

WATER PERMIT NO. 7217-3

Name of Applicant: Richard Lind

Address: 30720 University Rd, Vermillion SD 57069

Phone: 605-253-2546

Amount of Water Claimed: 1.78 cfs

Total Acres: no add'l

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System: NA

Location: 10 miles north of Vermillion

PRIORITY

Date Received: 10-28-10

Application/License Fee: \$700

Corrected Application Received:

Period of Annual Use: April 1 – Sept 30

Remarks: additional well to irrigate acreage authorized under Water Permit No. 6302-3

Diversion Point: center NW ¼ Sec 32-T94N-R51W

Land to be Irrigated: NW ¼ Sec 32-T94N-R51W

Depth of Well: 100 feet deep

Well Driller:

Remarks:

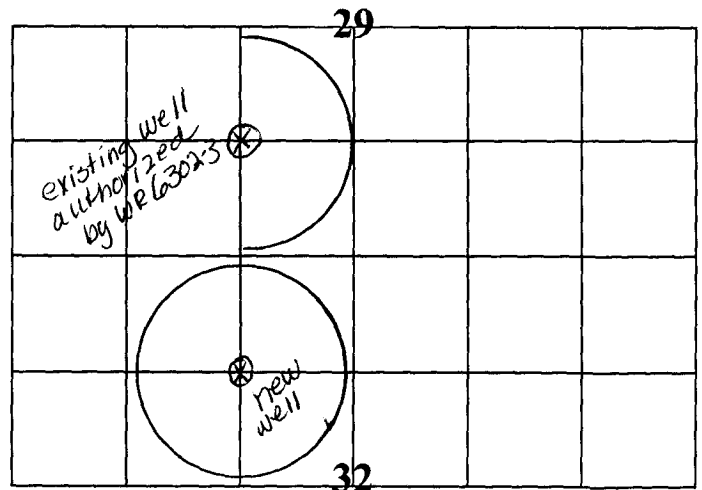
Type of Map: aerial

Prepared by: Sheree Christensen, Clay Co FSA

Reviewed and the Number Assigned on: 10-28-10

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>7217-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Plain Talk 201 W Cherry St</u>
	<u>605-624-2695</u> <u>Vermillion 57069</u>

RECEIVED
OCT 28 2010
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 6302-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Add new well and Diversion point, Allows 2 pivots to operate independently.

1. Name of Applicant Richard Lind (check one) ☒ Owner ☐ Tenant/lessee Phone 605-253-2546

Mailing Address 30728 University Road Vermillion State SD
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.78*CFS or 800 **GPM ***AF Total Acreage No Addn
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Lower Vermillion N. S. S. S.

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
new well in center NW 1/4 Section 32 T94N R51W
County Clay

5. County or counties where water will be used Clay

6. Annual period during which water is to be used April - 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
Section 32 NW 1/4 NW 1/4	33	all in T94N R51W	
" " NE 1/4 NW 1/4	33		
" " SW 1/4 NW 1/4	33		
" " SE 1/4 NW 1/4	33		

8. Give a description of the project. (Attach sheet if more space is needed)
Add diversion point to provide more irrigator flexibility of use.

STATE OF SOUTH DAKOTA) SS
County of Clay

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

I, Richard Lind, 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 Richard Lind

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

Rhonda L VanKleevis
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7217-3**

Date of first receipt of application October 28, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7217-3 to Richard Lind, 30728 University Road, Vermillion SD 57069 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7217-3 appropriates an additional 1.78 cubic feet of water per second (cfs) from an additional well to irrigate acres authorized by Water Right No. 6302-3. Water Right No. 6302-3 authorizes 1.78 cfs from one well located in the center of the SW 1/4 Section 29 to irrigate 202 acres located in the E 1/2 SW 1/4 Section 29 and NW 1/4 Section 32; all in T94N-R51W. This permit appropriates 1.78 cfs from an additional well completed into the Lower Missouri:Vermillion Aquifer (approximately 100 feet deep) located in center of the NW 1/4 Section 32 to irrigate 132 acres located in the NW 1/4 Section 32; all in T94N-R51W. This will allow the irrigation systems in each quarter section to run simultaneously.
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 – September 30.
3. The date from which applicant may claim right is October 28, 2010.
4. The date of approval of Permit No. 7217-3 is January 3, 2011.
5. One-fifth of the construction is to be completed on or before July 3, 2013.
6. All construction is to be completed on or before January 3, 2016.
7. Water is to be put to beneficial use on or before January 3, 2020.
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. 7217-3 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

FEB 11 2011

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 100'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type PVC Diameter 16" Thickness 1/2"
- d) Gravel Pack 1/8"-3/8" Gravel Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 40'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:
- On applicant's property NONE On property owned by others more than 1 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

