

WATER PERMIT NO. 7402-3

Name of Applicant: **Craig Vanderlei**

Address: **40908 312th St, Springfield SD 57062** Phone: **605 369-2609**

Amount of Water Claimed: **2.0 cfs** Total Acres: **270 acres**

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

Water to be used for: **domestic use** County: **Bon Homme**

Type of Waste Disposal System:

Location: **5 miles west of Springfield**

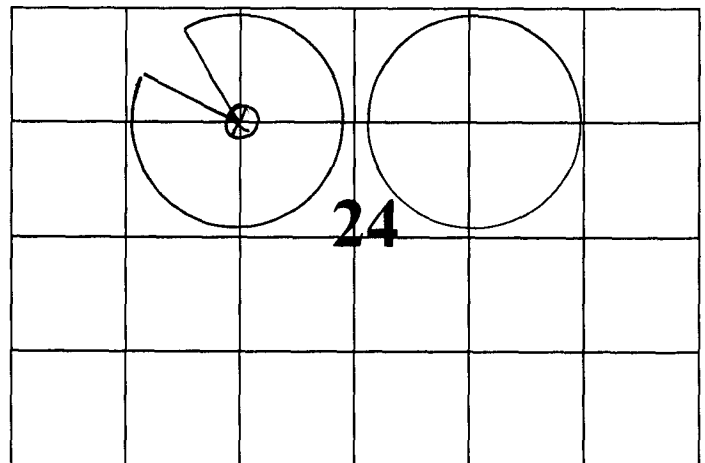
PRIORITY Date Received: **8-20-12** Application/License Fee: **\$ 1,250.00**

Corrected Application Received: Period of Annual Use: **March 1 – Oct 31**

Remarks:

Diversion Point: **approximate center of NW ¼ Sec**
24-T93N-R61W

Land to be Irrigated: **N ½ Sec 24-T93N-R61W**



Depth of Well: **250 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Mark Rohlbring, 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: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7402-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	<u>605-589-3242</u>
	Newspaper <u>Tyndall Times-Tribune P.O. Box 520 Tyndall</u>	<u>605-7811</u>
	<u>Press & Dakota 319 Walnut Yankton 57078 605-</u>	<u>57066</u>

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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 Craig Vanderlei Phone 605-369-2609
(check one) Owner ☒ Tenant/lessee
Mailing Address 40908 312th St Springfield SD 57062
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 270
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Bon Homme
1 well in NW1/4 of section 24 (approximate center)
T93N R61W
5. County or counties where water will be used Bon Homme
6. Annual period during which water is to be used March 1 - Oct 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
NW 1/4 of NW 1/4 of sec 24	25	NW 1/4 of NE 1/4 of sec 24	35
NE 1/4 of NW 1/4 of sec 24	35	NE 1/4 of NE 1/4 of sec 24	35
SW 1/4 of NW 1/4 of sec 24	35	SW 1/4 of NE 1/4 of sec 24	35
SE 1/4 of NW 1/4 of sec 24	35	SE 1/4 of NE 1/4 of sec 24	35

8. Give a description of the project. (Attach sheet if more space is needed) all in T93N R61W
1 well in NW1/4 of section 24 piped across to NE1/4 both having
center pivots

STATE OF SOUTH DAKOTA)

County of Bon Homme) SS

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

I, Craig Vanderlei, 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 Craig VanderleiSubscribed and sworn to before me this 13th day of August 20 12

ERNIE R. BURES
Notary Public
SEAL
South Dakota

2010-01

Notary Public signature Ernie R. BuresMy Commission Expires 10-15-2016

**SOUTH DAKOTA
WATER PERMIT NO. 7402-3**

Date of first receipt of application August 20, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7402-3 to Craig Vanderlei, 40908 312th St, Springfield SD 57062 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. 7402-3 appropriates 2.0 cubic feet of water per second from one well to be completed into the Choteau West Aquifer (250 feet deep) located in approximate center of the NW 1/4 Section 24 for irrigation of 270 acres located in the N 1/2 Section 24; all in T93N-R61W.
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: March 1 – October 31.
3. The date from which applicant may claim right is August 20, 2012.
4. The date of approval of Permit No. 7402-3 is November 12, 2012.
5. One-fifth of the construction is to be completed on or before May 12, 2015.
6. All construction is to be completed on or before November 12, 2017.
7. Water is to be put to beneficial use on or before November 12, 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. 7402-3 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 17 2013
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 17 Depth 250
- b) Casing Type plastic Diameter 12" Thickness 3/4
- c) Screen Type plastic/SS Diameter 12" Thickness
- d) Gravel Pack Length of Gravel Pack 45'
- e) Depth to Top of Water Bearing Material 205
- f) Depth to Water (ground surface to water level) 150
- g) Distance to nearest existing domestic well:
- On applicant's property 1/2 mile On property owned by others 1 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

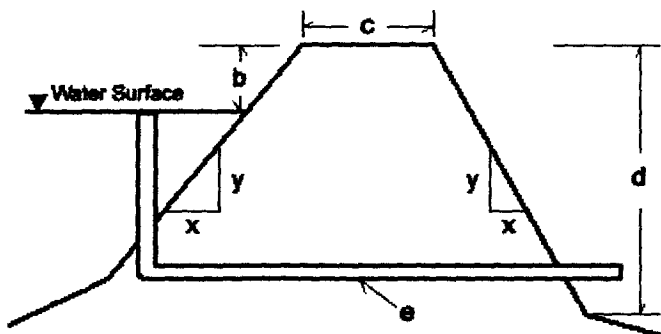
3. Dugout Information

- 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: 24_93N_61W
Farm: 1323

Bon Homme County, SD

1:7,564



December 23, 2010

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.

