

WATER PERMIT NO. 6974-3

Name of Applicant: Ordell Gustad

Address: 30491 447th Ave, Volin SD 57072 Phone: 605 267-2272

Amount of Water Claimed: 1.56 cfs Total Acres: 140

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 5 miles northwest of Volin

PRIORITY Date Received: 1-18-08

Application/License Fee: \$300

Corrected Application Received: 2-19-08

Period of Annual Use: April 1 – Sept 30

Remarks:

Diversion Point: center SE ¼ Sec 6-T94N-R54W

Land to be Irrigated: SE ¼ Sec 6-T94N-R54W

Depth of Well: 200 feet deep

Well Driller:

Remarks:

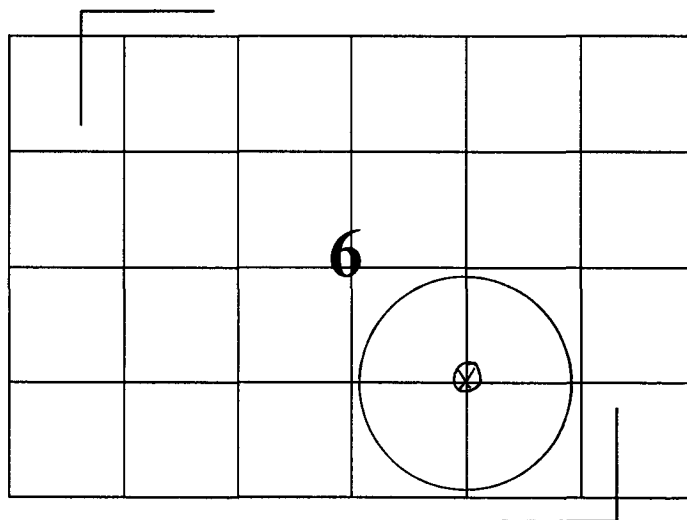
Type of Map: aerial

Prepared by: Mike Reifenoeth, Yankton Co FSA

Reviewed and the Number Assigned on: 2-19-08

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>6974-3</u> (office use only) Hydrologic Unit <u>101701D2</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Press & Dakotan</u> <u>P.O. Box 56</u> <u>605-665-7811</u> <u>Yankton 57078</u>

RECEIVED
JAN 18 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 Ordel Gustad Phone 605-267-2272
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 30491 447th Ave Valin State SD 57072
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.56 *CFS or 700 **GPM ***AF Total Acreage 140
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply ground water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
SE 1/4 section 6 T-94-N R-54-W
- County or counties where water will be used Yankton
- Annual period during which water is to be used April - September 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
SE 40 SE 1/4 sec 6 T-94-N R-54-W	35		
SW 40 SE 1/4 sec 6 T-94-N R-54-W	35		
NW 40 SE 1/4 sec 6 T-94-N R-54-W	35		
NE 40 SE 1/4 sec 6 T-94-N R-54-W	35		

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

Ag use - irrigation of corn, soybeans, alfalfa
center pivot system.

STATE OF SOUTH DAKOTA) SS
 County of Yankton

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, _____, 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

Ordel B. Gustad

Subscribed and sworn to before me this

16 day of January

20 08

Xina Trupp

Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6974-3

Date of first receipt of application January 18, 2008.

Date of return to applicant for corrections, amendments or changes January 18, 2008.

Date of receipt of corrected application February 19, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6974-3 to Ordel Gustad, 30491 447th Ave, 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. 6974-3 appropriates 1.56 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 200 feet deep) located in center of the SE 1/4 Section 6 to irrigate 140 acres located in the SE 1/4 Section 6; all in T94N-R54W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is January 18, 2008.
4. The date of approval of Permit No. 6974-3 is April 28, 2008.
5. One-fifth of the construction is to be completed on or before October 28, 2010.
6. All construction is to be completed on or before April 28, 2013.
7. Water is to be put to beneficial use on or before April 28, 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. 6974-3 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 Erbe

Garland Erbe, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 16 2008

date



(type or print in ink)

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FEB 19 2008
WATER RIGHTS
PROGRAM

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 200'
- b) Casing Type plastic PVC Diameter 16" Thickness 3/4"
- c) Screen Type PVC Diameter 16" Thickness 3/4"
- d) Gravel Pack 1/8 to 3/8 pea rock Length of Gravel Pack 70'
- e) Depth to Top of Water Bearing Material 120'
- f) Depth to Water (ground surface to water level) 100'
- g) Distance to nearest existing domestic well:
On applicants property 1/4 mile On property owned by others 1/2 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

