

WATER PERMIT NO. 7116-3

Name of Applicant: Chrysella Daniel, David Daniel and Julie Hanson

Address: 23853 461st Ave, Wentworth SD 57075 Phone: 605 489-2262

Amount of Water Claimed: 1.11 cfs Total Acres: 90

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Lake

Type of Waste Disposal System: NA

Location: 8 miles southeast of Madison

PRIORITY Date Received: 2-19-09

Application/License Fee: \$275

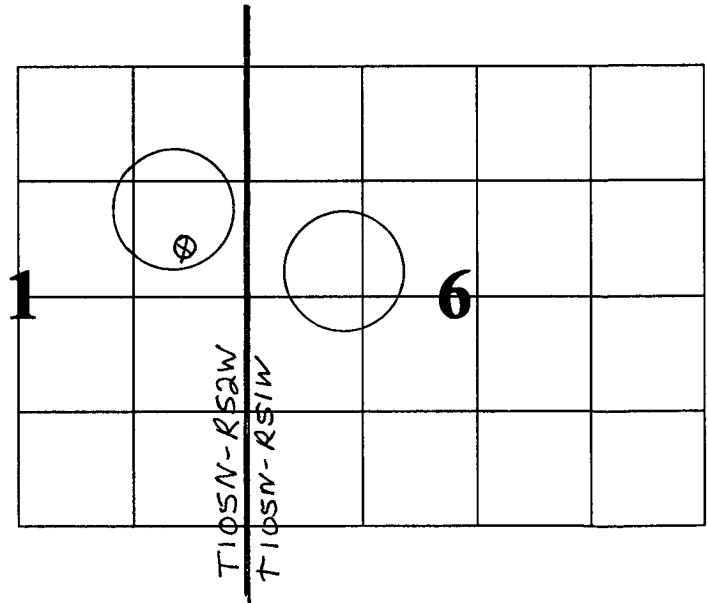
Corrected Application Received: 3-30-09

Period of Annual Use: June 1 – August 31

Remarks:

Diversion Point: SE ¼ NE ¼ Sec 1-T105N-R52W

Land to be Irrigated: NE ¼ Sec 1-T105N-R52W
and S ½ NW ¼, N ½ SW ¼ Sec 6-T105N-R51W



Depth of Well: 43 feet deep

Well Driller: Lacey Well Drilling

Remarks:

Type of Map: topo

Prepared by: Charles Lebeda, Lake Co NRCS

Reviewed and the Number Assigned on: 3-30-09

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>7116-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Lisieux River</u>
	Newspaper <u>Daily Leader. PO Box 348</u>
	<u>605-256-8455</u> <u>Marlison 57042</u>

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FEB 19 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 Chrysella Daniel, David Daniel, Julie Hanson Phone 605-489-2262
 (check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 23853 461st Ave., Wentworth State SD 57075
 (Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.11 *CFS or 500 **GPM ***AF Total Acreage 90
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Skunk Creek Aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lake
 One well in the SE 1/4 NE 1/4, Section 1, T.105N, R.52W.
5. County or counties where water will be used Lake
6. Annual period during which water is to be used Irrigation season - June-August. 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
NE 1/4 Sec.1, T105 R52W	45		
NW 1/4 Sec.6, T105 R51W	25		
N 1/2 SW 1/4	20		

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

STATE OF SOUTH DAKOTA)
County of Lake) 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, David Daniel, 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 David DanielSubscribed and sworn to before me this 13th day of February 20 09Notary Public signature [Signature]

SOUTH DAKOTA
WATER PERMIT NO. 7116-3

Date of first receipt of application February 19, 2009.

Date of return to applicant for corrections, amendments or changes February 19, 2009.

Date of receipt of corrected application March 30, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7116-3 to Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Ave, Wentworth SD 57075 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. 7116-3 appropriates 1.11 cubic feet of water per second from one well to be completed into the Big Sioux:Northern Skunk Creek Aquifer (approximately 43 feet deep) located in SE ¼ NE ¼ Section 1-T105N-R52W to irrigate 90 acres located in the NE ¼ Section 1-T105N-R52W and S ½ NW ¼, N ½ SW ¼ Section 6-T105N-R51W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – August 31.
3. The date from which applicant may claim right is February 19, 2009.
4. The date of approval of Permit No. 7116-3 is August 3, 2009.
5. One-fifth of the construction is to be completed on or before February 3, 2011.
6. All construction is to be completed on or before August 3, 2014.
7. Water is to be put to beneficial use on or before August 3, 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. 7116-3 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.
4. Water Permit No. 7117-3 shall have priority over Water Permit No. 7116-3.

WATER MANAGEMENT BOARD

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

JAN 13 2010
date

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 20" Depth 70 feet
- b) Casing Type Steel Diameter 12" Thickness NA
- c) Screen Type 10' Stainless Diameter 12" Thickness Johnson Screen
- d) Gravel Pack Yes Length of Gravel Pack 20'+
- e) Depth to Top of Water Bearing Material 5'
- f) Depth to Water (ground surface to water level) 20' - see accompanying RW tests for lithology.
- g) Distance to nearest existing domestic well:

On applicants property .25 mile from RW wells On property owned by others 1/2 mile

