

WATER PERMIT NO. 7137-3

Name of Applicant: University of South Dakota

Address: 414 E Clark St, Facilities Management, Vermillion SD 57069

Phone: 605 677-6106

Amount of Water Claimed: 0.56 cfs

Total Acres: 30.75

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System: na

Location: in Vermillion

PRIORITY

Date Received: 5-21-2009

Application/License Fee: \$NA

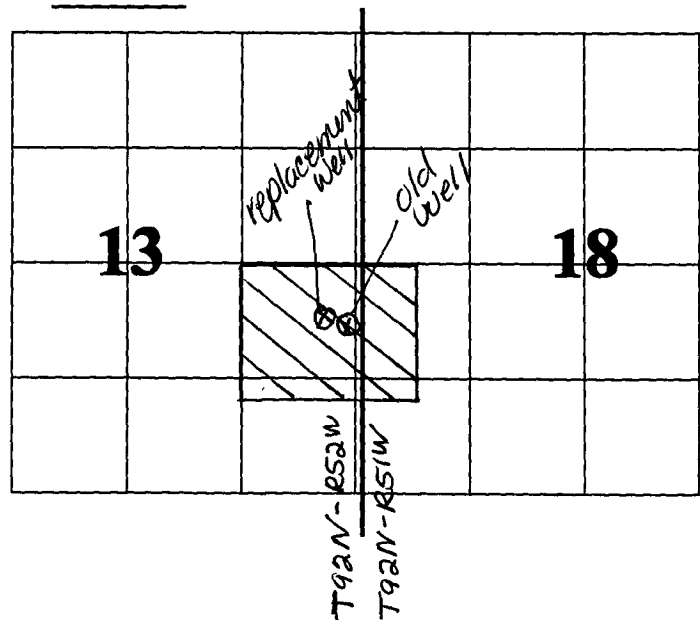
Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: Replacement for well authorized by Vested Right No. 6021-3. Also increase acreage and diversion rate.

Diversion Point: NE ¼ SE ¼ Sec 13-T92N-R52W

Land to be Irrigated: E ½ SE ¼ Sec 13-T92N-R52W and W ½ SW ¼ Sec 18-T92N-R51W



Depth of Well: 185 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 5-21-09

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>7137-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Plain Talk POBox 357</u>
	<u>605-624-2695 (Fri) Vermillion 57069</u>

RECEIVED
MAY 21 2009
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☒ Vested Right ☐ Amendment/Correction to Permit No. #6021-3
(Use predates Mar 2, 1955)

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

Replace the well used for Vested Right #1035-3 incorporated into Vested Right #6021-3

- Name of Applicant University of South Dakota Vermillion Phone (605) 677-6106
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 414 E Clark St, Facilities Management Vermillion State SD 57069
(Street, RR, or Box and City) (250 add'l) (30.75 add'l acres) (Zip Code)
- Amount of water claimed 0.56*CFS or 300 **GPM ***AF Total Acreage 38.5
(*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 Clay
New well will be located at: NE 1/4, SE 1/4, Section 13, T92N, R52W
Old well will be abandoned and capped as per regulations
- County or counties where water will be used Clay
- Annual period during which water is to be used April 1st through October 31st
- 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 SE1/4 Section 13, T92N, R52W	17.3	WR #6021-3 NE 1/4 SE1/4 Section 13, T92N	5.5
SE 1/4 SE1/4 Section 13, T92N, R52W	2.4	WR #6021-3 NW 1/4 SW 1/4 Section 18, T92N	1.25
NW 1/4 SW 1/4 Section 18, T92N, R51W	9.75	WR #6021-3 SW 1/4 SW 1/4 Section 18, T92N	1.0
SW 1/4 SW 1/4 Section 18, T92N, R51W	1.3		

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

Drill a replacement well. Water will be used for turf irrigation at USD in Vermillion. Due to time constraints on when water can be applied and water requirements for maintaining quality turf, USD requests a additional diversion rate of 300 GPM (50 GPM from WR #6021-3) and the ability to apply up to 36 inches of water annually.

