

WATER PERMIT NO. 7041-3

Name of Applicant: **Todd Jongeling**

Address: **19423 467th Ave, Estelline SD 57234** Phone: **605 873-2831**

Amount of Water Claimed: **no add'l** Total Acres: **120 acres**

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

Water to be used for: **irrigation** County: **Hamlin**

Type of Waste Disposal System:

Location: **8 miles south of Castewood**

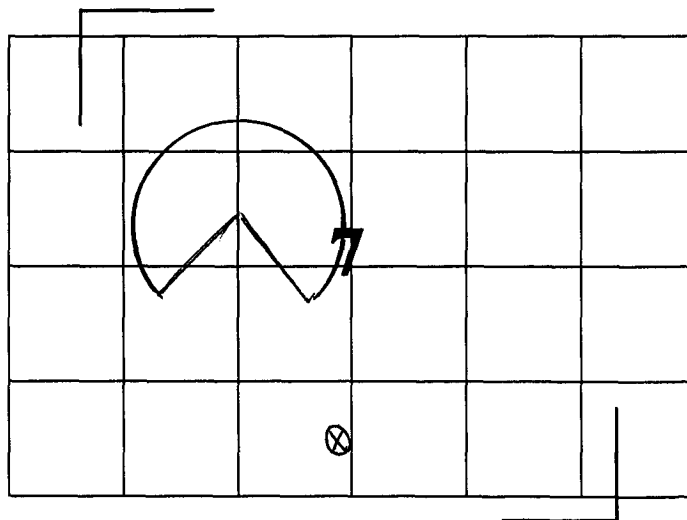
PRIORITY Date Received: **6-17-08** Application/License Fee: **\$275**

Corrected Application Received: _____ Period of Annual Use: **May 1 – Sept 30**

Remarks: **Will utilize the well authorized by Water Permit No. 6798-3**

Diversion Point: **SE ¼ SW ¼ Sec 7-T112N-R51W**

Land to be Irrigated: **NW ¼, N ½ SW ¼ Sec 7; all**
in T112N-R51W



Depth of Well: **49 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Jessica Michelson, Hamlin Co**
NRCS

Reviewed and the Number Assigned on: **6-17-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No.	7041-3	(office use only) Hydrologic Unit	10170202
	Basin	Sioux River		
	Newspaper	Estelline Journal PO Box 159		
		605-873-2475	57234	

RECEIVED

JUN 11 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 Todd Jangeling Phone 605-873-2831
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 19423 46th Ave, Estelline State SD 57234
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed None *CFS or — **GPM — ***AF Total Acreage 120 A.
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well from Application 6798-3
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hamlin
SE 1/4 SW 1/4 Sec 7 T113N R 51W
- County or counties where water will be used Hamlin County
- Annual period during which water is to be used May 1 - Sept. 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 of NW 1/4 Sect. 7 113-51	40	NW 1/4 SW 1/4 Sec 7 T113N R 51W	10
SE 1/4 of NW 1/4 Sect. 7 113-51	40	NE 1/4 SW 1/4 " " "	10
SW 1/4 of NW 1/4 Sect. 7 113-51	40		
NW 1/4 of NW 1/4 Sect. 7 113-51	10		

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

STATE OF SOUTH DAKOTA) SS
County of Hamlin

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, _____, 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 Todd Jangeling

Subscribed and sworn to before me this 16th day of June 2008

Gladys Johnson
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 7041-3 FOR IRRIGATION

Date of first receipt of application June 17, 2008.

The Water Management Board approved Water Permit No. 7041-3 on October 2, 2008 for Todd Jongeling, 19423 467th Ave, Estelline SD 57234 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. 7041-3 authorizes irrigation of 120 acres. Water Permit No. 6798-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Big Sioux:Brookings Aquifer (49 feet deep) located in SE 1/4 SW 1/4 Section 7 to irrigate 160 acres located in the SW 1/4 Section 7; all T113N-R51W. This permit will utilize the existing well to irrigate 120 acres located in the NW 1/4, N 1/2 SW 1/4 Section 7-T113N-R51W. No increase in the diversion rate is authorized by this permit.

The Water Management Board limited the application rate for the 120 acres to the statutory limit of 1.71 cfs

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 – September 30.
3. The date from which applicant may claim right is June 17, 2008.
4. One-fifth of the construction is to be completed on or before April 2, 2011.
5. All construction is to be completed on or before October 2, 2013.
6. Water is to be put to beneficial use on or before October 2, 2017.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

