

WATER PERMIT NO. 7835-3

Name of Applicant: **Don O'Connor**

Address: **46874 311th St, Burbank SD 57010** Phone: **605 670-2066**

Amount of Water Claimed: **1.78 cfs** Total Acres: **47**

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

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

Type of Waste Disposal System:

Location: **3 miles southeast of Vermillion**

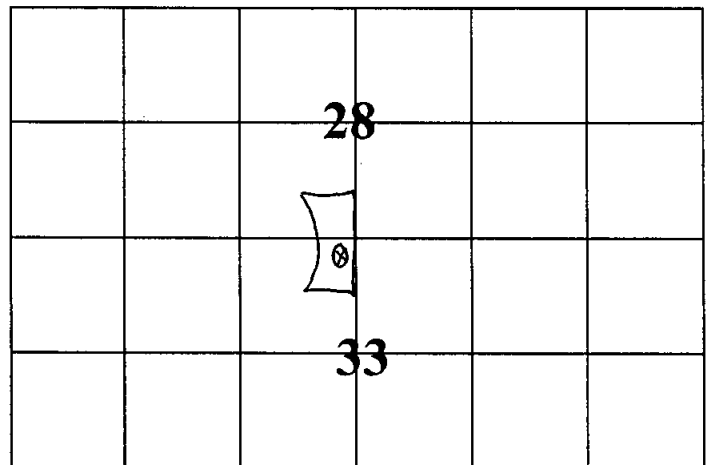
PRIORITY Date Received: **4-25-13** Application/License Fee: **\$ 700**

Corrected Application Received: Period of Annual Use: **April 1 – September 30**

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

Diversion Point: **NE 1/4 NW 1/4 Sec 33-T92N-R51W**

Land to be Irrigated: **NE 1/4 NW 1/4 Sec 33 and**
SE 1/4 SW 1/4 Sec 28; all in T92N-R51W



Depth of Well: **100 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **4-25-13**

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>7835-3</u> (office use only)	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	<u>605-624-2695</u>
	Newspaper <u>Plain Talk 201 W Cherry Vermillion</u>	<u>605-665-7811</u> <u>57069</u>
	<u>Press & Dakotan 319 Walnut Yankton 57078</u>	

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APR 25 2013
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Don O'Connor
(check one) ☐ Owner ☒ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)
- Mailing Address 46874 311st. Burbank S.D. 57010
(Address) (City) (State) (Zip Code)
- Home Phone None Cell 605-670-2066 Email don-oconnor@hotmail.com
2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 47
(*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 Aquifer
4. Location of point of diversion 1 well in the NE 1/4 N.W. 1/4
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
of sec. 33 T92N-R51W County Clay
5. County or counties where water will be used Clay
6. Annual period during which water is to be used Summer April 1 - Sept. 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 N.W. 1/4 sec. 33 T92-R51W	23.5		
SE 1/4 S.W. 1/4 sec. 28 T92-R51W	23.5		

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

One well in sec. 33 to supply water to Irrigation in that section plus feeding an underground pipe to supply water in section 28 for a second irrigation. Both pivots require 400 gpm to operate.

I, Don O'Connor, 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. 7835-3

Date of first receipt of application April 25, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7835-3 to Don O'Connor, 46874 311th St, Burbank SD 57010 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. 7835-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NE 1/4 NW 1/4 Section 33 for irrigation of 47 acres located in the NE 1/4 NW 1/4 Section 33 and SE 1/4 SW 1/4 Section 28; all in T92N-R51W.
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 – September 30.
3. The date from which applicant may claim right is April 25, 2013.
4. The date of approval of Permit No. 7835-3 is July 8, 2013.
5. One-fifth of the construction is to be completed on or before January 8, 2016.
6. All construction is to be completed on or before July 8, 2018.
7. Water is to be put to beneficial use on or before July 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. 7835-3 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. 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. 7835-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 47 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

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 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) Well Depth 100ft, 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 _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

