

WATER PERMIT NO. 7856-3

Name of Applicant: Steve & Mike Allard

Address: 33073 477th Ave, Elk Point SD 57025 Phone: 712 490-2943

Amount of Water Claimed: 1.78 cfs Total Acres: 129.3

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 3 miles south of Elk Point

PRIORITY Date Received: 7-1-13

Application/License Fee: \$ 1050

Corrected Application Received: 7-8-13

Period of Annual Use: Mar 1 – Oct 31

Remarks:

Diversion Point: NE 1/4 SE 1/4 Sec 12-T90N-
R50W

Land to be Irrigated: SE 1/4 , S 1/2 NE 1/4 Sec 12-
T90N-R50W

Depth of Well: 120 feet deep

Well Driller:

Remarks:

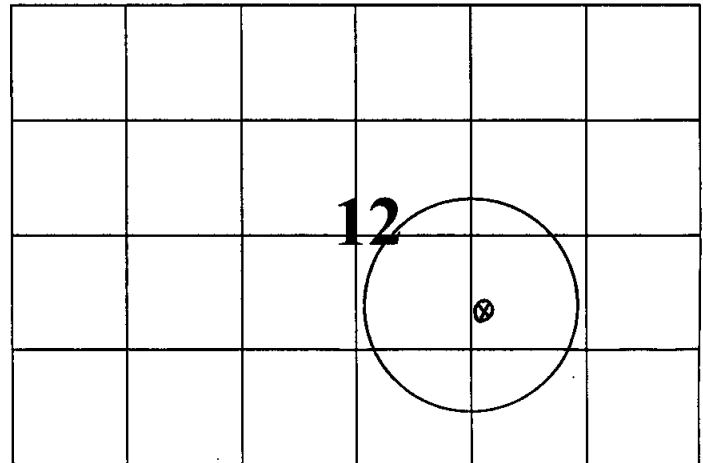
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 7-8-13

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>7856-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u> <u>605-356-2632</u>
	Newspaper <u>Leader-Courier Box 310 Elk Point 57025</u> <u>605-665-7811</u>
	<u>Press + Debate 319 Walnut Yankton 57078</u>

RECEIVED

JUL - 1 2013

WATER RIGHTS
PROGRAM
UNITS
BOOKING

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 Steve Allard Mike Allard
 (check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
 (name and complete address if different than above name)

Mailing Address 33073 477 Ave Elk Point SD 57025
 (Address) (City) (State) (Zip Code)

Home Phone 356 2064 Cell 712 490 2943 Email _____

2. Amount of water claimed 1.78*CFS or 800 **GPM ***AF Total Acreage 129.3
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Sand & Gravel

4. Location of point of diversion NE 1/4 SE 1/4 Sec 12 - T90N - R50W
 (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County UNION

5. County or counties where water will be used Union

6. Annual period during which water is to be used March 1 - Oct. 31

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

Land Description	Acres	Land Description	Acres
NE 1/4 of SE 1/4 12-90-50W	37.92	SW 1/4 of NE 1/4 12-90-50W	12.81
SE 1/4 of SE 1/4 12-90-50W	13.44	SE 1/4 of NE 1/4 12-90-50W	12.2
SW 1/4 of SE 1/4 12-90-50W	14.33		
NW 1/4 of SE 1/4 12-90-50W	38.53		129.3

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

I, Mike Allard, 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. 7856-3

Date of first receipt of application July 1, 2013.

Date of return to applicant for corrections, amendments or changes July 2, 2013.

Date of receipt of corrected application July 8, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7856-3 to Steve and Mike Allard, 33073 477th Ave, Elk Point SD 57025 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. 7856-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the NE 1/4 SE 1/4 Section 12 for irrigation of 129.3 acres located in the SE 1/4, S 1/2 NE 1/4 Section 12; all in T90N-R50W.
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: March 1 – October 31.
3. The date from which applicant may claim right is July 1, 2013.
4. The date of approval of Permit No. 7856-3 is September 9, 2013.
5. One-fifth of the construction is to be completed on or before March 9, 2016.
6. All construction is to be completed on or before September 9, 2018.
7. Water is to be put to beneficial use on or before September 9, 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. 7856-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

