

WATER PERMIT NO. 7149-3

Name of Applicant: **Darrel Westerman**

Address: **46065 278th St, Chancellor SD 57015**

Phone: **605 647-2357**

Amount of Water Claimed: **1.78**

Total Acres: **132**

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

Water to be used for: **irrigation**

County: **Turner**

Type of Waste Disposal System: **NA**

Location: **3 miles southwest of Chancellor**

PRIORITY

Date Received: **7-6-09**

Application/License Fee: **\$1050**

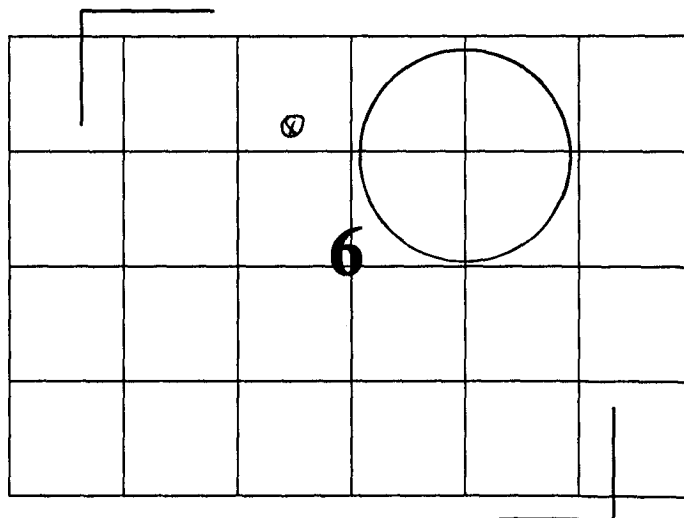
Corrected Application Received:

Period of Annual Use: **May 1 – August 31**

Remarks: **Replacement well for Permit No. 4963-3. Well will be in a deeper aquifer.**

Diversion Point: **NE ¼ NW ¼ Sec 6-T98N-R52W**

Land to be Irrigated: **NE ¼ Sec 6-T98N-R52W**



Depth of Well: **147 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Gregory Johnston**

Reviewed and the Number Assigned on: **7-7-09**

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	(office use only)	
	No. <u>7149-3</u>	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>New Era PO Box 579</u> <u>605-297-4419</u> <u>Parker 57053</u>	

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JUL - 6 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.)

Replacement well for Permit NO. 4963-3 will be deeper aquifer

- Name of Applicant Darrel Westerman Phone 605-647-2357
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 46065 278th St Chancellor State SD 57015
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 132
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ~~well~~ / New well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Turner
NE 1/4 of NW 1/4 Sec 6 - T98-N R-52-W
- County or counties where water will be used Turner
- Annual period during which water is to be used May June July and August
- 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
<u>NE 1/4 of NE 1/4 Sec 6-98-52</u>	<u>33</u>		
<u>NW 1/4 of NE 1/4 Sec 6-98-52</u>	<u>33</u>		
<u>SE 1/4 of NE 1/4 Sec 6-98-52</u>	<u>33</u>		
<u>SW 1/4 of NE 1/4 Sec 6-98-52</u>	<u>33</u>		

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

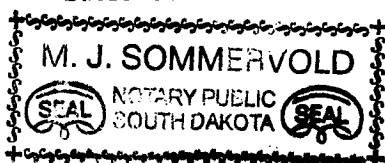
New well to replace old well, going deeper to get adequate supply, old well is 39 ft with fine sand and screen plays up, New well will be approximately 147'

STATE OF SOUTH DAKOTA) SS

County of Turner)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Darrel Westerman, 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 Darrel WestermanSubscribed and sworn to before me this 1st day of July 20 09

M. J. SOMMERFELD
Notary Public, State of SD
My Commission Expires Oct. 27, 2009

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7149-3**

Date of first receipt of application July 6, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7149-3 to Darrel Westerman, 46065 278th St, Chancellor SD 57015 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. 7149-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion:Missouri Aquifer (approximately 147 feet deep) located in NE ¼ NW ¼ Section 6 to irrigate 132 acres located in the NE ¼ Section 6; all in T98N-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: May 1 – August 31.
3. The date from which applicant may claim right is July 6, 2009.
4. The date of approval of Permit No. 7149-3 is October 5, 2009.
5. One-fifth of the construction is to be completed on or before April 5, 2012.
6. All construction is to be completed on or before October 5, 2014.
7. Water is to be put to beneficial use on or before October 5, 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. 7149-3 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

