

WATER PERMIT NO. 7211-3

Name of Applicant: Wayne and Jerad Simon

Address: 32461 146th St, Tolstoy SD 57475

Phone: 605 442-2550

Amount of Water Claimed: 1.78 cfs

Total Acres: 132 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Walworth

Type of Waste Disposal System: NA

Location: 3 miles northeast of Hoven

PRIORITY Date Received: 8-18-10

Application/License Fee: \$1050.00

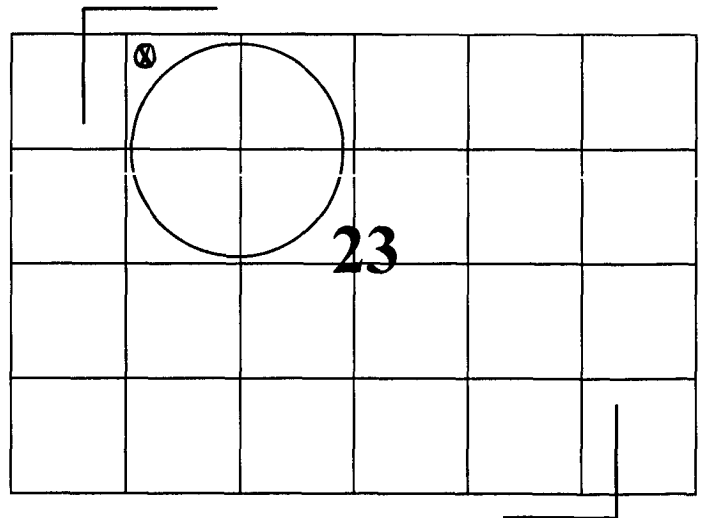
Corrected Application Received: 8-27-10

Period of Annual Use: May 1 – September 31

Remarks:

Diversion Point: NW ¼ NW ¼ Sec 23-T121N-R74W

Land to be Irrigated: NW ¼ Sec 23-T121N-R74W



Depth of Well: 40 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: K J Kehrwald, NRCS

Reviewed and the Number Assigned on: 8-30-10

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7211-3</u> (office use only) Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Sully Record POBox 421 Sully</u> <u>605-649-07866</u> <u>57472</u>

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AUG 18 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 WAYNE and JERAD SIMON Phone 605-442-2550
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 32461 146th ST TOLSTOY SD 57475
(Address) (City) (State) (Zip Code)
2. 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)
3. Source of water supply WELL
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County WALWORTH
NW 1/4 of NW 1/4 23-121-74
5. County or counties where water will be used WALWORTH
6. Annual period during which water is to be used MAY 1 - SEPT 30
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
NW 1/4 of NW 1/4 23-121-74	33		
NE 1/4 of NW 1/4 23-121-74	33		
SE 1/4 of NW 1/4 23-121-74	33		
SW 1/4 of NW 1/4 23-121-74	33		

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

STATE OF SOUTH DAKOTA)
County of Butter) SS

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

I, Wayne Simon, 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 Wayne Simon

Subscribed and sworn to before me this 17th day of August 20 10

My Commission Expires
7-9-12

Donna Zweber
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7211-3**

Date of first receipt of application August 18, 2010.

Date of return to applicant for corrections, amendments or changes August 18, 2010.

Date of receipt of corrected application August 27, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7211-3 to Wayne and Jerad Simon, 32461 146th St, Tolstoy SD 57475 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. 7211-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Bowdle:Hoven North Aquifer (approximately 40 feet deep) located in NW ¼ NW ¼ Section 23 for irrigation of 132 acres located in the NW ¼ Section 23; all in T121N-R74W.
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 – September 30.
3. The date from which applicant may claim right is August 18, 2010.
4. The date of approval of Permit No. 7211-3 is October 25, 2010.
5. One-fifth of the construction is to be completed on or before April 25, 2013.
6. All construction is to be completed on or before October 25, 2015.
7. Water is to be put to beneficial use on or before October 25, 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 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. 7211-3 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

NOV 15 2010

date



Supplemental Information

(Type or print in ink)

1. Well Information - Proposed Construction

- 5 cases length - 10 - 20 ft.
- Drill Hole Diameter 13" Depth 40 - 45'
 - Casing Type PVC Diameter 8" Thickness SOR-21
 - Screen Type slotted pipe Diameter 8" Thickness SOR-21
 - Gravel Pack barbed wire Length of Gravel Pack 20' exterior
 - Depth to Top of Water Bearing Material 15-25'
 - Depth to Water (ground surface to water level) 15-25'
 - Distance to nearest existing domestic well:

On applicants property yes

(On property owned by others 5 miles)

2. Wastewater Disposal System Information

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

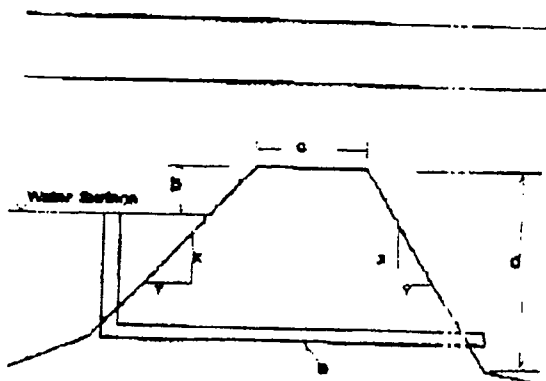
3. Dugout Information

- Surface Dimensions _____ Depth _____
- 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 location of the dam should be shown on the map submitted with the application.

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



- Freeboard _____
- Crest Width _____
Crest Length _____
- Height _____
- Primary Outlet Capacity _____
If pipe, diameter _____
- Secondary Spillway Capacity _____
Spillway Width _____
- X & Y Slope
Upstream _____
Downstream _____
- Surface Area of Impoundment _____
- Storage _____ Acre Feet
- Drainage Area Above Dam _____ Acres

Plan Map

Date: 8/23/2010

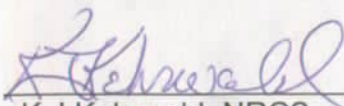
Customer(s): WAYNE SIMON & JERAD SIMON PTRS
District: EDMUNDS COUNTY CONSERVATION DISTRICT

Field Office: IPSWICH SERVICE CENTER
Agency: USDA/NRCS
Assisted By: KEVIN KEHRWALD



Legend

 Sections


K J Kehrwald, NRCS

8/23/10
Date

RECEIVED
AUG 27 2010
WATER RIGHTS
PROGRAM



430 0 430 860 1,290 1,720
Feet



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/18, 20 10

RECEIVED OF Wayne Simon & Jerad Simon Partnership 32461 146th St Telstoy SD 57475

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

Fee for Application for Permit No. <u>7211-3</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>7211-3</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. 04600

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

August 18, 2010

Wayne and Jerad Simon
32461 146th St
Tolstoy SD 57475

Dear Sirs:

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

- Enclosed is the aerial photo map submitted with the application. 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 states the proposed well will be located in the NW ¼ NW ¼ Section 23. Please mark the proposed well location on the map with an "x" unless the star represents the proposed location.
- If available, please submit a test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

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

enclosure

RECEIVED

AUG 27 2010

WATER RIGHTS
PROGRAM

WAYNE & JERAD SIMON

32461 146TH St.
Tolstoy, SD 57475
Phone 605-442-2550
Fax 605-442-2525

AUG 24, 2010

Dear Sirs:

Enclosed is the signed map showing planned area of irrigation and well locations site.

We have not done a test hole yet.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerad Simon", written in a cursive style.

