

WATER PERMIT NO. 7519-3

Name of Applicant: Michael Bottolfson

Address: 45944 Timber Rd, Vermillion SD 57069 Phone: 605 670-1830

Amount of Water Claimed: 1.56 cfs Total Acres: 101

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Clay

Type of Waste Disposal System:

Location: 3 miles west of Vermillion

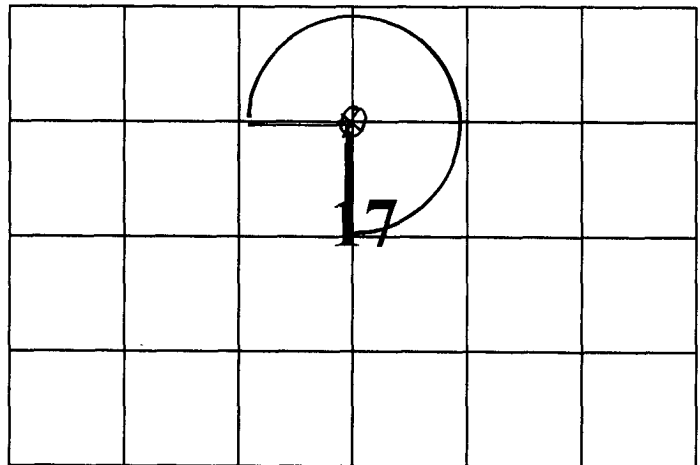
PRIORITY Date Received: 11-1-12 Application/License Fee: \$950

Corrected Application Received: 11/15/12 Period of Annual Use: May 1 – October 31

Remarks: Applicant is requesting diversion rate greater than statutory limit

Diversion Point: approximate center between the
NE 1/4 and the NW 1/4 Sec 17-T92N-R52W

Land to be Irrigated: NE 1/4 NW 1/4, W 1/2 NE
1/4 Sec 17-T92N-R52W



Depth of Well: 30 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Barbara Dykstra, Clay Co FSA

Reviewed and the Number Assigned on: 11-16-12

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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WATER RIGHTS
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Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7519-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	<u>605-624-2695</u>
	Newspaper <u>Plain Talk 201W Cherry Vermillion 57069</u>	
	<u>Press & Dakota 319 Walnut Yankton 57028</u>	<u>605-665-7811</u>

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant MICHAEL Bottoifson Phone 605-670-1830
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 45944 Timber Road VERMILION SD 57069
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 1.78 *CFS or 700 **GPM ***AF Total Acreage 101 acres
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Ground Water
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 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 to OCT 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>S 17 T 92 N R 52 W</u>	<u>101</u>		
<u>NE 1/4 NW 1/4</u>	<u>33.7</u>		
<u>NW 1/4 NE 1/4</u>	<u>33.7</u>		
<u>SW 1/4 NE 1/4</u>	<u>33.6</u>		

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

requesting diversion rate greater than Statutory Limit

STATE OF SOUTH DAKOTA)
County of Clay) SS

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

I, Michael Bottoifson, 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 [Signature]Subscribed and sworn to before me this 29 day of OCT 20 12

[Signature]
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7519-3**

Date of first receipt of application November 1, 2012.

Date of return to applicant for corrections, amendments or changes November 6, 2012.

Date of receipt of corrected application November 15, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7519-3 to Michael Bottolfson, 45944 Timber Rd, Vermillion SD 57069 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7519-3 appropriates 1.56 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (110 feet deep) located in the SE 1/4 NW 1/4 Section 17 for irrigation of 101 acres located in the NE 1/4 NW 1/4, W 1/2 NE 1/4 Section 17; all in T92N-R52W.
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 – October 31.
3. The date from which applicant may claim right is November 1, 2012.
4. The date of approval of Permit No. 7519-3 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.

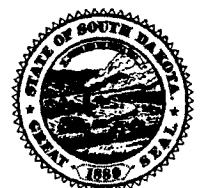
QUALIFICATIONS

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. The well authorized by Permit No. 7519-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7519-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 101 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 08 2013
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30" Depth 110'
- b) Casing Type PVC Diameter 16" Thickness SDR 26
- c) Screen Type PVC Diameter 16" Thickness SDR 26
- d) Gravel Pack Round Length of Gravel Pack 110'
- e) Depth to Top of Water Bearing Material 20'
- f) Depth to Water (ground surface to water level) 15'
- g) Distance to nearest existing domestic well:

