

WATER PERMIT NO. 7909-3

Name of Applicant: Scott Wagner

Address: 31633 472nd Ave, Elk Point SD 57025 Phone: 605 670-1481

Amount of Water Claimed: 1.89 cfs Total Acres: 163.69

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 9 miles northwest of Elk Point

PRIORITY Date Received: 9-16-13

Application/License Fee: \$ 1050

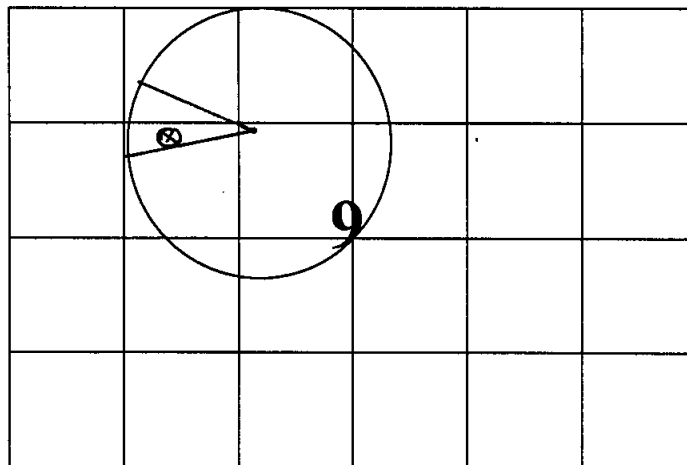
Corrected Application Received: 9-30-13

Period of Annual Use: March 1 – October 31

Remarks:

Diversion Point: SW 1/4 NW 1/4 Sec 9-T92N-
R50W

Land to be Irrigated: NW 1/4, N 1/2 SW 1/4, E 1/2
NW 1/4W 1/2 NE 1/4, NW 1/4 SE 1/4 Sec 9-T92N-
R50W



Depth of Well: 212 feet deep

Well Driller: Thein Well Co

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: _____

SEP 16 2013

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

SEP 16 2013

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>7909-3</u>	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	<u>605-356-2632</u>
	Newspaper <u>Leader-Courier, Box 310 Elk Point 57025</u>	<u>605-665-7811</u>
<u>Pierre, Dakota, 319 Walnut Yorkton 57028</u>		

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

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

(name and complete address if different than above name)

Mailing Address 31633 472nd Ave Elk Point ☒ SD ☒ 57025

(Address)

(City)

(State)

(Zip Code)

Home Phone 605.356.9455 Cell 605.670.1481 Email _____2. Amount of water claimed 1.89 *CFS or 850 **GPM ***AF Total Acreage 163.69
(*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 North SW 1/4 SAW 9-22-134. Location of point of diversion 1 Well on South side of NW 1/4 NW 1/4 sec 9-T-92-N-R-50-W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)County Union ☒5. County or counties where water will be used Union6. Annual period during which water is to be used March-Oct7. 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
NW 1/4 NW 1/4 sec 9-T92N-R50W	37.43	SE 1/4 NW 1/4 sec 9-T92N-R50W	25.11
SW 1/4 NW 1/4 sec 9-T92N-R50W	26.93	NE 1/4 NW 1/4 sec 9-T92N-R50W	38.23
NW 1/4 SW 1/4 sec 9-T92N-R50W	10.82	SW 1/4 NE 1/4 sec 9-92-50	7.21
NE 1/4 SW 1/4 sec 9-T92N-R50W	10.67	SW 1/4 NE 1/4 sec 9-92-50	7.21

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

Pivot Irrigation of areas in section 9 described above. NW 1/4 SE 1/4 9-92-50 0.08 A
SAW 9-26-13 at 5 o'clock position of pivot circle
in SE 1/4 9 previous
10.75 Acres now 10.67 AX I, Scott A. Wagner 9-01-13, 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. 7909-3

Date of first receipt of application September 16, 2013.

Date of return to applicant for corrections, amendments or changes September 19, 2013.

Date of receipt of corrected application September 30, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7909-3 to Scott Wagner, 31633 472nd Ave, Elk Point SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7909-3 appropriates 1.89 cubic feet of water per second from one well to be completed into the Lower Vermillion:Missouri Aquifer (212 feet deep) located in the SW 1/4 NW 1/4 Section 9 for irrigation of 163.69 acres located in the NW 1/4, N 1/2 SW 1/4, W 1/2 NE 1/4, NW 1/4 SE 1/4 Section 9; all in T92N-R50W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 – October 31.
3. The date from which applicant may claim right is September 16, 2013.
4. The date of approval of Permit No. 7909-3 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 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. 7909-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

JAN 15 2014

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Thein Well Co. Inc
(if yes, please provide copies of logs)b) If existing wells, how many Provide copy of log(s), if available. Drilled by c) Well Depth 212 Depth to Top of Water Bearing Material 130 Depth to Water from Surface 102

d) Distance to nearest existing domestic well:

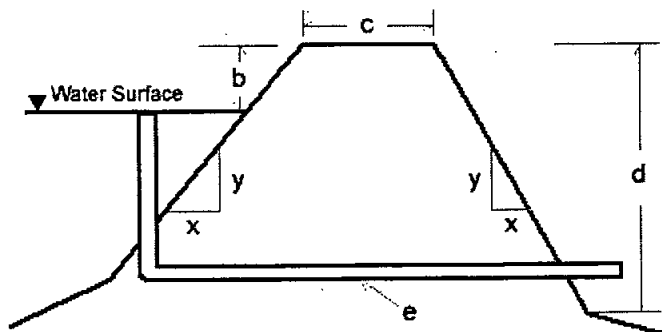
On applicant's property NA On property owned by others >2000 ft**2. Wastewater Disposal System Information**a) Type of System (i.e. septic tank, drain field) b) System Capacity (gallons) Year Constructed c) Connected to the City of Sanitary System **3. Dugout Information**a) Surface Dimensions Depth b) Depth to water (ground surface to water level) **4. Water Storage Dams**

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

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

b) Freeboard c) Crest Width Crest Length d) Height e) Primary Outlet Capacity If pipe, diameter f) Secondary Spillway Capacity Spillway Width