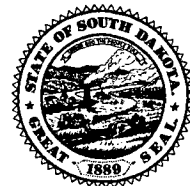
WATER MANAGEMENT BOARD

By: Garland Erbele

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

OCT 3 0 2008

date

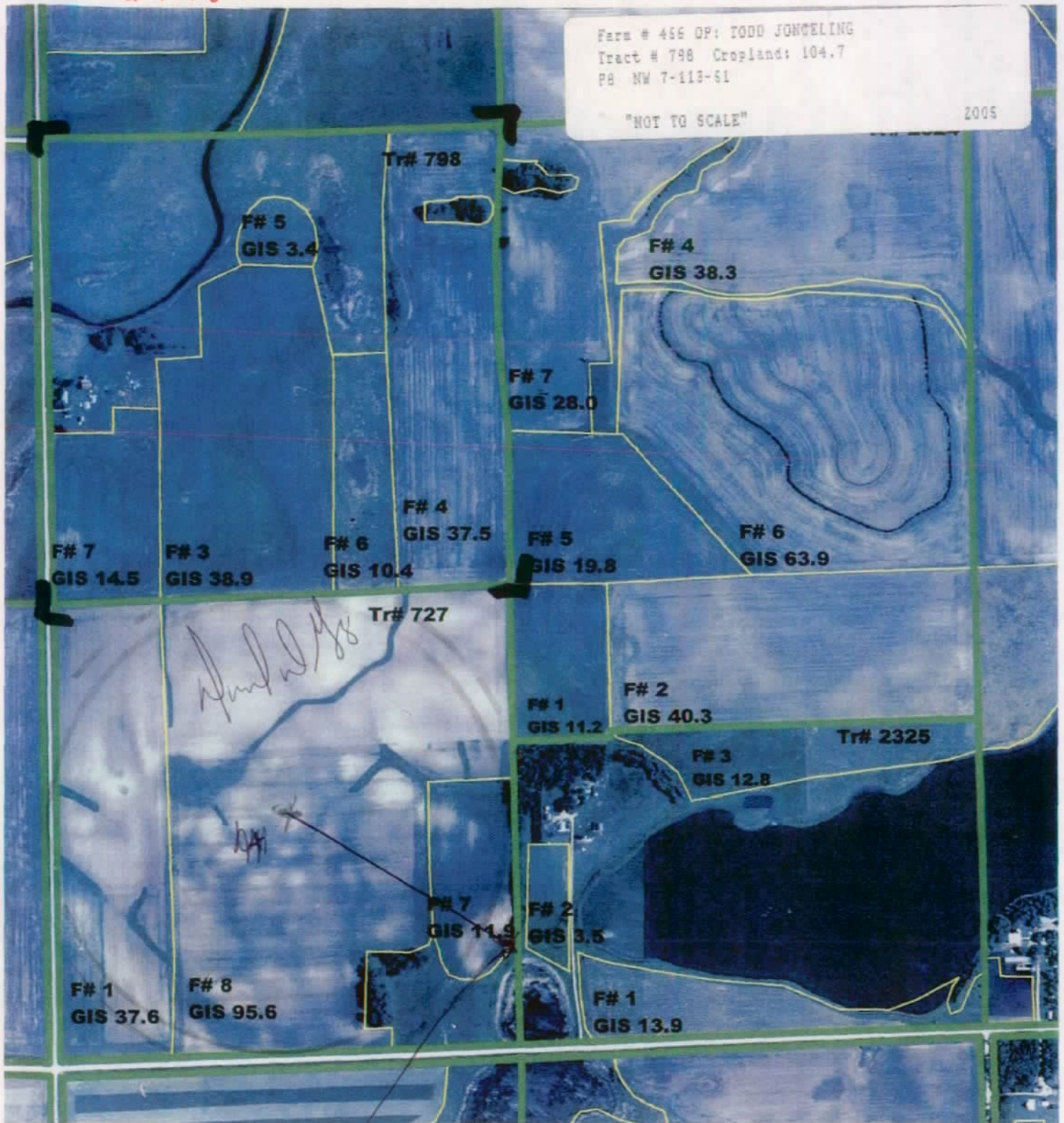


6798-3

Farm # 466 OF: TODD JONCELING
Tract # 798 Cropland: 104.7
P# NW 7-113-61

"NOT TO SCALE"

2005



07-113-51

October 31, 2003

United States Department of Agriculture
Farm Service Agency

Hamlin County

1997 Digital Orthophotography - Not To Scale





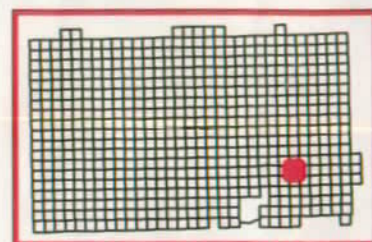
United States Department of Agriculture
Farm Service Agency

JUN 17 2008

WATER RIGHTS
PROGRAM

1:7,938

Hamlin County



March 20, 2008

7-113N-51W

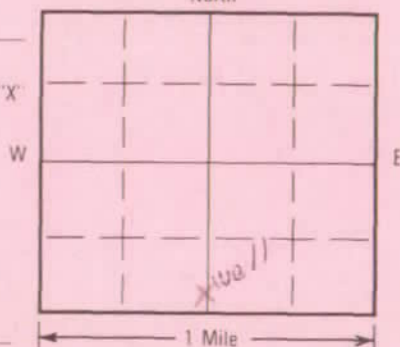
Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

