

**WATER PERMIT NO. 7949-3**

Name of Applicant: **Hansen Properties**

Address: **PO Box B, Centerville SD 57014** Phone: **605 563-2212**

Amount of Water Claimed: **1.78 cfs** Total Acres: **100.9 acres**

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

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

Type of Waste Disposal System:

Location: **approximately 5 miles south of Centerville**

**PRIORITY** Date Received: **1-23-14** Application/License Fee: **\$ 950**

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

Remarks:

Diversion Point: **NE 1/4 SW 1/4 Sec 35-T95N-R52W**

Land to be Irrigated: **E 1/2 SW 1/4, W 1/2 SE 1/4**  
**Sec 35-T95N-R52W**

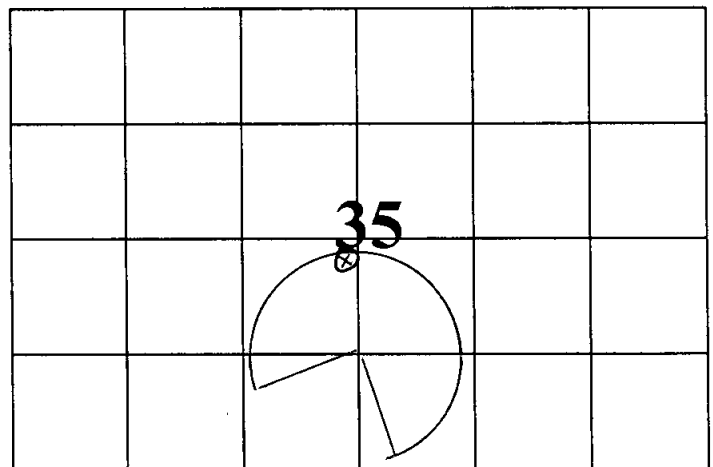
Depth of Well: **120 feet**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:



Reviewed and the Number Assigned on: **1-23-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_

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

|                                                                                                                 |                                     |                                 |
|-----------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------------------|
| Mail to:<br>PMB 2020<br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>7949-3</u> (office use only) | Hydrologic Unit <u>10170201</u> |
|                                                                                                                 | Basin <u>Vermillion River</u>       |                                 |
|                                                                                                                 | Newspaper <u>Plain Talk</u>         |                                 |
|                                                                                                                 | <u>Press &amp; Inkjet</u>           |                                 |

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JAN 23 2014  
WATER RIGHTS  
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 Hansen Properties

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent \_\_\_\_\_

(name and complete address if different than above name)

Mailing Address PO Box B, Centerville sd 57014  
(Address) (City) (State) (Zip Code)

Home Phone \_\_\_\_\_ Cell 605-760-5690 Email lewis@fireballdecals.com

2. Amount of water claimed 1.78 \*CFS or 800 \*\*GPM \_\_\_\_\_ \*\*\*AF Total Acreage 100.9  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 1 well from Lower Vermillion-Missouri Aquifer

4. Location of point of diversion 1 well at ne 1/4 of sw1/4 of Section 35, t95n r 52w  
(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 May to October, annually

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 |
|-------------------------------|-------|------------------|-------|
| ne,sw, section 35, t95n r 52w | 34.9  |                  |       |
| nw,se, section 35, t95n r 52w | 30    |                  |       |
| sw,se, section 35, t95n r 52w | 27    |                  |       |
| se,sw, section 35, t95n r 52w | 9.    |                  |       |

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

Center pivot irrigation of the above listed cropland.

requesting diversion rate greater PIVOT #40  
than statutory limit

I, Roger A. Hansen, 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. 7949-3**

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Date of first receipt of application January 23, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7949-3 to Hansen Properties, PO Box B, 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. 7949-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Southern Management Unit of the Upper Vermillion:Missouri Aquifer (150 feet deep) located in the NE 1/4 SW 1/4 Section 35 to irrigate 100.9 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 35; 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: May 1 – October 31.
3. The date from which applicant may claim right is January 23, 2014.
4. The date of approval of Permit No. 7949-3 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. 7949-3 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. 7949-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 100.90 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

MAY 02 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 \_\_\_\_\_  
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by \_\_\_\_\_

c) Well Depth 120 Depth to Top of Water Bearing Material 50 Depth to Water from Surface 50

d) Distance to nearest existing domestic well:

On applicant's property NA On property owned by others > 800'

**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)

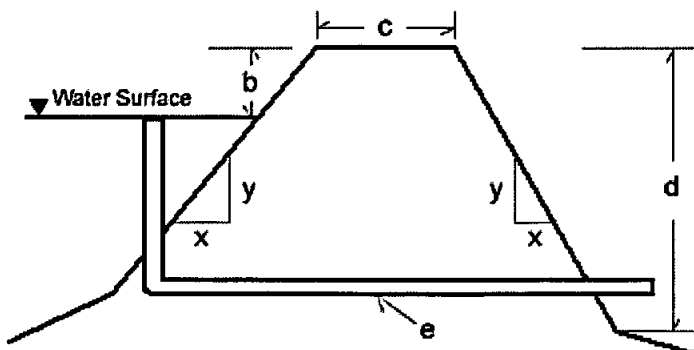
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

