

WATER PERMIT NO. 7703-3

Name of Applicant: **J Robert Wardin**

Address: **1 Eagle Ridge Rd, North Oaks MN 55127** Phone: **612 868-8909**

Amount of Water Claimed: **1.44 cfs** Total Acres: **no additional**

Source of Water Supply: **groundwater (one additional well)**

Water to be used for: **irrigation** County: **Clay**

Type of Waste Disposal System:

Location: **10 miles northwest of Vermillion**

PRIORITY Date Received: **2-14-13** Application/License Fee: **\$ 700**

Corrected Application Received: Period of Annual Use: **April 1 – August 31**

Remarks: **Additional well to irrigate lands authorized by Permit Nos. 5658B-3, 7050-3 and 7051-3**

Diversion Point: **center of SE 1/4 Sec 10-**
T93N-R53W

Land to be Irrigated: **Sec 10-T93N-R53W**

Depth of Well: **125 feet deep**

Well Driller:

Remarks:

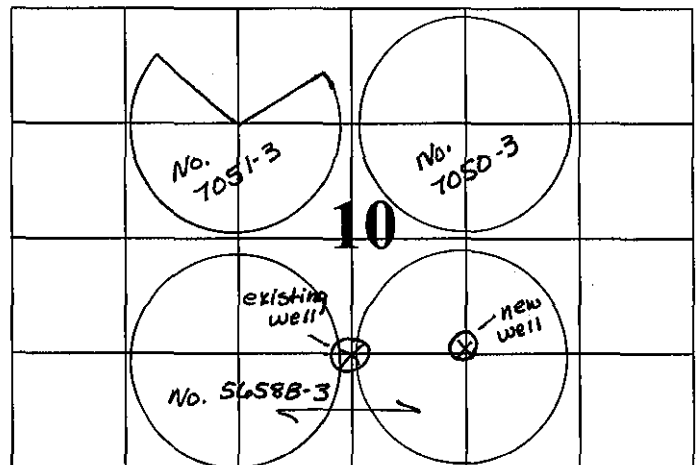
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **2-25-13**

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>7703-3</u> (office use only)	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	<u>605-624-2695</u>
	Newspaper <u>Plain Talk 201 W Cherry Vermillion 57069</u>	<u>605-665-7811</u>
	<u>Press of Dakotan 319 Walnut Yankton 57078</u>	

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FEB 14 2013

WATER RIGHTS
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Application For Permit To Appropriate Water For Irrigation

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

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

The intention is to drill a second well on this property. (see project description below)

1. Name to Appear on Irrigation Permit J. Robert Warden and The Farm Company of Ramsey County, Inc
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address One Eagle Ridge Road North Oaks MN 55127
(Address) (City) (State) (Zip Code)

Home Phone 612-868-8909 Cell _____ Email _____

2. Amount of water claimed 1.44*CFS or 650**GPM no additional***AF Total Acreage no additional
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri - Elk Point

4. Location of point of diversion one well in center of SE 1/4 section 10-T4N93N-R53W,
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
Meckling Township County Clay

5. County or counties where water will be used Clay

6. Annual period during which water is to be used April 1 thru August 31

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

Land Description	Acres	Land Description	Acres
<u>under existing permits:</u>		<u>5658B-3</u>	<u>274</u>
		<u>7050-3</u>	<u>137</u>
		<u>7051-3</u>	<u>123</u>
			<u>534 acres</u>

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

Intention is to drill a second well and increase the diversion rate authority to irrigate the land authorized by (3 listed parcels permits (5658B-3, 7050-3, 7051-3) to allow more efficient irrigation of property. Whiskey Creek Partnership on J. Robert Warden and The Farm Company of Ramsey County, Inc.
I, by Brian Peterson for Don behalf of Ramsey County, Inc., 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. 7703-3**

Date of first receipt of application February 14, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7703-3 to J Robert Wardin, One Eagle Ridge Road, North Oaks MN 55127 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. 7703-3 appropriates 1.44 cubic feet of water per second (cfs) from an additional well to irrigate the land authorized by Water Permit Nos. 5658B-3, 7050-3 and 7051-3. Water Permit Nos. 5658B-3, 7050-3 and 7051-3, combined authorize a total of 3.90 cfs from one well located in the center of the S 1/2 Section 10 for irrigation of 534 acres located in Section 10-T93N-R53W. This permit authorizes 1.44 cfs from a well to be completed into the Missouri/Elk Point Aquifer (125 feet deep) located in the center of the SE 1/4 Section 10-T93N-R53W. The well will supply water to the existing pivots in Section 10 authorized by Water Permit Nos. 5658B-3, 7050-3 and 7051-3.
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: April 1 – October 31.
3. The date from which applicant may claim right is February 14, 2013.
4. The date of approval of Permit No. 7703-3 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. 7703-3 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*
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 20 2013

date



Supplemental Information

(type or print)

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

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

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

c) ^{proposed} Well Depth 125 Depth to Top of Water Bearing Material 60' Depth to Water from Surface ~6-10'

d) Distance to nearest existing domestic well: rural water is widely used for residences
On applicant's property - none - On property owned by others unknown - ~ one mile

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)

