

WATER PERMIT NO. 7613-3

Name of Applicant: Paul & Dean Gustad

Address: 30491 447th Ave, Volin SD 57072 Phone: 605 6604173

Amount of Water Claimed: 1.67 Total Acres: no add'l

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 5 miles west of Volin

PRIORITY Date Received: 1-4-13 Application/License Fee: \$ 500

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

Remarks: additional well to irrigate acreage authorized by Water Permit No. 7246-3

Diversion Point: NW 1/4 NW 1/4 Sec 17-T94N-R54W

Land to be Irrigated: NE 1/4 Sec 18-T94N-54W

Depth of Well: 150 feet deep

Well Driller:

Remarks:

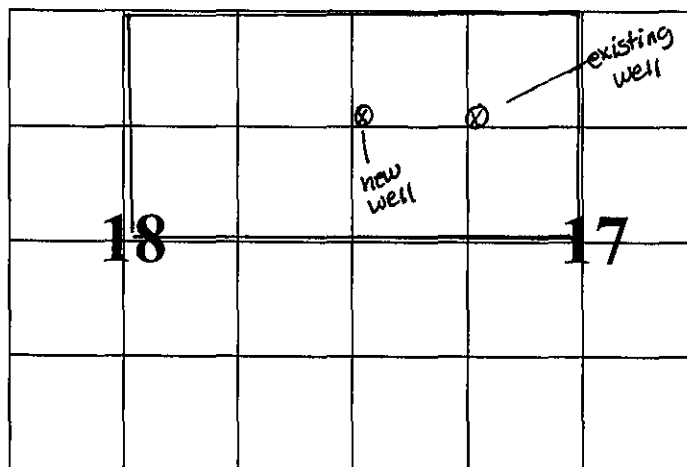
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-8-13

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>7613-3</u>	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Press & Dakotan</u> <u>319 Walnut</u> <u>Yankton 57078</u> <u>605-665-7811</u>	

RECEIVED

JAN - 4 2013

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 7246-3

(Use predates Mar 2, 1955)

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

add a new well to supply water to the pivot in section 18
on map form # 60621. Name to Appear on Irrigation Permit Paul & Dean Gustaf(check one) ☐ Owner ☒ Tenant/lessee ☐ Owner's Legal Agent30491 447th Ave Volin 57072
(name and complete address if different than above name)

Mailing Address

(Address)

(City)

(State)

(Zip Code)

Home Phone 605-267-2235 Cell 605-660-4173 Email rpmunlimited@iw.net2. Amount of water claimed 1.67*CFS or 750**GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable3. Source of water supply Well ground water4. Location of point of diversion sec 17 T-94-N R-54-W NW 40 of the
NW 1/4 (NW 1/4 NW 1/4) County Yankton
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)5. County or counties where water will be used Yankton6. Annual period during which water is to be used April 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
<u>NE 40 of the NE 1/4 sec 18</u>			
<u>SW 40 of the NE 1/4 sec 18</u>			
<u>SE 40 of the NE 1/4 sec 18</u>			
<u>NW 40 of the NE 1/4 sec 18</u>			

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

Ag use irrigation of corn, soybeans, alfalfa
center pivot systemI, Jeannie Gustaf, 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. 7613-3**

Date of first receipt of application January 4, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7613-3 to Paul & Dean Gustad, 30491 447th Ave, Volin SD 57072 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. 7613-3 appropriates an additional 1.67 cubic feet of water per second (cfs) from an additional well to irrigate acres authorized by Water Permit No. 7246-3. Water Permit No. 7246-3 authorizes 1.78 cfs from one well located in the NE 1/4 NW 1/4 Section 17 for irrigation of 320 acres located in the NW 1/4 Section 17 and NE 1/4 Section 18; all in T94N-R54W. This permit appropriates 1.67 cfs from an additional well to be completed into the Missouri:Elk Point Aquifer (150 feet deep) located in the NW 1/4 NW 1/4 Section 17 to irrigate the authorized 160 acres located in the NE 1/4 Section 18; all in T94N-R54W. This will allow both pivots to run simultaneously.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is January 4, 2013.
4. The date of approval of Permit No. 7613-3 is March 25, 2013.
5. One-fifth of the construction is to be completed on or before September 25, 2015.
6. All construction is to be completed on or before March 25, 2018.
7. Water is to be put to beneficial use on or before March 25, 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 Permit No. 7246-3 and this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 7613-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 20 2013

date



Supplemental Information

(type or print)

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

- a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____
- c) Well Depth 150 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others 1/2 mile

