

WATER PERMIT NO. 7109-3

Name of Applicant: **Dean M Johnson Living Trust**

Address: **2921 Woodland Dr, Logansport IN 46947**

Phone: **574-753-8196**

Amount of Water Claimed: **1.44 cfs**

Total Acres: **138**

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

Water to be used for: **irrigation**

County: **Clay**

Type of Waste Disposal System: **NA**

Location: **8 miles west of Vermillion**

PRIORITY

Date Received: **3-20-09**

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

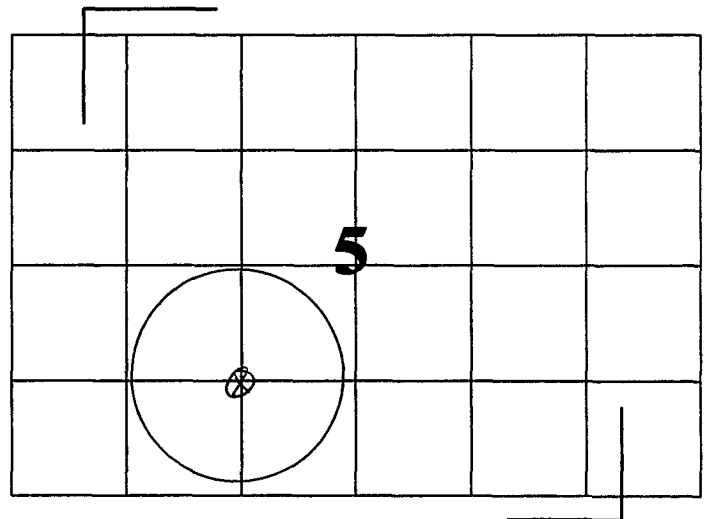
Corrected Application Received:

Period of Annual Use: **April 1 – September 30**

Remarks:

Diversion Point: **center of SW ¼ Sec 5-T92N-R53W**

Land to be Irrigated: **SW ¼ Sec 5-T92N-R53W**



Depth of Well: **110 feet**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Richard Schwartz, Clay Co FSA**

Reviewed and the Number Assigned on: **3-20-09**

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>7109-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Plain Talk PO Box 357</u>
	<u>1605-624-2695</u> <u>Vermillion 57069</u>

RECEIVED

MAR 20 2009

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant Dean M. Johnson Living Trust Phone 1-574-753-8196
 (check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 2921 Woodland Drive, Logansport, IN State IN 46947-1354
 (Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.44*CFS or 650**GPM ***AF Total Acreage 138
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Missouri: Elk Point Aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
Center of SW 1/4 Section 5-92N-R53W
5. County or counties where water will be used Clay
6. Annual period during which water is to be used April 1st through September 30th
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
SW 1/4 of SW 1/4 Sec. 5-92N-R53W	34.5		
SE 1/4 of SW 1/4 Sec. 5-92N-R53W	34.5		
NE 1/4 of SW 1/4 Sec. 5-92N-R53W	34.5		
NW 1/4 of SW 1/4 Sec. 5-92N-R53W	34.5		

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

Purpose of application is to install irrigation well to supply water for center pivot irrigation.

STATE OF SOUTH DAKOTA)

County of CLAY SS

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, DEAN M. JOHNSON LIVING TRUST, 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

Dean M. Johnson

Subscribed and sworn to before me this

16th

day of

March2009James J. Helke

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7109-3**

Date of first receipt of application March 20, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7109-3 to Dean M Johnson Living Trust, 2921 Woodland Drive, Logansport IN 46947-1354 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. 7109-3 appropriates 1.44 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located in the center of the SW 1/4 Section 5 to irrigate 138 acres located in the SW 1/4 Section 5; all in T92N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is March 20, 2009.
4. The date of approval of Permit No. 7109-3 is May 11, 2009.
5. One-fifth of the construction is to be completed on or before November 11, 2011.
6. All construction is to be completed on or before May 11, 2014.
7. Water is to be put to beneficial use on or before May 11, 2018.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7109-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