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

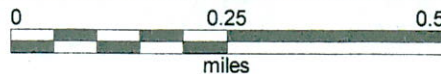
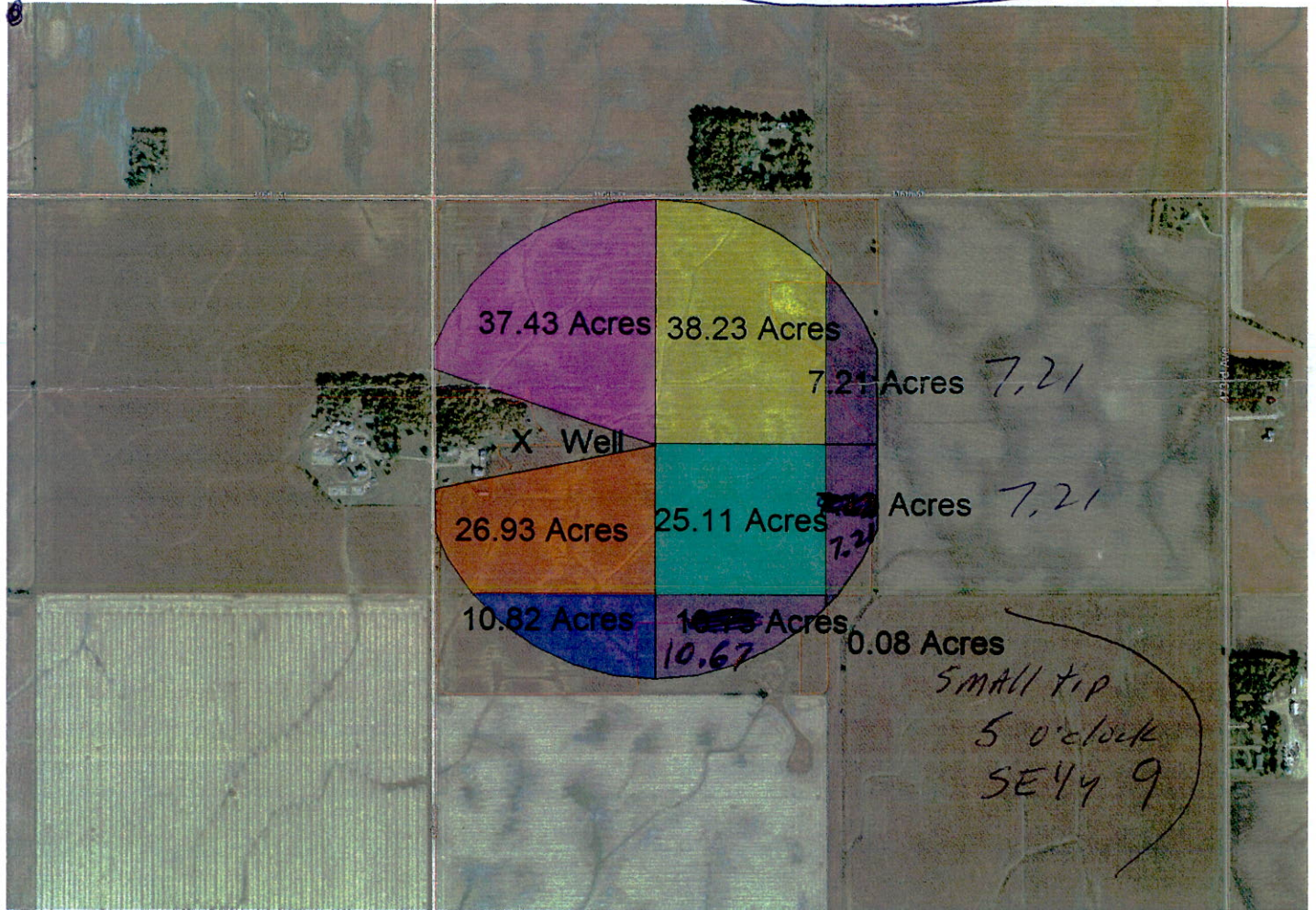
Upstream Downstream h) Surface Area of Impoundment i) Storage Acre Feetj) Drainage Area Above Dam Acres

**WATER RIGHTS
PROGRAM**

[illegible]

