

WATER PERMIT NO. 7493-3

Name of Applicant: **Franklin Orr**

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

Amount of Water Claimed: **1.78 cfs** Total Acres: **84**

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

Water to be used for: **irrigation** County: **Clay**

Type of Waste Disposal System:

Location: **9 miles northwest of Vermillion**

PRIORITY Date Received: **10-22-12**

Application/License Fee: **\$ 950**

Corrected Application Received: **11-1-12**

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

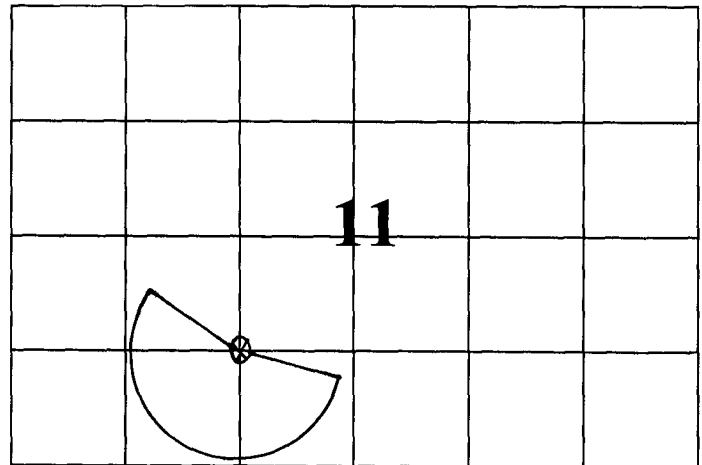
Remarks:

Diversion Point: **approximate center of SW 1/4**

Sec 11-T93N-R53W

Land to be Irrigated: **S 1/2 SW, NE 1/4 SW 1/4**

Sec 11-T93N-R53W



Depth of Well: **115 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **11-1-12**

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

No. 7493-3 (office use only)
Hydrologic Unit 10170102
Basin Vermillion River 605-624-2695
Newspaper Plain Talk 201 W Cherry Vermillion 57069
605-665-7811
Press & Dakota 319 Walnut Yankton 57028

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OCT 22 2012

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Re-submitted
11/01/2012

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 Franklin Orr

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 2821 Pedersen Rd Vermillion SD 57069
(Address) (City) (State) (Zip Code)

Home Phone 605-624-1943 Cell 638-0457 Email _____

2. Amount of water claimed 1.78*CFS or 900**GPM 84***AF Total Acreage 84
(*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 approximate Center NE 1/4 SW, Section 11, T93N R53W
(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
Section 11, T93N, R53W	84		
NW 1/4 SW, " " " "	16		
SE 1/4 SW, " " " "	34		
SW 1/4 SW, " " " "	34		

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

Center Pivot irrigation of above parcels.

applicant is requesting greater diversion rate than statutory limit

I, Franklin J Orr, the applicant, certify that I have read this application,
have examined the attached map, and that the matters stated are true.
10/20/2012

**SOUTH DAKOTA
WATER PERMIT NO. 7493-3**

Date of first receipt of application October 22, 2012.

Date of return to applicant for corrections, amendments or changes October 24, 2012.

Date of receipt of corrected application November 1, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7493-3 to Franklin Orr, 2821 Pedersen 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. 7493-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the approximate center of the SW 1/4 Section 11 for irrigation of 84 acres located in the S 1/2 SW 1/4, NW 1/4 SW 1/4 Section 11; 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. 7493-3 is January 28, 2013.
5. One-fifth of the construction is to be completed on or before July 28, 2015.
6. All construction is to be completed on or before January 28, 2018.
7. Water is to be put to beneficial use on or before January 28, 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. 7493-3 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. 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. 7493-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 84 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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 70' Depth to Water from Surface 25'

d) Distance to nearest existing domestic well:

On applicant's property 72500'On property owned by others 75,800'**2. Wastewater Disposal System Information**

