

WATER PERMIT NO. 7428-3

Name of Applicant: **Paul Leiseth**

Address: **44405 179th St, Hazel SD 57242**

Phone: **605 628-2099**

Amount of Water Claimed: **3.33 cfs**

Total Acres: **240 acres**

Source of Water Supply: **groundwater (2 wells)**

Water to be used for: **irrigation**

County: **Codington**

Type of Waste Disposal System:

Location: **4 miles southwest of Watertown**

PRIORITY

Date Received: **9-13-12**

Application/License Fee: **\$ 1150**

Corrected Application Received:

Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **SW 1/4 NW 1/4 Sec 21-T116N-R53W**

Land to be Irrigated: **N 1/2 Sec 21-T116N-R53W**

Depth of Well: **46 feet deep**

Well Driller: **Steffl Drilling & Pump**

Remarks:

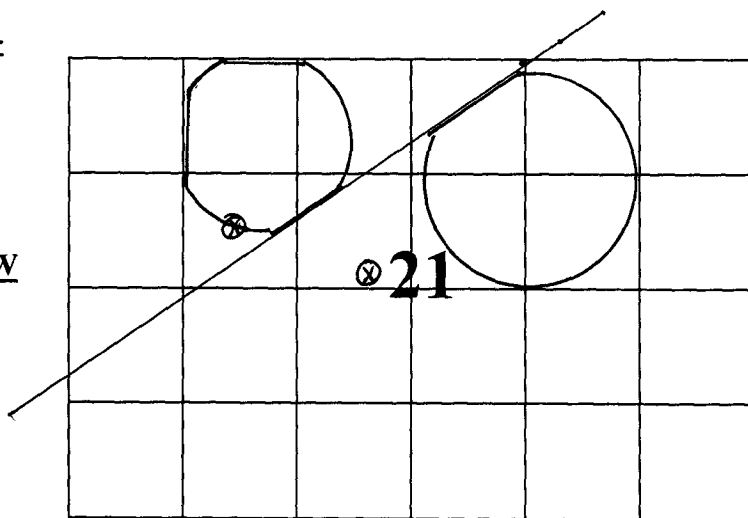
Type of Map: **aerial**

Prepared by: **Jim Dylla, NRCS**

Reviewed and the Number Assigned on: **9-13-12**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



RECEIVED

SEP 13 2012

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7428-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Public Opinion PO Box 10</u>
	<u>605-886-6901</u> <u>Watertown 57201</u>

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 Paul Leiseth Phone 605-628-2099(check one) ☒ Owner ☐ Tenant/lesseeMailing Address 44405 179th St Hazel SD 57242
(Address) (City) (State) (Zip Code)2. Amount of water claimed 3.33 *CFS or 1500 **GPM ***AF Total Acreage 240
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Wells4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Codington

Well #1 SW1/4, NW1/4, Sec 21 T116N R53W

Well #2 SE1/4, NW1/4, Sec 21 T116N R53W

5. County or counties where water will be used Codington6. Annual period during which water is to be used April Through October 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
NW1/4, NW1/4, Sec 21 T116N R53W	38	SE1/4, NE1/4, SEC 21 T116N R53W	38
SW1/4, NW1/4, Sec 21 T116N R53W	26	NE1/4, NE1/4, SEC 21 T116N R53W	38
SE1/4, NW1/4, SEC 21 T116N R53W	6	SW1/4, NE1/4, SEC 21 T116N R53W	38
NE1/4, NW1/4, SEC 21 T116N R53W	30	NW1/4, NE1/4, SEC 21 T116N R53N	26

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

To develop irrigation on this half section to increase crop production.

