

WATER PERMIT NO. 7951-3

Name of Applicant: Allen Pace

Address: 32957 477th Ave, Elk Point SD 57025 Phone: 712 251-9897

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

Source of Water Supply: groundwater (oen well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 6 milesn orth 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
14-T92N-R50W

Land to be Irrigated: SE 1/4 Sec 14-T92N-R50W

Depth of Well: 200 feet deep

Well Driller:

Remarks:

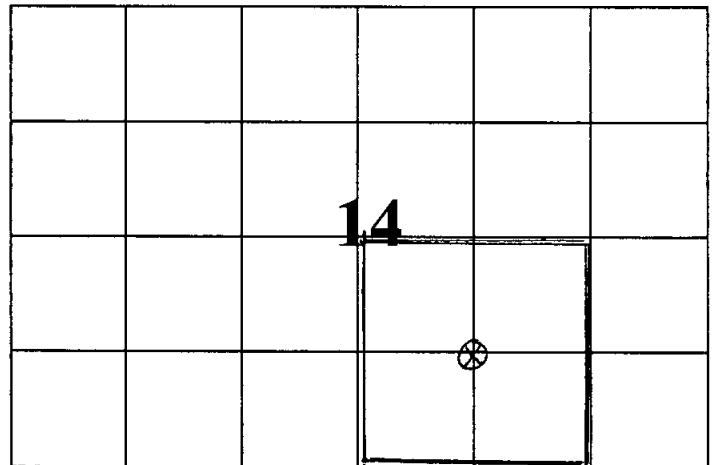
Type of Map: aerial

Prepared by:

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

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

(office use only)
No. 7951-3 Hydrologic Unit 10170203
Basin Sioux River 605-356-2632
Newspaper Leader-Courier, Box 310, Elk Point 57025
605-665-7811
Press & Dakotan, 319 Walnut, Yankton 57078

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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 Allen Pace

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

(name and complete address if different than above name)

Mailing Address 32957 477 AVE. Elk Point SD 57025
(Address) (City) (State) (Zip Code)

Home Phone 605-356-3182 Cell 712-251-9897 Email AITERRIPACE@gmail.com

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 14-T92N-R50W
(example - 3 wells in SW1/4 NE1/4 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-sept

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 of SE 1/4 of section 14</u>	<u>38</u>	<u>all in T92N-R50W</u>	
<u>NE 1/4 of SE 1/4 of section 14</u>	<u>36</u>		
<u>SW 1/4 of SE 1/4 of section 14</u>	<u>38</u>		
<u>SE 1/4 of SE 1/4 of section 14</u>	<u>38</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 14 and Install a 1290' center pivot.

I, Allen Pace, 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. 7951-3

Date of first receipt of application January 24, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7951-3 to Allen Pace, 32957 477 Ave, 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. 7951-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (200 feet deep) located in the approximate center of SE 1/4 Section 14 for irrigation of 150 acres located in the SE 1/4 Section 14; 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. 7951-3 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

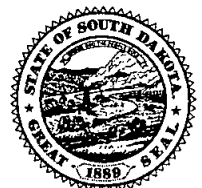
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7951-3 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 on property is 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)

