

WATER PERMIT NO. 7942-3

Name of Applicant: **Terrill Farms, Inc.**

Address: **42099 176th St, Clark SD 57225** Phone: **605 233-0387**

Amount of Water Claimed: **no add'l** Total Acres: **102 acres**

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

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

Type of Waste Disposal System:

Location: **8 miles southwest of Clark**

PRIORITY Date Received: **1-10-14** Application/License Fee: **\$ 950**

Corrected Application Received: **-** Period of Annual Use: **April 1 – October 31**

Remarks: **Utilizing well authorized by Water Right No. 5039-3**

Diversion Point: **NW 1/4 SE 1/4 Sec 31-T116N-**
R58W

Land to be Irrigated: **NW 1/4 SE 1/4 Sec 31-**
T116N-R58W

Depth of Well: **140 feet deep**

Well Driller: **Empire Drilling**

Remarks:

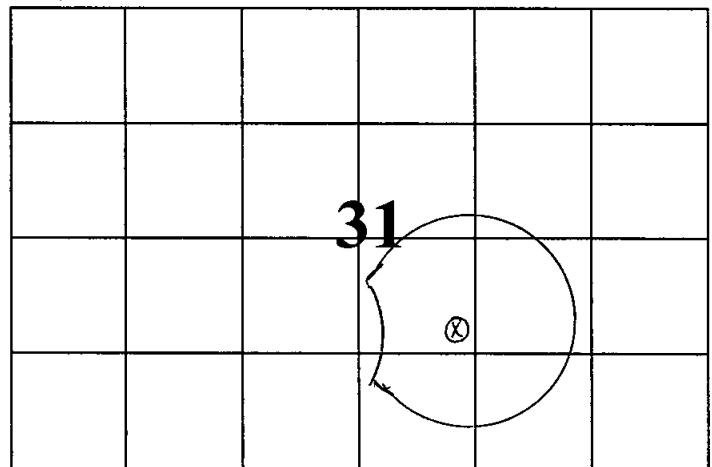
Type of Map: **areial**

Prepared by:

Reviewed and the Number Assigned on: **1-13-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. <u>7942-3</u> Hydrologic Unit <u>10160006</u> Basin <u>James River</u> <u>605-532-3654</u> Newspaper <u>Clark Co. Courier</u> <u>1191st Ave E</u> <u>57225</u> <u>605-886-6901</u> <u>Public Opinion, Box 10, Watatoun</u> <u>57201</u>
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RECEIVED
JAN 10 2014
WATER RIGHTS
PROGRAM

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.)

adding 102 acres 5039-3, Terrill Farms Inc

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

Mailing Address 42099 176th street Clark SD 57225
(Address) (City) (State) (Zip Code)

Home Phone 605 532 3856 Cell 605 233 0387 Email flyinfarmer86@hotmail.com

2. Amount of water claimed *CFS or No Additional ***AF Total Acreage 102
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply existing well

4. Location of point of diversion Sec 31 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NW 1/4 SE 1/4 T116N - 58W County Clark

5. County or counties where water will be used Clark

6. Annual period during which water is to be used April - October 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

8. Give a description of the project. (Attach sheet if more space is needed) *See e-mail Dated 1-16-14*

Put Root on land for watering Crops.

I, Myself, 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. 7942-3**

Date of first receipt of application January 10, 2014.

Date of return to applicant for corrections, amendments or changes January 14, 2014.

Date of receipt of corrected application January 16, 2014.

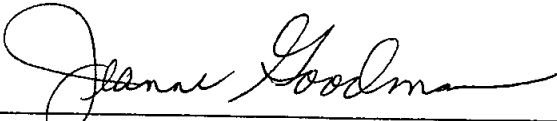
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7942-3 to Terrill Farms, Inc. c/o Tony Terrill, 42099 176th St, Clark SD 57225 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7942-3 authorizes irrigation of 102 new acres. Water Right No. 5039-3 appropriates 1.66 cubic feet of water per second from one well completed into the Prairie Coteau Aquifer (140 feet deep) located in the NW 1/4 SE 1/4 Section 31 to irrigate 264 acres located in the W 1/2, W 1/2 SE 1/4 Section 31; all in T116N-R58W. This permit authorizes irrigation of 102 new acres located in the SE 1/4, S 1/2 NE 1/4 Section 31-T116N-R58W from the existing well. This permit does not authorize any increase in the developed 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: April 1 – October 31.
3. The date from which applicant may claim right is January 10, 2014.
4. The date of approval of Permit No. 7942-3 is March 31, 2014.
5. One-fifth of the construction is to be completed on or before September 30, 2016.
6. All construction is to be completed on or before March 31, 2019.
7. Water is to be put to beneficial use on or before March 31, 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. 5039-3 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 24 2014

date



See existing 5039-3

Form 2A

(Complete applicable portions only)

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many _____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

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

c) Well Depth _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

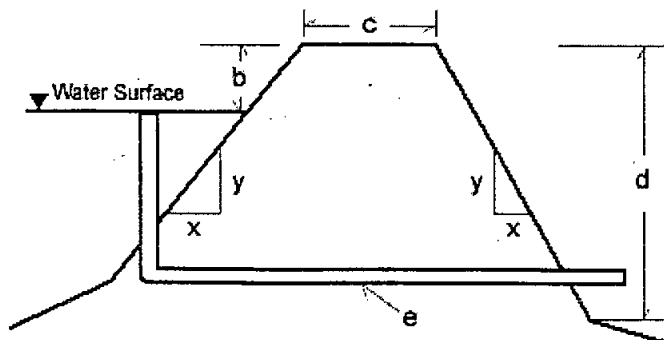
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

