

WATER PERMIT NO. 7188-3

Name of Applicant: **Brian Davis**

Address: **31750 476th Ave, Elk Point SD 57025**

Phone: **605 356-2732**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **124 acres**

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

Water to be used for: **irrigation**

County: **Union**

Type of Waste Disposal System:

Location: **6 miles north of Elk Point**

PRIORITY

Date Received: **2-8-10**

Application/License Fee: **\$1,050**

Corrected Application Received: **2-15-10**

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

Remarks:

Diversion Point: **center of NE ¼ Sec 24-T92N-R50W**

Land to be Irrigated: **NE ¼ Sec 24-T92N-R50W**

Depth of Well: **145 feet deep**

Well Driller: **Dakota Drilling & Backhoe**

Remarks:

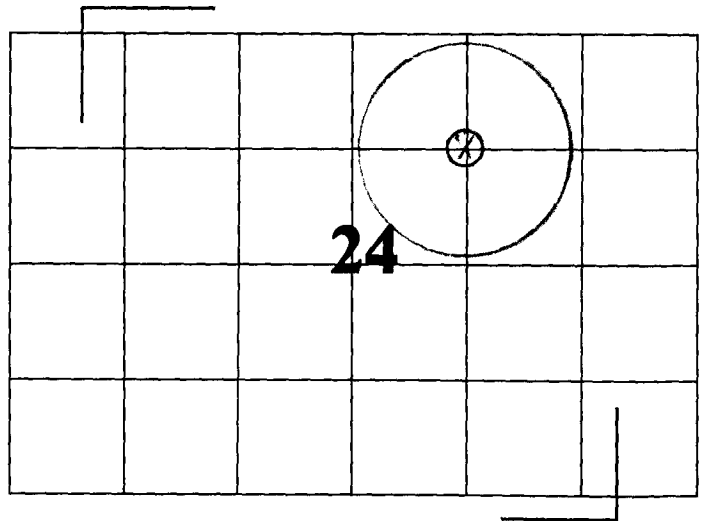
Type of Map: **aerial**

Prepared by: **Larry D Wilcox, Union Co FSA**

Reviewed and the Number Assigned on: **3-15-10**

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>7188-3</u> (office use only)	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Southern Union Co. Leader Courier P.O. Box 210</u>	
	<u>605-356-2632</u> <u>Elk Point</u> <u>57025</u>	

RECEIVED
FEB - 8 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.) _____

1. Name of Applicant Brian Davis Phone 605 356-2732

(check one) ☐ Owner ☐ Tenant/lessee

Mailing Address 31750 476th Ave, Elk Point State SD 57025

(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 124
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply groundwater

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

NE 1/4 Sec 24-T92N-R50W (approximate center)

County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used April 1 - October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4, NE 1/4 - 24 - 92 - 50	31	Farm Land	40
NW 1/4, NE 1/4 - 24 - 92 - 50	31	Farm Land	40
SW 1/4, NE 1/4 - 24 - 92 - 50	31	Farm Land	40
SE 1/4, NE 1/4 - 24 - 92 - 50	31	Farm Land	31

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

Well is for quarter mile system

STATE OF SOUTH DAKOTA) SS

County of Union

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, Brian Davis, 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 Brian Davis

Subscribed and sworn to before me this 9th day of March 20 10

Vickie L. Ahart

Notary Public signature

My Commission Expires 9-10-2015

SOUTH DAKOTA
WATER PERMIT NO. 7188-3

Date of first receipt of application February 8, 2010.

Date of return to applicant for corrections, amendments or changes February 8, 2010.

Date of receipt of corrected application February 15, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7188-3 to Brian Davis, 31750 476th Ave, Elk Point SD 57025 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. 7188-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 145 feet deep) located in center of NE ¼ Section 24 to irrigate 124 acres located in the NE ¼ Section 24; all in T92N-R50W.
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 February 8, 2010.
4. The date of approval of Permit No. 7188-3 is May 3, 2010.
5. One-fifth of the construction is to be completed on or before November 3, 2012.
6. All construction is to be completed on or before May 3, 2015.
7. Water is to be put to beneficial use on or before May 3, 2019.
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 Permit No. 7188-3 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. 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 14 2010
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 1.5" Depth 130
- b) Casing Type PVC Diameter 12" Thickness Sch 40
- c) Screen Type .050 PVC slot 50 Diameter 12" Thickness Sch 40
- d) Gravel Pack Pea gravel Length of Gravel Pack 45
- e) Depth to Top of Water Bearing Material 70'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:
On applicants property None On property owned by others 1/4 mile +

