

WATER PERMIT NO. 7313-3

Name of Applicant: **Ken Plucker, Jr.**

Address: **45594 275th St, Parker SD 57053** Phone: **605 297-4168**

Amount of Water Claimed: **1.78 cfs** Total Acres: **94 acres**

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

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

Type of Waste Disposal System:

Location: **2 miles east of Parker**

PRIORITY Date Received: **1-23-12** Application/License Fee: **\$ 950.00**

Corrected Application Received: Period of Annual Use: **May 1 – October 15**

Remarks:

Diversion Point: **NE ¼ NE ¼ Sec 15-T99N-R53W**

Land to be Irrigated: **NE ¼ Sec 15-T99N-R53W**

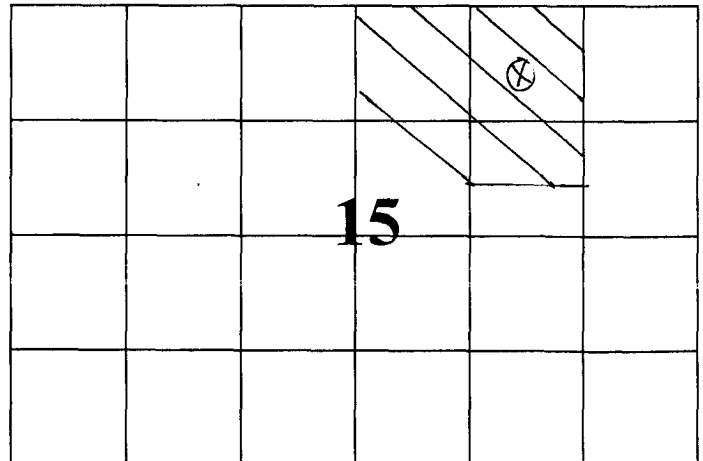
Depth of Well: **127 feet deep**

Well Driller: **Pullman Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Danny Mercher, NRCS**



Reviewed and the Number Assigned on: **2-24-12**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>7313-3</u>	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>The New Era PO Box 579 Parker</u> <u>605-297-4419</u> <u>57053</u>	

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JAN 23 2012

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 Kew Plucker Jr. Phone 605-297-4168
 (check one) Owner ☒ Tenant/lessee
 Mailing Address 45594 275th Parker SD 57053
 (Address) (City) (State) (Zip Code)
2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 94
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply 1 well NE 1/4 NE 1/4 of Section 15-99N-53W
4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County Turner
1 well in the NE 1/4 NE 1/4 Section 15-99N-53W
5. County or counties where water will be used Turner
6. Annual period during which water is to be used May 1 - Oct 31
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
<u>NE 1/4, NE 1/4 Section 15-99N-53W</u>	<u>35</u>		
<u>NW 1/4, NE 1/4 Section 15-99N-53W</u>	<u>36</u>		
<u>SE 1/4, NE 1/4 Section 15-99N-53W</u>	<u>13</u>		
<u>SW 1/4, NE 1/4 Section 15-99N-53W</u>	<u>10</u>		

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

1 well by Pullman drilling corner systems covering
93.40 acres of corn & Beans - Ir by Reinker
Power from Southeast Elect.

STATE OF SOUTH DAKOTA)

County of Minnehaha) SS

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

- I,
- Kenneth Plucker Jr.
- , 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 Kew Plucker Jr.Subscribed and sworn to before me this 19th day of January 20 12

Stephanie Koth
Stephanie Koth
Notary Public


 My commission expires:
July 28, 2016

**SOUTH DAKOTA
WATER PERMIT NO. 7313-3**

Date of first receipt of application January 23, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7313-3 to Ken Plucker Jr., 45594 275th St, 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. 7313-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion:Missouri Aquifer (127 feet deep) located in NE 1/4 NE 1/4 Section 15 for irrigation of 94 acres located in the NE 1/4 Section 15; 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 – October 31.
3. The date from which applicant may claim right is January 23, 2012.
4. The date of approval of Permit No. 7313-3 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. 7313-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7313-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 94 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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

APR 05 2012

date



Aerial Map



map center: 43° 23' 41.02, 97° 5' 32.68

scale: 10019

15-99N-53W
Turner County
South Dakota

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JAN 23 2012

WATER RIGHTS
PROGRAM



9/21/2010

Maps provided by:



AgriData, Inc. 2010

www.AgriDataInc.com

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

The well ~~is~~ ^{will be} located
1006 ft West 857 ft
South of the NE
corner of section
15-99N-53W

Pink  is
the area covered
by Irr.

