

WATER PERMIT NO. 7000-3

Name of Applicant: **James H Cole**

Address: **29509 488th Ave, Hudson SD 57034**

Phone: **605 984-2045**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **140 acres**

Source of Water Supply: **groundwater (existing well)**

Water to be used for: **irrigation**

County: **Lincoln**

Type of Waste Disposal System:

Location: **1 mile south of Hudson**

PRIORITY

Date Received: **3-12-08**

Application/License Fee: **\$300**

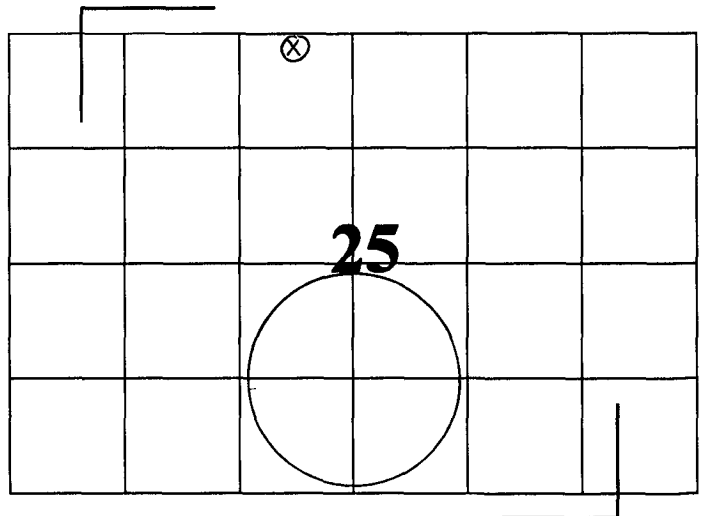
Corrected Application Received: **3-17-08**

Period of Annual Use: **May 1 – October 31**

Remarks: **Utilizing existing well authorized by Water Right No. 2256-3**

Diversion Point: **NE ¼ NW ¼ Sec 25-T96N-R48W**

Land to be Irrigated: **W ½ SE ¼, E ½ SW ¼ Sec
25-T96N-R48W**



Depth of Well: **54 feet deep**

Well Driller: : **AAA Well Co.**

Remarks:

Type of Map: **aerial**

Prepared by: **Kyle Herbersen, Lincoln Co FSA**

Reviewed and the Number Assigned on: **3-17-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED

MAR 12 2008

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>7000-3</u>	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Sioux Valley News P.O. Box 255</u> <u>605-764-2000</u>	<u>Canton 57013</u>

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 H. Cole Phone 605-984-2045
(check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address 29509 488th Ave. State S.D. 57034
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 800 *CFS or 800 **GPM ***AF Total Acreage additional 138 acres
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well 2256-3
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lincoln
Existing Well-Permit # 2256-3 NW 1/4 25-96-48
5. County or counties where water will be used Lincoln
6. Annual period during which water is to be used June through Sept.
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
Permit # 2256-3 NW 1/4 25-96-48	136		
Add approx 70 acres in S.W. 1/4 96-48	70		
Add approx 70 acres in S.E. 1/4 96-48	70		

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

Construct pivot in S.W. 1/4 96-48 which will also water approx 70 acres in S.E. 1/4 96-48. Extend underground pipe from existing pivot point in N.W. 1/4 96-48 1/2 mile straight South to new pivot in S.W. 1/4 96-48

STATE OF SOUTH DAKOTA) SS
County of Lincoln)

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, James H. Cole, 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 James H. ColeSubscribed and sworn to before me this 10th day of March 20 08JARED ANDERSON
SOUTH DAKOTA
NOTARY PUBLIC

Notary Public signature

My Commission Expires: 12-28-12

**SOUTH DAKOTA
WATER PERMIT NO. 7000-3**

Date of first receipt of application March 12, 2008.

Date of return to applicant for corrections, amendments or changes March 12, 2008.

