

WATER PERMIT NO. XX

Name of Applicant: Greg Wirth

Address: 29329 458th Ave, Viborg SD 57070 Phone: 605 530-4072

Amount of Water Claimed: 2.28 cfs Total Acres: 160 acres

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation County: Turner

Type of Waste Disposal System:

Location: 25miles south of Viborg

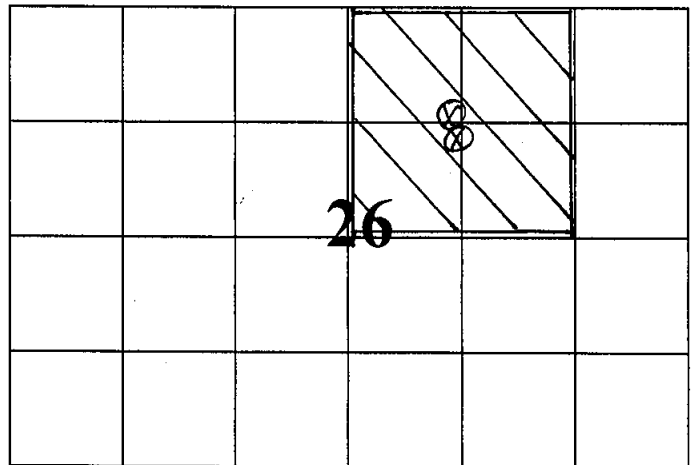
PRIORITY Date Received: 10-24-2012 Application/License Fee: \$1050

Corrected Application Received: Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: approximate center of NE 1/4 Sec
26-T96N-R53W

Land to be Irrigated: NE 1/4 Sec 26-T96N-R53W



Depth of Well: 200 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-15-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

(office use only)
No. 7515-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Viborg Enterprise / Hurley Leader
Press & Dakotan - Janhson

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OCT 24 2012
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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.) _____

- Name of Applicant Greg Wirth Phone 530-4072 cell
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 29329 458 AVE Viborg State SD 57070
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.28 *CFS or 1000 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground Water 2 wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW1/4 NE 1/4 Sec. 26-96-53
Danville (Approximate Center)
County Turner
- County or counties where water will be used Turner
- Annual period during which water is to be used April 1 - October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NE 1/4 26-96-53</u>	<u>160</u>		

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

STATE OF SOUTH DAKOTA) SS
County of Turner

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Greg Wirth, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Greg Wirth

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

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7515-3**

Date of first receipt of application October 24, 2012.

Date of return to applicant for corrections, amendments or changes October 25, 2012.

Date of receipt of corrected application November 14, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7515-3 to Greg Wirth, 29329 458th Ave, Viborg SD 57070 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. 7515-3 appropriates 2.28 cubic feet of water per second from two wells to be completed into the Niobrara Aquifer (200 feet deep) located in the approximate center of the NE 1/4 Section 26 for irrigation of 160 acres located in the NE 1/4 Section 26; all in T96N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is October 24, 2012.
4. The date of approval of Permit No. 7515-3 is February 19, 2013.
5. One-fifth of the construction is to be completed on or before August 19, 2015.
6. All construction is to be completed on or before February 19, 2018.
7. Water is to be put to beneficial use on or before February 19, 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 wells 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 wells authorized by Permit No. 7515-3 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: 

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

APR 12 2013

date



Supplemental Information

(type or print)

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

a) If new wells, how many 2 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

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

c) Well Depth 200 Depth to Top of Water Bearing Material Dakota Aquifer Planned Depth to Water from Surface _____

d) Distance to nearest existing domestic well: 1/2 mile

On applicant's property _____ On property owned by others X

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)

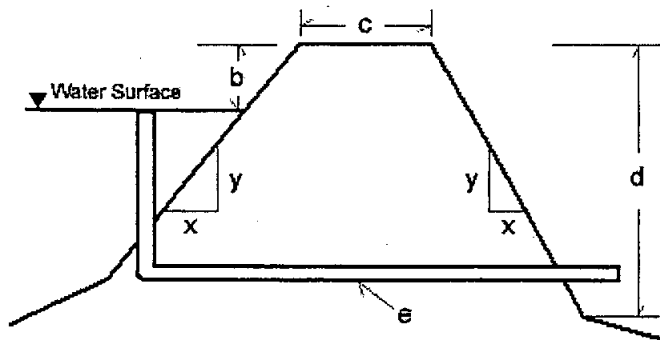
Upstream _____

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: 26_96N_53W
Farm: 8040

Turner County, SD

1:7,750



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November 29, 2010

OCT 24 2012

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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 area. Refer to your original dermination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2010 Ortho-Photography - Not to Scale

Lori Richards, PT Turner Co TSA

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/24, 20 12

RECEIVED OF Greg Wirth 29329 458th Ave Viborg SD 57070

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

Fee for Application for Permit No. <u>7515-3</u> 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. <u>7515-3</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	1150 00

No. 05643

By

Paul Erbe
Chief Engineer

Water Rights Program - File Documentation

NAME: Greg Wirth

ADDRESS: Viborg SD

DATE: 11-14-2012 **COUNTY:** TU **TELEPHONE:** 605 530-4072

RE: Pending applications

COMMENTS:

I called Greg Wirth about the acreages outlined on his maps correlating with the number of acres he is requesting irrigation on.

