

WATER PERMIT NO. 7950-3

Name of Applicant: Luverne Hanson

Address: 1309 E Main St, Elk Point SD 57025 Phone: 605 670-0147

Amount of Water Claimed: 1.78 cfs Total Acres: 150 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 8 miles north of Elk Point

PRIORITY Date Received: 1-24-14 Application/License Fee: \$ 1050

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

Remarks:

Diversion Point: approximate center of SE 1/4 Sec
2-T92N-R50W

Land to be Irrigated: SE 1/4 Sec 2-T92N-R50W

Depth of Well: 200 feet deep

Well Driller:

Remarks:

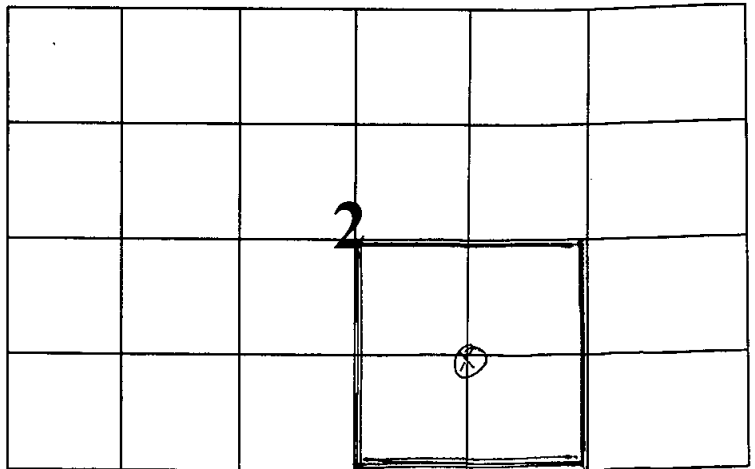
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-27-14

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

(office use only)
No. 7950-3 Hydrologic Unit 10170203
Basin Sioux River 605-356-2632
Newspaper Leader-Courier, Box 310 Elk Point
605-665-57025
Press-Debaton, 319 Walnut, Yankton 57078 7811

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JAN 24 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 Luverne Hanson

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

(name and complete address if different than above name)

Mailing Address 1309 East Main St. Elk Point SD 57025
(Address) (City) (State) (Zip Code)

Home Phone 605-356-2757 Cell 605-670-0147 Email _____

2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 150
(*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 source well

4. Location of point of diversion 1 well in SE 1/4 section 2 - T92N-R50W

(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

Brule TWP (approximate center)

County union

5. County or counties where water will be used union

6. Annual period during which water is to be used may 1 - sept 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NW 1/4 - SE 1/4 - section 2</u>	<u>39</u>	<u>all in T92N-R50W</u>	
<u>NE 1/4 - SE 1/4 - section 2</u>	<u>36</u>		
<u>SW 1/4 - SE 1/4 - section 2</u>	<u>39</u>		
<u>SE 1/4 - SE 1/4 - section 2</u>	<u>36</u>		

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

Drill well in middle of SE 1/4 of section 2 + install a 1290' center pivot.

I, Luverne Hanson, 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. 7950-3

Date of first receipt of application January 24, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7950-3 to Luverne Hanson, 1309 E Main St, Elk Point SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7950-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Lower Vermillion:Missouri Aquifer (200 feet deep) located in the approximate center of the SE 1/4 Section 2 for irrigation of 150 acres located in the SE 1/4 Section 2; all in T92N-R50W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is January 24, 2014.
4. The date of approval of Permit No. 7950-3 is March 31, 2014.
5. One-fifth of the construction is to be completed on or before September 30, 2016.
6. All construction is to be completed on or before March 31, 2019.
7. Water is to be put to beneficial use on or before March 31, 2023.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under 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. 7950-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 21 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 0 Provide copy of log(s), if available. Drilled by _____
- c) Well Depth 200 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest existing domestic well:
On applicant's property House supplied by rural water On property owned by others _____

2. Wastewater Disposal System Information

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

3. Dugout Information

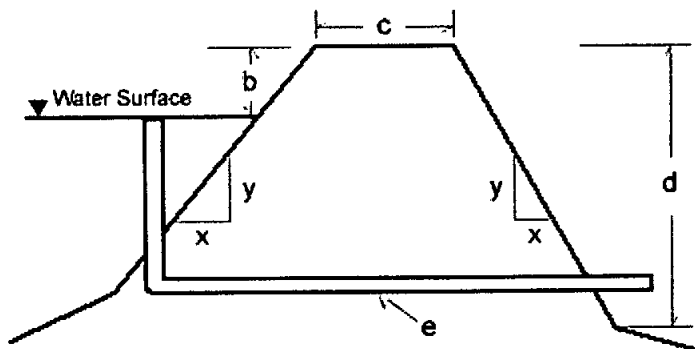
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

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



Water Rights Program - File Documentation

NAME: Luverne Hanson

ADDRESS: 1309 E Main St, Elk Point SD 57025

DATE: 1-24-14 **COUNTY:** Union **TELEPHONE:** 605 356-2757

RE: Pending application

COMMENTS:

Luverne Hanson indicated his proposed well depth would be approximately 200 feet deep and 160 feet to water.

