

WATER PERMIT NO. 7389-3

Name of Applicant: Wade A Larson

Address: 501 Oakmont Dr, Vermillion SD 57069

Phone: 605 670-1457

Amount of Water Claimed: 3.11 cfs

Total Acres: 328

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: 10 miles northwest of Vermillion

PRIORITY Date Received: 7-23-12

Application/License Fee: \$ 1,350.00

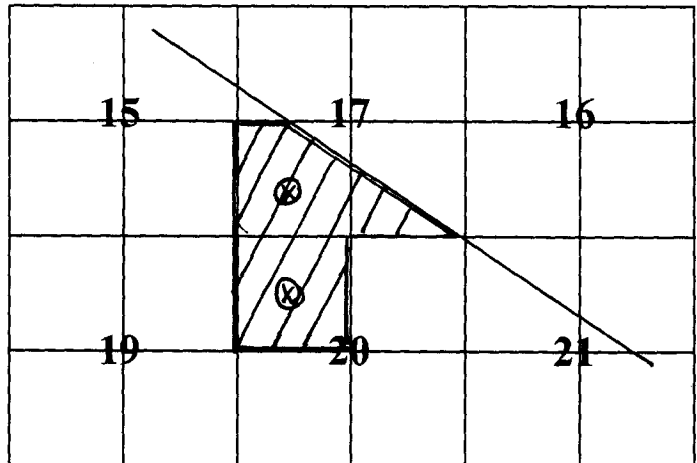
Corrected Application Received: 8-1-12

Period of Annual Use: June 1 – August 31

Remarks:

Diversion Point: centers of SW ¼ Sec 17 and NW ¼ Sec 20; all in T93N-R53W

Land to be Irrigated: SW ¼, S ½ SE ¼ Sec 17 and NW ¼ Sec 20; all in T93N-R53W



Depth of Well: 100 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Debbie Eiler, Clay Co PT

Reviewed and the Number Assigned on: 8-1-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

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

No. 7389-3 (office use only)
Hydrologic Unit 10170102
Basin Vermillion River 605-624-2695
Newspaper Plain Talk 201 W Cherry Vermillion 57069
Press & Dakotan 319 Walnut Garden 57078 605-665-7811

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JUL 23 2012

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant Wade A. LARSON Phone 605-670-1457
(check one) Owner ☐ Tenant/lessee ☐
Mailing Address 501 Oakmont Drive Vermillion SD 57069
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 3.11*CFS or 200**GPM ***AF Total Acreage 328
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Ground water (2 wells)
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County CLAY
approximate center SW1/4 Sec 17-T93N-R53W
approximate center NW1/4 Sec 20-T93N-R53W
5. County or counties where water will be used CLAY
6. Annual period during which water is to be used June 1 through August 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>17-93N-53W SW1/4 S1/2 SE1/4</u>	<u>173</u>		
<u>20-93N-53W NW1/4</u>	<u>155</u>		

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

IRRIGATION

STATE OF SOUTH DAKOTA)

County of CLAY)

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, Wade A. LARSON, 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 Wade A. Larson

Subscribed and sworn to before me this _____ day of _____ 20____



Heidi Christensen
Notary Public signature

My Commission Expires
September 19, 2012

**SOUTH DAKOTA
WATER PERMIT NO. 7389-3**

Date of first receipt of application July 23, 2012.

Date of return to applicant for corrections, amendments or changes July 23, 2012.

Date of receipt of corrected application August 1, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7389-3 to Wade A Larson, 501 Oakmont Dr, 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. 7389-3 to appropriate 3.11 cubic feet of water per second from two wells to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the approximate centers of the SW 1/4 Section 17 and NW 1/4 Section 20 for irrigation of 328 acres located in the SW 1/4, S 1/2 SE 1/4 Section 17 and NW 1/4 Section 20; all in T93N-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: June 1 – August 31.
3. The date from which applicant may claim right is July 23, 2012.
4. The date of approval of Permit No. 7389-3 is October 15, 2012.
5. One-fifth of the construction is to be completed on or before April 15, 2015.
6. All construction is to be completed on or before October 15, 2017.
7. Water is to be put to beneficial use on or before October 15, 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7389-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbe

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

OCT 29 2012

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16" Depth 180
- b) Casing Type PVC Diameter 16" Thickness SGR 26
- c) Screen Type PVC Diameter 16" Thickness SGR 26
- d) Gravel Pack Round Gravel Length of Gravel Pack 100'
- e) Depth to Top of Water Bearing Material 30'
- f) Depth to Water (ground surface to water level) 25'
- g) Distance to nearest existing domestic well:
- On applicant's property 1/4 mile 0 On property owned by others 1/4 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

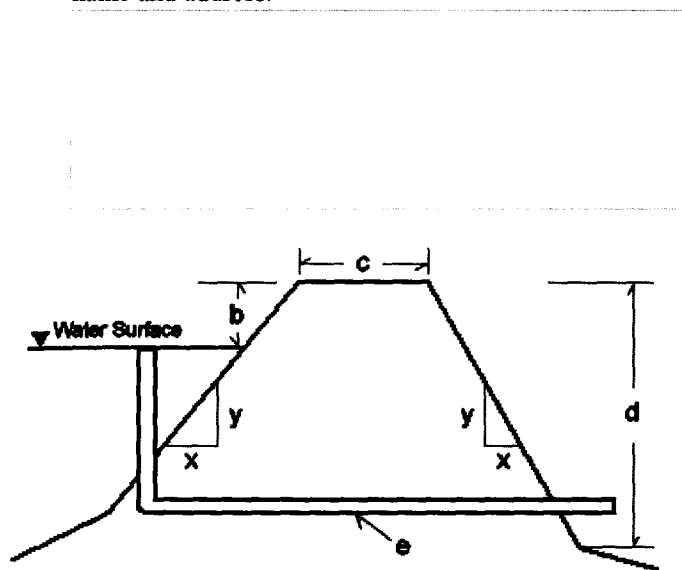
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



United States Department of Agriculture
Farm Service Agency

PLSS: 17_93N_53W
Farm: 5041

Clay County, SD

1:8,902



July 11, 2012

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.