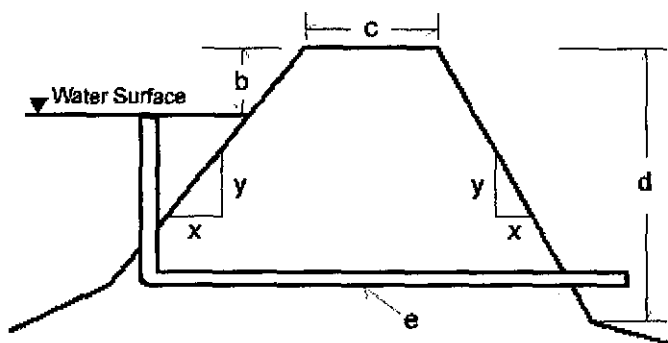
Upstream _____

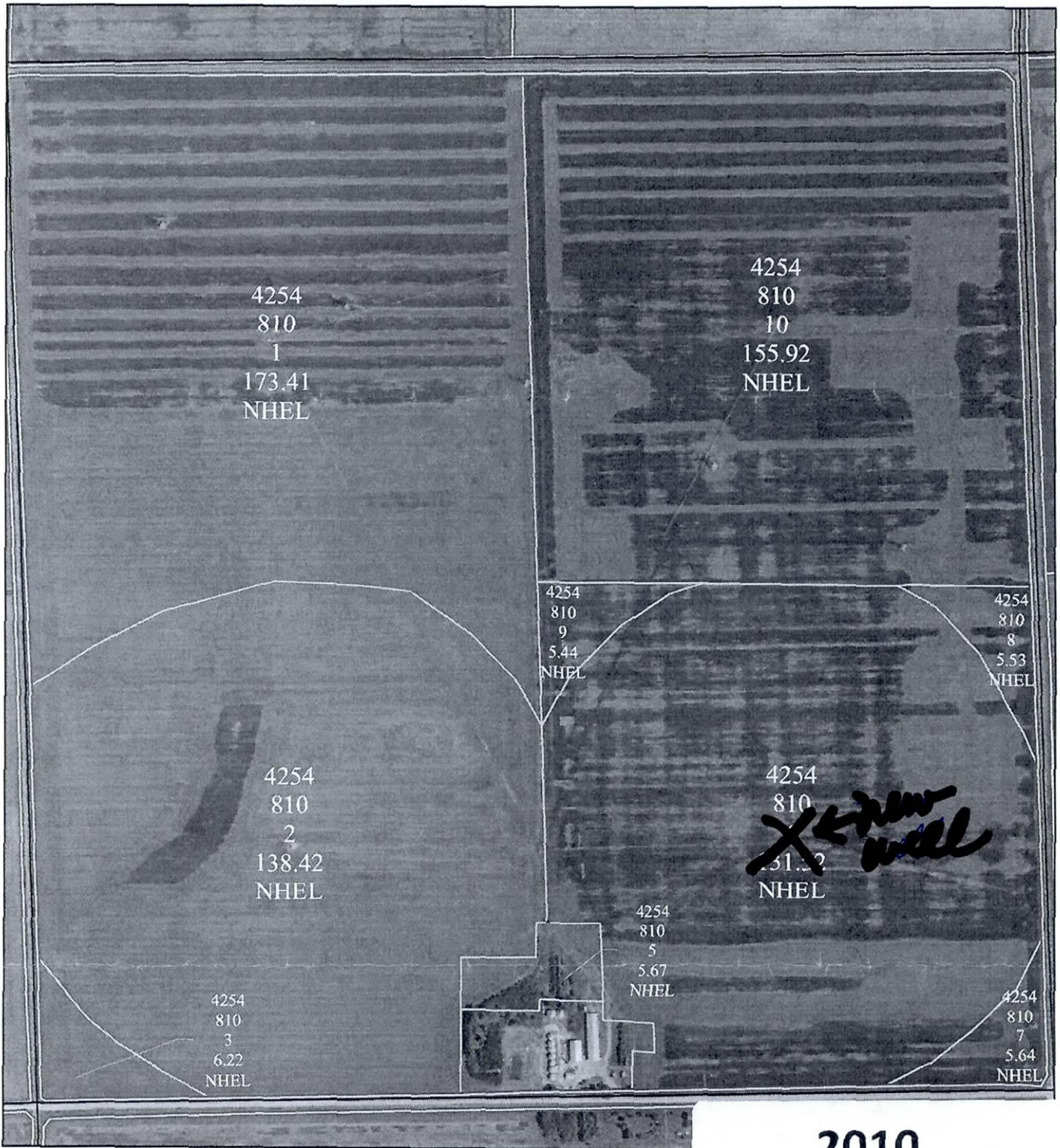
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





