

WATER PERMIT NO. 7447-3

Name of Applicant: Michael F Hauck

Address: 2719 Falcon Ct, Vermillion SD 57069

Phone: 605 624-3862

Amount of Water Claimed: 1.78 cfs

Total Acres: 160

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: 7 miles northwest of Vermillion

PRIORITY

Date Received: 10-3-12

Application/License Fee: \$ 1,050.00

Corrected Application Received:

Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: NW 1/4 NE 1/4 Sec 22-T93N-
R53W

Land to be Irrigated: S 1/2 SE 1/4 Sec 15 and E
1/2 NW 1/4, W 1/2 NE 1/4; all in T93N-R53W

Depth of Well: 100 feet deep

Well Driller:

Remarks:

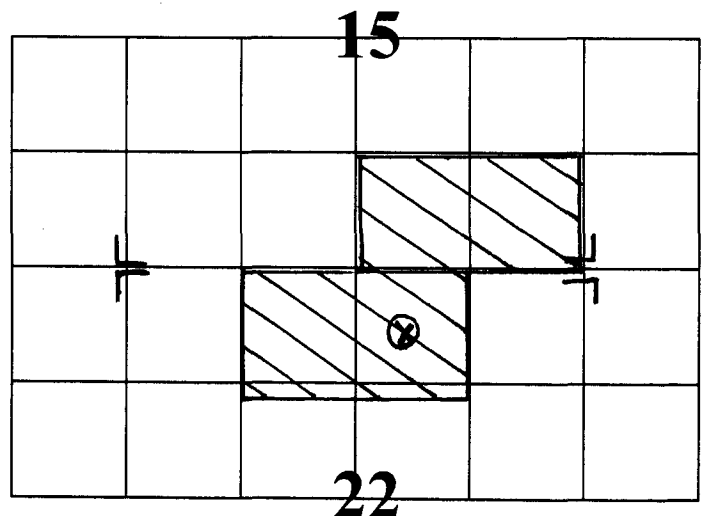
Type of Map: aerial

Prepared by: Debra Eiler, Clay Co FSA

Reviewed and the Number Assigned on: 10-3-12

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. 7447-3 Hydrologic Unit 10170102
Basin Vermillion River 605-624-2695
Newspaper Plain Talk 201 W Cherry Vermillion 57069
Press & Dakotan 319 Walnut Yankton 57078 605-665-7811

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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 F. Hawk Phone 605-243862
(check one) Owner ☒ Tenant/lessee
Mailing Address 2919 Falcon Ct. Vermillion SD 57069
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 1.79 *CFS or 800 **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 Missouri Elk Point Aquifer

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

1 well in the NW 1/4 of the NE 1/4 Sec. 22 T93N R53W

5. County or counties where water will be used Clay

6. Annual period during which water is to be used May thru 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>1/2 of the SE 1/4 Sec 15</u>	<u>70</u>		
<u>E 1/2 of the NW 1/4 T330'S, Sec. 22</u>	<u>45</u>		
<u>W 1/2 of the NE 1/4 T330'S, Sec. 22</u>	<u>45</u>		
<u>all in T93N-R53W</u>	<u>160</u>		

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

(3) Three plots to Irrig. 160 +/- in Sec. 15 + 22 T93N R53W
Meckling Township, Clay Co.

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 F. Hawk, 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 F. Hawk

Subscribed and sworn to before me this 25 day of September 20 12

Alan Hansen
Notary Public signature

my com. expires 2-1-18

**SOUTH DAKOTA
WATER PERMIT NO. 7447-3**

Date of first receipt of application October 3, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7447-3 to Michael F Hauck, 2719 Falcon Ct., 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. 7447-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in NW 1/4 NE 1/4 Section 22 for irrigation of 160 acres located in the S 1/2 SE 1/4 Section 15 and E 1/2 NW 1/4, W 1/2 NE 1/4 Section 22; all in T93N-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 – October 31.
3. The date from which applicant may claim right is October 3, 2012.
4. The date of approval of Permit No. 7447-3 is December 26, 2012.
5. One-fifth of the construction is to be completed on or before June 26, 2015.
6. All construction is to be completed on or before December 26, 2017.
7. Water is to be put to beneficial use on or before December 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. 7447-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JAN 17 2013
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 100'
- b) Casing Type PVC Diameter 16" Thickness Sch. 40
- c) Screen Type PVC Diameter 16" Thickness Sch 40
- d) Gravel Pack 1/8-3/8 pea rock Length of Gravel Pack 45'
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 25'
- g) Distance to nearest existing domestic well:

On applicant's property None

On property owned by others > 3/4 mile
> 4000'

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

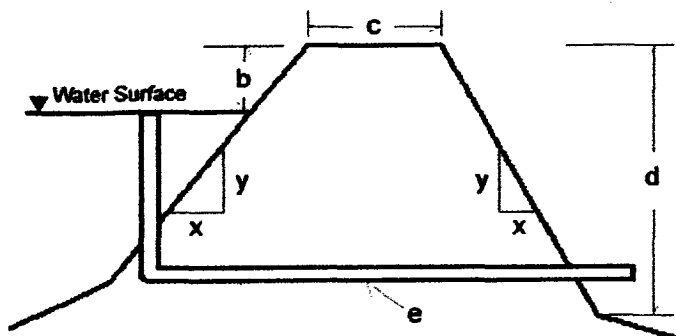
3. Dugout Information

- 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

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ALERT!!!!

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Meckling Township – Clay County – South Dakota

This interactive map shows the general region of Meckling Township located in Clay County within the state of South Dakota. Additional information on Meckling Township can be found beneath the map.

Map of the Township





United States Department of Agriculture
Farm Service Agency

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PLSS: 22_93N_53W
Farm: 3184

Clay County, SD

1:8,393

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March 11, 2010

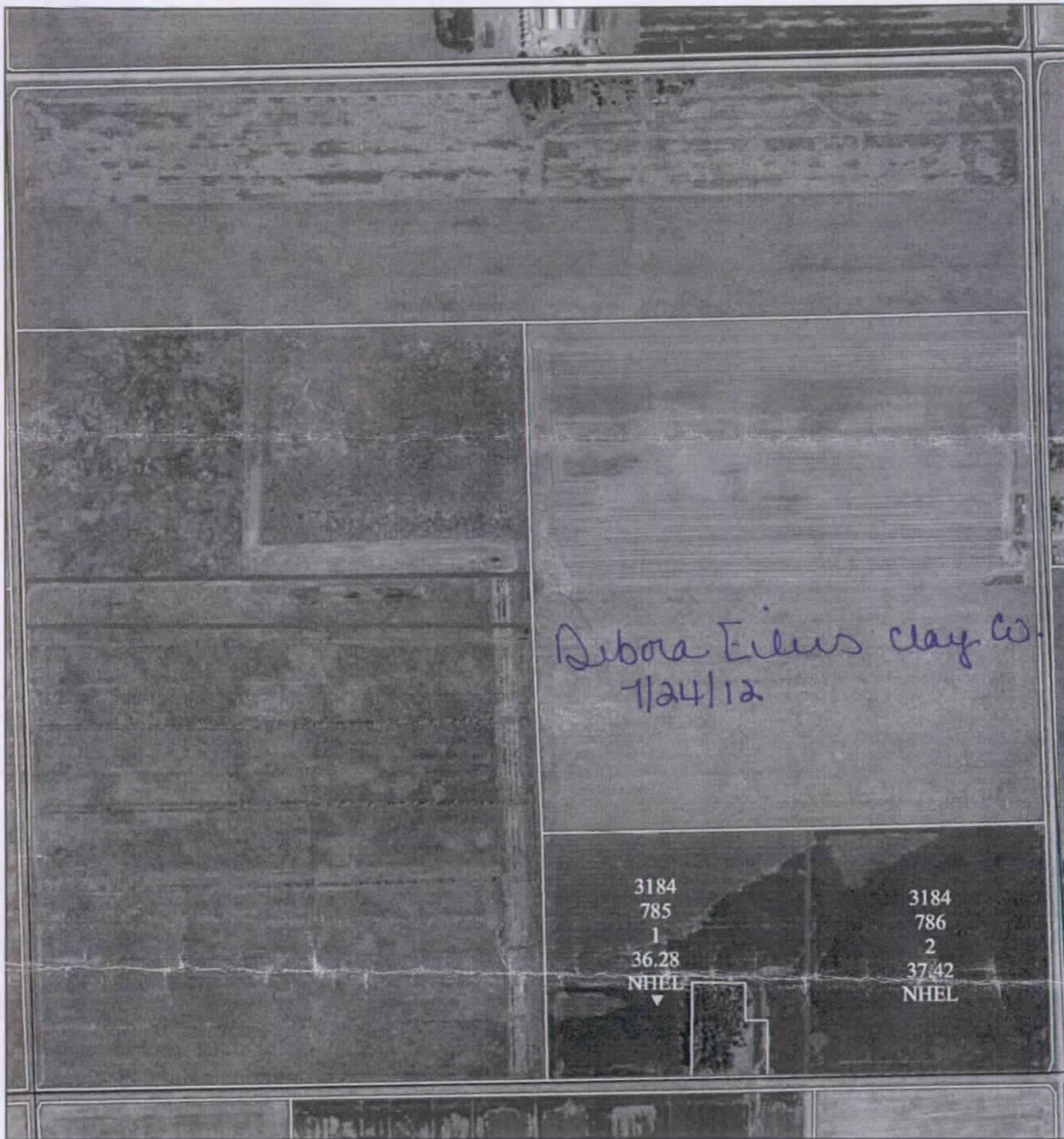
Wetland Determination Identifiers

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

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



United States Department of Agriculture
Farm Service Agency

March 11, 2010

PLSS: 15_93N_53W
Farm: 3184

Clay County, SD
1:8,474

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OCT-3 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/3, 20 12

RECEIVED OF Michael F Hauck 2719 Falcon St Vermillion SD 57069

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

Fee for Application for Permit No. <u>7447-3</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>7447-3</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	1050 00

No. **05603**

By

David Erdahl
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. 7447-3, Michael F Hauck**

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. 7447-3, Michael F Hauck, 2719 Falcon Ct, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7447-3 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. 7447-3 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 27, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7447-3
MICHAEL F. HAUCK
NOVEMBER 15, 2012

Water Permit Application No. 7447-3 proposes to appropriate 320 acre-feet per year (ac-ft/yr) at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Elk Point management unit of the Missouri aquifer. The well is expected to be approximately 100 feet deep and is to be located in the NW¼ NE¼ of Section 22, T93N-R53W. This permit application proposes to irrigate 160 acres located in the S½ SE¼ of Section 15 and E½ NW¼ and W½ NE¼ of Section 22, all in T93N-R53W in Clay County.

AQUIFER: Elk Point management unit of the Missouri aquifer (M: EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The proposed well site is located in Clay County, approximately three and a half miles east of the Clay and Yankton County border and five and a half miles north of the Missouri River.

