

WATER PERMIT NO. 7360-3

Name of Applicant: **Pat Walsh**

Address: **47844 County Road 1B, Elk Point SD 57025**

Phone: **605 356-2762**

Amount of Water Claimed: **2.27 cfs**

Total Acres: **200**

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

Water to be used for: **irrigation**

County: **Union**

Type of Waste Disposal System:

Location: **8 miles north of Elk Point**

PRIORITY

Date Received: **5-29-2012**

Application/License Fee: **\$ 1,150**

Corrected Application Received:

Period of Annual Use: **April 1 – September 30**

Remarks:

Diversion Point: **SW ¼ SW ¼ Sec 9-T92N-R49W**

Land to be Irrigated: **SW ¼, NW ¼ SE ¼ Sec 9 –
T92N-R49W**

Depth of Well: **150 feet**

Well Driller:

Remarks:

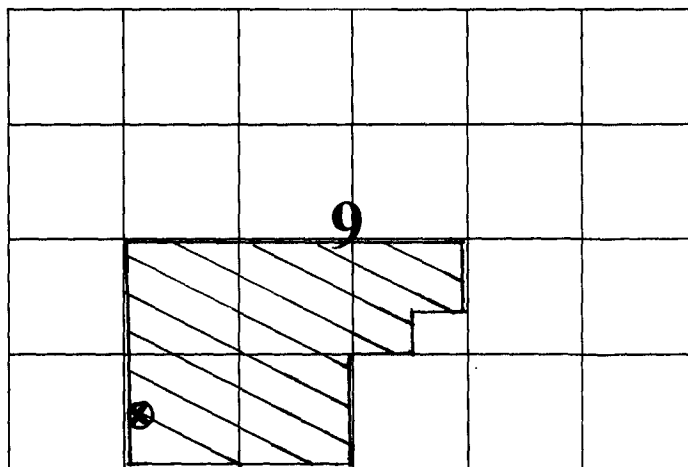
Type of Map: **aerial**

Prepared by: **Racheal Kirkelar, Union Co FSA**

Reviewed and the Number Assigned on: **5-30-12**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



5-25-12

9-92-49

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 7360-3 (office use only) Hydrologic Unit 10170203
Basin Sioux River 356-2621
Newspaper Leader Courier, PO Box 310 Elk Point SD 57025
Press & Dakotan 319 Walnut Yankton SD 57078 605-7811

RECEIVED

MAY 29 2012

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant Pat Walsh Phone 605-356-2762
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 47844 County Road 1B Elk Point SD 57025
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 2.27*CFS or 1,000 **GPM ***AF Total Acreage 200
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County UNION
1 well 1/8 mile north of the SW corner of the SW 1/4 of section 9 92-49 (SW 1/4 SW 1/4)
5. County or counties where water will be used UNION
6. Annual period during which water is to be used April 1 to September 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
SW 1/4 SW 1/4 section 9	40	NW 1/4 SE 1/4 section 9	40
NW 1/4 SW 1/4 section 9	40		
SE 1/4 SW 1/4 section 9	40	all in T92N R49W	
NE 1/4 SW 1/4 section 9	40		

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

The water will be used to irrigate crop producing farm ground.

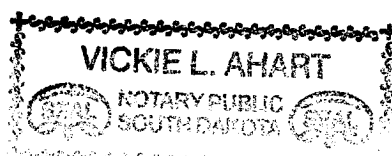
STATE OF SOUTH DAKOTA)
County of UNION) SS

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

I, Pat Walsh, 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 Pat Walsh

Subscribed and sworn to before me this 25th day of May 20 12



Vickie L. Ahart
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7360-3**

Date of first receipt of application May 29, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7360-3 to Pat Walsh, 47844 County Road 1B, Elk Point SD 57025 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. 7360-3 appropriates 2.27 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (150 feet deep) located in SW 1/4 SW 1/4 Section 9 for irrigation of 200 acres located in the SW 1/4, NW 1/4 SE 1/4 Section 9; all in T92N-R49W.
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: April 1 – September 30.
3. The date from which applicant may claim right is May 29, 2012.
4. The date of approval of Permit No. 7360-3 is July 16, 2012.
5. One-fifth of the construction is to be completed on or before January 16, 2015.
6. All construction is to be completed on or before July 16, 2017.
7. Water is to be put to beneficial use on or before July 16, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7360-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 07 2012
date



Supplemental Information

(type or print in ink)