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

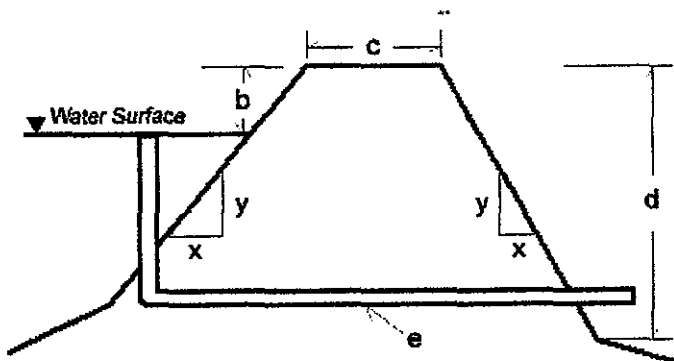
3. Dugout Information

- 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: 18_94N_54W
Farm: 6067

Yankton County, SD
1:8,528



June 26, 2012

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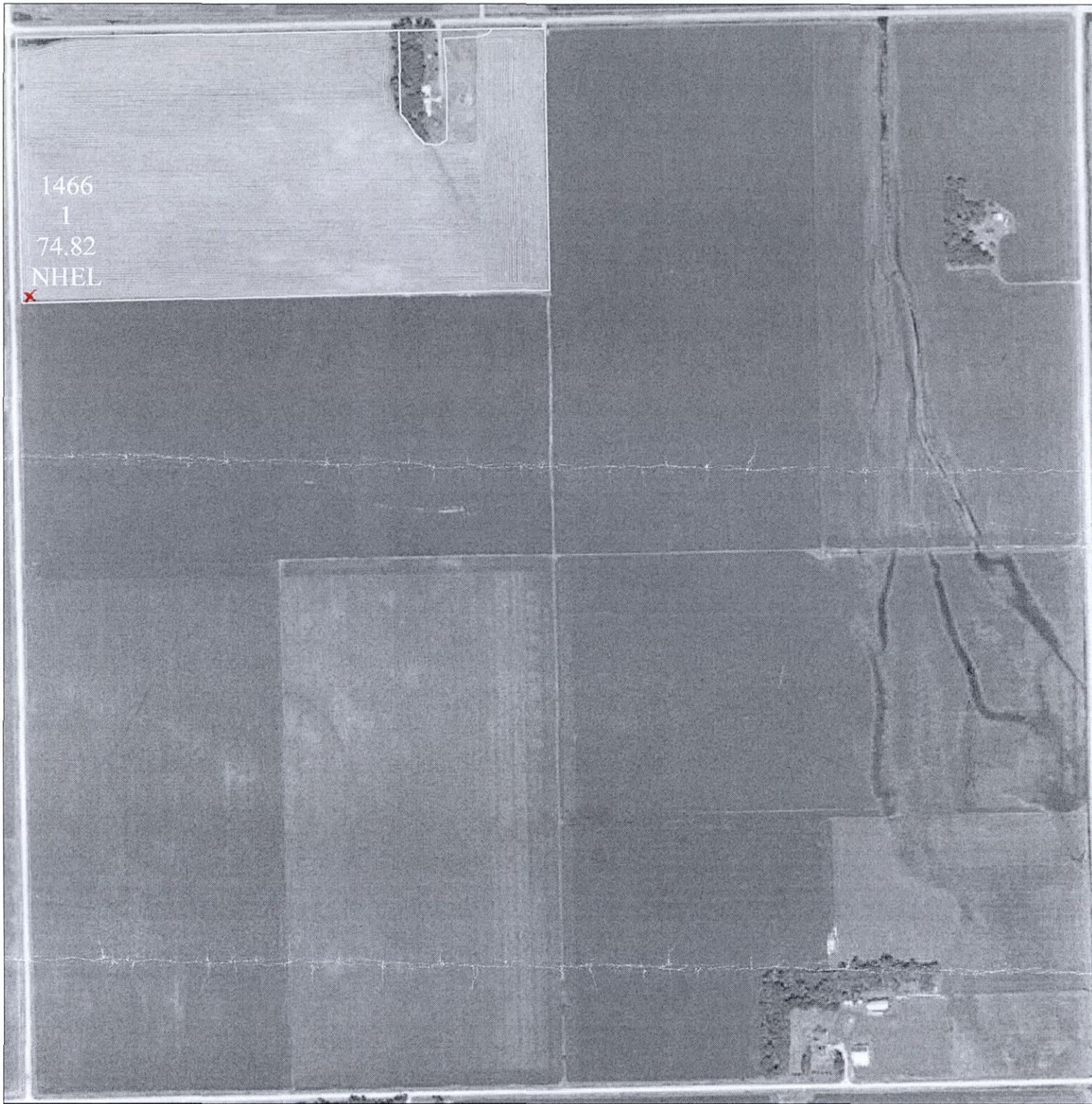
JAN - 4 2013

**WATER RIGHTS
PROGRAM**

2013

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.

Vicki Swensen
Yankton County FSA Program Tech
11-27-2012



1466
1
74.82
NHSL



United States Department of Agriculture
Farm Service Agency

February 14, 2011

PLSS: 17_94_54
Farm: 6127

Yankton County, SD

1:7,624



Wetland Determination Identifiers

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

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Common Land Units

**WATER RIGHTS
PROGRAM**

2013

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.