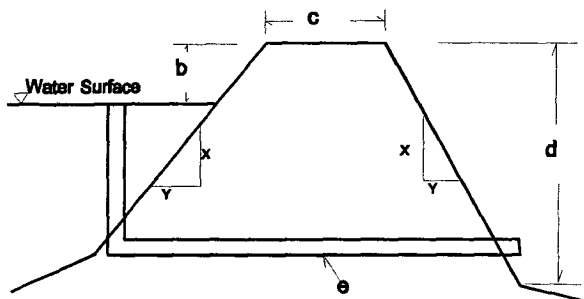
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RPM PARTNERSHIP

FARM NO. 3312

ow- Paul Gustad

FLD# 1
Ac. 11.5

Farm 4904
Tract 5982
FLD# 1
Ac. 36.2

Farm 4904
Tract 5983
FLD# 1
Ac. 36.5

Farm 4904
Tract 2175
FLD# 2
Ac. 24.2

Farm 4904
Tract 2175
FLD# 3
Ac. 3.5

Farm 4904
Tract 5985
FLD# 1
Ac. 52.4

Farm 4904
Tract 2175
FLD# 6
Ac. 1.0

Farm 4904
Tract 2175
FLD# 5
Ac. 9.1

Farm 4904
Tract 2175
FLD# 4
Ac. 3.9

Farm 4127
Tract 1591
FLD# 2
Ac. 74.2

Farm 4904
Tract 5984
FLD# 1
Ac. 39.3

Farm 3681
Tract 1476
FLD# 2
Ac. 50.1

OK well

Farm 5146
Tract 1528
FLD# 1
Ac. 148.6

Farm 3681
Tract 1476
FLD# 1
Ac. 66.6

Farm 3312
Tract 1630
FLD# 1
Ac. 30.2

United States Department of Agriculture
Farm Service Agency

06-94-54

Yankton County

January 11, 2005

2006

1997 Digital Orthophotography - Not To Scale

*Make Reference to
PT - Van Horn County FSA
2-12-08*



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/18, 20 08

RECEIVED OF Ordell Gustad 30491 447Th Ave Volin SD 57072

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

Fee for Application for Permit No. <u>6974-3</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>6974-3</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.

03386

By

Stanley Orselle
Chief Engineer



January 18, 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

Ordel Gustad
30491 447th Ave
Volin SD 57072

Dear Mr. Gustad:

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

- A map (aerial photo) showing the proposed location of the well in relation to a government section corner or quarter corner by direction and distance is required. Please outline the acres to be irrigated.
- The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).
- Enclosed is the Form 2A, Supplemental Information. Please complete Item No. 1 regarding the Well Information – Proposed Construction.
- 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. 6974-3, Ordel Gustad**

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. 6974-3, Ordel Gustad, 30491 447th Avenue, Volin SD 57072.

The Chief Engineer is recommending APPROVAL of Application No. 6974-3 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. 6974-3 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
March 28, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6974-3
For Ordel Gustad
March 26, 2008

Application No. 6974-3 proposes to appropriate 1.56 cfs from one well approximately 200 feet deep located in the center of the SE $\frac{1}{4}$ of section 6 to irrigate 140 acres located in the SE $\frac{1}{4}$ of section 6; all in T94N R54W in Yankton County.

AQUIFER – LOWER JAMES MISSOURI (LJM)

The Lower James Missouri is a buried outwash (sand and gravel) that can be encountered either under artesian or water table conditions in Yankton County. Even though technically the aquifer may be considered under artesian conditions the behavior of the water levels mimics water table conditions in this area. The aquifer underlies 92,500 acres and contains an estimated 2.08 million acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer extends into Hutchinson County to the north, blends into the Missouri Elk Point aquifer to the south and blends into the Lower James Missouri Scotland aquifer to the west (also extending into Bon Homme County). The aquifer appears to be hydraulically connected to the James River over portions of Yankton County. Bugliosi in the Yankton County Study divided the Lower James Missouri aquifer into the northern and southern areas which roughly coincide with the Lower James Missouri and Missouri Elk Point aquifer as mapped by Hedges. The aquifer is prolific and well yields from the Lower James Missouri aquifer can be expected to be at least 500 gpm (Bugliosi, 1986).

No test wells were drilled for this application. The estimate of 200 feet may not be sufficient to penetrate the entire thickness of the aquifer. In order to develop a prolific irrigation well in this area more than likely the entire thickness of sand and gravel would need to be penetrated. A test well needs to be drilled to determine if the site chosen has sufficient water for development for irrigation. The county study indicates the aquifer does underlie this area. Other irrigation and domestic wells and observation wells all indicate irrigation potential for this area. Also this area is mapped as near the north edge (one mile to the north) of the Lower James Missouri aquifer boundary and should have less than 100 feet of saturated thickness in the aquifer (Bugliosi, 1986). A nearby irrigation well drilled in the NW $\frac{1}{4}$ of section 6, indicates a 217 feet deep well, with sand and gravel from 107 to 217 feet and a static water level of 109 feet all below land surface. The completed well had the capacity of 800 gpm with 12 feet of drawdown or a specific capacity of 67 gpm/ft of drawdown.