 Location SE 1/4 SW 1/4 Sec 7 Twp 113 Rg 51
 County Hamlin

Please mark well location with an "X"



Well Completion Date _____

Well Owner: Don Jungeling

Business Name: _____

Address: 45920 171st St
Hamlin, SD 57726

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
yellow clay	1	12
yellow sand fine well sort	12	16
yellow soft clay	16	26
yellow medium grain well sort	26	32
Soft Blue clay	32	40
Gray medium to coarse grain	40	49
well 10 ft. in dia		
Blue clay	49	60

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 100 ft. from Slum (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Direct RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>Sub 40</u> LB/FT	<u>3</u> IN	<u>267</u> FT	<u>39</u> FT	<u>6</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>grout</u>	<u>3</u>	<u>124</u> lb./gal	<u>0</u> ft	<u>30</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure grout pump methodSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 3 IN Length 10 FEETMaterial plasticSlot Size 10/32 Set From 29 Feet to 49 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? too wet

Laboratory sent to for water quality analysis _____

STATIC WATER LEVEL 6 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 gr. 1.41☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

8 ft. After 2 Hrs. pumped 604 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

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JAN 31 2007

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REMARKS

This well was drilled under license # 659

And this report is true and accurate.

Drilling firm Kaiser-Well Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date 1-29-07

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/18, 20 08

RECEIVED OF Todd Jongeling 19423 467th Ave Estelline SD 57234

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

Fee for Application for Permit No. <u>7041-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>7041-3</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	275 00

No.

03680

By

[Signature]
Chief Engineer

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JUN 17 2008

WATER RIGHTS
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I Ronald Jongeling will allow
Todd Jongeling to use water from
my well in the SW $\frac{1}{4}$ of section 7
T113N-R51W (permit No 6798-3) to
irrigate the NW $\frac{1}{4}$ of section 7
T113N-R51W.

Ronald Jongeling



**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. 7041-3, Todd Jongeling**

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. 7041-3, Todd Jongeling, 19423 467th Avenue, Estelline SD 57234.

The Chief Engineer is recommending APPROVAL of Application No. 7041-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
July 30, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7041-3
For Todd Jongeling
July 25, 2008

Application No. 7041-3 proposes to irrigate 120 acres from an existing well. Water Permit No. 6798-3 authorizes 1.78 cfs (800 gpm) from a well approximately 49 feet deep located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 7 to irrigate 160 acres located in the SW $\frac{1}{4}$ of section 7; all in T113N R51W. The application proposes to utilize the existing well to irrigate 120 acres located in the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ of section 7, T113N R51W all in Hamlin County. No increase in the diversion rate is authorized by this application.

AQUIFER – BIG SIOUX BROOKINGS (BS-B)

The Big Sioux Brookings is a predominantly surficial outwash (sand and gravel) that is largely under water table conditions in Hamlin County. The aquifer underlies 88,500 acres and contains an estimated 331,880 acre-feet of recoverable water in storage in Hamlin County (Hedges, 1982). The Aquifer blends into the Big Sioux North aquifer to the north and extends into Brooking County to the south and into Deuel County to the east. Ground water movement appears to be from northwest to southeast in the area of this application (Kume, 1985). Kume mapped the entire aquifer in Hamlin County which he called the Big Sioux aquifer (did not use the management units which are used in this report) and estimated the aquifer to underlie 113,920 acres and contain an estimated 480,000 acre feet of water in storage. If the Big Sioux North management unit estimate by Hedges is included, the two different estimates are reasonably close. The aquifer is hydraulically connected to the Big Sioux River and some area lakes and streams. Generally ground water movement is toward these surface water bodies which act as discharge zones for the ground water, however under some hydrologic conditions the surface water does recharge the ground water system. Recharge has been estimated to average about 6.57 inches per year to the aquifer (Koch, 1980).

There is a test well log available for the drill site. The test well log indicates sand and gravel from 12 to 16 feet, 28 to 32 feet and 40 to 47 feet all below land surface. The test well had a static water level of six feet below land surface and was capable of producing 60+ gpm using air to develop. There appears to be potential for irrigation water in this area but the sand and gravel thickness does not look real good. No log is available for the production well for Water Permit No. 6798-3 as of this time.

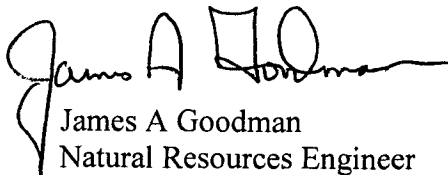
The Water Rights Program monitors an observation well HN-57B that is located about one and one-half mile north of this application. Water levels for this well show good response to climatic conditions. Water levels rise during wet periods (recharge) and gradually decline during dry years. A hydrograph for this observation well is included with this report (Water Rights, 2008).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permitted irrigation well (Water Permit No. 6489-3) is located about one-half mile southeast from the well for this application. At this distance interference is not a concern. Drawdown will be created by pumping but will not be significant at the distance between wells.

