

WATER PERMIT NO. 7318-3

Name of Applicant: **Ronald Guthmiller**

Address: **42850 Maxwell Rd, Menno SD 57045**

Phone: **605 387-2313**

Amount of Water Claimed: **2.0 cfs**

Total Acres: 190 acres

Source of Water Supply: groundwater (1 well)

Water to be used for: irrigation

County: **Hutchinson**

Type of Waste Disposal System:

Location: **3 miles southwest of Menno**

PRIORITY

Date Received: 1-26-12

Application/License Fee: \$ 1,150.00

Corrected Application Received:

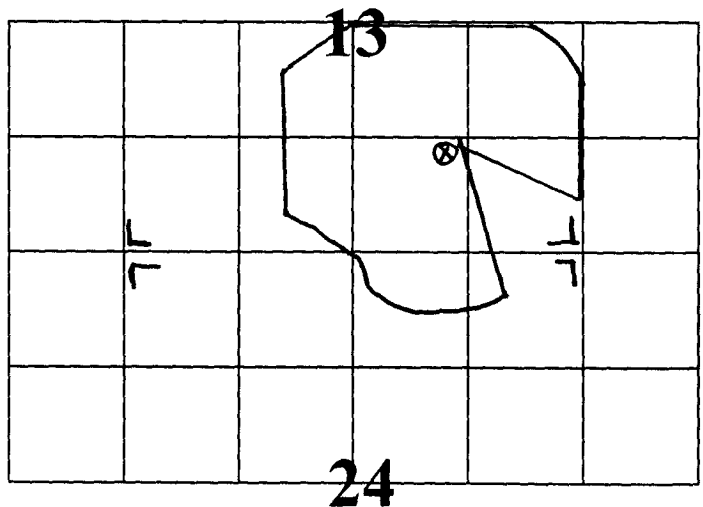
Period of Annual Use: **May 1 – September 1**

Remarks:

Diversion Point: **SW ¼ SE ¼ Sec 13-T97N-R58W**

Land to be Irrigated: E ½ SW ¼, SE ¼ Sec 13 and

N ½ NE ¼ Sec 24; all in T97N-R58W



Depth of Well: **230 feet deep**

Well Driller: **Quality Well Service**

Remarks:

Type of Map: aerial

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: 1-31-12

By: **Karen Schlaak**

Notice of Hearing - date to intervene:

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7318-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Hutchinson Herald P.O. Box 506</u>
	<u>605-387-5158</u> <u>Menna 57045</u>

RECEIVED
JAN 26 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 Ronald Guthmiller Phone 605-387-2313
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 42850 Maxwell RD Menna SD 57045
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 190 Acres.
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hutchinson
SW1/4 SE1/4 Sec 13 T97N R58W
5. County or counties where water will be used Hutchinson
6. Annual period during which water is to be used MAY 1st to Sept 1st
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>See map</u>			

8. Give a description of the project. (Attach sheet if more space is needed)
Drill well / set Pump 900GPM / Install Pivot w Corner Arm.

STATE OF SOUTH DAKOTA)
County of Hutchinson) 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, Ronald Guthmiller, 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 Ronald Guthmiller

Subscribed and sworn to before me this 24th day of January 20 12

Glenda Zeigler
Notary Public signature

My commission expires:
11-08-2013

SOUTH DAKOTA
WATER PERMIT NO. 7318-3

Date of first receipt of application January 26, 2012.

Date of return to applicant for corrections, amendments or changes January 26, 2012.

Date of receipt of corrected application January 30, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7318-3 to Ronald Guthmiller, 42850 Maxwell Rd, Menno SD 57045 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. 7318-3 appropriates 2.0 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (230 feet deep) located in SW 1/4 SE 1/4 Section 13 for irrigation of 190 acres located in the E 1/2 SW 1/4, SE 1/4 Section 13 and N 1/2 NE 1/4 Section 24; all in T97N-R58W.
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 1.
3. The date from which applicant may claim right is January 26, 2012.
4. The date of approval of Permit No. 7318-3 is April 2, 2012.
5. One-fifth of the construction is to be completed on or before October 2, 2014.
6. All construction is to be completed on or before April 2, 2017.
7. Water is to be put to beneficial use on or before April 2, 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. 7318-3 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 Erbe

Garland Erbe, 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 30" Depth 230'
- b) Casing Type PVC Diameter 16" Thickness SOR 26
- c) Screen Type PVC Diameter 16" Thickness SOR 26
- d) Gravel Pack ROAD GRAVEL Length of Gravel Pack 220'
- e) Depth to Top of Water Bearing Material 40'
- f) Depth to Water (ground surface to water level) 107 ?
- g) Distance to nearest existing domestic well:
- On applicant's property 3900' On property owned by others 3900'

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

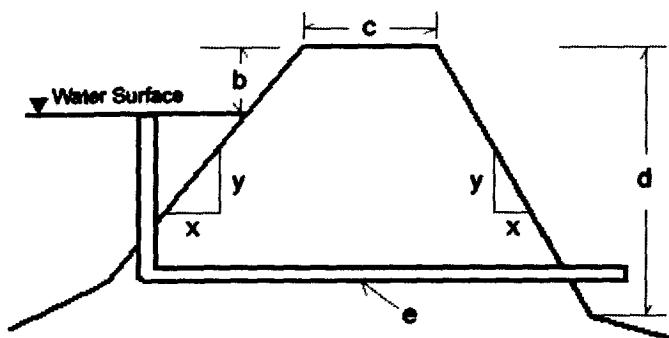
3. Dugout Information

- 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

Water Permit Application for Ronald Guthmiller



Well is to be located in the SW 1/4 SE 1/4 Section 13, T97N, R58W

Section 13, T97N, R58W
NE 1/4 SW 1/4 19 acres
SE 1/4 SW 1/4 19 acres
NW 1/4 SE 1/4 40 acres
NE 1/4 SE 1/4 38 acres
SW 1/4 SE 1/4 36 acres
SE 1/4 SE 1/4 18 acres