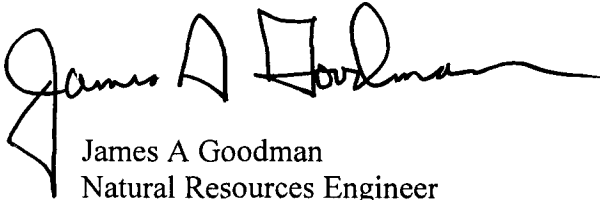
The Water Rights Program monitors three observation wells within three miles of this application. These are observation well YA-78E which is located about two miles southwest, observation well YA-80FA which is located about two miles to the northwest and observation well YA-78F located about two miles southeast all from this proposed well site. Water levels for these wells show good response to climatic conditions. The water levels rise during wet years (recharge) and gradually decline during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). Hydrographs for these observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permit holders are Water Permit No. 6766-3 (2.22 cfs, irrigation of 160 acres, 240 feet deep well) with the this well located about three-fourths mile to the northwest and Water Permit No. 6937-3 (1.78 cfs, 135 acres) located about one-half west both from this proposed well site. Drawdown created by pumping at this distance is not expected to be significant. This is shown by the observation well hydrographs. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. Drawdown created by pumping is not expected to be significant. 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

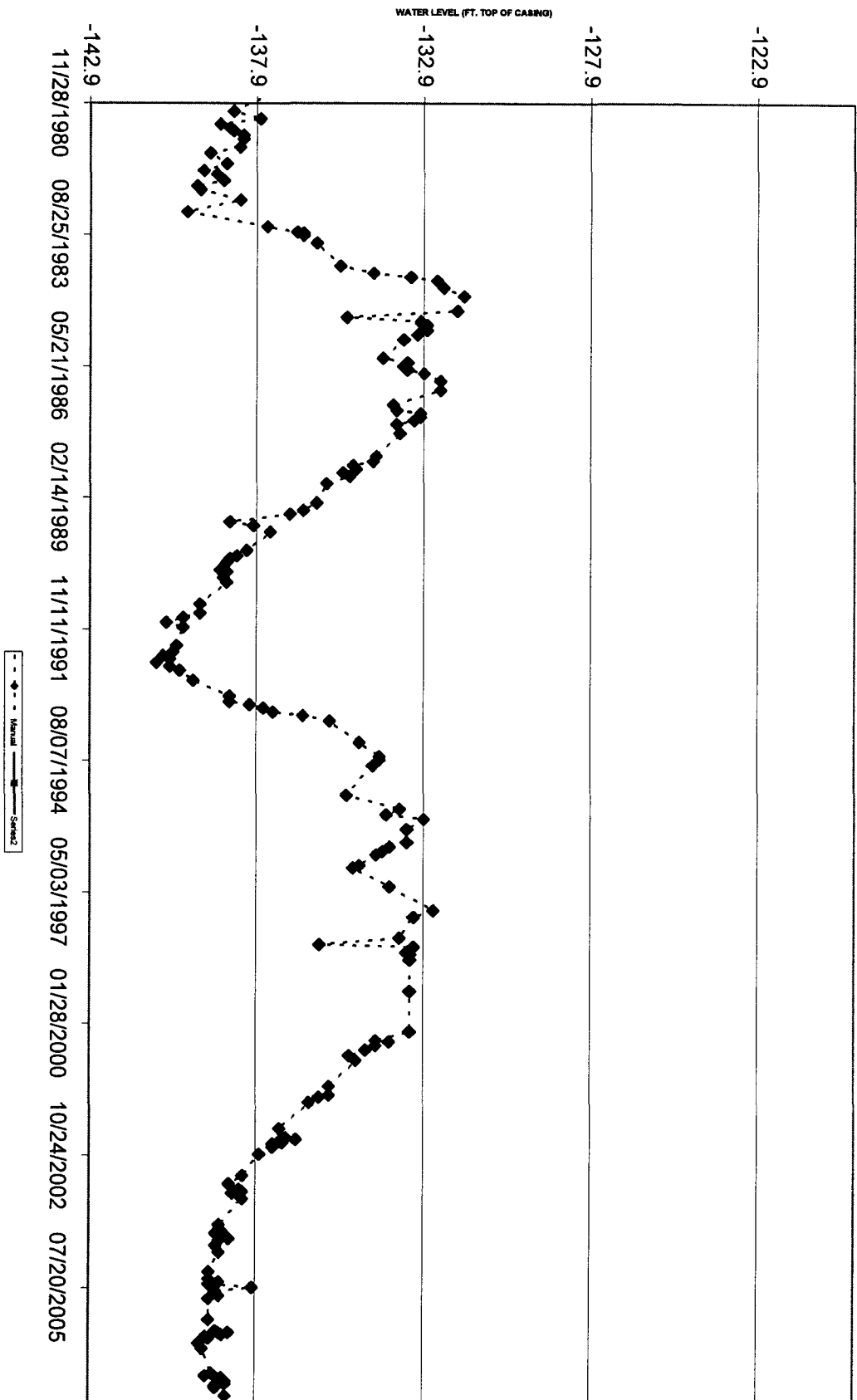
BIBLIOGRAPHY

Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, Water-Resources Investigations Report 84-4241, USGS, Huron, SD, 57350.

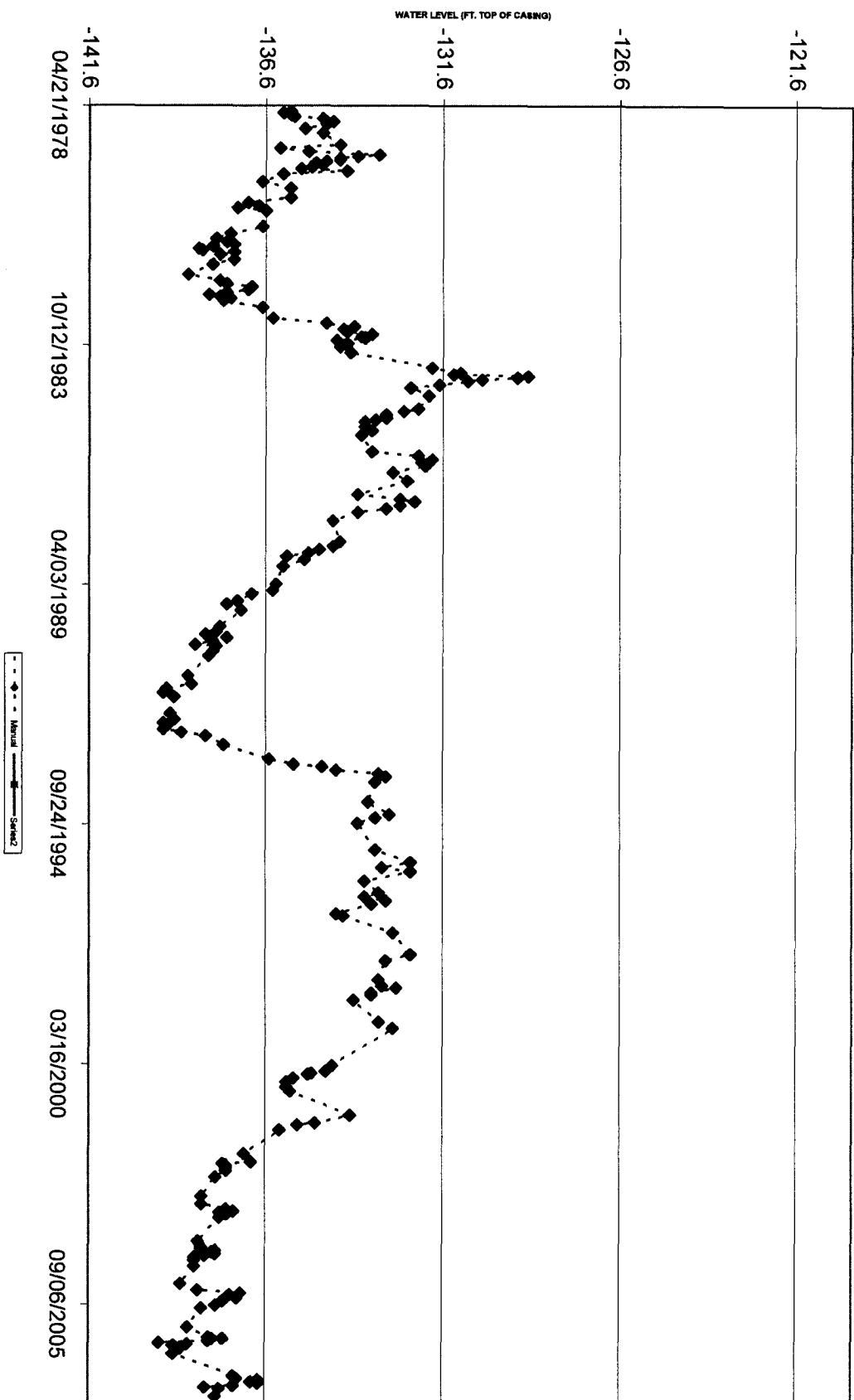
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

