

WATER PERMIT NO. 7678-3

Name of Applicant: Jo's Family Farms

Address: 1911 W 57th St, Sioux Falls SD 57108

Phone: 605 338-4642

Amount of Water Claimed: 1.78 cfs

Total Acres: 180

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Brookings

Type of Waste Disposal System:

Location: 2 miles southeast of Elkton

PRIORITY

Date Received: 2-4-13

Application/License Fee: \$ 1050

Corrected Application Received:

Period of Annual Use: May 1 – September 30

Remarks: 180 acres to be irrigated are located in Minnesota

Diversion Point: NW 1/4 SW 1/4 Sec 34-T109N-R47W

Land to be Irrigated: NE 1/4, S 1/2 SE 1/4 Sec 1-T108N-R47W

Depth of Well: 65 feet deep

Well Driller: Steffl Drilling & Pump

Remarks:

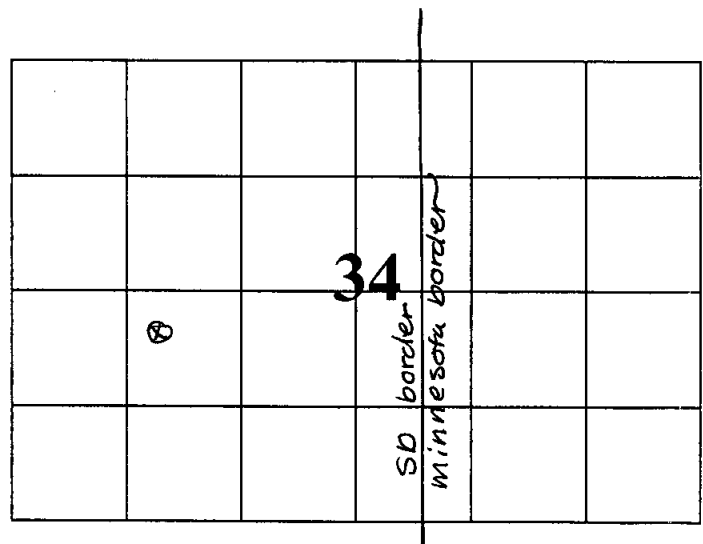
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 2-4-13

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>7678-3</u> (office use only)	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Brookings Register P.O. Box 177</u>	
	<u>Brookings 57006-605-692-6271</u>	

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FEB - 4 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.)
_____1. Name to Appear on Irrigation Permit Jo's Family Farms
(check one) ☐ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)Mailing Address 1911 W 57th St. Sioux Falls SD 57108
(Address) (City) (State) (Zip Code)Home Phone 605 338-4642 Cell _____ Email www.sonstegard.com2. Amount of water claimed 1.78 *CFS or 800 **GPM 180 ***AF Total Acreage 180
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply well4. Location of point of diversion 1 well in N44 12 13184 W96 27 85053
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)Sec. 34 T109N R47W (SW1/4) County Brookings5. County or counties where water will be used Pipestone County6. Annual period during which water is to be used May 1 - September 307. 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 of the NW 1/4 Sec 1 T108N R46-47W	35	SE 1/4 of the NW 1/4 Sec 1 T108N R46-47W	15
NE 1/4 of the NE 1/4 Sec 1 T108N R46-47W	35	SE 1/4 of the NE 1/4 Sec 1 T108N R46-47W	15
NE 1/4 of the SW 1/4 Sec 1 T108N R46-47W	40		
NE 1/4 of the SE 1/4 Sec 1 T108N R46-47W	40		

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

I, Jo's Family Farms Dr. P.O. Sonstegard, 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. 7678-3

Date of first receipt of application February 4, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7678-3 to Jo's Family Farms, 1911 W 57th St, Sioux Falls SD 57108 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. 7678-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Big Sioux:Aurora Aquifer (65 feet deep) located approximately 2,024 feet north and 344 feet east of the southwest corner of Section 34-T109N-R47W (Brookings County) for irrigation of 180 acres located in E 1/2 Section 1-T108N-R47W all located in the Pipestone County, Minnesota.
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 February 4, 2013.
4. The date of approval of Permit No. 7678-3 is April 29, 2013.
5. One-fifth of the construction is to be completed on or before October 29, 2015.
6. All construction is to be completed on or before April 29, 2018.
7. Water is to be put to beneficial use on or before April 29, 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. 7678-3 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. That Jo's Family Farms, and any successor, assignee, or transferee of this water permit, must install and maintain at its own cost, a timing device on its irrigation well which records each time the pump of the irrigation well is turned on and off, and further, that data recorded by the timing devices be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUN 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 Staff
(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 65 Depth to Top of Water Bearing Material 2 Depth to Water from Surface 10

d) Distance to nearest existing domestic well:

On applicant's property 1300

On property owned by others None

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

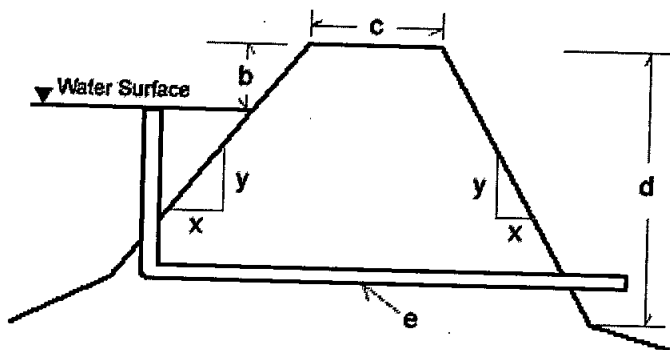
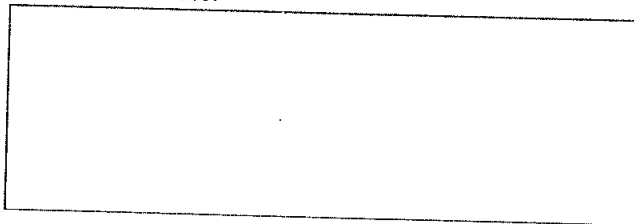
a) Surface Dimensions Depth

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

Midn Line



PPLS: 1_108N_46-47W

Data use subject to license.

