

WATER PERMIT NO. 7438-3

Name of Applicant: **James J Davis**

Address: **45557 277th St, Parker SD 57053**

Phone: **605 360-7220**

Amount of Water Claimed: **1.56 cfs**

Total Acres: **160**

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

Water to be used for: **irrigation**

County: **Turner**

Type of Waste Disposal System:

Location: **1 mile southeast of Parker**

PRIORITY

Date Received: **9-17-12**

Application/License Fee: **\$ 1050**

Corrected Application Received:

Period of Annual Use: **April 1 – September 30**

Remarks:

Diversion Point: **center of SE 1/4 Sec 21-T99N-R53W**

Land to be Irrigated: **SE 1/4 Sec 21-T99N-R53W**

Depth of Well: **80**

Well Driller: **Hammon-Wetmore Drilling**

Remarks:

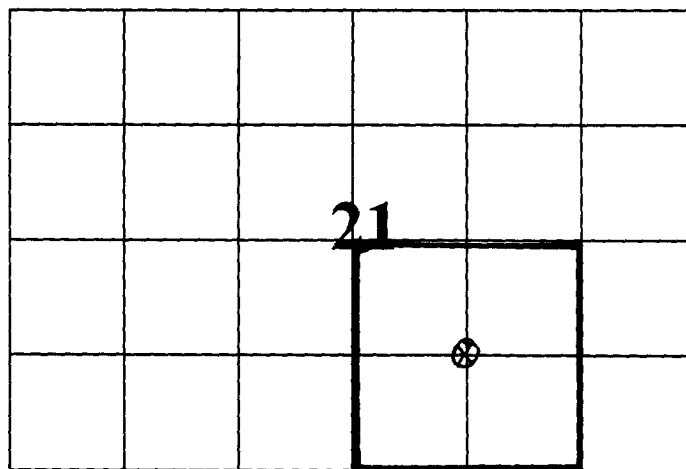
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **9-17-12**

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. 7438-3 Hydrologic Unit 10120102
Basin Vermillion River 605-297-4419
Newspaper New Era PO Box 599 Parker 57053
Argus Leader PO Box 5034 - S Falls 57117 331-2200

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SEP 17 2012
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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 William Eichel (owner) 5397 Painted Mirage Rd Las Vegas NV 89149
(check one) Owner ☒ Tenant/lessee James J. Davis Phone 605-360-7220
Mailing Address 45557 277th Parker SD 57053
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 1.56 *CFS or 700 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Turner

5. County or counties where water will be used center of SE 1/4 Sec 21 99N 53W Parker Twn

6. Annual period during which water is to be used April - Sept 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 of SE 1/4		permit for	40
SW 1/4 of SE 1/4		" "	40
SE 1/4 of SE 1/4		" "	40
NE 1/4 of SE 1/4		" "	40

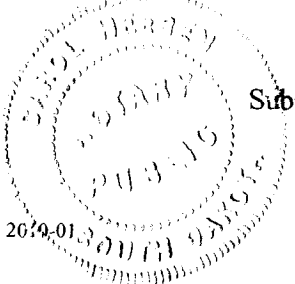
8. Give a description of the project. (Attach sheet if more space is needed)
standard center pivot, well (building site to the south)
well in center of 1/4 160 total

STATE OF SOUTH DAKOTA)
County of Turner) 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, James J Davis, 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 James J Davis
Subscribed and sworn to before me this 30 day of August 20 12



Carol Heeren
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7438-3**

Date of first receipt of application September 17, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7438-3 to James J Davis, 45557 277th St, Parker SD 57053 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. 7438-3 appropriates 1.56 cubic feet of water per second from one well to be completed into the Vermillion West Fork Aquifer (90 feet deep) located in the center of the SE 1/4 Section 21 for irrigation of 160 acres located in the SE 1/4 Section 21; all in T99N-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: May 1 – September 30.
3. The date from which applicant may claim right is September 17, 2012.
4. The date of approval of Permit No. 7438-3 is December 3, 2012.
5. One-fifth of the construction is to be completed on or before June 3, 2015.
6. All construction is to be completed on or before December 3, 2017.
7. Water is to be put to beneficial use on or before December 3, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

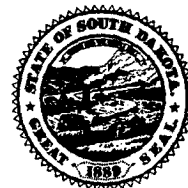
1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7438-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JAN 07 2013
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18" Depth 80'
- b) Casing Type plastic Diameter 16" Thickness 1/4"
- c) Screen Type plastic Diameter 16" Thickness 1/4"
- d) Gravel Pack yes Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 32
- f) Depth to Water (ground surface to water level) 40
- g) Distance to nearest existing domestic well:
On applicant's property X (owners) 11,000' On property owned by others 3/4 mile