2. Wastewater Disposal System Information

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

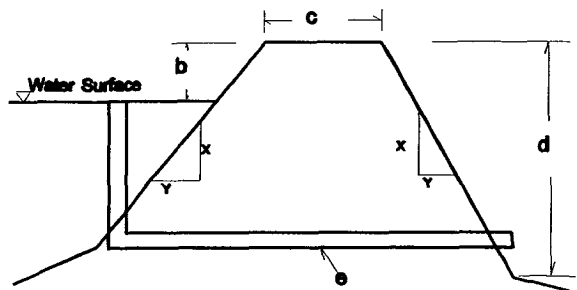
3. Dugout Information

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

4. Water Storage Dams

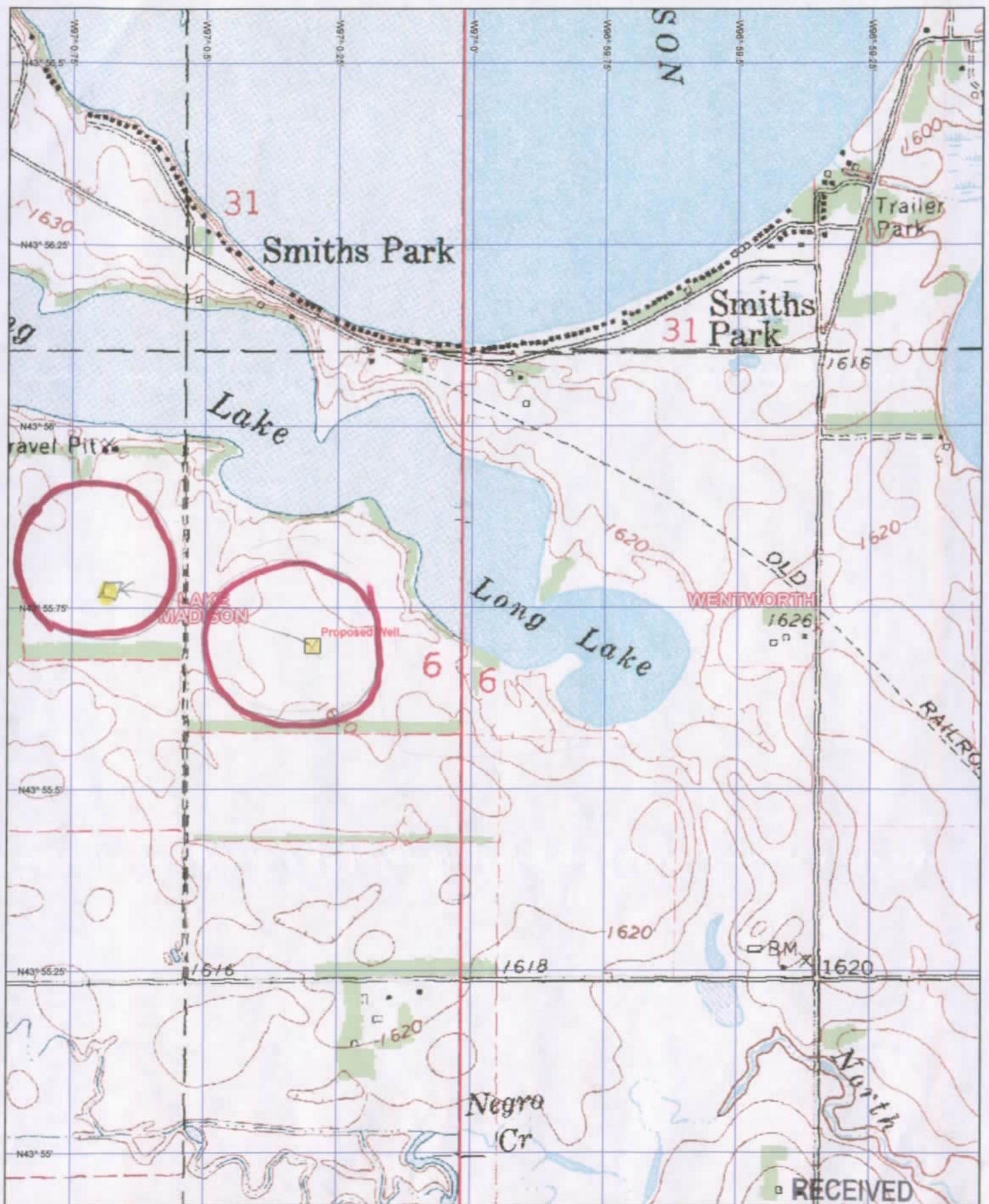
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



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

Irrigation well location - NW 1/4, Section 6, T. 105N., R. 51W. Lake County



3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS

500 ft Scale: 1 : 12,800 Detail: 14-0 Datum: WGS84

Charles S. Lebel

NRCS-USDA
123 SW 2nd St.
Madison, SD 57042

FEB 19 2009

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MAR 30 2009

WATER RIGHTS
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Down-Hole Camera
Water Specialists
Irrigation Supplies

In Water Since 1946

LACEY WELL DRILLING, INC.
47582 - 240th St.
Dell Rapids, South Dakota 57022
Telephone (605) 428-5979

Wells — Pumps
Dewatering Work
Test Drilling

Test Holes - west Ground

Drilled 10-24-08

By: James Lacey

0-2 Topsoil

2-20 GRAVEL

20-25 CLAY

25-43 Good GRAVEL
(last 5' very Good)
Grey GRAVEL

SWL-20'

This drilling was done under
License No. III.

Signed by: Joan Redden-Lacey

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/19, 2009

RECEIVED OF Chrysella Daniel 46029 239th St Wentworth SD 57075

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

Fee for Application for Permit No. <u>7116-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>7116-3</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	275 00

No.

64008

By

Lakshmi Eshel
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 19, 2009

David Daniel
23852 461st Ave
Wentworth SD 57075

Dear Mr. Daniel:

Thank you for submitting the two *Applications for a Permit to Appropriate Water* for rural water system use and irrigation use. Regarding the application for irrigation, in order to complete the application, the following is required.

- Enclosed is the map submitted with the application. Please outline the 90 acres to be irrigated. The application identifies 45 acres located in the NE $\frac{1}{4}$ Sec 1-T105N-R52W and 45 acres located in the NW $\frac{1}{4}$ Section 6-T105N-R51W.
- Also, what is the amount of water claimed for this irrigation project? State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 1.28 cfs or 575 gpm to irrigate 90 acres. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing if your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).

The application for rural water system use is complete.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

46029 239th St
Wentworth, SD 57075

March 26, 2009

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MAR 30 2009

WATER RIGHTS
PROGRAM

Karen Schlaak
Water Rights Program
SD DENR
523 E Capitol
Pierre, SD 57501-3182

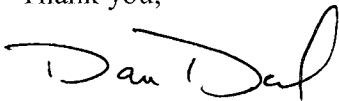
Dear Ms. Schlaak

Regarding my application for a water permit for irrigation, I am providing this additional information:

- 1) I wish to request a rate of 500 gallons per minute
- 2) Enclosed is a map of the proposed irrigated land, along with the original proposed well site and the more likely new proposed site. We did more testing since the application was submitted and have found the new site to be a better location.
- 3) Enclosed is a copy of the driller's log for the new site.

If you have any questions or need more information, please contact me at 270-9564 or 489-2262.

Thank you,



Dave Daniel

Davekdaniel@hotmail.com

3/26/09
Dave Daniels called
Will be requesting 500gpm
and they had test holes
dug and will be changing
proposed well location.
Told him to mark well
location on map & I would
change application. Also
submitting test hole log.
Kar



**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. 7116-3, Chrysella Daniel, David Daniel and Julie Hanson**

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. 7116-3, Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Avenue, Wentworth, SD 57075.

The Chief Engineer is recommending APPROVAL of Application No. 7116-3 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. 7116-3 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.
4. Water Permit No. 7117-3 shall have priority over Water Permit No. 7116-3.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 21, 2009

REPORT ON WATER PERMIT APPLICATION NO. 7116-3
For Chrysella Daniel, David Daniel and Julie Hanson
May 5, 2009

Application No. 7116-3 proposes to appropriate 1.11 cfs (500 gpm) from one well approximately 43 feet deep and located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 1, T105N R52W to irrigate 90 acres located in the NE $\frac{1}{4}$ of section 1, T105N R52W and the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ of section 6, T105N R51W in Lake County.

AQUIFER – BIG SIOUX NORTHERN SKUNK CREEK (BS-NSC)

The Big Sioux Northern Skunk Creek is a predominantly surficial outwash (sand and gravel) under water table conditions in this area. The aquifer underlies 48 square miles and contains an estimated 196,000 acre feet of water in storage in Lake and Moody Counties (Hansen, 1986). The general direction of ground water movement is from northwest to southeast but is also influenced by the proximity of area lakes and streams. The aquifer is also hydraulically connected to nearby Lakes Madison, Bryant, and Round and to Skunk Creek. Average annual recharge to the aquifer has been estimated at 3.1 inches per year (about 7,936 acre-feet) and could range from 2.0 to 5.6 inches per year (Hedges, 1983). The majority of the water use from the aquifer in Lake County is by irrigation, Kingbrook and Big Sioux Rural Water systems and the City of Madison. In 2007 the total water used by these entities was about 3,398 acre feet.

The breakdown is as follows; irrigation used about 1,338 acre feet, Big Sioux Rural water used 741 acre-feet, Kingbrook Rural Water used 696 acre-feet and the City of Madison used 623 acre-feet in 2007. Future use remaining reserved for municipal and rural water use from this aquifer is about 2,418 acre-feet annually. Comparing the water use plus adding in the future use possible and subtracting this total from the estimated average annual recharge leaves about 2,120 acre-feet remaining for appropriation. These figures of course only represent 2007 irrigation use and irrigation use can change significantly from year to year based upon climatic conditions. However, since 2000 the largest volume years of irrigation water use were 2001 and 2002 which reportedly used 1,475 and 1,462 acre-feet respectively. So, using the 2007 water year as a representative sample year appears to be a reasonable assumption. Water use for 2008 is not available at this time.

