

WATER PERMIT NO. 7449-3

Name of Applicant: Scott Losing

Address: 3⁹158 221st St, Alpena SD 57312 Phone: 605 849-3449

Amount of Water Claimed: 1.78 cfs Total Acres: 86 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Jerauld

Type of Waste Disposal System:

Location: 1/2 mile west of Alpena

PRIORITY Date Received: 10-4-12 Application/License Fee: \$ 950

Corrected Application Received: Period of Annual Use: April 1 – Sept 30

Remarks:

Diversion Point: SW 1/4 NE 1/4 Sec 3-T108N-
R63W

Land to be Irrigated: N 1/2 SE 1/4, S 1/2 NE 1/4
Sec 3-T108N-R63W

Depth of Well: 59 feet deep

Well Driller: Huron Drilling

Remarks:

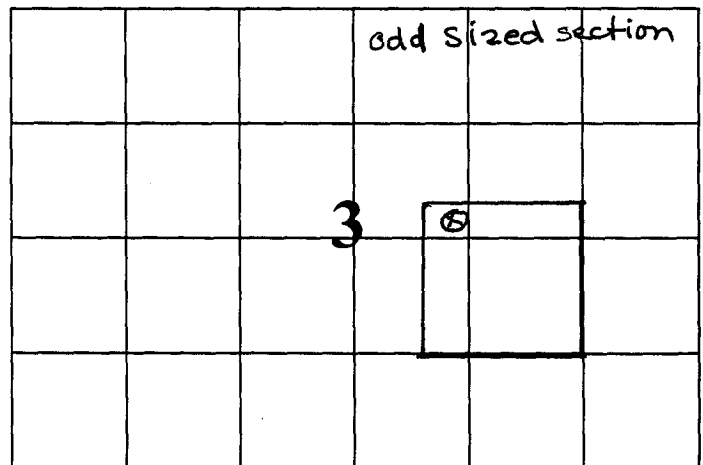
Type of Map: aerial

Prepared by: Donna Tride, NRCS

Reviewed and the Number Assigned on: XX

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7449-3</u>	(office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	<u>605-539-1281 57382</u>
	Newspaper <u>True Dakotan PO Box 358 Wess Springs</u>	
	<u>Plainsman PO Box 1278 Huron 57530-605-352-6701</u>	

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OCT - 4 2012
WATER RIGHTS
PROGRAM

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 Scott Loring Phone 605-849-3449
(check one) Owner ☒ Tenant/lessee
Mailing Address 39159 221ST Alpena SD 57312
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 80
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Existing Well on cancelled WR 3100-3
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Jerome
1 well NW1/4 SE1/4 Sec 3 T108N R63W
5. County or counties where water will be used Based on WR. NO. 3100-3
Jerome
6. Annual period during which water is to be used April - September 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
NE1/4 SE1/4 3-T108N-R63W	40		
NW1/4 SE1/4 3-T108N R63W	40		

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

Pump out of Existing well drilled in 1976 by Huron Drilling
through underground PVC pipe through two center pivots
Requesting diversion rate greater than statutory limit

STATE OF SOUTH DAKOTA

County of Jerome

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, Scott Loring, 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 Scott Loring

Subscribed and sworn to before me this 3rd day of October 20 12



Shelley Fuerst
Notary Public signature

expired 11-20-2015

**SOUTH DAKOTA
WATER PERMIT NO. 7449-3**

Date of first receipt of application October 4, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7449-3 to Scott Losing, 39159 221st St, Alpena SD 57312 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. 7449-3 appropriates 1.78 cubic feet of water per second from one existing well completed into the Warren:West James Aquifer (59 feet deep) located in NW 1/4 SE 1/4 Section 3 for irrigation of 80 acres located in the N 1/2 SE 1/4, Section 3; all in T108N-R63W.
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 – September 30.
3. The date from which applicant may claim right is October 4, 2012.
4. The date of approval of Permit No. 7449-3 is December 28, 2012.
5. One-fifth of the construction is to be completed on or before June 28, 2015.
6. All construction is to be completed on or before December 28, 2017.
7. Water is to be put to beneficial use on or before December 28, 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7449-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 80 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

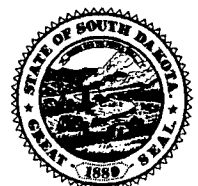
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JAN 26 2013

date



Permit No. 3100-3Water Division 3 JAMES RIVER Water District

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WATER RIGHTS
PROGRAMREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by ELMERLOSING ^{Boy 26} of ALPENA holderof Permit No. 3100-3, bearing date of priority of SEPTEMBER 8, 1976authorizing the diversion of 2.0 cu. ft. per second of the waters of GROUNDWATERfor IRRIGATION purposes, in JERARD County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

