

WATER PERMIT NO. 7901-3

Name of Applicant: **Leon Thompson**

Address: **401 S 11th St, Beresford SD 57004**

Phone: **605 763-8486**

Amount of Water Claimed: **1.89 cfs**

Total Acres: **136 acres**

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

Water to be used for: **irrigation**

County: ~~clay~~ **Lincoln**

Type of Waste Disposal System:

Location: **5 miles northeast of Beresford**

PRIORITY

Date Received: **9-11-13**

Application/License Fee: **\$ 1050**

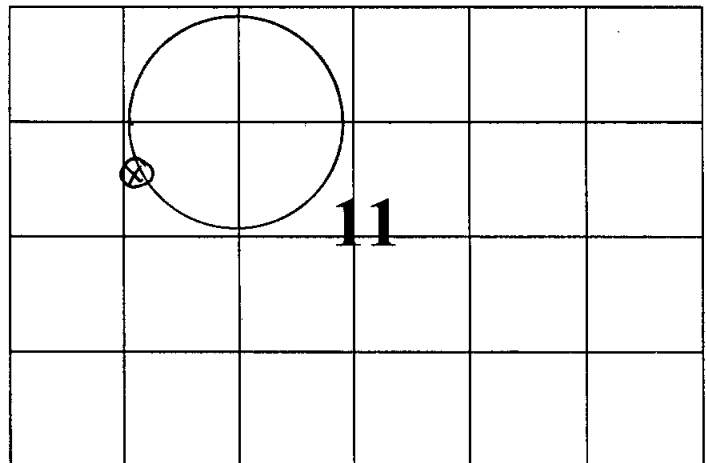
Corrected Application Received: **9-18, 13**

Period of Annual Use: **June 1 – Sept 30**

Remarks:

Diversion Point: **SW 1/4 NW 1/4 Sec 11-T96N-R50W**

Land to be Irrigated: **NW 1/4 Sec 11-T96N-R50W**



Depth of Well: **75 feet deep**

Well Driller: **Thein Well**

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **9-19-13**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

(office use only)
No. 7901-3 Hydrologic Unit 10170102
Basin Vermillion River 605-764-2005
Newspaper Sioux Valley News Box 255 Canton 57013
Argus Leader Box 5034 57117 605-331-2200

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WATER RIGHTS
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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 Leon Thompson

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 401 South 11th St Beresford SD 57004
(Address) (City) (State) (Zip Code)

Home Phone 605-763-8486 Cell 605-321-5488 Email _____

2. Amount of water claimed 1.89 *CFS or 850 **GPM ***AF Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ground water

4. Location of point of diversion 1 well west side of farm
CSW1/4 NW1/4 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Section 11 T-96 R.50 Pleasant Twp. County Lincoln

5. County or counties where water will be used Lincoln

6. Annual period during which water is to be used June 1 - September 30

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

Land Description	Acres	Land Description	Acres
<u>N.W. 1/4 section 11</u>	<u>136</u>	<u>Acres total irr.</u>	
<u>T.96-R.50 Pleasant Twp.</u>			
<u>Lincoln Co. S.D.</u>			

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

Dig well for Irrigation purposes of this farm

I, Leon Thompson John Thompson POA, 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. 7901-3

Date of first receipt of application September 11, 2013.

Date of return to applicant for corrections, amendments or changes September 11, 2013.

Date of receipt of corrected application September 18, 2013.

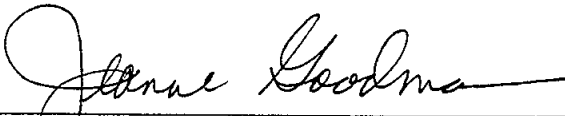
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7901-3 to Leon Thompson, 401 S 11th St, Beresford SD 57004 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7901-3 appropriates 1.89 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (75 feet deep) located in the SW 1/4 NW 1/4 Section 11 for irrigation of 136 acres located in the NW 1/4 Section 11; all in T96N-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: June 1 – September 30.
3. The date from which applicant may claim right is September 11, 2013.
4. The date of approval of Permit No. 7901-3 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. 7901-3 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

NOV 21 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 Therin well Drilling
(if yes, please provide copies of logs)

b) If existing wells, how many 0 Provide copy of log(s), if available. Drilled by _____

c) Well Depth 75 Depth to Top of Water Bearing Material 45 Depth to Water from Surface 40

d) Distance to nearest existing domestic well:

On applicant's property none

On property owned by others 2600 ft.