Section 24, T97N, R58W
NW 1/4 NE 1/4 16 acres
NE 1/4 NE 1/4 4 acres

TOTAL - 190 acres



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
605 773-3352
as represented by Applicant

97° 38.665'

NW

WELL LOG SUPPLEMENT

Mark Goosmiller

Web ID# Barton Pfeiffer

2nd test Hole

[illegible]

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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1-26, 2012

RECEIVED OF Ronald Guthmiller, 42850 Maxwell Rd, Menno SD 57045

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

Fee for Application for Permit No. <u>7318-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	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>7318-3</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	1150.00

No. **05306**

By Harland Erbalef
Chief Engineer KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2012

Ronald Guthmiller
42850 Maxwell Road
Menno SD 57045

Dear Mr. Guthmiller:

The Water Rights Program received your application for irrigation in Hutchinson County. Enclosed is a map that I prepared based on the limited information provided in the application. Please review the application carefully and let me know if you concur with this being a fair representation of the proposed well location and area to be irrigated.

The application listed 220 acres of proposed irrigation. Based on the 2010 FSA aerial map of this section, the 220 acres includes the lake/slough area in the southeast portion of the pivot coverage. If the area designated in the yellow crosshatching is excluded the pivot's coverage area the total number of acres proposed for irrigation is reduced by 30 acres to 190 acres. Please let me know if it is your intention for the pivot to make full circle or stop such that the yellow designated area is avoided.

Please review this material carefully as this is your application which needs to accurately reflect the intended irrigation project. I will await your response prior to proceeding with processing the application.

Please feel free to contact me if you have any questions.

Sincerely,
COPY

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosure

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application for Ronald Guthmiller

ADDRESS: 42850 Maxwell Rd, Menno SD 57045 COUNTY: Hutchinson County

DATE: January 30, 2012 TELEPHONE:

RE: Acreage

Mr. Guthmiller called in response to my January 26th letter. He stated that the map accurately reflects his intended irrigation project. The pivot will not make rotation through the slough area in the southeast portion of the pivot coverage. He agreed that the total number of acres to be irrigated will not exceed 190 acres.

NAME: Eric Handland



**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. 7318-3, Ronald Guthmiller**

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. 7318-3, Ronald Guthmiller, 42850 Maxwell Rd, Menno SD 57045.

The Chief Engineer is recommending APPROVAL of Application No. 7318-3 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. 7318-3 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
March 6, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7318-3
RONALD GUTHMILLER
FEBRUARY 16, 2012

Water Permit Application No. 7318-3 proposes to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Lower James-Missouri aquifer, located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T97N-R58W. The water is to be used to irrigate 190 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ the SE $\frac{1}{4}$ of Section 13, T97N-R58W and the N $\frac{1}{2}$ Section 24, T97N-R58W.

AQUIFER: Lower James-Missouri (LJM)

GENERAL:

The Lower James-Missouri aquifer is a glacial outwash deposit consisting of fine sand to cobble gravel with a depth to the top of the aquifer ranging from land surface to 245 feet below land surface. Hedges and others, (1982) estimated that the Lower James-Missouri aquifer underlies approximately 93,800 acres of Hutchinson County and contains an estimated 633, 150 acre-feet of recoverable water in storage in the county (Hedges and others, 1982). More recent studies have refined the extent of the aquifer and estimated the aquifer underlies about 268 square miles (171,520 acres) of the county (Lindgren and Hansen, 1990), (see figure 1).



Figure 1. Extent of the Lower James-Missouri aquifer in Hutchinson County and the site of this application (modified from Lindgren and Hansen, 1990)

The aquifer extends north into Hanson County, south into Yankton County and blends into the Choteau aquifer to the west. The Lower James-Missouri aquifer is generally under confined conditions in Hutchinson County to the east of the James River valley and near its western boundary and generally under unconfined conditions throughout the rest of the county (Lindgren and Hansen, 1990). The Lower James-Missouri aquifer is hydraulically connected to the James River and the direction of water movement in the aquifer is toward the river.

The test hole log submitted with this application identifies aquifer material (sand and gravel) interbedded with layers of clay extending from near the surface to 213 feet below land surface. The static water level of a well completed into the Lower James-Missouri aquifer is expected to be approximately 80 feet below land surface at the site proposed by this application. A summary of data from nearby irrigation wells completed into the Lower James-Missouri aquifer is shown in table 1.