Mr. Wirth stated he applied that way because he thought that is what Eric had told him to do. Mr. Wirth was agreeable to reducing the number of acres to what was outlined on the maps.



Karen Schlaak
Environmental Scientist

File No. 7512-3
7513-3
7514-3
7515-3

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Greg Wirth

DATE: January 9, 2013

TELEPHONE: 605.530.4072

RE: Source for Permit Applications

COMMENTS:

Information provided on Form 2A Supplemental Information suggested that there may be a misunderstanding on the part of Mr. Wirth concerning the geology in the area. The water permit applications indicated that Mr. Wirth was interested in applying for wells approximately 200 feet deep, however he stated on Form 2A included with Application No. 7512-3 "I need to apply to the Dakota".

I contacted Mr. Wirth to discuss the discrepancy described above and informed him that the Niobrara aquifer is above the Dakota. Since the permits will be source specific, I did not want to try to guess what source he intended to use. I informed him that a test hole or well would be necessary to decide which would be the best aquifer for irrigation. Mr. Wirth indicated that he would like to apply for permits from the Niobrara aquifer. We discussed the fact that if test holes show the Niobrara is not a viable aquifer he would need to reapply for the Dakota. We also discussed the fact that if he had to reapply for a different source, it is not likely that he would be able to irrigate this summer.

A handwritten signature in black ink, appearing to read 'Ken Buhler', with a long horizontal line extending to the right.

Ken Buhler
Natural Resources Engineer

File No. 7512-3
7513-3
7514-3
7515-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Greg Wirth

DATE: January 28, 2013 TELEPHONE: 530-4072

RE: sending out public notice

Mr. Wirth returned my phone call. I told him that we are sending his four applications out for publication notice. He will be receiving the report, recommendation and public notice with a cover letter to review and if in agreement to contact the newspapers to authorize publication.

I told him that based on his January 9th phone conversation with Ken Buhler, the applications were processed as the source being the Niobrara. Since DENR permits by water source this is important since if he develops from the Dakota a new permit will need to be obtained. I was also specific that these are his application and he is responsible to specify the source.

I also told him to review the staff report very carefully. Since production from the Niobrara is very site specific, he may or may not get the production he desires. Also, since the aquifer characteristics are sit specific and unpredictable, it is not possible to quantify the drawdown and will require a pump test. I told him I brought this up due to the proximity the applications to Paul Buckneberg's permit.

I told him if he had questions after reading the report to contact Ken Buhler.

NAME: *Eric Buhler*



**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. 7515-3, Greg Wirth**

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. 7515-3, Greg Wirth, 29329 458th Avenue, Viborg SD 57070.

The Chief Engineer is recommending APPROVAL of Application No. 7515-3 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 wells 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 wells authorized by Permit No. 7515-3 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
January 25, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 7512-3, 7513-3, 7514-3, 7515-3
GREG WIRTH
JANUARY 10, 2013

Water Permit Application No. 7512-3 proposes to appropriate up to 320 acre-feet of water annually (ac-ft/yr) at a maximum diversion rate of 2.28 cubic feet of water per second (cfs) from two wells to be completed into the Niobrara aquifer. The wells are to be located in the NE¼ NW¼ Section 13, T96N-R53W. Water is to be used to irrigate 160 acres located in the N½ Section 13, T96N-R53W.

Water Permit Application No. 7513-3 proposes to appropriate up to 244 ac-ft/yr at a maximum diversion rate of 1.74 cfs from two wells to be completed into the Niobrara aquifer. The wells are to be located in the SW¼ SE¼ Section 12, T96N-R53W. Water is to be used to irrigate 122 acres located in the SE¼ Section 12, T96N-R53W.

Water Permit Application No. 7514-3 proposes to appropriate up to 320 ac-ft/yr at a maximum diversion rate of 2.28 cfs from two wells to be completed into the Niobrara aquifer. The wells are to be located in the SW¼ SW¼ Section 18, T96N-R52W. Water is to be used to irrigate 160 acres located in the SW¼ Section 18, T96N-R52W.

