

**WATER PERMIT NO. 7311-3**

Name of Applicant: **Bob Merrill**

Address: **27577 Walnut Ave, Parker SD 57053**

Phone: **605 297-4771**

Amount of Water Claimed: **1.33 cfs**

Total Acres: **145 acres**

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

Water to be used for: **irrigation**

County: **Turner**

Type of Waste Disposal System:

Location: **½ mile southeast of Parker**

**PRIORITY**

Date Received: **11-28-11**

Application/License Fee: **\$ 1,050**

Corrected Application Received: **1-20-12**

Period of Annual Use: **May 1 – Sept 30**

Remarks:

Diversion Point: **center of NE ¼ Sec 20-T99N-R53W**

Land to be Irrigated: **NE ¼ Sec 20-T99N-R53W**

Depth of Well: **93 feet deep**

Well Driller:

Remarks:

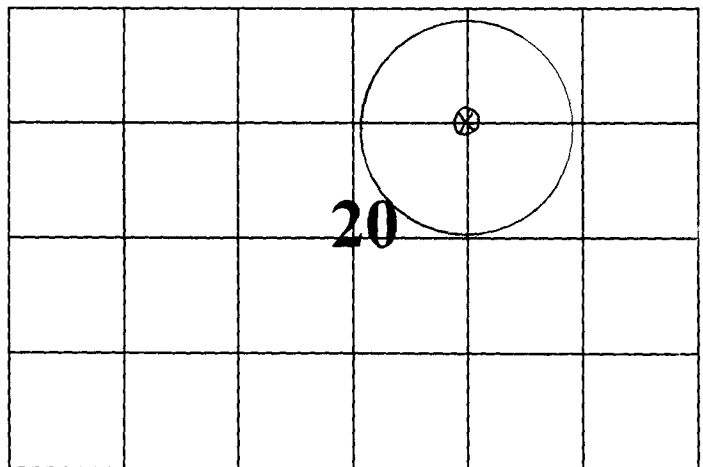
Type of Map: **aerial**

Prepared by: **Linda L Kaster, Turner Co FSA**

Reviewed and the Number Assigned on: **1-23-12**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_



## FORM 2: Application for irrigation in South Dakota

(type or print)

|                                                                                                                 |                                                                                |
|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Mail to:<br>PMB 2020<br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>7311-3</u> (office use only)<br>Hydrologic Unit <u>10170102</u>         |
|                                                                                                                 | Basin <u>Vermillion River</u>                                                  |
|                                                                                                                 | Newspaper <u>New Era PO Box 579 Parker</u><br><u>605-297-4419</u> <u>57053</u> |
|                                                                                                                 |                                                                                |

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NOV 28 2011

WATER RIGHTS  
PROGRAM

## Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. \_\_\_\_\_

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name of Applicant Bob Merrill Phone 605-297-4771(check one) ☒ Owner ☐ Tenant/lesseeMailing Address 27577 Walnut Ave Parker SD 57053  
(Address) (City) (State) (Zip Code)2. Amount of water claimed 1.33 \*CFS or 600 \*\*GPM      \*\*\*AF Total Acreage 145  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Well4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Turner  
1 well in the middle of NE 1/4 of Sec. 20-T-99-N-R-53-W5. County or counties where water will be used Turner6. Annual period during which water is to be used May thru Sept7. 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-40 of NE1/4 of Sec 20  | 35    | <u>all in T99N-R53W</u> |       |
| NE-40 of NE1/4 of Sec 20  | 30    |                         |       |
| SE-40 of NE1/4 of Sec. 20 | 40    |                         |       |
| SW-40 of NE1/4 of Sec. 20 | 40    |                         |       |

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

To irrigate above parcel from well drilled as noted on the map that is included. The crops included will corn, beans, and alfalfa.

STATE OF SOUTH DAKOTA )

County of Turner )

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, Bob Merrill, 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 Bob MerrillSubscribed and sworn to before me this 23rd day of November 20 11

[Signature]  
Notary Public signature  
Commission Expires-11/01/15-

**SOUTH DAKOTA  
WATER PERMIT NO. 7311-3**

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Date of first receipt of application November 28, 2011.

Date of return to applicant for corrections, amendments or changes November 28, 2011.

Date of receipt of corrected application January 20, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7311-3 to Bob Merrill, 27577 Walnut Ave, Parker SD 57053 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. 7311-3 appropriates 1.33 cubic feet of water per second from one well to be completed into the Vermillion: West Fork Aquifer (93 feet deep) located in center of the NE 1/4 Section 20 for irrigation of 145 acres located in the NE 1/4 Section 20; all in T99N-R53W.
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 November 28, 2011.
4. The date of approval of Permit No. 7311-3 is March 26, 2012.
5. One-fifth of the construction is to be completed on or before September 26, 2014.
6. All construction is to be completed on or before March 26, 2017.
7. Water is to be put to beneficial use on or before March 26, 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7311-3 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

JUN 21 2012  
date



## Supplemental Information

(type or print in ink)

### 1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22 in. Depth 93 ft.
- b) Casing Type Pvc Diameter 16 in. Thickness 3/4
- c) Screen Type Pvc Diameter 16 in. Thickness 3/4
- d) Gravel Pack 1/4 pea rock Length of Gravel Pack 46 ft.
- e) Depth to Top of Water Bearing Material 38 ft.
- f) Depth to Water (ground surface to water level) 43 ft.
- g) Distance to nearest existing domestic well:
- On applicant's property none On property owned by others greater than 1200 ft.