NW Corner of 9-92-50

updated map 9-26-13

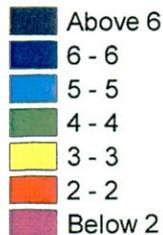


SAW 9-26-13

Santa Wagner 9-26-13



RECEIVED
SEP 30 2013
WATER RIGHTS
PROGRAM

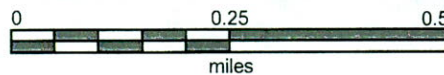
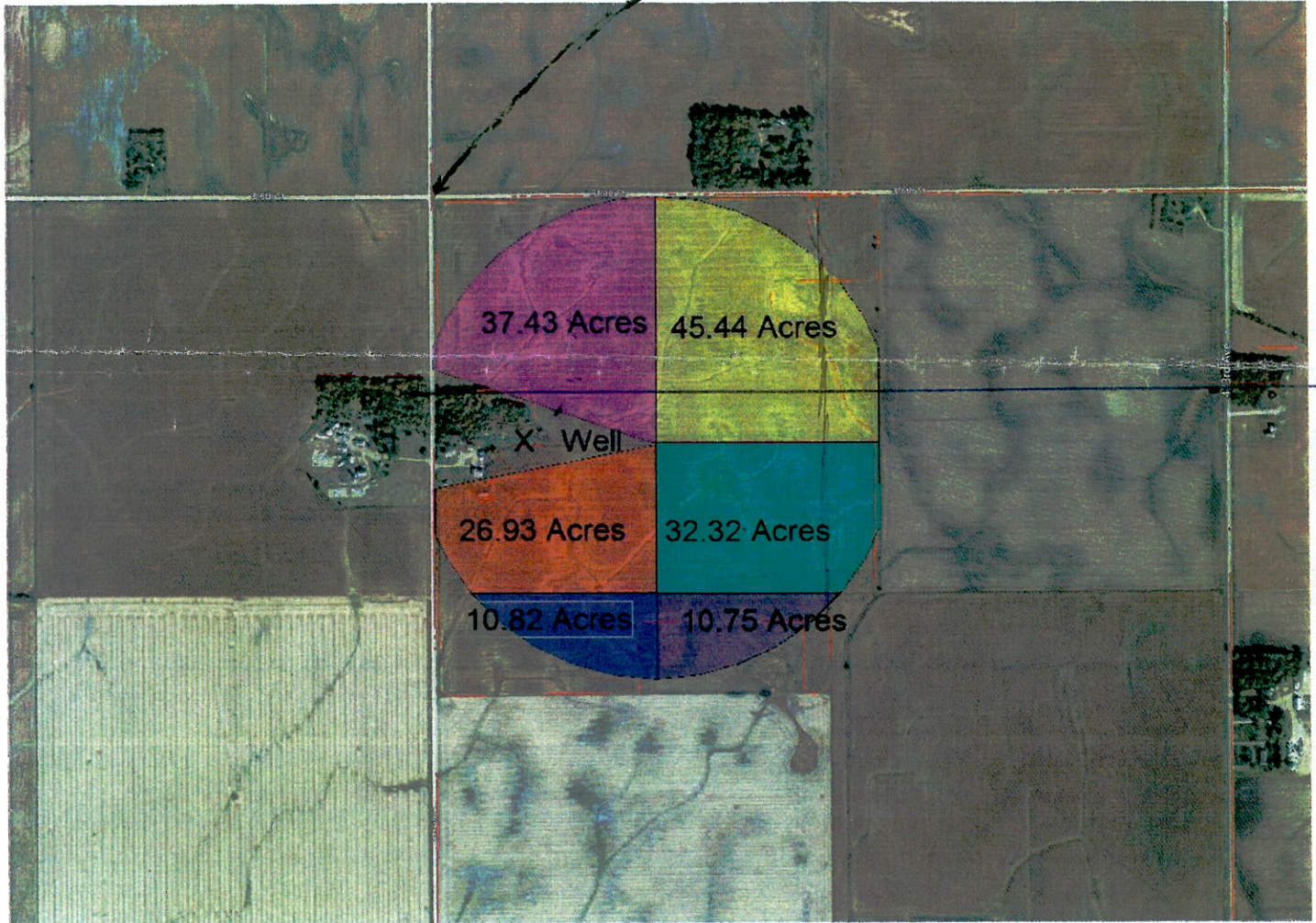


7.21 Acres $W\frac{1}{2}NE\frac{1}{4}9$
 7.21 ~~7.21~~ Acres $W\frac{1}{2}NE\frac{1}{4}9$
 0.08 Acres
 at 5 o'clock position
 in $SE\frac{1}{4}9$
 MAKING 10.75 Acres
 now 10.67 A.



old map - see updated 9-26-13

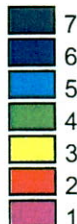
NW corner of sect 9-92-50



$$45.44 = \frac{38.23}{7.21} = 45.44$$

$$32.32 = \frac{25.11}{7.21} = 32.32$$

$$10.75 = \frac{10.67}{0.08} = 10.75$$



32.32

$$\begin{array}{r} 25.11 \\ 7.13 \\ \hline 32.24 \\ .08 \end{array}$$



RECEIVED

SEP 16 2013

WATER RIGHTS PROGRAM

RECEIVED

SEP 30 2013

WATER RIGHTS PROGRAM



Sec 5
T092N
R50W

Sec 4
T092N
R50W

Sec 3
T092N
R50W

Sec 8
T092N
R50W

Sec 9
T092N
R50W

Sec 10
T092N
R50W

Sec 17
T092N
R50W

Sec 16
T092N
R50W

Sec 15
T092N
R50W



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/18, 20 13

RECEIVED OF Scott A Wagner 31633 472nd Ave Elk Point SD 57025

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

Fee for Application for Permit No. <u>71909-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7909-3</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. **06436**

By Jane 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 19, 2013

Scott Wagner
31633 472nd Ave
Elk Point SD 57025

RECEIVED

SEP 30 2013

WATER RIGHTS
PROGRAM

Dear Mr. Wagner:

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

- Enclosed is an aerial photo map which clearly shows all of Section 9-T92N-R50W. Based on the map submitted with the application, it appears that some of the acres to be irrigated will be located in the W 1/2 NE 1/4 Section 9. Please make the necessary acreage corrections in Item No. 7 of the application.
- Also, the application states the proposed well will be located in the ~~NW 1/4 NW 1/4~~ Section 9. The location marked on the map indicates the well will be located in the SW 1/4 NW 1/4 Section 9. Which location is correct?
Correct

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

RECEIVED

SEP 30 2013

WATER RIGHTS
PROGRAM

9-26-13

Thanks Karen,

The updated map has breakdowns and notice 0.08 A
in NW tip of SE $\frac{1}{4}$ 9-92-50.

● ★ ■ Symbols of old becoming new
on my map and initialed and dated.

Sincerely,
Scott Wagner



**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. 7909-3, Scott Wagner**

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. 7909-3, Scott Wagner, 31633 472nd Avenue, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7909-3 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. 7909-3 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
November 20, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7909-3
SCOTT WAGNER
NOVEMBER 19, 2013

Water Permit Application No. 7909-3 proposes to appropriate water at a maximum diversion rate of 1.89 cubic feet of water per second (cfs) from one well to be completed into the Lower Vermillion Missouri aquifer. The well is expected to be approximately 212 feet deep and is to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T92N-R50W. This permit application proposes to irrigate 163.69 acres located in the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W1/2 NE $\frac{1}{4}$, and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T92N-R50W in Union County.

AQUIFER: Lower Vermillion Missouri (LVM)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Lower Vermillion Missouri aquifer is a buried outwash (sand and gravel) aquifer that is under confined conditions in the area of this application, but also has portions under unconfined conditions (Stephens and Christensen, 1967). The aquifer underlies approximately 100,800 acres and contains an estimated 1.5 million acre-feet of recoverable water in storage in Clay County (Hedges et al., 1982). The aquifer blends into the Missouri: Elk Point aquifer to the south and into the Upper Vermillion Missouri and Parker-Centerville aquifers to the north.