STATE OF SOUTH DAKOTA)

County of Hamlin) 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, Paul Leiseth, 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 Paul LeisethSubscribed and sworn to before me this 12th day of Sept 20 12

My Commission Expires

May 1, 2014

Notary Public signature Cathryn Smith

**SOUTH DAKOTA
WATER PERMIT NO. 7428-3**

Date of first receipt of application September 13, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7428-3 to Paul Leiseth, 44405 179th St, Hazel SD 57242 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. 7428-3 appropriates 3.33 cubic feet of water per second from two wells to be completed into the Big Sioux:North Aquifer (46 feet deep) located in S 1/2 NW 1/4 Section 21 for irrigation of 240 acres located in the N 1/2 Section 21; all in T116N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is September 13, 2012.
4. The date of approval of Permit No. 7428-3 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

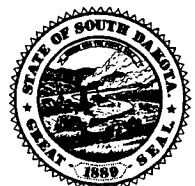
1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7428-3 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

DEC 03 2012
date





United States Department of Agriculture
Farm Service Agency

PLSS: 21_116N_53W
Farm: 4804

Hamlin County, SD
1:8,736

January 26, 2012

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

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

Common Land Units
 Non Cropland

2010 Ortho-Photography - Not to Scale

Date:

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

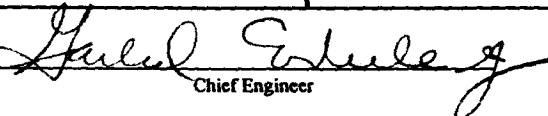
Date 9/13, 20 12

RECEIVED OF Leiseth Farms Inc 44405 179th St Hazel SD 57242

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

Fee for Application for Permit No. <u>7428-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	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>7428-3</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	1150 00

No. **05576**

By 
Chief Engineer

7428-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 7428-3, Paul Leiseth

ADDRESS: 44405 179th Street, Hazel SD COUNTY: Codington County

DATE: November 15, 2012 TELEPHONE:

RE:

Mr. Leiseth called upon receiving the staff report to inform me that both wells are located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T116N, R53W. I indicated the application shows a well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of this section. He indicated that is not where the wells are actually located. The public notice states the wells are to be located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ so the public notice will be adequate.

NAME: Eric Hendon



**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. 7428-3, Paul Leiseth**

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. 7428-3, Paul Leiseth, 44405 179th Street, Hazel SD 57242.

The Chief Engineer is recommending APPROVAL of Application No. 7428-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7428-3 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
November 9, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7428-3
PAUL LEISETH
OCTOBER 30, 2012

Water Permit Application No. 7428-3 proposes to appropriate 480 acre-feet per year (ac-ft/yr) at a maximum diversion rate of 3.33 cubic feet of water per second (cfs) from two wells to be completed into the Big Sioux: North aquifer. The wells are expected to be approximately 46 feet deep. One well is to be located in the SE¼ NW¼ of Section 21 and one well is to be located in the SW¼ NW¼ of Section 21, all in T116N-R53W. This permit application proposes to irrigate 240 acres located in the N½ of Section 21, T116N-R53W in Codington County.

AQUIFER: North management unit of the Big Sioux aquifer (BS: N)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Big Sioux: North is a surficial outwash that is unconfined in the area of the proposed well sites. In total, the Big Sioux: North aquifer underlies 83,500 acres and contains an estimated 187,880 acre-feet (ac-ft) of water in storage. In Codington County alone, the aquifer underlies 67,300 acres and contains an estimated 151,430 ac-ft of water in storage (Hedges and others, 1982). The Big Sioux: North aquifer extends north into Grant County and south into Hamlin County. The aquifer is hydraulically connected to the Big Sioux River and Lakes Pelican and Kampeska. Water in the aquifer generally moves from north to south and locally towards the Big Sioux River with a gradient of six to 10 feet per mile (Hansen, 1990; Putnam & Thompson, 1996).

Test hole information submitted with this application indicates sand and gravel from three to 15 feet, clay from 15 to 17 feet, and sand and gravel from 17 to 46 feet below ground surface. The static water elevation was reported at 17 feet below ground surface, which is within the range of other Water Rights' wells in the area (Water Rights, 2012b). Putman and Thompson (1996) report that throughout the Big Sioux: North aquifer, the thickness ranges from 2 to 54 feet with an average of 24 feet.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a 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 and pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate 480 ac-ft/yr from the Big Sioux: North aquifer. If this application is approved, the actual water use will be less than the appropriation. 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 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.”

HYDROLOGIC BUDGET:

Recharge:

Recharge to the Big Sioux: North aquifer may occur due to infiltration of precipitation in areas where the aquifer is near land surface and inflow from the Big Sioux River and Lakes Pelican and Kampeska during wet years (Hansen, 1990).