A test well drilled by Lacey Drilling for the applicant indicates topsoil from 0 to 2 feet, gravel from 1 to 20 feet, clay from 20 to 25 feet and gravel from 25 to 43 feet below land surface with a static water level of 20 feet below land surface. No test pumping information is available for this site.

The Water Rights Program monitors four observation wells completed into the Skunk Creek aquifer and located within four miles of this application. These are observation wells LK-79A, LK-79C, LK-79D and LK-79E. Water levels for these wells show good response to climatic conditions. Water levels rise during wet years (recharge) and decline during dry years. The water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2009). However, the record also indicates that there has been an impact to the water levels in the area of observation well LK-79A. The record indicates that pumping of nearby Rural Water System wells has impacted the immediate area of LK-79A.

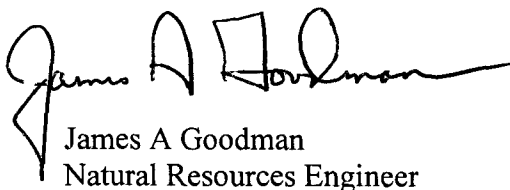
This record indicates about 5 feet of decline in water levels which should not be serious but at least should be considered before authorizing new permit applications in this immediate area. Hydrographs for these four observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water permits/rights within two miles of this application. These are Water Right No. 6055-3 (0.54 cfs, irrigation of 38 acres) and Water Permit No. 6833-3 (1.11 cfs, irrigation of 90 acres). At this distance between wells and at these proposed rates of pumping drawdown should not be significant and interference is not a concern.

CONCLUSIONS

1. Water is available from the Big Sioux Northern Skunk Creek aquifer.
2. At this site the aquifer appears to be under water table conditions according to the test well log provided with the application. Drawdown created by pumping is not expected to be significant at the requested rate and interference should not be a concern.
3. The well(s) authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The aquifer in this area can be split into two zones. An upper zone of sand and gravel is separated from a lower zone by a clay layer. This is shown by the test well log and by two of the monitoring wells LK-79C and LK-79D which are completed into these individual layers and located at the same site. Even though both layers are considered the Big Sioux Northern Skunk Creek hydraulically there can be differences. The water level record reinforces this concept but also indicates the aquifer is capable of sustaining additional withdrawals.



James A Goodman
Natural Resources Engineer

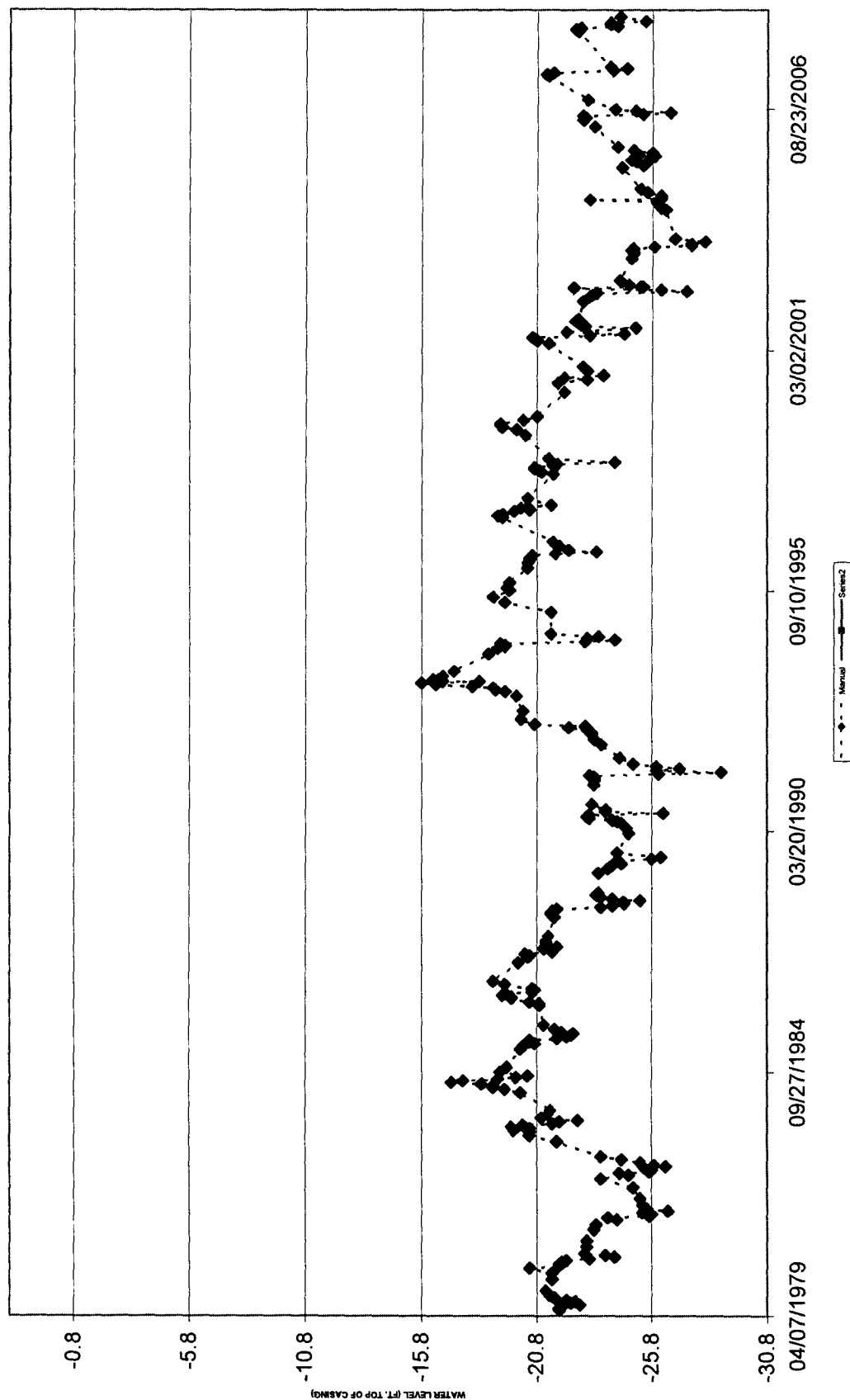
BIBLIOGRAPHY

Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, Water Resources Investigations Report 84-4209, USGS, Huron, SD, 57350.

