

WATER PERMIT NO. 6990-3

Name of Applicant: James R Orr

Address: 41898 US Hwy 212, Clark SD 57225 Phone: 605 532-5238

Amount of Water Claimed: 3.56 cfs Total Acres: 280

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation County: Clark

Type of Waste Disposal System:

Location: 6 west of Clark

PRIORITY Date Received: 2-29-08 Application/License Fee: \$350

Corrected Application Received: Period of Annual Use: June 1 – Sept 31

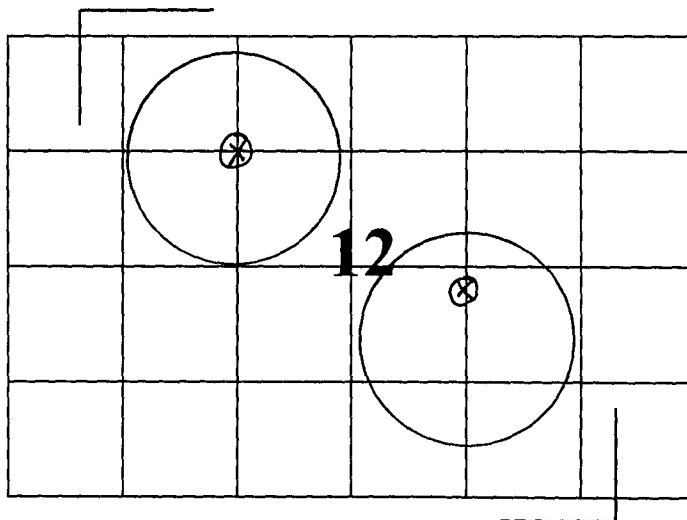
Remarks:

Diversion Point: center of NW ¼ and N ½ SE ¼

Sec 12-T116N-R59W

Land to be Irrigated: NW ¼ and S ½ NE ¼, SE ¼

Sec 12-T116N-R59W



Depth of Well: 170 feet deep

Well Driller: : Kaiser Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Valeree DeVine, Clark Co. NRCS

Reviewed and the Number Assigned on: 3-4-08

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>6990-3</u>	(office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Clark Co. Courier</u>	<u>119 1st Ave E</u>
	<u>532-3654</u>	<u>Clark 57225</u>

RECEIVED
FEB 29 2008
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name of Applicant JAMES R. ORRIS Phone 605-233-0150-Cell
Mailing Address 41898 US Hwy 212 CLARK State S.D. 57225
(check one) ☒ Owner ☐ Tenant/leasee
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 3.56*CFS or 900 each **GPM ***AF Total Acreage 280
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Foot - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply WELLS
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County CLARK
1 well in NW1/4 12-116N-59W; 1 well in E1/2 12-116N-59W
NE1/2 SE1/4
5. County or counties where water will be used CLARK
6. Annual period during which water is to be used June 1 - Sept 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NW 1/4 12-116N-59W</u>	<u>140</u>		
<u>E 1/2 12-116N-59W</u>	<u>110</u>		
<u>SE 1/4</u>	<u>30</u>		
<u>SE 1/2 NE 1/4</u>			

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

Two center pivot irrigators, fed by wells

STATE OF SOUTH DAKOTA) SS
County of Clark

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, Jim Orris, 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 Jim Orris

Subscribed and sworn to before me this 28th day of February 20 08

Charon Yeloch
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6990-3**

Date of first receipt of application February 29, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6990-3 to James R Orris, 41898 US Hwy 212, Clark SD 57225 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. 6990-3 appropriates 3.56 cubic feet of water per second from two wells to be completed into the Altamont Aquifer (approximately 170 feet deep) located in the center of the NW ¼ and the N ½ SE ¼ Section 12 to irrigate 280 acres located in the NW ¼ and S ½ NE ¼, SE ¼ Section 12; all in T116N-R59W.
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: June 1 – September 30.
3. The date from which applicant may claim right is February 29, 2008.
4. The date of approval of Permit No. 6990-3 is May 19, 2008.
5. One-fifth of the construction is to be completed on or before November 19, 2010.
6. All construction is to be completed on or before May 19, 2013.
7. Water is to be put to beneficial use on or before May 19, 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 wells 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 wells authorized by Permit No. 6990-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

