

WATER PERMIT NO. 7625-3

Name of Applicant: Eric Fornia

Address: 119 Green Ct Dr, Elk Point SD 57025 Phone: 712 253-2645

Amount of Water Claimed: 1.67 cfs Total Acres: 120

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 3 miles north of Jefferson

PRIORITY Date Received: 12-26-12

Application/License Fee: \$ 950

Corrected Application Received: 1-9-13

Period of Annual Use: May 1 – Sept 30

Remarks:

Diversion Point: center of SW 1/4 Sec 6-T90N-
R48W

Land to be Irrigated: E 1/2 SW 1/4, SW 1/4 SW
1/4 Sec 6-T90N-R48W

Depth of Well: 117 feet deep

Well Driller:

Remarks:

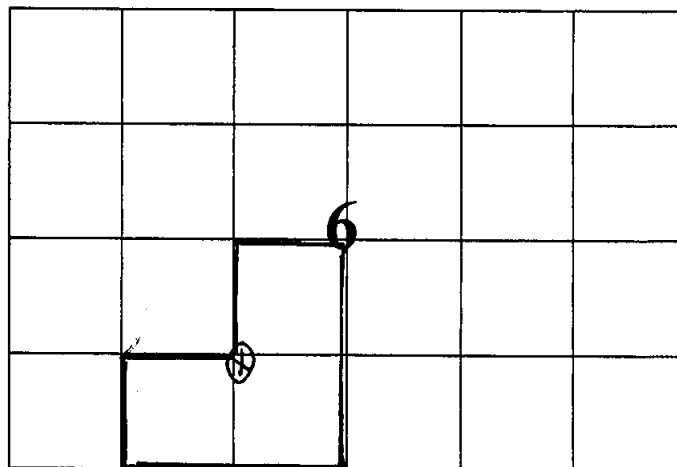
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-10-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7625-3</u> (office use only)	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	<u>605-356-2632</u>
	Newspaper <u>Leader-Examiner Box 310 Elk Point 57025</u>	
	<u>Press of Dakota 319 Walnut Yankton 57078-605-665-7811</u>	

RECEIVED
DEC 26 2012
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

- 712-253-2645 Cell #
- Name of Applicant Eric Fornia Phone 605 356 2205 Home #
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 119 Green Ct Dr Elk Point State SD 57025
(Street, RR, or Box and City) (Zip Code)
 - Amount of water claimed 1.67*CFS or 750 **GPM ***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
 - Source of water supply Irrigation well
 - Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
middle of the SW 1/4 section 6 T90N R48W
County _____
 - County or counties where water will be used Union
 - Annual period during which water is to be used Summer May 1 - Sept. 30
 - 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>South West 40 of SW 1/4 sec 6</u>	<u>40</u>		
<u>North 40 of E 1/2 SW 1/4 sec 6</u>	<u>40</u>		
<u>South 40 of E 1/2 SW 1/4 sec 6</u>	<u>40</u>		
<u>T90N-R48W</u>			

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

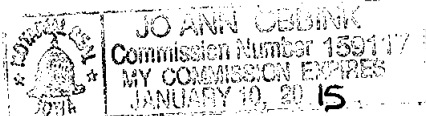
Iowa
STATE OF ~~SOUTH DAKOTA~~ SS
County of Union Sioux

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

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

Applicant's signature _____

Subscribed and sworn to before me this 20 day of December 20 12



Jo Ann Osbirk
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 7625-3

Date of first receipt of application December 26, 2012.

Date of return to applicant for corrections, amendments or changes January 2, 2013.

Date of receipt of corrected application January 9, 2013.

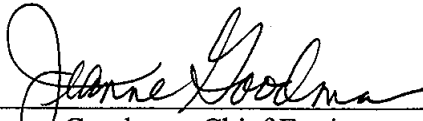
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7625-3 to Eric Fornia, 119 Green Ct Dr, Elk Point SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7625-3 appropriates 1.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (117 feet deep) located in the center of the SW 1/4 Section 6 for irrigation of 120 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 6; all in T90N-R48W.
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 December 26, 2012.
4. The date of approval of Permit No. 7625-3 is March 18, 2013.
5. One-fifth of the construction is to be completed on or before September 18, 2015.
6. All construction is to be completed on or before March 18, 2018.
7. Water is to be put to beneficial use on or before March 18, 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. 7625-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

