

WATER PERMIT NO. 7698-3

Name of Applicant: Allen Merrill

Address: 27567 Walnut Ave, Parker SD 57053

Phone: 605 929-6406

Amount of Water Claimed: 1.11 cfs Total Acres: 145 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Turner

Type of Waste Disposal System:

Location: 2 miles southeast of Parker

PRIORITY Date Received: 2-8-13

Application/License Fee: \$ 1050

Corrected Application Received:

Period of Annual Use: May 1 -- Sept 30

Remarks:

Diversion Point: NE 1/4 NE 1/4 Sec 28-T99N-
R53W

Land to be Irrigated: NE 1/4 Sec 28-T99N-R53W

Depth of Well: 55 feet deep

Well Driller:

Remarks:

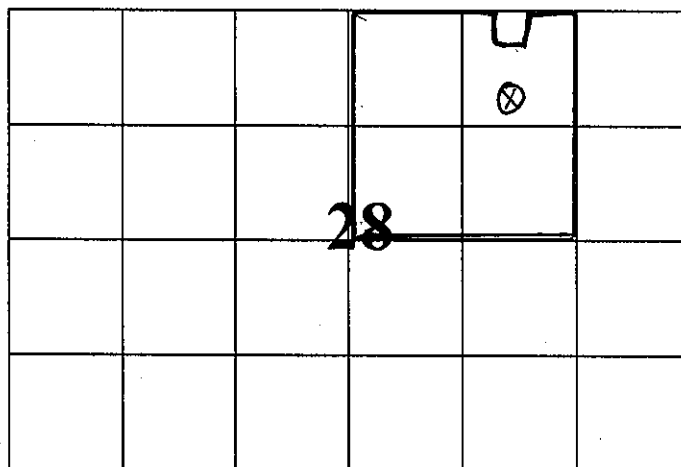
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 2-21-13

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>7698-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u> <u>605-297-4419</u>
	Newspaper <u>New Era Box 579 Parker 57053</u> <u>605-331-</u>
	<u>Argus Leader Box 5034 S Falls 57117 2200</u>

RECEIVED

FEB - 8 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 Allen Merrill(check one) ☐ Owner ☒ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

 Mailing Address 27567 Walnut ave Parker SD 57053
 (Address) (City) (State) (Zip Code)
Home Phone 605-297-3213 Cell 605-929-8406 Email dairy@iw.net
 2. Amount of water claimed 1.11 *CFS or 500 **GPM ***AF Total Acreage 145
 (*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 NE1/4NE1/4of sec. 28T99N-R53W

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Turner5. County or counties where water will be used Turner6. 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
NW 40of NE1/4 of Sec 28 - <u>T99N-R53W</u>	40		
SE 40 of NE1/4 of Sec 28 " "	40		
SW 40 of NE1/4 of Sec 28 " "	40		
NE 40 of NE 1/4 of Sec.28 " "	25		

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

To irrigate above parcel in Sec. 28 (from well as noted on map) to raise corn, soybeans, alfalfa.

 I, Allen Merrill, 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. 7698-3

Date of first receipt of application February 8, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7698-3 to Allen Merrill, 27567 Walnut Ave, Parker SD 57053 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. 7698-3 appropriates 1.11 cubic feet of water per second from one well to be completed into the Parker:Centerville Aquifer (55 feet deep) located in the NE 1/4 NE 1/4 Section 28 for irrigation of 145 acres located in the NE 1/4 Section 28-T99N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is February 8, 2013.
4. The date of approval of Permit No. 7698-3 is April 8, 2013.
5. One-fifth of the construction is to be completed on or before October 8, 2015.
6. All construction is to be completed on or before April 8, 2018.
7. Water is to be put to beneficial use on or before April 8, 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. 7698-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