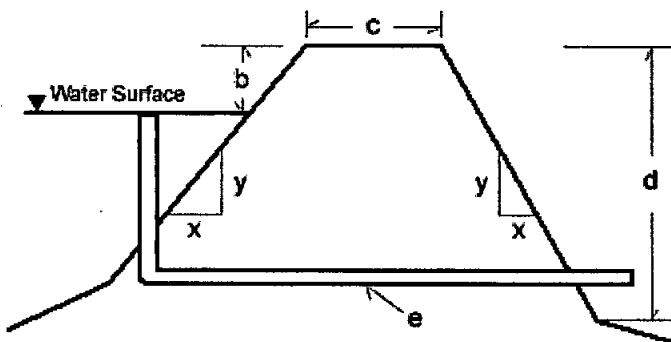
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Sec 20
T092N
R51W

Sec 21
T092N
R51W

Sec 22
T092N
R51W

Sec 29
T092N
R51W

Sec 28
T092N
R51W

Sec 27
T092N
R51W

Sec 32
T092N
R51W

Sec 33
T092N
R51W

Sec 34
T092N
R51W

Sec 6
T091N
R51W

Sec 5
T091N
R51W

Sec 4
T091N
R51W

Sec 3
T091N
R51W

Sec 10
T091N
R51W

Aerial Map



©AgriData, Inc. 2012



Maps provided by:

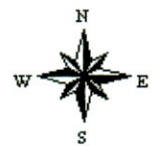
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www.AgriDataInc.com

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33-92N-51W
Clay County
South Dakota

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map center: 42° 44' 58.58, 96° 52' 39.96
scale: 5290



4/22/2013

Aerial Map



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www.AgriDataInc.com

33-92N-51W
Clay County
South Dakota

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map center: 42° 44' 55.64, 96° 52' 37.3
scale: 3200



4/22/2013

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/25, 20 13

RECEIVED OF Don F O'Connor 46874 311th St Burbank SD 57010

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

Fee for Application for Permit No. <u>7835-3</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>7835-3</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. **06316**

By Jeanne Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7835-3, Don O'Connor**

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. 7835-3, Don O'Connor, 46874 311th Street, Burbank SD 57010.

The Chief Engineer is recommending APPROVAL of Application No. 7835-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7835-3 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. 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. 7835-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 47 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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
June 21, 2013

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 7835-3

Don O'Connor

June 10, 2013

Water Permit Application No. 7835-3 proposes to divert groundwater at a maximum rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Elk Point management unit of the Missouri aquifer. The well is expected to be approximately 100 feet deep and located in the NE¼ NW¼ of Section 33, T92N-R51W. Water will be used to irrigate 47 acres located in the NE¼ NW¼ of Section 33 and SE¼ SW¼ of Section 28, T92N-R51W in Clay County. The application is requesting a diversion rate in excess of the statutory limit.

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

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Elk Point management unit of the Missouri aquifer is an alluvium mantled outwash consisting of fine sand to very coarse gravel (Stephens, 1967). The Missouri: Elk Point aquifer is located in southeastern South Dakota, underlying large portions of Yankton, Clay, and Union Counties. In total, the Missouri: Elk Point aquifer is estimated to underlie 210,100 acres and contain 3,287,100 acre feet (ac-ft) of recoverable water in storage (Hedges and others, 1982). The aquifer connects to the Lower Vermillion Missouri aquifer to the north, often overlies the Dakota aquifer, and is hydraulically connected to the Vermillion, Big Sioux, and Missouri Rivers. Water in the aquifer generally moves from the northwest to the southeast and towards the Missouri River (Stephens, 1967).

In the area of the proposed well site, the Missouri: Elk Point aquifer is under water table conditions, and the static water level often ranges from 10 to 20 feet below ground surface (Water Rights, 2013a; Water Rights, 2013c). The top of the aquifer often occurs ten feet below ground surface and is generally 40 to 80 feet thick (SD Geological Survey, 2013; Water Rights, 2013c). The proposed well site is located approximately one quarter mile east of the Vermillion River and one mile north of the Missouri River.

SDCL 46-2A-9

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

WATER AVAILABILITY:

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average

estimated annual recharge of water to the groundwater source.” 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.

