

WATER PERMIT NO. 7081-3

Name of Applicant: Leon Vanderlei

Address: 40846 312th St, Springfield SD 57062

Phone: 605 369-2610

Amount of Water Claimed: 1.89 cfs

Total Acres: 140

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Bon Homme

Type of Waste Disposal System:

Location: 5 miles west of Springfield

PRIORITY

Date Received: 11-17-08

Application/License Fee: \$300

Corrected Application Received:

Period of Annual Use: May 1 – November 1

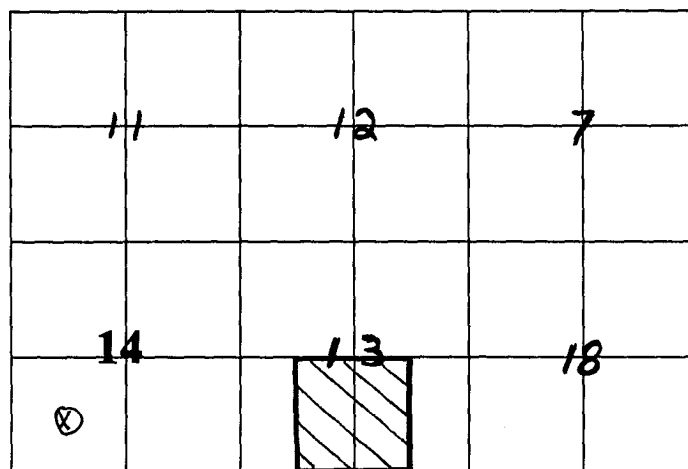
Remarks: Using the same well as authorized by Water Right No. 6487-3

Diversion Point: Center SW ¼ Sec 14-T93N-

R61W

Land to be Irrigated: W ½ SE ¼, E ½ SW ¼ Sec

13-T93N-R61W



Depth of Well: 240 feet deep

Well Driller: : Chrisstensen Well & Irrigation

Remarks:

Type of Map: aerial

Prepared by: Paul F Rolston, NRCS

Reviewed and the Number Assigned on: 11-17-08

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

7/29/08

SD EForm - 0499 V2

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

(office use only)
No. 11081-3 Hydrologic Unit 10170101
Basin Missouri River
Newspaper Springfield Times PO Box 456
605-369-2441 (Wed) Springfield 57062

RECEIVED
NOV 17 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.)

additional center pivot irrigation from the well authorized by Water Right No. 6487-3

- Name of Applicant Leon Vanderlei Phone 369-2610
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 40846 312th Street Springfield State SD 57062-6217
no addl (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed _____ *CFS or 85 **GPM _____ ***AF Total Acreage 140
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Choteau West Aquifer - existing well authorized by WR No. 6487-3
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Bon Homme
center of SW 1/4 Section 14, T93N, R61W
- County or counties where water will be used Bon Homme
- Annual period during which water is to be used May 1 - November 1
- 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
<u>SW 1/4 of SE 1/4 of sec 13-93-61</u>	<u>35</u>		
<u>NW 1/4 of SE 1/4 of sec 13-93-61</u>	<u>35</u>		
<u>SE 1/4 of SW 1/4 of sec 13-93-61</u>	<u>35</u>		
<u>NE 1/4 of SW 1/4 of sec 13-93-61</u>	<u>35</u>		

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

Intend to use the existing well to supply water for another center pivot. Well Completion Report is on file with the Water Rights Program.

STATE OF SOUTH DAKOTA) SS
County of Bon Homme)

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, Leon Vanderlei, 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 Leon Vanderlei