Wetland Determination Identifiers
 ● Restricted Use
 ▼ Limited Restrictions
 ■ Exempt from Conservation Compliance Provisions

Common Land Units
 Non Cropland

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WATER RIGHTS PROGRAM

2010 Ortho-Photography - Not to Scale



United States Department of Agriculture
Farm Service Agency

PLSS: 20_93N_53W
Farm: 5041

Clay County, SD
1:8,906

July 11, 2012

RECEIVED
JUL 23 2012

Wetland Determination Identifiers

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

**WATER RIGHTS
PROGRAM**

- 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.

2010 Ortho-Photography - Not to Scale

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Aug 1, 20 12

RECEIVED OF 3WJ Farms, 31377 454th Ave. Mckinlay SD 57069

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

Fee for Application for Permit No. <u>7389-3</u> 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. _____		
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. **05510**

By Barclay Erdeler
Chief Engineer 1/5

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/23, 20 12

RECEIVED OF 3WJ Farms Wade Larson 31377 454th Ave Meckling SD 57069

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

Fee for Application for Permit No. <u>7389-3</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>7389-3</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. 05497

By [Signature]
Chief Engineer



DEPARTMENT of ENVIRONMENT
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PIERRE, SOUTH DAKOTA 57501-3182
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AUG - 1 2012

WATER RIGHTS
PROGRAM

July 23, 2012

Wade A Larson
501 Oakmont Drive
Vermillion SD 57069

Dear Mr. Larson:

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 lists the total acreage to be irrigated is 300 acres. In the section of the application where the acreage is broke down further, it lists 173 acres in Section 17 and 155 acres in Section 20; all in T93N-R53W. These two amounts total 328 acres. What is the total number of acres you are proposing to irrigate? Please make the necessary changes on the application. If you intend to irrigate the total 328 acres an additional \$100.00 will be required.

- Item No. 2, the amount of water claimed lists 1000 gallons per minute. Is this the amount from each well or a total diversion rate from both wells?

✓ Please complete item No. 6, the annual period during which water is to be used.

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

#2 ~~1000~~ 700 gallons per minute
on each well. There will
be two wells.

Thanks



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7389-3. Wade A Larson**

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. 7389-3, Wade A Larson, 501 Oakmont Drive, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7389-3 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7389-3 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
September 17, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7389-3
WADE A. LARSON
SEPTEMBER 3, 2012

Water Permit Application No. 7389-3 proposes to appropriate 3.11 cubic feet of water per second from two wells approximately 100 feet deep, to be completed into the Elk Point management unit of the Missouri aquifer. The wells are to be located in the approximate centers of the SW¼ Section 17 and the NW¼ Section 20, T93N-R53W. The water will be used to irrigate 328 acres located in the SW¼, S ½ SE¼ Section 17 and the NW¼ Section 20, T93N-R53W.

AQUIFER: Elk Point Management Unit of the Missouri aquifer (M:EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Missouri aquifer is an alluvium mantled glacial outwash deposit that is estimated to be 100-125 feet thick in this area (Stephens, 1967). The Elk Point management unit of the Missouri aquifer underlies approximately 74,500 acres of Clay County and extends into neighboring Yankton and Union Counties (Hedges and others, 1982). The Missouri: Elk Point contains an estimated 1,117,500 ac-ft of recoverable water in storage in Clay County alone (Hedges and others, 1982). The aquifer is hydraulically connected to the Vermillion and Missouri Rivers. Ground water movement in the Elk Point management unit is from northwest to southeast and locally toward the rivers. The aquifer is under unconfined conditions in this area.

SDCL 46-2A-9

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

WATER AVAILABILITY:

This application proposes to appropriate 656 acre-feet annually (ac-ft/yr) from the Missouri: Elk Point aquifer. Although the actual water use by this permit, if approved, will likely be less than 656 ac-ft/yr. 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 Elk Point management unit in Clay County occurs through direct penetration of precipitation, streamflow losses, upward leakage from the Dakota aquifer and subsurface inflow from adjacent areas. The quantity of recharge from each source is variable as "stream discharge,

ground-water discharge, local departures from normal precipitation, and long-term climatic fluctuations all influence the amount of recharge received" (Stephens, 1967). Average annual recharge has not been quantified for the Missouri: Elk Point aquifer.

The importance of the surface water/groundwater connection probably cannot be overstated. When the water levels in the aquifer are below the stages of the rivers, the aquifer is recharged by streamflow losses. In other words, groundwater levels are maintained by surface water. As Stephens (1967) states: "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." The Missouri: Elk Point aquifer in this area is ideally suited for the maintenance of groundwater levels through recharge from the Missouri River.

Withdrawals:

The Missouri: Elk Point aquifer is heavily appropriated with 50 Water Permits, 55 Water Rights and five Future Use Permits currently appropriating water from the aquifer in Clay County alone. Non-irrigation appropriations include one domestic water permit (.78 cfs); two water permits for Lewis & Clark RWS (22,165 ac-ft/yr); and four Water Rights for the City of Vermillion (4.462 cfs plus 1,161 ac-ft/yr). Future use permits from the Missouri: Elk Point reserve a total of 26,900 ac-ft/yr. In 2011, 89 irrigation water rights/permits appropriating a total of 34,722 ac-ft/yr, reported pumping a total of 1,802.64 ac-ft (Water Rights, 2012).

Observation Well Data:

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

The DENR-Water Rights Program monitors 37 observation wells completed into the M: EP, with four of these wells located within approximately 5.5 miles of the well sites proposed by this application (Water Rights, 2012a). Hydrographs for the nearby observation wells are shown in figures 1-4.