Hedges and others (1985) estimated recharge of the aquifer to be 1.0 to 6.9 inches per year (in/yr). Putnam and Thompson (1996) estimated recharge of the Big Sioux: North aquifer to be 2.9 to 5.8 in/yr with an average recharge of 5.53 in/yr under steady state conditions. Using this average recharge and the area of the aquifer cited previously, the estimated recharge is 38,480 ac-ft/yr for the entire Big Sioux: North aquifer and 31,010 ac-ft/yr for the portion of the aquifer underlying Codington County.

Discharge:

Discharge from the aquifer may occur due to evapotranspiration in areas where the aquifer is near land surface, outflow to the the Big Sioux River and Lakes Pelican and Kampeska during dry years, and well withdrawals from commercial use, industrial use, municipal use, rural water systems, suburban housing development, and irrigation (Hansen, 1990). There are a total of 86 water rights/permits appropriating water from the Big Sioux: North aquifer, with 63 of these water rights/permits in Codington County (Water Rights, 2012b).

Diversion rate appropriation for industrial, commercial, and suburban housing development use totals 4.15 cfs. Diversion rate appropriation for municipal and rural water systems totals 15.67 cfs. Annual volume of water currently appropriated from the Big Sioux: North aquifer for municipal and rural water systems totals 6,991 ac-ft/yr. Three future use permits reserve 7,969 ac-ft/yr for municipal use to the City of Watertown (Water Rights, 2012b). Reported pumpage from the Big Sioux: North aquifer for municipal and rural water systems is shown in Table 1. In 2011, the actual volume of the water pumped totaled 4,226.464 ac-ft/yr (Buhler, 2012).

Table 1: Reported water use from the Big Sioux: North aquifer for municipal and rural water system use (modified from Buhler, 2012)

Year	Watertown (ac-ft/yr)	Clark RWS (ac-ft/yr)
2004	2125.662	N/A
2005	2391.826	N/A
2006	2960.858	N/A
2007	4062.464	44
2008	3984.146	127
2009	3735.260	164
2010	3947.148	143
2011	3864.039	143
Max	4062.464	164
Min	2125.662	44
Average	3383.925	124

The amount of water than can be expected to be withdrawn by the non-irrigation water rights/permits at the current appropriation amount can be estimated by assuming: 1) water rights/permits limited by an annual volume will pump the entire volume appropriated annually, 2) water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate at 60 percent of the time, and 3) future use permits can be fully developed. Total annual withdrawal from the Big Sioux: North aquifer by non-irrigation use is expected to total less than 23,570 ac-ft/yr at the current appropriation amount.

In 2011, water appropriated from the Big Sioux: North aquifer for irrigation totaled 16,208.5 ac-ft/yr, with 9,245.5 ac-ft/yr appropriated in Codington County. Pumpage reported withdrawing from the Big Sioux: North aquifer totaled 2,147.88 ac-ft/yr, with 1,042.18 ac-ft/yr pumped in Codington County (Water Rights, 1979-2011). Figure 1 shows the Big Sioux: North aquifer's historic irrigation data.

