

WATER PERMIT NO. 7097-3

Name of Applicant: **James R Orris**

Address: **41898 US Hwy 212, Clark SD 57225**

Phone: **605 532-5238**

Amount of Water Claimed: **0.22 cfs**

Total Acres: **150**

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

Water to be used for: **irrigation**

County: **Clark**

Type of Waste Disposal System:

Location: **6 west of Clark**

PRIORITY

Date Received: **2-5-09**

Application/License Fee: **\$300**

Corrected Application Received:

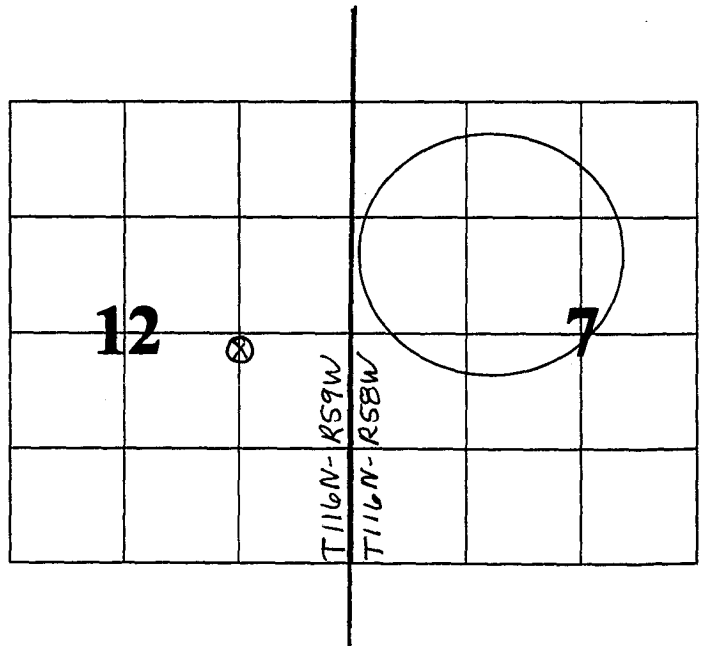
Period of Annual Use: **June 1 – Sept 30**

Remarks: **Will use the well authorized by Water Permit No. 6990-3**

Diversion Point: **N ½ SE ¼ Sec 12-T116N-R59W**

Land to be Irrigated: **NW ¼ W ½ NE ¼, N ½ SW**

¼ Sec 7-T116N-R58W



Depth of Well: **170 feet deep**

Well Driller: : **Kaiser Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Sharon Wiebs, Clark 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>7097-3</u> (office use only)	Hydrologic Unit <u>10M0201</u>	RECEIVED FEB - 5 2009 WATER RIGHTS PROGRAM
	Basin <u>SiouX River</u>		
	Newspaper <u>Clark Co. Courier</u>	<u>119 1st Ave E</u>	
	<u>605-532-3654 (Wed)</u>	<u>Clark 57225</u>	

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 James R. Orris Phone 605-233-0150
(check one) ☒ Owner ☐ Tenant/lessee 605-532-5238
Mailing Address 41898 US Hwy 212 CLARK State SD 57225
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.22*CFS or 100 **GPM ***AF Total Acreage 150
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Well - using existing well on E 1/2 of 12-116N-59W
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Section 7-116N-58W
County CLARK
- County or counties where water will be used CLARK
- Annual period during which water is to be used June-Sept 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 7-116-58	125		
W 1/2 NE 1/4 7-116-58	10		
N 1/2 SW 1/4 7-116-58	15		

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

1 pivot fed by existing well on the E 1/2 of 12-116-59
under permit #6990-3

STATE OF SOUTH DAKOTA) SS

County of Clark

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)

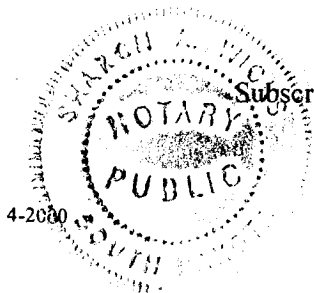
I, Jim Orris, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Jim Orris