*Vicki Swanson
Yankton County FSA Program Tech
11-27-2012*

2010 Ortho-Photography - Not to Scale

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/8, 20 13

RECEIVED OF RPM Partnership 30393 447th Ave Volin SD 57072

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

Fee for Application for Permit No. <u>7613-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
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	500 00

No. **05915**

By

David Erbe
Chief Engineer

Water Rights Program - File Documentation

NAME: Paul Gustad

ADDRESS: 30491 447th Ave, Volin SD 57072

DATE: 1-8-13 **COUNTY:** YA **TELEPHONE:** 605 660 4173

RE: Pending applications

COMMENTS:

I called Paul Gustad to clarify the names and address on his two pending applications and the proposed well depths.

- Application for the additional well to irrigate lands authorized by Water Permit No. 7246-3, should be listed as Paul & Dean Gustad and the address above. The proposed well depth should be 150 feet deep. The existing well is 102 feet deep. The driller wanted to go deeper but hit a rock.
- Application to irrigate the E 1/2 NE 1/4 Section 27 and the W 1/2 NW 1/4 Section 26, should be listed as Paul & Dean Gustad and the address above. The proposed well depth should be 120 feet deep.

Karen Schlaak
Karen Schlaak
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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7613-3, Paul and Dean Gustad**

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. 7613-3, Paul and Dean Gustad, 30491 447th Avenue, Volin SD 57072.

The Chief Engineer is recommending APPROVAL of Application No. 7613-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The wells approved under Permit No. 7246-3 and this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 7613-3 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
March 4, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7613-3
PAUL AND DEAN GUSTAD
FEBRUARY 20, 2013

Water Permit Application No. 7613-3 proposes to increase the diversion rate authorized by Water Permit No. 7246-3 and adds a new diversion point. Water Permit No. 7246-3 appropriates up to 640 acre-feet per year at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well 102 feet deep, completed into the Missouri: Elk Point aquifer. The proposed well is expected to be approximately 150 feet deep, will be located in the southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, T94N-R54W and will be used to irrigate the NE $\frac{1}{4}$ of Section 18, T94N-R54W all in Yankton County. The application proposes to increase the diversion rate by 1.67 cfs. If approved, this application combined with Water Permit No. 7246-3 will authorize a total diversion of 3.45 cfs for irrigation of 320 acres from two wells. No additional volume of water is requested by this application and the diversion rate is below the statutory limit of 1.0 cfs per 70 acres. This application would allow the applicant to simultaneously irrigate two 160 acre quarter sections located in the NW $\frac{1}{4}$ of Section 17 and the NE $\frac{1}{4}$ of Section 18, T94N-R54W all in Yankton County.

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

GEOLOGY AND AQUIFER CHARACTERISTICS:

Bugliosi (1986) refers to the Elk Point management unit of the Missouri aquifer as the southern portion of the Lower James- Missouri aquifer. For water management purposes, the Water Management Board and the SD DENR-Water Rights Program refer to this aquifer as the Missouri: Elk Point. The aquifer is an alluvium mantled glacial outwash composed of fine sand to coarse gravel material (Bugliosi, 1986). The aquifer generally lies below the flood plain of the Missouri River, lies directly over and is hydraulically connected to the Dakota aquifer, and is hydraulically connected to the Lower James Missouri and the Lower Vermillion Missouri aquifer as well as the Missouri and Vermillion Rivers (Bugliosi, 1986). The aquifer can be under either water-table or artesian conditions, but is under water-table conditions in the area of this application. The Elk Point management unit of the Missouri aquifer encompasses regions of Clay, Union, and Yankton Counties. The Missouri: Elk Point aquifer underlies approximately 45,000 acres of Yankton County alone and contains an estimated 675,000 acre-feet of recoverable water in storage in the county (Hedges and others, 1982). The saturated thickness of the aquifer in Yankton County has a range of approximately 50-150 feet (Bugliosi, 1986). The transmissivity of the aquifer ranges from 20,700 to 24,700 square feet per day (ft^2/d) (Bugliosi, 1986). The specific capacity of the aquifer ranges from approximately 124 to 173 gallons per minute per foot ($(\text{gal}/\text{min})/\text{ft}$) (Bugliosi, 1986). Nearby well logs show an average saturated thickness of 75 feet as shown in Table 1 (Water Rights 2013a and 2013b).

Well Log Description	Saturated Thickness (ft)
Observation Well YA-78 F	68
Observation Well YA-80JA	90
Water Permit 6752-3	89
Water Permit 6916-3	99
Water Permit 7134-3	46
Water Permit 7246-3	60

Table 1. Saturated thickness for nearby observation wells and lithologic logs (Water Rights, 2013a).

SDCL 46-2A-9

In accordance with SDCL 46-2A-9, a permit may be issued to appropriate water 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 review the availability of unappropriated water and existing rights within the Missouri: Elk Point aquifer.

WATER AVAILABILITY:

This application proposes to increase the diversion rate authorized by Water Permit No. 7246-3. This application does not request an increase in the total volume of water appropriated; therefore water availability is not an issue.

EXISTING WATER RIGHTS:

There are 16 water rights/permits authorizing wells and three domestic wells on file with the SD-DENR Water Right Program within approximately one and a half miles of the well site proposed by this application (Water Rights, 2013a and 2013b). The water rights/permits are listed in Table 2.

