

WATER PERMIT NO. 7845-3

Name of Applicant: Cleland Hagen Trust

Address: 1300 W Murphy Dr, Sioux Falls SD 57108

Phone: 605 321-1043

Amount of Water Claimed: 1.78 cfs

Total Acres: 152

Source of Water Supply: groundwater (two wells)

Water to be used for: irrigation

County: Lincoln Turner

Type of Waste Disposal System:

Location: 10 miles northwest of Viborg

PRIORITY

Date Received: 5-23-13

Application/License Fee: \$ 1050

Corrected Application Received:

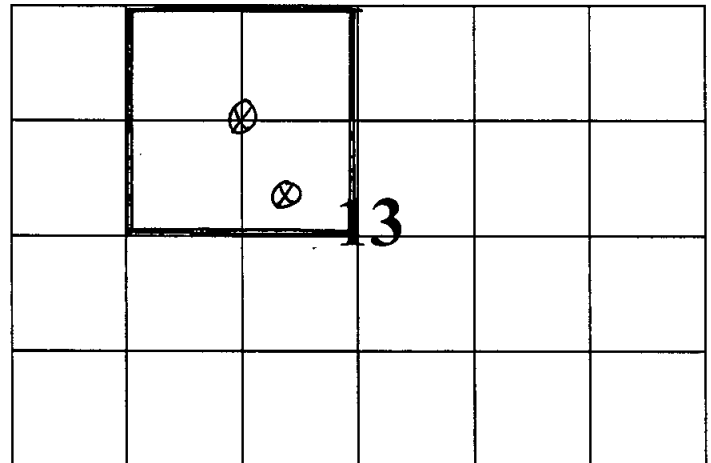
Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: approximate center NW 1/4, SE

1/4 NW 1/4 Sec 13; all in T97N-R52W

Land to be Irrigated: NW 1/4 Sec 13-T97N-R52W



Depth of Well: 33 feet deep

Well Driller: Steffl Well Drilling

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 5-23-13

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

RECEIVED

MAY 23 2013

WATER RIGHTS
PROGRAM

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 7845-3 (office use only)
Hydrologic Unit 10170102
Basin Vermillion River 605-766-7827
Newspaper Village East/Husky Leader Box H
605-331-2200 Centerville 57014
Argus Leader Box 5034 S Falls 57117

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 Cleland Hagen Trust
(check one) ☐ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 1300 W Murphy Dr Sioux Falls SD 57108
(Address) (City) (State) (Zip Code)

Home Phone 605 338 9499 Cell 605 321-1043 Email _____

2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 152
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply 2 wells

4. Location of point of diversion #1 well center of the NW 1/4 Sec 13 97N 52W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

#2 well 400' from the south and 600' from the east side County Turner
NW 1/4 Sec 13 97N 52W

5. County or counties where water will be used Turner

6. Annual period during which water is to be used May 1 - September 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 of the NW 1/4 Sec 13 97N 52W	38		
NW 1/4 of the NW 1/4 Sec 13 97N 52W	38		
SE 1/4 of the NW 1/4 Sec 13 97N 52W	38		
SW 1/4 of the NW 1/4 Sec 13 97N 52W	38		

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

I, Bruce Hagen, 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. 7845-3**

Date of first receipt of application May 23, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7845-3 to Cleland Hagen Trust, 1300 W Murphy Dr, Sioux Falls SD 57108 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. 7845-3 appropriates 1.78 cubic feet of water per second from two wells to be completed into the Parker:Centerville Aquifer (33 feet deep) located in the approximate center of the NW 1/4 and the SE 1/4 NW 1/4 Section 13 for irrigation of 152 acres located in the NW 1/4 Section 13; all in T97N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is May 23, 2013.
4. The date of approval of Permit No. 7845-3 is July 29, 2013.
5. One-fifth of the construction is to be completed on or before January 29, 2016.
6. All construction is to be completed on or before July 29, 2018.
7. Water is to be put to beneficial use on or before July 29, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7845-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

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 2 Have test holes been drilled ☒ Yes ☐ No Drilled by steffl
(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 33 Depth to Top of Water Bearing Material 7 Depth to Water from Surface 7

d) Distance to nearest existing domestic well:

On applicant's property none

On property owned by others 2000 ft

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)

