

WATER PERMIT NO. 7938-3

Name of Applicant: Russell M Hall

Address: 47715 County Rd 1B, Elk Point SD 57025 Phone: 605 929-6459

Amount of Water Claimed: no add'l Total Acres: 53 acres

Source of Water Supply: groundwater (existing well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 1 mile southeast of Elk Point

PRIORITY Date Received: 1-2-14 Application/License Fee: \$ 700

Corrected Application Received: Period of Annual Use: May 1 – September 30

Remarks: Utilizing well and diversion rate authorized by Water Right No. 5274-3

Diversion Point: SW 1/4 NW 1/4 Sec 29-T91N-
R48W

Land to be Irrigated: S 1/2 SE 1/4 Sec 29-T91N-
R49W

Depth of Well: 100 feet deep

Well Driller: Hammond-Wetmore Drilling

Remarks:

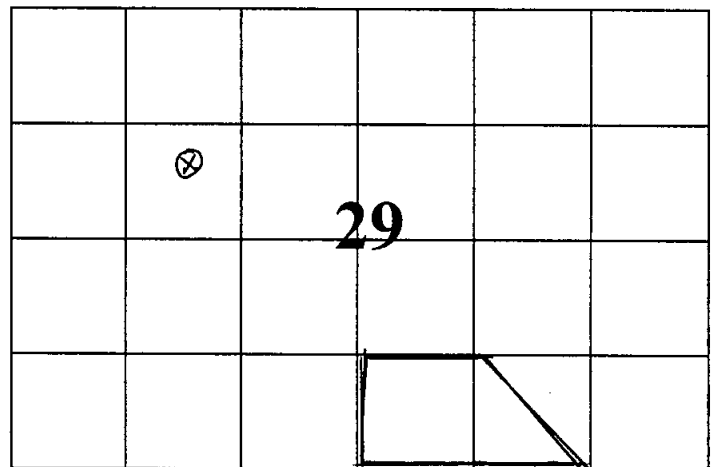
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-2-14

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7938-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	<u>605-356-2632</u>
	Newspaper <u>Leader-Examiner Box 310 Elk Point 57025</u>	
	<u>Precinct 319 Walnut Yorkton 57078 605-665-7811</u>	

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JAN - 2 2014
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

- Type of Application: New Vested Right ☒ Amendment/Correction to Permit No. 5274.3
(Use predates Mar 2, 1955)
- Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Add 53 Acres
of Irrigation To Permit 5274.3 by using same well with
pipe on top of ground
1. Name of Applicant Russell M Hall Phone 605 929 6459 Cell
(check one) ☒ Owner ☐ Tenant/lessee 605 356 2889 Home
- Mailing Address 47715 County Rd 1B Elk Point State SD 57025
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed No add FS or **GPM ***AF Total Acreage 53
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply ground water (one well)
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Approximately 1860 Feet
South and 785 feet east of Northwest corner of Section 29
T91N-R49W (SW 1/4 NW 1/4) County Union
5. County or counties where water will be used Union
6. Annual period during which water is to be used May 1 Through September 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed) 500 100.

Land Description	Acres	Land Description	Acres
<u>29 91 49 SW 1/4 SE 1/4</u>	<u>36</u>		
<u>29 91 49 SE SE 1/4</u>	<u>17</u>		

8. Give a description of the project. (Attach sheet if more space is needed) I want to irrigate around
53 Acres of the above pieces of land with my Big Gun Irrigator
From well 5274.3 by running pipe on ground to this property. This
land is next to some of my other land. I marked the lines
that the Big gun will run on. Water claimed will be the
same as I have for the Big Gun that I use on my other land

STATE OF SOUTH DAKOTA) SS
County of Union

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Russell M Hall, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature

Russell M Hall

Subscribed and sworn to before me this 30th day of December 19 2013

VICKIE L. AHART

Vickie L. Ahart

Notary Public signature

My Comm. expires: 9-10-2015

SOUTH DAKOTA
WATER PERMIT NO. 7938-3

Date of first receipt of application January 2, 2014.