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

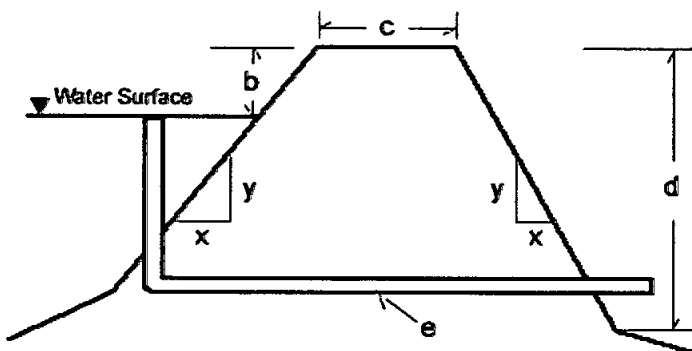
Upstream _____

Downstream _____

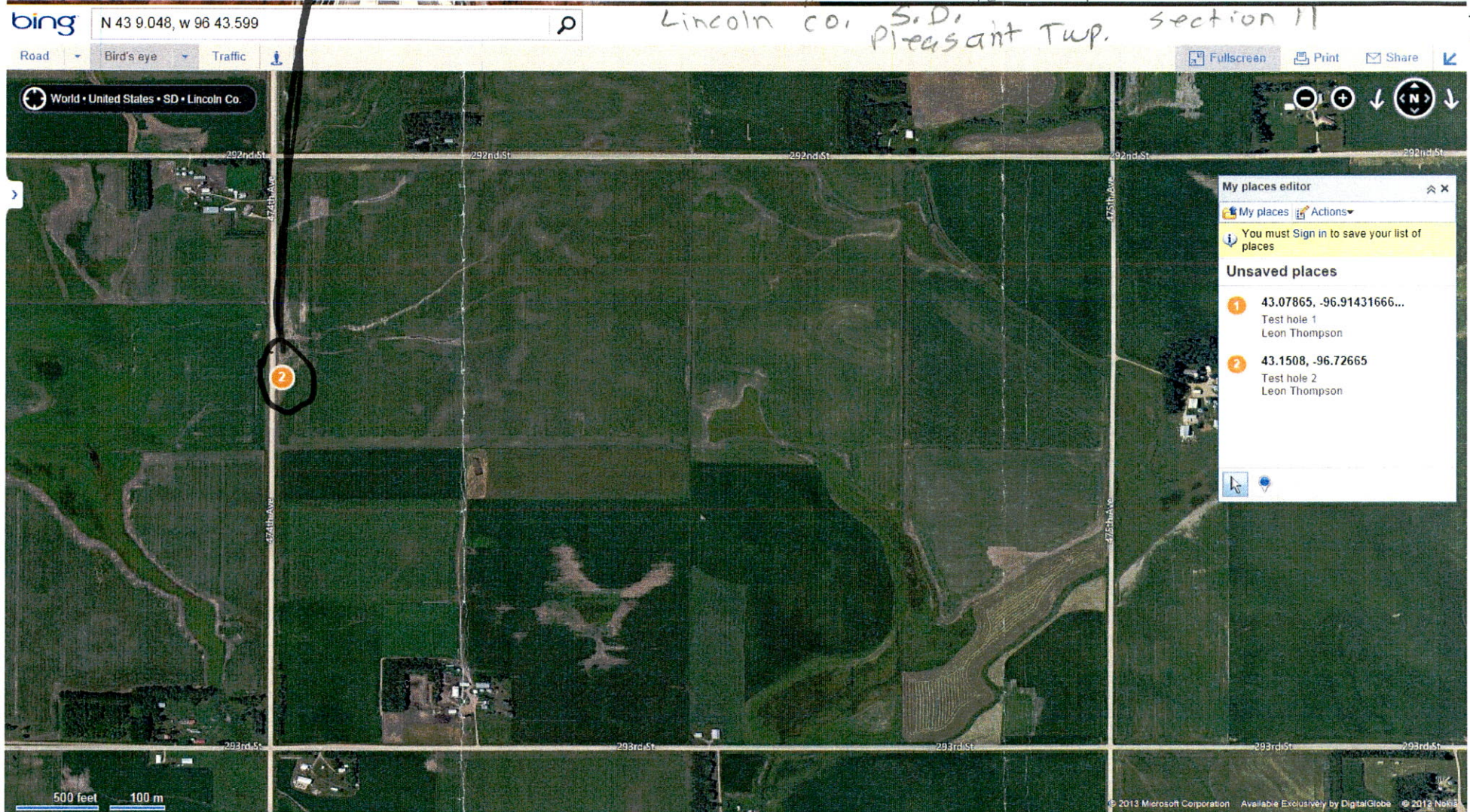
h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



This is where well is
west side of quarter NW 1/4 T96-R50
Lincoln co. S.D. Pleasant Twp. section 11



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Sec 3
T096N
R50W

Sec 2
T096N
R50W

Sec 1
T096N
R50W

Sec 10
T096N
R50W

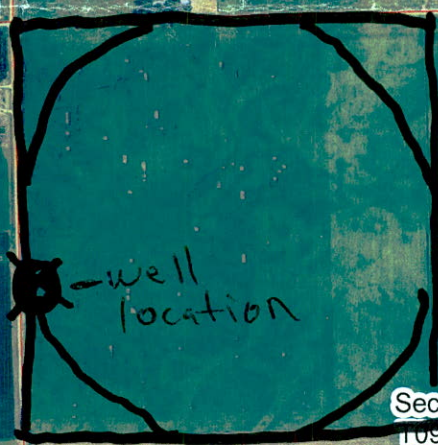
Sec 11
T096N
R50W

Sec 12
T096N
R50W

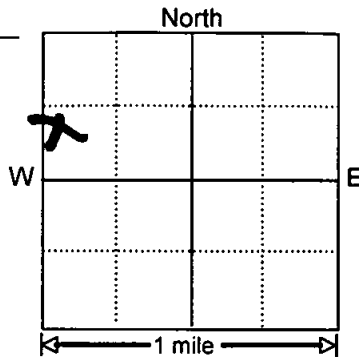
Sec 15
T096N
R50W

Sec 14
T096N
R50W

Sec 13
T096N
R50W



SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT 11-02

Location SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 11 Twp 96N Rg 50WCounty LincolnPlease mark well
location with an "X"Plugging Completion Date August 16, 2013

Well Owner:

Name: Leon ThompsonAddress: 401 S 11th StCity, State, Zip: Beresford SD 57004

Comments:

Test Hole ~~62~~ 1GPS: N 43 9.048
W 96 43.599

CHECK APPROPRIATE BOX

EXISTING WELL ☐TEST HOLE ☒

Well depth _____

Casing material _____

Casing size(s) _____

Casing condition _____

Hole depth 99'Hole size 6.25"

Describe plugging procedure:

tremie piped

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Describe grout or plugging material:

