

WATER PERMIT NO. 7907-3

Name of Applicant: **Ronald Jongeling**

Address: **45950 191st St, Castlewood SD 57223**

Phone: **605 88-5812**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **77 acres**

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

Water to be used for: **irrigation**

County: **Hamlin**

Type of Waste Disposal System:

Location: **6 miles southeast of Castlewood**

PRIORITY

Date Received: **9-30-13**

Application/License Fee: **\$ 950**

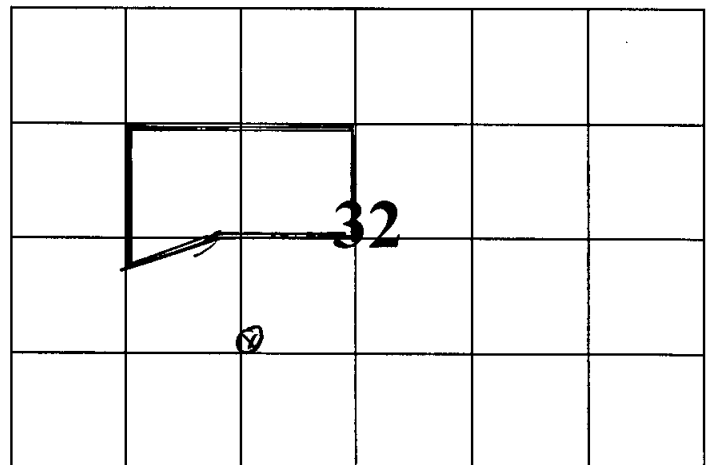
Corrected Application Received:

Period of Annual Use: **May 1 – September 30**

Remarks: **Using well authorized by Water Right No. 4934-3. Applicant is requesting diversion rate greater than statutory limit**

Diversion Point: **SE 1/4 SW 1/4 Sec 32-T114N-R51W**

Land to be Irrigated: **S 1/2 NW 1/4, NW 1/4 SW 1/4 Sec 32-T114N-R51W**



Depth of Well: **80 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **9-30-13**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2907-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u> <u>605-793-2293</u>
	Newspaper <u>Hamlin Co. Republican Box 50 Castlewood</u> <u>605-886-6901</u> <u>57223</u>
	<u>Public Opinion Box 10 Watertown 57201</u>

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SEP 30 2013

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Ronald Jongeling
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 45950 191st St. Castlewood SD 57223
(Address) (City) (State) (Zip Code)

Home Phone _____ Cell 605 881-5812 Email _____

2. Amount of water claimed 0.45 *CFS or 202 **GPM ***AF Total Acreage 77
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply well

4. Location of point of diversion well is in center of SW 1/4 Sec 32 114N 51W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
There is already a permit for the well in the SW 1/4 Sec 32 County Hamlin

5. County or counties where water will be used Hamlin

6. Annual period during which water is to be used May 1 - Sept 30

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

Land Description	Acres	Land Description	Acres
SW 1/4 of the NW 1/4 Sec 32 114N 51W	35		
SE 1/4 of the NW 1/4 Sec 32 114N 51W	35		
NW 1/4 of the SW 1/4 Sec 32 114N 51W	7		

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

Using 1 well for both systems

I, Ron Jongeling, 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. 7907-3**

Date of first receipt of application September 30, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7907-3 to Ronald Jongeling, 45950 191st St, Castlewood SD 57223 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. 7907-3 appropriates 0.45 cubic feet of water per second (cfs) from an existing well completed into the Big Sioux:Brookings Aquifer (80 feet deep) located in the NE 1/4 SW 1/4 Section 32 for irrigation of 77 acres located in the S 1/2 NW 1/4, NW 1/4 SW 1/4 Section 32; all in T114N-R51W. The well is currently authorized by Water Right No. 4934-3 to appropriate 1.33 cfs for irrigation of 99 acres in the SW 1/4 Section 32-T114N-R51W. Water Right No. 4934-3 and this permit, combined will appropriate a total of 1.78 cfs from this well to irrigate 176 acres.
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 30, 2013.
4. The date of approval of Permit No. 7907-3 is December 16, 2013.
5. One-fifth of the construction is to be completed on or before June 16, 2016.
6. All construction is to be completed on or before December 16, 2018.
7. Water is to be put to beneficial use on or before December 16, 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 Water Right No. 4934-3 and 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

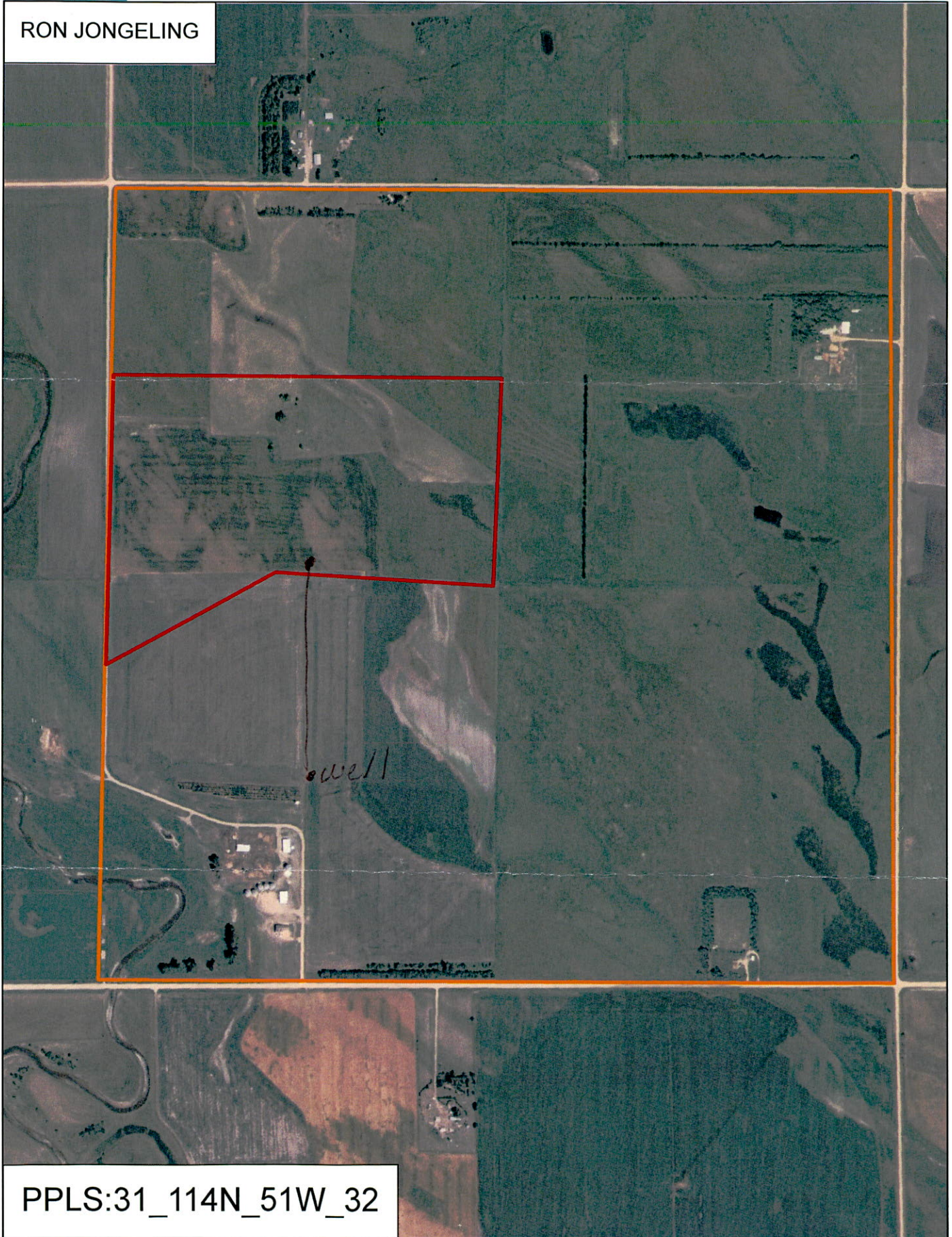
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 15 2014