2. Wastewater Disposal System Information

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

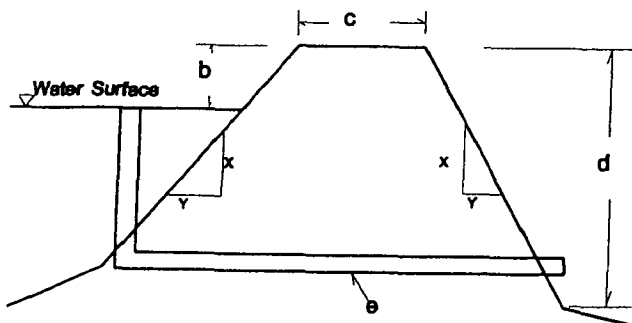
3. Dugout Information

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

4. Water Storage Dams

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

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



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

UNION COUNTY FSA OFFICE
Post Office Box 460
ELK POINT, SOUTH DAKOTA 57025-0460

Garry D Wilcox
CED

617
5
5.17
NHEL

627
3
7.86
NHEL

627
5
5.57
NHEL

627
2
123.58
NHEL

*Well
location*

617
3
5.36
NHEL

627
4
7.17
NHEL

632
5
5.52
NHEL

627
7
0.25
NHEL

627
6
0.8
NHEL

2.61

500
1
92.06
NHEL

3184
5
21.73

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/15, 20 10

RECEIVED OF DAVIS & DAVIS 31750 476th Ave Elk Point SD 57025

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

Fee for Application for Permit No. <u>7188-3</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>7188-3</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.

04509

By

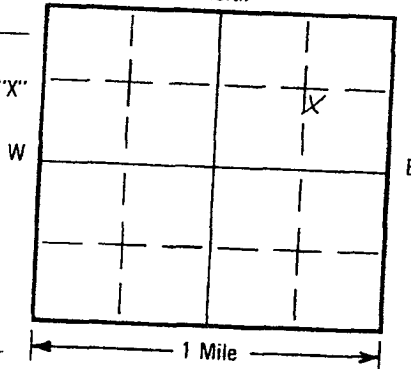
[Signature]
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NE 1/4 Sec 26 Twp 92N Rg 50W
 County Union

Please mark well location with an "X"



Well Completion Date

11-20-09

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1/4 mi from Any (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mod Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>3CH 40 LB/FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>144 FT</u>	<u>22 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	_____	_____ lb./gal	<u>30 ft</u>	<u>10 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pumped in

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 16 IN Length 80 FEET

Material PVC

Slot Size 80 Set From 64 Feet to 144 Feet

Other information _____

VAS A PACKER OR SEAL USED? ☐ YES ☒ NO

so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

_____ YES, How: _____

X NO, Why Not? _____

Irrigation

Laboratory sent to for water quality analysis _____

Well Owner: Brian Davis

Business Name: _____

Address: 31750 476th Ave.
Elk Point, SD 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Topsoil</u>	<u>0</u>	<u>3</u>
<u>Grey clay</u>	<u>3</u>	<u>7</u>
<u>Med. gravel</u>	<u>7</u>	<u>11</u>
<u>Clay</u>	<u>11</u>	<u>15</u>
<u>Sand</u>	<u>15</u>	<u>62</u>
<u>Fine gravel w/clay streaks</u>	<u>62</u>	<u>92</u>
<u>Med gravel</u>	<u>92</u>	<u>145</u>

STATIC WATER LEVEL _____ 28 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:

- ☐ Pumped Describe: Not completed
☐ Bailed at this date
☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

JAN 21 2010

WATER RIGHTS
PROGRAM

This well was drilled under license # 667

And this report is true and accurate.

Drilling firm Dakota Drilling & Backhoe, Inc.

