

WATER PERMIT NO. 7228-3

Name of Applicant: Jo's Family Farms

Address: 1911 W 57th St, Sioux Falls SD 57108 Phone:

Amount of Water Claimed: 1.71 cfs Total Acres: 120

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Brookings

Type of Waste Disposal System: NA

Location: 2 miles south of Elkton

PRIORITY Date Received: 1-20-2011

Application/License Fee: \$950

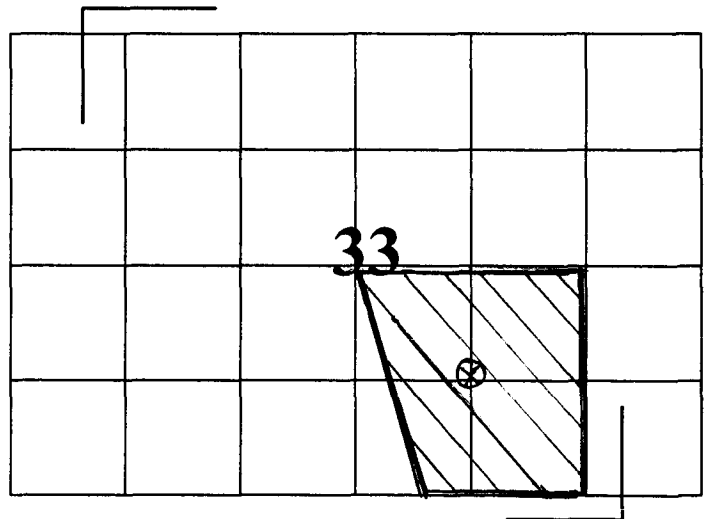
Corrected Application Received: 1-24-2011

Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: center of SE ¼ Sec 33-T109N-
R47W

Land to be Irrigated: SE ¼ Sec 33-T109N-R47W



Depth of Well: 60 feet deep

Well Driller: Lacey Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Craid O G (sp) Brookings Co NRCS

Reviewed and the Number Assigned on: 1-24-2011

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>7228-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Brookings Register PO Box 177</u>
	<u>605-692-6271</u> <u>Brookings 57006</u>

RECEIVED
JAN 20 2011
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 Jo's Family Farms Phone 605-338-4642
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 1911 W 57th St. Sioux Falls SD 57108
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 1.71 *CFS or **GPM ***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Wells
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Brookings
one well center of SE 1/4 Section 33 109-47W
5. County or counties where water will be used Brookings
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
SE 1/4 of SE 1/4 Sec 33 109 47W			
SW 1/4 of SE 1/4 Sec 33 109 47W			
NE 1/4 of SE 1/4 Sec 33 109 47W			
NW 1/4 of SE 1/4 Sec 33 109 47W			

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

Center pivot irrigation on roughly 120 acres

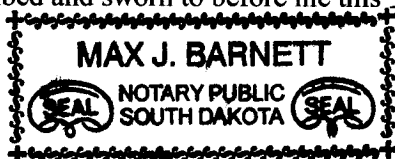
STATE OF SOUTH DAKOTA)
County of LINCOLN) SS

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, PHILIP D SENSTEGARD, 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 Philip D Senstegard

Subscribed and sworn to before me this 17th day of JANUARY 20 11



Max J Barnett

Notary Public signature

my commission expires October 5, 2015

**SOUTH DAKOTA
WATER PERMIT NO. 7228-3**

Date of first receipt of application January 20, 2011.

Date of return to applicant for corrections, amendments or changes January 20, 2011.

Date of receipt of corrected application January 24, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7228-3 to Jo's Family Farms, c/o Philip O Sonstegard, 1911 W 57th St, Sioux Falls SD 57108 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. 7228-3 appropriates 1.71 cubic feet of water per second from one well to be completed into the Big Sioux:Aurora Aquifer (approximately 60 feet deep) located in the approximate center of the SE 1/4 Section 33 for irrigation of 120 acres located in the SE 1/4 Section 33; all in T109N-R47W.
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 January 20, 2011.
4. The date of approval of Permit No. 7228-3 is May 16, 2011.
5. One-fifth of the construction is to be completed on or before November 16, 2013.
6. All construction is to be completed on or before May 16, 2016.
7. Water is to be put to beneficial use on or before May 16, 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 under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7228-3 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.
4. That Jo's Family Farms, and any successor, assign, or transferee of this water permit, must install and maintain, at its own cost, a timing device on its irrigation well which records the time the pump of the irrigation well is turned on and off, and further, that data be recorded by the timing device be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year.