Pat Walsh

5-25-12

9-92-49

1. Well Information (Proposed Construction)

- a) Drill Hole Diameter 24 Depth 150 ft.
- b) Casing Type PVC Diameter 16" Thickness
- c) Screen Type PVC Diameter 16" Thickness
- d) Gravel Pack pea gravel Length of Gravel Pack 100 ft
- e) Depth to Top of Water Bearing Material 80 ft
- f) Depth to Water (ground surface to water level) 20 ft
- g) Distance to nearest existing domestic well:

On applicant's property NONE

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

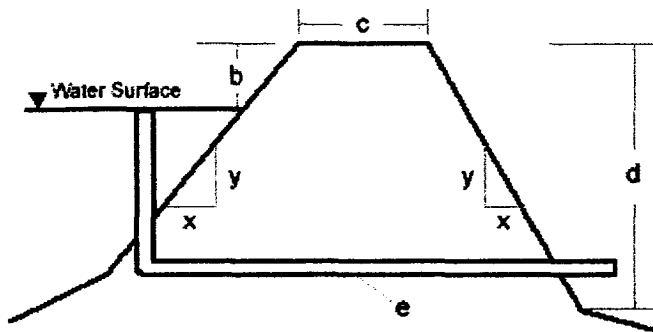
3. Dugout Information

- 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

1995

HEL

137.7

T-2548

NC

HEL

HEL

127.1

1160.1

9

HEL

165

2108.4

T-1645

NHEL

131.6

T-1666
2763

Pat Walsh
5-25-12
9-92-49

HEL

59.0

11.9

HEL

HEL

26.5

NHEL

103

x Well

Rachael
Kreitzer
PT
Union Co. FSA

1210.9

92-49

10

NHEL

35.0

470.6

RECEIVED

MAY 29 2012

WATER RIGHTS
PROGRAM

1.1

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/30, 20 12

RECEIVED OF Pat Walsh 47844 Co Rd 1B Elk Point SD 57025

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

Fee for Application for Permit No. <u>7360-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7360-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1150 00

No. **05447**

By Harold Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7360-3, Pat Walsh**

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. 7360-3, Pat Walsh, 47844 County Road 1B, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7360-3 because 3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7360-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 19, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7360-3
PAT WALSH
June 27, 2012

Water Permit Application No. 7360-3 proposes to appropriate up to 400 acre-feet annually at a maximum diversion rate of 2.27 cubic feet of water per second (cfs) from one well to be completed in to the Missouri: Elk Point aquifer. The well is expected to be approximately 150 feet deep and is to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T92N-R49W. This permit application proposes to irrigate 200 acres located in the SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, T92N-R49W in Union County.

AQUIFER: Missouri: Elk Point (M: EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Missouri: Elk Point aquifer is a buried outwash (sand and gravel) aquifer that is under artesian conditions in the area of this application, but is predominantly under unconfined conditions in Union County. The aquifer underlies approximately 115,200 acres and contains an estimated 1.5 million acre-feet of recoverable water in storage in Union County (Niehus, 1994). The aquifer is hydraulically connected to and is recharged from the Lower Vermillion-Missouri aquifer at the northern boundary of the aquifer and the Big Sioux aquifer in the extreme northeastern boundary of the aquifer (Niehus, 1994). Recharge to the Missouri: Elk Point aquifer also comes from the underlying Dakota aquifer, infiltration and subsequent percolation of rain fall and snowmelt where the aquifer is near the surface and the Missouri and Big Sioux rivers during periods of high flow and stage (Niehus, 1994). The Missouri: Elk Point also naturally discharges to the Dakota aquifer and the Missouri and Big Sioux rivers during periods of low flow and stage (Niehus, 1994). Depth to the top of the aquifer is generally greater than 100 feet (McCormick, 2004) and approximately 20 feet thick in the area of this application (Water Rights, 2012b).

SDCL 46-2A-9

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

WATER AVAILABILITY:

This application proposes to appropriate 400 acre-feet annually from the Missouri: Elk Point aquifer. Although the actual water use if this application is approved will most likely be less than 400 acre-feet/year. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.

Recharge versus Withdrawals:**Recharge:**

Recharge to the Missouri: Elk Point is from the Lower Vermillion-Missouri, Big Sioux and the Dakota aquifers. Recharge also comes from infiltration and subsequent percolation of rain fall and snowmelt where the aquifer is near the ground surface. The Missouri: Elk Point aquifer also recharges from the Missouri and Big Sioux rivers. The flow and stage of the rivers determines recharge to the aquifer. Because of the hydrologic connection between the aquifer and the rivers, if there is flow in the rivers there will be water in the aquifer.

