

WATER PERMIT NO. 7945-3

Name of Applicant: **Brad R or Linda R Trudeau**

Address: **46212 301st St, Centerville SD 57014** Phone: **605 670-1467**

Amount of Water Claimed: **1.78 cfs** Total Acres: **60 acres**

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

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

Type of Waste Disposal System:

Location: **16 miles north of Vermillion**

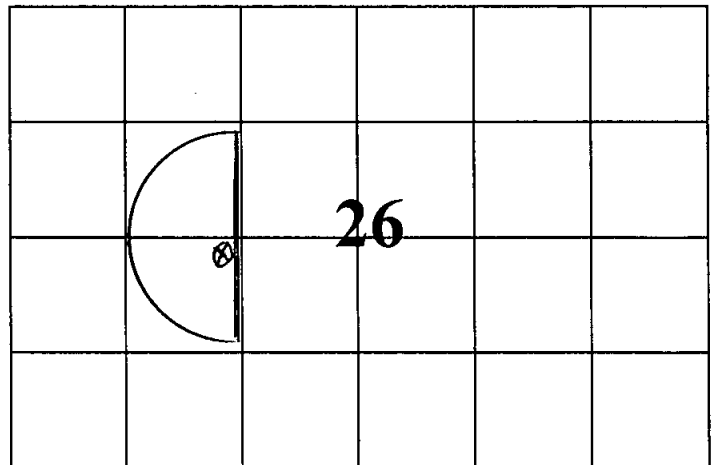
PRIORITY Date Received: **1-17-14** Application/License Fee: **\$ 700**

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

Remarks: **Requesting a diversion rate greater than statutory limit**

Diversion Point: **NW 1/4 SW 1/4 Sec 26-T95N-**
R52W

Land to be Irrigated: **NW 1/4 SW 1/4, SW 1/4 NW**
1/4 Sec 26-T95N-R52W



Depth of Well: **180 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **1-17-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7945-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	<u>605-624-2695</u>
	Newspaper <u>Plain Talk, 201 W Cherry Vermillion 57069</u>	<u>605-665-7811</u>
	<u>Press & Dakotan, 319 Walnut Yankton 57078</u>	

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JAN 17 2014
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PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit BRAD R. TRUDEAU OR LINDA R. TRUDEAU
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)
Mailing Address 46212 301st ST CENTERVILLE SD 57014
(Address) (City) (State) (Zip Code)
Home Phone 563-2532 Cell 670-1467 Email bradrtrudeau@gmail.com
2. Amount of water claimed 1.78*CFS or 800**GPM ***AF Total Acreage 60
(*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
4. Location of point of diversion 1 WELL IN NW1/4, SW1/4, SEC 26, T-95-N, R-52-W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
County CLAY
5. County or counties where water will be used CLAY
6. Annual period during which water is to be used APRIL TO 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
NW1/4, SW1/4, SEC 26, T-95-N, R-52-W	30		
SW1/4, NW1/4, SEC 26, T-95-N, R-52-W	30		

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

DRILLING ONE IRRIGATION WELL WITH HALF SWING PIVOT
LOCATED ON TRUDEAU PROPERTY. Requesting diversion rate greater
than statutory limits.

I, Brad Trudeau, 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. 7945-3**

Date of first receipt of application January 17, 2014.

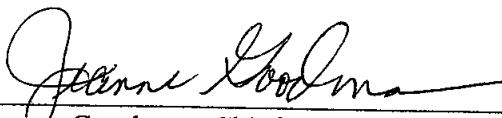
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7945-3 to Brad R or Linda R Trudeau, 46212 301st St, Centerville SD 57014 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7945-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the South Management Unit of the Upper Vermillion:Missouri Aquifer (180 feet deep) located in the NW 1/4 SW 1/4 Section 26 for irrigation of 60 acres located in the NW 1/4 SW 1/4, SW 1/4 NW 1/4 Section 26; all in T95N-R52W.
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 17, 2014.
4. The date of approval of Permit No. 7945-3 is April 7, 2014.
5. One-fifth of the construction is to be completed on or before October 7, 2016.
6. All construction is to be completed on or before April 7, 2019.
7. Water is to be put to beneficial use on or before April 7, 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 this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7945-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7945-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by SAM HEINE WELL CO., LLC
(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 180' Depth to Top of Water Bearing Material 79' Depth to Water from Surface 63'

d) Distance to nearest existing domestic well:

On applicant's property On property owned by others 2763'

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) b) System Capacity (gallons) Year Constructed c) Connected to the City of Sanitary System

3. Dugout Information

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

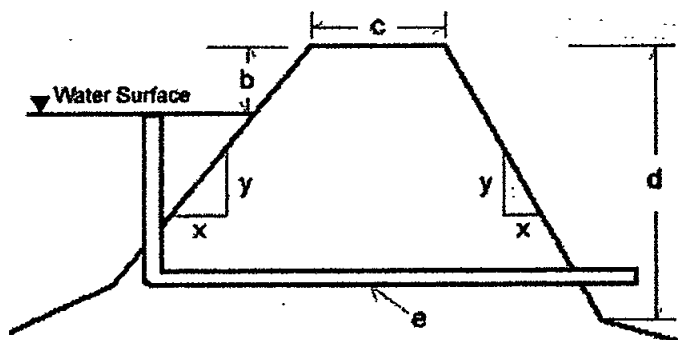
4. Water Storage Dams

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

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

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

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

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

Lindsay Manufacturing Co.



2707 North 108th Street
Omaha, NE 68164
800 - 829 - 5300 office

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Farm: Field1

Grower: Brad Trudeau

1/8/2014

Systems:	Length	Spans	Total area including endgun
Trudeau	1141.50 ft	6 spans + No overhang	53.80 acres



X - LOCATION OF WELL



 **surety®**
CUSTOMIZED ONLINE MAPPING
© AgriData, Inc. 2013 www.AgrIDataInc.com

1/10/2014

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

**WATER RIGHTS
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PSI, Inc. - Spraying



Missouri River Farms, Inc.

Over 35 Years Local Experience

Ag Service • Crop Spraying • Grain Hauling • Ag Chemicals • Liquid/Dry Fertilizer

Office 605-665-7121 • Tyler 605-660-3262 • Yankton, SD

Serving Yankton & Clay Counties

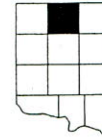
T-95-N

RIVERSIDE PLAT

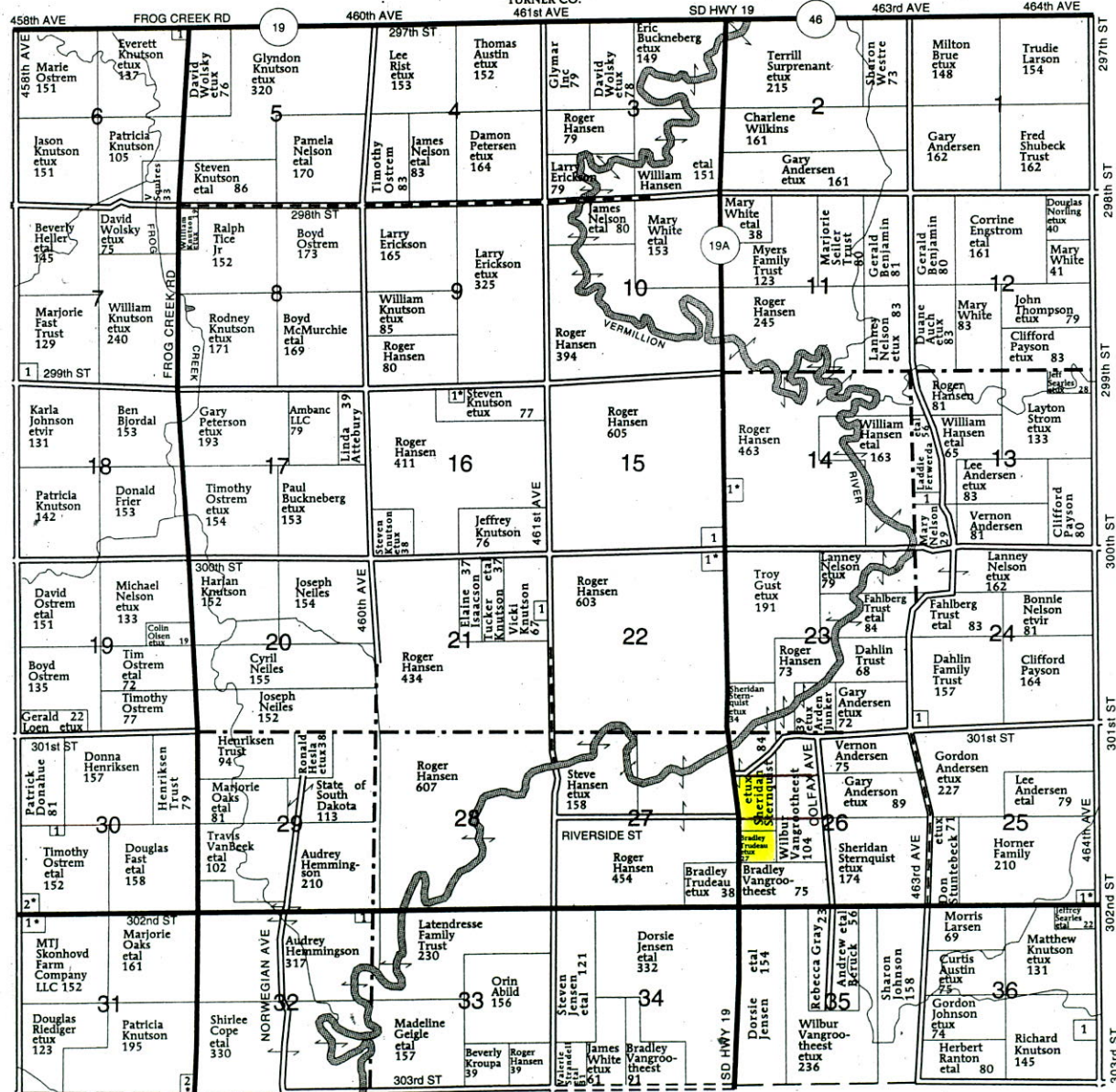
(Landowners)

