

WATER PERMIT NO. 7128-3

Name of Applicant: Paul Shubeck

Address: 29341 468th St, Beresford SD 57004

Phone: 605 957-1000

Amount of Water Claimed: 1.78 cfs

Total Acres: 207 acres

Source of Water Supply: groundwater (1 well)

Water to be used for: irrigation

County: Turner

Type of Waste Disposal System: NA

Location: 2 miles northeast of Centerville

PRIORITY

Date Received: 4-13-09

Application/License Fee: \$325

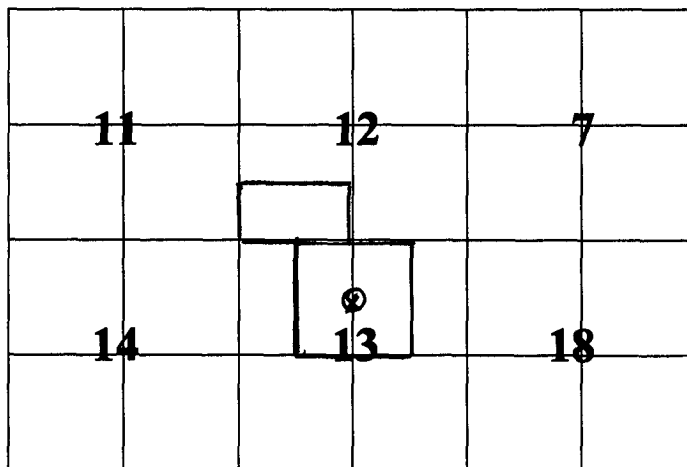
Corrected Application Received: 4-22-09

Period of Annual Use: June 1 – Aug 31

Remarks:

Diversion Point: approximate center between the
NE ¼ NW ¼ Sec 12-T96N-R52W

Land to be Irrigated: S ½ SW ¼ Sec 12 and E ½
NW ¼, W ½ NE ¼ Sec 13; all in T96N-R52W



Depth of Well: 180 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Wayne Bachman, Turner Co FSA

Reviewed and the Number Assigned on: 4-22-09

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>7128-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Centerville Journal</u>	

RECEIVED
APR 13 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.)

- Name of Applicant Paul Shubeck Phone 605-957-1000
Mailing Address 29341 46th St Beresford State SD 57004
(check one) ☒ Owner ☐ Tenant/lessee
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 145.207
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Turner
well on 1/2 NE1/4 and 1/2 SE1/4 NE1/4 Sec 13-T96N-R52W
approximate center NW1/4 and NE1/4
- County or counties where water will be used Turner
- Annual period during which water is to be used June 1 July - August 31
- 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	NE1/4 Land Description	Acres
SW1/4 W1/2 SW1/4 12 96 52 40ac	34 1/2	NE1/4 NW1/4 13 96 52 40ac	34 1/2
SE1/4 E1/2 SW1/4 12 96 52 40ac	34 1/2	SE1/4 NW1/4 13 96 52 40ac	34 1/2
NW1/4 N1/2 NE1/4 13 96 52 40ac	34 1/2	SE1/4	
SW1/4 S1/2 NE1/4 13 96 52 40ac	34 1/2		

- Give a description of the project. (Attach sheet if more space is needed)
 I would like to dig a well on W1/2 of the NE1/4 and 1/2 of the NW1/4 Sec 13 96 52 (on inside quarter) and in a year or two pipe the water across the road to the S1/2 SW1/4 12 96 52, 800ac with 2 center pivots as the delivery system with one well applying water to one at a time

STATE OF SOUTH DAKOTA) SS
County of _____

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, _____, 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 _____

Subscribed and sworn to before me this 16 day of April 20 09

Notary Public signature _____

12-21-14
my commission

SOUTH DAKOTA
WATER PERMIT NO. 7128-3

Date of first receipt of application April 13, 2009.

Date of return to applicant for corrections, amendments or changes April 13, 2009.

Date of receipt of corrected application April 22, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7128-3 to Paul Shubeck, 29341 468th St, Beresford SD 57004 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. 7128-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion:Missouri Aquifer (approximately 180 feet deep) located in approximate center between the NE 1/4 and the NW 1/4 Section 13 to irrigate 207 acres located in the S 1/2 SW 1/4 Section 12 and E 1/2 NW 1/4, W 1/2 NE 1/4 Section 13; all in T96N-R52W.
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 April 13, 2009.
4. The date of approval of Permit No. 7128-3 is June 15, 2009.
5. One-fifth of the construction is to be completed on or before December 15, 2011.
6. All construction is to be completed on or before June 15, 2014.
7. Water is to be put to beneficial use on or before June 15, 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. 7128-3 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.

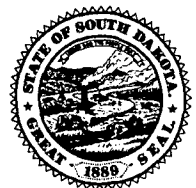
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 29 2009

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 180'
- b) Casing Type PVC Diameter 16" Thickness Sch 40
- c) Screen Type PVC Diameter 16" Thickness Sch 40
- d) Gravel Pack 1/8-3/8 pea gravel Length of Gravel Pack 70 ft
- e) Depth to Top of Water Bearing Material 80'
- f) Depth to Water (ground surface to water level) approx 60'
- g) Distance to nearest existing domestic well:
On applicants property 1/4 mi On property owned by others 3/4 mi

2. Wastewater Disposal System Information

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

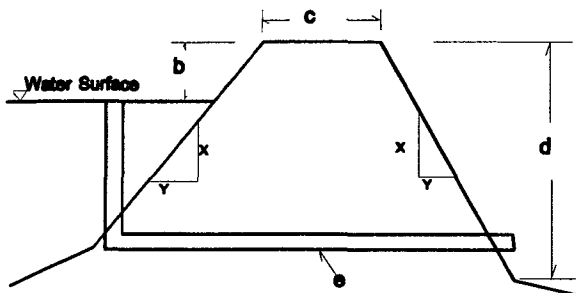
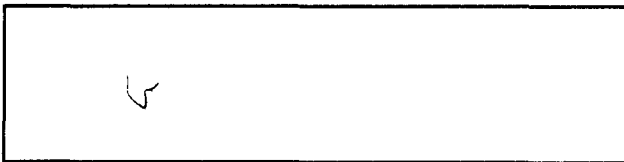
3. Dugout Information

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

4. Water Storage Dams

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

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



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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/22, 20 09

RECEIVED OF Shubeck Farms Paul Shubeck 29341 468th Ave Beresford SD 57004

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

Fee for Application for Permit No. <u>7128-3</u> to Appropriate Water, to construct and to put water to beneficial use	275	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>7128-3</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	325 00

No.

04122

By

Michael Estelle
Chief Engineer



United States Department of Agriculture
Farm Service Agency

RECEIVED

13-96-52

APR 13 2009

Turner County

RECEIVED

APR 22 2009



January 27, 2004 WATER RIGHTS PROGRAM

Wayne Bachman
soil scientist

1997 Digital Orthophotography - Not To Scale

WATER RIGHTS PROGRAM

F# 3151
T# 244

F# 3611
T# 117083

71.5

F# 5130
T# 2777

1
158.0

F# 168
T# 195

1
154.0

F# 3966
T# 3872083

1
12.8

2
59.7

2
158.6

*Post office box
pipe to*

RECEIVED

APR 13 2009

WATER RIGHTS
PROGRAM

United States Department of Agriculture
Farm Service Agency

Turner County

RECEIVED

APR 22 2009

WATER RIGHTS
PROGRAM



12-96-52

January 27, 2004

*Wayne Bachman
Soil Scientist*

1997 Digital Orthophotography - Not To Scale



**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 13, 2009

Paul Shubeck
29341 468th St
Beresford SD 57004

Dear Mr. Shubeck:

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

- Enclosed are the aerial photo maps submitted with the application. The maps must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties. Our suggestion would be to go to the Turner County Farm Service Agency. Someone with that office would be qualified to sign the maps.
- Enclosed is your check for \$350.00. The application indicates you are proposing to irrigate 207 acres. The application/license filing fee to irrigate 207 acres is \$325.00. Please submit a check for the correct amount.
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7128-3, Paul Shubeck**

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. 7128-3, Paul Shubeck, 29341 468th Street, Beresford SD 57004.