Date of receipt of corrected application March 17, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7000-3 to James H Cole, 29509 488th Ave, Hudson SD 57034 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. 7000-3 appropriates 1.78 cubic feet of water per second (cfs) from an existing well to irrigate 140 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 25, T96N, R48W. Water Right No. 2256-3 currently appropriates 1.93 cfs from this well which is completed into the Big Sioux:South Aquifer (45 feet deep) located in NE 1/4 NW 1/4 Section 25 to irrigate 135 acres in the NW 1/4, W 1/2 NE 1/4 Section 25; all in T96N-R48W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is March 12, 2008.
4. The date of approval of Permit No. 7000-3 is June 2, 2008.
5. One-fifth of the construction is to be completed on or before December 2, 2010.
6. All construction is to be completed on or before June 2, 2013.
7. Water is to be put to beneficial use on or before June 2, 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.

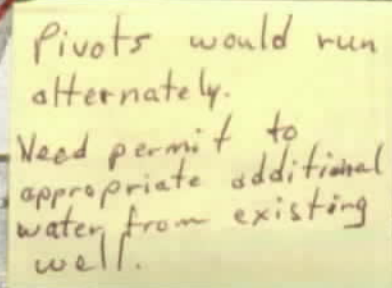
WATER MANAGEMENT BOARD

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

JUN 27 2008
date



5191



May 29, 2007

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

Wetland Determination Identifiers

& Restricted Use
 * Limited Restrictions

MAR 17 2008

RECEIVED

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 of the data. 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 occurred as a result of any user's reliance on this data. Customers: Wetland identifiers do not represent the acre, shape or specific determination of the area. Refer to your original determination (CPA-026 and related maps) for exact wetland boundaries and determinations, or contact NRCS.

Automatic Irrigation Inc.



1111 Railway Street
Centerville, SD 57014
(605) 563-2649 office

Farm: Field1

Grower: Jim Cole

1/31/2008

Systems:	Length	Spans	Total area including endgun
○ Pivot 1	1303.67 ft	7 spans + 44 ft o.h.	138.17 acres



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 12, 20 08

RECEIVED OF James Cole, 29509 488th Ave, Hudson SD 57034

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

Fee for Application for Permit No. <u>7000-3</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>7000-3</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.

03576

By

Barland Erbe

Chief Engineer

KC



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2008

James H Cole
29509 488th Ave
Hudson SD 57034

Dear Mr. Cole:

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

- Enclosed is the aerial photo map submitted with the application. 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 or FSA office). It appears there are initials on the map, but initials do not meet the required signature criteria.
- While reviewing your existing water rights, I noticed that Water Right Nos. 2255-3 and 2256-3 are in the name of Rolfe Cole with you listed as the operator. Is this still the right ownership on these water rights?

Upon receipt of the signed map, further processing of your application will continue. 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

3-13-08

Dear Mr. Schlaak,

RECEIVED

MAR 17 2008

WATER RIGHTS
PROGRAM

1. Map is now signed.

2. Permits 2256-3 and 2255-3 should be put in my name now as new owner of the land.

Sent transfer
forms 3/17/08

Thank you,

James H. Cole



**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. 7000-3, James H. Cole**

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. 7000-3, James H. Cole, 29509 488th Avenue, Hudson SD 57034.

The Chief Engineer is recommending APPROVAL of Application No. 7000-3 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
May 7, 2008

NOTE: The application requests an additional diversion rate authority of 800 gpm to the 865 gpm currently authorized by Right No. 2256-3. Combined this would be a diversion rate of 1,665 gpm from the one well. However, a note provided on the map states that both pivots will not run at the same time. If this is true and the pump rate from well does not change, the water permit will be quantified for the actual pump rate after the system is developed and the water license issued.

REPORT ON WATER PERMIT APPLICATION NO. 7000-3

For James H Cole

April 29, 2008

Application No. 7000-3 proposes to appropriate 1.78 cfs (800 gpm) from an existing well to irrigate 140 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ of section 25, T96N R48W in Lincoln County. Water Right No. 2256-3 currently appropriates 1.93 cfs from this well which is approximately 45 feet deep located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 25 that irrigates 135 acres located in the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$ of section 25; all in T96N R48W.

