

WATER PERMIT NO. 7423-3

Name of Applicant: Michael Bottolfson

Address: 45944 Timber Rd, Vermillion SD 57069 Phone: 605-670-1830

Amount of Water Claimed: 2.22 cfs Total Acres: 135

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Clay

Type of Waste Disposal System:

Location: 2 west of Vermillion

PRIORITY Date Received: 9-4-12 Application/License Fee: \$ 1050

Corrected Application Received: 9/12/12 Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: SE 1/4 NW 1/4 Sec 17-T92N-
R52W

Land to be Irrigated: NW 1/4, N 1/2 SW 1/4 Sec
17-T92N-R52W

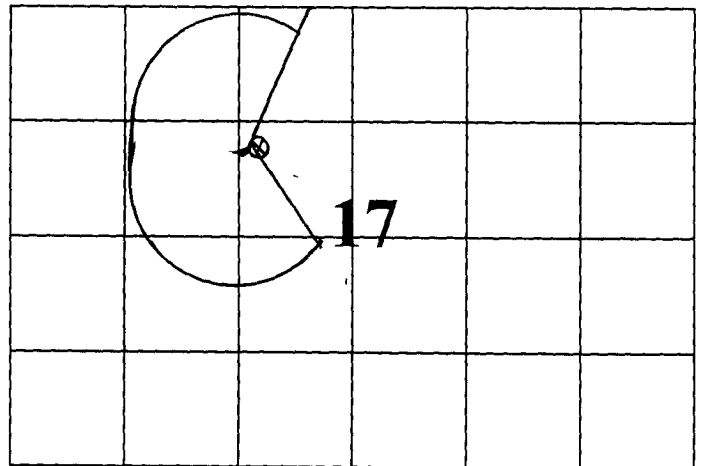
Depth of Well: 110 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Debora Eilers, Clay Co FSA



Reviewed and the Number Assigned on: 9-12-12

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	(office use only)	
	No. <u>7423-3</u>	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u> <u>57069-</u>	
	Newspaper <u>Plain Talk 201 W Cherry St. Vermillion 624-2695</u> <u>Press & Dakotan 319 Walnut Yankton 57078</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 MICHAEL BOTTOIFSON Phone 605-670-1830
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 45944 Timber Road VERMILION S.D. 57069
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 2.22 *CFS or 1000 **GPM ***AF Total Acreage 135
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Ground water
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
SE 1/4 NW 1/4 Sec 17 T92N R52W
5. County or counties where water will be used Clay
6. Annual period during which water is to be used May 1 to 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
	<u>135</u>	<u>NW NW 35 NWSW 7</u>	
<u>NW 1/4 Sec 17 T92N R52W</u>		<u>NE NW 21 NESW 12</u>	
<u>N 1/2 SW 1/4 Sec 17 T92N R52W</u>		<u>SW NW 37</u>	
		<u>SE NW 23</u>	

8. Give a description of the project. (Attach sheet if more space is needed)
applicant is requesting diversion rate greater than Statutory Limit

STATE OF SOUTH DAKOTA)
County of CLAY) SS

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

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

Applicant's signature Michael Bottoifson

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

Katherine A. Assan
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7423-3**

Date of first receipt of application September 4, 2012.

Date of return to applicant for corrections, amendments or changes September 5, 2012.

Date of receipt of corrected application September 12, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7423-3 to Michael Bottolfson, 45944 Timber Road, Vermillion SD 57069 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7423-3 appropriates 2.22 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (110 feet deep) located in SE 1/4 NW 1/4 Section 17 for irrigation of 135 acres located in the NW 1/4, N 1/2 SW 1/4 Section 17; all in T92N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is September 4, 2012.
4. The date of approval of Permit No. 7423-3 is November 26, 2012.
5. One-fifth of the construction is to be completed on or before May 26, 2015.
6. All construction is to be completed on or before November 26, 2017.
7. Water is to be put to beneficial use on or before November 26, 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. 7423-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7423-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 135 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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 02 2013
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30" Depth 110'
- b) Casing Type PVC Diameter 16" Thickness SDR 26
- c) Screen Type PVC Diameter 16" Thickness SDR 26
- d) Gravel Pack Round Length of Gravel Pack 110'
- e) Depth to Top of Water Bearing Material 20'
- f) Depth to Water (ground surface to water level) 15'
- g) Distance to nearest existing domestic well:

On applicant's property None On property owned by others None

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

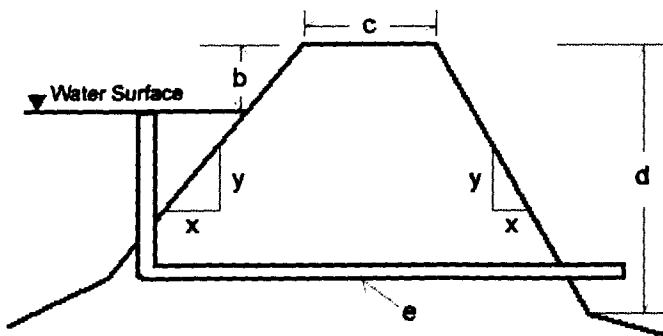
3. Dugout Information

- 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



The Leader in Precision Irrigation

Prepared By: **Heine Electric and Irrigation, Inc.**

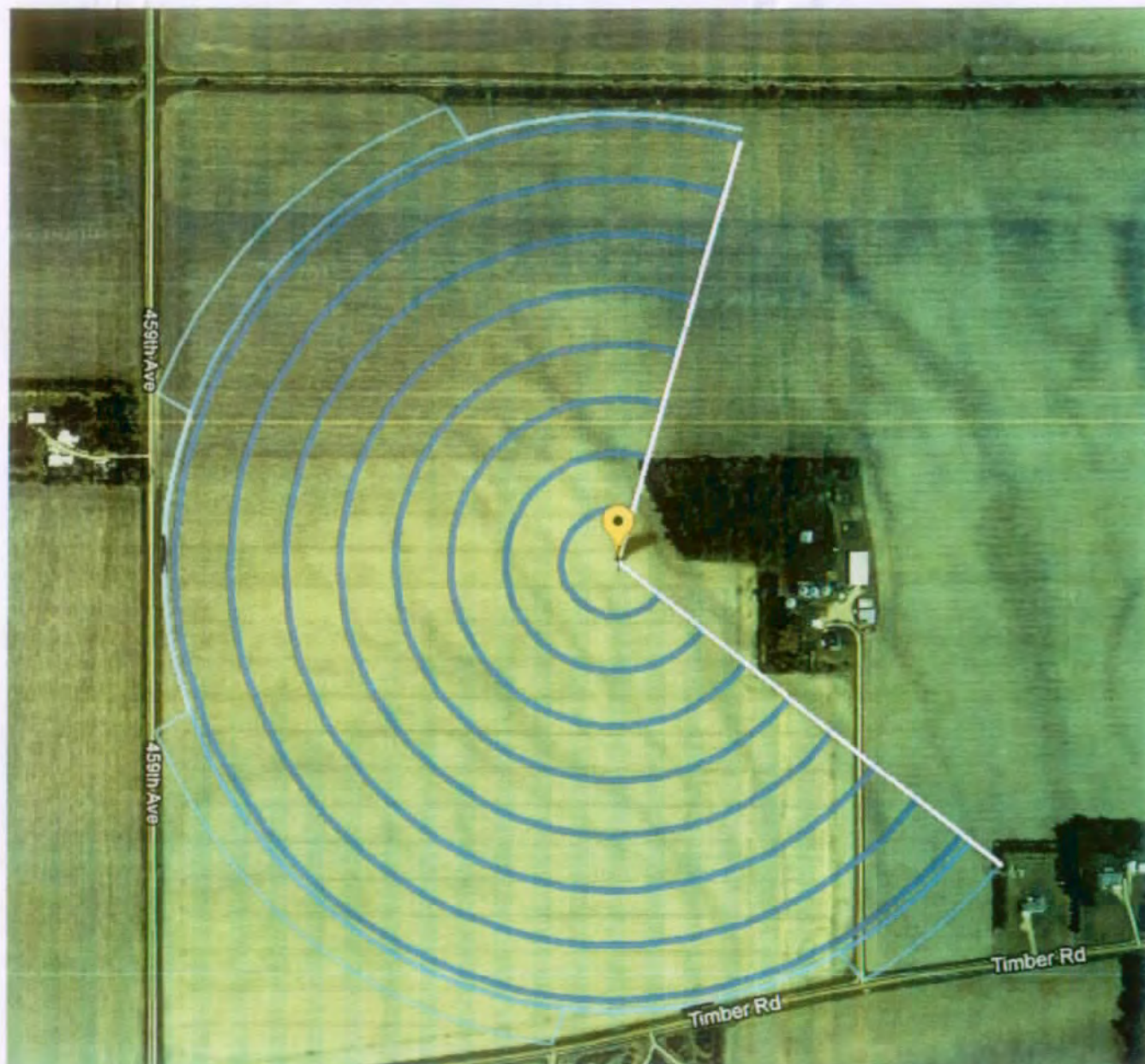
For:

Questions or concerns? Please call us at 402-640-1999!

