

WATER PERMIT NO. 7528-3

Name of Applicant: Justin VandeWeerd

Address: 46659 205th St, Bruce SD 57220

Phone: 605 690-4556

Amount of Water Claimed: 1.8 cfs

Total Acres: 126

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Brookings

Type of Waste Disposal System:

Location: 1 miles southeast of Bruce

PRIORITY

Date Received: 11-1-12

Application/License Fee: \$ 1050

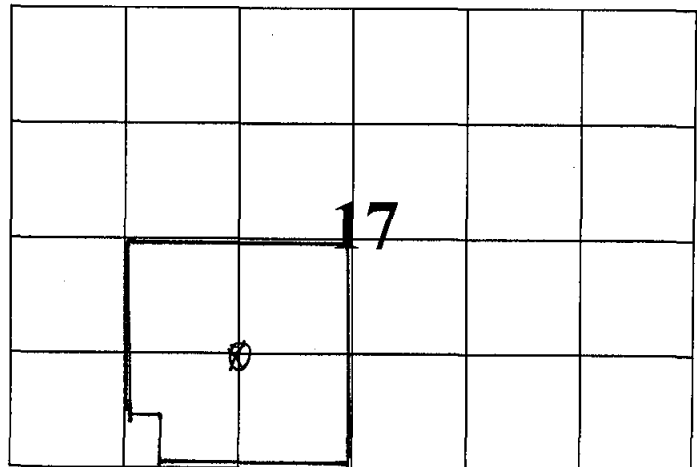
Corrected Application Received: 11/26/12 Period of Annual Use: May 1 – October 30

Remarks:

Diversion Point: approximate center of SW 1/4

Sec 17-T111N-R50W

Land to be Irrigated: SW 1/4 Sec 17-T111N-R50W



Depth of Well: 75 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-26-2012

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

RECEIVED

NOV 15 2012

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7528-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Brookings Register Box 177</u> <u>57006</u>
	<u>605-692-6271</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 to Appear on Irrigation Permit Justin VandeWeerd
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)
- Mailing Address 46659 205th St. Bruce SD 57220
(Address) (City) (State) (Zip Code)
- Home Phone 605 690-4556 Cell _____ Email _____
2. Amount of water claimed 1.8 *CFS or **GPM ***AF Total Acreage 126
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply well
4. Location of point of diversion 1000' north 40° east of the SW corner of
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Sec 17 T111N R50W (approximate center SW1/4) County Brookings
5. County or counties where water will be used Brookings
6. Annual period during which water is to be used May 1 - Sept 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 of the SW 1/4 of Sec 17 T111N R50W	34		
NE 1/4 of the SW 1/4	34		
SW 1/4 of the SW 1/4	26		
SE 1/4 of the SW 1/4	32		

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

I, Justin VandeWeerd, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7528-3**

Date of first receipt of application November 15, 2012.

Date of return to applicant for corrections, amendments or changes November 20, 2012.

Date of receipt of corrected application November 26, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7528-3 to Justin VandeWeerd, 46659 205th St, Bruce SD 57220 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. 7528-3 appropriates 1.8 cubic feet of water per second from one well to be completed into the Big Sioux:North Deer Creek Aquifer (75 feet deep) located in approximate center of the SW 1/4 Section 17 for irrigation of 126 acres located in the SW 1/4 Section 17; all in T111N-R50W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is November 15, 2012.
4. The date of approval of Permit No. 7528-3 is February 11, 2013.
5. One-fifth of the construction is to be completed on or before August 11, 2015.
6. All construction is to be completed on or before February 11, 2018.
7. Water is to be put to beneficial use on or before February 11, 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. 7528-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

MAR 28 2013

date



Supplemental Information

(type or print)

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

- a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Ed Lacy
- c) Well Depth 75' Depth to Top of Water Bearing Material 35' Depth to Water from Surface 40'
- d) Distance to nearest existing domestic well:

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

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

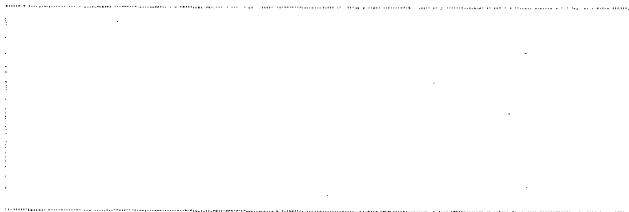
3. Dugout Information

- 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



Data use subject to license.