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

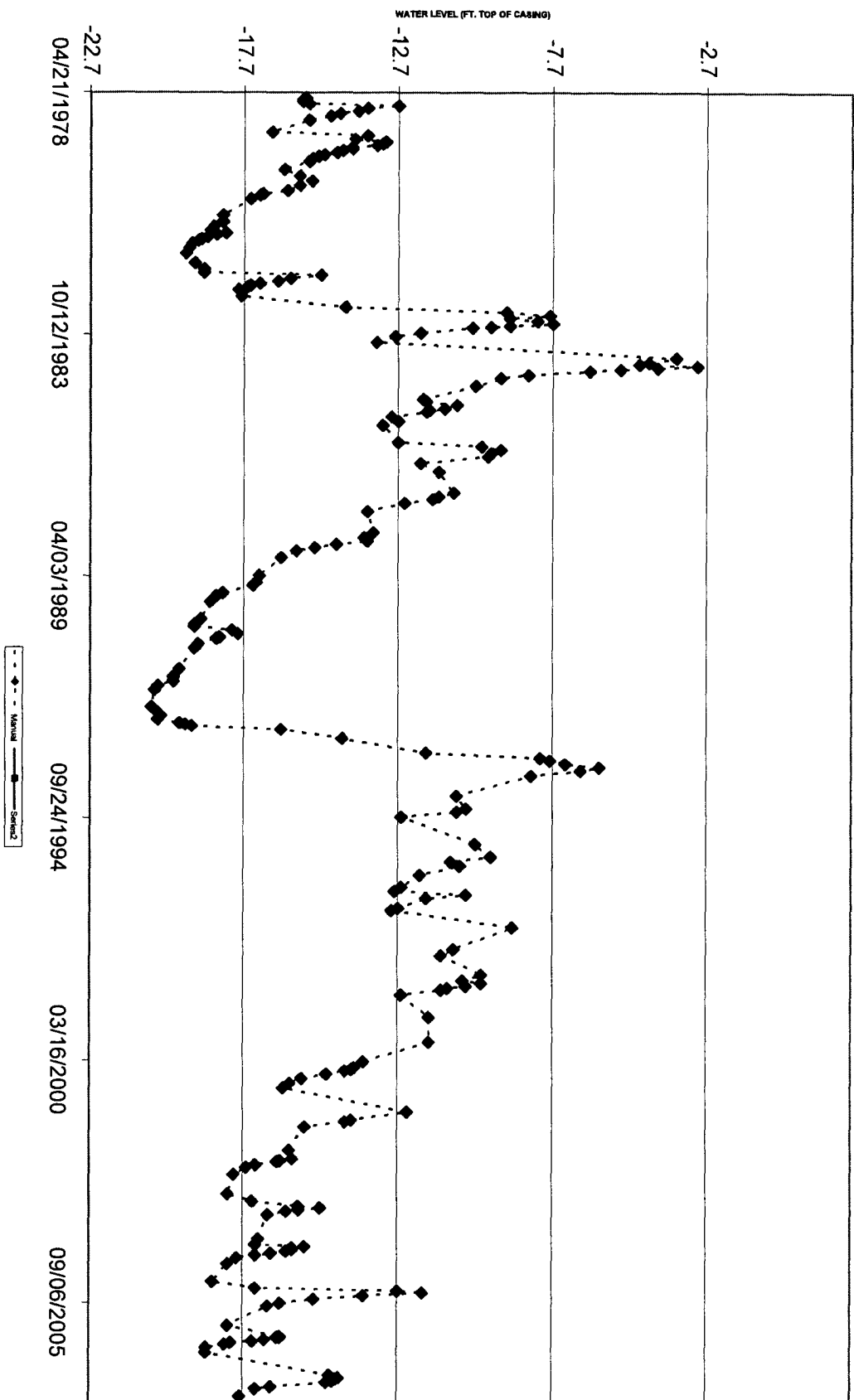
WATER RIGHTS' OBSERVATION WELL YA-80FA



**WATER RIGHTS' OBSERVATION WELL
YA-78E**



WATER RIGHTS' OBSERVATION WELL
YA-78F



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

APR 21 2008

WATER RIGHTS
PROGRAM

DENR
Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre, SD 57501-3181

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED Notice of Application No. 6974-3 to Appropriate Water

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 17th DAY OF April 2008
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$39.06 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND 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 PERSON WHOMSOEVER.