Mr. Hanson indicated he had spoke with Allen Pace and his proposed well depth would be the same.



Karen Schlaak
Water Rights Program

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JAN 24 2014

WATER RIGHTS
PROGRAM

NOT TO SCALE



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/24, 20 14

RECEIVED OF Luverne O Hanson 1309 E Main St Elk Point SD 57025

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

Fee for Application for Permit No. <u>79503</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7950-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. **06682**

By *James Goodman*
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7950-3, Luverne Hanson**

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. 7950-3, Luverne Hanson, 1309 E Main Street, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7950-3 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. 7950-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
March 12, 2014

**REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NO. 7950-3
Luverne Hanson
February 28, 2014**

Water Permit Application No. 7950-3 proposes to divert groundwater at a maximum rate of 1.78 cubic feet per second (cfs) from one well completed into the Lower Vermillion Missouri aquifer (approximately 200 feet deep). The well will be located in the center of the SE ¼ of Section 2, T92N-R50W and will be used to irrigate 150 acres in the SE ¼ of the same section in Union County.

AQUIFER: Lower Vermillion Missouri aquifer (LVM)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Lower Vermillion Missouri is comprised of buried outwash consisting of sand and gravel. In total, the aquifer is estimated to underlie 125,600 acres and contain 1,884,000 acre-feet (ac-ft) of recoverable water in storage (Hedges and others, 1982). The majority of the Lower Vermillion Missouri aquifer lies in Clay County but also extends east into Union County. The aquifer connects to the Upper Vermillion Missouri aquifer to the north and to the Missouri: Elk Point aquifer to the south, directly overlies and is hydraulically connected to the Dakota aquifer in portions of Clay County, and is hydraulically connected to the Vermillion River. Water in the aquifer generally moves to the southeast (Stephens, 1967).

A test hole log was not submitted with this application. If approved, Water Permit No. 7950-3 will be the eastern most water right/permit to divert water from the Lower Vermillion Missouri aquifer by approximately 0.5 miles. The Lower Vermillion Missouri aquifer is likely unconfined at the proposed diversion site but can be confined at other locations. Given the lithological logs available for the area, the aquifer is expected to be encountered at approximately 60 to 70 feet below the ground surface at the proposed well site, will be overlain by till, and will be approximately 50 feet thick with a static water level of approximately 85 feet below ground surface (Water Rights, 2014c).

SDCL 46-2A-9

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

WATER AVAILABILITY:

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

or lower than the greenhorn formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn Formation therefore withdrawal/recharge issue must be considered.

Hydrologic Budget:

Recharge:

Recharge to the Lower Vermillion Missouri aquifer is due to infiltration of precipitation in areas where the aquifer is near land surface, inflow from the Vermillion River during periods of high flow, inflow from the Upper Vermillion Missouri aquifer, and leakage from the underlying Dakota aquifer.

Hedges and others (1985) estimated recharge, based on observation well data, of the Lower Vermillion Missouri aquifer to be 3.8 inches per year. Using this recharge rate and the area of the aquifer, an estimate of recharge for the Lower Vermillion Missouri aquifer is 39,774 ac-ft/yr.

Discharge:

Discharge from the Lower Vermillion Missouri aquifer occurs due to evapotranspiration in areas where the aquifer is near land surface, outflow to the Missouri: Elk Point aquifer, outflow to the Vermillion River during periods of low flow, and well withdrawals. Currently there are a total of 80 water rights/permits appropriating water from the Lower Vermillion Missouri aquifer (Water Rights, 2014b).

In addition, there are many completion reports on file for domestic wells that appear to be completed into the Lower Vermillion Missouri aquifer (Water Rights, 2013c). However, the annual withdrawal due to domestic use is not considered significant and is not considered in the hydrologic budget.

