

WATER PERMIT NO. 7348-3

Name of Applicant: Michael Sentell

Address: 18690 398th Ave, Hitchcock SD 57348

Phone: 605 266-2780

Amount of Water Claimed: 5.33 cfs

Total Acres: 440 acres

Source of Water Supply: gravel pit

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 8 miles northeast of Hitchcock

PRIORITY

Date Received: 4-11-2012

Application/License Fee: \$ 1550

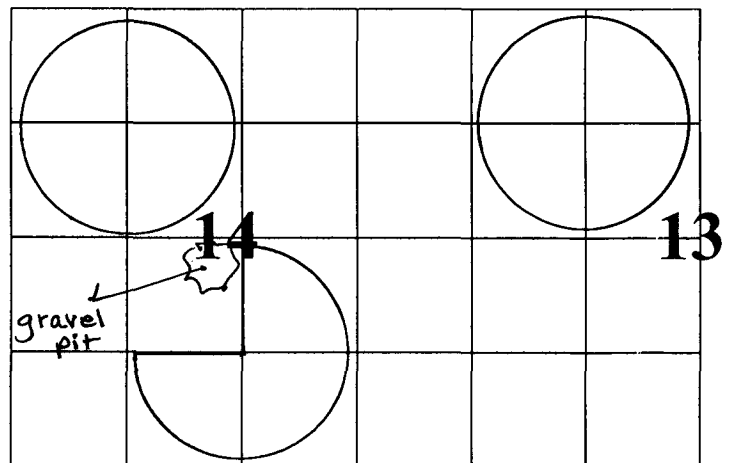
Corrected Application Received:

Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: NE ¼ SW ¼ Sec 14-T114N-
R62W

Land to be Irrigated: NW ¼ Sec 13 and NW ¼, W
½ SE ¼, SE ¼ SW ¼ Sec 14; all in T114N-R62W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Russell Simon, Spink Co. FSA

Reviewed and the Number Assigned on: 4-11-2012

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2378-3</u> (office use only)	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Redfield Press</u>	

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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

- Name of Applicant MICHAEL SENTELL Phone 605-266-2780
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 18690 398TH AVE HITCHCOCK State SD 57348
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 5.33*CFS or 2400 **GPM ***AF Total Acreage 440
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply GRAVEL PIT
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County SPINK Co.
NE 1/4 NE 1/4 SW 1/4 14-114N-62W
- County or counties where water will be used SPINK Co.
- Annual period during which water is to be used May 1 - September 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 NW 1/4 13-114N-62W	40	SW 1/4 SE 1/4 14-114N-62W	40
NW 1/4 NW 1/4 13-114N-62W	40	NW 1/4 SE 1/4 14-114N-62W	40
SE 1/4 NW 1/4 13-114N-62W	40	SE 1/4 SW 1/4 14-114N-62W	40
SW 1/4 NW 1/4 13-114N-62W	40		

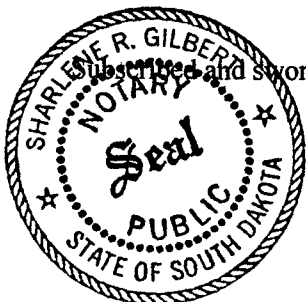
8. Give a description of the project. (Attach sheet if more space is needed)
- pump + motor deliver water through buried pipe to center pivots

STATE OF SOUTH DAKOTA) SS
County of Spink

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

I, Michael Sentell, 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 Michael Sentell
Subscribed and sworn to before me this 9th day of April 20 12



Sharlene R. Gilbert
Notary Public signature

my commission expires: 8-4-2014

MICHAEL SENTELL Permit Application

Additional Land Description:

Acres

40	NE 1/4	NW 1/4	14 - 114N - 62W	SPINK Co.
40	NW 1/4	NW 1/4	14 - 114N - 62W	"
40	SW 1/4	NW 1/4	14 - 114N - 62W	"
40	SE 1/4	NW 1/4	14 - 114N - 62W	"

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WATER RIGHTS
PROGRAM

**SOUTH DAKOTA
WATER PERMIT NO. 7348-3**

Date of first receipt of application April 11, 2012.

The Water Management Board approved Water Permit No. 7348-3 on December 6, 2012 for Michael Sentell, 18690 398th Ave, Hitchcock SD 57348 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. 7348-3 appropriates 5.33 cubic feet of water per second from a gravel pit completed into the Tulare:East James Aquifer and located in the NE 1/4 SW 1/4 Section 14 for irrigation of 440 acres located in the NW 1/4 Section 13, NW 1/4, W 1/2 SE 1/4, SE 1/4 SW 1/4 Section 14; all in T114N-R62W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is April 11, 2012.
4. One-fifth of the construction is to be completed on or before June 6, 2015.
5. All construction is to be completed on or before December 6, 2017.
6. Water is to be put to beneficial use on or before December 6, 2021.
7. 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 gravel pit approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The permit owner under this Permit shall control his withdrawals from the gravel pit so there is not a reduction of needed water supplies in adequate wells having prior water rights.
2. 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

JAN 25 2013
date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

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

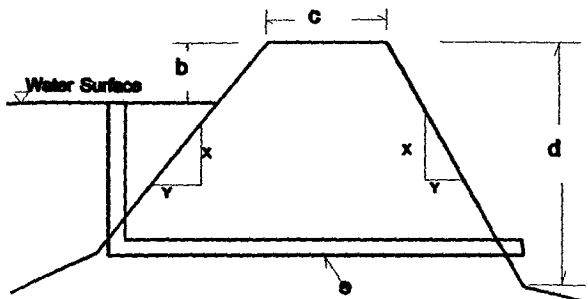
3. Dugout Information *GRAVEL PIT*

- a) Surface Dimensions *approx 10 ACRES* Depth *20'*
- b) Depth to water (ground surface to water level) *12'*

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



United States Department of Agriculture
Farm Service Agency

October 18, 2011

PLSS: 14_114N_62W
Farm: 6107

Spink County, SD

1:8,652

Russell Seman
3-26-12

Legend



Easements



Common Land Units



Rangeland

Wetland Determination Identifiers

● (shaded) 1 foot



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WATER RIGHTS
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2010 Ortho-Photography - Not to Scale



United States Department of Agriculture
Farm Service Agency

November 17, 2010

PLSS: 13_114N_62W
Farm: 6107

Spink County, SD

1:8,180

Russell Simon



Wetland Determination Identifiers

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

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

3-16-12

Common Land Units

2008 Ortho-Photography - Not to Scale

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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Michael Sentell, 18690 398th Ave, Hithhock SD 57348 Date 4-11, 20 12

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

Fee for Application for Permit No. <u>7348-3</u> to Appropriate Water, to construct and to put water to beneficial use	1350	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>7348-3</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	1550.00

No. 05408

By Harland Erbele
Chief Engineer 145



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 3, 2012

Michael Sentell
18690 398th Avenue
Hitchcock SD 57348

Dear Mr. Sentell:

Please find attached the hydrographs for two observation wells in the vicinity of the gravel pit that is the intended water source for Water Permit Application No. 7348-3.

SP-79K has been in existence since 1979 and is located in the NE corner of Section 22, T114N, R62W just over one half mile southwest of the gravel pit.

SP-77U has been in existence since 1977 and is located in the SE ¼ Section 2, T114N, R62W to the northeast of the gravel pit.

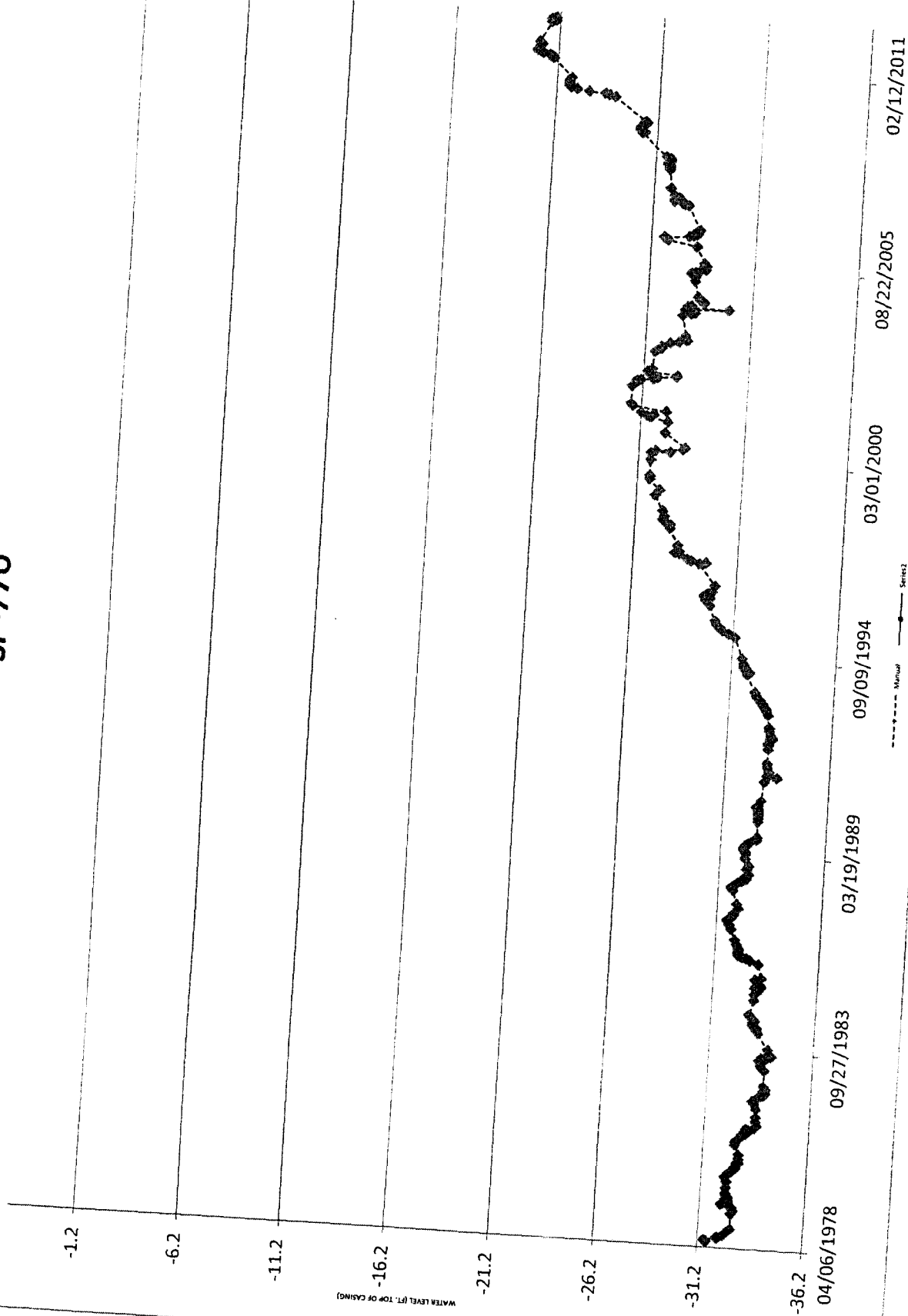
The ground water engineer that reviewed your application is Ken Buhler. After reviewing this material if you have further questions regarding whether the gravel pit is excavated into glacial outwash that is part of the Tulare:East James Aquifer, please feel free to contact Mr. Buhler at 605 773-3352.

Sincerely,

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

enclosures

WATER RIGHTS' OBSERVATION WELL SP-77U



LOG AND INSPECTION SHEET

SP 774
Well No. Sp 77-2, Section Sec 2, Township 114 N, Rge. 62 W,
~~114~~ & CCCC

Well Driller Ralph S DGS S DGS

Date drilled 10-18-77 Dia. of Hole 4, Dia. of Casing 2

LOG

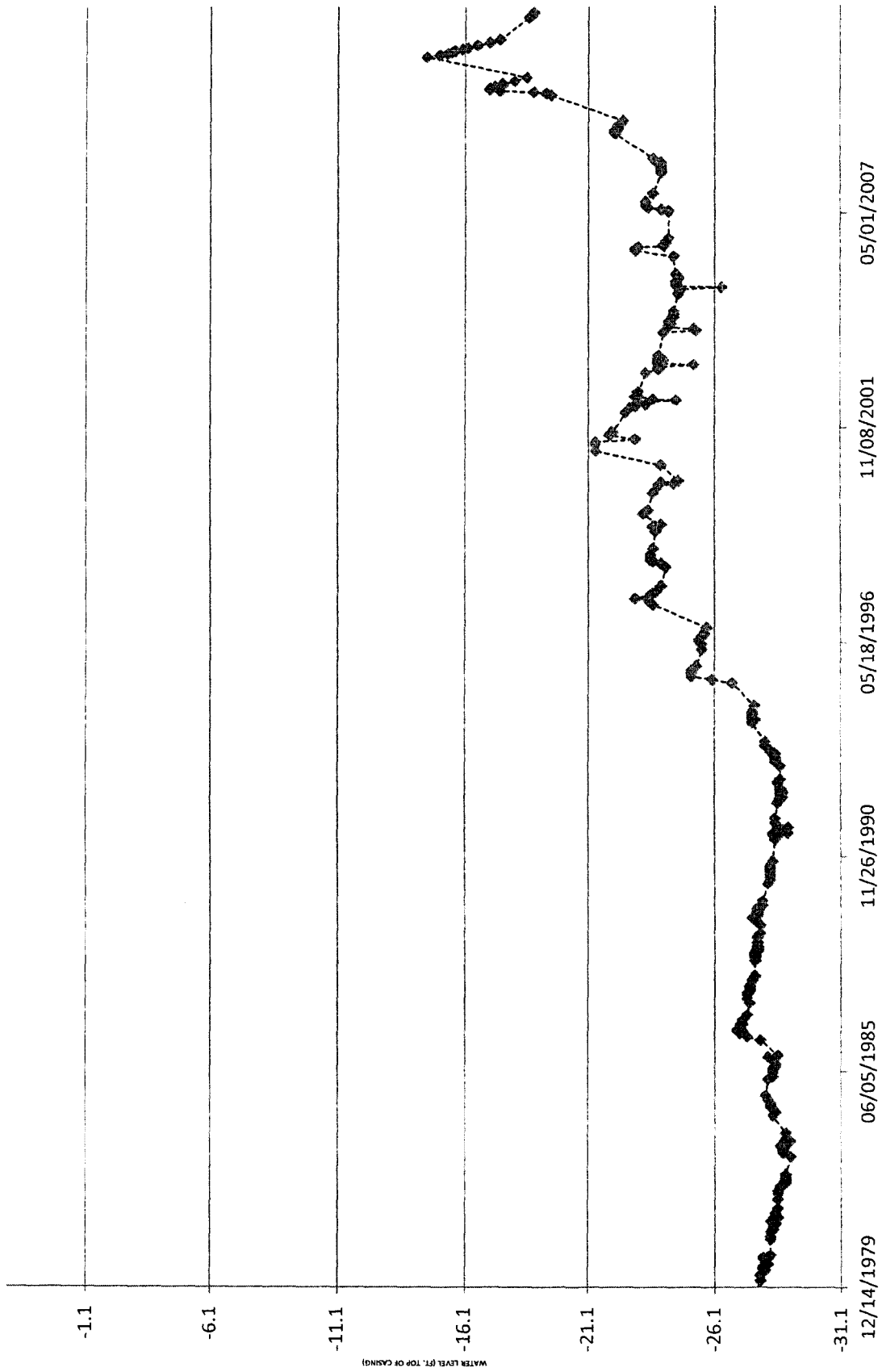
Layers, Top to Top in feet	Description of Layer	Sampled
0-2	Topsoil dark brown silty	
2-26	Clay tan silty pebbly (collected till)	
26-62	Sand med-coarse (Coal)	
62-72	Gravel med to coarse	
72-75	Clay light gray white (chalk unworked)	
75-87	Gravel med-coarse	
87-90	shale, dark gray	

Depth to saturated material _____ Feet
Depth to static water level _____ Feet
Total depth of drill hole 90 Feet
Total length of casing installed 85 Feet

CHECK LIST

Well Point _____ Waste Mounded _____
Casing Packed _____ Air Hole _____
Bentonite Placed _____ Padlocked _____
Well Tested _____ Post set _____
Stickup _____

WATER RIGHTS' OBSERVATION WELL SP-79K



Location

Section: 22

T. 114N

R. 62W

Well: SP-79 K

Land Owner:

Date: 3+4 OCT 79

Elevation:

Samples:

Drilling Company: SOGS

Geologist: JAG

Auger:

Driller: MARK + CAROL

[illegible]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 6, 2012

Lenny Peterson
19111 Maple Avenue
Hitchcock SD 57348

Floyd Peterson
209 27th Street NW
Huron SD 57350

Dear Lenny and Oscar:

As you are aware, DENR received a number of water permit applications seeking to appropriate water the Tulare:East James Aquifer in Spink and Beadle County for irrigation. The Chief Engineer has carefully reviewed the staff report on the applications and is recommending approval.

Please find enclosed the staff report, recommendations and public notice of hearing on these ten pending applications. The public notice is set to occur on September 12, 2012 scheduling a October 3, 2012 hearing before the Water Management Board. Petitions to intervene in the hearing process must be filed by September 24, 2012.

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

Sincerely,

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

Enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 2, 2012

Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7348-3 to Appropriate Water. Please publish the notice once on July 11, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Michael Sentell, 18690 398th Ave. Hitchcock SD 57348 (Ph # 605-266-2780).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 2, 2012

Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7348-3 to Appropriate Water. Please publish the notice once on July 11, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Michael Sentell, 18690 398th Ave. Hitchcock SD 57348 (Ph # 605-266-2780).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, July 03, 2012 7:27 AM
To: 'Plainsman (rnewman.plainsman@midconetwork.com)'
Subject: Two notices for Michael Sentell
Attachments: 7348-3public.wmb.docx; 7349-3public.short.docx; 7348-3NEWS.docx; 7349-3NEWS.docx

Contacts: Plainsman

Ruby,

Attached are two separate notices and cover letters for Application Nos. 7348-3 and 7349-3, Michael Sentell. The legislature made changes in our public notice process; therefore each of these notices need only be published once on July 11, 2012.

Please send us the affidavit right away and Mr. Sentell pays for the publication.

Thanks,

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 2, 2012

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

Mike Sentell
18690 398th Ave
Hitchcock SD 57348

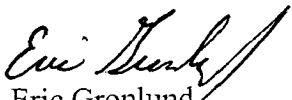
Dear Mr. Sentell:

Water Permit Application Nos. 7348-3 and 7349-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. Staff recommendation is for deferral of Application No. 7348-3 and approval of Application No. 7349-3. Since there are two different recommendations, the applications are being public noticed separately.

Notices have been sent to the Redfield Press printed at Redfield SD (Ph # 605 472-0822) and the The Plainsman printed at Huron SD (Ph # 605 352-6401). You need to contact the newspapers and authorize publication of these two notices. For your information, a copy of the notices, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notices prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your two Notices and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notices. 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

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 the Notice on July 11, 2012. 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 HEARING on Application No. 7348-3 to Appropriate Water

Notice is given that Michael Sentell, 18690 398th Ave, Hitchcock SD 57348 has filed an application for a water permit to appropriate 5.33 cubic feet of water per second from a gravel pit completed into the Tulare:East James Aquifer and located in the NE 1/4 SW 1/4 Section 14 for irrigation of 440 acres located in the NW 1/4 Section 13, NW 1/4, W 1/2 SE 1/4, SE 1/4 SW 1/4 Section 14; all in T114N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 7348-3 because the gravel pit's source of water is part of the Tulare:East James Aquifer which is currently being reevaluated in order to determine the level of development of issued water permits from the Tulare:East James Aquifer that have not been licensed.

SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

The Water Management Board will consider this application at 10:00 a.m. on October 3, 2012 in the Matthew Training Center, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 July 23, 2012. The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The October 3, 2012 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by July 23, 2012. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by September 21, 2012, at the above Chief Engineer's address to request copies of the staff report, recommendation, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(6) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing

issued pursuant to SDCL 1-26-17.” This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is July 23, 2012. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

The legal authority and jurisdiction under which the hearing is to be held are the following as applicable: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-14 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-14, 46-2A-15; 46-5-6.11, 46-5-10 thru 46-5-13, 46-5-30 thru 46-5-30.3, 46-5-32; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-26; and Board rules ARSD 74:02:01:01 thru 74:02:01:15.

The particular section of statutes and rules pertaining to this permit application are, in addition to the above, the following: SDCL 46-2A-9, 46-6-3.1, 46-2A-15, 46-5-10 thru 46-5-13, 46-6-10, 46-6-26; the above listed administrative rules and the following rules pertaining to qualifications recommended by the Chief Engineer: ARSD Chapter 74:02:04, 74:54:01, 74:54:02, 74:51:01, 74:51:02, 74:51:03 and 74:52:01 through 74:52:11

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.

Gronlund, Eric

From: Gronlund, Eric
Sent: Monday, July 09, 2012 11:15 AM
To: Schlaak, Karen
Subject: Application Nos. 7348-3 and 7349-3, Michael Sentell

At 11:00 AM on Monday, July 9th, I received a call from Ruby with the Plainsman. She indicated that Mr. Sentell had not contacted them to authorize publication. She stated the applications are set to be published on Wednesday so she needs to know right away whether to publish. I told her I would get a hold of Mr. Sentell.

I immediately called the phone number on the applications and talked presumably to Mr. Sentell's wife. I told her that Mr. Sentell needed to contact both the Redfield Press and the Plainsman immediately if he wanted to proceed with the applications. She said likely no one ever told them that. I said that information was on the cover letter sent to Mr. Sentell on July 2nd and that I knew he received that mailing as he had contacted us regarding the reports and recommendations.

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

RECEIVED

JUL 12 2012

WATER RIGHTS
PROGRAM

01/2

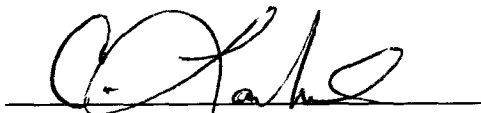
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, 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 legal or official notice entitled:

#440 Hearing Notice

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on July 11th, that Fifty-seven and .40/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 11th day of July, 2012.


Notary Public, South Dakota

My commission expires 04/06/2016.

Hearing Notice

#440

NOTICE OF HEARING ON APPLICATION NO. 7348-3 TO APPROPRIATE WATER

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFER- RAL of Application No. 7348-3 because the gravel pit's source of water is part of the Tulare:East James Aquifer which is currently being reevaluated in order to determine the level of development of issued water permits from the Tulare:East James Aquifer that have not been licensed.

SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no

hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

The Water Management Board will consider this application at 10:00 a.m. on October 3, 2012 in the Matthew Training Center, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 July 23, 2012. The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The October 3, 2012 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by July 23, 2012. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by September 21, 2012, at the above Chief Engineer's address to request copies of the staff report, recommendation, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(6) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is July 23, 2012. However, since this particular matter is a water permit application and not a monetary controversy, the amount of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision, and states that the hearing must be conducted by the

Board.

The legal authority and jurisdiction under which the hearing is to be held are the following as applicable: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-14 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-14, 46-2A-15; 46-5-6.11, 46-5-10 thru 46-5-13, 46-5-30 thru 46-5-30.3, 46-5-32; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-26; and Board rules ARSD 74:02:01:01 thru 74:02:01:15.

The particular section of statutes and rules pertaining to this permit application are, in addition to the above, the following: SDCL 46-2A-9, 46-6-3.1, 46-2A-15, 46-5-10 thru 46-5-13, 46-6-10, 46-6-26; the above listed administrative rules and the following rules pertaining to qualifications recommended by the Chief Engineer: ARSD Chapter 74:02:04, 74:54:01, 74:54:02, 74:51:01, 74:51:02, 74:51:03 and 74:52:01 through 74:52:11

Steven M. Pimer, Secretary
Department of Environment and
Natural Resources

Published at an approximate cost of
\$57.40. (July 11)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 31, 2012

Sent via email

Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7348-3 to Appropriate Water. Please publish the notice once on August 8, 2012. The text of the notice has been e-mailed to your paper.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Michael Sentell, 18690 398th Ave., Hitchcock SD 57348 (Ph # 605-266-2780).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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/KS

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Schlaak, Karen

From: Ruby Crandall <rnewman.plainsman@midconetwork.com>
Sent: Tuesday, July 31, 2012 11:01 AM
To: Schlaak, Karen
Subject: Re: Notice for Application No. 7348-3, Michael Sentell

I have received your email.
Thank you.

Ruby Crandall
Creative Services Supervisor

Plainsman/Payday/Print Shop
49 3rd Street SE
Huron, SD 57350

605-353-7412

1-800-859-3045, ext. 412

fax: 605-353-7422

rnewman.plainsman@midconetwork.com

On Jul 31, 2012, at 10:53 AM, <Karen.Schlaak@state.sd.us> <Karen.Schlaak@state.sd.us> wrote:

Ruby,

Enclosed is a Notice on Application No. 7348-3 to Appropriate Water. Please publish the notice once on August 8, 2012. Mike Sentell pays for the publication and we need an affidavit.

Thanks,

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

<7348-3public.wmb2.docx><7348-3NEWS2.docx>

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, July 31, 2012 10:53 AM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: Notice for Application No. 7348-3, Michael Sentell
Attachments: 7348-3public.wmb2.docx; 7348-3NEWS2.docx

Ruby,

Enclosed is a Notice on Application No. 7348-3 to Appropriate Water. Please publish the notice once on August 8, 2012. Mike Sentell pays for the publication and we need an affidavit.

Thanks,

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 2012

Sent via email

Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7348-3 to Appropriate Water. Please publish the notice once on August 15, 2012. The text of the notice has been e-mailed to your paper.

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately. Also, please bill the cost of the publication to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, August 06, 2012 10:00 AM
To: 'office.redpress@midconetwork.com'
Subject: Notice of Hearing on Application No. 7348-3 to Appropriate Water
Attachments: 7348-3NEWS3.docx; 7348-3public.wmb3.docx

Contacts: Robin

Please publish this notice on August 15th and bill the Water Rights Program. Paper copy being mailed today.

Let me know if you have any questions.

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 31, 2012

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

Mike Sentell
18690 398th Ave
Hitchcock SD 57348

Dear Mr. Sentell:

On July 2, 2012 we sent the information regarding the public notices for Water Permit Application Nos. 7348-3 and 7349-3. We have received the necessary affidavits from the two newspapers for Application No. 7349-3.

Because of a miscommunication between our office and The Plainsman, the notice for Application No. 7348-3 did not get published on July 11th. Application No. 7348-3 is the application that has been recommended for deferral and scheduled for the October 3, 2012, Water Management Board hearing.

The information has again been emailed The Plainsman printed at Huron SD (Ph # 605 352-6401). You need to contact the newspaper and authorize publication of the notice. A copy of the notice is enclosed.

Be sure to contact The Plainsman to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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

enclosures

NOTICE OF HEARING on Application No. 7348-3 to Appropriate Water

Notice is given that Michael Sentell, 18690 398th Ave, Hitchcock SD 57348 has filed an application for a water permit to appropriate 5.33 cubic feet of water per second from a gravel pit completed into the Tulare:East James Aquifer and located in the NE 1/4 SW 1/4 Section 14 for irrigation of 440 acres located in the NW 1/4 Section 13, NW 1/4, W 1/2 SE 1/4, SE 1/4 SW 1/4 Section 14; all in T114N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 7348-3 because the gravel pit's source of water is part of the Tulare:East James Aquifer which is currently being reevaluated in order to determine the level of development of issued water permits from the Tulare:East James Aquifer that have not been licensed.

SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

The Water Management Board will consider this application at 10:00 a.m. on October 3, 2012 in the Matthew Training Center, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 September 21, 2012. The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The October 3, 2012 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by September 21, 2012. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by September 21, 2012, at the above Chief Engineer's address to request copies of the staff report, recommendation, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(6) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is August 27, 2012. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

The legal authority and jurisdiction under which the hearing is to be held are the following as applicable: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-14 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-14, 46-2A-15; 46-5-6.11, 46-5-10 thru 46-5-13, 46-5-30 thru 46-5-30.3, 46-5-32; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-26; and Board rules ARSD 74:02:01:01 thru 74:02:01:15.

The particular section of statutes and rules pertaining to this permit application are, in addition to the above, the following: SDCL 46-2A-9, 46-6-3.1, 46-2A-15, 46-5-10 thru 46-5-13, 46-6-10, 46-6-26; the above listed administrative rules and the following rules pertaining to qualifications recommended by the Chief Engineer: ARSD Chapter 74:02:04, 74:54:01, 74:54:02, 74:51:01, 74:51:02, 74:51:03 and 74:52:01 through 74:52:11

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.

Affidavit of Publication

RECEIVED

AUG 17 2012

STATE OF SOUTH DAKOTA,
County of Spink: ss.

WATER RIGHTS
PROGRAM

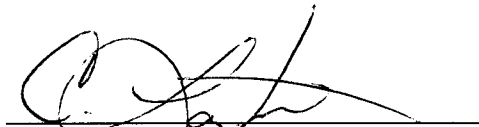
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, 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 legal or official notice entitled:

#487 Notice

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on August 15th, that Fifty-seven and .40/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 15th day of August, 2012.


Notary Public, South Dakota

My commission expires 04/06/2016.

Notice

#487

NOTICE OF HEARING ON APPLICATION NO. 7348-3 TO APPROPRIATE WATER

Notice is given that Michael Sentell, 18690 398th Ave, Hitchcock SD 57348 has filed an application for a water permit to appropriate 5.33 cubic feet of water per second from a gravel pit completed into the Tulare:East James Aquifer and located in the NE 1/4 SW 1/4 Section 14 for irrigation of 440 acres located in the NW 1/4 Section 13, NW 1/4, W 1/2 SE 1/4, SE 1/4 SW 1/4 Section 14; all in T114N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 7348-3 because the gravel pit's source of water is part of the Tulare:East James Aquifer which is currently being reevaluated in order to determine the level of development of issued water permits from the Tulare:East James Aquifer that have not been licensed.

SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

The Water Management Board will consider this application at 10:00 a.m. on October 3, 2012 in the ~~Matthew~~ Training Center, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 September 21, 2012. The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The October 3, 2012 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by September 21, 2012. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by September 21, 2012, at the above Chief Engineer's address to request copies of the staff report, recommendation, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the

Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(6) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is August 27, 2012. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

The legal authority and jurisdiction under which the hearing is to be held are the following as applicable: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-14 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-14, 46-2A-15; 46-5-6.11, 46-5-10 thru 46-5-13, 46-5-30 thru 46-5-30.3, 46-5-32; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-26; and Board rules ARSD 74:02:01:01 thru 74:02:01:15.

The particular section of statutes and rules pertaining to this permit application are, in addition to the above, the following: SDCL 46-2A-9, 46-6-3.1, 46-2A-15, 46-5-10 thru 46-5-13, 46-6-10, 46-6-26; the above listed administrative rules and the following rules pertaining to qualifications recommended by the Chief Engineer: ARSD Chapter 74:02:04, 74:54:01, 74:54:02, 74:51:01, 74:51:02, 74:51:03 and 74:52:01 through 74:52:11

Steven M. Pirner, Secretary
Department of Environment and
Natural Resources
Published at an approximate cost of
\$57.40. (Aug 15)

August 17, 2012

PAYMENT REQUEST FORM

PAYEE: Redfield Press
PO Box 440
Redfield SD 57469

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Public Notice for 7348-3 M Sentell

AMOUNT: \$57.40

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: *Gail Jackson 8/17/12*

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



16 E &th Avenue
PO Box 440
Redfield, SD 57469
605-472-0822

RECEIVED

AUG 17 2012

WATER RIGHTS
PROGRAM

ADVERTISING
INVOICE

Duplicate Bill
for
Coop Advertising

Date 8-15-12 Account No. 122559

Water Rights Program

Date	Coloumn inches of Advertising	Description and/or Other Charges	Amount
8-15-12		#487 Notice	57.40
Total Inches		X Rate \$ _____	
TOTAL			\$ 57.40

A finance charge of 1.5% per month will added to all past due balances.



Redfield, SD 57469

RECEIVED

SEP 21 2012

PRINTER'S AFFIDAVIT

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, TRISHA NELSON, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**SD ENVIRONMENTAL & NATURAL – WATER
PERMIT HEARING**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 12TH day SEPT 2012 That the full NINETY-SEVEN & 49/000 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part there of has been agreed to be paid to any person whom so ever.

Trisha Nelson

Subscribed and sworn to before me this 20th
day of SEPT. 2012.

Alley Newarth
Notary Public, South Dakota

My term expires 10/25/17

Legal # 379

FP. 09-12-12

**NOTICE OF HEARING
on Application**

**Nos. 7295-3, 7316-3
and 7348-3**

to Appropriate Water

Notice is given of three water permit applications to appropriate water from the Tulare: East James Aquifer in Spink County. The following applications were previously public noticed for deferral. Upon reevaluation of the current availability of water in the aquifer in light of historic record, recent irrigation reports and past and recent USGS reports, the Chief Engineer has revised his recommendation. Therefore it is necessary to public notice the applications and the Chief Engineer's revised recommendations.

Application No. 7295-3 filed by William F St. Clair, 37644 184th St, Tulare SD 57476 proposes to appropriate 1.78 cubic feet of water per second from one well to be completed into the Tulare: East James Aquifer (90 feet deep) located in the center of the NW 1/4 Section 30, for irrigation of 120 acres located in the NW 1/4 Section 30; all in T117N-R61W.

Application No. 7316-3 filed by Van Buskirk Farms LLP, c/o Matt Van Buskirk, Box 73, Hitchcock SD 57348 proposes appropriate 4.5 cubic feet of water per second from two wells to be completed into the Tulare: East James Aquifer (80 feet deep) located in the approximate centers of the NW 1/4 and the SW 1/4 Section 12 for irrigation of 272 acres located in the W 1/2 Section 12; all in T114N-R62W.

Application No. 7348-3 filed by Michael Sentell, 18690 398th Ave, Hitchcock SD 57348 proposes to appropriate 5.33

cubic feet of water per second from a gravel pit completed into the Tulare: East James Aquifer and located in the NE 1/4 SW 1/4 Section 14 for irrigation of 440 acres located in the NW 1/4 Section 13, NW 1/4, W 1/2 SE 1/4, SE 1/4 SW 1/4 Section 14; all in T114N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7295-3, 7316-3 and 7348-3 because 1) the Water Rights Program reevaluated the current availability of water in the aquifer and determined that unappropriated water is available from the aquifer, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest to put water resources of the state to the fullest extent of which they are capable.

SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that these applications present important issues of public interest that should be heard by the Water Management Board.

The Water Management Board will consider these applications at 10:30 AM on October 3, 2012 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny any of these applications based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support any of the applications and the petition shall be filed with BOTH the applicant and Chief Engineer. 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 addresses are given above. A petition filed by an interested person must be filed by September 24, 2012. The petition may be informal, but must include a statement describing the petitioner's interest in any of the applications, the pet-

itioner's reasons for opposing or supporting any of the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The October 3, 2012 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support any of the applications. The request for an automatic delay must be filed by September 24, 2012. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by September 24, 2012, at the above Chief Engineer's address to request copies of the staff report, recommendations, applications or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is September 24, 2012. However, since this particular matter are water permit applications and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision, and maintains that the hearing must be conducted by the Board.

The legal authority and jurisdiction under which the hearing is to be held are the following as

applicable: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-14 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-10, 26-2A-14, 46-2A-15; 46-5-6.11, 46-5-10 thru 46-5-13, 46-5-30, thru 46-5-30.3, 46-5-32; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-26; and Board rules ARSD 74:02:01:01 thru 74:02:01:15.

The particular section of statutes and rules pertaining to these permit applications are, in addition to the above, the following: SDCL 46-2A-9, 46-6-3.1, 46-2A-15, 46-5-10 thru 46-5-13, 46-6-10, 46-6-26; the above listed administrative rules and the following rule pertaining to qualifications recommended by the Chief Engineer: ARSD Chap-ter 74:02:01:14.02. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

No. 379(adv.)
Published once at an approximate cost of \$97.48.

Affidavit of Publication

RECEIVED

SEP 20 2012

Notice

#553

NOTICE OF HEARING ON APPLICATION NOS. 7295-3, 7316-3 AND 7348-3 TO APPROPRIATE WATER

Notice is given of three water permit applications to appropriate water from the Tulare:East James Aquifer in Spink County. The following applications were previously public noticed for deferral. Upon reevaluation of the current availability of water in the aquifer in light of historic record, recent irrigation reports and past and recent USGS reports, the Chief Engineer has revised his recommendation. Therefore it is necessary to public notice the applications and the Chief Engineer's revised recommendations.

Application No. 7295-3 filed by William F St. Clair, 37644 184th St, Tulare SD 57476 proposes to appropriate 1.78 cubic feet of water per second from one well to be completed into the Tulare:East James Aquifer (90 feet deep) located in the center of the NW 1/4 Section 30 for irrigation of 120 acres located in the NW 1/4 Section 30; all in T117N-R61W.

Application No. 7316-3 filed by Van Buskirk Farms LLP, c/o Matt Van Buskirk, Box 73, Hitchcock SD 57348 proposes appropriate 4.5 cubic feet of water per second from two wells to be completed into the Tulare:East James Aquifer (80 feet deep) located in the approximate centers of the NW 1/4 and the SW 1/4 Section 12 for irrigation of 272 acres located in the W 1/2 Section 12; all in T114N-R62W.

Application No. 7348-3 filed by Michael Sentell, 18690 398th Ave, Hitchcock SD 57348 proposes to appropriate 5.33 cubic feet of water per second from a gravel pit completed into the Tulare:East James Aquifer and located in the NE 1/4 SW 1/4 Section 14 for irrigation of 440 acres located in the NW 1/4 Section 13, NW 1/4, W 1/2 SE 1/4, SE 1/4 SW 1/4 Section 14; all in T114N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7295-3, 7316-3 and 7348-3 because 1) the Water Rights Program reevaluated the current availability of water in the aquifer and determined that unappropriated water is available from the aquifer, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest to put water resources of the state to the fullest extent of which they are capable.

SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that these applications present important issues of public interest that should be heard by the Water Management Board.

STATE OF SOUTH DAKOTA,
County of Spink: ss.

WATER RIGHTS
PROGRAM

I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, 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 legal or official notice entitled:

#553 Notice

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on September 12th, that Seventy and .00/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 12th day of September, 2012.


Notary Public, South Dakota

My commission expires 04/06/2016.

