

WATER PERMIT NO. 7068-3

Name of Applicant: **Marion Rus**

Address: **3238 Dogwood Ave, Rock Valley IA**

Phone: **712 540-2134**

Amount of Water Claimed: **2.0 cfs**

Total Acres: **200**

Source of Water Supply: **groundwater (1 wells)**

Water to be used for: **irrigation**

County: **Brookings**

Type of Waste Disposal System:

Location: **2 miles northwest of Elkton**

PRIORITY

Date Received: **9-5-08**

Application/License Fee: **\$325**

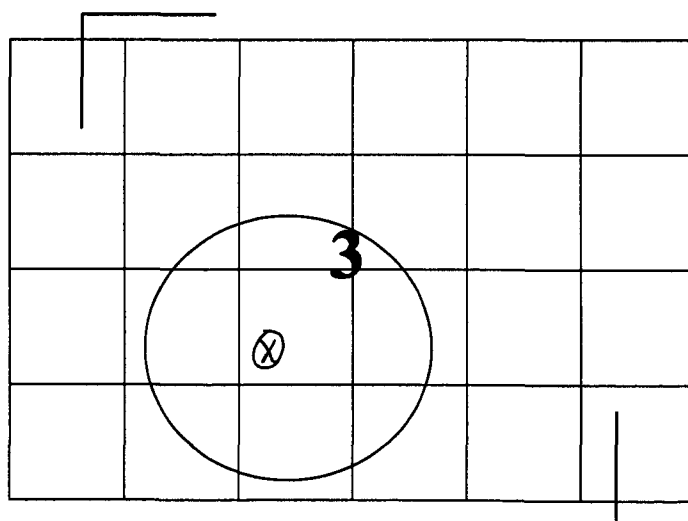
Corrected Application Received: **9-19-08**

Period of Annual Use: **May 1 – Sept 30**

Remarks:

Diversion Point: **NW ¼ SW ¼ Sec 3-T109N-R47W**

Land to be Irrigated: **SW ¼, S ½ NW ¼, W ½ SE ¼ SW ¼ NE ¼ Sec 3; all in T109N-R47W**



Depth of Well: **200 feet deep**

Well Driller: : **Thein Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Darrel Gross, BG Co FSA**

Reviewed and the Number Assigned on: **9-22-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

#3

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7068-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Brookings Register</u>

RECEIVED
SEP - 1 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 Marion Rus Phone 712 540-2134
(check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address 3283 Dogwood Ave Rock Valley State IA 51247
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 3.34*CFS or 1500**GPM 900***AF Total Acreage 310
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 1 well
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County Brookings
2400' SW corner of the SW 1/4 NW 1/4 SW 1/4 Sec 3 T109N R 47W
center of NW 1/4
- County or counties where water will be used Brookings
- Annual period during which water is to be used May - Sept
- 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
SW 1/4 of the SW 1/4 of Sec 3 109-47	30	SW 1/4 of the NW 1/4 of Sec 3 109-47	20
NW 1/4 of the SW 1/4 of Sec 3 109-47	30	SE 1/4 of the NW 1/4 of Sec 3 109-47	20
NE 1/4 of the SW 1/4 of Sec 3 109-47	30	SE 1/4 of the SE 1/4 of Sec 3 109-47	20
SE 1/4 of the SW 1/4 of Sec 3 109-47	30	NE 1/4 of the SE 1/4 of Sec 3 109-47	20

- Give a description of the project. (Attach sheet if more space is needed)
See table for amended acres

STATE OF SOUTH DAKOTA) SS
County of Minnehaha

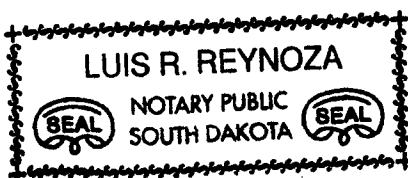
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Marion J Rus, 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 X Marion Rus

Subscribed and sworn to before me this 28 day of August 20 08

Luis Reynosa
Notary Public signature



Acreage Proposed for Marion Rus' Water Permit Application in Section 3, T109N, R47W

All in Section 3, T109N, R47W

Legal	Original	Additional acres	Total Acres (as amended)
SW ¼ SW ¼	30		30
NW ¼ SW ¼	30		30
NE ¼ SW ¼	30		30
SE ¼ SW ¼	30		30
SW ¼ NW ¼	10	10	20
SE ¼ NW ¼	20	10	30
SW ¼ SE ¼	20		20
NW ¼ SE ¼	20		20
SW ¼ NE ¼	10		10
NW ¼ NE ¼		20	20
SW ¼ NE ¼		10	10
NW ¼ NW ¼		30	30
NE ¼ NW ¼		30	30
TOTALS	200	110	310

Total appropriation of water is 2.0 cfs (900 gpm) under original application and 1.34 cfs (600 gpm) under amendment for a total of 3.34 cfs (1500 gpm) fro two wells. One well is in the SW ¼ and the other is in the NW ¼.

Fee for additional 110 acres is \$50

**SOUTH DAKOTA
WATER PERMIT NO. 7068-3**

Date of first receipt of application September 5, 2008.

Date of return to applicant for corrections, amendments or changes September 9, 2008.

Date of receipt of corrected application October 14, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7068-3 to Marion Rus, 3283 Dogwood Ave, Rock Valley IA 51247 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. 7068-3 appropriates 3.34 cubic feet of water per second from two wells to be completed into the Rutland Aquifer (approximately 200 feet deep) located in the NW 1/4 SW 1/4 and the center of the NW 1/4 Section 3 to irrigate 310 acres located in the SW 1/4, NW 1/4, W 1/2 SE 1/4, W 1/2 NE 1/4 Section 3; all in T109N-R47W.
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 September 5, 2008.
4. The date of approval of Permit No. 7068-3 is January 15, 2009.
5. One-fifth of the construction is to be completed on or before July 15, 2011.
6. All construction is to be completed on or before January 15, 2014.
7. Water is to be put to beneficial use on or before January 15, 2018.
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. 7068-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Water Permit No. 7067-3 will have priority over Permit No. 7068-3.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

FEB 06 2009

date



#3

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18" Depth 200 ft
- b) Casing Type steel Diameter 12" Thickness 1/4"
- c) Screen Type steel Diameter 12" Thickness 1/8"
- d) Gravel Pack per Rock Length of Gravel Pack 20 ft
- e) Depth to Top of Water Bearing Material 186 ft
- f) Depth to Water (ground surface to water level) 40 ft
- g) Distance to nearest existing domestic well:
- On applicants property none On property owned by others 1600 ft