Jerad Simon



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 28, 2010

Rose Spindler
14509 320th Avenue
Hoven SD 57450

Dear Mrs. Spindler:

Enclosed is a copy of the report, recommendation and public notice for Water Permit Application No. 7211-3 filed by Wayne and Jerad Simon. The public notice is scheduled to be published October 7 and 14, 2010 in the Selby Record

This information is being sent to you based on an previous inquiry you made to me regarding if Simon's had filed a permit application for irrigation. If you have any questions regarding DENR's review of the application, please contact me at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosures

Gronlund, Eric

From: Gronlund, Eric
Sent: Monday, November 15, 2010 2:02 PM
To: Haas, Hayes; Goodman, Jim
Cc: Schlaak, Karen
Subject: Water Permit 7211-3, Wayne and Jerad Simon

Received a call from Jerad Simon about the status of WP No. 7211-3. The driller is there to drill test wells and wanted to know if it is okay to drill the production wells. I told him that no petition opposing the application were filed in response to the public notice. Currently, we are preparing to issue the permit and told him it will be issued this week.

This is the recent application just northeast of Hoven. The report concluded that one well will likely not be sufficient to serve a pivot. I told him that the permit currently only authorizes one well. He said that's the first he'd heard of that. I said that they only applied for one well and also asked if he'd read the staff report. He indicated that his dad had handled everything up to this point so this was catching him off guard as he anticipates needing 4 - 5 wells. I told him this doesn't surprise us in this area but that we processed what they applied for.

We had a brief discussion about how they'd know how many wells they'd need prior to drilling the wells. I said that why it is a good idea to do the test holes up front to know the thickness of the water bearing material.

I then went on to tell him that DENR may be able to authorize additional wells administratively if the Chief Engineer makes a finding that no one is adversely affected. I explained SDCL 46-5-13.1 to him. I believe he was going to have the driller do some test wells and then likely make a request for additional wells. That request could take the form of an application or just a letter but either way needs to include a map showing the approximate location of the wells.

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
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7211-3, Wayne and Jerad Simon**

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. 7211-3, Wayne and Jerad Simon, 32461 146th Street, Tolstoy SD 57475.

The Chief Engineer is recommending APPROVAL of Application No. 7211-3 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 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. 7211-3 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 28, 2010

NOTE: This application request one well. Based on general production characteristics of the aquifer and other irrigation systems in the area, the staff report concludes that one well may not be sufficient to produce the water requested. Please understand that if more than one well is needed, additional authorization will be necessary.

**Report on Water Permit Application No. 7211-3
for Wayne and Jerad Simon
September 1, 2010**

Application No. 7211-3 proposes to appropriate 800 gallons per minute (1.78 cfs) from one well approximately 40 feet deep located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T121N R74W in Walworth County. The water is to be used to irrigate 132 acres in the NW $\frac{1}{4}$ of Section 23 in T121N R74W. The annual period during which water would be used is May 1 through September 30. A test well report was not submitted with this application; however, water availability can be determined using permitted wells and observation wells in the vicinity.

AQUIFER: Bowdle Hoven North (B-HN)

WATER AVAILABILITY

Aquifer Characteristics:

The Bowdle aquifer is a surficial aquifer consisting of sand and gravels that is under water table conditions in this area. The aquifer extends into Edmunds County to the east and into Potter County to the south. The Bowdle aquifer underlies 20,400 acres and contains an estimated 60,000 acre-feet of water in storage (Kume, 1987). The Bowdle Hoven North aquifer underlies 10,900 acres and contains an estimated 24,000 acre-feet in storage (Hedges, 1982).

Recharge to the Bowdle aquifer occurs primarily by infiltration of precipitation (Kume, 1987). The average annual recharge rate estimated by analysis of observation well data was 2.2 inches per year for the Bowdle Hoven North aquifer (Hedges, 1983), or about 2,000 acre-feet per year for the Bowdle Hoven North aquifer.

To calculate the average annual recharge rate using observation well data, Hedges and others (1983), used 438 readings from six observation wells for a total of 53 record years. The average annual water level rise was determined for observation wells completed in the management unit. This average annual increase in water levels was multiplied by the specific yield (0.15) to obtain the average annual recharge in inches per year.

Observation Well Data:

The Water Rights Program has four groundwater observation wells within three miles of this location completed into the Bowdle Hoven North aquifer. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. In general, water level records indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2010). Hydrographs for these observation wells are included with this report.

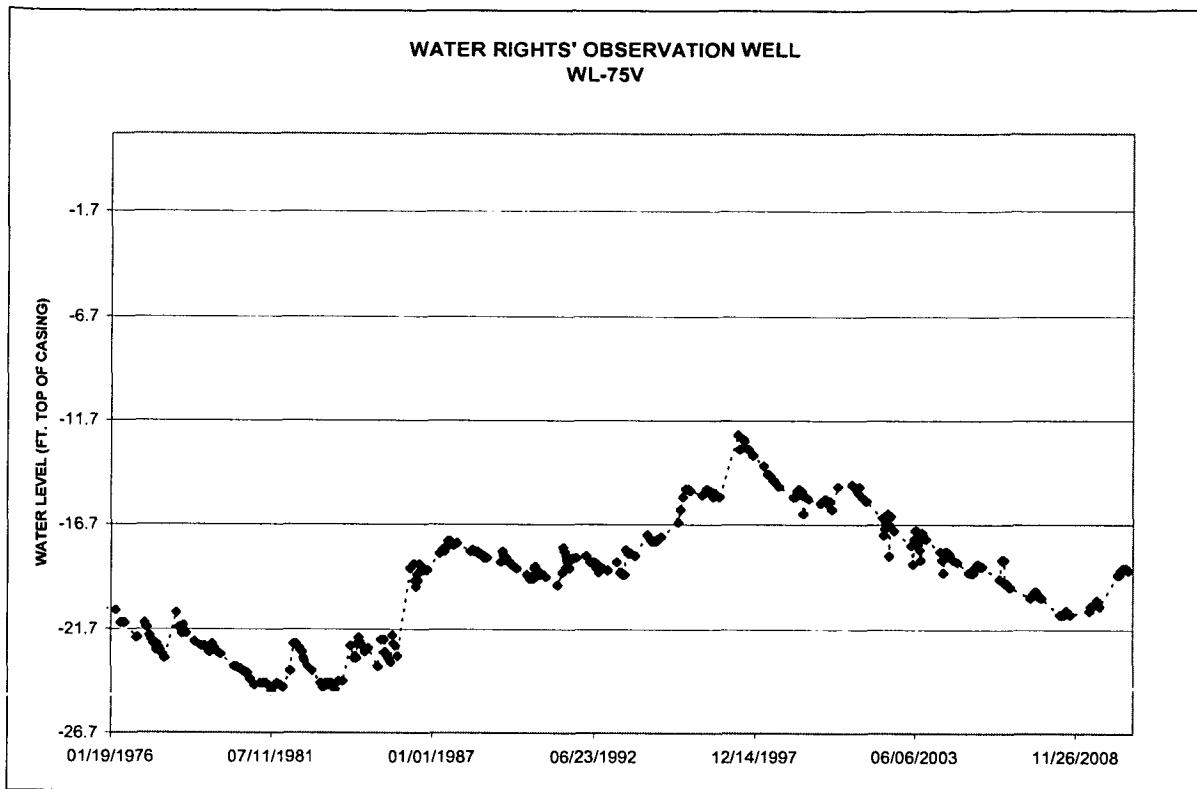


Figure 1. Hydrograph for Water Rights Observation Well WL-75V, completed into the Hoven North management unit of the Bowdle Aquifer about one mile north of 7211-3