The Missouri: Elk Point is an alluvium mantled outwash consisting of clay and silt with sand and gravel (Jensen, 2000). The aquifer is predominately under water table conditions in the area but locally may be under artesian conditions. In total, the Missouri: Elk Point aquifer is estimated to underlie 219,100 acres and contain 3,287,100 acre-feet (ac-ft) of water in storage. For Clay and Yankton Counties combined, the aquifer is estimated to underlie 119,500 acres and contain 1,792,000 ac-ft of water in storage (Hedges and others, 1982). The Missouri: Elk Point aquifer extends east into Union County, connects to the Lower Vermillion-Missouri aquifer to the north, and overlies the Dakota aquifer in portions of Clay and Yankton Counties. The aquifer is hydraulically connected to the Vermillion River to the east and Missouri River to the south. Water in the aquifer generally moves from the northwest to the southeast and towards the Missouri River (Stephens, 1967).

A test hole or well completion report was not submitted with this application; however, sufficient information is available from area water right/permits and well completion reports to evaluate the aquifer at the proposed location. In the area of the proposed well site, the layers of sand and gravel occur between approximately 50 and 115 below ground surface and the static water level ranges from 11 to 22 feet below ground surface (Water Rights, 2012b; Water Rights, 2012c).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is 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 Missouri: Elk Point 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 Missouri: Elk Point aquifer is due to infiltration of precipitation in areas where the aquifer is near land surface, inflow from the Lower Vermillion-Missouri aquifer at the Missouri: Elk Point aquifer’s northern boundary, inflow from the Missouri River during periods of high flow, and leakage from the underlying Dakota aquifer.

Hedges and others (1985) estimated recharge, based on observation well data, of the Missouri: Elk Point aquifer to be 3.8 inches per year. Using this recharge rate and the area of the aquifer, the estimated recharge for the Missouri: Elk Point aquifer in Clay and Yankton Counties equals approximately 37,800 ac-ft/yr. Also, Stephens (1967) indicated that additional discharge by wells would induce additional recharge from the Missouri River.

Discharge:

Discharge from the Missouri: Elk Point aquifer occurs due to evapotranspiration in areas where the aquifer is near land surface, outflow to the Missouri River during periods of low flow, and well withdrawals from commercial use, industrial use, fish and wildlife propagation, municipal use, recreational use, rural water systems, suburban housing development, and irrigation. There are a total of 197 water rights and permits appropriating water from the Missouri: Elk Point aquifer in Clay and Yankton Counties (Water Rights, 2012b).