The test hole information submitted with this application identifies top soil from ground surface to four feet below grade, clay from four to 130 feet below ground surface and sand with some "coal" from 130 to 219 feet below grade. The static water level is expected to be approximately 100 feet below grade based on observation well UN-771 (Water Rights, 2013a).

SDCL 46-2A-9:

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is 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.

WATER AVAILABILITY:

This application proposes to appropriate 327.38 acre-feet of water annually (ac-ft/yr) from the Lower Vermillion Missouri aquifer. Although the actual water use if this application is approved will most likely be less than 327.38 acre-feet/year. 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 that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not

older or lower than the Greenhorn Formation, therefore withdrawal/recharge issue must be considered.

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 monitors 12 observation wells completed into the Lower Vermillion Missouri aquifer (Water Rights, 2013a). The nearest observation wells are UN-77I, UN-77H and UN-77K. The observation wells are 0.4 miles north, 2.9 miles east and 3.3 miles southeast from the proposed well site, respectively. The water levels rise (recharge) during wet years and gradually decline during dry years. The hydrographs show that over the period of record water levels have held fairly constant. The water level has varied at maximum 14 feet, all of which has been changes in artesian pressure. The effect of well withdrawals does not appear to be significant over the period of record. The climatic effects on the water level greatly mask the temporal impacts of well withdrawal. Therefore, recharge to and natural discharge from the Lower Vermillion Missouri aquifer significantly exceeds pumping. Recognizing that natural discharge from the aquifer can be captured by pumping, the hydrographs document that there is unappropriated water available from the aquifer to support this appropriation. Figures 1, 2, and 3 are the hydrographs for observation wells UN-77I, UN-77H and UN-77K, respectively.

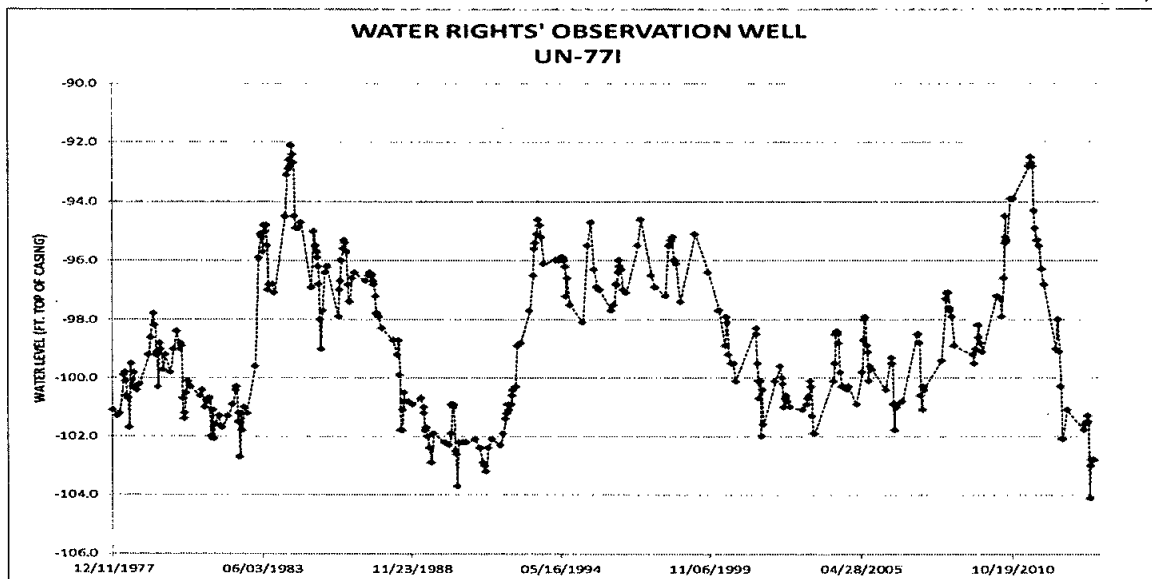


Figure 1- Hydrograph of DENR-Water Rights' observation well UN-77I (Water Rights, 2013a)

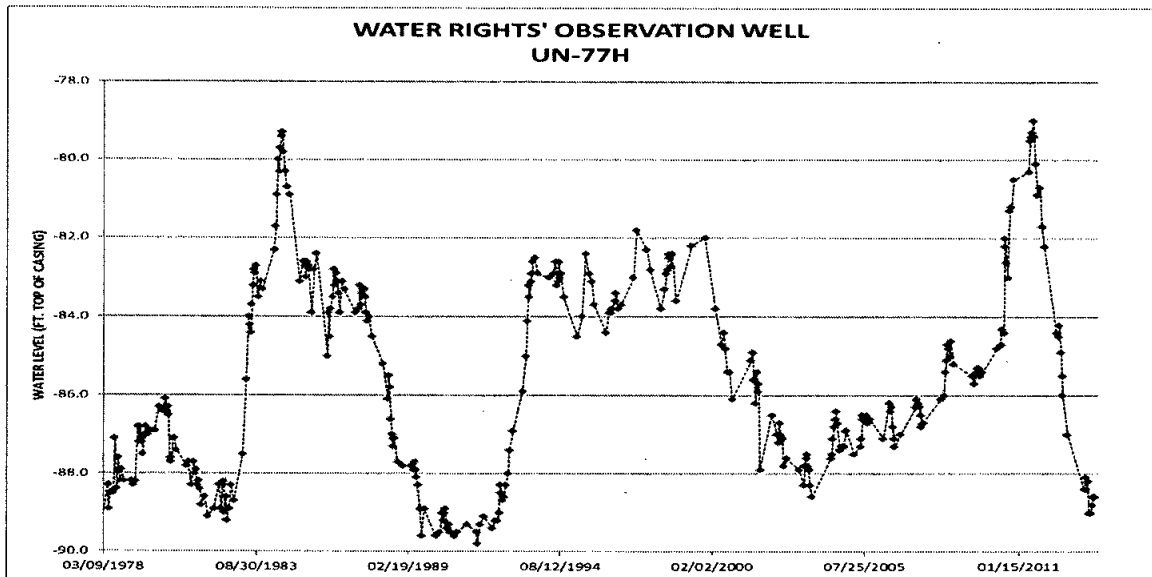


Figure 2- Hydrograph of DENR-Water Rights' observation well UN-77H (Water Rights, 2013a)