JAN 13 2010

date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 17 3/4 Depth 147
- b) Casing Type PVC Diameter 12 Thickness SDR26
- c) Screen Type PVC Diameter 12 Thickness SDR26
- d) Gravel Pack 4x8 Red Flint Length of Gravel Pack 45
- e) Depth to Top of Water Bearing Material 107
- f) Depth to Water (ground surface to water level) ? 30
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 3000 Feet

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

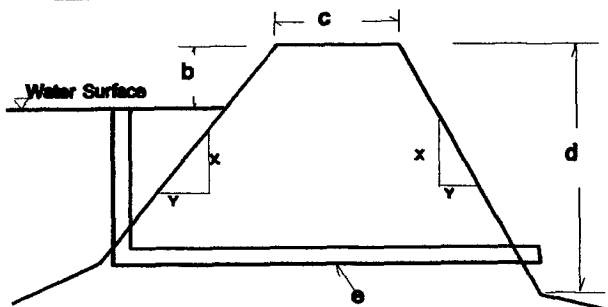
3. Dugout Information

- 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

NOT TO SCALE

Farm buildings are gone

69.3
T-893

NO. 4963-3
KENT WESTERMAN

Drawn by:

Gregory C. Johnston

Gregory C. Johnston

Natural Resources Engineer II

Water Rights Division, DENR

9/16/92

1267'

Well

153.7

T-1367

NW $\frac{1}{4}$ NE $\frac{1}{4}$ =
40 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ =
~~40~~ acres
38

Center Pivot
(Corner System)

SW $\frac{1}{4}$ NE $\frac{1}{4}$ =
40 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ =
~~40~~ acres
36

8" Aluminum Pipe

N
1" = 704'

3/2
NHEL

T-2904
MT-2905

124.4

T-1435
MT-2905

ALL IN SECTION 6 - T-1435 - R-52

NW $\frac{1}{4}$ NE $\frac{1}{4}$ = 40 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ = 40 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ = ~~40~~ acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ = ~~40~~ acres

Total = ~~160~~ acres
154 acres

6 CT
2/16/98

24.4
T-88b

NHEL

NHEL

3 NHEL

124.7

T-1438
MT-2907

T-1439
MT-2907

106.4

T-1454

4963-3

13 R

Sec 6 Township 98 Range 52

179 Street

Darrel Westerman owner
NE⁴ of NW⁴
Sec 6 - 98-52

New well

NE⁴ of Sec 6
Darrel Westerman owner

underground pipe
+
foot

Darrel Westerman owner

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Usman +
Average

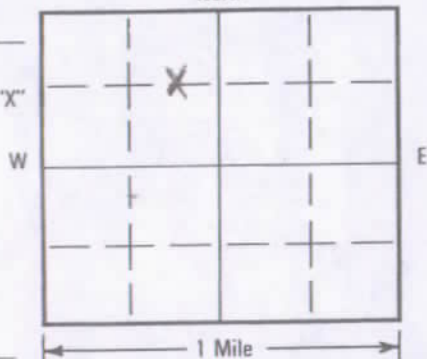
459 Ave

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 NW 1/4 Sec 6 Twp 98 Rg 52 W
 County 5
 North

Please mark well location with an "X"



Well-Completion Date

6-27-09

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 30 ft. from old 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	____ IN	____ FT	____ FT	____ IN
____ LB/FT	____ IN	____ FT	____ FT	____ IN
____ LB/FT	____ IN	____ FT	____ FT	____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>10</u>	<u>511</u> lb./gal	<u>0</u> ft.	<u>147</u> ft.
<u>DF</u>		____ lb./gal	____ ft.	____ ft.

Describe grouting procedure pressure grout method

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____
 Slot Size _____ Set From _____ Feet to _____ 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: _____

____ NO, Why Not? _____

laboratory sent to for water
 quality analysis

Well Owner: Darrel Westerman

Business Name: _____

Address: 46065 278th St
Chancellor SD 57015

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1 1/2
yellow mixed sand	1 1/2	5
Mixed medium to fine yellow	5	15
Gray fine to medium	15	29
Gray medium	29	39
Blue clay	39	107
yellow medium	107	123
Blue soft clay	123	125
yellow fine to medium	125	129
Blue soft clay	129	131

STATIC WATER LEVEL

_____ Feet

If flowing: closed in pressure _____ PS

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped

Describe: _____

☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Yellow medium 131-139
Blue soft clay 139-140
yellow medium 140-147
Gravel 147-150

This well was drilled under license # 659

And this report is true and accurate.

