

WATER PERMIT NO. 6985-3

Name of Applicant: Nels J Sorensen

Address: 2093 Sorensen Ave, Vermillion SD 57069 Phone: 605 624-4535

Amount of Water Claimed: 1.78 cfs Total Acres: 136 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Clay

Type of Waste Disposal System:

Location: 5 miles north of Vermillion

PRIORITY Date Received: 2-25-08 Application/License Fee: \$300

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

Remarks:

Diversion Point: center between the W ½ SE ¼
and the E ½ SW ¼ Sec 22-T93N-R52W

Land to be Irrigated: W ½ SE 1/4, E ½ SW ¼ Sec
22-T95N-R52W

Depth of Well: 207 feet

Well Driller: : Hammond-Wetmore Drilling

Remarks:

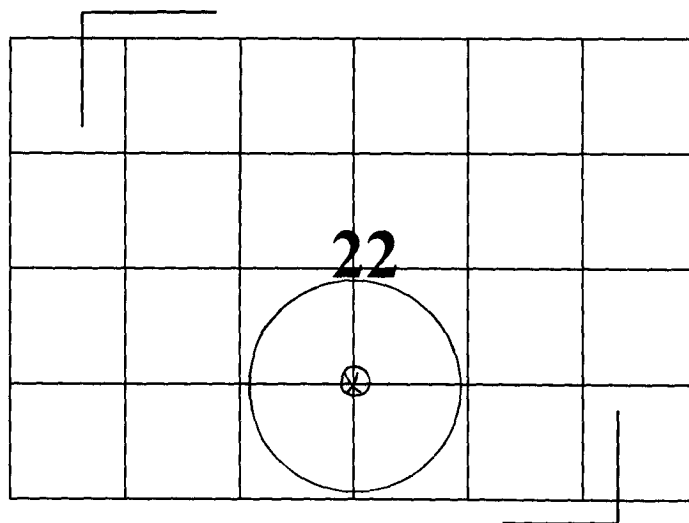
Type of Map: aerial

Prepared by: Kelly Andersen, Clay Co FSA

Reviewed and the Number Assigned on: 2-25-08

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6985-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Plain Talk</u> P.O. Box <u>256</u>
	<u>605-624-2695</u> <u>Vermillion 57069</u>

RECEIVED
FEB 25 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 Nels J Sorensen Phone 605-624-4535
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 2903 Sorensen Av Vermillion SD State 57069
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78*CFS or 800 **GPM ***AF Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acres - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 1 well in NW 1/4 SE Section 22, T93N R52W,
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
1 well in W 1/2 SE 1/4 section 22-T93N R52W
approximate center between W 1/2 SE 1/4 and E 1/2 SW 1/4
- County or counties where water will be used Clay
- Annual period during which water is to be used April 1st - Sept 30 April 1 - Sept 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
W 1/2 SE 1/4 SW 1/4 22-T93N R52W	32		
W 1/2 SW 1/4 SE 1/4 22-T93N R52W	32		
W 1/2 NE 1/4 SW 1/4 22-T93N R52W	36		
W 1/2 NW 1/4 SE 1/4 22-T93N R52W	36		

- Give a description of the project. (Attach sheet if more space is needed)
1 well & 1-7 tower center pivot. We will be putting all new well & irrigation system. System will be placed in the middle of the quarter.

STATE OF SOUTH DAKOTA

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)

- Nels J. Sorensen, 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 Nels J Sorensen

Subscribed and sworn to before me this 21 day of February 2008

Shirley Peterson
Notary Public signature

Commission Expires 8/03/11

**SOUTH DAKOTA
WATER PERMIT NO. 6985-3**

Date of first receipt of application February 25, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6985-3 to Nels J Sorensen, 2903 Sorensen Ave, Vermillion SD 57069 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. 6985-3 appropriates 1.78 cubic feet of water per second from one well completed into the Lower Vermillion:Missouri Aquifer (207 feet deep) located in the approximate center between the W 1/2 SE 1/4 and E 1/2 SW 1/4 Section 22 to irrigate 136 acres located in the W 1/2 SE 1/4 and the E 1/2 SW 1/4 Section 22; all in T93N-R52W.
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 February 25, 2008.
4. The date of approval of Permit No. 6985-3 is May 12, 2008.
5. One-fifth of the construction is to be completed on or before November 12, 2010.
6. All construction is to be completed on or before May 12, 2013.
7. Water is to be put to beneficial use on or before May 12, 2017.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 12 2008

