

WATER PERMIT NO. 7681-3

Name of Applicant: Michael Johnson

Address: 14962 483rd Ave, Milbank SD 57252

Phone: 605 880-5212

Amount of Water Claimed: 1.56 cfs

Total Acres: 133.65

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Codington

Type of Waste Disposal System:

Location: 8 miles northwest of South Shore

PRIORITY Date Received: 1-28-13

Application/License Fee: \$ 1050

Corrected Application Received: 2-6-13

Period of Annual Use: May 1 – Sept 30

Remarks:

Diversion Point: SW 1/4 Sec 4-T119N-R52W

Land to be Irrigated: S 1/2 Sec 4-T119N-R52W

Depth of Well: 187 feet deep

Well Driller: Jennings

Remarks:

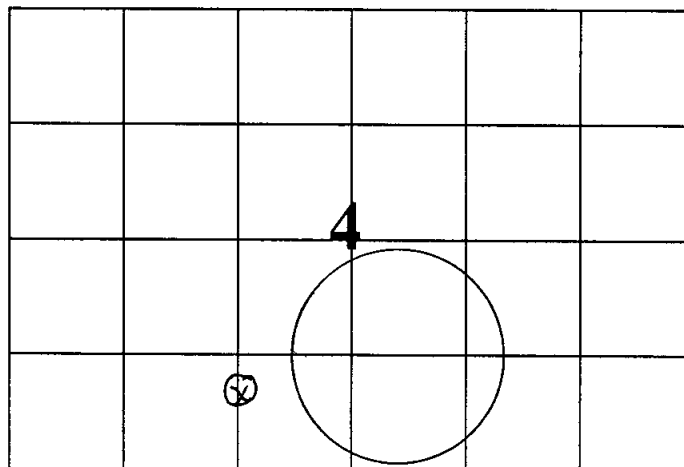
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 2-6-13

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>7681-3</u>	(office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Public Opinion</u>	<u>PO Box 10</u>
	<u>Watertown 57201-605-886-6901</u>	

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JAN 28 2013

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

FEB - 6 2013

WATER RIGHTS
PROGRAM1. Name to Appear on Irrigation Permit Michael Johnson(check one) ☒ Owner ☐ Tenant lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 14962 48th Ave

(Address)

Millbank

(City)

S.D.

(State)

57252

(Zip Code)

Home Phone 605-432-5600 Cell 605-880-5212 Email mjohn@trns.com

② Amount of water claimed 1.56 *CFS or 700 **GPM ***AF Total Acreage 133.65
(*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 SW 1/4 section 4-119N-52W

(example - 3 wells in SW 1/4 NE 1/4 section T2-T104N-R53W)

County Codington5. County or counties where water will be used Codington6. Annual period during which water is to be used May 1 - Sept 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
<u>South 1/2 of Section 4-119N-52W</u>	<u>133.65</u>		

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

New Irrigation

I, Michael Johnson, 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. 7681-3

Date of first receipt of application January 28, 2013.

Date of return to applicant for corrections, amendments or changes January 29, 2013.

Date of receipt of corrected application February 6, 2013.

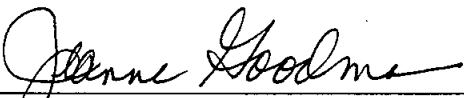
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7681-3 to Michael Johnson, 14962 483rd Ave, Milbank SD 57252 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7681-3 appropriates 1.56 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (187 feet deep) located in the SW 1/4 Section 4 for irrigation of 133.65 acres located in the S 1/2 Section 4; all in T119N-R52W.
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 28, 2013.
4. The date of approval of Permit No. 7681-3 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. 7681-3 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

JUN 21 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 Jennings
(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 Depth to Top of Water Bearing Material Depth to Water from Surface

d) Distance to nearest existing domestic well: 1 mile

On applicant's property yes On property owned by others

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) Year Constructed

c) Connected to the City of Sanitary System

3. Dugout Information

a) Surface Dimensions Depth

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

4. Water Storage Dams

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

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

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity

If pipe, diameter

f) Secondary Spillway Capacity

Spillway Width

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

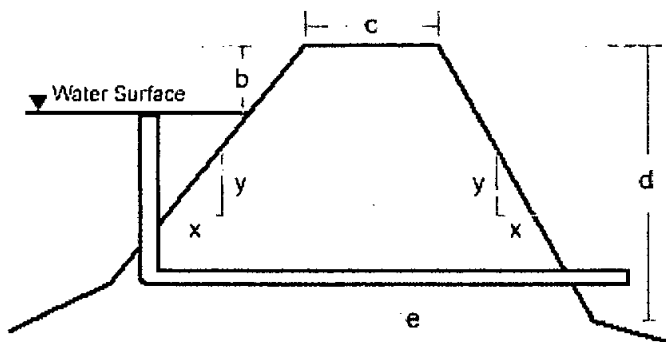
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