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

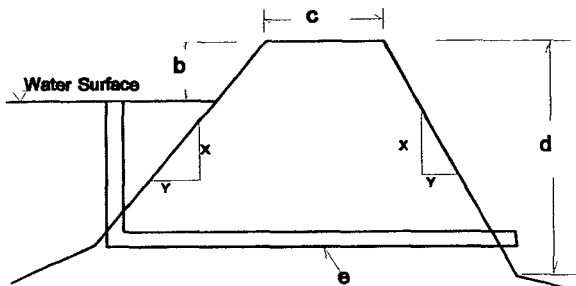
3. Dugout Information

- 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



- Tract Boundaries
- Common Land Units
- CRP
- Rangeland
- Easements

Wetland Determination Identifiers

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



USDA - Farm Service Agency

Brookings County, SD

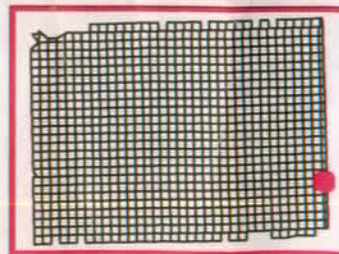
3-109N-47W

RECEIVED

OCT 14 2008

April 03, 2008

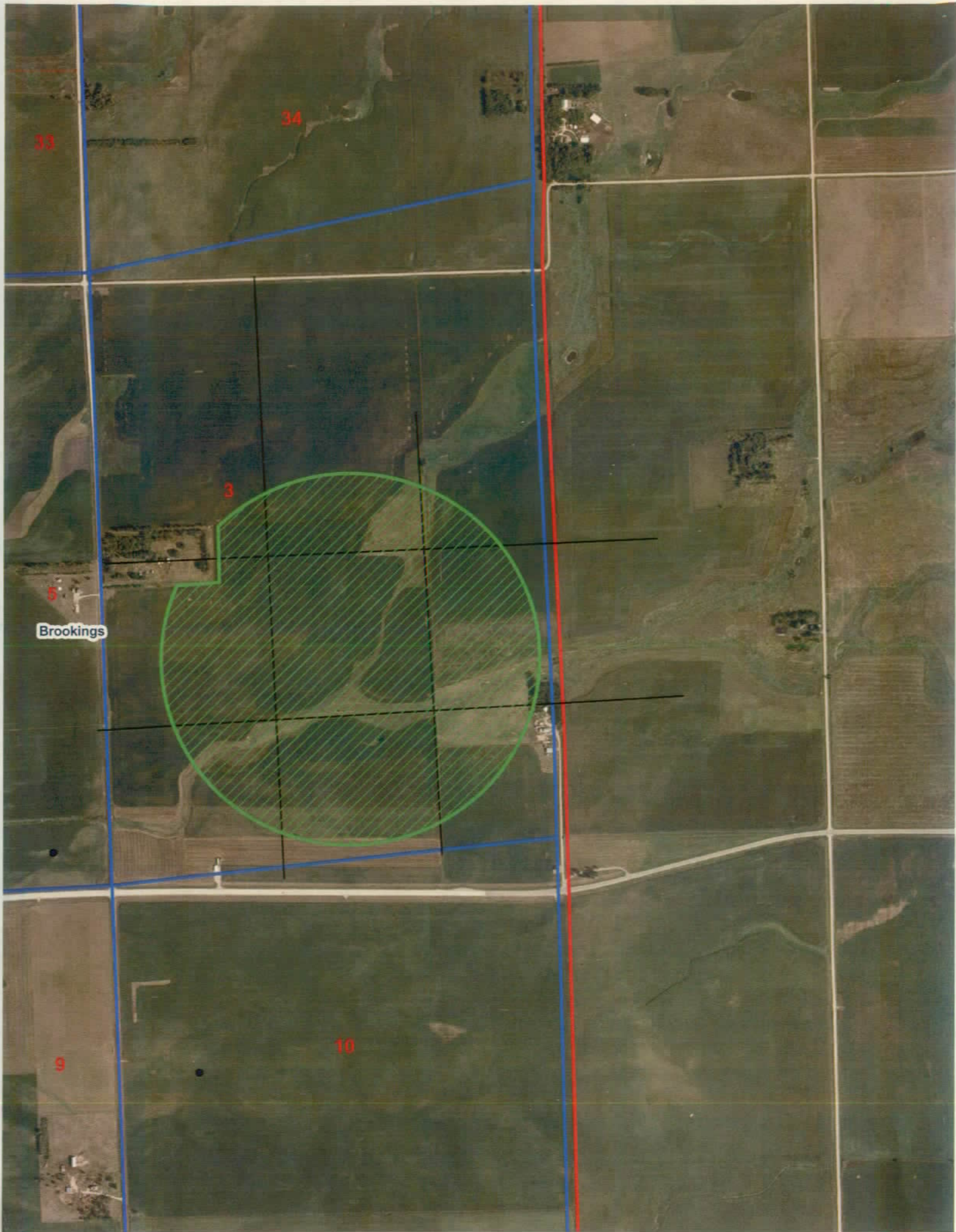
1:6,929



WATER RESOURCES
PROJECT

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.



THEIN WELL

P.O. BOX 770, 11355 HWY. 71 NE IACROSS FROM RINGO LAKE
SPICER, MINNESOTA 56288 • (320) 780-2111
www.theinwell.com • E-mail: theinwell@tds.net

WELLS - PUMPS
SALES - SERVICE

Since 1893

Well Log for John Neill

Date:

Well Size: Test hole #3

Casing Length:

Screen Length:

Total Depth: 200'

Driller:

Geological Material	Color	Hardness or Formation	From	To
Dirt	Black		0	3
Clay	Brown		3	7
Gravel			7	11
Clay	Brown		11	24
Gravel			24	27
Sand & Clay			27	30
Clay	Gray		30	105
Sand			105	109
Clay	Gray		109	124
Clay w/sand layers	Gray		124	135
Clay	Gray		135	173
Sand		Coarse	173	186
Clay	Gray		186	200

Licensee Business Name: Thein Well Co.