United States Department of Agriculture
Farm Service Agency

PLSS: 10_93N_53W
Farm: 4254

Clay County, SD
1:8,466

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2010 Certification Maps

Wetland Determination Identifiers

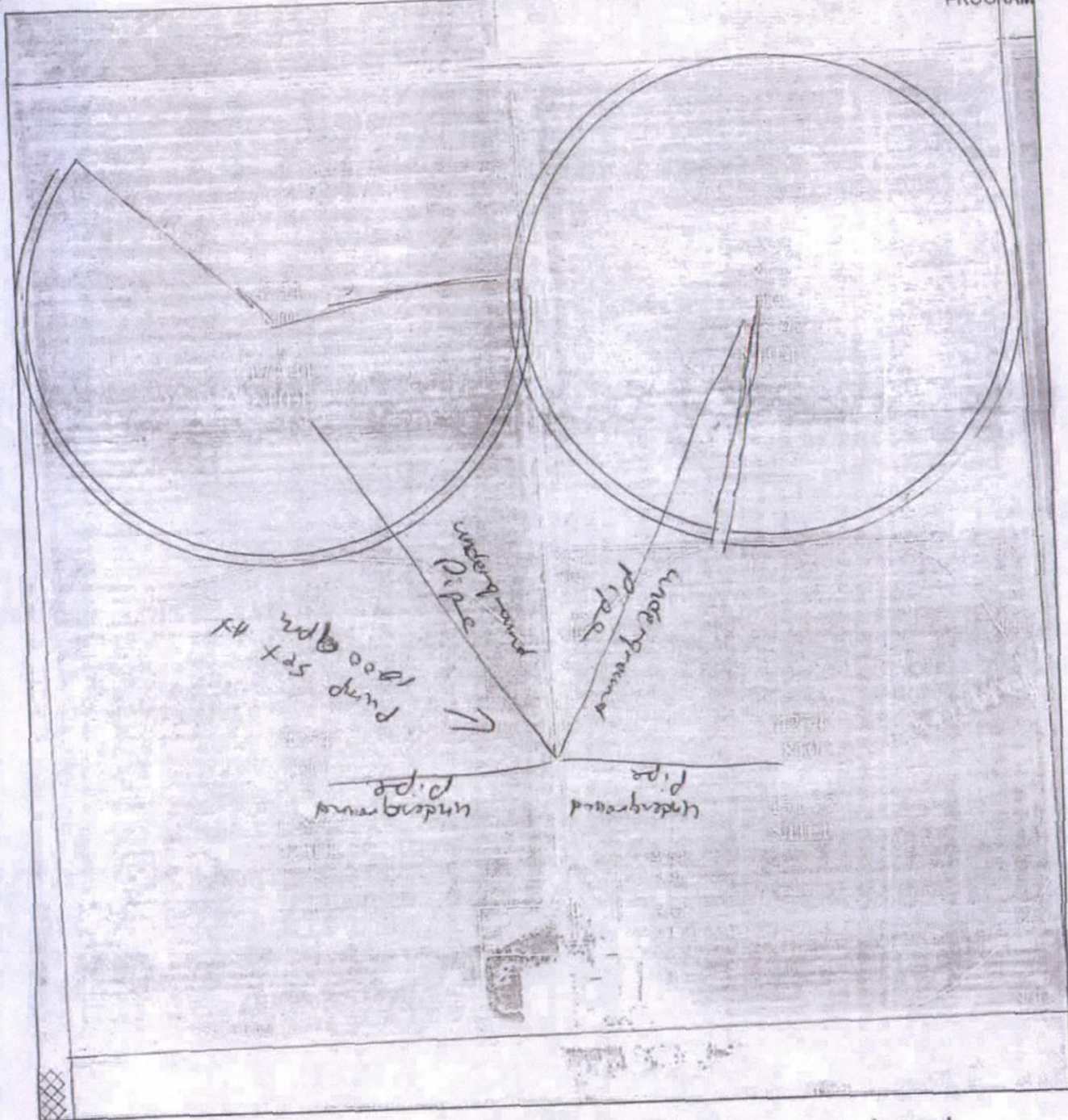
- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Common Land Units

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.

2008 Ortho-Photography - Not to Scale

~~WATER RIGHTS~~
~~PROGRAM~~



☐ Restricted Use
☐ Limited Restrictions
☐ Exempt from Conservation Compliance Provisions

USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability of FSA maps. FSA maps do not represent a LEGAL SURVEY. The user accepts the data "as is" and assumes all risks associated with its use. Wetland products derived from maps associated with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the lands. Refer to your original determinations (CPA -026 and attached maps) for exact wetland boundaries and determinations (or contact NRCS).

1:8,823

Program Technician Clay Co. SD
5-29-08

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/14, 20 13

RECEIVED OF Whiskey Creek Partnership B Peterson 1739 Charles Ave Lawton IA 51030

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

Fee for Application for Permit No. <u>7703-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>7703-3</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	700 00

No. 06124

By

David Edwards
Chief Engineer

Whiskey Creek Partnership
1739 Charles Ave
Lawton, IA 51030
712-943-5304

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WATER RIGHTS
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February 7, 2013

PMB 2020
DENR- Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182

To whom it may concern:

In addition to our water permit request, we would like to receive permission to dig a test well at the location of our proposed well.

The proposed well site is ^{10' south of} in the center of the SE quarter of section 10 in Meckling Township, T-93-N, R-53-W, Clay County.

Any contact needed regarding this water permit can be made at our office number: 712-943-5304.

Thank you,

Brian Peterson



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 22, 2013

Brian Peterson
1739 Charles Ave
Lawton, IA 51030

Dear Mr. Peterson:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to have a licensed well driller construct a test well approximately 125 feet deep into the Missouri: Elk Point aquifer prior to approval of a water permit. The test well will be located in the approximate center of the SE ¼ Section 10-T93N-R53W. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

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

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7703-3, J Robert Wardin**

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. 7703-3, J Robert Wardin, One Eagle Ridge Rd, North Oaks MN 55127.

The Chief Engineer is recommending APPROVAL of Application No. 7703-3 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 under Permit No. 7703-3 it 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 18, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7703-3
J ROBERT WARDIN
MARCH 12, 2013

Water Permit Application No. 7703-3 proposes a diversion rate of 1.44 cubic feet of water per second (cfs) from an additional well completed into the Missouri: Elk Point aquifer. The well will be used to irrigate land authorized by Water Permit No.'s 5658B-3, 7050-3, and 7051-3. There are no additional acres. Water Permit No.'s 5658B-3, 7050-3 and 7051-3 combined authorize a total of 3.90 cfs from one well located in the center of the S ½ Section 10 T93N-R53W for the irrigation of 534 acres located in the same section. The proposed well will be located near the center of the SE ¼ of Section 10, T93N-R53W, Clay County, and is expected to be 125 feet deep. The well will supply water to the existing pivots in Section 10 authorized by Water Permit No.'s 5658B-3, 7050-3, and 7051-3. This application, if approved, when combined with Water Right No's. 5868B-3, 7050-3, and 7051-3 will authorize a total maximum diversion rate of 5.34 cfs for irrigation of a total of 534 acres.