TURNER CO.
461st AVE

SD HWY 19



R-52-W



PLEASANT VALLEY TWP.

RIVERSIDE TOWNSHIP

SECTION 6

1. Martz, Royce 8

SECTION 7

1. Heller, Beverly 6

SECTION 13

1. Loman, Jeffery 9

SECTION 14

1. Hardaswick, Victor 10

SECTION 15

1. White, Mary 12

SECTION 16

1. Pease, Quintin 9

SECTION 21

1. Hansen, Roger 8

SECTION 22

1. Hansen, Scott 14

SECTION 24

1. Andersen, Gary 8

SECTION 25

1. Walters, Austin 9

SECTION 30

1. Henriksen Trust 6

2. Yankowski, Henry 8

SECTION 31

1. Donahue, James 10

2. Elita, Richard 6

SECTION 32

1. Latendresse Family Trust 8

SECTION 36

1. Edman, Shirley 12

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096° 57' 34.59" W

August 2011
DNR Form 145-3

GEOLOGIC MATERIALS LOGGED

CONTINUATION FORM FOR ITEM 12

[illegible]

<u>Type</u>		<u>Hardness</u>	<u>Color</u>	
Clay	Sand fine-med	Cemented	Black	Pepper
Clay Stone	Sand med-coarse	Consolidated	Blue	Red
Cobbles	Sand with grave	Dense/Stiff	Brown	Tan
Fine Sand	Sandstone	Hard	Gray	White
Gravel	Shale	Soft	Green	Yellow
Limestone	Silt	Unconsolidated	Orange	
Loss Circulation	Siltstone	Very Hard		
Ochre (weathered shale)		Top Soil		
Sandy Clay	Other			
Sand with Clay/Silt				

Brad Trudeau

CUSTOMER NAME

12-15-2013

DATE _____

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**WATER RIGHTS
PROGRAM**

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/17, 20 14

RECEIVED OF Centerville Ag 30195 SD Hwy 19 Centerville SD 57014

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

Fee for Application for Permit No. <u>7945-3</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>7945-3</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. **06646**

By Jeanne Sandman
Chief Engineer

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 7945-3, Trudeau

ADDRESS: 46212 301st St., Centerville SD COUNTY: Clay County

DATE: March 10, 2014 TELEPHONE:

RE: Legal description

Based on Section 26, T95N, R52W not being a uniform section I contacted Mr. Trudeau to inquire whether the legal description on the deed followed the normal quarter-quarter section designation or had lot designation. Mr. Trudeau got back to me after looking at the deed. He informed me that deed following the normal quarter – quarter designation. The deed did include areas that were deducted from the deed to allow for the road realignment and an area in the NW corner of the section where his house is at but that this is not acreage that is to be irrigated.

