

WATER PERMIT NO. 7666-3

Name of Applicant: Naughton Credit Trust

Address: 4615 Jean Circle, Yorba Linda CA 92886 Phone: 714 612-2592

Amount of Water Claimed: 2.22 cfs Total Acres: 203.16

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation County: Jerauld

Type of Waste Disposal System:

Location: 1/2 mile north of Lane

PRIORITY Date Received: 1-29-13 Application/License Fee: \$ 1150

Corrected Application Received: Period of Annual Use: May 1 – Oct 31

Remarks:

Diversion Point: NE 1/4 NE 1/4 and NE 1/4 SE 1/4
Sec 17-T107N-R63W

Land to be Irrigated: E 1/2 Sec 17-T107N-R63W

Depth of Well: 115 and 130 feet deep

Well Driller: Steffl Drilling

Remarks:

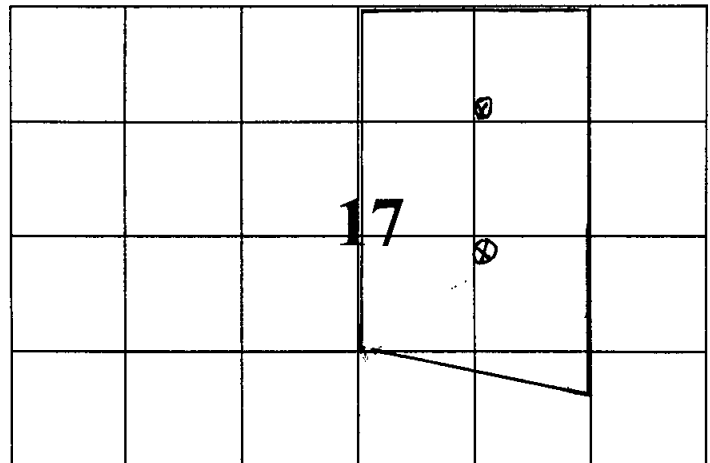
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-30-13

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. <u>7666-3</u> (office use only)	Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	<u>605-539-1281</u>
	Newspaper <u>True Dakotan. Box 358 West Springs 57382</u>	<u>605-352-6401</u>
	<u>Plainsmen Box 1278 Huron 57350</u>	<u>6401</u>

RECEIVED
JAN 29 2013
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.)

Darren Swenson - operator 39476 234th St.
Woonsocket 57385

1. Name to Appear on Irrigation Permit Naughton Credit Trust

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 4615 Jean Circle Yorba Linda CA 92886
(Address) (City) (State) (Zip Code)

Home Phone 714-993-1063 Cell 714-612-2592 Email naughtond@sbcglobal.net

2. Amount of water claimed 2.22 *CFS or 1000 **GPM ***AF Total Acreage 203.2
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Wells

4. Location of point of diversion 1 well in NE1/4 NE1/4 section 17-T107N-R63W, 1 well in NE1/4 SE1/4 section
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
17-T107N-R63W County Jerauld

5. County or counties where water will be used Jerauld

6. Annual period during which water is to be used May 1 - October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 NE 1/4	33.33	NE 1/4 SE 1/4	34.11
NW 1/4 NE 1/4	34.2	NW 1/4 SE 1/4	34.91
SE 1/4 NE 1/4	32.45	SE 1/4 SE 1/4	5.73
SW 1/4 NE 1/4	27.36	SW 1/4 SE 1/4	1.07

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

This project consists of two irrigation pivots to irrigate 203.16 acres. The North pivot shall be located in the NE 1/4 of 17-107-63, the South pivot shall be located in the SE 1/4 of 17-107-63. Two test wells have been completed. The North well is located in the NE1/4 NE1/4, drilled 115 ft deep and produces 800 gpm. The South Well is located in the NE1/4 SE 1/4, drilled 130 ft deep and produces 1000 gpm. The well logs are being mailed with this application. Sand/gravel veins start at 57 and 67 ft and end at 90 and 115 ft deep.

I, Dennis Naughton

Digitally signed by Dennis Naughton
DN: cn=Dennis Naughton, o=Naughton Credit Trust, ou,
email=naughtond@sbcglobal.net, c=US
Date: 2013.01.29 14:49:56 -0600

, 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. 7666-3 FOR IRRIGATION

Date of first receipt of application January 29, 2013.

The Water Management Board approved Water Permit No. 7666-3 on July 11, 2013 for Naughton Credit Trust, c/o Dennis Naughton, 4615 Jean Circle, Yorba Linda CA 92886 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. 7666-3 appropriates 2.22 cubic feet of water per second from two wells to be completed into the Pleistocene Series: Unknown Aquifer (115 & 130 feet deep) located in the NE 1/4 NE 1/4 and the NE 1/4 SE 1/4 Section 17 for irrigation of 203.2 acres located in the E 1/2 Section 17; all in T107N-R63W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is January 29, 2013.
4. One-fifth of the construction is to be completed on or before January 11, 2016.
5. All construction is to be completed on or before July 11, 2018.
6. Water is to be put to beneficial use on or before July 11, 2022.
7. 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 wells 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 wells authorized by Permit No. 7666-3 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.
4. The Permit holder shall contract with a licensed well driller to construct an observation well for the South Dakota Department of Environment and Natural Resources-Water Rights Program Observation Well Network. The observation well must be completed into the same aquifer as the production well and shall be located in public right of way or a perpetual easement shall be granted to the State for the purpose of maintaining an observation well on property owned by the Permit holder. The observation well construction must be coordinated with the DENR-Water Rights Staff.

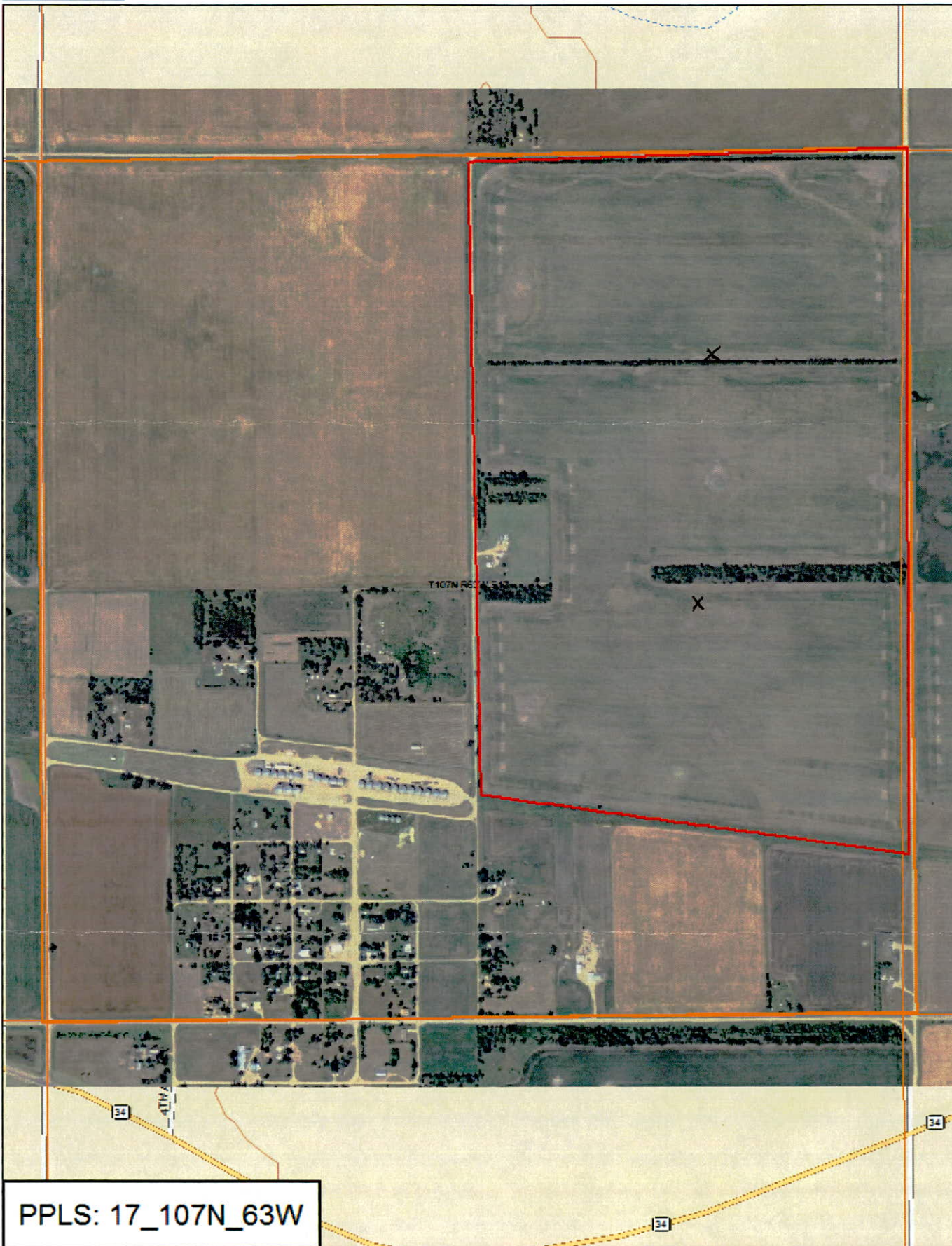
WATER MANAGEMENT BOARD

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

JUL 26 2013

date





Data use subject to license.

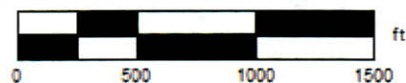
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www.delorme.com

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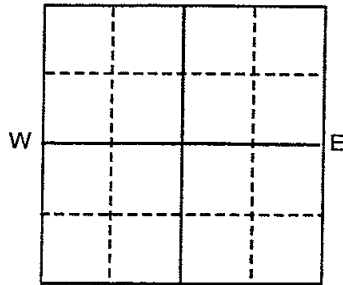
Data Zoom 14-4

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location 1/4 NE 1/4 Sec 17 Twp 107 Rg 63County Jerauld

North

Please mark well
location with an "X"

Well Completion Date

January 7, 2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (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
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bent	6	Lb/gal	0.0 Ft	115.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmy

SCREEN:

☐ Perforated pipe ☐ Manufactured
 Diameter _____ Inches Length _____ Feet
 Material _____
 Slot Size _____ Set From _____ Feet to _____ 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 analysis
Well Owner: Darren Swenson

Business Name: _____

Address: _____

City, State, Zip: _____ SD

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
topsoil	black	M	0	1
clay	tan	M	1	21
clay	blue	M	21	57
sand	gray	fine	57	75
sand/gravel	gray	M	75	90
clay	blue	M	90	115

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____

GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____
☐ Bailed
☐ Other _____

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

 TH #2
 44 04 44.1
 98 25 01.3
 ELEV 1344
 Michael Gjerde
This well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

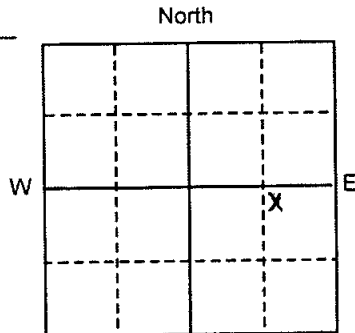
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SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ SE ¼ Sec 17 Twp 107 Rg 63

County Jerauld

Please mark well
location with an "X"

Well Completion Date

January 18, 2013

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (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
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bent	6	Lb/gal	0.0 Ft	130.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmy

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ 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 analysis _____

Well Owner: Darren Swenson

Business Name: _____

Address: 1220 E 4th Ave

City, State, Zip: Mitchell SD 57301

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
topsoil	black	M	0	1
clay	tqan	M	1	28
clay	blue	M	28	67
sand	gray	fine	67	76
sand	gray	M	76	84
clay	blue	M	84	85
sand	gray	med 30slt	85	115
clay	lt gray	M	115	130

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____

☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

 TH #1B
 44 04 28.4N
 98 25 00.8W
 ELEV 1368

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PROGRAM

This well was drilled under license # 463 and this report is true and accurate.

Drilling firm: Steffl Drilling & Pump Inc / Michael Gjerde

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/29, 20 13

RECEIVED OF F Dakota Grain Farm (Naughton) 39476 234th St Woonsocket SD 57385

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

Fee for Application for Permit No. <u>7666-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	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>76666-3</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	1150 00

No. 06048

By [Signature]
Chief Engineer

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, January 29, 2013 3:45 PM
To: 'Dennis Naughton'
Subject: RE: Application for permit to appropriate water

Mr. Swenson has given me a call and answered my questions regarding the amount of water. I will be adding him as the operator for this permit. Thanks for your help.

From: Dennis Naughton [<mailto:naughtond@sbcglobal.net>]
Sent: Tuesday, January 29, 2013 11:25 AM
To: Schlaak, Karen
Cc: Darren Swenson
Subject: Re: Application for permit to appropriate water

I have forwarded this E-Mail to Darren Swenson who is better able to answer your question than myself. Mr Swenson leases this land and hopefully can answer your questions. Mr. Swenson has my authority to speak for me.

Dennis Naughton

From: "Schlaak, Karen" <Karen.Schlaak@state.sd.us>
To: "naughtond@sbcglobal.net" <naughtond@sbcglobal.net>
Sent: Tue, January 29, 2013 9:06:09 AM
Subject: Application for permit to appropriate water

Mr. Naughton:

We received your application for permit to appropriate water in Jerauld County. I have a question regarding the amount of water claimed in which you request 1800 gallons per minute (gpm).

State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 2.9 cfs or 1305 gpm to irrigate the total 203.16 acres.

It appears that you will be putting a full pivot in the NE ¼ and a pivot that will do a half rotation to the south. In most cases, the average pivot requires 800 gpm to operate. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).