AUG 05 2009

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 110'
- b) Casing Type PVC Diameter 16" Thickness .50"
- c) Screen Type PVC Diameter 16" Thickness .50"
- d) Gravel Pack 1/8"-3/8" Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 20'-21'
- g) Distance to nearest existing domestic well:
On applicants property 2640' To South On property owned by others 2640' To EAST

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

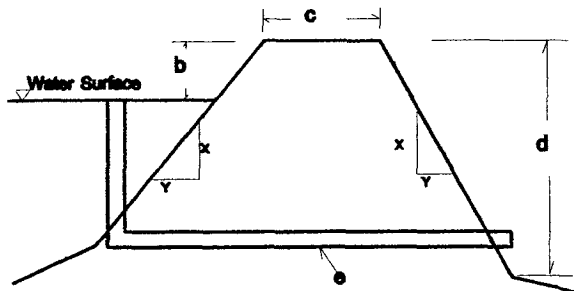
3. Dugout Information

- 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

Aerial Map



map center: 42° 48' 55.42, 97° 7' 51.29
scale: 10139

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MAR 20 2009

WATER RIGHTS
PROGRAM

5-92N-53W

Clay County
South Dakota



3/3/2009

Maps provided by:



©AgriData, Inc. 2009

www.AgriDataInc.com

Field borders provided by Farm Service Agency as of 5/23/2008. Aerial photography provided by Aerial Photography Field Office.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/18, 20 09

RECEIVED OF Dean M Johnson 2921 Woodland Dr Logansport IN 46947

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

Fee for Application for Permit No. <u>7109-3</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>7109-3</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.

04085

By Salvad Erbe 24
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. 7109-3, Dean M. Johnson Living Trust**

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. 7109-3, Dean M Johnson Living Trust, 2921 Woodland Drive Logansport IN 46947-1354.

The Chief Engineer is recommending APPROVAL of Application No. 7109-3 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. The well authorized by Permit No. 7109-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 9, 2009

**Report on Water Permit Application No. 7109-3
for Dean M Johnson Living Trust
March 30, 2009**

Application No. 7109-3 proposes to appropriate 650 gallons per minute (1.44 cfs) from one well approximately 110 feet deep located in the center of the SW ¼ of Section 5, T92N R53W in Clay County. The water is to be used to irrigate approximately 138 acres located in the SW ¼ Section 5; all in T92N R53W. The annual period during which water will be used is April 1 through September 30.

AQUIFER: Missouri Elk Point

This report will address the availability of unappropriated water from the Elk Point management unit of the Missouri aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Missouri Elk Point is a buried outwash (sand and gravel) that is under water table conditions in the area of this application. The aquifer underlies 74,500 acres and contains an estimated 1.1 million acre feet of recoverable water in storage in Clay County (Hedges, 1982). Christensen (1967) refers to this aquifer as the Lower Vermillion-Missouri aquifer and estimates the aquifer to hold 5 million acre-feet of water in transient storage in Clay County.

Observation Well Data:

The Water Rights Program monitors two observation wells, CL-80B and YA-80KA, located within three and a half miles of this application location. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years due to natural discharge and to pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008).