Volclay grout

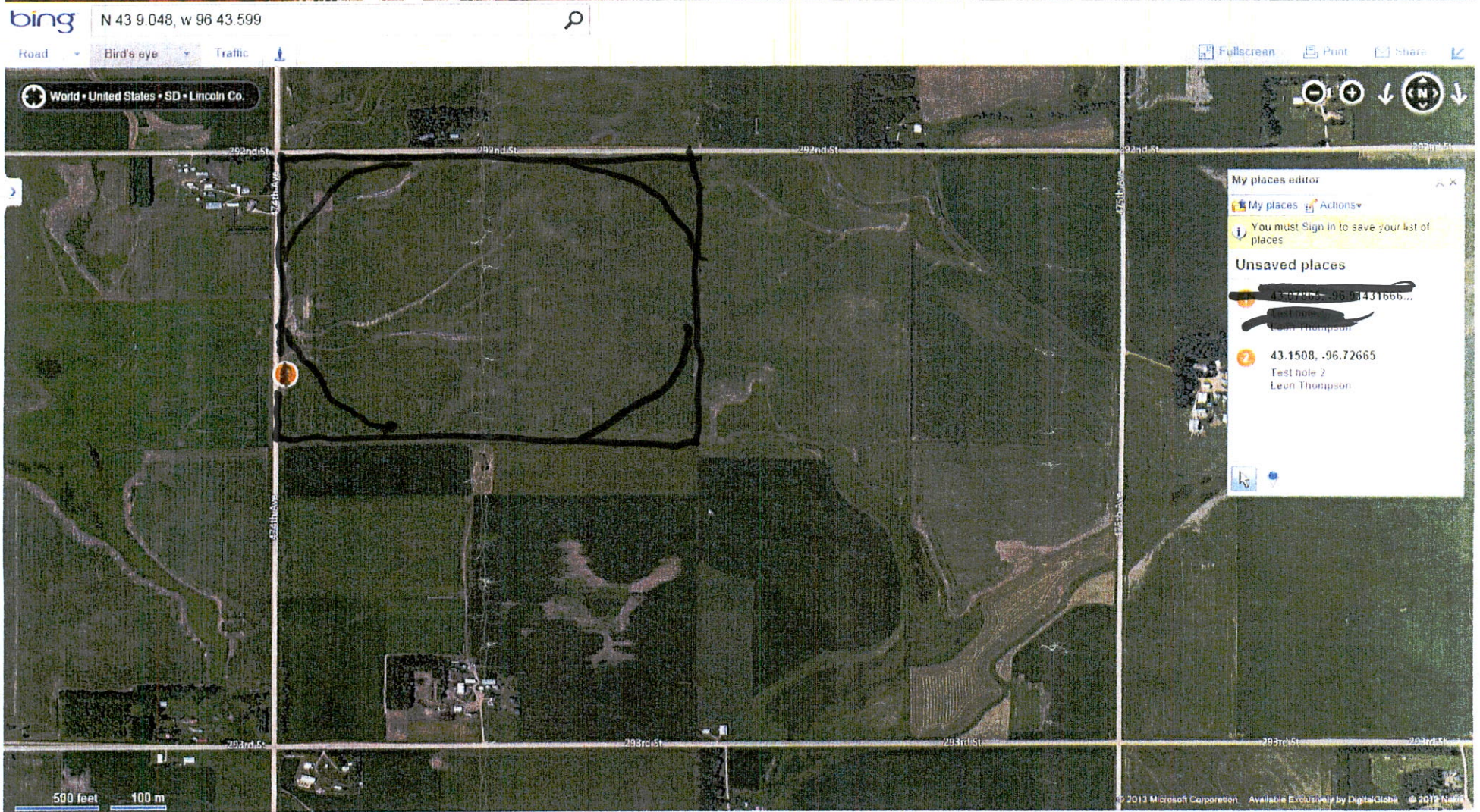
Type of non-slip plug: _____

This well or test hole was plugged under license # 475 and this report is true and accurate.Drilling firm: Thein Well Co., Inc.

Signature of Licensed Representative: _____

Signature of Well Owner: Leon Thompson

Date: _____



Well is where the dot is.
it will Irrigate 132 Acres



THEIN WELL

P.O. BOX 778, 11355 HWY. 71 NE (ACROSS FROM RINGO LAKE)
SPICER, MINNESOTA 56288 • (320) 796-2111
www.theinwell.com • E-mail: theinwell@tds.net

WELLS ~ PUMPS
SALES ~ SERVICE

Since 1893

Well Log for Leon Thompson

Date: 08/16/13

Well Size: Test hole 2

Casing Length:

Screen Length:

Total Well Depth:

SWL:

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Geological Material	Color	Hardness or Formation	From	To
Top soil, sandy	Black		0	2
Clay	Yellow		2	15
Sand/gravel	Brown		15	16
Clay	Yellow		16	19
Clay/sand	Brown		19	37
Sand/gravel	Brown		37	45
Sand/gravel	Gray	Coarse	45	63
Clay	Blue		63	68
Sand/gravel	Gray		68	75
Clay	Blue		75	79
Clay	Tan	Hard	79	99

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/11, 20 13

RECEIVED OF Leon H Thompson 401 S 11th St Beresford SD 57004

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

Fee for Application for Permit No. <u>7911033</u> to Appropriate Water, to construct and to put water to beneficial use	860	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>7901-3</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. **06429**

By Jaime Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

September 11, 2013

Leon Thompson
401 S 11th St
Beresford SD 57004

Dear Mr. Thompson:

Thank you for submitting the two *Applications for a Permit to Appropriate Water* for irrigation in Clay and Lincoln Counties. In order to complete the applications, the following is required.

- Enclosed are aerial photo maps. Please outline the lands to be irrigated on each map and mark the well location with an "X".
- As I stated in our phone conversation, the application/license filing fee for irrigation of 136 acres is \$1050.00. I completed each check you submitted for this amount.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

Water Rights Program - File Documentation

NAME: John Thompson

ADDRESS: Beresford SD

DATE: 9-19-13 **COUNTY:** Clay **TELEPHONE:** 605 763-8486

RE: Pending applications

COMMENTS:

I called John Thompson to clarify the number of acreage to be irrigated on each application. Mr. Thompson indicated each application should be for 136 acres.

I also explained to Mr. Thompson that on each application, he was requesting more water than the statutory limit. Mr. Thompson agreed that each application should request 850 gpm.

Karen Schlaak

Karen Schlaak
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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7901-3, Leon Thompson**

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. 7901-3, Leon Thompson, 401 S 11th Street, Beresford SD 57004.

The Chief Engineer is recommending APPROVAL of Application No. 7901-3 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. 7901-3 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
October 21, 2013

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 7901-3

Leon Thompson

October 9, 2013

Water Permit Application No. 7901-3 proposes to appropriate water at a maximum diversion rate of 1.89 cubic feet per second (cfs) from one well to be completed into the Brule Creek aquifer. The well is expected to be approximately 75 feet deep, located in the SW¼ NW¼ of Section 11, T96N-R50W in Lincoln County. Water will be used to irrigate 136 acres located in the NW¼ of Section 11, T96N-R50W.

AQUIFER: Brule Creek aquifer (BRC)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Brule Creek aquifer consists of glacial and nonglacial derived medium sands to coarse gravels. The aquifer underlies parts of northern Union County, southern Lincoln County, and a portion of northeast Clay County (Hedges and others, 1982; Niehus, 1994; Stephens, 1967). Niehus (1994) estimated that the Brule Creek aquifer underlies 180 square miles and contains 570,000 acre-feet (ac-ft) of water in storage.

The Brule Creek aquifer is overlain by till and underlain by the Carlile Shale or Niobrara Formation. The aquifer is hydraulically connected to the Newton Hills aquifer to the north and local surface waters, specifically Brule Creek, and possibly the Big Sioux and Lower Vermillion Missouri aquifers. Water movement in the aquifer is generally south, except in the northern most portion, where water moves northeast toward the Newton Hills aquifer. The Newton Hills aquifer is an extension of the Brule Creek aquifer that flows northeast to the Big Sioux River. The aquifer is often under water table conditions when near Brule Creek and its tributaries but can be confined elsewhere (Niehus, 1994).

The Brule Creek aquifer has an average thickness of 33 feet but can reach 88 feet. The average depth to the top of the aquifer is 46 feet and ranges from one to 176 feet. The average water level in the aquifer is 70 feet below ground surface and ranges from ground surface to 153 feet below ground surface (Niehus, 1994). The depths of the aquifer and water levels vary due in part to the rugged land surface. From the test hole log submitted with the application, aquifer materials were found from 37 to 63 and 68 to 75 feet below ground surface. The aquifer appears to be confined at this location. Previous studies have not recorded major aquifer materials at the proposed depth in the general area of the proposed well site (McCormick, 2007; SD Geological Survey, 2013).

SDCL 46-2A-9

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

WATER AVAILABILITY:

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved. Therefore, withdrawal/recharge issue must be considered.

