

WATER PERMIT NO. 7096-3

Name of Applicant: **James Bondesen**

Address: **28468 SD Hwy 19, Hurley SD 57036** Phone: **605 310-3331**

Amount of Water Claimed: **1.33 cfs** Total Acres: **60 acres**

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

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

Type of Waste Disposal System:

Location: **2 miles north of Hurley**

PRIORITY Date Received: **1-28-09**

Application/License Fee: **\$200**

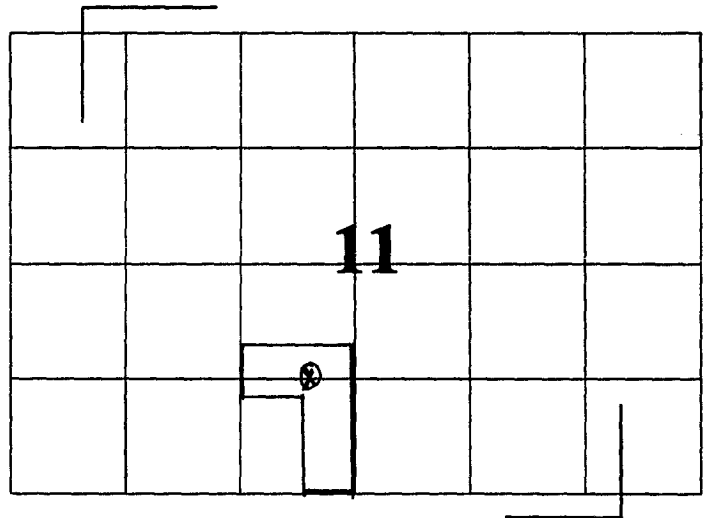
Corrected Application Received: **2-13-09**

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

Remarks: **Land was authorized for irrigation under Permit No. 6383-3, but irrigation was not developed within the construction period**

Diversion Point: **E ½ SW ¼ Sec 11-T98N-R53W**

Land to be Irrigated: **E ½ SW ¼ Sec 11-T98N-R53W**



Depth of Well: **40 feet deep**

Well Driller: :

Remarks:

Type of Map: **aerial**

Prepared by: **Sharon K Burgus, TU Co FSA**

Reviewed and the Number Assigned on: **2-18-09**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7096-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Viborg Enterprise/Hurley Leader PO Box</u> <u>605-766-7827 (Thurs)</u> <u>16452070</u>

RECEIVED
JAN 28 2009
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name of Applicant James Bonden Phone _____
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 2546 E 20th St Hurley State SD 57036
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.0 *CFS or 450 **GPM ***AF Total Acreage 35
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well E 1/2 S 1/4 Sec 11 Hurley Township
Sec 11 T98N R53W County Turner
5. County or counties where water will be used Turner
6. Annual period during which water is to be used May 1 thru Oct 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>E 1/2 S 1/4 Sec 11</u>	<u>35</u>		
<u>Hurley Township</u>			
<u>Sec 11 T98N R53W</u>			

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

STATE OF SOUTH DAKOTA) SS
County of Turner

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

I, James Bonden, 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 James Bonden

Subscribed and sworn to before me this 23 day of January 20 09

Brian L. Weier
Notary Public signature
BRIAN L. WEIER
NOTARY PUBLIC
TURNER COUNTY, SD
MY COMMISSION EXPIRES JAN. 28, 2010

**SOUTH DAKOTA
WATER PERMIT NO. 7096-3**

Date of first receipt of application January 28, 2009.

Date of return to applicant for corrections, amendments or changes January 28, 2009.