Licensee #: 475

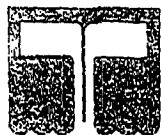
Certified Representative Signature: 

Robert Thein

CLARA CITY, MN 56222 (320) 847-3207 • MONTICELLO, MN 56362 (763) 271-4200 • ROCHESTER, MN 56008 (507) 288-6554

CERTIFIED MASTER WATER WELL CONTRACTOR
Equal Opportunity Employer

MEMBER
AWWA



THEIN WELL

P.O. BOX 778, 11366 HWY. 71 NE (ACROSS FROM RINGO LAKE)
SPICER, MINNESOTA 56288 • (320) 796-2111
www.theinwell.com • E-mail: theinwell@tda.net

WELLS -- PUMPS
SALES -- SERVICE

Since 1888

75ft off center of NW qt of section 3

Well Log for John Neill

Date:

N 1st

Well Size: Test hole #6

Casing Length:

Screen Length:

Total Depth: 215'

Driller:

Geological Material	Color	Hardness or Formation	From	To
Dirt	Black		0	3
Gravel			3	10
Clay	Yellow		10	30
Clay	Gray		30	42
Gravel			42	45
Clay	Gray		45	144
Gravel			144	147
Clay	Gray		147	194
Gravel		Coarse	194	209
Clay			209	215

15ft

Licensee Business Name: Thein Well Co.

Licensee#: 475

Certified Representative Signature: _____

Robert Thein

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/8, 20 08

RECEIVED OF Eus Farms Inc 3283 Dogwood Ave Rock Valley IA 51247

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	50	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>7068-3</u>		
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	50 00

No.

By [Signature]

Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/19, 20 08

RECEIVED OF RUS FARMS INC M RUS 3283 DOGWOOD AVE ROCK VALLEY IA 51247

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

Fee for Application for Permit No. <u>7068-3</u> to Appropriate Water, to construct and to put water to beneficial use	275	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>7068-3</u>		
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.

By Harold Erbe g
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/14, 2008

RECEIVED OF Farmers Implement & Irrigation Inc PO Box 29 Brookings SD 57006

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

Fee for Application for Permit No. <u>767-2</u> to Appropriate Water, to construct and to put water to beneficial use	50	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. _____		
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	50 00

No.

By

Richard Erbe

Chief Engineer



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SEP 13 2008
WATER RIGHTS
PROGRAM

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 9, 2008

Marion Russ
3283 Dogwood Ave
Rock Valley IA 51247

Dear Ms. Russ:

Thank you for submitting the two *Applications for a Permit to Appropriate Water* for irrigation.

Regarding the application to irrigate in Section 3, please clarify the location and acreage proposed to be irrigated. The acres identified on the application total 200 acres. By our estimation, the area to be irrigated is approximately 166 acres (see the map which we prepared).

We estimate the acres to be irrigated is as follows:

NW ¼ SW ¼	25 ac	SW ¼ NW ¼	4 ac	NW ¼ SE ¼	24 ac
NE ¼ SW ¼	40 ac	SE ¼ NW ¼	17 ac	SW ¼ SE ¼	11 ac
SW ¼ SW ¼	11 ac				
SE ¼ SW ¼	29 ac	SW ¼ NE ¼	5 ac		
					total 166 acres

Please make whatever changes are necessary on either the maps and/or the acreage amounts. It is our goal to have the applications accurately reflect your proposed projects.

The application/license filing fee is based on the number of acres to be irrigated. A check for \$400 was submitted. The fee for the application in Section 4 is \$350.00. If you are proposing to irrigate 200 acres in Section 3, an additional \$275.00 will be required. If our estimation of 166 acres is correct, an additional \$250.00 will be required.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

275.⁰⁰

File No.

Water Rights Program - File Documentation

NAME: Marion Russ

ADDRESS: Rock Valley IA

DATE: 9-16-08 **COUNTY:** Brookings **TELEPHONE:** 6712 540 2134

RE: Pending application

COMMENTS:

Marion Russ called concerning my letter of September 9th. Mr. Russ indicated he would like the application to reflect the number of acres to be irrigated at 200.

Mr. Russ stated he wasn't totally certain of the size of the system and would rather have a permit for more acreage than not enough.

He said he would be submitting the fee for 200 acres.



Karen Schlaak
Environmental Scientist



**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. 7068-3, Marion Rus**

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. 7068-3, Marion Rus, 3283 Dogwood Avenue, Rock Valley IA 51247.

The Chief Engineer is recommending APPROVAL of Application No. 7068-3 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. 7068-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Water Permit No. 7067-3 will have priority over Permit No. 7068-3.

See report on application for additional information.

Garland Erbele, Chief Engineer
December 17, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7068-3
For Marion Rus
November 5, 2008

Application No. 7068-3 proposes to appropriate 3.34 cfs from two wells approximately 200 feet deep and located in the approximate centers of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 3 to irrigate 310 acres located in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and the W $\frac{1}{2}$ NE $\frac{1}{4}$ of section 3; all in T109N R47W in Brookings County.

AQUIFER – RUTLAND (RUT)

The Rutland aquifer is a buried outwash (sand and gravel) that is under artesian conditions at this site. The aquifer underlies 240 square miles and contains an estimated 400,000 acre-feet of water in storage in Brookings County (Hamilton, 1989). The aquifer extends into Deuel County to the north, Minnesota to the east and Moody County to the south. Ground water movement is from east to west in this area (Hamilton, 1989). An aquifer map for the Rutland published by Hamilton and showing thickness of the aquifer is included with this report. There is no estimate for recharge to the Rutland aquifer available at this time.

Test wells were drilled in both proposed well locations. Test #3 is located near the center of SW $\frac{1}{4}$ indicates sand from 173 to 186 feet below land surface for a thickness of thirteen feet. Test well #6 located near the center of the NW $\frac{1}{4}$ indicates a layer of gravel from 194 to 209 feet below land surface for a thickness of fifteen feet. Neither of these two tests indicates great irrigation potential. Based upon surrounding water level information it is expected the water level would be about 50 feet below land surface. No test pumping information is available for this area.

The Water Rights Program monitors two observation wells within four miles of this application. These are observation wells BG-78F (located about four miles to the northwest) and BG-78E (located about three miles northwest) from this application. Water levels for these observation wells fluctuate with area pumping from both irrigation and dairy development. BG-78E has historically fluctuated nearly 50 feet during the irrigation season. This observation well is located about one half mile from existing production wells. Hydrographs for these two observation wells are included with this report (Water Rights, 2008).

