

WATER PERMIT NO. 7051-3

Name of Applicant: **J Robert Warden**

Address: **1 Eagle Ridge Rd, North Oaks MN** Phone: **612 868-8909**

Amount of Water Claimed: **no add'l** Total Acres: **123**

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

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

Type of Waste Disposal System:

Location: **10 miles northwest of Vermillion**

PRIORITY Date Received: **4-18-08** Application/License Fee: **\$300.00**

Corrected Application Received: **8-4-08** Period of Annual Use: **April 1 – October 31**

Remarks: **Using the well authorized by Permit No. 5658B-3**

Diversion Point: **approximate center of the S ½**
Sec 10-T93N-R53W

Land to be Irrigated: **NW ¼ Sec 10-T93N-R52W** ³

Depth of Well: **125 feet deep**

Well Driller: :

Remarks:

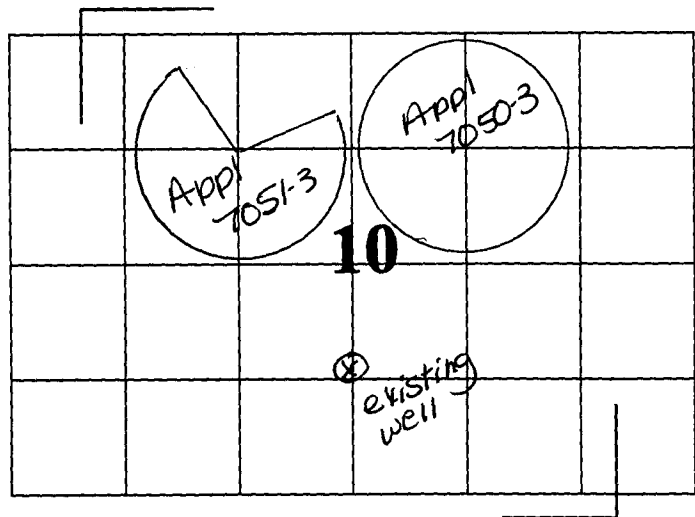
Type of Map: **aerial**

Prepared by: **Sheree Christensen, Clay Co FSA**

Reviewed and the Number Assigned on: **8-4-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7051-3</u> (office use only)	<u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Plain Talk</u>	

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APR 18 2008
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right Amendment/Correction to Permit No.

(Use predates Mar 2, 1955)

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

1. Name of Applicant J ROBERT WARDIN Phone (612) 868-8909
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address ONE EAGLE RIDGE ROAD, NORTH OAKS State MN 55127
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed *CFS or road**GPM ***AF Total Acreage 123
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Groundwater (existing well) 5658B-3
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Sec 10 T93N R53W (approximate center) 5 1/2
County CLAY
5. County or counties where water will be used CLAY
6. Annual period during which water is to be used JUNE - SEPT Apr 1 - Oct. 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 1/4 Sec 10 T93N R53W	123		

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

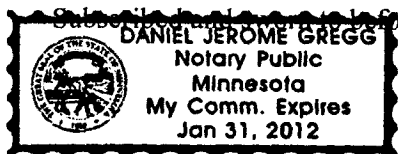
STATE OF SOUTH DAKOTA)
County of _____ SS

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, J ROBERT WARDIN, 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

[Signature]



[Signature]

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7051-3**

Date of first receipt of application March 28, 2008.

Date of return to applicant for corrections, amendments or changes March 28, 2008.

Date of receipt of corrected application August 4, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7051-3 to J Robert Wardin, One Eagle Ridge Rd, North Oaks MN 55127 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. 7051-3 authorizes irrigation of 123 additional acres located in the NW ¼ Section 10-T93N-R53W utilizing the well authorized by Water Permit No. 5658B-3. Permit Nos. 5658B-3, 7050-3 and 7051-3 combined, authorize a total diversion rate of 3.90 cubic feet of water per second.
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 August 4, 2008.
4. The date of approval of Permit No. 7051-3 is September 15, 2008.
5. One-fifth of the construction is to be completed on or before March 15, 2011.
6. All construction is to be completed on or before September 15, 2013.
7. Water is to be put to beneficial use on or before September 15, 2017.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