2. Wastewater Disposal System Information

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

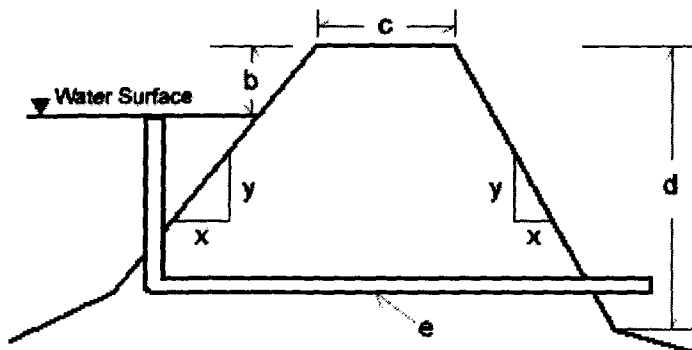
3. Dugout Information

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

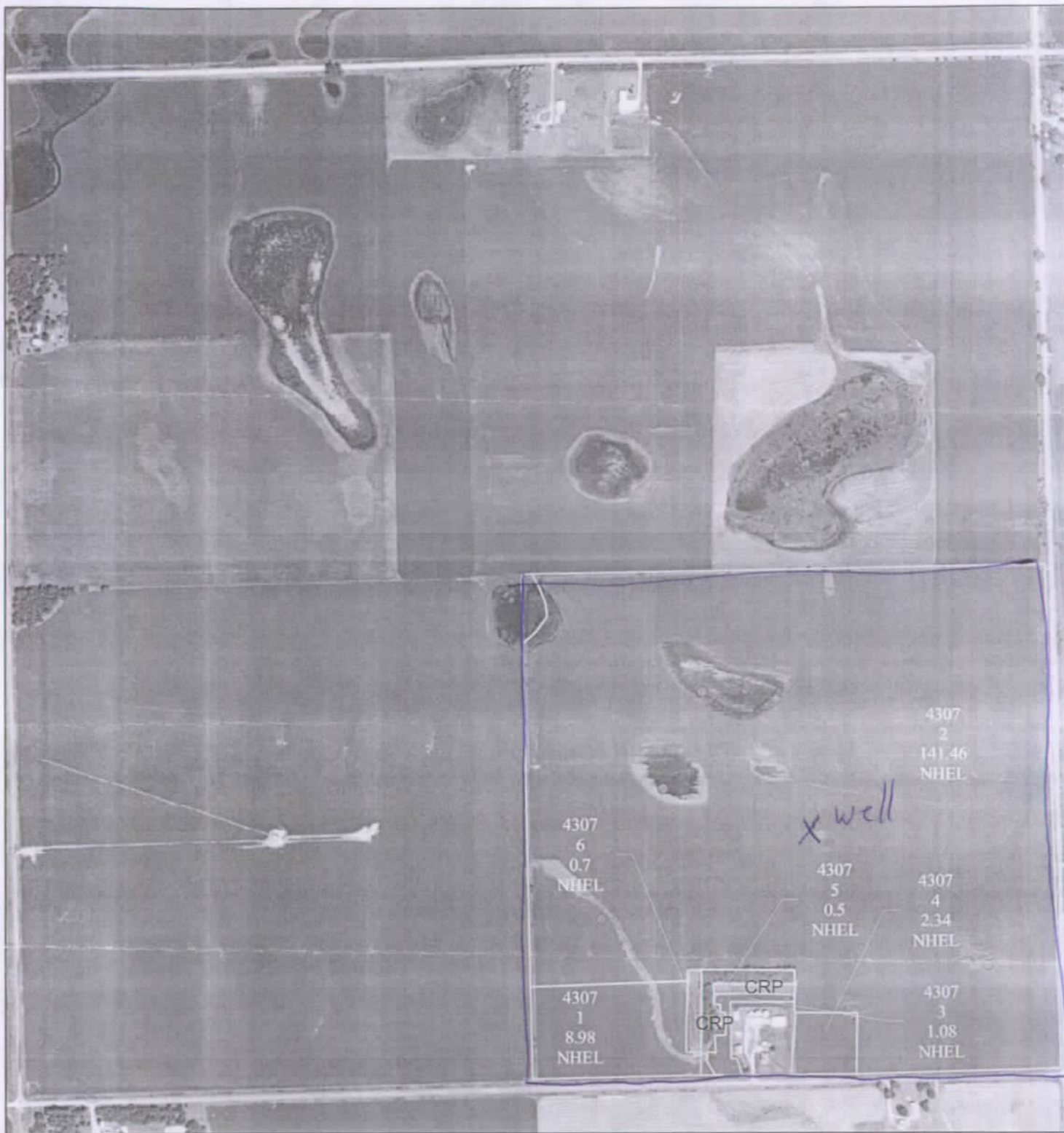
4. Water Storage Dams

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

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



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



United States Department of Agriculture
Farm Service Agency

PLSS: 21_99N_53W
Farm: 7356

Turner County, SD

1:8,332

November 29, 2010

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Wetland Determination Identifiers

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

Common Land Units

/// Non Cropland

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

2010 Ortho-Photography - Not to Scale

[Handwritten signature]
PT

Automatic Irrigation Inc.



