

WATER PERMIT NO. 7495-3

Name of Applicant: Dennis Herlyn

Address: 27831 447th Ave, Parker SD 57053 Phone: 605 648 3379

Amount of Water Claimed: 1.11 cfs Total Acres: 160

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Turner

Type of Waste Disposal System:

Location: 2 miles southwest of Parker

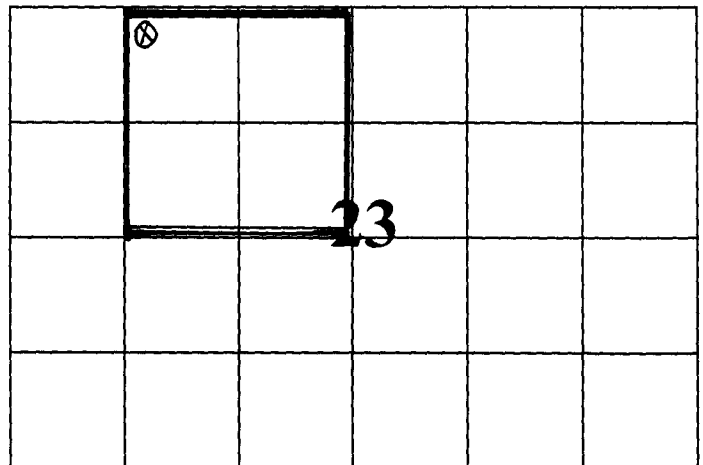
PRIORITY Date Received: 11-1-12 Application/License Fee: \$1050

Corrected Application Received: Period of Annual Use: June 1 – August 31

Remarks:

Diversion Point: NW 1/4 NW 1/4 Sec 23-T99N-R54W

Land to be Irrigated: NW 1/4 Sec 23-T99N-R54W



Depth of Well: 250 feet deep

Well Driller: Heine Irrigation

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-2-12

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. 7495-3 (office use only)
Hydrologic Unit 10170102
Basin Vermillion River 605-297-4419
Newspaper New Era P.O. Box 579 Pierre 57503

Argus Leader P.O. Box 5034 S Falls 57117 605-331-2200

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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 Dennis Herlyn

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

(name and complete address if different than above name)

Mailing Address 27831-447th Avenue Parker SD 57053
(Address) (City) (State) (Zip Code)

Home Phone 605-648-3379 Cell 605-359-0405 Email 49lrherlyn@svtv.com

2. Amount of water claimed 1.11 *CFS or 500 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion 1 well in NW 1/4 of Section 23 T-99-N-R54-W (NW 1/4 NW 1/4)
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Turner

5. County or counties where water will be used Turner

6. Annual period during which water is to be used June 1 - August 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
Gently rolling farm ground <u>NW 1/4 NW 1/4</u>	40		
Gently rolling farm ground <u>NE 1/4 NW 1/4</u>	40	<u>All in Sec 23 T99N R54W</u>	
Gently rolling farm ground <u>SE 1/4 NW 1/4</u>	40		
Gently rolling farm ground <u>SW 1/4 NW 1/4</u>	40		

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

A pivot irrigator will be installed in the above described acreage.

I, Dennis Herlyn, 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. 7495-3**

Date of first receipt of application November 1, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7495-3 to Dennis Herlyn, 27831 447th Ave, Parker SD 57053 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7495-3 appropriates 1.11 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (250 feet deep) located in NW 1/4 NW 1/4 Section 23 for irrigation of 160 acres located in the NW 1/4 Section 23; all in T99N-R54W.
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: June 1 – August 31.
3. The date from which applicant may claim right is November 1, 2012.
4. The date of approval of Permit No. 7495-3 is January 23, 2013.
5. One-fifth of the construction is to be completed on or before July 23, 2015.
6. All construction is to be completed on or before January 23, 2018.
7. Water is to be put to beneficial use on or before January 23, 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 new well authorized by Permit No. 7495-3 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 08 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 Heine Irrigation
(if yes, please provide copies of logs)

b) If existing wells, how many 0 Provide copy of log(s), if available. Drilled by _____

c) Well Depth 250' Depth to Top of Water Bearing Material 176' Depth to Water from Surface 18'

d) Distance to nearest existing domestic well:

On applicant's property 0 On property owned by others 0

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

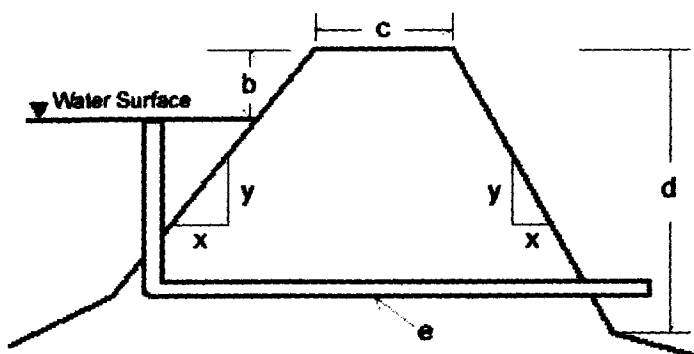
Upstream _____

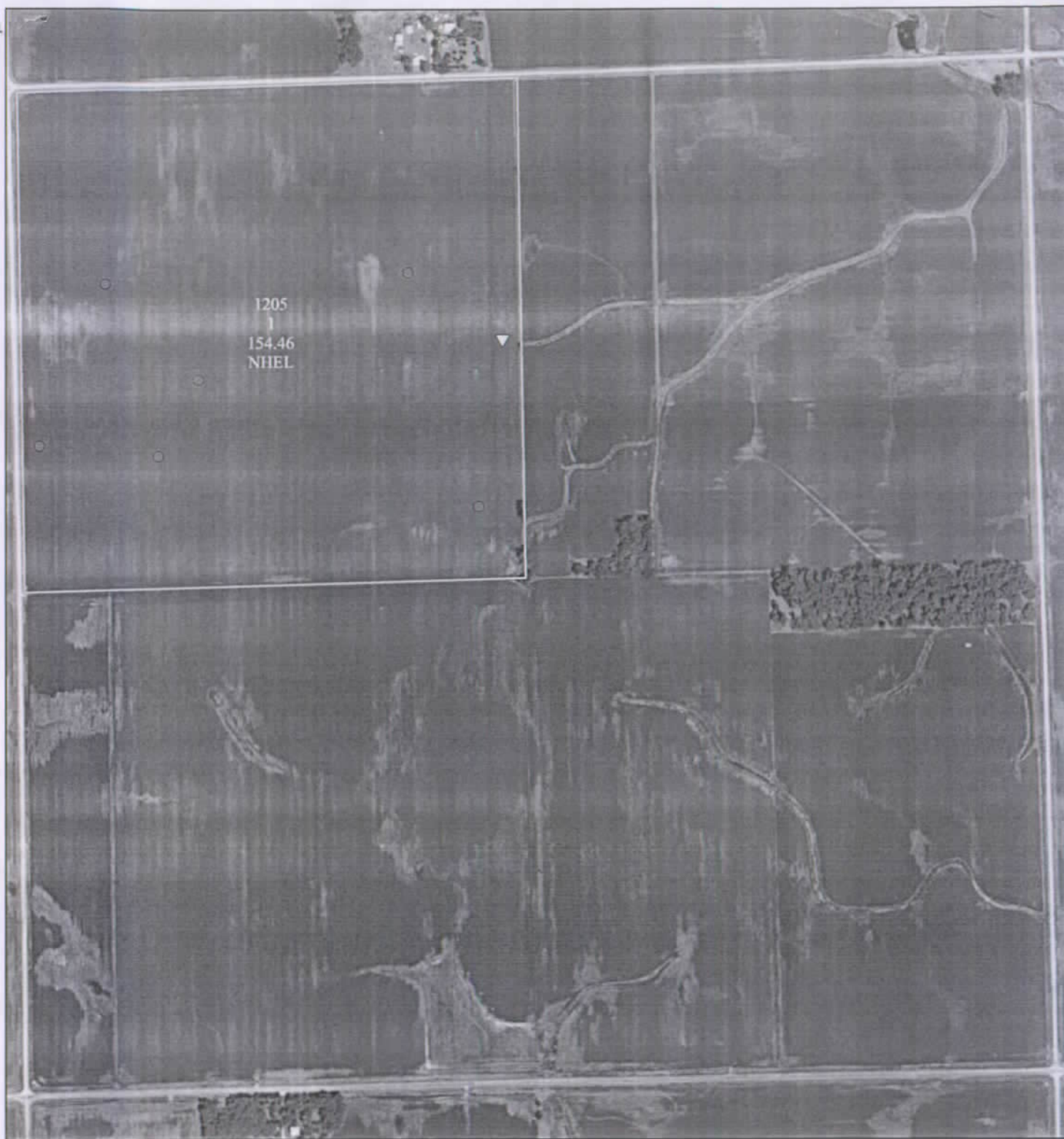
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





United States Department of Agriculture
Farm Service Agency

PLSS: 23_99_54
Farm: 8377

Turner County, SD

1:13,138

March 21, 2011



Wetland Determination Identifiers

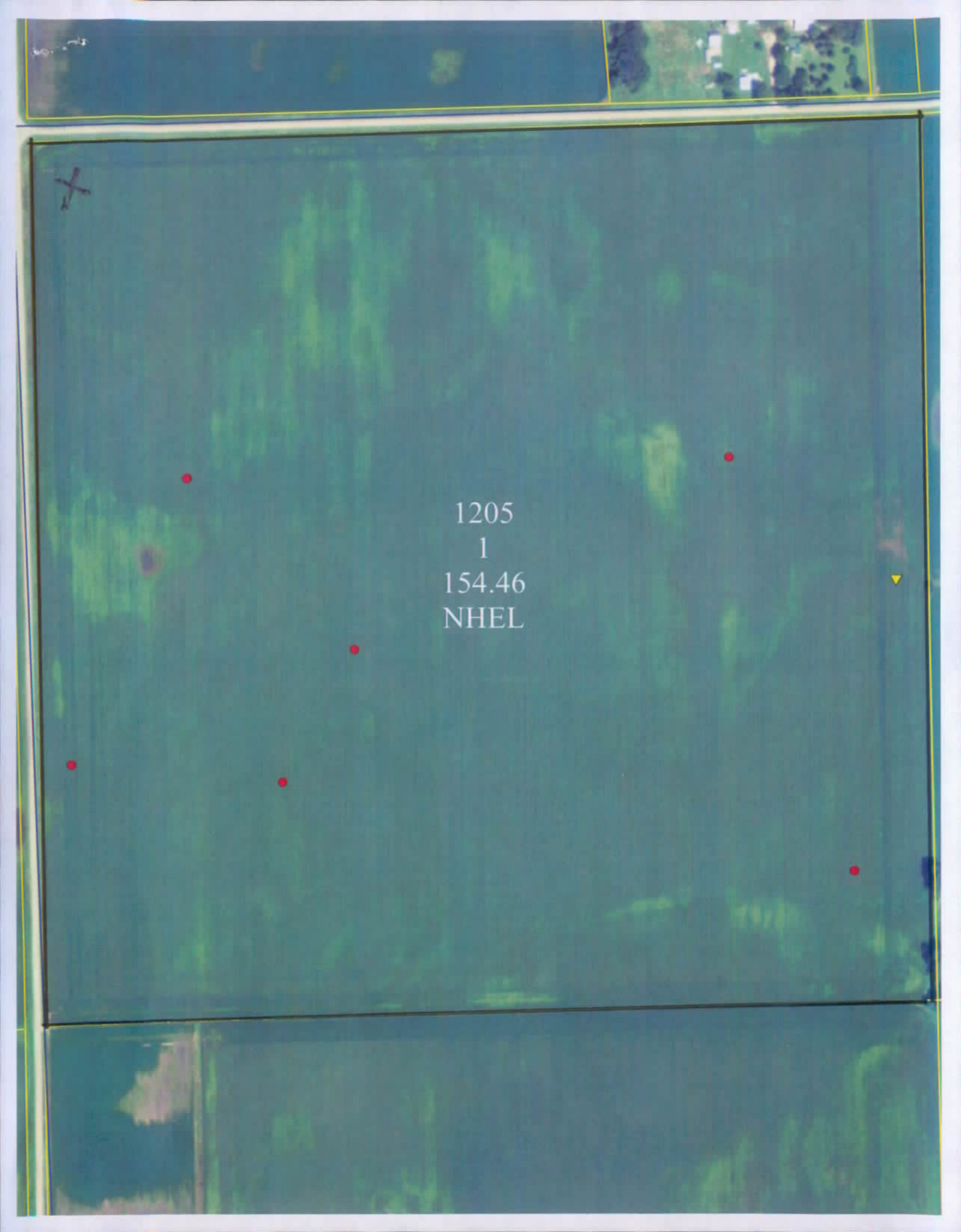
- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Common Land Units