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

OCT 31 2008

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction, EXISTING WELL SW 1/4

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

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 _____

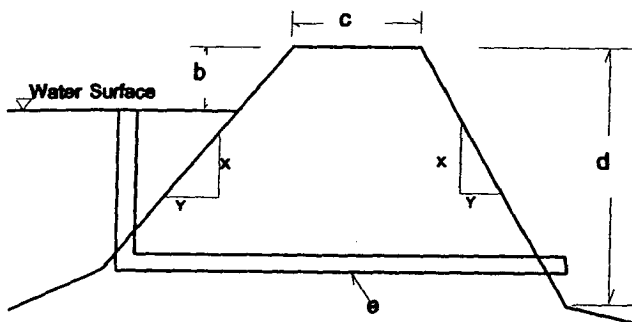
3. Dugout Information

- 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:

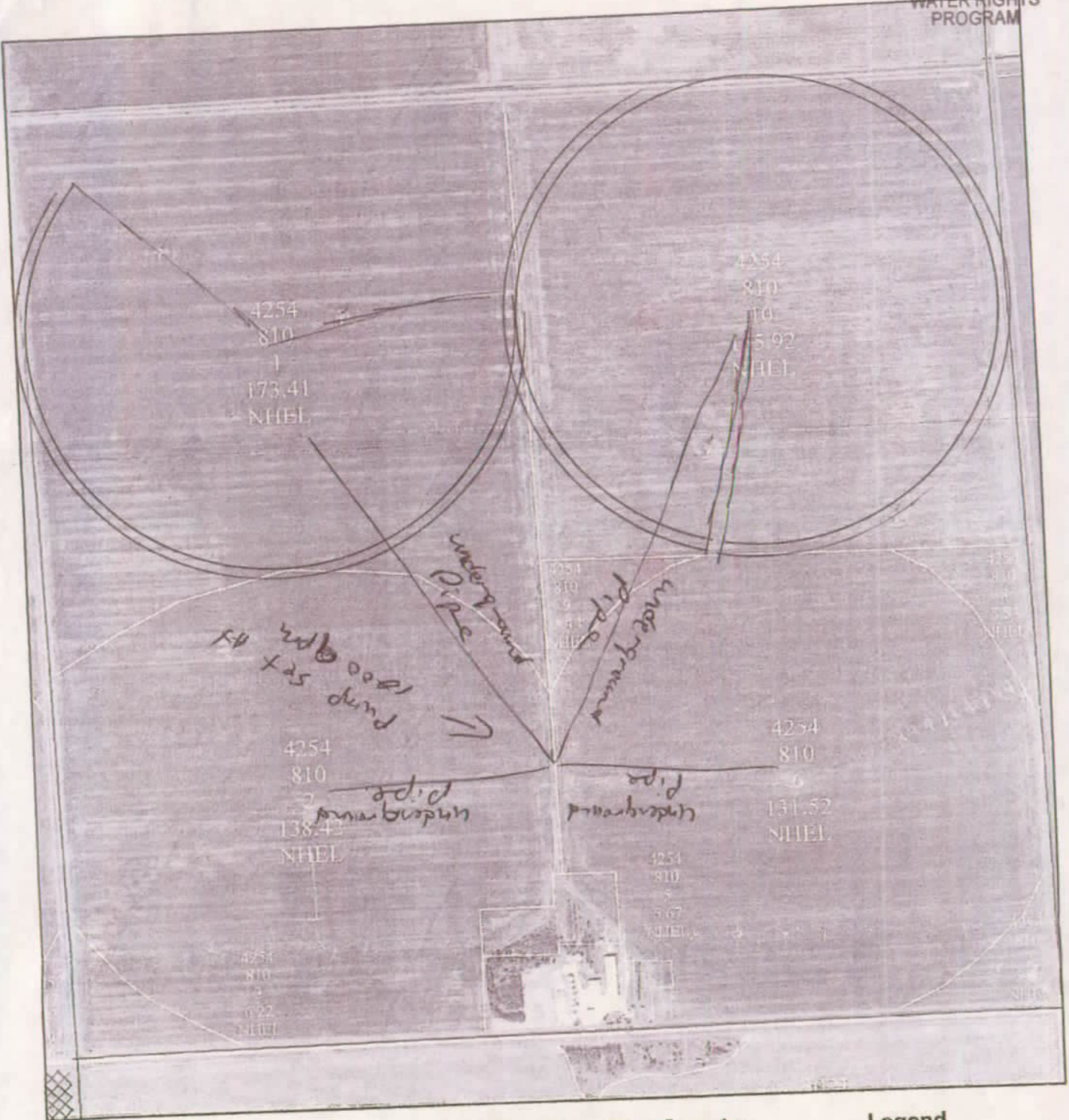


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

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USDA **USDA**
Farm Service Agency

South Dakota
Clay County

10-93N-53W

April 04, 2008

Legend

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

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA -026 and attached maps) for exact wetland boundaries and determinations or contact NRCS.