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www.delorme.com

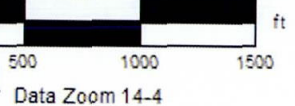
Sec 17 T110 - 50R

MN (3.4° E)

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NOV 26 2012

WATER RIGHTS
PROGRAM



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 15, 20 12

RECEIVED OF I.I. Enterprises, 46659 205th St., Bruce SD 57220

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

Fee for Application for Permit No. <u>7528-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7528-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050.00

No. 05689

By Harland Erbeley
Chief Engineer 1/15



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NOV 26 2012
WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 20, 2012

RE: Application for Justin VandeWeerd

Dave Gullickson
Farmers Implement and Irrigation
E Hwy 14 Bypass
Brookings SD 57006

Dear Dave:

On November 15th, we received an *Application for a Permit to Appropriate Water* for irrigation for Justin VanderWeerd in Brookings County. This is a reminder that based on our phone conversation last week, you were going to prepare an aerial photo map for this application. Enclosed is a copy of the application.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure



**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. 7528-3, Justin VandeWeerd**

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. 7528-3, Justin VandeWeerd, 46659 205th Street, Bruce SD 57220.

The Chief Engineer is recommending APPROVAL of Application No. 7528-3 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. 7528-3 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 ON WATER PERMIT APPLICATION NO. 7528-3

Justin Vande Weerd

January 11, 2013

Application No. 7528-3, Justin Vande Weerd, proposes to appropriate 252 acre-feet of water at a maximum diversion rate of 1.8 cubic feet of water per second from one well to be completed into the Big Sioux: North Deer Creek aquifer (75 feet deep) located in approximate center of the SW 1/4 Section 17 for irrigation of 126 acres located in the SW 1/4 Section 17; all in T111N-R50W. This project is located approximately 2 miles southeast of the town of Bruce in Brookings County.

AQUIFER: North Deer Creek management unit of the Big Sioux aquifer (BS:NDC)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Big Sioux aquifer is an alluvium mantled glacial outwash deposit that consists of "well-sorted, very permeable glacial outwash sand and gravel, mostly medium to very coarse sand and very fine to medium gravel" (Hamilton, 1989). The aquifer is located primarily in the flood plain of the Big Sioux River and its tributaries. The North Deer Creek management unit of the Big Sioux aquifer is in the north central portion of Brookings County. The Big Sioux: North Deer Creek underlies approximately 5,700 acres of Brookings County (Hedges and others, 1982). No test hole well completion reports were submitted with this application. Well logs for observation wells in the immediate vicinity identify sand, pebbles and gravels from 4-54 feet below grade near the proposed well location.

SDCL 46-2A-9

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

WATER AVAILABILITY:

This application proposes to appropriate 252 acre-feet annually from the Big Sioux: North Deer Creek aquifer. The actual water use if this application is approved will likely be less than the appropriation. The probability of unappropriated water available from the 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 Big Sioux: North Deer Creek occurs through infiltration and percolation of precipitation falling on the surface of the outwash. Since the aquifer is hydraulically connected to surface water recharge is also provided to the aquifer during times of high runoff when surface water levels are higher than groundwater levels. Recharge rates calculated for this management unit of the Big Sioux aquifer is estimated to be in the range of "2.7-5.6 in/yr" (Hedges and others, 1985). Given the estimated area of the management unit of 5,700 acres in Brookings County, average annual recharge to the aquifer is estimated to range from 1,283 to 2,660 acre-

feet per year with the total amount of recoverable water of 6,840 acre-feet (Hedges and others, 1982).

Discharge:

Discharge from the Big Sioux: North Deer Creek aquifer is by evapotranspiration, discharge to streams and withdrawal from wells. There are a number of completion reports on file with the DENR-Water Rights Program for domestic use wells completed into the Big Sioux: North Deer Creek aquifer (Water Rights, 2013b) and there are currently five Water Rights/Permits appropriating water from the Big Sioux: North Deer Creek aquifer, all for irrigation use. Under current appropriations the well withdrawals are estimated to be less than the appropriated 2,568 ac-ft/yr, shown in Figure 1, which displays the reported irrigation water use from the Big Sioux: North Deer Creek aquifer.

