

WATER PERMIT NO. 7307-3

Name of Applicant: Wesley Toews Family Trust

Address: 20487 431st Ave, DeSmet SD 57231 Phone: 605 854-3130

Amount of Water Claimed: 4.0 Total Acres: 296

Source of Water Supply: groundwater (two wells)

Water to be used for: irrigation County: Kingsbury

Type of Waste Disposal System:

Location: 1 mile northwest of DeSmet

PRIORITY Date Received: 1-17-12 Application/License Fee: \$ 1,250.00

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

Remarks:

Diversion Point: N ½ NE ¼ Sec 20-T111N-R56W

Land to be Irrigated: N ½ Sec 20-T111N-R56W

Depth of Well: 87 feet deep

Well Driller: Huron Drilling & Steffl Drilling

Remarks:

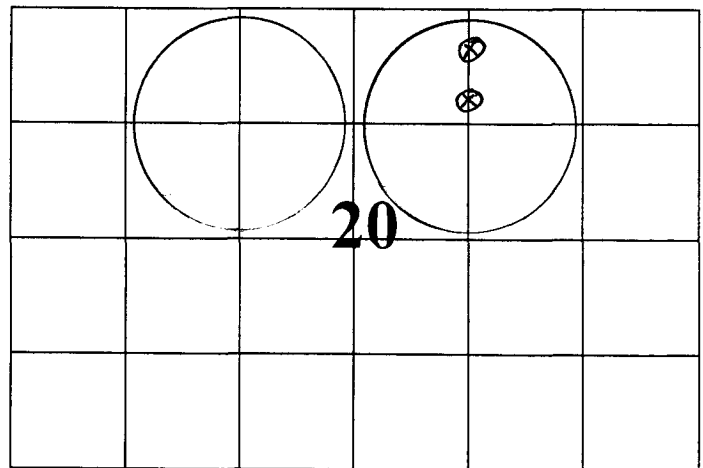
Type of Map: aerial

Prepared by: ? Kingsbury Co. FSA

Reviewed and the Number Assigned on: 1-18-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No.	7307-3	(office use only) Hydrologic Unit	10170103
	Basin	Vermillion River		
	Newspaper	Desmet News PO Box 69		
	605-854-3331	57231		

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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 Wesley Toews Family Trust Phone 605 854-3130
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 20487 431st Ave. Desmet State SD 57231
(Street, RR. or Box and City) (Zip Code)

2. Amount of water claimed 4.0 *CFS or 1800 **GPM ***AF Total Acreage 296
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply 2 wells 900gal from each well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T11N-R53W) County Kingsbury

Well #1 - about 100' east 510' north of center of East Quarter
Well #2 - 951' north of center of East Quarter (N1/2 NE1/4 Sec 20

5. County or counties where water will be used Kingsbury T11N R56W

6. Annual period during which water is to be used May 1 - Sept 30

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

Land Description	Acres	Land Description	Acres
NW 1/4 of the NW 1/4 Sec 20 T11N-S6W	37	NE 1/4 of the NE 1/4 Sec 20 T11N-S6W	37
SW 1/4 of the NW 1/4 Sec 20 T11N-S6W	37	NW 1/4 of the NE 1/4 Sec 20 T11N-S6W	37
NE 1/4 of the NW 1/4 Sec 20 T11N-S6W	37	SE 1/4 of the NE 1/4 Sec 20 T11N-S6W	37
SE 1/4 of the NW 1/4 Sec 20 T11N-S6W	37	SW 1/4 of the NE 1/4 Sec 20 T11N-S6W	37

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

2 wells to irrigate 296 acres North 1/2 of Section 20 T11N-S6W
Well #1 was dug in the late 70's under an old permit

STATE OF SOUTH DAKOTA) SS

County of Kingsbury

I, Wesley Toews, 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.

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)

Applicant's signature Wesley Toews - Trustee

Subscribed and sworn to before me this 13th day of January 20 12

My Commission Expires
November 9, 2012

Michael J. Boyer
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7307-3**

Date of first receipt of application January 17, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7307-3 to Wesley Toews Family Trust, 20487 431st Ave, DeSmet SD 57231 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. 7307-3 appropriates 4.0 cubic feet of water per second from two wells completed into the Vermillion East Fork Aquifer approximately (87 feet deep) located in the N ½ NE ¼ Section 20 for irrigation of 296 acres located in the N ½ Section 20; all in T111N-R56W.
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 17, 2012.
4. The date of approval of Permit No. 7307-3 is March 19, 2012.
5. One-fifth of the construction is to be completed on or before September 19, 2014.
6. All construction is to be completed on or before March 19, 2017.
7. Water is to be put to beneficial use on or before March 19, 2021.
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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7307-3 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

MAR 29 2012

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18" Depth 87'
- b) Casing Type PVC Diameter 12" Thickness _____
- c) Screen Type Stainless Steel Diameter 12" Thickness _____
- d) Gravel Pack TBD Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 72'
- f) Depth to Water (ground surface to water level) 15'
- g) Distance to nearest existing domestic well:
- On applicants property 2700 ft On property owned by others 1645 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

