

WATER PERMIT NO. 7374-3

Name of Applicant: Logue Partnership

Address: 30565 455th Ave, Volin SD 57072

Phone: 605 661-2493

Amount of Water Claimed: 1.44 cfs

Total Acres: 268

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: 15 miles northwest of Vermillion

PRIORITY

Date Received: 6/20/12
5-24-12

Application/License Fee: \$ 1250.00

Corrected Application Received:

Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: N
SW ¼ SE ¼ Sec 19-T94N-R53W

Land to be Irrigated: NE ¼ Sec 19 and S ½ NW ¼,

N ½ SW ¼ Sec 20; all in T94N-R53W

Depth of Well: 98 feet deep

Well Driller:

Remarks:

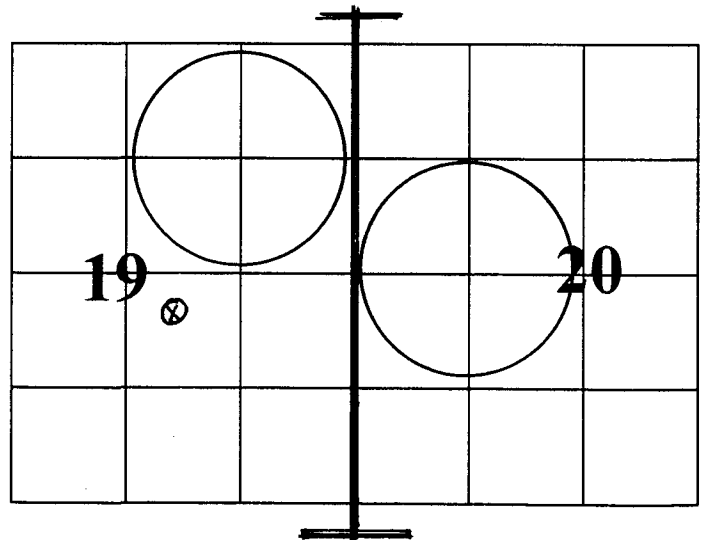
Type of Map: aerial

Prepared by: Barbara Dykstra, Clay Co FSA

Reviewed and the Number Assigned on: 6-20-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

RECEIVED

MAY 24 2012

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7374-3</u> (office use only)	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Plain Talk 201 W Cherry St. 57069</u>	
	<u>605-624-2695</u>	

Application For Permit To Appropriate Water For Irrigation

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JUN - 7 2012

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PROGRAM

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 Logue Partnership Phone 605-661-2493(check one) ☒ Owner ☐ Tenant/lesseeMailing Address 30565 455th Avenue Volin SD 57072
(Address) (City) (State) (Zip Code)2. Amount of water claimed 1.44 *CFS or 650 **GPM ***AF Total Acreage 268
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Lower James Missouri4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
SE 1/4 Sect 19 T-94N R 53 W (SW1/4 SE1/4)5. County or counties where water will be used Clay6. Annual period during which water is to be used May 1 - Oct. 317. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NE 1/4 of NE 1/4 of sect 19</u>	<u>34</u>	<u>SW 1/4 of NW 1/4 Sect 20</u>	<u>33</u>
<u>SE 1/4 of NE 1/4 sect 19</u>	<u>34</u>	<u>SE 1/4 of NW 1/4 Sect 20</u>	<u>34</u>
<u>SW 1/4 of NE 1/4 sect 19</u>	<u>33</u>	<u>NW 1/4 of SW 1/4 sect 20</u>	<u>34</u>
<u>NW 1/4 of NE 1/4 sect 19</u>	<u>33</u>	<u>NE 1/4 of SW 1/4 sect 20</u>	<u>33</u>

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

2-center pivots

STATE OF SOUTH DAKOTA)

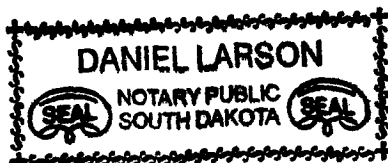
County of Clay) SS

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, Thomas Logue, 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 Thomas Logue

Commission Expires:

January 22, 2013

Subscribed and sworn to before me this 5th day of June 20 12

 A handwritten signature of the notary public, Daniel Larson, written over a horizontal line.

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7374-3**

Date of first receipt of application May 24, 2012.

Date of return to applicant for corrections, amendments or changes May 30, 2012.

Date of receipt of corrected application June 20, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7374-3 to Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin SD 57072 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. 7374-3 appropriates 1.44 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (98 feet deep) located in NW 1/4 SE 1/4 Section 19 for irrigation of 268 acres located in the NE 1/4 Section 19 and S 1/2 NW 1/4 and N 1/2 SW 1/4 Section 20; all in T94N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is May 24, 2012.
4. The date of approval of Permit No. 7374-3 is September 24, 2012.
5. One-fifth of the construction is to be completed on or before March 24, 2015.
6. All construction is to be completed on or before September 24, 2017.
7. Water is to be put to beneficial use on or before September 24, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

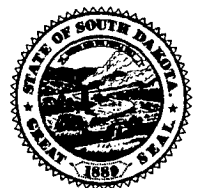
QUALIFICATIONS

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. 7374-3 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

OCT 29 2012
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 98'
- b) Casing Type PVC Diameter 16" Thickness Sch 40
- c) Screen Type PVC Diameter 16" Thickness Sch 40
- d) Gravel Pack 1/8-3/8 Gravel Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 70'
- f) Depth to Water (ground surface to water level) 22'
- g) Distance to nearest existing domestic well:

On applicant's property 452 yds. On property owned by others 307 yds.

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

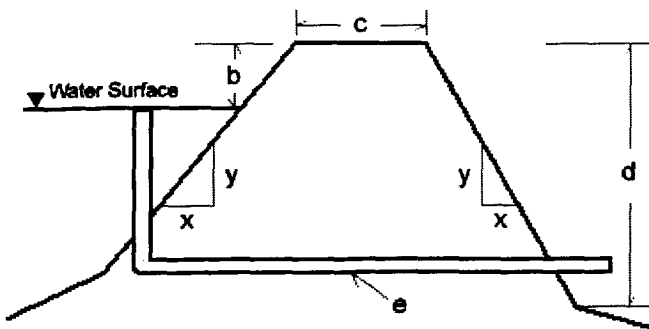
3. Dugout Information

- 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

Barbara Dyghstra Clay Co. SD

452 Ave

306 St

Bluff Rd

West
Pilot

well

453 Ave



United States Department of Agriculture
Farm Service Agency

PLSS: 19_94N_53W
Farm: 4781

Clay County, SD

1:8,267

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MAY 24 2012

WATER RIGHTS
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January 27, 2011

Wetland Determination Identifiers

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

□ Common Land Units

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.