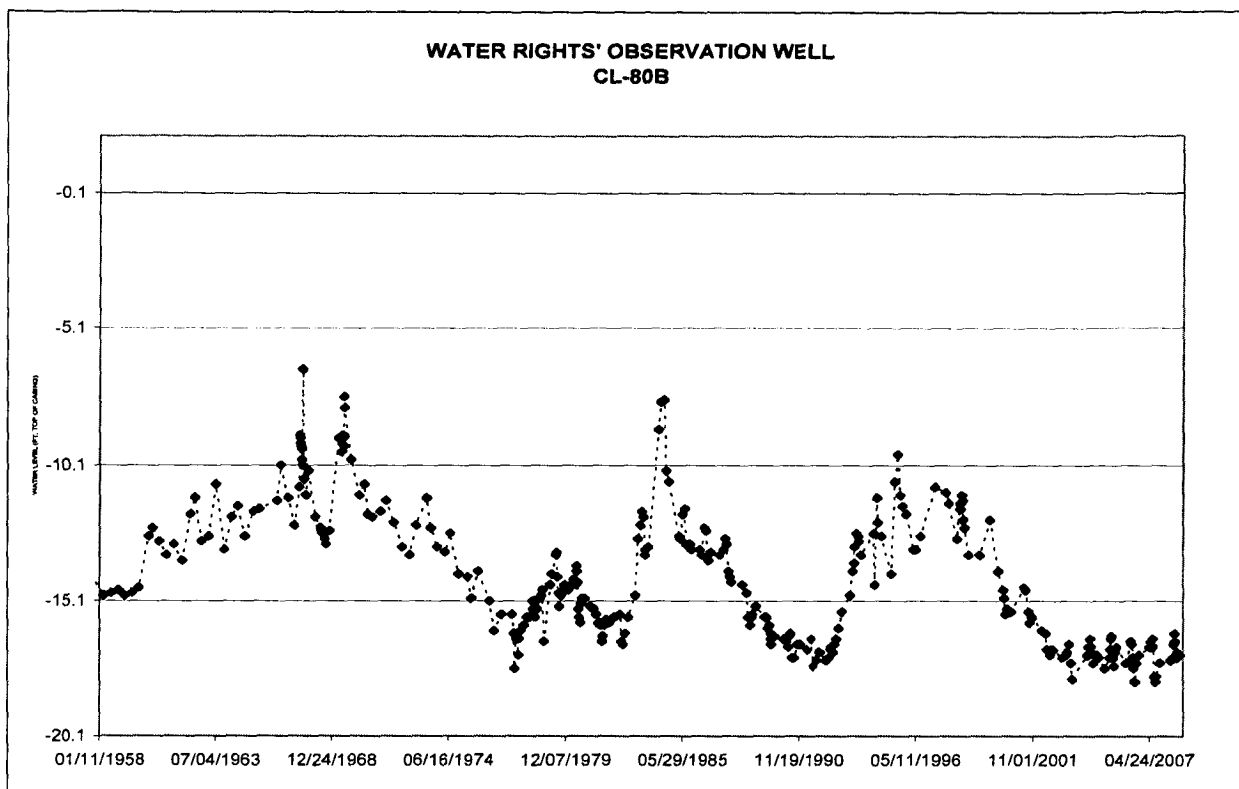


Figure 1. Hydrograph for Water Rights Observation Well CL-80B, completed into the Elk Point management unit of the Missouri Aquifer within two miles of 7066-3