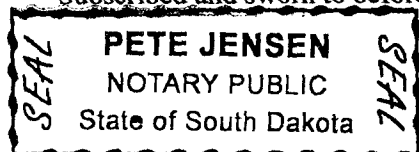
STATE OF SOUTH DAKOTA) SS
County of Clay

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, Leslie E. Ernst, 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 Leslie E Ernst

Subscribed and sworn to before me this 15 day of May 20 09



Pete Jensen

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7137-3**

Date of first receipt of application May 21, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7137-3 to University of South Dakota Vermillion, 414 E Clark St, Facilities Management, Vermillion SD 57069 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. 7137-3 appropriates an additional 0.56 cubic feet of water per second (cfs) and authorizes irrigation of 30.75 additional acres to what is currently authorized by Vested Water Right No. 6021-3. Vested Water Right No. 6021-3 authorizes 0.11 cfs from one well to irrigate 7.75 acres located in the NE ¼ SE ¼ Section 13-T92N-R52W and W ½ SW ¼ Section 18-T92N-R51W. This permit appropriates an additional 0.56 cfs from a replacement well (Lower Vermillion:Missouri Aquifer) 185 feet deep located in the NE ¼ SE ¼ Section 13-T92N-R52W to irrigate an additional 30.75 acres located in the E ½ SE ¼ Section 13-T92N-R52W and W ½ SW ¼ Section 18-T92N-R51W. This permit and Vested Water Right No. 6021-3 authorizes a total diversion rate of 0.67 cfs (300 gallons per minute) for irrigation of 38.5 acres.
2. The amount of the appropriation may not exceed 3 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is May 21, 2009 (0.56 cfs – 30.75 additional acres).
4. The date of approval of Permit No. 7137-3 is July 6, 2009.
5. One-fifth of the construction is to be completed on or before January 6, 2012.
6. All construction is to be completed on or before July 6, 2014.
7. Water is to be put to beneficial use on or before July 6, 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. 7137-3 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.

(continued)

3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Vested Water Right No. 6021-3 and Permit No. 7137-3, combined, authorize a maximum diversion rate of 0.67 cfs for the irrigation of 38.5 acres with an annual volume not to exceed 3 acre feet of water per acre per year.
4. 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 27 2009

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 14 inch Depth 185 feet
- b) Casing Type PVC Diameter 8 inch Thickness Sch40
- c) Screen Type PVC Diameter 8 inch Thickness Sch40
- d) Gravel Pack Yes Length of Gravel Pack 60 feet
- e) Depth to Top of Water Bearing Material 130 feet
- f) Depth to Water (ground surface to water level) 107 feet
- g) Distance to nearest existing domestic well:
 On applicants property 3000 feet On property owned by others _____