Well No.	Location from 7318-3	Capacity (gpm)	Drawdown (ft)	Specific Capacity (gpm/ft)
1	3 miles NW	700	16	43.75
2	3 miles W	1000	16	62.5
3	1.5 miles SW	500	8	62.5
4	1 mile NE	1100	36	30.6
5	1.5 miles NE	1100	32	34.4
6	2 miles N-NE	1000	17	58.8
7	2.5 miles SE	850	5	170

Table 1. Summary of data from irrigation wells completed into the Lower James-Missouri aquifer in the vicinity of the well proposed by Application No. 7318-3

SDCL 46-2A-9

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

WATER AVAILABILITY:

This application proposes to appropriate 380 acre-feet annually from the Lower James-Missouri aquifer although the amount of water that will actually be used is less than 380 acre-feet per year. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Recharge versus Withdrawals:

Recharge:

Recharge to the Lower James-Missouri aquifer in Hutchinson County is through: (1) direct infiltration of precipitation where the outwash is at or near land surface, (2) upward leakage from the Sioux Quartzite and Dakota aquifers, (3) inflow from the Choteau aquifer and the Niobrara aquifers, and (4) subsurface inflow from the Lower James-Missouri aquifer in Hanson County.

The only component that has been quantified is the amount of subsurface inflow from Hanson County has been estimated to be about 4,600 acre-feet annually (Lingren and Hansen, 1990).

The average annual recharge for the Lower James-Missouri aquifer was estimated to be 1.50 inches per year based on regional flow-net analysis (Hedges and others, 1985). This equates to over 21,000 acre-feet annually for Hutchinson County.

Withdrawals:

Withdrawals or discharge from the Lower James-Missouri aquifer in Hutchinson County are through: (1) seepage to the James River, (2) evapotranspiration where the aquifer is at or near land surface, (3) groundwater outflow to Yankton County, and (4) well withdrawals.

The DENR-Water Rights Program has record of a number of domestic wells in this area that are completed into the Lower James-Missouri aquifer (Water Rights, 212c), and there are currently a total of 30 Water Rights/Permits appropriating water from the Lower James-Missouri aquifer in Hutchinson County. All of the appropriations are for irrigation use except Water Permit No. 6320-3 Wolf Creek Htrn Brth, and Water Permit No. 6925-3 Tschetter Colony which are for concentrated animal feeding operations.

A summary of irrigation from the Lower James-Missouri aquifer is shown in table 2.

Year	LJM Total			LJM Hutchinson County		
	No. of Pmts	Appropriation (ac-ft/yr)	Pumped (ac-ft/yr)	No. of Pmts	Appropriation (ac-ft/yr)	Pumped (ac-ft/yr)
2010	85	25751.1	665.37	27	7559	59.81
2009	84	25451.1	1463.27	27	7559	414.92
2008	79	23891.7	4494.03	27	7559	1338.59
2007	56	17477.7	3425.91	22	6383	997.2
2006	50	15627.1	3630.92	19	5423	1345.77
2005	48	14749.1	2866.63	17	4479	1021.3
2004	47	14525.1	2886.65	17	4479	1252.26
2003	53	17373.1	2843.15	23	7433	1373.41
2002	53	17108.1	4061.52	22	6793	1839.15
2001	53	17208.1	2940	23	6823	1358.33
2000	51	17048.1	3751.08	21	6663	1606.67
1999	50	15992.1	2102.15	24	7025	1043.15
1998	53	16915.1	2787.03	24	7149	1828.46
1997	50	17072.1	2320	21	6829	1310
1996	49	17240.1	2102.99	21	7031	915.1
1995	41	15088.1	1483.23	16	5886	672.15
1994	45	17094.1	1918.17	16	5916	789.88
1993	45	16241.9	230.44	14	4209	10.6
1992	45	16791.9	1159	13	3799	252
1991	42	15497.9	2599	13	4213.8	587
1990	35	12673.1	2928.1	7	1505	509
1989	31	10909.1	2144.8	6	1205	263
1988	31	11769.5	2744.9	6	1371.4	520.1
1987	30	11613.5	1041.6	5	1187.4	159
1986	30	11613.5	989.6	5	1187.4	143
1985	27	10033.1	1483	3	517	253
1984	28	12283.1	1360	3	517	259
1983	27	9883.1	1306.54	3	517	133.93
1982	23	9440.1	1301.25	1	414	86.86
1981	27	13053	1835	1	414	62.6
1980	24	11561	1299	1	414	0
1979	22	11265	588	1	414	0
Max	85.0	25751.1	4494.0	27.0	7559.0	1839.2
Min	22.0	9440.1	230.4	1.0	414.0	0.0
Ave	44.2	15320.0	2148.5	14.0	4152.3	700.2

Table 2. Irrigation appropriations and reported pumage from the entire Lower James-Missouri aquifer and the Lower James-Missouri aquifer in Hutchinson County

The maximum water use from the Lower James-Missouri aquifer from Hutchinson County is estimated to be less than 2,000 acre-feet per year. The average annual water use from the aquifer is expected to be significantly less than the average annual recharge to the aquifer so it is probable that unappropriated water is available for this proposed appropriation.

Observation Well Data:

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

The DENR-Water Rights Program monitors a total of 32 observation wells completed into the Lower James-Missouri aquifer, with 12 of these observation wells located in Hutchinson County. Observation well HT-78B is located approximately 1.5 miles north-northeast of the well site proposed by this application and observation well HT-80C is located approximately 2.5 miles south-southeast of 7318-3. Hydrographs for the observation wells are shown in figures 2 and 3.