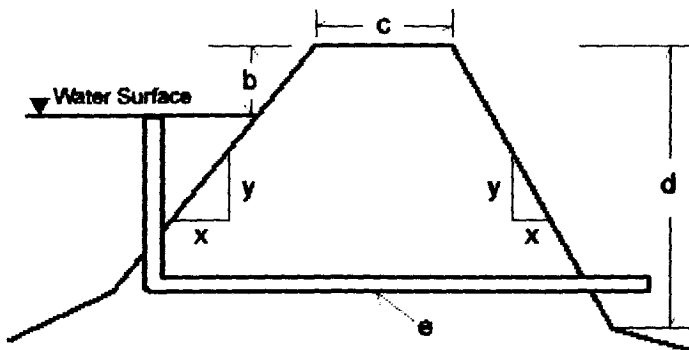
3. Dugout Information

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

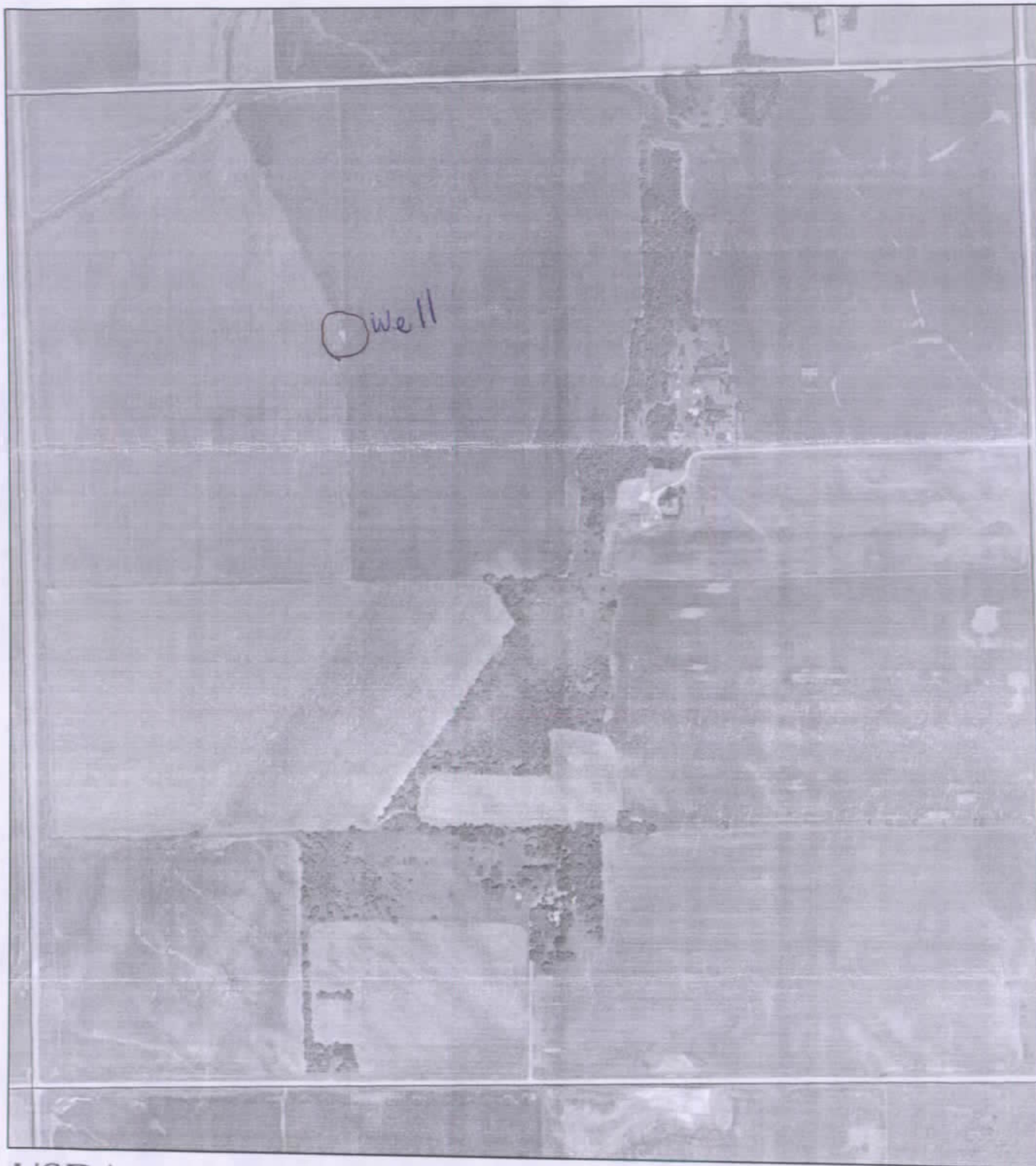
4. Water Storage Dams

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 (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



RECEIVED

OCT 28 2010

WATER RIGHTS
PROGRAM

May 17, 2007

USDA - Farm Service Agency

South Dakota
Clay County

32-94N-51W

Sheree Christensen
Clay County N Prog. Tech.
10-7-10



USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

1:8,739

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/28, 2010

RECEIVED OF Richard N Lind 30720 University Rd Vermillion SD 57069

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

Fee for Application for Permit No. <u>7217-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7217-3</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	700 00

No.

04653

By

Garland Estelle
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7217-3, Richard Lind**

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. 7217-3, Richard Lind, 30728 University Road, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7217-3 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. 7217-3 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
December 3 2010

**Report on Water Permit Application No. 7217-3
for Richard Lind
October 28, 2010**

Application No. 7217-3 proposes to appropriate an additional 800 gallons per minute (1.78 cfs) from an additional well to irrigate acres authorized by Water Right No. 6302-3. Water Right No. 6302-3 authorizes 1.78 cfs from one well located in the center of the SW $\frac{1}{4}$ Section 29 to irrigate 202 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29 and NW $\frac{1}{4}$ Section 32; all in T94N-R51W. This application proposes to appropriate 1.78 cfs (800 gpm) from an additional well completed into the Lower Vermillion Missouri aquifer approximately 100 feet deep located in the center of the NW $\frac{1}{4}$ of Section 32 to irrigate 132 acres located in the NW $\frac{1}{4}$ Section 32; all in T94N R51W in Clay County. The annual period during which water will be used is April 1 through September 30.

AQUIFER: Lower Vermillion Missouri

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

WATER AVAILABILITY

Aquifer Characteristics:

The Lower Vermillion Missouri aquifer is a buried outwash (sand and gravel) that is under confined conditions in the area of this application. The aquifer holds an estimated 5 million acre-feet in transient storage in Clay County (Christensen, 1967). To the south, the aquifer blends with the Missouri Elk Point aquifer. The general direction of water movement in the aquifer is toward the east-southeast (Christensen, 1967). The aquifer is confined in the area of this application.

No test well report was included with this application.