CONCLUSIONS

1. Water is available from the Big Sioux Brookings aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping is not expected to be significant. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The applicant requests a diversion rate greater than one cfs per 70 acres depends upon whether you use 120 acres or 140 acres. There is no justification for this request. This permit can be granted for 1.71 cfs (770 gpm).



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

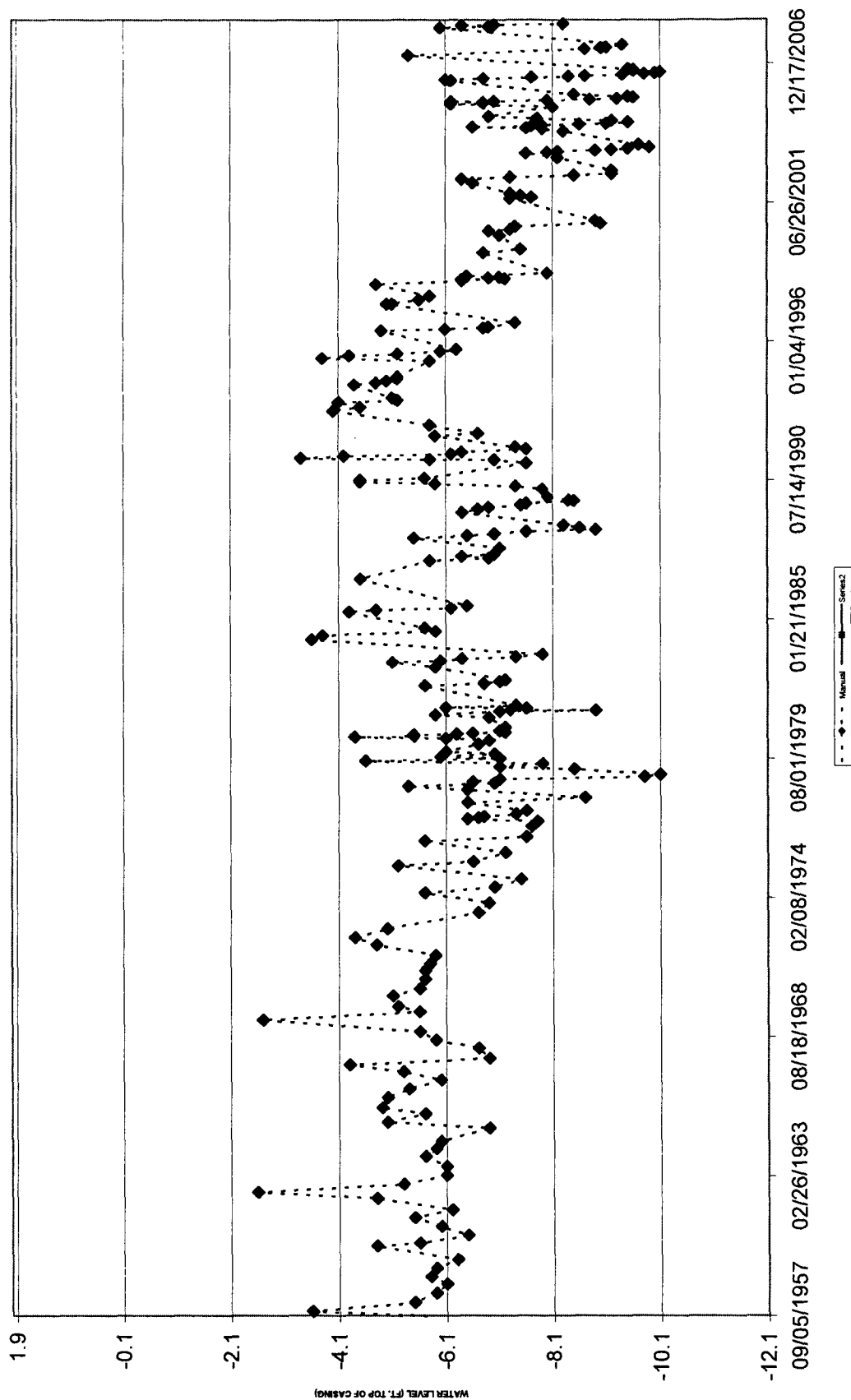
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Koch, N.C., 1980, Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota, Water-Resources Investigation Report 80-100, USGS, Huron, SD, 57350.

Kume, J., 1985, Water Resources of Deuel and Hamlin Counties, South Dakota, Water-Resources Investigation Report 84-4069, USGS, Huron, SD, 57350.