Permit No.	Name	Status	Type	CFS	Acres
3399-3	Ada Juttelstad	LC	IRR	1.79	125
4603-3	Alec Solberg	LC	IRR	2.00	160
4827-3	Gary Smith	LC	IRR	1.83	128
4855-3	Karl Schenk	LC	IRR	1.78	206
5971-3	Gary and Amy Freeburg	LC	IRR	1.88	238
6650-3	Gary and Amy Freeburg	PE	IRR	2.00	215
6651-3	Gary and Amy Freeburg	LC	IRR	1.78	119
6704-3	Nelson Family Partnership	LC	IRR	1.56	68
6752-3	Robert Smith	LC	IRR	1.78	136
6897-3	John and Jacqueline Smith	PE	IRR	2.78	310
6916-3	Karl Schenk	PE	IRR	1.78	70
6937-3	Dean Morman	PE	IRR	1.78	135
6942-3	Craig Johnson	PE	IRR	4.44	315
6974-3	Paul Gustad	PE	IRR	1.56	140
7134-3	Ordel Gustad	PE	IRR	1.78	220
7246-3	Paul Gustad	PE	IRR	1.78	320

Table 2. Water rights/permits within approximately one mile and a half of the well proposed by Water Permit Application No. 7613-3 (Water Rights, 2013a). Under status, LC means Water License and PE means Water Permit. Under type, IRR means irrigation.

Additional drawdown caused by the proposed increase in maximum diversion rate could be measurable in an existing domestic well approximately one third of a mile to the north-northwest, and/or in wells that supply Water Right 6752-3 (0.6 miles southwest), Water Permit 6916-3 (0.9 miles southeast), and Water Permit 7134-3 (0.5 miles northeast). Drawdown levels could also increase in the applicants own well under Water Permit 7246-3.

SDCL 46-6-6.1 and ARSD 74:02:04:20(7) ensure that interference will not be adverse to domestic well users and those with existing appropriative rights. Depending on the characteristics of the Missouri:Elk Point aquifer at the proposed well site, some existing well owners may need to lower their pumps to accommodate lower water levels. When considering SDCL 46-6-6.1 and ARSD 74:02:04:20(7) in combination with expected aquifer transmissivity, the proposed increase in diversion rate is not likely to lead to significant interference or adversely affect existing wells.

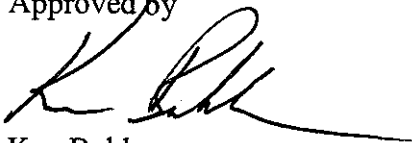
CONCLUSIONS:

1. Water Permit Application No. 7613-3 proposes to increase the diversion rate authorized by Water Permit No. 7246-3, and adds a new diversion point.
2. Water Permit No. 7246-3 appropriates 640 acre feet per year at a maximum diversion rate of 1.78 cfs from one well completed into the Missouri: Elk Point aquifer for the irrigation of 320 acres.
3. If approved, the total maximum diversion rate for Water Permit No. 7246-3 and Water Permit No. 7613-3 would be 3.45 cfs.
4. If approved, this application does not authorize any increase in the total volume of water appropriated.
5. There is a reasonable probability that the diversion requested by this application can be made without adversely affecting existing water rights/permits and domestic users.



Dan Gerhardt
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4241. 41 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
- Water Rights, 2013a, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

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MAR 18 2013

WATER RIGHTS
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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. 7613-3 & 7614-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 13th DAY OF March 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$33.43 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: 3/13/2013

FILED ON: 3/14/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14th DAY OF

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES

8/19/2015

NOTICE OF APPLICATION
NOS. 7613-3 and 7614-3 to
Appropriate Water

Notice is given that Paul & Dean
Gustad, 30491 447th Ave. Volin
SD 57072 have filed the follow-
ing applications for a water per-
mit.

Application No. 7613-3 proposes
to appropriate an additional 1.67
cubic feet of water per second
(cfs) from an additional well to ir-
rigate acres authorized by Water
Permit No. 7246-3. Water Permit
No. 7246-3 authorizes 1.78 cfs
from one well located in the NE
1/4 NW 1/4 Section 17 for irriga-
tion of 320 acres located in the
NW 1/4 Section 17 and NE 1/4
Section 18; all in T94N-R54W.
This application proposes to ap-
propriate 1.67 cfs from an addi-
tional well to be completed into
the Missouri-Elk Point Aquifer
(150 feet deep) located in the NW
1/4 NW 1/4 Section 17 to irrigate
the authorized 160 acres located
in the NE 1/4 Section 18; all in
T94N-R54W. This will allow
both pivots to run simultaneously.

Application No. 7614-3 proposes
to appropriate 1.67 cfs from one
well to be completed into the Mis-
souri-Elk Point Aquifer (120 feet
deep) located in the SE 1/4 NE
1/4 Section 27 for irrigation of
140 acres located in the E 1/2 NE
1/4 Section 27, W 1/2 NW 1/4
Section 26; all in the
T94N-R54W.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application Nos.
7613-3 and 7614-3 because 1) un-
appropriated water is available; 2)
existing rights will not be unlaw-
fully impaired; 3) it is a beneficial
use of water; and 4) it is in the
public interest. In accordance
with SDCL 46-2A-23, the Chief
Engineer will act on these applica-
tions, as recommended, unless a
petition is filed opposing the ap-
plications or the applicant files a
petition contesting the Chief En-
gineer's recommendations. If a peti-
tion opposing the applications or
contesting the recommendations is
filed, then a hearing will be sched-
uled and the Water Management
Board will consider these applica-
tions. Notice of the hearing will
be given to the applicant and any
person filing a petition.

petition filed by either an inter-
ested person or the applicant must
be filed by March 25, 2013.