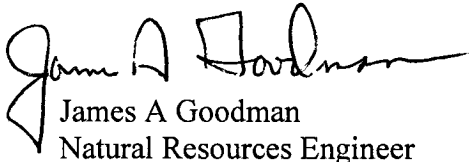
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water rights Nos. 6403-3 (1.78 cfs, 100 acres) and 3047-3 (1.88 cfs, 132 acres) and one permit No. 6414-3 within one mile of this application. The existing well for No. 6403-3 is located about one half mile from proposed site #6 and the existing well for No. 3047-3 is located about one half mile west from proposed site #3. The well for Water Permit No. 6414-3 is located about one-half mile to the south of site #3. Interference will occur. The effects can not be determined until production wells are drilled and pumped. However those rights must be protected from adverse interference if

that occurs. Also application No. 7067-3 was filed at the same time as this application and therefore potentially has the same priority date. That application requests to drill two wells within a short distance to the west of this application. In order to prevent potential problems over priority of these wells should conflict over interference arise application No. 7067-3 is assumed to have priority of No. 7068-3 because it was a completed application first and assigned a smaller number.

CONCLUSIONS

1. Water is available from the Rutland aquifer.
2. The aquifer is under artesian conditions at this site. Drawdown will be significant and interference will occur. Until installation and pumping of production wells it can not be determined if interference will be adverse.
3. In order to avoid potential conflicts over priority dates assigned to diversion points this application No. 7067-3 will take priority over No. 7068-3 for regulatory purposes.
4. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
5. Test wells were constructed for this application. Both show some irrigation potential. The saturated thickness of the aquifer at these sites does not appear to be sufficient to maintain diversion rates this application requests.
6. There has been controversy in this area however, nothing recent. Water Permit Nos. 6414-3 and 6403-3 located in this immediate area and from the Rutland aquifer were issued in 2003 after contested case hearings because of opposition from an irrigator in Minnesota who was concerned about potential interference problems.



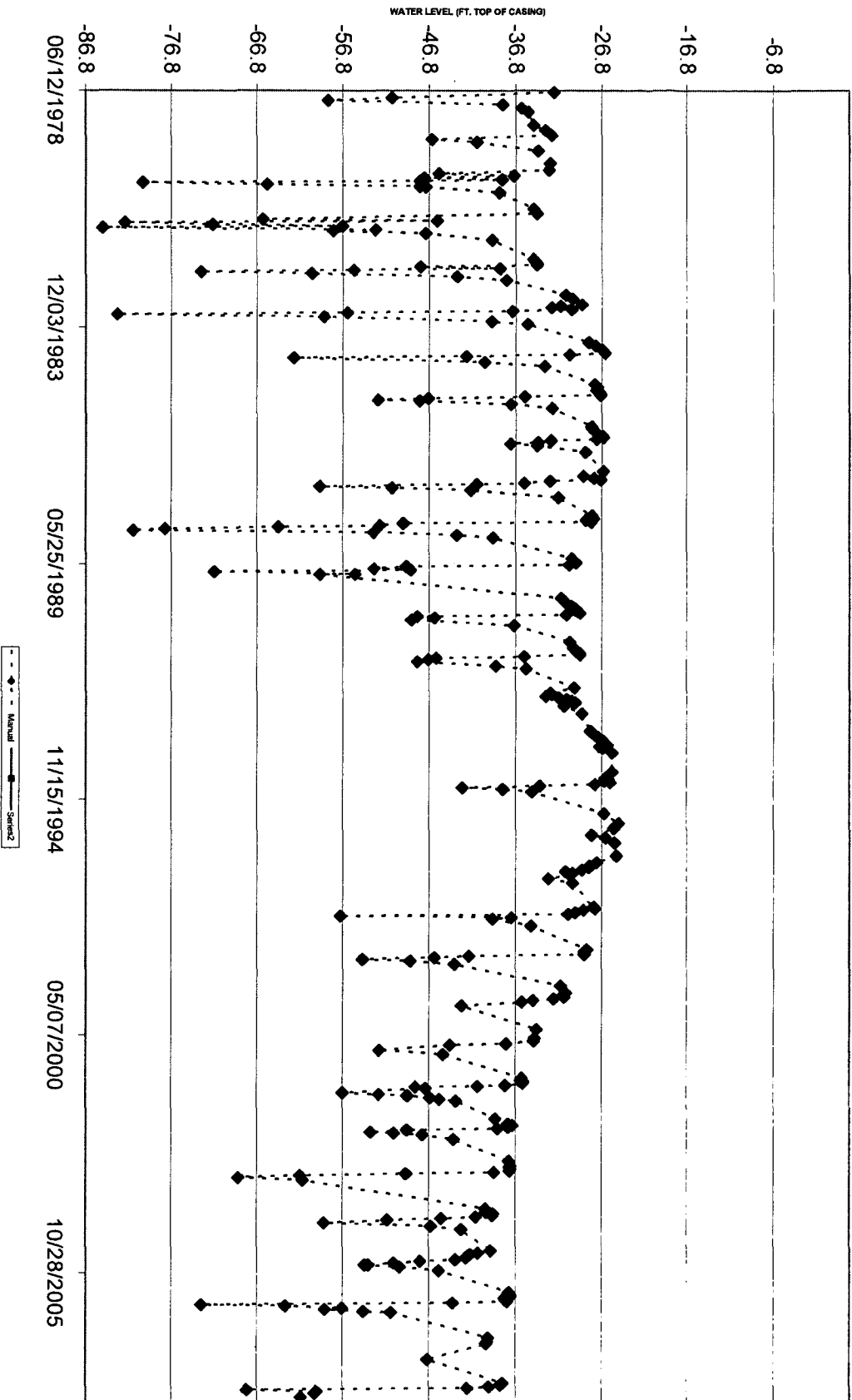
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