Drilling firm Kaiser Well Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

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WATER RIGHTS PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/7, 20 09

RECEIVED OF Westerman Farms 46065 278th St Chancellor SD 57015

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

Fee for Application for Permit No. <u>7149-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7149-3</u>	200	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	1050 00

No. 04171

By [Signature]
Chief Engineer

Schlaak, Karen

From: Gronlund, Eric
Sent: Wednesday, July 01, 2009 1:54 PM
To: Schlaak, Karen; McMath, Genny
Subject: Darrel Westerman - WR No. 4963-3 in Turner County

Mr. Westerman called. He is replacing the well authorized by WR No. 4963-3 from the PAC to the UVM aquifer. He will be applying for a new permit. The new well will be 15 feet away from the abandoned well since the electricity is there and the pipeline to the pivot is in place. He is going to send in a map but it may not be signed. If it closely resembles the inspection map in No. 4963-3, I told him we'd accept it since we have a signed one in the file.

WR No. 4963-3 is currently in Kent Westerman's name but they swapped some land so Darrel Westerman now owns this ground. I told him assuming he gets the new permit in place, Water Rights will then proceed to cancel No. 4963-3 and both Kent and he would get notice of this action. He agreed with cancellation of No. 4963-3. I guess I didn't think we needed to transfer ownership because we're going to cancel the permit. Logically, I have a hard time charging him \$50 to transfer something we then turn around and cancel. If someone thinks differently please let me know.

Finally, we talked about the fee. I told him that application fees went up dramatically today since the legislation went into effect. When I told him the amount he agreed that was a dramatic increase. Overall he was very good about it and joked that he should have applied yesterday.

Eric Gronlund
Water Rights Program, DENR
Phone: (605) 773-3352
Fax: (605) 773-4068
Email: eric.gronlund@state.sd.us
Web: www.denr.sd.gov



**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. 7149-3, Darrel Westerman**

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. 7149-3, Darrel Westerman, 46065 278th Street, Chancellor SD 57015.

The Chief Engineer is recommending APPROVAL of Application No. 7149-3 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. 7149-3 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
September 8, 2009

NOTE: The Water Rights Program will proceed with cancellation of Water Right No. 4963-3 upon the approval of this application.

REPORT ON WATER PERMIT APPLICATION NO. 7149-3
For Darrel Westerman
September 2, 2009

Application No. 7149-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 147 feet deep located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 6 to irrigate 132 acres located in the NE $\frac{1}{4}$ of section 6; all in T98N R52W in Turner County.

AQUIFER – UPPER VERMILLION MISSOURI (UVM)

The Upper Vermillion Missouri aquifer is a buried outwash (sand and gravel) that is under artesian conditions at this site. The aquifer underlies 207 square miles and contains an estimated 1.8 million acre feet of water in storage in Turner County (Lindgren, 1990). The aquifer extends into Hutchinson and McCook Counties to the north and west, into Lincoln County to the southeast and Clay County to the south. The aquifer blends into the Lower Vermillion Missouri aquifer to the south. Ground water movement appears to be from the northwest to the southeast in the area of this application. The Upper Vermillion Missouri aquifer appears to consist of two layers of sand and gravel separated by clay (till) in the area just to the south of this application. These two layers also appear to be hydraulically connected based upon observation well data for Turner County and the water responses to pumping. This aquifer is also overlain by the surficial Parker Centerville aquifer which in this area does not appear to be hydraulically connected to the Upper Vermillion Missouri aquifer.

The test well log filed with this application indicates sand from 1.5 feet to 39 feet (Parker Centerville aquifer) followed by clay from 39 to 123 feet (till) and sand and gravel from 107 to 147 feet (there were clay layers in this interval from 129 to 131 feet and 139 to 140 feet). No static water level or pumping information was provided with the well log.

