

WATER PERMIT NO. 7474-3

Name of Applicant: Gwen Orr

Address: 2821 Pederson Rd, Vermillion SD 57069 Phone: 605 624-1943

Amount of Water Claimed: 1.78 cfs Total Acres: 136

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Clay

Type of Waste Disposal System:

Location: 10 miles northwest of Vermillion

PRIORITY Date Received: 10-22-2012 Application/License Fee: \$ 1050

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

Remarks:

Diversion Point: SW 1/4 NE 1/4 Sec 15-T93N-
R53W

Land to be Irrigated: S 1/2 NE 1/4, N 1/2 SE 1/4
Sec 15-T93N-R53W

Depth of Well: 115 feet

Well Driller:

Remarks:

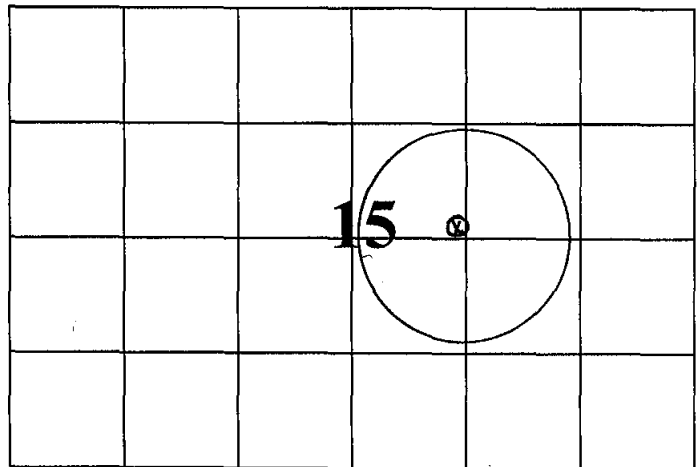
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 10-23-12

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. 7474-3 Hydrologic Unit 10170102
Basin Vermillion River 605-624-2695
Newspaper Plain Talk 201 W Cherry St Vermillion SD 57069
605-665-7811
Dress & Dakota 319 Walnut yankton 57028

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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 to Appear on Irrigation Permit GWEN ORR
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)
Mailing Address 2821 Pederson Rd Vermillion SD 57069
(Address) (City) (State) (Zip Code)
Home Phone 605-624-1948 Cell 630-0457 Email _____

2. Amount of water claimed _____ *CFS or 800 **GPM ***AF Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 1 well to Missouri Aquifer

4. Location of point of diversion 1 well, SW of NE 1/4 Section 15, Twp 93N, R 53W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Clay
5. County or counties where water will be used Clay SDAK

6. Annual period during which water is to be used April to 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
<u>SE, NE, Sect 15 T93N, R 53W</u>	<u>34</u>		
<u>SE, NE, Sect 15, T93N, R 53W</u>	<u>34</u>		
<u>NE, SE " " "</u>	<u>34</u>		
<u>NW, SE. " " "</u>	<u>34</u>		

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

Center pivot irrigation of the Above properties

I, Gwen Orr, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7474-3**

Date of first receipt of application October 22, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7474-3 to Gwen Orr, 2821 Pederson Rd, 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. 7474-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (115 feet deep) located in SW 1/4 NE 1/4 Section 15 for irrigation of 136 acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 15; 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: April 1 – September 30.
3. The date from which applicant may claim right is October 22, 2012.
4. The date of approval of Permit No. 7474-3 is January 22, 2013.
5. One-fifth of the construction is to be completed on or before July 22, 2015.
6. All construction is to be completed on or before January 22, 2018.
7. Water is to be put to beneficial use on or before January 22, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

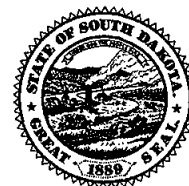
QUALIFICATIONS

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. 7474-3 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

FEB 19 2013
date



Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

c) Well Depth 115 Depth to Top of Water Bearing Material 75 Depth to Water from Surface 25

d) Distance to nearest existing domestic well:

On applicant's property 1800'

On property owned by others 72500'

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)

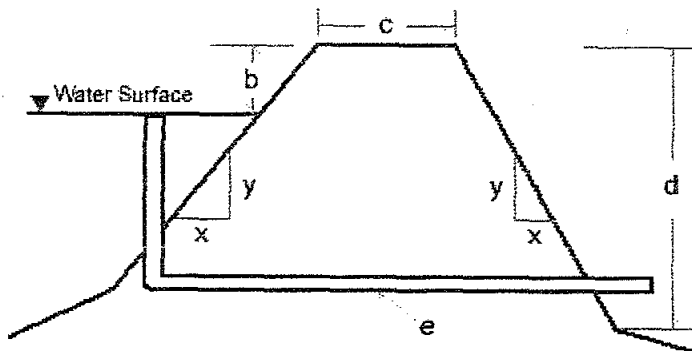
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