Mark Prohlberg
NRCS, D.C.

2010 Ortho-Photography - Not to Scale

Wetland Determination Identifiers

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

Common Land Units

Non Cropland

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United States Department of Agriculture
Farm Service Agency

PLSS: 24_93N_61W
Farm: 3956

Bon Homme County

1:8,022



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AUG 20 2012
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Wetland Determination Identifiers

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

Common Land Units

Non Cropland

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Mark Rohlfing
NRCS, D.C.

2010 Ortho-Photography - Not to Scale

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/20, 20 12

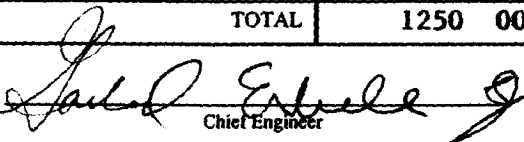
RECEIVED OF Craig Vanderlei 40908 312th St Springfield SD 57062

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

Fee for Application for Permit No. <u>7402-3</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>7402-3</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. **05539**

By


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. 7402-3, Craig Vanderlei**

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. 7402-3, Craig Vanderlei, 40908 312th Street, Springfield SD 57062.

The Chief Engineer is recommending APPROVAL of Application No. 7402-3 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. 7402-3 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 26, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 7402-3 AND 7403-3
CRAIG VANDERLEI
OCTOBER 5, 2012

Water Permit Application No. 7402-3 proposes to appropriate 540 acre-feet of water per year (ac-ft/yr) diverted at a maximum rate of 2.0 cubic feet of water per second (cfs) from one well completed into the Choteau: West aquifer. The proposed well is to be located in the NW¼ of Section 24, T93N-R61W and is expected to be approximately 250 feet deep. The water is to be used to irrigate 270 acres located in the N½ of Section 24, T93N-R61W.

Water Permit Application No. 7403-3 proposes to appropriate water from the Choteau: West aquifer at a maximum diversion rate of 0.075 cfs (34 gallons per minute) from one well completed into the Choteau: West aquifer. The proposed well is to be located in the SW¼ of the SW¼ of Section 13, T93N-R61W and is expected to be approximately 250 feet deep. Water is to be used for domestic use (livestock and farm purposes).

AQUIFER: West Management Unit of the Choteau Aquifer: (CH-W)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The West management unit of the Choteau is a buried aquifer consisting of glacial outwash and western derived stream deposits (Kume, 1977) that was deposited in the ancient Ponca Creek drainage (Christensen, 1974). The ancient Ponca Creek incised through the Pierre Shale bedrock into the Niobrara Formation and in places through the Niobrara into the Charlie Shale (Christensen, 1974). The Choteau: West aquifer underlies approximately 20,500 acres of Bon Homme County and extends into Charles Mix and Douglas Counties (Hedges and others, 1982) (see Figure 1). Jorgensen, (1971) estimated the Choteau: West aquifer contained 120,000 acre-feet of water in transient storage in Charles Mix County in 1968. Hedges and others, (1982) estimated the aquifer contained 121,480 acre-feet of recoverable water in storage in the county.

Test well information was not submitted with either of these applications. Existing well and test hole data to delineate the extent of the Choteau aquifer to the east and south of the well sites proposed by these applications is sparse (Water Rights, 2012b; and "Lithologic Logs Database"). However, Hedges and others, (1982) show the south edge of the aquifer essentially at the proposed domestic use well and approximately 0.3 miles north of this proposed irrigation well. Completion reports on file with the DENR-Water Rights Program for two irrigation wells located less than one and one-half miles northwest of the well sites proposed by these applications reported the thickness of the Choteau aquifer at 62 and 32 feet respectively. Test pumping of these two wells identified a specific capacity of 106.25 gallons per minute per foot of drawdown (gpm/ft) for the northern well and a specific capacity of 21.87 (gpm/ft) for the southern well. Based on the specific capacities the transmissivity of the Choteau aquifer in this area ranged from 212,500 gallons per day per foot (gpd/ft) to 43,740 gpd/ft ("Transmissivity From Specific Capacity").

The Choteau: West aquifer is under confined conditions and although the potentiometric surface appears to be relatively flat in this area the groundwater movement in the area appears to be from the northwest to the southeast. The static water level at the well site proposed by this application is expected to be 100-150 feet below grade.