date

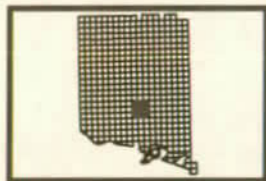


Kelly Andersen
Clay County, PT 2-20-2008



USDA USDA
 Farm Service Agency

N



South Dakota
Clay County

22-93N-52W

February 20, 2008

Legend

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

Wetland Determination Identifiers

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

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

1:8,778

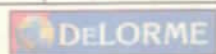
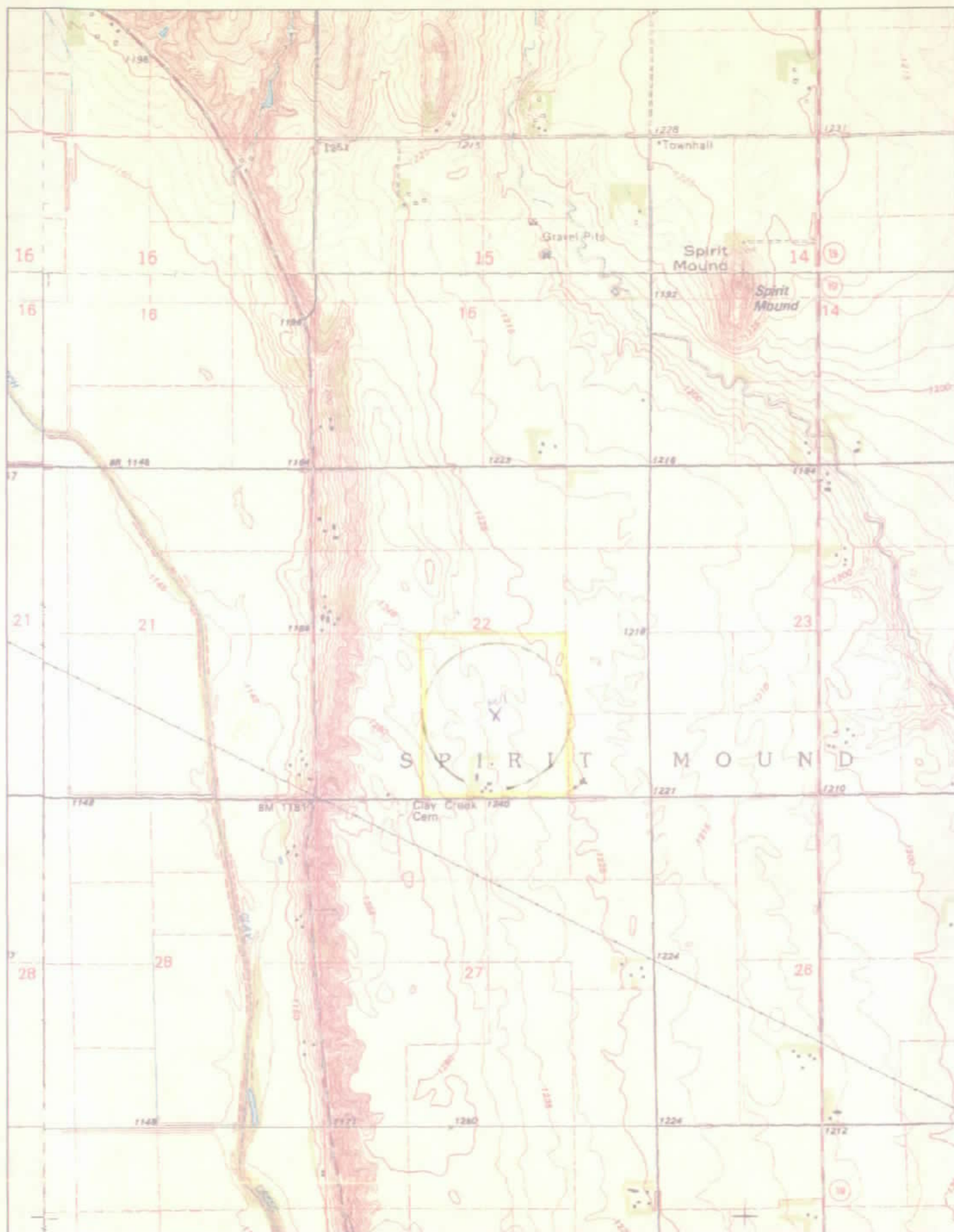
 Live Search Maps Vermillion, South Dakota, United States