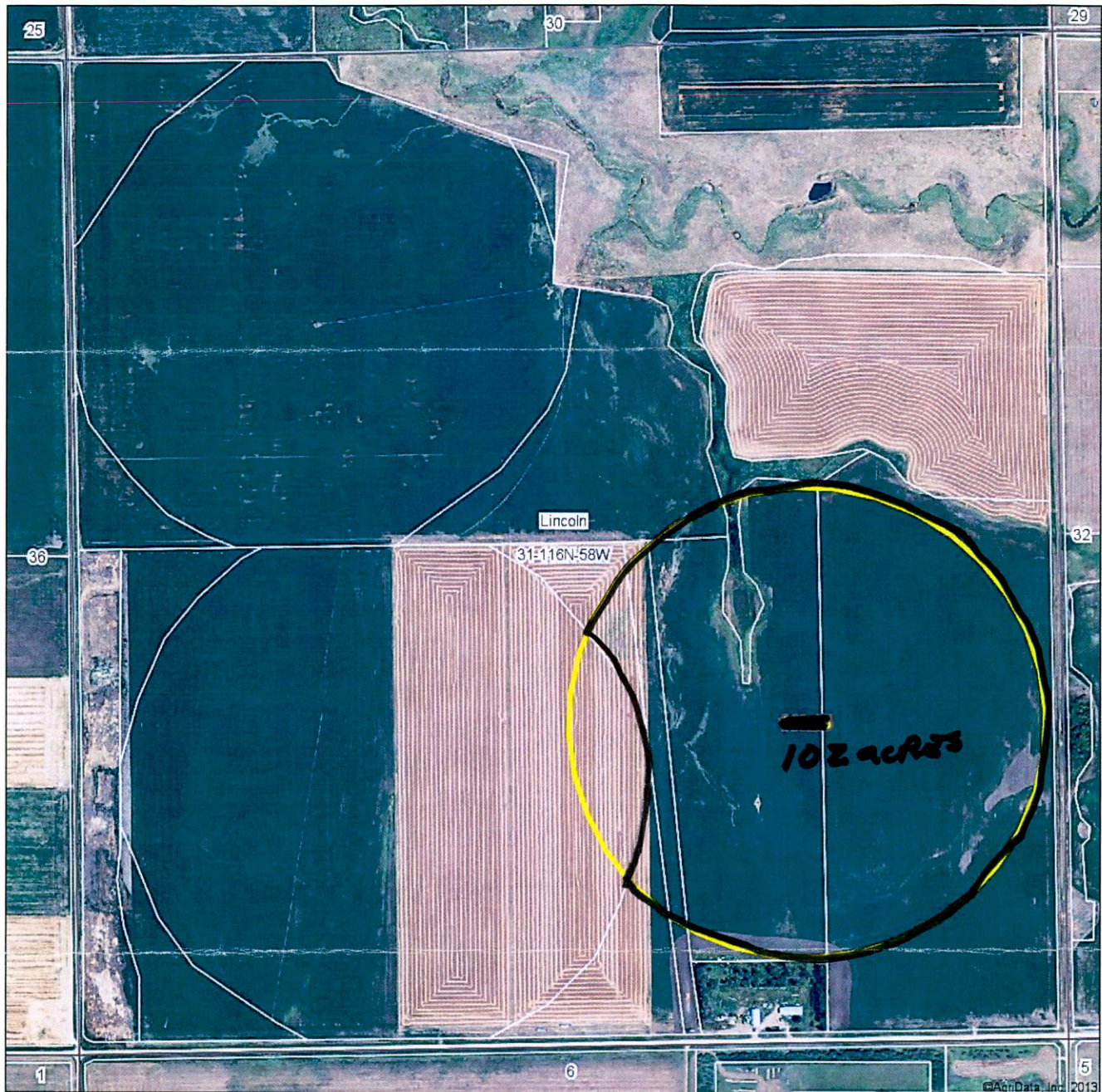
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Terrill Farms Inc. by [Signature] President

Aerial Map



Maps Provided By:
 **surety**
CUSTOMIZED ONLINE MAPPING
© AgriData, Inc. 2013 www.AgrIDataInc.com

31-116N-58W
Clark County
South Dakota

map center: 44° 48' 43.51, 97° 50' 47.58

scale: 9426



1/9/2014

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

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JAN 10 2014

**WATER RIGHTS
PROGRAM**

EMPIRE

IRRIGATION DRILLING CO.

FRANKFORT, SOUTH DAKOTA

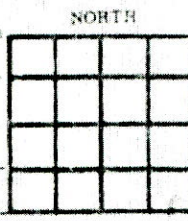
PHONE 472-0384

AK
KB

DRILLING REPORT

Location of Well: Lin. Tr. 1/4 SE 1/4 Section 31 Township 116 Range 58
 Well to be drilled for: 110 ft Terrill Fr. (Name)
Clark (County) C. Lock (Address)
S. Dot (State)
 Date well drilling started 7-12-77 Finished _____
 Purpose of well: Err. Supply well
 (domestic, irrigation, industrial, other)

Depth 4' ft Casing Diameter 138 inches
 Slot Size _____ Screen Size _____
 Screen Depth: From 118 ft to 138 ft
 Remarks _____
 1 Mile