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

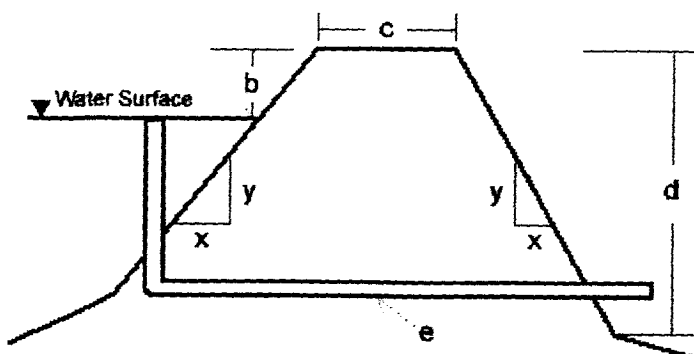
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage : _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





United States Department of Agriculture
Farm Service Agency

March 12, 2010

PLSS: 11_93N_53W **Clay County, SD**
Farm: 4491
1:8,461



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.

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Common Land Units

2008 Ortho-Photography - Not to Scale

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North Pivot



Data use subject to license.

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www.delorme.com

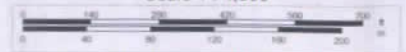


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Scale 1 : 4,800



1" = 400.0 ft

Data Zoom 15-4

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/24, 20 12

RECEIVED OF Frank Orr 2821 Petterson Rd Vermillion SD 57069

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

Fee for Application for Permit No. <u>7493-3</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>7493-3</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. **05636**

By *Donald Estelle*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 24, 2012

Franklin Orr
2821 Pedersen Rd
Vermillion SD 57069

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NOV - 1 2012

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Dear Mr. Orr:

Thank you for submitting the *Applications for a Permit to Appropriate Water* for irrigation. In order to complete the applications, the following needs to be clarified.

Regarding the application for irrigation in Section 11-T93N-R53W:

- The application lists the total acreage as 136 acres. The acreage outlined on the map indicates 84 acres. Which is correct? Please make the necessary changes on either the map or the application. If you intend to irrigate 84 acres, the application fee will be reduced by \$100.00 and refunded at a later date.
- Also, it appears the well will be located in the approximate center of the SW 1/4 Section 11? Do you agree? *yes*

Regarding the application for irrigation in Section 14-T93N-R53W:

- The application lists the total acreage as 136 acres. The acreage outlined on the map indicates 116 acres. Which is correct? Please make the necessary changes on either the map or the application. If you intend to irrigate 116 acres, the application fee will be reduced by \$100.00 and will be refunded at a later date.
- Also, it appears the well will be located in the approximate center of the NW 1/4 Section 14? Do you agree? The Clay County FSA map indicates the proposed well will be located in the ~~SW 1/4~~. Again, please make the necessary corrections. *Yes*

The application submitted for Gwen Orr for irrigation in Section 15-T93N-R53W is complete.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

*Thanks For catching
my mistake
Frank Orr*

*if you have any other question call
605-638-0457*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7493-3, Franklin 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. 7493-3, Franklin Orr, 2821 Pederson Rd, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7493-3 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. 7493-3 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. 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. 7493-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 84 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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
January 4, 2013

REPORT ON WATER PERMIT APPLICATION NO.7493-3

Franklin Orr
January 7, 2013

Water Permit Application No 7493-3. proposes to appropriate 168 acre-feet of water at a diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the approximate center of the SW 1/4 Section 11 for irrigation of 84 acres located in the S 1/2 SW 1/4, NW1/4 SW 1/4 Section 11; T93N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The proposed project is located in Clay County approximately 2.5 miles north of the town of Meckling.

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

The proposed well site is located in southwest Clay County, approximately 8 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 and is hydraulically connected to 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 is generally 40 to 70 feet below ground surface, and the static water level ranges from 2 to 24 feet below ground surface (Water Rights, 2012b; Water Rights, 2012c). The aquifer is under confined conditions in this area.

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 232 ac-ft/yr from the Missouri: Elk Point aquifer. If this application is approved, the actual water use will likely be less than the appropriation. The

probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

HYDROLOGIC BUDGET:

Recharge:

Recharge to the Missouri: Elk Point aquifer is due to infiltration of precipitation in areas where the aquifer is near land surface, inflow from the Lower Vermillion-Missouri aquifer at the Missouri: Elk Point aquifer's northern boundary, inflow from the Missouri 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.