Sec 19
T120N
R51W

Sec 10
T120N
R51W

Sec 33
T120N
R52W

Sec 34
T120N
R52W

Sec 29
T120N
R51W

Sec 30
T120N
R51W

Sec 3
T119N
R52W

Sec 4
T119N
R52W

SW 1/4

op root

13365 acres

x well

Sec 31
T120N
R51W

Sec 9
T119N
R52W

Sec 10
T119N
R52W

Sec 8
T119N
R52W

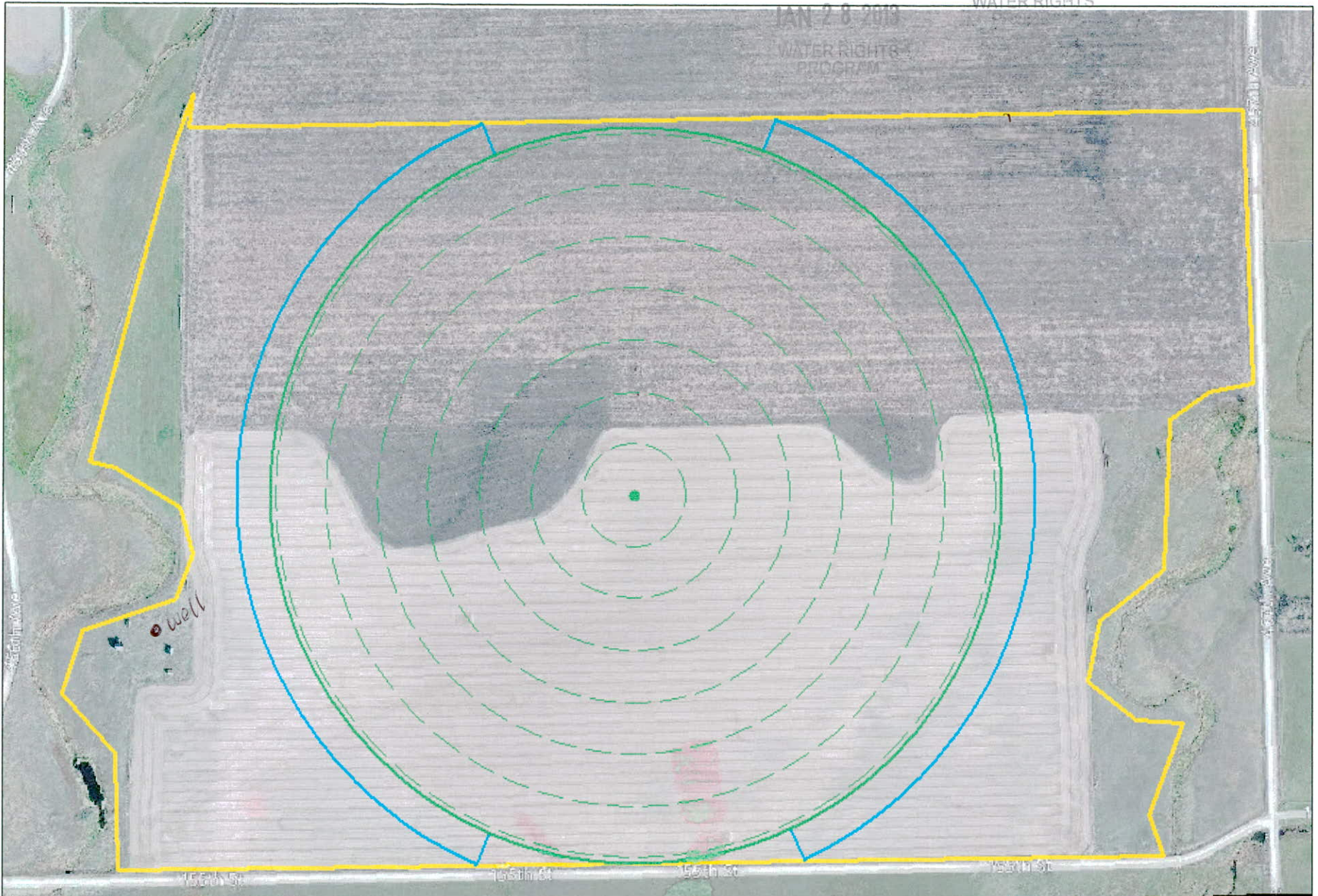
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Image Date: 10

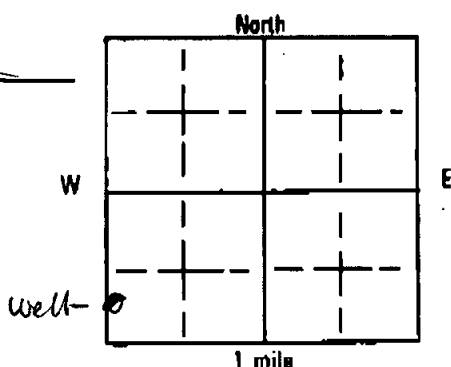
Lindsay Manufacturing Co. Omaha, NE 800-829-5300 office

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

10-85

Location 1/4 SW 1/4 Sec 4 Twp _____ Rg _____

County

CodingtonPlease mark well
location with
an "X"

Well Owner:

Name

Mike Schow

Address _____

Plugging completion

Date plug casing

CHECK APPROPRIATE BOX

EXISTING WELL

☐

TEST HOLE

☒ well

Well depth

187'

Casing material

4" PVC

Casing size(s)

4"

Casing condition _____

Hole depth

187'pump

Hole size

8"300' gpm @clay 0-162120'162-167 sand + gravel167-170 sand170-187 sand + gravel

Describe plugging procedure: _____

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Describe grout or plugging material: _____

WATER RIGHTS
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Type of non-slip plug: _____

This well or test hole was plugged under license #

610

And this report is true and accurate.

Drilling firm _____

Signature of Licensed Representative _____

Signature of Well Owner _____

Date _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

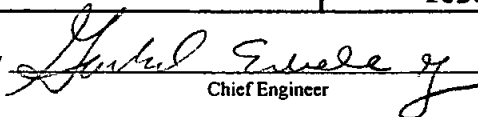
Date 1/28, 20 13

RECEIVED OF Granite View Farms M D Johnson 14962 483rd Ave Milbank SD 57252

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

Fee for Application for Permit No. <u>11-1-3</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>11-81-3</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. **06041**

By 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2013

Michael Johnson
14962 483rd Ave
Milbank SD 57252

Dear Mr. Johnson:

Thank you for submitting the two *Applications for a Permit to Appropriate Water* for irrigation in Codington County. In order to complete the applications, the following is required.

- Enclosed are the maps submitted with the applications. The map needs to reference a government section corner or quarter corner including section, township and range. For your use, I have enclosed maps with those designations. Please outline the acres to be irrigated and mark the proposed well location with an "X".
- Please complete item No. 2, Amount of water claimed.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7681-3, Michael Johnson**

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. 7681-3, Michael Johnson, 14962 483rd Avenue, Milbank SD 57252.

The Chief Engineer is recommending APPROVAL of Application No. 7681-3 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. 7681-3 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.

Jeanne Goodman, Chief Engineer
April 8, 2013

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 7681-3 & 7682-3

Michael Johnson

March 22, 2013

Water Permit Application No. 7681-3 proposes to withdraw groundwater at a maximum diversion rate of 1.56 cubic feet of water per second (cfs) from one well. The well is expected to be 187 feet deep and is to be located in the SW¼ of Section 4, T119N-R52W. Water will be used to irrigate 133.56 acres located in the S½ of Section 4, T119N-R52W, in Codington County.

Water Permit Application No. 7682-3 proposes to withdraw groundwater at a maximum diversion rate of 1.33 cubic feet of water per second (cfs) from one well. The well is expected to be 64 feet deep and is to be located in the SE¼ NW¼ of Section 31, T120N-R51W. Water will be used to irrigate 137.20 acres located in the NW¼ and W½ NE¼ of Section 31, T120N-R51W, in Codington County. The wells and acreage proposed by this application are located within the former boundaries of the Sisseton Wahpeton Indian Reservation.

AQUIFER: Prairie Coteau aquifer (PCO)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Prairie Coteau is a surficial aquifer composed of brown to gray, coarse to very coarse sand and fine gravel (Hansen, 1990). Hansen (1990) delineated the Prairie Coteau aquifer in Grant and Codington Counties, and Thompson (2001) studied the aquifer in Roberts County and the Lake Traverse Reservation. Thompson (2001) concluded that the Prairie Coteau defined in these areas is not a continuous aquifer, and instead is a group of discontinuous outwash deposits generally found in the 1,600 to 1,800 foot altitude interval. The depth and thickness of these deposits can vary widely. These outwash deposits have been collectively known as an aquifer due to their similarities.

In the area of the proposed well sites, the North management unit of the Big Sioux aquifer is generally located above and the Lonesome Lake and Altamont aquifers are generally located below the Prairie Coteau aquifer. Also, other small outwash deposits lie above, below, and adjacent to this Prairie Coteau aquifer (Hansen, 1990). The Prairie Coteau is probably in hydraulic connection with these aquifers and outwashes, among others.