Any question contact
Grant Sorenson
605-670-7574

RECEIVED

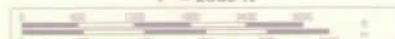
FEB 25 2008

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Scale 1 : 25,000
1" = 2080 ft



SOUTH DAKOTA WATER WELL COMPLETION REPORT

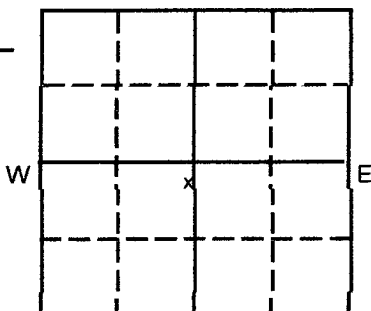
11-02

Location ne $\frac{1}{4}$ sw $\frac{1}{4}$ Sec 22 Twp 93n Rg 52w

County

clay

North

Please mark well
location with an "X"

Well Completion Date

12/17/2007

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

? 1,800.0 ft. from septic system (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	IN	FT	FT	IN
	16.00	0.0	114.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0.0 Ft	110.0 Ft
Bent grt	52	9.5		

Describe grouting procedure
Tremie method

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 16.00 Inches Length 70.0 FeetMaterial PVC slottedSlot Size .060 Set From 114.0 Feet to 184.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

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

Business Name:

Address: 2903 South Dakota StreetCity, State, Zip: Vermillion, SD 57069

WELL LOG:

DEPTH

FORMATION	FROM	TO
topsoil, Dk Bm, Silty	0	1
Silt, brn, Clayey	1	27
Clay, dk brn, silty, pebbly	27	110
Sand, coarse, some pebbly beds	110	190
Claystone, dk gray, silty (Kc)	190	207

STATIC WATER LEVEL 105.0 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

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 780.0 GPM

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REMARKS

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: 2/18/08

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/25, 20 08

RECEIVED OF Scotese Family Farm LLC 1903 Seward Ave Vermillion SD 57069

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

Fee for Application for Permit No. <u>1975-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>1975-3</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.

By

Paul M. Peltz
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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6985-3, Nels J. Sorensen**

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. 6985-3, Nels Sorensen, 2903 Sorensen Avenue, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 6985-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
April 11, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6985-3
For Nels J Sorensen
April 8, 2008

Application No. 6985-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 190 feet deep located in the approximate center of the S $\frac{1}{2}$ of section 22 to irrigate 136 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and the E $\frac{1}{2}$ SW $\frac{1}{4}$ of section 22; all in T93N R52W in Clay County.

AQUIFER – LOWER VERMILLION MISSOURI (LVM)

The Lower Vermillion Missouri aquifer is a buried outwash (sand and gravel) that is under light artesian conditions at this site. The aquifer underlies 100,800 acres and contains an estimated 1.512 million acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends to the north and blends into the Upper Vermillion Missouri aquifer, also extends to the south where it blends into the Missouri Elk Point aquifer and is hydraulically connected to the Vermillion River over portions of Clay County. The direction of ground water movement is from northeast to southwest in this portion of the aquifer (Stephens, 1967). Also in the subsurface the aquifer is probably hydraulically connected to the Niobrara marl or aquifer (Stephens, 1967).

The production well drilled for this application indicates clay from the surface to a depth of 110 feet, coarse sand from 110 to 190 feet below land surface. The reported static water level was 105 feet below land surface and the well was capable of producing 780 gpm. No other particulars are available for this well. The well has been completed in accordance with SD Well Construction Standards.

