

WATER PERMIT NO. 7023-3

Name of Applicant: **Rodney L Larsen**

Address: **23772 355th Ave, Kimball SD 57355**

Phone: **605 778-6721**

Amount of Water Claimed: **1.94 cfs**

Total Acres: **135 acres**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Buffalo**

Type of Waste Disposal System:

Location: **16 miles northwest of Kimball**

PRIORITY

Date Received: **4-16-08**

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

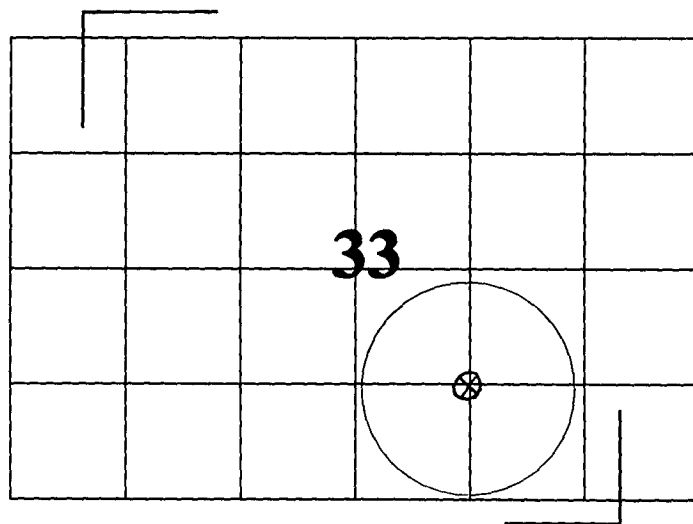
Corrected Application Received: **4-22-08**

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

Remarks:

Diversion Point: **center of SE ¼ Sec 33-T106N-R69W**

Land to be Irrigated: **SE ¼ Sec 33-T106N-R69W**



Depth of Well: **150 feet deep**

Well Driller: : **Hutmacher Drilling Inc.**

Remarks:

Type of Map: **aerial**

Prepared by: **Stacy Turgeon, NRCS**

Reviewed and the Number Assigned on: **4-22-08**

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>7023-3</u> (office use only)	Hydrologic Unit <u>104D105</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Central Dak. Times</u>	

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APR 16 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 Rodney L Larsen Phone 605 778 6721
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 23772 355th Ave Kimball State SD 57355
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.94*CFS or 875 **GPM ***AF Total Acreage 135
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Crow Creek Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) approximate center
1 well in SE 1/4 106N-69W
Sec 33 County Buffalo
- County or counties where water will be used Buffalo
- Annual period during which water is to be used May-Oct 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE 1/4 Sec 33 T106N R 69W	135		

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

Irrigate 1/4 pivot for crop.

STATE OF SOUTH DAKOTA) SS
County of Buffalo

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, Rodney L Larsen, 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 Rodney L Larsen

Subscribed and sworn to before me this 15th day of April 20 08

Janice Vonderhaar
NOTARY PUBLIC
STATE OF SOUTH DAKOTA
My Comm Exp 11-7-2010

SOUTH DAKOTA WATER PERMIT NO. 7023-3

Date of first receipt of application April 16, 2008.

Date of return to applicant for corrections, amendments or changes April 17, 2008.

Date of receipt of corrected application April 22, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7023-3 to Rodney L Larsen, 23772 355th Ave, Kimball SD 57355 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. 7023-3 appropriates 1.94 cubic feet of water per second from one well to be completed into the Crow Creek Aquifer (approximately 150 feet deep) located in the center of the SE ¼ Section 33 to irrigate 135 acres located in the SE ¼ Section 33; all in T106N-R69W within the boundary of the Crow Creek Indian Reservation.
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 April 16, 2008.
4. The date of approval of Permit No. 7023-3 is June 30, 2008.
5. One-fifth of the construction is to be completed on or before December 30, 2010.
6. All construction is to be completed on or before June 30, 2013.
7. Water is to be put to beneficial use on or before June 30, 2017.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7023-3 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

JUL 24 2008
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24 Depth 150'
- b) Casing Type PVC Diameter 16 Thickness _____
- c) Screen Type Stainless Steel Diameter 16 Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack 50
- e) Depth to Top of Water Bearing Material 90'
- f) Depth to Water (ground surface to water level) 80'
- g) Distance to nearest existing domestic well:
- On applicants property 1 1/2 mile On property owned by others 1 mile

2. Wastewater Disposal System Information

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

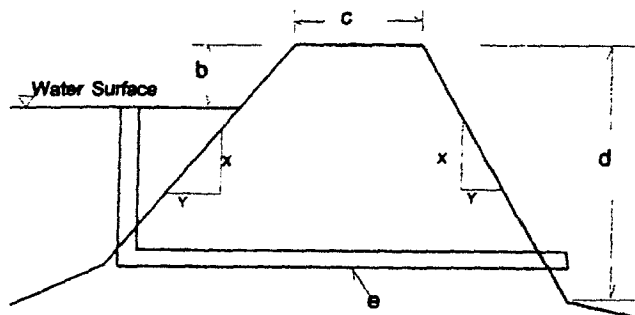
3. Dugout Information

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

4. Water Storage Dams

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

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



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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/22, 20 08

