

WATER PERMIT NO. 7798-3

Name of Applicant: **Bill Boyer**

Address: **4162 Birch Ave, Hawarden IA 51023** Phone: **712 551-6308**

Amount of Water Claimed: **2.67 cfs** Total Acres: **125 acres**

Source of Water Supply: **Big Sioux River and dugout**

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

Type of Waste Disposal System:

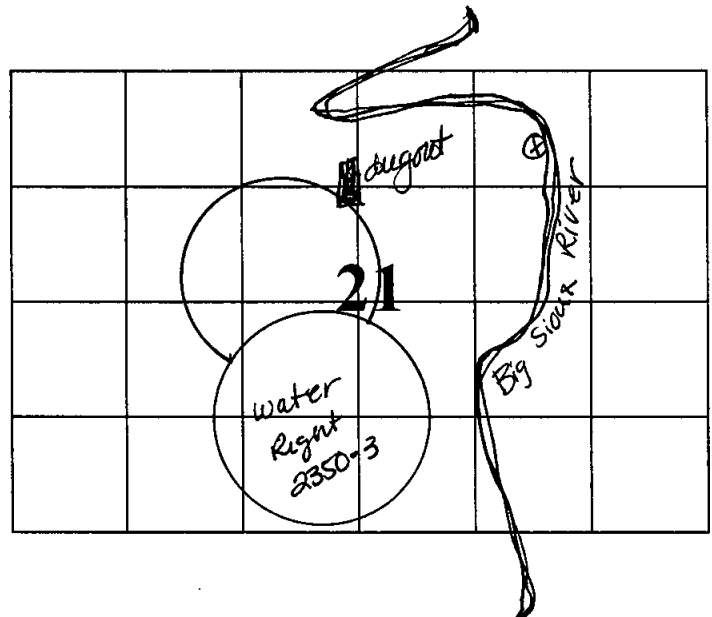
Location: **6 miles east of Alcester**

PRIORITY Date Received: **2-25-13** Application/License Fee: **\$ 1050**

Corrected Application Received: **3-13-13** Period of Annual Use: **May 1 – Oct 31**

Remarks: **Requesting diversion rate greater than statutory limit**

Diversion Point and Irrigated Acres: **S 1/2 NW 1/4**
E of road & Lots 3,4 & 5 less D Robertson TR 1
in Gov't Lot 5 less 32.01 A in Section 21-T95N-
R48W



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **3-20-13**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)RECEIVED
FEB 12 2013
WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7798-3</u>	(office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	<u>605-763-2006</u>
	Newspaper <u>Beresford Republic Box 111 57004</u>	<u>605-331-2200</u>
	<u>Argo Leader Box 5034 Sioux Falls 57117</u>	

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 Bill B Boyer
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent Bill B Boyer
(name and complete address if different than above name)
- Mailing Address 4162 Birch Ave Howard IA 51023
(Address) (City) (State) (Zip Code)
- Home Phone 712 552 2308 Cell 712 551 6304 Email Boyer@acsnet.com
2. Amount of water claimed 2.67 *CFS or 1200 **GPM ***AF Total Acreage 12.5
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Dugout
4. Location of point of diversion NW 1/4 Sec 21 T95N-R48W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
- County Union
5. County or counties where water will be used Union
6. Annual period during which water is to be used may 1 to oct. 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
NW 1/4 of NW 1/4 Sec 21	35		
NE 1/4 of NW 1/4 Sec 21	30		
SW 1/4 of NW 1/4 Sec 21	30		
SE 1/4 of NW 1/4 Sec 21	30		

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

Requesting diversion Rate greater than statutory Limit

I, Bill Boyer, 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. 7798-3

Date of first receipt of application February 25, 2013.

Date of return to applicant for corrections, amendments or changes February 26, 2013.

Date of receipt of corrected application March 13, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7798-3 to Bill Boyer, 4162 Birch Ave, Hawarden IA 51023 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. 7798-3 appropriates 2.67 cubic feet of water per second from a dugout completed into the Big Sioux:South Aquifer located in the S 1/2 NW 1/4, E of road & Lots 3, 4 & 5 less D Robertson TR 1 in Government Lot 5 less 32.10 A in Section 21-T95N-R48W for irrigation of 125 acres located in area described above.
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 – October 31.
3. The date from which applicant may claim right is February 25, 2013.
4. The date of approval of Permit No. 7798-3 is June 17, 2013.
5. One-fifth of the construction is to be completed on or before December 17, 2015.
6. All construction is to be completed on or before June 17, 2018.
7. Water is to be put to beneficial use on or before June 17, 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 dugout which is excavated into the Big Sioux:South Aquifer and approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7798-3 authorizes a maximum diversion rate of 2.67 cfs for the irrigation of 125 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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

AUG 30 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 ____ 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) Well Depth ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____
- d) Distance to nearest existing domestic well:
On applicant's property ____ On property owned by others ____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) ____
- b) System Capacity (gallons) ____ Year Constructed ____
- c) Connected to the City of ____ Sanitary System

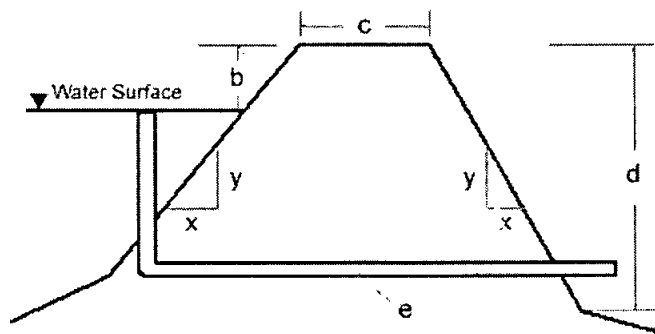
3. Dugout Information

- a) Surface Dimensions 50 ft by 100 ft Depth 35 foot
- b) Depth to water (ground surface to water level) 18' ft

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

Affidavit of Water Use

Form 2B
(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit is needed to document historical water use, primarily with vested right claims.

Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

Name of Applicant (Same as Form 2) Bill B Boyer

Mailing Address 4162 Birch Dr. Hawarden Ia 51023
(Address) (City) (State) (Zip Code)

A. Notice of Appropriation NA Date of Posting NA
Date of Recording NA Recording Date NA

B. Date of start of construction of water supply system none

C. Date that water was first applied to beneficial use none

D. Name of owner of original water supply system Bill Boyer

E. Amount of water originally applied to beneficial use none

F. Present use of water - amount of water now being used None
Date that this water was first used None

G. Chronological History of Water Use

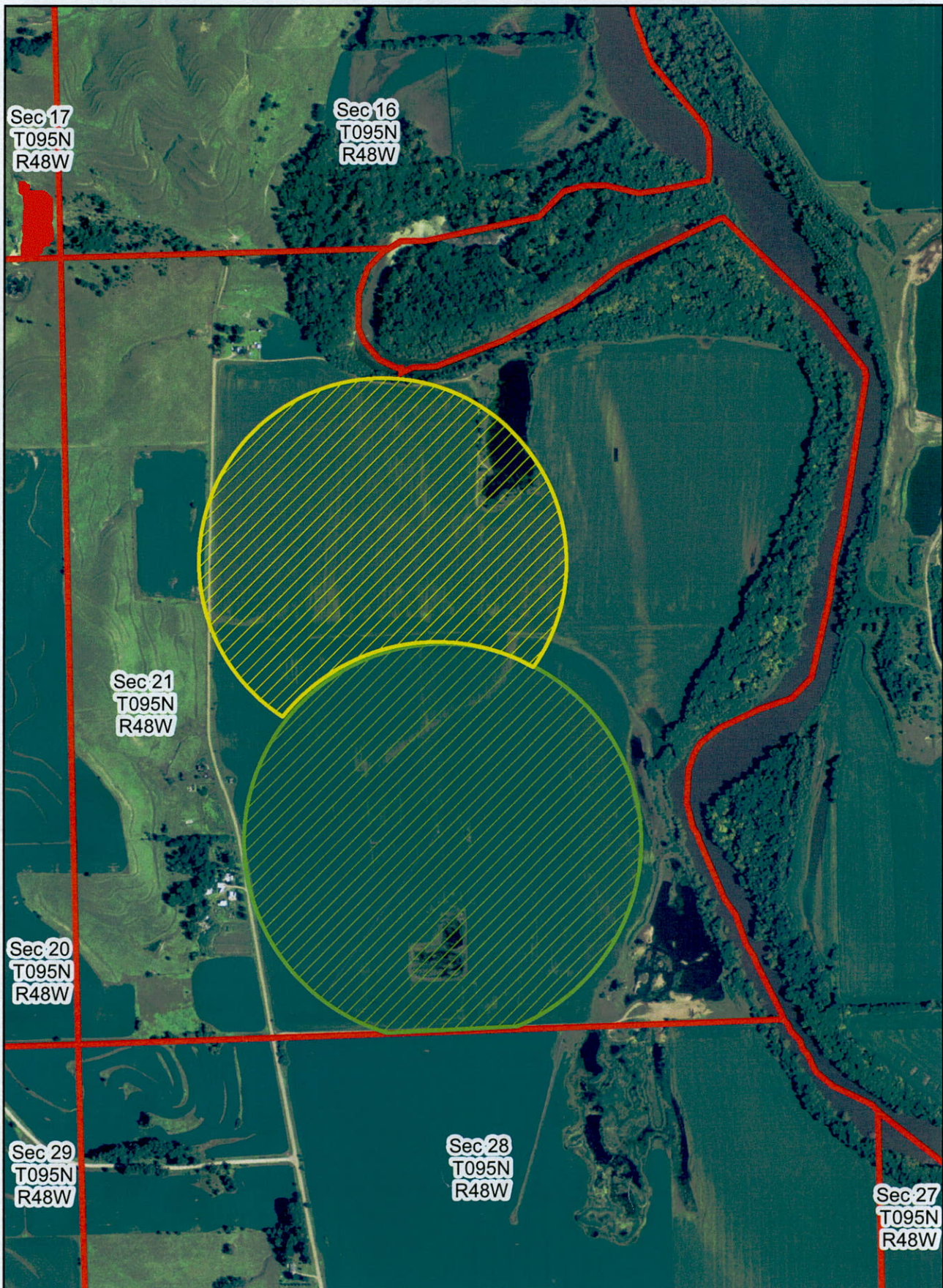
Irrigation of Crops

RECEIVED
FEB 12 2013
WATER RIGHTS
PROGRAM

I, Bill Boyer the applicant, certify that I have read the foregoing and that the matters therein are true.

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein are true.

Bill Boyer 2-7, 2013
_____, 20____



Water Right No. 2350-3



Present Application

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/26, 20 13

RECEIVED OF Boyer Service 4162 Birch Ave Hawarden IA 51023

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

Fee for Application for Permit No. _____ 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. _____	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. 06174

By *Harold Erbe*
Chief Engineer

Gronlund, Eric

From: Gronlund, Eric
Sent: Tuesday, February 19, 2013 1:04 PM
To: 'Boyer@acsnet.com'
Cc: Schlaak, Karen
Subject: Bill Boyer - water permit application
Attachments: BoyerApplication.pdf

Mr. Boyer – attached is a scanned version of the water permit application that you filed for irrigation in Union County. The following is necessary to complete and/or clarify the application.

