

WATER PERMIT NO. 7634-3

Name of Applicant: Logue Partnership

Address: c/o Thomas Logue, 30565 455 Ave, Volin SD 57072

Phone: 605 661-2493

Amount of Water Claimed: 2.0 cfs

Total Acres: 296 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: clay

Type of Waste Disposal System:

Location: 15 miles northwest of Vermillion

PRIORITY

Date Received: 12-21-12

Application/License Fee: \$ 1350

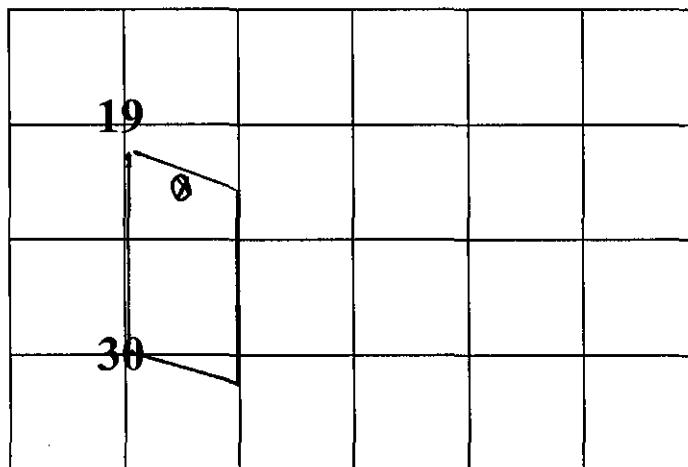
Corrected Application Received: 1-14-13

Period of Annual Use: April 1 – Nov 1

Remarks:

Diversion Point: center of the SE 1/4 Section 19-
T94N-R53W

Land to be Irrigated: NE 1/4, N 1/2 SE 1/4 Section
30 and SE 1/4 Section 19; T94N-R53W



Depth of Well: 100 feet deep

Well Driller: Wetmore Hammond

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-15-13

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

No. 7634-3 (office use only)
Hydrologic Unit 10170102
Basin Vermillion River 605-624-2695
Newspaper Plain Talk 201W Cherry St. Vermillion
605-665-7811 57069
Precor Dakota 319 Walnut Yankton 57078

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Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Logue Partnership
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent Thomas Logue
(name and complete address if different than above name)
- Mailing Address 30565 455 Ave Volin SD 57072
(Address) (City) (State) (Zip Code)
- Home Phone 605-267-3121 Cell 605-661-2493 Email _____
2. Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 250
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply (Aquifer), Elk Point, Missouri A.
4. Location of point of diversion 1 well SW 1/4 of SE 1/4 sec 19 T94N
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
R53W (approximate center) County Clay
5. County or counties where water will be used clay
6. Annual period during which water is to be used Apr. 1 to Nov. -1
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>W 1/2 of SE 1/4 sec 19</u>	<u>50</u>	<u>North of clay creek N 1/2 of SE 1/4</u>	<u>37</u>
<u>SE 1/4 of SE 1/4 sec 19</u>	<u>40</u>	<u>SW 1/4 of NE 1/4 sec 30</u>	<u>40</u>
<u>NW 1/4 of NE 1/4 sec 30</u>	<u>40</u>	<u>SE 1/4 of NE 1/4 sec 30</u>	<u>39</u>
<u>NE 1/4 of NE 1/4 sec 30</u>	<u>40</u>	<u>S 1/2 of NW 1/4 of SE 1/4 19</u>	<u>70</u>

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

Two center pivots South. Bluff and North clay creek
Traveling guns with drag hose
To. irrigation of crops

I, Thomas Logue, 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. 7634-3

Date of first receipt of application December 21, 2012.

Date of return to applicant for corrections, amendments or changes December 28, 2012.

Date of receipt of corrected application January 14, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7634-3 to Logue Partnership, 30565 455 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. 7634-3 appropriates 2.0 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the SW 1/4 SE 1/4 Section 19 for irrigation of 296 acres located in the NE 1/4, N 1/2 SE 1/4 Section 30 and SE 1/4 Section 19; all in T94N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 to November 1.
3. The date from which applicant may claim right is December 21, 2012.
4. The date of approval of Permit No. 7634-3 is April 7, 2013.
5. One-fifth of the construction is to be completed on or before October 7, 2015.
6. All construction is to be completed on or before April 7, 2018.
7. Water is to be put to beneficial use on or before April 7, 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. 7634-3 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 Wetmore, Hgmen
(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 100' Depth to Top of Water Bearing Material 57' Depth to Water from Surface 48'

d) Distance to nearest existing domestic well:

On applicant's property 300 yds On property owned by others 500 yds

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

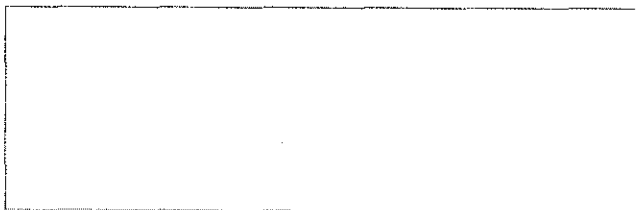
a) Surface Dimensions Depth

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)

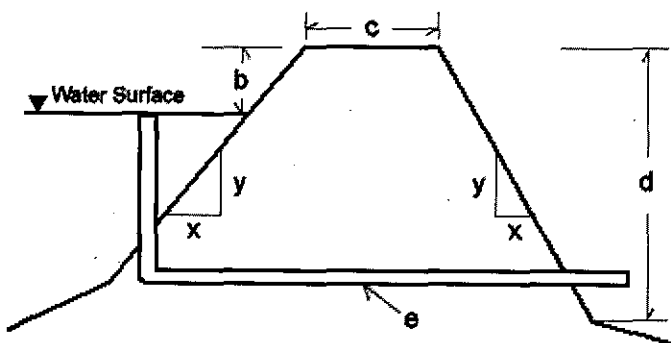
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



Sec 13
T094N
R54W

Sec 18
T094N
R53W

Sec 17
T094N
R53W

Sec 24
T094N
R54W

Sec 19
T094N
R53W

Sec 20
T094N
R53W

Well

Sec 25
T094N
R54W

Sec 30
T094N
R53W

Sec 29
T094N
R53W

Sec 36
T094N
R54W

Sec 31
T094N
R53W

Sec 32
T094N
R53W



United States Department of Agriculture
Farm Service Agency

January 27, 2011

PLSS: 30_94N_53W **Clay County, SD**
Farm: 4781
1:8,302



Wetland Determination Identifiers

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

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

2008 Ortho-Photography - Not to Scale

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Common Land Units

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WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/15, 20 13

RECEIVED OF Thomas Logue 30565 455th Ave Volin Sd 57072

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	200	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>7634-3</u>		
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	200 00

No. **05957**

By

David E. [Signature]
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Thomas Logue, 30565 455th Ave, Colin SD 57072 Date 12-28, 20 ±1

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

Fee for Application for Permit No. <u>7634-3</u> to Appropriate Water, to construct and to put water to beneficial use	1150	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	1150.00

No. 05801

By Shirland E. Kelle
Chief Engineer 1/15



December 28, 2012

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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SOUTH DAKOTA
PIERRE, SOUTH DAKOTA 57501-3182
FIRST PREMIER BANK

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

denr.sd.gov

Thomas Logue
30565 455 Ave
Volin SD 57072

Dear Mr. Logue:

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

- Enclosed are the aerial photo maps submitted with the application. For your use, I have enclosed a map which includes Sections 19 and 30; all in T94N-R53W. On this map, please outline the acres to be covered by the proposed irrigation systems. Please mark the proposed well location with an "X".
- Item No. 2 states total acreage as 250 acres. The total in Item No. 7 is 291 acres. What is the correct number of acres to be irrigated? The acreage outlined on the map needs to correspond with the acreage identified on Item No. 7 of the application.
- We have received the \$1,150.00 fee. The application/license filing fee for irrigation between 241 and 300 acres is \$1,350.00. Please submit an additional \$200.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures



**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. 7634-3, Logue Partnership**

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. 7634-3, Logue Partnership, c/o Thomas Logue, 30565 455th Avenue, Volin SD 57072.

The Chief Engineer is recommending APPROVAL of Application No. 7634-3 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. 7634-3 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 12, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7634-3
LOGUE PARTNERSHIP
February 19, 2013