Water Permit Application No. 7515-3 proposes to appropriate up to 320 ac-ft/yr at a maximum diversion rate of 2.28 cfs from two wells to be completed into the Niobrara aquifer. The wells are to be located in the SW¼ NE¼ Section 26, T96N-R53W. Water is to be used to irrigate 160 acres located in the NE¼ Section 26, T96N-R53W.

AQUIFER: Niobrara aquifer (NBRR)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Niobrara aquifer is the uppermost bedrock aquifer in this area and is referred to as "chalkrock" by local drillers (Lindgren and Hansen, 1990). It occurs in the upper Cretaceous aged Niobrara Formation which consists of light gray to black, fractured, calcareous marl, interbedded with calcareous claystone and shale. The importance of the formation as an aquifer is largely due to zones of secondary porosity and permeability in the form of fractures and solution caverns. The Niobrara formation underlies most of South Dakota and the Niobrara aquifer underlies an estimated 360 square miles of Turner County alone (Hedges and others, 1982). Where present, the Niobrara generally unconformably overlies the Carlile Shale and is usually overlain by glacial drift deposits or the Pierre Shale. Erosional channels have completely incised the Niobrara Formation and the formation is not contiguous in Turner County. The Niobrara Formation is generally less than 100 feet thick (Lindgren and Hansen, 1990), but its thickness is highly variable, due primarily to the unconformity at the base of the formation. SD DENR-Geological Survey test holes within 1.5 to 3.5 miles of the well sites proposed by these applications report formation thicknesses ranging from 14-83 feet.

The top of the Niobrara aquifer is expected to be approximately 60 feet below grade at the well sites proposed in Section 13, T96N-R53W, and at the well sites proposed in Section 26, T96N-R53W; approximately 75 feet below ground surface at the well sites proposed for Section 18,

T96N-R52W; and approximately 82 feet below grade at the sites proposed for Section 12, T96N-R53W (Tomhave and Schulz, 2004). The Niobrara aquifer is expected to be under artesian conditions at all of the well sites proposed by these applications. Test hole information is not available for the well sites proposed by these applications. Since both the thickness of the formation and the extent that secondary porosity and permeability have been developed in the formation are highly variable, the aquifer characteristics of the Niobrara are site specific. This site specific nature of the aquifer is obvious upon examination of completion reports on file with the DENR-Water Rights Program (Water Rights, 2013b; Water Rights, 2013c). While one report records an irrigation well capable of 950 gallons per minute (gpm) completed in an area where the Niobrara was only 25 feet thick (see Water Permit No. 6708-3), a second completion report on file documents a well completed into 115 feet of Niobrara that only produces 150 gpm with a specific capacity of 2.5 gallons per minute per foot of drawdown (see Water Right No. 5764-3).

The entire section of the Niobrara Formation is present just to the west of this proposed well site in the Turkey Ridge area at what appears to be bedrock high. The general direction of groundwater movement is radial, from the ridge outward. The direction of water movement in the Niobrara aquifer varies depending on local areas of recharge and discharge. In this area the groundwater movement appears to be from west to east (Lindgren and Hansen, 1993).

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, the proposed diversion can be developed without unlawful impairment of existing rights and the proposed use is a beneficial use and in the public interest. This report will address the water availability and existing rights issues pertinent to this application.

WATER AVAILABILITY:

Water Permit Application Nos. 7512-3, 7513-3, 7514-3 & 7515-3 propose to appropriate up to a total of 1,204 acre-feet annually from the Niobrara aquifer, although the actual water use if this application is approved will be less than 1,204 acre-feet/year. 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 by direct infiltration of precipitation on the outcrop area, leakage from the glacial till and possibly from upward leakage from the Sioux Quartzite. Due to the location of the well sites proposed by these applications, a lowering of the potentiometric surface of the Niobrara could locally induce recharge from the Upper Vermillion Missouri aquifer. Average annual recharge has not been estimated for the Niobrara aquifer in this area.

Discharge:

Discharge from the Niobrara aquifer are through natural discharge and well withdrawals. The Niobrara aquifer may be hydrologically connected to the Lower James-Missouri aquifer, the

Upper Vermillion-Missouri aquifer and/or the Parker Centerville aquifer in this area. Water levels indicate a potential for water movement from the Niobrara to the glacial aquifers.