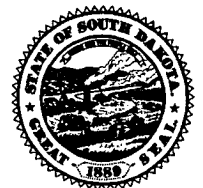
WATER MANAGEMENT BOARD

By: Garland Erbele

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

AUG 22 2011

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 20" Depth 60'
- b) Casing Type Steel Diameter 12" Thickness Sch 40
- c) Screen Type Johnson SS Diameter 12" Thickness 3/16"
- d) Gravel Pack Northern Length of Gravel Pack varies with screen length
- e) Depth to Top of Water Bearing Material 20 ft
- f) Depth to Water (ground surface to water level) 20 ft
- g) Distance to nearest existing domestic well:
- On applicant's property None On property owned by others 1300 ft

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 _____

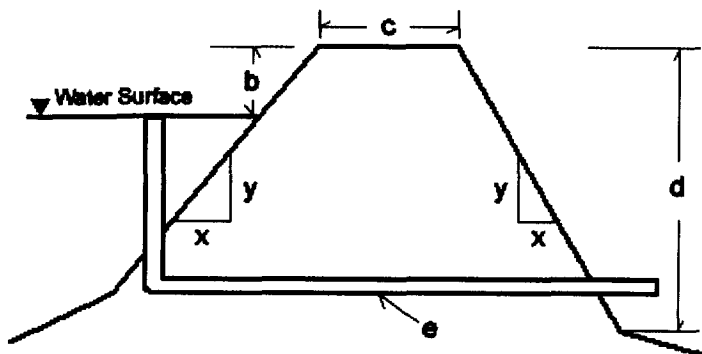
3. Dugout Information

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

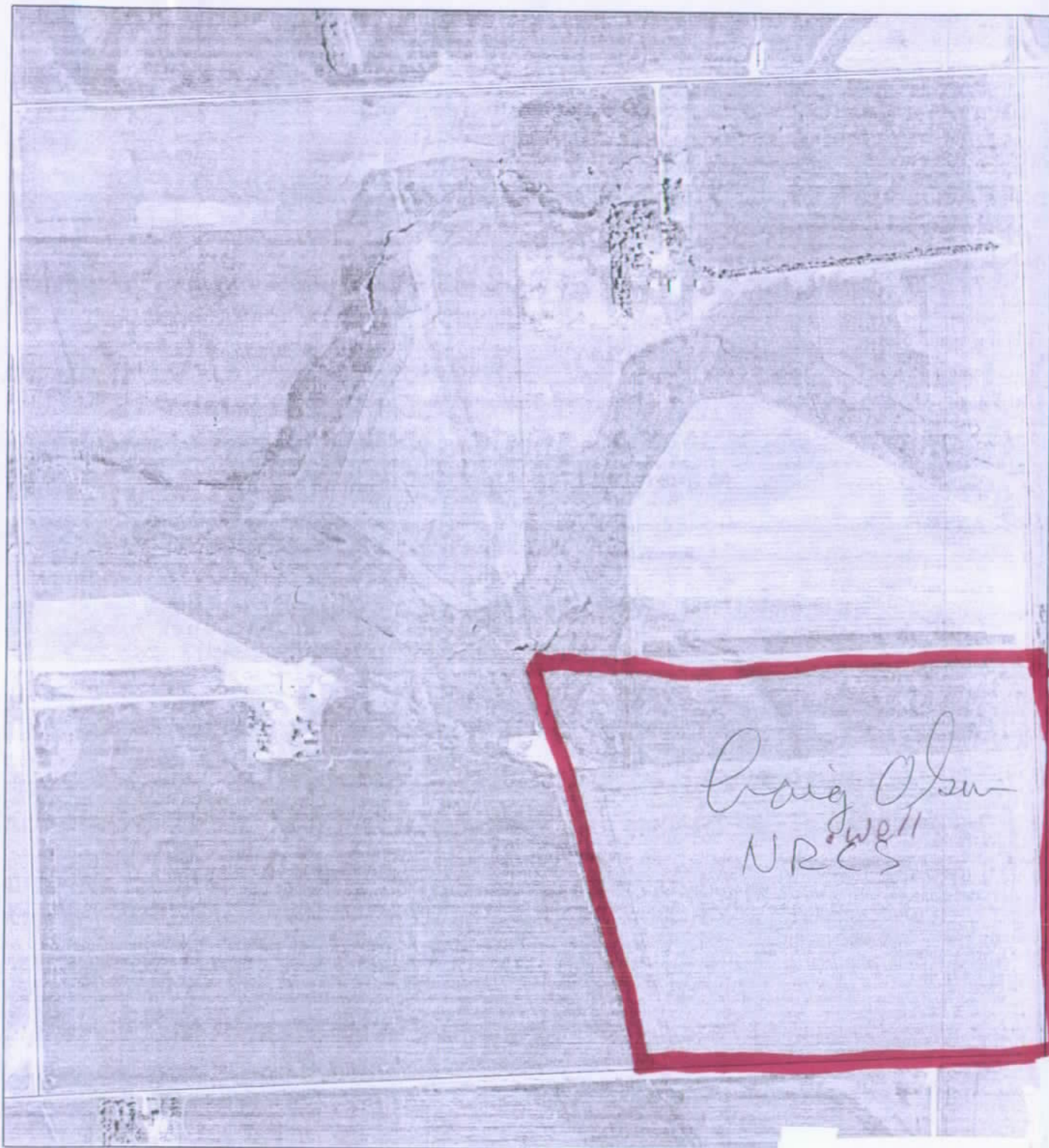
4. Water Storage Dams

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



USDA - Farm Service Agency
Brookings County, SD

33-109N-47W

1:8,789

August 25, 2008

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JAN 24 2011

WATER RIGHTS
PROGRAM



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.

605-692-7188

JAN 20 2011

Faxed

12-31-10

In Water Since 1946

WATER RIGHTS
PROGRAM

Wells — Pumps
Dewatering Work
Test Drilling

LACEY WELL DRILLING, INC.
47582 - 240th St.
Dell Rapids, South Dakota 57022
Telephone (605) 428-5979

Down-Hole Camera
Water Specialists
Irrigation Supplies

Test Hole

Drilled 7-1-10

Driller James Lacey

On Moody Co Line Rd 220th
center of SE 1/4 of the SE 1/4 Sec 33 109-47W

0-5 Black Till

5-60 Gravel

60-62 Fine Gravel

20' SWL

Good test hole - plenty of water

Driller 

Lacey Well Drilling, Inc.

111

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/20, 20 11

RECEIVED OF Jo's Family Farms LLC 1911 W 57th St # 102 Sioux Falls SD 57108

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

