

WATER PERMIT NO. 7382-3

Name of Applicant: Michael F Hauck

Address: 2719 Falcon Court, Vermillion SD 57069 Phone: 605 624-3862

Amount of Water Claimed: 1.11 cfs Total Acres: 767

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Clay

Type of Waste Disposal System:

Location: 8 miles west of Vermillion

PRIORITY Date Received: 7-12-12 Application/License Fee: \$ 950.00

Corrected Application Received: Period of Annual Use: May 1 – Sept 30

Remarks:

Diversion Point: NW ¼ NW ¼ Sec 21-T92N-R53W

Land to be Irrigated: N ½ NW ¼, Govt. Lots 3 & 4 Section 21-T92N-R53W

Depth of Well: 100 feet deep

Well Driller:

Remarks:

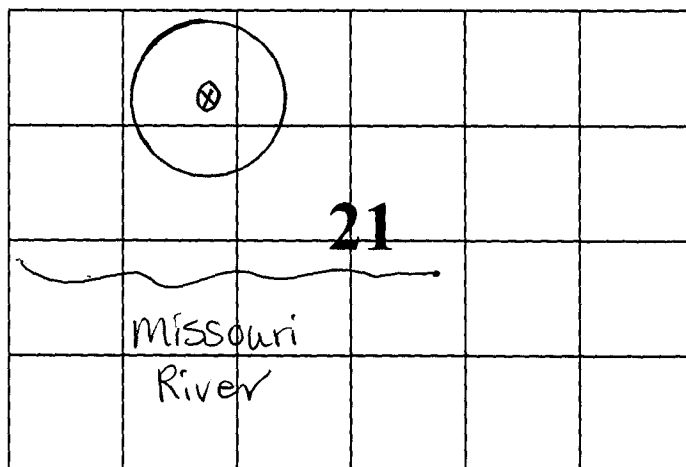
Type of Map: aerial

Prepared by: Debra Eilers Clay Co FSA

Reviewed and the Number Assigned on: XX

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



JUL 12 2012

WATER RIGHTS
PROGRAM

CK # 1157

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

(office use only)
No. 7382-3 Hydrologic Unit 10170101
Basin Missouri River 605-624-2695
Newspaper Plain Talk 201 W Cherry St. Vermillion SD 57069
Press & Debate 319 Walnut Yorkton SD 57078 605-665-7811

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 Michael F. Hauck Phone 605 624-3862
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 2719 Falcon Court Vermillion SD 57069
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 1.11 *CFS or 500 **GPM ***AF Total Acreage 77
(*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 in Missouri: Elk Point Aquifer

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay

(1) one well in NW1/4 NW1/4 Sec. 21 T92N R53W

5. County or counties where water will be used Clay

6. Annual period during which water is to be used May 1 thru Sept. 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW1/4 NW1/4 Sec. 21	36		
N. 560' of Govt. Lot 4 Sec 21	16		
W. 731.5' of NE1/4 NW1/4 Sec 21	18		
W. 731.5' of Govt. Lot 3 Sec 21	5		

8. Give a description of the project. (Attach sheet if more space is needed)
Center Pivot to Irrig. 75 Acres in the NW1/4 Sec. 21 T92N R53W

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, Michael F. Hauck, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Michael F. Hauck

Subscribed and sworn to before me this 31 day of May 20 12

[Signature]
Notary Public signature

My commission expires 2/1/18

**SOUTH DAKOTA
WATER PERMIT NO. 7382-3**

Date of first receipt of application July 12, 2012.

Date of return to applicant for corrections, amendments or changes July 13, 2012.

Date of receipt of corrected application July 20, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7382-3 to Michael F Hauck, 2719 Falcon Court, Vermillion SD 57069 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. 7382-3 appropriates 1.11 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in NW 1/4 NW 1/4 Section 21 for irrigation of 77 acres located in the N 1/2 NW 1/4 and Government Lots 3 & 4 of Section 21; all in T92N-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 – September 30.
3. The date from which applicant may claim right is July 12, 2012.
4. The date of approval of Permit No. 7382-3 is September 28, 2012.
5. One-fifth of the construction is to be completed on or before March 28, 2015.
6. All construction is to be completed on or before September 28, 2017.
7. Water is to be put to beneficial use on or before September 28, 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. 7382-3 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 100'
- 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 Pea rock Length of Gravel Pack 45'
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 25'
- g) Distance to nearest existing domestic well:
- On applicant's property None On property owned by others > 3/4 mile
> 4000'

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

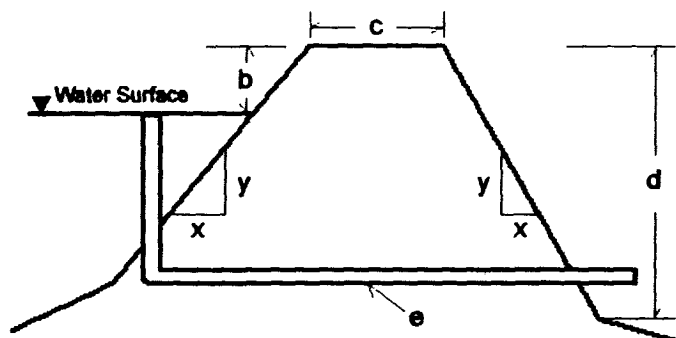
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