On applicant's property None

On property owned by others None

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

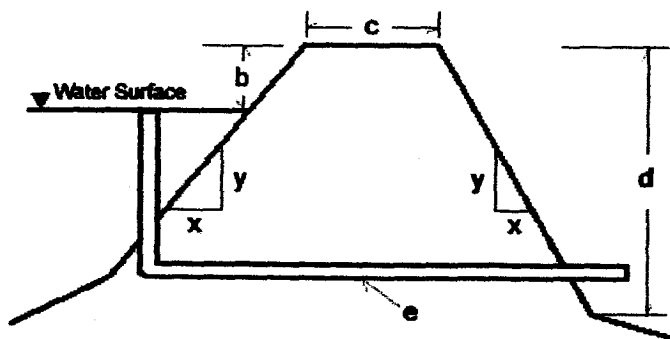
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

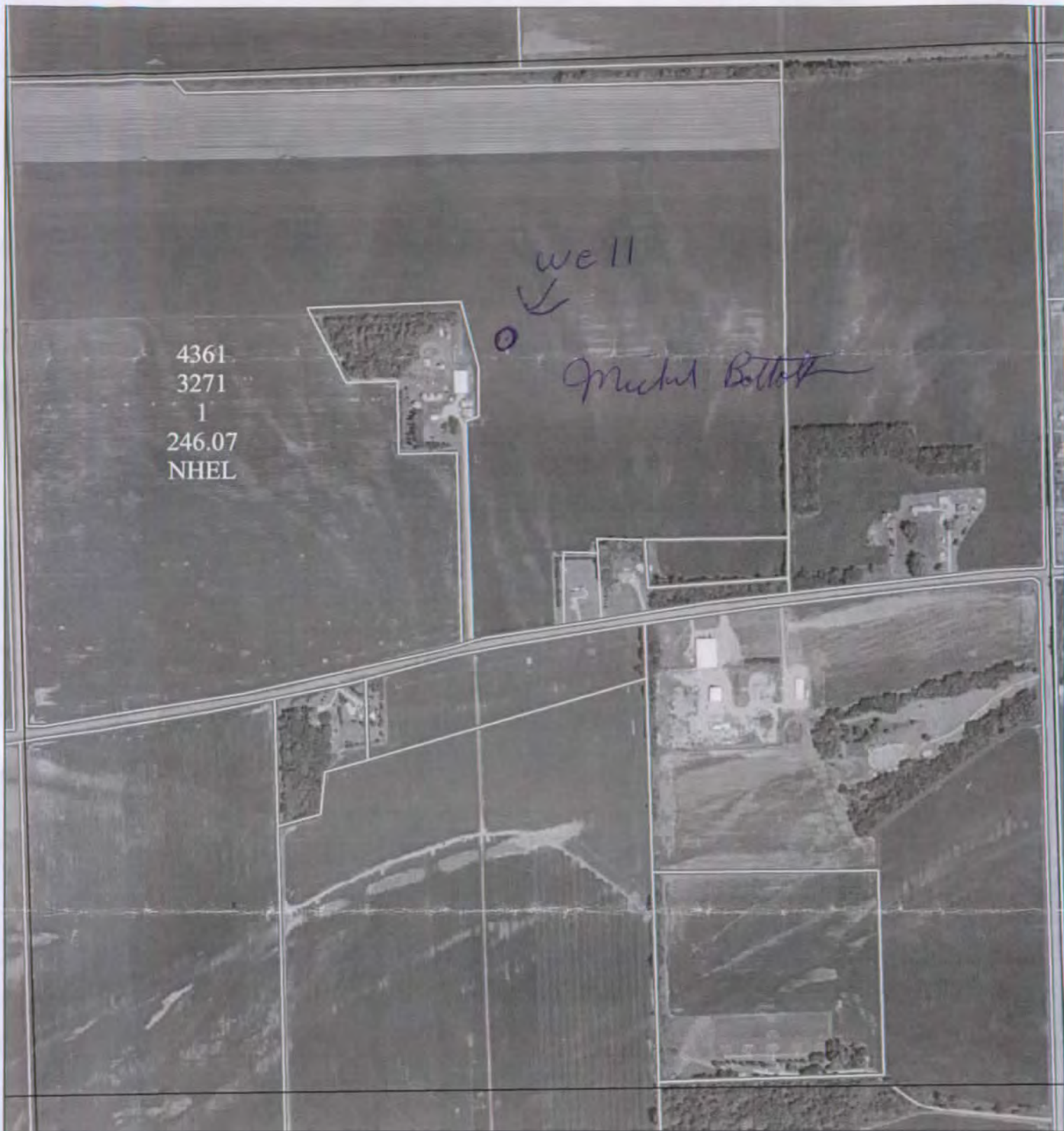
4. Water Storage Dams

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: 17_92N_52W
Farm: 4361

Clay County, SD

1:8,334

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March 11, 2010

Wetland Determination Identifiers

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

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

2008 Ortho-Photography - Not to Scale

Barbara Dykstra Clay County PT

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Common Land Units

OCT 26 2012

CLAY CO. FSA



Prepared By: **Heine Electric and Irrigation, Inc.**
For: **Mike Botelfson**

Questions or concerns? Please call us at 402-640-1999!