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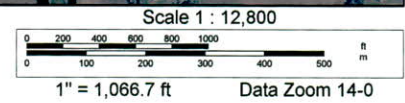
www.delorme.com

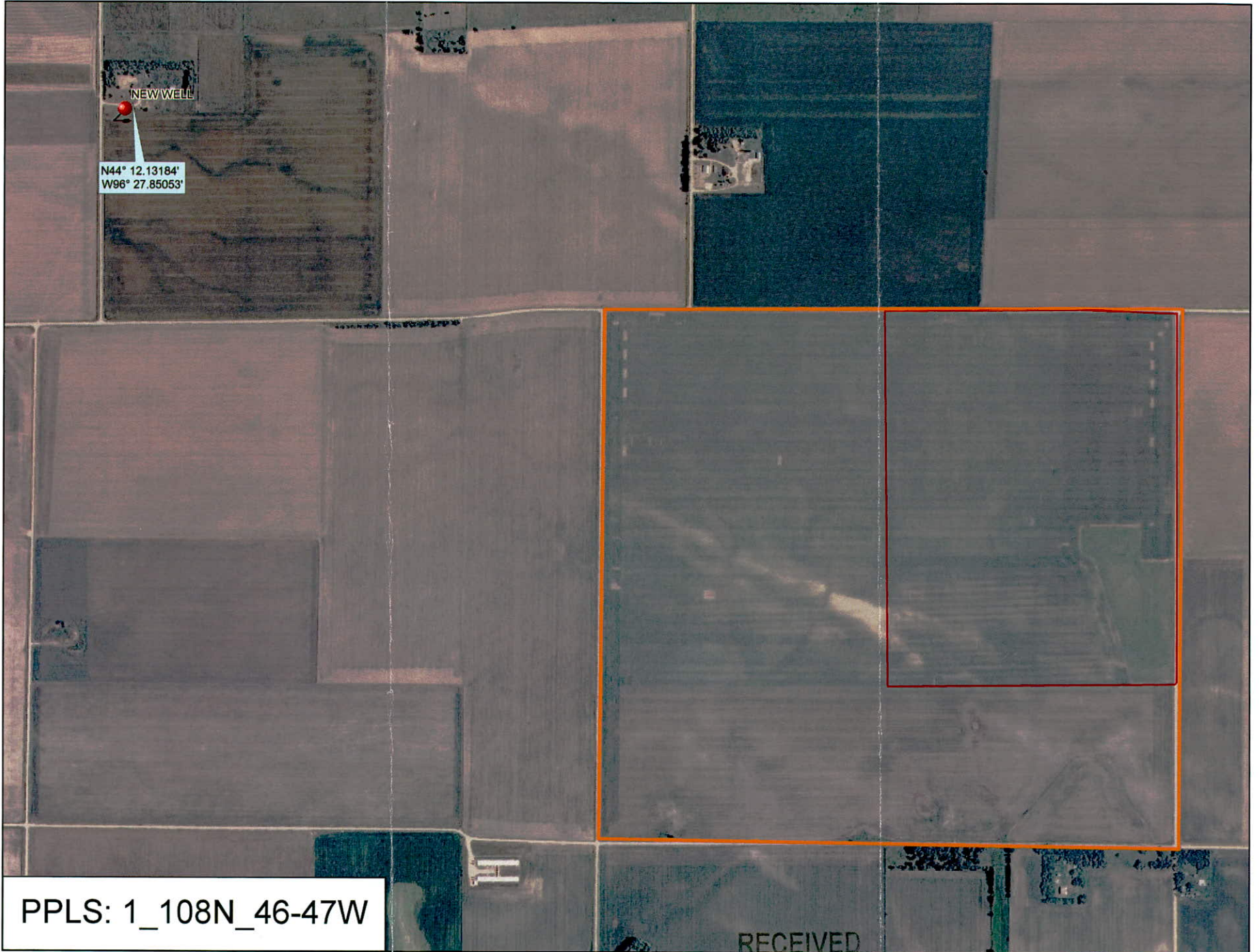
Midn Line



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PPLS: 1_108N_46-47W

Data use subject to license.

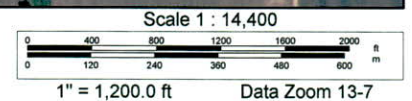
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Sec 21
T109N
R47W

Sec 28
T109N
R47W

Sec 27
T109N
R47W

Sec 33
T109N
R47W

Sec 34
T109N
R47W

Sec 4
T108N
R47W

Sec 3
T108N
R47W

Sec 9
T108N
R47W

Sec 10
T108N
R47W

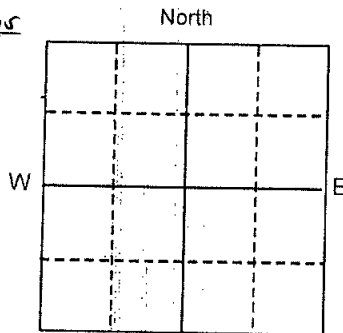
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NW ¼ Sec 3 Twp 108 Rg 47

County ~~Wood~~ Brookings

Please mark well location with an "X"



Well Completion Date

December 3, 2012

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
Bentonite	5	Lb/gal	0.0 Ft	156.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Pressure Tremmie

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: JO'S Family Farms

Business Name: _____

Address: 1911 W 57th St, #102

City, State, Zip: Sioux Falls SD 57108

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil Blk	0	2
Sand	2	65
Clay Blu	65	141
Clay Tan	141	152
Quartzite	152	156

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

Test Hole #7

44 12 05.3N

96 27 55.3W

Gary Olson elev 1742

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

Drilling firm: Steffi Drilling & Pump Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

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South Dakota Department of Environment and Natural Resources

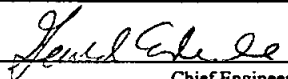
Date 2/4, 20 13

RECEIVED OF Farmer's Implement 3023 E Hwy 14 Brookings SD 57006

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

Fee for Application for Permit No. <u>7678-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7678-3</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	1050	00

No. 06082

By 
Chief Engineer

Water Rights Program - File Documentation

NAME: Dave Gullickson, Farmers Implement

ADDRESS: Brookings SD

DATE: 2-4-13

RE: Application for Jo's Family Farms

COMMENTS:

Dave Gullickson stated the acreage to be irrigated is portions of the **E 1/2 Sec 1-T108N-R47W** in Minnesota. It is land to the east of what was authorized by Permit No. 7317-3.



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. 7678-3, Jo's Family Farms**

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. 7678-3, Jo's Family Farms, c/o P O Sonstegard, 1911 W 57th Street, Sioux Falls SD 57108.

The Chief Engineer is recommending APPROVAL of Application No. 7678-3 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. 7678-3 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. That Jo's Family Farms, and any successor, assignee, or transferee of this water permit, must install and maintain at its own cost, a timing device on its irrigation well which records each time the pump of the irrigation well is turned on and off, and further, that data recorded by the timing devices be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer

April 10, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7678-3
JO'S FAMILY FARMS
APRIL 2, 2013

Water Permit Application No. 7678-3 proposes to appropriate water from one well to be completed into the Big Sioux: Aurora aquifer at a maximum diversion rate of 1.78 cubic feet of water per second (cfs). The well is expected to be approximately 65 feet deep and is to be located approximately 2,024 feet north and 344 feet east of the southwest corner of Section 34-T109N-R47W in Brookings County, South Dakota (see figure 1). This application proposes to irrigate 180 acres located in the E ½ of Section 1, T108N-R47W in Pipestone County, Minnesota.