Owner's Pine Bluff Sand & Gravel
c/o Mr. Majors
Box 7008
Pine Bluff, Ark
71611 - 7008

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location <u>SE</u> $\frac{1}{4}$ <u>NW</u> $\frac{1}{4}$ Sec <u>15</u> Twp <u>99</u> Rg <u>53</u>		Well Owner: <u>Ken Plucker</u>																																				
County <u>Turner</u>		Business Name: _____																																				
Please mark well location with an "X"		Address: <u>45594 275th St</u>																																				
		City, State, Zip: <u>Parker</u> <u>SD</u> <u>57053</u>																																				
Well Completion Date <u>11/29/2011</u>		WELL LOG: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">FORMATION</th> <th colspan="2">DEPTH</th> </tr> <tr> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr><td>Yellow Clay</td><td>0</td><td>35</td></tr> <tr><td>Blue Clay</td><td>35</td><td>40</td></tr> <tr><td>Yellow Clay</td><td>40</td><td>100</td></tr> <tr><td>Blue Clay w/ Coarse Sand Streaks</td><td>100</td><td>120</td></tr> <tr><td>Coarse Gravel</td><td>120</td><td>127</td></tr> <tr><td>Granite</td><td>127</td><td></td></tr> <tr><td> </td><td></td><td></td></tr> <tr><td> </td><td></td><td></td></tr> <tr><td> </td><td></td><td></td></tr> </tbody> </table>		FORMATION	DEPTH		FROM	TO	Yellow Clay	0	35	Blue Clay	35	40	Yellow Clay	40	100	Blue Clay w/ Coarse Sand Streaks	100	120	Coarse Gravel	120	127	Granite	127													
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Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) ? _____ ft. from _____ (identify source)		STATIC WATER LEVEL <u>31.0</u> 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? _____																																				
PROPOSED USE: ☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes ☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well		WELL TEST DATA: ☒ Pumped Describe: w/ Air ☐ Bailed ☐ Other Pumping Level Below Land Surface _____ Ft. After _____ Hrs. pumped <u>100.0</u> GPM _____ Ft. After _____ Hrs. pumped _____ GPM If pump installed, pump rate: _____ GPM																																				
METHOD OF DRILLING: Forward Rotary		REMARKS RECEIVED JAN 23 2012 WATER RIGHTS PROGRAM																																				
CASING DATA: ☐ Steel ☒ Plastic ☐ Other If other describe _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>PIPEWEIGHT</th> <th>DIAMETER</th> <th>FROM</th> <th>TO</th> <th>HOLE DIAMETER</th> </tr> </thead> <tbody> <tr> <td>LB/FT</td> <td>3.00 IN</td> <td>0.0 FT</td> <td>107.0 FT</td> <td>5.00 IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> </tbody> </table>		PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER	LB/FT	3.00 IN	0.0 FT	107.0 FT	5.00 IN	LB/FT	IN	FT	FT	IN	LB/FT	IN	FT	FT	IN	GROUTING DATA: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Grout Type</th> <th>No. of Sacks</th> <th>Grout Weight</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>Vol Clay</td> <td>6</td> <td>Lb/gal</td> <td>0.0 Ft</td> <td>105.0 Ft</td> </tr> <tr> <td></td> <td></td> <td>Lb/gal</td> <td>Ft</td> <td>Ft</td> </tr> </tbody> </table> Describe grouting procedure _____		Grout Type	No. of Sacks	Grout Weight	From	To	Vol Clay	6	Lb/gal	0.0 Ft	105.0 Ft			Lb/gal	Ft	Ft
PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER																																		
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		Lb/gal	Ft	Ft																																		
SCREEN: ☐ Perforated pipe ☒ Manufactured Diameter _____ Inches Length _____ Feet Material <u>PVC</u> Slot Size <u>0.057</u> Set From <u>107.0</u> Feet to <u>127.0</u> Feet Other information _____		This well was drilled under license # <u>440</u> And this report is true and accurate. Drilling firm: <u>Pullman Well Drilling Inc.</u> Signature of License Representative: _____ Signature of Well Owner or Equitable Property Holder: <u>Ken Plucker Sr.</u> Date: <u>1-14-12</u>																																				
WAS A PACKER OR SEAL USED? ☒ Yes ☐ No If so, what material? <u>Pearock</u> Describe packer(s) and location <u>500# 105-127</u>		DISINFECTION: Was well disinfected upon completion? ☐ Yes, How? _____ ☐ No, Why Not? _____ Lab sample sent to for water quality analysis _____																																				

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/23, 20 12

RECEIVED OF Kenneth L. Plucker Jr 45594 275th St Parkers SD 57053

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

Fee for Application for Permit No. <u>7313-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7313-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	950 00

No. 05293

By *Julius E. Ehlke*
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. 7313-3, Ken Plucker Jr**

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. 7313-3, Ken Plucker Jr, 45594 275th Street, Parker SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 7313-3 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. 7313-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7313-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 94 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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

NOTE: The driller's log submitted with the application indicates the aquifer is thin at this location which indicates limited potential for development. Test pumping will be necessary to evaluate this site.

REPORT ON WATER PERMIT APPLICATION NO. 7313-3

For Ken Plucker Jr.

