

WATER PERMIT NO. 7036-3

Name of Applicant: **James and Johnnylee Wohlleber**

Address: **2125 Cedar Dr, Watertown SD 57201**

Phone: **605 881-3795**

Amount of Water Claimed: **2.0 cfs**

Total Acres: **130 acres**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Grant**

Type of Waste Disposal System:

Location: **10 miles southwest of Summit**

PRIORITY

Date Received: **5-30-08**

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

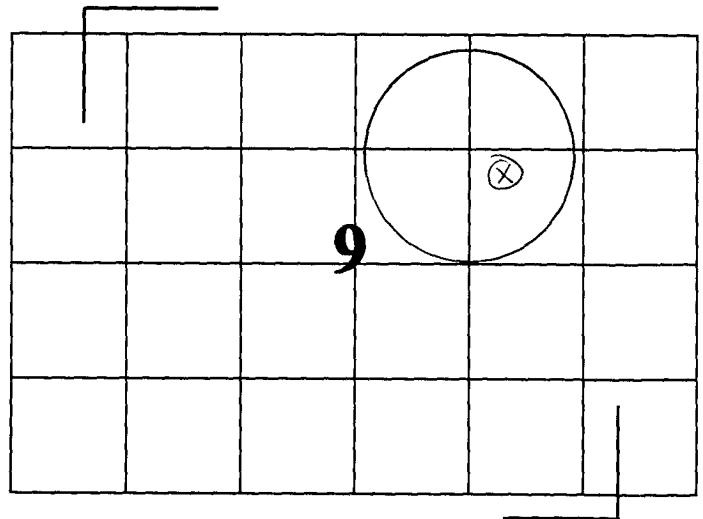
Corrected Application Received:

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

Remarks: **Replaces Water Permit No. 6837-3 which was to be completed into a different water source**

Diversion Point: **SE ¼ NE ¼ Sec 9-T120N-R52W**

Land to be Irrigated: **NE ¼ Sec 9-T120N-R52W**



Depth of Well: **approximately 120 feet deep**

Well Driller: : **Wieber Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Nels Johnson, NRCS**

Reviewed and the Number Assigned on: **5-30-08**

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>7036-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Grant Co. Review P.O. Box 390</u>
	<u>1005-432-4516 C web</u> <u>Millbank 57252</u>

RECEIVED

MAY 30 2008

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.)

Replaces Water Permit No. 6837-3 which was to be completed into the Big Sioux:North Aquifer because the well will be drilled into the Prairie Coteau

 1. Name of Applicant James and Johnnylee Wohlleber Phone 881-3795

(check one)

☒ Owner☐ Tenant/lessee
 Mailing Address 2125 Cedar Drive Watertown State SD 57201

(Street, RR, or Box and City)

(Zip Code)

 2. Amount of water claimed 3.0 *CFS or 900 **GPM ***AF Total Acreage 130
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

 3. Source of water supply Prairie Coteau Aquifer

 4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Grant
NE x SE x SE to 1/4 (SE 1/4 NE 1/4 Sec 9 T120N R52W)

 5. County or counties where water will be used Grant

 6. Annual period during which water is to be used April 1 - October 31

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
NW NE Section 9, T120N, R52W	32.5		
NE NE	32.5		
SW NE	32.5		
SE NE	32.5		

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

requesting greater diversion rate than 1 cfs per 70 acres due to operation of the system.

STATE OF SOUTH DAKOTA)

County of Codington SS

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 Wohlleber, 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

 Subscribed and sworn to before me this 29th day of May 20 08
Brenda L McKee
 Notary Public signature

My commission expires

1-22-2013

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

(type or print in ink)

Well location
in the NE SE SE
of quarter

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 17 1/2 Depth 120
- b) Casing Type PVC Diameter 12" Thickness SDR 21
- c) Screen Type PVC Diameter 12" Thickness SDR 21
- d) Gravel Pack 1/4 pea Rock Length of Gravel Pack 25'
- e) Depth to Top of Water Bearing Material 76
- f) Depth to Water (ground surface to water level) APPROX 15'
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others 3/4 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

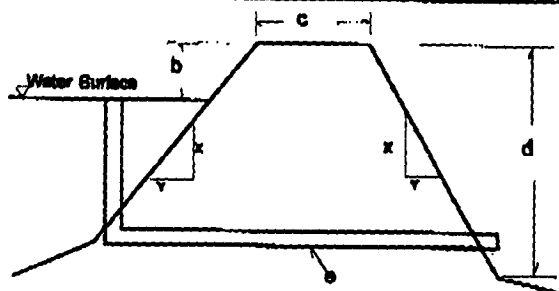
3. Dugout Information

- 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

**SOUTH DAKOTA
WATER PERMIT NO. 7036-3**

Date of first receipt of application May 30, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7036-3 to James and Johnnylee Wohlleber, 2125 Cedar Drive, Watertown SD 57201 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. 7036-3 appropriates 2.0 cubic feet of water per second from one or two wells to be completed into the Prairie Coteau Aquifer (approximately 120 feet deep) located in SE ¼ NE ¼ Section 9 to irrigate 130 acres located in the NE ¼ Section 9; all in T120N-R52W within the former boundary of the Sisseton-Wahpeton 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: April 1 – October 31.
3. The date from which applicant may claim right is May 30, 2008.
4. The date of approval of Permit No. 7036-3 is August 4, 2008.
5. One-fifth of the construction is to be completed on or before February 4, 2011.
6. All construction is to be completed on or before August 4, 2013.
7. Water is to be put to beneficial use on or before August 4, 2017.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7036-3 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. The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
4. 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

AUG 19 2008

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/30, 20 08

RECEIVED OF Blooming Valley Grain Farms Inc J Wohlleber 1305 N Broadway Watertown SD 57201

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

Fee for Application for Permit No. <u>70363</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>70363</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