Figure 1. Map showing the location of the well site proposed by Application No. 7678-3
South Dakota Codified Law (SDCL) 46-1-13

Pursuant to SDCL 46-1-13, "A water right may be granted for uses outside this state on the same basis and subject to the same terms and conditions as water rights are granted to persons for use of water within this state..."

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued 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.

AQUIFER: Aurora Management Unit of the Big Sioux Aquifer (BS: A)

AQUIFER CHARACTERISTICS:

The Big Sioux aquifer is a major glacial-drift aquifer consisting of alluvium-mantled outwash (silt, fine to coarse sand and gravel) that extends over most of the length of the Big Sioux River basin along the Big Sioux River and its tributaries. The Aurora management unit of the Big Sioux aquifer underlies approximately 83,000 acres of southeastern Brookings and northwestern Moody Counties, South Dakota and western Lincoln and Pipestone Counties, Minnesota (see figure 1) (Anderson, 1976; Hamilton, 1989; Hansen, 1986; and Hedges and others 1982). The potentiometric surface map for the Big Sioux aquifer identifies an area, approximately in the center of T109N-R47W (near Elkton), where groundwater north of the area flows to the west and groundwater south of the area flows to the southwest (Hamilton, 1989). This groundwater divide produces an area that is isolated from the main body of the aquifer, essentially creating a sub-unit of the Big Sioux: Aurora aquifer. The sub-unit of the Big Sioux: Aurora aquifer which contains the well site proposed by Application No. 7678-3 encompasses approximately 20,000 acres and is shown in figure 2.

The Aurora management unit is a surficial aquifer under unconfined conditions in this area (Hamilton, 1989). The log of a test hole submitted with this application identifies aquifer material from 2-65 feet below ground surface.

WATER AVAILABILITY:

Water Permit Application No. 7678-3 proposes to appropriate water from a subunit of the Aurora management unit of the Big Sioux aquifer. If Permit No. 7678-3 is approved, the water use will be less than 360 acre-feet annually. The probability of unappropriated water available from the 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 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." If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn Formation, therefore withdrawal/recharge issue must be considered.

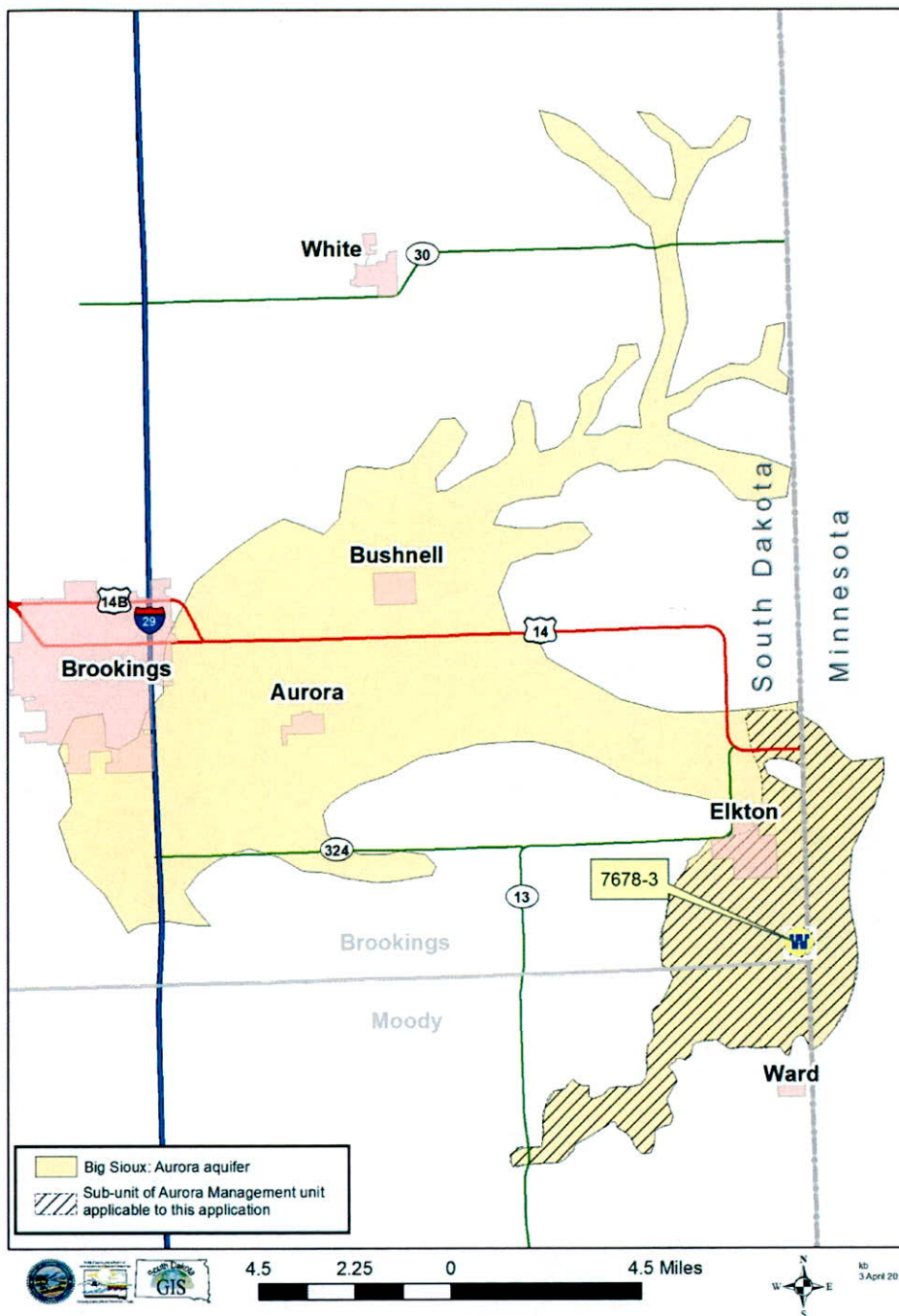


Figure 2. The extent of the Big Sioux: Aurora aquifer, the sub-unit of the Aurora management unit applicable to this application, the location of the well site proposed by Application No. 7678-3. (Modified from Anderson, 1976; Hamilton, 1989; Hansen, 1986; and Hedges and others 1982)

Recharge versus Discharge:

Recharge:

Recharge to the Big Sioux: Aurora aquifer in this area is by infiltration of precipitation and seepage from Spring Creek and its tributaries. The average annual recharge rate to the Big Sioux: Aurora aquifer was estimated to be 5.0 inches per year based on observation well analysis (Hedges and others, 1985). Hedges and others (1985) also reported a computer model analysis “best fit” recharge rate for the Aurora management unit, of 3.6 inches per year. A finite-difference method digital model used to simulate the Big Sioux aquifer in Brookings and Hamlin Counties (Koch, 1980), did not include the sub-unit of the Big Sioux: Aurora aquifer that contains the site proposed by this application, but modeled an area within approximately five miles of this well site. The model used an average annual recharge rate of 6.57 inches per year to the water table portion of the Big Sioux aquifer, to simulate steady state conditions using average annual water levels for 1970-1976 as the potentiometric head in the aquifer (Koch, 1980). The average annual recharge to the sub-unit of the Big Sioux: Aurora aquifer that contains the sites proposed by these applications, based on the recharge rate estimates is shown in Table 1.