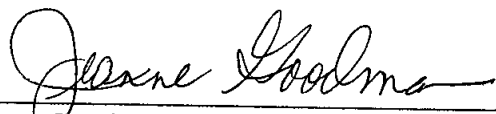
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7938-3 to Russell M Hall, 47715 County Rd 1B, Elk Point SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7938-3 authorizes irrigation of 53 new acres. Water Right No. 5274-3 appropriates 1.34 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (113 feet deep) located in the SW 1/4 NW 1/4 Section 29 to irrigate 112 acres located in the NW 1/4 NW 1/4, S 1/2 NW 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 29; all in T91N-R49W. This permit authorizes irrigation of 53 new acres located in the S 1/2 SE 1/4 Section 29-T91N-R49W from the existing well. This permit does not authorize any increase in the 1.34 cfs diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is January 2, 2014.
4. The date of approval of Permit No. 7938-3 is March 24, 2014.
5. One-fifth of the construction is to be completed on or before September 24, 2016.
6. All construction is to be completed on or before March 24, 2019.
7. Water is to be put to beneficial use on or before March 24, 2023.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Right No. 5274-3 and this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

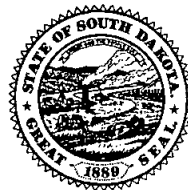
Jeanne Goodman, Chief Engineer

Water Rights Program

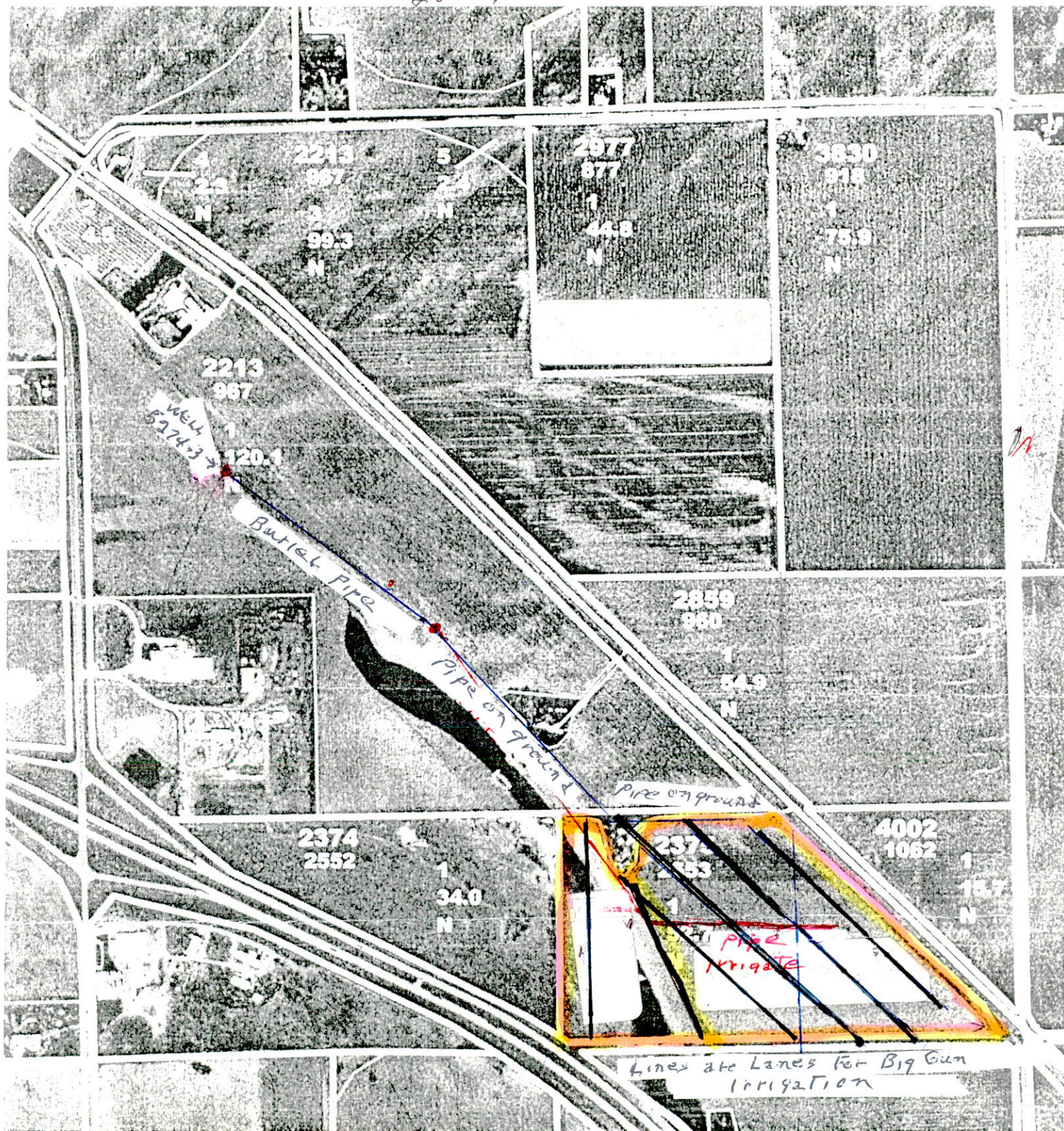
Department of Environment and Natural Resources