Signature of License Representative:

Dorren DeKor

Signature of Well Owner or Equitable Property Holder:

Date: _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2010

Brian Davis
31750 476th Ave
Elk Point SD 57025

Dear Mr. Davis:

A well driller's report filed by Dakota Drilling & Backhoe, Inc shows that they completed a new well for you. The report indicates the well water will be used for irrigation. I have reviewed our files and can not find a water permit for a well located in NE 1/4 Section 26-T92N-R50W. Based on the information in the report, it appears you need a water permit.

Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E Capitol, Pierre SD 57501.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Eric Gronlund or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2010

Brian Davis
31750 476th Ave
Elk Point SD 57025

Dear Mr. Davis:

Thank you for submitting the *Application for a Permit to Appropriate Water*. After reviewing the application, I realized the wrong forms were sent to you. Enclosed is a partially completed *Application for a Permit to Appropriate Water for Irrigation*. In order to complete the application the following is required.

- Please complete Item No. 2, Total Acreage and Item No. 7. The application will need to be signed and notarized again.
- A map (aerial photo) showing the proposed location of the well in relation to a government section corner or quarter corner by direction and distance is required. Please outline the acres to be irrigated.
- The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).
- The application/license filing fee is based on the number of acres to be irrigated. The fee for 61-120 acres will be \$950.00 or 121-180 acres will be \$1050.00.

Enclosed is a postage prepaid envelope for your use in returning the above requested information. I apologize for the wrong forms that were originally sent. 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. 7188-3, Brian Davis**

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. 7188-3, Brian Davis, 31750 476th Avenue, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7188-3 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 No. 7188-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in black ink, reading "Garland Erbele". The signature is written in a cursive, flowing style.

Garland Erbele, Chief Engineer
April 7, 2010

**Report on Water Permit Application No. 7188-3
for Brian Davis
March 16, 2010**

Application No. 7188-3 proposes to appropriate 800 gallons per minute (1.78 cfs) from one well approximately 145 feet deep located in the center of NE ¼ of Section 24, T92N R50W in Union County. The water is to be used to irrigate approximately 124 acres located in NE ¼ Section 24; all in T92N R50W. The annual period during which water will be used is April 1 through October 31.

AQUIFER: Missouri Elk Point

This report will address the availability of unappropriated water from the Elk Point management unit of the Missouri aquifer.

WATER AVAILABILITY
Aquifer Characteristics:

The Missouri Elk Point is a buried outwash (sand and gravel) that is under water table conditions in the area of this application. The Niehus report referred to the "Missouri" aquifer, that aquifer is identified as the Missouri Elk Point aquifer in this report. The aquifer underlies 115,200 acres and contains an estimated 1.5 million acre feet of recoverable water in storage in Union County (Niehus, 1994). This application location is located near the boundary between the Missouri Elk Point and the Lower Vermillion Missouri aquifers and lies on the northern edge of the Missouri Elk Point. The two aquifers are most likely hydraulically connected near this location. Observation wells approximately two miles from this application location to the southwest and north are identified as Lower Vermillion Missouri wells while the nearest Missouri Elk Point observation wells are located to the east and south of this location. The aquifer underlies the flood plains of the Missouri and Big Sioux Rivers in southern Union County (Niehus, 1994). Groundwater movement is basically from northwest to southeast in the area of this application (Niehus, 1994).

The well completion report submitted by Dakota Drilling & Backhoe, Inc. indicates topsoil material from 0 to three feet below land surface, grey clay from three to seven feet below land surface, medium gravel from seven to eleven feet below land surface, clay from eleven to fifteen feet below land surface, sand from fifteen to sixty two feet below land surface, fine gravel with clay streaks from sixty two to ninety two feet below land surface, and medium gravel from ninety two to one hundred forty five feet below land surface. The static water level was twenty eight feet below land surface. The well appears to be an adequate well.

Observation Well Data:

The Water Rights Division monitors two observation wells, UN-87F and UN-87G, located within two and a half miles of this application location. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years due to natural discharge and to pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2010).