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

GEOLOGY AND AQUIFER CHARACTERISTICS:

Bugliosi (1986) refers to the Elk Point management unit of the Missouri aquifer as the southern portion of the Lower James-Missouri aquifer. For water management purposes, the Water Management Board and the SD DENR-Water Rights Program refer to this aquifer as the Missouri: Elk Point. The aquifer is a surficial aquifer composed of unconsolidated glacial outwash material ranging from fine sand to coarse gravel (Niehus, 1994). The aquifer generally lies below the flood plain of the Missouri River (Bugliosi, 1986), and also below the flood plain of the Big Sioux River in the southern part of Union County (Niehus, 1994). Bugliosi (1986) reported that the aquifer directly overlies and is hydraulically connected to the Dakota aquifer, and is hydraulically connected at its northern boundary to the Lower James-Missouri and the Lower Vermillion-Missouri aquifers as well as the Missouri and Vermillion Rivers. Niehus (1994) found the aquifer is also hydraulically connected to the Big Sioux aquifer in the northeast. The Elk Point management unit of the Missouri aquifer encompasses approximately 234,700 acres of Clay, Union, and Yankton Counties, as determined by Hedges and others (1982), and Niehus (1994). The aquifer contains an estimated 3,287,100 acre feet of recoverable water, of which an estimated 1,494,600 acre-feet of recoverable water is in storage in Union County (Hedges and others, 1982). Bugliosi (1986) found the aquifer can be up to 150 feet thick while Niehus (1994) identified the average thickness of the aquifer in Union County at 84 feet. The transmissivity of the aquifer ranges from 20,700 to 24,700 square feet per day (ft²/d) (Bugliosi, 1986). The specific capacity of wells completed into the aquifer ranges from approximately 124 to 173 gallons per minute per foot ((gal/min)/ft) (Bugliosi, 1986). The aquifer can be under confined (artesian) or unconfined (water-table) conditions, and is under artesian conditions in the area of this application. Nearby well logs indicate an average saturated thickness of approximately 52 feet, as shown in Table 1 (Water Rights, 2013a).

Well Log Description	Saturated Thickness (ft)
Domestic Madlin	29
Domestic Orr	30
Stock Well Orr	50
Test Hole Glacial Lakes	83
Water Permit 423-3	47
Water Permit 3755-3	35
Water Permit 6884-3	77
Water Permit 7152-3	65

Table 1. Saturated thickness for nearby domestic wells, observation wells and lithologic logs completed in the Missouri: Elk Point aquifer (Water Rights, 2013a and 2013b).

SDCL 46-2A-9

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

WATER AVAILABILITY:

This application proposes to increase the diversion rate authorized by Water Permit No.'s 5658B-3, 7050-3, and 7051-3. This application does not request an increase in the total volume of water appropriated; therefore water availability is not an issue.

EXISTING WATER RIGHTS:

The well site proposed by this application is located approximately nine and one half miles east of the James River, nine miles west of the Vermillion River, and seven miles northeast of the Missouri River in a portion of the Missouri: Elk Point aquifer that extends northeast of the Missouri River for approximately eight to nine miles to the edge of the aquifer.

Observation Well Data:

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

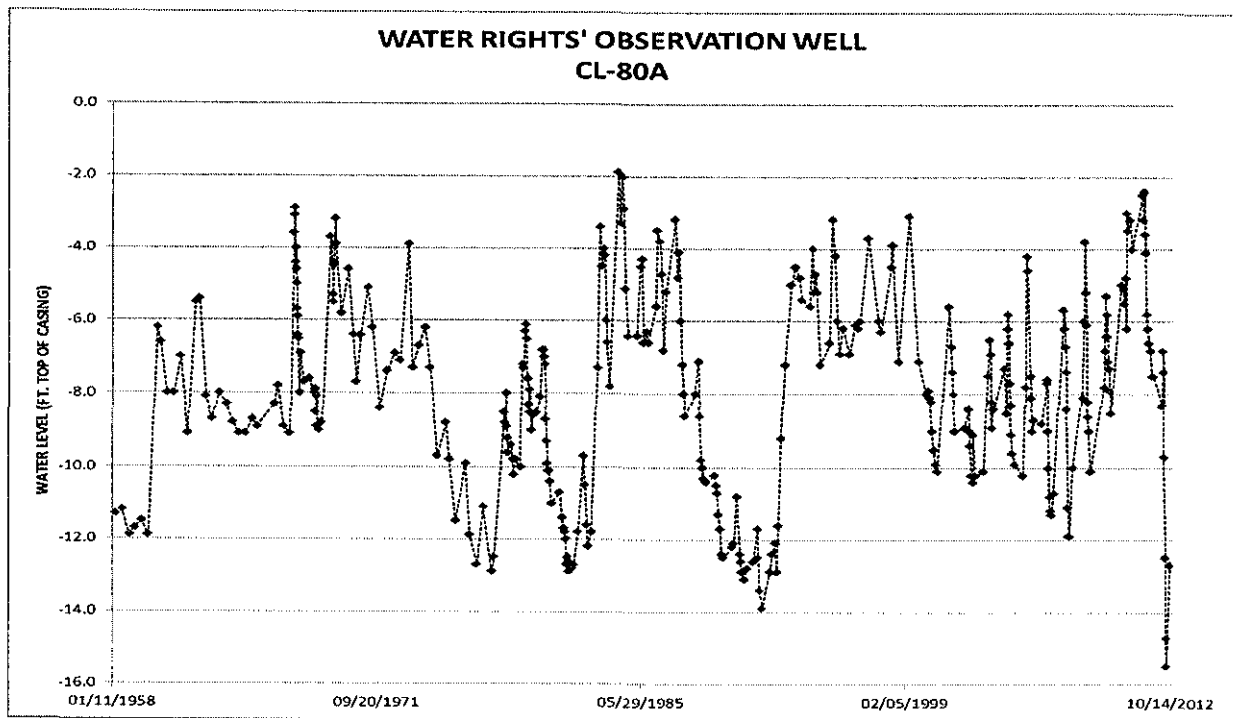


Figure 1. Hydrograph for DENR – Water Rights' Observation well CL-80A completed into the Missouri: Elk Point aquifer approximately 2.3 miles east of the well site proposed by Water Permit Application 7703-3 (Water Rights, 2013a).