Water Permit Application No. 7634-3 proposes to appropriate up to 592 acre-feet annually (ac-ft/yr) at a maximum diversion rate of 2.0 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 SE $\frac{1}{4}$ of Section 19, T94N-R53W and is expected to be approximately 100 feet deep. This application proposes to irrigate 296 acres located in the NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 30 and SE $\frac{1}{4}$ of Section 19, all in T94N-R53W in Clay 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 an alluvium mantled outwash composed of sand and gravel material (Stephens, 1967). The aquifer is under both unconfined and confined conditions, but appears to be 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 proposed well site is located approximately three quarter miles from the Clay and Yankton county line and along the border of the Lower James Missouri aquifer. The Missouri: Elk Point aquifer underlies approximately 119,500 acres of Clay and Yankton Counties combined and contains an estimated 1,792,500 acre-feet of recoverable water in storage between the two counties (Hedges and others, 1982). The aquifer is hydraulically connected to the Dakota, Lower James Missouri and the Lower Vermillion Missouri aquifers as well as the Missouri and Vermillion Rivers. The ground water in this aquifer generally moves from northwest to southeast in the area of this application (Stephens, 1967). There was not a test hole log submitted with this application. The average saturated thickness reported for nearby well sites is approximately 57 feet as shown in Table 1 (Water Rights, 2013a). There is approximately 9 feet of artesian head pressure available.

Well Log Identification	Saturated Thickness (ft)
Domestic Well for Frank Orr	52
Domestic Well for Wade Larson	69
Well Log for Water Right No. 7374-3	40
Domestic Well for Thomas Christensen	42
Domestic Well for Gary Freeburg	80

Table 1. Reported saturated thickness for nearby wells (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 appropriate up to 592 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. 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 River. 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 Clay and Yankton Counties of 119,500 acres, average annual recharge to the aquifer in Clay and Yankton Counties is estimated to be 37,842 ac-ft/yr.

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. 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). In addition, there are five future use permits reserving water from the aquifer. There are 212 water rights/permits appropriating water from this aquifer in Clay and Yankton Counties (Water Rights, 2013c). All five of the future use permits reserving water from the aquifer are from Clay County. The distribution of these appropriations and their types are shown in Table 2.

Water Rights/Permits	Number
Commercial	4
Domestic	1
Fish & Wildlife Propagation	4
Industrial	3
Irrigation	190
Municipal	6
Rural Water System	2
Suburban Housing Development	2
Future Use Permits	Number
Lewis & Clark Rural Water System	4
City of Vermillion	1

Table 2. Water rights/permits from the Missouri: Elk Point aquifer in Clay and Yankton Counties (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.
3. Future use permits can be fully developed.

The expected water use for non-irrigation purposes, including that reserved for future use, from the Missouri: Elk Point aquifer in Clay and Yankton Counties is less than 55,500 ac-ft/yr based on current water appropriations.

The annual reported water use from the Missouri: Elk Point aquifer for irrigation purposes is displayed in Table 3.

YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2011	159	59580.2	4817.85
2010	152	56802.8	1205.86
2009	146	56330.8	2906.15
2008	135	53899.8	10120.26
2007	109	43852	11665.06
2006	97	41239	9825.11
2005	84	35725	6642.1
2004	78	34383.8	7311.97
2003	74	33687.8	7081.67
2002	74	33209.8	8193.25
2001	71	32471.8	6787.26
2000	69	31531.8	6271.02
1999	68	31351.8	4006.87
1998	69	31660.8	3867.62
1997	68	31875.2	5778
1996	67	31725.2	4291.2
1995	66	31080.8	4521.29
1994	69	32259.6	2499.98
1993	68	31794	330
1992	67	31218.8	871.35
1991	70	31302.8	7197
1990	67	32596.8	6694.5
1989	66	32506.8	6993.7
1988	64	31537.8	5989.25
1987	65	32021.8	4081.7
1986	71	34581.1	3060.8
1985	67	32217.8	3631.2
1984	70	33132.7	3448
1983	62	30963.8	4313.13
1982	60	30456	3392.5
1981	70	34049	4674
1980	52	29670	4523
1979	53	29670	2793
MIN	52	29670.00	330.00
MAX	159	59580.20	11665.06
AVE	79.61	35769.31	5145.02

Table 3. Irrigation from the Missouri: Elk Point aquifer in Clay and Yankton Counties (Water Rights, 1979-2011)

Lewis and Clark Rural Water System currently reserves 13,000 ac-ft/yr for future use and has permits appropriating 32,165 ac-ft/yr (Water Rights, 2013b). These account for a significant portion of the annual water usage in Clay County, and most of the water from these wells will be induced from the Missouri River. More recharge can be induced with more pumping in particular from the Missouri River because it is hydraulically connected to the aquifer. In 2011, the reported pumping for irrigation was 4,818 ac-ft/yr in Clay and Yankton Counties (Water Rights, 1979-2011).

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 average annual withdrawal is still expected to be significantly less than the average annual recharge. The pending permits for appropriation of water from the Missouri: Elk Point aquifer are shown in Table 4.

