

WATER PERMIT NO. 7677-3

Name of Applicant: Wagner Limited Partnership

Address: 1019 Ridgecrest, Vermillion SD 57069

Phone: 605 624-2470

Amount of Water Claimed: 2.55 cfs

Total Acres: 200 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: clay

Type of Waste Disposal System:

Location: 1/2 mile south of Vermillion

PRIORITY Date Received: 1-24-13

Application/License Fee: \$1150

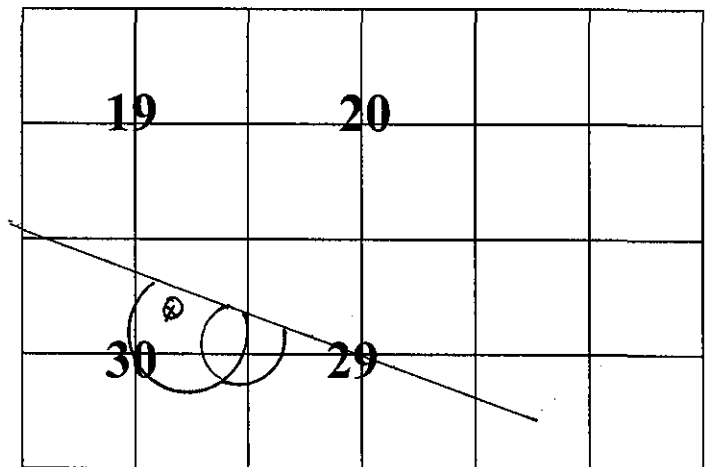
Corrected Application Received: 1-31-13

Period of Annual Use: May 1 – Sept 30

Remarks:

Diversion Point: NW 1/4 NE 1/4 Sec 30-T92N-
R51W

Land to be Irrigated: Parcel A of Gov't Lot 5,
Outlot L, Lot 6, Lot D of Gov't Lot 4 (S 1/2 SE
1/4 Sec19 & Gov't Lot 1, Parcel A of Lot 1 (NE
1/4, NE 1/4 NW 1/4) Sec 30 Parcel C (SW 1/4 SW
1/4) Sec 20; all in T92N-R51W



Depth of Well: 120 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-31-13

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>7677-3</u> (office use only)	Hydrologic Unit <u>10120101</u>
	Basin <u>Missouri River</u>	<u>605-624-2695</u>
	Newspaper <u>Plain Talk 201 W Cherry St Vermillion 57069</u>	<u>605-465-7811</u>
	<u>Press & Dakotan 319 Walnut Yankton 57028</u>	

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JAN 24 2013
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Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Wagner Limited Partnership
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)

Mailing Address 1019 Bridgecrest Vermillion SD 57069
(Address) (City) (State) (Zip Code)

Home Phone 605-624-2470 Cell _____ Email _____

2. Amount of water claimed 2.55 *CFS or 1150 **GPM _____ ***AF Total Acreage 200
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri: Elk Point Aquifer

4. Location of point of diversion NW 1/4 NE 1/4 Section 30 T92N R51W - 1 well
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Clay

5. County or counties where water will be used Clay

6. Annual period during which water is to be used May 1 to September 30

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

Land Description	Acres	Land Description	Acres
NE 1/4 NE 1/4 S30 T92N R51W	40	NE 1/4 NW 1/4 S30 T92N R51W	30
NW 1/4 NE 1/4 S30 T92N R51W	40	SE 1/4 NE 1/4 S30 T92N R51W	20
SW 1/4 SE 1/4 S19 T92N R51W	40	SW 1/4 NE 1/4 S30 T92N R51W	10
SE 1/4 SE 1/4 S19 T92N R51W	20		

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

Establish new irrigation in N 1/2 NE 1/4 Section 30 T92N R51W

I, Jeff Wagner - WAGNER Limited Partnership, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

Parcel A of Gov't Lot 5,
Outlot L, Lot 6, Lot D of
Gov't Lot 4 ($S\frac{1}{2}SE\frac{1}{4}$)
Sec 19 and Gov't Lot 1,
Parcel A of Lot 1
($NE\frac{1}{4}, NE\frac{1}{4}NW\frac{1}{4}$) Sec 30
Parcel C ($SW\frac{1}{4}SW\frac{1}{4}$)
Sec 20; all T92N -
R51W



SOUTH DAKOTA
WATER PERMIT NO. 7677-3

Date of first receipt of application January 24, 2013.

Date of return to applicant for corrections, amendments or changes January 25, 2013.

Date of receipt of corrected application January 31, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7677-3 to Wagner Limited Partnership, c/o Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069 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. 7677-3 appropriates 2.55 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the NW 1/4 NE 1/4 Section 30 for irrigation of 200 acres located in Parcel A of Gov't Lot 5, Outlot L, Lot 6, Lot D of Gov't Lot 4 (S 1/2 SE 1/4) Section 19 and Gov't Lot 1 and accretions, described as Parcel A of Lot 1 (NE 1/4, NE 1/4 NW 1/4) Section 30, Parcel C (SW 1/4 SW 1/4) Section 20; all in T92N-R51W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is January 24, 2013.
4. The date of approval of Permit No. 7677-3 is April 1, 2013.
5. One-fifth of the construction is to be completed on or before October 1, 2015.
6. All construction is to be completed on or before April 1, 2018.
7. Water is to be put to beneficial use on or before April 1, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7677-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 20 2013

date



Supplemental Information

(type or print)

1. Well Information

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

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by Hammond
(if yes, please provide copies of logs)

b) If existing wells, how many Provide copy of log(s), if available. Drilled by

c) Well Depth 120 Depth to Top of Water Bearing Material 55 Depth to Water from Surface 22

d) Distance to nearest existing domestic well:

On applicant's property NONE On property owned by others 1790 ft

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field)

b) System Capacity (gallons) Year Constructed

c) Connected to the City of Sanitary System

3. Dugout Information

a) Surface Dimensions Depth

b) Depth to water (ground surface to water level)