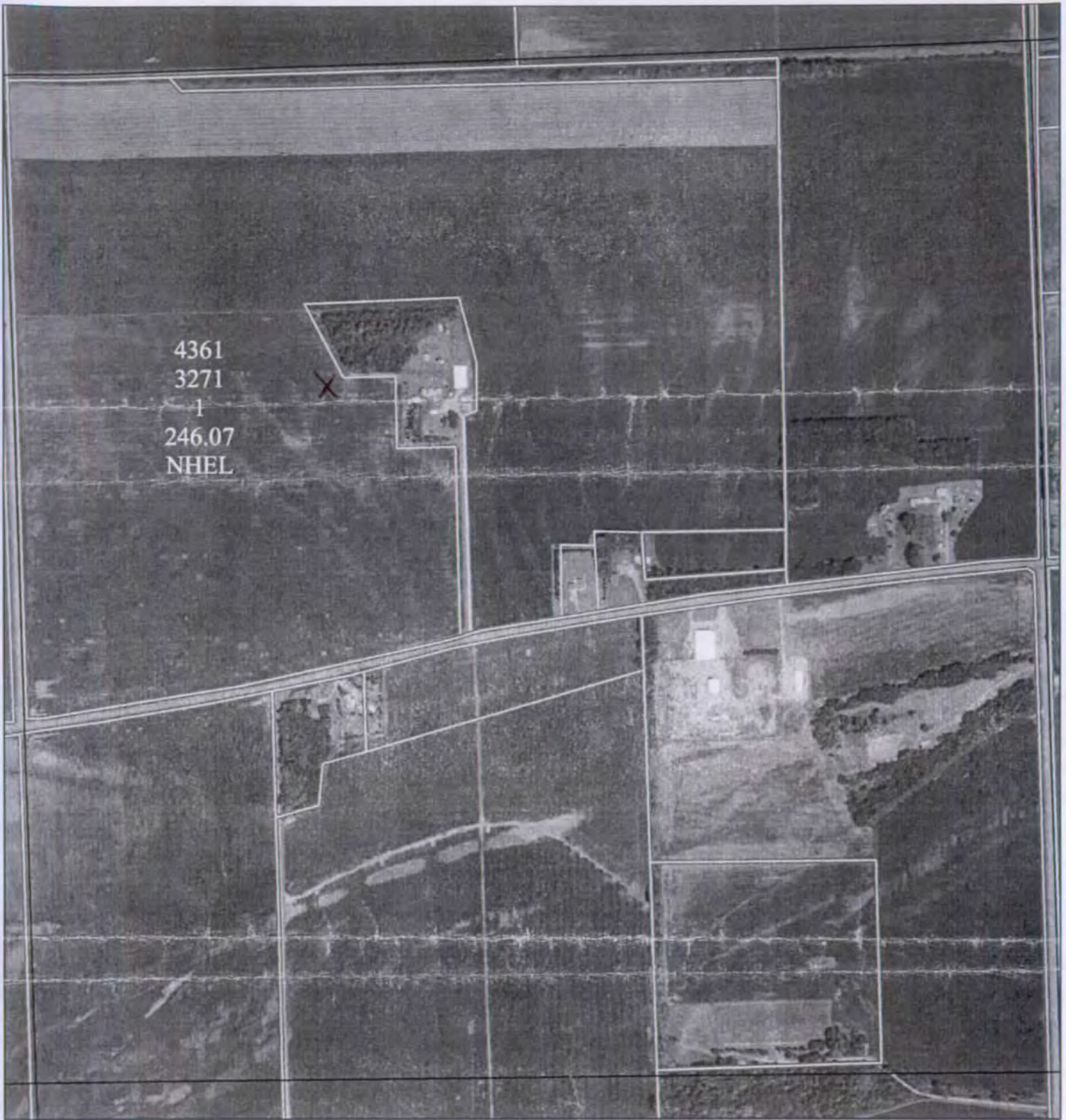
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ivot center at 42.78926, -97.016838
Arc Start Bearing: 128.47
Arc Stop Bearing: 15.88
[N] Spray off at 340°, on at 20°.
[S] Spray off at 150°, on at 187°.
[W] Spray off at 250°, on at 290°.

180 ft. Total: 180 ft.
Acreage: 1.6. Total: 1.6 acres.
180 ft. Total: 360 ft.
Acreage: 4.82. Total: 6.42 acres.
180 ft. Total: 540 ft.
Acreage: 8.03. Total: 14.46 acres.
180 ft. Total: 720 ft.
Acreage: 11.24. Total: 25.7 acres.
180 ft. Total: 900 ft.
Acreage: 14.46. Total: 40.16 acres.
180 ft. Total: 1080 ft.
Acreage: 17.67. Total: 57.84 acres.
180 ft. Total: 1260 ft.
Acreage: 20.88. Total: 78.73 acres.
180 ft. Total: 1440 ft.
Acreage: 24.1. Total: 102.83 acres.
Overhang 36 ft. Total: 1476 ft.
Acreage: 5.2. Total: 108.03 acres.
Spray 120 ft. Total: 1596 ft.
Acreage: 9.94. Total: 117.98 acres.



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United States Department of Agriculture
Farm Service Agency

PLSS: 17_92N_52W
Farm: 4361

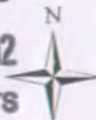
Clay County, SD

1:8,334

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March 11, 2010



Wetland Determination Identifiers

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

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Common Land Units

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

2008 Ortho-Photography - Not to Scale

Debora Eilers, clay co. PT
8/30/12

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South Dakota Department of Environment and Natural Resources

Date 9/5, 20 12

RECEIVED OF Michael L. Bottolfson 45944 Timber Rd Vermillion SD 57069

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

Fee for Application for Permit No. <u>7423-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7423-3</u>	250	00
Fee for Filing Transfer Form _____	<u>200</u>	<u>00</u>
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	1050 00

No. **05560**

By Shad Erbe 28
Chief Engineer



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and NATURAL RESOURCES**

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

September 5, 2012

Michael Bottolfson
45944 Timber Road
Vermillion SD 57069

Dear Mr. Bottolfson:

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

- Enclosed are the aerial photo maps. Please mark the proposed well location with an "X".
- Do you agree that some of the acreage to be irrigated will be located in the N 1/2 SW 1/4 Section 17-T92N-R52W? *Yes I agree Michl Bott*

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures



**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. 7423-3, Michael Bottolfson**

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. 7423-3, Michael Bottolfson, 45944 Timber Road, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7423-3 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. 7423-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7423-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 135 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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
November 9, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7423-3
MICHAEL BOTTOLFSON
NOVEMBER 9, 2012