Subscribed and sworn to before me this 13th day of November 20 08

F. R. B.

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7081-3**

Date of first receipt of application November 17, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7081-3 to Leon Vanderlei, 40846 312th St, Springfield SD 57062-6217 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. 7081-3 authorizes irrigation of 140 acres from one existing well authorized by Water Right No. 6487-3. This water right appropriates 1.89 cubic feet of water per second from a well completed into the Choteau West Aquifer (240 feet deep) located in center of the SW 1/4 Section 14 to irrigate 263 acres located in the SW 1/4, S 1/2 NE 1/4 and N 1/2 SE 1/4 of Section 14-T93N-R61W. This permit authorizes irrigation of 140 additional acres located in the W 1/2 SE 1/4, E 1/2 SW 1/4 Section 13; all in T93N-R61W. No increase in the diversion rate from the well is authorized.
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 – November 1.
3. The date from which applicant may claim right is November 17, 2008.
4. The date of approval of Permit No. 7081-3 is January 26, 2009.
5. One-fifth of the construction is to be completed on or before July 26, 2011.
6. All construction is to be completed on or before January 26, 2014.
7. Water is to be put to beneficial use on or before January 26, 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 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

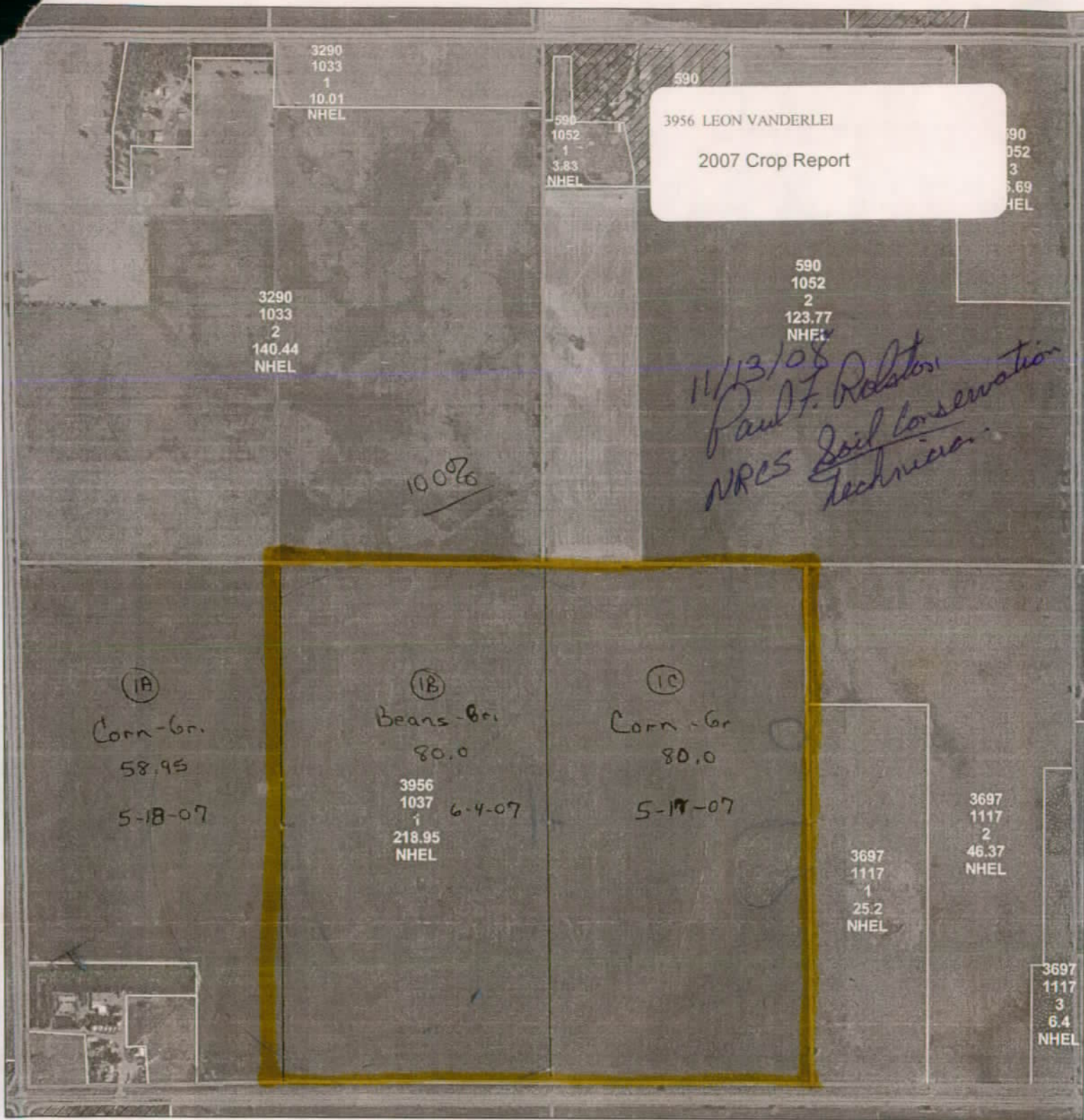
By: Garland Erbele

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

JUN 12 2009

date





USDA Farm Service Agency

RECEIVED

NOV 17 2008

WATER RIGHTS PROGRAM

1:7,607

Bon Homme, SD

13-93N-61W

May 25, 2007



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.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

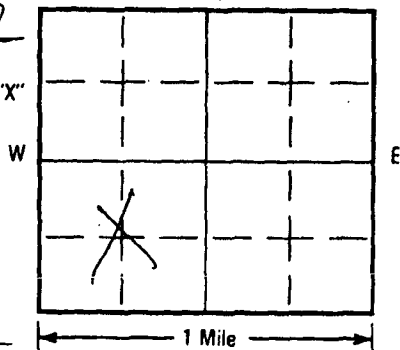
6487-3

07-92

Location SW 14 Twp 93 Rg 61W

County San Homme

Please mark well location with an "X"



Well Completion Date

3-30-04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1200 ft. from septic tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING: Reverse Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