59' DEEP WELL WITH 16" PLASTIC CASING - 30' SS SCREEN
BYRON JACKSON 8" PUMP #771H-211 POWERED BY
75HP GE ELECTRIC MOTOR @ 1765 RPM

E. Works used to transport water to place of use,

4800' OF 8" ALUMINUM MAINLINE
3500' OF 6" ALUMINUM MAINLINE

C. Works used to apply water to beneficial use.

2-960' 4" TOWLINES & 2-1120' 4" TOWLINES USED ON
WEST 1/2. 5-880' 4" TOWLINES USED ON SE 1/4
ALL TOWLINES ARE EQUIPPED WITH RAINBIRD #14700
SPRINKLER HEADS WITH 1/64 NOZZLES @ 40' SPACINGThe system is in the following condition: GOODThe point of diversion is located: 2600' N & 1550' W OF THE SE CORNER,
SECTION 3, T108N, R63WThe works are capable of diverting and conveying to the place of use 2.0 (900 GPM)cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 3, T108N, R63W

<u>W²N 1/4</u>	<u>39 ACRES</u>	<u>SE 1/4 SW 1/4</u>	<u>23 ACRES</u>
<u>NW 1/4 SW 1/4</u>	<u>39 "</u>	<u>NW 1/4 SE 1/4</u>	<u>20 "</u>
<u>NE 1/4 SW 1/4</u>	<u>7 "</u>	<u>NE 1/4 SE 1/4</u>	<u>39 "</u>
<u>SW 1/4 SW 1/4</u>	<u>33 "</u>		

comprising a total of 200 acres of land.Date JUNE 22, 1982[Signature]
(Signature)

NOT TO SCALE

SHORT SECTION

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Bendler Co





United States Department of Agriculture
Farm Service Agency

PLSS: 3_108N_63W
Farm: 2943

Jerauld County, SD

1:8,539

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March 29, 2012

*Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the land. 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



INMAN

IRRIGATION

OCT - 4 2012
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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/4, 20 12

RECEIVED OF Scott Losing 39159 221st St Alpena SD 57312

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

Fee for Application for Permit No. <u>7449-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>7449-3</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	950 00

No. **05605**

By

Paul Erbe
Chief Engineer

7449-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 7449-3, Scott Losing

ADDRESS: 39159 221st Street, Alpena SD COUNTY: Jerauld County

DATE: October 10, 2012 TELEPHONE: cell 605 530-0629

RE: Location of well and irrigated acres

I contacted Scott Losing regarding his application. First, I indicated it appears that Section 3, T108N, R63W is an undersized section due to a correction line. As such, the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ are designated a full sized quarter section and the N $\frac{1}{2}$ of the section may be defined in lots. Mr. Losing agreed.

The application stated the well is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of the section. This does not match with cancelled Water Right No. 3100-3 or the "Inman Irrigation" map which show the well in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3. Mr. Losing agreed. He indicated this is the existing well that was authorized by cancelled Water Right No. 3100-3.

Finally, the application states that 86 acres will be irrigated in the N $\frac{1}{2}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 3. Mr. Losing agreed that all the acreage will be in the N $\frac{1}{2}$ SE $\frac{1}{4}$. I then questioned the number of acres listed for irrigation being 86 acres. The previous water right and the USDA map show this parcel being about 59 acres. Mr. Losing stated that the west pivot will overlap to the west. While it does not appear based on the "Inman Irrigation" map that a total of 86 acres will be irrigated, I suggest processing accordingly and any undeveloped acreage will be eliminated at licensing.

December 3, 2012 - application amended to be for 80 acres since this is the maximum acres in the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3, T108N, R63W

NAME: Eric Trimble



**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. 7449-3, Scott Losing**

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. 7449-3, Scott Losing, 39159 221st Street, Alpena SD 57312.

The Chief Engineer is recommending APPROVAL of Application No. 7449-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7449-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 80 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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
December 7, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7449-3
SCOTT LOSING
DECEMBER 3, 2012

Water Permit Application No. 7449-3 proposes to appropriate 160 acre-feet per year (ac-ft/yr) at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one existing well completed into the West James management unit of the Warren aquifer. The well is 59 feet deep and is located 2600 feet north and 1550 feet west of the SE corner of Section 3, T108N-R63W. This permit application proposes to irrigate 80 acres located in the N½ SE¼ of Section 3, T108N-R63W in Jerauld County. The application proposes a diversion rate in excess of the statutory limit of one cfs per 70 acres.