Subscribed and sworn to before me this 2nd day of February 2009

Sharon A. Wilson

Notary Public signature



**SOUTH DAKOTA
WATER PERMIT NO. 7097-3**

Date of first receipt of application February 5, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7097-3 to James R Orris, 41898 US Hwy 212, Clark SD 57225 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. 7097-3 appropriates an additional 0.22 cubic feet of water per second (cfs) and irrigates 150 acres. Water Permit No. 6990-3 appropriates 3.56 cfs from two wells completed into the Altamont Aquifer (170 feet deep) located in the center of the NW $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12 to irrigate 280 acres located in the NW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 12; all in T116N-R59W. This permit authorizes an additional 0.22 cfs from the two existing wells and irrigation of an additional 150 acres located in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 7-T116N-R58W. This permit and Water Permit No. 6990-3 will authorize a total diversion rate of 3.78 cfs from the two wells for irrigation of 430 acres.
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: June 1 – September 30.
3. The date from which applicant may claim right is February 5, 2009.
4. The date of approval of Permit No. 7097-3 is April 20, 2009.
5. One-fifth of the construction is to be completed on or before October 20, 2011.
6. All construction is to be completed on or before April 20, 2014.
7. Water is to be put to beneficial use on or before April 20, 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

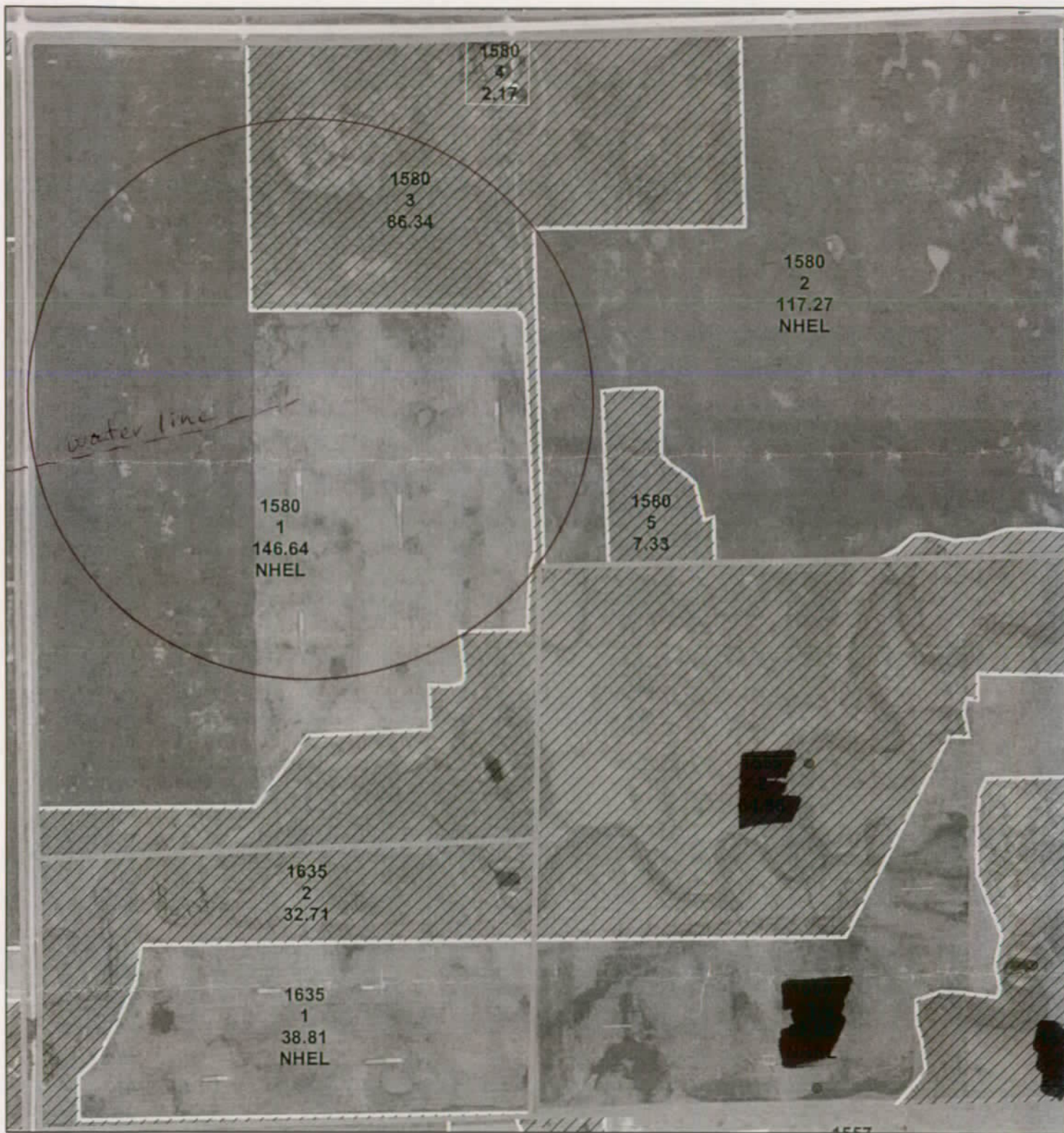
By: Garland Erbele

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

JUN 12 2009

date





USDA - Farm Service Agency

South Dakota
Clark County

7-116N-58W

WATER RIGHTS
PROGRAM
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- Tract Boundaries
- Easements
- Common Land Units
- Rangeland
- CRP

Wetland Determination Identifiers

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

*Sharon Wilcox
Clark Co FSA
Office*

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.

April 08, 2008

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/5, 20 09

RECEIVED OF James Orris 41898 US HWY 212 Clark SD 57225

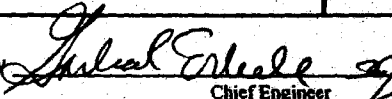
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>7097-3</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>7097-3</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.