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity

If pipe, diameter

f) Secondary Spillway Capacity

Spillway Width

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

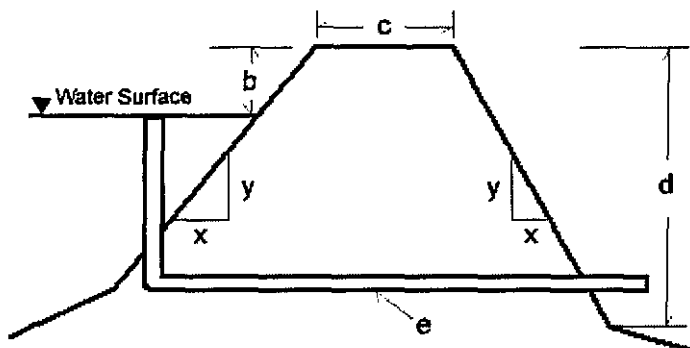
Upstream

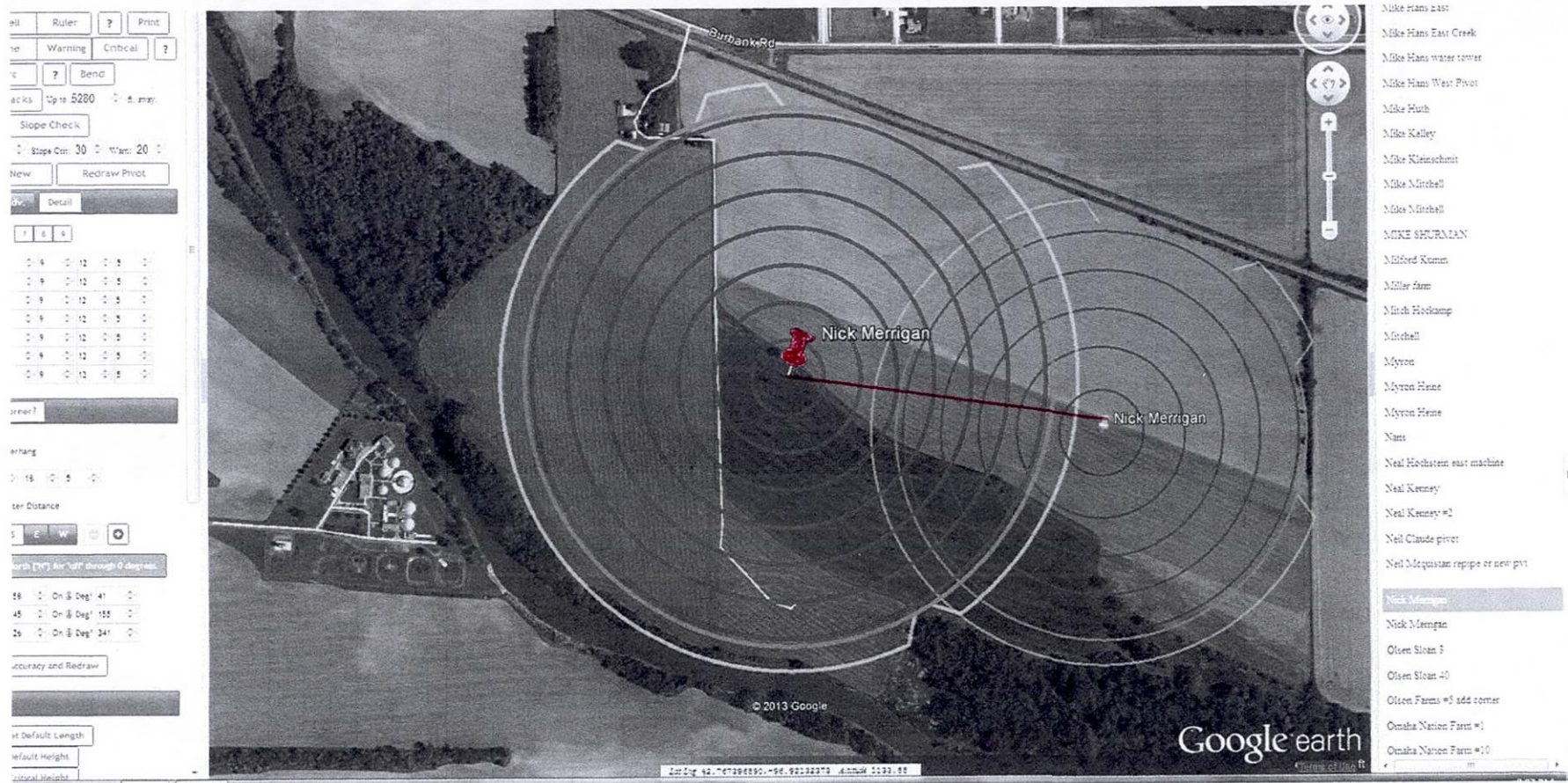
Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres





WELL AND UNDERGROUND PIPE TO SECOND PIVOT

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Soils

Customer(s): LYLE WAGNER

District: CLAY COUNTY CONSERVATION DISTRICT

Field Office: VERMILLION SERVICE CENTER

Agency: NRCS

Legal Description: Section 30-92-51



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Sheree Christensen
Prog. Tech 1-22-13
Clay Co. FSA



Legend

 Consplan1

L Leaching - High Risk

R Runoff - High Risk

 Manure Application Fields

360 0 360 720 1,080 1,440
Feet

N





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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/24, 2013

RECEIVED OF Wagner Limited Partnership 1019 Ridgecrest C Vermillion SD 57069

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

Fee for Application for Permit No. <u>7677-3</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>7677-3</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. 06014

By

David E. [Signature]
Chief Engineer

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11-29-13

DEPT. ENVIRONMENT & NATURAL RESOURCES
PIERRE, SD

ATTN: ERIC GRONLUND

DEAR ERIC,

PER YOUR REQUEST ENCLOSED IS A COVER LETTER TRANSFER-
ING THE PROPOSED IRRIGATION LAND INTO A PARTNERSHIP AND THE
DEED ON THE SECOND PAGE "EXHIBIT A". THIS IS A COMPLEX DEED
AND I HAVE ALWAYS WANTED SOMETHING SIMPLE.

I ALSO REQUEST YOUR DEPARTMENT TO AUTHORIZE DRILLING A
TEST WELL ON THE PROPERTY.