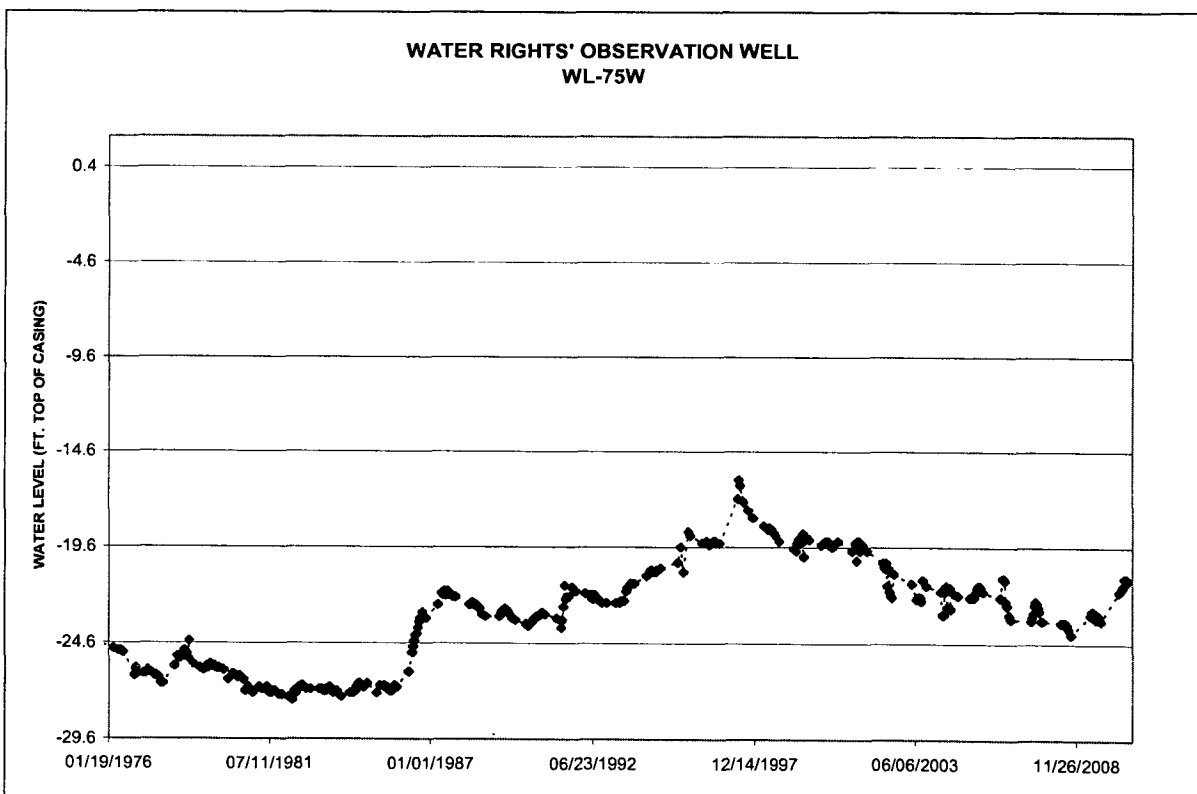


Figure 2. Hydrograph for Water Rights Observation Well WL-75W, completed into the Hoven North management unit of the Bowdle Aquifer about one mile west of 7211-3

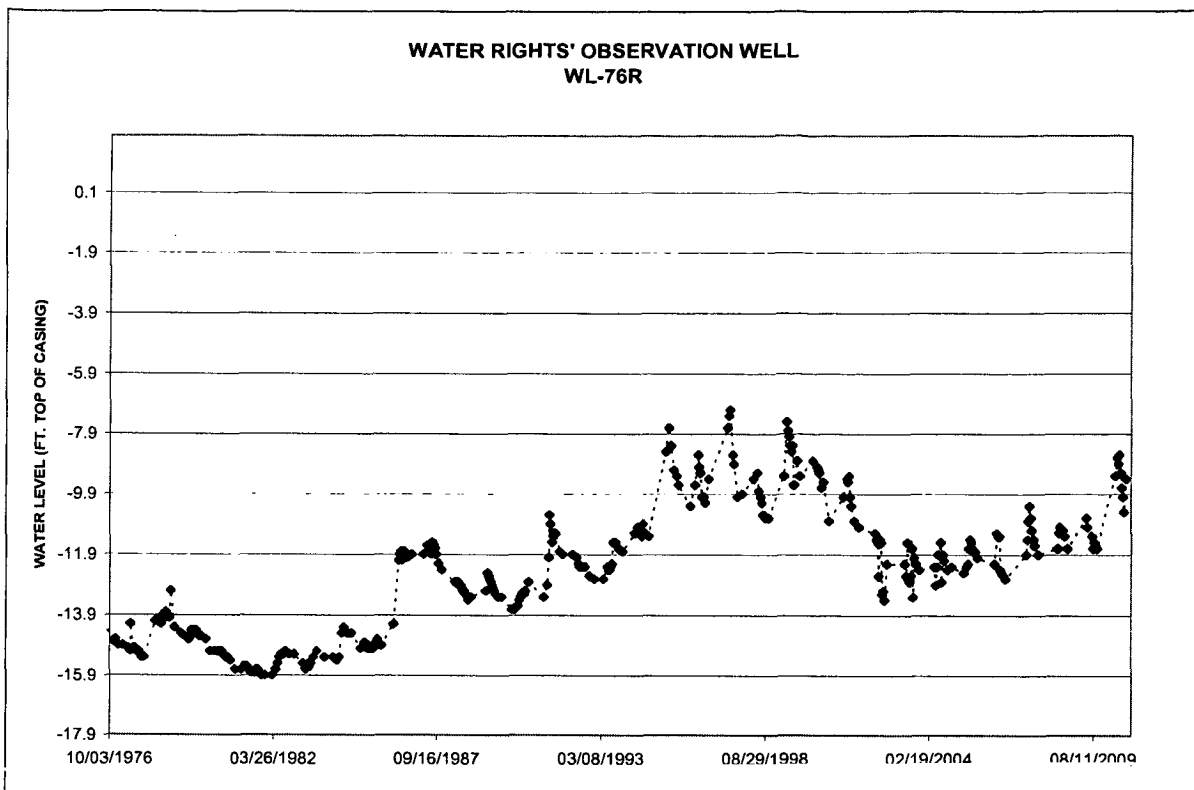


Figure 3. Hydrograph for Water Rights Observation Well WL-76R, completed into the Hoven North management unit of the Bowdle Aquifer about 2.85 miles southwest of 7211-3