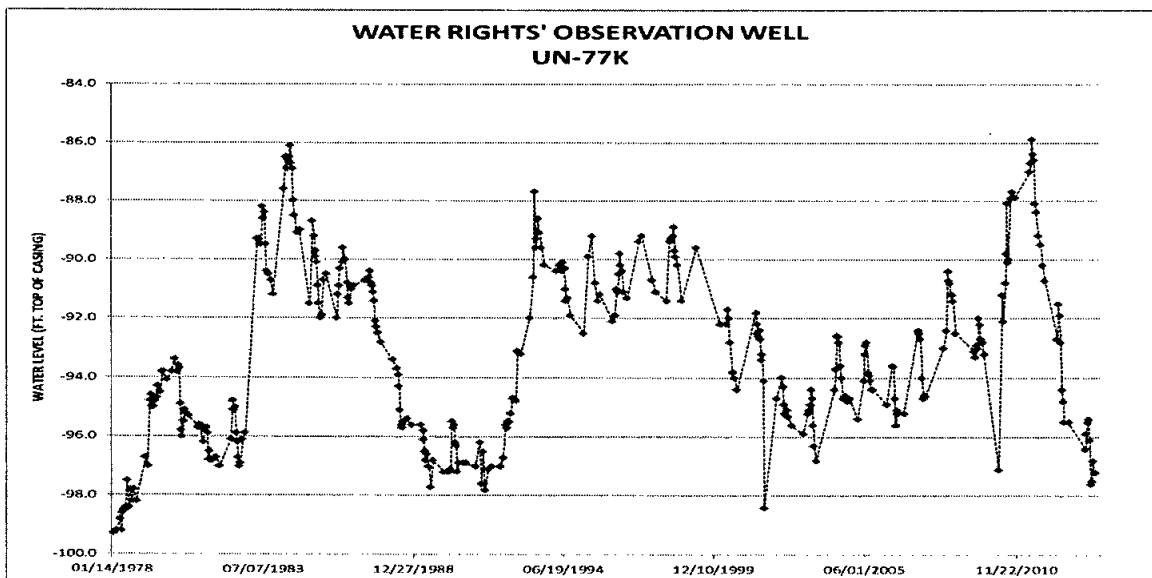


Figure 3- Hydrograph of DENR-Water Rights' observation well UN-77K (Water Rights, 2013a)

Recharge versus Withdrawals:

Recharge:

Recharge to the Lower Vermillion Missouri is from infiltration of precipitation, influent seepage from streams, and subsurface inflow from adjacent areas (Stephens and Christensen, 1967). The aquifer also receives recharge from the Vermillion River during periods of high flow, and from the Niobrara aquifer where the two aquifers are in contact (Stephens and Christensen, 1967). Hedges and others (1985) estimated the recharge rate to the unconfined portion of the aquifer to be 3.8 in/yr. Total recharge has not been estimated for the aquifer. However, Hedges and others (1985) stated, "for management and development programs the minimum recharge rate to confined aquifers is estimated to be 0.15 inches per year and the maximum rate is 0.60 inches per year."

Withdrawals:

There are 76 water rights/permits appropriating water from the Lower Vermillion Missouri aquifer on record with the SD-DENR Water Rights Program (Water Rights, 2013b). The non-irrigation appropriations consist of two rural water system appropriations, Water Right No. 3905-3 and 5979-3 for Clay RWS Inc., and two appropriations for institutional use, Water Right Nos. 1870-3 and 6397-3 for USD Facilities Management and SD Dept. of Transportation, respectively. The estimated annual withdrawal by institutional appropriations is 27.4 acre-feet. This estimation assumes water is being withdrawn from the aquifer 60 percent of time at maximum diversion rate. The average annual withdrawal from the aquifer as reported to the SD DENR-Water Rights Program (1998-2013) by Clay Rural Water System Inc., the two rural water system appropriations, is 578.8 ac-ft/yr. Water withdrawal from the Lower Vermillion Missouri aquifer for irrigation, as reported to the DENR- Water Rights Program through annual irrigation questionnaires, is shown in Table 1.

YEAR	NO. OF PERMITS REPORTING	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2012	61	19627.7	7759.51
2011	62	19987	2195.06
2010	59	19561.7	144.56
2009	58	18961.7	482.64
2008	55	17587.45	4301.25
2007	50	16655.45	2909.12
2006	43	15254.45	2674.51
2005	45	15844.45	1410.24
2004	39	15013.45	1747.48
2003	40	15199.45	1800.56
2002	40	15199.45	1762.32
2001	38	14879.45	2036.96
2000	38	14879.45	2041.72
1999	38	14879.45	900.63
1998	36	14150.45	1032.91
1997	36	13656.14	1085
1996	36	14096.04	997.6
1995	37	14309.24	506.61
1994	39	14673.74	517.28
1993	39	15308	0
1992	39	15308.24	168.8
1991	39	15308.24	1670.1
1990	38	15657.34	2113.2
1989	38	15657.34	2301.2
1988	38	15657.34	2083.8
1987	37	15435.34	1115.4
1986	45	20477.34	1047.5
1985	46	20661.34	1328.2
1984	47	20754.3	691
1983	38	15480.34	716.3
1982	37	15862.84	870.04
1981	49	23003	1543
1980	47	22683	2417
1979	49	22683	1163
Min	36	13656.1	0.0
Max	62	23003.0	7759.5
Avg.	43.4	16892.7	1633.4

Table 1- Irrigation water use from the Lower Vermillion Missouri aquifer (Water Rights 1979-2013).