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
7552-3	0.61	49
7553-3	1.55	136
7563-3	2.22	95
7565-3	1.89	160
7566-3	2.22	160
7554-3	1.89	136
7576-3	3.33	400
7577-3	2.0	70
7578-3	2.0	80
7579-3	2.0	152
7580-3	2.0	60
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	41.89	3148.3

Table 4. List of pending permits and their appropriations from the Missouri: Elk Point aquifer (Water Rights, 2013a).

Recognizing that Lewis and Clark RWS withdraw water from the Missouri: Elk Point aquifer that is induced from the Missouri River and considering the remaining hydrologic budget, there is reasonable probability that unappropriated water is available for the 592 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 less than five miles from the well site proposed by this application (Water Rights, 2013b). Hydrographs for these wells are shown in Figures 1 and 2.

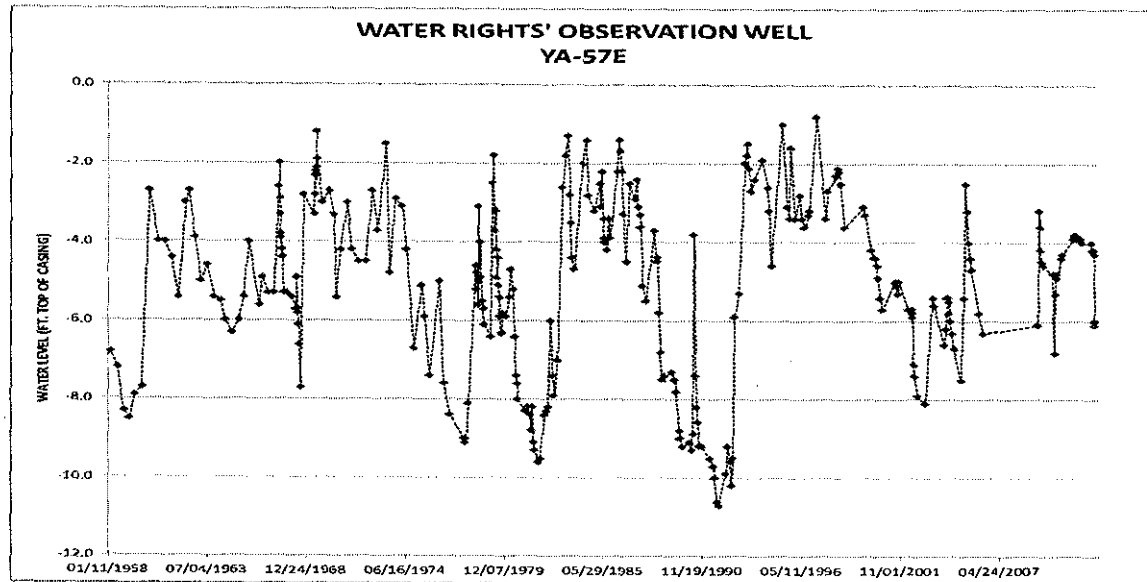


Figure 1. Hydrograph for SD DENR-Water Rights Observation Well YA-57E completed into the Missouri: Elk Point aquifer approximately three and three quarter miles southwest of the well site proposed by Application No. 7634-3 (Water Rights, 2013a).