- /// Non Cropland

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

2010 Ortho-Photography - Not to Scale

An aerial photograph of a large, rectangular field, possibly a sports field or agricultural plot. The field is green and textured, with several small red dots scattered across it. A yellow triangle is located on the right side of the field. In the top right corner, there is a small inset image showing a different view of the same area, with a yellow border. The text "1205", "1", "154.46", and "NHEL" is overlaid on the field.

1205
1
154.46
NHEL

**WATER RIGHTS
PROGRAM**

**Farm - Residential
Sales - Service**

Zip: 57053
Jimkneifl@gmail.com

RECEIVED 1st Test Hole

**WATER RIGHTS
PROGRAM**

10/15/12

Name: Dennis Herlyn

27831 447 Ave

Parker

SD

57052

NW 1/4 of the NW 1/4 of Section 23 Township 99 North
Range 54 East West ☒ Turner County

Minute:

Second:

Minute:

Second:

(NAD 83)

The well is

1200

feet from the

(N) ☒ (S)

[]section line and

1200

feet from the (E [] W []) section line.

#1 Buy Center

Depth, Feet

Material:

color/rock and type/descriptor

(example:blue/shale/hard, or brown/grave/water, or brown/sand/heaving)

From

To

Top Soil

Brown Silty Clay

Brown silty clay with black till

Sandy Blue AND Brown Clay

Medium Gravel poorly Sorted

Blue Clay

Sand AND Gravel some Chalk

Blue Clay with Sand

Sand with small gravel

Sandy Blue Clay

Sand and Gravel

Granit

Email: heineelectric@hartel.net



**Farm - Residential
Sales - Service**

NOV - 1 2012

WATER RIGHTS
PROGRAM
Phone Number: 605 359 0405

Legal Description:

The well is 1000 feet from the (N ☒ S ☐) section line and 950 feet from the (E ☒ W ☐) section line.

#3

Call us today for all your well service needs!
Farm - Residential
Sales - Service

NOV - 1 2012

WELL LOG SUPPLEMENT

WATER RIGHTS PROGRAM

Date: 10/17/12 PROGRAM _____
Name: Dennis Hurllyn Phone Number: 605 359 0405
Address: _____
27831 - 447 Ave
City: Parker State: SD Zip: 57053

Legal Description:

SW 1/4 of the NW 1/4 of Section 23 Township 99 North
Range 54 East West ☒ Turner County

Latitude Degree: _____ Minute: _____ Second: _____
Longitude Degree: _____ Minute: _____ Second: _____ (NAD 83)

The well is 50 feet from the (N ☐ S ☒) section line and 50 feet from the (E ☐ W ☒) section line.

#4 Test hole

[illegible]

307 S. Robinson Ave. Hartington, NE 68739

Phone: (402)254-2568 Fax: (402)-254-2597

Email: heineelectric@hartel.net



Call us today for all your well service needs!

Farm - Residential
Sales - Service

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/2, 20 12

RECEIVED OF Dennis Herlyn 27831 447th Ave Parker SD 57053

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

Fee for Application for Permit No. <u>7495-3</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>7495-3</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. 05672

By [Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7495-3, Dennis Herlyn**

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. 7495-3, Dennis Herlyn, 27831 447th Avenue, Parker SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 7495-3 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. 7495-3 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. 7495-3
DENNIS HERLYN
JANUARY 02, 2013

Water Permit Application No. 7495-3 proposes to appropriate up to 320 acre-feet annually (ac-ft/yr) at a maximum diversion rate of 1.11 cubic feet of water per second (cfs) from one well to be completed into the Niobrara aquifer. The well is expected to be approximately 250 feet deep and is expected to be located in NW ¼ NW ¼ Section 23, T99N-R54W. The water will be used to irrigate 160 acres located in NW ¼ Section 23, T99N-R54W in Turner County.

AQUIFER: Niobrara aquifer (NBRR)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The information provided with the well log included with this application does not correlate well with existing geologic/hydrogeologic information for the area. The test hole report indicated “very broken sand and gravel” at 177 feet below land surface. Other well completion reports (Water Rights, 2012c) and test holes (SDGS, 2012) indicate the Niobrara formation at that approximate depth. Further evaluation of the test hole logs, well completion reports, and the test hole log submitted with this application, and a consultation with a geologist from SD DENR-Geological Survey (Schulz, 2012) indicate that the “very broken sand and gravel” must in fact be the Niobrara aquifer. It is highly probable that the driller misidentified the Niobrara aquifer as “very broken sand and gravel.”