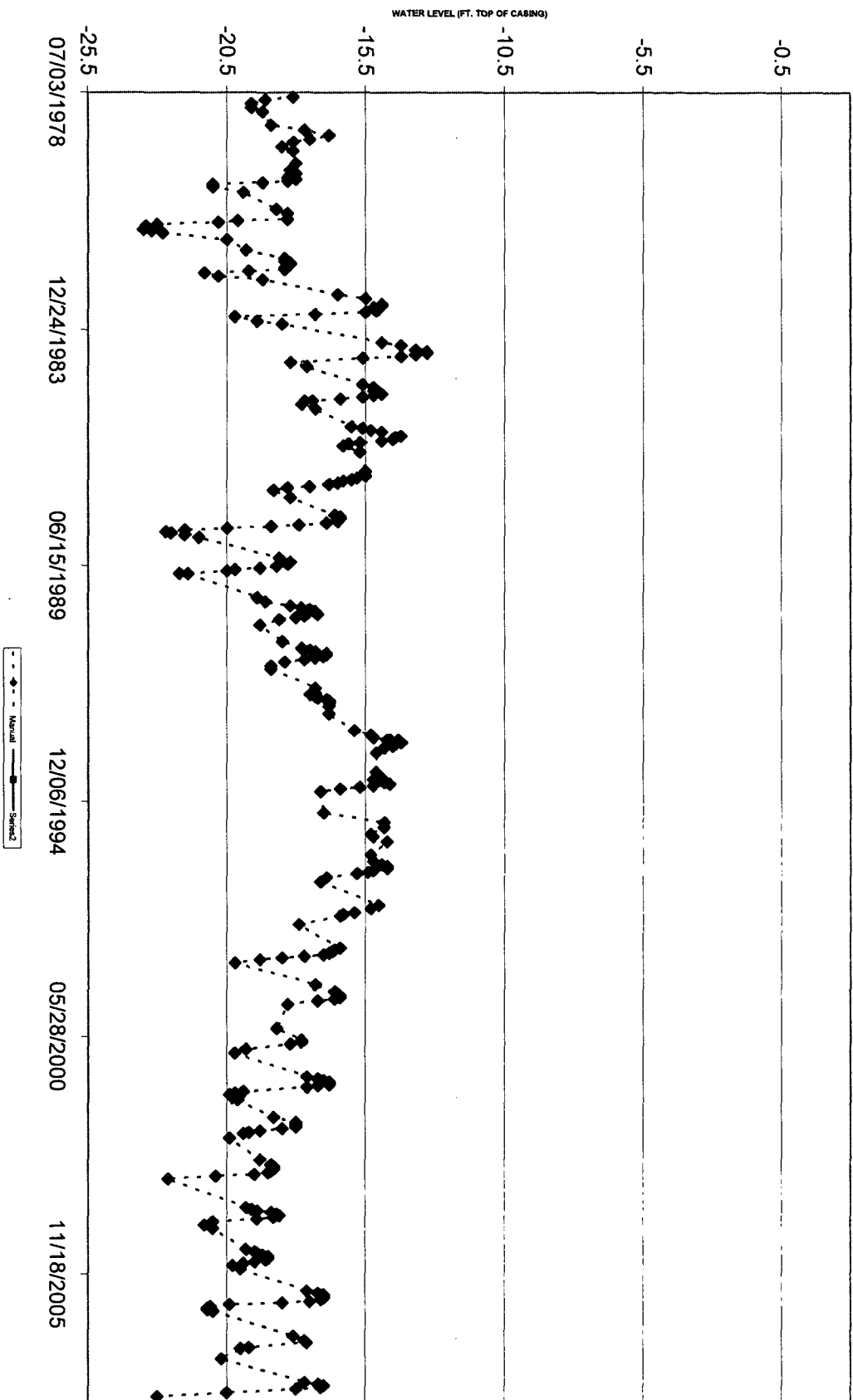
Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, Water-Resources Investigations Report 88-4185, USGS, Huron, SD, 57350.

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

**WATER RIGHTS' OBSERVATION WELL
BG-78E**



**WATER RIGHTS' OBSERVATION WELL
BG-78F**



Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

Portia Blees of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Legal#385

Application - Rus

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit said newspaper for 2 times, to-wit:

December 29, 2008

January 5, 2009

said Exhibit "A" inures to the sole benefit for the publishers of 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 person whomsoever; that the fees charged for the publication thereof are:

Sixty dollars and thirty-two cents

\$60.32

Subscribed and sworn to before me this

5th day of

January

2009

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2012

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JAN - 8 2009
WATER RIGHTS
PROGRAM

Legal 385, 2x,
12/29, 1/5

NOTICE OF APPLI-
CATION NOS 7067-3
and 7068-3 to

Appropriate Water

Notice is given that Marion Rus, 3283 Dogwood Ave, Rock Valley IA 51247 has filed the following applications for a water permit.

Application No. 7067-3 proposes to appropriate 3.11 cubic feet of water per second (cfs) from two wells to be completed into the Rutland Aquifer (approximately 200 feet deep) located in approximate centers of the NW 1/4 and NE 1/4 Section 4 to irrigate 268 acres located in the N 1/2 Section 4; all in T109N-R47W.

Application No. 7068-3 proposes to appropriate 3.34 cfs from two wells completed into the Rutland Aquifer (approximately 200 feet deep) located in the NW 1/4 SW 1/4 and the center of the NW 1/4 Section 3 to irrigate 310 acres located in the SW 1/4, NW 1/4, W 1/2 SE 1/4, W 1/2 NE 1/4 Section 3; all in T109N-R47W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7067-3 and 7068-3 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 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 January 15, 2009.

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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 19, 2008

Brookings Register
PO Box 177
Brookings SD 57006

ATTENTION: Legal Public Notice

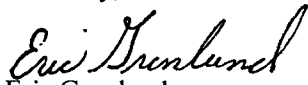
Enclosed is a Notice on Application Nos. 7067-3 and 7068-3 to Appropriate Water to be published twice. Please publish the first notice on December 29, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Marion Rus, 3283 Dogwood Ave., Rock Valley IA 51247 (Ph # 712-540-2134).

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. 7067-3 & 7068-3

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

Date _____

We are in receipt of your letter of December 19, 2008 enclosing Notice to Appropriate Water by Application Nos. 7067-3 & 7068-3 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.

December 19, 2008

Marion Rus
3283 Dogwood Ave
Rock Valley IA 51247

Dear Mr. Rus:

Water Permit Application Nos. 7067-3 and 7068-3 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 Brookings Register printed at Brookings SD (Ph #605-692-6271). 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

c: Dave Gullikson, Farmer's Implement, PO Box 29, Brookings SD 57006

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 December 29, 2008 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS 7067-3 and 7068-3 to Appropriate Water

Notice is given that Marion Rus, 3283 Dogwood Ave, Rock Valley IA 51247 has filed the following applications for a water permit.

Application No. 7067-3 proposes to appropriate 3.11 cubic feet of water per second (cfs) from two wells to be completed into the Rutland Aquifer (approximately 200 feet deep) located in approximate centers of the NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 4 to irrigate 268 acres located in the N $\frac{1}{2}$ Section 4; all in T109N-R47W.