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

**WATER RIGHTS' OBSERVATION WELL
HN-57B**



RECEIVED

AUG 18 2008

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SSI, LeeAnne Archercertify that the attached printed Notice was
takenfrom the The Estelline
Journalprinted and published in EstellineCounty of Hamlin andstate of South Dakota. The notice was
published

in the newspaper on the following two dates:

Aug. 6, 2008Aug. 13, 2008Cost of Printing \$43.96LeeAnne Archer
(Signature)Owner
(Title)8-13-08
(Date Signed)NOTICE OF APPLICATION
NO. 7041-3 TO
APPROPRIATE WATER

Notice is given that Todd Jongeling, 19423 467th Ave, Estelline SD 57234 has filed an application for a water permit to irrigate 120 acres. Water Permit No. 6798-3 authorizes 1.78 cubic feet of water per second from one well completed into the Big Sioux-Brookings Aquifer (49 feet deep) located in SE 1/4 SW 1/4 Section 7 to irrigate 160 acres located in the SW 1/4 Section 7, all T113N-R51W. This application proposes to utilize the existing well to irrigate 120 acres located in the NW 1/4, N 1/2 SW 1/4 Section 7-T113N-R51W. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7041-3 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 sched-

uled 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 25, 2008.

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

Steven M. Pirner, Secretary
Department of Environment and Natural Resources.
(publish aug. 6 and 13, 2008)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 30, 2008

Estelline Journal
PO Box 159
Estelline SD 57234

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7041-3 to Appropriate Water to be published twice. Please publish the first notice on August 6, 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 Todd Jongeling, 19423 467th Ave, Estelline SD 57234 (Ph # 605-873-2831).

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. 7041-3

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

Date _____

We are in receipt of your letter of July 30, 2008 enclosing Notice to Appropriate Water by Application No. 7041-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

July 30, 2008

Todd Jongeling
19423 467th Ave
Estelline SD 57234

Dear Mr. Jongeling:

Water Permit Application No. 7041-3 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 Estelline Journal printed at Estelline SD (Ph # 605-873-2475). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on August 6, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 7041-3 to Appropriate Water

Notice is given that Todd Jongeling, 19423 467th Ave, Estelline SD 57234 has filed an application for a water permit to irrigate 120 acres. Water Permit No. 6798-3 authorizes 1.78 cubic feet of water per second from one well completed into the Big Sioux:Brookings Aquifer (49 feet deep) located in SE ¼ SW ¼ Section 7 to irrigate 160 acres located in the SW ¼ Section 7; all T113N-R51W. This application proposes to utilize the existing well to irrigate 120 acres located in the NW ¼, N ½ SW ¼ Section 7-T113N-R51W. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7041-3 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 25, 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.

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AUG 22 2008
WATER RIGHTS
PROGRAM

Water Rights Program
523 East Capital Ave.
Pierre, SD 57501

Attention Eric Gronlund
Water Rights Program

We are protesting the approval of an irrigation permit, applied for by
Todd Jongeling in Hamlin County to irrigate N.W. $\frac{1}{4}$, section 7,
T-113-N, R-51-52-W. Estelline township.

The reason for our protest is that this land adjoins ours, and is being
considered for a possible permanent easement to our property in a land lock
dispute. Our property in this land lock dispute is located sec 7 N.E. 210
acres, T-113-N, R- 51-52 W.

Protest signed by Lyle R. Poppen Lyle R. Poppen - 21 Aug. 2008
And by Joyce J. Poppen Joyce J. Poppen - 21 Aug 2008
605-873-2865



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 29, 2008

NOTICE

TO: Todd Jongeling
19423 467th Avenue
Estelline SD 57234

Lyle and Joyce Poppen
46038 190th Street
Castlewood SD 57223-5715

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application No. 7041-3, Todd Jongeling

A petition in opposition to Water Permit Application No. 7041-3 for Todd Jongeling has been filed in response to the Notice of Application to appropriate water published in the Estelline Journal. A copy of the petition is enclosed. This notice schedules a hearing before the Water Management Board to consider this application.

Application No. 7041-3 for a water permit to irrigate 120 acres from a well authorized by Water Permit No. 6798-3. This existing permit appropriates 1.78 cubic feet of water per second from one well completed into the Big Sioux:Brookings Aquifer (49 feet deep) located in SE 1/4 SW 1/4 Section 7 to irrigate 160 acres located in the SW 1/4 Section 7; all in T113N-R51W. This application proposes to utilize the existing well to irrigate 120 acres located in the NW 1/4, N 1/2 SW 1/4 Section 7-T113N-R51W. No increase in the diversion rate is authorized by this application.

The Water Management Board will conduct a hearing to consider Application No. 7041-3 at 10:00 AM on October 2, 2008 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. Future notice will be provided to all parties if there are changes to the hearing time. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7041-3 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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application based on the evidence presented at the public hearing. This evidentiary hearing is each parties opportunity to present testimony regarding this application.

The October 2, 2008, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any party of record opposing the application. The request for an automatic delay must be filed by September 22, 2008.

This hearing may be an adversarial proceeding. Any party of record and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Enclosed is a copy of the report, recommendation and petition in the matter of Water Permit Application No. 7041-3. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. This same information will be sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules". You are encouraged to review these documents prior to the hearing.

The application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-6-3, 46-6-3.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352. In addition, please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing.

c: Diane Best, Assistant Attorney General

NOTE: Since this matter does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case need not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by September 22, 2008.