SEP 27 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 120 Depth to Top of Water Bearing Material 70ft. Depth to Water from Surface 22'

d) Distance to nearest existing domestic well:

On applicant's property X 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)

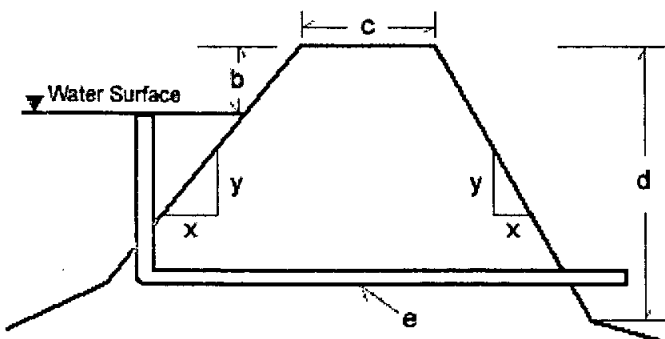
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





25.26

26.14

13.44

14.33

37.92

129.70

38.53

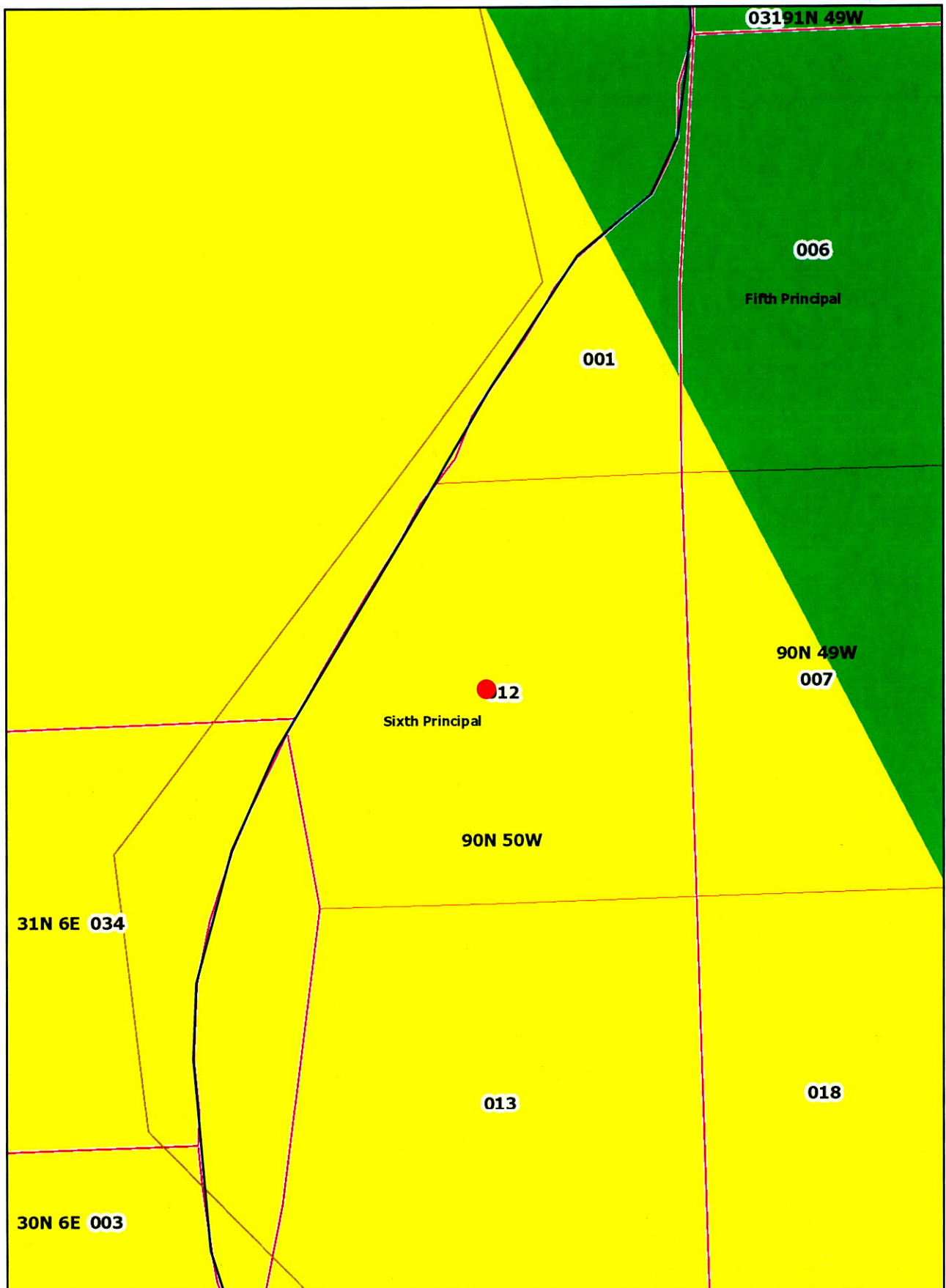
8.28

12.2

12.81

9.55

12-90-50W
SECTION



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/1/13, 20__

RECEIVED OF Steve Allard 33071 477th Ave Elk Point SD 57025

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

Fee for Application for Permit No. <u>7856-3</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>7856-3</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. **06364**

By Jessie Holman
Chief Engineer



RECEIVED
JUL - 8 2013
WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 2, 2013

Steve & Mike Allard
33073 477 Ave
Elk Point SD 57025

Dear Sirs:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Union County. In order to complete the application, the following is required.

- Enclosed is the aerial photo map submitted with the application. Please mark the proposed well location with an "X".

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



**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. 7856-3, Steve Allard and Mike Allard**

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. 7856-3, Steve Allard and Mike Allard, 33073 477th Avenue, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7856-3 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. 7856-3 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
August 23, 2013

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 7856-3

STEVE ALLARD AND MIKE ALLARD

July 19, 2013

Water Permit Application No. 7856-3 proposes to divert groundwater at a maximum rate of 1.78 cubic feet per second (cfs) from a single well to be completed into the Elk Point management unit of the Missouri aquifer. The well is expected to reach a depth of approximately 120 feet and will be located approximately 2,000 feet north and 1,000 feet west of the SE corner of Sec 12, T90N R50W. The water will be used to irrigate 129.3 acres including the SE ¼, SW ¼ NE ¼, SE ¼ NE ¼ of Sec 12, T90N R50W in Union County.