Hydrologic Budget:*Recharge:*

Recharge to the Brule Creek aquifer occurs due to infiltration of precipitation where the aquifer is near land surface (Niehus, 1994). From observation well data, recharge rate of unconfined portions of this aquifer was determined to be 4.5 inches per year (in/yr). From area lithologic logs, the unconfined area of the aquifer was estimated to be at least one fourth of the total area (Buhler, 2009). Applying Niehus’ (1994) estimated area of the aquifer of 180 square miles, recharge to unconfined portions of the aquifer is estimated to be 10,800 ac-ft/yr. Hedges and others (1985) suggested for management and development programs to apply a recharge rate range to confined aquifers of 0.15 in/yr to 0.60 in/yr. Applying the remaining area of the aquifer, recharge to confined portions of the aquifer is estimated to be 1,080 to 4,320 ac-ft/yr.

Discharge:

Discharge from the Brule Creek aquifer occurs due to evapotranspiration where the aquifer is at or near land surface, outflow to the Newton Hills aquifer and possibly the Big Sioux aquifer, and well withdrawals. Currently there are 19 water rights/permits appropriating water from the Brule Creek aquifer (Water Rights, 2013b).

The historic irrigation use from the Brule Creek aquifer is shown in Figure 1. Over the period of record, the average annual pumpage is 559 ac-ft/yr, but varies from a minimum of six ac-ft/yr to a maximum of 1,527 ac-ft/yr, while the annual appropriation has remained relatively constant over the last 30 years. This wide range of annual irrigation pumpage can be attributed to several unpredictable factors, namely economic and climatic conditions. For example, in 2012, historically significant drought conditions and high commodity prices resulted in water use being much greater than the average (Water Rights, 1980-2013). The expected use of irrigation water rights/permits is estimated to be the average pumpage reported over the entire period of record. Since 2012, two water permits have been authorized, so irrigation pumpage could increase; however, actual use of these new permits cannot accurately be projected (Water Rights, 2013b).

Water rights/permits for non-irrigation use from the Brule Creek aquifer currently authorize a total of 2.574 cfs. These include municipal water rights for the City of Beresford and Alcester, and one livestock confinement operation. The maximum amount of water that can be expected to be withdrawn by non-irrigation use water rights/permits limited only by diversion rate can be estimated by assuming water is pumped at the maximum permitted diversion rate 60 percent of

the time. Therefore, the total annual withdrawal from the aquifer by non-irrigation use is estimated to be 1,200 ac-ft/yr (Water Rights, 2013b).

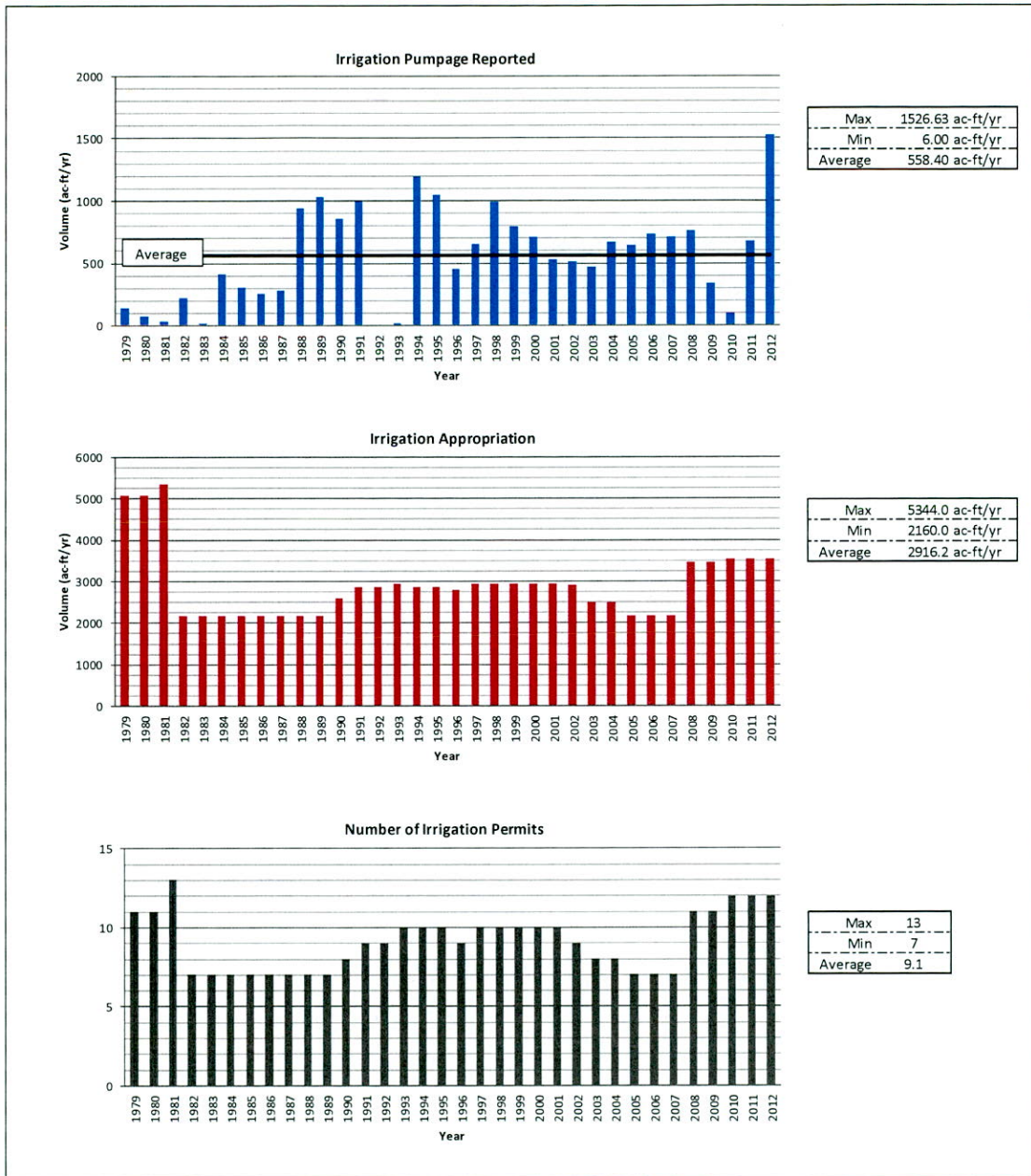


Figure 1: Historic irrigation water use from the Brule Creek aquifer (Water Rights, 1980-2013)

While there are numerous domestic wells on file, many are no longer used as primary sources since rural water systems have been introduced in the area. Considering this, and the relatively small withdrawal ability and authorization of a domestic well, the annual quantity of water withdrawn due to domestic wells is not significant to the hydrologic budget of the Big Sioux: Brookings aquifer (Water Rights, 2013c).

Hydrologic Budget:

The average annual withdrawal from the aquifer is estimated to be 1,759 ac-ft/yr, which is much less than the estimated annual recharge of 11,880 ac-ft/yr. Therefore, unappropriated water is available from the Brule Creek aquifer for the proposed appropriation.