From the Lower Vermillion Missouri aquifer, water rights/permits for non-irrigation use that are limited only by diversion rate currently appropriate a total of 2.13 cfs. Water rights/permits for non-irrigation use that are limited by an annual volume currently appropriate a total of 307 ac-ft/yr (Water Rights, 2013b). The amount of water that can be expected to be withdrawn by the non-irrigation use water rights/permits at the current appropriation amount can be estimated by assuming water rights/permits limited by an annual volume will pump the entire volume appropriated annually and water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time. Therefore, the total annual withdrawal from the Lower Vermillion Missouri aquifer by non-irrigation use is currently expected to be 1,233 ac-ft/yr (Water Rights, 2014b).

Figure 1 shows historic irrigation data from the Lower Vermillion Missouri aquifer. The level of development of water resources from the aquifer has remained relatively constant throughout this period. The annual fluctuations in water withdrawn for irrigation purposes are primarily due to climatic variation. The average pumpage reported is 1,463 ac-ft/yr (Water Rights, 1980-2012). Since 2011, 15 irrigation water permits have been approved from this aquifer, so irrigation use is likely to increase above the levels shown during years with dry climatic conditions.

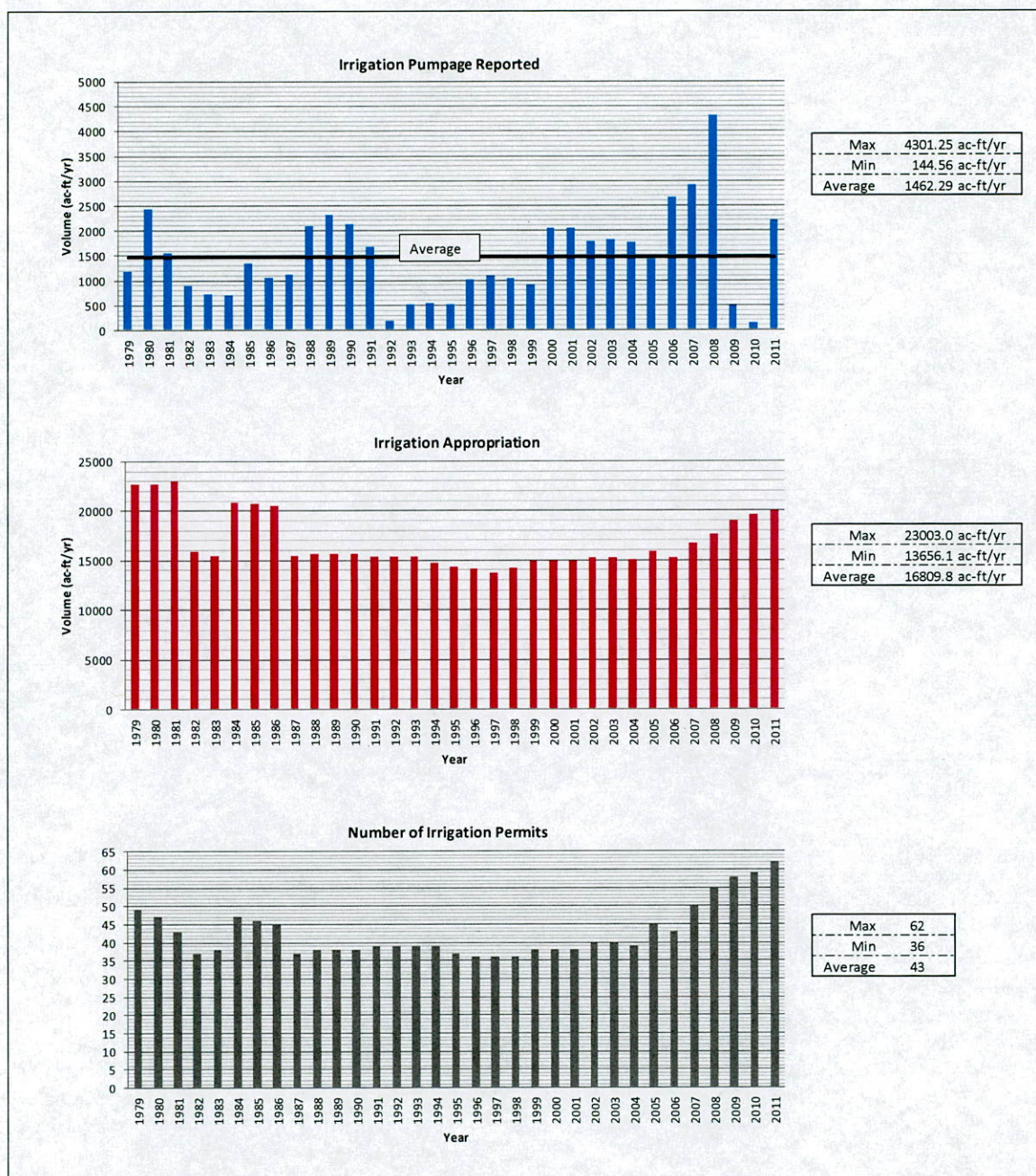


Figure 1: Historic irrigation water use from the Lower Vermillion Missouri aquifer (Water Rights, 1979-2011)