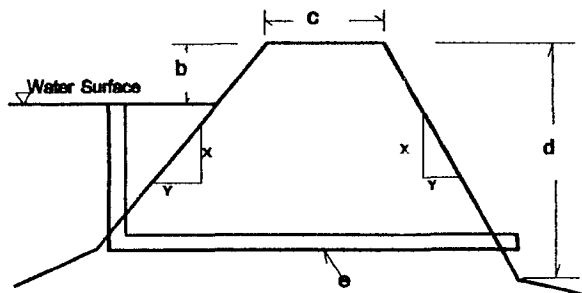
3. Dugout Information

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

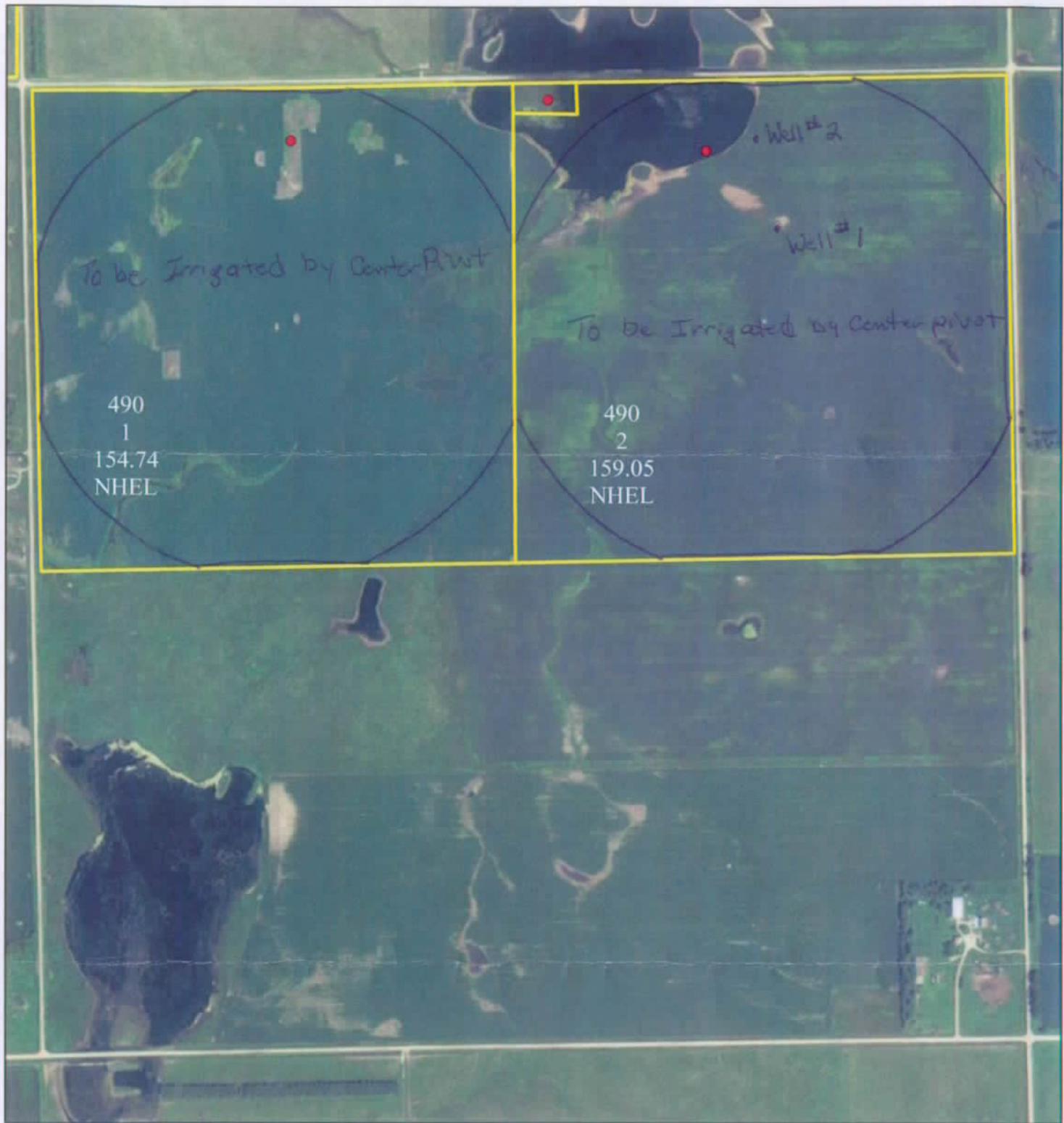
4. Water Storage Dams

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 _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



United States Department of Agriculture
Farm Service Agency

PLSS: 20_111N_56W
Farm: 5218

Kingsbury County

1:8,749



December 28, 2011

*Official FSA map
for Wbs Tower*

Wetland Determination Identifiers

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

Common Land Units

Non Cropland

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.

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2010 Ortho-Photography - Not to Scale

[Signature] 1-10-12

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

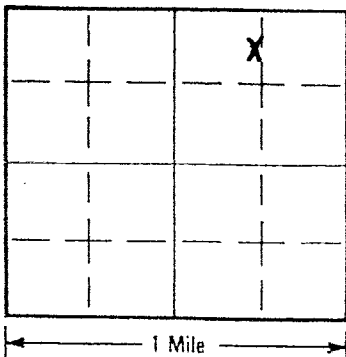
Location NW 1/4 NE 1/4 Sec 20 Twp 111 Rg 56County Kingsbury

North

Please mark well location with an "X"
TH #2 (closer to road)44 24'40.3
97 34'38.1

Well Completion Date

Jan 10, 2012



LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA: ☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>quick grout</u>	<u>7</u>	_____ lb./gal	<u>0</u> ft	<u>90</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure psi tremiSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ 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: _____

_____ NO, Why Not? _____

Laboratory sent to for water analysis _____

Well Owner: Wes TowesBusiness Name: Ridgeview Cattle PartnershipAddress: DeSmet SD

WELL LOG:

FORMATION			DEPTH	
			FROM	TO
loam	blk	M	0	4
gravel	yellow	coarse	4	20
clay/gravel	blue	M	20	25
gravel	yellow	coarse	25	53
clay	blue	M	53	62
sand/clay	streaks blue	M	62	72
sand	blue	M	72	87
clay	blue	M	87	

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

SWL 15'
12" well
850+ GPM

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This well was drilled under license # _____

And this report is true and accurate.

Drilling firm Steffl Drilling & Pump Inc/ John Dahl

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

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PAGE NO.

NEA-20-111-56

10-13-77

19

Steve Kuehl
FOREMAN

JOB NAME**LOCATION**

DATE _____

RIG NO.

FOREMAN

1977

KINGSTON COUNTY
PHONE - 854-3086

**HURON
DRILLING CO.**
Huron, S. D.

Kingsbury County

October 18, 1977

4914

Lon Dannenbring

N.E.-20-111-56

DATE

OWNER

CASING LOG

CHARGE LOG			
Depth	46 ft.	46	4" Sch. 40 pipe to 46 ft.
Flows	gpm		Plastic
Pumps	50 gpm		pipe to ft.
Head	24 ft.		pipe to ft.
20 Ft. Slotted @ bottom			pipe to ft.
Perforations			pipe to ft.

REMARKS

Pressure	RE
1 day	
Curing Time	1,000# Concrete Sand

Rig No. 19
Steven Kuehl

EN Foreman

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/18, 20 12

RECEIVED OF Wesley Toews 20487 431st Ave DeSmet SD 57231

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

Fee for Application for Permit No. <u>7307-3</u> to Appropriate Water, to construct and to put water to beneficial use	1050	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>7307-3</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	1250 00

No. 3254

By

Michael Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7307-3, Wesley Toews Family Trust**

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. 7307-3, Wesley Toews Family Trust, c/o Wesley Toews, 20487 431st Avenue, DeSmet SD 57231.

The Chief Engineer is recommending APPROVAL of Application No. 7307-3 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7307-3 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
February 22, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7307-3
WESLEY TOEWS FAMILY TRUST
FEBRUARY 11, 2012

Water Permit Application No. 7307-3 proposes to appropriate 4.0 cubic feet of water per second (cfs) from two wells completed into the Vermillion East Fork aquifer (approximately 87 feet deep) located in the N½ NE¼ Section 20, T111N-R56W. The water is to be used to irrigate 296 acres located in the N½ Section 20, T111N-R56W.