The Niobrara aquifer is an areally extensive bedrock aquifer that underlies much of eastern South Dakota including approximately 729 square miles (466,560 acres) of Hutchinson and Turner Counties and contains an estimated 7,000,000 ac-ft of water in storage in Hutchinson and Turner Counties (Lindgren and Hansen, 1990). The aquifer is primarily composed of “a fractured, calcareous marl, interbedded with calcareous claystone and is referred to as “chalkrock” by local drillers” (Lindgren and Hansen, 1990). The Niobrara is not present in the bedrock channels occupied by the Choteau, Lower James Missouri, and the Upper Vermillion Missouri aquifers (Lindgren and Hansen, 1990). The aquifer is approximately 160 to 200 feet below land surface in the area of this application (Lindgren and Hansen, 1993, and Schulz, 2012). Generally, the aquifer thickness is less than 100 feet, but may be up to 370 feet thick in southwestern Hutchinson County (Lindgren and Hansen, 1990). The aquifer is primarily under confined conditions. The test hole log submitted with this application stated that the static water level was 18 feet below grade.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is 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.

WATER AVAILABILITY:

This application proposes to appropriate up to 320 ac-ft/yr from the Niobrara aquifer. Actual water use, if this application is approved, will likely be less than 320 ac-ft/yr. 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 that 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."

Recharge versus Discharge:

Recharge:

Recharge to the Niobrara aquifer is from (1) direct infiltration of precipitation on the outcrop, (2) possibly from fractures in the Sioux Quartzite, and (3) by leakage from till (Lindgren and Hansen, 1990). Hedges and others (1985) stated,

"The Niobrara Formation, Codell Sandstone, Inyan Kara Group, and Madison Group have such high storage and low use that it is unlikely that use is approaching or exceeding recharge. Furthermore, there is no evidence of significant head loss in any of these aquifers over the years that would suggest that use is exceeding recharge."

Discharge:

Discharge from the Niobrara aquifer is through natural discharge to adjacent till, streams and rivers where the aquifer is near the surface, and from well withdrawals (Lindgren and Hansen, 1990). The Niobrara aquifer may have a hydrologic connection to the Lower James Missouri aquifer, Upper Vermillion Missouri aquifer, and Dolton aquifer. Water levels indicate that there is a potential for water movement from the Niobrara to glacial aquifers.

Well withdrawals from the Niobrara aquifer are for domestic, irrigation, municipal, and stock watering purposes. There are 58 water rights/permits appropriating water from the Niobrara aquifer in South Dakota (Water Rights, 2012b). There are 27 appropriations authorized for non-irrigation purposes (Water Rights, 2012b). While irrigation pumpage has remained fairly constant, much of the rural domestic, municipal and livestock use from the aquifer has been replaced by rural water since 1985 and current pumpage from the aquifer is expected to be comparable to the 1985 rate (Buhler, 2012). Lindgren and Hansen (1990) estimated total water pumping for 1985 in Hutchinson and Turner Counties to be 552.4 ac-ft. Estimated water use by non-irrigation appropriations are shown in table 1. A summary of irrigation water pumpage is shown in table 2.

Type	Number of Appropriations	Estimated Pumpage (ac-ft/yr)
Municipal	11	1972.1
Non-Municipal	16	615.5
Total	27	2587.6

Table 1- Estimated water use by non-irrigations appropriations from the Niobrara aquifer in South Dakota (Water Rights, 2012b)

	Permits Reporting	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
Min	17	1033.2	201.3
Max	24	11499.0	2172.1
Avg	20.9	7935.2	960.5

Table 2- Summary of irrigation water pumpage from the Niobrara aquifer in South Dakota (Water Rights, 1979-2012)

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 55 observation wells completed into the Niobrara aquifer with five being in Turner County (Water Rights, 2012a). The observation wells in Turner County are all within approximately 10.5 miles of the proposed well site. Water levels in all five observation wells respond to climatic conditions; rising (recharging) during wet periods, and declining during dry periods. Well withdrawals and decreasing recharge during 2012 have lowered water levels. This is most evident in the hydrograph for observation well TU-82B. However, the amount of water in storage in the aquifer is fairly constant. The effects of climate mask the temporal effects of well withdrawals. Generally water levels have increased or been steady over the period of record. Figures 1, 2, 3, 4, and 5 show the hydrographs for observation wells TU-79D, TU-87C, TU-82B, TU-87B, and TU-81A respectively.

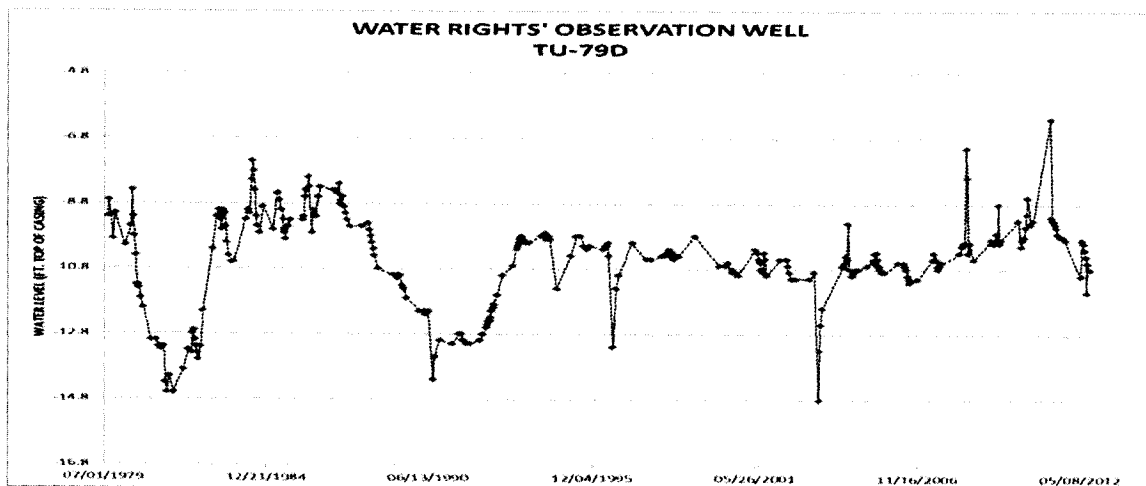


Figure 1- Hydrograph of TU-79D, approximately 5.1 miles southeast of the proposed well location (Water Rights, 2012a).

