

WATER PERMIT NO. 7511-3

Name of Applicant: Priscilla A Johnson Family Trust

Address: 2921 Woodland Dr, Logansport IN 46947 Phone: 605-661-7417

Amount of Water Claimed: no additional Total Acres: 70.5

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: clay

Type of Waste Disposal System:

Location: 8 miles west of Vermillion

PRIORITY Date Received: 10-2-6-12 Application/License Fee: \$ 950 (need to refund)

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

Remarks: Additional acres under Permit No. 7066-3

Diversion Point: center of SE 1/4 Sec 5-T92N-
R53W

Land to be Irrigated: N 1/2 NE 1/4 Sec 8-T92N-
R53W

Depth of Well: 100 feet deep

Well Driller: Hammond Wetmore Drilling

Remarks:

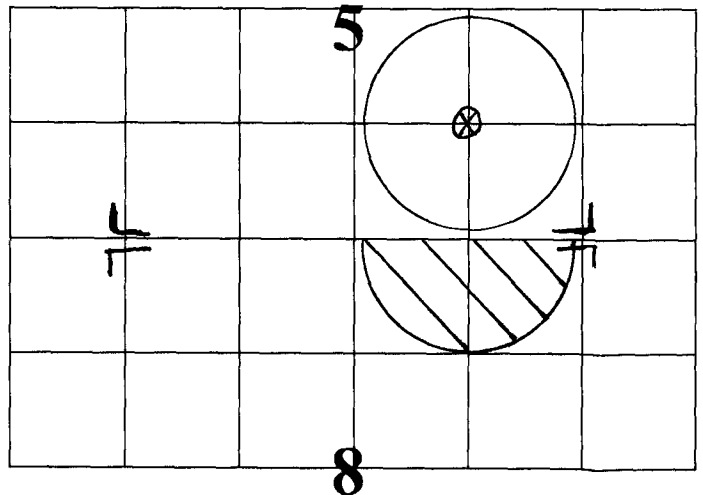
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-14-12

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. <u>7511-3</u> (office use only)	Hydrologic Unit <u>10120101</u>
	Basin <u>Missouri River</u>	<u>605 624-2695</u>
	Newspaper <u>Plain Talk 201 W. Cherry Vermillion 57068</u>	<u>605-665 7311</u>
	<u>Pierre, Dakota 319 Walnut Yankton 57078</u>	

RECEIVED

OCT 26 2012

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Additional Acres under Permit 7066-3

1. Name to Appear on Irrigation Permit Priscilla A. Johnson Family Trust
(check one) ☐ Owner ☒ Tenant lessee ☐ Owner's Legal Agent Chris Nelson 30723 44th Ave. Mission Hill, S.D.
(name and complete address if different than above name)

Mailing Address 2921 W. 44th St. Rapid City, SD 57701
(Address) (City) (State) (Zip Code)

Home Phone _____ Cell 605-661-1117 Email nelsonsupplyllc@gmail.com

2. Amount of water claimed 1000 *CFS or 70.5 **GPM ***AF Total Acreage 70.5
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam dugout or annual use

3. Source of water supply Missouri River Elk Point Aquifer

4. Location of point of diversion 1 well in center of SE 1/4 5-92N-53W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Clay

5. County or counties where water will be used Clay

6. Annual period during which water is to be used May 1 - 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
		NE 1/4 of NE 1/4 8-92-53W	35.25
		NW 1/4 of NE 1/4 8-92-53W	35.25

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

I, Chris Nelson, 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. 7511-3**

Date of first receipt of application October 26, 2012.

Date of return to applicant for corrections, amendments or changes October 26, 2012.

Date of receipt of corrected application November 13, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7511-3 to Priscilla A Johnson Family Trust, 2921 Woodland Dr, Logansport IN 46947 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. 7511-3 authorizes irrigation of 70.5 additional acres. Water Permit No. 7066-3 appropriates 1.39 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the center of the SE 1/4 Section 5 for irrigation of 140 acres located in the SE 1/4 Section 5; all in T92N-R53W. This permit authorizes irrigation of 70.5 additional acres located in the N 1/2 NE 1/4 Section 8-T92N-R53W from the existing well. This permit does not authorize any increase in the developed diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is October 26, 2012.
4. The date of approval of Permit No. 7511-3 is January 21, 2013.
5. One-fifth of the construction is to be completed on or before July 21, 2015.
6. All construction is to be completed on or before January 21, 2018.
7. Water is to be put to beneficial use on or before January 21, 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. 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 _____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Hammond Well Drilling

c) Well Depth 2110' Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest existing domestic well:

On applicant's property 2640' W
N/A

On property owned by others 2640' W

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) N/A Year Constructed _____

c) Connected to the City of N/A Sanitary System

3. Dugout Information

a) Surface Dimensions N/A 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 N/A

Crest Length N/A

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)

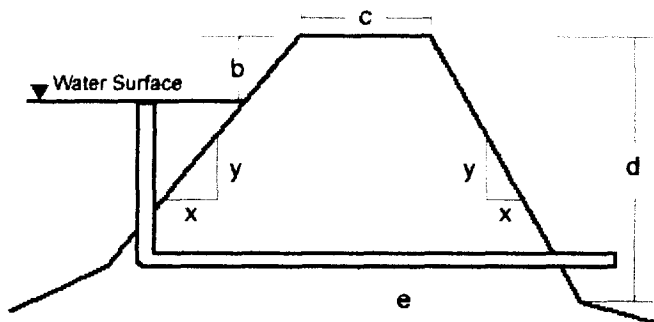
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