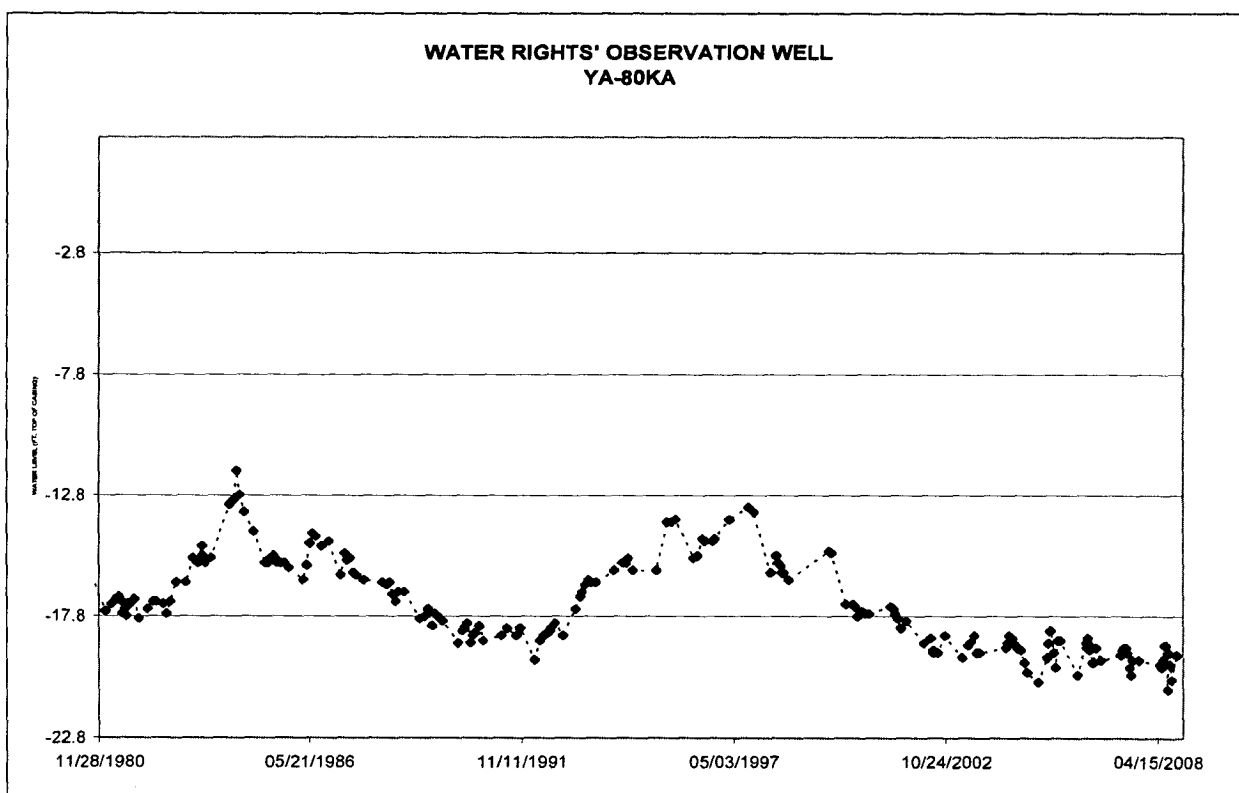


Figure 2. Hydrograph for Water Rights Observation Well YA-80KA, completed into the Elk Point management unit of the Missouri Aquifer within two miles of 7066-3

In general, the hydrographs shows that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

Records of irrigation use from the Missouri aquifer, which includes the Peoria management unit, the Pierre management unit, the Greenwood management unit and the Elk Point management unit date back to 1979. The Elk Point management unit typically includes the majority of irrigators; irrigators in the other management units typically total less than ten.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year. The average number of appropriations is just over 301, with the average appropriation being nearly 148,000 acre-feet and the average pumpage reported at over 17,000 acre-feet.

IRRIGATION USE (ac-ft/yr) M			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2007	368	140746.6	31052.03
2006	355	137411.6	28874.29
2005	337	130966.6	24176.62
2004	323	127635.8	24515.85
2003	315	126059.8	27161.56
2002	316	126235.8	24105.36
2001	314	126217.4	19451.93
2000	310	125532.2	27070.99
1999	308	125225.6	14748.02
1998	313	127862.6	11127.24
1997	305	126518.2	17182
1996	296	124606.2	9412.78
1995	292	121644.25	18320.24
1994	297	123656.75	10323.94
1993	299	125656.3	1475.2
1992	296	125336.68	1881.95
1991	301	126551.68	18798.6
1990	299	128458.33	19694.5
1989	294	126847.33	25941.9
1988	283	124014.13	28756.35
1987	282	124104.33	13439.7
1986	288	125842.47	6451.6
1985	284	125068.47	13983.5
1984	283	126743.35	9194.3
1983	274	121895.73	10834.04
1982	272	123559.28	18822.35
1981	302	136318	14233
1980	267	126362	15205
1979	265	124828	10377
AVERAGE	301.31	126962.26	17124.55
MAXIMUM	368	140746.6	31052.03
MINIMUM	265	121644.25	1475.2

Table 1. Irrigation usage from the Missouri aquifer (Water Rights, 1979-2008).