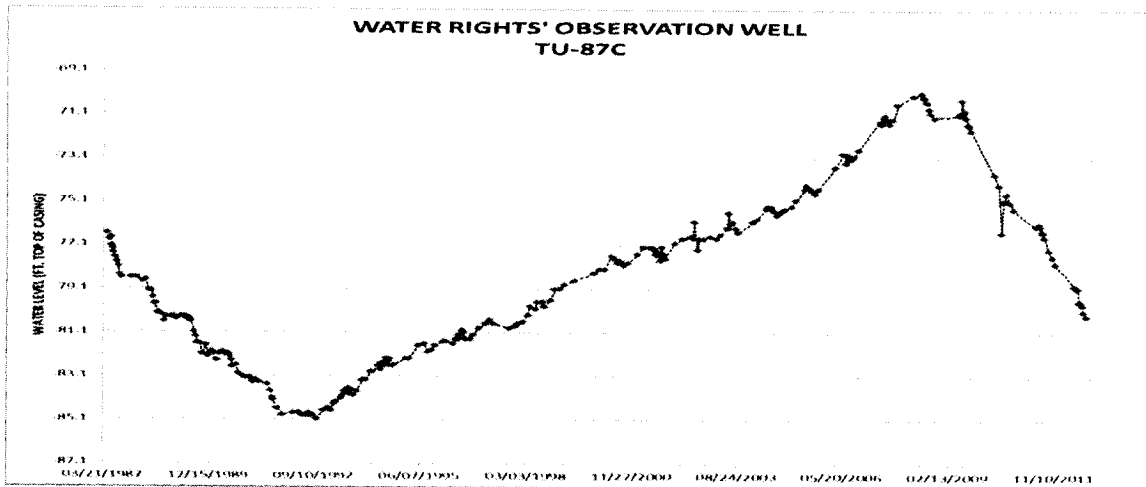


Figure 2- Hydrograph of TU-87C, approximately 7.2 miles west-northwest of the proposed well location (Water Rights, 2012a).

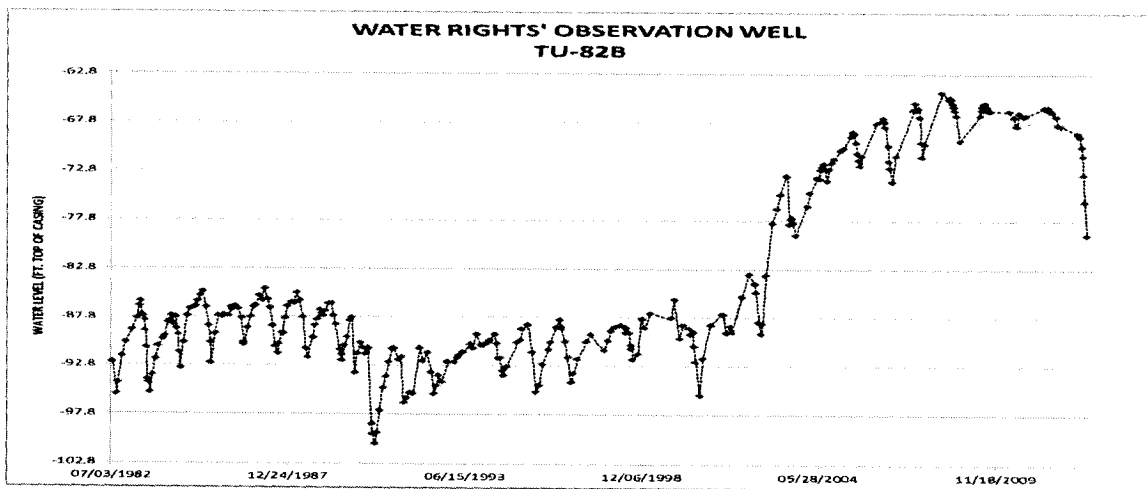


Figure 3- Hydrograph of TU-82B, approximately 7.8 miles north-northwest of the proposed well location (Water Rights, 2012a).

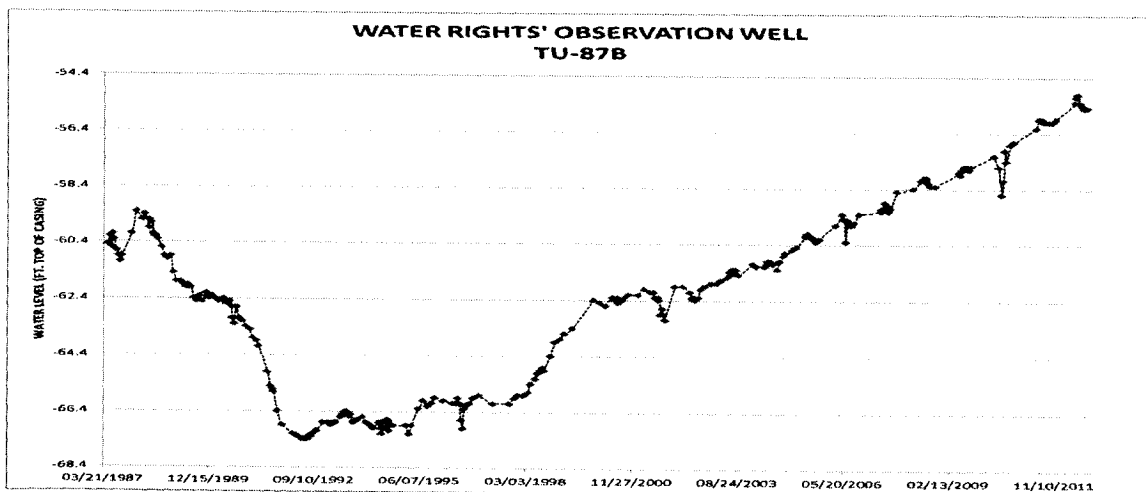


Figure 4- Hydrograph of TU-87B, approximately 8.5 miles northwest of the proposed well location (Water Rights, 2012a).