The Water Rights Program monitors three observation wells in this area that are completed into the Upper Vermillion Missouri aquifer. Observation well TU-77B is located about one mile northwest, observation well TU-77U is located about one mile northeast and observation well TU-77V is located about two miles east all from this application. Water levels for these wells show good response to climatic conditions and to pumping. Annual fluctuations of 10 to 30 feet due to pumping are clearly shown by the hydrographs. Also the effects of recharge to the aquifer are also shown by the long term trends of the water levels with respect to the climatic conditions. Hydrographs for these three observation wells are included with this report. The observation well record clearly indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2009).

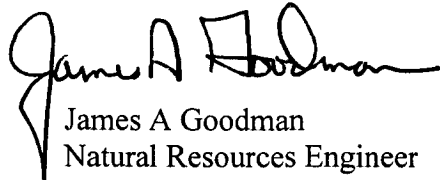
REVIEW OF EXISTING WATER PERMITS/RIGHTS

This area of Turner is intensively irrigated however most of the nearby irrigation wells are completed into the Parker Centerville aquifer. The closest existing irrigation well completed into the Upper Vermillion Missouri aquifer is located about three-quarters

miles northwest of this site (Water Right No. 5058-3, 1.22 cfs, 101 acres). At this distance interference will occur but this should not adversely impact water availability from the aquifer. This is shown by the observation well hydrographs.

CONCLUSIONS

1. Water is available from the Upper Vermillion Missouri aquifer.
2. The aquifer is confined and under artesian conditions at this site. Water levels will fluctuate due to pumping. This is shown by the observation well hydrographs. Historically this fluctuation has not caused adverse effects. Interference is not expected to be a concern.
3. This well must be completed in accordance with SD Well Construction Standards.
4. Approval of this application will cause cancellation of Water Right No. 4963-3 (1.33 cfs, 154 acres) for abandonment. That right will no longer be used as this application is a replacement for that right.



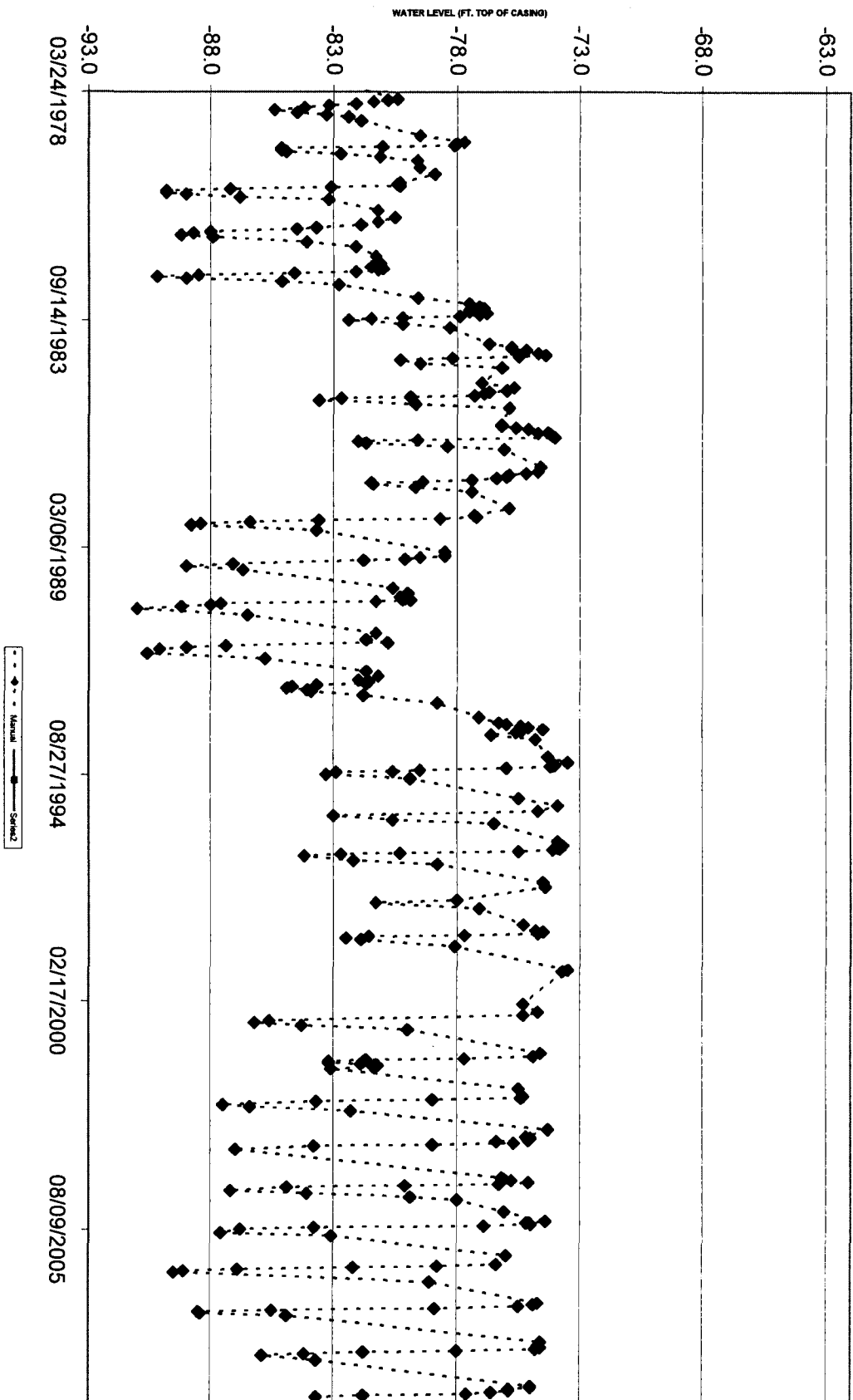
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