There are thirty four existing water permits/rights for irrigation located within two miles of this application. Water levels do fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

Recharge:

The Missouri aquifer is recharged from several sources. Recharge to the Missouri aquifer occurs through infiltration and subsequent percolation of precipitation in areas where the aquifer is near land surface (Niehaus, 1994). Normal precipitation in Clay County is estimated to be 500,000 acre-feet (Christensen, 1967), a portion of which also contributes to aquifer recharge. The aquifer is also recharged from the underlying Dakota aquifer and some recharge also is from the Missouri River during periods of high flow and stage (Niehus, 1994).

Conclusions:

1. Water is available from the Elk Point management unit of the Missouri aquifer.
2. The aquifer is under water table conditions at this location. Drawdown will result from pumping. Interference is not expected to be a problem.
3. 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 well or periods of operation or other arrangements may be required to protect these water supplies.
4. This well must be constructed in accordance with SD Well Construction Standards.



Hayes Haas
Natural Resources Engineer

Bibliography:

Christensen, C.M., J.C. Stephens, 1967, Geology and Water Resources of Clay County, South Dakota, Bulletin 19, Part II Water Resources, South Dakota Geological Survey, Vermillion, SD 57069

Hedges, L.S. et al, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for the U.S. Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD 57069

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI Report 93-44195, United States Geological Survey, Rapid City, SD 57702

Water Rights, 2008, Unpublished Observation Well Records for Clay County, SD DENR, Division of Water Rights, Pierre, SD, 57501

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY - 6 2009

State of South Dakota, County of Clay, ss.

WATER RIGHT
PROGRAM

Penny Tucker

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

NOTICE OF APPLICATION NO. 7109-3

TO APPROPRIATE WATER

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 24th day of April, 20 09, and that the succeeding publications were severally

on Friday, the 1st day of May, 20 09,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Forty-two dollars and 89 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Penny Tucker

Subscribed and sworn to before me

this 4th day of May, 20 09

Notary Public

Notary Public

My Commission Expires 5/23/11

NOTICE OF APPLICATION NO. 7109-3 to Appropriate Water

Notice is given that Dean M Johnson Living Trust, 2921 Woodland Dr, Logansport IN 46947 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located in the center of the SW 1/4 Section 5 to irrigate 138 acres located in the SW 1/4 Section 5; all in T92N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7109-3 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 May 11, 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.

Publish: April 24 & May 1, 2009



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 14, 2009

Plain Talk
PO Box 357
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7109-3 to Appropriate Water to be published twice. Please publish the first notice on April 24, 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 Dean M Johnson Living Trust, c/o Dean M Johnson, 2921 Woodland Dr., Logansport IN 46947 (Ph # 574-753-8196).

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. 7109-3

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

Date _____

We are in receipt of your letter of April 14, 2009 enclosing Notice to Appropriate Water by Application No. 7109-3 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.

April 14, 2009

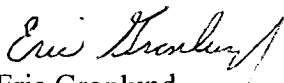
Dean M Johnson Living Trust
c/o Dean M Johnson
2921 Woodland Dr
Logansport IN 46947

Dear Mr. Johnson:

Water Permit Application No. 7109-3 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 Plain Talk printed at Vermillion 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.

Instruction to Newspaper - Publish first Notice on April 24, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 05 2009

Dean M Johnson Living Trust
c/o Dean M Johnson
2921 Woodland Dr
Logansport IN 46947-1354

Dear Mr. Johnson:

Enclosed is Water Permit No. 7109-3 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,

A handwritten signature in black ink, which appears to read 'Garland Erbele', is written over a horizontal line.