PUBLISHED ON: 4/10, 4/17

FILED ON: 4/17/2008

SUBSCRIBED AND SWORN TO BEFORE ME THIS 17th DAY OF April, 2008

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2009

4+10+17

NOTICE OF APPLICATION NO.
6974-3 to Appropriate Water

Notice is given that Ordel Gustad, 30491 447th Ave, Vollen SD 57072 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Lower James/Missouri Aquifer (approximately 200 feet deep) located in center of the SE 1/4 Section 6 to irrigate 140 acres located in the SE 1/4 Section 6; all in T94N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6974-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public

interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 28, 2008.

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.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 31, 2008

Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

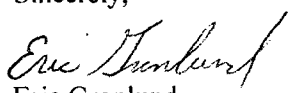
Enclosed is a Notice on Application No. 6974-3 to Appropriate Water to be published twice. Please publish the first notice on April 10, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Ordell Gustad, 30491 447th Ave, Volin SD 57072 (Ph # 605-267-2272).

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. 6974-3

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

Date _____

We are in receipt of your letter of March 31, 2008 enclosing Notice to Appropriate Water by Application No. 6974-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

March 31, 2008

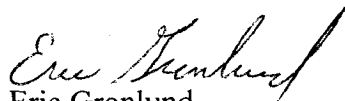
Ordell Gustad
30491 447th Ave
Volin SD 57072

Dear Mr. Gustad:

Water Permit Application No. 6974-3 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 Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). 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 April 10, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6974-3 to Appropriate Water

Notice is given that Ordel Gustad, 30491 447th Ave, Volin SD 57072 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 200 feet deep) located in center of the SE ¼ Section 6 to irrigate 140 acres located in the SE ¼ Section 6; all in T94N-R54W.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 16 2008

Ordel Gustad
30491 447th Ave
Volin SD 57072

Dear Mr. Gustad:

Enclosed is Water Permit No. 6974-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

RECEIVED

DEC 29 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 12 22 08TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Ordell Gustaf

(name)

30491 447th Ave.

(address)

Volin S.D. 57072

(city, state, zip)

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6974-3 states that the water use system is to be constructed by 10 28 2010, and water is to be put to beneficial use by 4 28 2017.

(date)

(date)

The water use system was completed on June 12 2008

(date)

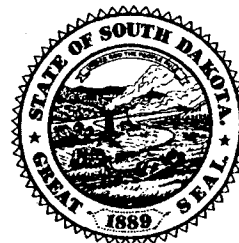
Applying the water to beneficial use was completed on June 20 2008

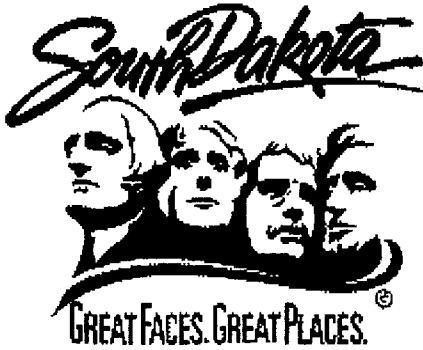
(date)

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

Ordell Gustaf

(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 2, 2009

6974-3

Paul Gustad
30393 447th Ave
Volin SD 57072

Dear Mr. Gustad:

I am writing to acknowledge receipt of the 2008 irrigation questionnaire for Water Permit No. 6974-3 listed in the name of Ordell Gustad. We also received the "Completion of Works" form indicating the irrigation system was completed and ready for inspection.

It is my understanding from the notation on the form that the permit should be transferred to your name. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it 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.

If the notation on the form meant that you are operating the irrigation system but Ordell still owns the land, please contact me.

Sincerely,

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

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

enclosures

RECEIVED

JAN 20 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6974-3
Date: _____

I/We request that Water Permit No. 6974-3

formerly owned by: Ordell Gustad

be transferred to: (name & address) Paul Gustad, 30393 447th Ave., Volin SD 57072

Telephone No. 605 267-2235

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

140 acres – SE ¼ Section 6, T94N, R54W

I/We understand that the validity of Water Permit No. 6974-3 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 Paul Gustad, the new owner, certify that the above information is true and correct.

Paul Gustad

(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 1/20, 20 09

RECEIVED OF RPM Partnership 30393 447th Ave 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	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>6974-3</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No.

63046

By

Richard 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 20, 2009

6974-3

Paul Gustad
30393 447th Ave
Volin SD 57072

Dear Mr. Gustad:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Permit No. 6974-3. The permit formerly held by Ordel Gustad is now listed in your name.