From the Missouri: Elk Point aquifer in Clay and Yankton Counties, water rights/permits for commercial use, industrial use, fish and wildlife propagation, recreational use, rural water systems, suburban housing development that are limited only by diversion rate currently appropriate a total of 11.314 cfs. Water rights/permits for commercial use, industrial use, fish and wildlife propagation, recreational use, rural water systems, suburban housing development that are limited by an annual volume currently appropriate a total of 25 ac-ft/yr (Water Rights, 2012b).

From the Missouri: Elk Point aquifer in Clay and Yankton Counties, water rights/permits for municipal and rural water systems use that are limited only by diversion rate currently appropriate a total of 5.162 cfs. Water rights/permits for municipal and rural water systems use that are limited by an annual volume currently appropriate a total of 1,161 and 32,165 ac-ft/yr, respectively. Future use permits reserve a total of 1,900 and 25,000 ac-ft/yr for municipal use and rural water systems, respectively (Water Rights, 2012b).

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 Missouri: Elk Point aquifer in Clay and Yankton Counties combined by non-irrigation use is expected to total less than 67,408 ac-ft/yr (Water Rights, 2012b).

Lewis and Clark Rural Water System's (RWS) expected water use is a significant portion of the annual volume of water anticipated to be used under current appropriations. Lewis and Clark RWS currently has two permits appropriating a total of 32,165 ac-ft/yr and four future use permits reserving a total of 25,000 ac-ft/yr, all from the Missouri: Elk Point aquifer in Clay County (Water Rights, 2012b). 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.

In 2011, the annual volume of water appropriated for irrigation from the Missouri: Elk Point aquifer in Clay and Yankton Counties combined totaled 59,580.2 ac-ft/yr, while average pumpage reported equals 5,145.0 ac-ft/yr (Water Rights, 1979-2012). Figure 1 shows the Missouri: Elk Point aquifer's historic irrigation data for Clay and Yankton Counties combined.

In addition, there are many completion reports on file with the SD DENR-Water Rights Program in Clay and Yankton County for domestic wells that appear to be completed into the Missouri: Elk Point aquifer (Water Rights, 2012c). The annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer.

Hydrologic Budget:

Recognizing that Lewis and Clark RWS withdraw water from the Missouri: Elk Point aquifer that is induced from the Missouri River and considering the remaining hydrologic budget, there is a reasonable probability that unappropriated groundwater is available from the Missouri: Elk Point 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 12 observation wells completed into the Missouri: Elk Point aquifer in Clay and Yankton Counties (Water Rights, 2012a). The nearest of these wells, CL-80A, is located approximately two and a half miles northeast of the proposed well site. Due to the location of this observation well in relation to the proposed well site, this observation well best indicates the aquifer conditions at the proposed well site. Observation well CL-80B is located five miles south of the proposed well site and less than a mile and a half from the Missouri River. Hydrographs of this observation wells are shown in Figures 2 and 3.