AQUIFER: Elk Point management units 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 a range of grades from fine sand to coarse gravel (Niehus, 1994; Stephens, 1967). The Missouri: Elk Point aquifer is located in southeastern South Dakota under Yankton, Clay, and Union Counties and is estimated to have an area of 210,100 acres and contain 3,287,100 acre-feet (ac-ft) of recoverable water in storage (Hedges et al., 1982). The aquifer has connections to the Lower Vermillion Missouri and the Lower James Missouri aquifers to the north, in places overlies the Dakota aquifer, and is hydraulically connected to the Vermillion, Big Sioux, and Missouri Rivers (Stephens, 1967).

The proposed well is located approximately 2,000 feet southeast of the Missouri River. The Missouri: Elk Point aquifer could be confined locally but the aquifer is normally unconfined and the water levels within the aquifer are consistent with the water table in the area. Due to the close proximity of the well site to the Missouri River, much of the water pumped will likely be recharged by flow from the river (Stonesifer, In Progress).

SDCL 46-2A-9:

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued 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 the existing rights and that the proposed use is beneficial and in the public interest. This report will address the availability of unappropriated water in the aquifer and the potential for this permit to impair existing rights.

WATER AVAILABILITY:

The probability of unappropriated water being available in an aquifer can be evaluated by considering SDCL 46-6-3.1, which stipulates "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probably 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 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. In this instance, a public water system is not involved and the aquifer is not older or lower than the Greenhorn Formation. Therefore, the issue of recharge/withdrawal must be addressed.

HYDROLOGIC BUDGET:

The hydrologic budget of the Missouri: Elk Point aquifer was evaluated for groundwater appropriations as of Jun 10, 2013. Water rights, permits, and future use are expected to use 80,108 ac-ft/year. This estimate includes expected use of new irrigation water permits. Recharge to the aquifer is estimated to be at least 91,964 ac-ft/year, which considers induced recharge. It follows that approximately 10,856 ac-ft/year of unappropriated water is currently available for use (Stonesifer, In Progress). Since June 10, 2013, no complete applications have been submitted for appropriation of water from the Missouri: Elk Point aquifer (Water Rights, 2013b).