Date of receipt of corrected application February 13, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7096-3 to James Bondeson, 28468 SD Hwy 19, Hurley SD 57036 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. 7096-3 appropriates 1.00 cubic feet of water per second (cfs) from one well to be completed into the Parker Centerville Aquifer (approximately 40 feet deep) located in E ½ SW ¼ Section 11 to irrigate 35 acres located in the E ½ SW ¼ Section 11; all in T98N-R53W.
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 – October 31.
3. The date from which applicant may claim right is January 28, 2009.
4. The date of approval of Permit No. 7096-3 is April 13, 2009.
5. One-fifth of the construction is to be completed on or before October 13, 2011.
6. All construction is to be completed on or before April 13, 2014.
7. Water is to be put to beneficial use on or before April 13, 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. The well authorized by Permit No. 7096-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7096-3 authorizes a maximum diversion rate of 1.0 cfs for the irrigation of 35 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 12 2009

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 36 Depth 45'
- b) Casing Type pvc Diameter 16 Thickness 1/2
- c) Screen Type pvc Diameter 16 Thickness 1/2
- d) Gravel Pack 20" Length of Gravel Pack 25'
- e) Depth to Top of Water Bearing Material 3'
- f) Depth to Water (ground surface to water level) 3'
- g) Distance to nearest existing domestic well:

On applicants property _____

On property owned by others 1/2 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

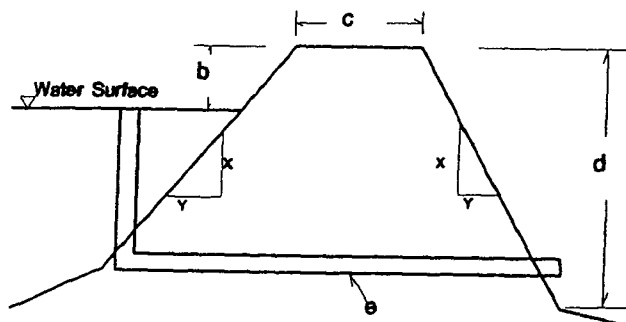
3. ~~Dugout~~ Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. ~~Water~~ Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



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



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/28, 20 09

RECEIVED OF James D Bondesen 28468 SD Hwy 19 HurleySD 57036

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

Fee for Application for Permit No. <u>7096-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	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>7096-3</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	200 00

No.

03995

By

Lalal Eshel
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2009

James Bondesen
28468 SD Hwy 19
Hurley SD 57036

Dear Mr. Bondesen:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following is required.

- Enclosed is the aerial photo map submitted with the application. Please outline the 60 acres to be irrigated.
- A copy of Water Permit No. 6383-3 and map are enclosed. I am assuming you are planning to use the same well for this proposed irrigation project. Is this correct?
- Also, Water Permit No. 6383-3 was approved for 2.0 cubic feet of water per second (900 gallons per minute), which is more than the statutory limit. Is the 600 gpm requested on the new application in addition to the 900 gpm authorized by No. 6383-3?
- If you are requesting an additional 600 gpm, please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project). State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 0.86 cfs or 387 gpm to irrigate 60 additional acres.

If you have any questions, please contact me.

Sincerely,

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

enclosure

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FEB 13 2009

WATER RIGHTS
PROGRAM

2-5-09

Karen Schlask

as per our ph conversation
on permitt 6383-3 is for 900 GPM
which I use on about 45 A pint
as I have drawn on the map.

I could put in a pipe line
in and use permitt No 6383-3

But it would simplify my
project to put in a well
where I have indicated on the
map. This land will
probably be irrigated with a gun
or other method rather than
a pivot.

James Bondeson

ph. 605 238-5482

cell " 310 3331

Water Rights Program - File Documentation

NAME: James Bondesen

ADDRESS: Hurley SD

DATE: 2-18-09 **COUNTY:** TU **TELEPHONE:** cell 605 310 3331

RE: Water Permit No. 6383-3 and pending application

COMMENTS:

Eric called James Bondesen with some questions regarding his existing permit and the pending application.

Mr. Bondesen indicated that he only developed a 45 acre pivot located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11-T98N-R53W as authorized on Water Permit No. 6383-3. The construction completion date was March 24, 2008. Eric indicated at the time of licensing the permit would be reduced to the acreage developed.

That being the case, Eric told Mr. Bondesen that the application just submitted to irrigate portions of the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 11 from a new well would be considered new application with a new priority date.

Mr. Bondesen indicated he would be using a gun or other method rather than pivot to irrigate the 60 acres. He thought he would probably need about 450 gallons per minute to operate the system but since he was unsure he was requesting 600 gallons per minute.



Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7096-3, James Bondesen**

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. 7096-3, James Bondesen, 28468 SD Hwy 19, Hurley SD 57036.

The Chief Engineer is recommending APPROVAL of Application No. 7096-3 for 1.0 cfs to irrigate 35 acres 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. The well authorized by Permit No. 7096-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7096-3 authorizes a maximum diversion rate of 1.0 cfs for the irrigation of 35 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 20, 2009

**Report on Water Permit Application No. 7096-3
for James Bondesen
February 27, 2009**

Application No. 7096-3 proposes to appropriate 600 gallons per minute (1.33 cubic feet of water per second (cfs)) from one well approximately 40 feet deep, to be completed into the Parker Centerville Aquifer located in the E ½ SW ¼ Section 11 to irrigate 35 acres located in the E ½ SW ¼ Section 11; all in T98N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The annual period during which water will be used is May 1 through October 31.

AQUIFER – PARKER CENTERVILLE (PAC)

The Parker Centerville is a surficial outwash (sand and gravel) which is under predominantly water table conditions in Turner County. The aquifer underlies 74 square miles and contains an estimated 322,000 acre-feet of water in storage in Turner County (Lindgren, 1990). Ground water movement is from northwest to southeast across Turner County and locally toward the Vermillion River. The aquifer is hydraulically connected to the Vermillion River and some area creeks and drainages. Also the aquifer is hydraulically connected to both the East and West Fork Vermillion aquifers and to the underlying Upper Vermillion Missouri aquifer in the area to the north of this application. Recharge to the aquifer has been estimated to average 4.9 inches per year (19,340 acre-feet per year). Reported irrigation pumping from the aquifer has never exceeded 14,000 acre-feet per year.

No test holes or well logs were submitted with this application. However, the area around this application is extensively irrigated. Also, there is a Water Rights Observation Well TU-77C, located about one-half mile east of this application. The hydrograph for this well is included with this report. There is sufficient information to evaluate the water source for this application based upon existing well data and previous water permit applications.

Water level data for this location indicates fluctuation due to climatic conditions like recharge and that area pumping does not significantly affect the aquifer. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008).

Maps provided by the applicant delineating the land area to be irrigated do not show 60 acres of land. Using GIS (Geographic Information System) methodology and conservatively trying to match the map provided by the applicant, the highest estimate for land to be covered (irrigated) by this permit is less than 35 acres. The application indicates that 60 acres are to be irrigated.