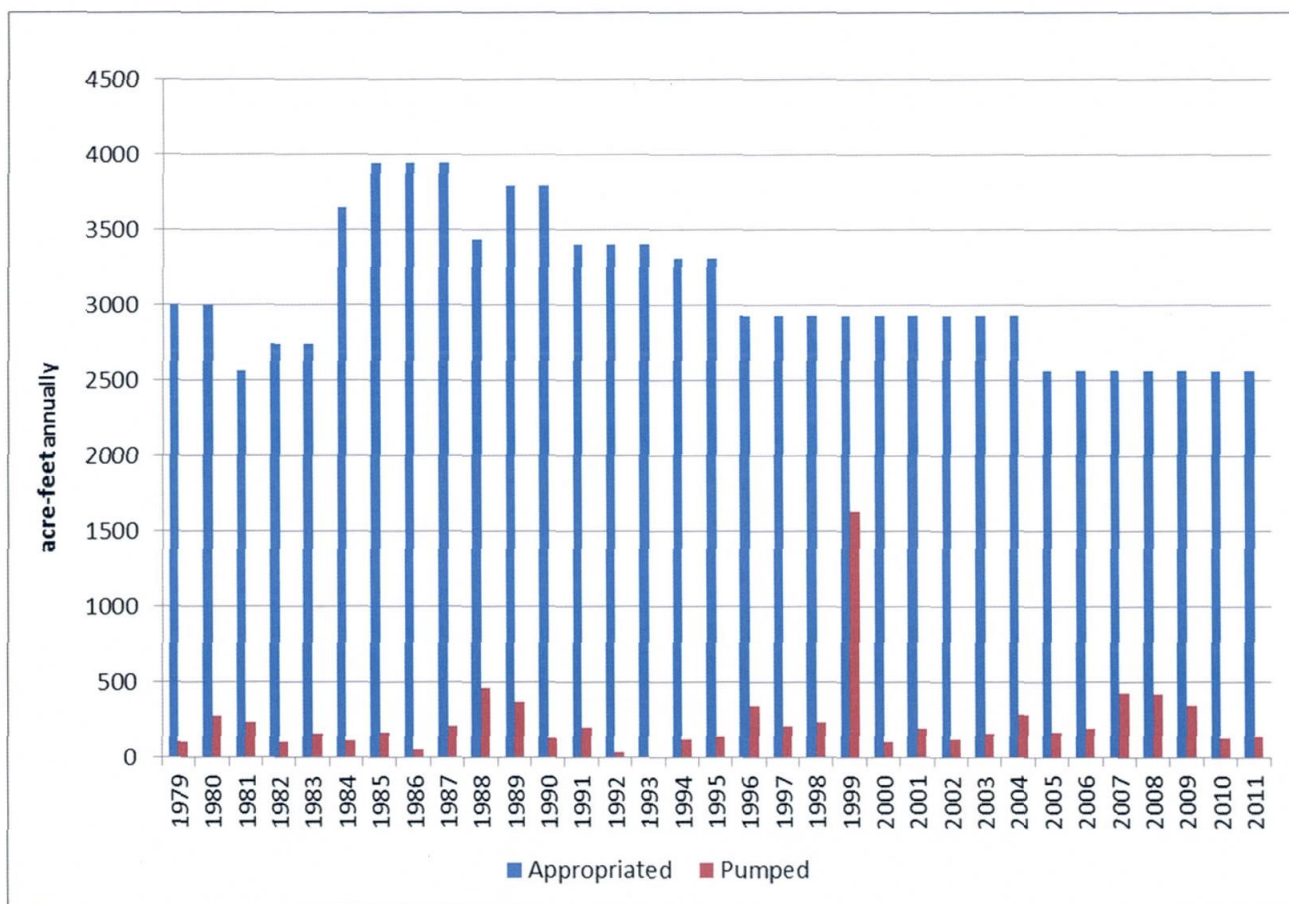


Figure 1. Historic irrigation use from the Big Sioux: North Deer Creek aquifer (Water Rights, 1979-2011)

Comparison of the estimated average annual withdrawal from the Big Sioux: North Deer Creek aquifer with the estimated average annual recharge for the aquifer in Brookings County indicates that the average annual withdrawal to the aquifer does not exceed the average annual recharge to the aquifer and unappropriated water is available from the Big Sioux: North Deer Creek aquifer. Specifically, unappropriated water is available for the 252 acre-feet appropriation proposed by this application.

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 to the aquifer”.

The DENR-Water Rights Program monitors six observation wells completed into the North Deer Creek management unit of the Big Sioux aquifer. Four of these observation wells are located within approximately 2.5 miles of the well site proposed by this application. Hydrographs for these observation wells are shown below, Figures 2-5.