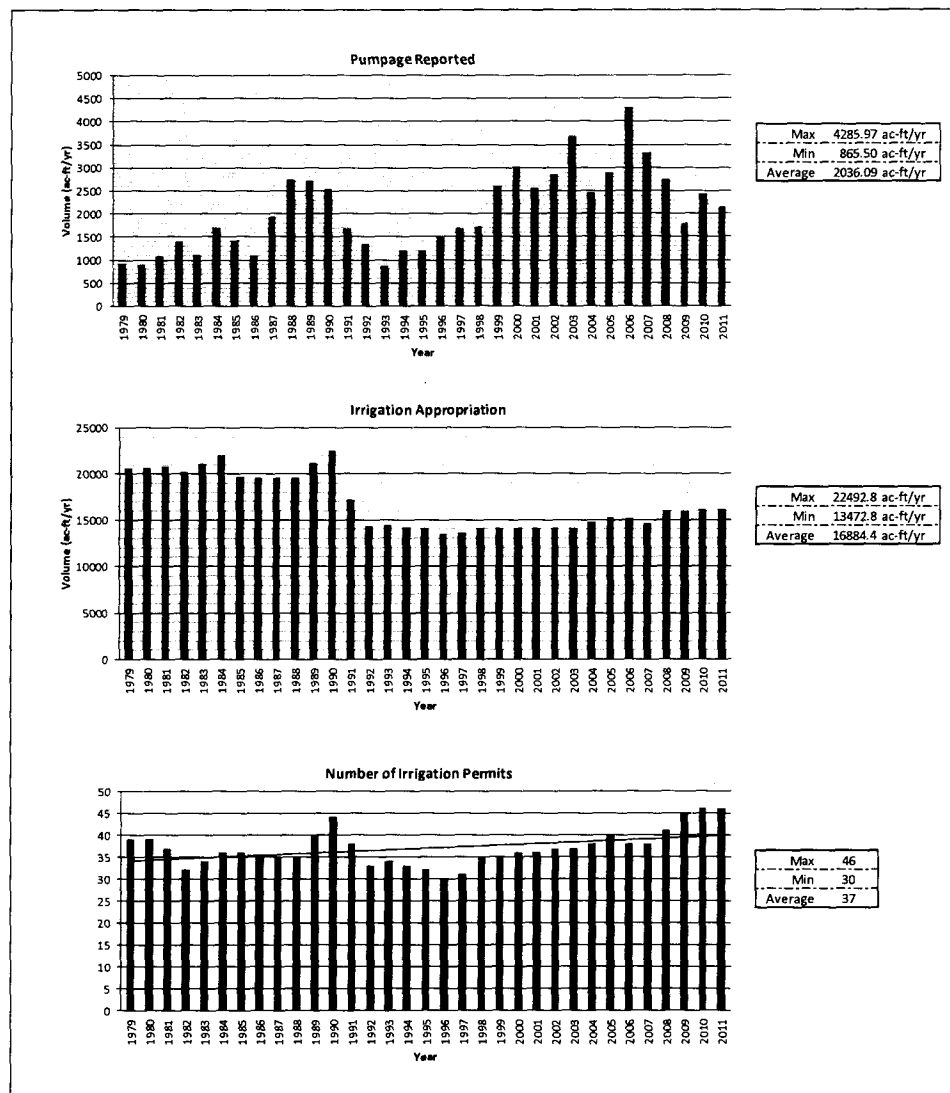


Figure 1: Historic irrigation water use from the Big Sioux: North aquifer (Water Rights, 1979-2011)

In addition, there are many domestic wells on file with the SD DENR-Water Rights Program in Codington County that appear to be completed into the Big Sioux: North aquifer (Water Rights, 2012c).

Hydrologic Budget:

The hydrologic budget of the Big Sioux: North aquifer determines that recharge greatly exceeds withdrawal. Because the proposed wells are located near Pelican Lake and the lake is hydraulically connected to the Big Sioux: North aquifer, pumping from the aquifer could induce recharge supplied by the lake or capture discharge before outflowing to the lake. Therefore, there is a reasonable probability that unappropriated water is available from the Big Sioux: North aquifer for the proposed appropriation of 480 ac-ft/yr.

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 27 observation wells completed into the Big Sioux: North aquifer, with 21 of these observation wells being in Codington County (Water Rights, 2012a). The nearest of these wells, CD-79B, is located approximately three miles northwest of both proposed well sites. The hydrograph of this observation well is shown in Figure 2.

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. From examining water levels in the observation well (Figure 2) and the pumpage reported (Figure 1); there is a clear and logical relationship between wet and dry years and well pumping for irrigation. However, the overall trend of an increasing water level in the aquifer indicates that over the period of record, more water is in storage in the aquifer than before, and that temporal well withdrawal is masked by climatic conditions. Therefore, unappropriated water is available from the Big Sioux: North aquifer for proposed appropriation at these two well sites.