APR 2 2013

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 15" Depth 117'
- b) Casing Type PVC Diameter 12" Thickness SCH 40
- c) Screen Type 60 slot Diameter 12" Thickness SCH 40
- d) Gravel Pack Yes Length of Gravel Pack 87'
- e) Depth to Top of Water Bearing Material 59'
- f) Depth to Water (ground surface to water level) 19'
- g) Distance to nearest existing domestic well:

On applicants property _____

On property owned by others more than 1/4 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 _____

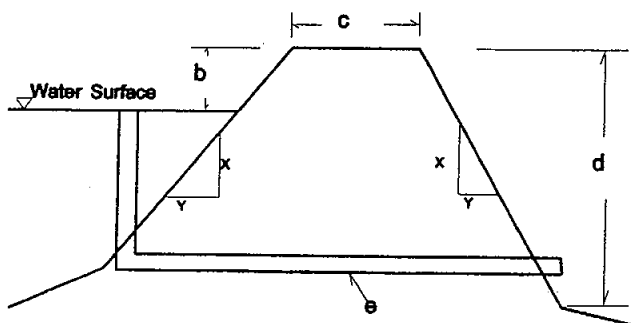
3. Dugout Information

- 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 _____
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: 6_90N_48W
Farm: 5656

Union County

1:9,023

April 27, 2012



Wetland Determination Identifiers

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

□ Common Land Units

▨ Non Cropland

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

RECEIVED

JAN - 9 2013

**WATER RIGHTS
PROGRAM**

2010 Ortho-Photography - Not to Scale

Well Log - Fornia Well drilled 6/26/12

0 – 54'	Heavy clay
54' – 59'	Med. Sand
59' – 61'	Rocks and gravel
61' – 122'	Med. gravel

RECEIVED
DEC 26 2012
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12-31

, 20 12

RECEIVED OF

Eric Gornia, 119 Green Court, Elk Point SD 57025

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

Fee for Application for Permit No. <u>7625-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7625-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	950.00

No. 05824

By

Stefan Erbele

Chief Engineer

KS



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 2, 2013

RECEIVED

JAN - 9 2013

WATER RIGHTS
PROGRAM

Eric Fornia
119 Green Ct Dr.
Elk Point SD 57025

Dear Mr. Fornia:

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

- Enclosed is the aerial photo map submitted with the application. Please outline the 120 acres to be irrigated.

If you have any questions, please contact me.

Sincerely,

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. 7625-3, Eric Fornia**

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. 7625-3, Eric Fornia, 119 Green Ct Drive, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7625-3 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. 7625-3 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.

A handwritten signature in black ink, reading "Garland Erbele".

Garland Erbele, Chief Engineer
February 22, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7625-3
ERIC FORNIA
February 15, 2013

Water Permit Application No. 7625-3 proposes to appropriate up to 240 acre-feet annually (ac-ft/yr) at a maximum diversion rate of 1.67 cubic feet of water per second (cfs) from one well to be completed into the Missouri: Elk Point aquifer. The well will be located in the center of the SW $\frac{1}{4}$ of Section 6 and is expected to be approximately 117 feet deep. This application proposes to irrigate 120 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T90N-R48W in Union County.

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

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Elk Point management unit of the Missouri aquifer is a surficial aquifer composed of unconsolidated glacial outwash material ranging from fine sand to coarse gravel (Niehus, 1994). The aquifer generally lies below the flood plains of the Missouri and Big Sioux Rivers in the southern part of Union County (Niehus, 1994). The existing well site is located approximately six and one half miles east of the Missouri River and less than two miles west of the Big Sioux River. The aquifer directly overlies and is hydraulically connected to the Dakota aquifer, and is hydraulically connected to the Big Sioux aquifer in the northeast and the Lower Vermillion-Missouri aquifer in the north (Niehus, 1994). The aquifer is primarily unconfined in Union County, but is confined 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 99,600 acres of Union County alone and contains an estimated 1,494,600 acre-feet of recoverable water in storage in the county (Hedges and others, 1982). Niehus estimated that the aquifer underlies approximately 115,200 acres of Union County and contains an estimated 1.5 million acre-feet of water in storage (1994). The maximum thickness of the Missouri aquifer is 146 feet with an average thickness of 84 feet (Niehus, 1994). The saturated thickness at the proposed well site is approximately 68 feet, and there is approximately 35 feet of artesian head pressure available.