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

The areal extent and altitude interval of the individual outwash deposit of the Prairie Coteau aquifer was identified by examining area lithologic logs. This portion of the aquifer is generally found in the 1,600 to 1,720 foot above mean sea level (msl) altitude interval and is often 10 to 40 feet thick (Geological Survey, 2013). This portion of the aquifer underlies approximately 184,500 acres, mostly in Roberts, Grant, and Codington Counties (Stonesifer, 2013). This portion of the aquifer appears to be under artesian conditions throughout, and the potentiometric surface in the aquifer generally ranges from flowing to 90 feet below ground surface, at an elevation generally ranging from 1,725 to 1,875 feet msl. The potentiometric surface elevation is highest in the northern portion and lowest in the southern portion of the aquifer, and water in this portion of the aquifer moves from north to south (Hansen, 1990; Water Rights, 2013a).

The test hole log submitted with Water Permit Application No. 7681-3 documents sand and gravel from 162 to 177 feet below ground surface, which translates to 1,718 to 1,703 feet msl. While the proposed well site for this application is located just outside the mapped boundary of this portion of the Prairie Coteau aquifer, the depth indicates that the well will be completed into this aquifer. The test hole log submitted with Water Permit Application No. 7682-3 documents sand and gravel from 152 to 164 feet below ground surface, which translates to 1,693 to 1,681 feet msl.

SDCL 46-2A-9

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

WATER AVAILABILITY:

If these applications are approved, the actual water use will likely be less than 267.12 acre-feet per year (ac-ft/yr) for Water Permit Application No. 7681-3 and 274.40 ac-ft/yr for Water Permit Application No. 7682-3. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Hydrologic Budget:

Recharge:

Recharge to this portion of the Prairie Coteau aquifer occurs through leakage from till, the overlying Big Sioux aquifer, and the Coteau Lakes aquifer immediately north (Hansen, 1990). Recharge for this portion of the aquifer has not been quantified. However, for management and development programs, Hedges and others (1985) suggests a recharge rate range of 0.15 to 0.60 inches per year (in/yr) for confined aquifers. From the determined area of the aquifer, this recharge rate range equates to 2,306 to 9,224 ac-ft/yr.

Discharge:

Discharge from this portion of the Prairie Coteau aquifer occurs primarily by well withdrawals (Hansen, 1990). Based on the location and depths of wells, there are currently 23 water rights/permits withdrawing from this portion of the aquifer, which are described in Table 1 and whose diversion points are shown in Figure 1 (Water Rights, 2013b). There are also two pending water permit applications.

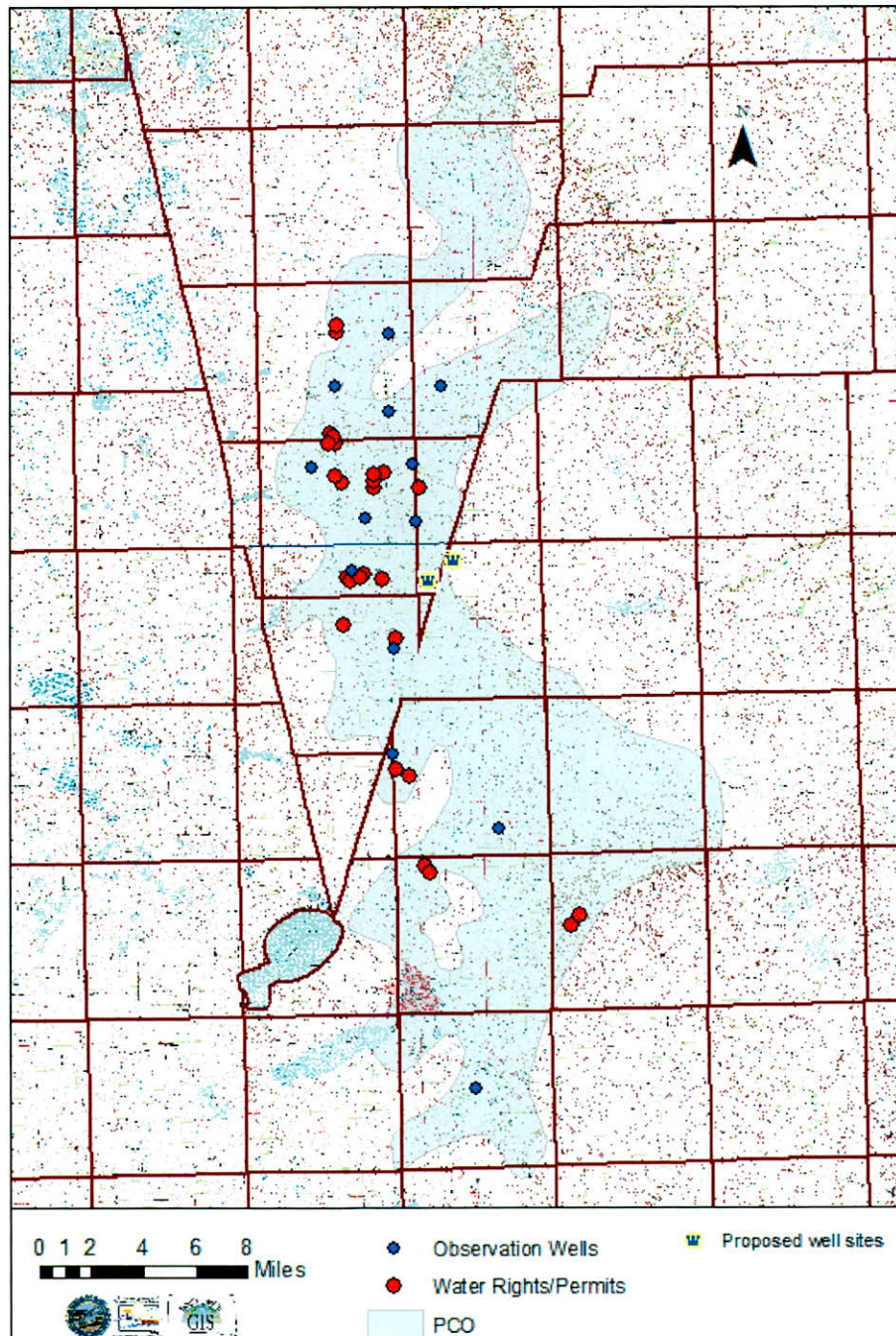


Figure 1: Location of water rights/permits and observation wells completed into this portion of the Prairie Coteau aquifer (Water Rights, 2013b)

In addition, there are many well completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Prairie Coteau aquifer (Water Rights, 2013c). The annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer.

The amount of water that can be expected to be withdrawn by non-irrigation use water rights/permits can be estimated by assuming these water rights/permits, which are limited only by diversion rate, will pump at the maximum permitted diversion rate 60 percent of the time. Therefore, the total annual withdrawal from this portion of the Prairie Coteau aquifer by non-irrigation use is expected to be less than 131 ac-ft/yr (Water Rights, 2013b).