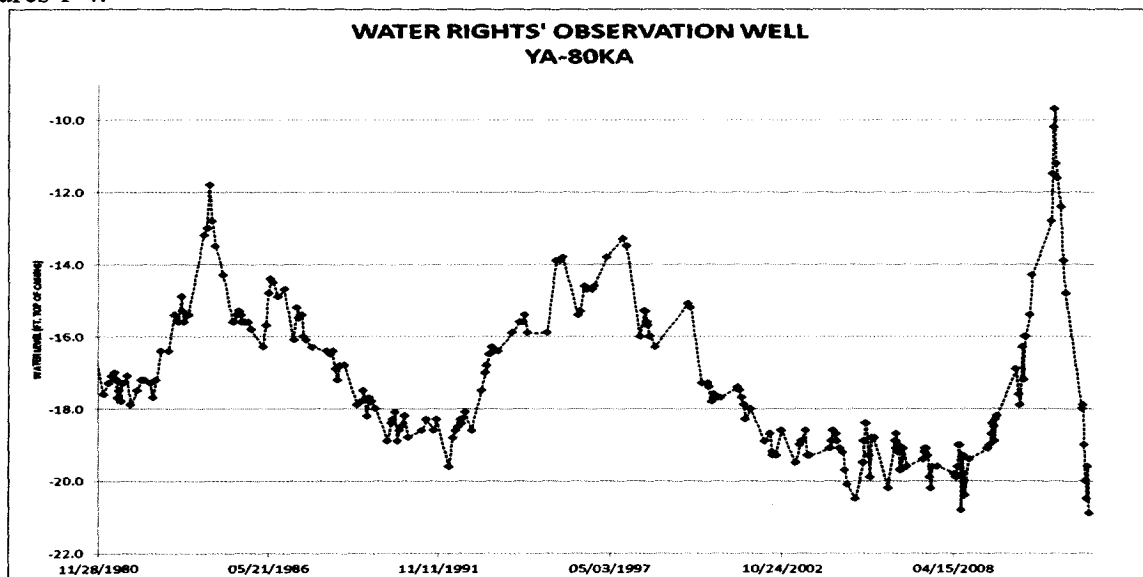


Figure 1. Hydrograph of DENR-Water Rights' Observation Well YA-80KA which is located approximately 3.5 miles southwest of the well sites proposed by Application No. 7389-3.

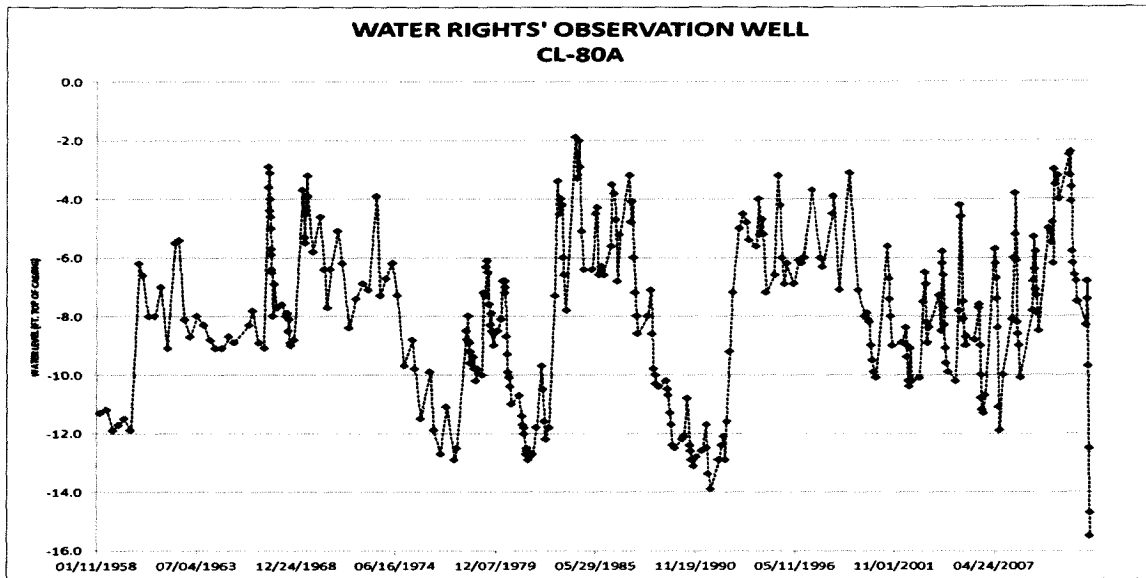


Figure 2. Hydrograph of DENR-Water Rights' Observation Well CL-80A which is located approximately 4.8 miles east-northwest of the well sites proposed by Application No. 7389-3.

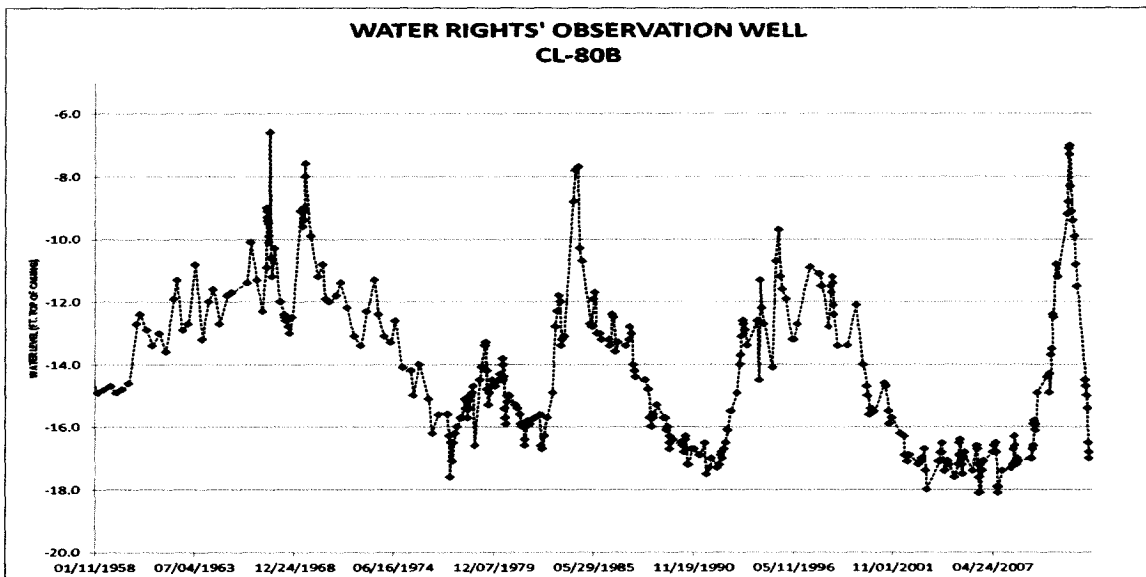


Figure 3. Hydrograph of DENR-Water Rights' Observation Well CL-80B which is located approximately 5.4 miles southeast of the well sites proposed by Application No. 7389-3.

