

WATER PERMIT NO. 7899-3

Name of Applicant: Max Frhr. Raitz VonFrentz

Address: c/o Justin Orr, 30804 Bluff Rd, Volin SD 57072

Phone: 605 638-0456

Amount of Water Claimed: 1.56 cfs

Total Acres: 97 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: approximate 10 miles northwest of Vermillion

PRIORITY

Date Received: 9-12-13

Application/License Fee: \$ 950

Corrected Application Received:

Period of Annual Use: May 1 – September 30

Remarks: Applicant is requesting a diversion rate greater than statutory limit

Diversion Point: center of NW 1/4 Sec 13-T93N-
R53W

Land to be Irrigated: NW 1/4 Sec 13-T93N-R53W

Depth of Well: 100 feet deep

Well Driller:

Remarks:

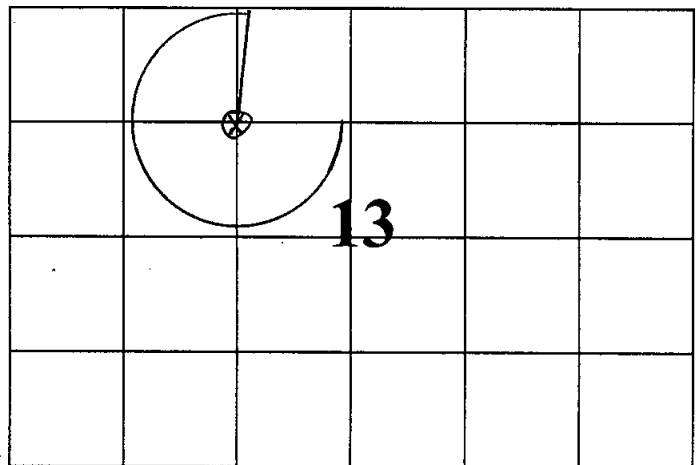
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 9-12-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

RECEIVED
SEP 12 2013
WATER RIGHTS PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7899-3</u> (office use only) Hydrologic Unit <u>10120102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Plain Talk</u>
	<u>Press & Dakotan</u>

Application For Permit To Appropriate Water For Irrigation

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

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

- Name to Appear on Irrigation Permit MAY Erhn Raitz von Frentz
(check one) ☒ Owner ☒ Tenant/lessee ☒ Attorney at Law Justin Orr
(name and complete address if different than above name)
Mailing Address X 30804 Bluffs Rd Volin SD 57072
(Address) (City) (State) (Zip Code)
Home Phone (605) 638-0456 Cell 638-0456 Email jor155@yahoo.com
- Amount of water claimed 1.56 *CFS or 700 **GPM ***AF Total Acreage 97.88
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Irrigation Well
- Location of point of diversion Center of NW 1/4, S-13, T-93-N, R-53-W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
County CLAY
- County or counties where water will be used CLAY
- Annual period during which water is to be used MAY-Sept.
- 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
SE 1/4, NW 1/4, S-13, T-93-N, R-53-W	32		
SW 1/4, NW 1/4, S-13, T-93-N, R-53-W	32		
NW 1/4, NW 1/4, S-13, T-93-N, R-53-W	32		
NE 1/4, NW 1/4, S-13, T-93-N, R-53-W	1		

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

Drill irrigation well & put in pivot for irrigation.

Requesting Diversion rate greater than Statutory Limit

I, X M. L. R. Co, 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. 7899-3**

Date of first receipt of application September 12, 2013.

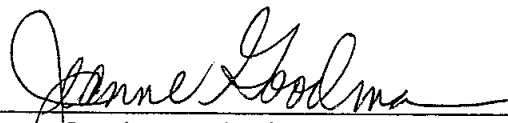
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7899-3 to Max Frhr Raitz VonFrentz, c/o Justin Orr, 30804 Bluff Rd, Volin SD 57072 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7899-3 appropriates 1.56 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW 1/4 Section 13 for irrigation of 97 acres located in the NW 1/4 Section 13; all in T93N-R53W.
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 September 12, 2013.
4. The date of approval of Permit No. 7899-3 is November 12, 2013.
5. One-fifth of the construction is to be completed on or before May 12, 2016.
6. All construction is to be completed on or before November 12, 2018.
7. Water is to be put to beneficial use on or before November 12, 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. 7899-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7899-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 97 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JAN 14 2014