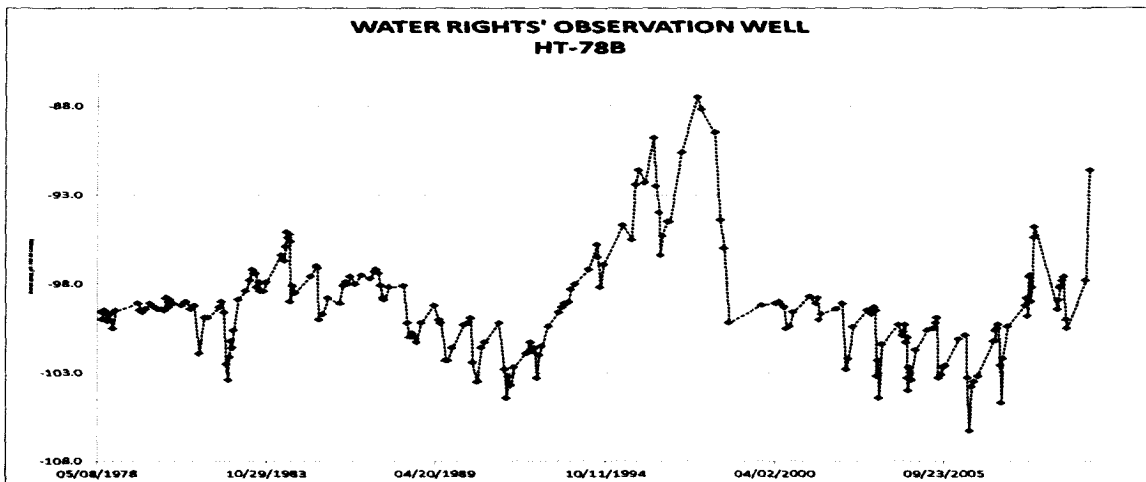


Figure 2. Hydrograph of DENR-Water Rights' Observation well completed into the Lower James-Missouri aquifer approximately 1.5 miles from the well site proposed by Water Permit Application No. 7318-3

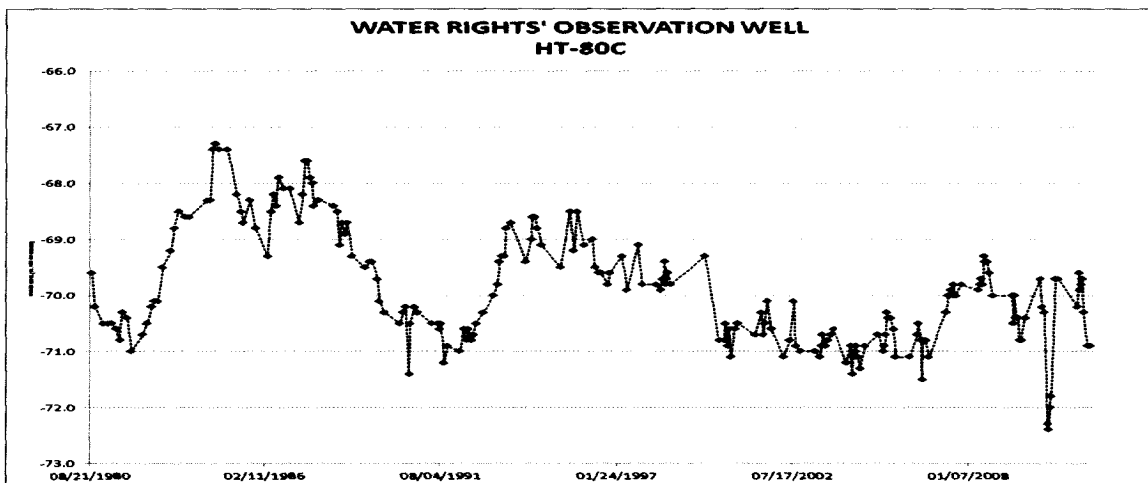


Figure 3. Hydrograph of DENR-Water Rights' Observation well completed into the Lower James-Missouri aquifer approximately 2.5 miles from the well site proposed by Water Permit Application No. 7318-3

The hydrographs are typical for observation wells completed into the Lower James-Missouri aquifer and document that unappropriated water is available for this appropriation.

AFFECTS ON EXISTING RIGHTS:

There are a number of wells completed into the Lower James-Missouri aquifer in this area (Water Rights, 2012c). Water rights/permits appropriating water from the Lower James-Missouri aquifer in this area are shown in figure 4 and table 3. Since the Lower James- Missouri aquifer is fairly thick in this area and drawdown created by pumping does not appear to be significant in this area any well interference is not expected to be adverse. A well completed into the Lower James-Missouri aquifer at the site proposed by this application can be expected to have characteristics similar to those shown in table 1 (i.e. drawdown in the production well of 5-30 feet but probably closer to 15 feet at 2.0 cfs) . Considering the distances to existing users, well interference is not expected to be adverse.

In 1990, there was a contested case hearing before the Water Management Board on Water Permit Application No. 5457-3 which proposed to appropriate water from the Lower James-Missouri aquifer. The opposition to the application was based on domestic well owners concerns over well interference. Water Permit No. 5457-3 was approved, there were no adverse effects on domestic wells and there have not been any further complaints.

