

WATER PERMIT NO. 7399-3

Name of Applicant: Pat Walsh

Address: 47844 Co Rd 1B, Elk Point SD 57025 Phone: 605 356-2762

Amount of Water Claimed: 2.67 cfs Total Acres: 280 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 2 miles southeast of Jefferson

PRIORITY Date Received: 8-17-12 Application/License Fee: \$ 1,250.00

Corrected Application Received: Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: on the quarter line between the
NW ¼ and the SW ¼ Sec 28-T90N-R48W

Land to be Irrigated: NW ¼, N ½ SW ¼ Sec 28
and SE ¼ SE ¼ Sec 29; all in T90N-R48W

Depth of Well: 120 feet deep

Well Driller:

Remarks:

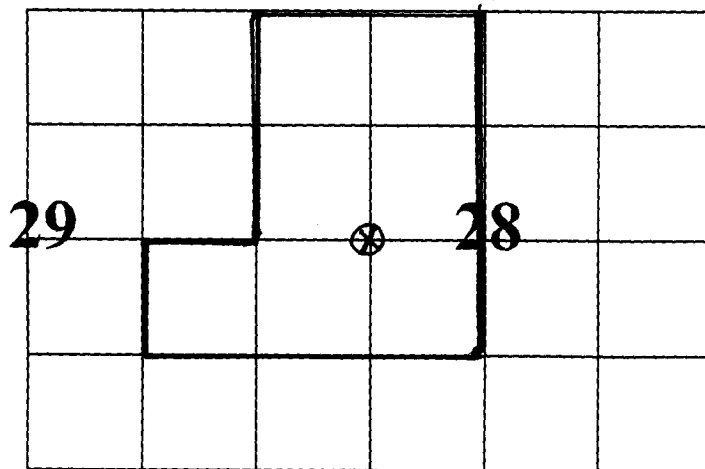
Type of Map: aerial

Prepared by: Racheal Kirkebee, Union Co FSA

Reviewed and the Number Assigned on: 8-20-12

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

(office use only)
No. 7399-3 Hydrologic Unit 10170203
Basin Lower River 605-356-2632
Newspaper Leader-Courier P.O. Box 310 Elk Point 57025
Press & Democrat 319 Walnut Yankton 57078 605-665-7811

RECEIVED

AUG 17 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.)

- Name of Applicant Pat Walsh Phone 605-356-2762
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 47844 Co. Rd. 1B Elk Point State SD 57025
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.67 *CFS or 1,200 **GPM ***AF Total Acreage 280
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County Union
1 well 1/4 mile east of the NW corner of the N 1/2 of the SW 1/4 section 28 90-48
- County or counties where water will be used Union
- Annual period during which water is to be used April 1 to September 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 NW 1/4 sec 28 90-48	40	NW 1/4 SW 1/4 sec 28 90-48	40
NE 1/4 NW 1/4 sec 28 90-48	40	NE 1/4 SW 1/4 sec 28 90-48	40
SW 1/4 NW 1/4 sec 28 90-48	40		
SE 1/4 NW 1/4 sec 28 90-48	40	NE 1/4 SE 1/4 sec 29 90-48	40

- Give a description of the project. (Attach sheet if more space is needed)
The water will be used to irrigate crop producing farm ground.

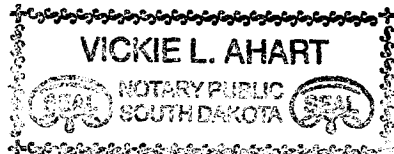
STATE OF SOUTH DAKOTA) SS
County of Union

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

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

Applicant's signature Pat Walsh

Subscribed and sworn to before me this 14th day of August 20 12



Vickie L. Ahart

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7399-3**

Date of first receipt of application August 17, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7399-3 to Pat Walsh, 47844 County Rd 1B, Elk Point SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7399-3 appropriates 2.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located on the quarter line between the NW 1/4 and the SW 1/4 Section 28 for irrigation of 280 acres located in the NW 1/4, N 1/2 SW 1/4 Section 28 and the NE 1/4 SE 1/4 Section 29; all in T90N-R48W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is August 17, 2012.
4. The date of approval of Permit No. 7399-3 is December 3, 2012.
5. One-fifth of the construction is to be completed on or before June 3, 2015.
6. All construction is to be completed on or before December 3, 2017.
7. Water is to be put to beneficial use on or before December 3, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