Water Permit Application No. 7423-3 proposes to appropriate up to 270 acre-feet annually at a maximum diversion rate of 2.22 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 110 feet deep and is to be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, T92N-R52W. This permit application proposes to irrigate 135 acres located in the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 17, all in T92N-R52W in Clay County. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

AQUIFER: Missouri: Elk Point (M: EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

A test hole log was not included with the application but from existing well logs in the area of the application it was possible to determine that this application will most likely be withdrawing water from the Elk Point management unit of the Missouri aquifer and to evaluate the aquifer. The Missouri: Elk Point aquifer is an alluvium mantled glacial outwash (i.e. sand and gravel, with lenses of silt and clay) deposited by meltwater as "an extensive mantle suggestive of an outwash plain or apron at the ice margin" (Simpson, 1960). The Missouri: Elk Point aquifer underlies southeastern Yankton County along the Missouri River through Clay County and into the southeast corner of the state in Union County. The aquifer underlies approximately 74,500 acres and contains an estimated 1,117,500 acre-feet of recoverable water in Clay County (Hedges, et.al, 1982). The aquifer is under water table conditions in this area. Depth to the top of the aquifer is generally less than 50 feet in the area of this application (Jensen, 2000).

SDCL 46-2A-9

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

WATER AVAILABILITY:

This application proposes to appropriate up to 270 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 270 acre-feet/year. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.

Recharge versus Withdrawals:

Recharge:

Recharge to the Missouri: Elk Point occurs through the direct penetration of precipitation, streamflow losses, and subsurface inflow from adjacent areas. The average annual recharge for the Missouri: Elk Point aquifer based on observation well analysis is estimated to be 3.8 inches per year (Hedges, et.al, 1985). This recharge equates to a total 23,591.7 acre-feet annually for Clay County. Since the Missouri: Elk Point is hydraulically connected to the Missouri River; increased groundwater discharge by wells could induce additional recharge from the river. According to Stephens (1967), "much of the discharge of the Missouri river is potentially available to recharge the aquifer. Increased ground-water discharge by wells would induce additional recharge from the river."

Withdrawals:

There are 107 water rights/permits appropriating water from the Missouri: Elk Point aquifer in Clay County on record. The Missouri: Elk Point also naturally discharges to the Dakota aquifer and, during periods of low flow and stage, to the Missouri River (Niehus, 1994). The distribution appropriation types are shown in table 1 along with the future use appropriations.

Water Rights/Permits	Number
Commercial	1
Irrigation	100
Municipal	4
Rural Water System	2
Future Use Permits	
Municipal	1
Rural Water System	4

Table 1- Distribution of Water Rights/Permits and Future Use Permits in Clay County appropriating water from the Missouri: Elk Point (Water Rights, 2012b)

The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming: 1) water rights/permits limited by an annual volume will pump the entire volume appropriated, 2) water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time, and 3) future use permits can be fully developed. Annual withdrawal from the Missouri: Elk Point from Clay County is expected to total less than 62,503 ac-ft/yr at the current appropriation level. Lewis and Clark Rural Water System's (RWS) expected water use is a significant portion of the volume of water that is anticipated to be pumped under current appropriations. Lewis and Clark RWS has two permits appropriating 32,165 ac-ft annually. In addition Lewis and Clark RWS has four future use permits reserving a total of 25,000 ac-f/yr. Recognizing that due to the proximity of the wells to the Missouri River and the design of the wells, most of the water that will be withdrawn from the Lewis and Clark RWS wells will be induced from the Missouri River. Withdrawal from the Missouri: Elk Point aquifer for irrigation in Clay County, as reported to the DENR-Water Rights Program through annual irrigation questionnaires, is shown in table 2.

YEAR	NO. OF PERMITS REPORTING	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2011	89	34722	1802.64
2010	86	33128.6	592.30
2009	84	33832.6	1582.91
2008	77	32059.6	4907.57
2007	65	27554.6	7084.70
2006	56	25393.6	5860.14
2005	48	21731.6	3054.04
2004	43	20702.4	3849.75
2003	43	20702.4	3837.68
2002	43	20702.4	3795.69
2001	42	20478.4	3422.53
2000	42	20478.4	3436.28
1999	41	20238.4	2045.96
1998	42	20856.4	1939.36
1997	41	20698.4	2756.00
1996	41	20746.4	1790.32
1995	41	20116.4	2119.30
1994	42	20863.2	1322.31
1993	40	20135.2	114.90
1992	39	19721.2	196.10
1991	43	19805.2	3439.30
1990	39	20499.2	3242.00
1989	37	20089.2	2839.00
1988	35	19120.2	3780.20
1987	36	19604.2	2211.00
1986	42	21178.2	1732.80
1985	39	20120.2	2552.40
1984	39	20120.2	2448.10
1983	33	18546.2	2871.90
1982	32	18221.2	2279.53
1981	38	19644.0	2699.00
1980	30	17660.0	1788.00
1979	31	17660.0	1896.00
Maximum	89	34722.0	7084.70
Minimum	30	17660.0	114.90
Average	46.0	22034.2	2705.75

Table 2- Irrigation Water Use from the Missouri: Elk Point aquifer from Clay County (Water Rights 1979-2012).

