

WATER PERMIT NO. 7910-3

Name of Applicant: **Burnette Sawyer**

Address: **28122 Hwy 19, Hurley SD 57036** Phone: **605 351-1416**

Amount of Water Claimed: **1.78 cfs** Total Acres: **128 acres**

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

Water to be used for: **irrigation** County: **Turner**

Type of Waste Disposal System:

Location: **2 miles north of Hurley**

PRIORITY Date Received: **10-4-13** Application/License Fee: **\$ 1050**

Corrected Application Received: Period of Annual Use: **June 1 – Aug 31**

Remarks:

Diversion Point: **SE 1/4 NW 1/4 Sec 15-T98N-R53W**

Land to be Irrigated: **NW 1/4 Sec 15-T98N-R53W**

Depth of Well: **50 feet**

Well Driller:

Remarks:

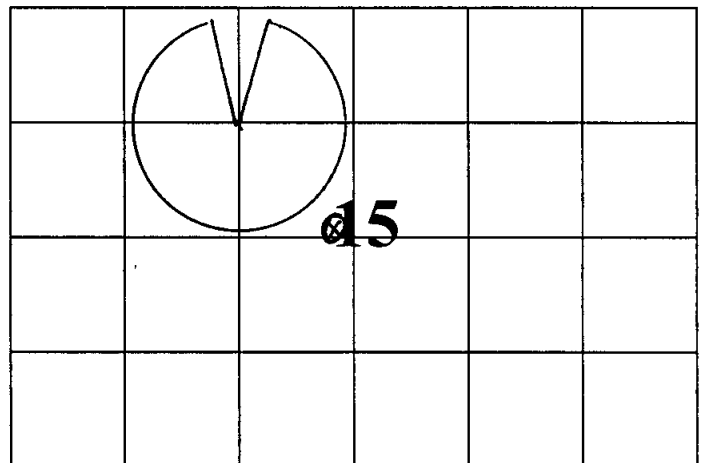
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **10-4-13**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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OCT - 4 2013

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2910-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	<u>605-766-2351</u>
	Newspaper <u>Village Ent./Hurley Leader Box H</u>	<u>605-331-2000</u>
	<u>Centerwell 57014</u>	
<u>Argue Leader Box 5034 S Falls 57117</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 Burnette Sawyer
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)

Mailing Address 28122 Hwy 19 Hurley SD 57036
(Address) (City) (State) (Zip Code)

Home Phone X Cell (605) 351 1416 Email _____

2. Amount of water claimed 1.78 *CFS or - **GPM ***AF Total Acreage 128
(*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 1 well 15-98N-53W (SE 1/4 NW 1/4)
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Turner

5. County or counties where water will be used Turner

6. Annual period during which water is to be used June 1 - August 31

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

Land Description	Acres	Land Description	Acres
		NW NW irrigated	31
		NE NW "	31
		SW NW "	33
		SE NW "	33

8. Give a description of the project. (Attach sheet if more space is needed) all in Sec 15 - T98N - R53W
center pivot windshield wipe

I, Burnette Sawyer, 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. 7910-3

Date of first receipt of application October 4, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7910-3 to Burnette Sawyer, 28122 Hwy 19, Hurley SD 57036 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. 7910-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Parker Centerville Aquifer (50 feet deep) located in the SE 1/4 NW 1/4 Section 15 for irrigation of 128 acres located in the NW 1/4 Section 15; all in T98N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – August 31.
3. The date from which applicant may claim right is October 4, 2013.
4. The date of approval of Permit No. 7910-3 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. 7910-3 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

Form 2A
(Complete applicable portions only)

(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 _____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs) 7
- b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by 0
- c) Well Depth 50 Depth to Top of Water Bearing Material 85ft Depth to Water from Surface 14ft
- d) Distance to nearest existing domestic well:
On applicant's property No On property owned by others on rural water

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) not on property
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

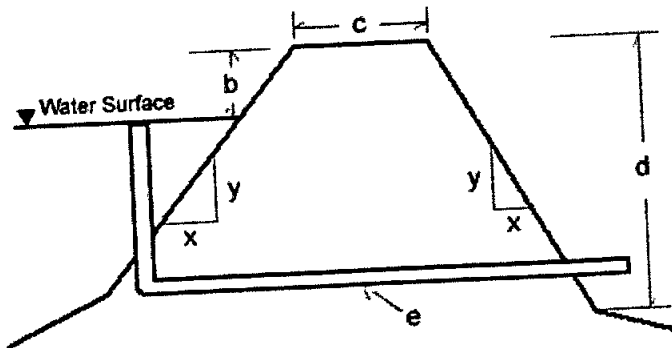
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Aerial Map



Maps provided by:



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15-98N-53W
Turner County
South Dakota

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map center: 43° 18' 27.95, 97° 5' 31.98

