

WATER PERMIT NO. 7246-3

Name of Applicant: **Paul Gustad**

Address: **30491 447th Ave, Volin SD 57072** Phone: **605 660-4173**

Amount of Water Claimed: **1.78 cfs** Total Acres: **320**

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

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

Type of Waste Disposal System:

Location: **5 miles west of Volin**

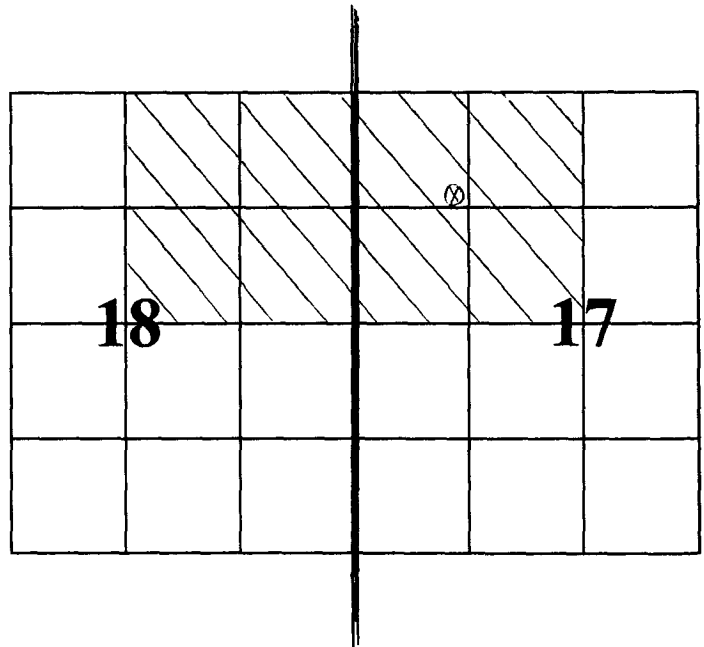
PRIORITY Date Received: **4-14-11** Application/License Fee: **\$1,350**

Corrected Application Received: Period of Annual Use: **May 1 – September 30**

Remarks:

Diversion Point: **NE ¼ NW ¼ Sec 17-T94N-R54W**

Land to be Irrigated: **NW ¼ Sec 17 and NE ¼ Sec 18; all in T94N-R54W**



Depth of Well: **140 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Mike Reifermath, Yankton Co FSA**

Reviewed and the Number Assigned on: **4-14-11**

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>7246-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Daily Press & Dakotan P.O. Box 56</u> <u>605-665-2811</u> <u>Yankton 57078</u>

RECEIVED
APR 14 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.)

- Name of Applicant Paul Gustad Phone 605-660-4173
(check one) Owner ☒ Tenant/lessee
Mailing Address 30491 447th Ave Yolm SD 57072
(Address) (City) (State) (Zip Code)
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 320
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Lower JAMES - Missouri Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
1 well in NE 1/4 of NW 1/4 of Section 17 T94N R54W
- County or counties where water will be used Yankton
- Annual period during which water is to be used may 1 - Sept. 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 of NW 1/4 section 17 T-94-N R-54-W	40	NE 1/4 of NE 1/4 section 18 T-94-N R-54-W	40
NW 1/4 of NW 1/4 section 17 T-94-N R-54-W	40	NW 1/4 of NE 1/4 section 18 T-94-N R-54-W	40
SW 1/4 of NW 1/4 section 17 T-94-N R-54-W	40	SW 1/4 of NE 1/4 section 18 T-94-N R-54-W	40
SE 1/4 of NW 1/4 section 17 T-94-N R-54-W	40	SE 1/4 of NE 1/4 section 18 T-94-N R-54-W	40

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

irrigation is for agriculture corn, beans, alfalfa, etc.

STATE OF SOUTH DAKOTA)

County of Yankton)

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, Paul Gustad, 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 Paul Gustad

Subscribed and sworn to before me this 12 day of April 20 11

Notary Public signature

Expires 3/21/2014

**SOUTH DAKOTA
WATER PERMIT NO. 7246-3**

Date of first receipt of application April 14, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7246-3 to Paul Gustad, 30491 447th Ave, Volin SD 57072 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. 7246-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 140 feet deep) located in NE 1/4 NW 1/4 Section 17 for irrigation of 320 acres located in the NW 1/4 Section 17 and NE 1/4 Section 18; all in T94N-R54W.
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 April 14, 2011.
4. The date of approval of Permit No. 7246-3 is June 6, 2011.
5. One-fifth of the construction is to be completed on or before December 6, 2013.
6. All construction is to be completed on or before June 6, 2016.
7. Water is to be put to beneficial use on or before June 6, 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

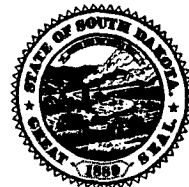
1. The well approved will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7246-3 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

SEP 01 2011
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 140'
- b) Casing Type PVC Diameter 16" Thickness 3/4"
- c) Screen Type PVC Diameter 16" Thickness 3/4"
- d) Gravel Pack 1/8" - 3/16" Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 60'
- f) Depth to Water (ground surface to water level) 40'
- g) Distance to nearest existing domestic well:
- On applicant's property 72500' On property owned by others 72500'

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

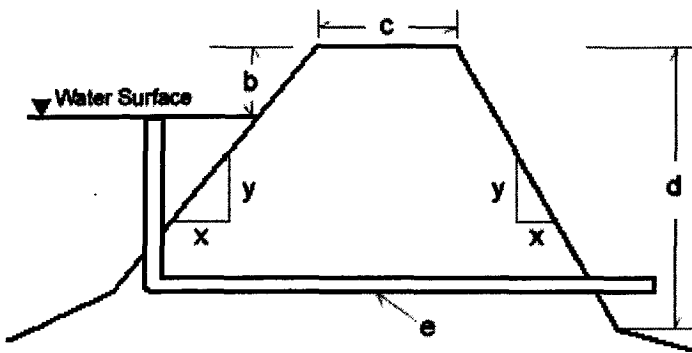
3. Dugout Information

- 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



1466
1
74.82
NHSL



United States Department of Agriculture
Farm Service Agency

PLSS: 17_94_54
Farm: 6127

Yankton County, SD

1:7,624



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APR 14 2011

WATER RIGHTS
PROGRAM

February 14, 2011

Wetland Determination Identifiers

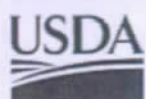
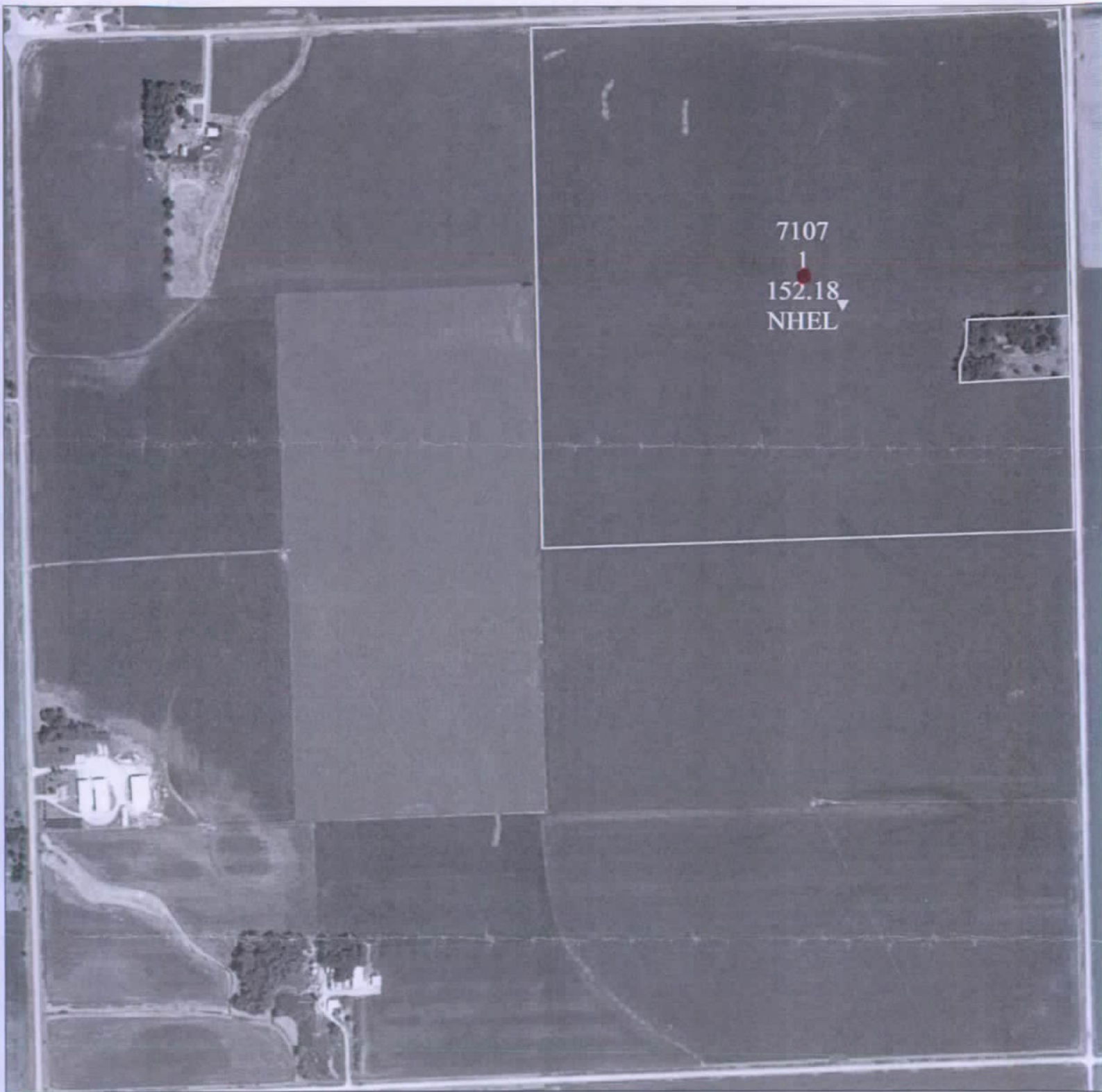
- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

□ Common Land Units

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.

2010 Ortho-Photography - Not to Scale

Mike Repenath - PT Yankton County FSA 4/12/11



United States Department of Agriculture
Farm Service Agency

PLSS: 18_94_54
Farm: 6067

Yankton County, SD

1:7,630



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APR 14 2011

WATER RIGHTS
PROGRAM

February 14, 2011

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

□ Common Land Units

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2010 Ortho-Photography - Not to Scale

Mike Reifemath - PT Yankton County FSA 4/12/11

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/14, 20 11

RECEIVED OF Ordell Gustad 30491 447th Ave Volin SD 57072

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

Fee for Application for Permit No. <u>7246-3</u> to Appropriate Water, to construct and to put water to beneficial use	1150	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>7246-3</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	1350 00

No. **04969**

By

Larkent Schuler
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. 7246-3, Paul Gustad**

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. 7246-3, Paul Gustad, 30491 447th Avenue, Volin SD 57072.

The Chief Engineer is recommending APPROVAL of Application No. 7246-3 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. 7246-3 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
May 6, 2011

**Report on Water Permit Application No. 7246-3
for Paul Gustad
April 14, 2011**

Application No. 7246-3 proposes to appropriate 800 gallons per minute (1.78 cfs) from one well approximately 140 feet deep to be completed into the Missouri Elk Point aquifer located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17 to irrigate 320 acres located in the NW $\frac{1}{4}$ Section 17 and NE $\frac{1}{4}$ Section 18; all T94N-R54W in Yankton County. The annual period during which water will be used is May 1 through September 30.

AQUIFER: Missouri Elk Point

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

WATER AVAILABILITY

Aquifer Characteristics:

The Missouri Elk Point aquifer is an alluvium mantled outwash (sand and gravel) that is under predominantly water table conditions in the area of this application. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer extends into Union County to the south-east, into Clay County to the east, blends into the Lower Vermillion Missouri directly to the north of the application location and is hydraulically connected to the James, Vermillion and Missouri Rivers. Ground water movement is from northwest to southeast and locally toward the Missouri River. The application is located near the boundary between the Missouri Elk Point and the Lower James Missouri aquifers. The aquifers are probably hydraulically connected in this area.

Observation Well Data

The Water Rights Program has a monitor well within one mile of this application location. Monitor well YA-78F is located less than one mile to the south-east. A hydrograph for this well is included with this report.

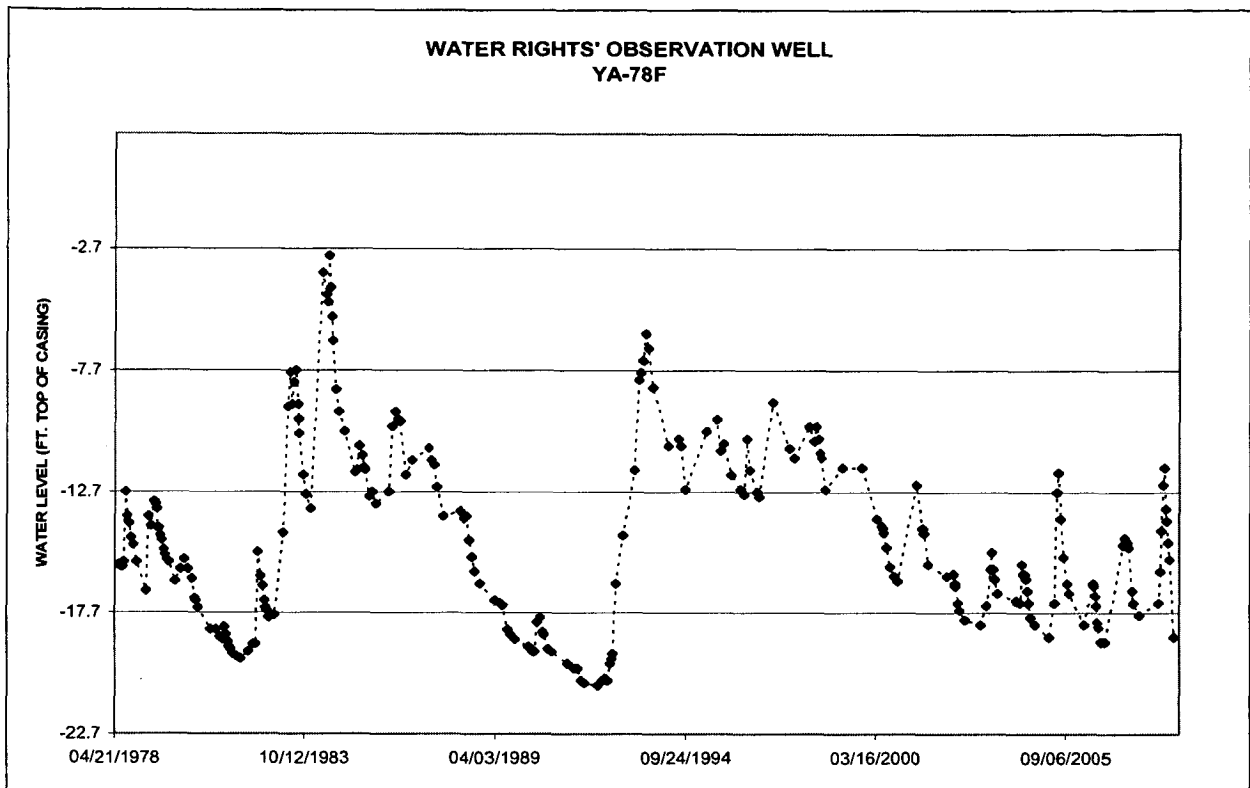


Figure 1. Hydrograph for Water Rights Observation Well YA-78F, completed into the Missouri Elk Point Aquifer within one mile of 7246-3

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

Review of Existing Water Permits/Rights/Water Use:

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

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year. The average number of appropriations is over 307, with the average annual appropriation being over 128,000 acre-feet and the average annual pumpage reported at less than 17,000 acre-feet.

IRRIGATION USE (ac-ft/yr) M:EP			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2009	410	155245.40	6120.97
2008	396	151130.40	16261.88
2007	368	140746.60	31052.03
2006	355	137411.60	28874.29
2005	337	130966.60	24176.62
2004	323	127635.80	24515.85
2003	315	126059.80	27161.56
2002	316	126235.80	24105.36
2001	314	126217.40	19451.93
2000	310	125532.20	27070.99
1999	308	125225.60	14748.02
1998	313	127862.60	11127.24
1997	305	126518.20	17182.00
1996	296	124606.20	9412.78
1995	292	121644.25	18320.24
1994	297	123656.75	10323.94
1993	299	125656.30	1475.20
1992	296	125336.68	1881.95
1991	301	126551.68	18798.60
1990	299	128458.33	19694.50
1989	294	126847.33	25941.90
1988	283	124014.13	28756.35
1987	282	124104.33	13439.70
1986	288	125842.47	6451.60
1985	284	125068.47	13983.50
1984	283	126743.35	9194.30
1983	274	121895.73	10834.04
1982	272	123559.28	18822.35
1981	302	136318.00	14233.00
1980	267	126362.00	15205.00
1979	265	124828.00	10377.00
AVERAGE	307.87	128654.23	16741.76
MAXIMUM	410	155245.40	31052.03
MINIMUM	265	121644.25	1475.20

Table 1. Irrigation usage from the Elk Point management unit of the Missouri aquifer (Water Rights, 1979-2009).

There are eight existing water permits/rights located within one mile of this application with the nearest about one half mile north of this application. Interference could occur during times of pumping and water levels do fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

Conclusions:

1. Water is available from the Elk Point management unit of the Missouri aquifer.
2. The aquifer appears to be under water table conditions at this location. Drawdown will result from pumping. Interference could occur due to the close proximity of nearby wells.
3. If the well covered by this Permit adversely impacts 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.



Hayes Haas
Natural Resources Engineer

Bibliography:

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

Water Rights, 2011, Irrigation Records for the Missouri Elk Point Aquifer, SD DENR, Division of Water Rights, Pierre, SD, 57501

RECEIVED

MAY 31 2011

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED Notice of Application No. 7246-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 27th DAY OF May 2011
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$56.01 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND 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.

PUBLISHED ON: 5/20/2011 & 5/27/2011

FILED ON: 5/27/2011

[Signature]
SUBSCRIBED AND SWORN TO BEFORE ME THIS 27th DAY OF May
[Signature]
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

NOTICE OF APPLICATION
NO. 7246-3 to
Appropriate Water

Notice is given that Paul Gustad, 30491 447th Ave, Volin SD 57072 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 140 feet deep) located in NE 1/4 NW 1/4 Section 17 for irrigation of 320 acres located in the NW 1/4 Section 17 and NE 1/4 Section 18; all in T94N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends AP-PROVAL of Application No. 7246-3 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 June 6, 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 \$56.01

Estimated publishing cost per published copy: \$0.0151

2011



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 9, 2011

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7246-3 to Appropriate Water to be published twice. Please publish the first notice on May 17, 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 Paul Gustad, 30491 447th Ave., Volin SD 57072 (Ph # 605-660-4173).

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. 7246-3

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

Date _____

We are in receipt of your letter of May 9, 2011 enclosing Notice to Appropriate Water by Application No. 7246-3 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.

May 9, 2011

Paul Gustad
30491 447th Ave
Volin SD 57072

Dear Mr. Gustad:

Water Permit Application No. 7246-3 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 Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). 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 May 17, 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.

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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 June 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

SEP 01 2011

Paul Gustad
30491 447th Ave
Volin SD 57072

Dear Mr. Gustad:

Enclosed is Water Permit No. 7246-3 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

RECEIVED

OCT 12 2011

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9-25-11

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

FROM:

Paul Gustad

(name)

30491 447th Ave

(address)

Volin SD 57072

(city, state, zip)

605-267-3176

(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. 7246-3 states that the water use system is to be constructed by

7-15-11

(date)

, and water is to be put to beneficial use by

7-25-11

(date)

The water use system was completed on 7-25-11

(date)

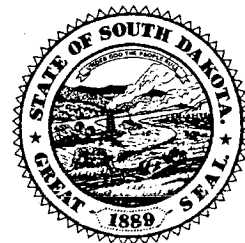
Applying the water to beneficial use was completed on 7-25-11

(date)

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

Paul Gustad

(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 12, 2011

7246-3

Paul Gustad
30491 447th Ave
Volin SD 57022

Dear Mr. Gustad:

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 17, 2011

6974-3
7246-3

Paul Gustad
30491 447th Ave
Volin SD 57072-6109

Dear Mr. Gustad:

Enclosed is a "Notice" dated October 14, 2011 concerning the 2011 irrigation questionnaire.

The notice was originally mailed to 30393 447th Ave, Volin SD. The post office notified us that your address has changed and I will update our records accordingly.

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

Date: Sept 17 2011

7246-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 10, 2017

7246-3
7613-3

Paul Gustad
30491 447th Ave
Volin SD 57072

Dear Sirs:

I am writing in regard to the irrigation questionnaires you submitted in 2016 for Water Permit Nos. 7246-3 and 7613-3 (copies enclosed).

The irrigation questionnaire for No. 7246-3 reflects irrigation of 320 acres of beans, alfalfa and corn. The questionnaire for No. 7613-3 reflects irrigation of 215 acres of corn.

Permit No. 7246-3 authorizes irrigation of 320 acres. Permit No. 7613-3 authorizes an additional well and additional diversion authority to irrigate the same 320 acres (copies enclosed).

The questions I have are:

- how many acres were actually irrigated;
- where do the 215 acres reported under Water Permit No. 7613-3 fit into acreage reported under No. 7246-3;

It might be easier for you to report in inches instead of days and hours. For instance, if you put down: pivot in NW $\frac{1}{4}$ Section 17 – 3 inches in June; 2 inches in July; 3 inches in August on "X" amount of acres at a rate of 750 gpm. Then list the other pivot in the same manner. I really do not need the days or average hours if you have the total inches per month.

When you get done reviewing the forms, please give me a call and I can make any corrections to the forms that are needed. I am typically in the office 7:00 am – 5:00 pm, Monday through Thursday and 7:00 am to 9:00 am on Fridays. Thank you in advance for your assistance.

Sincerely,

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

enclosures

7246-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

7246-3
7613-3

SEP 20 2021

Paul & Dean Gustad
30491 447th Ave
Volin SD 57072

Dear Sirs:

Enclosed is Water License No. 7613-3. 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, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

Note: Upon licensing, the applicable portions of Water Permit No. 7246-3 were incorporated into Water License No. 7613-3.