Hydrologic Budget:

The annual expected withdrawal of 2,969 ac-ft/yr is much less than estimated annual recharge (39,774 ac-ft/yr). Therefore, there is a reasonable probability that unappropriated water is available from the Lower Vermillion Missouri aquifer for the proposed appropriation.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity

of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors 12 observation wells completed into the Lower Vermillion Missouri aquifer (Water Rights, 2014a). The nearest of these wells (UN-77H) is located approximately 3,500 feet to the southeast of the proposed well site. The hydrograph of UN-77H is shown below in Figure 2.

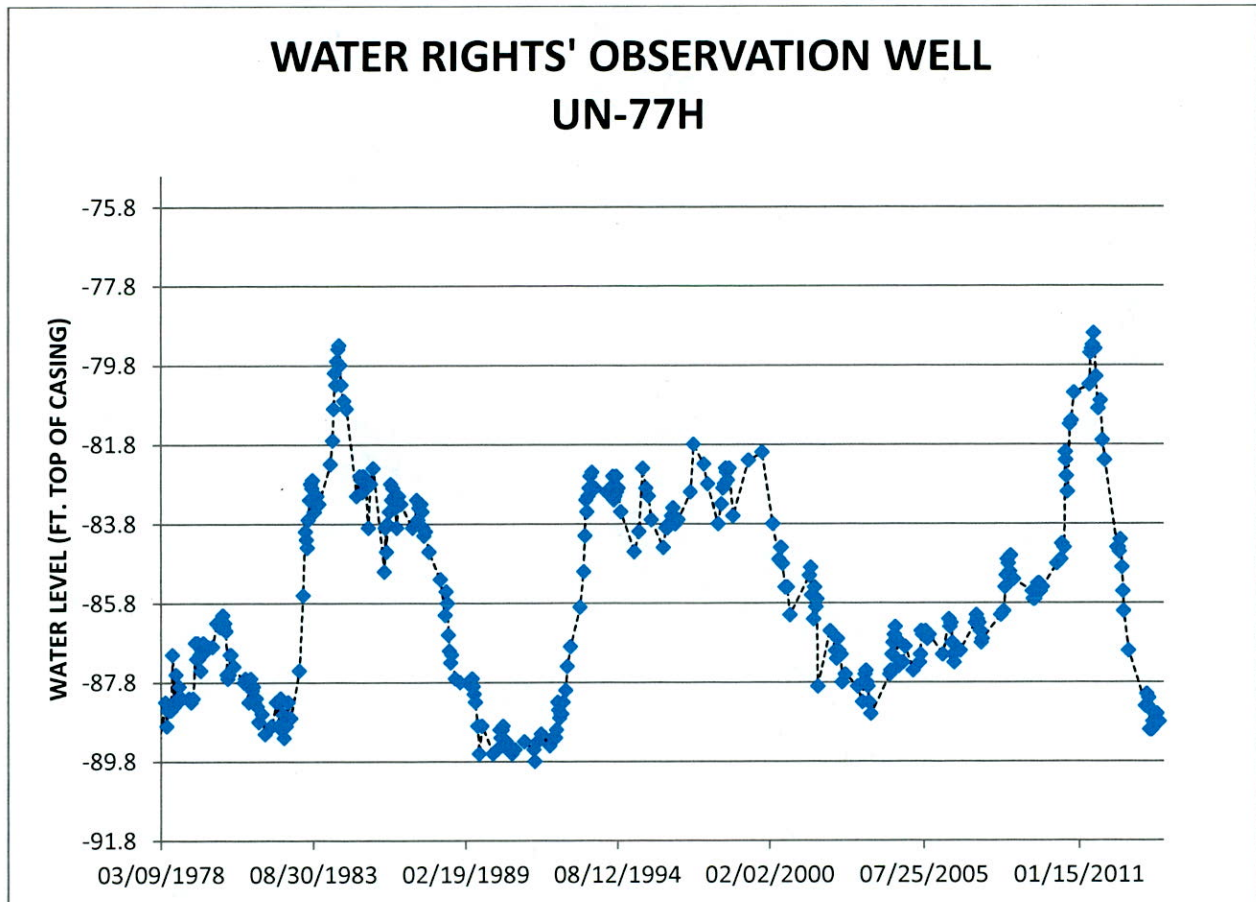


Figure 2: Hydrograph for observation well UN-77H (Water Rights, 2014a)

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The hydrograph also shows the effects of nearby pumping on the aquifer. Observation well data indicates that, at the current level of development, temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal. Therefore, there is a reasonable probability that unappropriated water is available from the Lower Vermillion Missouri aquifer to support the proposed appropriation.