scale: 8746



7/22/2013

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

HURLEY TWP

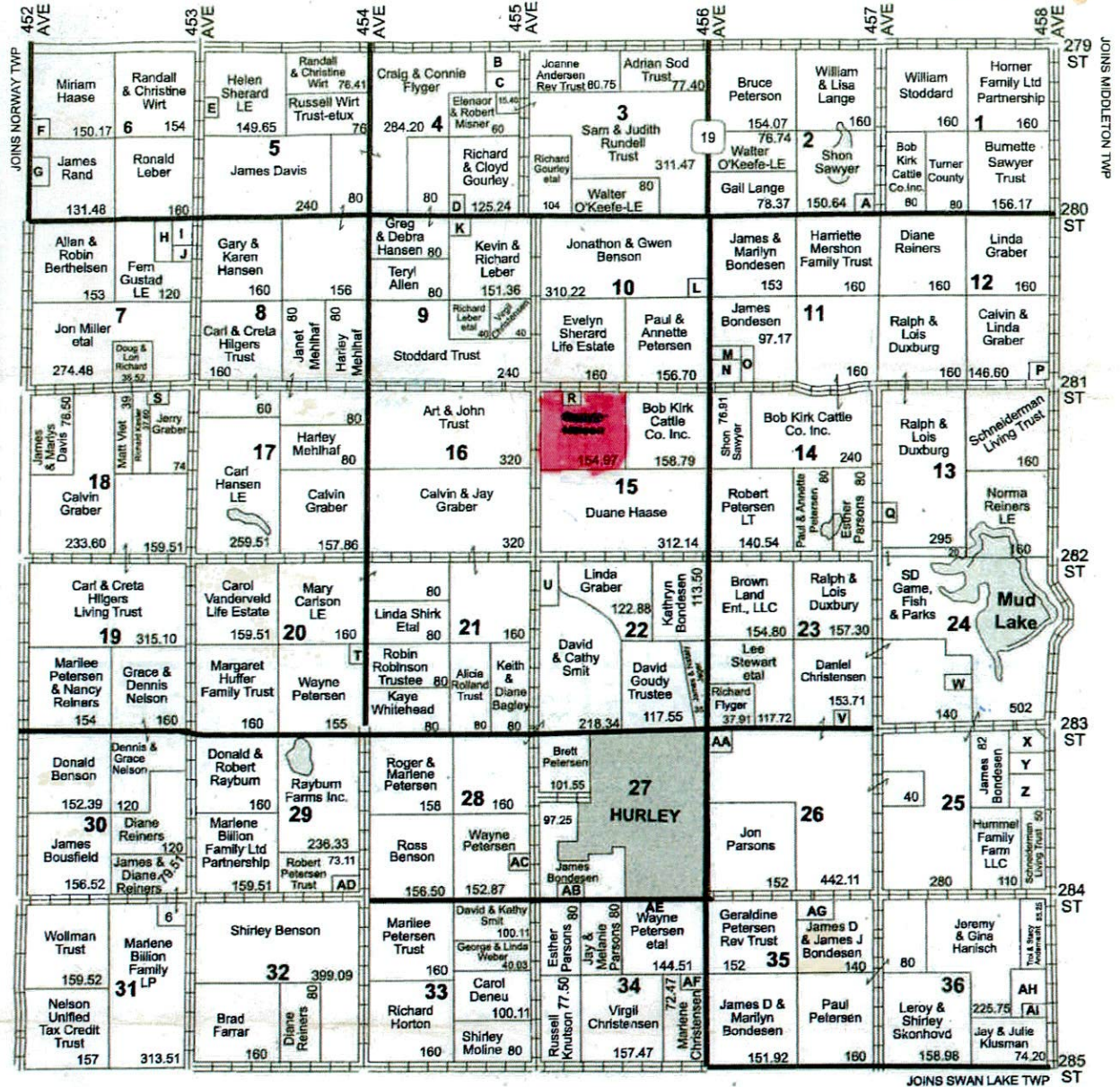
LAND OWNER

T 98 N

R 53 W

JOINS PARKER TWP

LAND OWNER & RURAL RESIDENT MAPS

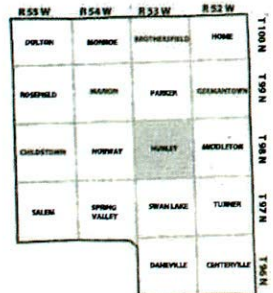


Small Tracts

- Section 2 A Joseph Dangel - 7.73
- Section 4 B Rick & Robin Smith - 19.23
- C Peter Andersen Trust - 16.57
- D Michael & Andrea Woodring - 6.86
- Section 5 E Donna Dickson - 5.81
- Section 6 F Edward & Jenenne Fincher - 5.83
- G William & Karol Aeschlimann - 18.73
- Section 7 H Allan & Robin Berthelsen - 22.16
- I Bobby & Deanna McCartney - 12.84
- J Joshua & Brenda Berthelsen - 5
- Section 9 K Edwin & Liz Waldner - 8.64
- Section 10 L Rechnagel Const. Corp. - 7.46
- Section 11 M Merlin & Glen Novak - 9
- N Glen & Melody Novak - 38
- O James Bondesen - 9

- Section 12 P Wayne Benning - 13.40
- Section 13 Q Kenneth Stalling - 5
- Section 15 R Lyle & Carolyn Moege - 5
- Section 18 S Scott & Lisa Jacobs - 6.90
- Section 20 T Peter & Patricia Dehueck etux - 5
- Section 22 U Nancy Boyd - 18.78
- Section 23 V Sarah Fink - 6.29
- Section 24 W Daniel Christen - 10
- Section 25 X Old Elm Springs Hutterian Brethren Inc - 10
- Y David & Barbara Rempfer - 28.38
- Z Kurt Schneiderman - 39.15
- Section 26 AA Kevin & Heidi Sunderland - 6.14
- Section 27 AB James & Marilyn Bondesen - 9.28
- Section 28 AC Steve & Stephanie Rabern - 7.13
- Section 29 AD Lynette & Charlotte Almond - 6.40

- Section 34 AE Jay & Tracy Hummel - 10.83
- AF David & Kelly Christensen - 5
- Section 35 AG John & Sheryl Wilson - 19
- Section 36 AH Richard Lounsbury etux - 30
- AI Dennis & Teresa Jorgenson - 9.99



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/4, 20 13

RECEIVED OF J & S (Sawyer) 28122 SD Hwy 19 Hurley SD 57036

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

Fee for Application for Permit No. <u>7910-3</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>7910-3</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. **06452**

By J. M. Headman Jr.
Chief Engineer

Water Rights Program - File Documentation

NAME: Shon Sawyer

ADDRESS: 28122 Hwy 19, Hurley SD 57036

DATE: 10-4-13 **COUNTY:** Turner **TELEPHONE:** 605 351-1416

RE: Pending Application

COMMENTS:

I called Shon Sawyer regarding the application submitted in his mother's name Burnette Sawyer. Mr. Sawyer stated he would like to request **800 gallons per minute**.

Mr. Swayer also clarified that he was requesting to irrigate **128 acres located in the NW 1/4 Sec 15-T98N-R53W** as identified on the map. The land identified in the first column of Item No. 7 on the application listed the acres that he owned in the NW 1/4 Section 15.