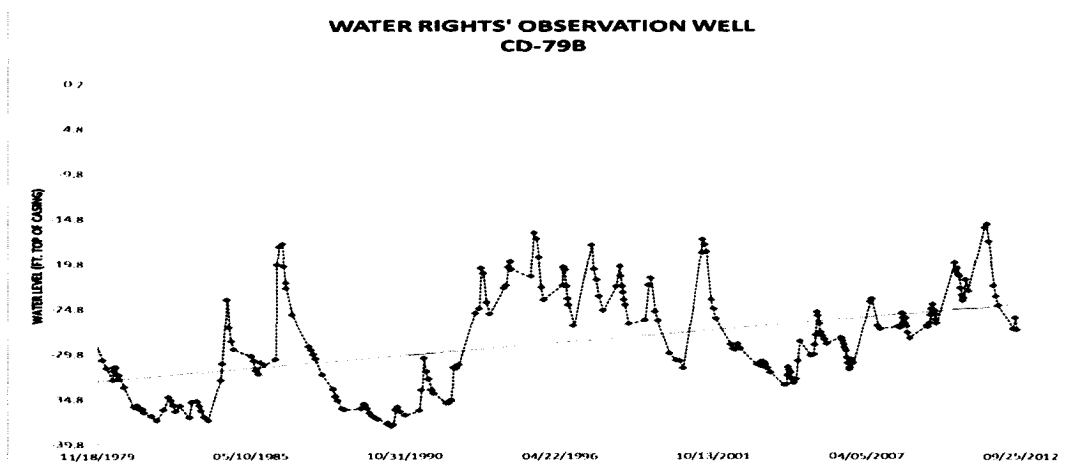


Figure 2: Hydrograph for DENR-Water Rights' observation well CD-80B (Water Rights, 2012a)

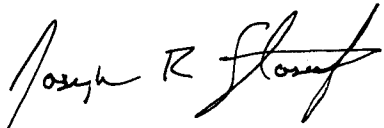
EXISTING WATER RIGHTS:

There are 63 water rights/permits appropriating water from the Big Sioux: North aquifer in Codington County; the nearest water right is located further than three miles from both proposed well sites (Water Rights, 2012b). There is one domestic well on record with the SD DENR-Water Rights Program within a mile of the proposed well sites (Water Rights, 2012c). Due to the distance between wells, drawdown is not expected to be significant. Interference is not expected to be a concern to surrounding wells due to the addition of the proposed well.

It should be noted that an area of the Big Sioux: North aquifer is reserved for future use permits and considered fully appropriated. This status is due to the isolated condition of this portion of the aquifer. The two proposed well sites are not located within or near the boundaries of the fully appropriated area.

CONCLUSIONS:

1. The application proposes to appropriate 480 ac-ft/yr for irrigation at two well sites.
2. There is a reasonable probability that unappropriated water is available from the Big Sioux: North aquifer to supply the proposed appropriation.
3. There is a reasonable probability that this proposed well will not adversely impair existing nearby wells.



Joseph R Stonesifer
SD DENR-Water Rights Program

REFERENCES:

- Buhler, K. 2012. Report of Water Permit Application No. 7329-3 for Michael Barrett. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Hansen, D.S. 1990. Water Resources of Codington and Grant Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 89-4147, 47 p.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and 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. South Dakota DENR-Geological Survey, Vermillion, SD.
- Putnam, L.D., and Thompson, R.C. 1996. Appraisal of the Water Resources of the Big Sioux Aquifer, Codington and Grant Counties, South Dakota: U.S. Geological Survey Water Resources Investigation No. 96-425, 34 p.
- Water Rights. 1979-2011. "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

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NOV 21 2012

WATER RIGHTS
PROGRAM

Form 8

DEPARTMENT
OF ENVIRON-
MENT AND
NATURAL
RESOURCES

NOTICE OF
APPLICATION NO. 7428-3
to Appropriate Water

Notice is given that Paul
Leiseth, 44405 179th St,
Hazel SD 57242 has filed an
application for a water permit
to appropriate 3.33 cubic feet
of water per second from two
wells to be completed into
the Big Sioux: North Aquifer
(46 feet deep) located in S
1/2 NW 1/4 Section 21 for
irrigation of 240 acres locat-
ed in the N 1/2 Section 21; all
in T116N-R53W.