Well withdrawals from the Niobrara aquifer are for stock watering, domestic, municipal and irrigation purposes. Currently there are 59 water rights/permits appropriating water from the Niobrara aquifer in South Dakota. The Niobrara is used for irrigation, municipal commercial and institutional uses (Water Rights, 2013 b). The total pumping withdrawals from the Niobrara aquifer in 1985 for Hutchinson and Turner Counties was estimated to be 552.4 acre-feet (Lindgren and Hansen, 1993). Although irrigation appropriations have increased, municipal, rural domestic and livestock use of the aquifer has been largely replaced by rural water since 1985 and current pumpage from the aquifer is expected to be comparable to the 1985 rate. Although “[T]he suitability of water from the aquifer for irrigation is limited to certain soil texture conditions because of its relatively high sodium-absorption ratio” (Lindgren and Hansen, 1993), irrigation is the largest water use of the Niobrara. A total of 24 water rights/permits appropriate 8,465.6 acre-feet annually for irrigation. Irrigation withdrawals from the aquifer statewide were reported to be 947.24 acre-feet in 2011 (Water Rights, 2012). The average reported irrigation pumpage from the Niobrara aquifer over the period of 1979-2011 was 961 ac-ft/yr (Water Rights, 1980-2012). Three of the irrigation appropriations are from Turner County.

The Niobrara Formation has 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.” (Hedges and others, 1985).

Approval of this application will not likely cause the average annual withdrawals from the Niobrara aquifer to exceed the average annual recharge to the aquifer.

Observation Well Data:

The analysis of the DENR-Water Rights Program observation well data provides a qualitative means of assessing the aquifer and provides the best information reasonably available to evaluate the hydrologic budget for the Niobrara aquifer. In addition, 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 to the aquifer.”

The DENR-Water Rights Program monitors 58 observation wells completed into the Niobrara aquifer (Water Rights, 2013a). Observation well YA-79I is located approximately eight and one-half miles west of the well site proposed by these applications and observation well YA-80GA is located approximately 12 miles southwest of the well sites proposed by these applications. Hydrographs for these observation wells are shown in figures 1 and 2.

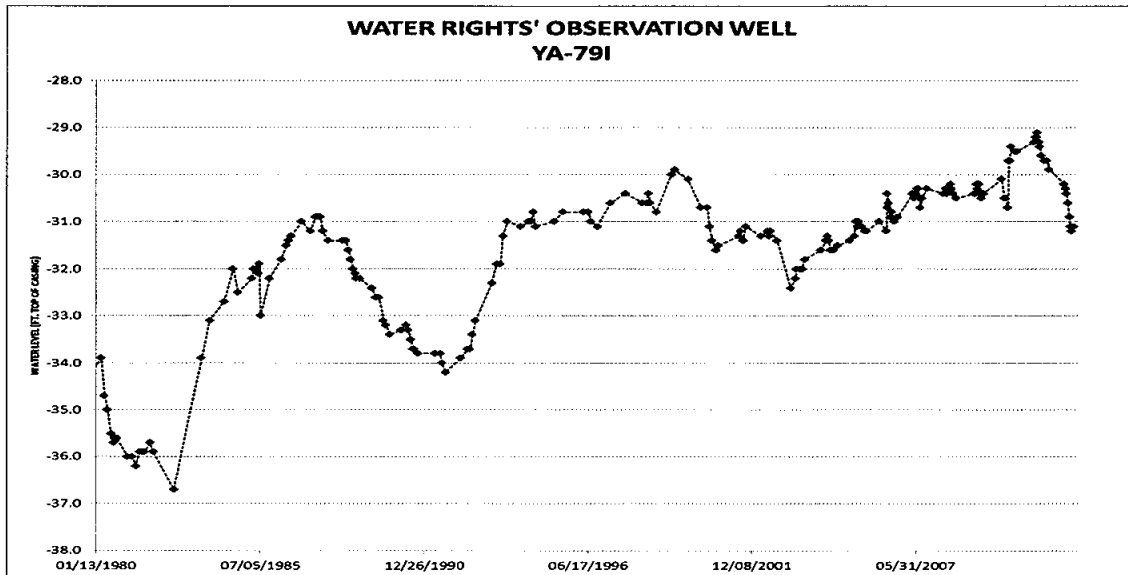


Figure 1. Hydrograph of a Niobrara aquifer observation well located approximately eight and one-half miles west of the well sites proposed by these applications