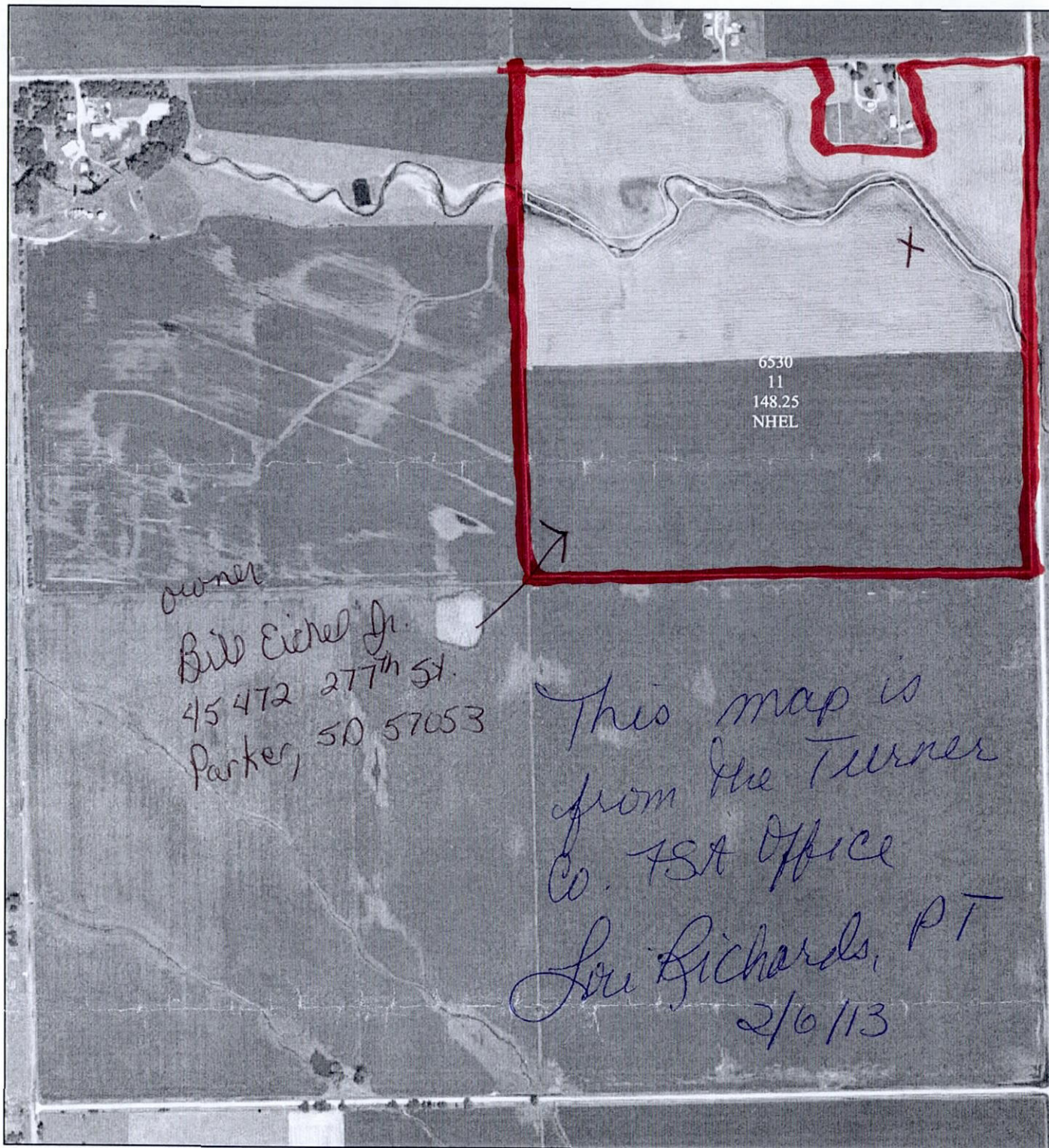
By: 

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

MAY 20 2013

date





United States Department of Agriculture
Farm Service Agency

PLSS: 28_99N_53W
Farm: 8108

Turner County, SD

1:8,393

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FEB - 8 2013

WATER RIGHTS
PROGRAM

November 29, 2010

Wetland Determination Identifiers

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

Common Land Units

//// Non Cropland

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

2010 Ortho-Photography - Not to Scale

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/8, 20 13

RECEIVED OF Merrill Farms Inc 27567 Walnut Ave Parker SD 57053

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

Fee for Application for Permit No. <u>7698-3</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>7698-3</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. 06118

By

Harold White Jr
Chief Engineer



**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. 7698-3, Allen Merrill**

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. 7698-3, Allen Merrill, 27567 Walnut Avenue, Parker SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 7698-3 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. 7698-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 14, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7698-3
ALLEN MERRILL
March 4, 2013

Water Permit Application No. 7698-3 proposes to appropriate water from one well completed into the Parker-Centerville aquifer at a maximum diversion rate of 1.11 cubic feet of water per second (cfs). The well will be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, in T99N-R53W and will be approximately 55 feet deep. This application proposes to irrigate 145 acres located in the NE $\frac{1}{4}$ of Section 28, in T99N-R53W in Turner County.