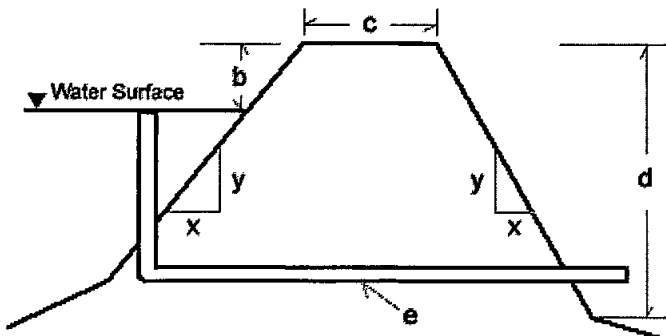
Upstream

Downstream

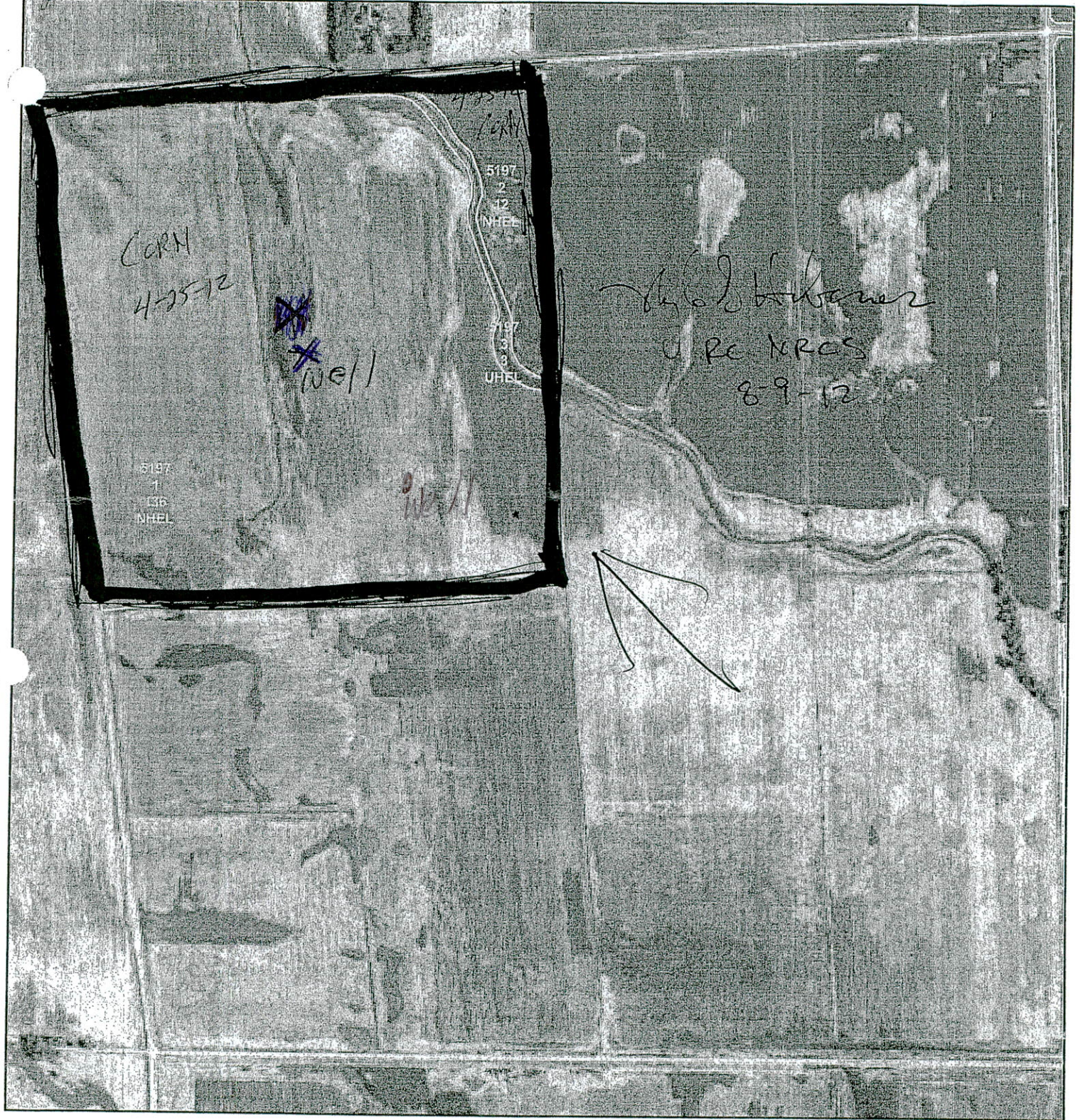
h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



Hagen-Cleland - Meyers South



United States Department of Agriculture
Farm Service Agency

August 30, 2011

Lincoln County, SD

1:8,200

PLSS: 13_97N_52W

Farm: 5972

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MAY 23 2013

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Wetland Determination Identifiers

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

Common Land Units

//// Non Cropland 4-25-12
148.0 CORN
1-1 /

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

August 30, 2011

2010 Ortho-Photography - Not to Scale



United States Department of Agriculture Farm Service Agency



1:8,222

South Dakota
Lincoln County

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Farm Number
5972

Township-Range-Section
97N52W13

Legend

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

CLU Field Boundary
Tract Boundary

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2008 orthorectified imagery for South Dakota. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs.