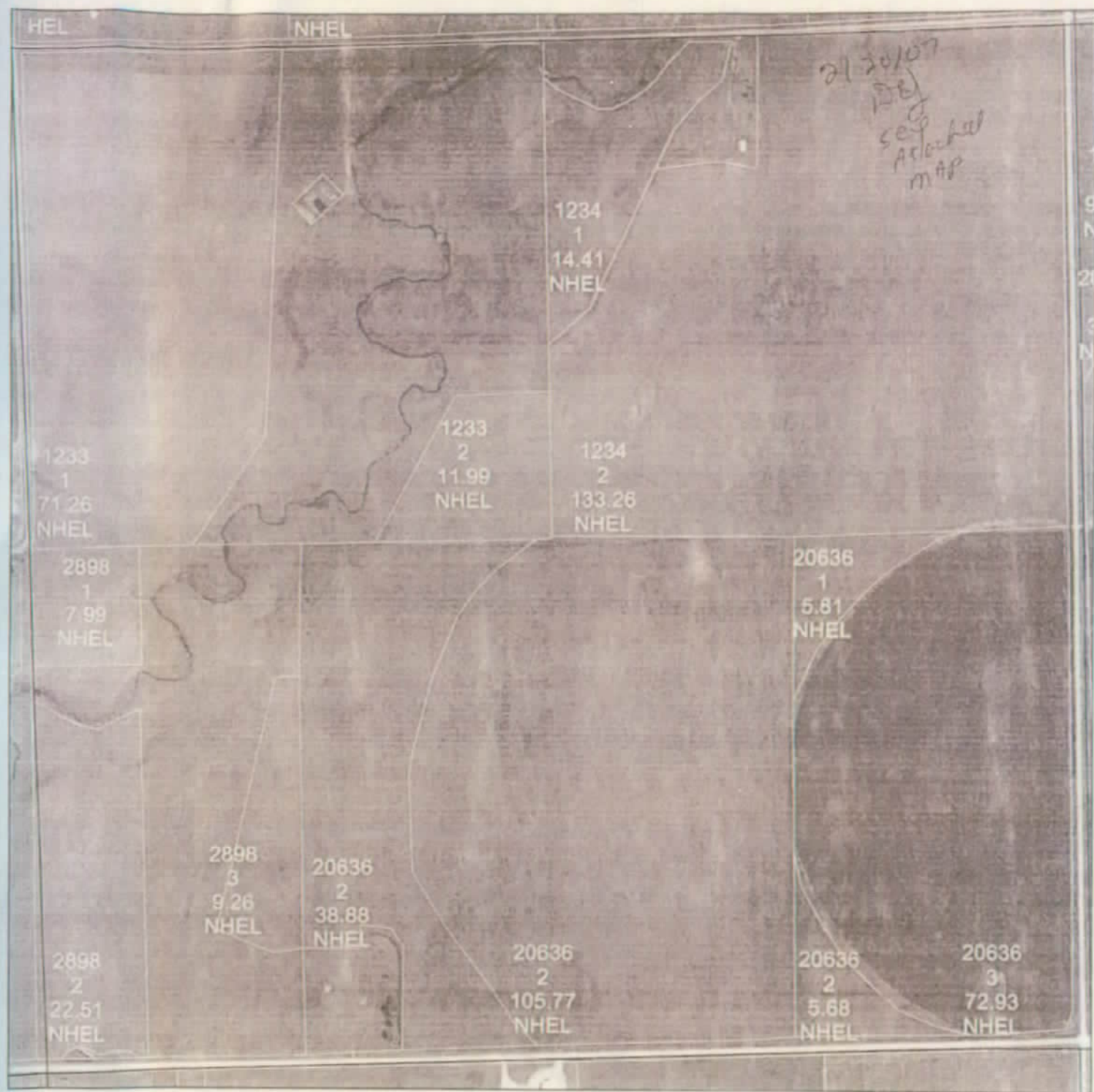
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63670

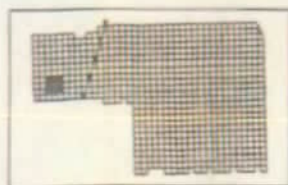
By

Julian Erbe
Chief Engineer





USDA U.S. Dept. of Agriculture
Farm Service Agency



South Dakota Grant 9-120N-52W

Legend

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

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership, either it depicts the information provided directly from the producer and/or the 2004 aerial certified imagery for South Dakota. The producer accepts the data "as is" and assumes all risks associated with its use. 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 outside of FSA Programs.

January 27, 2006



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 29, 2008

James Wohlleber
2125 Cedar Drive
Watertown, SD 57201

Dear Mr. Wohlleber:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well in Section 9, T120N-R52W prior to approval of a water permit. The well will be completed into the Prairie Coteau aquifer. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

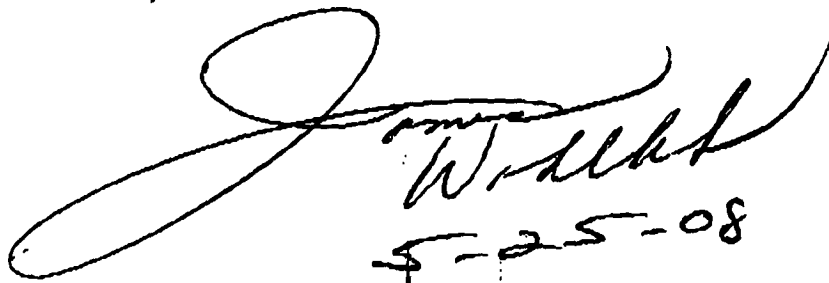
Authorization must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

ERIC Gronlund
Dept. of NAT Resources

Enclosed are test hole
logs for this quarter. This
is also a request to install
a test well in the Morse
quarter.


James W. White
5-25-08

Rx Date/Time

MAY-29-2008(THU) 09:26

16058864509

P. 004

MAY-29-2008 09:57 FROM:HF WATERTOWN 16058864509

TO:16057734068

P:4/7

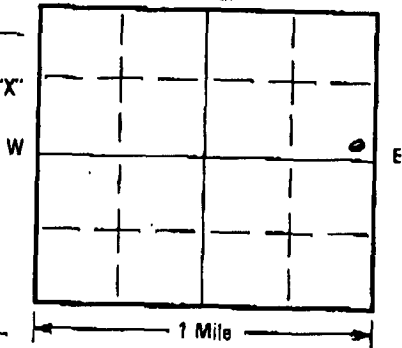
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec SE Twp 120 Rg 52W
County BRANT

Please mark well location with an "X"

test hole



Well-Completion Date

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 11000 ft. from septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

FORWARD ROTARY

CASING DATA:

- ☐ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
____ LB/FT	____ IN	____ FT	____ FT	____ IN
____ LB/FT	____ IN	____ FT	____ FT	____ IN
____ LB/FT	____ IN	____ FT	____ FT	____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
____	____	____ lb./gal	____ ft.	____ ft.
____	____	____ lb./gal	____ ft.	____ ft.

Describe grouting procedure

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

____ YES, How: _____

____ NO, Why Not? _____

Laboratory sent to for water quality analysis

Well Owner: James Wohlleber

Business Name:

Address: 2125 Cedar AveWATER TOWN, S.D. 57201

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	1
yellow clay	1	5
yellow gravel	5	25
clay	25	76
medium sand	76	90
coarse sand	90	105
coarse sand	105	120

STATIC WATER LEVEL

____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

____ ft. After _____ Hrs. pumped _____ GPM

____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license #

480

And this report is true and accurate.