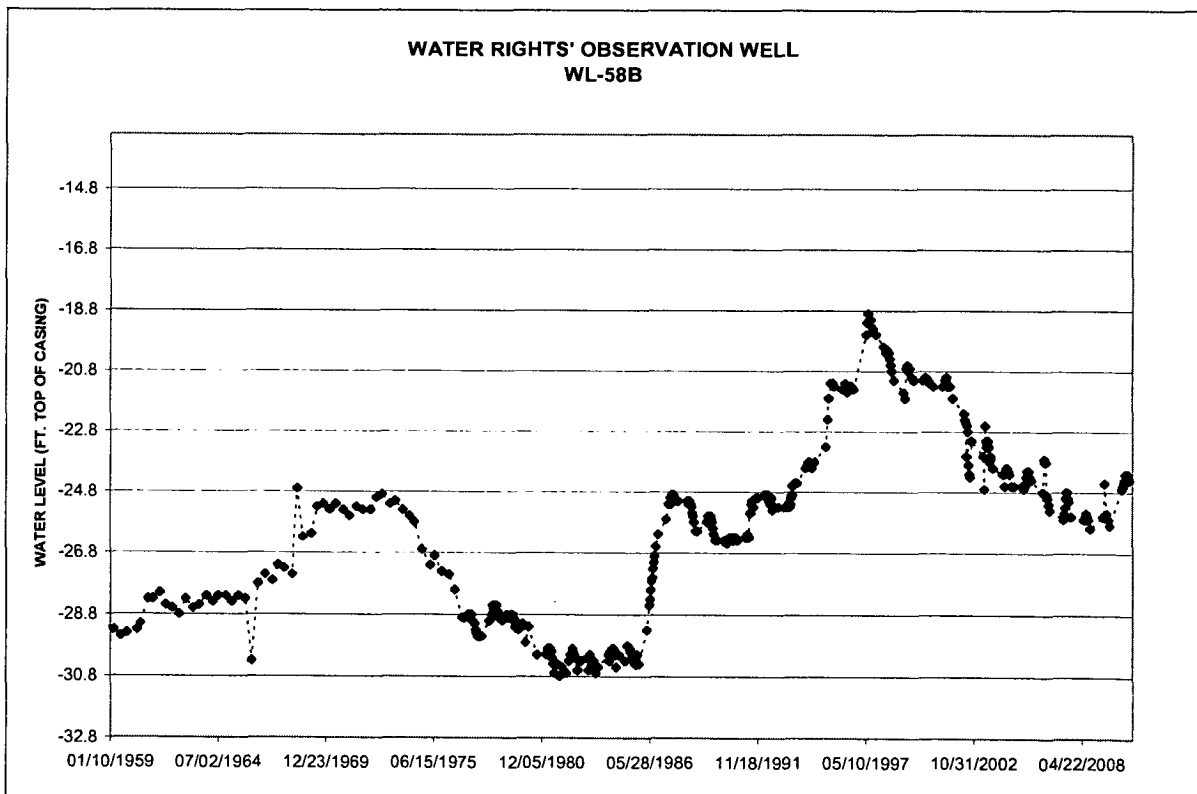


Figure 4. Hydrograph for Water Rights Observation Well WL-58B, completed into the Hoven North management unit of the Bowdle Aquifer about 1.17 miles southwest of 7211-3

Review of Existing Water Permits/Rights/Water Use:

There are five permits for irrigation and one future use permit within two miles of this application location. The nearest permits are within half a mile of this application location. Permit No. 6550-3 utilizes six wells to irrigate 264 acres located in the SW $\frac{1}{4}$ of Section 14 and the SE $\frac{1}{4}$ of Section 15 directly to the north of this application location and has a priority date of 11/15/2004. Permit No. 6467-3 utilizes three wells to irrigate 160 acres in the SW $\frac{1}{4}$ of Section 15 and has a priority date of 02/04/2004. The annual irrigation questionnaire submitted in 2009 indicates that this system has not been constructed. The date to complete construction was April 12, 2009 so this permit is likely subject to cancellation. Permit No. 2719-3 utilizes three wells to irrigate 135 acres in the NE $\frac{1}{4}$ of Section 22 directly to the east of this application location and has a priority date of 03/18/1970. Permit No. 6523-3 utilizes four wells to irrigate 136 acres in the NW $\frac{1}{4}$ of Section 22 with a priority date of 07/08/2004. Permit No. 1701-3, located about a mile and half to the southeast, utilizes three wells to irrigate 252 acres in the NE and NW $\frac{1}{4}$'s of Section 28 and has a priority date of 10/13/1969.

Permit No. 4860-3, which is a future use permit reserving 410 acre-feet for the town of Hoven, includes Sections 25-36 in Township 121N, Range 74W (along with additional Sections in Potter County) and is shown in Figure 5. The aquifer listed for Permit No. 4860-3 is the Hoven South management unit of the Bowdle aquifer, however, wells drilled in Sections 27, 28, 33, and 34 of Township 121N, Range 74W at a depth of 50-200 feet, would likely be in the Onaka aquifer. The town of Hoven is connected to the Mid-Dakota Rural Water System. The wells are used primarily as a backup water supply. The boundary between the Hoven North and Hoven South is approximately the county line between Walworth and Potter counties.

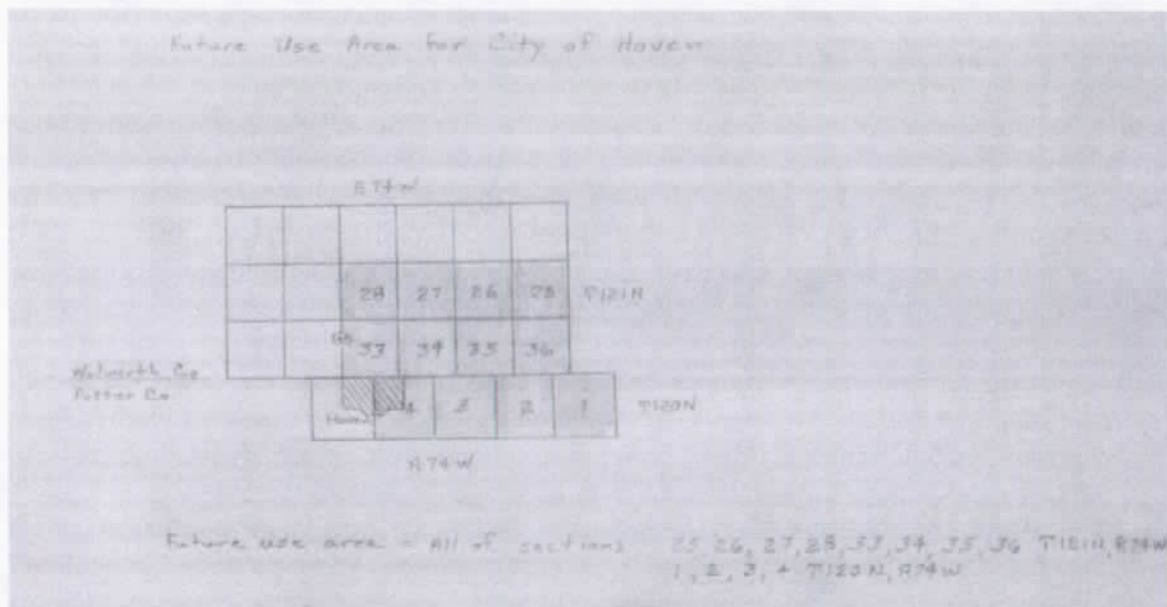


Figure 5. Future Use Area for City of Hoven south of application location 7211-3. (Water Rights, 2010).

The ten year average appropriation for the Bowdle Hoven North aquifer is 1,757.8 acre-feet. The ten year average pumpage reported for the Bowdle Hoven North aquifer is 682.43 acre-feet. In 2009, there were five permits appropriating 2,281 acre-feet and the reported pumpage was 580.67 acre-feet.

Conclusions:

1. Water is available from the Hoven North management unit of the Bowdle aquifer.
2. The aquifer is under water table conditions at this location. Drawdown may result from pumping. Interference is not expected to be a problem.
3. It is likely that one well will not be sufficient to produce the amount of water required to run a full size pivot.
4. The well authorized by this Water Right Permit must be constructed in accordance with South Dakota Well Construction Standards.
5. Interference has been a concern in this area in the past. 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.



Hayes Haas
Natural Resources Engineer

Bibliography:

Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for the U.S. Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD 57069

Hedges, L.S., and others, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge for the U.S. Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD 57069

Kume, J., L. Howells, 1987, Water Resources of Walworth County, South Dakota, Water Resources Investigation Report 85-4015, USGS, Huron, SD 57350

Water Rights, 2010, Irrigation Questionnaire Summaries 2000-2010, SD DENR, Division of Water Rights, Pierre, SD, 57501

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

RECEIVED

Form 8

OCT 18 2010

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Walworth) SS

I, Sharon Wolff

certify that the attached printed Notice was
taken

from the Selby Record

printed and published in Selby

County of Walworth and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

10-7-10

10-14-10

Cost of Printing 50.51

Sharon Wolff
(Signature)

Owner
(Title)

10-14-10
(Date Signed)

LEGAL
NOTICE

NOTICE OF APPLICATION NO.
7211-3 TO APPROPRIATE WATER

Notice is given that Wayne and Jerad Simon, 32461 146th St., Tolstoy SD 57475 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 Bowdle:Hoven North Aquifer (approximately 40 feet deep) located in NW1/4NW1/4 Section 23 for irrigation of 132 acres located in the NW1/4 Section 23; all in T121N-R74W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7211-3 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 applicants' mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 25, 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 \$50.51.