The Chief Engineer is recommending APPROVAL of Application No. 7128-3 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 wells authorized by Permit No. 7128-3 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
May 20, 2009

**Report on Water Permit Application No. 7128-3
for Paul Shubeck
April 23, 2009**

Application No. 7128-3 proposes to appropriate 800 gallons per minute (1.78 cfs) from one well approximately 180 feet deep to be completed into the Upper Vermillion Missouri aquifer located in the approximate center of the N $\frac{1}{2}$ of Section 13 to irrigate 207 acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12 and E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 13; all in T96N R52W in Turner County. The annual period during which water will be used is June 1 through August 31.

AQUIFER: Upper Vermillion Missouri

This report will address the availability of unappropriated water from the Upper Vermillion Missouri aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Upper Vermillion Missouri aquifer is a buried outwash (sand and gravel) that is likely under confined conditions in the area of this application. The aquifer underlies 207 square miles and holds an estimated 1.8 million acre-feet in storage in Turner and Hutchinson Counties (Lindgren, 1990). The largest amount of water in storage is in Turner County. The aquifer extends into McCook County to the north, Lincoln County to the east and into Clay County to the south. Groundwater movement is from north to south in the area of this application (Lindgren, 1990).

Observation Well Data:

The Water Rights Program monitors two observation wells, TU-77M and TU-80I, located within two 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). Hydrographs for these observation wells are included with this report.

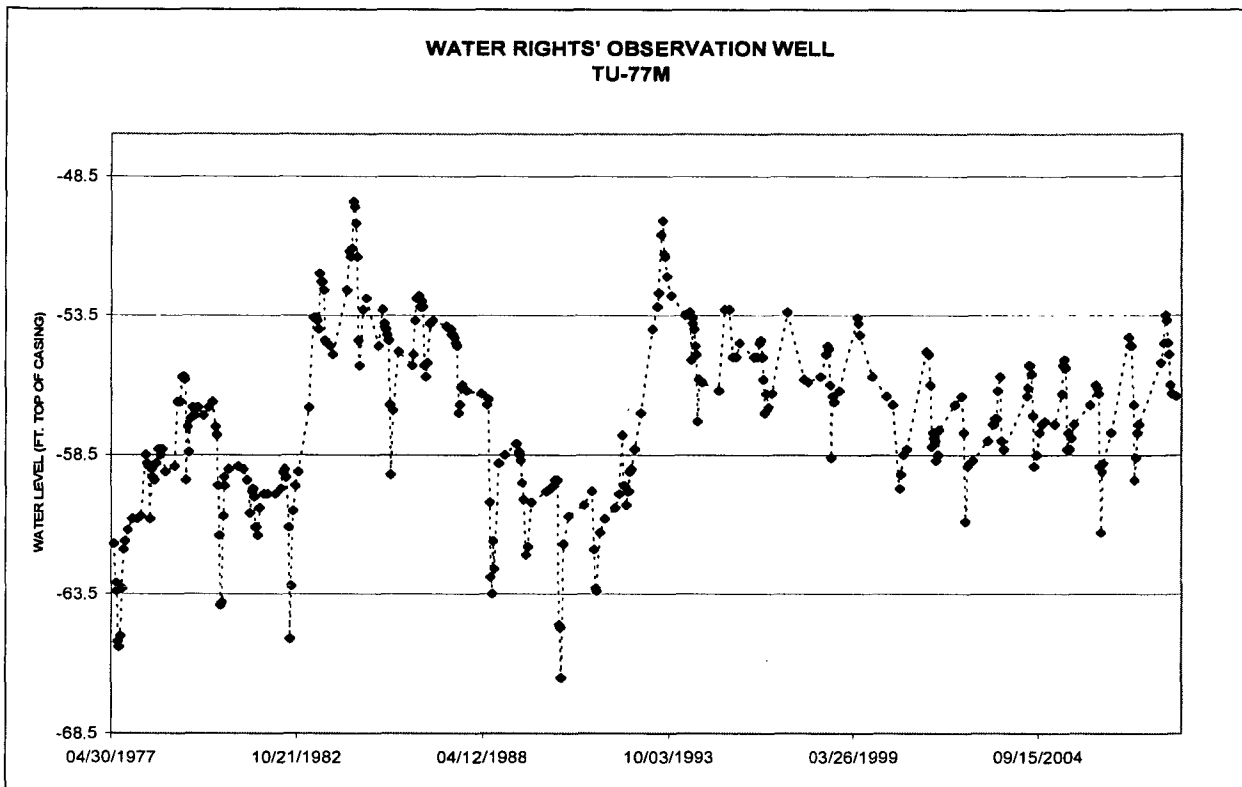


Figure 1. Hydrograph for Water Rights Observation Well TU-77M, completed into the Upper Vermillion Missouri Aquifer within three miles of 7128-3

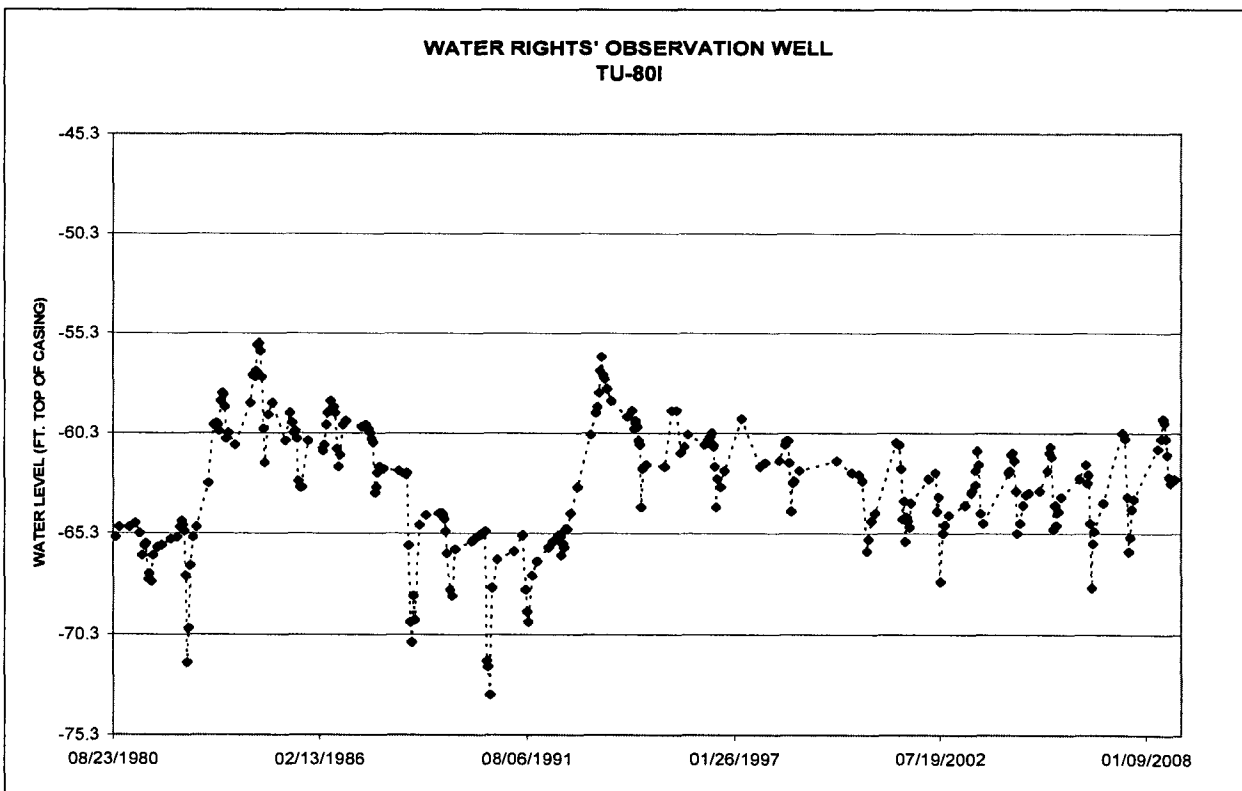


Figure 2. Hydrograph for Water Rights Observation Well TU-80I, completed into the Upper Vermillion Missouri Aquifer within three and half miles of 7128-3

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 Upper Vermillion Missouri aquifer date back to 1979.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped each year. The average number of appropriations is just nearly 60, with the average annual appropriation being over 26,000 acre-feet and the average annual pumpage reported at close to 5,000 acre-feet.