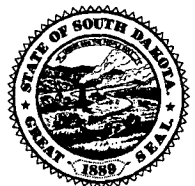
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 16 2008

date



(type or print in ink)

west
NW 1/4 12-116N-59W

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 17 3/4 Depth 170
- b) Casing Type plastic Diameter 12 Thickness 5/16 40
- c) Screen Type Stainless Steel Diameter 12 Thickness 3/8
- d) Gravel Pack 1/4 x 1/8 Length of Gravel Pack 40
- e) Depth to Top of Water Bearing Material 90
- f) Depth to Water (ground surface to water level) 90
- g) Distance to nearest existing domestic well:

On applicants property _____

On property owned by others 2500

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

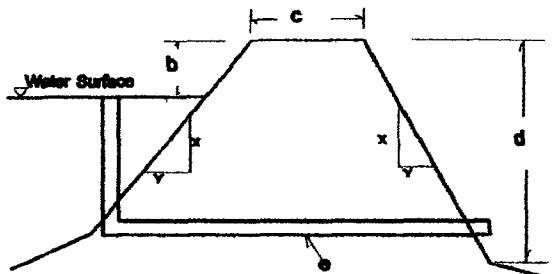
3. Dugout Information

- 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

Form 2A **Supplemental Information**
(Complete applicable portions only)

(type or print in ink)

E/2 12-116N-59W

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 17 3/4 Depth 170
- b) Casing Type plastic Diameter 12 Thickness Sch 40
- c) Screen Type Stainless Steel Diameter 12 Thickness 8
- d) Gravel Pack 1/4 x 1/8 Length of Gravel Pack 40
- e) Depth to Top of Water Bearing Material 94
- f) Depth to Water (ground surface to water level) 74
- g) Distance to nearest existing domestic well:

On applicants property

On property owned by others 3500**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