Observation Well Data:

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

The DENR-Water Rights Program monitors five observation wells located into the Missouri: Elk Point aquifer in Clay County (Water Rights, 2012a). The nearest observation wells are CL-80B and CL-80C, 4.3 miles west and 5.4 miles southeast respectively. Water levels in the observation wells show good response to climatic conditions. The water levels rise (recharge)

during wet years and gradually decline during dry years. The observation wells show the effects of pumping, but it does not appear to be adverse over the period of record. The climatic effects on water level greatly mask the temporal impacts of well withdrawal. Therefore, recharge to and natural discharge from the Missouri: Elk Point aquifer significantly exceeds pumping. Figure 1 and 2 show the hydrographs for observation wells CL-80C and CL-80C, respectively.

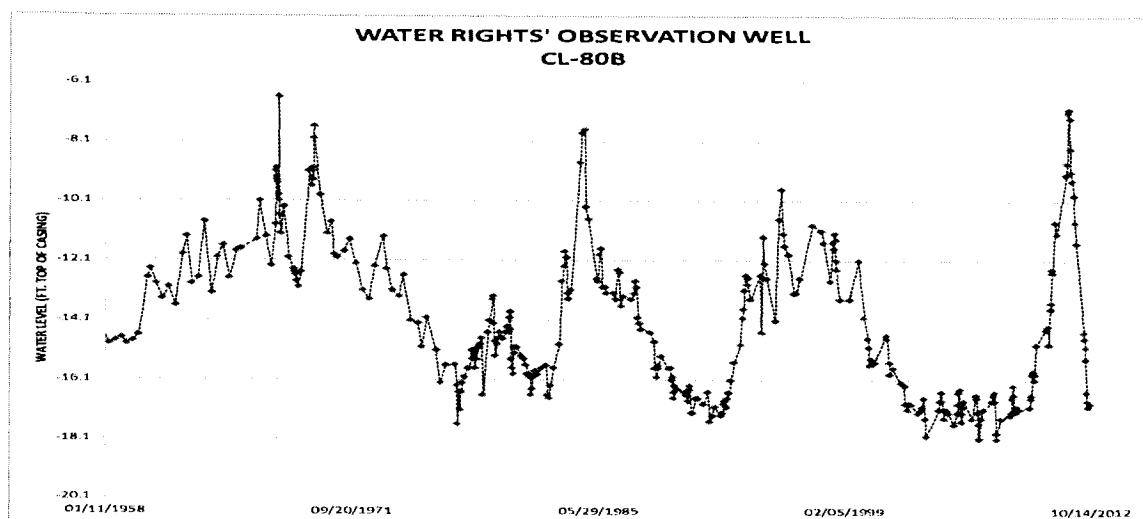


Figure 1- Hydrograph of DENR-Water Rights' observation well CL-80B (Water Rights, 2012a)

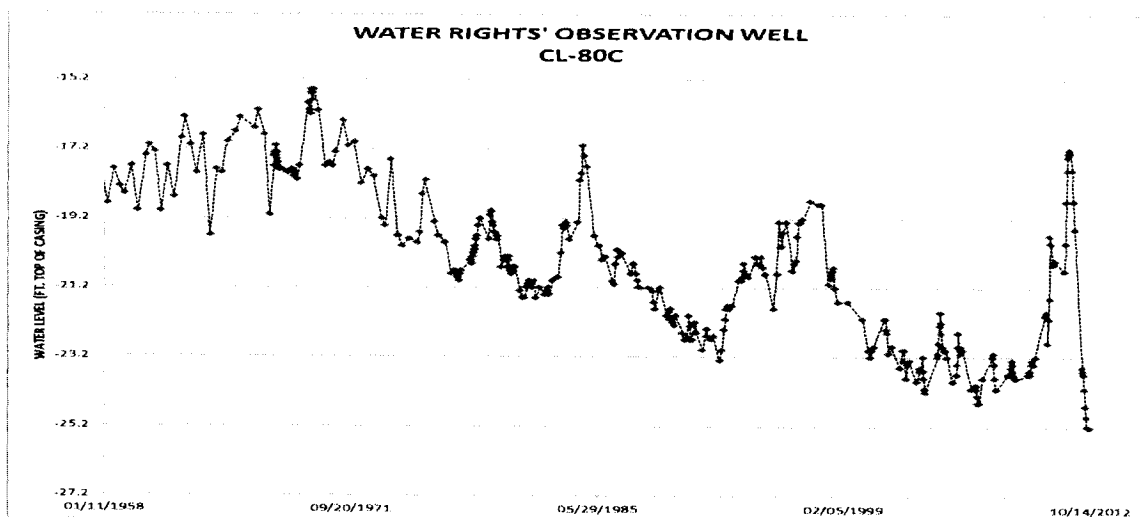


Figure 2- Hydrograph of DENR-Water Rights' observation well CL-80C (Water Rights, 2012a)

Recognizing that natural discharge from the aquifer can be captured for pumping, increased pumping will likely induce more recharge from the Missouri River. Therefore, there is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer. The general decline in water level as shown in the hydrograph for CL-80C has been attributed to one of two things: (1) the construction of the dams along the Missouri River no longer allows for the annual flooding that raised water levels in the aquifer or (2) the Missouri River is becoming entrenched and lowering the potentiometric surface of the aquifer.