NAME: Eric Humbley



**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. 7945-3, Brad D and Linda R Trudeau**

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. 7945-3, Brad D and Linda R. Trudeau, 4621 301st Street, Centerville SD 57014.

The Chief Engineer is recommending APPROVAL of Application No. 7945-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7945-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7945-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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
ON
WATER PERMIT APPLICATION NO. 7945-3
BRAD D. OR LINDA R. TRUDEAU
MARCH 7, 2014

Water Permit Application No. 7945-3 proposes to appropriate water at maximum diversion rate of 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri aquifer. The well is expected to be 180 feet deep and is to be located approximately 1370 feet east and 4070 feet north of the south west corner of Section 26, T95N-R52W. This application proposes to use the water to irrigate 60 acres located shown in Figure 1. The applicant is requesting a diversion rate greater than the statutory limit.

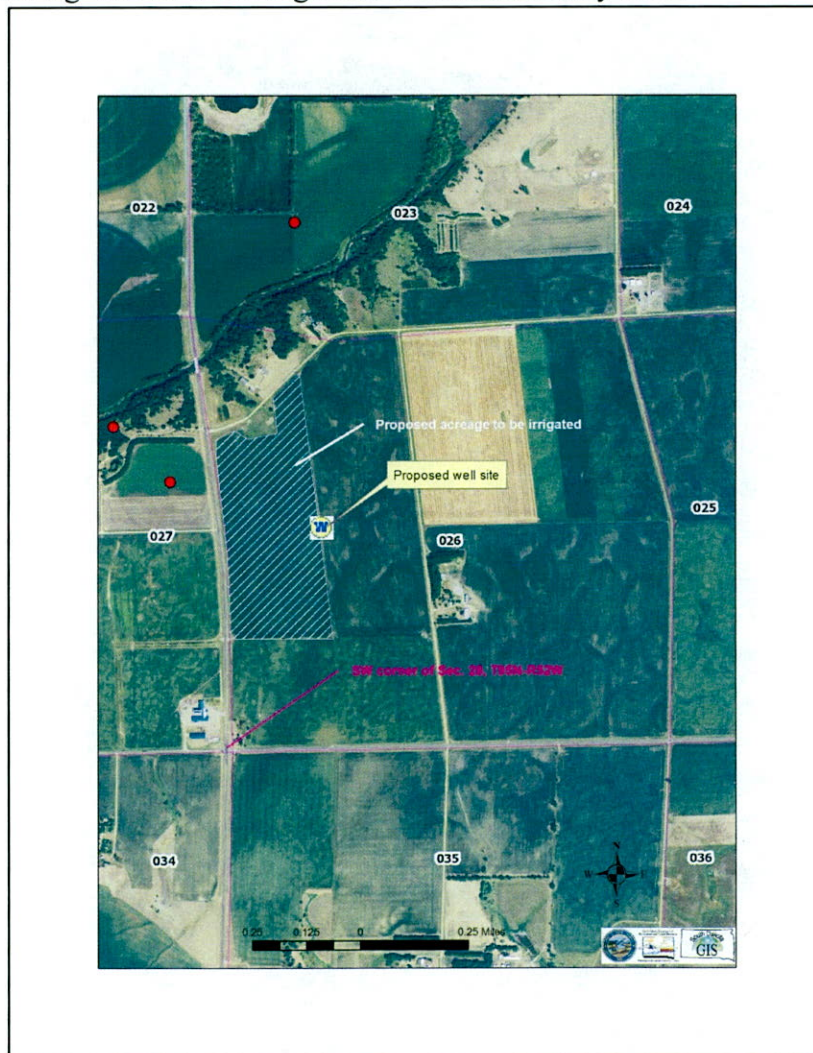


Figure 1. Location of proposed well and acreage to be irrigated

**AQUIFER: SOUTH MANAGEMENT UNIT OF THE UPPER VERMILLION
MISSOURI (UVM: S)**

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Upper Vermillion Missouri aquifer underlies parts of Clay, Hutchinson, Lincoln, Turner and Yankton Counties. Geologic and hydrologic conditions allow for the aquifer to be considered as three management units (i.e. North, South and West). A description of the Upper Vermillion Missouri aquifer is available in "Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer, February 1, 2014" (Buhler, 2014). The diversion point requested by this application is located in the South management unit of the Upper Vermillion Missouri aquifer.