The petition may be informal, but
must include a statement describ-
ing the petitioner's interest in the
applications, the petitioner's rea-
sons for opposing or supporting
the applications, and the signature
and mailing address of the peti-
tioner or the petitioner's legal
counsel, if legal counsel is ob-
tained. Contact Eric Gronlund at
the above Water Rights Program
address to request copies of infor-
mation pertaining to these appli-
cations. Steven M. Pinner, Secre-
tary, Department of Environment
and Natural Resources.

Published once at the total ap-
proximate cost of \$33.43.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 4, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7613-3 and 7614-3 to Appropriate Water. Please publish the notice once on March 13, 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 Paul & Dean Gustad, 30491 447th Ave, Volin SD 57072 (Ph # 605-267-2235).

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

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

March 4, 2013

Paul & Dean Gustad
30491 447th Ave
Volin SD 57072

Dear Sirs:

Water Permit Application Nos. 7613-3 and 7614-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on March 13, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 7613-3 and 7614-3 to Appropriate Water

Notice is given that Paul & Dean Gustad, 30491 447th Ave, Volin SD 57072 have filed the following applications for a water permit.

Application No. 7613-3 proposes to appropriate an additional 1.67 cubic feet of water per second (cfs) from an additional well to irrigate acres authorized by Water Permit No. 7246-3. Water Permit No. 7246-3 authorizes 1.78 cfs from one well located in the NE 1/4 NW 1/4 Section 17 for irrigation of 320 acres located in the NW 1/4 Section 17 and NE 1/4 Section 18; all in T94N-R54W. This application proposes to appropriate 1.67 cfs from an additional well to be completed into the Missouri:Elk Point Aquifer (150 feet deep) located in the NW 1/4 NW 1/4 Section 17 to irrigate the authorized 160 acres located in the NE 1/4 Section 18; all in T94N-R54W. This will allow both pivots to run simultaneously.

Application No. 7614-3 proposes to appropriate 1.67 cfs from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the SE 1/4 NE 1/4 Section 27 for irrigation of 140 acres located in the E 1/2 NE 1/4 Section 27, W 1/2 NW 1/4 Section 26; all in the T94N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7613-3 and 7614-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 25, 2013.

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

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

MAY 20 2013

Paul & Dean Gustad
30491 447th Ave
Volin SD 57072

Dear Sirs:

Enclosed are Water Permit Nos. 7613-3 and 7614-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

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

Sincerely,

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

enclosures

7613-3
RECEIVED

DEC - 9 2013

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 8-15-13TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Paul Gustaf

(name)

30491 44th Ave

(address)

Uelin SD 57072

(city, state, zip)

605-660-4173

(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. 7613-3 states that the water use system is to be constructed by March 25 2018, and water is to be put to beneficial use by March 25 2022.

(date)

(date)

The water use system was completed on 8-15-13.

(date)

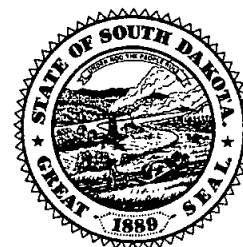
Applying the water to beneficial use was completed on 8-20-13.

(date)

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

Paul Gustaf

(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 2013

7613-3
7614-3

Paul Gustad
30491 447th Ave
Volin SD 57072

Dear Mr. Gustad:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in to let us know that you are completed with the irrigation systems authorized under Water Permit Nos. 7613-3 and 7614-3.

The systems are 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 the projects and the staff inspection has no bearing on your water permits.

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



7613-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 10, 2017

7246-3
7613-3

Paul Gustad
30491 447th Ave
Volin SD 57072

Dear Sirs:

I am writing in regard to the irrigation questionnaires you submitted in 2016 for Water Permit Nos. 7246-3 and 7613-3 (copies enclosed).

The irrigation questionnaire for No. 7246-3 reflects irrigation of 320 acres of beans, alfalfa and corn. The questionnaire for No. 7613-3 reflects irrigation of 215 acres of corn.

Permit No. 7246-3 authorizes irrigation of 320 acres. Permit No. 7613-3 authorizes an additional well and additional diversion authority to irrigate the same 320 acres (copies enclosed).

The questions I have are:

- how many acres were actually irrigated;
- where do the 215 acres reported under Water Permit No. 7613-3 fit into acreage reported under No. 7246-3;

It might be easier for you to report in inches instead of days and hours. For instance, if you put down: pivot in NW ¼ Section 17 – 3 inches in June; 2 inches in July; 3 inches in August on "X" amount of acres at a rate of 750 gpm. Then list the other pivot in the same manner. I really do not need the days or average hours if you have the total inches per month.