APR 11 2014

date



2005,



Russell Hahl - Farm 2375

United States Department of Agriculture
Farm Service Agency

Debbie L. Ahart
FSA

29-91-49

February 10, 2004

Union County

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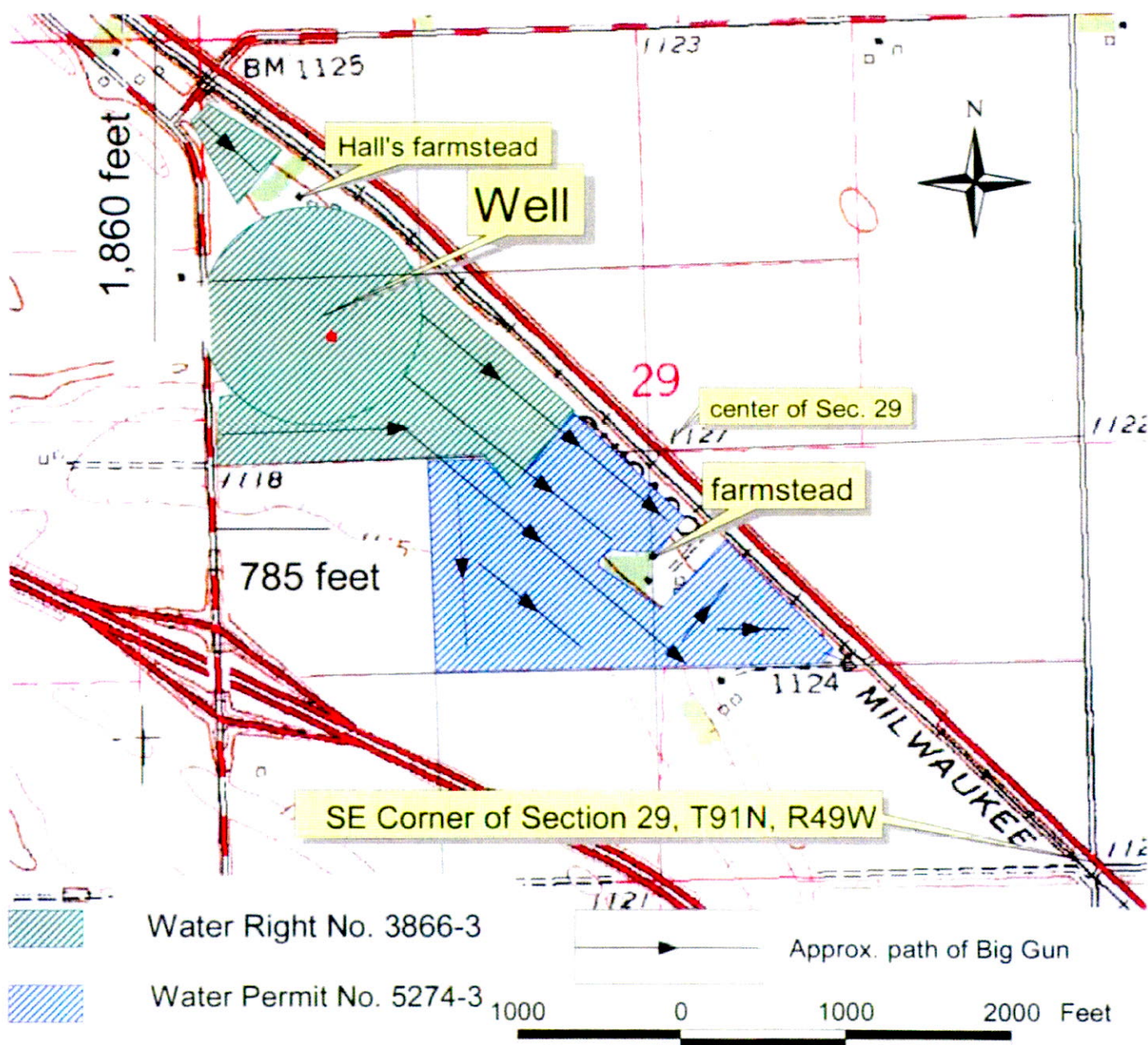
JAN - 2 2014