Observation Well Data:

The Water Rights Program monitors two observation wells, CL-80H and CL-80IR, located within two and a half miles of this application location. Observation Well CL-80H is about one mile southeast of this location and CL-80IR is about three miles west of this 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). Hydrographs for these observation wells are included with this report.

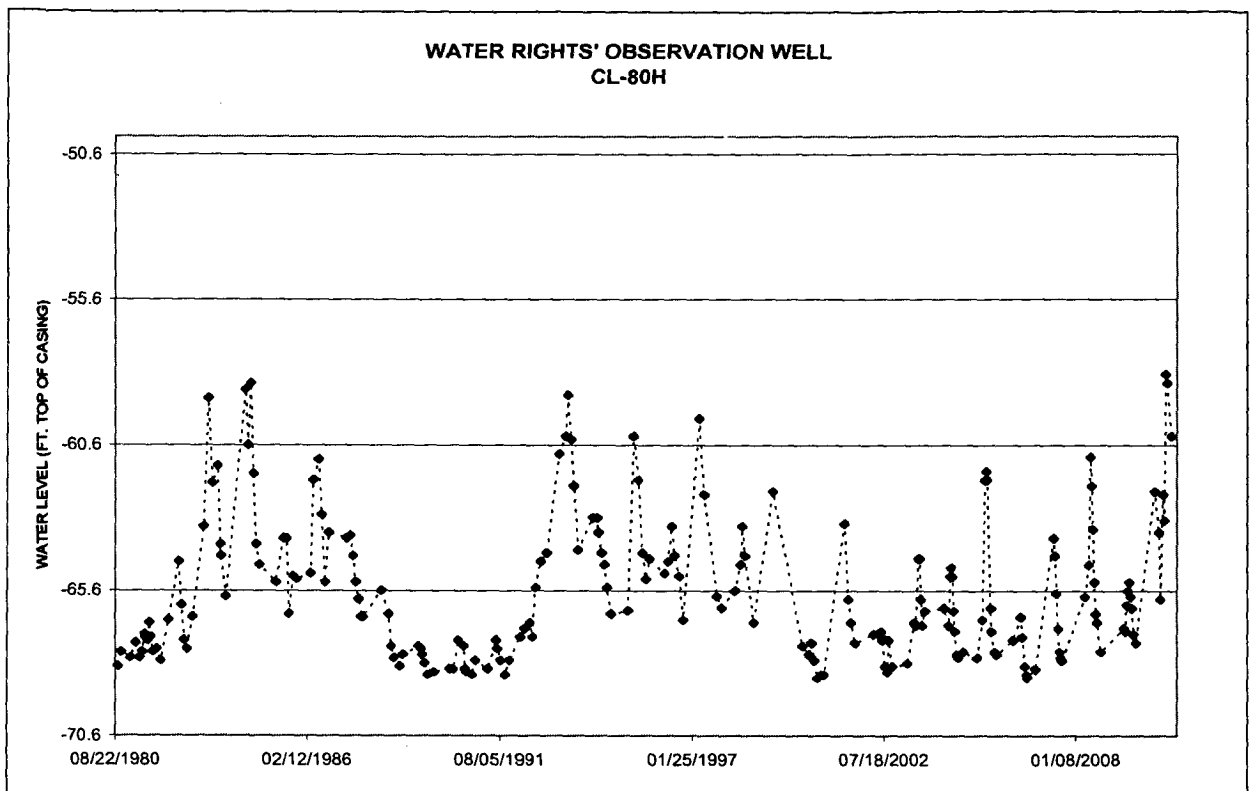


Figure 1. Hydrograph for Water Rights Observation Well CL-80H, completed into the Lower Vermillion Missouri Aquifer within one mile of 7217-3