AQUIFER: West James management unit of the Warren aquifer (W: WJ)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The proposed well site is located in Jerauld County, approximately one third mile south of the Jerauld and Beadle County border and two and one third miles west of the Jerauld and Sanborn County border.

The Warren: West James is a predominantly buried outwash (sand and gravel) that is under water table conditions in the area of the proposed well site (Water Rights, 2012a). The Warren: West James aquifer is estimated to underlie 268,700 acres in Jerauld, Beadle, and Sanborn Counties and contain 1,404,150 acre-feet (ac-ft) of recoverable water in storage (Hedges and others, 1982). In northeast Jerauld County, water in the aquifer moves to the southeast. In southeast Jerauld County, the aquifer is hydraulically connected to the Niobrara aquifer. The Warren: West James aquifer consists of fine to very coarse sand and gravel. The aquifer ranges from two to 80 feet below ground surface and has a potential yield of 1,000 gallons per minute (2.23 cfs) (Hamilton, 1985).

This application proposes to irrigate using an existing well-constructed and previously used by Water Right No. 3100-3, which was cancelled July 6, 2005. From the report of examination of works of Water Right No. 3100-3, the well was reported to be 59 feet deep and was capable of diverting 2.0 cfs. From the driller's log of the well of Water Right No. 3100-3, gravel occurs from two to 25 feet below ground surface, blue clay and gravel occurs from 25 to 60 feet below ground surface, and shale begins at 60 feet below ground surface (Water Rights, 2012b).

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 160 ac-ft/yr from the Warren: West James 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 Rate Estimates:

Recharge to the Warren: West James aquifer is due to infiltration of precipitation through overlying till, lateral seepage from adjacent till, stream flow losses, and leakage from the Niobrara aquifer (Hamilton, 1985). Estimated recharge rates for the Warren: West James aquifer is shown in Table 1.

Table 1: Recharge estimates for Warren: West James aquifer

Source	Recharge (in/yr)	
	Unconfined portions	Confined portions
Hedges and others, 1985	3.0	0.35
Emmons, 1988	0.9-3.4	0.24-0.72
Hamilton, 1985	0.7	

Annual Discharge:

Discharge from the Warren: West James aquifer occurs due to evapotranspiration in areas where the aquifer is near land surface and well withdrawals from commercial (three licenses), municipal use (one license and two permits), domestic/suburban housing development (one license), irrigation (25 licenses and six permits), and many domestic wells (Water Rights, 2012b; Water Rights, 2012c).

From the Warren: West James aquifer, the water right for domestic/suburban housing and commercial uses appropriates a total of 0.347 cfs. Water rights/permits for municipal use appropriate a total of 6.0 cfs (Water Rights, 2012b). The amount of water that can be expected to be withdrawn by the non-irrigation use water rights/permits at the current appropriation amount can be estimated by assuming water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate at 60 percent of the time. At the current appropriation amount, the total annual withdrawal from the Warren: West James aquifer by non-irrigation use is expected to total less than 2,757 ac-ft/yr (Water Rights, 2012b).

Figure 1 shows the Warren: West James aquifer’s historic irrigation data. The development of this aquifer for irrigation use has remained the same or has decreased since 1984. In 2011, the annual volume of water appropriated for irrigation from the Warren: West James aquifer totaled 13,785 ac-ft/yr. Annual withdrawal from this aquifer fluctuates, probably mostly due to yearly climatic conditions. The average pumpage reported equals 2,014.4 ac-ft/yr. The maximum pumpage reported was in 1981 for 5,783 ac-ft/yr. (Water Rights, 1979-2012).



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

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

Water Balance:

Discharge from the Warren: West James aquifer due to well withdrawal is estimated to be no more than 8,540 ac-ft/yr, but actual annual pumpage will often be much less. To balance the hydrologic budget, recharge must equal withdrawal. At the maximum expected annual withdrawal plus the maximum annual withdrawal proposed by this water permit application, recharge must equal 0.62 inches per year (in/yr) to balance this hydrologic budget. This recharge rate is within the estimates of recharge from Table 1. Therefore, there is a reasonable probability that unappropriated water is available from the Warren: West James aquifer for the proposed appropriation of 160 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 42 observation wells completed into the Warren: West James aquifer (Water Rights, 2012a). The nearest of these wells, JE-77I and JE-77B, are located approximately one half mile northwest and one and one half miles south of the proposed well site, respectively. Hydrographs of these observation wells are shown in Figures 2 and 3.

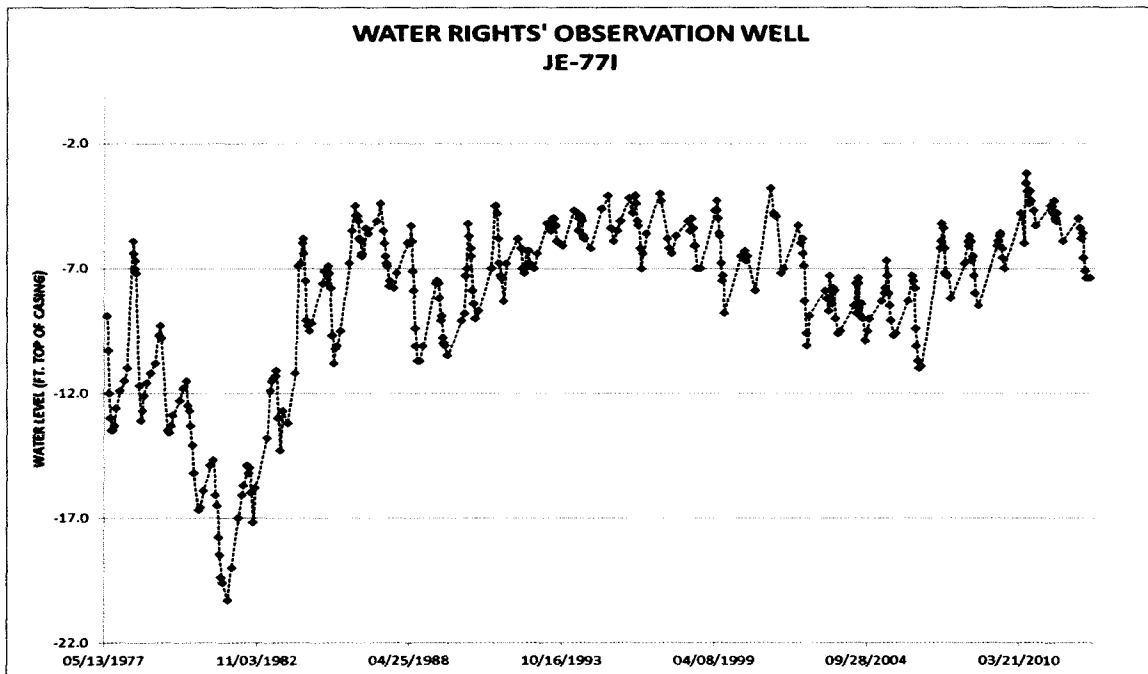


Figure 2: Hydrograph for DENR-Water Rights' observation well JE-77I (Water Rights, 2012a)

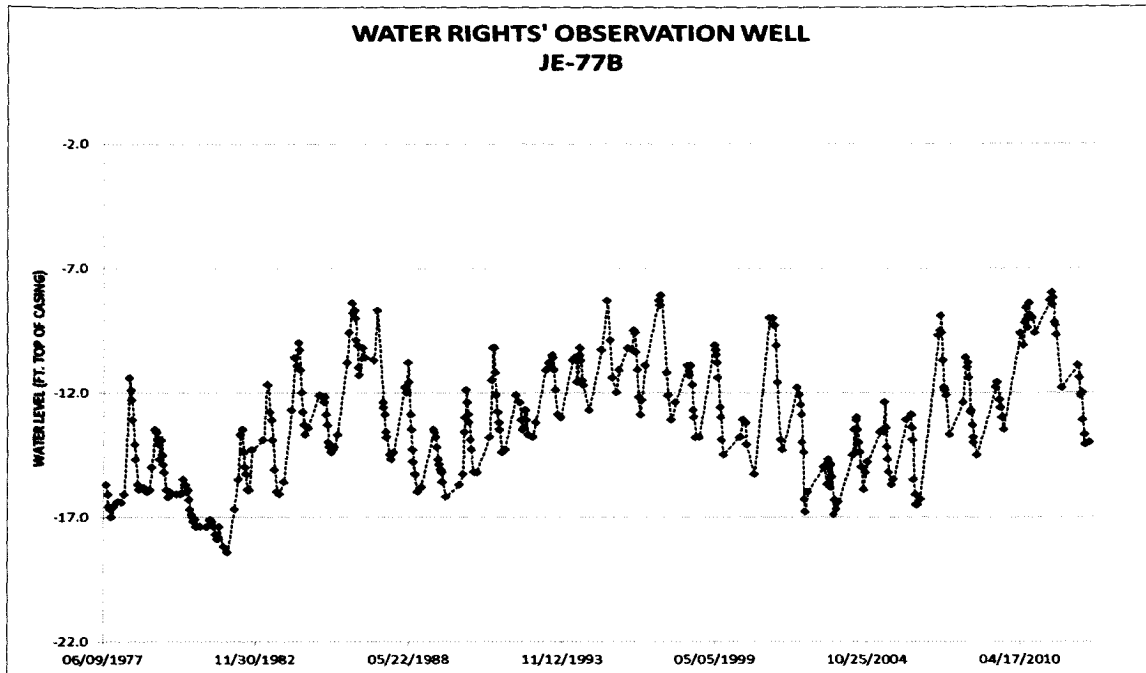


Figure 3: Hydrograph for DENR-Water Rights' observation well JE-77B (Water Rights, 2012a)

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The hydrographs also show the effects of nearby pumping on the aquifer. 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 Warren: West James aquifer greatly exceeds well withdrawal. These hydrographs indicate that unappropriated water is available from this area of the Warren: West James aquifer to support the proposed appropriation of 160 ac-ft/yr at the proposed well site.

EXISTING WATER RIGHTS:

There are 38 water rights/permits appropriating water from the Warren: West James aquifer. Within two miles of the proposed well site, there are four water rights/permits and ten well completion reports on record with the SD DENR-Water Rights Program for domestic wells that may be completed into the Warren: West James aquifer (Water Rights, 2012b; Water Rights, 2012c). These water right/permits are described in Table 2. 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.

Table 2: Water rights/permits and domestic wells within two miles of the proposed well site completing into the Warren: West James aquifer (Water Rights, 2012b; Water Rights, 2012c)

Permit No.	Name	Status	Type	CFS	Acres
6640-3	Scott Losing	PE	IRR	2.00	140
3469-3	Stan Kopfman	LC	IRR	3.34	356
3458-3	Darwin Ochsner	LC	IRR	2.71	190
3266-3	Scott Losing	LC	IRR	1.64	115
	Darwin Ochsner		DOM		
	Harvey Tschetter		DOM		
	Terry Kludt		DOM		
	Kenneth W. Huether		DOM		
	Jens Peterson		DOM		
	Gilbert Uttecht		DOM		
	Steve Wong		DOM		
	Tom Hannah		DOM		
	Mike Syrstad		DOM		
	Duane Kopfmann		DOM		
LC = Water right, PE = Water permit IRR = Irrigation, DOM = Domestic					

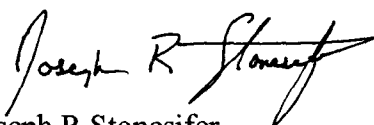
SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cubic foot of water per second for every seventy acres, or “the equivalent thereof.” The statute provides that the Water Management Board may allow a greater diversion if the method of irrigation so requires.

This water permit application proposes to divert at a rate of 1.78 cfs per 80 acres, equaling 1.56 cfs per 70 acres, to operate two pivots. The application did not provide further justification for the diversion rate in excess of the statutory limit.

CONCLUSIONS:

1. The application proposes to appropriate 160 ac-ft/yr for irrigation; however, the actual water used will likely be much less.
2. There is a reasonable probability that unappropriated water is available from the Warren: West James aquifer to supply the proposed appropriation.
3. There is a reasonable probability that this proposed well will not cause interference in existing nearby wells.
4. This application has requested an additional diversion rate in excess of one cfs per 70 acres, but has not yet justified cause.



Joseph R Stonesifer
SD DENR-Water Rights Program

REFERENCES:

- Emmons, P.J. 1988. A Digital Simulation of the Glacial-Aquifer system in Sanborn and Parts of Beadle, Miner, Hanson, Davison, and Jerauld Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 87-4082, 59 p.
- Hamilton, L.J. 1985. Water Resources of Aurora and Jerauld Counties, South Dakota, U.S. Geological Survey Water-Resources Investigations Report 84-4030.
- 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.
- 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.

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

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DEC 21 2012

WATER RIGHTS
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I, TRISHA NELSON, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

SD ENVIRONMENTAL & NATURAL - LOSING
WATER RIGHTS APPLICATION (SCOTT
LOSING)

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 18TH day DEC 2012 That the full THIRTY-ONE & 68/000 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Trisha Nelson

Subscribed and sworn to before me this 20th day of DEC. 2012.

Shirley K. Kerkhuth

Notary Public, South Dakota

My term expires 10/25/17

Legal # 522

F.P. 12-18-12

**NOTICE OF
APPLICATION
NO. 7449-3**

to Appropriate Water

Notice is given that Scott Loring, 39159 221st St, Alpena SD 57312 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one existing well completed into the Warren: West James Aquifer (59 feet deep) located in NW 1/4 SE 1/4 Section 3 for irrigation of 80 acres located in the N 1/2 SE 1/4, Section 3; all in T108N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7449-3 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 28, 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

No. 522 (adv.)

Published once at the
total approximate cost of
\$31.68.

RECEIVED

JAN 11 2013

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

Karen Wenzel
being first duly sworn, deposes and says: that he/she is a resident of the Jerauld and State of South Dakota; and the True Dakotan is a weekly newspaper of general circulation, published in Wessington Springs, in said county by J. Dennis P. Wenzel; and is now and has been such newspaper continuously all the times hereafter mentioned; that the affiant is, and was during all hereafter mentioned, the business manager of said newspaper, in charge of the advertising department thereof; and has personal knowledge of all facts stated in this affidavit:

And that the notice and advertisement headed

Notice Application No 7449-
a printed copy of which is hereunto attached and made a part hereof, and published in said newspaper in 1 successive issues. That the publication of said notice in said newspaper aforesaid was on Tuesday, the 13 day of Dec 2012; and that the succeeding publications were:

On Tuesday, the _____ day of _____, 20____

On Tuesday, the _____ day of _____, 20____

On Tuesday, the _____ day of _____, 20____

That the fee charged for the printing and publishing of said notice and advertisement in said newspaper aforesaid, was 27 dollars and 03 cent; and that said fee for printing and publishing said notice and advertisement in said newspaper has been full paid; that the full amount of fees for the publishing of the said attached and annexed notice and advertisement is given to the benefit of the publisher of the said True Dakotan; and no agreement standing for the division thereof has been made with any person whomsoever; and the said newspaper is a legal newspaper as provided by law.

Signed: Karen Wenzel

Subscribed and sworn to before me, this 10 day of Jan 2013

Greg Jones Notary Public
Jerauld County, South Dakota

County of _____

NOTICE OF APPLICATION NO. 7449-3

To Appropriate Water
Notice is given that Scott Losing, 39159 221st St, Alpena, SD 57312 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one existing well completed into the Warren: West James Aquifer (59 feet deep) located in NW 1/4 SE 1/4 Section 3 for irrigation of 80 acres located in the N 1/2 SE 1/4, Section 3; all in T108N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7449-3 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 28, 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 \$27.03.

AFFIDAVIT EX REL PUBLICATIONS FEES STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

_____ being first duly sworn on his oath, says that he is one of the authorized attorneys of the _____ in the action mentioned and described in the annexed notice; that the affiant directed the publication of the annexed notice; that no agreement or understanding for any division of the fees therefore has been made with any person whomsoever; and that no part therefore has been refunded or rebated by the party publishing said notice.

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public, Jerauld County, South Dakota

Instruction to Newspaper - Publish the Notice on December 18, 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. 7449-3 to Appropriate Water

Notice is given that Scott Losing, 39159 221st St, Alpena SD 57312 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one existing well completed into the Warren:West James Aquifer (59 feet deep) located in NW 1/4 SE 1/4 Section 3 for irrigation of 80 acres located in the N 1/2 SE 1/4, Section 3; all in T108N-R63W.

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Published once at the total approximate cost of _____.

Schlaak, Karen

From: Ruby Crandall <rnewman.plainsman@midconetwork.com>
Sent: Monday, December 10, 2012 11:27 AM
To: Schlaak, Karen
Subject: Re: No. 7449-3, Scott Losing

I have received your email.
Thank you.

Ruby Crandall
Creative Services Supervisor

Plainsman/Payday/Print Shop
49 3rd Street SE
Huron, SD 57350

605-353-7412

1-800-859-3045, ext. 412

fax: 605-353-7422

rnewman.plainsman@midconetwork.com

On Dec 10, 2012, at 10:39 AM, Schlaak, Karen wrote:

Ruby,
Attached is the Notice of Application No. 7449-3 to Appropriate Water for Scott Losing. Please publish this notice on December 18, 2012 and send us the affidavit ASAP.

Thanks,

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

<7449-3public.short.docx>



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 2012

Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7449-3 to Appropriate Water. Please publish the notice once on December 18, 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 Scott Losing, 39159 221st St., Alpena SD 57312 (Ph # 605-849-3449).

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

December 10, 2012

True Dakotan
PO Box 358
Wessington Springs SD 57382

ATTENTION: Legal Public Notice

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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.

December 10, 2012

Scott Losing
39159 221st St
Alpena SD 57312

Dear Mr. Losing:

Water Permit Application No. 7449-3 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 Plainsman printed at Huron SD (Ph # 605-352-6401) and the True Dakotan printed at Wessington Springs SD (Ph # 605-539-1281). 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
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 18, 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. 7449-3 to Appropriate Water

Notice is given that Scott Losing, 39159 221st St, Alpena SD 57312 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one existing well completed into the Warren:West James Aquifer (59 feet deep) located in NW 1/4 SE 1/4 Section 3 for irrigation of 80 acres located in the N 1/2 SE 1/4, Section 3; all in T108N-R63W.

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Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 26 2013

Scott Losing
39159 221st St
Alpena SD 57312

Dear Mr. Losing:

Enclosed is Water Permit No. 7449-3 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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 10-30-15

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Scott Losing
(name)39159 221st St
(address)Alpena SD 57312
(city, state, zip)605-530-0629
(phone)

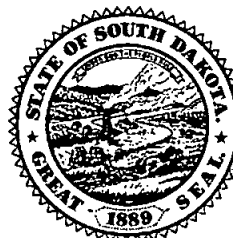
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7449-3 states that the water use system is to be constructed by 12-28-17, and water is to be put to beneficial use by 12-28-21.
(date) (date)

The water use system was completed on 5-10-14.
(date)

Applying the water to beneficial use was completed on 5-15-14.
(date)

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



Permit No. **7449-3**
James River Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **November 30, 2015**, made a thorough examination of the water use system constructed by **Scott Losing** of **39159 221st St Alpena, SD** holder of Permit No. **7449-3**, bearing the priority of **October 4, 2012** authorizing the diversion of **1.78** cu. ft. per second of the waters of the **Warren: West James aquifer** for **irrigation** purposes, in **Jerauld** County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

- 1 well 59 ft deep with a Grundfos model 625S300-2AA 6 inch 30 hp submersible pump set to 600 gpm and 26 psi

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

- 1,025 ft of underground 8 in. PVC pipe connects the well to two riser connection points. 475 ft of flexible 6 in rubber line connects the risers to the irrigation system

C. Works used to apply water to beneficial use:

- Lockwood center pivot converted to linear move with a Valley controller 1,300 ft long with an endgun. The system capacity is 600 gpm at an operating pressure of 20 psi.

The system is in the following condition: **good**. The point of diversion is located: **2,635 feet north and 1,520 ft. west of the SE corner Sec. 3-T108N-R63W; NW 1/4 SE 1/4 Sec. 3-T108N-R63W; 44.19154°, -98.37851°**. The works are capable of diverting and conveying to the place of use **1.34** cu. ft. per sec. of water which is used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

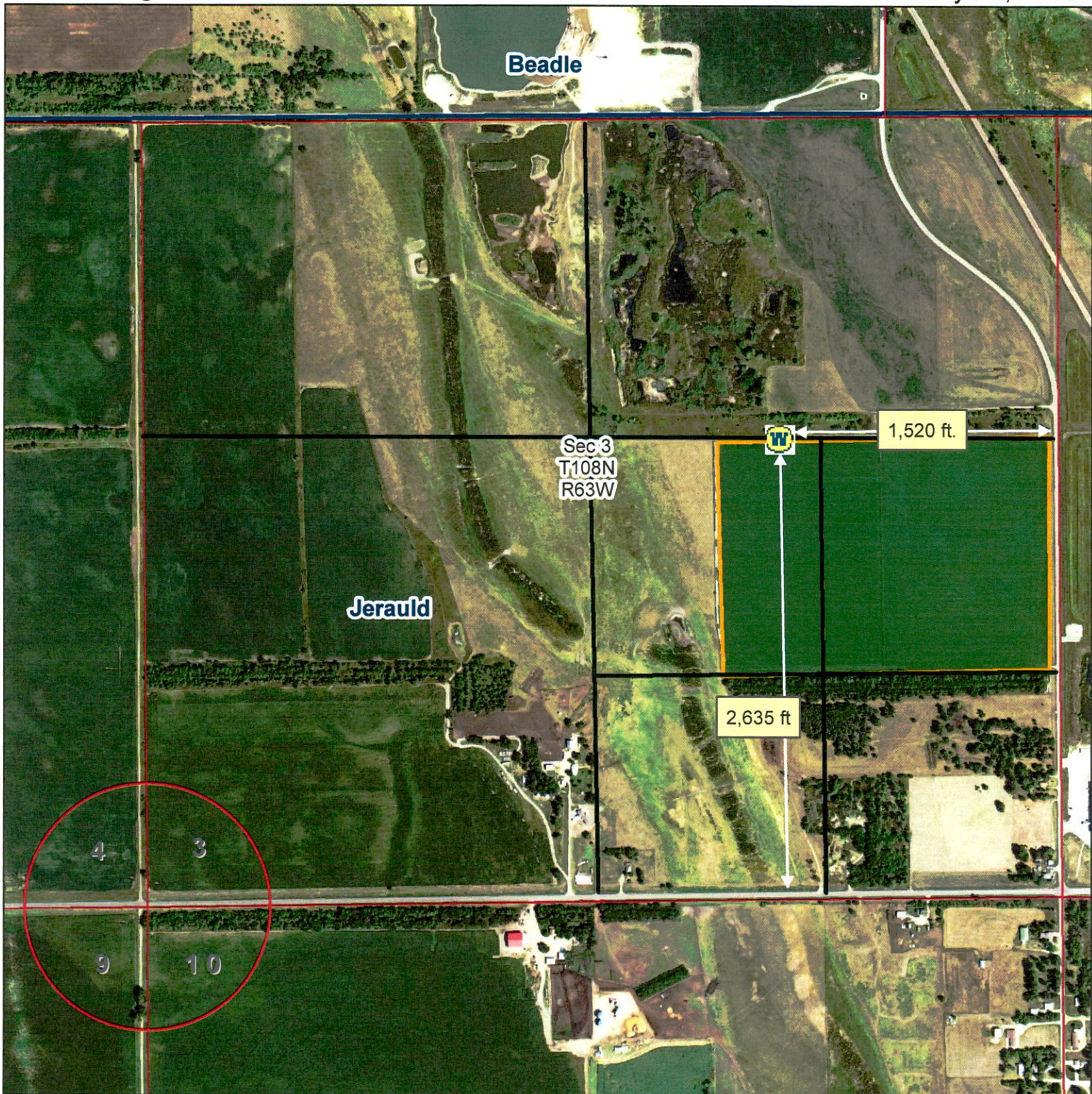
Sec 3-T108N-R63W	Acres
NE 1/4 SE 1/4	40
NW 1/4 SE 1/4	18
Total	58