Published in the Selby Record October 7 and 14, 2010.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 28, 2010

Selby Record
PO Box 421
Selby SD 57472

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7211-3 to Appropriate Water to be published twice. Please publish the first notice on October 7, 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 Wayne & Jerad Simon, 32461 146th St., Tolstoy SD 57475 (Ph # 605-442-2550).

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. 7211-3

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

Date _____

We are in receipt of your letter of September 28, 2010 enclosing Notice to Appropriate Water by Application No. 7211-3 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.

September 28, 2010

Wayne & Jerad Simon
32461 146th St
Tolstoy SD 57475

Dear Sirs:

Water Permit Application No. 7211-3 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 Selby Record printed at Selby SD (Ph # 605-649-7866). 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 October 7, 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. 7211-3 to Appropriate Water

Notice is given that Wayne and Jerad Simon, 32461 146th St, Tolstoy SD 57475 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 Bowdle:Hoven North Aquifer (approximately 40 feet deep) located in NW ¼ NW ¼ Section 23 for irrigation of 132 acres located in the NW ¼ Section 23; all in T121N-R74W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7211-3 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 25, 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

NOV 15 2010

Wayne & Jerad Simon
32461 146th St
Tolstoy SD 57475

Dear Sirs:

Enclosed is Water Permit No. 7211-3 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

7611-2
RECEIVED

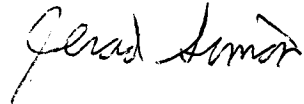
NOV 17 2010

WATER RIGHTS
PROGRAM

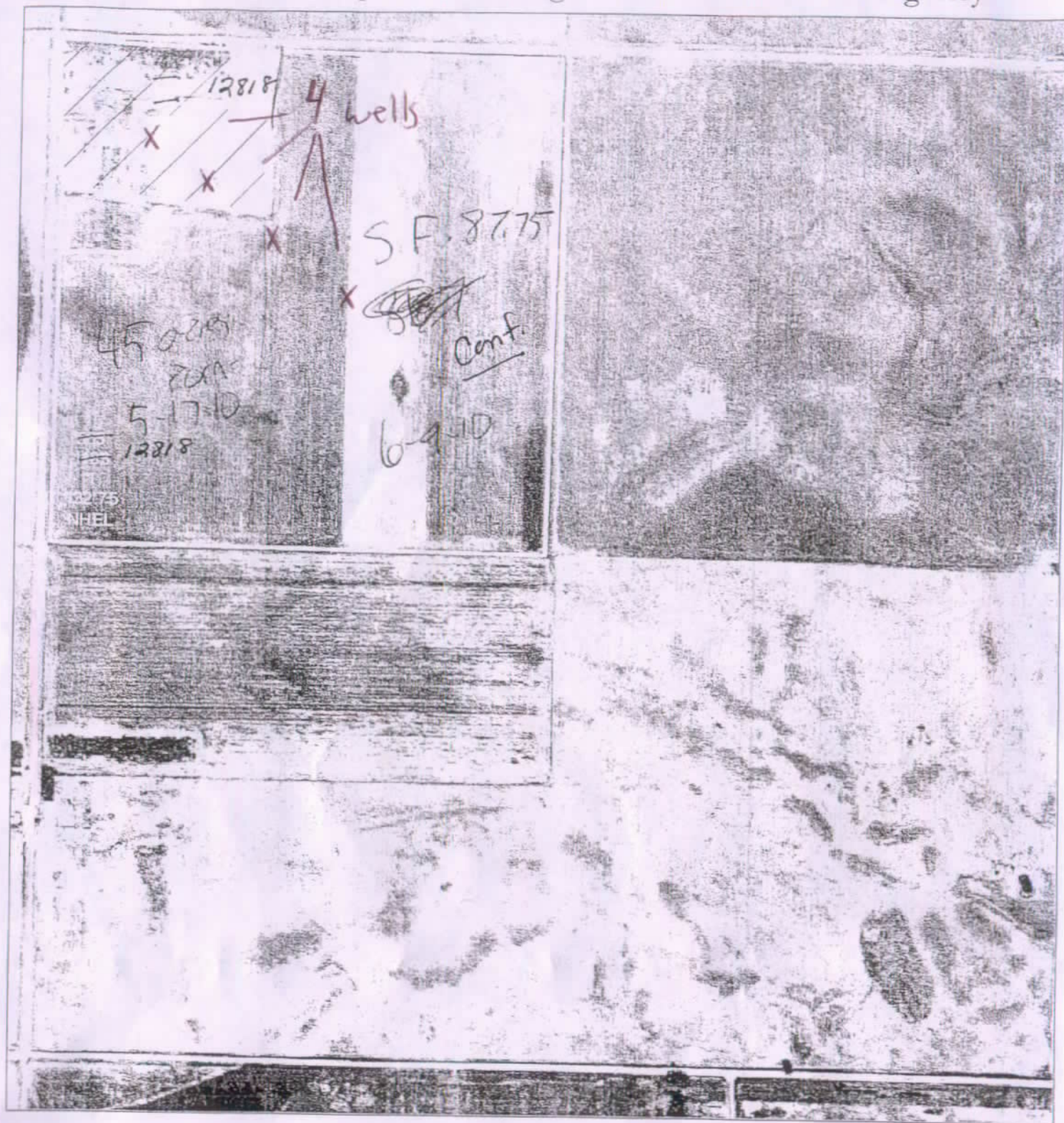
Attn; Eric Gronlund

We would like to apply for a water permit for 4 wells on 121N 74W 23. The first well will be in the center of the quarter and the rest will angle to the northwest.

Thank you

A handwritten signature in cursive script, appearing to read "Jerad Simon".

Wayne and Jerad Simon



South Dakota
Walworth County

Farm Number

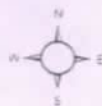
563 6194

Township-Range-Section

121N74W23

Legend

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions
- Field Boundary
- Tract Boundary



1:8,019

USDA FSA maps are for FSA program administration only. They are not to be used for any other purpose. The information provided is for informational purposes only and is not to be used for any other purpose. The information is provided for informational purposes only and is not to be used for any other purpose. The information is provided for informational purposes only and is not to be used for any other purpose.

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NOV 17 2010
WATER RIGHTS
PROGRAM

Feb 17, 2009



NOV 19 2010

November 18, 2010

7211-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Wayne and Jerad Simon
32461 146th Street
Tolstoy SD 57475

Gentlemen:

I am writing in regard to a request for an additional wells for irrigation authorized by Water Permit No. 7211-3. This request was made upon having a well driller on-site upon learning the permit was approved and determining that up to three additional wells may be needed.

Water Permit No. 7211-3 appropriates 1.78 cubic feet of water per second from one well to be completed in to the Bowdle:Hoven North Aquifer (approximately 40 feet deep) located in the NW ¼ NW ¼ Section 23 for irrigation of 132 acres located in the NW ¼ Section 23, T121N, R74W.

Upon review of the request and pursuant to SDCL 46-5-13.1, an additional three wells to be completed into the Bowdle:Hoven North Aquifer is authorized without application or publication of a notice of hearing. The additional wells are to be located in the NW ¼ NW ¼ Section 23, T121N, R74W.