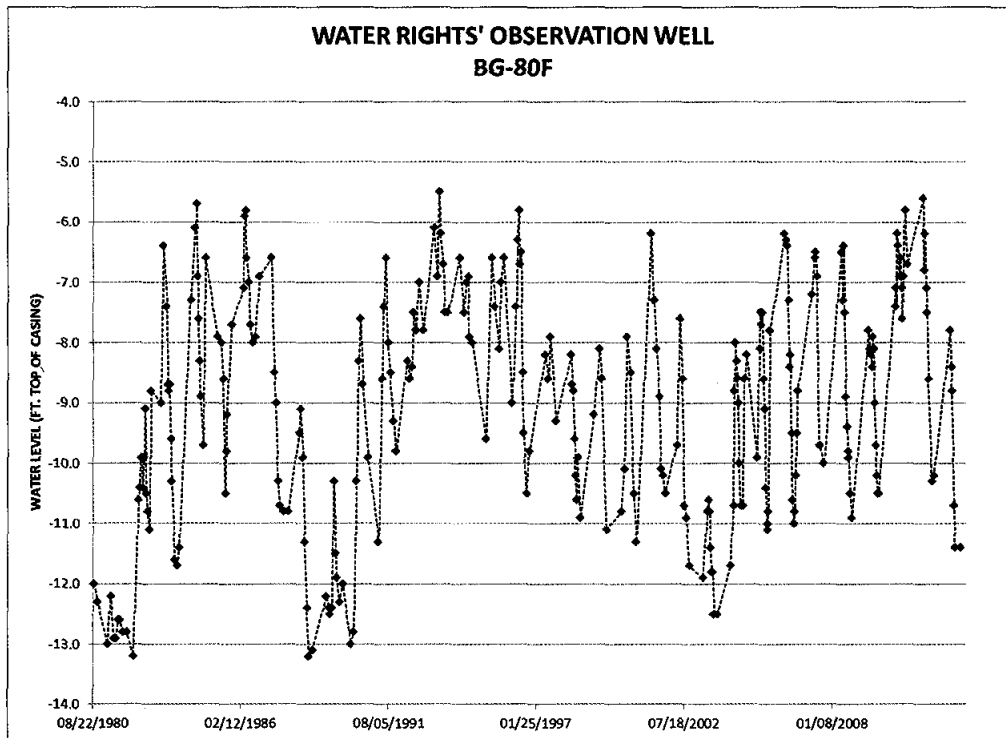


Figure 2. - Hydrograph of DENR-Water Rights' observation well BG-80F (Water Rights, 2013a)

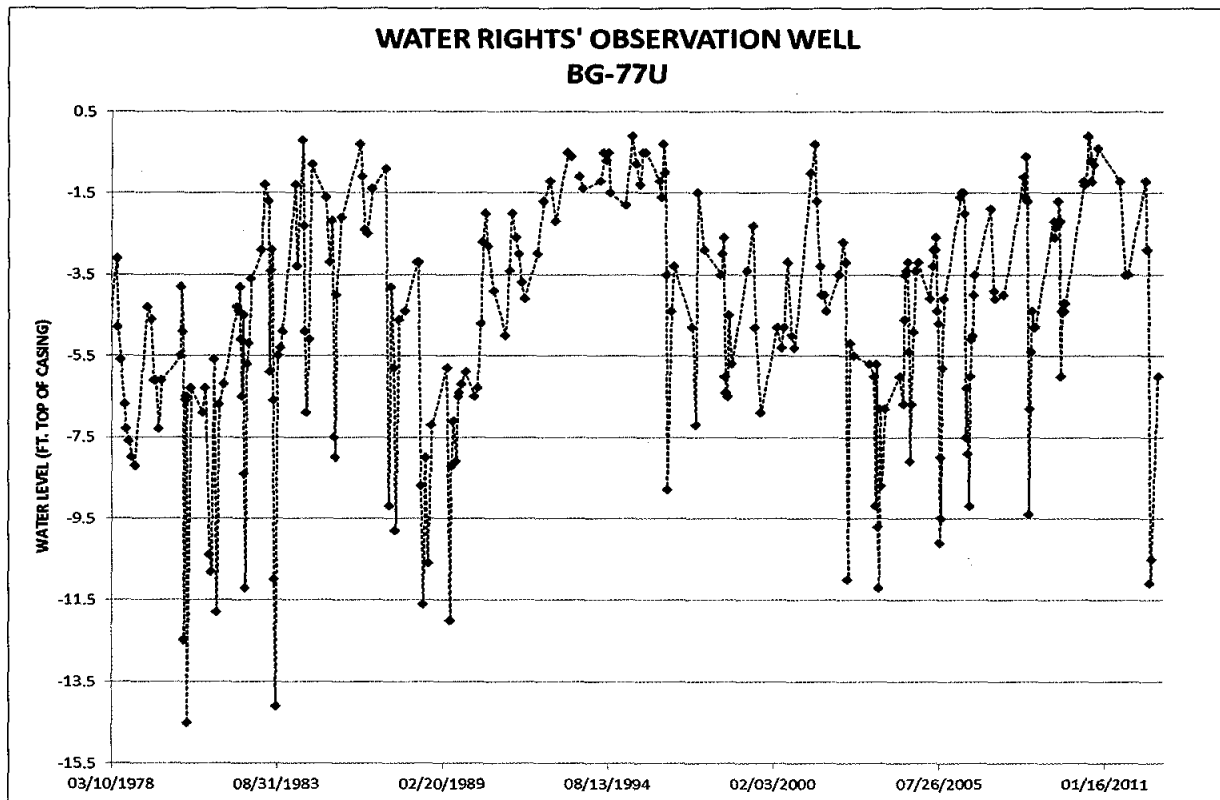


Figure3 - Hydrograph of DENR-Water Rights' observation well BG-77U (Water Rights, 2013a)