REPORT OF FINAL PUMPING TEST					
Write Additional Times and Readings on Back of Page					
Date _____					
Elapsed Time From Start of Pumping		Water Level		Discharge	
0 hr.	0 min.	26 ft	in	(Static)	
hr.	min.	ft.	in.	GPM	
hr.	min.	ft.	in.	GPM	
hr.	min.	ft.	in.	GPM	
hr.	min.	ft.	in.	GPM	

Formation Clay, Silt, Sand, Gravel, Color, Hard or Soft, etc.	Depth (ft.)		Formation (Continued)	Depth (ft.)	
	From	To		From	To
Top Soil	0	2			
Clay	2	4			
fine Sand	4	13			
clay	13	113			
med. sand	113	138			
shale	138	146			
Supply well					

Breakdown of acreage

Section 31-T116N-R58W

SW 1/4 NE 1/4	4 acres
SE 1/4 NE 1/4	4 acres
NE 1/4 SE 1/4	32 acres
SE 1/4 SE 1/4	13 acres
SW 1/4 SE 1/4	16 acres
NW 1/4 SE 1/4	33 acres

Schlaak, Karen

From: Tony Terrill <flyinfarmer86@hotmail.com>
Sent: Thursday, January 16, 2014 5:22 AM
To: Schlaak, Karen
Subject: RE: Pending Irrigation Application

yes I agree, thank you tony

From: Karen.Schlaak@state.sd.us
To: flyinfarmer86@hotmail.com
Subject: Pending Irrigation Application
Date: Tue, 14 Jan 2014 15:21:06 +0000

Application for Terrill Farms Inc.

I have reviewed the application and from the map submitted with the application, it appears you will be irrigating a few acres located in the S ½ NE ¼ Sec 31. Utilizing a computer program, we came up with the following acreage breakdowns. The total is 102 acres as indicated on your application.

Section 31-T116N-R58W

SW 1/4 NE 1/4	4 acres
SE 1/4 NE 1/4	4 acres
NE 1/4 SE 1/4	32 acres
SE 1/4 SE 1/4	13 acres
SW 1/4 SE 1/4	16 acres
NW 1/4 SE 1/4	33 acres

Let me know if you agree?

Karen Schlaak

Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/10, 20 14

RECEIVED OF Terfill Farms Inc 42099 176th St Clark SD 57225

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

Fee for Application for Permit No. <u>7942-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7942-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	950 00

No. **06616**

By *James H. Anderson*
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. 7942-3, Terrill Farms Inc.**

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. 7942-3, Terrill Farms Inc., 42099 176th Street, Clark SD 57225.

The Chief Engineer is recommending APPROVAL of Application No. 7942-3 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. 5039-3 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 11, 2014

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 7942-3

Terrill Farms Inc

January 27, 2014

Water Permit Application No. 7942-3 proposes to irrigate an additional 102 acres located in the SE¼, S½ NE¼ of Section 31, T116N-R58W from an existing well authorized by Water Right No. 5039-3. This water right appropriates water at maximum diversion rate of 1.66 cubic feet of water per second (cfs) from one well completed into the Prairie Coteau aquifer. The well is 140 feet deep and located in the NW¼ SE¼ of Section 31, T116N-R58W. Water is used to irrigate 264 acres located in the SE¼, S½ NE of Section 31, T116N-R58W in Clark County. If approved, this application does not authorize any increase in maximum diversion rate.

AQUIFER: Prairie Coteau aquifer (PCO)

HYDROGEOLOGY:

Water Right No. 5039-3, among others, is completed into a unit of the Prairie Coteau aquifer that was designated as a unit of the Altamont aquifer by Hamilton (1986). Hamilton (1986) identified six major glacial aquifers in Clark County and labeled them based on elevation; the three higher elevation aquifers were labeled Prairie Coteau and the three lower elevation aquifers were labeled Altamont.

The Prairie Coteau aquifer that this water permit application proposes to appropriate water from is a buried glacial outwash consisting of unconsolidated sand and gravel. The aquifer is under confined conditions and 30 feet thick on average. Groundwater movement is generally westward (Hamilton, 1986). The groundwater potentiometric surface in this aquifer is at an elevation of approximately 1,610 feet above mean sea level, or approximately 15 feet below ground surface in the area of the well (Water Rights, 2014a).

This unit of the Prairie Coteau aquifer, shown in Figure 1, underlies 180 square miles in Clark County. Mapping indicates this aquifer extends further into Codington and Hamlin Counties (Hamilton, 1986). Lithologic logs document aquifer materials at the expected elevation of this aquifer in western portions of these counties (SD Geological Survey, 2014). Hansen (1994) and Kume (1976) did not identify any aquifers in these counties that appear to be related to this Prairie Coteau aquifer in Clark County. Therefore, while this Prairie Coteau aquifer exists further to some extent, the actual full extent has not yet been determined.

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.