Karen Schlaak
Water Rights Program

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Shon Sawyer

ADDRESS: 28122 Hwy 19, Hurley SD 57036

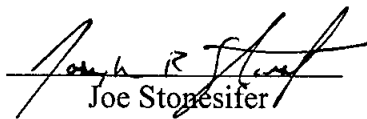
DATE: 10/23/13 TELEPHONE: 605-351-1416

RE: Well depth

COMMENTS: I called Mr. Sawyer to determine the depth of his existing well. He said he thought it was about 50 feet deep. He also said he took a water level reading of 14 feet below top of casing on October 2, 2013. I explained to him the local aquifers and the current situation with the Upper Vermillion Missouri aquifer. He said he wanted a water permit for the Parker Centerville aquifer due to these reasons. I explained that a shallow well would be in the Parker Centerville aquifer and a deep well it would be in the Upper Vermillion Missouri aquifer.

Therefore, Water Permit Application No. 7910-3, if approved, authorizes one well completed in to the Parker Centerville aquifer than is 50 feet deep or less located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15. If his existing well is in fact 50 feet deep or less, it would be completed in the Parker Centerville aquifer and can be used for these purposes. If his existing well is deeper, it would not be completed into the Parker Centerville aquifer. Therefore, he cannot use this well for these purposes and must use a different well that is 50 feet deep or less in the same legal location.

NAME:


Joe Stonesifer



**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. 7910-3, Burnette Sawyer**

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. 7910-3, Burnette Sawyer, 28122 Hwy 19, Hurley SD 57036.

The Chief Engineer is recommending APPROVAL of Application No. 7910-3 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. 7910-3 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 21, 2013

REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NO. 7910-3
Burnette Sawyer
November 1, 2013

Water Permit Application No. 7910-3 proposes to withdraw groundwater at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Parker Centerville aquifer. The well is to be 50 feet deep or less, located in the SE¼ NW¼ of Section 15, T98N-R53W. Water will be used to irrigate 128 acres located in the NW¼ of Section 15, T98N-R53W, in Turner County.

AQUIFER: Parker Centerville aquifer (PAC)

HYDROGEOLOGY:

The Parker Centerville is a surficial outwash consisting of fine sand to coarse gravel that is unconfined in the area of the proposed well site (Lindgren and Hansen, 1990; SD Geological Survey, 2013). The aquifer underlies approximately 67,060 acres in Turner, Lincoln, and Clay Counties (Hedges and others, 1982; Lindgren and Hansen, 1990; Niehus, 1994). Applying an average thickness of 20 feet and a storativity of 0.15, the total amount of water in storage in the aquifer is estimated to be 201,180 acre-feet (ac-ft). Groundwater movement in the Parker Centerville aquifer is generally southeast (Lindgren & Hansen, 1990). The Parker Centerville aquifer connects to the Vermillion East Fork and Vermillion West Fork aquifers to the north and to the Lower Vermillion Missouri aquifer to the south (Hedges and others, 1982).

The Parker Centerville aquifer is often underlain by the Upper Vermillion Missouri aquifer and comes in contact with the Niobrara aquifer in some locations. This is the case in the area of the proposed well site (Lindgren and Hansen, 1990; Schulz, 1993). The proposed well site appears to be near the western extent of the outwash deposit. The Niobrara Formation occurs from approximately 20 to 170 feet below ground surface. Parker Centerville aquifer is within 40 feet of ground surface and is often approximately 30 feet thick. The top of the Upper Vermillion Missouri aquifer begins at approximately 60 feet below ground surface and could be up to 90 feet thick. There is a clay layer approximately 20 feet thick between these two aquifers at this location (SD Geological Survey, 2013). This likely hydraulically separates the Parker Centerville and Upper Vermillion Missouri aquifers.

The Niobrara aquifer has relatively poor water quality. The Parker Centerville and Upper Vermillion Missouri aquifers have better water quality overall. However, near the Niobrara Formation in the area of the proposed well site these aquifers have much poorer quality water (Schulz, 1993). This indicates a strong hydraulic connection of both these aquifers to the Niobrara aquifer in this area. The Parker Centerville aquifer has generally better water quality than the Upper Vermillion Missouri aquifer. Water quality constituents in the Parker Centerville and the Upper Vermillion Missouri aquifers are much different from one another in the area of the proposed well site (Schulz, 1993). This indicates no hydraulic connection of these two aquifers in this area.

At the proposed well site, the water level of the Parker Centerville was interpolated from surrounding observation well water levels to be approximately nine feet below ground surface on October 1, 2013. The Upper Vermillion Missouri aquifer water level was also interpolated to be approximately 26 feet below ground surface on the same date (Water Rights, 2013b). A well completed into the Niobrara aquifer would be expected to flow in this area (Schulz, 1993; Water Rights, 2013b). The applicant stated that the water level of an existing well within the proposed legal location was approximately 11 feet below ground surface on October 2, 2013, indicating that this well is likely completed into the Parker Centerville aquifer. The actual depth of this well would verify this inference.

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 Parker Centerville aquifer occurs through infiltration of precipitation in areas where the aquifer is at or near land surface and possible inflow from the Niobrara aquifer. Hedges and others (1985) estimated the recharge rate of this aquifer to be 4.9 inches per year (in/yr). Applying this recharge rate to the area provides an estimated annual recharge of 27,383 ac-ft/yr.

The estimated annual recharge accounts for one third of the estimated amount of water in storage. This relatively high ratio indicates that water availability in the Parker Centerville aquifer is highly susceptible to drought conditions. The amount of water in storage could quickly be depleted if drought conditions persist for an extended period of time due to the average annual recharge, primarily provided by precipitation, not being supplied in addition to the expected high irrigation pumpage. Also, the shallow overall depth of the aquifer allows for potential of groundwater loss due to evapotranspiration. On the other hand, during wet years, annual recharge much greater than average would not significantly increase the amount of water in storage due to the fixed amount of potential aquifer storage.

Discharge:

Discharge from the Parker Centerville aquifer occurs through evapotranspiration in areas where the aquifer is near land surface, outflow to the Vermillion River, and well withdrawals from municipal and irrigation use. Currently there are 138 water rights/permits appropriating from this aquifer (Water Rights, 2013b).

All but two water rights/permits are for irrigation. Both of the non-irrigation use water rights/permits are authorized to the City of Hurley for municipal use. However, the city is now connected to a rural water system, and the water rights are maintained for stand-by purposes. Therefore, withdrawal due to municipal use is not expected (Water Rights, 2013b).