Fee for Application for Permit No. <u>7228-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>7228-3</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	950 00

No.

04852

By

Garland E. Steele
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

January 20, 2011

Jo's Family Farms
Philip O Sonstegard
1911 W 57th St
Sioux Falls SD 57108

Dear Mr. Sonstegard:

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

- Enclosed is the aerial photo map submitted with the application. Please outline the 120 acres to be irrigated.
- Regarding the amount of water claimed, State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 1.71 cfs or 770 gallons per minute to irrigate 120 acres. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).

If you have any questions, please contact me.

Sincerely,

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

enclosure

c: Dave Gullickson, Farmers Implement & Irrigation



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 21, 2011

Skip Wright, Regional Hydrologist
Minnesota Dept of Natural Resources
261 Highway 15 South
New Ulm MN 56073

Dear Mr. Wright:

Enclosed is a copy of the report, recommendation and public notice for South Dakota Water Permit Application No. 7228-3 filed by Jo's Family Farms. The public notice is scheduled to be published April 29 and May 6, 2011 in the Brooking Register.

If you have any questions regarding South Dakota DENR's review of the application please contact Jim Goodman or myself at (605) 773-3352.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 21, 2011

Dennis Healy, CEO
Lincoln Pipestone Rural Water
415 East Benton Street
Lake Benton MN 56149

Dear Mr. Healy:

Enclosed is a copy of the report, recommendation and public notice for South Dakota Water Permit Application No. 7228-3 filed by Jo's Family Farms. The public notice is scheduled to be published April 29 and May 6, 2011 in the Brooking Register.