RECEIVED OF R & L Feedyard 23772 355th Ave Kimball SD 57355

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

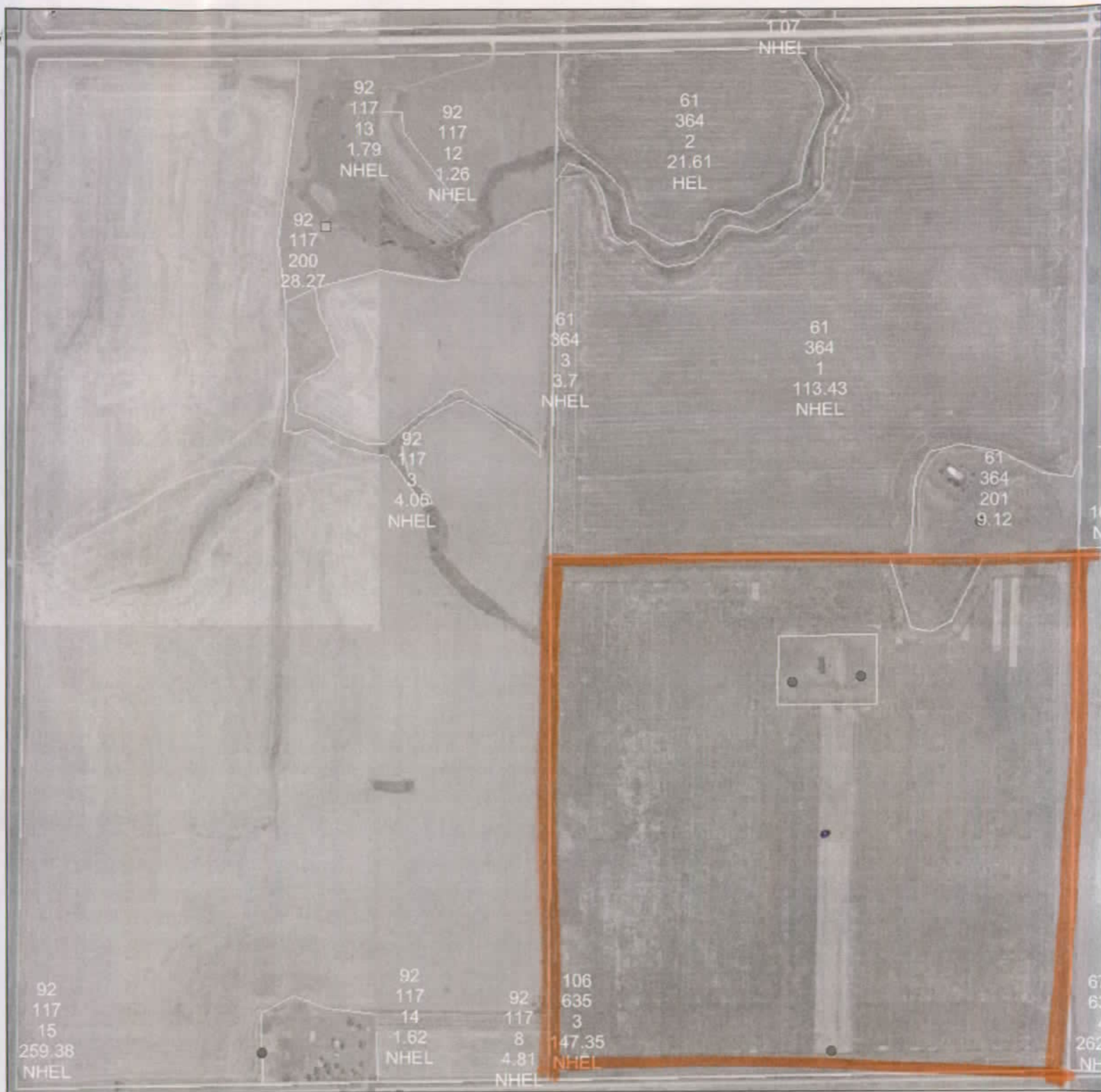
Fee for Application for Permit No. <u>7023-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7023-3</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.