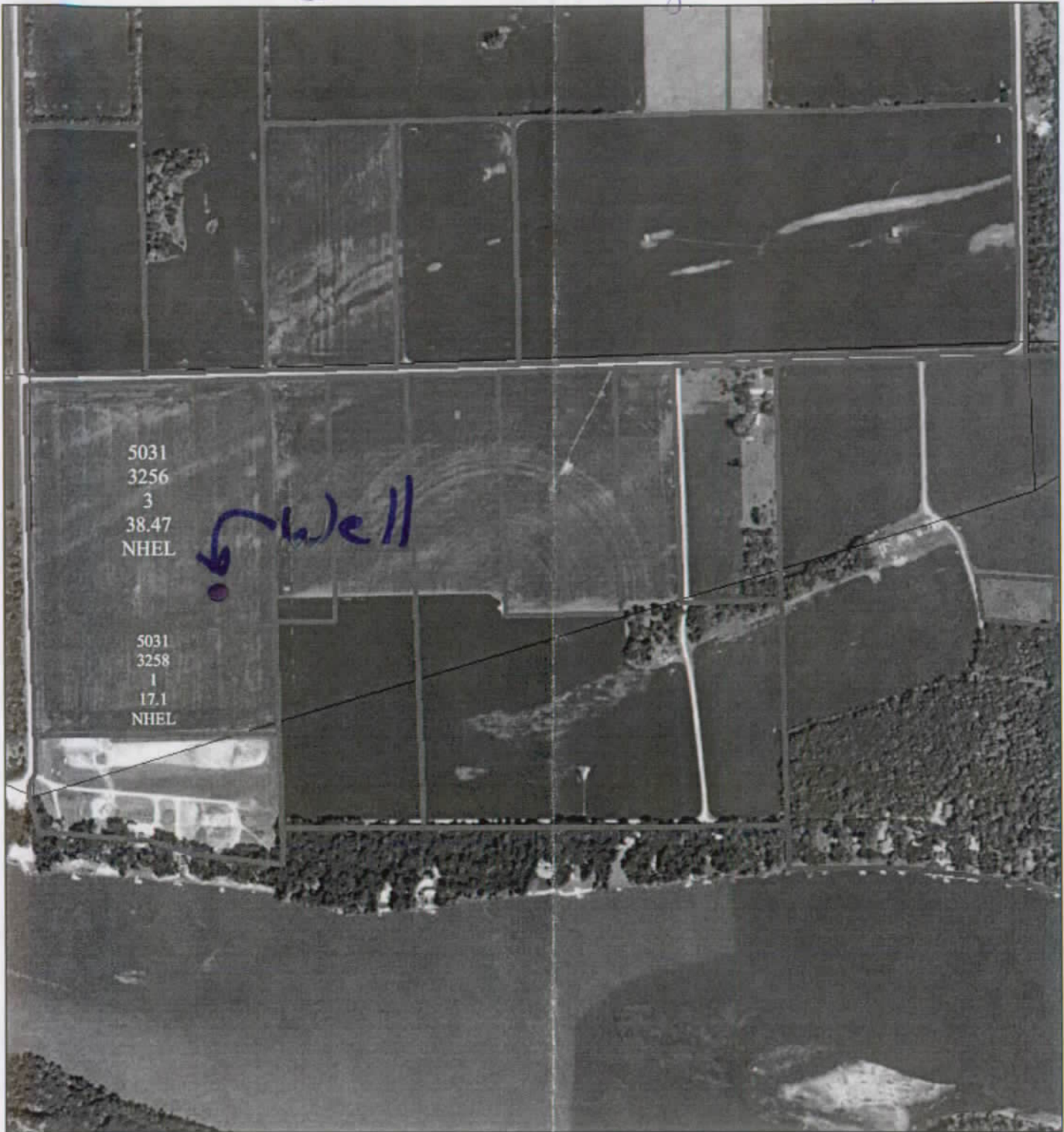
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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

Dubna Eulus, Clay Co. FSA, PT 7/9/12



United States Department of Agriculture
Farm Service Agency

June 29, 2012

PLSS: 21_92N_53W
Farm: 5031

Clay County, SD
1:8,589



Wetland Determination Identifiers

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

□ Common Land Units

▨ Non Cropland

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.

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2010 Ortho-Photography - Not to Scale

97.35 +/-
Acres. Total

N

NW Cor. Sec 21-92-35

NW 1/4 NW 1/4 Sec. 21-92-35

W 7315' of NE 1/4 NW 1/4 Sec. 2

317th St

3.5A
Dry

3.5A
Dry

36.0A
Irr

18.00A
Irr

Well

16.00 A
Irr

5.00
Irr

35 A.
Dry

12.00 A.
Dry

W 7315' of Gov't Ld 3

454th Ave

Automatic Irrigation Inc. Centerville, SD 605-563-2649 office

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Sec. 21 T92N R 53W

3/8th St

NW 1/4 NW 1/4 Sec. 21

W. 731.5' of
NE 1/4 NW 1/4
Sec. 21

N. 590'
of SW 1/4 NW 1/4 Sec. 21

W. 731.5' of
Gov't Lot 3

250 ft. Ave

Automatic Irrigation Inc.



1111 Railway ST
Centerville, SD 57014
605-563-2649 office

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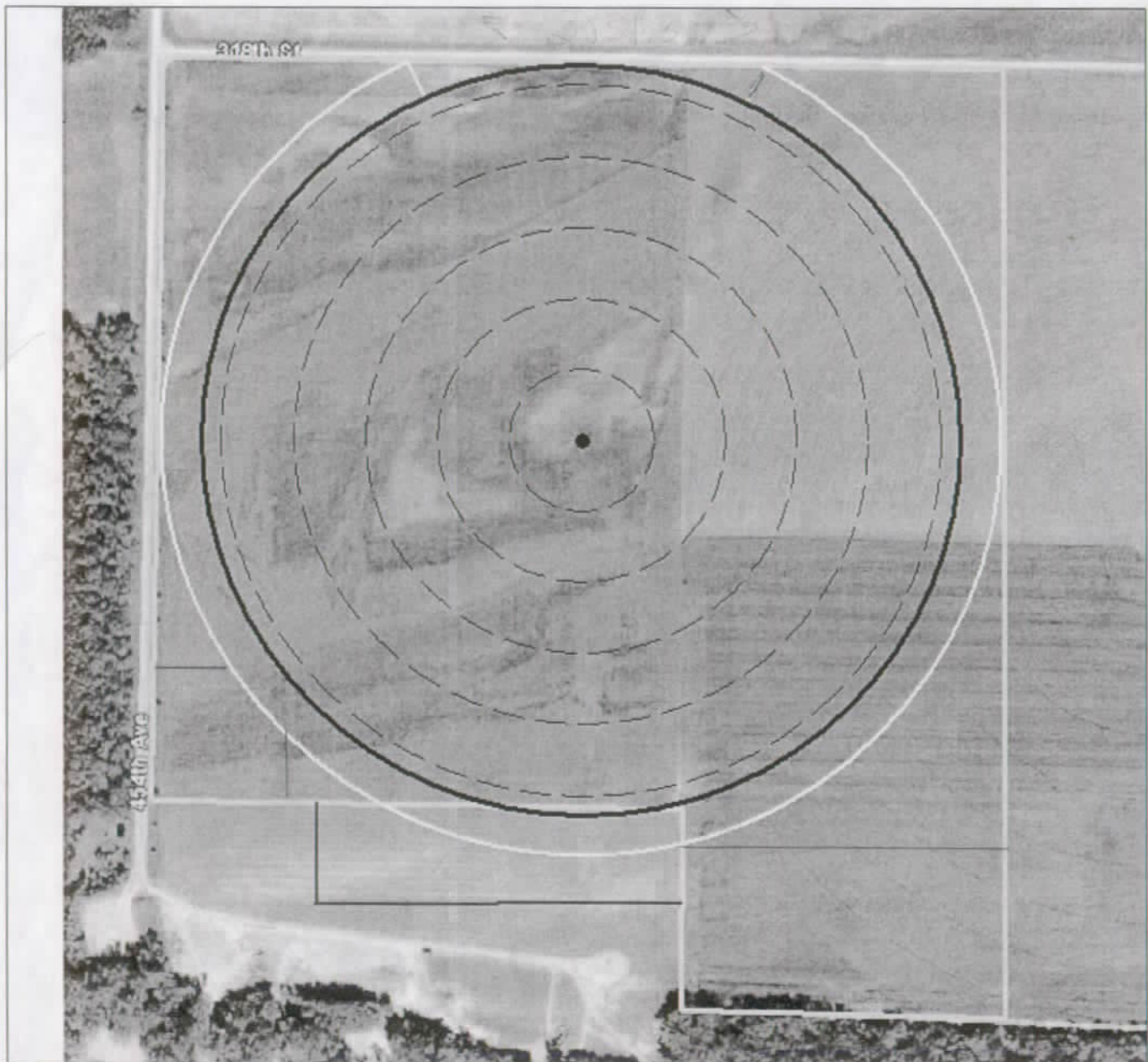
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Farm: Field1

Grower: Mike Hauck

8/23/2011

Systems:	Length	Spans	Total area including endgun
● Pivot 1	945.83 ft	5 spans + 44 ft o.h.	76.88 acres

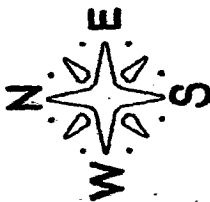


PLAT OF MILLER'S ADDITION IN THE NE1/4 NW1/4, THE NW1/4 NE1/4, AND IN GOVERNMENT LOTS 2 AND 3, ALL IN SECTION 21, T92N, R53W OF THE 5TH. P.M., CLAY COUNTY, SOUTH DAKOTA.