WATER RIGHTS
PROGRAM



1997 Digital Orthophotography - Not To Scale

Water Right No. 3866-3 and Water Permit No. 5274-3, Russell Hall



Well Location - 785 feet east &
1,860 feet south of NW corner of
Sec. 29, T91N, R49W

Irrigated acreage

NW NW	13 acres
SW NW	38 acres
SE NW	14 acres
NE SW	36 acres
NW SE	11 acres

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow Today

Eric Gronlund
Water Rights Program
Licensing Investigation
Conducted - August 11, 1999

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/2, 20 18

RECEIVED OF Russell M Hall 47715 Co Rd 1B Elk Point SD 57025

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

Fee for Application for Permit No. <u>7938-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>7938-3</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	700 00

No. **06582**

By *James Holman*
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7938-3, Russell M Hall**

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. 7938-3, Russell Hall, 47715 County Rd 1B, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7938-3 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 Water Right No. 5274-3 and this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
March 4, 2014

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 7938-3

Russell M Hall

January 15, 2014

Water Permit Application No. 7938-3 proposes to irrigate 53 acres located in the S½ SE¼ of Section 29, T91N-R49W from an existing well authorized by Water Right No. 5274-3. This water right appropriates water at a maximum diversion rate of 1.34 cubic feet of water per second (cfs) from one well completed into the Elk Point management unit of the Missouri aquifer. The well is 113 feet deep and located in the SW¼ NW¼ of Section 29, T91N-R49W. Water is currently used to irrigate 112 acres located in the NW¼ NW¼, S½ NW¼, NW¼ SE¼, NE¼ SE¼ of Section 29, T91N-R49W in Union County. If approved, this application does not authorize any increase in 1.34 cfs diversion rate.

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

HYDROGEOLOGY:

The Elk Point management unit of the Missouri aquifer is an alluvium mantled outwash consisting of fine sand to very coarse gravel (Niehus, 1994; Stephens, 1967). The Missouri: Elk Point aquifer is located in southeastern South Dakota, underlying large portions of Yankton, Clay, and Union Counties. In total, the Missouri: Elk Point aquifer is estimated to underlie 210,100 acres and contain 3,287,100 acre feet (ac-ft) of recoverable water in storage (Hedges and others, 1982). The aquifer connects to the Lower Vermillion Missouri and Lower James Missouri aquifers to the north, often overlies the Dakota aquifer, and is hydraulically connected to the Vermillion, Big Sioux, and Missouri Rivers. Water in the aquifer generally moves from the northwest to the southeast and towards the Missouri River (Stephens, 1967). The Missouri: Elk Point aquifer is predominately under water table conditions (Water Rights, 2014a).

From the well completion report on file, the well screen is set from 67 to 113 feet below ground surface. Aquifer materials were recorded from 21 to 52 feet and 65 to 140 feet below ground surface. The static water level was recorded at 22 feet below ground surface in May of 2002. A pump test at the time of completion determined that the well had a specific capacity of 62.5 gallons per minute per foot. The well is located approximately two miles northeast of the Missouri River and approximately three miles southwest of the Big Sioux River.

SDCL 46-2A-9

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

WATER AVAILABILITY:

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

Hydrologic Budget:

The hydrologic budget of the Missouri: Elk Point aquifer was evaluated for groundwater appropriations as of June 10, 2014. Water rights/permits/future use permits are expected to use 81,108 ac-ft/yr, which includes expected use of new irrigation water permits. Recharge to the aquifer is estimated to be at least 91,964 ac-ft/yr, which considers induced recharge. Therefore, approximately 10,856 ac-ft/yr of unappropriated water was available at that stage of development (Stonesifer, in progress).