INVESTIGATOR	RECHARGE RATE (inches per year)	AVERAGE ANNUAL RECHARGE Assuming aquifer area = 20,000 acres (acre-feet per year)
Hedges and others, 1985, (Observation well analysis)	5.0	8,333
Hedges and others, 1985, (Computer model “best fit”)	3.6	6,000
Koch, 1980	6.57	10,950

Table 1. Estimated average annual recharge to the sub-unit of the Big Sioux: Aurora aquifer that contains the well site proposed by this application

Discharge:

Discharge from the sub-unit of the Big Sioux: Aurora aquifer that contains the sites proposed by these applications occurs through evapotranspiration, seepage to Spring Creek and its tributaries and well withdrawals. Well withdrawals are for domestic use (expected to be minor) and appropriative uses including irrigation and rural water system use. South Dakota water rights/permits appropriating water from this sub-unit of the Big Sioux: Aurora aquifer is shown in Table 2 and in Figure 3. In addition, the Lincoln Pipestone Rural Water System maintains a well field known as the Verdi Well Field consisting of five production wells completed into this aquifer just east of the Minnesota/South Dakota border. Lincoln Pipestone Rural Water System is currently permitted through the State of Minnesota for combined maximum withdrawals of 683 MGY (2,096.05 acre-feet per year) (Buhler, 2012).

PERMIT NO	NAME	STATUS	USE	CFS	ACRES
2332-3	HEARTLAND HBI	IL	IRR	NA	NA
2574-3	LOWELL CHRISTENSEN	LC	IRR	1.31	92
3185-3	WITTE AG PARTNERSHIP #1	LC	IRR	1.41	99
3496-3	MINNIE VAN DYKE	LC	IRR	0.52	37
4038-3	CITY OF ELKTON	LC	MUN	0.72	NA
4295-3	LARRY W MOULTON	IL	IRR	NA	NA
4295-3A	ALICE MOULTON	LC	IRR	1.34	136
4332-3	ALICE MOULTON	LC	IRR	1.34	125
4523-3	JAMES STUEFEN	LC	IRR	1	71
4726-3	WITTE AG PARTNERSHIP #3	LC	IRR	1.56	115
4763-3	MARY ELLEN MCGILL TRUST	LC	IRR	2.44	234
4877-3	LARRY O/CAROL J OLSON	IL	IRR	NA	NA
5558-3	LARRY OLSON	IL	IRR	NA	NA
5558A-3	LARRY OLSON	LC	IRR	1.78	268
5804-3	HEARTLAND HBI	LC	IRR	1.78	177
658-3	HEARTLAND HBI	IL	IRR	NA	NA
7178-3	JOS FAMILY FARMS	PE	IRR	4.44	400
7219-3	ELKTON SCHOOL DISTRICT	PE	IRR	0.178	2.3
7228-3	JOS FAMILY FARMS	PE	IRR	1.71	120
7317-3	JOS FAMILY FARMS	PE	IRR	1.78	180
7392-3	LINCOLN PIPESTONE RURAL WATER	PE	RWS	2.67 (614 ac-ft)	NA
7393-3	LINCOLN PIPESTONE RURAL WATER	FU (614 ac-ft)	RWS	NA	NA
LC= Water Right, IL= Incorporated, PE= Water Permit, FU= Future Use, IRR= Irrigation, MUN= Municipal					

Table 2. Water rights/permits appropriating water from the sub-unit of the Big Sioux: Aurora aquifer that contains the well sites proposed by this application (Water Rights, 2013c)