EXISTING WATER RIGHTS:

The proposed well site is located approximately 3,800 feet to the northeast of an existing well associated with Water Right No. 2525-3 and approximately 6,000 feet to the northeast of a well associated with Water Right No. 2242-3 both of which are completed into the Lower Vermillion

Missouri aquifer. The nearest known domestic well to the proposed well site is located approximately 3,300 feet to the west. Due to unconfined conditions, drawdown at these distances is not expected to be substantial. Therefore, interference with existing water rights and domestic wells as a result of pumping from the proposed diversion site is not expected to be a concern.

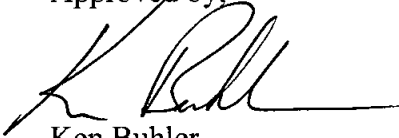
CONCLUSIONS:

1. The water permit application proposes to withdraw groundwater at a maximum diversion rate of 1.78 cfs from two wells to be completed into the Lower Vermillion Missouri aquifer for the irrigation of 150 acres.
2. Unappropriated water is available from the Lower Vermillion Missouri aquifer to supply the proposed appropriation.
3. There is a reasonable probability that this proposed diversion will not adversely or unlawfully impair existing nearby wells.



Bracken Capen
SD DENR-Water Rights Program

Approved by,



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, South Dakota.
- Stephens, J.C. 1967. Geology and Hydrogeology of Clay County, South Dakota, Part II: Water Resources. South Dakota DENR-Geological Survey Bulletin 19, 62 p.
- Water Rights, 1979-2011. "Irrigation Report Summaries." SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

AFFIDAVIT OF PUBLICATION

State of South Dakota)
:ss
County of Union)

Bruce L. Odson,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 7950-3

To Appropriate Water

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 20 day of March, 2014

and that the succeeding publications were

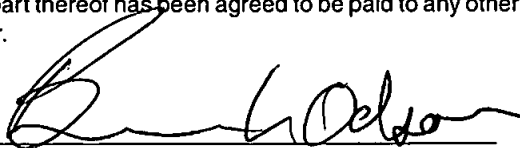
on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 23.48, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me

this 20 day of March, 2014

My commission expires 6-21-17

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA



Notary Public

NOTICE OF APPLICATION NO. 7950-3 TO APPROPRIATE WATER

Notice is given that Laverne Hanson, 1309 E Main St, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Lower Vermillion-Missouri Aquifer (200 feet deep) located in the approximate center of the SE 1/4 Section 2 for irrigation of 150 acres located in the SE 1/4 Section 2; all in T92N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7950-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 31, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Publish March 20, 2014. Published once at the total approximate cost of \$23.48 12-13-78

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MAR 24 2014

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MAR 24 2014

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PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Notice is given that Luverne Hanson, 1309 E Main St, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Lower Vermillion-Missouri Aquifer (200 feet deep) located in the approximate center of the SE 1/4 Section 2 for irrigation of 150 acres located in the SE 1/4 Section 2; all in T92N-R50W.

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Published once at the total approximate cost of \$25.82.

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 Application No. 7950-3**

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 20th DAY OF March 2014 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID **NOTICE** TO WIT \$25.82 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: 3/20/2014

FILED ON: 3/20/2014

SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF March 2014

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov



March 13, 2014

Leader-Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7950-3 to Appropriate Water. Please publish the notice once on March 20, 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 Luverne Hanson, 1309 E Main St, Elk Point SD 57025 (Ph # 605-356-2757).

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 13, 2014

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7950-3 to Appropriate Water. Please publish the notice once on March 20, 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 Luverne Hanson, 1309 E Main St, Elk Point SD 57025 (Ph # 605-356-2757).

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



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

March 13, 2014

Luverne Hanson
1309 E Main St
Elk Point SD 57025

Dear Mr. Hanson:

Water Permit Application No. 7950-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Leader-Courier printed at Elk Point SD (Ph # 605-356-2632) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

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

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

Instruction to Newspaper - Publish the Notice on March 20, 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. 7950-3 to Appropriate Water

Notice is given that Luverne Hanson, 1309 E Main St, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Lower Vermillion:Missouri Aquifer (200 feet deep) located in the approximate center of the SE 1/4 Section 2 for irrigation of 150 acres located in the SE 1/4 Section 2; all in T92N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7950-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 31, 2014.