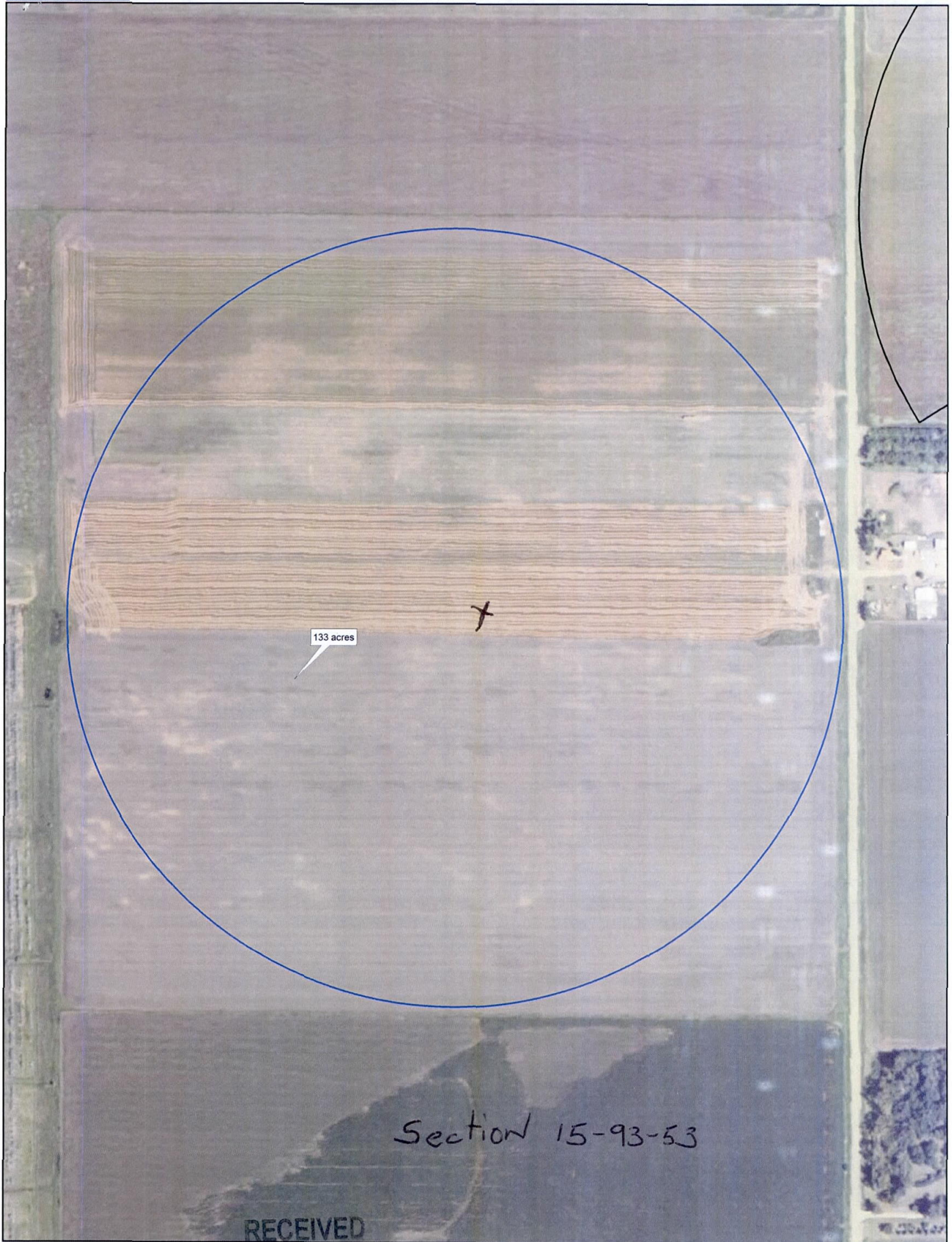
j) Drainage Area Above Dam _____ Acres



West Pivot



XMap® 7



Section 15-93-53

Data use subject to license.

© DeLorme. XMap® 7.

www.delorme.com

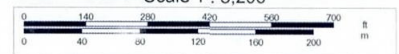
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Scale 1 : 5,200



1" = 433.3 ft

Data Zoom 15-3



United States Department of Agriculture
Farm Service Agency

PLSS: 15_93N_53W
Farm: 4491

Clay County, SD
1:8,474



March 12, 2010

Wetland Determination Identifiers

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

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

Common Land Units
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South Dakota Department of Environment and Natural Resources

Date 10/23, 20 12

RECEIVED OF Frank Orr 2821 Petterreen Rd Vermillion SD 57069

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

Fee for Application for Permit No. <u>7474-3</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>7474-3</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. 05633

By

Paul Grube
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. 7474-3, Gwen Orr**

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. 7474-3, Gwen Orr, 2821 Pederson Rd, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7474-3 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. 7474-3 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
December 27, 2012

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7474-3
GWEN ORR
DECEMBER 19, 2012**

Water Permit Application No. 7474-3 proposes to appropriate up to 272 acre-feet annually at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed in to the Missouri: Elk Point aquifer. The well is expected to be approximately 115 feet deep and is to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, T93N-R53W. This permit application proposes to irrigate 136 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 15, 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 south central Clay County, approximately seven miles north of the Missouri River.

The Missouri: Elk Point is an alluvium mantled outwash consisting of clay and silt with sand and gravel that appears to be under confined conditions in the area of the proposed well site (Jenson, 2000; Water Rights, 2012c). The Missouri: Elk Point aquifer extends from Clay County east into Union County and West into Yankton County. In total, the Missouri: Elk Point aquifer is estimated to underlie 219,100 acres and contain 3,287,100 acre-feet (ac-ft) of recoverable water in storage. In Clay County alone, the aquifer is estimated to underlie 74,500 acres and contain 1,117,000 ac-ft of recoverable water in storage (Hedges and others, 1982). The aquifer connects to the Lower Vermillion-Missouri aquifer to the northeast, overlies the Dakota aquifer in portions of Clay County, and is hydraulically connected to the Vermillion River to the southeast 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 well completion report was not submitted with this application; however, sufficient information is available from area water rights/permits and well completion reports to evaluate the aquifer at the proposed well site. In this area, top of aquifer materials are generally 30 to 80 feet below ground surface and the saturated thickness is estimated to be 50 to 80 feet. The static water level ranges from 9 to 24 feet below ground surface indicating that the aquifer is most likely under confined conditions in this area. (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 pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate 272 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:

In Clay County 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 and Vermillion Rivers during periods of high flow, inflow from the aquifer in surrounding counties, 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 recharge for the Missouri: Elk Point aquifer in Clay County is estimated to equal 23,600 ac-ft/yr. Also consider that Stephens (1967) indicated that additional discharge by wells would induce additional recharge from the Missouri River.