04025

By


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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7097-3, James R. Orris**

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. 7097-3, James R. Orris, 41898 US Hwy 212, Clark SD 57225.

The Chief Engineer is recommending APPROVAL of Application No. 7097-3 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
March 20, 2009

REPORT ON WATER PERMIT APPLICATION NO. 7097-3

For James R. Orris

March 17, 2009

Application No. 7097-3 proposes to appropriate an additional 0.22 cfs and irrigate an additional 150 acres. Water Permit No. 6990-3 appropriates 3.56 cfs from two wells completed approximately 170 feet deep and located in the center of the NW $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of section 12 to irrigate 280 acres located in the NW $\frac{1}{4}$ and the S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of section 12; all in T116N R59W. This application proposes to appropriate an additional 0.22 cfs from the two existing wells and irrigate an additional 150 acres located in the NW $\frac{1}{4}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ of section 7, T116N R58W in Clark County. This application, if approved and Water Permit No. 6990-3 will authorize a total diversion rate of 3.78 cfs from two wells and irrigation of 430 acres.

AQUIFER – ALTAMONT (A)

The Altamont is a buried outwash (sand and gravel) that can be either under confined or water table conditions in this area. At this site it appears the aquifer is under slightly artesian conditions. The aquifer (called the Altamont 2 by Hamilton) underlies 630 square miles and contains an estimated 3.2 million acre-feet of water in storage in Clark County (Hamilton, 1986). Ground water movement appears to be from east to west across this portion of Clark County (Hamilton, 1986). Hamilton also estimated the volume of recharge to the Altamont 2 and 3 aquifers to be about 54,000 acre-feet annually.

Test wells for application No. 6990-3 indicate sand and gravel from 90 to 170 feet (with clay layers from 100 to 104 feet and from 138 to 140 feet) all below land surface in the NW $\frac{1}{4}$ of section 12 and sand and gravel from 94 feet to 174 feet (with clay layers from 104 to 108 feet and 142 to 145 feet) all below land surface in the NW $\frac{1}{4}$ of section 12. This data matches well with the county study drilling, observation well data in the area and nearby irrigation wells.