SDCL 46-2A-9

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

WATER AVAILABILITY:

The probability of unappropriated water available from the aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

In applying SDCL 46-6-3.1, the Sixth Judicial Circuit Court ruled in 2005 that if the Water Management Board uses average annual recharge, then it should also use average annual withdrawals to determine if unappropriated water is available from the aquifer (*Hines v. South Dakota Dept. of Environ. and Nat'l. Resources, Hughes County 04-37* (Memorandum Decision, April 29, 2005)).

The 2012 First Judicial Circuit Court's rulings basically stated that data must be presented to show it is probable the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (Memorandum Decision, April 11, 2012).

Administrative Rule of South Dakota Section 74:02:05:07 requires the Water Management Board to 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 to the aquifer.

A recent analysis of the Upper Vermillion Missouri aquifer indicates that recharge exceeds withdrawal from the Upper Vermillion: South by an estimated 5,637-8,223 ac-ft/yr (Buhler, 2014). At its March 6, 2014 meeting, the Water Management Board approved 12 water permit applications (Nos. 7441-3, 7442-3, 7466-3, 7467-3, 7600-3, 7601-3, 7603-3, 7623-3, 7653-3, 7900-3, 7690-3, and 7919-3) authorizing the irrigation of 1,520.83 acres. The average annual withdrawal that is expected to be associated with these proposed appropriations was estimated based on the *average application rate per permitted acreage* for the Upper Vermillion Missouri aquifer to be 760.4 acre-feet per year (Buhler, 2014). In addition, three pending water permit

applications (No. 7947-3, 7948-3 and 7949-3) and one pending water permit reinstatement (Application No. 6820A-3) propose irrigation that will result in an average annual use of approximately 166.18 acre-feet per year. Water Permit Application No. 7945-3 proposes to irrigate 60 acres, which is expected to result in an average water use of approximately 30 acre-feet per year. There is a reasonable probability that unappropriated water is available to supply these proposed appropriations.

EXISTING WATER RIGHTS:

The nearest existing water permit (No. 6822-3, Hansen Properties) is located approximately one half mile west-northwest of the diversion point proposed by this application. At the distance between wells, drawdown is not expected to be significant and interference is not expected to be a concern. DENR-Water Rights observation well data in the area verifies this.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or "the equivalent thereof." The statute does provide that the Water Management Board may allow a greater diversion rate if the method of irrigation so requires. Water Permit Application No. 7945-3 proposes to divert 1.78 cfs from the Upper Vermillion Missouri: South aquifer for the irrigation of 60 acres, or the equivalent of 2.07 cfs per 70 acres. The applicant indicates the center pivot to be used will only make a partial rotation. In the past, it has been accepted that to run a center pivot that only makes a partial rotation often requires a diversion rate in excess of the statutory limit.

CONCLUSIONS:

1. Water Permit No. 7945-3 proposes to appropriate 1.78 cfs from the Upper Vermillion Missouri: South aquifer for the irrigation of 60 acres in Clay County.
2. There is a reasonable probability that unappropriated water is available from the Upper Vermillion Missouri: South aquifer for this proposed appropriation.
3. There is a reasonable probability that the proposed diversion can be made without adversely impacting existing water rights/permits and domestic users.
4. The applicant is requesting a diversion rate greater than the statutory limit. In the past, the Water Management Board has approved permits for similar circumstances.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Buhler, K.A., 2014, Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer, February 1, 2014: SD DENR-Water Rights Program

Water Rights. 2013a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2013b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2013c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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PLAIN TALK

Brad or Linda Trudeau
46212 301st Street
Centerville, SD 57014

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE **CLASSIFIED MANAGER** OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, 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. 7945-3 to Appropriate Water

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 28 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: 3/28/14

FILED ON: 3/27/14

Tera A. Schmidt
SUBSCRIBED AND SWORN TO BEFORE ME THIS

31st

DAY OF

March

2014

Donna Schell
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

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.
Publish: March 28, 2014.