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 100 Depth to Top of Water Bearing Material 20 Depth to Water from Surface 20
- d) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others 1.75 mile

2. Wastewater Disposal System Information

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

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

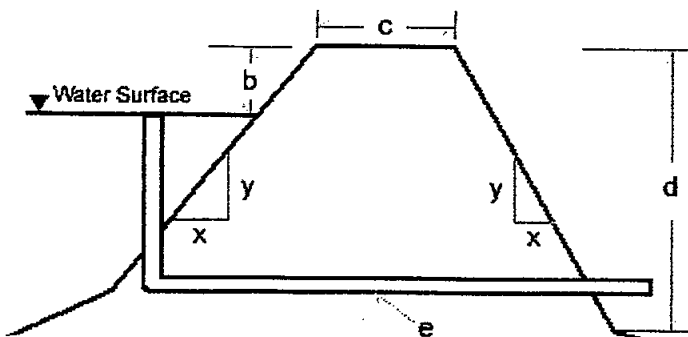
g) X & Y Slope (e.g. 3 to 1 is a typical slope)

Upstream _____

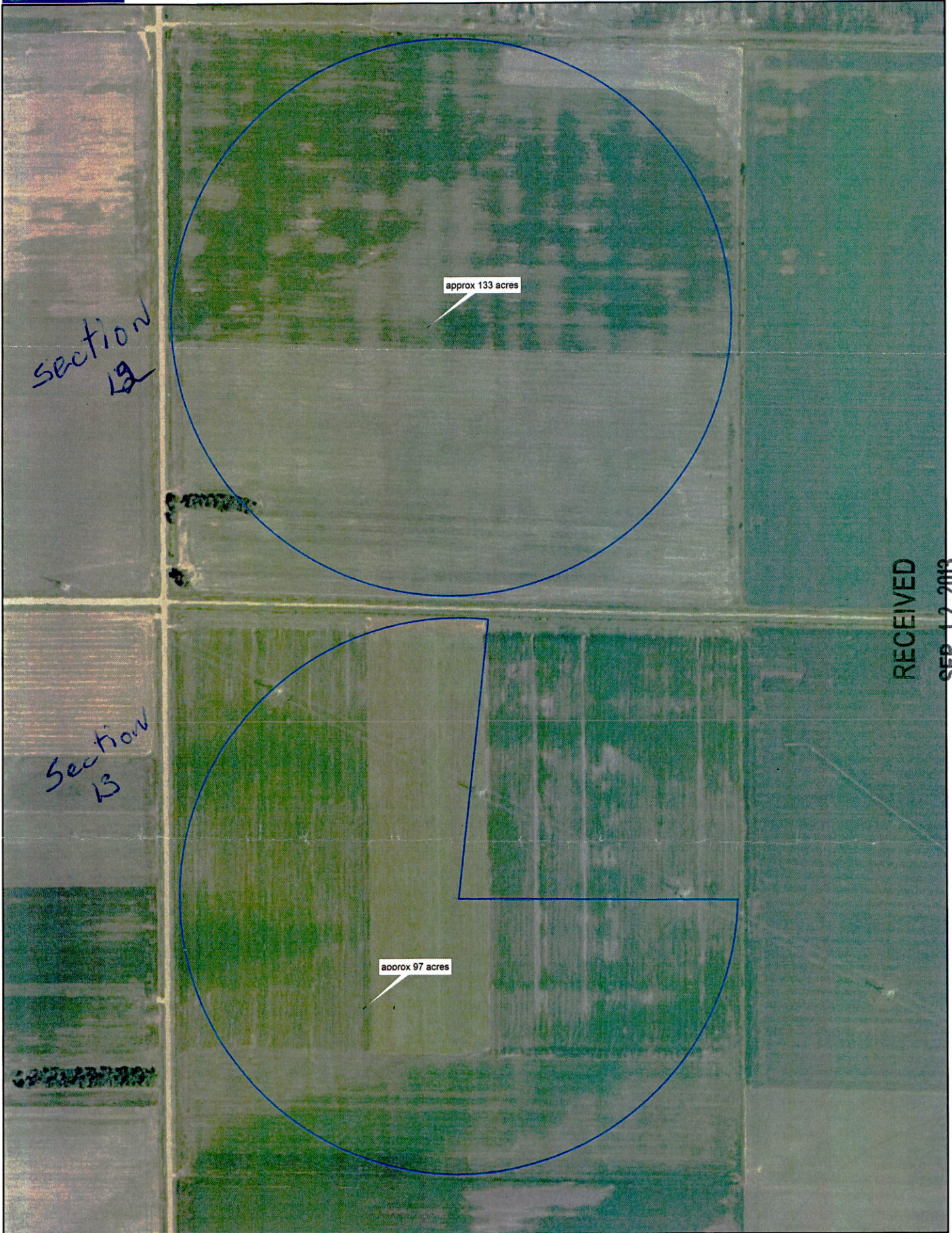
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Area Feet



12-93-53



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Data use subject to license.