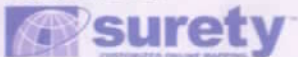


Aerial Map



map center: 42° 48' 32.45, 97° 7' 30.92
scale: 8542

Maps provided by:



©AgriData, Inc. 2012
www.AgriDataInc.com

5-92N-53W
Clay County
South Dakota

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Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

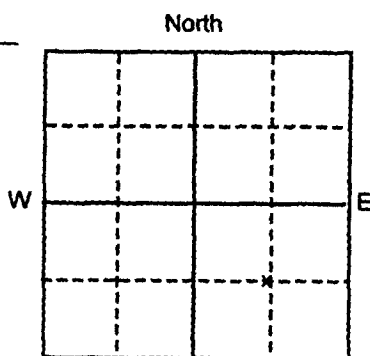
7066-3 SD EForm - 1621LD V1

11-02

Location nw 1/4 se 1/4 Sec 5 Twp 92n Rg 53w

County Clay

Please mark well location with an "X"



Well Completion Date

7/24/09

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1,600.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	60.0 FT	22.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bent grt	21	9.5 Lb/gal	0.0 Ft	54.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
 tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 40.0 Feet

Material pvc

Slot Size .080 Set From 60.0 Feet to 100.0 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? hth tablets

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Precilla Johnson

Business Name:

Address: 2921 Woodland Drive

City, State, Zip: Logansport in 46947

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, dark brown, clayey	0	6
sand, fine, silty	6	46
Clay, gray, silty,	46	54
Gravel, coarse, sandy	54	104

STATIC WATER LEVEL 18.0 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: air lift development

☒ Bailed

☐ Other

Pumping Level Below Land Surface

26.0 Ft. After 4.0 Hrs. pumped 780.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 720.0 GPM

REMARKS

This well was drilled under license # 666 and this report is true and accurate.

Drilling firm: Hammond-Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property

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JAN 29 2010

Date: _____ **WATER RIGHTS PROGRAM**

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

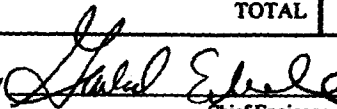
Date 10/26, 20 12

RECEIVED OF Christopher B Nelsen 30723 444th Ave Mission Hill SD 57046

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	950	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. _____	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	1150	00

No. **05653**

By 
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 7, 2012

Chris Nelson
30723 444th Ave
Mission Hill SD 57046

Dear Mr. Nelson:

We received your Application for a Permit to Appropriate Water on behalf of the Priscilla A Johnson Trust. Previously, an email was sent, but I have not received a response. In order to complete the application, the following is required.

- The application requests 650 gallons per minute. Is this amount in addition to the 1.39 cfs (625 gallons per minute) authorized by No. 7066-3?
- This application will be for 70.5 acres. The existing acreage authorized by No. 7066-3 does not need to be included. The fee will be reduced by \$200.00 which will be refunded to you after the completion of the permitting process.
- In order to be consistent with existing Permit No. 7066-3, the trust name and address will be listed in the public notice and you will receive a copy of all the correspondence as operator.

Please let me know about the amount of water you are requesting. If you have any other questions, please contact me.

Sincerely,

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

Schlaak, Karen

From: Chris Nelsen <nelsensupplyllc@gmail.com>
Sent: Monday, November 12, 2012 5:14 PM
To: Schlaak, Karen
Subject: Priscilla Johnson Family Trust irrigation permit application

Karen,

Received your letter and am responding to your questions.

The application request for 650 gallons per minute is total needed. I talked to Dick Hammond of Hammond-Wetmore well service and said the pump is capable of 650 gallons at no back pressure and the 625 is with back pressure on pump. Apologize for desparency with the numbers. 625 is accurate number.

When I talked to Eric in your department, I mis-interpreted that I would have to start all over again with the permit for all acres. I understand I will receive a refund at the end.

The Trust name has changed as Priscilla passed away approximately 18 months ago. The Trust name has migrated from Priscilla Johnson Revocable Trust to Priscilla Johnson Family Trust with the same address in Logansport, IN.

The Email address should be as follows: nelsensupplyllc@gmail.com . I would be willing to guess nelsen got spelled with a "o" vs an "e".

Thanks

Chris Nelsen
661-7417

Schlaak, Karen

From: Chris N Cindy <nelsensupplyllc@gmail.com>
Sent: Tuesday, November 13, 2012 2:37 PM
To: Schlaak, Karen
Subject: Re: Priscilla Johnson Family Trust irrigation permit application

No additional

Chris

Sent from my iPad

On Nov 13, 2012, at 8:36 AM, "Schlaak, Karen" <Karen.Schlaak@state.sd.us> wrote:

Thanks for your email. I'm still confused.

Is the total amount of water from the existing well 650 gpm (25 gpm additional) or 625 gpm (no additional)? 625 gpm is authorized under the existing permit.

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

From: Chris Nelsen [<mailto:nelsensupplyllc@gmail.com>]
Sent: Monday, November 12, 2012 5:14 PM
To: Schlaak, Karen
Subject: Priscilla Johnson Family Trust irrigation permit application

Karen,

Schlaak, Karen

To: nelsensupplyLLC@gmail.com
Subject: Pending Application for Priscilla A Johnson Family Trust

Chris,

We received the water permit application for Priscilla A Johnson Family Trust. In order to be consistent with existing Permit No. 7066-3, the trust name and address will be listed in the public notice and you will receive a copy of all the correspondence as operator.

The application requests 650 gallons per minute. Is this amount in addition to the 1.39 cfs (625 gallons per minute) authorized by No. 7066-3?

This application will be for 70.5 acres. The existing acreage authorized by No. 7066-3 does not need to be included. The fee will be reduced by \$200.00 which will be refunded to you after the completion of the permitting process.