EXISTING WATER RIGHTS:

There are 10 water rights/permits authorizing wells, three domestic wells, and an area designated for use as a well field by a future use permit within two miles of the proposed well location. Table 3 shows the water rights/permits and the future use permit within two miles of the proposed well location.

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
6869-3	Lewis & Clark RWS	FU	RWS		
5435-3	Francis J. Heine	LC	IRR	2	140
6645-3	Gary & Amy Freeburg	LC	IRR	1.78	148
6768-3	Gary & Amy Freeburg	LC	IRR	2.67	194.5
6804-3	Daniel Heine	LC	IRR	6.69	670.6
6898-3	Bottolfson Bros	PE	IRR	5.79	405
6899-3	Bottolfson Bros	PE	IRR	2.2	160
6940-3	Ken Less	PE	IRR	1.11	52
6941-3	Ken Less	PE	IRR	0.89	146
7083-3	Bottolfson Bros	PE	IRR	1.56	103.5
7297-3	Francis J. Heine	PE	IRR	1.11	80

LC = Water Right, PE = Water Permit, IRR = Irrigation, RWS = Rural Water System

Table 3 – Water Rights from the Missouri: Elk Point aquifer within 2 miles of the proposed well location (Water Rights, 2012b)

The Elk Point management unit of the Missouri aquifer is highly developed. But, there have been no well interference or water availability complaints from this area. The observation well hydrographs show that the impacts of pumping have not been adverse over the period of record. The minimal drawdown and interference from pumping high capacity wells is clearly shown by both figures 1 and 2; the hydrographs for observation wells CL-80B and CL-80C, respectively. Both observation wells are within one half mile of five irrigation wells. Therefore, there is a reasonable probability that the diversion proposed by this application can be made without impairing existing water rights/permits and domestic users.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs per second for every 70 acres, or “the equivalent thereof.” The statute does provide that the Water Management Board may allow a greater diversion if the method of irrigation so requires. Water Permit Application 7423-3 proposes to divert at a rate of 2.22 cfs to irrigate 135 acres, or the equivalent of 1.15 cfs per 70 acres. The applicant does not provide a justification for the request for a diversion rate of 2.22 cfs.

CONCLUSIONS:

1. This application proposes to appropriate 270 acre-feet annually for the irrigation of 135 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 applicant requested a diversion rate greater than the statutory limit and provided no justification for the request.



Adam Mathiowetz
SD DENR-Water Rights Program

REFERENCES:

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

NOV 26 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

Michael Bottolfson
DENR
45944 Timber Rd
Vermillion, SD 57069

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF THE
OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS
AFFIDAVIT; THAT THE ANNEXED
NOTICE ON APPLICATION NO. 7423-3 TO APPROPRIATE WATER

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 16 DAY OF NOVEMBER 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$28.99 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: 11/16/12

FILED ON: 11/16/12

Tera C. Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS 19th DAY OF

November

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

Notice is given, that Michael Bottolfson, 45944 Timber Rd, Vermillion SD 57069 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (110 feet deep) located in SE 1/4 NW 1/4 Section 17 for irrigation of 135 acres located in the NW 1/4, N 1/2 SW 1/4 Section 17; all in T92N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7423-3 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 26, 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 \$28.99

Estimated publishing cost per published copy \$0.155

Published November 16, 2012

RECEIVED

NOV 26 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. 7423-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 16th DAY OF November 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.48 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: 11/16/2012

FILED ON: 11/20/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF November

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

11+16

NOTICE OF APPLICATION
NO. 7423-3 to Appropriate Water

Notice is given that Michael Bottolfson, 45944 Timber Rd, Vermillion SD 57069 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (110 feet deep) located in SE 1/4 NW 1/4 Section 17 for irrigation of 135 acres located in the NW 1/4, N 1/2 SW 1/4 Section 17; all in T92N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7423-3 because 1) unappropriated

water is available, 2) existing rights will not be unlawfully impaired, 3) it is in the public interest, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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Published once at the total approximate cost of \$26.48.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 9, 2012

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7423-3 to Appropriate Water. Please publish the notice once on November 16, 2012. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Michael Bottolfson, 45944 Timber Rd., Vermillion SD 57069 (Ph # 605-670-1830).

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

November 9, 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.

November 9, 2012

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

Water Permit Application No. 7423-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Plain Talk printed at Vermillion SD (Ph # 605-624-2695) and the Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on November 16, 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. 7423-3 to Appropriate Water

Notice is given that Michael Bottolfson, 45944 Timber Rd, Vermillion SD 57069 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (110 feet deep) located in SE 1/4 NW 1/4 Section 17 for irrigation of 135 acres located in the NW 1/4, N 1/2 SW 1/4 Section 17; all in T92N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

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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 02 2013

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson

Enclosed is Water Permit No. 7423-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

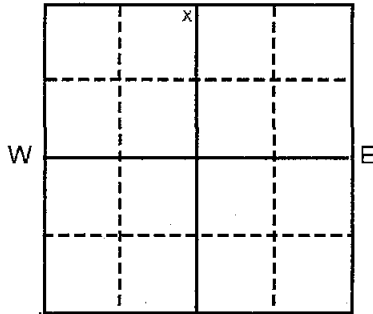
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NW 1/4 Sec 17 Twp 92N Rg 52WWell Owner: Michael BottolfsonCounty Clay