Drilling firm Weber Well

Signature of License Representative:

Jerry Weber

Signature of Well Owner or Equitable Property Holder:

Date:

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

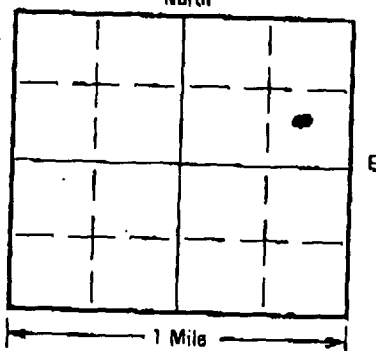
Location NE 1/4 SE 1/4 Sec 9 Twp 120 Rg 52W

County Grant

Please mark well location with an "X"

test hole

Well-Completion Date



Well Owner: James Wohleber

Business Name:

Address: 2125 Gedak Ave
Watertown, SD 57201

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>top soil</u>	<u>0</u>	<u>1</u>
<u>yellow clay</u>	<u>1</u>	<u>5</u>
<u>clay</u>	<u>5</u>	<u>20</u>
<u>clay</u>	<u>20</u>	<u>25</u>
<u>coarse sand</u>	<u>25</u>	<u>90</u>
<u>coarse sand</u>	<u>90</u>	<u>105</u>

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 4000 ft. from septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

FORWARD Rotary

CASING DATA:

- ☐ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>LB/FT</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>
<u>LB/FT</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>
<u>LB/FT</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
		<u>lb./gal</u>	<u>ft</u>	<u>ft</u>
		<u>lb./gal</u>	<u>ft</u>	<u>ft</u>

Describe grouting procedure

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter IN Length FEET

Material

Slot Size Set From Feet to Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

YES, How:

NO, Why Not?

Laboratory sent to for water quality analysis

STATIC WATER LEVEL

Feet

If flowing: closed in pressure

PSI

GPM flow through

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate

GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped

Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

If pump installed, pump rate GPM

REMARKS

This well was drilled under license # 480

And this report is true and accurate.

Drilling firm Wreber Well

Signature of License Representative:

James Wohleber

Signature of Well Owner or Equitable Property Holder:

Date:

SOUTH DAKOTA WATER WELL COMPLETION REPORT

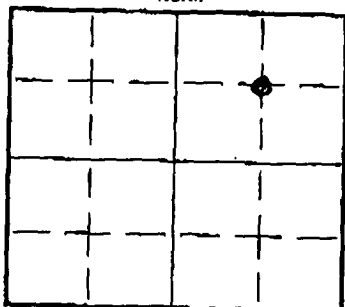
07-92

Location NE 1/4 SE 1/4 Sec. 9 Twp 120 Rg 52W

County Grant

Please mark well location with an "X"

lost hole



Well-Completion Date

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 4000 ft. from septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
		lb./gal	ft.	ft.
		lb./gal	ft.	ft.

Describe grouting procedure

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter IN Length FEET

Material

Slot Size Set From Feet to Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

 YES, How:

 NO, Why Not?

Laboratory sent to for water quality analysis

Well Owner: James Wohleben

Business Name:

Address: 2125 Cedar Ave
Watertown, SD 57201

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	1
yellow clay	1	5
blue clay	5	25
clay	25	80
coarse sand	80	90

STATIC WATER LEVEL

 Feet

If flowing: closed in pressure PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

 ft. After Hrs. pumped GPM

 ft. After Hrs. pumped GPM

If pump installed, pump rate GPM

REMARKS

This well was drilled under license # 480

And this report is true and accurate

Drilling firm Wohleben Well

Signature of License Representative:

James Wohleben

Signature of Well Owner or Equitable Property Holder:

Date:



**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. 7036-3, James and Johnnylee Wohlleber**

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. 7036-3, James and Johnnylee Wohlleber, 2125 Cedar Drive, Watertown SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 7036-3 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7036-3 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. The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
4. 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
July 7, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7036-3
For James and JohnnyLee Wohlleber
July 7, 2008

Application No. 7036-3 proposes to appropriate 2.0 cfs (900 gpm) from possibly two wells approximately 120 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 9 to irrigate 130 acres located in the NE $\frac{1}{4}$ of section 9; all in T120 N R52W in Grant County and within the former boundaries of the Sisseton Wahpeton Indian Reservation.

AQUIFER – PRAIRIE COTEAU (PCO)

The Prairie Coteau is a buried outwash (sand and gravel) that is under artesian conditions in this area. The aquifer is relatively thin and significant drawdown does occur from existing irrigation wells in the area. The aquifer underlies 760 square miles and contains an estimated 1.5 million acre-feet of recoverable water in storage in Grant and Codington County (Hansen, 1990). There are free flowing irrigation and domestic wells to the south of this site from the Prairie Coteau aquifer. In fact the ground water level at this site would be very near the land surface.

The applicant has drilled holes and site specific geologic information is available for this site. The three test hole logs submitted with the application all indicate sand and gravel beginning about 75 to 80 feet below surface and continuing to a depth of 90 to 120 feet. This matches up well with the aquifer map in the county study and other observation wells and domestic and irrigation wells in the area. The nearest irrigation well drilled in relation to this site is located about 2,250 feet to the southeast.

The Water Rights Program monitors two observation wells completed into the Prairie Coteau aquifer within two miles of this application. These are GT-76B which is located about two miles southeast of this application and GT-79C which is located about one mile west of this application. Water levels for these wells show good response to climatic conditions and to pumping. The amount of annual fluctuation due to pumping can exceed 60 feet in GT-76B and 6 feet in GT-79C under existing conditions. Overall however, the water levels recover and recharge does occur. In fact, the hydrographs for these two observation wells indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007). Hydrographs for these two observation wells are included with this report.