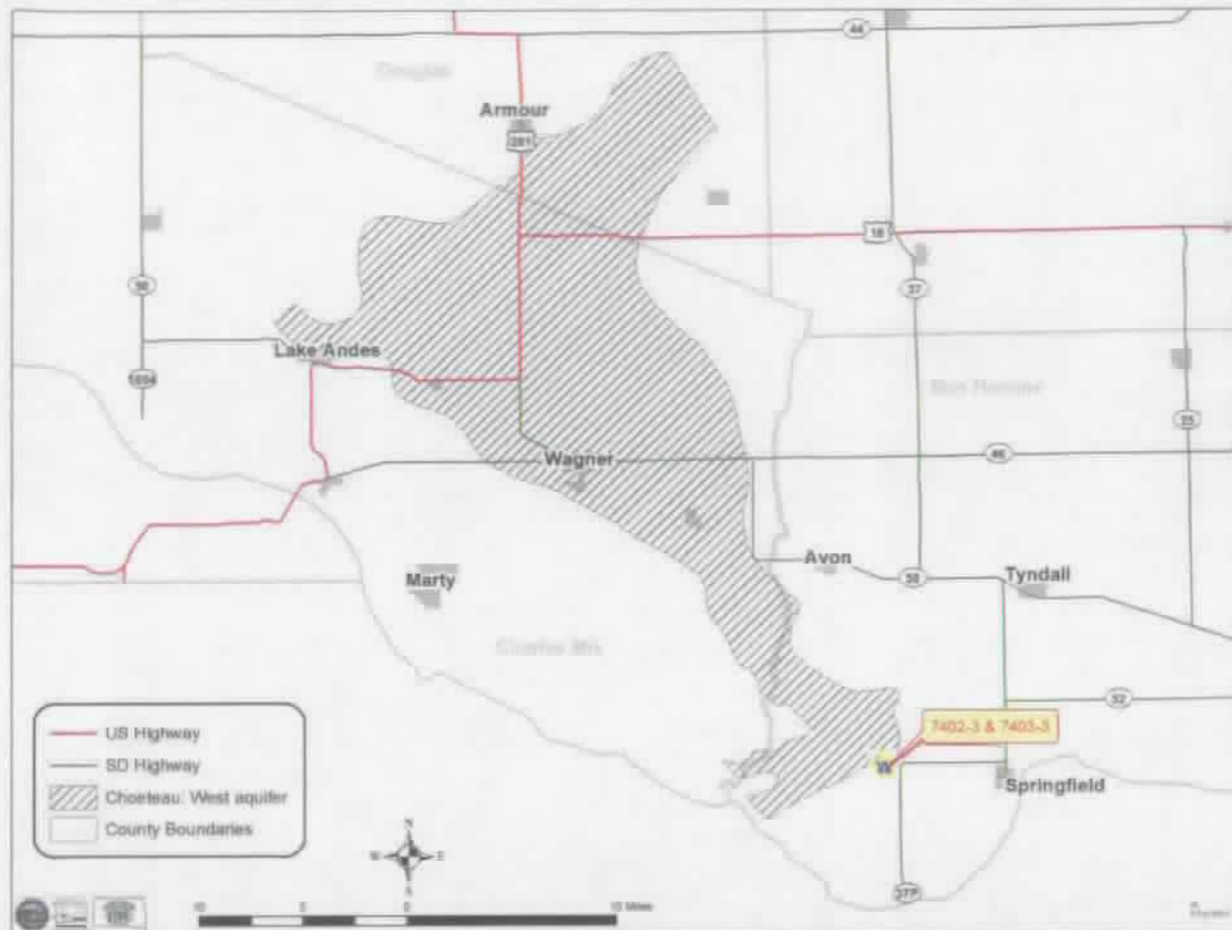


Figure 1. The location of the Choteau: West aquifer (modified from Hedges and others, 1982) and the well sites proposed by Water Permit Application Nos. 7402-3 & 7403-3

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 water availability and existing rights issues pertinent to this application.

WATER AVAILABILITY:

Water Permit Application No. 7202-3 proposes to appropriate up to 540 ac-ft/yr from the Choteau: West aquifer and Application No. 7203-3 proposes to appropriate up to 54.3 ac-ft/yr from the aquifer. Although the actual water use if these applications are approved will likely be less than 300 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 Choteau: West aquifer comes mostly from leakage from the adjacent glacial till and possibly from inflow from the Niobrara and Codell aquifers. The average annual recharge to the Choteau: West aquifer has not been quantified. For confined aquifers in Eastern South Dakota, Hedges and others, (1985) concluded that “for management and development programs the minimum recharge rate to confined aquifer is estimated to be 0.15 inches per year and the maximum rate is 0.60 inches per year.” Using the recharge rate suggested by Hedges and others, (1985), the annual recharge to the Choteau: West aquifer would be 2,730 ac-ft/yr to 10,920 ac-ft/yr.

Withdrawal:

Some natural discharge may occur from the Choteau: West aquifer through leakage to adjacent aquifers, however withdrawals from the Choteau: West aquifer are primarily through pumping. There are currently 40 water rights/permits appropriating water from the Choteau: West aquifer, with four of these in Bon Homme County (Water Rights, 2012c). Water rights/permits from the Choteau: West appropriate water for commercial use (one permit for a CAFO), municipal use (two Water Rights for Wagner) [Note: Wagner is currently on rural water (Friedeman)], recreational use (two water rights), and irrigation use. Historic Choteau: West irrigation data is shown in table 1.