Pivot center at **42.790004, -97.013504**
Arc Start Bearing: 296.85
Arc Stop Bearing: 180.26

- 1 180 ft. Total: 180 ft.
Acreage: 1.58. Total: 1.58 acres.
CCW Bend: 30 degrees.
- 2 180 ft. Total: 360 ft.
Acreage: 4.93. Total: 6.51 acres.
- 3 180 ft. Total: 540 ft.
Acreage: 8.48. Total: 15 acres.
- 4 180 ft. Total: 720 ft.
Acreage: 12.04. Total: 27.04 acres.
- 5 180 ft. Total: 900 ft.
Acreage: 15.59. Total: 42.64 acres.
- 6 160 ft. Total: 1060 ft.
Acreage: 16.84. Total: 59.48 acres.
- 7 160 ft. Total: 1220 ft.
Acreage: 19.64. Total: 79.13 acres.
- Overhang 36 ft. Total: 1256 ft.
Acreage: 4.8. Total: 83.93 acres.
- Spray 120 ft. Total: 1376 ft.
Acreage: 17.05. Total: 100.99 acres.

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South Dakota Department of Environment and Natural Resources

Date 11/16, 20 12

RECEIVED OF Michael Botollfson 45944 Timber Rd Vermillion SD 57069

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

Fee for Application for Permit No. <u>7519-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>7519-3</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	950 00

No. **05692**

By

David Schuele
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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November 6, 2012

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Clay County. In order to complete the application, the following is required.

- Item No. 2, Amount of water claimed states 1000 gallons per minute (gpm). State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 1.44 cfs or 648 gpm to irrigate the total 101 acres. We understand that in order to accommodate certain irrigation methods (pivot making a partial rotation) a greater diversion rate is required. Most standard pivots operate at 800 gpm. The 1000 gpm appears to be excessive. Please clarify the amount of water requested or justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).
- Enclosed is your check for \$1,050.00. The application/license filing fee for 101 acres is \$950.00. Please submit this amount.

If you have any questions, please contact me.

Sincerely,

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

enclosures

11-12-2012

TO DENR

RE Letter Received

I made a mistake
on item no 2. It should
have been 700 gpm.

I need that much for
my windshield wiper
system. Also include
is a check for the
correct amount.

~~Michael Botto~~

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**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. 7519-3, Michael Bottolfson**

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. 7519-3, Michael Bottolfson, 45944 Timber Rd, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7519-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7519--3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7519-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 101 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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 3, 2013

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7519-3
MICHAEL BOTTOLFSON
DECEMBER 28, 2012**

Water Permit Application No. 7519-3 proposes to appropriate up to 202 acre-feet annually at a maximum diversion rate of 1.56 cubic feet of water per second (cfs) from one well to be completed in to the Missouri: Elk Point aquifer. The well is expected to be approximately 110 feet deep and is to be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, T92N-R52W. This permit application proposes to irrigate 101 acres located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 17, all in T92N-52W in Clay County.

Pursuant to SDCL 46-5-6, the applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The request is based on type of irrigation system. SDCL 46-5-6 allows for greater than the statutory limit due to time constraints, method of irrigation or soil type.

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 north of the Missouri River.

The Missouri: Elk Point is an alluvium mantled outwash consisting of clay and silt with sand and gravel that appears to be under 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 12 to 85 feet below ground surface and the saturated thickness is estimated to be 50 to 100 feet. The static water level ranges from 7 to 30 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 202 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).