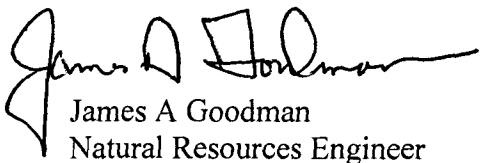
This area has been highly controversial in the past especially during the late 1970's and early 1980's. There were many domestic wells completed into the Prairie Coteau aquifer that were affected by irrigation pumping. Domestic wells to the south of this application that had been free flowing were converted to non flowing wells during the irrigation season. In fact, the Water Management Board denied Water Permit application No. 5407-3 for public interest reasons in July of 1995. That application would have obtained water from the Prairie Coteau aquifer and was located about two miles southeast of this application.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing irrigation well about 2,250 feet southeast of these proposed well locations. This existing Water Right No. 5378-3 (1.0 cfs, 70 acres) is located in the SE $\frac{1}{4}$ of section 10, T120 N R52W. Interference will occur. This is shown by the drawdown created in observation wells. A production test on the irrigation well for Water Right No. 5378-3 indicates a pumping rate of 1,200 gpm with a drawdown of 32.9 feet after 19 hours of pumping. The well had not stabilized at that point and would have a specific capacity of 36.5 gpm/ft of drawdown. Even though the magnitude of the drawdown will increase with the addition of this diversion it is not expected to cause adverse effects. This can not be ascertained for certain until production wells are completed and used during an irrigation season. Also all these factors will be dependent upon the aquifer thickness and distance from an existing production well at the actual final well locations.

CONCLUSIONS

1. Water is available from the Prairie Coteau aquifer.
2. The aquifer is confined and under artesian conditions at this site. Interference will occur but is not expected to be adverse. Some pumps in domestic wells and irrigation wells may have to be lowered in order to maintain the amount of water needed.
3. This area has been very controversial in the past. Water Permit No. 5407-3 was denied by the Water Management Board (about two miles southeast of this application) for public interest reasons. The controversy concerned the amount of drawdown that occurred during the irrigation season and the fact that some free flowing wells ceased or diminished in flow.
4. The well(s) authorized by this application must be constructed in accordance with SD Well Construction Standards.
5. Wells at these sites may free flow at the land surface especially during wet years. Any well constructed must be controlled to prevent the waste of water.



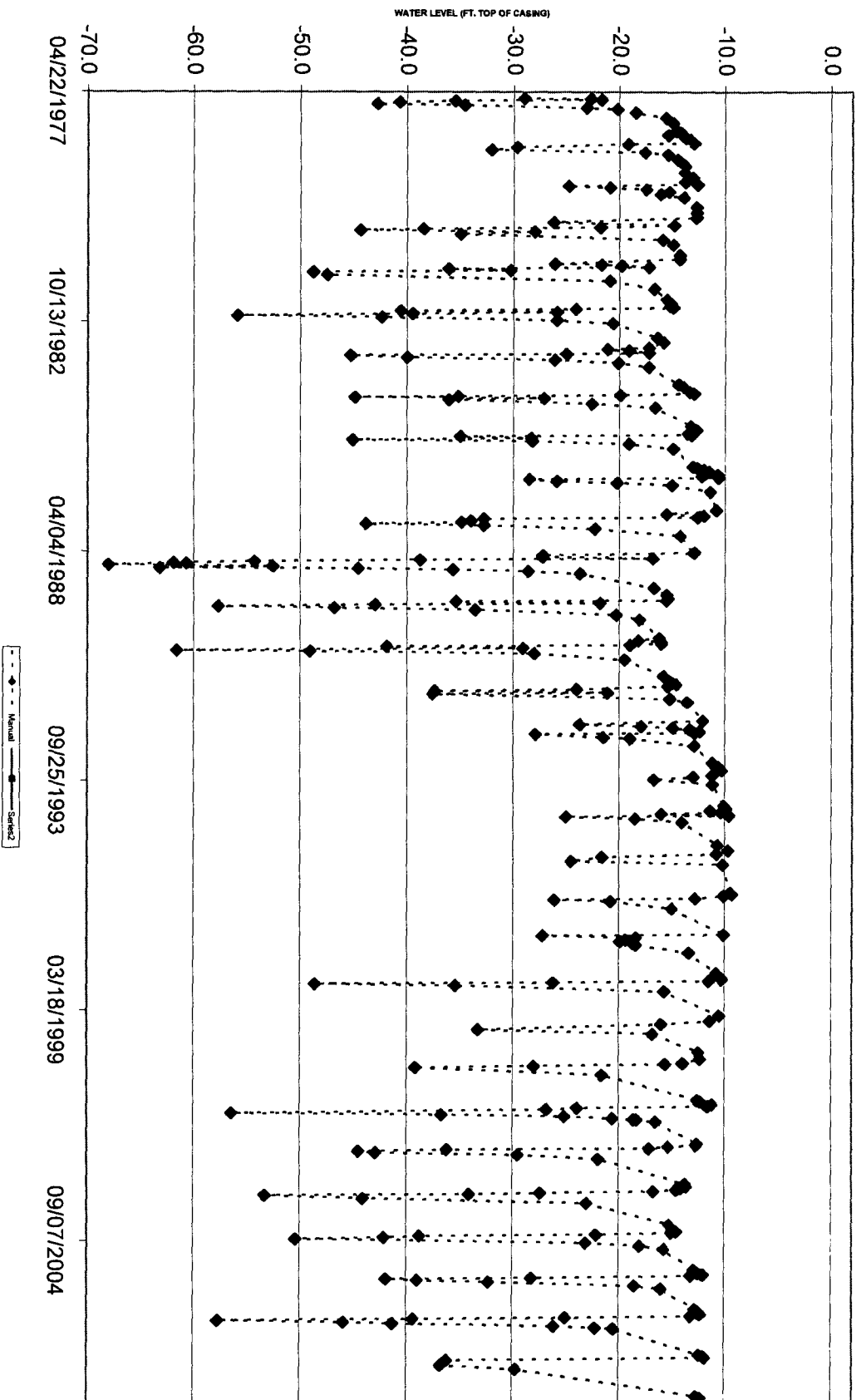
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