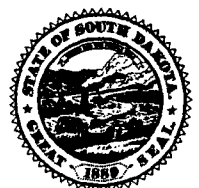
QUALIFICATIONS

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. 7399-3 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

JAN 07 2013
date



Supplemental Information

(type or print in ink)

Pat Walsh

8-14-12

1. Well Information (Proposed Construction)

- a) Drill Hole Diameter 24" Depth 120'
- b) Casing Type PVC Diameter 16" Thickness Sch 40
- c) Screen Type PVC Diameter 16" Thickness Sch 40
- d) Gravel Pack pea gravel Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 70'
- f) Depth to Water (ground surface to water level) 19'
- g) Distance to nearest existing domestic well:
- On applicant's property None On property owned by others 3/8 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

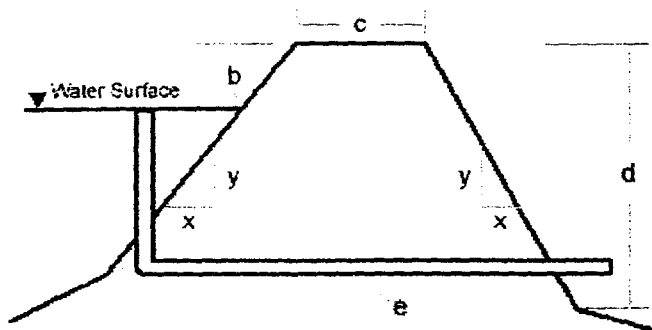
3. Dugout Information

- 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

Pat Walsh 8-14-12



USDA - Farm Service Agency
Union County, SD

28-90N-48W

1:8,708

May 22, 2007

N



Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

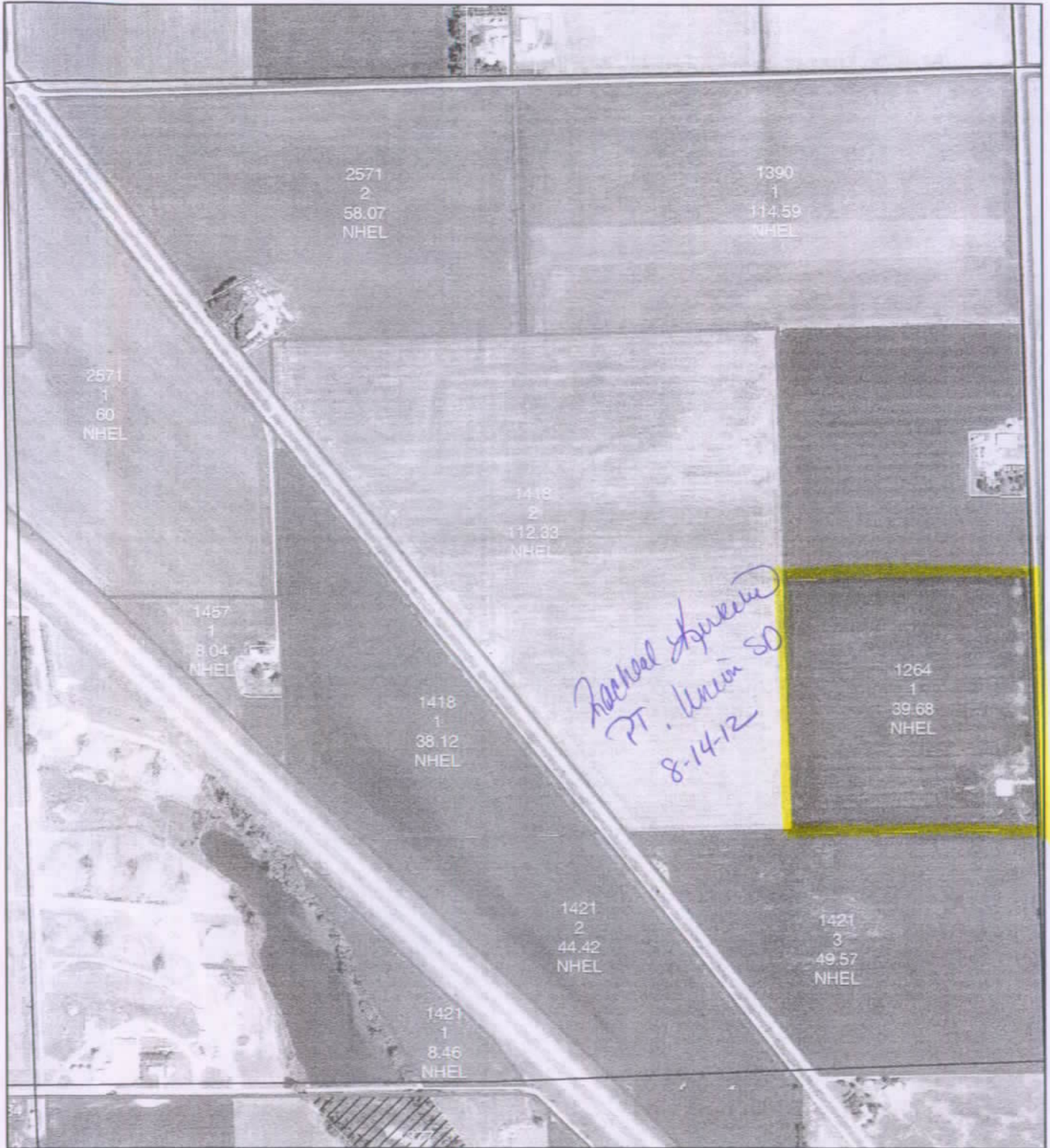
Wetland Determination Identifiers

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

USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

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.

Pat Skelton 8-14-12



USDA - Farm Service Agency **Union County, SD**

29-90N-48W

1:8,723

May 22, 2007

N



Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

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

USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

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.

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 8/20, 20 12

RECEIVED OF z Pat Walsh 47804 Co Rd1B Elk Point SD 57025

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

Fee for Application for Permit No. <u>7399-3</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>7399-3</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. **05537**

By

David Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7399-3, Pat Walsh**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7399-3, Pat Walsh, 47844 Co Rd 1B, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7399-3 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. 7399-3 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
October 24, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7399-3
PAT WALSH
OCTOBER 24, 2012

Water Permit Application No. 7399-3 proposes to appropriate up to 560 acre-feet annually at a maximum diversion rate of 2.67 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 120 feet deep and is to be located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T90N-R48W. This permit application proposes to irrigate 280 acres located in the NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 28, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29; all in T90N-R48W in Union County.

AQUIFER: Missouri: Elk Point (M: EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Missouri: Elk Point aquifer is generally a non-buried outwash (sand and gravel) aquifer that is predominately under unconfined conditions in Union County, but is under artesian conditions in the area of this application. The aquifer underlies approximately 115,200 acres and contains an estimated 1.5 million acre-feet of water in storage in Union County (Niehus, 1994). The aquifer is hydraulically connected to and is recharged from the Lower Vermillion-Missouri aquifer at the northern boundary of the aquifer and the Big Sioux aquifer in the extreme northeastern boundary of the aquifer (Niehus, 1994). Recharge to the Missouri: Elk Point aquifer also comes from 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 Missouri and Big Sioux rivers during periods of low flow and stage (Niehus, 1994). Niehus (1994) also indicated that chemical analysis indicates that there is a hydraulic connection between the Missouri: Elk Point and Dakota aquifers. The aquifer is approximately 60 feet thick in the area of this application (Water Rights, 2012c).