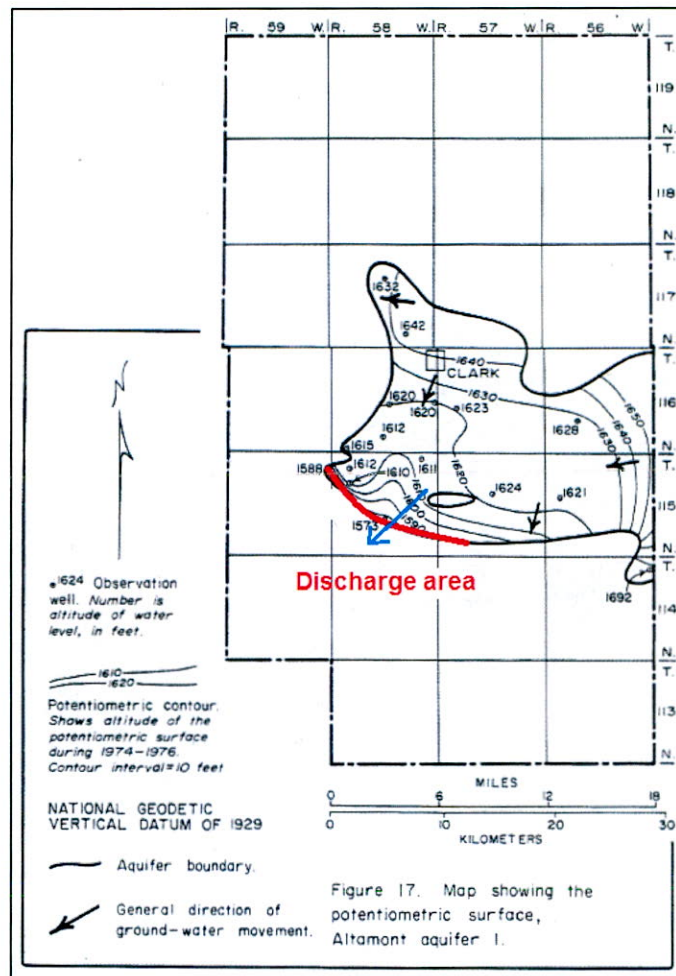


Figure 1: Extent and potentiometric surface of the Prairie Coteau aquifer (modified from Hamilton, 1986)

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:

Recharge:

Recharge to this Prairie Coteau aquifer occurs through infiltration of precipitation, inflow from other aquifers and possibly surface waters. A steep change in gradient in the central part of the aquifer, shown in Figure 1, could indicate that much recharge is occurring there, perhaps provided by Antelope Lake (Hamilton, 1986).

Based on estimated infiltration rates, Hamilton (1986) estimated the recharge rate to be 0.9 inches per year (in/yr). Applying this rate to the area of the aquifer in Clark County, average annual recharge was estimated to be 9,000 acre-feet per year (ac-ft/yr).

Hedges and others (1985) suggest applying a recharge rate of 0.15 to 0.60 in/yr for confined glacial aquifers in eastern South Dakota. Applying this rate to the area of the aquifer in Clark County, average annual recharge is estimated to be 1,400 to 5,700 ac-ft/yr.

Based on the map by Hamilton (1986), shown in Figure 1, water is discharging from the southwest portion of the aquifer. The hydraulic gradient is approximately 30 feet in these two miles. The length of the discharge zone is approximately eight miles. Hamilton (1986) applies an estimated transmissivity of 15,000 gallons per day per foot. Therefore, from this flow net, water is flowing out of the aquifer here at approximately 2,000 ac-ft/yr.

Discharge:

Discharge from this Prairie Coteau aquifer occurs through outflow by natural springs on the western edge of the aquifer where the Prairie Coteau landform ends, seepage to underlying aquifers, and well withdrawals (Hamilton, 1986).

There are currently four identified water rights withdrawing from this Prairie Coteau aquifer, shown in Table 1. No other water rights/permits in Clark County appear to be completed into this aquifer. Some could be present in Codington and Hamlin Counties.

Table 1: Identified water rights completed into the Prairie Coteau aquifer (Water Rights, 2014b)

Permit Number	Name	Priority Date	Status	CFS	Acres
1898-3	Clark Farmers Coop	10/27/1971	License	2.00	270
1899-3	Clark Farmers Coop	10/27/1971	License	1.93	135
2672-3	Marilyn A Steiger	04/14/1976	License	1.78	130
5039-3	Terrill Farms Inc	11/20/1984	License	1.66	264

There are two domestic wells on file that appear to be completed into this Prairie Coteau aquifer in Clark County. The annual use of domestic wells is not considered significant to the hydrologic budget of the aquifer.

Water rights/permits are authorized to apply up to two feet of water per acre per year. Therefore, these water rights plus the proposed appropriation have a current total appropriation of 1,802 ac-ft/yr. Throughout South Dakota, irrigation water rights/permits often apply less than a foot per acre. This equates to an estimated average annual use of at most 900 ac-ft/yr for this aquifer, which is much less than any of the estimates of average annual recharge. Therefore, there is a reasonable probability that unappropriated water is available for the proposed appropriation.

Observation Well Data:

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

The Water Rights Program monitors three observation wells completed into the Prairie Coteau aquifer in Clark County (Water Rights, 2014a). These are all located within three miles of the well authorized by Water Right No. 5039-3. The hydrograph of the nearest well, CK-80D, is shown in Figure 2. The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The hydrograph also shows the obvious 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. Therefore, water is available for the proposed appropriation.