YEAR	NO.PMTS	APPROPRIATION (ac-ft. /yr.)	PUMPAGE (ac-ft. /yr.)
1979	49	21477	2933
1980	47	21477	2644
1981	48	21657	3132
1982	39	20935.8	1647.15
1983	40	21761.8	1368.89
1984	44	24770.8	1692
1985	43	23810.8	2377
1986	42	23108.8	2986
1987	42	23080.8	2198
1988	44	23245.8	4537.4
1989	45	23565.8	3984.1
1990	45	23400.8	3716
1991	45	23080.8	4056.5
1992	46	23224.8	1682.6
1993	45	21835.8	334.2
1994	41	20146.8	2026.03
1995	42	20410.8	999.46
1996	42	19087.8	1795.61
1997	42	19087.8	1509
1998	42	18975.8	697.51
1999	40	19675.8	1248.07
2000	33	16475.8	3009.11
2001	33	16475.8	1625.24
2002	33	15995.8	3223.92
2003	33	15696	2526.26
2004	34	18843.8	2819.08
2005	36	19563.8	2896.82
2006	34	19943.8	3598.83
2007	34	19108.12	3363.59
2008	34	19212.12	2443.95
2009	35	19492.12	1163.81
2010	35	19324.12	614.83
2011	35	19324.12	1872.77
MAX	49	24770.8	4537.4
MIN	33	15696	334.2
AVE	40.1	20523.4	2324.9

Table 1. Historic irrigation from the Choteau: West aquifer (Water Rights, 1980-2012)

Observation Well Data:

The best information that is reasonably accessible to evaluate the availability of unappropriated water from the Choteau: West aquifer is the DENR-Water Rights' observation well network. In addition, 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 24 observation wells completed into the Choteau: West aquifer, with three of these wells in Bon Homme County (Water Rights, 2012a). Hydrographs for the observation wells are shown in figures 2-4.

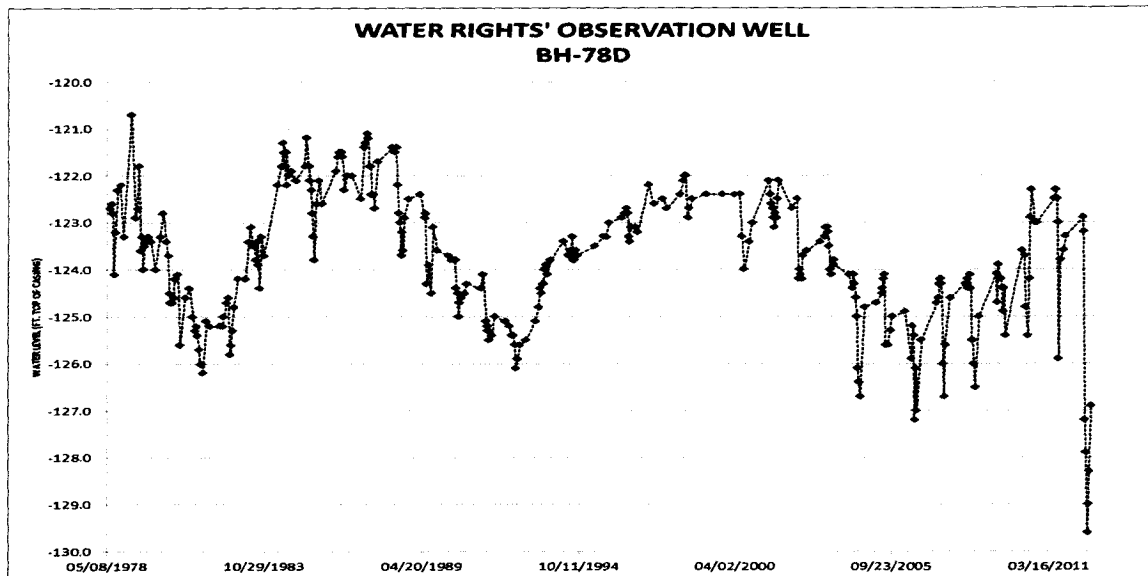


Figure 2. Hydrograph for DENR-Water Rights Observation Well BH-78D located approximately two miles north of the well sites proposed by these applications

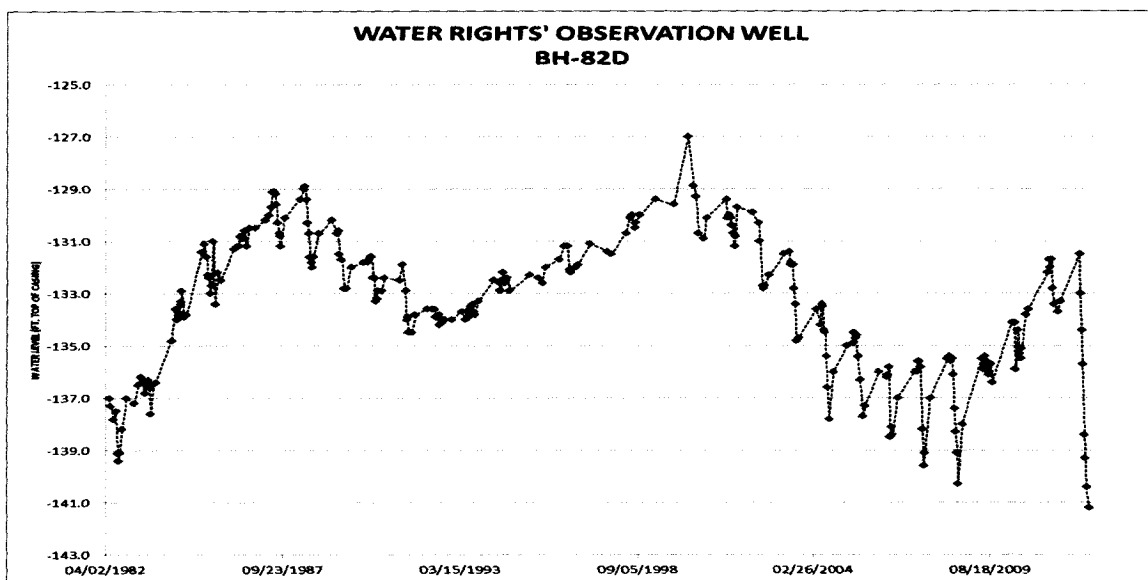


Figure 3. Hydrograph for DENR-Water Rights Observation Well BH-82D located approximately three miles northwest of the well sites proposed by these applications