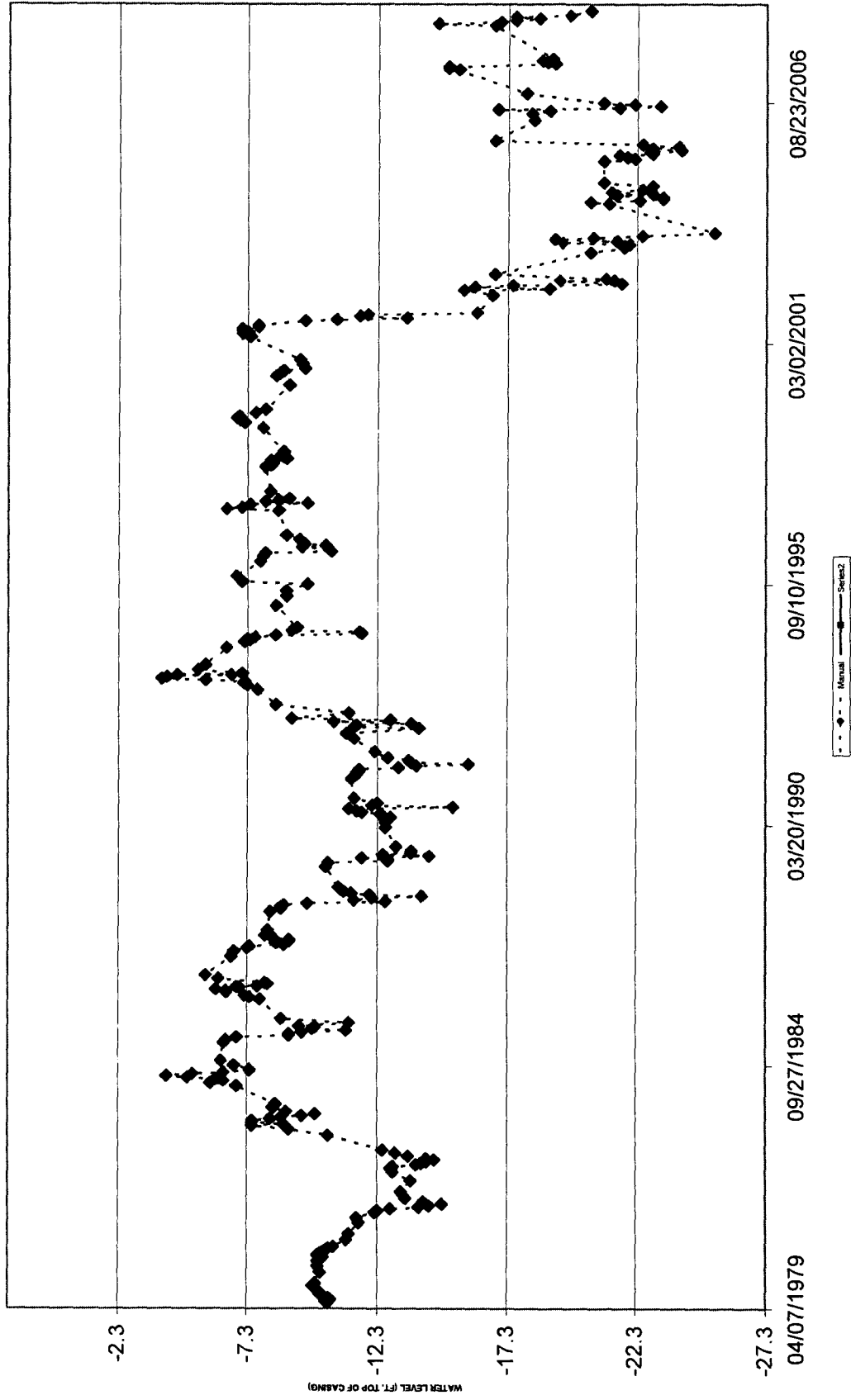
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

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

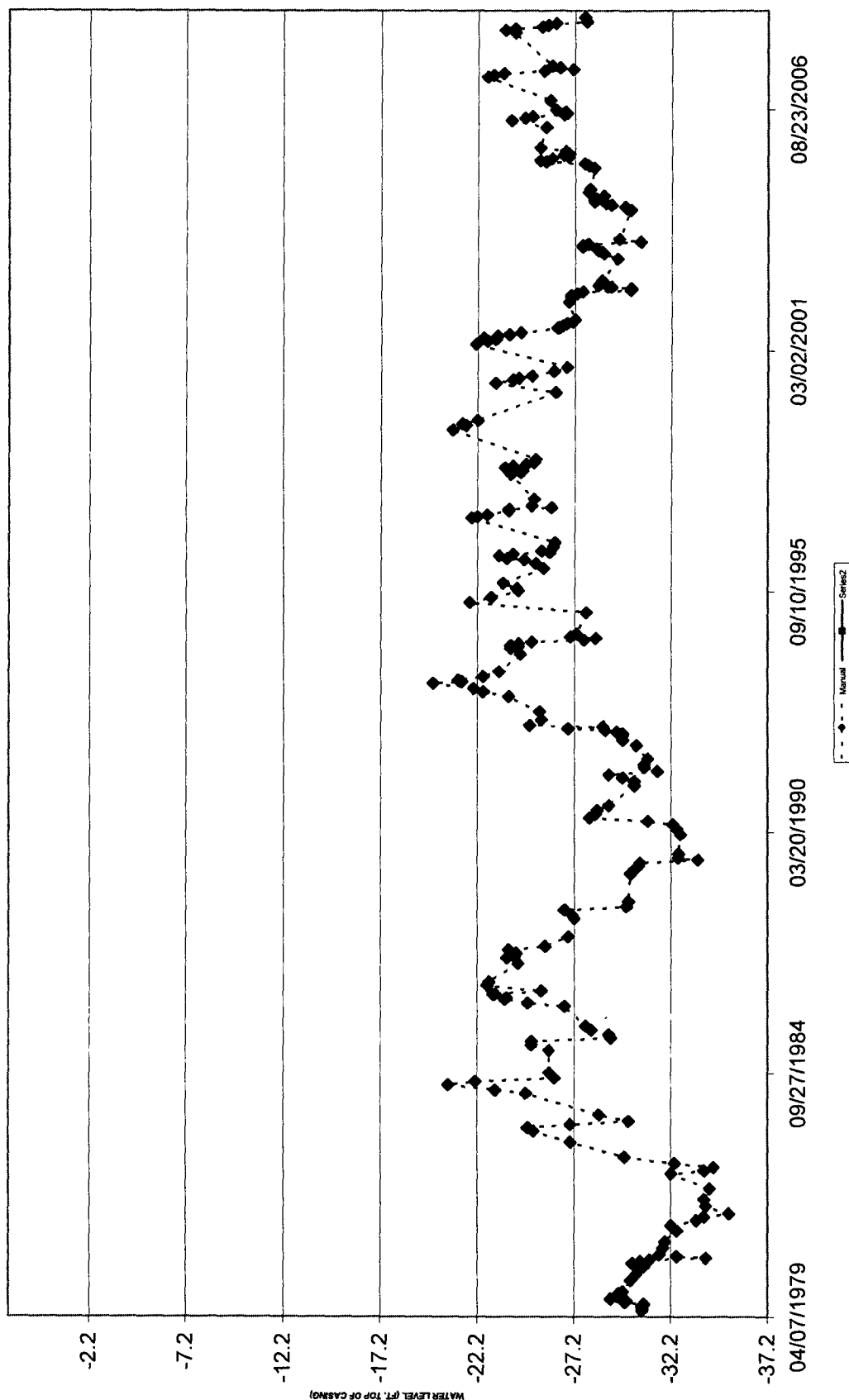
**WATER RIGHTS' OBSERVATION WELL
LK-79C**