CERTIFICATION

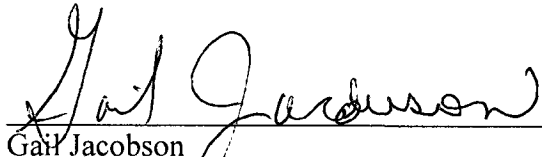
I hereby certify that on August 29, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 29, 2008, regarding hearing for Water Right Permit Application No. 7041-3, as addressed below and on the attached parties of record list:

Todd Jongeling
19423 467th Avenue
Estelline SD 57234

Lyle and Joyce Poppen
46038 190th Street
Castlewood SD 57223-5715

A copy of the above described Notice was sent Inter-office to:

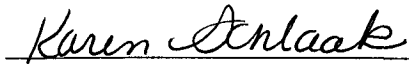
Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501



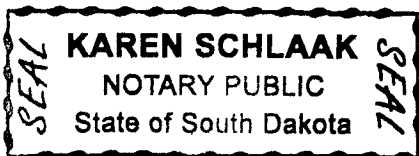
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd ^{Sept} day of ~~August~~ 2008.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



ARNESON, ISSENHUTH, LEIBEL & PARENT, LLP
ATTORNEYS AT LAW

THOMAS M. ISSENHUTH
JAY M. LEIBEL
PHILIP R. PARENT

205 NORTH EGAN
P.O. BOX 28
MADISON, SOUTH DAKOTA 57042-0028

TELEPHONE NO.
605-256-9161
FAX NO.
605-256-9213

September 23, 2008

Eric Gronlund
Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

Re: Water Permit Application No. 7041-3, Todd Jongeling
My clients: Lyle and Joyce Poppen

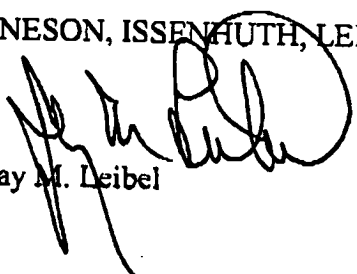
Dear Mr. Gronlund:

Pursuant to my message and our telephone conversation of September 22, 2008 this letter is to confirm that the Poppen's are withdrawing the objection to the issuance of the permit to Todd Jongeling.

As we've discussed the objection was not to the Jongeling's being able to irrigate their property. Their concern was for access to landlocked property, which we now believe can be resolved independently of the issue of the permit.

Very truly yours,

ARNESON, ISSENHUTH, LEIBEL & PARENT

By 
Jay M. Leibel

JML/cd



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 23, 2008

Todd Jongeling
19423 467th Avenue
Estelline SD 57234

Dear Mr. Jongeling:

Please find enclosed a letter from Jay Leibel, counsel for Lyle and Joyce Poppen, withdrawing their objection to the issuance of Water Permit Application No. 7041-3.

Please let me know if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 8 0 1998

Todd Jongeling
19423 467th Ave
Estelline SD 57234

Dear Mr. Jongeling:

Enclosed is Water Permit No. 7041-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The Water Management Board limited the application rate for the 120 acres to the statutory limit of 1.71 cubic feet of water per second.

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



7041-3
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 24, 2014

NOTICE

TO: TODD JONGELING, 19423 467TH AVE, ESTELLINE, SD 57234

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6412-3 & 7041-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 6412-3 & 7041-3 qualification:

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

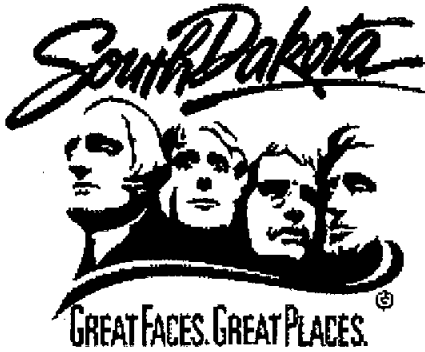
The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 6412-3 & 7041-3 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 on/or before **March 3, 2014**, 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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 29, 2014

6412-3
7041-3

Todd Jongeling
19423 467th Ave
Estelline SD 57234

Dear Mr. Jongeling:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 6412-3 and Water Permit No. 7041-3. 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,

A handwritten signature in black ink that reads "Genny McMath".

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6798-3 and 7041-3

I have this day, March 30, 2015, made a thorough examination of the water use system constructed by Ronald E Jongeling (No. 6798-3), 45950 191st St, Castlewood SD 5722 and Todd Jongeling (No. 7041-3), 19423 467st Ave, Estelline SD 57234 of Permit No. 6798-3 and 7041-3, bearing the priority of January 1, 2007 (6798-3) and June 17, 2008 (7041-3) authorizing the diversion of 1.78 (6798-3) and no additional (7041-3) cu. ft. per second of the waters of Big Sioux Brookings aquifer for irrigation purposes, in Hamlin County.