IRRIGATION USE (ac-ft/yr) UVM			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2007	69	27283.6	6983.2
2006	64	26071.6	7906.32
2005	61	25369.6	6856.39
2004	62	25747.6	7414.06
2003	64	26195.6	5930.9
2002	64	26498.6	7169.69
2001	62	25938.6	6195.66
2000	62	25938.6	6181.55
1999	62	25062.6	5056.06
1998	62	24842.6	5343.85
1997	59	24642.6	5408
1996	59	24403.6	4672.19
1995	55	23792	4484.34
1994	55	23792	4313.79
1993	58	25021	534.5
1992	61	27723	1793.2
1991	59	27469	6220
1990	61	27977.6	6525.2
1989	55	26492.6	5758.6
1988	54	26072.6	6753.1
1987	55	26561.6	4034.3
1986	57	28067.6	3544
1985	57	28643.6	2497
1984	59	29867.6	2791
1983	51	25025.6	2983.12
1982	52	25589.6	3778.57
1981	61	30455	4159
1980	54	28081	5082
1979	56	28081	3247
AVERAGE	58.97	26438.19	4952.30
MAXIMUM	69	30455	7906.32
MINIMUM	51	23792	534.5

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

There are eleven existing water permits/rights for irrigation located within three 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 Upper Vermillion Missouri in Turner County receives recharge from the Niobrara aquifer, direct penetration of precipitation where the aquifer is at or near land surface, and from fractures in the Sioux Quartzite in the northern part of the aquifer (Lindgren, 1990).

Conclusions:

1. Water is available from the Upper Vermillion Missouri aquifer.
2. The aquifer appears to be under confined 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 adversely impacts 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:

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

Water Rights, 2009, Unpublished Observation Well Records for Turner County, SD DENR, Division of Water Rights, Pierre, SD, 57501

Water Rights, 2009, Irrigation Records for Upper Vermillion Missouri Aquifer, SD, DENR, Division of Water Rights, Pierre, SD 57501

Instruction to Newspaper - Publish first Notice on May 28, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7128-3 to Appropriate Water

Notice is given that Paul Shubeck, 29341 468th St, Beresford SD 57004 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion:Missouri Aquifer (approximately 180 feet deep) located in approximate center between the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ Section 13 to irrigate 207 acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12 and E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 13; all in T96N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7128-3 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 June 15, 2009.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 21, 2009

Centerville Journal
PO Box H
Centerville SD 57014

ATTENTION: Legal Public Notice

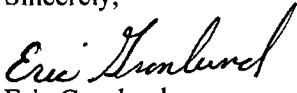
Enclosed is a Notice on Application No. 7128-3 to Appropriate Water to be published twice. Please publish the first notice on May 28, 2009 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Paul Shubeck, 29341 468th St., Beresford SD 57004 (Ph # 605-957-1000).

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. 7128-3

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

Date _____

We are in receipt of your letter of May 21, 2009 enclosing Notice to Appropriate Water by Application No. 7128-3 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.**

May 21, 2009

Paul Shubeck
29341 468th St
Beresford SD 57014

Dear Mr. Shubeck:

Water Permit Application No. 7128-3 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 Centerville Journal printed at Centerville SD (Ph # 605-563-2351). 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.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF TURNER)

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

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

notice in said newspaper aforesaid was on Thursday

the 28 day of May, 2009, ^{5:1}

and that the succeeding publications were severally

on Thursday, the 4 day of JUNE, 2009, ^{16:41}

on Thursday, the ___ day of ___, 2009;

on Thursday, the ___ day of ___, 2009;

on Thursday, the ___ day of ___, 2009;

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

DOLLARS (\$ 36.92)

(x) Allyson M. Hill Allyson M. Hill

Subscribed and sworn to before me this 26 day of

June, 2009

Notary Public

My commission expires 11/14/2012

SHANE HILL



NOTARY PUBLIC
SOUTH DAKOTA

NOTICE OF APPLICATION NO.

7128-3 to

Appropriate Water

Notice is given that Paul Shubeck, 29341 468th St, Beresford SD 57004 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion-Missouri Aquifer (approximately 180 feet deep) located in approximate center between the NE 1/4 and the NW 1/4 Section 13 to irrigate 207 acres located in the S 1/2 SW 1/4 Section 12 and E 1/2 NW 1/4, W 1/2 NE 1/4 Section 13; all in T96N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7128-3 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 June 15, 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. Pinner, Secretary, Department of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 29 2009

Paul Shubeck
29341 468th St
Beresford SD 57004

Dear Mr. Shubeck:

Enclosed is Water Permit No. 7128-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

7128-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

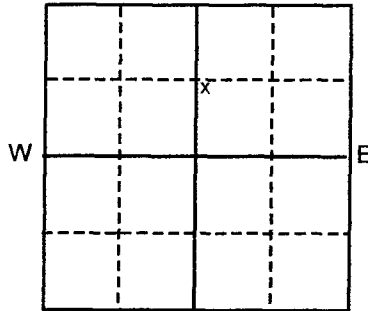
11-02

Location SW ¼ ne ¼ Sec 13 Twp 96n Rg 52w

Well Owner: Paul Shubek

County turner

North

Please mark well
location with an "X"

Well Completion Date

October 25, 2010

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1,750.0 ft. from abandoned well (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	123.0 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 grout	37	9.4 Lb/gal	0.0 Ft	116.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16.00 Inches Length 60.0 Feet

Material PVC

Slot Size .060 Set From 123.0 Feet to 183.0 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

Business Name:

Address: 29341 468th Ave

City, State, Zip: Beresford SD 57004

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, yellow brn, silty, pebbly	0	25
Clay, gray, silty, pebbly	25	101
gravel, medium, sandy	101	195

STATIC WATER LEVEL 52.0 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:☐ Bailed☐ Other

Pumping Level Below Land Surface

67.0 Ft. After 2.0 Hrs. pumped 750.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

RECEIVED

FEB - 4 2011

WATER RIGHTS
PROGRAM

This well was drilled under license # 666 and this report is true and accurate.

Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 11/20/2010



7128-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 21, 2013

Paul Shubeck
29341 468th Avenue
Beresford SD 57004

Mr. Shubeck:

Water Permit No. 7128-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion:Missouri Aquifer between the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 13 to irrigation 207 acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12 and the E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 13; all in T96N, R52W in Turner County.

The request is for authorization to complete an additional well to be located in the approximate center of the SW $\frac{1}{4}$ Section 12, T96N, R52W. The basis for the request is to drill a well instead of the expense of putting in an underground pipe from the well in Section 13 as well as the potential for cooperating with a neighbor to irrigate the entire SW $\frac{1}{4}$ Section 12, if a permit is obtained for irrigation of the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12, T96N, R52W.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional 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 1.78 cubic feet of water per second (800 gpm) from the Upper Vermillion:Missouri Aquifer is authorized. If the total diversion rate increases above 1.78 cfs, a new water right permit will need to be obtained. Since each of the systems are standard quarter section pivots, they will individually need approximately 1.78 cfs to operate.. That means that the system in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 12 and the W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13 shall not be operated at the same time. If it is your desire that they operate at the same time, a new water right permit is required for the additional diversion rate authority.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Approval of Additional Diversion Point

NAME: Paul Shubeck
ADDRESS: 29341 468th Avenue, Beresford SD 57004
DATE: March 18, 2013 **COUNTY:** Turner **TELEPHONE:**

BACKGROUND:

Water Permit No. 7128-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion:Missouri Aquifer between the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 13 to irrigation 207 acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12 and the E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 13; all in T96N, R52W in Turner County.

Mr. Shubeck filed a request for an additional well to be completed into the Upper Vermillion Missouri Aquifer without an increase in the diversion rate authority. The reason for filing for an additional well is a business decision due to cost of running pipeline the approximate one half mile to the center of the SW $\frac{1}{4}$ of Section 12 as opposed to drilling a new well. In addition, his neighbor who owns the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 12 has applied for a permit to irrigate this acreage. That application is deferred pending a study being completed. If that permit is approved they would work in partnership to irrigate the SW $\frac{1}{4}$ of Section 12 with a standard quarter section center pivot.

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. 7128-3 is the Upper Vermillion:Missouri Aquifer. The well completion for the originally authorized well in Section 13 states the well is completed to a depth of 183 feet into the Upper Vermillion:Missouri Aquifer.