Discharge:

In Clay County discharge from the Missouri: Elk Point aquifer occurs due to evapotranspiration in areas where the aquifer is near land surface, outflow to the Missouri and Vermillion Rivers during periods of low flow, outflow from the aquifer to surrounding counties, and well withdrawals from domestic use, non-irrigation use, and irrigation. Currently there are a total of 111 water rights/permits appropriating water from the Missouri: Elk Point aquifer in Clay County (Water Rights, 2012b). The distribution of appropriation types are shown in table 1 along with 5 future use appropriations.

Water Rights/Permits	Number
Commercial	1
Irrigation	104
Municipal	4
Rural Water System	2
Future Use Permits	Number
Municipal	1
Rural Water System	4

Table 1 – Water Rights from the Missouri: Elk Point aquifer in Clay County
(Water Rights, 2012b).

From the Missouri: Elk Point aquifer in Clay County, water rights/permits for non-irrigation use that are limited only by diversion rate currently appropriate a total of 5,242 cfs. Water rights/permits for non-irrigation use that are limited by an annual volume currently appropriate a total of 33,326 ac-ft/yr (Water Rights, 2012b). Future use permits reserve a total of 14,900 ac-ft/yr (Water Rights, 2012b).

Lewis and Clark RWS's expected water use is a significant portion of the annual volume of water anticipated to be used under current appropriations. In Clay County, the 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 13,000 ac-ft/yr, all from the Missouri: Elk Point aquifer (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. Though Lewis and Clark RWS's appropriations are large, only 92 ac-ft of use was reported in 2011.

The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming:

1. Water rights/permits limited by an annual volume will pump the entire volume appropriated.
2. Water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.
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 County by non-irrigation use is expected to total less than 50,493 ac-ft/yr (Water Rights, 2012b).

Figure 1 shows the Missouri: Elk Point aquifer's historic irrigation data for Clay County. The development of this aquifer has been steadily increasing over the last decade. The number of permits and the amount of appropriations for irrigation in Clay County has approximately doubled in this time period. The annual withdrawal due to irrigation use fluctuates greatly, which seems to be more dependent on yearly climatic conditions than on the increase in amount of appropriation. The average pumpage reported equals 2,706 ac-ft/yr. The maximum pumpage reported was in 2007 for 7,085 ac-ft/yr (Water Rights, 1979-2012).