1111 Railway ST
Centerville, SD 57014
605-563-2649 office

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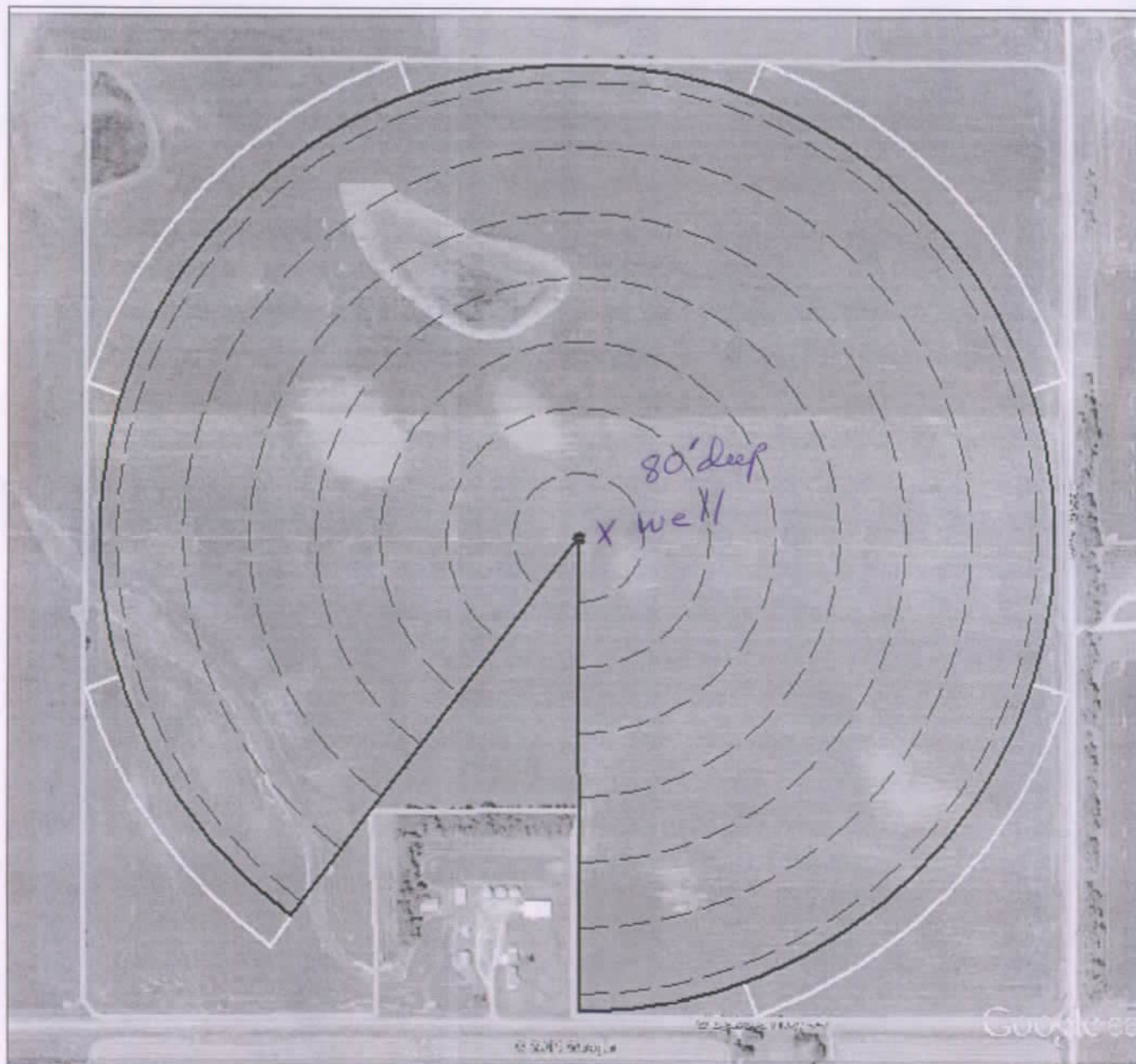
21 99 N 53 W

Farm: Field1

Grower: James Davis

12/9/2011

Systems:	Length	Spans	Total area including endgun
● Pivot 1	1303.67 ft	7 spans + 44 ft o.h.	120.31 acres



Date: 11/20/2011

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

Date 9/17, 20 12

RECEIVED OF James Davis 45557 277th St Parker SD 57053

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

Fee for Application for Permit No. _____ 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. _____	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	1050 00

No. **05582**

By [Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7438-3, James J Davis**

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. 7438-3, James J Davis, 45557 277th Street, Parker SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 7438-3 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. 7438-3 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 14, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7438-3
JAMES J. DAVIS
NOVEMBER 5, 2012

Water Permit Application No. 7438-3 proposes to appropriate 320 acre-feet per year (ac-ft/yr) at a maximum diversion rate of 1.56 cubic feet of water per second (cfs) from one well to be completed into the Vermillion West Fork aquifer. The well is expected to be approximately 80 feet deep and is to be located in the SE¼ of Section 21, T99N-R53W. This permit application proposes to irrigate 160 acres located in the SE¼ of Section 21, T99N-R53W in Turner County.

AQUIFER: Vermillion West Fork aquifer (VWF)

GEOLOGY AND AQUIFER CHARACTERISTICS:

In the area of the proposed well site, the Vermillion West Fork aquifer and the Parker Centerville aquifer seem to blend together. Information from the Turner County study indicates that these two aquifers are hydraulically and geologically similar (Lindgren & Hansen, 1990). Based on area water rights/permits, it seems logical to designate this proposed well's groundwater source as the Vermillion West Fork aquifer (Water Rights, 2012b).