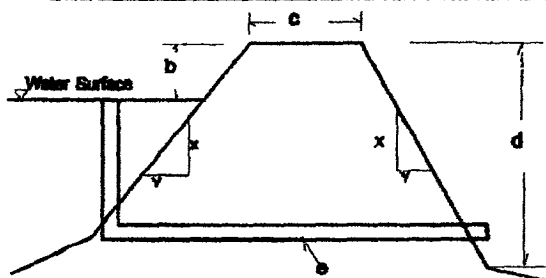
3. Dugout Information

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

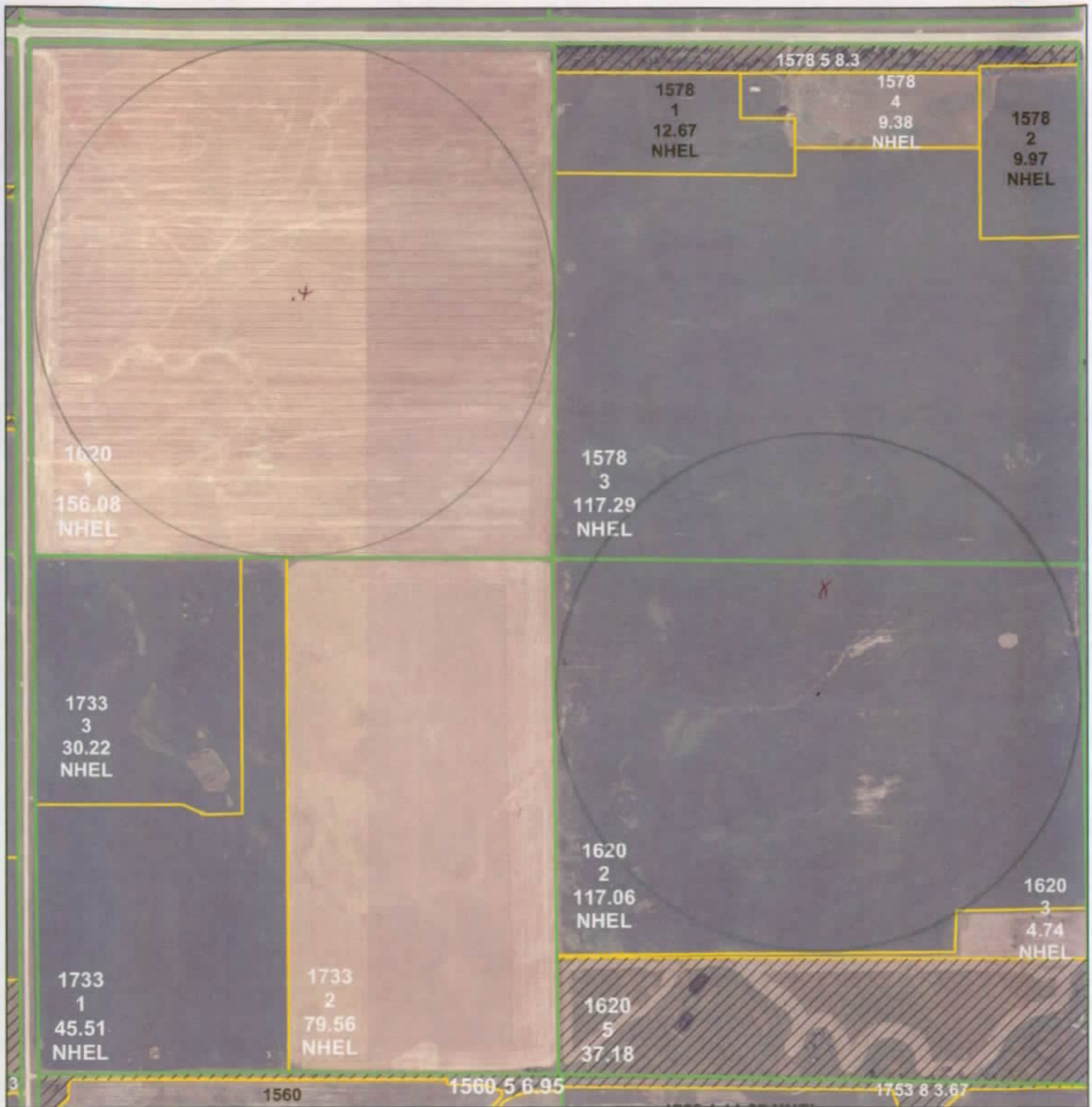
4. Water Storage Dams

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

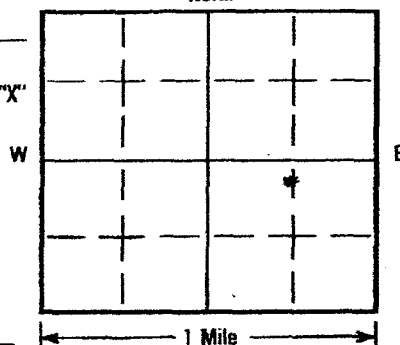


SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location $\frac{1}{4}$ E $\frac{1}{2}$ Sec 12 Twp 116N Rg 59W
County Clark

Please mark well location with an "X"



Well-Completion Date

2-21-08

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 2500 ft. from Irr. well (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	5/8 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

 Grout Type 6W DP No. of Sacks 16 Grout Weight _____ lb./gal From 0 ft To 170 ft

_____ lb./gal _____ ft _____ ft

Describe grouting procedure pressure grout methodSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: _____

NO, Why Not? _____

Laboratory sent to for water
analysis _____Well Owner: JAMES R ORRISBusiness Name: ORRIS FarmsAddress: 41898 US Hwy 212
Clark, SD 57225

WELL LOG:

DEPTH

FORMATION	FROM	TO
Top Soil	0	1
yellow clay	1	37
blue clay	37	49
yellow sand fine no w/c	49	53
blue clay	53	66
yellow mixed no w/c	66	70
blue clay	70	94
yellow mixed w/c 8 in Ks	94	104
Soft yellow clay	104	108
yellow coarse w/c 8 in Ks	108	142

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

 REMARKS yellow clay yellow coarse mixed tight Rocky with 2500 yds yellow clay
 142-145
 145-174
 174-180
This well was drilled under license # 681

And this report is true and accurate.