THANK YOU,



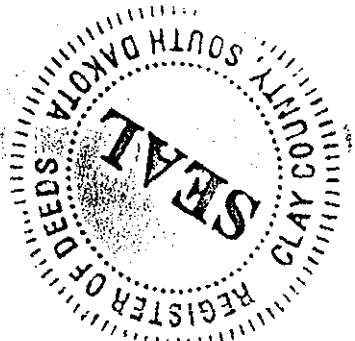
LYLE WAGNER
1019 RIDGECREST
VERMILLION, SD 57069

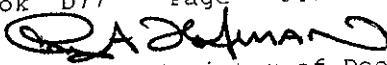
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This Instrument Prepared By:
Jayna M. Voss
Cutler & Donahoe, LLP
100 North Phillips Avenue
9th Floor
Sioux Falls, SD 57104-6725
(605) 335-4950



Filed for Record - Clay County SD
Filed On 12/27/2012 9:30 AM 2 pg
Document# D 128284 Transfer Exempt 18
Book D77 Page 847 Fee\$ 30.00
By 
Ray Hofman, Register of Deeds 38691

TRUSTEE'S DEED

June H. Wagner, Trustee of the June H. Wagner Revocable Trust, Grantor, of Clay County, State of South Dakota, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, does hereby grant, bargain, sell and convey to **Wagner Limited Partnership**, Grantee, of 1019 Ridgecrest, Vermillion, SD 57069, the following described real estate in the County of Clay in the State of South Dakota:

See Exhibit A attached

Transfer Tax - Exempt pursuant to SDCL 43-4-22(18)

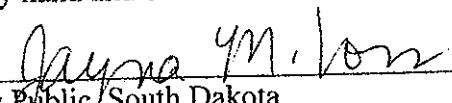
Dated this 15th day of November, 2012.


June H. Wagner, Trustee of the June H.
Wagner Revocable Trust

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF MINNEHAHA)

On this, the 15th day of November, 2012, before me, the undersigned officer, personally appeared June H. Wagner, who acknowledged herself to be the Trustee of the June H. Wagner Revocable Trust, and that she, as such Trustee being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Trust by herself as Trustee.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public, South Dakota
My Commission Expires:
Jayna M. Voss
Notary Public, South Dakota
My Commission Expires:
September 13, 2016

WAGNER LIMITED PARTNERSHIP

Exhibit A

Parcel A of Lot 5, Section 19, Township 92 North, Range 51 West of the 5th P.M.;

Outlot L, being a part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$),
Section 19, township 92 North, Range 51 West of the 5th P.M.;

That part of Government Lot 5 and accretions thereto not included in Outlot L or Parcel A,
Section 19, Township 92 North, Range 51 West of the 5th P.M.;

That part of Lot 6 in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) lying south
of railroad right of way of the Chicago, Milwaukee & St. Paul Railway Company, Section
19, Township 92 North, Range 51 West of the 5th P.M.;

Government Lot 1 in Section 30, Township 92 North, Range 51 West of the 5th P.M., and
accretions, also described as Parcel A of Lot 1, Section 30, township 92 North, Range 51
West of the 5th P.M.A, and accretions;

One acre along the east side of Lot D in Government Lot 4, Section 19, township 92 North,
Range 51 West of the 5th P.M.;

That part of Parcel C in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
lying south of railroad right of way of the Chicago, Milwaukee & St. Paul Railway
Company, Section 20, township 92 North, Range 51 West of the 5th P.M.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2013

Lyle Wagner
Wagner Limited Partnership
1019 Ridgecrest
Vermillion SD 57069

Dear Mr. Wagner:

The Water Rights Program received your water permit application for irrigation south of Vermillion. Specifically, the application proposes irrigation of 200 acres in the stated location of the NE $\frac{1}{4}$ Section 30 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19; all in T92N, R51W. A copy of the application coversheet is enclosed.

The enclosed map outlines in yellow the area proposed for irrigation. The purple line shows section and accretion lines. While the application states the irrigated acres are in the N $\frac{1}{2}$ Section 30 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19, the map appears to show that the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 29 will also receive irrigation water.

Legal descriptions in this area can be very complex due to the accretion land from the old Missouri River channel when original surveys were conducted. That is the case here as the diagonal purple line appears to be an accretion line associated with the old Missouri River channel. Please check your deed at the Clay County Register of Deeds to determine the proper legal description for the outlined area. The application will need to be public noticed and in order to have proper legal standing the legal descriptions of the land must be correct.

Please contact me if you have any questions. The application will be held until you confirm the legal description for these lands.

Sincerely,

Eric Gronlund

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

enclosures

c: Nick Merrigan, 2224 N University Rd, Vermillion SD 57069-6932



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 06, 2013

Lyle Wagner
1019 Ridgecrest Drive
Vermillion, SD 57069

Dear Mr. Wagner:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to have a licensed well driller construct a test well approximately 120 feet deep into the Missouri: Elk Point aquifer prior to approval of a water permit. The test well will be located in the NW ¼ NE ¼ Section 30-T92N-R51W. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

ERBELE GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352



**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. 7677-3, Wagner Limited Partnership**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7677-3, Wagner Limited partnership, c/o Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7677-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7677-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 13, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7677-3
WAGNER LIMITED PARTNERSHIP
February 21, 2013

Water Permit Application No. 7677-3 proposes to appropriate up to 400 acre-feet annually (ac-ft/yr) at a maximum diversion rate of 2.55 cubic feet of water per second (cfs) from one well to be completed into the Missouri: Elk Point aquifer. The well will be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T92N-R51W and is expected to be approximately 120 feet deep. This application proposes to irrigate 200 acres located in Parcel A of Gov't Lot 5, Outlot L, Lot 6, Lot D of Gov't Lot 4 (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 19 and Gov't Lot 1, and accretions, described as Parcel A of Lot 1 (NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 30 and Parcel C (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 20, all in T92N-R51W in Clay County.