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

Apr 30, 2009

SD EForm - 1621LD V1

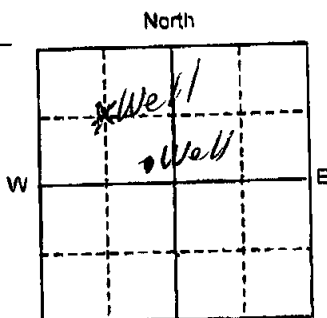
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NW ¼ Sec 13 Twp 97 Rg 52

County Turner

Please mark well location with an "X"



Well Completion Date

October 8, 2012

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	Ft	Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe
 ☐ Manufactured
 Diameter _____ Inches Length _____ Feet
 Material _____
 Slot Size _____ Set From _____ Feet to _____ 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? _____
 ☐ No, Why Not? _____
 Lab to which water quality sample sent for analysis _____

Well Owner: Bruce Hagen

Business Name:

Address: 1300 West Murphy Dr

City, State, Zip: Sioux Falls SD 57108

WELL LOG:

			DEPTH	
	FORMATION		FROM	TO
Top Soil	Blk M		0	1
Clay	Tan M		1	7
Gravel	Bm Coarse		7	12
Gravel	Blu Coarse		12	33
Clay/Gummy Gry	M		33	81
Sand	Blu 12-20 slit		81	94
Sand/Gravel	Blu 40-100slit		94	134
Sand	Blu		134	174
Clay	Gm		174	175

STATIC WATER LEVEL

 If flowing: closed in pressure _____ FEET
 GPM flow _____ through _____ PSI
 Controlled by ☐ Valve ☐ Reducers ☐ Other _____ Inch pipe

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Test Hole #1
South Meyer Site
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 MAY 23 2013
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This well was drilled under license # 463 and this report is true and accurate.

Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

 F10/12/12D
 205 PM MTS

South Dakota Department of Environment and Natural Resources

Date 5/23, 20 13

RECEIVED OF Farmer's Implement (C Hagen Trust) 3023 W Hwy 14 Brookings SD 57006

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

Fee for Application for Permit No. <u>7845-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7845-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. 06349

By J. Anne Harrison
Chief Engineer



FARMERS IMPLEMENT & IRRIGATION

PO BOX 29
BROOKINGS, SD 57006
PH: 605.692.6153
Toll Free: 800.658.5447



RECEIVED

MAY 30 2013

WATER RIGHTS
PROGRAM

INVOICE

SOLD TO
HAGE06 CLELAND HAGEN TRUST
1300W MURPH DRIVE
SIOUX FALLS, SD 57108

SHIP TO

Sold By: DAVID PO #: WATER RIGHTS Date 5/20/13 EQUIPMENT SALE EB01275
Ship By: Tax #: 16:38:52 PRT: 1 Open

Tax	D	Qty	Description	Price	Amount
			GROUP: 01		
			IRR PTS MISC		
00000		1	WATER RIGHTS PERMIT	1050.00	1050.00

Check has been
Paid to Water Right program
attached is a copy of the
application.

PLEASE PAY
FROM THIS INVOICE

TERMS: A finance charge of one and one-half percent (18% per annum) will be applied to invoices that remain unpaid after 30 days. Minimum finance charge of \$2.00.

TAX EXEMPT CERTIFICATION: I hereby certify that select items on this invoice are tax exempt for agricultural use pursuant to South Dakota Statutes.

** SUBTOTAL 1050.00

X Charge Sale

PAY THIS
AMOUNT

\$1050.00

Smart Design. Built Strong. Farm Raised.

The Cleland Trust
By Bruce C. Hagen, Trustee
1300 West Murphy Drive
Sioux Falls, SD 57108

RECEIVED

MAY 30 2013

WATER RIGHTS
PROGRAM

May 25, 2013

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

Dear Sirs:

It has come to my attention that it may be possible to obtain permission to irrigate from a shallow well in Turner County. I therefore wish to apply for a permit to dig a shallow well in Turner County. The property is located in the NW ¼ of Sec 13 97N 52W in Turner Township of Turner County.

Enclosed is a South Dakota Water Well Completion Report showing gravel and water present from seven to 33 feet in depth.

I have recently sent a check for a deep well permit and respectfully request that you use that fee for this well and request that you use that money to complete the application for a shallow well.