- This is a new application form. In the “type of application” you have also marked Vested Rights. Vested Rights are only for uses that predate 1955.
- Item No 2 – the request of 1200 gpm is greater than the statutory limit in state law for 115 acres. Please provide justification on a separate cover letter justifying the need for greater diversion rate authority that provided in state law. The statutory amount for 115 acres is normally 740 gpm.t. Also provide an explanation of how the system will operate. It is my understanding from our phone conversation that the diversion of 1200 gpm will either be to the dugout for minimal storage prior to application or directly to the lands to be irrigated.
- Item No. 3 – please also identify the river as the Big Sioux River.
- Items No. 4 (legal descriptions) – Is using the quarter section or quarter-quarter sections correct? It is not uncommon next to rivers such as the Big Sioux River that the land may be designated in lots. We want to make sure the legal descriptions are correct.
- The application requires a map of the section (minimum 8 ½ by 11) showing the locations of the diversion point from the river, the location of the dugout and outline the area to be irrigated.
- The application/licensing fee for irrigation of 115 acres totals \$950.

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

RECEIVED

FEB 25 2013

WATER RIGHTS
PROGRAM

Boyer SAND & ROCK, INC.
4162 Birch Ave. Hawarden, Ia 51023

Voice: 712-552-2308

Fax: 712-552-2312

To whom it may concern:

I would like to ask if I could raise the gallons of water to 1,200 gpm on 125 acres because of the evaporation. I would like to put 2 inches on in one revolution of the pivot. With the new hybrids it does not take rain every two weeks just a good rain at the right time.

Sincerely,

Bois B

Gronlund, Eric

From: Gronlund, Eric
Sent: Tuesday, February 26, 2013 1:26 PM
To: Boyer@acsnet.com
Cc: Schlaak, Karen
Subject: water permit application
Attachments: Boyer.pdf

Mr. Boyer

DENR received your application back. There is still an issue with the legal description – see attached map.

In our previous email correspondence, I asked if the quarter-quarter section legal description is correct? It is not uncommon next to rivers such as the Big Sioux River that the land may be designated in lots. We want to make sure the legal descriptions are correct. Now that a map has been submitted, that question again arises. First, Section 21 is an odd sized section leading to the possibility that the legal description is in lots. Also, the application states the new acres are to be located in the NW ¼ Section 21. It does not appear based on the outlined area on the map you submitted lies entirely in the NW ¼ of the section. Please check the Register of Deeds to insure that the legal location of the irrigated acres, dugout and river pump site are correct.

Ultimately the land descriptions must be right for the permit to have proper legal standing.

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

[Compose](#) [Addresses](#) [Folders](#) [Options](#) [Search](#) [Help](#)[Sign Out](#)
[SquirrelMail](#)Viewing a text attachment - [View message](#)[Download this as a file](#)

----- Forwarded Message -----

From: "Gronlund, Eric" <Eric.Gronlund@state.sd.us>
To: "'nofaulkinwayholmes@yahoo.com'" <nofaulkinwayholmes@yahoo.com>
Sent: Wednesday, March 13, 2013 3:20 PM
Subject: FW: John @ Boyer Sand & Rock

From: Gronlund, Eric
Sent: Wednesday, March 13, 2013 2:53 PM
To: 'Boyer Sand & Rock'
Subject: RE: John @ Boyer Sand & Rock

From: Gronlund, Eric
Sent: Monday, March 11, 2013 4:39 PM
To: Boyer@acsnet.com
Subject: FW: water permit application

Bill - here is the email that I sent on 2/26. Eric

From: Gronlund, Eric
Sent: Tuesday, February 26, 2013 1:26 PM
To: Boyer@acsnet.com
Cc: Schlaak, Karen
Subject: water permit application

Mr. Boyer

DENR received your application back. There is still an issue with the legal description - see attached map.

In our previous email correspondence, I asked if the quarter-quarter section legal description is correct? It is not uncommon next to rivers such as the Big Sioux River that the land may be designated in lots. We want to make sure the legal descriptions are correct. Now that a map has been submitted, that question again arises. First, Section 21 is an odd sized section leading to the possibility that the legal description is in lots. Also, the application states the new acres are to be located in the NW 1/4 Section 21. It does not appear based on the outlined area on the map you submitted lies entirely in the NW 1/4 of the section. Please check the Register of Deeds to insure that the legal location of the irrigated acres, dugout and river pump site are correct.

Ultimately the land descriptions must be right for the permit to have proper legal standing.

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

Sec 21 two 85 Rng 48
Legal S 1/2 NW 1/4 of Road
a Lots 3, 4 & 5 Less
D Robertson + R1 Ingout Lot 5 Less
32.10A For part of TR1
Robertson - Bruget ADP

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 7798-3, Bill Boyer

ADDRESS: COUNTY: Union

DATE: April 4, 2013 TELEPHONE: cell 712551-6308

RE: water source

I contacted Mr. Boyer to inform him based on the engineer's review the dugout is completed into the aquifer. Therefore his application has two separate water sources and administratively DENR permits individually by source.

Mr. Boyer indicated that his intention was to pump from the dugout but if it is not able to sustain the withdrawal to supplement with the Big Sioux River.

Mr. Boyer requested to amend his application by deleting the Big Sioux River component. He will pump from his preferred source, the dugout, this year assuming the permit gets in place and if he finds that in future years the Big Sioux River is needed he will make separate application.

NAME: Eric Hunkeler



**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. 7798-3, Bill Boyer**

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. 7798-3, Bill Boyer, 4162 Birch Avenue, Hawarden. IA 51023.

The Chief Engineer is recommending APPROVAL of Application No. 7798-3 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 dugout which is excavated into the Big Sioux:South Aquifer and approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7798-3 authorizes a maximum diversion rate of 2.67 cfs for the irrigation of 125 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 30, 2013

NOTE: the dugout is likely not an adequate well pursuant to the definition in administrative rules and will not be afforded protection from impairment by other users.