The average of the annual irrigation pumpage is currently 10,053 ac-ft/yr, but varies from a minimum of 392 ac-ft/yr to a maximum of 19,046 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 seems to be dependent on 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.

Since the beginning of 2013, 10 water permits have been approved, authorizing irrigation of 1,178.5 acres (Water Rights, 2013b). Annual use of these permits has not yet been reported. 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 of 1,179 ac-ft/yr.

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 Parker Centerville aquifer (Water Rights, 2013c).

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 Parker Centerville aquifer is estimated to be 27,383 ac-ft/yr. The average annual withdrawal is expected to be 11,232 ac-ft/yr. Therefore, unappropriated water is available from the Parker Centerville aquifer to support the proposed appropriation.

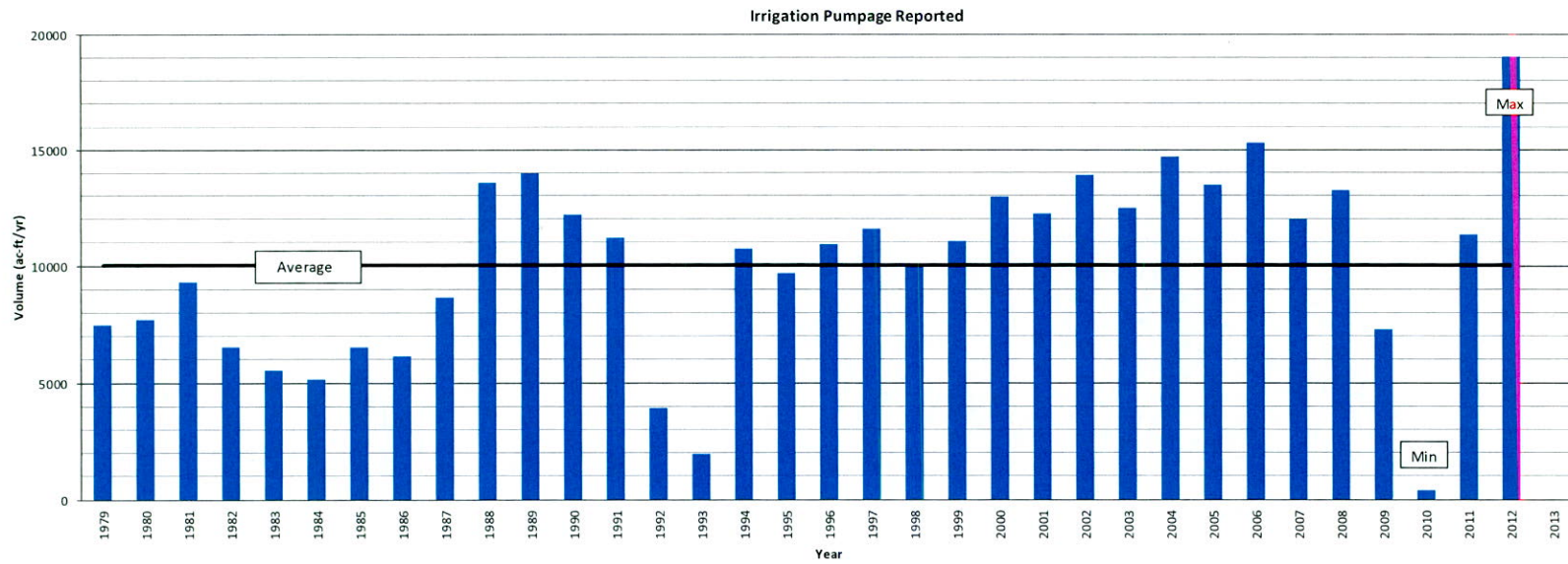
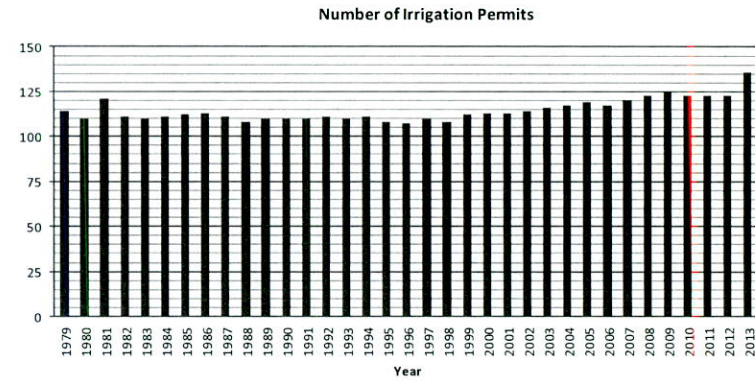
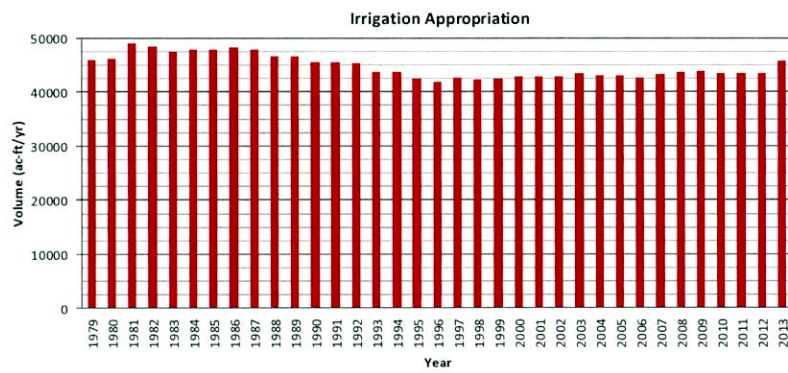


Figure 1: Historic irrigation withdrawal from the Parker Centerville aquifer (Water Rights, 1980-2013)

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 monitors 20 observation wells in the Parker Centerville aquifer. The nearest observation well, TU-56F, is located approximately three quarter miles northwest of the proposed well site. The associated hydrograph is shown in Figure 2 (Water Rights, 2013a).

This data documents that, at the current level of development, temporal well withdrawal is masked by climatic conditions. Therefore, recharge to and natural discharge from the Parker Centerville aquifer significantly exceeds pumping, indicating that unappropriated water is available from the aquifer to support the proposed appropriation.