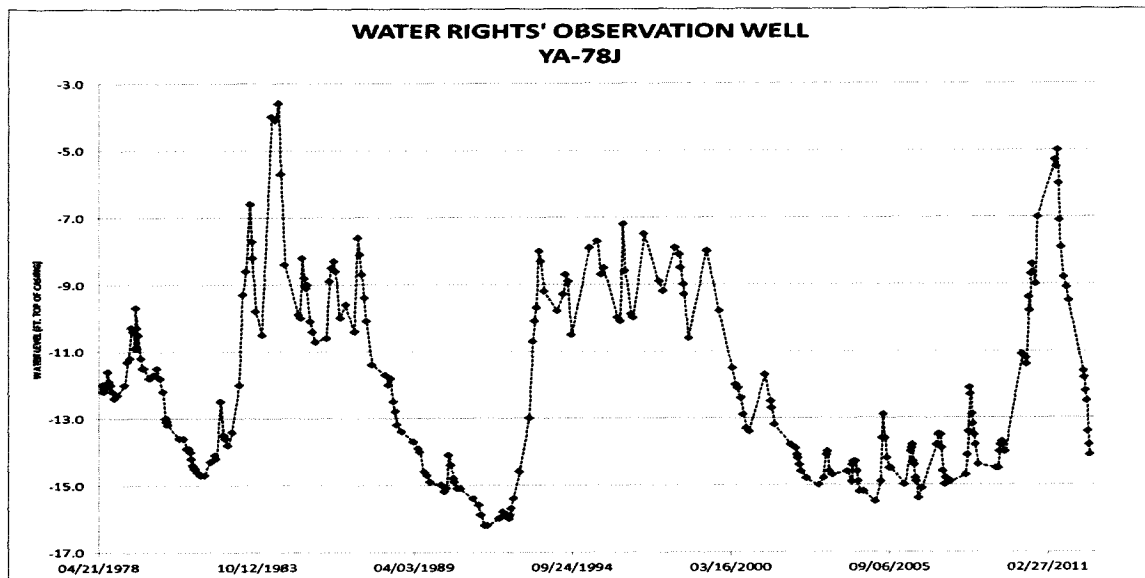


Figure 4. Hydrograph of DENR-Water Rights' Observation Well CL-80B which is located approximately 5.5 miles west-northwest of the well sites proposed by Application No. 7389-3.

A general downward trend of the water table of the Elk Point Management Unit of the Missouri aquifer can be seen in the data for observation wells located within a couple of miles of the Missouri River. Inserting a linear trend line to the observation well hydrograph (see figure 5) clearly demonstrates this decline.

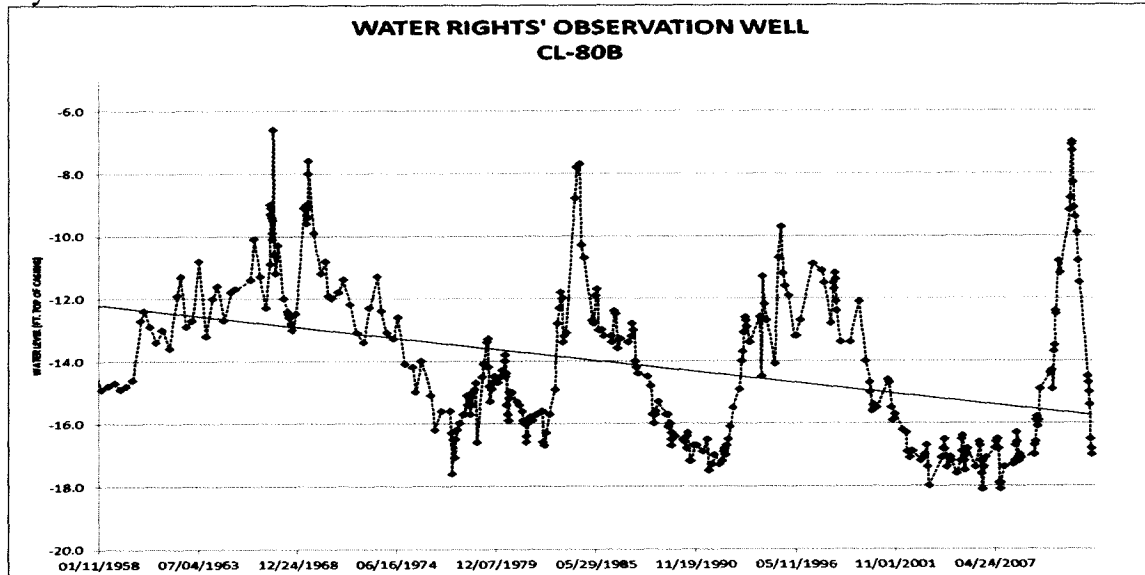


Figure 5. Hydrograph of DENR-Water Rights' Observation Well CL-80B, with linear trend line.

The lower water levels documented by the observation well data represents less water in storage in the aquifer. The gradual lowering of the water table has been attributed to: (a) the entrenching of the Missouri River (Goodman, 2007) or (b) the fact that controlled flows of the Missouri River eliminated most of the flooding that used to inundate the entire floodplain and raise the water table to or above land surface (Stephens, 1967). The lower water levels that have

occurred since the construction of Gavins Point Dam are probably caused by a combination of both factors cited above. Regardless of the cause, the declining water levels demonstrate the hydraulic connection between the aquifer and the Missouri River. The high flows in the Missouri River during the summer of 2011 are also very evident from the hydrograph. As stated earlier, groundwater levels are maintained by surface water. Increased ground-water discharge by wells would induce additional recharge from the rivers. The minimum discharge from Gavins Point dam is approximately 9,000 cfs (Rath). Even if all of the water appropriated from the Missouri: Elk Point aquifer was induced from the Missouri River it would be only a small percentage of the Missouri River flows. Therefore unappropriated water can be considered available for this appropriation.

EXISTING WATER RIGHTS:

Existing water rights/permits in the vicinity of the well proposed by this application are shown in figure 6.



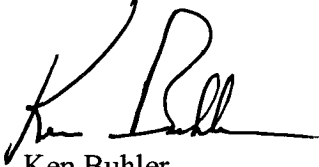
Figure 6. Water rights/permits in the vicinity of the well sites proposed by application no. 7389-3.