The Vermillion West Fork is a surficial outwash (sand and gravel) and is unconfined in the area of the proposed well site. In Turner County, the aquifer underlies 11,520 acres and contains an estimated 51,000 acre-feet (ac-ft) of water in storage. The Vermillion West Fork aquifer extends north into McCook County, connects to the Vermillion East Fork aquifer to the northeast and the Parker Centerville aquifer to the south. The aquifer is hydraulically connected to the West and East Fork of the Vermillion River and groundwater movement is probably from west to east towards the rivers (Lindgren & Hansen, 1990).

Original mapping indicates no aquifer is present in the area of the proposed well site (Lindgren & Hansen, 1990). However, area wells document that groundwater is present at this location, indicating that the Vermillion West Fork aquifer actually underlies a larger area than originally mapped (Goodman, 2010; Water Rights, 2012b; Water Rights, 2012c).

A well completion report was submitted with this application. The test hole information indicates pebbly clay from zero to 32 feet below ground surface and gravel from 32 to 80 feet below ground surface. The static water level at this location is at 40 feet below ground surface. This agrees with Lindgren and Hansen (1990), which reports the Vermillion West Fork aquifer, begins at between zero to 45 feet below ground surface and has an average thickness of 22 feet, but does thin to 15 feet in the areas near the proposed well site.

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 320 ac-ft/yr from the Vermillion West Fork aquifer. If this application is approved, the actual water use will likely 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 Vermillion West Fork aquifer probably occurs due to infiltration of precipitation in areas where the aquifer is at or near land surface. Hedges and others (1985) estimated the recharge rate for the Vermillion West Fork aquifer to a range of 2.0 to 5.6 inches per year (in/yr). While for the nearby Parker Centerville aquifer, which is similar to the Vermillion West Fork aquifer, Hedges and others (1985) estimated the recharge rate as 4.9 in/yr. So, using the recharge rate of the Parker Centerville aquifer and the area of the Vermillion West Fork aquifer in Turner County cited previously, the estimated recharge for the Vermillion West Fork aquifer equals approximately 4,700 ac-ft/yr.

Discharge:

Discharge from the Vermillion West Fork aquifer probably occurs due to evapotranspiration in areas where the aquifer is near land surface, outflow to the West and East Forks of the Vermillion River, and well withdrawals from municipal and irrigation use. There are a total of 15 water rights/permits appropriating water from the Vermillion West Fork aquifer, all in Turner County (Water Rights, 2012b). Table 1 shows the appropriations of these water right/permits. The future use permit reserves 340 ac-ft/yr.

The amount of water than can be expected to be withdrawn by the non-irrigation use 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. At the current appropriation amount, the total annual withdrawal from the Vermillion West Fork aquifer by non-irrigation use is expected to total less than 1,035 ac-ft/yr (Water Rights, 2012b).

In 2011, the annual volume of water appropriated from the Vermillion West Fork aquifer for irrigation totaled 2,489 ac-ft/yr, while the pumpage reported totaled 811.38 ac-ft/yr (Water Rights, 1979-2012). Figure 1 shows the Vermillion West Fork aquifer's historic irrigation data.



Figure 1: Historic irrigation water use from the Vermillion West Fork aquifer (Water Rights, 1979-2012)

In addition, there are many well completion reports on file with the SD DENR-Water Rights Program in Turner County for domestic wells that appear to be completed into the Vermillion West Fork aquifer (Water Rights, 2012c). The annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer.

Hydrologic Budget:

Discharge from the Vermillion West Fork due to well withdrawal is estimated to be no more than 2,000 ac-ft/yr, which is much less than the estimated recharge of 4,700 ac-ft/yr. Also, pumping from the aquifer could induce recharge from the nearby and hydraulically connected Parker

Centerville aquifer or the West Fork of the Vermillion River. Therefore, there is a reasonable probability that unappropriated water is available from the Vermillion West Fork aquifer for the proposed appropriation of 320 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 one observation well located into the Vermillion West Fork aquifer. This well, TU-80CR, is located approximately 1.5 miles north of the proposed well site. The DENR-Water Rights Program monitors 22 observation wells located into the Parker Centerville aquifer. The nearest of these wells, TU-77A and TU-79A, are located approximately 1.9 miles east-northeast and 1.2 miles south of the proposed well site, respectively. Hydrographs of these observation wells are shown in Figures 2, 3, and 4. (Water Rights, 2012a).