If you have any questions regarding DENR's review of the application please contact Jim Goodman or myself at (605) 773-3352.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7228-3, Jo's Family Farms**

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. 7228-3, Jo's Family Farms, c/o Philip O. Sonstegard, 1911 W 57th Street, Sioux Falls SD 57108.

The Chief Engineer is recommending APPROVAL of Application No. 7228-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7228-3 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.
4. That Jo's Family Farms, and any successor, assign, or transferee of this water permit, must install and maintain, at its own cost, a timing device its irrigation well which records the time the pump of the irrigation well is turned on and off, and further, that data be recorded by the timing device be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 20, 2011

REPORT ON WATER PERMIT NO. 7228-3
For Jo's Family Farms
March 4, 2011

Application No. 7228-3 proposes to appropriate 1.71 cfs (770 gpm) from one well approximately 62 feet deep located in the approximate center of the SE ¼ of section 33 for irrigation of 120 acres located in the SE ¼ of section 33; all in T109N R47W in Brookings County.

AQUIFER – BIG SIOUX AURORA (BS-A)

The Big Sioux Aurora is a predominantly surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies 39,300 acres and contains an estimated 165,060 acre-feet of recoverable water in storage in Brookings County (Hedges, 1982). Water from the entire area is not available for this application. In reality, about 4,500 acres in southeastern corner of Brookings County and 6,400 acres in the northeastern corner of Moody County are available to supply water from the Big Sioux Aquifer. Also the aquifer does extend an unknown distance into Minnesota to the east. The aquifer is also hydraulically connected to Spring Creek which courses through this area. The direction of ground water movement appears to be from northeast to southwest in the area of this application (Hamilton, 1989). Recharge to the aquifer has been estimated to be about 6.57 inches per year (Koch, 1980). The portion of the aquifer in Brookings and Moody Counties would supply about 6,000 acre-feet per year using this recharge rate. Just the Brookings County area alone would supply about 2,500 acre-feet of recharge annually. This volume should be sufficient to maintain all the area water users. Historically the maximum water use in Brookings County for this small area has been about one-third the estimated recharge rate (487 acre-feet use compared to 2,500 acre-feet of average recharge).

Reported water use by Lincoln Pipestone Rural Water System averages about 1,200 acre-feet annually. Water use by the irrigators in just Brookings County was 730 acre-feet in 2008 and 298 acre-feet in 2009. The largest water use by irrigation for this area in the last 10 years was for 878 acre-feet in 2001. The average water use for the last 10 years has been about 487 acre-feet annually. Two recently approved Water Permit Nos. 7178-3 and 7219-3 authorize an additional 402.3 acres of irrigation from the aquifer. This acreage would add an average use of an additional 278 acre-feet annually if all the acreage is completely developed and the water use would match the 10 year average of 8.3 inches per year. This additional 120 acres would require another 83 acre-feet on the average. The total water use from this area would be expected to be about 850 acre feet annually using the average use and could range to a high range of 1524 acre-feet annually (this was calculated using the 2001 average water use of 14.8 inches). Average recharge appears to be adequate in Brookings to sustain existing development and to add additional acres for irrigation. However, adding the average expected use to the rural water use would be about $(1,200 + 850)$ 2,050 acre-feet annually. Using a drier year like 2001 would result in about $(1,200 + 1,524)$ 2,724 acre-feet annually. This would exceed the recharge rate in Brookings County but the diversion for the rural water system is in Minnesota with an unknown area of aquifer contributing to the recharge in that state. The point of this is not to indicate that water is unavailable but to reinforce the idea that during a dry year or during extended dry years there is no guarantee water levels will remain

high enough to maintain diversion rates. This does not mean the aquifer is over appropriated but does mean problems could arise during these drought periods.

The well log filed with the application by Lacey Well Drilling, Inc. indicates black till from 0 to 5 feet, gravel from 5 to 60 feet and fine gravel from 60 to 62 feet. This test well had a static water level of 20 feet below land surface.