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 appropriate up to 240 ac-ft/yr from the Missouri: Elk Point aquifer. If this application is approved, it is likely that the actual water use will be less than the appropriated amount. The probability of unappropriated water available from the aquifer can be evaluated using 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 Missouri: Elk Point aquifer occurs through infiltration and percolation of precipitation falling in areas where the aquifer is near land surface (Niehus, 1994). Recharge is also provided to the aquifer from the Big Sioux, Lower Vermillion-Missouri, and Dakota aquifers as well as during times of high flow and stage from the Missouri and Big Sioux Rivers (Niehus, 1994). The average annual recharge rate to the Missouri: Elk Point aquifer is estimated to be 3.8 in/yr based on observation well analysis (Hedges and others, 1985). Given the area of the management unit in Union County of 115,200 acres by Niehus, average annual recharge to the aquifer in Union County alone is estimated to be 36,480 ac-ft/yr (1994).

Discharge:

Discharge from the Missouri: Elk Point aquifer is by evapotranspiration, discharge to the Big Sioux and Missouri Rivers during low flow and to the underlying Dakota aquifer, and withdrawal from wells (Niehus, 1994). There are a number of completion reports on file with the SD DENR-Water Rights Program for domestic use wells completed into the Missouri: Elk Point aquifer (Water Rights, 2013b) and there are currently 507 water rights/permits appropriating water from the Missouri: Elk Point aquifer (Water Rights, 2013c). There are 297 water rights/permits appropriating water from this aquifer in Union County (Water Rights, 2013c). The distribution of these appropriations and their types are shown in Table 1.

Water Rights/Permits	Number
Commercial	3
Domestic	1
Industrial	2
Irrigation	286
Municipal	4
Recreational	1

Table 1. Water rights/permits from the Missouri: Elk Point aquifer in Union County (Water Rights, 2013c).

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

1. Water rights/permits limited by an annual volume will pump the entire volume appropriated.
2. Water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.

The expected water use for non-irrigation purposes, from the Missouri: Elk Point aquifer in Union County is less than 5,700 ac-ft/yr based on current water appropriations.

The annual reported water use from the Missouri: Elk Point aquifer for irrigation purposes in Union County is displayed in Table 2. The average annual use due to irrigation over the period of record is 10,778 ac-ft/yr.

YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
1979	206	93310.02	7066
1980	210	94734.88	10063
1981	227	100428.6	8422
1982	209	91841.78	15429.85
1983	211	90519.28	6520.91
1984	211	93088.86	5746.3
1985	215	92328.88	10087.3
1986	215	90739.58	3191.3
1987	216	91579.88	9082
1988	218	92063.68	22195.3
1989	226	93847.88	18658.2
1990	230	95368.88	12730.5
1991	230	95168.88	11601.6
1992	228	94037.88	1010.6
1993	230	93782.3	1145.2
1994	226	90715.45	7721.45
1995	226	90563.45	13798.95
1996	229	92881	5121.58
1997	237	94643	11404
1998	244	96201.8	7259.62
1999	240	93873.8	10741.15
2000	240	93320.4	20369.1
2001	242	93065.6	12284.62
2002	241	92346	15353.97
2003	240	91692	19653
2004	244	92572	16550.28
2005	251	94321.6	17322.4
2006	256	95252.6	18149.43
2007	257	95974.6	18817.78
2008	261	97230.6	6141.62
2009	264	98914.6	3214.82
2010	267	99102.6	1518.01
2011	272	100120.6	7289.7
MIN	206	90519.28	1010.60
MAX	272	100428.60	22195.30
AVE	233.91	94110.09	10777.62

Table 2. Irrigation from the Missouri: Elk Point aquifer in Union County (Water Rights, 1979-2011).