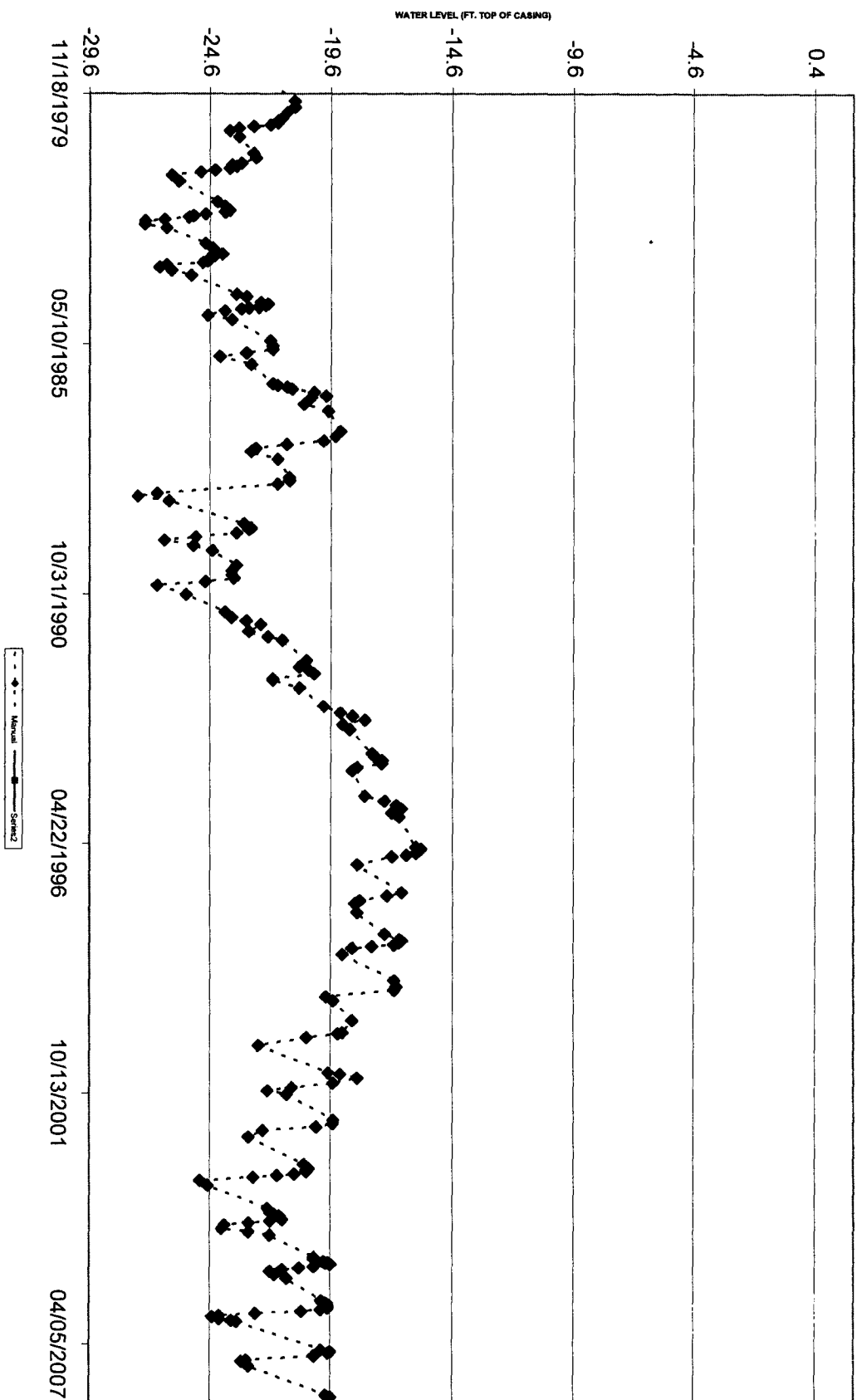
Hansen, D. S., 1990, Water Resources of Codington and Grant Counties, South Dakota, Water Resources Investigations Report 89-4147, USGS, Huron, SD, 57350.

Water Rights, 2008, Unpublished Observation Well Data for Codington and Grant Counties, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
GT-76B



WATER RIGHTS' OBSERVATION WELL
GT-79C



Instruction to Newspaper - Publish first Notice on July 16, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 7036-3 to Appropriate Water

Notice is given that James and Johnnylee Wohlleber, 2125 Cedar Dr, Watertown SD 57201 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one or two wells to be completed into the Prairie Coteau Aquifer (approximately 120 feet deep) located in SE ¼ NE ¼ Section 9 to irrigate 130 acres located in the NE ¼ Section 9; all in T120N-R52W within the former boundary of the Sisseton-Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7036-3 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 August 4, 2008.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

July 8, 2008

James & Johnnylee Wohlleber
2125 Cedar Dr
Watertown SD 57201

Dear Mssrs. Wohlleber:

Water Permit Application No. 7036-3 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 Grant County Review printed at Milbank SD (Ph # 605-432-4516). 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.

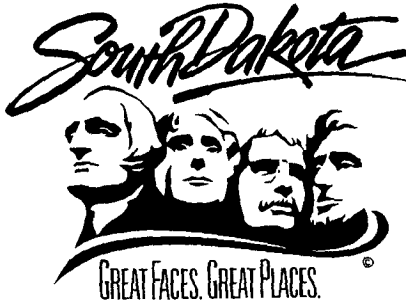
Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 8, 2008

Grant County Review
PO Box 390
Milbank SD 57252

ATTENTION: Legal Public Notice

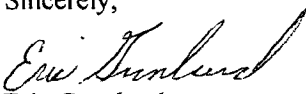
Enclosed is a Notice on Application No. 7036-3 to Appropriate Water to be published twice. Please publish the first notice on July 16, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicants must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANTS for the cost of publication.** The APPLICANTS are James and Johnnylee Wohleber, 2125 Cedar Dr, Watertown SD, 57201 (Ph # 605-881-3795).

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. 7036-3

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

Date _____

We are in receipt of your letter of July 8, 2008 enclosing Notice to Appropriate Water by Application No. 7036-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Printer's Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

JUL 24 2008

WATER RIGHTS
PROGRAM

Holli Seehafer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Advertising Manager of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of

Application No. 7036-3 to Appropriate
Water

two a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for two successive weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

<u>July 16 20 08</u>	<u>20</u>
<u>July 23 20 08</u>	<u>20</u>
<u>20</u>	<u>20</u>

That \$ 43.63, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

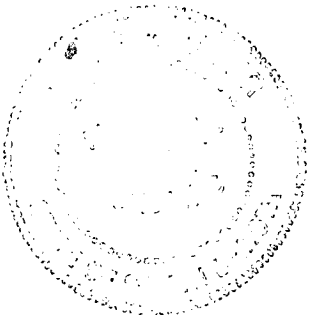
Holli Seehafer

Subscribed and sworn before me this 23rd day of July 20 08

Debra R. Hemmer

Notary Public, Grant County, South Dakota

DEBRA R. HEMMER
Notary Public, GRANT COUNTY, S. DAK.
My Commission Expires OCT 27, 2009



NOTICE OF APPLICATION

NO. 7036-3 to

Appropriate Water

Notice is given that James and Johnylee Wohlleber, 2125 Cedar Dr, Watertown, SD 57201 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one or two wells to be completed into the Prairie Coteau Aquifer (approximately 120 feet deep) located in SE 1/4 NE 1/4 Section 9 to irrigate 130 acres located in the NE 1/4 Section 9; all in T120N-R52W within the former boundary of the Sisseton-Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7036-3 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 (605 733-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 4, 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'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.