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

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Elk Point management unit of the Missouri aquifer is an alluvium mantled outwash composed of sand and gravel material (Stephens, 1967). The aquifer is predominantly unconfined in the area of this application. The Elk Point management unit of the Missouri aquifer encompasses regions of Clay, Union, and Yankton Counties. The proposed well site is located less than two miles north of the Missouri River and approximately 2,000 feet east of the Vermillion River. The Missouri: Elk Point aquifer underlies approximately 74,500 acres of Clay County alone and contains an estimated 1,117,500 acre-feet of recoverable water in storage in the county (Hedges and others, 1982). The aquifer is hydraulically connected to the Dakota, Lower James-Missouri and the Lower Vermillion-Missouri aquifers as well as the Missouri and Vermillion Rivers. The ground water in this aquifer generally moves from northwest to southeast in the area of this application (Stephens, 1967). The average saturated thickness reported for nearby well sites is approximately 88 feet as shown in Table 1 (Water Rights, 2013a).

Well Log Identification	Saturated Thickness (ft)
Observation Well No. CL-80C	95
Lithologic Log at 092N51W30BACB	99
Well Log for Water Right No. 6679-3	80
Lithologic Log at 092N51W30AADB	94
Domestic Well for Francis Heine	72

Table 1. Reported saturated thickness for nearby wells (Water Rights, 2013a).

SDCL 46-2A-9

In accordance with SDCL 46-2A-9, a permit may be issued to appropriate water only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will review the availability of unappropriated water and existing rights within the Missouri: Elk Point aquifer.

WATER AVAILABILITY:

This application proposes to appropriate up to 400 ac-ft/yr from the Missouri: Elk Point aquifer. If this application is approved, it is likely that the actual water use will be less than the appropriated amount. The probability of unappropriated water available from the aquifer can be evaluated using SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Recharge versus Discharge:

Recharge:

Recharge to the Missouri: Elk Point aquifer occurs through infiltration and percolation of precipitation falling in areas where the aquifer is near land surface. Recharge is also provided to the aquifer from the Big Sioux, Lower Vermillion-Missouri, and Dakota aquifers as well as during times of high flow and stage from the Missouri River. The average annual recharge rate to the Missouri: Elk Point aquifer is estimated to be 3.8 in/yr based on observation well analysis (Hedges and others, 1985). Given the area of the management unit in Clay County of 74,500 acres, average annual recharge to the aquifer in Clay County is estimated to be 23,592 ac-ft/yr.

Discharge:

Discharge from the Missouri: Elk Point aquifer is by evapotranspiration, discharge to the Big Sioux and Missouri Rivers during low flow and to the underlying Dakota aquifer, and withdrawal from wells. There are a number of completion reports on file with the SD DENR-Water Rights Program for domestic use wells completed into the Missouri: Elk Point aquifer (Water Rights, 2013b) and there are currently 507 water rights/permits appropriating water from the Missouri: Elk Point aquifer (Water Rights, 2013c). In addition, there are five future use permits reserving water from the aquifer. There are 120 water rights/permits appropriating water from this aquifer in Clay County (Water Rights, 2013c). All five of the future use permits reserving water from the aquifer are from Clay County. The distribution of these appropriations and their types are shown in Table 2.

Water Rights/Permits	Number
Domestic	1
Irrigation	113
Municipal	4
Rural Water System	2
Future Use Permits	Number
Lewis & Clark Rural Water System	4
City of Vermillion	1

Table 2. Water rights/permits from the Missouri: Elk Point aquifer in Clay County (Water Rights, 2013c).

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

1. Water rights/permits limited by an annual volume will pump the entire volume appropriated.

2. Water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.
3. Future use permits can be fully developed.

The expected water use for non-irrigation purposes, including that reserved for future use, from the Missouri: Elk Point aquifer in Clay County is less than 50,600 ac-ft/yr based on current water appropriations. The annual reported water use from the Missouri: Elk Point aquifer in Clay County for irrigation purposes is displayed in Table 3.

YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
1979	31	17660	1896
1980	30	17660	1788
1981	38	19644	2699
1982	32	18221.2	2279.53
1983	33	18546.2	2871.9
1984	39	20120.2	2448.1
1985	39	20120.2	2552.4
1986	42	21178.2	1732.8
1987	36	19604.2	2211
1988	35	19120.2	3780.2
1989	37	20089.2	2839
1990	39	20499.2	3242
1991	42	19805.2	3439.3
1992	29	19721.2	196.1
1993	40	20135.2	114.9
1994	42	20863.2	1322.31
1995	41	20116.4	2119.3
1996	41	20746.4	1790.32
1997	41	20698.4	2756
1998	42	20856.4	1939.36
1999	41	20238.4	2045.96
2000	42	20478.4	3436.29
2001	42	20478.4	3422.53
2002	43	20702.4	3795.69
2003	43	20702.4	3837.68
2004	43	20702.4	3849.75
2005	48	21731.6	3054.05
2006	56	25393.6	5860.14
2007	65	27554.6	7084.7
2008	77	32059.6	4907.57
2009	84	33832.6	1582.91
2010	86	33128.6	592.3
2011	89	34722	1802.64
MIN	29	17660.00	114.90
MAX	89	34722.00	7084.70
AVE	45.70	22034.25	2705.75

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

Lewis and Clark Rural Water System currently reserves 13,000 ac-ft/yr for future use and has permits appropriating 32,165 ac-ft/yr (Water Rights, 2013b). These account for a significant portion of the annual water usage in Clay County, and most of the water from these wells will be induced from the Missouri River. More recharge can be induced with more pumping in particular from the Missouri River because it is hydraulically connected to the aquifer. In 2011, the reported pumping for irrigation was 1,802.64 ac-ft/yr in Clay County (Water Rights, 1979-2011).

There are a number of new permits and pending applications from the Missouri: Elk Point aquifer. Once they are developed, the average pumping for irrigation purposes is expected to increase significantly. Since January 1, 2012, there have been 45 permits issued from the Missouri: Elk Point aquifer authorizing irrigation for a total of 5,546.1 acres. The average annual withdrawal is still expected to be significantly less than the average annual recharge. The pending permits for appropriation of water from the Missouri: Elk Point aquifer are shown in Table 4.

