

WATER PERMIT NO. 7179-3

Name of Applicant: **Dan Christensen**

Address: **28324 SD Hwy 19, Hurley SD 57036** Phone: **605 238-5854**

Amount of Water Claimed: **0.23 cfs** Total Acres: **NA**

Source of Water Supply: **one existing well**

Water to be used for: **irrigation** County: **Turner**

Type of Waste Disposal System:

Location: **½ northeast of Hurley**

PRIORITY Date Received: **1-5-10**

Application/License Fee: **\$500**

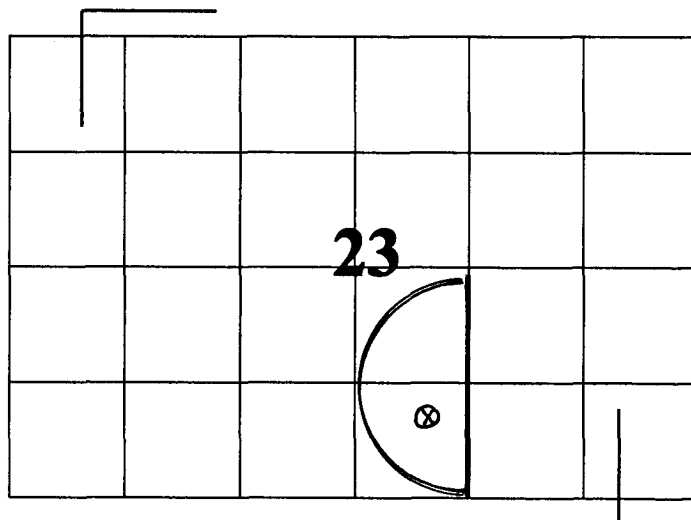
Corrected Application Received: **1-19-10**

Period of Annual Use: **April 1 – October 31**

Remarks: **increases diversion rate authorized by Permit No. 6134-3**

Diversion Point: **SW ¼ SE ¼ Sec 23-T98N-R53W**

Land to be Irrigated: **W ½ SE ¼ Sec 23-T98N-R53W**



Depth of Well: **51 feet deep**

Well Driller: **Reiners Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Mike DeFea**

Reviewed and the Number Assigned on: **1-19-10**

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>7179-3</u> (office use only)
	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Hurley Leader PO Box 164</u> <u>605-766-7887</u> <u>Viborg SD 57070</u>

RECEIVED
JAN - 5 2010
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.)

Increase diversion rate by 0.23 cfs (100 gpm) authorized by Water Permit No. 6134-3 to 1.33 cfs

- Name of Applicant Dan Christensen Phone 238-5854
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 28324 SD Hwy 19 Hurley State SD 57036
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.23 *CFS or 100 **GPM ***AF Total Acreage No Add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Parker Centerville Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Turner
910 feet north and 1775 feet west of the SE corner of Section 23-T98N-R53W
(N 43.28865, W -97.06944) (SW 1/4 SE 1/4)
- County or counties where water will be used Turner
- Annual period during which water is to be used April 1 - October 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	Land Description	Acres
Same as Permit No. 6134-3			

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

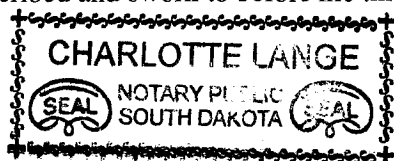
STATE OF SOUTH DAKOTA) SS
County of Turner)

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, Dan Christensen, 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 [Signature]

Subscribed and sworn to before me this 15th day of January 20 10



Charlotte Lange
03-24-2015 Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 7179-3

Date of first receipt of application January 5, 2010.

Date of return to applicant for corrections, amendments or changes January 6, 2010.

Date of receipt of corrected application January 19, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7179-3 to Dan Christensen, 28324 SD Hwy 19, Hurley SD 57036 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. 7179-3 appropriates an additional 0.23 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 6134-3. Water Permit No. 6134-3 appropriates 1.11 cfs from one well completed into the Parker Centerville Aquifer (51 feet deep) located in SW 1/4 SE 1/4 Section 23 to irrigate 60 acres located in the W 1/2 SE 1/4 Section 23; all in T98N-R53W. An investigation of the permit found the system capable of diverting an additional 0.23 cfs from the existing well. This permit and Water Permit No. 6134-3 will authorize a total diversion rate of 1.34 cfs for irrigation of 60 acres.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is January 5, 2010 (additional 0.23 cfs).
4. The date of approval of Permit No. 7179-3 is March 15, 2010.
5. 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 Permit Nos. 6134-3 and 7179-3 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. 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, Permit Nos. 6134-3 and 7179-3 authorizes a maximum diversion rate of 1.34 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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 15 2010
date