No additional appropriation of water is requested. The water permit is limited to a diversion rate of 1.78 cfs. Generally, a quarter section pivot is going to require about 1.78 cfs to operate. Under the original permit Mr. Shubeck would have to alternate operation of the full rotation center pivot in Section E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 13 and the windshield wipe rotation center pivot in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12. The effect of allowing the additional well is that although there are two pivots supplying two separate pivots, the systems will not be allowed to operate at the same time. To allow both systems to operate at the same time results in an increase in the authorized diversion rate of 1.78 cfs. A new water permit is required if the combined diversion rate from the two wells exceeds 1.78 cfs.

Review of Existing Diversions

The well completion report and water rights databases were reviewed for the nearest domestic wells and water right on file.

The nearest domestic wells are located approximately 2.5 miles northwest and 2.9 miles northeast of the additional well being requested..

The nearest water right to the Shubeck wells are located as follows:

No.	Holder	Use	CFS	Distance from Additional well
5425-3	Johnke	IRR	1.88 cfs	2.0 miles NW
3409-3	Null	IRR	1.88 cfs	2.11 miles S
5898-3	Centerville	MUN	.89 cfs	2.5 miles SW

See map for location of existing domestic and permitted wells.

Observation Well Data

The nearest observation well is TU 77M which is located 2 miles northwest of the additional well. Water levels do fluctuate as a result of area pumping. Interference is not expected to be a significant. The hydrograph for TU-77M is attached.

CONCLUSION

- The additional well does not seek to appropriate additional water.
- The well is completed into the Upper Vermillion:Missouri Aquifer.
- Given the distance from domestic and existing water rights, interference is not expected to be a concern.
- The authorization of this additional well shall include that the total diversion rate shall not exceed 1.78 cfs. The net effect of this is the systems must not operate at the same time.

RECOMMENDED ACTION

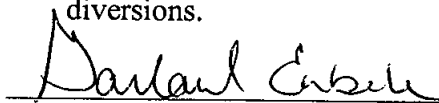
Based on the above criteria, it is recommended that the additional diversion point location be authorized under Water Permit No. 7128-3.



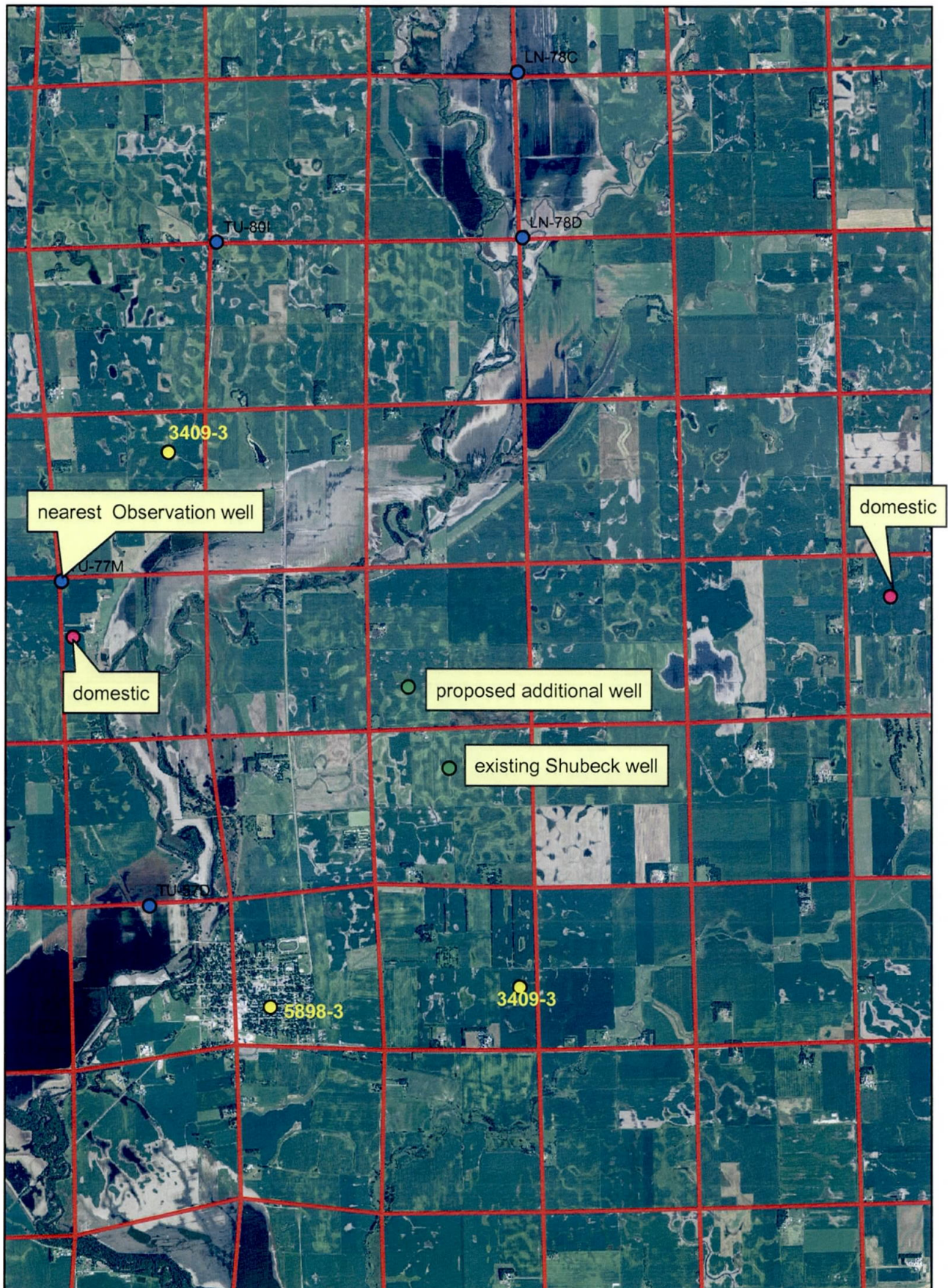
Eric Gronlund
Water Rights Program

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

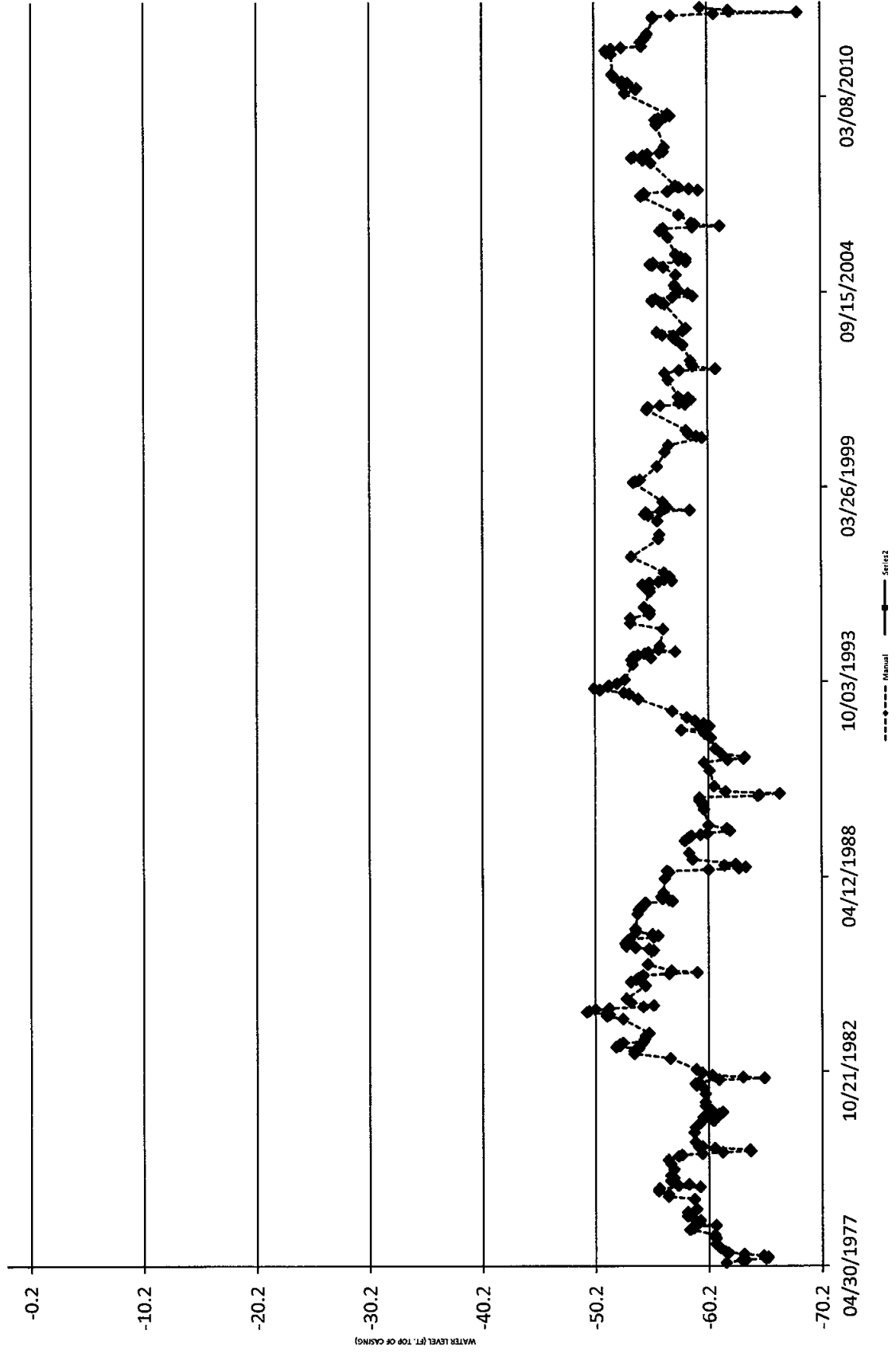
This additional diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