In general, water levels in all wells in the Parker Centerville aquifer have remained steady. Water levels often display cyclic conditions, recharging during wet years and declining during dry years. Pumpage is generally masked by climatic conditions, 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 Parker Centerville aquifer to support the proposed appropriation.

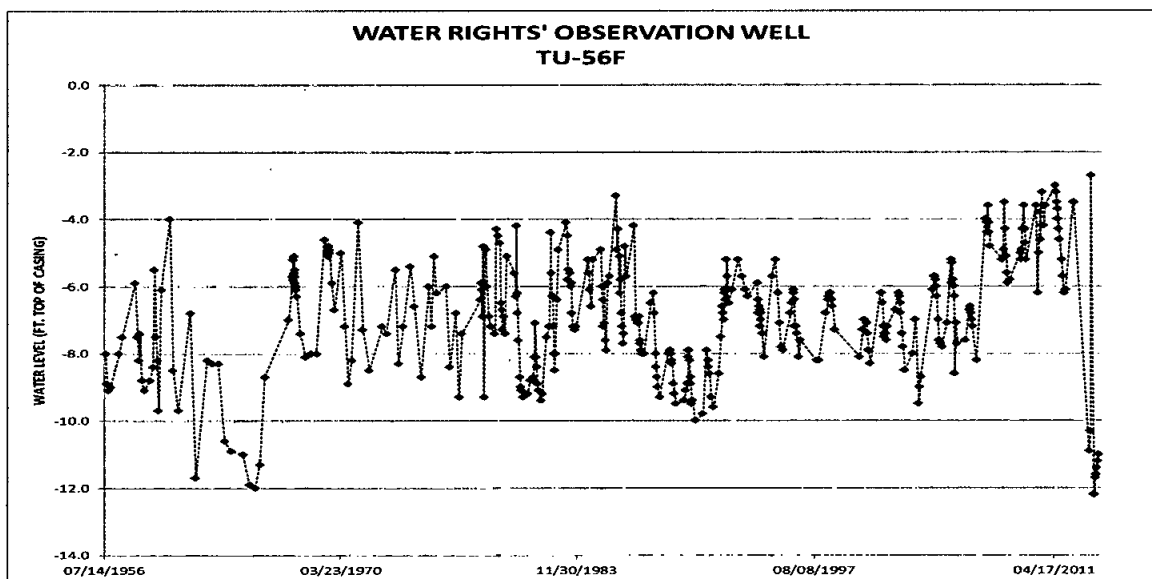


Figure 2: Hydrograph for observation well TU-56F (Water Rights, 2013a)

EXISTING WATER RIGHTS:

If approved, the well will be located near other wells that obtain water from the same aquifer. Within two miles of the proposed well site, there are 27 water rights/permits appropriating water from the Parker Centerville aquifer (Water Rights, 2013b). There are also three domestic wells on file that appear to be completed into the Parker Centerville aquifer within two miles (Water

Rights, 2013c). Water Right No. 345-3, Duane Haase, authorizes the nearest well, which is located approximately one half mile southwest of the proposed well site.

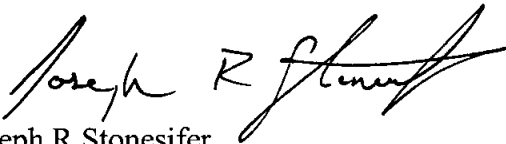
The close proximity and concentration of high capacity wells pumping from this relatively thin aquifer could lead to water level declines being compounded and magnified. While the withdrawals would not exceed recharge of the aquifer as a whole, this cumulating impact of withdrawals could lead to a reduction of water levels to the extent that local water rights/permits can no longer pump at their developed, or "historically established," diversion rates.

The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. The water table conditions of the aquifer in this area dictate that drawdown due to pumping would not be significant far from the proposed well site.

The well authorized by Water Right No. 345-3 is at the same elevation of the proposed well site. Water levels in the two wells will be similar, currently at approximately nine feet below ground surface. The well completion report documents aquifer materials from five to 47 feet below ground surface, with a screen from 27 to 47 feet. To adversely impact this adequate well, water levels must drop to 25 feet below ground surface, or approximately 16 feet from the current water level. This amount of drawdown at this distance is not anticipated. If this well is not expected to be adversely impaired, all other nearby adequate wells located further from the proposed well are not expected to be adversely impaired by the proposed diversion.

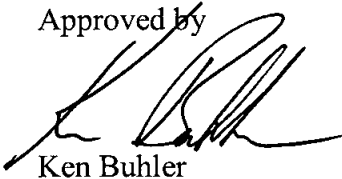
CONCLUSIONS:

1. The water permit application proposes to withdraw groundwater at a maximum diversion rate of 1.78 cfs from one well to be completed into the Parker Centerville aquifer in Turner County for the irrigation of 128 acres.
2. There is a reasonable probability that unappropriated water is available from the Parker Centerville aquifer to supply the proposed appropriation.
3. The proposed well is not expected to adversely impair nearby adequate wells.



Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, South Dakota.
- 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)
- Lindgren, R.J., and Hansen, D.S. 1990. Water Resources of Hutchinson and Turner Counties, South Dakota. Water-Resources Investigations Report 90-4093, United State Geological Survey, Huron, South Dakota.
- Niehus, C.A., 1994. Water Resources of Lincoln and Union Counties, South Dakota. Water Resources Investigations Report 93-44195, United State Geological Survey, Rapid City, South Dakota.
- Schulz, L.D. 1993. Investigation of Ground-Water Resources in the Vicinity of Hurley, South Dakota. Open-File Report 66-UR, SD DENR-Geological Survey Program, Vermillion, South Dakota.
- SD Geological Survey. 2013. Lithologic Logs Database, South Dakota Department of Environment & Natural Resources Geological Survey, Vermillion, 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.