### 2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) \_\_\_\_\_
- b) System Capacity (gallons) \_\_\_\_\_ Year Constructed \_\_\_\_\_
- c) Connected to the City of \_\_\_\_\_ Sanitary System

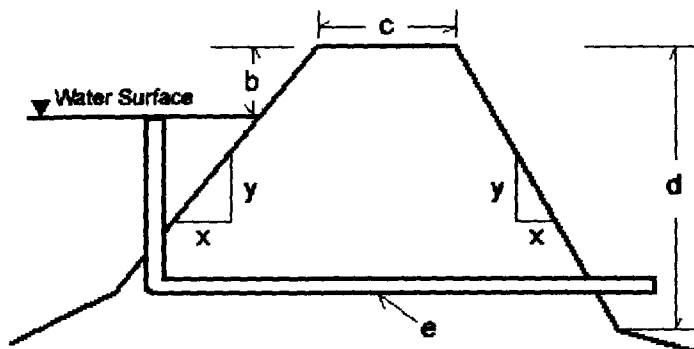
### 3. Dugout Information

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

### 4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



- b) Freeboard \_\_\_\_\_
- c) Crest Width \_\_\_\_\_  
Crest Length \_\_\_\_\_
- d) Height \_\_\_\_\_
- e) Primary Outlet Capacity \_\_\_\_\_  
If pipe, diameter \_\_\_\_\_
- f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway Width \_\_\_\_\_
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_
- h) Surface Area of Impoundment \_\_\_\_\_
- i) Storage \_\_\_\_\_ Acre Feet
- j) Drainage Area Above Dam \_\_\_\_\_ Acres



United States Department of Agriculture  
Farm Service Agency

November 29, 2010

PLSS: 20\_99N\_53W  
Farm: 6021

**Turner County, SD**

1:8,205



**RECEIVED**

**NOV 28 2011**

**WATER RIGHTS  
PROGRAM**

**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.

2010 Ortho-Photography - Not to Scale

Date: 11/28/2011

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/28, 20 11

RECEIVED OF Merrill Farms Inc 27567 Walnut Ave Parker SD 57053

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

|                                                                                                                        |       |         |
|------------------------------------------------------------------------------------------------------------------------|-------|---------|
| Fee for Application for Permit No. <u>7311-3</u> to Appropriate Water, to construct and to put water to beneficial use | 850   | 00      |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                           |       |         |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                 |       |         |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7311-3</u>            | 200   | 00      |
| Fee for Filing Transfer Form _____                                                                                     |       |         |
| Fee for _____                                                                                                          |       |         |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                                    |       |         |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                                     |       |         |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                                 |       |         |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                              |       |         |
| (Any Other Work Provided by Law)                                                                                       | TOTAL | 1050 00 |

No. 05086

By

Salad Ebele  
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](http://www.state.sd.us/denr)

November 28, 2011

Allen Merrill  
27567 Walnut Ave  
Parker SD 57053

Dear Mr. Merrill:

Thank you for submitting the *Applications for a Permit to Appropriate Water* for irrigation.

The two aerial photo maps are being returned. Please outline the 75 acres to be irrigated in Section 22 and the 145 acres to be irrigated in Section 20.

Upon receipt of the maps, we will continue processing the applications. If you have any questions, please contact me.

Sincerely,

Karen Schlaak  
Water Rights Program  
605 773-3352  
[karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

enclosures

## Gronlund, Eric

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**From:** Gronlund, Eric  
**Sent:** Tuesday, January 17, 2012 1:14 PM  
**To:** 'dairy@iw.net'  
**Cc:** Duvall, Ron; McMath, Genny; Schlaak, Karen  
**Subject:** Inquiry on water permit applications and submittal of irrigation questionnaires  
**Attachments:** Merrill.pdf

Mr. Merrill:

DENR received your 2011 water usage questionnaires for your irrigation permits.

DENR received two applications for new permits to irrigate permits on Nov. 28<sup>th</sup>. One application was in the name of Bob Merrill and the other was in your name. On that same day we returned the aerial maps requesting that the irrigated acres be outlined. DENR has not received a response and therefore the applications have not been processed. Attached is the correspondence that was sent on November 28<sup>th</sup>. The quality of the scanned map is not very good, so I am send you the maps in today's mail. Please outline the land to be irrigated and return in the self addressed stamped envelope that will be included.

If you have any questions, please contact me by phone or email.