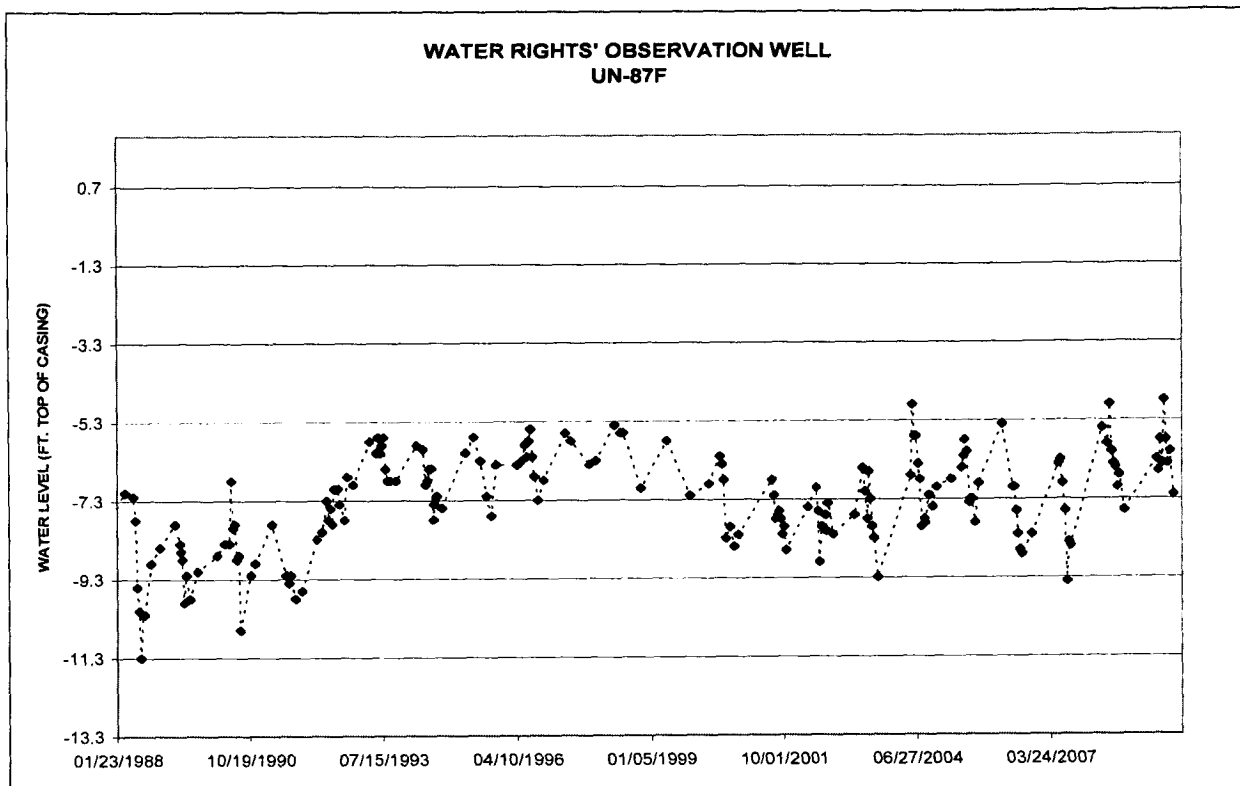


Figure 1. Hydrograph for Water Rights Observation Well UN-87F, completed into the Elk Point management unit of the Missouri Aquifer about two miles from 7188-3