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 560 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 560 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 aquifer from the rivers is regulated by flow and stage of the rivers. Due to the hydraulic connection to the Missouri River and Big Sioux River, if there is flow in the rivers there will be water in the aquifer. Hedges and others (1985) estimated through observation well analysis that the recharge rate of the Missouri: Elk Point to be approximately 3.8 in/yr. Estimated average annual recharge to the Missouri: Elk Point aquifer in Union County is 36,480 ac-ft.

Withdrawals:

There are 289 water rights/permits appropriating water from the Missouri: Elk Point aquifer in Union County on record with the SD-DENR Water Rights Program. The non-irrigation appropriations consist of one recreational, two industrial, three commercial, and four municipal appropriations. The estimated annual withdrawal by the non-irrigation appropriations is 4,735.61 acre-feet. This estimation assumes water is being withdrawn from the aquifer 14.4 hours per day (60 percent) at the maximum allowed diversion rate. Water withdrawal from the Missouri: Elk Point aquifer for irrigation, as reported to the DENR- Water Rights Program through annual irrigation questionnaires, is shown in table 1.

YEAR	NO. OF PERMITS REPORTING	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2011	272	100120.6	7289.7
2010	267	99102.6	1518.01
2009	264	98914.6	3214.82
2008	261	97230.6	6141.62
2007	257	95974.6	18817.78
2006	256	95252.6	18149.43
2005	251	94321.6	17322.40
2004	244	92572.0	16550.28
2003	240	91692.0	19653.00
2002	241	92346.0	15353.97
2001	242	93065.6	12284.62
2000	240	93320.4	20369.10
1999	240	93873.8	10741.15
1998	244	96201.8	7259.62
1997	237	94643.0	11404.00
1996	229	92881.0	5121.58
1995	226	90563.5	13798.95
1994	226	90715.5	7721.45
1993	230	93782.3	1145.20
1992	228	94037.9	1010.60
1991	230	95168.9	11601.60
1990	230	95368.9	12730.50
1989	226	93847.9	18658.20
1988	217	91983.7	22195.30
1987	215	91589.9	9082.00
1986	214	91644.9	3191.30
1985	214	92248.9	10087.30
1984	215	93008.9	5746.30
1983	209	90199.3	6520.91
1982	208	91601.8	15262.81
1981	227	100079.0	8772.00
1980	210	94502.0	10296.00
1979	206	92923.0	7454.00
Average	233.8	94084.2	10801.98
Maximum	272	100120.6	22195.30
Minimum	206	90199.3	1010.60

Table 1- Irrigation Water Use from the Missouri: Elk Point aquifer from Union County (Water Rights 1979-2012).

Total average annual withdrawal, including estimated non-irrigation use, is 15,537.59 acre-feet per year for the Missouri: Elk Point aquifer in Union County. The difference between estimated annual recharge and estimated average annual withdrawal is 20,942.41 ac-ft. Therefore there is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer in Union County.

Observation Well Data:

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

The DENR-Water Rights Program monitors 25 observation wells located into the Missouri: Elk Point aquifer in Union County (Water Rights, 2012a). The nearest well, UN-87B, is two miles northwest of the proposed well location. Water levels in the observation well show good response to climatic conditions. The water levels rise (recharge) during wet years and gradually decline during dry years. Observation well UN-87B does show the effects 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 is the hydrograph for observation well UN-87B.