AQUIFER – BIG SIOUX SOUTH (BS-S)

The Big Sioux South aquifer is a surficial outwash (sand and gravel) that is under water table conditions in this area. The Big Sioux South aquifer underlies 15,600 acres and contains an estimated 70,200 acre feet of recoverable water in storage in Lincoln County (Hedges, 1982). The aquifer extends into Minnehaha County to the north, Union County to the south and is hydraulically connected to the Big Sioux River and some area creeks and streams that flow into the Big Sioux River. Ground water movement in the aquifer is from north to south and appears to be affected by Pattee Creek in the area of this application (Niehus, 1994). Niehus also indicates the Brule Creek, Schindler and Newton Hills aquifers could provide recharge to the Big Sioux aquifer in Lincoln and Union Counties. Niehus reported the average annual recharge to the Big Sioux aquifer in this area to be 7.54 inches per year (Niehus, 1998). Niehus also indicated that his model of the aquifer in the study area shows that the aquifer can not support existing permitted irrigation levels during drier than normal conditions (Niehus, 1998). This conclusion is based upon his digital model but that conclusion is completely bogus from a practical and legal point of view. The pumping records and observation well data all indicate water is available. There are no guarantees but should not prohibit development of water resources.

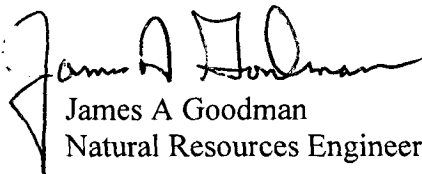
The Water Rights Program monitors an observation well LN-57D located within a few hundred feet of this existing irrigation well. Water levels for this well show good response to climatic conditions and apparently some effect of the pumping. This observation well appears to be within the cone of depression of the irrigation well. There are some slight changes in water levels during the summer months that can be attributed to pumping. Overall the water level record indicates the aquifer is capable of sustaining additional withdrawals. A hydrograph for this observation well is included with this report (Water Rights, 2008).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

This existing irrigation well is permitted by Water Right No. 2256-3 (1.93 cfs, irrigation of 215 acres). The next closest irrigation well is Water Right No. 3566-3 (2.0 cfs, irrigation of 181 acres). The irrigation well for Water Permit No. 3566-3 is located about 390 feet southwest of the well for this application. Both wells are permitted to the applicant. Interference does occur at this distance. That means there are overlapping cones of depression. This apparently has never been adverse. This conclusion is reinforced by the nearby observation well hydrograph.

CONCLUSIONS

1. Water is available from the Big Sioux South aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping is not significant. But these wells are very close together and there will be some interference. Apparently this has not been significant in the past.
3. This application requests an additional 1.78 cfs from the existing well. This does not appear to be possible or reasonable. It is doubtful the existing well would be capable of producing 1.78 cfs + 1.93 cfs for a total diversion rate of 3.71 cfs. Besides the applicant indicates he will run pivots alternately. There is no need to request additional water only additional acreage for this application.
4. There is not sufficient information available to determine if the construction of this well complies with SD Well Construction Standards.