Observation Well Data:

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

The Water Rights Program monitors 10 observation wells completed into the Brule Creek aquifer (Water Rights, 2013a). Because LN-80B is the nearest observation well and is located along the same tributary of Brule Creek, it best represents the aquifer at the proposed well site. The hydrograph is show in Figure 2.

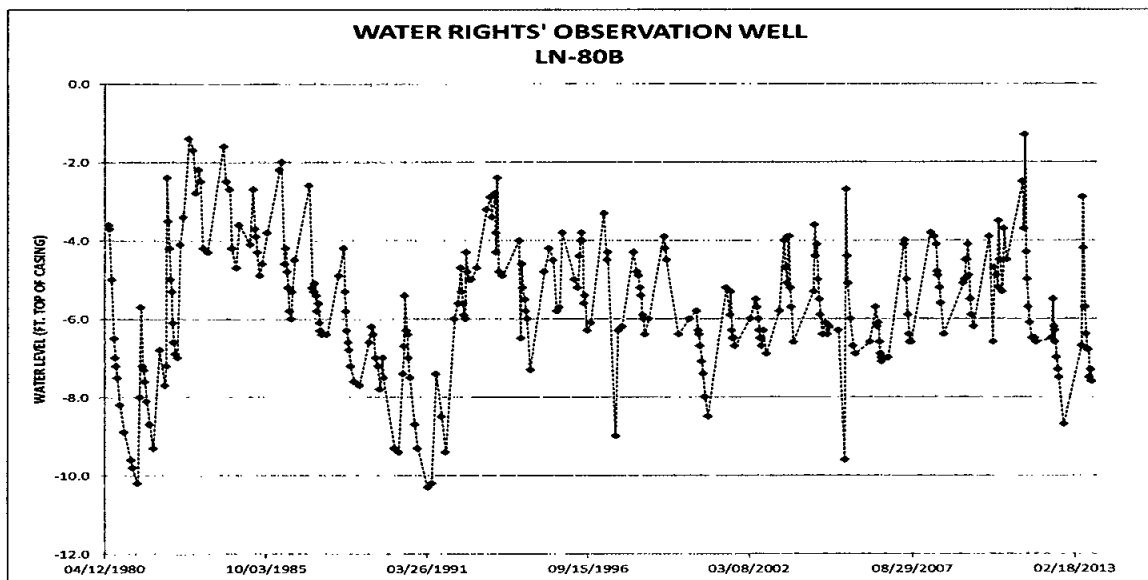


Figure 2: Hydrograph of observation well LN-80B (Water Rights, 0213a)

Water levels in this observation well display cyclic conditions, recharging during wet years and declining during dry years. The data documents that at the current level of development temporal well withdrawal is masked by climatic conditions and recharge to and natural discharge from the aquifer exceeds well withdrawal. Therefore, unappropriated water is available from the Brule Creek aquifer to support the proposed appropriation.

EXISTING WATER RIGHTS:

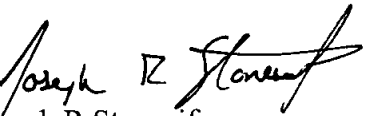
If approved, the proposed well will be located near other wells that obtain water from the same aquifer. There are five domestic wells on record within two miles of the proposed well site that appear to be completed into the Brule Creek aquifer (Water Rights, 2013c). The nearest water right/permit is located further than five miles from the proposed well site (Water Rights, 2013b). The domestic well under the name Marvin Ivarsen is the nearest, reportedly located approximately one half mile south of the proposed well site. Domestic wells under the names

Bertyne Birkkind and Lawrence Johnson are both reportedly located approximately one mile from the proposed well site, northwest and northeast, respectively (Water Rights, 013c).

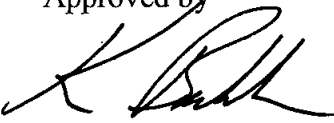
The Brule Creek aquifer appears to be under artesian conditions at the proposed well site; therefore, some drawdown due to pumping is likely. Drawdown could be increased due to the location of the proposed well site near an apparent boundary of the aquifer. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. Therefore, nearby adequate wells are not expected to be adversely or unlawfully impaired by the proposed diversions at these distances. However, if approved, the water permit holder should be required to control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

CONCLUSIONS:

1. This water permit application proposes to appropriate water at a maximum diversion rate of 1.89 cfs from one well to be completed into the Brule Creek aquifer for irrigation use. The well is expected to be approximately 75 feet deep, located in Lincoln County.
2. Unappropriated water is available from the Brule Creek aquifer to supply the proposed appropriation.
3. The proposed diversion at the proposed well location is not expected to adversely or unlawfully impair existing nearby adequate wells completed into Brule Creek aquifer.


Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by


Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Buhler, K.A. Report on Water Permit Application No. 7166-3 for Steve Andrews. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. 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. USGS WRI Report 93-44195, United State Geological Survey, Rapid City, South Dakota.
- SD Geological Survey. 2013. Lithologic Logs Database, South Dakota Department of Environment & Natural Resources Geological Survey, Vermillion, South Dakota.
- Stephens, J.C. 1967. Geology and Hydrogeology of Clay County, South Dakota, Part II: Water Resources. South Dakota DENR-Geological Survey Bulletin 19, 62 p.
- Water Rights. 1980-2013. "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ANDY WILCOX

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

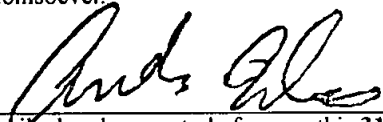
DENR

Notice on Application to Appropriate Water

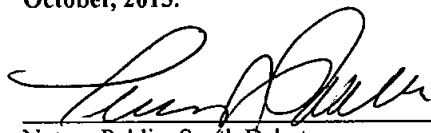
a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

October 31, 2013

that the full amount of the fees charged for publishing the same to-wit: the sum of \$23.47 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 31st day of
October, 2013.



Notary Public, South Dakota



**My Commission Expires
12/9/2014**

RECEIVED

NOV - 1 2013

**WATER RIGHTS
PROGRAM**

NOTICE OF APPLICATION NO. 7901-3 to Appropriate Water

Notice is given that Leon Thompson, 401 S 11th St, Beresford SD 57004 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (75 feet deep) located in the SW 1/4 NW 1/4 Section 11 for irrigation of 136 acres located in the NW 1/4 Section 11; all in T96N-R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7901-3 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 reason 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 in the Sioux Valley News on October 31, 2013 at the total approximate cost of \$23.47.