h) Surface Area of Impoundment \_\_\_\_\_

i) Storage \_\_\_\_\_ Acre Feet

j) Drainage Area Above Dam \_\_\_\_\_ Acres



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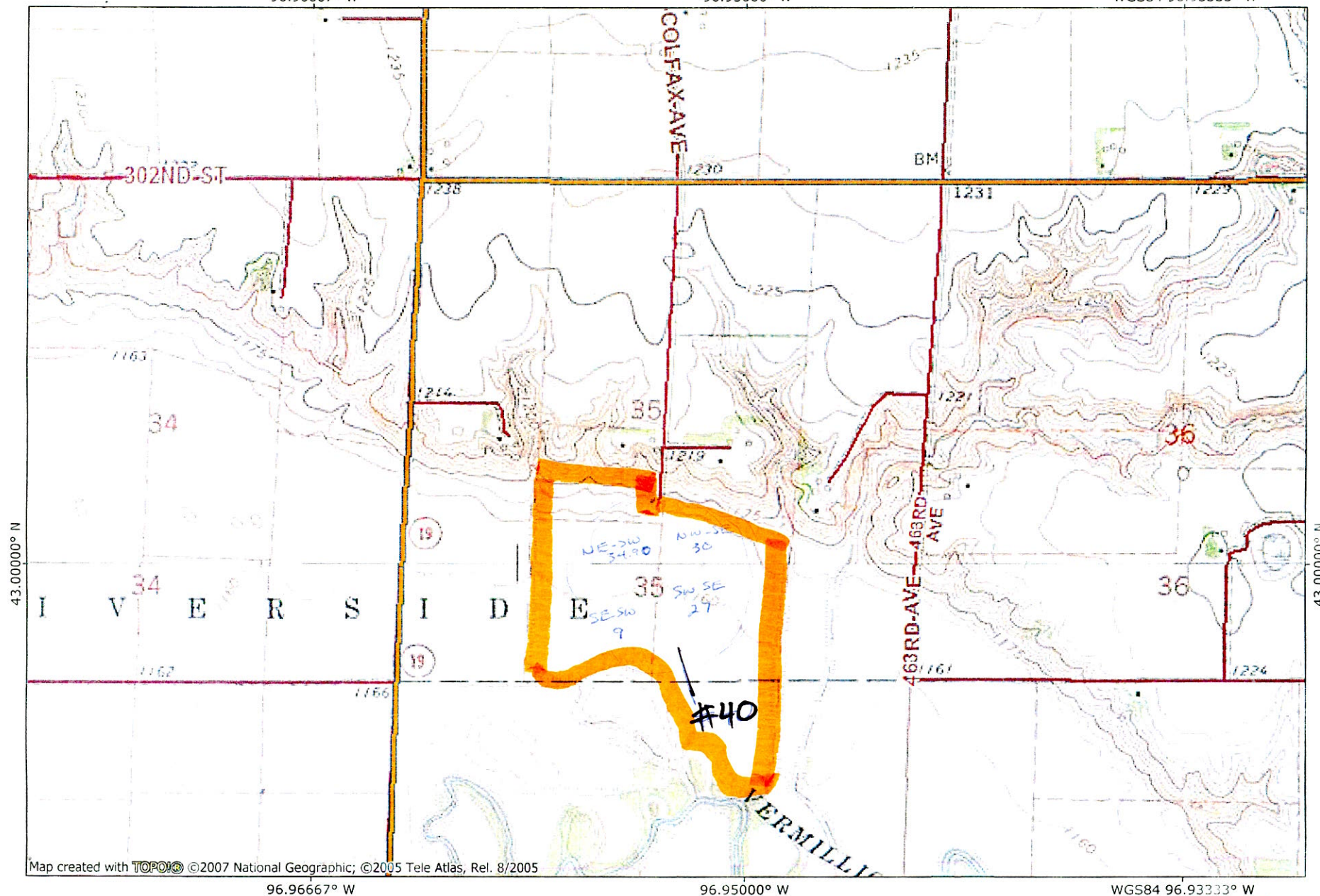
Petersen Ag Systems, Inc. Norfolk, NE 402-379-9849 office

TOPO! map printed on 01/17/14 from "Untitled.tpo"

96.96667° W

96.95000° W

WGS84 96.93333° W



NATIONAL  
GEOGRAPHIC

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/23, 20 14

RECEIVED OF Roger A Hansen PO Box B Centerville SD 57014

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

|                                                                                                                |       |        |
|----------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | 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. _____            | 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. **06676**

By   
Chief Engineer



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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



March 17, 2014

Sharon Deeb  
30248 Colfax Avenue  
Centerville SD 57014

Dear Ms. Deeb:

Please find enclosed the staff reports, recommendations and the public notice for water permit applications filed by Hansen Properties that are set for public notice. The notice is to be published in the Plain Talk and Press & Dakotan on March 28, 2014.

This information is being sent as you have expressed concern regarding the irrigation development in proximity to a domestic well you use for livestock watering.

Sincerely,

Eric Gronlund  
Water Rights Program, DENR  
605 773-3352  
[eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us)

enclosures



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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



March 17, 2014

Brad D or Linda R Trudeau  
46212 301<sup>st</sup> St  
Centerville SD 57014

Dear Sir:

Please find enclosed the staff reports, recommendations and the public notice for water permit applications filed by Hansen Properties that are set for public notice. The notice is to be published in the Plain Talk and Press & Dakotan on March 28, 2014.

This information is being sent as you have expressed concern regarding the irrigation development in proximity to your pending Water Right application.

Sincerely,

Eric Gronlund  
Water Rights Program, DENR  
605 773-3352  
[eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us)

enclosures

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APR - 7 2014

WATER RIGHTS  
PROGRAM

Sharon E. Aftab  
Golden Meadows Farm  
30248 Colfax Avenue  
Centerville, S.D. 57014

April 03, 2014

Department of Environment  
+ Natural Resources  
Chief Engineer - Water Rights Program  
Foss Building  
523 East Capitol  
Pierre, S.D. 57501

Dear Jeanne Goodman,

This letter is in regards to Water Permit  
Application No 7949-3 and No. 7948-3 Hansen  
Properties.

You are recommending approval based on  
SOCL 46-2A-2. The determination has been  
made that quote: "1) unappropriated water is  
available" and "2) existing rights will not be  
unlawfully impaired".

Also stated in the Recommendation of Chief  
Engineer for Water Permit is #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 no reduction of needed water supplies  
in adequate domestic wells .....

And another statement: "There is a reasonable probability that any interference will not be adverse".

As I stated to Eric Guordal during my phone conversations, my only concern is the probability of being adversely affected on my farm operation.

Following Eric's advice, I contacted a licensed well contractor from your list on the DNR website. My "well-man" agreed with your findings, and my well, which is not delivered by artesian head pressure, should be fine. However, my wellman also stated a "note" to your office about my concerns was a good idea. Should the need arise, your office would be fully aware of the situation.

I am not opposed to the Hansen Property applications as long as my Farm's well is not adversely affected and if such an occurrence develops, the Chief Engineer acts accordingly "to reduce the withdrawals of the pivots in question".

When Mother Nature does not provide enough water for crops to grow, some producers are fortunate enough to have invested in Pivot Irrigation. It is exactly those times of "not enough rainfall",

that could cause "a reduction of needed water supplies".

and as stated in your information packets;  
"It may be possible that drawdown from these proposed appropriations may be measureable in the nearby domestic and appropriative right wells"

I am confident that the best interest of all parties concerned are taken into account.

Thank you for the information packets and the advice regarding the Applications for a Water Permit

Sincerely,

Sharon E. Deeb  
Sharon E. Deeb

ps: I have sent a copy of this same letter to  
Mr. Roger Hansen  
Centerville, S.D.



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APR - 9 2014

700 BROADWAY CENTERVILLE SOUTH DAKOTA 57034  
PHONE (605) 563-2212 FAX (605) 563-2340

4-7-14

Hello Eric —

I Received A copy of the letter  
My Neighbor Susan Deeb sent to  
your office, which I FELT WAS  
DECENT. I'm enclosing a note  
I sent her. I DIDN'T FEEL  
Anything other than prudence  
on her part.

From my experience elsewhere,  
I don't expect any problem, but  
I am prepared to deal in a  
SATISFACTORY manner if ONE  
SURFACES. Good neighbors ARE  
AN ASSET to be maintained, I  
BELIEVE.

Regards!

Logan Hans



700 BROADWAY CENTERVILLE SOUTH DAKOTA 57014  
PHONE (605) 563-2212 FAX (605) 563-2640

4-7-14  
Hello Sharon —

I APPRECIATED YOUR NOTE.

I AM CONFIDENT YOU ARE NOT TRYING TO BE HOSTILE IN ANY WAY, AND I ASSURE YOU, I AM NOT A BAD NEIGHBOR EITHER.