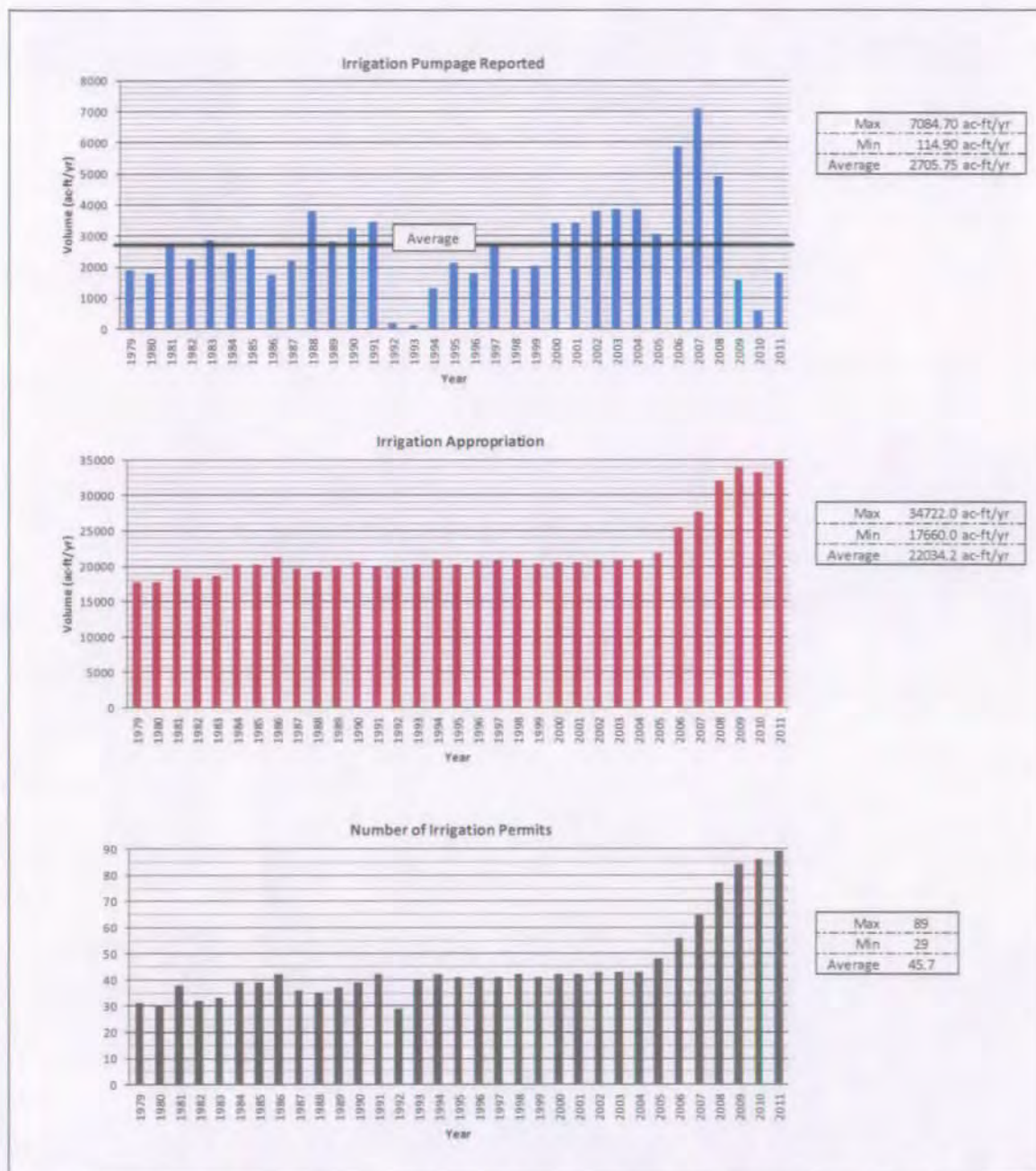


Figure 1: Historic irrigation water use from the Missouri: Elk Point aquifer in Clay County (Water Rights, 1979-2011)

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 202 ac-ft/yr.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors five observation wells completed into the Missouri: Elk Point aquifer in Clay County. The nearest of these wells, CL-80B and CL-80C, are located approximately 4.5 miles west and 5.25 miles southeast of the proposed well site, respectively. CL-80B and CL-80C 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).