AQUIFER: Parker-Centerville aquifer (PAC)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Parker-Centerville aquifer is a surficial, glacial aquifer composed of fine sand to coarse gravel (Lindgren, 1990). The aquifer generally lies on till and is generally separated from the underlying Upper Vermillion-Missouri aquifer by a layer of till (Lindgren, 1990). The aquifer is hydraulically connected to the Vermillion East Fork and Vermillion West Fork aquifers as well as the Vermillion River (Lindgren, 1990). The Parker-Centerville aquifer merges with the Lower Vermillion-Missouri aquifer to form a single aquifer. The proposed well site is located in central Turner County approximately two and one half miles west of the Vermillion River. The aquifer is primarily unconfined, and is unconfined in the area of this application. The Parker-Centerville aquifer encompasses regions of Clay, Lincoln, and Turner Counties. The aquifer underlies approximately 42,000 acres of the counties and contains an estimated 126,300 acre-feet of recoverable water in storage in the counties (Hedges and others, 1982). There was not a test hole log submitted with this application, but nearby well sites report an average saturated thickness of approximately 42 feet as shown in Table 1 (Water Rights, 2013a).

Well Log Identification	Saturated Thickness (ft)
Observation Well TU-79A	29
Observation Well TU-80D	57
Lithologic Log at 099N53W28BB	21
Well Log for Water Permit No. 6763-3	54
Domestic Well for James Davis	48

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

SDCL 46-2A-9

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

WATER AVAILABILITY:

This application proposes to appropriate water from the Parker-Centerville aquifer. If this application is approved, it is likely that the actual water use will be less than 290 acre-feet per

year (ac-ft/yr). The probability of unappropriated water available from the aquifer can be evaluated using SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Recharge versus Discharge:

Recharge:

Recharge to the Parker-Centerville aquifer occurs through direct infiltration and precipitation where the aquifer is near land surface (Lindgren, 1990). Recharge is also provided to the aquifer from the West Fork Vermillion and East Fork Vermillion aquifers as well as during times of high flow and stage from the Vermillion River (Lindgren, 1990). The average annual recharge rate to the Parker-Centerville aquifer is estimated to be 4.9 in/yr based on observation well analysis (Hedges and others, 1985). Given the area of the aquifer of 42,000 acres, average annual recharge is estimated to be 17,150 ac-ft/yr.

Discharge:

Discharge from the Parker-Centerville aquifer is by evapotranspiration, discharge to the Vermillion River, and withdrawal from wells (Lindgren, 1990). There are a number of completion reports on file with the SD DENR-Water Rights Program for domestic use wells completed into the Parker-Centerville aquifer (Water Rights, 2013b) and there are currently 125 water rights/permits appropriating water from the Parker-Centerville aquifer.

The annual reported water use from the Parker-Centerville aquifer for irrigation purposes is displayed in Table 2. The average annual use due to irrigation over the period of record is 9,780 ac-ft/yr.

YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2011	123	43376.18	11315.29
2010	123	43376.18	391.54
2009	125	43850.18	7259.88
2008	123	43746.5	13223.74
2007	120	43371.3	11995.27
2006	117	42604.3	15303.9
2005	119	43163.7	13450.04
2004	117	43078.7	14668.26
2003	116	43463.7	12471.27
2002	114	42820.7	13865.24
2001	113	42860.7	12238.24
2000	113	42860.7	12955.37
1999	112	42540.7	11027.27
1998	108	42294.9	10072.16
1997	110	42639.9	11585
1996	107	41895.9	10896.58
1995	108	42405.9	9664
1994	111	43603.9	10724.11
1993	110	43781.8	1918.5
1992	111	43356.8	3909.4
1991	110	45435.8	11186.3
1990	110	45435.8	12200.5
1989	110	46476.8	13958.8
1988	108	46488.8	13558.25
1987	111	47892.8	8619.9
1986	113	48252.8	6120
1985	112	47722.8	6514.5
1984	111	47712.8	5152
1983	110	47480.8	5523.29
1982	111	48320.8	6493.92
1981	121	49051	9321
1980	110	46189	7675
1979	114	45949	7481
MIN	107	41895.90	391.54
MAX	125	49051.00	15303.90
AVE	113.67	44651.56	9779.99

Table 2. Irrigation from the Parker-Centerville aquifer (Water Rights, 1979-2011).

Comparison of the estimated average annual withdrawal from the Parker-Centerville aquifer with the estimated average annual recharge for the aquifer indicated that the average annual withdrawals from the aquifer do not exceed the average annual recharge to the aquifer. Therefore, unappropriated water is available from the Parker-Centerville aquifer. Specifically, unappropriated water is available for this application.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity

of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer”.

The SD DENR-Water Rights Program monitors 23 observation wells completed into the Parker-Centerville aquifer with two of these observation wells located in the aquifer within one and half miles of the proposed well site (Water Rights, 2013b). Hydrographs for these wells are shown in Figures 1 and 2.