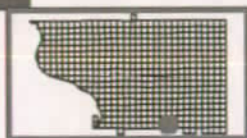
03059

By

Michael Erbe
Chief Engineer



USDA USDA - Farm Service Agency



Buffalo County, SD **33-106N-69W**

March 27, 2008

Legend 1:7,641

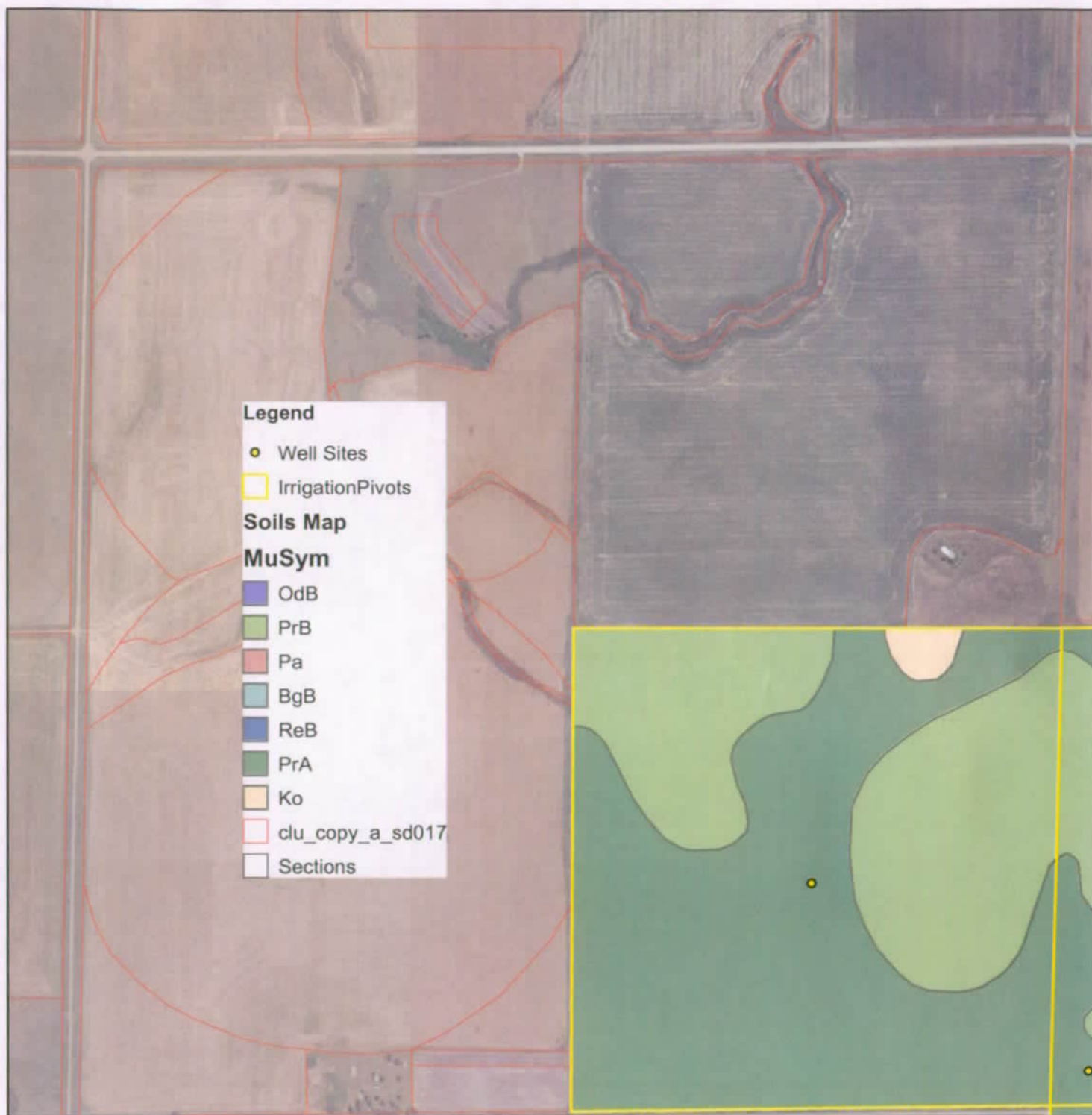
- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

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.



Stacy Turgeon, Cons. Agron.
NRCS



450 0 450 900 1,350 1,800 Feet



Test Hole #3
SW1/4, SW1/4, Sec 33, 106N, 69W
(1/2 NW of Test #1, Buffalo Co, West of Howard Stoll Place) 3/25/08

0 - 22	Yellow Clay
22 - 91	Blue Clay
91 - 100	Fine Sand w/couple of clay strips
100 - 112	Coarse Sand
112 - 120	Coarse Gravel & Rock Clay 16-18
120 - 137	Coarse Gravel, some clay strips
137 - 140	Clay
140'	Total Depth

will not use

Not quite as good as test holes #1 & #2

Test Hole #4
Center of Sec 15, 106N, 68W
(NE of Lutter) 4/6/08

0 - 4	Top Soil
4 - 19	Gravel
19 - 21	Shale

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WATER RIGHTS
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Test Hole #5
Center of SE1/4, Sec 33, 106N, 69W
(1/2 N of Test #1, 3/8 NE of Test #3, 1 1/4 W of Home Place) 4/6/08

0 - 23	Yellow Clay
23 - 103	Blue Clay
103 - 115	Fine Sand
115 - 125	Coarse Gravel
125 - 140	Gravel w/bigger rocks, coarse gravel
140 - 153	More big rock, Coarse gravel
153 - 160	Clay
160'	Total Depth

Good

Test Hole #6
Center of SW1/4, SE1/4, Sec 34, 106N, 69W
(1/2 W of place, 1/2 E of Test #5, 1/2 N of Test #2) 4/6/08

0 - 26	Yellow Clay
26 - 105	Blue Clay
105 - 114	Fine Sand
114 - 125	Coarse Gravel & Rocks
125 - 140	Shale
140'	Total Depth

*will move
To SW Corner*

Well to be in SW 1/4, SW 1/4 Sec 34 106N 69W

Huttmacher Drilling Inc #213

[Signature]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 3, 2008

Lester Thompson Jr, Chairman
Crow Creek Sioux Tribe
PO Box 50
Ft. Thompson SD 57339-0050

Dear Chairman:

Please find attached the report, recommendation and public notice for four water right permit application filed by Rodney L. Larsen. The report indicates that Application No. 7023-3 is within the boundary of the Crow Creek Indian Reservation.