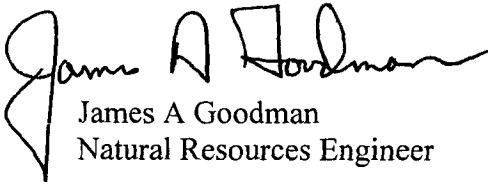
Observation well CK-78F is located within one-half mile to the northwest of this application. Water levels for this well show good response to climatic conditions, that is rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2009). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Right No. 6501-3 (1.0 cfs, irrigation of 112 acres, one well) and two existing Water Permit Nos. 6774-3 (3.89 cfs, irrigation of 272 acres, two wells) and 6992-3 (2.0 cfs, 136 acres, one well) all located with a one mile radius of this application. Interference is not expected to be a concern. Test data from irrigation well under Water Permit No. 6774-3 indicate the aquifer is prolific with pumping rates of 800 and 900 gpm. The two wells for this application have apparently been drilled but well completion reports have not been made available to our office.

CONCLUSIONS

1. Water is available from the Altamont aquifer.
2. The aquifer appears to be under water table or slightly artesian conditions in this area. Drawdown is not expected to be significant at the distance between wells. Interference is not expected to be a problem.
3. Apparently these wells have already been constructed and the applicant indicates the pumping rates may be larger than the original permit approved. Therefore the increase in each pumping well of about 50 gpm has been requested. This approval would authorize 850 gpm from each of the individual irrigation wells. This rate is reasonable for the amount of acres irrigated by each well and within the one cfs per 70 acre rule.
4. It cannot be determined if these wells have been constructed in accordance with SD Well Construction Standards.
5. Approval of this application will allow the well in the N $\frac{1}{2}$ SE $\frac{1}{4}$ of section 12, T116N R59W to irrigate 150 acres in section 7, T116N R58W at a rate of 1.89 cfs.