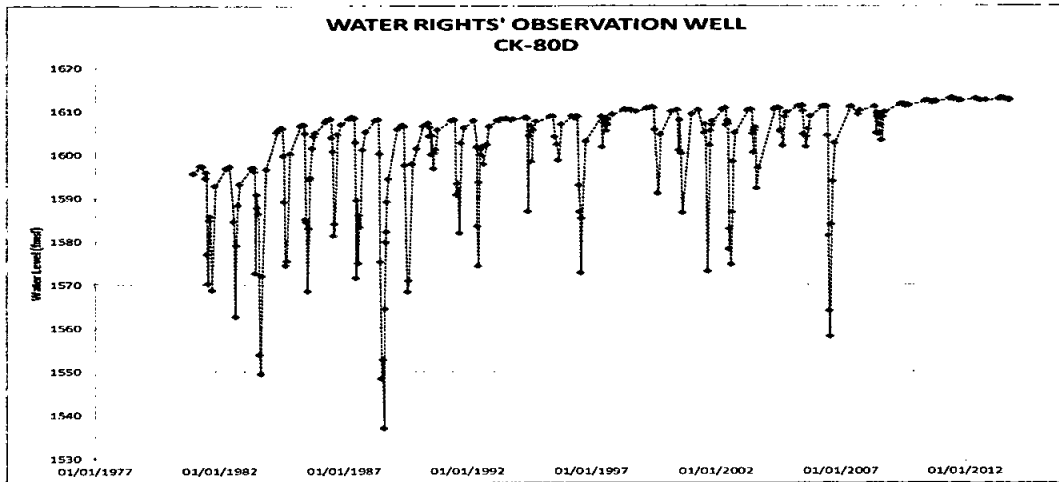


Figure 2: Hydrograph of observation well CK-80D (Water Rights, 2014a)

EXISTING WATER RIGHTS:

The well is located near other wells that obtain water from the same aquifer. The nearest well, authorized to Water Right No. 2672-3, is located approximately a mile and a half south (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, this increase in use is not expected to significantly increase the current effects of pumping.

The confined conditions of the aquifer indicate there will be effects of drawdown due to pumpage. 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 impaired due to the increased use of the well.

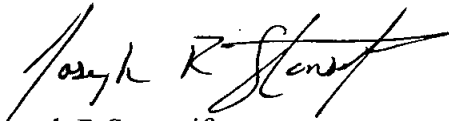
Springs:

Historically, there have been a number of controversies regarding water rights/permits appropriating water from aquifers in this area and the effects on springs. Most of these concerns have been unsubstantiated. The only protection of flow from a spring is under the public interest criteria.

The springs in this area are likely not 'artesian springs,' but springs originating due to area geography. The terrain slopes downward, which eventually incises the water table of the aquifer. Small fluctuations in water levels could affect discharge from these springs. As previously discussed, well withdrawals are masked by natural water level fluctuations. The proposed appropriation is not expected to have a measurable impact on spring discharges. Only springs located within the cone of influence of a well are expected to be impacted.

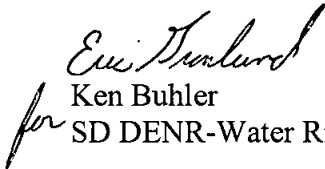
CONCLUSIONS:

1. Water Permit Application No. 7942-3 proposes to irrigate 102 new acres from one existing well authorized by Water Right No. 5039-3.
2. Water Right No. 5039-3 appropriates 1.66 cfs from one well, 140 feet deep, completed into the Prairie Coteau aquifer for the irrigation of 264 acres.
3. This Prairie Coteau aquifer is referred to as the Altamont aquifer 1 by Hamilton (1986).
4. If approved, this application does not authorize any increase in maximum diversion rate.
5. Unappropriated water is available from this Prairie Coteau aquifer to supply the proposed appropriation.
6. This diversion will not adversely or unlawfully impair existing nearby wells.



Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
for SD DENR-Water Rights Program

REFERENCES:

- Hansen, D.S. 1994. Major Aquifers in Codington and Grant Counties, South Dakota. Water-Resources Information Pamphlet No.47 SD DENR-Geological Survey, Vermillion, South Dakota.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota; Part II: Water Resources: South Dakota Geological Survey Bulletin 29, 62 p. Vermillion, South Dakota.
- Kume, J. 1985. Water Resources of Deuel and Hamlin Counties, South Dakota. Water-Resources Investigations Report 84-4069. USGS, Huron, South Dakota.
- SD Geological Survey. 2014. Lithologic Logs Database, SD DENR-Geological Survey, Vermillion, South Dakota.
- 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.

**NOTICE OF APPLICATION NO.
7942-3 to Appropriate Water**

Notice is given that Terrill Farms Inc., 42099 176th St, Clark SD 57225, has filed an application for a water permit to irrigate 102 new acres. Water Right No. 5039-3 appropriates 1.66 cubic feet of water per second from one well completed into the Prairie Coteau Aquifer (140 feet deep) located in the NW 1/4 SE 1/4 Section 31 to irrigate 264 acres located in the W 1/2, W 1/2 SE 1/4 Section 31; all in T116N-R58W. This application is to irrigate 102 new acres located in the SE 1/4, S 1/2 NE 1/4 Section 31-T116N-R58W from the existing well. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7942-3 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, this Chief Engineer will act on the 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 31, 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. Pirner, Secretary,
Department of Environment
and Natural Resources.

Published once at the total
approximate cost of \$26.99.
3-19-14

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the *Clark County Courier*, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks 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 the

**TERRILL FARMS
APPLICATION NO. 7942-3**

a printed copy of which taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

ONE

successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

MARCH 19, 2014

that the full amount of the fees for the publication of the annexed notice is **26.99**

William J. Krikac

Subscribed and sworn to before me this

19TH DAY OF MARCH, 2014

Anna Helke

Notary Public
Clark County, South Dakota

My Commission expires: 06/04/2019

RECEIVED

MAR 20 2014

**WATER RIGHTS
PROGRAM**

RECEIVED

MAR 25 2014

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

March 19th, 2014

Cost of Printing 58.10

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

March 19th, 2014

(Date Signed)