Withdrawals:

There are 288 water rights/permits appropriating water from the Missouri: Elk Point aquifer in Union County on record with the SD-DENR Water Rights Program. The non-irrigation appropriations consist of one recreational, two industrial, three commercial, and four municipal appropriations. The estimated annual withdrawal by the non-irrigation appropriations is 4,244.96 acre-feet. This estimation assumes water is being withdrawn from the aquifer 60 percent of time at maximum diversion rate. Water withdrawal from the Missouri: Elk Point aquifer for irrigation, as reported to the DENR- Water Rights Program through annual irrigation questionnaires, is shown in table 1.

YEAR	NO. OF PERMITS REPORTING	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2010	267	99102.6	1518.01
2009	264	98914.6	3214.82
2008	261	97230.6	6141.62
2007	257	95974.6	18817.78
2006	256	95252.6	18149.43
2005	251	94321.6	17322.40
2004	244	92572.0	16550.28
2003	240	91692.0	19653.00
2002	241	92346.0	15353.97
2001	242	93065.6	12284.62
2000	240	93320.4	20369.10
1999	240	93873.8	10741.15
1998	244	96201.8	7259.62
1997	237	94643.0	11404.00
1996	229	92881.0	5121.58
1995	226	90563.5	13798.95
1994	226	90715.5	7721.45
1993	230	93782.3	1145.20
1992	228	94037.9	1010.60
1991	230	95168.9	11601.60
1990	230	95368.9	12730.50
1989	226	93847.9	18658.20
1988	217	91983.7	22195.30
1987	215	91589.9	9082.00
1986	214	91644.9	3191.30
1985	214	92248.9	10087.30
1984	215	93008.9	5746.30
1983	209	90199.3	6520.91
1982	208	91601.8	15262.81
1981	227	100079.0	8772.00
1980	210	94502.0	10296.00
1979	206	92923.0	7454.00
Average	232.6	93895.6	10911.74
Maximum	267	100079.0	22195.30
Minimum	206	90199.3	1010.60

Table 1- Irrigation Water Use from the Missouri: Elk Point aquifer from Union County (Water Rights 1990-2011).

Total average annual withdrawal, including estimated non-irrigation use, is 15,156.70 acre-feet per year for the Missouri: Elk Point aquifer in Union County.

Observation Well Data:

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

The DENR-Water Rights Program monitors 25 observation wells located into the Missouri: Elk Point aquifer in Union County (Water Rights, 2012a). The nearest well, UN-87F, is 0.86 miles southwest of the proposed well location. Water levels in the observation well show good response to climatic conditions. The water levels rise (recharge) during wet years and gradually decline during dry years. Observation well UN-87F does show the pumping effects, but it does not appear to be adverse over the period of record. The climatic effects on water level greatly mask the temporal impacts of well withdrawal. Therefore, recharge to and natural discharge from the Missouri: Elk Point aquifer significantly exceeds pumping. Figure 1 is the hydrograph for observation well UN-87F.