THE WELL WILL BE BELOW YOU AND MELVIN. NORMALLY WE WOULD ONLY PUMP FOR ABOUT 2-2½ MONTHS IN THE SUMMER. IT SHOULD TAKE 1½-2 DAYS TO MAKE THE  $\frac{3}{4}$  CIRCLE ON THAT PIVOT AND THAT BOTTOM GROUND HOLDS THE MOISTURE. LIKELY WE WOULDN'T PUMP AGAIN FOR A COUPLE OF WEEKS UNLESS IT IS REALLY DRY. THE LOWER VERMILION AQUIFER IS VERY THICK WITH LOTS OF WATER. THAT'S THE REASON CLAY BUREAU WATER HAS 3 WELL HEADS THERE. I HAVE 2 WELLS WITHIN 500 FEET OF MY HOUSE AND I HAVE NO PROBLEM.

PLEASE TELL ME RIGHT AWAY, IF YOU EVER FEEL A PROBLEM IS CAUSED FOR YOU.



700 BROADWAY CENTERVILLE SOUTH DAKOTA 57014  
PHONE (605) 563-2212 FAX (605) 563-2640

I WILL BE TALKING TO YOU SOON ABOUT A DIFFERENT WATER TREAT I THINK WILL BE GOOD FOR BOTH OF US. I'VE JUST BEEN BUSY.

Regards!

Roger Hansen

Cell #605 760-5690



**DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES**

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



April 7, 2014

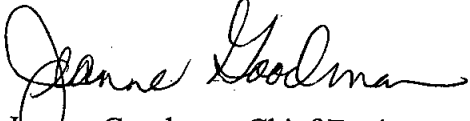
Sharon E Deeb  
Golden Meadows Farm  
30248 Colfax Ave  
Centerville SD 57014

Dear Ms. Deeb:

Thank you for your letter dated April 3, 2014 regarding your concerns about Water Permit Application Nos. 7948-3 and 7949-3 for Roger Hansen.

Your letter will be filed in the administrative record for each water permit. If the Water Rights Program can be of further assistance, please give us a call.

Very Truly Yours,

  
Jeanne Goodman, Chief Engineer

cc: Roger Hansen, Hansen Properties PO Box B, Centerville SD 57014



**DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES**

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



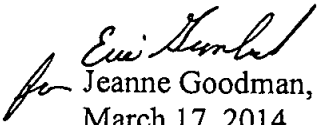
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 7949-3, Hansen Properties**

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. 7949-3, Hansen Properties, c/o Roger Hansen, PO Box B, Centerville SD 57014.

The Chief Engineer is recommending APPROVAL of Application No. 7949-3 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. 7949-3 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. 7949-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 100.90 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 17, 2014

REPORT TO THE CHIEF ENGINEER  
ON  
WATER PERMIT APPLICATION NOS. 7947-3, 7948-3, AND 7949-3  
HANSEN PROPERTIES  
C/O ROGER A. HANSEN  
MARCH 13, 2014

Water Permit Application No. 7947-3 proposes to appropriate water at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri: South aquifer. The well is expected to be 150 feet deep and is to be located in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 26 (1,390 feet east and 1,315 feet north of the SE corner of Section 26) for the irrigation of 133.44 acres located in the E  $\frac{1}{2}$  NW  $\frac{1}{4}$ , E  $\frac{1}{2}$  SW  $\frac{1}{4}$ , and the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 26; all in T95N-R52W in Clay County.

Water Permit Application No. 7948-3 proposes to appropriate water at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri: South aquifer. The well is expected to be 150 feet deep and is to be located in the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 35 for the irrigation of 55.02 acres located in the E  $\frac{1}{2}$  NW  $\frac{1}{4}$  Section 35; all in T95N-R52W in Clay County. The applicant is requesting a diversion rate greater than the statutory limit.

Water Permit Application No. 7949-3 proposes to appropriate water at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri: South aquifer. The well is expected to be 150 feet deep and is to be located in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 35 for the irrigation of 100.9 acres located in the E  $\frac{1}{2}$  SW  $\frac{1}{4}$ , W1/2 SE  $\frac{1}{4}$  Section 35; all in T95N-R52W in Clay County. The applicant is requesting a diversion rate greater than the statutory limit.

**AQUIFER: South management unit of the Upper Vermillion Missouri (UVM: S)**

**GEOLOGY AND AQUIFER CHARACTERISTICS:**

The Upper Vermillion Missouri aquifer underlies portions of Clay, Hutchinson, Lincoln, Turner, and Yankton Counties (Buhler, 2014). 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 points requested by these applications are located in the South management unit of the Upper Vermillion Missouri aquifer. The latest aquifer delineation of the Upper Vermillion Missouri aquifer resulted in a change of location of the southern border of the aquifer further south to include the diversion points proposed by these applications.

**SDCL 46-2A-9**

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

## WATER AVAILABILITY:

These applications propose to appropriate water from the Upper Vermillion Missouri: South aquifer. These applications propose to irrigate 289.36 acres. Based on the *average application rate per permitted acreage* (Buhler, 2014) use is expected to be approximately 144.68 ac-ft/yr (ac-ft/yr). The probability of unappropriated water available from an aquifer can be evaluated by considering 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 ground water 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 stratigraphically lower than the Greenhorn Formation and a public water system has applied for a permit, the Water Management Board need not consider the recharge/withdrawal issue. In this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a public water system.

## Observation Well Data:

The DENR-Water Rights Program monitors five observation wells completed into the South management unit of the Upper Vermillion Missouri aquifer and two observation wells (CL-66AR and CL-80J) that were originally identified as completed into the Lower Vermillion Missouri aquifer. However, due to the ongoing investigation by the SD DENR-Geological survey, observation wells CL-66AR and CL-80J will likely now be, considered completed into the Upper Vermillion Missouri: South aquifer. All seven hydrographs for the observation wells show upward trending water levels over their respective periods of record. The hydrographs document changes in climatic conditions as well as the temporal impacts of pumping. Since climatic conditions mask temporal impacts, well withdrawals from this management unit are not stressing the system to the extent where natural discharge is impacted. The observation wells in this management unit document unappropriated water is available for appropriation. The nearest observation wells to the proposed well sites are CL-66AR and CL-80J. The hydrographs for CL-66AR and CL-80J are shown in Figures 1 and 2, respectively.