No additional appropriation above the amount authorized by Water Permit No. 7211-3 is authorized. The time allowed to complete construction of works for this permit is on or before October 25, 2015. After that time or when the notice of completion of works is filed, the permit will be limited to the developed diversion capability.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Request for Additional Diversion Point

NAME: Wayne and Jerad Simon**ADDRESS:** 32461 146th Street, Tolstoy SD 57475**DATE:** November 17, 2010**COUNTY:** Walworth**TELEPHONE:** 605 442-2550**BACKGROUND**

Water Permit No. 7211-3 appropriates 1.78 cubic feet of water per second from one well to be completed in to the Bowdle:Hoven North Aquifer (approximately 40 feet deep) located in the NW ¼ NW ¼ Section 23 for irrigation of 132 acres located in the NW ¼ Section 23, T121N, R74W.

Jerad Simon called the Water Rights Program on November 15, 2010 inquiring on the status of the permit because the well driller was on-site to drill test holes and if all looked favorable to drill production wells for irrigation. He was informed that the water permit was in the process of being issued. He was also informed that the permit only authorized one well because that was what was applied for but that the staff report on the application concluded that one well would not likely be sufficient to produce the amount of water requested. Jerad Simon indicated this was the first he knew that only one well was requested as his father had been handling the permitting request up to this point. He said certainly they would need more than one well in this area to supply a full center pivot. He intended to have the driller complete a test hole. Mr. Simon called back on Tuesday, November 16th and indicated the driller found good water in the center of the NW ¼ of Section 23 and he thought they'd need a total of four wells between the center of the NW ¼ angling toward the northwest corner of this section

The Water Rights Program received a fax from Mr. Simon requesting 4 wells and a map showing the approximate location of the wells.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source remains the Bowdle Hoven North Aquifer. No additional water appropriation is requested. Water Permit No. 7211-3 appropriates 1.78 cfs. The diversion rate may not be exceeded.

- **Review of Existing Diversions**

An extensive review of existing diversions was not conducted. The September 1, 2010 report on this application prepared by Hayes Haas remains current. All four wells contemplated by this request will be in the same NW ¼ NW ¼ of Section 23 as reviewed by Mr. Haas. It will now comprise four wells instead of one well. The report concluded that interference is not expected to be a problem. This is an area where interference has been a concern in this area in the past and the standard well interference qualification is placed on the permit

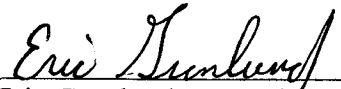
CONCLUSION

- The additional wells do not appropriate additional water.

- The additional wells are to be completed into the Bowdle Hoven North Aquifer.
- Interference is not expected to be a concern.
- Existing domestic wells will not be adversely impacted by authorizing these additional wells.

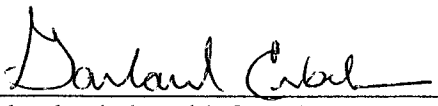
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the additional diversion points be authorized pursuant to SDCL 46-5-13.1.


Eric Gronlund, Natural Resources Engineer
Water Rights Program

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

This additional diversion points do not increase the potential for adverse effects to existing diversions.

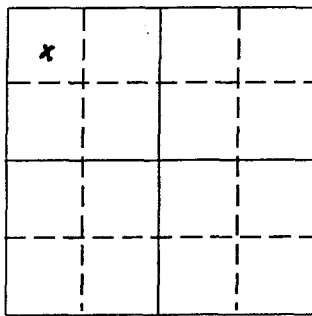

Garland Erbele, Chief Engineer
Water Rights Program

SOUTH DAKOTA WATER WELL COMPLETION REPORT

7211-3
11-02

Location NE 1/4 NE 1/4 Sec 23 Twp 121N Rg 74W

County Walworth



Please mark well location with an "X"

Well completion Date 12-28-10

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
? 5000 ft. from SEPTIC TANK (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPE WEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>class 800 LB/FT</u>	<u>8 IN</u>	<u>+1 FT</u>	<u>40 FT</u>	<u>12 1/4 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>High Solids Portland Cement</u>	<u>4</u>	<u>11.2 Lb/gal</u>	<u>0 FT</u>	<u>30 FT</u>
		Lb/gal	FT	FT

Describe grouting procedure Tremie line from bottom to top of hole

SCREEN:

- ☐ Perforated pipe ☒ Manufactured

Diameter 8 Inches Length 20 Feet

Material PVC

Slot Size 1036 Set From 40 Feet to 60 Feet

Other information Red flint #30 sandpack

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? Chlorine Washed-In

- ☒ No, Why Not? Water to used for Irrigation

Lab sample sent to for water quality analysis

Well Owner: Wayne Simmon

Business Name:

Address1: 32461 146 St

Address2:

City, State, Zip: TOLSTOY, SD 57475

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>oxidized sand</u>	<u>1</u>	<u>28</u>
<u>yellow sandy clay</u>	<u>28</u>	<u>37</u>
<u>Blue silty clay</u>	<u>37</u>	<u>38</u>
<u>Medium sand</u>	<u>38</u>	<u>60</u>
<u>Blue clay</u>	<u>60</u>	

STATIC WATER LEVEL

23 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 ☐ Bailed ☐ Other

Describe: Submersible Pump

Pumping Level Below Land Surface

38

Ft. After

3

Hrs. pumped

270

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

200

REMARKS

Well spacing 300' apart

4- well system

This well was drilled under license #

285

And this report is true and accurate.

Drilling firm:

Manikowski Well Drilling, Inc.

Signature of License Representative:

Byron Manikowski

Signature of Well Owner or Equitable Property Holder:

RECEIVED

Date:

JAN 20 2011

Please return **WHITE COPY** to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501

WATER RIGHTS PROGRAM

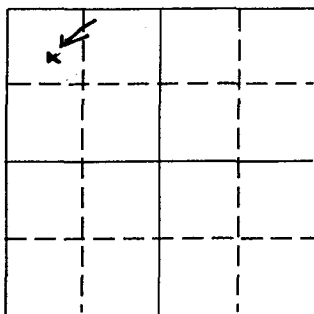
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NE 1/4 Sec 23 Twp 121N Rg 74WCounty Walworth

North

Please mark well location with an "X"



Well completion Date

12-29-10

1 Mile

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

? 5000 ft from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>class 200 LB/FT</u>	<u>8 IN</u>	<u>+1 FT</u>	<u>40 FT</u>	<u>12 1/4 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>High Solids Bentonite Grout</u>	<u>4</u>	<u>11.2 Lb/gal</u>	<u>0 Ft</u>	<u>30 Ft</u>
		Lb/gal	Ft	Ft

Describe grouting procedure Inject line Bottom to Top

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 8 Inches Length 20 FeetMaterial PVCSlot Size 1030 Set From 40 Feet to 60 FeetOther information Red flint 30 slot sand pack

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? Chlorine Wash-In
☒ No, Why Not? Water To be Used
Lab sample sent to for water quality analysis for Irrigation

Well Owner:

Wayne Simon

Business Name:

Address1:

32461 146 St

Address2:

City, State, Zip:

Tokstoy, SD 57445

WELL LOG:

DEPTH

FORMATION

FROM

TO

<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>oxidized sand</u>	<u>1</u>	<u>28</u>
<u>yellow sandy clay</u>	<u>28</u>	<u>39</u>
<u>Blue clay</u>	<u>39</u>	<u>38</u>
<u>medium sand</u>	<u>38</u>	<u>60</u>
<u>Blue clay</u>	<u>60</u>	

STATIC WATER LEVEL

23

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:

submersible pump
☐ Bailed

☐ Other

Pumping Level Below Land Surface

38

Ft. After

3

Hrs. pumped

270

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

200

GPM

REMARKS

Well spacing 300' Apart4- well system

This well was drilled under license #

286

And this report is true and accurate.