Eric Gronlund  
Water Rights Program, DENR  
605 773-3352  
[eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us)

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**From:** Allen or Kristi Merrill [<mailto:dairy@iw.net>]  
**Sent:** Tuesday, January 17, 2012 10:19 AM  
**To:** DENR INTERNET INFORMATION  
**Subject:** Atten: Jim Goodman

Hi Jim , I'm Allen Merrill and was checking to see if I filled out last year's water usage for our irrigation permits. Was also wondering if any our new irrigation permits have been acted on or what the status of those were. Thanks Allen Merrill

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JAN 20 2012

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Thanks for your help.  
If anything else comes  
up please let me know.  
either by e-mail or phone.  
Cell # 605-929-6406  
e-mail dairy@iw.net

Allen Meade



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 7311-3, Bob Merrill**

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. 7311-3, Bob Merrill, 27577 Walnut Avenue, Parker SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 7311-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7311-3 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 28, 2012

## REPORT ON WATER PERMIT APPLICATION NO. 7311-3

For Bob Merrill

February 15, 2012

Application No. 7311-3 proposes to appropriate 1.33 cfs (600 gpm) from one well approximately 92 feet deep and located in the center of the NE ¼ of section 20 for irrigation of 145 acres located in the NE ¼ section 20; all in T99N R53W in Turner County.

### AQUIFER – VERMILLION WEST FORK (VWF)

The Vermillion West Fork is a predominantly surficial outwash (sand and gravel) but at this site is buried but still under water table conditions. The aquifer underlies about 18 square miles and contains an estimated 51,000 acre-feet of water in storage in Turner County (Lindgren, 1990). The aquifer extends into McCook County to the north blends into the Vermillion East aquifer to the northeast and into the much larger Parker Centerville aquifer to the south. The aquifer is hydraulically connected to the West and East Forks of the Vermillion River. Ground water movement is probably from west to east and locally toward the Vermillion River (Lindgren, 1990). This aquifer covers a relatively small land area and appears to be relatively thin over much of its areal extent and therefore would be more dependent upon flows from the West Fork of the Vermillion River. Where this application is located is also an area where the original mapping for the aquifer indicates no aquifer is present. The aquifer is larger and thicker than originally thought and it appears the aquifer extent may be four or five square miles larger than the original estimates. It seems logical to include this area in the Vermillion West Fork aquifer rather than the Parker Centerville aquifer. Basically these two aquifers appear to be one in the same in this area.

Test drilling for this application indicates good potential for irrigation. A production test well reported gravel from 38 feet to 100 feet below land surface with a static water level of 43 feet below land surface. The well was capable of producing 650 gpm with 10 feet of drawdown after two hours of pumping. This results in a specific capacity of about 65 gpm/ft of drawdown. This is a high specific capacity and indicates good potential for development.

Recharge to the Vermillion West Fork aquifer has been estimated to range from 2.0 to 5.6 inches per year (Hedges, 1982). The nearby Parker Centerville aquifer has an estimated recharge rate of 4.9 inches per year and is similar geologically and hydrologically to the Vermillion West Fork aquifer. Using the recharge rate for the Parker Centerville aquifer and the original estimate for the areal extent of the aquifer the recharge volume would be about 4,700 acre-feet per year. Water use for irrigation and municipal use for the city of Parker (also optimizing municipal use based upon permit limitations) would yield a potential use less than the volume of the recharge estimate. The bottom line is that water should be available for appropriation.

The Water Rights Program does monitor two observation wells within two miles of this application. TU-80CR is located about two miles northeast of this application and completed

into the Vermillion West Fork aquifer and TU-79A is located about two miles southeast of this application and completed into the Parker Centerville aquifer. Overall the hydrographs for these two wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. In general the water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2010). Hydrographs for these two observation wells are included with this report.

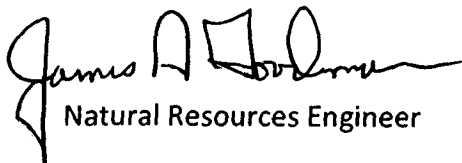
#### REVIEW OF EXISTING WATER PERMITS/RIGHTS

The proposed well for this application will be located within one-quarter to one-half mile of four proposed wells under Water Permit Nos. 7294-3 and 7151-3. At this distance between wells drawdown should not be significant nor cause any adverse effect. Interference is not expected to be a concern. However, because the saturated thickness of the aquifer may be relatively thin at some of the well sites, and during periods of extended drought which are shown on the hydrographs as potentially causing overall lowering of area water levels, well yields could be affected. In other words during a long term drought well production may diminish to a point where additional wells or lowering of pumps will be needed to maintain production rates. This is not technically interference between wells but is an overall aquifer problem due to lack of recharge for a period of time.

#### CONCLUSIONS

1. Water is available from the Vermillion West Fork aquifer.
2. The aquifer is under water table conditions at this site but is buried underneath glacial till. Drawdown created by pumping should not be significant very far from an individual production well. This is shown by the testing of the production well, historical data from the observation wells and experience. Interference is not a concern.
3. The well authorized by this application has been constructed in accordance with SD Well Construction Standards.
4. The size of the aquifer mapped in the county study is apparently not representative of the entire aquifer. It appears there is a larger segment of the aquifer located between what is mapped as the Vermillion West Fork aquifer and the Parker Centerville aquifer. I have chosen to call this segment part of the Vermillion West Fork aquifer even though it appears they are probably connected and really the same source.
5. For practical purposes water is available from either the Vermillion West Fork or the Parker Centerville aquifer for appropriation no matter which is considered the source.