The Water Management Board will consider these applications at 10:30 AM on October 3, 2012 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny any of these applications based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support any of the applications and the petition shall be filed with BOTH the applicant and Chief Engineer. 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 addresses are given above. A petition filed by an interested person must be filed by September 24, 2012. The petition may be informal, but must include a statement describing the petitioner's interest in any of the applications, the petitioner's reasons for opposing or supporting any of the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The October 3, 2012 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support any of the applications. The request for an automatic

delay must be filed by September 24, 2012. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by September 24, 2012, at the above Chief Engineer's address to request copies of the staff report, recommendations, applications or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is September 24, 2012. However, since this particular matter are water permit applications and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

The legal authority and jurisdiction under which the hearing is to be held are the following as applicable: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-14 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-10, 26-2A-14, 46-2A-15; 46-5-6.11, 46-5-10 thru 46-5-13, 46-5-30 thru 46-5-30.3, 46-5-32; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-26; and Board rules ARSD 74:02:01:01 thru 74:02:01:15.

The particular section of statutes and rules pertaining to these permit applications are, in addition to the above, the following: SDCL 46-2A-9, 46-6-3.1, 46-2A-15, 46-5-10 thru 46-5-13, 46-6-10, 46-6-26; the above listed administrative rules and the following rule pertaining to qualifications recommended by the Chief Engineer: ARSD Chapter 74:02:01:14.02.

Steven M. Pirner, Secretary
Department of Environment and
Natural Resources.

Published at an approximate cost of
\$70.00. (Sept 12)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 6, 2012

Sent via email

Redfield Press
PO Box 440
Redfield SD 57469

The Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Hearing on Application Nos. 7295-3, 7316-3 and 7348-3 to Appropriate Water. Please publish the notice once on September 12, 2012. The text of the notice has been e-mailed to your paper.

Please send the Water Rights Program an affidavit immediately. Also, please bill the cost of the publication to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 6, 2012

William F St. Clair
37644 184th St
Tulare SD 57476

VanBuskirk Farms LLP
c/o Matt VanBuskirk
Box 73
Hitchcock SD 57348

Michael Sentell
18690 398th Ave
Hitchcock SD 57348

Dear Sirs:

Water Permit Application Nos. 7295-3, 7316-3 and 7348-3 from the Tulare:East James Aquifer were previously deferred by the Water Management Board. Upon reevaluation, as stated in the notice, the Chief Engineer has revised his recommendations. Therefore, it is necessary to public notice the applications and Chief Engineer's revised recommendations.

A notice has been sent to the Redfield Press and the Huron Daily Plainsman. The three deferred applications are set to be published on September 12, 2012 scheduling an October 3, 2012 hearing before the Water Management Board. For your information, the notice of hearing, the recommendation of the Chief Engineer and report on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The Water Right Program will pay the cost of publication.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTICE OF HEARING on Application Nos. 7295-3, 7316-3 and 7348-3 to Appropriate Water

Notice is given of three water permit applications to appropriate water from the Tulare:East James Aquifer in Spink County. The following applications were previously public noticed for deferral. Upon reevaluation of the current availability of water in the aquifer in light of historic record, recent irrigation reports and past and recent USGS reports, the Chief Engineer has revised his recommendation. Therefore it is necessary to public notice the applications and the Chief Engineer's revised recommendations.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7295-3, 7316-3 and 7348-3 because 1) the Water Rights Program reevaluated the current availability of water in the aquifer and determined that unappropriated water is available from the aquifer, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest to put water resources of the state to the fullest extent of which they are capable.

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The Water Management Board will consider these applications at 10:30 AM on October 3, 2012 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny any of these applications based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support any of the applications and the petition shall be filed with BOTH the applicant and Chief Engineer. 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 addresses are given above. A petition filed by an interested person must be filed by September 24, 2012. The petition may be informal, but must include a statement describing the petitioner's interest in any of the applications, the petitioner's reasons for opposing or supporting any of the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the

hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The October 3, 2012 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support any of the applications. The request for an automatic delay must be filed by September 24, 2012. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by September 24, 2012, at the above Chief Engineer's address to request copies of the staff report, recommendations, applications or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(6) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is September 24, 2012. However, since this particular matter are water permit applications and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

The legal authority and jurisdiction under which the hearing is to be held are the following as applicable: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-14 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-10, 26-2A-14, 46-2A-15; 46-5-6.11, 46-5-10 thru 46-5-13, 46-5-30 thru 46-5-30.3, 46-5-32; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-26; and Board rules ARSD 74:02:01:01 thru 74:02:01:15.

The particular section of statutes and rules pertaining to these permit applications are, in addition to the above, the following: SDCL 46-2A-9, 46-6-3.1, 46-2A-15, 46-5-10 thru 46-5-13, 46-6-10, 46-6-26; the above listed administrative rules and the following rule pertaining to qualifications recommended by the Chief Engineer: ARSD Chapter 74:02:01:14.02. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at an approximate cost of _____.

October 4, 2012

PAYMENT REQUEST FORM

PAYEE: Redfield Press
PO Box 440
Redfield SD 57469

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Pub Notice on 7295-3 & 7316-3 & 7348-3 # 553

AMOUNT: \$70.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Leif Jackson 10/4/12

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

October 4, 2012

PAYMENT REQUEST FORM

PAYEE: Plainsman
PO Box 1278
Huron SD 57350

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Pub Notice on 7295-3 & 7316-3 & 7348-3 # 379

AMOUNT: \$97.49

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Lail Jackson 10/4/12

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 24, 2012

NOTICE

TO: William St. Clair
37644 184th Street
Tulare SD 57476

Van Buskirk Farms LLP
c/o Matt Van Buskirk
Box 73
Hitchcock SD 57348

Michael Sentell
18690 398th Avenue
Hitchcock SD 57348

Wipf Acres LP
c/o Gary Wipf
17801 401st Avenue
Frankfort SD 57440

Huron Hutterian Brethren
c/o Joey Waldner
40068 Huron Colony Lane
Huron SD 57350

Lenny Peterson
19111 Maple Avenue
Hitchcock SD 57348

Oscar Inc
c/o Floyd Peterson
209 27th Street NW
Huron SD 57350

Todd D. Wilkinson
Wilkinson & Wilkinson
P.O. Box 29
DeSmet SD 57231

Allen Wipf
40476 184th Street
Doland SD 57436

FROM: *for* 
Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Automatic Delay of Hearing for Water Permit Application Nos. 7295-3, 7316-3, 7348-3, 7364-3 and 7365-3 through 7370-3

Petitions have been submitted opposing Water Permit Application Nos. 7295-3 (St. Clair), 7316-3 (Van Buskirk), 7348-3 (Sentell), 7364-3 (Wipf) and 7365-3 through 7370-3 (Huron Hutterian Brethren). In addition, a petition was submitted specific to Application No. 7364-3. These petitions were in response to the notice of hearing published September 12, 2012 in the Plainsman printed in Huron and/or the Redfield Press. All the petitions are enclosed. The petition filed by counsel for Peterson's also requests an automatic delay of the October 3, 2012 hearing on these water permit applications. Therefore, the hearings on all ten applications are automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on October 3, 2012.

DENR anticipates consolidating the applications for the purpose of conducting the hearing since all ten applications propose to appropriate water from the Tulare:East James Aquifer .

The hearing will be scheduled for the December 5 and 6, 2012, Water Management Board meeting tentatively to be held in Pierre. Future notice of the time and place of the hearing will be provided to parties of record.

Please contact Eric Gronlund at (605) 773-3352, if you have any questions.

enclosures

c: Diane Best, Assistant Attorney General

RECEIVED

SEP 24 2012

WATER RIGHTS
PROGRAM

Sept 20 2012

Eric Gronlund

Dear Eric

You have an application coming up on SE $\frac{1}{4}$ - 7 - 115-61 our well in SW $\frac{1}{4}$ 17 is on west side of the Quarter when we started that back in the 1960's the only place that we found any water was on the west side along the Road after 3 other test holes in the Quarter we thought it was very good but after we started using it we ended up with the pump at the very bottom 139 ft and we can still pull it way down there after long pump up periods - the wells on SE $\frac{1}{4}$ 17 + NE $\frac{1}{4}$ 20 - all 115 61 don't seem to make any difference if they are running or not. at times we have to leave that well on SW $\frac{1}{4}$ 17 115-61 Rest Then we can go again.

For some reason it doesn't follow the state well on the road east of Sec 7 115-61 - we just don't want to lose the flow of water we do have - we've been making it work fine the way it is.

Thank you
Allen Wipb

WILKINSON & WILKINSON
ATTORNEYS AT LAW
103 JOLIET AVE., S.E. P.O.BOX 29
DE SMET, SOUTH DAKOTA 57231

TELEPHONE: 605 / 854-3378
TELEFAX: 605 / 854-9006

HARRY J. EGGEN (1922-1969)
ELLSWORTH F. WILKINSON (1955-2005)

TODD D. WILKINSON
MARCENE J. SMITH
GARY W. SCHUMACHER*

September 21, 2012

RECEIVED
SEP 24 2012
WATER RIGHTS
PROGRAM
* ALSO LICENSED IN MINNESOTA

Garland Erbele
Chief Engineer
Water Rights Program, SD DENR
Foss Building
523 East Capital
Pierre, South Dakota 57501

**RE: Irrigation application for Tulare: East James Aquifer
Water Permit Application Nos. 7316-3, 7348-3, 7364-3, 7365-3, 7366-3,
7367-3, 7368-3, 7369-3, and 7370-3
Petition in Opposition**

Dear Mr. Erbele:

Our office represents Lenny Peterson and Oscar Inc., who are a land owners and operators, affected by the issuance of any additional irrigation appropriation in connection with the Tulare: East James Aquifer. This letter is intended as and constitutes a petition in opposition to said Water Permit Application No. 7316-3, Water Permit Application No. 7348-3, Water Permit Application No. 7364-3, Water Permit Application No. 7365-3, Water Permit Application No. 7366-3, Water Permit Application No. 7367-3, Water Permit Application No. 7368-3, Water Permit Application No. 7369-3, and Water Permit Application No. 7370-3, also referred to the irrigation permit,; and is further intended as and constitutes a petition in opposition to the Chief Engineer's recommendation to allow any additional appropriation without consideration of previously filed applications for water appropriation.

In addition the averaging that was done to arrive at available water did not properly consider the Boards previous findings. That if the method is now going to be

changed, previous applications should be afforded notice and opposition to apply and not lose priority in filing.

Please confirm receipt of this petition opposing said application and petition opposing the Chief Engineer's recommendation; and please inform our office of the date, time, and location of the public hearing on said application; as well as any other information that needs to be submitted to your office(s) prior to the public hearing.

We would request a twenty (20) day extension for the hearing. If possible, when rescheduling the hearing could you contact our office to coordinate schedules, that would be great appreciated.

Thank you.

Sincerely,

WILKINSON & WILKINSON

A handwritten signature in black ink, appearing to read 'Todd D. Wilkinson', written over a horizontal line.

Todd D. Wilkinson

TDW: mo

Enclosures

cc: Lenny Peterson
Oscar Inc
William St. Clair
Van Buskirk Farms, LLP c/o Matt Van Buskirk
Michael Sentell
Wipf Acres, LP c/o Gary Wipf
Huron Hutterian Brethren c/o Joey Waldner

September 20, 2012

RECEIVED

SEP 21 2012

WATER RIGHTS
PROGRAM

Kevin Marton
South Dakota Department of Transportation
700 East Broadway
Pierre, South Dakota 57501

Garland Erbele
Chief Engineer
Water Rights Program, SD DENR
Foss Building
523 East Capital
Pierre, South Dakota 57501

**RE: Irrigation application for Tulare: East James Aquifer
Water Permit Application Nos. 7316-3, 7348-3, 7364-3, 7365-3, 7366-3,
7367-3, 7368-3, 7369-3, and 7370-3
Petition in Opposition**

Dear Mr. Marton and Mr. Erbele:

I, Lenny Peterson, as a land owner and operator, affected by the issuance of any additional irrigation appropriation in connection with the Tulare: East James Aquifer. This letter is intended as and constitutes a petition in opposition to said Water Permit Application No. 7316-3, Water Permit Application No. 7348-3, Water Permit Application No. 7364-3, Water Permit Application No. 7365-3, Water Permit Application No. 7366-3, Water Permit Application No. 7367-3, Water Permit Application No. 7368-3, Water Permit Application No. 7369-3, and Water Permit Application No. 7370-3, also referred to the irrigation permit,; and is further intended as and constitutes a petition in opposition to the Chief Engineer's recommendation to allow any additional appropriation without consideration of previously filed applications for water appropriation.

In addition the averaging that was done to arrive at available water did not properly consider the Boards previous findings. That if the method is now going to be

changed, previous applications should be afforded notice and opposition to apply and not lose priority in filing.

Please confirm receipt of this petition opposing said application and petition opposing the Chief Engineer's recommendation; and please inform me of the date, time, and location of the public hearing on said application; as well as any other information that needs to be submitted to your office(s) prior to the public hearing.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lenny Peterson".

Lenny Peterson

RECEIVED

SEP 21 2012

WATER RIGHTS
PROGRAM

September 20, 2012

Kevin Marton
South Dakota Department of Transportation
700 East Broadway
Pierre, South Dakota 57501

Garland Erbele
Chief Engineer
Water Rights Program, SD DENR
Foss Building
523 East Capital
Pierre, South Dakota 57501

**RE: Irrigation application for Tulare: East James Aquifer
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Petition in Opposition**

Dear Mr. Marton and Mr. Erbele:

Oscar, Inc., as a land owner and operator, affected by the issuance of any additional irrigation appropriation in connection with the Tulare: East James Aquifer. This letter is intended as and constitutes a petition in opposition to said Water Permit Application No. 7316-3, Water Permit Application No. 7348-3, Water Permit Application No. 7364-3, Water Permit Application No. 7365-3, Water Permit Application No. 7366-3, Water Permit Application No. 7367-3, Water Permit Application No. 7368-3, Water Permit Application No. 7369-3, and Water Permit Application No. 7370-3, also referred to the irrigation permit; and is further intended as and constitutes a petition in opposition to the Chief Engineer's recommendation to allow any additional appropriation without consideration of previously filed applications for water appropriation.

In addition the averaging that was done to arrive at available water did not properly consider the Boards previous findings. That if the method is now going to be

changed, previous applications should be afforded notice and opposition to apply and not lose priority in filing.

That proposed development cannot be done without potentially impairing existing rights.

Please confirm receipt of this petition opposing said application and petition opposing the Chief Engineer's recommendation; and please inform me of the date, time, and location of the public hearing on said application; as well as any other information that needs to be submitted to your office(s) prior to the public hearing.

Thank you.

Sincerely,

OSCAR INC.

CERTIFICATION

I hereby certify that on September 24, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 24, 2012, regarding automatic delay of hearing on Water Right Permit Application Nos. 7295-3, 7316-3, 7348-3, 7364-3 and 7365-3 through 7370-3 with enclosures, as addressed below:

William St. Clair
37644 184th Street
Tulare SD 57476

Van Buskirk Farms LLP
c/o Matt Van Buskirk
Box 73
Hitchcock SD 57348

Michael Sentell
18690 398th Avenue
Hitchcock SD 57348

Wipf Acres LP
c/o Gary Wipf
17801 401st Avenue
Frankfort SD 57440

Huron Hutterian Brethren
c/o Joey Waldner
40068 Huron Colony Lane
Huron SD 57350

Lenny Peterson
19111 Maple Avenue
Hitchcock SD 57348

Oscar Inc
c/o Floyd Peterson
209 27th Street NW
Huron SD 57350

Todd D. Wilkinson
Wilkinson & Wilkinson
P.O. Box 29
DeSmet SD 57231

Allen Wipf
40476 184th Street
Doland SD 57436

Diane Best, Assistant Attorney General
317 N Main
Sioux Falls SD 57104



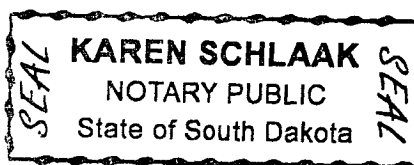
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 24th day of September, 2012.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 9, 2012

denr.sd.gov

NOTICE

TO: Van Buskirk Farms LLP
c/o Matt Van Buskirk
Box 73
Hitchcock SD 57348

Huron Hutterian Brethren
c/o Joey Waldner
40068 Huron Colony Lane
Huron SD 57350

Michael Sentell
18690 398th Avenue
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Huron SD 57350

Todd D. Wilkinson
Wilkinson & Wilkinson
P.O. Box 29
DeSmet SD 57231

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Scheduling of Hearing for Water Permit Application Nos. 7316-3,
7348-3, 7364-3 and 7365-3 through 7370-3

The Water Rights Program received petitions filed opposing the Chief Engineer's recommendation and requesting an automatic delay in the matter of the Water Permit Application Nos. 7316-3 (Van Buskirk), 7348-3 (Sentell), 7364-3 (Wipf) and 7365-3 through 7370-3 (Huron Hutterian Brethren). The petitions were in response to the notice of hearing published September 12, 2012 in the Plainsman printed in Huron and/or the Redfield Press. The hearing scheduled for October 3, 2012 was postponed and is now to be scheduled for the Water Management Board's December 6, 2012 meeting.

The Water Management Board will consider the Water Permit Application Nos. 7316-3 (Van Buskirk), 7348-3 (Sentell), 7364-3 (Wipf) and 7365-3 through 7370-3 (Huron Hutterian Brethren) at 1:00 PM, December 6, 2012 meeting in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD.

Water Permit Application No. 7295-3 filed by William St. Clair seeking to appropriate water from the Tulare:East James Aquifer is also scheduled to be heard at this same time. Application No. 7295-3 is not contested.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommending APPROVAL of Application Nos. 7316-3 (Van Buskirk), 7348-3 (Sentell), 7364-3 (Wipf) and 7365-3 through 7370-3 (Huron Hutterian Brethren) because 1) the Water Rights Program evaluated the availability of water in the aquifer and determined that there is a reasonable probability that there is unappropriated water available from the Tulare:East James Aquifer, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) deny, 3) defer or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

This hearing is an adversarial proceeding. Parties have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Enclosed is a copy of DENR's staff report, the Chief Engineer's recommendations, affidavit of publications, petitions and the September 24, 2012 notice of autodelay. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. This same information will be sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules". You are encouraged to review these documents prior to the hearing.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:24.01.