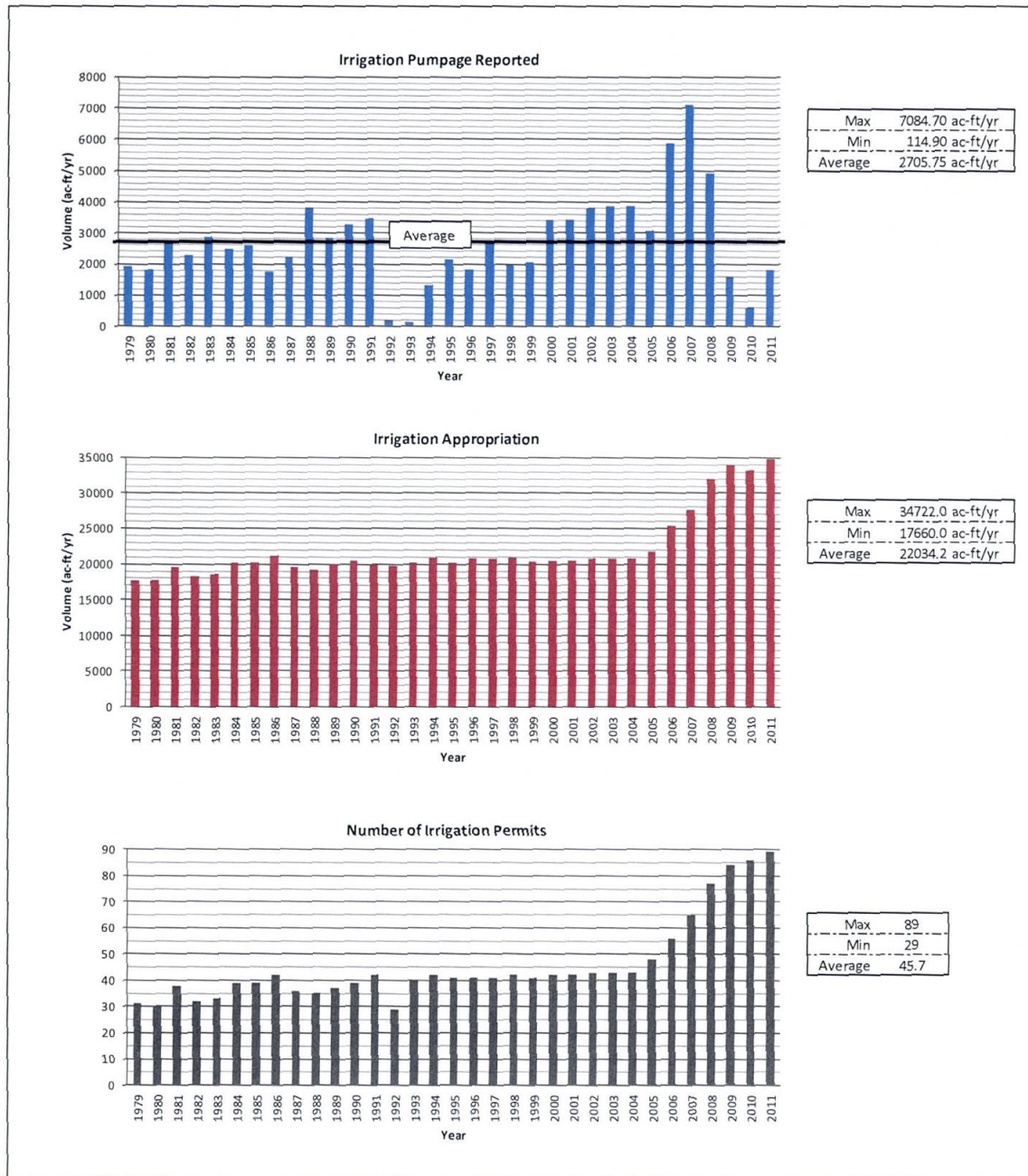


Figure 1: Historic irrigation water use from the Missouri: Elk Point aquifer in Clay County (Water Rights, 1979-2011)

As indicated by Figure 1, historically actual water use has not exceeded the average annual recharge. Since the reporting of the 2011 irrigation questionnaires 13 new irrigation permits have been issued for withdrawals from the Missouri: Elk Point aquifer in Clay County. Combined, these permits appropriate 4409 acre-feet/year at a maximum diversion rate of 20.37 cubic feet per second of water. With the addition of the permits issued in the past year and this application it is still expected that withdrawals will not exceed average annual recharge to the Missouri: Elk Point aquifer in Clay County.

In addition, there are many completion reports on file with the SD DENR-Water Rights Program in Clay 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 withdraws 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 272 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 five observation wells completed into the Missouri: Elk Point aquifer in Clay County. The nearest of these wells, CL-80A and CL-80B, are located approximately 2.3 miles northeast and 5.6 miles south of the proposed well site, respectively. CL-80A is under artesian conditions and CL-80B is under water table conditions (Water Rights, 2012a). The area of the proposed well site will likely be under confined conditions (Water Rights, 2012b; Water Rights, 2012c). Hydrographs of these observation wells are shown in Figures 2 and 3.

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 hydrograph of observation well CL-80B, which is located approximately one mile from the Missouri 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, as indicated by the trend line. This gradual decline has been attributed to entrenching of the Missouri River (Goodman, 2007) or controlling the flow of the Missouri River by the Gavins Point Dam, which no longer allows inundation 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).

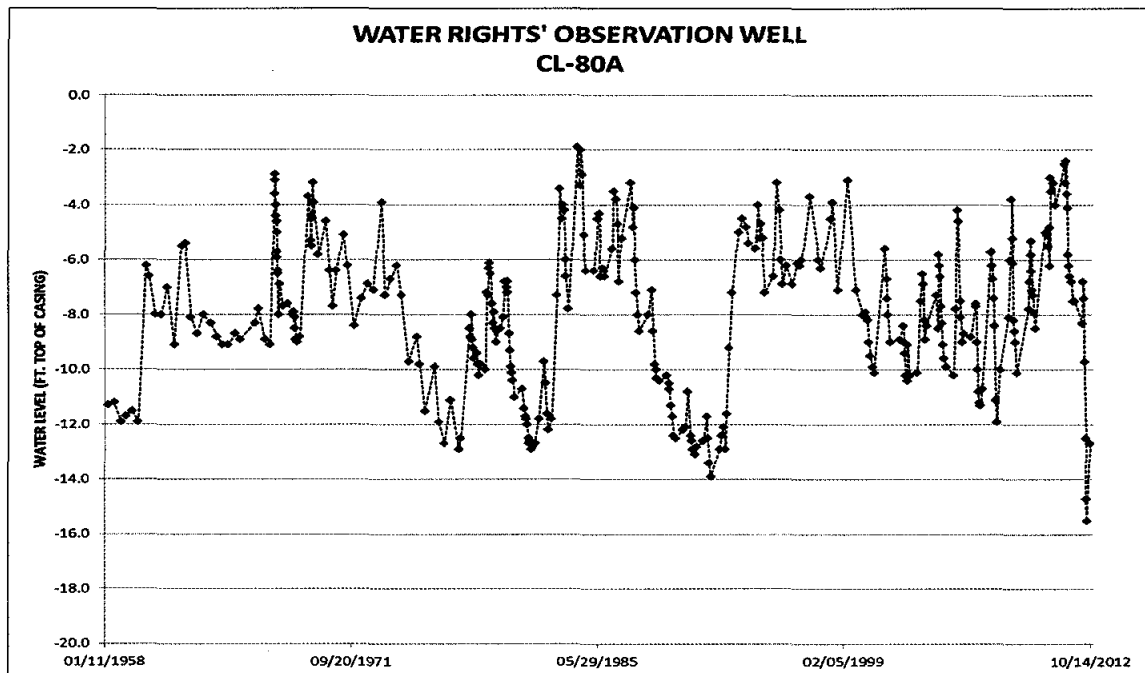


Figure 2: Hydrograph for DENR-Water Rights' observation well CL-80A (Water Rights, 2012a)