_____ date



RON JONGELING



PPLS:31_114N_51W_32

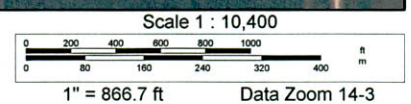
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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/30, 20 13

RECEIVED OF Ronald E Jogeling 45950 191st St Castlewood SD 57223

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

Fee for Application for Permit No. <u>7907-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>7907-3</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	950 00

No. 06446

By Jeanne Goodman
Chief Engineer

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Ronald Jongeling

ADDRESS: 45950 191st St, Castlewood SD 57223

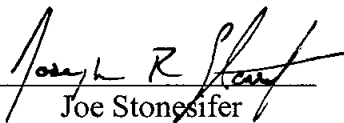
DATE: 10/17/2013 TELEPHONE: 605-881-5812

RE: Total diversion rate

COMMENTS: I called Mr. Jongeling to clarify his diversion rate. The existing diversion rate authorized by Water Permit No. 4934-3 is 1.33 cfs. Water Permit Application No. 7907-3 requests a diversion rate of 1.78 cfs from the existing well authorized by Water Right No. 4934-3.

Mr. Jongeling stated that the diversion rate from the existing well would be at maximum 1.78 cfs. This diversion rate would be used to irrigate the existing acreage authorized and the proposed acreage. And so, Water Permit Application No. 7907-3 is only requesting an additional 0.45 cfs more than the previously authorized 1.33 cfs.

NAME:


Joe Stongsifer



**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. 7907-3, Ronald Jongeling**

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. 7907-3, Ronald Jongeling, 45950 191st Street, Castlewood SD 57223.

The Chief Engineer is recommending APPROVAL of Application No. 7907-3 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 Water Right No. 4934-3 and 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. 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
November 20, 2013

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 7907-3

Ronald Jongeling

October 17, 2013

Water Permit Application No. 7907-3 proposes to appropriate water at an additional maximum diversion rate of 0.45 cubic feet per second (cfs) from one existing well authorized by Water Right No. 4934-3. Water will be used to irrigate 77 acres located in the S½ NW¼, NW¼ SW¼ of Section 32, T114N-R51W. The existing well authorized by Water Right No. 4934-3 is completed into the Brookings management unit of the Big Sioux aquifer. The well is 80 feet deep and is located in the NE¼ SW¼ of Section 32, T114N-R51W in Hamlin County. Water Right No. 4934-3 appropriates water at a maximum diversion rate of 1.33 cfs to irrigate 99 acres located in the N½ SW¼, SE¼ SW¼ of Section 32, T114N-R51W. Water Right No. 4934-3 plus Water Permit No. 7907-3, if approved, will appropriate water at a total maximum diversion rate of 1.78 cfs to irrigate a total of 176 acres. This is shown in Figure 1.

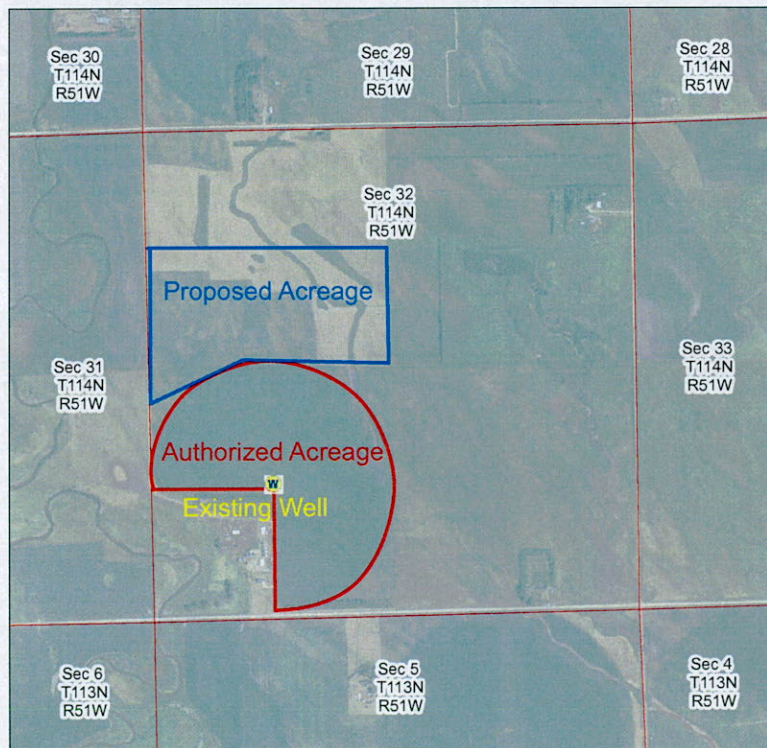


Figure 1: Existing well, acreage proposed by Water Permit Application No. 7907-3, and acreage authorized by Water Right No. 4934-3 (Water Rights, 2013b)