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GOV'T. LOT 1

NAME	LENGTH	DIRECTION
L1	1227.74'	S 2° 57' 08" E
L2	219.52'	S 5° 52' 21" W
L3	259.61'	S 13° 43' 40" E
L4	756.85'	S 6° 28' 03" E



MILLER'S	1
3	2
4	ADDITION

LOCATION NO SCALE

- = IRON PIN FOUND
- ⊙ = WOOD CORNER FENCE POST FOUND
- = IRON PIN SET

18' TO CENTER OF ACCESS ROAD
SECTION LINE N 87° 41' 04" E
1323.63'
NE COR. SEC. 21-92-53

N 87° 41' 04" E
827.25'

1323.63'

318TH STREET

N 87° 41' 04" E
1323.63'

NW COR. SEC. 21-92-53

N 2° 03' 20" W
1320.00' SECTION LINE

NE1/4 NW1/4
40.16 ± ACRES

W5/8
NW1/4
NE1/4
25.10 ±
ACRES

ACCESS ROAD
CENTERLINE OF
1320.00' S 2° 26' 32" E
1108.07'

MILLER'S

ADDITION
130.89 ± ACRES

N 87° 41' 06" E
1327.02'

N 87° 41' 06" E
1327.02'

GOV'T. LOT 4

GOV'T. LOT 3
32.54 ± ACRES

GOV'T. LOT 2
33.09 ± ACRES

S 2° 27' 25" E
1108.07'

HOLMES
FORREST
ADDITION
2 3

1323.13' S 88° 41' 31" W
1078.80' N 2° 20' 59" E

1329.95' S 88° 41' 31" W
1055.43' N 2° 12' 09" W

RYKEN
SUBDIVISION
4 5 6

HOLTER - WAGNER
ADDITION
1 2 3 4 5 6 7 8

DANIELSON
TRACT 1
2 3



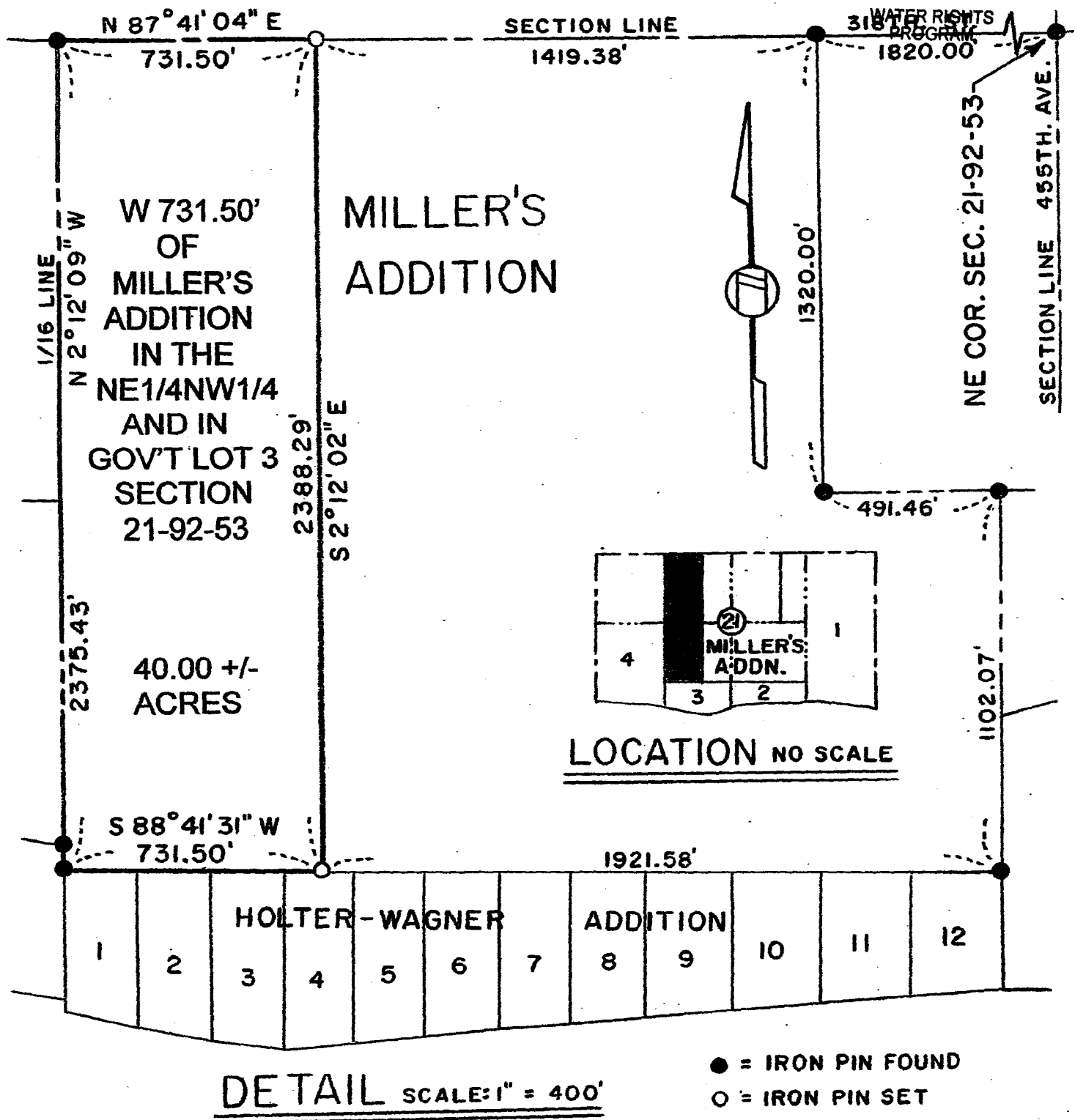
PREPARED BY:
RONALD D. PETERSON
29714 455TH. AVE.
WAKONDA, SD 57073
605.283.3526

PLAT SCALE: 1" = 400'

SURVEYOR'S CERTIFICATE

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I, Ronald D. Peterson, a Registered Professional Engineer and Land Surveyor of Wakonda, South Dakota, have, at the direction of the owner, made a survey for the purpose of locating the following described property:

THE WEST 731.50 FEET OF MILLER'S ADDITION IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE/4NW1/4), AND IN GOVERNMENT LOT THREE (3) OF SECTION TWENTY-ONE (21), TOWNSHIP NINETY-TWO NORTH (T92N), RANGE FIFTY-THREE WEST (R53W) OF THE 5TH. P. M., CLAY COUNTY, SOUTH DAKOTA. (Containing 40.00 Acres, more or less, of which 0.55 Acre, more or less, is Section Line Right-of-Way)

I certify that the dimensions and locations shown on the accompanying detail are true and correct to the best of my knowledge and belief.