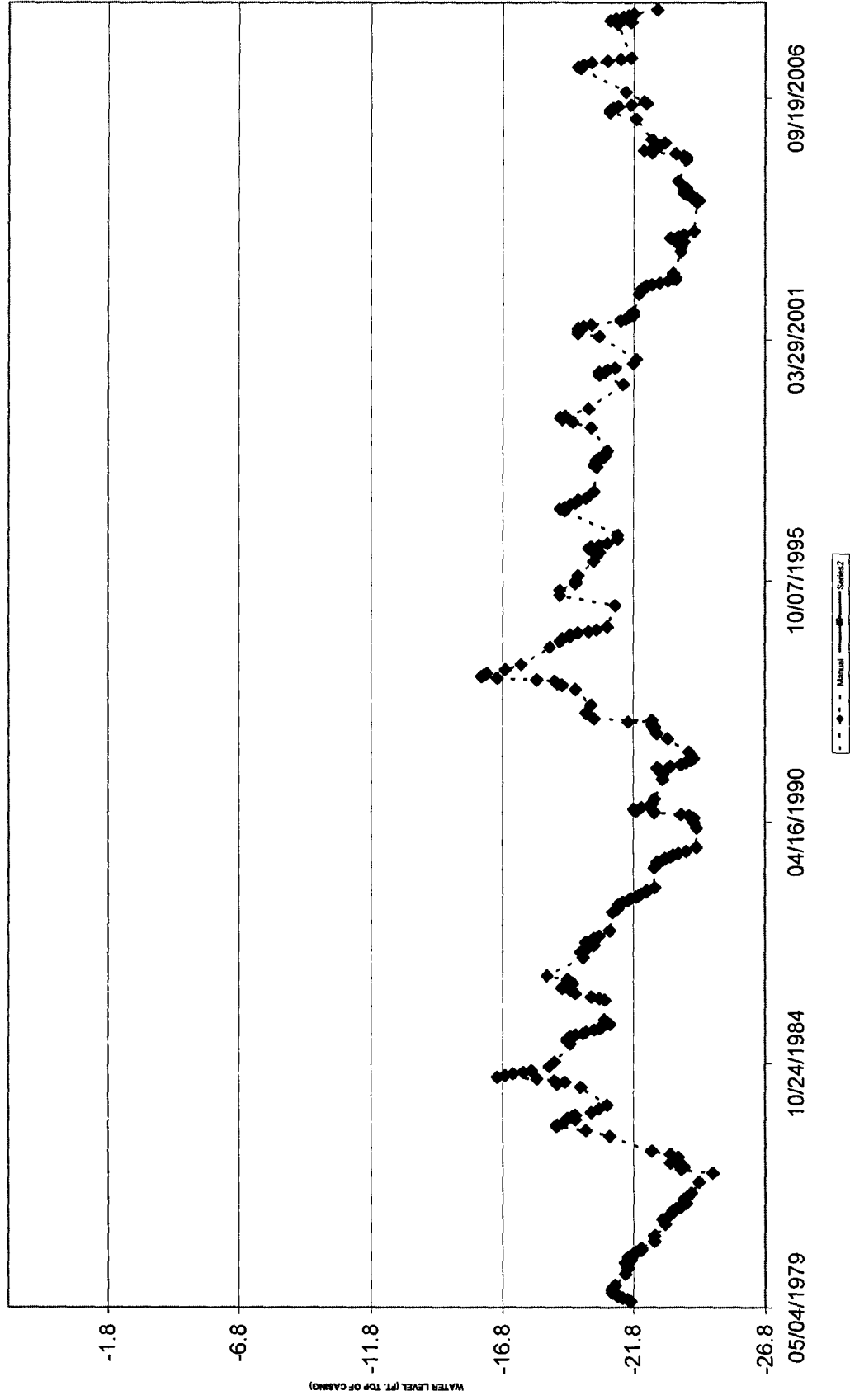
**WATER RIGHTS' OBSERVATION WELL
LK-79A**



**WATER RIGHTS' OBSERVATION WELL
LK-79E**



**WATER RIGHTS' OBSERVATION WELL
LK-79D**



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STATE OF SOUTH DAKOTA }
County of Lake } ss.

JUL 27 2009

**WATER RIGHTS
PROGRAM**

Sue Anne Artko

..... of the City of Madison, County of Lake,
State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

David Daniel

Notice of Application to Appropriate Water

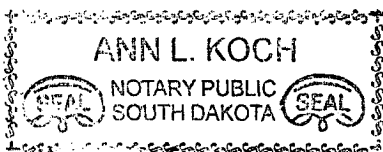
printed copy of which hereunto attached, was printed and published in the said newspaper for Two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Wednesday, the 15th day of July, 2009;
On Wednesday, the 22nd day of July, 2009;
On, the day of, 20.....;
On, the day of, 20.....;
On, the day of, 20.....;
On, the day of, 20.....;
On, the day of, 20.....;
On, the day of, 20.....;

That \$ 56.30 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a 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.

Sue Anne Artko

Subscribed and sworn to before me this 23rd day of July, 2009



Ann L. Koch
Notary Public, Lake County, South Dakota

Wednesday, July 15 & 22

**NOTICE OF APPLICATION
NOS. 7116-3 AND 7117-3
TO APPROPRIATE WATER**

Notice is given that Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Ave, Wentworth SD 57075 has filed the following applications for a water permit.

Application No. 7116-3 proposes to appropriate 1.11 cubic feet of water per second from one well to be completed into the Big Sioux: Northern Skunk Creek Aquifer (approximately 43 feet deep) located in SE 1/4 NE 1/4 Section 1-T105N-R52W to irrigate 90 acres located in the NE 1/4 Section 1-T105N-R52W and S 1/2 NW 1/4, N 1/2 SW 1/4 Section 6-T105N-R51W.

Application No. 7117-3 proposes to appropriate 600 acre-feet annually at a maximum diversion rate of 0.89 cubic feet of water per second from four wells to be completed into the Big Sioux: Northern Skunk Creek Aquifer (approximately 30 - 40 feet deep) located in the W 1/2 NW 1/4 Section 6-T105N-R51W for rural water system use by the Big Sioux Community Water System.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7116-3 and 7117-3 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 the applications, as recommended,

unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 August 3, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$56.30.

Affidavit of Publication

State of South Dakota

ss

County of Brookings

Katy VanMaanen of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Legal 922 "Appropriate Water"

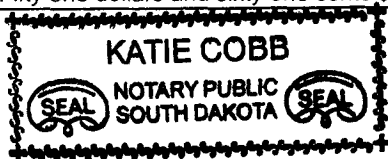
a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit said newspaper for _____ 2 times, to-wit:

July 15, 2009

July 23, 2009

said Exhibit "A" inures to the sole benefit for the publishers of 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 person whomsoever; that the fees charged for the publication thereof are:

Fifty one dollars and sixty one cents \$51.61



Katy VanMaanen

Subscribed and sworn to before me this

23rd day of

July

2009

Katie Cobb

Notary Public in and for the County of Brookings, South Dakota.

My Commission expires July 14, 2015

Exhibit "A"

RECEIVED

AUG 12 2009

WATER RIGHTS PROGRAM

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 August 3, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published twice at the total approximate cost of \$51.61.

PUBLIC NOTICE

Legal 922, 2x, 7/15,23
NOTICE OF APPLI-
CATION NOS. 7116-3
and 7117-3 to

Appropriate Water
Notice is given that Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Ave, Wentworth SD 57075 has filed the following applications for a water permit.

Application No. 7116-3 proposes to appropriate 1.11 cubic feet of water per second from one well to be completed into the Big Sioux:Northern Skunk Creek Aquifer (approximately 43 feet deep) located in SE 1/4 NE 1/4 Section 1-T105N-R52W to irrigate 90 acres located in the NE 1/4 Section 1-T105N-R52W and S 1/2 NW 1/4, N 1/2 SW 1/4 Section 6-T105N-R51W.

Application No. 7117-3 proposes to appropriate 600 acre-feet annually at a maximum diversion rate of 0.89 cubic feet of water per second from four wells to be completed into the Big Sioux:Northern Skunk Creek Aquifer (approximately 30 - 40 feet deep) located in the W 1/2 NW 1/4 Section 6-T105N-R51W for rural water system use by the Big Sioux Community Water System.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7116-3 and 7117-3 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 the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition. Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E

RECEIVED

JUL 24 2009

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Moody) SS

I, Angela Nibbelink

certify that the attached printed Notice was
taken

from the Moody County

Enterprise

printed and published in Standard

County of Moody and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

July 15, 2009

July 22, 2009

Cost of Printing \$52.56

Angela Nibbelink
(Signature)

Office mgr / bookkeeper
(Title)

7-22-09
(Date Signed)

NOTICE OF APPLICATION NOS.
7116-3 and 7117-3 to Appropriate
Water

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary
Department of Environment and
Natural Resources

Published twice at the total approximate cost of \$50.