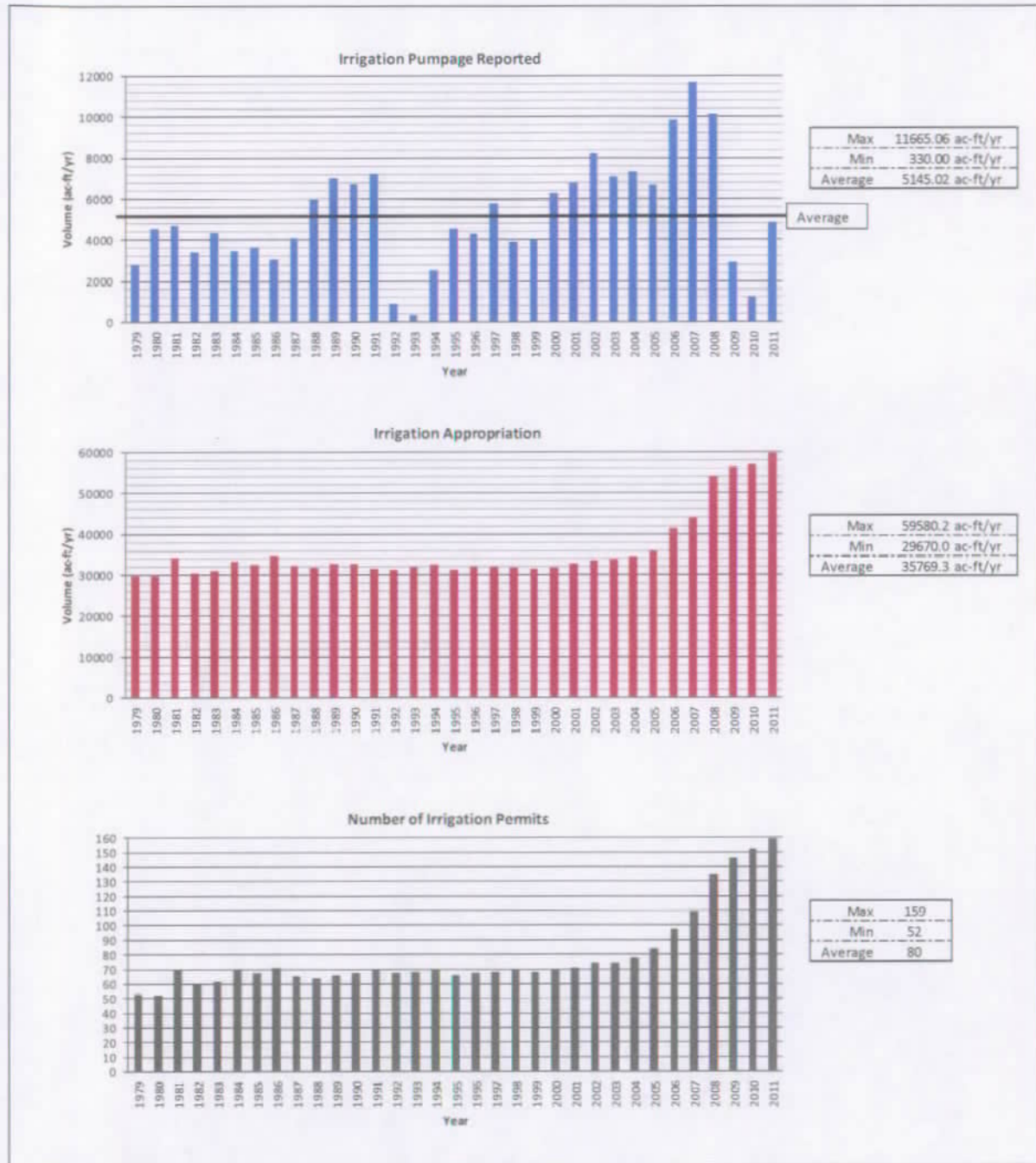


Figure 1: Historic irrigation water use from the Missouri: Elk Point aquifer (Water Rights, 1979-2012)