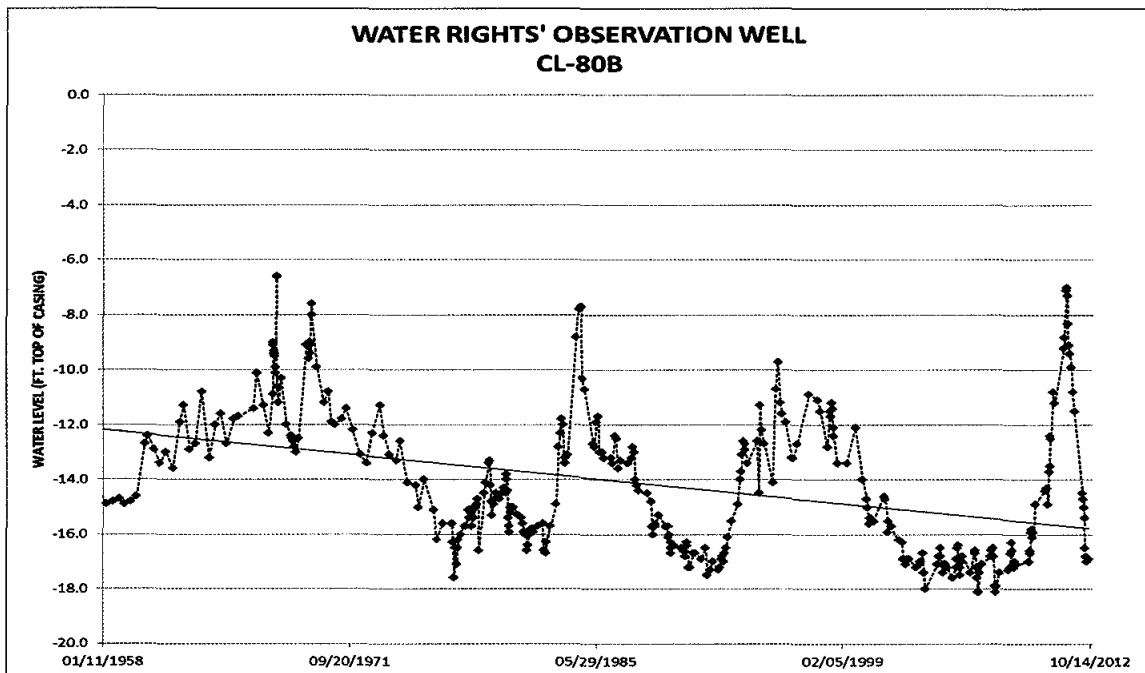


Figure 3: Hydrograph for DENR-Water Rights' observation well CL-80B (Water Rights, 2012a)

EXISTING WATER RIGHTS:

There are 111 water rights/permits appropriating water from the Missouri: Elk Point aquifer in Clay County. There are thirteen water rights/permits and six domestic wells within two miles of the proposed well site, which are shown in table 1. The closest well is authorized by Water Right No. 5658B-3 and is located 4100 feet northwest of the proposed diversion point. Water Right No. 5658B-3 is the only irrigation well within one mile of the proposed well site. There are two domestic wells within one half mile of this application, the closest well being 1800 feet and is owned by this applicant. (Water Rights, 2012b; Water Rights, 2012c) Table 2 shows the water rights/permits within two miles of the proposed well location.

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
6109B-3	Thomas Dreesen	PE	IRR	4.57	320
6641-3	Thomas Dreesen	LC	IRR	1.56	125
6884-3	Thomas Dreesen	PE	IRR	1.33	101
5658B-3	Robert J Wardin	PE	IRR	3.9	274
6610-3	Robert J Wardin	PE	IRR	1.78	135
6611-3	Robert J Wardin	PE	IRR	2	173
5658A-3	Bradley W Dirksen	PE	IRR	2	140
7152-3	Bradley W Dirksen	PE	IRR	2	145
6744-3	Judith I Grant	PE	DOM/COM	0.78	0
6772-3	Wood Acres Inc	IRRPE	IRR	2.22	72
6901A-3	Gary J & Amy Freeburg	PE	IRR	2.29	160
6966-3	Troy Walraven	PE	IRR	1.78	133
6978-3	Marquardt Farms	PE	IRR	1.78	133.5
	Frank Orr		DOM		
	Frank Orr		DOM/STK		
	James Hanson		DOM		
	Fritz Bartels		DOM		
	Hazelton Ranch		DOM		
	Chester Johnson		DOM		

LC = Water Right, PE = Water Permit, IRR = Irrigation, COM = Commercial, STK = Stock, DOM = Domestic

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

Since the aquifer is under confined conditions in this area, drawdown in a well may be significant, however, well interference has not been a problem with the Missouri: Elk Point aquifer. Area well logs indicate there is 9 to 24 feet of artesian head pressure. In addition, at the distances involved between the proposed well sites and wells of existing water rights/permits and domestic users, interference is not expected to be a concern.

When considering drawdown in an area under confined conditions, it is important to consider that SDCL 46-6-6.1 does not necessarily protect artesian head pressure. The Water Management Board has recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. In order to balance interests between irrigation use and delivery of water by artesian pressure the Water Management Board has defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

"a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer

has declined to a level that the pump will no longer deliver sufficient water for the well owner's need"

The assurance of reasonable domestic use provided by SDCL 46-6-6.1 and ARSD 74:02:04:20(7) ensures not only that interference will not be adverse to domestic well users but also in existing appropriative rights. Given the characteristics of the Missouri: Elk Point aquifer near the proposed well site and considering SDCL 46-6-6.1 and ARSD 74:02:04:20(7), well interference from this proposed increase in diversion rate is not likely to be significant and there is a reasonable probability that any interference will not be adverse.