High specific capacity wells can be anticipated in this area and drawdown should not be substantial. Since the Missouri: Elk Point aquifer is under unconfined conditions, the drawdown cone will not be significant very far from the pumped well. This is apparent upon examination

of the hydrograph for observation well CL-80B (figures 3 and 5). Although the observation well is within one half mile of six irrigation wells and within about 1,000 feet of two irrigation wells, drawdown from the irrigation wells is not significant to the water levels in the observation well. The distance between the wells that Application No. 7389-3 proposes to use and wells supplying existing water rights/permits is sufficient to ensure that any well interference will not be adverse.

CONCLUSIONS:

1. Water Permit Application No. 7389-3 proposes to appropriate 3.11 cfs to irrigate 328 acres.
2. Approval of this application will result in the appropriation of an additional 656 ac-ft/yr from the Missouri: Elk Point aquifer, although the actual amount of water that will be used will be much less than appropriated.
3. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer for this proposed appropriation.
4. The diversion rate proposed by this appropriation should not adversely impact existing water rights.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Goodman, J.A., 2007, Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: SD DENR-Water Rights Program

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources 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

Rath, Mark. Natural Resources Engineering Specialist, SD DENR-Water Rights Program. Personal communication. 16 Aug. 2006

Stephens, J.C., 1967, Geology and Hydrology of Clay County South Dakota, South Dakota, Part II: Water Resources, SD Geological Survey Bulletin 19, 62 p.

Water Rights, 2012, "2011 Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 18, 2012

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7389-3 to Appropriate Water. Please publish the notice once on September 28, 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 Wade A Larson, 501 Oakmont Dr., Vermillion SD 57069 (Ph # 605-670-1457).

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

September 18, 2012

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7389-3 to Appropriate Water. Please publish the notice once on September 28, 2012. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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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.

September 18, 2012

Wade A Larson
501 Oakmont Dr
Vermillion SD 57069

Dear Mr. Larson:

Water Permit Application No. 7389-3 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.

Instruction to Newspaper - Publish the Notice on September 28, 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. 7389-3 to Appropriate Water

Notice is given that Wade A Larson, 501 Oakmont Dr, Vermillion SD 57069 has filed an application for a water permit to appropriate 3.11 cubic feet of water per second from two wells to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the approximate centers of the SW ¼ Section 17 and NW ¼ Section 20 for irrigation of 328 acres located in the SW ¼, S ½ SE ¼ Section 17 and NW ¼ Section 20; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7389-3 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 October 9, 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

OCT - 4 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
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. 7389-3 TO APPROPRIATE WATER

WADE A LARSON

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 28 DAY OF SEPTEMBER 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT **\$28.33** 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: 9/28/12

FILED ON: 9/28/12

NOTICE OF APPLICATION

NO. 7389-3 to Appropriate

Water

Notice is given that Wade A Larson, 501 Oakmont Dr, Vermillion SD 57069 has filed an application for a water permit to appropriate 3.11 cubic feet of water per second from two wells to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the approximate centers of the SW

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7389-3 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.

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Published once at the total approximate cost of \$28.33

Estimated publishing cost per published copy \$0.152

Published: September 28, 2012

Tera A. Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS

2nd

DAY OF

October

James S. H. H.
NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

RECEIVED
OCT - 1 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
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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 7389-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 28th DAY OF September 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
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BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
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HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 9/28/2012

FILED ON: 9/28/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 28th DAY OF September

2012

Eric Gronlund
NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

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Published once at the total approximate cost of \$26.49.

Water Rights Program - File Documentation

NAME: Wade A Larson

ADDRESS: Vermillion SD

DATE: 10-1-12 **COUNTY:** Clay **TELEPHONE:** 605 670-1457

RE: Publication in the Press and Dakotan

COMMENTS:

I called Wade Larson and explained because of an error in the legal description of the well locations as published in the Yankton Press & Dakotan, the notice was going to be published again on October 3. I also told him the date for petitions to be filed would now be October 15, 2012.



Karen Schlaak
Environmental Scientist

NOTICE OF APPLICATION NO. 7389-3 to Appropriate Water

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Published once at the total approximate cost of _____.

RECEIVED

OCT - 9 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
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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. 7389-3 (Larson)

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 3rd DAY OF October 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT \$26.15 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: 10/3/2012

FILED ON: 10/3/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3rd DAY OF October

2012

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

10+3

NOTICE OF APPLICATION
NO. 7389-3 to Appropriate Water

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Published once at the total approximate cost of \$26.15.

October 9, 2012

PAYMENT REQUEST FORM

PAYEE: Press & Dakotan
319 Walnut St
Yankton SD 57078

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Pub. Notice for 7389-3 W Larson

AMOUNT: \$26.15

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Gail Jacobson 10/9/12

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

RECEIVED

OCT - 9 2012

WATER RIGHTS
PROGRAM

Invoice

Yankton Daily Press & Dakotan

319 Walnut Street, ~~PO Box 111~~, Yankton, SD 57078

(For Office Use Only)

#10787

10/3/2012

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

Date	Description	Amount
10/3/2012	79 LINE LEGAL@\$.331/LINE	\$26.15

Total

\$26.15

NET DUE 10 DAYS
YOUR PROMPT PAYMENT IS APPRECIATED





**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

Wade A Larson
501 Oakmont Dr
Vermillion SD 57069

Dear Mr. Larson:

Enclosed is Water Permit No. 7389-3 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

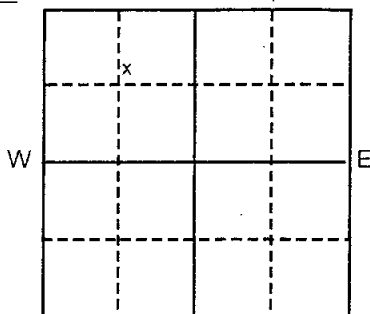
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NW 1/4 Sec 20 Twp 93N Rg 53WCounty Clay

North

Please mark well
location with an "X"