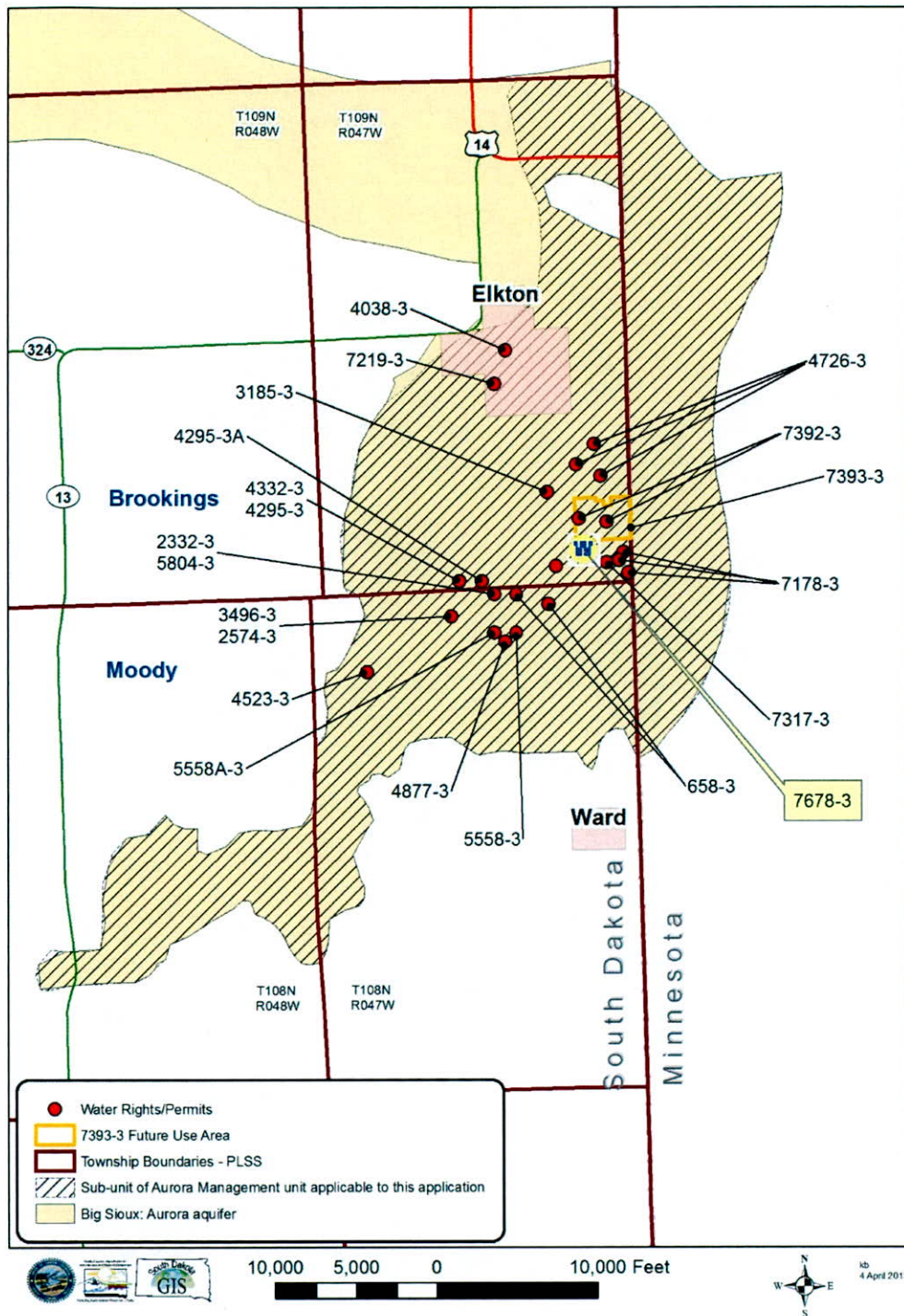


Figure 3. Water rights/permits appropriating water from the sub-unit of the Big Sioux: Aurora aquifer that contains the well sites proposed by this application (Water Rights, 2013c)

Water Permit No. 7392-3, Lincoln Pipestone Rural Water, appropriates 614 ac-ft/yr. Future Use Permit No. 7393-3, Lincoln Pipestone Rural Water, reserves 614 ac-ft/yr. The City of Elkton has been supplied by Brookings-Deuel Rural Water System since 1991 and maintains Water Right No. 4038-3 as a backup source only (Buhler, 2012). The irrigation use from the sub-unit of the Big Sioux: Aurora aquifer that contains the sites proposed by these applications is shown in table 3. The average application rate for this sub-unit of the Big Sioux Aurora aquifer for 1979-2011 is 6.45 inches per year.

YEAR	ACRES IRRIGATED	ACRE-FEET PUMPED	APPLICATION RATE (in/yr)
1979	661	281.83	5.12
1980	396	228.12	6.91
1981	737	404.1	6.58
1982	958	421.88	5.28
1983	1247	686.73	6.61
1984	1040	487.1	5.62
1985	1125	515.7	5.50
1986	798	163.6	2.46
1987	966	437.6	5.44
1988	1176	1025.3	10.46
1989	1193	739.9	7.44
1990	1302	607	5.59
1991	1161	605	6.25
1992	654	167.86	3.08
1993	450	131.9	3.52
1994	1368.8	461.07	4.04
1995	548	153.13	3.35
1996	1075.8	398	4.44
1997	1164.8	862	8.88
1998	1378.8	1322.4	11.51
1999	1094.8	545.55	5.98
2000	1366.6	796.12	6.99
2001	1316.8	1161.53	10.59
2002	1389.8	1078.25	9.31
2003	1290.8	1193.3	11.09
2004	1036.8	813.01	9.41
2005	1068	347.88	3.91
2006	1350	835.11	7.42
2007	1354	946.59	8.39
2008	1354	1040.27	9.22
2009	1031	549.27	6.39
2010	857	165.28	2.31
2011	1843	569.7	3.71

Table 3. Irrigation use from the sub-unit of the Big Sioux: Aurora aquifer that contains the well site proposed by this application (Water Rights, 1980-2012a; and Water Rights, 1980-2012b)

There are currently 2,056.3 acres authorized for irrigation by South Dakota water rights/permits from this sub-unit of the Big Sioux: Aurora aquifer. At the average application rate of 6.45 inches per year, the average annual withdrawal for irrigation can be expected to be approximately 1,105.3 acre-feet annually.

In addition to domestic use of water from the Minnesota portion of this aquifer, the only other water user is the Lincoln Pipestone Rural Water System (LPRWS) (Buhler, 2012). Well

withdrawals from the Lincoln Pipestone Rural Water System Verdi well field are shown in Table 4. The system is estimating 2012 withdrawals will be 445 million gallons per year (MGY) (1,365.7 acre-feet) (Buhler, 2012).

YEAR	MGY	ACRE- FEET/YR
2005	330.61	1014.6
2006	396.872	1218.0
2007	421.389	1293.2
2008	415.044	1273.7
2009	386.915	1187.4
2010	404.493	1241.3
2011	440.089	1350.6

Table 4. Withdrawals from the Lincoln Pipestone Rural Water System Verdi well field (Buhler, 2012)

Assuming the LPRWS will fully develop their Minnesota permit appropriating 683 MGY (2,096.05 acre-feet per year), and the rural water system's water permit (No. 7392-3) and future use permit (No. 7393-3) will be fully developed (i.e. 1,228 acre-feet of water per year), the total of the well withdrawals from the sub-unit of the Big Sioux: Aurora aquifer that contains the well site proposed by Application No. 7678-3 is expected to average approximately 4,430 acre-feet per year under current appropriations.

A comparison between the estimated average annual recharge (see Table 1) and the estimated average annual well withdrawals indicates that there is currently at least 1,570 ac-ft/yr unappropriated water from this sub-unit of the Big Sioux: Aurora aquifer.

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 one observation well, BG-78H, constructed into the Big Sioux:Aurora aquifer located approximately one mile southwest of the well site proposed by this application (Water Rights, 2013a). A hydrograph for the observation well is shown in Figure 4.

The hydrograph shows that although the potentiometric surface in the sub-unit of the Big Sioux: Aurora aquifer that contains the site proposed by this application fluctuates with the climate, the amount of water in the aquifer has trended upward by approximately 0.0365 inches per year over the period of record. Most importantly, the observation well data shows that at the current level of development, climatic conditions greatly mask the temporal effects of well withdrawals. Therefore, the observation well data documents that recharge to and natural discharge from this aquifer significantly exceeds pumping. The hydrograph documents that there is unappropriated water available from the aquifer to support this appropriation.