2008 Ortho-Photography - Not to Scale

Barbara Dylstra Clay Co. PT



United States Department of Agriculture
Farm Service Agency

PLSS: 20_94N_53W
Farm: 4780

Clay County, SD
1:8,227



January 27, 2011

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.

2008 Ortho-Photography - Not to Scale

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Common Land Units
MAY 24 2012
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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6-7, 20 12

RECEIVED OF Thomas Logue, 30565 455th Ave Volin SD 57072

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

Fee for Application for Permit No. <u>7374-3</u> to Appropriate Water, to construct and to put water to beneficial use	1050	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>7374-3</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	1250.00

No. **05461**

By Harland Erbeley
Chief Engineer KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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JUN 20 2012

**WATER RIGHTS
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May 30, 2012

Logue Partnership
Thomas Logue
30565 455th Ave
Volin SD 57072

Dear Mr. Logue:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following is required.

- The application is being returned so the bottom portion can be signed and notarized.
- On the Supplemental Information sheet, please complete Number 1. Well Information – Proposed Construction.
- If available, submit a well log or test hole log signed by a licensed South Dakota well driller.
- Enclosed is your check for \$2100.00. The application/license fee for irrigation of 268 acres is \$1,250.00. Please submit this amount.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 7, 2012

Logue Partnership
Thomas Logue
30565 455th Ave
Volin SD 57072

Dear Mr. Logue:

We have received your notarized application and fee. As stated in my letter dated May 30th, please complete the Supplemental Information sheet, Number 1. Well Information – Proposed Construction. Enclosed is another copy. At the very least, we need the proposed well depth.

Upon return of the Supplemental Information sheet, processing of your application will continue.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7374-3, Logue Partnership**

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. 7374-3, Logue Partnership, c/o Thomas Logue, 30565 455th Avenue, Volin SD 57072.

The Chief Engineer is recommending APPROVAL of Application No. 7374-3 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. 7374-3 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

August 9, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7374-3
LOGUE PARTNERSHIP
August 10, 2012

Water Permit Application No. 7374-3 proposes to appropriate up to 536 acre-feet annually at a maximum diversion rate of 1.44 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 98 feet deep and is to be located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, T94N-R53W. This permit application proposes to irrigate 134 acres located in the NE $\frac{1}{4}$ of Section 19 and 134 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 20, all in T94N-R53W in Clay County using two center pivot systems.

AQUIFER: Missouri: Elk Point (M: EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Missouri: Elk Point aquifer is an alluvium mantled glacial outwash (i.e. sand and gravel, with lenses of silt and clay) deposited by meltwater as "an extensive mantle suggestive of an outwash plain or apron at the ice margin" (Simpson, 1960). The Missouri: Elk Point aquifer underlies southeastern Yankton County along the Missouri River through Clay County and into the southeast corner of the state in Union County. The aquifer underlies approximately 119,500 acres of Clay and Yankton Counties and contains an estimated 1,792,500 acre-feet of recoverable water in those counties (Hedges, et.al, 1982). The aquifer is under confined conditions in this area. 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). The aquifer is also hydraulically connected to the Lower James Missouri aquifer. The boundary between the Missouri: Elk Point and the Lower James Missouri aquifers is less than one quarter of a mile from the proposed well location. 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, during periods of low flow and stage, to the Missouri and Big Sioux rivers (Niehus, 1994). Depth to the top of the aquifer is generally less than 50 feet in the area of this application (Jensen, 2000).

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 up to 536 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 536 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 occurs through the direct penetration of precipitation, streamflow losses, upward leakage from the Dakota Aquifer, and subsurface inflow from adjacent areas. The average annual recharge for the Missouri: Elk Point aquifer based on observation well analysis is estimated to be 3.8 inches per year (Hedges, et.al, 1985). This recharge equates to a total 37,842 acre-feet annually for Yankton and Clay Counties. Since the Missouri: Elk Point is hydraulically connected to the Missouri River; increased groundwater discharge by wells could induce additional recharge from the river. According to Stephens (1967), "much of the discharge of the Missouri river is potentially available to recharge the aquifer. Increased ground-water discharge by wells would induce additional recharge from the river."

Withdrawals:

There are 197 water rights/permits appropriating water from the Missouri: Elk Point aquifer in Clay and Yankton Counties on record with the SD-DENR Water Rights Program. The non-irrigation appropriations consist of five permits for commercial use, four for fish and wildlife propagation, three for industrial use, six for municipal use, three for rural water systems, two for use in suburban housing developments, one future use permit for a municipality, and four future use permits for rural water systems. The estimated annual withdrawal by the non-irrigation appropriations is 41,254.58 acre-feet. This estimation assumes water is being withdrawn from the aquifer 60 percent of the time at maximum diversion rate. Though, the actual water use by the non-irrigation water rights/permits is most likely less than the estimation. The five future use permits reserve 26,900 acre-feet annually. 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)
2011	159	59580.2	4817.85
2010	152	56802.8	1205.86
2009	146	56330.8	2906.15
2008	135	53899.8	10120.26
2007	109	43852.0	11665.06
2006	97	41239.0	9825.11
2005	84	35725.0	6642.10
2004	78	34383.8	7311.97
2003	74	33687.8	7081.67
2002	74	33209.8	8193.25
2001	71	32471.8	6787.26
2000	69	31531.8	6271.02
1999	68	31351.8	4006.87
1998	69	31660.8	3867.62
1997	68	31875.2	5778.00
1996	67	31725.2	4291.20
1995	66	31080.8	4521.29
1994	69	32259.6	2499.98
1993	68	31794.0	330.00
1992	67	31218.8	871.35
1991	70	31302.8	7197.00
1990	67	32596.8	6694.50
1989	66	32506.8	6993.70
1988	64	31537.8	5989.25
1987	65	32021.8	4081.70
1986	71	34581.1	3060.80
1985	67	32217.8	3631.20
1984	70	33132.7	3448.00
1983	62	30963.8	4313.13
1982	60	30456.0	3392.50
1981	70	34049.0	4674.00
1980	52	29670.0	4523.00
1979	53	29670.0	2793.00
Maximum	159	59580.2	11665.06
Minimum	52	29670.0	330.00
Average	79.6	35769.3	5145.02

Table 1- Irrigation Water Use from the Missouri: Elk Point aquifer from Clay and Yankton Counties (Water Rights 1990-2012).