Pursuant to SDCL 46-2A-2,
the Chief Engineer recom-
mends APPROVAL of
Application No. 7428-3
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 accor-
dance with SDCL 46-2A-23,
the Chief Engineer will act on
this application, as recom-
mended, unless a petition is
filed opposing the application
or the applicant files a peti-
tion contesting the Chief
Engineer's recommendation.
If a petition opposing the
application or contesting the
recommendation is filed,
then a hearing will be sched-
uled and the Water
Management Board will con-
sider 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 recommenda-
tion must file a written peti-
tion 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 infor-
mal, but must include a state-
ment describing the petiti-
on-er's interest in the applica-
tion, the petitioner's reasons
for opposing or supporting
the application, and the sig-
nature and mailing address
of the petitioner or the peti-
tioner's legal counsel, if legal
counsel is obtained. Contact
Eric Gronlund at the above
Water Rights Program
address to request copies of
information pertaining to this
application. Steven M.
Pirner, Secretary,
Department of Environment
and Natural Resources.

Published once at the
approximate cost of \$55.25.
(November 16, 2012)

All legal notices in the Public
Opinion and other South
Dakota newspapers can be
found at
www.sdpublicnotices.com

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

November 16th, 2012

Cost of Printing \$54.68

Monica K. Saathoff
(Signature)

Bookkeeping

(Title)

November 16th, 2012

(Date Signed)



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

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7428-3 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 Paul Leiseth, 44405 179th St., Hazel SD 57242 (Ph # 605-628-2099).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

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

November 9, 2012

Paul Leiseth
44405 179th St
Hazel SD 57242

Dear Mr. Leiseth:

Water Permit Application No. 7428-3 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 Public Opinion printed at Watertown SD (Ph # 605-886-6901). 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. 7428-3 to Appropriate Water

Notice is given that Paul Leiseth, 44405 179th St, Hazel SD 57242 has filed an application for a water permit to appropriate 3.33 cubic feet of water per second from two wells to be completed into the Big Sioux:North Aquifer (46 feet deep) located in S 1/2 NW 1/4 Section 21 for irrigation of 240 acres located in the N 1/2 Section 21; all in T116N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7428-3 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 _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 03 2012

Paul Leiseth
44405 179th St
Hazel SD 57242

Dear Mr. Leiseth:

Enclosed is Water Permit No. 7428-3 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,

A handwritten signature in black ink, appearing to read "Garland Erbele". The signature is fluid and cursive, with the first name being more prominent.

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

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Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7428-3

I have this day, April 26, 2023, made a thorough examination of the water use system constructed by Paul Leiseth; 44405 179th St, Hazel, SD 57242 of Permit No. 7428-3, bearing the priority of September 13, 2012 authorizing the diversion of 3.33 cu. ft. per second of the waters of the Big Sioux:North Aquifer for irrigation purposes, in Codington County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling & Pump
- 2) No. of Wells: 4 (all drilled in 2013)
- 3) Depth(s): 38-45 feet
- 4) Well logs are available Y

Comments: All wells very close together

Casing:

- 1) Diameter 12 inches
- 2) Length varies – see logs feet
- 3) Type Plastic

Screen:

- 1) Type slotted
- 2) Length: 10-12 feet
- 3) Static water level: 9-10 feet

Pump:

- 1) Make 4 - Submersibles
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 350 (W) & 375 (E) 725 total GPM

Motor information: Unknown

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

- 1) Type Plastic
- 2) Size 6 & 8 inches
- 3) Length various feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make 2 -Valleys
- 2) Overall length 1090 (West) & 1230 (East) Pivots feet
- 3) Number of towers: 6 & 6
- 4) End gun Y
- 5) Capacity 375 (W) & 350 (E) GPM

Chemigation Equipment:

Comments: Uses commercially available equipment

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: Well Locations- From the NW corner Sec 21 T116N R53W: WELL #1: 1920 ft S & 540 ft E, Lat 44.84214 Long -97.20686 WELL #2: 2325 ft S & 730 ft E, Lat 44.84069 Long -97.20615 WELL #3: 2600 ft S & 740 ft E, Lat 44.84021 Long -97.20599 WELL #4: 2575 ft S & 910 ft E, Lat 44.84035 Long -97.20544 (All SW ¼ NW ¼)
2. The works are capable of diverting and conveying to the place of use 1.61 cu. ft. per second of water of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land in Sec 21 T116N R53W

NW ¼ NW ¼ – 40.0 acres	NW¼ NE ¼ – 20.2 acres
NE ¼ NW ¼ – 15.2 acres	NE ¼ NE ¼ – 22.8 acres
SE ¼ NW ¼ – 5.0 acres	SE ¼ NE ¼ – 35.0 acres
SW ¼ NW ¼ – 24.0 acres	SW ¼ NE ¼ – 33.3 acres

comprising a total of 195.5 acres of land and the license should be issued for 1.61 cfs

3. All structures, wells and lands on map Y

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

The irrigated acreage was determined with the aid of FSA imagery and ArcMAP software.