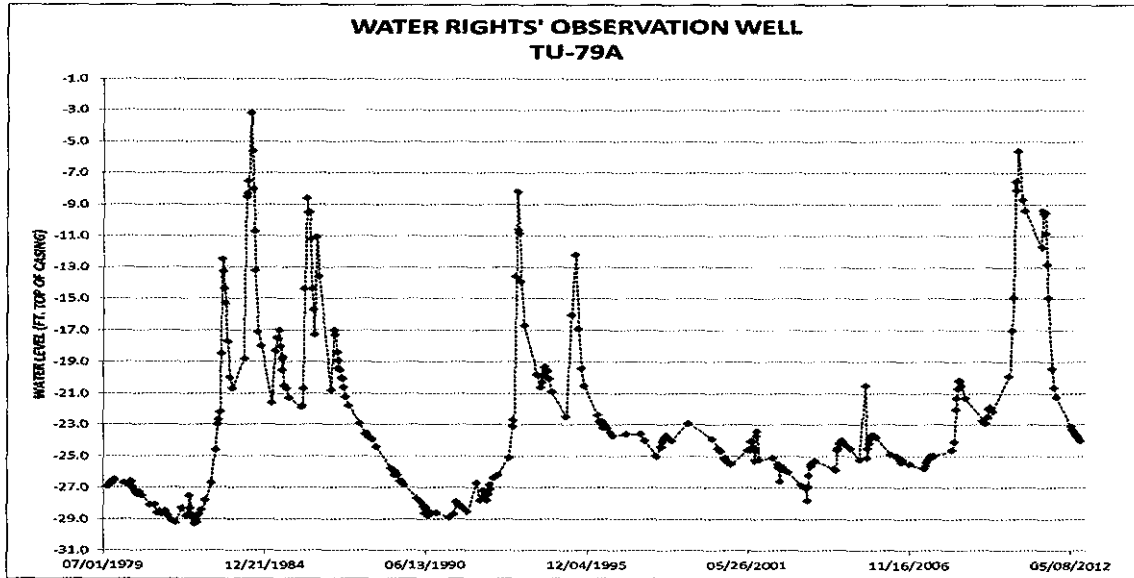


Figure 1. Hydrograph for SD DENR-Water Rights' Observation Well TU-79A completed into the Parker-Centerville aquifer approximately three quarter miles southeast of the well site proposed by Application No. 7698-3 (Water Rights, 2013a).

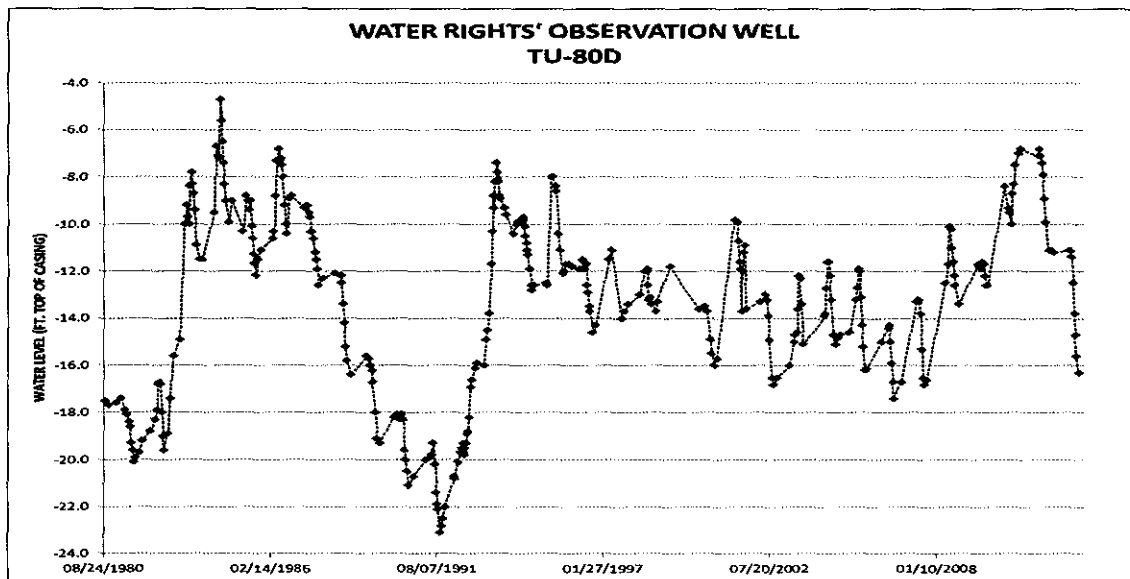


Figure 2. Hydrograph for SD DENR-Water Rights' Observation Well TU-80D completed into the Parker-Centerville aquifer less than one and one half miles southeast of the well site proposed by Application No. 7698-3 (Water Rights, 2013a).