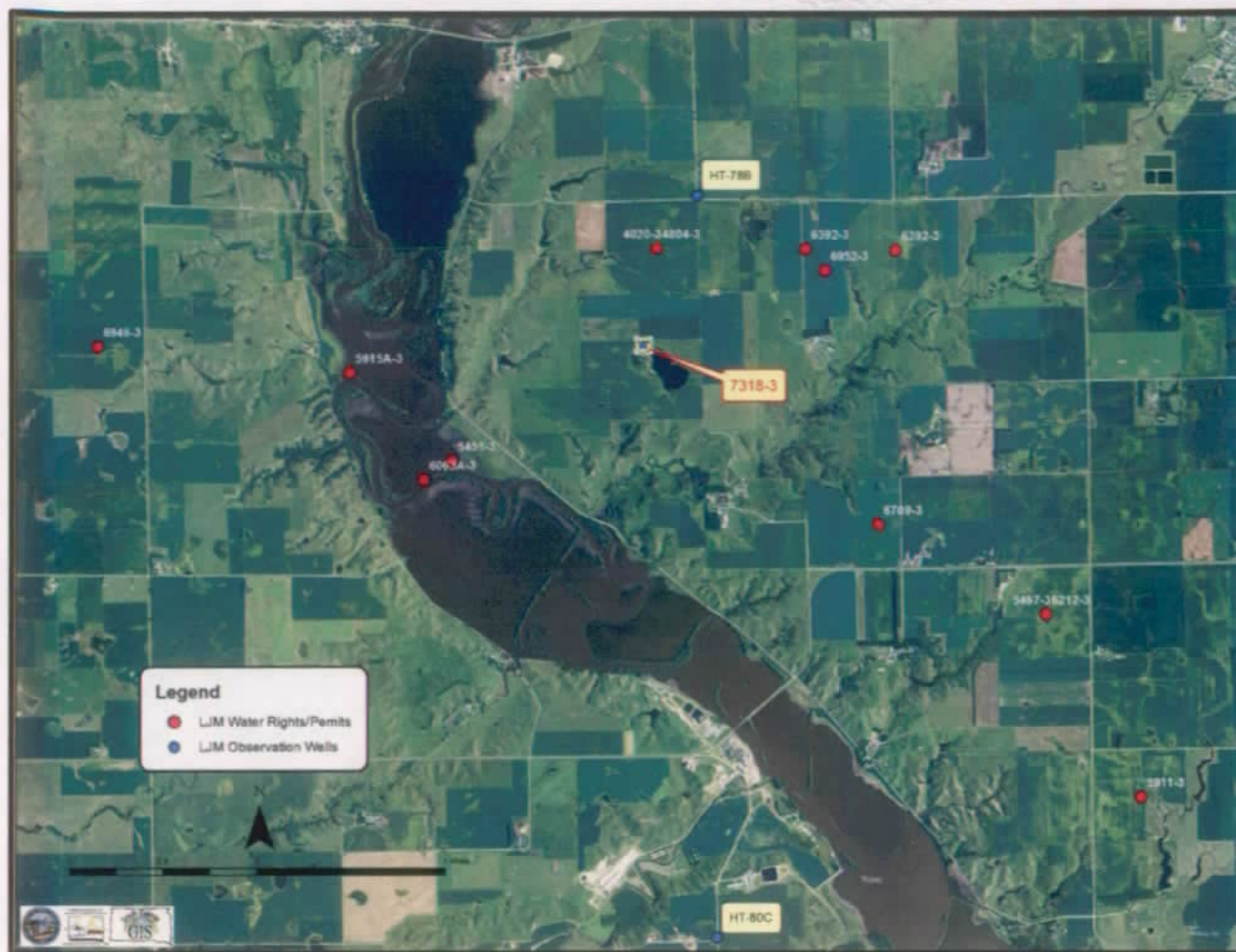


Figure 4. Water Rights/Permits in the vicinity of the well site proposed by Application No. 7318-3

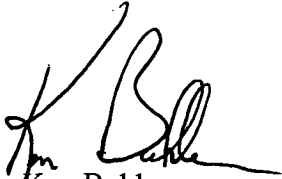
PERMIT NO	NAME	STATUS	USE	CFS	ACRE
4804-3	MARK ALLEN ULMER	LC	IRR	1.78	131
5451-3	MERRITT E ULMER	LC	IRR	1.1	77.5
5457-3	JOHN ULMER	LC	IRR	1.88	132
5911-3	JOHN ULMER	LC	IRR	1.4	98
5915A-3	DANIEL ULMER	PE	IRR	1	62
6063A-3	DANIEL ULMER	PE	IRR	1.78	70
6212-3	JOHN ULMER	PE	IRR	0.89	20
6392-3	BRIAN HERRBOLDT	LC	IRR	3.56	272
6709-3	DANIEL ULMER	PE	IRR	2.22	80
6946-3	BRETT GUTHMILLER	PE	IRR	1.89	133
6952-3	BRIAN HERRBOLDT	PE	IRR	0	90

Table 3. Water Rights/Permits in the vicinity of the well site proposed by Application No. 7318-3

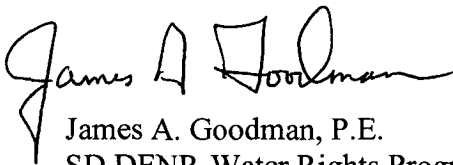
CONCLUSIONS:

1. Water Permit Application No. 7318-3 proposes to appropriate up to 380 acre-feet annually at a maxim diversion rate of 2.0 cfs, from a well to be completed into the Lower James-Missouri aquifer.
2. The amount of water that will be used if this application is approved is less than the 380 acre-feet per year appropriation.