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Pivot Area: **64.52** acres
 Endgun Area: **12.36** acres
 Total Area: **76.88** acres

System Length: **945.83** ft
 # of Spans: **5 + overhang**
 Deg. of Sweep: **360.0°**
 Endgun Throw: **100.0** ft

Color on map:

**Spans**

# of Spans: 5	Span 1 (180.2)	Span 2 (359.1)	Span 3 (538.0)	Span 4 (716.9)	Span 5 (895.8)	Overhang (945.8)
Length:	179	179	179	179	179	44 ft
Pipe Size:	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	5 - 9/16"

Endgun Areas**Endgun 1: (Throw = 100.0 ft)**

# of Areas: 1	Start / Stop Angle (Deg. from North)	Start / Stop Angle (Deg. from Pivot Start)	Start / Stop Location (Lat/Long)		Area (acres)
Area 1	26.0° / 335.6°	- NA - / - NA -	---	---	12.36

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South Dakota Department of Environment and Natural Resources

Date 7/12, 20 12

RECEIVED OF Michael F Hauck 2719 Falcon Ct Vermillion SD 57069

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	750	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	100	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	850 00

No. **05485**

By Garland Erbe
Chief Engineer

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WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

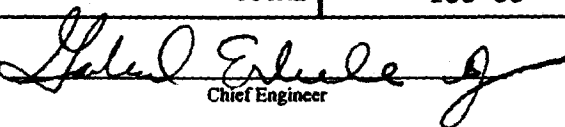
Date 7/20, 20 12

RECEIVED OF Michael Hauck 2719 Falcon Ct Vermillion SD 57069

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	100	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. _____		
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. _____	100	00
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	100 00

No. 05494

B. 
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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July 13, 2012

Michael F Hauck
2719 Falcon Court
Vermillion SD 57069

Dear Mr. Hauck:

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

- We have received the \$850.00 application filing fee. The fee for irrigation of 75 acres is \$950.00. Please submit an additional \$100.00.
- Are you proposing to use the same well as authorized by Water Right No. 3487-3? *No,*

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

Thanks, mthad

*any? Call
605-677-9298*

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Ray Hoffman, Clay County Register of Deeds

ADDRESS:

DATE: 8/16/2012 TELEPHONE: (605) 677-7130

RE: Legal Land Description for Water Permit Application No. 7283-3

COMMENTS: Contacted the Clay County Register of Deeds to verify the legal land description for the parcel to be irrigated as designated by Water Permit Application No. 7283-3. Ray Hoffman in the Register of Deeds office answered the phone and supplied me with the following description of the property as listed on the deeds in the names of Michael and Michelle Hauck, and Michelle Hauck:

West 731.50 feet of the Miller Addition in NE $\frac{1}{4}$ NW $\frac{1}{4}$, the West 731.50 feet of Gov't. Lot 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and the North 563.59 feet of Gov't. Lot 4 all in Sec 21 T92N-R53W



Adam Mathiowetz
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7382-3, Michael F Hauck**

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. 7382-3, Michael F Hauck, 2719 Falcon Crest, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7382-3 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. 7382-3 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 27, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7382-3
MICHAEL F. HAUCK
August 24, 2012

Water Permit Application No. 7382-3 proposes to appropriate up to 154 acre-feet annually at a maximum diversion rate of 1.11 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 100 feet deep and is to be located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T92N-R53W. This permit application proposes to irrigate 77 acres located in the West 731.50 feet of the Miller Addition in NE $\frac{1}{4}$ NW $\frac{1}{4}$, the West 731.50 feet of Gov't. Lot 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and the North 563.59 feet of Gov't. Lot 4, all in Sec 21 T92N-R53W in Clay County.

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 74,500 acres of Clay County and contains an estimated 1,117,500 acre-feet of recoverable water (Hedges, et.al, 1982). The aquifer is under water table 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 and the Missouri River. 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 154 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 154 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 23,591.7 acre-feet annually for Clay County. 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 109 water rights/permits appropriating water from the Missouri: Elk Point aquifer in Clay County on record with the SD-DENR Water Rights Program. The non-irrigation appropriations consist of one permit for commercial use, four for municipal use, two for rural water systems, 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 24,192.6 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	89	34722	1802.64
2010	86	33128.6	592.30
2009	84	33832.6	1582.91
2008	77	32059.6	4907.57
2007	65	27554.6	7084.70
2006	56	25393.6	5860.14
2005	48	21731.6	3054.04
2004	43	20702.4	3849.75
2003	43	20702.4	3837.68
2002	43	20702.4	3795.69
2001	42	20478.4	3422.53
2000	42	20478.4	3436.28
1999	41	20238.4	2045.96
1998	42	20856.4	1939.36
1997	41	20698.4	2756.00
1996	41	20746.4	1790.32
1995	41	20116.4	2119.30
1994	42	20863.2	1322.31
1993	40	20135.2	114.90
1992	39	19721.2	196.10
1991	43	19805.2	3439.30
1990	39	20499.2	3242.00
1989	37	20089.2	2839.00
1988	35	19120.2	3780.20
1987	36	19604.2	2211.00
1986	42	21178.2	1732.80
1985	39	20120.2	2552.40
1984	39	20120.2	2448.10
1983	33	18546.2	2871.90
1982	32	18221.2	2279.53
1981	38	19644.0	2699.00
1980	30	17660.0	1788.00
1979	31	17660.0	1896.00
Maximum	89	34722.0	7084.70
Minimum	30	17660.0	114.90
Average	46.0	22034.2	2705.75

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

Probable average annual withdrawal under current appropriation is 26,898.4 acre-feet per year for the Missouri: Elk Point aquifer in Clay County and 26,900 acre-feet reserved by future use permits. The estimated non-irrigation use includes the probable use by the Lewis and Clark Rural Water System, 20,786 ac-ft/yr, when fully developed. The rural water system actually pumped 92 ac-ft in 2011 and no pumping was reported prior to that from the Missouri: Elk Point aquifer.

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 five observation wells located into the Missouri: Elk Point aquifer in Clay County (Water Rights, 2012a). The nearest observation well is CL-80B. The observation well is 1.42 miles northeast 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. The observation well shows the effects of pumping, 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 shows the observation well, CL-80B, closest to the proposed well location and figures 2, 3, 4, and 5 show the hydrographs for the other observation wells in the Missouri: Elk Point aquifer in Clay County.