Permit No.	Diversion Rate (cfs)	Acres
7447-3	1.78	160
7460-3	3.11	264
7454-3	1.78	171
7527-3	1.11	117.5
7552-3	0.61	49
7553-3	1.55	136
7563-3	2.22	95
7565-3	1.89	160
7566-3	2.22	160
7554-3	1.89	136
7576-3	3.33	400
7577-3	2.0	70
7578-3	2.0	80
7579-3	2.0	152
7580-3	2.0	60
7593-3	1.5	105
7621-3	1.89	160
7622-3	1.89	142
7608-3	N/A	105
7606-3	N/A	78.8
7627-3	1.78	67
7630-3	3.34	160
7624-3	2.0	120
TOTAL	41.89	3148.3

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

Recognizing that Lewis and Clark RWS withdraw water from the Missouri: Elk Point aquifer that is induced from the Missouri River and considering the remaining hydrologic budget, there is reasonable probability that unappropriated water is available for the 400 ac-ft/yr appropriation proposed by this application.

Observation Well Data:

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

The SD DENR-Water Rights Program monitors 37 observation wells completed into the Missouri: Elk Point aquifer with two of these observation wells located within two and one half miles of the well site proposed by this application (Water Rights, 2013b). Hydrographs for these wells are shown in Figures 1 and 2.

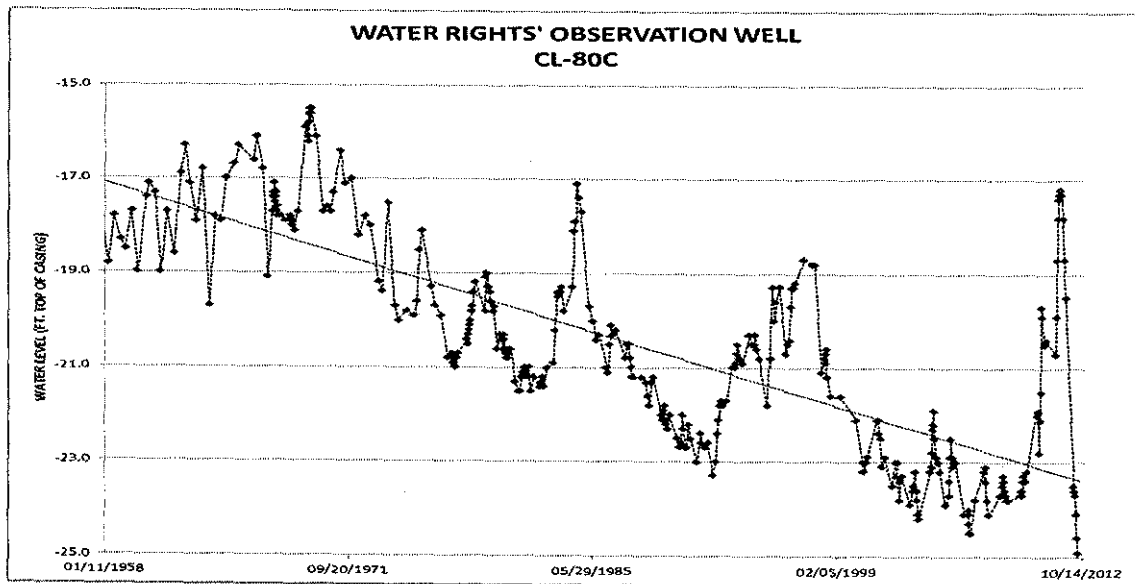


Figure 1. Hydrograph with linear trend line for SD DENR-Water Rights Observation Well CL-80C completed into the Missouri: Elk Point aquifer approximately one and one half miles southwest of the well site proposed by Application No. 7677-3 (Water Rights, 2013a).

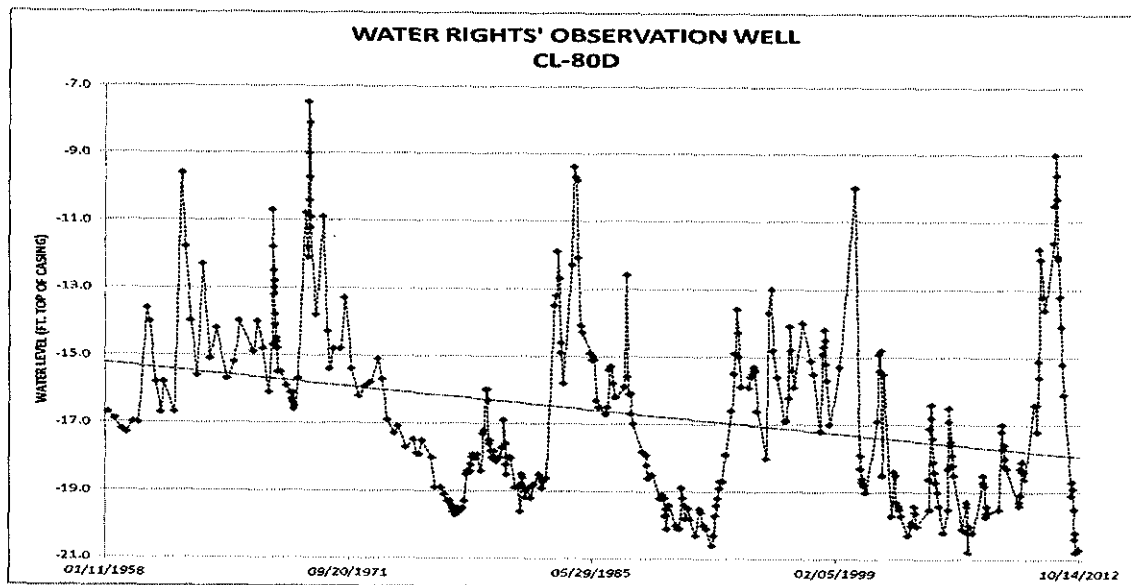


Figure 2. Hydrograph with linear trend line for SD DENR-Water Rights Observation Well CL-80D completed into the Missouri: Elk Point aquifer less than two and one half miles southeast of the well site proposed by Application No. 7677-3 (Water Rights, 2013a).