OBSERVATION WELL DATA:

Administrative Rule of South Dakota Section 74:02:05:07 requires “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 closest of these wells, UN-78B, is located approximately 1.5 miles southwest of the proposed well site and is situated at a similar distance from the Missouri River.

Comparison of historic water levels in observation well UN-78B and historic water levels in the nearby Missouri River (Figure 1, United States Geologic Survey, 2013; Water Rights, 2013a) show a strong relationship between ground water levels in the Missouri: Elk Point aquifer and water levels in the Missouri River itself.

The close relationship between water levels in the river and the aquifer indicate that recharge of the aquifer by the river and discharge in the river from the aquifer eclipse any effects that pumping has on water levels within the Missouri: Elk Point aquifer. Consequently, climatic and pumping effects are not seen to affect the aquifer directly. The recent decline in water levels in the aquifer with the exception of the flood event in 2011, have largely been attributed to control mechanisms along the Missouri River, specifically the Gavins Point Dam (Stephens, 1967) and removal of sediment in the river channel through entrenching (Goodman, 2007).

Given the recharge of the aquifer by the Missouri River, and the strong connection between the water levels in the river and those in the aquifer, unappropriated water is available from the Missouri: Elk Point aquifer.

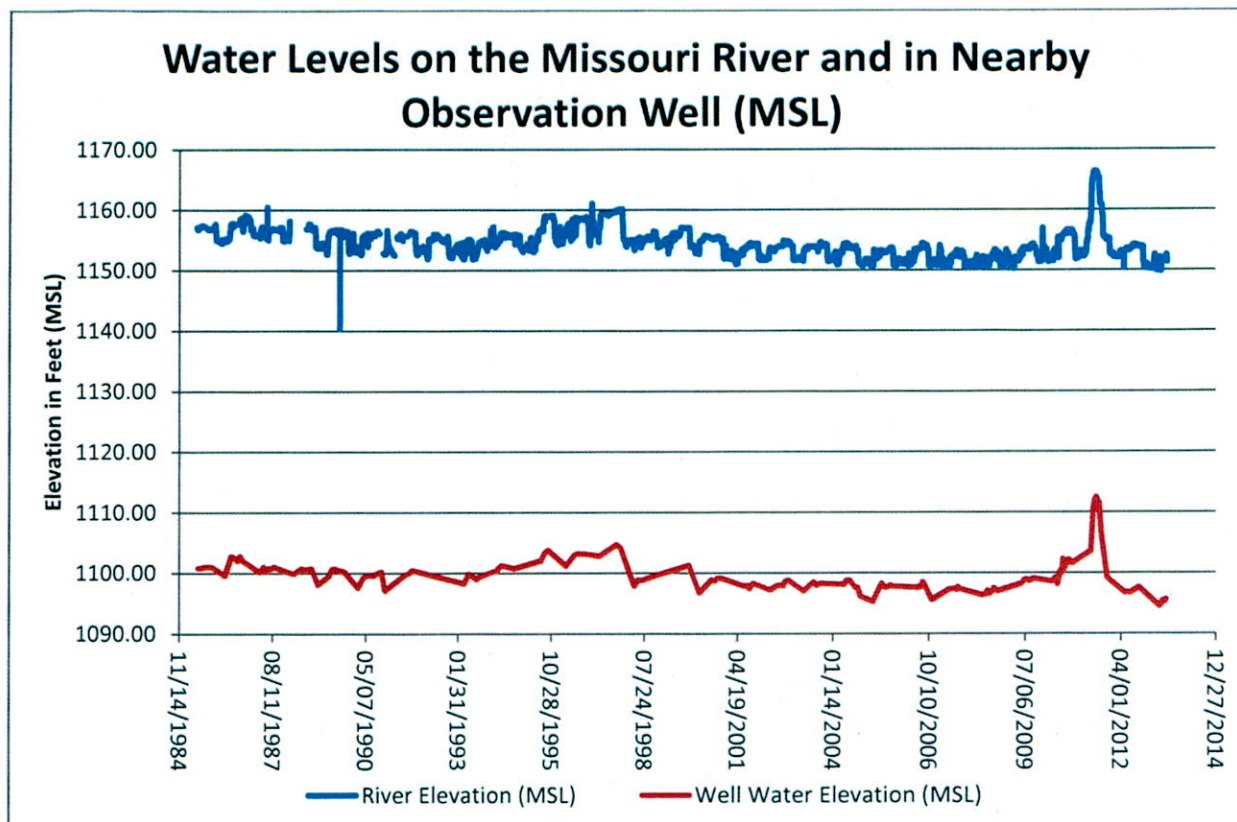


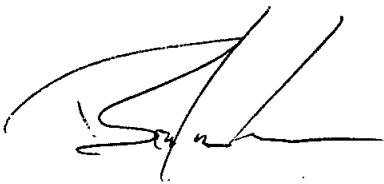
Figure 1: Historic water levels above mean sea level (MSL) in Observation Well UN-78B (Water Rights, 2013a) and historic Missouri River water levels at Yankton, SD, Gage 06467500 (USGS, 2013).

EXISTING WATER RIGHTS:

The proposed well associated with Permit No. 7856-3 will be located near two other wells completed into the Missouri: Elk Point aquifer. The nearest well (Water Right No. 4598-3) is located approximately 0.65 miles to the south and is being used for irrigation. The second (Water Right No. 6504-3) is also being used for irrigation and is located 0.75 miles to the northeast (Water Rights 2013b). Given the aquifer characteristics and the distance from the proposed well, nearby adequate wells as defined by ARSD 74:02:20(7) are not expected to be adversely or unlawfully impaired. Similarly, nearby domestic wells are not expected to be affected by the pumping of the proposed well.

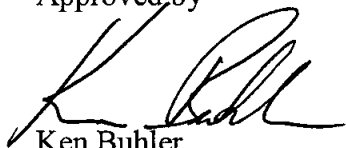
CONCLUSIONS:

- 1) The water permit application proposes to withdraw groundwater from the Missouri: Elk Point aquifer at a rate of 1.78 cfs from a single well for the purpose of irrigating 129.3 acres.