July 16

July 23

Publication Fee \$ 43.63
Notarial Fee \$
Total \$ 43.63



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 19 2003

James & Johnnylee Wohlleber
2125 Cedar Dr
Watertown SD 57201

Dear Mssrs. Wohlleber:

Enclosed is Water Permit No. 7036-3 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

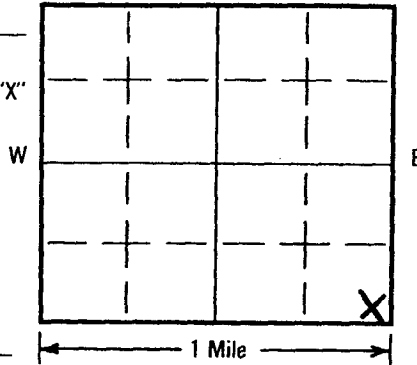
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 SE 1/4 Sec 9 Twp 120 Rg 5 (-52)
 County GRANT

Well Owner: JAMES Wobbeleber
 Business Name: Wobbeleber
 Address: 1305 NORTH BROADWAY
WATERTOWN SD 57201

Please mark well location with an "X"



Well Completion Date

9/1/2008

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Topsoil</u>	<u>0</u>	<u>1</u>
<u>Yellow clay</u>	<u>1</u>	<u>20</u>
<u>Yellowish dark clay</u>	<u>20</u>	<u>40</u>
<u>Blue gray clay (Medium)</u>	<u>40</u>	<u>60</u>
<u>Blue gray clay (Hard)</u>	<u>60</u>	<u>95</u>
<u>Super coarse 3/4"</u>	<u>95</u>	<u>120</u>
<u>NO Boulders</u>		

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? N/A ft. from N/A (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

FORWARD ROTARY

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe 200 PSI

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200 PSI LB/FT</u>	<u>12 IN</u>	<u>0 FT</u>	<u>100 FT</u>	<u>17 3/4 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>1 Step</u>	<u>30</u>	<u>10 lb./gal</u>	<u>0 ft</u>	<u>95 ft</u>
<u>Slurry 26 gal/m BAG</u>		<u>lb./gal</u>	<u>ft</u>	<u>ft</u>

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12" IN Length 20 FEET
 Material PVC-EVER-FLU
 Slot Size .080 Set From 100 Feet to 120 Feet
 Other information CAP Bottom

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____

☒ NO, Why Not? IRRIGATION

Non-Potable

Laboratory sent to for water quality analysis

STATIC WATER LEVEL

4 Below Feet

If flowing: closed in pressure Surface PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

Describe: AIR 1. FT

☐ Bailed

☐ Other _____

Pumping Level Below Land Surface

100 ft. After 6 Hrs. pumped 800 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

MAR 30 2009

WATER RIGHTS PROGRAM

This well was drilled under license # 480

And this report is true and accurate.

Drilling firm Wieber Well Drilling

Signature of License Representative: _____

Jerry Weber

Signature of Well Owner or Equitable Property Holder: _____

Date: 9/1/2008

Pitless Unit and Pump Record

RECEIVED 3

MAR 30 2009

WATER RIGHTS
PROGRAM

1. Well Owner:

Name JAMES WohleberDate of Installation: 9-1-2008Address 1305 NORTH BROADWAY
WATERTOWN, SD 57201

2. Location:

County GRANTSE 1/4, SE 1/4, SE 1/4 Section 9, Township 120, N., Range 51-52 West

3. Well Head Completion:

Pitless Unit brand name NA, diameter _____ in., type of joint _____depth of joint _____, inches above grade 2', other _____

4. Pump:

Type: submersible _____, jet _____, cylinder _____, turbine X, other _____Manufacturer's name #1 (FRANKLIN Pump) #2Model No. 8FP700D50-3B-6HP 3STAGE / W 60HP (FRANKLIN MOTOR)
Volts 460Pump setting (depth), 90, pumping rate 800 gpm.Is well vented? yes X no _____ Is there a measuring port? yes X no _____5. Pressure tank (if installed) #3 Yes X No K SUBManufacturer's name FRANKLIN CONTROL BOX 60HP 460V Sub Monitor
Model No. _____ Capacity _____ gallons.

above ground _____, below ground _____

Pressure rating of pipe between well and tank _____

(ITEMS FOR PRESSURE SYSTEM)

6. Was well and other plumbing disinfected upon completion? Yes X No _____#1 Pump FRANKLIN
Installers Certification

#2 Motor FRANKLIN

#3 - CONTROL
PANELThis installation was installed under my jurisdiction and
this report is true to the best of my knowledge.Wieber Well Drilling
INSTALLER OR FIRM NAMEBx 157

ADDRESS

LIDGERWOOD N.D Jerry Wieber

SIGNED BY

480
CERTIFICATE NO.

DATE

9-1-2008

Permit No. 7036-3
Big Sioux River - Water District

Contact Person & Address: **James Wohlleber, 45857 144th St Summit SD 57266, cell 605-881-3795**
JohnnyLee Wohlleber – cell 605-881-8813

Report of Examination of Works

On, **May 16, 2017**, I made a thorough examination of the water use system constructed by **James and Johnnylee Wohlleber** holder of Permit No. **7036-3**, bearing the priority of **May 30, 2008** authorizing the diversion of **2.0** cu. ft. per second of the waters of **ground water (Prairie Coteau Aquifer)** for **irrigation** purposes, in **Grant** County.

The system is in the following condition **good**. The point of diversion is located **from the NE corner of Section 9 T120N-R52W(res) 2520 feet south and 175 feet west** with latitude of **45.18847** and a longitude of **-97.16502** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **2.0** 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 9 T120N R52W (res):**

NW ¼ NE ¼ - 31 ac NE ¼ NE ¼ - 32.5 ac SE ¼ NE ¼ - 32.5 ac SW ¼ NE ¼ - 32.5 ac
NE ¼ NW ¼ - 0.75 ac SE ¼ NW ¼ - 0.75 ac

Comprising a total of **130** acres of land and the license should be issued for **2.00** 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: **Wieber Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **120** feet
- 4) Well log is available **yes**

Casing:

- 1) Diameter **12** inches
- 2) Length **100** feet
- 3) Type **PVC**

Screen:

- 1) Type **PVC**
- 2) Length **20** feet
- 3) Static water level **4** feet

Pump:

- 1) Make **Franklin**
- 2) Model **8FP700D50-3B-6**
- 3) Size **6**
- 4) Capacity **900** GPM

Motor:

- 1) Make **Franklin**
- 2) Model No. **submersible**
- 3) Horsepower rating **60** hp