This information is being sent to keep the tribe informed of water permitting in the area.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7023-3, Rodney L. Larsen**

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. 7023-3, Rodney L. Larsen, 23772 355th Avenue, Kimball SD 57355.

The Chief Engineer is recommending APPROVAL of Application No. 7023-3 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. 7023-3 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
June 2, 2008

NOTE: The Water Rights Program encourages you to test the quality of the water to determine suitability for irrigation on this land. Commonly, the producer can have a soil/water compatibility analysis conducted by the Water Resources Institute as SDSU in Brookings or by a soil scientist. A water sample and the proposed soil type is necessary to determine compatibility and provide advice on management plans to protect the soil structure and optimize crop yields.

REPORT ON WATER PERMIT APPLICATION NOS. 7020-3, 7021-3, 7022-3 and 7023-3
For Rodney Larsen
May 23, 2008

Application No. 7020-3 proposes to appropriate 3.89 cfs (1,745 gpm) from two wells approximately 120 and 140 feet deep located in near the centers of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of section 3 to irrigate 270 acres located in the W $\frac{1}{2}$ of section 3; all in T105N R69W in Brule County.

Application No. 7021-3 proposes to appropriate 1.94 cfs (870 gpm) from one well approximately 120 feet deep located in the center of the NE $\frac{1}{4}$ of section 4 to irrigate 135 acres located in the NE $\frac{1}{4}$ of section 4; all in T105N R69W in Brule County.

Application No. 7022-3 proposes to appropriate 1.94 cfs (870 gpm) from one well approximately 135 feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 34 to irrigate 135 acres located in the SW $\frac{1}{4}$ of section 34; all in T106 N R69W in Buffalo County.

Application No. 7023-3 proposes to appropriate 1.94 cfs (870 gpm) from one well approximately 150 feet deep located in the center of the SE $\frac{1}{4}$ of section 33 to irrigate 135 acres located in the SE $\frac{1}{4}$ of section 33; all in T106N R69W in Buffalo County and located within the boundaries of the Crow Creek Indian Reservation.

AQUIFER – CROW CREEK (CC)

The Crow Creek is appears to be a predominantly surficial outwash (sand and gravel) but can be buried under water table conditions or buried and under artesian conditions. The aquifer technically may be under artesian conditions at this site. Water level data is not sufficient to determine the characteristics at the site however a nearby observation well responds more like a water table situation than an artesian site. The aquifer underlies 70 square miles and contains an estimated 270,000 acre feet of water in storage in Jerauld County (Hamilton, 1985). The aquifer extends into Brule and into Buffalo Counties to the west. There are no good estimates for the portion of the aquifer in Brule and Buffalo Counties. The direction of ground water movement is presumed to be from east to west in the area of this application. An aquifer test conducted in Buffalo County for Water Right No. 1684-3 (located about five to six miles northwest of these applications) by the USGS (see letter and report from Lewis Howells, dated May 21, 1970 included in Water Right File for No. 1684-3) indicates a transmissivity value of 140,000 gpd/ft and a storage value between 0.02 and 0.08 (water table conditions). Howells also concluded domestic wells in the area would probably not be affected adversely and that pumping of 20 to 25 days over an irrigation season would not deplete the aquifer. He also estimated the size of the aquifer to be about 10,000 acre-feet in Buffalo County. He also concluded that additional high capacity wells probably could not be supported in this area. This statement only makes sense because apparently he was worried that extended pumping from the aquifer would draw water levels down in the production well to such an extent that pumping could not continue. In other words continuous pumping could not be sustained basically because of a lack of saturated thickness. Howells stated in the report the test should have run longer to get "less ambiguous results".

The applicant drilled six test holes in the area. A test well in the NW $\frac{1}{4}$ of section 3 (test #2) for Water Permit Application No. 7020-3 indicates sand and gravel from 78 to 128 feet and from 129 to 131 feet below land surface with an estimated water level about 60 to 70 feet below land surface. A test well drilled in NE $\frac{1}{4}$ of section 4 (test #1) for Water Permit Application No. 7021-3 indicates coarse gravel from 83 to 120 feet below land surface with an estimated static about 70 feet below land surface. A test well located in the SE $\frac{1}{4}$ of 33 (Test #5) for Water Permit Application No. 7023-3 indicates fine sand to coarse gravel from 103 to 153 feet below land surface with an estimated water level of about 70 feet below land surface. A test well located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 34 (test #6) for Water Permit

Application No. 7022-3 indicates fine sand to coarse gravel from 105 to 125 feet below land surface with an estimated water level of about 70 feet below land surface. These tests combined with others located west and north of this location and some domestic wells in the area all appear to have similar characteristics. These tests indicate a good possibility of developing irrigation water in this area. The one major concern may be the water quality and water chemistry should be tested to determine if the soil and water are compatible.