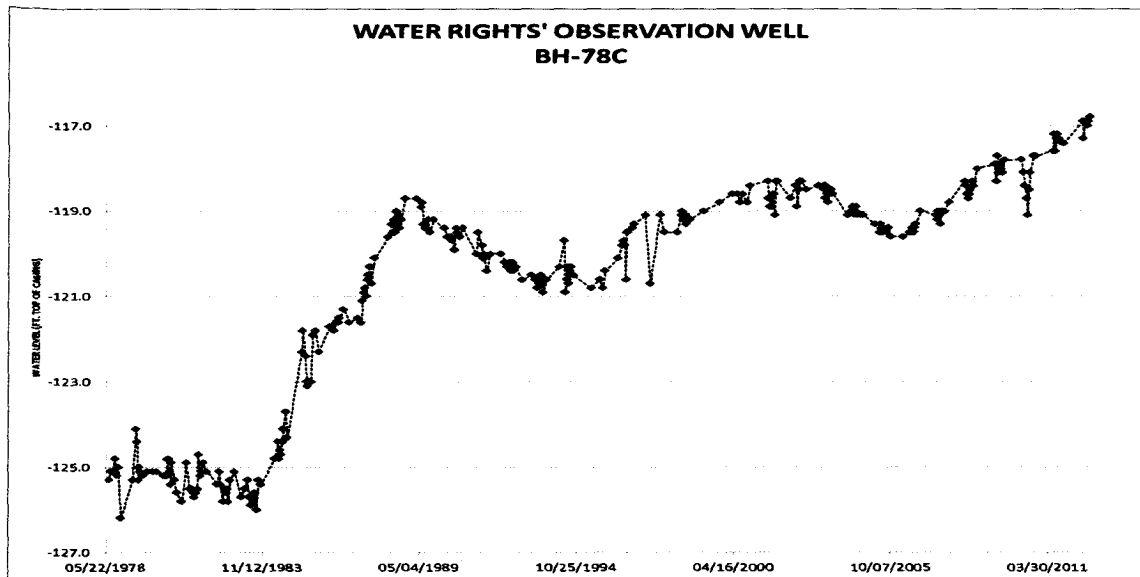


Figure 4. Hydrograph for DENR-Water Rights Observation Well BH-78C located approximately 3.6 miles northwest of the well sites proposed by these applications

The observation well data shows the aquifer readily recharges and clearly documents the cyclic climatic conditions with wet and dry periods. The hydrographs also show the aquifer's response to nearby pumping. The observation well data shows that at the current level of development, climatic conditions greatly mask the temporal effects of irrigation pumping. Therefore, recharge to and natural discharge from the Choteau: West aquifer significantly exceeds pumping. The hydrographs document that there is unappropriated water available from the aquifer to support this appropriation.

EXISTING WATER RIGHTS:

Early irrigation development (i.e. 1950's) in this area was controversial. Irrigation well pumping caused water level fluctuations in domestic wells that resulted in wells no longer free flowing at the surface and caused other wells to have pumps lowered. Early controversies have been resolved and there have not been any issues in this area for a number of years. In addition, a change in SD Water Law has been made so that artesian head pressure is no longer protected as a means of delivery. The earlier controversies would have been non-issues with the change in water law.

The only Water Rights/Permits that appropriate water from the Choteau: West aquifer from Bon Homme County are shown in Figure 5 along with the well site proposed by this application. In addition to existing water rights/permits, Water Permit Application No. 7401-3, which is pending approval, is also shown on Figure 5.



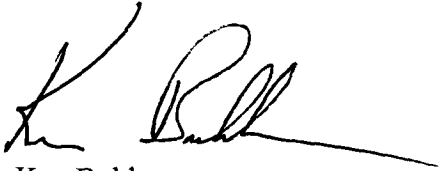
Figure 5. Water Rights/Permits appropriating water from the Choteau: West aquifer from Bon Homme County, including pending Application No. 7401-3 and the location of the well sites proposed by Application Nos. 7402-3 & 7403-3

Although the Choteau: West aquifer is under confined conditions, historically, drawdown from high capacity wells has not been significant. For example, the hydrograph for Observation Well BH-78D which is located approximately 0.4 miles from the 900 gallon per minute (gpm) that supplies Water Permit No. 7195-3 and about 0.8 miles from the 800 gpm well that supplies Water Permit No. 6920-3 (see Figure 2) shows only a few feet of drawdown from the diversions. Given the distance between the wells and the historical interference documented by the observation wells, well interference will not adversely affect existing users.

CONCLUSIONS:

1. Water Permit Application No. 7402-3 proposes to appropriate up to 540 acre-feet annually for irrigation but the amount of water that actually will be used is expected to be considerably less.
2. Water Permit Application No. 7403-3 proposes to appropriate up to 54.3 acre-feet annually for domestic use but the amount of water that actually will be used is expected to be considerably less.