February 16, 2012

Application No. 7313-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 127 feet deep located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 15 for irrigation of 94 acres located in the NE $\frac{1}{4}$ of section 15; all in T99N R53W in Turner County. The application requests greater than the statutory limit of one cfs per 70 acres because of the design of the system.

AQUIFER – UPPER VERMILLION MISSOURI (UVM)

The Upper Vermillion Missouri is a buried outwash (sand and gravel) that is under confined or artesian conditions at this site. The aquifer underlies 207 square miles and contains an estimated 1.8 million acre-feet of water in storage in Turner and Hutchinson Counties (Lindgren, 1990). Nearly all that storage is in Turner County. The aquifer also extends into McCook County to the north, into Lincoln County to the east and into Clay County to the south. The general direction of ground water movement appears to be from north to south in the vicinity of this application.

The Upper Vermillion Missouri aquifer as mapped in Turner County does not extend as far north as this application. The driller's log indicates coarse sand streaks and blue clay from 100 to 120 feet and sand and gravel from 120 to 127 feet all below land surface which fits best with the Upper Vermillion Missouri aquifer but the boundary of the aquifer was mapped about two miles southeast of this site. The test well log also indicates a static water level of 31 feet below land surface and that the well was capable of producing 100 gpm using air to develop. According to the test well log no surficial outwash was present at this site.

The Water Rights Program monitors three observation wells completed into the Upper Vermillion Missouri aquifer and within four miles of this application. These are observation wells TU-77P, TU-77B and TU-77U. These monitor wells are all located south and east of this proposed site and none are within three miles of the application. Hydrographs for these observation wells are included with this report (Water Rights, 2012). In general the wells show good response to climatic conditions, rising water levels during wet years (recharge) and gradually declining water levels during drought years, however, the effects of seasonal irrigation withdrawals are also obvious. Those seasonal fluctuations appear to be in the 10 to 20 feet range. The water level record indicates the aquifer is capable of sustaining additional withdrawals.

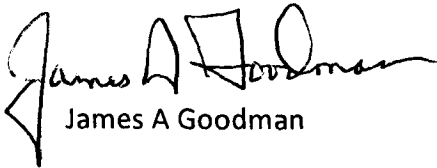
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby permits/rights for water from the Upper Vermillion Missouri aquifer. There are however numerous permits/rights that obtain water from the Vermillion East Fork, Vermillion West Fork and Parker Centerville aquifer in this immediate area. These aquifers are mostly surficial outwash deposits under water table conditions. The surficial aquifers appear to

be hydraulically distinct from the deeper confined aquifer in the area. That is pumping from the confined aquifer will not have an effect upon the water table aquifers. The nearest permitted well from the Upper Vermillion Missouri is located about two miles southeast of this application (Water Right No. 2714A-3, 1.89 cfs, 180 acres). Interference is not expected to be a concern with the distance between wells.

CONCLUSIONS

1. The test well log indicates the aquifer is confined and under artesian conditions at this site. The best guess is that the aquifer is the Upper Missouri Vermillion aquifer even though the aquifer map indicates the aquifer boundary is about two miles to the southeast of this site.
2. The test well indicates limited potential for development because the aquifer is thin and may not be widespread. Test pumping will be necessary to evaluate this site.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. This application request a diversion rate greater than the statutory limit of one cfs per 70 acres. This request is reasonable because of the potential configuration of the irrigation system.