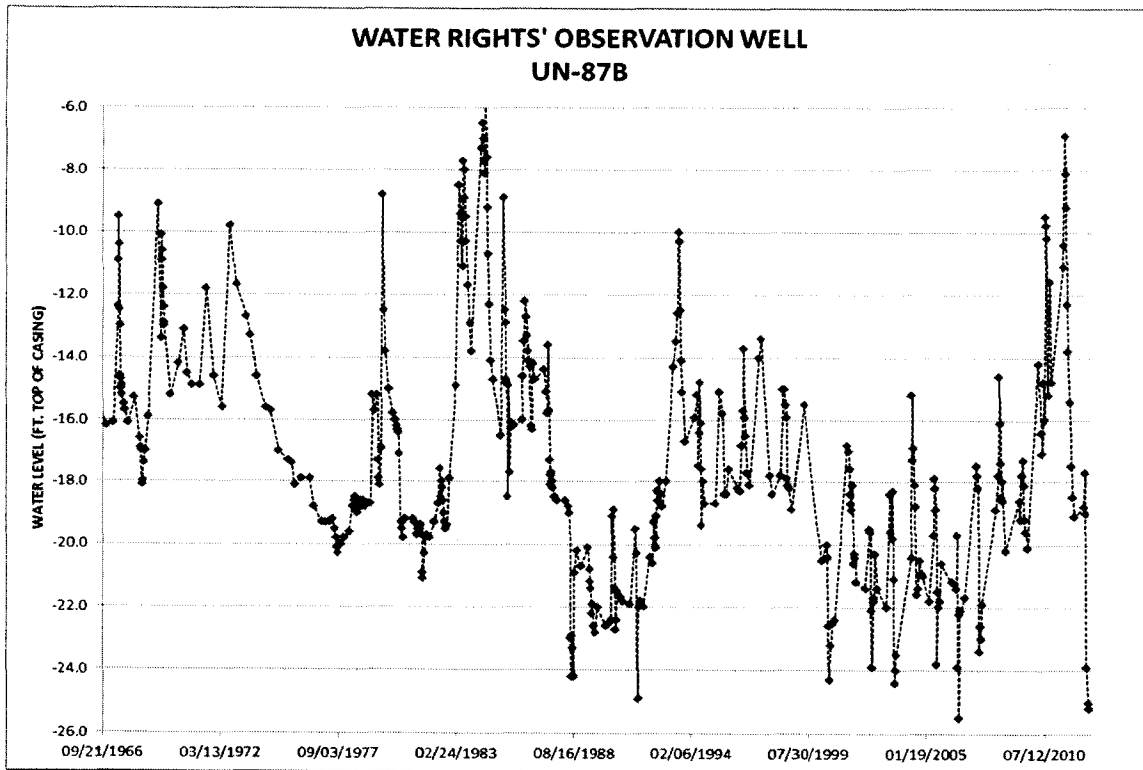


Figure 1- Hydrograph of DENR-Water Rights' observation well UN-87B, located approximately two miles northwest of the proposed well location (Water Rights, 2012a).

EXISTING WATER RIGHTS:

There are four water rights/permits with wells appropriating water from the Missouri: Elk Point aquifer located within one mile of the proposed well location and none are closer than one-half mile. There are also six domestic wells within one mile withdrawing from the Missouri: Elk Point aquifer. The Missouri: Elk Point is very prolific and well interference has not historically been an issue in the immediate area of this application. Interference at these distances should not be an issue if this application is approved.

Permit No.	Name	Status	Type	CFS	Acres
3451C-3	Ivan Mollet	PE	IRR	0.57	40
4585-3	JFR-INV-LTD LLC	LC	IRR	2.38	167
6630-3	Lynn R. Mollet	PE	IRR	0.86	60
6956-3	Joseph W. Trudeau	PE	IRR	2	180
PE= Water Permit, LC= Water Right, IRR= Irrigation					

Table 2- Water rights/permits that authorize wells within one mile of the proposed well location (Water Rights, 2012b).

CONCLUSIONS:

1. This application proposes to appropriate 560 acre-feet annually for the irrigation of 280 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. J. Allen, and D.E. Holly. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- Niehus, C.A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. U.S. Geological Survey. Water-Resources Investigations Report 93-4195. Rapid City, South Dakota.
- Water Rights. 1979-2012. "1979-2011 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.
- Water Rights. 2012c. Water Well Completion Report. 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

October 25, 2012

Daily Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7399-3 to Appropriate Water. Please publish the notice once on November 1, 2012. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Pat Walsh, 47844 Co Rd 1B, Elk Point SD 57025 (Ph # 605-356-2762).

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

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund

Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 2012

Leader- Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7399-3 to Appropriate Water. Please publish the notice once on November 1, 2012. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Pat Walsh, 47844 Co Rd 1B, Elk Point SD 57025 (Ph # 605-356-2762).