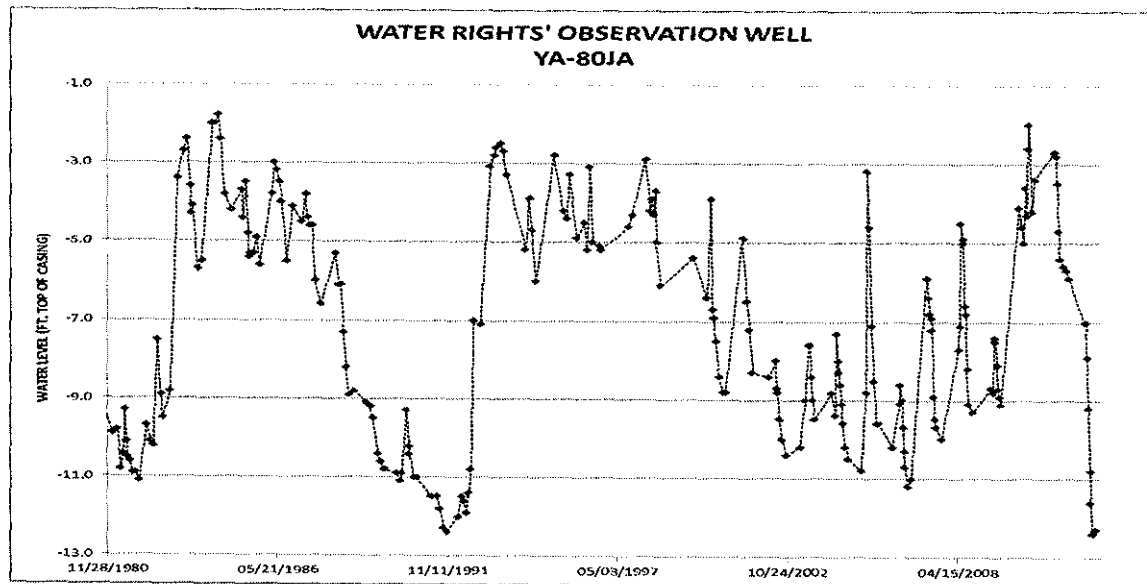


Figure 2. Hydrograph for SD DENR-Water Rights Observation Well YA-80JA completed into the Missouri: Elk Point aquifer less than five miles northwest of the well site proposed by Application No. 7634-3 (Water Rights, 2013a).

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 observation well data shows that at the current level of development, climatic conditions mask the temporal effects of well withdrawals. The observation well data documents the hydraulic connection between the Missouri: Elk Point aquifer and the Missouri River (e.g. in particular, record high groundwater levels associated with flooding in 2011). Because of this obvious hydraulic connection between Missouri: Elk Point aquifer and the Missouri River and the availability of water in the Missouri River, there is a reasonable probability that additional recharge to the Missouri: Elk Point will be induced with additional pumping. Recognizing that natural discharge from the aquifer can be captured for pumping. Additional pumping from the Missouri: Elk Point aquifer can also induce recharge from the underlying Dakota aquifer. Therefore, there is reasonable probability that unappropriated water is available from the aquifer to support this appropriation.

EXISTING WATER RIGHTS:

The proposed well site is located approximately three quarter miles from the Clay and Yankton county line and approximately nine and three quarter miles north of the Missouri River. There are two water rights/permits that have diversion points within a one mile radius from the proposed well site. The nearest water right/permit is Water Permit No. 7374-3, for the same applicant, Logue Partnership, is located more than 1,050 feet northwest and up-gradient from the proposed well site (Water Rights, 2013c).

Based on the observation well data and the distance between wells, drawdown is not expected to be significant nor likely to cause adverse impacts to existing water rights. The precise drawdown cannot be quantified without aquifer testing. With that in mind, this permit should adhere to and include the standard permit qualification which applies to most groundwater permits/rights stating 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 will 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 592 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 may be confined in this area, drawdown from pumping is not expected to be significant very far from a production well.
4. There is a reasonable probability that the well proposed by this application will not 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
- Stephens, J.C., 1967, Geology and Hydrology of Clay County, South Dakota, Part II: Water Resources, SD DENR- Geological Survey Bulletin 19, 62 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.

RECEIVED

APR - 5 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

DENR

Division of Environmental Services

Water Rights Program

Joe Foss Building, 523 East Capitol
Pierre, SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE **CLASSIFIED MANAGER** OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF THE
OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS
AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION TO APPROPRIATE WATER

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 29 DAY OF MARCH 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT \$27.31 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: 3/29/13

FILED ON: 3/29/13

SUBSCRIBED AND SWORN TO BEFORE ME THIS

1st

DAY OF

April

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

NOTICE OF APPLICATION

NO. 7634-3 to Appropriate

Water

Notice is given that Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin SD 57072 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Missouri-Elk Point Aquifer (100 feet deep) located in the SW 1/4 SE 1/4 Section 19 for irrigation of 296 acres located in the NE 1/4, N 1/2 SE 1/4 Section 30 and SE 1/4 Section 19; all in T94N-R53W.

Pursuant to SDCL 46-2A-22, the Chief Engineer recommends APPROVAL of Application No. 7634-3 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 April 7, 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 \$27.31.

Published: March 29, 2013

RECEIVED

MAR 25 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7634-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 22nd DAY OF March 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.15 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: 3/22/2013

FILED ON: 3/22/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 22nd DAY OF March

2013

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

3422
NOTICE OF APPLICATION
NO. 7634-3 to Appropriate Water

Notice is given that Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin SD 57072 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Missouri-Elk Point Aquifer (100 feet deep) located in the SW 1/4 SE 1/4 Section 19 for irrigation of 296 acres located in the NE 1/4, N 1/2 SE 1/4 Section 30 and SE 1/4 Section 19; all in T94N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7634-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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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 \$26.15.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 13, 2013

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7634-3 to Appropriate Water. Please publish the notice once on March 22, 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 Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin SD 57072 (Ph # 605-267-3121).