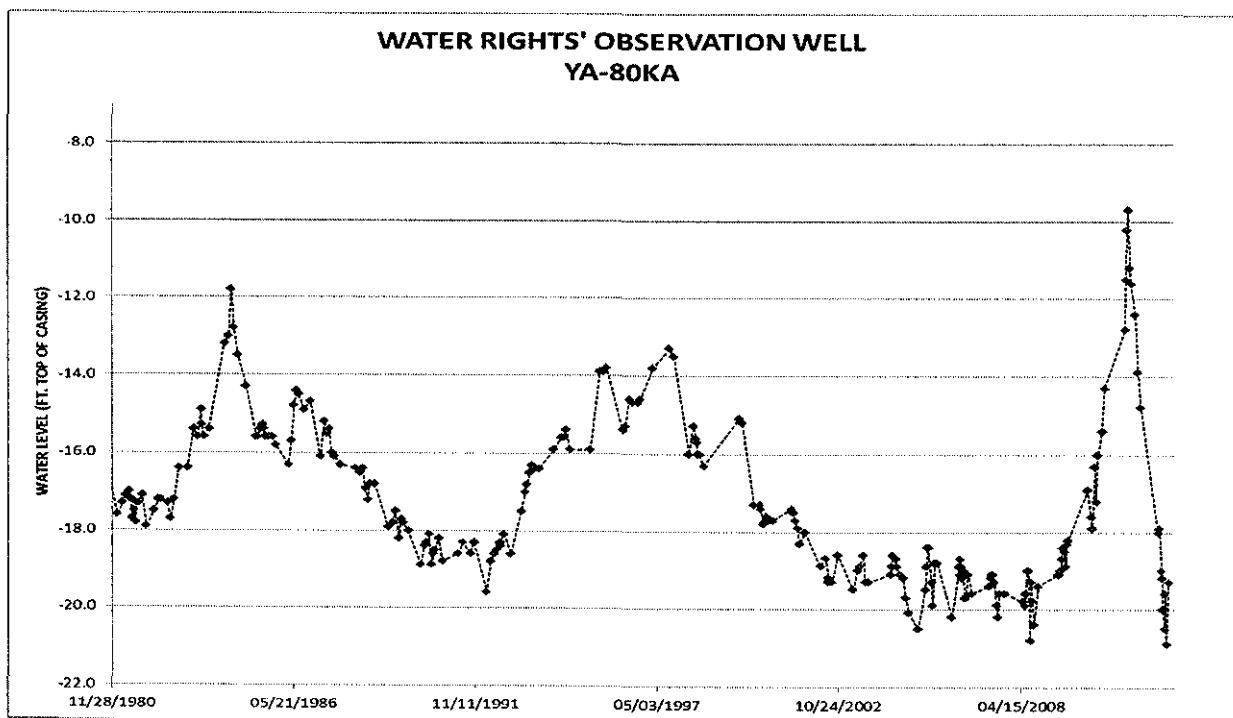


Figure 2. Hydrograph for DENR – Water Rights' Observation well YA-80KA completed into the Missouri: Elk Point aquifer approximately 6.2 miles southwest of the well site proposed by Water Permit Application 7703-3 (Water Rights, 2013a).

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; and that at the current level of development, climatic conditions mask the temporal effects of well

withdrawals. The observation well data also documents the hydraulic connection between the Missouri: Elk Point aquifer and the Missouri River (e.g. in particular, high groundwater levels associated with flooding in 2011), and that drawdown is not significant.

There are six water rights/permits within a 1.7 mile radius from the proposed well site, as listed in Table 2.

Permit No.	Name	Status	Type	CFS	Acres
5658A-3	Bradley W Dirksen	PE	IRR	2.00	140
5658B-3	J Robert Wardin	PE	IRR	3.90	274
6884-3	Thomas Dreesen	PE	IRR	1.33	101
7050-3	J Robert Wardin	PE	IRR	0	137
7051-3	J Robert Wardin	PE	IRR	0	123
7152-3	Bradley W Dirksen	PE	IRR	2.00	140
LC = Water Right, PE = Water Permit, IRR = Irrigation					

Table 2. Water rights / permits located within about 1.7 miles of the well site proposed by Water Permit No. 7703-3 (Water Rights, 2013c). There is no additional diversion (cfs) from permits 7050-3 and 7051-3, only acres added to permit 5658B-3.

Additional drawdown caused by the proposed well could be measurable in nearby wells. The nearest existing water rights are Water Permit 5658A-3 (1.0 miles west) and Water Right 7152-3 (1.1 miles west-northwest). The closest domestic well on file with the DENR - Water Rights Program is about 0.6 miles east-southeast of the proposed well. Drawdown levels could also increase in the applicant's own well under Water Permits 5658B-3, 7050-3, and 7051-3. The precise drawdown cannot be quantified without aquifer testing. With that in mind, a standard permit qualification to most groundwater permits/rights states that:

“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 rights.”

SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. To balance interests between irrigation use and delivery of water by artesian pressure, the Water Management Board has defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

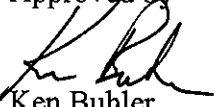
“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer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

SDCL 46-6-6.1 and ARSD 74:02:04:20(7) ensure that interference will not be adverse to domestic well users and those with existing appropriative rights with adequate wells. Depending on the characteristics of the Missouri: Elk Point aquifer at the proposed well site, some existing well owners may need to lower their pumps to accommodate for lower water levels. When considering SDCL 46-6-6.1 and ARSD 74:02:04:20(7) in combination with observation well measurements and the expected aquifer transmissivity, the proposed increase in diversion rate is not likely to lead to significant interference or adversely affect existing wells.

CONCLUSIONS:

1. Water Permit Application No. 7703-3 proposes to increase the diversion rate authorized by Water Permit No.'s 5868B-3, 7050-3, and 7051-3, and adds a new diversion point.
2. If approved, the total maximum diversion rate for Water Permit No.'s 5868B-3, 7050-3, 7051-3, and 7703-3 would be 5.34 cfs for 534 acres. Water Permit Application No. 7703-3 proposes to add 1.44 cfs to the existing diversion rate of 3.90 cfs.
3. If approved, this application does not authorize any increase in the total volume of water appropriated per year.
4. There is a reasonable probability that the well proposed by this application will not adversely impact existing water rights or domestic users.