Total average annual withdrawal, including estimated non-irrigation use, is 46,399.60 acre-feet per year for the Missouri: Elk Point aquifer in Clay and Yankton Counties and 26,900 acre-feet reserved by future use permits.

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 16 observation wells located into the Missouri: Elk Point aquifer in Clay and Yankton Counties (Water Rights, 2012a). The nearest observation wells are YA-57E, YA-80JA, and YA-78F. They are located 3.63 miles west, 4.61 miles west-northwest, and 4.78 northwest of the proposed well location respectively. 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. All three observation wells show 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. Figures 1, 2, and 3 are the hydrographs for observation wells YA-57E, YA-80JA, and YA-78F, respectively.

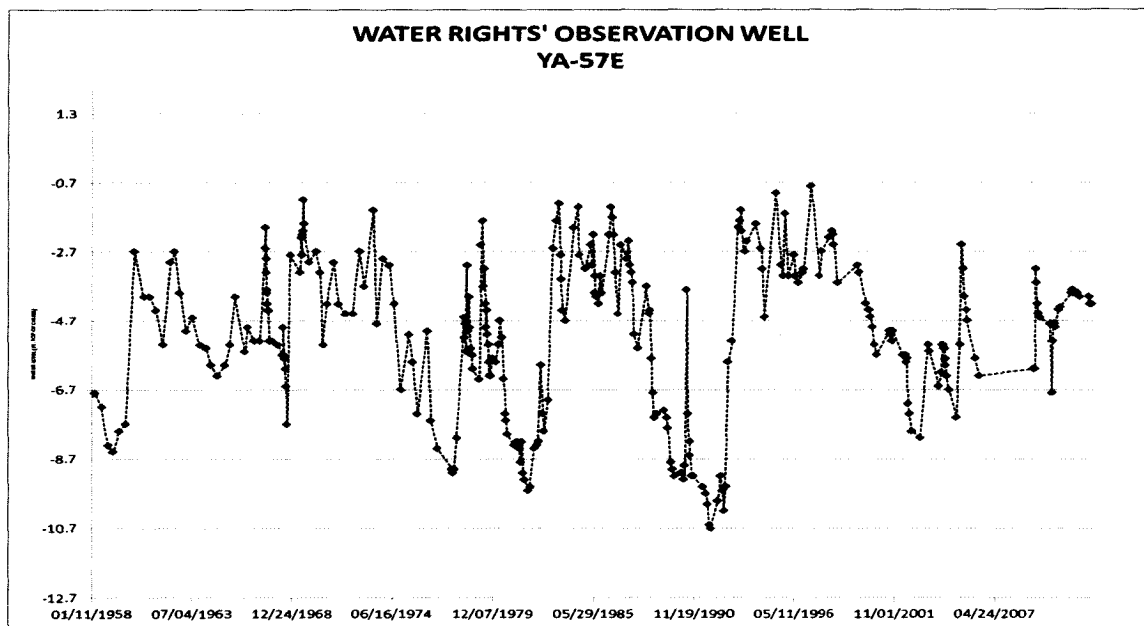


Figure 1- Hydrograph of DENR-Water Rights' observation well YA-57E, located approximately 3.63 miles west of the proposed well location (Water Rights, 2012a)

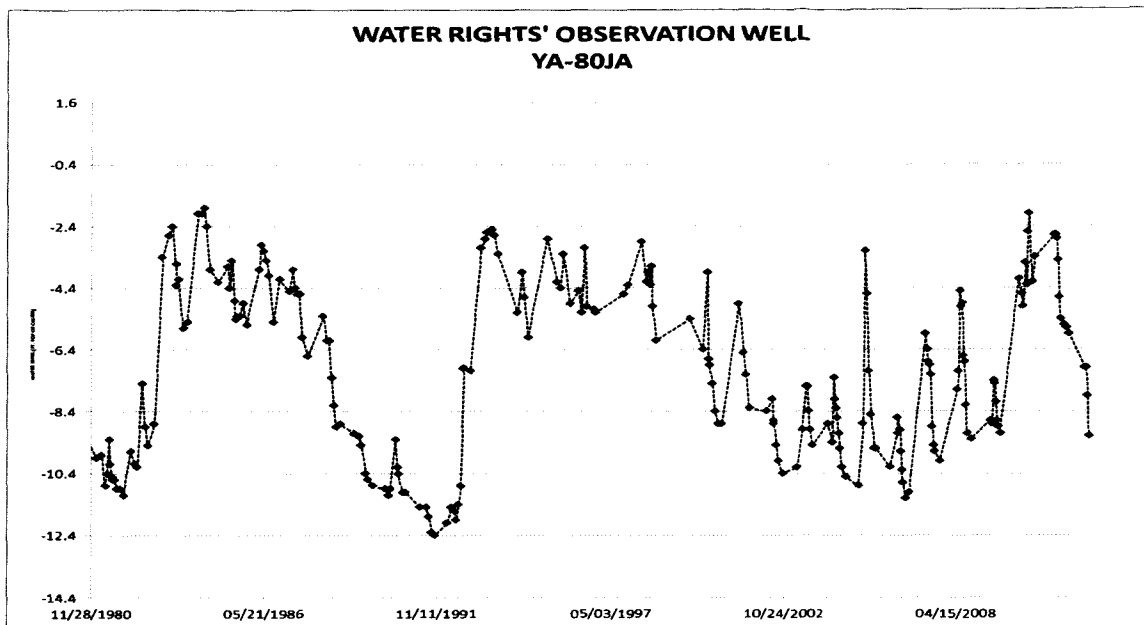


Figure 2- Hydrograph of DENR-Water Rights' observation well YA-80JA, located approximately 4.61 miles west-northwest of the proposed well location (Water Rights, 2012a)