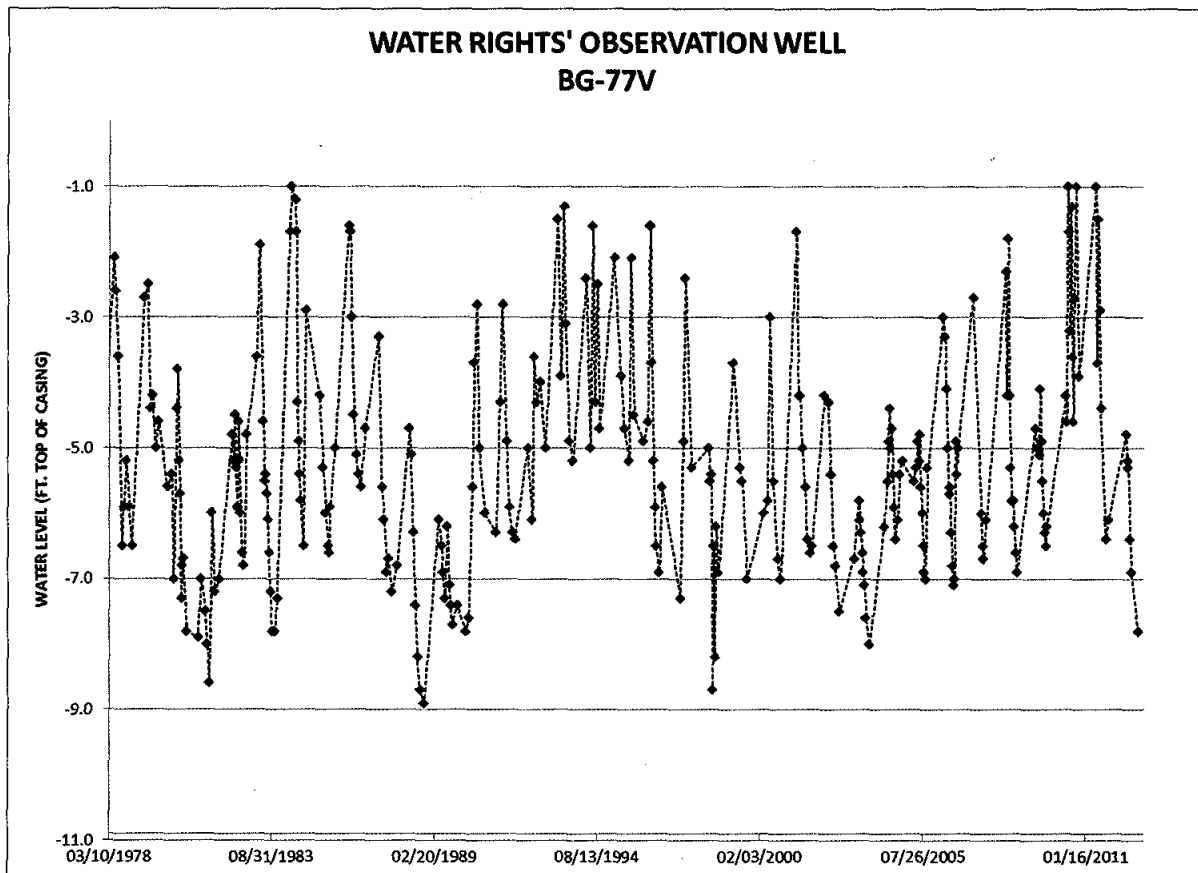


Figure 4 - Hydrograph of DENR-Water Rights' observation well BG-77V (Water Rights, 2013a)