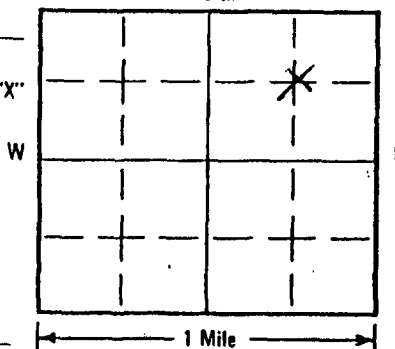


SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 NE 1/4 Sec 26 Twp 14N Rg 98E S3
County Turner

Please mark well location with an "X"



Well Completion Date

6/9/97

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well,

feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Boring MachineCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>16</u> IN	<u>0</u> FT	<u>52</u> FT	<u>30</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
_____	_____	_____ lb./gal	_____ ft	_____ ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Per rock 15'-52' @ gravel
5'-15' Cement 0'-5'SCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 16 IN Length 20 FEETMaterial PLASTICSlot Size .055 Set From 32 Feet to 52 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: Dan Christensen

Business Name: _____

Address: Box 235 Hurley S.D. 57028

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top soil</u>	<u>0'</u>	<u>3'</u>
<u>Gravel</u>	<u>3'</u>	<u>10'</u>
<u>Water bearing sand</u>	<u>10'</u>	<u>52'</u>

STATIC WATER LEVEL 10 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ PumpedDescribe: NO TEST☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

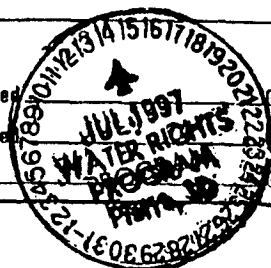
_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____

REMARKS

This well was drilled under license # 478

And this report is true and accurate.

Drilling firm Reiners Well DrillingSignature of License Representative: Don ReinerSignature of Well Owner or Equitable Property Holder: Dan ChristensenDate: 6/12/97

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/5, 2010

RECEIVED OF Daniel R Christensen 28324 SD Hwy 10 Hurley SD 57036

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

Fee for Application for Permit No. <u>7179-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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. _____		
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	500 00

No. 04536

By [Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 2009

Dan Christensen
28324 SD Hwy 19
Hurley SD 57036

Dear Mr. Christensen:

On August 26, 2009, you were sent applications forms for a permit to appropriate water based on an investigation of Water Permit No. 6134-3, by Mike DeFea, an engineer with this office. Enclosed is a copy of that letter. The investigation showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response regarding this application.

Obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact Mike DeFea or me.

Sincerely,

Karen Schlaak

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

enclosures



RECEIVED
JAN - 5 2010
WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 26, 2009

Dan Christensen
28324 SD Hwy 19
Hurley, SD 57036

Dear Mr. Christensen:

On July 15, 2008, I conducted an inspection for licensing of your Water Permit No. 6134-3. Water Permit No. 6134-3 was originally authorized to divert 1.11 cfs (500 gpm) of water from one well completed into the Parker Centerville aquifer with a priority date of March 26, 1999.

Upon receiving the pump information from the well driller and reviewing the permit for licensing, the pumping rate exceeds the diversion rate authorized by the permit by 0.23 cfs (100 gpm). Since the diversion rate exceeds the amount permitted, an additional permit will be needed for the extra 0.23 cfs.

Enclosed is a partially completed Water Permit Application which you should review and have notarized. A \$500.00 application fee is also required when you return the application.

If you have any questions regarding this matter, please feel free to contact me or Eric Gronlund at (605) 773-3352.

Sincerely,

Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

enclosure:



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 2010

Dan Christensen
28324 SD Hwy 19
Hurley SD 57036

Dear Mr. Christensen:

We received your application and application/license fee. Enclosed is the application. It is being returned because the bottom portion of the form needs to be signed by you and a notary public.

Upon receipt of the signed and notarized application, we will proceed with processing your application. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7179-3, Dan Christensen**

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. 7179-3, Dan Christensen, 28324 SD Hwy 19, Hurley SD 57036.