DENR

**NOTICE OF APPLICATION
NO. 7942-3 to Appropriate
Water**

Notice is given that Terrill Farms Inc., 42099 176th St, Clark SD 57225 has filed an application for a water permit to irrigate 102 new acres. Water Right No. 5039-3 appropriates 1.66 cubic feet of water per second from one well completed into the Prairie Coteau Aquifer (140 feet deep) located in the NW 1/4 SE 1/4 Section 31 to irrigate 264 acres located in the W 1/2, W 1/2 SE 1/4 Section 31; all in T116N-R58W. This application is to irrigate 102 new acres located in the SE 1/4, S 1/2 NE 1/4 Section 31-T116N-R58W from the existing well. This application, if approved, does not authorize any increase in the developed diversion rate. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7942-3 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 31, 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 Grontund 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 \$58.10. (March 19, 2014)

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 11, 2014

Clark County Courier
119 1st Ave E
Clark SD 57225

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7942-3 to Appropriate Water. Please publish the notice once on March 19, 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 Terrill Farms Inc, 42099 176th St, Clark SD 57225 (Ph # 605-532-3856).

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 11, 2014

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7942-3 to Appropriate Water. Please publish the notice once on March 19, 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 Terrill Farms Inc, 42099 176th St, Clark SD 57225 (Ph # 605-532-3856).

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



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

March 11, 2014

Terrill Farms Inc
42099 176th St
Clark SD 57225

Dear Mr. Terrill:

Water Permit Application No. 7942-3 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 Clark County Courier printed at Clark SD (Ph # 605-532-3654) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

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

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

Instruction to Newspaper - Publish the Notice on March 19, 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. 7942-3 to Appropriate Water

Notice is given that Terrill Farms Inc., 42099 176th St, Clark SD 57225 has filed an application for a water permit to irrigate 102 new acres. Water Right No. 5039-3 appropriates 1.66 cubic feet of water per second from one well completed into the Prairie Coteau Aquifer (140 feet deep) located in the NW 1/4 SE 1/4 Section 31 to irrigate 264 acres located in the W 1/2, W 1/2 SE 1/4 Section 31; all in T116N-R58W. This application is to irrigate 102 new acres located in the SE 1/4, S 1/2 NE 1/4 Section 31-T116N-R58W from the existing well. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7942-3 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 31, 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. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of_____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



APR 24 2014

Terrill Farms Inc
Tony Terrill
42099 176th St
Clark SD 57225

Dear Mr. Terrill:

Enclosed is Water Permit No. 7942-3 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



7942-3
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 20, 2017

NOTICE

TO: TERRILL FARMS INC, TONY TERRILL, PRESIDENT, 42099 176TH ST, CLARK, SD 57225

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5039-3 & 7942-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5039-3 & 7942-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 5039-3 & 7942-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



7942-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 2, 2017

5039-3
7942-3

Tony Terrill
Terrill Farms Inc
42099 176th St
Clark SD 57225

Dear Mr. Terrill:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 5039-3 and Water Permit No. 7942-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



7942-3

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

JUL 06 2023

Terrill Farms Inc.
c/o Tony Terrill
42099 176th St
Clark SD 57225

7942-3
5039-3

Dear Mr. Terrill:

Enclosed is Water License No. 7942-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

NOTE: The applicable portions of Water Right No. 5039-3 are now incorporated into Water Right No. 7942-3.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7942-3

(1) Terrill Farms, Inc., 42099 176th St, Clark SD 57225, made Application No. 7942-3, January 10, 2014, for a water permit to divert 1.66 cubic feet of water per second (cfs) from groundwater, one existing well (Prairie Coteau Aquifer), Clark County, South Dakota for the irrigation of 102 additional acres. Permit No. 7942-3, with a priority date of January 10, 2014, was approved March 31, 2014, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 31, 2019, and for the application to beneficial use of water on or before March 31, 2023.

Water Right No. 5039-3 incorporated Water Permit No. 2700-3 and was licensed for the diversion of 1.66 cfs to irrigate a total of 264 acres withing the NW $\frac{1}{4}$, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 31, T116N, R58W. The applicable portions of Right No. 5039-3 are now being incorporated into this license for Water Right No. 7942-3.

An investigation conducted for licensing purposes found the diversion point developed outside of the permitted area. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in the diversion point location did not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.66 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,245 ft N & 1,580 ft W of the SE corner of Section 31, T116N, R58W (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
(Latitude 44.80835 Longitude -97.84233)

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

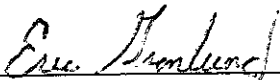
Section 31, T116N, R58W			
NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.0 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	33.0 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.5 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.0 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	26.0 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	33.0 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	36.5 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	23.0 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	21.0 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	38.0 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	16.5 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	38.0 acres		
SW $\frac{1}{4}$ SW $\frac{1}{4}$	23.0 acres	TOTAL:	355.5 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Terrill Farms Inc., the holder and/or owner of Water Right No. 7942-3 is issued a license to appropriate water, the right to use 1.66 cubic feet of water per second from groundwater, one well, with priority dates of April 14, 1974, for 132 acres in the SW $\frac{1}{4}$ and W1/2 SE $\frac{1}{4}$, established under No. 2700-3, November 20, 1984, for 132 acres in the NW $\frac{1}{4}$, established under No. 5039-3, and January 10, 2014, for 91 acres in the SE $\frac{1}{4}$, established under No. 7942-3, from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7942-3 and subject to the following qualifications:

1. The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control their 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 Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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