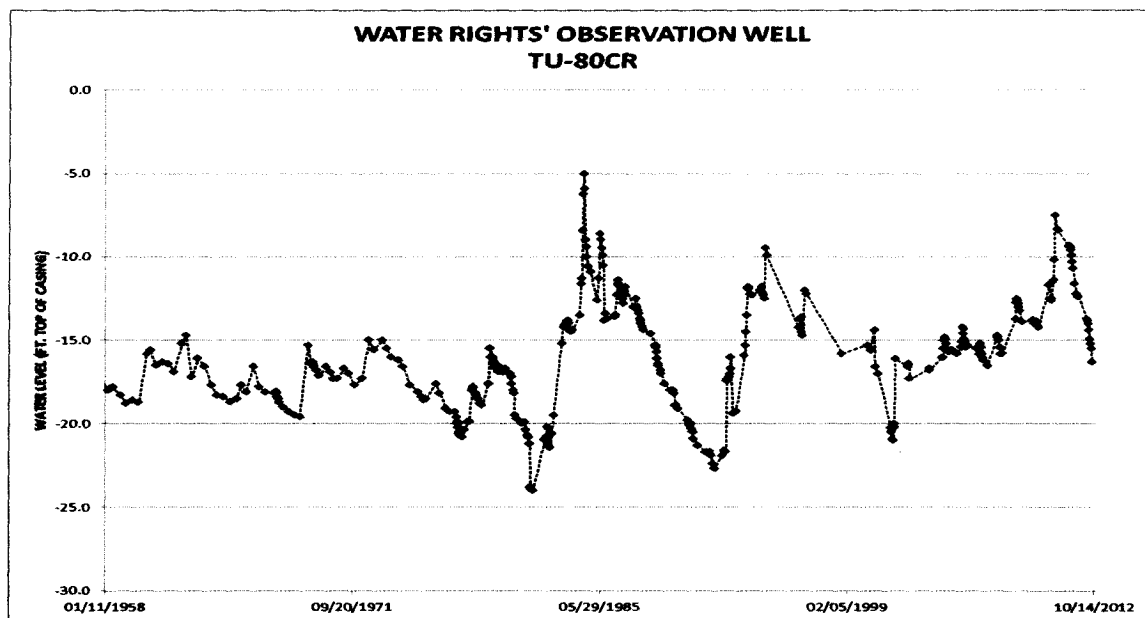


Figure 2: Hydrograph for DENR-Water Rights' observation well TU-80CR (Water Rights, 2012a)

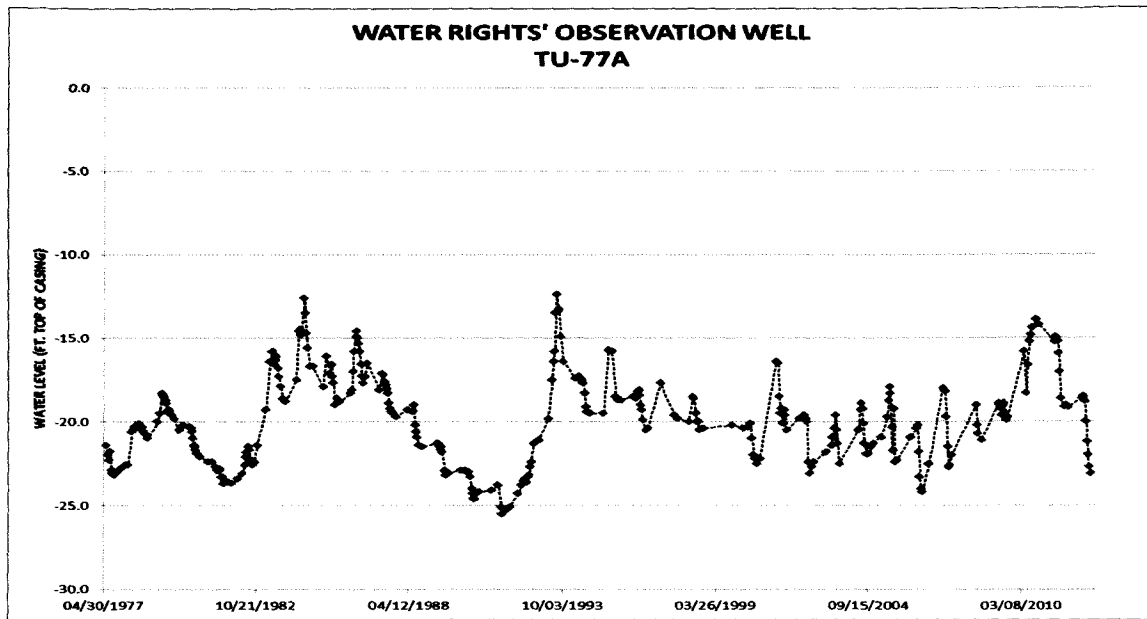


Figure 3: Hydrograph for DENR-Water Rights' observation well TU-77A (Water Rights, 2012a)