Comparison of the estimated average annual withdrawal from the Missouri: Elk Point aquifer in Union County with the estimated average annual recharge for the aquifer in Union County indicated that the average annual withdrawals from the aquifer do not exceed the average annual recharge to the aquifer. There are a number of new permits and pending applications from the Missouri: Elk Point aquifer. Once they are developed, the average pumping for irrigation purposes is expected to increase significantly. Since January 1, 2012, there have been 45 permits issued from the Missouri: Elk Point aquifer authorizing irrigation for a total of 5,546.1 acres. The pending permits for appropriation of water from the Missouri: Elk Point aquifer are outlined in Table 3.

Permit No.	Diversion Rate (cfs)	Acres
7447-3	1.78	160
7460-3	3.11	264
7454-3	1.78	171
7527-3	1.11	117.5
7553-3	1.55	136
7563-3	2.22	95
7554-3	1.89	136
7593-3	1.5	105
7621-3	1.89	160
7622-3	1.89	142
7608-3	N/A	105
7606-3	N/A	78.8
7627-3	1.78	67
7630-3	3.34	160
7624-3	2.0	120
TOTAL	25.84	2017.30

Table 3. List of pending permits and their proposed appropriations from the Missouri: Elk Point aquifer (Water Rights, 2013a).

The average annual withdrawal is still expected to be significantly less than the average annual recharge; therefore, unappropriated water is available from the Missouri: Elk Point aquifer. Specifically, unappropriated water is available for the 240 ac-ft/yr 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 SD DENR-Water Rights Program monitors 37 observation wells completed into the Missouri: Elk Point aquifer with two of these observation wells located within one mile of the proposed well site (Water Rights, 2013b). Hydrographs for these wells are shown in Figures 1 and 2.

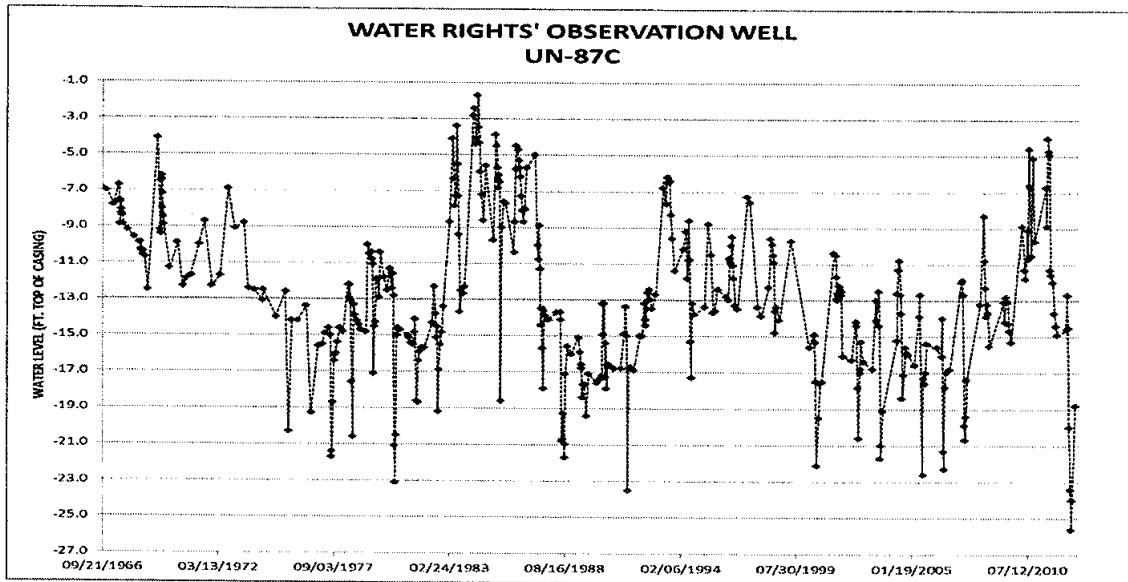


Figure 1. Hydrograph for SD DENR-Water Rights Observation Well UN-87C completed into the Missouri: Elk Point aquifer approximately three quarter miles northeast of the well site proposed by Application No. 7625-3 (Water Rights, 2013a).