James A Goodman

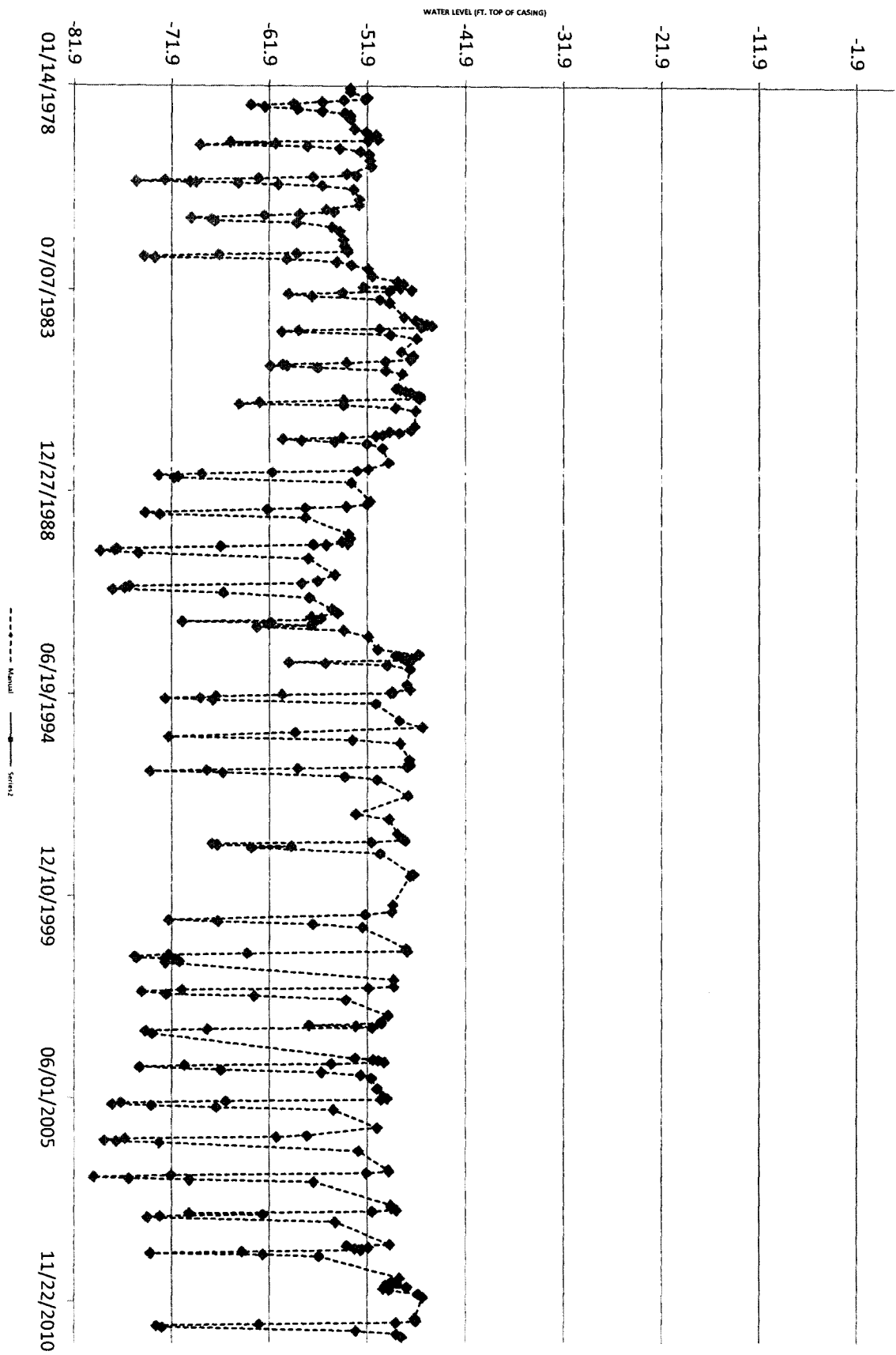
Natural Resources Engineer

BIBLIOGRAPHY

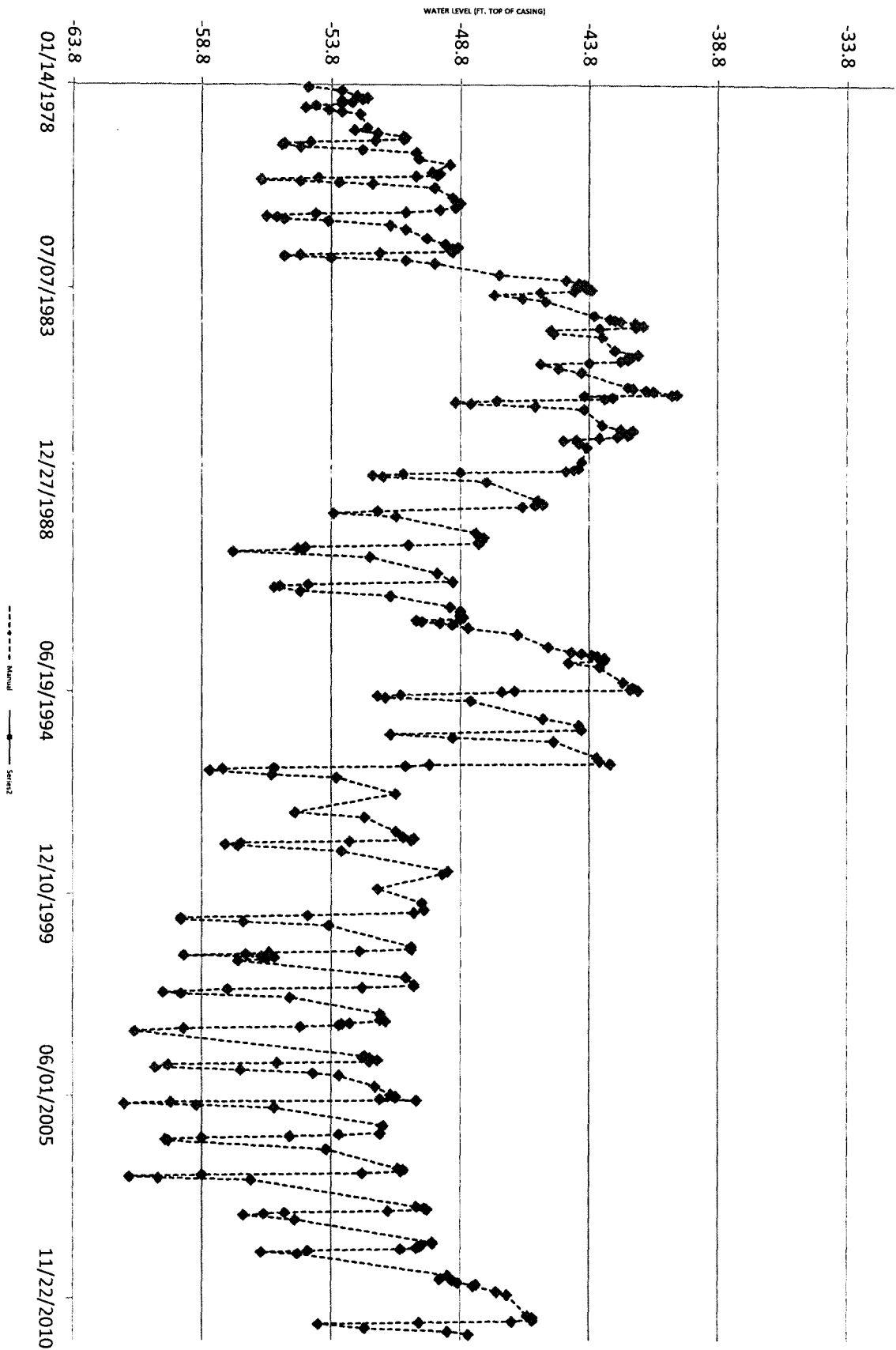
Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, Water Resources Investigations Report 90-4093, USGS, Huron, SD, 57350.