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

March 13, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

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

March 13, 2013

Logue Partnership
Thomas Logue
30565 455th Ave
Volin SD 57072

Dear Mr. Logue:

Water Permit Application No. 7634-3 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 Plain Talk printed at Vermillion SD (Ph # 605-624-2695) 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.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, March 22, 2013 10:37 AM
To: 'Brett Beyeler'
Subject: RE: Legal No. 7634-3 for Logue Partnership

Brett,

Please run the notice next week, March 29th. One change needs to be made on the notice. At the end of the 3rd paragraph....change the date April 1, 2013 to April 7, 2013.

You may want to call Thomas Logue (cell 605 661-2493 or 605 267-3121) and explain what happened and that you have talked with us.

Karen

-----Original Message-----

From: Brett Beyeler [<mailto:brett.beyeler@plaintalk.net>]
Sent: Friday, March 22, 2013 10:29 AM
To: Schlaak, Karen
Subject: Legal No. 7634-3 for Logue Partnership

Hi Karen. The Logue Partnership Legal never ran in this week's plaintalk No.

7634-3. I copied the Thomas Corio one twice in our original version we checked. Then I switched it back to what it should have been with the Logue Partnership one running, but our pdf never updated like it should have.

Should I run The Logue Partnership Legal No 7634-3 in next week's plaintalk on the 29th of March? I already got payment for it. Sorry about the inconvenience.

Brett Beyeler
Office Manager
Vermillion Plain Talk/Broadcaster
Phone 605-624-4429
Fax 605-624-2696
Brett.Beyeler@plaintalk.net

Instruction to Newspaper - Publish the Notice on March 22, 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. 7634-3 to Appropriate Water

Notice is given that Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin SD 57072 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the SW 1/4 SE 1/4 Section 19 for irrigation of 296 acres located in the NE 1/4, N 1/2 SE 1/4 Section 30 and SE 1/4 Section 19; all in T94N-R53W.

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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

MAY 20 2013

Logue Partnership
Thomas Logue
30565 455th Ave
Volin SD 57072

Dear Mr. Logue:

Enclosed is Water Permit No. 7634-3 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,

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

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

enclosures

7634-3
SEP 11 2013WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 5-24-13TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Tom Logue
(name)30565 455 Ave
(address)Volin, SD 57072
(city, state, zip)605 661 2493
(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. 7634.3 states that the water use system is to be constructed by5-10-13

(date)

, and water is to be put to beneficial use by

6-1-13

(date)

The water use system was completed on 5-10-13

(date)

Applying the water to beneficial use was completed on 6-1-13

(date)

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

Tom Logue
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 11, 2013

7634-3

7635-3

Tom Logue
30565 455th Ave
Volin SD 57072

Dear Mr. Logue:

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 the following water permits:

- No. 7634-3, Logue Partnership
- No. 7635-3, Richard Logue

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 the water permits.

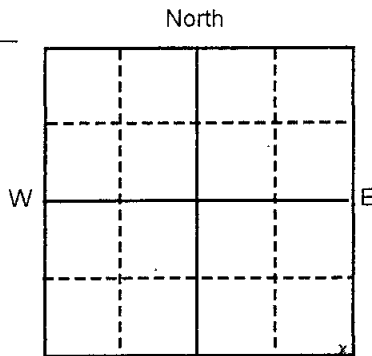
Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 19 Twp 94N Rg 53WCounty ClayPlease mark well
location with an "X"

Well Completion Date

April 3, 2013

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

PROPOSED USE:

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

METHOD OF DRILLING:

bucket drill

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	72.0 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	30	9.5 Lb/gal	0.0 Ft	60.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 30.0 Feet
Material PVCSlot Size .060 Set From 72.0 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?
Lab to which water
quality sample sent for analysisWell Owner: Don LogueBusiness Name: Logue PartnershipAddress: 30565 455th AveCity, State, Zip: Volin SD 57072

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	6
Clay	6	16
Clay Gravel Mix	16	18
Silty Clay	18	26
Gravel	26	37
Sand	37	50
Sandy Gravel	50	68
Gravel	68	72
Sandy Gravel	72	102

STATIC WATER LEVEL 14.1 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

25.6 Ft. After 4.0 Hrs. pumped 700.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JUN 12 2013

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

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

5/2/13

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7634-3

I have this day, November 5, 2016, made a thorough examination of the water use system constructed by Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin, SD 57072 of Permit No. 7634-3, bearing the priority of December 21, 2012 authorizing the diversion of 2.0 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, of 296 acres, in Clay County.