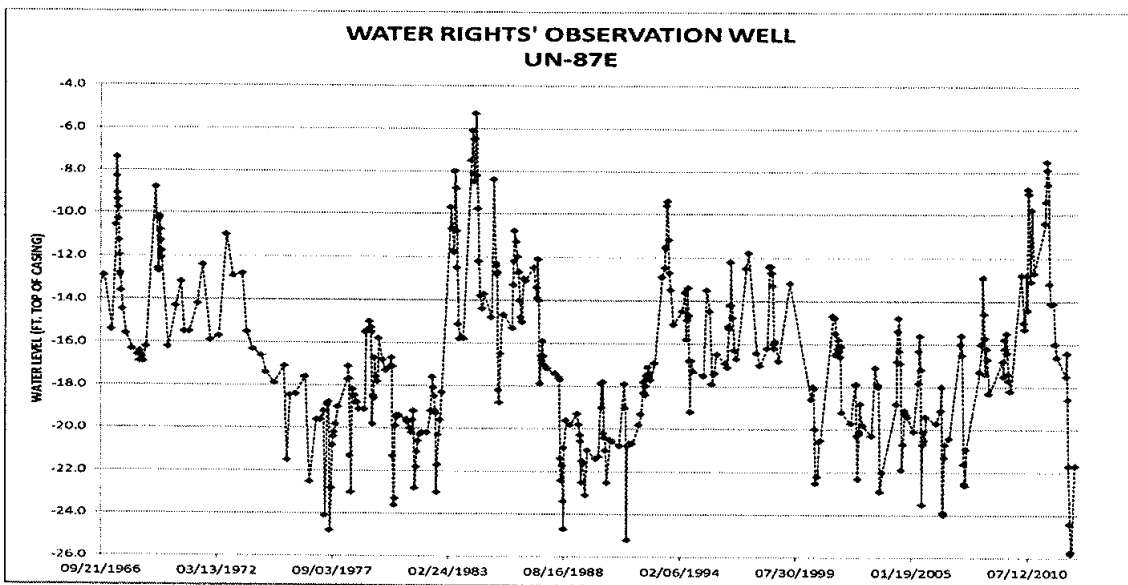


Figure 2. Hydrograph for SD DENR-Water Rights Observation Well UN-87E completed into the Missouri: Elk Point aquifer approximately one mile southwest of the well site proposed by Application No. 7625-3 (Water Rights, 2013a).

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 shows that over the period of record, in general, discharge has not exceeded recharge. 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 Missouri: Elk Point 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 site proposed by this application is located approximately six and one half miles east of the Missouri River and less than two miles west of the Big Sioux River in a portion of the Missouri: Elk Point aquifer that extends west of the Big Sioux River for approximately eight and one half miles to the edge of the aquifer at the Missouri River. There are six water rights/permits that have diversion points within a one mile radius of the proposed well site. The nearest water right/permit is Water Right No. 1256-3, for Wayne Heckathorn, located more than 2,300 feet north and up-gradient from the proposed well site. At the distance between wells, drawdown is not expected to be significant nor likely to cause adverse impacts to existing water rights.

Observation well UN-87C is within 800 feet of Water Right No. 1092-3, for Dennis J Chicoine, which diverts at a rate of 3.35 cfs, and the hydrograph, shown in Figure 1, reports approximately 10 feet of drawdown at this distance that appears to be due to pumping. With approximately 68 feet of saturated material available at this well site, drawdown is not expected to be relatively significant. The precise drawdown cannot be quantified without aquifer testing. With that in mind, a standard permit qualification to most groundwater permits/rights states that:

“The well approved under this permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights”.

SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. To balance interests between irrigation use and delivery of water by artesian pressure, the Water Management Board has defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

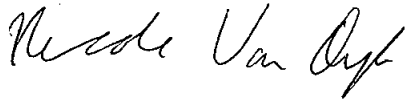
“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer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

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

CONCLUSIONS:

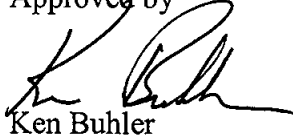
1. This application proposes to appropriate up to 240 acre-feet annually for irrigation from the Missouri: Elk Point aquifer.
2. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply this proposed appropriation.

3. Although the Missouri: Elk Point aquifer is confined in this area, drawdown from pumping is not expected to adversely impact existing water rights or domestic wells.



Nicole Van Dyk
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- 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
- Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 93-4195, 57 p.
- Water Rights, 1979-2011, Irrigation Questionnaire Summaries 1979-2011, 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.