Table 1: Water rights/permit withdrawing from this portion of the Prairie Coteau aquifer (Water Rights, 2013b)

Permit No.	Name	Priority Date	Status	Type	Max CFS	Acres
3229-3	Don Endres	08/20/1976	LC	IRR	2.66	224
4184-3	Ina C Kahnke	10/27/1977	LC	IRR	2.67	243
4417-3	Falk Farms Inc	04/29/1975	LC	IRR	6	770
4588-3A	Don Endres	12/04/1980	LC	IRR	1.77	170
4749-3	Luvern J Miller	05/01/1981	LC	IRR	3.77	264
5165-3	Jeff L & Lynae Grabow	11/18/1987	LC	IRR	1.77	132
5166A-3	John T Nordgaard	03/02/1988	LC	IRR	1.87	131
5166B-3	Northern Con-Agg	03/02/1988	LC	IRR	0.84	59
5174-3	Donald L Endres	03/02/1988	LC	IRR	1.77	130
5376-3	Donald L Endres	12/18/1989	LC	IRR	1.11	83
5378-3	Endres Family Trust	01/06/1990	LC	IRR	1	70
5807-3	Micheal John Meyer	03/04/1994	LC	IRR	1	95
6100-3	Norswiss Dairy	08/20/1998	LC	COM/LCO	0.267	0
3665-3	Florence Davis	02/22/1977	PE	IRR	9	640
6533-3	Redlin Farms	08/12/2004	PE	COM	0.033	0
6906-3	Tim J Grabow	10/11/2007	PE	IRR	0	180
6907-3	Jeff L Grabow	10/11/2007	PE	IRR	4	440
7036-3	James and Johnny Lee Wohlleber	05/30/2008	PE	IRR	2	130
7065-3	James Amdahl	09/11/2008	PE	IRR	3.78	264
7242-3	Rollin J Morehouse	06/27/2011	PE	IRR	4.29	300
7305-3	Tim Grabow	01/05/2012	PE	IRR	1.57	110
7328-3	Marvin Amdahl	02/27/2012	PE	IRR	1.78	162
7351-3	Micheal John Meyer	04/23/2012	PE	IRR	0.68	0
LC = Water right, PE = Water permit, IRR = Irrigation, COM = Commercial, LCO = Livestock Confinement Operation						

The irrigation development of this portion of the Prairie Coteau aquifer has steadily increased over the period of record, 1979 to 2011. The annual withdrawal from the aquifer fluctuates, which is probably mostly dependent on annual growing season climatic conditions. Figure 2 shows the total annual pumpage reported from this portion of the aquifer over the period of record. The average pumpage reported equals 889 ac-ft/yr. Figure 3 shows the average annual application rate over the period of record. The average application rate equals 5.56 inches per acre (in/ac) (Stonesifer, 2013). Since 2011, four water permits have been authorized and two water permit applications are pending for irrigation use (Water Rights, 2013b). When applying the average annual application rate, withdrawals due to these permits and permit applications are expected to total on average 352 ac-ft/yr.

Water Balance:

The average annual withdrawal from this portion of the Prairie Coteau aquifer is estimated to be less than 1,372 ac-ft/yr. To balance the hydrologic budget, recharge must equal withdrawal. And so, assuming average annual use plus the maximum use proposed by this application, recharge to this aquifer must equal 0.13 in/yr. This required recharge rate is lower than the suggested recharge rate range provided by Hedges and others (1985). Therefore, there is a reasonable probability that unappropriated water is available from this portion of the Prairie Coteau aquifer for the proposed appropriation.

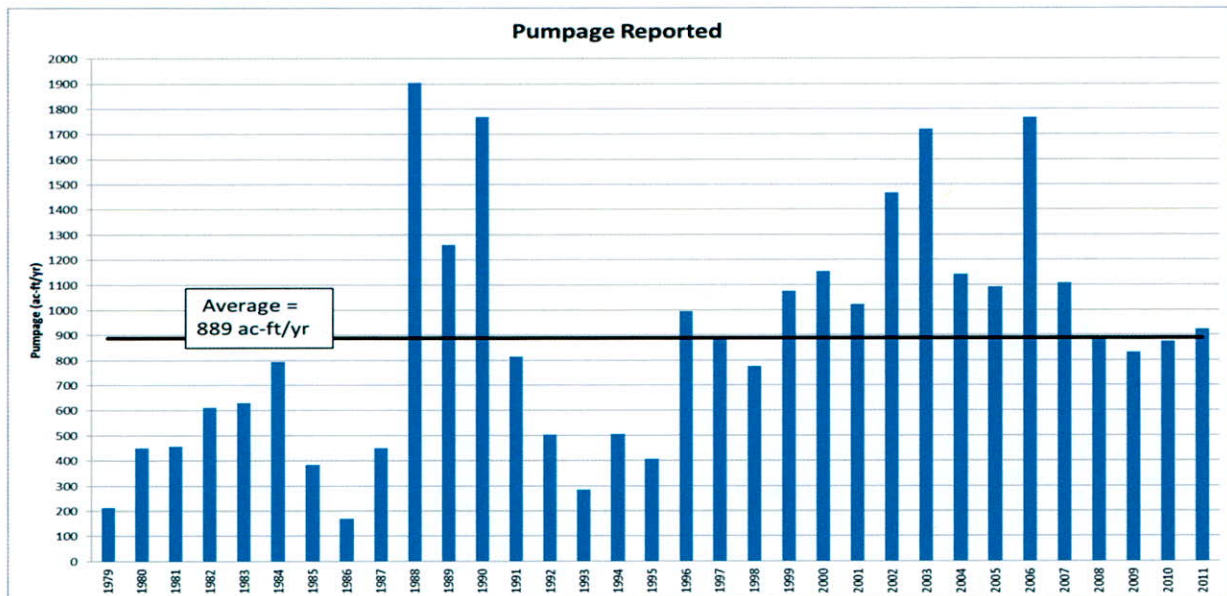


Figure 2: Historic irrigation water use from this portion of the Prairie Coteau aquifer (Water Rights, 1980-2012)