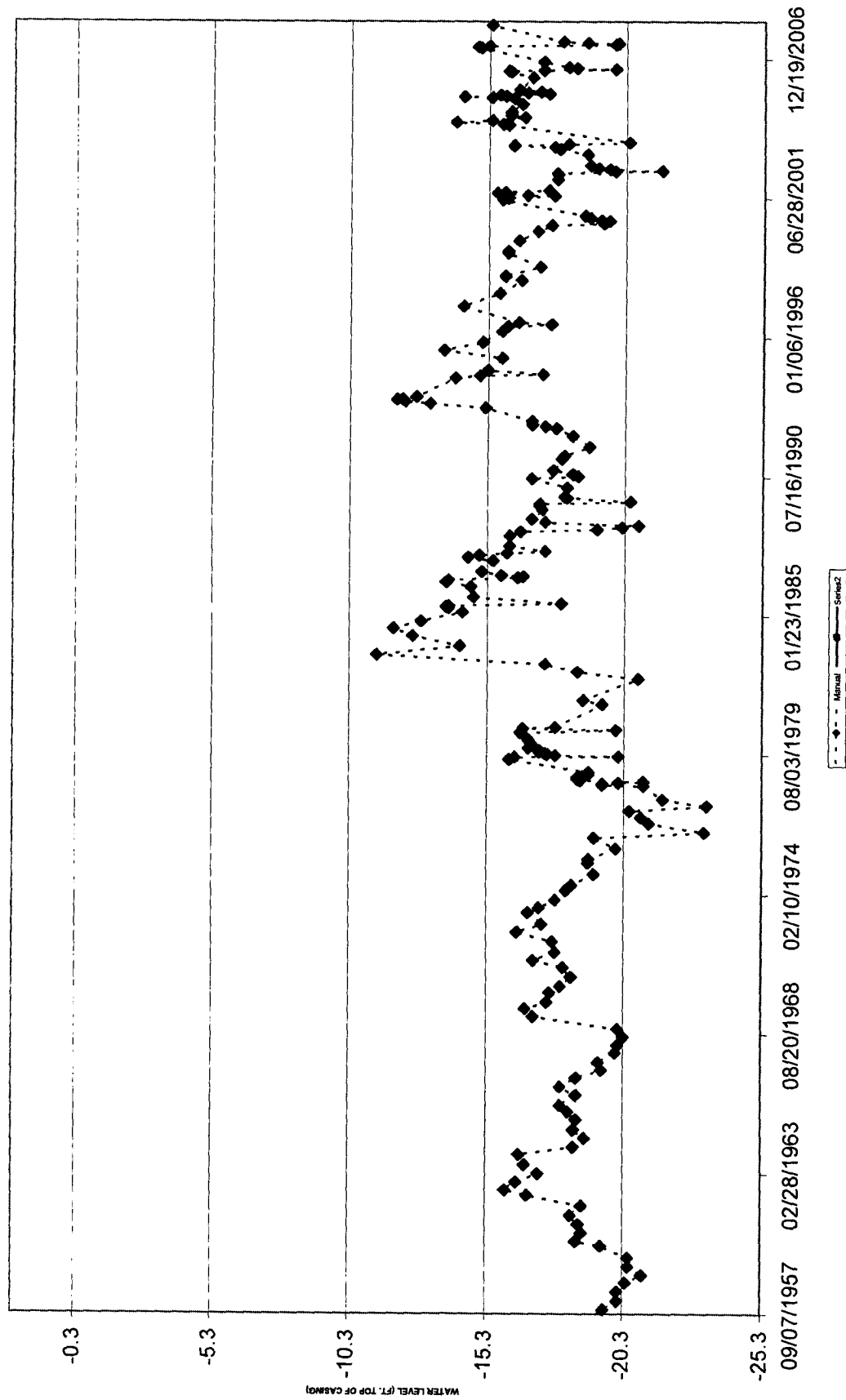


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Niehus, C.A. 1994, Water Resources of Lincoln and Union Counties, South Dakota, Water-Resources Investigations Report 93-4195, USGS, Rapid City, SD, 57702.
- Niehus, C.A., R.F. Thompson, 1998, Appraisal of the Water Resources of the Big Sioux Aquifer, Lincoln and Union Counties, South Dakota, Water Resources Investigations Report 97-4161, USGS, Rapid City, SD, 57702.
- Water Rights, 2008, Unpublished Observation Well Data for the Big Sioux Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
LN-57D



RECEIVED

MAY 22 2008

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

SARAH LYNDE

being first duly sworn on her oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that she is and during all of said time was bookkeeper of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of Application 7000-3 Appropriate Water

a printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive weeks upon the following dates, to-wit:

May 15, 2008

May 22, 2008

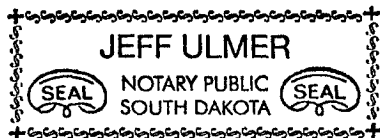
that the full amount of the fees charged for publishing the same to-wit: the sum of **\$35.75** insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Sarah Lynde

Subscribed and sworn to before me this 22nd day of
May, 2008.