Please let me know about the amount of water you are requesting.

Thanks,

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068



**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. 7511-3, Priscilla A Johnson Family Trust**

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. 7511-3, Priscilla A Johnson Family Trust, 2921 Woodland Drive, Logansport IN 46947.

The Chief Engineer is recommending APPROVAL of Application No. 7511-3 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. 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 3, 2013

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7511-3
PRISCILLA A. JOHNSON FAMILY TRUST
DECEMBER 21, 2012**

Water Permit Application No. 7511-3 proposes to appropriate up to 141 acre-feet annually from the Missouri: Elk Point aquifer. The diversion point is an existing well, 100 feet deep, authorized by Water Permit No. 7066-3 and is located in the center of the SE $\frac{1}{4}$ of Section 5, T92N-R53W. Permit No. 7066-3 appropriates 1.39 cubic feet of water per second (cfs) from one well completed in to the Missouri: Elk Point aquifer. This permit application proposes to irrigate 70.5 additional acres located in the NE $\frac{1}{4}$, Section 2, T92N-53W in Clay County. No increase in diversion rate is requested.

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

GEOLOGY AND AQUIFER CHARACTERISTICS:

The proposed well site is located in south central Clay County, approximately one and one half miles northeast 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 unconfined conditions in the area of the proposed well site (Jenson, 2000; Water Rights, 2012c). The Missouri: Elk Point aquifer extends from Clay County east into Union County and West into Yankton County. In total, the Missouri: Elk Point aquifer is estimated to underlie 219,100 acres and contain 3,287,100 acre-feet (ac-ft) of recoverable water in storage. In Clay County alone, the aquifer is estimated to underlie 74,500 acres and contain 1,117,000 ac-ft of recoverable water in storage (Hedges and others, 1982). The aquifer connects to the Lower Vermillion-Missouri aquifer to the northeast, overlies the Dakota aquifer in portions of Clay County, and is hydraulically connected to the Vermillion River to the southeast and Missouri River to the south. Water in the aquifer generally moves from the northwest to the southeast and towards the Missouri River (Stephens, 1967).

A test hole 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, the top of aquifer materials are generally just below ground level to 85 feet below ground surface and the saturated thickness is estimated to be 100 to 125 feet. The static water level ranges from 11 to 20 feet below ground surface. In the area of this application it appears that the Missouri: Elk Point aquifer is under water table conditions. (Water Rights, 2012b; Water Rights, 2012c)

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate 141 ac-ft/yr from the Missouri: Elk Point aquifer. If this application is approved, the actual water use will likely be less than the appropriation. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

HYDROLOGIC BUDGET:

Recharge:

In Clay County recharge to the Missouri: Elk Point aquifer is due to infiltration of precipitation in areas where the aquifer is at or near land surface, inflow from the Lower Vermillion Missouri aquifer at the Missouri: Elk Point aquifer's northern boundary, inflow from the Missouri and Vermillion Rivers during periods of high flow, inflow from the aquifer in surrounding counties, and leakage from the underlying Dakota aquifer.

Hedges and others (1985) estimated recharge, based on observation well data, of the Missouri: Elk Point aquifer to be 3.8 inches per year. Using this recharge rate and the area of the aquifer, the recharge for the Missouri: Elk Point aquifer in Clay County is estimated to equal 23,600 ac-ft/yr. Also consider that Stephens (1967) indicated that additional discharge by wells would induce additional recharge from the Missouri River.

Discharge:

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

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

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

From the Missouri: Elk Point aquifer in Clay County, water rights/permits for non-irrigation use that are limited only by diversion rate currently appropriate a total of 5.242 cfs. Water rights/permits for non-irrigation use that are limited by an annual volume currently appropriate a total of 33,326 ac-ft/yr (Water Rights, 2012b). Future use permits reserve a total of 14,900 ac-ft/yr (Water Rights, 2012b).

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

1. Water rights/permits limited by an annual volume will pump the entire volume appropriated.
2. Water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.
3. Future use permits can be fully developed.

At the current appropriation amount, the total annual withdrawal from the Missouri: Elk Point aquifer in Clay County by non-irrigation use is expected to total less than 50,493 ac-ft/yr (Water Rights, 2012b).

Lewis and Clark RWS's expected water use is a significant portion of the annual volume of water anticipated to be used under current appropriations. In Clay County, the Lewis and Clark RWS currently has two permits appropriating a total of 32,165 ac-ft/yr and four future use permits reserving a total of 13,000 ac-ft/yr, all from the Missouri: Elk Point aquifer (Water Rights, 2012b). Recognizing that due to the proximity of the wells to the Missouri River and the design of the wells, most of the water that will be withdrawn from the Lewis and Clark RWS wells will be induced from the Missouri River. Though Lewis and Clark RWS's appropriations are large, only 92 ac-ft of use was reported in 2011.

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



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

As indicated by Figure 1, historically actual water use has not exceeded the average annual recharge. Since the reporting of the 2011 irrigation questionnaires 16 new irrigation permits have been issued for withdrawals from the Missouri: Elk Point aquifer in Clay County. Combined, these permits appropriate 5049 acre-feet/year at a maximum diversion rate of 23.93 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. Also, as of the writing of this report, there are several pending applications to withdraw water from the Missouri:

Elk Point aquifer in Clay County. If the pending applications are approved it is still expected that withdrawals will not exceed average annual recharge

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

Hydrologic Budget:

Recognizing that Lewis and Clark RWS withdraws water from the Missouri: Elk Point aquifer that is induced from the Missouri River and considering the remaining hydrologic budget, there is a reasonable probability that unappropriated groundwater is available from the Missouri: Elk Point aquifer for the proposed appropriation of 141 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 37 observation wells completed into the M: EP aquifer. The nearest of these wells, CL-80B and YA-80KA, are located approximately 1.8 miles southeast and 3.2 miles northwest of the proposed well site, respectively. CL-80B and YA-80KA are under water table conditions (Water Rights, 2012a). The area of the proposed well site will likely be under water table conditions. (Water Rights, 2012b; Water Rights, 2012c). Hydrographs of these observation wells are shown in Figures 2 and 3.