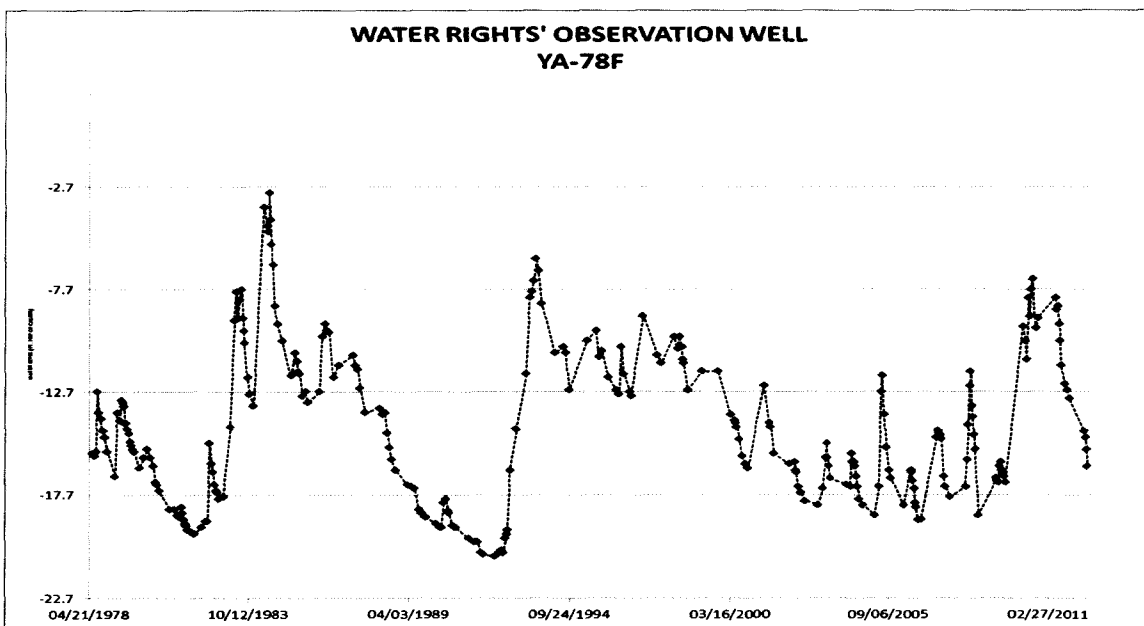


Figure 3- Hydrograph of DENR-Water Rights' observation well YA-78F, located approximately 4.78 miles northwest of the proposed well location (Water Rights, 2012a)

Recognizing that the change of water level in the three observation wells is almost zero across the period of record. And, that much of the discharge of the Missouri River is potentially available to recharge the aquifer according to Stephens (1967). There is a reasonable probability that is unappropriated water is available in the Missouri: Elk Point aquifer.

EXISTING WATER RIGHTS:

There are 11 water rights appropriating water from the Missouri: Elk Point and the Lower James Missouri aquifers within 3.5 miles of the proposed well location and nine domestic wells. Table 2 shows the water rights appropriating water from the Missouri: Elk Point aquifer near the proposed well site. Interference should not be an issue if this application is approved.

PERMIT NO.	NAME	STATUS	TYPE	Aquifer	CFS	ACRES
4613-3	D.A. Olson & Sons	LC	IRR	M:EP	2	148
4782A-3	Steven C. Schmidt	LC	IRR	M:EP	1.14	80
6649-3	Gary J. & Amy Freeburg	LC	IRR	M:EP	1.78	168
6782-3	Steve C. Schmidt	LC	IRR	M:EP	1.56	115
6886-3	Jerome Poeschl	PE	IRR	LJM	1.78	134
6900-3	Wade A. Larson	PE	IRR	M:EP	4.57	320
6934-3	Don A. Johnson	PE	IRR	M:EP	1.56	245
6964-3	Justin F. Orr	PE	IRR, DOM	LJM	1.78	260
7030-3	Howard A. Kathol	LC	IRR	LJM	1.34	115
7089-3	Franklin & Gwen Orr	PE	IRR	LJM	1.82	110
7091-3	Logue Partnership	PE	IRR	LJM	1.78	138
LC = Water Right, PE = Water Permit, IRR = Irrigation, DOM = Domestic, M:EP = Missouri Elk Point, LJM = Lower James Missouri						

Table 2 – Water Rights from the Missouri: Elk Point and Lower James Missouri aquifers within 3.5 miles of the proposed well site (Water Rights, 2012b)

Figure 4 is a map of the water rights/permits and domestic wells within 3.5 miles, the outer ring, and one mile, the inner ring, from the proposed well location. The water rights/permits are labeled by the permit number.