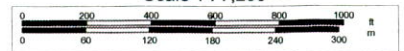
© DeLorme. XMap® 7.

www.delorme.com

13-93-53

TN
MN (LINE)

Scale 1 : 7,200



1" = 600.0 ft

Data Zoom 14-7



United States Department of Agriculture
Farm Service Agency

April 02, 2012

PLSS: 13_93N_53W
Farm: 4974

Clay County, SD

1:8,899



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SEP 12 2013

WATER RIGHTS
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Wetland Determination Identifiers

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

Common Land Units

//// Non Cropland

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.

2010 Ortho-Photography - Not to Scale

Justin

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/12, 20 13

RECEIVED OF Max Freiherr Raitz VonFrentz PO Box 5125 Sioux Falls SD 57117

James M Jarding Jr

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

Fee for Application for Permit No. <u>7899-3</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>7899-3</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. **06431**

By James J. Sandman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7899-3, Max Frhr. Raitz VonFrentz**

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. 7899-3, Max Frhr. Raitz VonFrentz, c/o Justin Orr, 30804 Bluff Rd, Volin SD 57072.

The Chief Engineer is recommending APPROVAL of Application No. 7899-3 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. 7899-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7899-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 97 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
October 18, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7899-3
MAX FRHR. RAITZ VONFRENTZ, c/o JUSTIN ORR
OCTOBER 21, 2013

Water Permit Application No. 7899-3 proposes to divert groundwater at a maximum rate of 1.56 cubic feet of water per second (cfs) from one well to be completed into the Elk Point management unit of the Missouri aquifer. The well is expected to be approximately 100 feet deep and located in the approximate center of the NW ¼ Section 13, T93N-R53W. The water will be used to irrigate 97 acres located in NW ¼ Section 13, T93N-R53W in Clay County. The applicant is requesting a diversion rate greater than the statutory limit.

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

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Elk Point management unit of the Missouri aquifer is an alluvium mantled outwash consisting of fine sand to very coarse gravel (Niehus, 1994; Stephens, 1967). The Missouri: Elk Point aquifer is located in southeastern South Dakota, underlying portions of Yankton, Clay, and Union Counties. In total, the Missouri: Elk Point aquifer is estimated to underlie 210,100 acres and contain approximately 3,287,100 acre-feet (ac-ft) of recoverable water in storage (Hedges et. al, 1982). The aquifer connects to the Lower Vermillion Missouri aquifer to the north in Clay County, often directly overlies the Dakota aquifer, and is hydraulically connected to the Vermillion, Big Sioux, and Missouri Rivers. Water in the aquifer generally moves from the northwest to the southeast and towards the Missouri River (Stephens, 1967).

In the area of the proposed well site, the Missouri: Elk Point aquifer can be under either unconfined or confined conditions but is expected to be unconfined at this proposed well site. The static water level ranges from approximately 15 to 25 feet below grade (Water Rights, 2013a; Water Rights, 2013c). The aquifer can be encountered 20 to 40 feet below ground surface and can be up to 100 feet thick (SDGS, 2013; Water Rights, 2013c).

SDCL 46-2A-9

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

WATER AVAILABILITY:

The probability of unappropriated water being 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, the withdrawal/recharge issue must be considered.

Hydrologic Budget:

Non-irrigation water rights/permits and future use permits are expected to use 57,021 ac-ft/yr from the Missouri: Elk Point aquifer. Irrigation water rights/permits are expected to use 24,087 ac-ft/yr, which includes expected use from newly approved water permits (as of June 24, 2013) (Stonesifer, In Progress). Natural recharge to the aquifer is estimated to be 69,382 ac-ft/yr. Additionally, at least 26,316 ac-ft/yr will be induced from stream flow under current appropriations (Stonesifer, In Progress). Therefore, there is approximately 14,590 [*sic*] ac-ft/yr of unappropriated water available (Stonesifer, In Progress).