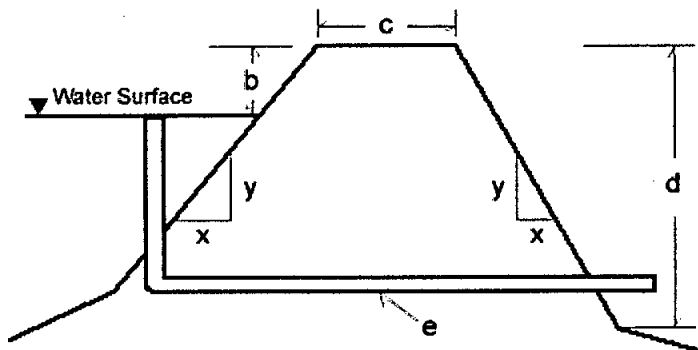
Upstream _____

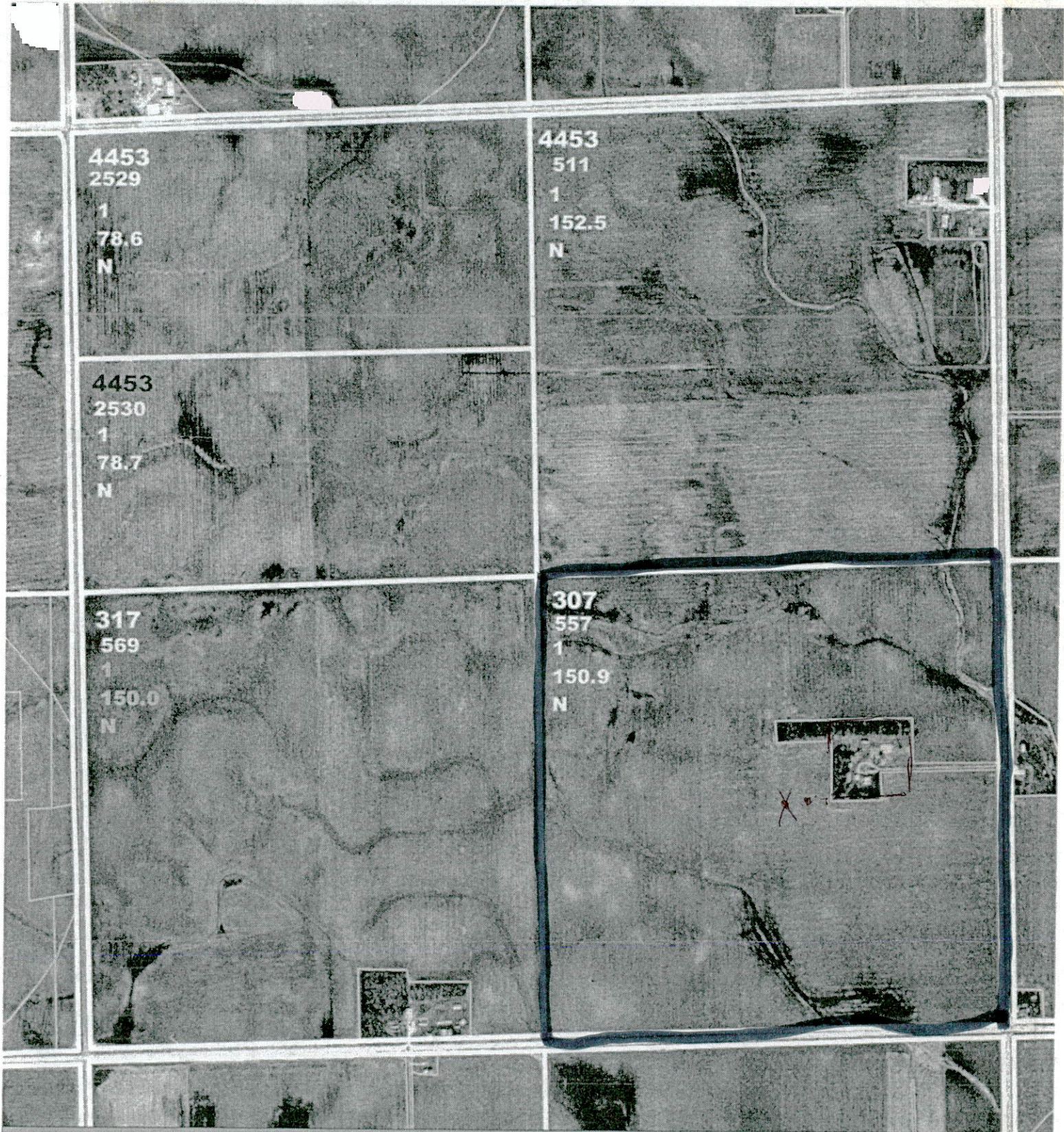
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





United States Department of Agriculture
Farm Service Agency

14-92-50

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JAN 24 2014

WATER RIGHTS
PROGRAM

April 12, 2005

Union County



1997 Digital Orthophotography - Not To Scale

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/24, 20 14

RECEIVED OF Allen A Pace 32957 477th Ave Elk Point SD 57025

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

Fee for Application for Permit No. <u>7951-3</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>7951-3</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. **06683**

By Jeanne Goodman
Chief Engineer

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, January 24, 2014 10:47 AM
To: ALTERRIPACE@gmail.com
Subject: FW: Application for permit to appropriate water for irrigation

After I sent you this email, Luverne Hanson called me back and stated his proposed well depth would be approximately 200 feet. He mentioned he had spoken with you and the same depth would apply to your application. Do you agree?

From: Schlaak, Karen
Sent: Friday, January 24, 2014 10:21 AM
To: 'ALTERRIPACE@gmail.com'
Subject: Application for permit to appropriate water for irrigation

Allen,
Received your application. The second page of the application requests your well depth. What will the proposed well depth be? Once we receive this info, your application will be complete.