JUL 06 2023

date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7942-3

I have this day, June 12, 2023, made a thorough examination of the water use system constructed by Terrill Farms, 42099 176th St, Clark, SD 57225 of Permit No. 7942-3, bearing the priority of January 10, 2014 authorizing the diversion of 1.66 cu. ft. per second of the waters of the Prairie Coteau Aquifer for irrigation purposes, in Clark County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Pullman Drilling
- 2) No. of Wells 1
- 3) Depth(s) 140 feet
- 4) Well log is available Y

Comments: **SEE PERMIT 5039-3 FOR DETAILS**

Casing:

- 1) Diameter 16 inches
- 2) Length 120 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level Unknown feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 750 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 585 feet

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

- 1) Make Zimmatic
 2) Overall length 1070 feet
 3) Number of towers 6
 4) End gun Y
 5) Capacity 750 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 SE corner Sec 31 T116N R58W, 1245 ft N & 1580 ft W, Lat 44.80835 Long -97.84233 (SW ¼ SE ¼)

2. The works are capable of diverting and conveying to the place of use 1.66 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

<u>All land in Sec 31 T116N R58W</u>		<u>7942-3 & 5039-3</u>
<u>NW ¼ NW ¼ - 33.0 acres</u>		<u>SE ¼ NE ¼ - 1.0 acres</u>
<u>NE ¼ NW ¼ - 33.0 acres</u>		<u>SW ¼ NE ¼ - 0.5 acres</u>
<u>SE ¼ NW ¼ - 33.0 acres</u>		<u>NW ¼ SE ¼ - 26.0 acres</u>
<u>SW ¼ NW ¼ - 33.0 acre</u>		<u>NE ¼ SE ¼ - 36.5 acres</u>
<u>NW ¼ SW ¼ - 23.0 acres</u>		<u>SE ¼ SE ¼ - 21.0 acres</u>
<u>NE ¼ SW ¼ - 38.0 acres</u>		<u>SW ¼ SE ¼ - 16.5 acres</u>
<u>SE ¼ SW ¼ - 38.0 acres</u>		
<u>SW ¼ SW ¼ - 23.0 acres</u>		

comprising a total of 355.5 acres of land and the license should be issued for 1.66 cfs (See Section F)

3. All structures, wells and lands on map Y

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

This well supplies water to three (3) pivots with a total of 355.5 acres being irrigated.

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

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

The mailing address in the permit materials is current but the telephone number is 605/881-5841.

I talked to Tony Terrill during the field inspection visit.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **June 21, 2023**

6/28/23 Amanda Dewell talked to Tony on the phone. He verified that all three systems were functional and running off the same well.

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

NAME: Terrill Farms

ADDRESS: 42099 176th St, Clark SD 57255

DATE: June 28, 2023

COUNTY: Clark

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to divert from an existing 140 foot deep well into the Prairie Coteau Aquifer in the NW1/4 SE1/4 of Section 31 T116N-R58W for irrigation of 264 in the W1/2, W1/2 SE1/4, covered by Water Right No. 5039-3, in addition to 102 acres in the SE1/4, S1/2 NE1/4 of Section 31 T116N-R58W, covered by Water Permit No. 7942-3.

AUTHORITY:

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

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

The permit holder constructed 140 foot deep well into the Prairie Coteau Aquifer in the SW1/4 SE1/4 of Section 31 T116N-R58W

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

The permit holder developed a combined 354 acres in the W1/2, S1/2 NE1/4, SE1/4 of Section 31 T116N-R58W between the existing Water Right No. 5039-3 and Water Permit No. 7942-3

- **Review of Existing Diversions**

There are no other existing water permits/rights within five miles of where the this well was developed. There is reasonable probability any well interference due to pumping of this well would not adversely or unlawfully impair any existing rights.

RECOMMENDED ACTION

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



Mark D. Rath, Natural Resources Engineer
Water Rights Program

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

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



Eric Gronlund, Chief Engineer
Water Rights Program

Diversion Point Location

From the SE corner of
Sec 31 T116N-R58W
** Well**
1245 ft N & 1580 ft W
Lat 44.80835 Long -97.84233

Irrigated Land

Sec 31 T116N-R58W
NW1/4 NW1/4 - 33.0 ac
NE 1/4 NW1/4 - 33.0 ac
SE1/4 NW1/4 - 33.0 ac
SW1/4 NW1/4 - 33.0 ac
NW1/4 SW 1/4 - 23.0 ac
NE 1/4 SW 1/4 - 38.0 ac
SE1/4 SW 1/4 - 38.0 ac
SW1/4 SW 1/4 - 23.0 ac
SE1/4 NE1/4 - 1.0 ac
SW1/4 NE1/4 - 0.5 ac
NW1/4 SE 1/4 - 26.0 ac
NE 1/4 SE1/4 - 36.5 ac
SE1/4 SE1/4 - 21.0 ac
SW1/4 SE1/4 - 16.5.0 ac

TOTAL ACRES: 355.5

33.0 acres

33.0 acres

33.0 acres

33.0 acres

Section 31
T116N-R58W

0.5 acres

1.0 acres

23.0 acres

38.0 acres

26.0 acres

36.5 acres

Well

21.0 acres

16.5 acres

23.0 acres

38.0 acres

Reference
Corner



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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: TERRILL FARMS INC, TONY TERRILL, PRESIDENT, 42099 176TH ST, CLARK, SD 57225

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7942-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7942-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 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) 7942-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JJJNMV**

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

March 9, 2026

7942-3

Terrill Farms Inc.
C/O Tony Terrill
42099 176th St
Clark, SD 57225

Dear Mr. Terrill:

I am writing to acknowledge the receipt of your 2025 irrigation information submitted for Water Right No. 7942-3 on March 5, 2026.