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

Published once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



APR 21 2014

Luverne Hanson
1309 E Main St
Elk Point SD 57025

Dear Sir:

Enclosed is Water Permit No. 7950-3 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

7950-3

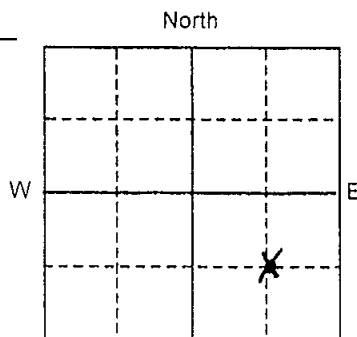
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 2 Twp 92N Rg 50WCounty Union

Please mark well location with an "X"



Well Completion Date

11-19-14

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
5ch40 LB/FT	16 IN	0 FT	78 FT	28 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite		Lb/gal	45 Ft	5 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Power Grout

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16 Inches Length 30 Feet
Material PVCSlot Size _____ Set From 78 Feet to 108 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? HTH tabs
☐ No, Why Not?
 Lab to which water quality sample sent for analysis

Well Owner:

Louverne Hansen

Business Name:

Address:

1309 E. Main St.

City, State, Zip:

Elk Point, S.D. 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Brown Clay	0	12
Blue Clay	12	23
Sandy Blue Clay	23	45
Blue Sand (Fine)	45	65
Blue/Green Sand + Gravel	65	76
Blue/gray clay	76	80
Blue/Green Sand + Gravel	80	106
Sand (medium to coarse)	106	110

STATIC WATER LEVEL

69

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:☐ Bailed☐ Other

Pumping Level Below Land Surface

81 Ft. After 2 Hrs. pumped 1200 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate:

GPM

REMARKS

well permit #7950-3

RECEIVED

JAN 07 2015

This well was drilled under license # 763
report is true and accurate.WATER RIGHTS
PROGRAM

Drilling firm:

Salmon Well Co.

Signature of License Representative:

Scott Salmon

Signature of Well Owner or Equitable Property Holder:

Louverne O. Hansen

Date:

11-24-14



7950-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 25, 2019

NOTICE

TO: LUVERNE HANSON, 1309 E MAIN ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7950-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 7950-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 7950-3 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 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

7950-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

7950-3

Luverne Hanson
1309 E Main St
Elk Point SD 57025

Dear Mr. Hanson:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit No. 7950-3. 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,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

RECEIVED

MAY 23 2025

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

MAY 23 2025

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

Water Right/Permit No. 7950-3

Ck# 4042

Rec't#

Date: 5-20-25

I/We request that Water Right/Permit No. 7950-3 formerly owned by:

Luverne Hanson

be transferred to:

New Owner Name:

Allen Pace

Address:

32957 477 AVE

mobile:

712-251-9897

City, State, Zip

Elk Point SD 57025

email:

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

150 acres located in the SE 1/4 Section 2, T92N, R50W



I understand that the validity of Water Right/Permit No. 7950-3 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, Allen Pace, the new owner, certify that the above information is true and correct.

Allen Pace

(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 27th, 2025

RECEIVED OF Allen Pace 32957 47th Ave Elk Point SD 57025

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 #7950-3	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>50.00</u>

By Mark Mayhew
Chief Engineer

**Report of Examination of Works and/or Application of Water to
Beneficial Use
For Permit No. 7950-3**

I have this day, August 8, 2024, made a thorough examination of the water use system constructed by Luverne Hanson of 1309E Main St, Elk Point SD 57025 holder of Permit No. 7950-3, bearing the priority of January 24, 2014 authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater, Lower Vermillion: Missouri Aquifer for irrigation use purposes, in Union County.

Inspection contact & relationship Alan Pace, son

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Salmon Well Co.
- 2) No. of Wells 1
- 3) Depth(s) 108 feet
- 4) Well log is available Y If no, explain in comments
Comments: NA

Casing:

- 1) Diameter 16 inches
- 2) Length 78 feet
- 3) Type plastic

Screen:

- 1) Type PVC
- 2) Length 30 feet
- 3) Static water level 69 feet

Pump:

- 1) Make Grund Fos
- 2) Model submersible
- 3) Capacity 800 GPM

Motor:

- 1) Make Grund Fos
- 2) Model No. submersible
- 3) Horsepower rating 40 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 675 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1230 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N
Comments: #

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by N, diversion point in the SW ¼ SE ¼
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
List any extended period of nonuse: none
- 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: from the SE corner of Sec 2 T92N-R50W 1925 ft W and 965 ft N, latitude of 42.81087 and longitude of -96.71449 , SW ¼ SE ¼.