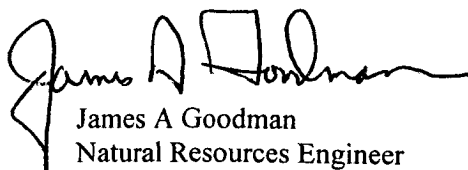
The Water Rights Program does monitor an observation well BF-78C located about one mile to the northwest of these applications. Water levels for this well show good response to climatic conditions. Water levels rise during wet years (recharge) and gradually decline during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing Water Permit No. 6800-3 located about one mile west of these applications. This site had previously been irrigated under Water Right No. 4549-3. That right had been cancelled for abandonment. Also another site, Water Right No. 3493-3, located just to the northwest of these applications has also been cancelled for abandonment. The closest well of these applications (Water Permit Application No. 7021-3) will be about one mile east of the existing irrigation well for Water Permit No. 6800-3. Interference should not be a concern. Drawdown at this distance is not expected to be significant. The applicant's wells are proposed to be about one -quarter to one-half mile apart or basically within a one radius of one another.

CONCLUSIONS

1. Water is available from the Crow Creek aquifer.
2. The aquifer appears to be under slightly artesian conditions in this area. Even so the behavior is expected to be like a water table situation. The hydrograph of observation well BF-78C shows this behavior very well. Drawdown is not expected to be significant. Interference with the existing permit is not a concern. The applicant's wells will all be located within a one mile radius. Even at this spacing it is doubtful drawdown will be significant but the applicant will be able to test for drawdown as construction of the wells proceeds.
3. The wells authorized by these applications must be constructed in accordance with SD Well Construction Standards.
4. The general water quality of this aquifer should be carefully tested to determine suitability for irrigation on these specific project lands. Information available in the area indicates possible water quality problems if used for irrigation.



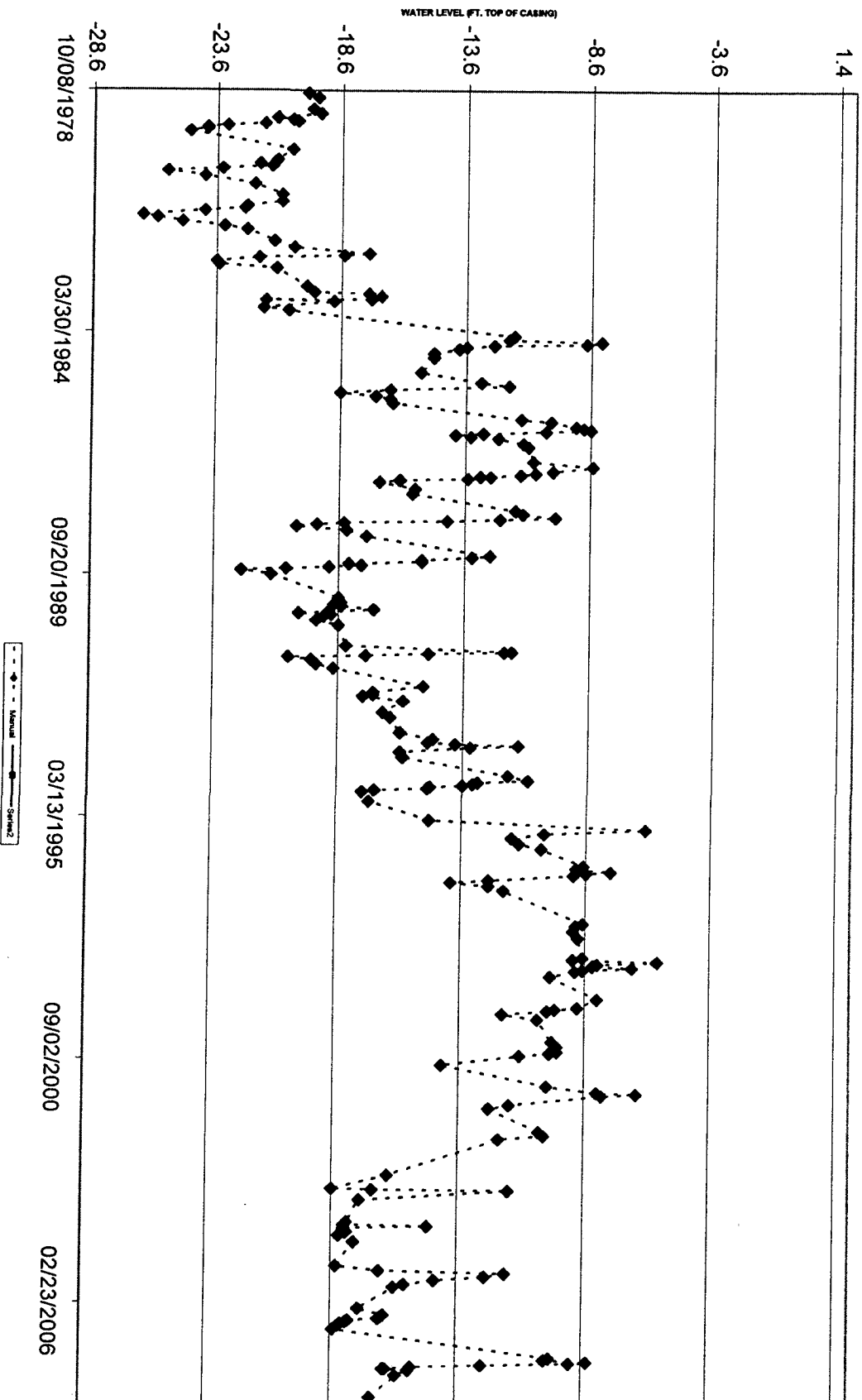
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1985, Water Resources of Aurora and Jerauld Counties, South Dakota, Water-Resources Investigations Report 84-4030, USGS, Huron, SD, 57350.