AFFIDAVIT OF PUBLICATION

RECEIVED State of South Dakota)

MAR 11 2013

:ss

County of Union)

WATER RIGHTS
PROGRAM

Kelly Kruithoff,

an employee of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 7625-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 7 day of March, 2013

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 26.04, that the full amount of the fee charged insures to the benefit of the publisher of the 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 other person whomsoever.

Kelly Kruithoff

Subscribed and sworn to before me

this 7 day of March, 2013

My commission expires 6-21-17

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA

[Signature]

Notary Public

NOTICE OF APPLICATION NO. 7625-3 TO APPROPRIATE WATER

Notice is given that Eric Fornia, 119 Green Ct Dr, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (117 feet deep) located in the center of the SW 1/4 Section 6 for irrigation of 120 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 6; all in T90N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7625-3 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 March 18, 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.

Publish March 7, 2013

Published once at the total approximate cost of \$26.04
10-11-70

RECEIVED

MAR 11 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

3+7

NOTICE OF APPLICATION
NO. 7625-3 to Appropriate Water

Notice is given that Eric Fomia, 119 Green Ct Dr, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (117 feet deep) located in the center of the SW 1/4 Section 6 for irrigation of 120 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 6; all in T90N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7625-3 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 March 18, 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 \$25.48.

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. 7625-3**

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 7th DAY OF March 2013 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$25.48 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 3/7/2013

FILED ON: 3/7/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7th DAY OF March 2013

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 26, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

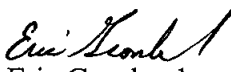
Enclosed is a Notice on Application No. 7625-3 to Appropriate Water. Please publish the notice once on March 7, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Eric Fornia, 119 Green Ct Dr, Elk Point SD 57025 (Ph # 605-356-2205).

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

February 26, 2013

Leader Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7625-3 to Appropriate Water. Please publish the notice once on March 7, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Eric Fornia, 119 Green Ct Dr, Elk Point SD 57025 (Ph # 605-356-2205).

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.

February 26, 2013

Eric Fornia
119 Green Ct Dr
Elk Point SD 57025

Dear Mr. Fornia:

Water Permit Application No. 7625-3 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 Leader Courier printed at Elk Point SD (Ph # 605-356-2632) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

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

NOTICE OF APPLICATION NO. 7625-3 to Appropriate Water

Notice is given that Eric Fornia, 119 Green Ct Dr, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (117 feet deep) located in the center of the SW 1/4 Section 6 for irrigation of 120 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 6; all in T90N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7625-3 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 March 18, 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

APR 26 2013

Eric Forna
119 Green Ct Dr
Elk Point SD 57025

Dear Mr. Forna:

Enclosed is Water Permit No. 7625-3 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,

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

enclosures

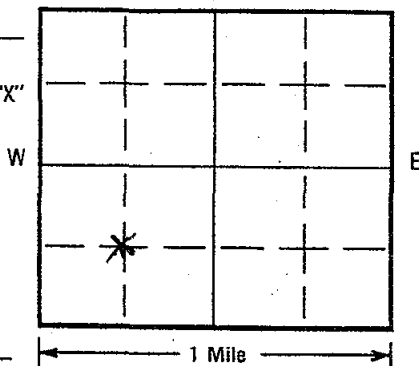
SOUTH DAKOTA WATER WELL COMPLETION REPORT

7625-3

07-92

Location NE 1/4 SW 1/4 Sec 6 Twp 90N Rg 48W
County Union

Please mark well location with an "X"



Well-Completion Date

6-26-12

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1000 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5CH40 LB/FT</u>	<u>12 IN</u>	<u>0 FT</u>	<u>117 FT</u>	<u>17 1/2 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Bentonite No. of Sacks _____ Grout Weight _____ lb./gal _____ From 30 ft. To 10 ft.
Describe grouting procedure Installed with grout pump from bottom up.