The observation well data shows the aquifer responds well to climatic conditions with rising water levels during wet years and gradually declining water levels during dry years. The water level data shows that over the period of record, in general, discharge has not exceeded recharge. The observation well data shows that at the current level of development, climatic conditions greatly mask the temporal effects of well withdrawals. Therefore, recharge to and natural discharge from the Parker-Centerville aquifer significantly exceeds pumping. Recognizing that natural discharge from the aquifer can be captured for pumping, The hydrographs document that there is unappropriated water available from the aquifer to support this appropriation.

EXISTING WATER RIGHTS:

The proposed well site is located in central Turner County approximately two and one half miles west of the Vermillion River. The nearest water right/permit is Water Permit No. 6763-3, for Kenneth Hoogestraat, located more than 1,600 feet southeast and down-gradient of the proposed well site. Based on the observation well data and the distance between wells, drawdown is not expected to be significant nor likely to cause adverse impacts to existing water rights or domestic wells.

Observation well TU-80D is located within 1,050 feet of Water Right No. 4694-3, and the hydrograph, shown in Figure 2, reports minimal drawdown at this distance due to pumping. Figure 3 shows the nearby existing water rights located in the Parker-Centerville aquifer. The locations of the existing water rights/permits were determined using the best data reasonably available.

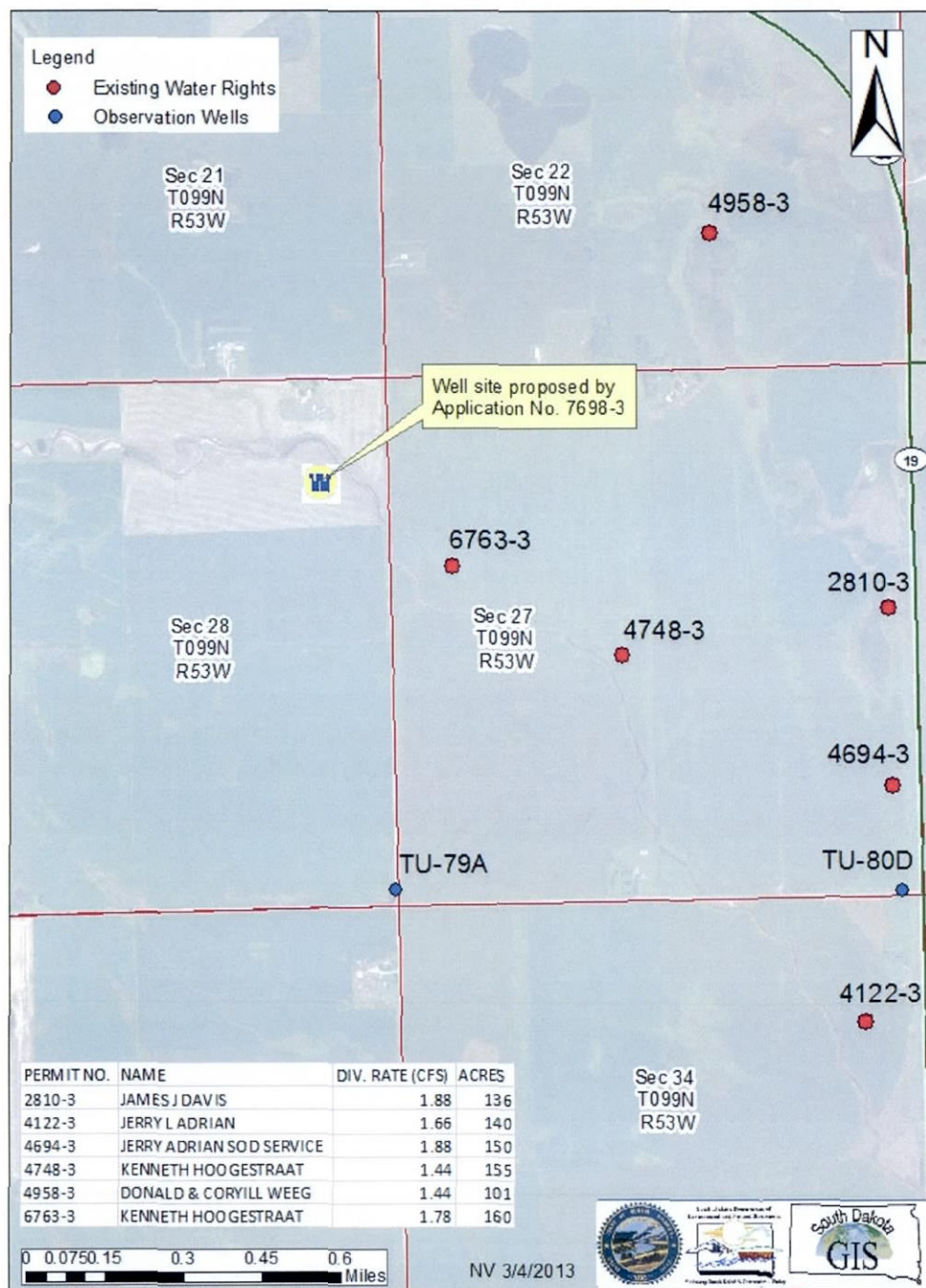


Figure 3. Existing water rights/permits located within close proximity to the well site proposed by Application No. 7698-3 (Water Rights, 2013c).

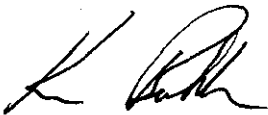
CONCLUSIONS:

1. This application proposes to appropriate water for irrigation from the Parker-Centerville aquifer.
2. There is a reasonable probability that unappropriated water is available from the Parker-Centerville aquifer to supply this proposed appropriation.
3. The Parker-Centerville aquifer is unconfined in this area, and drawdown from pumping is not expected to be significant very far from a production well.
4. There is a reasonable probability that the well proposed by this application will not adversely impact existing water rights or domestic wells.



Nicole Van Dyk
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- 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
- Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 90-4093, 100 p.
- Water Rights, 1979-2011, Irrigation Questionnaire Summaries 1979-2011, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

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

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

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

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APR 25 2013

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

I, Robin Schneider of the City of Parker, County of Turner, State of South Dakota being first duly sworn on oath, deposes and says: The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, New Century Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the Office Manager of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

#5595 Notice of Application No. 7698-3 to Appropriate Water

_____ printed copy of hereto attached, is printed and published in the said newspaper for one successive weeks, one each week and on the same day of the week, on the following dates, to wit:

On Thursday, the 28th day of March, 2013

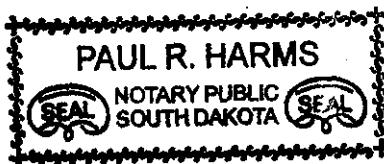
That \$23.17 being the full amount of the fees for publication of the attached notices insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Robin Schneider
Subscribed and sworn to before me this 18th

Day of April 2013
Paul R Harms
Notary Public, Turner County, South Dakota

My Commission Expires: March 20, 2018

Publication Fee \$
Notary Fees \$
Total \$23.17



See attached

NOTICE OF APPLICATION NO.

7698-3

to Appropriate Water

Notice is given that Allen Merrill, 27567 Walnut Ave., Parker SD 57053 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second from one well to be completed into the Parker-Centerville Aquifer (55 feet deep) located in the NE 1/4 NE 1/4 Section 28 for irrigation of 145 acres located in the NE 1/4 Section 28-T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7698-3 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 8, 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 \$23.17.

(#5596, 03/28/13, The New Era)

CUSTOMER NUMBER:	078200	Argus Leader	
AD ORDER NUMBER:	1410420		
	3/28, 2013	P.O. Box 677349, Dallas, TX 75267-7349	\$61.72PD

Allen Merrill
27567 Walnut Ave
Parker, SD 57053

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APR - 1 2013

WATER RIGHTS PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078200

Invoice Number: 1410420

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

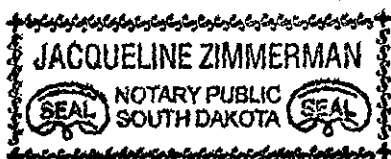
Thursday the 28 day of March 2013 ,
the day of 2013 ,
the day of 2013
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,

and that \$61.72PD was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 3/28/2013

J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2015



NOTICE OF APPLICATION

NO. 7898-3 to Appropriate

Water

Notice is given that Allen Merrill, 27567 Walnut Ave, Parker SD 57053 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second from one well to be completed into the Parker Centerville Aquifer (55 feet deep) located in the NE 1/4 NE 1/4 Section 28 for irrigation of 145 acres located in the NE 1/4 Section 28-T89N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7898-3 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-28, 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 8, 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. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$61.72.
1410420 Mar. 28, 2013



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 18, 2013

New Era
PO Box 579
Parker SD 57053

ATTENTION: Legal Public Notice

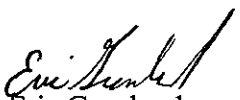
Enclosed is a Notice on Application No. 7698-3 to Appropriate Water. Please publish the notice once on March 28, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Allen Merrill, 27567 Walnut Ave, Parker SD 57053 (Ph # 605-297-3213).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 18, 2013

Argus Leader
PO Box 5034
Sioux Falls SD 57117

ATTENTION: Legal Public Notice

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and NATURAL RESOURCES

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

denr.sd.gov

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

March 18, 2013

Allen Merrill
27567 Walnut Ave
Parker SD 57053

Dear Mr. Merrill:

Water Permit Application No. 7698-3 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 New Era printed at Parker SD (Ph # 605-279-4419) and the Argus Leader printed at Sioux Falls SD (Ph # 605-331-2200). 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

cc: Bill Eichel Jr, 45472 277th St, Parker SD 57053

enclosures

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

Instruction to Newspaper - Publish the Notice on March 28, 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. 7698-3 to Appropriate Water

Notice is given that Allen Merrill, 27567 Walnut Ave, Parker SD 57053 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second from one well to be completed into the Parker:Centerville Aquifer (55 feet deep) located in the NE 1/4 NE 1/4 Section 28 for irrigation of 145 acres located in the NE 1/4 Section 28-T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7698-3 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 8, 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

MAY 20 2013

Allen Merrill
27567 Walnut Ave
Parker SD 57053

Dear Mr. Merrill:

Enclosed is Water Permit No. 7698-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

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Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7698-3

I have this day, October 18, 2024, made a thorough examination of the water use system constructed by Allen Merrill, 27567 Walnut Ave, Parker, SD 57053 of Permit No. 7698-3, bearing the priority of February 8, 2013 authorizing the diversion of 1.11 cu. ft. per second of the waters of the Parker:Centerville Aquifer for irrigation purposes, in Turner County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 55 feet
- 4) Well log is available N If no, explain in comments

Comments: No well completion report in Permit Review materials or in the DANR data base

Casing:

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

Screen:

- 1) Type PVC probably
- 2) Length _____ feet
- 3) Static water level 23 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 500 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 PVC 2) Size 8 inches 3) Length 660 feet

Comments: xx

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 500 GPM

Chemigation Equipment:

- 1) Does chemigate N

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 NE corner Sec 28 T99N R53W, 970 ft S & 775 ft W, Lat 43.37023 Long -97.10506 (NE ¼ NE ¼).
2. The works are capable of diverting and conveying to the place of use 1.11 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:
- | <u>legal description/acreage</u> | <u>legal description/acreage</u> |
|-------------------------------------|----------------------------------|
| All land in Sec 28 T99N R53W | |
| NW 1/4 NE 1/4 - 35 acres | |
| NE 1/4 NE 1/4 - 23 acres | |
| SE 1/4 NE 1/4 - 33 acres | |
| SW 1/4 NE 1/4 - 34 acres | |
- comprising a total of 125 acres of land and the license should be issued for 1.11 cfs
3. All structures, wells and lands on map Y

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

FSA maps and the ArcGIS program were used to construct the attached well location and irrigated area map which was used to estimate irrigated acreage.

The flow rate reported on the 2023 Irrigation Questionnaire was used to establish the system flow capacity.

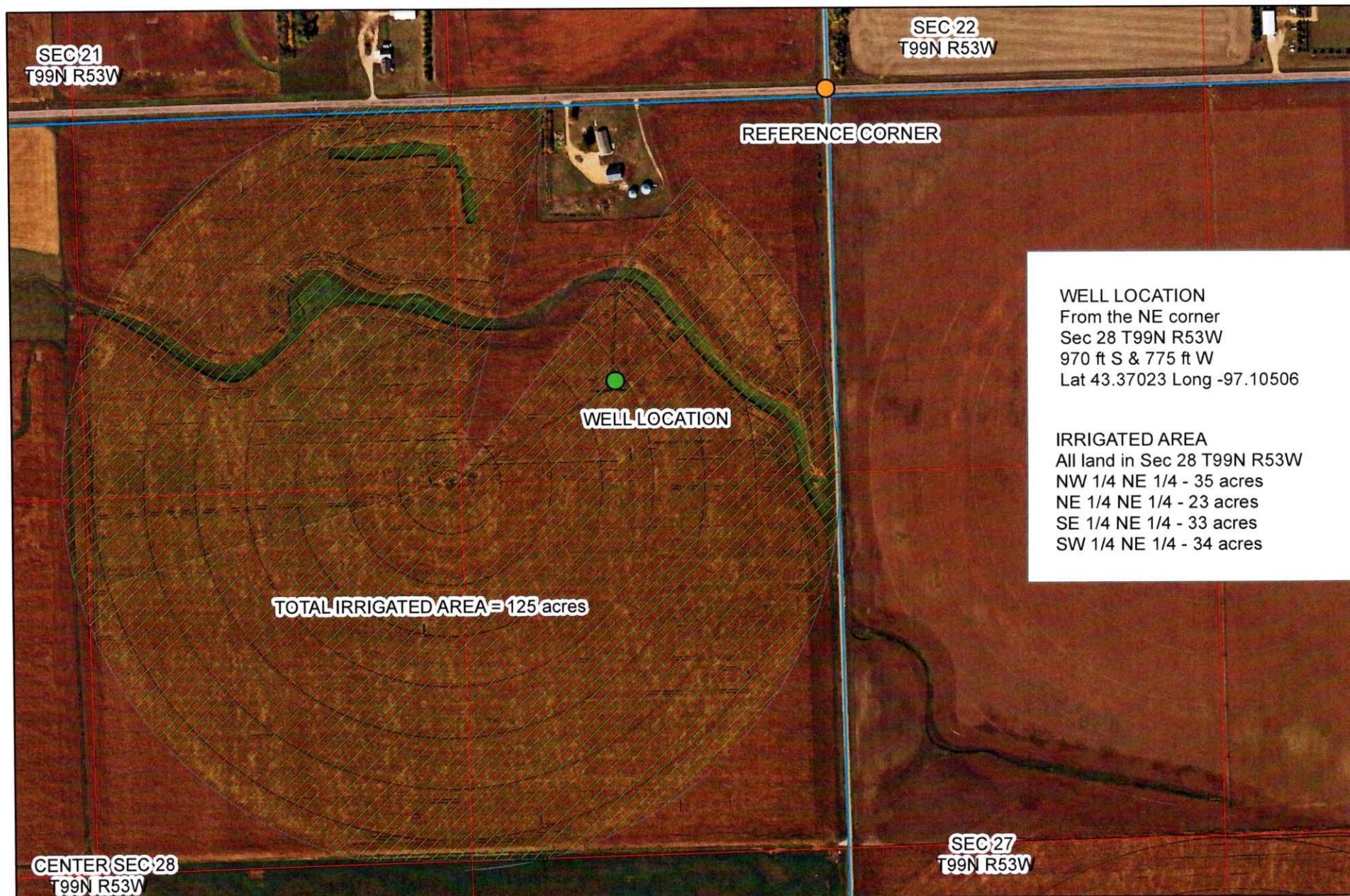
The address and phone number in the permit application are current.

I talked to Mr. Allen Merrill on the phone regarding Permit details.

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

Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: October 19, 2024



WELL LOCATION
From the NE corner
Sec 28 T99N R53W
970 ft S & 775 ft W
Lat 43.37023 Long -97.10506

IRRIGATED AREA
All land in Sec 28 T99N R53W
NW 1/4 NE 1/4 - 35 acres
NE 1/4 NE 1/4 - 23 acres
SE 1/4 NE 1/4 - 33 acres
SW 1/4 NE 1/4 - 34 acres



0 385 770 1,540 2,310 3,080 Feet

Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

APR 07 2025

Allen Merrill
27567 Walnut Ave
Parker, SD 57053

No. 7698-3

Dear Mr. Merrill:

Enclosed is Water License No. 7698-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7698-3**

(1) Allen Merrill, 27567 Walnut Ave, Perker, SD 57053, made Application No. 7698-3, February 8, 2013, for a water permit to divert 1.11 cubic feet of water per second from groundwater, one well (Parker: Centerville Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 7698-3, with a priority date of February 8, 2013, was approved April 8, 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 8, 2018, and for the application to beneficial use of water on or before April 8, 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 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 970 feet S & 775 feet W from the NE corner Section 28, T99N, R53W (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
(Latitude 43.37023 & Longitude -97.10506)

(3) The amount of 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.

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

Section 28, T99N, R53W
NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 23 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 35 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 34 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 acres
Total – 125 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Allen Merrill, the holder and/or owner of Water Right No. 7698-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from groundwater, one well (Parker: Centerville Aquifer), with a priority date of February 8, 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. 7698-3 and subject to the following qualifications:

1. The well approved by 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 withdrawal 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. 7698-3 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.



Mark Mayer, PE
Director of Office of Water

4/7/25

date