Water Rights, 2008, Unpublished Observation Well Data for the Crow Creek Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
BF-78C**





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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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.

June 3, 2008

Rodney L Larsen
23772 355th Ave
Kimball SD 57355

Dear Mr. Larsen:

Water Permit Application Nos. 7020-3 thru 7023-3 for irrigation use have 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 Central Dakota Times printed at Chamberlain SD (Ph # 605-234-0266). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 recommendations, 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.

AFFIDAVIT OF PUBLICATION

State of South Dakota

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County of Brule

SS

JUN 26 2008

WATER RIGHTS PROGRAM

Debi Ruiz of said county, being, first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the Notice of Application

Nos. 7020-3 Through 7023-3
To Appropriate Water

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for two successive week(s) to wit:

June 11, 2008; June 18, 2008;
 , 20 ; , 20 ;
 , 20 ; , 20 ;

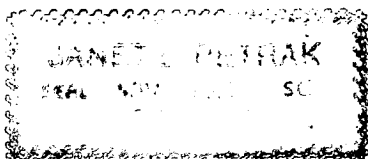
That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

\$ 54.24

Signed: Debi Ruiz

Subscribed and sworn to before me this 30th day of June, 2008.

Janet L. Petrak
Notary Public in and for the County of Brule,
South Dakota



My commission expires June 5, 2010.

NOTICE OF APPLICATION

NOS. 7020-3 Through 7023-3

To Appropriate Water

Notice is given that Rodney L. Larsen, 23772 355th Avenue, Kimball, SD 57355 has filed the following applications for a water permit.

Application No. 7020-3 proposes to appropriate 3.89 cubic feet of water per second (cfs) from two wells to be completed into the Crow Creek Aquifer (approximately 120 and 140 feet deep) located in centers of the NW1/4 and the SW1/4 Section 3 to irrigate 270 acres located in the W1/2 Section 3; all in T105N-R69W (Brule County).

Application No. 7021-3 proposes to appropriate 1.94 cfs from one well to be completed into the Crow Creek Aquifer (approximately 120 feet deep) located in the center of NE1/4 Section 4 to irrigate 135 acres located in the NE1/4 Section 4; all in T105N-R69W (Brule County).

Application No. 7022-3 proposes to appropriate 1.94 cfs from one well to be completed into the Crow Creek Aquifer (approximately 135 feet deep) located in the SW1/4 SW1/4 Section 34 to irrigate 135 acres located in the SW1/4 Section 34; all in T106N-R69W (Buffalo County).

Application No. 7023-3 proposes to appropriate 1.94 cfs from one well to be completed into the Crow Creek Aquifer (approximately 150 feet deep) located in the center of the SE1/4 Section 33 to irrigate 135 acres located in the SE1/4 Section 33; all in T106N-R69W (Buffalo County) within the boundary of the Crow Creek Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7020-3, 7021-3, 7022-3 and 7023-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 East 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 30, 2008.

The petition may be informal but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications 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 these applications.

Steven M. Pimer, Secretary
Department of Environment and Natural Resources



DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

June 3, 2008

Central Dakota Times
PO Box 125
Chamberlain SD 57325

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7020-3 thru 7023-3 to Appropriate Water to be published twice. Please publish the first notice on June 11, 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 Rodney L Larsen, 23772 355th Ave, Kimball SD 57355 (Ph # 605-778-6721).

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-----

Nos. 7020-3 – 7023-2

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

Date _____

We are in receipt of your letter of June 3, 2008 enclosing Notice to Appropriate Water by Application Nos. 7020-3 – 7023-2 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.

June 3, 2008

Rodney L Larsen
23772 355th Ave
Kimball SD 57355

Dear Mr. Larsen:

Water Permit Application Nos. 7020-3 thru 7023-3 for irrigation use have 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 Central Dakota Times printed at Chamberlain SD (Ph # 605-234-0266). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 recommendations, 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 June 11, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 7020-3 thru 7023-3 to Appropriate Water

Notice is given that Rodney L Larsen, 23772 355th Ave, Kimball SD 57355 has filed the following applications for a water permit.

Application No. 7020-3 proposes to appropriate 3.89 cubic feet of water per second (cfs) from two wells to be completed into the Crow Creek Aquifer (approximately 120 and 140 feet deep) located in centers of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ Section 3 to irrigate 270 acres located in the W $\frac{1}{2}$ Section 3; all in T105N-R69W (Brule County).