When you get done reviewing the forms, please give me a call and I can make any corrections to the forms that are needed. I am typically in the office 7:00 am – 5:00 pm, Monday through Thursday and 7:00 am to 9:00 am on Fridays. Thank you in advance for your assistance.

Sincerely,

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit Nos. 7246-3 and 7613-3

I have this day, August 4, 2021, made a thorough examination of the water use system constructed by Paul and Dean Gustad, 30491 447th Avenue, Volin, SD 57072, holders of Permit No. 7246-3, bearing the priority of April 14, 2011 authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of 320 acres located in Yankton County, and Permit No. 7613-3, bearing the priority of January 4, 2013 authorizing the diversion of 1.67 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of the same land as Permit No. 7246-3 located in Yankton County.

Inspection contacts: Paul and Dean Gustad

A. Works used to divert the water:

East Well (Water Permit No. 7246-3)

- 1) Well Drilling Firm: Hammond Wetmore Drilling LLC
- 2) No. of Wells: 1
- 3) Depth(s): 102 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 62 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: 42 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 625s400-2a
- 3) Capacity: 750 GPM

Motor:

- 1) Make: Grundfos
- 2) Model No.: Unknown
- 3) Horsepower rating: 40 hp

West Well (Water Permit No. 7613-3)

- 1) Well Drilling Firm: Hammond Wetmore Drilling LLC
- 2) No. of Wells: 1
- 3) Depth(s): 102 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 62 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: 45.7 feet

Pump:

- 4) Make: Grundfos
- 5) Model: 625s400-2a
- 6) Capacity: 750 GPM

Motor:

- 4) Make: Grundfos
- 5) Model No.: Unknown
- 6) Horsepower rating: 40 hp

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

- 1) Type: PVC
- 2) Size: 8 inches
- 3) Length: 2,680 feet

C. Works used to apply water to beneficial use:

West Center Pivot:

- 1) Make: **Valley**
- 2) Overall length: **1298** feet
- 3) Number of towers: **7**
- 4) End gun: **Yes**
- 5) Capacity: **750** GPM

Chemigation Equipment:

- 1) Does chemigate: **No**

East Center Pivot

- 1) Make: **Valley**
- 2) Overall length: **1298** feet
- 3) Number of towers: **7**
- 4) End gun: **Yes**
- 5) Capacity: **750** GPM

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in **good** condition with the point(s) of diversion located as follows:
The east well (Water Permit No. 7246-3) is 1,330 feet east and 1,320 feet south of the northwest corner of Section 17-T94N-R54W (Latitude 42.96356, Longitude -97.25464 – NE1/4 of the NW1/4).
The west well (Water Permit No. 7613-3) is 130 feet east and 1,320 feet south of the northwest corner of Section 17-T94N-R54W (Latitude 42.96356, Longitude -97.25918 – NW1/4 of the NW1/4).
2. The works are capable of diverting and conveying to the place of use **1.67** cu. ft. per second of water from each well (total of 3.34 cfs) which is to be used for **irrigation purposes**. Water has been put to beneficial use to the maximum extent as follows:

Section 18-T94N-R54W

<u>NW1/4NE1/4</u>	<u>33 acres</u>
<u>NE1/4NE1/4</u>	<u>32 acres</u>
<u>SW1/4NE1/4</u>	<u>34 acres</u>
<u>SE1/4NE1/4</u>	<u>34 acres</u>

Section 17-T94N-R54W

<u>NW1/4NW1/4</u>	<u>33 acres</u>
<u>NE1/4NW1/4</u>	<u>28 acres</u>
<u>SW1/4NW1/4</u>	<u>33 acres</u>
<u>SE1/4NW1/4</u>	<u>34 acres</u>

comprising a total of **261** acres of land and the license should be issued for **3.34** cfs.

3. All structures, wells and lands on map: **Yes**

F. Comments or other permit(s) associated with the project: Water Permit No. 7613-3 added a well to the system that was constructed for Water Permit No. 7246-3. Both wells are connected to both pivots and can supply either pivot or both pivots through valving. Normally, the west well (Water Permit No. 7613-3) supplies the west pivot and the east well (Water Permit No. 7246-3) supplies the east pivot.

There is another well about twenty feet east of the functioning well for Water Permit No. 7613-3. When this well was drilled, they hit a rock at about 100 feet and couldn't get around it. The well was undeveloped and capped. The second well was then drilled and is in use now.

The pump and motor information was obtained from Dick Hammond.