Since June 10, 2014, six water permits have been approved and two are currently pending, all for irrigation use. These are shown in Table 1. Historically, irrigation use water rights/permits withdrawing water from this aquifer pump on average in total 13.7% of the total appropriation (Stonesifer, in progress). Applying this proportion to the new appropriation, estimated expected use is 295 ac-ft/yr. Also, a portion of this pumped groundwater is expected to be induced from surface water. Therefore, approximately 10,500 ac-ft/yr of unappropriated water is currently available.

Table 1: Approved water permits from the Missouri Elk: Point aquifer since June 10, 2014 (Water Rights, 2014b)

Permit Number	Name	Priority Date	Status	Permit CFS	Permit Acres
7848-3	Missouri Valley Farms Inc	05/31/2013	Permit	3.04	213
7856-3	Mike & Steve Allard	07/01/2013	Permit	1.78	129.3
7895-3	Todd Hanson	09/09/2013	Permit	1.89	180
7898-3	James Orr	09/12/2013	Permit	1.56	132
7899-3	Justin Orr	09/12/2013	Permit	1.56	97
7904-3	Craig S McInerney	09/23/2013	Permit	1.78	160
7933-3	Doug Bye		Pending	0.89	80
7936-3	Don A Johnson c/o Chris Nelson		Pending	1.39	83

Observation Well Data:

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

The Water Rights Program monitors 38 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2014a). Three of these wells are located within a mile and a half of the well. The hydrographs of these observation wells are shown in Figures 1, 2, and 3. The

observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The hydrograph also shows the effects of nearby pumping on the aquifer. Observation well data indicates that at the current level of development temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal.

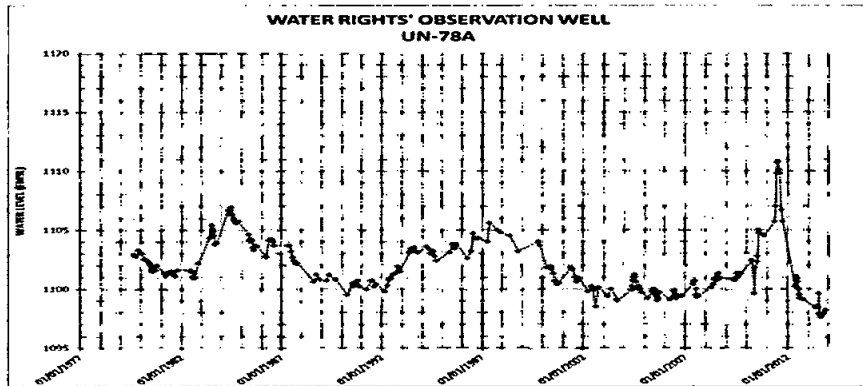


Figure 1: Hydrograph of observation well UN-78A (Water Rights, 2014a)

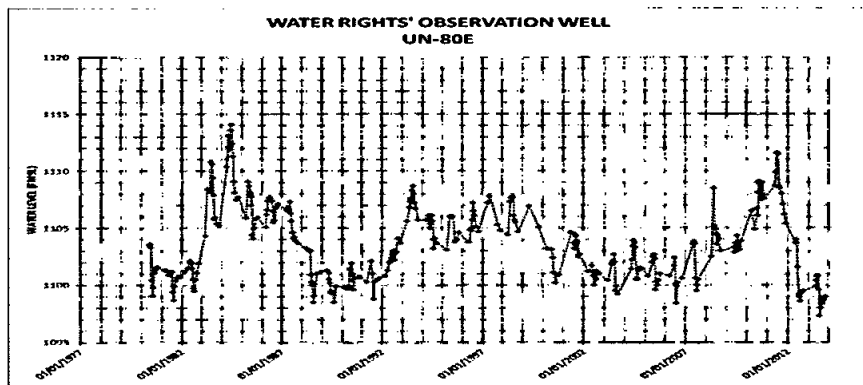


Figure 2: Hydrograph of observation well UN-80E (Water Rights, 2014a)