3. The Lower James-Missouri aquifer is a viable aquifer in this area.
4. There is a reasonable probability that unappropriated water is available from the Lower James-Missouri aquifer for this proposed appropriation.
5. There is a reasonable probability that this appropriation can be developed without an adverse impact on existing users.



Ken Buhler
SD DENR-Water Rights Program
Approved by



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

REFERENCES:

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1-4, South Dakota DENR-Geological Survey, Vermillion, SD

Hedges, L.S., Allen, J., and Holly, D.E, 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge, South Dakota DENR-Geological Survey, Vermillion, SD

Lindgren, R.J., and Hansen, D.S., 1990, Water Resources of Hutchinson and Turner Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 90-4093, 100 p.

Water Rights, 1981-2011, "Irrigation Questioner Summaries", SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

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

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

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

RECEIVED

MAR 21 2012

AFFIDAVIT OF PUBLICATION

WATER RIGHTS
PROGRAM

County of Hutchinson)

) ss.

State of South Dakota)

Tim L. Waltner, of said county and state, being sworn, on his oath, deposes and says: That the Hutchinson Herald is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Menno in said county and state by Tim L. Waltner, and has been published during the time hereinafter mentioned. I, Tim L. Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed **Water Application No. 7318-3**

a printed copy of which is hereto attached, was published and published in the said newspaper for two successive issues to-wit:

The first publication on:
March 14, 2012

the second publication on:
March 21, 2012

and the third publication on:

That the full amount of the fees charged for publication of the same to-wit: The sum of **\$42.85** insures sole benefit of the publisher of the Hutchinson Herald, and no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of **\$42.85** is the rate for publishing legal notices.

P. L. Waltner

Subscribed and sworn to before me this 31st day of March 2012.

Linda Uy

Notary Public
Commission expires: 10/9/12

Publication fee: \$42.85
Notary fee:
Total: \$42.85

NOTICE OF APPLICATION NO. 7318-3 to Appropriate Water

Notice is given that Ronald Guthmiller, 42850 Maxwell Rd., Menno SD 57045 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Lower James: Missouri Aquifer (230 feet deep) located in SW 1/4 SE 1/4 Section 13 for irrigation of 190 acres located in the E 1/2 SW 1/4, SE 1/4 Section 13 and N 1/2 NE 1/4 Section 24; all in T97N-R58W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7318-3 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 April 2, 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 \$42.85
2-50HH



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 6, 2012

Hutchinson Herald
PO Box 506
Menno SD 57045

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7318-3 to Appropriate Water to be published twice. Please publish the first notice on March 14, 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 Ronald Guthmiller, 42850 Maxwell Rd., Menno SD 57045 (Ph # 605-387-2313).

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. 7318-3

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

Date _____

We are in receipt of your letter of March 6, 2012 enclosing Notice to Appropriate Water by Application No. 7318-3 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.

March 6, 2012

Ronald Guthmiller
42850 Maxwell Rd
Menno SD 57045

Dear Mr. Guthmiller:

Water Permit Application No. 7318-3 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 Hutchinson Herald printed at Menno SD (Ph # 605-387-5158). 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 14, 2012 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7318-3 to Appropriate Water

Notice is given that Ronald Guthmiller, 42850 Maxwell Rd, Menno SD 57045 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (230 feet deep) located in SW ¼ SE ¼ Section 13 for irrigation of 190 acres located in the E ½ SW ¼, SE ¼ Section 13 and N ½ NE ¼ Section 24; all in T97N-R58W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7318-3 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 April 2, 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

JUN 21 2012

Ronald Guthmiller
42850 Maxwell Rd
Menno SD 57045

Dear Mr. Guthmiller :

Enclosed is Water Permit No. 7318-3 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

7318-3
RECEIVED

AUG 06 2012

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 7-20-12TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Ronald Guthmiller
(name)42850 Maxwell RD
(address)Menno, S.D. 57045
(city, state, zip)605-387-2313
(phone)

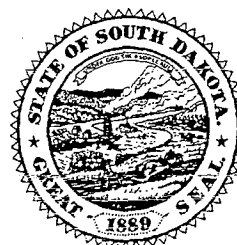
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7318-3 states that the water use system is to be constructed by 4-2-2017, and water is to be put to beneficial use by 4-2-2021.
(date) (date)

The water use system was completed on 5-18-2012.
(date)

Applying the water to beneficial use was completed on 6-21-2012.
(date)

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

Ronald Guthmiller
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 2012

7318-3

Ronald Guthmiller
42850 Maxwell Rd
Menno SD 57045

Dear Mr. Guthmiller:

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

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

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

Sincerely,

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

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

605-775-7067

7318-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

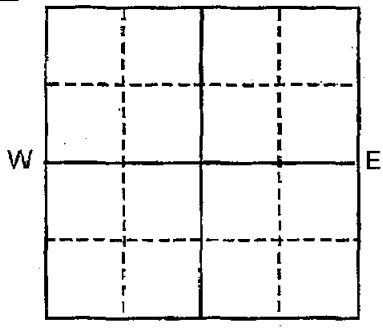
Location SW 1/4 SE 1/4 Sec 13 Twp 97N Rg 58W

Well Owner: Mark Guthmiller

County Hutchinson

North

Please mark well location with an "X"