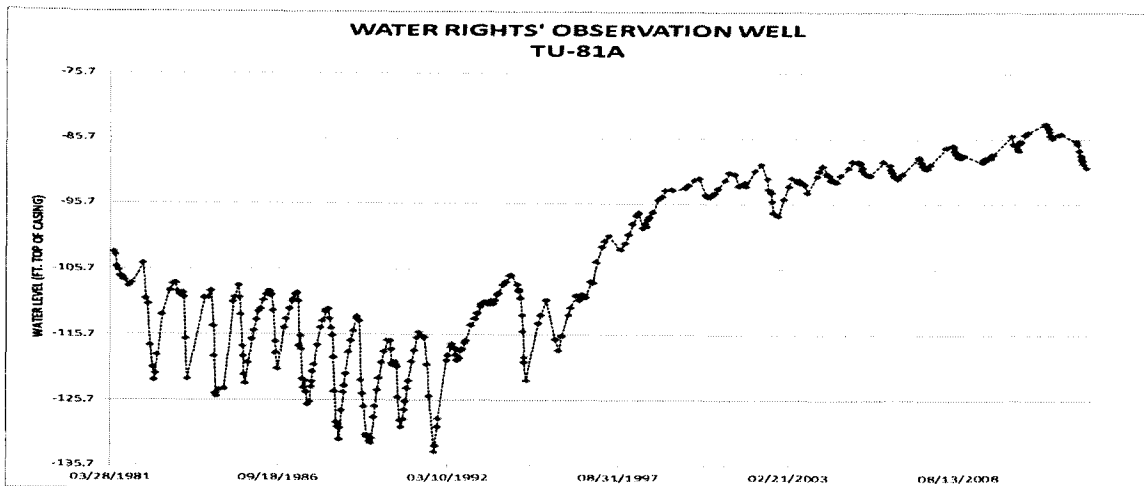


Figure 5- Hydrograph of TU-81A, approximately 10.3 miles west-southwest of the proposed well location (Water Rights, 2012a).

EXISTING WATER RIGHTS:

There are 58 water rights/permits and one pending permit appropriating water from the Niobrara aquifer in South Dakota (Water Rights, 2012b). The nearest water right authorizing a well completed into the Niobrara aquifer, Water Right No. 5506-3, is 4.9 miles southeast of the proposed well location. There are no other water rights/permits within 10 miles of the proposed well site. Water Right No. 5506-3 is licensed for a maximum diversion rate of 1.1 cfs to provide water for irrigation to 233 acres authorized under Water Right No. 4736-3. In addition to the appropriative rights there are records for three domestic wells on file with the DENR-Water Rights Program within three miles, but none within one mile of the proposed well site that are likely withdrawing water from the Niobrara aquifer (Water Rights, 2012c). Specific aquifer characteristics are not available at the proposed well location. Since the Niobrara is an artesian aquifer, drawdown may extend quite far from the pumped well. It may be possible that drawdown from this proposed appropriation may be measurable in the nearby domestic wells. However, the impact of drawdown is not expected to be significant due to the distance between wells.

SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently 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 by artesian pressure the Water Management Board 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 needs”

Depending on the specific characteristics of the Niobrara aquifer at the well site proposed by this application, some existing well owners may need to lower their pumps to accommodate for

deeper water levels. However when considering the statute (SDCL 46-6-6.1) and rule (ARSD 74:02:04:20(7)), well interference from the proposed appropriation is not likely to cause a significant impact. Therefore, there is a reasonable probability that any interference will not be adverse.

CONCLUSIONS:

1. This application proposes to appropriate up to 320 ac-ft annually for the irrigation of 160 acres at a maximum diversion rate of 1.11 cfs. The amount of water that will actually be used is expected to be less than the 320 ac-ft annually.
2. This application proposes to withdraw water from the Niobrara aquifer.
3. There is a reasonable probability that unappropriated water is available from the Niobrara aquifer for this proposed appropriation.
4. There is a reasonable probability that the diversion requested by this application can be made without adversely impacting existing water rights or domestic wells.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Buhler, K. 2012. "Water Permit Application No. 7344-3 Report". SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- Lindgren, R.J. and D.S. Hansen. 1990. Water Resources of Hutchinson and Turner Counties, South Dakota. Water-Resources Investigations Report 90-4093. U.S. Geological Survey, Huron, South Dakota.
- Lindgren, R.J. and D.S. Hansen. 1993. Major aquifer in Hutchinson and Turner Counties, South Dakota. SD DENR-Geological Survey, Vermillion, South Dakota.
- SDGS. 2012. Lithologic Logs Database. < <http://sddenr.net/lithdb/>>. SD DENR-Geological Survey, Vermillion, SD.
- Schulz, L. 2012. Personal Communication. December 19, 2012.
- Water Rights, 1979-2012. "Irrigation Report Summaries". 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 Report. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

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JAN 30 2013

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

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

#5525 Notice of Application No. 7495-3 to Appropriate Water

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

See attached

On Thursday, the 10th day of Jan., 2012

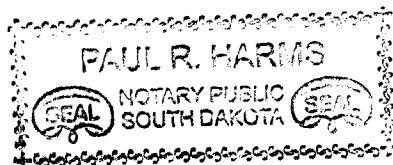
That \$23.17 being the full amount of the fees for publication of the attached notices insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be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