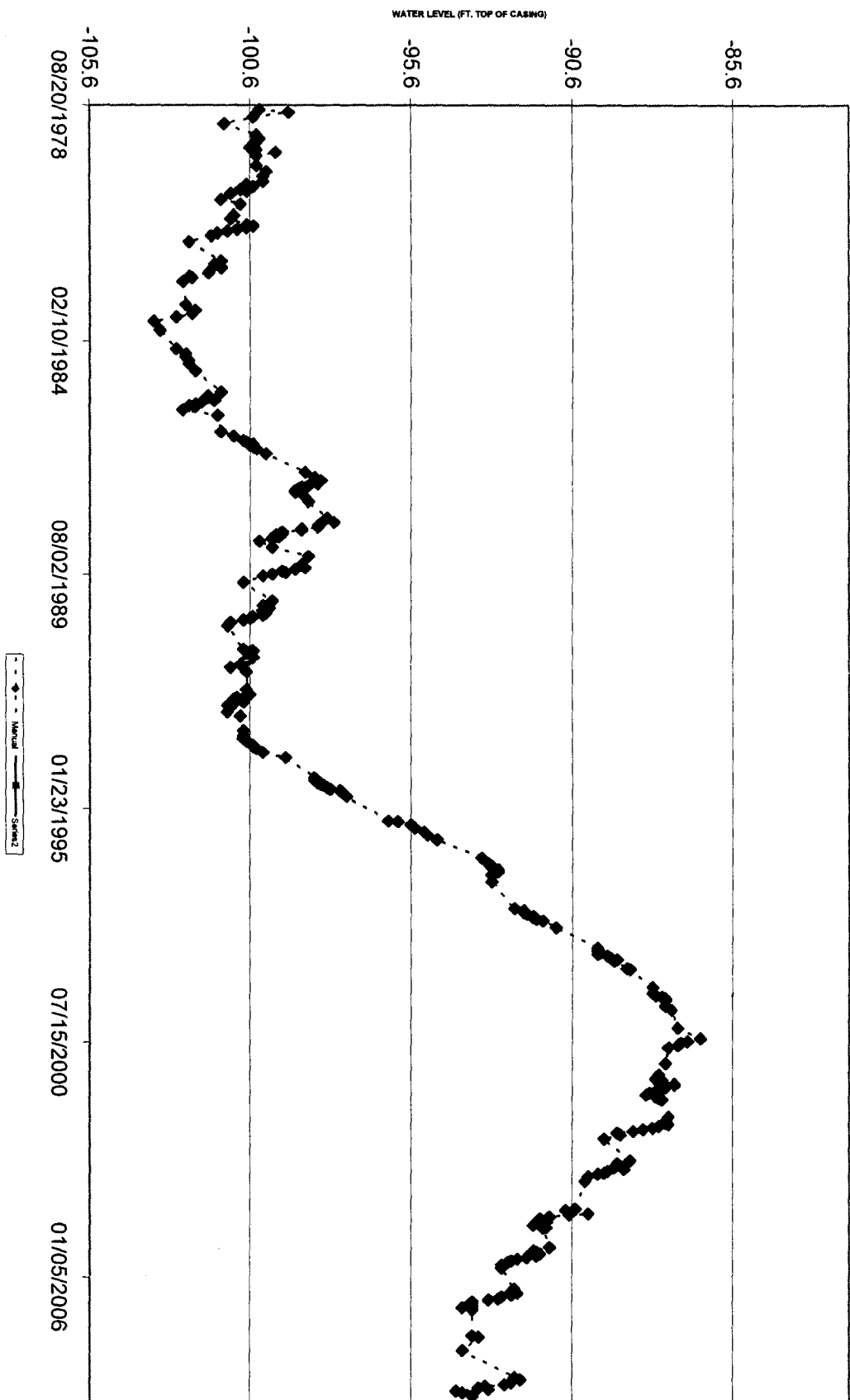
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota, Bulletin 29, SD DENR, SDGS, Vermillion, SD, 57069.

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

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



**NOTICE OF APPLICATION
NO. 7097-3 to Appropriate Water**

Notice is given that James R Orris, 41898 US Hwy 212, Clark SD 57225 has filed an application for a water permit to appropriate an additional 0.22 cubic feet of water per second (cfs) and irrigate 150 acres. Water Permit No. 6990-3 appropriates 3.56 cfs from two wells completed into the Altamont Aquifer (170 feet deep) located in the center of the NW 1/4 and the N 1/2 SE 1/4 Section 12 to irrigate 280 acres located in the NW 1/4 and S 1/2 NE 1/4, SE 1/4 Section 12; all in T116N-R59W. This application proposes to appropriate an additional 0.22 cfs from the two existing wells and irrigate an additional 150 acres located in the NW 1/4, W 1/2 NE 1/4, N 1/2 SW 1/4 Section 7-T116N-R58W. This application, if approved, and Water Permit No. 6990-3 will authorize a total diversion rate of 3.78 cfs from the two wells for irrigation of 430 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7097-3 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 of contesting the Chief Engineer's recommendation. The Chief Engineer's address in "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 20, 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

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks 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 the

RECEIVED

APR 23 2009

JAMES ORRIS

**WATER RIGHTS
PROGRAM**

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

TWO

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

APRIL 1, 2009

APRIL 8, 2009

that the full amount of the fees for the publication of the annexed notice is

47.95

William J. Krikac

Subscribed and sworn to before me this

20TH DAY OF APRIL, 2009

Anne Helke

Notary Public

Clark County, South Dakota

My commission expires: 06/04/2013



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 23, 2009

Clark County Courier
119 1st Ave E
Clark SD 57225

ATTENTION: Legal Public Notice

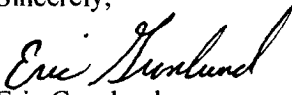
Enclosed is a Notice on Application No. 7097-3 to Appropriate Water to be published twice. Please publish the first notice on April 1, 2009 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 R Orris, 41898 US Hwy 212, Clark SD 57225 (Ph # 605-532-5238).