Well Completion Date

May 11, 2013

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

1,300.0 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	<u>16.00</u> IN	<u>0.0</u> FT	<u>88.0</u> FT	<u>22.00</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>20</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>80.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 20.0 FeetMaterial PVCSlot Size .050 Set From 88.0 Feet to 108.0 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 RequiredLab to which water
quality sample sent for analysisWell Owner: Wade Larson

Business Name:

Address: 31377 454th AveCity, State, Zip: Meckling SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Sandy Clay Mix	2	70
Clay Gravel Mix	70	88
Sand & Little Gravel	88	90
Sandy Gravel	90	108

STATIC WATER LEVEL 23.0 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

JUN 12 2013

WATER RIGHTS
PROGRAMThis 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: 6/2/13

SOUTH DAKOTA WATER WELL COMPLETION REPORT

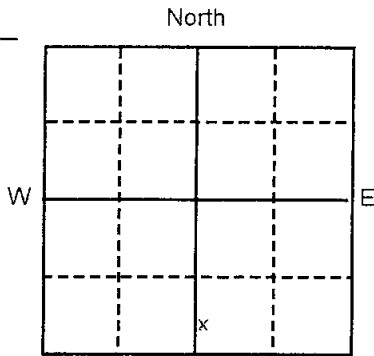
7389-3 SD FORM - 1021LD V1

11-02

Location SW 1/4 SE 1/4 Sec 17 Twp 93N Rg 53W

County CLAY

Please mark well location with an "X"



Well Completion Date

December 1, 2012

← 1 Mile →

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

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16.00</u> IN	<u>0.0</u> FT	<u>40.0</u> FT	<u>26.00</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>13</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>35.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 60.0 Feet

Material PVC

Slot Size .080 Set From 40.0 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 _____

Well Owner: Wade A. Larson

Business Name: _____

Address: 501 Oakmount Dr

City, State, Zip: Vermillion SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	8
Brown Clay	8	15
Sand	15	30
Glacial Till	30	73
Poorly Sorted Gravel	73	95
Rocks	95	100

STATIC WATER LEVEL 18.0 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

29.0 Ft. After 4.0 Hrs. pumped 700.0 GPM

39.5 Ft. After 6.5 Hrs. pumped 1,200.0 GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

APR 22 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]

Signature of Well Owner or Equitable Property Holder: _____

Date: 4/11/13



7389-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2015

NOTICE

TO: WADE A LARSON, PO BOX 376, VERMILLION, SD 57069 0376
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6642-3, 6770-3, 6900-3 & 7389-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 6642-3, 6770-3, 6900-3 & 7389-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** 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) 6642-3, 6770-3, 6900-3 & 7389-3 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 4, 2015** 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: <http://denr.sd.gov/iq.aspx>

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 ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 2015

Wade A Larson
PO Box 376
Vermillion SD 57069 0376

RE: Water Permit or Right Nos. 6642-3, 6770-3, 6900-3 & 7389-3

Dear Mr. Larson:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit or Right Nos. 6642-3, 6770-3, 6900-3 & 7389-3. 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,

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

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7389-3

I have this day, April 13, 2016, made a thorough examination of the water use system constructed by Wade A Larson, 501 Oakmont Dr, Vermillion SD 57069 of Permit No. 7389-3, bearing the priority of July 23, 2012 authorizing the diversion of 3.11 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, in Clay County.

Inspection contact & relationship **Wade A Larson, permit holder**
to permit holder, if applicable:

A. Works used to divert the water:

Well #1 Information (SW ¼ Sec 17-T93N-R53W):

- 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 40 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 60 feet
- 3) Static water level 18 feet

Pump:

- 1) Make Unknown
- 2) Model Submersible
- 3) Capacity 700 GPM

Motor:

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

Well #2 Information (NW ¼ Sec 20-T93N-R53W):

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells 1
- 3) Depth(s) 108 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 88 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 20 feet
- 3) Static water level 23 feet

Pump:

- 1) Make Unknown
- 2) Model Submersible
- 3) Capacity 700 GPM

Motor:

- 1) Make Unknown
- 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 2030 feet

Comments: See map for approximate location.

C. Works used to apply water to beneficial use:

Center pivot #1 (SW ¼ Sec 17-T93N-R53W):

- 1) Make Valley
- 2) Overall length 1110 feet
- 3) Number of towers 6
- 4) End gun Yes
- 5) Capacity 700

Center pivot #2 (SE ¼ SW ¼ & SW ¼ SE ¼ Sec 17-T93N-R53W):

- 1) Make Valley
- 2) Overall length 910 feet
- 3) Number of towers 5
- 4) End gun Yes
- 5) Capacity 700

Center pivot #3 (NW ¼ Sec 20-T93N-R53W):

- 1) Make Valley
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 700

Comments: Center Pivot's #1 & #2 fed from Well #1 are set up so that only one center pivot can be operated at a time.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, 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: Well #1-East 1150', North 1150' from SW Corner of Sec 17-T93N-R53W; Lat 42.86962/Long -97.13766; SW ¼ SW ¼ Sec 17-T93N-R53W;
Well #2-East 1350', South 1340' from NW Corner of Sec 20-T93N-R53W; Lat 42.86275/Long -97.13685; approximate center of NW ¼ Sec 20-T93N-R53W.

Report of Examination of Works

Permit No. 7389-3

2. The works are capable of diverting and conveying to the place of use 3.11 cfs or 1400 gpm of water from two wells which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Sec 17-T93N-R53W.

NW ¼ SW ¼ - 25 ac

SW ¼ SW ¼ - 34 ac

SW ¼ SE ¼ - 26 ac

Sec 20-T93N-R53W.

NW ¼ NW ¼ - 28 ac

SW ¼ NW ¼ - 34 ac

NE ¼ SW ¼ - 15 ac

SE ¼ SW ¼ - 37 ac

NE ¼ NW ¼ - 34 ac

SE ¼ NW ¼ - 33 ac

comprising a total of 266 acres of land and the license should be issued for 3.11 cfs or 1400 gpm from two wells.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project:

Permit holder stated that S ½ NW ¼ Sec 20-T93N-R53W was owned by Charles Amant and they irrigate for him and his renter.

Three acres in SE ¼ SW ¼ Sec 17-T93N-R53W are overlapped by Center Pivot's #1 & #2.