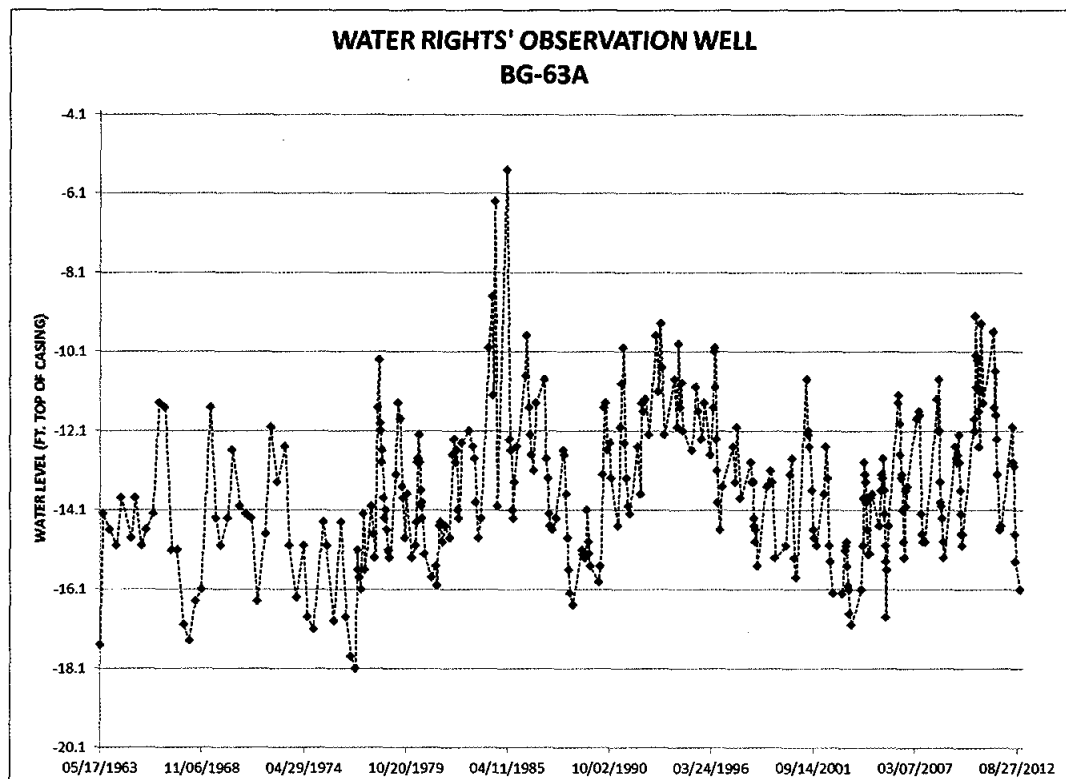


Figure 5 - Hydrograph of DENR-Water Rights' observation well BG-63A (Water Rights, 2013a)

The observation well data shows the aquifer responds well to climatic conditions with rising water levels during wet years and gradually declining water levels during dry years. The water level data verifies that over the period of record, withdrawals have not exceeded recharge. 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 Big Sioux: North Deer Creek 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 this appropriation.

EXISTING WATER RIGHTS:

The well sites proposed by this application are located in a portion of the Big Sioux: North Deer Creek aquifer that extends east of the Big Sioux River. There are five existing water rights/permits appropriating water from the Big Sioux: North Deer Creek aquifer. There are two water rights/permits authorizing wells and a number of domestic wells are on file with the SD DENR- Water Rights program within two miles of the proposed well location and from the Big Sioux: North Deer Creek. Table 2 lists these existing rights with Nos. 2124-3 and 4252-3 being the nearest, within approximately 0.5 miles.

PERMIT_NO	NAME	STATUS	CFS	ACRES
2124-3	JOHANNA WALLINGA	LC	1.800	126
3348A-3	CHARLES RANG	LC	1.670	120
4252-3	VANDE WEERD FARMS	LC	3.120	267
4981-3	JERALD A PETERSON	LC	2.100	147
5010-3	RED WILLOW	LC	6.900	483

Table 2 – Water Rights from of the Big Sioux: North Deer Creek aquifer (Water Rights, 2013c)

It should be noted that No. 2124-3 is authorized to irrigate the same land as the project proposed by this application. A review of the Water Rights Program files identifies that in 1994 the property owner at the time said she had sold the irrigation system several years prior and agreed the water right could be cancelled; cancelation of Water Right 2124-3 was never pursued by this office (Water Rights, 1980-2011). It is recommended that Water Right No. 2124-3 be cancelled due to abandonment or forfeiture.

Since the Big Sioux: North Deer Creek is under unconfined conditions with a relatively high transmissivity, drawdown is not expected to be significant beyond a few hundred feet from the production well. If approved, withdrawals from the well proposed by this application will not be expected to adversely impair existing water rights.