CUSTOMER NUMBER:	078200	Argus Leader	
AD ORDER NUMBER:	1428638		
	10/31, 2013	P.O. Box 677349, Dallas, TX 75267-7349	\$62.37

Leon Thompson
401 S 11th St
Beresford, SD 57004

RECEIVED

NOV - 4 2013

WATER RIGHTS
PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078200
Invoice Number: 1428638

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday the 31 day of October 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,

and that \$62.37 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 10/31/2013

J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2015

NOTICE OF APPLICATION
NO. 7901-3 to Appropriate

Water
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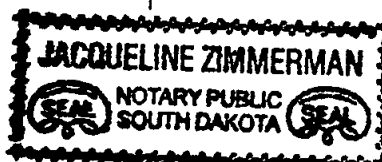
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Published once at the total approximate cost of \$62.37.
1428638 Oct. 31, 2013





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

Sioux Valley News
PO Box 255
Canton SD 57013

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7901-3 to Appropriate Water. Please publish the notice once on October 31, 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 Leon Thompson, 401 S 11th St, Beresford SD 57004 (Ph # 605-763-8486).

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

Argus Leader
PO Box 5034
Sioux Falls SD 57117

ATTENTION: Legal Public Notice

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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

Leon Thompson
401 S 11th St
Beresford SD 57004

Dear Mr. Thompson:

Water Permit Application No. 7901-3 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 Sioux Valley News printed at Canton SD (Ph # 605-764-2005) and the Argus Leader printed at Sioux Falls SD (Ph # 605-331-2200). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on October 31, 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. 7901-3 to Appropriate Water

Notice is given that Leon Thompson, 401 S 11th St, Beresford SD 57004 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (75 feet deep) located in the SW 1/4 NW 1/4 Section 11 for irrigation of 136 acres located in the NW 1/4 Section 11; all in T96N-R50W.

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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

NOV 21 2013

Leon Thompson
401 S 11th St
Beresford SD 57004

Dear Mr. Thompson:

Enclosed is Water Permit No. 7901-3 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

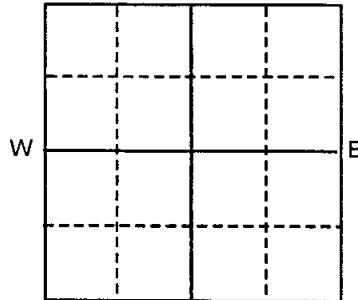
enclosures

7901-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 11 Twp 96N Rg 50WCounty Lincoln North NorthPlease mark well
location with an "X"

Well Completion Date

March 11, 2014

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	45.0 FT	17.50 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	13	Lb/gal	0.0 Ft	43.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
terme piped

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 Inches Length 30.0 FeetMaterial stainless steelSlot Size Set From 45.0 Feet to 75.0 FeetOther information 20' of .080 slot & 10' of .070 slotWAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorinated☐ No, Why Not?Lab to which water
quality sample sent for analysis

n/a

Well Owner: John Thompson

Business Name:

Address: 47333 295th StCity, State, Zip: Beresford SD 57004

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	2
Yellow clay	2	15
Sand	15	16
Yellow clay	16	19
Sandy brown clay	19	37
Gravel	37	45
Coarse gray sand & gravel	45	63
Sand & blue clay	63	68
see remarks		

STATIC WATER LEVEL 22.0 FEETIf flowing: closed in pressure PSIGPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: ☐ Bailed☐ Other

Pumping Level Below Land Surface

39.0 Ft. After 8.0 Hrs. pumped 440.0 GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

Sand & gravel 68-75
Clay 75-75GPS: N 43.1508
W 96.72665

RECEIVED

OCT 20 2014

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

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 10-13-14

10-28-14

7901-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW ¼ NW ¼ Sec 11 Twp 96 Rg 50

County Lincoln

North

Please mark well
location with an "X"

RECEIVED

APR 29 2022

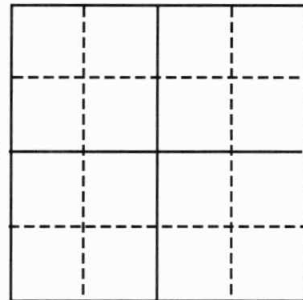
WATER RIGHTS
PROGRAM

Well Completion Date

3/29/2022

W

E



1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

MUD ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

LB/FT 12.00 IN 0.0 FT 46.0 FT 18.00 IN

LB/FT IN FT FT IN

LB/FT IN FT FT IN

GROUTING DATA:

Grout Type No. of Sacks Grout Weight From To

BENTONITE 14 Lb/gal 0.0 Ft 42.0 Ft

Lb/gal Ft Ft

Describe grouting procedure

TREMIE PIPED

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 12.00 Inches

Length 35.0 Feet

Material STAINLESS STEEL

Slot Size .080 Set From 46.0 Feet to 81.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? CHLORINE

☐ No, Why Not?
Lab to which water
quality sample sent for analysis

Well Owner: JOHN THOMPSON

Business Name:

Address: 47333 295TH ST

City, State, Zip: BERESFORD SD 57004

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	8
CLAY BROWN	8	23
Clay brown w/ thin gravel layers	23	28
CLAY BLUE	28	35
GRAVEL	35	41
CLAY BLUE	41	46
GRAVEL	46	61
Gravel w/ a few clay layers	61	81

STATIC WATER LEVEL 21.0 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

43.0 Ft. After 5.0 Hrs. pumped 500.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

GPS N 43° 9' 8.3" W 96° 43' 36" 12" WELL

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: THEIN WELL COMPANY, INCORPORATED