WATER PERMIT APPLICATION NO. 7798-3

Bill Boyer

April 17, 2013

Water Permit Application No. 7798-3 proposes to appropriate 2.67 cubic feet per second (cfs) of water from an existing dugout completed into the Big Sioux: South aquifer and incidental runoff. The dugout and 125 acres to be irrigated are located in the S½ NW¼ and Lots 3, 4, and 5 less 32.10 acres of D Robertson TR1 in Government Lot 5 in Section 21-T95N-R48W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres due to evaporation.

The dugout is 35 feet deep and will hold groundwater from the Big Sioux: South aquifer at a depth of approximately 17 feet.

AQUIFER: South management unit of the Big Sioux aquifer (BS: S)

AQUIFER CHARACTERISTICS:

The South management unit of the Big Sioux aquifer is a surficial, glacial melt water deposit consisting of materials ranging from fine sand to very coarse gravel. The management unit is primarily restricted to the flood plain of the Big Sioux River and extends basically from Brandon, SD to about five miles north of Elk Point, SD (Hedges and others, 1982). Hedges, and others (1982), estimated the management unit underlies 49,000 acres of Lincoln, Minnehaha and Union Counties. However, further studies have refined the estimate to approximately 60 square miles in Lincoln and Union Counties alone (Niehus and Thompson, 1998). The outwash is fairly thin with an average thickness in Lincoln and Union Counties estimated to be approximately 28 feet with an average saturated thickness estimated to be 13 feet (Niehus, 1997). The aquifer is mainly under unconfined conditions with hydraulic conductivity values ranging from 300-800 ft/day and an average specific yield estimated to be 0.20 (Niehus and Thompson, 1998). The Big Sioux: South aquifer is connected hydraulically to the Shindler aquifer in northeast Lincoln County; the Newton Hills aquifer in southeast Lincoln County; the Missouri aquifer in Union County; and possibly to the Brule Creek aquifer in southern Lincoln County. The aquifer is hydraulically connected to the Big Sioux River and in general loses water to the river (Niehus and Thompson, 1998).

Test hole information was not submitted with this permit application. However, sufficient data is available through well completion reports (Water Rights, 2013c), water right/permit files (Water Rights, 2013b), and SD DENR-Geological Survey test hole logs (SDGS, 2013) to evaluate the application. Well completion reports for wells completed into the Big Sioux: South aquifer, in the area of this application, indicate an outwash thickness of 16 to 28 feet and a saturated thickness of 12 to 26 feet. The top of the aquifer can be encountered between 4 and 15 feet below ground surface. The aquifer is under water table conditions in the area of this application.

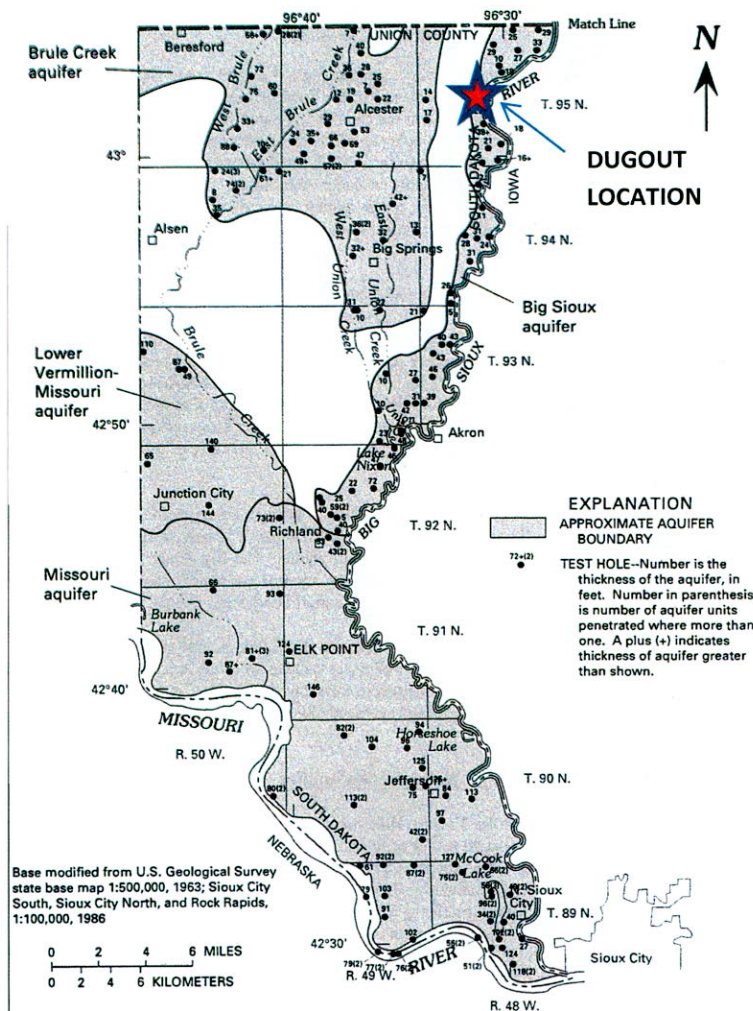


Figure 1. Location of existing dugout site in the Big Sioux aquifer and in relation to the surrounding aquifers (modified from Niehus, 1997).

SDCL 46-2A-9

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

WATER AVAILABILITY:

This application proposes to appropriate water from the Big Sioux: South aquifer to irrigate 125 acres. The actual water use, if the application is approved, will most likely be less than 250 ac-ft/yr. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable 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:

An exception to 46-6-3.1 allows that if the source of the water is older or lower than the greenhorn formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the greenhorn formation therefore withdrawal/recharge issue must be considered.