Drilling firm Kaiser Well Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

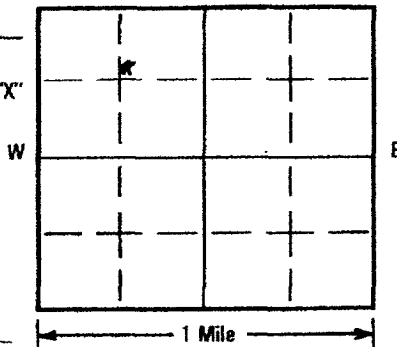
Date: 2-28-08
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SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1/4 NW 1/4 Sec 12 Twp 116N Rg 59W
 County Clark

Please mark well location with an "X"



Well-Completion Date

2-20-08

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1600 ft. from State well (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	<u>5 7/8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type w/PT No. of Sacks 16 Grout Weight _____ lb./gal From 0 ft. To 170 ft.
 _____ lb./gal _____ ft.

Describe grouting procedure pressure pull method

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

_____ YES, How: _____

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: JAMES R ORRIS

Business Name: Orris Farms

Address: 41848 US Hwy 212
CLARK, SD 57225

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
yellow clay	1	33
blue clay	33	45
claystone sand w/ link	45	49
Blue clay	49	62
yellow mixed no w/ link	62	66
Blue clay	66	70
yellow mixed light w/ link	70	100
Soft yellow clay	100	104
yellow coarse w/ link	100	138

STATIC WATER LEVEL 90 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS yellow clay 138-140
yellow coarse mixed light Rocky 140-170
(w/ 3000 gallons) 170-180
yellow clay

This well was drilled under license # 689

And this report is true and accurate.

Drilling firm Kaiserwell Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 2-28-08

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FEB 29 2008
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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/29, 20 08

RECEIVED OF James Orris 41898 US HWY 212 Clark SD 57225

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

Fee for Application for Permit No. <u>6990-3</u> to Appropriate Water, to construct and to put water to beneficial use	300	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6990-3</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	350 00

No.

03557

By

Richard Erbe
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. 6990-3, James R. Orris**

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. 6990-3, James R. Orris, 41898 US Highway 212, Clark SD 57225.

The Chief Engineer is recommending APPROVAL of Application No. 6990-3 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. 6990-3 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
April 23, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6990-3

For James R Orris

April 10, 2008

Application No. 6990-3 proposes to appropriate 3.56 cfs (1,600 gpm) from two wells approximately 170 feet deep located in the center of the NW $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of section 12 to irrigate 280 acres located in the NW $\frac{1}{4}$ and the S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of section 12; all in T116N R59W in Clark County.

AQUIFER – ALTAMONT (A)

The Altamont is a predominantly buried outwash (sand and gravel) that may be under slightly artesian conditions in this area. Some of the drilling indicates artesian conditions others indicate water table conditions. In this area, Hamilton called the aquifer the Altamont 2. The Altamont 2 underlies 630 square miles and contains an estimated 3.2 million acre-feet of water in storage in Clark County (Hamilton, 1986). Ground water movement is from west to east across this portion of Clark County (Hamilton, 1986). Hamilton estimated the volume of recharge to the Altamont 2 and 3 aquifers to be about 54,000 acre-feet annually.

Test wells drilled for this application indicate sand and gravel from 90 to 170 feet (with clay layers from 100 to 104 feet and from 138 to 140 feet) in the NW $\frac{1}{4}$ of section 12 and sand and gravel from 94 feet to 174 feet with layers from 104 to 108 and 142 to 145 feet) in the SE $\frac{1}{4}$ of section 12. The driller reported a water level of about 90 feet in the NW $\frac{1}{4}$ of section 12. This data matches up well with the county study drilling, the observation well in the area and other nearby irrigation wells. There is a Water Rights observation well CK-76F located about one-half mile to the northwest of one of these proposed irrigation wells.

A hydrographs for CK-76F is included with this report. In general the hydrograph indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). Also, note the relatively small amount of fluctuation due to pumping. This is more indicative of a water table like behavior to pumping. Water levels appear to fluctuate a couple of feet annually in response to pumping. Overall the water level record indicates water levels respond well to climatic conditions. That is water levels rise during wet periods and gradually decline during dry periods.