Withdrawals:

There are 111 water rights/permits appropriating water from the Missouri: Elk Point aquifer in Clay County on record. The Missouri: Elk Point also naturally discharges to the Dakota aquifer and, during periods of low flow and stage, to the Missouri River (Niehus, 1994). The distribution of appropriation types are shown in table 1 along with the future use appropriations.

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

Table 1- Distribution of Water Rights/Permits and Future Use Permits in Clay County appropriating water from the Missouri: Elk Point (Water Rights, 2012b)

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, and 3) future use permits can be fully developed. Annual withdrawal from the Missouri: Elk Point from Clay County is expected to total less than 62,503 ac-ft/yr at the current appropriation level. Lewis and Clark Rural Water

System's (RWS) expected water use is a significant portion of the volume of water that is anticipated to be pumped under current appropriations. Lewis and Clark RWS has two permits appropriating 32,165 ac-ft annually. In addition Lewis and Clark RWS has four future use permits reserving a total of 25,000 ac-ft/yr. 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.

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. In 2011, the annual volume of water appropriated totaled 32,722 ac-ft/yr. 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).

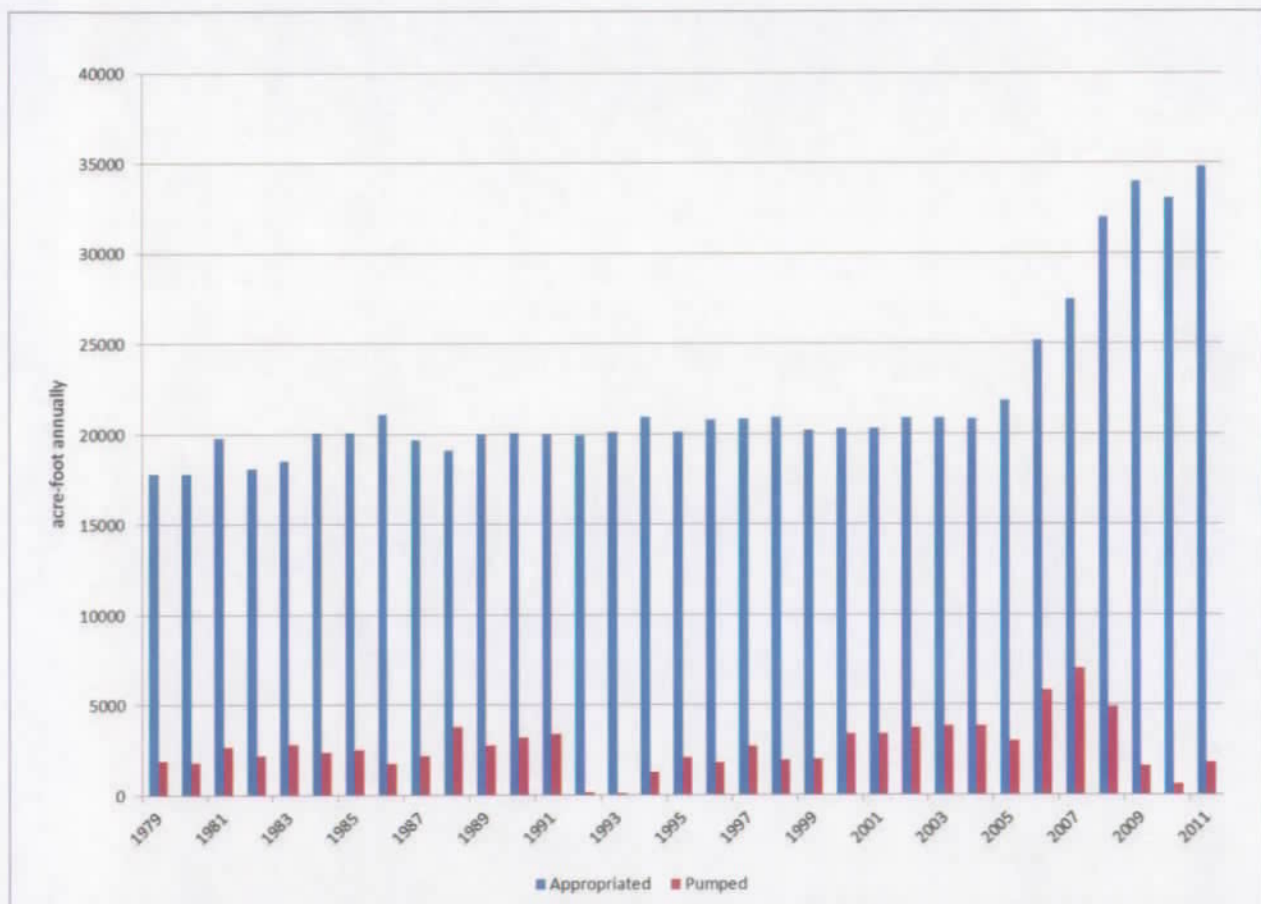


Figure 1: Historic irrigation water use from the Missouri: Elk Point aquifer in Clay County (Water Rights, 1979-2011)

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, Union and Yankton Counties 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 withdrawals 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 232 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 1.8 miles east and 5.8 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).

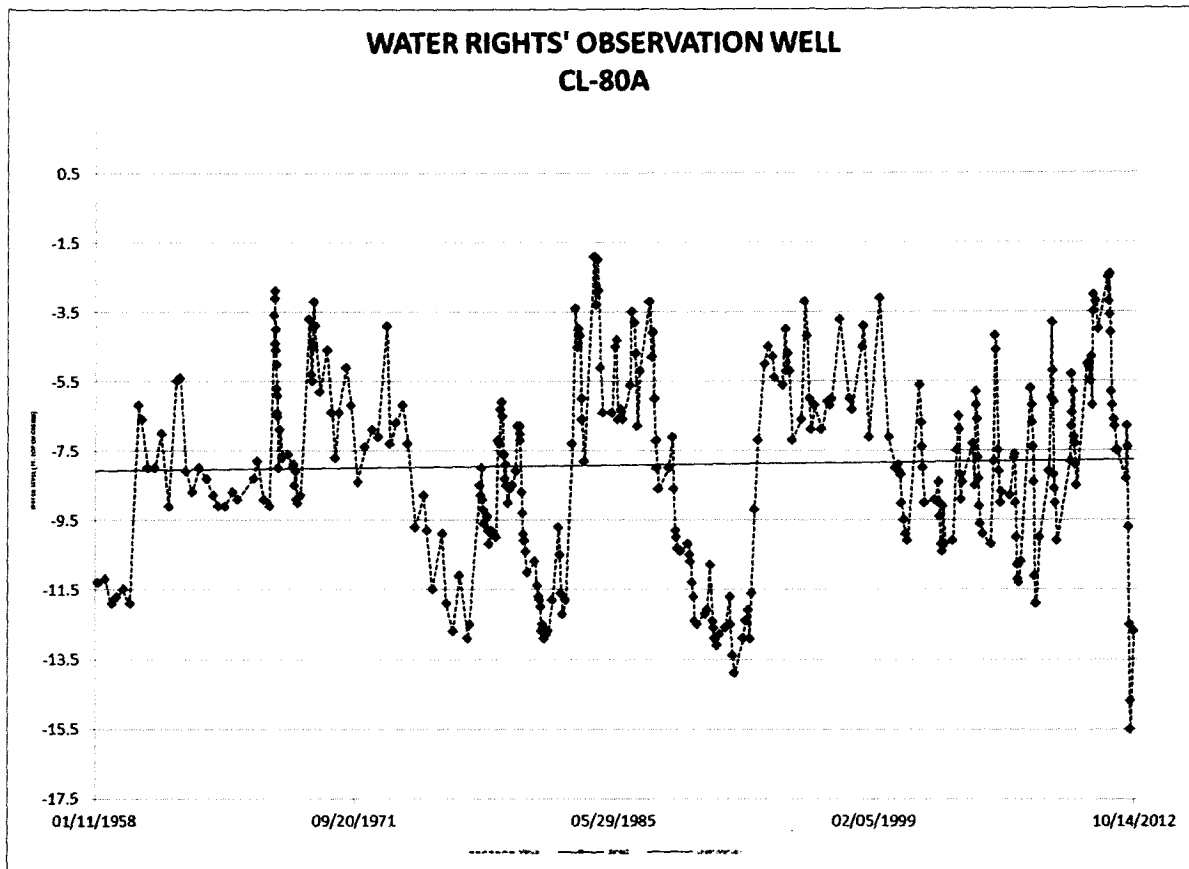


Figure 2: Hydrograph with linear trend line for DENR-Water Rights' observation well CL-80A (Water Rights, 2012a)