Recharge:

Recharge to the Big Sioux: South is mainly through infiltration of precipitation, and groundwater inflow from the Shindler and Newton Hills aquifers and possibly with leakage from the Brule Creek aquifer and alluvial outwash valleys in Union County (Niehus and Thompson, 1998). In general, interaction with the Big Sioux River is bank storage which is transient and returns to the River when the stage returns to normal. Niehus and Thompson (1998) estimated recharge to the Big Sioux: South to be 2.14 to 12.96 inches per year (in/yr). The average annual recharge rate to the South management unit of the Big Sioux aquifer is estimated to be 7.54 in/yr, and a steady state recharge rate was estimated to be 6.33 in/yr for Lincoln and Union Counties (Niehus and Thompson, 1998). Recharge to the Big Sioux: South aquifer, assuming a recharge rate of 6.33 in/yr would be a volume of approximately 25,850 ac-ft/yr, using Hedges and others, (1982) area and Niehus and Thompson, (1998) recharge rate.

Discharge:

Discharge from the Big Sioux: South occurs through evapotranspiration where the aquifer is near land surface, outflow to the Big Sioux River during dry years, outflow to the down gradient Missouri: Elk Point aquifer, and well withdrawals (Niehus, 1997). There are a number of completion reports on file with the SD DENR-Water Rights Program for domestic use wells completed into the Big Sioux: South aquifer (Water Rights, 2013b), and there are currently 54 water rights/permits appropriating water from the Big Sioux: South aquifer (Water Rights, 2013c). In addition, there are two future use permits reserving water from the aquifer. The distribution of these appropriations and their types are shown in Table 1.

Water Rights/Permits	Number
Commercial	7
Groundwater Remediation	2
Industrial	3
Irrigation	34
Municipal	4
Rural Water System	4
Future Use Permits	Number
City of Brandon (1912 ac. Ft/yr)	2

Table 1. Water rights/permits from the Big Sioux: South aquifer (Water Rights, 2013c).

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

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

The expected water use for non-irrigation purposes, including that reserved for future use, from the Big Sioux: South aquifer is approximately 7,710 ac-ft/yr based on current water appropriations.

Table 2 shows the historic irrigation data for the Big Sioux: South aquifer. The development of this aquifer for irrigation use has remained fairly steady over the period of record, 1979 to 2011. Annual

withdrawal from this aquifer fluctuates, probably mostly due to yearly climatic conditions. The average pumpage reported over the entire period of record equals 1019 ac-ft/yr. The maximum pumpage reported over the entire period of record was in 1988 for 2112 ac-ft/yr. (Water Rights, 1980-2012).

YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
1979	29	12596	603
1980	29	12596	575
1981	30	12626	885
1982	22	7430	468
1983	26	8816	648
1984	25	8756	806
1985	25	8756	988
1986	26	9106	874
1987	26	9346	1007
1988	27	9426	2112
1989	23	8037	1308
1990	26	9301	1188
1991	27	8722	729
1992	28	9080	206
1993	30	9502	166
1994	29	8899	898
1995	30	9103	895
1996	30	9066	957
1997	29	8804	1311
1998	29	9218	818
1999	30	9398	1025
2000	31	9436	1352
2001	31	9436	1002
2002	32	9694	1193
2003	29	8892	1728
2004	29	8853	1280
2005	30	8603	1541
2006	30	8603	1709
2007	29	8408	1918
2008	30	8688	1157
2009	31	8716	419
2010	32	8949	139
2011	31	8716	1722
MIN	22	7430	139
MAX	32	12626	2112
AVG	29	9260	1019

Table 2. Irrigation from the Big Sioux: South aquifer (Water Rights, 1980-2012).

Total withdrawal from the Big Sioux: South aquifer is estimated to be 8,729 ac-ft/yr, while recharge is estimated to be 25,850 ac-ft/yr at a steady state rate of 6.33 in/yr. Therefore, there is a reasonable probability that unappropriated water is available from the Big Sioux: South aquifer.

Since the reporting of the 2011 irrigation questionnaires, one new irrigation permit has been issued for withdrawals from the Big Sioux: South aquifer. The permit appropriates 1.78 cfs for a maximum diversion of 320 acre-feet/year. There are two permits pending approval to appropriate a combined 5.23

cfs for a maximum diversion of 748 acre-feet/year. The actual water use will likely be less than the combined appropriations of the recent permit and the pending applications. With the addition of the permit issued in the past year, the permits pending approval, and this application it is still expected that average annual withdrawals will not exceed average annual recharge to the Big Sioux: South aquifer.

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

Observation Well Data:

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

The SD DENR-Water Rights Program monitors 16 observation wells completed into the Big Sioux: South aquifer. The nearest observation well, UN-57C, is located approximately two and one quarter miles south southeast of the existing dugout. The next nearest observation well, LN-57D, is located approximately six miles northeast of the existing dugout. The hydrographs for these observation wells are shown in Figures 2 and 3 (Water Rights, 2013a).