DISTRIBUTION LINES OR CANALS:

- 1) Type **pvc**
- 2) Size **8** inches
- 3) Length **1645** feet

SYSTEM TYPE:

Center pivot:

- | | |
|------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>900</u> GPM |

CHEMIGATION EQUIPMENT:

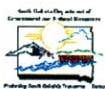
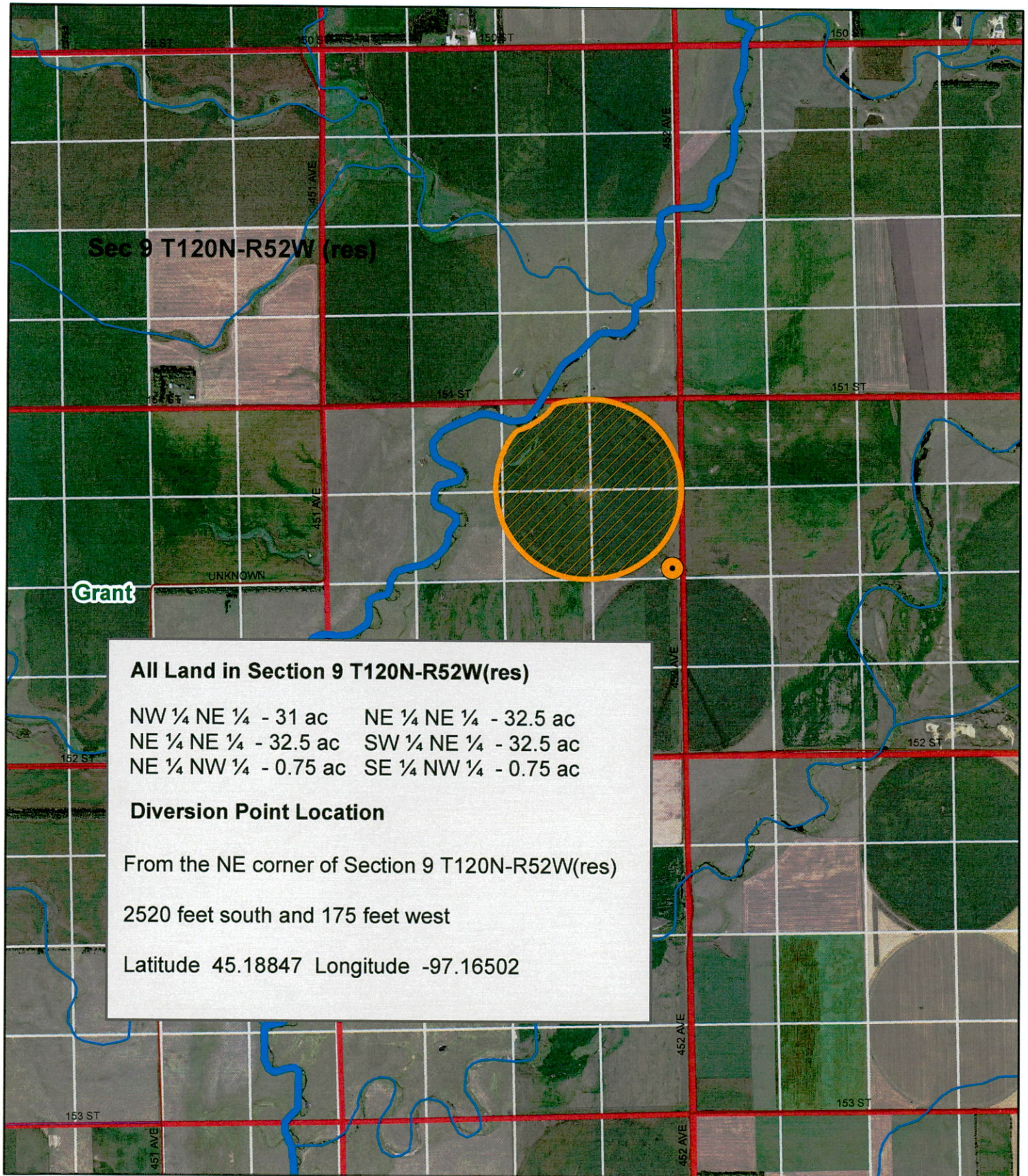
- 1) Does chemigate no

Comments: none



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

05/31/2017



0 650 1,300

2,600

3,900

5,200

6,500

Feet

Mark D. Rath
Natural Resources Engineer
SD DENR -Water Rights Program

May 31, 2017

Licensing of Acreage Outside of Permitted Area

NAME: James and Johnnylee Wohlleber

ADDRESS: 45857 144th St, Summit SD 57266

DATE: 05/16/2017 COUNTY: Grant TELEPHONE: 605-881-3795

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 130 acres as compared to 130 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The permit authorized 130 acres in NE ¼ of Sec 9 T120N-R52W (res), the total number of acres remain the same, but the center pivot irrigates 1.5 of the acres located in the E ½ NW ¼ of Sec 9 T120N-R52 W (res) which are contiguous to the authorized acres.

- **Owned by Same Property Owner**

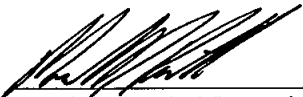
Yes

- **Developed Prior to Expiration of Construction Period**

Yes

RECOMMENDED ACTION

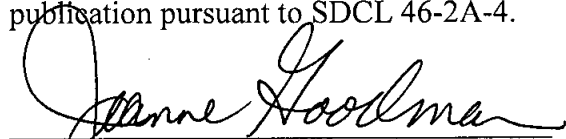
Based on the above criteria, it is recommended that the 1.5 acre area be included in the water license.



Mark D Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 12 2017

7036-3

James & Johnnylee Wohlleber
45857 144th St
Summit SD 57266

Dear Sirs:

Enclosed is Water License No. 7036-3. 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, 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. 7036-3**

(1) James and Johnnylee Wohlleber, 45857 144th St, Summit SD 57266 made Application No. 7036-3, May 30, 2008 for a water permit to divert 2.00 cubic feet of water per second from ground water, one or two wells (Prairie Coteau Aquifer), Grant County, South Dakota for irrigation purposes. Permit No. 7036-3, with a priority date of May 30, 2008 was approved August 4, 2008 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before August 4, 2013 and for the application to beneficial use of said water on or before August 4, 2017.

Water Permit No. 7036-3 authorized irrigation of 130 acres within the NE ¼ Section 9, T120N, R52W. An investigation of the water use system found the pivot covering 1.5 acres located in the E ½ NW ¼ Section 9, T120N, R52W. The total acreage being irrigated is still 130 acres. The Chief Engineer made a finding pursuant to SDCL 46-5-30.5 that the acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is 2,520'S and 175'W of the NE corner of Section 9, T120N, R52W (SE ¼ NE ¼), within the former boundaries of the Sisseton-Wahpeton Indian Reservation.