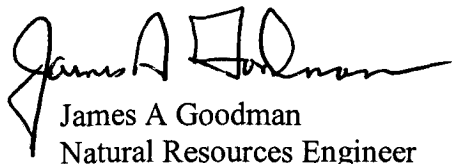
The Water Rights Program does monitor an observation well BG-78H completed into the Big Sioux Aurora aquifer and located about one-quarter mile southwest of the well for this application. Water levels for this monitoring well show good response to climatic conditions, that is rising water levels during wet years (recharge) and gradually declining water levels during dry years. There appears to be little effect from area pumping. In general the water record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2011). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

This application is located within one-half mile of water permit No. 7178-3 and Water Right No. 5804-3. Interference is not a concern. So far the drawdown created by pumping has not been significant at this distance between wells. This is shown by the observation well hydrograph.

CONCLUSIONS

1. Water is available from the Big Sioux Aurora aquifer.
2. The aquifer is under water table conditions in this area. Pumping at the requested rate should not create significant drawdown. Interference is not a concern.
3. The well must be completed in accordance with SD Well Construction Standards.
4. A permit application for Jo's Family Farms (Water Permit No. 7178-3) was contested and subsequently approved by the Water Management Board at the October 6, 2010 Board hearing. That permit is located immediately adjacent to and just east of this application. Condition #4 placed upon Water Permit 7178-3 would also be required on this application if approved. That condition is as follows "That Jo's Family Farm LLC, and any successor, assign, or transferee of this water permit, must install and maintain, at its own cost, a timing device on each of its irrigation wells which records each time the pumps of the irrigation wells are turned on and off, and further, that data be recorded by the timing devices be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year".
5. Average annual recharge and average annual water use indicate there is water available for appropriation. However, extended droughts could and will impact water levels and potential pumping rates. Because Lincoln Pipestone Rural Water system is just across the border in Minnesota and obtains water from this same aquifer all diversions in this area need to be carefully considered.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

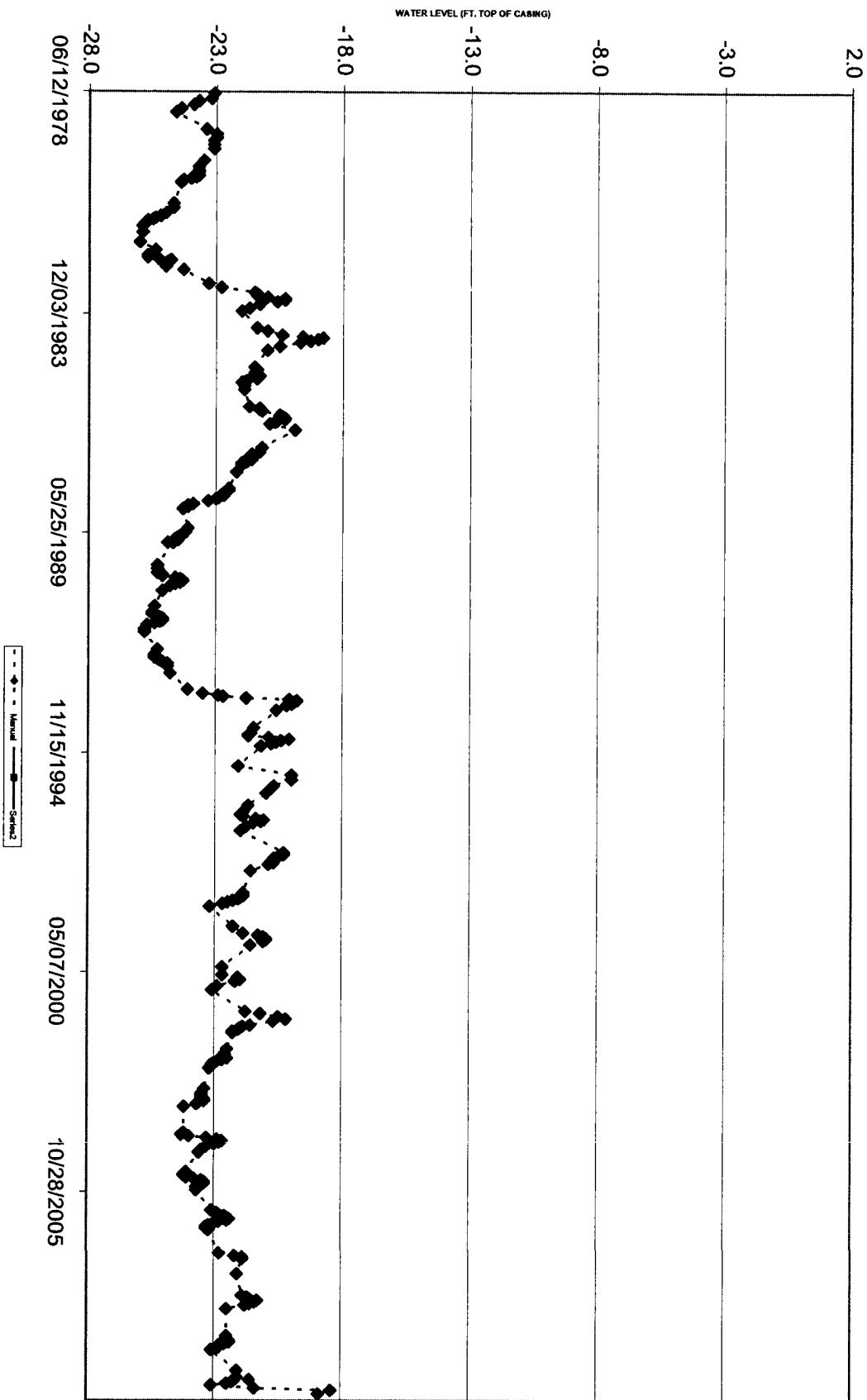
Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, Water-Resources Investigations Report 88-4185, USGS, Huron, SD, 57350.