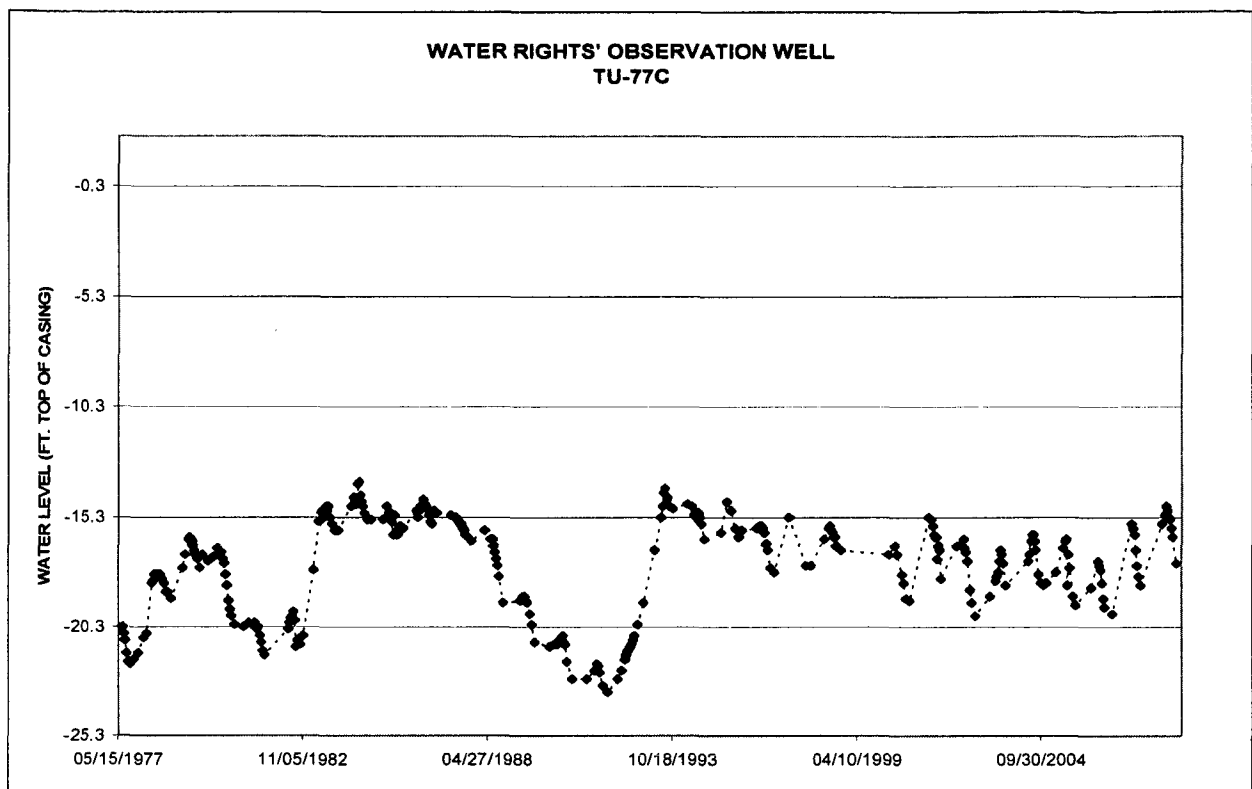


Figure 1-Hydrograph for Observation Well TU-77C, located approximately one half mile east of the application location.

CONCLUSIONS

1. Water is available from the Parker Centerville aquifer.
2. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
3. Interference could occur due to the close proximity of the well covered by Permit No. 6383-3, which is owned by the applicant.
4. The applicant proposes to exceed the statutory limit of 1cfs per 70 acres. The applicant does not provide justification for exceeding the limit. Statutorily, the applicant is limited to 225 gallons per minute (0.5 cfs).
5. The acreage on the application, acreage on the map, and lands to be irrigated do not match up.

Hayes Haas

Hayes Haas
Natural Resources Engineer

BIBLIOGRAPHY

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, WRI 90-4093, USGS, Huron, SD 57350

Water Rights, 2009, Unpublished Observation Well Data for Turner County, SD DENR, DES, Water Rights Program, Pierre, SD 57501

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APR 17 2009

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF TURNER)

Allyson M. Hill, being first duly sworn, on oath says the VIBORG ENTERPRISE is a WEEKLY newspaper published in VIBORG in said county of TURNER, State of South Dakota; and that she is authorized to and does make this affidavit on behalf of said VIBORG ENTERPRISE; that affiant has personal knowledge of all facts stated in this affidavit; that said newspaper is a legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4 inclusive as amended, has a bona fide circulation of at least two hundred copies WEEKLY, has been published in the English language within said county and has been admitted to the United States mail under the second class mailing privilege, for at last one year continuously next prior to the publication of the notice herein mentioned and was and is printed wholly or in part in an office maintained at said place of publication; that said notice, a printed copy of which taken from the paper in which the same was published is hereto attached and is made part of this affidavit, was published in said newspaper

2 time(s) as follows: that the first publication of said

notice in said newspaper aforesaid was on Thursday

the 26 day of March, 2009, 20⁰⁹

and that the succeeding publications were severally

on Thursday, the 2 day of April, 2009; 16¹⁷

on Thursday, the ____ day of _____, 2009;

on Thursday, the ____ day of _____, 2009;

on Thursday, the ____ day of _____, 2009;

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charged for the publication thereof are:

DOLLARS (\$ 36³²)

(x) Allyson M. Hill, Allyson M. Hill

Subscribed and sworn to before me this 15 day of

April, 2009

Notary Public

My commission expires 11/14/2012.