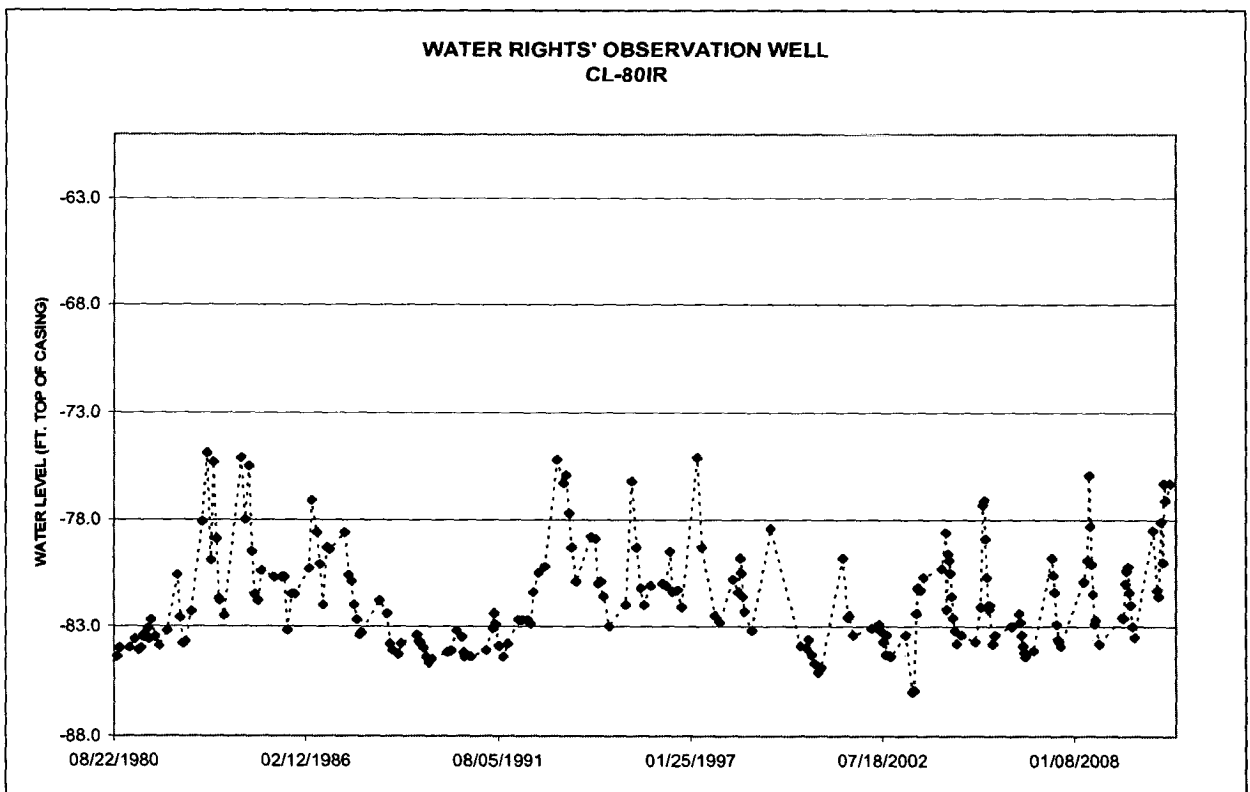


Figure 2. Hydrograph for Water Rights Observation Well CL-80IR, completed into the Lower Vermillion Missouri Aquifer within three miles of 7217-3

In general, the hydrographs show 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 Lower Vermillion Missouri aquifer date back to 1979.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year. The average number of appropriations is just over 40, with the average annual appropriation being about 16,500 acre-feet and the average annual pumpage reported at over 1,400 acre-feet.

IRRIGATION USE (ac-ft/yr) LVM			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2008	55	17587.45	4301.25
2007	50	16655.45	2909.12
2006	43	15254.45	2674.51
2005	45	15844.45	1410.24
2004	39	15013.45	1747.48
2003	40	15199.45	1800.56
2002	40	15199.45	1762.32
2001	38	14879.45	2036.96
2000	38	14879.45	2041.72
1999	38	14879.45	900.63
1998	36	14150.45	1032.91
1997	36	13656.14	1085
1996	36	14096.04	997.6
1995	37	14309.24	506.61
1994	39	14673.74	517.28
1993	39	15308	0
1992	39	15308.24	168.8
1991	39	15308.24	1670.1
1990	38	15657.34	2113.2
1989	38	15657.34	2301.2
1988	38	15657.34	2083.8
1987	37	15435.34	1115.4
1986	45	20477.34	1047.5
1985	46	20661.34	1328.2
1984	47	20754.3	691
1983	38	15480.34	716.3
1982	37	15862.84	870.04
1981	49	23003	1543
1980	47	22683	2417
1979	49	22683	1163
AVERAGE	41.20	16540.50	1498.42
MAXIMUM	55	23003	4301.25
MINIMUM	36	13656.14	0

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

There are three existing water permits/rights for irrigation located within one mile of this application, two of which are held by the applicant including Water Permit No. 6302-3.

Water levels do fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

Recharge:

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

Conclusions:

1. Water is available from the Lower Vermillion Missouri aquifer.
2. The aquifer appears to be under confined conditions at this location. Drawdown will result from pumping. Interference is not expected to be a problem.
3. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions or other arrangements may be required to protect these water supplies.
4. This well must be constructed in accordance with SD Well Construction Standards.
5. The acreage applied for in the application, 132 acres in the NW ¼ of Section 32-T94N-R51W, are currently authorized by Water Permit No. 6302-3.



Hayes Haas
Natural Resources Engineer

Bibliography:

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

Water Rights, 2008, Unpublished Observation Well Records for Clay and Union Counties, SD DENR, Division of Water Rights, Pierre, SD, 57501

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Susan Forma

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

THE PLAIN TALK

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

DENR

NOTICE OF APPLICATION NO. 7217-3 TO APPROPRIATE

WATER

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

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

was on Friday, the 17 day of December, 20 10, and that the succeeding publications were severally

on Friday, the 24 day of December, 20 10,

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

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

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

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

Eighty-Two dollars and 82 cents

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

Susan Forma

Subscribed and sworn to before me

this 30th day of December, 20 10

Sandra Brown

Notary Public

My Commission Expires _____
SANDRA BROWN
My Commission Expires August 5, 2014

NOTICE OF APPLICATION NO.

7217-3 to

Appropriate Water

Notice is given that Richard Lind, 30728 University Road, Vermillion SD 57069 has filed an application for a water permit to appropriate an additional 1.78 cubic feet of water per second (cfs) from an additional well to irrigate acres authorized by Water Right No. 6302-3. Water Right No. 6302-3 authorizes 1.78 cfs from one well located in the center of the SW 1/4 Section 29 to irrigate 202 acres located in the E 1/2 SW 1/4 Section 29 and NW 1/4 Section 32; all in T94N-R51W. This application proposes to appropriate 1.78 cfs from an additional well completed into the Lower Missouri Vermillion Aquifer (approximately 100 feet deep) located in center of the NW 1/4 Section 32 to irrigate 132 acres located in the NW 1/4 Section 32; all in T94N-R51W. This will allow the irrigation systems in each quarter section to run simultaneously.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7217-3 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 January 3, 2011.

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 \$82.82

Witness my hand and seal this 30th day of December 2010.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 7, 2010

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7217-3 to Appropriate Water to be published twice. Please publish the first notice on December 17, 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 Richard Lind, 30728 University Rd., Vermillion SD 57069 (Ph # 605-253-2546).