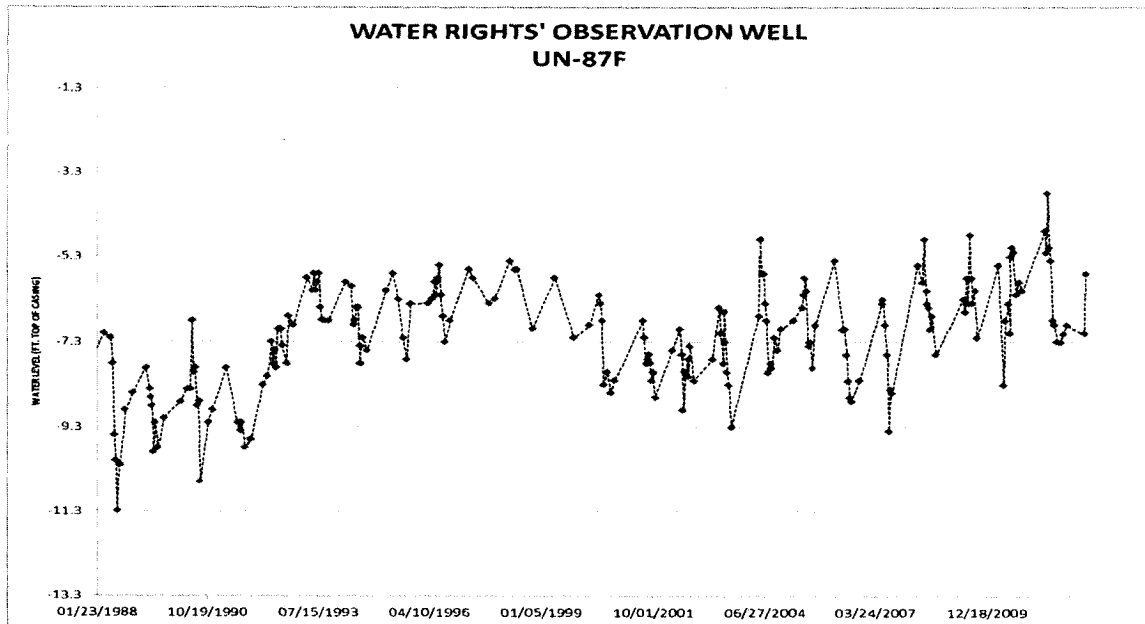


Figure 1- Hydrograph of DENR-Water Rights' observation well UN-87F, located approximately 0.86 miles southwest of the proposed well location

EXISTING WATER RIGHTS:

There is one water right appropriating water from the Missouri: Elk Point aquifer within two miles of the proposed well location. Water Right No. 3823-3 is 0.38 miles southwest of the proposed well location. Water Right No. 3823-3 appropriates water for irrigation of 147 acres at a maximum diversion rate of 2.00 cfs. There are also four domestic wells within two miles drawing from the Missouri: Elk Point aquifer. Interference should not be an issue if this application is approved.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cubic foot of water per second for every seventy acres, or "the equivalent thereof". The statute does provide that the Water Management Board may allow a greater diversion if the method of irrigation so requires. Water Permit Application No. 7360-3 proposes to divert at a rate of 2.27 cfs to irrigate 200 acres, or the equivalent to 0.79 cfs per 70 acres. The applicant proposes to drill a new well that will be pumped at 1,000 gallons per minute. This diversion rate is reasonable for the proposed use.

CONCLUSIONS:

1. This application proposes to appropriate 400 acre-feet annually for the irrigation of 200 acres, but the amount of water that actually will be used is expected to be considerably less.
2. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply this proposed diversion
3. There is a reasonable probability that the diversion requested by this application can be made without adversely affecting existing water rights.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



Adam Mathiowetz
SD DENR-Water Rights Program

REFERENCES:

- McCormick, K.A. 2004. First Occurrence of Aquifer Materials in Union County, South Dakota. SD-DENR Geological Survey Aquifer Materials Map 18, scale 1:100,000.
- Niehus, C.A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. U.S. Geological Survey. Water-Resources Investigations Report 93-4195. Rapid City, South Dakota.
- Water Rights. 1991-2011. "1990-2010 Irrigation Summaries 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.

AFFIDAVIT OF PUBLICATION

RECEIVED

State of South Dakota)

:SS

JUL - 9 2012

County of Union)

WATER RIGHTS
PROGRAM

Kelly Kruithoff,

an employee of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 7360-3

To Appropriate Water

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 5 day of July, 2012

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 26.04, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, 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 other person whomsoever.

Kelly Kruithoff

Subscribed and sworn to before me

this 5 day of July, 2012

My commission expires 6-21-17

[Signature]

Notary Public

NOTICE OF APPLICATION NO. 7360-3

to Appropriate Water

Notice is given that Pat Walsh, 47844 County Road 1B, Elk Point, SD 57025 has filed an application for a water permit to appropriate 2.27 cubic feet of water per second from one well to be completed into the Missouri: Elk Point Aquifer (150 feet deep) located in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9 for irrigation of 200 acres located in the SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9; all in T92N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7360-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 16, 2012.

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

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.
Publish July 5, 2012
Published once at the total approximate cost of \$26.04
27-5-70

RECEIVED

JUL - 9 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020 - Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No 7360-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 5th DAY OF July 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$27.16 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND 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.

PUBLISHED ON: 7/5/2012

FILED ON: 7/5/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 5th DAY OF July

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

7+5

**NOTICE OF
APPLICATION NO. 7360-3
to Appropriate Water**

Notice is given that Pat Walsh, 47844 Country Road 1B, Elk Point SD 57025 has filed an application for a water permit to appropriate 2.27 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (150 feet deep) located in SW 1/4 SW 1/4 Section 9 for irrigation of 200 acres located in the SW 1/4, NW 1/4 SE 1/4 Section 9; all in T92N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7360-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 16, 2012.