Yours very truly,

Bruce C. Hagen, Trustee for the Cleland Trust



**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. 7845-3, Cleland Hagen Trust**

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. 7845-3, Cleland Hagen Trust, c/o Dr. Bruce Hagen, 1300 W Murphy Drive, Sioux Falls SD 57108.

The Chief Engineer is recommending APPROVAL of Application No. 7845-3 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7845-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
July 8, 2013

NOTE: Deferred Application No. 7467-3 for the Upper Vermillion:Missouri Aquifer proposes to irrigate the same land proposed by this application. After the study is completed on the Upper Vermillion:Missouri Aquifer, Application No. 7467-3 will be brought back before the Water Management Board. If approved, it will be qualified such that combination of diversions may not exceed one cubic feet of water per second for each 70 acres or more than two feet of water per acre.

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7845-3
CLELAND HAGEN TRUST
C/O BRUCE HAGEN
JULY 08, 2013

Water Permit Application No. 7845-3 proposes to appropriate water at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from two wells approximately 33 feet deep. The wells are to be located in the approximate center of the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13 for irrigation of 152 acres located in the NW $\frac{1}{4}$ Section 13, all in T97N-R52W in Turner County. The Cleland Hagen Trust has a deferred application, Application No. 7467-3, for the Upper Vermillion Missouri aquifer that proposes to irrigate the same acreage as this application. Combinations of diversions authorized by Application No. 7467-3 and this application, if approved, may not exceed the equivalent of one cfs for each 70 acres irrigated or more than two feet of water per acre.

AQUIFER: Parker-Centerville aquifer (PAC)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Parker-Centerville is a surficial outwash consisting of fine sand to coarse gravel and is unconfined in the area of the proposed well site. The aquifer underlies portions of Turner (47,360 acres), Lincoln (16,000 acres), and Clay (3,700) Counties (Hedges et. al., 1982; Lindgren and Hansen, 1990; Niehus, 1997). The aquifer can generally be encountered within 50 feet of ground surface. The water level in the aquifer can be encountered from ground surface to 30 feet below grade but is generally from 10 to 20 feet below grade (Water Rights, 2013a). The test hole log submitted with this application identified gravel from seven to 33 feet below grade. The test hole log also identified sand and gravel from 81 to 174 feet below ground surface. The deeper sand and gravel is the Upper Vermillion Missouri aquifer and the shallower is the Parker-Centerville aquifer. The applicant intends to complete two wells into the Parker-Centerville aquifer.

The Parker-Centerville aquifer is hydraulically connected to the Vermillion East Fork and Vermillion West Fork aquifers in north-central Turner County and in places to the underlying Upper Vermillion Missouri aquifer (Lindgren and Hansen, 1990). The aquifer is also hydraulically connected to the West and East Fork of the Vermillion River (Lindgren and Hansen, 1990). The Parker-Centerville aquifer blends into the Lower Vermillion Missouri aquifer approximately 12 miles south of the proposed well sites. Generally, the ground water movement in the aquifer is from the north to the south.

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 and existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Parker-Centerville aquifer. If this application is approved, the actual water use will likely be less than 304 acre-feet per year (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 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:

Recharge:

Recharge to the Parker-Centerville aquifer occurs due to infiltration of precipitation in areas where the aquifer is at or near land surface. Hedges and others (1985) estimated the recharge rate of this aquifer to be 4.9 inches per year (in/yr). Table 1 shows the recharge, in ac-ft/yr, based on the area of the aquifer.

County	Clay	Lincoln	Turner	Total
Area (ac)	3700	16000	74360	94060
Recharge (ac-ft/yr)	1510.8	6533.3	30363.7	38407.8

Table 1- Recharge to the Parker-Centerville aquifer (Hedges et.al, 1982; Lindgren and Hansen, 1990; Niehus, 1997)

Discharge:

Discharge from the Parker-Centerville aquifer occurs due to evapotranspiration in areas where the aquifer is near land surface, outflow to the Vermillion River, groundwater outflow to the Lower Vermillion Missouri aquifer and well withdrawals from municipal and irrigation use. Currently there are 136 water rights/permits appropriating from this aquifer and a number of pending water permits (Water Rights, 2013b). Only two permits are for non-irrigation purposes. Water Right Nos. 517A-3 and 517B-3 City of Hurley. Hurley is connected to TM Rural Water (Friedeman, 2013).

The amount of water that can be expected to be withdrawn by the non-irrigation use water rights/permits can be estimated by assuming water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate at 60 percent of the time. Therefore, the total annual withdrawal from the Parker-Centerville aquifer by non-irrigation use, if Hurley were to use their water rights, is expected to be less than 339 ac-ft/yr; all of which is withdrawn in Turner County (Water Rights, 2013b).