Since the last update to Stonesifer's report, water permits have been approved that authorize the irrigation of 427.3 acres and an application is pending for the irrigation of 132 acres (Water Rights, 2013b). Using the same methodology as Stonesifer (In Progress), the new appropriations and the pending application are expected to use approximately 153 ac-ft/yr. This increase in estimated annual withdrawal does not increase estimated annual withdrawal enough to exceed estimated annual recharge to the aquifer.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurement 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 37 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2013a). The nearest observation well is CL-80A, which is approximately 0.8 miles east of the proposed well site. The hydrograph for this observation well is shown in Figure 1. The hydrograph for observation well CL-80A agrees, in general, with the other hydrographs from observation wells completed into the Missouri: Elk Point aquifer. No other observation well completed into the Missouri: Elk Point aquifer is within approximately six miles of the proposed well site.

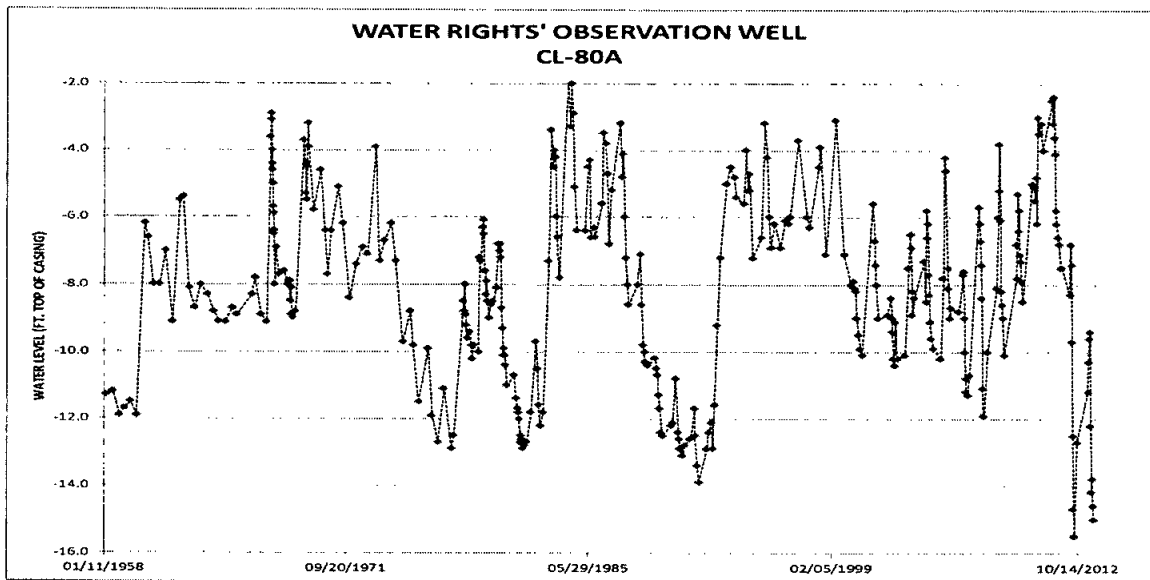


Figure 1- Hydrograph for observation well CL-80A (Water Rights, 2013a)

The observation well data documents cyclic conditions of water levels, recharging during wet years and slowly declining during dry years. The hydrograph also shows the effects of nearby pumping on the aquifer. However, these effects are minimal. The observation well data indicates that, at the current level of development, the temporal impacts of well withdrawals are masked by climatic conditions. This indicates that recharge to and natural discharge from the aquifer greatly exceeds well withdrawals. The natural discharge from the aquifer can be captured for pumping.

In general, the hydrographs of the observation wells completed into the Missouri: Elk Point aquifer show a slight decline in water level. This gradual decline has been attributed to the entrenching of the Missouri River (Goodman, 2007). This decline of water levels as well as the significant rise of water levels during the flooding of 2011 demonstrates the hydraulic connection between the aquifer and the Missouri River. The significant connection leads to being able to induce recharge to the aquifer from the river (Stephens, 1967). Therefore, there is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer.