Drilling firm:

Manikowski Well Drilling, Inc.

Signature of License Representative:

Bryan Manikowski

Signature of Well Owner or Equitable Property Holder:

RECEIVED

JAN 20 2011

Date:

Please return WHITE COPY to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501

WATER RIGHTS PROGRAM

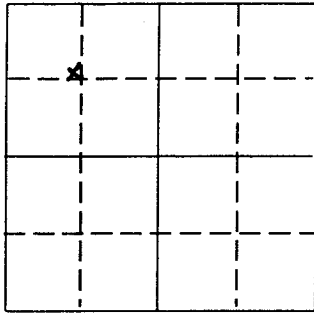
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NE 1/4 Sec 23 Twp 121N Rg 74WCounty Walworth

North

Please mark well location with an "X"



Well completion Date

12-31-10

1 Mile

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

? 5,000 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>class 200 LB/FT</u>	<u>8 IN</u>	<u>+1 FT</u>	<u>40 FT</u>	<u>12 1/4 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>High Solids Bentonite Grout</u>	<u>4</u>	<u>11.2 Lb/gal</u>	<u>0 Ft</u>	<u>30 Ft</u>
		Lb/gal	Ft	Ft

Describe grouting procedure Injection line Bottom to Top 0'-30'

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 8 Inches Length 20 FeetMaterial PVCSlot Size .030 Set From 40 Feet to 60 FeetOther information Red Flint 30 slot sand pack

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? chlorine, wash-in
☒ No, Why Not? Water to Used
Lab sample sent to for water quality analysis for Irrigation

Well Owner:

Wayne Simmon

Business Name:

Address1:

32461 146 St

Address2:

City, State, Zip:

Tolstoy, SD 57445

WELL LOG:

DEPTH

FORMATION

FROM

TO

<u>Top soil</u>	<u>0</u>	<u>1</u>
<u>oxidized sand</u>	<u>1</u>	<u>28</u>
<u>yellow sandy clay</u>	<u>28</u>	<u>37</u>
<u>Blue clay</u>	<u>37</u>	<u>38</u>
<u>medium sand</u>	<u>38</u>	<u>60</u>
<u>Blue clay</u>	<u>60</u>	

STATIC WATER LEVEL

23

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Controlled by

☐ Valve

☐ Reducers

☐ Other

Reduced flow rate

Can well be completely shut in?

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WATER RIGHTS PROGRAM

WELL TEST DATA:

☒ Pumped Describe: Submersible Pump
☐ Bailed

☐ Other

Pumping Level Below Land Surface

38

Ft. After

3

Hrs. pumped

270

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

200

GPM

REMARKS

Well spacing 300' apart4- well system

This well was drilled under license #

285

And this report is true and accurate.

Drilling firm:

Manikowski Well Drilling, Inc.

Signature of License Representative:

Byron Manikowski

Signature of Well Owner or Equitable Property Holder:

Date:

12-31-10

Please return WHITE COPY to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NE 1/4 Sec 23 Twp 12N Rg 14W

County

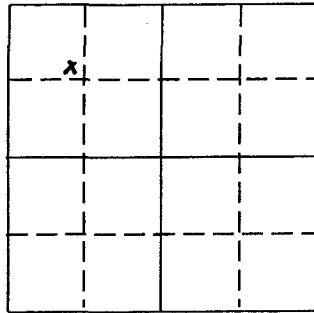
Walworth

North

Please mark well location with an "X"

W

E



Well completion Date

12-29-10

1 Mile

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

? 5000 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rota-y

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>Class 300</u> LB/FT	<u>8</u> IN	<u>1</u> FT	<u>4.5</u> FT	<u>12 1/4</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
<u>High Solids</u>	<u>4</u>	<u>11.2</u> Lb/gal	<u>0</u> Ft	<u>35</u> Ft
<u>Bottom to Grout</u>		Lb/gal	Ft	Ft

Describe grouting procedure Tremie line from Bottom to Top

SCREEN:

- ☐ Perforated pipe ☒ Manufactured

Diameter 8 Inches Length 20 FeetMaterial PVCSlot Size 1030 Set From 45 Feet to 65 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? Chlorine washed in

Lab sample sent to for water quality analysis

- ☒ No, Why Not? Water to be used for Irrigation

Well Owner:

Wayne Simon

Business Name:

Address1:

32461 146 St

Address2:

City, State, Zip:

Tolstoy, SD 57475

WELL LOG:

DEPTH

FORMATION

FROM

TO

Top Soil
oxidized sand
yellow sandy clay
Blue clay Silty
Medium sand
Blue clay

0112929373738386565

STATIC WATER LEVEL

23

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Controlled by ☐ Valve☐ Reducers☐ Other

Reduced flow rate

Can well be completely shut in?

RECEIVED

JAN 20 2011 PM

WATER RIGHTS PROGRAM

WELL TEST DATA:

☒ Pumped Describe:Submersible Pump☐ Bailed☐ Other

Pumping Level Below Land Surface

38

Ft. After

3

Hrs. pumped

270

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

200

GPM

REMARKS

Wells spacing 300' Apart4 - Well system

This well was drilled under license #

285

And this report is true and accurate.

Drilling firm:

Mani Kowski Well Drilling, Inc.

Signature of License Representative:

Byron Manchow

Signature of Well Owner or Equitable Property Holder:

Date:

Please return WHITE COPY to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

August 21, 2013

7211-3

Jerad Simon
32461 146th St
Tolstoy, SD 57547

Dear Mr. Simon:

Enclosed is the "Notice of Completion of Works" that we discussed during our inspection of Water Permit No. 7211-3 on August 19, 2013. I have filled out everything except for the actual dates of system completion and beneficial use. Since the inspection has already taken place, this form is the only thing that is required from you in order to issue a license for Permit No. 7211-3. I have also enclosed an envelope addressed to our office for your convenience. If you have any questions, or if there was a misunderstanding and the system is not yet complete, please do not hesitate to contact me.

Sincerely,

Bracken Capen
Staff Engineer
Water Rights Program
(605) 773-3352
Email: bracken.capen@state.sd.us

AUG 27 2013

WATER RIGHTS
PROGRAM**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 8/21/2013

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Jerad Simon

(name)

32461 146th St

(address)

TolstoySD57475

(city, state, zip)

(605) 442-2550

(phone)

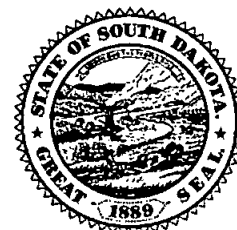
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7211-3 states that the water use system is to be constructed by
10/25/2015 , and water is to be put to beneficial use by 10/25/2019
(date) (date)

The water use system was completed on 4-18-2011
(date)

Applying the water to beneficial use was completed on 5-15-2011
(date)

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



Permit No. 7211-3
Bowdle Hoven North Aquifer

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

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

I have on this day, **August 19, 2013**, made a thorough examination of the water use system constructed by **Jerad Simon, 32461 146th St., Tolstoy, SD 57475**, holder of Water Permit No. **7211-3**, bearing the priority date of **August 18, 2010** and authorizing the diversion of **1.78 cubic feet per second (cfs)** from the **Bowdle Hoven North aquifer** for **irrigation** purposes in **Walworth County**.

I have the following to report on the conditions of the aforementioned system:

- 1) Works to divert water:
Four wells in place, each with a 10 HP pump/motor.
- 2) Works used to transport water to place of use:
Well heads are located in the NW ¼ NW ¼ of Sec 23, T121N R74W.
- 3) Works used to apply water to beneficial use:
One 7 tower Valley center pivot.