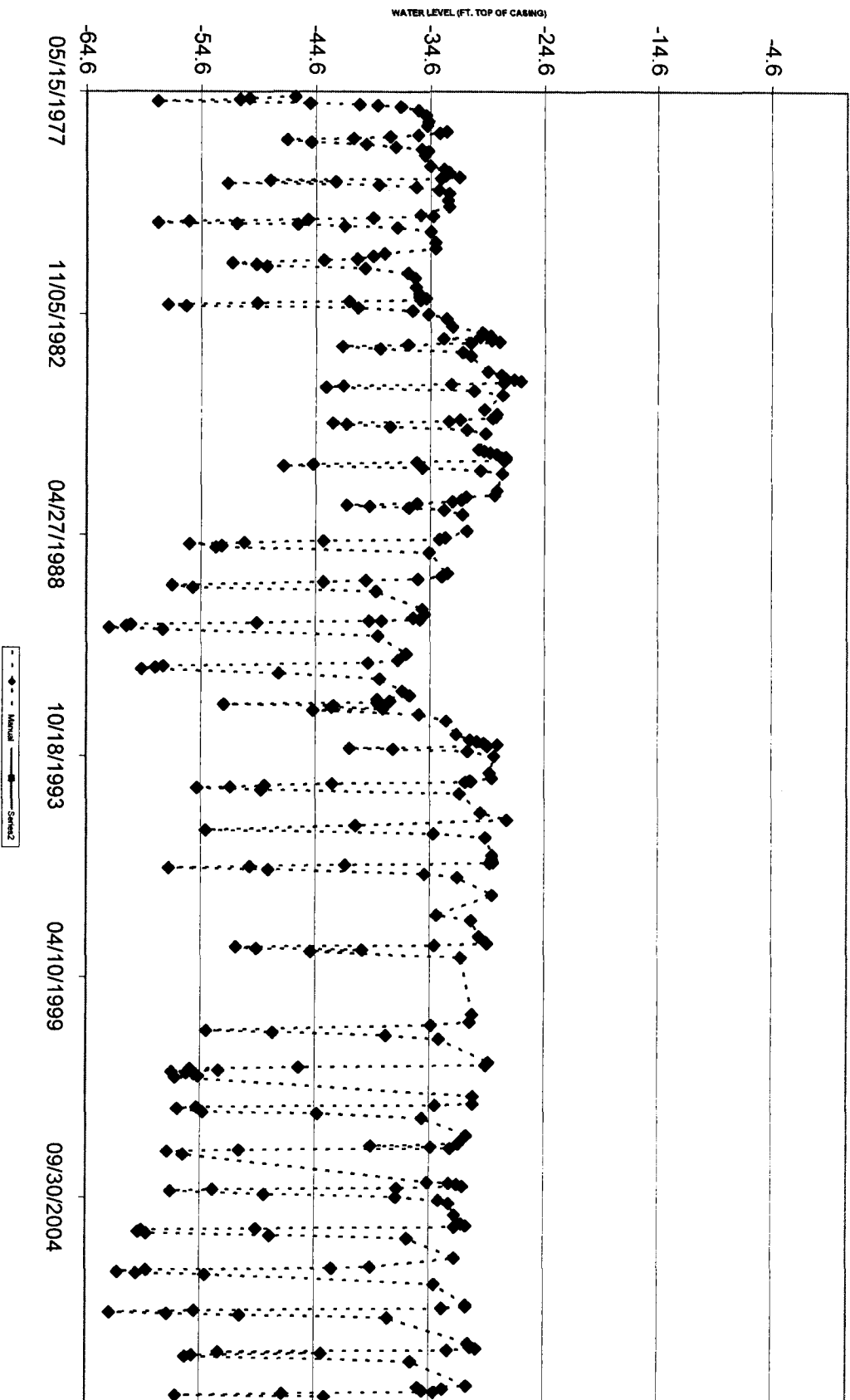
Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, Water Resources Investigations Report 90-4093, USGS, Huron, SD, 57350.