Business Name: _____

Address: 28948 430th Avenue

City, State, Zip: Menno SD 57045

Well Completion Date

7-31-2012

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
5,000.0 ft. from feedlot (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

reverse rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>160.0</u> LB/FT	<u>16.00</u> IN	<u>0.0</u> FT	<u>80.0</u> FT	<u>28.00</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>50</u>	<u>_____</u> Lb/gal	<u>0.0</u> Ft	<u>80.0</u> Ft
_____	_____	_____ Lb/gal	_____ Ft	_____ Ft

Describe grouting procedure
Tremie pipe

SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter 16.00 Inches Length 90.0 Feet

Material PVC

Slot Size .085 Set From 80.0 Feet to 170.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION:

Was well disinfected upon completion?
☒ Yes, How? chlorine tablets

☐ No, Why Not? _____

Lab to which water quality sample sent for analysis _____

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	4
silty brown clay	4	19
fine green sand	19	50
blue clay and rocks	50	107
med sand\ coarse gravel	107	165
Blue clay	165	170

STATIC WATER LEVEL 88.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: turbine pump and engine

☐ Bailed

☐ Other

Pumping Level Below Land Surface

94.0 Ft. After 6.0 Hrs. pumped 600.0 GPM

100.0 Ft. After 8.0 Hrs. pumped 900.0 GPM

If pump installed, pump rate: 900.0 GPM

REMARKS

This well was drilled under license # 773 and this report is true and accurate.

Drilling firm: Quality Well Services

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 2016

7318-3

Ronald Guthmiller
457 E Heil St
Menno SD 57045 2113

Dear Mr. Guthmiller:

Enclosed is a "Notice" dated October 21, 2016 concerning the 2016 irrigation questionnaire.

The notice was originally mailed to 42850 Maxwell Rd. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with a long, sweeping underline.

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

enclosures

7318-3



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: RONALD GUTHMILLER, 457 E HEIL ST, MENNO, SD 57045 2113

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) 7318-3. 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) 7318-3 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) 7318-3 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: NWZVKO**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 30, 2023

7318-3

Ronald Guthmiller
457 E Heil St
Menno SD 57045-2113

Dear Mr. Guthmiller:

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

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit No. 7318-3. 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

7318-3

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7318-3**

I have this day, September 8, 2023, made a thorough examination of the water use system owned by Ronald Guthmiller, 42850 Maxwell Rd., Menno, SD 57045, holder of Permit No. 7318-3, bearing the priority date of January 26, 2012. Permit No. 7318-3 authorizes the diversion of 2.0 cu. ft. per second of the waters of groundwater (Lower James: Missouri Aquifer) and the irrigation of 190 acres located in Hutchinson County.

Inspection contact: Mark Guthmiller (Son of Ron Guthmiller)

A. Works used to divert the water:

West Well Information

- 1) Well Drilling Firm: Quality Well Services
- 2) No. of Wells: 1
- 3) Depth(s): 170 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 80 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 90 feet
- 3) Type: PVC
- 4) Static water level: 88 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 800S500-2
- 3) Capacity: 800 GPM

Motor:

- 1) Make: Grundfos
- 2) Model No: 11L20
- 3) Horsepower rating: 50 hp

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

- 1) Type: Aluminum Size: 8 inches Length: 15 feet (well to the WP No. 7318-3 pivot)
- 2) Type: PVC Size: 8 inches Length: 2,510 feet (well to the WP No. 8508-3 pivot)

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Valley
- 2) Overall length: 1,456 feet
- 3) Number of towers: 8
- 4) End gun: Yes
- 5) Capacity: 800 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

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

E. Condition and Location:

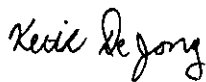
- 1) The systems are in good condition with the point(s) of diversion located as follows:
The well is 1,670 feet west and 1,190 feet north of the southeast corner of Section 13-T97N-R58W (Latitude 43.21550, Longitude -97.64439-- SW1/4 of the SE1/4).
2) The works are capable of diverting and conveying to the places of use 1.78 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

Section 13-T97N-R58WNW1/4SE1/4 38 acresNE1/4SE1/4 28 acresSW1/4SE1/4 38 acresSE1/4SE1/4 20 acresNE1/4SW1/4 9 acresSE1/4SW1/4 14 acresSection 24-T97N-R58WNW1/4NE1/4 10 acresNE1/4NE1/4 2 acres

comprising a total of 159 acres of land and the license should be issued for 1.78 cfs.