WATER RIGHTS' OBSERVATION WELL TU-77M



RECEIVED

FEB 19 2013

WATER RIGHTS
PROGRAM

Paul Shubeck

29341 468 Th Av

Beresford SD 57004

605-957-1000

SD DENR, Water Rights Program

523 E Capital Av Pierre SD 57501-3352

Ken, Eric, and DENR Staff,

I am writing in response to our phone call requesting a change to my irrigation permit in Turner County. My original plan was to irrigate a quarter and the eighty across the road with the same well. I had planned to pipe water from the well, in section 13 on the south side of the road to the eighty on the north side of the road, sec 12, using a center pivot to windshield wipe from the south side. The problem is the pivot would interfere with the building site and not cover the acres already in the permit. The other reason is my neighbor has applied for a permit and if it is granted we would share this pivot. Irrespective of whether or not he receives a permit, a pivot that would windshield wipe from the north side as depicted in the attached map would miss the building site and be more efficient. The problem is the extra distance to put in underground pipe is now more expensive than a well. My proposal as it stands right now would be to drill another well and not use any increase in volume of water or pumping rate. I plan on using an existing diesel engine being used on one of my pivots rather than purchasing another, a savings of \$10,000.00. The exception would be if David Stevens gets a permit in the future.

Thanks,

Paul Shubeck

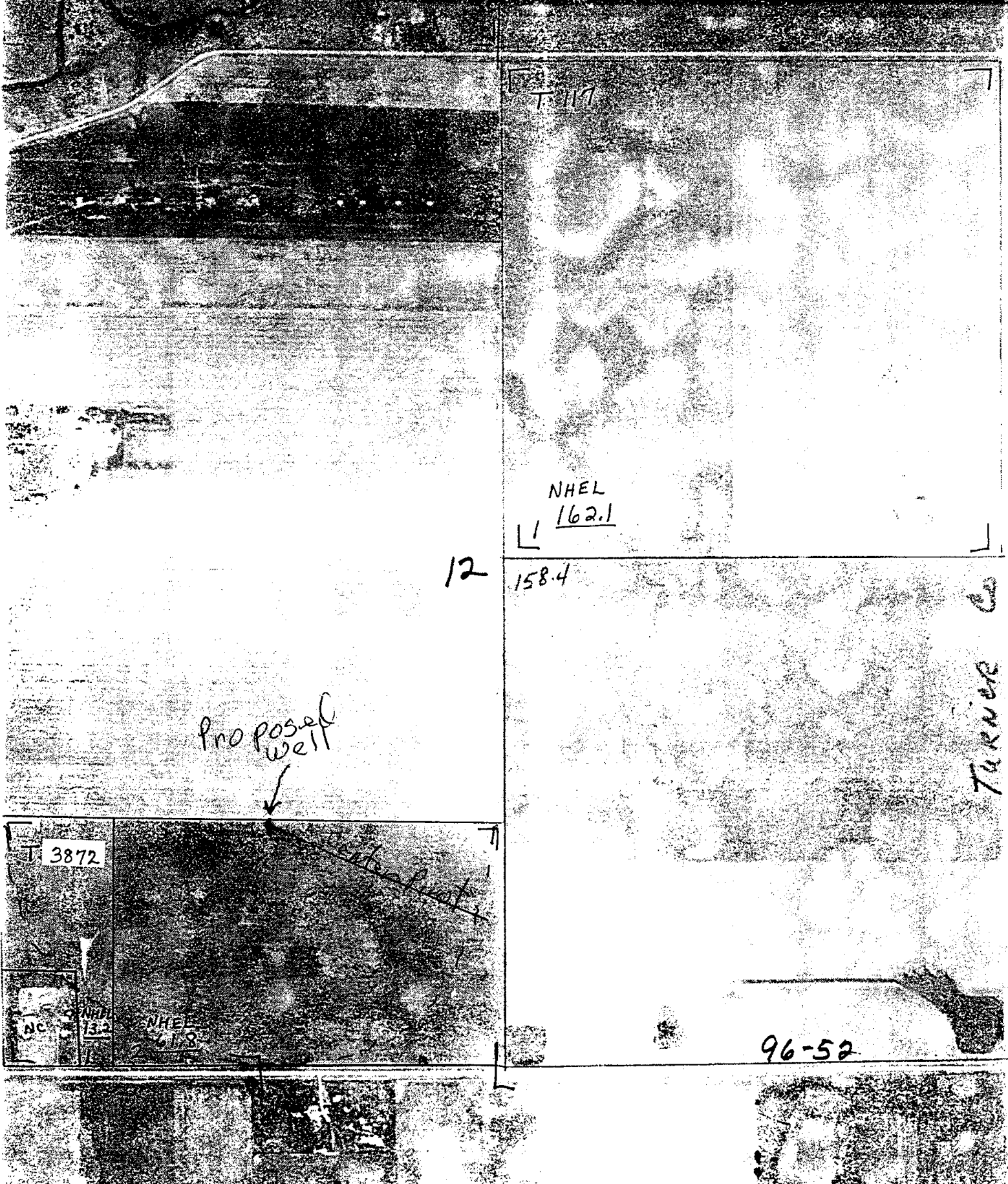
RECEIVED

FEB 19 2013

WATER RIGHTS

NOT TO SCALE

197



NHFL

162.1

12

158.4

proposed well

Turner Co

3872

NC

NHFL 13.2

NHFL 61.8

96-52

Date 5-11-14TO: Water Rights Program, DENR
523 E. Capitol
Pierre SD 57501-1301

RECEIVED

MAY 14 2014

WATER RIGHTS
PROGRAM

FROM:

Paul Shubeck

(name)

29341 468th Av

(address)

Benestond SD 57004

(city, state, zip)

605-940-0244

(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. 7128-3 states that the water use system is to be constructed by

June 15 2014

(date)

and water is to be put to beneficial use by

June 15 2014

(date)

The water use system was completed on 10-31-2013

(date)

Applying the water to beneficial use was completed on Before June 15 2014

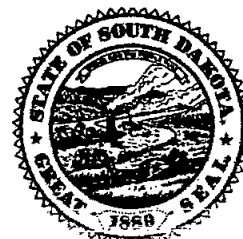
(date)

note: the system is complete that pivot has made a complete circle and water will be added this spring.

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

Paul Shubeck

(signature)





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



May 15, 2014

7128-3

Paul Shubeck
29341 468th Ave
Beresford SD 57004

Dear Mr. Shubeck:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

7128-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: PAUL SHUBECK, 29341 468TH AVE, BERESFORD, SD 57004

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6922-3, 7128-3 & 7964-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 6922-3, 7128-3 & 7964-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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:

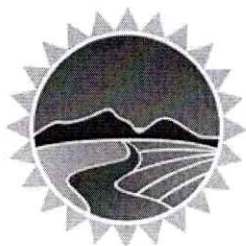
1. Suspend or cancel Permit No(s) 6922-3, 7128-3 & 7964-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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, 2021** 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://denr.sd.gov/iq> using this password: XFZEIZ**

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.

7128-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2021

6922-3
7128-3
7964-3

John Shubeck
29791 464th Ave
Centerville SD 57014

Dear Mr. Shubeck:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 6922-3 and Water Permit Nos. 7128-3 and 7964-3.