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

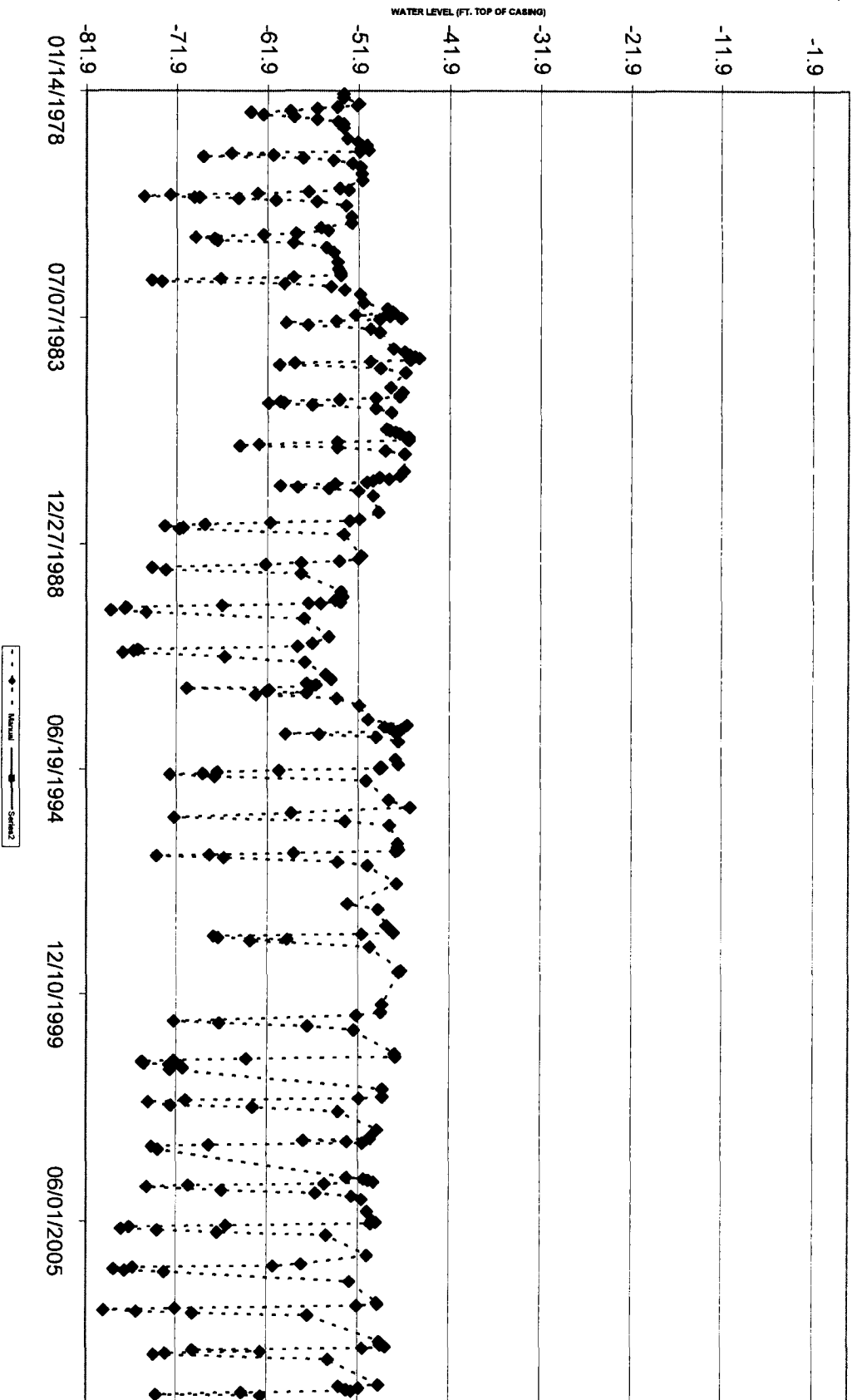
**WATER RIGHTS' OBSERVATION WELL
TU-77V**