SPR 26 LB/FT 16 IN 0 FT 240 FT 28 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type Cement No. of Sacks _____ Grout Weight 20 lb./gal From 0 ft To 20 ft
Pensol _____ lb./gal 20 ft 150 ft

Describe grouting procedure _____

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 16 IN Length 40 FEET

Material POC

Slot Size 085 Set From 200 Feet to 240 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: Chlorine

Laboratory sent to for water quality analysis _____ NO, Why Not? _____

Well Owner: Leon Vandorlei

Business Name: _____

Address: 40846 317
Springfield, SD 57062

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>top of silty brown clay</u>	<u>0</u>	<u>24</u>
<u>fine clay</u>	<u>24</u>	<u>73</u>
<u>POCK</u>	<u>73</u>	<u>74</u>
<u>fine clay</u>	<u>74</u>	<u>178</u>
<u>fine sand</u>	<u>178</u>	<u>215</u>
<u>med gravel w/ shale chunks</u>	<u>215</u>	<u>240</u>
<u>ROCKS into shale</u>	<u>240</u>	<u>243</u>

STATIC WATER LEVEL 156 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: tested w/ turbine

☐ Bailed

☐ Other

Pumping Level Below Land Surface

184 ft. After 1 Hrs. pumped 850 GPM

1108 ft. After 2 Hrs. pumped 850 GPM

If pump installed, pump rate 850 GPM

REMARKS

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm Christensen Well & Irrigation

Signature of License Representative: Andy W. Christensen

Signature of Well Owner or Equitable Property Holder: JAN - 3 2005

WATER RIGHTS PROGRAM

Date: _____

1-3-05

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/17, 20 08

RECEIVED OF Leon Vanderlei 40846 312th St Springfield SD 57062

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

Fee for Application for Permit No. <u>7081-3</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>7081-3</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.

37.9

By

[Signature]
Chief Engineer

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 7081-3

ADDRESS: Leon Vanderlei COUNTY: Bon Homme

DATE: November 20, 2008 TELEPHONE: 369-2610

RE: Phone call to Leon Vanderlei

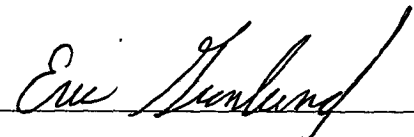
COMMENTS:

I contacted Mr. Vanderlei to determine whether this application was a request for additional diversion rate authority or just simply to irrigate an additional 140 acres from the existing well authorized by Water Right No. 6487-3.