Application No. 7068-3 proposes to appropriate 3.34 cfs from two wells completed into the Rutland Aquifer (approximately 200 feet deep) located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the center of the NW $\frac{1}{4}$ Section 3 to irrigate 310 acres located in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3; all in T109N-R47W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7067-3 and 7068-3 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 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 January 15, 2009.

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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 06 2009

Marion Rus
3283 Dogwood Ave
Rock Valley IA 51247

Dear Mr. Rus:

Enclosed are Water Permit Nos. 7067-3 and 7068-3 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

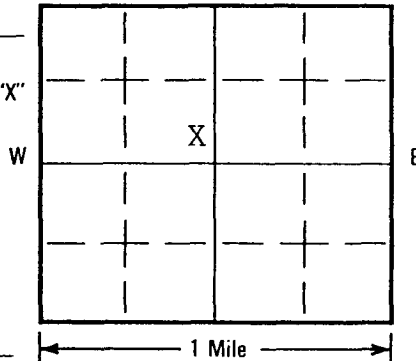
SOUTH DAKOTA WATER WELL COMPLETION REPORT

7068-3

07-92

Location SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 3 Twp 109N Rg 47W
 County Brookings North

Please mark well location with an "X"



Well-Completion Date

4/15/09

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>12</u> IN	<u>+2</u> FT	<u>184</u> FT	<u>18</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Quick Grout No. of Sacks 62 Grout Weight _____ lb./gal From 0 ft To 180 ft
 _____ lb./gal _____ ft _____ ft

Describe grouting procedure tremmie psi

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12" IPS IN Length 15 FEETMaterial stainless steelSlot Size 100 Set From 184 Feet to 199 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: granular☐ NO, Why Not? _____

Laboratory sent to for water
 quality analysis

Energy Laboratory

Well Owner: John NeillBusiness Name: Well #3

Address: _____

WELL LOG:

		DEPTH	
FORMATION		FROM	TO
top soil	blk	0	2
clay	yell	2	3
gravel	yell coarse	3	12
clay	yell	12	33
clay		33	41
gravel/clay streaks		41	48
clay	blu	48	60
sand		60	69
clay		69	140
clay		140	184
sand		184	199

STATIC WATER LEVEL 60.5 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: submersible☐ Bailed test pump 6 hrs☐ Other _____

Pumping Level Below Land Surface

85.2 ft. After 6 Hrs. pumped 1000 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

DEC 21 2009

WATER RIGHTS
PROGRAMThis well was drilled under license # 463

And this report is true and accurate.

Drilling firm Steffl Drilling & Pump Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder:

David Williams for Marion ReesDate: 7-1-09

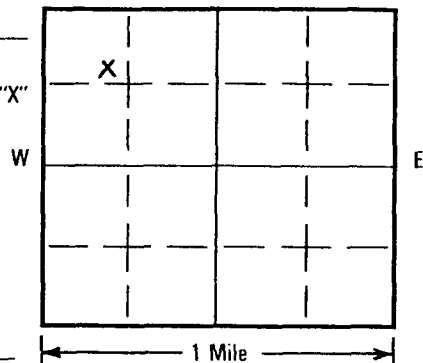
SOUTH DAKOTA WATER WELL COMPLETION REPORT

7068-3

07-92

Location NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 3 Twp 109N Rg 47W
 County Brookings
 North

Please mark well location with an "X"



Well-Completion Date

4/28/09

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>12</u> IN	<u>+2</u> FT	<u>196</u> FT	<u>18</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Quick grout No. of Sacks _____ Grout Weight _____ lb./gal From 0 ft To 191 ft
 _____ lb./gal _____ ft _____ ft

Describe grouting procedure tremie psi

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12" IPS IN Length 15 FEET

Material stainless steel

Slot Size 100 Set From 196 Feet to 211 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: granular

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis

Energy Laboratory

Well Owner: Marion Rue

Business Name: Well #4

Address: _____

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
loam	0	3
gravel	3	10
clay	10	42
gravel	42	45
clay	45	144
gravel	144	147
clay	147	194
sand	194	211
clay	211	

STATIC WATER LEVEL 64.5 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: submersible

☐ Bailed

☐ Other

Pumping Level Below Land Surface

107.5 ft. After 5 Hrs. pumped 1000 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

DEC 21 2009

WATER RIGHTS PROGRAM

This well was drilled under license # 463

And this report is true and accurate.

Drilling firm Steffl Drilling & Pump Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder:

David Gullikson For Marion Rue

Date: 7.1.09

12-21-09



7068-3

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 21, 2011

NOTICE

TO: MARION J RUS, 3283 DOGWOOD AVE, ROCK VALLEY, IA 51247

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7067-3 & 7068-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 7067-3 & 7068-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 7067-3 & 7068-3 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 4, 2011**, 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.

7068-3

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 0560

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 11:52 am on January 24, 2011 in ROCK VALLEY, IA 51247. The item was signed for by G RUS.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- **Delivered, January 24, 2011, 11:52 am, ROCK VALLEY, IA 51247**
- **Out for Delivery, January 24, 2011, 8:35 am, ROCK VALLEY, IA 51247**
- **Sorting Complete, January 24, 2011, 8:25 am, ROCK VALLEY, IA 51247**
- **Arrival at Post Office, January 24, 2011, 8:18 am, ROCK VALLEY, IA 51247**

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

[Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail.

[Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 0560

MARION J RUS
3283 DOGWOOD AVE
ROCK VALLEY IA 51247

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 2011

7067-3
7068-3

Marion J Rus
3283 Dogwood Ave
Rock Valley IA 51247

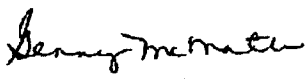
Dear Mr. Rus:

I am writing to acknowledge receipt of your 2010 irrigation questionnaires.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit Nos. 7067-3 and 7068-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,


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

Permit No. 7068-3
Sioux River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **September 14, 2011**, made a thorough examination of the water use system constructed by **Marion Rus, 3283 Dogwood Avenue, Rock Valley IA 51247** holder of Permit No. **7068-3**, bearing the priority of **September 5, 2008** authorizing the diversion of **3.34 cu. ft. per second** from the **Rutland Aquifer** for **irrigation** purposes, in **Brookings** County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Two wells in place each with a 60 HP pump/motor

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

Well heads are located just east of pivot center and approximately 850 feet to the north of pivot center