AQUIFER: Brookings management unit of the Big Sioux aquifer (BS: B)

HYDROGEOLOGY:

In total the Brookings management unit of the Big Sioux aquifer underlies approximately 323,000 acres of Brookings, Codington, Deuel, Hamlin, Kingsbury, and Moody Counties (Hamilton, 1989; Hansen, 1988; Hedges and others, 1982; Kume, 1985; Stonesifer, 2013). The

Brookings management unit is hydraulically connected to the North management unit to the north, the Battle Creek aquifer to the west, the North Deer Creek, Unnamed Creek, Six Mile Creek, and Aurora management units of the Big Sioux aquifer to the east, and the Moody management unit to the south (Hedges and others, 1982). The aquifer is hydraulically connected to many surface waters, specifically the Big Sioux River, and water in the aquifer generally moves from north to south and locally towards the river (Hamilton, 1989).

The Big Sioux: Brookings aquifer is an alluvium mantled outwash consisting of well-sorted, permeable, medium to coarse sand and fine to medium gravel. The aquifer is often under unconfined conditions near the Big Sioux River and can be confined elsewhere (Hamilton, 1989). From the average thickness of 30 feet and a commonly assumed storativity of 0.15, the Big Sioux: Brookings aquifer is estimated to contain 1,453,00 acre-feet (ac-ft) of recoverable water in storage (Hedges and others, 1982; Hamilton, 1989; Kume, 1985; Stonesifer, 2013).

Generally, the aquifer is underlain by till and, when buried, overlain by till. In the area of well, aquifer materials are often encountered within 60 feet of ground surface (Water Rights, 2013c; 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 Big Sioux: Brookings aquifer occurs through infiltration of precipitation in areas where the aquifer is at or near land surface, seepage through till, lake deposits, and underlying aquifers, and inflow from the Big Sioux River and its tributaries during times of relatively high surface water levels (Hamilton, 1989; Kume, 1985).

Hedges and others (1985) determined the average recharge rate to the entire Big Sioux aquifer system by base flow analysis to be 6.5 inches per year (in/yr). Koch (1980) estimated average recharge to the Big Sioux aquifer in Brookings, Deuel, and Hamlin Counties by modeling to be

6.57 in/yr to the unconfined portions. Kume (1985) estimated recharge to the Big Sioux aquifer in Hamlin and Deuel Counties to be 5.11 in/yr. Hansen (1988) estimated recharge to the Big Sioux aquifer in Moody County by modeling to be on average 4.85 in/yr. Hedges and others (1985) estimated recharge specifically of the Brookings management unit by observation well analysis to be 4.0 in/yr; this is considered the best data available due to its emphasis on the management unit. Applying the recharge rate of this management unit to the area, recharge to the Big Sioux: Brookings aquifer is estimated to be 107,000 ac-ft/yr.

Koch (1980) indicates that even more water could be pumped than the estimated average recharge based on the concepts of induced recharge from surface waters due to pumpage and capture of water to pumpage prior to evapotranspiration or natural outflow.

Discharge:

Discharge from the aquifer occurs through evapotranspiration in areas where the aquifer is at or near land surface, outflow to the Big Sioux River and its tributaries during times of relatively low surface water levels, and well withdrawals (Hamilton, 1989; Kume, 1985). There are a total of 246 water rights/permits appropriating water from the aquifer. Water Rights/Permits limited by annual volume currently appropriate 5,034 ac-ft/yr of water, and water rights/permits limited by diversion rate currently appropriate water at a total maximum diversion rate of 18.939 cfs. There are a total of nine future use permits reserving a total of 7,327 ac-ft/yr of water from the aquifer (Water Rights, 2013b).

Brookings-Deuel-Kingbrook and Sioux rural water systems and the municipalities of Lake Norden and Volga are required to report withdrawals from the Big Sioux: Brookings aquifer for some or all water rights/permits. Reported use of a public water supply system may not be an accurate reflection of expected use. Eventual full use of an appropriation for public water supply systems is often expected to account for future growth. Each of these entities have future use permits and subsequently any appropriation permitted but not put to beneficial use can be reverted back to the future use reservation (Water Rights, 2013b).

Several municipalities are connected to a rural water system that is either used as a primary or standby, "back-up," source. The municipalities of Clear Lake, Hayti, and Bruce currently use a rural water system as a primary source and their water rights/permits are retained as a standby source for security, such as fire protection. These water rights are all limited by diversion rate, totaling 2.81 cfs (Water Rights, 2013b).

The amount of water that can be expected to be withdrawn by non-irrigation use water rights/permits and future use permits at the current appropriation/reservation amount can be estimated by assuming:

- 1) reported use of municipalities and rural water systems still expecting future growth is not yet considered,
- 2) water rights/permits limited by an annual volume will pump the entire volume appropriated annually,
- 3) water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time,
- 4) future use permits can be fully developed, and

5) water rights/permits authorized to municipalities using rural water systems as a primary source will not withdraw water.

Considering these water use expectations, non-irrigation water appropriations/reservations are expected to account for 19,368 ac-ft/yr to be withdrawn from the Big Sioux: Brookings aquifer (Water Rights, 2013b).

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).

The average of the annual irrigation pumpage is currently 8,684 ac-ft/yr, but varies from a minimum of 1,043 ac-ft/yr to a maximum of 19,483 ac-ft/yr (Water Rights, 1980-2013). This data indicates a huge variability in the data set, which can be seen in Figure 1. The annual irrigation pumpage can be attributed to two major factors: climatic and economic conditions. For example, during the drought and high commodity prices of 2012, the irrigation pumpage was much greater than the average. While the relationship between these variables is obvious, these variables are difficult to predict.