James A Goodman



Natural Resources Engineer

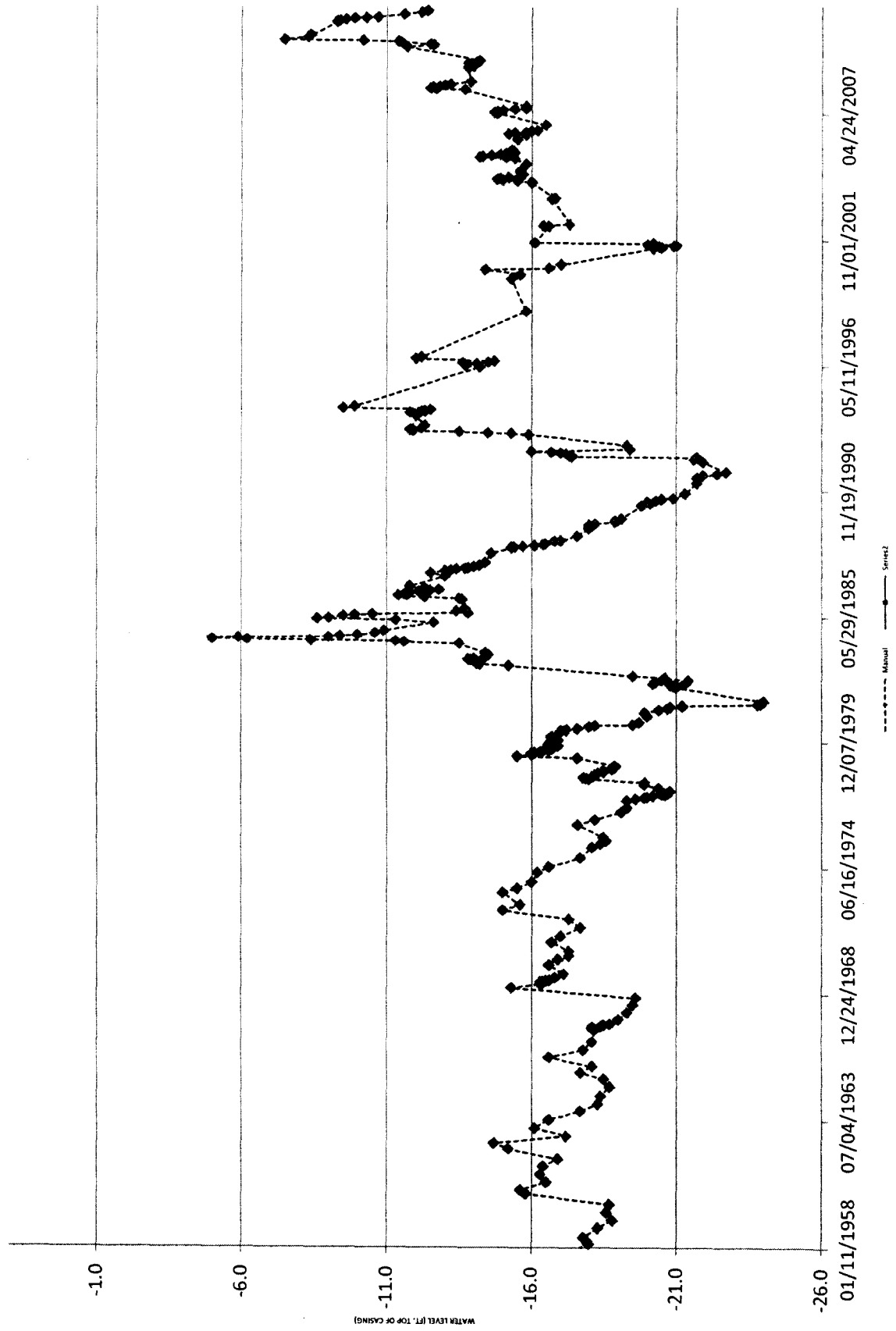
## BIBLIOGRAPHY

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

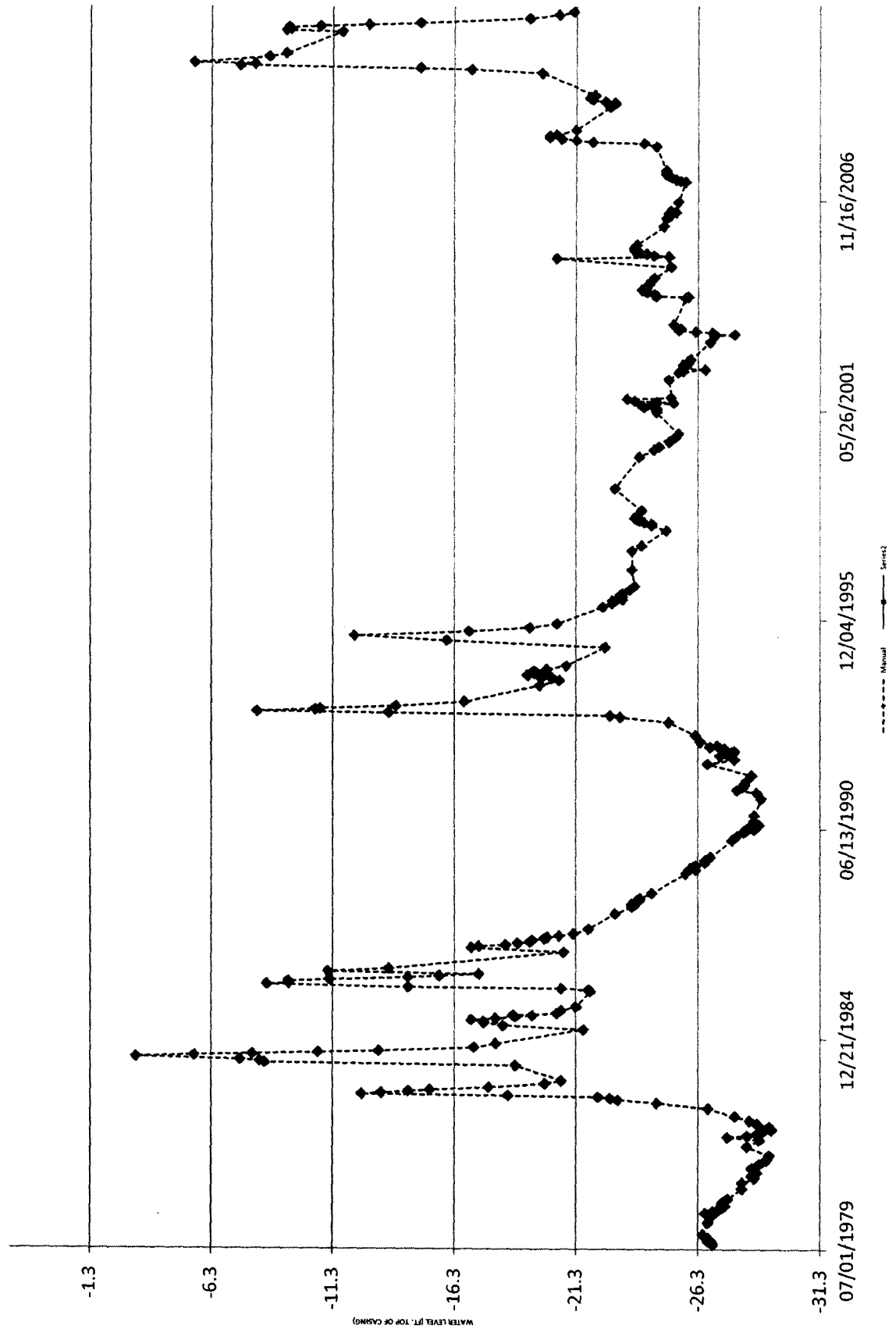
Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, Water-Resources Investigations Report 90-4093, USGS, Huron, SD, 57350.

Water Rights, 2012, Unpublished Observation Well Data for Turner County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

# WATER RIGHTS' OBSERVATION WELL TU-80CR



# WATER RIGHTS' OBSERVATION WELL TU-79A



Affidavit of Publication

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MAR 26 2012

WATER RIGHTS  
PROGRAM

STATE OF SOUTH DAKOTA  
COUNTY OF TURNER

I, Robin Schneider of the City of Parker, County of Turner, State of South Dakota being first duly sworn on oath, deposes and says: The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, New Century Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the Office Manager of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

#5337 Notice of Application Nos. 7311-3 to Appropriate Water

\_\_\_\_\_ printed copy of hereto attached, is printed and published in the said newspaper for two successive weeks, one each week and on the same day of the week, on the following dates, to wit:

On Thursday, the 8th day of March, 2012  
On Thursday, the 15th day of March, 2012  
On Thursday, the day of , 2012  
On Thursday, the day of , 2012  
On Thursday, the day of , 2012

That \$59.50 being the full amount of the fees for publication of the attached notices insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Robin Schneider