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

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

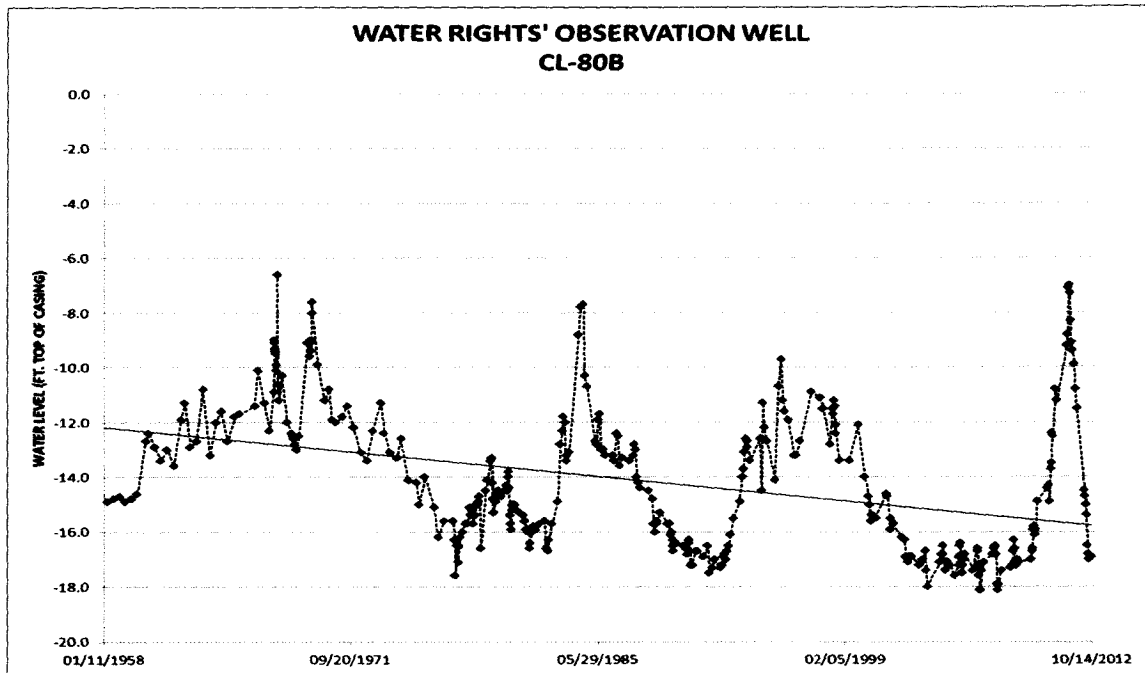


Figure 2: Hydrograph for DENR-Water Rights' observation well CL-80B (Water Rights, 2012a)

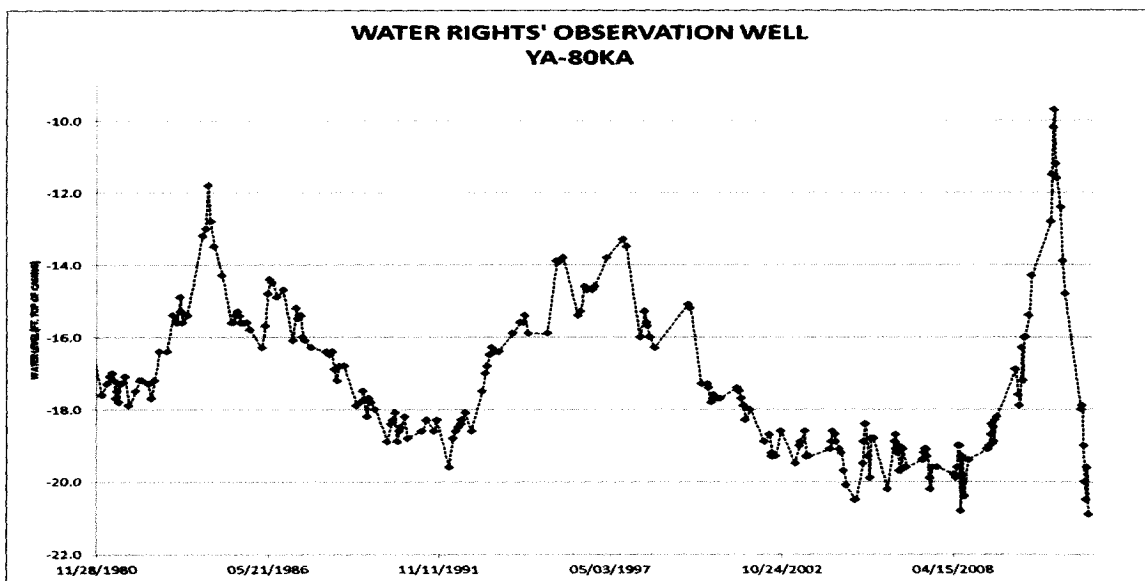


Figure 3: Hydrograph for DENR-Water Rights' observation well YA-80KA (Water Rights, 2012a)

EXISTING WATER RIGHTS:

There are 111 water rights/permits appropriating water from the Missouri: Elk Point aquifer in Clay County. There are 14 water rights/permits authorizing wells within two miles of the existing well location. The closest well authorized by these water rights/permits is one half mile from the proposed diversion point. The well is authorized under Water Right/Permit 7109-3 which is held by this applicant. There is one domestic well on file with DENR-Water Rights Program within two miles of this application and is 1.1 miles away. In addition, the application indicates that there is a domestic well 2640' from the existing irrigation well. (Water Rights, 2012b; Water Rights, 2012c) Table 2 shows the water rights/permits within two miles of the proposed well location.