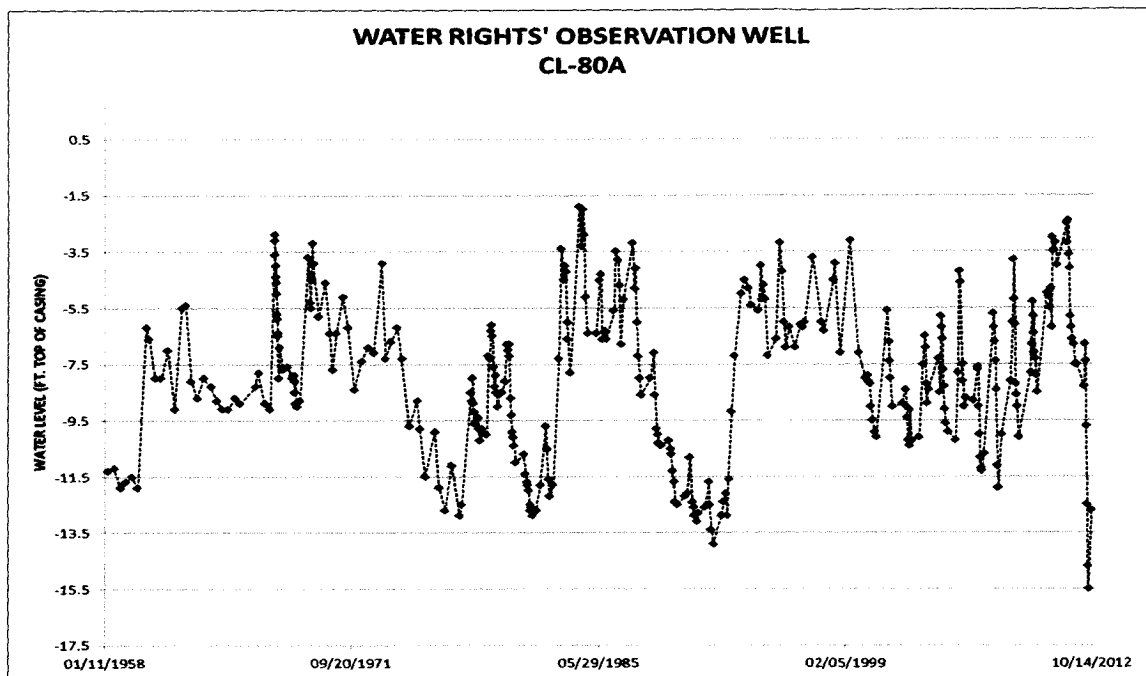


Figure 2: Hydrograph for DENR-Water Rights' observation well CL-80A (Water Rights, 2012a)

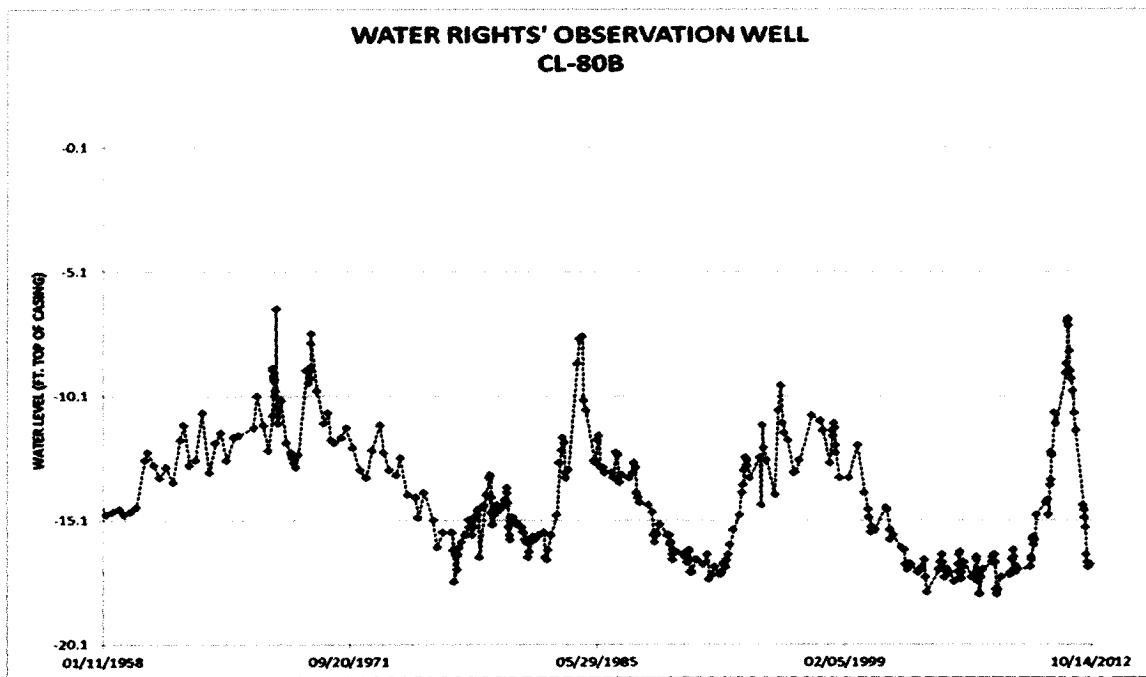


Figure 4: Hydrograph for DENR-Water Rights' observation well CL-80B (Water Rights, 2012a)

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. Water levels may also be influenced by the aquifer's connection to the Missouri River. For example, high flows in the Missouri River during the summer of 2011 and the current drought conditions are evident in the hydrographs, especially the hydrograph of observation well CL-80B located near the river. The hydrographs also show the effects of nearby pumping on the aquifer. Observation well data indicates that temporal well withdrawal is masked by climatic conditions. Therefore, recharge to and natural discharge from the Missouri: Elk Point aquifer greatly exceeds well withdrawal.

The hydrograph of the observation well CL-80B shows a slight decline of the Missouri: Elk Point aquifer's water table. This gradual decline has been attributed to entrenching the Missouri River (Goodman, 2007) or controlling the flow of the Missouri River by the Gavins Point Dam, which no longer allows inundating of the floodplain (Stephens, 1967). Regardless of cause, the declining water table levels demonstrate the hydraulic connection between the aquifer and the Missouri River. Pumping from the aquifer will induce recharge supplied by the Missouri River or capture discharge before outflowing to the river (Stephens, 1967).