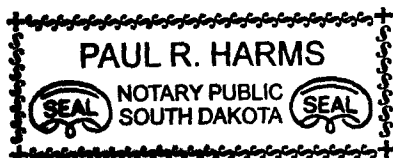
Subscribed and sworn to before me this 23rd

Day of March 2012

Paul R Harms

Notary Public, Turner County, South Dakota

My Commission Expires: March 20, 2018



Publication Fee .... \$  
Notary Fees ..... \$  
Total ..... \$59.50

*See attached*

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MAR 26 2012

WATER RIGHTS  
PROGRAM

**NOTICE OF APPLICATION NO.  
7311-3 to Appropriate Water**

Notice is given that Bob Merrill, 27577 Walnut Ave, Parker SD 57053 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from one well to be completed into the Vermillion:West Fork Aquifer (93 feet deep) located in center of the NE 1/4 Section 20 for irrigation of 145 acres located in the NE 1/4 Section 20; all in T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends **APPROVAL** of Application No. 7311-3 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 (605 773-3300)" 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 26, 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 \$59.50

(#7337, 03/08/12, 03/15/12, The Water Era)



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

February 29, 2012

The New Era  
PO Box 579  
Parker SD 57053

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7311-3 to Appropriate Water to be published twice. Please publish the first notice on March 8, 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 Bob Merrill, 27577 Walnut Ave., Parker SD 57053 (Ph # 605-297-4771).