If you have questions, please contact me.

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068

Water Rights Program - File Documentation

NAME: Darren Swenson

ADDRESS: 39476 234th St, Woonsocket SD 57385

DATE: 1-29-13 **COUNTY:** JE **TELEPHONE:** 350-5866

RE: Application for Naughton Credit Trust

COMMENTS:

Darren Swenson called regarding this application. He stated he would be the operator of the system for Dennis Naughton.

Regarding the amount of water claimed, Mr. Swenson stated the two wells would be used on a rotating basis and 1000 gpm would be the most they would need. Both pivots will make partial rotations. I told him I would amend the application and list him as the operator.



Karen Schlaak
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

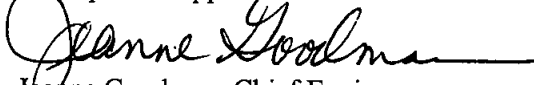
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION
NO. 7666-3, Naughton Credit Trust**

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. 7666-3, Naughton Credit Trust, 4615 Jean Circle, Yorba Linda CA 92886.

The Chief Engineer is recommending APPROVAL of Application No. 7666-3 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 wells 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 wells authorized by Permit No. 7666-3 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.
4. The Permit holder shall contract with a licensed well driller to construct an observation well for the South Dakota Department of Environment and Natural Resources-Water Rights Program Observation Well Network. The observation well must be completed into the same aquifer as the production well and shall be located in public right of way or a perpetual easement shall be granted to the State for the purpose of maintaining an observation well on property owned by the Permit holder. The observation well construction must be coordinated with the DENR-Water Rights Staff.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
April 7, 2013

NOTE: For specific information regarding the requirement to complete an observation well, please contact the Ken Buhler at (605) 773-3352.

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 7666-3

Naughton Credit Trust

March 22, 2013

Water Permit Application No. 7666-3 proposes to withdraw groundwater at a maximum diversion rate of 2.22 cubic feet of water per second (cfs) from two wells. The wells are expected to be 115 and 130 feet deep and are to be located in the NE¼ NE¼ and NE¼ SE¼ of Section 17, T107N-R63W. Water will be used to irrigate 203.2 acres located in the E½ of Section 17, T107N-R63W, in Jerauld County.

AQUIFER: Pleistocene Series: Unknown (PS:U)

AREA GEOLOGY AND AQUIFER CHARACTERISTICS:

Blaze (1980) determined the sand and gravel resources in Jerauld County, as shown in Figure 1. The proposed wells sites, marked by an often circled 'W' in this and all subsequent figures, are located in an area with a poor probability of finding sand or gravel deposits according to Blaze (1980).

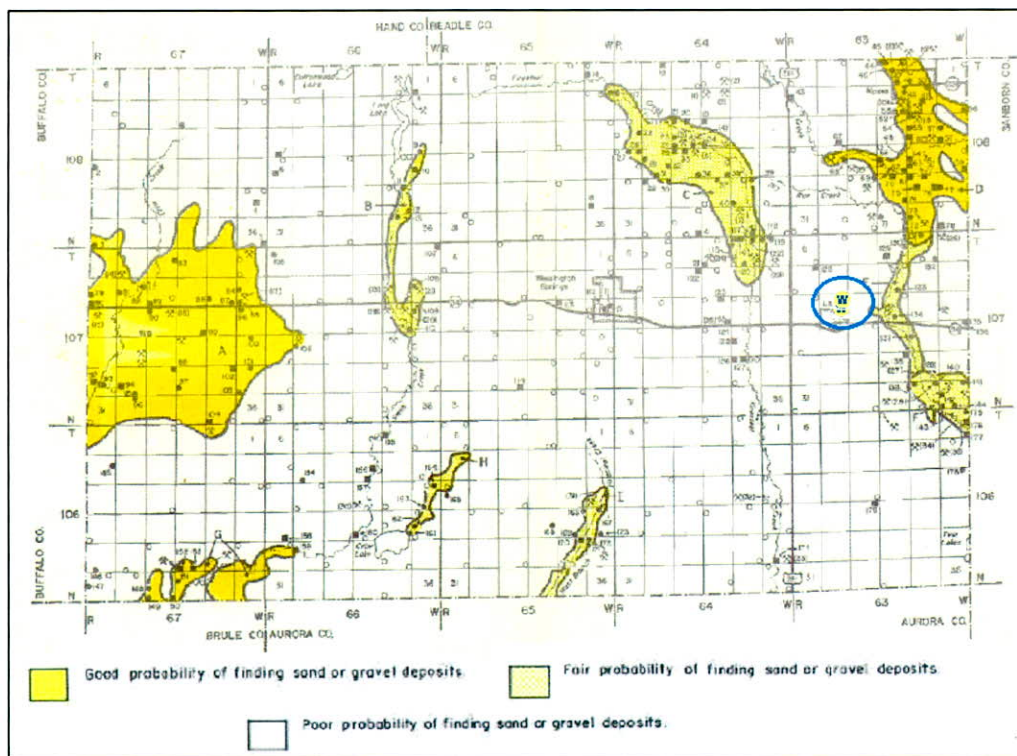


Figure 1: Sand and gravel resources in Jerauld County and proposed well sites (modified from Blaze, 1980)

Hamilton (1985) examined the water resources in Jerauld and Aurora Counties. From the test hole logs, areal extents of aquifers were determined and geologic cross sections were constructed. The mapped aquifers in Jerauld County are shown in Figure 2.

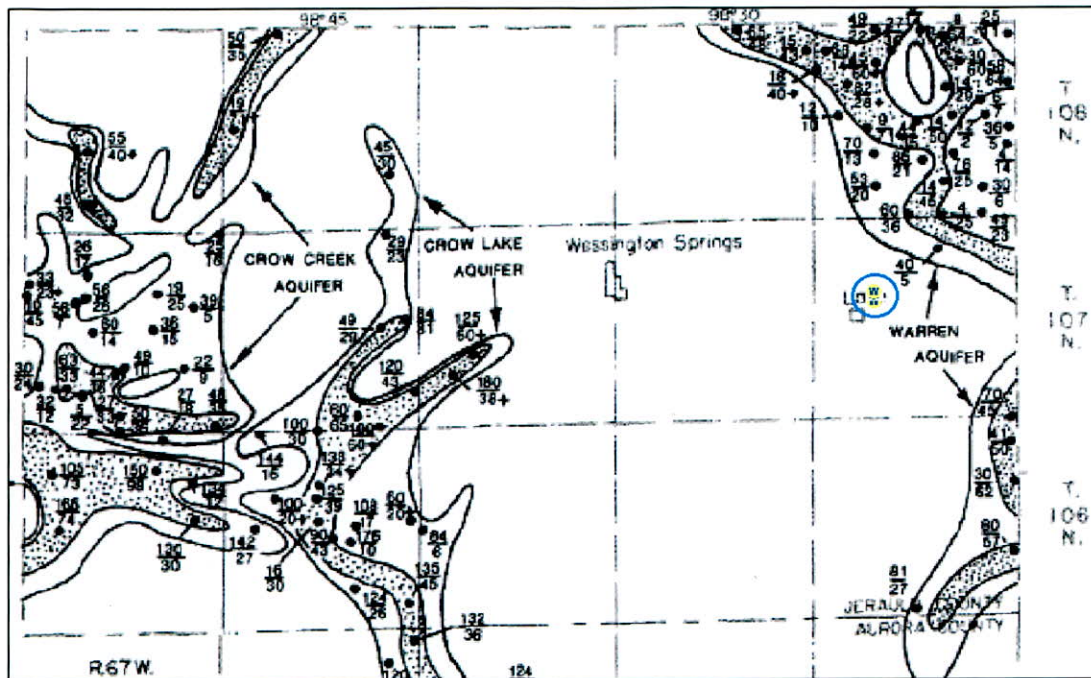


Figure 2: Mapped aquifers in Jerauld and proposed well sites (modified from Hamilton, 1985)

Geologic cross sections A-A,' B-B,' and C-C' are located in Jerauld County and nearest the proposed well sites, as shown in Figure 3. These cross sections are shown together in Figure 4. In the area of the proposed well sites, Hamilton (1985) documented a 'minor aquifer,' as shown in cross section B-B.'

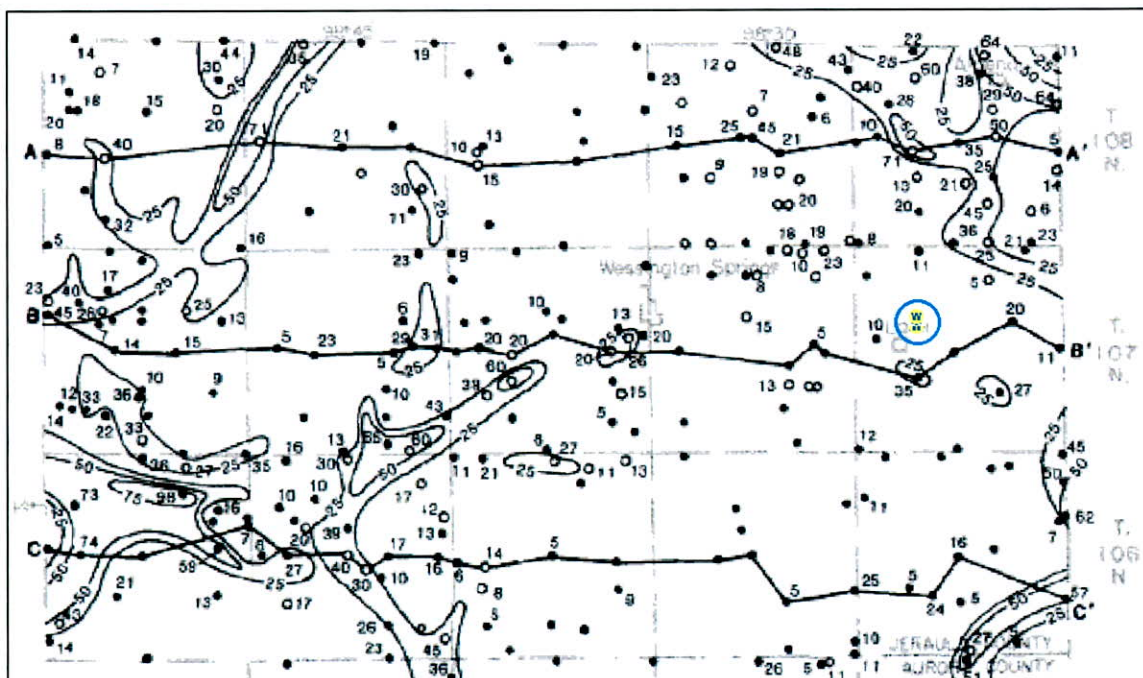


Figure 3: Test holes, geologic cross sections, and proposed well sites (modified from Hamilton, 1985)

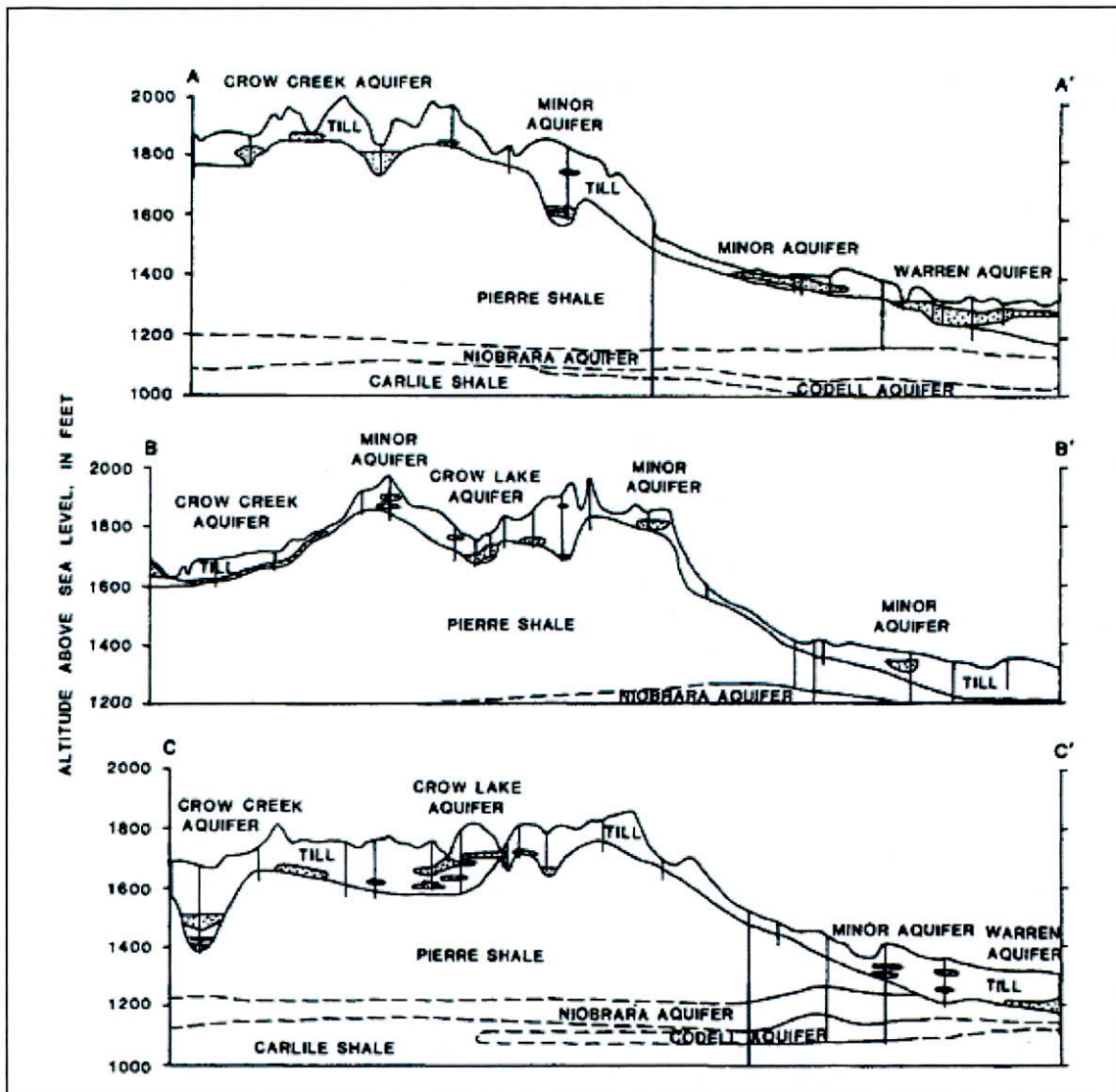


Figure 4: Geologic cross sections in Jerauld County (modified from Hamilton, 1985)

Hedges (2001) examined the geology of Jerauld and Aurora Counties and determined areal extents of geologic materials and constructed geologic cross sections. The mapped geology of Jerauld County is shown in Figure 5. Geologic cross section B-B' is located nearest the proposed well sites, as shown in Figure 6. This cross section is shown in Figure 7. In the area of the proposed well sites, Hedges (2001) documented undifferentiated till.