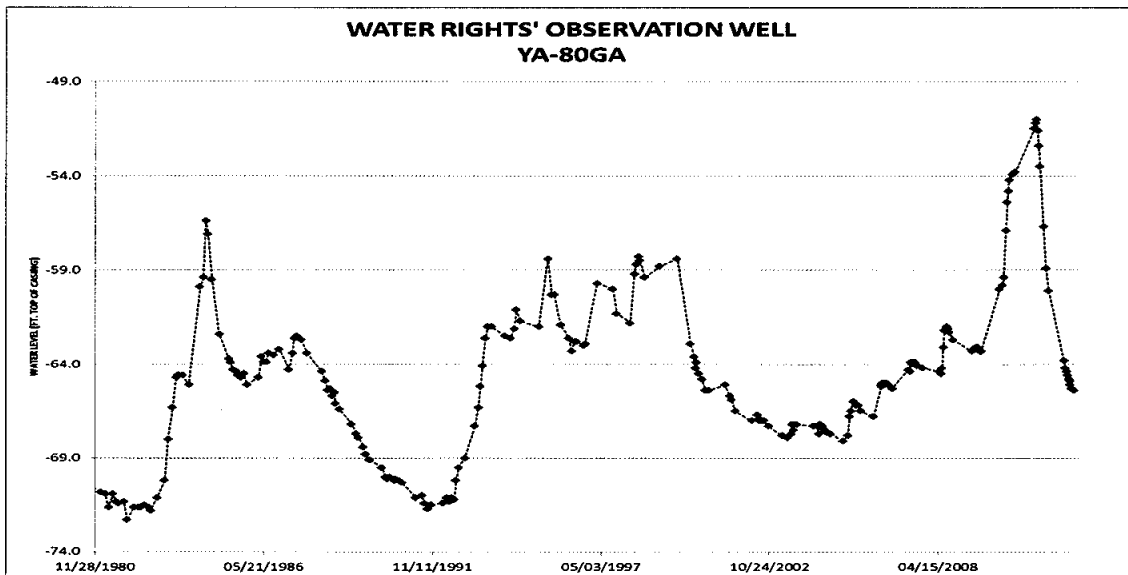


Figure 2. Hydrograph of a Niobrara aquifer observation well located 12 miles southwest of the well sites proposed by these applications.

The hydrographs show that although the potentiometric surface (head pressure) in the Niobrara aquifer varies with the climate, the amount of water in aquifer is the same or greater now than it has been over the entire period of record. Most importantly, the observation well data shows that at the current level of development, climatic conditions greatly mask the temporal effects of well withdrawals. Therefore, recharge to and natural discharge from the Niobrara aquifer significantly exceeds pumping. Recognizing that natural discharge from the aquifer can be captured for pumping, the hydrographs document that there is unappropriated water available from the aquifer to support these appropriations.

EXISTING WATER RIGHTS:

In addition to domestic use wells completed into the Niobrara aquifer, there are a total of 59 water rights/permits appropriating water from the Niobrara aquifer in South Dakota (Water Rights, 2013b). Two water permits and two water rights appropriate water from the Niobrara aquifer in Turner County. Water Right No. 5506-3 is located in a portion of the aquifer that, due to an erosional channel that completely incised the Niobrara Formation, is not hydraulically connected to the aquifer at the well sites proposed by these applications. The well that supplies Water Right No. 1229-3, The Town of Irene, has been disconnected from the distribution system (Friedeman) since the town is on rural water. Two water permits (No's 7112-3 and 7113-3, both for Paul Buckneberg) authorize three wells between one-half mile and two miles of the well sites proposed by these applications (see figure 3). In addition, pending Water Permit Application No. 7507-3 proposes appropriating water from the Niobrara aquifer within two miles of the well sites proposed by Application No's 7512-3 and 7513-3. Since the Niobrara aquifer is under artesian conditions in this area, depending on the aquifer characteristics, drawdown from the proposed wells may be substantial. It is likely that drawdown from some or all of the wells proposed by these applications will be measureable in the wells proposed by Water Permit No's 7112-3 and 7113-3; and the well proposed by Application No. 7507-3. Since the aquifer characteristics are site specific and unpredictable, it is not possible to quantify the potential effects of these proposed appropriations without aquifer testing. However, a standard permit qualification to most groundwater permits/rights states that:

“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”.

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. To balance interests between irrigation use and delivery of water by artesian pressure the Water Management Board has defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs”

In reality, the assurance of reasonable domestic use provided by SDCL 46-6-6.1 and ARSD 74:02:04:20(7) generally ensures not only that interference will not be adverse to domestic well users but also in existing appropriative rights (i.e. in most cases, the protection afforded to adequate domestic wells by water law, would lead to enforcement of the “standard permit qualification” before there is a reduction of needed water supplies to appropriative rights). Depending on the characteristics of the Niobrara aquifer at the well sites proposed by these applications, some existing well owners may need to lower their pumps to accommodate for deeper water levels. However, when considering the statute and rule, there is a reasonable probability that any well interference from these proposed applications will not be adverse to adequate domestic wells. In the absence of adequate domestic wells in the area, the phrase in the



1. Water Permit Application No's 7512-3, 7513-3, 7514-3 and 7515-3 propose to

3. There is a reasonable probability that the diversion requested by this application can be made without adversely affecting existing water rights with the standard "well interference qualification."