(July 15 & 22, 2009)

AFFIDAVIT OF PUBLICATION-

Customer Number: **078340**

Invoice Number: **1219178**

Water Rights Program

**NOTICE OF APPLICATION
NOS. 7116-3 and 7117-3 to
Appropriate Water**

Notice is given that Chrysella Daniel, David Daniel and Julie Hanson, 23853 481st Ave, Wentworth SD 57075 has filed the following applications for a water permit.

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Published twice at the total approximate cost of 126.98.
1219178 Jul. 15 & 22, 2009

**Argus Leader
AFFIDAVIT OF PUBLICATION**

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 15 day of July 2009 ,

Wednesday, the 22 day of July 2009 ,

_____, the _____ day of _____ 2009 ,

_____, the _____ day of _____ 2009 ,

_____, the _____ day of _____ 2009 ,

_____, the _____ day of _____ 2009 ,

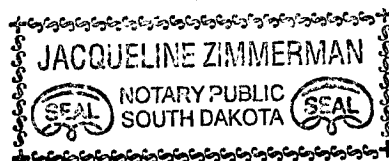
_____, the _____ day of _____ 2009 ,

and that \$126.98 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 7/22/2009 .

J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 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

July 7, 2009

Daily Leader
PO Box 348
Madison SD 57042

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7116-3 & 7117-3 to Appropriate Water to be published twice. Please publish the first notice on July 15, 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 APPLICANTS are Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Ave., Wentworth SD 57075 (Ph # 605-489-2262).

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-----

Nos. 7116-3 & 7117-3

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

Date _____

We are in receipt of your letter of July 7, 2009 enclosing Notice to Appropriate Water by Application Nos. 7116-3 & 7117-3 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

July 7, 2009

Brookings Register
PO Box 177
Brookings SD 57006

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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Nos. 7116-3 & 7117-3

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

Date _____

We are in receipt of your letter of July 7, 2009 enclosing Notice to Appropriate Water by Application Nos. 7116-3 & 7117-3 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

July 7, 2009

Moody County Enterprise
PO Box 71
Flandreau SD 57028

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Natural Resources Engineer
605 773-3352

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Joe Foss Building
Pierre SD 57501-3181

Date _____

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and NATURAL RESOURCES

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

July 7, 2009

Argus Leader
PO Box 5034
Sioux Falls SD 57117

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

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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 NEWSPAPERS RIGHT AWAY.**

July 7, 2009

Chrysella Daniel, David Daniel & Julie Hanson
23853 461st Ave
Wentworth SD 57075

Dear Ms. Daniel & Hanson & Mr. Daniel:

Water Permit Application Nos. 7116-3 & 7117-3 for irrigation and rural water system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. Regarding the application for rural water system use, water rights law requires publication of the notice in each county where water will be diverted or used. The notice has been sent to the following papers:

Daily Leader, Madison SD 605 256-4555
Brookings Register, Brookings SD 605 692-6271
Moody Co Enterprise, Flandreau SD 605 997-3725
Argus Leader, Sioux Falls SD 605 331-2200

You will need to contact each of the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization, the publishers have been instructed to publish your notice once each week for two consecutive weeks. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

cc: Martin Jarret, Big Sioux Community Water, 23343 479th Ave., Egan SD 57024

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 July 15, 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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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 these applications. 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
denr.sd.gov

1991 1 2 2013

Chrysella Daniel David Daniel & Julie Hanson
23853 461st Ave
Wentworth SD 57075

Dear Applicants:

Enclosed are Water Permit Nos. 7116-3 and 7117-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 21, 2011

NOTICE

TO: DAVID & CHRYSSELLA DANIEL, DAVID DANIEL, 23853 461ST AVE, WENTWORTH, SD 57075

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7116-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 7116-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 7116-3 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 on/or before **March 4, 2011**, 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: <http://denr.sd.gov/iq.aspx>

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.

7116-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0803 0194

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 11:32 am on January 22, 2011 in WENTWORTH, SD 57075. The item was signed for by D OANIEL.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 22, 2011, 11:32 am, WENTWORTH, SD 57075
- Out for Delivery, January 22, 2011, 8:10 am, WENTWORTH, SD 57075
- Sorting Complete, January 22, 2011, 8:00 am, WENTWORTH, SD 57075
- Arrival at Post Office, January 22, 2011, 7:31 am, WENTWORTH, SD 57075
- Processed through Sort Facility, January 22, 2011, 3:51 am, SIOUX FALLS, SD 57104

Notification Options

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Verify who signed for your item by email, fax, or mail.

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0803 0194

DAVID & CHRYSELLA DANIEL
DAVID DANIEL
23853 461ST AVE
WENTWORTH SD 57075

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2011

7116-3

David Daniel
23853 461st Ave
Wentworth SD 57075

Dear Mr. Daniel:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit No. 7116-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



7116-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 31, 2012

Randy Hansen
Longacre Farms
46029 239th St
Wentworth SD 57075

Dear Mr. Hansen:

I am writing in regard to a well driller's report filed by Steffl Drilling & Pump Inc. The report shows a new well was completed for Longacre Farms on June 29, 2011 located in the SW ¼ Sec 6-T105N-R51W. A review of our files indicate Water Permit No. 6833-3 was authorized for 500 gallons per minute (gpm) from one well, approximately 95 feet deep located in the SW ¼ SW ¼ Section 5 to irrigate 95 acres located in portions of the SW ¼ Section 5; all in T105N-R51W.

Mr. Hansen, is this well a replacement well or an additional well which does not increase the total appropriation of 500 gpm? If the authorized diversion rate is to be increased a new water permit will need to be obtained. Once we know this information, we can determine what additional action, if any, needs to be taken to ensure your water rights accurately reflects the irrigation system.

If you have any questions, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

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

11-02

Date:

Please return **WHITE COPY** to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501

RECEIVED

FEB - 9 2012

WATER RIGHTS
PROGRAM

February 7, 2012

Karen Schlaak
Water Rights Program
605 773-3352
Pierre, South Dakota 57501-3182

Dear Karen Schlaak,

Thank you for contacting me regarding about the placement of the well. The location and use of the well for the Water Permit No.6833-3 has not changed. The Water Permit No.7116-3 is the one that needs to be corrected. I am sorry for not notifying you about the change in location of the well. I was told from Farmers Imp. & Irrigation that no notification was necessary. I believe Dave Gullickson (Farmers Imp.& Irrigation) was in conversation with Eric Gronlund about this mater. I should have notified you anyway.

After visiting with Martin Jarret (Big Sioux Manager) and discussing both of our concerns with protecting Big Sioux's interests and their wells (Water Permit No.7117-3) it would be best to move the location of the proposed well further south away from their production wells. The well is correctly filed by Steffl Drilling & Pump Inc. which is located in the SW1/4 Sec6-T105N-R51W. The well pumps at 500 gallons per minute (gpm) from one well, approximately 80 feet deep to irrigate 80 acres located in (60 acres N1/2-SW1/4)(20 acres S1/2-NW1/4) ; all in Section 6 T105N-R51W.