3. The well sites proposed by these applications appear to be near the edge of the Choteau: West aquifer.
4. There is a reasonable probability that unappropriated water is available from the Choteau: West aquifer to supply these proposed diversions.
5. There is a reasonable probability that the diversions requested by these applications can be made without adversely effecting existing water rights.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Christensen, C.M., 1970, Major Ground-Water Aquifers in Bon Homme County, South Dakota: S.D. Geological Survey Water Information Circular 4, 7 p.

Christensen, C.M. 1974, Geology and Water Resources of Bon Homme County South Dakota, Part I; Geology: S.D. Geological Survey Bulletin 21(1), 48 p.

Friedeman, Barbara. Environmental Scientist, SD DENR-Drinking Water Program. Personal correspondence. 7 May 2012

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

Hedges, L.S., Allen, J., and Holly, D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge, Final Report: U.S. Army Corps of Engineers Contract DACW 45-80-C-0185

Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Bon Homme County, South Dakota; Part II: Water Resources: S.D. Geological Survey Bulletin 21, 31 p.

"Lithologic Logs Database." South Dakota Department of Environment & Natural Resources Geological Survey. 30 Sept. 2012

Jorgensen, D.G., 1971, Geology and Water Resources of Bon Homme County, South Dakota, Part II; Water Resources: S.D. Geological Survey Bulletin 21(2), 61p.

"Transmissivity from Specific Capacity." Aquifer Test Forum sponsored by HydroSOLVE, Inc. 6 May 2011 < <http://www.aqtesolv.com/forum/transcap.asp>

Water Rights, 1980-2012, "Annual 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.

Affidavit of Publication

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NOV - 5 2012

WATER RIGHTS PROGRAM

State of South Dakota }
County of Bon Homme } SS

Rebecca Tycz Being first duly sworn says that the **Tyndall Tribune & Register** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Not a 2 Application No 7402-3 & 7403-3
75 0 21 2

a printed copy of which is hereto attached, was printed and published in said newspaper for one successive weeks, upon the following dates:

<u>Oct 31</u>20 <u>12</u>	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication of said notice, \$27.90....., inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Rebecca Tycz
Subscribed and sworn to before me this
31 day of Oct 2012
Peggy Schelske
Notary Public, South Dakota

My commission expires: Oct 24, 2015

NOTICE OF APPLICATION NOS. 7402-3 and 7403-3 to Appropriate Water

Notice is given that Craig Vanderlei, 40908 312th Street, Springfield, SD 57062 has filed the following applications for a water permit. Application No. 7402-3 proposes to appropriate 2.0 cubic feet for water per second (cfs) from one well to be completed into the Choteau West Aquifer (250 feet deep) located in approximate center of the NW1/4 Section 24 for irrigation of 270 acres located in the N1/2 Section 24; all in T93N-R61W.

Application No. 7403-3 proposes to appropriate 0.075 cfs (34 gallons per minute) from one well completed into the Choteau West Aquifer (250 feet deep) located in the SW1/4 SW1/4 Section 13, T93N, R61W for livestock and farm purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7402-3 and 7403-3 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 an approximate cost of \$27.90

(October 31)

RECEIVED

NOV - 2 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application Nos. 7402-3 and 7403-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 31st DAY OF October 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$29.96 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: 10/31/2012

FILED ON: 10/31/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 31st DAY OF October 2012

Steven M. Pirner
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 6/11/2013

Notice is given that Craig Vanderlei, 40908 312th St, Springfield SD 57062 has filed the following applications for a water permit. Application No. 7402-3 proposes to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Choteau West Aquifer (250 feet deep) located in approximate center of the NW 1/4 Section 24 for irrigation of 270 acres located in the N 1/2 Section 24; all in T93N-R61W.

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Published once at the total approximate cost of \$29.96.



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

Tyndall Times & Tribune
PO Box 520
Tyndall SD 57066

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7402-3 and 7403-3 to Appropriate Water. Please publish the notice once on October 31, 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 Craig Vanderlei, 40908 312th St., Springfield SD 57062 (Ph # 605-369-2609).

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

Daily Press & Dakotan
319 Walnut
Yankton SD 57078

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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.

October 25, 2012

Craig Vanderlei
40908 312th St
Springfield SD 57062

Dear Mr. Vanderlei:

Water Permit Application Nos. 7402-3 and 7403-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Tyndall Times & Tribune printed at Tyndall SD (Ph # 605-589-3242) 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 recommendations of the Chief Engineer and reports on the applications 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(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

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 applications.

Instruction to Newspaper - Publish the Notice on October 31, 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 NOS. 7402-3 and 7403-3 to Appropriate Water

Notice is given that Craig Vanderlei, 40908 312th St, Springfield SD 57062 has filed the following applications for a water permit. Application No. 7402-3 proposes to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Choteau West Aquifer (250 feet deep) located in approximate center of the NW ¼ Section 24 for irrigation of 270 acres located in the N ½ Section 24; all in T93N-R61W.