Mr. Vanderlei stated that the existing well's diversion rate of 850 gpm will not be increased. This application is just to authorize the irrigation of a third center pivot to the two pivots currently authorized from the well. The well will supply water to the pivots on an alternating basis.

Therefore the application has been amended to reflect no increase in the diversion rate authorized by Water Right No. 6487-3.

NAME:

A handwritten signature in cursive script, appearing to read "Eric Lundberg", is written over a horizontal line.



**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. 7081-3, Leon Vanderlei**

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. 7081-3, Leon Vanderlei, 40846 312th Street, Springfield SD 57062-6217.

The Chief Engineer is recommending APPROVAL of Application No. 7081-3 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
December 23, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7081-3
For Leon Vanderlei
November 21, 2008

Application No. 7081-3 proposes to irrigate an additional 140 acres from an existing well authorized by Water Right No. 6487-3. Water Right No. 6487-3 authorizes 1.89 cfs (850 gpm) from one well approximately 240 feet deep located in the center of the SW $\frac{1}{4}$ of section 14 to irrigate 263 acres located in the SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$, of section 14, T93N R61W. This application proposes to irrigate 140 additional acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ of section 23; all in T93N R61W in Bon Homme County. No increase in the diversion rate from the well is authorized or requested.

AQUIFER – CHOTEAU WEST (CH-W)

The Choteau West is a buried outwash and alluvium (sand and gravel) under artesian conditions in this area. The aquifer underlies 20,500 acres and contains an estimated 121,480 acre-feet of recoverable water in storage in Bon Homme County (Hedges, 1982). The aquifer extends into Charles Mix County to the west and appears to be hydraulically connected to the underlying Niobrara Formation in this area. The Niobrara Formation is also considered an aquifer in this area. Ground water movement is probably from north to south across this portion of Bon Homme County (Jorgensen, 1971) at least Jorgensen mapped the water level in the Niobrara aquifer as generally north to south for this area. The Choteau aquifer lies in the ancient Ponca Creek valley which has been incised through the Pierre shale bedrock surface and cut into or through the Niobrara chalk and in some areas cut into the Carlile shale (Christensen, 1974). Even though the Choteau aquifer is technically under artesian conditions the observation well response (water levels) is damped and not nearly as pronounced as would be expected from an artesian system.

The production well log indicates sand and gravel from 178 to 240 feet below land surface. The well had a static water level of 156 feet below land surface and was reportedly capable of producing 850 gpm with 12 feet of drawdown. This equates to a specific capacity of about 71 gpm/ft of drawdown. This well has been completed in accordance with SD Well Construction Standards.

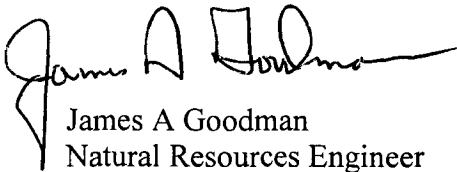
The Water Rights Program monitors two observation wells completed into the Choteau West aquifer and within two miles of this application. BH-82D is located about two miles northwest and BH-78D is located about two miles northeast of this application. Hydrographs for both of these observation wells are included with this report. The water level record indicates nearby irrigation pumping does affect the water levels but this does not appear to be significant. The water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest permitted irrigation well is about one and one-half miles north of this application. Interference is not a concern. The observation well record indicates drawdown is not significant. This is an existing well and has been in use with no apparent problems.

CONCLUSIONS

1. Water is available from the Choteau West aquifer.
2. The aquifer is under artesian conditions. However, the amount of fluctuation due to pumping has not been significant. The aquifer behavior appears to be more like a water table response to pumping. Interference is not a concern.
3. This is an existing well and is constructed in accordance with SD Well Construction Standards.
4. No additional diversion rate is authorized by the application if approved. Only additional lands will be irrigated. The present licensed diversion rate of 1.89 cfs will be maintained.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