North

Please mark well
location with an "X"

Well Completion Date

December 4, 2012

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,000.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16.00</u> IN	<u>0.0</u> FT	<u>40.0</u> FT	<u>28.00</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>16</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>40.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 60.0 FeetMaterial PVCSlot Size .08 Set From 40.0 Feet to 80.0 FeetOther information .05 set rom 80.0 Ft to 100.0 FtWAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?☒ No, Why Not? Not Required

Lab to which water quality sample sent for analysis

Business Name:

Address: 45944 Timber RdCity, State, Zip: Vermillion SD 57069

WELL LOG:

DEPTH

FORMATION	FROM	TO
Top Soil	0	6
Fine Sand	6	55
Blue Clay	55	70
Coarse Gravel	70	76
Coarse Sand	76	90
Coarse Gravel w/ Rocks	90	95
Med Sand w/ Rocks	95	100

STATIC WATER LEVEL 19.0 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

27.0 Ft. After 3.0 Hrs. pumped 700.0 GPM39.0 Ft. After 5.0 Hrs. pumped 1,200.0 GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

FEB - 1 2013

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

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 1-29-13

7423-3
SEP 19 2013WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9-16-2013TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

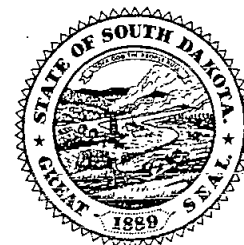
FROM:

Michael L Bottolfsen
(name)45944 Timber road
(address)Vermillion SD 57069
(city, state, zip)670-1830
(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. 7423-3 states that the water use system is to be constructed by5-26-2015
(date), and water is to be put to beneficial use by 11-26-2021
(date)The water use system was completed on 5-16-2013
(date)Applying the water to beneficial use was completed on 5-17-2013
(date)

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

CR
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 19, 2013

7423-3

Michael L Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

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

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

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

Sincerely,

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

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



7423-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 15, 2016

NOTICE

TO: MICHAEL BOTTOLFSON, 45944 TIMBER RD, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7423-3 & 7519-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7423-3 & 7519-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7423-3 & 7519-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 9, 2016

7423-3
7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit Nos. 7423-3 and 7519-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7423-3

I have this day, November 2, 2015, made a thorough examination of the water use system constructed by Michael Bottolfson, 45944 Timber Rd, Vermillion, SD 57069 of Permit No. 7423-3, bearing the priority of September 4, 2012 authorizing the diversion of 2.22 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, in Clay County.

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

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells 1
- 3) Depth(s) 100 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 40 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 60 feet
- 3) Static water level 19 feet

Pump:

- 1) Make Grundfos Submersible
- 2) Model _____
- 3) Size _____
- 4) Capacity 700 GPM

Motor:

- 1) Make Grundfos Submersible
- 2) Model No. 625S300-2aa
- 3) Horsepower rating 30 hp

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1476 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 700 GPM

Comments: Water Permit 7423-3 appropriated 2.22 cfs or 1000 gpm, however only 1.56 cfs or 700 gpm were developed.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

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

List any extended period of nonuse: none

- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: East 1540', South 1610' from NW corner Sec 17-T92N-R52W; Lat 42.78923/Long -97.01684; SE ¼ NW ¼ Sec 17-T92N-R52W.

2. The works are capable of diverting and conveying to the place of use 1.56 cfs or 700 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 17-T92N-R52W

NW ¼ NW ¼ – 30 ac

SW ¼ NW ¼ – 38 ac

SE ¼ NW ¼ – 14 ac

NE ¼ NW ¼ – 13 ac

NW ¼ SW ¼ – 8 ac

NE ¼ SW ¼ – 8 ac

comprising a total of 111 acres of land and the license should be issued for 1.56 cfs or 700 gpm.

3. All structures, wells and lands on map Yes

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

Two acres in NW ¼ NW ¼ and 9 acres in NE ¼ NW ¼ are included in this permit that overlap Water Permit 7519-3.



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

Date report completed: March 10, 2016

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Michael Bottolfson** File No. **7423-3 and 7519-3**
Address: **45944 Timber Rd., Vermillion, SD 57069** County: **Clay**
Date: **June 21, 2016** Telephone: **(605) 670-1830**
RE: **Licensing of Permit Nos. 7423-3 and 7519-3**

Comments:

Michael Bottolfson holds Permit Nos. 7423-3 and 7519-3 both located in Section 17-T92N-R52W and diverting water from the same water source but two separate wells. There are 11 acres that overlap between the two permits, 9 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 17-T92N-R52W. A contiguous acreage document is needed for 7519-3 to cover acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17-T92N-R52W. The two permits will be licensed separately.

The permits authorize diversion rates greater than the statutory limit.