Harold Holoch

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

Date report completed: August 12, 2016

**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

2-13-16

FROM: Wade A. LARSEN
(name)

501 walnut Drive
(address)

Vermillion SD 57069
(city) (state) (zip)

670-1454
(phone)

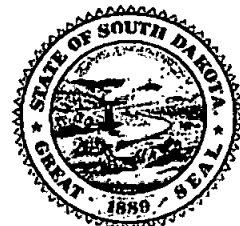
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7389-3 states that the water use system is to be constructed by
October 15, 2017, and water is to be put to beneficial use by October 15, 2021
(date) (date)

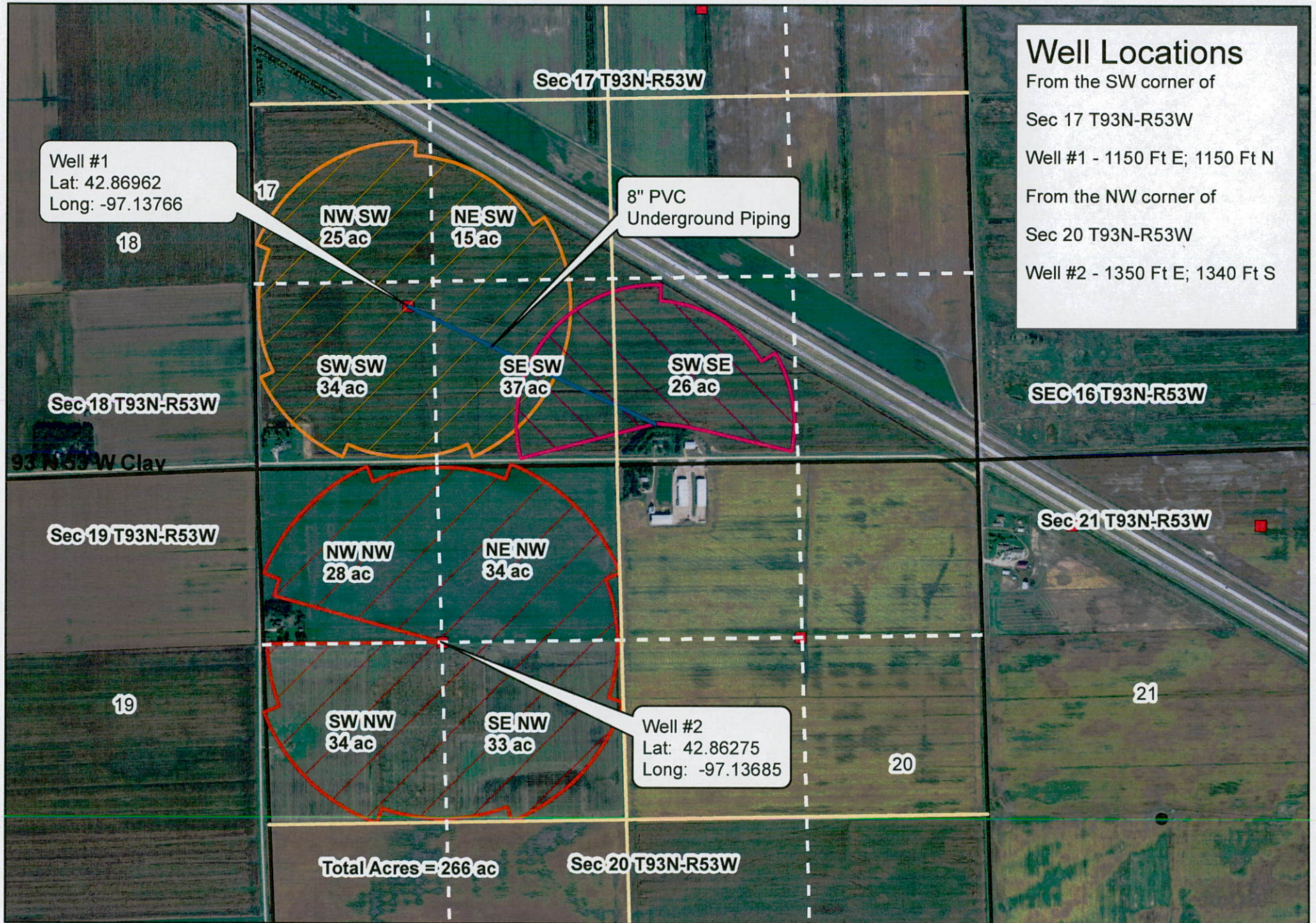
The water use system was completed on May 2013
(date)

Applying the water to beneficial use was completed on MAY 2013
(date)

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



7389-3



Well Locations

From the SW corner of

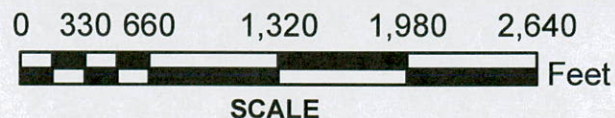
Sec 17 T93N-R53W

Well #1 - 1150 Ft E; 1150 Ft N

From the NW corner of

Sec 20 T93N-R53W

Well #2 - 1350 Ft E; 1340 Ft S



Harold Holoch

Harold Holoch, PE
Water Rights Inspector
August 11, 2016



7389-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

6900-3
7389-3

OCT 11 2016

Wade A Larson
PO Box 376
Vermillion SD 57069

Dear Mr. Larson:

Enclosed are Water License Nos. 6900-3 and 7389-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with the licenses are maps prepared by the staff engineer who conducted the investigations.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 6900-3 and 7389-3, 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 Licenses, 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. 7389-3

(1) Wade A Larson, PO Box 376, Vermillion SD 57069 made Application No. 7389-3, July 23, 2012 for a water permit to divert 3.11 cubic feet of water per second from two wells – Missouri:Elk Point Aquifer, Yankton County, South Dakota for irrigation purposes. Permit No. 7389-3, with a priority date of July 23, 2012 was approved October 15, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 15, 2017 and for the application to beneficial use of water on or before October 15, 2021.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on April 13, 2016. The *Notice* stated the diversion system was completed and water placed to beneficial use in May, 2013.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 7389-3 is issued a license, bearing a priority date of July 23, 2012 to appropriate 3.11 cubic feet of water per second from two wells – Missouri:Elk Point Aquifer to irrigate 266 acres.