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

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 25, 2012

Pat Walsh
47844 Co Rd 1B
Elk Point SD 57025

Dear Mr. Walsh:

Water Permit Application No. 7399-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Leader Courier printed at Elk Point SD (Ph # 605-356-2632) and the Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on November 1, 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. 7399-3 to Appropriate Water

Notice is given that Pat Walsh, 47844 Co Rd 1B, Elk Point SD 57025 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located on the quarter line between the NW 1/4 and the SW 1/4 Section 28 for irrigation of 280 acres located in the NW 1/4, N 1/2 SW 1/4 Section 28 and the NE 1/4 SE 1/4 Section 29; all in T90N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7399-3 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 November 12, 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

NOV - 7 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
Application No. 7399-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE **1st** DAY OF **November** 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT **\$25.82** 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: **11/1/2012**

FILED ON: **11/2/2012**

SUBSCRIBED AND SWORN TO BEFORE ME THIS **2nd** DAY OF **November**

NOTARY PUBLIC, SOUTH DAKOTA

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

2012

11+1
NOTICE OF APPLICATION
NO. 7399-3 to Appropriate Water

Notice is given that Pat Walsh, 47844 Co Rd 1B, Elk Point SD 57025 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located on the quarter line between the NW 1/4 and the SW 1/4 Section 28 for irrigation of 280 acres located in the NW 1/4, N 1/2 SW 1/4 Section 28 and the NE 1/4 SE 1/4 Section 29; all in T90N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7399-3 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 November 12, 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 \$25.82.

AFFIDAVIT OF PUBLICATION

RECEIVED

State of South Dakota)

NOV 13 2012

:ss

County of Union)

WATER RIGHTS
PROGRAM

Kelly Kruithoff,

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

The Leader-Courier

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

Notice of Application

No. 7399-3

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

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

on Thursday, the 8 day of November, 2012

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

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

\$ 26.78, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Kelly Kruithoff
Subscribed and sworn to before me

this 8 day of November, 2012

My commission expires 6-21-17

[Signature]

Notary Public

NOTICE OF APPLICATION NO. 7399-3 TO APPROPRIATE WATER

Notice is given that Pat Walsh, 47844 Co. Rd. 1B, Elk Point, SD 57025 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second from one well to be completed into the Missouri: Elk Point Aquifer (120 feet deep) located on the quarter line between the NW1/4 and the SW1/4 Section 28 for irrigation of 280 acres located in the NW1/4, N1/2SW1/4 Section 28 and the NE1/4SE1/4 Section 29; all in T90N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7399-3 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 November 12, 2012.

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

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

Publish November 8, 2012

Published once at the total approximate cost of \$26.78

45-2-72



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

November 14, 2012

Pat Walsh
47844 Co Rd 1B
Elk Point SD 57025

Dear Mr. Walsh:

The Notice of Application No. 7399-3 and Application No. 7407-3 for irrigation published in the Elk Point Leader-Courier were published a week later than the date we requested. At the end of the third paragraph there is a date for any person to file a petition. Since the notice was published on November 8 instead of November 1, the petition date was incorrectly listed as November 12th. The date should have been a week later November 19th. Therefore, the notice needs to be readvertised to correct the error to ensure your water permits are free from any legal entanglements due to insufficient public notice.

The Leader-Courier has been instructed to publish the notices again on November 22, 2012 with the date for submittal of petitions being December 3, 2012. The notices in the Yankton Press & Dakotan were correct.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

NOTICE OF APPLICATION NO. 7399-3 to Appropriate Water

Notice is given that Pat Walsh, 47844 Co Rd 1B, Elk Point SD 57025 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located on the quarter line between the NW 1/4 and the SW 1/4 Section 28 for irrigation of 280 acres located in the NW 1/4, N 1/2 SW 1/4 Section 28 and the NE 1/4 SE 1/4 Section 29; all in T90N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7399-3 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 December 3, 2012.