Jeff Ulmer
Notary Public, South Dakota

(Seal)



NOTICE OF APPLICATION NO. 7000-3 to

Appropriate Water

Notice is given that James H Cole, 29509 488th Ave, Hudson SD 57034 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from an existing well to irrigate 140 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 25, T96N, R48W. Water Right No. 2256-3 currently appropriates 1.93 cfs from this well which is completed into the Big Sioux:South Aquifer (45 feet deep) located in NE 1/4 NW 1/4 Section 25 to irrigate 135 acre in the NW 1/4, W 1/2 NE 1/4 Section 25; all in T96N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7000-3 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 June 2, 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. (5-22,29)



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 8, 2008

Sioux Valley News
PO Box 255
Canton SD 57013

ATTENTION: Legal Public Notice

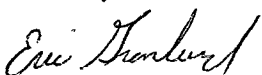
Enclosed is a Notice on Application No. 7000-3 to Appropriate Water to be published twice. Please publish the first notice on May 15, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 H Cole, 29509 488th Ave, Hudson SD 57034 (Ph # 605-984-2045).

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. 7000-3

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

Date _____

We are in receipt of your letter of May 8, 2008 enclosing Notice to Appropriate Water by Application No. 7000-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 8, 2008

James H Cole
29509 488th Ave
Hudson SD 57034

Dear Mr. Cole

Water Permit Application No. 7000-3 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 Sioux Valley News printed at Canton SD (Ph # 605-764-2000). 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 May 15, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 7000-3 to Appropriate Water

Notice is given that James H Cole, 29509 488th Ave, Hudson SD 57034 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from an existing well to irrigate 140 acres located in the E ½ SW ¼, W ½ SE ¼ Section 25, T96N, R48W. Water Right No. 2256-3 currently appropriates 1.93 cfs from this well which is completed into the Big Sioux:South Aquifer (45 feet deep) located in NE ¼ NW ¼ Section 25 to irrigate 135 acre in the NW ¼, W ½ NE ¼ Section 25; all in T96N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7000-3 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 June 2, 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**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JUN 27 2008

James H Cole
29509 488th Ave
Hudson SD 57034

Dear Mr. Cole:

Enclosed is Water Permit No. 7000-3 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

7000-3
RECEIVED

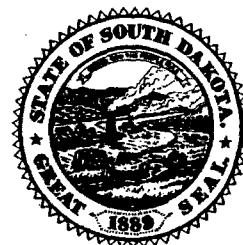
OCT 19 2012

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 10-17-12TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: James H. Cole
(name)
29509 488th Ave.
(address)
Hudson, S.D. 57034 605-984-2045
(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. 7000-3 states that the water use system is to be constructed byJune 2, 2013, and water is to be put to beneficial use by June 2, 2017.
(date) (date)The water use system was completed on 8-10-08.
(date)Applying the water to beneficial use was completed on 8-12-08.
(date)

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

James H. Cole
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 2, 2012

7000-3

James H Cole
29509 488th Ave
Hudson SD 57034

Dear Mr. Cole:

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7000-3

I have this day, April 17, 2023, made a thorough examination of the water use system constructed by James H. Cole; 29509 488 Ave, Hudson, SD 57034 of Permit No. 7000-3, bearing the priority of March 12, 2008 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Big Sioux-South Aquifer for irrigation purposes, in Lincoln County.

A. Works used to divert the water:

Well Information (taken from 2256-3)

One well, 54' deep w/16" A.C. cement casing and 15' of Johnson stainless steel screen, US Electric motor rated at 75 hp

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

- 1) Type Buried PVC 2) Size 8 inches 3) Length 2600 feet

Comments: From North pivot to this South Pivot

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make: Zimmatic
- 2) Overall length: 1300 feet
- 3) Number of towers: 7
- 4) End gun Y
- 5) Capacity 900 GPM

Chemigation Equipment: none

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:

- From the NW corner Sec 25 T96N R48W, 1730 ft E 30 ft S, Lat 43.11234 Long -96.46353 (NE ¼ NW ¼)

2. The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: **(legal descriptions below include the pivot authorized under Water Right No. 2256-3 in the N ½ Section 25; the well supplies water to both pivots):**

All land in Sec 25 T96N R48W			
NE ¼ SW ¼ -	33.8 acres	NE ¼ NW ¼	33 acres
NW¼ SE¼ -	33.8 acres	SW ¼ NW ¼	1 acre
SW¼ SE¼ -	36.4 acres	SE ¼ NW ¼	35 acres
SE¼ SW¼ -	36.0 acres	NW ¼ NE ¼	32 acres
		SW ¼ NE ¼	34 acres

comprising a total of 275 acres of land and the license should be issued for 2.0 cfs

3. All structures, wells and lands on map Y

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

The irrigated acreage was determined with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The two (2) pivots are serviced by the one (1) well.