1:8,823

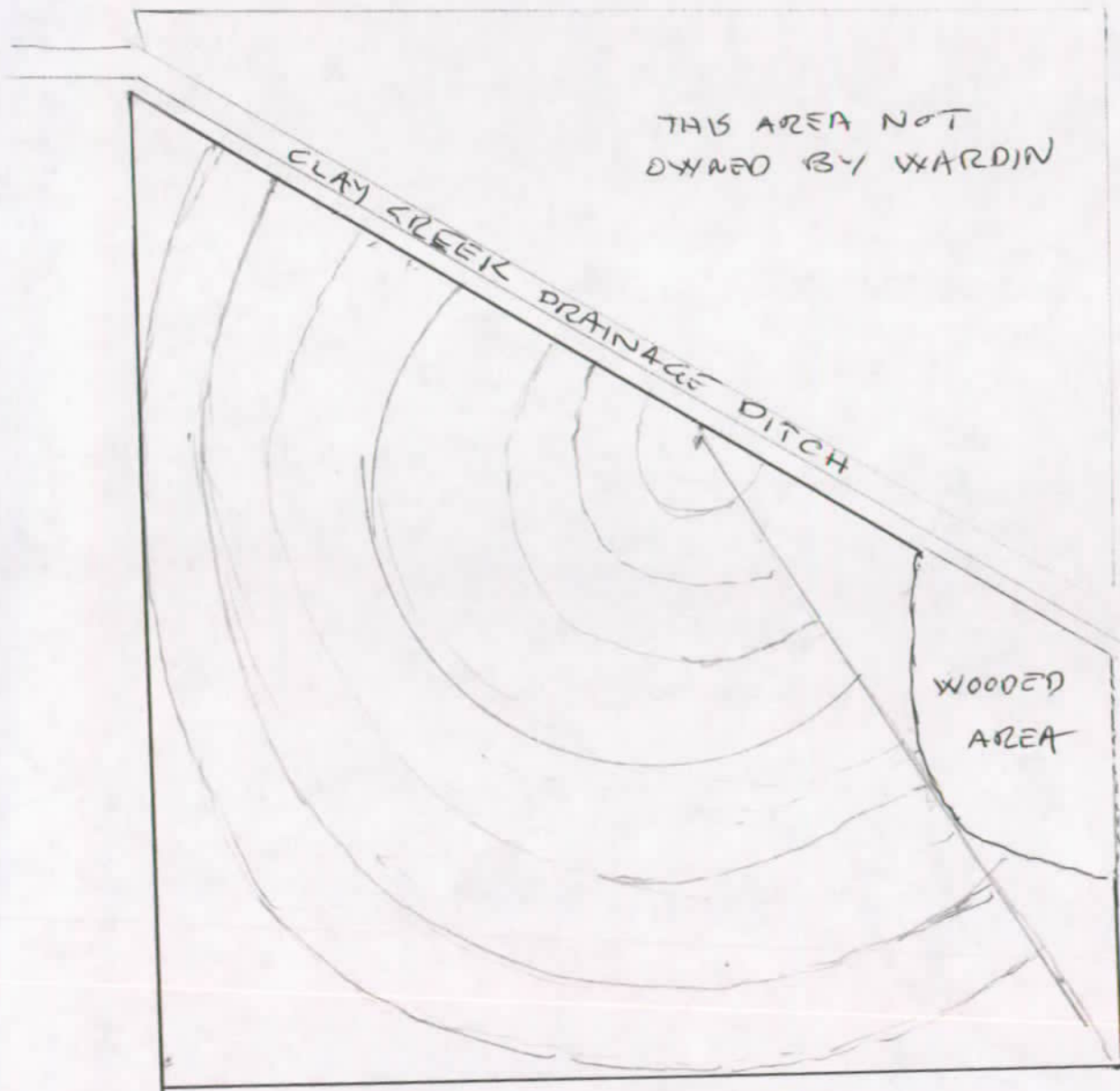
Sheree Christensen Program Technician Clay Co. SD 5-29-08