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. 7217-3

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

Date _____

We are in receipt of your letter of December 7, 2010 enclosing Notice to Appropriate Water by Application No. 7217-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

December 7, 2010

Richard Lind
30728 University Rd
Vermillion SD 57069

Dear Mr. Lind:

Water Permit Application No. 7217-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Plain Talk printed at Vermillion SD (Ph # 605-624-2695). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the 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 December 17, 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. 7217-3 to Appropriate Water

Notice is given that Richard Lind, 30728 University Road, Vermillion SD 57069 has filed an application for a water permit to appropriate an additional 1.78 cubic feet of water per second (cfs) from an additional well to irrigate acres authorized by Water Right No. 6302-3. Water Right No. 6302-3 authorizes 1.78 cfs from one well located in the center of the SW $\frac{1}{4}$ Section 29 to irrigate 202 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29 and NW $\frac{1}{4}$ Section 32; all in T94N-R51W. This application proposes to appropriate 1.78 cfs from an additional well completed into the Lower Missouri:Vermillion Aquifer (approximately 100 feet deep) located in center of the NW $\frac{1}{4}$ Section 32 to irrigate 132 acres located in the NW $\frac{1}{4}$ Section 32; all in T94N-R51W. This will allow the irrigation systems in each quarter section to run simultaneously.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7217-3 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 January 3, 2011.

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

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 11 2011

Richard Lind
30728 University Rd
Vermillion SD 57069

Dear Mr. Lind:

Enclosed is Water Permit No. 7217-3 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 8, 2011

7217-3

Richard Lind
30720 University Rd
Vermillion SD 57069

Dear Mr. Lind:

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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

RECEIVED

AUG - 5 2011

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate Aug 3-11TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Richard Lind
(name)30720 University R.D.
(address)Vermillion S. Dak. 57069
(city, state, zip)605-253-2546
(phone)

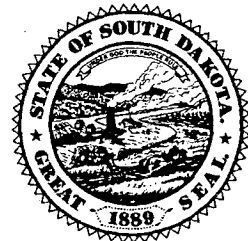
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7217-3 states that the water use system is to be constructed by July 20-11 , and water is to be put to beneficial use by July 25-11 .
(date) (date)

The water use system was completed on July 29-11 .
(date)

Applying the water to beneficial use was completed on July 30-11 .
(date)

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

Richard Lind
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 7, 2011

6302-3
6303-3
7217-3

Thelma R Lind
30720 University Rd
Vermillion SD 57069

Dear Mrs. Lind:

I am writing to acknowledge receipt and thank you for the prompt return of the 2011 irrigation questionnaires. I note from the forms that ownership changes are needed.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (total of \$150.00). The check or money order for the fee can be made payable to the Water Rights Program.

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

enclosures

Michael J. McGill
Attorney at Law

106 West Main • P.O. Box 32
Beresford, South Dakota 57004
(605) 763-2057 • Fax: (605) 763-2201
E-mail: mjmc@bmtc.net

RECEIVED
NOV 17 2011
WATER RIGHTS
PROGRAM

November 15, 2011

Genny McMath
Environmental Scientist
Water Rights Program
Dept. of Environment & Natural Resources
Joe Foss Building, PMB 2020
523 E. Capitol
Pierre, SD 57501-3182

Dear Ms. McMath:

I am writing to you on behalf of Thelma Lind. Thelma requested you to take the steps to transfer ownership of water rights numbered 6302-3, 6303-3, and 7217-3. Thelma requested you transfer them into her name. They were formerly owned by Richard Lind.

Pursuant to Richard Lind's Will he transferred everything that he owned at the time of his death into the Richard Lind Revocable Trust dated June 11, 2008.

We have applied for a federal ID number for the Richard Lind Revocable Trust. That number is 26-6583788. Thelma R. Lind is the trustee of the trust.

We apologize for this inconvenience. However, could you change the notice of transfer of ownership forms so as to transfer the ownership to Thelma R. Lind as trustee of the Richard Lind Revocable Trust dated June 11, 2008. Then would you please send the forms back to me so I can meet with Thelma and she can execute those.

Sincerely yours,


Michael J. McGill
MJM/jj

RECEIVED

NOV 28 2011

WATER RIGHTS
PROGRAM**Michael J. McGill**
Attorney at Law

106 West Main • P.O. Box 32
Beresford, South Dakota 57004
(605) 763-2057 • Fax: (605) 763-2201
E-mail: mjmc@bmtc.net

November 23, 2011

Genny McMath
Environmental Scientist
Water Rights Program
Dept. of Environment & Natural Resources
Joe Foss Building, PMB 2020
523 E. Capitol
Pierre, SD 57501-3182

RE: Water Rights 6302-3, 6303-3, and 7217-3

Dear Ms. McMath:

I enclose a check in the amount of \$150.00 and notice of transfer of ownership forms on the three above referenced water permits. Will you please make the changes on the records in this regard. If you have any questions regarding this matter please call me. Thank you.

Sincerely yours,



Michael J. McGill

MJM/jj

CC: Thelma Lind

RECEIVED

NOV 28 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 7217-3

Date: 11-22-11

I/We request that Water Permit No. 7217-3

formerly owned by: Richard Lind

be transferred to: (name & address) Thelma R. Lind and Ron Lind, as Co-Trustees of the Richard
N. Lind Revocable Trust, under agreement dated June 8, 2008, of 30720 University Road,
Vermillion, South Dakota, 57069

Telephone
605-253-2546

Title to the following described land(s)/property has been transferred as described above:
NW ¼ Section 32, T94N, R51W

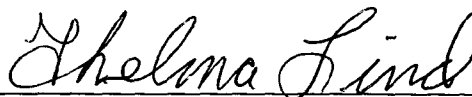
I/We understand that the validity of Water Permit No. 7217-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

Ronald Lind and Thelma Lind as
I/We Co-Trustees of the Richard
Lind Revocable Trust

, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/28, 20 11

RECEIVED OF Michael J McGill PO Box 32 Beresford SD 57004

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	
Fee for Application for Permit No. _____ to Appropriate Water for Future use	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form <u>7217-3</u>	50 00
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	50 00

No. 05089

By *John E. Erbe*

Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 29, 2011

Michael McGill
Attorney at Law
PO Box 32
Beresford SD 57004 0032

RE: Water Right Nos. 6302-3 & 6303-3 and Water Permit No. 7217-3

Dear Mr. McGill:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for the above listed water rights and water permit. The ownership changes have been completed.