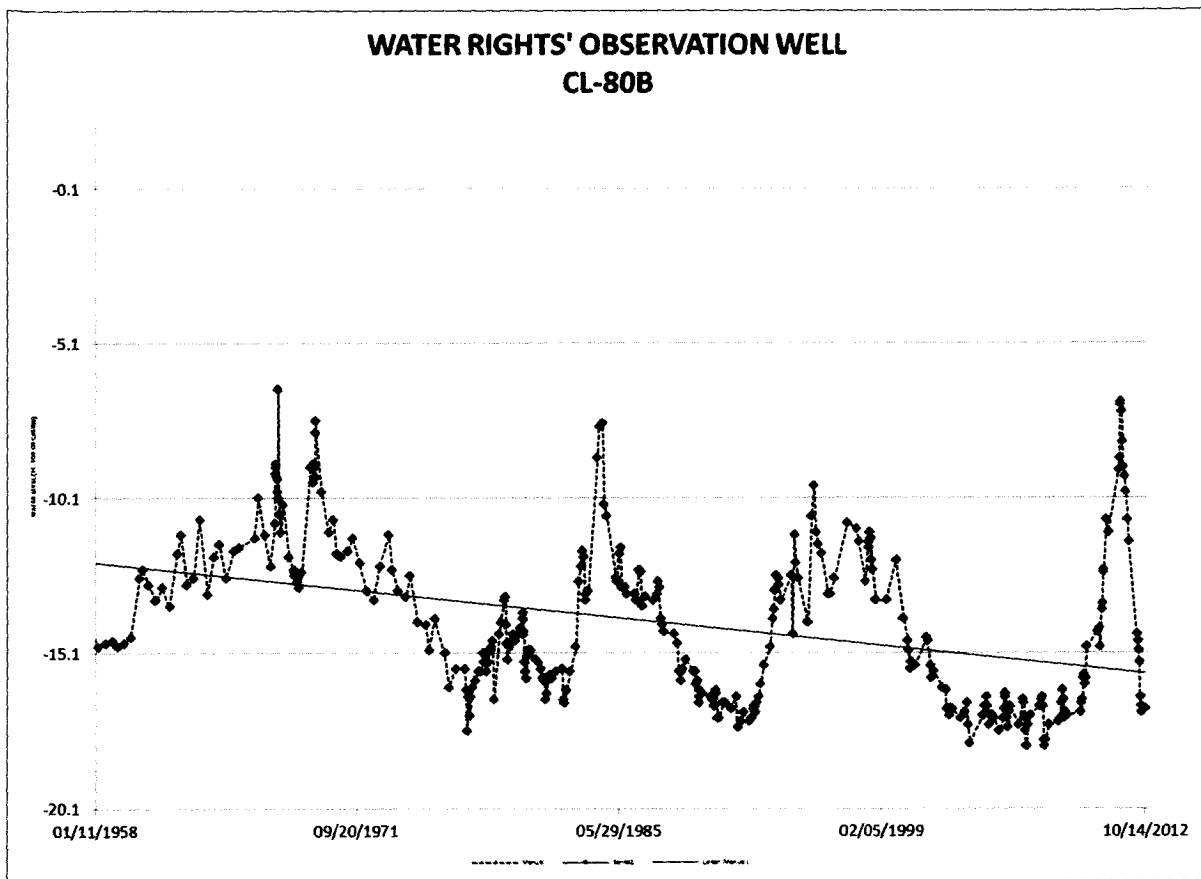


Figure 3: Hydrograph with linear trend line for DENR-Water Rights' observation well CL-80B (Water Rights, 2012a)

EXISTING WATER RIGHTS:

There are 111 water rights/permits appropriating water from the Missouri: Elk Point aquifer in Clay County. There are eleven water rights/permits within two miles of the proposed well site, which are shown in table 1. The irrigation well for Water Permit Nos. 5658B-3, 7050-3 and 7051-B, J Robert Wardin is the only irrigation well within one mile of the proposed well site.