Questions regarding the hearing process may be directed to Eric Gronlund at (605) 773-3352 or Diane Best, Assistant Attorney General at (605) 367-5880 ext 105. In addition, please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing.

enclosures

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on November 9, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated November 9, 2012, regarding automatic delay of hearing on Water Right Permit Application Nos. 7316-3, 7348-3, 7364-3 and 7365-3 through 7370-3 with enclosures, as addressed below:

Diane Best, Assistant Attorney General
300 N Dakota Avenue, Suite 403
Sioux Falls SD 57104

Van Buskirk Farms LLP
c/o Matt Van Buskirk
Box 73
Hitchcock SD 57348

Michael Sentell
18690 398th Avenue
Hitchcock SD 57348

Wipf Acres LP
c/o Gary Wipf
17801 401st Avenue
Frankfort SD 57440

Huron Hutterian Brethren
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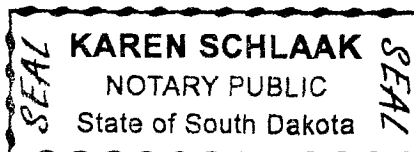


Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of November, 2012.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**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. 7348-3, Michael Sentell**

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. 7348-3, Michael Sentell, 18690 398th Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending DEFERRAL of Application No. 7348-3 because the gravel pit's source of water is part of the Tulare:East James Aquifer which is currently being reevaluated in order to determine the level of development of issued permits from the Tulare:East James Aquifer that have not been licensed. The level of development may affect water availability from the aquifer. DENR's intent is to conduct licensing investigations of the unlicensed permits in order to bring this application back before the Board at their October meeting.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 19, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7348-3
MICHAEL SENTELL
JUNE 9, 2012

Water Permit Application No. 7348-3 proposes to appropriate 5.33 cubic feet of water per second from a gravel pit excavated into the Tulare: East James aquifer. The gravel pit is 16 feet deep and located in the NE¼ SW¼ Section 14, T114N-R62W. Water is to be used to irrigate 440 acres located in the NW¼ Section 13, T114N-R62W; the NW¼, W ½ SE¼, and the SE¼SW¼ of Section 14, T114N-R62W.

AQUIFER: TULARE: EAST JAMES (T:EJ)

The gravel pit that this application proposes to use has been excavated into glacial outwash (sand and gravel) that is part of the Tulare: East James aquifer (Kuiper, 1984; Hamilton and Howells, 1996; and ("Lithologic Logs"). At its July 12, 2006 hearing, the Water Management Board determined that the Tulare: East James aquifer should be considered fully appropriated if the water use from the aquifer is likely to average 7,950 acre-feet annually (Water Rights, 2006). Probable water use from the aquifer is based on the average irrigation application rate (inches per acre per year) and the total number of developed acres. The SD DENR-Water Rights Program is in the process of reevaluating the average irrigation application rate for the Tulare: East James aquifer to account for improved farming/irrigation practices; and determining to what extent water permits approved in 2006 were developed. This application should be deferred until the availability of unappropriated water from the Tulare: East James aquifer can be assessed under current conditions.



Ken Buhler
SD DENR-Water Rights Program

Hamilton, L.J., and Howells, L.W., 1996, Water Resources of Spink County, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 96-4056, 68 p.

Kuiper, L.K., 1984, Appraisal of the Water Resources of the Eastern Part of the Tulare Aquifer, Beadle, Hand, and Spink Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4078, 52 p.

"Lithologic Logs Database." South Dakota Department of Environment & Natural Resources Geological Survey. 9 June. 2012

Water Rights, 2006, Water Permit No. 6711-3, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER
PERMIT APPLICATION NO. 7348-3, Michael Sentell**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7348-3, Michael Sentell, 18690 398th Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 7348-3 because 1) the Water Rights Program evaluated the availability of water in the aquifer and determined that there is a reasonably probability that there is unappropriated water available from the Tulare:East James Aquifer, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest to put water resources of the state to the fullest extent of which they are capable with the following qualifications:

1. The gravel pit approved under this Permit will be located near domestic wells and other wells which also may obtain water from the same aquifer. The permit holder shall control withdrawals from the gravel pit so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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
September 6, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7295-3, WILLIAM F. ST. CLAIR
NO. 7316-3, VAN BUSKIRK FARMS LLP
NO. 7348-3, MICHAEL SENTELL
NO. 7364-3, WIPF ACRES LP
NO. 7365-3, HURON COLONY
NO. 7366-3, HURON COLONY
NO. 7367-3, HURON COLONY
NO. 7368-3, HURON COLONY
NO. 7369-3, HURON COLONY
AND
NO. 7370-3, HURON COLONY
AUGUST 23, 2012

Water Permit Application No. 7295-3 proposes to appropriate water at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well approximately 90 feet deep, to be completed into the Tulare: East James aquifer. The well is to be located in the NW¼ of Section 30, T117N-R61W and the water is to be used to irrigate 120 acres located in the NW¼ of Section 30, T117N-R61W. This application was deferred by the Water Management Board on March 7, 2012 to allow time to determine the availability of water from the Tulare: East James aquifer.

Water Permit Application No. 7316-3 proposes to appropriate water at a maximum diversion rate of 4.5 cfs from two wells, approximately 80 feet deep, to be completed into the Tulare: East James aquifer. The wells are to be located in the W½ of Section 12, T114N-R62W and the water is to be used to irrigate 272 acres located in the W½ of Section 12, T114N-R62W. This application was deferred by the Water Management Board on May 2, 2012 to allow time to determine the availability of water from the Tulare: East James aquifer.

Water Permit Application No. 7348-3 proposes to appropriate water at a maximum diversion rate of 5.33 cfs from a gravel pit completed into the Tulare: East James aquifer located in the NE¼ SW¼ of Section 14, T114N-R62W. The water is to be used to irrigate 440 acres located in the NW¼ of Section 13, and the NW¼, W½ SE¼, SE¼SW¼ of Section 14; all of T114N-R62W. The Chief Engineer originally recommended deferral of this application to allow time to determine the availability of water from the Tulare: East James aquifer.

Water Permit Application No. 7364-3 proposes to appropriate water at a maximum diversion rate of 1.93 cfs from one well, approximately 100 feet deep, completed into the Tulare: East James aquifer. The well is to be located in the center of the SE¼ of Section 7, T115N-R61W and the water is to be used to irrigate 135 acres located in the SE¼ of Section 7, T115N-R61W.

Water Permit Application No. 7365-3 proposes to appropriate water at a maximum diversion rate of 1.78 cfs from one well, approximately 95 feet deep, completed into the Tulare: East James aquifer. The well is to be located in the center of the SW¼ of Section 20, T113N-R61W and the water is to be used to irrigate 132 acres located in the SW¼ of Section 20, T113N-R61W.

Water Permit Application No. 7366-3 proposes to appropriate water at a maximum diversion rate of 1.78 cfs from one well, approximately 95 feet deep, completed into the Tulare: East James aquifer. The well is to be located in the center of the NW¼ of Section 20, T113N-R61W and the water is to be used to irrigate 132 acres located in the NW¼ of Section 20, T113N-R61W.

Water Permit Application No. 7367-3 proposes to appropriate water at a maximum diversion rate of 1.78 cfs from one well, approximately 95 feet deep, completed into the Tulare: East James aquifer. The well is to be located in the center of the NE¼ of Section 19, T113N-R61W and the water is to be used to irrigate 132 acres located in the NE¼ of Section 19, T113N-R61W.

Water Permit Application No. 7368-3 proposes to appropriate water at a maximum diversion rate of 1.78 cfs from one well, approximately 95 feet deep, completed into the Tulare: East James aquifer. The well is to be located in the center of the NW¼ of Section 19, T113N-R61W and the water is to be used to irrigate 132 acres located in the NW¼ of Section 19, T113N-R61W.

Water Permit Application No. 7369-3 proposes to appropriate water at a maximum diversion rate of 1.78 cfs from one well, approximately 95 feet deep, completed into the Tulare: East James aquifer. The well is to be located in the center of the SW¼ of Section 19, T113N-R61W and the water is to be used to irrigate 132 acres located in the SW¼ of Section 19, T113N-R61W.

Water Permit Application No. 7370-3 proposes to appropriate water at a maximum diversion rate of 1.78 cfs from one well, approximately 95 feet deep, completed into the Tulare: East James aquifer. The well is to be located in the center of the SE¼ of Section 19, T113N-R61W and the water is to be used to irrigate 132 acres located in the SE¼ of Section 19, T113N-R61W.

AQUIFER: East James management unit of the Tulare aquifer (T:EJ)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Tulare East James aquifer is a system of interconnected sand and gravel layers that were deposited as outwash by meltwater from receding glaciers. The sands and gravels that make up the Tulare: East James aquifer were deposited on bedrock (Pierre Shale or Niobrara Formation), or on glacial till, and generally occur between 1,130 - 1,270 feet above mean sea level (msl). Wells completed into the aquifer are typically less than 130 feet deep (Water Rights 2012b; Water Rights 2012c). Although the saturated thickness of the Tulare: East James aquifer is estimated to be 37 feet in Spink County (Hamilton and Howells, 1996), the thickness of this outwash deposit is variable with a maximum exceeding 75 feet ("Lithologic Logs Database"; Water Rights, 2012b; Water Rights, 2012c). The aquifer underlies approximately 123,578 acres of Spink and Beadle Counties. Assuming an average thickness of 37 feet and a specific yield of 0.15, the aquifer contains approximately 685,857 acre-feet of recoverable water in storage. The Tulare: East James aquifer is buried over most of its area and is predominately under confined conditions. The water levels of wells completed into the Tulare: East James aquifer range from more than 50 feet below grade to above ground surface (i.e. free flowing wells). Based on the SD DENR-Water Rights Program observation well water level data (Water Rights, 2012a), groundwater movement in the aquifer is generally from east to west although there is northwest to southeast flow component in the northwest portion of the aquifer.

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.

WATER AVAILABILITY:

The probability of unappropriated water being available from the Tulare: East James 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."

In applying SDCL 46-6-3.1, the Sixth Judicial Circuit Court ruled in 2005 that if the Water Management Board uses average annual recharge, then it should also use average annual withdrawals to determine if unappropriated water is available from the aquifer (*Hines v. South Dakota Dept. of Environ. and Nat'l. Resources, Hughes County 04-37* (Memorandum Decision, April 29, 2005)).

The availability of unappropriated water from the Tulare: East James aquifer was evaluated based on observation well data and through consideration of a hydrologic budget for the aquifer.

OBSERVATION WELL DATA:

The analysis of observation well data provides a qualitative means of assessing the aquifer and provides the best information available to evaluate the Tulare: East James aquifer. In addition, 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 34 observation wells completed into the Tulare: East James aquifer (Water Rights, 2012a) (see figure 1). Hydrographs for four of these observation wells are shown in Figures 2-5. The hydrographs are representative for the Tulare: East James aquifer and show that the aquifer readily responds to climatic conditions, with rising water levels during wet years and declining water levels during dry years.

The analysis of the DENR-Water Rights Program observation well data provides the best information reasonably available to evaluate withdrawals from an aquifer as compared with recharge to the aquifer. Observation well data showing a steady, continual decline of the aquifer's water level or artesian pressure could indicate that withdrawals from an aquifer were exceeding recharge. In addition, water level fluctuations in an aquifer dominated by the influences of well withdrawals, or a change in the configuration of the potentiometric surface could indicate that well withdrawals are a significant component in the system relative to recharge and/or natural discharge. Examination of the observation well data to consider long term water level trends, any influences of well withdrawals and the configuration of the potentiometric surface of the aquifer are discussed below.

Observation well water level trends:

A rising water level in an aquifer indicates that recharge to the aquifer exceeds withdrawals from the aquifer and conversely a declining water level is indicative of withdrawals exceeding recharge. An equation for this relationship is:

$$\Delta S = R - D$$

Where: ΔS = change in the volume of water in storage in the aquifer

R= Recharge

D= Discharge

The observation well data for the Tulare: East James aquifer has documented upward trending water levels throughout the aquifer. The average slope of linear trend lines for observation well hydrographs over each well's period of record has been +0.000726 feet per day (+0.265 feet per year). The period of record extends back to 1967 for six observation wells and back to 1963 for two observation wells. With the exception of SP-82A and SP-82B which were installed in 1982, all of the observation wells have records from 1980 to present. The average slope of linear trend lines for observation well hydrographs for the 32 wells with records from 1980-2012 is +0.0008844 feet per day (+0.323 feet per year). The upward trending water levels indicate recharge to the Tulare: East James aquifer has likely been greater than the total of the discharges from the aquifer over the period of record.

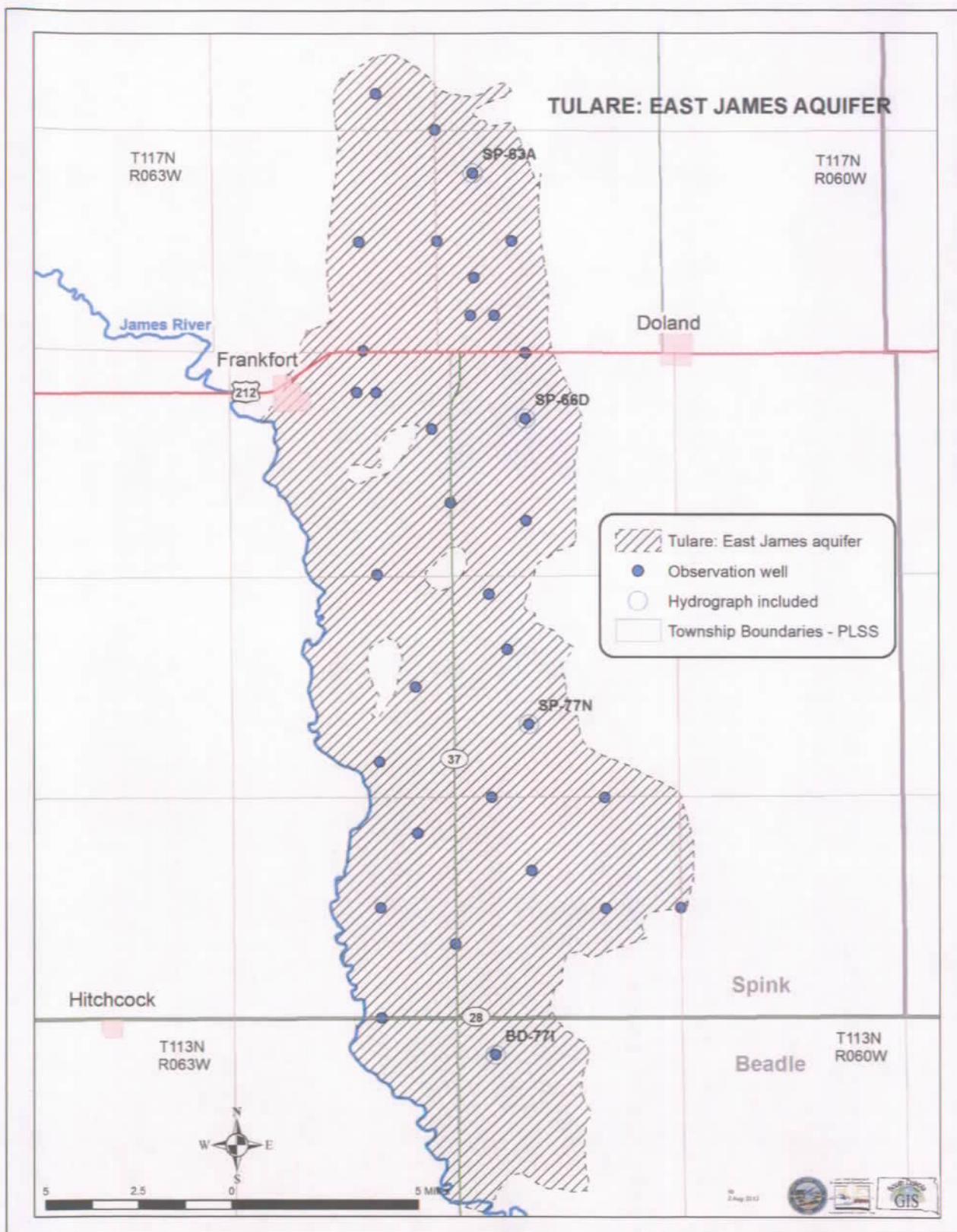


Figure 1. Location of the Tulare: East James aquifer

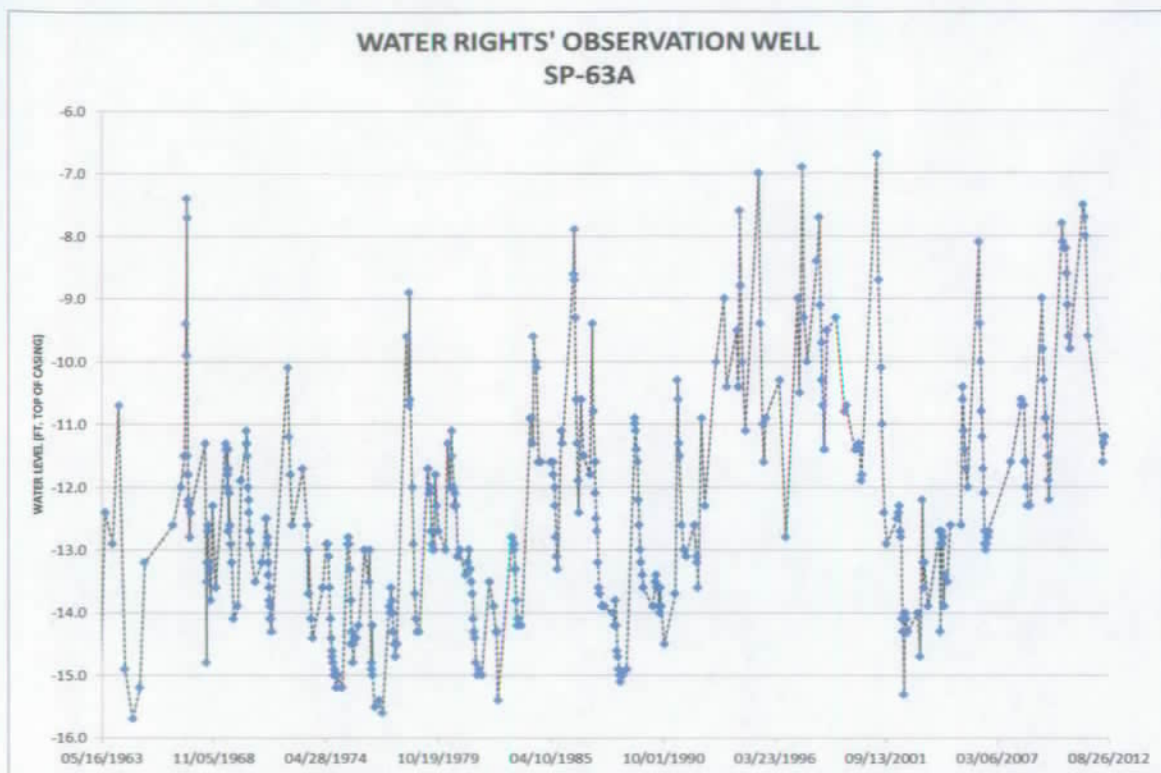


Figure 2. Hydrograph of DENR-Water Rights' observation well SP-63A. (see Figure 1 for location)



Figure 3. Hydrograph of DENR-Water Rights' observation well SP-66D (see Figure 1 for location)

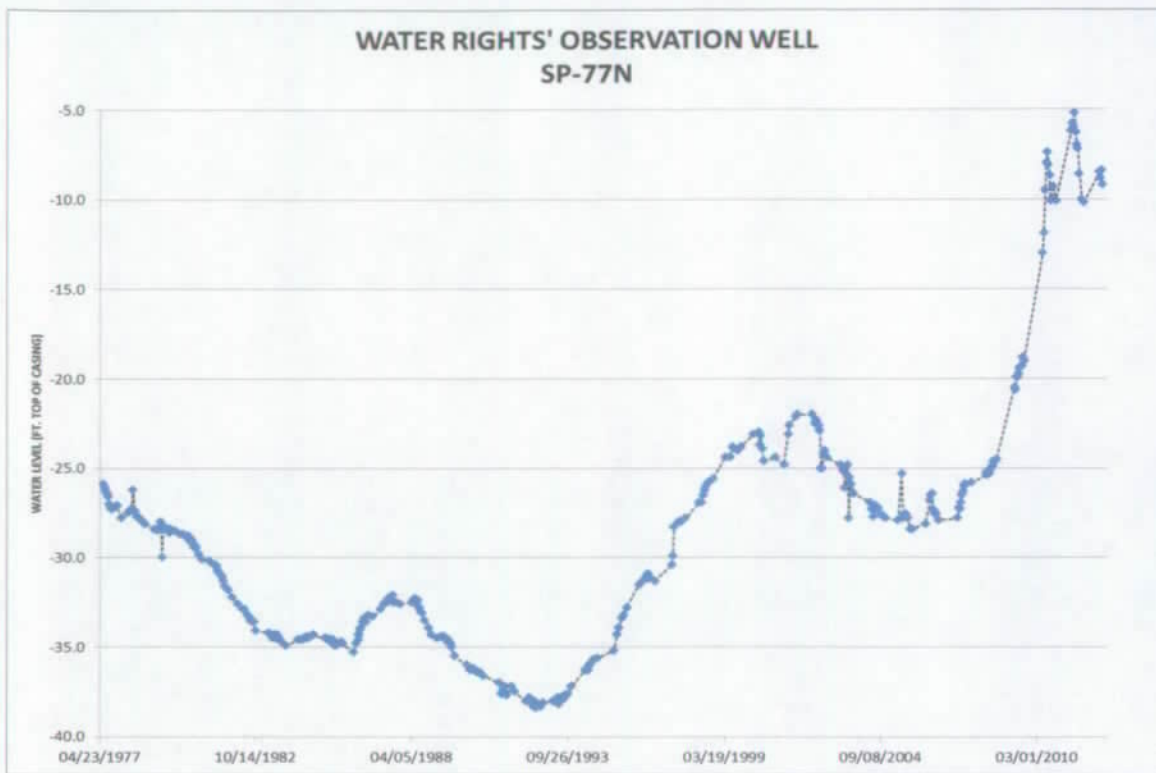


Figure 4. Hydrograph of DENR-Water Rights' observation well SP-77N (see Figure 1 for location)



Figure 5. Hydrograph of DENR-Water Rights' observation well BD-77I (see Figure 1 for location)

An analysis of observation well hydrographs was used to quantify the change in volume of water in storage in the aquifer. The analysis involved identifying observation wells completed into the unconfined portion of the Tulare: East James aquifer and determining the change of the water level in each well for every year. The amount of water represented by a change in water level was determined by multiplying the water level change by the aquifer's specific yield (0.15) (Kuiper, 1984). The average change in storage was applied over the portion of the aquifer that is under unconfined conditions to determine the volume in acre-feet per year of the change in storage.