Dan Gerhardt
SD DENR-Water Rights Program

Approved by

Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4241. 41 p.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 93-4195, 57p.
- Water Rights. 1980-2012. "Annual Irrigation Summary by Aquifer": 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 - 5 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

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

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

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

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 29 DAY OF MARCH 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT \$31.62 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 3/29/13

FILED ON: 3/29/13

Tera A. Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 DAY OF April

[Signature]
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES

8/19/2015

ing 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 \$31.62.

Published: March 29, 2013

NOTICE OF APPLICATION
NO. 7703-3 to Appropriate
Water

Notice is given that J Robert Warden, One Eagle Ridge Rd, North Oaks, MN 55127 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second (cfs) from an additional well to irrigate the land authorized by Water Permit Nos. 5658B-3, 7050-3 and 7051-3. Water Permit Nos. 5658B-3, 7050-3 and 7051-3, combined authorize a total of 3.90 cfs from one well located in the center of the S 1/2 Section 10 for irrigation of 534 acres located in the Section 10-T93N-R53W. This application proposes to appropriate 1.44 cfs from a well to be completed into the Missouri Elk Point Aquifer (125 feet deep) located in the center of the SE 1/4 Section 10-T93N-R53W. The well will supply water to the existing pivots in Section 10 authorized by Water Permit Nos. 5658B-3, 7050-3 and 7051-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7703-3 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 support-

RECEIVED

APR - 3 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE **MANAGING EDITOR** OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No 7703-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 29th DAY OF March 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT \$30.12 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 3/29/2013

FILED ON: 3/29/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF March 2013



NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

the above Water Rights Program
address to request copies of infor-
mation pertaining to this applica-
tion. Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.

Published once at the total ap-
proximate cost of \$30.12.

NOTICE OF APPLICATION
NO. 7703-3 to Appropriate Water

Notice is given that J Robert
Wardin, One Eagle Ridge Rd,
North Oaks MN 55127 has filed
an application for a water permit
to appropriate 1.44 cubic feet of
water per second (cfs) from an ad-
ditional well to irrigate the land
authorized by Water Permit Nos.
5658B-3, 7050-3 and 7051-3.
Water Permit Nos. 5658B-3,
7050-3 and 7051-3, combined
authorize a total of 3.90 cfs from
one well located in the center of
the S 1/2 Section 10 for irrigation
of 534 acres located in the Section
10-T93N-R53W. This application
proposes to appropriate 1.44 cfs
from a well to be completed into
the Missouri Elk Point Aquifer
(125 feet deep) located in the cen-
ter of the SE 1/4 Section
10-T93N-R53W. The well will
supply water to the existing pivots
in Section 10 authorized by Water
Permit Nos. 5658B-3, 7050-3 and
7051-3.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application No.
7703-3 because 1) unappropriated
water is available, 2) existing
rights will not be unlawfully im-
paired, 3) it is a beneficial use of
water, and 4) it is in the public in-
terest. In accordance with SDCL
46-2A-23, the Chief Engineer will
act on this application, as recom-
mended, unless a petition is filed
opposing the application or the
applicant files a petition contest-
ing the Chief Engineer's recom-
mendation. If a petition opposing
the application or contesting the
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applicant and any person filing a
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or supporting this application or
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ten petition with BOTH the appli-
cant and Chief Engineer. The ap-
plicant must file a petition if con-
testing the Chief Engineer's rec-
ommendation. The Chief Engi-
neer'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 inter-
ested person or the applicant must
be filed by April 8, 2013.

The petition may be informal, but
must include a statement describ-
ing the petitioner's interest in the
application, the petitioner's rea-
sons for opposing or supporting
the application, and the signature
and mailing address of the peti-
tioner or the petitioner's legal
counsel, if legal counsel is ob-
tained. Contact Eric Grontund at



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 19, 2013

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7703-3 to Appropriate Water. Please publish the notice once on March 29, 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 J Robert Wardin, One Eagle Ridge Rd, North Oaks MN 55127 (Ph # 612-868-8909).

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 19, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

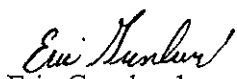
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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

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

March 19, 2013

J Robert Wardin
One Eagle Ridge Rd
North Oaks MN 55127

Dear Mr. Wardin:

Water Permit Application No. 7703-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Plain Talk printed at Vermillion SD (Ph # 605-624-2695) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

cc: Brian Peterson, Whiskey Creek Partnership, 1739 Charles Ave, Lawton IA 51030
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 29, 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. 7703-3 to Appropriate Water

Notice is given that J Robert Wardin, One Eagle Ridge Rd, North Oaks MN 55127 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second (cfs) from an additional well to irrigate the land authorized by Water Permit Nos. 5658B-3, 7050-3 and 7051-3. Water Permit Nos. 5658B-3, 7050-3 and 7051-3, combined authorize a total of 3.90 cfs from one well located in the center of the S 1/2 Section 10 for irrigation of 534 acres located in the Section 10-T93N-R53W. This application proposes to appropriate 1.44 cfs from a well to be completed into the Missouri:Elk Point Aquifer (125 feet deep) located in the center of the SE 1/4 Section 10-T93N-R53W. The well will supply water to the existing pivots in Section 10 authorized by Water Permit Nos. 5658B-3, 7050-3 and 7051-3.