**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. 7311-3

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

Date \_\_\_\_\_

We are in receipt of your letter of February 29, 2012 enclosing Notice to Appropriate Water by Application No. 7311-3 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](http://denr.sd.gov)

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

February 29, 2012

Bob Merrill  
27577 Walnut Ave  
Parker SD 57053

Dear Mr. Merrill:

Water Permit Application No. 7311-3 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 New Era printed at Parker SD (Ph # 605-297-4419). 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 March 8, 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.

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NOTICE OF APPLICATION NO. 7311-3 to Appropriate Water

Notice is given that Bob Merrill, 27577 Walnut Ave, Parker SD 57053 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from one well to be completed into the Vermillion:West Fork Aquifer (93 feet deep) located in center of the NE ¼ Section 20 for irrigation of 145 acres located in the NE ¼ Section 20; all in T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7311-3 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 26, 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](http://denr.sd.gov)

JUN 21 2012

Bob Merrill  
27577 Walnut Ave  
Parker SD 57053

Dear Mr. Merrill:

Enclosed is Water Permit No. 7311-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *?Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program  
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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PMB 2020  
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[www.denr.sd.gov](http://www.denr.sd.gov)

January 10, 2014

7311-3

Allen Merrill  
Merrill Farms  
27567 Walnut Ave  
Parker SD 57053

Dear Mr. Merrill:

I am writing in regard to Water Permit No. 7311-3 currently listed in the name of Bob Merrill. In December when you submitted the irrigation questionnaire, you made a notation on the form that the permit should be changed to your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the permit in the event you do not have one. If I can answer any questions for you, please give me a call.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

May 16, 2014

7311-3

Allen Merrill  
Merrill Farms  
27567 Walnut Ave  
Parker SD 57053

Dear Mr. Merrill:

I am writing in regard to Water Permit No. 7311-3 currently listed in the name of Bob Merrill. On January 10<sup>th</sup>, a transfer of ownership form was sent to you in response to your 2013 irrigation questionnaire on which you indicated the water right should be changed to your name. To date we have not received anything back from you.

In the event you do not have the original form, I am enclosing an additional one for your use in filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please give me a call.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

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



7311-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 16, 2015

NOTICE

TO: ROBERT MERRILL, MERRILL FARMS, 27577 WALNUT AVE, PARKER, SD 57053  
FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7311-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 7311-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** 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) 7311-3 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, 2015** 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](mailto: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.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 23, 2015

7311-3

Robert Merrill  
Merrill Farms  
27577 Walnut Ave  
Parker SD 57053

Dear Mr. Merrill:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit No. 7311-3. 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](mailto:genny.mcmath@state.sd.us)

3550-3, 7151-3, 7173-3,  
7294-3, 7311-3, 7312-3  
7438-3

**Water Rights Program  
File Documentation**

**File:** Water Right/Permit Nos. 3550-3, 7151-3, 7173-3, 7294-3, 7311-3, 7312-3, & 7438-3

**Date:** 2024 June 21

**County:** Turner

**RE:** Aquifer designation

**COMMENTS:**

Water Right No. 3550-3 was advertised as appropriating water from "groundwater" and designated to belong to the Vermillion West Fork aquifer when the Water Rights Program named aquifers [1]. Water Permit Nos. 7151-3, 7173-3, 7294-3, 7311-3, 7312-3, and 7438-3 were advertised as appropriating water from the Vermillion West Fork aquifer [1]. In her review for Water Permit No. 8742-3, Kilts [2] delineated the Parker-Centerville aquifer based on best information available and this delineation included the above-mentioned permit numbers. Subsequently, the Water Rights Program is administratively changing the aquifer designation for the above water right permit numbers to the Parker-Centerville aquifer. This change of aquifer designation, to the Parker-Centerville aquifer, does not represent a physical change in the water source. It is an update to the name of the aquifer materials to reflect the currently best available information for aquifer extents. This update to the aquifer name does not authorize any increase in the amount of water appropriated by these water right permit numbers, relocation of existing wells, or completion of additional wells into the aquifer. Going forward, issuance of any pertinent documents will reflect the updated aquifer designation.



Kim Drennon  
Natural Resources Engineer



Eric Gronlund  
Chief Engineer

**References**

- [1] Water Rights Program, "Water Right Permit Files," SD DANR, Joe Foss Bldg., Pierre, South Dakota, 2024.
- [2] W. Kilts, "Report to the Chief Engineer on Water Permit Application No. 8742-3," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2023.