Enclosed is your Receipt No. 03946 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosure

SOUTH DAKOTA WATER WELL COMPLETION REPORT

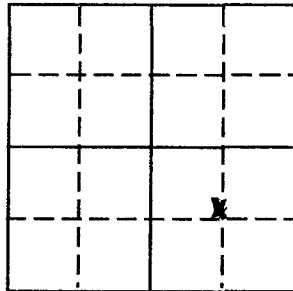
11-02

Location nw 1/4 se 1/4 Sec 6 Twp 94n Rg 54w

County

Yankton

North



Please mark well location with an "X"

Well Completion Date

6/13/2008

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

? 1,600.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	16.00	0.0	100.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From Ft	To Ft
bent grt	35	9.5	0.0	95.0

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16.00 Inches Length 60.0 Feet

Material pvc

Slot Size 0.060 Set From 100.0 Feet to 160.0 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: Paul Gustad

Business Name:

Address: 30393 447th Ave

City, State, Zip: Volin SD 57072

WELL LOG:

DEPTH

FORMATION	FROM	TO
Clay, brown silty,	0	17
clay, gray, silty, pebbly	17	89
gravel, coarse, sub angular sandy	89	165

STATIC WATER LEVEL 69.0 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

82.0 Ft. After 1.0 Hrs. pumped 600.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: 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:

12/11/09

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6974-3**

I have this day, August 4, 2021, made a thorough examination of the water use system constructed by Paul Gustad, 30491 447th Ave., Volin, SD 57072, holder of Permit No. 6974-3, bearing the priority of January 18, 2008 authorizing the diversion of 1.56 cu. ft. per second of the waters of groundwater (Lower James: Missouri Aquifer) for the irrigation of 140 acres located in Yankton County.

Inspection contact: Paul Gustad

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond Wetmore Drilling
- 2) No. of Wells: 1
- 3) Depth(s): 165 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 100 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 60 feet
- 3) Type: PVC
- 4) Static water level: 69 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 625s400-2
- 3) Capacity: 750 GPM

Motor:

- 1) Make: Grundfos
- 2) Model No.: Unknown
- 3) Horsepower rating: 40 hp

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

- 1) Type: Aluminum
- 2) Size: 8 inches
- 3) Length: 15 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Valley
- 2) Overall length: 1312 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 750 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: No
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
3) Exceptions to compliance are: The pump rating is 1.67 cfs instead of 1.56 cfs.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 1,400 feet west and 1,360 feet north of the southeast corner of Section 6-T94N-R54W (Latitude 42.98539, Longitude -97.26456 – NW1/4 of the SE1/4).
2. The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

All in Section 6-T94N-R54W

NW1/4SE1/4 36 acres

NE1/4SE1/4 34 acres

SW1/4SE1/4 34 acres

SE1/4SE1/4 23 acres

comprising a total of 127 acres of land and the license should be issued for 1.56 cfs.