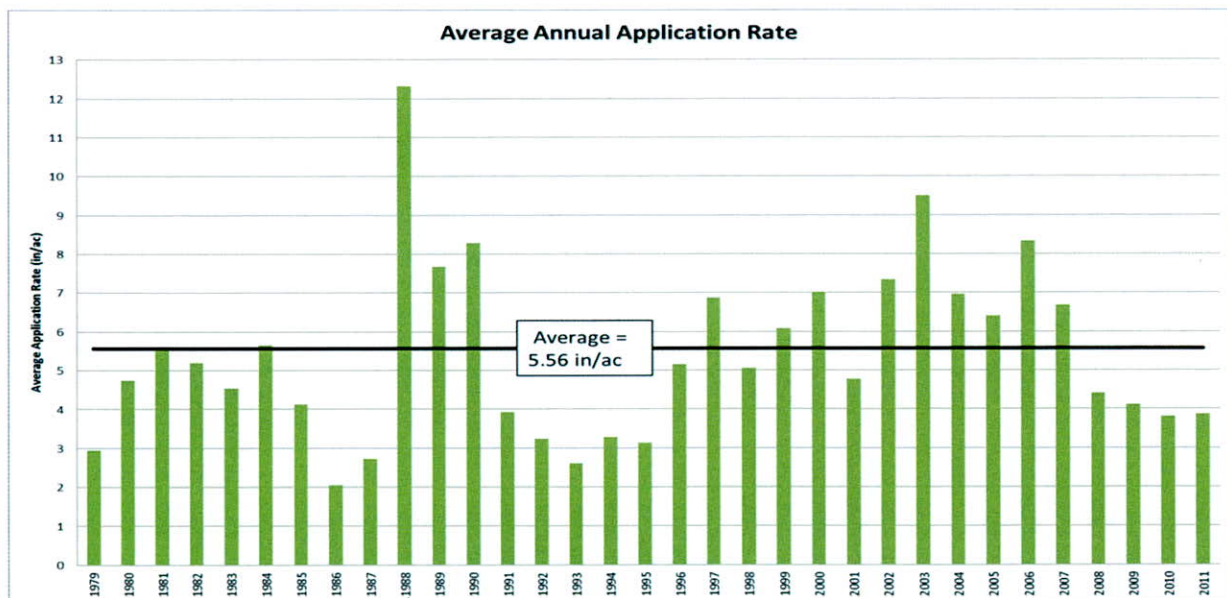


Figure 3: Historic average annual application rate from this portion of the Prairie Coteau aquifer (Water Rights, 1980-2012)

Observation Well Data:

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

The SD DENR-Water Rights Program monitors 55 observation wells completed into the Prairie Coteau aquifer, with 13 of these completed into this portion of the aquifer (Water Rights, 2013a). The locations of these wells are shown in Figure 1. The hydrographs for these 13 observation wells are all shown together in Figure 4. The nearest observation well, GT-77A, located approximately two miles northwest of the proposed well sites.

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The effects of pumping in the aquifer are obvious, which is due to the artesian conditions of this portion of the aquifer. Temporal effects of well withdrawal from the aquifer are masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal. Over the period of record, water levels in this portion of the aquifer have remained fairly steady. Therefore, unappropriated water is available from this portion of the Prairie Coteau aquifer to support the proposed appropriation.

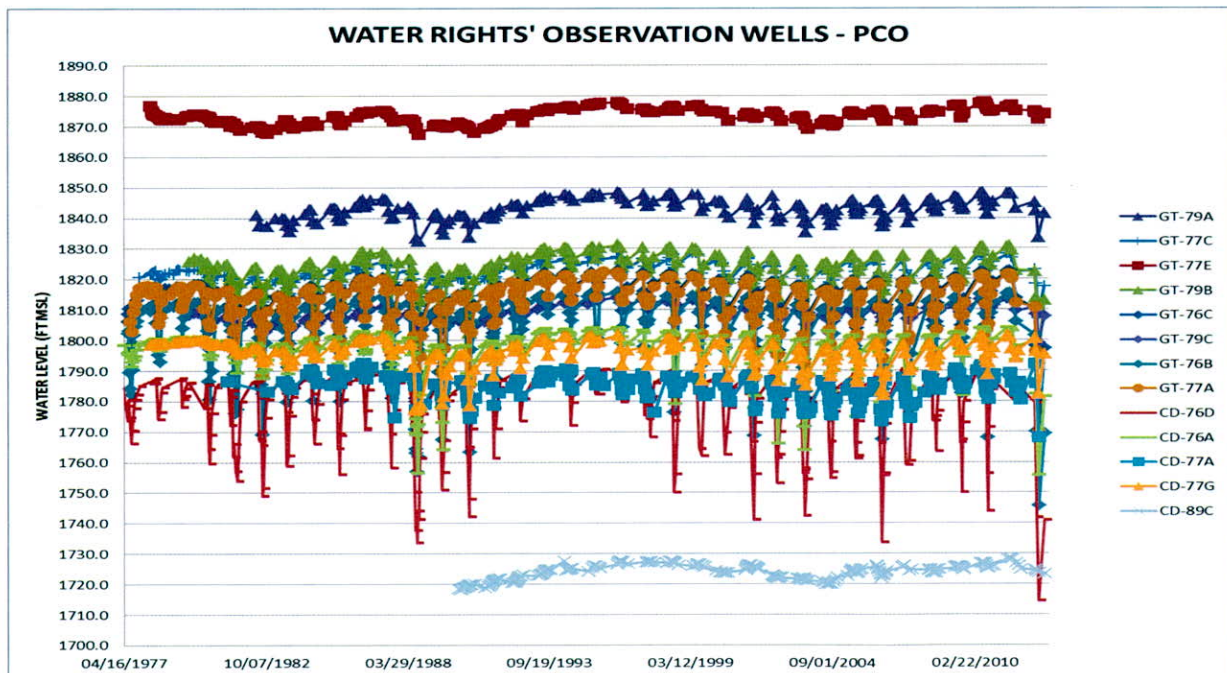


Figure 4: Hydrographs of observation wells completed into this portion of the Prairie Coteau aquifer (Water Rights, 2013a)

EXISTING WATER RIGHTS:

This portion of the Prairie Coteau aquifer is under artesian conditions at the proposed well sites; therefore, significant drawdown due to pumping is likely. However, precise drawdown cannot be quantified without aquifer testing. The Water Management Board has consistently recognized

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

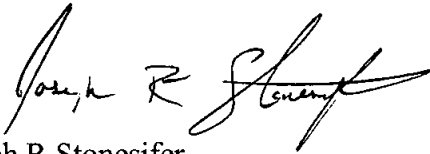
“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer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

If approved, these wells will be located near other wells that obtain water from the same aquifer. There are domestic wells on record with the SD DENR-Water Rights Program that appear to be completed into the Prairie Coteau aquifer within two miles of the proposed well sites (Water Rights, 2013c). There are no water rights/permits within two miles of the well site proposed by Water Permit Application No. 7681-3. There are two water rights/permits, Nos. 6906-3 and 6907-3, within two miles of the proposed well site proposed by Water Permit Application No. 7682-3. These are both located approximately 1.7 miles west (Water Rights, 2013b).

In general, the hydrographs document the obvious effects of pumping; however, these effects have been relatively minimal over the period of record, and water levels have always recovered once irrigation has ceased (Water Rights, 2013a). Therefore, at the distances involved there is a reasonable probability that any well interference from the proposed appropriation will not adversely or unlawfully impair existing nearby wells. However, if approved, the water permit should include the qualification that the well owner should 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.

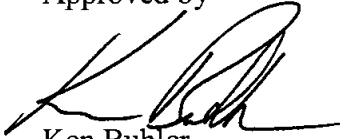
CONCLUSIONS:

1. Water Permit Application No. 7681-3 proposes to withdraw groundwater at a maximum diversion rate of 1.56 cfs from one well to be completed into a portion of the Prairie Coteau aquifer in Codington County for the irrigation of 133.65 acres.
2. Water Permit Application No. 7682-3 proposes to withdraw groundwater at a maximum diversion rate of 1.33 cfs from one well to be completed into a portion of the Prairie Coteau aquifer in Codington County for the irrigation of 137.20 acres.
3. There is a reasonable probability that unappropriated water is available from this portion of the Prairie Coteau aquifer to supply the proposed appropriation.
4. There is a reasonable probability that any possible well inference due to the proposed appropriation will not adversely or unlawfully impair existing users.



Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Geological Survey. 2013. Lithologic Logs Database, South Dakota Department of Environment & Natural Resources Geological Survey, Vermillion, South Dakota.

Hansen, D.S. 1990. Water Resources of Codington and Grant Counties, South Dakota: U.S. Geological Survey Water-supply Paper 2254, 263 p.

In the Matter of Water Permit Application No. 7239-3, by Hanson County Dairy v. Robert Bender and Stace Nelson, South Dakota First Judicial Court Civ. No. 11-54 (Memorandum Decision, April 11, 2012)

Stonesifer, J.R. 2013. Report on Water Permit Application no. 7629-3, William Bucklin. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.

Thompson, R.F. 2001. Water Resources of the Lake Traverse Reservation, South and North Dakota, and Roberts County, South Dakota: U.S. Geological Survey Water-Resource Investigation Report 01-4219

Water Rights, 1980-2012. "Irrigation Report Summaries." SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2013a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2013b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2013c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was
 taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
 published

in the newspaper on the following date:

April 17th, 2013

Cost of Printing \$64.55

Monica K. Saathoff
 (Signature)

Bookkeeper
 (Title)

April 17th, 2013
 (Date Signed)

DEPARTMENT OF ENVIRON- MENT AND NATURAL RESOURCES

NOTICE OF APPLICATION NOS. 7681-3 and 7682-2 to Appropriate Water

Notice is given that Michael Johnson, 14962 483rd Ave, Milbank SD 57252 has filed the following applications for a water permit.

Application No. 7681-3 proposes to appropriate 1.56 cubic feet of water per second (cfs) from one well to be completed into the Prairie Coteau Aquifer (187 feet deep) located in the SW 1/4 Section 4 for Irrigation of 133.65 acres located in the S 1/2 Section 4; all in T119N-R52W.

Application No. 7682-3 proposes to appropriate 1.33 cfs from one well to be completed into the Prairie Coteau Aquifer (164 feet deep) located in the SE 1/4 NW 1/4 Section 31 for irrigation of 137.20 acres located in the NW 1/4, W 1/2 NE 1/4 Section 31; all in T120W-R51W within the former boundaries of the Sisseton Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7681-3 and 7682-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications.

Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$59.50.
 (April 17, 2013)

All legal notices in the Public Opinion and other South Dakota newspapers can be found at
www.sdpublicnotices.com

RECEIVED

APR 19 2013

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

April 9, 2013

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7681-3 and 7682-3 to Appropriate Water. Please publish the notice once on April 17, 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 Michael Johnson, 14962 483rd Ave, Milbank SD 57252 (Ph # 605-432-5600).

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 9, 2013

Michael Johnson
14962 483rd Ave
Milbank SD 57252

Dear Mr. Johnson:

Water Permit Application Nos. 7681-3 and 7682-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

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 applications.

Instruction to Newspaper - Publish the Notice on April 17, 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 NOS. 7681-3 and 7682-2 to Appropriate Water

Notice is given that Michael Johnson, 14962 483rd Ave, Milbank SD 57252 has filed the following applications for a water permit.

Application No. 7681-3 proposes to appropriate 1.56 cubic feet of water per second (cfs) from one well to be completed into the Prairie Coteau Aquifer (187 feet deep) located in the SW 1/4 Section 4 for irrigation of 133.65 acres located in the S 1/2 Section 4; all in T119N-R52W.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7681-3 and 7682-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

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 21 2013

Michael Johnson
14962 483rd Ave
Milbank SD 57252

Dear Mr. Johnson:

Enclosed are Water Permit Nos. 7681-3 and 7682-3 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

7681-3
RECEIVED

SEP 08 2014

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date

8/31/2014

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

FROM:

Michael Johnson

(name)

14962 483rd Ave

(address)

Milbank SD 57252

(city, state, zip)

605-432-5600

(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. 7681-3 states that the water use system is to be constructed by

April 29, 2018

(date)

and water is to be put to beneficial use by

April 29, 2022

(date)

The water use system was completed on

July 31, 2014

(date)

Applying the water to beneficial use was completed on

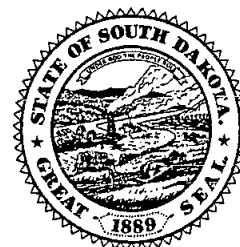
July 31, 2014

(date)

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

Michael Johnson

(signature)





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



September 9, 2014

7681-3
7682-3

Michael Johnson
14962 483rd Ave
Milbank SD 57252

Dear Mr. Johnson:

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

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

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

Sincerely,

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

7681-3

11-02

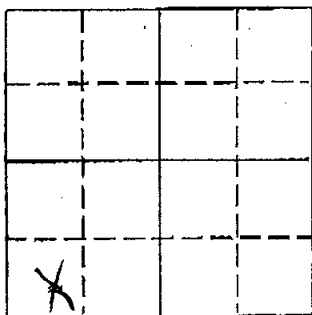
Location SW 1/4 SW 1/4 Sec 4 Twp 119 Rg 52

County

North

Codington

Please mark well location with an "X"



Well completion Date

7-14-14

1 Mile

Distance from 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:

Rotary

CASING DATA: ☐ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
200 LB/FT	12 IN	0 FT	166 FT	14 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
	40	13 Lb/gal	160 Ft	0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 26 Feet

Material stainless steel

Slot Size 50 Set From 166 Feet to 186 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? chlorine

☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Mike Johnson

Business Name: GRANITE VIEW FARMS

Address1: 14962 483 Ave

Address2:

City, State, Zip: MILBANK SD 57252

WELL LOG:

DEPTH

FORMATION	FROM	TO
CLAY gray brown	0	41
CLAY gray	41	166
SAND & GRAVEL gray	166	186
CLAY gray	186	190

STATIC WATER LEVEL

66 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

120 Ft. After 5 Hrs. pumped 230 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

SEP 09 2015

WATER RIGHTS PROGRAM

This well was drilled under license # 610

And this report is true and accurate.

Drilling firm: JENNINGS WELL DRILLING INC

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

[Signature]

Date:

Please return **WHITE COPY** to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Randy Peterson (complainant); Michael Johnson

DATE: 06 August 2020

PHONE: Peterson (605) 881-6047 Johnson – Cell (605) 880-5212 Home (605) 432-5600

RE: Peterson well is dry, suspects pumping from Johnson irrigation well is cause.