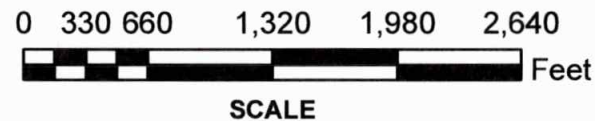
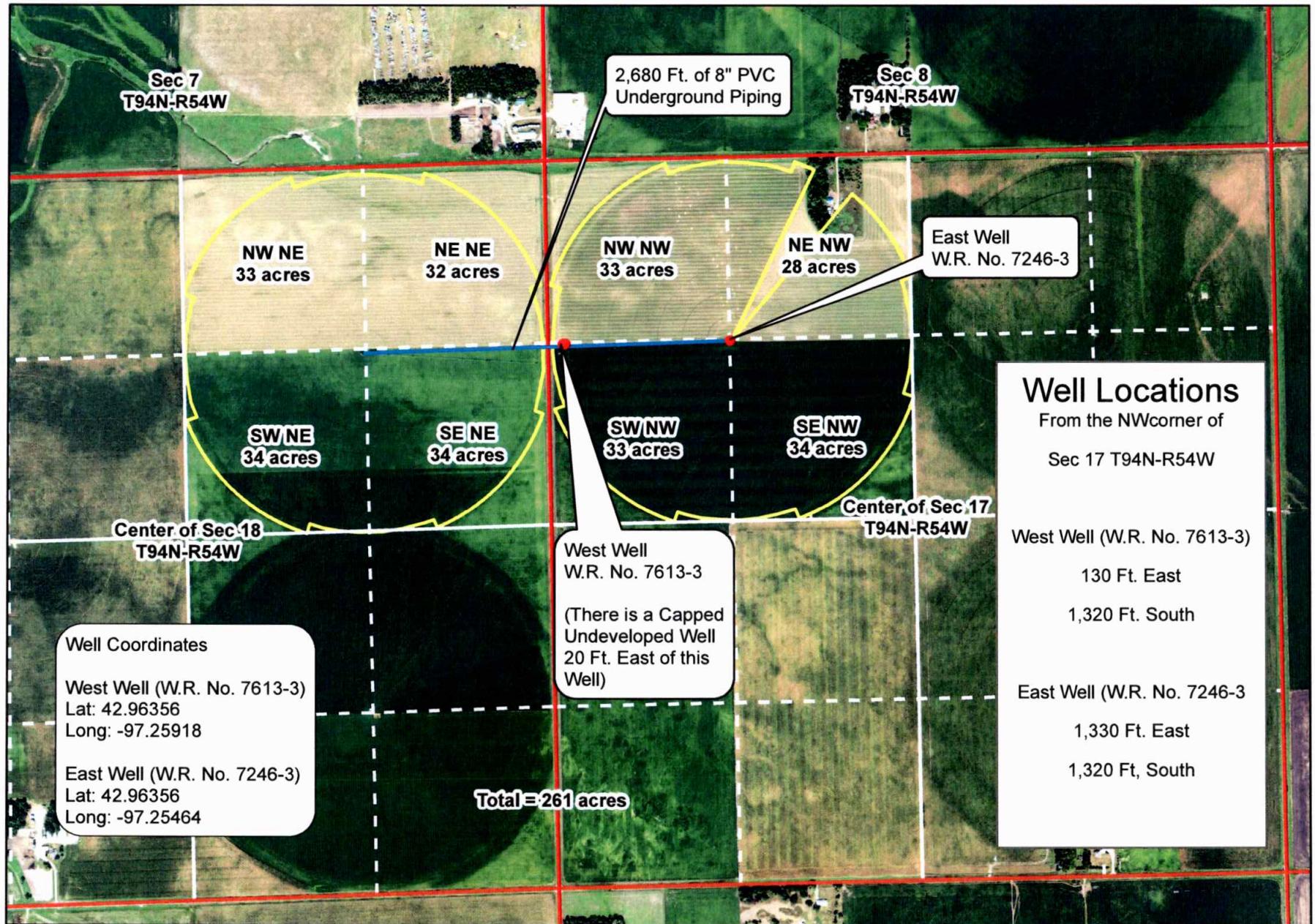
Also, Water Permit No. 7246-3 is under the name of Paul Gustad and Water Permit No. 7613-3 is under the name of Paul and Dean Gustad. They would like the new combined permit to be under Paul and Dean Gustad.



Keith DeJong
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **September 10, 2021**

Water Right Nos. 7246-3 and 7613-3



Keith DeJong

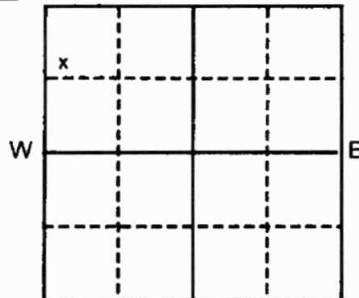
Keith DeJong, PE
Staff Engineer
August 31, 2021

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location NW ¼ NW ¼ Sec 17 Twp 94N Rg 54W

County Yankton

North

Please mark well
location with an "X"

Well Completion Date

June 26, 2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1,250.0 ft. from Septic Tank (Identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well
METHOD OF DRILLING:
bucket methodCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	62.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	20	9.5 Lb/gal	0.0 Ft	50.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 16.00 Inches Length 40.0 Feet

Material PVC

Slot Size .050 Set From 62.0 Feet to 102.0 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 RequiredLab to which water
quality sample sent for analysis

Well Owner: Paul & Dean Gustad

Business Name:

Address: 30491 447th Ave

City, State, Zip: Volin SD 57072

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Clay Brown Pebbly	2	35
Clay Gray Pebbly	35	55
Sand	55	56
Clay Gray Pebbly	56	60
Fine Sand	60	62
Pebbly Sand	62	94
Gravel	94	102

STATIC WATER LEVEL 45.7 FEET

If flowing: closed in pressure 5/27/14 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

SEP 30 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this
report is true and accurate.