The observation well data shows the aquifer responds well to climatic conditions with rising water levels during wet years and gradually declining water levels during dry years. The observation well data shows that at the current level of development, climatic conditions mask the temporal effects of well withdrawals. The observation well data documents the hydraulic connection between the Missouri: Elk Point aquifer and the Missouri River (e.g. in particular, record high groundwater levels associated with flooding in 2011). Linear trend lines for the hydrographs do show a general gradual decline. This gradual decline may be attributed to either entrenching the Missouri River (Goodman, 2007) or controlling the flow of the Missouri River by the Gavins Point Dam, which no longer allows inundating of the floodplain (Stephens, 1967).

Because of this obvious hydraulic connection between Missouri: Elk Point aquifer and the Missouri River and the availability of water in the Missouri River, there is a reasonable probability that additional recharge to the Missouri: Elk Point will be induced with additional pumping. Recognizing that natural discharge from the aquifer can be captured for pumping. Additional pumping from the Missouri: Elk Point aquifer can also induce recharge from the underlying Dakota aquifer. Therefore, there is reasonable probability that unappropriated water is available from the aquifer to support this appropriation.

EXISTING WATER RIGHTS:

The well site proposed by this application is located less than two miles north of the Missouri River and approximately 2,000 feet east of the Vermillion River. There are ten water rights/permits that have diversion points within a one mile radius from the proposed well site. The nearest water right/permit is Water Right No. 6679-3, for Francis Heine, located over 2,550 feet south and down-gradient from the proposed well site (Water Rights, 2013c). Based on the observation well data and the distance between wells, drawdown is not expected to be significant nor likely to cause adverse impacts to existing water rights.

CONCLUSIONS:

1. This application proposes to appropriate up to 400 acre-feet annually for irrigation from the Missouri: Elk Point aquifer.
2. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply this proposed appropriation.
3. The Missouri: Elk Point aquifer is under unconfined (water-table) conditions in this area, and drawdown from pumping is not expected to be significant very far from a production well.
4. There is a reasonable probability that the well proposed by this application will not adversely impact existing water rights or domestic wells.



Nicole Van Dyk
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Goodman, J.A. 2007. Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Hedges, L.S., Allen, J., Holly D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Stephens, J.C., 1967, Geology and Hydrology of Clay County, South Dakota, Part II: Water Resources, SD DENR- Geological Survey Bulletin 19, 62 p.
- Water Rights, 1979-2011, Irrigation Questionnaire Summaries 1979-2011, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013b, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013c, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

RECEIVED

APR - 1 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

DENR
Division of Environmental Services
Water Rights Program
Joe Foss Building, 523 East Capitol
Pierre, SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

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

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 22 DAY OF MARCH 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$29.30 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 3/22/13

FILED ON: 3/22/13

Tera A. Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS

26th DAY OF

March

2013

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES

8/19/2015

NOTICE OF APPLICATION
NO. 7677-3 to Appropriate
Water

Notice is given that Wagner Limited Partnership, c/o Lyle Wagner, 1019 Ridgcrest, Vermillion SD 57069 has filed an application for a water permit to appropriate 2.55 cubic feet of water per second from one well to be completed into the Missouri Elk Point Aquifer (120 feet deep) located in the NW 1/4 NE 1/4 Section 30 for irrigation of 200 acres located in Parcel A of Gov't Lot 5, Outlot L, Lot 6, Lot D of Gov't Lot 4 (S 1/2 SE 1/4) Section 19 and Gov't Lot 1 and accretions, described as Parcel A of Lot 1 (NE 1/4, NE 1/4 NW 1/4) Section 30, Parcel C (SW 1/4 SW 1/4) Section 20; all in T92N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7677-3 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 1, 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 Grönlund 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 \$29.30.

Published: March 22 2013

RECEIVED

MAR 25 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

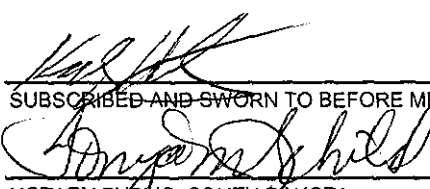
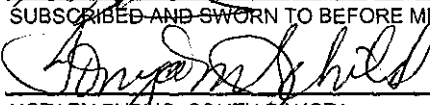
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7677-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 22nd DAY OF March 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$27.80 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 3/22/2013

FILED ON: 3/22/2013


SUBSCRIBED AND SWORN TO BEFORE ME THIS 22nd DAY OF March
2013

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

NOTICE OF APPLICATION
NQ. 7677-3 to Appropriate Water

Notice is given that Wagner Limited Partnership, c/o Lyle Wagner, 1019 Ridgcrest, Vermillion SD 57069 has filed an application for a water permit to appropriate 2.55 cubic feet of water per second from one well to be completed into the Missouri Elk Point Aquifer (120 feet deep) located in the NW 1/4 NE 1/4 Section 30 for irrigation of 200 acres located in Parcel A of Gov't Lot 5, Outlot L, Lot 6, Lot D of Gov't Lot 4 (S 1/2 SE 1/4) Section 19 and Gov't Lot 1 and accretions, described as Parcel A of Lot 1 (NE 1/4, NE 1/4 NW 1/4) Section 30, Parcel C (SW 1/4 SW 1/4) Section 20; all in T92N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7677-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Published once at the total approximate cost of \$27.80.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 14, 2013

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7677-3 to Appropriate Water. Please publish the notice once on March 22, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Wagner Limited Partnership, c/o Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069 (Ph # 605-624-2470).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 14, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7677-3 to Appropriate Water. Please publish the notice once on March 22, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Wagner Limited Partnership, c/o Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069 (Ph # 605-624-2470).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

March 14, 2013

Wagner Limited Partnership
Lyle Wagner
1019 Ridgcrest
Vermillion SD 57069

Dear Mr. Wagner:

Water Permit Application No. 7677-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Plain Talk printed at Vermillion SD (Ph # 605-624-2695) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on March 22, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7677-3 to Appropriate Water

Notice is given that Wagner Limited Partnership, c/o Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069 has filed an application for a water permit to appropriate 2.55 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the NW 1/4 NE 1/4 Section 30 for irrigation of 200 acres located in Parcel A of Gov't Lot 5, Outlot L, Lot 6, Lot D of Gov't Lot 4 (S 1/2 SE 1/4) Section 19 and Gov't Lot 1 and accretions, described as Parcel A of Lot 1 (NE 1/4, NE 1/4 NW 1/4) Section 30, Parcel C (SW 1/4 SW 1/4) Section 20; all in T92N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7677-3 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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Published once at the total approximate cost of _____.