SHANE HIL



NOTARY PUBL
SOUTH DAKO

**NOTICE OF APPLICATION
NO. 7096-3 to Appropriate
Water**

Notice is given that James Bondesen, 28468 SD Hwy 19, Hurley, SD 57036 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second (cfs) from one well to be completed into Parker Centerville Aquifer (approximately 40 feet deep) located in E 1/2 SW 1/4 Section 11 to irrigate 60 acres located in the E 1/2 SW 1/4 Section 11; all in T98N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7096-3 for 1.0 cfs to irrigate 35 acres 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 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 April 13, 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

March 20, 2009

Viborg Enterprise/Hurley Leader
PO Box 164
Viborg SD 57070

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7096-3 to Appropriate Water to be published twice. Please publish the first notice on March 26, 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 James Bondesen, 28468 SD Hwy 19, Hurley SD 57036 (Ph # 605-238-5482).

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. 7096-3

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

Date _____

We are in receipt of your letter of March 20, 2009 enclosing Notice to Appropriate Water by Application No. 7096-3 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.

March 20, 2009

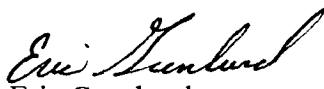
James Bondesen
28468 SD Hwy 19
Hurley SD 57036

Dear Mr. Bondesen:

Water Permit Application No. 7096-3 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 Viborg Enterprise/Hurley Leader printed at Viborg SD (Ph # 605-766-7827). 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 Notices 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 applications.

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 March 26, 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.

NOTICE OF APPLICATION NO. 7096-3 to Appropriate Water

Notice is given that James Bondesen, 28468 SD Hwy 19, Hurley SD 57036 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second (cfs) from one well to be completed into the Parker Centerville Aquifer (approximately 40 feet deep) located in E ½ SW ¼ Section 11 to irrigate 60 acres located in the E ½ SW ¼ Section 11; all in T98N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7096-3 for 1.0 cfs to irrigate 35 acres 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.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 2009

James Bondeson
28468 SD Hwy 19
Hurley SD 57036

Dear Mr. Bondeson:

Enclosed is Water Permit No. 7096-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

7096-3

07-92

Location SE 1/4 SE 1/4 Sec 11 Twp 98-N Rg 53-W

County

North

Turner

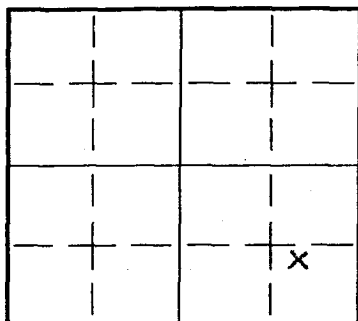
Please mark well location with an "X"

W

E

Well Completion Date

1-3-12



1 Mile

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:

Bucket-False Casing

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>14"</u> IN	<u>+1</u> FT	<u>26</u> FT	<u>20</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite Chgs</u>	<u>14</u>	_____ lb./gal	<u>0</u> ft.	<u>7</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 14" IN Length 14' FEET
 Material PVC C1160
 Slot Size 110 Set From 26 Feet to 40' Feet
 Other information _____

WAS A PACKER OR SEAL USED?

☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____

☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

No. 2 mg

Chlorine Pellets

Well Owner: Tim Bondesen

Business Name: 28468 So Dak Hwy 19

Address: Hickory, So Dak. 57036

WELL LOG:

DEPTH

FORMATION

FROM

TO

Black Topsoil	0	5
Brown Gravel	5	12
Grey Gravel	12	39'6"

STATIC WATER LEVEL

7'

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: sub

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

23 ft. After 2 Hrs. pumped 1000 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Good well!!

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm Lacey Well Drilling Inc.

Signature of License Representative:

Joan Redden

Signature of Well Owner or Equitable Property Holder:

Tim Bondesen

Date: 3-5-12

7096-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: JAMES D BONDESEN, 28468 US HWY 19, HURLEY, SD 57036 6003

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 181-3, 3248-3 & 4265-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4647-3, 5987-3, 6383-3 & 7096-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 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) 4647-3, 5987-3, 6383-3 & 7096-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 181-3, 3248-3 & 4265-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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://danr.sd.gov/iq> using this password: XNJXJD**

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.