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

Schlaak, Karen

From: G5 <leader1@iw.net>
Sent: Tuesday, November 13, 2012 1:52 PM
To: Schlaak, Karen
Subject: Re: Notices to be published again on November 22

Karen - I received all 4 notices and have them logged to run one time Nov. 22. Again, I apologize for my errors. I can only say the election and all the ads turned my brain to mush, but it's recovering!

Susan Odson
Southern Union County Leader-Courier

On Nov 13, 2012, at 1:31 PM, Schlaak, Karen wrote:

Susan,

Attached are the notices I talked with you about. The two notices for Pat Walsh (7399-3 and 7407-3) were published a week later than requested. The notices for Virgil Mollet (7409-3) and Eugene Mollet (7410-3) were published on the right day, but contained an error in the date listed at the end of the third paragraph.

These notices should be published next week, November 22, 2012. As usual, send me the affidavits ASAP.

Let me know if you have questions.

Thanks,

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

<7399-3public.short.docx><7407-3public.short.docx><7409-3public.short.docx><7410-3public.short.docx>

AFFIDAVIT OF PUBLICATION

RECEIVED

State of South Dakota)

NOV 26 2012

:SS

County of Union)

WATER RIGHTS
PROGRAM

Kelly Kruithoff,

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

The Leader-Courier

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

Notice of Application No. 7399-3

to Appropriate Water

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

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

on Thursday, the 22 day of November, 2012

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

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

\$ 26.78, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Kelly Kruithoff

Subscribed and sworn to before me

this 22 day of November, 2012

My commission expires 6-21-17

SOUTH DAKOTA
NOTARY PUBLIC
SOUTH DAKOTA

[Signature]

Notary Public

NOTICE OF APPLICATION

NO. 7399-3

TO APPROPRIATE WATER .

Notice is given that Pat Walsh, 47844 Co Rd 1B, Elk Point SD 57025 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located on the quarter line between the NW 1/4 and the SW 1/4 Section 28 for irrigation of 280 acres located in the NW 1/4, N 1/2 SW 1/4 Section 28 and the NE 1/4 SE 1/4 Section 29; all in T90N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7399-3 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 December 3, 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 November 22, 2012

Published once at the total approximate cost of \$26.78

47-2-72



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

JAN 07 2012

Pat Walsh
47844 County Rd 1B
Elk Point SD 57025

Dear Mr. Walsh:

Enclosed is Water Permit No. 7399-3 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

New 16" well Permit # 7399-3

WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 28 Twp 90N Rg 48

County UNION

North

Please mark well location with an "X"

Well completion Date 8-8-13

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
? NONE ft. from (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
<u>sch 40 LB/FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>57 FT</u>	<u>28" IN</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:
 Grout Type Bentonite No. of Sacks _____ Grout Weight 56 Lb/gal From 5 Ft To 5 Ft
 Describe grouting procedure pressure grouted

SCREEN: ☒ Perforated pipe ☐ Manufactured
 Diameter 16 Inches Length 55 Feet
 Material PVC
 Slot Size 080 Set From 57 Feet to 112 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? HTH Tablets
☐ No, Why Not? _____
 Lab sample sent to for water quality analysis _____
IRRIG. well

Well Owner: Pat Walsh

Business Name: _____

Address1: 47844 County Rd. 1B

Address2: _____

City, State, Zip: ELK POINT S.D. 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Clay mix topsoil</u>	<u>0</u>	<u>3</u>
<u>Clay - thin sand layer</u>	<u>3</u>	<u>42</u>
<u>Clay - grey/blue w/sand</u>	<u>42</u>	<u>57</u>
<u>Sand & Gravel - med texture</u>	<u>57</u>	<u>75</u>
<u>COAL</u>	<u>75</u>	<u>78</u>
<u>Sand & Gravel - med to lg.</u>	<u>78</u>	<u>108</u>
<u>Sand med w/ cobbles mix</u>	<u>108</u>	<u>112</u>
<u>Shale</u>	<u>112</u>	