Hydrologic Budget:

The hydrologic budget of the Missouri: Elk Point aquifer was evaluated for groundwater appropriations as of June 10, 2013. Water rights/permits/future use permits are expected to use 81,108 ac-ft/yr, which includes expected use of new irrigation water permits. Recharge to the aquifer is estimated to be at least 91,964 ac-ft/yr, which considers induced recharge. Therefore, approximately 10,856 ac-ft/yr of unappropriated water is currently available (Stonesifer, in progress).

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 38 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2013a). The nearest of these wells, CL-80D, is located approximately three-quarter miles northeast of the proposed well site. The hydrograph of this observation well is shown in Figure 1.

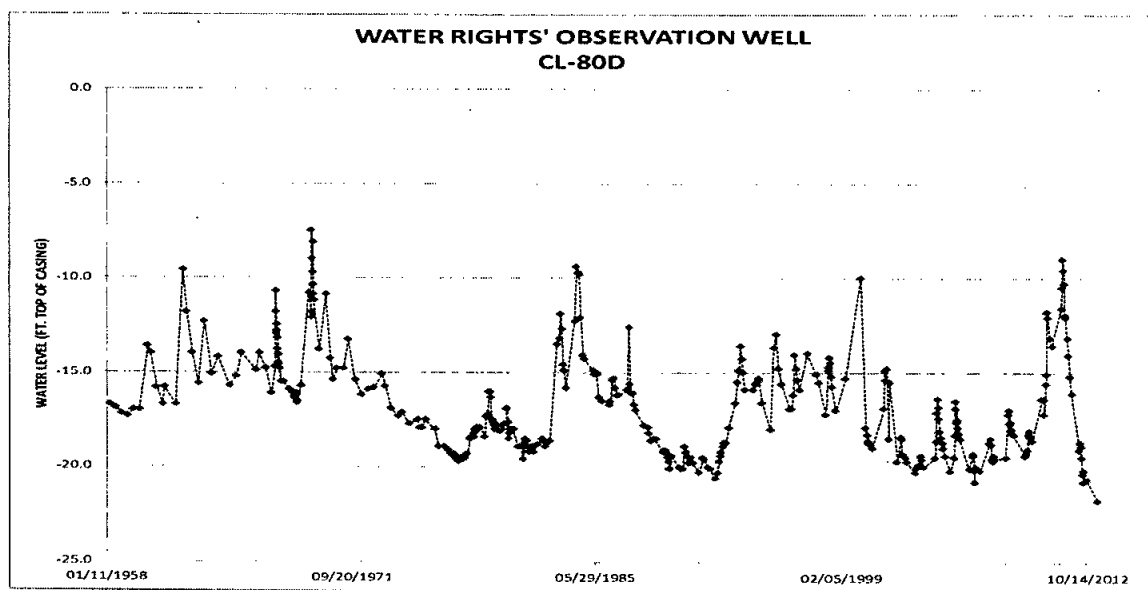


Figure 1: Hydrograph for observation well CL-80D (Water Rights, 2013a)

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The hydrograph also show the effects of nearby pumping on the aquifer. Observation well data indicates that, at the current level of development, temporal

well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal.

In general, hydrographs of observation wells completed into the Missouri: Elk Point aquifer show a slight decline of water table. This gradual decline has been attributed to entrenching the Missouri River or controlling the flow of the Missouri River by the Gavins Point Dam, which no longer allows inundation of the floodplain (Goodman, 2007; Stephens, 1967). Regardless of cause, the declining water table levels demonstrate the hydraulic connection between the aquifer and the Missouri River, which leads to the possibility of induced recharge (Stephens, 1967). Therefore, unappropriated water is available from the Missouri: Elk Point aquifer.

EXISTING WATER RIGHTS:

If approved, the proposed well will be located near other wells that obtain water from the same aquifer. In the area of the proposed well site, there is a relatively high concentration of wells. The nearest wells are located approximately one third mile from the proposed well site (Water Rights, 2013b; Water Rights, 2013c).

The close proximity and concentration of high capacity wells pumping from this aquifer could lead to water level declines being compounded and magnified. The aquifer characteristics, such as the large saturated thickness and predominant water table conditions, dictate that drawdown will not be significant. Also, the close proximity of the wells to local rivers indicate that drawdown due to pumpage would be reduced due to the induced recharge. However, precise drawdown cannot be quantified without aquifer testing. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. Therefore, nearby adequate wells defined by ARSD 74:02:20(7) are not expected to be adversely or unlawfully impaired due to the proposed well.