Legend

- Domestic Wells
- Water Rights/Permits

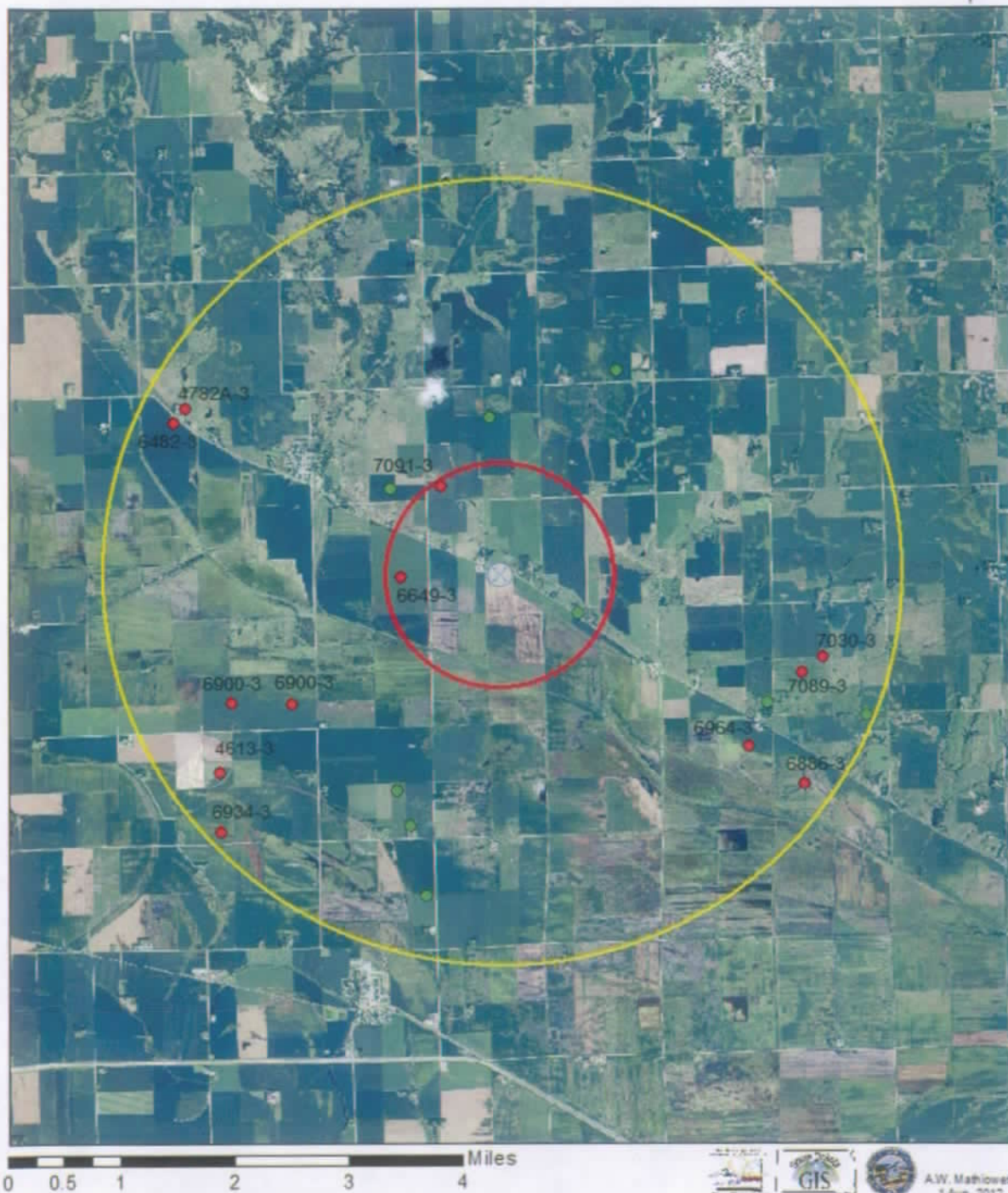


Figure 4 – Map of Water Rights/Permits and domestic wells within 3.5 miles of the proposed well location

CONCLUSIONS:

1. This application proposes to appropriate 536 acre-feet annually for the irrigation of 268 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:

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Hedges, L.S., J. Allen, and D.E. Holly. 1985. Evaluation of Ground-Water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task7: Ground Water Recharge, , South Dakota DENR-Geological Survey, Vermillion, SD.
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- Water Rights. 1991-2012. "1990-2011 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 10, 2012

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7374-3 to Appropriate Water. Please publish the notice once on August 17, 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 Logue Partnership, Thomas Logue, 30565 455th Ave., Volin SD 57072 (Ph # 605-661-2493).

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

August 10, 2012

Daily Press & Dakotan
319 Walnut St
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7374-3 to Appropriate Water. Please publish the notice once on August 17, 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 Logue Partnership, Thomas Logue, 30565 455th Ave., Volin SD 57072 (Ph # 605-661-2493).

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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.

August 10, 2012

Logue Partnership
Thomas Logue
30565 455th Ave
Volin SD 57072

Dear Mr. Logue:

Water Permit Application No. 7374-3 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 Plain Talk printed at Vermillion SD (Ph # 605-624-2695) and the Daily 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 August 17, 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. 7374-3 to Appropriate Water

Notice is given that Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin SD 57072 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (98 feet deep) located in NW ¼ SE ¼ Section 19 for irrigation of 268 acres located in the NE ¼ Section 19 and S ½ NW ¼ and N ½ SW ¼ Section 20; all in T94N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7374-3 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 August 27, 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 _____.

RECEIVED

AUG 20 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. 7374

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 17th DAY OF August 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$25.65 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: 8/17/2012

FILED ON: 8/17/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 17th DAY OF August

2012

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

NOTICE OF APPLICATION
NO. 7374-3 to Appropriate
Water

Notice is given that Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin, SD 57072 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second from one well to be completed into the Missouri: Elk Point Aquifer (98 feet deep) located in NW 1/4 SE 1/4 Section 19 for irrigation of 268 acres located in the NE 1/4 Section 19 and S 1/2 NW 1/4 and N 1/2 SW 1/4 Section 20; all in T94N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7374-3 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 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 August 27, 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 approximate cost of \$24.66

RECEIVED

AUG 31 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

DENR
Division of Environmental Services
PMB 2020
Joe Foss Building, 523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

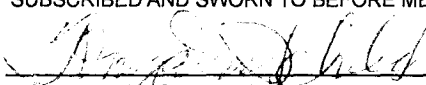
TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE **CLASSIFIED MANAGER** OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
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IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF THE
OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS
AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION 7374-3 - LOGUE PARTNERSHIP

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 17 DAY OF AUGUST 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT **\$27.67** 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: 8/17/12

FILED ON: 8/17/12

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

NOTICE OF APPLICATION
NO. 7374-3 to Appropriate
Water

Notice is given that Logue Part-
nership, c/o Thomas Logue,
30656 455th Ave, Volin, SD
57072 has filed an application for
a water permit to appropriate 1.44
cubic feet of water per second
from one well to be completed
into the Missouri: Elk Point Aquifer
(98 feet deep) located in NW
1/4 SE 1/4 Section 19 for irriga-
tion of 268 acres located in the
NE 1/4 Section 19 and S 1/2 NW
1/4 SW 1/4 Section 20; all in
T94N-R53W. N 1/2

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application No.
7374-3 because 1) unappropriated
water is available, 2) existing
rights will not be unlawfully im-
paired, 3) it is a beneficial use of
water, 4) it is in the public inter-
est. In accordance with SDCL
46-2A-23, the Chief Engineer will
act on petition contesting the
Chief Engineer's recommenda-

tion. If a petition opposing the ap-
plication or contesting the recom-
mendation 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 appli-
cant and any person filing a peti-
tion.