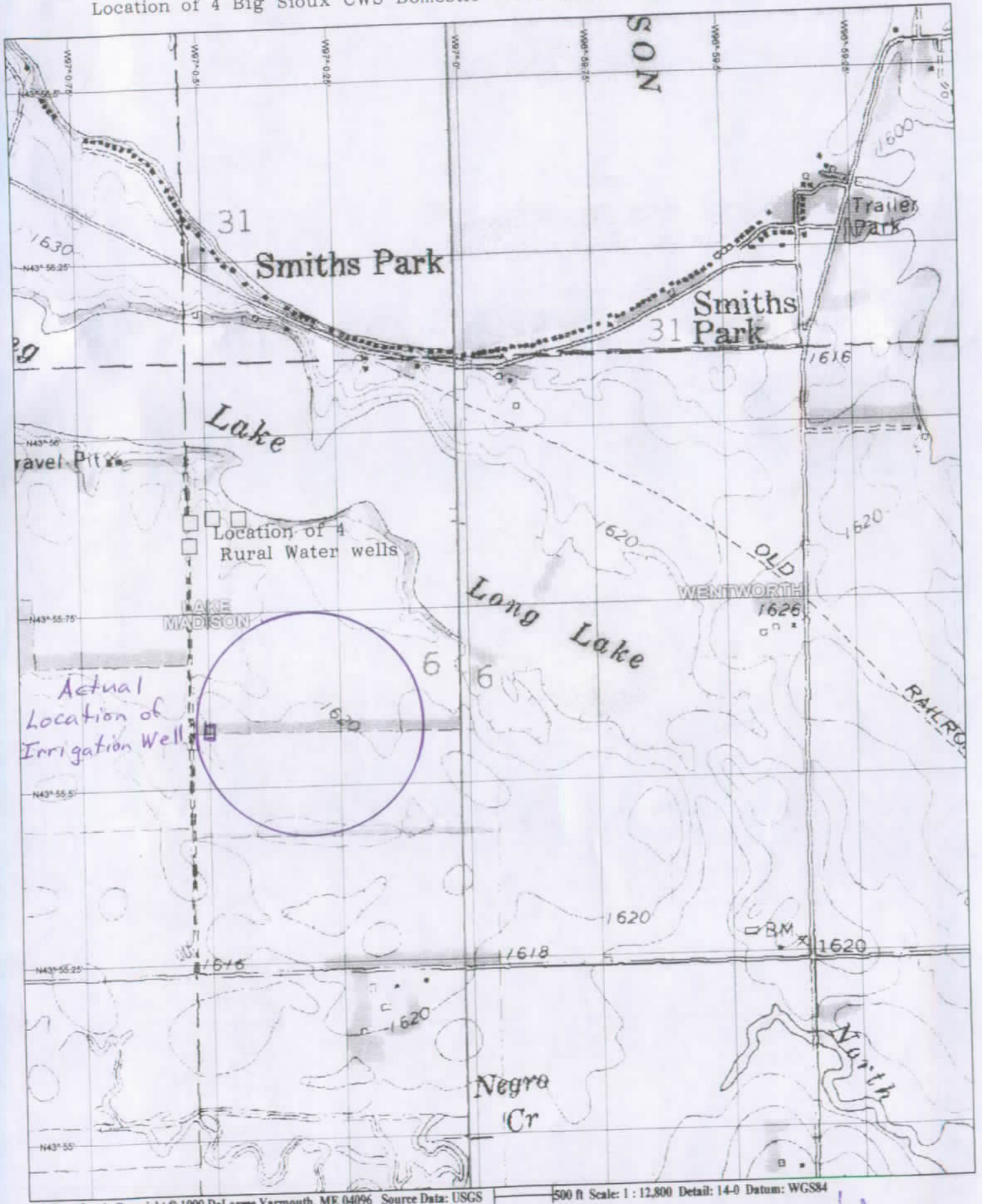
Enclosed is a map of the new location of the well and the area that is irrigated.

If you have any questions, please contact me.

Sincerely,

Randy Hansen
Longacre Farms
46029 239th St
Wentworth SD 57075

Location of 4 Big Sioux CWS Domestic Water Wells : NW 1/4, Sec. 6, T105N, R51W.



3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS

500 ft Scale: 1 : 12,800 Detail: 14-0 Datum: WGS84

NRCS-USDA
123 SW 2nd St.
Madison, SD 57042

Charles L. L. DC

Rec'd
2/9/12
W. Right



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 24, 2012

Randy Hansen
Longacre Farms
46029 239th Street
Wentworth SD 57075

Mr. Hanson:

A well completion report was filed by Steffl Drilling for a well drilled for you last June. This prompted a letter from the Water Rights Program regarding the well. You responded that this well was drilled for the irrigation intended by Water Permit No. 7116-3 and further explained why the well was not drilled at its originally intended location.

Water Permit No. 7116-3 appropriates 1.11 cubic feet of water per second from one well to be completed into the Big Sioux:Northern Skunk Creek Aquifer (approximately 43 feet deep) to be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T105N, R52W to irrigate 90 acres located in the NE $\frac{1}{4}$ Section 1, T105N, R52W and the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6, T105N, R51W. The well was completed in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T105N, R51W.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in well location is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate of 1.11 cfs (500 gpm) from the Big Sioux:Northern Skunk Creek Aquifer is authorized. If the total diversion rate increases or the wells are developed into another aquifer, a new water right permit will need to be obtained.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Garland Erbele".

Garland Erbele, Chief Engineer
Water Rights Program

Approval of a Change of Diversion Point

NAME: Chrysella Daniel, David Daniel and Julie Hanson

ADDRESS: 23853 461st Avenue, Wentworth SD 57075

DATE: February 23, 2012 **COUNTY:** Lake **TELEPHONE:**

BACKGROUND:

Water Permit No. 7116-3 appropriates 1.11 cubic feet of water per second from one well to be completed into the Big Sioux:Northern Skunk Creek Aquifer (approximately 43 feet deep) to be located in the SE ¼ NE ¼ Section 1, T105N, R52W to irrigate 90 acres located in the NE ¼ Section 1, T105N, R52W and the S ½ NW ¼, N ½ SW ¼ Section 6, T105N, R51W.

A well completion report was submitted December 21, 2011 by Steffl Drilling states the well owner is Randy Hanson with Longacre Farms. DENR subsequently sent a letter to Mr. Hanson inquiring whether this was a replacement well or additional well to existing Water Permit No. 6833-3. Mr. Hanson responded was that the well completion report is for the well authorized by Water Permit No. 7116-3 which was drilled to the east of where initially intended.

The well is drilled in the NW ¼ SW ¼ Section 6, T105N, R51W approximately 1,320 feet southeast of its originally intended location. Mr. Hanson states the reason for the change was to move the irrigation well farther south from Big Sioux Rural Water System's wells. The permit holder made this change after consulting with Martin Jarrett, manager of the rural water system.

AUTHORITY:

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

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

The water source authorized by Water Permit No. 7116-3 is the Big Sioux:Northern Skunk Creek Aquifer. The well completion report shows the well was actually completed to a depth of 77 feet but is still completed in the Big Sioux:Northern Skunk Creek Aquifer.

No additional appropriation of water is authorized. The water permit is limited to a diversion rate of 1.11 cfs. Mr. Hanson confirmed in his letter to DENR that the well pumps at 500 gpm with equates to 1.11 cfs.

- **Review of Existing Diversions**

The well completion report database was reviewed and the nearest domestic wells on file are located 1.75 miles away. One domestic well is located to the southwest and another is southeast.