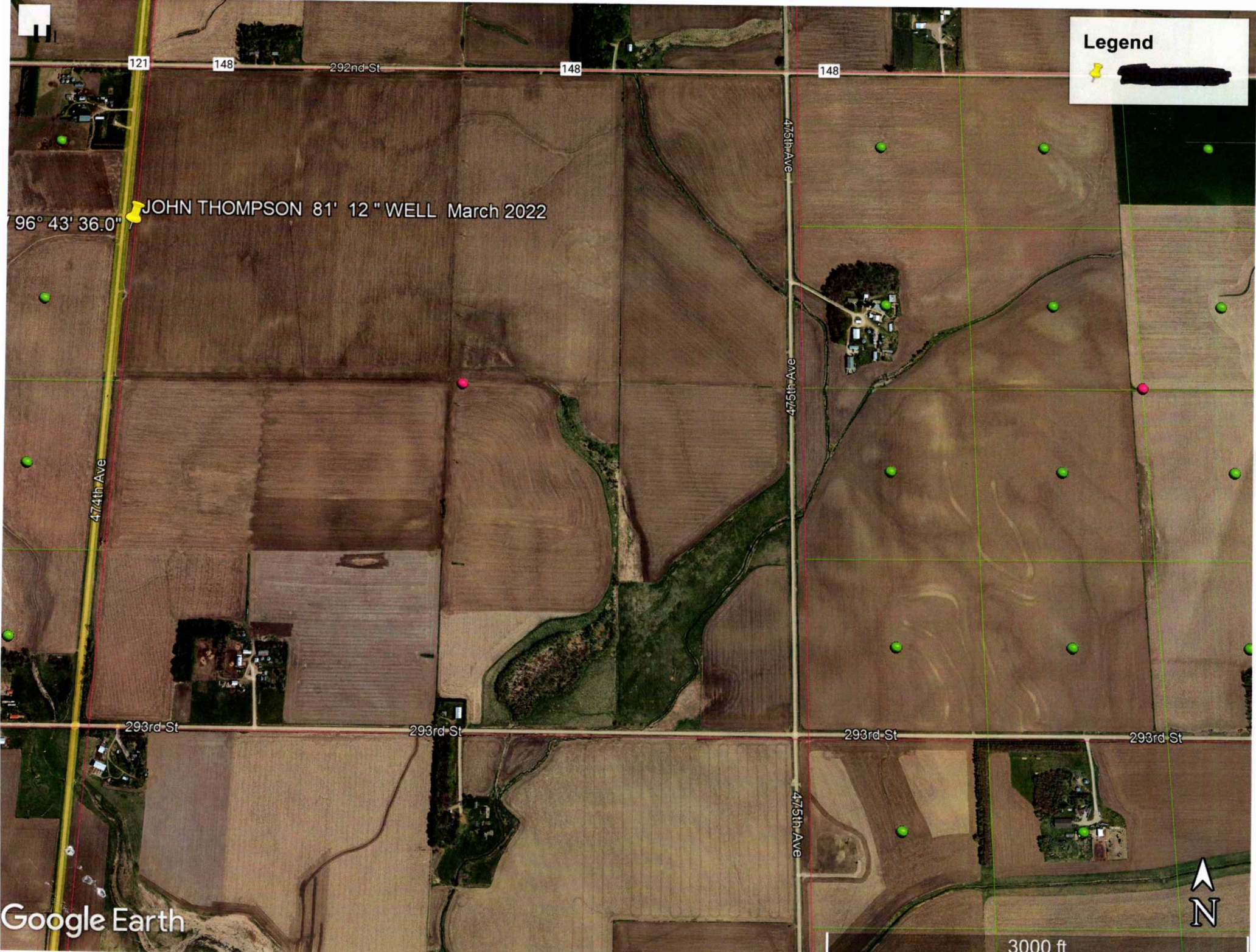
Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

Legend



96° 43' 36.0"  JOHN THOMPSON 81' 12" WELL March 2022



7901-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 3, 2023

7900-3

7901-3

John Thompson
47333 295th St
Beresford SD 57004

Dear Mr. Thompson:

Thank you for visiting with me regarding the water permits listed under Leon's name.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (\$100). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID

To: Chief Engineer
Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

MAY 10 2023
Ck# 12708
Rec't# 5/10/23

No. 7901-3

Date: 5-7-23

I/We request that Water Permit No. 7901-3

formerly owned by: Leon Thompson

be transferred to: (name & address) John Thompson

47333 295th St.

Beresford SD 57004

Telephone No. _____

Title to the following described land(s)/property has been transferred as described above:

NW ¼ Section 11, T96N, R50W

I/We understand that the validity of Water Permit No. 7901-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We John Thompson, the new owner, certify that the above information is true and correct.

John Thompson
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED

MAY 10 2023

**OFFICE OF
WATER**

7901-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date May 10, 2023RECEIVED OF John H. Thompson 47333 295th St., Beresford SD 57004

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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. _____	\$ _____
Fee for Filing Transfer Form <u>7901-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund

Chief Engineer

vm

7901-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 11, 2023

7900-3
7901-3

John Thompson
47333 295th St
Beresford SD 57004

Dear Mr. Thompson:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Permit Nos. 7900-3 and 7901-3.

The ownership changes have been completed. The water permits formerly held by Leon Thompson are now listed in your name.

Enclosed for your records are receipts for the filing fees that were paid. If I can answer any questions, please let me know.

Sincerely,

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7901-3

I have this day, April 18, 2023, made a thorough examination of the water use system constructed by John Thompson; 47333 295th St, Beresford, SD 57004 of Permit No. 7901-3, bearing the priority of September 11, 2013 authorizing the diversion of 1.89 cu. ft. per second of the waters of the Brule Creek Aquifer for irrigation purposes, in Lincoln County.

A. Works used to divert the water: (2 wells)

Well Information: North

- 1) Well Drilling Firm: Thein Well Co
- 2) No. of Wells: 1
- 3) Depth: 81 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 46 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 35 feet
- 3) Static water level 21 feet

Pump:

- 1) Make Submersible
- 2) Model & Size Unknown
- 3) Capacity: 500 GPM

Motor:

- 1) Make & Model: Unknown

Well Information: South

- 1) Well Drilling Firm: Thein Well Co
- 2) No. of Wells: 1
- 3) Depth: 75 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 45 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 30 feet
- 3) Static water level 22 feet

Pump:

- 1) Make: Submersible
- 2) Model & Size Unknown
- 3) Capacity: 300 GPM

Motor:

- 1) Make & Model: Unknown

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

- 1) Type PVC
- 2) Size 6 inches
- 3) Length 1390 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1300 feet
- 3) Number of towers: 7
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment: Does chemigate Y

Comments: **Uses a commercially available system**

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 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: **WELL LOCATIONS**
From the NW corner Sec 11 T96N R50W, North Well -1410 ft S 35 ft E, Lat 43.15231 Long -96.72667
South Well -1925 ft S 35 ft E, Lat 43.15086 Long -96.72662 (all in the SW ¼ NW ¼)
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
All land in Sec 11 T96N R50W
NW ¼ NW ¼ 32.1 acres
NE ¼ NW ¼ 32.2 acres
SE ¼ NW ¼ 34.1 acres
SW ¼ NW ¼ 33.9 acres
comprising a total of 132.3 acres of land and the license should be issued for 1.78 cfs.
3. All structures, wells and lands on map Y

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

The irrigated acreage was determined with the aid of FSA imagery and ArcMAP software.

The mailing address and the telephone number in the permit materials are current for John Thompson.