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
7075-3	Calvin Hanson	PE	IRR	1.78	232
7414-3	Calvin Hanson	PE	IRR	1.78	169
2158-3	D.A. Olson & Sons	LC	IRR	2.67	187
7231-3	D.A. Olson & Sons	PE	IRR	1.0	40
1007-3	Nels Jensen	LC	IRR	1.5	107
2826B-3	Brook Bye	LC	IRR	1.73	171
3109-3	Joeseeph R. Edelen Jr.	LC	IRR	1.58	111
3611-3	William Fargo	LC	IRR	1.86	130
3628-3	Kevin Kronaizl	LC	IRR	1.9	130
4625-3	Duane Olson	LC	IRR	0.36	25
6601-3	Ernest Jensen	PE	IRR	2.22	132
6896-3	Gary J. or Amy Freeburg	PE	IRR	1.56	55
6955-3	Dean M. Johnson Living Trust	LC	IRR	1.5	128
7109-3	Dean M. Johnson Living Trust	PE	IRR	1.44	138
	Johnie Jepson		DOM		
LC = Water Right, PE = Water Permit, IRR = Irrigation, DOM = domestic					

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

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.

Although this application does not propose an increase in the diversion rate from the existing well, the irrigation of the additional 70.5 acres does result in an additional volume of water from the well. This equates to an average rate of withdraw from the well of up to 0.38 cfs. Any additional drawdown is not expected to be a concern.

CONCLUSIONS:

1. The application proposes to appropriate 141 ac-ft/yr for irrigation.
2. This application, if approved, does not authorize any increase in diversion rate.
3. Most of the water that will be withdrawn from the Lewis and Clark RWS wells will be induced from the Missouri River.
4. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply the proposed appropriation.
5. There is a reasonable probability that this proposed well will not adversely impact existing nearby wells.

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

Approved by 
Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Goodman, J.A. 2007. Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- Jensen, A.R. 2000. Aquifer Materials Map 1. South Dakota DENR-Geological Survey, Vermillion, SD.
- Stephens, J.C. 1967. Geology and Hydrogeology of Clay County, South Dakota, Part II: Water Resources. South Dakota DENR-Geological Survey Bulletin 19, 62 p.
- Water Rights. 1979-2012. "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

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JAN 17 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

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

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

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 \$30.29.
Published January 11, 2013

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT SHE IS THE CLASSIFIED MANAGER OF YANKTON MEDIA INC., A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION FOR AIR QUALITY CONSTRUCTION PERMIT

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 11 DAY OF JANUARY 2013 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$30.29 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 1/11/13

FILED ON: 1/11/13

Tera A. Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS

11 DAY OF

January

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES

8/19/2015

NOTICE OF APPLICATION
NO. 7511-3 to Appropriate
Water

Notice is given that the Priscilla A Johnson Family Trust, 2921 Woodland Dr, Logansport IN 46947 has filed an application for a water permit to irrigate 70.5 additional acres. Water Permit No. 7066-3 appropriates 1.39 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the center of the SE 1/4 Section 5 for irrigation of 140 acres located in the SE 1/4 Section 5; all in T92N-R53W. This application proposes to irrigate 70.5 additional acres located in the N 1/2 NE 1/4 Section 8-T92N-R53W from the existing well. This application, if approved, does not authorize any increase in the development diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7511-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 21, 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

RECEIVED

JAN 14 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7511-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 11th DAY OF January 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$28.79 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 1/11/2013

FILED ON: 1/11/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF January 2013

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

Notice is given that the Priscilla A Johnson Family Trust, 2921 Woodland Dr, Logansport IN 46947 has filed an application for a water permit to irrigate 70.5 additional acres. Water Permit No. 7066-3 appropriates 1.39 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the center of the SE 1/4 Section 5 for irrigation of 140 acres located in the SE 1/4 Section 5; all in T92N-R53W. This application proposes to irrigate 70.5 additional acres located in the N 1/2 NE 1/4 Section 8-T92N-R53W from the existing well. This application, if approved, does not authorize any increase in the development diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7511-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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Published once at the total approximate cost of \$28.79.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 4, 2013

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7511-3 to Appropriate Water. Please publish the notice once on January 11, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Priscilla A Johnson Family Trust, 2921 Woodland Dr., Logansport IN 46947 (Ph # 605-661-7417).

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 4, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

January 4, 2013

Priscilla A Johnson Family Trust
2921 Woodland Dr
Logansport IN 46947

Dear Sir:

Water Permit Application No. 7511-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Plain Talk printed at Vermillion SD (Ph # 605-624-2695) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

cc: Chris Nelsen, 30723 444th Ave., Mission Hill SD 57046

enclosures

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

Instruction to Newspaper - Publish the Notice on January 11, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7511-3 to Appropriate Water

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Published once at the total approximate cost of_____.