SDCL 46-5-6

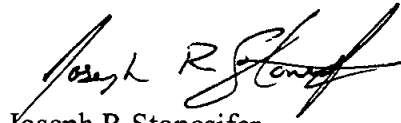
Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cubic foot of water per second for every seventy acres, or "the equivalent thereof." The statute provides that the Water Management Board may allow a greater diversion if the method of irrigation so requires.

This water permit application proposes to divert at a rate of 1.78 cfs per 47 acres, equaling 2.65 cfs per 70 acres. No justification was provided. From the map submitted, it appears the pivots could not make a full rotation. So, the proposed diversion rate could be necessary to operate the equipment and is unrelated to the amount of rotation and subsequent area of land irrigated.

CONCLUSIONS:

1. The water permit application proposes to withdraw groundwater at a maximum diversion rate of 1.78 cfs from one well to be completed into the Missouri: Elk Point aquifer for the irrigation of 47 acres.
2. Unappropriated water is available from the Missouri: Elk Point aquifer to supply the proposed appropriation.
3. This proposed diversion will not adversely or unlawfully impair existing nearby wells.

4. This application has requested an additional diversion rate in excess of the statutory limit. No justification was provided.



Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Goodman, J.A. 2007. Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and 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.

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

Stephens, J.C. 1967. Geology and Hydrogeology of Clay County, South Dakota, Part II: Water Resources. South Dakota DENR-Geological Survey Bulletin 19, 62 p. Vermillion, South Dakota.

Stonesifer, J.R. 2013. Water Availability of the Missouri: Elk Point Aquifer. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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

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

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

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JUL 10 2013

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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 28 DAY OF JUNE 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$27.97 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: 6/28/13

FILED ON: 6/28/13

Tera A Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15th DAY OF

July

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

**NOTICE OF APPLICATION
NO. 7835-3 to Appropriate
Water**

Notice is given that Don O'Connor, 46874 311th St, Burbank SD 57010 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NE 1/4 NW 1/4 Section 33 for irrigation of 47 acres located in the NE 1/4 NW 1/4 Section 33 and SE 1/4 SW 1/4 Section 28; all in T92N-R51W. 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. 7835-3 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 July 8, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at

the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$27.97.

Published: June 28, 2013

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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. 7835-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 28th DAY OF June 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.81 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: 6/28/2013

FILED ON: 6/28/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 28th DAY OF June 2013

Muriel R. Pratt

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

6/11/2019

Notice is given that Don O'Connor, 46874 311th St, Burbank SD 57010 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NE 1/4 NW 1/4 Section 33 for irrigation of 47 acres located in the NE 1/4 NW 1/4 Section 33 and SE 1/4 SW 1/4 Section 28; all in T92N-R51W. 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. 7835-3 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 July 8, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$26.81.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 21, 2013

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7835-3 to Appropriate Water. Please publish the notice once on June 28, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Don O'Connor, 46874 311th St, Burbank SD 57010 (Ph # 605-670-2066).

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 /ks

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

June 21, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7835-3 to Appropriate Water. Please publish the notice once on June 28, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Don O'Connor, 46874 311th St, Burbank SD 57010 (Ph # 605-670-2066).

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

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Sincerely,

Eric Gronlund /ks

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.

June 21, 2013

Don O'Connor
46874 311th St
Burbank SD 57010

Dear Mr. O'Connor:

Water Permit Application No. 7835-3 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 /ks

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 28, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7835-3 to Appropriate Water

Notice is given that Don O'Connor, 46874 311th St, Burbank SD 57010 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NE 1/4 NW 1/4 Section 33 for irrigation of 47 acres located in the NE 1/4 NW 1/4 Section 33 and SE 1/4 SW 1/4 Section 28; all in T92N-R51W. 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. 7835-3 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 July 8, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

AUG 30 2013

Don O'Connor
46874 311th St
Burbank SD 57010

Dear Mr. O'Connor:

Enclosed is Water Permit No. 7835-3 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