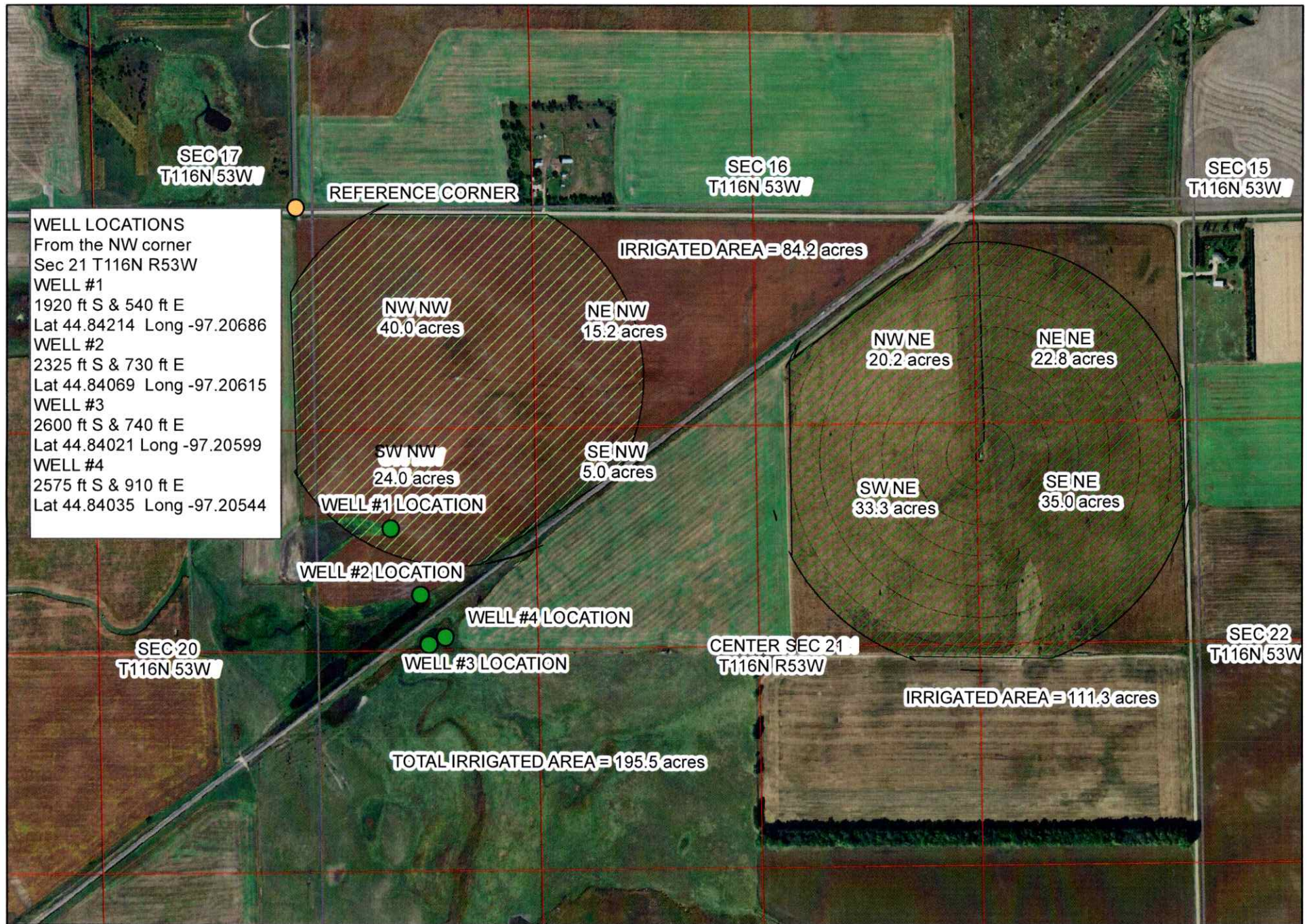
The pump rates reported in a recent Irrigation Questionnaire were used to establish the system flow capacity.