The Chief Engineer is recommending APPROVAL of Application No. 7179-3 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 Permit Nos. 6134-3 and 7179-3 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. 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, Permit Nos. 6134-3 and 7172-3 authorizes a maximum diversion rate of 1.34 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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
February 16, 2010

**Report on Water Permit Application No. 7179-3
for Dan Christensen
January 27, 2010**

Application No. 7179-3 proposes to appropriate an additional 100 gallons per minute (0.23 cubic feet of water per second (cfs)) from one well approximately 51 feet deep, to be completed into the Parker Centerville Aquifer located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 to irrigate 60 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 23; all in T98N-R53W. The annual period during which water will be used is April 1 through October 31. This application increases the diversion rate authorized by Water Permit No. 6134-3, which appropriates 1.11 cfs to irrigate 60 acres. The additional 0.23 cfs would come from the existing well used for Water Permit No. 6134-3.

AQUIFER – PARKER CENTERVILLE (PAC)

The Parker Centerville is a surficial outwash (sand and gravel) which is under predominantly water table conditions in Turner County. The aquifer underlies 74 square miles and contains an estimated 322,000 acre-feet of water in storage in Turner County (Lindgren, 1990). Ground water movement is from northwest to southeast across Turner County and locally toward the Vermillion River. The aquifer is hydraulically connected to the Vermillion River and some area creeks and drainages. Also the aquifer is hydraulically connected to both the East and West Fork Vermillion aquifers and to the underlying Upper Vermillion Missouri aquifer in the area to the north of this application. Recharge to the aquifer has been estimated to average 4.9 inches per year (19,340 acre-feet per year). Reported irrigation pumping from the aquifer has never exceeded 14,000 acre-feet per year.

OBSERVATION WELL DATA

There is a Water Rights Observation Well TU-77E, located about one-quarter mile southwest of this application. The hydrograph for this well is included with this report. There is sufficient information to evaluate the water source for this application based upon existing well data and previous water permit applications.

Water level data for this location indicates fluctuation due to climatic conditions like recharge and that area pumping does not significantly affect the aquifer. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2010).

EXISTING WATER RIGHTS

There are 12 Water Permits/Rights diverting from the Parker Centerville aquifer within one mile of this well site. Interference is not expected to be a concern since pumping

from the Parker Centerville aquifer does not create significant drawdown very far from individual production wells.

A natural decline of water levels during extended periods of drought may result in reduced yields of wells completed into thinner portions of the Parker Centerville Aquifer.