Total average annual withdrawal, for appropriative uses, is 2,239.6 ac-ft/yr from the Lower Vermillion Missouri aquifer. The observation well hydrograph shows that the water level in the aquifer has remained relatively constant despite changes in annual water use and appropriations. The recharge required to have annual recharge equal annual withdrawal is 0.27 inches per year. This recharge rate is reasonable and within the range suggested by Hedges and others (1985). Therefore, there is a reasonable probability that unappropriated water is available from the Lower Vermillion Missouri aquifer.

EXISTING WATER RIGHTS:

There are seven water rights/permits authorizing wells and six domestic wells reported within approximately two miles of the proposed well site on file with the SD DENR-Water Rights Program (Water Rights, 2013b and 2013c). There are only one water permit and two domestic wells reported on file with the SD DENR-Water Rights Program within one mile of the proposed well site. Table 2 shows the water rights/permits within two miles of the proposed well site. The nearest domestic well on file with the DENR-Water Rights Program is within approximately 1,000 feet of the proposed well site.

Permit No.	Name	Status	Type	CFS	Acres
2896-3	Lyle Wagner	LC	IRR	2.23	265
2938-3	Ronald Bird	LC	IRR	1.94	136
3128-3	Verne E. Anderson	LC	IRR	1.85	130
3291-3	Rocky Quam	LC	IRR	3.88	272
4393-3	Lyle Wagner	LC	IRR	1.71	120
6397-3	SD Dept. of Transportation	LC	INS	0.033	
7069-3	Kelly O'Connor	PE	IRR	5.33	480
LC= Water Right, PE= Water Permit, IRR= Irrigation, INS= Institutional					

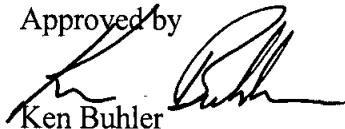
Table 2- Water rights/permits within two miles of proposed well site (Water Rights, 2013b)

In the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown must occur. The aquifer is under confined conditions in the area of the proposed well site. The observation well hydrographs show that the water level generally ranges from 80 to 100 feet below ground surface in this area. While drawdown due to pumping may be measureable in nearby wells, the drawdown will only be a change in artesian pressure. Therefore, an adequate well as defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20(6), should not be adversely impacted as defined in ARSD 74:02:04:20(7). Therefore, well interference is not likely to adversely impact existing appropriative or domestic users.

CONCLUSIONS:

1. This application proposes to appropriate water at a maximum diversion rate of 1.89 cfs from the Lower Vermillion Missouri aquifer for the irrigation of 163.69 acres in Union County.
2. There is a reasonable probability that unappropriated water is available from the Lower Vermillion Missouri aquifer to supply this proposed diversion.
3. There is a reasonable probability that the diversion rate requested by this application can be made without adversely affecting existing water rights.


Adam Mathiowetz
SD DENR-Water Rights Program

Approved by

Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., J. Allen, and D.E. Holly. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge, Final Report. U.S. Army Corps of Engineers. Omaha, Nebraska. Contract DACW 45-80-C-0185.
- 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.
- Stephens, J.C. and C.M. Christensen. 1967. Geology and Water Resources of Clay County, South Dakota Part II. Bulletin 19. SD-DENR Geological Survey. Vermillion, South Dakota
- Water Rights. 1979-2013. "1979-2011 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 1998-2013. Non-irrigation Yearly Reports. SD DENR-Water Rights Program. Joe Foss Building, Pierre, SD.
- Water Rights. 2013a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013c. Water Well Completion Report. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

AFFIDAVIT OF PUBLICATION

State of South Dakota)
:ss
County of Union)

Bruce L. Odson,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

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

Notice of Application No. 7909-3

To Appropriate Water

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

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

on Thursday, the 28 day of November, 2013

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

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

\$ 23.48, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me

this 28 day of November, 2013

My commission expires 6-21-17

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA



Notary Public

NOTICE OF APPLICATION NO. 7909-3 TO APPROPRIATE WATER

Notice is given that Scott Wagner, 31633 472nd Ave, Elk Point SD 57025 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 Lower Vermillion:Missouri Aquifer (212 feet deep) located in the SW 1/4 NW 1/4 Section 9 for irrigation of 163.69 acres located in the NW 1/4, N 1/2 SW 1/4, W 1/2 NE 1/4, NW 1/4 SE 1/4 Section 9; all in T92N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7909-3 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. Pirner, Secretary, Department of Environment and Natural Resources. Publish Nov. 28, 2013 Published once at the total approximate cost of \$23.48 48-8-78

RECEIVED

DEC - 2 2013

WATER RIGHTS
PROGRAM

RECEIVED
DEC 12 2013
WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Application No. 7909-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 6th DAY OF December 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.15 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 12/6/2013

FILED ON: 12/6/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 6th DAY OF December
2013
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

12+5
NOTICE OF APPLICATION
NO. 7909-3 to Appropriate Water

Notice is given that Scott Wagner, 31633 472nd Ave, Elk Point SD 57025 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 Lower Vermillion:Missouri Aquifer (212 feet deep) located in the SW 1/4 NW 1/4 Section 9 for irrigation of 163.69 acres located in the NW 1/4, N 1/2 SW 1/4, W 1/2 NE 1/4, NW 1/4 SE 1/4 Section 9; all in T92N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7909-3 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. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$26.15.



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

Leader Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7909-3 to Appropriate Water. Please publish the notice once on December 5, 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 Scott Wagner, 31633 472nd Ave, Elk Point SD 57025 (Ph # 605-670-1481).

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

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7909-3 to Appropriate Water. Please publish the notice once on December 5, 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 Scott Wagner, 31633 472nd Ave, Elk Point SD 57025 (Ph # 605-670-1481).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

November 20, 2013

Scott Wagner
31633 472nd Ave
Elk Point SD 57025

Dear Mr. Wagner:

Water Permit Application No. 7909-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Leader-Courier printed at Elk Point SD (Ph # 605-356-2632) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

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

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

Instruction to Newspaper - Publish the Notice on December 5, 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. 7909-3 to Appropriate Water

Notice is given that Scott Wagner, 31633 472nd Ave, Elk Point SD 57025 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 Lower Vermillion:Missouri Aquifer (212 feet deep) located in the SW 1/4 NW 1/4 Section 9 for irrigation of 163.69 acres located in the NW 1/4, N 1/2 SW 1/4, W 1/2 NE 1/4, NW 1/4 SE 1/4 Section 9; all in T92N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7909-3 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. Pirner, Secretary, Department of Environment and Natural Resources.