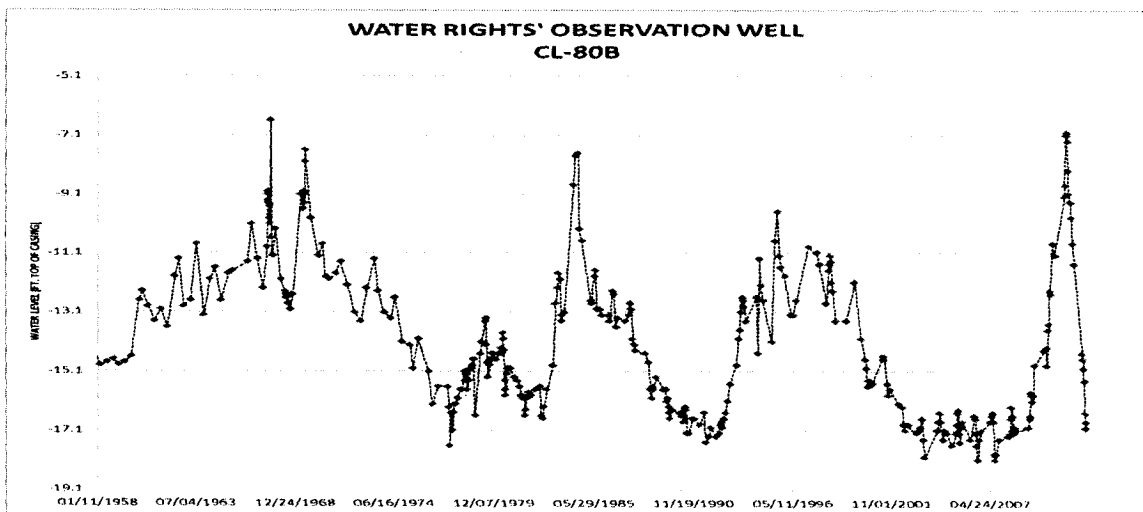


Figure 1- Hydrograph of DENR-Water Rights' observation well CL-80B, located approximately 1.42 miles northeast of the proposed well location (Water Rights, 2012a)

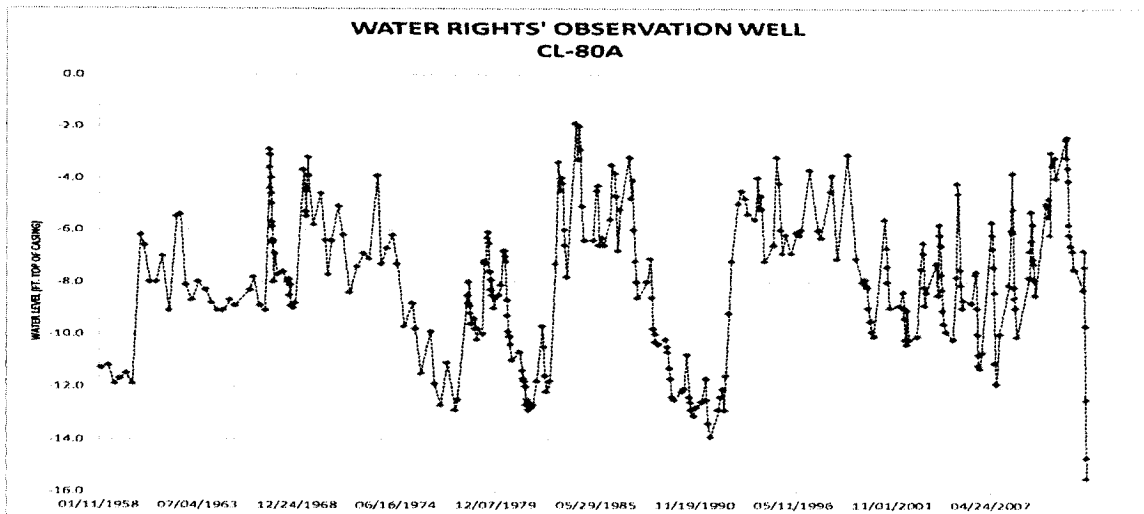


Figure 2- Hydrograph of DENR-Water Rights' observation well CL-80A (Water Rights, 2012a)

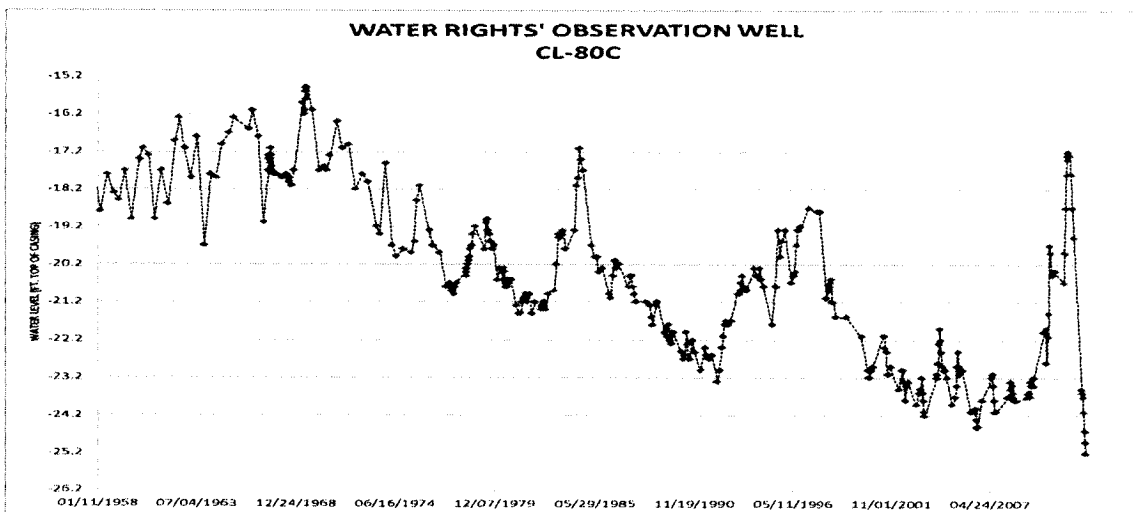


Figure 3- Hydrograph of DENR-Water Rights' observation well CL-80C (Water Rights, 2012a)