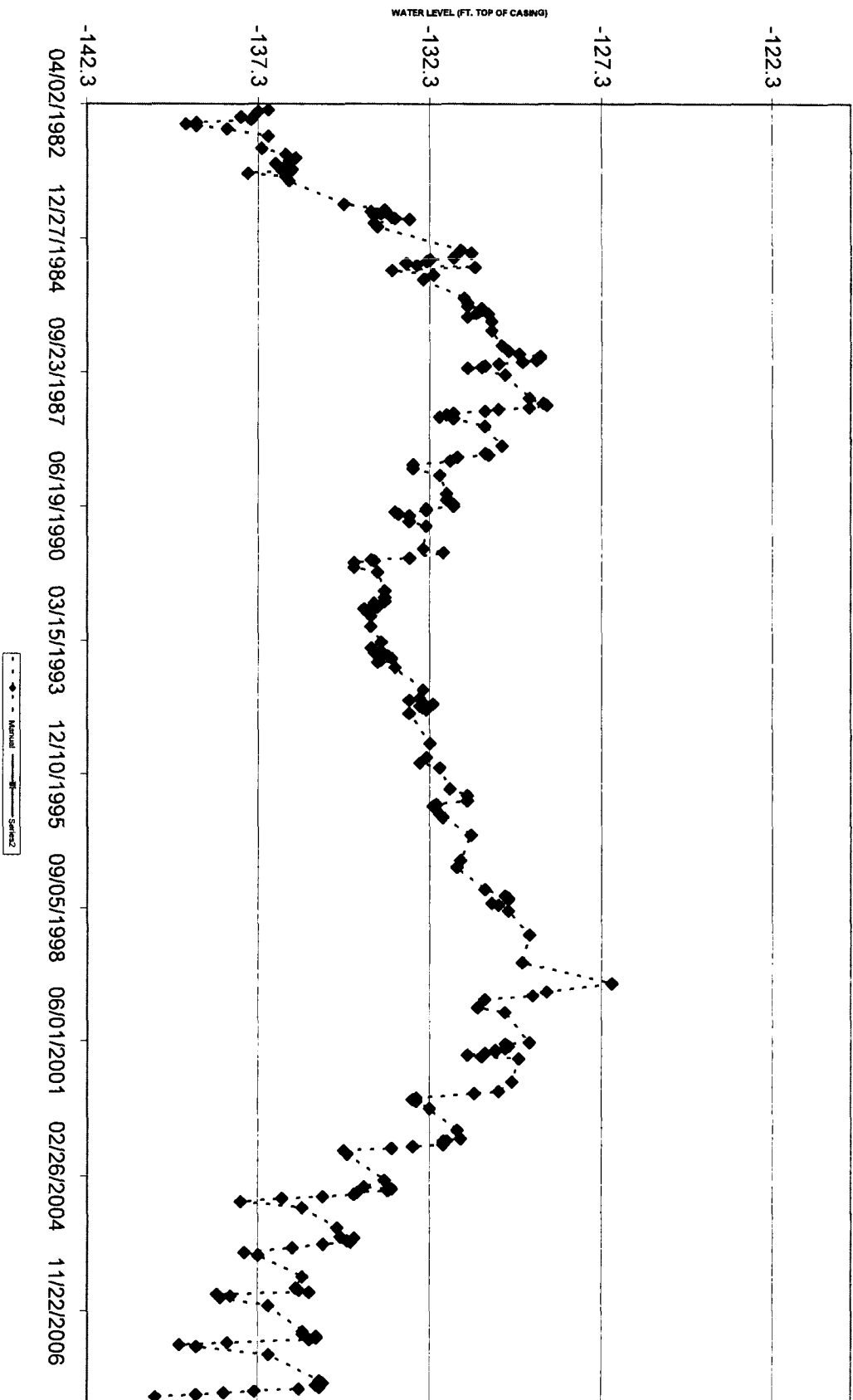
Christensen, C.M., 1974, Geology and Water Resources of Bon Homme County, South Dakota, Part I Geology, Bulletin 231, SD DENR, SDGS, Vermillion, SD, 57069.

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.