From several sources, including Blaze (1980), Hamilton (1985), and Hedges (2001), Jensen (2005) determined the first occurrence of aquifer materials in Jerauld County, shown in Figure 8. Immediately south of the proposed well sites, Jensen (2005) identified a small sand and gravel deposit within 50 feet of ground surface. The aquifer materials north and south of the proposed well sites are likely the Warren aquifer. The aquifer materials east and west of the proposed well sites are associated with Dry Run Creek and Firesteel Creek, respectively.

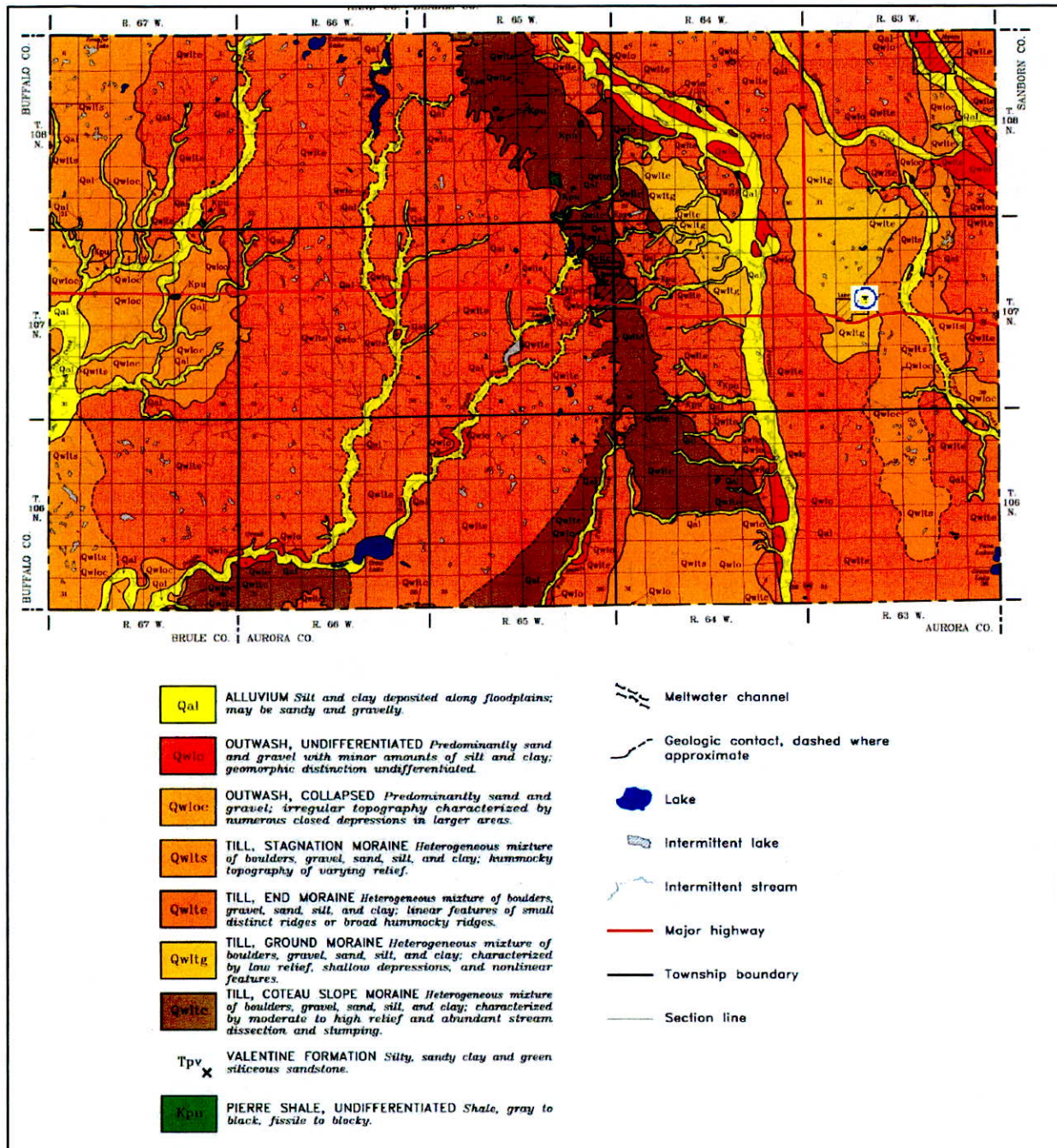


Figure 5: Geology of Jerauld County and proposed well sites (modified from Hedges, 2001)

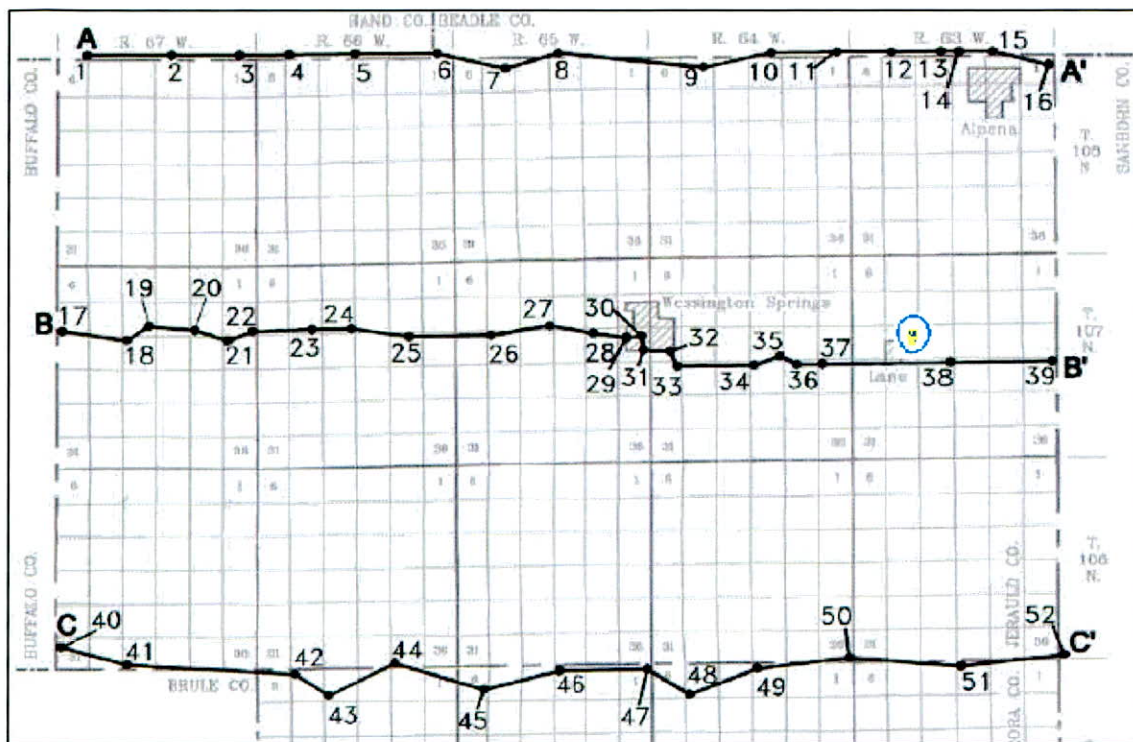


Figure 6: Test holes, geologic cross sections, and proposed well sites (modified from Hedges, 2001)

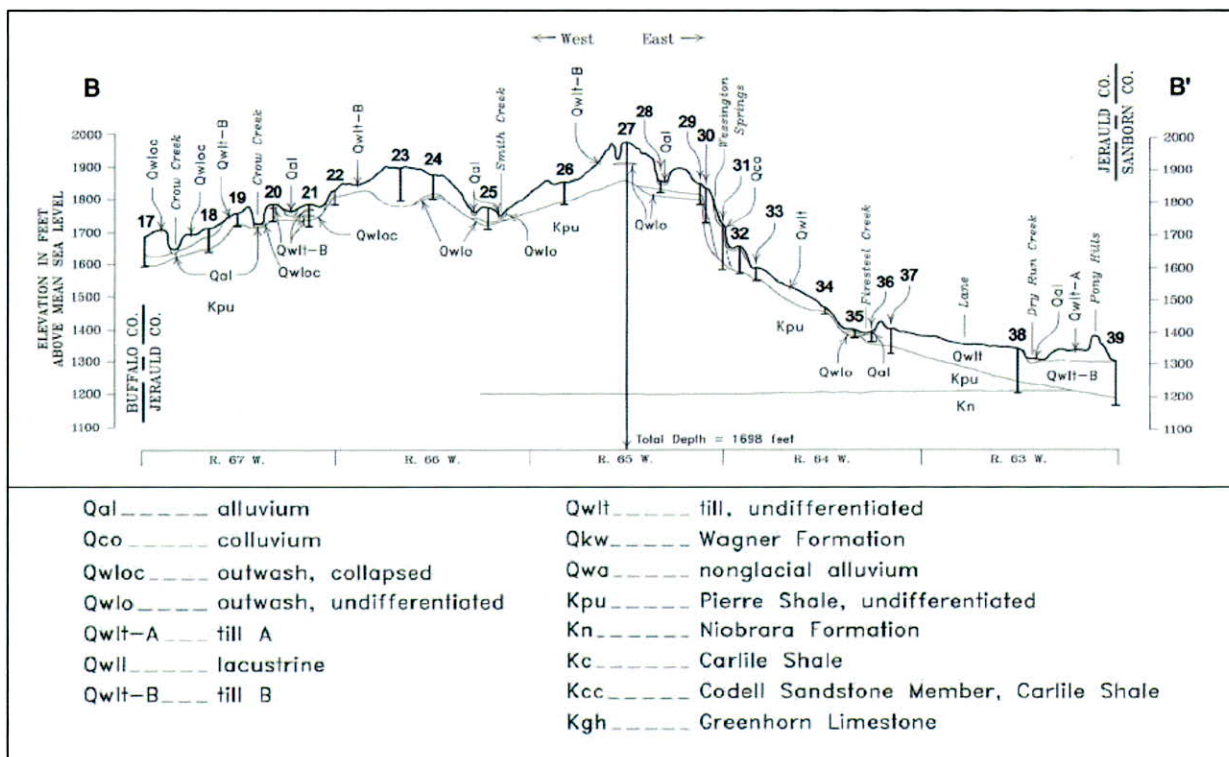


Figure 7: Geologic cross section B-B' (modified from Hedges, 2001)