There are a number of well completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Parker-Centerville aquifer (Water Rights,

2013c). The annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer.

The irrigation development of the Parker-Centerville aquifer 1979 to 2011 has remained at the same general level. However, the number of permits and the total appropriation for irrigation increased during 2012. For irrigation use from this aquifer, there are currently 122 water rights/permits in Turner County, 14 water rights/permits in Clay County, and no water rights/permits in Lincoln County (Water Rights, 1979-2012). The historic irrigation water use from the Parker-Centerville aquifer as reported to the SD DENR-Water Rights Program through annual irrigation questionnaires is shown table 2.

Year	No. of Permits Reporting	Appropriation (ac-ft/yr)	Pumpage (ac-ft/yr)
2011	123	43376.18	11315.29
2010	123	43376.18	391.54
2009	125	43828.18	7259.88
2008	123	43717.5	13223.74
2007	120	43342.3	11995.27
2006	121	43666.3	15303.9
2005	119	43051.3	13450.04
2004	117	43064.3	14668.26
2003	116	43040.3	12473.27
2002	114	42828.3	13989.85
2001	113	42890.3	12356.4
2000	112	42596.3	13101.48
1999	112	42569.3	11118.75
1998	109	42062.5	10200.86
1997	110	41999.5	11525
1996	107	41363.5	10930.35
1995	109	43245.5	8933.39
1994	108	43005.5	10214.36
1993	111	43781.8	1918.5
1992	111	45356.8	3909.4
1991	110	45435.8	11186.3
1990	110	45435.8	12200.5
1989	110	46476.8	13958.8
1988	108	46488.8	13558.25
1987	111	47892.8	8619.9
1986	113	48252.8	6120
1985	112	47722.8	6514.5
1984	111	47712.8	5152
1983	110	47480.8	5523.29
1982	111	48320.8	6493.92
1981	121	49051	9321
1980	110	46189	7675
1979	114	45949	7481
Min	107	41363.5	391.54
Max	125	49051	15303.9
Avg	113.76	44683.96	9760.12

Table 2- Historic irrigation water use from the Parker-Centerville aquifer (Water Rights, 1979-2012)

Hydrologic Budget:

The average annual withdrawal from the Parker-Centerville aquifer is estimated to be less than the estimated annual recharge, both in total and by county. Therefore, there is a reasonable

probability that unappropriated water is available from the Parker-Centerville aquifer for this proposed appropriation.

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 23 observation wells in the Parker-Centerville aquifer. The nearest observation wells are TU-78A and LN-78A, approximately 0.6 miles southwest and 0.9 miles southeast of the proposed well sites, respectively (Water Rights, 2013a)

In general, the observation well data shows that water levels have remained fairly stable over the period of record. The observation well data does document cyclic conditions of water levels, recharging during wet years and declining during dry years. This data documents that, at the current level of development, temporal well withdrawal is masked by climatic conditions. Therefore, recharge to and natural discharge from the Parker-Centerville aquifer significantly exceeds pumping, indicating that unappropriated water is available from the aquifer to support this proposed appropriation.