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

enclosures

7109-3

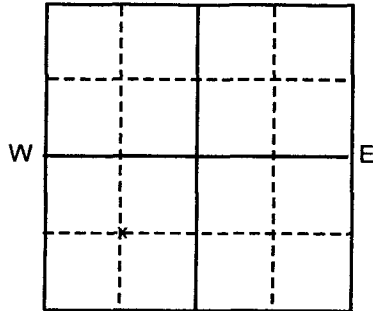
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location ne 1/4 sw 1/4 Sec 5 Twp 92n Rg 53wCounty clay

North

Please mark well
location with an "X"

Well Completion Date

12/22/09

1 Mile

 Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,500.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	59.0 FT	22.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bent grt	18	9.5 Lb/gal	0.0 Ft	52.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 50.0 Feet
Material pvcSlot Size .080 Set From 59.0 Feet to 109.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? hth tablets
☐ No, Why Not? _____
Lab to which water
quality sample sent for analysis _____Well Owner: Dean Johnson

Business Name: _____

Address: 2921 Woodland DriveCity, State, Zip: Logansport, IN 46947

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, brown, sandy	0	26
sand, medium to fine, silty	26	56
gravel, medium to coarse,	56	110

STATIC WATER LEVEL 18.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: air lift development
☒ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 666 and this report is true and accurate.Drilling firm: Hammond-wetmore Drilling

Signature of License Representative: _____

RECEIVED

Signature of Well Owner or Equitable Property Holder: _____

JAN 2 9 2010

WATER RIGHTS
PROGRAM

Date: _____

RECEIVED

NOV 18 2010

WATER RIGHTS
PROGRAM**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 11-14-2010

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

FROM: Chris Nelsen, operator
(name)
30723 444th Ave.
(address)
Mission Hill, S.D. 57046 605-661-7417
(city, state, zip) (phone)

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

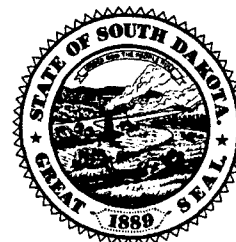
Water Permit No. 7109-3 states that the water use system is to be constructed by
5-11-2014, and water is to be put to beneficial use by 5-11-2018.
(date) (date)

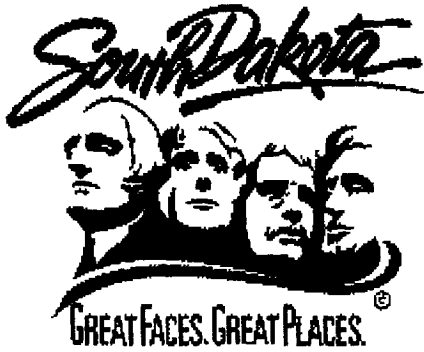
The water use system was completed on 11-25-2009.
(date)

Applying the water to beneficial use was completed on 4-29-2010.
(date)

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

Chris Nelsen, operator
(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

November 18, 2010

7109-3

Chris Nelson
30723 444th Ave
Mission Hill SD 57046

Dear Mr. Nelson:

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 the irrigation system authorized under Water Permit No. 7109-3, held by Dean Johnson Living Trust.

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 the project and the staff inspection has no bearing on the 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



7109-3

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

January 20, 2022

NOTICE

TO: CHRIS NELSEN, MGR, 30723 444TH AVE, MISSION HILL, SD 57046

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7066-3, 7109-3, 7511-3, 6955-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7066-3, 7109-3, 7511-3, 6955-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7066-3, 7109-3, 7511-3, 6955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: XBOAGL**

c: BRUCE JOHNSON, PO BOX 125, OAKDALE CA 95361-0125

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

7109-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2022

Chris Nelsen
30723 444th Ave
Mission Hill SD 57046

Dear Mr. Nelsen:

I am writing to acknowledge receipt of the 2021 irrigation questionnaires for Water Permit or Water Right Nos. 6955-3, 7066-3, 7109-3 and 7511-3.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for the above listed permits and rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7109-3**

I have this day, August 2, 2022, made a thorough examination of the water use systems owned by Dean M. Johnson Living Trust, 2921 Woodland Drive, Logansport, IN 46947-1354, holder of Permit No. 7109-3, bearing the priority date of March 20, 2009. This permit authorizes the diversion of 1.44 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of 138 acres located in Clay County.