Enclosed, as we discussed, are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

7128-3



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: PAUL SHUBECK, 29341 468TH AVE, BERESFORD, SD 57004

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) 6922-3, 7128-3 & 7964-3. 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) 6922-3, 7128-3 & 7964-3 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) 6922-3, 7128-3 & 7964-3 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: TUGKUX**

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.

7128-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26, 2022

6922-3
7128-3
7964-3

John Shubeck
29791 464th Ave
Centerville SD 57014

Dear Mr. Shubeck:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 6922-3 and Water Permit Nos. 7128-3 & 7964-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change for each of the above listed permits. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

It is very important that ownership records be kept current to enable any correspondence sent from our office to reach the right person or entity. I have included copies of the water right and water permits for your records. If you have any questions, please contact me.

Sincerely,

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

enclosures



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

June 23, 2022

6922-3
7128-3
7964-3

John Shubeck
29791 464th Ave
Centerville SD 57014

Dear Mr. Shubeck:

I am writing regarding ownership of land described in Water Right No. 6922-3 and Water Permit Nos. 7128-3 & 7964-3. In February 2021 and January 2022, transfer forms were sent to you for changing ownership from Paul Shubeck to your name. To date we have not received anything back from you.

Enclosed are additional partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change for each of the above listed permits. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

It is very important that ownership records be kept current to enable any correspondence sent from our office to reach the right person. If you are no longer the owner or do not wish to maintain the water right/permits, please let me know.

Sincerely,

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

enclosures

7128-3

RECEIPT

WATER RIGHTS PROGRAM
 South Dakota Department of Agriculture and Natural Resources

Date August 3, 2022RECEIVED OF John/Megan Shubeck 29791 464th Ave., Centerville SD 57014

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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. _____	\$ _____
Fee for Filing Transfer Form <u>7128-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>50.00</u>

By Eric Gronlund
 Chief Engineer
vm

PAID

AUG 3 2022

Ck# 841

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP
RECEIVED

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

AUG 03 2022

OFFICE OF
WATER

No. 7128-3

Date:

I/We request that Water Permit No. 7128-3

formerly owned by: Paul Shubeck

be transferred to: (name & address)

Telephone No.

Title to the following described land(s)/property has been transferred as described above:

207 acres - S 1/2 SW 1/4 Section 12 and E 1/2 NW 1/4, W 1/2 NE 1/4 Section 13, T96N, R52W

I/We understand that the validity of Water Permit No. 7128-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We John Shubeck, the new owner, certify that the above information is true and correct.

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

7128-3



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

August 3, 2022

6922-3
7128-3
7964-3

John Shubeck
29791 464th Ave
Centerville SD 57014

Dear Mr. Shubeck:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right No. 6922-3 and Water Permit Nos. 7128-3 & 7964-3.

The ownership changes have been completed. Nos. 6922-3, 7128-3 and 7964-3 are now listed in your name.

Enclosed for your records are the receipts for the filing fees you paid. If you have any questions, please let me know.

Sincerely,

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

enclosures

7128-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 11, 2022

6922-3
7128-3
7964-3

John Shubeck
29341 468TH Ave
Beresford SD 57004-6305

Dear Mr. Shubeck:

Enclosed is a letter sent August 3rd confirming transfer of Water Right No. 6922-3 and Water Permit Nos. 7128-3 & 7964-3.

Your address was left off the transfer forms when you submitted them and it seems I pulled an incorrect address for you off the receipts. The post office returned my correspondence with the correct address.

I will update our records accordingly.

Sincerely,

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

enclosures



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

January 19, 2024

NOTICE

TO: JOHN SHUBECK, 29341 468TH AVE, BERESFORD, SD 57004 6305

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6922-3, 7128-3 & 7964-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 6922-3, 7128-3 & 7964-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 6922-3, 7128-3 & 7964-3 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 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: VVPZJZ**

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 AGRICULTURE
and NATURAL RESOURCES**

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

February 2, 2024

6922-3

7128-3

7964-3

John Shubeck
29341 468th Ave
Beresford SD 57004

Dear Mr. Shubeck:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 6922-3, 7128-3 & 7964-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

3994-3, 4204-3, 5319-3, 117-3A, 2268-3, 2372-3, 2941-3
5352-3, 5425-3, 5886-3, 2950-3, 3328-3, 3409-3, 3507-3
5898-3, 6810-3, 6922-3, 3646-3, 3737-3, 3918-3, 3948-3
7002-3, 7191-3, 7384-3, 6754-3, 7128-3

Page 1 of 4

Water Rights Program File Documentation

Date: June 16, 2025

Counties: Clay and Turner

Re: Aquifer management unit redesignation for selected water rights/permits on Clay and Turner Counties

COMMENTS:

Review of a request to change diversion point for Water Permit No. 8790-3, authorized to withdraw water from the Upper Vermillion Missouri: South aquifer (UVM:S), determined the well they wished to use is authorized under authorized by Water Right No. 7384-3 Water Right No. 7384-3 does not currently have a management unit designated for withdrawal from the Upper Vermillion Missouri aquifer (Water Rights, 2025). In reviewing the best information currently available for aquifer and management unit naming conventions, the best aquifer and management unit designation for Water Right No. 7384-3 is the Southern management unit of the Upper Vermillion Missouri aquifer (UVM:S) as shown in Figure 1. Furthermore, there are an additional 25 other water rights/permits, see Table 1, which should have the UVM:S management unit assigned (Water Rights, 2025).

This addition of the management unit designation, to the Southern management unit of the Upper Vermillion Missouri aquifer, does not represent a physical change in the water source. It is an update to the naming convention to reflect the currently best available information for aquifer and management unit extents. This update to the aquifer management unit name does not authorize any increase in the amount of water appropriated by any of these water rights/permits, change in diversion rate, relocation of existing wells, completion of additional wells into the aquifer, or change of acres permitted for irrigation. Going forward, issuance of any pertinent documents will reflect the updated aquifer and management unit designation.

Table 1- Water rights/permits requiring an aquifer management unit designation to the Upper Vermillion Missouri: South (Water Rights, 2025)

Water Rights							
PERMIT NO	NAME	COUNTY	PRIORITY DATE	STATUS	USE	CFS	ACRES
117-3A	GLYNDON KNUTSON	CL	04/14/1955	LC	IRR	0.95	66
2268-3	WILLIAM KNUTSON	CL	08/07/1975	LC	IRR	2	206
2372-3	LARRY ERICKSON	CL	10/07/1975	LC	IRR	1.76	123
2941-3	RUSSELL D AUSTIN	TU	08/16/1976	LC	IRR	1.11	140
2950-3	TERRY & ALBERTA SURPRENANT	CL	08/13/1976	LC	IRR	1.57	110
3328-3	TOM AUSTIN	CL	11/12/1976	LC	IRR	1.33	121
3409-3	STEVEN R NULL	TU	12/07/1976	LC	IRR	1.88	136
3507-3	W JERALD HANSEN	TU	12/28/1976	LC	IRR	0.99	69
3646-3	STEVEN R NULL	TU	02/04/1977	LC	IRR	2	144
3737-3	WILLIAM M JENTER	TU	09/16/1976	LC	IRR	4.57	320
3918-3	JBS HANSEN FARMS	TU	04/18/1977	LC	IRR	2.66	295.3
3948-3	JASON KNUTSON	CL	04/19/1977	LC	IRR	1.88	135
3994-3	GLYNDON KNUTSON	CL	07/07/1956	LC	IRR	4.94	332
4204-3	CITY OF CENTERVILLE	TU	01/01/1900	LC	MUN	0.22	n/a
5319-3	LARRY ERICKSON	CL	04/13/1989	LC	IRR	1.89	132
5352-3	BILL & SCOTT HANSEN	TU	09/13/1989	LC	IRR	2.15	151
5425-3	JOHNKE LAND TRUST	TU	03/23/1990	LC	IRR	1.88	132
5886-3	TIM OSTREM	CL	09/28/1995	LC	IRR	1.78	134
5898-3	CITY OF CENTERVILLE	TU	01/09/1996	LC	MUN	0.89	n/a
6810-3	JESSE & TANYA VANDESTROET	CL	02/20/2007	LC	IRR	1.56	65
6922-3	JOHN SHUBECK	CL	12/13/2007	LC	IRR	1.78	122
7002-3	JESSE & TANYA VANDESTROET	CL	03/14/2008	LC	IRR	1.39	123
7191-3	ROGER BLAKE	CL	02/01/2008	LC	IRR	1.56	255
7384-3	NICHOLAS & COURTNEY BLAKE	CL	07/20/2012	LC	IRR	1.67	67
Water Permits							
PERMIT NO	NAME	COUNTY	PRIORITY DATE	STATUS	USE	CFS	ACRES
6754-3	JBS HANSEN FARMS	TU	09/05/2006	PE	IRR	0	35
7128-3	JOHN SHUBECK	TU	04/13/2009	PE	IRR	1.78	207
CL= Clay; TU= Turner; LC= Water Right, PE= Water Permit; IRR= Irrigation; MUN= Municipal							