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

RECEIVED

OCT 11 2013

WATER RIGHTS
PROGRAMDate 10-8-13TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Donald O' Connor
(name)
46874 311th St.
(address)
Burbank, SD 57010
(city, state, zip)605 670 2066
(phone)

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

Water Permit No. 7835-3 states that the water use system is to be constructed by July 8, 2018, and water is to be put to beneficial use by July 8, 2022
(date) (date)

The water use system was completed on Aug. 15, 2013
(date)

Applying the water to beneficial use was completed on Aug. 31, 2013
(date)

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

Don O'Connor
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 22, 2013

7835-3

Don O'Connor
46874 311th St
Burbank SD 57010

Dear Mr. O'Connor:

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7835-3

I have this day, November 3, 2015, made a thorough examination of the water use system constructed by Don O'Connor, 46874 311th St, Burbank, SD 57010 of Permit No. 7835-3, bearing the priority of April 25, 2013 authorizing the diversion of 1.78 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, in Clay County.

Inspection contact & relationship **Don O'Connor, permit holder**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Thein Well Co., Inc.
- 2) No. of Wells 1
- 3) Depth(s) 107 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 67 feet
- 3) Type PVC

Screen:

- 1) Type PVC Perforated
- 2) Length 40 feet
- 3) Static water level 26 feet

Pump:

- 1) Make Grundfos
- 2) Model Submersible
- 3) Capacity 800 GPM

Motor:

- 1) Make Grundfos
- 2) Model No. Submersible
- 3) Horsepower rating 50 hp

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

- 1) Type PVC 2) Size 8 inches 3) Length 1590 feet

Comments: See map for approximate location.

C. Works used to apply water to beneficial use:

Center pivot (SE ¼ SW ¼ Sec 28-T92N-R51W):

- 1) Make Zimmatic
2) Overall length 480 feet
3) Number of towers 3
4) End gun Yes
5) Capacity 800 GPM

Center pivot (NE ¼ NW ¼ Sec 33-T92N-R51W):

- 1) Make Zimmatic
2) Overall length 695 feet
3) Number of towers 4
4) End gun Yes
5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate No

Comments: Owner indicated that he may start chemigation in the future.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2013.

List any extended period of nonuse: None

- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: East 2680', South 610' from NW corner Sec 33-T92N-R51W; Lat 42.74844/Long -96.87573; NE ¼ NW ¼ Sec 33-T92N-R51W.

Report of Examination of Works

Permit No. 7835-3

2. The works are capable of diverting and conveying to the place of use 1.78 cfs or 800 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

SE ¼ SW ¼ Sec 28-T92N-R51W – 22 ac

NE ¼ NW ¼ Sec 33-T92N-R51W – 21 ac

comprising a total of 43 acres of land and the license should be issued for 1.78 cfs or 800 gpm.

3. All structures, wells and lands on map Yes

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

Owner indicated that he may start chemigation in the future.



Harold Holoch, PE
Engineer Water Rights Inspector
DENR, Water Rights Program

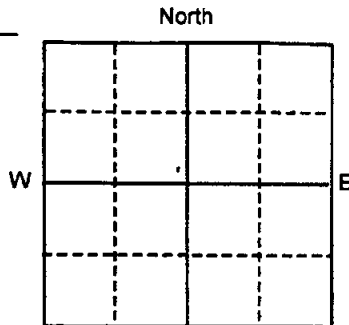
Date report completed: January 6, 2016

7835-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ NW ¼ Sec 33 Twp 92N Rg 51WCounty ClayPlease mark well
location with an "X"

Well Completion Date

07/19/13

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
50.0 ft. from septic (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12.00</u> IN	<u>0.0</u> FT	<u>67.0</u> FT	<u>19.00</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>Bentonite</u>	<u>23</u>	<u>Lb/gal</u>	<u>0.0</u> Ft	<u>65.0</u> Ft
		<u>Lb/gal</u>	<u>0.0</u> Ft	<u>65.0</u> Ft

Describe grouting procedure
tremie piped

SCREEN:

☒ Perforated pipe ☐ Manufactured
 Diameter 12.00 Inches Length 40.0 Feet
Material PVCSlot Size .060 Set From 67.0 Feet to 107.0 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? chlorinated
☐ No, Why Not? _____
Lab to which water
quality sample sent for analysis
owner to obtain _____Well Owner: Paula & William O'Connor

Business Name: _____

Address: 46875 311th StCity, State, Zip: Burbank SD 57010

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	3
Yellow clay	3	11
Fine sand	11	23
Medium sand	23	55
Soft blue clay	55	67
Coarse sand w/clay seams	67	82
Coarse sand	82	87
Medium sand	87	90
continued under remarks		

STATIC WATER LEVEL 26.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: to be determined when pump is installed
☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Fine sand 90-112

Blue clay 112-112

GPS - N 42 44.912

W 96 52.539

RECEIVED

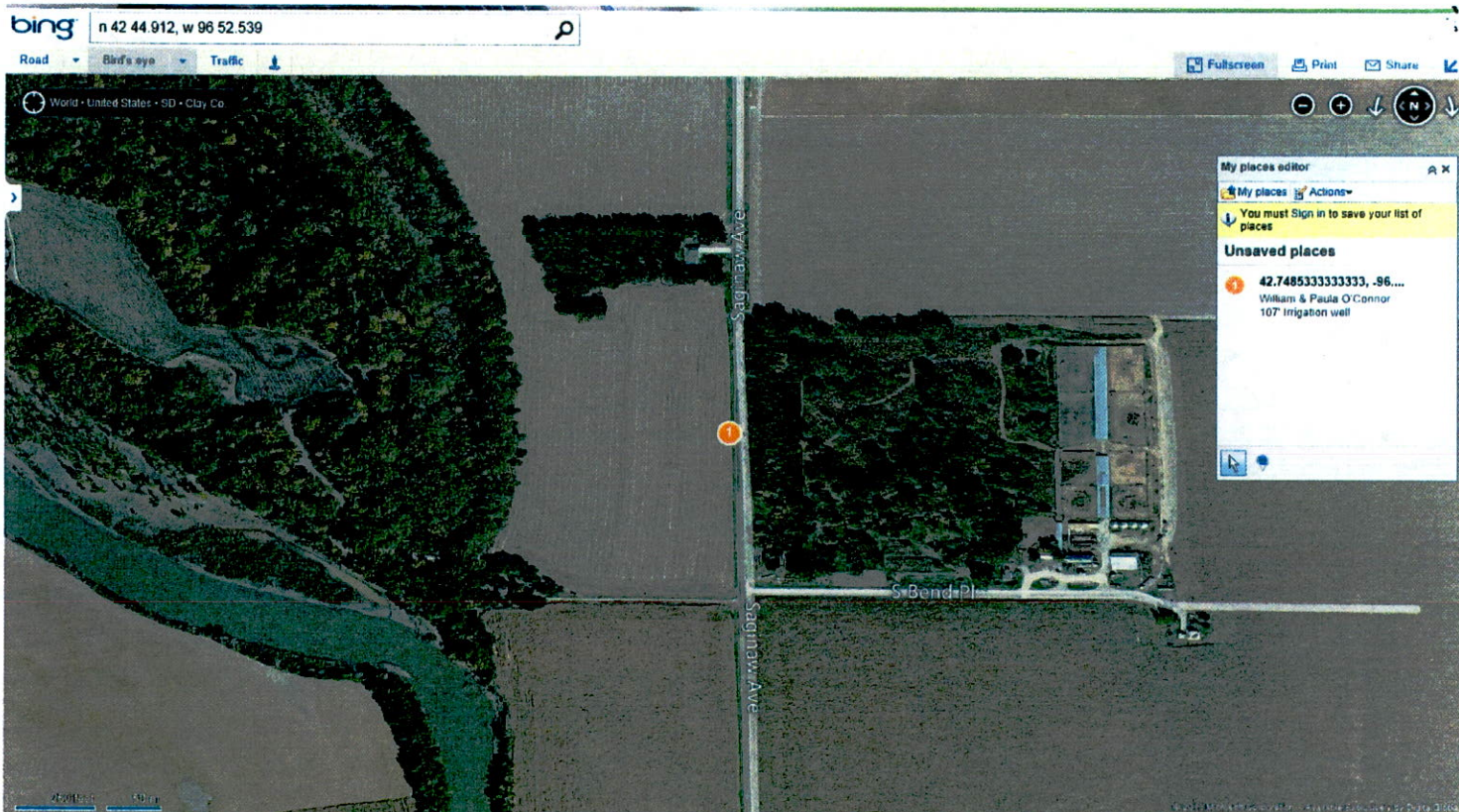
AUG 26 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 475 and this
report is true and accurate.Drilling firm: Thein Well Co., Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