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. 7097-3

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. 7097-3 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 23, 2009

James R Orris
41898 US Hwy 212
Clark SD 57225

Dear Mr. Orris:

Water Permit Application No. 7097-3 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 Clark County Courier printed at Clark SD (Ph # 605-532-3654). 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 April 1, 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. 7097-3 to Appropriate Water

Notice is given that James R Orris, 41898 US Hwy 212, Clark SD 57225 has filed an application for a water permit to appropriate an additional 0.22 cubic feet of water per second (cfs) and irrigate 150 acres. Water Permit No. 6990-3 appropriates 3.56 cfs from two wells completed into the Altamont Aquifer (170 feet deep) located in the center of the NW $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12 to irrigate 280 acres located in the NW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 12; all in T116N-R59W. This application proposes to appropriate an additional 0.22 cfs from the two existing wells and irrigate an additional 150 acres located in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 7-T116N-R58W. This application, if approved, and Water Permit No. 6990-3 will authorize a total diversion rate of 3.78 cfs from the two wells for irrigation of 430 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7097-3 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 April 20, 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

James R Orris
41898 US Hwy 212
Clark SD 57225

Dear Mr. Orris:

Enclosed is Water Permit No. 7097-3 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

RECEIVED

AUG - 6 2009

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 8-3-09TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

James R Orris
(name)41898 US Hwy 212
(address)Clark, SD 57225
(city, state, zip)605-532-5238
(phone)

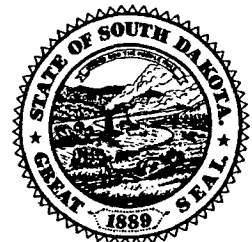
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7097-3 states that the water use system is to be constructed by4-20-2014
(date)

, and water is to be put to beneficial use by

4-20-2018
(date)The water use system was completed on 7-27-09
(date)Applying the water to beneficial use was completed on 7-27-09
(date)

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

James R Orris
(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

August 7, 2009

7097-3

Jim Orris
41898 US Hwy 212
Clark SD 57225

Dear Mr. Orris:

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,

A handwritten signature in cursive script that reads "Genny McMath".

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

Approval of Location Change and/or Additional Diversion Point(s)

NAME: James R Orris

ADDRESS: 41898 Us Hwy 212, Clark SD

DATE: June 13, 2023

COUNTY: Clark

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to construct two 170 foot deep wells into the Altamont Aquifer in the center of the NW1/4 and the N1/2 SE1/4 of Section 12 T116N-R59W for irrigation of 430 acres in the NW1/4, S1/2 NE1/4, SE1/4, of Section 12 T116N-R59W and the NW1/4, W1/2 NE1/4, N1/2 SW1/4 of Section 7 T116N-R58W.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The permit holder constructed two 170 foot deep wells into the Altamont Aquifer in the center of the NW1/4 and the second well on the half mile line between the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 12 T116N-R59W

- **If irrigation, no new land is irrigated**

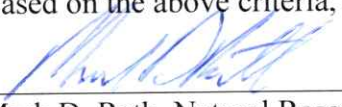
The permit holder is developed 421.9 acres in the NW1/4, S1/2 NE1/4, N1/2 SW1/4, of Section 12 T116N-R59W and the NW1/4, W1/2 NE1/4, N1/2 SW1/4 of Section 7 T116N-R58W

- **Review of Existing Diversions**

There are six existing water permits/rights within a mile of where the this well was developed. Five of the six were existing permits/rights when this permit was issued, it was determined that there was reasonable probability any well interference due to pumping of this well would not adversely or unlawfully impair existing rights. The same would be expected for the well constructed in the new location.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.


Mark D. Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.


Eric Gronlund, Chief Engineer
Water Rights Program

Licensing of Acreage Outside of Permitted Area

NAME: James R Orris

ADDRESS: 41898 Us Hwy 212, Clark SD

DATE: June 13, 2023

COUNTY: Clark

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 421.9 acres as compared to 430 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**
- **The relocated 29.4 acres are in the N1/2 NE1/4 immediately adjacent to permitted acres in the S1/2 NE1/4 of Section 12 T116N-R59W**
- **Owned by Same Property Owner**
All the irrigated land and this new land is owned by the James Orris Living Trust
- **Developed Prior to Expiration of Construction Period**
The land was reported irrigated prior to the expiration of the construction period.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 29.4 acre area be included in the water license.



Mark D Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Eric Gronlund, Chief Engineer
Water Rights Program



7097-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUN 16 2023

James R Orris
41898 US Hwy 212
Clark SD 57225

7097-3
6990-3

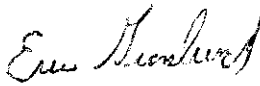
Dear Mr. Orris:

Enclosed is Water License No. 7097-3. 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, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,


Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: Water Permit No. 6990-3 has been incorporated into Water Right No. 7097-3

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7097-3

(1) James R Orris; 41898 US Hwy 212, Clark, SD 57225, made Application No. 7097-3, February 5, 2009, for a water permit to divert an additional 0.22 cubic feet of water per second (cfs) from groundwater, two existing wells (Altamont Aquifer), Clark County, South Dakota for irrigation purposes and the addition of 150 acres located in Section 7, T116N, R58W. Permit No. 7097-3, with a priority date of February 5, 2009, was approved April 20, 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 20, 2014 and for the application to beneficial use of water on or before April 20 2018.

An investigation conducted for licensing purposes found the diversion point and acreage developed for irrigation under Water Permit No. 7097-3 were not in the locations authorized by the permit. Pursuant to SDCL 46-5-13.1 and 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

Water Permit No. 6990-3, with a priority date of February 29, 2008, authorizes the diversion of 3.56 cfs from groundwater, two wells (Altamont Aquifer) to irrigate 280 acres in the Section 12, T116N, R59W. Water Permit No. 7097-3 was obtained to increase the diversion rate and add acreage to be irrigated from the existing wells. The applicable portions of Water Permit No. 6990-3 are being incorporated into this license.

(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 3.56 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- Well #1: 1,320 ft S & 1,320 ft E of the NW corner of Section 12, T116N, R59W (center of NW ¼)
(Latitude 44.87498 Longitude -97.87130)
- Well #2: 845 ft S & 2,635 ft E of the NW corner of Section 12, T116N, R59W (NE ¼ NW ¼)
(Latitude 44.87498 Longitude -97.86634)

(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 7, T116N, R58W	
NW ¼ NW ¼	15.3 acres
NE ¼ NW ¼	27.6 acres
NW ¼ NE ¼	3.5 acres
SW ¼ NW ¼	31.1 acres
SE ¼ NW ¼	40.0 acres
SW ¼ NE ¼	11.6 acres
NW ¼ SW ¼	6.0 acres
NE ¼ SW ¼	13.8 acres

Section 12, T116N, R59W	
NW ¼ NW ¼	33.8 acres
NE ¼ NW ¼	33.6 acres
SE ¼ NW ¼	34.6 acres
SW ¼ NW ¼	35.9 acres
NW ¼ NE ¼	15.8 acres
NE ¼ NE ¼	13.6 acres
SW ¼ NE ¼	39.0 acres
SE ¼ NE ¼	39.0 acres
NW ¼ SE ¼	14.9 acres
NE ¼ SE ¼	12.8 acres

TOTAL 421.9 acres

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 James R Orris, the holder and/or owner of Incorporated Water Right No. 7097-3 is issued a license to appropriate water, the right to use 3.56 cubic feet of water per second from groundwater, two wells (Altamont Aquifer), with a priority date of February 29, 2008 for 3.56 cfs and 280.0 acres and a priority date of February 5, 2009 for 141.8 acres 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. 7097-3 and subject to the following qualifications:

1. The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right 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. 6990-3 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
3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUN 16 2023

date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7097-3 & 6990-3

I have this day, May 24, 2023, made a thorough examination of the water use system constructed by James R Orris; 41898 US Hwy 212, Clark, SD 57225 of Permit No. 7097-3, bearing the priority of February 5, 2009 authorizing the diversion of 3.78 cu. ft. per second of the waters of the Altamont Aquifer for irrigation purposes, in Clark County.

A. Works used to divert the water:

Well Information:

Well Drilling Firm: Kaiser Well Drilling

- 1) No. of Wells 2
- 2) Depth(s) both - 170 feet
- 3) Well log is available No If no, explain in comments

Comments: Only two (2) test hole logs available, no as-constructed data available

Casing:

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

Screen:

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

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 800 each - 1600 total GPM

Motor:

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

B. Works used to transport water to place of use: 7097-3

- 1) Type Buried PVC pipe 2) Size 8 inches 3) Length 4,430 feet

Comments: Well supplies water to 2 center pivots

Works used to transport water to place of use: 6990-3

- 1) Type Buried PVC (WELL #2) 2) Size 8 inches 3) Length 1700 feet

C. Works used to apply water to beneficial use: 7097-3

Center pivot:

- 1) Make Valley
2) Overall length 1350 feet
3) Number of towers 7
4) End gun Y
5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

Comments: Has not done lately, considering again in the future

Works used to apply water to beneficial use: 6990-3

Center pivot:

- 6) Make 2- T & L
7) Overall length 1300 feet
8) Number of towers 7
9) End gun Y
10) Capacity 800 GPM

Chemigation Equipment:

- 2) Does chemigate Y

Comments: Fertilizer tanks at pivots /Has not done lately, considering again in the future

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y - both

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: **WELL LOCATIONS**
From the NW corner Sec 12 T116N R59W WELL #1: 1,320 ft S & 1,320 ft E, Lat 44.87363 Long - 97.87130 (NE 1/4 NW 1/4) WELL #2: 845 ft S & 2,635 ft E, Lat 44.87498 Long -97.86634 (NE 1/4 NW 1/4).
1. The works are capable of diverting and conveying to the place of use 3.56 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:

legal description/acreage
All land in Sec 7 T116N R58W
NW 1/4 NW 1/4 - 15.3 acres
NE 1/4 NW 1/4 - 27.6 acres
NW 1/4 NE 1/4 - 3.5 acres
SW 1/4 NW 1/4 - 31.1 acres
SE 1/4 NW 1/4 - 40.0 acres
SW 1/4 NE 1/4 - 11.6 acres
NW 1/4 SW 1/4 - 6.0 acres
NE 1/4 SW 1/4 - 13.8 acres

7097-3 -
148.9 acres

legal description/acreage
All land in Sec 12 T116N R59W
NW 1/4 NW 1/4 - 33.8 acres
NE 1/4 NW 1/4 - 33.6 acres
SE 1/4 NW 1/4 - 34.6 acres
SW 1/4 NW 1/4 - 35.9 acres

legal description/acreage
NW 1/4 NE 1/4 - 15.8 acres
NE 1/4 NE 1/4 - 13.6 acres
SW 1/4 NE 1/4 - 39.0 acres
SE 1/4 NE 1/4 - 39.0 acres
NW 1/4 SE 1/4 - 14.9 acres
NE 1/4 SE 1/4 - 12.8 acres

6990-3 -
273.3 acres

For a total of 421.9 acres of land and the license should be issued for 3.56 cfs

2. All structures, wells and lands on map Y

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

The irrigated acreage was determined with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The mailing address in the permit materials is current. A new contact phone number is 605/233-0150.

I talked to Mr. Orris on the phone in conjunction with the field inspection visit.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: June 2, 2023



0 0.15 0.3 0.6 0.9 1.2 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program