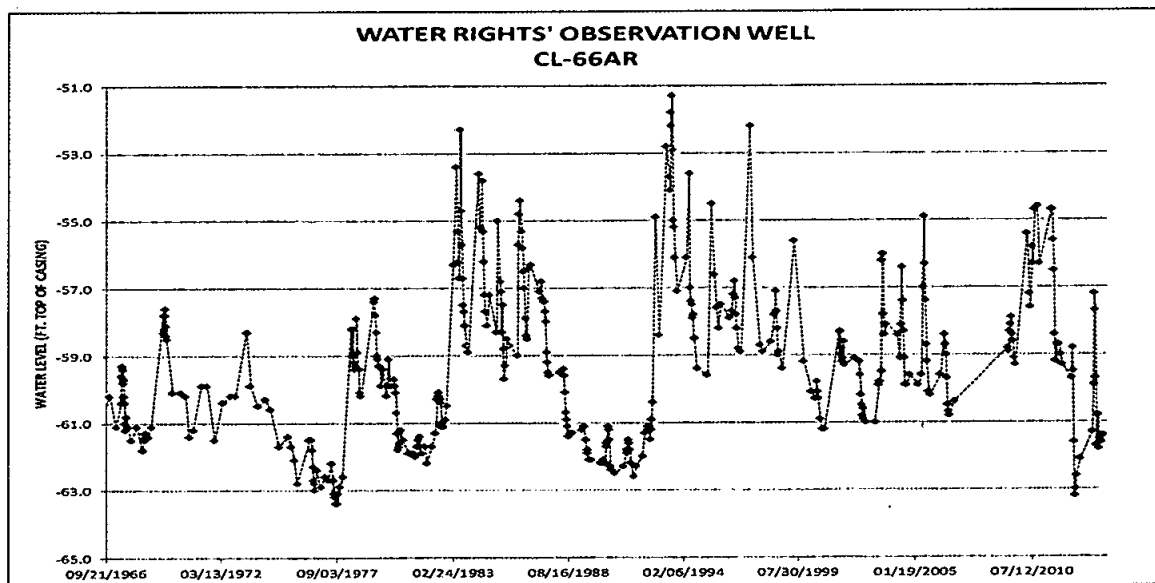


Figure 1- Hydrograph for observation well CL-66AR (Water Rights, 2014a)

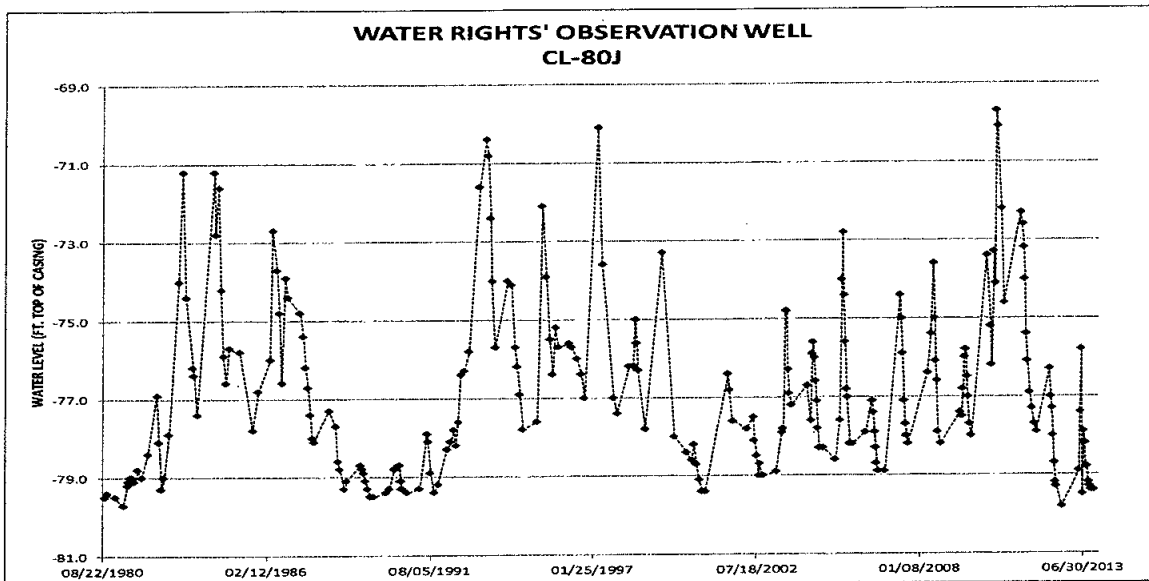


Figure 2- Hydrograph for observation well CL-80J (Water Rights, 2014a)

#### 2014 Flow Net Analysis:

A recent analysis of the Upper Vermillion Missouri aquifer indicates that recharge exceeds withdrawal from the Upper Vermillion Missouri: South by an estimated 5,637 to 8,223 ac-ft/yr (Buhler, 2014). At its March 6, 2014, meeting, the Water Management Board approved 12 water permit application (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). There is a pending application that is expected to use 21.5 ac-ft/yr. Using the most conservative value (5,637 ac-ft/yr), that means there is at least 4,855.1 ac-ft/yr for this proposed appropriation. These applications are expected to use 144.68 ac-ft/yr, using Buhler's (2014) method. Therefore, there is a reasonable probability that unappropriated water is available to supply these proposed appropriations.

#### EXISTING WATER RIGHTS:

There are four water rights/permits authorizing wells completed into the Upper Vermillion Missouri: South within approximately one mile of any of these proposed well sites (Water Rights, 2014b). Three of the water rights/permits belong to the applicant and the fourth is Water Right No. 3905-3 for Clay Rural Water System. The nearest well authorized by water rights/permits is 2,800 feet northwest of the well site proposed by Application No. 7947-3. There are no domestic wells on file with the DENR-Water Rights Program within approximately one mile of any of the proposed well sites (Water Rights, 2014c).

There is a pending application (Application No. 7945-3) that proposes to locate a well approximately 1,300 feet north of the proposed well site of Application No. 7947-3. Considering the distance between the proposed well sites drawdown is not expected to be significant and interference is not expected to be a concern. DENR-Water Rights Program observation well data in the area verifies this.

Since the Upper Vermillion Missouri: South is under artesian conditions in areas, drawdown may extend some distance from pumped wells. It may be possible that drawdown from these proposed

appropriations may be measurable in the nearby domestic and appropriative right wells. However, the impact of drawdown is not expected to be significant due to the distance between wells and the proliferation of high capacity wells in the aquifer.

SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. In order to balance interests between irrigation use and delivery of water by artesian pressure, the Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

Depending on the specific characteristics of the Upper Vermillion Missouri: South aquifer at the well sites proposed by these applications, some existing well owners may need to lower their pumps to accommodate for deeper water levels. However, when considering the statute (SDCL 46-6-6.1) and rule (ARSD 74:02:04:20(7)), well interference from the proposed appropriation is not likely to cause a significant impact. Therefore, there is a reasonable probability that any interference will not be adverse.

#### **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. 7948-3 proposes to divert 1.78 cfs from the Upper Vermillion Missouri: South aquifer for the irrigation of 55.02 acres, or the equivalent of 2.26 cfs per 70 acres. Water Permit Application No. 7949-3 proposes to divert 1.78 cfs from the Upper Vermillion Missouri: South aquifer for the irrigation of 100.9 acres, or the equivalent of 1.23 cfs per 70 acres. The applicant did not specifically state a reason for the request. However, the maps submitted with Application Nos. 7948-3 and 7949-3 show the center pivots to be used for each application only make partial rotations. 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. 7947-3 proposes to appropriate 1.78 cfs from the Upper Vermillion Missouri: South aquifer for the irrigation of 133.44 acres in Clay County.
2. Water Permit No. 7948-3 proposes to appropriate 1.78 cfs from the Upper Vermillion Missouri: South aquifer for the irrigation of 55.02 acres in Clay County.
3. Water Permit No. 7949-3 proposes to appropriate 1.78 cfs from the Upper Vermillion Missouri: South aquifer for the irrigation of 100.9 acres in Clay County.
4. There is a reasonable probability that unappropriated water is available from the Upper Vermillion Missouri: South aquifer for these proposed appropriations.