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Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 17 2013

Craig Vanderlei
40908 312th St
Springfield SD 57062

Dear Mr. Vanderlei:

Enclosed are Water Permit Nos. 7402-3 and 7403-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

7402-3

SD EForm - 1311LD V1

Form 10

RECEIVED

OCT 25 2013

WATER RIGHTS
PROGRAM

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

Oct 23-13

FROM:

Craig Vanderlei

(name)

40908 312th St

(address)

Springfield

(city)

SD

(state)

57062

(zip)

605-369-2409

(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. 7402-3 states that the water use system is to be constructed by

Nov 12 2017

(date)

, and water is to be put to beneficial use by Nov 12, 2021

(date)

The water use system was completed on

May-20-2013

(date)

Applying the water to beneficial use was completed on

May-20-2013

(date)

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 31, 2013

7195-3
7402-3

Craig Vanderlei
40908 312th St
Springfield SD 57062

Dear Mr. Vanderlei:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms you sent in to let us know that you are completed with the irrigation systems authorized under Water Permit Nos. 7195-3 and 7402-3.

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

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

Sincerely,

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

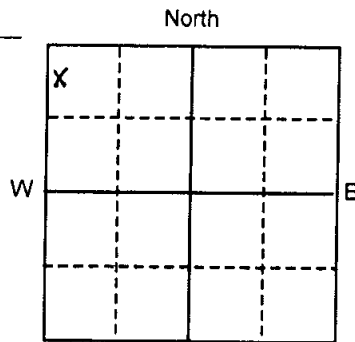
7402-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NW ¼ Sec 24 Twp 93N Rg 61W

County Bon Homme

Please mark well
location with an "X"

Well Completion Date

October 27, 2012

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	203.0 FT	18.75 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	60	Lb/gal	0.0 Ft	198.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie piped

SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter 12.00 Inches Length 20.0/20' Feet

Material PVC slotted pipe and stainless steel

Slot Size .040 Set From 203.0 Feet to 243.0 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? chlorinated

☐ No, Why Not?
 Lab to which water
 quality sample sent for analysis

Well Owner: Leon Vanderlei

Business Name:

Address: 40846 312th St

City, State, Zip: Springfield SD 57062

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	1
Yellow clay	1	26
Blue clay	26	107
Hard blue clay	107	117
Medium blue clay	117	164
Coarse sand	164	166
Med to fine sand	166	204
Medium sand	204	243
Gray clay	243	

STATIC WATER LEVEL 153.0 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

196.0 Ft. After 2.0 Hrs. pumped 795.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS: N42 51.784 W98 0.621

RECEIVED

MAR 29 2018

WATER RIGHTS
PROGRAM

Chart: West AM

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: Thein Well Co., Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7402-3

I have this day, February 22, 2018, made a thorough examination of the water use system constructed by Craig Vanderlei, 40908 312 St., Springfield, SD 57062 of Permit No. 7402-3, bearing the priority of August 20, 2012 authorizing the diversion of 2.0 cu. ft. per second of the waters of ground water (Choteau: West Aquifer) for irrigation purposes, in Bon Homme County.

Inspection contact: Craig Vanderlei, Owner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Thein Well Co., Inc.
- 2) No. of Wells 1
- 3) Depth 243 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 203 feet
- 3) Type PVC

Screen:

- 1) Type 1/2 PVC and 1/2 SS
- 2) Length 40 feet
- 3) Static water level 153 feet

Pump:

- 1) Make Mid America
- 2) Model Unknown
- 3) Capacity 800 gpm

Motor:

- 1) Make GE
- 2) Model No. Unknown
- 3) Horsepower rating 100 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 3,880 feet

C. Works used to apply water to beneficial use:

Center Pivot (NW1/4):

- 1) Make T & L
- 2) Overall length 1294 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 800 gpm

Center Pivot (NE1/4):

- 1) Make T & L
- 2) Overall length 1274 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 800 gpm

Chemigation Equipment:

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

Chemigation Equipment:

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

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
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows: Well: 900 feet south and 90 feet east of the NW corner of Section 24-T93N-R61W (Latitude 42.86316, Longitude -98.01036), in the SW1/4 of the NW1/4 of the NW1/4 of Sec 24.
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

**Center Pivot in the
NW1/4 of Sec. 24, T93N, R61W**

NE1/4 NW1/4	31 acres
NW1/4 NW1/4	16 acres
SW1/4 NW1/4	33 acres
SE1/4 NW1/4	33 acres

**Center Pivot in the
NE1/4 of Sec. 24, T93N, R61W**

NE1/4 NE1/4	30 acres
NW1/4 NE1/4	32 acres
SW1/4 NE1/4	34 acres
SE1/4 NE1/4	32 acres

comprising a total of 241 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map Yes