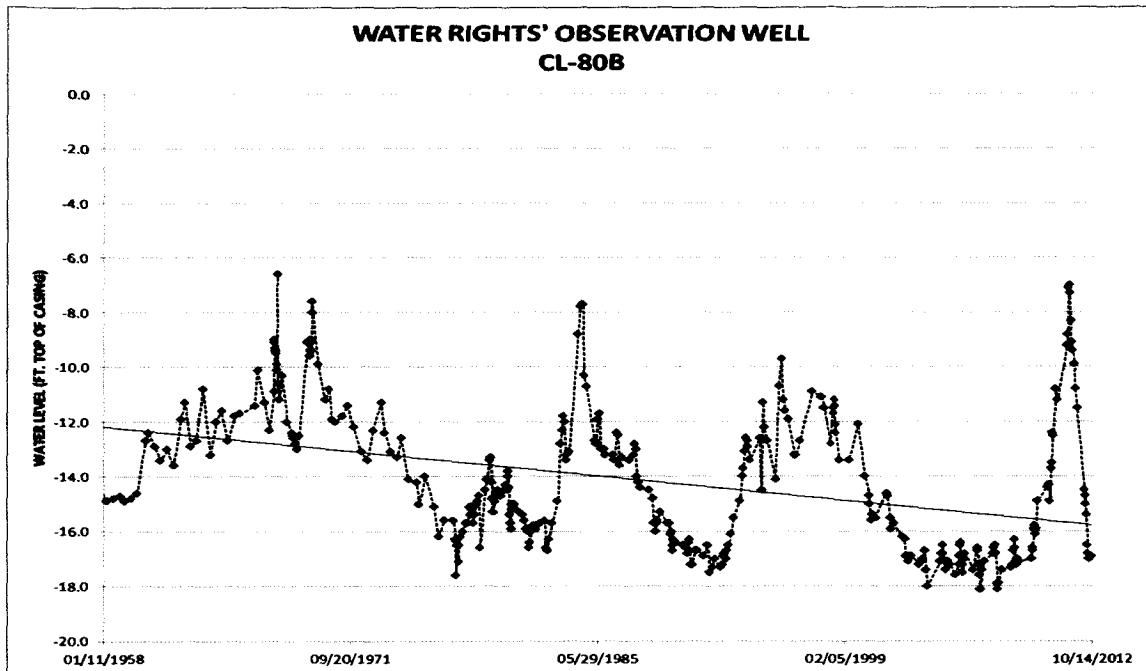


Figure 2: Hydrograph for DENR-Water Rights' observation well CL-80B (Water Rights, 2012a)

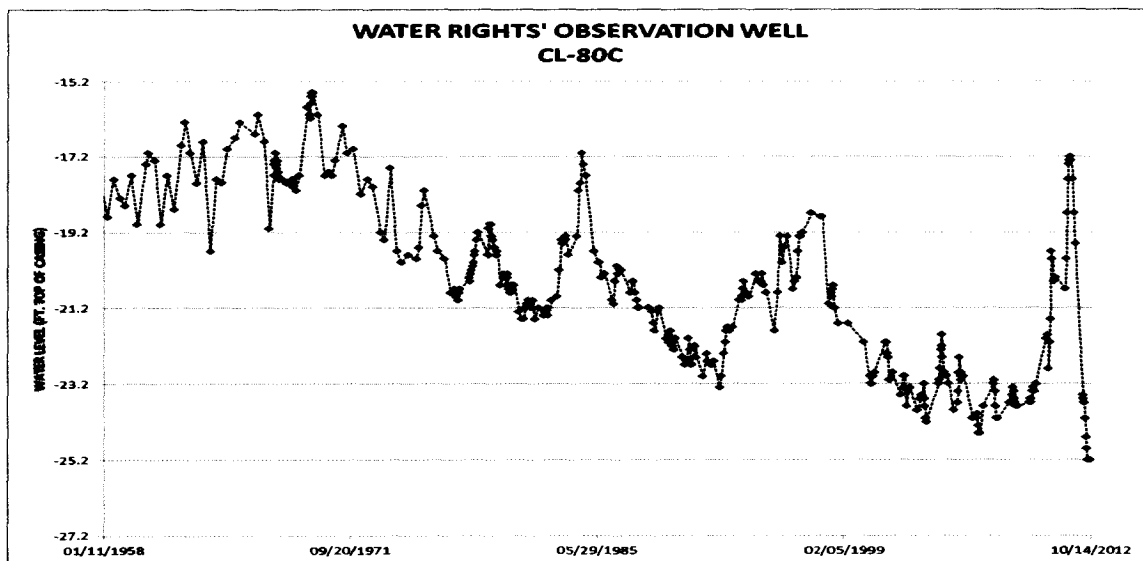


Figure 3: Hydrograph for DENR-Water Rights' observation well CL-80C (Water Rights, 2012a)

EXISTING WATER RIGHTS:

There are 111 water rights/permits appropriating water from the Missouri: Elk Point aquifer in Clay County. There are 11 water rights/permits authorizing wells within two miles of the existing well location. The closest well authorized by these water rights/permits is 900 feet from the proposed diversion point. The well is authorized under Water Right/Permit 7423-3 which is held by this applicant. There are four domestic wells on file with DENR-Water Rights Program within two miles of this application, the closest is 0.4 miles away. (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
6869-3	Lewis & Clark RWS	FU	RWS		
5435-3	Francis J. Heine	LC	IRR	2	140
6768-3	Gary & Amy Freeburg	LC	IRR	2.67	194.5
6898-3	Bottolfson Bros	PE	IRR	5.79	405
6899-3	Bottolfson Bros	PE	IRR	2.2	160
6923-3	Karl M. Schenk	PE	IRR	1.56	206
6940-3	Ken Less	PE	IRR	1.11	52
6941-3	Ken Less	PE	IRR	0.89	146
7083-3	Bottolfson Bros	PE	IRR	1.56	103.5
7297-3	Francis J. Heine	PE	IRR	1.11	80
7423-3	Micheal Bottolfson	PE	IRR	2.22	135

LC = Water Right, PE = Water Permit, IRR = Irrigation, RWS = Rural Water System

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.