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

Scott Wagner
31633 472nd Ave
Elk Point SD 57025

Dear Mr. Wagner:

Enclosed is Water Permit No. 7909-3 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,

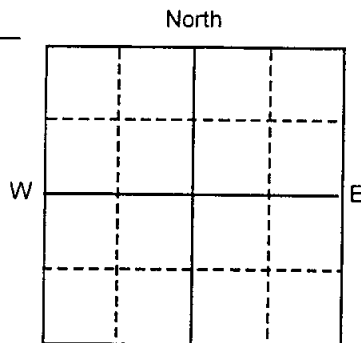
Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

7909-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 9 Twp 92N Rg 50WCounty UnionPlease mark well
location with an "X"

Well Completion Date

07/24/13

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
50.0 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	172.0 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	32 44	Lb/gal	0.0 Ft	170.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

per KB/RT

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 Inches Length 20 / 20' FeetMaterial Stainless steelSlot Size .070 / .050 Set From 172.0 Feet to 212.0 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? chlorinated
☐ No, Why Not?
Lab to which water
quality sample sent for analysis

n/a

Well Owner: Scott Wagner

Business Name:

Address: 31633 172nd AveCity, State, Zip: Elk Point SD 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	4
Brown clay	4	21
Blue clay	21	130
Coal & sand, fine to medium	130	215
Coal & coarse sand	210	219

STATIC WATER LEVEL 102.0 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: well was not test pumped, no pumping data available.
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS: N 42 48.209

W 096 45.816

This 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:

RECEIVED

NOV - 7 2013

WATER RIGHTS
PROGRAM

Date:



n 42 45.254, w 096 39.887



Road

Bird's eye

Traffic



Fullscreen

Print

Share



World • United States • SD • Union Co.



My places editor



My places Actions

You must Sign in to save your list of places

Unsaved places

1 42.803483333333, -96...
212' well
Wagner



500 feet 100 m

© 2013 Microsoft Corporation. Available Exclusively by DigitalGlobe



7909-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: SCOTT WAGNER, 31633 472ND AVE, ELK POINT, SD 57025

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7909-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 7909-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** 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) 7909-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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 ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 2015

7909-3

Scott Wagner
31633 472nd Ave
Elk Point SD 57025

Dear Mr. Wager:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire. The information was submitted on line today by Chad Heckathorn.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit No. 7909-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

7909-3

SD EForm - 1311LD V1

Form 10

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

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

Date 10-19-2016

FROM: Scott Wagner
(name)
31633 472nd Ave
(address)

Elk Point SD 57025 605/670-1481
(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. 7909-3 states that the water use system is to be constructed by
December 16, 2018, and water is to be put to beneficial use by December 16, 2022
(date) (date)

The water use system was completed on May 2014
(date)

Applying the water to beneficial use was completed on July, 2014
(date)

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



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7909-3

I have this day, October 19, 2016, made a thorough examination of the water use system constructed by Scott Wagner, 31633 472nd Ave, Elk Point SD 57025 of Permit No. 7909-3, bearing the priority of September 16, 2013 authorizing the diversion of 1.89 cu. ft. per second of the waters of Lower Vermillion:Missouri Aquifer for irrigation purposes, of 163.69 acres, in Union County.

Inspection contact & relationship **Chad Heckathorn, tenant**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Thein Well Co., Inc.
- 2) No. of Wells 1
- 3) Depth(s) 212 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 172 feet
- 3) Type Steel

Screen:

- 1) Type Stainless Steel Manufactured
- 2) Length 40 feet
- 3) Static water level 102 feet

Pump:

- 1) Make Preferred Pump Submersible
- 2) Model 8FP700D600-3
- 3) Capacity 850 GPM

Motor:

- 1) Make Preferred Pump Submersible
- 2) Model No. 8F60463
- 3) Horsepower rating 60 hp

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

- 1) Type PVC 2) Size 8 inches 3) Length 730 feet

Comments: See map for approximate location.

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley 7000
2) Overall length 1478 feet
3) Number of towers 8
4) End gun Yes
5) Capacity 850 GPM

Chemigation Equipment:

- 1) Does chemigate Yes
2) Main line check valve Yes
3) Inspection port/air relief Yes
4) Low pressure drain Yes
5) Discharge is 20' from source Yes
6) Interlock type electrical
7) Injection pump type piston or other
8) Injection check valve Yes
9) Injection line check valve or positive displacement pump Yes

Comments: Permit holder was not chemigating at time of inspection, but provided the above answers to questions asked. Permit holder indicated he uses chemigation primarily to apply liquid nitrogen to corn crop. A copy of the chemigation rules and Appendix A were reviewed and provided to the permit holder.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2014.
3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: East 760', South 1660' from NW Corner of Sec 9-T92N-R50W; Lat 42.80347/Long -96.76355; SW 1/4 NW 1/4 Sec 9-T92N-R50W.
2. The works are capable of diverting and conveying to the place of use 1.89 cfs or 850 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 9-T92N-R50W.

NW 1/4 NW 1/4 - 27 ac

SW 1/4 NW 1/4 - 25 ac

NW 1/4 SW 1/4 - 8 ac

NW 1/4 NE 1/4 - 3 ac

NE 1/4 NW 1/4 - 34 ac

SE 1/4 NW 1/4 - 40 ac

NE 1/4 SW 1/4 - 11 ac

SW 1/4 NE 1/4 - 9 ac

comprising a total of 157 acres of land and the license should be issued for 1.89 cfs or 850 gpm.