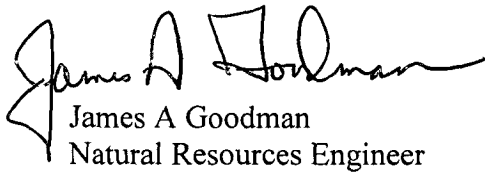
The Water Rights Program monitors an observation well CL-80G located about one mile southeast of the well for this application. Water levels for this well show good response to climatic conditions. Water levels rise during wet periods and gradually decline during dry periods. In general the water level record indicates that 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

There is an existing Water Right No. 2966-3 (1.05 cfs, 74 acres) with that well located about 1,875 feet southeast of this proposed application. This distance between wells should be sufficient to minimize any potential impacts from drawdown. This aquifer is highly prolific and drawdown created by pumping is not significant. This is also shown by the observation well record. Interference is not a concern. There are no other water permits/rights within two miles of this application.

CONCLUSIONS

1. Water is available from the Lower Vermillion Missouri aquifer.
2. The aquifer is under slight artesian conditions at this site. However, the drawdown caused by pumping should not be significant and water levels should behave more like a water table situation. Interference is not expected to be a concern.
3. This well has been constructed and is completed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

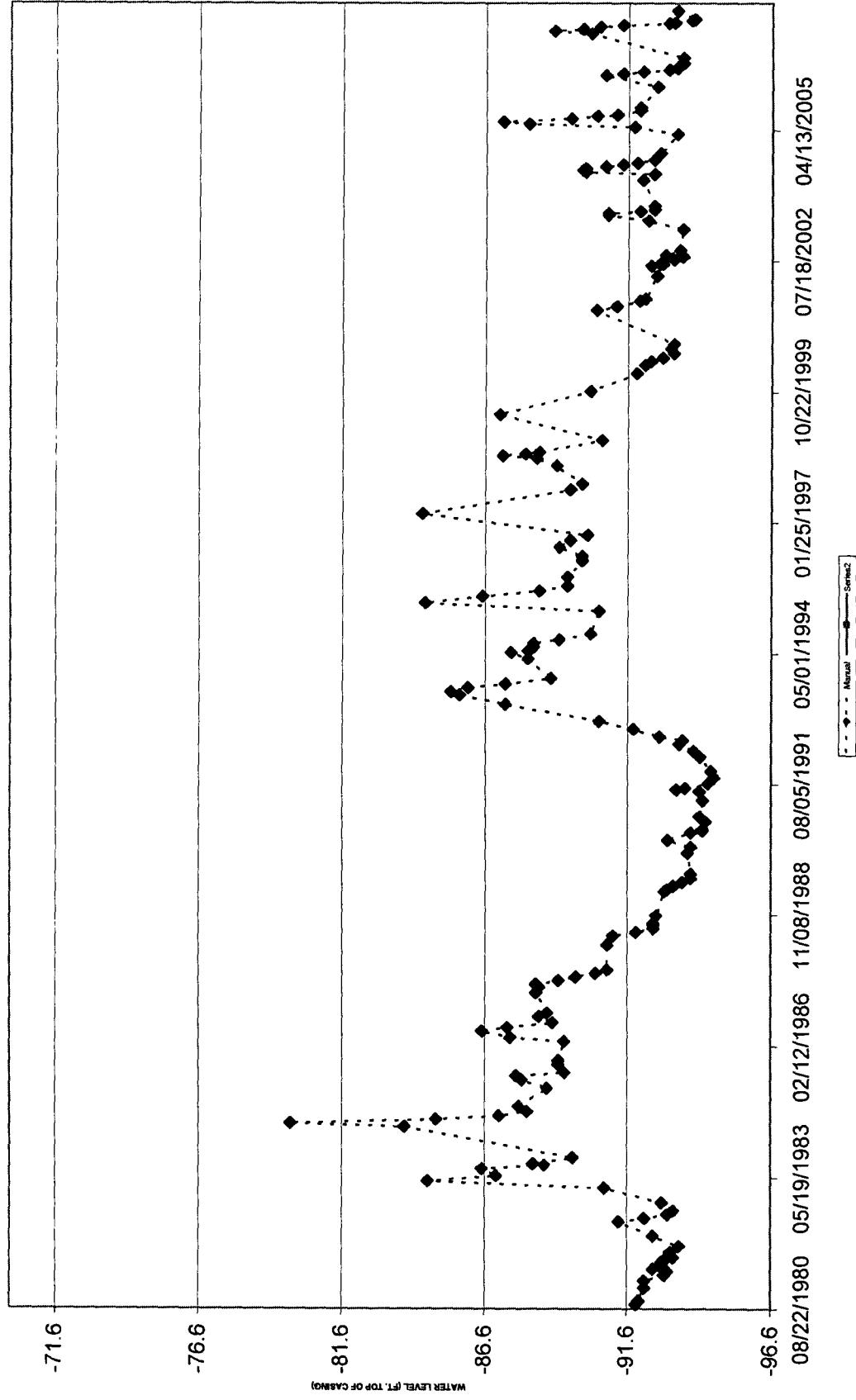
BIBLIOGRAPHY

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

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

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

**WATER RIGHTS' OBSERVATION WELL
CL-80G**





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 11, 2008

Plain Talk
PO Box 256
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6985-3 to Appropriate Water to be published twice. Please publish the first notice on April 18, 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 Nels J Sorensen, 2903 Sorensen Ave, Vermillion SD 57069 (Ph # 605-624-4535).

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. 6985-3

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

Date _____

We are in receipt of your letter of April 11, 2008 enclosing Notice to Appropriate Water by Application No. 6985-3 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.

April 11, 2008

Nels J Sorensen
2903 Sorensen Ave
Vermillion SD 57069

Dear Mr. Sorensen:

Water Permit Application No. 6985-3 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 April 18, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6985-3 to Appropriate Water

Notice is given that Nels J Sorensen, 2903 Sorensen Ave, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well completed into the Lower James:Missouri Aquifer (207 feet deep) located in the approximate center between the W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22 to irrigate 136 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22; all in T93N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6985-3 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 May 12, 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

April 30, 2008

Nels J Sorensen
2903 Sorensen Ave
Vermillion SD 57069

Dear Mr. Sorensen:

Water Permit No. 6985-3 is being advertised for another week in the Plain Talk to correct the aquifer designation which should be the Lower Vermillion:Missouri Aquifer. In the April 18 and 25 publications, the aquifer was listed as Lower James:Missouri. By correcting the error, we are ensuring your water permit is free from any legal entanglements due to insufficient public notice.

For your information, a copy of the notice is enclosed.

The cost of publication of this notice will be paid by the Water Rights Division. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

05/12/2008

PAYMENT REQUEST FORM

PAYEE: Plain Talk
PO Box 256
Vermillion SD 57069

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Re advertisement for N Sorensen - 6985-3

AMOUNT: \$23.83

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Darlene E. Chiles 5/12/08

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

RECEIVED

MAY 17 2008

WATER
PROJ

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. 6985-3

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 1 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 2nd day of May 20 08, and that the succeeding publications were severally

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

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

Twenty-three dollars and 83 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 7th day of May, 20 08

Diane J. Savice

EX-9-5-2013

Notary Public

NOTICE OF APPLICATION NO. 6985-3 to Appropriate Water

Notice is given that Nels J. Sorensen, 2903 Sorensen Ave., Vermillion, SD 57069 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well completed into the Lower Vermillion: Missouri Aquifer (207 feet deep) located in the approximate center between the W 1/2 SE 1/4 and E 1/2 SW 1/4 Section 22 to irrigate 136 acres located in the W 1/2 SE 1/4 and the E 1/2 SW 1/4 Section 22; all in T93N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6985-3 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 May 12, 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: May 2, 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

JUN 12 2000

Nels J Sorensen
2903 Sorensen Ave
Vermillion SD 57069

Dear Mr. Sorensen:

Enclosed is Water Permit No. 6985-3 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

6985-3
RECEIVED

AUG 13 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate Aug 7, 2008TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Nels J. Sorensen

(name)

2903 Sorensen Ave.

(address)

Vermillion, S.D. 57069

(city, state, zip)

605-624-4535

(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. 6985-3 states that the water use system is to be constructed byMay 12, 2013
(date)

, and water is to be put to beneficial use by

May 12, 2017
(date)

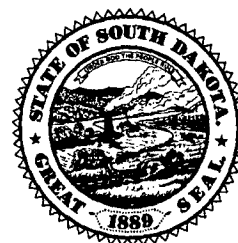
The water use system was completed on

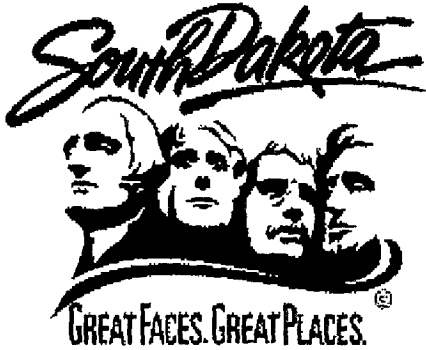
July 8, 2008
(date)