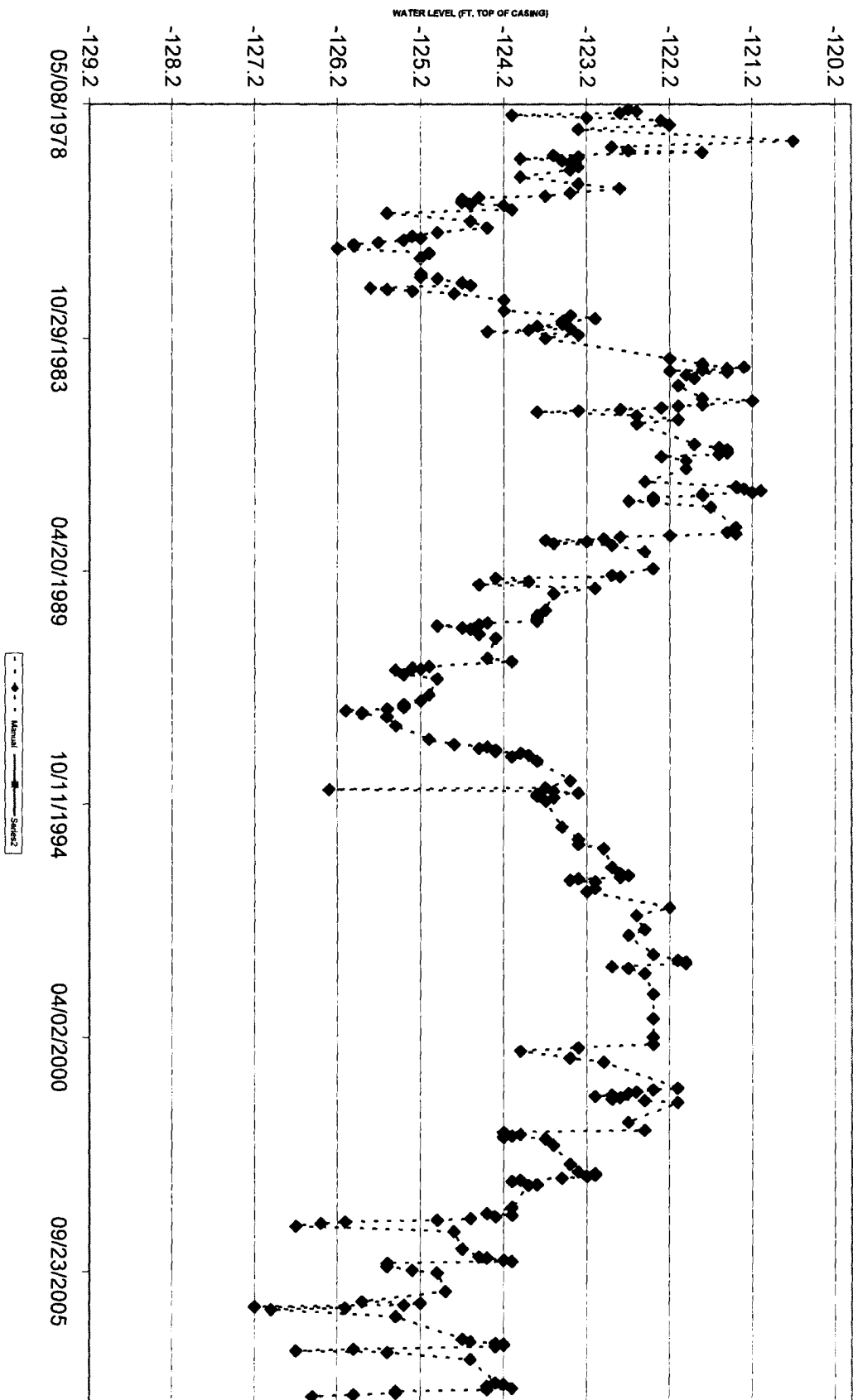
Jorgensen, D.J., 1971, Geology and Water Resources of Bon Homme County, South Dakota, Part II Water Resources, Bulletin 21, SD DENR, SDGS, Vermillion, SD, 57069.

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

WATER RIGHTS' OBSERVATION WELL BH-82D



**WATER RIGHTS' OBSERVATION WELL
BH-78D**



Affidavit of Publication

RECEIVED

State of South Dakota }
County of Bon Homme } SS

FEB - 2 2009

WATER RIGHTS
PROGRAM

Rebecca Tycz Being first duly sworn says that the **Springfield Times** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Springfield, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Springfield, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notation Application

No. 7081-3

68 e 37.2 480% x 1

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive weeks, upon the following dates:

<u>Jan. 7</u> 20 <u>09</u>	20.....
<u>Jan 14</u> 20 <u>09</u>	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication of said notice, \$45.54, inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Rebecca Tycz, publisher

Subscribed and sworn to before me this

16th day of Jan 2009
[Signature]
Notary Public, South Dakota

My commission expires OCT. 24, 2009

NOTICE OF APPLICATION

NO. 7081-3 to Appropriate Water

Notice is given that Leon Vanderlei, 40846 312th St, Springfield SD 57062-6217 has filed an application for a water permit to irrigate 140 acres from one existing well authorized by Water Right No. 6487-3. This water right appropriates 1.89 cubic feet of water per second from a well completed into the Choteau West Aquifer (240 feet deep) located in center of the SW 1/4 Section 14 to irrigate 263 acres located in the SW 1/4, S 1/2 NE 1/4 and N 1/2 SE 1/4 of Section 14-T93N-R61W. This application proposes to irrigate 140 additional acres located in the W 1/2 SE 1/4, E 1/2 SW 1/4 Section 13; all in T93N-R61W. No increase in the diversion rate from the well is requested.

Pursuant to SDCL 46-2A-23, the Chief

Engineer recommends APPROVAL of Application No. 7081-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation.

The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 26, 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 this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. (published January 7 and January 14)



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 24, 2008

Springfield Times
PO Box 465
Springfield SD 57062

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7081-3 to Appropriate Water to be published twice. Please publish the first notice on January 7, 2009 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 Leon Vanderlei, 40846 312th St., Springfield SD 57062 (Ph # 605-369-2610).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 7081-3

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

Date _____

We are in receipt of your letter of December 24, 2008 enclosing Notice to Appropriate Water by Application No. 7081-3 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 24, 2008

Leon Vanderlei
40846 312th St
Springfield SD 57062

Dear Mr. Vanderlei:

Water Permit Application No. 7081-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Springfield Times printed at Springfield SD (Ph # 605-369-2441). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on January 7, 2009 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.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7081-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 26, 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 this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 2009

Leon Vanderlei
40846 312th St
Springfield SD 57062-6217

Dear Mr. Vanderlei:

Enclosed is Water Permit No. 7081-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

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

Sincerely,

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

enclosures

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

OCT 08 2009

WATER RIGHTS
PROGRAM

Date Oct 3-09

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Leon Vandenberg
(name)
40846 312th St
(address)
Springfield SD 57062 605 369-2610
(city, state, 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.

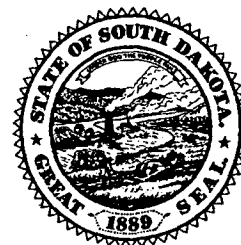
Water Permit No. 7081-3 states that the water use system is to be constructed by Jan 26 2014, and water is to be put to beneficial use by Jan 26-2018.
(date) (date)

The water use system was completed on April 1-09.
(date)

Applying the water to beneficial use was completed on April 1-09.
(date)

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

Leon Vandenberg
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 13, 2009

7081-3

Leon Vanderlei
40846 312th St
Springfield SD 57062

Dear Mr. Vanderlei:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. 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

7081-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 29 2018

7081-3
7401-3

Leon Vanderlei
40846 312th St
Springfield SD 57062

Dear Mr. Vanderlei:

Enclosed is Water License No. 7401-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