AQUIFER: Vermillion East Fork (VEF)

GENERAL:

The Vermillion East Fork aquifer is a glacial meltwater deposit consisting of medium to very coarse sand and fine gravel. The aquifer extends from Clark County to Turner County where it blends into the Parker Centerville outwash (Hedges and others, 1982). The Vermillion East Fork underlies approximately 94 square miles of Kingsbury County and contains an estimated 300,000 acre-feet of water in the county (Hamilton, 1989). The aquifer is generally under unconfined conditions and groundwater movement is probably from the northwest to southeast (Hamilton, 1989). The hydraulic conductivity of the aquifer is estimated to range from 200 to 600 ft²/d and well yields may be as high as 1,000 gallons per minute (Hamilton, 1989). The report for the test hole submitted with this application indicates sand and gravel with some clay layers from 4-87 feet below grade and a static water level of 15 feet below grade.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address water availability and existing rights issues only.

WATER AVAILABILITY:

This application proposes to appropriate 592 acre-feet annually from the Vermillion East Fork aquifer. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Recharge versus Withdrawals:

Recharge:

The Vermillion East Fork aquifer in Kingsbury County is recharged by groundwater inflow from Clark County and infiltration of precipitation falling directly on aquifer and from leakage from adjacent and underlying till. The average annual recharge to the Vermillion East Fork aquifer is

estimated to be approximately 4.0 inches per year (Hedges and others, 1985), or approximately 20,000 acre-feet annually for Kingsbury County.

Withdrawals:

Withdrawals from the aquifer in Kingsbury County are through evapotranspiration, groundwater outflow to Miner County, and well withdrawals for commercial, rural water system, municipal, and irrigation use. The 31 water rights/permits appropriating water from the Vermillion East Fork aquifer in Kingsbury County are shown in table 1.

PERMIT NO	NAME	STATUS	USE	CFS	ACRES
60-3	ARTHUR GEYER	LC	IRR	0.86	60
1212-3	PAGE BROTHERS	LC	IRR	2.28	270
1456A-3	H T ALBRECHT & SONS INC	LC	IRR	1.33	124
1487-3	IRA ALBECK	LC	IRR	1.85	130
1533-3	RAYMOND KERR	LC	IRR	2.66	293
1652-3	CITY OF DESMET	LC	MUN	2.22	0
2037-3A	TIMSULLIVAN	LC	IRR	1.89	132
3131-3	ROBERT B/SCOTT A LEE	LC	IRR	1.67	117
3132-3	GEIB FAMILY TRUST	LC	IRR	1.78	136
3312-3	CLARENCESTUBBE	LC	IRR	1.88	132
3478-3	FARRON PRATT	LC	IRR	1.33	110
3499A-3	WILLIAM POPPEN	LC	IRR	1.77	132
3822-3	JOAN A JENCKS	LC	IRR	1.34	126
3825-3	SHIRLEY ALLEN	LC	IRR	1.31	92
3937-3	WENDELL SCHUBLOOM	LC	IRR	0.4	28.7
3960-3	JUANITA WALLUM	LC	IRR	0.94	66
4137-3	KINGBROOK RWS INC	LC	RWS	1.06	0
4245-3	ALAN AUGHENBAUGH	LC	IRR	1.77	205
4282-3	MARVIN OGREN	LC	IRR	1.76	155
4633A-3	RICHARD E POPPEN	LC	IRR	1.33	120
4795-3	CITY OF DESMET	LC	MUN	2.11	0
5069-3	D & D RV PARK	PE	COM	0.1	0
5186-3	KINGBROOK RWS INC	LC	RWS	0.7	0
5258-3	KINGSBURY CO COUNTRY CLUB	LC	IRR	0.52	37
5426-3	KINGBROOK RWS INC	LC	RWS	1.4	0
5595-3	EDWARD POPPEN	LC	IRR	0.66	98
5785-3	KINGBROOK RWS INC	LC	RWS	1.4	0
6480-3	KEITH LARSON	LC	IRR	0	0
6731-3	KINGBROOK RWS INC	PE	RWS	1.2	0
6759-3	CITY OF DESMET	PE	MUN	0.01	0
7279-3	H T ALBRECHT & SONS INC	PE	IRR	1.92	135
LC= Water Right, PE= Water Permit, IRR= Irrigation, MUN= Municipal, RWS= Rural Water System, COM= Commercial					

Table 1. Water Rights/Permits appropriating water from the Vermillion East Fork aquifer in Kingsbury County

In addition to the appropriations in Table 1 there are two future use permits appropriating 2,186 acre-feet water from the Vermillion East Fork aquifer. They are:

Future Use Permit No. 524-3 City of De Smet

Future Use Permit No. 5209-3, Kingbrook RWS Inc

Although there are four municipal water rights/permits and six for rural water system use, the greatest water use from the Vermillion East Fork aquifer in Kingsbury County is for irrigation. The City of De Smet used 45,517,000 gallons (140 acre-feet) in 2010 (Friedeman), and Kingbrook RWS reported pumping 866 acre-feet from the Vermillion East Fork aquifer in 2010 (Water Rights, 2012a). Withdrawals for irrigation are shown in Table 2.

VEF TOTAL				VEF KINGSBURY COUNTY		
YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE (AC-FT/YR)	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE (AC-FT/YR)
2010	26	8993.1	465.27	19	7364.1	465.27
2009	26	8996.1	900.47	19	7068.1	900.47
2008	26	8993.1	2410.15	19	7068.1	2225.09
2007	26	9005.1	2459.1	19	7376.1	2459.1
2006	27	9191.1	2477.68	20	7562.1	2292.62
2005	27	9191.1	2334.26	20	7266.1	2149.2
2004	27	9209.1	2406.36	20	777.36	2221.3
2003	25	9025.1	2422.67	20	7396.1	2237.61
2002	25	9025.1	2339.3	20	7450.1	2154.24
2001	25	9211.1	1706.62	20	7636.1	1521.56
2000	25	9271.1	1682.07	20	7642.1	1497.01
1999	25	9271.1	1421.12	20	7642.1	1236.06
1998	26	9589.1	1301	20	7960.1	1115.94
1997	25	9325.1	1439	20	7696.1	1253.94
1996	25	9325.1	1292.71	20	7696.1	1107.65

Table 2. Irrigation appropriation and pumpage from the Vermillion East Fork aquifer (Water Rights, 1997-2011)

The total of withdrawals from appropriative users from the Vermillion East Fork aquifer in Kingsbury County is expected to be less than 3,500 acre-feet annually. A comparison of the average annual recharge to the Vermillion East Fork aquifer in Kingsbury County (20,000 acre-feet annually) with the estimated annual withdrawals from the county (<3,500 acre-feet annually) indicate that unappropriated water is available for this appropriation even when considering the water reserved by future use permits (2,186 acre-feet annually).