Randy Peterson submitted a letter to the Governor's office which they received 29 July 2020 complaining that his well was "pumping mud." Mr. Peterson believes his well is dry because his neighbor, Michael Johnson, has been irrigating "24 hours a day for the last 6 weeks". In his letter, he mentioned that he believes Mr. Johnson had caused his well to go dry in 2015 as well. Michael Johnson holds Water Permit Nos. 7681-3 and 7682-3 in the Prairie Coteau aquifer. In his letter, Mr. Peterson mentioned 6 other people in his area had a problem with water availability in 2015. Shortly after the Water Rights Program received a copy of Mr. Peterson's letter, Eric Gronlund called Mr. Johnson and left a voice mail explaining that Mr. Peterson was complaining about his well and we might need to talk to him. Mr. Johnson has not called back.

The well authorized by Water Permit No. 7681-3 is located approximately 0.76 miles northwest of Mr. Peterson's homestead and the well authorized by Water Permit No. 7682-3 is located approximately 1.4 miles west of Mr. Peterson's homestead.

There is no well completion report on file with the DENR matching the legal description of Mr. Peterson's home. Based on a phone call with Mr. Peterson on 12 August 2020, his well at least 35 years old and is 200 feet deep with 20 feet of screen at the bottom. Mr. Peterson has lived in that house approximately 15 years. The information about the depth of the well and screen placement is likely to be from work done by Kranz Well & Excavation (SD Well Driller's License No. 598) in October of 2015. Kranz Well & Excavation was contacted on 14 August 2020 by staff engineer Adam Mathiowetz. Kranz Well & Excavation set Mr. Peterson's pump to 160 ft below the top of casing, but according to the 12 August 2020 phone call with Mr. Peterson, he had his pump raised 40 feet since then to try to solve the water quality problems he was experiencing. According to Mr. Peterson, his water quality issues only happen when irrigators are pumping.

The land surface elevation of Mr. Peterson's homestead is approximately 1,867 ft NAVD88. Based on that information, the top of Mr. Peterson's screen is at approximately 1,687 ft NAVD88. The land surface of Mr. Johnson's well, authorized by Water Permit No. 7681-3 is approximately 1,898 ft NAVD88. The driller for Mr. Johnson's well encountered sand and gravel from 162 to 186 ft below grade, so the top of the formation for Mr. Johnson's well is located at 1,736 ft NAVD88. Based on the elevations given above, it is likely that Mr. Peterson's and Mr. Johnson's wells are completed into the same aquifer.

The nearest observation well to Mr. Peterson's home is GT-77A located approximately 2.7 miles northwest of his homestead and approximately 2.1 miles northwest of the well authorized by Water Permit No. 7681-3. The elevation of the top of casing for GT-77A is 1,897.59 ft NGVD29 (1898.56 ft NAVD88) and aquifer materials (sand & gravel) are 166-190 ft below ground level. Water levels in the aquifer decline from approximately 80-85 feet below the top of casing to as low as 160 feet below the top of casing in 2015 but return to between 75 and 85 feet below top of

casing by springtime. Figure 1 shows water level readings for Observation Well GT-77A. The latest reading, taken 17 August 2020, is 141.12 ft below the top of the casing. The deepest reading, taken 7 August 2016 was 158.8 ft below the top of the casing.

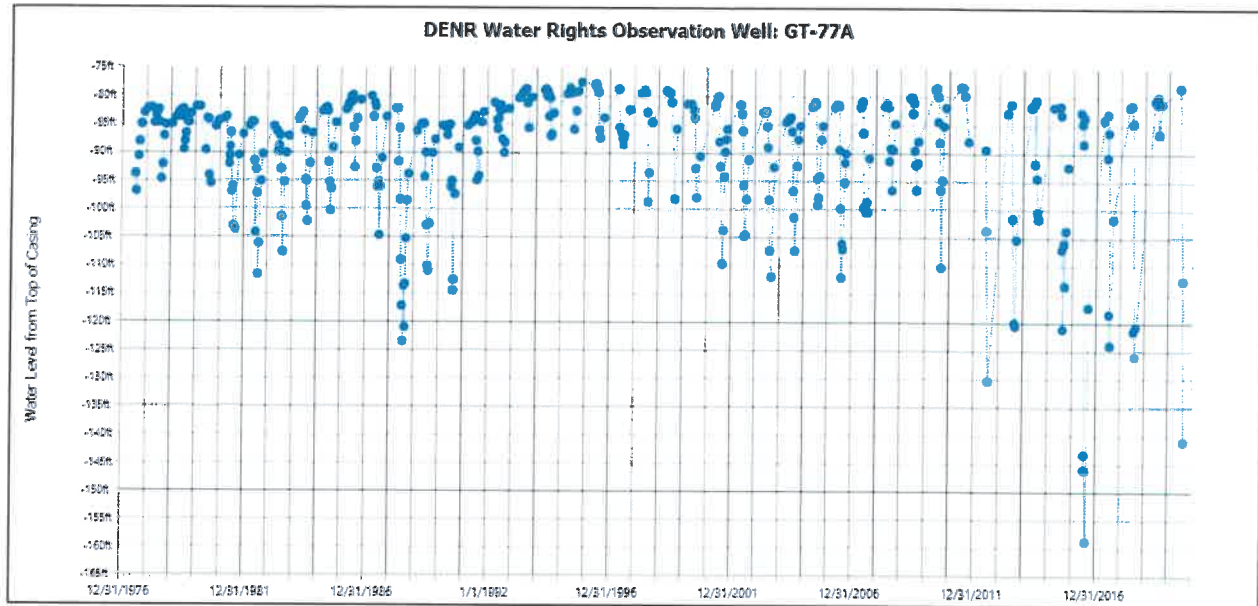


Figure 1: DENR Observation Well GT-77A

Administrative Rule of South Dakota 74:02:04:20(6) defines an adequate well as:

"...a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet"

Since the water level in the observation well is above the top of the formation, it is not adversely impacted by pumping in the aquifer. Since there is no well completion report on file with the DENR for Mr. Peterson's well, the depth to the top of the aquifer at his location is not known and it cannot be demonstrated that his well is adequate pursuant to ARSD 74:02:04:20(6). None of this explains the water quality issues Mr. Peterson is experiencing, but water quality is outside of the purview of the Water Rights Program's authority.

Kimberly Drennon, Natural Resources Engineer I
DENR Water Rights Program

7681-3

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7681-3

I have this day, May 8, 2023, made a thorough examination of the water use system constructed by Michael Johnson; 14962 483rd Ave, Milbank, SD 57252 of Permit No. 7681-3, bearing the priority of January 28, 2013 authorizing the diversion of 1.56 cu. ft. per second of the waters of the Prairie Coteau Aquifer for irrigation purposes, in Codington County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Jennings Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 186 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 166 feet
- 3) Type plastic

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level 66 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 600 GPM

Motor:

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

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

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 2,100 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 600 GPM

Chemigation Equipment:

- 1) Does chemigate Y

Comments: Uses commercially available equipment

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 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: **WELL LOCATION**
From the SE corner Sec 4 T119N R52W, 863 ft N & 3,960 ft W, Lat 45.13892 Long -97.08169 (SE ¼ SW ¼).
2. The works are capable of diverting and conveying to the place of use 1.33 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:
legal description/acreage
Sec 4 T119N R52W
SE ¼ NW ¼ – 4.5 acres
NE ¼ SW ¼ – 14.5 acres
NW ¼ SE ¼ – 40.0 acres
NE ¼ SE ¼ – 16.5 acres
SE ¼ SW ¼ – 8.5 acres
SW ¼ SE ¼ 33.0 acres
SE ¼ SE ¼ – 11.5 acres
comprising a total of 128.5 acres of land and the license should be issued for 1.33 cfs
3. All structures, wells and lands on map Y

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

The irrigated acreage was determined with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The mailing address and the telephone number in the permit materials are current.