NOTICE OF APPLICATION
NO. 7945-3 to Appropriate Water

Notice is given that Brad R or
Linda R Trudeau, 46212 301st St,
Centerville SD 57014 have filed
an application for a water permit
to appropriate 1.78 cubic feet of
water per second from one well to
be completed into the South
Management Unit of the Upper
Vermillion:Missouri Aquifer (180
feet deep) located in the NW 1/4
SW 1/4 Section 26 for irrigation
of 60 acres located in the NW 1/4
SW 1/4, SW 1/4 NW 1/4 Section
26; all in T95N-R52W. The
applicant is requesting a diversion
rate greater than the statutory
limit.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends
APPROVAL of Application No.
7945-3 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 April 7,
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

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YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
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PUBLISHED ON: 3/28/2014

FILED ON: 3/28/2014

SUBSCRIBED AND SWORN TO BEFORE ME THIS 28th DAY OF March 2014

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

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Linda R Trudeau, 46212 301st St,
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paired, 3) it is a beneficial use of
water, and 4) it is in the public in-
terest. In accordance with SDCL
46-2A-23, the Chief Engineer will
act on this application, as recom-
mended, unless a petition is filed
opposing the application or the
applicant files a petition contest-
ing the Chief Engineer's recom-
mendation. 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 writ-
ten petition with BOTH the appli-
cant and Chief Engineer. The ap-
plicant must file a petition if con-
testing the Chief Engineer's rec-
ommendation. The Chief Engi-
neer'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 inter-
ested person or the applicant must
be filed by April 7, 2014.

The petition may be informal, but
must include a statement describ-
ing the petitioner's interest in the
application, the petitioner's rea-
sons for opposing or supporting
the application, and the signature
and mailing address of the peti-
tioner or the petitioner's legal
counsel, if legal counsel is ob-
tained. Contact Eric Gronlund at
the above Water Rights Program
address to request copies of infor-
mation pertaining to this applica-
tion. Steven M. Pimer, Secretary,
Department of Environment and
Natural Resources.

Published once at the total ap-
proximate cost of \$27.14.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 14, 2014

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7945-3 to Appropriate Water. Please publish the notice once on March 28, 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 Brad D or Linda R Trudeau, 46212 301st St, Centerville SD 57014 (Ph # 605-563-2532).

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 14, 2014

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7945-3 to Appropriate Water. Please publish the notice once on March 28, 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 Brad D or Linda R Trudeau, 46212 301st St, Centerville SD 57014 (Ph # 605-563-2532).

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



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and NATURAL RESOURCES

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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 14, 2014

Brad D or Linda R Trudeau
46212 301st St
Centerville SD 57014

Dear Sir:

Water Permit Application No. 7945-3 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 Plain Talk printed at Vermillion SD (Ph # 605-624-2695) 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 28, 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. 7945-3 to Appropriate Water

R

Notice is given that Brad D or Linda R Trudeau, 46212 301st St, Centerville SD 57014 have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the South Management Unit of the Upper Vermillion:Missouri Aquifer (180 feet deep) located in the NW 1/4 SW 1/4 Section 26 for irrigation of 60 acres located in the NW 1/4 SW 1/4, SW 1/4 NW 1/4 Section 26; all in T95N-R52W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7945-3 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 April 7, 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

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



APR 24 2014

Brad R or Linda R Trudeau
46212 301st St
Centerville SD 57014

Dear Sir:

Enclosed is Water Permit No. 7945-3 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

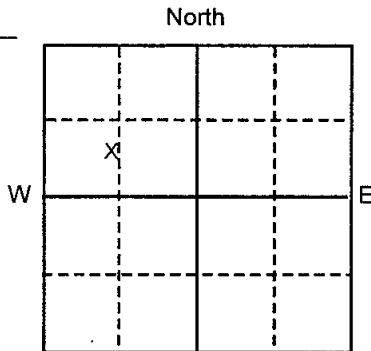
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 26 Twp 95N Rg 52W

County CLAY

Please mark well location with an "X"



Well Completion Date

4-28-2015

← 1 Mile →

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1,800.0 ft. from SEPTIC TANK (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:
 REVERSE ROTARY

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
160.0 LB/FT	16.00 IN	0.0 FT	80.0 FT	28.00 IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
BENTONITE	35	9.5 Lb/gal	0.0 Ft	180.0 Ft

Describe grouting procedure

TREMIE PIPE AND GROUT PUMP

SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter 16.00 Inches

Length 80.0 Feet

Material PVC

Slot Size .085 Set From 80.0 Feet to 160.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? CHLORINE TABLETS