February 6, 2013

PAYMENT REQUEST FORM

PAYEE: Chris Nelson
30723 444th Ave
Mission Hill SD

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund on Water Permit No. 7511-3

AMOUNT: \$200.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barbara Crake

FEB 08 2013

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**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

Priscilla A Johnson Family Trust
2921 Woodland Dr
Logansport IN 46947

Dear Sir:

Enclosed is Water Permit No. 7511-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

This application was submitted with a \$1,150.00 check from Christopher B Nelsen. The correct fee is \$950.00. Therefore, \$200.00 will be refunded to Mr. Nelson. The refund check should be received within the next couple of weeks.

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

c: Chris Nelson, 30723 444th Ave, Mission Hill SD 57046

7511-3

Form 10

RECEIVED

MAR - 6 2013

WATER RIGHTS
PROGRAM

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

Date

3-1-13

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

FROM:

Chris Nelson

(name)

30723 444th Ave.

(address)

Mission Hill, S.D. 57016

(city, state, zip)

605-661-7417

(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. 7511-3 states that the water use system is to be constructed by

1-21-2018

(date)

, and water is to be put to beneficial use by 1-21-2022

(date)

The water use system was completed on

1-2013

(date)

Applying the water to beneficial use ~~was~~ completed on

5-1-2013

(date)

will be

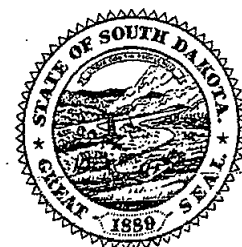
You may schedule an investigation so that the water license may be issued.

Chris Nelson

(signature)

waiting on
plumbing
appurtenance

C. Nelson
605-661-7417





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 16, 2013

7511-3

Chris Nelson
30723 444th Ave
Mission Hill SD 57046

Dear Mr. Nelson:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know the irrigation system authorized under Water Permit No. 7511-3 has been completed. The permit is currently held by Priscilla A Johnson Family Trust.

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 completion of the project and the staff inspection has no bearing on the 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,

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

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

2016 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 1, 2016**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 7511-3

CHRIS NELSON, MGR *still operating it*
30723 444TH AVE
MISSION HILL SD 57046

1. Did you irrigate in 2016? *yes ☒ **no ☐

*If yes, number of acres irrigated? 70.50

**If no, check reason(s) for not irrigating acres covered by Permit No. 7511-3

sufficient moisture ☐ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☐, through what year? _____

other ☐, please explain in the Comment Box:

Comment Box

(209) 845-2315
Bruce Johnson *50%*
Box 125
OAKDALE, CA 95361
Bob Johnson *50%*
W2560 Cty Rd 00
Oostburg, WI 53090

Any address/ownership corrections?

See Comment

Email Box

Phone _____

2. If your answer to question No. 1 is "no," you are done! If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2016? yes ☒ no ☐

4. If more than one water source is listed below, circle each source used. **A. GROUNDWATER**

5. Provide your water use on the back of this form.



NWNW	NENW	NWNE	NENE
NW		NE	
SWNW	SENW	SWNE	SENE
NWSW	NESW	NWSE	NESE
SW		SE	
SWSW	SESW	SWSE	SESE

1 square mile

Office use only

RECEIVED

DEC 14 2016

WATER RIGHTS PROGRAM

Acreage permitted for irrigation under No. 7511-3

(see above section map for help reading legal descriptions)

sec 08-T092N-R53W, NE1/4NE1/4 - 35.25 acres

sec 08-T092N-R53W, NW1/4NE1/4 - 35.25 acres

Please provide your 2016 water use to irrigate the above acreage on the REVERSE side of this form.

For an example of a completed questionnaire, please refer to the reverse side of your cover letter.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 29, 2017

7066-3
7511-3

Bruce A Johnson
PO Box 125
Oakdale CA 95361

Dear Mr. Johnson:

Thank you for returning my call yesterday concerning ownership of land described in Water Permit Nos. 7066-3 and 7511-3.

Enclosed as we discussed, are partially completed Notice of Transfer of Ownership forms for filing an ownership change. I left the "**to be transferred to**" portion blank so you could fill in how you want the permits to be listed.

Upon completion, please sign and return it to our office with a required filing fee of \$50.00 each (**total of \$100**). The check or money order for the fee can be made payable to the Water Rights Program.

I discussed with staff the required signatures on the forms. It was determined that just your signature will be fine on the bottom. At some point in time if you and Bob Johnson decide to have the permits divided to reflect separate ownership, we would then need to have his signature as well.

I have enclosed a copy of each permit for your records. If you have any questions concerning the ownership change or the permits in general, please give me a call.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JUL 11 2017

WATER RIGHTS
PROGRAM

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

No. 7511-3
Date: 7/5/17

I/We request that Water Permit No. 7511-3

formerly owned by: Pricilla A Johnson Family Trust

be transferred to: (name & address) Bruce Johnson
PO Box 125, Oakdale CA 95361
Telephone No. (209) 505-3621

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

70.5 acres - N 1/2 NE 1/4 Section 8, T92N, R53W

I/We understand that the validity of Water Permit No. 7511-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Bruce Johnson, the new owner, certify that the above information is true and correct.

Bruce A Johnson
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date JULY 11, 2017

RECEIVED OF Bruce A Johnson, Trustee PO Box 125 Oakdale, CA 95361

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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. _____		
Fee for Filing Transfer Form <u>7511-3</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08294**

By

Joanne Goodman
Chief Engineer *vm*

7511-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 12, 2017

7066-3
7511-3

Bruce A Johnson
PO Box 125
Oakdale CA 95361-0125

Dear Mr. Johnson:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Permit Nos. 7066-3 and 7511-3.

The ownership changes have been completed. Water Permit Nos. 7066-3 and 7511-3 are now listed in your name.

Enclosed for your records are Receipt Nos. 08293 and 08294 in the amount of \$50 each. If you have any questions, please contact me.