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

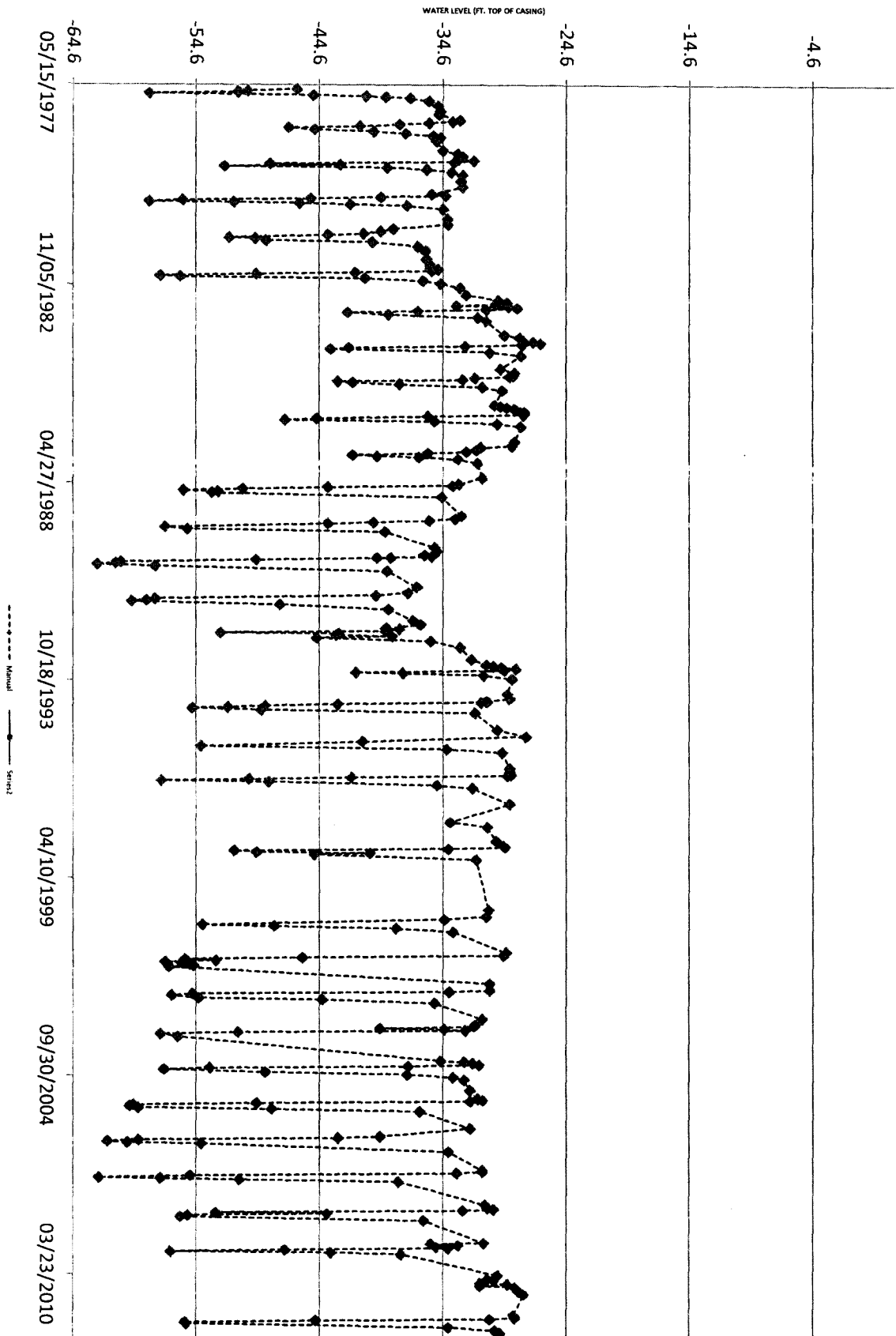
WATER RIGHTS' OBSERVATION WELL TU-77U



WATER RIGHTS' OBSERVATION WELL TU-77P



WATER RIGHTS' OBSERVATION WELL TU-77B



RECEIVED

MAR 26 2012

WATER RIGHTS
PROGRAM

Affidavit of Publication

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:

#5339 Notice of Application Nos. 7313-3 and 7314-3 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

See attached

That \$65.45 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

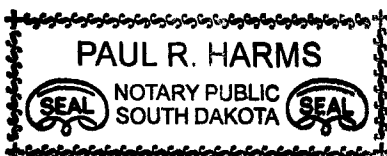
Day of *March* *2012*

Paul R Harms

Notary Public, Turner County, South Dakota

My Commission Expires: March 20, 2018

Publication Fee \$
Notary Fees \$
Total \$65.45



RECEIVED

MAR 26 2012

WATER RIGHTS
PROGRAM

**NOTICE OF APPLICATION NOS.
7313-3 AND 7314-3 to
Appropriate Water**

Notice is given that Ken Plucker Jr, 45594 275th St, Parker SD 57053 has filed the following applications for a water permit.

Application No. 7313-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion:Missouri Aquifer (127 feet deep) located in NE 1/4 NE 1/4 Section 15 for irrigation of 94 acres located in the NE 1/4 Section 15; all in T99N-R53W. The application requests greater than the statutory limit of 1 cfs per 70 acres.

Application No. 7314-3 proposes to appropriate 1.78 cfs from one well to be completed into the Vermillion:West Fork Aquifer (37 feet deep) located in the SW 1/4 NW 1/4 Section 15 for irrigation of 72 acres located in the NW 1/4 Section 15; all in T99N-R53W. The application requests greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7313-3 & 7314-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 applications, the petitioner's

reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$65.45
(#5339, 03/08/12, 03/15/12, The New 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 Nos. 7313-3 and 7314-3 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 Ken Plucker Jr. 45594 275th St., Parker SD 57053 (Ph # 605-297-4168).

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-----

Nos. 7313-3 & 7314-3

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 Nos. 7313-3 & 7314-3 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 29, 2012

Ken Plucker Jr
45594 275th St
Parker SD 57053

Dear Mr. Plucker:

Water Permit Application Nos. 7313-3 and 7314-3 for irrigation use have 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 application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

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.

NOTICE OF APPLICATION NOS. 7313-3 and 7314-3 to Appropriate Water

Notice is given that Ken Plucker Jr, 45594 275th St, Parker SD 57053 has filed the following applications for a water permit.

Application No. 7313-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion:Missouri Aquifer (127 feet deep) located in NE ¼ NE ¼ Section 15 for irrigation of 94 acres located in the NE ¼ Section 15; all in T99N-R53W. The application requests greater than the statutory limit of 1 cfs per 70 acres.

Application No. 7314-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Vermillion:West Fork Aquifer (37 feet deep) located in the SW ¼ NW ¼ Section 15 for irrigation of 72 acres located in the NW ¼ Section 15; all in T99N-R53W. The application requests greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7313-3 & 7314-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

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

APR 05 2012

Ken Plucker Jr
45594 275th St
Parker SD 57053

Dear Mr. Plucker:

Enclosed are Water Permit Nos. 7313-3 and 7314-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

7313-3

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

SEP - 3 2012

WATER RIGHTS
PROGRAMDate 8-27-12TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

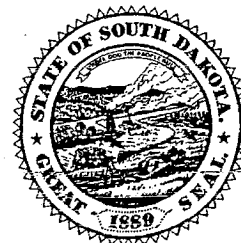
FROM:

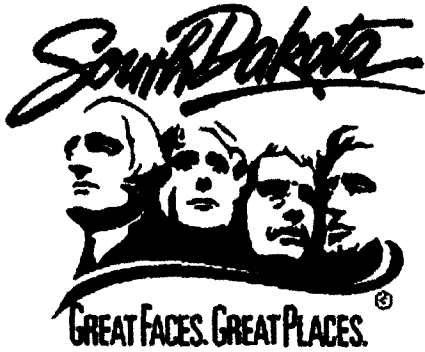
Ken Parker J.
(name)75594 275th
(address)Parker SD 57053
(city, state, zip)605-297-4168
(phone)

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

Water Permit No. 7313-3 states that the water use system is to be constructed by5-1-12, and water is to be put to beneficial use by 5-10-12
(date) (date)The water use system was completed on 5-5-12
(date)Applying the water to beneficial use was completed on 9-10-12
(date)

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

Ken Parker J.
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 4, 2012

7313-3
7357-3

Ken Plucker Jr
45594 275th St
Parker SD 57053

Dear Mr. Plucker:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in to let us know that you are completed with the irrigation systems authorized in the N ½ Section 15, T99N, R53W.