Inspection contact & relationship to permit holder, if applicable: **Thomas & Donny Logue, Logue Partnership, permit holder**

A. Works used to divert the water:

Well Information:

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

Casing:

- 1) Diameter 16 inches
- 2) Length 72 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 30 feet
- 3) Static water level 14.1 feet

Pump:

- 1) Make Grundfos
- 2) Model 1100s400-1
- 3) Capacity 900 GPM

Motor:

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

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

- 1) Type PVC 2) Size 8 inches 3) Length 3050 feet

Comments: See map for approximate location.

C. Works used to apply water to beneficial use:

Center pivot (SE ¼ Sec 19-T94N-R53W):

- 1) Make Valley 8000
2) Overall length 1332 feet
3) Number of towers 7
4) End gun Yes
5) Capacity 900 GPM

Center pivot (N ½ SE ¼ & NE ¼ Sec 30-T94N-R53W):

- 1) Make Valley 8000
2) Overall length 1307 feet
3) Number of towers 7
4) End gun Yes
5) Capacity 900 GPM

Comments: System is set up so that only one center pivot can be operated at a time.

Chemigation Equipment:

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

Comments: Permit holder was not chemigating at time of inspection, but provided the above answers to questions asked. Permit holder indicated he uses chemigation primarily to apply liquid nitrogen to corn crop. A copy of the chemigation rules and Appendix A were reviewed and provided to the permit holder.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2013.
- 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: West 1290', North 1240' from SE Corner of Sec 19-T94N-R53W; Lat 42.94195/Long -97.14597; SW 1/4 SE 1/4 Sec 19-T94N-R53W.

2. The works are capable of diverting and conveying to the place of use 2.0 cfs or 900 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Sec 19-T94N-R53W

NW 1/4 SE 1/4 - 9 ac

SE 1/4 SE 1/4 - 27 ac

SW 1/4 SE 1/4 - 36 ac

Sec 30-T94N-R53W

NW 1/4 NE 1/4 - 22 ac

NE 1/4 NE 1/4 - 22 ac

SE 1/4 NE 1/4 - 38 ac

SW 1/4 NE 1/4 - 39 ac

NW 1/4 SE 1/4 - 9 ac

NE 1/4 SE 1/4 - 10 ac

comprising a total of 212 acres of land and the license should be issued for 2.0 cfs or 900 gpm.

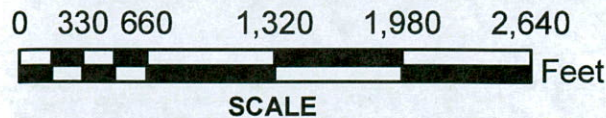
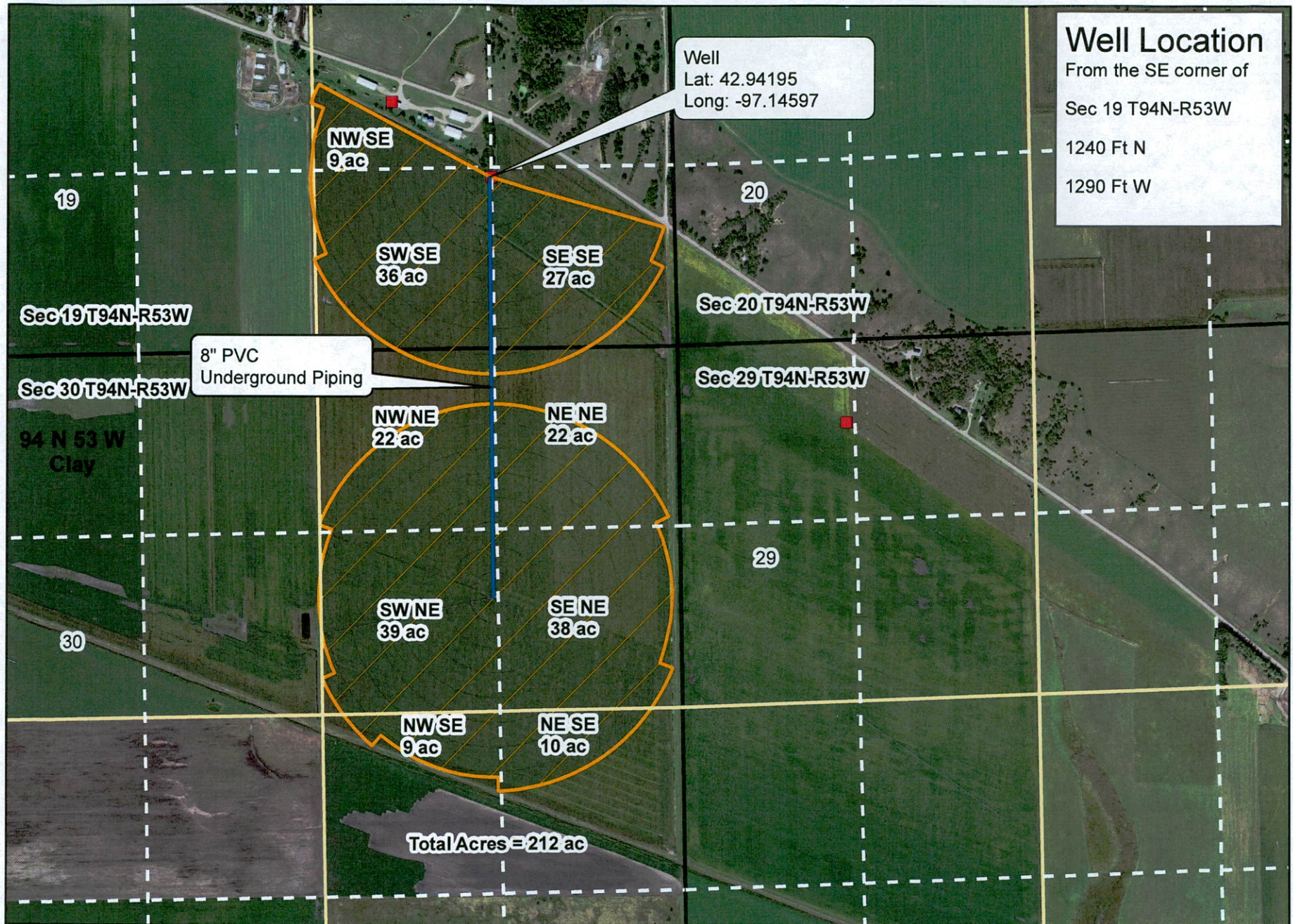
3. All structures, wells and lands on map Yes