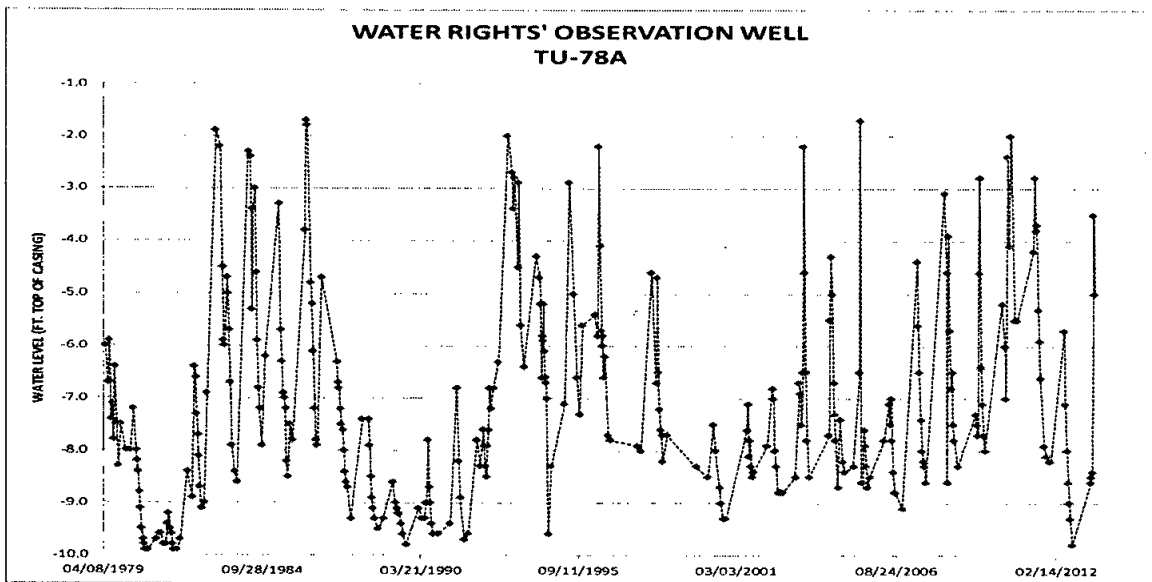


Figure 1- Hydrograph for observation well TU-78A (Water Rights, 2013a)

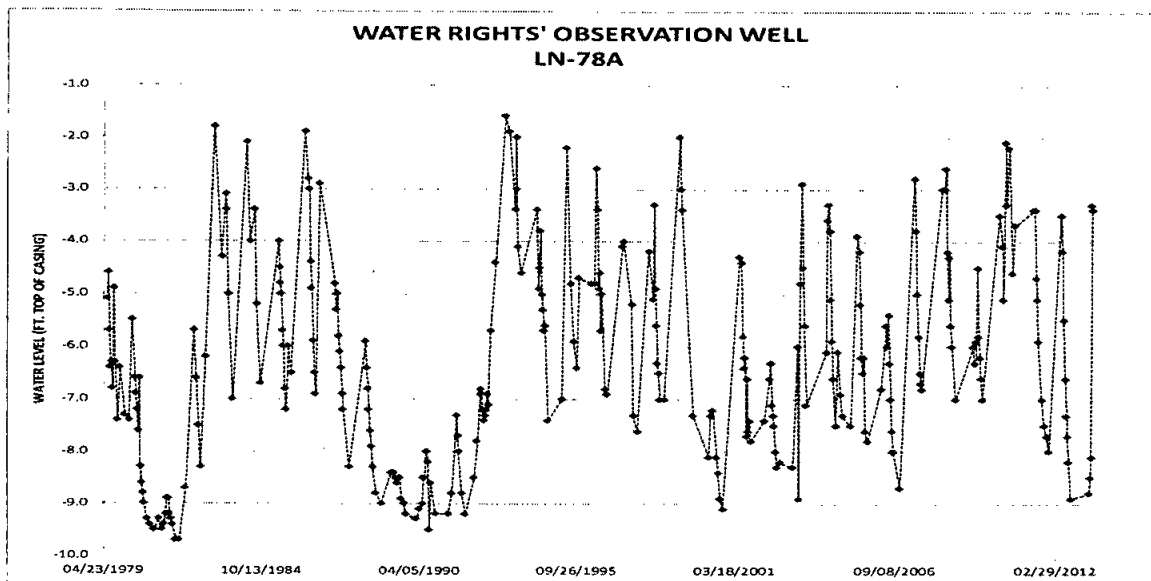


Figure 2- Hydrograph for observation well LN-78A (Water Rights, 2013a)

EXISTING WATER RIGHTS:

There are seven water rights/permits appropriating water from the Parker-Centerville aquifer within approximately two miles of the proposed well sites (Water Rights, 2013b). The nearest well authorized by an appropriative right, Water Right No. 1388-3, is approximately 0.4 miles west of the proposed well sites. There are a number of domestic wells on file with the SD DENR-Water Rights Program within two miles of the proposed well sites. The nearest domestic well on file with SD DENR-Water Rights Program completed into the Parker-Centerville aquifer is approximately one mile northwest of the proposed well sites (Water Rights, 2013c).

Permit No.	Name	Status	Type	CFS	Acres
1388-3	John L. Vasgaard	LC	IRR	2.02	142
2220-3	Eldon Smit	LC	IRR	1.11	80
2499-3	Russell C. Erickson	LC	IRR	1.11	140
2981-3	John L. Vasgaard Jr.	LC	IRR	4	460
387-3	Richard Vasgaard	LC	IRR	2	140
6309-3	Alan W. Shade	LC	IRR	1.33	49
6969-3	Roger Blake	PE	IRR	1.78	77
LC= Water Right, PE= Water Permit, IRR= Irrigation					

Table 3- Water Rights within approximately two miles of the proposed well site (Water Rights, 2013b)

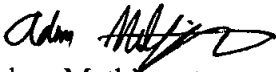
To place water to maximum beneficial use, a certain amount of drawdown will occur. The water table conditions of the aquifer in this area dictate that drawdown due to pumping would not be significant far from the proposed well site. Drawdown cannot be precisely quantified without aquifer testing in the area.