3. All structures, wells and lands on map: Yes

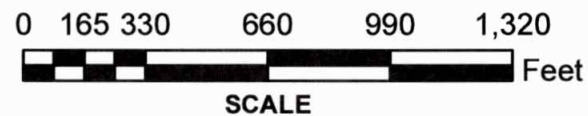
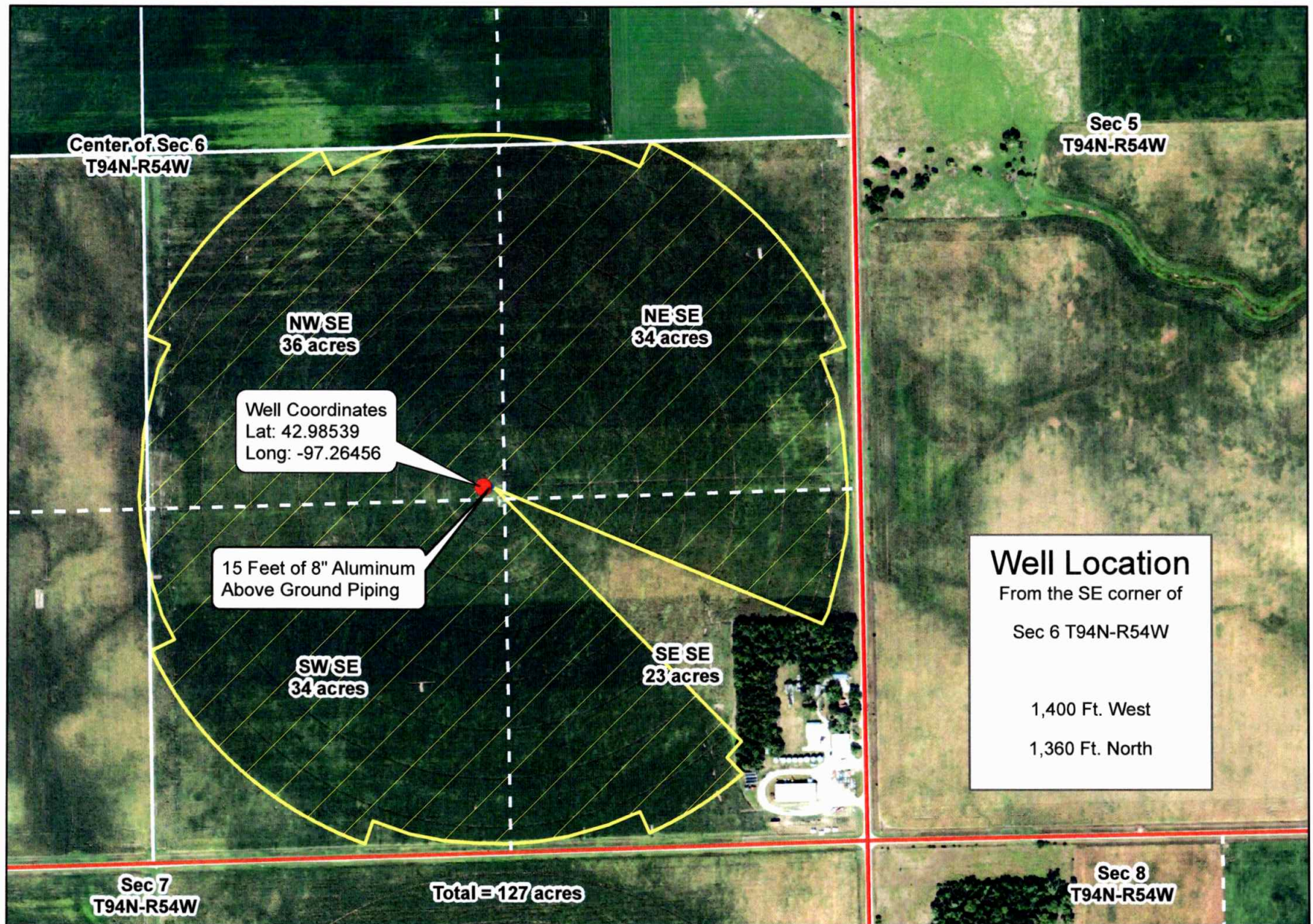
F. Comments or other permit(s) associated with the project: The pump flow rate of 1.67 cfs exceeds the permitted rate of 1.56 cfs. The pump and motor information was supplied by Dick Hammond.



Keith DeJong
Water Rights Inspector
DANR, Water Rights Program

Date report completed: September 10, 2021

Water Right No. 6974-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
August 31, 2021



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

SEP 14 2021

6974-3

Paul Gustad
30491 447th Ave
Volin SD 57072

Dear Mr. Gustad:

Enclosed is Water License No. 6974-3. 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, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

NOTE: The investigation of your water use system found it capable of diverting 750 gpm or 1.67 cubic feet of water per second. The original permit authorized 700 gpm or 1.56 cfs. Diversion of water under this water license is limited to 1.56 cfs.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6974-3**

(1) Ordell Gustad, Volin SD 57072 made Application No. 6974-3, January 18, 2008 for a water permit to divert 1.56 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 6974-3, with a priority date of January 18, 2008 was approved April 28, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 28, 2013 and for the application to beneficial use of said water on or before April 28, 2017.

On January 20, 2009, Water Permit No. 6974-3 was transferred to Paul Gustad.

(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 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,400' W and 1,360' N of the SE corner of Section 6, T94N, R54W (NW ¼ SE ¼)
Latitude 42.98539, Longitude -97.26456

(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 6, T94N, R54W	NW ¼ SE ¼	36 acres
	NE ¼ SE ¼	34 acres
	SW ¼ SE ¼	34 acres
	SE ¼ SE ¼	23 acres
Total		127 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paul Gustad, 30491 447th Ave, Volin SD 57072 the holder and/or owner of Water Right No. 6974-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer) with a priority date of January 18, 2008 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6974-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control 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. 6974-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. ***The well was drilled in June 2008 by Hammond Wetmore Drilling LLC. A copy of the well completion report is on file with the Water Rights Program.***

continued

- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

SEP 14 2021

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: PAUL GUSTAD, 30491 447TH AVE, VOLIN, SD 57072 6109

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6974-3, 7613-3 & 7614-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 6974-3, 7613-3 & 7614-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 6974-3, 7613-3 & 7614-3 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 8, 2023** 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: ZESQRB**

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

February 6, 2023

6974-3
7613-3
7614-3

Paul Gustad
30491 447th Ave
Volin SD 57072-6109

Dear Mr. Gustad:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 6974-3, 7613-3 & 7614-3. 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