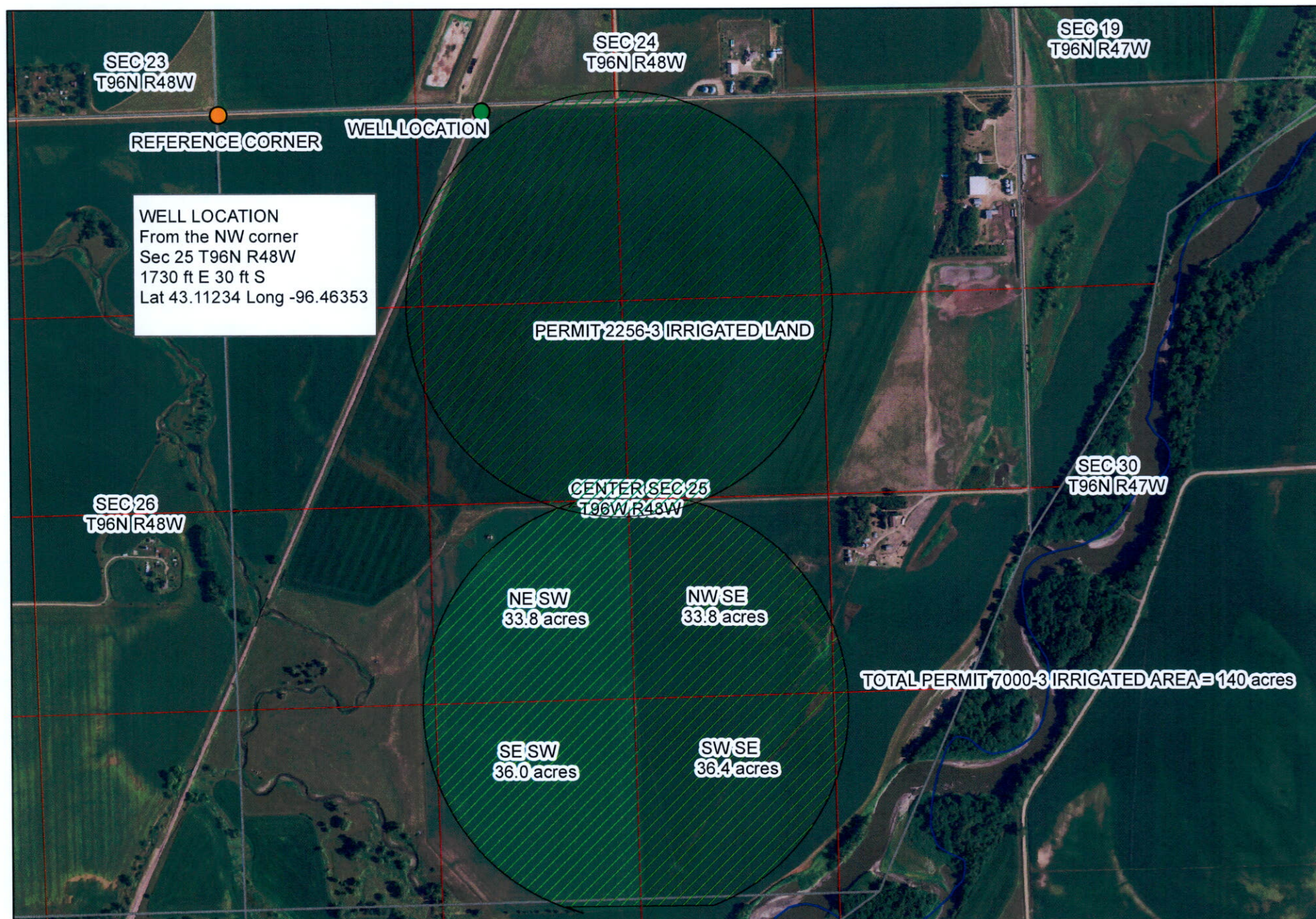
The mailing address and the telephone number in the permit materials are current.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: April 19, 2023

Note: The applicable portions of Water Right No. 2256-3 will be incorporated into Water License No. 7000-3. A priority date of April 11, 1975, is retained for the N ½ Section 25 and a priority date of March 12, 2008 established under No. 7000-3 will be retained for the acreage developed in the S ½ Section 25.