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer”.

Water Rights Program monitors 12 observation wells completed into the Vermillion East Fork aquifer in Kingsbury County. Seven of these observation wells are within approximately three miles of the well sites proposed by this application. Hydrographs for the observation wells are shown in figures 1-7.

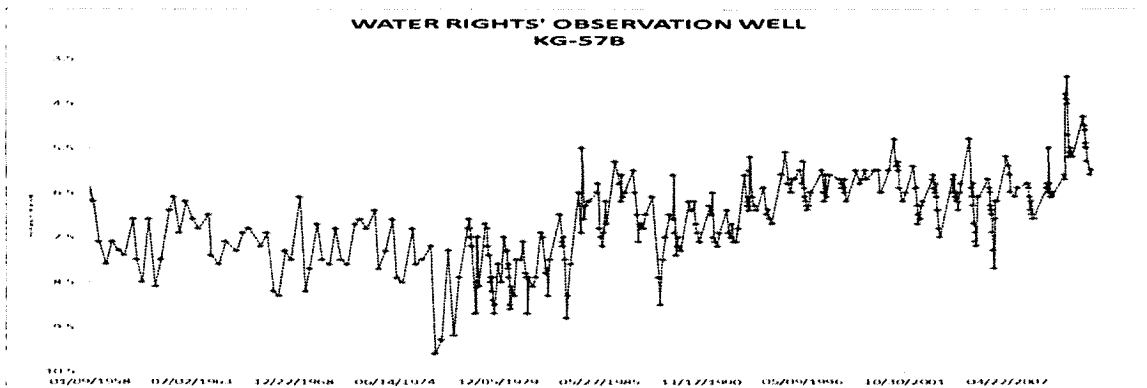


Figure 1. DENR-Water Rights' observation well completed into the Vermillion East Fork aquifer approximately 3 miles southeast of the well sites proposed by Application No. 7307-3.

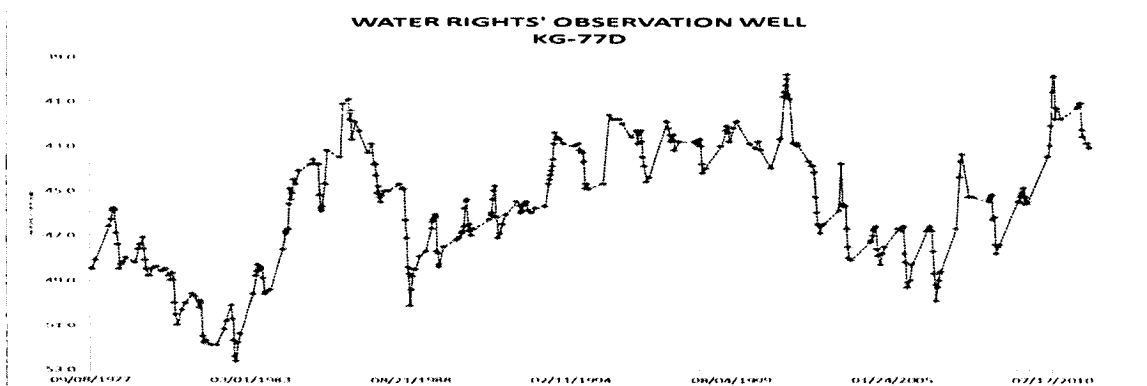


Figure 2. DENR-Water Rights' observation well completed into the Vermillion East Fork aquifer approximately 1.1 miles northwest of the well sites proposed by Application No. 7307-3.

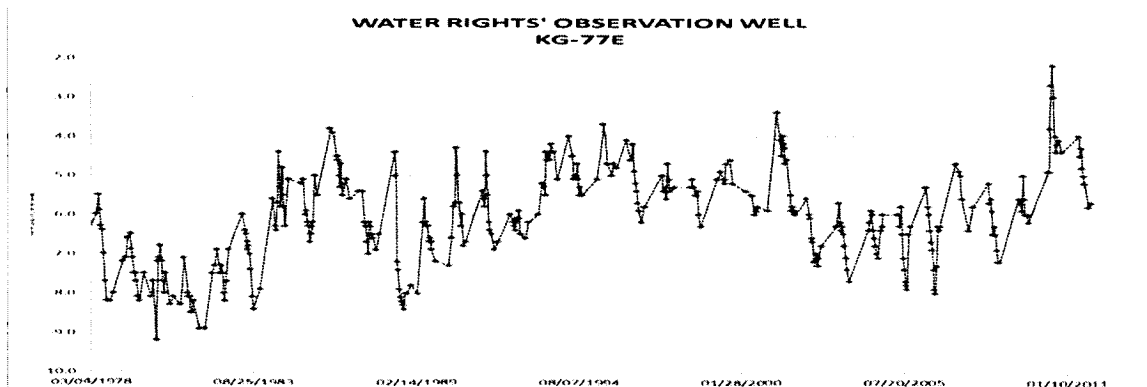


Figure 3. DENR-Water Rights' observation well completed into the Vermillion East Fork aquifer approximately 1.25 miles east of the well sites proposed by Application No. 7307-3.

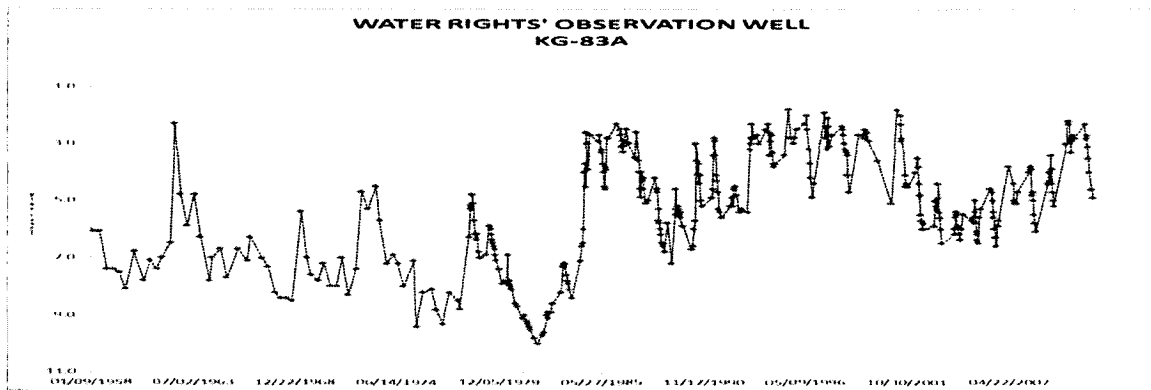


Figure 4. DENR-Water Rights' observation well completed into the Vermillion East Fork aquifer approximately 3 miles north-northeast of the well sites proposed by Application No. 7307-3.

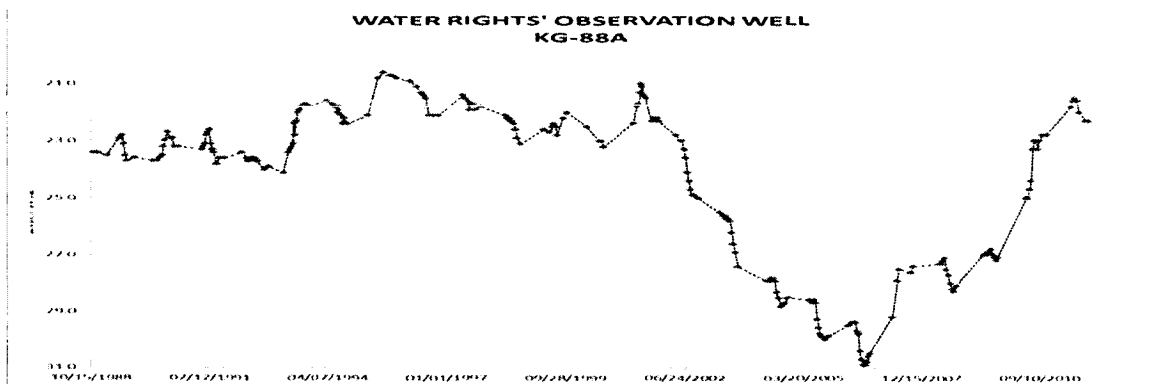


Figure 5. DENR-Water Rights' observation well completed into the Vermillion East Fork aquifer approximately 2.5 miles north-northwest of the well sites proposed by Application No. 7307-3.

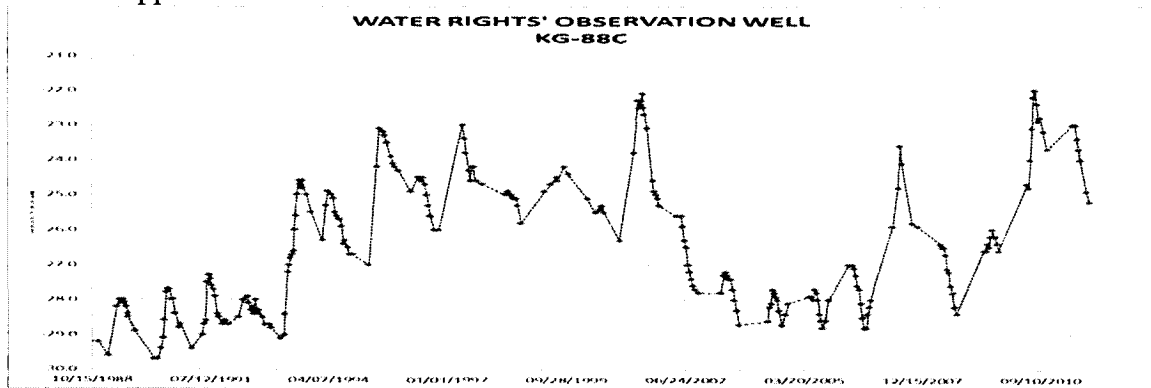


Figure 6. DENR-Water Rights' observation well completed into the Vermillion East Fork aquifer approximately 0.5 miles southeast of the well sites proposed by Application No. 7307-3.

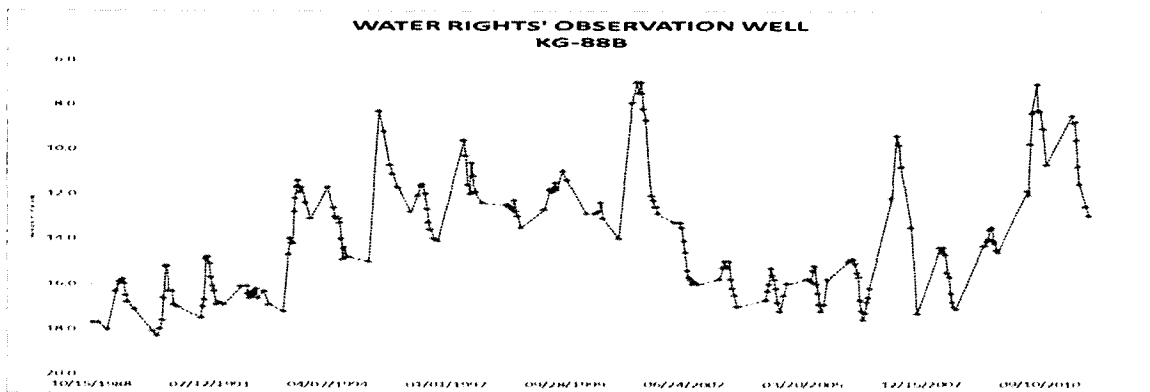


Figure 7. DENR-Water Rights' observation well completed into the Vermillion East Fork aquifer approximately 300 feet north of the northern well and 850 feet north of the southern well proposed by Application No. 7307-3.

The hydrographs show that in general, there is currently more water in storage in the Vermillion East Fork aquifer than at any time for the period of record and unappropriated water is available from the Vermillion East Fork aquifer for this appropriation.

AFFECTS ON EXISTING RIGHTS:

The acreage this application proposes to irrigate was once covered under Water Permit No's 4187-3 and 4541-3. Some irrigation took place under these permits in 1984 and 1985 using the Vermillion East Fork aquifer but the permits were canceled in 1992 for abandonment and /or forfeiture.

The well sites proposed by this application are located within approximately one mile of three Kingbrook Rural Water System wells (i.e., No.1, No.3, and No.4). The nearest rural water system well (No.4) is located approximately 1,600 feet northeast of northern well described by this application. The irrigation well that supplies Water Right No. 3478-3 is located approximately one half mile north of the well sites proposed by this application and the well that supplies Water Right No. 3825-3 is located approximately one mile northwest of this project. Since the Vermillion East Fork aquifer is under unconfined conditions, drawdown does not extend very far from individual production wells. This is shown by the observation well hydrographs (figures 1-7). Except for KG-83A (figure 4) and KG-88C (figure 6), the observation wells are located within one-half mile of one or more high production wells (either irrigation or RWS) yet the effects of pumping are not significant on the water levels of the observation wells.

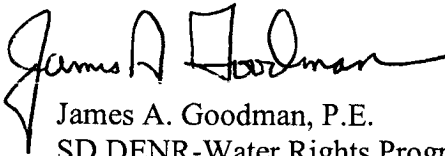
This application proposes to use two wells that are located approximately 500 feet apart. Interference between the two wells may restrict the applicant's ability to divert the entire 4.0 cfs requested by this application. In the case of Water Permit Application No. 5208-3, the report to the Chief Engineer indicated that "660 feet or more spacing between wells is a good idea" and the report concluded that "a minimum of 660 feet of spacing should be maintained if possible" (Goodman, 1988). Application No. 5208-3 was eventually approved with a qualification that the wells must be spaced at least 660 feet apart and at least 660 feet from other wells. Although maximizing the distance between wells will minimize interference, a condition on the permit is probably not necessary. In fact, if the applicant's ability to divert is restricted because of the interference between his own wells, interference with other wells will be minimized.

CONCLUSIONS:

1. This application proposes to appropriate 592 acre-feet annually at a maxim diversion rate of 4.0 cfs, from two wells to be completed into the Vermillion East Fork aquifer.
2. The Vermillion East Fork aquifer is a viable aquifer in this area.
3. There is a reasonable probability that unappropriated water is available from the Vermillion East Fork aquifer for this proposed appropriation.
4. There is a reasonable probability that this appropriation can be developed without an adverse impact on existing users.



Ken Buhler
SD DENR-Water Rights Program
Approved by



James A. Goodman, P.E.
SD DENR-Water Rights Program

REFERENCES:

- Goodman, J.A., 1988, Report on Application Nos. 5208-3 and 5209-3, Kingbrook Rural Water System: South Dakota DENR-Water Rights Program, Joe Foss Bldg. Pierre, SD.
- Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 88-4185, 82 p.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Hedges, L.S., Allen, J., and Holly, D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Friedeman, Barbara. SD DENR- Office of Drinking Water. Personal communication. 13 Feb. 2012
- Water Rights, 1997-2011, "Irrigation Questioner Summaries", SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2011a, Non-Irrigation Yearly Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012b, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012c, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012d, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

RECEIVED

MAR - 6 2012

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

) SS

County of Kingsbury)

I, Kay Humphrey

certify that the attached printed Notice was
taken

from the De Smet News

printed and published in De Smet

County of Kingsbury and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

February 29

March 7

Cost of Printing 47.53

Kay Humphrey
(Signature)

Editor

(Title)

3-5-12

(Date Signed)

71 li x 37.2 = 26.41

80% WK 2 = 21.12

47.53

NOTICE OF APPLICATION NO.

7307-3 TO APPROPRIATE WATER

Notice is given that Wesley Toews Family Trust, c/o Wesley Toews, 20487 431st Ave., De Smet, SD 57231, has filed an application for a water permit to appropriate 4.0 cubic feet of water per second from two wells completed into the Vermillion East Fork Aquifer approximately (87 feet deep) located in the N1/2NE1/4 Section 20 for irrigation of 296 acres located in the N 1/2 Section 20; all in T111N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7307-3 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 March 19, 2012.

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

& Natural Resources

Published twice at the total
approximate cost of \$47.53.

2-29-2wc-3-7



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 22, 2012

DeSmet News
PO Box 69
DeSmet SD 57231

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7307-3 to Appropriate Water to be published twice. Please publish the first notice on February 29, 2012 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 Wesley Toews, 20487 431st Ave., DeSmet SD 57231 (Ph # 605-854-3130).

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. 7307-3

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

Date _____

We are in receipt of your letter of February 22, 2012 enclosing Notice to Appropriate Water by Application No. 7307-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

February 22, 2012

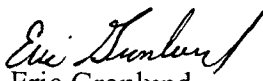
Wesley Toews
20487 431st Ave
DeSmet SD 57231

Dear Toews:

Water Permit Application No. 7307-3 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 DeSmet News printed at DeSmet SD (Ph # 605-854-3331). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 Notices 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 applications.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

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 February 29, 2012 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. 7307-3 to Appropriate Water

Notice is given that Wesley Toews Family Trust, c/o Wesley Toews, 20487 431st Ave, DeSmet SD 57231 has filed an application for a water permit to appropriate 4.0 cubic feet of water per second from two wells completed into the Vermillion East Fork Aquifer approximately (87 feet deep) located in the N ½ NE ¼ Section 20 for irrigation of 296 acres located in the N ½ Section 20; all in T111N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7307-3 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 March 19, 2012.

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

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 29 2012

Wesley Toews Family Trust
20487 431st Ave
DeSmet SD 57231

Dear Mr. Toews:

Enclosed is Water Permit No. 7307-3 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



7307-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2013

NOTICE

TO: WESLEY TOEWS, RENTER, 20487 431ST AVE, DESMET, SD 57231
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaires

Our records indicate that the 2012 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3478-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 7307-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **8:30 am, March 7, 2013** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7307-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3478-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:

<http://denr.sd.gov/iq.aspx>

c: MITCHELL PRATT, 45480 SD HWY 22, CASTLEWOOD SD 57223

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

7307-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2013

3478-3
7307-3

Wesley Toews
20487 431st Ave
DeSmet SD 57231

Dear Mr. Toews:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 3478-3 and Water Permit No. 7307-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Mitchell Pratt, 45480 SD Hwy 22, Castlewood SD 57223



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: WESLEY TOEWS FAMILY TRUST, WESLEY TOEWS, 20487 431ST AVE, DESMET, SD 57231

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7307-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7307-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7307-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



7307-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 23, 2017

7307-3

Wesley Toews
Wesley Toews Family Trust
20487 431st Ave
DeSmet SD 57231

Dear Mr. Toews:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit No. 7307-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

7307-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: WESLEY TOEWS FAMILY TRUST, WESLEY TOEWS, 20487 431ST AVE, DESMET, SD 57231

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7307-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7307-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7307-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: YGQYMK**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2022

7307-3

Wesley Toews
Wesley Toews Family Trust
20487 431st Ave
DeSmet SD 57231

Dear Mr. Toews:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit No. 7307-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7307-3

I have this day, October 26, 2021, made a thorough examination of the water use system constructed by Wesley Toews Family Trust, 20487 431st Ave, DeSmet, SD 57231 of Permit No. 7307-3, bearing the priority of January 17, 2012 authorizing the diversion of 4.00 cu. ft. per second of the waters of the Vermillion East Fork Aquifer for irrigation purposes, in Kingsbury County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling
- 2) No. of Wells 2 - N & S
- 3) Depth(s) 87 feet
- 4) Well logs available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 67 (N) 72 (S) wells feet
- 3) Type PVC

Screen:

- 1) Type Stainless steel
- 2) Length 20 (N) 15 (S) wells feet
- 3) Static water level 15 feet

Pump:

- 1) Make NA
- 2) Model 2 - Submersibles
- 3) Size NA
- 4) Capacity 900 GPM (each)

Motor:

Make and model are unknown

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

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make 2 - Valleys w/endguns
- 2) Overall length 1300 feet
- 3) Number of towers 7 each
- 4) Capacity 900 GPM each

Chemigation Equipment:

- 1) Does chemigate Y (Uses commercially available equipment)

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: From the NE corner of Sec 20 T111N R56W: NORTH WELL 340 ft S & 1330 ft W, Lat 44.41124 Long -97.57719 (NW ¼ NE ¼ Sec 20) SOUTH WELL 630 ft S & 1180 ft W, Lat 44.41040 Long -97.57649 (NE ¼ NE ¼ Sec 20)
2. The works are capable of diverting and conveying to the place of use 4.0 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:

All land is located in Sec 20 T111N R56W

NW ¼ NW ¼ – 34 acres

NW ¼ NE ¼ – 33 acres

NE ¼ NW ¼ – 33 acres

NE ¼ NE ¼ – 34 acres

SE ¼ NW ¼ – 33 acres

SE ¼ NE ¼ – 34 acres

SW ¼ NW ¼ – 34 acres

SW ¼ NE ¼ – 33 acres

comprising a total of 270 acres of land and the license should be issued for 3.86 cfs (Based on 1 cfs/70 acres)

3. All structures, wells and lands on map Y

F. Comments associated with the project:

Irrigated acres were determined with the aid of FSA imagery and the ArcMAP software.

The address contained in the review materials is current, but the telephone number is now 605/203-0097.

The Permit is for two (2) wells. DANR records show a well was constructed on the property in 1977 but that well has been abandoned. Currently there are two (2) wells being used as shown on the map to supply water to the two (2) pivots. These wells are very similar to each other, both with a common depth of 87 feet.

A review of FSA imagery during the past few years shows that some of the land under the circles was not planted due to wet areas however, during an October 26, 2021 field visit, it appeared that both circles were fully farmed in 2021.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **November 1, 2021**

3-9-2022: I spoke with Maria w/Steffl Drilling. She forwarded copies of both well logs.

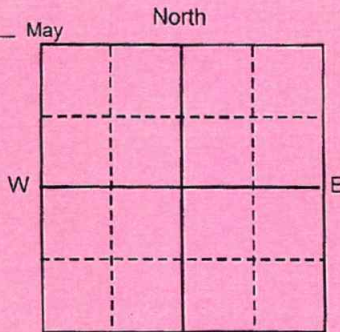
3-9-2022: I spoke with Wes Toews, he indicated that he could divert to both pivots at the same time. If he is putting chemicals on, he uses only one well.

Genny McMath

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location NW ¼ NE ¼ Sec 20 Twp 111N Rg 56W

County Kingsbury

Please mark well
location with an "X"

Well Completion Date

April 27, 2012

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

If other describe

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	2.0 FT	67.0 FT	18.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Quick Grout	17	Lb/gal	0.0 Ft	57.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
psi tremi

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 12.00 Inches Length 20.0 Feet

Material stainless steel

Slot Size 100silt Set From 67.0 Feet to 87.0 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? granular chlorineLab to which water ☐ No, Why Not?

quality sample sent for analysis

Well Owner: Wes & Kevin Toews

Business Name: Ridgeview Cattle Partnership 12" NORTH well

Address: 20487 431 AVE

City, State, Zip: DeSmet SD 57231

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
loam	black	M	0	4
gravel	yellow	coarse	4	20
clay/gravel	blue	M	20	25
gravel	yellow	coarse	25	53
clay	blue	M	53	62
sandy/clay	streaks blue	M	62	72
sand	blue	M	72	87
clay	blue	M	87	90

STATIC WATER LEVEL 17.0 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: pumped 6 hrs☐ Bailed air developed☒ Other

Pumping Level Below Land Surface

33.4 Ft. After 6 Hrs. pumped 800 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

44 24 40.3

97 34 38.1

This well was drilled under license # 463 and this report is true and accurate.

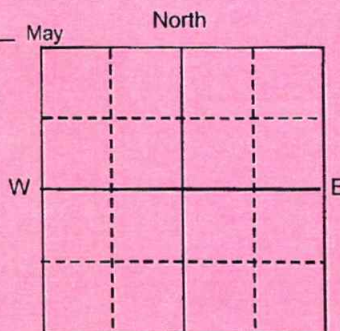
Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location NE 1/4 NE 1/4 Sec 20 Twp 111N Rg 56WCounty KingsburyPlease mark well
location with an "X"

Well Completion Date

April 25, 2012Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	2.0 FT	72.0 FT	18.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Quick Grout	19	Lb/gal	0.0 Ft	62.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
psi tremi

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 12.00 Inches Length 15.0 FeetMaterial stainless steelSlot Size 100slt Set From 72.0 Feet to 87.0 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? granular chlorine☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: Wes & Kevin ToewsBusiness Name: Ridgeview Cattle Partnership/12" SOUTH wellAddress: 20487 431 AVECity, State, Zip: DeSmet SD 57231

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
loam	0	3
gravel yellow	3	16
clay blue	16	22
gravel	22	26
gravel/clay 50/50	26	38
gravel	38	60
fine sand no sample	60	65
clay blue	65	87
clay blue M	87	95

STATIC WATER LEVEL 14.5 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: pumped 6 hrs
☐ Bailed air developed 10 hrs
☒ Other

Pumping Level Below Land Surface

34'7" Ft. After 6 Hrs. pumped 800 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

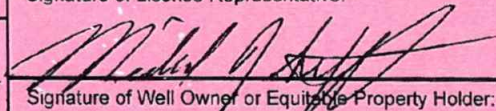
REMARKS

44 24 40.3

97 34 38.1

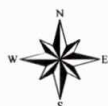
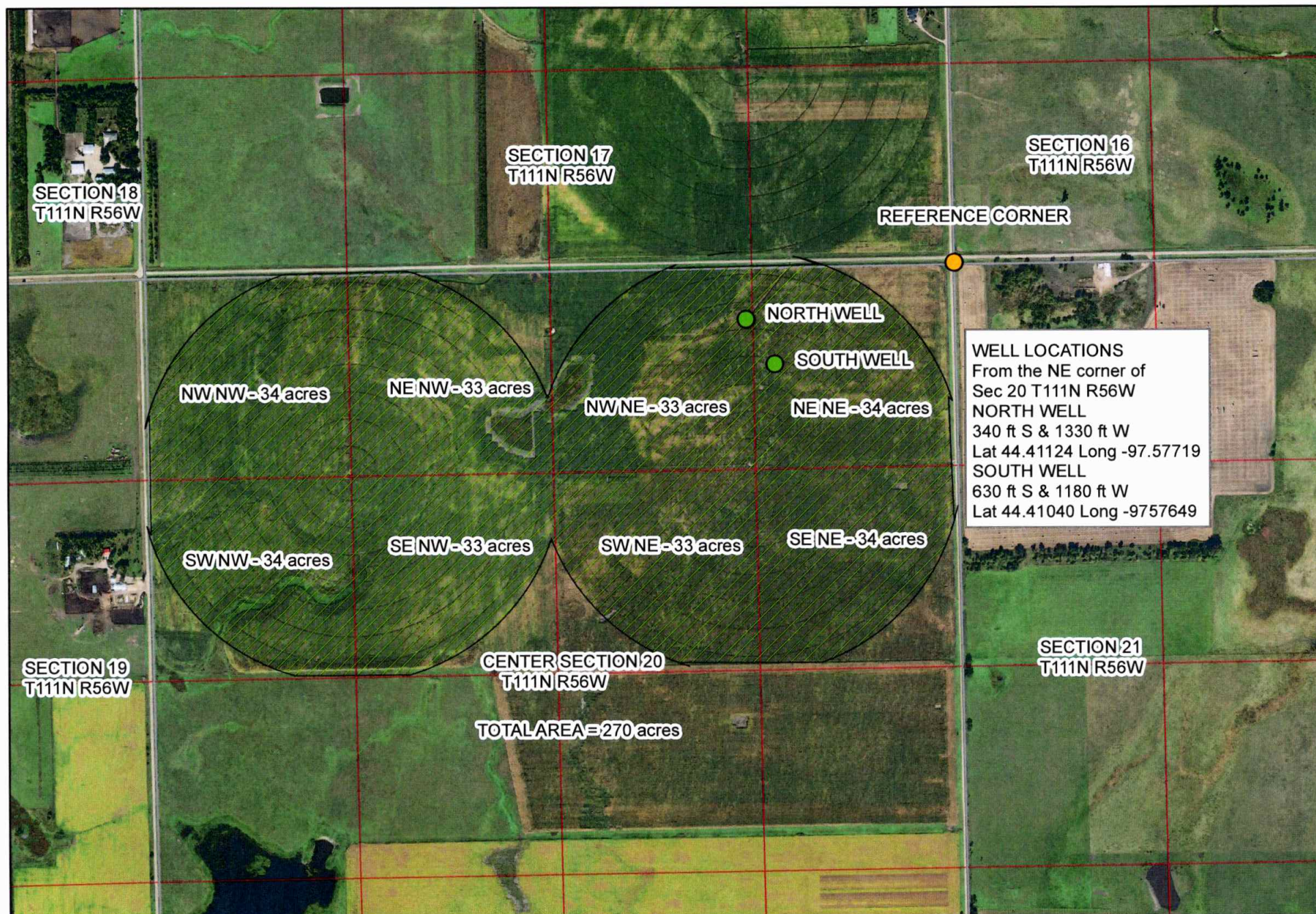
This well was drilled under license # 463 and this
report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:



Signature of Well Owner or Equitable Property Holder:

Date: _____



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAR 14 2022

7307-3

Wesley Toews Family Trust
20487 431st Ave
DeSmet SD 57231

Dear Mr. Toews:

Enclosed is Water License No. 7307-3. 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7307-3

(1) Wesley Toews Family Trust, 20487 431st Ave., DeSmet SD 57231 made Application No. 7307-3, January 17, 2012, for a water permit to divert 4.00 cubic feet of water per second from ground water, two wells (Vermillion East Fork Aquifer), Kingsbury County, South Dakota for irrigation purposes. Permit No. 7307-3, with a priority date of January 17, 2012, was approved March 19, 2012, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 19, 2017, and for the application to beneficial use of said water on or before March 19, 2021.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.86 cubic feet of water per second for beneficial use. The diversion points are located as follows:

North well: 340' S & 1,330' W of the NE corner of Section 20, T111N, R56W (NW ¼ NE ¼ Sec 20)
Latitude 44.41124 Longitude -97.57719

South well: 630' S & 1,180' W of the NE corner of Section 20, T111N, R56W (NE ¼ NE ¼ Sec 20)
Lat 44.41040 Long -97.57649

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

Section 20, T111N, R56W	NW ¼ NW ¼	34 acres	NW ¼ NE ¼	33 acres
	NE ¼ NW ¼	33 acres	NE ¼ NE ¼	34 acres
	SE ¼ NW ¼	33 acres	SE ¼ NE ¼	34 acres
	SW ¼ NW ¼	34 acres	SW ¼ NE ¼	33 acres

Total 270 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wesley Toews Family Trust, 20487 431st Ave., DeSmet SD 57231 the holder and/or owner of Water Right No. 7307-3 is issued a license to appropriate water, the right to use 3.86 cubic feet of water per second from ground water, two wells (Vermillion East Fork Aquifer) with a priority date of January 17, 2012, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7307-3 and subject to the following qualifications:

- The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

- The wells authorized by Permit No. 7307-3 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. ***Both wells were drilled in April 2012 by Steffl Drilling & Pump Inc. Copies of the well completion reports are on file with the Water Rights Program.***
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

MAR 14 2022

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 21, 2025

7307-3

Wesley Toews Family Trust
c/o Wesley Toews
707 2nd St, SW
DeSmet SD 57231

Dear Mr. Toews:

Enclosed is a "Notice" dated October 8, 2025, concerning the 2025 Irrigation Questionnaire.

The notice was originally mailed to you at 20487 431st Ave, DeSmet SD 57231. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaire or submit your report online at <https://danr.sd.gov/iq/> using this password **GFSFFX**.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

* 581 NDE 114122510110/14/25
RETURN TO SENDER
TOEWS, WESLEY A
707 2ND ST SW
DE SMET SD 57231-2210

RETURN TO SENDER





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

7307-3

January 28th, 2026

WESLEY TOEWS
WESLEY TOEWS FAMILY TRUST
20487 431ST AVE
DESMET SD 57231

Dear Mr. Toews,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us

7307-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: WESLEY TOEWS FAMILY TRUST, WESLEY TOEWS, 707 2ND ST, SW, DESMET, SD 57231

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7307-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7307-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7307-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: GFSFFX**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.