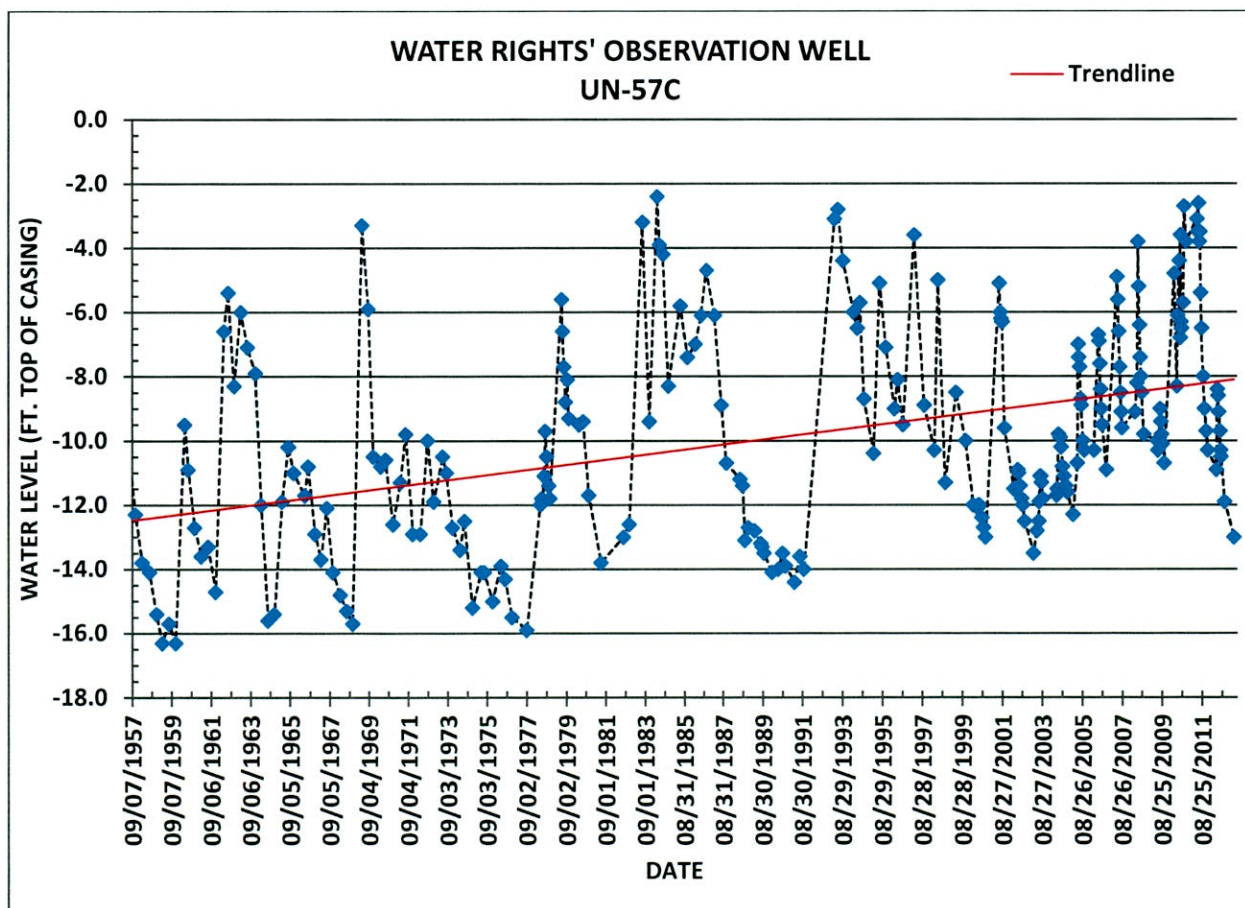


Figure 2. Hydrograph for DENR-Water Rights Observation Well UN-57C completed into the Big Sioux: South aquifer (Water Rights, 2013b).