5. There is a reasonable probability that the proposed diversions can be made without adversely impacting existing water rights/permits and domestic users.
6. The applicant is requesting a diversion rate greater than the statutory limit for Application Nos. 6948-3 and 6949-3. The applicant did not explicitly state a reason for the request. However, maps submitted with the applications indicate the center pivots will only be making partial rotations. In the past the Water Management Board has accepted this as a valid reason for the request.



Adam W. Mathiowetz  
SD DENR-Water Rights Program

Approved By:



Ken A. Buhler  
SD DENR-Water Rights Program

**REFERENCES:**

- Buhler, K.A. 2014. Report on 21 Water permits Application from the Upper Vermillion Missouri Aquifer. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Goodman, J.A. 2007. Report on Water Permit Application No. 6820-3 for Hansen Properties. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- SDGS. In Progress. Hydrogeologic study of the Upper Vermillion Missouri aquifer. SD DENR-Geological Survey. Vermillion, South Dakota.
- Water Rights. 2013a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

APR - 2 2014

WATER RIGHTS  
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

Notice is given that Hansen Properties, PO Box B, Centerville SD 57014 has filed the following applications for a water permit.

Application No. 6820A-3 proposes to reinstate Water Permit No. 6820-3. Water Permit No. 6820-3 appropriates 1.56 cubic feet of water per second (cfs) from one well to be completed into the Lower Vermillion Missouri Aquifer (approximately 100 feet deep) located in the approximate center of the SW 1/4 Section 23 to irrigate 43 acres located in the E 1/2 SW 1/4, NW 1/4 SE 1/4 Section 23; all in T95N-R52W. The permit was approved May 14, 2007, and the project was to be completed May 14, 2012, with water being put to beneficial use by May 14, 2016. Application No. 6820A-3 proposes to reinstate Water Permit No. 6820-3 since the project has not been completed. This application requests the well to be located in NE 1/4 SW 1/4 Section 23-T95N-R52W. This notice also serves to designate the water source as the South Management Unit of the Upper Vermillion:Missouri Aquifer.

Application No. 6820A-3 to reinstate Permit No. 6820-3 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available when construction, necessary to put water to beneficial use, is not completed within five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6820A-3 to reinstate Permit No. 6820-3 because unappropriated water is available.

Application No. 7947-3 proposes to appropriate 1.78 cfs from one well to be completed into the Southern Management Unit of the Upper Vermillion:Missouri Aquifer (150 feet deep) located in the SE 1/4 SW 1/4 Section 26 to irrigate 133.44 acres located in the E 1/2 NW 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 26; all in T95N-R52W.

Hansen Properties  
Roger Hansen  
P.O. Box B  
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 Nos. 6820A-3, 7947-3, 7948-3 & 7949-3 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 \$53.95 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

31<sup>st</sup> DAY OF

March

2014

[Signature]

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

Application No. 7948-3 proposes to appropriate 1.78 cfs from one well to be completed into the Southern Management Unit of the Upper Vermillion-Missouri Aquifer (150 feet deep) located in the NE 1/4 NW 1/4 Section 35 to irrigate 55.02 acres located in the E 1/2 NW 1/4 Section 35; all in T95N-R52W. The applicant is requesting a diversion rate greater than the statutory limit.

Application No. 7949-3 proposes to appropriate 1.78 cfs from one well to be completed into the Southern Management Unit of the Upper Vermillion-Missouri Aquifer (150 feet deep) located in the NE 1/4 SW 1/4 Section 35 to irrigate 100.9 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 35; 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 Nos. 7947-3, 7948-3 and 7949-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$53.95.

Publish: March 28, 2014.

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WATER RIGHTS  
PROGRAM

**AFFIDAVIT OF PUBLICATION**

**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  
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER  
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY  
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID  
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED  
**Notice of Applications to Appropriate Water**

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE  
NEWSPAPER ON THE **28th** DAY OF **March** 2014  
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION  
OF SAID **NOTICE** TO WIT **\$50.97** 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: **3/28/2014**

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**

NOTICE OF APPLICATIONS to  
Appropriate Water

Notice is given that Hansen Prop-  
erties, PO Box B, Centerville SD  
57014 has filed the following ap-  
plications for a water permit.

Application No. 6820A-3 pro-  
poses to reinstate Water Permit  
No. 6820-3. Water Permit No.  
6820-3 appropriates 1.56 cubic  
feet of water per second (cfs)  
from one well to be completed  
into the Lower Vermillion Mis-  
souri Aquifer (approximately 100  
feet deep) located in the approxi-  
mate center of the SW 1/4 Section  
23 to irrigate 43 acres located in  
the E 1/2 SW 1/4, NW 1/4 SE 1/4  
Section 23; all in T95N-R52W.  
The permit was approved May 14,  
2007, and the project was to be  
completed May 14, 2012, with  
water being put to beneficial use  
by May 14, 2016. Application  
No. 6820A-3 proposes to reinstate  
Water Permit No. 6820-3 since  
the project has not been com-  
pleted. This application requests  
the well to be located in NE 1/4  
SW 1/4 Section 23-T95N-R52W.  
This notice also serves to desig-  
nate the water source as the South  
Management Unit of the Upper  
Vermillion-Missouri Aquifer.

Application No. 6820A-3 to rein-  
state Permit No. 6820-3 is made  
pursuant to SDCL 46-2A-8.1  
which allows for reinstatement  
with a new priority date, if unap-  
propriated water is available when  
construction, necessary to put wa-  
ter to beneficial use, is not com-  
pleted within five years of ap-  
proval of the permit.

Pursuant to SDCL 46-2A-2, the  
Chief Engineer recommends AP-  
PROVAL of Application No.  
6820A-3 to reinstate Permit No  
6820-3 because unappropriated  
water is available.

Application No. 7947-3 proposes  
to appropriate 1.78 cfs from one  
well to be completed into the  
Southern Management Unit of the  
Upper Vermillion-Missouri Aqi-  
fer (150 feet deep) located in the  
SE 1/4 SW 1/4 Section 26 to irri-  
gate 133.44 acres located in the E  
1/2 NW 1/4, E 1/2 SW 1/4, SW  
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T95N-R52W.

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well to be completed into the  
Southern Management Unit of the  
Upper Vermillion-Missouri Aqi-  
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NE 1/4 NW 1/4 Section 35 to irri-  
gate 55.02 acres located in the E  
1/2 NW 1/4 Section 35; all in  
T95N-R52W. The applicant is re-  
questing a diversion rate greater  
than the statutory limit.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7947-3, 7948-3 and 7949-3 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 these applications as recommended unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$50.97.