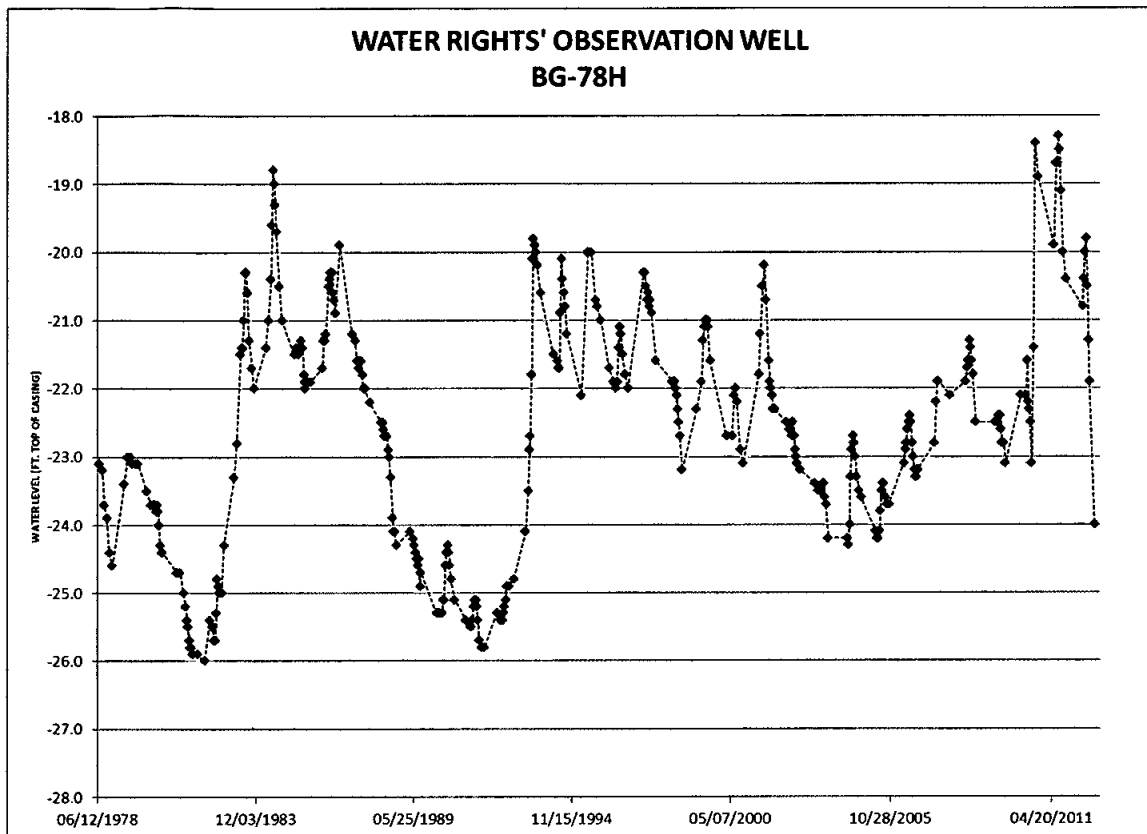


Figure 4. Hydrograph for an observation well completed into the sub-unit of the Big Sioux: Aurora aquifer located approximately one mile southwest of the well site proposed by this application.

EXISTING WATER RIGHTS:

The existing South Dakota appropriations from the sub-unit of the Big Sioux: Aurora aquifer that contains the well site proposed by this application are shown in Table 2 and in Figure 3. There are a number of wells authorized by water rights/permits in the vicinity of the well site proposed by this application (see Figure 5.) In addition, the area reserved for future use is within approximately 700 feet of this proposed well site. The test hole report submitted with this application along with test hole and completion reports on file with the DENR-Water Rights Program (Water Rights, 2013b), indicate as much as 63 feet of aquifer material consisting mainly of gravel in this area. The saturated thickness of the aquifer in this area appears to exceed 40 feet in places. The transmissivity of the Big Sioux: Aurora aquifer as a whole ranges from 20,000 to 42,000 ft^2/d (Hamilton, 1989) and this sub-area of the aquifer should be no exception. "The effects of withdrawals from wells that tap the Big Sioux aquifer generally are small because of extensive recharge and unconfined conditions. Drawdown of water levels is temporary and a few feet at most at a distance of about a mile from large-capacity wells." (Hamilton, 1989). The observation well hydrograph (see Figure 4) verifies that drawdown from nearby irrigation wells is not significant. "...extended droughts could and will impact water levels and potential pumping rates" (Goodman, 2012). However, if Application No. 7678-3 is approved, well interference is not expected to be an issue given the distance between wells. Therefore, there is a reasonable probability that existing users will not be unlawfully impaired. Approval of this application should not impact LPRWS's ability to develop from the future use area.