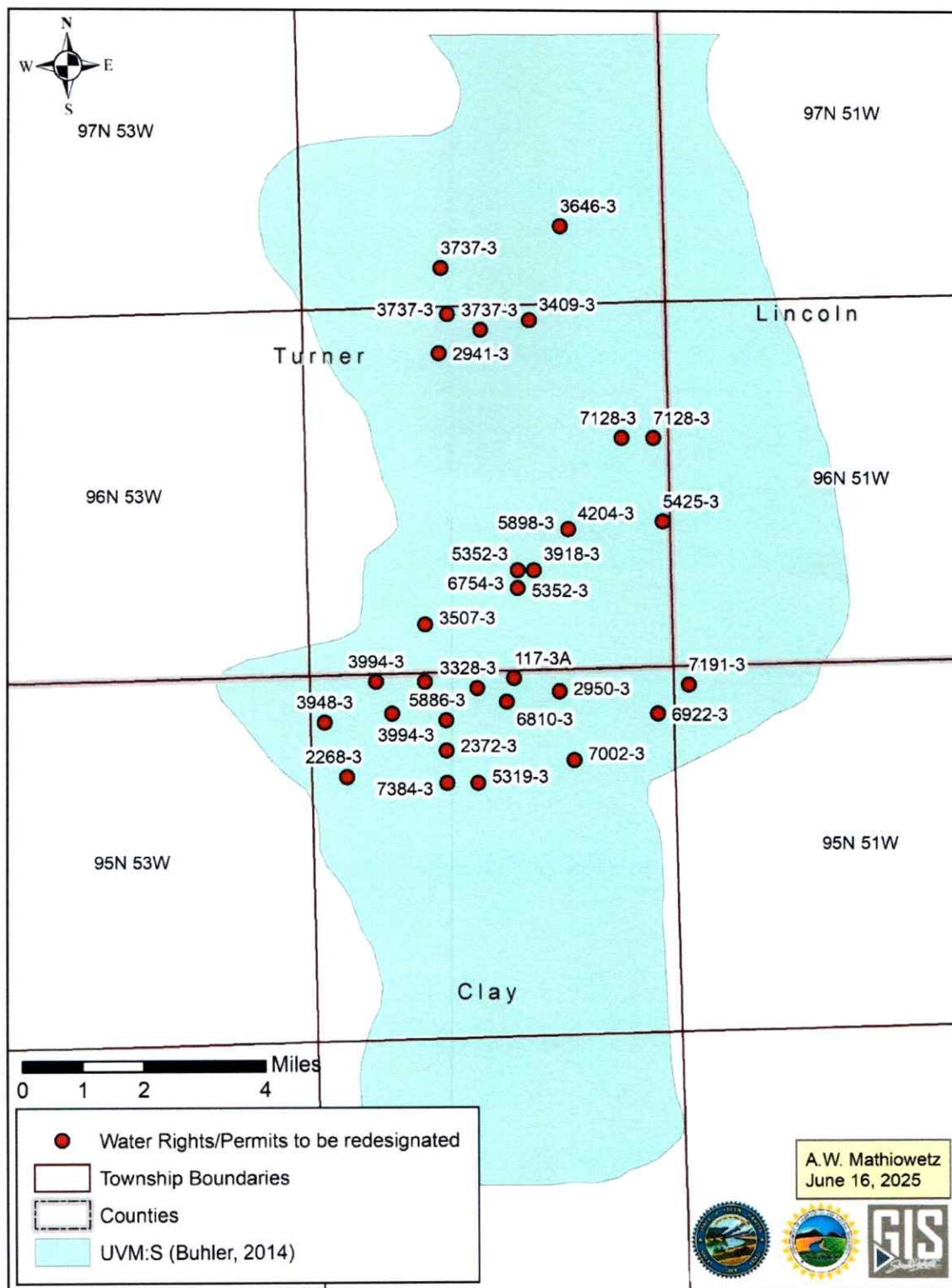


Figure 1- Map of approximate areal extent of the Upper Vermillion Missouri: South aquifer (Buhler, 2014) and water right/permits to be redesignated to include the South management unit designation (Water Rights, 2025)



Adam Mathiowetz
Natural Resources Engineer IV



Mark Mayer
Director of Office of Water

REFERENCES

Buhler, K. A. 2014. Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer. SD DANR – Water Rights Program, Joe Foss Bldg. Pierre, SD.

Water Rights. 2025 Water Right/Permits Database. SD DANR-Water Rights Program. Pierre, South Dakota

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7128-3

I have this day, November 21, 2025, made a thorough examination of the water use systems owned by John Shubeck, 29341 468th Ave., Beresford, SD 57004-6305, holder of Permit No. 7128-3, bearing the priority date of April 13, 2009. This permit authorizes the diversion of 1.78 cu. ft. per second of the waters of groundwater (Upper Vermillion Missouri: South Aquifer) authorizing the irrigation of 207 acres located in Turner County.

Inspection contacts: John Shubeck

A. Works used to divert the water:

Well Information: (North Well)

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells: 1
- 3) Depth(s): Unknown feet
- 4) Well log is available: No

Casing:

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

Screen:

- Diameter: Unknown inches
- 1) Length: Unknown feet
 - 2) Type: Unknown
 - 3) Static water level: Unknown feet

Pump:

- 1) Make: Hydroflo
- 2) Model: 11MHS3
- 3) Capacity: 800 gpm

Gear Drive:

- 1) Make: Amarillo
- 2) Model No.: S60A
- 3) Horsepower rating: 60 hp

Engine:

- 1) Make: Kubota
- 2) Serial No.: 14B62057

Well Information: (South Well)

- 1) Well Driller: Hammond Wetmore Drilling
- 2) No. of Wells: 1
- 3) Depth(s): 183 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 123 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 60 feet
- 3) Type: PVC
- 4) Static water level: 52 feet

Pump:

- 1) Make: American Marsh
- 2) Model: 12KS
- 3) Capacity: 800 gpm

Gear Drive:

- 1) Make: Amarillo
- 2) Model No.: S60A
- 3) Horsepower rating: 60 hp

Engine:

- 1) Make: Twin Disc
- 2) Model No.: C110HP4

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

- | | | |
|--------------------------|-----------------------|---|
| 1) Type: <u>Aluminum</u> | Size: <u>8</u> inches | Length: <u>20</u> feet (<u>North Well to North Pivot</u>) |
| 2) Type: <u>Aluminum</u> | Size: <u>8</u> inches | Length: <u>20</u> feet (<u>South Well to South Pivot</u>) |

C. Works used to apply water to beneficial use:

Center Pivot: (North Pivot)

- | | |
|--------------------------------------|--|
| 1) Make: <u>Reinke</u> | 3) Number of towers: <u>8</u> |
| 2) Overall length: <u>1,287</u> feet | 4) End gun: <u>Yes</u> Range: <u>40</u> feet |
| | 5) Capacity: <u>800</u> gpm |

Report of Examination of Works

Permit No. 7128-3

Center Pivot: (South Pivot)

- 1) Make: Zimmatic
- 2) Overall length: 1,256 feet

Chemigation Equipment:

- 1) Does chemigate: No

- 3) Number of towers: 7
- 4) End gun: Yes Range: 90 feet
- 5) Capacity: 800 gpm

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 north well is 1,310 feet north and 1,360 feet east of the southwest corner of Section 12-T96N-R52W (Latitude 43.14529, Longitude -96.93893— approximate center of the SW1/4).
The south well is 1,280 feet south and 2,760 feet east of the northwest corner of Section 13-T96N-R52W (Latitude 43.13823, Longitude -96.93365— approximate center of N 1/2).
- 2) The works are capable of diverting and conveying to the places of use 1.78 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: All in

<u>Section 12-T96N-R52W</u>	
<u>SW1/4SW1/4</u>	<u>33 acres</u>
<u>SE1/4SW1/4</u>	<u>33 acres</u>

<u>Section 13-T96N-R52W</u>	
<u>NE1/4NW1/4</u>	<u>28 acres</u>
<u>SE1/4NW1/4</u>	<u>31 acres</u>
<u>NW1/4NE1/4</u>	<u>33 acres</u>
<u>SW1/4NE1/4</u>	<u>34 acres</u>

comprising a total of 192 acres of land and the license should be issued for 1.78 cfs.