William O'Connor Paula O'Connor
 Date: 8-19-13



RECEIVED
AUG 23 2013
WATER RIGHTS
PROGRAM

7835-3



Harold Holoch
Harold Holoch, PE
Water Rights Inspector
December 10, 2015



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JAN 29 2016

7835-3

Don O'Connor
46874 311th St
Burbank SD 57010

Dear Mr. O'Connor:

Enclosed is Water License No. 7835-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

It is our understanding that you may start applying chemicals or fertilizer through your irrigation system. Enclosed is a copy of Water Management Board rules dealing with chemigation. "Appendix A" shows the minimum requirements for the equipment. If after reading through the rules you have questions concerning placement of the equipment, please contact Ron Duvall with our program at 605 773-3352.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7835-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water 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. 7835-3**

(1) Don O'Connor, 46874 311th St, Burbank SD 57010 made Application No. 7835-3, April 25, 2013 for a water permit to divert 1.78 cubic feet of water per second from ground water – one well (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7835-3, with a priority date of April 25, 2013 was approved July 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 July 8, 2018 and for the application to beneficial use of said water on or before July 8, 2022.

The Permit holder submitted a *"Notice of Completion of Works and Application of Water to Beneficial Use"* on October 11, 2013. The *"Notice"* stated the water use system was completed on August 15, 2013 and the water placed to beneficial use on August 31, 2013.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,680 feet east and 610 feet south of the NW corner of Section 33, T92N, R51W (NE $\frac{1}{4}$ NW $\frac{1}{4}$)

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

T92N, R51W Section 28	SE $\frac{1}{4}$ SW $\frac{1}{4}$	22 acres
T92N, R51W Section 33	NE $\frac{1}{4}$ NW $\frac{1}{4}$	21 acres
	Total	43 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Don O'Connor, 46874 311th St, Burbank SD 57010 the holder and/or owner of Water Right No. 7835-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water – one well (Missouri Elk Point Aquifer) with a priority date of April 25, 2013 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7835-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7835-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. ***The well was drilled in July, 2013 by Thein Well Company Inc. A copy of the well log is on file with the Water Rights Program.***
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

continued

- Pursuant to SDCL 46-5-6 which allows for a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 7835-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of **43** acres with an annual volume not to exceed 2 acre feet of water per acre per year. *(The permit was originally issued for 47 acres. The qualification was changed to reflect the acreage actually developed for irrigation.)*



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

JAN 29 2016

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Water Right No. 7835-3

June 29, 2026

Don O'Connor
46874 311th St
Burbank SD 57010

Mr. O'Connor;

On June 29, a complaint was filed with the DANR-Water Rights Program regarding irrigation overspray from the system located in the SE ¼ SW ¼ Section 28-T92N-R51W onto adjacent private property in the center pivot's southeastern corner, onto private property at 31997 Saginaw Ave, Burbank SD 57010 (see attached photo). This irrigation system is covered by Water Right No. 7835-3.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears roads and by property not owned by the permit holder or authorized for irrigation. Please take immediate steps to ensure the end gun stops are functioning properly so there is not direct overspray onto the adjacent private property.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at adam.mathiowetz@state.sd.us. Thank you for your cooperation.

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
SD DANR-Water Rights Program

Enclosure

Overspray Report

Date Images Provided: June 29, 2026 (screen captures of emailed video)

County: Clay

Water Right/Permit: 7835-3

Reported by: Shane O'Connor, landowner



Map showing overspray location



Screen Capture of video facing northeast showing center pivot and incoming end gun spray



Screen capture showing overspray landing on round bales and private property facing northeast