The water right database was reviewed for existing water rights from the Big Sioux:Northern Skunk Creek Aquifer in the area. The nearest water right is No. 7117-3 with wells located approximately 1,800 feet to the north and held by the same individuals. These wells are for rural water system use under agreement to serve Big Sioux Rural Water System. Application Nos. 7116-3 and 7117-3 were processed at the same time and it was determined that 7117-3 has priority. The next closest water right is held by Longacre Farms approximately 1.1 miles to the southeast. There is a small commercial use water right located 1.5 miles to the northeast along the banks of Lake Madison.

The staff report prepared on this application concludes that drawdown will occur between these diversions but interference is not expected to be adverse because of the distance between wells and the amount of water requested.

CONCLUSION

- The change in well location does not propose to appropriate additional water..
- The well is completed into the Big Sioux:Northern Skunk Creek Aquifer.
- Interference is not expected to be a concern.
- Existing domestic wells should not be adversely impacted by authorizing this change.

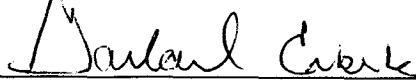
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the change of diversion point location be authorized under Water Permit No. 7116-3.


Eric Gronlund
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 the diversion point does not increase the potential for adverse effects to existing diversions.


Garland Erbele, Chief Engineer
Water Rights Program





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



March 13, 2014

7116-3

Randy Hansen
46029 239th St
Wentworth SD 57075

Dear Mr. Hansen:

I am writing in follow-up to the comments you wrote on the 2013 irrigation questionnaire for Water Permit No. 7116-3. I included a copy of the form you completed with the specific notes concerning the changes needed.

I have reviewed the water permit and am still uncertain as to what to change. On the questionnaire you requested that the NE ¼ Section 1, T104N, R52W be removed. Enclosed is a copy of the application and permit for Water Permit No. 7116-3. I have highlighted the area on the permit showing what is actually covered. This was based on the map and application submitted in February 2009.

If the legal description contained on the irrigation questionnaire was simply a typographical error, I could change it with the information you submitted. However, I cannot change what was listed on the application and permit. At such time as the irrigation system is inspected and a water license issued, discrepancies with the legal descriptions will be corrected at that time.

I hope I have addressed your concerns and if not, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-5455
email: genny.mcmath@state.sd.us

enclosures



7116-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: DAVID & CHRYSSELLA DANIEL, DAVID DANIEL, 23853 461ST AVE, WENTWORTH, SD 57075

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7116-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 7116-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 7116-3 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 3, 2016** 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: <http://denr.sd.gov/iq.aspx>

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 3, 2016

7116-3

David Daniel
23853 461st Ave
Wentworth SD 57075

Dear Mr. Daniel:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit No. 7116-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7116-3

I have this day, October 29, 2021, made a thorough examination of the water use system constructed by Chrysella, Daniel, David Daniel & Julie Hanson, 23853 461st Ave, Wentworth, SD 57075 of Permit No. 7116-3, bearing the priority of February 19, 2009 authorizing the diversion of 1.11 cu. ft. per second of the waters of the Big Sioux: Northern Skunk Creek Aquifer for irrigation purposes, in Lake County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling & Pump
- 2) No. of Wells 1
- 3) Depth(s) 77 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 62 feet
- 3) Type steel

Screen:

- 1) Type Stainless steel
- 2) Length 15 feet
- 3) Static water level 23 feet

Pump:

- 1) Make unknown
- 2) Model Submersible
- 3) Size unknown
- 4) Capacity 450 GPM

Motor information: unknown

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

- 1) Type Buried PVC
- 2) Size 6 inches
- 3) Length 1050 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 940 feet
- 3) Number of towers 5
- 4) End gun Y
- 5) Capacity 450 GPM

Chemigation Equipment: none

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance: 3 acres are outside of permitted area. Still within total acres permitted.

DI. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: From the SW corner Sec 6, T105N, R51W, 2135 ft N & 35 ft E, Lat 43.92644 Long -97.00888
2. The works are capable of diverting and conveying to the place of use 1.00 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:

All land in section 6 T105N R51W

SW ¼ NW ¼ – 16 acres
SE ¼ NW ¼ – 7 acres
NW ¼ SW ¼ – 37 acres
NE ¼ SW ¼ – 23 acres
SW ¼ SW ¼ – 2 acres
SE ¼ SW ¼ – 1 acre

comprising a total of 86 acres of land and the license should be issued for 1.00 cfs

3. All structures, wells and lands on map Y

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

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

The mailing address and the telephone number in the permit materials are current.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: November 1, 2021

Licensing of Acreage Outside of Permitted Area

NAME: Chrysella Daniel, David Daniel and Julie Henson

ADDRESS: 23853 461st Ave, Wentworth SD 57075

DATE: August 2, 2022 COUNTY: Lake

AUTHORITY

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

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 86 acres as compared to 90 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The relocated 3 acres are in the SE1/4 SW1/4 and SW1/4 SW1/4 immediately adjacent to permitted acres in the N1/2 SW1/4 of Section 6 T105N-R51W

- **Owned by Same Property Owner**

All the property involved is listed under the Daniel, Chrysella Life Estate, Daniel David and Julie Hansen

- **Developed Prior to Expiration of Construction Period**

The construction completion date was to be completed by August 3, 2014. Irrigation of 86 acres was reported being performed in 2011

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 3 acre area be included in the water license.



Mark D Rath, Natural Resources Engineer
Water Rights Program

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

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



Eric Gronlund, Chief Engineer
Water Rights Program



0 0.075 0.15 0.3 0.45 0.6 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

AUG 03 2022

7116-3

Chrysella & David Daniel
Julie Hanson
23853 461st Ave
Wentworth SD 57075

Dear Ms. & Mr. Daniel & Ms. Hanson:

Enclosed is Water License No. 7116-3. 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

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7116-3**

(1) Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Ave., Wentworth SD 57075 made Application No. 7116-3, February 19, 2009, for a water permit to divert 1.11 cubic feet of water per second from ground water, one well (Big Sioux Northern Skunk Creek Aquifer), Lake County, South Dakota for irrigation purposes. Permit No. 7116-3, with a priority date of February 19, 2009, was approved August 3, 2009, and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before August 3, 2014, and for the application to beneficial use of water on or before August 3, 2018.

In February 2012, a request was made by the permit holders to change the location of the diversion point from the NE ¼ Section 1, T105N, R52W to the NW ¼ SW ¼ Section 6, T105N, R51W which is about 1,320 feet SE of the original location. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in diversion point location did not increase the potential for adverse effects to existing diversions.

An investigation conducted for licensing purposes found three acres developed outside of the permitted area. Pursuant to SDCL 46-5-30.5 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in acreage did not impair existing water rights and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to construction of the water supply system and are entitled to divert 1.00 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,135' N & 35' E of the SW corner of Section 6, T105N, R51W (NW ¼ SW ¼)
Latitude 43.92644, Longitude -97.00888

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 6, T105N, R51W	SW ¼ NW ¼	16 acres
	SE ¼ NW ¼	7 acres
	NW ¼ SW ¼	37 acres
	NE ¼ SW ¼	23 acres
	SW ¼ SW ¼	2 acres
	SE ¼ SW ¼	1 acre
	Total	86 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Ave., Wentworth SD 57075 the holders and/or owners of Water Right No. 7116-3 are issued a license to appropriate water, the right to use 1.00 cubic feet of water per second from ground water, one well (Big Sioux Northern Skunk Creek Aquifer) with a priority date of February 19, 2009 from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7116-3 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. 7116-3 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 by Steffl Drilling & Pump Inc. in June 2011. A copy of the well completion report is on file with the Water Rights Program.*
- Water Right No. 7117-3 shall have priority over Water Right No. 7116-3.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.


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

AUG 03 2022
date