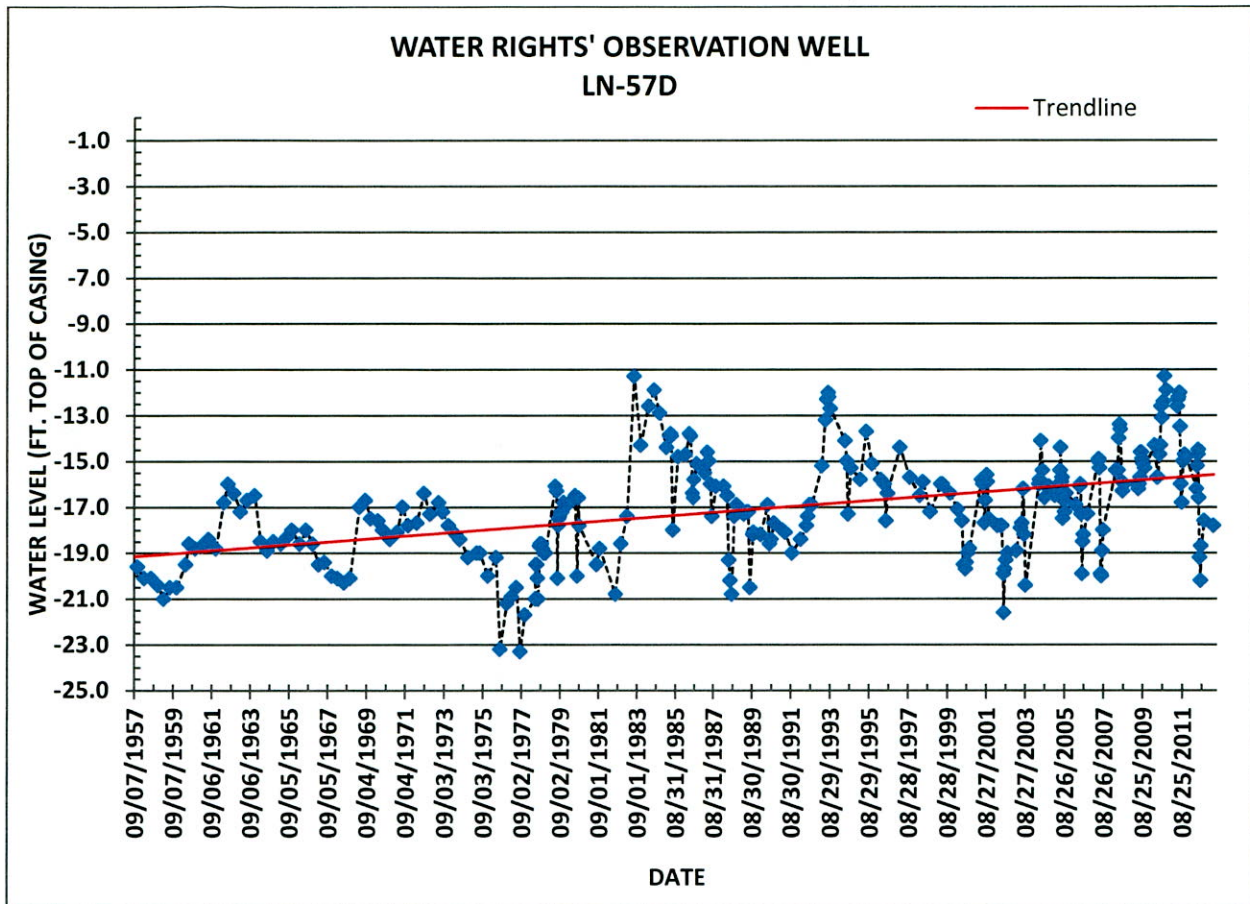


Figure 3. Hydrograph for DENR-Water Rights Observation Well LN-57D completed into the Big Sioux: South aquifer (Water Rights, 2013b).

The observation well data shows that 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. Data for the period of record for all but three of the sixteen observation wells show increasing linear trend lines, indicating that over the period of record recharge has exceeded withdrawals at these locations (Water Rights, 2013a). Therefore, unappropriated water is available from the Big Sioux: South aquifer to support the proposed appropriation.

EXISTING WATER RIGHTS:

The existing dugout on this application is located approximately 2,350 feet west of the Big Sioux River and just 200 feet south of an oxbow of the Big Sioux River, in a portion of the aquifer that extends 40.5 miles to the north and 19.5 miles to the south.

There are currently 54 water rights/permits appropriating water from the Big Sioux: South aquifer. There is one water right within two miles of the existing dugout. Water Right No. 2350-3 is held by River Valley Farms and authorizes 2.56 cfs from one well, 40 feet deep, located approximately 1,000 feet from the existing dugout on this application. The closest well completion report on record with the SD DENR-Water Rights Program for domestic wells that appears to be completed into the Big Sioux: South aquifer is over three miles away.

The amount of drawdown that occurs in a nearby well is dependent on whether an aquifer is under confined or unconfined conditions as well as other aquifer characteristics. Because the Big Sioux: South

aquifer is under unconfined conditions in this area and based on the observation well data, drawdown is not expected to be significant nor likely to cause adverse impacts to existing water rights or domestic wells. Though drawdown is not expected to be significant, if approved, the permit should contain the standard qualification applied to most groundwater permits/rights which states:

“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.”

The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. However, reasonable domestic use must be assured before irrigation use is allowed. At the distances involved, a nearby adequate well defined by ARSD 74:02:04:20(7) is not expected to be adversely or unlawfully impaired.

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”

The close proximity of wells pumping from this aquifer and the fact that the aquifer can be fairly thin could lead to a situation where the cumulative impact of pumping several wells causes water level declines that cannot be attributed to any one single well. Even if the withdrawals from the aquifer do not exceed recharge to the aquifer, the cumulative impact of development in this concentrated area could reduce the amount of water available for existing irrigation wells. If the water levels in existing wells decline to the extent that they can no longer pump at their “historically established” diversion rates, “shut-off” orders may be necessary on a priority basis.

If approved, the water permit should include the qualification that the well owner should control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights. Since a dugout is likely not an adequate well pursuant to ARSD 74:02:04:20(7) it would not be afforded protection from impairment issues under South Dakota water law.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs per second for every 70 acres, or “the equivalent thereof.” The statute does provide that the Water Management Board may allow a greater diversion if the method of irrigation so requires. Water Permit Application 7798-3 proposes to divert at a rate of 2.67 cfs to irrigate 125 acres, or the equivalent of 1.5 cfs per 70 acres. The applicant is requesting a diversion rate of 2.67 cfs for 125 acres due to evaporation.

The applicant is limited to the maximum statutory limit of 2 acre feet per acre on land irrigated.

CONCLUSIONS:

1. Water Permit Application 7798-3 proposes to appropriate 2.67 cubic feet of water per second from a dugout completed into the Big Sioux: South aquifer and also receiving incidental surface runoff from the surrounding area for the irrigation of 125 acres, but the amount of water that actually will be used is expected to be less than 250 acre-feet annually.
2. There is a reasonable probability that unappropriated water is available from the Big Sioux: South aquifer to supply the proposed diversions.
3. A dugout is likely not an adequate well pursuant to ARSD 74:02:04:20(7) and would not be afforded protection from impairment issues under South Dakota water law.
4. There is a reasonable probability that the diversion rate requested by the application can be made without adversely affecting existing water rights and domestic use with the standard "well interference qualification".
5. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres due to evaporation.


Lynn Beck
Natural Resources Engineer III
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
- Niehus, C.A., 1997, Major Aquifers in Lincoln and Union Counties, South Dakota: South Dakota Geological Survey Information Pamphlet 49, 29 p.
- Niehus, C.A., Thompson, R.F., 1998, Appraisal of the Water Resources of the Big Sioux Aquifer, Lincoln and Union Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 97-4161, 37 p.
- Water Rights, 1980-2012, 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.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

SS

COUNTY: UNION

CITY: BERESFORD

NEWSPAPER: BERESFORD REPUBLIC

RECEIVED

JUL - 1 2013

WATER RIGHTS
PROGRAM

Allyson M. Hill, being first duly sworn, on oath, says that the BERESFORD REPUBLIC IS a weekly newspaper published in said city and county, State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, and has met all the requirements for at least one year next prior to the first publication of the attached public notice, and that said notice, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper

1 time(s) as follows: that the first publication of said notice in said newspaper aforesaid was on Thursday the

13 day of June, 2013, and that the succeeding publications were severally on

Thursday, the ____ day of _____, 2013;

Thursday, the ____ day of _____, 2013;

Thursday, the ____ day of _____, 2013

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charges for the publication thereof are:

DOLLARS \$ 21³⁹

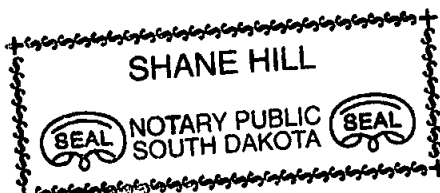
Allyson M. Hill, Allyson M. Hill

Subscribed and sworn to before me this 28 day of June, 2013.