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

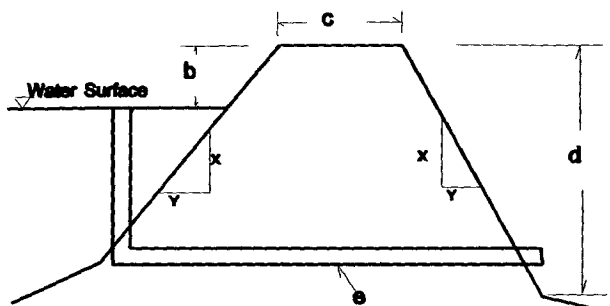
3. Dugout Information

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

4. Water Storage Dams

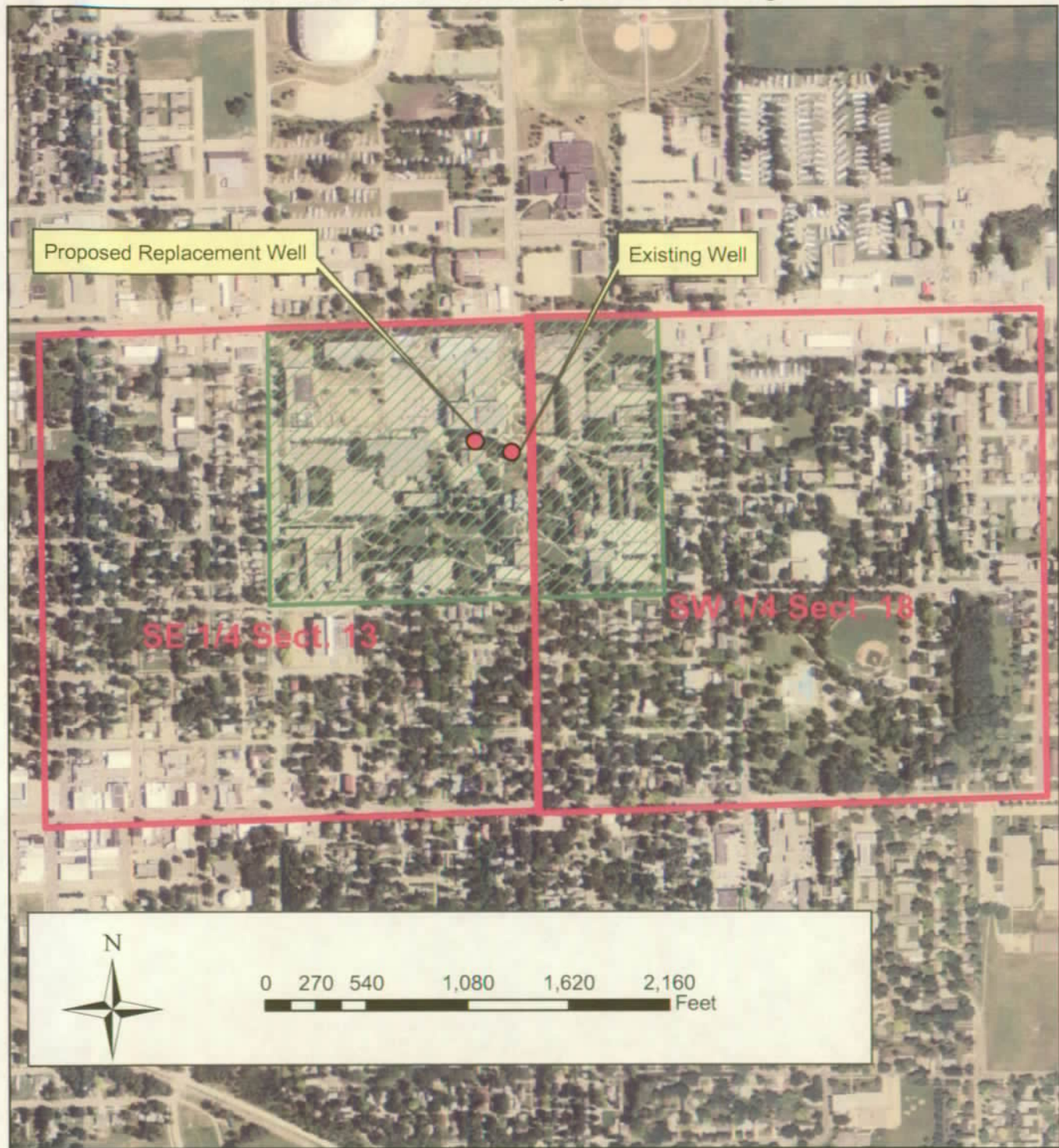
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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

University of South Dakota's Water Permit Application for Replacement Well,
Additional Diversion Rate Authority and Additional Acreage



Map intended to reflect the SE 1/4 Section 13, T92N, R52W and the SW 1/4 Section 18, T92N, R51W

Well to be located in the NE 1/4 SE 1/4 Section 13, T92N, R52W

A total of 38.5 acres will be turf irrigated (7.75 acres of this is covered by WR No. 6021-3)

Breakdown of entire 38.5 acres is:

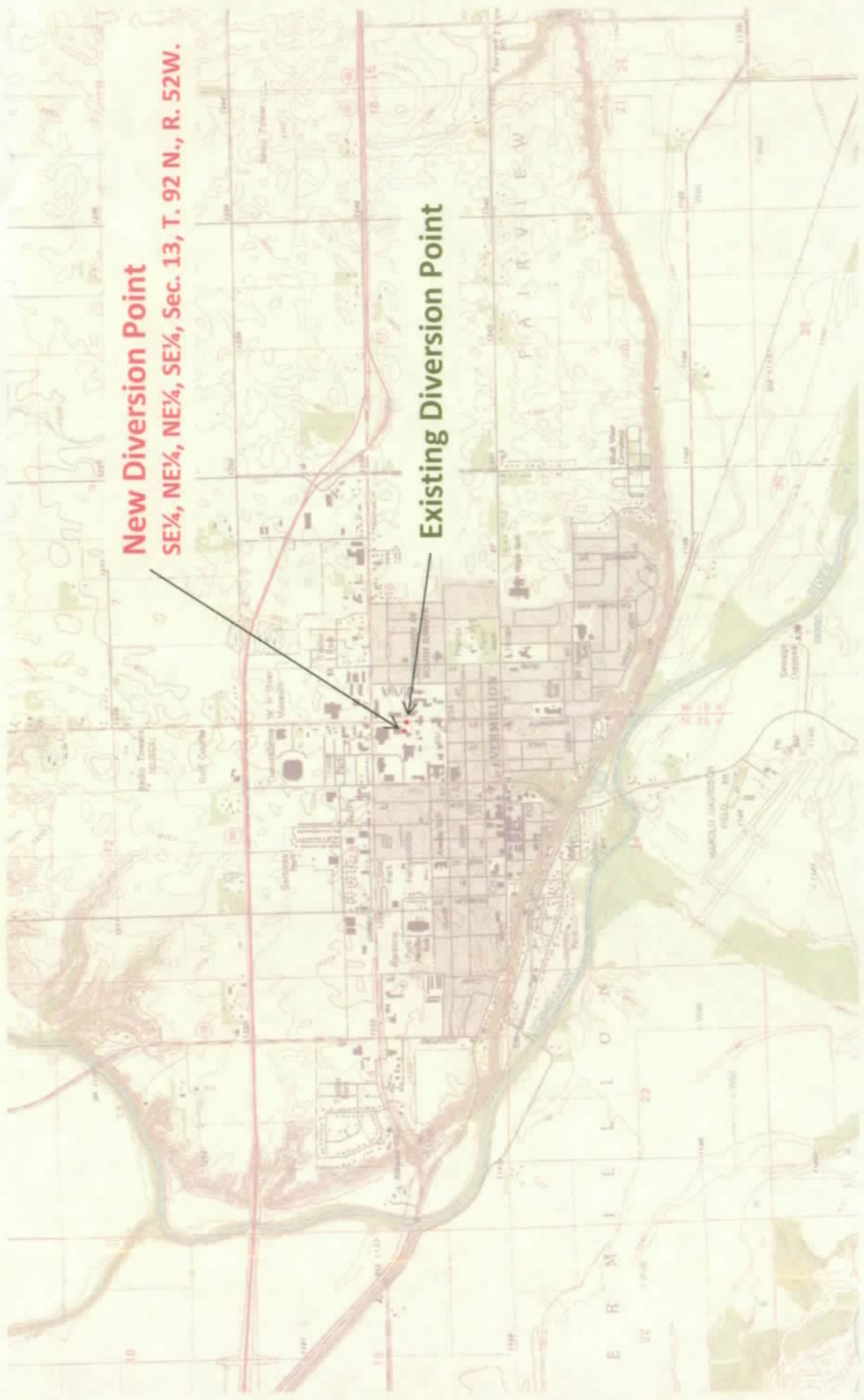
NE 1/4 SE 1/4 Section 13, T92N, R52W	22.8 acres
SE 1/4 SE 1/4 Section 13, T92N, R52W	2.4 acres
NW 1/4 SW 1/4 Section 18, T92N, R51W	11.0 acres
SW 1/4 SW 1/4 Section 18, T92N, R51W	2.3 acres
TOTAL	38.5 acres

Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
PE # 7104

New Diversion Point

SE $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13, T. 92 N., R. 52W.