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

Koch, N.C., 1980, Appraisal of the Water Resources of the Big Sioux Aquifer Brookings, Deuel, and Hamlin Counties, South Dakota, Water-Resources Investigations Report 80-100, USGS, Huron, SD, 57350.

Water Rights, 2011, Unpublished Observation Well Resources for Brookings County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
BG-78H



RECEIVED

MAY - 9 2011

Affidavit of Publication

WATER RIGHTS
PROGRAM

State of South Dakota

ss

County of Brookings

Laura Johnson of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Leg# 782 Jo's Family Farms

same was published, is hereto attached marked Exhibit said newspaper for _____ 2 times, to-wit:

April 26, 2011

May 3, 2011

said Exhibit "A" inures to the sole benefit for the publishers of 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 person whomsoever; that the fees charged for the publication thereof are:

Forty dollars and eighty-four cents \$40.84



Subscribed and sworn to before me this

4th

day of

May

2011

Katie Cobb

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires July 14, 2015

Legal 782, 2x, 4/28, 5/3
NOTICE OF APPLICA-
TION NO. 7228-3 to

Appropriate Water Notice is given that Jo's Family Farms, c/o Philip O. Sonstegard, 1911 W 57th St., Sioux Falls SD 57108 has filed an application for a water permit to appropriate 1.71 cubic feet of water per second from one well to be completed into the Big Sioux/Aurora Aquifer (approximately 60 feet deep) located in the approximate center of the SE 1/4 Section 33 for irrigation of 120 acres located in the SE 1/4 Section 33; all in T109N-R47W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7228-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition. Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 16, 2011. CCEC et al.

The petition may be internal, 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 \$40.84



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 21, 2011

Brookings Register
PO Box 177
Brookings SD 57006

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7228-3 to Appropriate Water to be published twice. Please publish the first notice on April 29, 2011 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 Jo's Family Farms, c/o Philip O. Sonstegard, 1911 W 57th St., Sioux Falls SD 57108 (Ph # 605-338-4642).

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. 7228-3

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

Date _____

We are in receipt of your letter of April 21, 2011 enclosing Notice to Appropriate Water by Application No. 7228-3 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.

April 21, 2011

Jo's Family Farms
Philip O Sonstegard
1911 W 57th St
Sioux Falls SD 57108

Dear Mr. Sonstegard:

Water Permit Application No. 7228-3 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 Brookings Register printed at Brookings SD (Ph # 605-692-6271). 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

cc: Dave Gullickson, Farmer's Implement & Irrigation, PO Box 29, Brookings SD 57006

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on April 29, 2011 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. 7228-3 to Appropriate Water

Notice is given that Jo's Family Farms, c/o Philip O. Sonstegard, 1911 W 57th St., Sioux Falls SD 57108 has filed an application for a water permit to appropriate 1.71 cubic feet of water per second from one well to be completed into the Big Sioux:Aurora Aquifer (approximately 60 feet deep) located in the approximate center of the SE ¼ Section 33 for irrigation of 120 acres located in the SE ¼ Section 33; all in T109N-R47W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7228-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 16, 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