STATIC WATER LEVEL 17' 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: Test Pumped by
☐ Bailed Others
☐ Other _____
 Pumping Level Below Land Surface
 _____ Ft. After _____ Hrs. pumped _____ GPM
 _____ Ft. After _____ Hrs. pumped _____ GPM
 If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED
JAN 29 2014
WATER RIGHTS PROGRAM

This well was drilled under license # 763
 And this report is true and accurate.
 Drilling firm: Salmon Well Co.
 Signature of License Representative: W. D. Salmon
 Signature of Well Owner or Equitable Property Holder: _____
 Date: _____

Please return White Copy to DENR Water Rights

523 E. Capitol Ave., Pierre SD 57501

McMath, Genny

Subject:

FW: Walsh Well Drilling Log

From: rpwalsh@vyn.midco.net [mailto:rpwalsh@vyn.midco.net]

Sent: Thursday, January 09, 2014 9:16 AM

To: McMath, Genny

Cc: rpwalsh@vyn.midco.net

Subject: Walsh Well Drilling Log

Genny,

Thanks again for the nice email concerning filling out the irrigation forms. I just talked to Salmon Well Company of Wakefield Nebraska. They actually helped drill the replacement well you called me about for permit number 1761-3 (Leveled) in the W1/2 of NW1/4 of Sec 34 T91N R49W. They also helped Vern drill new well for permit number 7399-3 (Rat Ranch) in the NW1/4 & N1/2 of the SW 1/4 of Sec 28 T90N R48W. Vern was in the process of retiring and I think that Salmon Well Company dug the wells, but Vern Vahoc of Dakota Drilling & Backhoe actually placed the pumps and motors. I think that is how that worked, not 100% sure though. I do know that it was a team effort and both Salmon & Vahoc worked together on those two wells.

I talked to Salmon Well Company today and they said they have the well drilling logs for the well you called me about, but they are waiting on some information from Vern (who now lives in Las Vegas, NV) to complete the information so that it can be sent to you in Pierre. I think those two wells were dug in late July and early August. Vern just sent us the bills in late December. So he is not fast at getting some of the paperwork done. Hopefully, he will get the information to Salmon that they need from him and they can complete the reports and send them to you.

That's pretty much everything I know about the matter at this time. Hopefully that helps. I included the contact information for Salmon Well Company and Dakota Drilling & Backhoe below.

Talk to you later,

Robert Walsh

47844 County Rd 1B

Elk Point, SD 57025

605-670-0486

rpwalsh@vyn.midco.net

Salmon Well Company

Gary Salmon

307 Oak St

Wakefield, NE 68784

Phone: 402-287-2236

Gary email: redsxyone@msn.com

Dakota Drilling & Backhow, Inc.

Vern Vahoc
507 142nd St.
South Sioux City, NE 68776
Phone: 402-494-5208
Vern Cell: 712-251-7596

Rat Ranch

7399-3
RECEIVED
DEC - 3 2015
 WATER RIGHTS
 PROGRAM

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

Date 11-24-15

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

FROM: Pat Walsh
 (name)
47844 County Rd 1B
 (address)
Elk Point SD 57025 605-356-2762
 (city, state, zip) (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. *(1 of the 3 potential center pivots is constructed and operational. The other two pivots will be erected at some point in the future.)*

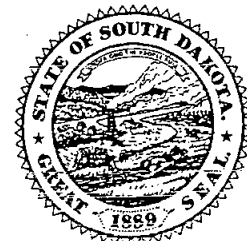
Water Permit No. 7399-3 states that the water use system is to be constructed by 12-3-17, and water is to be put to beneficial use by 12-3-21.
 (date) (date)

The water use system was completed on 2-10-13.
 (date)

Applying the water to beneficial use was completed on 7-15-15.
 (date)

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

Pat Walsh
 (signature)



Rat Ranch Irrigation

1305 ft

The north pivot is constructed and operational,

North Pivot

1305 ft

640 ft

This pivot has not been constructed yet.

well ↑ Permit # 7399-3

The south pivot by the well has not yet been constructed yet.

The well pumps around 1,200 gpm at this time,
It will eventually feed all three of these pivots.

11/30/15