C. Works used to apply water to beneficial use:

One 10 tower Valley center pivot

The system is in the following condition **excellent**. The points of diversion (wells) are **located specifically Well 3 Lat 44.27882 Lon -96.45838 --- approx. 1,275' South and 2,100' east of NW corner Section 3, T109N, R47W and Well 4 - Lat 44.27647 Lon -96.45940 --- approx. 2,140' South and 2,075' east of NW corner Section 3, T109N, R47W** Well designation as Nos. 3 and 4 is used **since neighboring permit 7067-3 uses numbering for its wells as 1 and 2**. The works are capable of diverting a total of **3.34 cfs from the two wells** which is used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All in Section 3, T109N, R47W

NW ¼ NE ¼	31 acres	NE ¼ SW ¼	16 acres
NE ¼ NE ¼	19 acres	NW ¼ SE ¼	40 acres
SW ¼ NE ¼	40 acres	NE ¼ SE ¼	27 acres
SE ¼ NE ¼	39 acres	SW ¼ SE ¼	4 acres
NE ¼ NW ¼	11 acres	SE ¼ SE ¼	1 acre
SE ¼ NW ¼	25 acres		

This breakdown of acres is a best estimate based on 1) information provided and 2) viewing the 2010 FSA aerial using ArcMap, Section is a condensed section due to SD/MN border. For determining acreage breakdown made the E ½ full sized and the W ½ is reduced in size. See comment at end of field investigation report.

comprising a total of **253** acres of land and the license should be issued for **3.34 cfs** based on the capacity of the two wells.

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **none** Date Report Completed: **January 13, 2012**



Eric Gronlund

Natural Resources Engineer

DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 7068-3

DATE OF INVESTIGATION:	September 14, 2011
NAME & ADDRESS OF PERMIT HOLDER	Marion Rus 3283 Dogwood Avenue Rock Rapid IA 51247
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	John Neill, operator
DIVERSION POINT LEGAL LOCATIONS	<u>Well 3 Lat 44.27882 Lon -96.45838 --- approx. 1,275' South and 2,100' east of NW corner Section 3, T109N, R47W and Well 4 - Lat 44.27647 Lon -96.45940 --- approx. 2,140' South and 2,075 east of NW corner Section 3, T109N, R47W)</u>

WELL INFORMATION:

- 1) Well Drilling Firm: **Steffle Drilling & Pump**
- 2) No. of Wells 2
- 3) Depth(s) 199, 211 feet
- 4) Well logs is available Yes
- 5) Comment:

Casing:

- 1) Diameter 12 inches
- 2) Length 184, 196 feet
- 3) Type plastic

Screen:

- 1) Type stainless steel
- 2) Length 15 feet
- 3) Static water level 60.5 and 64.5 feet

Pump: Both wells

- 1) Make Franklins
- 2) Model FPS550ST8
- 3) Size
- 4) Capacity 750 GPM each well

Motor:

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

SYSTEM TYPE:

Center pivot:

- 1) Make Valley
- 2) Overall length 1794.5 feet (w/o endgun)
- 3) Number of towers 10 tower
- 4) Distance between towers _____ feet
- 5) End gun Yes (105.7 feet)

- 6) High or low pressure 37 psi
- 7) Capacity 1200* GPM
(see comment section)

CHEMIGATION EQUIPMENT: No

PERMIT QUALIFICATIONS:

- 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

COMMENTS:

- Notice of Completion of Works filed January 2012
- Irrigation questionnaire reflect that irrigation began in 2009
- Pump information obtained from Steffl Drilling
- Water Permit authorizes 310 acres of irrigation. The annual submittal of the irrigation questionnaire states the entire 310 acres are being irrigated. However, based on the FSA aerial and length of the pivot (as documented on the specification sheet in the control box at the pivot center) the pivot irrigates 252.6 acres.
- The irrigation questionnaire reports a diversion rate of 600 gpm. However, it is presumed that this is 600 gpm from each well. Information supplied by the driller states the pumps produce 750 gpm for each well. This also conflict with the pivot being rated at 1,200 gpm. Giving the permit holder the benefit, the license should be issued based on the statutory limit for 3.34 cfs (1,500 gpm) as it is within the statutory limit for irrigation of the 253 acres.
- Section 3, T109N, R47W is an undersized section due to it being along the SD/MN border. Therefore the quarter-quarter section designations may not accurately reflect the legal description on the deed. I attempted to contact the Brookings County Register of Deeds to obtain the legal description listed on the deed but did not get a response to my email after one month. My suggested way to license No. 7068-3 is to use the quarter-quarter section breakdown as listed in the report of examination of works. The actual water license may use the well locations by distance from the NW section corner and the acreage listed as just 253 acres within Section 3, T109N, R47W.

	WELL #1	WELL #2	WELL #3	WELL #4
PUMP MAKE	Franklin	Franklin	Franklin	Franklin
MODEL	FPS550ST8	FPS550ST8	FPS550ST8	FPS550ST8
HP	60	60	60	60
PUMP CAPACITY	750gpm	750gpm	750gpm	750gpm
IN GPM				
Marion Rus				



Well 3 Lat 44.27882 Lon -96.45838 --- approx. 1,275' South and 2,100' east of NW corner Section 3, T109N, R47W

Well 4 - Lat 44.27647 Lon -96.45940 --- approx. 2,140' South and 2,075' east of NW corner Section 3, T109N, R47W



Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
Licensing Investigation - September 14, 2011

RECEIVED

JAN 19 2012

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

MAIL TO: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

Date

1-16-12FROM: Marion Rus

(name)

3283 Dogwood Avenue

(address)

Rock Valley

(city)

IA

(state)

51247

(zip)

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7068-3 states that the water use system is to be constructed by

January 15, 2014

(date)

, and water is to be put to beneficial use by January 15, 2018

(date)

The water use system was completed on April 15, 2009

(date)

Applying the water to beneficial use was completed on July 1, 2009

(date)

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

X Marion Rus





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 14 2012

7068-3

Marion Rus
3283 Dogwood Ave
Rock Valley IA 51247

Dear Mr. Rus:

Enclosed is Water License No. 7068-3. 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 the owner of an existing well, such as the well authorized by Water Right No. 7068-3, 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,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7068-3**

(1) Marion Rus, 3283 Dogwood Ave, Rock Valley IA 51247 made Application No. 7068-3, September 5, 2008 for a water permit to divert 3.34 cubic feet of water per second from ground water (two wells – Rutland Aquifer), Brookings County, South Dakota for irrigation purposes. Permit No. 7068-3, with a priority date of September 5, 2008 was approved January 15, 2009 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 15, 2014 and for the application to beneficial use of said water on or before January 15, 2018.