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PROGRAM

NE 1/4, SECTION 12, T93N, R53W, CLAY CO
IRRIGATOR COVERS 95 ACRES



THIS AREA NOT
OWNED BY WARDIN

OWNER: J ROBERT WARDIN

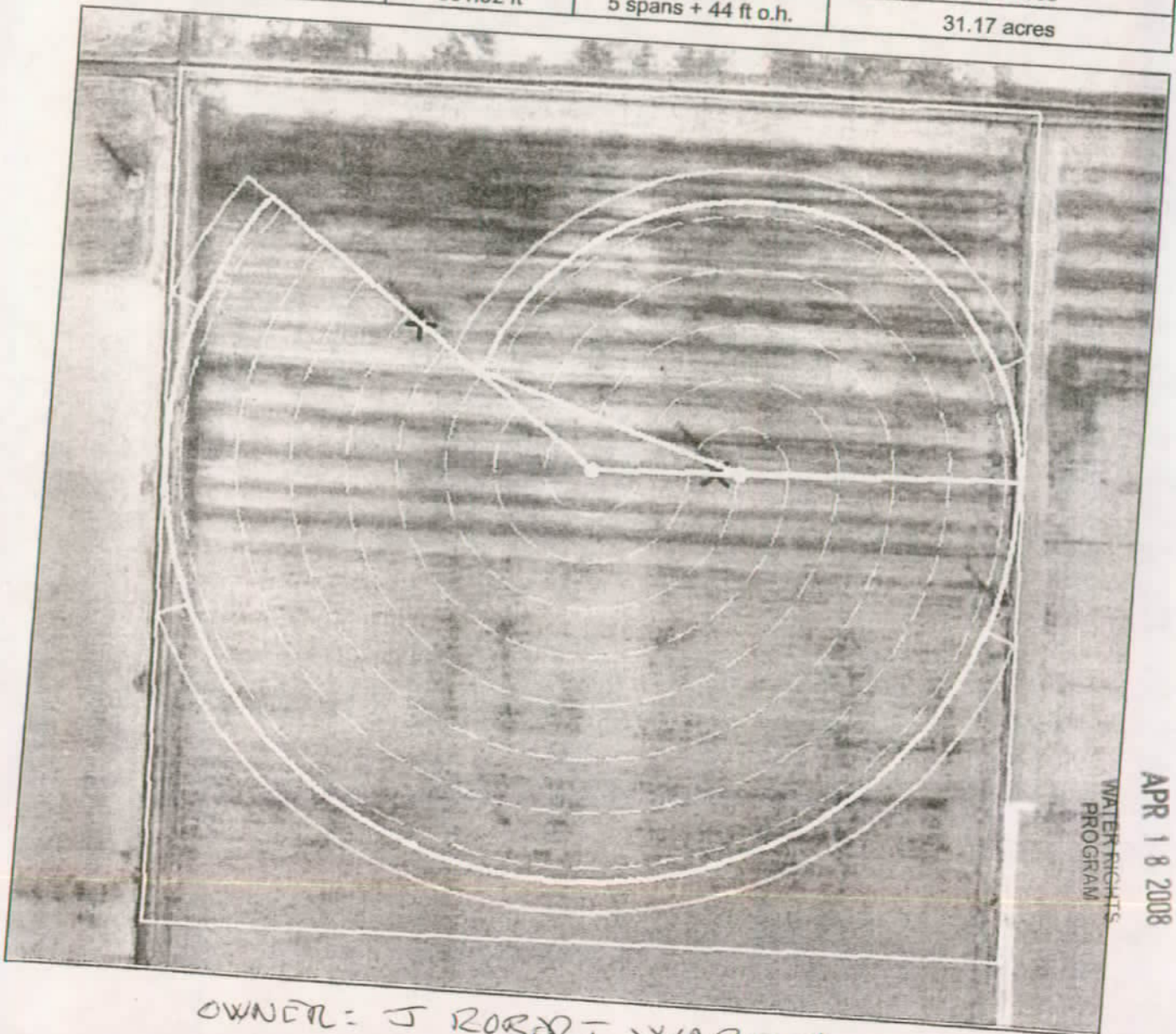
NW 1/4, SEC 10, T93N, R53W, CLAY COUNTY, SD

Farm: Field1

Grower: Ken Less

3/20/2008

Systems:	Length	Spans	Total area including endgun
☐ Main Pivot	1373.17 ft	8 spans + 44 ft o.h.	91.70 acres
☐ Pivoting Joint	901.92 ft	5 spans + 44 ft o.h.	31.17 acres



WATER RIGHTS
PROGRAM

APR 18 2008

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OWNER: J ROBERT WARDIN

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/18, 20 08

RECEIVED OF J Robert Wardin One Eagle Ridge Rd Northh Oaks MN 55127

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

Fee for Application for Permit No. <u>7051-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7051-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300 00

No.