MAY 20 2013

Wagner Limited Partnership
Lyle Wagner
1019 Ridgecrest
Vermillion SD 57069

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

Dear Mr. Wagner:

Enclosed is Water Permit No. 7677-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

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

Sincerely,

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

enclosures

7677-3
RECEIVED

JUL 26 2013

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 7-23-13

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

FROM: WAGNER LIMITED PARTNERSHIP
LYLE WAGNER

(name)

1019 RIDGECREST

(address)

VERMILION, SD 57069

(city, state, zip)

624-2470

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

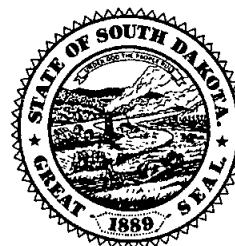
Water Permit No. 7677-3 states that the water use system is to be constructed by
APRIL 1, 2018 , and water is to be put to beneficial use by APRIL 1, 2022 .
(date) (date)

The water use system was completed on JULY 16, 2013 .
(date)

Applying the water to beneficial use was completed on JULY 16, 2013 .
(date)

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

Lyle Wagner
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 29, 2013

7677-3

Lyle Wagner
Wagner Limited Partnership
1019 Ridgecrest
Vermillion SD 57069

Dear Mr. Wagner:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

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

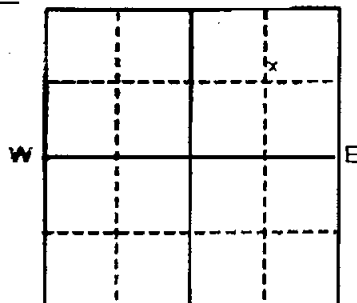
Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NE 1/4 Sec 30 Twp 92N Rg 51WCounty ClayPlease mark well
location with an 'x'

Well Completion Date

May 31, 2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

1,430.0 ft from River

(identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

bucket method

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	80.0 FT	22.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	26	9.5 Lb/gal	0.0 Ft	80.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 20.0 FeetMaterial PVCSlot Size .050 Set From 80.0 Feet to 100.0 Feet

Other Information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

☒ No, Why Not? Not Required
 Lab to which water quality sample sent for analysis
Well Owner: Wagner Limited PartnershipBusiness Name: Wagner Limited PartnershipAddress: 1019 RidgecrestCity, State, Zip: Vermillion SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Sand	2	50
Sandy Silty Clay	50	58
Silty Clay	58	62
Gravel	62	65
Silty Clay	65	80
Fine Sandy Gravel	80	100

STATIC WATER LEVEL 22.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

SEP 06 2013

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

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 8/1/2013

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7677-3**

I have this day, November 17, 2017, made a thorough examination of the water use system constructed by Wagner Limited Partnership, c/o Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069 of Permit No. 7677-3, bearing the priority of January 24, 2013 authorizing the diversion of 2.55 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, of 200 acres, in Clay County.

Inspection contact & relationship **Nick Merrigan, tenant**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells 1
- 3) Depth(s) 100 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 80 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 20 feet
- 3) Static water level 22 feet

Pump:

- 1) Make Unknown
- 2) Model Submersible
- 3) Capacity 900 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Submersible
- 3) Horsepower rating 30 hp

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

- 1) Type PVC 2) Size 8 inches 3) Length 1530 feet

Comments: See map for approximate location.

C. Works used to apply water to beneficial use:

West center pivot:

- 1) Make Valley 8000
2) Overall length 1299 feet
3) Number of towers 7
4) End gun Yes
5) Capacity 900 GPM

East center pivot:

- 1) Make Valley 8000
2) Overall length 1002 feet
3) Number of towers 5
4) End gun Yes
5) Capacity 900 GPM

Comments: Water Permit 7677-3 appropriated 2.55 cfs or 1150 gpm, however only 2.0 cfs or 900 gpm was developed.
System is set up so that only one center pivot can be operated at a time.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2013.
3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in **good** condition with the point(s) of diversion located as follows: **West 1470', South 230' from NE Corner of Sec 30-T92N-R51W; Lat 42.76408/Long -96.91074; NW ¼ NE ¼ Sec 30-T92N-R51W.**
2. The works are capable of diverting and conveying to the place of use **2.0 cfs or 900 gpm** of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

Sec 30-T92N-R51W**NE ¼ NW ¼ - 6 ac****NW ¼ NE ¼ - 39 ac****NE ¼ NE ¼ - 39 ac****SE ¼ NE ¼ - 5 ac****SW ¼ NE ¼ - 6 ac****Sec 19-T92N-R51W****SE ¼ SW ¼ - 3 ac****SW ¼ SE ¼ - 29 ac****SE ¼ SE ¼ - 23 ac****Sec 29-T92N-R51W****NW ¼ NW ¼ - 30 ac****SW ¼ NW ¼ - 3 ac****Sec 20-T92N-R51W****SW ¼ SW ¼ - 9 ac**

comprising a total of **192** acres of land and the license should be issued for **2.0 cfs or 900 gpm**.

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

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

Provide detailed explanation when multiple permits are involved or any discrepancy between what the permit was issued for and what was developed.