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

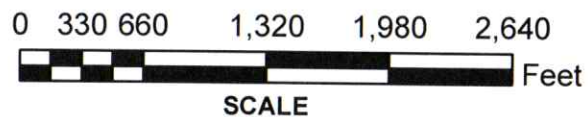
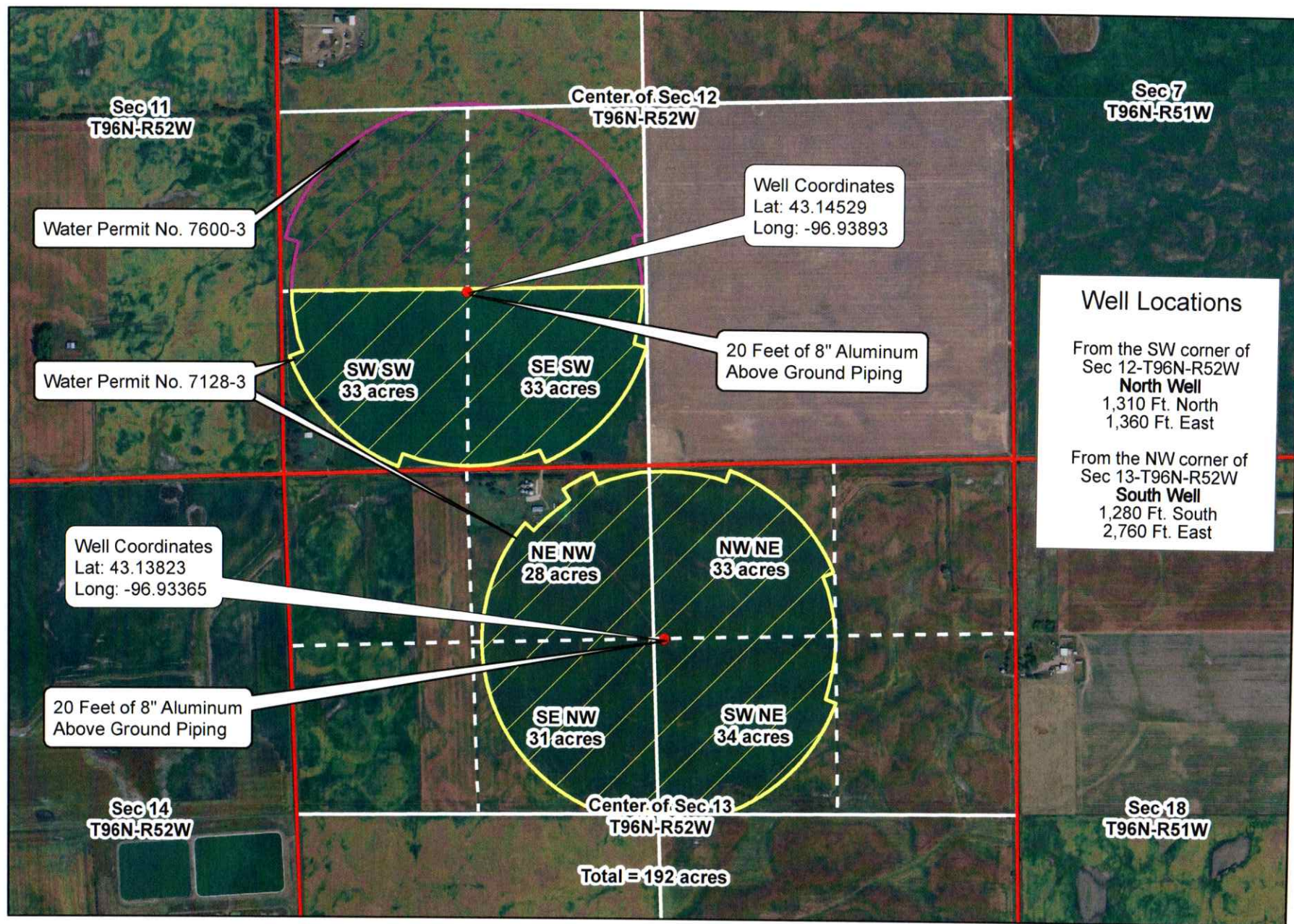
F. Comments or other permit(s) associated with the project: Both wells and both pivots are owned by Mr. Shubeck. The south well is authorized by Water Permit No. 7128-3. The north well is authorized by Water Permit No. 7600-3. Mr. Shubeck and Mr. Stevens (Water Permit No. 7600-3) have an agreement between themselves allowing the north pivot to irrigate all of the southwest quarter of Section 12 from the north well. Irrigation of the N1/2 of the SW1/4 is authorized by Water Permit No. 7600-3. Neither Mr. Shubeck nor Mr. Stevens knew who drilled the north well. Mr. Shubeck's father, Paul Shubeck, was the owner at that time and he has since passed away.

Keith DeJong

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

Date report completed: December 12, 2025

Water Permit No. 7128-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
November 21, 2025



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 16 2026

7128-3

John Shubeck
29341 468th Ave
Beresford SD 57004

Dear Mr. Shubeck:

Enclosed is Water License No. 7128-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact Amanda Dewell, Permitting Administrator, at 605-773-3352.

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
SD DANR – Water Rights Program

NOTE: Water Right No. 7128-3 authorized a maximum instantaneous diversion rate of 1.78 cfs (800 gpm). The irrigation systems associated with this water right will need to be operated on a rotation so as not to be diverting more than 1.78 cfs at a time. If the systems are running simultaneously, additional permitting would be required to increase the maximum instantaneous diversion rate.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7128-3**

(1) Paul Shubeck made Application No. 7128-3, April 13, 2009, for a water permit to divert 1.78 cubic feet of water per second from one well, (Upper Vermillion Missouri Aquifer), Turner County, for irrigation purposes. Permit No. 7128-3, with a priority date of April 13, 2009, was approved on June 15, 2009, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 15, 2014, and for the application to beneficial use of water on or before June 15, 2018.

In 2013, the permit holder made a request to add an additional diversion point, with no increase to the diversion rate or number of acres authorized under Permit No. 7128-3. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the additional diversion point did not increase the potential for adverse effects to existing diversions.

A portion of Water Permit No. 7600-3, held by Michael Stevens, authorizes irrigation of the N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 12-T96N-R52W. This portion of Permit No. 7600-3 and Water Right No. 7128-3 are irrigated by the same shared pivot system and well.

Ownership of Permit No. 7128-3 was transferred to John Shubeck, 29341 468th Ave, Beresford, SD 57004, in August 2022.

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

- North Well: 1,310 ft N & 1,360 ft E of the SW corner Section 12-T96N-R52W (approx. center SW $\frac{1}{4}$)
(Latitude 43.14529 & Longitude -96.93893)
- South Well: 1280 ft S & 2760 ft E of the NW corner Section 13-T96N-R52W (approx. center N $\frac{1}{2}$)
(Latitude 43.13823 & Longitude -96.93365)

(3) The amount of the appropriation may not exceed 2 ac-ft annually for each acre of land to which water is actually and beneficially applied for irrigation purposes. The water is to be used during the following described annual period: June 1 – August 31.

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

Section 12-T96N-R52W
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 33 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 33 acres

Section 13-T96N-R52W
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 33 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 34 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 28 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 31 acres

TOTAL: 192 acres

continued

(5) Pursuant to South Dakota Water Law 46-5-30. I, John Shubeck, the holder and/or owner of Water Right No. 7128-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second, from two wells (Upper Vermillion Missouri Aquifer), with a priority date of April 13, 2009, from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No 7128-3 and subject to the following qualifications:

1. The well approved under this permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7128-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *(The southern well was drilled in 2010 by Hammond Wetmore Drilling. A copy of the well completion report is on file with the Water Rights Program.)*
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Adam Mathiowetz, PE
Acting Chief Engineer
SD DANR – Water Rights Program

JUN 16 2026

date