03628

By

Gordon Erickson
Chief Engineer

J Robert Wardin
One Eagle Ridge Road
North Oaks, MN 55127
612 868-8909

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APR 18 2008

WATER RIGHTS
PROGRAM

April 16, 2008

Mr. Eric Gronlund
Water Rights Program
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501

Application for Irrigation NW 1/4

Dear Mr. Gronlund:

Thank you for the courtesy and taking the time to help me with the enclosed application.

I have attached the \$300 fee for irrigation of the NW $\frac{1}{4}$ in Section 10, T93N, R53W, Clay County near Meckling, SD.

EXISTING WELL:

No new well, using existing well in SW $\frac{1}{4}$ Sec 10.

THE PROJECT:

Section 10 will now have four (4) irrigators. The fourth will be installed in NW $\frac{1}{4}$ and will only irrigate about 123 acres due to interference of power lines (see attached irrigation plan map). All four irrigators will be operated from the same existing well in SW $\frac{1}{4}$. Only two (2) irrigators will be operated at one time. Consequently, the well will be reduced in pump rate from 1600 gpm down to about 1200 gpm. Therefore, the flow rate will be reduced to about 600 gallons per minute on each irrigator.

ACTION:

I have filled out the Application for Irrigation on NW $\frac{1}{4}$ Sec. 10 as well as I know how. Can you help me complete any parts which may remain?; although I think I have it fully completed.

Feel free to telephone me if I can supply any more information.

Sincerely,



J Robert Wardin



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 21, 2008

J Robert Wardin
One Eagle Ridge Rd
North Oaks MN 55127

Dear Mr. Wardin:

Thank you for submitting the two *Applications for a Permit to Appropriate Water* for irrigation. In order to complete the applications, the following is required for each.

Enclosed are the maps you submitted with the applications. Not only do the maps need to outline the area to be irrigated, the well locations need to be marked with an "X". The maps must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.

Our suggestion is to obtain aerial photo maps from the Clay County Natural Resource Conservation Service or the Farm Service Agency office. Have the area to be irrigated outlined, mark the well location and have a qualified individual sign the aerial photo map.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

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AUG - 4 2008

WATER RIGHTS
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J Robert Wardin
One Eagle Ridge Road
North Oaks, MN 55127
612 868-8909

July 31, 2008

Karen Schlaak
South Dakota
Dept of Env & Nat Res
Joe Foss Building
Pierre, SD 57501

Re: 2008 Irrigation Permits
Sections 10 & 12 Meckling Twp, Clay County

Dear Ms. Schlaak:

Thank you for your letter of March 28, 2008

I sent the money for the permit fees in March and your office cashed the checks.

I am enclosing aerial photos of the proposed irrigation

The areas to be irrigated are indicated

(note that the new irrigators are only for NW ¼ Sec. 10 and NE ¼ Sec. 12 although the old irrigators are also drawn on the photo by the field engineer}

The photos are signed as you requested

There is only one well in each section and all irrigators 'time share' the one well.

Section 10 well is set for 1600 gpm

Section 12 well is set for 800 gpm and is rated to pump as high as 1200 gpm

Let me know if there is anything else that I can provide. Thank you for your consideration of this matter and the issuance of the permits.

Sincerely,



J Robert Wardin



**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. 7051-3, J Robert Wardin**

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. 7051-3, J Robert Wardin, One Eagle Ridge Rd, North Oaks MN 55127.

The Chief Engineer is recommending APPROVAL of Application No. 7051-3 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
August 18, 2008

REPORT ON WATER PERMIT APPLICATION NOS. 7050-3 & 7051-3

For J Robert Wardin

August 5, 2008

Application No. 7050-3 proposes to irrigate 137 acres. Water Permit No. 5658B-3 appropriates 3.90 cfs from one well approximately 125 feet deep located in the center of the S $\frac{1}{2}$ of section 10 to irrigate 274 acres located in the S $\frac{1}{2}$ of section 10; all in T93N R53W in Clay County. This application proposes to irrigate 127 additional acres located in the NE $\frac{1}{4}$ of section 10, T93N R53W from the existing well.