Nos. 6302-3, 6303-3 and 7217-3 formerly held by Richard Lind are now held by **Thelma R Lind and Ronald Lind as Co-Trustees of the Richard N Lind Revocable Trust under agreement dated June 8, 2008.**

Enclosed for your records are Receipt Nos. 05087, 05088 and 05089 in the amounts of \$50.00 each. If you have any questions, please contact me.

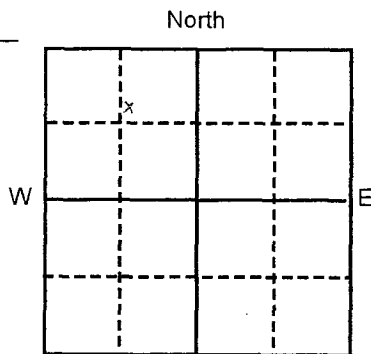
Sincerely,

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

c: Thelma R Lind

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location ne 1/4 nw 1/4 Sec 32 Twp 94n Rg 51wCounty clayPlease mark well
location with an "X"

Well Completion Date

June 2, 2011

 Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,700.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

direct rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	61.0 FT	22.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bentonite	12	Lb/gal	0.0 Ft	52.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 40.0 FeetMaterial pvcSlot Size .060 Set From 61.0 Feet to 101.0 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? hth pellets☐ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: Richard Lind7217-3

Business Name:

Address: 30720 University RdCity, State, Zip: Vermillion SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, Dark brown, clayey	0	18
Sand, fine	18	37
gravel, fine,	37	59
gravel, coarse,	59	112

STATIC WATER LEVEL 12.0 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

19.0 Ft. After 4.0 Hrs. pumped 750.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 740.0 GPM

REMARKS

RECEIVED

FEB - 1 2012

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this
report is true and accurate.Drilling firm: Hammond Wetmore Drilling, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: Feb 17, 2011

7217-3.

Clay

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: E 1/4 SW 1/4 corn Section 29 Township T-94 Range 51
 Well owner: Richard Lind RR Vermillion
 Date well drilling completed: may Purpose of well: Irrigation
(Name) (Address) (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer
2	fat top soil	36 ft.
34	yellow clay	Depth to static water level: 22 ft.
18	Blue clay	Name of producing aquifer (if known):
50	sand gravel	Total depth of drill hole: 104 ft.
		Depth to bottom of casing: 86 ft.
		Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
		86' Extra Heavy Steel casing
		12"
		20' length
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		20' Steel Extra Heavy Screen
		Johnson
		12" diameter
		If a flowing well, flow of completed well: 2000 G.P.M.
		Schmelfenig Well Drilling
		Name of Drilling Contractor

Attach sheet if more space is needed

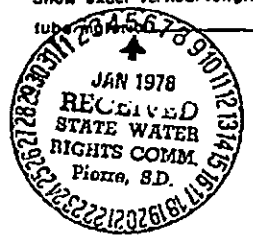
(2) PUMP INSTALLATION

Company name and size of pump _____ HP _____
 Type of pump _____ Capacity of installed pump _____ G.P.M.
 Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____



Robert Reiners 647-2316
 Name of Pump Installation Contractor
 Lennox SD. 57639

Well log from 6302-3

Licensing of Acreage Outside of Permitted Area

NAME: Thelma and Ron Lind
ADDRESS: 30720 University Road, Vermillion SD 57069
DATE: November 20, 2019 **COUNTY:** Clay **TELEPHONE:**

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

Water Permit No. 7217-3 appropriated an additional 1.78 cfs from an additional well to irrigate acres authorized by Water Rights No. 6302-3. Water Right No. 6302-3 originally appropriated 1.78 cfs from one well located in the center of the SW 1/4 Section 29 to irrigate 202 acres located in the E 1/2 SW 1/4 Section 29 and the NW 1/4 Section 32; all in T94N-R51W. The additional well was to be located in the approximate center of the NW 1/4 Section 32. The intent of Water Permit No. 7217-3 was to provide additional diversion rate authority for the two irrigation systems to operate at the same time.

The additional well was constructed and is located about 360 feet east of the center of the NW 1/4 Section 32. A license investigation was conducted and found Nos. 6302-3 and 7217-3, combined, are capable of diverting 3.34 cfs for irrigation of 202 acres. The licensing investigation found that 14 irrigated acres are located in the W 1/2 NE 1/4 of Section 32 which is not described in either permit.

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 202 acres which is the same as authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**
Yes
- **Owned by Same Property Owner**
Yes
- **Developed Prior to Expiration of Construction Period**
Yes

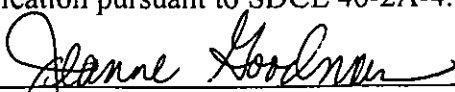
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 14.0 acres located in the W 1/2 NE 1/4 Section 32-T94N-R51W be included in the water license.


Eric Gronlund, Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.


Jeanne Goodman, Chief Engineer
Water Rights Program

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7217-3

I have this day, November 17, 2017, made a thorough examination of the water use system constructed by Thelma R and Ron Lind, 30720 University Road, Vermillion SD 57069 of Permit No. 7217-3, bearing the priority of October 28, 2010 authorizing the diversion of 1.78 cu. ft. per second of the waters of Lower Missouri: Vermillion Aquifer from an additional well to irrigate land authorized by Water Right No. 6302-3. Water Right No. 6302-3 authorizes 1.78 cfs from one well completed into the Lower Missouri: Vermillion Aquifer for irrigation purposes, of 202 acres, in Clay County. This permit and Water Right No. 6302-3 authorize a total diversion of 3.56 cfs from two wells for irrigation of 202 acres and allows both center pivots to run simultaneously.