Inspection contact: **Ron & Brad Jongeling**

A. Works used to divert the water:

Well Information:

- | | |
|--|-------------------------------------|
| 1) Well Drilling Firm: <u>Kaiser Well Drilling</u> | 3) Depth(s) <u>46</u> feet |
| 2) No. of Wells <u>1</u> | 4) Well log is available <u>Yes</u> |

Casing:

- 1) Diameter 12 inches
- 2) Length 25 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless Steel
- 2) Length 15 feet
- 3) Static water level 6 feet

Motor/Pump:

- 1) Make Submersible
- 2) Size 50 hp
- 3) Capacity 800 GPM

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 3,100 feet

C. Works used to apply water to beneficial use:

Center pivots: (2 pivots – only one pivot operates at a time)

- | | |
|--|--|
| 1) Make <u>Valley (7041-3)</u> | 1) Make <u>T&L (6798-3)</u> |
| 2) Number of towers <u>7 towers</u> | 2) Number of towers <u>7 towers</u> |
| 3) End gun <u>Yes</u> | 3) End gun <u>Yes</u> |
| 4) Capacity <u>800</u> GPM @ <u>35 psi</u> | 4) Capacity <u>800</u> GPM @ <u>20 psi</u> |

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

List any extended period of nonuse: None

- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows: SE1/4 SW1/4 section 7-T113N-R51W (approximately 600 feet north and 2,550 feet east from SW corner section 7; latitude 44.60321, longitude -96.99704).
2. The works are capable of diverting and conveying to the place of use 1.78 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 in section 7-T113N-R51W

No. 6798-3 (132 acres)
NE1/4 SW1/4 – 33 acres
NW1/4 SW1/4 – 33 acres
SW1/4 SW1/4 – 33 acres
SE1/4 SW1/4 – 33 acres

No. 7041-3 (100 acres)
NE1/4 NW1/4 – 7 acres
NW1/4 NW1/4 – 7 acres
SW1/4 NW1/4 – 38 acres
SE1/4 NW1/4 – 38 acres
NE1/4 SW1/4 – 5 acres
NW1/4 SW1/4 – 5 acres

comprising a total of 232 acres of land and the licenses should be issued for a combined rate not exceeding 1.78 cfs.

3. All structures, wells and lands on map Yes

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

Permit No. 7041-3 added another pivot covering portions of the NW1/4 section 7 and picking up 10 acres in the N1/2 SW1/4 section 7 that are outside of the area covered by the pivot in the SW1/4 section 7 authorized by Permit No. 6798-3. Both pivots use the same well with a diversion rate of 800 gpm and only one pivot operates at a time. It should be noted on each water license that the combined diversion rate may not exceed 1.78 cfs with a rate of 1.43 cfs (1 cfs/70 acres) specified on No. 7041-3.



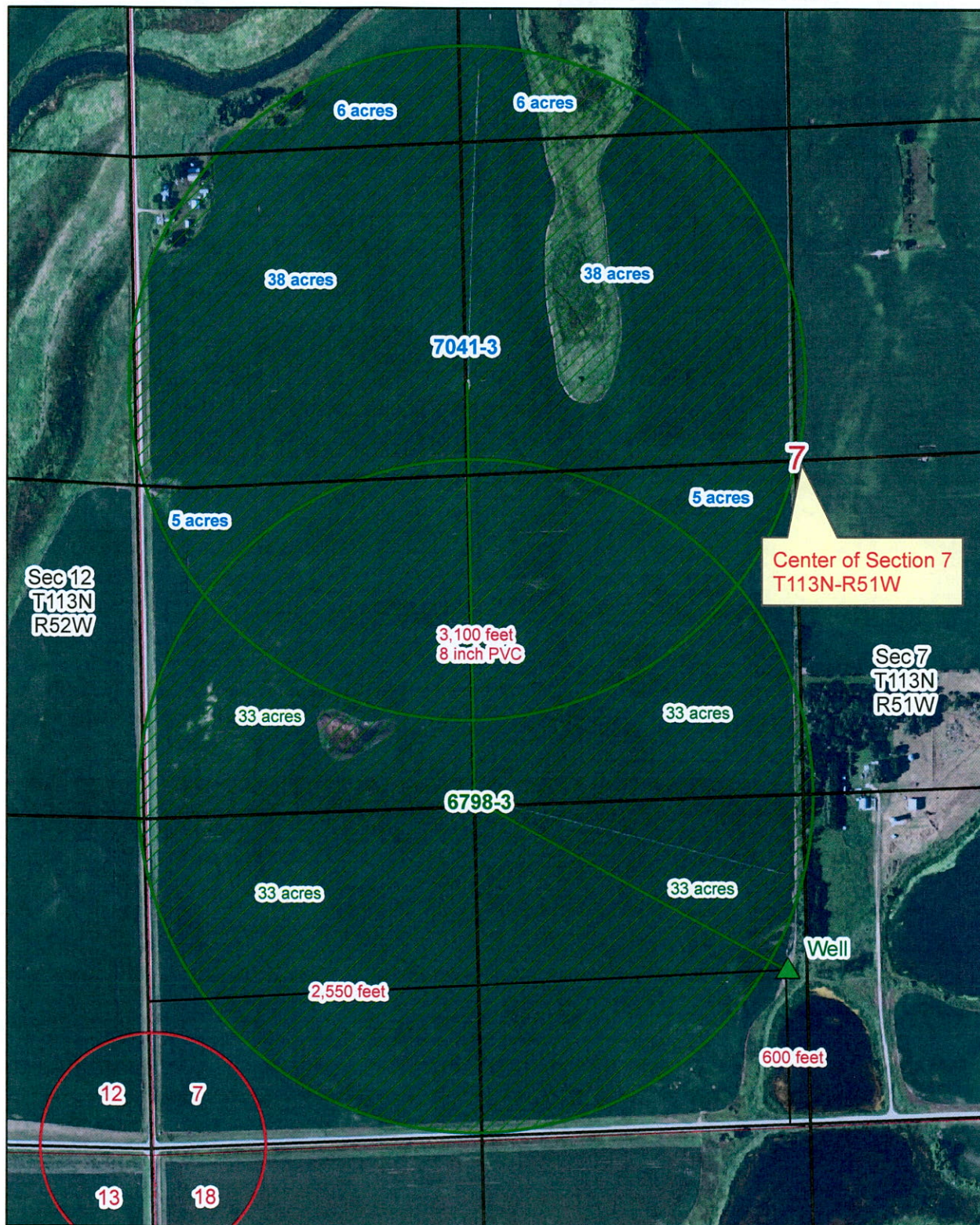
Ron Duvall
Water Rights Permitting Administrator
DENR, Water Rights Program