The annual irrigation appropriation from this aquifer has remained fairly steady until just recently. Since 2012, 20 water permits have been approved, authorizing irrigation of 2,957.5 acres. Annual use of these permits has not yet been reported. There are also three pending applications for this aquifer. Water Permit Application Nos. 7889-3, 7896-3, and 7902-3 propose to appropriate water for irrigation to a total of 564 acres (Water Rights, 2013b). While the maximum allowable application rate is two feet per acre per year (ft/ac/yr), in most instances irrigators apply less than one ft/ac/yr. To be realistic yet conservative, assuming an application of one ft/ac/yr results in an expected use of these newly approved and pending permits, if approved, of 3,522 ac-ft/yr.

Hydrologic Budget:

Recently, courts have ruled that if average annual recharge is used, average annual withdrawals should also be used to determine if unappropriated water is available and that data must be presented to show that it is probable that the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (Memorandum Decision, April 29, 2005; Memorandum Decision, April 11, 2012).

The average annual recharge to the Big Sioux: Brookings aquifer is estimated to be 107,000 ac-ft/yr. The average annual withdrawal is expected to be at most 31,574 ac-ft/yr. Therefore, unappropriated water is available from the Big Sioux: Brookings aquifer to support the proposed appropriation.

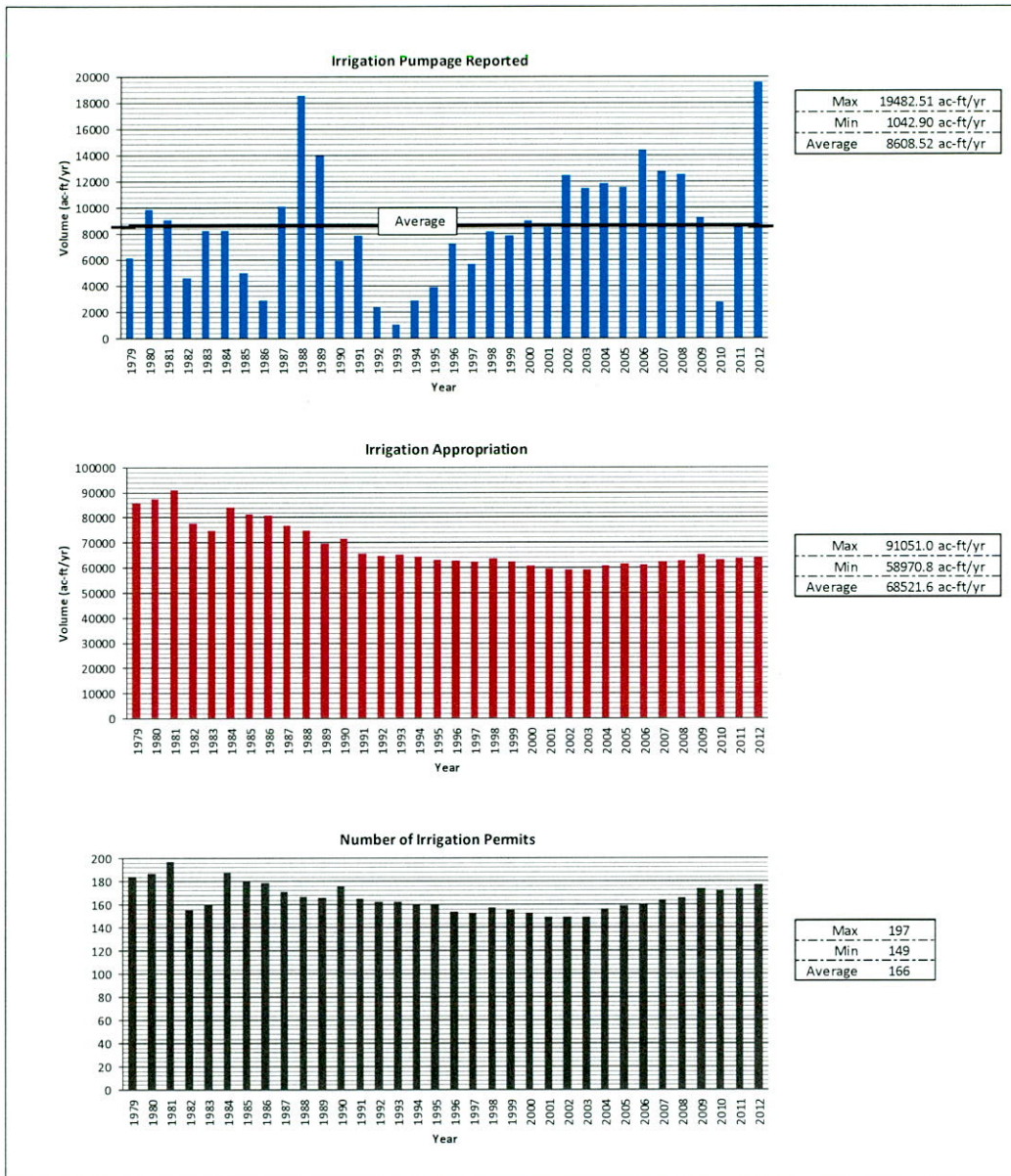


Figure 2: Historic irrigation water use from the Big Sioux: Brookings aquifer (Water Rights, 1980-2013)

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 DENR-Water Rights Program currently monitors 54 observation wells completed into the Big Sioux: Brookings aquifer that produce representative data of the aquifer. Most of these wells record steady or increasing water levels in the aquifer over the period of record (Water Rights, 2013a). While a few observation wells appear to record a decreasing water level trend, further analysis reveals that these decreases are a record of the drawdown due to pumpage of new wells

in the area and do not reflect an overall decrease in water availability in the aquifer. Considering this, there are no observation wells in the Big Sioux: Brookings aquifer that indicate that withdrawals have exceeded recharge.

The nearest observation wells, HN-77E and HN-57B, are located approximately one mile northeast and one mile southwest of the well site, respectively. The hydrographs of these observation wells are shown in Figures 3 and 4 (Water Rights, 2013a). These hydrographs are typical of many observation wells recording water levels in the Big Sioux: Brookings aquifer.