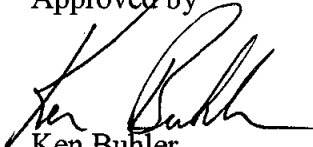
CONCLUSIONS:

1. The application proposes to appropriate 272 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.
4. There is a reasonable probability that this proposed well will not adversely impact existing nearby wells.



Lynn Beck
Natural Resources Engineer III
SD DENR-Water Rights Program

Approved by



Ken Buhler
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, Joe Foss Bldg., Pierre, SD.
- 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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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 11 DAY OF JANUARY 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.98 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: 1/11/13

FILED ON: 1/11/13

Tera A. Schmidt
SUBSCRIBED AND SWORN TO BEFORE ME THIS

11th DAY OF

January

[Signature]
NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

**NOTICE OF APPLICATION
NO. 7474-3 to Appropriate
Water**

Notice is given that Gwen Orr, 2821 Pederson Rd, 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 (115 feet deep) located in SW 1/4 NE 1/4 Section 15 for irrigation of 136 acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 15, all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7474-3 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 January 22, 2013.

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 \$26.98.

Published January 11, 2013

RECEIVED

JAN 14 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE **MANAGING EDITOR** OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7474-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 11th DAY OF January 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT **\$25.48** ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 1/11/2013

FILED ON: 1/11/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF January

2013

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

1+11

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Published once at the total approximate cost of \$25.48.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 3, 2013

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7474-3 to Appropriate Water. Please publish the notice once on January 11, 2013. 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 Gwen Orr, 2821 Pederson Rd., Vermillion SD 57069 (Ph# 605-624-1943).

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

January 3, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

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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.

January 3, 2013

Gwen Orr
2821 Pederson Rd
Vermillion SD 57069

Dear Ms. Orr:

Water Permit Application No. 7474-3 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 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 January 11, 2013. 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. 7474-3 to Appropriate Water

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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

FEB 19 2013

Gwenn Orr
2821 Pedersen Rd
Vermillion SD 57069

Dear Ms. Orr:

Enclosed is Water Permit No. 7474-3 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

RECEIVED

JUL 22 2013

WATER RIGHTS
PROGRAMDate 7/3/2013TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Gwen L Orr
(name)2821 Pettersen Rd
(address)Vermillion S.Dak 57069 605-624-1943
(city, state, zip) (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.

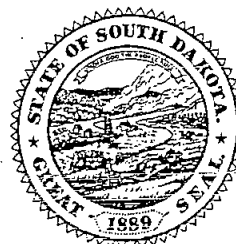
Water Permit No. 7474-3 states that the water use system is to be constructed by 7/19/2013, and water is to be put to beneficial use by 7/11/2013
(date) (date)

The water use system was completed on 7/1/2013:
(date)

Applying the water to beneficial use was completed on 7/10/2013
(date)

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

X Gwen Orr
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 23, 2013

7474-3
7493-3

Franklin & Gwen Orr
2821 Pettersen Rd
Vermillion SD 57069

Dear Mr. & Mrs. Orr:

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

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

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

Sincerely,

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

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

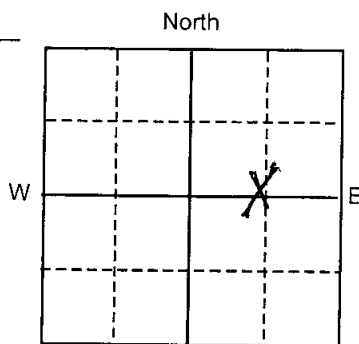
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 NE 1/4 Sec 15 Twp 93N Rg 53W

County Clay

Please mark well location with an "X"



Well Completion Date
2-7-13

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.):
3000 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1100</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>20</u> FT	<u>28</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>		Lb/gal	<u>0</u> Ft	<u>20</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Pumped down w/ pressure grouter

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16 Inches Length 40 Feet
Material PVC
Slot Size .085 Set From 20 Feet to 60 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No
If so, what material?
Describe packer(s) and location

DISINFECTION:

Was well disinfected upon completion?
☒ Yes, How? Chlorine

Lab to which water quality sample sent for analysis
☐ No, Why Not?

Well Owner: Frank Orr

Business Name:

Address: 2821 Pettusky Rd

City, State, Zip: Vermillion, SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>topsoil</u>	<u>0</u>	<u>2</u>
<u>brown clay</u>	<u>2</u>	<u>32</u>
<u>course sand</u>	<u>32</u>	<u>48</u>
<u>med gravel + ROCKS</u>	<u>48</u>	<u>60</u>

STATIC WATER LEVEL

12 FEET
If flowing: closed in pressure PSI
GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: pumped w/ turbulent pump
☐ Bailed
☐ Other
Pumping Level Below Land Surface
27 Ft. After 1 Hrs. pumped 800 GPM
45 Ft. After 2 Hrs. pumped 1000 GPM
If pump installed, pump rate: GPM

REMARKS

RECEIVED

APR 24 2013

WATER RIGHTS PROGRAM

This well was drilled under license # 444 and this report is true and accurate.