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
6901B-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
7052-3	Robert J Wardin	PE	IRR	0	96
6611-3	Robert J Wardin	PE	IRR	2	173
7051-3	Robert J Wardin	PE	IRR	0	123
7050-3	Robert J Wardin	PE	IRR	0	137
5658A-3	Bradley W Dirksen	PE	IRR	2	140
7152-3	Bradley W Dirksen	PE	IRR	2	145
6901A-3	Gary J & Amy Freeburg	PE	IRR	2.29	160

Table 1: Water rights/permits completed into the Missouri: Elk Point aquifer within two miles of the proposed well sites (Water Rights, 2012b; Water Rights, 2012c)

Well interference has not been a problem with the Missouri: Elk Point aquifer. 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.

If approved the total acreage for this project would be 80 acres at a diversion rate of 1.78 cfs. The proposed diversion rate would exceed the statutory limit of 1 cfs per 70 irrigated acres.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the amount allowed may not be in excess of the rate of one cubic foot of water per second for each seventy acres. The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires.

The applicant proposes to utilize a center pivot irrigation system; however the system will only make half a turn yet still require the larger diversion rate to operate efficiently. The request for a greater diversion rate should be allowed.

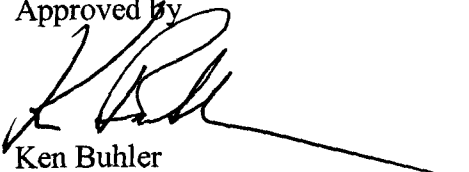
CONCLUSIONS:

1. The application proposes to appropriate 168 acre-feet of water for irrigation of 84 acres.
2. The requested diversion rate requested is 1.78 cfs for the 84 acres. The method of irrigation warrants a deviation from the 1 cfs per 70 irrigated acres requirement and the request for a larger diversion rate should be allowed.
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 cause interference in existing nearby wells.



Mark D. Rath
Natural Resources Engineer
SD DENR-Water Rights Program

Approved by



Ken Buhler
Natural Resources Engineer
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.
- Niehus, C.A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. U.S. Geological Survey. Water-Resources Investigations Report 93-4195. Rapid City, South Dakota.
- Stephens, J.C. 1967. Geology and Hydrology of Clay County South Dakota. Part II: Water Resources, SD DENR- Geological Survey Bulletin 19,62p.
- 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.

NOTICE OF APPLICATION
NOS. 7493-3 and 7494-3 to
Appropriate Water

Notice is given that Franklin Orr, 2821 Pedersen Rd, Vermillion SD 57069 has filed the following applications for a water permit.

Application No. 7493-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer

(115 feet deep) located in the approximate center of the SW 1/4 Section 11 for irrigation of 84 acres located in the S 1/2 SW 1/4, NW 1/4 SW 1/4 Section 11; T93N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres

Application No. 7494-3 proposes to appropriate 1.78 cfs from one well to be completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the approximate center of the NW 1/4 Section 14 for irrigation of 116 acres located in the NW 1/4 Section 14; T93N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7493-3 and 7494-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 28, 2013.

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 18 DAY OF JANUARY 2013 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$34.26 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: 1/18/13

FILED ON: 1/18/13

Tera A. Schmidt
SUBSCRIBED AND SWORN TO BEFORE ME THIS 22 DAY OF January

[Signature]
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$34.26

Published: January 18, 2013

RECEIVED

JAN 22 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 Nos. 7493-3 & 7494-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 18th DAY OF January 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$32.27 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: 1/18/2013

FILED ON: 1/18/2013



SUBSCRIBED AND SWORN TO BEFORE ME THIS 18th DAY OF January 2013



NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

Notice is given that Franklin Orr,
2821 Pedersen Rd, Vermillion SD
57069 has filed the following ap-
plications for a water permit.