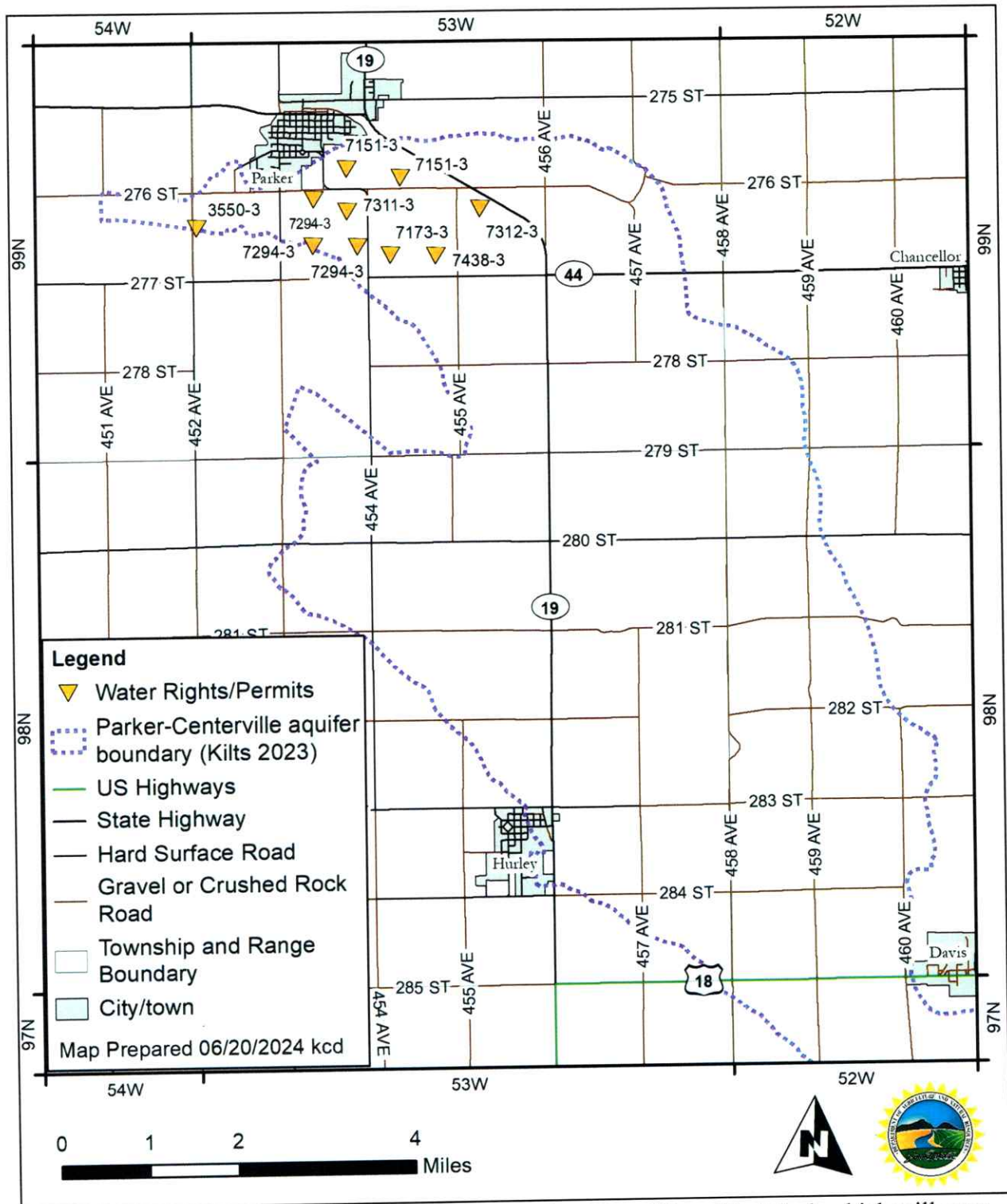


Figure 1: Water right permits previously categorized as Vermillion: West Fork which will now be categorized as Parker-Centerville.

## Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7311-3

I have this day, October 23, 2024, made a thorough examination of the water use system constructed by Bob Merrill, 27577 Walnut Ave, Parker, SD 57053 of Permit No. 7311-3, bearing the priority of November 28, 2011 authorizing the diversion of 1.33 cu. ft. per second of the waters of the Vermillion:West Fork Aquifer for irrigation purposes, in Turner County.