EXISTING WATER RIGHTS:

If approved, the well authorized by this permit will be located near other wells that obtain water from the same aquifer. There are 10 water rights/permits authorizing wells within approximately one mile of the proposed well site (Water Rights, 2013b). There are also two domestic wells on file with the SD DENR-Water Rights Program within approximately one mile of the proposed well site that appear to be completed into the Missouri: Elk Point aquifer (Water Rights, 2013c). There is also a well site that has been proposed by Permit Application No. 7898-3 approximately one-half mile north of the well site proposed by this application.

The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. While there is a concentration of high capacity wells near the proposed well site, the aquifer characteristics, such as the large saturated

thickness and the predominant water table conditions, dictate that drawdown will not be significant far from the pumping well. Observation wells completed into the Missouri: Elk Point aquifer that are near several high capacity production wells do not show any adverse impact from pumping the high capacity wells. Therefore, nearby adequate wells as defined by ARSD 74:02:04:20(6) are not expected to be adversely impacted by this proposed diversion.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs per second for every 70 acres, or "the equivalent thereof." The statute does provide that the Water Management Board may allow a greater diversion rate if the method of irrigation so requires. Water Permit Application No. 7899-3 proposes to divert water at 1.56 cfs for the irrigation of 97 acres, or the equivalent of 1.13 cfs per 70 acres. The applicant did not state a specific reason for the request. However, the map for this irrigation system was submitted with the application, and it indicates the center pivot will make three-quarters of a full rotation. In the past, various applicants have stated that to properly operate a partial rotation center pivot a diversion rate in excess of the statutory limit was necessary. The Water Management Board has deemed that reasoning valid in the past.

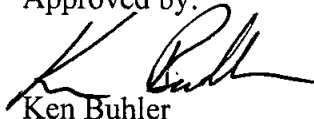
CONCLUSIONS:

1. Water Permit Application No. 7899-3 proposes to withdraw groundwater at a maximum diversion rate of 1.56 cfs from one well to be completed into the Missouri: Elk Point aquifer for the irrigation of 97 acres. This request is in excess of the statutory limit.
2. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply this proposed appropriation.
3. There is a reasonable probability that this proposed diversion will not adversely impact existing appropriative or domestic users.
4. Water Permit Application No. 7899-3 has requested a diversion rate in excess of the statutory limit. While no direct reason was stated, a supplemental document with the application indicated that the center pivot would only make a three-quarter rotation. In the past, this has been accepted as a valid reason for approval of a diversion rate greater than the statutory limit.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Goodman, J.A. 2007. Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Hedges, L.S., Burch, S.L., Iles, D.L. Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topology 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. U.S. Geological Survey, Rapid City, South Dakota
- SDGS. 2013. Lithologic Logs Database Search. < <http://sddenr.net/lithdb/>>. SD DENR-Geological Survey. Vermillion, South Dakota. Accessed: 9/24/2013.
- Stephens, J.C. 1967. Geology and Hydrogeology of Clay County, South Dakota, Part II: Water Resources. South Dakota DENR-Geological Survey Bulletin 19, 62p. Vermillion, SD.
- Stonesifer, J.R. In Progress. Water Availability of the Missouri: Elk Point Aquifer. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota. Last Update: June 24, 2013.
- Water Rights. 2013a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013c. Water Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

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AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7899-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 1st DAY OF November 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.48 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: 11/1/2013

FILED ON: 11/1/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 1st DAY OF November

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

11+1
NOTICE OF APPLICATION
NO. 7899-3 to Appropriate Water

Notice is given that Max Frhr. Raitz VonFrentz, c/o Justin Orr, 30804 Bluff Rd, Volin SD 57072 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW 1/4 Section 13 for irrigation of 97 acres located in the NW 1/4 Section 13; all in T93N-R53W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7899-3 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 November 12, 2013.

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

Published once at the total approximate cost of \$26.48.

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JAN 13 2014

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AFFIDAVIT OF PUBLICATION

PLAIN TALK

DENR-Water Rights Program
523 E Capitol
Pierre SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF THE
OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS
AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO. 7899-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
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THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
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BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 11/1/2013

FILED ON: 1/10/2014

NOTICE OF APPLICATION
NO. 7899-3 to Appropriate Water

Notice is given that Max Frhr. Raitz VonFrentz, c/o Justin Orr, 30804 Bluff Rd, Volin SD 57072 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW 1/4 Section 13 for irrigation of 97 acres located in the NW 1/4 Section 13; all in T93N-R53W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7899-3 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 November 12, 2013.