The mailing address and the telephone number in the permit materials are current. Mr. Leiseth's cell number is 605/881-4373.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: April 27, 2023



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
 Water Right Inspector
 DANR-Water Rights Program

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Paul Leiseth

ADDRESS: 44405 179th St, Hazel SD 57242

DATE: 05-11-2023

COUNTY: Codington

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to construct two wells approximately 46 deep into the Big Sioux: North Aquifer in the S1/2 NW1/4 of Section 21 for irrigation of 240 acres in the N1/2 of Section 21; all in T116N-R53W.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The permit holder was authorized to construct two wells approximately 46 feet deep wells into the Big Sioux:North Aquifer located in the S1/2 NW1/4 of Section 21 T116N-R53W with a diversion rate of 3.33 cfs. The permit holder constructed 4 wells into the Big Sioux:North Aquifer in the SW1/4 NW1/4 of Section 21 T116N-R53W at a diversion rate of 1.61 cfs

- **If irrigation, no new land is irrigated**

The permit holder developed irrigation of 122 acres of the 195.6 acres authorized in the NW1/4 of Section 27 T93N-R53W

- **Review of Existing Diversions**

There is one existing water permits/rights located approximately 3.5 miles north where these wells were developed. This was an existing permit/right when this permit was issued. When this permit was issued it was determined that there was reasonable probability any well interference due to pumping of this well would not adversely or unlawfully impair existing rights. The same would be expected for the wells constructed in the new location.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mark D. Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 17 2023

7428-3

Paul Leiseth
44405 179th St
Hazel SD 57242

Dear Mr. Leiseth:

Enclosed is Water License No. 7428-3. 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 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, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7428-3

(1) Paul Leiseth, 44405 179th St, Hazel SD 57242 made Application No. 7428-3, September 13, 2012, for a water permit to divert 3.33 cubic feet of water per second from ground water, two wells (Big Sioux North Aquifer), Codington County, South Dakota for irrigation purposes. Permit No. 7428-3, with a priority date of September 13, 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.

An investigation conducted for licensing purposes found two additional diversion points developed to supply water to the irrigated acreage. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the additional diversion point locations would not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.61 cubic feet of water per second for beneficial use. The diversion points are located as follows: **(all in the SW ¼ NW ¼ Section 21)**

- **Well #1:** 1,920'S & 540'E of the NW corner of Section 21, T116N R53W
Latitude 44.84214 Longitude -97.20686
- **Well #2:** 2,325'S & 730'E of the NW corner of Section 21, T116N R53W
Latitude 44.84069 Longitude -97.20615
- **Well #3:** 2,600'S & 740'E of the NW corner of Section 21, T116N R53W
Latitude 44.84021 Longitude -97.20599
- **Well #4:** 2,575'S & 910'E of the NW corner of Section 21, T116N R53W
Latitude 44.84035 Longitude -97.20544

(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 21, T116N, R53W	NW ¼ NW ¼	40.0 acres	NW ¼ NE ¼	20.2 acres
	NE ¼ NW ¼	15.2 acres	NE ¼ NE ¼	22.8 acres
	SE ¼ NW ¼	5.0 acres	SE ¼ NE ¼	35.0 acres
	SW ¼ NW ¼	24.0 acres	SW ¼ NE ¼	33.3 acres

Total 195.5 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paul Leiseth, 44405 179th St, Hazel SD 57242 the holder and/or owner of Water Right No. 7428-3 is issued a license to appropriate water, the right to use 1.61 cubic feet of water per second from ground water, four wells (Big Sioux North Aquifer) with a priority date of September 13, 2012, from the locations specified in (2) of this license for irrigation purposes.

continued

Water License No. 7428-3

Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7428-3 and subject to the following qualifications:

- The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 7428-3 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 wells were drilled in 2013 by Steffl Drilling & Pump Inc. Copies of the well completion reports are on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.


Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

MAY 17 2023

date