Inspection contacts: Chris Nelsen

A. Works used to divert the water:

Well Information

- 1) Well Drilling Firm: Hammond Wetmore Drilling, LLC
- 2) No. of Wells: 1
- 3) Depth(s): 110 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 59 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 50 feet
- 3) Type: PVC
- 4) Static water level: 18 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 625S300-2-AA
- 3) Capacity: 640 GPM

Motor:

- 1) Make: Franklin
- 2) Model No.: Unknown
- 3) Horsepower rating: 30 hp

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

- 1) Type: Aluminum
- 2) Size: 8 inches
- 3) Length: 10 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Valley
- 2) Overall length: 1,296 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 640 GPM

Chemigation Equipment:

- 1) Does chemigate: Yes
- 2) Main line check valve: Yes
- 3) Inspection port/air relief: Yes
- 4) Low pressure drain: Yes
- 5) Discharge is 20' from source: Yes
- 6) Interlock type: Electrical
- 7) Injection pump: Positive displacement
- 8) Injection check valve: Yes
- 9) Injection line check valve or positive displacement pump: Yes

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 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:
The well is 1,350 feet east and 1,350 feet north of the southwest corner of Section 5-T92N-R53W (Latitude 42.81197, Longitude -97.13585– NE1/4 of the SW1/4).
- 2) The works are capable of diverting and conveying to the places of use 1.43 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

Section 5-T92N-R53W

<u>NW1/4SW1/4</u>	<u>33 acres</u>
<u>NE1/4SW1/4</u>	<u>34 acres</u>
<u>SW1/4SW1/4</u>	<u>33 acres</u>
<u>SE1/4SW1/4</u>	<u>34 acres</u>

comprising a total of 134 acres of land and the license should be issued for 1.43 cfs.