This analysis is restricted to observation wells completed into an area where the aquifer is under unconfined conditions. The hydrograph shown in Figure 6, for an observation well that is completed in a portion of the Tulare: East James aquifer that was under unconfined conditions from 1977-2009 but became confined in 2009 when the water level was -22.1 feet from the top of the casing. The hydrograph shows fairly well the difference between changes in the amount of water in storage in the aquifer (pre-2009) and changes of the "pressure" of the aquifer (post-2009).

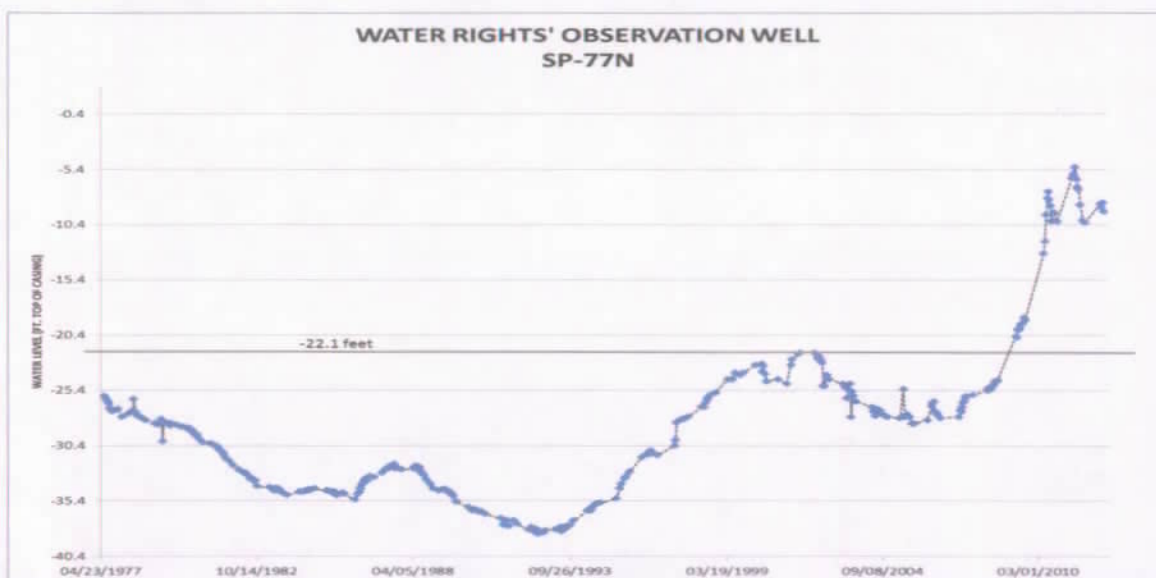


Figure 6. Hydrograph showing the difference between an unconfined aquifer and a confined aquifer.

Seven DENR-Water Rights' observation wells were used to analyze the Tulare: East James aquifer. These wells were chosen because they were in portions of the aquifer that remained unconfined for their entire period of record and the wells were determined to accurately reflect aquifer conditions. Although three of these observation wells have data older than 1980, the time period used for analysis was 1980-2011 to maximize the record-years of data. The results of the analysis are shown in Table 1.

WATER YEAR	ANNUAL WATER LEVEL CHANGE (ft) per OBSERVATION WELL							AVERAGE (ft/yr)
	SP-77J	SP-77P	SP-79G	SP-79H	SP-79K	SP-79O	SP-80K	
1980	-0.4	-0.3	-2.0	-0.8	-0.5	-0.1	-0.8	-0.7
1981	-0.9	-0.4	-1.3	-1.0	-0.3	-0.2	-0.9	-0.7
1982	-0.9	-0.4	0.7	-0.4	-0.3	0.3	-1.4	-0.3
1983	-0.5	0.0	0.6	-0.4	0.0	0.2	-0.9	-0.1
1984	0.6	0.6	1.4	0.7	0.7	0.8	-0.2	0.7
1985	0.7	0.1	0.0	0.3	0.0	-0.5	-0.2	0.1
1986	1.4	0.5	1.9	1.6	1.0	1.0	1.1	1.2
1987	0.5	0.2	-0.5	0.1	-0.4	-0.7	0.5	0.0
1988	-0.6	-0.1	-1.8	-0.6	-0.2	-0.2	-0.1	-0.5
1989	-1.0	-0.2	-0.4	-0.7	-0.2	0.0	-1.4	-0.6
1990	-0.9	-0.4	-0.4	-0.4	-0.4	-0.3	-1.2	-0.6
1991	-0.4	-0.2	0.5	-0.1	-0.1	0.1	-0.6	-0.1
1992	-0.5	-0.4	-0.1	-0.2	-0.1	-0.2	0.1	-0.2
1993	0.6	0.3	2.0	0.6	0.5	1.3	1.5	1.0
1994	0.4	0.4	1.2	1.3	0.4	-0.3	-0.3	0.4
1995	1.6	1.8	1.5	1.6	2.3	1.1	1.4	1.6
1996	1.0	1.0	-0.6	0.4	-0.4	-0.5	0.5	0.2
1997	1.9	1.5	2.8	2.2	2.0	1.1	2.2	2.0
1998	1.9	0.9	-0.4	0.9	0.1	-0.8	1.5	0.6
1999	1.9	0.5	0.0	0.9	0.2	-0.3	0.6	0.5
2000	-1.0	-1.2	-1.7	-0.1	-0.5	-2.2	-0.4	-1.0
2001	1.8	2.3	1.7	1.5	1.9	2.5	1.0	1.8
2002	-1.3	-0.1	-1.8	-0.8	-1.0	-1.1	-0.6	-1.0
2003	-0.9	-0.8	-1.9	-1.5	-0.8	-0.2	-0.4	-0.9
2004	-0.8	-0.8	0.1	-0.9	-0.6	-0.2	-0.3	-0.5
2005	-0.4	-0.5	-0.2	-0.9	-0.2	0.1	-0.5	-0.4
2006	-0.4	0.5	0.4	1.1	0.4	0.1	-0.2	0.3
2007	0.4	0.3	1.6	1.5	0.9	0.8	0.9	0.9
2008	0.2	0.2	0.3	0.6	-0.3	-0.3	0.5	0.2
2009	1.0	1.5	2.6	1.8	1.2	0.5	0.5	1.3
2010	2.6	3.8	2.6	5.0	4.4	1.5	2.0	3.1
2011	3.4	2.3	1.5	1.9	1.0	-0.1	1.4	1.6
<i>AVE</i>	<i>0.34</i>	<i>0.40</i>	<i>0.32</i>	<i>0.48</i>	<i>0.33</i>	<i>0.10</i>	<i>0.17</i>	<i>0.31</i>

Table 1. Water Level change per year per observation well

The average annual water level change for the seven observation wells for the period of 1980-2011 is +0.31 feet. Therefore, the water level for the unconfined portion of the aquifer increased an average of 0.31 feet per year from 1980-2011.

The areal extent of the Tulare: East James aquifer that has remained unconfined throughout the entire period of record was delineated by examining the logs of test holes ("Lithologic Logs Database"), domestic and irrigation wells (Water Rights, 2012b; Water Rights, 2012c) and observation wells (Water Rights, 2012a) as compared to a September 2011 potentiometric surface derived from DENR-Water Rights Observation Well Network. Approximately 22,477 acres were determined to be under unconfined conditions in September 2011.

Since 22,477 acres of the aquifer had an average annual water level rise of 0.31 feet, assuming a specific yield of 0.15, the annual change in volume of:

$$(22,477 \text{ acres} \times 0.31 \text{ feet} \times 0.15) = 1,045 \text{ acre feet}$$

Therefore the observation well data indicates that the annual recharge to the aquifer exceeded discharge from the aquifer by an average of 1,045 acre-feet per year for the period of 1980-2011.

Water level fluctuations due to well withdrawals:

Observation well data documents that the development that has occurred from the Tulare: East James aquifer has had an inconsequential effect on the aquifer over the long term. Figure 7 is a hydrograph for DENR-Water Rights Program observation well SP-66C. The water level record for this well extends back to June 9, 1967; a time span that includes most of the period of irrigation development from the aquifer. The observation well is located a short distance from several high capacity irrigation wells and the drawdown from the irrigation withdrawals is obvious. However, over the period of record of the hydrograph, the number of appropriations from the Tulare: East James aquifer increased from 25 to 113 and the number of acres authorized for irrigation increased from 4,210 to 15,571. The increased development is not apparent in the hydrograph.

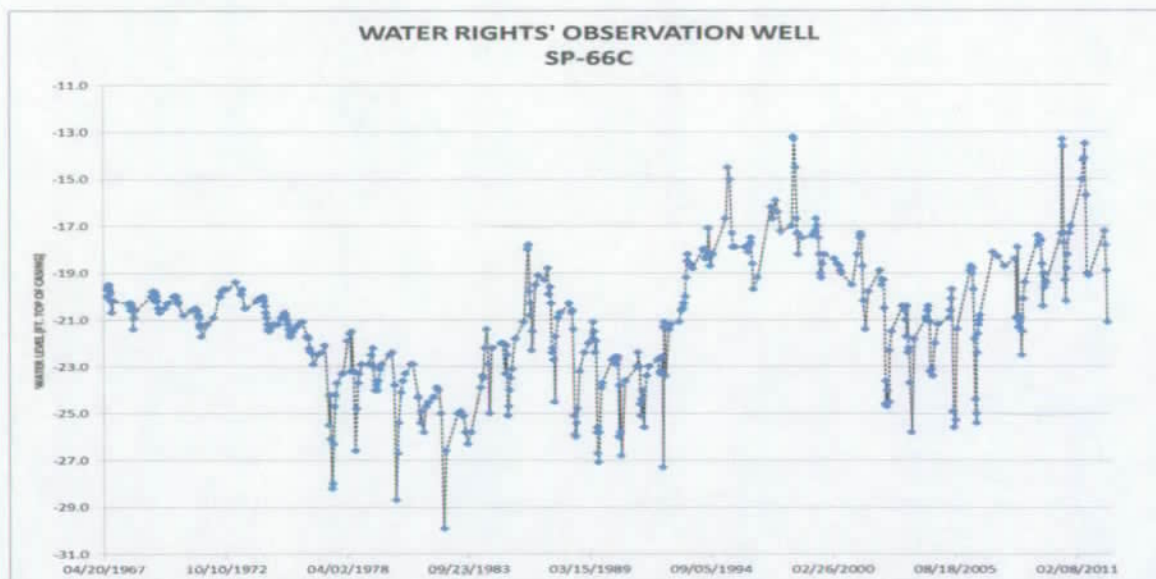


Figure 7. DENR-Water Rights' Observation well completed into the Tulare: East James aquifer, located near irrigation development

All of the observation well data shows that at the current level of development, climatic conditions greatly mask any temporal effects of well withdrawals. Therefore, the data shows that the combined recharge to and natural discharge from the Tulare: East James aquifer significantly exceeds long term well withdrawals.

Potentiometric Surface:

The potentiometric surface of the Tulare: East James aquifer was determined for two time periods based on the observation well measurements for September 1980 and for September 2011. A map showing the two potentiometric surfaces is shown in Figure 8.

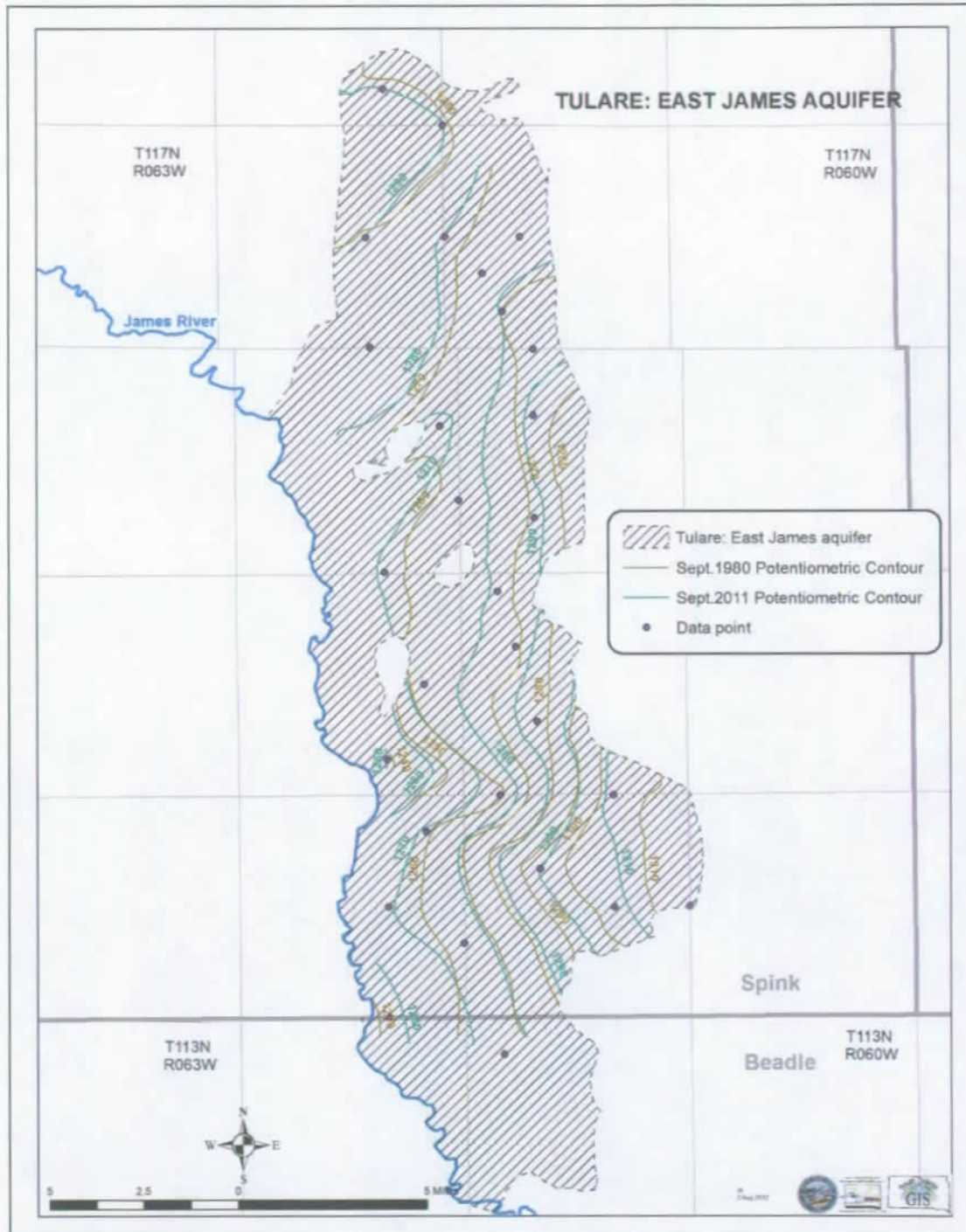


Figure 8. Comparison of the potentiometric surface of the Tulare: East James aquifer (September 1980 to September 2011)

Although the September 1980 water levels were generally lower than the September 2011 water levels, the configuration of the potentiometric surface has not changed significantly over time. It is clear that the amount of water in transient storage in the aquifer has not been significantly affected by increased appropriations and well withdrawals from the aquifer. The stress on the aquifer over time with increased appropriations is not evident in the records of water levels, therefore recharge to the aquifer and natural discharges from the aquifer significantly exceed well withdrawals.

HYDROLOGIC BUDGET:

SDCL 46-6-3.1 and the availability of unappropriated water from the Tulare: East James aquifer can be evaluated by considering a hydrologic budget for the aquifer which compares the recharge to and discharge from the aquifer.

Recharge:

Recharge to the Tulare: East James aquifer is primarily through infiltration of precipitation where the aquifer is at or near the surface. Timber Creek and some of its tributaries have incised into the Tulare: East James aquifer and streamflow provides recharge to the aquifer especially in the northern portion of the aquifer (Goodman, 1984). In addition, "...leakage through ruptured well casings or infiltration of uncontrolled discharge from flowing wells completed in bedrock may recharge aquifers in the glacial deposits" (Hamilton and Howells, 1996).

Recharge Estimates:

Previous Estimates:

Recharge to the Tulare: East James aquifer was estimated by Hedges and others (1985) using an observation well analysis to be 2.5 inches per year for the unconfined portion of the aquifer. Hedges and others (1985) used a regional flow-net analysis to estimate a recharge rate of 0.72 inches per year for the unconfined portion of the aquifer and 0.30 inches per year for the confined portion of the Tulare: East James aquifer. Average annual recharge to the Tulare: East James aquifer was also estimated by Kuiper (1984), using a digital groundwater model to be 0.38-1.52 inches per year with a "best fit" of 0.76 inches per year.

In the past the Water Management Board has accepted 0.76 inches per year as the best available recharge rate estimate, an areal extent equal to 125,600 acres and an average annual recharge volume of 7,950 acre-feet per year for the Tulare: East James aquifer (Water Management Board Findings dated 26 October, 2006 (Paragraph 8)). Assuming an areal extent of the aquifer 123,578 acres (see Figure 1), the average annual recharge to the Tulare: East James aquifer 7,827 acre-feet per year.

Regional Flow Net Analysis:

The recharge potential of the Tulare: East James aquifer was evaluated by interpreting a regional flow net analysis based on the September 2011 water level data from the DENR-Water Rights' Observation Well Network. A flow net analysis is a calculation of the amount of water flowing through the aquifer according to the equation:

$$Q = TIL$$

Where:

Q= flow in gallons per day

T= Transmissivity in gallons per day per foot
I= Hydraulic gradient in feet per mile
L= Cross sectional length in miles

The average hydraulic conductivity for the Tulare: East James aquifer was estimated based on the specific capacities of the 12 irrigation wells completed into the aquifer for which the data to allow these calculations was available (Water Rights, 2012b; Water Rights, 2012c). Transmissivity was calculated at each well using the wells' specific capacity ("Transmissivity from Specific Capacity"), and the transmissivity was divided by the aquifer thickness at the well. The average hydraulic conductivity was calculated to be 1,512.9 gallons per day per square foot (gpd/ft²). The average transmissivity of the Tulare: East James aquifer of a cross section through which all of the flow of the aquifer must flow was determined by multiplying the average thickness of the cross section (38.4 feet) times the average hydraulic conductivity for the aquifer (1,512.9 gallons per day per square foot) to be 58,095 gallons per day per foot.

The hydraulic gradient for the Tulare: East James aquifer was estimated to average 7.5 feet per mile based on data from the DENR-Water Rights' Observation Well Network.

The cross section length of the Tulare: East James aquifer was determined to be approximately 17 miles based on the current aquifer delineation.

The amount of water moving through the Tulare: East James aquifer is estimated as follows:

$$\begin{aligned} Q &= ((58,095 \text{ gpd/ft}) \times (7.5 \text{ ft/mile}) \times (17 \text{ miles})) / (325,851 \text{ gallons/ac-ft}) \\ &= 22.7 \text{ ac-ft/day} \\ &= \underline{8,285 \text{ ac-ft/yr}} \end{aligned}$$

In order to sustain this estimated volume of groundwater moving through the aquifer, the recharge rate in inches per acre per year based on an area of the aquifer of 123,578 acres would be 0.80 inches. This recharge rate cannot be considered "average annual recharge" since it used only 2011 data; however the estimate does show the reasonableness of the average annual recharge estimate from Kuiper (1984).

Discharge:

Discharge from the Tulare: East James aquifer is both natural (i.e. evapotranspiration and discharge to the James River) and through well withdrawals.

Well withdrawals:

Well withdrawals from the Tulare: East James aquifer occur through domestic use which does not requiring a water permit or right and uses from appropriative rights/permits.

Domestic water use:

There are 55 domestic water supply wells on file with the DENR-Water Rights (Water Rights, 2012c) that appear to be completed into the Tulare: East James aquifer. The volume of water used by these wells was estimated based on the average rural use for Mid Dakota RWS (i.e. 7,000 gallons per tap per month), (SD-Department of Environment and Natural Resources, 2012) to be approximately 14 acre-feet per year.

Appropriative water use

All of the water rights/permits appropriating water from the Tulare: East James aquifers are for irrigation use. The history of the development of irrigation in the Tulare: East James aquifer can be seen in Figures 9 and 10.

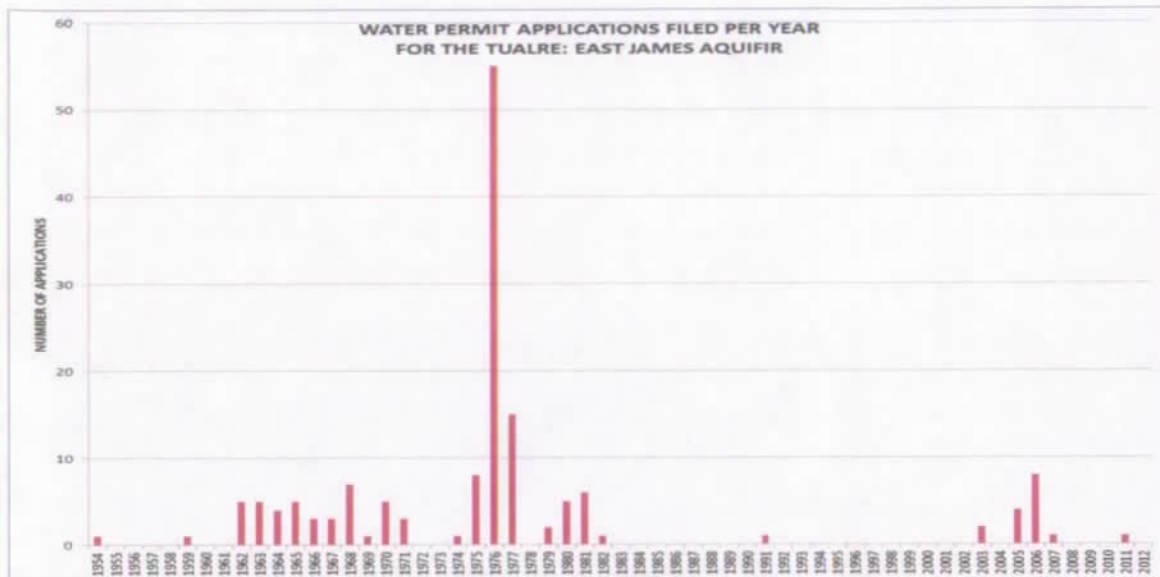


Figure 9. Water permit applications filed per year for the Tulare: East James aquifer

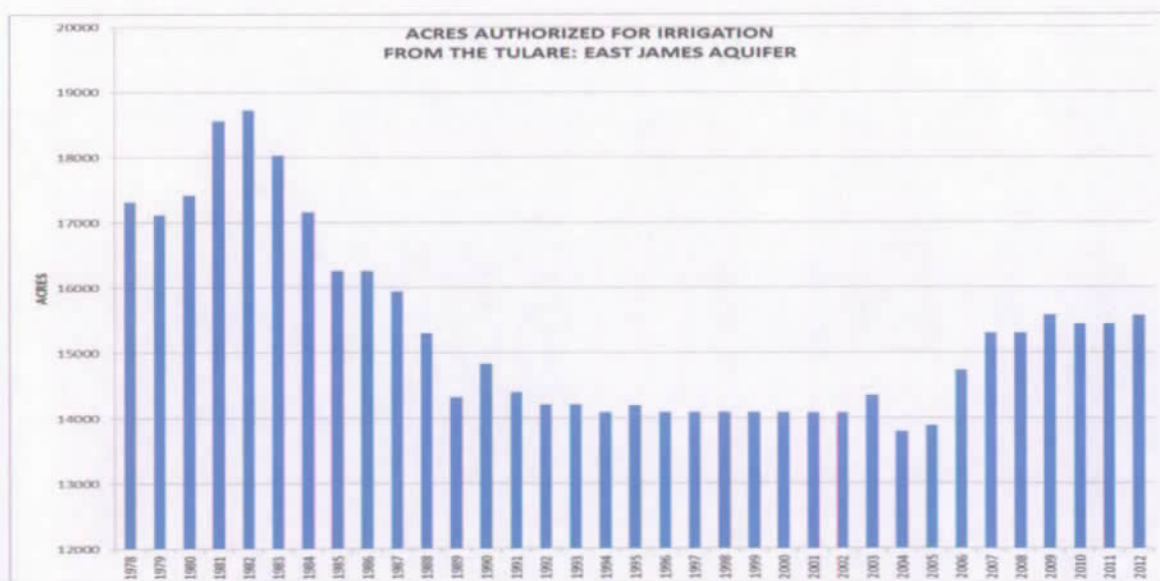


Figure 10. Acres authorized for Irrigation from the Tulare: East James aquifer

Examination of Figures 9 and 10 show that for practical purposes, irrigation development was essentially complete by 1979 or 1980. The number of appropriations and amount of water reported pumped from the aquifer (see Table 2) also suggest that the Tulare: East James aquifer should be considered fully developed as of about 1979 or 1980.

YEAR	NO. PERMITS	APPROPRIATION (acre-feet/year)	PUMPED (acre-feet/year)
1979	81	46,062.00	5,321.00
1980	82	46,326.00	7,348.00
1981	92	48,404.00	12,935.00
1982	80	44,931.30	6,873.68
1983	82	45,395.60	5,951.32
1984	81	42,131.20	4,236.80
1985	79	41,777.20	4,251.00
1986	80	41,741.20	4,940.00
1987	76	39,978.20	8,481.00
1988	75	41,043.20	11,106.20
1989	76	40,971.20	11,281.50
1990	75	40,716.20	6,928.00
1991	76	40,772.20	7,890.10
1992	76	40,220.20	3,224.40
1993	75	40,164.20	1,089.00
1994	76	40,510.35	3,897.29
1995	75	40,498.20	2,932.31
1996	75	40,498.20	7,389.13
1997	75	40,498.20	2,676.00
1998	75	40,498.20	3,475.85
1999	75	40,498.20	5,011.51
2000	75	40,498.20	7,690.37
2001	77	41,324.20	10,287.41
2002	78	42,020.20	13,668.09
2003	75	39,811.20	11,864.48
2004	77	39,288.20	7,372.58
2005	79	39,322.20	8,491.16
2006	84	40,986.20	11,746.21
2007	86	41,498.20	7,204.13
2008	85	40,974.20	3,900.71
2009	87	41,510.20	3,908.42
2010	88	41,246.20	2,414.41
2011	87	40,766.20	4,675.06
<i>MAX</i>	92	48,404.00	13,668.09
<i>MIN</i>	75	39,288.20	1,089.00
<i>AVE</i>	79.24	41,602.44	6,680.67

Table 2. Irrigation water use statistics for the Tulare: East James aquifer (Water Rights, 1980-2012)

The total well withdrawal from the aquifer including domestic use is expected to average less than 6,700 acre-feet/year. This total withdrawal from the Tulare: East James aquifer due to pumping is around 0.98% of the estimated recoverable water in storage in the aquifer (6,700 acre-feet pumped per year versus 685,857 acre-feet of recoverable water in storage).

A comparison of the estimated average well withdrawals from the Tulare: East James aquifer (6,700 acre-feet/year) with the estimated average annual recharge rate for the aquifer (7,827 acre-feet/year) shows that approximately 1,127 acre-feet of unappropriated water is available from the Tulare: East James aquifer.

In the past, the Water Management Board has considered the number of additional acres that can be permitted for irrigation given a volume of unappropriated water, as a function of the average irrigation application rate (i.e. inches of water applied per acre) for the aquifer.

The average annual application rate calculated from the total volume of water reported pumped and the total acres reported irrigated for the Tulare: East James aquifer for the period of 1979-2011 is 7.68 inches per year (see Table 3).

Year	Acres Permitted	Acres Irrigated	Irrigated/Permitted Percentage	Total Permits Reporting	Permits Pumping Water	Total Pumped (ac-ft)	Average Application Rate (in/ac/yr)
1979	17113.7	9231	53.94	84	56	5388.25	7.00
1980	17412.7	*	*	*	*	*	*
1981	18561.7	*	*	*	*	*	*
1982	18721.7	*	*	*	*	*	*
1983	18030.7	8441.5	46.82	87	55	6208.44	8.83
1984	17158.7	9032	52.64	87	58	4828.48	6.42
1985	16264.7	8863	54.49	83	56	4638.54	6.28
1986	16264.7	9123	56.09	80	63	5065.92	6.66
1987	15944.7	9385	58.86	77	62	8565.77	10.95
1988	15304.7	10023.5	65.49	76	68	11294.18	13.52
1989	14325	10317.8	72.03	76	59	11491.67	13.37
1990	14835	8969	60.46	75	50	6958.00	9.31
1991	14399	9612.6	66.76	77	60	7797.19	9.73
1992	14215	10717.8	75.40	77	64	3328.84	3.73
1993	14215	5614	39.49	77	34	1122.85	2.40
1994	14095	8113	57.56	67	49	3888.01	5.75
1995	14195	6118	43.10	67	31	2302.63	4.52
1996	14095	10059	71.37	67	59	7180.73	8.57
1997	14095	6885	48.85	67	40	2664.00	4.64
1998	14095	8321.8	59.04	67	51	3473.86	5.01
1999	14095	9610.8	68.19	67	58	4949.86	6.18
2000	14089	10274	72.92	68	62	7524.65	8.79
2001	14087	9984	70.87	69	61	9593.02	11.53
2002	14087	10760.8	76.39	71	62	12767.30	14.24
2003	14351	11684.8	81.42	75	66	11448.20	11.76
2004	13796	11999	86.97	75	71	7168.92	7.17
2005	13887	12083.4	87.01	82	67	8379.21	8.32
2006	14731	12718.8	86.34	86	72	11487.25	10.84
2007	15307	11518.4	75.25	83	66	7116.63	7.41
2008	15307	13533	88.41	84	73	3900.71	3.46
2009	15575	11547.3	74.14	87	63	3908.42	4.06
2010	15443	8161.2	52.85	88	46	2379.06	3.50
2011	15443	8789	56.91	87	49	4675.06	6.38
2012*	15571*						
MAX	18721.70	13533.00	88.41	88.00	73.00	12767.30	14.24
MIN	13796.00	5614.00	39.49	67.00	31.00	1122.85	2.40
AVE	15258.79	9716.38	65.34	77.10	57.70	6383.19	7.68

Table 3. Irrigation development from the Tulare: East James aquifer (*data not available), ((modified from Mathiowetz, 2012a)

The analysis of observation well data indicates that the recharge to the Tulare: East James aquifer exceeded the withdrawals from the aquifer by an average of 1,045 acre feet per year from 1980-2011. A comparison of the estimated average annual recharge to the aquifer with the estimated average annual well withdrawals from the aquifer from 1979-2011 shows that 1,127 acre-feet of unappropriated water is available from the Tulare: East James aquifer. Assuming an average irrigation application rate of 7.68 inches per year, an average of 1,633 additional acres could have been irrigated based on the observation well analysis and an average of 1,761 additional acres could have been irrigated based on estimated average annual recharge.

EXISTING WATER RIGHTS:

There have been a total of 164 applications to appropriate water from the Tulare: East James aquifer. The status of the applications is shown in Table 4.

STATUS	NUMBER OF APPLICATIONS
LICENSED	69
PERMITTED	24
INCORPORATED	27
CANCELLED	29
DENIED	9
WITHDRAWN	6

Table 4. Status of water permit applications from the Tulare: East James aquifer

Development from the Tulare: East James aquifer dates back to the mid 1950's and there are currently at least 137 irrigation wells producing from the aquifer. Well interference has never been an issue from the aquifer and it is likely that additional irrigation wells could be completed without unlawfully impairing existing water rights.

CONCLUSIONS:

1. The Tulare: East James aquifer is an extensive, primarily buried, generally confined glacial outwash aquifer.
2. The best information currently available indicates that the Tulare: East James aquifer underlies approximately 123,578 acres of Spink and Beadle Counties.
3. The best information currently available identifies an average annual recharge rate to the Tulare: East James aquifer as approximately 0.76 inches per year.
4. The volume of average annual recharge to the Tulare: East James aquifer based on an area of 123,578 acres and a recharge rate of 0.76 inches per year is approximately 7,827 acre-feet per year.
5. The average annual well withdrawal from the Tulare: East James aquifer is from 1979-2011 estimated to be 6,700 acre-feet per year.
6. The SD DENR-Water Rights Program observation well data documents that over the period of record the potentiometric surface of the Tulare: East James aquifer has averaged an upward trend.
7. The SD DENR-Water Rights Program observation well data documents that well withdrawals from the Tulare: East James aquifer have not had a long term effect on the amount of water in storage in the aquifer.
8. The SD DENR-Water Rights Program observation well data documents that the configuration of the potentiometric surface of the Tulare: East James aquifer has not changed significantly with time or increased development.

9. The SD DENR-Water Rights Program observation well data documents that recharge to the Tulare: East James aquifer has exceeded the discharge from the aquifer by an average of 1,045 acre-feet per year.
10. The average annual irrigation application rate for the Tulare: East James aquifer from 1979-2011 has been 7.68 inches per year.
11. Assuming an average application rate of 7.68 inches per year, an average of 1,761 additional acres could have been irrigated based on a comparison of average annual recharge and average annual well withdrawals
12. Assuming an average application rate of 7.68 inches per year, an average of 1,633 additional acres could have been irrigated based on the observation well analysis of the aquifer.
13. Well interference has never been a problem from the Tulare: East James aquifer and there is a reasonable probability that additional irrigation wells could be completed into the aquifer without adversely impacting existing users.
14. Water permit application Nos. 7295-3, 7316-3, 7348-3, 7364-3, 7365-3, 7366-3, 7367-3, 7368-3, 7369-3, 7370-3 propose to appropriate water to irrigate 1759 acres from the Tulare: East James aquifer.
15. There is a reasonable probability that unappropriated water is available from the Tulare: East James aquifer to supply water for these appropriations.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Goodman, J.A., 1984, Report on Applications No. 5009-3 Duane Muxen, No. 3178A-3 M.J.T. Inc., and No. 2235A-3 Gary D. Wipf, DENR-Water Rights Program unpublished report in Water Permit Application File No. 5009-3
- Hamilton L.J., and Howells, L.W., 1996, Water Resources of Spink county, South Dakota, U.S. Geological Survey Water-Resources Investigations Report 96-4056, 68 p.
- Hines v. South Dakota Dept. of Environ. and Nat'l. Resources, Hughes County 04-37 (Memorandum Decision, April 29, 2005)
- Kuiper, L.K. 1984, Appraisal of the Water Resources of The Eastern Part of the Tulare Aquifer, Beadle, hand, and Spink Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4078, 52 p.
- Mathiowetz, A.W. 2012. Unpublished data. Pierre, SD.: South Dakota Department of Environment and Natural Resources Water Rights Programs.

SD-Department of Environment and Natural Resources, 2012, 2011 Regional Water Rate Survey, SD-DENR, Joe Foss Bldg. Pierre, SD

“Transmissivity from Specific Capacity.” Aquifer Test Forum sponsored by HydroSOLVE, Inc.
1 August.2012< <http://www.aqtesolv.com/forum/transcap.asp>

Water Permit Application Nos. 6711-3, 6713-3, 6715-3 and 6728-3 (Water Management Board Findings of Fact, Conclusions of Law and Final Decision issued 26 October, 2006)

Water Rights, 1980-2012a, Irrigation Questionnaires 1980-2011, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 1980-2012b, “Annual Irrigation Summary by Aquifer”: SD DENR-Water Rights Program, Joe Foss Building, 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, Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



JAN 2 5 2010

Michael Sentell
18690 398th Ave
Hitchcock SD 57348

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Mr. Sentell;

Enclosed is Water Permit No. 7348-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The water permit will be subject to cancellation if necessary works are not constructed within the five year period listed under Item No. 5 of the permits (December 6, 2017). In addition, water rights law provides that if one fifth (1/5) of the works authorized by this permit is not completed within 2 1/2 years of approval of the permits, the Water Management Board may accept and approve an application for the use of any water included in this water permit and the right to use the water under this permit be subject to cancellation for forfeiture. Since the Tulare:East James Aquifer is deemed fully appropriated by DENR, one fifth of construction will need to be completed by June 6, 2015 or the permit maybe subject to cancellation for forfeiture before the Board.