Any person interested in oppos-
ing 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 Engi-
neer's address is "Water Rights
Program, Foss Building, 523 E.
Capitol, Pierre SD 57501
(605-773-3352)" and the appli-
cant's mailing address is given
above. A petition filed by either
an interested person or the appli-
cant must be filed by August 27,
2012.

The petition may be informal,
but must include a statement de-
scribing the petitioner's interest in
the application, the petitioner's
reasons for opposing or support-
ing the application, and the signa-
ture and mailing address of the
petitioner or the petitioner's legal
counsel, if legal counsel is ob-
tained. Contact Eric Gronlund at
the above Water Rights Program
address to request copies of infor-
mation pertaining to this applica-
tion. Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.

Published once at the total ap-
proximate cost of \$27.67

Estimated publishing cost per published copy
\$.0148

Published: August 17, 2012



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 10, 2012

Logue Partnership
Thomas Logue
30565 455th Ave
Volin SD 57072

Dear Mr. Logue:

The Notice of Application No. 7374-3 for irrigation printed August 17, 2012, in the Plain Talk, Vermillion SD (Ph #605-624-2695) contained an error in the legal description of the irrigated acres (copy enclosed). Therefore, the notice needs to be readvertised to correct the error and to ensure your water permit is free from any legal entanglements due to insufficient public notice.

The Plain Talk has been instructed to publish the notice again on September 14, 2012 with the date for submittal of petitions being September 24, 2012. If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTICE OF APPLICATION NO. 7374-3 to Appropriate Water

Notice is given that Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin SD 57072 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (98 feet deep) located in NW 1/4 SE 1/4 Section 19 for irrigation of 268 acres located in the NE 1/4 Section 19 and S 1/2 NW 1/4 and N 1/2 SW 1/4 Section 20; all in T94N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7374-3 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 September 24, 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 _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, September 10, 2012 2:21 PM
To: 'susan.forma@plaintalk.net'; 'classifieds@plaintalk.net'
Subject: Application No. 7374-3, Logue Partnership
Attachments: 7374-3public.short2.docx; 00001119.pdf

Attached is the text for the Notice of Application No. 7374-3 Logue Partnership. This notice was originally published on August 17, 2012. There was an error in the legal description in the 1st paragraph. Therefore it is necessary to be published again.

I emailed the text for the August 17th publication, so I am not certain how the error occurred. Attached is the scanned copy of the affidavit.

Please publish this notice on Friday, September 14, 2012. If you have any questions, please let me know.

Thanks

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

RECEIVED

SEP 26 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

DENR

Division of Environmental Services

PMB 2020

Joe Foss Building, 523 East Capitol

Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA

COUNTY OF CLAY

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
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OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS
AFFIDAVIT; THAT THE ANNEXED

NOTICE OF APPLICATION 7374-3 - LOGUE PARTNERSHIP

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 14 DAY OF SEPTEMBER 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$0.00 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: 9/14/12

FILED ON: 9/14/12

Tera A Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS

21st DAY OF

Septemb

[Signature]

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

NOTICE OF APPLICATION

**NO. 7374-3 to Appropriate
Water**

Notice is given that Logue Partnership, c/o Thomas Logue, 30656 455th Ave, Volin, SD 57072 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second from one well to be completed into the Missouri: Elk Point Aquifer (98 feet deep) located in NW 1/4 SE 1/4 Section 19 for irrigation of 268 acres located in the NE 1/4 Section 19 and S 1/2 NW 1/4 and N 1/2 SW 1/4 Section 20; all in T94N-R53W.

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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 \$0.00

Estimated publishing cost per published copy \$0.00

Published: September 14, 2012



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 29 2012

Logue Partnership
Thomas Logue
30565 455th Ave
Volin SD 57072

Dear Mr. Logue:

Enclosed is Water Permit No. 7374-3 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

7374-3
RECEIVED

NOV 19 2012

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date

11-1-12Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Logue Partnership by Tom Logue
(name)30565 455

(address)

Velin, SD 57072
(city, state, zip)605 661 2493

(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. 7374-3 states that the water use system is to be constructed by2-1-12

(date)

, and water is to be put to beneficial use by

9-1-12

(date)

The water use system was completed on

7-4-12

(date)

Applying the water to beneficial use was completed on

7-15-12

(date)

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

Tom Logue

(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 20, 2012

7374-3

Tom Logue
Logue Partnership
30565 455th Ave
Volin SD 57072

Dear Mr. Logue:

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

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

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

Sincerely,

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

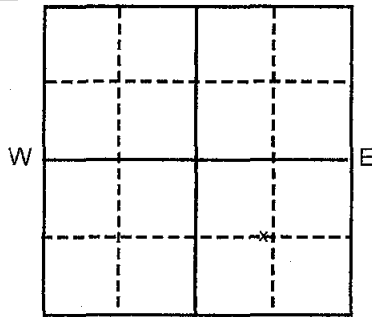
Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location nw 1/4 se 1/4 Sec 19 Twp 94n Rg 53wCounty clay

North

Please mark well
location with an "X"

W

E

1 Mile

Well Completion Date

6/21/12

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

500.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	68.0 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
bentonite	14	Lb/gal	0.0 Ft	50.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 30.0 FeetMaterial pvcSlot Size .060 Set From 68.0 Feet to 98.0 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? NA
Lab to which water
quality sample sent for analysisWell Owner: Don LogueBusiness Name: Logue PartnershipAddress: 30674 Bluff roadCity, State, Zip: Volin SD 57072

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, yellow-brown, silty, pebbly	0	31
clay, gray, silty, pebbly	31	65
gravel, coarse, sandy	65	95
claystone, gray, silty	95	98

STATIC WATER LEVEL 27.0 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: air lift development, 4 hours
☐ 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

FEB - 1 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this report is true and accurate.Drilling firm: Hammond-Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12-12-12

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7374-3

I have this day, **November 5, 2016**, made a thorough examination of the water use system constructed by **Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin, SD 57072** of Permit No. **7374-3**, bearing the priority of **May 24, 2012** authorizing the diversion of **1.44** cu. ft. per second of the waters of **Missouri:Elk Point Aquifer** for **irrigation** purposes, of **268** acres, in **Clay** County.