RECEIVED

DEC 23 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF TURNER)

Allyson M. Hill, being first duly sworn, on oath says the VIBORG ENTERPRISE is a WEEKLY newspaper published in VIBORG in said county of TURNER, State of South Dakota; and that she is authorized to and does make this affidavit on behalf of said VIBORG ENTERPRISE; that affiant has personal knowledge of all facts stated in this affidavit; that said newspaper is a legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4 inclusive as amended, has a bona fide circulation of at least two hundred copies WEEKLY, has been published in the English language within said county and has been admitted to the United States mail under the second class mailing privilege, for at last one year continuously next prior to the publication of the notice herein mentioned and was and is printed wholly or in part in an office maintained at said place of publication; that said notice, a printed copy of which taken from the paper in which the same was published is hereto attached and is made part of this affidavit, was published in said newspaper

1 time(s) as follows: that the first publication of said

notice in said newspaper aforesaid was on Thursday

the 5 day of December, 2013,

and that the succeeding publications were severally

on Thursday, the ____ day of _____, 2013;

on Thursday, the ____ day of _____, 2013;

on Thursday, the ____ day of _____, 2013;

on Thursday, the ____ day of _____, 2013;

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charged for the publication thereof are:

DOLLARS (\$ 20⁵¹)

(x) Allyson M. Hill, Allyson M. Hill

Subscribed and sworn to before me this 15 day of

December, 2013

Notary Public

My commission expires 11/14/2018.

PAGE 10

**PUBLIC
NOTICES**



**NOTICE OF
APPLICATION NO.
7910-3 to Appropriate
Water**

Notice is given that Burnette Sawyer, 28122 Hwy 19, Hurley SD 57036 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Parker Centerville Aquifer (50 feet deep) located in the SE 1/4 NW 1/4 Section 15 for irrigation of 128 acres located in the NW 1/4 Section 15; all in T98N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7910-3 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

SHANE HILL



NOTARY PUBLIC
SOUTH DAKOTA



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 \$20.51.*

CUSTOMER NUMBER:	078200	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349	
AD ORDER NUMBER:	1430693		
	12/5, 2013		\$62.37

Burnette Sawyer
28122 Hwy 19
Hurley, SD 57036

RECEIVED
DEC - 9 2013
WATER RIGHTS PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078200
Invoice Number: 1430693

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

Thursday the 5 day of December 2013 ,
the day of 2013 ,
the day of 2013
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,

and that \$62.37 was charged for publishing the same

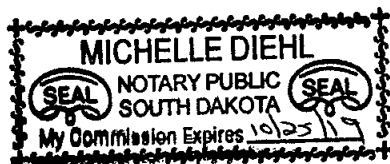
Linda Schulte

Subscribed and sworn to before me 12/6/2013

[Signature]

Notary Public, South Dakota

My Commission expires December 22, 2015



NOTICE OF APPLICATION
NO. 7910-3 to Appropriate Water

Notice is given that Burnette Sawyer, 28122 Hwy 19, Hurley SD 57036 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Parker Centerville Aquifer (50 feet deep) located in the SE 1/4 NW 1/4 Section 15 for irrigation of 128 acres located in the NW 1/4 Section 15; all in T98N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7910-3 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

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of Environment and Natural Resources
Public notice at the total application cost of \$62.37.
1430693 Dec 5, 2013



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 22, 2013

Viborg Enterprise\Hurley Leader
PO Box H
Centerville SD 57014

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7910-3 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 Burnette Sawyer, 28122 Hwy 19, Hurley SD 57036 (Ph # 605-351-1416).

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 22, 2013

Argus Leader
PO Box 5034
Sioux Falls SD 57117

ATTENTION: Legal Public Notice

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

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

November 22, 2013

Burnette Sawyer
28122 Hwy 19
Hurley SD 57036

Dear Mr. Sawyer:

Water Permit Application No. 7910-3 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 Viborg Enterprise/Hurley Leader printed at Centerville SD (Ph # 605-766-2351) and the Argus Leader printed at Sioux Falls SD (Ph # 605-331-2200). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

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

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

Instruction to Newspaper - Publish the Notice on 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. 7910-3 to Appropriate Water

Notice is given that Burnette Sawyer, 28122 Hwy 19, Hurley SD 57036 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Parker Centerville Aquifer (50 feet deep) located in the SE 1/4 NW 1/4 Section 15 for irrigation of 128 acres located in the NW 1/4 Section 15; all in T98N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7910-3 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

Burnette Sawyer
28122 Hwy 19
Hurley SD 57036

Dear Mr. Sawyer:

Enclosed is Water Permit No. 7910-3 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

RECEIVED

JUL 30 2014

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate JULY 28, 2014TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

BURNETTE SAWYER

(name)

28122 HWY 19

(address)

HURLEY SD 57036

(city, state, zip)

605-351-1416

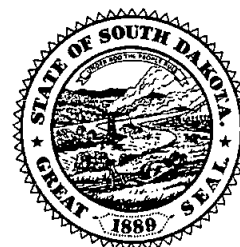
(phone)

(SHON
SAWYER)

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. 7910-3 states that the water use system is to be constructed byDECEMBER 16, 2018, and water is to be put to beneficial use by DECEMBER 16, 2022
(date) (date)The water use system was completed on JULY 25, 2014
(date)Applying the water to beneficial use was completed on JULY 25, 2014
(date)

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

Burnette Sawyer
(signature)



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



July 30, 2014

7910-3

Burnette Sawyer
28122 Hwy 19
Hurley SD 57036

Dear Ms. Sawyer:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

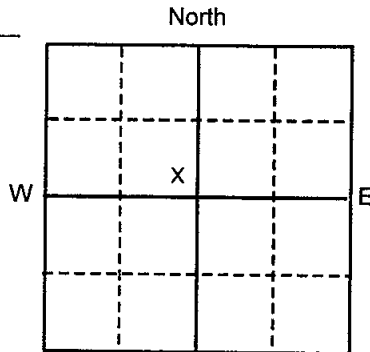
7910-3 SD EForm - 1621LD V1

11-02

Location SE 1/4 NW 1/4 Sec 15 Twp 98N Rg 53W

County TURNER

Please mark well location with an "X"



Well Completion Date

December 15, 2014

← 1 Mile →

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,300.0 ft. from SEPTIC (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
160.0 LB/FT	16.00 IN	0.0 FT	20.0 FT	28.00 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	20	9.4 Lb/gal	0.0 Ft	20.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMIE PIPE AND GROUT PUMP

SCREEN:

☒ Perforated pipe ☐ Manufactured
 Diameter 16.00 Inches Length 30.0 Feet
 Material PVC
 Slot Size 85 Set From 20.0 Feet to 50.0 Feet
 Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No
 If so, what material? _____
 Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? CHLORINE TABLETS
☐ No, Why Not? _____

Lab to which water quality sample sent for analysis

Well Owner: SHON SAWYER

Business Name: _____

Address: 28122 SD HWY 19

City, State, Zip: HURLEY SD 57036

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	3
CLAY	3	17
SAND	17	36
GRAVEL	36	42
CLAY	42	50

STATIC WATER LEVEL 7.0 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: TURBINE PUMP AND MOTOR
☐ Bailed
☐ Other

Pumping Level Below Land Surface

24.0 Ft. After 3.0 Hrs. pumped 800.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

FEB 17 2015

WATER RIGHTS PROGRAM

This well was drilled under license # 805 and this report is true and accurate.