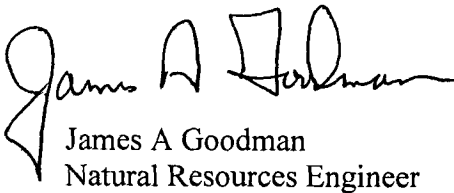
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing Water Permits/Rights within two miles of this application. These are Water Right No. 6501-3 (1.0 cfs, irrigation of 112 acres) and Water Permit No. 6774-3 (3.89 cfs, 2 wells, irrigation of 272 acres). The nearest existing irrigation well to the well proposed in the NW $\frac{1}{4}$ of section 12 is about one-half mile north. It also appears that one of the wells completed for Water Permit No. 6774-3 may be drilled about one-quarter mile west of where the well was proposed and permitted. The two existing irrigation wells under Water Permit No. 6774-3 are prolific. Test data for these two

wells indicate pumping rates of 900 gpm and 800 gpm with specific capacities of 180 gpm/ft of drawdown and 35 gpm/ft of drawdown, respectively. Note the apparent wide variation in specific capacity which underscores the necessity of drilling test holes and determining the best potential site for a production well.

CONCLUSIONS

1. Water is available from the Altamont aquifer.
2. The aquifer is under slight artesian conditions or water table conditions at this site. Drawdown does occur as a result of pumping but is not expected to be significant. Interference may occur but is not expected to cause adverse effects and should not be a problem.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Additional test well drilling may be necessary to determine the best potential site for a production well.



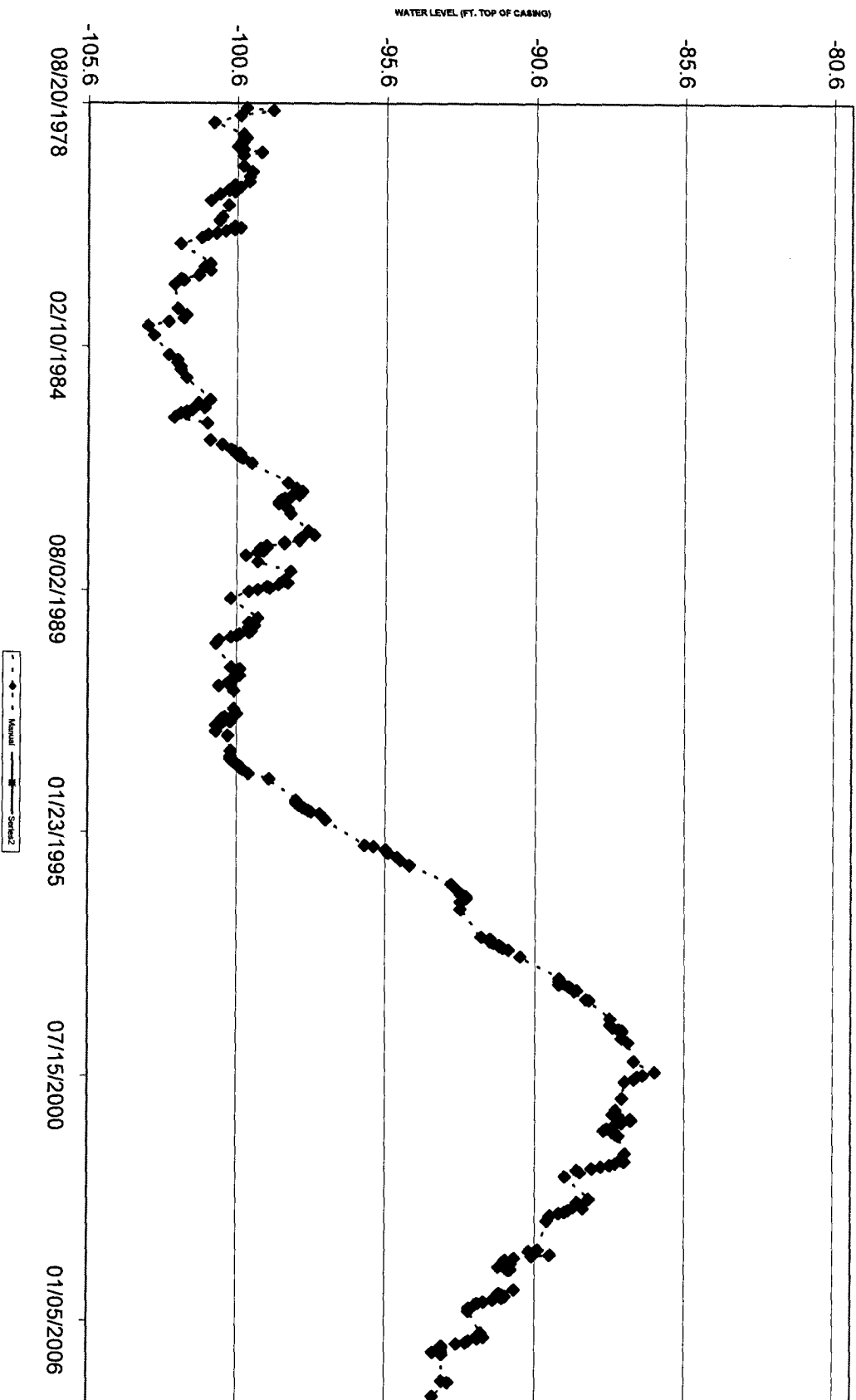
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota, Bulletin 29, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2007, Unpublished Observation Well Data for Clark County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
CK-78F



**NOTICE OF APPLICATION NO.
6990-3 to Appropriate Water**

Notice is given that James R. Orris, 41898 US Hwy 212, Clark, S.D. 57225 has filed an application for a water permit to appropriate 3.56 cubic feet of water per second from two wells to be completed into the Altamont Aquifer (approximately 170 feet deep) located in the center of the NW 1/4 and the N 1/2 SE 1/4 Section 12 to irrigate 280 acres located in the NW 1/4 and S 1/2 NE 1/4, SE 1/4 Section 12; all in T116N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6990-3 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 S.D. 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 19, 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
4-30-2t

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MAY 21 2008
WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

JAMES ORRIS

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

TWO

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

APRIL 30, 2008

MAY 7, 2008

that the full amount of the fees for the publication of the annexed notice is

41.11

William J. Krikac

Subscribed and sworn to before me this

19th DAY OF MAY, 2008

Ann D. Helken

Notary Public

Clark County, South Dakota

My commission expires: 06/04/2013



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 23, 2008

Clark County Courier
119 1st Ave E
Clark SD 57225

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6990-3 to Appropriate Water to be published twice. Please publish the first notice on April 30, 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 James R Orris, 41898 US Hwy 212, Clark SD 57225 (Ph # 605-532-5238).

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. 6990-3

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

Date _____

We are in receipt of your letter of April 23, 2008 enclosing Notice to Appropriate Water by Application No. 6990-3 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 23, 2008

James R Orris
41898 US Hwy 212
Clark SD 57225

Dear Mr. Orris:

Water Permit Application No. 6990-3 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 Clark County Courier printed at Clark SD (Ph # 605-532-3654). 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 30, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6990-3 to Appropriate Water

Notice is given that James R Orris, 41898 US Hwy 212, Clark SD 57225 has filed an application for a water permit to appropriate 3.56 cubic feet of water per second from two wells to be completed into the Altamont Aquifer (approximately 170 feet deep) located in the center of the NW $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12 to irrigate 280 acres located in the NW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 12; all in T116N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6990-3 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 19, 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.



JUN 13 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

James R Orris
41898 US Hwy 212
Clark SD 57225

Dear Mr. Orris:

Enclosed is Water Permit No. 6990-3 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

SEP 29 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9-24-08TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

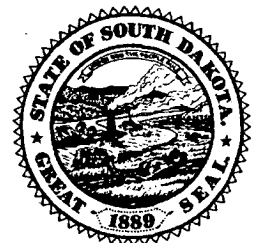
FROM:

James R. ORRIS
(name)41898 US Hwy 212
(address)Clark, SD 57225
(city, state, zip)605-532-5238
(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. 6990-3 states that the water use system is to be constructed byMay 19, 2013, and water is to be put to beneficial use by May 19, 2017.
(date) (date)The water use system was completed on 8-21-08.
(date)Applying the water to beneficial use was completed on 8-21-08.
(date)

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

James Orris
(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

September 29, 2008

6990-3

James R Orris
41898 US Hwy 212
Clark SD 57225

Dear Mr. Orris:

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

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

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

Sincerely,

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