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

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

Sincerely,

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

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



7313-3
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 16, 2015

NOTICE

TO: KEN PLUCKER JR, 45594 275TH ST, 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) 5389-3, 7313-3 & 7357-3. 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) 5389-3, 7313-3 & 7357-3 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) 5389-3, 7313-3 & 7357-3 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. 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 22, 2015

5389-3
7313-3
7357-3

Kenneth Plucker Jr
45594 275th St
Parker SD 57053

Dear Mr. Plucker:

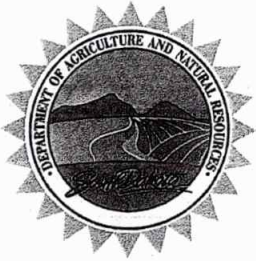
I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 5389-3 and Water Permit Nos. 7313-3 and 7357-3. 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



7313-3

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

January 20, 2023

NOTICE

TO: KEN PLUCKER JR, 45594 275TH ST, PARKER, SD 57053

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5389-3, 7313-3 & 7357-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 5389-3, 7313-3 & 7357-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 5389-3, 7313-3 & 7357-3 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 8, 2023** 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: LYTNIID**

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.

7313-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2023

5389-3
7313-3
7357-3

Ken Plucker Jr
45594 275th St
Parker SD 57053

Dear Mr. Plucker:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit or Right Nos. 5389-3, 7313-3 & 7357-3. 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. 7313-3

I have this day, November 12, 2024, made a thorough examination of the water use system constructed by Ken Plucker, Jr, 45594 275th St, Parker, SD 57053 of Permit No. 7313-3, bearing the priority of January 23, 2012 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Vermillion:Missouri Aquifer for irrigation purposes, in Turner County.

A. Works used to divert the water:

Well Information: NO WELL INFORMATION AVAILABLE IN DANR DATA BASES

- 1) Well Drilling Firm: _____
- 2) No. of Wells 1
- 3) Depth(s) _____ feet
- 4) Well log is available Y/N If no, explain in comments

Comments: xx

Casing:

- 1) Diameter _____ inches
- 2) Length _____ feet
- 3) Type _____

Screen:

- 1) Type _____
- 2) Length _____ feet
- 3) Static water level _____ feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 800 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 Buried PVC 2) Size 8 inches 3) Length 230 feet

Comments: **xx**

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Reinke
 2) Overall length 1250 feet
 3) Number of towers 6 + corner leg
 4) End gun Y
 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y

If no, describe:

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
 3) Exceptions to compliance are: describe

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION From the NW corner Sec 15 T99N R53W, "E" WELL: 960 ft S & 4175 ft E, Lat 43.39955 Long - 97.08640 (NE 1/4 NE 1/4)
2. The works are capable of diverting and conveying to the place of use 1.78 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 15 T99N R53W	
NW 1/4 NE 1/4 - 34 acres	
NE 1/4 NE 1/4 - 35 acres	
SE 1/4 NE 1/4 - 15 acres	
SW 1/4 NE 1/4 - 10 acres	

comprising a total of 94 acres of land and the license should be issued for 1.78 cfs
3. All structures, wells and lands on map Y

If no, describe: xx

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.