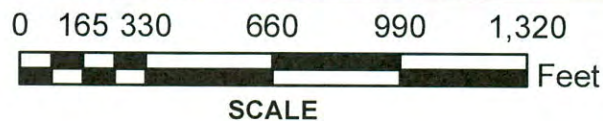
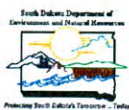
7423-3 priority date 11/26/2012	7519-3 priority date 1/21/2013
NE$\frac{1}{4}$ NW$\frac{1}{4}$ 13 acres	NW$\frac{1}{4}$ NE$\frac{1}{4}$ 23 acres
NW$\frac{1}{4}$ NW$\frac{1}{4}$ 30 acres	SW$\frac{1}{4}$ NE$\frac{1}{4}$ 24 acres
SW$\frac{1}{4}$ NW$\frac{1}{4}$ 38 acres	NE$\frac{1}{4}$ NW$\frac{1}{4}$ 34 acres
SE$\frac{1}{4}$ NW$\frac{1}{4}$ 14 acres	NW$\frac{1}{4}$ NW$\frac{1}{4}$ 2 acres
NE$\frac{1}{4}$ SW$\frac{1}{4}$ 8 acres	SE$\frac{1}{4}$ NW$\frac{1}{4}$ 9 acres
NE$\frac{1}{4}$ SW$\frac{1}{4}$ 8 acres	
Total = 111 acres	Total = 92 acres

7423-3 developed 1.56 cfs and 7519-3 developed 1.56 cfs, two separate center pivots and two separate wells.



Lynn Beck
Natural Resources Engineer III

7423-3



Harold Holoch
 Harold Holoch, PE
 Water Rights Inspector
 December 7, 2015

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7423-3

(1) Michael Bottolfson, 45944 Timber Rd, Vermillion SD 57069 made Application No. 7423-3, September 4, 2012 for a water permit to divert 2.22 cubic feet of water per second (cfs) from one well-Missouri:Elk Point Aquifer, Clay County, South Dakota for irrigation purposes. Permit No. 7423-3, with a priority date of September 4, 2012 was approved November 26, 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 26, 2017 and for the application to beneficial use of water on or before November 26, 2021.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on September 19, 2013. The *Notice* stated the diversion system was completed on May 16, 2013 and the water placed to beneficial use on May 17, 2013.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 7423-3 is issued a license, bearing a priority date of September 4, 2012 to appropriate 1.56 cubic feet of water per second from one well-Missouri:Elk Point Aquifer to irrigate 111 acres.

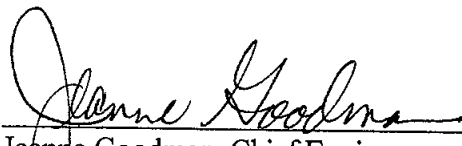
The diversion point is located: 1,540 feet east and 1,610 feet south of the NW corner of Section 17-T92N-R52W (SE 1/4 NW 1/4). The acres authorized for irrigation are as follows:

Section 17-T92N-R52W	NW 1/4 NW 1/4	30 ac	NW 1/4 SW 1/4	8 ac
	SW 1/4 NW 1/4	38 ac	NE 1/4 SW 1/4	8 ac
	SE 1/4 NW 1/4	14 ac		
	NE 1/4 NW 1/4	13 ac		
			Total -	111 ac

Eleven acres located in the N 1/2 NW 1/4 overlap irrigation authorized under Water Right No. 7519-3.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7423-3 including 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. 7423-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled by Hammond Wetmore Drilling LLC in December, 2012. A copy of the log is on file with the Water Rights Program.*
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7423-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 135 acres with an annual volume not to exceed 2 acre feet of water per acre per year. ***Based on actual usage, the maximum diversion rate is reduced to 1.56 cfs and the number of acres is reduced to 111 acres.***
4. 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

AUG 16 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 16 2016

7423-3
7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 570269

Dear Mr. Bottolfson:

Enclosed are Water License Nos. 7423-3 and 7519-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 7423-3 and 7519-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures



7423-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: MICHAEL BOTTOLFSON, 45944 TIMBER RD, VERMILLION, SD 57069
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7423-3 & 7519-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7423-3 & 7519-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7423-3 & 7519-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



7423-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 15, 2017

7423-3
7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Sir:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 7423-3 and 7519-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



7423-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: MICHAEL BOTTOLFSON, 45944 TIMBER RD, VERMILLION, SD 57069
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7423-3 & 7519-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7423-3 & 7519-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7423-3 & 7519-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

7423-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

7423-3
7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 7423-3 and 7519-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: MICHAEL BOTTOLFSON, 45944 TIMBER RD, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7423-3 & 7519-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7423-3 & 7519-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7423-3 & 7519-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: GRRNTV**

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

7423-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 2021

7423-3
7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

I am writing to acknowledge receipt of the information for your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 7423-3 and 7519-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

7423-3



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

January 20, 2022

NOTICE

TO: MICHAEL BOTTOLFSON, 45944 TIMBER RD, VERMILLION, SD 57069
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7423-3 & 7519-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7423-3 & 7519-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7423-3 & 7519-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: UBVEEX**

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



7423-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 3, 2022

7423-3
7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 7423-3 and 7519-3. The information was received in our office prior to the Water Management Board meeting and was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

January 19, 2024

NOTICE

TO: MICHAEL BOTTOLFSON, 45944 TIMBER RD, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7423-3 & 7519-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7423-3 & 7519-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 7423-3 & 7519-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 21, 2024

7423-3

7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 7423-3 & 7519-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



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

January 14, 2025

NOTICE

TO: MICHAEL BOTTOLFSON, 45944 TIMBER RD, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7423-3 & 7519-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7423-3 & 7519-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7423-3 & 7519-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ENNYBV**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 11, 2025

7423-3
7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 7423-3 & 7519-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us