Drilling firm: SAM HEINE WELL CO.,LLC

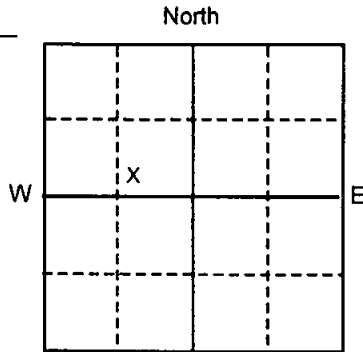
Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ NW ¼ Sec 15 Twp 98N Rg 53WCounty TURNERPlease mark well
location with an "X"

Well Completion Date

5-2-2015

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,000.0 ft. from SEPTIC TANK (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well
METHOD OF DRILLING:
REVERSE ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
160.0 LB/FT	16.00 IN	0.0 FT	20.0 FT	28.00 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	30	9.5 Lb/gal	0.0 Ft	20.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMIE PIPE AND GROUT PUMP

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 30.0 FeetMaterial PVCSlot Size .085 Set From 20.0 Feet to 50.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? CHLORINE TABLETS
☐ No, Why Not? _____
Lab to which water
quality sample sent for analysis
Well Owner: SHON SAWYER

Business Name: _____

Address: 28122 SD HWY 19City, State, Zip: HURLEY SD 57036

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	3
SAND	3	14
GRAVEL	14	35
SAND	35	50

STATIC WATER LEVEL 7.0 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: TURBINE PUMP AND MOTOR☐ Bailed☐ Other

Pumping Level Below Land Surface

35.0 Ft. After 2.0 Hrs. pumped 500.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JUN 15 2015

WATER RIGHTS
PROGRAMThis well was drilled under license # 805 and this
report is true and accurate.Drilling firm: SAM HEINE WELL CO., LLC

Signature of License Representative

Signature of Well Owner or Equitable Property Holder:

Date: 5-2-15

0-1811-0



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 16, 2015

Shon Sawyer
28122 SD Hwy 19
Hurley SD 57036

Dear Mr. Sawyer:

I am writing in regard to two well completion reports filed by Sam Heine Well Co LLC. One report indicates a 50 feet deep well was completed on December 15, 2014. The latest report indicates another 50 feet deep well was completed on May 2, 2015 in approximately the same location (copies enclosed).

A review of our files indicates Water Permit No. 7910-3 appropriates 1.78 cubic feet of water per second (800 gallons per minute) from one well, approximately 50 feet deep located in the SE 1/4 NW 1/4 Section 15 to irrigate 128 acres located in the NW 1/4 Section 15; all in T98N-R53W.

Mr. Sawyer, is this a replacement well or an additional well which does not increase the total appropriation of 800 gpm? If the authorized diversion rate is increased, a new water permit will need to be obtained. Once we know this information, we can determine what additional action, if any, needs to be taken to ensure the water right accurately reflects your irrigation system.

Please contact Eric Gronlund or me regarding the status of these wells or if you have any questions.

Sincerely,

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

enclosures



7910-3
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 26, 2018

NOTICE

TO: BURNETTE C SAWYER, 28122 HWY 19, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 456-3 & 3903-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6433-3 & 7910-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

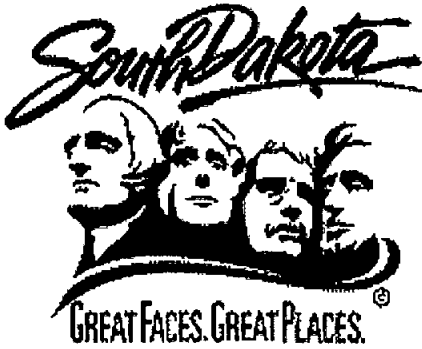
1. Suspend or cancel Permit No(s) 6433-3 & 7910-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 456-3 & 3903-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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 questionnaires are received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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.

7910-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 2018

Shon, Julie & Burnette Sawyer
28122 Hwy 19
Hurley SD 57036

RE: Irrigation Questionnaires for Water Permit/Right Nos. 456-3, 510-3, 3903-3, 6433-3,
7791-3 and 7910-3

Dear Shon, Julie & Burnette:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for the above listed Water Permits and Water Rights. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with a large, stylized "G" and "M".

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



7910-3
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 25, 2019

NOTICE

TO: BURNETTE C SAWYER, 28122 HWY 19, HURLEY, SD 57036
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 456-3 & 3903-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6433-3 & 7910-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6433-3 & 7910-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 456-3 & 3903-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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.

7910-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 2019

Shon, Julie & Burnette C Sawyer
28122 Hwy 19
Hurley SD 57036

RE: Water Permit or Right Nos. 456-3, 3903-3, 6433-3 & 7910-3 (Burnette Sawyer)
Water Right No. 510-3 (Julie K Sawyer) and
Water Permit No. 7791-3 (Shon Sawyer)

Dear Shon, Julie & Burnette:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for the above listed Water Permits and Water Rights. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, which appears to read "Genny McMath". The signature is written in a cursive, flowing style.