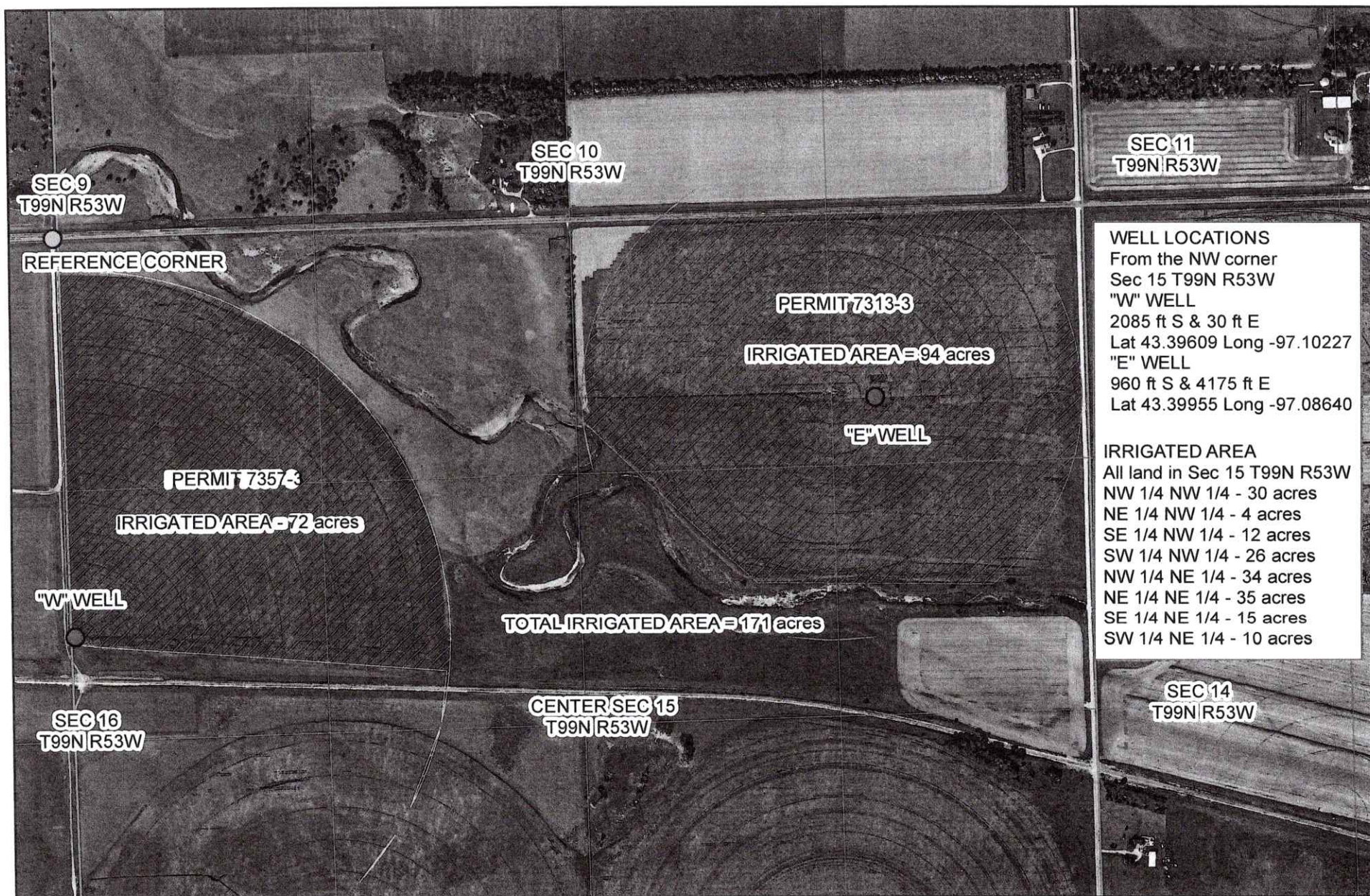
The address in the permit application is current but a contact phone number is NOT available.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: November 18, 2024

No. 7313-3 & 7357-3



WELL LOCATIONS
From the NW corner
Sec 15 T99N R53W
"W" WELL
2085 ft S & 30 ft E
Lat 43.39609 Long -97.10227
"E" WELL
960 ft S & 4175 ft E
Lat 43.39955 Long -97.08640

IRRIGATED AREA
All land in Sec 15 T99N R53W
NW 1/4 NW 1/4 - 30 acres
NE 1/4 NW 1/4 - 4 acres
SE 1/4 NW 1/4 - 12 acres
SW 1/4 NW 1/4 - 26 acres
NW 1/4 NE 1/4 - 34 acres
NE 1/4 NE 1/4 - 35 acres
SE 1/4 NE 1/4 - 15 acres
SW 1/4 NE 1/4 - 10 acres



0 550 1,100 2,200 3,300 4,400 Feet

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

MAY 02 2025

Kenneth Plucker Jr
45628 275th St
Parker, SD 57053

Nos. 7313-3 & 7357-3

Dear Mr. Plucker:

Enclosed is Water License Nos. 7313-3 and 7357-3. These are the final water right documents completing your process of obtaining the Water Rights. Included with the licenses 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 Licenses, 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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7313-3**

(1) Kenneth Plucker Jr, 45628 275th St, Parker, SD 57053, made Application No. 7313-3, January 23, 2012, for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Upper Vermillion Missouri Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 7313-3, with a priority date of January 23, 2012, 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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 960 feet S and 4,175 feet E from the NW corner of Section 15, T99N, R53W (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
(Latitude 43.39955 and Longitude -97.08640)

(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 – October 31.

(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 15, T99N, R53W
NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 35 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 34 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 10 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 15 acres
Total – 94 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Kenneth Plucker Jr, the holder and/or owner of Water Right No. 7313-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Upper Vermillion: Missouri Aquifer), with a priority date of January 23, 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. 7313-3 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. 7313-3 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.

continued

3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7313-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 94 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.

4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Mark Mayer, PE
Director of Office of Water



date