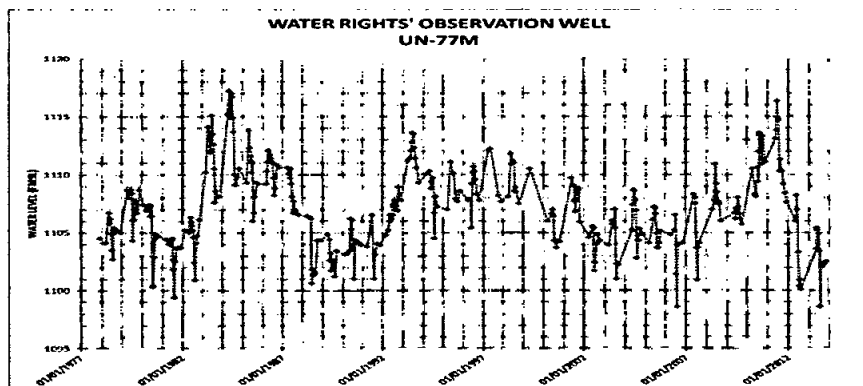


Figure 3: Hydrograph of observation well UN-77M (Water Rights, 2014a)

In general, hydrographs of observation wells completed into the Missouri: Elk Point aquifer show a slight decline of water table. This has been attributed to entrenching of the Missouri

River or controlling the flow by the Gavins Point Dam, which no longer allows inundation of the floodplain (Goodman, 2007; Stephens, 1967).

The hydrograph of the Missouri River near the City of Yankton is shown in Figure 4. The trends in water levels between groundwater in the Missouri: Elk Point aquifer and the Missouri River are similar, indicating a strong hydraulic connection. Since the drought in 2012, water levels in many observation wells completed into the Missouri: Elk Point aquifer have not yet returned to previous elevations. This can be attributed to the relatively low stage of the Missouri River due to this hydraulic connection.

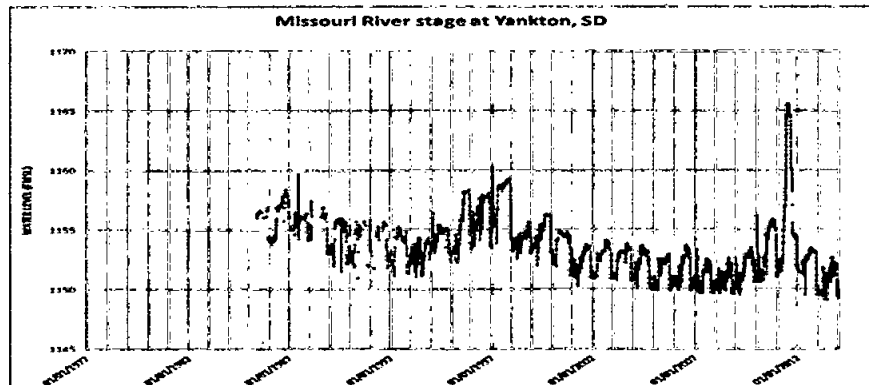


Figure 4: Hydrograph of the Missouri River near Yankton (US Geological Survey, 2014)

The hydrograph of the Big Sioux River near the City of Akron is shown in Figure 5. Water levels in this river are much more erratic. Of the three observation wells whose hydrographs are shown above, UN-78A is nearest to the Missouri River and furthest from the Big Sioux River. Observation well UN-77M is nearest to the Big Sioux River and furthest from the Missouri River. Observation well UN-80E is nearly equidistant from both rivers. Groundwater levels nearer the Big Sioux River are more erratic than groundwater levels nearer the Missouri River, indicating a strong hydraulic connection between the Missouri: Elk Point aquifer and the Big Sioux River.

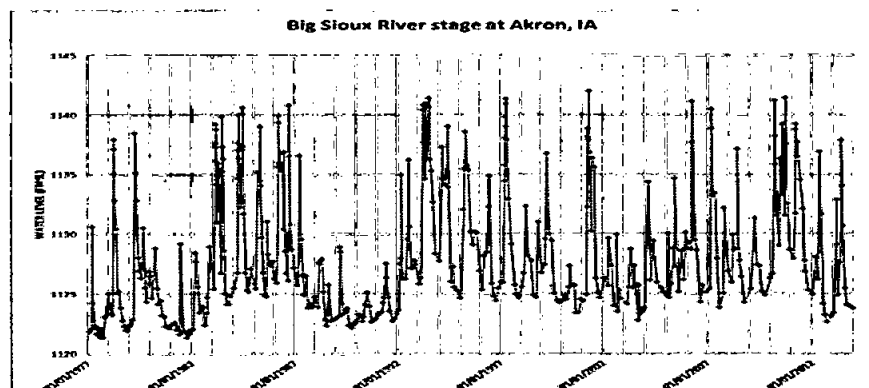


Figure 5: Hydrograph of the Big Sioux River near Akron (US Geological Survey, 2014)

Also shown in the hydrograph is Missouri River water levels near the City of Yankton, approximately 15 miles west of the observation well. The trends in water levels between groundwater and surface are nearly identical. This indicates that a strong hydraulic connection

exists, where groundwater levels are to some extent dependent on the Missouri River stage. Therefore, water levels in the aquifer are not decreasing due to well withdrawal and unappropriated water is available.