### A. Works used to divert the water:

#### Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 92 feet
- 4) Well log is available Y

Comments: xx

#### Casing:

- 1) Diameter 16 inches
- 2) Length 52 feet
- 3) Type Plastic

#### Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 43 feet

#### Pump:

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

#### Motor:

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

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

- 1) Type PVC      2) Size 8 inches      3) Length 180 feet

Comments:      **xx**

**C. Works used to apply water to beneficial use:****Center pivot:**

- 1) Make Zimmatic  
2) Overall length 1300 feet  
3) Number of towers 7  
4) End gun Y  
5) Capacity 700 GPM

**Chemigation Equipment:**

- 1) Does chemigate N

**D. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by N

If no, describe: **Pumping 1.56 cfs; authorized 1.33 cfs**

- 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: **WELL LOCATION**  
**From the NE corner Sec 20 T99N R53W, 1320 ft S & 1490 ft W, Lat 43.38382 Long -97.12775**  
**(approx. center of the NE 1/4).**
2. The works are capable of diverting and conveying to the place of use 1.56 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:
- | <u>legal description/acreage</u> | <u>legal description/acreage</u> |
|----------------------------------|----------------------------------|
| All land in Sec 20 T99N R53W     |                                  |
| NW 1/4 NE 1/4 - 37 acres         |                                  |
| NE 1/4 NE 1/4 - 33 acres         |                                  |
| SE 1/4 NE 1/4 - 31 acres         |                                  |
| SW 1/4 NE 1/4 - 34 acres         |                                  |
- comprising a total of 135 acres of land and the license should be issued for 1.33 cfs
3. All structures, wells and lands on map Y

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

FSA maps and the ArcGIS program were used to construct the attached well location and irrigated area map which was used to estimate irrigated acreage.

The flow rate reported on the 2023 Irrigation Questionnaire was used to establish the system flow capacity.

Mr. Allan Merrill (605/929-6406) is the contact person now.

A handwritten signature in black ink, appearing to read 'Darrell DeBoer', written over a horizontal line.

Darrell DeBoer  
Water Rights Inspector  
DENR, Water Rights Program

Date report completed: **October 25, 2024**



**WELL LOCATION**  
 From the NE corner  
 Sec 20 T99N R53W  
 1320 ft S & 1490 ft W  
 Lat 43.38382 Long -97.12775

**IRRIGATED AREA**  
 All land in Sec 20 T99N R53W  
 NW 1/4 NE 1/4 - 37 acres  
 NE 1/4 NE 1/4 - 33 acres  
 SE 1/4 NE 1/4 - 31 acres  
 SW 1/4 NE 1/4 - 34 acres



0 385 770 1,540 2,310 3,080 Feet



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

Robert Merrill  
27567 Walnut Ave  
Parker, SD 57053

No. 7311-3

Dear Mr. Merrill:

Enclosed is Water License No. 7311-3. 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.

So 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,

Mark Mayer, PE  
Director of Office of Water  
(605) 773-3352

**Note:** While the original permit was issued for appropriations from the Vermillion: West Fork Aquifer, the aquifer designation has been changed to the Parker Centerville Aquifer, based on the best information available. Redesignation of the appropriated aquifer does not represent a physical change in water source.

**Note:** The inspection found your system for Water Right No. 7311-3 to be capable of diverting 1.56 cfs (approx. 700 gpm). Diversion of water under this license is limited to 1.33 cfs (approx. 597 gpm).

enclosures

**STATE OF SOUTH DAKOTA**  
**WATER LICENSE NO. 7311-3**

(1) Robert Merrill, 27567 Walnut Ave, Parker, SD 57053, made Application No. 7311-3, November 28, 2011, for a water permit to divert 1.33 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 7311-3, with a priority date of November 28, 2011, was approved March 26, 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 26, 2017, and for the application to beneficial use of water on or before March 26, 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 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,320 feet S and 1,490 feet W from the NE corner Section 20, T99N, R53W (approx. center of the NE ¼)  
(Latitude 43.38382 and Longitude -97.12775)

(3) The amount of 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.

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

Section 20, T99N, R53W  
NE ¼ NE ¼ - 33 acres  
NW ¼ NE ¼ - 37 acres  
SW ¼ NE ¼ - 34 acres  
SE ¼ NE ¼ - 31 acres  
Total – 135 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Robert Merrill, the holder and/or owner of Water Right No. 7311-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), with a priority date of November 28, 2011, 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. 7311-3 and subject to the following qualifications:~~

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7311-3 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. (The well was drilled in 2012 by Hammond Wetmore Drilling LLC. A copy of the completion report is on file with the Water Rights Program.)
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

  
\_\_\_\_\_  
Mark Mayer, PE  
Director of Office of Water

3/21/25  
\_\_\_\_\_  
date





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

December 30th, 2025

7311-3

Allen Merrill  
27567 Walnut Ave  
Parker, SD 57053

Dear Mr. Merrill:

I am writing to you today in response to the 2025 Irrigation Questionnaire information submitted to us online for Water Right No. 7311-3.

Water Right No. 7311-3(copy enclosed) authorized diversion of 1.33 cubic feet of water per second (600 gpm) from ground water, one well (Parker Centerville Aquifer) for irrigation of 135 acres located in the NE1/4 Section 20-T99N-R53W.

On this year's questionnaire you reported the irrigation of 145 acres. If an additional 10 acres have been developed for irrigation, additional permitting would be required.

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

Sincerely,

Shannon Konst  
Water Rights Program  
Shannon.konst@state.sd.us  
(605) 773-3352

*enclosure*