The Water Management Board moved to suspend Water Right No. 7942-3 for a period of one year if the questionnaire was not returned prior to March 4, 2026. You may disregard the "Notice of Entry of Order for One Year Suspension" of Water Right No. 7942-3, dated March 4, 2026.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us



DEPARTMENT of AGRICULTURE and NATURAL RESOURCES

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

March 6, 2026

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Terrill Farms Inc., c/o Tony Terrill, 42099 176th St, Clark SD 57225

FROM: Adam Mathiowetz, PE, Acting Chief Engineer
DANR - Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 7942-3

On March 4, 2026, the South Dakota Water Management Board ordered:

- Effective April 3, 2026, Water Right No. 7942-3 be suspended for the 2026 irrigation season.

This action was taken by the Board for failure to return the 2025 irrigation questionnaire. If the 2025 irrigation questionnaire is received prior to April 3, 2026, the suspension will not take effect.

A one-year suspension of Water Right No. 7942-3 means water may not be pumped during the 2026 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2026 unless the 2025 irrigation questionnaire is submitted prior to April 3, 2026.

After April 3, 2026, you may petition the Board to rescind the suspension. You will need to submit, to the Water Rights Program, the 2025 irrigation questionnaire and a letter including your reason for not completing the 2025 irrigation questionnaire within the allotted time and requesting time on the agenda for the next Water Management Board meeting. The next Water Management Board meeting is scheduled for May 6, 2026, in Pierre SD.

Decisions made by the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Amanda Dewell, Water Rights Permitting Administrator (605) 773-3352 with any questions.

NOTE: Water Rights staff will conduct unscheduled compliance checks of suspended water rights to ensure irrigation is not taking place.

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Terrill Farms Inc.

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Sent To

C/O Tony Terrill

Street and

42099 176th St

City, State

Clark, SD 57225

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF ONE- AND THREE-YEAR SUSPENSION OF WATER RIGHT dated March 6, 2026, via certified mail to the following parties.

Chance & Michelle Wientjes
PO Box 96
Mobridge, SD 57601

Vernon & Marlys Walkling
29832 267th Ave
Crookston, NE 69212

Vasgaard Properties
28746 462nd Ave
Centerville, SD 57014

Doug & Darla Van Gerpen
40930 305th St
Avon, SD 57315

John & Bryan Uecker
PO Box 573
Wagner, SD 57380

Twisted Land & Cattle Co.
C/O Brad Peterson
19030 391st Ave
Hitchcock, SD 57348

Tilton Ranch Inc.
C/O Janet Burback
2199 Skinner Rd
Belgrade, MT 59714

Dale Sprague
16221 Twilight Rd
Mud Butte, SD 57758

Greg & Evette Rihanek
814 E State St
Plankinton, SD 57368

Wayne Reiersen
30048 Reiersen Pl
Pollock, SD 57648

Charlotte or Phillip Nichols
7497 Rolling Meadow Dr
West Chester, OH 45069

Wilma Heien (Walter Heien)
PO Box 145
Blunt, SD 57522

David & Jerry Wieber
PO Box 238
Lidgerwood, ND 58053

Vintage Square Estates
PO Box 594
Ft Pierre, SD 57532

Valley View Farms Inc.
17716 458th Ave
Watertown, SD 57201

Kash & Trish Van Dyke
48549 219th St
Elkton, SD 57026

Oscar Inc.
C/O Floyd Peterson
209 27th St NW
Huron, SD 57350

Dan & David Trudeau
33927 478th Ave
Jefferson, SD 57038

Terrill Farms Inc.
C/O Tony Terrill
42099 176th St
Clark, SD 57225

Swan Creek Land Co. Inc
PO Box 435
Akaska, SD 57420

Six Mile Creek Golf Course
20307 483rd Ave
White, SD 57276

Robert Phelps Jr
16220 Spring Valley Rd
Piedmont, SD 57769

GW Evridge
20151 Saddle Ct
Whitewood, SD 57793

Mark & Melvin Morlock
33820 112th St
Eureka, SD 57437

Laverne Neuharth
33567 109th St
Eureka, SD 57437

Central Valley Golf Club
700 E Hwy 38
Hartford, SD 57033

Dale & Mary Helen Bisson
PO Box 844
Ft Pierre, SD 57532

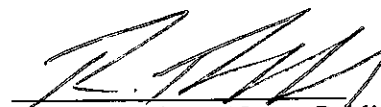
Ryan Edwards
25331 Yellow Eagle Rd
White River, SD 57579



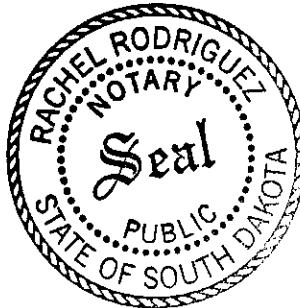
Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6 day of March, 2026.



Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



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TERRILL FARMS INC
C/O TONY TERRILL
42099 176TH ST
CLARK SD 57225

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for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

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- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
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IMPORTANT: Save this receipt for your records.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TERRILL FARMS INC
C/O TONY TERRILL
42099 176TH ST
CLARK SD 57225



9590 9402 6392 0303 3258 39

2. Article Number (Transfer from service label)

019 1120 0001 2910 4242

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

x *Charity Johnson*

☐ Agent☐ Addressee**B. Received by (Printed Name)**

Charity Johnson

C. Date of Delivery

3-30-21

**D. Is delivery address different from item 1?
If YES, enter delivery address below:**☐ Yes☐ No**3. Service Type**☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery
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