Applying the water to beneficial use was completed on

July 8, 2008
(date)

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

Nels J. Sorensen
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 2008

6985-3

Nels J Sorensen
2903 Sorensen Ave
Vermillion SD 57069

Dear Mr. Sorensen:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system as authorized by Water Permit No. 6985-3. I am returning the copy of the permit to you; you may keep this for your records.

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

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

Sincerely,

A handwritten signature in 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

enclosure



**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 26, 2009

Nels J Sorensen
15 Muirfield Ct
Vermillion SD 57069-7077

RE: Irrigation Questionnaires for Water Permit or Right Nos. 5200-3, 5412-3, 5538-3, 5539-3, 5540-3, 5541-3, 5579-3, 6310-3 & 6985-3

Dear Mr. Sorensen:

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

The notice was originally mailed to 2903 Sorensen Ave, Vermillion 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

Permit No. 6985-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, 9/1/2009, made a thorough examination of the water use system constructed by Nels J. Sornesen of 30723 2093 Sorensen Avenue, Vermillion, SD 57069 holder of Permit No. 6985-3, bearing the priority of 2/25/2008 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Lower Vermillion Missouri aquifer for irrigation purposes, in Clay County.

Inspection contact & relationship **Nels & Grant Sorensen—Permit holder and manager**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 207 feet
- 4) Well log is available Yes
- 5) Comment: well—log on file

Casing:

- 1) Diameter 16 inches
- 2) Length 114 feet
- 3) Type Plastic

Screen:

- 1) Type Manufactured
- 2) Length 70 feet
- 3) Static water level 105 feet

Pump:

- 1) Make Grundfos
- 2) Model 800S-500
- 3) Size 50 hp
- 4) Capacity 800 GPM

Report of Examination of Works

Permit No. ~~6953-3~~
6985-3

NW ¼ SE ¼ 32 acres
NE ¼ SW ¼ 32 acres
SW ¼ SE ¼ 24 acres
SE ¼ SW ¼ 24 acres

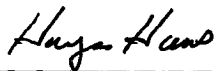
**All in Section 22, Township 93 North, Range 52
West**

comprising a total of **112** acres of land and the license should be issued for **1.78** cfs. 1.60 cfs**

All structures, wells and lands on map **Yes**

Comments or other permit(s) associated with the project: **Center pivot system does not complete a full circle to irrigate the whole 132 acres of the quarter section (in this case, middle half of the bottom two quarters of the section), that is the reason the diversion rate is greater than statutorily allowed.**

**At the time the permit was obtained, the permit holder had enough acres authorized for 1.78 cfs. Only 112 acres were developed and by statute (1cfs per 70 acres) only 1.60 cfs diversion rate can be authorized. Since the higher diversion rate for 112 acres was not advertised and approved by the WMB, the less rate of 1.60 is all that can be licensed. Genny



Hayes Haas
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: **4/1/2010**

Report of Examination of Works

Permit No: ~~6955-3~~
6985-3

Motor:

- 1) Make Grunfos
- 2) Model No. unknown
- 3) Horsepower rating 50 hp

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

- 1) Type cast iron
- 2) Size 10 inches
- 3) Length ~30 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley 8000
- 2) Overall length 1,400 feet
- 3) Number of towers 7
- 4) Distance between towers ~182 feet
- 5) End gun Yes
- 6) High or low pressure Low
- 7) Capacity 800 GPM

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
- 3) Exceptions to compliance are: list

The system is in good condition with the point of diversion located as follows: 2,650 feet west and 1,284 feet south of the SE corner of Section 22, Township 93 North, Range 52 West, lat/long N 42.80462 W -97.13610.

The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water of the Lower Vermillion Missouri aquifer which is to be used for crop irrigation. Water has been put to beneficial use to the maximum extent as follows:

Permit No. 6985-3
Nels Sorensen



Hayes Haas

Hayes Haas
Natural Resources Engineer
DENR Water Rights Program
September 2009

1,000
Feet

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today



DEPARTMENT of ENVIRONMENT
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APR 29 2010

6985-3

Nels J Sorensen
15 Muirfield Ct
Vermillion SD 57069-7077

Dear Mr. Sorensen

Enclosed is your Water License No. 6985-3. 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.