Existing Diversion Point





New Diversion Point

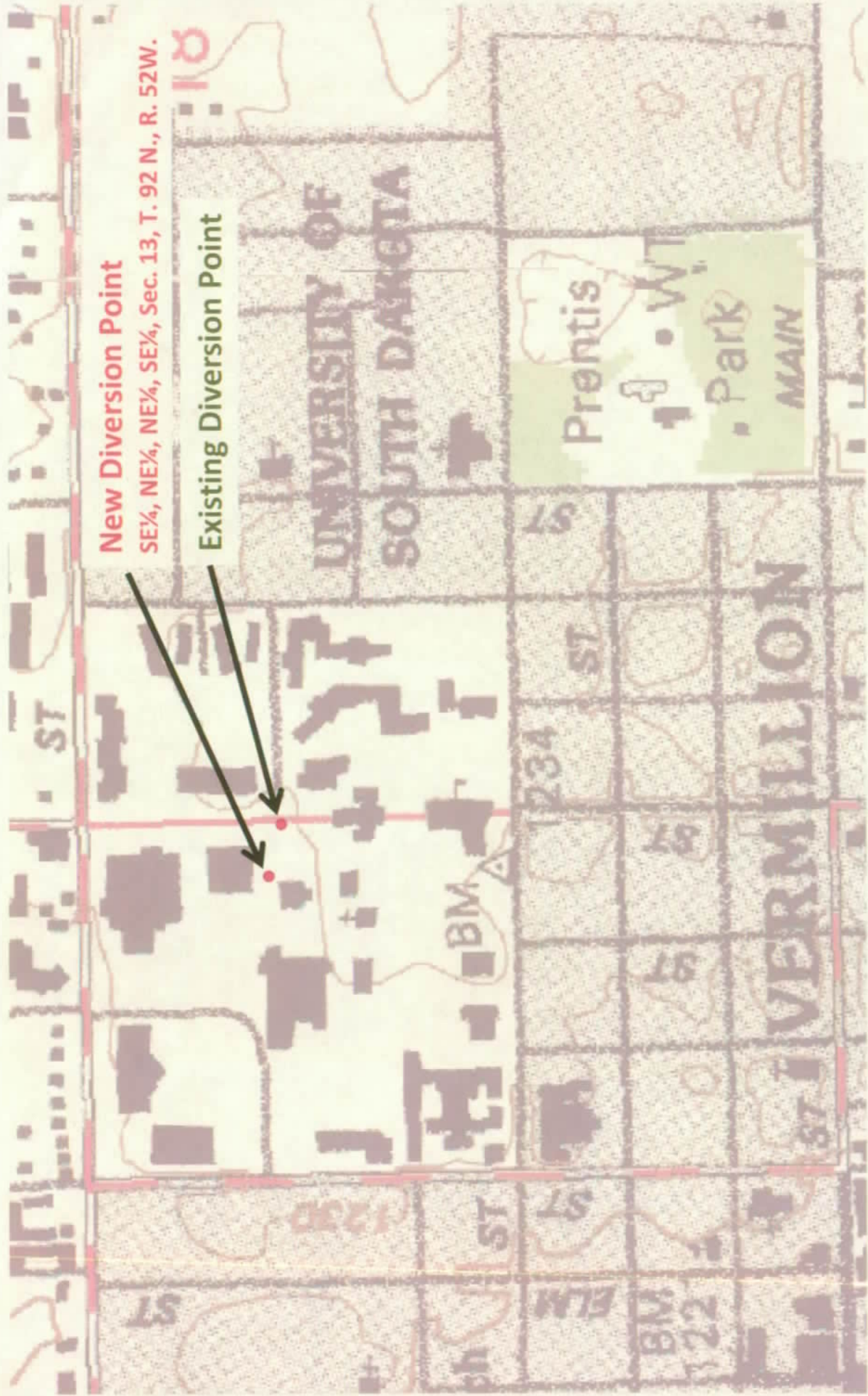
SE 1/4, NE 1/4, NE 1/4, SE 1/4, Sec. 13, T. 92 N., R. 52W.

Existing Diversion Point

New Diversion Point

SE $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13, T. 92 N., R. 52W.