SCREEN: ☒ Perforated pipe. ☐ Manufactured

Diameter 12 IN Length 40 FEET
Material PVC
Slot Size .60 Set From 77 Feet to 117 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: _____

Laboratory sent to for water quality analysis

☒ NO, Why Not? _____

Irrigation

Well Owner: David Fornia

Business Name: _____

Address: 48247 SD 105
Jefferson, SD 57038

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Heavy clay</u>	<u>0</u>	<u>54</u>
<u>Med. sand</u>	<u>54</u>	<u>59</u>
<u>Rocks and gravel</u>	<u>59</u>	<u>61</u>
<u>Med. gravel</u>	<u>61</u>	<u>122</u>

STATIC WATER LEVEL _____ 19 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

- ☒ Pumped Describe: _____
☐ Bailed _____
☐ Other _____
Pumping Level Below Land Surface
49 ft. After 1 Hrs. pumped 900 GPM
_____ ft. After _____ Hrs. pumped _____ GPM
If pump installed, pump rate 750 GPM

REMARKS

RECEIVED

FEB 11 2013

WATER RIGHTS
PROGRAM

This well was drilled under license # 667

And this report is true and accurate.

Drilling firm Dakota Drilling & Backhoe, Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

**Report of Examination of Works and/or Application of Water to
Beneficial Use
For Permit No. 7625-3**

I have this day, March 26, 2025, made a thorough examination of the water use system constructed by Eric Fornia of 119 Green Ct Dr, Elk Point SD 57025 holder of Permit No. 7625-3, bearing the priority of December 26, 2012 authorizing the diversion of 1.67 cu. ft. per second of the waters of groundwater, Missouri: Elk Point Aquifer for irrigation purposes, in Union County.

Inspection contact & relationship Dave Fornia, operator

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Dakota Drilling & Backhoe, Inc
- 2) No. of Wells 1
- 3) Depth(s) 117 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 77 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 19 feet

Pump:

- 1) Make Grundfos
- 2) Model submersible
- 3) Capacity 800 GPM

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

- 1) Type steel
- 2) Size 10 inches
- 3) Length 20 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T-L
- 2) Overall length 1280 feet
- 3) Number of towers 7

- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
List any extended period of nonuse: none
- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: from the SW corner of Sec 6 T90N-R48W 1320 ft E and 1320 ft S, latitude of 42.63767 and longitude of -96.56153, approx. center of SW ¼.
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 use. Water has been put to beneficial use to the maximum extent as follows: All land is located in Sec 6 T90N-R48W NE ¼ SW ¼ - 33 ac SE ¼ SW ¼ - 33 ac SW ¼ SW ¼ - 33 comprising a total of 99 acres of land and the license should be issued for 1.41 cfs.
3. All structures, wells and lands on map Y
If no, describe: none