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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



March 17, 2014

Plain Talk  
201 W Cherry St  
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6820A-3, 7947-3, 7948-3 and 7949-3 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 Hansen Properties, c/o Roger Hansen, PO Box B, Centerville SD 57014 (Ph # 605-563-2212).

**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 17, 2014

Press & Dakotan  
319 Walnut  
Yankton SD 57078

ATTENTION: Legal Public Notice

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Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



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 DATE, CONTACT  
THE NEWSPAPER(S) RIGHT AWAY.

March 17, 2014

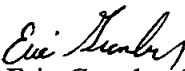
Hansen Properties  
Roger Hansen  
PO Box B  
Centerville SD 57014

Dear Mr. Hansen:

Water Permit Application Nos. 6820A-3, 7947-3, 7948-3 and 7949-3 for irrigation use have 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 recommendations of the Chief Engineer and reports on the applications 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(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

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 applications.

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 APPLICATIONS to Appropriate Water

Notice is given that Hansen Properties, c/o Roger A Hansen, PO Box B, Centerville SD 57014 has filed the following applications for a water permit.

Application No. 6820A-3 proposes to reinstate Water Permit No. 6820-3. Water Permit No. 6820-3 appropriates 1.56 cubic feet of water per second (cfs) from one well to be completed into the Lower Vermillion Missouri Aquifer (approximately 100 feet deep) located in the approximate center of the SW 1/4 Section 23 to irrigate 43 acres located in the E 1/2 SW 1/4, NW 1/4 SE 1/4 Section 23; all in T95N-R52W. The permit was approved May 14, 2007, and the project was to be completed May 14, 2012, with water being put to beneficial use by May 14, 2016. Application No. 6820A-3 proposes to reinstate Water Permit No. 6820-3 since the project has not been completed. This application requests the well to be located in NE 1/4 SW 1/4 Section 23-T95N-R52W. This notice also serves to designate the water source as the South Management Unit of the Upper Vermillion:Missouri Aquifer.

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Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. 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



MAY 02 2014

Hansen Properties  
PO Box B  
Centerville SD 57014

Dear Mr. Hansen:

Enclosed are Water Permit Nos. 6820A-3, 7947-3, 7948-3 and 7949-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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



7949-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 15, 2016

NOTICE

TO: HANSEN PROPERTIES, ROGER A HANSEN, PO BOX B, CENTERVILLE, SD 57014  
FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 973-3, 974-3 & 1813-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6820A-3, 6821-3, 6822-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3 & 7995-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6820A-3, 6821-3, 6822-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3 & 7995-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 973-3, 974-3 & 1813-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** 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](mailto: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.



7949-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

January 25, 2016

Roger A Hansen  
Hansen Properties  
PO Box B  
Centerville SD 57014

RE: Water Right or Permit Nos. 973-3, 974-3, 1813-3, 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6820A-3, 6821-3, 6822-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3 & 7995-3 for Hansen Properties and Water Permit Nos. 8070-3, 8071-3 & 8072-3 for Hanson Irrigated Farms LLC

Dear Mr. Hansen:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for the above listed water rights and water permits. 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



7946-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 26, 2018

**NOTICE**

TO: OWEN & LAMONT PETERSON, PO BOX 97, WENDELL, MN 56590  
FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 7921-3, 7946-3, 7984-3 & 7988-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3 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 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional 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](mailto: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.



7946-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

February 23, 2018

Owen & Lamont Peterson  
PO Box 97  
Wendell MN 56590-0097

RE: Water Permit Nos. 7921-3, 7946-3, 7984-3 & 7988-3

Dear Sirs:

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit Nos. 7921-3, 7946-3, 7984-3 & 7988-3. 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](mailto:genny.mcmath@state.sd.us)

7949-3



121 E. 5th St. / P.O. Box 1307 / Storm Lake, IA 50588  
Phone: 712.732.4117 / Fax: 712.749.7502  
[www.metabank.com](http://www.metabank.com)

March 14, 2019

Member FDIC

Ms. Genny McMath  
DENR – Water Rights Program  
Joe Foss Building  
523 E. Capital  
Pierre, South Dakota 57501

Dear Ms. McMath,

Please find enclosed the two corrected, Notice of Transfer of Ownership forms for water permits # 973-3 and #6813-3. I understand there will not be an additional fee for correcting the legal descriptions on these forms. Also enclosed, is a new Notice of Transfer of Ownership on permit #7949-3 and a check for the \$50 transfer fee. Please let me know if there is anything else you need from us. Thanks for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon W. Wilcke".

Jon W. Wilcke  
Market President

## NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

MAR 22 2019

Ck# 666143027

Mail to: PMB 2020  
DENR - Water Rights Program  
523 E Capitol Ave  
Pierre, SD 57501-3182

RECEIVED

MAR 22 2019

WATER RIGHTS  
PROGRAM

Water Right/Permit No. 7949-3

Date: March 12, 2019

I/We request that Water Right/Permit No. 7949-3 formerly owned by:  
Hansen Properties be transferred to:

New Owner Name: MetaBank

Address: 5501 Broadband Lane

City, State, Zip Sioux Falls SD 57108 Telephone No. 605-361-4347

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

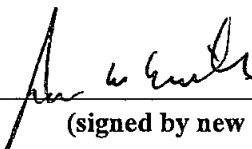
to irrigate 100.9 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4 section 35-T95N-R52W

☐ I understand that the validity of Water Right/Permit No. 7949-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Jon W. Wilcke, Market President, MetaBank, the new owner, certify that the above information is true and correct.

  
(signed by new owner)

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

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

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **March 22**, 20**19**

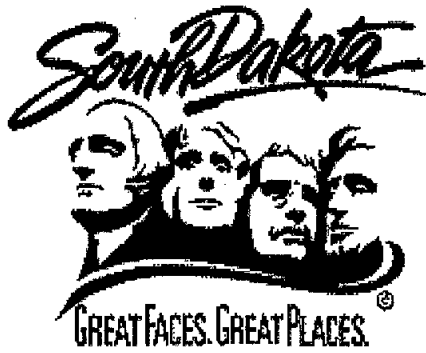
RECEIVED OF **MetaBank PO Box 1307 Storm Lake IA 50588**

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

|                                                                                                                |       |       |
|----------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | 50    | 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. _____            |       |       |
| Fee for Filing Transfer Form <b>7949-3</b>                                                                     |       |       |
| 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 | 50 00 |

No. **09100**

By *Jeanne Goodman*  
Chief Engineer  
*ZM*



7949-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

March 25, 2019

Jon W Wilcke  
MetaBank  
PO Box 1307  
Storm Lake IA 50588

RE: Ownership changes for Hansen Properties – MetaBank transfers

Dear Mr. Wilcke:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted by MetaBank for transferring water permits/rights from Hansen Properties to MetaBank. The ownership changes have been completed.