- 2) Unappropriated water is available from the Missouri: Elk Point aquifer for the above purposes.
- 3) This proposed diversion will not adversely or unlawfully impair nearby existing adequate wells.



Bracken Capen
Natural Resources Engineer
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.

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota: U.S. Geological Survey Water Resources Investigations Report 93-4195, 57 p.

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

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

United States Geologic Survey. 2013. National Water Information System.

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.

AFFIDAVIT OF PUBLICATION

RECEIVED

SEP 03 2013

WATER RIGHTS
PROGRAM

State of South Dakota)
:ss
County of Union)

Kelly Kruihoff,

an employee of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 7856-3

To Appropriate Water

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 29 day of August, 2013

and that the succeeding publications were

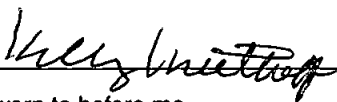
on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 23.18, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or 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 other person whomsoever.


Subscribed and sworn to before me

this 29 day of August, 2013

My commission expires 6-21-17

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA



Notary Public

NOTICE OF APPLICATION NO. 7856-3 TO APPROPRIATE WATER

Notice is given that Steve & Mike Allard, 33073 477th Ave, Elk Point SD 57025 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 (120 feet deep) located in the NE 1/4 SE 1/4 Section 12 for irrigation of 129.3 acres located in the SE 1/4, S 1/2 NE 1/4 Section 12; all in T90N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7856-3 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 September 9, 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.
Publish August 29, 2013
Published once at the total
approximate cost of \$23.18
35-11-77

RECEIVED

SEP 03 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

8+29

NOTICE OF APPLICATION
NO. 7856-3 to Appropriate Water

Notice is given that Steve & Mike Allard, 33073 477th Ave, Elk Point SD 57025 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 Point Aquifer (120 feet deep) located in the NE 1/4 SE 1/4 Section 12 for irrigation of 129.3 acres located in the SE 1/4, S 1/2 NE 1/4 Section 12; all in T90N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7856-3 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 September 9, 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 \$25.82.