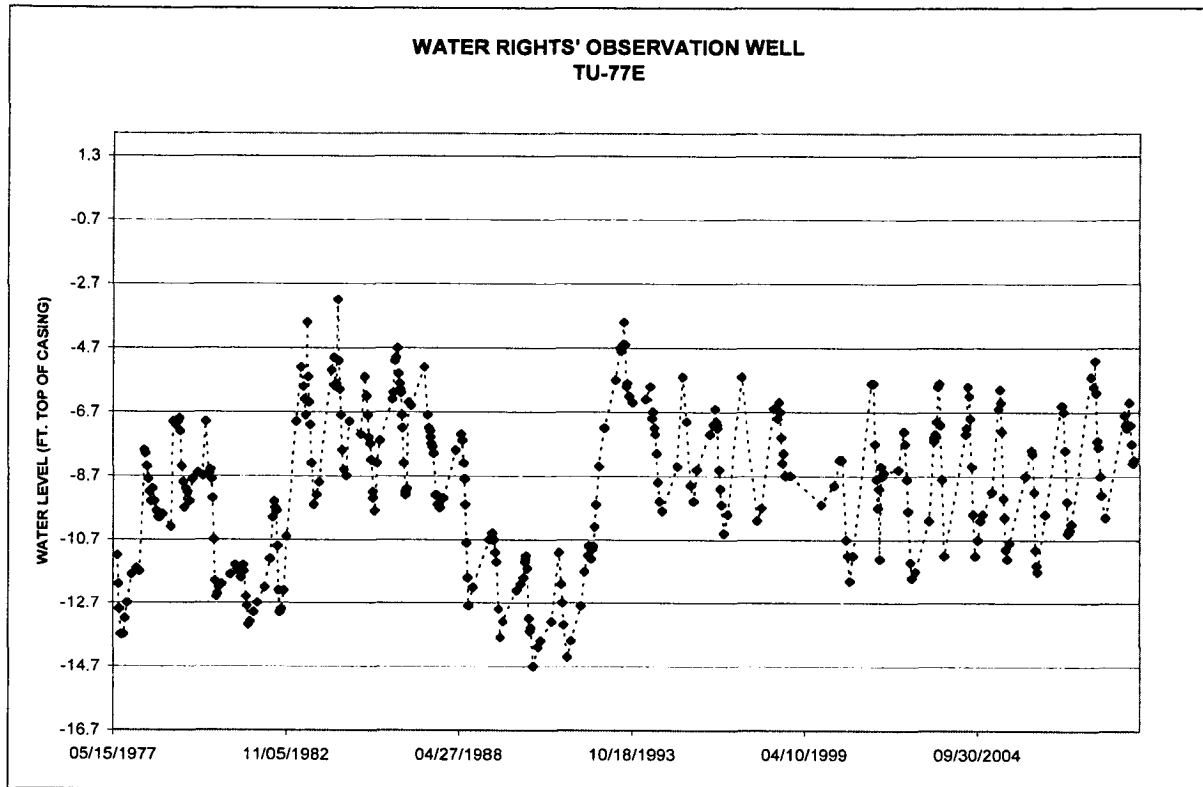


Figure 1-Hydrograph for Observation Well TU-77E, located approximately one quarter mile southwest of the application location.

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

CONCLUSIONS

1. Water is available from the Parker Centerville aquifer.
2. The well authorized by this application has been constructed in accordance with SD Well Construction Standards. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions of the capacity of the wells or periods of operation or other arrangements may be required to protect these water supplies.

3. The aquifer appears to be under unconfined conditions at this location. Drawdown may result from pumping. Interference is not expected to be a problem.
4. This application is the result of an inspection of Water Rights Permit Number 6134-3. It was found the system was capable of delivering an additional 0.23 cfs from the existing well. The application increases the diversion rate authorized by Water Permit No. 6134.3.



Hayes Haas
Natural Resources Engineer

BIBLIOGRAPHY

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

Water Rights, 2010, Unpublished Observation Well Data for Turner County, SD DENR, DES, Water Rights Program, Pierre, SD 57501

RECEIVED

MAR 17 2010

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF TURNER)

Allyson M. Hill, being first duly sworn, on oath says the VIBORG ENTERPRISE is a WEEKLY newspaper published in VIBORG in said county of TURNER, State of South Dakota; and that she is authorized to and does make this affidavit on behalf of said VIBORG ENTERPRISE; 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 25 day of February, 2010,

and that the succeeding publications were severally

on Thursday, the 4 day of March, 2010;

on Thursday, the ____ day of _____, 2010;

on Thursday, the ____ day of _____, 2010;

on Thursday, the ____ day of _____, 2010;

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 (\$) 43.78

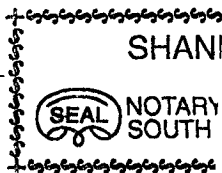
(x) Allyson M. Hill, Allyson M. Hill

Subscribed and sworn to before me this 15 day of

March, 2010

Notary Public

My commission expires 11/14/2012



NOTICE OF APPLICATION NO. 7179-3 to Appropriate Water

Notice is given that Dan Christensen, 28324 SD Hwy 19, Hurley SD 57036 has filed an application for a water permit to appropriate an additional 0.23 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 6134-3. Water Permit No. 6134-3 appropriates 1.11 cfs from one well completed into the Parker Centerville Aquifer (51 feet deep) located in SW 1/4 SE 1/4 Section 23 to irrigate 60 acres located in the W 1/2 SE 1/4 Section 23; all in T98N-R53W. An investigation of the permit found the system capable of diverting an additional 0.23 cfs from the existing well. This application, if approved and Water Permit No. 6134-3 will authorize a total diversion rate of 1.34 cfs for irrigation of 60 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7179-3 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 March 15, 2010.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioners' 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. Pimer, Secretary,

Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$43.78



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 17, 2010

Hurley Leader
PO Box 164
Viborg SD 57070

ATTENTION: Legal Public Notice

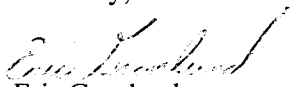
Enclosed is a Notice on Application No. 7179-3 to Appropriate Water to be published twice. Please publish the first notice on February 25, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Dan Christensen, 28324 SD Hwy 19, Hurley SD 57036 (Ph # 605-238-5854).

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. 7179-3

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

Date _____

We are in receipt of your letter of February 17, 2010 enclosing Notice to Appropriate Water by Application No. 7179-3 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
denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

February 17, 2010

Dan Christensen
28324 US Hwy 19
Hurley SD 57036

Dear Mr. Christensen:

Water Permit Application No. 7179-3 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 Hurley Leader printed at Viborg SD (Ph # 605-766-7827). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report 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
eric.gronlund@state.sd.us

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 February 25, 2010 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. 7179-3 to Appropriate Water

Notice is given that Dan Christensen, 28324 SD Hwy 19, Hurley SD 57036 has filed an application for a water permit to appropriate an additional 0.23 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 6134-3. Water Permit No. 6134-3 appropriates 1.11 cfs from one well completed into the Parker Centerville Aquifer (51 feet deep) located in SW ¼ SE ¼ Section 23 to irrigate 60 acres located in the W ½ SE ¼ Section 23; all in T98N-R53W. An investigation of the permit found the system capable of diverting an additional 0.23 cfs from the existing well. This application, if approved and Water Permit No. 6134-3 will authorize a total diversion rate of 1.34 cfs for irrigation of 60 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7179-3 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 March 15, 2010.