Inspection contact & relationship **Ron Lind, permit holder**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells 1
- 3) Depth(s) 101 feet
- 4) Well log is available Yes

Comments: This is a new well to irrigate a portion of land authorized by Water Right No. 6302-3 in the N ½ of Sec 32-T94N-R51W. The existing well for Water Right No. 6302-3 was completed in 1977 and continues to irrigate the E ½ SW ¼ Sec 29-T94N-R51W. Information on existing well is available in Water Right No. 6302-3.

Casing:

- 1) Diameter 16 inches
- 2) Length 61 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 40 feet
- 3) Static water level 12 feet

Pump:

- 1) Make Unknown
- 2) Model Submersible
- 3) Capacity 700 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Submersible
- 3) Horsepower rating 30 hp

C. Works used to apply water to beneficial use:

Center pivot-existing well (E ½ SW ¼ Sec 29-T94N-R51W):

- 1) Make Lindsay
- 2) Overall length 1290 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800 GPM

Comments: This existing half-circle center pivot authorized by Water Right 6302-3 to irrigate 70 acres is served by the existing well only and actually irrigates 64 acres.
With the additional well the system is set up so that both center pivots can be operated simultaneously.

Center pivot-new well (W ½ NE ¼ & NW ¼ Sec 32-T94N-R51W):

- 1) Make Lindsay
- 2) Overall length 1310 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 700 GPM

Comments: This existing full-circle center pivot authorized by Water Right 6302-3 to irrigate 132 acres is served by the new well only and actually irrigates 138 acres, which includes 14 acres in the W ½ NE ¼ Sec 32-T94N-R51W that is not included in Water Right 6302-3.
With the additional well the system is set up so that both center pivots can be operated simultaneously.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2011.
- 3) Exceptions to compliance are: Some acres irrigated are in different quarter sections than authorized.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: Existing well #1-East 1340', North 1280' from SW Corner of Sec 29-T94N-R51W; Lat 42.92797/Long -96.89958; approximate center of SW ¼ Sec 29-T94N-R51W;
New well #2-East 1680', South 1340' from NW Corner of Sec 32-T94N-R51W; Lat 42.92076/Long -96.89835; SE ¼ NW ¼ Sec 32-T94N-R51W.
2. The works are capable of diverting and conveying to the place of use 3.34 cfs or 1500 gpm of water from two wells which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Sec 32-T94N-R51W
NW ¼ NW ¼ – 24 ac
NE ¼ NW ¼ – 38 ac
SE ¼ NW ¼ – 38 ac
SW ¼ NW ¼ – 24 ac
NW ¼ NE ¼ – 7 ac
SW ¼ NE ¼ – 7 ac

Sec 29-T94N-R51W
NE ¼ SW ¼ – 32 ac
SE ¼ SW ¼ – 32 ac

comprising a total of 202 acres of land and the license should be issued for 3.34 cfs or 1500 gpm from two wells.

3. All structures, wells and lands on map Yes

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

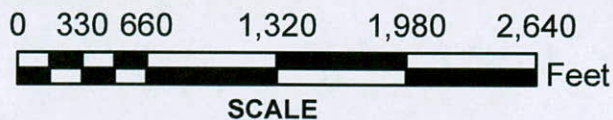
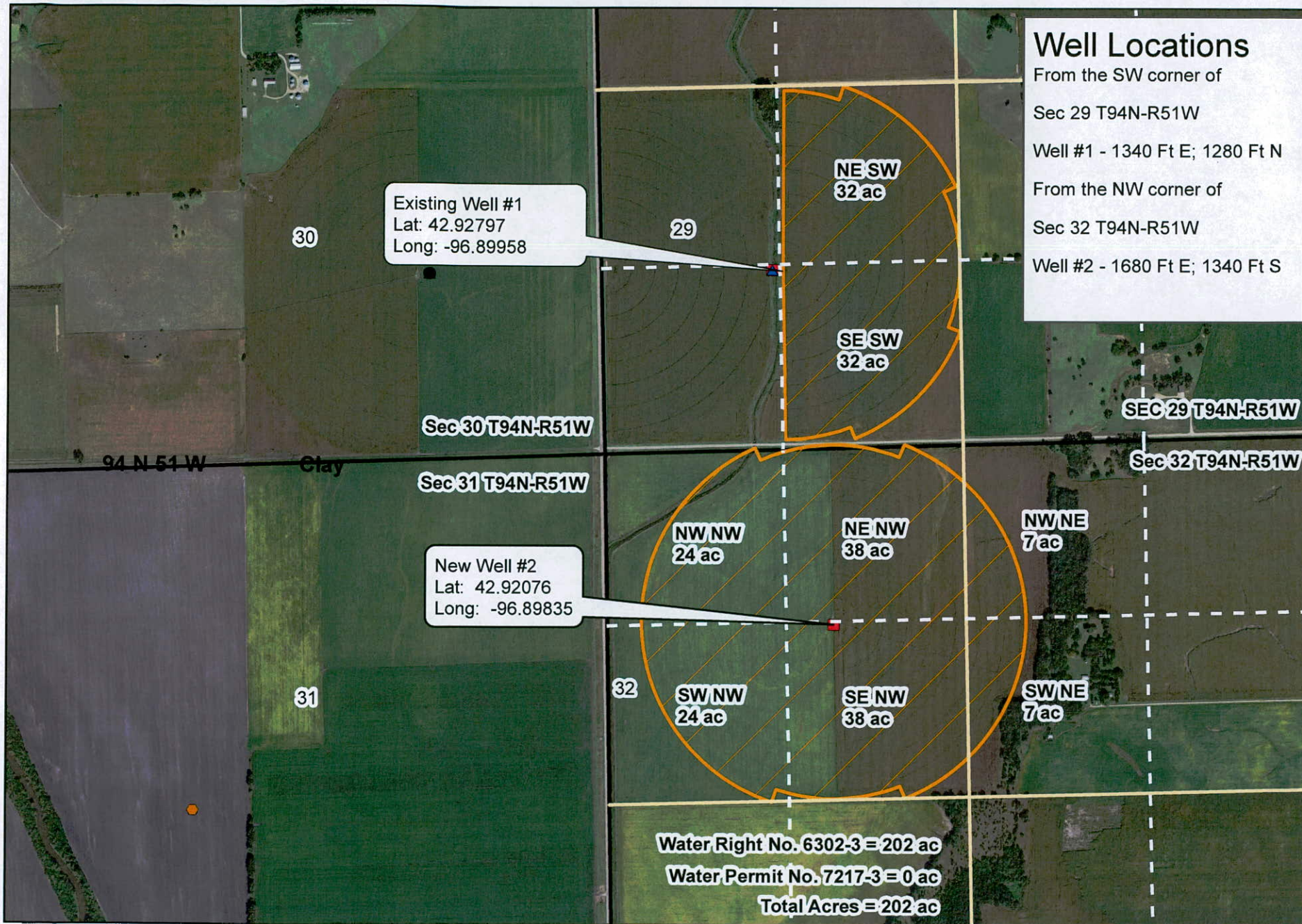
Water Permit 7217-3 and Water Right 6302-3 appropriated 3.56 cfs or 1600 gpm from two wells for irrigation of 202 acres, however, only 3.34 cfs or 1500 gpm from two wells was developed and 14 acres irrigated are in different quarter sections than authorized.