Water Permit/Right Nos. 973-3, 974-3, 1813-3, 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6818-3, 6819-3, 6820A-3, 6821-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3, 7995-3, 8070-3, 8071-3, 8072-3 once held by Hansen Properties are now listed under “MetaBank” 5501 Broadband Lane, Sioux Falls SD 57108.

Please keep in mind the annual irrigation questionnaires will be mailed out in October, 2019 and any water use will need to be reported. If the bank has the land managed by someone, please let them know to keep track of water use during the irrigation season.

If you have any questions, please contact me.

Sincerely,

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

enclosures: Receipts for the filing fees

## NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JAN - 9 2020

Ck# 1023

Mail to: PMB 2020  
DENR - Water Rights Program  
523 E Capitol Ave  
Pierre, SD 57501-3182

RECEIVED

JAN 09 2020

WATER RIGHTS  
PROGRAMWater Right/Permit No. 7949-3Date: December 20, 2019I/We request that Water Right/Permit No. 7949-3 formerly owned by:MetaBank be transferred to:New Owner Name: Jesse Vandestroet & Tanya VandestroetAddress: 310 Thelma AvenueCity, State, Zip Harrisburg SD 57032 Telephone No. 605-310-6292

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

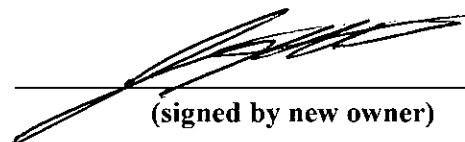
100.9 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4 section 35, T95N, R52W

☒ I understand that the validity of Water Right/Permit No. 7949-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Jesse Van De Stroet and Tanya Van De Stroet, the new owner, certify that the above information is true and correct.

  
(signed by new owner)

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

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

**RECEIPT**

**WATER RIGHTS PROGRAM**  
 South Dakota Department of Environment and Natural Resources

Date January 9, 20 20

RECEIVED OF Inwood Feeders Inc. Jesse Vandestroet/Tim Devitt 240<sup>th</sup> St Inwood IA 51240

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

|                                                                                                                |                |
|----------------------------------------------------------------------------------------------------------------|----------------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | \$             |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   | \$             |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         | \$             |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            | \$             |
| Fee for Filing Transfer Form <u>7949-3</u>                                                                     | \$50.00        |
| Fee for _____                                                                                                  | \$             |
| Fee for Issuing New Well Driller's License No. _____                                                           | \$             |
| Fee for Renewal of Well Driller's License No. _____                                                            | \$             |
| Fee for Issuing Well Pump Installer's License No. _____                                                        | \$             |
| Fee for Renewal of Well Pump Installer's License No. _____                                                     | \$             |
| (Any Other Work Provided by Law)                                                                               |                |
| <b>TOTAL</b>                                                                                                   | <b>\$50.00</b> |

By *Jeanne Goodman*  
 Chief Engineer  
*VM*

7949-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

January 13, 2020

Jesse & Tanya Vandestroet  
310 Thelma Ave  
Harrisburg SD 57032

RE: 6568-3, 6810-3, 6811A-3, 6812-3, 6820A-3, 7002-3, 7949-3, 7993-3, 7995-3, 8072-3

Dear Mr. & Mrs. Vandestroet:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on the above listed water permits and water rights.

The ownership changes have been completed. Water Right and Permit Nos. 6568-3, 6810-3, 6811A-3, 6812-3, 6820A-3, 7002-3, 7949-3, 7993-3, 7995-3, 8072-3 formerly held by MetaBank are now listed in your names.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a sample copy of the form to give you an idea of what type of information to keep track of during the growing season. The actual form that will need to be completed and returned to us will be mailed to you in October 2020.

Receipts for the filing fees are enclosed. If I can answer any questions, please let me know.

Sincerely,

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

enclosures

7949-3

## Report of Examination of Works and/or Application of Water to Beneficial Use

### For Permit No. 7949-3

I have this day, December 18, 2023, made a thorough examination of the water use systems owned by Jesse and Tanya Vandestroet, 310 Thelma Avenue, Harrisburg, SD 57032, holders of Permit No. 7949-3, bearing the priority date of January 23, 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 100.9 acres located in Clay County.

Inspection contacts: Jesse Vandestroet and Larry Erickson

#### A. Works used to divert the water:

##### Well Information

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells: 1
- 3) Depth(s): 75 feet
- 4) Well log is available: Yes

##### Casing:

- 1) Diameter: 16 inches
- 2) Length: 35 feet
- 3) Type: Plastic

##### Screen:

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: Unknown feet

##### Pump:

- 1) Make: Grundfos
- 2) Model: 625S300-2AA
- 3) Capacity: 625 gpm

##### Motor:

- 1) Make: Grundfos
- 2) Model No.: Unknown
- 3) Horsepower rating: 30 hp

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

- 1) Type: PVC      Size: 8 inches      Length: 1,450 feet

#### C. Works used to apply water to beneficial use:

##### Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 1,254 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 625 gpm

**Chemigation Equipment:**

- 1) Does chemigate: **No**

**D. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by: **No**  
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: **Yes**  
3) Exceptions to compliance are: **Location of the irrigated ground.**

**E. Condition and Location:**

- 1) The system is in **good** condition with the point(s) of diversion located as follows:  
**The well is 2,090 feet north and 2,640 feet east of the southwest corner of Section 35-T95N-R52W (Latitude 43.00237, Longitude -96.95317– NE1/4 of the SW1/4).**  
2) The works are capable of diverting and conveying to the places of use **1.39** 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:

| <b><u>Section 35-T95N-R52W</u></b> |                        | <b><u>Section 2-T94N-R52W</u></b> |                          |
|------------------------------------|------------------------|-----------------------------------|--------------------------|
| <b><u>NE1/4SW1/4</u></b>           | <b><u>12 acres</u></b> | <b><u>NW1/4NE1/4</u></b>          | <b><u>13.9 acres</u></b> |
| <b><u>SE1/4SW1/4</u></b>           | <b><u>28 acres</u></b> |                                   |                          |
| <b><u>NW1/4SE1/4</u></b>           | <b><u>10 acres</u></b> |                                   |                          |
| <b><u>SW1/4SE1/4</u></b>           | <b><u>37 acres</u></b> |                                   |                          |

comprising a total of **100.9** acres of land and the license should be issued for **1.39** cfs.