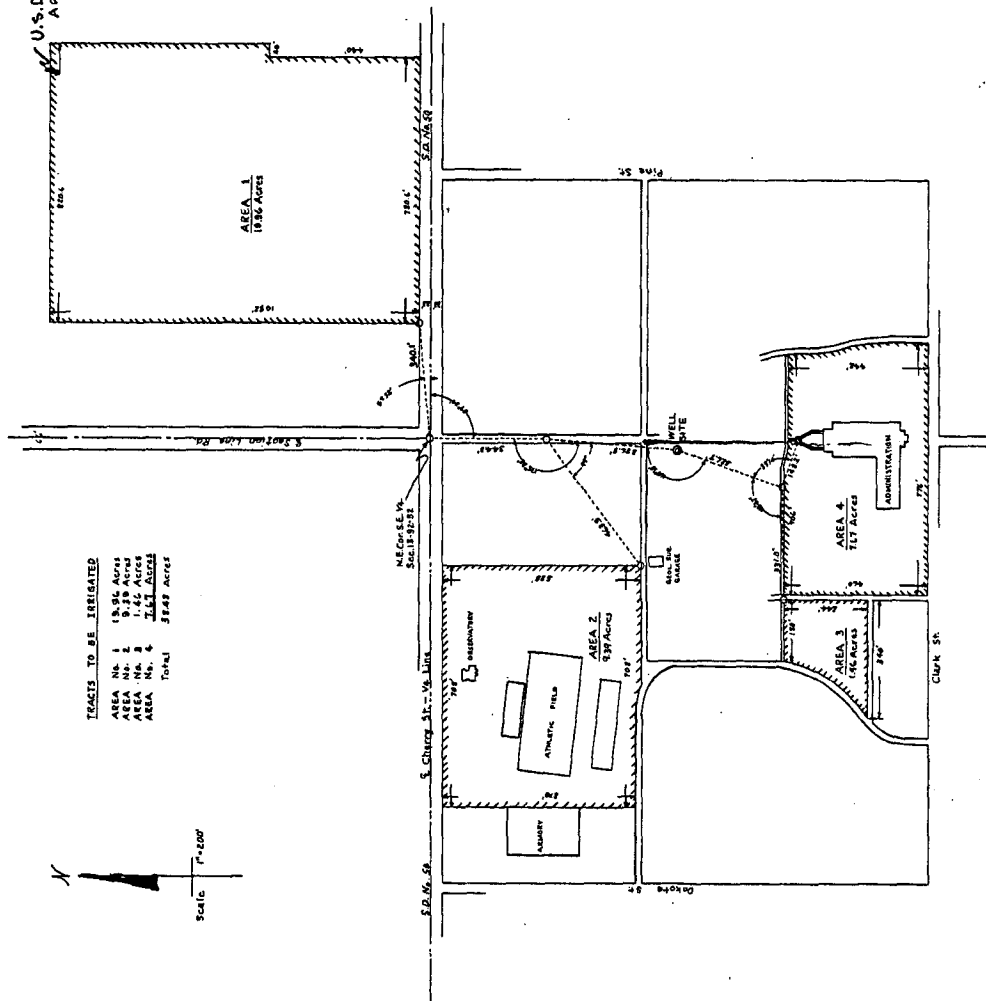
Existing Diversion Point



Univestiy of South Dakota's Water Permit Application for Replacement Well,
Additional diversion Rate Authority and Additional Acreage



Well to be located in the NE 1/4 SE 1/4 Section 13, T92N, R52W





**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. 7137-3, University of South Dakota Vermillion**

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. 7137-3, University of South Dakota Vermillion, c/o Leslie Ernst, Facility Management, 414 E. Clark Street, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7137-3 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. 7137-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Vested Water Right No. 6021-3 and Permit No. 7137-3, combined, authorize a maximum diversion rate of 0.67 cfs for the irrigation of 38.5 acres with an annual volume not to exceed 3 acre feet of water per acre per year.
4. 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
June 10, 2009

**Report on Water Permit Application No. 7137-3
for University of South Dakota Facilities Management
May 27, 2009**

Application No. 7137-3 proposes to appropriate an additional 250 gallons per minute (0.56 cfs) from one well approximately 185 feet deep located in the center of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13 to irrigate an additional 30.75 acres located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13; all in T92N R52W in Clay County. Vested Water Right No. 6021-3 authorizes 0.11 cfs from one well to irrigate 7.75 acres located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13-T92W-R52W and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18-T92N-R51W. This application, if approved and Vested Water Right No 6021-3 will authorize a total diversion rate of 300 gallons per minute (0.67 cfs) for irrigation of 38.5 acres. The annual period during which water will be used is April 1 through October 31.

AQUIFER: Lower Vermillion Missouri

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

WATER AVAILABILITY

Aquifer Characteristics:

The Lower Vermillion Missouri aquifer is a buried outwash (sand and gravel) that may be under confined conditions in the area of this application. The aquifer holds an estimated 5 million acre-feet in transient storage in Clay County (Christensen, 1967). According to Hedges, the aquifer underlies 100,800 acres and contains an estimated 1.5 million acre-feet of recoverable water in storage in Clay County (Hedges, 1982). To the north, the aquifer blends into the Upper Vermillion Missouri aquifer, while to the south, the aquifer blends with the Missouri Elk Point aquifer while to the southeast the aquifer extends into Union County. The general direction of water movement in the aquifer is toward the east-southeast (Christensen, 1967). This application location appears to be near the boundary of the Missouri Elk Point and Lower Vermillion aquifers.

Review of Existing Water Permits/Rights/Water Use:

Records of irrigation use from the Lower 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 over 40, with the average annual appropriation being about 16,500 acre-feet and the average annual pumpage reported at over 1,400 acre-feet.

IRRIGATION USE (ac-ft/yr) LVM			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2007	50	16655.45	2909.12
2006	43	15254.45	2674.51
2005	45	15844.45	1410.24
2004	39	15013.45	1747.48
2003	40	15199.45	1800.56
2002	40	15199.45	1762.32
2001	38	14879.45	2036.96
2000	38	14879.45	2041.72
1999	38	14879.45	900.63
1998	36	14150.45	1032.91
1997	36	13656.14	1085
1996	36	14096.04	997.6
1995	37	14309.24	506.61
1994	39	14673.74	517.28
1993	39	15308	0
1992	39	15308.24	168.8
1991	39	15308.24	1670.1
1990	38	15657.34	2113.2
1989	38	15657.34	2301.2
1988	38	15657.34	2083.8
1987	37	15435.34	1115.4
1986	45	20477.34	1047.5
1985	46	20661.34	1328.2
1984	47	20754.3	691
1983	38	15480.34	716.3
1982	37	15862.84	870.04
1981	49	23003	1543
1980	47	22683	2417
1979	49	22683	1163
AVERAGE	40.72	16504.40	1401.78
MAXIMUM	50	23003	2909.12
MINIMUM	36	13656.14	0

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

The well for this application will replace an existing well which is already permitted under Water Right No. 6021-3. Interference should not be a concern.