A "Notice of Completion of Works and Application of Water to Beneficial Use" submitted by the permit holder indicates the water use system was completed in April, 2009 and the water placed to beneficial use in July, 2009.

(2) It is certified that the permit holder has 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 3.34 cubic feet of water per second for beneficial use.

The location of the diversion points are: Well #3 – 1,275 feet south and 2,100 feet east of the NW corner of Section 3; Well #4 – 2,140 feet south and 2,075 feet east of the NW corner of Section 3, both in T109N, R47W. *Well designations 3 and 4 are used since No. 7067-3 held by same water right holder uses designations for well numbers 1 and 2.*

(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:

Section 3, T109N, R47W

NW ¼ NE ¼	31 acres	NE ¼ NW ¼	11 acres	NW ¼ SE ¼	40 acres
NE ¼ NE ¼	19 acres	SE ¼ NW ¼	25 acres	NE ¼ SE ¼	27 acres
SW ¼ NE ¼	40 acres			SW ¼ SE ¼	4 acres
SE ¼ NE ¼	39 acres	NE ¼ SW ¼	16 acres	SE ¼ SE ¼	1 acre

Total 253 acres*

***The breakdown of acres was based on an FSA aerial using ArcMap. The Section is condensed due to SD/MN border and the acreage breakdown assumes the E ½ of the section is full sized and the W ½ of section is reduced in size.**

(4) Pursuant to South Dakota Water Law 46-5-30.1 Marion Rus, 3283 Dogwood Ave, Rock Valley IA 51247 the holder and/or owner of Water Right No. 7068-3 is issued a license to appropriate water, the right to use 3.34 cubic feet of water per second from ground water (two wells – Rutland Aquifer) with a priority date of September 5, 2008 from the locations 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. 7068-3 and subject to the following qualifications:

- 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.

continued

Page2

Water License No. 7068-3

Marion Rus

- The wells authorized by Permit No. 7068-3 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. ***Both wells were drilled in 2009 by Steffl Drilling & Pump Inc. - logs are on file with the Water Rights Program.***
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- Water Permit No. 7067-3 will have a priority over Water Permit No. 7068-3.



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

SEP 14 2012

date





7068-3
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 16, 2015

NOTICE

TO: MARION J RUS, 3283 DOGWOOD AVE, ROCK VALLEY, IA 51247

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7067-3 & 7068-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 7067-3 & 7068-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** 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) 7067-3 & 7068-3 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 4, 2015** 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.



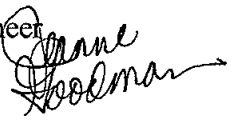
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and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
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March 5, 2015

NOTICE OF ENTRY OF ORDER OF ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Marion J Rus, 3283 Dogwood Ave., Rock Valley IA 51247

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right Nos. 7067-3 & 7068-3

On March 4, 2015, the Water Management Board ordered:

Effective April 4, 2015, Water Right Nos. 7067-3 & 7068-3 be suspended for the 2015 irrigation season for failure to submit the 2014 irrigation questionnaires.

If the 2014 irrigation questionnaires are received prior to April 4, 2015 the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2015 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2015 unless the irrigation questionnaires are submitted by April 4th.

After April 4th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2014 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2015 in Pierre, SD. The letter should include your reasons for not completing the 2014 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.



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March 10, 2015

7067-3
7068-3

Marion J Rus
3283 Dogwood Ave
Rock Valley IA 51247

Dear Marion:

On March 4th, the Water Management Board ordered Water Right Nos. 7067-3 and 7068-3 be suspended if the 2014 irrigation questionnaires were not received prior to April 4, 2015. The questionnaire information for your water rights was received on March 9, 2015.

Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. You may irrigate during the 2015 irrigation season.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

for Jeanne Goodman, Chief Engineer
Water Rights Program



7068-3
DEPARTMENT of ENVIRONMENT
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January 25, 2019

NOTICE

TO: JOHN NEILL, OPERATOR, 48183 216th ST, ELKTON, SD 57026
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7067-3 & 7068-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 7067-3 & 7068-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7067-3 & 7068-3 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 6, 2019** 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>

MARION J RUS, 3283 DOGWOOD AVE., ROCK VALLEY IA 51247

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.

7068-3



DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 7, 2019

7067-3
7068-3

Marion J Rus
3283 Dogwood Ave
Rock Valley IA 51247

Dear Mr. Rus:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires for Water Right Nos. 7067-3 and 7068-3. The questionnaires were submitted online by Spencar Diedrich.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 7067-3 and 7068-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

As requested, next year's irrigation questionnaires will be directed to Mr. Diedrich as operator. You will still receive notification if the forms are not returned in a timely manner. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, written over a horizontal line.

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

c: Spencar Diedrich, 21858 479th Ave, Elkton SD 57026

McMath, Genny

From: Duvall, Ron
Sent: Friday, December 13, 2019 1:16 PM
To: McMath, Genny
Cc: Walsh, Brian
Subject: FW: [EXT] Irrigation Permit

Follow Up Flag: Follow up
Flag Status: Flagged

Genny, for you...

* *

From: Spencar Diedrich <spencard@gmail.com>
Sent: Friday, December 13, 2019 12:47 PM
To: DENR-INTERNET INFORMATION <DENRINTERNET@state.sd.us>
Subject: [EXT] Irrigation Permit

I would like to let you know that permit no. 7068-3 and 7067-3 are no longer going to be under my operation next year. To find out who will be farming these acres next year you can contact the land owner who is Marion Rus. I do not have any contact information for him.

I googled him and came up with 712-470-4242 and also 712-476-2277

If you have any other questions please let me know

Spencar Diedrich
605-695-2831



DENR
SOUTH DAKOTA

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denr.sd.gov

January 22, 2021

NOTICE

TO: MARION J RUS, 3283 DOGWOOD AVE, ROCK VALLEY, IA 51247

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7067-3 & 7068-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 7067-3 & 7068-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 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) 7067-3 & 7068-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** 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: <https://denr.sd.gov/iq> using this password: LEWRMU**

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.



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February 11, 2021

7067-3

7068-3

Marion J Rus
3283 Dogwood Ave
Rock Valley IA 51247

Dear Mr. Rus:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 7067-3 & 7068-3. 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 blue ink that reads "Genny McMath". The signature is fluid and cursive.

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