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

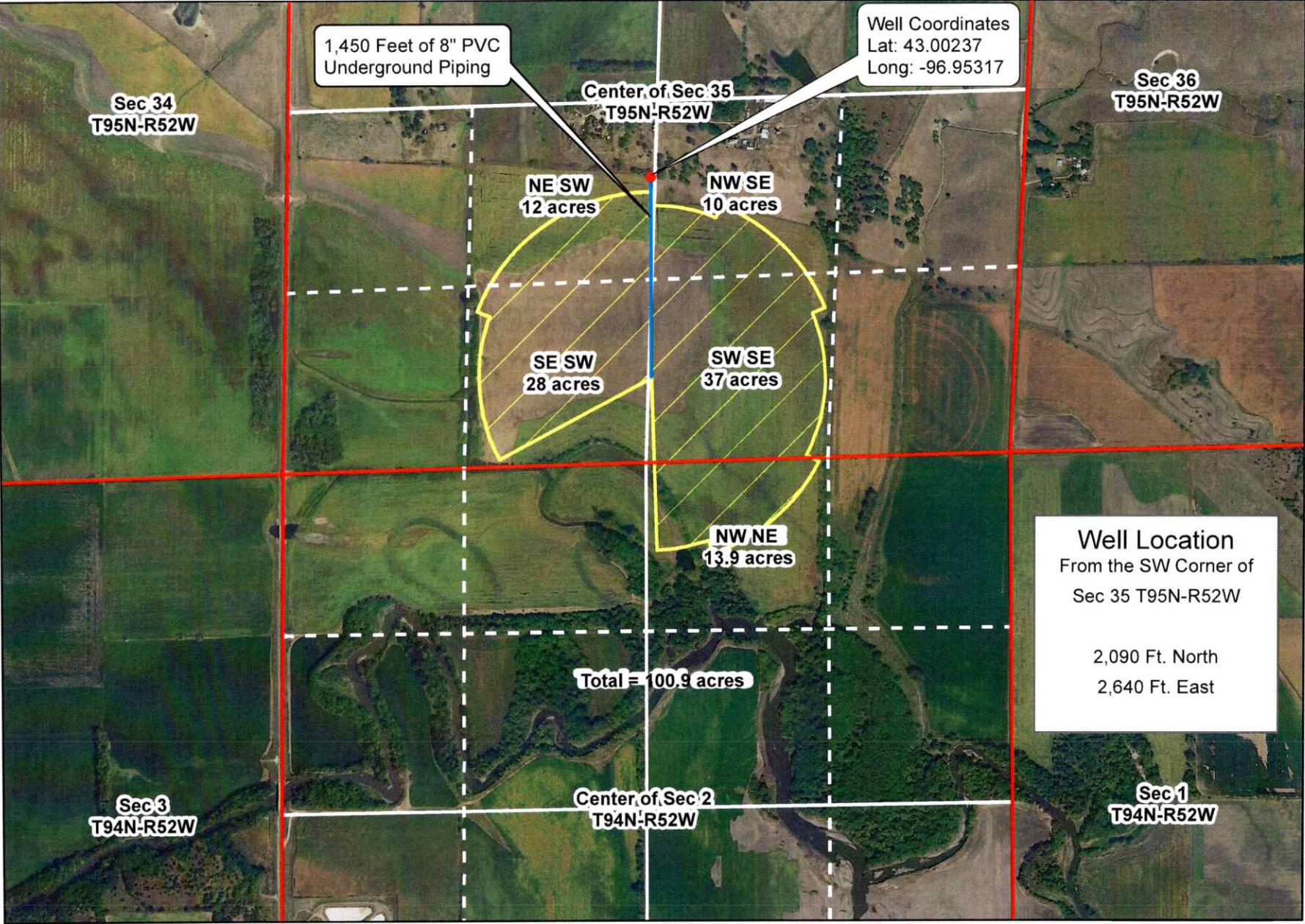
**F. Comments or other permit(s) associated with the project: The location of the property being irrigated is different than what was noted in the permit. Some of the irrigated acres are in Section 2 of T94N-R52W. These acres are adjacent to the property noted in the permit and are owned by Mr. Vandestroet. The well log, pump and motor information was obtained from Heine Electric and Irrigation, Inc.**



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

Date report completed: **January 10, 2024**

Water Permit No. 7949-3



*Keith DeJong*  
Keith DeJong, PE Ret.  
Staff Engineer  
December 18, 2023

## Licensing of Acreage Outside of Permitted Area

NAME: Jesse & Tanya Vandestroet

ADDRESS: 310 Thelma Ave

DATE: January 23, 2024 COUNTY: Clay

### AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

#### **NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:**

The acreage developed for irrigation is 100.9 acres as compared to 100.9 acres authorized by the permit.

#### **UNPERMITTED ACREAGE:**

- **Contiguous to Permitted Acreage**

The relocated 13.9 acres are in the NW1/4 NE1/4 Sec 2 T94N-R52W immediately adjacent to permitted acres in the SW1/4 SE1/4 Sec 35 T95N-R52W

- **Owned by Same Property Owner**

All the property involved is listed under Jesse & Tanya Vandestroet

- **Developed Prior to Expiration of Construction Period**

The construction completion date was to be completed by April 7, 2019. Irrigation was reported being performed in 2016.

### RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 13.9 acre area be included in the water license.



Mark D Rath, Natural Resources Engineer  
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Eric Gronlund, Chief Engineer  
Water Rights Program

**STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 7949-3**

---

(1) Hansen Properties; PO Box B, Centerville SD 57014, made Application No. 7949-3, January 23, 2014, for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Southern Management Unit of the Upper Vermillion: Missouri Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7949-3, with a priority date of January 23, 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.

Ownership of Permit No. 7949-3 was transferred to Jesse & Tanya Vandestroet, 310 Thelma Ave, Harrisburg SD 57032, on January 9, 2020.

An investigation conducted for licensing purposes found acreage developed outside of the permitted area. Pursuant to SDCL 46-5-30.5 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in acreage did not impair existing water rights and the overall project, as developed, is consistent with the original application.

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

- 2,090 ft N & 2,640 ft E of the SW corner of Section 35, T95N, R52W (NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ )  
(Latitude 43.00237 & Longitude -96.95317)

(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: May 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 35, T95N, R52W            |          | Section 2, T94N, R52W             |            |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 12 acres | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 13.9 acres |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 28 acres |                                   |            |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 10 acres |                                   |            |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 37 acres |                                   |            |
|                                   |          | TOTAL: 100.9 acres                |            |

(5) Pursuant to South Dakota Water Law 46-5-30.1 Jesse & Tanya Vandestroet, the holders and/or owners of Water Right No. 7949-3 are issued a license to appropriate water, the right to use 1.39 cubic feet of water per second from groundwater, one well (Southern Management Unit of the Upper Vermillion: Missouri Aquifer), with a priority date of January 23, 2014, 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. 7949-3 and subject to the following qualifications:

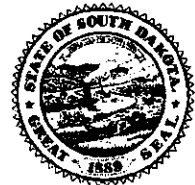
1. The well approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owners under this Water Right shall control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Water Right No. 7949-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *(The well was drilled in 2014 by Hammond-Wetmore Drilling, Inc. A copy of the well completion report is on file with the Water Rights Program.)*
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. 7949-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 100.90 acres with an annual volume not to exceed 2 acre-feet of water per acre per year. *(Maximum rate of diversion limited to 1.39 cfs, 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 25 2024

date





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

JAN 25 2024

7949-3

Jesse & Tanya Vandestroet  
310 Thelma Ave  
Harrisburg SD 57032

Dear Mr. & Ms. Vandestroet:

Enclosed is Water License No. 7949-3. 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*