**WATER RIGHTS' OBSERVATION WELL
TU-77B**



**WATER RIGHTS' OBSERVATION WELL
TU-77U**



RECEIVED

OCT 15 2009

Affidavit of Publication

WATER RIGHTS
PROGRAM

**STATE OF SOUTH DAKOTA
COUNTY OF TURNER**

} :SS

I, **Robin Schneider** of the City of Parker, County of Turner, State of South Dakota, being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the city of Parker, in said County of Turner, by The New Era, New Century Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice herunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant is the **Office Manager** of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in the affidavit and the advertisement headed:

Legal #4756 Notice of application No. 7149-3 to appropriate water

Printed copy of hereto attached, is printed and published in the said newspaper for two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 17th day of September, 2009

On Thursday, the 24th day of September, 2009

That \$56.53 being the full amount of the fees for publication of the attached notice insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

My Commission
Expires:
February 10, 2012

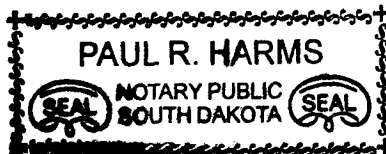
Robin Schneider
Subscribed and sworn to before me this 9th

Day of October 2009

Paul R Harms
Notary Public, Turner County, South Dakota

See
attached

Publication Fee \$
Notary Fees \$
Total \$ 56.53



**Notice of Application
No. 7149-3 to
appropriate water**

Notice is given that Darrell Westerman, 46065 278th St., Chancellor, SD 57015 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 147 feet deep) located in NE 1/4 NW 1/4 Section 6 to irrigate 132 acres located in the NE 1/4 Section 6; all in T98N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7149-3 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 SDLC 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 Oct. 5, 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.

Published twice at the total approximate cost of \$56.53.

(#4756, 09/17/09, 09/24/09,
The New Era)

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OCT 15 2009
WATER RIGHTS
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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 9, 2009

The New Era
PO Box 579
Parker SD 57053

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7149-3 to Appropriate Water to be published twice. Please publish the first notice on September 17, 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 Darrel Westerman, 46065 278th St., Chancellor SD 57015 (Ph # 605-647-2357).

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. 7149-3

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

Date _____

We are in receipt of your letter of September 9, 2009 enclosing Notice to Appropriate Water by Application No. 7149-3 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.**

September 9, 2009

Darrel Westerman
46065 278th St
Chancellor SD 57015

Dear Mr. Westerman:

Water Permit Application No. 7149-3 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 New Era printed at Parker SD (Ph # 605-297-4419). 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 Notice 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 September 17, 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. 7149-3 to Appropriate Water

Notice is given that Darrel Westerman, 46065 278th St, Chancellor SD 57015 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 147 feet deep) located in NE ¼ NW ¼ Section 6 to irrigate 132 acres located in the NE ¼ Section 6; all in T98N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7149-3 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 October 5, 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.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 13 2010

Darrel Westerman
46065 278th St
Chancellor SD 57015

Dear Mr. Westerman:

Enclosed is Water Permit No. 7149-3 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

7149-3
RECEIVED

NOV 26 2012

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 11-15-12TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Darrel Westerman

(name)

46005 27th St

(address)

Chancellor S.D. 57015

(city, state, zip)

605-359-2976

(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. 7149-3 states that the water use system is to be constructed byOct 5 2014, and water is to be put to beneficial use by Oct 5, 2018.

(date)

(date)

The water use system was completed on Aug 7, 2012.