Date report completed: January 26, 2017

Scale: 1 inch = 604 feet

850

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall, W.R. Permitting Administrator
SD DENR, Water Rights Program

Diversion point(s) located using Garmin eTrex 10 GPS

Date: January 26, 2017

Water Right No. 6798-3 & 7041-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 02 2017

7041-3

Todd Jongeling
19423 467th Ave
Estelline SD 57234

Dear Mr. Jongeling:

Enclosed is Water License No. 7041-3. 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. 7041-3**

(1) Todd Jongeling, 19423 467th Ave, Estelline SD 57234 made Application No. 7041-3, June 17, 2008 for a water permit to irrigate additional acreage with no additional diversion authority from an existing well (Big Sioux Brookings Aquifer), Hamlin County, South Dakota. Permit No. 7041-3, with a priority date of June 17, 2008 was approved October 2, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 2, 2013 and for the application to beneficial use of said water on or before October 2, 2017.

Water Permit No. 7041-3 authorizes irrigation of an additional 120 acres utilizing a well permitted under Water Permit No. 6798-3. No. 7041-3 did not authorize an increase in the permitted diversion rate from the existing well. The Water Management Board limited the application rate for the additional 120 acres to the statutory limit of 1.71 cubic feet of water per second (cfs).

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system. The location of the diversion point is:

- approximately 600'N and 2,550'E of the SW corner of Section 7, T113N, R51W (SE ¼ SW ¼)

The above described well is also used to irrigate 132 acres in the SW ¼ Section 7, T113N, R51W authorized under Right No. 6798-3 owned by Ronald E Jongeling. The combined diversion rate may not exceed 1.78 cfs with an application rate of 1.43 cfs (1 cfs/70 acres) specified on No. 7041-3. Nos. 6798-3 and 7041-3 are being licensed separately due to separate land ownership.

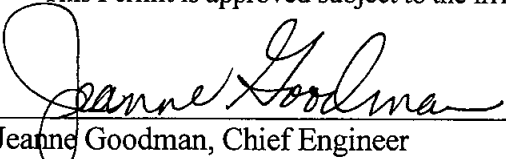
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T113N, R51W Section 7	NE ¼ NW ¼	7 acres	NE ¼ SW ¼	5 acres
	NW ¼ NW ¼	7 acres	NW ¼ SW ¼	5 acres
	SW ¼ NW ¼	38 acres		
	SE ¼ NW ¼	38 acres		
			Total	100 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Todd Jongeling, 19423 467th Ave, Estelline SD 57234 the holder and/or owner of Water Right No. 7041-3 is issued a license authorizing no additional diversion authority (application rate of 1.43 cfs) from ground water, one well (Big Sioux Brookings Aquifer) with a priority date of June 17, 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. 7041-3 and subject to the following qualifications:

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


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

AUG 02 2017

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 1, 2024

~~2157-3, 6412-3~~
~~7041-3 & 8738-3~~

Todd Jongeling
19247 456th Ave
Lake Norden SD 57248

Dear Mr. Jongeling:

Enclosed is a "Notice" dated October 23, 2024, concerning the 2024 Irrigation Questionnaires.

The notice was originally mailed to 19423 467th Ave, Estelline SD 57234. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaires or submit your reports online at <https://danr.sd.gov/iq/> using this password *CZURDB*.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

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

enclosures

553 N7E 1 124C2210/30/24
RETURN TO SENDER
JONGELING
19247 456TH AVE
LAKE NORDEN SD 57248-6605
RETURN TO SENDER
|||