AUG 22 2011

Jo's Family Farms
Philip O Sonstegard
1911 W 57th St
Sioux Falls SD 57108

Dear Mr. Sonstegard:

Enclosed is Water Permit No. 7228-3 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

OCT 27 2011

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate OCTOBER 26, 2011TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Jo's Family Farms / PHILIP O SONSTEGARD
(name)1911 W 57TH ST STE 102
(address)SIOUX FALLS SD 57108
(city, state, zip)605 338 4642
(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. 7728-3 states that the water use system is to be constructed byJuly 10, 2011, and water is to be put to beneficial use by July 10, 2011.
(date) (date)The water use system was completed on July 10, 2011.
(date)Applying the water to beneficial use was completed on July 10, 2011.
(date)

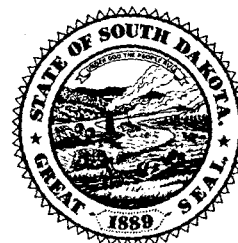
You may schedule an investigation so that the water license may be issued.

Mae J. Burnett
(signature)

For Jo's Family Farms, LLC

7-98

605-338-4642





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 1, 2011

7228-3

Philip O Sonstegard
Jo's Family Farms
1911 W 57th St Ste 102
Sioux Falls SD 57108

Dear Sir:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7228-3

I have this day, 30 October 2014, made a thorough examination of the water use system constructed by Jo's Family Farma, 1911 W 57th St. STE 102, Sioux Falls, SD 57108, holder of Permit No. 7228-3, bearing the priority of January 20, 2011 authorizing the diversion of 1.71 cu. ft. per second of the waters of Big Sioux: Aurora aquifer for irrigation purposes, in Brookings County.

Inspection contact & relationship to permit holder, if applicable: **Jon Wiering, Farm Manager**

A. Works used to divert the water:

Well₁ Information:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 58 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 44 feet
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 14 feet
- 3) Static water level 14 feet (11 May 2011)

Pump:

- 1) Make Grundfos
- 2) Model 625S400-2-1
- 3) Size 25 HP
- 4) Capacity 750 GPM

B. Works used to transport water to place of use:

- 1) Type PIP
- 2) Size 8 inches
- 3) Length 20 feet

Comments: **na**

C. Works used to apply water to beneficial use:

Center pivot: (Lat/Lon: 44.19983/096.47004)

- 1) Make Valley
- 2) Overall length 1080 feet
- 3) Number of towers 6
- 4) End gun Yes
- 5) Capacity 450 GPM

Chemigation Equipment:

- 1) Does not chemigate

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes

If no, describe: na

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

List any extended period of nonuse: na

- 3) Exceptions to compliance are: na

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: **1130 feet north and 1150 feet west of the SE corner of Sec. 33, T109N-R47W, Lat/Lon: 44.19973/-96.4699, NW¼NW¼SE¼SE¼ Sec. 33, T109N-R47W.**
2. The works are capable of diverting and conveying to the place of use 1.00 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
NE¼SE¼ Sec. 33, T109N-R47W: 22.2 acres
NW¼SE¼ Sec. 33, T109N-R47W: 16.7 acres
SW¼SE¼ Sec. 33, T109N-R47W: 23.3 acres
SE¼SE¼ Sec. 33, T109N-R47W: 33.4 acres

comprising a total of 95.6 acres of land and the license should be issued for 1.00 cfs.

3. All structures, wells and lands on map Yes

If no, describe: na

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

na

A handwritten signature in black ink, appearing to read 'Ken Buhler', is written over a horizontal line.

Ken Buhler
DENR, Water Rights Program

Date report completed: **29 December 2014**



7228-3

Legend

-  7228-3 Well
-  System 1 Irrigated acres

109N 47W

033

034

16.7 Acres

22.2 Acres

23.3 Acres

33.4 Acres

1130'

108N 47W

004

003 Corner Sec. 33, T109N-R47W

1150'



RECEIVED 7228-3
OCT 27 2011
WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate OCTOBER 26, 2011TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Jo's Family Farms / PHILIP D SONSTEGARD
(name)
1911 W 57TH ST STE 102
(address)
SIOUX FALLS SD 57108 605 338 4642
(city, state, zip) (phone)