Sincerely,

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

enclosures

7511-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: CHRIS NELSEN, MGR, 30723 444TH AVE, MISSION HILL, SD 57046

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7066-3, 7109-3, 7511-3, 6955-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7066-3, 7109-3, 7511-3, 6955-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 7066-3, 7109-3, 7511-3, 6955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

c: BRUCE JOHNSON, PO BOX 125, OAKDALE CA 95361-0125

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.

7511-3



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

January 25, 2022

Chris Nelsen
30723 444th Ave
Mission Hill SD 57046

Dear Mr. Nelsen:

I am writing to acknowledge receipt of the 2021 irrigation questionnaires for Water Permit or Water Right Nos. 6955-3, 7066-3, 7109-3 and 7511-3.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for the above listed permits and rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

7511-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

AUG 26 2022

7511-3
7066-3

Bruce Johnson
PO Box 125
Oakdale CA 95361

Dear Mr. Johnson:

Enclosed is Water License No. 7511-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

c: Chris Nelsen, 30723 444th Ave., Mission Hill SD 57046

Note: Upon licensing, the applicable portions of Water Permit No. 7066-3 were incorporated into Water License No. 7511-3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7511-3

(1) Priscilla A Johnson Family Trust made Application No. 7511-3, October 26, 2012, for a water permit to add 70.5 additional acres to be irrigated from ground water, one existing well (Missouri Elk Point Aquifer), Clay County, South Dakota. Permit No. 7511-3, with a priority date of October 26, 2012, was approved January 21, 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 21, 2018, and for the application to beneficial use of water on or before January 21, 2022.

On July 11, 2017, Water Permit Nos. 7066-3 and 7511-3 were transferred to Bruce Johnson.

Water Permit No. 7066-3, with a priority date of September 18, 2008, authorized diversion of 1.39 cubic feet of water per second (cfs) to irrigate 140 acres in the SE ¼ Section 5, T92N, R53W. Water Permit No. 7511-3 authorizes irrigation of an additional 70.5 acres located in the N ½ NE ¼ Section 8 T92N, R53W with no increase in the developed diversion rate.

The applicable portions of Permit No. 7066-3 are incorporated into this Water License No. 7511-3. Priority dates for the irrigated acreage are described in (3) of this license.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.39 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,320' W and 1,320' N of the SE corner of Section 5, T92N, R53W (center of SE ¼ Section 5)
Latitude 42.81181, Longitude -97.12611

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

September 18, 2008 priority date		October 26, 2012 priority date	
Section 5, T92N, R53W		Section 8, T92N, R53W	
NW ¼ SE ¼	34 acres	NW ¼ NE ¼	35 acres
NE ¼ SE ¼	34 acres	NE ¼ NE ¼	33 acres
SW ¼ SE ¼	34 acres		
SE ¼ SE ¼	34 acres	Total of 204 acres	

- **September 18, 2008, priority date was established under Water Permit No. 7066-3**
- **October 26, 2012, priority date was established under Water Permit No. 7511-3**

(4) Pursuant to South Dakota Water Law 46-5-30.1 Bruce Johnson, PO Box 125, Oakdale CA 95361 the holder and/or owner of Incorporated Water Right No. 7511-3 is issued a license to appropriate water, the right to use 1.39 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with priority dates of September 18, 2008 and October 26, 2012, from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 7511-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7066-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well authorized under Water Permit No. 7066-3 and utilized for both Nos. 7066-3 and 7511-3 was drilled in July 2009 by Hammond Wetmore Drilling. A copy of the well completion report is on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

AUG 26 2022

date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit Nos. 7066-3 and 7511-3

I have this day, August 2, 2022, made a thorough examination of the water use systems owned by Bruce Johnson, PO Box 125, Oakdale, CA 95361, holder of Permit Nos. 7066-3 and 7511-3, bearing the priority dates of September 18, 2008, and October 26, 2012, respectively. Permit No. 7066-3 authorizes the diversion of 1.39 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) and Permit No. 7511-3 adds acres to the irrigation system from the well associated with Permit No. 7066-3. Permit Nos. 7066-3 and 7511-3 authorize the irrigation of 140 acres and 70.5 acres respectively and are located in Clay County.

Inspection contacts: Bruce Johnson and Chris Nelsen

A. Works used to divert the water:

Well Information

- 1) Well Drilling Firm: Hammond Wetmore Drilling, LLC
- 2) No. of Wells: 1
- 3) Depth(s): 104 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 60 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: 18 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 625S300-2-AA
- 3) Capacity: 625 GPM

Motor:

- 1) Make: Franklin
- 2) Model No.: Unknown
- 3) Horsepower rating: 30 hp

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

- | | | |
|----------------------------|--------------------------|---|
| 1) Type: <u>Galvanized</u> | 2) Size: <u>8</u> inches | 3) Length: <u>15 feet to the north pivot (WR No. 7066-3)</u> |
| 1) Type: <u>PVC</u> | 2) Size: <u>8</u> inches | 3) Length: <u>1,355 feet to the south pivot (WR No. 7511-3)</u> |

C. Works used to apply water to beneficial use:

North Center Pivot (WR No. 7066-3):

- 1) Make: Zimmatic
- 2) Overall length: 1,301 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 625 GPM

South Center Pivot (WR No. 7511-3):

- 1) Make: Zimmatic
- 2) Overall length: 1,300 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 625 GPM

Chemigation Equipment:

- 1) Does chemigate: Yes
- 2) Main line check valve: Yes
- 3) Inspection port/air relief: Yes
- 4) Low pressure drain: Yes
- 5) Discharge is 20' from source: Yes
- 6) Interlock type: Electrical
- 7) Injection pump: Positive displacement
- 8) Injection check valve: Yes
- 9) Injection line check valve or positive displacement pump: Yes