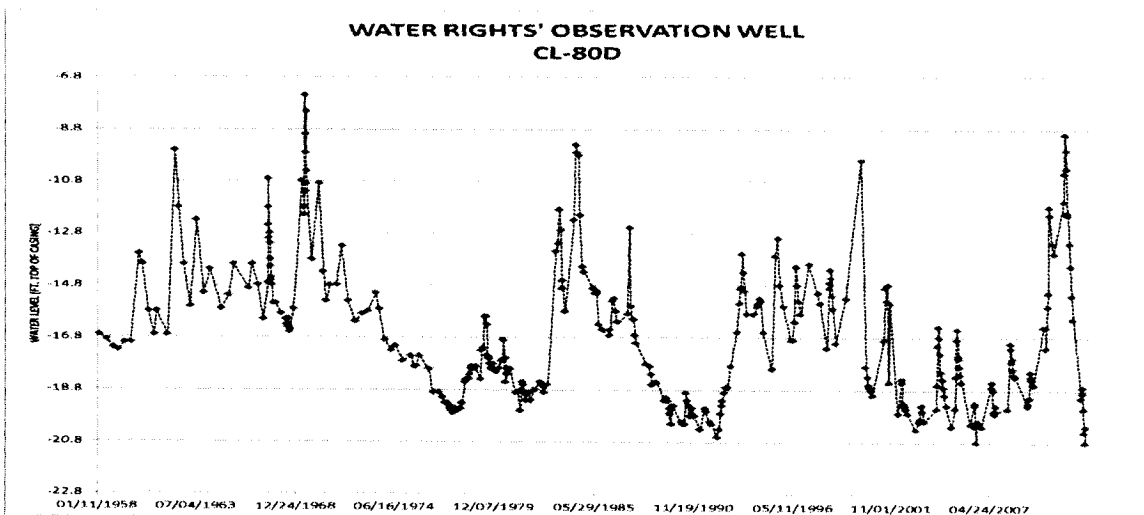


Figure 4- Hydrograph of DENR-Water Rights' observation well CL-80D (Water Rights, 2012a)

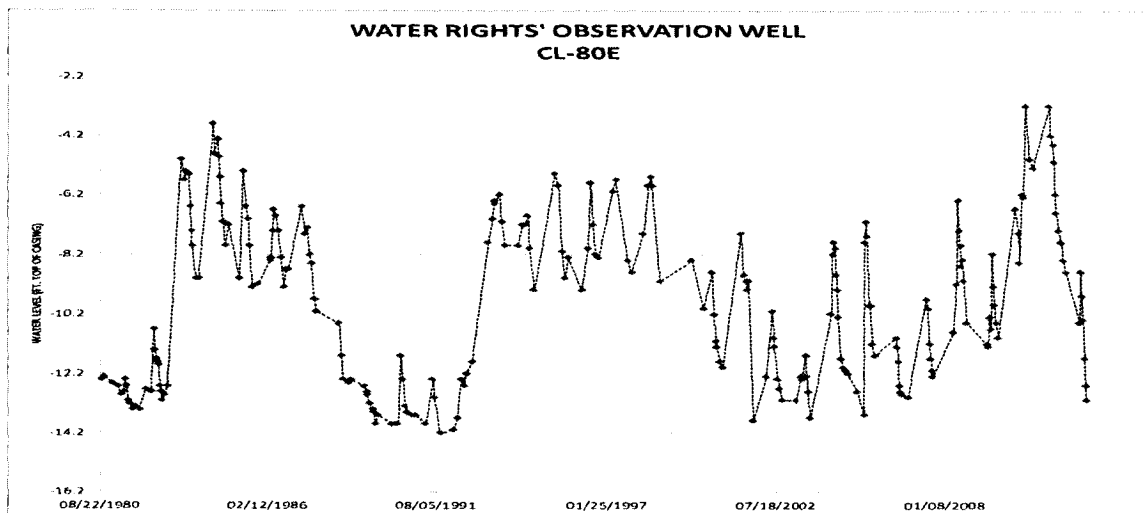


Figure 5- Hydrograph of DENR-Water Rights' observation well CL-80E (Water Rights, 2012a)

Recognizing that the change of water level in the observation wells is fairly constant across the period of record for most of the observation wells, 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 unappropriated water is available in the Missouri: Elk Point aquifer. The recent decline in water is likely due to the entrenching and/or receding of floodwater of the Missouri River. This illustrates the strong hydraulic connection between the Missouri: Elk Point aquifer and the Missouri River.

EXISTING WATER RIGHTS:

There are 7 water rights appropriating water from the Missouri: Elk Point aquifer within 2 miles of the proposed well location and three domestic wells on record with the SD-DENR Water Rights program. 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	CFS	ACRES
2158-3	D.A. Olson & Sons	LC	IRR	2.67	187
2826A-3	Joseph R. Edelen	LC	IRR	0.94	93
2826B-3	Brook Bye	LC	IRR	1.73	171
3487-3	Michael F. Hauck	LC	IRR	1.11	88
4214-3	D.A. Olson & Sons	LC	IRR	1.67	169
4625-3	D.A. Olson & Sons	LC	IRR	0.36	25
6601-3	Ernest Jensen	PE	IRR	2.22	132
LC = Water Right, PE = Water Permit, IRR = Irrigation					

Table 2 – Water Rights from the Missouri: Elk Point aquifer within 2 miles of the proposed well site (Water Rights, 2012b)

CONCLUSIONS:

1. This application proposes to appropriate 154 acre-feet annually for the irrigation of 77 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.
- Jensen, A.R. 2000. First Occurrence of Aquifer Materials in Clay County, South Dakota. SD-DENR Geological Survey Aquifer Materials Map 1, 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.
- Simpson, H.E. 1960. Geology of Yankton Area, South Dakota and Nebraska: U.S. Geological Survey Professional Paper 328, 124p.
- Stephens, J.C. 1967. Geology and Hydrology of Clay County South Dakota. Part II: Water Resources, SD DENR- Geological Survey Bulletin 19,62p.
- 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 28, 2012

Plain Talk
201 W Cherry
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7382-3 to Appropriate Water. Please publish the notice once on September 7, 2012. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Michael F Hauck, 2719 Falcon Court, Vermillion SD 57069 (Ph # 605-624-3862).

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 28, 2012

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7382-3 to Appropriate Water. Please publish the notice once on September 7, 2012. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Michael F Hauck, 2719 Falcon Court, Vermillion SD 57069 (Ph # 605-624-3862).

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.

August 28, 2012

Michael F Hauck
2719 Falcon Court
Vermillion SD 57069

Dear Mr. Hauck:

Water Permit Application No. 7382-3 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 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.

RECEIVED

SEP 24 2012

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION

NO. 7382-3 to Appropriate

Water

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
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
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 ON APPLICATION NO. 7382-3 TO APPROPRIATE WATER

MICHAEL F HAUCK

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 7 DAY OF SEPTEMBER 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$28.00 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: 9/7/12

FILED ON: 9/7/12

Notice is given that Michael F Hauck, 2719 Falcon Court, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in NW 1/4 NW 1/4 Section 21 for irrigation of 77 acres located in the N 1/2 NW 1/4 and Government Lots 3 & 4 of Section 21; all in T92N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7382-3 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 17, 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 \$

Estimated publishing cost per published copy \$.