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Friedeman, Barbara. Environmental Scientist, SD DENR-Drinking Water Program. Personal correspondence. 14 January 2013
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., 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
- Lindgren, R.J., and Hansen, D.S., 1990, Water Resources of Hutchinson and Turner Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 90-4093, 100 p.
- Tomhave, D.W., and Schulz, L.D., 2004, Bedrock Geologic Map Showing Configuration of the Bedrock Surface in South Dakota East of the Missouri River, SD Geological Survey Geologic Map 09, scale 1:500000
- Water Rights, 2012, "Annual Irrigation Summary by Aquifer": SD SENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights, 2013a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013c, Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

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AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF TURNER)

Allyson M. Hill, being first duly sworn, on oath says the VIBORG ENTERPRISE is a WEEKLY newspaper published in VIBORG in said county of TURNER, State of South Dakota; and that she is authorized to and does make this affidavit on behalf of said VIBORG ENTERPRISE; that affiant has personal knowledge of all facts stated in this affidavit; that said newspaper is a legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4 inclusive as amended, has a bona fide circulation of at least two hundred copies WEEKLY, has been published in the English language within said county and has been admitted to the United States mail under the second class mailing privilege, for at last one year continuously next prior to the publication of the notice herein mentioned and was and is printed wholly or in part in an office maintained at said place of publication; that said notice, a printed copy of which taken from the paper in which the same was published is hereto attached and is made part of this affidavit, was published in said newspaper

1 time(s) as follows: that the first publication of said

notice in said newspaper aforesaid was on Thursday

the 7 day of February, 2013,

and that the succeeding publications were severally

on Thursday, the ____ day of _____, 2013;

on Thursday, the ____ day of _____, 2013;

on Thursday, the ____ day of _____, 2013;

on Thursday, the ____ day of _____, 2013;

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charged for the publication thereof are:

DOLLARS (\$ 28.71)

(Allyson M. Hill), Allyson M. Hill

Subscribed and sworn to before me this 21 day of

February, 2013

Notary Public

My commission expires 11/14/2018

**NOTICE OF
APPLICATION NOS.
7512-3, 7513-3, 7514-3
& 7515-3**

to Appropriate Water

Notice is given that Greg Wirth, 29329 458th Ave, Viborg SD 57070 has filed the following applications for a water permit.

Application No. 7512-3 proposes to appropriate 2.28 cubic feet of water per second (cfs) from two wells to be completed into the Niobrara Aquifer (200 feet deep) located in NE 1/4 NW 1/4 Section 13 for irrigation of 160 acres located in the NW 1/4, S 1/2 NE 1/4 Section 13; all in T96N-R53W.

Application No. 7513-3 proposes to appropriate 1.74 cfs from two wells to be completed into the Niobrara Aquifer (200 feet deep) located in the SW 1/4 SE 1/4 Section 12 for irrigation of 122 acres located in the SE 1/4 Section 12; all in T96N-R53W.

Application No. 7514-3 proposes to appropriate 2.28 cfs from two wells to be completed into the Niobrara Aquifer (200 feet deep) located in the SW 1/4 SW 1/4 Section 18 for irrigation of 160 acres located in the SW 1/4 Section 18; all in T96N-R52W.

Application No. 7515-3 proposes to appropriate 2.28 cfs from two wells to be completed into the Niobrara Aquifer (200 feet deep) located in the approximate center of the NE 1/4 Section 26 for irrigation of 160 acres located in the NE 1/4 Section 26; all in T96N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7512-3, 7513-3, 7514-3 and 7515-3 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 En-

SHANE HILL



NOTARY PUBLIC
SOUTH DAKOTA



gineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 19, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$28.71

RECEIVED

FEB 11 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

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
Application Nos. 7512-3, 7513-3, 7514-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 7th DAY OF February 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$36.58 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: 2/7/2013

FILED ON: 2/7/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS

7th

DAY OF

February

2013

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

247
NOTICE OF APPLICATION
NOS. 7512-3, 7513-3, 7514-3 &
7515-3 to Appropriate Water

Notice is given that Greg Wirth,
29329 458th Ave, Viborg SD
57070 has filed the following appli-
cations for a water permit.