Application No. 7051-3 proposes to irrigate an additional 123 acres utilizing the same well authorized by Water Permit No. 5658B-3. The additional acres are located in the NW $\frac{1}{4}$ of section 10, T93N R53W. Both applications if approved do not authorize any increase in the existing diversion rate of 3.90 cfs.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) that is under predominantly water table conditions in this area. At this site however the aquifer is probably under artesian conditions. The aquifer underlies 74,500 acres and contains an estimated 1.117 million acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends into Union County to the east, into Yankton County to the west, blends into the Upper Vermillion Missouri aquifer to the north and is hydraulically connected to both the Vermillion and Missouri Rivers. Ground water movement is from northwest to southeast in the area of this application (Christensen, 1967). The hydrogeologic map in the Christensen report indicates the aquifer should be 75 to 100 feet thick in this area. Christensen described the aquifer as follows "On the floodplains of the Missouri and Vermillion Rivers the outwash is overlain by alluvium--- gravel, sand, silt, and clay that was transported by the rivers and deposited at places where the velocity of the water was insufficient to maintain the materials in motion. Much of the floodplain alluvium is permeable and forms a single aquifer with the underlying outwash" (Christensen, 1967).

No test well was drilled for this application. There is an existing well at this site for which no well log is available. The information available from the county study, area domestic and irrigation wells and the observation wells all indicates the aquifer is present at this site and should be capable of producing the amount of water requested.

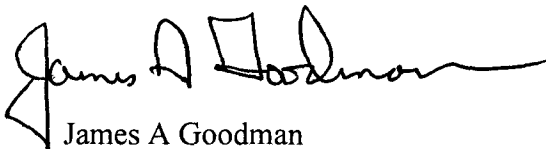
The Water Rights Program monitors an observation well CL-80A that is located about two and one-half miles east of this application. Water level records for this observation well go back in time to 1958. Water level records for this well show good response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining water levels during dry years. The water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permitted user is Water Permit No. 5658A-3. That well is located about three-fourths mile to the west of the well for this application. Interference is not a concern. Even though the aquifer appears to be under artesian conditions at this site drawdown created by pumping is not expected to be significant at this distance. Certainly this should not cause adverse interference. This is also shown by the observation well record. Also there have never been any reported water availability problems for the Missouri Elk Point aquifer in Clay County.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer appears to behave like it is under water table conditions. It is not anticipated that drawdown created by pumping will be significant nor cause any adverse effect. These wells have been in use for many years with no apparent problems. Interference is not a concern.
3. There is not sufficient information available to determine if this well is constructed in accordance with SD Well Construction Standards.
4. It appears from the correspondence in the application that the applicant will be able to operate two pivots at a time with this one well. It appears that the optimum use will be 1,600 gpm (3.57 cfs) using 800 gpm for each pivot. There will be four pivots operable from the existing well.