EXISTING WATER RIGHTS:

There are 197 water rights/permits appropriating water from the Missouri: Elk Point aquifer in Clay and Yankton Counties. Within two miles of the proposed well site, there are 14 water rights/permits and four well completion reports on record with the SD DENR-Water Rights Program for domestic wells (Water Rights, 2012b; Water Rights, 2012c). The nearest wells, Water Permit Nos. 6978-3 and 6884-3, are both located approximately one mile from the proposed well site (Water Rights, 2012b).

Table 1: Water rights/permits and domestic wells within two miles of the proposed well site (Water Rights, 2012c; Water Rights, 2012b)

PERMIT NO	NAME	STATUS	TYPE	CFS	ACRES
3475-3	DA Olson & Sons	LC	IRR	1.03	72
5658A-3	Bradley W Dirksen	PE	IRR	2	140
5658B-3	J Robert Wardin	PE	IRR	3.9	274
6554-3	Willard Schmidt	LC	IRR	1.56	132
6610-3	J Robert Wardin	PE	IRR	1.78	135
6641-3	Thomas Dreesen	LC	IRR	1.56	125
6744-3	Judith I Grant	PE	DOM/COM	0.78	0
6770-3	Wade A Larson	PE	IRR	1.56	126
6772-3	Wood Acres Inc	PE	IRR	2.22	72
6884-3	Thomas Dreesen	PE	IRR	1.33	101
6966-3	Troy Walraven	PE	IRR	1.78	133
6978-3	Marquardt Farms	PE	IRR	1.78	133.5
7050-3	J Robert Wardin	PE	IRR	0	137
7051-3	J Robert Wardin	PE	IRR	0	123
	Frank Orr		DOM		
	Chester Johnson		DOM		
	Durwin Dutcher		DOM		
	Fritz Bartels		DOM		
LC = Water Right, PE = Water Permit IRR = Irrigation, DOM = Domestic, COM = Commercial					

At the distances involved between the proposed well site and wells of existing water rights/permits and domestic users, interference is not expected to be a concern. Also, well interference has not been a problem with the Missouri: Elk Point aquifer.

CONCLUSIONS:

1. The application proposes to appropriate 320 ac-ft/yr for irrigation.
2. Most of the water that will be withdrawn from the Lewis and Clark RWS wells will be induced from the Missouri River.
3. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply the proposed appropriation based on observation well data.
4. There is a reasonable probability that this proposed well will not cause interference in existing nearby wells.

A handwritten signature in black ink, appearing to read "Joseph R. Stonesifer". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Joseph R Stonesifer
SD DENR-Water Rights Program

REFERENCES:

- Goodman, J.A. 2007. Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: 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.
- Jensen, A.R. 2000. Aquifer Materials Map 1. South Dakota DENR-Geological Survey, Vermillion, SD.
- Stephens, J.C. 1967. Geology and Hydrogeology of Clay County, South Dakota, Part II: Water Resources. South Dakota DENR-Geological Survey Bulletin 19, 62 p.
- 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.

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DEC 12 2012

WATER RIGHTS
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AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

12+7

NOTICE OF APPLICATION
NO. 7447-3 to Appropriate Water

Notice is given that Michael F Hauck, 2719 Falcon Ct, Vermilion SD 57069 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in NW 1/4 NE 1/4 Section 22 for irrigation of 160 acres located in the S 1/2 SE 1/4 Section 15 and E 1/2 NW 1/4, W 1/2 NE 1/4 Section 22; all in T93N-R53W.

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. 7447-3**

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 7th DAY OF December 2012 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$25.15 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: 12/7/2012

FILED ON: 12/7/2012

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7447-3 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 17, 2012.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal

counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$25.15.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7th DAY OF December 2012

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, December 10, 2012 8:00 AM
To: 'susan.forma@plaintalk.net'
Subject: Notice of Application No. 7447-3, Michael F Hauck
Attachments: 7447-3public.short.docx

Attached is the Notice of Application No. 7447-3, Michael F Hauck. It is my understanding that the original notice to be published on December 7th did not happen.

Please publish this notice on December 14th and send me the affidavit ASAP.