Recharge:

The Lower Vermillion Missouri in Clay County receives recharge from direct penetration of precipitation, influent seepage from streams, and subsurface inflow from adjacent areas (Christensen, 1967).

Conclusions:

1. Water is available from the Lower 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 depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, of the capacity of the well or periods of operation or other arrangements may be required to protect these water supplies.
4. This well must be constructed in accordance with SD Well Construction Standards.



Hayes Haas
Natural Resources Engineer

Bibliography:

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

Hedges, L.S., 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 Records for Clay County, SD DENR, Water Rights Program, Pierre, SD, 57501

AFFIDAVIT OF PUBLICATION

RECEIVED

State of South Dakota, County of Clay, ss.

JUL - 2 2009

Penny Tucker

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

THE PLAIN TALK

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

NOTICE OF APPLICATION NO. 7137-3

TO APPROPRIATE WATER

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

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

was on Friday, the 19th day of June, 20 09, and that the succeeding publications were severally

on Friday, the 26th day of June, 20 09,

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

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

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

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

Fifty-three _____ dollars and 03 cents

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

Subscribed and sworn to before me

this 29th day of June, 20 09

Kathryn Helos

Notary Public

My Commission Expires

9-10-14

NOTICE OF APPLICATION

NO. 7137-3 to Appropriate

Water

Notice is given that the University of South Dakota, Facilities Management, 414 E Clark St, Vermillion SD 57069 has filed an application to appropriate an additional 0.56 cubic feet of water per second (cfs) and to irrigate 30.75 additional acres to what is currently authorized by Vested Water Right No. 6021-3. Vested Water Right No. 6021-3 authorizes 0.11 cfs from one well to irrigate 7.75 acres located in the NE 1/4 SE 1/4 Section 13-T92N-R52W and W 1/2 SW 1/4 Section 18-T92N-R51W. This application proposes to appropriate an additional 0.56 cfs from a replacement well (Lower Vermillion/Missouri Aquifer) 185 feet deep located in the NE 1/4 SE 1/4 Section 13-T92N-R52W to irrigate an additional 30.75 acres located in the E 1/2 SE 1/4 Section 13-T92N-R52W and W 1/2 SW 1/4 Section 18-T92N-R51W. This application, if approved and Vested Water Right No. 6021-3 will authorize a total diversion rate of 0.67 cfs (300 gallons per minute) for irrigation of 38.5 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7137-3 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 July 6, 2009.

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

Publish: June 19 & 26, 2009

Published twice at the total approximate cost of \$53.03

Estimated publishing cost per circulated copy: \$.01



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 11, 2009

Plain Talk
PO Box 357
Vermillion SD 57069

ATTENTION: Legal Public Notice

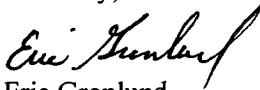
Enclosed is a Notice on Application No. 7137-3 to Appropriate Water to be published twice. Please publish the first notice on June 19, 2009 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 University of South Dakota, Facilities Management, c/o Leslie Ernst, 414 E Clark St., Vermillion SD 57069 (Ph # 605-677-6106).

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. 7137-3

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

Date _____

We are in receipt of your letter of June 11, 2009 enclosing Notice to Appropriate Water by Application No. 7137-3 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.

June 11, 2009

University of South Dakota
Facilities Management
c/o Leslie Ernst
414 E Clark St
Vermillion SD 57069

Dear Mr. Ernst:

Water Permit Application No. 7137-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Plain Talk printed at Vermillion SD (Ph # 605-624-2695). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notices and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on June 19, 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. 7137-3 to Appropriate Water

Notice is given that the University of South Dakota, Facilities Management, 414 E Clark St, Vermillion SD 57069 has filed an application to appropriate an additional 0.56 cubic feet of water per second (cfs) and to irrigate 30.75 additional acres to what is currently authorized by Vested Water Right No. 6021-3. Vested Water Right No. 6021-3 authorizes 0.11 cfs from one well to irrigate 7.75 acres located in the NE ¼ SE ¼ Section 13-T92N-R52W and W ½ SW ¼ Section 18-T92N-R51W. This application proposes to appropriate an additional 0.56 cfs from a replacement well (Lower Vermillion:Missouri Aquifer) 185 feet deep located in the NE ¼ SE ¼ Section 13-T92N-R52W to irrigate an additional 30.75 acres located in the E ½ SE ¼ Section 13-T92N-R52W and W ½ SW ¼ Section 18-T92N-R51W. This application, if approved and Vested Water Right No. 6021-3 will authorizes a total diversion rate of 0.67 cfs (300 gallons per minute) for irrigation of 38.5 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7137-3 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 July 6, 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

JUL 27 2009

University of South Dakota
c/o Leslie Ernst - Facilities Mngmnt
414 E Clark St
Vermillion SD 57069

Dear Mr. Ernst:

Enclosed is Water Permit No. 7137-3 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.