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

Published once at the total approximate cost of \$27.16

Estimated publishing cost per published copy: \$0.0031



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 27, 2012

Leader Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7360-3 to Appropriate Water. Please publish the notice once on July 5, 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 Pat Walsh, 47844 Co. Rd.1B, Elk Point SD 57025 (Ph # 605-356-2762).

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

June 27, 2012

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7360-3 to Appropriate Water. Please publish the notice once on July 5, 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 Pat Walsh, 47844 Co. Rd.1B, Elk Point SD 57025 (Ph # 605-356-2762).

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

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

June 27, 2012

Pat Walsh
47844 Co Rd 1B
Elk Point SD 57025

Dear Mr. Walsh:

Water Permit Application No. 7360-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Leader Courier printed at Elk Point SD (Ph # 605-356-2632) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) 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

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on July 5, 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 APPLICATION NO. 7360-3 to Appropriate Water

Notice is given that Pat Walsh, 47844 Country Road 1B, Elk Point SD 57025 has filed an application for a water permit to appropriate 2.27 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (150 feet deep) located in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9 for irrigation of 200 acres located in the SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9; all in T92N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7360-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 16, 2012.

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

Published once at the total approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 07 2012

Pat Walsh
47844 County Rd 1B
Elk Point SD 57025

Dear Mr. Walsh:

Enclosed is Water Permit No. 7360-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit. Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

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

Sincerely,

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

enclosures

7360-3
RECEIVED

AUG 27 2012

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 8-23-12TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Pat Walsh
(name)47844 Co. Rd. 1 B
(address)EIK POINT S.D. 57025
(city, state, zip)605-356-2762
(phone)

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

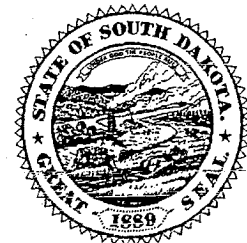
Water Permit No. 7360-3 states that the water use system is to be constructed by 7-16-17, and water is to be put to beneficial use by 7-16-21.
(date) (date)

The water use system was completed on 7-17-12.
(date)

Applying the water to beneficial use was completed on 7-18-12.
(date)

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

Pat Walsh
(signature)





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 28, 2012

7360-3

Pat Walsh
47844 County Rd 1B
Elk Point SD 57025

Dear Mr. Walsh:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system in the S ½ Section 9, T92N, R49W.

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

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

Sincerely,

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

7360-3

07-92

Location NW 1/4 SW 1/4 Sec 9 Twp 92N Rg 49W

County

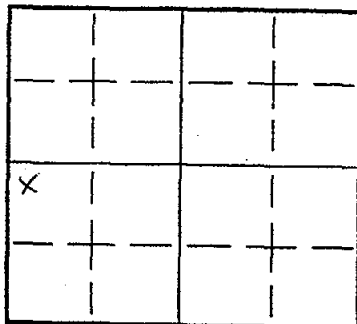
North

Union

Please mark well location with an "X"

W

E



Well-Completion Date

6-15-12

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2000 ft. from Any (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other, describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SCH 40 LB/FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>113 FT</u>	<u>24 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	_____	_____ lb./gal	<u>30 ft.</u>	<u>10 ft.</u>
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure Pumped in from bottomSCREEN: ☒ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 40 FEETMaterial 20' of PVC; 20' of stainless steelSlot Size .60 Set From 94 Feet to 114 Feet - S.S.Other information Set From 55' to 75' - PVCSplit screenWAS 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? _____Irrigation

Laboratory sent to for water quality analysis _____

Well Owner: Pat Walsh

Business Name: _____

Address: 4784 County Rd 1B
EIK Point, SD 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Tan clay</u>	<u>0</u>	<u>55</u>
<u>Gravel & rocks</u>	<u>55</u>	<u>72</u>
<u>Grey clay</u>	<u>72</u>	<u>79</u>
<u>Tan clay</u>	<u>79</u>	<u>93</u>
<u>Gravel with rocks</u>	<u>93</u>	<u>113</u>
<u>Shale chips</u>	<u>113</u>	<u>114</u>

STATIC WATER LEVEL 5' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

80 ft. After 1 Hrs. pumped 900 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 800 GPM

REMARKS

RECEIVED

FEB 11 2013

WATER RIGHTS PROGRAM

This well was drilled under license # 667

And this report is true and accurate.

Drilling firm Dakota Drilling & Backhoe, Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____