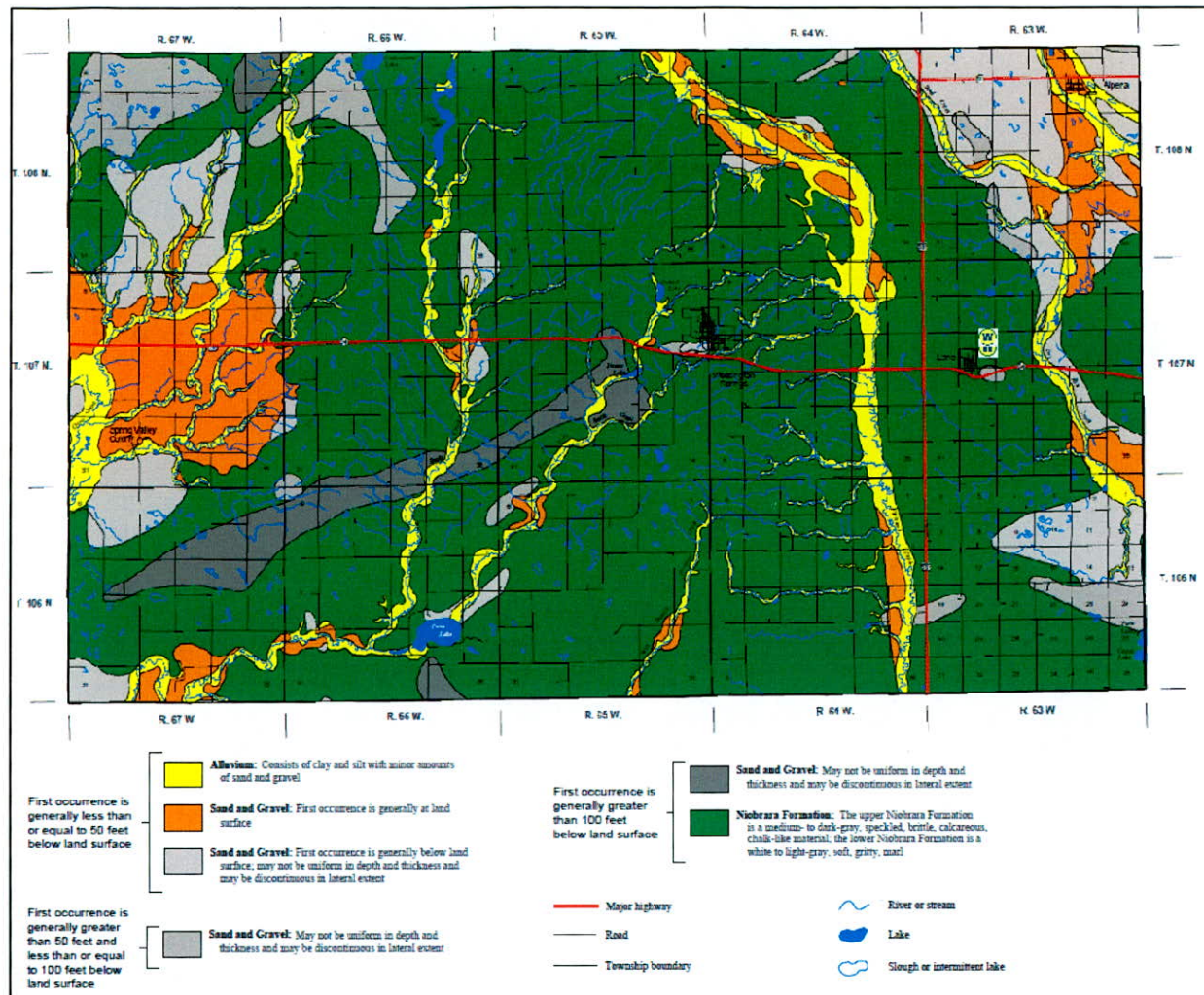


Figure 8: First occurrence of aquifer materials in Jerauld County and proposed well sites (modified from Jensen, 2005)

These studies have attempted to determine the presence of aquifers and aquifer materials in Jerauld County, each building on the previous. According to these studies, there are aquifer materials in the area of the proposed well sites. The Pleistocene Series: Unknown is a generic name for an aquifer of glacial origin that cannot be included into a previously mapped aquifer.

Historically, the Water Management Board has approved water permit applications to appropriate water from these Pleistocene Series: Unknown aquifers. However, in interpreting 46-6-3.1, the First Judicial Circuit Court ruled in *Hanson County Dairy v. Bender* that evidence needs to show that water is available for proposed appropriations. In other words, data must be presented to show that the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (Memorandum Decision, April 11, 2012). This could be interpreted as necessitating the identification and quantification of recharge and discharge of an individual outwash deposit from which the applicant proposes to withdraw water.

To determine this information, the areal extent and altitude interval of the individual outwash deposit must be identified. A thorough investigation of lithologic logs on record with the SD DENR-Geological Survey in this specific area indicated that this outwash could in fact be larger

than previously mapped. Well completion reports on record with the SD DENR-Water Rights Program were then examined to further delineate this outwash. A map of this area with lithologic logs and well completion reports, underlain by Jensen's (2005) map of aquifer materials and Hamilton's (1985) map of aquifers, is shown in Figure 9.

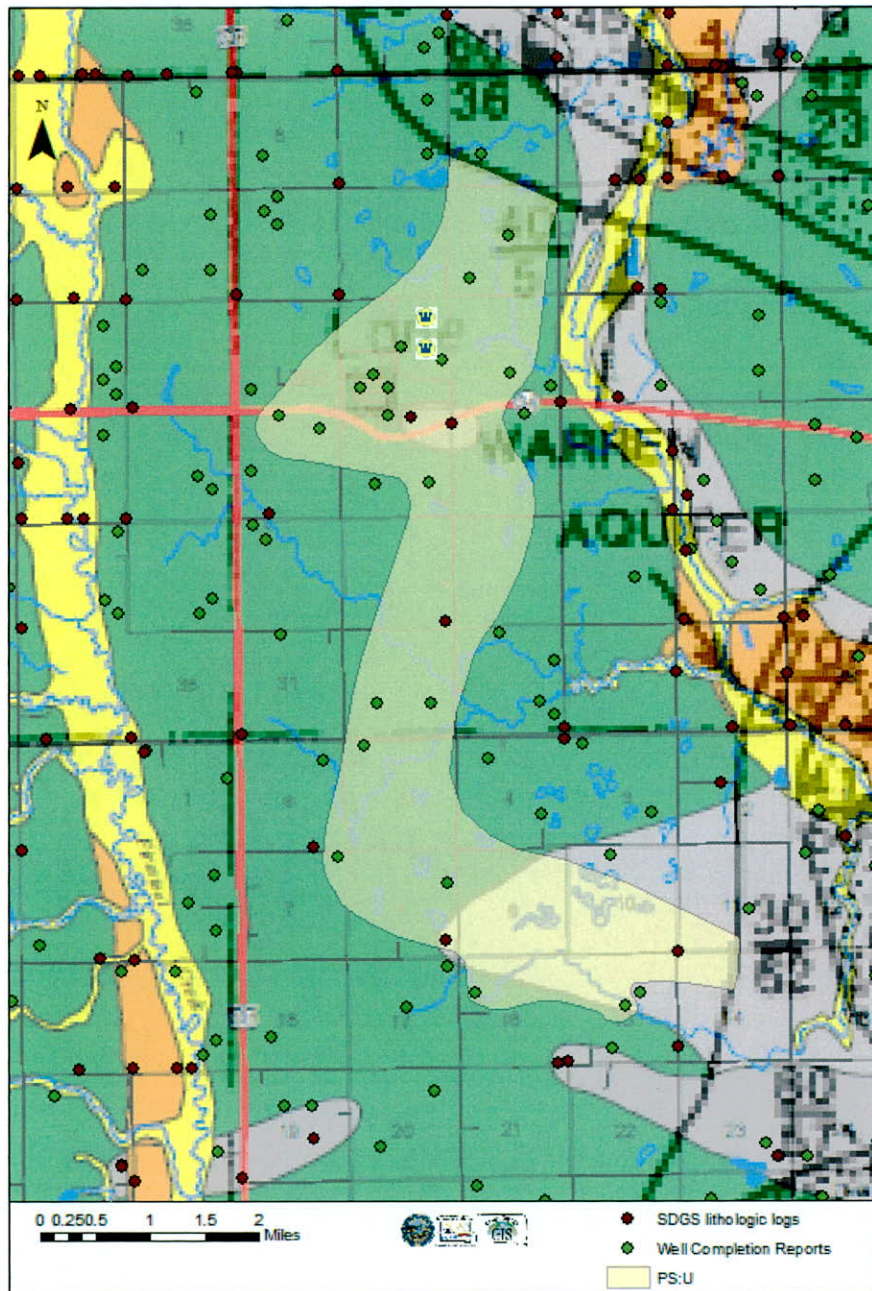


Figure 9: Areal extents of the outwash

The areal extent of the outwash is determined to be 7,670 acres and is generally found in the 1,250 to 1,300 foot mean sea level (msl) altitude interval. From the 21 well completion reports and five lithologic logs located within the outwash, the average thickness is 28.5 feet. There is approximately 32,800 acre-feet (ac-ft) of water in storage, assuming a commonly used storativity of 0.15 (Geological Survey, 2013; Water Rights, 2013c).

This is a buried outwash that appears to often be under artesian conditions. This outwash is probably hydraulically connected to the Warren aquifer, other unnamed outwashes, underlying bedrock aquifers such as the Niobrara, and nearby surface waters. Note that only four of the fourteen domestic wells on record within the areal extent appear to be completed into this outwash (Water Rights, 2013c). This could be attributed to locational water availability in this outwash.

SDCL 46-2A-9

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

WATER AVAILABILITY:

If this application is approved, the actual water use will likely be less than 406.4 acre-feet per year (ac-ft/yr). The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Hydrologic Budget:

Recharge:

While buried, recharge to the outwash could be through infiltration of precipitation. The outwash is likely hydraulically connected to local aquifers and surface waters, which could be sources of recharge, depending on potentiometric surfaces, groundwater movement, and climatic conditions. Recharge for this portion of the aquifer has not been quantified. However, for management and development programs, Hedges and others (1985) suggests a conservative recharge rate range of 0.15 to 0.60 inches per year (in/yr) for confined aquifers. Using the area of this outwash and the suggested recharge range, recharge to the aquifer equals 96 to 383 ac-ft/yr.

Discharge:

Discharge from this outwash could occur through hydraulically connected waters and well withdrawals. There are no appropriative rights completed into this outwash. The nearby water right, No. 1070-3 Town of Lane, appropriates water from the Dakota aquifer (Water Right, 2013b). However, there are four well completion reports on record that appear to be completed into this outwash (Water Rights, 2012c). The annual withdrawal due to domestic use is not significant to the hydrologic budget of an aquifer.

Conclusion:

The maximum recharge to this aquifer is conservatively estimated to be 383 ac-ft/yr. Applying the maximum permitted application rate of two feet of water per acre to the acreage proposed, the maximum appropriation would be 406.4 ac-ft/yr. However, actual application rate of irrigation type water rights/permits are much less than the appropriation. Therefore, there is a reasonable probability that water is available from this Pleistocene Series: Unknown aquifer to supply the proposed appropriation.

Observation Well Data:

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

The SD DENR-Water Rights Program does not monitor any observation wells completed into this outwash (Water Rights, 2013b). Therefore, the probability of unappropriated water available from this outwash cannot be evaluated by this method. An observation well should be constructed to provide data to aid in the evaluation of withdrawals not exceeding recharge in this aquifer as required by ARSD 74:02:05:07.

EXISTING WATER RIGHTS:

If approved, these wells will be located near other wells that obtain water from the same aquifer. These are shown in Figure 10. Domestic wells from Golay and Bathke are the nearest wells in this outwash both at proximately one half mile from the nearest proposed well (Water Rights, 2013c).

If approved, the well owner should control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells. If other domestic wells are currently, or in the future, completed into this outwash, these domestic wells would have precedence over water rights/permits in the same aquifer.

However, this outwash is likely under artesian conditions in the area of the proposed well sites, and so, some drawdown due to pumping is likely. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. SDCL 46-6-6.1 does not require protection of artesian head pressure as a means of groundwater delivery. However, reasonable domestic use must be assured before irrigation use is allowed. Therefore, when considering irrigation projects, the Water Management Board must give consideration to maintaining artesian head pressure as a method of delivery for domestic wells. To balance interests between irrigation use and delivery of groundwater by artesian pressure, ARSD 74:02:04:20(7) defines an adversely impacted domestic well 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.”

Depending on the specific characteristics of the aquifer at the proposed well site, some existing well owners may need to lower their pumps to accommodate possible reduction of head pressure. Therefore, there is a reasonable probability that the proposed appropriation will not adversely or unlawfully impair existing users.

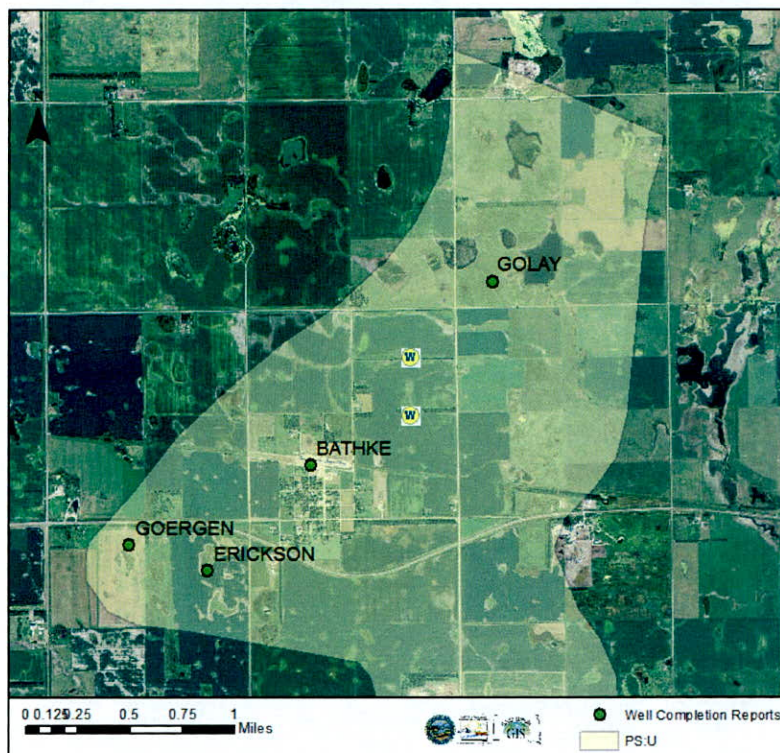


Figure 10: Domestic wells on record that appear to be completed into this outwash and proposed well sites (Water Rights, 2013c)

CONCLUSIONS:

1. The water permit application proposes to withdraw groundwater at a maximum diversion rate of 2.22 cfs from two wells to be completed into the Pleistocene Series: Unknown aquifer for the irrigation of 203.2 acres.
2. Based on an estimated hydrologic budget, there is a reasonable probability that unappropriated water is available from this aquifer to supply the proposed appropriation.
3. The SD DENR-Water Rights Program does not monitor any observation wells completed into this outwash. An observation well should be constructed to aid in the evaluation withdrawals not exceeding recharge in this aquifer.
4. There is a reasonable probability that the proposed appropriation will not adversely or unlawfully impair existing users.

