W (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
Latitude 42.91932, Longitude -97.10670

(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:

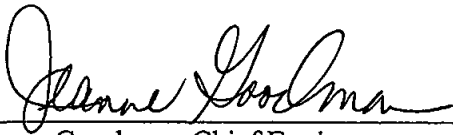
Section 33, T94N, R53W			
NW $\frac{1}{4}$ NE $\frac{1}{4}$	20 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	19 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	11 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	39 acres	Total 137 acres	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	38 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Justin F Orr, 30804 Bluff Rd, Volin SD 57072 the holder and/or owner of Water Right No. 6964-3 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 Missouri Aquifer) with a priority date of January 24, 2008 from the location specified in (2) of this license for irrigation and domestic purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6964-3 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. 6964-3 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 July, 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 21 2018

date



6964-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: JUSTIN F ORR, 30804 BLUFF RD, VOLIN, SD 57072 6313

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6964-3, 7089-3, 7474-3, 7494-3, 7899-3, 8288-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6964-3, 7089-3, 7474-3, 7494-3, 7899-3, 8288-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6964-3, 7089-3, 7474-3, 7494-3, 7899-3, 8288-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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.

6964-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 1, 2022

Justin F Orr
30804 Bluff Rd
Volin SD 57072 6313

RE: Water Right/Permit Nos. 6964-3, 7089-3, 7474-3, 7494-3, 7899-3, 8288-3

Dear Mr. Orr:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right/Permit Nos. 6964-3, 7089-3, 7474-3, 7494-3, 7899-3 & 8288-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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