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. 7856-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 29th DAY OF August 2013 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$25.82 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: 8/29/2013

FILED ON: 8/29/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF August

2013

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 23, 2013

Leader-Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7856-3 to Appropriate Water. Please publish the notice once on August 29, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Steve & Mike Allard, 33073 477th Ave, Elk Point SD 57025 (Ph # 605-356-2064).

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

August 23, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7856-3 to Appropriate Water. Please publish the notice once on August 29, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Steve & Mike Allard, 33073 477th Ave, Elk Point SD 57025 (Ph # 605-356-2064).

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.**

August 23, 2013

Steve & Mike Allard
33073 477th Ave
Elk Point SD 57025

Dear Sirs:

Water Permit Application No. 7856-3 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 Leader-Courier printed at Elk Point SD (Ph # 605-356-2632) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
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 August 29, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7856-3 to Appropriate Water

Notice is given that Steve & Mike Allard, 33073 477th Ave, Elk Point SD 57025 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 ~~Point~~ Aquifer (120 feet deep) located in the NE 1/4 SE 1/4 Section 12 for irrigation of 129.3 acres located in the SE 1/4, S 1/2 NE 1/4 Section 12; all in T90N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7856-3 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 September 9, 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

SEP 27 2013

Steve & Mike Allard
33073 477th Ave
Elk Point SD 57025

Dear Sirs:

Enclosed is Water Permit No. 7856-3 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

7856-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 5, 2018

Mike & Steve Allard
33075 477th Ave
Elk Point SD 57025

RE: Address changes for Water Permit/Right Nos. 5369-3, 5992-3, 6047-3, 7011-3 & 7856-3

Dear Sirs:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaires for the above referenced water permit and water rights.

The notice was originally mailed to 33073 477th Ave, Elk Point. The post office notified us that your address has changed and I will update our records accordingly.

One thing to note, Water Right No. 5369-3 is still listed as owned by Alfred Allard with you as the manager. Please let me know if this should be transferred and I can send you paperwork for that.

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

7856-3

June 30, 2023

Mike & Steve Allard
33075 477th Avenue
Elk Point SD 57025

Dear Mr. Allard:

The irrigation season is in full swing. This has led to the Department of Agriculture and Natural Resources (DANR) fielding inquiries regarding end gun overspray on to roads or property not covered by a water right permit.

DANR has been notified that your irrigation system authorized by Water Permit No. 7856-3 is spraying water outside of the area covered by the permit. The permit authorizes irrigation of the SE1/4 and S1/2 NE1/4 section 12-T90N-R50W. The property allegedly being hit with overspray is the SW1/4 of section 12. Enclosed is a picture of the overspray and satellite imagery outlining in red the overspray area.

This is a reminder that a water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray on land not covered by the water right permit.

Please take steps to ensure end gun stops are functioning properly so there is not direct overspray on to the road or property on either the west or east side of the pivot. If you don't believe your irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at ron.duvall@state.sd.us

Thank you for your cooperation,

Ron Duvall
Water Rights Program, DANR





Township: 90N 50W
Section: 12
QQ Sect: NWNW

Township: 90N 50W
Section: 12
QQ Sect: NENW

Township: 90N 50W
Section: 12
QQ Sect: NWNE

Township: 90N 50W
Section: 12
QQ Sect: NENE

Township: 90N 50W
Section: 12
QQ Sect: SWNW

Township: 90N 50W
Section: 12
QQ Sect: SENW

Township: 90N 50W
Section: 12
QQ Sect: SWNE

Township: 90N 50W
Section: 12
QQ Sect: SENE

90N 50W
Section: 12
90N 50W

Township: 90N 50W
Section: 12
QQ Sect: NWSW

Township: 90N 50W
Section: 12
QQ Sect: NESW

Township: 90N 50W
Section: 12
QQ Sect: SWSW

Township: 90N 50W
Section: 12
QQ Sect: SESW

Township: 90N 50W
Section: 12
QQ Sect: SWSE

Township: 90N 50W
Section: 12
QQ Sect: SESE

329 ST

90N 50W

Township: 90N 50W

Township: 90N 50W