The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation use. Water has been put to beneficial use to the maximum extent as follows: All land is located in Sec 2 T92N-R50W

NW ¼ SE ¼ - 33 ac NE ¼ SE ¼ - 23 ac SE ¼ SE ¼ - 23 ac SW ¼ SE ¼ - 33 ac

comprising a total of 112 acres of land and the license should be issued for 1.6.

All structures, wells and lands on map Y

If no, describe: none

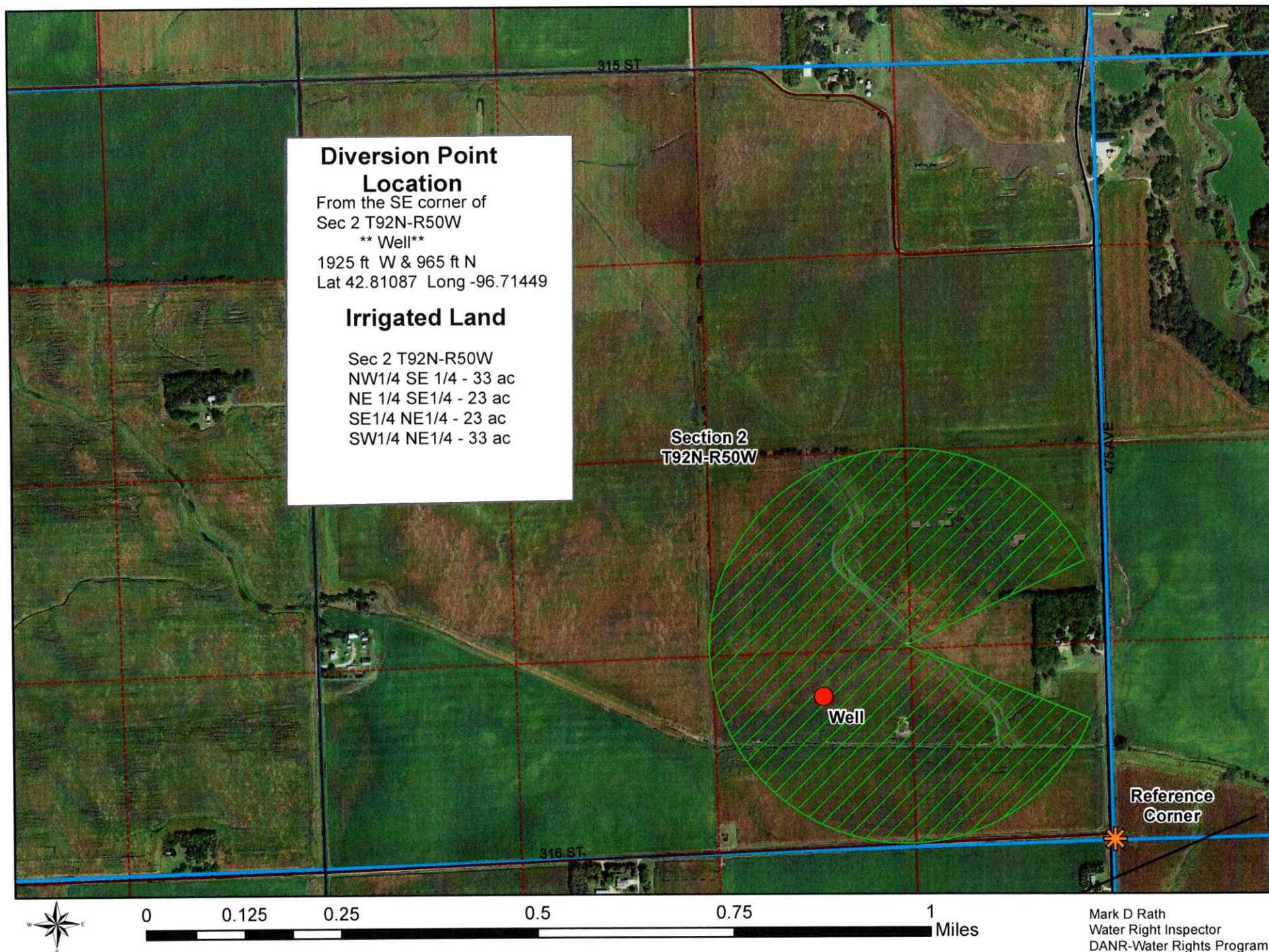
F. Comments or other permit(s) associated with the project:

The water permit holder Luverne Hanson passed away. The farm is currently being operated by the son, Alan Pace and grandson Ethan Pace. The property is set to be up for auction sometime in the next several months. All correspondence should go to Alan Pace, 32957 477th Ave, elk Point SD 57025. Telephone 712-251-9897, send transfer form to Alan Pace.