Published: September 7, 2012

Tera A. Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS

11th

DAY OF

September

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

RECEIVED

SEP 12 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. 7382-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 7th DAY OF September 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$25.83 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: 9/7/2012

FILED ON: 9/7/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7th DAY OF September

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

9+7
NOTICE OF APPLICATION
NO. 7382-3 to Appropriate Water

Notice is given that Michael F
Hauck, 2719 Falcon Court, Ver-
million SD 57069 has filed an ap-
plication for a water permit to ap-
propriate 1.11 cubic feet of water
per second from one well to be
completed into the Missouri:Elk
Point Aquifer (100 feet deep) lo-
cated in NW 1/4 NW 1/4 Section
21 for irrigation of 77 acres lo-
cated in the NW 1/2 NW 1/4 and
Government Lots 3 & 4 of Sec-
tion 21; all in T92N-R53W.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application No.
7382-3 because 1) unappropriated
water is available, 2) existing
rights will not be unlawfully im-
paired, 3) it is a beneficial use of
water, and 4) it is in the public in-
terest. In accordance with SDCL
46-2A-23, the Chief Engineer will
act on this application, as recom-
mended, unless a petition is filed
opposing the application or appli-
cant files a 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 opposing
or supporting this application or
recommendation must file a writ-
ten petition with BOTH the appli-
cant and Chief Engineer. The ap-
plicant must file a petition if con-
testing the Chief Engineer's rec-
ommendation. The Chief Engi-
neer'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 inter-
ested person or the applicant must
be filed by September 17, 2012.

The petition may be informal, but
must include a statement describ-
ing the petitioner's interest in the
application, the petitioner's rea-
sons for opposing or supporting
the application, and the signature
and mailing address of the peti-
tioner'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. Pir-
ner, Secretary, Department of En-
vironment and Natural Resources.
Published once at the total approximate cost
of \$25.83.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 12, 2012

Michael F Hauck
2719 Falcon Court
Vermillion SD 57069

Dear Mr. Hauck:

The Notice of Application No. 7382-3 for irrigation printed September 7, 2012, in the Yankton Daily Press and Dakotan (Ph #605-665-7811) 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 Daily Press and Dakotan has been instructed to publish the notice again on September 18, 2012 with the date for submittal of petitions being September 28, 2012. If you have any questions, please contact me.

Sincerely,

Eric Gronlund/KS

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, September 12, 2012 1:10 PM
To: Tera Schmidt (tera.schmidt@yankton.net)
Subject: FW: No. 7382-2, Michael F Hauck
Attachments: 7382-3public.short2.docx; 00001164.pdf

Attached is the text for the Notice of Application No. 7382-3, Michael F Hauck. This notice was published on September 7, 2012. I received the affidavit today. Upon review, I found an error in the legal description in the 1st paragraph. Therefore it is necessary to be published again.

I emailed the text on September 4th, so I am not certain how the error occurred. Attached is the scanned copy of the affidavit.

Please publish this notice on Tuesday, September 18, 2012. If you have any questions, please let me know.

Thanks

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

Instruction to Newspaper - Publish the Notice on September 7, 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. 7382-3 to Appropriate Water

Notice is given that Michael F Hauck, 2719 Falcon Court, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in NW ¼ NW ¼ Section 21 for irrigation of 77 acres located in the N ½ NW ¼ and Government Lots 3 & 4 of Section 21; all in T92N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7382-3 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 17, 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

SEP 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 7382-3 (Hauck)

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE **18th** DAY OF **September** 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT **\$25.83** 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: **9/18/2012**

FILED ON: **9/18/2012**

SUBSCRIBED AND SWORN TO BEFORE ME THIS **18th** DAY OF **September** 2012

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES **8/19/2015**

OK

9+18

NOTICE OF APPLICATION
NO. 7382-3 to Appropriate Water

Notice is given that Michael F. Hauck, 2719 Falcon Court, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in NW 1/4 NW 1/4 Section 21 for irrigation of 77 acres located in the N 1/2 NW 1/4 and Government Lots 3 & 4 of Section 21; all in T92N R53W

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7382-3 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 recommends, unless a petition is filed opposing the application or 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 28, 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'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 \$25.83.



**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

Michael F Hauck
2719 Falcon Court
Vermillion SD 57069

Dear Hauck:

Enclosed is Water Permit No. 7382-3 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

7382-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

SE 1/4 NA 2 Sec 21 T20N Rg 53W

Well Owner: Michael Hauck

Business Name:

Address: 2719 Falcon Ct

City, State, Zip: Vermillion SD 57069

WELL LOG:

DEPTH

FORMATION	FROM	TO
Sand	0	18
Sandy Gravel	18	28
Gray Silty Sand	28	44
Sandy Gravel	44	62
Clay Gravel Mix	62	70
Gray Silty Sand	70	80
Sandy Gravel	80	100

Well Completion Date

May 7, 2013

1 Mile

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

3,500.0 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

bucket method

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	80.0 FT	22.00 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	20	9.5 Lb/gal	0.0 Ft	60.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16.00 Inches Length 20.0 Feet

Material PVC

Slot Size .050 Set From 80.0 Feet to 100.0 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? Not Required
 Lab to which water quality sample sent for analysis

STATIC WATER LEVEL 22.0 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped, Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

RECEIVED

SEP 06 2013

WATER RIGHTS PROGRAM

This well was drilled under license # 666 and this report is true and accurate.

Drilling firm: Hammond-Wetmore Drilling, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

6/11/13

10-2-13

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7382-3

I have this day, **January 28, 2016**, made a thorough examination of the water use system constructed by **Michael F Hauck, 2719 Falcon Court, Vermillion, SD 57069** of Permit No. **7382-3**, bearing the priority of **July 12, 2012** authorizing the diversion of **1.11** cu. ft. per second of the waters of **Missouri:Elk Point Aquifer** for **irrigation** purposes, in **Clay** County.

Inspection contact & relationship **Michael F Hauck, permit holder**
to permit holder, if applicable:

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) **100** feet
- 4) Well log is available **Yes**

Casing:

- 1) Diameter **16** inches
- 2) Length **80** feet
- 3) Type **PVC**

Screen:

- 1) Type **PVC Manufactured**
- 2) Length **20** feet
- 3) Static water level **22** feet

Pump:

- 1) Make **Grundfos**
- 2) Model **Submersible**
- 3) Capacity **500** GPM

Motor:

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

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Lindsay
- 2) Overall length 945 feet
- 3) Number of towers 5
- 4) End gun Yes
- 5) Capacity 500 GPM

Comments:

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
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2013.

List any extended period of nonuse: None

- 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: East 1050', South 950' from NW Corner of Sec 21-T92N-R53W; Lat 42.77653/Long -97.11720; NW ¼ NW ¼ Sec 21-T92N-R53W.
2. The works are capable of diverting and conveying to the place of use 1.11 cfs or 500 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 21-T92N-R53W.

NW ¼ NW ¼ - 34 ac

SW ¼ NW ¼ - 15 ac

NE ¼ NW ¼ - 19 ac

SE ¼ NW ¼ - 7 ac

comprising a total of 75 acres of land and the license should be issued for 1.11 cfs or 500 gpm.