If you have questions, please let me know.

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

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



**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. 7951-3, Allen Pace**

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. 7951-3, Allen Pace, 32957 477th Avenue, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7951-3 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. 7951-3 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. 7951-3

Allen Pace

February 21, 2014

Water Permit Application No. 7951-3 proposes to divert groundwater at a maximum rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Elk Point management unit of the Missouri aquifer. The well is expected to be 200 feet deep and located in the approximate center of the SE¼ of Section 14, T92N-R50W. Water will be used to irrigate 150 acres located in the SE¼ of Section 14, T92N-R50W in Union County.

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

HYDROGEOLOGY:

The Lower Vermillion Missouri aquifer and the Missouri: Elk Point aquifer are a continuous groundwater bearing unit that has been separated into management units geographically at the bluff created by the Missouri River trench (Hedges and others, 1982). The Missouri: Elk Point aquifer, which is on the floodplain, is typically surficial and predominately under unconfined conditions. However, in some locations on the floodplain the aquifer can be buried by isolated deposits, causing the aquifer to become confined locally. The Lower Vermillion Missouri aquifer, which is above the floodplain, is typically buried and predominately under confined conditions. However, in some locations the confining till layer thins or the aquifer materials thicken, causing the aquifer to become water table locally. Near the geographic boundary, as is the case of the proposed well site, the hydrogeologic conditions of the water bearing unit defines the aquifer. While the aquifer at this location is expected to be buried by till, it is expected to be under predominately water table conditions (Water Rights, 2014c). Therefore, this well will be considered as completed into the Missouri: Elk Point aquifer.

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

SDCL 46-2A-9

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

WATER AVAILABILITY:

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

Hydrologic Budget:

The hydrologic budget of the Missouri: Elk Point aquifer was evaluated for groundwater appropriations as of June 10, 2013. Water rights/permits/future use permits are expected to use 81,108 ac-ft/yr, which includes expected use of new irrigation water permits. Recharge to the aquifer is estimated to be at least 91,964 ac-ft/yr, which considers induced recharge from the Missouri River. Therefore, approximately 10,856 ac-ft/yr of unappropriated water is available at the stage of development (Stonesifer, in progress).

Since June 10, 2013, six water permits have been approved and three are currently pending, all for irrigation use. These are shown in Table 1. Historically, irrigation use water rights/permits withdrawing water from this aquifer pump on average 13.7% of the total appropriation (Stonesifer, in progress). Applying this proportion to the new appropriation, estimated expected use is 309 ac-ft/yr. A portion of this pumped groundwater is expected to be induced from surface water. Therefore, approximately 10,500 ac-ft/yr of unappropriated water is currently available.

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

Permit Number	Name	Priority Date	Status	Permit CFS	Permit Acres
7848-3	Missouri Valley Farms Inc	05/31/2013	Permit	3.04	213
7856-3	Mike & Steve Allard	07/01/2013	Permit	1.78	129.3
7895-3	Todd Hanson	09/09/2013	Permit	1.89	180
7898-3	James Orr	09/12/2013	Permit	1.56	132
7899-3	Justin Orr	09/12/2013	Permit	1.56	97
7904-3	Craig S McInerney	09/23/2013	Permit	1.78	160
7933-3	Doug Bye		Pending	0.89	80
7936-3	Don A Johnson c/o Chris Nelson		Pending	1.39	83
7938-3	Russel M Hall		Pending	0	53

Observation Well Data:

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

The Water Rights Program monitors 38 observation wells completed into the Missouri: Elk Point aquifer. However, the nearest observation wells are completed into the Lower Vermillion Missouri aquifer. Observation Well UN-77K is located approximately one and one half miles southwest of the proposed well site (Water Rights, 2014a). This well is confined by till but is located near where the Lower Vermillion Missouri aquifer and the Missouri: Elk Point aquifer

blend, just as the case of the proposed well site. Therefore, this hydrograph, shown in Figure 1, is representative of the Missouri: Elk Point aquifer.