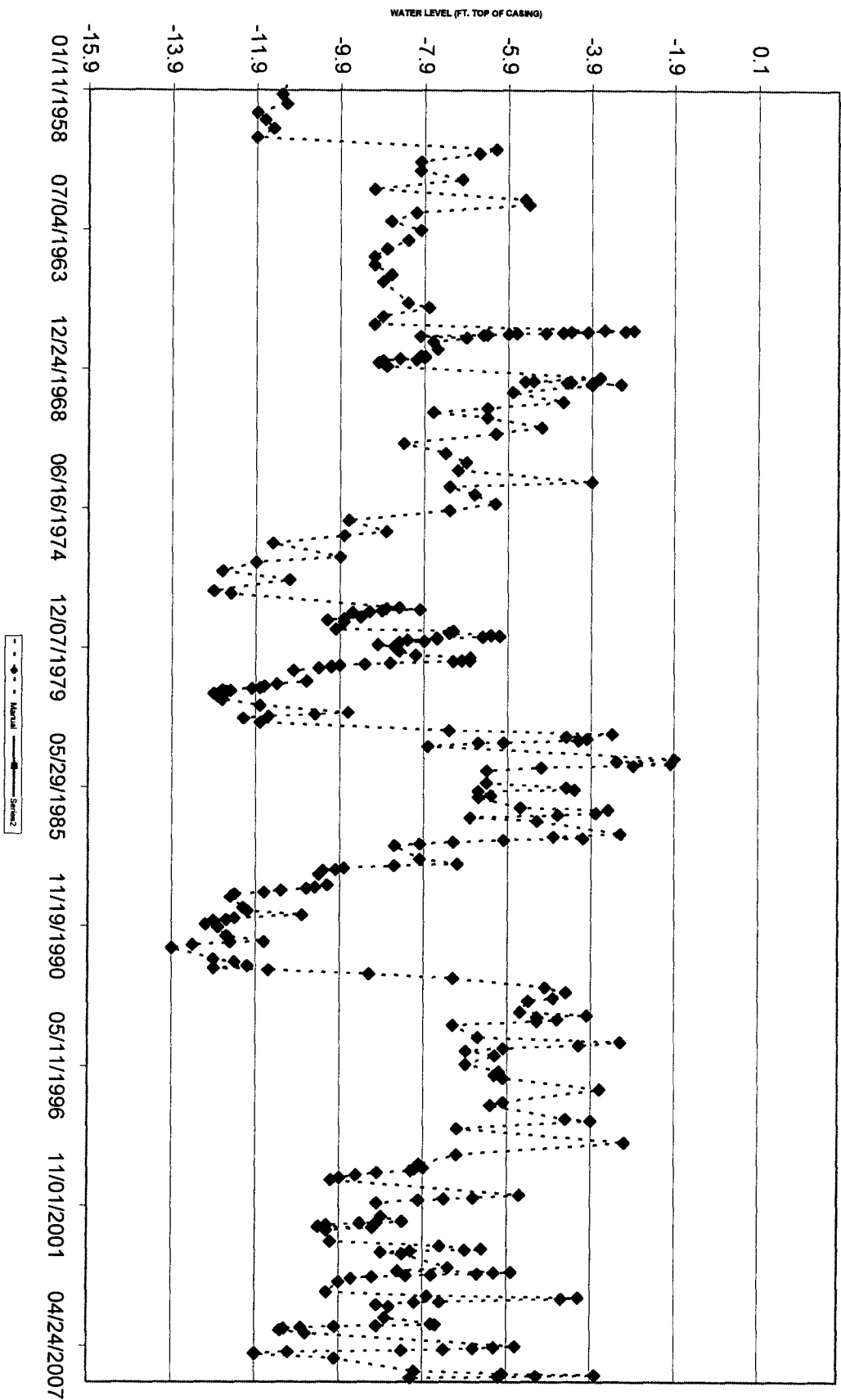


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Christensen, C.M., J.C. Stephens, 1967, Geology and Hydrogeology of Clay County, South Dakota, Part II Water Resources, Bulletin 19, SD DENR, SDGS, Vermillion, SD, 57069.
- 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.
- Water Rights, 2008, Unpublished Observation Well Data for Clay County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
CL-80A



AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Penny Tucker

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit; and that the notice and advertisement headed:

NOTICE OF APPLICATION NOS. 7050-3, 7051-3 AND 7052-3 TO APPROPRIATE WATER

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 29th day of August, 20 08, and that the succeeding publications were severally

on Friday, the 5th day of September, 20 08,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Fifty-five _____ dollars and 40 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Penny Tucker

Subscribed and sworn to before me

this 8th day of Sept., 20 08

Steve J. Savage
SEP-5-2013

RECEIVED

SEP 10 2008

WATER RIGHTS
PROGRAM

Notary Public

NOTICE OF APPLICATION NOS. 7050-3, 7051-3, and 7052-3 to Appropriate Water

Notice is given that J. Robert Wardin, One Eagle Ridge Rd., North Oaks, MN 55127 has filed the following applications for water permits.

Application No. 7050-3 proposes to irrigate 137 additional acres. Water Permit No. 5658B-3 appropriates 3.90 cubic feet of water per second (cfs) from one well completed into the Missouri; Elk Point Aquifer (125 feet deep) located in approximate center of the S 1/2 Section 10 to irrigate 274 acres located in the S 1/2 Section 10; all in T93N-R53W. This application proposes to irrigate 137 additional acres located in the NE 1/4 Section 10-T93N-53W from the existing well.