Please note in the license that the amount of water authorized is 1.60 cubic feet per second (cfs) for irrigation of 112 acres. Your original permit authorized 1.78 cfs for irrigation of 136 acres. When the project was completed and less acres were developed, the diversion rate was reduced to the statutory limit of one cfs per 70 acres with an annual volume of 2 acre-feet per acre.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6985-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6985-3**

(1) Nels J Sorensen, 15 Muirfield Ct, Vermillion SD 57069-7077 made Application No. 6985-3, February 25, 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 purposes. Permit No. 6985-3, with a priority date of February 25, 2008 was approved May 12, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 12, 2013 and for the application to beneficial use of said water on or before May 12, 2017.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on August 13, 2008. The "*Notice*" stated the water use system was completed and the water placed to beneficial use on July 8, 2008.

(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 1.60 cubic feet of water per second for beneficial use. The location of the diversion point is 2,650 feet west and 1,284 feet north of the SE corner of Section 22, T93N, R52W (SE ¼ SW ¼).

(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 22, T93N, R52W	NW ¼ SE ¼	32 acres
	SW ¼ SE ¼	24 acres
	NE ¼ SW ¼	32 acres
	SE ¼ SW ¼	24 acres
	Total	112 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Nels J Sorensen, 15 Muirfield Ct, Vermillion SD 57069-7077 the holder and/or owner of Water Right No. 6985-3 is issued a license to appropriate water, the right to use 1.60 cubic feet of water per second from ground water (one well – Lower James Missouri Aquifer) with a priority date of February 25, 2008 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6985-3 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

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

APR 29 2010
date



**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Nels J. Sorensen

ADDRESS: 2093 Sorensen Ave, Vermillion, SD

DATE: 7/30/2014

RE: Incorrect GPS coordinates on inspection report

COMMENTS:

When plotted in ArcMap, the location of Water Right No. 6985-3 plots approximately 10 miles west of Vermillion, instead of approximately 5 miles north. The GPS coordinates listed on the inspection report and subsequently used in ArcMap are incorrect. However, the GPS coordinates on the map for the inspection report are correct. I informed Genny McMath that the following coordinates (Lat/Lon: 42.80462° N, -97.13610° W) are incorrect and should be replaced with these coordinates (Lat/Lon: 42.85515° N, -96.9741° W).



Adam Mathiowetz
Natural Resources Engineer
DENR-Water Rights Program

6985-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2020

Nels J Sorensen
200 Mickelson Ave
Vermillion SD 57069

RE: Water Right Nos. 5200-3, 5412-3, 5538-3, 5539-3, 5540-3, 5541-3, 5579-3, 6310-3 & 6985-3

Dear Mr. Sorensen:

Enclosed are the irrigation questionnaires originally sent to 15 Muirfield Court in Vermillion.

I will make the changes to your address in our files. If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, reading "Genny McMath".

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 1, 2024

6985-3

Nels Sorensen
200 Mickelson Ave
Vermillion SD 57069

Dear Mr. Sorensen

During a recent inspection of an irrigation system located north of Vermillion SD, Water Rights Program staff noticed what appeared to be an unauthorized windshield-wiper irrigation pivot constructed in the SW $\frac{1}{4}$ Section 22, T93N, R52W, on land held by yourself under the Linda Sorenson Revocable Trust. (see enclosed ariel images)

Water Right No. 6985-3 was held by yourself, authorizes the diversion of 1.6 cfs (approx. 720 gpm) from one well completed into the Lower James Missouri Aquifer, for the irrigation of 112 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 22, T93N, R52W. The unidentified system and the system authorized under Water Right No. 6985-3 have the appearance of overlapping in portions of the E $\frac{1}{2}$ SW $\frac{1}{4}$.

For your convenience I have enclosed a blank irrigation water rights permit application. Obtaining a water permit is in the interest of the permit holder, as it provides protections against loss of water availability due to junior water users.

Please contact me via email or my direct line (605) 910-5187 so that we may work toward bringing this system into compliance.

Sincerely,

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

enclosures