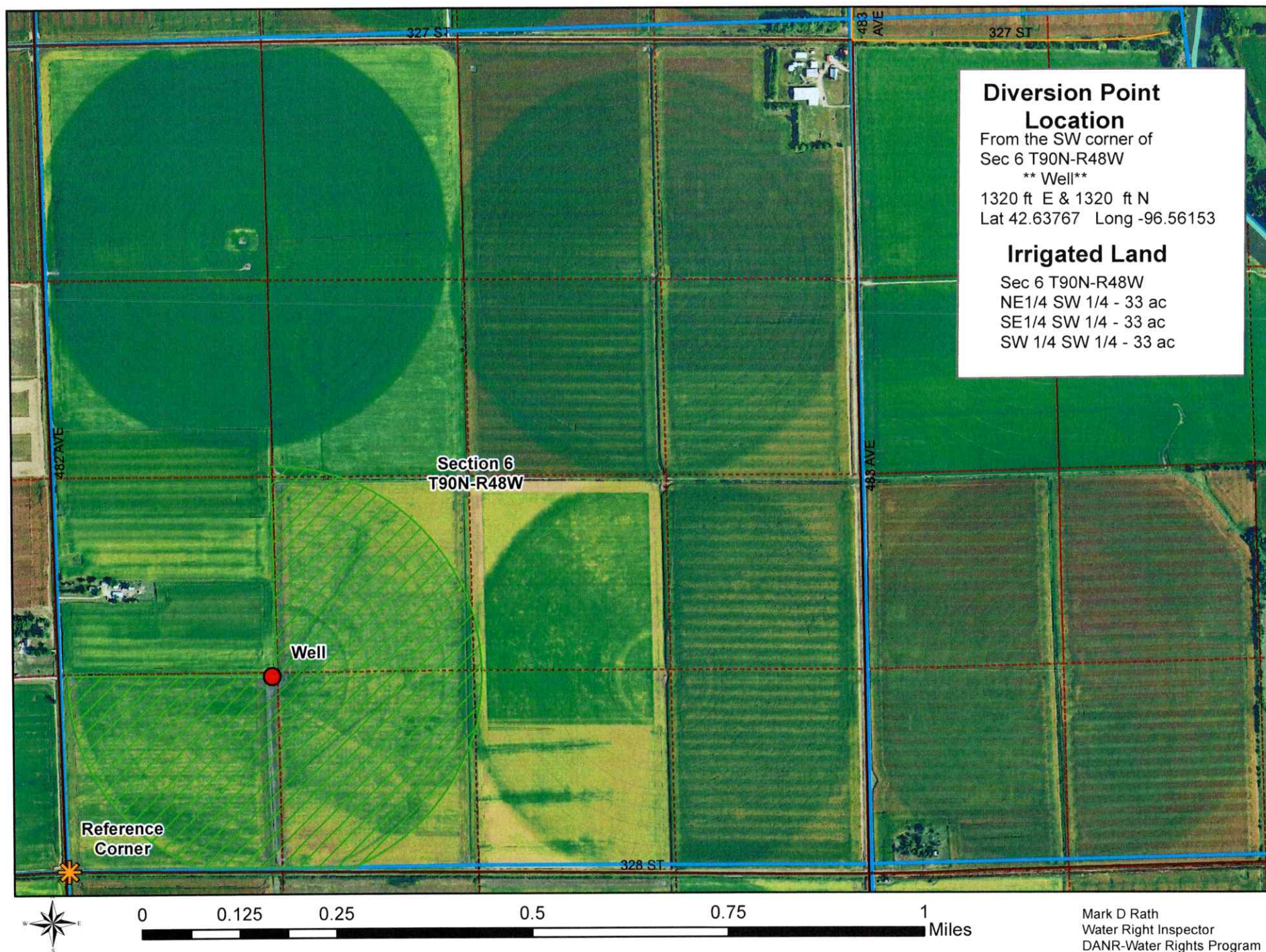
F. Comments or other permit(s) associated with the project:

Developed diversion over the authorized diversion rate and over the 1 cfs per 70 irrigated acres.



Mark D Rath
Water Right Inspector
DANR, Water Rights Program

Date report completed: 5/11/2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 06 2025

Eric Fornia
119 Green Ct Dr
Elk Point, SD 57025

No. 7625-3

Dear Mr. Fornia:

Enclosed is Water License No. 7625-3. 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.

So 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,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

Note: The inspection found your system for Water Right No. 7625-3 to be capable of diverting 1.78 cfs (approx. 800 gpm). Pursuant to SDCL 46-5-6 diversion of water under this license is limited to 1.41 cfs (approx. 633 gpm).

Note: (The number of acres authorized for irrigation under Water Right No. 7625-3 has been reduced to 99, based on the system as constructed.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7625-3**

(1) Eric Fornia, 119 Green Ct Dr, Elk Point, SD 57025, made Application No. 7625-3, December 26, 2012, for a water permit to divert 1.67 cubic feet of water per second from groundwater, one well (Missouri: Elk Point Aquifer), Union County, South Dakota for irrigation purposes. Permit No. 7625-3, with a priority date of December 26, 2012, was approved March 18, 2013, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 18, 2018, and for the application to beneficial use of water on or before March 18, 2022.

(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 1.41 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,320 feet E and 1,320 feet S from the SW corner of Section 6, T90N, R48W
(approx. center of SW ¼) (Latitude 42.63767 and Longitude -96.56153)

(3) The amount of 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.

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

Section 6, T90N, R48W
NE ¼ SW ¼ - 33 acres
SW ¼ SW ¼ - 33 acres
SE ¼ SW ¼ - 33 acres
Total – 99 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Eric Fornia, the holder and/or owner of Water Right No. 7625-3 is issued a license to appropriate water, the right to use 1.41 cubic feet of water per second from groundwater, one well (Missouri: Elk Point Aquifer), with a priority date of December 26, 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. 7625-3 and subject to 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. 7625-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *(The well was drilled in 2012 by Dakota Drilling & Backhoe Inc. A copy of the well completion report is on file with the Water Rights Program.)*

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



Mark Mayer, PE
Director of Office of Water

6/6/25

date