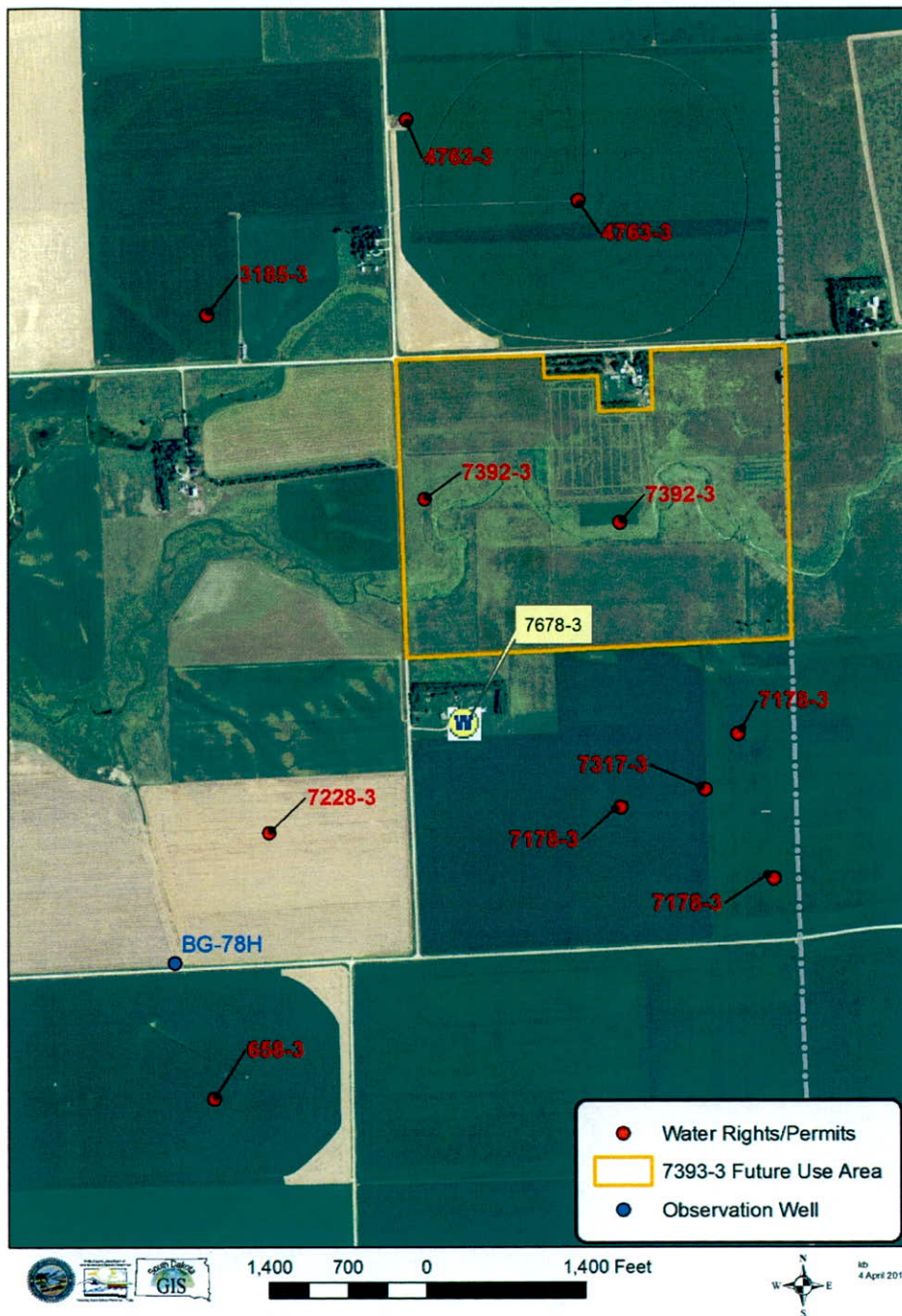


Figure 5. Map showing the location of the well site proposed by Application No. 7678-3, Observation well BG-78H and existing water rights/permits in the area.(Note: well sites for Water Permit Nos. 7178-3 and 7317-3 are located per the map submitted with Application No. 7317-3)

HISTORY:

The sub-unit of the Aurora management unit of the Big Sioux aquifer that this application proposes to appropriate water from is also the source of water for Lincoln Pipestone Rural Water. In 2010, the rural water system contested issuance of Water Permit No. 7178-3, because they considered the water source “very susceptible to drought conditions”, and they believed the irrigation project “endangers the water supply for the 1,153 farms and rural residences, and 10 communities” they serve. Following a public hearing, the Water Management Board approved Water Permit No. 7178-3 with the condition:

“That Jo’s Family Farm LLC, and any successor, assign, or transferee of this water permit, must install and maintain, at its own cost, a timing device on each of its irrigation wells which records each time the pumps on the irrigation wells are turned on and off, and further, that data be recorded by the timing devices to be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year.”

Water Permit No. 7228-3 was uncontested in 2011 but was conditioned with the same qualification as cited above.

In 2012, Lincoln Pipestone Rural Water expressed concerns regarding Water Permit Application No. 7317-3, in particular about “impacts to the Verdi Wellfield from both well interference and changes in water quality that could result from increased irrigation pumping.” The rural water system did not however request a hearing on the permit application. In accordance with SDCL 46-2A-23, Water Permit No. 7317-3 was issued by the Chief Engineer. Water Permit No. 7317-3 also contains the condition:

“That Jo’s Family Farm LLC, and any successor, assign, or transferee of this water permit, must install and maintain, at its own cost, a timing device on each of its irrigation wells which records each time the pumps on the irrigation wells are turned on and off, and further, that data be recorded by the timing devices to be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year.”

CONCLUSIONS:

1. Water Permit Application No. 7678-3 proposes to appropriate water from the Big Sioux: Aurora aquifer at a maximum diversion rate of 1.78 cfs to irrigate 180 acres located in Minnesota.
2. SDCL 46-1-13 allows water rights to be granted for uses outside the state.
3. The sub-unit of the Aurora management unit of the Big Sioux aquifer from which this application proposes to appropriate water underlies approximately 20,000 acres of Brookings and Moody Counties, South Dakota, and Lincoln and Pipestone Counties, Minnesota.
4. There is a reasonable probability that unappropriated water is available from this aquifer for the appropriation proposed by Application No. 7678-3.
5. There is a reasonable probability that this appropriation can be developed without unlawful impairment of existing rights.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Anderson, H.W., 1976, Water Resources of the Rock River Watershed, Southwestern Minnesota: U.S. Geological Survey Hydrologic Atlas 555, 14 maps on 3 sheets
- Buhler, K.A., 2012, Report to the Chief Engineer on Water Permit Application No. 7392-3 and Future Use Permit Application No. 7393-3 Lincoln Pipestone Rural Water September 17, 2012, SD DENR-Water Rights Program
- Goodman, J.A., 2012, Report on Water Permit Application No. 7317-3 For Jo's Family Farms, March 15, 2012, SD DENR-Water Rights Program
- Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report: 88-4185, 82 p.
- Hanson, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4209, 51 p.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- 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
- Koch, N.C., 1980, Appraisal of the Water Resources of The Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota: U.S. Geological Survey Water Resources Investigations 80-100, 46 p.
- Water Rights, 1980-2012a, Irrigation Questionnaires 1980-2011, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 1980-2012b, Irrigation Questionnaire Summaries 1980-2011, 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 24 2013

10/

Affidavit of Publication

State of South Dakota

ss

WATER RIGHTS PROGRAM

County of Brookings

Jennifer Milligan of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

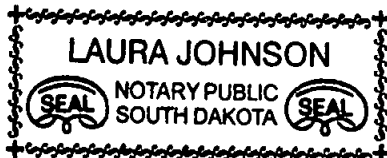
Leg#397 No. 7678.3- Jo's Family Farms

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

April 19, 2013

said Exhibit "A" inures to the sole benefit for the publishers 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; that the fees charged for the publication thereof are:

twenty-three dollars and seventy-one cents \$23.71



22nd

day of

April

2013

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires August 3, 2017.

Legal 397, 1x, 4/19
NOTICE OF APPLICATION NO. 7678-3 to
Appropriate Water
Notice is given that Jo's Family Farms, c/o P O Sonstegard, 1911 W 57th St, Sioux Falls SD 57108 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Big Sioux-Aurora Aquifer (65 feet deep) located approximately 2,024 feet north and 344 feet east of the southwest corner of Section 34-T 109 N - R 47 W (Brookings County) for irrigation of 180 acres located in E 1/2 Section 1 T108N-R47W all located in the Pipestone County, Minnesota Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7678-3 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 \$23.71.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

April 11, 2013

Brookings Register
PO Box 177
Brookings SD 57006

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7678-3 to Appropriate Water. Please publish the notice once on April 19, 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 Jo's Family Farms, c/o P O Sonstegard, 1911 W 57th St, Sioux Falls SD 57108 (Ph # 605-338-4642).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

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

April 11, 2013

Jo's Family Farms
P O Sonstegard
1911 W 57th St
Sioux Falls SD 57108

Dear Dr. Sonstegard:

Water Permit Application No. 7678-3 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 Brookings Register printed at Brookings SD (Ph # 605-692-6271). 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 April 19, 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. 7678-3 to Appropriate Water

Notice is given that Jo's Family Farms, c/o P O Sonstegard, 1911 W 57th St, Sioux Falls SD 57108 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Big Sioux: Aurora Aquifer (65 feet deep) located approximately 2,024 feet north and 344 feet east of the southwest corner of Section 34-T109N-R47W (Brookings County) for irrigation of 180 acres located in E 1/2 Section 1-T108N-R47W all located in the Pipestone County, Minnesota

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7678-3 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 _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

JUN 20 2013

Jo's Family Farms
Phil Sonstegard
1911 W 57th St
Sioux Falls SD 57108

Dear Mr. Sonstegard:

Enclosed are Water Permit Nos. 7678-3, 7702-3 and 7705-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

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

Sincerely,

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7678-3

I have this day, 30 October 2014, made a thorough examination of the water use system constructed by Jo's Family Farms, 1911 W 57th St. STE 102, Sioux Falls, SD 57108 holder of Permit No. 7678-3, bearing the priority of February 4, 2013 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Big Sioux: Aurora aquifer for irrigation purposes, in Pipestone County, MN.