Application No. 7493-3 proposes
to appropriate 1.78 cubic feet of
water per second (cfs) from one
well to be completed into the Mis-
souri:Elk Point Aquifer (115 feet
deep) located in the approximate
center of the SW 1/4 Section 11
for irrigation of 84 acres located
in the S 1/2 SW 1/4, NW 1/4 SW
1/4 Section 11; T93N-R53W.
The applicant is requesting a di-
version rate greater than the statu-
tory limit of 1 cfs per 70 acres.

Application No. 7494-3 proposes
to appropriate 1.78 cfs from one
well to be completed into the Mis-
souri:Elk Point Aquifer (115 feet
deep) located in the approximate
center of the NW 1/4 Section 14
for irrigation of 116 acres located
in the NW 1/4 Section 14;
T93N-R53W. The applicant is re-
questing a diversion rate greater
than the statutory limit of 1 cfs per
70 acres.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application Nos.
7493-3 and 7494-3 because 1) un-
appropriated water is available, 2)
existing rights will not be unlaw-
fully 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 these applica-
tions, as recommended, unless a
petition is filed opposing the ap-
plications or the applicant files a
petition contesting the Chief Engi-
neer's recommendations. If a peti-
tion opposing the applications or
contesting the recommendations is
filed, then a hearing will be sched-
uled and the Water Management
Board will consider these applica-
tions. Notice of the hearing will
be given to the applicant and any
person filing a petition.

Any person interested in opposing
or supporting these applications or
recommendations must file a writ-
ten petition with BOTH the appli-
cant and Chief Engineer. The ap-
plicant must file a petition if con-
testing the Chief Engineer's rec-
ommendations. The Chief Engi-
neer'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 inter-
ested person or the applicant must
be filed by January 28, 2013.

The petition may be informal, but
must include a statement describ-
ing the petitioner's interest in the
applications, the petitioner's rea-
sons for opposing or supporting
the applications, and the signature
and mailing address of the peti-
tioner or the petitioner's legal
counsel, if legal counsel is ob-
tained. Contact Eric Gronlund at
the above Water Rights Program
address to request copies of infor-
mation pertaining to these appli-
cations. Steven M. Pirner, Secre-
tary, Department of Environment
and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 7, 2013

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7493-3 and 7494-3 to Appropriate Water. Please publish the notice once on January 18, 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 Franklin Orr, 2821 Pedersen 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 7, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7493-3 and 7494-3 to Appropriate Water. Please publish the notice once on January 18, 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 Franklin Orr, 2821 Pedersen Rd., Vermillion SD 57069 (Ph # 605-624-1943).

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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 7, 2013

Franklin Orr
2821 Pedersen Rd
Vermillion SD 57069

Dear Mr. Orr:

Water Permit Application Nos. 7493-3 and 7494-3 for irrigation use have 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 recommendations of the Chief Engineer and reports on the applications 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(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

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 applications.

Instruction to Newspaper - Publish the Notice on January 18, 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 NOS. 7493-3 and 7494-3 to Appropriate Water

Notice is given that Franklin Orr, 2821 Pedersen Rd, Vermillion SD 57069 has filed the following applications for a water permit.

Application No. 7493-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the approximate center of the SW 1/4 Section 11 for irrigation of 84 acres located in the S 1/2 SW 1/4, NW 1/4 SW 1/4 Section 11; T93N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7493-3 and 7494-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 19 2013

Franklin Orr
2821 Pedersen Rd
Vermillion SD 57069

Dear Mr. Orr:

Enclosed are Water Permit Nos. 7493-3 and 7494-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Water Permit No. 7494-3 was submitted with an application/license fee of \$1,050.00. The correct fee is \$950.00. Therefore, \$100.00 will be refunded to you. The refund check should be received within the next couple of weeks.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return these completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

A handwritten signature in black ink, appearing to read "Garland Erbele".