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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

J Robert Wardin
One Eagle Road
North Oaks MN 55127

Dear Mr. Wardin:

Enclosed is Water Permit No. 7703-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

77033

07-92

Location SE SE $\frac{1}{4}$ Sec 10 Twp 93N Rg 53WCounty Clay

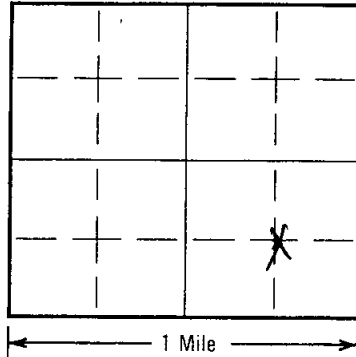
North

Please mark well location with an "X"

W

E

Well Completion Date

2-12-13Well Owner: Brian PetersonBusiness Name: Wesley Creek FarmsAddress: 1739 Charles Ave
Hawton, Iowa 51030

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>top soil</u>	<u>0</u>	<u>8</u>
<u>gray clay</u>	<u>8</u>	<u>20</u>
<u>course sand + gravel</u>	<u>20</u>	<u>40</u>
<u>gravel + ROCKS</u>	<u>40</u>	<u>55</u>
<u>course gravel + ROCKS</u>	<u>55</u>	<u>60</u>

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2000 ft. from septic tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>160</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>20</u> FT	<u>28</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	_____	_____ lb./gal	<u>0</u> ft	<u>20</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pumped down w/ pressure grouter

SCREEN: ☒ Perforated pipe ☐ Manufactured
 Diameter 16 IN Length 40 FEET
 Material PVC
 Slot Size 0.05 Set From 20 Feet to 60 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? _____

Laboratory sent to for water quality analysis _____

STATIC WATER LEVEL

10 Feet

If flowing: closed in pressure _____

RECEIVED PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ OtherMAY - 3 2013

Reduced Flowrate _____

WATER RIGHTS GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: pumped w/ turbine pump☐ Bailed☐ Other

Pumping Level Below Land Surface

20 ft. After 2 Hrs. pumped 800 GPM23 ft. After 4 Hrs. pumped 1000 GPMIf pump installed, pump rate 900 GPM

REMARKS

gravel + ROCKS bpt rolling in @ 60'This well was drilled under license # 444

And this report is true and accurate.

Drilling firm Christensen Well & DrillingSignature of License Representative: Cody W. Christensen

Signature of Well Owner or Equitable Property Holder: _____

Date: 4-22-13

Form 12

**Permit Nos. 5658B-3, 7703-3, 7050-3, and 7051-3
Clay County**

Report of Examination of Works and/or Application of Water to Beneficial Use

To: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, September 23, 2014 made a thorough examination of the water system used by J Robert Wardin, 1 Eagle Ridge Rd., North Oaks MN 55127, holder of Water Permit Nos. 5658B-3, 7050-3, 7051-3, and 7703-3, bearing the priority dates of April 21, 1992, August 4, 2008 (both 7050-3 and 7051-3), and February 14, 2013, respectively. Water Permit No. 5658B-3 authorizes the diversion of 3.9 cubic feet per second (cfs) from one well completed into the Missouri: Elk Point aquifer at approximately 125 feet below ground surface for the purposes of irrigating 274 acres in the S ½ of Section 10, T93N-R53W in Clay County. Water Permit Nos. 7050-3 and 7051-3 do not authorize additional diversion rate authority but do authorize the irrigation of 137 acres in the NE ¼ and 123 acres in the NW ¼ of Section 10, T93N-R53W, respectively. Water Permit No. 7703-3 authorizes an additional 1.44 cfs from a single well completed into the Missouri: Elk Point aquifer at approximately 60 feet below ground surface for the irrigation of lands permitted under Water Permit Nos. 5658B-3, 7050-3, and 7051-3. Water Permit No. 7703-3 does not authorize the irrigation of any additional lands.

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
Two general irrigation pumps, manufactured by American Marsh
- 2) Works used to transport water to a place of use:
Underground pipes, 8 inch diameter.
- 3) Works used to apply water to beneficial use:
Four Zimmatic Pivots.

The system is in the following condition: well maintained. The wells associated with Water Permit Nos. 5658B-3 and 7703-3 are in the following locations:

- 1) **1,320 feet north and 2,640 feet east of the southwest corner of Section 10, T93N-R53W.
Lat 42.88476N Lon 97.09226W. Denoted as Well No. 1.**
- 2) **1,320 feet north and 1,320 feet west of the southeast corner of Section 10, T93N-R53W.
Lat 42.88472N Lon 97.08746W. Denoted as Well No. 2.**

The lands irrigated by the fore mentioned wells are as follows:

Under Water Permit No. 5658B-3:

- 1) **34.25 acres in the NE ¼ SE ¼ of Section 10, T93N-R53W.**
- 2) **34.25 acres in the SE ¼ SE ¼ of Section 10, T93N-R53W.**
- 3) **34.25 acres in the SW ¼ SE ¼ of Section 10, T93N-R53W.**
- 4) **34.25 acres in the NW ¼ SE ¼ of Section 10, T93N-R53W.**
- 5) **34.25 acres in the NE ¼ SW ¼ of Section 10, T93N-R53W.**
- 6) **34.25 acres in the SE ¼ SW ¼ of Section 10, T93N-R53W.**
- 7) **34.25 acres in the SW ¼ SW ¼ of Section 10, T93N-R53W.**
- 8) **34.25 acres in the NW ¼ SW ¼ of Section 10, T93N-R53W.**

For a total of 274 acres.

Under Water Permit No. 7050-3:

- 1) **34.25 acres in the NE ¼ NE ¼ of Section 10, T93N-R53W.**
- 2) **34.25 acres in the SE ¼ NE ¼ of Section 10, T93N-R53W.**

- 3) 34.25 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T93N-R53W.
- 4) 34.25 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T93N-R53W.

For a total of 137 acres.

Under Water Permit No. 7051-3:

- 1) 20.5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, T93N-R53W.
- 2) 33 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, T93N-R53W.
- 3) 34.75 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, T93N-R53W.
- 4) 34.75 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, T93N-R53W.

For a total of 123 acres.

License should be issued for the developed diversion rates of: **2.67 cfs or 1200 gpm (5658B-3) and 1.23 cfs or 550 gpm (7703-3).**

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**

Date Report Completed: **April 6, 2015**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NOS. 5658B-3, 7703-3, 7050-3, and 7051-3

DATE OF INVESTIGATION:	September 23, 2014
NAME & ADDRESS OF PERMIT HOLDER	J Robert Warding 1 Eagle Ridge Rd. North Oaks MN 55127
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Brian Peterson Operator
DIVERSION POINT LEGAL LOCATIONS	1) 1,320 feet north and 2,640 feet east of the southwest corner of Section 10, T93N-R53W. Lat 42.88476N Lon 97.09226W. 2) 1,320 feet north and 1,320 feet west of the southeast corner of Section 10, T93N-R53W. Lat 42.88472N Lon 97.08746W.