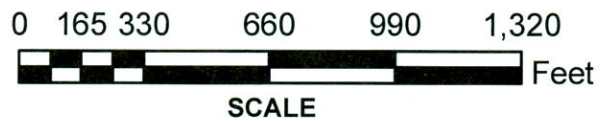
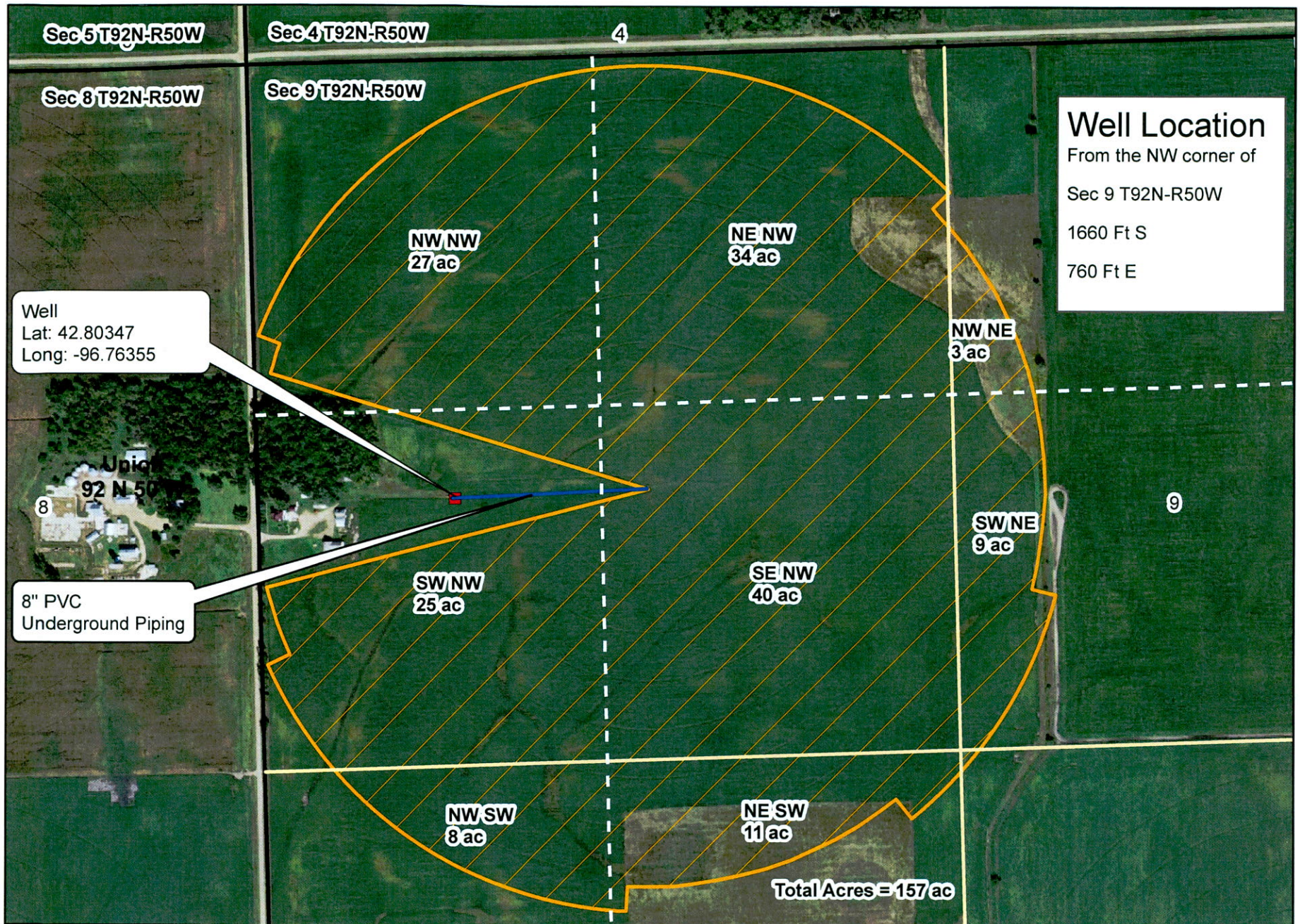
3. All structures, wells and lands on map Yes



Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: September 5, 2018

7909-3



Harold Holoch
Harold Holoch, PE
Staff Engineer
April 19, 2018



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 18 2018

7909-3

Scott Wagner
31633 472nd Ave
Elk Point SD 57025

Dear Mr. Wagner:

Enclosed is Water License No. 7909-3. 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, 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

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7909-3

(1) Scott Wagner, 31633 472nd Ave., Elk Point SD 57025 made Application No. 7909-3, September 16, 2013 for a water permit to divert 1.89 cubic feet of water per second from ground water, one well (Lower Vermillion Missouri Aquifer), Union County, South Dakota for irrigation purposes. Permit No. 7909-3, with a priority date of September 16, 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 on or before December 16, 2018 and for the application to beneficial use of said water on or before December 16, 2022.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on October 19, 2016. The "*Notice*" stated the water use system was completed in May, 2014 and the water placed to beneficial use in July, 2014.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 760'E & 1,660'S of the NW Corner of Section 9, T92N, R50W (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Latitude 42.80347, Longitude -96.76355

(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:

T92N, R50W Section 9	NW $\frac{1}{4}$ NW $\frac{1}{4}$	27 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	8 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	25 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	11 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	3 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	9 acres

Total acres irrigated - 157

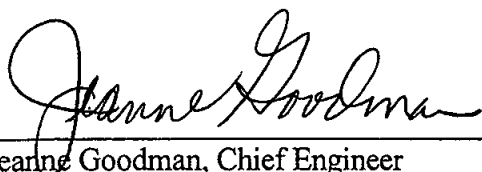
(4) Pursuant to South Dakota Water Law 46-5-30.1 Scott Wagner, 31633 472nd Ave., Elk Point SD 57025 the holder and/or owner of Water Right No. 7909-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from ground water, one well (Lower Vermillion Missouri Aquifer) with a priority date of September 16, 2013 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7909-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

- The well authorized by Permit No. 7909-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in July, 2013 by Thein Well Company Inc. A copy of the well completion report is on file with the Water Rights Program.*
- 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

OCT 18 2018

date