Joseph R Stonesifer

Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by

Ken Buhler

Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Blaze, D.A. 1980. Sand and Gravel Resources of Jerauld County, South Dakota, SD DENR-Geological Survey-Information Pamphlet No. 21. Vermillion, South Dakota.
- Hamilton, L.J. 1985. Water Resources of Aurora and Jerauld Counties, South Dakota, U.S. Geological Survey Water-Resources Investigations Report 84-4030. Vermillion, South Dakota.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, South Dakota.
- Hedges, L.S. 2001. Geology of Aurora and Jerauld Counties, South Dakota. SD DENR-Geological Survey-Bulletin 32. Vermillion, South Dakota.
- In the Matter of Water Permit Application No. 7239-3, by Hanson County Dairy v. Robert Bender and Stace Nelson, South Dakota First Judicial Court Civ. No. 11-54 (Memorandum Decision, April 11, 2012)
- Jensen, A.R. 2005. First Occurrence of Aquifer Materials in Jerauld County, South Dakota. SD DENR-Geological Survey-Aquifer Materials Map 21. Vermillion, South Dakota.
- Geologic Survey. 2013. Lithologic Logs Database, SD DENR-Geological Survey, Vermillion, South Dakota.
- Water Rights. 2013a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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MAY - 1 2013

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

Karen Wegel
being first duly sworn, deposes and says: that he/she is a resident of the County of Jerauld and State of South Dakota; and the True Dakotan is a weekly newspaper of general circulation, published in Wessington Springs, in said county by: Dennis P. Wenzel; and is now and has been such newspaper continuous all the times hereafter mentioned; that the affiant is, and was during a hereafter mentioned, the business manager of said newspaper, in charge of the advertising department thereof; and has personal knowledge of all facts in said affidavit:

And that the notice and advertisement headed

Notice App No 7666-3 to appropriate
a printed copy of which is hereunto attached and made a part hereof, and published in said newspaper in 1 successive issues. That the publication of said notice in said newspaper aforesaid was on Tuesday, the 1 April 2013; and that the succeeding publications were:

On Tuesday, the _____ day of _____, 20____

On Tuesday, the _____ day of _____, 20____

On Tuesday, the _____ day of _____, 20____

That the fee charged for the printing and publishing of said notice and advertisement in said newspaper aforesaid, was 30 dollars and 49 cents; and that said fee for printing and publishing said notice and advertisement in said newspaper has been full paid; that the full amount of fees for the publishing of the said attached and annexed notice and advertisement for the benefit of the publisher of the said True Dakotan; and no agreement standing for the division thereof has been made with any person whom the said newspaper is a legal newspaper as provided by law.

Signed: Karen Wegel

Subscribed and sworn to before me, this 28 day of April:

Penny Wenzel Notary Public
Jerauld County, SD

AFFIDAVIT EX REL PUBLICA
STATE OF SOUTH DAKOTA, COUNTY OF JERAULD

_____ being first duly sworn on his or her oath, deposes and says: that he is one of the authorized attorneys of the _____ in the action mentioned and described in the annexed notice; that he has directed the publication of the annexed notice; that no agreement or understanding for any division of the fees therefore has been made with any person whomsoever; and that no part thereof has been refunded or rebated by the party publishing said notice.

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public, Jerauld County, South Dakota

NOTICE OF APPLICATION NO. 7666-3 to Appropriate Water

Notice is given that Naughton Credit Trust, 4615 Jean Circle, Yorba Linda CA 92886 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from two wells to be completed into the Pleistocene Series: Unknown Aquifer (115 & 130 feet deep) located in the NE 1/4 NE 1/4 and the NE 1/4 SE 1/4 Section 17 for irrigation of 203.2 acres located in the E 1/2 Section 17; all in T107N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7666-3 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 29, 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 \$30.49.
c-29

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APR 30 2013

PRINTER'S AFFIDAVIT

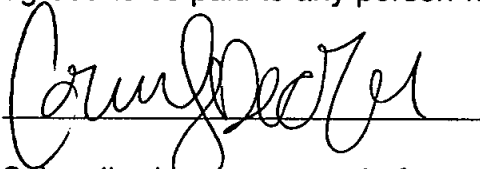
WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, CORINN DECKER, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**SD ENVIRONMENTAL & NATURAL -
NAUGHTON CREDIT TRUST - WATER RIGHTS
APP**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 16TH day APRIL 2013 That the full THIRTY ONE & 68/000 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 30TH
day of APRIL 2013.


Notary Public, South Dakota

My term expires 12/27/18

Legal # 726

EP. 04-16-13

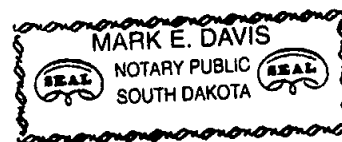
**NOTICE OF
APPLICATION
NO. 7666-3 to**

Appropriate Water
Notice is given that Naughton Credit Trust, 515 Jean Circle, Yorba Linda CA 92886 has filed an application for a water permit to appropriate 222 cubic feet of water per second from two wells to be completed into the Pleistocene Series: Unknown Aquifer (115 & 130 feet deep) located in the NE 1/4 NE 1/4 and the NE 1/4 SE 1/4 Section 17 for irrigation of 203.2 acres located in the E 1/2 Section 17; all in T107N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7666-3 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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Steven M. Pimer,
Secretary,
Department of
Environment and
Natural Resources.
No 726 (adv.)
Published once at the
total approximate cost of
\$31.68.





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 9, 2013

Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7666-3 to Appropriate Water. Please publish the notice once on April 16, 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 Naughton Credit Trust, c/o Dennis Naughton, 4615 Jean Circle, Yorba Linda CA 92886 (Ph # 714-612-2592).

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

Schlaak, Karen

From: Ruby Crandall <rnewman.plainsman@midconetwork.com>
Sent: Tuesday, April 09, 2013 4:32 PM
To: Schlaak, Karen
Subject: Re: 7666-3 & 7674-3

I have received your email.
Thank you.

Ruby (Newman) Crandall
Creative Services Supervisor

Plainsman/Payday/Print Shop
49 3rd Street SE
Huron, SD 57350

605-353-7412

1-800-859-3045, ext. 412

fax: 605-353-7422

rnewman.plainsman@midconetwork.com

On Apr 9, 2013, at 4:09 PM, Schlaak, Karen wrote:

Attached are two notices.

Please publish the Notice of Application No. 7666-3, Naughton Credit Trust, c/o Darren Swenson, 39476 234th St, Woonsocket SD 57385 (605 350-5866) on April 16, 2013.

Notice of Application No. 7674-3, Bob Timp, 205 432nd Ave, DeSmet SD 57231 (605 860-0498) on April 17, 2013

Please send the affidavits ASAP

Thanks

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

<7666-3public.short.docx><7674-3public.short.docx>



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 9, 2013

True Dakotan
PO Box 358
Wessington Springs SD 57382

ATTENTION: Legal Public Notice

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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.

April 9, 2013

Naughton Credit Trust
Dennis Naughton
4615 Jean Circle
Yorba Linda CA 92886

Dear Mr. Naughton:

Water Permit Application No. 7666-3 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 True Dakotan printed at Wessington Springs SD (Ph # 605-539-1281) and the Plainsman printed at Huron SD (Ph # 605-352-6401). 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
C: Darren Swenson, Operator, 39476 234th St, Woonsocket SD 57385
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 April 16, 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. 7666-3 to Appropriate Water

Notice is given that Naughton Credit Trust, 4615 Jean Circle, Yorba Linda CA 92886 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from two wells to be completed into the Pleistocene Series: Unknown Aquifer (115 & 130 feet deep) located in the NE 1/4 NE 1/4 and the NE 1/4 SE 1/4 Section 17 for irrigation of 203.2 acres located in the E 1/2 Section 17; all in T107N-R63W.

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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 _____.

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APR 26 2013

WATER RIGHTS
PROGRAM

RUSSELL BURNISON
4716 Nine Mile Creek Parkway
Bloomington, Mn 55437

Water Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

Refer: Application # 7666-3

This application for 2 wells to pump a large amount of water each second is going put a strain on the water supply for the area.

I own land to the east of the proposed wells. I depend upon the well in that section to have water for the cattle. The description of the land is "N ½ NE 16-107-63 80 acres.

I feel the only public interest of these wells is to the owners to the 200 acres that they will be on. The adjoining crop and pastureland may be affected. The water in this area is not that plentifully and this amount of draw could affect many wells in the area.

I feel this application should be denied unless if can be proven to other owners that they will not have a problem with the other wells in the area.

Sincerely

Russell Burnison



CC
Naughton Credit Trust
4615 Jean Circle
Yorba Linda, CA 92886

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APR 29 2013

WATER RIGHTS
PROGRAM

Date April 19, 2013

Dear Naughton Credit Trust and Chief Engineer,

This is a cover letter pertaining to the many signatures that have been collected opposing Application No. 7666-3 to appropriate water to irrigation.

We strongly feel that there is not enough water in the Pleistocene Series Aquifer to support irrigation.

Sincerely yours,

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

Randy Burnison
39068 227th Street
Alpena SD 57312

RECEIVED

APR 29 2013

WATER RIGHTS
PROGRAM

Date April 19, 2013

Dear Naughton Credit Trust and Chief Engineer,

The people signing this petition are opposing Application No. 7666-3.

The use of 60,000 gallons per hour for irrigation will affect the water table in the area and cause undo hardship on livelihoods. The people that are signing this believe that this permit should be denied because it is not in the best public interest. Affected items:

- (1) Livestock wells
- (2) Household wells
- (3) Dugouts

Signature: <u>Randy Burnison</u>	Signature: <u>Glen Hohn</u>
X Print Name: <u>Randy Burnison</u>	X Print Name: <u>Glen Hohn</u>
Address: <u>39068 227th ST</u>	Address: <u>39159 228th ST.</u>
Town: <u>Alpena</u> SD Zip Code: <u>57312</u>	Town: <u>Woodsack</u> SD Zip Code: <u>57385</u>
Signature: <u>Ronald Goergen</u>	Signature: <u>David Holtz</u>
X Print Name: <u>Ronald Goergen</u>	X Print Name: <u>David Holtz</u>
Address: <u>39109 SD Hwy 34</u>	Address: <u>39188 SA Hwy 34</u>
Town: <u>Woodsack</u> SD Zip Code: <u>57385</u>	Town: <u>Woodsack</u> SD Zip Code: <u>57385</u>
Signature: <u>Jim Van Dyke</u>	Signature: <u>Jim Starr</u>
X Print Name: <u>Jim Van Dyke</u>	X Print Name: <u>Jim Starr</u>
Address: <u>38919 SD Hwy 34</u>	Address: <u>Box-1103,</u>
Town: <u>Wess. Springs</u> SD Zip Code: <u>57382</u>	Town: <u>Lane,</u> SD Zip Code: <u>57358</u>
Signature: <u>Jan Van Dyke</u>	Signature: <u>Wendall Brown</u>
X Print Name: <u>Jan Van Dyke</u>	X Print Name: <u>Wendall Brown</u>
Address: <u>37938 224th ST</u>	Address: <u>202 W 4TH ST</u>
Town: <u>Wessing Springs</u> SD Zip Code: <u>57382</u>	Town: <u>Lane</u> SD Zip Code: <u>57358</u>

Date April 19, 2013

Dear Naughton Credit Trust and Chief Engineer,

The people signing this petition are opposing Application No. 7666-3.

The use of 60,000 gallons per hour for irrigation will affect the water table in the area and cause undo hardship on livelihoods. The people that are signing this believe that this permit should be denied because it is not in the best public interest. Affected items:

- (1) Livestock wells
- (2) Household wells
- (3) Dugouts

Signature: Bernard Olinger Signature: Jay Schriever

Print Name: Bernard Olinger Print Name: JAY Schriever

Address: 23619 Twin Lake Dr. Address: 22928 392nd Ave

Town: Woonsocket SD Zip Code: 57385 Town: Woonsocket SD Zip Code: 57385

Signature: Irene Olinger Signature: Karen Kogel

Print Name: Irene Olinger Print Name: Karen Kogel

Address: 23619 Twin Lake Dr. Address: 39238 230th St.

Town: Woonsocket SD Zip Code: 57385 Town: Woonsocket SD Zip Code: 57385

Signature: Judy Brisbane Signature: _____

Print Name: Judy Brisbane Print Name: _____

Address: 106 E. 7th St. Address: _____

Town: Woonsocket SD Zip Code: 57385 Town: _____ SD Zip Code: _____

Signature: Lori Schriever Signature: _____

Print Name: Lori Schriever Print Name: _____

Address: 22928 392nd Ave Address: _____

Town: Woonsocket SD Zip Code: 57385 Town: _____ SD Zip Code: _____

Date April 19, 2013

Dear Naughton Credit Trust and Chief Engineer,

The people signing this petition are opposing Application No. 7666-3.

The use of 60,000 gallons per hour for irrigation will affect the water table in the area and cause undo hardship on livelihoods. The people that are signing this believe that this permit should be denied because it is not in the best public interest. Affected items:

(1) Livestock wells

(2) Household wells

(3) Dugouts

Signature:

John Olinger

Signature:

Jon Jay Bark

Print Name:

John Olinger

Print Name:

Jon Jay Bark

Address:

P.O. Box 385

Address:

39266 SD Hwy 34

Town:

Woonsocket

SD Zip Code:

57385

Town:

Woonsocket

SD Zip Code:

57385

Signature:

Perry Jost

Signature:

Ann Jost

Print Name:

PERRY JOST

Print Name:

Ann Jost

Address:

39059 SD Hwy 34

Address:

39059 SD Hwy 34

Town:

WOONSOCKET

SD Zip Code:

57385

Town:

Woonsocket

SD Zip Code:

57385

Signature:

Todd Olinger

Signature:

Sarah Olinger

Print Name:

Todd Olinger

Print Name:

Sarah Olinger

Address:

23779 391st Ave

Address:

PO Box 385

Town:

Woonsocket

SD Zip Code:

57385

Town:

Woonsocket

SD Zip Code:

57385

Signature:

Kari L. Olinger

Signature:

David Kegel

Print Name:

KARI L. OLINGER

Print Name:

David Kegel

Address:

23779 391st Ave

Address:

39238 230th St

Town:

Woonsocket

SD Zip Code:

57385

Town:

Woonsocket

SD Zip Code:

57385

Date April 19, 2013

Dear Naughton Credit Trust and Chief Engineer,

The people signing this petition are opposing Application No. 7666-3.