A handwritten signature in black ink, appearing to read "Darrell W DeBoer", written over a horizontal line.

Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: May 10, 2023

Diversion Point Location

From the SE corner of
Sec 4 T119N-R52W

** Well**

863 ft N & 3960 ft W
Lat 45.13892 Long -97.08169

Irrigated Land

Sec 4 T119N-R52W

NE1/4 SW1/4 - 14.5 ac

SE1/4 SW1/4 - 8.5 ac

NW1/4 SE1/4 - 40.0 ac

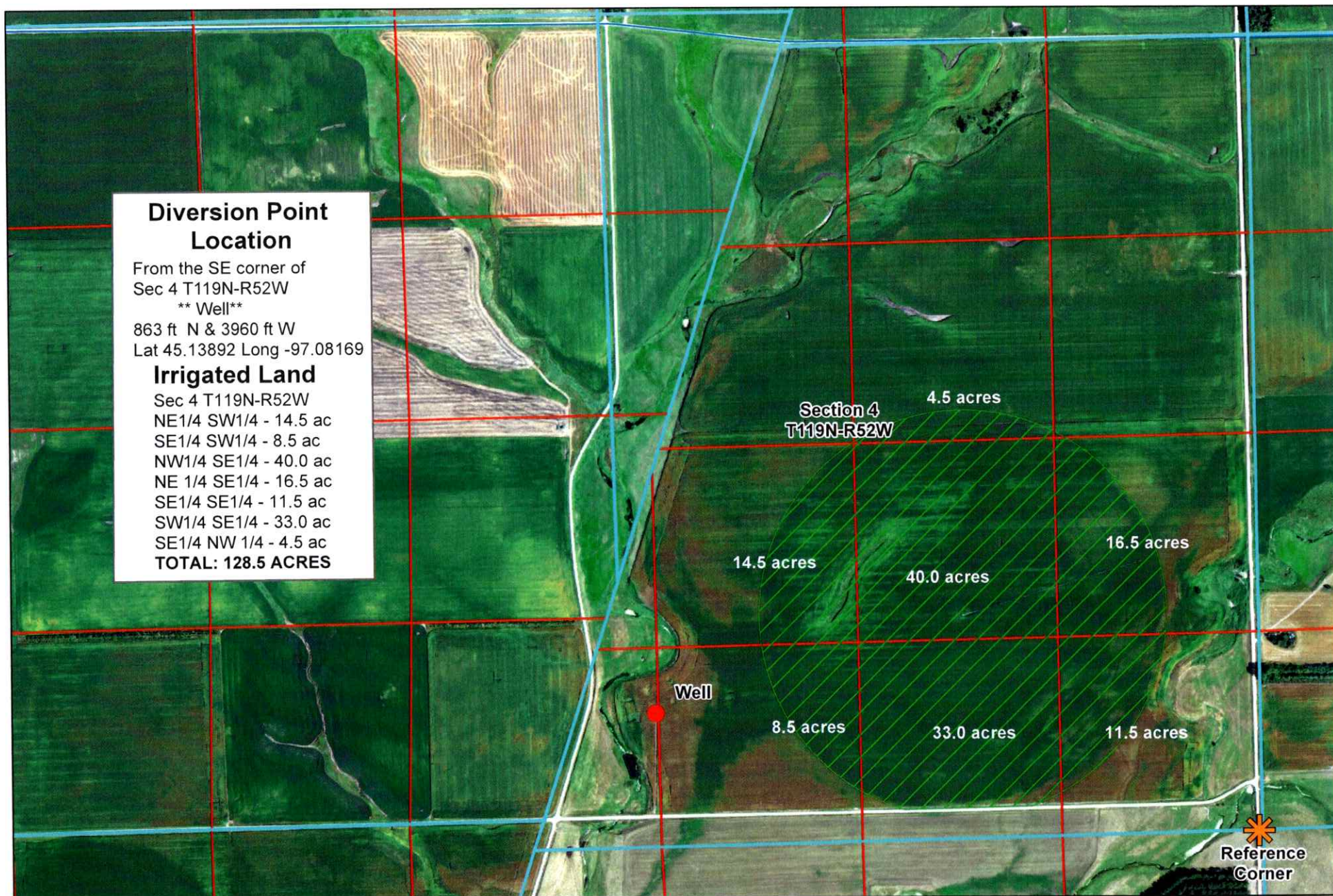
NE 1/4 SE1/4 - 16.5 ac

SE1/4 SE1/4 - 11.5 ac

SW1/4 SE1/4 - 33.0 ac

SE1/4 NW 1/4 - 4.5 ac

TOTAL: 128.5 ACRES



0 625 1,250 2,500 3,750 5,000 Feet

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7681-3

(1) Michael Johnson; 14962 483rd Ave, Milbank SD 57252, made Application No. 7681-3, January 28, 2013, for a water permit to divert 1.56 cubic feet of water per second from groundwater, one well (Prairie Coteau Aquifer), Codington County, South Dakota for irrigation purposes. Permit No. 7681-3, with a priority date of January 28, 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.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 863 ft N & 3,960 ft W of the SE corner of Section 4, T119N, R52W (SE ¼ SW ¼)
(Latitude 45.13892 Longitude -97.08169)

(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 4, T119N, R52W			
SE ¼ NW ¼	4.5 acres	SW ¼ SE ¼	33.0 acres
NE ¼ SW ¼	14.5 acres	SE ¼ SE ¼	11.5 acres
SE ¼ SW ¼	8.5 acres		
NE ¼ SE ¼	16.5 acres		
NW ¼ SE ¼	40.0 acres	TOTAL:	128.5 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Michael Johnson, the holder and/or owner of Water Right No. 7681-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from groundwater, one well (Prairie Coteau Aquifer), with a priority date of January 28, 2013, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7681-3 and subject to the following qualifications:

1. 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 water right 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. 7681-3 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 by Jennings Well Drilling Inc. in 2017. A copy of the well completion report is on file with the Water Rights Program.)*

continued

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

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 14 2023

date





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

Michael Johnson
14962 483rd Ave
Milbank SD 57252

7681-3
7682-3

Dear Mr. Johnson:

Enclosed are Water License Nos. 7681-3 & 7682-3. These are the final water right documents completing your process of obtaining Water Rights. Included with your licenses are maps prepared by the staff engineer who conducted the field investigations.

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 Licenses, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: There are two separate licenses enclosed.

enclosures