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

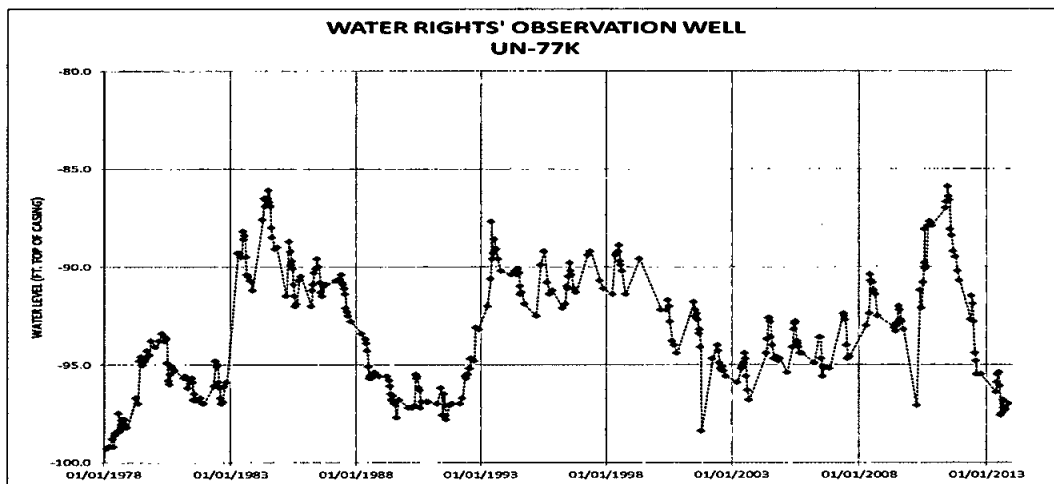


Figure 1: Hydrograph of observation well UN-77K (Water Rights, 2014a)

In general, hydrographs of observation wells completed into the Missouri: Elk Point aquifer show a slight decline of the water table. This has been attributed to entrenching of the Missouri River and the strong hydraulic connection between the river and the aquifer (Stephens, 1967). The Missouri River stage near the City of Yankton has decreased approximately ten feet since the Gavins Point Dam was completed (Cowman, 2014). Since the drought in 2012, water levels in many observation wells completed into the Missouri: Elk Point aquifer have not yet returned to previous historical elevations. This can be attributed to the current low stage of the Missouri River and the hydraulic connection between the two. Therefore, water levels in the aquifer are not decreasing due to well withdrawal, and unappropriated water is available.

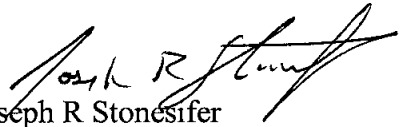
EXISTING WATER RIGHTS:

The proposed well is located near other wells that obtain water from the same aquifer system. Local water rights/permits appropriate water from both the Lower Vermillion Missouri and Missouri: Elk Point aquifer. The nearest wells are located further than one half mile from the proposed well (Water Rights, 2014b; Water Rights, 2014c).

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

CONCLUSIONS:

1. Water Permit Application No. 7951-3 proposes to irrigate 150 acres from one well to be completed into the Missouri: Elk Point aquifer in Union County.
2. Unappropriated water is available from the Missouri: Elk Point aquifer to supply the proposed appropriation.
3. This diversion will not adversely or unlawfully impair existing nearby wells.



Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Cowman, T. "Bed Degradation." Message to Ken Buhler 19 February, 2014. Email.

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.

Niehus, C.A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 93-4195. U.S. Geological Survey, Rapid City, South Dakota.

Stephens, J.C. 1967. Geology and Hydrogeology of Clay County, South Dakota, Part II: Water Resources. South Dakota DENR-Geological Survey Bulletin 19, 62 p. Vermillion, South Dakota.

Stonesifer, J.R. in progress. Water Availability of the Missouri: Elk Point Aquifer. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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. 7951-3

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

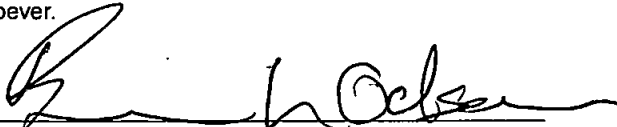
on Thursday, the _____ day of _____, _____

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

\$ 23.18, 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. 7951-3 TO APPROPRIATE WATER

Notice is given that Allen Pace, 32957 477th Ave, 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 Missouri:Elk Point Aquifer (200 feet deep) located in the approximate center of SE 1/4 Section 14 for irrigation of 150 acres located in the SE 1/4 Section 14; all in T92N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7951-3 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 \$23.18 12-14-77

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MAR 24 2014

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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 Application No. 7951-3

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 \$25.48 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

3+20
NOTICE OF APPLICATION
NO. 7951-3 to Appropriate Water

Notice is given that Allen Pace, 32957 477th Ave, 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 Missouri:Elk Point Aquifer (200 feet deep) located in the approximate center of SE 1/4 Section 14 for irrigation of 150 acres located in the SE 1/4 Section 14; all in T92N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7951-3 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 \$25.48.