- 3) All structures, wells and lands on map: Yes

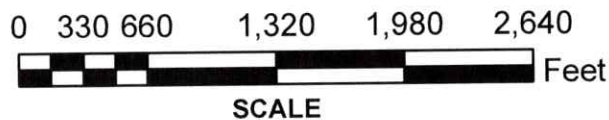
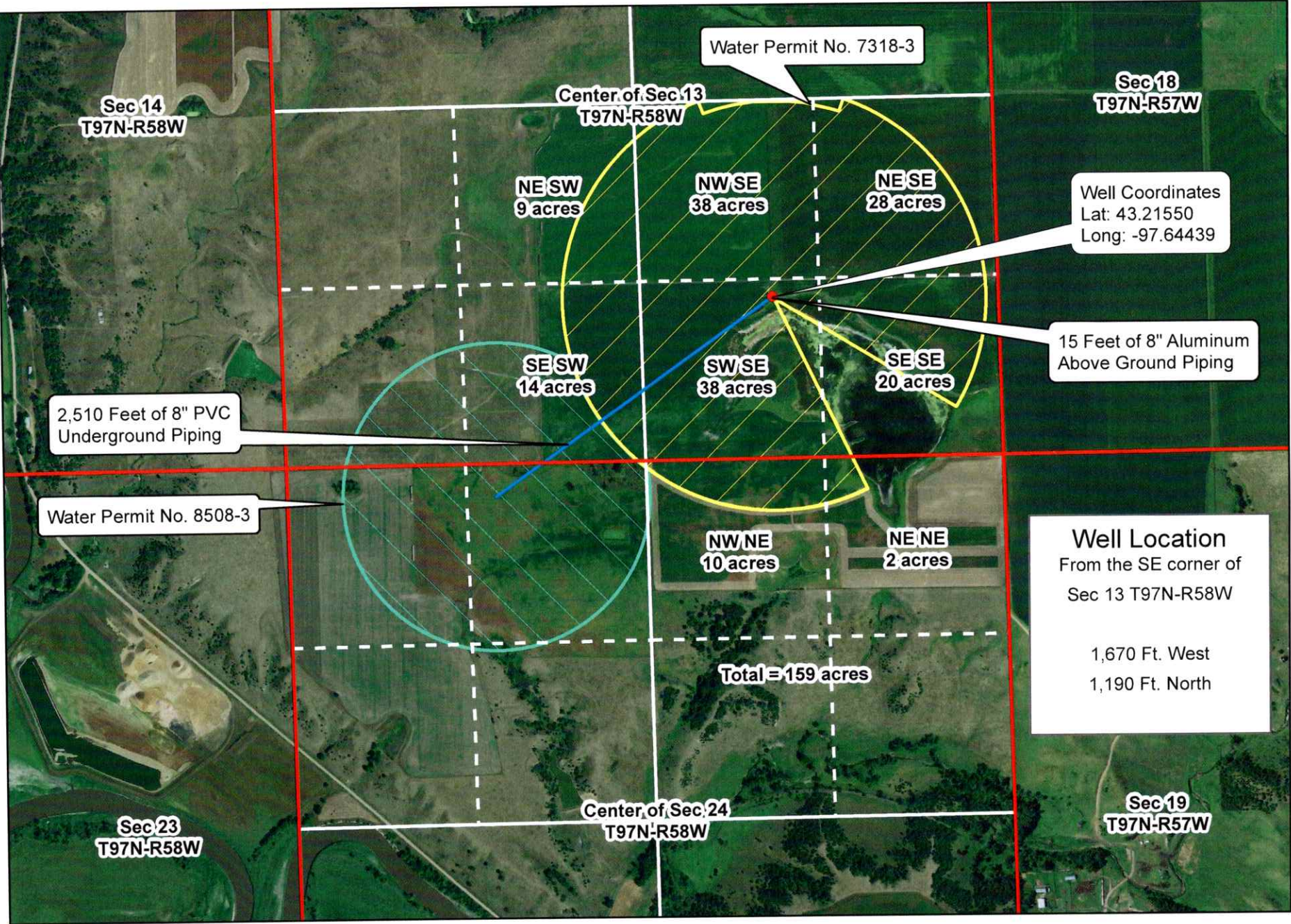
F. Comments or other permit(s) associated with the project: The well pump information was obtained from Heine Electric & Irrigation, Inc. The well for this permit also supplies water to another pivot that was authorized by Water Permit No. 8508-3 which is in the name of Ron's sons, Mark and Lee Guthmiller. The owners would like the two permits to be licensed separately.



Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: September 8, 2023

Water Permit No. 7318-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
September 8, 2023



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 13 2023

7318-3

Ronald Guthmiller
42850 Maxwell Rd
Menno SD 57045

Dear Mr. Guthmiller:

Enclosed is Water License No. 7318-3. 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,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7318-3**

(1) Ronald Guthmiller; 42850 Maxwell Rd, Menno SD 57045, made Application No. 7318-3, January 26, 2012, for a water permit to divert 2.0 cubic feet of water per second from groundwater, one well (Lower James: Missouri Aquifer), Hutchinson County, South Dakota for irrigation purposes. Permit No. 7318-3, with a priority date of January 26, 2012, was approved April 2, 2012, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 2, 2017, and for the application to beneficial use of water on or before April 2, 2021.

The well authorized under this Water Right also provides water to an irrigation system owned by Mark and Lee Guthmiller, covered under Water Right No. 8508-3. A combined diversion rate for the irrigation of Water Right Nos. 7318-3 & 8508-3 may not exceed 1.78 cubic feet of water per second.

(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 amount of the appropriation may not exceed 2 acre feet annually for each authorized irrigated acre. The location of the diversion point is:

- 1,670 ft W & 1,190 ft N of the SE corner of Section 13, T97N, R58W (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
(Latitude 43.21550 Longitude -97.64439)

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

Section 13, T97N, R58W		Section 24, T97N, R58W	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	28 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$	2 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	38 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	10 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38 acres		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	20 acres		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	9 acres		
SE $\frac{1}{4}$ SW $\frac{1}{4}$	14 acres	TOTAL:	159 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ronald Guthmiller, the holder and/or owner of Water Right No. 7318-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Lower James: Missouri Aquifer), with a priority date of January 26, 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. 7318-3 and subject to the following qualifications:

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

continued

2. The well authorized by Water Right No. 7318-3 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 completed in 2012 by Quality Well Services. A copy of the well completion report is on file with the Water Rights Program.)*
3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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

SEP 13 2023

date