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 _____.

Permit No. 6134-3 & 7179-3
Vermillion River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **July 15, 2008**, made a thorough examination of the water use system constructed by **Dan Christensen** of **28324 SD Hwy 19, Hurley, SD 57036** holder of Permit No. **6143-3**, bearing the priority of **March 26, 1999** authorizing the diversion of **1.11** cu. ft. per second of the waters of the **Parker Centerville Aquifer** for **Irrigation** purposes, in **Turner** County.

Inspection contact & relationship to permit holder, if applicable: **Mike Abbas (Operator) 212-4412 or 351-6220 (Cell)**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Reiners Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **51** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **16** inches
- 2) Length **31** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Plastic**
- 2) Length **20** feet
- 3) Static water level **10** feet

Pump:

- 1) Make **Goulds**
- 2) Capacity **600** GPM

Motor:

- 1) Make **US Motor**
- 2) Model No. **F405A**
- 3) Horsepower rating **30** hp

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Number of towers 7
- 3) End gun Y
- 4) High or low pressure Low

Chemigation Equipment:

- 1) Does chemigate N

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 910 feet north and 1775 feet west of the SE corner of Section 23 T98N-R53W
(N 43.28865, W -97.06944) (SW ¼ SE ¼)

The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water which is to be used for Irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 23 T98N-R53W

NW ¼ SE ¼ - 30 acres

SW ¼ SE ¼ - 30 acres

comprising a total of 60 acres of land.

All structures, wells and lands on map Y

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

Water Permit No. 6134-3 authorizes the diversion of 1.11 cfs of water which is to be used for irrigation purposes. At the time of the licensing inspection the pump information was not available. On August 10, 2009, the well driller was contacted and informed me that the pump was a Goulds pump capable of diverting 1.33 cfs (600 gpm) of water. This rate of diversion is approximately 0.23 cfs (100 gpm) greater than is authorized by the permit. The permit holder will need to obtain an additional permit for the extra 0.23 cfs of water. (Permit No. 7179-3)



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: August 7, 2009

Dan Christensen

Water Permit No. 6134-3 $\frac{1}{2}$ 7179-3



Mike DeFea
Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
August 7, 2009



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7179-3

(1) Dan Christensen, 28324 SD Hwy 19, Hurley SD 57036 made Application No. 7179-3, January 5, 2010 for a water permit to divert an additional 0.23 cubic feet of water per second (cfs) from groundwater (one existing well), Turner County, South Dakota for irrigation purposes. Permit No. 7179-3, with a priority date of January 5, 2010 was approved March 15, 2010 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Permit No. 6134-3 with a priority date of March 26, 1999, authorized diversion of 1.11 cfs from one well to irrigate 60 acres located in the W ½ SE ¼ Section 23-T98N-R53W. The applicable portions of No. 6134-3 are incorporated into this Water License No. 7179-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 7179-3 is issued a license to appropriate 1.34 cfs with priority dates of March 26, 1999 (1.11 cfs) and January 5, 2010 (0.23 cfs) from groundwater (one well) to irrigate 60 acres.

The diversion point is located: approximately 910 feet north and 1,775 feet west of the southeast corner of Section 23-T98N-R53W (SW ¼ SE ¼). The acres authorized for irrigation are as follows:

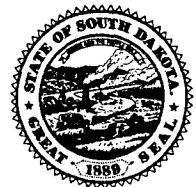
Section 23-T98N-R53W	NW ¼ SE ¼	30 acres	SW ¼ SE ¼	30 acres
Total 60 acres				

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 7179-3 including the following now applicable qualifications:

- The well approved under Permit Nos. 6134-3 and 7179-3 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.
- 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, Permit Nos. 6134-3 and 7179-3 authorizes a maximum diversion rate of 1.34 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

JUL 15 2010
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 15 2010

6134-3
7179-3

Dan Christensen
28324 SD Hwy 19
Hurley SD 57036

Dear Mr. Christensen:

Enclosed are Water Permit and License No. 7179-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7179-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

Note: The applicable portions of No. 6134-3 are incorporated into Water License No. 7179-3.

enclosures