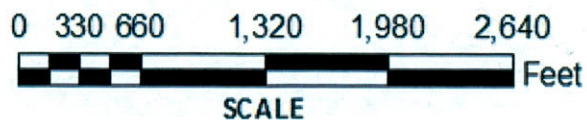
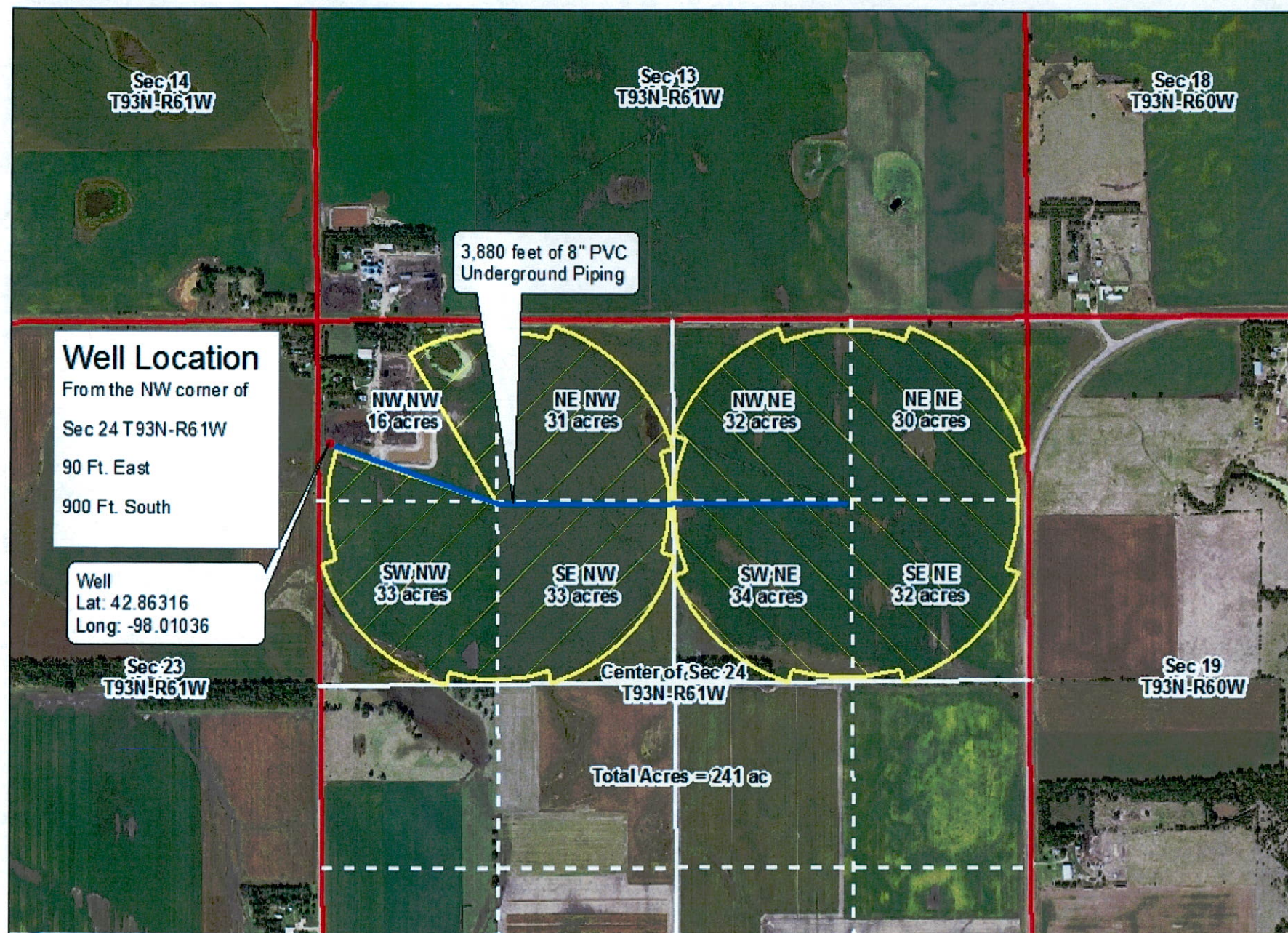
F. Comments or other permit(s) associated with the project: None



Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: **March 29, 2018**

Water Right No. 7402-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
March 29, 2018

7402-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 21 2018

Craig Vanderlei
40908 312th St
Springfield SD 57062

RE: Water License Nos. 7195-3, 7402-3, 7403-3, 8210-3, 8272-3

Dear Mr. Vanderlei:

Enclosed are Water License Nos. 7195-3, 7402-3, 7403-3, 8210-3, 8272-3. They are the final water right documents completing your process of obtaining Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigations.

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

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7402-3**

(1) Craig Vanderlei, 40908 312th St, Springfield SD 57062 made Application No. 7402-3, August 20, 2012 for a water permit to divert 2.00 cubic feet of water per second from ground water, one well (Choteau West Aquifer), Bon Homme County, South Dakota for irrigation purposes. Permit No. 7402-3, with a priority date of August 20, 2012 was approved November 12, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 12, 2017 and for the application to beneficial use of said water on or before November 12, 2021.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 900'S and 90'E of the NW corner of Section 24, T93N, R61W (NW ¼ NW ¼)
Latitude 42.86316, Longitude -98.01036

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

Section 24, T93N, R61W

NE ¼ NW ¼	31 acres	NE ¼ NE ¼	30 acres
NW ¼ NW ¼	16 acres	NW ¼ NE ¼	32 acres
SW ¼ NW ¼	33 acres	SW ¼ NE ¼	34 acres
SE ¼ NW ¼	33 acres	SE ¼ NE ¼	32 acres

Total 241 acres

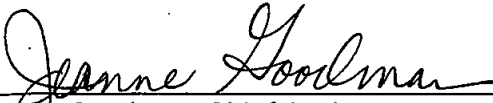
(4) Pursuant to South Dakota Water Law 46-5-30.1 Craig Vanderlei, 40908 312th St, Springfield SD 57062 the holder and/or owner of Water Right No. 7402-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Choteau West Aquifer) with a priority date of August 20, 2012 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7402-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7402-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in October, 2012 by Thein Well Company Inc. A copy of the well completion report is on file with the Water Rights Program.*

continued

- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 21 2018

date