If you have questions, let me know. Thanks

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068

RECEIVED

DEC 28 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

DENR

Division of Environmental Services
Air Quality Program
Joe Foss Building, 523 East Capitol
Pierre, SD 57501

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 OF APPLICATION FOR AIR QUALITY CONSTRUCTION PERMIT

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 14 DAY OF DECEMBER 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$28.00 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: 12/14/12

FILED ON: 12/14/12

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15th

DAY OF

December

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

NOTICE OF APPLICATION
NO. 7447-3 to Appropriate
Water

Notice is given that Michael F Hauck, 2719 Falcon Ct, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in NW 1/4 NE 1/4 Section 22 for irrigation of 160 acres located in the S 1/2 SE 1/4 Section 15 and E 1/2 NW 1/4, W 1/2 NE 1/4 Section 22; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7447-3 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 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 \$28.00

Established publishing cost per published copy \$.0150

Published: December 14, 2012



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 28, 2012

Plain Talk
201 W Cherry
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7447-3 to Appropriate Water. Please publish the notice once on December 7, 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 F Hauck, 2719 Falcon Ct., Vermillion SD 57069 (Ph # 605-624-3862).

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 28, 2012

Daily Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7447-3 to Appropriate Water. Please publish the notice once on December 7, 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 F Hauck, 2719 Falcon Ct., Vermillion SD 57069 (Ph # 605-624-3862).

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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 28, 2012

Michael F Hauck
2719 Falcon Ct
Vermillion SD 57069

Dear Hauck:

Water Permit Application No. 7447-3 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 December 7, 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. 7447-3 to Appropriate Water

Notice is given that Michael F Hauck, 2719 Falcon Ct, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in NW 1/4 NE 1/4 Section 22 for irrigation of 160 acres located in the S 1/2 SE 1/4 Section 15 and E 1/2 NW 1/4, W 1/2 NE 1/4 Section 22; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7447-3 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.

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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

JAN 17 2013

Michael F Hauck
2719 Falcon Court
Vermillion SD 57069

Dear Mr. Hauck:

Enclosed is Water Permit No. 7447-3 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 15, 2022

No. 7447-3

Five Star Cottages LLC
Kyle Hinseth
620 Colonial Ct
Vermillion SD 57069

Dear Mr. Hinseth:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 7447-3. The water permit is currently listed in the name of Michael F Hauck LLC.

The transfer form should be completed, checked over for accuracy, and **signed by the new owner.** Upon completion, return the form to our office with a required filing fee of \$50.00.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

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

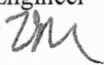
enclosure

7447-3

RECEIPT**WATER RIGHTS PROGRAM**
South Dakota Department of Agriculture and Natural ResourcesDate March 28, 2022RECEIVED OF Five Star Cottages LLC 620 Colonial Ct. Vermillion SD 57069

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	\$ _____
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. _____	\$ _____
Fee for Filing Transfer Form <u>7447-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer


PAID

MAR 28 2022

Ck# 003092

Rec't# 7447-3

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

MAR 28 2022

WATER RIGHTS
PROGRAM

No.

Date: 3/23/2022

I/We request that Water Permit No. 7447-3

formerly owned by: Michael F Hauck

be transferred to: (name & address)

Five Star Cottages LLC

Kyle Hinseth member

620 Colonial Ct.

Vermillion SD 57069 Telephone No. 605-670-2972

Title to the following described land(s)/property has been transferred as described above:

Routing 15-093-53	SW 1/4	SE 1/4	15-93-53	Meckling Twp	Parcel ID
15-93-53	SW 1/4	SE 1/4	15-93-53	Meckling Twp	09000-09353-154
22-093-53	NW 1/4	NE 1/4 + N 1/2	1/2 SW 1/4 NE 1/4	Meckling Twp	09000-09353-221
22-093-53	NW 1/4	NW 1/4 + N 1/2	1/2 SE 1/4 NW 1/4	Meckling Twp	09000-09353-222

I/We understand that the validity of Water Right/Permit No. 7447-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

Five Star Cottages LLC

I/We Kyle Hinseth member, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 6, 2022

7447-3

Kyle Hinseth
Five Star Cottages LLC
620 Colonial Ct
Vermillion SD 57069

Dear Mr. Hinseth:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Permit No. 7447-3.

The ownership change has been completed. Water Permit No. 7447-3 formerly held by Michael F Hauck is now listed under Five Star Cottages LLC.

A receipt for the filing fee you paid is enclosed. If I can answer any questions for you, please let me know.

Sincerely,

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



7447-3

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

SEP 21 2022

7447-3
8610-3

Kyle Hinseth
Five Star Cottages LLC
620 Colonial Ct
Vermillion SD 57069

Dear Mr. Hinseth:

Enclosed is Water License No. 8610-3. 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

Note: Upon licensing, the applicable portions of Water Permit No. 7447-3 were incorporated into Water License No. 8610-3.