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: BRAD TRUDEAU

Business Name:

Address: 46212 301 ST

City, State, Zip: CENTERVILLE SD 57014

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	2
CLAY	2	50
GRAVEL	50	56
CLAY	56	70
MED SAND/ GRAVEL	70	160

STATIC WATER LEVEL 78.0 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: TURBINE PUMP AND MOTOR

☐ Bailed

☐ Other

Pumping Level Below Land Surface

82.0 Ft. After 2.0 Hrs. pumped 800.0 GPM

82.0 Ft. After 2.0 Hrs. pumped 1,000.0 GPM

If pump installed, pump rate: GPM

REMARKS

RECEIVED

JUN 15 2015

WATER RIGHTS PROGRAM

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

Drilling firm: SAM HEINE WELL CO.,LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 4-28-15

7945-3

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7945-3**

I have this day, December 7, 2023, made a thorough examination of the water use systems owned by Brad R. or Linda R. Trudeau, 46212 301st Street, Centerville, SD 57014, holders of Permit No. 7945-3, bearing the priority date of January 17, 2014. This permit authorizes the diversion of 1.78 cu. ft. per second of the waters of groundwater (South Management Unit of the Upper Vermillion:Missouri Aquifer) authorizing the irrigation of 60 acres located in Clay County.

Inspection contacts: Brad Trudeau

A. Works used to divert the water:

Well Information

- 1) Well Drilling Firm: Sam Heine Well Co., LLC
- 2) No. of Wells: 1
- 3) Depth(s): 160 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 80 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 80 feet
- 3) Type: PVC
- 4) Static water level: 78 feet

Pump:

- 1) Make: American Marsh
- 2) Model: Unknown
- 3) Capacity: 800 GPM

Motor:

- 1) Make: Franklin
- 2) Model No.: Unknown
- 3) Horsepower rating: 60 hp

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

- 1) Type: Aluminum Size: 8 inches Length: 15 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 1,165 feet
- 3) Number of towers: 6
- 4) End gun: Yes, 103 feet
- 5) Capacity: 800 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
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:
The well is 2,600 feet north and 1,240 feet east of the southwest corner of Section 26-T95N-R52W (Latitude 43.018169, Longitude -96.957950– NW1/4 of the SW1/4).
2) The works are capable of diverting and conveying to the places of use 1.78 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in

Section 26-T95N-R52W

SW1/4NW1/4 25 acres

NW1/4SW1/4 32 acres

comprising a total of 57 acres of land and the license should be issued for 1.78 cfs.