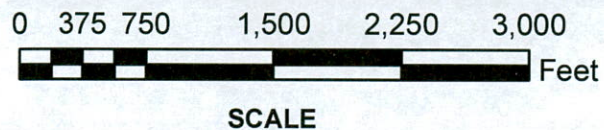
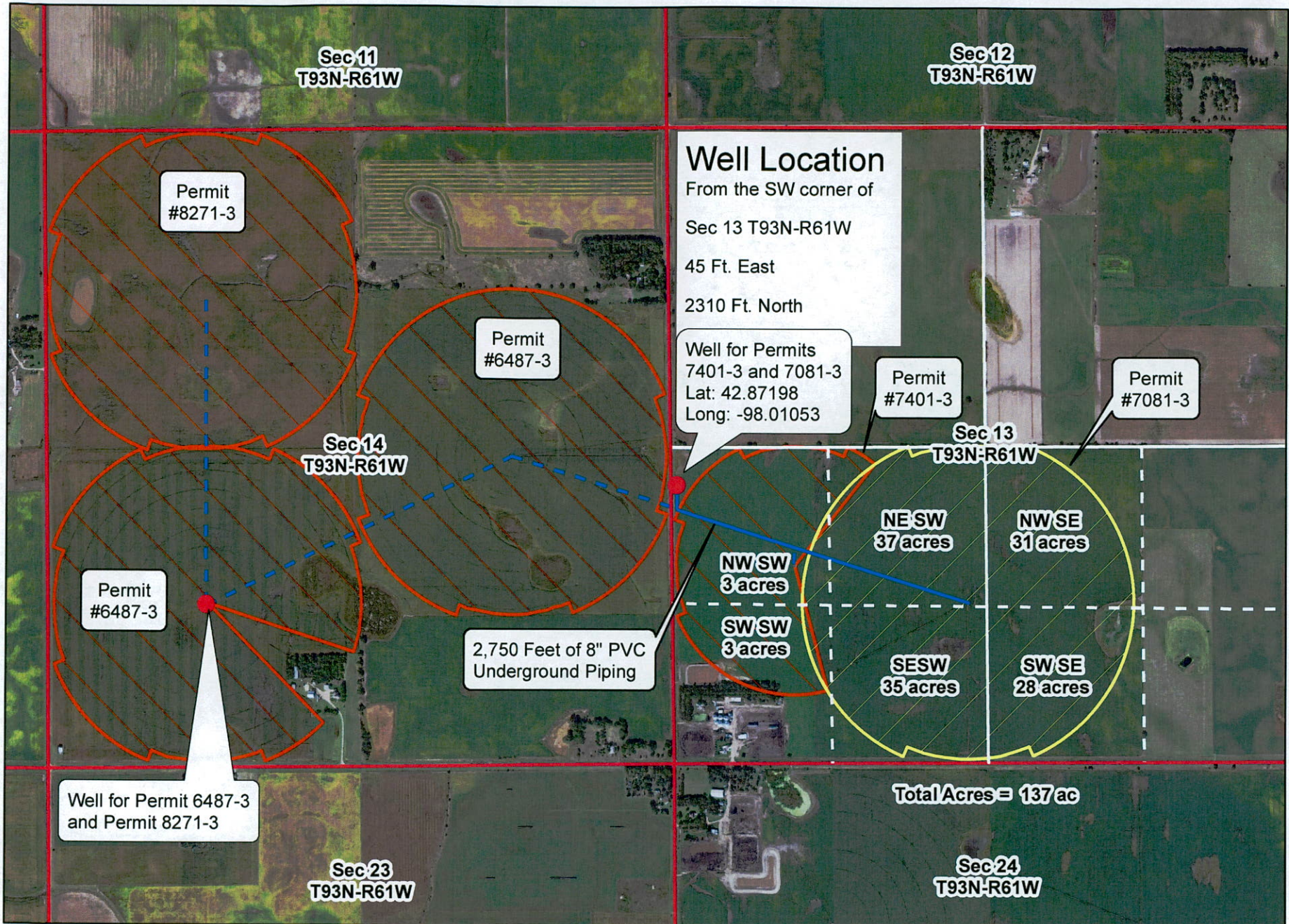
Sincerely,

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

enclosures

Note: Upon licensing, the applicable portions of Water Permit No. 7081-3 were incorporated into Water License No. 7401-3.

Water Right No. 7081-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
April 6, 2018