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

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 10, 2013

Michael Sentell
18690 398th Ave
Hitchcock SD 57348

Mr. Sentell:

I am writing concerning your request to change the location of the diversion point authorized by Water Permit No. 7348-3 from a gravel pit to 3 wells.

Water Permit No. 7348-3 was issued January 25, 2013 for irrigation of 440 acres with a diversion rate of 5.33 cfs from an existing gravel pit. The report prepared for Permit No. 7348-3 identifies the water source for the gravel pit to be the Tulare:East James Aquifer. Your request is to use 3 wells in the Tulare:East James Aquifer rather than the gravel pit as originally planned. Each well is to be located near the center of the three pivots planned for irrigation of the 440 acres authorized by No. 7348-3.

Upon review of your request pursuant to SDCL 46-5-13.1, the change in diversion point location from a gravel pit to 3 wells is approved. This approval is based on the water source (Tulare:East James Aquifer); amount of water to be used; and acreage to be irrigated all remaining unchanged from that specified on Permit No. 7348-3. Based upon our review of your request, the distance between the 3 proposed well sites and other existing and proposed well sites should not result in any interference that would impair other water uses.

The 3 wells authorized by this approval shall be constructed by a licensed well driller and construction of the wells and installation of pumps 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.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

Approval of Diversion Point Location Change and Additional Diversion Points

NAME: Michael Sentell

ADDRESS: 18690 398th Ave., Hitchcock SD 57348

DATE: April 16, 2013

COUNTY: Spink

TELEPHONE: 605 266-2780

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be approved provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Water source same as permitted source and no additional water appropriated**

Permit No. 7348-3 was issued January 25, 2013 for irrigation of 440 acres with a diversion rate of 5.33 cfs from an existing gravel pit. The report prepared for Permit No. 7348-3 identifies the water source for the gravel pit to be the Tulare:East James aquifer. Mr. Sentell is proposing to use three wells into the Tulare:East James aquifer rather than the gravel pit as originally planned. Each well would be located near the center of the three pivots planned for irrigation of the 440 acres authorized by No. 7348-3. This would eliminate the expense of running pipe from the gravel pit to each pivot.

A test hole log was supplied by Mr. Sentell for the pivot site located in the NW1/4 section 13-T114N-R62W. The hole is 84 feet deep with a static water level at 25 feet. This is the furthest proposed well site away from the gravel pit at an approximate distance of 5,000 feet. The test hole depth is consistent with an existing 80 feet deep well into the Tulare:East James aquifer located one half mile away in the NE1/4 section 13. Mr. Sentell has indicated that the combined use from the three wells will not exceed the 5.33 cfs authorized by No. 7348-3.

- **If irrigation, no new land is irrigated**

The same acreage authorized under Water Permit No. 7348-3 would be developed for irrigation.

- **Review of Existing Diversions and Potential for Interference**

The plan to use three wells rather than the gravel pit will result in one of the three well sites being significantly closer to other Tulare:East James aquifer diversions than the gravel pit site. The well to be located in the center of the NW1/4 section 13 will be located about one half mile from an existing, licensed well near the center of the NE1/4 section 13 covered by Water Right No. 4753-3 (Jeffrey Gatzke) and the same distance from a permitted well in the SW1/4 section 12; all in T114N-R62W covered by Water Permit No. 7316-3 (Van Buskirk Farms). The gravel pit is located about 7,000 feet from the Gatzke well and 6,000 feet from the Van Buskirk well site. The other two proposed well sites; one in the center of the S1/2 and one in the center of NW1/4; all in section 14-T114N-R62 are not significantly closer to other water permits/rights using the Tulare:East James aquifer. The nearest domestic wells in the Tulare:East James aquifer are about one quarter mile away from the nearest proposed well site (see attached map showing the proposed well sites and other existing or permitted well and domestic well sites).

According to the report prepared by Ken Buhler for Permit No. 7348-3 well interference has never been a problem from the Tulare:East James aquifer. Even though one of the proposed well sites is about one half mile from an existing well and a proposed well by Van Buskirk Farms this distance is common among irrigation wells in Tulare:East James aquifer so no interference is expected with permitted wells or nearby domestic wells. If any interference did occur, the diversion under Permit No. 7348-3 is junior to the other nearby irrigation permits/rights and to domestic uses and would be subject to those other uses as specified in a permit qualification for Permit No. 7348-3.

RECOMMENDED ACTION

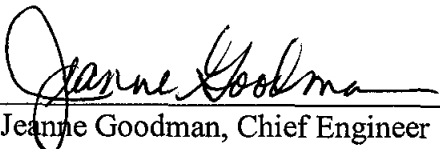
Based on the above criteria, it is recommended that relocation of the diversion point from a gravel pit to three well sites identified in this document be approved by the chief engineer. The water source, amount of water to be used and acreage to be irrigated will remain unchanged. The distance from the proposed well sites and other existing and proposed well sites should not result in any interference that would impair those water uses.



Ron Duvall, Water Rights Permitting Administrator
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in diversion point location and proposed use of three points of diversion does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program

Sec 10
T114N
R62W

Change in Diversion Point Location and Additional Points
for Mike Sentell, Permit No. 7348-3
Prepared by Ron Duvall
Date: May 10, 2013

Sec 11
T114N
R62W

Sec 12
T114N
R62W
Permitted well site
No. 7316-3

Sec 15
T114N
R62W

Proposed well site

Sec 14
T114N
R62W

Gravel Pit Area
No. 7348-3

Proposed well site

Licensed well site
No. 4753-3

Domestic well

Sec 13
T114N
R62W

Proposed well site

Domestic well

Sec 22
T114N
R62W

Permitted well site
No. 7235-3

Sec 23
T114N
R62W

Permitted well site
No. 6711A-3

Sec 24
T114N
R62W

Permitted well site
No. 6712A-3



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	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED

MAR - 4 2013

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7348-3
(Use predates Mar 2, 1955)

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

This application is to change the location of the diversion point from a gravel pit to 3 wells into the Tulare East James aquifer. No change in the acres to be irrigated.

1. Name to Appear on Irrigation Permit Michael Sentell(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 18690 398TH AVE Hitchcock SD 57348
(Address) (City) (State) (Zip Code)

Home Phone _____ Cell _____ Email _____

2. Amount of water claimed no add'l *CFS or _____ **GPM _____ ***AF Total Acreage no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 3 wells - Tulare East James Aquifer

4. Location of point of diversion Near center of NW1/4 sec 14; near center of S1/2 sec 14; near center of NW1/4
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
sec 13; all in T114N-R62W (near pivot centers shown on map for 7348-3) County Spink

5. County or counties where water will be used Spink6. Annual period during which water is to be used May 1 - Sep 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW1/4 sec 13;			
NW1/4, W1/2SE1/4, SE1/4SW1/4 sec 14;			
all in T114N-R62W	440		
(same acres as covered by No. 7348-3)			

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

This application is to change the location of the use authorized by No. 7348-3 from a gravel pit to 3 wells in the Tulare East James aquifer. A test hole completed in the NW1/4 section 13 showed favorable conditions for development of wells.

I, Michael Sentell, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 3 Have test holes been drilled ☒ Yes ☐ No Drilled by Stretch's Well Service, Inc.
(if yes, please provide copies of logs)

b) If existing wells, how many Provide copy of log(s), if available. Drilled by

c) Well Depth 80 Depth to Top of Water Bearing Material Depth to Water from Surface

d) Distance to nearest existing domestic well:

On applicant's property 1/2 mile artesian On property owned by others 3/4 mile

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

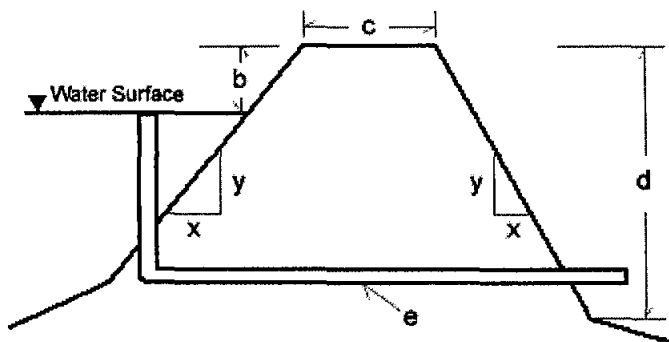
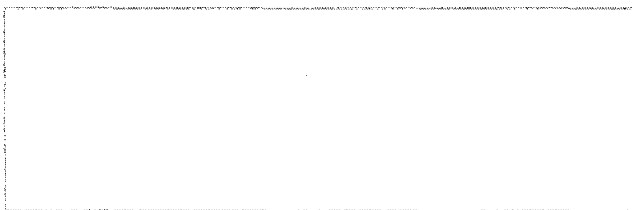
a) Surface Dimensions Depth

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

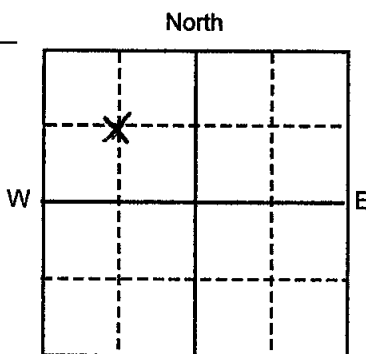
11-02

523 E Capitol Ave. Pierre SD 57501

#1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location 1/4 NW 1/4 Sec 14 Twp 114N Rg 62WCounty SPINKPlease mark well
location with an "X"

Well Completion Date

7-2014

1 Mile

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

ft. from

(Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

ROTARY DRILL

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
40.0 LB/FT	16.00 IN	0.0 FT	62.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
GWDF	20	54.0 Lb/gal	0.0 Ft	62.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMIE

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 20.0 FeetMaterial SSSlot Size .080 Set From 62.0 Feet to 82.0 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?

☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: MICHEAL SENTELL

Business Name:

Address: 18690 398TH AVECity, State, Zip: HITCHCOCK SD 57348

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	2
YELLOW SANDY CLAY	2	18
CLAY	18	40
MIXED FINE-MED SAND W/ COAL	40	80

STATIC WATER LEVEL 19.0 FEETIf flowing: closed in pressure PSIGPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ OtherReduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPMFt. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

RECEIVED

JAN 30 2015

WATER RIGHTS
PROGRAMThis well was drilled under license # 689 and this report is true and accurate.Drilling firm: KAISER WELL DRILLING INC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

SOUTH DAKOTA WATER WELL COMPLETION REPORT

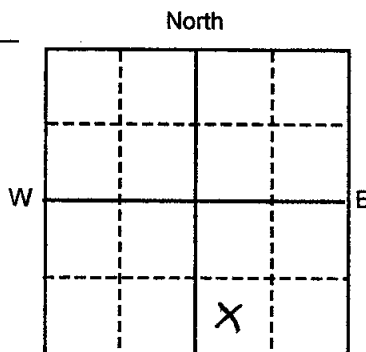
7348-3 SD EForm - 1621LD V1

11-02

Location SW 1/4 SE 1/4 Sec 14 Twp 114N Rg 62W

County SPINK

Please mark well location with an "X"



Well Completion Date

7-2014

← 1 Mile →

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

PROPOSED USE:

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

METHOD OF DRILLING:

ROTARY DRILL

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
40.0 LB/FT	16.00 IN	0.0 FT	60.0 FT	24.00 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
GWDF	20	54.0 Lb/gal	0.0 Ft	60.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMIE

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 20.0 Feet

Material SS

Slot Size .060 Set From 60.0 Feet to 80.0 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? _____

☐ No, Why Not? _____

Lab to which water quality sample sent for analysis _____

Well Owner: MICHEAL SENTELL

Business Name: _____

Address: 18690 398TH AVE

City, State, Zip: HITCHCOCK SD 57348

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	2
YELLOW SANDY CLAY	2	18
CLAY	18	40
MIXED FINE-MED SAND W/ COAL	40	80

STATIC WATER LEVEL 21.0 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: _____

☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JAN 3 2015

WATER RIGHTS

This well was drilled under license # 689 and this report is true and accurate.

Drilling firm: KAISER WELL DRILLING INC

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

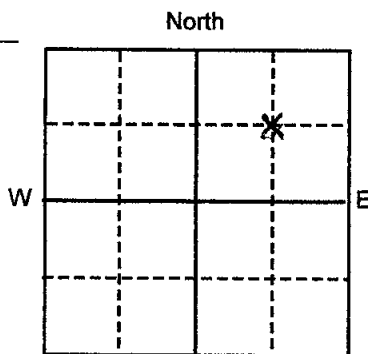
#3

7348-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location 1/4 NE 1/4 Sec 13 Twp 114N Rg 62WCounty SPINKPlease mark well
location with an "X"

Well Completion Date

7-2014

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

ROTARY DRILL

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
40.0 LB/FT	16.00 IN	0.0 FT	55.0 FT	24.00 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
GWDF	20	54.0 Lb/gal	0.0 Ft	55.0 Ft
_____	_____	_____ Lb/gal	_____ Ft	_____ Ft

Describe grouting procedure

TREMIE

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 16.00 Inches Length 15.0 FeetMaterial SSSlot Size .060 Set From 55.0 Feet to 70.0 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? _____☐ No, Why Not? _____Lab to which water
quality sample sent for analysisWell Owner: MICHEAL SENTELL

Business Name: _____

Address: 18690 398TH AVECity, State, Zip: HITCHCOCK SD 57348

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	2
YELLOW SANDY CLAY	2	18
CLAY	18	40
MIXED FINE-MED SAND W/ COAL	40	70

STATIC WATER LEVEL 21.0 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: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JAN 3 1 2015

WATER RIGHTS
PROGRAMThis well was drilled under license # 689 and this
report is true and accurate.Drilling firm: KAISER WELL DRILLING INC

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

Nos. 7347-3, 7348-3 & 7349-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 7347-3, 7348-3 & 7349-3, Michael Sentell

ADDRESS: COUNTY: Spink County

DATE: November 3, 2015 TELEPHONE:

RE: licensing investigation of water permits held by Mr. Sentell

On November 3, 2015, Whitney Kilts and myself met with Michael Sentell for the purpose of conducting licensing investigation.

Water Permit No. 7347-3 appropriates up to 1.49 cfs from Lake Dudley to irrigate 120 acres. At the time of the on-site visit the center pivot was in place and the pipeline to convey water from the lake to the pivot was in the process of being constructed. No pump was in place or on-site. Mr. Sentell did state that it was likely that he'd move the pump from the existing pump site at the dugout authorized by Water Permit No. 7349-3 to Lake Dudley. Water Permit No. 7347-3 has a date to complete construction of October 22, 2019. Based on the fact that construction was not yet complete, it was determined not move forward with licensing at this time.

Water Permit No. 7348-3 appropriates 5.33 cfs from the Tulare:East James aquifer for irrigation of 440 acres. At the time of the on-site visit, pivots and wells were in place in the NW ¼ Section 13 and NW ¼ Section 14, T114N, R62W. The well was constructed in the S ½ of Section 14 and a pivot had been in place in the S ½ of Section 14 that had been blown over is a wind storm. The wrecked pivot had been removed from the field and its remnants were located in the SE ¼ SW ¼ of the section and a new pivot was off-loaded in the field awaiting construction. Mr. Sentell indicated that the gravel pit in the NE ¼ SW ¼ of Section 14 was in the process of being reclaimed and it was his intent to allow the pivot to make full rotation. I pointed out Permit No. 7348-3 authorized this pivot to make ¾ rotation in the SE ¼ SW ¼ and W ½ SE ¼ of the section and not in the NE ¼ SW ¼. Mr. Sentell indicated that must have been a mistake when Inman Irrigation helped him fill out the application back in 2012. He reiterated his desire to allow the pivot to make full rotation once reclamation was complete. The slope appeared to be significant in the transition area where reclamation was occurring but Mr. Sentell assured us that a center pivot could make full rotation. I explained that he is still within his construction period and since the other pivots appear to be standard 132 – 136 acre quarter section pivot, his permit may have enough acres to allow for him to transfer acres to cover the acres in the NE ¼ SW ¼ Section 14. Given the replacement pivot was not in place and his intention to allow the pivot in the S ½ Section 14 to make full rotation if the transfer of acres is granted, DENR will not proceed with licensing at this time. I reiterated the date to complete construction is December 6, 2017.

Water Permit No. 7349-3 appropriates 3.33 cfs from a dugout completed into alluvium along the James River alluvium to irrigate 240 acres. A pump station was in place along with two center pivots and underground pipeline to each pivot. Whitney and I took the pertinent information for licensing. Mr. Sentell did indicate he would likely move the pump at this site to Lake Dudley. He has installed a PVC casing at an incline with the intent of placing a submersible pump in the casing to supply the two pivots. Regardless the system is constructed and the decision was made to proceed with licensing.

NAME: Eric Hunter



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

7348-3
7348A-3

MAY 22 2017

Michael Sentell
18690 398th Ave
Hitchcock SD 57348

Dear Mr. Sentell:

Enclosed is Water Permit No. 7348A-3 which amends Water Permit No. 7348-3 by transferring a portion of the authority to irrigate acreage to other land and diversion rate authority to an additional well. Water Permit No. 7348-3 is being reissued to reflect the changes also.

A 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 information 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
605 773-3352

enclosures

**REISSUED
SOUTH DAKOTA
WATER PERMIT NO. 7348-3**

Date of first receipt of application April 11, 2012.

The Water Management Board approved Water Permit No. 7348-3 on December 6, 2012 for Michael Sentell, 18690 398th Ave. Hitchcock SD 57348 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. 7348-3 appropriates 5.33 cubic feet of water per second from a gravel pit completed into the Tulare:East James Aquifer and located in the NE 1/4 SW 1/4 Section 14 for irrigation of 440 acres located in the NW 1/4 Section 13, NW 1/4, W 1/2 SE 1/4, SE 1/4 SW 1/4 Section 14; all in T114N-R62W.

On May 10, 2013, the Chief Engineer authorized the relocation of the diversion point from a gravel pit to three well sites located in near the centers of the NW 1/4 Section 13, S 1/2 Section 14 and NW 1/4 Section 14; all in T114N-R62W.

To reflect the Chief Engineer's action taken on behalf of the Water Management Board, on May 8, 2017, to transfer diversion rate authority and acres, Water Permit No. 7348-3 is being reissued as follows:

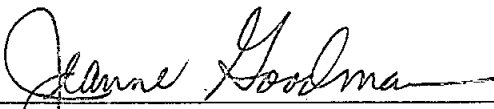
Water Permit No. 7348-3 appropriates 4.33 cubic feet of water per second from three wells completed into the Tulare:East James Aquifer and located near the centers of the NW 1/4 Section 13, S 1/2 Section 14 and NW 1/4 Section 14 for irrigation of 374 acres located in the NW 1/4 Section 13, NW 1/4, W 1/2 SE 1/4, SE 1/4 SW 1/4 Section 14; all in T114N-R62W.