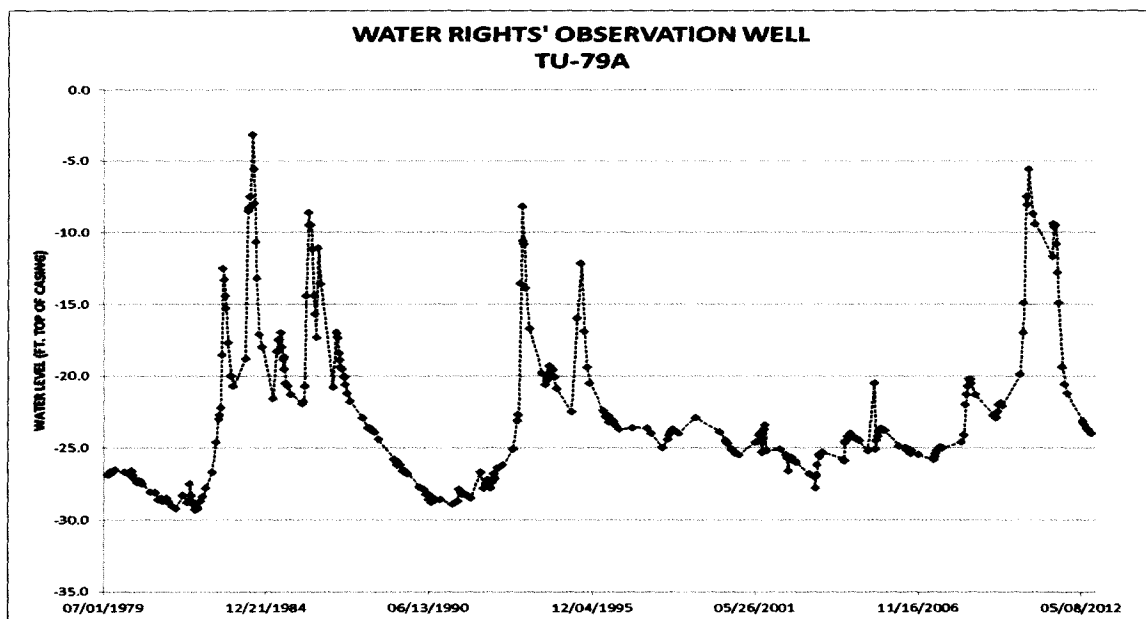


Figure 4: Hydrograph for DENR-Water Rights' observation well TU-79A (Water Rights, 2012a)

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. This data documents that, at the current level of development, temporal well withdrawal is masked by climatic conditions. Therefore, recharge to and natural discharge from the Vermillion West Fork aquifer significantly exceeds pumping. Also consider that natural discharge can also be captured for pumping. These hydrographs

indicate that unappropriated water is available from the Vermillion West Fork aquifer to support the proposed appropriation of 320 ac-ft/yr at the proposed well site.

EXISTING WATER RIGHTS:

There are 15 water rights/permits appropriating water from the Vermillion West Fork aquifer; eight of these are located within two miles of the proposed well site. Table 1 describes these water rights/permits. There are also 14 well completion reports on record with the SD DENR-Water Rights Program for domestic wells within two miles of the proposed well site that may be completed into the Vermillion West Fork aquifer (Water Rights, 2012c). The nearest well, Water Right No. 7173-3, is located approximately one half mile from the proposed well site (Water Rights, 2012b).

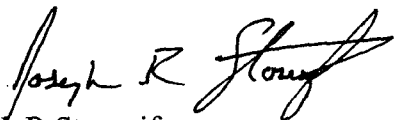
Table 1: Water Rights from the Vermillion West Fork aquifer (Water Rights, 2012b)

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
*4798-3	City of Parker	FU	MUN		
*2156-3	Roger Ihnen	LC	IRR	1.28	90
2849-3	Par Mar County Club	LC	IRR	0.11	7
3550-3	Malvin A Schmidt	LC	IRR	1.87	132
4341-3	Don Weeg	LC	IRR	0.89	62
4562-3	Lawrence R Strawbridge Living Trust	LC	IRR	0.89	74
*4797-3	City of Parker	LC	MUN	1.60	0
5932-3	James P Van Derostyne	LC	IRR	0.70	49
5934-3	James P Van Derostyne	LC	IRR	1.67	120
6492-3	Glenn Kleinsasser, MD	LC	IRR	1.78	136
*7151-3	Allen Merrill	PE	IRR	1.78	320
*7173-3	BallaCostain LLP	PE	IRR	1.45	140
*7294-3	Larry L Schmidt	PE	IRR	4.00	456
*7311-3	Robert Merrill	PE	IRR	1.33	145
*7312-3	Allen Merrill	PE	IRR	1.11	75
LC = Water Right, PE = Water Permit, FU = Future Use Permit, IRR = Irrigation, MUN = Municipal					
* = well is within two miles of proposed well site					

At these distances, drawdown is not expected to be significant or cause any adverse effect on existing wells. However, because the saturated thickness of the aquifer may be relatively thin in areas of some nearby wells, well yields may be affected during periods of extended drought that lowers the water table of the aquifer. So, interference is not expected to be a concern due to the addition of the proposed well, but due to the overall characteristic of the aquifer thinning in areas, interference could occur due to a lack of recharge over a period of time.

CONCLUSIONS:

1. The application proposes to appropriate 320 ac-ft/yr for irrigation.
2. There is a reasonable probability that unappropriated water is available from the Vermillion West Fork aquifer to supply the proposed appropriation.
3. There is a reasonable probability that this proposed well will not cause interference in existing nearby wells, except during extended periods of drought.



Joseph R. Stonesifer
SD DENR-Water Rights Program

REFERENCES:

- Goodman, J.A. 2010. Report on Water Permit Application No. 7173-3 for BallaCostain LLP: SD DENR-Water Rights Program.
- 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.
- Lindgren, R.J., and Hansen, D.S. 1990. Water Resources of Hutchinson and Turner Counties, South Dakota. Water-Resources Investigations Report 90-4093, USGS, Huron, SD
- Water Rights. 1979-2012. "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.