7096-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2022

James D Bondesen
28468 US Hwy 19
Hurley SD 57036 6003

RE: Water Permit/Right Nos. 181-3, 3248-3, 4265-3, 4647-3, 5987-3, 6383-3 & 7096-3

Dear Mr. Bondesen:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit/Right Nos. 181-3, 3248-3, 4265-3, 4647-3, 5987-3, 6383-3 & 7096-3. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7096-3

I have this day, October 29, 2024, made a thorough examination of the water use system constructed by James Bondesen, 28468 SD Hwy 19, Hurley, SD 57036 of Permit No. 7096-3, bearing the priority of January 28, 2009 authorizing the diversion of 1.00 cu. ft. per second of the waters of the Parker:Centerville Aquifer for irrigation purposes, in Turner County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 48 feet
- 4) Well log is available N - Wells are 1600 feet apart

Casing:

- 1) Diameter 16 inches
- 2) Length Unknown feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length Unknown feet
- 3) Static water level 3 feet

Pump:

- 1) Make Turbine
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 600 GPM

Motor:

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

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

- 1) Type PVC 2) Size 8 inches 3) Length 430 feet

Comments: xx

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
 2) Overall length 950 feet
 3) Number of towers 5
 4) End gun Y
 5) Capacity 600 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by N

If no, describe: Pumping 600 gpm; authorized 450 gpm

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in fair condition with the point(s) of diversion located as follows: WELL LOCATION
From the SW corner Sec 11 T98N R53W, 950 ft N & 2130 ft E, Lat 43.31773 Long -97.07428 (SE ¼
NW 1/4).
2. The works are capable of diverting and conveying to the place of use 1.34 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
- | <u>legal description/acreage</u> | <u>legal description/acreage</u> |
|----------------------------------|----------------------------------|
| All land in sec 11 T98N R53W | |
| NE 1/4 SW 1/4 – 9.5 acres | |
| SE 1/4 SW 1/4 – 25.5 acres | |

comprising a total of 35 acres of land and the license should be issued for 1.0 cfs

3. All structures, wells and lands on map Y

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

FSA maps and the ArcGIS program were used to construct the attached well location and irrigated area map which was used to estimate irrigated acreage.

The flow rate reported on the 2023 Irrigation Questionnaire was used to establish the system flow capacity.

The address and phone number in the permit application are current.