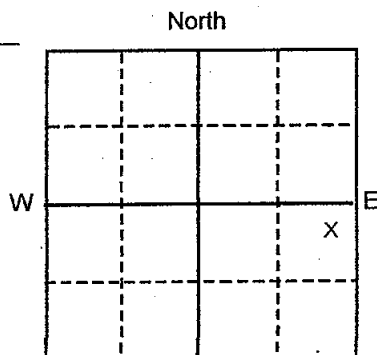
Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ SE ¼ Sec 13 Twp 92n Rg 52WCounty ClayPlease mark well
location with an "X"

Well Completion Date

Feb 16, 2012

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

120.0 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	20.00 IN	0.0 FT	18.0 FT	26.00 IN
LB/FT	12.00 IN	0.0 FT	148.0 FT	18.00 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Cement	20	15.0 Lb/gal	0.0 Ft	18.0 Ft
bentonite	28	10.5 Lb/gal	18.0 Ft	143.0 Ft

Describe grouting procedure
tremie method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 Inches Length 44.0 FeetMaterial Johnson stainless v slot screenSlot Size .080 Set From 148.0 Feet to 192.0 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

State Health lab, Pierre and

ACS, Sioux City, Iowa

Well Owner: University of South Dakota

Business Name:

Address: 414 E. Clark StreetCity, State, Zip: Vermillion SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, Yellow brown,	0	5
Clay, Yellow brown, silty, pebbly Till	5	32
Clay, Gray, silty, pebbly, Till	32	140
Sand, fine,	140	145
Sand, coarse, pebbly beds	145	195
Siltstone, light gray	195	197
Sandstone, fine, light gray	197	204

STATIC WATER LEVEL 111.9 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? Measuring point casing top approx 2 feet above land surface

WELL TEST DATA:

☒ Pumped Describe: Well test pumped at 490 gpm for 16.6 hours.
☐ Bailed

☐ Other

Pumping Level Below Land Surface

135.0 Ft. After 16.0 Hrs. pumped 490.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

FEB - 1 2013

WATER RIGHTS
PROGRAMThis 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: 12-12-12



7137-3
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 16, 2015

NOTICE

TO: FACILITIES MGMT - USD, MARK NEITZKE, 414 E CLARK ST, VERMILLION, SD 57069
2390

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5545-3, 5546-3, 6021-3 & 7137-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 5545-3, 5546-3, 6021-3 & 7137-3 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 4, 2015** 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) 5545-3, 5546-3, 6021-3 & 7137-3 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 4, 2015** 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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 23, 2015

Nate Steele
Facilities Management – USD
414 E Clark St
Vermillion SD 57069

RE: Water Permit or Right Nos. 5545-3, 5546-3, 6021-3 & 7137-3

Dear Mr. Steele:

I am writing to acknowledge receipt of the 2014 irrigation questionnaires for USD.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit or Right Nos. 5545-3, 5546-3, 6021-3 & 7137-3. The information was received in our office prior to the Water Management Board meeting and no violation has occurred.

If you have any questions, please contact me.

Sincerely,

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



7137-3
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: FACILITIES MGMT - USD, NATE STEELE, 414 E CLARK ST, VERMILLION, SD 57069
2390

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) 5545-3, 5546-3, 6021-3 & 7137-3. 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) 5545-3, 5546-3, 6021-3 & 7137-3 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) 5545-3, 5546-3, 6021-3 & 7137-3 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.



7137-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 21, 2016

Nate Steele, Grounds & Landscaping Mgr
University of South Dakota
414 E Clark St
Vermillion SD 57069

RE: Water Right/Permit Nos. 5545-3, 5546-3, 6021-3 & 7137-3

Dear Mr. Steele:

I am writing to acknowledge receipt of the 2015 irrigation questionnaires for the above listed water rights and water permit. The forms were received on-line on January 15, 2016.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 5545-3, 5546-3, 6021-3 and Water Permit No. 7137-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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