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

Published once at the total approximate cost of \$27.80
Published: November 1, 201

Tere A Schmidt
SUBSCRIBED AND SWORN TO BEFORE ME THIS

10th DAY OF

January 2014

Angela Schild
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

October 22, 2013

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7899-3 to Appropriate Water. Please publish the notice once on November 1, 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 Max Frhr Raitz VonFrentz, c/o Justin Orr, 30804 Bluff Rd, Volin SD 57072 (Ph # 605-638-0456).

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

October 22, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7899-3 to Appropriate Water. Please publish the notice once on November 1, 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 Max Frhr Raitz VonFrentz, c/o Justin Orr, 30804 Bluff Rd, Volin SD 57072 (Ph # 605-638-0456).

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.

October 22, 2013

Max Frhr Raitz VonFrentz
Justin Orr
30804 Bluff Rd
Volin SD 57072

Dear Mr. Orr:

Water Permit Application No. 7899-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Plain Talk printed at Vermillion SD (Ph # 605-624-2695) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
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 November 1, 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. 7899-3 to Appropriate Water

Notice is given that Max Frhr. Raitz VonFrentz, c/o Justin Orr, 30804 Bluff Rd, Volin SD 57072 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW 1/4 Section 13 for irrigation of 97 acres located in the NW 1/4 Section 13; all in T93N-R53W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7899-3 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 November 12, 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_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, December 09, 2013 9:15 AM
To: Sarah Hough (sarah.hough@plaintalk.net)
Subject: Notice of Application 7899-3

This is just a reminder that I'm waiting for a copy of the clipping for the Notice of Application No. 7899-3, Max Frhr Raitz VonFrentz, c/o Justin Orr. Published on November 1, 2013.

We cannot issue the permit until I receive it.

Thanks,

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

December 13, 2013

Plain Talk
c/o Sarah Hough
201 W Cherry St
Vermillion SD 57069

Dear Ms. Hough

ATTENTION: Legal Public Notice

On November 1, 2013, Notice of Application No. 7899-3 to Appropriate Water for Max Frhr. Raitz von Frentz, c/o Justin Orr was published in your paper. If you will remember, the affidavits were mailed and I never received them (still haven't). On December 2 you emailed the two affidavits and clippings from your November 1st publication except I received two copies of the same notice (Application No. 7898-3).

This is reminder that until I receive a clipping of the Notice of Application No. 7899-3, the permit cannot be issued to Mr. Raitz von Frentz. Delays can be costly to the applicant.

Your prompt attention to this matter would be appreciated.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

JAN 14 2014

Max Frhr Raitz VonFrentz
c/o James Orr
2947 Pettersen Rd
Vermillion SD 57069

Dear Sir:

Enclosed are Water Permit Nos. 7898-3 and 7899-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

cc: Frank Orr, 2821 Pettersen Rd, Vermillion SD 57069

enclosures



7899-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2017

NOTICE

TO: JUSTIN F ORR, 30804 BLUFF RD, VOLIN, SD 57072 6313

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6964-3, 7089-3, 7474-3, 7493-3, 7494-3 & 7899-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 6964-3, 7089-3, 7474-3, 7493-3, 7494-3 & 7899-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 6964-3, 7089-3, 7474-3, 7493-3, 7494-3 & 7899-3 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 1, 2017** 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: <http://denr.sd.gov/iq.aspx>

c: FRANKLIN & GWEN ORR, 2821 PETTERSEN RD, VERMILLION SD 57069

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.



7899-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 1, 2017

Justin F Orr
30804 Bluff Rd
Volin SD 57072 6313

Dear Mr. Orr:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 6964-3, 7089-3, 7474-3, 7493-3, 7494-3 & 7899-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Franklin & Gwen Orr, 2821 Pettersen Rd, Vermillion SD 57069

SD EForm - 1311LD V1

Form 10

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

MAIL TO: PMB 2020

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

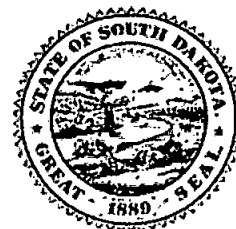
ph. (605) 773-3352

Date Nov 1 2016FROM: Justin Orr
(name)30804 Bluff Rd
(address)Vulh SD 57072
(city) (state) (zip)(605) 638-0456
(phone)

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

Water Permit No. 7899-3 states that the water use system is to be constructed byNovember 12, 2018, and water is to be put to beneficial use by November 12, 2022
(date) (date)The water use system was completed on July 2014
(date)Applying the water to beneficial use was completed on July 2014
(date)

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



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7899-3

I have this day, November 1, 2016, made a thorough examination of the water use system constructed by Max Frhr Raitz VonFrentz, c/o Justin Orr, 30804 Bluff Rd, Volin SD 57072 of Permit No. 7899-3, bearing the priority of September 12, 2013 authorizing the diversion of 1.56 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, of 97 acres, in Clay County.