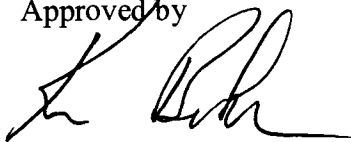
CONCLUSIONS:

1. The application proposes to appropriate 202 ac-ft/yr for irrigation.
2. Most of the water that will be withdrawn from the Lewis and Clark RWS wells will be induced from the Missouri River.
3. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply the proposed appropriation.
4. There is a reasonable probability that this proposed well will not adversely impact existing nearby wells.
5. The applicant requested a diversion rate greater than the statutory limit due to required rate to run equipment.



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.

RECEIVED

JAN 18 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

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 \$27.97 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 O. Schmidt
SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF

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

**NOTICE OF APPLICATION
NO. 7519-3 to Appropriate
Water**

Notice is given that, Michael Bottolfson, 45944 Timber Rd, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (110 feet deep) located in the SE 1/4 NW 1/4 Section 17 for irrigation of 101 acres located in the NE 1/4 NW 1/4, W 1/2 NE 1/4 Section 17; all in T92N-R52W. Applicant is requesting diversion rate greater than statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7519-3 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 petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Grönlund 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 \$27.97.

Published January 11, 2013

RECEIVED

JAN 14 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE **MANAGING EDITOR** OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7519-3

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 **\$26.48** ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 1/11/2013

FILED ON: 1/11/2013

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

2013

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

1+11
NOTICE OF APPLICATION
NO. 7519-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7519-3 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 \$26.48.



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. 7519-3 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 Michael Bottolfson, 45944 Timber Road, Vermillion SD 57069 (Ph # 605-670-1830).

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

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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. 7519-3 to Appropriate Water

Notice is given that Michael Bottolfson, 45944 Timber Rd, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (30 feet deep) located in the SE 1/4 NW 1/4 Section 17 for irrigation of 101 acres located in the NE 1/4 NW 1/4, W 1/2 NE 1/4 Section 17; all in T92N-R52W. Applicant is requesting diversion rate greater than statutory limit.

110 feet

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7519-3 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 _____.

1/7/13

Called Tara, Yankton paper w/change

called Brett - Plain Talk



**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

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Friesen:

Enclosed is Water Permit No. 7519-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

7519-3
RECEIVED

SEP 30 2013

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9-26-2013TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Michael L. Bottolfsen
(name)45944 Timber Road
(address)VERMILION SD 57069
(city, state, zip)670-1890
(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.

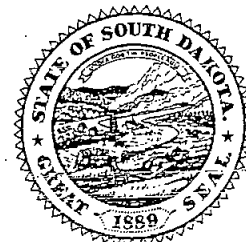
Water Permit No. 7519-3 states that the water use system is to be constructed by 1-21-2018, and water is to be put to beneficial use by 1-21-2022.
(date) (date)

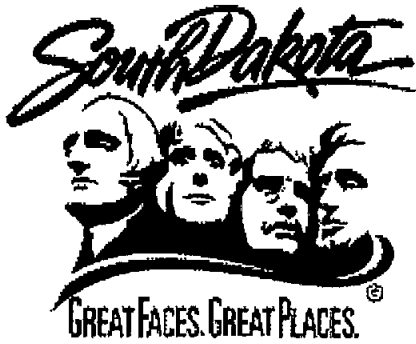
The water use system was completed on 6-18-2013.
(date)

Applying the water to beneficial use was completed on 6-21-2013.
(date)

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

Michael L. Bottolfsen
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 30, 2013

7519-3

Michael L Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

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

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

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

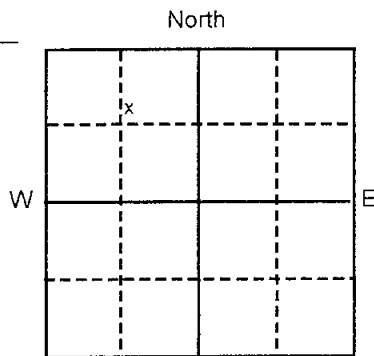
Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NW 1/4 Sec 17 Twp 92N Rg 52WCounty ClayPlease mark well
location with an "X"

Well Completion Date

May 14, 2013

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

PROPOSED USE:

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

METHOD OF DRILLING:

bucket method

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>78.0</u> FT	<u>22.00</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>20</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>60.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 25.0 Feet
 Material PVC
 Slot Size .050 Set From 78.0 Feet to 103.0 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 analysis
Well Owner: Michael Bottolfson

Business Name:

Address: 45944 Timber RdCity, State, Zip: Vermillion SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Clay	2	11
Sand	11	60
Clay Gravel Mix	60	70
Dirty Sandy Gravel	70	77
Gravel	77	103

STATIC WATER LEVEL 22.0 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: 5/30/13



7519-3
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 15, 2016

NOTICE

TO: MICHAEL BOTTOLFSON, 45944 TIMBER RD, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7423-3 & 7519-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 7423-3 & 7519-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 7423-3 & 7519-3 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 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 9, 2016

7423-3
7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit Nos. 7423-3 and 7519-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7519-3

I have this day, November 2, 2015, made a thorough examination of the water use system constructed by Michael Bottolfson, 45944 Timber Rd, Vermillion, SD 57069 of Permit No. 7519-3, bearing the priority of November 1, 2012 authorizing the diversion of 1.56 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, in Clay County.