The use of 60,000 gallons per hour for irrigation will affect the water table in the area and cause undo hardship on livelihoods. The people that are signing this believe that this permit should be denied because it is not in the best public interest. Affected items:

- (1) Livestock wells
- (2) Household wells
- (3) Dugouts

Signature: Larry Olinger Signature: _____

Print Name: Larry Olinger Print Name: _____

Address: 23775 - 391st Ave Address: _____

Town: Woonsocket SD Zip Code: 57385 Town: _____ SD Zip Code: _____

Signature: Ruth Ann Olinger Signature: _____

Print Name: Ruth Ann Olinger Print Name: _____

Address: 23775 391st Ave Address: _____

Town: Woonsocket SD Zip Code: 57385 Town: _____ SD Zip Code: _____

Signature: Rick Couch Signature: _____

Print Name: Rick Couch Print Name: _____

Address: 39188 230th St. Address: _____

Town: Woonsocket SD Zip Code: 57385 Town: _____ SD Zip Code: _____

Signature: Bonnie L. Feistner Signature: _____

Print Name: Bonnie L. Feistner Print Name: _____

Address: 23638 392nd Ave Address: _____

Town: Woonsocket SD Zip Code: 57385 Town: _____ SD Zip Code: _____

Date April 19, 2013

Dear Naughton Credit Trust and Chief Engineer,

The people signing this petition are opposing Application No. 7666-3.

The use of 60,000 gallons per hour for irrigation will affect the water table in the area and cause undo hardship on livelihoods. The people that are signing this believe that this permit should be denied because it is not in the best public interest. Affected items:

- (1) Livestock wells
- (2) Household wells
- (3) Dugouts

Signature: _____

Signature: _____

Print Name: Darrick Van Dyke

Print Name: Cindy Rounds

Address: 1112 College Ave N

Address: 22949 US Hwy 281

Town: Wess. Springs

SD Zip Code: 57382

Town: Wess. Springs

SD Zip Code: 57382

Signature: George P. Taphen

Signature: _____

Print Name: GEORGE TAPKEN

Print Name: _____

Address: 38759. 226 ST

Address: _____

Town: ALPENA

SD Zip Code: 57312

Town: _____

SD Zip Code: _____

Signature: Mark E. Steichen

Signature: _____

Print Name: Mark Steichen

Print Name: _____

Address: 38828 227th St.

Address: _____

Town: Alpena

SD Zip Code: 57312

Town: _____

SD Zip Code: _____

Signature: James Schaefer

Signature: _____

Print Name: James Schaefer

Print Name: _____

Address: 22458 389th Ave

Address: _____

Town: Alpena

SD Zip Code: 57312

Town: _____

SD Zip Code: _____

Date April 19, 2013

Dear Naughton Credit Trust and Chief Engineer,

The people signing this petition are opposing Application No. 7666-3.

The use of 60,000 gallons per hour for irrigation will affect the water table in the area and cause undo hardship on livelihoods. The people that are signing this believe that this permit should be denied because it is not in the best public interest. Affected items:

- (1) Livestock wells
- (2) Household wells
- (3) Dugouts

Signature: Timothy Jackson Signature: _____

X Print Name: T. Timothy Jackson Print Name: ~~Timothy Jackson~~

Address: 22989-390 Ave Address: _____

Town: Woonsocket SD Zip Code: 37385 Town: _____ SD Zip Code: _____

Signature: John Jackson Signature: _____

X Print Name: John Jackson Print Name: _____

Address: 22989-390 Ave Address: _____

Town: Woonsocket SD Zip Code: 57385 Town: _____ SD Zip Code: _____

Signature: Gaylor Brandenburg Signature: _____

X Print Name: Gaylor Brandenburg Print Name: _____

Address: 22579 390th Ave Address: _____

Town: Celina SD Zip Code: 57362 Town: _____ SD Zip Code: _____

Signature: Mary Ann Jackson Signature: _____

X Print Name: Mary Ann Jackson Print Name: _____

Address: 22898 390th Ave Address: _____

Town: Woonsocket SD Zip Code: 57385 Town: _____ SD Zip Code: _____

Date April 19, 2013

Dear Naughton Credit Trust and Chief Engineer,

The people signing this petition are opposing Application No. 7666-3.

The use of 60,000 gallons per hour for irrigation will affect the water table in the area and cause undo hardship on livelihoods. The people that are signing this believe that this permit should be denied because it is not in the best public interest. Affected items:

- (1) Livestock wells
- (2) Household wells
- (3) Dugouts

Signature: <u>Laura Jackson</u>	Signature: <u>Karen Jackson</u>
*Print Name: <u>Laura Jackson</u>	*Print Name: <u>Karen Jackson</u>
Address: <u>22989 390th Ave</u>	Address: <u>22898 390th Ave</u>
Town: <u>Woonsocket</u> SD Zip Code: <u>57385</u>	Town: <u>Woon</u> SD Zip Code: <u>57385</u>
Signature: <u>Leah Jackson</u>	Signature: <u>Travis Jackson</u>
*Print Name: <u>Leah Jackson</u>	*Print Name: <u>Travis Jackson</u>
Address: <u>22989 390th AVE</u>	Address: <u>22898 390th Ave</u>
Town: <u>Woonsocket, SD</u> SD Zip Code: <u>57385</u>	Town: <u>Woonsocket</u> SD Zip Code: <u>57385</u>
Signature: <u>Steven Jackson</u>	Signature: <u>[Signature]</u>
*Print Name: <u>Steven Jackson</u>	Print Name: <u>[Name]</u>
Address: <u>Woonsocket 22989 390th AVE</u>	Address: <u>22898 390th Ave</u>
Town: <u>Woonsocket</u> SD Zip Code: <u>57385</u>	Town: <u>Woonsocket</u> SD Zip Code: <u>57385</u>
Signature: <u>[Signature]</u>	Signature: <u>[Signature]</u>
*Print Name: <u>Eric Jackson</u>	Print Name: <u>[Name]</u>
Address: <u>22989 390th Ave.</u>	Address: <u>[Address]</u>
Town: <u>Woonsocket</u> SD Zip Code: <u>57385</u>	Town: <u>[Town]</u> SD Zip Code: <u>[Zip]</u>



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

May 1, 2013

NOTICE OF HEARING

TO: Dennis Naughton
Naughton Credit Trust
4615 Jean Circle
Yorba Linda CA 92886
and Parties of Record (see attached list)

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application No. 7666-3, Naughton Credit Trust

Petitions opposing approval of Water Permit Application No. 7666-3 have been filed in response to the Notice of Application published in the Plainsman and True Dakotan. This notice schedules a hearing on the application before the South Dakota Water Management Board.

Application No. 7666-3 proposes to appropriate 2.22 cubic feet of water per second from two wells to be completed into the Pleistocene Series: Unknown Aquifer (115 & 130 feet deep) located in the NE 1/4 NE 1/4 and the NE 1/4 SE 1/4 Section 17 for irrigation of 203.2 acres located in the E 1/2 Section 17; all in T107N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7666-3 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.

The Water Management Board will consider Application No. 7666-3 at 1:00 PM on July 11, 2013, in the Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave. Pierre SD. Parties will be provided written notice if there is a change to the hearing time or date. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based on the facts presented at the public hearing.

The July 11, 2013, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by June 28, 2013. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

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

Contact Eric Gronlund at the above Chief Engineer's address to request copies of the staff report, recommendation, application or any other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Enclosed is a copy of the report, recommendation, affidavit of publication and petition in the matter of Water Permit Application No. 7666-3. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. This same information will be sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules". You are encouraged to review these documents prior to the hearing.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is May 13, 2013. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02 and ARSD Chapter 74:02:04.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

c: Diane Best, Assistant Attorney General
Darren Swenson, 39476 234th Street, Woonsocket SD 57385

enclosures

PARTIES OF RECORD FOR 7666-3 Naughton Credit Trust

APPLICANTS:

NAUGHTON CREDIT TRUST
DENNIS NAUGHTON
4615 JEAN CIRCLE
YORBA LINDA CA 92886

DARREN SWENSON-OPERATOR
39476 234TH ST
WOONSOCKET SD 57385

PETITIONERS:

RANDY BURNISON
39068 227TH ST
ALPENA SD 57312

RUSSEL BURNISON
4716 NINE MILE CREEK PRKWY
BLOOMINGTON MN 55437

JIM VAN DYKE
38919 SD HWY 34
WOONSOCKET SD 57385

JAN VAN DYKE
37938 224TH ST
WESSINGTON SPRINGS SD 57382

GLEN HOHN
39159 228TH ST
WOONSOCKET SD 57385

JIM STARR
PO BOX 1103
LANE SD 57358

WENDALL BROWN
202 W 4TH ST
LANE SD 57358

DAVID HOLTHUS
39188 SD HWY 34
WOONSOCKET SD 57385

BERNARD C & IRENE OLINGER
23619 TWIN LAKES DR
WOONSOCKET SD 57385

JUDY BRISBINE
106 E 7TH ST
WOONSOCKET SD 57385

LORI & JAY SCHRIEVER
22928 392ND AVE
WOONSOCKET SD 57385

KAREN & DAVID KOGEL
39238 230TH ST
WOONSOCKET SD 57385

JOHN & SARAH OLINGER
PO BOX 385
WOONSOCKET SD 57385

PERRY & ANN JOST
39055 SD HWY 34
WOONSOCKET SD 57385

TODD & KARI L OLINGER
23779 391ST AVE
WOONSOCKET SD 57385

JOHN JAY BALL
39266 SD HWY 34
WOONSOCKET SD 57385

LARRY & RUTH ANN OLINGER
23775 391ST AVE
WOONSOCKET SD 57385

RICK COUCH
39188 230TH ST
WOONSOCKET SD 57385

BONNIE FEISTNER
23638 392ND AVE
WOONSOCKET SD 57385

DERRICK VAN DYKE
1112 COLLEGE AVE N
WESSINGTON SPRINGS SD 57382

GEORGE TAPKEN
38759 226TH ST
ALPENA SD 57312

MARK STEICHEN
38828 227TH ST
ALPENA SD 57312

JAMES SCHEEL
22458 389TH AVE
ALPENA SD 57312

CINDY ROUNDS
22949 US HWY 281
WESSINGTON SPRINGS SD 57382

TIMOTHY & JOHN JACKSON
LAURA LEAH STEVEN & ERIC JACKSON
22989 390TH AVE
WOONSOCKET SD 57385

GAYLORD BRANDENBURG
22579 390TH AVE
ALPENA SD 57312

MARY ANN KAREN & TRAVIS JACKSON
22898 390TH AVE
WOONSOCKET SD 57385

RONALD GOERGEN
39109 SD HWY 34
WOONSOCKET SD 57385

CERTIFICATION

I hereby certify that on May 1, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Hearing dated May 1, 2013, regarding scheduling the hearing for Water Right Permit Application No. 7666-3, as addressed below and on the attached parties of record list:

Dennis Naughton
Naughton Credit Trust
4615 Jean Circle
Yorba Linda CA 92886

Darren Swenson
39476 234th Street
Woonsocket SD 57385

Diane Best, Assistant Attorney General
317 North Main Avenue
Sioux Falls SD 57104



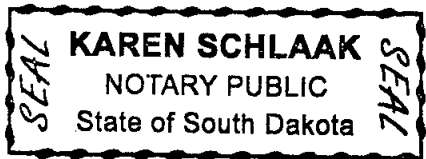
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of May, 2013



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

317 N. Main Avenue
Sioux Falls, South Dakota 57104
Phone (605) 367-5880
FAX (605) 367-5886
www.state.sd.us/atg

MARTY J. JACKLEY
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY

May 20, 2013

Dennis Naughton
Naughton Credit Trust
4615 Jean Circle
Yorba Linda CA 92886

Darren Swenson
39476 234th St.
Woonsocket, SD 57385

Re: *Matter of Water Permit application No. 766-3, Naughton Credit Trust*

Gentlemen:

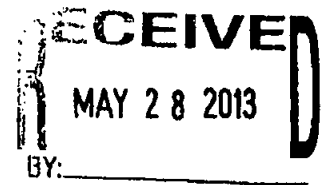
I represent the Chief Engineer and the Water Rights Program within the Department of Environment and Natural Resources. The Chief Engineer has recommended approval of the above referenced water permit. A contested case hearing has been scheduled for July 11.

This letter is to let you know that all corporations, trusts, and partnerships that appear in contested cases before South Dakota state agencies must be represented by legal counsel. This is the same as the requirements to appear in court. In reviewing you file, I do not see that any lawyer has filed a Notice of Appearance. This letter is to simply let you know that you will need counsel at the hearing.

If you intend to be represented by out of state counsel, additional requirements apply. They are set forth in SDCL 16-18-2.