Inspection contact & relationship **Jon Wiering, Farm Manager**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling & Pump, Inc
- 2) No. of Wells one
- 3) Depth(s) 65 feet
- 4) Well log is available yes

Comments: **na**

Casing:

- 1) Diameter 12 inches
- 2) Length 50 feet
- 3) Type PVC

Screen:

- 1) Type Stainless Steel
- 2) Length 15 feet
- 3) Static water level 22.0 feet (May 29, 2013)

Pump:

- 1) Make Franklin Electric
- 2) Model 700D60-3ABB/4T1325-W124
- 3) Size 60 HP
- 4) Capacity 700 GPM

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

- 1) Type PIP 2) Size 8 inches 3) Length 12,700 feet

Comments: **Buried from Well No. 7 to Center Pivot No. 7**

C. Works used to apply water to beneficial use:

Center pivot, (Lat/Lon:44.19241/-96.43304):

- 1) Make Valley
- 2) Overall length 1538 w/corner feet
- 3) Number of towers 7 plus corner
- 4) End gun yes
- 5) Capacity 700 GPM

Chemigation Equipment:

Does not chemigate

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes

If no, describe: na

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

List any extended period of nonuse: na

- 3) Exceptions to compliance are: na

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: 1870 feet north and 50 feet east of the SW corner of Sec. 34, T109N-R47W, Lat/Lon: 44.20179/-96.46534, NW¼SW¼NW¼SW¼ Sec. 34, T109N-R47W.
2. The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
Gov. Lot 1, Sec. 1, T108N-R47W: 23 acres
Gov. Lot 2, Sec. 1, T108N-R47W: 24 acres
S1/2 NE¼ Sec. 1, T108N-R47W: 78 acres
NW¼SE¼ Sec. 1, T108N-R47W: 28 acres
NE¼SE¼ Sec. 1, T108N-R47W: 27 acres

comprising a total of 180 acres of land and the license should be issued for 1.56 cfs.

3. All structures, wells and lands on map yes

If no, describe: na

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

A handwritten signature in black ink, appearing to read 'Ken Buhler', is written over a horizontal line.

Ken Buhler
DENR, Water Rights Program

Date report completed: **31 December 2014**

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 1/8/2015

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

FROM: Jo's Family Farm

(name)

1911 W. 57th St

(address)

Sioux Falls, sd 57108

(city, state, zip)

(605) 822-9266

(phone)

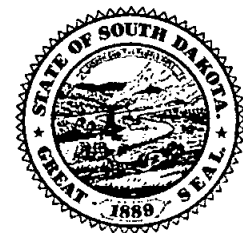
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7678-3 states that the water use system is to be constructed by
4/1/2019, and water is to be put to beneficial use by 6/1/2014
(date) (date)

The water use system was completed on 6/1/2014
(date)

Applying the water to beneficial use was completed on 6/1/2014
(date)

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



Legend

 7678-3 Well



109N 46W

031

Legend

 System 7 irrigated acres

Gov. Lot 2
24 acres

Gov. Lot 1
23 acres

S1/2 NE1/4
78 acres

001

108N 47W

006
108N 46W

NW1/4 SE1/4
28 acres

NE1/4 SE1/4
27 acres

7678-3



SE corner of Sec. 1, T108N-R47W

675

337.5

0

675 Feet

kb
31 Dec. 2014

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7678-3

(1) Jo's Family Farms, 1191 W 57th St, Suite 102, Sioux Falls SD 57108 made Application No. 7678-3, February 4, 2013 for a water permit to divert 1.78 cubic feet of water per second from groundwater (one well-Big Sioux:Aurora Aquifer), Brookings County, South Dakota for irrigation purposes. Permit No. 7678-3, with a priority date of February 4, 2013 was approved April 29, 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 29, 2018 and for the application to beneficial use of water on or before April 29, 2022.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on January 8, 2015. The *Notice* stated the diversion system was completed on June 1, 2014 and the water placed to beneficial use on June 1, 2014.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 7678-3 is issued a license, bearing a priority date of February 4, 2013 to appropriate 1.56 cubic feet of water per second from groundwater (one well) to irrigate 180 acres.

The diversion point is located: 1,870 feet north and 50 feet east of the southwest corner of Section 34-T109N-R47W (NW 1/4 SW 1/4). The acres authorized for irrigation are located in Pipestone County, Minnesota and are as follows:

Section 1-T108N-R47W	Gov't Lot 1	23 acres
	Gov't Lot 2	24 acres
	S 1/2 NE 1/4	78 acres
	NW 1/4 SE 1/4	28 acres
	NE 1/4 SE 1/4	27 acres
	Total	180 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7678-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7678-3 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- That Jo's Family Farms, and any successor, assignee, or transferee of this water permit, must install and maintain at its own cost, a timing device on its irrigation well which records each time the pump of the irrigation well is turned on and off, and further, that data be recorded by the timing devices be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year.



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

APR 24 2015

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

7228-3
7317-3
7678-3
7705-3

APR 24 2015

Jo's Family Farms
Phil Sonstegard
1911 W 57th St
Sioux Falls SD 57108

Dear Mr. Sonstegard:

Enclosed are Water License Nos. 7228-3, 7317-3, 7678-3 and 7705-3. These are the final documents completing your process of obtaining a Water Right. Also, included with the licenses are maps prepared by the staff engineer who conducted the investigations.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by these Water Rights, 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 Licenses, the State Water Laws provide that Jo's Family Farms 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 11, 2015

Jo's Family Farms
Phil Sonstegard
5005 S Bur Oak Pl
Sioux Falls SD 57108-2228

RE: Water Right Nos. 7228-3, 7317-3, 7678-3 & 7705-3

Dear Mr. Sonstegard:

Enclosed are water licenses and maps concerning the above listed water rights.

The documents were originally mailed to 1911 W 57th St, Sioux Falls SD. The post office returned the mail to us indicating you had a new mailing address. Our records have been updated to reflect the new address.

If you have any questions, please let me know.

Sincerely,

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

enclosures