The diversion points are located:

Well #1 – 1,150 feet E and 1,150 feet N from the SW corner Section 17-T93N-R53W (SW 1/4 SW 1/4)

Well #2 – 1,350 feet E and 1,340 feet S from the NW corner Section 20-T93N-R53W (approx. center of NW 1/4)

The acres authorized for irrigation are as follows:

Section 17-T93N-R53W		Section 20-T93N-R53W	
NW 1/4 SW 1/4	25 acres	NW 1/4 NW 1/4	28 acres
SW 1/4 SW 1/4	34 acres	SW 1/4 NW 1/4	34 acres
SE 1/4 SW 1/4	37 acres	SE 1/4 NW 1/4	33 acres
NE 1/4 SW 1/4	15 acres	NE 1/4 NW 1/4	34 acres
SW 1/4 SE 1/4	26 acres		

Total 266 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7389-3 including the following qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 7389-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The wells were drilled by Hammond Wetmore Drilling. Copies of the logs are 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

OCT 11 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2017

NOTICE

TO: WADE A LARSON, PO BOX 376, VERMILLION, SD 57069 0376

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6642-3, 6770-3, 6900-3 & 7389-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 6642-3, 6770-3, 6900-3 & 7389-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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:

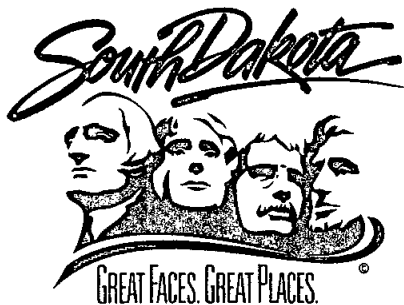
1. Suspend or cancel Permit No(s) 6642-3, 6770-3, 6900-3 & 7389-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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 1, 2017** 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: <http://denr.sd.gov/iq.aspx>

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.

7389-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 15, 2017

Wade A Larson
PO Box 376
Vermillion SD 57069 0376

RE: Water Right Nos. 6642-3, 6770-3, 6900-3 & 7389-3

Dear Mr. Larson:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 6642-3, 6770-3, 6900-3 & 7389-3. 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,

A handwritten signature in cursive script that reads "Genny McMath".

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

7389-3

DAVENPORT EVANS LAWYERS

DAVENPORT, EVANS, HURWITZ & SMITH, LLP

206 WEST 14TH STREET • P.O. BOX 1030 • SIOUX FALLS, SOUTH DAKOTA 57105-0930
T: (605) 336-2880 • F: (605) 335-3639 • WWW.DEHS.COM

RECEIVED

JUL 21 2017

**WATER RIGHTS
PROGRAM**

July 19, 2017

KYLE J. GROTELUSCHEN
Direct Dial: 605-357-1246
E-mail: kgrote@dehs.com

PMB 2020
DENR – Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Re: Transfer of Water Permits

Greetings:

Enclosed are two Notice of Transfer of Ownership forms regarding Permit Nos. 6642-3 and 7389-3. Also enclosed is our firm check in the amount of \$100.00 in payment of the required filing fees.

We would note that the Notice of Transfer of Ownership for permit 7389-3 pertains only to the well located in Section 20, and the permit should be split as previously discussed with Eric Gronlund during our June 19, 2017 telephone call regarding the same. As we understand the Section 17 land will remain the property of the original permit holder Wade Larson.

If you have questions or concerns regarding either notice, or the request to split the 7389-3 permit feel free to contact me on my direct line (605)357-1246.

Sincerely yours,



KYLE J. GROTELUSCHEN
For the Firm

KJG/mmk
Enclosures

Cc: Jay Girotto
Bob Hayes



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 02 2017

7389-3
7389B-3

Jay Girotto
DGL Farmland Holdings GP
18 Crescent Key
Bellevue WA 98006

Dear Mr. Girotto:

Enclosed is Water License No. 7389B-3.

On July 21, 2017, an ownership change was filed with Water Right No. 7389-3. Based on the ownership change, the water license was divided and reissued to reflect separate ownership as follows:

- **No. 7389A-3 – Wade A Larson, PO Box 376, Vermillion SD 57069** authorizing diversion of 1.60 cfs from one well located in the SW ¼ SW ¼ Section 17 to irrigate 137 acres in the SW ¼ and SW ¼ SE ¼ Section 17, T93N, R53W;
- **No. 7389B-3 – DGL Farmland Holdings, GP, 18 Crescent Key, Bellevue WA 98006** authorizing diversion of 1.51 cfs from one well located in the approximate center of the NW ¼ Section 20 to irrigate 129 acres located in the NW ¼ Section 20, T93N, R53W.

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.

The receipt for the filing fee is being forwarded by copy of this letter to Davenport, Evans, Hurwitz & Smith LLC in Sioux Falls SD. If you have any questions, please contact our office.

Sincerely,

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

enclosures

c: Kyle J Groteluschen w/Davenport, Evans, Hurwitz & Smith LLP w/Receipt No. 08307

ATTACHMENT TO WATER RIGHT NO. 7389-3

Water Right No. 7389-3, with a priority date of July 23, 2012, authorizes diversion of 3.11 cfs from two wells located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17 and approximate center of the NW $\frac{1}{4}$ Section 20 to irrigate 266 acres located in the S $\frac{1}{2}$ Section 17 and the NW $\frac{1}{4}$ Section 20, all in T93N, R53W.

On July 21, 2017, an ownership change was filed with Water Right No. 7389-3 to transfer the land located in the NW $\frac{1}{4}$ Section 20, T93N, R53W to DGL Farmland Holdings, GP. Based on the ownership change, the water license was divided and reissued to reflect separate ownership as follows:

- **No. 7389A-3 – Wade A Larson, PO Box 376, Vermillion SD 57069** authorizing diversion of 1.60 cfs from one well located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17 to irrigate 137 acres in the SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T93N, R53W;
- **No. 7389B-3 – DGL Farmland Holdings, GP, 18 Crescent Key, Bellevue WA 98006** authorizing diversion of 1.51 cfs from one well located in the approximate center of the NW $\frac{1}{4}$ Section 20 to irrigate 129 acres located in the NW $\frac{1}{4}$ Section 20, T93N, R53W.