comprising a total of **58** acres of land and the license should be issued for **1.34** cu. ft. sec. Applicable permit qualifications have been complied with: **Yes**. Exceptions to compliance are: **None**. Is there chemigation: **No**.

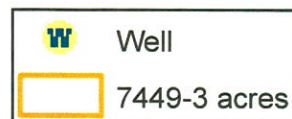
Date: **January 29, 2016**



Adam Mathiowetz
 Natural Resources Engineer
 DENR-Water Rights Program



0 0.1 0.2 0.4 Miles



Adam Mathiowetz
Adam Mathiowetz
Natural Resources Engineer
DENR-Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

FEB 23 2016

7449-3

Scott Losing
39159 221st St
Alpena SD 57312

Dear Mr. Losing:

Enclosed is Water License No. 7449-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7449-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7449-3**

(1) Scott Losing, 39159 221st St, Alpena SD 57312 made Application No. 7449-3, October 4, 2012 for a water permit to divert 1.78 cubic feet of water per second (cfs) from ground water, one existing well (Warren West James Aquifer), Jerauld County, South Dakota for irrigation purposes. Permit No. 7449-3, with a priority date of October 4, 2012 was approved December 28, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 28, 2017 and for the application to beneficial use of said water on or before December 28, 2021.

The Permit holder provided a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on November 30, 2015. The "*Notice*" stated the water use system was completed on May 10, 2014 and the water placed to beneficial use on May 15, 2014.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.34 cubic feet of water per second for beneficial use. The location of the diversion point is 2,635 feet north and 1,520 feet west of the SE corner of Section 3, T108N, R63W (NW ¼ SE ¼).

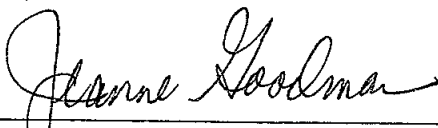
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T108N, R63W Section 3	NE ¼ SE ¼	40 acres
	NW ¼ SE ¼	18 acres
	Total	58 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Scott Losing, 39159 221st St, Alpena SD 57312 the holder and/or owner of Water Right No. 7449-3 is issued a license to appropriate water, the right to use 1.34 cubic feet of water per second from ground water, one well (Warren West James Aquifer) with a priority date of October 4, 2012 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7449-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so require, Water Right No. 7449-3 authorizes a maximum diversion of 1.34 cfs for the irrigation of 58 acres with an annual volume not to exceed 2 acre feet of water per acre per year. *(The specified diversion rate and acreage were reduced based on the project as developed).*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

FEB 23 2016
date