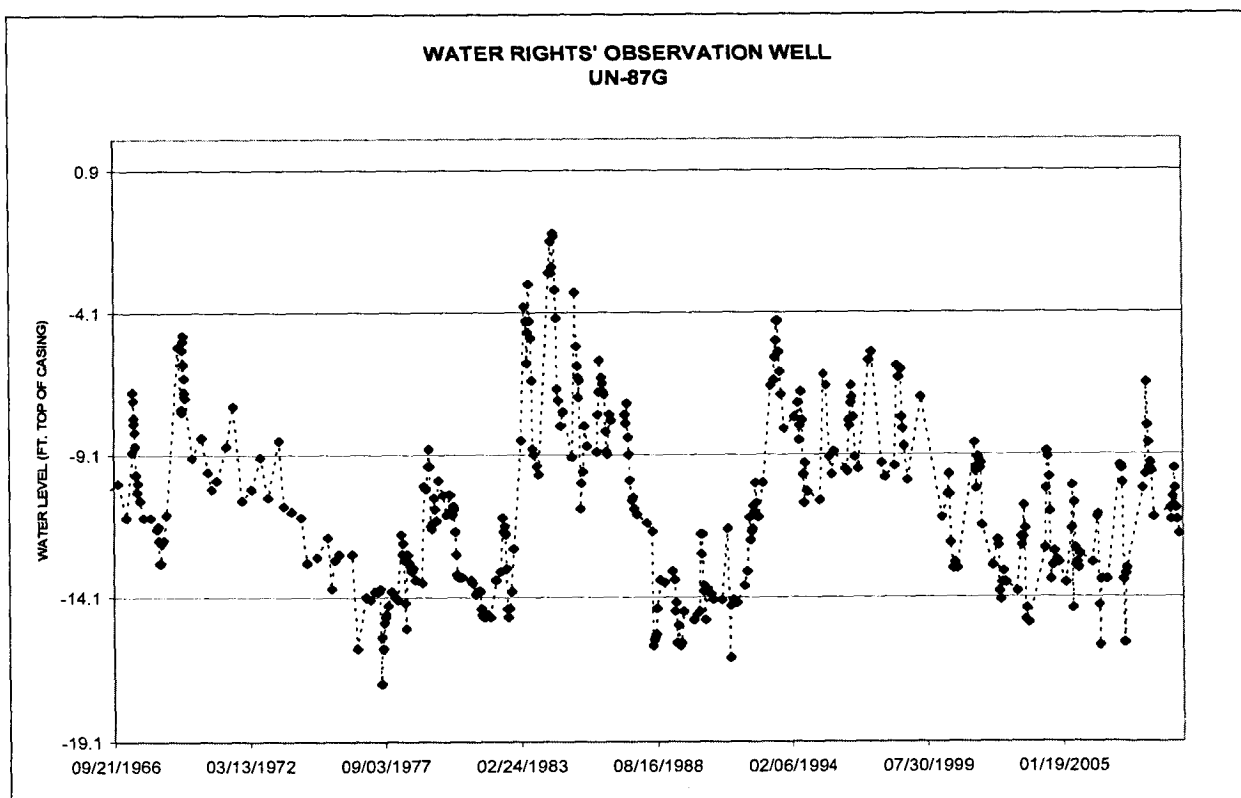


Figure 2. Hydrograph for Water Rights Observation Well UN-87G, completed into the Elk Point management unit of the Missouri Aquifer within four miles of 7188-3

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

Review of Existing Water Permits/Rights/Water Use:

Records of irrigation use from the Missouri aquifer, which includes the Peoria management unit, the Pierre management unit, the Greenwood management unit and the Elk Point management unit date back to 1979. The Elk Point management unit typically includes the majority of irrigators; irrigators in the other management units typically total less than ten.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year. The average number of appropriations is just over 304, with the average annual appropriation being nearly 128,000 acre-feet and the average annual pumpage reported at over 17,000 acre-feet.

IRRIGATION USE (ac-ft/yr) M:EP			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2008	396	151130.4	16261.88
2007	368	140746.6	31052.03
2006	355	137411.6	28874.29
2005	337	130966.6	24176.62
2004	323	127635.8	24515.85
2003	315	126059.8	27161.56
2002	316	126235.8	24105.36
2001	314	126217.4	19451.93
2000	310	125532.2	27070.99
1999	308	125225.6	14748.02
1998	313	127862.6	11127.24
1997	305	126518.2	17182
1996	296	124606.2	9412.78
1995	292	121644.25	18320.24
1994	297	123656.75	10323.94
1993	299	125656.3	1475.2
1992	296	125336.68	1881.95
1991	301	126551.68	18798.6
1990	299	128458.33	19694.5
1989	294	126847.33	25941.9
1988	283	124014.13	28756.35
1987	282	124104.33	13439.7
1986	288	125842.47	6451.6
1985	284	125068.47	13983.5
1984	283	126743.35	9194.3
1983	274	121895.73	10834.04
1982	272	123559.28	18822.35
1981	302	136318	14233
1980	267	126362	15205
1979	265	124828	10377
AVERAGE	304.47	127767.86	17095.79
MAXIMUM	396	151130.4	31052.03
MINIMUM	265	121644.25	1475.2

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

There are seven existing water permits/rights for irrigation located within two miles of this application. Water levels do fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

Recharge:

The Missouri aquifer is recharged from several sources. Recharge to the Missouri aquifer occurs through infiltration and subsequent percolation of precipitation in areas where the aquifer is near land surface (Niehus, 1994). Recharge to the aquifer also occurs from the Lower Vermillion-Missouri aquifer at the northern boundary and from the Big Sioux aquifer at the extreme northeastern boundary of the Missouri aquifer (Niehus, 1994). The aquifer is also recharged from the underlying Dakota aquifer and some recharge also is from the Missouri River during periods of high flow and stage (Niehus, 1994).

Conclusions:

1. Water is available from the Elk Point management unit of the Missouri aquifer.
2. The aquifer is under water table 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 or other arrangements may be required to protect these water supplies.
4. This well appears to be constructed in accordance with SD Well Construction Standards.



Hayes Haas
Natural Resources Engineer

Bibliography:

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI Report 93-44195, United States Geological Survey, Rapid City, SD 57702

Water Rights, 2010, Unpublished Observation Well Records for Union County, SD DENR, Division of Water Rights, Pierre, SD, 57501

RECEIVED

APR 23 2010

Form 8

WATER RIGHTS
PROGRAM

**NOTICE OF APPLICATION
NO. 7188-3 TO
APPROPRIATE WATER**

Notice is given that Brian Davis, 31750 476th Ave, Elk Point SD 57025 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 Missouri: Elk Point Aquifer (approximately 145 feet deep) located in center of NE 1/4 Section 24 to irrigate 124 acres located in the NE 1/4 Section 24; all in T92N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7188-3 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 May 3, 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'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 April 15 and 22, 2010
Published twice at the total approximate cost of \$46.20
15-13-69

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of _____ Union) SS

I, Susan Odson

certify that the attached printed Notice was taken

from the Southern Union County

Leader-Courier

printed and published in Elk Point

County of _____ Union _____ and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

April 15, 2010

April 22, 2010

Cost of Printing \$46.20



(Signature)

Affidavits Coordinator

(Title)

April 22, 2010

(Date Signed)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 7, 2010

Southern Union County Leader Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

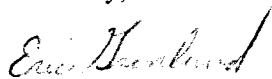
Enclosed is a Notice on Application No. 7188-3 to Appropriate Water to be published twice. Please publish the first notice on April 15, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Brian Davis, 31750 476th Ave., Elk Point SD 57025 (Ph # 605-356-2732).

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. 7188-3

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

Date _____

We are in receipt of your letter of April 7, 2010 enclosing Notice to Appropriate Water by Application No. 7188-3 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.

April 7, 2010

Brian Davis
31750 476th Ave
Elk Point SD 57025

Dear Mr. Davis:

Water Permit Application No. 7188-3 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 Southern Union County Leader Courier printed at Elk Point SD (Ph # 605-356-2632). 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 application 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 application.

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 April 15, 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. 7188-3 to Appropriate Water

Notice is given that Brian Davis, 31750 476th Ave, Elk Point SD 57025 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 Missouri:Elk Point Aquifer (approximately 145 feet deep) located in center of NE ¼ Section 24 to irrigate 124 acres located in the NE ¼ Section 24; all in T92N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7188-3 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 May 3, 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_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 14 2010

Brian Davis
31750 476th Ave
Elk Point SD 57025

Dear Mr. Davis:

Enclosed is Water Permit No. 7188-3 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

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**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 11/21/10TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Brian Davis
(name)
31750 476th Ave
(address)
Elk Point S.D. 57025 712 251 3027
(city, state, zip) (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.

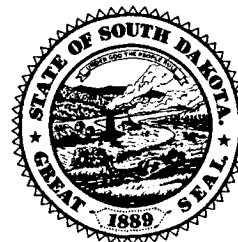
Water Permit No. 7188-3 states that the water use system is to be constructed by
5/3/2015 , and water is to be put to beneficial use by 5-3-2019 .
(date) (date)

The water use system was completed on 5/10/10 .
(date)

Applying the water to beneficial use was completed on Never run in 2010 .
(date)

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

Brian Davis
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 2010

7188-3

Brian Davis
31750 476th Ave
Elk Point SD 57025

Dear Mr. Davis:

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,

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

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