Sincerely,

A handwritten signature in cursive script that reads "Diane Best".
Diane Best
Assistant Attorney General
Counsel for DENR



May 24, 2013

Ms. Diane Best

Office of Attorney General

317 N Main Street

Sioux Falls, South Dakota 57104

Dear Ms. Best:

I wish to inform you that in the matter of Water Permit application No 766-3 Naughton Credit Trust that I will be represented by the Law Firm of Morgan & Theeler LLP of Mitchell SD. The attorney representing me is Mr. Tim Bottum.

Sincerely

A handwritten signature in cursive script that reads "Dennis Naughton".

Naughton Credit Trust

Dennis Naughton

CC: Tim Bottum 605-996-5588

Morgan & Theeler LLP

1718 N. Sanborn Blvd

Mitchell SD 57301



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUL 26 2013

Naughton Credit Trust
Dennis Naughton
4615 Jean Circle
Yorba Linda CA 92886

Dear Mr. Naughton:

Enclosed is Water Permit No. 7666-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit. Please contact Ken Buhler of the Water Rights Program at the number below to coordinate construction of the required observation well.

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

Water Rights Program - DENR

Complaint Investigation

Name of Person: Randy Burnison

Address: Lane, SD 57358

County: Jerauld

Date: October 16, 2014

Telephone: (605) 350 6978

RE: Complaint by Randy Burnison regarding Water Permit No. 7666-3

Comments:

On October 16, 2014, Bracken Capen went to Lane, SD to investigate a complaint made by Randy Burnison regarding a well on land owned by Dennis Naughton and operated by Darren Swenson in the E ½ of Section 17, T107N-R63W on the northern edge of Lane, SD.

Background:

Water Permit No. 7666-3 authorizes the construction of two wells and two pivots in the E ½ of Section 17, T107N-R63W in order to irrigate 203.2 acres. The original permit allows for the diversion of 1,000 gallons per minutes (gpm). This amount is not sufficient to operate both pivots simultaneously but is instead intended to supply one pivot at a time. The application for this permit was received by the Water Rights Program on January 29, 2013. The Water Rights Program requires that all construction be completed and that the system be operational by January 29, 2018 in order to be in compliance with the conditions of the permit.

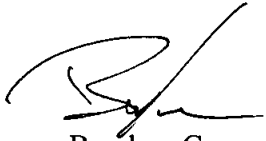
Conversation with Dennis Naughton:

Prior to entering the land in question, the owner, Dennis Naughton, was contacted by phone. Mr. Naughton gave his verbal consent to go onto his land and explained what he understood to be the system that was in place. According to Mr. Naughton, up until September, only one of the two wells allowed under Water Permit No. 7666-3 had been constructed. This well had been used during the 2013 irrigation season to supply the pivots but was not sufficient to supply the full permitted amount. Consequently, a second well had been constructed in September, 2014. This well was not yet operational but had been drilled and cased.

Meeting with Randy Burnison:

On the afternoon of October 16, 2014, I met with Randy Burnison on the SE corner of Section 17, T107N-R63W to investigate what he claimed were three wells supplying the two pivots held under Water Permit No. 7666-3. Randy explained prior to our meeting that he believed there to be two existing wells located at the center of the two pivots, respectively, and that the well which was constructed in September, 2014 on the southern edge of the E ½ of Section 17 was a third well, built in violation of the conditions of the permit. After meeting, Mr. Burnison guided me to this newest well site which, by the eight inch diameter casing, I confirmed to be a production well (although no pump had yet been installed). We then travelled to the second well site, located at the center of the southernmost pivot. Upon observing this well, I noticed two distribution lines, one leading from the well to the southern pivot and one heading in the direction of the northern pivot. I then inquired as to where Mr. Burnison believed the third well

to be. He replied that he had seen the casing of the third well, at the time of construction, protruding from the ground at the center of the northern pivot. However, upon arriving at the center of the northern pivot, the only visible structure (aside from the pivot itself) was a distribution line coming from the direction of the southern pivot and previously observed well. Mr. Burnison admitted that he must have mistaken the distribution line for a well at the time of construction and that he longer had any reason to believe more than two wells had been constructed in the E ½ of Section 17, T107N-R63W. At this point I asked Mr. Burnison if he had any more concerns or complaints which might involve the Water Rights Program. He responded in the negative. I then drove Mr. Burnison back to his vehicle and we parted ways.

A handwritten signature in black ink, appearing to read 'Bracken Capen', with a stylized, flowing script.

Bracken Capen
Natural Resources Engineer I
DENR, Water Rights Program

7666-3

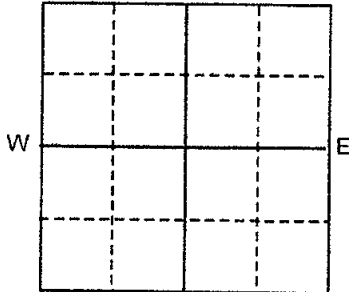
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ SE ¼ Sec 17 Twp 107N Rg 63WCounty JERAULD

North

Please mark well
location with an "X"

1 Mile

Well Completion Date

September 23, 2014Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (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
LB/FT	12.00 IN	0.0 FT	80.0 FT	17.50 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Quick Grout	9	Lb/gal	0.0 Ft	80.0 Ft
Red Flint		Lb/gal	80.0 Ft	110.0 Ft

Describe grouting procedure
Tremmy/drill rod

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 Inches Length 30.0 FeetMaterial stainless steelSlot Size 100 Set From 80.0 Feet to 110.0 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: Darren Swenson

Business Name: _____

Address: 39476 234th STCity, State, Zip: Woonsocket SD 57385

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
topsoil	blk	M	0	1
clay	tan	M	1	26
clay	blue	M	26	76
sand	blue	18-30slt	76	91
clay	blue	M	91	95
sand			95	110

STATIC WATER LEVEL 47.5 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: submersible☐ Bailed☐ Other

Pumping Level Below Land Surface

76.0 Ft. After 8.0 Hrs. pumped 750.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

44 04 14.9N / 98 24 52.7W
Production Well #2

RECEIVED

DEC 22 2014

WATER RIGHTS
PROGRAMThis well was drilled under license # 463 and this
report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc / Kris V

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 10-2-14



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 21, 2015

denr.sd.gov

Dennis Naughton
Naughton Credit Trust
4615 Jean Circle
Yorba Linda CA

Darren Swenson, Operator
39476 234th Street
Woonsocket SD 57385

Dear Mr. Naughton and Mr. Swenson:

Water Permit No. 7666-3 appropriates 2.22 cubic feet of water per second (1,000 gpm) from two wells to irrigate 203.2 acres in the E ½ Section 17, T107N, R63W in Jerauld County, South Dakota.

On Thursday, July 16th, DENR received an inquiry regarding whether the authorized diversion rate of 1,000 gpm was being exceeded. The basis for the inquiry was that both pivots were being operated at the same time instead of on an alternating basis. Later that afternoon a DENR staff person who was in the area viewed that only the southern pivot was being operated. The ground by the north pivot was dry indicating that pivot had not been run recently.

The water permit does not prohibit operation of the two pivots at the same time. However, the permit does limit the combined peak diversion rate to 1,000 gpm. DENR contacted the well driller for information of the pumps installed in the two wells. One well is set up 575 gpm with a 40 hp pump and the other is set up at 600 gpm with a 50 hp pump. However, the driller did inform us that the well set up at 575 gpm starts to suck air so he thought the well could only pump at a sustained rate of 350 gpm.

At this time, you need to be aware that the total peak diversion authorized by Permit No. 7666-3 is limited to 1,000 gpm. If you pump at a rate greater than 1,000 gpm, Naughton Credit Trust will need to obtain a permit for the increased amount.

The review of the water permit did bring to our attention that Qualification No. 4 required Naughton Credit Trust to contract with a licensed well driller to construct an observation well. This observation would then become part of South Dakota's network of routinely measured wells to track water levels in the aquifer. Prior to completion of the observation well you were to coordinate with Water Rights staff. This coordination has not occurred and to our knowledge this observation well has not been constructed and is not being measured. Please contact Ken Buhler at 605 773-3352 to coordinate completion of the observation well.

If you have any questions regarding what your water permit authorizes or the requirement for an observation well, please do not hesitate to contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

Gronlund, Eric

From: Duvall, Ron
Sent: Friday, July 17, 2015 12:02 PM
To: Buhler, Ken; Goodman, Jeanne; Gronlund, Eric; Capen, Bracken
Subject: RE: Water Permit No. 7666-3, Naughton Credit Trust
Attachments: IMAG0318.jpg; IMG0623.JPG; IMG0625.JPG; IMG0627.JPG

I stopped at the site of the pivots about 5:00 PM yesterday. The northernmost pivot in the NE1/4 section 17-T107N-63W was not operating as shown in pic 318 – picture is taken facing south along road between sections 17 and 16. Pictures 623 and 625 were taken on either side of the pivot that was not running -- the ground shown in these pictures was dry indicating the pivot had not been running or, at least, not running for very long. Pic 627 shows the southernmost pivot running. The pivot was roughly positioned straight north/south.

Ron
5670

From: Buhler, Ken
Sent: Friday, July 17, 2015 10:29 AM
To: Goodman, Jeanne
Cc: Gronlund, Eric; Capen, Bracken; Duvall, Ron; Buhler, Ken
Subject: Water Permit No. 7666-3, Naughton Credit Trust

I contacted the well driller (Steffl Well Drilling) regarding the wells for Water Permit No. 7666-3. We talked on the phone and he followed up with the email below. He told me that the first well starts to suck air when pumped at 575 gpm. He would have to do a pump test to get a good number but, he estimated that the well could pump at a sustained 350 gpm.

It sounds like the system is limited by the nozzles in the pivots.

kb

From: Mike Steffl [<mailto:mike@waterwelldrilling.com>]
Sent: Friday, July 17, 2015 10:15 AM
To: Buhler, Ken
Subject: Darren Swenson

1st well set up at 575 gpm @ 200 TDH 40 hp

2nd well set up at 600 gpm @230 TDH 50 hp
Ken went it or records and found these notes.

--

Michael J. Steffl
Steffl Drilling & Pump Inc
2295 66th Ave NE
Willmar, MN 56201-9183
Phone: 320-235-8484 Fax: 320-235-4848

Gronlund, Eric

From: Buhler, Ken
Sent: Friday, July 17, 2015 10:29 AM
To: Goodman, Jeanne
Cc: Gronlund, Eric; Capen, Bracken; Duvall, Ron; Buhler, Ken
Subject: Water Permit No. 7666-3, Naughton Credit Trust

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Michael J. Steffl
Steffl Drilling & Pump Inc
2295 66th Ave NE
Willmar, MN 56201-9183
Phone: 320-235-8484 **Fax:** 320-235-4848





07/16/2015 05:10PM



07/16/2015 05:11PM



07/16/2015 05:14PM

sNo. 7666-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 7666-3, Naughton Credit Trust

ADDRESS: COUNTY: Jerauld County

DATE: July 24, 2015 TELEPHONE:

RE: call from Darren Swenson, operator of system authorized by Permit No. 7666-3

Mr. Swenson called in response to my letter regarding whether the diversion rate under Permit No. 7666-3 is being exceeded.

Mr. Swenson stated that both center pivot were not run at the same time. If someone viewed them both watering it was likely for the few minutes when one pivot is shut off and the other is turned on. He stated even once turned off the existing pressure in the line will cause the pivot to run for a few minutes.

He stated that both wells combined can not produce the permitting amount of 1,000 gpm. They can only produce at a total rate of about 800 gpm.

Mr. Swenson stated he is being very careful not to violate any aspect of the water permit.

In regards to the observation well, he indicated an observation well was constructed and is in place. I told him they were supposed to consult with the Water Rights Program prior to its installation. At that point, I connecting him with Ken Buhler to discuss what steps need to be taken to bring the observation well into our monitoring system.

NAME: Eric Hemlund

7666-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 11, 2015

Naughton Credit Trust
Dennis Naughton
4651 Jean Circle
Yorba Linda, CA 92886

Dear Mr. Naughton:

On July 26, 2013, the Water Management Board approved your water permit, No. 7666-3, with the qualification that a perpetual easement shall be granted to the State for an observation well that is to be incorporating into the SD DENR-Water Rights Program Observation Well Network.

Enclosed find an easement agreement for the observation well that was completed September 26, 2013. Once the agreement has been signed by both parties, I will file the document with the Jerauld County Register of Deeds and coordinate updating the abstract due to additions or deletions by Easement Agreement.

If you have any questions, feel free to contact me at 605.773.4060.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Buhler".

Ken Buhler
SD DENR-Water Rights Program

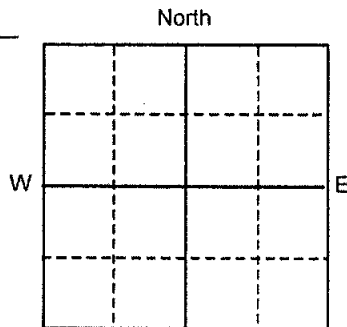
enclosure

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 NE 1/4 Sec 17 Twp 107N Rg 63W

County Jerauld

Please mark well
location with an "X"

Well Completion Date

September 26, 2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from (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
LB/FT	2.00 IN	0.0 FT	76.0 FT	6.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bent	4	Lb/gal	0.0 Ft	76.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmy

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ 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? Chlorine

☐ No, Why Not?
Lab to which water
quality sample sent for analysis

Well Owner: Darren Swenson

Business Name:

Address: 1220E 4th Ave

City, State, Zip: Mitchell SD 57301

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
topsoil	black	M	0	1
clay	tan	M	1	22
Clay	blue	M	22	66
Sand/Gravel Multi	12-50 silt		66	96
Clay	Blue	M	96	106

STATIC WATER LEVEL 26.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Air

☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After 1.0 Hrs. pumped 10.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Piezometer

44 04 30.1 N

98 24 45.1 W

This well was drilled under license # 463 and this report is true and accurate.