Robin Schneider
Subscribed and sworn to before me this 17th

Day of January 2013
Paul R Harms
Notary Public, Turner County, South Dakota

My Commission Expires: March 20, 2018

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



**NOTICE OF APPLICATION NO.
7495-3**

To Appropriate Water

Notice is given that Dennis Herlyn, 27831 447th Ave, Parker SD 57053 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (250 feet deep) located in NW 1/4 NW 1/4 Section 23 for irrigation of 160 acres located in the NW 1/4 Section 23; all in T99N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7495-3 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 Jan. 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 \$23.17.
(#5525, 01/10/13, The New Era)

CUSTOMER NUMBER:	078400	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349
INVOICE NUMBER:	1404254	
	1/10, 2013	\$61.72pd

Dennis Herlyn
27831 447th Ave
Parker, SD 57053

RECEIVED
JAN 14 2013
WATER RIGHTS PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078400

Invoice Number: 1404254

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

_____, Thursday, the 10 day of January, 2013,
_____, the _____ day of _____, 2013,
_____, the _____ day of _____, 2013,
_____, the _____ day of _____, 2013,
_____, the _____ day of _____, 2013,
_____, the _____ day of _____, 2013,
_____, the _____ day of _____, 2013,

and that \$61.72pd was charged for publishing the same

Subscribed and sworn to before me 1/10/2013

Notary Public, South Dakota

My Commission expires December 22, 2015

Aquifer (250 feet deep) located in NW 1/4 NW 1/4 Section 23 of irrigation of 160 acres located in the NW 1/4 Section 23; all in T99N-R54W.

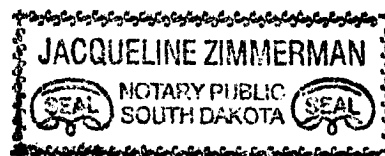
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BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 23, 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 application or recommendation proximate cost of \$61.72
1404254 Jan. 10, 2013

NOTICE OF APPLICATION
NO. 7495-3 to
Appropriate Water

Notice is given that Dennis Herlyn, 27831 447th Ave, Parker SD 57053 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second from one well to be completed into the Niobrara





**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

New Era
PO Box 579
Parker SD 57053

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7495-3 to Appropriate Water. Please publish the notice once on January 10, 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 Dennis Herlyn, 27831 447th Ave., Parker SD 57053 (Ph # 605-648-3379).

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

Argus Leader
PO Box 5034
Sioux Falls SD 57117

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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

Dennis Herlyn
27831 447th Ave
Parker SD 57053

Dear Mr. Herlyn:

Water Permit Application No. 7495-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the New Era printed at Parker SD (Ph # 605-297-4419) and the Argus Leader printed at Sioux Falls SD (Ph # 605-331-2200). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on January 10, 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. 7495-3 to Appropriate Water

Notice is given that Dennis Herlyn, 27831 447th Ave, Parker SD 57053 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (250 feet deep) located in NW 1/4 NW 1/4 Section 23 for irrigation of 160 acres located in the NW 1/4 Section 23; all in T99N-R54W.

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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 08 2013

Dennis Herlyn
27831 447th Ave
Parker SD 57053

Dear Mr. Herlyn:

Enclosed is Water Permit No. 7495-3 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

7495-3

SD EForm - 1621LD V1

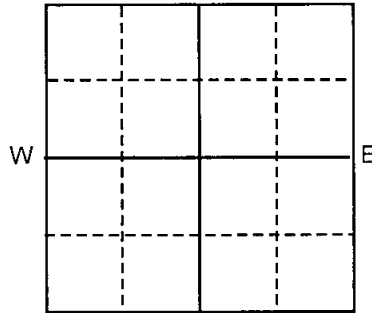
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NW ¼ Sec 23 Twp 99 Rg 54

County Turner

North

Please mark well
location with an "X"

Well Completion Date

November 13, 2013

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	182.0 FT	17.50 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Quick Grout	42	Lb/gal	0.0 Ft	170.0 Ft
Red Flint		Lb/gal	170.0 Ft	202.0 Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 12.00 Inches Length 20.0 Feet

Material Stainless Steel

Slot Size 100hq Set From 182.0 Feet to 202.0 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?

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

Well Owner: Dennis Herlyn

Business Name:

Address: 27831 447th Ave

City, State, Zip: Parker SD 57053

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
Top Soil	Blk	M	0	1
Clay	Tan	M	1	20
Clay	Blu	M	20	80
Clay (wood)	Blu	M	80	100
Clay	Blu	M	100	180
Sand			180	202

STATIC WATER LEVEL 150.0 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: Submersible
☐ Bailed
☐ Other

Pumping Level Below Land Surface

178.1 Ft. After 14.0 Hrs. pumped 560.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

Production Well #1, TH #1

43 23' 11.0"N 10 Hrs Air Development

97 12' 01.2"W

This well was drilled under license # 463 and this report is true and accurate.

Drilling firm: Steffl Drilling & Pump Inc / Kris VanHeuveln

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 1-2-14

RECEIVED

MAY - 5 2014

WATER RIGHTS
PROGRAM

5-6-14

7495-3
RECEIVED
JUL 14 2014
WATER RIGHTS
PROGRAM

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 7-10-14

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

FROM:

Dennis Herlyn

(name)

27831-447 Ave

(address)

Parker SD 57053

(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. 7495-3 states that the water use system is to be constructed by

1-23-18

(date)

, and water is to be put to beneficial use by 1-23-22

(date)

The water use system was completed on 4-13

(date)

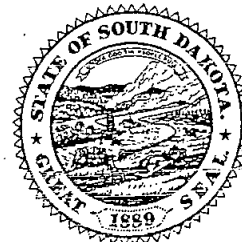
Applying the water to beneficial use was completed on 7-8-14

(date)

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

Dennis Herlyn

(signature)





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



July 14, 2014

7495-3

Dennis Herlyn
27831 447th Ave
Parker SD 57053

Dear Mr. Herlyn:

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

The system is 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 your project and the staff inspection has no bearing on your water permit.