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

Enclosures

McMath, Genny

From: Justin <jorr155@yahoo.com>
Sent: Monday, July 08, 2013 7:44 PM
To: McMath, Genny
Subject: Re: Franklin & Gwen Orr

Genny,

Sorry it took so long to get back to you about the permits for my dad, that would be ok if you send me the info on the other permits, I fill it out at the end of the yr. anyway, and if you need his address all three were wrong :) it is 2821 Pettersen rd. vermillion sd. Sorry for all the confusion if you need more info just ask, thanks again

Justin

Sent from my iPad

On Jul 5, 2013, at 8:34 AM, "McMath, Genny" <Genny.McMath@state.sd.us> wrote:

Justin,

In this past year we have 3 new permits for Franklin and Gwen Orr. I had one earlier in my irrigation questionnaire database for Franklin with you listed as operator. Are you going to be operating the irrigation systems for the new permits?

Also, for some reason, we have 3 different addresses for them.

2821 Pederson

2821 Pedersen

2821 Petterson

Can you send me a quick note on which on is correct and if I should be sending the annual questionnaires to you or to them. Thank you in advance for your help!

**Genny McMath
605 773-5455**

7493-3
RECEIVED

JUL 22 2013

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 7/20/2013TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

FRANKLIN F ORR

(name)

2821 Petterson Rd

(address)

Vermillion, S DAK 57069

(city, state, zip)

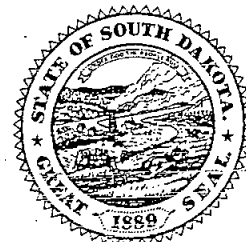
605-624-1943

(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. 7493-3 states that the water use system is to be constructed by1/28/2018
(date), and water is to be put to beneficial use by 1/28/2020
(date)The water use system was completed on 7/3/2013
(date)Applying the water to beneficial use was completed on 7/15/2013
(date)

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

Franklin F Orr 7/20/2013
(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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

North

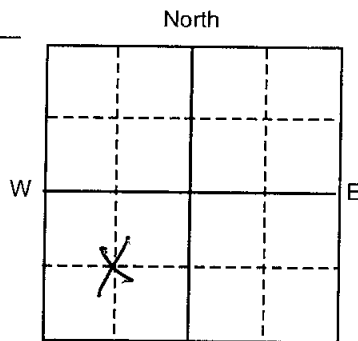
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 SW 1/4 Sec 11 Twp 93N Rg 53W

County Clay

Please mark well location with an "X"



Well Completion Date

2-6-13

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
5000 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:

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
1160 LB/FT 16 IN 0 FT 20 FT 28 IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN

GROUTING DATA:

Grout Type No. of Sacks Grout Weight From To
concrete _____ Lb/gal 0 Ft 20 Ft
_____ Lb/gal _____ Ft _____ Ft

Describe grouting procedure

pumped down w/ pressurized grout

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16 Inches Length 40 Feet
Material ROC
Slot Size .035 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 Peterson Rd

City, State, Zip: Vermillion, SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>topsoil</u>	<u>0</u>	<u>2</u>
<u>bottom clay</u>	<u>2</u>	<u>25</u>
<u>coarse sand</u>	<u>25</u>	<u>37</u>
<u>med gravel + rocks</u>	<u>37</u>	<u>60</u>

STATIC WATER LEVEL

10

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/ turbine pump

☐ Bailed

☐ Other

Pumping Level Below Land Surface

22 Ft. After 1 Hrs. pumped 800 GPM

25 Ft. After 2 Hrs. pumped 1000 GPM

If pump installed, pump rate:

700

GPM

REMARKS

* gravel sept casing @ 60' so we grout.

This well was drilled under license # 444

and this

report is true and accurate

Drilling firm:

Christensen Wells & Hydrus

Signature of License Representative:

Cody W. Christensen

Signature of Well Owner or Equitable Property Holder:

Date:

4-19-13

RECEIVED
APR 24 2013
WATER RIGHTS
PROGRAM



7493-3
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.



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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

8288-3
7493-3

OCT 02 2017

Franklin Orr
2821 Pettersen Rd
Vermillion SD 57069

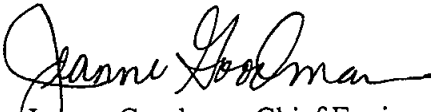
Dear Mr. Orr:

Enclosed are Water Permit and Water License No. 8288-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if in the future the owner drills a replacement well and has no plan to use the old existing 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

Note: The applicable portions of No. 7493-3 are incorporated into Water License No. 8288-3.

enclosures