(date)

Applying the water to beneficial use was completed on Aug 9, 2012.

(date)

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

Darrel Westerman

(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 29, 2012

7149-3

Darrel Westerman
46065 278th St
Chancellor SD 57015

Dear Mr. Westerman:

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

7149-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

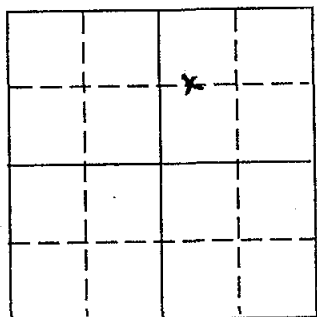
11-02

Location 100 1/4 NW 100 1/4 NE Sec 6 Twp 98 Rg 52W Well Owner: Darrel Westernman

County

Turner

North



Please mark well location with an "X"

Well completion Date

6-15-12

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

? 30 ft. from Cold well (identify source)

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring

well

METHOD OF DRILLING:

Direct RotaryCASING DATA: ☐ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>12</u> IN	<u>24</u> FT	<u>120</u> FT	<u>18</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type Groutwell No. of Sacks 120 Grout Weight 54 Lb/gal From 0 Ft To 115 Ft

Describe grouting procedure pressure pull method

SCREEN:

- ☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 40 FeetMaterial plasticSlot Size 10SD Set From 120 Feet to 160 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?

- ☐ No, Why Not?

Lab sample sent to for water quality analysis

Business Name:

Address:

City, State, Zip:

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Top soil</u>	<u>0</u>	<u>2</u>
<u>Yellow gravel</u>	<u>2</u>	<u>20</u>
<u>Grey sand</u>	<u>20</u>	<u>45</u>
<u>Blue clay</u>	<u>45</u>	<u>120</u>
<u>Grey medium to fine sand</u>	<u>120</u>	<u>160</u>

STATIC WATER LEVEL

30

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: Orin 11K☐ Bailed☐ Other

Pumping Level Below Land Surface

80 Ft. After 8 Hrs. pumped 800+ GPM

Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JAN 31 2013

WATER RIGHTS PROGRAM

This well was drilled under license # 689

And this report is true and accurate.

Drilling firm: KWD

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

523 E Capitol Ave. Pierre SD 57501

Please return WHITE COPY to: DENR Water Rights



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 21, 2022

Duane Smit
Westerman Farms
46065 278th St
Chancellor SD 57015

RE: Water Right Nos. 2213-3, 2898-3, 3634-3, 5632-3 & 7149-3

Dear Mr. Smit:

I am writing in regard to the notations made on the annual irrigation questionnaires you submitted on November 1st. It is my understanding you wish to change the water rights to Westerman Farms. The water rights are currently held by either Darrel or Kent Westerman.

Enclosed 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 \$250). The check or money order for the fee can be made payable to the Water Rights Program.

Thank you in advance for updating the water rights. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

7149-3

RECEIPT**WATER RIGHTS PROGRAM**
South Dakota Department of Agriculture and Natural ResourcesDate January 30, 2023RECEIVED OF Westerman Farms 46065 278th St., Chancellor SD 57015

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>7149-3</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
vnc

PAID

JAN 30 2023

Ck# 13076

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 7149-3

Date: _____

I/We request that Water Permit No. 7149-3

formerly owned by: Darrel Westerman

be transferred to: (name & address) Westerman Farms

46065 278th Str.

Chancellor, SD 57015

Telephone No. 605-351-2597

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

132 acres - NE ¼ Section 6, T98N, R52W

I/We understand that the validity of Water Permit No. 7149-3 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 Westerman Farms, the new owner, certify that the above information is true and correct.

Westerman Farms by Kent Westerman
(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.

RECEIVED

JAN 30 2023

OFFICE OF
WATER



7149-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2023

Kent Westerman
Westerman Farms
46065 278th St
Chancellor SD 57015

RE: Water Permit or Right Nos. 2213-3, 2898-3, 3634-3, 5632-3 and 7149-3.

Dear Mr. Westerman:

Thank you for sending in the transfer forms and filing fees for Water Permit or Right Nos. 2213-3, 2898-3, 3634-3, 5632-3 and 7149-3.

The ownership changes have been completed. The above listed numbers are now listed under **Westerman Farms**.

Enclosed for your records are receipts for the filing fee 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