D. Compliance with Permit Requirements:

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

E. Condition and Location:

- 1) The systems are in good condition with the point(s) of diversion located as follows:
The well is 1,320 feet west and 1,320 feet north of the southeast corner of Section 5-T92N-R53W (Latitude 42.81181 Longitude -97.12611– center of the SE1/4).
- 2) The works are capable of diverting and conveying to the places of use 1.39 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

<u>Section 5-T92N-R53W</u>		<u>Section 8-T92N-R53W</u>	
<u>NW1/4SE1/4</u>	<u>34 acres</u>	<u>NW1/4NE1/4</u>	<u>35 acres</u>
<u>NE1/4SE1/4</u>	<u>34 acres</u>	<u>NE1/4NE1/4</u>	<u>33 acres</u>
<u>SW1/4SE1/4</u>	<u>34 acres</u>		
<u>SE1/4SE1/4</u>	<u>34 acres</u>		

comprising a total of 204 acres of land and the license should be issued for 1.39 cfs.

- 3) All structures, wells, and lands on map: Yes

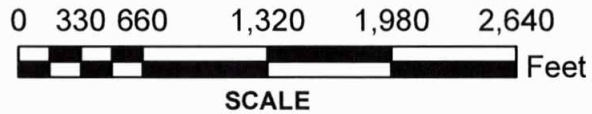
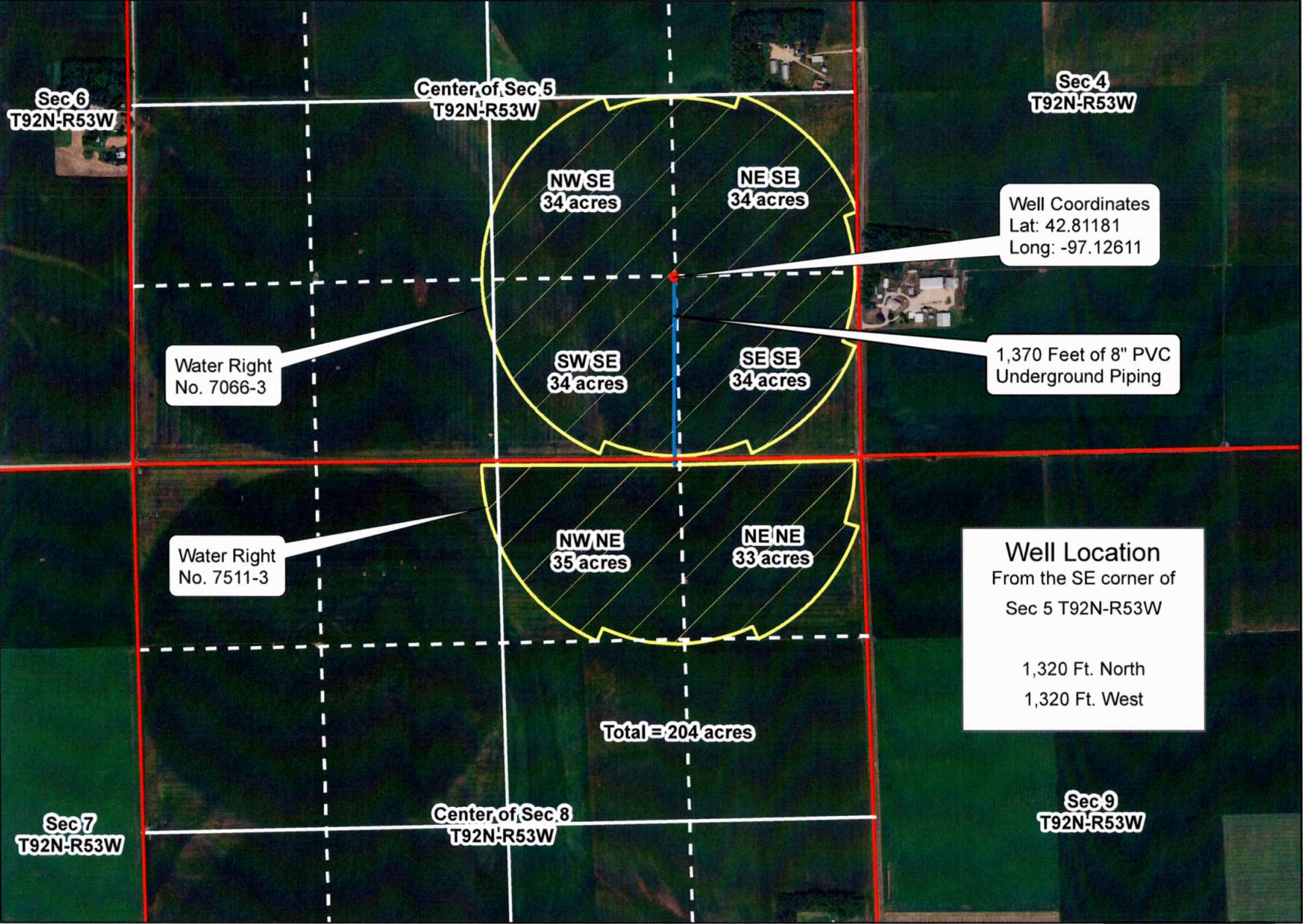
F. Comments or other permit(s) associated with the project: The pivots are operated one at a time with water from the well associated with Permit No. 7066-3. Since the two permits take water from the same well and have one owner, the permits could be combined into one license.

Keith DeJong

Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: August 23, 2022

Water Permit Nos. 7511-3 and 7066-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
August 23, 2022