EXISTING WATER RIGHTS:

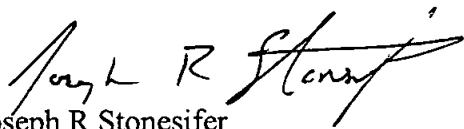
The well is located near other wells that obtain water from the same aquifer. The nearest wells are located approximately one half mile from the well (Water Rights, 2014b; Water Rights, 2014c).

While this application does not propose an increase in maximum diversion rate, the increase in applied acres will likely increase the average diversion rate. Therefore, the cumulative impacts could increase. However, the expected increase in use is not expected to significantly increase the current effects of pumping.

The relatively large thickness, the areal extent, and the water table conditions of the aquifer indicate that the effects of drawdown due to pumpage would be minimal. The close proximity of wells to the Missouri and Big Sioux Rivers indicates that drawdown due to pumpage could be reduced due to the induced recharge. However, precise drawdown cannot be quantified without aquifer testing. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. Therefore, nearby adequate wells defined by ARSD 74:02:20(7) are not expected to be adversely or unlawfully impaired due to the increased use of the well.

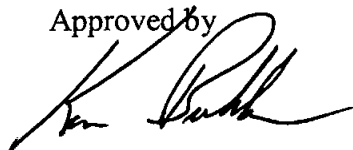
CONCLUSIONS:

1. Water Permit Application No. 7938-3 proposes to irrigate 53 new acres from one existing well authorized by Water Right No. 5274-3.
2. Water Right No. 5274-3 appropriates 1.34 cfs from one well, 113 feet deep, completed into the Missouri: Elk Point aquifer for the irrigation of 112 acres.
3. If approved, this application does not authorize any increase in maximum diversion rate.
4. Unappropriated water is available from the Missouri: Elk Point aquifer to supply the proposed appropriation.
5. This diversion will not adversely or unlawfully impair existing nearby wells.



Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Goodman, J.A. 2007. Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock 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.
- Niehus, C.A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 93-4195. U.S. Geological Survey, Rapid City, South Dakota.
- Stephens, J.C. 1967. Geology and Hydrogeology of Clay County, South Dakota, Part II: Water Resources. South Dakota DENR-Geological Survey Bulletin 19, 62 p. Vermillion, South Dakota.
- Stonesifer, J.R. in progress. Water Availability of the Missouri: Elk Point Aquifer. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- US Geological Survey. 2014. Surface Water Data for South Dakota: USGS Surface-Water Annual Statistics: USGS 06467500 Missouri River at Yankton, South Dakota, Water Years 1976-1995.
- Water Rights. 2014a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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. 7938-3

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 13 day of March, 2014

and that the succeeding publications were

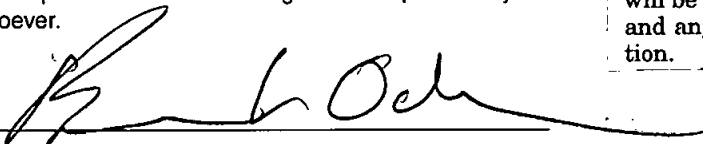
on Thursday, the _____ day of _____,

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

\$ 25.89, 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.

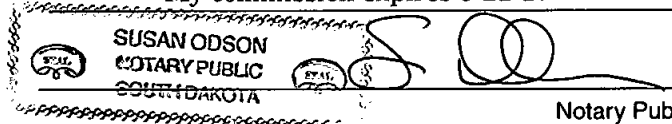


Subscribed and sworn to before me

this 13 day of March, 2014

My commission expires 6-21-17

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA



Notary Public

NOTICE OF APPLICATION NO. 7938-3 TO APPROPRIATE WATER

Notice is given that Russell M Hall, 47715 County Rd 1B, Elk Point SD 57025 has filed an application for a water permit to irrigate 53 new acres. Water Right No. 5274-3 appropriates 1.34 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (113 feet deep) located in the SW 1/4 NW 1/4 Section 29 to irrigate 112 acres located in the NW 1/4 NW 1/4, S 1/2 NW 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 29; all in T91N-R49W. This application proposes to irrigate 53 new acres located in the S 1/2 SE 1/4 Section 29-T91N-R49W from the existing well. This application, if approved, does not authorize any increase in the 1.34 cfs diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7938-3 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 March 24, 2014.