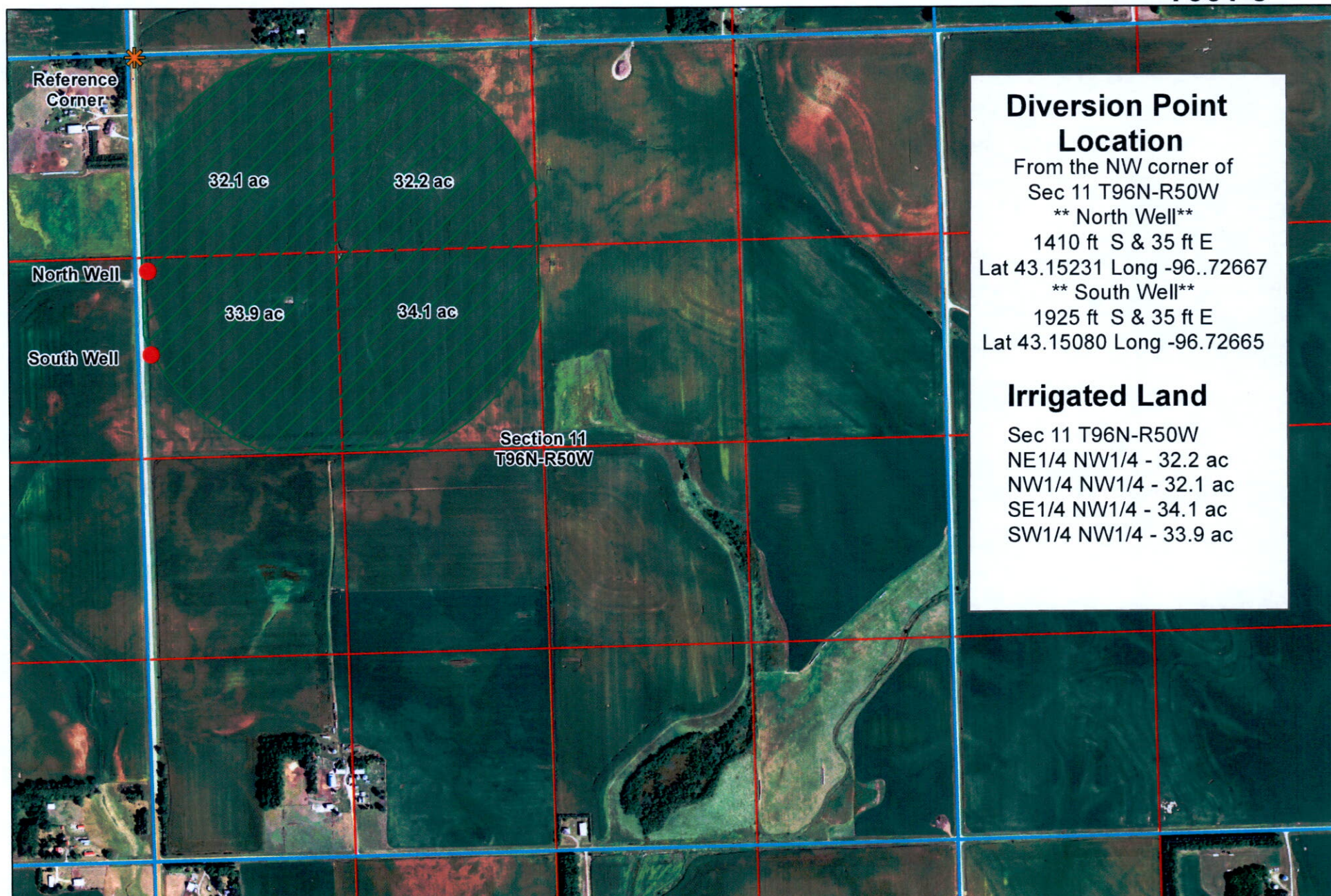


Darrell W DeBoer

Water Rights Inspector

DANR, Water Rights Program

Date report completed: April 18, 2023



Diversion Point Location

From the NW corner of
Sec 11 T96N-R50W

**** North Well****

1410 ft S & 35 ft E

Lat 43.15231 Long -96.72667

**** South Well****

1925 ft S & 35 ft E

Lat 43.15080 Long -96.72665

Irrigated Land

Sec 11 T96N-R50W

NE1/4 NW1/4 - 32.2 ac

NW1/4 NW1/4 - 32.1 ac

SE1/4 NW1/4 - 34.1 ac

SW1/4 NW1/4 - 33.9 ac



0 625 1,250 2,500 3,750 5,000 Feet

Approval of Location Change and/or Additional Diversion Point(s)

NAME: John Thompson

ADDRESS: 44333 295th Street, Beresford SD 57072

DATE: May 16, 2023

COUNTY: Lincoln

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to construct a 75 foot deep well into the Brule Creek Aquifer in the SW1/4 NW1/4 of Section 11 T96N-R50W for irrigation of 136 acres in the NW ¼ of Section 11 T96N-R50W.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The permit holder constructed two wells; a 75 foot well and a 76 foot well into the Brule Creek Aquifer in the SW ¼ NW ¼ of Section 11 T96N-R50W.

- **If irrigation, no new land is irrigated**

The permit holder developed 132.2 acres in the NW ¼ of Section 11 T96N-R50W

- **Review of Existing Diversions**

There is 1 existing water permits/rights approximately a 2 miles from where the this well was developed. It was determined that there was reasonable probability any well interference due to pumping of this well would not adversely or unlawfully impair existing rights. The same would be expected for the well constructed in the new location.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mark D. Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program



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

MAY 17 2023

7901-3

John Thompson
47333 295th St
Beresford SD 57004

Dear Mr. Thompson:

Enclosed is Water License No. 7901-3. 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 in the future, the owner of an existing well, 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, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7901-3

(1) Leon Thompson, Beresford SD 57004 made Application No. 7901-3, September 11, 2013, for a water permit to divert 1.89 cubic feet of water per second from ground water, one well (Brule Creek Aquifer), Lincoln County, South Dakota for irrigation purposes. Permit No. 7901-3, with a priority date of September 11, 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 water on or before November 12, 2022.

On May 10, 2023, Water Permit No. 7901-3 was transferred to John Thompson.

An investigation conducted for licensing purposes found two wells had been developed to supply water to the irrigated acreage. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the additional diversion point location did not increase the potential for adverse effects to existing diversions.

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

- North Well: 1,410 ft S and 35 ft E of the NW corner of Section 11, T96N, R50W (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Latitude 43.15231, Longitude -96.72667
- South Well: 1,925 ft S and 35 ft E of the NW corner of Section 11, T96N, R50W (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Latitude 43.15086, Longitude -96.72662

(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 11, T96N, R50W	NW $\frac{1}{4}$ NW $\frac{1}{4}$	32.1 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	32.2 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34.1 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	33.9 acres
Total		132.3 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 John Thompson, 47333 295th St, Beresford SD 57004 the holder and/or owner of Water Right No. 7901-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, two wells (Brule Creek Aquifer) with a priority date of September 11, 2013, from the locations specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7901-3 and subject to the following qualifications:

- The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right 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 wells authorized by Permit No. 7901-3 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 two wells were drilled in 2014 and 2022 by Thein Well Company Inc. Copies of the well completion reports are on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.


Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

MAY 17 2023
date





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

January 14, 2025

NOTICE

TO: JOHN THOMPSON, 47333 295TH ST, BERESFORD, SD 57004

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7900-3, 7901-3, 7843-3 & 7916-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7900-3, 7901-3, 7843-3 & 7916-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7900-3, 7901-3, 7843-3 & 7916-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: MHLBIX**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2025

7843-3, 7900-3
7901-3, 7916-3

John Thompson
47333 295th St
Beresford SD 57004

Dear Mr. Thompson:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 7843-3, 7900-3, 7901-3 & 7916-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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