Inspection contact & relationship to permit holder, if applicable: **Michael Bottolfson, permit holder**

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) 103 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 78 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 25 feet
- 3) Static water level 22 feet

Pump:

- 1) Make Grundfos Submersible
- 2) Model _____
- 3) Size _____
- 4) Capacity 700 GPM

Motor:

- 1) Make Grundfos Submersible
- 2) Model No. 625S300-2aa
- 3) Horsepower rating 30 hp

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1220 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 700 GPM

Comments: Center pivot has a stop at the first tower that puts a bend in the system around the farm site.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2013.

List any extended period of nonuse: none

- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: East 2400', South 1340' from NW corner Sec 17-T92N-R52W; Lat 42.78993/Long -97.01360; SE ¼ NW ¼ Sec 17-T92N-R52W.
2. The works are capable of diverting and conveying to the place of use 1.56 cfs or 700 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
All land is located in Sec 17-T92N-R52W

<u>NE ¼ NW ¼ – 34 ac</u>	<u>NW ¼ NE ¼ – 23 ac</u>
<u>SE ¼ NW ¼ – 9 ac</u>	<u>SW ¼ NE ¼ – 24 ac</u>

comprising a total of 92 acres of land and the license should be issued for 1.56 cfs or 700 gpm.

3. All structures, wells and lands on map Yes

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

Two acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ are overlapped by Water Permit 7423-3.

Harold Holoch

Harold Holoch, PE
Engineer Water Rights Inspector
DENR, Water Rights Program

Date report completed: **March 10, 2016**

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Michael Bottolfson** File No. **7423-3 and 7519-3**
Address: **45944 Timber Rd., Vermillion, SD 57069** County: **Clay**
Date: **June 21, 2016** Telephone: **(605) 670-1830**
RE: **Licensing of Permit Nos. 7423-3 and 7519-3**

Comments:

Michael Bottolfson holds Permit Nos. 7423-3 and 7519-3 both located in Section 17-T92N-R52W and diverting water from the same water source but two separate wells. There are 11 acres that overlap between the two permits, 9 acres in the NE¼ NW¼ and 2 acres in the NW¼ NW¼, all in Section 17-T92N-R52W. A contiguous acreage document is needed for 7519-3 to cover acres in the NW¼ NW¼ and SE¼ NW¼ Section 17-T92N-R52W. The two permits will be licensed separately.

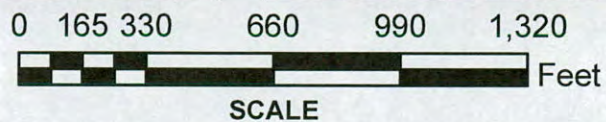
The permits authorize diversion rates greater than the statutory limit.

7423-3 priority date 11/26/2012	7519-3 priority date 1/21/2013
NE¼ NW¼ 13 acres	NW¼ NE¼ 23 acres
NW¼ NW¼ 30 acres	SW¼ NE¼ 24 acres
SW¼ NW¼ 38 acres	NE¼ NW¼ 34 acres
SE¼ NW¼ 14 acres	NW¼ NW¼ 2 acres
NE¼ SW¼ 8 acres	SE¼ NW¼ 9 acres
NE¼ SW¼ 8 acres	
Total = 111 acres	Total = 92 acres

7423-3 developed 1.56 cfs and 7519-3 developed 1.56 cfs, two separate center pivots and two separate wells.



Lynn Beck
Natural Resources Engineer III



Harold Holoch, PE
 Water Rights Inspector
 December 7, 2015

Licensing of Acreage Outside of Permitted Area

NAME: Michael Bottolfson

ADDRESS: 45944 Timber Rd., Vermillion, SD 57069

DATE: June 21, 2016 **COUNTY:** Clay **TELEPHONE:** (605)670-1830

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 92 acres as compared to 101 acres authorized by the permit. Licensing of the permit will result in no increase in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Yes. The acres authorized by 7519-3 are located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE all in 17-T92N-R52W. The contiguous acres are 9 acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2 acres located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ all in Section 17-T92N-R52W.