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: Shon Sawyer, 28122 Hwy 19, Hurley SD 57036
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 456-3, 510-3 & 3903-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4645A-3, 6433-3, 7791-3 & 7910-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4645A-3, 6433-3, 7791-3 & 7910-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 456-3, 510-3 & 3903-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JDLTIJ**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 7, 2023

Shon Sawyer
28122 Hwy 19
Hurley SD 57036

RE: Water Permit/Right Nos. 456-3, 510-3, 3903-3, 4645A-3, 6433-3, 7791-3 & 7910-3

Dear Mr. Sawyer:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit/Right Nos. 456-3, 510-3, 3903-3, 4645A-3, 6433-3, 7791-3 & 7910-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: SHON SAWYER, 28122 HWY 19, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 456-3, 510-3 & 3903-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4645A-3, 6433-3, 7791-3 & 7910-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4645A-3, 6433-3, 7791-3 & 7910-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 456-3, 510-3 & 3903-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: DCALGZ**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 16, 2024

3903-3, 456-3, 6433-3
7910-3 & 4645A-3

Shon Sawyer
28122 HWY 19
Hurley SD 57036

Dear Mr. Sawyer:

I am writing you today to follow up on our telephone conversation from earlier in the week, in regard to transferring ownership of the five water permits/rights held by Burnette C Sawyer, to yourself.

I have enclosed a partially completed "Notice of Transfer of Ownership" form for each permit/right. There is a \$50.00 fee for each transfer, totaling \$250.00. Please complete the highlighted portions of each transfer form and return them in the prepaid envelope with a check made payable to "SD Water Rights Program".

If you wish to pay with a card, you may call our Fiscal Office at 605.773.4216. If you choose to pay over the phone, these forms will still need to be returned.

Please feel free to contact me with any questions.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 23, 2024

456-3, 510-3
3903-3, 4645A-3,
6433-3, 7791-3 & 7910-3

Shon Sawyer
28122 HWY 19
Hurley SD 57036

Dear Mr. Sawyer:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 456-3, 510-3, 3903-3, 4645A-3, 6433-3, 7791-3 & 7910-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 5, 2024

456-3, 3903-3, 4645A-3
6433-3 & 7910-3

Shon Sawyer
45690 280th St
Hurley SD 57036

Dear Mr. Sawyer:

I have received your "Notice of Transfer of Ownership" forms and the required fees. Enclosed are receipts of payment for your records.

Water Right/Permit Nos. 456-3, 3903-3, 4645A-3, 6433-3, and 7910-3 previously owned by Burnette C Sawyer are now listed under yourself and I have updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Rights/Permits, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the rights/permits will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIVED

MAR 04 2024

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

PAID

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

MAR 04 2024

No. 7910-3

Ck# 6991

Rec't# _____

Date: 2-29-24

I/We request that Water Permit No. 7910-3

formerly owned by: Burnette C Sawyer, Hurley SD

be transferred to: (name & address)

Shon Sawyer
4569D 280th Street
Hurley, SD 57036 Telephone No. 605-351-1416

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

128 acres: NW ¼ Section 15 – T98N – R53W

I/We understand that the validity of Water Permit No. 7910-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Shon Sawyer

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date March 4, 2024

RECEIVED OF J & S 45690 280th Street Hurley SD 57036

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>7910-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>50.00</u>

By *Eric Ironlund*
Chief Engineer
zm

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7910-3

I have this day, April 16, 2025, made a thorough examination of the water use system constructed by Burnette Sawyer, 28122 Hwy 19, Hurley, SD 57036 of Permit No. 7910-3, bearing the priority of October 4, 2013 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Parker Centerville Aquifer for irrigation purposes, in Turner County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Sam Heine Well Co
- 2) No. of Wells 1
- 3) Depth(s) 50 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 20 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 30 feet
- 3) Static water level 7 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 450 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating Unknown hp

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

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 1760 feet

C. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make Zimmatic
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 450 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION
From the NW corner Sec 15 T98N R53W, 2640 ft S & 2550 ft E, Lat 43.30782 Long -97.09285 (SE ¼ NW ¼)

2. The works are capable of diverting and conveying to the place of use 1.00 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:

legal description/acreage
All land in Sec 15 T98N R53W
NW 1/4 NW 1/4 - 31 acres
NE 1/4 NW 1/4 - 30 acres
SE 1/4 NW 1/4 - 34 acres
SW 1/4 NW 1/4 - 33 acres

legal description/acreage

comprising a total of 128 acres of land and the license should be issued for 1.00 cfs

3. All structures, wells and lands on map Y

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

FSA photographs and the ArcGIS software were used to estimate the irrigated acreage.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the flow capacity for the well.

Mr. Shon Sawyer is now the owner and contact person for the permit. His mailing address is 45690 280th Str, Hurley, SD 57036 and his telephone number is 605/351-1416.

I talked to Mr. Sawyer on the phone to gain permission to access the land during the field visit.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: April 18, 2025



0 400 800 1,600 2,400 3,200 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 06 2025

Shon Sawyer
45690 280th St
Hurley, SD 57036

No. 7910-3

Dear Mr. Sawyer:

Enclosed is Water License No. 7910-3. 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.

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

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

Note: The maximum diversion rate authorized for irrigation under Water Right No. 7910-3 has been reduced to 1.00 cfs (450 gpm), based on the system as constructed.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7910-3

(1) Burnette Sawyer, made Application No. 7910-3, October 4, 2013, for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 7910-3, with a priority date of October 4, 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 water on or before December 16, 2022.

Ownership of Permit No. 7910-3 was transferred to Shon Sawyer, 45690 280th St, Hurley, SD 57036 on March 4, 2024.

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

- 2,640 feet S and 2,550 feet E from the NW corner of Section 15, T98N, R53W (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
(Latitude 43.30782 and Longitude -97.09285)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – August 31.

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

Section 15, T98N, R53W
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 30 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 31 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 34 acres
Total – 128 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Shon Sawyer, the holder and/or owner of Water Right No. 7910-3 is issued a license to appropriate water, the right to use 1.00 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), with a priority date of October 4, 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. 7910-3 and subject to 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.

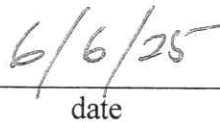
continued

2. The well authorized by Permit No. 7910-3 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. *(The well was drilled in 2014 by Sam Heine Well Co Inc. A copy of the well completion report is on file with the Water Rights Program.)*

3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Mark Mayer, PE
Director of Office of Water


date