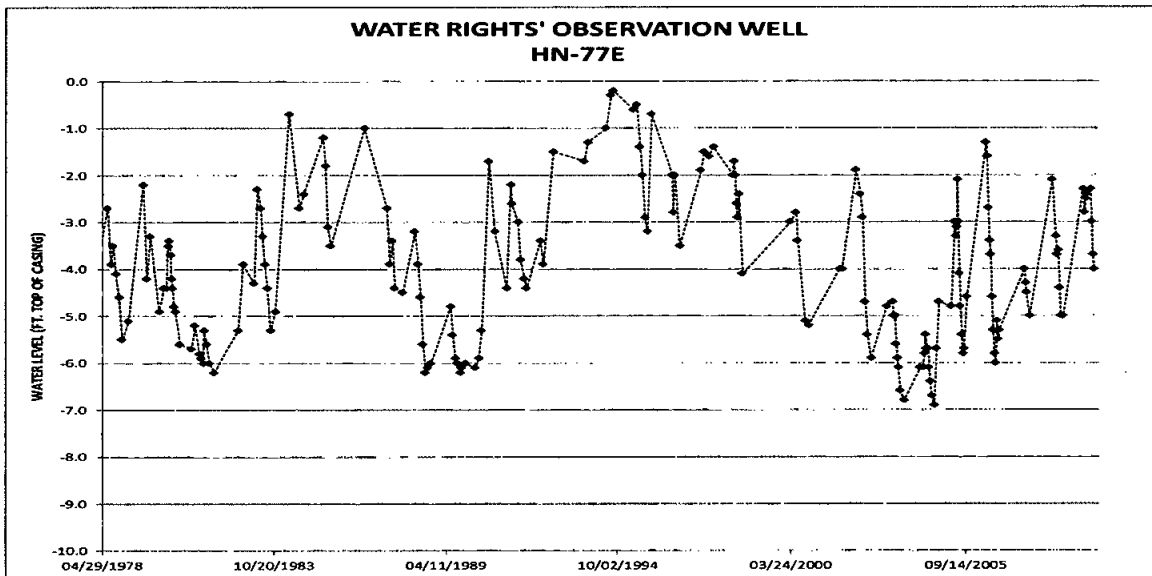


Figure 3: Hydrograph for observation well HN-77E (Water Rights, 2013a)

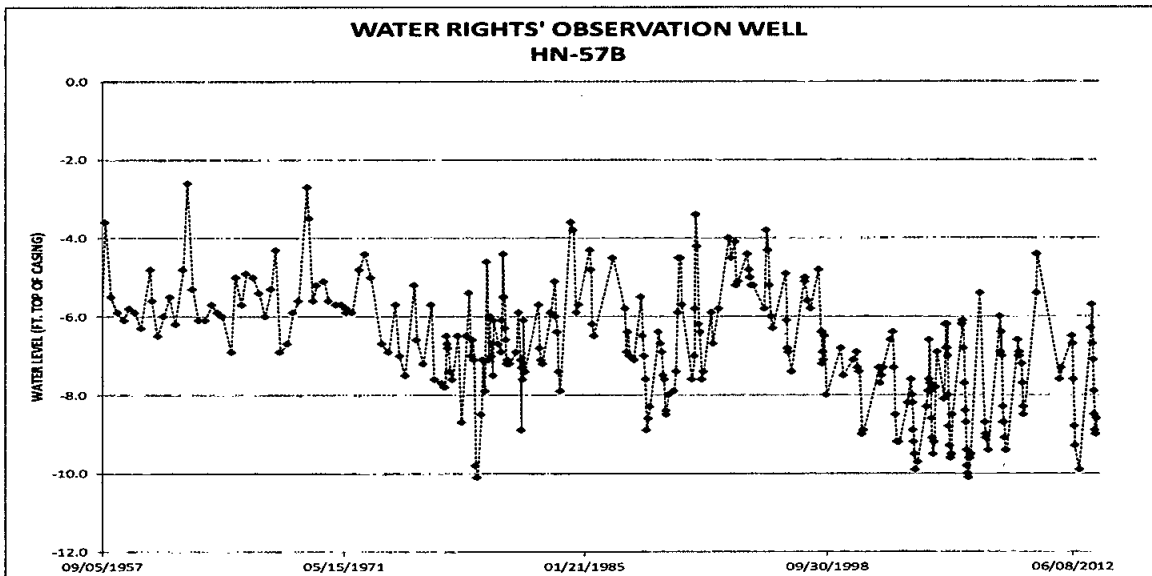


Figure 4: Hydrograph for observation well HN-57B (Water Rights, 2013a)

Water levels in these observation wells often display cyclic conditions, recharging during wet years and declining during dry years. Pumpage is generally masked by climatic conditions. The

lowering of the water table, especially evident in observation well HN-57B, is attributed to area pumping and drawdown effects. The water table has since remained at a similar stage since the development, indicating that at the current level of development recharge to and natural discharge from the aquifer exceeds well withdrawal. Therefore, unappropriated water is available from the Big Sioux: Brookings aquifer to support the proposed appropriation.

EXISTING WATER RIGHTS:

There are several wells completed into the Big Sioux aquifer in the area of the well site. Many of the nearest domestic wells and water rights/permits are currently under the name of Ronald Jongeling, the applicant (Water Rights, 2013b; Water Rights, 2013c).

The water table conditions of the aquifer in this area dictate that water level drawdown due to pumping would probably not extend far from the well. Also, the Big Sioux River, located less than one quarter mile west of the well, acts as a strong hydraulic boundary. Additionally, this well has already been in use for irrigation for many years without any controversies. The additional diversion requested is not expected to cause a measurable additional water level drawdown (Water Rights, 2013b). 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 additional diversion.

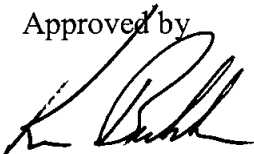
CONCLUSIONS:

1. This water permit application proposes to appropriate water at an additional maximum diversion rate of 0.45 cfs from one existing well authorized by Water Right No. 4934-3 completed into the Big Sioux: Brookings aquifer for irrigation of 77 additional acres.
2. Water Right No. 4934-3 appropriates water at a maximum diversion rate of 1.33 cfs to irrigate 99 acres.
3. Water Right No. 4934-3 plus Water Permit No. 7907-3, if approved, will appropriate water at a total maximum diversion rate of 1.78 cfs to irrigate a total of 176 acres.
4. Unappropriated water is available from the Big Sioux: Brookings aquifer to supply the proposed appropriation.
5. The proposed diversion at the well location is not expected to adversely or unlawfully impair existing nearby adequate wells.



Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hamilton, L.J. 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota. Water-Resources Investigations Report 88-4185, 82 p. USGS, Huron, South Dakota.
- Hansen, H.S. 1988. Appraisal of the Water Resources of the Big Sioux Aquifer, Moody County, South Dakota. Water-Resources Investigations Report 87-4057. USGS, Huron, South Dakota.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- 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.
- In the Matter of Water Permit Application No. 7239-3, by Hanson County Dairy v. Robert Bender and Stace Nelson, South Dakota First Judicial Court Civ. No. 11-54 (Memorandum Decision, April 11, 2012)
- In the Matter of Water Permit Application No. 6431-3, by Phillip W. Hines v. SD Department of Environment and Natural Resources, South Dakota Sixth Judicial Court Civ. No. HU04-37 (Memorandum Decision, April 11, 2012)
- Koch, N.C. 1980. Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota. Water-Resources Investigations Report 80-100. USGS, Huron, South Dakota.
- Kume, J. 1985. Water Resources of Deuel and Hamlin Counties, South Dakota. Water-Resources Investigations Report 84-4069. USGS, Huron, South Dakota.
- SD Geological Survey. 2013. Lithologic Logs Database, South Dakota Department of Environment & Natural Resources Geological Survey, Vermillion, South Dakota.
- Stonesifer, J. 2013. Report on Water Permit Application No. 7887-3 for Novita Aurora, LLC, c/o Rick Eggebrecht: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- 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.

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DEC 11 2013

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SS

I, Lee Anne Dufek

certify that the attached printed Notice was
taken

from the Hamlin County
Republican

printed and published in Castlewood

County of Hamlin and

state of South Dakota. The notice was
published

in the newspaper on the following date:

Dec 4, 2013

Cost of Printing \$25.08

Lee Anne Dufek
(Signature)

Publisher
(Title)

12-10-13

(Date Signed)

**NOTICE OF APPLICATION NO.
7907-3 TO APPROPRIATE WATER**

Notice is given that Ronald Jongeling, 45950 191st St, Castlewood SD 57223 has filed an application for a water permit to appropriate 0.45 cubic feet of water per second (cfs) from an existing well completed into the Big Sioux-Brookings Aquifer (80 feet deep) located in the NE 1/4 SW 1/4 Section 32 for irrigation of 77 acres located in the S 1/2 NW 1/4, NW 1/4 SW 1/4 Section 32; all in T114N-R51W. The well is currently authorized by Water Right No. 4934-3 to appropriate 1.33 cfs for irrigation of 99 acres in the SW 1/4 Section 32, T114N, R51W. Water Right No. 4934-3 and this application, combined will appropriate a total of 1.78 cfs from this well to irrigate 176 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7907-3 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 December 16, 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. Pimer, Secretary, Department of Environment and Natural Resources.

Published Dec. 4, 2013, at a total cost of \$25.08.

RECEIVED

DEC 10 2013

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

December 4th, 2013

Cost of Printing \$63.10

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

December 4th, 2013

(Date Signed)

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF APPLICATION NO. 7907-3 to Appropriate Water

Notice is given that Ronald Jongeling, 45950 191st St, Castlewood SD 57223 has filed an application for a water permit to appropriate 0.45 cubic feet of water per second (cfs) from an existing well completed into the Big Sioux-Brookings Aquifer (80 feet deep) located in the NE 1/4 SW 1/4 Section 32 for irrigation of 77 acres located in the S 1/2 NW 1/4, NW 1/4 SW 1/4 Section 32; all in T114N-R51W. The well is currently

authorized by Water Right No. 4934-3 to appropriate 1.33 cfs for irrigation of 99 acres in the SW 1/4 Section 32, T114N, R51W. Water Right No. 4934-3 and this application, combined will appropriate a total of 1.78 cfs from this well to irrigate 176 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7907-3 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.

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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 approximate cost of \$68.10. (December 4, 2013)

All legal notices in the Public Opinion and other South Dakota newspapers can be found at
www.sdpublishing.com

63.10



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

November 20, 2013

Hamlin County Republican
PO Box 50
Castlewood SD 57223

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7907-3 to Appropriate Water. Please publish the notice once on December 4, 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 Ronald Jongeling, 45950 191st St, Castlewood SD 57223 (Ph # 605-881-5812).

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

November 20, 2013

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7907-3 to Appropriate Water. Please publish the notice once on December 4, 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 Ronald Jongeling, 45950 191st St, Castlewood SD 57223 (Ph # 605-881-5812).

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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.**

November 20, 2013

Ronald Jongeling
45950 191st St
Castlewood SD 57223

Dear Mr. Jongeling:

Water Permit Application No. 7907-3 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 Hamlin County Republican printed at Castlewood SD (Ph # 605-793-2293) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). 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 December 4, 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. 7907-3 to Appropriate Water

Notice is given that Ronald Jongeling, 45950 191st St, Castlewood SD 57223 has filed an application for a water permit to appropriate 0.45 cubic feet of water per second (cfs) from an existing well completed into the Big Sioux:Brookings Aquifer (80 feet deep) located in the NE 1/4 SW 1/4 Section 32 for irrigation of 77 acres located in the S 1/2 NW 1/4, NW 1/4 SW 1/4 Section 32; all in T114N-R51W. The well is currently authorized by Water Right No. 4934-3 to appropriate 1.33 cfs for irrigation of 99 acres in the SW 1/4 Section 32, T114N, R51W. Water Right No. 4934-3 and this application, combined will appropriate a total of 1.78 cfs from this well to irrigate 176 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7907-3 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.

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Published once at the total approximate cost of_____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



JAN 15 2014

Ronald Jongeling
45950 191st St
Castlewood SD 57223

Dear Mr. Jongeling:

Enclosed is Water Permit No. 7907-3 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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7907-3 and 4934-3

I have this day, **March 30, 2015**, made a thorough examination of the water use system constructed by **Ronald Jongeling, 45950 191st St, Castlewood SD 57223** of Permit No. **7907-3 and 4934-3**, bearing the priority of **September 30, 2013 (7907-3) and November 5, 1982 (4934-3)** authorizing the diversion of **0.45 (7907-3) and 1.33 (4934-3)** cu. ft. per second of the waters of **Big Sioux Brookings aquifer** for **irrigation** purposes, in **Hamlin** County.