While the withdrawals would not exceed recharge of the aquifer as a whole, this cumulative impact of withdrawals could lead to a reduction of water levels to the extent that local water rights/permits can no longer pump at their developed, or "historically established," diversion rates. This may be considered an adverse impact. If approved, the water permit should include a

qualification that the well owner should control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

CONCLUSIONS:

1. The application proposes to appropriate water at a maximum diversion rate of 1.78 cfs from the Parker-Centerville aquifer for the irrigation of 152 acres.
2. From the hydrologic budget and the observation well data, there is a reasonable probability that unappropriated water is available from the Parker-Centerville aquifer to supply this proposed appropriation.
3. There is a reasonable probability this proposed diversion will not adversely impact existing appropriative or domestic users.
4. The combined diversions of this application and Deferred Application No. 7467-3, if both are approved, may not exceed the equivalent of one cfs for each 70 acres irrigated or more than two feet of water per acre.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Friedeman, B. Personal Communication. SD DENR- Drinking Water Program. 27 March, 2013
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, South Dakota.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 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.
- Lindgren, R.J., and Hansen, D.S. 1990. Water Resources of Hutchinson and Turner Counties, South Dakota. Water-Resources Investigations Report 90-4093, United State Geological Survey, Huron, South Dakota.
- Niehus, C.A., 1994. Water Resources of Lincoln and Union Counties, South Dakota. Water Resources Investigations Report 93-44195, United State Geological Survey, Rapid City, South Dakota.
- Water Rights. 1979-2012. "Annual Irrigation Summary by 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.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF TURNER)

Allyson M. Hill, being first duly sworn, on oath says the VIBORG ENTERPRISE is a WEEKLY newspaper published in VIBORG in said county of TURNER, State of South Dakota; and that she is authorized to and does make this affidavit on behalf of said VIBORG ENTERPRISE; that affiant has personal knowledge of all facts stated in this affidavit; that said newspaper is a legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4 inclusive as amended, has a bona fide circulation of at least two hundred copies WEEKLY, has been published in the English language within said county and has been admitted to the United States mail under the second class mailing privilege, for at least one year continuously next prior to the publication of the notice herein mentioned and was and is printed wholly or in part in an office maintained at said place of publication; that said notice, a printed copy of which taken from the paper in which the same was published is hereto attached and is made 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 18 day of July, 2013,

and that the succeeding publications were severally

on Thursday, the ___ day of _____, 2013;

on Thursday, the ___ day of _____, 2013;

on Thursday, the ___ day of _____, 2013;

on 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 charged for the publication thereof are:

DOLLARS (\$ 20.00)

(x) Allyson M. Hill Allyson M. Hill

Subscribed and sworn to before me this 31 day of

July, 2013

Notary Public

My commission expires 11/14/2018.

SHANE H



NOTARY PUBLIC
SOUTH DAKOTA

Appropriate Water

Notice is given that Cleland Hagen Trust, c/o Bruce Hagen, 1300 W Murphy Dr. Sioux Falls SD 57108 has filed an application to appropriate 1.78 cubic feet of water per second from two wells to be completed into the Parker-Centerville Aquifer (33 feet deep) located in the approximate center of the NW 1/4 and the SE 1/4 NW 1/4 Section 13 for irrigation of 152 acres located in the NW 1/4 Section 13, all in T97N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7845-3 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 29, 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 \$20.80.

CUSTOMER NUMBER:	078200	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349	
AD ORDER NUMBER:	1420398		
	7/18, 2013		\$63.02pd

Cleland Hagen Trust
% Bruce hagen
1300 W Murphy Dr
Sioux Falls, SD 57108

RECEIVED
JUL 22 2013
WATER RIGHTS
PROGRAM

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078200
Invoice Number: 1420398

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

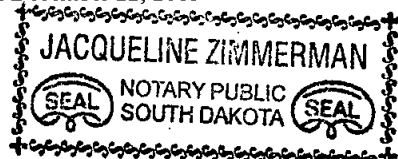
Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of 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 18 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 \$63.02pd was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 7/18/2013

J. Zimmerman
Notary Public, South Dakota
My Commission expires December 22, 2015



NOTICE OF APPLICATION
NO. 7845-3 to Appropriate Water

Notice is given that Cleland Hagen Trust, c/o Bruce Hagen, 1300 W Murphy Dr, Sioux Falls SD 57108 has filed an application to appropriate 1.78 cubic feet of water per second from two wells to be completed into the Parker Centerville Aquifer (33 feet deep) located in the approximate center of the NW 1/4 and the SE 1/4 NW 1/4 Section 13 for irrigation of 152 acres located in the NW 1/4 Section 13; all in T97N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7845-3 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 29, 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 \$63.02.
1420398 Jul. 18, 2013



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 9, 2013

Viborg Enterprise/Hurley Leader
PO Box H
Centerville SD 57014

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7845-3 to Appropriate Water. Please publish the notice once on July 18, 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 Cleland Hagen Trust, c/o Bruce Hagen, 1300 W Murphy Dr, Sioux Falls SD 57108 (Ph # 605-338-9499).