Application No. 7021-3 proposes to appropriate 1.94 cfs from one well to be completed into the Crow Creek Aquifer (approximately 120 feet deep) located in the center of the NE $\frac{1}{4}$ Section 4 to irrigate 135 acres located in the NE $\frac{1}{4}$ Section 4; all in T105N-R69W (Brule County).

Application No. 7022-3 proposes to appropriate 1.94 cfs from one well to be completed into the Crow Creek Aquifer (approximately 135 feet deep) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34 to irrigate 135 acres located in the SW $\frac{1}{4}$ Section 34; all in T106N-R69W (Buffalo County).

Application No. 7023-3 proposes to appropriate 1.94 cfs from one well to be completed into the Crow Creek Aquifer (approximately 150 feet deep) located in the center of the SE $\frac{1}{4}$ Section 33 to irrigate 135 acres located in the SE $\frac{1}{4}$ Section 33; all in T106N-R69W (Buffalo County) within the boundary of the Crow Creek Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7020-3, 7021-3, 7022-3 and 7023-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 30, 2008.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. 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

JUL 24 2008

Rodney L Larsen
23772 355th Ave
Kimball SD 57355

Dear Mr. Larsen:

Enclosed are Water Permit Nos. 7020-3, 7021-3, 7022-3 & 7023-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

Permit No. 7023-3
Missouri River - Water District

Contact Person & Address: **Rodney Larsen, 23772 355th Ave, Kimball SD 57355**

Report Of Examination Of Works

On, **March 11, 2015**, I made a thorough examination of the water use system constructed by **Rodney Larsen** holder of Permit No. **7023-3**, bearing the priority of **April 16, 2008** authorizing the diversion of **1.94** cu. ft. per second of the waters of **groundwater; Crow Creek Aquifer** for **irrigation** purposes, in **Buffalo** County.

The system is in the following condition **good**. The point of diversion is located **in Section 33 T106N-R69W; from SE corner 1320 feet W and 1335 feet N** with latitude of **43.93767** and a longitude of **-99.11318** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **1.67** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All land is located in **Sec 33 T106N-R69W;**

NW ¼ SE ¼ - 33.5 ac NE ¼ SE ¼ - 33.5 ac SE ¼ SE ¼ - 33.5 ac SW ¼ SE ¼ - 33.5 ac

comprising a total of **134** acres of land and the license should be issued for **1.67** cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**.
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- 1) Well Drilling Firm: **Pullman Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **151** feet
- 4) Well log is available **yes**

Casing:

- 1) Diameter **16** inches
- 2) Length **136** feet
- 3) Type **plastic**

Screen:

- 1) Type **stainless steel**
- 2) Length **15** feet
- 3) Static water level **45** feet

Pump:

- 1) Make unknown 2) Model submersible 3) Size unknown 4) Capacity 750 GPM

Motor:

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

DISTRIBUTION LINES OR CANALS:

- 1) Type steel 2) Size 8 inches 3) Length 25 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Reinke 2) Overall length 1280 feet
3) Number of towers 8 4) End gun yes
5) High or low pressure Low 6) Capacity 750 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes 2) Main line check valve yes
3) Inspection port/air relief yes 4) Low pressure drain yes
5) Discharge is 20' from source yes 6) Interlock type electric
7) Injection pump type electric 8) Injection check valve yes
9) Injection line check valve or positive displacement pump yes
10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes

Comments : none

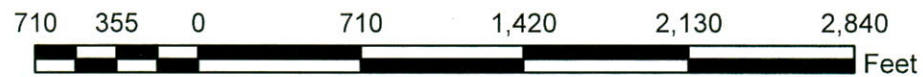
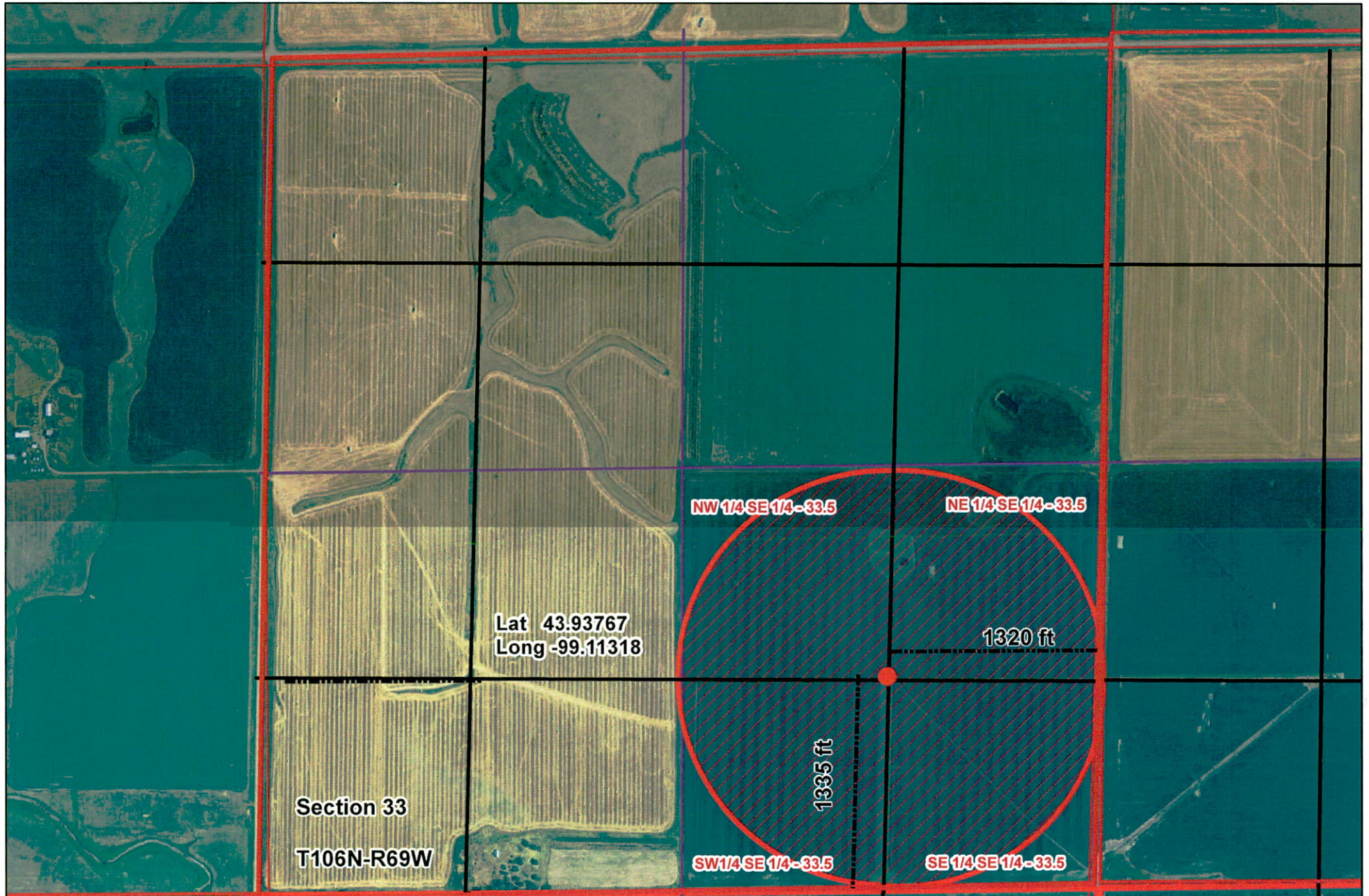


Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program

3-23-15

Date

7023-3



Mark D Rath
Natural Resources Engineer

3-23-15



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

6673-3
7020-3
7021-3
7022-3
7023-3

JUN 01 2015

Rodney L Larson
23772 355th Ave
Kimball SD 57355

Dear Mr. Larson:

Enclosed are Water License Nos. 6673-3, 7020-3, 7021-3, 7022-3 and 7023-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with each license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by these Water Rights, 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 Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7023-3

(1) Rodney L Larson, 23772 355th Ave, Kimball SD 57355 made Application No. 7023-3, April 16, 2008 for a water permit to divert 1.94 cubic feet of water per second from groundwater (one well-Crow Creek Aquifer), Brule County, South Dakota for irrigation purposes. Permit No. 7023-3, with a priority date of April 16, 2008 was approved June 30, 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 30, 2013 and for the application to beneficial use of water on or before June 30, 2017.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 7023-3 is issued a license, bearing a priority date of April 16, 2008 to appropriate 1.67 cubic feet of water per second from groundwater (one well) to irrigate 134 acres.

The diversion point is located: 1,320 feet W and 1,335 feet N of the SE corner of Section 33-T106N-R69W (approximate center of SE 1/4). The acres authorized for irrigation are as follows:

Section 33-T106N-R69W			
NW 1/4 SE 1/4	33.5 acres	NE 1/4 SE 1/4	33.5 acres
SE 1/4 SE 1/4	33.5 acres	SW 1/4 SE 1/4	33.5 acres
Total 134 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7023-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7023-3 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 01 2015

date





7023-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: RODNEY LARSEN, 23772 355TH AVE, KIMBALL, SD 57355

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7020-3, 7021-3, 7022-3, 7023-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7020-3, 7021-3, 7022-3, 7023-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7020-3, 7021-3, 7022-3, 7023-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 3, 2016

7020-3
7021-3
7022-3
7023-3

Rodney Larsen
23772 355th Ave
Kimball SD 57355

Dear Mr. Larsen:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 7020-3, 7021-3, 7022-3 and 7023-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

January 14, 2025

NOTICE

TO: RODNEY LARSEN, 23772 355TH AVE, KIMBALL, SD 57355

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7020-3, 7021-3, 7022-3, 7023-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7020-3, 7021-3, 7022-3, 7023-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7020-3, 7021-3, 7022-3, 7023-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: CZEFAW**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



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

January 14, 2025

NOTICE

TO: RODNEY LARSEN, 23772 355TH AVE, KIMBALL, SD 57355

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

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2. Postpone any action; or
3. Take no action.

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If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: CZEFAW**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 4, 2025

7020-3, 7021-3,
7022-3, 7023-3

Rodney Larsen
23772 355th Ave
Kimball SD 57355

Dear Mr. Larsen:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 7020-3, 7021-3, 7022-3 & 7023-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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