Inspection contact & relationship **Justin Orr, tenant**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Christensen Well & Irrigation
- 2) No. of Wells 1
- 3) Depth(s) 58 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 18 feet
- 3) Type PVC

Screen:

- 1) Type PVC Perforated
- 2) Length 40 feet
- 3) Static water level 7 feet

Pump:

- 1) Make Goulds In-Line Shaft Turbine
- 2) Model 11CLC
- 3) Capacity 700 GPM

Motor:

- 1) Make US Motors
- 2) Model No. 8F48A
- 3) Horsepower rating 40 hp

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T-L Irrigation Systems
- 2) Overall length 1296 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 700 GPM

Comments: T-L Irrigation uses a hydraulic drive system

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2014.

List any extended period of nonuse: None

- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: East 1370', South 1370' from NW Corner of Sec 13-T93N-R53W; Lat 42.87736/Long -97.05708; approximate center of NW ¼ Sec 13-T93N-R53W.
2. The works are capable of diverting and conveying to the place of use 1.56 cfs or 700 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
All land is located in Sec 13-T93N-R53W.

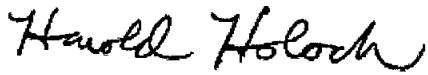
<u>NW ¼ NW ¼ - 30 ac</u>	<u>NE ¼ NW ¼ - 1 ac</u>
<u>SW ¼ NW ¼ - 32 ac</u>	<u>SE ¼ NW ¼ - 34 ac</u>

comprising a total of 97 acres of land and the license should be issued for 1.56 cfs or 700 gpm.
3. All structures, wells and lands on map Yes

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

Provide detailed explanation when multiple permits are involved or any discrepancy between what the permit was issued for and what was developed.

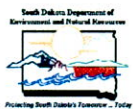
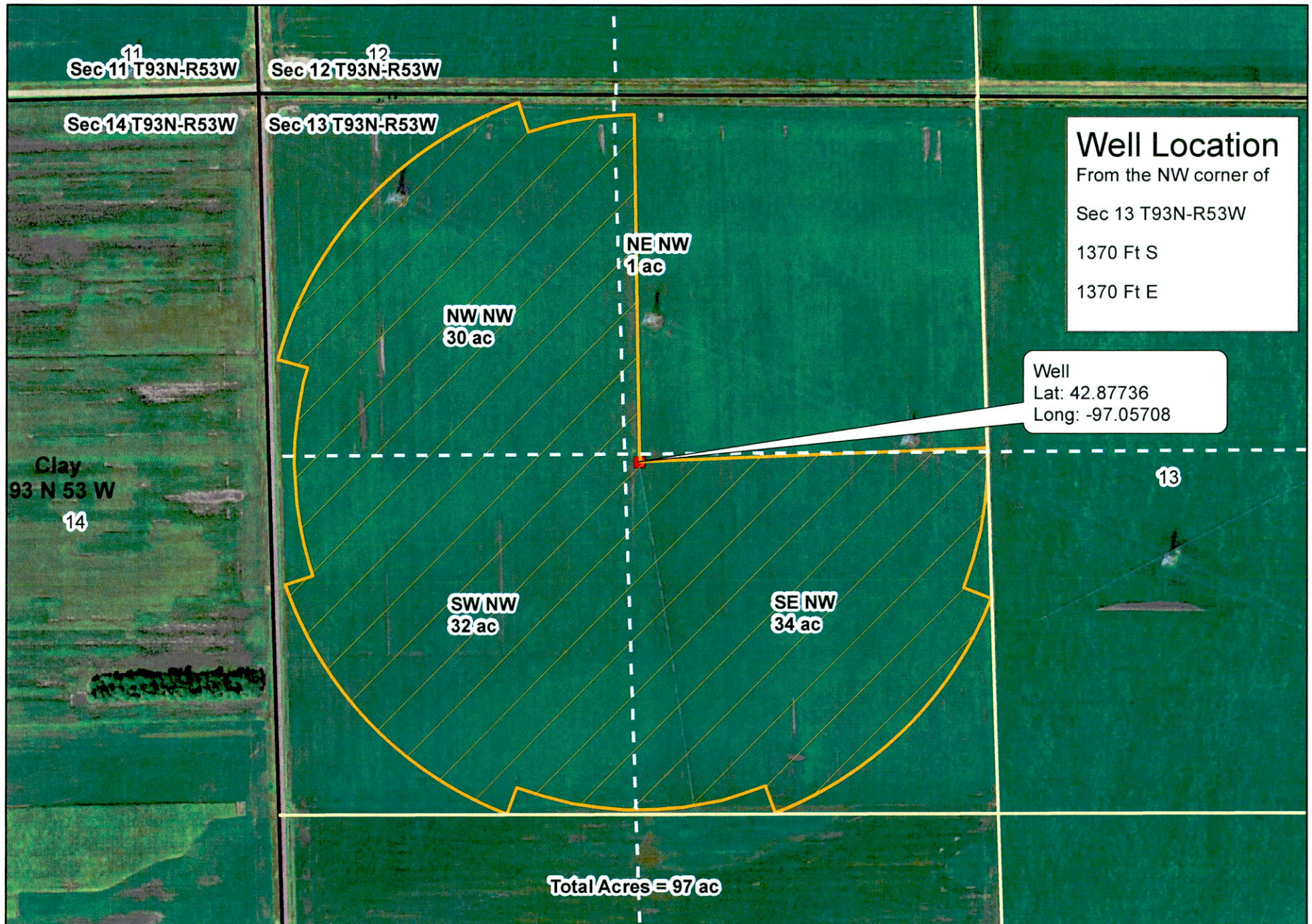
Water Permit No. 7899-3 appropriates a diversion rate greater than the statutory limit of 1 cfs per 70 acres irrigated.



Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: **May 22, 2017**

7899-3



Harold Holoch
Harold Holoch, PE
Staff Engineer
May 12, 2017

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7899-3**

(1) Max Frhr Raitz Von Frentz % Justin Orr, 30804 Bluff Rd, Volin SD 57072 made Application No. 7899-3, September 12, 2013 for a water permit to divert 1.56 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7899-3, with a priority date of September 12, 2013 was approved November 12, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 12, 2018 and for the application to beneficial use of said water on or before November 12, 2022.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on November 1, 2016. The "*Notice*" stated the water use system was completed and water placed to beneficial use in July, 2014.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is 1,370'E and 1,370'S of the NW corner of Section 13, T93N, R53W (SE ¼ NW ¼ - approximate center of the NW ¼).

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

Section 13, T93N, R53W	NW ¼ NW ¼	30 acres
	SW ¼ NW ¼	32 acres
	SE ¼ NW ¼	34 acres
	NE ¼ NW ¼	1 acre
Total		97 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Max Frhr Raitz Von Frentz % Justin Orr, 30804 Bluff Rd, Volin SD 57072 the holder and/or owner of Water Right No. 7899-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of September 12, 2013 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7899-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7899-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. ***The well was drilled in 2014 by Christensen Well & Irrigation. A copy of the well completion report is on file with the Water Rights Program.***

continued

- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7899-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 97 acres with an annual volume not to exceed 2 acre feet per acre per year.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JUN 19 2017

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 19 2017

7899-3

Justin Orr
30804 Bluff Rd
Volin SD 57072

Dear Mr. Orr:

Enclosed is Water License No. 7899-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7899-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures



7899-3

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

January 20, 2022

NOTICE

TO: JUSTIN F ORR, 30804 BLUFF RD, VOLIN, SD 57072 6313

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6964-3, 7089-3, 7474-3, 7494-3, 7899-3, 8288-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6964-3, 7089-3, 7474-3, 7494-3, 7899-3, 8288-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6964-3, 7089-3, 7474-3, 7494-3, 7899-3, 8288-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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.

7899-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 1, 2022

Justin F Orr
30804 Bluff Rd
Volin SD 57072 6313

RE: Water Right/Permit Nos. 6964-3, 7089-3, 7474-3, 7494-3, 7899-3, 8288-3

Dear Mr. Orr:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right/Permit Nos. 6964-3, 7089-3, 7474-3, 7494-3, 7899-3 & 8288-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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