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. Firmer, Secretary, Department of Environment and Natural Resources.

Publish March 13, 2014

Published once at the total approximate cost of \$25.89
11-9-86

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AFFIDAVIT OF PUBLICATION

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523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7938-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 13th DAY OF March 2014
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$28.79 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: 3/13/2014

FILED ON: 3/13/2014

SUBSCRIBED AND SWORN TO BEFORE ME THIS 13th DAY OF March 2014

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

Notice is given that Russell M Hall, 47715 County Rd 1B, Elk Point SD 57025 has filed an application for a water permit to irrigate 53 new acres. Water Right No. 5274-3 appropriates 1.34 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (113 feet deep) located in the SW 1/4 NW 1/4 Section 29 to irrigate 112 acres located in the NW 1/4 NW 1/4, S 1/2 NW 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 29; all in T91N-R49W. This application proposes to irrigate 53 new acres located in the S 1/2 SE 1/4 Section 29-T91N-R49W from the existing well. This application, if approved, does not authorize any increase in the 1.34 cfs diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7938-3 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 March 24, 2014.

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

Published once at the total approximate cost of \$28.79.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 4, 2014

Leader-Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7938-3 to Appropriate Water. Please publish the notice once on March 13, 2014. 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 Russell M Hall, 47715 County Rd 1B, Elk Point SD 57025 (Ph # 605-929-6459).

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

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



March 4, 2014

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



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and NATURAL RESOURCES

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(S) RIGHT AWAY.**

March 4, 2014

Russell M Hall
47715 County Rd 1B
Elk Point SD 57025

Dear Mr. Hall:

Water Permit Application No. 7938-3 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 March 13, 2014. 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. 7938-3 to Appropriate Water

Notice is given that Russell M Hall, 47715 County Rd 1B, Elk Point SD 57025 has filed an application for a water permit to irrigate 53 new acres. Water Right No. 5274-3 appropriates 1.34 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (113 feet deep) located in the SW 1/4 NW 1/4 Section 29 to irrigate 112 acres located in the NW 1/4 NW 1/4, S 1/2 NW 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 29; all in T91N-R49W. This application proposes to irrigate 53 new acres located in the S 1/2 SE 1/4 Section 29-T91N-R49W from the existing well. This application, if approved, does not authorize any increase in the 1.34 cfs diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7938-3 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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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

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



APR 11 2014

Russell M Hall
47715 County Rd 1B
Elk Point SD 57025

Dear Mr. Hall:

Enclosed is Water Permit No. 7938-3 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

7938-3
RECEIVED

AUG - 4 2016

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 08-31-2016TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Russell M Hahl

(name)

4715 County Rd 1B

(address)

ELK Point, SD 57025

(city, state, zip)

605 356 2889 Home605 929 6459 Cell

(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. 7938-3 states that the water use system is to be constructed by09-24-2019

(date)

, and water is to be put to beneficial use by 03-24-2023

(date)

The water use system was completed on 08-31-2016

(date)

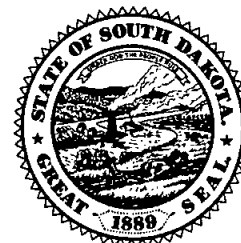
Applying the water to beneficial use was completed on 08-31-2016

(date)

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

Russell M Hahl

(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 5, 2016

7938-3

Russell M Hall
47715 County Rd 1B
Elk Point SD 57025

Dear Mr. Hall:

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

7938-3

12-04-19

Jeanne Goodman Chief Engineer

I am sending in my water usage for irrigating acres of land a little late and I hope you will excuse me for being late as my wife Muriel has been in the hospital for four days the early part of November 2019 and for three days the last part of Nov for heart surgery. She is still very sick as her heart is beating up to 110 beats per minute.

Thank You
Russell M Hall

RECEIVED

DEC 10 2019

WATER RIGHTS
PROGRAM