- 3) All structures, wells and lands on map: Yes

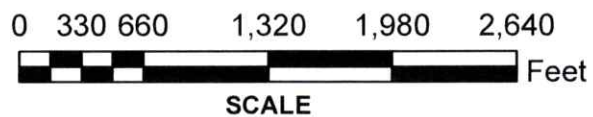
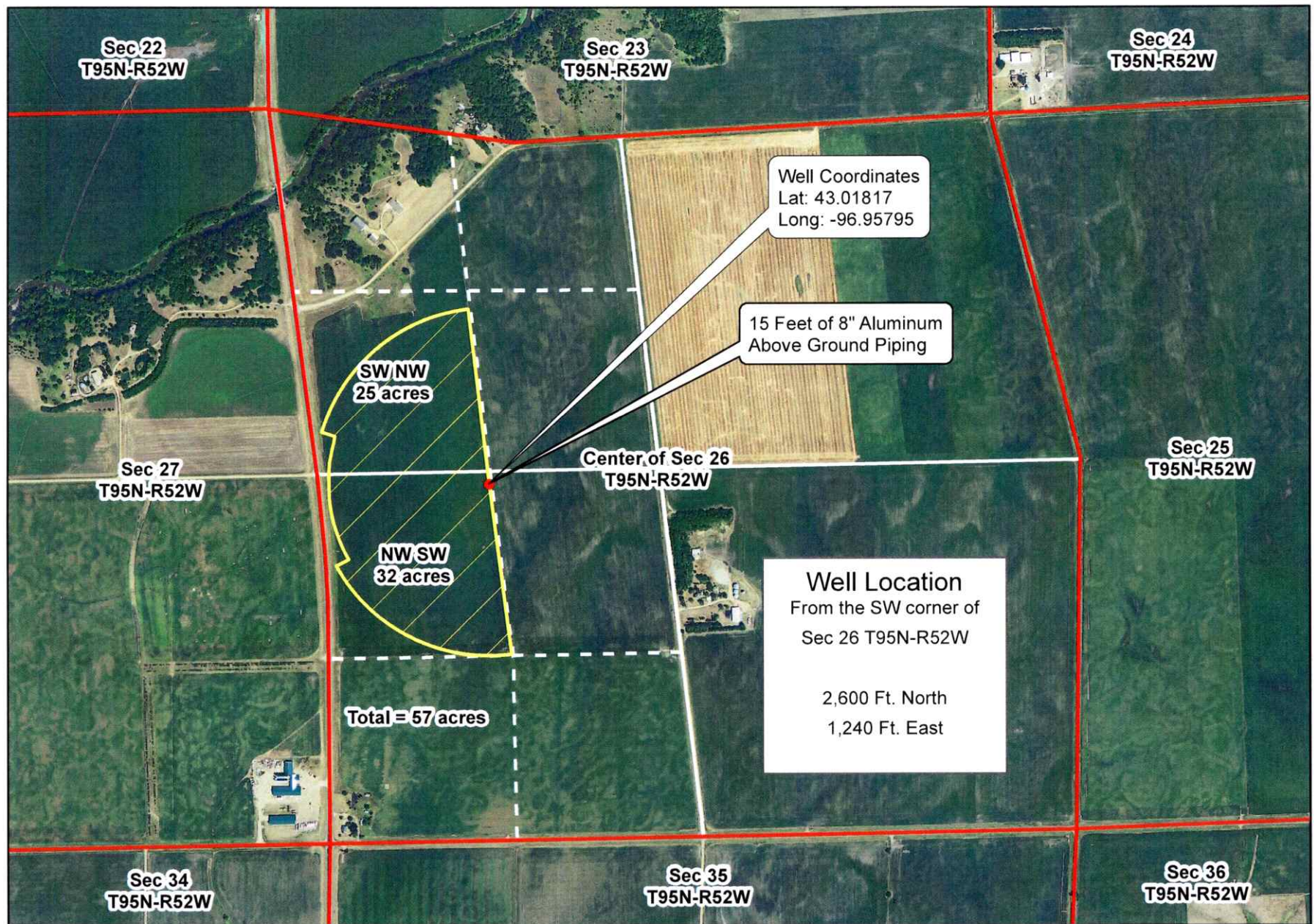
F. Comments or other permit(s) associated with the project: The pump and motor information was obtained from Sam Heine Well Company, LLC.

Keith DeJong

Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: December 14, 2023

Water Permit No. 7945-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
December 7, 2023

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7945-3

(1) Brad R or Linda R Trudeau; 46212 301st St, Centerville SD 57014, made Application No. 7945-3, January 17, 2014, for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (South Management Unit of Upper Vermillion Missouri Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7945-3, with a priority date of January 17, 2014, was approved April 7, 2014, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 7, 2019, and for the application to beneficial use of water on or before April 7, 2023.

(2) It is certified that the permit holders have 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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,600 ft N & 1,240 ft E of the SW corner of Section 26, T95N, R52W (NW ¼ SW ¼)
(Latitude 43.018169 & Longitude -96.957950)

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

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

Section 26, T95N, R52W			
SW ¼ NW ¼	25 acres	NW ¼ SW ¼	32 acres
TOTAL: 57 acres			

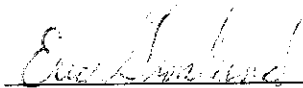
(5) Pursuant to South Dakota Water Law 46-5-30.1 Brad R or Linda R Trudeau, the holders and/or owners of Water Right No. 7945-3 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (South Management Unit of Upper Vermillion Missouri Aquifer), with a priority date of January 17, 2014, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7945-3 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 owners 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. The well authorized by Water Right No. 7945-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *(The well was drilled in 2015 by Sam Heine Well Co LLC. A copy of the well completion report is on file with the Water Rights Program.)*

continued

3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Water Right No. 7945-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre-feet of water per acre per year. (*Irrigation is limited to 57 acres based on the system as developed.*)
4. 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

JAN 16 2024

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JAN 16 2024

7945-3

Brad R or Linda R Trudeau
46212 301ST St
Centerville SD 57014

Dear Mr. & Ms. Trudeau:

Enclosed is Water License No. 7945-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures