

WATER PERMIT NO. 7101-3

Name of Applicant: **Diane Reiner**

Address: **45270 284th St, Hurley SD 57036**

Phone: **605 238-5466**

Amount of Water Claimed: **0.23 cfs**

Total Acres: **20.34 additional acres**

Source of Water Supply: **groundwater (1 existing well)**

Water to be used for: **irrigation**

County: **Turner**

Type of Waste Disposal System: **NA**

Location: **2 miles northeast of Hurley**

PRIORITY

Date Received: **3-9-09**

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

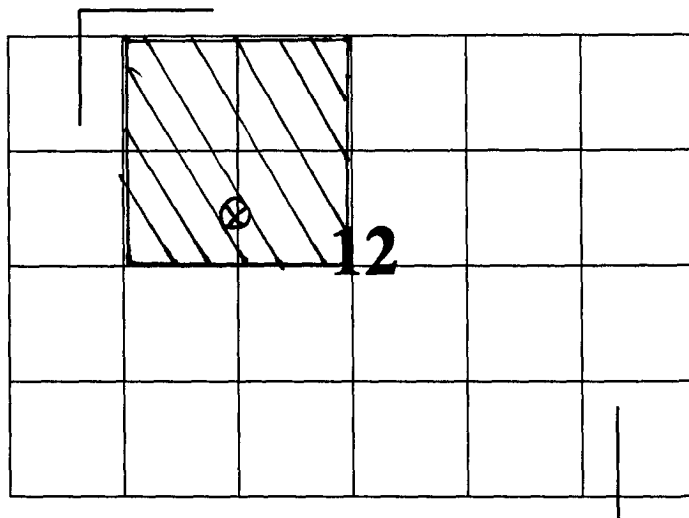
Corrected Application Received:

Period of Annual Use: **April 1 – October 31**

Remarks: **Additional acres and diversion rate to what is authorized by Water Right No. 1784-3**

Diversion Point: **S ½ NW ¼ Sec 12-T98N-R53W**

Land to be Irrigated: **NW ¼ Sec 12-T98N-R63W**



Depth of Well: **49**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Lou ?, Turner Co FSA**

Reviewed and the Number Assigned on: **3-9-09**

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	<table style="width: 100%;"> <tr> <td style="width: 30%;">No. <u>7101-3</u></td> <td style="width: 70%; text-align: right;">(office use only) Hydrologic Unit <u>10170102</u></td> </tr> <tr> <td colspan="2">Basin <u>Vermillion River</u></td> </tr> <tr> <td colspan="2">Newspaper <u>Viborg Enterprise/Hurley Leader</u></td> </tr> </table>	No. <u>7101-3</u>	(office use only) Hydrologic Unit <u>10170102</u>	Basin <u>Vermillion River</u>		Newspaper <u>Viborg Enterprise/Hurley Leader</u>	
No. <u>7101-3</u>	(office use only) Hydrologic Unit <u>10170102</u>						
Basin <u>Vermillion River</u>							
Newspaper <u>Viborg Enterprise/Hurley Leader</u>							

RECEIVED
MAR - 9 2009
 WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 1784-3
 (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) A new irrigator with a corner system is being put on the farm. We will now be irrigating approximately 152.3 acres instead of 132 acres

1. Name of Applicant Miane Reinen Phone 238-5466
 (check one) X Owner Tenant/lessee
- Mailing Address 45270 - 284th Street - Hurley State S.D. 57036
0.23 add'ls (Street, RR, or Box and City) (20.34 add'ac) (Zip Code)
2. Amount of water claimed 2.12 *CFS or **GPM ***AF Total Acreage 152.34
 (*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) One Well in S 1/2 of NW 1/4 section 12-T98N-R53W (existing well) County Turner
5. County or counties where water will be used Turner
6. Annual period during which water is to be used April 1 - October 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 40	6	37.0 all in NW 1/4 Sec 12-T98N-R53W	
NE 40	5.5	38.5	
SW 40	3.64	36.64	
SE 40	5.2	38.20	

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

STATE OF SOUTH DAKOTA) SS

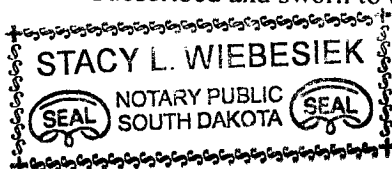
County of Turner

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, Miane Reinen, 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 Miane Reinen

Subscribed and sworn to before me this 28th day of February 20 09



Stacy L. Wiebesiek
 Notary Public signature

my commission expires Dec 21, 2003

SOUTH DAKOTA
WATER PERMIT NO. 7101-3

Date of first receipt of application March 9, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7101-3 to Diane Reiners, 45270 284th St, 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. 7101-3 authorizes an additional 0.23 cubic feet of water per second (cfs) and irrigation of an additional 20.34 acres to what is currently authorized by Water Right No. 1784-3. Water Right No. 1784-3 appropriates 1.89 cfs from one well completed into the Parker:Centerville Aquifer (50 feet deep) located in S ½ NW ¼ Section 12 to irrigate 132 acres located in the NW ¼ Section 12; all in T98N-R53W. This permit appropriates an additional 0.23 cfs from the existing well to irrigate 20.34 acres located in the NW ¼ Section 12-T98N-R53W. This permit and Water Right No. 1784-3 authorize a total diversion rate of 2.12 cfs for irrigation of 152.34 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: April 1 – October 31.
3. The date from which applicant may claim right is March 9, 2009.
4. The date of approval of Permit No. 7101-3 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, 2019.
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 03 2009
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 32" Depth 50'
- b) Casing Type steel Diameter 20" Thickness 14 gauge
- c) Screen Type Mill type Diameter 20" Thickness
- d) Gravel Pack Length of Gravel Pack
- e) Depth to Top of Water Bearing Material 17'
- f) Depth to Water (ground surface to water level) 14'
- g) Distance to nearest existing domestic well:

On applicants property None

On property owned by others 160 rds.

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

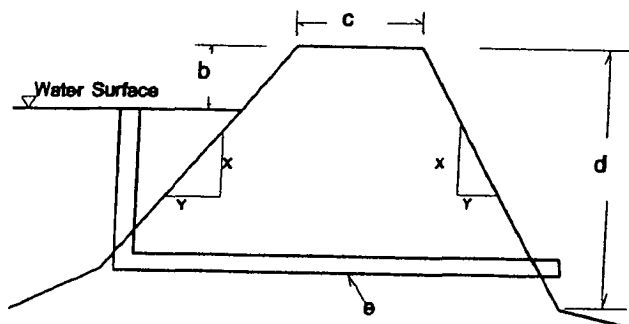
3. Dugout Information

- 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

1146
3
7.13
NHEL

1146
5
5.77
NHEL

1146
10
131.93
NHEL

1146
9
3.66
NHEL

1146
7
5.33
NHEL

1117
3.53
NHEL

1112
3
78.42
NHEL

Well
1450 ft

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/9, 20 09

RECEIVED OF James Reiners 45270 284th St Hurley SD 57036

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

Fee for Application for Permit No. <u>7101-3</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>7101-3</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.

04057

By

Michael E. Schuler
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. 7101-3, Diane Reiners**

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. 7101-3, Diane Reiners, 45270 284th Street, Hurley SD 57036.

The Chief Engineer is recommending APPROVAL of Application No. 7101-3 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. 7101-3
for Diane Reiners
March 11, 2009**

Application No. 7101-3 proposes to appropriate an additional 105 gallons per minute (0.23 cubic feet of water per second (cfs)) from one well approximately 50 feet deep, to be completed into the Parker Centerville Aquifer located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 12 to irrigate an additional 20.34 acres located in the NW $\frac{1}{4}$ Section 12; all in T98N-R53W. The annual period during which water will be used is May 1 through October 31. The additional water usage and irrigated acres will be in addition to what is already appropriated by Water Permit No. 1784-3, which appropriates 1.89 cfs to irrigate 132 acres. The additional 0.23 cfs would come from the existing well used for Water Permit No. 1784-3.

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.

There is a Water Rights Observation Well TU-56H, located about one-half mile south 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).

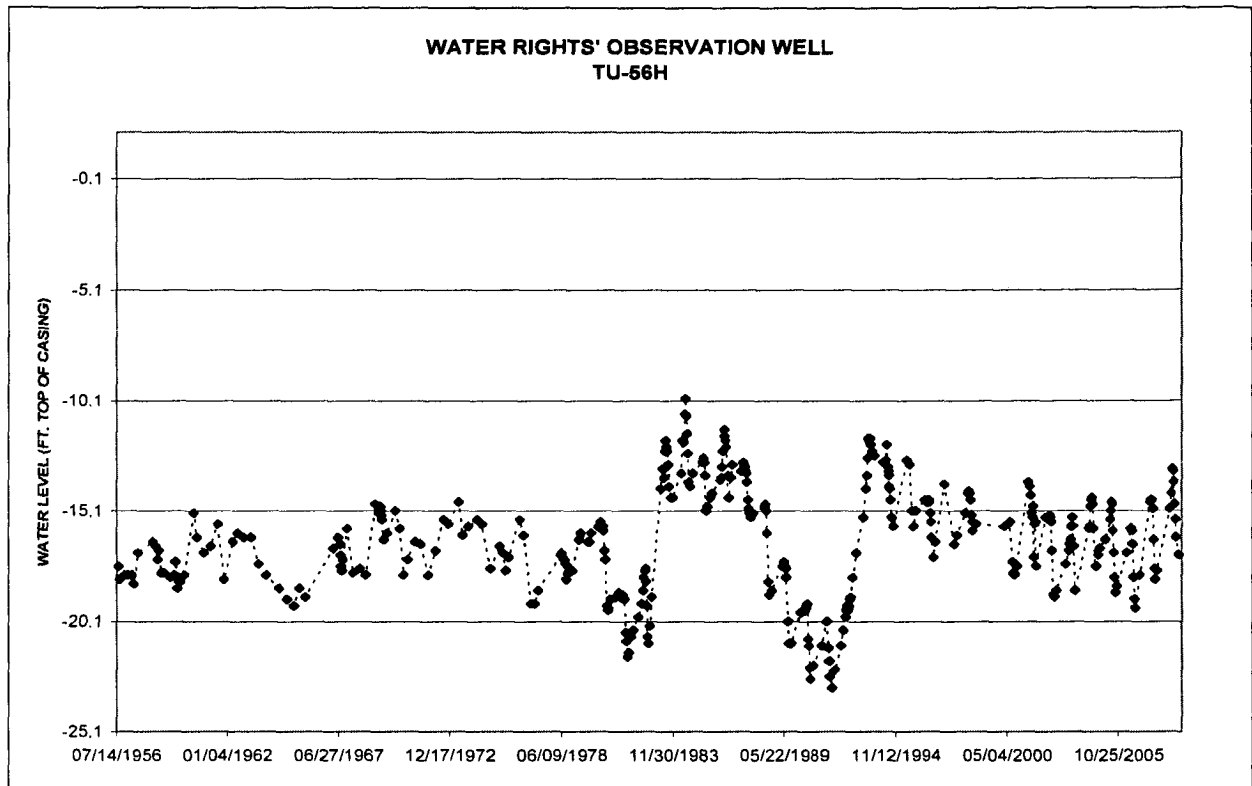


Figure 1-Hydrograph for Observation Well TU-56H, located approximately one half mile south of the application location.

CONCLUSIONS

1. Water is available from the Parker Centerville aquifer.
2. The well authorized by this application has been constructed in accordance with SD Well Construction Standards. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, of the capacity of the wells or periods of operation or other arrangements may be required to protect these water supplies.
3. The aquifer appears to be under confined conditions at this location. Drawdown will result from pumping. Interference is not expected to be a problem.

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

RECEIVED

APR 17 2009

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

WATER RIGHTS
PROGRAM

COUNTY OF TURNER) :SS

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 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, ^{22⁵⁶}

and that the succeeding publications were severally

on Thursday, the 2 day of April, 2009; ^{18⁰⁷}

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 (\$ 40⁰⁰)

(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.

**NOTICE OF APPLICATION
NO. 7101-3 to Appropriate
Water**

Notice is given that Diane Reiners, 45270 284th St., Hurley, SD 57036 has filed an application for a water permit to appropriate .23 cubic feet of water per second (cfs) and irrigate an additional 20.34 acres to what is currently authorized by Water Right No. 1784-3. Water Right No. 1784-3 appropriates 1.89 cfs from one well completed into the Parker/Centerville Aquifer (50 feet deep) located in S1/2 NW 1/4 Section 12 to irrigate 132 acres located in the NW 1/4 Section 12; all in T98N-R53W. The applicant is proposing to appropriate an additional 0.23 cfs from the existing well to irrigate 20.34 acres located in the NW 1/4 Section 12-T98N-R53W. This application, if approved, and Water Right No. 1784-3 will authorize a total diversion rate of 2.12 cfs for irrigation of 152.34 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7101-3 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 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.

SHANE HILL



NOTARY PUBLIC
SOUTH DAKOTA



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. [REDACTED]

Secretary

[REDACTED]
and Natural Resources

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. 7101-3 to Appropriate Water

Notice is given that Diane Reiners, 45270 284th St, Hurley SD 57036 has filed an application for a water permit to appropriate an additional 0.23 cubic feet of water per second (cfs) and irrigate an additional 20.34 acres to what is currently authorized by Water Right No. 1784-3. Water Right No. 1784-3 appropriates 1.89 cfs from one well completed into the Parker:Centerville Aquifer (50 feet deep) located in S ½ NW ¼ Section 12 to irrigate 132 acres located in the NW ¼ Section 12; all in T98N-R53W. The applicant is proposing to appropriate an additional 0.23 cfs from the existing well to irrigate 20.34 acres located in the NW ¼ Section 12-T98N-R53W. This application, if approved, and Water Right No. 1784-3 will authorize a total diversion rate of 2.12 cfs for irrigation of 152.34 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7101-3 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 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. 7101-3 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 Diane Reiners, 45270 284th St, Hurley SD 57036 (Ph # 605-238-5466).

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. 7010-3

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. 7101-3 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

Diane Reiners
45270 284th St
Hurley SD 57036

Dear Ms. Reiners:

Water Permit Application No. 7101-3 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 # 605-624-2695). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your 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.



**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 03 2003

Diane Reiners
45270 284th St
Hurley SD 57036

Dear Ms. Reiners:

Enclosed is Water Permit No. 7101-3 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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



7101-3

July 23, 2014

Diane Reiners
45270 284th Street
Hurley SD 57036

Dear Mrs. Reiners:

Water Right No. 1784-3 and Water Permit No. 7101-3 held in your name appropriate water from a well to irrigate 152.34 acres located in the NW 1/4 Section 12, T98N, R53W in Turner County.

The Department of Environment and Natural Resources received a complaint regarding end gun overspray from the center pivot on to the road surface of 280th Street. The complaint states that being hit by the water caused this gentleman to lose control and wreck his motorcycle. I called and in your absence spoke with your husband regarding the complaint. He indicated his intent to contact the person that farms this property in an effort to remedy the situation.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a roadway. You must take steps to operate the pivot without direct overspray on the road. If you can not successfully get end gun stops to operate in a manner where there is not direct spray on the roadway, you must take steps to alter the pivot's operation or rotation to insure overspray does not occur.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes unauthorized end gun overspray upon land not authorized by the water right. Continued overspray can result in the Chief Engineer issuing a formal order pursuant to South Dakota Codified Law 46-2A-18 to discontinue the use of water to which the user has no legal right. Failure to comply with the Chief Engineer's Order will result in the Water Rights Program scheduling a hearing before the Water Management Board for further enforcement action. This can result in the suspension of the water right. In addition, a civil fine may be imposed for each violation.

Please contact me at the number below or by email when you have the end gun stop functioning or have adjusted pivot operation to prevent overspray. If you have not contacted me by August 4th, the Chief Engineer is prepared to issue an Order to discontinue the unauthorized use of water. This letter will be filed on the administrative record for Water Right No. 1784-3 and 7101-3.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund

Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

c: Ron Schulte, Turner County Highway Superintendent, PO Box 549, Parker SD 57063

Gronlund, Eric

From: kknittel@gwtc.net
Sent: Wednesday, July 23, 2014 12:02 AM
To: Gronlund, Eric
Subject: irrigator spraying water on the road

On July 15 2014 at about 1:00 pm I was driving on 280th street about .15 mile east of 457 Ave. A center pivot was spraying water on and across the road. I was hit by the water and the road was wet and it caused me to lose control and ended up wrecking my motorcycle. I was taken by ambulance to the Viborg Hospitable to be treated for the injuries that I had. The bike is a total loss. The field that the center pivot is in the NW 1/4 of section 12 of Hurley township T98N R53W Turner county. According to the plat book from 2013 it shows that Diane Reiners owns it. The sheriffs department told me that Dennis Ihnen is the farmer that is renting it. When I called you today I was told that he didn't farm that ground. When I ask around I was told that Paul Petersen farms it.

This road has numerous center pivots spraying water on the road. This happens from the intersection of Hwy 19 and 280 street 1/2 half mile west to a 1 1/2 miles east. 1/2 mile to the south and about 3/4 of a mile to the north. The one that I want to file a complaint against is the one that caused me to wreck my motorcycle that I have listed above. I also had friend that was going to Sioux Falls on the night of July 20th about 1:50 am and was sprayed by the same center pivot. She almost lost control of her SUV and couldn't see out of the windshield right away because of the sudden blast of water.

I have contacted the Sheriffs Department in Turner County both times about this. When I ask the Sheriff about it at his office he said he didn't know what to do. This farmer is watering the road and the ditch on the opposite side of the road. This is wasting water, making a hazardous driving condition and causing damage to the road. When I talked to you today I was told that this farmer would be over-spraying the field and that is a violation of his permit. I know of other people that are not happy about this problem but don't know who to talk to about it.

Kelly Knittel
612 Cherry St
Freeman SD 57029
cell 605 929 6340
home 605 925 4388
work 605 238 5110
email kknittel@gwtc.net.

Thank you for looking into this for me. If you need anything else let me know.

Sincerely
Kelly Knittel

1784-3 & 7101-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 1784-3 and Water Permit No. 7101-3, James
Reiners

ADDRESS: 45270 284th St, Hurley SD COUNTY: Turner

DATE: July 25, 2014 (10:30 AM) TELEPHONE: RE: Center Pivot overspray

Mr. Reiners called regarding my call on endgun overspray from their center pivot. They contacted the renter who then put in a new compressor and adjusted the end gun stops. They intend to watch the system to insure it functions properly when the pivot approaches the road. I asked that they remain vigilant in watching the system to keep there from being another instance of end gun spray directly on to the road.

NAME: Eric Ironlund

1784-3 & 7101-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 1784-3 and Water Permit No. 7101-3, Diane
Reiners

ADDRESS: 45270 284th St, Hurley SD COUNTY: Turner

DATE: August 26, 2014 TELEPHONE: 605 940-8373 RE: Center Pivot overspray

Mr. Reiners returned my call from yesterday regarding end gun overspray. I stated after the incident in late July he indicated the end gun stop were fixed and operating properly. Mr. Reiners stated that there were some problems due to air leaks but the renter assures him they have been resolved. He provided me the name of the renter who is Dennis Ihnen (605 310-2247).

I contacted Mr. Ihnen who indicated that after the new compressor was installed there were some air leaks that caused malfunctions in the stops operating properly. He said they have switched over from air pressure to water pressure and it appears to be functioning now and he's watching it very closely. He indicated that there's inevitably that some water gets on the road due to wind drift. I told him that DENR understands wind drift can occur but we're most concerned about direct end gun overspray on to the road way. He understood and said he'll watch to make sure they are functioning.

NAME:

Eric Hamlund

1784-3 & 7101-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 1784-3 and Water Permit No. 7101-3, Diane
Reiners

ADDRESS: 45270 284th St, Hurley SD COUNTY: Turner

DATE: August 26, 2014 TELEPHONE: 605 310-2247

RE: Center Pivot overspray

I contacted Dennis Ihnen, who is the operator of the pivot in the NW ¼ Section 12, T98N, R53W. I stated that Mr. Knittel sent an email to DENR regarding endgun overspray from the pivot authorized by Water Right No. 1784-3 and Permit No. 7101-3. The email states the pivot was spraying water on 280th Street at 3:30 PM on June 26, 2015. Mr. Ihnen stated that he has been watching the pivot to insure the stops on the end gun were working when it approaches the road.

I asked him to be vigilant regarding making sure the end guns stops were functioning properly. He thought that Mr. Knittel was targeting his pivot. I said that Mr. Knittel had previously sent emails notifying DENR of endgun overspray by other pivots. I indicated DENR will likely contact the county highway superintendent regarding issue.

NAME:

Eui Reiners

Gronlund, Eric

From: kknittel@gwtc.net
Sent: Monday, June 29, 2015 10:16 AM
To: Gronlund, Eric
Subject: Water on road

On 6/26/15 at approximately 3:30pm the center pivot that I filed a complaint against last year numerous times was still spraying water on the road. It was my understanding that this was to be fixed by August 4th last year. I know that it was still spraying on the road after that. I filed a complaint on August 5th 2014 about it. This is still going on and something needs to be done about it. This is spraying on a 280th st.

T98N R53W

Sec 12 Hurley twp

NW 1/4

Kelly Knittel
Freeman SD
605-929-6340



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov
Nos. 1784-3, 7101-3 and 4645-3

August 7, 2015

Dennis Ihnen
28050 458th Avenue
Hurley SD 57036

Dear Mr. Ihnen

The Department of Environment and Natural Resources (DENR) is writing regarding ongoing issues with end gun overspray from the irrigation systems located in the NW ¼ Section 12, T98N, R53W owned by Diane Reiners and the NW ¼ Section 7, T98N, R52W held in your name. It is DENR's understanding you operate the system located on the Reiners property in the NW ¼ Section 12.

I called you personally on June 29, 2015, to discuss this matter when the first complaint was received alleging end gun overspray on to 280th Street from the Reiners' system. As you will recall, the DENR fielded complaints during the 2014 irrigation season regarding this same issue.

DENR has received multiply complaints this year regarding overspray from the Reiners' system on to the road surface of 280th Street. Also, DENR staff personally observed overspray had occurred on to 458th Avenue from your system in the NW ¼ Section 7 as recently as August 4th.

DENR recognizes a landowner's desire to optimize production and we understand that end gun stops can malfunction. We want to work with irrigators to voluntarily correct the problems. However, DENR cannot allow unchecked overspray that is a waste of water and is on property not covered by the water right. It is your responsibility to operate and monitor the irrigation system; especially the end guns, to make sure it is not applying water where it is not allowed. If you cannot successfully get end gun stops to operate in a manner where there is not direct spray on the roadway, you must take steps to disable the end gun or alter the pivot's operation or rotation to insure overspray does not occur. Please contact me at the number below or by email when you have the stop on the end gun functioning or have adjusted pivot operation to prevent overspray.

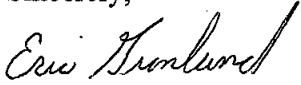
On two occasions this summer, DENR staff traveled to Turner County specifically to observe irrigation overspray. We will continue throughout the remainder of this irrigation season to check systems in the area. If these systems are found to be overspraying, the Chief Engineer will issue a formal order that you control the overspray. Failure to comply with the Chief Engineer's Order will result in the Water Rights Program scheduling a hearing before the Water Management Board for enforcement action. This can result in the suspension of the water right or a civil fine imposed for each violation.

(continued)

This letter will go into the administrative record for each water right. If unchecked overspray continues into future years, this letter serves as DENR's notice of the Chief Engineer's intent to issue a formal order to cease overspraying and potentially scheduling a hearing before the Water Management Board.

I look forward to hearing from you by August 14, 2015.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund

Water Rights Program, DENR

605 773-3352

eric.gronlund@state.sd.us

c: Diane Reiners, 45270 284th Street, Hurley SD 57036

Nos. 1784-3, 7101-3 and 4645-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Dennis Ihnen

ADDRESS: COUNTY: Turner County

DATE: August 10, 2015 TELEPHONE: 605 310-2247

RE: Dennis Ihnen call in regard to August 7, 2015 letter

I returned a call from Mr. Ihnen. He was calling in regard to the August 7, 2015 letter sent to him on endgun overspray. He asked when the last report of overspray occurred on the Reiner center pivot in the NW ¼ Section 12, T98N, R53W. I said we received an email on August 3rd indicating overspray was occurring on July 31 at about 8:00 PM. Mr. Ihnen stated he had that pivot adjusted and to his knowledge overspray has not occurred for at least two weeks.

In the case of his other pivot in the NW ¼ Section 7, Mr. Ihnen says this is a 1980 pivot that was never equipped with endgun stops. He stated he won't be able to get that fixed this year because irrigation maintenance people are busy working on pivots that are broke down and they are trying to get them fixed to save the crop. He simply can not get a person out to do the work in the next 2 – 3 weeks as it will entail running a wire from the pivot center out to the endgun in order to control it.

I said I would document the file according to what he told me.

NAME: Eve Hamblen

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7101-3

I have this day, October 29, 2024, made a thorough examination of the water use system constructed by Diane Reiner, 45270 284th St, Hurley, SD 57036 of Water Right No. 1784-3 bearing the priority of November 5, 1970 authorizing the diversion of 1.89 cu. ft. per second of the waters of the Parker:Centerville Aquifer for irrigation and Permit No. 7101-3, bearing the priority of March 9, 2009 authorizing the diversion of 2.12 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: NO RECORD OF EITHER WELL IN DANR WELL DATA BASE

Well Information:

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells 2 ("N" & "S")
- 3) Depth(s) 50 "S" well feet
- 4) Well log is available N If no, explain in comments

Comments: xx

Casing:

- 1) Diameter 20 inches
- 2) Length Unknown feet
- 3) Type Unknown

Screen:

- 1) Type Unknown
- 2) Length Unknown feet
- 3) Static water level 14 feet

Pump:

- 1) Make "N" – Submersible ; "S" - Turbine
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 300 + 900 (IQ) 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 765 feet

Comments: xx

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
 2) Overall length 1400 feet
 3) Number of towers 6 + corner leg
 4) End gun Y
 5) Capacity 1200 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by N
 If no, describe: **Pumping (2 wells) 2.67 cfs; Authorized 2.12 cfs**
 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 good condition with the point(s) of diversion located as follows: **WELL LOCATIONS**
From the NW corner Sec 12, T98N R53W "N" WELL: 1750 ft S & 1320 ft E, Lat 43.32481 Long -
97.05762 (S ½ NW ¼) "S" WELL: 2080 ft S & 1320 ft E, Lat 43.32394 Long -97.05762 (S ½ NW ¼)
 2. The works are capable of diverting and conveying to the place of use 2.67 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 12 T98N R53W

NW 1/4 NW 1/4 - 37 acres

NE 1/4 NW 1/4 - 36 acres

SE 1/4 NW 1/4 - 39 acres

SW 1/4 NW 1/4 - 37 acres

legal description/acreage

comprising a total of 149 acres of land and the license should be issued for 2.12 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.

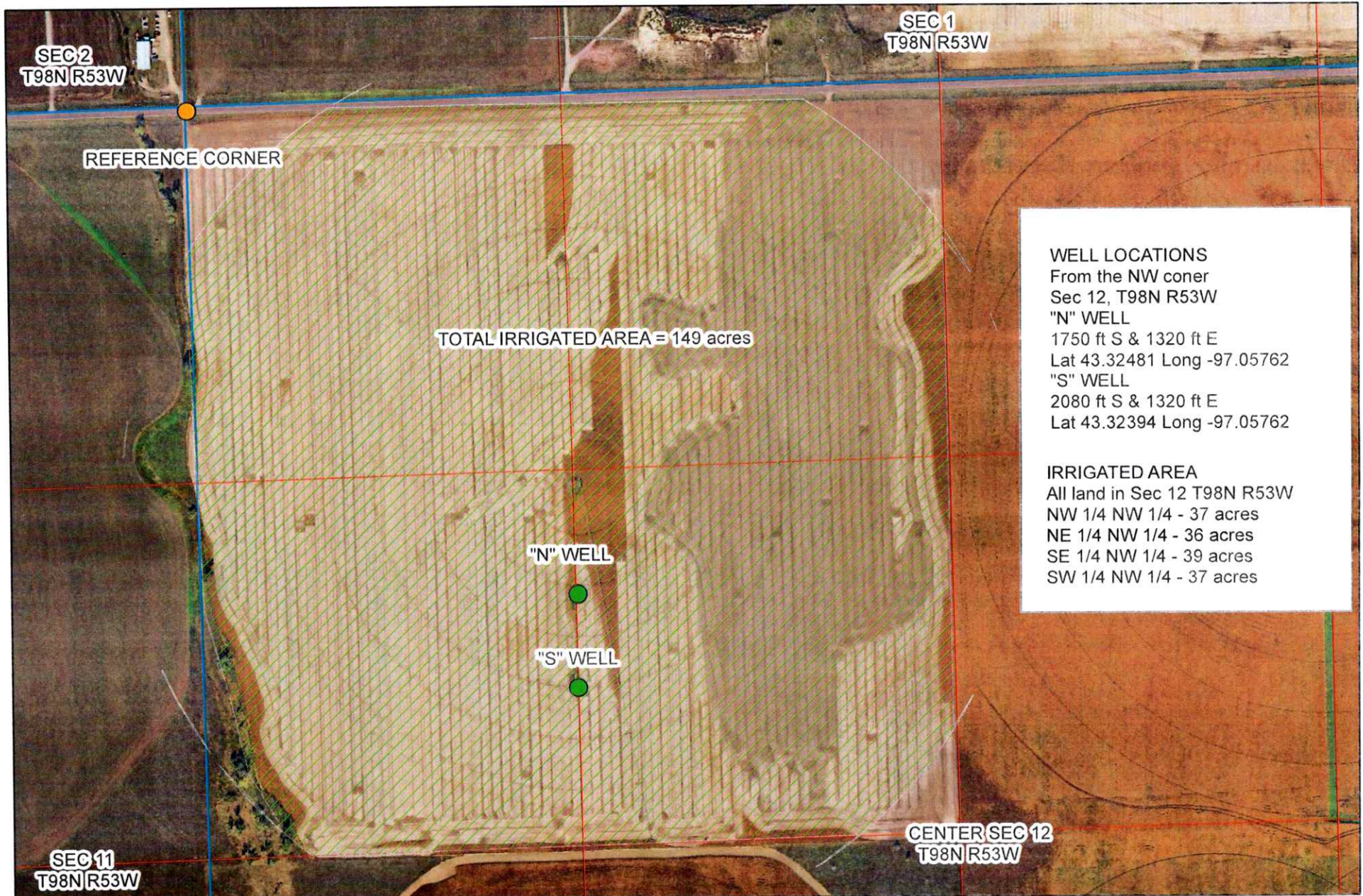
The flow rate reported on the 2023 Irrigation Questionnaire was used to establish the system flow capacity.

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

A handwritten signature in black ink, appearing to read 'Darrell DeBoer', is written over a horizontal line.

Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: October 31, 2024



WELL LOCATIONS

From the NW corner

Sec 12, T98N R53W

"N" WELL

1750 ft S & 1320 ft E

Lat 43.32481 Long -97.05762

"S" WELL

2080 ft S & 1320 ft E

Lat 43.32394 Long -97.05762

IRRIGATED AREA

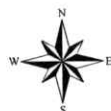
All land in Sec 12 T98N R53W

NW 1/4 NW 1/4 - 37 acres

NE 1/4 NW 1/4 - 36 acres

SE 1/4 NW 1/4 - 39 acres

SW 1/4 NW 1/4 - 37 acres



0 385 770 1,540 2,310 3,080 Feet

Approval of Location Change and/or Additional Diversion Point(s)NAME: Diane Reiners COUNTY: TurnerADDRESS: 45270 284th St, Hurley, SD 57036 DATE: April 7, 2025**GENERAL DESCRIPTION OF AUTHORIZED PROJECT:**

The holder of Water Right No. 1784-3 was authorized to construct one well into the Parker Centerville Aquifer in the approximate center S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 12, to divert 1.89 cubic feet of water per second (cfs) for the irrigation of 132 acres located in the NW $\frac{1}{4}$, Section 12; all in T98N, R53W.

The holder of Water Permit No. 7101-3 is authorized to the irrigation of an additional 20.34 acres and appropriate an additional 0.23 cfs from the existing well.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be added, 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 original well was completed into the Parker Centerville Aquifer, located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 12, T98N, R53W. An additional diversion point was developed into the Parker Centerville Aquifer, also located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 12, T98N, R53W, approximately 330 feet South of the original well.

If irrigation, no new land is irrigated

While the well was drilled and the diversion authority used to provide water to acres authorized by Water Right No. 1784-3 and Water Permit No. 7101-3, no additional acres were developed for irrigation, except for those authorized by 1784-3 & 7101-3.

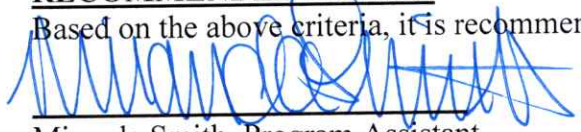
Review of Existing Diversions

There are ten existing water permits/rights located within approximately 2 miles of where the wells were developed, also authorizing diversion from the Parker Centerville Aquifer. The nearest or which being 3246-3 (Ralph E Duxbury), located approximately 0.31 miles southeast of the well site in question. It was determined in the review of the application of Water Permit No. 7101-3 that there was reasonable probability any well interference due to pumping of the original well would not adversely or unlawfully impair existing rights. The same would be expected for the well constructed in the new location.

The closest domestic well is approximately 0.79 miles to the northeast, located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, T98N, R53W, on property owned by Leon Johnson, according to Regrid. The next nearest domestic well is approximately 0.8 miles to the northeast, located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, T98N, R53W, on property owned by Leon Johnson, according to Regrid. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

RECOMMENDED ACTION

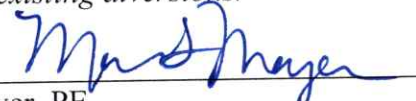
Based on the above criteria, it is recommended that the change in diversion point location be approved.



Miranda Smith, Program Assistant
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.



Mark Mayer, PE
Director of Office of Water



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 13 2025

Diane Reiners
45270 284th St
Hurley, SD 57036

No. 7101-3

Dear Ms. Reiners:

Enclosed is Water License No. 7101-3. 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. 7101-3 to be capable of diverting 2.67 cfs (approx. 1,199 gpm). Pursuant to SDCL 46-5-6 diversion of water under this license is limited to 2.12 cfs (approx. 952 gpm).

Note: (The number of acres authorized for irrigation under Water Right No. 7101-3 has been reduced to 149, based on the system as constructed.)

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7101-3**

(1) Water Right No. 1784-3, held by Diane Reiners, 45270 284th St, Hurley, SD 57036, with a priority date of November 5, 1970, appropriates 1.89 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), Turner County, South Dakota for the irrigation of 132 acres. The applicable portions of Water Right No. 1784-3 are incorporated into this license.

Diane Reiners, made Application No. 7101-3, March 9, 2009, for the authorization of an additional 0.23 cubic feet of water per second and irrigation of an additional 20.34 acres to what was already authorized by Water Right No. 1784-3. Permit No. 7101-3, with a priority date of March 9, 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, 2019.

An investigation conducted for licensing purposes found an additional diversion point developed from what was permitted. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the additional diversion point did not increase the potential for adverse effects to existing diversions.

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

- **North Well:** 1,750 feet S and 1,320 feet E from the NW corner of Section 12, T98N, R53W (S $\frac{1}{2}$ NW $\frac{1}{4}$) (Latitude 43.32481 and Longitude -97.05762)
- **South Well:** 2,080 feet S and 1,320 feet E from the NW corner of Section 12, T98N, R53W (S $\frac{1}{2}$ NW $\frac{1}{4}$) (Latitude 43.32394 and Longitude -97.05762)

(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: April 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 12, T98N, R53W
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 36 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 37 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 37 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 39 acres
Total – 149 acres

continued

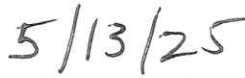
(5) Pursuant to South Dakota Water Law 46-5-30.1 Diane Reiners, the holder and/or owner of Water Right No. 7101-3 is issued a license to appropriate water, the right to use 2.12 cubic feet of water per second from groundwater, two wells (Parker Centerville Aquifer), with priority dates of November 5, 1970 (1.89 cfs & 132 acres) and March 9, 2009 (0.23 cfs & 17 acres), 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. 7101-3 and subject to 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.



Mark Mayer, PE
Director of Office of Water



date