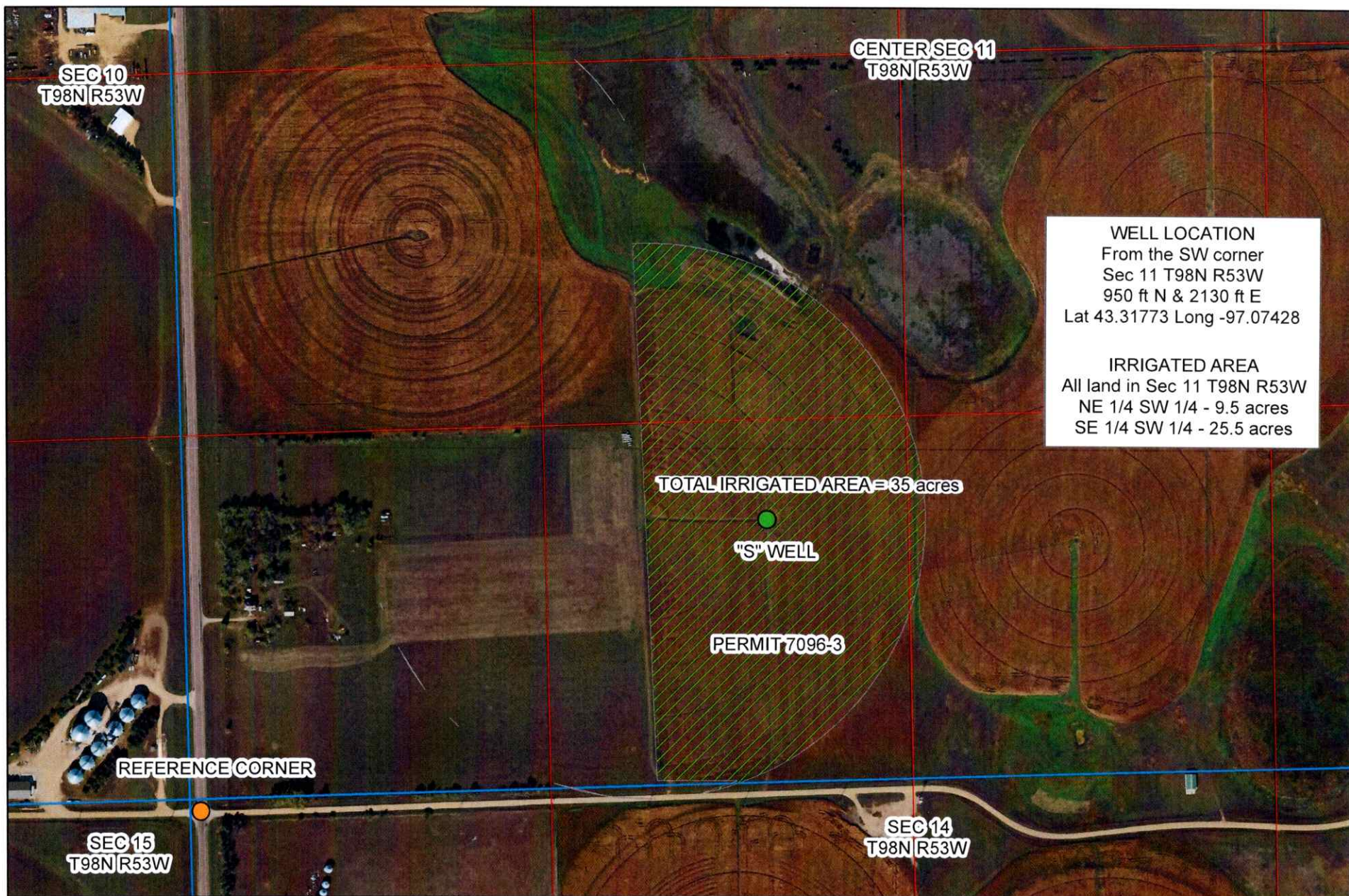
I talked to Mr. Jame Bondesen on the phone regarding Permit details.

A handwritten signature in black ink, appearing to read "Darrell DeBoer". The signature is fluid and cursive, with the first name "Darrell" and last name "DeBoer" clearly distinguishable.

Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: October 30, 2024

No. 7096-3



0 400 800 1,600 2,400 3,200 Feet

Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
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APR 30 2025

James Bondesen
28468 SD Hwy 19
Hurley, SD 57036

No. 7096-3

Dear Mr. Bondesen:

Enclosed is Water License No. 7096-3. 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.

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

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

Note: The inspection found your system for Water Right No. 7096-3 to be capable of diverting 1.34 cfs (approx. 602 gpm). Pursuant to SDCL 46-5-6 diversion of water under this license is limited to 1.0 cfs (approx. 450 gpm).

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7096-3**

(1) James Bondesen, made Application No. 7096-3, January 28, 2009 for a water permit to divert 1.00 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 7096-3, with a priority date of January 28, 2009, was approved April 13, 2009, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 13, 2014, and for the application to beneficial use of water on or before April 13, 2018.

(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 1.0 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 950 feet N and 2,130 feet E from the SW corner Section 11, T 98N, R53W (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
(Latitude 43.31773 and Longitude -97.07428)

(3) The amount of 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 – October 31.

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

Section 11, T98N, R53W
NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 9.5 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 25.5 acres
Total – 35 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 James Bondesen, the holder and/or owner of Water Right No. 7096-3 is issued a license to appropriate water, the right to use 1.0 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), with a priority date of January 28, 2009, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7096-3 and subject to the following qualifications:

1. The well approved under this Permit will be located near domestic 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 well authorized by Permit No. 7096-3 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. *(The well was drilled in 2012 by Lacey Well Drilling Inc. A copy of the well completion report is on file with the Water Rights Program.)*

3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7096-3 authorizes a maximum diversion rate of 1.0 cfs for the irrigation of 35 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.



Mark Mayer, PE
Director of Office of Water


date