Drilling firm: Steffi Drilling & Pump Inc / Michael Gjerde

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder

Date:

Buhler, Ken

From: Darren Swenson <darrenswenson@santel.net>
Sent: Friday, July 24, 2015 9:42 AM
To: Buhler, Ken
Subject: Monitor Well location and map
Attachments: Test Well Info.pdf; Test Well location map.pdf

Ken here is the well log and the map to the monitor well located in the SE corner of the NE ¼ of section 17-107-63 Franklin Township, Jerauld County, SD. As I mentioned it is approximately 200-300 feet north of the south pivot approach.

Darren Swenson

INVOICE

Steffl Drilling & Pump Inc.

2295 66th Ave NE
Willmar MN 56201-9183
320-235-8484

Invoice Number 152059

Invoice Date 09/11/14

Page 1

SOLD DARREN SWENSON
TO 39476 234th ST
WOONSOCKET SD 57385

Phone: 605 350 5866

Date Ordered	08/05/2014	Terms	Due in 10 Days
Date Completed	09/08/2014	Due Date	09/21/2014
Service Technician	KRIS V & MIKE GJ	Well Un.No.	TEST HOLE
Customer Code	SWEDAR	Cell #	605 350 5866

ITEM	ORDERED	SHIPPED	DESCRIPTION	PRICE	UOM	AMOUNT	TAX
JERAULD CO. T107N, R63W, SEC 17/ TEST HOLE FOR ADDTL PRODUCTION WELL/ (44 04 14.9N 98 24 52.7W) 115' TD							
MOBDEM	1.00	1.00	MOBILIZATION/DEMOBILIZATION	950.00	LS	950.00	*
TD	115.00	115.00	TEST HOLE #1 (44 04 14.9N 98 24 52.7W)	12.50	FT	1,437.50	*
SAW	115.00	115.00	SEAL TEST HOLE #1 9/8/14 MIKE GJ/KRIS V.	3.00	FT	345.00	*

Subtotal	2,732.50
Contractor excise tax	55.77
Invoice Total	2,788.27
Payments	0.00
Net Due	2,788.27

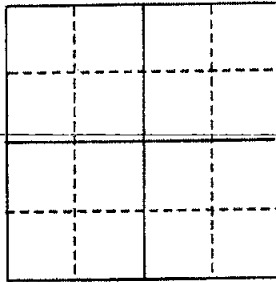
THANK YOU!
WE APPRECIATE YOUR BUSINESS!
FINANCE CHARGE 1.5% AFTER 10 DAYS

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ SE ¼ Sec 17 Twp 107N Rg 63WCounty JERAULD

North

Please mark well
location with an "X"

Well Completion Date

September 8, 2014

← 1 Mile →

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (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
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bentonite	6	Lb/gal	0.0 Ft	115.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmy/drill rod

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ 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 analysis _____Well Owner: Darren Swenson

Business Name: _____

Address: 39476 234th STCity, State, Zip: Woonsocket SD 57385

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
topsoil	blk	M	0	1
clay	tan	M	1	26
clay	blue	M	26	76
sand	blue	18-30slt	76	91
clay	blue	M	91	95
sand			95	110
			110	115

STATIC WATER LEVEL

_____ FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed☐ Other _____

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

44 04 14.9N 98 24 52.7W

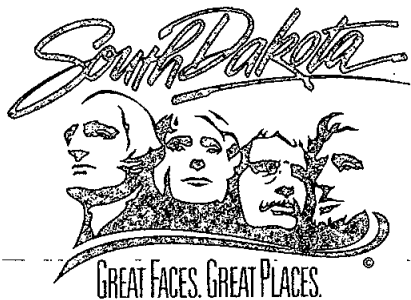
Mike Gj/ Kris V

This well was drilled under license # 463 and this
report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 24, 2015

Mette Ness
Jerauld County Register of Deeds
Box 452
Wessington Springs, SD 57382

Dear Ms. Ness,

Please find enclosed an observation well easement agreement between the State of South Dakota and Dennis Naughton, Naughton Credit Trust. A check for the amount of \$20.00 is included as per your invoice to cover filing the easement on the deed.

Thank you for your assistance in this matter. If you have any questions, feel free to contact me at 605.773.4060.

Sincerely,

Ken Buhler
SD DENR-Water Rights Program

enclosures

RECEIVED

DEC -2 2015

WATER RIGHTS
PROGRAM

REGISTER OF DEEDS
JERAULD COUNTY

CUSTOMER'S ORDER NO.		PHONE		DATE	
				11-3-15	
NAME					
SD Dept of Environment & Natural Resources					
ADDRESS					
CASH	C.O.D.	CHARGE	ON ACCT.	MOSE. RET'D.	PAID OUT
		✓			
Easement				20 ⁰⁰	40 ⁰⁰
				per cash document	20 ⁰⁰
dd Check # 10025862					?
				TAX	
SOLD BY	RECEIVED BY			TOTAL	20 ⁰⁰

C PRODUCT 609

All claims and returned goods MUST be accompanied by this bill.

10912

Thank You

EASEMENT AGREEMENT

Agreement made this 21 day of Sept, 2015, between Dennis Naughton, Naughton Credit Trust, 4615 Jean Circle, Yorba Linda, CA, 92886, herein called Owner, and the South Dakota Department of Environment and Natural Resources, Joe Foss Building, 513 E. Capitol, Pierre, SD 57501 herein called State.

The parties agree as follows:

I.

In consideration of the State's performance of the covenants herein, Owner agrees to grant and convey a perpetual easement to State for the purpose of State maintaining an observation well to be located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T107N-R63W, Jerauld County, on property owned by the Owner. State also agrees to pay the expense of updating the abstract due to additions or deletions by Easement Agreement.

II.

The observation well described above consists of one well approximately 106 feet deep. The well is as described in the attached well completion report. The observation well will be labeled and distinctively marked by State. The casing will extend above ground surface approximately 3 feet and will be locked.

III.

The observation well described above shall be maintained by State at its sole cost and expense and any damages caused by a broken well will be the responsibility of State. Two steel posts will be installed around the well.

IV.

Owners agrees to leave the observation well and markers described above in an undisturbed condition and agrees not to disturb the surface and subsurface of the land within a three foot radius of the observation well or markers.

V.

It is expressly understood and agreed that State shall have the right to ingress to and egress from the property described above for the purpose of measurement of water levels, maintenance of the well and collection of water samples. State agrees to hold Owner harmless for injury to its employees at the well site and during ingress and egress therefrom; except for injuries caused by the negligent or wrongful acts of the Owner.

VI.

This grant of easement shall run with the land and shall be binding on and shall insure to the benefit of the parties hereto, their heirs, executors, administrators, agents, employees, successors, and assigns.

VII.

This agreement shall remain in force unless and until State abandons the observation well. If State decides to abandon the well, Owner shall be notified in writing of the State's intention to abandon the well and shall have the option of assuming possession of the well. The option must be exercised in writing within 30 days of the notice of intent to abandon. If Owner then chooses not to assume possession of the well, the well shall be plugged at the expense of State, and all markers shall be removed.

OFFICE OF REGISTER OF DEEDS
STATE OF SOUTH DAKOTA } ss.
County of Jerauld }
Filed for record this 30th day of
November A.D. 20 15 at
10:00 am Recorded in Book 26
page 791-794 of Misc
M. J. Jerauld
Register of Deeds
By _____
Deputy
Fee \$20.00

In witness whereof, the parties hereto have duly executed this agreement.

Dennis Naughton
Dennis Naughton

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF _____)

On this the ___ day of _____, 2015, before me, _____,
the undersigned officer, personally appeared _____, known to me or
satisfactorily proven to be the person(s) whose name(s) ___ subscribed to the within instrument
and acknowledge that he ___ executed that same for the purposed therein contained.

MANOHARI VATSAVAI
Notary Public JAN 27th 2016
My Commission Expires:

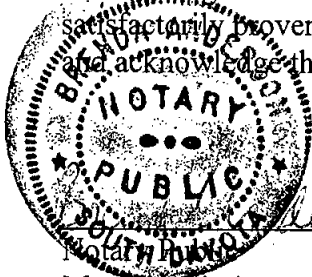
SEE ATTACHED
CALIFORNIA ALL-PURPOSE
ACKNOWLEDGMENT

(W) 8-31-15

Steven Pirner 9/21/15
Steven Pirner, Secretary
Department of Environment and Natural Resources

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF Hughes)

On this the 21 day of Sept., 2015, before me, Steven Pirner,
the undersigned officer, personally appeared _____, known to me or
satisfactorily proven to be the person(s) whose name(s) ___ subscribed to the within instrument
and acknowledge that he ___ executed that same for the purposed therein contained.



My Commission Expires:

BRENDA ANDERSON, Notary Public
My Commission Expires
October 26, 2016

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of ORANGE)

On AUG 31ST 2015 before me, MANOHARI VATSAVAI, NOTARY PUBLIC,
Date Here Insert Name and Title of the Officer

personally appeared DENNIS NAUGHTON
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Manohari Vatsavai
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: LEASEMENT AGREEMENT Document Date: 08-31-15

Number of Pages: 3+ACK Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

100258862

STATE of SOUTH DAKOTA

78-859
914

OFFICE of STATE AUDITOR

Pierre, South Dakota

Void After 180 Days From Date Of Issue

DATE: 11/20/2015

WARRANT NO: 100258862

PAY TO THE
ORDER OFJERAULD COUNTY REGISTER OF DEE
PO-- BOX 452
WESSINGTON SPRINGS SD
57362-0452

*****20.00

PAYABLE THROUGH
FIRST PREMIER BANK
SIOUX FALLS, SD 57104

TWENTY DOLLARS AND NO CENTS

STATE AUDITOR

⑈100258862⑈ ⑆091408598⑆ 1701269755⑈

VOID AFTER 180 DAYS FROM DATE OF ISSUE

STATE OF SOUTH DAKOTA

REMITTANCE ADVICE / NON-NEGOTIABLE

PAYEE: JERAULD COUNTY REGISTER OF DEE WARRANT #: 100258862 DATE: 11/20/2015

DATE	INVOICE #	BDCU APPROVAL #	GROSS AMOUNT	NET AMOUNT
11/03/2015	10912	2020 414647	20.00	20.00
WATER RIGHTS FILING FEE OBSERVATION WELL EASEMENT				

20.00

20.00

November 5, 2015

PAYMENT REQUEST FORM

PAYEE: Jerauld Co. Register of Deeds
Po Box 425
Wessington Springs SD 57382

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

COPY

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Filing fee for an observation well easement

AMOUNT: \$20.00

FUNDING SOURCE:

GENERAL:

FEDERAL:

OTHER: Water Right Fees

COMMENTS:

AUTHORIZATION:

Gail Jackson 11-5-15

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

JERAULD COUNTY
REGISTER OF DEEDS
BOX 452
WESSINGTON SPRINGS, SOUTH DAKOTA 57382

RECEIVED

NOV - 5 2015

WATER RIGHTS
PROGRAM

send invoice ^{gtr}
Nov 1st

~~RECEIVED~~

SD Dept of Environment & Natural Resources
Water Rights Program
Jee Foss Building
523 E Capitol Ave.
Pierre, SD
57501

Attn: Ken Buhler

20th
per easement

REGISTER OF DEEDS JERAULD COUNTY

CUSTOMER'S ORDER NO.		PHONE		DATE 11-3-15	
NAME SD Dept of Environment & Natural Resources					
ADDRESS Resources					
CASH	C.O.D.	CHARGE ☒	ON ACCT.	MOSE. RET'D.	PAID OUT
					20⁰⁰
Easement				per record document	
Chy					
				TAX	
SOLD BY		RECEIVED BY		TOTAL	

C PRODUCT 609

10912

All claims and returned goods MUST be accompanied by this bill.

Thank You

November 5, 2015

PAYMENT REQUEST FORM

PAYEE: Jerauld Co. Register of Deeds
Po Box 425
Wessington Springs SD 57382

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

COPY

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FUNDING SOURCE:

GENERAL:

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COMMENTS:

AUTHORIZATION:

Gail Jackson 11-5-15

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Schlaak, Karen

From: Duvall, Ron
Sent: Tuesday, September 04, 2018 3:15 PM
To: Gronlund, Eric; Schlaak, Karen
Cc: Goodman, Jeanne
Subject: Eric phone call

I received a call from a neighbor complaining primarily about over irrigation of the property covered by https://denr.sd.gov/wrimage/wrinfo/wr_div3/7666-3.pdf

The caller claims there is drain tile underlying the irrigated property that is running due to over irrigation. I told the caller (didn't get his name) that we can't do anything about runoff from drain tile and referred him to the county which is Jerauld County. He indicated that they won't do anything and I said counties can exempt certain types of drainage matters from their consideration. He also said the pivot in the northeast quarter of sec 17-T107N-63W is over spraying onto the road on the north side of the pivot. I told him that is an issue which we can contact the irrigator concerning and direct them to not overspray.

Ron

7666-3 E¹/₂ Sec 17-T107N-R63W

Naughton Credit Trust
Clodermis Naughton
4615 Jean Circle
Yorkba Linda CA 92886

Darren Swenson, Op
39476 234th St
Woonsocket 57385



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

No. 7666-3

September 5, 2018

Darren Swenson, Operator
39476 234th St
Woonsocket SD 57385

Dear Mr. Swenson:

The Department of Environment and Natural Resources (DENR) has received information alleging the irrigation system located in the E 1/2 Section 17-T107N-R63W had irrigation water from the end gun overspraying onto the adjacent east/west road. This acreage is authorized by Water Right No. 7666-3.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

c: Naughton Credit Trust
c/o Dennis Naughton