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

July 9, 2013

Argus Leader
PO Box 5034
Sioux Falls SD 57117

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7845-3 to Appropriate Water. Please publish the notice once on July 18, 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 Cleland Hagen Trust, c/o Bruce Hagen, 1300 W Murphy Dr, Sioux Falls SD 57108 (Ph # 605-338-9499).

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.**

July 9, 2013

Cleland Hagen Trust
Bruce Hagen
1300 W Murphy Dr
Sioux Falls SD 57108

Dear Dr. Hagen:

Water Permit Application No. 7845-3 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 Argus Leader printed at Sioux Falls SD (Ph # 605-331-2200) and the Viborg Enterprise/Hurley Leader printed at Centerville SD (Ph # 605-766-7827). 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

c: Dave Gullickson , Farmer's Implement, 3023 US Hwy 14 Byp, Brookings SD 57006

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 July 18, 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. 7845-3 to Appropriate Water

Notice is given that Cleland Hagen Trust, c/o Bruce Hagen, 1300 W Murphy Dr. Sioux Falls SD 57108 has filed an application to appropriate 1.78 cubic feet of water per second from two wells to be completed into the Parker:Centerville Aquifer (33 feet deep) located in the approximate center of the NW 1/4 and the SE 1/4 NW 1/4 Section 13 for irrigation of 152 acres located in the NW 1/4 Section 13; all in T97N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7845-3 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 29, 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

Cleland Hagen Trust
Dr Bruce Hagen
1300 W Murphy Dr
Sioux Falls SD 57108

Dear Dr. Hagen:

Enclosed is Water Permit No. 7845-3 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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: CLELAND HAGEN TRUST, BRUCE HAGEN, TRUSTEE, 1300 W MURPHY DR, SIOUX FALLS, SD 57108

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7467-3, 7468-3 & 7845-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 7467-3, 7468-3 & 7845-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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) 7467-3, 7468-3 & 7845-3 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 3, 2021** 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://denr.sd.gov/iq> using this password: AEFYVF**

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.

7845-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2021

7467-3

7468-3

7845-3

Bruce Hagen
Cleland Hagen Trust
1300 W Murphy Dr
Sioux Falls SD 57108

Dear Mr. Hagen:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires. John Baumiller submitted the forms on-line for you.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Permit Nos. 7467-3, 7468-3 & 7845-3. 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,

A handwritten signature in blue ink, reading "Genny McMath".

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



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

January 14, 2025

NOTICE

TO: JOHN BAUMILLER, MANAGER, PO BOX 107, CHANCELLOR, SD 57015

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7466-3, 7467-3, 7468-3, 7558-3 & 7845-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 7466-3, 7467-3, 7468-3, 7558-3 & 7845-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 7466-3, 7467-3, 7468-3, 7558-3 & 7845-3 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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: OBISLS**

cc: BETHEL & CLELAND HAGEN TRUSTS, 1300 W MURPHY DR, SIOUX FALLS SD 57108

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 6, 2025

7466-3, 7467-3, 7468-3
7558-3 & 7845-3

John Baumiller
PO Box 107
Chancellor SD 57015

Dear Mr. Baumiller:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 7466-3, 7467-3, 7468-3, 7558-3 & 7845-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



7466-3 7467-3
7468-3 7558-3
7845-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: JOHN BAUMILLER, MANAGER, PO BOX 107, CHANCELLOR, SD 57015
FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7466-3, 7467-3, 7468-3, 7558-3 & 7845-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 7466-3, 7467-3, 7468-3, 7558-3 & 7845-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 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) 7466-3, 7467-3, 7468-3, 7558-3 & 7845-3 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 4, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QJMKFK**

BETHEL HAGEN TRUST, 1300 W MURPHY DR, SIOUX FALLS SD 57108

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 29th, 2026

Manager
John Baumiller
PO Box 107
Chancellor, SD 57015

7467-3
7845-3
7468-3
7466-3
7558-3

Dear Mr. Baumiller,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us