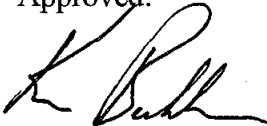
CONCLUSIONS:

1. This application proposes to appropriate up to 252 acre-feet annually from the Big Sioux: North Deer Creek aquifer.
2. There is a reasonable probability that unappropriated water is available from the Big Sioux: North Deer Creek aquifer to satisfy this proposed appropriation.
3. Withdrawals from the Big Sioux: North Deer Creek the well proposed by this application will not be expected to adversely impair existing water rights.
4. It would be recommended that Water Right No. 2124-3, authorizing irrigation of the same land as this application, be cancelled due to abandonment or forfeiture.



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

Approved:



Ken Buhler
Natural Resources Engineer
SD DENR-Water Rights Program

REFERENCES:

- Hamilton, L.J. 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 88-4185, 82 p.
- 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., 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; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Water Rights, 1980-2011, Irrigation Questioner Summaries 1980-2011, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013b, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013c, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

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FEB 13 2013

Affidavit of Publication

State of South Dakota

WATER RIGHTS
PROGRAM

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10/

County of Brookings

Chaylee Duis of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Leg#959 Notice on App -#7525-3 -VandeWeerd

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

February 1, 2013

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or 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; that the fees charged for the publication thereof are:

twenty-two dollars and sixty-nine cents \$22.69



Laura Johnson

4th day of

February

2013

Chaylee Duis

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires August 3, 2017.

Legal 959, 1x, 2/1
NOTICE OF APPLICATION NO. 7525-3 to Appropriate Water
Notice is given that Justin VandeWeerd, 46659 205th St, Bruce SD 57220 has filed an application for a water permit to appropriate 1.8 cubic feet of water per second from one well to be completed into the Big Sioux North Deer Creek Aquifer (75 feet deep) located in approximate center of the SW 1/4 Section 17 for irrigation of 126 acres located in the SW 1/4 Section 17; all in T111N-R50W.
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7525-3 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 action 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 February 11, 2013. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$22.69.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2013

Brookings Register
PO Box 177
Brookings SD 57006

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7528-3 to Appropriate Water. Please publish the notice once on February 1, 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 Justin Vande Weerd, 46659 205th St., Bruce SD 57220 (Ph # 605-690-4556).

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

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 25, 2013

Justin Vande Weerd
46659 205th St
Bruce SD 57220

Dear Mr. Vande Weerd:

Water Permit Application No. 7528-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Brookings Register printed at Brookings SD (Ph # 605-692-6271). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on February 1, 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. 7528-3 to Appropriate Water

Notice is given that Justin VandeWeerd, 46659 205th St, Bruce SD 57220 has filed an application for a water permit to appropriate 1.8 cubic feet of water per second from one well to be completed into the Big Sioux:North Deer Creek Aquifer (75 feet deep) located in approximate center of the SW 1/4 Section 17 for irrigation of 126 acres located in the SW 1/4 Section 17; all in T111N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7528-3 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 February 11, 2013.

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

Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

MAR 28 2013

Justin VandeWeerd
46659 205th St
Bruce SD 57220

Dear Mr. VandeWeerd:

Enclosed is Water Permit No. 7528-3 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

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate ~~4-2-13~~ 7-28-13TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Justin Vande Weerd

(name)

46659 205 st

(address)

Brule SD 57220

(city, state, zip)

605-690-4556

(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. 7528-3 states that the water use system is to be constructed by

5-1-13

(date)

, and water is to be put to beneficial use by 6-1-13

(date)

The water use system was completed on 7-28-13

(date)

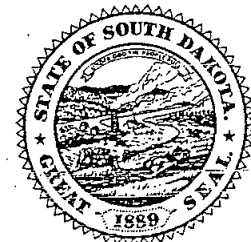
Applying the water to beneficial use was completed on 7-28-13

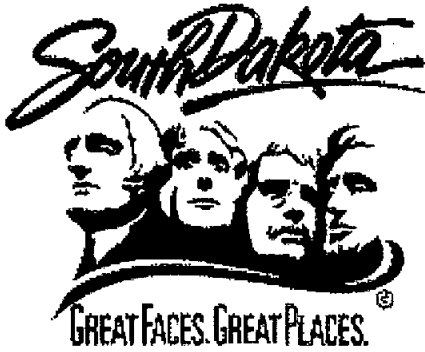
(date)

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

Justin Vande Weerd

(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 1, 2013

7528-3

Justin Vande Weerd
46659 205th St
Bruce SD 57720

Dear Mr. Vande Weerd:

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".

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. 7528-3

I have this day, 28 October 2014, made a thorough examination of the water use system constructed by Justin VandeWeerd, 46659 205th St., Bruce, SD 57220 holder of Permit No. 7528-3, bearing the priority of 15 November 2012 authorizing the diversion of 1.8 cu. ft. per second of the waters of the Big Sioux: North Deer Creek aquifer for irrigation purposes, in Brookings County.

Inspection contact & relationship to permit holder, if applicable: **Justin VandeWeerd, owner**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: unknown
- 2) No. of Wells one
- 3) Depth(s) ≈75 feet
- 4) Well log is available No If no, explain in comments

Comments: **Old well on property at time of purchase, driller unknown**

Casing:

- 1) Diameter unknown inches
- 2) Length unknown feet
- 3) Type unknown

Screen:

- 1) Type unknown
- 2) Length unknown feet
- 3) Static water level unknown feet

Pump:

- 1) Make Western Land Roller
- 2) Model 10 CM with ½ BH impeller
- 3) Size 10-inch
- 4) Capacity 800 GPM

Motor:

- 1) Make Cummins Diesel
- 2) Model No. 5.9 liter
- 3) Horsepower rating 150 hp

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

- 1) Type PVC 2) Size 8 inches 3) Length 720 feet

Comments: **buried**

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
2) Overall length 1298 feet
3) Number of towers 10
4) End gun Nelson 100
5) Capacity 800 GPM

Chemigation Equipment:

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

Comments: **na**

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes

If no, describe: **na**

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

List any extended period of nonuse: **na**

- 3) Exceptions to compliance are: none

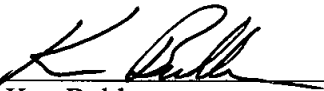
E. Condition and Location:

Report of Examination of Works

Permit No. 7528-3

1. The system is in **good** condition with the point of diversion located as follows: SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T111N-R50W (840 feet north and 720 feet east of the SW corner of Section 17, T111N-R50W (Lat/Lon: 44.41579/-96.86530))
2. The works are capable of diverting and conveying to the place of use **1.78** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T111N-R50W: 34.0 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T111N-R50W: 33.4 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T111N-R50W: 23.1 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T111N-R50W: 31.8 acres
comprising a total of **122.3** acres of land and the license should be issued for **1.78** cfs.
1.75 max allowable
3. All structures, wells and lands on map **Yes**
If no, describe: **na**

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



Ken Buhler
DENR, Water Rights Program

Date report completed: **22 November 2014**

No. 7528-3

NW 1/4 SW 1/4

NE 1/4 SW 1/4

33.4 acres

34.0 acres

10.6 acres

31.8 acres

SW 1/4 SW 1/4

12.5 acres

SE 1/4 SW 1/4

840'

720'

SW corner of Section 17, T111N-R50W



660

330

0

660 Feet

Legend

----- Buried 8-inch PVC

Section Boundaries - PLSS

Center Pivot

Well

Irrigated acreage



kb
22 Nov 2014



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

FEB 17 2015

7528-3

Justin Vande Weerd
46659 205th St
Bruce SD 57220

Dear Mr. Vande Weerd:

Enclosed is Water License No. 7528-3. 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 well authorized by Water Right No. 7528-3, 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,

A handwritten signature in cursive script that reads "Jeanne Goodman".

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7528-3

(1) Justin Vande Weerd, 46659 205th St, Bruce SD 57220 made Application No. 7528-3, November 15, 2012 for a water permit to divert 1.80 cubic feet of water per second from ground water (one well – Big Sioux North Deer Creek Aquifer), Brookings County, South Dakota for irrigation purposes. Permit No. 7528-3, with a priority date of November 15, 2012 was approved February 11, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 11, 2018 and for the application to beneficial use of said water on or before February 11, 2022.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on August 1, 2013. The "*Notice*" stated the water use system was completed and water placed to beneficial use on July 28, 2013.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.75 cubic feet of water per second for beneficial use. The location of the diversion point is 840 feet N and 720 feet E of the SW corner of Section 17, T111N, R50W (SW ¼ SW ¼).

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

T111N, R50W Section 17	NE ¼ SW ¼	34.0 acres
	NW ¼ SW ¼	33.4 acres
	SW ¼ SW ¼	23.1 acres
	SE ¼ SW ¼	31.8 acres
	Total	122.3 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Justin Vande Weerd, 46659 205th St, Bruce SD 57220 the holder and/or owner of Water Right No. 7528-3 is issued a license to appropriate water, the right to use 1.75 cubic feet of water per second from ground water (one well – Big Sioux North Deer Creek Aquifer) with a priority date of November 15, 2012 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7528-3 and subject to the following qualifications:

- 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.
- The well authorized by Permit No. 7528-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Jeanne Goodman

Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

FEB 17 2015

date



7528-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 27 2021

7528-3
8495-3

Justin Vande Weerd
46659 205th St
Bruce SD 57220

Dear Mr. Vande Weerd:

Enclosed is Water License No. 8495-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 7528-3 were incorporated into Water License No. 8495-3.