Application No. 7051-3 proposes to also irrigate 123 additional acres utilizing the well authorized by Water Permit No. 5658B-3. This application proposes to irrigate 123 additional acres located in the NW 1/4 Section 10-T93N-R53W from the existing well. Both applications, if approved, do not authorize any increase in the existing diversion rate of 3.90 cfs.

Application No. 7052-3 proposes to irrigate 95 additional acres. Water Permit No. 6611-3 appropriates 2.0 cfs from one well completed into the Missouri; Elk Point Aquifer (124 feet deep) located in the E 1/2 NW 1/4 Section 12 to irrigate 173 acres located in the NW 1/4, W 1/2 NE 1/4 Section 12; all in T93N-R53W. This application proposes to irrigate 95 additional acres located in the NE 1/4 Section 12-T93N-R53W from the existing well. This application, if approved, does not authorize any increase in the existing diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7050-3, 7051-3, and 7052-3 because 1) inappropriate 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 the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 15, 2008.

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

Publish: August 29 &
September 5, 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

August 19, 2008

Plain Talk
PO Box 256
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7050-3, 7051-3 & 7052-3 to Appropriate Water to be published twice. Please publish the first notice on August 29, 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 J. Robert Wardin, One Eagle Ridge Rd., North Oaks MN, 55127 (Ph # 612-868-8909).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Nos. 7050-3, 7051-3 & 7052-3

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

Date _____

We are in receipt of your letter of August 19, 2008 enclosing Notice to Appropriate Water by Application Nos. 7050-3, 7051-3 & 7052-3 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.

August 19, 2008

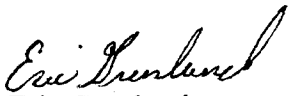
J Robert Wardin
One Eagle Ridge Rd
North Oaks MN 55127

Dear Mr. Wardin:

Water Permit Application Nos. 7050-3, 7051-3 & 7052-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Plain Talk printed at Vermillion SD (Ph #605-624-2695). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on August 29, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 7050-3, 7051-3 and 7052-3 to Appropriate Water

Notice is given that J Robert Wardin, One Eagle Ridge Rd, North Oaks MN 55127 has filed the following applications for water permits.

Application No. 7050-3 proposes to irrigate 137 additional acres. Water Permit No. 5658B-3 appropriates 3.90 cubic feet of water per second (cuffs) from one well completed into the Missouri: Elk Point Aquifer (125 feet deep) located in approximate center of the S $\frac{1}{2}$ Section 10 to irrigate 274 acres located in the S $\frac{1}{2}$ Section 10; all in T93N-R53W. This application proposes to irrigate 137 additional acres located in the NE $\frac{1}{4}$ Section 10-T93N-53W from the existing well.

Application No. 7051-3 proposes to also irrigate 123 additional acres utilizing the well authorized by Water Permit No. 5658B-3. This application proposes to irrigate 123 additional acres located in the NW $\frac{1}{4}$ Section 10-T93N-R53W from the existing well. Both applications, if approved, do not authorize any increase in the existing diversion rate of 3.90 cfs.

Application No. 7052-3 proposes to irrigate 95 additional acres. Water Permit No. 6611-3 appropriates 2.0 cuffs from one well completed into the Missouri: Elk Point Aquifer (124 feet deep) located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 12 to irrigate 173 acres located in the NW $\frac{1}{4}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 12; all in T93N-R53W. This application proposes to irrigate 95 additional acres located in the NE $\frac{1}{4}$ Section 12-T93N-R53W from the existing well. This application, if approved, does not authorize any increase in the existing diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7050-3, 7051-3 and 7052-3 because 1) inappropriate 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 the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 15, 2008.

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



OCT 31 2000

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J Robert Wardin
One Eagle Ridge Rd
North Oaks MN 55127

Dear Mr. Wardin:

Enclosed are Water Permit Nos. 7050-3, 7051-3 & 7052-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

File documentation

Water Permit Nos. 5658B-3, 7050-3 and 7051-3

On September 23, 2014, Bracken Capen conducted an inspection of the water use system described in Water Permit Nos. 5658B-3, 7050-3, 7051-3 and 7703-3 constructed by J Robert Wardin.

Upon licensing, the applicable portions of Water Permit Nos. 5658B-3, 7050-3 and 7051-3 were incorporated into Water License No. 7703-3. Water License No. 7703-3 now covers the entire system for diversion of 3.90 cfs from two wells into the Missouri Elk Point Aquifer for irrigation of 534 acres in Section 10, T93N, R53W.