Mark D Rath
Water Right Inspector
DANR, Water Rights Program

Date report completed: 5/7/2025



Approval of Location Change and/or Additional Diversion Point(s)NAME: Allen Pace COUNTY: UnionADDRESS: 32957 477th Ave, Elk Point, SD 57025 DATE: June 16, 2025**GENERAL DESCRIPTION OF AUTHORIZED PROJECT:**

Water Permit No. 7950-3 authorizes diversion of 1.78 cfs from one well, Lower Vermillion Missouri Aquifer (LVM) located in the approx. center of the SE ¼ Section 2, T92N, R50W for irrigation of 150 acres. Permit No. 7950-3 authorizes a total annual diversion up to 2 ac-ft of water.

AUTHORITY:

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

Developed water source same as permitted source and no additional water appropriated,

The well authorized under Permit No. 7950-3 was completed into the LVM, in the SW ¼ SE ¼ Section 2, T92N, R50W. The developed rate of diversion was 1.78 cfs, which is the originally permitted amount.

If irrigation, no new land is irrigated,

112 acres of the permitted 150 acres were developed.

Review of Existing Diversions

There are six other existing water permits/rights within a 2 mile radius of where the diversion point was developed, also authorizing diversion from the LVM. The nearest permit authorized for diversion from the LVM is approximately 0.58 miles southwest of the well in question (376-3-3 held by Virginia Quam). The next nearest permit/right would be 2525-3, held by Virginia Quam, located approximately 0.58 miles southwest. It was determined in the review of the application of Water Permit 8335-3 that there was reasonable probability any interference due to pumping from the original well would not adversely or unlawfully impair existing rights. The same would be expected for the well constructed in the new location.

The closest domestic well (completed into the LVM) is approximately 0.57 miles to the northwest, located in the NW ¼ SW ¼ Section 2, T92N, R50W, on property owned by Union County Historical, according to Regrid. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

RECOMMENDED ACTION

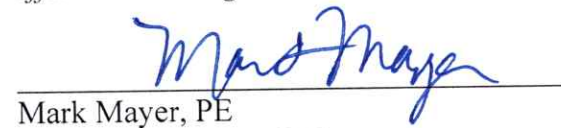
Based on the above criteria, it is recommended that the change in diversion point location be approved.



Miranda Smith, Program Assistant
Water Rights Program

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

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



Mark Mayer, PE
Director of Office of Water



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

JUL 21 2025

Allen Pace
32957 477th Ave
Elk Point, SD 57025

No. 7950-3

Dear Mr. Pace:

Enclosed is Water License No. 7950-3. 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.

If you have any questions regarding the enclosed license, please contact Water Rights Permitting Administrator, Amanda Dewell at (605) 773-3352 or Amanda.Dewell@state.sd.us.

Sincerely,

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

Note: The inspection found your system for Water Right No. 7950-3 to be capable of diverting 1.78 cfs (approx. 800 gpm). Statutory limit for 112 acres is 1.6 cfs (720 gpm). Diversion of water under this license is limited to 1.6 cfs.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7950-3**

(1) Luverne Hanson, made Application No. 7950-3, January 24, 2014, for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Lower Vermillion Missouri Aquifer), Union County, South Dakota for irrigation purposes. Permit No. 7950-3, with a priority date of January 24, 2014, was approved March 31, 2014, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 31, 2019, and for the application to beneficial use of water on or before March 31, 2023.

Ownership of Permit No. 7950-3 was transferred to Allen Pace, 32957 477th Ave, Elk Point, SD 57025 on May 27, 2025.

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

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.6 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,925 feet W and 965 feet N from the SE corner of Section 2, T92N, R50W (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
(Latitude 42.81087 and Longitude -96.71449)

(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 – September 30.

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

Section 2, T92N, R50W
NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 23 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 33 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 33 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 23 acres
Total – 112 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Allen Pace, the holder and/or owner of Water Right No. 7950-3 is issued a license to appropriate water, the right to use 1.6 cubic feet of water per second from groundwater, one well (Lower Vermillion Missouri Aquifer), with a priority date of January 24, 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. 7950-3 and subject to the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

2. The well authorized by Permit No. 7950-3 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 Salmon Well Co. A copy of the well completion report is on file with the Water Rights Program.)*

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



Mark Mayer, PE
Director of Office of Water



date