WELL INFORMATION:

- 1) Well Drilling Firm: **Unknown for Well No. 1, Christensen Well and Irrigation for Well No. 2**
- 2) Number of Wells: **2**
- 3) Depth: **125 ft for Well No. 1, 60 ft for Well No. 2**
- 4) Well Logs Available: **No for Well No. 1, Yes for Well No. 2**
- 5) Comment:

Pumps

- 1) Make: **American Marsh x2**
- 2) Model:
- 3) Size:
- 4) Capacity: **1,200 gpm for Well No. 1, 550 for Well No. 2**

Casing (Well No. 1)

- 1) Diameter: **16 inches**
- 2) Length: **20 feet**
- 3) Type: **Plastic**

Screen (Well No. 1)

- 1) Type: **Perforated Pipe**
- 2) Length: **40 feet**
- 3) Static Water Level: **10 feet**

Motor

- 1) Make: **Holloshaft x2**
- 2) Model No:
- 3) Power: **75 hp for Well No. 1, 50 hp for Well No. 2**

System Type

- 1) Make: **Zimmatic**
- 2) Overall length: **1,300 feet for all 4 pivots.**
- 3) Number of Towers: **8 for all 4 pivots**
- 4) Distance Between Towers:
- 5) End Gun: **Yes for all 4 pivots**
- 6) Pressure:
- 7) Capacity: **700 gpm**

CHEMIGATION EQUIPMENT: **Yes,** Mobile System Services All Pivots

- 1) Mainline Check Valve: **Yes**
- 2) Low Pressure Drain: **Yes**
- 3) Inspection Port/Air Relief: **Yes**
- 4) Discharge 20 Feet Away: **Yes**
- 5) Injection Line Check Valve or Positive Displacement Pump:
- 6) Injection Check Valve: **Yes**
- 7) Properly Installed: **Yes**

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Water Permit No. 5658-3 began irrigating in 1993, 2007 under 5658B-3. Water Permit Nos. 7050-3 and 7051-3 began irrigating in 2009.**

COMMENTS:

- 1) Power lines cross through the N ½ of Sec 10, T93N-R53W. In the case of Water Permit No. 7051-3, an articulated arm pivots around the power line in the NE ¼ NW ¼ to irrigate approximately 40 acres which would otherwise be inaccessible. In the case of Water Permit No. 7050-3, only one electrical pole interferes with the rotation of the pivot. In this instance, the pivot is not able to pass the pole but is able to access both sides of it from either direction.



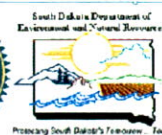
Legend

- Irrigated Area
- Section Boundaries - PLSS
- Existing Licenses and Permits



0 0.075 0.15 0.3 Miles

Prepared by Bracken Capen
Natural Resources Engineer
DNR, Water Rights Program





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

MAY 19 2015

7703-3

J Robert Wardin
1 Eagle Ridge Rd
North Oaks MN 55127

Dear Mr. Wardin:

Enclosed is Water License No. 7703-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7703-3

(1) J Robert Wardin, 1 Eagle Ridge Rd, North Oaks MN 55127 made Application No. 7703-3, February 14, 2013 for a water permit to divert 1.44 cubic feet of water per second (cfs) from one additional well (Missouri:Elk Point Aquifer), Clay County, South Dakota for irrigation of land described in Water Permit No. 5658B-3, 7050-3 and 7051-3. Permit No. 7703-3, with a priority date of February 14, 2015 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.

Permits associated with this water use system:

Water Permit No. 5658B-3 – with a priority date of April 21, 1992, authorizes diversion of 3.90 cfs from one well (Missouri:Elk Point Aquifer) to irrigate 274 acres.

Water Permit No. 7050-3 – with a priority date of August 4, 2008, authorizes irrigation of 137 acres (from well under No. 5688-3).

Water Permit No. 7051-3 – with a priority date of August 4, 2008, authorizes irrigation of 123 acres (from well under No. 5688-3).

The applicable portions of Nos. 5658B-3, 7050-3 and 7051-3 are incorporated into this Water License No. 7703-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 7703-3 is issued a license, bearing priority dates of April 21, 1992 (Well No. 1 - 2.67 cfs) and February 14, 2013 (Well No. 2 - 1.23 cfs) to irrigate 534 acres.

The diversion points are located: Well No. 1 – 1,320 feet N and 2,640 feet E of the SW corner Section 10 and Well No. 2 – 1,320 feet N and 1,320 feet W of the SE corner of Section 10; all in T93N-R53W.

The acres authorized for irrigation are as follows: All in Section 10-T93N-R53W

Priority date – April 21, 1992		Priority date – August 4, 2008		Priority date – August 4, 2008	
NE 1/4 SE 1/4	34.25 ac	NE 1/4 NE 1/4	34.25 ac	NW 1/4 NW 1/4	20.50 ac
SE 1/4 SE 1/4	34.25 ac	SE 1/4 NE 1/4	34.25 ac	NE 1/4 NW 1/4	33.00 ac
SW 1/4 SE 1/4	34.25 ac	SW 1/4 NE 1/4	34.25 ac	SW 1/4 NW 1/4	34.75 ac
NW 1/4 SE 1/4	34.25 ac	NW 1/4 NE 1/4	34.25 ac	NW 1/4 NW 1/4	34.75 ac
NE 1/4 SW 1/4	34.25 ac				
SE 1/4 SW 1/4	34.25 ac				
SW 1/4 SW 1/4	34.25 ac				
NW 1/4 SW 1/4	34.25 ac				
TOTAL 534 acres and 3.90 cfs					

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 7703-3 including the following now applicable qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 7703-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

MAY 19 2015

date