- **Owned by Same Property Owner**

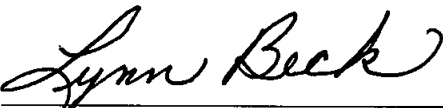
Yes

- **Developed Prior to Expiration of Construction Period**

Yes

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 11 acre area be included in the water license.

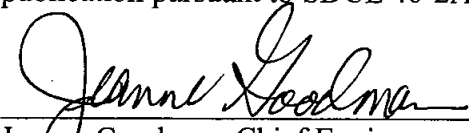


NAME

Lynn Beck, Natural Resources Engineer III
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 16 2016

7423-3
7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 570269

Dear Mr. Bottolfson:

Enclosed are Water License Nos. 7423-3 and 7519-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 7423-3 and 7519-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7519-3

(1) Michael Bottolfson, 45944 Timber Rd. Vermillion SD 57069 made Application No. 7519-3, November 1, 2012 for a water permit to divert 1.56 cubic feet of water per second (cfs) from one well-Missouri:Elk Point Aquifer, Clay County, South Dakota for irrigation purposes. Permit No. 7519-3, with a priority date of November 1, 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.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on September 30, 2013. The *Notice* stated the diversion system was completed on June 18, 2013 and the water placed to beneficial use on June 21, 2013.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 7519-3 is issued a license, bearing a priority date of November 1, 2012 to appropriate 1.56 cubic feet of water per second from one well-Missouri:Elk Point Aquifer to irrigate 92 acres.

The diversion point is located: 2,400 feet east and 1,340 feet south of the NW corner of Section 17-T92N-R52W (SE 1/4 NW 1/4). The acres authorized for irrigation are as follows:

Section 17-T92N-R52W	NW 1/4 NW 1/4	2 ac	NW 1/4 NE 1/4	23 ac
	NE 1/4 NW 1/4	34 ac	SW 1/4 NE 1/4	24 ac
	SE 1/4 NW 1/4	9 ac		
			Total -	92 ac

Eleven acres located in the N 1/2 NW 1/4 overlap irrigation authorized by Water Right No. 7423-3.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7519-3 including the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7519-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled by Hammond Wetmore Drilling LLC in May, 2013. A copy of the log is on file with the Water Rights Program.*
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7519-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 101 acres with an annual volume not to exceed 2 acre feet of water per acre per year. *Based on actual irrigation the number of acres is reduced to 92 acres.*
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

AUG 16 2016

date





1519-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: MICHAEL BOTTOLFSON, 45944 TIMBER RD, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7423-3 & 7519-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7423-3 & 7519-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 7423-3 & 7519-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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.



7519-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 15, 2017

7423-3
7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Sir:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 7423-3 and 7519-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



7519-3
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 25, 2019

NOTICE

TO: MICHAEL BOTTOLFSON, 45944 TIMBER RD, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7423-3 & 7519-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 7423-3 & 7519-3 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, 2019 at 10:30 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) 7423-3 & 7519-3 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, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

7519-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

7423-3
7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 7423-3 and 7519-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: MICHAEL BOTTOLFSON, 45944 TIMBER RD, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7423-3 & 7519-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 7423-3 & 7519-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7423-3 & 7519-3 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 3, 2021** 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://denr.sd.gov/iq> using this password: GRRNTV**

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 2021

7423-3

7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

I am writing to acknowledge receipt of the information for your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 7423-3 and 7519-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Genny McMath'.

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



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

January 20, 2022

NOTICE

TO: MICHAEL BOTTOLFFSON, 45944 TIMBER RD, VERMILLION, SD 57069
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) 7423-3 & 7519-3. 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) 7423-3 & 7519-3 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) 7423-3 & 7519-3 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: UBVEEX**

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.



7519-3
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2022

7423-3
7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 7423-3 and 7519-3. The information was received in our office prior to the Water Management Board meeting and was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

January 19, 2024

NOTICE

TO: MICHAEL BOTTOLFSON, 45944 TIMBER RD, VERMILLION, SD 57069

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) 7423-3 & 7519-3. 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) 7423-3 & 7519-3 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) 7423-3 & 7519-3 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: JZQZOZ**

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 21, 2024

7423-3

7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

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). 7423-3 & 7519-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have 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: MICHAEL BOTTOLFSON, 45944 TIMBER RD, VERMILLION, SD 57069

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) 7423-3 & 7519-3. 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) 7423-3 & 7519-3 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) 7423-3 & 7519-3 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: ENNYBV**

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 11, 2025

7423-3
7519-3

Michael Bottolfson
45944 Timber Rd
Vermillion SD 57069

Dear Mr. Bottolfson:

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). 7423-3 & 7519-3. 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