Inspection contact: **Ron & Brad Jongeling**

A. Works used to divert the water:

Well Information:

- | | |
|---------------------------------------|------------------------------------|
| 1) Well Drilling Firm: <u>Unknown</u> | 3) Depth(s) <u>80</u> feet |
| 2) No. of Wells <u>1</u> | 4) Well log is available <u>No</u> |

Casing:

- 1) Diameter 14 inches
- 2) Length 70 feet
- 3) Type Steel

Screen:

- 1) Type Stainless steel
- 2) Length 10 feet

Motor/Pump:

- 1) Make Submersible
- 2) Size 40 hp
- 3) Capacity 600 GPM

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1,400 feet

C. Works used to apply water to beneficial use:

Center pivots: (2 pivots – only one pivot operates at a time)

- | | |
|---|----------------------------|
| 1) Make <u>Reinke Electrogator (7907-3)</u> | 3) End gun <u>Yes</u> |
| 2) Number of towers <u>6 towers</u> | 4) Capacity <u>600</u> GPM |
| 1) Make <u>Valmont</u> | 3) End gun <u>Yes</u> |
| 2) Number of towers <u>7 towers</u> | 4) Capacity <u>600</u> GPM |

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 No, construction period has not expired

List any extended period of nonuse: Not applicable

- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows: NE1/4 SW1/4 section 32-T114N-R51W (approximately 1,350 feet north and 1,350 feet east from SW corner section 32; latitude 44.63425, longitude -96.98134).
2. The works are capable of diverting and conveying to the place of use 1.33 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 in section 32-T114N-R51W

No. 4934-3

NE1/4 SW1/4 – 33 acres

NW1/4 SW1/4 – 33 acres

SE1/4 SW1/4 – 33 acres

No. 7907-3

SE1/4 NW1/4 – 12 acres

SW1/4 NW1/4 – 27 acres

NW1/4 SW1/4 – 4.8 acres

NE1/4 SW1/4 – 0.2 acres *

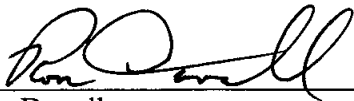
* Acres outside of permitted area for No. 7907-3. See file documentation dated December 28, 2016, to correct the location of the irrigated acreage.

comprising a total of 143 acres of land and the license should be issued for 1.33 cfs.

3. All structures, wells and lands on map Yes

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

Application No. 7907-3 was to use an existing well authorized by Water Right No. 4934-3 to irrigate 77 additional acres. An additional 44 acres were developed with a small area (0.2 acres – NE1/4 SW1/4 sec 32-114N-51W) outside of the permitted area. See file documentation to correct the location of the permitted acreage as allowed by SDCL 46-5-30.5. Since the pivots are using the same well, Permit No. 4934-3 can be incorporated into No. 7907-3.



Ron Duvall

Water Rights Permitting Administrator
DENR, Water Rights Program

Date report completed: December 28, 2016

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

Date 12/28/16

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Ronald Jongeling
(name)

45750 191st St
(address)

Castlewood SD 57223
(city, state, zip)

(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. 7907-3 states that the water use system is to be constructed by

Dec 16, 2018
(date)

, and water is to be put to beneficial use by

Dec 16 2022
(date)

The water use system was completed on 2014

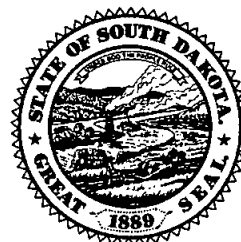
(date)

Applying the water to beneficial use was completed on 2014

(date)

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

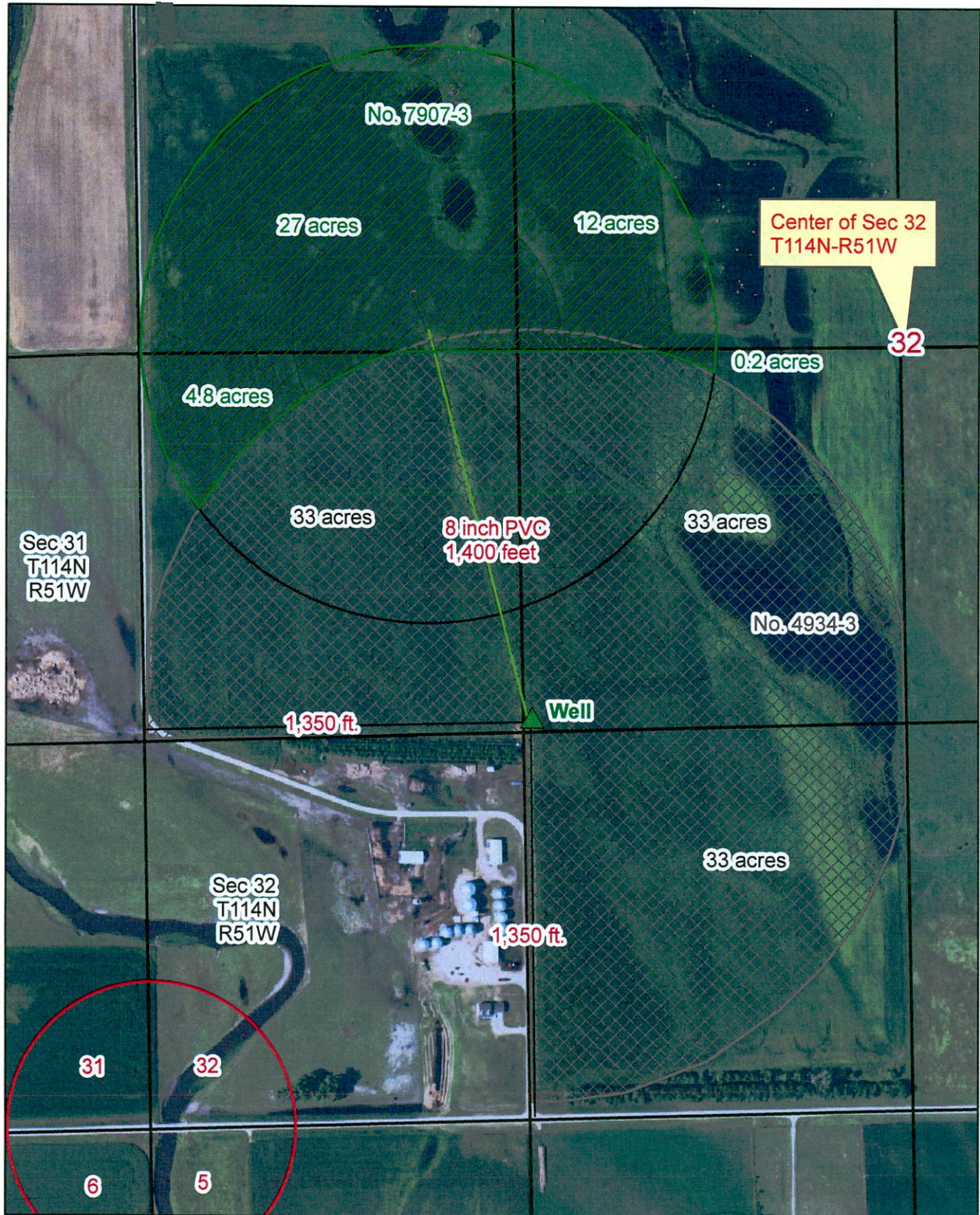
Ronald Jongeling
(signature)