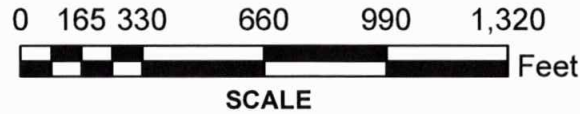
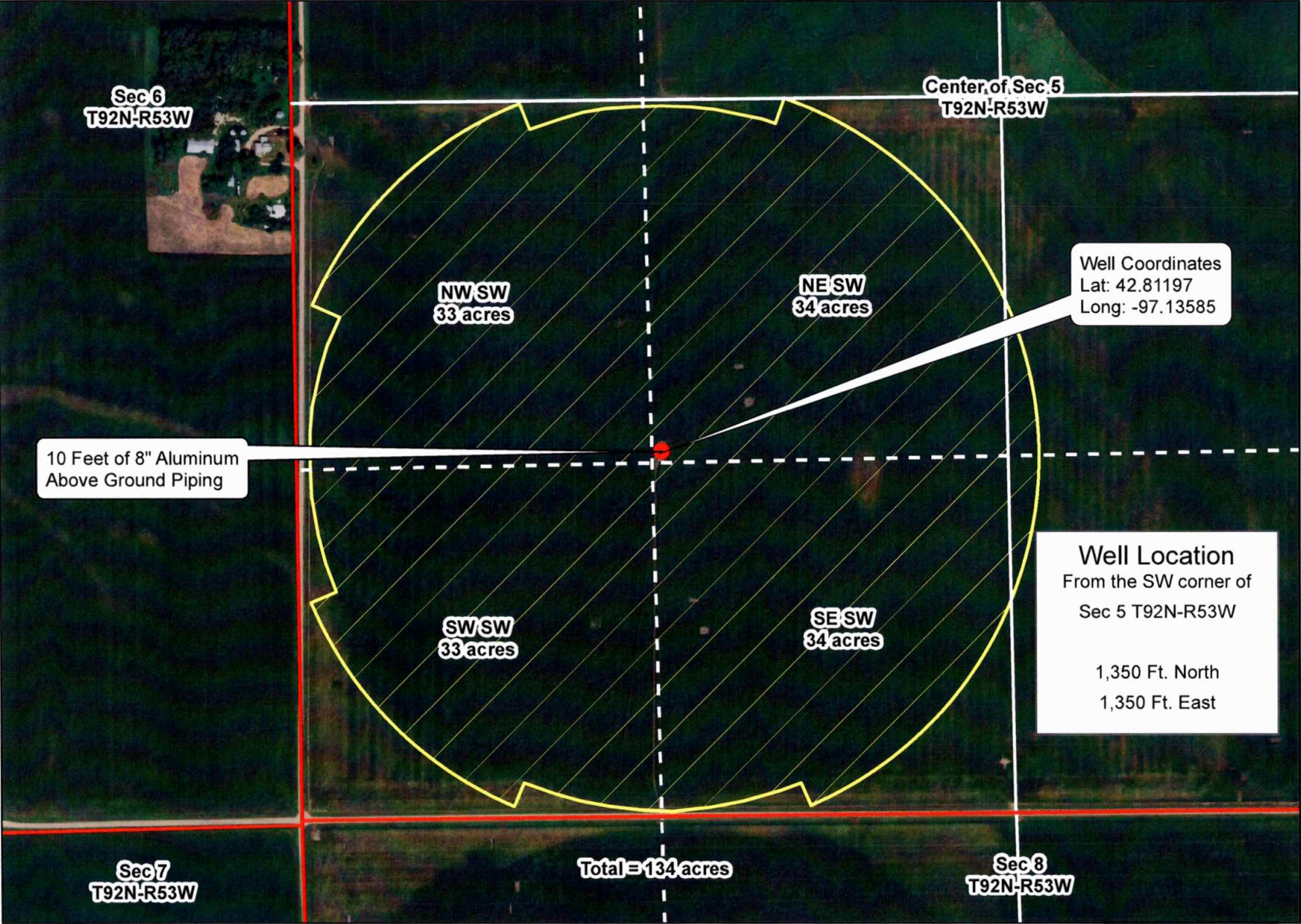
- 3) All structures, wells and lands on map: Yes

F. Comments or other permit(s) associated with the project: None.

Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: August 23, 2022

Water Permit No. 7109-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
August 23, 2022



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

AUG 26 2022

7109-3

Dean M Johnson Living Trust
2921 Woodland Dr
Logansport IN 46947-1354

Dear Mr. Johnson:

Enclosed is Water License No. 7109-3. 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

enclosures

c: Chris Nelsen, 30723 444th Ave., Mission Hill SD 57046

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7109-3

(1) Dean M Johnson Living Trust, 2921 Woodland Dr., Logansport IN 46947-1354 made Application No. 7109-3, March 20, 2009, for a water permit to divert 1.44 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7109-3, with a priority date of March 20, 2009, was approved May 11, 2009, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 11, 2014, and for the application to beneficial use of water on or before May 11, 2018.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.43 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,350'E and 1,350'N of the SW corner of Section 5-T92N-R53W (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
Latitude 42.81197, Longitude -97.13585

(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 5, T92N, R53W	NW $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	34 acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	34 acres
Total		134 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dean M Johnson Living Trust, 2921 Woodland Dr., Logansport IN 46947-1354 the holder and/or owner of Water Right No. 7109-3 is issued a license to appropriate water, the right to use 1.43 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of March 20, 2009, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7109-3 and subject to the following qualifications:

- The well 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.
- The well authorized by Permit No. 7109-3 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. ***The well was drilled in December 2009 by Hammond Wetmore Drilling LLC. A copy of the well completion report is on file with the Water Rights Program.***

continued

- 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

AUG 26 2022

date