[Signature]

Notary Public

My commission expires 11/14/2018.



NOTICE OF APPLICATION NO. 7798-3 to Appropriate Water

Notice is given that Bill Boyer, 4162 Birch Ave, Hawarden IA 51023 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second a dugout completed into the Big Sioux: South Aquifer located in the S 1/2 NW 1/4, E of road & Lots 3,4 & 5 less D Robertson TR 1 in Government Lot 5 less 32.01 A in Section 21-T95N-R48W for irrigation of 125 acres located in area described above. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7798-3 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 June 17, 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 \$21.39

CUSTOMER NUMBER:	078200	Argus Leader	
AD ORDER NUMBER:	1417039		
	6/6, 2013	P.O. Box 677349, Dallas, TX 75267-7349	\$64.97pd

Bill Boyer
4162 S Birch Ave
Hawarden, IA 51023

RECEIVED
JUN 10 2013
WATER RIGHTS
PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078200
Invoice Number: 1417039

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

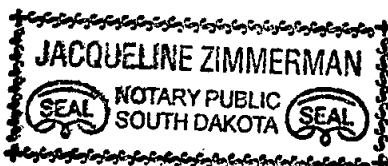
Thursday the 6 day of June 2013 ,
the day of 2013 ,
,the day of 2013
,the day of 2013 ,
,the day of 2013 ,
,the day of 2013 ,
,the day of 2013 ,

and that \$64.97pd was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 6/6/2013

J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2015



NOTICE OF APPLICATION
NO. 7798-3 to Appropriate Water

Notice is given that Bill Boyer, 4162 Birch Ave, Hawarden IA 51023 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second a dugout completed into the Big Sioux:South Aquifer located in the S 1/2 NW 1/4, E of road & Lots 3, 4

& 5 less D Robertson TR 1 in Government Lot 5 less 32.01 A in Section 21-T95N-R48W for irrigation of 125 acres located in area described above. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7798-3 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 June 17, 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 \$64.97.
1417039 Jun. 6, 2013



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 30, 2013

Beresford Republic
PO Box 111
Beresford SD 57004

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7798-3 to Appropriate Water. Please publish the notice once on June 6, 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 Bill Boyer, 4162 S Birch Ave, Hawarden IA 51023 (Ph # 712-552-2308).

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

May 30, 2013

Argus Leader
PO Box 5034
Sioux Falls SD 57117

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7798-3 to Appropriate Water. Please publish the notice once on June 6, 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 Bill Boyer, 4162 S Birch Ave, Hawarden IA 51023 (Ph # 712-552-2308).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

May 30, 2013

Bill Boyer
4162 Birch Ave
Hawarden IA 51023

Dear Mr. Boyer:

Water Permit Application No. 7798-3 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 Beresford Republic printed at Beresford SD (Ph # 605-763-2006) 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
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 June 6, 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. 7798-3 to Appropriate Water

Notice is given that Bill Boyer, 4162 Birch Ave, Hawarden IA 51023 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second a dugout completed into the Big Sioux:South Aquifer located in the S 1/2 NW 1/4, E of road & Lots 3, 4 & 5 less D Robertson TR 1 in Government Lot 5 less 32.01 A in Section 21-T95N-R48W for irrigation of 125 acres located in area described above. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7798-3 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 June 17, 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

AUG 30 2013

Bill Boyer
4162 Birch Ave
Hawarden IA 51023

Dear Mr. Boyer:

Enclosed is Water Permit No. 7798-3 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

7798-3



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

January 20, 2022

NOTICE

TO: BILL B BOYER, MGR, 4162 BIRCH AVE, HAWARDEN, IA 51023
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3358-3, 4895-3, 7798-3 & 7833-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3358-3, 4895-3, 7798-3 & 7833-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3358-3, 4895-3, 7798-3 & 7833-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: BWIXNA**

c: R & J VAN BEEK, LLC, 3687 460TH ST, ORANGE CITY IA 51041

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

7798-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 7, 2022

3358-3
4895-3
7798-3
7833-3

Bill Boyer
4162 Birch Ave
Hawarden IA 51023

Dear Mr. Boyer:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right/Permit Nos. 3358-3, 4895-3, 7798-3 & 7833-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

File No. 7833-3
& 7798-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Bill Boyer, 4162 Birch Ave, Hawarden IA 51023

DATE: 05/30/2024

TELEPHONE: 712.551.6308

RE: Potential Cancellations

COMMENTS:

I called Bill to discuss a few permits that I was looking into for potential cancellations. Permit No. 7833-3 was for diversion from groundwater, however an inspection conducted for the purpose of licensing found that water from being diverted from Pattee Creek. A new application (8788-3) was submitted for the surface water source and was approved in November 2023. Bill understood the need to cancel 7833-3.

We also discussed Permit No. 7798-3, since irrigation was reported in 2021 but all other IQs reported "system not constructed". Bill indicated that irrigation had taken place in 2021 but was now having difficulty w/ the pivot. He said it was down at the moment, but water and electricity were in place. He was hoping to have the system operational yet this season. If no irrigation is taking place by 2025, I will follow up.



Amanda Dewell
Water Rights Program