Scale: 1 inch = 521 feet

725

Feet



Diversion point(s) located using Garmin eTrex 10 GPS

 **No. 7907-3**  **No. 4934-3**

Completed by:

Ron Duvall, W.R. Permitting Administrator
SD DENR, Water Rights Program

Date: December 28, 2016

Water Right No. 7907-3
Incorporate WR No. 4934-3

Licensing of Acreage Outside of Permitted Area

NAME: Ronald Jongeling

ADDRESS: 45950 191st, Castlewood SD 57223

DATE: December 28, 2016 **COUNTY:** Hamlin **TELEPHONE:** 605-873-2853

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 44 acres as compared to 77 acres authorized by No. 7907-3.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Yes, 0.2 acres are located in the NE1/4 SW1/4 section 32-T114N-R51W outside of the permitted area. The permitted area is the S1/2 NW1/4, NW1/4 SW1/4 in the same section.

- **Owned by Same Property Owner**

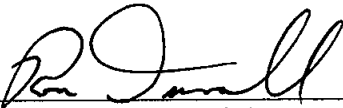
All the acreage is either owned by Ronald Jongeling.

- **Developed Prior to Expiration of Construction Period**

Yes

RECOMMENDED ACTION

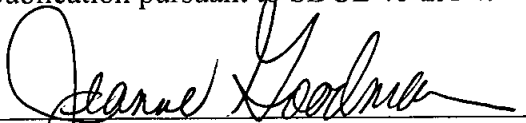
Based on the above criteria, it is recommended that the 0.2 acre area be included in the water license for No. 7907-3 which will also incorporate No. 4934-3.



Ron Duvall, Water Rights Permitting Administrator
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 08 2017

4934-3
7907-3

Ronald Jongeling
45950 191st St
Castlewood SD 57223

Dear Mr. Jongeling:

Enclosed is Water License No. 7907-3. 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. 7907-3, 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

Note: Upon licensing, the applicable portions of Water Right No. 4934-3 were incorporated into Water License No. 7907-3

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7907-3**

(1) Ronald Jongeling, 45950 191st Ave, Castlewood SD 57223 made Application No. 7907-3, September 30, 2013 for a water permit to divert 0.45 cubic feet of water per second from ground water, one existing well (Big Sioux Brookings Aquifer), Hamlin County, South Dakota for irrigation purposes. Permit No. 7907-3, with a priority date of September 30, 2013 was approved December 16, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed by December 16, 2018 and for the application to beneficial use of water completed by December 16, 2022.

Water Permit No. 7907-3 authorized additional acreage and diversion authority from an existing well authorized under Water Right No. 4934-3. No. 4934-3, with a priority date of November 5, 1982, authorizes diversion of 1.33 cfs for irrigation of 99 acres in the SW ¼ Section 32, T114N, R51W.

The Permit holder completed a "*Notice of Completion of Works and Application of Water to Beneficial Use*" indicating the water use system was completed and the water placed to beneficial use in 2014.

An investigation of the water use system found 0.2 acres located slightly out of the permitted area. Pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding the acreage change did not impair existing water rights and the overall project, as developed, is consistent with the original application.

The applicable portions of Water Right No. 4934-3 have been incorporated into Water License No. 7907-3. Priority dates of November 5, 1982 and September 30, 2013 (described in 3 of this license) are retained.

(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 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is:

- approximately 1,350' N & 1,350' E of the SW corner of Section 32, T114N, R51W (NE ¼ SW 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:

T114N, R51W Section 32	NE ¼ SW ¼	33.2 acres	November 5, 1982 (33 acres) September 30, 2013 (0.2 acres)
	NW ¼ SW ¼	37.8 acres	November 5, 1982 (33 acres) September 30, 2013 (4.8 acres)
	SE ¼ SW ¼	33.0 acres	November 5, 1982
	SE ¼ NW ¼	12.0 acres	September 30, 2013
	SW ¼ NW ¼	27.0 acres	September 30, 2013
	Total	143.0 acres	

Priority date of November 5, 1982 was established under Water Right No. 4934-3 (99 acres)

Priority date of September 30, 2013 was established under Water Permit No. 7907-3 (44 acres)

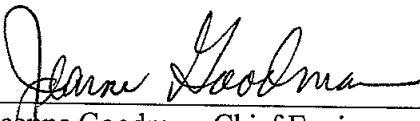
continued

Water License No. 7907-3

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ronald Jongeling, 45950 191st Ave, Castlewood SD 57223 the holder and/or owner of Incorporated Water Right No. 7907-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from ground water, one well (Big Sioux Brookings Aquifer) with priority dates of November 5, 1982 and September 30, 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 Incorporated Water Right No. 7907-3 and subject to the following qualifications:

- The well approved under Water Right No. 4934-3 and 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.
- 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

MAR 08 2017
date