Application No. 7512-3 proposes
to appropriate 2.28 cubic feet of
water per second (cfs) from two
wells to be completed into the
Niobrara Aquifer (200 feet deep)
located in NE 1/4 NW 1/4 Section
13 for irrigation of 160 acres lo-
cated in the NW 1/4, S 1/2 NE
1/4 Section 13; all in
T96N-R53W

Application No. 7513-3 proposes
to appropriate 1.74 cfs from two
wells to be completed into the
Niobrara Aquifer (200 feet deep)
located in the SW 1/4 SE 1/4 Sec-
tion 12 for irrigation of 122 acres
located in the SE 1/4 Section 12;
all in T96N-R53W

Application No. 7514-3 proposes
to appropriate 2.28 cfs from two
wells to be completed into the
Niobrara Aquifer (200 feet deep)
located in the SW 1/4 SW 1/4
Section 18 for irrigation of 160
acres located in the SW 1/4 Sec-
tion 18; all in T96N-R52W

Application No. 7515-3 proposes
to appropriate 2.28 cfs from two
wells to be completed into the
Niobrara Aquifer (200 feet deep)
located in the approximate center
of the NE 1/4 Section 26 for irri-
gation of 160 acres located in the
NE 1/4 Section 26; all in
T96N-R53W

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application Nos.
7512-3, 7513-3, 7514-3 and
7515-3 because 1) unappropriated
water is available, 2) existing
rights will not be unlawfully im-
paired, 3) it is a beneficial use of
water, and 4) it is in the public in-
terest. In accordance with SDCL
46-2A-23, the Chief Engineer will
act on these applications, as rec-
ommended, unless a petition is
filed opposing the applications or
the applicant files a petition con-
testing the Chief Engineer's rec-
ommendations. If a petition op-
posing the applications or contest-
ing the recommendations is filed,
then a hearing will be scheduled
and the Water Management Board
will consider these applications.
Notice of the hearing will be
given to the applicant and any
person filing a petition.

Any person interested in opposing
or supporting these applications or
recommendations must file a writ-
ten petition with BOTH the appli-
cant and Chief Engineer. The ap-
plicant must file a petition if con-
testing the Chief Engineer's rec-

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The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$36.58.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2013

Viborg Enterprise/Hurley Leader
PO Box H
Centerville SD 57014

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7512-3, 7513-3, 7514-3 and 7515-3 to Appropriate Water. Please publish the notice once on February 7, 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 Greg Wirth, 29329 458th Ave., Viborg SD 57070 (Ph # 605-530-4072).

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 28, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7512-3, 7513-3, 7514-3 and 7515-3 to Appropriate Water. Please publish the notice once on February 7, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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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 28, 2013

Greg Wirth
29329 458th Ave
Viborg SD 57070

Dear Mr. Wirth:

Water Permit Application Nos. 7512-3, 7513-3, 7514-3 and 7515-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Viborg Enterprise/Hurley Leader printed at Centerville SD (Ph # 605-563-2351) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on February 7, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 7512-3, 7513-3, 7514-3 & 7515-3 to Appropriate Water

Notice is given that Greg Wirth, 29329 458th Ave, Viborg SD 57070 has filed the following applications for a water permit.

Application No. 7512-3 proposes to appropriate 2.28 cubic feet of water per second (cfs) from two wells to be completed into the Niobrara Aquifer (200 feet deep) located in NE 1/4 NW 1/4 Section 13 for irrigation of 160 acres located in the NW 1/4, S 1/2 NE 1/4 Section 13; all in T96N-R53W.

Application No. 7513-3 proposes to appropriate 1.74 cfs from two wells to be completed into the Niobrara Aquifer (200 feet deep) located in the SW 1/4 SE 1/4 Section 12 for irrigation of 122 acres located in the SE 1/4 Section 12; all in T96N-R53W.

Application No. 7514-3 proposes to appropriate 2.28 cfs from two wells to be completed into the Niobrara Aquifer (200 feet deep) located in the SW 1/4 SW 1/4 Section 18 for irrigation of 160 acres located in the SW 1/4 Section 18; all in T96N-R52W.

Application No. 7515-3 proposes to appropriate 2.28 cfs from two wells to be completed into the Niobrara Aquifer (200 feet deep) located in the approximate center of the NE 1/4 Section 26 for irrigation of 160 acres located in the NE 1/4 Section 26; all in T96N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7512-3, 7513-3, 7514-3 and 7515-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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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

APR 12 2013

Greg Wirth
29329 458th Ave
Viborg SD 57070

Dear Mr. Wirth:

Enclosed are Water Permit Nos. 7512-3, 7513-3, 7514-3 and 7515-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

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

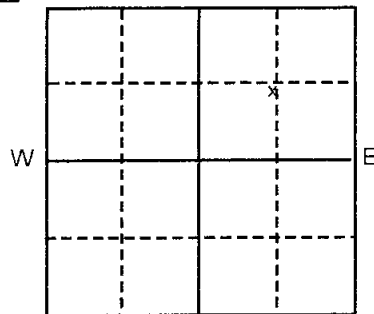
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NE 1/4 Sec 26 Twp 96N Rg 53WCounty Turner

North

Please mark well
location with an "X"

Well Completion Date

March 22, 2013

1 Mile

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

1,900.0 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

bucket drill

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16.00</u> IN	<u>0.0</u> FT	<u>34.0</u> FT	<u>30.00</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>13</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>30.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 32.0 FeetMaterial PVCSlot Size .060 Set From 34.0 Feet to 66.0 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? Not Required
Lab to which water
quality sample sent for analysisWell Owner: Greg Wirth

Business Name:

Address: 29329 458th AveCity, State, Zip: Viborg SD 57070

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Brown Clay	2	10
Clay Gravel Mix	10	18
Silty Clay	18	23
Silty Clay	23	29
Blue Clay	29	33
Chalk	33	66

STATIC WATER LEVEL 10.0 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:☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JUN 12 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this
report is true and accurate.Drilling firm: Hammond-Wetmore Drilling, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

5/2/13



7515-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: GREG WIRTH, 29329 458TH AVE, VIBORG, SD 57070

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7512-3, 7513-3, 7514-3, 7515-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 7512-3, 7513-3, 7514-3, 7515-3 qualification:

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

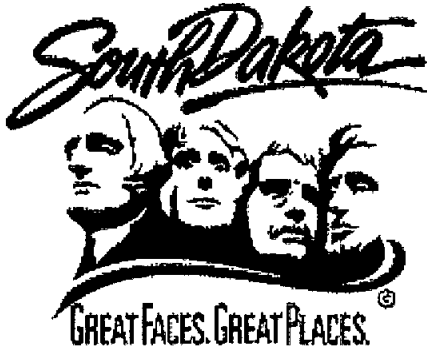
The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 7512-3, 7513-3, 7514-3, 7515-3 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 on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 2014

Greg Wirth
29329 458th Ave
Viborg SD 57070

RE: Water Permit Nos. 7512-3, 7513-3, 7514-3 and 7515-3

Dear Mr. Wirth:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for the above listed permits. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

7515-3



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 29, 2020

7512-3
7513-3
7514-3
7515-3

Greg Wirth
45775 293rd St
Viborg SD 57070 6612

Dear Mr. Wirth:

Enclosed is a "Notice" dated October 23, 2020 concerning your 2020 irrigation questionnaires.

The notice was originally mailed to 29329 458th Ave, Viborg SD. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Water Permit Nos. 7512-3, 7513-3, 7514-3 & 7515-3

May 9, 2023

Greg Wirth
45775 293rd Street
Viborg SD 57070-6612

Dear Mr. Wirth:

In 2013, four water permits for irrigation were issued to you to appropriate water from the Niobrara aquifer in Turner County. They are:

Water Permit No.	Location of Irrigated Acres
7512-3	Portions of N ½ Section 13, T96N, T53W
7513-3	SE ¼ Section 12, T96N, R53W
7514-3	SW ¼ Section 18, T96N, R52W
7515-3	NE ¼ Section 26, T96N, R53W

These water permits were issued with a date to complete construction of February 19, 2018. During a review of a new water permit application filed in the area, a review of irrigation questionnaire submittals for water permits on file in the area was conducted. That review of your permits found that only Water Permit No. 7515-3 was constructed. The irrigation questionnaires for Nos. 7512-3, 7513-3 and 7514-3 state system not constructed. Our records indicate an irrigation system has been constructed on the land authorized by Water Permit No. 7515-3. Therefore, No. 7515-3 would not be subject to cancellation.

Water permits become subject to cancellation when the necessary works are not constructed within a five-year period. Therefore, I believe these three water permit are subject to cancellation but wanted to make personal contact with you to discuss the matter.

I attempted to contact you at the cell phone number that you provided at the time you applied for the permits but it is no longer active. Please contact me at your earliest convenience so that we can discuss the process.

Thank you,

Eric Gronlund
Water Rights Program, DANR
605 773-3352



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

January 19, 2024

NOTICE

TO: GREG WIRTH, 45775 293RD ST, VIBORG, SD 57070 6612

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7515-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 7515-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 7515-3 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 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: VEILAQ**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 8, 2024

7515-3

Greg Wirth
45775 293rd St
Viborg SD 57070

Dear Mr. Wirth:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 7515-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



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

January 14, 2025

NOTICE

TO: GREG WIRTH, 45775 293RD ST, VIBORG, SD 57070 6612

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7515-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 7515-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 7515-3 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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: UYMELD**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 21, 2025

7515-3

Greg Wirth
45775 293rd St
Viborg SD 57070

Dear Mr. Wirth:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 7515-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us