Harold Holoch

Harold Holoch, PE
 Staff Engineer
 DENR, Water Rights Program

Date report completed: October 22, 2019

7217-3



Harold Holoch
 Harold Holoch, PE
 Staff Engineer
 January 19, 2018

7217-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 27 2020

6302-3
7217-3

Thelma R Lind & Ron Lind, Co-Trustees
Richard N Lind Revocable Trust
30720 University Rd
Vermillion SD 57069

Dear Ms. Lind and Mr. Lind:

Enclosed is Water License No. 7217-3. 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 in the future, the owner of an existing well, 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: Upon licensing, the applicable portions of Water Right No. 6302-3 were incorporated into Water License No. 7217-3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7217-3

(1) Richard Lind, Vermillion SD made Application No. 7217-3, October 28, 2010 for a water permit to divert an additional 1.78 cubic feet of water per second from one additional well (Lower Missouri Vermillion Aquifer), Clay County, South Dakota to irrigate acreage authorized under Water Right No. 6302-3. Permit No. 7217-3, with a priority date of October 28, 2010 was approved January 3, 2011 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 3, 2016 and for the application to beneficial use of water on or before January 3, 2020.

Water Right No. 6302-3, with priority dates of October 9, 1976 (1.44 cfs) and January 31, 2002 (0.34 cfs), authorized diversion of 1.78 cfs from one well to irrigate 202 acres. Approval of Water Permit No. 7217-3 for additional diversion authority and an additional well allowed the irrigation systems in each quarter section to run simultaneously.

On November 28, 2011, Water Right No. 6302-3 and Water Permit No. 7217-3 were transferred from Richard Lind to Thelma R Lind and Ron Lind, as Co-Trustees of the Richard N Lind Revocable Trust, under agreement dated June 8, 2008.

A field investigation conducted for licensing purposes found 14 acres located in the W ½ NE ¼ Section 32, T94N, R51W were located outside of the permitted area. Pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding the change in acreage did not impair existing water rights and the overall project, as developed, is consistent with the original application.

The applicable portions of Water Right No. 6302-3 are incorporated into this Water License No. 7217-3. Priority dates as they pertain to the diversion rates are as follows: October 9, 1976 (1.44 cfs); January 31, 2002 (0.34 cfs) and October 28, 2010 (1.56 cfs).

(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 3.34 cubic feet of water per second for beneficial use.

The location of the diversion points are:

- **Well #1** (6302-3) East 1,340'E and 1,280'N of the SW Corner of Section 29, T94N, R51W; Latitude 42.92797, Longitude -96.89958; (approximate center of SW ¼)
- **Well #2** (7217-3) 1680'E and 1,340'S of the NW Corner of Section 32, T94N, R51W Latitude 42.92076, Longitude -96.89835 (SE ¼ NW ¼)

Continued

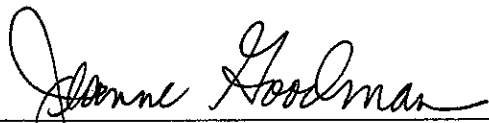
(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 32, T94N, R51W		Section 29, T94N, R51W	
NW ¼ NW ¼	24 acres	NE ¼ SW ¼	32 acres
NE ¼ NW ¼	38 acres	SE ¼ SW ¼	32 acres
SE ¼ NW ¼	38 acres		
SW ¼ NW ¼	24 acres		
NW ¼ NE ¼	7 acres	Total irrigated acreage: 202	
SW ¼ NE ¼	7 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Thelma R Lind and Ron Lind, as Co-Trustees of the Richard N Lind Revocable Trust, under agreement dated June 8, 2008, 30720 University Rd, Vermillion SD 57069 the holders and/or owners of Incorporated Water Right No. 7217-3 is issued a license to appropriate water, the right to use 3.34 cubic feet of water per second from ground water (two wells) Lower Missouri Vermillion Aquifer with priority dates of October 9, 1976 (1.44 cfs); January 31, 2002 (0.34 cfs) and October 28, 2010 (1.56 cfs) 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 Incorporated Water Right Nos 6302-3 and 7217-3 and subject to the following qualifications:

- The wells approved will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owners under 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.
- The well authorized by Permit No. 7217-3 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. *The well authorized by No. 7217-3 was drilled in June, 2011 by Hammond Wetmore Drilling LLC. A copy of the well completion report is on file with the Water Rights Program.*
- This Water Right 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

FEB 27 2020

date