Drilling firm: Christensen Well & Drilling

Signature of License Representative:

Cody W. Christensen

Signature of Well Owner or Equitable Property Holder:

Date: 4-19-13



7474-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: JUSTIN F ORR, 30804 BLUFF RD, VOLIN, SD 57072 6313

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6964-3, 7089-3, 7474-3, 7493-3, 7494-3 & 7899-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6964-3, 7089-3, 7474-3, 7493-3, 7494-3 & 7899-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6964-3, 7089-3, 7474-3, 7493-3, 7494-3 & 7899-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

c: FRANKLIN & GWEN ORR, 2821 PETTERSEN RD, VERMILLION SD 57069

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



7474-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 1, 2017

Justin F Orr
30804 Bluff Rd
Volin SD 57072 6313

Dear Mr. Orr:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 6964-3, 7089-3, 7474-3, 7493-3, 7494-3 & 7899-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Franklin & Gwen Orr, 2821 Pettersen Rd, Vermillion SD 57069

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7474-3

I have this day, October 27, 2016, made a thorough examination of the water use system constructed by Gwen Orr, 2821 Pettersen Rd, Vermillion SD 57069 of Permit No. 7474-3, bearing the priority of October 22, 2012 authorizing the diversion of 1.78 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, of 136 acres, in Clay County.

Inspection contact & relationship to permit holder, if applicable: **Justin Orr, son of permit holder**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Christensen Well & Irrigation
- 2) No. of Wells 1
- 3) Depth(s) 60 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 20 feet
- 3) Type PVC

Screen:

- 1) Type PVC Perforated
- 2) Length 40 feet
- 3) Static water level 12 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Capacity 800 GPM

Motor:

- 1) Make Amarillo Right Angle Gear
- 2) Model No. S60A
- 3) Horsepower rating 60 hp

C. Works used to apply water to beneficial

use: Center pivot:

- 1) Make T-L Irrigation Systems
- 2) Overall length 1310 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 800 GPM

Comments: T-L Irrigation uses a hydraulic drive system.
System is driven by a 61 KW Isuzu Diesel Generator Set with above ground diesel fuel tank.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2013.
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: West 1350', South 2660' from NE Corner of Sec 15-T93N-R53W; Lat 42.87374/Long -97.08739; SW ¼ NE ¼ Sec 15-T93N-R53W.
2. The works are capable of diverting and conveying to the place of use 1.78 cfs or 800 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
 All land is located in Sec 15-T93N-R53W.

<u>SW ¼ NE ¼ - 34 ac</u>	<u>SE ¼ NE ¼ - 33 ac</u>
<u>NW ¼ SE ¼ - 34 ac</u>	<u>NE ¼ SE ¼ - 33 ac</u>

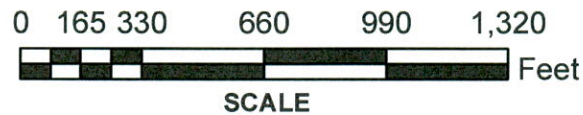
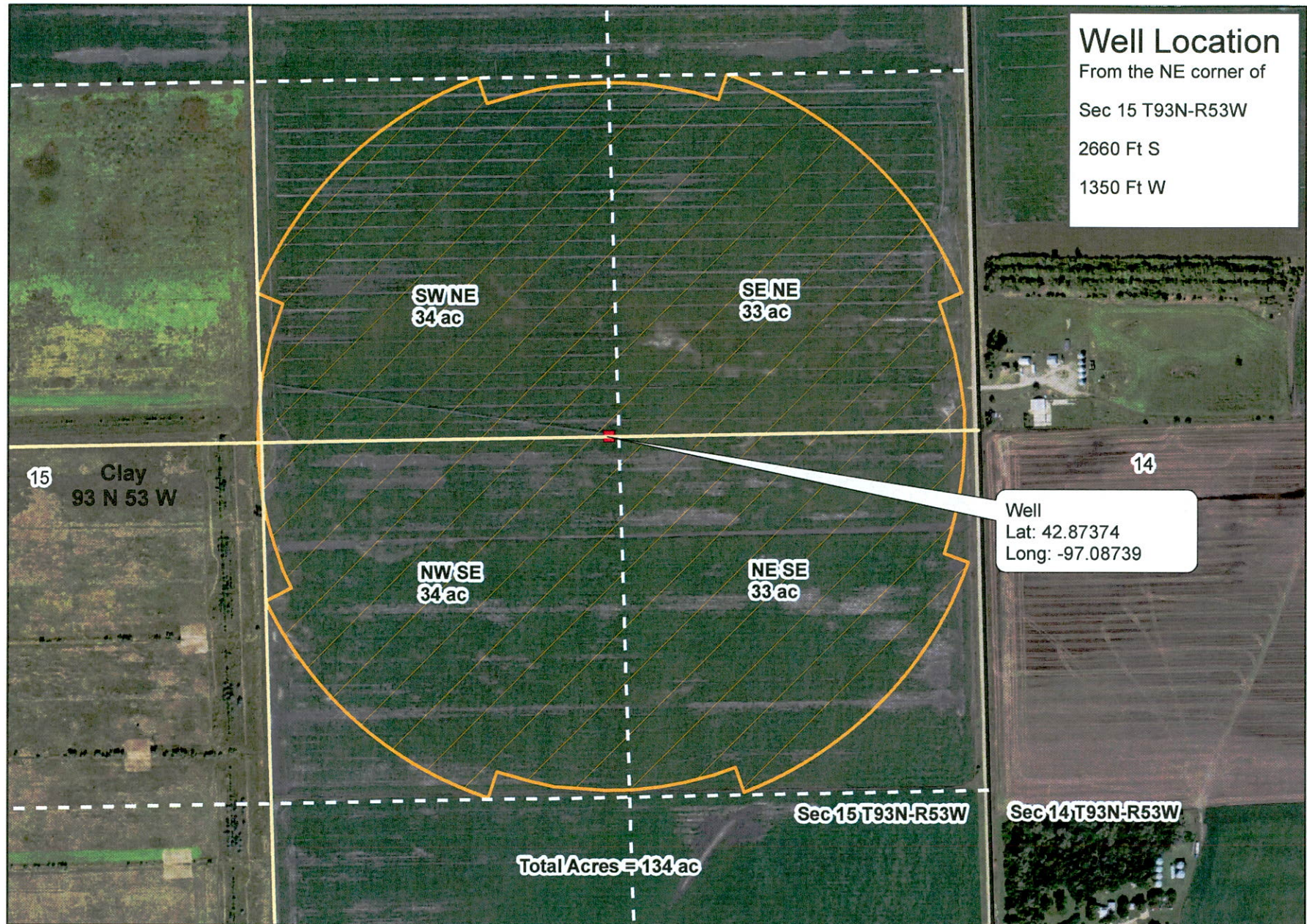
 comprising a total of 134 acres of land and the license should be issued for 1.78 cfs or 800 gpm.
3. All structures, wells and lands on map Yes

Harold Holoch

Harold Holoch, PE
 Staff Engineer
 DENR, Water Rights Program

Date report completed: May 23, 2017

7474-3



Harold Holoch
Harold Holoch, PE
Staff Engineer
May 12, 2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 19 2017

7474-3

Gwen Orr
2821 Pettersen Rd
Vermillion SD 57069

Dear Ms. Orr:

Enclosed is Water License No. 7474-3. 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. 7474-3, 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. 7474-3**

(1) Gwen Orr, 2821 Petterson Rd, Vermillion SD 57069 made Application No. 7474-3, October 22, 2012 for a water permit to divert 1.78 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7474-3, with a priority date of October 22, 2012 was approved January 22, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 22, 2018 and for the application to beneficial use of said water on or before January 22, 2022.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on July 22, 2013. The "*Notice*" stated the water use system was completed on July 1, 2013 and the water placed to beneficial use on July 10, 2013.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1,350'W and 2,660'S of the NE corner of Section 15, T93N, R53W (approximate center of the pivot in S ½ NE ¼ & N ½ 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:

Section 15, T93N, R53W	SW ¼ NE ¼	34 acres	NW ¼ SE ¼	34 acres
	SE ¼ NE ¼	33 acres	NE ¼ SE ¼	33 acres
Total of 134 acres				

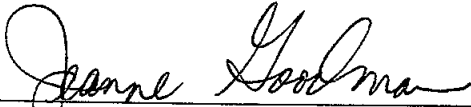
(4) Pursuant to South Dakota Water Law 46-5-30.1 Gwen Orr, 2821 Petterson Rd, Vermillion SD 57069 the holder and/or owner of Water Right No. 7474-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of October 22, 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. 7474-3 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.
- The well authorized by Permit No. 7474-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. ***The well was drilled in February, 2013 by Christensen Well & Irrigation. A copy of the well completion report is on file with the Water Rights Program.***

continued

- 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

JUN 19 2017

date



7474-3



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

January 20, 2022

NOTICE

TO: JUSTIN F ORR, 30804 BLUFF RD, VOLIN, SD 57072 6313

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6964-3, 7089-3, 7474-3, 7494-3, 7899-3, 8288-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6964-3, 7089-3, 7474-3, 7494-3, 7899-3, 8288-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6964-3, 7089-3, 7474-3, 7494-3, 7899-3, 8288-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

7474-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 1, 2022

Justin F Orr
30804 Bluff Rd
Volin SD 57072 6313

RE: Water Right/Permit Nos. 6964-3, 7089-3, 7474-3, 7494-3, 7899-3, 8288-3

Dear Mr. Orr:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right/Permit Nos. 6964-3, 7089-3, 7474-3, 7494-3, 7899-3 & 8288-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 8, 2022

7089-3
7474-3
7494-3
8288-3

Justin F Orr
30804 Bluff Rd
Volin SD 57072

Dear Mr. Orr:

Thank you for completing the irrigation questionnaires online. I noticed the notation you added to three of the forms indicating you were the new owner.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each. The check or money order for the fee can be made payable to the Water Rights Program.

Water Right No. 7089-3 is also listed under Franklin and Gwen Orr. You did not include a notation about changing ownership for that specific water right, but I included it with the other three forms in case you need it.

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

enclosures

7474-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date December 20, 2022RECEIVED OF Justin Orr 30804 Bluff Rd., Volin SD 57072

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>7474-3</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
em

PAID

DEC 20 2022

Ck# 5170

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

No. 7474-3

DEC 20 2022

Date: Dec 12 2022

OFFICE OF
WATER

I/We request that Water Right No. 7474-3

formerly owned by: Gwen Orr

be transferred to: (name & address) Justin Orr

30804 Bluff Rd

Volin SD 57072

Telephone No. (605) 638-0456

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

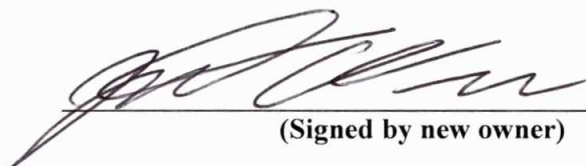
134 acres - S 1/2 NE 1/4 and N 1/2 SE 1/4 Section 15, T93N, R53W

I/We understand that the validity of Water Right No. 7474-3 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.

I/We Justin Orr, 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.



7474-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 21, 2022

7089-3
7474-3
7494-3
8288-3

Justin F Orr
30804 Bluff Rd
Volin SD 57072

Dear Mr. Orr:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 7089-3, 7474-3, 7494-3 and 8288-3.

The ownership changes have been completed. The above listed water rights formerly held by Franklin or Gwen Orr are now listed in your name.

Enclosed are receipts for the filing fees you paid. 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

enclosures