Inspection contact & relationship to permit holder, if applicable: **Thomas & Donny Logue, Logue Partnership, permit holder**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Hammond-Wetmore Drilling, LLC**
- 2) No. of Wells **1**
- 3) Depth(s) **98** feet
- 4) Well log is available **Yes**

Casing:

- 1) Diameter **16** inches
- 2) Length **68** feet
- 3) Type **PVC**

Screen:

- 1) Type **PVC Manufactured**
- 2) Length **30** feet
- 3) Static water level **27** feet

Pump:

- 1) Make **Grundfos**
- 2) Model **625s400-2a**
- 3) Capacity **650** GPM

Motor:

- 1) Make **Grundfos**
- 2) Model No. **Submersible**
- 3) Horsepower rating **40** hp

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

- 1) Type PVC 2) Size 8 inches 3) Length 5120 feet

Comments: See map for approximate location.

C. Works used to apply water to beneficial use:

Center pivot (NE ¼ Sec 19-T94N-R53W):

- 1) Make Valley 8000
2) Overall length 1299 feet
3) Number of towers 8
4) End gun Yes
5) Capacity 650 GPM

Center pivot (S ½ NW ¼ & SW ¼ Sec 20-T94N-R53W):

- 1) Make Valley 8000
2) Overall length 1304 feet
3) Number of towers 8
4) End gun Yes
5) Capacity 650 GPM

Comments: System is set up so that only one center pivot can be operated at a time.

Chemigation Equipment:

- 1) Does chemigate Yes
2) Main line check valve Yes
3) Inspection port/air relief Yes
4) Low pressure drain Yes
5) Discharge is 20' from source Yes
6) Interlock type electrical
7) Injection pump type piston
8) Injection check valve Yes
9) Injection line check valve or positive displacement pump Yes

Comments: Permit holder was not chemigating at time of inspection, but provided the above answers to questions asked. Permit holder indicated he uses chemigation primarily to apply liquid nitrogen to corn crop. A copy of the chemigation rules and Appendix A were reviewed and provided to the permit holder.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2013.
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: West 2030', North 1800' from SE Corner of Sec 19-T94N-R53W; Lat 42.94349/Long -97.14869; NW ¼ SE ¼ Sec 19-T94N-R53W.
2. The works are capable of diverting and conveying to the place of use 1.44 cfs or 650 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Sec 19-T94N-R53WNW ¼ NE ¼ - 33 acNE ¼ NE ¼ - 31 acSE ¼ NE ¼ - 32 acSW ¼ NE ¼ - 34 acNW ¼ SE ¼ - 1 acNE ¼ SE ¼ - 1 acSec 20-T94N-R53WSW ¼ NW ¼ - 31 acSE ¼ NW ¼ - 31 acNE ¼ SW ¼ - 35 acNW ¼ SW ¼ - 35 acSW ¼ SW ¼ - 2 acSE ¼ SW ¼ - 2 ac

comprising a total of 268 acres of land and the license should be issued for 1.44 cfs or 650 gpm.

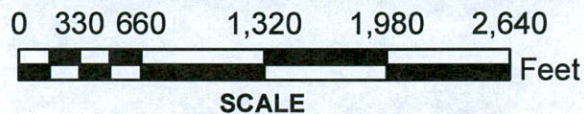
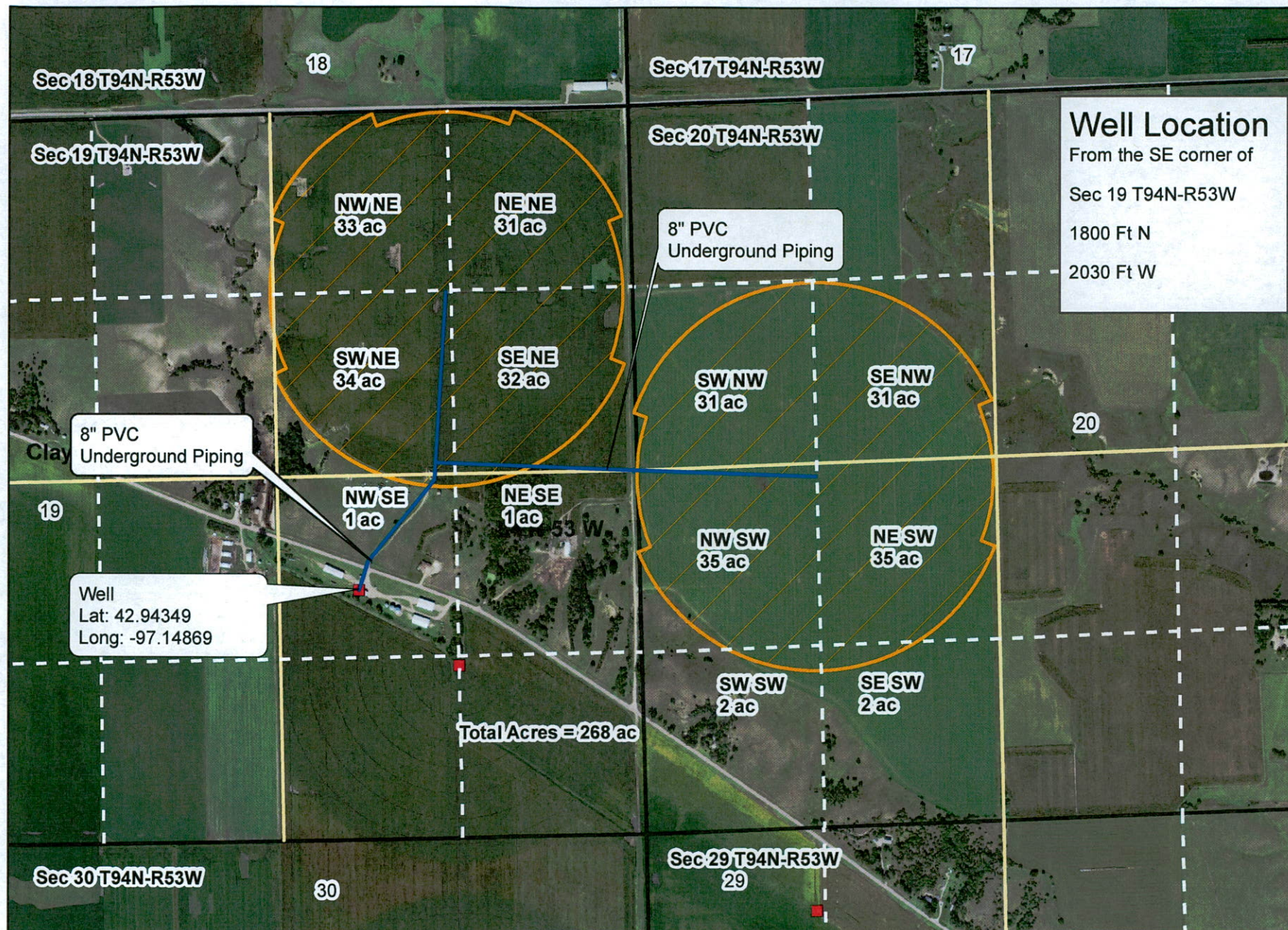
3. All structures, wells and lands on map Yes



Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: December 4, 2017

7374-3



Harold Holoch
Harold Holoch, PE
Staff Engineer
June 26, 2017

Licensing of Acreage Outside of Permitted Area

NAME: Logue Partnership – c/o Thomas Logue

ADDRESS: 30565 455th Avenue, Volin SD 57072

DATE: December 20, 2017

COUNTY: Clay

TELEPHONE:

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

A licensing investigation of Water Permit No. 7374-3 show that the each center extended slight into the neighboring quarter-quarter sections to the south. In this case, the following quarter-quarter section that were not listed in the water permit have acres being irrigated.

NW ¼ SE ¼ 19-T94N-R53W - 1.0 acre

SW ¼ SW ¼ 20-T94N-R53W - 2.0 acres

NE ¼ SE ¼ 19-T94N-R53W - 1.0 acre

SE ¼ SW ¼ 20-T94N-R53W - 2.0 acres

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 268 acres which is the same as the 268 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The acres are contiguous to the permitted acres. This is a matter where the two center pivot system as constructed slightly extend into the neighboring quarter-quarter sections.

- **Owned by Same Property Owner**

The permit is held in the name of Logue Partnership. The NE ¼ Section 19-T94N-R53W is listed in the Clay County plat book as owned by Joseph Logue. The S ½ NW ¼ and SW ¼ Section 20-T94N-R53W is listed in the Clay County plat book as owned by R L Logue.

The Logue Partnership is not listed when conducting a search of the Secretary of State's website. However, based on the last name the landowners are part of Logue Partnership.

- **Developed Prior to Expiration of Construction Period**

Date to complete construction was September 2017. Based on the irrigation questionnaires submitted, irrigation began in 2013.

RECOMMENDED ACTION

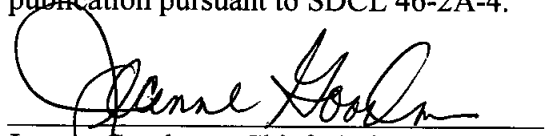
Based on the above criteria, it is recommended that the xx acre area be included in the water license.



Eric Gronlund, Natural Resources Engineer III
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.

A handwritten signature in black ink, appearing to read "Jeanne Goodman", is written over a horizontal line.

Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 06 2018

7374-3

Thomas Logue
Logue Partnership
30565 455th Ave
Volin SD 57072

Dear Mr. Logue:

Enclosed is Water License No. 7374-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

As long as you use the water beneficially, as stated in the Water License, the 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. 7374-3

(1) Logue Partnership, 30565 455th Ave., Volin SD 57072 made Application No. 7374-3, May 24, 2012 for a water permit to divert 1.44 cubic feet of water per second from ground water, one well (Missouri: Elk Point Aquifer, Clay County, South Dakota for irrigation purposes. Permit No. 7374-3, with a priority date of May 24, 2012 was approved September 24, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 24, 2017 and for the application to beneficial use of water on or before September 24, 2021.

An investigation conducted for licensing purposes found six acres not covered under the original permit. The two center pivot systems as developed extend into the neighboring quarter-quarter sections to the south. The permitted and developed acreage remains at 268. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.44 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,030'W and 1,800'N of the SE Corner of Section 19, T94N, R53W (NW ¼ SE ¼)
Latitude 42.94349, Longitude -97.14869

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

Section 19, T94N, R53W		Section 20, T94N, R53W	
NW ¼ NE ¼	33 acres	SW ¼ NW ¼	31 acres
NE ¼ NE ¼	31 acres	SE ¼ NW ¼	31 acres
SE ¼ NE ¼	32 acres		
SW ¼ NE ¼	34 acres	NE ¼ SW ¼	35 acres
		NW ¼ SW ¼	35 acres
NW ¼ SE ¼	1 acre	SW ¼ SW ¼	2 acres
NE ¼ SE ¼	1 acre	SE ¼ SW ¼	2 acres

Total 268 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Logue Partnership, 30565 455th Ave., Volin SD 57072 the holder and/or owner of Water Right No. 7374-3 is issued a license to appropriate water, the right to use 1.44 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of May 24, 2012 from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7374-3 and subject to the following qualifications:

- 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.
- The well authorized by Permit No. 7374-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in June, 2012 by Hammond Wetmore Drilling LLC. A copy of the well completion report is on file with the Water Rights Program.*
- This Permit 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

SEP 06 2018
date





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

January 19, 2024

NOTICE

TO: LOGUE PARTNERSHIP, DON LOGUE, 30674 BLUFF RD, VOLIN, SD 57072

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7374-3, 7634-3, 8343-3 & 8627-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7374-3, 7634-3, 8343-3 & 8627-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7374-3, 7634-3, 8343-3 & 8627-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QDZUNR**

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