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,

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

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Dennis Herlyn

DATE: 9/18/14 TELEPHONE: 605-648-3379

RE: Pump Size

COMMENTS:

I contacted Mr. Herlyn on 9/18/14 to determine the pump and system flowrate for his center pivot. Mr. Herlyn referred me to Mike Steffl of Steffl Drilling & Pump (Well Driller's License No. 463). Mr. Steffl told me the pump was capable of 550 gpm, but the pump and system were nozzled and valved down to 500 gpm, respectively. He also sent a copy of the bill for the pump so it can be added to the permit file.



Adam Mathiowetz
Natural Resources Engineer
DENR-Water Rights Program

INVOICE**Steffl Drilling & Pump Inc.**

2295 66th Ave NE
 Willmar MN 56201-9183
 320-235-8484

Invoice Number 151400

Invoice Date 12/30/13

Page 1

SOLD DENNIS HERLYN
 TO 27831 447TH AVE
 PARKER SD 57053

Phone: 605 359 0405

Date Ordered	11/20/2013	Terms	Due in 10 Days
Date Completed	12/19/2013	Due Date	01/09/2014
Service Technician	RANDY WIECHMAN	Well Un.No.	
Customer Code	HERLDE	Cell #	605-359-0405

ITEM	ORDERED	SHIPPED	DESCRIPTION	PRICE	UOM	AMOUNT	TAX
TURNER CO, T99N, R54W, SEC 23 PROD WELL #1(43 23 11.0N 97 12' 01.2W) 12" WELL 202"TD, 50HP FRANKLIN ELECTRIC 460V (550D50-4AABB/4T1348W232/ 13J19-30-080719) PUMP, 189' 6" B.I. DROP PIPE, 189' #4-3 DOUBLE JACKET SUB WIRE, 557GPM @ 178' 10 HRS							
DI	1.00	1.00	50HP FRANKLIN ELECTRIC PUMP				
DI	189.00	189.00	6" B.I. DROP PIPE				
DI	189.00	189.00	#4-3 DBL JCK SUB WIRE				
DI	1.00	1.00	12"X6" SANITARY SEAL				
DI	1.00	1.00	B.I TEE 6"				
DI	1.00	1.00	B.I. NIPPLE6"				
DI	1.00	1.00	B.I. FLANGE				
DI	1.00	1.00	B.I. PLUG 6"				
L1	1.00	1.00	LABOR 12/19/13 RANDY W				
SYSTEM SET UP AT 500GPM @ 300TDH							
DI	1.00	1.00	FLOW INDUCTION SLEEVE				

THANK YOU!
 WE APPRECIATE YOUR BUSINESS!
 FINANCE CHARGE 1.5% AFTER 10 DAYS

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7495-3

I have this day, October 23, 2024, made a thorough examination of the water use system constructed by Dennis Herlyn, 27831 447th Ave, Parker, SD 57053 of Permit No. 7495-3, bearing the priority of November 1, 2012 authorizing the diversion of 1.11 cu. ft. per second of the waters of the Niobrara Aquifer for irrigation purposes, in Turner County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling & Pump
- 2) No. of Wells 1
- 3) Depth(s) 202 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 182 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level 150 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 350 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating Unknown hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1440 feet

Comments: **xx**

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 350 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 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: **WELL LOCATION**
From the NW corner Sec 23 T99N R54W, 50 ft S & 70 ft E, Lat 43.38638 Long -97.20036 (NW 1/4 NW 1/4).

2. The works are capable of diverting and conveying to the place of use 0.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

All land in Sec 23 T99N R54W

NW 1/4 NW 1/4 - 33 acres

NE 1/4 NW 1/4 - 31 acres

SE 1/4 NW 1/4 - 34 acers

SW 1/4 NW 1/4 - 34 acres

legal description/acreage

comprising a total of 132 acres of land and the license should be issued for 0.78 cfs

3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

FSA maps and the ArcGIS program were used to construct the attached well location and irrigated area map which was used to estimate irrigated acreage.

The flow rate reported on the 2023 Irrigation Questionnaire was used to establish the system flow capacity.

The address and in the permit application is current.

I talked to Mr. Dennis Herlyn (605/3590405) on the phone regarding Permit details.

A handwritten signature in black ink, appearing to read 'Darrell DeBoer', written in a cursive style.

Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: **October 24, 2024**

No. 7495-3



0 425 850 1,700 2,550 3,400 Feet

Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Dennis Herlyn
27831 447th Ave
Parker, SD 57053

No. 7495-3

Dear Mr. Herlyn:

Enclosed is Water License No. 7495-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7495-3**

(1) Dennis Herlyn, 27831 447th Ave, Parker, SD 57053, made Application No. 7495-3, November 1, 2012, for a water permit to divert 1.11 cubic feet of water per second from groundwater, one well (Niobrara Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 7495-3, with a priority date of November 1, 2012, was approved January 23, 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 23, 2018, and for the application to beneficial use of water on or before January 23, 2022.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on July 14, 2014. The Notice stated the diversion system was completed in April 2013 and the water was placed to beneficial use on July 8, 2014.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 50 feet S and 70 feet E from the NW corner Section 23, T99N, R54W (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
(Latitude 43.38638 and Longitude -97.20036)

(3) The amount of 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: June 1 – August 31.

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

Section 23, T99N, R54W
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 31 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 34 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 34 acres

Total – 132 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Dennis Herlyn, the holder and/or owner of Water Right No. 7495-3 is issued a license to appropriate water, the right to use 0.78 cubic feet of water per second from groundwater, one well (Niobrara Aquifer), with a priority date of November 1, 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. 7495-3 and subject to the following qualifications:

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 new well authorized by Permit No. 7495-3 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. (The well was drilled in 2013 by Steffi Drilling & Pump Inc. A copy of the well completion report is on file with the Water Rights Program.)
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Mark Mayer, PE
Director of Office of Water

3/31/25
date