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

Water Permit No. 7728-3 states that the water use system is to be constructed by
July 10, 2011, and water is to be put to beneficial use by July 10, 2011.
(date) (date)

The water use system was completed on July 10, 2011.
(date)

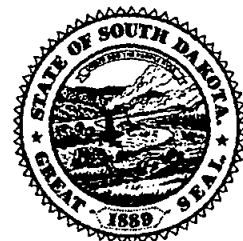
Applying the water to beneficial use was completed on July 10, 2011.
(date)

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

Mary Burnett
(signature)

For Jo's Family Farms, LLC

7-98 605-338-4642





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

7228-3
7317-3
7678-3
7705-3

APR 24 2015

Jo's Family Farms
Phil Sonstegard
1911 W 57th St
Sioux Falls SD 57108

Dear Mr. Sonstegard:

Enclosed are Water License Nos. 7228-3, 7317-3, 7678-3 and 7705-3. These are the final documents completing your process of obtaining a Water Right. Also, included with the licenses are maps prepared by the staff engineer who conducted the investigations.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by these Water Rights, 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 Licenses, the State Water Laws provide that Jo's Family Farms 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

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7228-3

(1) Jo's Family Farms, 1911 W 57th St, Suite 102, Sioux Falls SD 57108 made Application No. 7228-3, January 20, 2011 for a water permit to divert 1.71 cubic feet of water per second from groundwater (one well-Big Sioux-Aurora Aquifer), Brookings County, South Dakota for irrigation purposes. Permit No. 7228-3, with a priority date of January 20, 2011 was approved May 16, 2011 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 16, 2016 and for the application to beneficial use of water on or before May 16, 2020.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on October 27, 2011. The *Notice* stated the diversion system was completed on July 10, 2011 and the water placed to beneficial use on July 10, 2011.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 7228-3 is issued a license, bearing a priority date of January 20, 2011 to appropriate 1.0 cubic feet of water per second from groundwater (one well) to irrigate 95.6 acres.

The diversion point is located: 1,130 feet north and 1,150 feet west of the southeast corner of Section 33-T109N-R47W (SE 1/4 SE 1/4). The acres authorized for irrigation are as follows:

Section 33-T109N-R47W	NE 1/4 SE 1/4	22.2 acres
	NW 1/4 SE 1/4	16.7 acres
	SW 1/4 SE 1/4	23.3 acres
	SE 1/4 SE 1/4	<u>33.4 acres</u>
	Total	95.6 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7228-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7228-3 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- That Jo's Family Farms, and any successor, assign, or transferee of this water permit, must install and maintain, at its own cost, a timing device on its irrigation well which records the time the pump of the irrigation well is turned on and off, and further, that data be recorded by the timing device be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year.



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

APR 24 2015

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 11, 2015

Jo's Family Farms
Phil Sonstegard
5005 S Bur Oak Pl
Sioux Falls SD 57108-2228

RE: Water Right Nos. 7228-3, 7317-3, 7678-3 & 7705-3

Dear Mr. Sonstegard:

Enclosed are water licenses and maps concerning the above listed water rights.

The documents were originally mailed to 1911 W 57th St, Sioux Falls SD. The post office returned the mail to us indicating you had a new mailing address. Our records have been updated to reflect the new address.

If you have any questions, please let me know.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 29th, 2025

7228-3

Philip O Sonstegard
Jo's Family Farms
5005 S Bur Oak Pl
Sioux Falls, SD 57108

Dear Mr. Sonstegard:

I am writing to you today in response to the 2025 Irrigation Questionnaire information submitted to us online for Water Right No. 7228-3.

Water Right No. 7228-3(copy enclosed) authorized diversion of 1.0 cubic feet of water per second (450 gpm) from ground water, one well. For the use of irrigation purposes of 95.6 acres located in Section 33, NE1/4 SE1/4, NW1/4 SE1/4, SW1/4 SE1/4, SE1/4 SE1/4, T109N, R47W.

On this year's questionnaire you reported the irrigation of 120 acres. If an additional 24.4 acres has been developed for irrigation, additional permitting would be required.

Please contact me to either revise your 2025 Irrigation Questionnaire or discuss additional permitting.

Sincerely,

Amanda Dewel
Water Rights Program
Amanda.dewell@state.sd.us
(605) 773-3352

enclosure