Affidavit of Publication

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DEC 14 2012

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

I, Robin Schneider of the City of Parker, County of Turner, State of South Dakota being first duly sworn on oath, deposes and says: The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, New Century Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the Office Manager of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

#5497 Notice of Application No. 7438-3 to Appropriate Water

_____ printed copy of hereto attached, is printed and published in the said newspaper for one successive weeks, one each week and on the same day of the week, on the following dates, to wit:

On Thursday, the 22nd day of Nov. , 2012

That \$23.17 being the full amount of the fees for publication of the attached notices insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Robin Schneider

Subscribed and sworn to before me this 10th

Day of December 2012

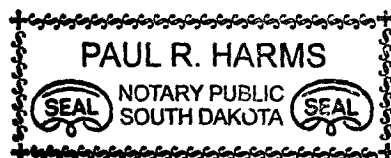
Paul R Harms

Notary Public, Turner County, South Dakota

My Commission Expires: March 20, 2018

See attached

Publication Fee \$
Notary Fees \$
Total \$23.17



**NOTICE OF APPLICATION NO.
7438-3
to Appropriate Water**

Notice is given that James J. Davis, 45557 277th St. Parker, SD 57053 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Vermillion: West Fork Aquifer (90 feet deep) located in the center of the SE 1/4 Section 21 for irrigation of 160 acres lo-

cated in the SE 1/4 Section 21; all in T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7438-3 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 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 575011 (6052 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 Dec. 3, 2012.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons 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 \$23.17.

(#5497, 11/22/12, The New Era)

CUSTOMER NUMBER:	078200	Argus Leader	
AD ORDER NUMBER:	1400473		
	11/22, 2012	P.O. Box 677349, Dallas, TX 75267-7349	\$62.37

RECEIVED
NOV 28 2012
WATER RIGHTS PROGRAM

James J Davis
45557 277th St
Parker, SD 57053

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078200
Invoice Number: 1400473

**Argus Leader
AFFIDAVIT OF PUBLICATION**

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday the 22 day of November 2012 ,
the day of 2012 .
the day of 2012
the day of 2012 .
the day of 2012 .
the day of 2012 .
the day of 2012 .

and that \$62.37 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 11/23/2012

Notary Public, South Dakota

My Commission expires December 22, 2015

**NOTICE OF APPLICATION
NO. 7438-3**

to Appropriate Water
Notice is given that James J Davis, 45557 277th St, Parker SD 57053 has filed an application for a water permit to ap-

propriate 1.56 cubic feet of water or contesting the recommendation is filed, then a hearing will be scheduled and the Vermillion West Fork Aquifer 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 must file a written petition with the Chief Engineer's recommendation. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 3, 2012. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$62.37. 1400473 Nov. 22, 2012



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 14, 2012

The New Era
PO Box 579
Parker SD 57053

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7438-3 to Appropriate Water. Please publish the notice once on November 22, 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 James J Davis, 45557 277th St., Parker SD 57053 (Ph # 605-360-7220).

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 14, 2012

Argus Leader
PO Box 5034
Sioux Falls SD 57117

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7438-3 to Appropriate Water. Please publish the notice once on November 22, 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 James J Davis, 45557 277th St., Parker SD 57053 (Ph # 605-360-7220).

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

Instruction to Newspaper - Publish the Notice on November 22, 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. 7438-3 to Appropriate Water

Notice is given that James J Davis, 45557 277th St, Parker SD 57053 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Vermillion:West Fork Aquifer (90 feet deep) located in the center of the SE 1/4 Section 21 for irrigation of 160 acres located in the SE 1/4 Section 21; all in T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7438-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 3, 2012.

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

Published once at the total approximate cost of _____.



**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 14, 2012

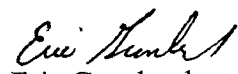
James J Davis
45557 277th St
Parker SD 57053

Dear Mr. Davis:

Water Permit Application No. 7438-3 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 New Era printed at Parker SD (Ph # 605-297-4419) and the Argus Leader printed at Sioux Falls SD (Ph # 605-331-2200). 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
c: William Eichel, 5397 Painted Mirage Rd., Las Vegas NV 89149

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

JAN 07 2013

James J Davis
45557 277th St
Parker SD 57053

Dear Mr. Davis:

Enclosed is Water Permit No. 7438-3 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

3550-3, 7151-3, 7173-3,
7294-3, 7311-3, 7312-3
7438-3

**Water Rights Program
File Documentation**

File: Water Right/Permit Nos. 3550-3, 7151-3, 7173-3, 7294-3, 7311-3, 7312-3, & 7438-3

Date: 2024 June 21

County: Turner

RE: Aquifer designation

COMMENTS:

Water Right No. 3550-3 was advertised as appropriating water from "groundwater" and designated to belong to the Vermillion West Fork aquifer when the Water Rights Program named aquifers [1]. Water Permit Nos. 7151-3, 7173-3, 7294-3, 7311-3, 7312-3, and 7438-3 were advertised as appropriating water from the Vermillion West Fork aquifer [1]. In her review for Water Permit No. 8742-3, Kilts [2] delineated the Parker-Centerville aquifer based on best information available and this delineation included the above-mentioned permit numbers. Subsequently, the Water Rights Program is administratively changing the aquifer designation for the above water right permit numbers to the Parker-Centerville aquifer. This change of aquifer designation, to the Parker-Centerville aquifer, does not represent a physical change in the water source. It is an update to the name of the aquifer materials to reflect the currently best available information for aquifer extents. This update to the aquifer name does not authorize any increase in the amount of water appropriated by these water right permit numbers, relocation of existing wells, or completion of additional wells into the aquifer. Going forward, issuance of any pertinent documents will reflect the updated aquifer designation.



Kim Drennon
Natural Resources Engineer



Eric Gronlund
Chief Engineer

References

- [1] Water Rights Program, "Water Right Permit Files," SD DANR, Joe Foss Bldg., Pierre, South Dakota, 2024.
- [2] W. Kilts, "Report to the Chief Engineer on Water Permit Application No. 8742-3," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2023.

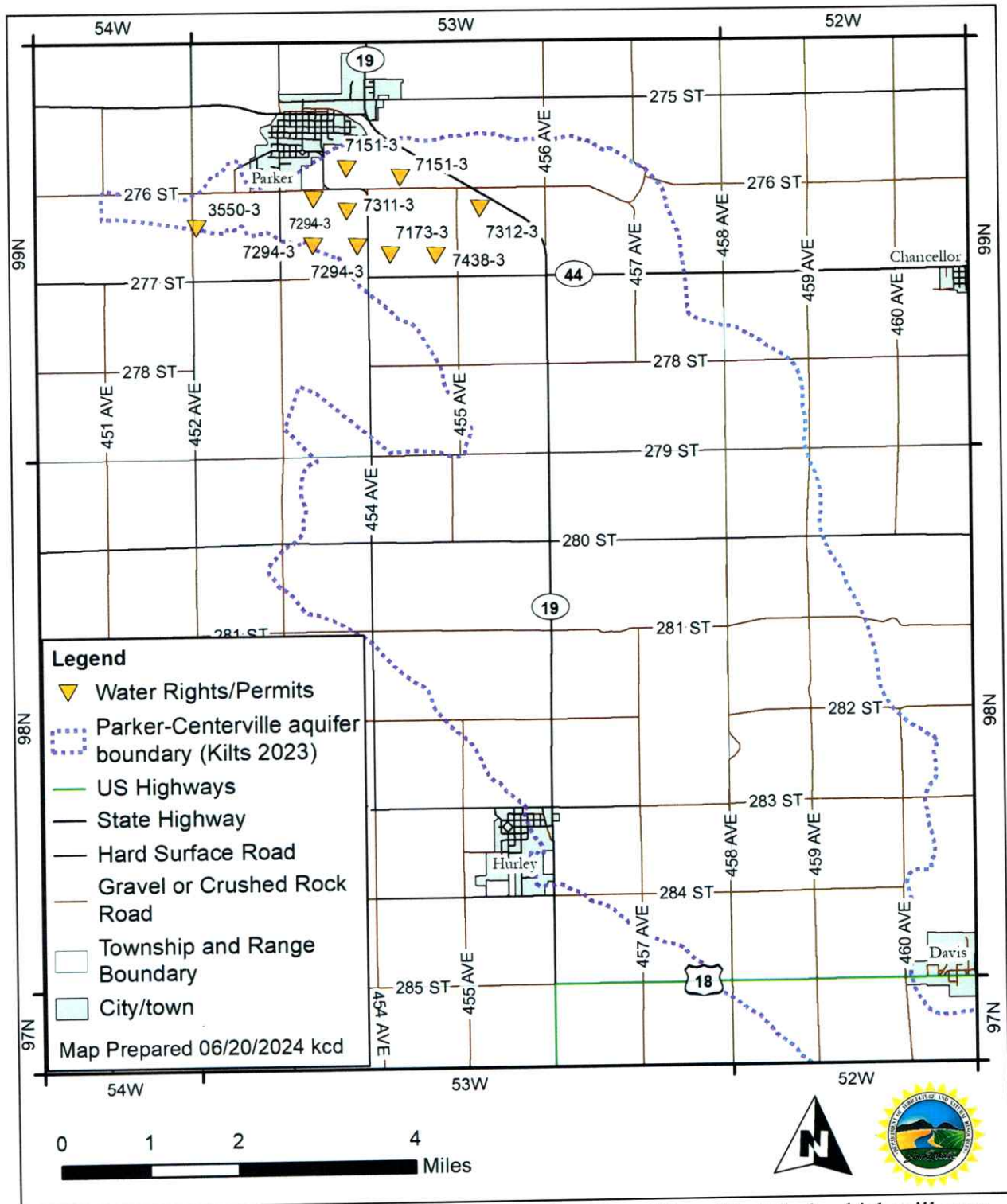


Figure 1: Water right permits previously categorized as Vermillion: West Fork which will now be categorized as Parker-Centerville.