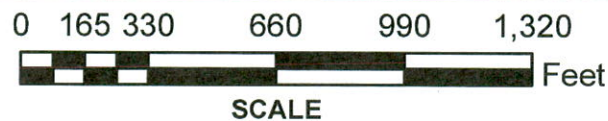
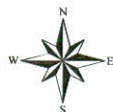
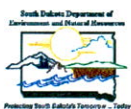
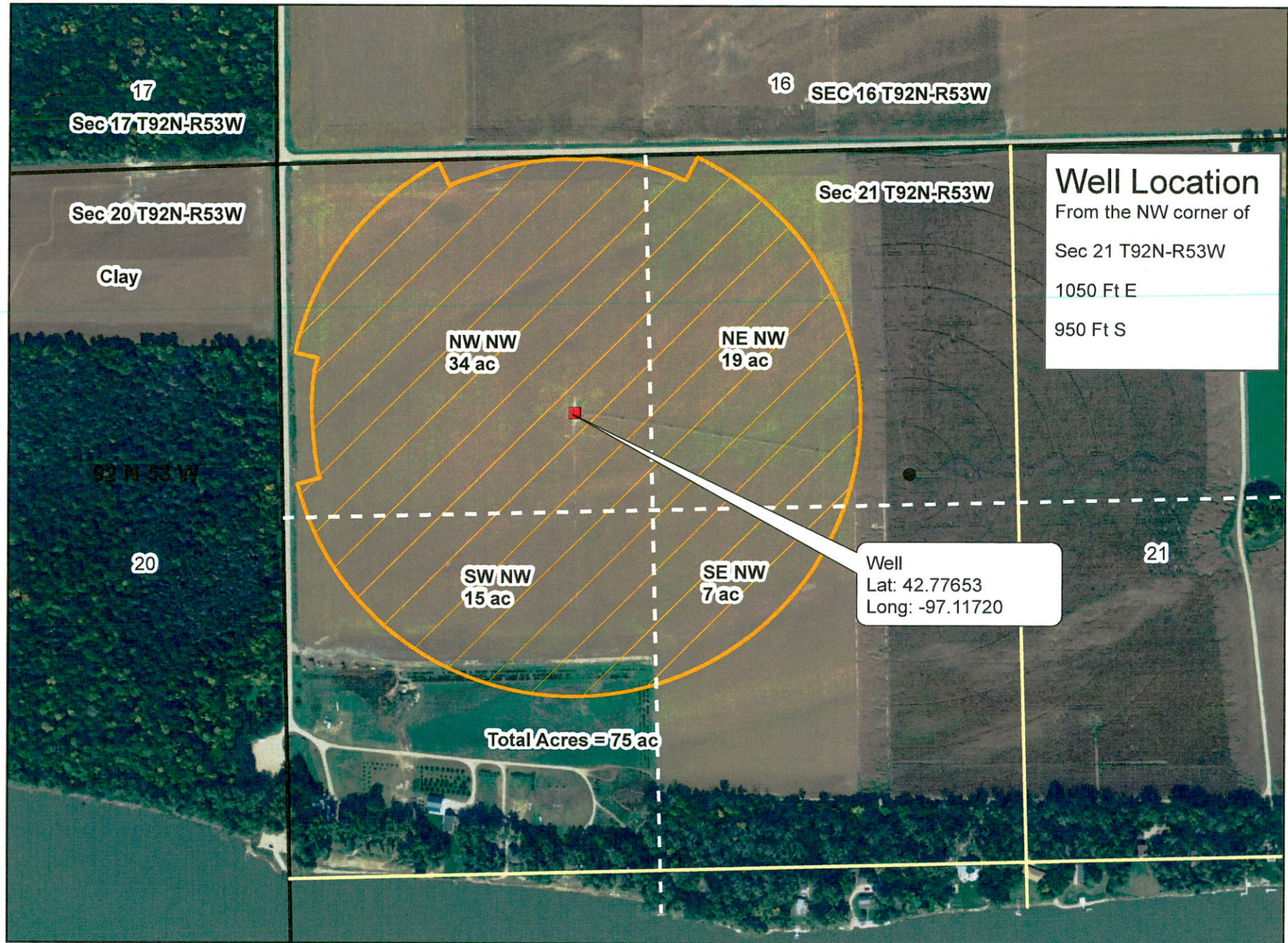
3. All structures, wells and lands on map Yes

Harold Holoch

Harold Holoch, PE
Engineer Water Rights Inspector
DENR, Water Rights Program

Date report completed: March 10, 2016

7382-3



Harold Holoch
Harold Holoch, PE
Water Rights Inspector
March 8, 2016

SD EForm - 1311LD V1

Form 10

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

MAIL TO: PMB 2020

DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

ph. (605) 773-3352

Date 1-28-2016

FROM:

Michael F. Hauck

(name)

2719 Fg/cm Ct

(address)

Vermillion

(city)

SD

(state)

57069

(zip)

605-6043862 Home

(phone)

605 677-9298 Cell

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. 7382-3 states that the water use system is to be constructed by

9-28-2017

(date)

, and water is to be put to beneficial use by 9-28-2021

(date)

The water use system was completed on

May 2013

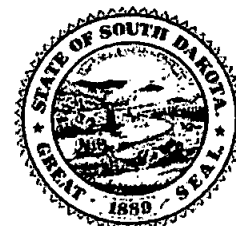
(date)

Applying the water to beneficial use was completed on

June 2013

(date)

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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 22 2016

7382-3

Michael F Hauck
2719 Falcon Court
Vermillion SD 57069

Dear Mr. Hauck:

Enclosed is Water License No. 7382-3. 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 the owner of an existing well, such as the well authorized by Water Right No. 7382-3, 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. 7382-3**

(1) Michael F Hauck, 2719 Falcon Court, Vermillion SD 57069 made Application No. 7382-3, July 12, 2012 for a water permit to divert 1.11 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7382-3, with a priority date of July 12, 2012 was approved September 28, 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 28, 2017 and for the application to beneficial use of said water on or before September 28, 2021.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on January 28, 2016. The "*Notice*" stated the water use system was completed and water placed to beneficial use in 2013.

(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 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is east 1,050 feet east and 950 feet south of the NW corner of Section 21, T92N, R53W (NW ¼ NW ¼).

(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:

T92N, R53W Section 21	NW ¼ NW ¼	34 acres
	SW ¼ NW ¼	15 acres
	NE ¼ NW ¼	19 acres
	SE ¼ NW ¼	7 acres
	Total	75 acres

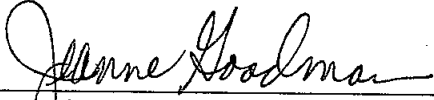
(4) Pursuant to South Dakota Water Law 46-5-30.1 Michael F Hauck, 2719 Falcon Court, Vermillion SD 57069 the holder and/or owner of Water Right No. 7382-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of July 12, 2012 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7382-3 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. 7382-3 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 by Hammond-Wetmore Drilling LLC in May, 2013. A copy of the well log is on file with the Water Rights Program.***

continued

- 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

MAR 22 2016

date



7382-3



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

January 20, 2023

NOTICE

TO: MICHAEL F HAUCK, 2719 FALCON CT, VERMILLION, SD 57069
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7382-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7382-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7382-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: DPGJQX**

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



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

February 1, 2023

7382-3

Michael F Hauck
2719 Falcon Ct
Vermillion SD 57069

Dear Mr. Hauck:

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

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 7382-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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