The system is in the following condition: **excellent**. The location of each of the four wells can be described as follows:

- 1) **650 feet south of and 650 feet east of the northwest corner of Sec 23, T121N R74W. Lat 45.2876N, Lon 99.7471W.**
- 2) **860 feet south of and 880 feet east of the northwest corner of Sec 23, T121N R74W. Lat 45.2870N Lon 99.7463W.**
- 3) **1,060 feet south of and 1,080 feet east of the northwest corner of Sec 23, T121N R74W. Lat 45.2864N Lon 99.7455W.**
- 4) **1,290 feet south of and 1,310 feet east of the northwest corner of Sec 23, T121N R74W. Lat 45.2858N Lon 99.7446W. Located at the pivot.**

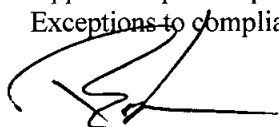
132 acres in the NW ¼ of Sec 23, T121N R74W

This breakdown of acres is a best estimate based on information provided and by viewing the 2012 FSA aerial using ArcMap.

The total area being irrigated under Water Permit No. 7211-3 in section 23 is **132 acres** with a total diversion rate of **1.78 cfs**. The license should reflect these conditions.

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None** Date Report Completed: **August 29, 2013**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 6550-3

DATE OF INVESTIGATION:	August 19, 2013
NAME & ADDRESS OF PERMIT HOLDER	Jerad & Wayne Simon 32461 146th St. Tolstoy, SD 57475
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Jerad Simon
DIVERSION POINT LEGAL LOCATIONS	1) 650 feet south of and 650 feet east of the northwest corner of Sec 23, T121N R74W. Lat 45.2876N, Lon 99.7471W. 2) 860 feet south of and 880 feet east of the northwest corner of Sec 23, T121N R74W. Lat 45.2870N Lon 99.7463W. 3) 1,060 feet south of and 1,080 feet east of the northwest corner of Sec 23, T121N R74W. Lat 45.2864N Lon 99.7455W. 4) 1,290 feet south of and 1,310 feet east of the northwest corner of Sec 23, T121N R74W. Lat 45.2858N Lon 99.7446W. Located at the pivot.

WELL INFORMATION:

- 1) Well Drilling Firm:
Manikowski Well Drilling, Inc.
- 2) Number of Wells: **4**
- 3) Depths: **60-65 feet**
- 4) Well Logs Available: **Yes**
- 5) Comment:

Pumps

- 1) Make:
- 2) Model:
- 3) Size:
- 4) Capacity: **212.5 GPM per well (850 GPM total)**

Casing

- 1) Diameter: **8 inches**
- 2) Length:
- 3) Type: **Plastic**

Screen

- 1) Type: **PVC**
- 2) Length: **20 feet for all wells**
- 3) Static Water Level: **23 feet for all wells**

Motor

- 1) Make:
- 2) Model No:
- 3) Power: **10 HP for each pump**

SYSTEM TYPE:

- 1) Make: **Valley**
- 2) Overall length: **1250 feet w/o end gun**
- 3) Number of Towers: **7**
- 4) Distance Between Towers:
- 5) End Gun: **Yes**
- 6) Pressure: **33 psi**
- 7) Capacity: **850 GPM**

CHEMIGATION EQUIPMENT: Yes

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **Yes**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Yes**

COMMENTS:

- 1) At time of permitting, only one well was authorized under Water Permit no. 7211-3. In November 2010, three additional wells were authorized for a total of four wells.
- 2) Well completion reports for all four wells are on file.
- 3) At time of inspection, only Well No. 1 was accessible. There was not an existing path through the corn by which to inspect the remaining 3 wells and pivot. However, Mr. Simon was certain that the wells were all identical to one another and to the wells supplying water to his adjacent pivots (Water Permit No. 6550-3) in the SE ¼ of Sec 15 and the SW ¼ of Sec 14; all in T121N R74W. In addition, the wells are clearly visible on ArcMap using the 2012 FSA aerial.
- 4) Completion of works form (Form 10) was submitted 1 week after inspection.



Sec 15
T121N
R74W

Sec 14
T121N
R74W

Sec 13
T121N
R74W

Sec 22
T121N
R74W

Sec 23
T121N
R74W

Sec 24
T121N
R74W

Sec 27
T121N
R74W

Sec 26
T121N
R74W

Sec 25
T121N
R74W

Legend

 Section Boundaries - PLSS

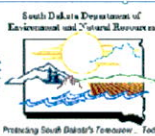
 Wells, Permit No. 7211-3



0.0 0.1 0.2 0.3 0.4
 Miles

Blk

Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program





Legend

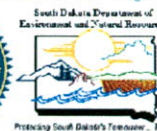
- Section Boundaries - PLSS
- Existing Water Rights
- Domestic Wells
- Wells for Permit No. 7211-3



0 0.15 0.3 0.6 Miles

Bracken Capen

Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



AUG 18 2014

7211-3

Wayne & Jerad Simon
32461 146th St
Tolstoy SD 57475

Dear Sirs:

Enclosed is Water License No. 7211-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 7211-3, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

NOTE: The investigation found your irrigation system is capable of diverting 1.89 cubic feet of water per second (cfs) which is equivalent to approximately 850 gallons per minute. The water license is limited to 1.78 cfs (equivalent to 800 gpm) based on the original permitted diversion rate. **Diversion of water under this water license is limited to 1.78 cfs.**

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7211-3**

(1) Wayne and Jerad Simon, 32461 146th St., Tolstoy, SD 57475 made Application No. 7211-3, August 18, 2010 for a water permit to divert 1.78 cubic feet of water per second from ground water (one well – Bowdle Hoven North Aquifer), Walworth County, South Dakota for irrigation purposes. Permit No. 7211-3, with a priority date of August 18, 2010 was approved October 25, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 25, 2015 and for the application to beneficial use of said water on or before October 25, 2019.

In November, 2010, the permit holders requested three additional wells to be used in conjunction with the existing permitted well to bring their system capacity up to the permitted diversion rate. The Chief Engineer made a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that the additional diversion points did not increase the potential for adverse effects to existing diversions.

The Permit holders submitted a *"Notice of Completion of Works and Application of Water to Beneficial Use"* on August 27, 2013. The *"Notice"* stated the water use system was completed on April 18, 2011 and the water placed to beneficial use on May 15, 2011.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 1.78 cubic feet of water per second for beneficial use.

The location of the diversion points are:

- 650 feet south and 650 feet east of the NW corner of Section 23, T121N, R74W (NW ¼ NW ¼);
- 860 feet south and 880 feet east of the NW corner of Section 23, T121N, R74W (NW ¼ NW ¼);
- 1,060 feet south and 1,080 feet east of the NW corner of Section 23, T121N, R74W (NW ¼ NW ¼);
- 1,290 feet south and 1,310 feet east of the NW corner of Section 23, T121N, R74W (NW ¼ NW ¼).

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

- 132 acre circle in the NW ¼ Section 23, T121N, R74W

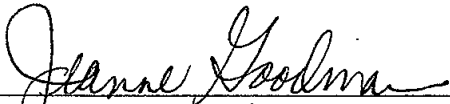
(4) Pursuant to South Dakota Water Law 46-5-30.1 Wayne and Jerad Simon, 32461 146th St., Tolstoy, SD 57475 the holders of Water Right No. 7211-3 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (four wells – Bowdle Hoven North Aquifer) with a priority date of August 18, 2010 from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7211-3 and subject to the following qualifications:

- The wells 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.

continued

- The wells authorized by Permit No. 7211-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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. *All four wells were drilled by Manikowski Well Drilling Inc. Copies of the logs are on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 18 2014

date