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

7000-3

(1) WELL CONSTRUCTION

Location of well: NE 1/4 ARW 1/4 Section 25 Township 96 Range 48

Well owner: Ralph Cole (Name) Hudson S. Cole (Address)

Date well drilling completed June 75 Purpose of well (domestic, irrigation, municipal, industrial, other)

Layers, top to top in feet	Description of layer
1-3	Top Soil
3-15	M & C Gravel & Rock
15-51	" " " Blue sand
51-54	shale

Depth to top of water producing aquifer 17 ft.

Depth to static water level 17 ft.

Name of producing aquifer (if known) _____

Total depth of drill hole 54 ft.

Depth to bottom of casing 54 ft.

39 ft 16" AC. Cement

15 flr 16" 100 Siah Johnson Well Green

If a flowing well, flow of completed well _____ G.P.M.

AAA Well Co

Name of Drilling Contractor

PUMP INSTALLATION
Company name and size of pump Worthington HP 75
Type of pump Turbine Capacity of installed pump 950 G.P.M.
Depth of pump placement 50 ft., Date of pump installation June 75

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Paul C. Worm
Name of Pump Installation Contractor

Name of Pump Installation Contractor:

AAA WELL CO.

Paul C. Wozniak

123 Lakeview Court

PIERRE, S. DAK. 57501

NOV 18 1975

STATE WATER RIGHTS CO.
MINE, BOUNTY CO.



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

APR 24 2023

2256-3
7000-3

James H Cole
29509 488th Ave
Hudson SD 57034

Dear Mr. Cole:

Enclosed is Water License No. 7000-3. 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 applicable portions of Water Right No. 2256-3 were incorporated into Water License No. 7000-3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7000-3

(1) James H Cole, 29509 488th Ave., Hudson SD 57034 made Application No. 7000-3, March 12, 2008 for a water permit to divert 1.78 cubic feet of water per second (cfs) from ground water, one existing well (Big Sioux South Aquifer), Lincoln County, South Dakota for irrigation purposes. Permit No. 7000-3, with a priority date of March 12, 2008, was approved June 2, 2008, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 2, 2013, and for the application to beneficial use of water on or before June 2, 2017.

Water Right No. 2256-3, with a priority date of April 11, 1975, authorizes diversion of 1.93 cfs from one well to irrigate 135 acres in the N ½ Section 25, T96N, R48W. Water Permit No. 7000-3 added diversion rate and acreage to be irrigated from the same well. **The applicable portions of Water Right No. 2256-3 are incorporated into this water license.**

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to construction of the water supply system and is entitled to divert 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1730'E and 30'S of the NW corner of Section 25, T96N, R48W (NE ¼ NW ¼)
Latitude 43.11234, Longitude -96.46353

(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:

	April 11, 1975 priority (135 acres - 2256-3)		March 12, 2008 priority (140 acres - 7000-3)	
Section 25, T96N, R48W	NW ¼ NE ¼	32 acres	NE ¼ SW ¼	33.8 acres
	SW ¼ NE ¼	34 acres	NW ¼ SE ¼	33.8 acres
	NE ¼ NW ¼	33 acres	SW ¼ SE ¼	36.4 acres
	SW ¼ NW ¼	1 acre	SE ¼ SW ¼	36.0 acres
	SE ¼ NW ¼	35 acres		

Total 275 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 James H Cole, 29509 488th Ave., Hudson SD 57034 the holder and/or owner of Incorporated Water Right No. 7000-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water, one well (Big Sioux South Aquifer) with priority dates of April 11, 1975 (1.93 cfs & 135 acres) and March 12, 2008 (0.07 cfs & 140 acres) from the location specified in (2) of this license for irrigation purposes.

continued

Water License No. 7000-3

Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 7000-3 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.
- 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

APR 24 2023

date