Drilling firm: Hammond-Wetmore Drilling, LLC

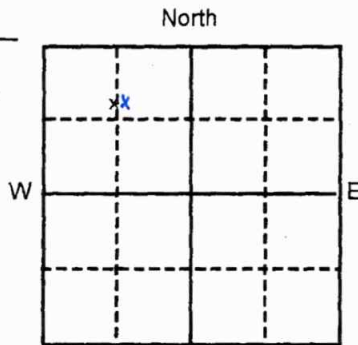
Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 9/13/13

11-02

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location NE 1/4 NE 1/4 Sec 17 Twp 94N Rg 54WCounty YanktonPlease mark well
location with an "X"

Well Completion Date

August 1, 2011

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,800.0 ft. from feed lot (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

direct rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	62.0 FT	22.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bentonite	12	Lb/gal	0.0 Ft	55.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 40.0 FeetMaterial pvcSlot Size .060 Set From 62.0 Feet to 102.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? hth pellets
☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: Ordell Gustad7246-3Business Name: Gustad FarmsAddress: 30491 447th AveCity, State, Zip: Volin SD 57072

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, yellow brown, pebbly (Till)	0	25
Clay, gray-brown, pebbly, (Till)	25	59
gravel, coarse to med grained	59	102

STATIC WATER LEVEL

42.0 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

FEB - 1 2012

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:

Sept 17, 2011

7613-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

7246-3

7613-3

SEP 20 2021

Paul & Dean Gustad
30491 447th Ave
Volin SD 57072

Dear Sirs:

Enclosed is Water License No. 7613-3. 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 Permit No. 7246-3 were incorporated into Water License No. 7613-3.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7613-3**

(1) Paul & Dean Gustad, 30491 447th Ave., Volin SD 57072 made Application No. 7613-3, January 4, 2013 for a water permit to divert 1.67 cubic feet of water per second (cfs) from ground water, one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7613-3, with a priority date of January 4, 2013 was approved March 25, 2013 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before March 25, 2018 and for the application to beneficial use of said water on or before March 25, 2022.

Water Permit No. 7246-3, with a priority date of April 14, 2011, authorized diversion of 1.78 cfs to irrigate 320 acres. Water Permit No. 7613-3 was obtained to increase the diversion rate and to add one well to irrigate the lands described in Water Permit No. 7246-3 allowing the two existing pivots to run simultaneously.

The applicable portions of Water Permit No. 7246-3 are incorporated into this Water License No. 7613-3. Priority dates of April 14, 2011 and January 4, 2013 are retained.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 3.34 cubic feet of water per second for beneficial use. The diversion points are located as follows:

East well (Priority date of April 14, 2011 established under Water Permit No. 7246-3):

- 1,330'E and 1,320'S of the NW corner of Section 17, T94N, R54W (NE ¼ NW ¼ Sec. 17)
Latitude 42.96356, Longitude -97.25464

West well (Priority date of January 4, 2013 established under Water Permit No. 7613-3):

- 130'E and 1,320'S of the NW corner of Section 17, T94N, R54W (NW ¼ NW ¼ Sec. 17)
Latitude 42.96356, Longitude -97.25918

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

Section 18, T94N, R54W		Section 17, T94N, R54W	
NW ¼ NE ¼	33 acres	NW ¼ NW ¼	33 acres
NE ¼ NE ¼	32 acres	NE ¼ NW ¼	28 acres
SW ¼ NE ¼	34 acres	SW ¼ NW ¼	33 acres
SE ¼ NE ¼	34 acres	SE ¼ NW ¼	34 acres

Total 261 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paul & Dean Gustad, 30491 447th Ave., Volin SD 57072 the holders and/or owners of Incorporated Water Right No. 7613-3 are issued a license to appropriate water, the right to use 3.34 cubic feet of water per second from ground water (two wells – Missouri Elk Point Aquifer) with priority dates of April 14, 2011 (1.78 cfs) and January 4, 2013 (1.56 cfs) from the locations specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 7613-3 and subject to the following qualifications:

- The wells approved under Nos. 7246-3 and 7613-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owners under this water right shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit Nos. 7246-3 & 7613-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The wells were drilled in August 2011 and June 2013 by Hammond Wetmore Drilling LLC. Copies of both well completion reports are on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

SEP 20 2021

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: PAUL GUSTAD, 30491 447TH AVE, VOLIN, SD 57072 6109

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6974-3, 7613-3 & 7614-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 6974-3, 7613-3 & 7614-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 6974-3, 7613-3 & 7614-3 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 8, 2023** 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: ZESQRB**

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 6, 2023

6974-3
7613-3
7614-3

Paul Gustad
30491 447th Ave
Volin SD 57072-6109

Dear Mr. Gustad:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 6974-3, 7613-3 & 7614-3. 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
Genny.mcmath@state.sd.us