2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is April 11, 2012.
4. One-fifth of the construction is to be completed on or before June 6, 2015.
5. All construction is to be completed on or before December 6, 2017.
6. Water is to be put to beneficial use on or before December 6, 2021.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The permit owner under this Permit shall control his withdrawals from the gravel pit so there is not a reduction of needed water supplies in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 22 2017

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 21, 2018

7348-3

Michael Sentell
18690 398th Ave
Hitchcock SD 57348

Dear Mr. Sentell:

I am writing in follow-up to our recent phone conversation concerning your 2017 irrigation questionnaire. During our conversation you asked if the maximum pump rate you could divert would be 600 or 650 gallons per minute.

Enclosed is a copy of the Reissued Water Permit No. 7348-3. The permit authorizes a diversion of 4.33 cubic feet of water per second (cfs) from three wells. A cubic foot of water equates to 448.8 gallons per minute. Here is a breakdown of what is authorized:

- 4.33 cfs x 448.8 gpm equals a **total of 1,943.3 gpm**
- 1,943.3 gpm divided by three wells/pivots would be **647.7 gpm each**

Hopefully I have answered your questions. If you need anything further, please let us know.

Sincerely,

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

enclosure

7348-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 13 Twp 14N Rg 62W

County Spink

North

Please mark well location with an "X"

Well completion Date 9-22-14

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
2,3000 ft. from Feed Lot (identify source)

PROPOSED USE:
☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:
Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
52.21 LB/FT	12 IN	12 FT	66 FT	17.5 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>Hydramix 16</u>	<u>9.5</u>	<u>Lb/gal</u>	<u>0 FT</u>	<u>53 FT</u>
<u>Portland Cement</u>		<u>Lb/gal</u>	<u>FT</u>	<u>FT</u>

Describe grouting procedure grout line from 53'
To surface

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 20 Feet

Material stainless steel

Slot Size .080 Set From _____ Feet to _____ Feet

Other information Gravel Pack

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
☐ No, Why Not? _____

Lab sample sent to for water quality analysis _____

Well Owner: Michael Sentell

Business Name: _____

Address1: 1869 398 Ave

Address2: _____

City, State, Zip: Hickcock, SD 57348

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Yellow clay</u>	<u>2</u>	<u>15</u>
<u>Oxidized coarse sand</u>	<u>15</u>	<u>51</u>
<u>Fine Grey Sand</u>	<u>51</u>	<u>54</u>
<u>Blue clay</u>	<u>54</u>	<u>56</u>
<u>Fine Sand</u>	<u>56</u>	<u>60</u>
<u>Coarse Sand</u>	<u>60</u>	<u>86</u>
<u>Shale</u>	<u>86</u>	<u>90</u>

STATIC WATER LEVEL 23'3" 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 Submersible Pump

☐ Bailed

☐ Other

Pumping Level Below Land Surface

FL After	Hrs. pumped	GPM
<u>47.5</u>	<u>3</u>	<u>950</u>
_____	_____	_____

If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm: Manikowski Well Drilling, Inc

Signature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

Please return White Copy to DENR Water Rights

523 E. Capitol Ave., Pierre SD 57501

Permit No. 7348-3

Contact Person & Address: **Michael Sentell, 18690 398th Ave., Hitchcock, SD 57348**

Report of Examination of Works

On **November 5, 2019** I made a thorough examination of the water use system constructed by **Michael Sentell** holder of Permit No. **7348-3**, bearing the priority of **April 11, 2012 (established by Water Permit No. 7348-3)** authorizing the diversion of **4.33** cu. ft. per second of the waters of **Tulare: East James Aquifer** for **irrigation** purposes, in **Spink** County.

This permit is for three systems. The systems are in the **good** condition. The points of diversion are as shown in the table below as determined using **GPS**. The works are capable of diverting and conveying to the places of use a total of **4.90** cu. ft. per second of water which is to be used for **irrigation**.

Diversion Pt.	Location	Latitude	Longitude
1	from the NW corner of Sec. 14, T114N, R62W 1,357' E. & 1,326' S.	44.68675	-98.25593
2	from the SW corner of Sec. 14, T114N, R62W 1,315' N. & 2,643' E.	44.67952	-98.25099
3	from the NW corner of Sec. 13, T114N, R62W 1,320' E. & 1,335' S.	44.68661	-98.23589

Water has been put to beneficial use to the maximum extent as follows:

All land is located in

Diversion Pt. 1: **Sec 14, T114N, R62W**

NW ¼ NW ¼ - 33.75 ac NE ¼ NW ¼ - 33.75 ac SE ¼ NW ¼ - 33.75 ac SW ¼ NW ¼ - 33.75 ac

Diversion Pt. 2: **Sec 14, T114N, R62W**

NW ¼ SE ¼ - 34.67 ac SW ¼ SE ¼ - 34.67 ac

SE ¼ SW ¼ - 34.66 ac

Diversion Pt. 3: **Sec 13, T114N, R62W**

NW ¼ NW ¼ - 33.75 ac NE ¼ NW ¼ - 33.75 ac SE ¼ NW ¼ - 33.75 ac SW ¼ NW ¼ - 33.75 ac

comprising a total of **374** acres of land and the license should be issued for **4.33** cfs.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by **yes**.
- 2) All structures, wells and lands on map **yes**.
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**.
- 4) Exceptions to compliance are: **none**

Water Permit No. 7348-3, Examination of Works

Report On the Specifics of the System:

Well Information: Diversion Pt. 1

- 1) Well Drilling Firm: Kaiser Well Drilling, Inc. 2) No. of Wells 1 3) Depth(s) 82 feet
4) Well log is available yes

Casing:

- 1) Diameter 16 inches 2) Length 62 feet 3) Type PVC

Screen:

- 1) Type Stainless Steel 2) Length 20 feet 3) Static water level 19 feet

Pump:

- 1) Make Submersible 2) Model na 3) Size na 4) Capacity 800 GPM

Motor:

- 1) Make na 2) Model No. na 3) Horsepower rating 45 hp

Well Information: Diversion Pt. 2

- 1) Well Drilling Firm: Kaiser Well Drilling, Inc. 2) No. of Wells 1 3) Depth(s) 80 feet
4) Well log is available yes

Casing:

- 1) Diameter 16 inches 2) Length 60 feet 3) Type PVC

Screen:

- 1) Type Stainless Steel 2) Length 20 feet 3) Static water level 21 feet

Pump:

- 1) Make Submersible 2) Model na 3) Size na 4) Capacity 600 GPM

Motor:

- 1) Make na 2) Model No. na 3) Horsepower rating 45 hp

Well Information: Diversion Pt. 3

- 1) Well Drilling Firm: Manikowski Well Drilling, Inc. 2) No. of Wells 1 3) Depth(s) 86 feet
4) Well log is available yes

Casing:

- 1) Diameter 12 inches 2) Length 66 feet 3) Type PVC

Screen:

- 1) Type Stainless Steel 2) Length 20 feet 3) Static water level 23 feet

Pump:

- 1) Make Submersible 2) Model na 3) Size na 4) Capacity 800 GPM

Motor:

- 1) Make na 2) Model No. na 3) Horsepower rating 50 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Size 8 inches 3) Length 10', 10' & 50'

SYSTEM TYPE: ALL THREE SYSTEMS ARE VALLEY 8000 SYSTEMS

Center pivot:

- | | |
|------------------------------------|-------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1,300</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>800</u> GPM |

CHEMIGATION EQUIPMENT: None

Comments: None

Dated: November 21, 2019



Terry D Helms

Water Rights Inspector

7348-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 13 Twp 14N Rg 62W

County Spink

North

Please mark well location with an "X"

Well completion Date 9-22-14

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
3000 ft from Feed Lot (identify source)

PROPOSED USE:
☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:
Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PREWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>500.21</u> LB/FT	<u>12</u> IN	<u>12</u> FT	<u>66</u> FT	<u>17.5</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:
 Grout Type High Strength No. of Sacks 16 Grout Weight 9.5 Lb/yd From 0 R To 53 R
Portland Cement Lb/yd R R
 Describe grouting procedure grout line from 53'
To surface

SCREEN: ☐ Perforated pipe ☒ Manufactured
 Diameter 12 Inches Length 20 Feet
 Material stainless steel
 Slot Size .080 Set From _____ Feet to _____ Feet
 Other information Gravel Pack

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
☐ No, Why Not? _____

Lab sample sent to for water quality analysis _____

Well Owner: Michael Sentell

Business Name: _____

Address1: 18690 398 Ave

Address2: _____

City, State, Zip: Hickcock, SD 57348

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>yellow clay</u>	<u>2</u>	<u>15</u>
<u>oxidized coarse sand</u>	<u>15</u>	<u>51</u>
<u>fine grey sand</u>	<u>51</u>	<u>54</u>
<u>blue clay</u>	<u>54</u>	<u>56</u>
<u>fine sand</u>	<u>56</u>	<u>60</u>
<u>coarse sand</u>	<u>60</u>	<u>86</u>
<u>shale</u>	<u>86</u>	<u>90</u>

STATIC WATER LEVEL 23'3" 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: submersible pump
☐ Bailed
☐ Other _____

Pumping Level Below Land Surface
41.5 Ft. After 3 Hrs. pumped 950 GPM
 _____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm: Manikowski Well Drilling, Inc.

Signature of Licensee Representative: [Signature]

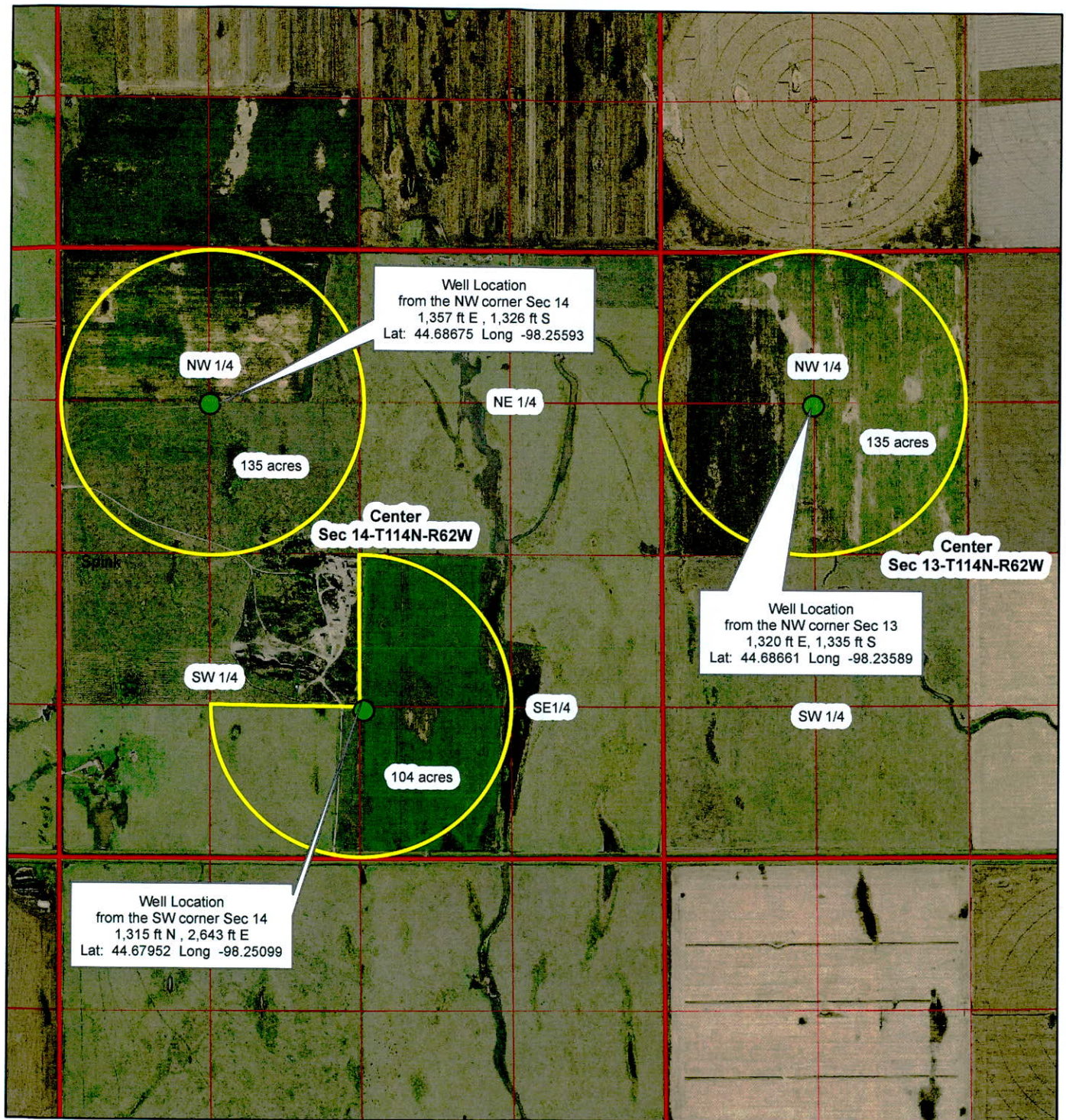
Signature of Well Owner or Equitable Property Holder: _____

Date: _____

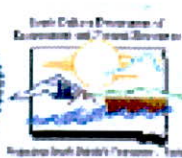
Please return White Copy to DENR Water Rights

523 E. Capitol Ave., Pierre SD 57501

Water Right No. 7348-3, Michael Sentell



0 435 870 1,740 2,610 3,480 Feet



Terry D Helms

Terry D Helms, PE
Water Rights Inspector
DENR, Water Rights Program
November 15, 2019

7348-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 28 2020

7348-3
7348A-3

Michael Sentell
18690 398th Ave
Hitchcock SD 57348

Dear Mr. Sentell:

Enclosed are Water License Nos. 7348-3 and 7348A-3. These are the final water right documents completing your process of obtaining water rights. Included with each license is a map prepared by the staff engineer who conducted the field investigations.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7348-3

(1) Michael Sentell, 18690 398th Ave, Hitchcock SD 57348 made Application No. 7348-3, April 11, 2012 for a water permit to divert 5.33 cubic feet of water per second (cfs) from ground water (gravel pit completed into the Tulare: East James Aquifer, Spink County, South Dakota for irrigation purposes. On May 10, 2013 the Chief Engineer authorized the relocation and change of the diversion point from a gravel pit to three wells. The three wells were also to be completed into the Tulare: East James Aquifer. Permit No. 7348-3, with a priority date of April 11, 2012 was approved December 6, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 6, 2017 and the application to beneficial use of water on or before December 6, 2021.

On May 8, 2017, a total of 1.00 cfs diversion rate authority and 66 acres from No. 7348-3 were severed and transferred to Water Permit No. 7348A-3. This action left a total of 4.33 cfs diversion rate from three wells to irrigate 374 acres.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 4.33 cubic feet of water per second for beneficial use. The diversion points are located:

Point	Location	Latitude	Longitude
1	1,357' E & 1,326' S from the NW corner of Section 14, T114N, R62W (approximate center of NW ¼ Section 14)	44.68675	-98.25593
2	1,315' N & 2,643' E from the SW corner of Section 14, T114N, R62W (center of S ½ Section 14)	44.67952	-98.25099
3	1,320' E & 1,335' S from the NW corner of Section 13, T114N, R62W (approximate center of NW ¼ Section 13)	44.68661	-98.23589

(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 acreage described below:

Section 14, T114N, R62W (from point #1)		Section 14, T114N, R62W (from point #2)		Section 13, T114N, R62W (from point #3)	
NW ¼ NW ¼	33.75 acres	NW ¼ SE ¼	34.67 acres	NW ¼ NW ¼	33.75 acres
NE ¼ NW ¼	33.75 acres	SW ¼ SE ¼	34.67 acres	NE ¼ NW ¼	33.75 acres
SE ¼ NW ¼	33.75 acres	SE ¼ SW ¼	34.66 acres	SE ¼ NW ¼	33.75 acres
SW ¼ NW ¼	33.75 acres			SW ¼ NW ¼	33.75 acres

Total 374 acres

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Michael Sentell, 18690 398th Ave, Hitchcock SD 57348 the holder and/or owner of Water Right No. 7348-3 is issued a license to appropriate water, the right to use 4.33 cubic feet of water per second from ground water, three wells (Tulare East James Aquifer) with a priority date of April 11, 2012 from the locations 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. 7348-3 and subject to the following qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 28 2020

date



PAID

AUG 14 2020

Ck# 504

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

AUG 14 2020

WATER RIGHTS
PROGRAM

No. 7348-3

Date: 8/14/2020

I/We request that Water Right No. 7348-3

formerly owned by: Michael Sentell, 18690 398th Ave, Hitchcock SD 57348

be transferred to: (name & address) Oscar Inc, 209 27th St NW, Huron SD 57350

Telephone No. _____

Title to the following described land(s)/property has been transferred as described above:

374 acres - NW 1/4, W 1/2 SE 1/4, SE 1/4 SW 1/4 Section 14 and NW 1/4 Section 13, all in T114N, R62W

I/We understand that the validity of Water Permit No. 7348-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We _____, the new owner, certify that the above information is true and correct.

Oscar Inc. by Lloyd A. Peterson, Pres.
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

7348-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date August 14, 2020RECEIVED OF Oscar Inc. 209 27th St. NW Huron SD 57350

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
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. _____	\$
Fee for Filing Transfer Form <u>7348-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By *Eric Gronlund*
 Chief Engineer *vm*

7348-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 17, 2020

Floyd Peterson
Oscar Inc
209 27th St NW
Huron SD 57350

RE: Water Right/Permit Nos. 7234-3, 7235A-3, 7347-3, 7348-3, 7348A-3, 7349-3 & 7444-3

Dear Mr. Peterson:

I am writing in reference to the transfer forms and filing fees you completed while in the office last Friday.

The ownership changes have been completed. The above listed water rights and water permits, formerly held by Michael Sentell, Twisted Land & Cattle or Jeb, Shane & Brad Peterson are now listed in your name.

Enclosed for your records are receipts for the filing fees you paid. If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

Water Right No. 7348-3 authorizes diversion of 4.33 cubic feet of water per second (cfs) from ground water three wells to irrigate 374 acres. The 374 acres are irrigated as three separate pivots with one well per pivot.

A request was made by the water right holder to divide the water right into three separate water rights reflecting the separate systems to allow for ease in reporting annual water use. Based on the request, Water Right No. 7348-3 has been divided and reissued as follows:

1. **No. 7348B-3**, with a priority date of April 11, 2012, authorizing diversion of 1.50 cfs from one well to irrigate 135 acres located in the NW $\frac{1}{4}$ Section 14, T114N, R62W.
2. **No. 7348C-3** with a priority date of April 11, 2012, authorizing diversion of 1.33 cfs from one well to irrigate 104 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T104N, R62W.
3. **No. 7348D-3** with a priority date of April 11, 2012, authorizing diversion of 1.50 cfs from one well to irrigate 135 acres located in the NW $\frac{1}{4}$ Section 13, T114N, R62W.

The diversion rate assigned to each of the above water licenses was based in part on the capacity of the wells as outlined in the examination of works report completed by Terry Helms for No. 7348-3.

The original license specified a total diversion authority of 4.33 cfs. The well now described in No. 7348C-3 is capable of 600 gpm or 1.33 cfs. The remaining 3.00 cfs was divided in half to authorize diversion of 1.50 cfs for each of Nos. 7348B-3 and 7348D-3.



Genny McMath
Water Rights Program