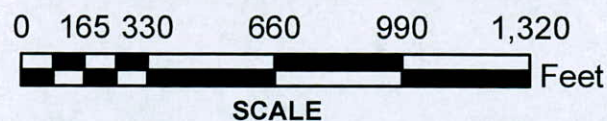
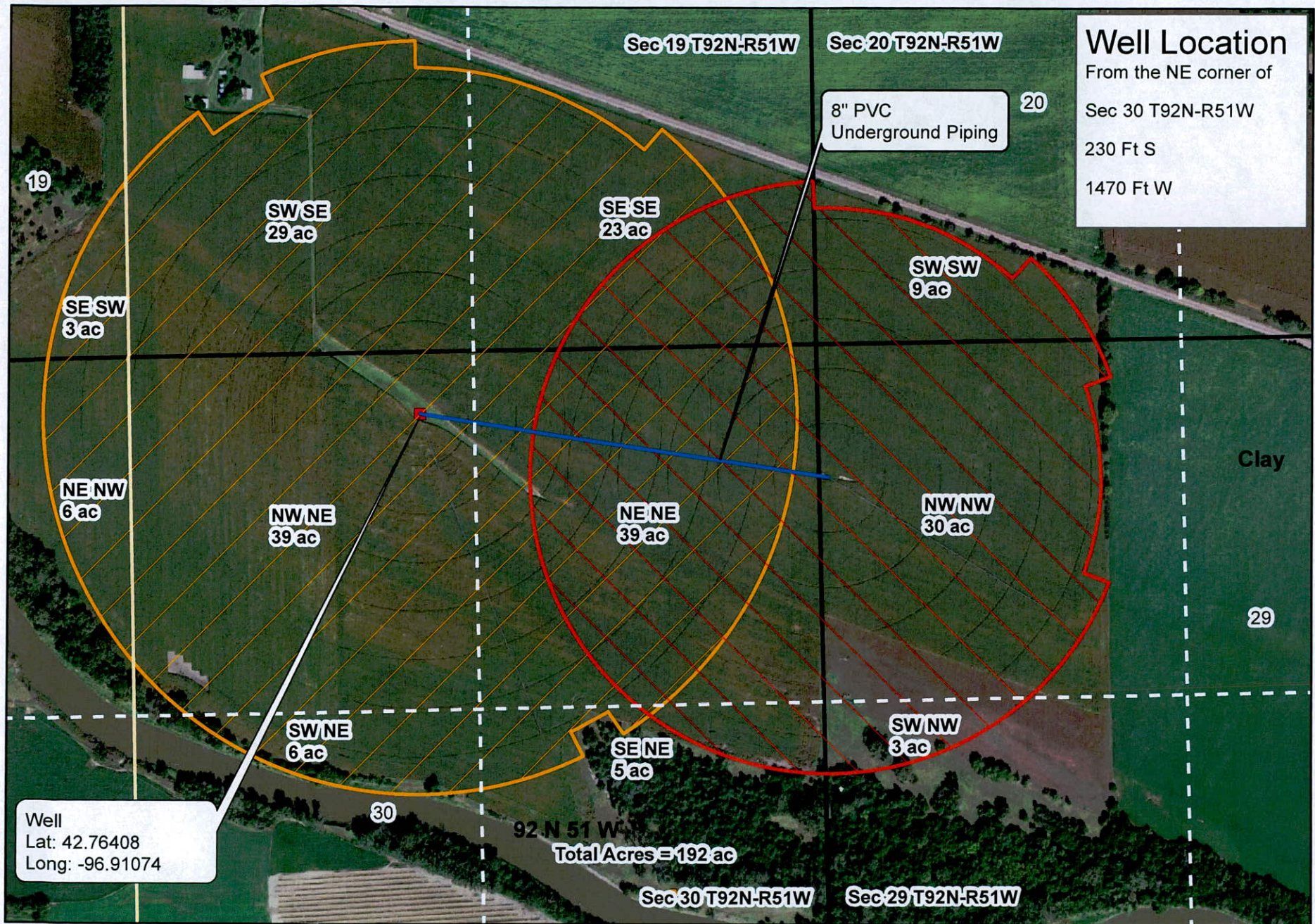
Seven acres in SE ¼ SE ¼ Sec 19-T92N-R51W and 23 acres in NE ¼ NE ¼ Sec 30-T92N-R51W overlap between the two center pivots.



Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: **October 22, 2019**

7677-3



Harold Holoch
 Harold Holoch, PE
 Staff Engineer
 March 19, 2018



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 27 2020

7677-3

Lyle Wagner
Wagner Limited Partnership
1019 Ridgecrest
Vermillion SD 57069

Dear Mr. Wagner:

Enclosed is Water License No. 7677-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7677-3**

(1) Lyle Wagner, Wagner Limited Partnership, 1019 Ridgecrest, Vermillion SD 57069 made Application No. 7677-3, January 24, 2013 for a water permit to divert 2.55 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7677-3, with a priority date of January 24, 2013 was approved April 1, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 1, 2018 and for the application to beneficial use of water on or before April 1, 2022.

The Permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on July 26, 2013. The "Notice" stated the water use system was completed and water placed to beneficial use on July 16, 2013.

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

- 1470'W and 230'S of the NE Corner of Section 30, T92N, R51W (NW ¼ NE ¼)
Latitude 42.76408, Longitude -96.91074

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

Section 30, T92N, R51W

NE ¼ NW ¼ 6 acres
NW ¼ NE ¼ 39 acres
*NE ¼ NE ¼ 39 acres
SE ¼ NE ¼ 5 acres
SW ¼ NE ¼ 6 acres

Section 29, T92N, R51W

NW ¼ NW ¼ 30 acres
SW ¼ NW ¼ 3 acres

Section 19, T92N, R51W

SE ¼ SW ¼ 3 acres
SW ¼ SE ¼ 29 acres
*SE ¼ SE ¼ 23 acres

Section 20, T92N, R51W

SW ¼ SW ¼ 9 acres

Total acres irrigated - 192

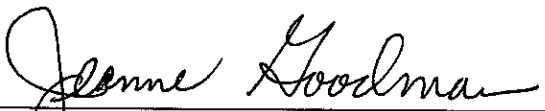
* Seven acres in SE ¼ SE ¼ Section 19, T92N, R51W and 23 acres in NE ¼ NE ¼ Sec 30, T92N, R51W overlap between the two center pivots.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Lyle Wagner, Wagner Limited Partnership, 1019 Ridgecrest, Vermillion SD 57069 the holder and/or owner of Water Right No. 7677-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of January 24, 2013 from the location specified in (2) of this license for irrigation purposes.

Continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7677-3 and subject to the following qualifications:

- The well approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by No. 7677-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled May 31, 2013 by Hammond-Wetmore Drilling LLC. A copy of the well completion report is on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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

FEB 27 2020

date