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land (all within the former boundaries of the Sisseton-Wahpeton Indian Reservation):

T120N, R52W Section 9	NW ¼ NE ¼	31.0 acres	NE ¼ NW ¼	0.75 acres
	NE ¼ NE ¼	32.5 acres	SE ¼ NW ¼	0.75 acres
	SE ¼ NE ¼	32.5 acres		
	SW ¼ NE ¼	32.5 acres	Total	130.0 acres

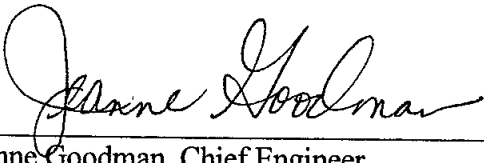
(4) Pursuant to South Dakota Water Law 46-5-30.1 James and Johnnylee Wohlleber, 45857 144th St, Summit SD 57266 the holders and/or owners of Water Right No. 7036-3 are issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water, one well (Prairie Coteau Aquifer) with a priority date of May 30, 2008 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7036-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

- The well(s) authorized by Permit No. 7036-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. ***One well was constructed in September, 2008 by Wieber Well Drilling. A copy of the well completion report is on file with the Water Rights Program.***
- The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If the well is abandoned or the permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
- 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

OCT 12 2017

date





7036-3
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 26, 2018

NOTICE

TO: JAMES & JOHNNYLEE WOHLLEBER, 45857 144TH ST, SUMMIT, SD 57266
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7036-3 & 7832-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 7036-3 & 7832-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 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) 7036-3 & 7832-3 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 7, 2018** 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.



7036-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2018

James & Johnny Lee Wohlleber
1305 N Broadway
Watertown SD 57201

RE: Water Permit Nos. 7036-3, 7832-3, 8028-3 & 8036-3

Dear Sirs:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit Nos. 7036-3, 7832-3, 8028-3 & 8036-3. The information was received in our office prior to the Water Management Board meeting and your names have 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

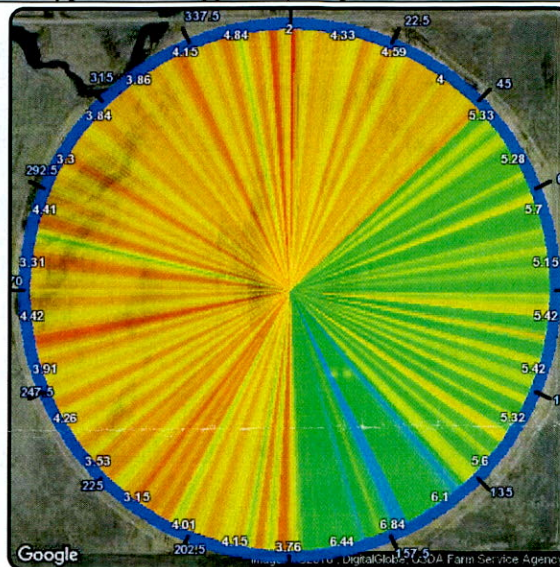
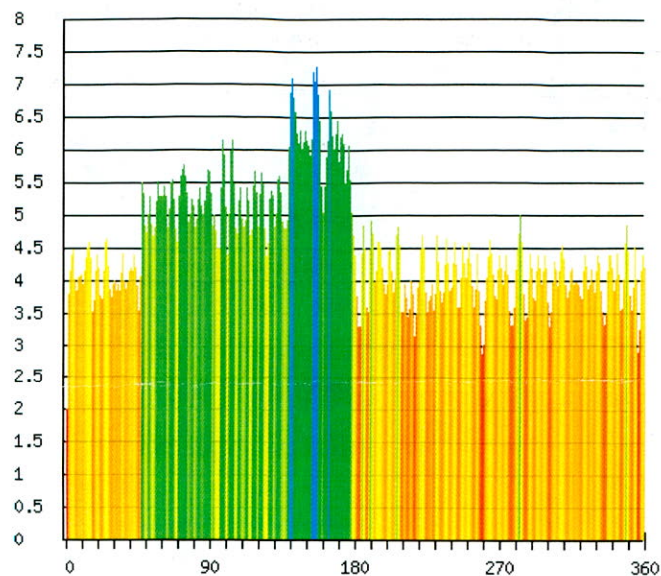
7036-3

Labarrs
108389

Wohleber

May 1, 2018 12:00 AM - Nov 1, 2018 11:59 PM - Report Type: Inches Applied by Angle

Inches Applied by Angle



Total Hours Power On:	4081.1 hours
Total Hours Power Off:	2.57 hours
Total Hours Pump On:	315.03 hours
Total Hours Pump Off:	3768.65 hours
Total Hours Endgun On:	315.03 hours
Total Hours Endgun Off:	3768.65 hours
Total Gallons Pumped:	15,466,995 gallons
Total Endgun Gallons:	1,890,153 gallons
Average Acre Inches Applied:	4.54 inches

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

FEB 25 2021

Ck# 20033

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

FEB 25 2021

WATER RIGHTS
PROGRAMWater Right/Permit No. 7036-3Date: 2-23-21I/We request that Water Right/Permit No. 7036-3 formerly owned by:James and Johnnylee Wohlleber

be transferred to:

New Owner Name: Wohlleber Enterprises LLCAddress: 14959 461st AveCity, State, Zip South Shore SD 57263Telephone No. 605-398-6173
605-881-8535

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

NE 1/4 Sec 9-T120N-R52W

☒ I understand that the validity of Water Right/Permit No. 7036-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, James Wohlleber, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

7036-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date February 25, 2021RECEIVED OF Wohlleber Brothers Partnership 14959 461st Ave South Shore SD 57263

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>7036-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By *Eric Gronlund*
 Chief Engineer *me*

7036-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 2021

James Wohlleber
Wohlleber Enterprises LLC
14959 461st Ave
South Shore SD 57263

RE: Water Permit/Right Nos. 4604-3, 5723-3, 6835A-3, 7036-3, 7832-3, 8028-3, 8036-3

Dear Mr. Wohlleber:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on the above listed water permits and water rights.

The ownership changes have been completed. The above listed water permits, and water rights are now listed under Wohlleber Enterprises LLC.

Enclosed are the receipts for the filing fees and stamped copies of the transfer forms for your records. If I can answer any questions, please let me know.

Sincerely,

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

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

enclosures