Harold Holoch

Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: December 4, 2017

7634-3



Harold Holoch
Harold Holoch, PE
Staff Engineer
June 27, 2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 10 2018

7634-3

Thomas Logue
Logue Partnership
30565 455th Ave
Volin SD 57072

Dear Mr. Logue:

Enclosed is Water License No. 7634-3. 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, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7634-3**

(1) Logue Partnership, 30565 455th Ave, Volin SD 57072 made Application No. 7634-3, December 21, 2012 for a water permit to divert 2.00 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7634-3, with a priority date of December 21, 2012 was approved April 7, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 7, 2018 and for the application to beneficial use of water on or before April 7, 2022.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on September 11, 2013. The "*Notice*" stated the water use system was completed on May 10, 2013 and the water placed to beneficial use on June 1, 2013.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,290'W & 1,240'N of the SE Corner of Section 19, T94N, R53W (SW ¼ SE ¼)
Latitude 42.94195, Longitude -97.14597

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

Section 30, T94N, R53W		Section 19, T94N, R53W	
NW ¼ NE ¼	22 acres	NW ¼ SE ¼	9 acres
NE ¼ NE ¼	22 acres	SE ¼ SE ¼	27 acres
SE ¼ NE ¼	38 acres	SW ¼ SE ¼	36 acres
SW ¼ NE ¼	39 acres		
NW ¼ SE ¼	9 acres	Total 212 acres	
NE ¼ SE ¼	10 acres		

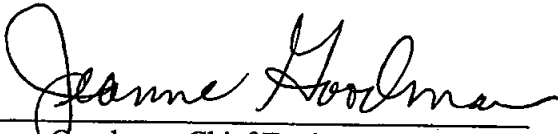
(4) Pursuant to South Dakota Water Law 46-5-30.1 Logue Partnership, 30565 455th Ave, Volin SD 57072 the holder and/or owner of Water Right No. 7634-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of December 21, 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. 7634-3 and subject to the following qualifications:

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

continued

- The well authorized by Permit No. 7634-3 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 well was drilled in April, 2013 by Hammond Wetmore Drilling LLC. A copy of the well completion report is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

SEP 10 2018

date





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

January 19, 2024

NOTICE

TO: LOGUE PARTNERSHIP, DON LOGUE, 30674 BLUFF RD, VOLIN, SD 57072

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7374-3, 7634-3, 8343-3 & 8627-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7374-3, 7634-3, 8343-3 & 8627-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7374-3, 7634-3, 8343-3 & 8627-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QDZUNR**

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.