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. 7951-3 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 Allen Pace, 32957 477th Ave, Elk Point SD 57025 (Ph # 605-356-3182).

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

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
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**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.**

March 13, 2014

Allen Pace
32957 477th Ave
Elk Point SD 57025

Dear Mr. Pace:

Water Permit Application No. 7951-3 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. 7951-3 to Appropriate Water

Notice is given that Allen Pace, 32957 477th Ave, 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 Missouri:Elk Point Aquifer (200 feet deep) located in the approximate center of SE 1/4 Section 14 for irrigation of 150 acres located in the SE 1/4 Section 14; all in T92N-R50W.

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Published once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



APR 21 2014

Allen Pace
32957 477th Ave
Elk Point SD 57025

Dear Sir:

Enclosed is Water Permit No. 7951-3 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

7951-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

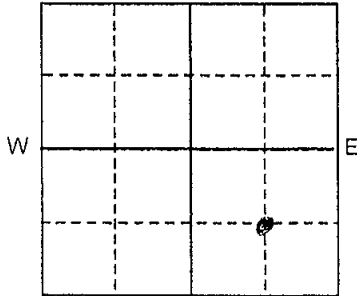
Location 1/4 SE 1/4 Sec 14 Twp 92W Rg 50W

Well Owner: Allen Pace

County Union

North

Please mark well location with an "X"



Well Completion Date

11-5-14

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1000+ ft. from septic system (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5DR26</u> LB/FT	<u>16</u> IN	<u>158</u> FT	<u>28</u> IN	
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>		Lb/gal	<u>77</u> Ft	<u>5</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Power Grout

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16 Inches Length 40 Feet

Material POC

Slot Size Set From 118 Feet to 158 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

Business Name:

Address: 32957 477 Ave

City, State, Zip: Elk Point SD. 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Brown Clay	0'	30'
Blue Clay	30'	77'
Cemented rock or cobble	77'	83'
Blue/Green sand + Gravel	83'	158'
w/ coal layers		
Shale	158'	160'

STATIC WATER LEVEL

92

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

118 Ft. After 2 Hrs. pumped 1000 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate:

GPM

REMARKS

7951-3

RECEIVED

JAN 07 2015

WATER RIGHTS PROGRAM

This well was drilled under license # 763

and this report is true and accurate.

Drilling firm: Salmon Well Co.

Signature of License Representative:

Dary D. Salmon

Signature of Well Owner or Equitable Property Holder:

Allen Pace

Date: 11-10-14



7951-3
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: ALLEN PACE, 32957 477TH AVE, 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) 5766-3 & 7951-3. 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) 5766-3 & 7951-3 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) 5766-3 & 7951-3 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

5766-3
7951-3

Allen Pace
32957 477th Ave
Elk Point SD 57025

Dear Pace:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 5766-3 and Water Permit No. 7951-3. 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

**Report of Examination of Works and/or Application of Water to
Beneficial Use
For Permit No. 7951-3**

I have this day, March 25, 2025, made a thorough examination of the water use system constructed by Allen Pace of 32957 477th Ave, Elk Point SD 57025 holder of Permit No. 7951-3, bearing the priority of January 24, 2014 authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater, Missouri:Elk Point Aquifer for irrigation purposes, in Union County.

Inspection contact & relationship Allen Pace, owner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Salmon Well Co.
 - 2) No. of Wells 1
 - 3) Depth(s) 158 feet
 - 4) Well log is available Y If no, explain in comments
- Comments: none

Casing:

- 1) Diameter 16 inches
- 2) Length 118 feet
- 3) Type plastic

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 92 feet

Pump:

- 1) Make Grundfos
- 2) Model submersible
- 3) Capacity 800 GPM

Motor:

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

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

- 1) Type steel
- 2) Size 10 inches
- 3) Length 20 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1275 feet
- 3) Number of towers 10
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
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 14 T92N-R50W 1320 ft W and 1320 ft N, latitude of 42.78285 and longitude of -96.71235 , near the center of the SE ¼.
2. 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 14 T92N-R50W NW ¼ SE ¼ - 34ac NE ¼ SE ¼ - 4 ac SE ¼ SE ¼ - 34 ac SW ¼ SE ¼ - 34 ac comprising a total of 106 acres of land and the license should be issued for 1.51 cfs.
3. All structures, wells and lands on map Y
If no, describe: none

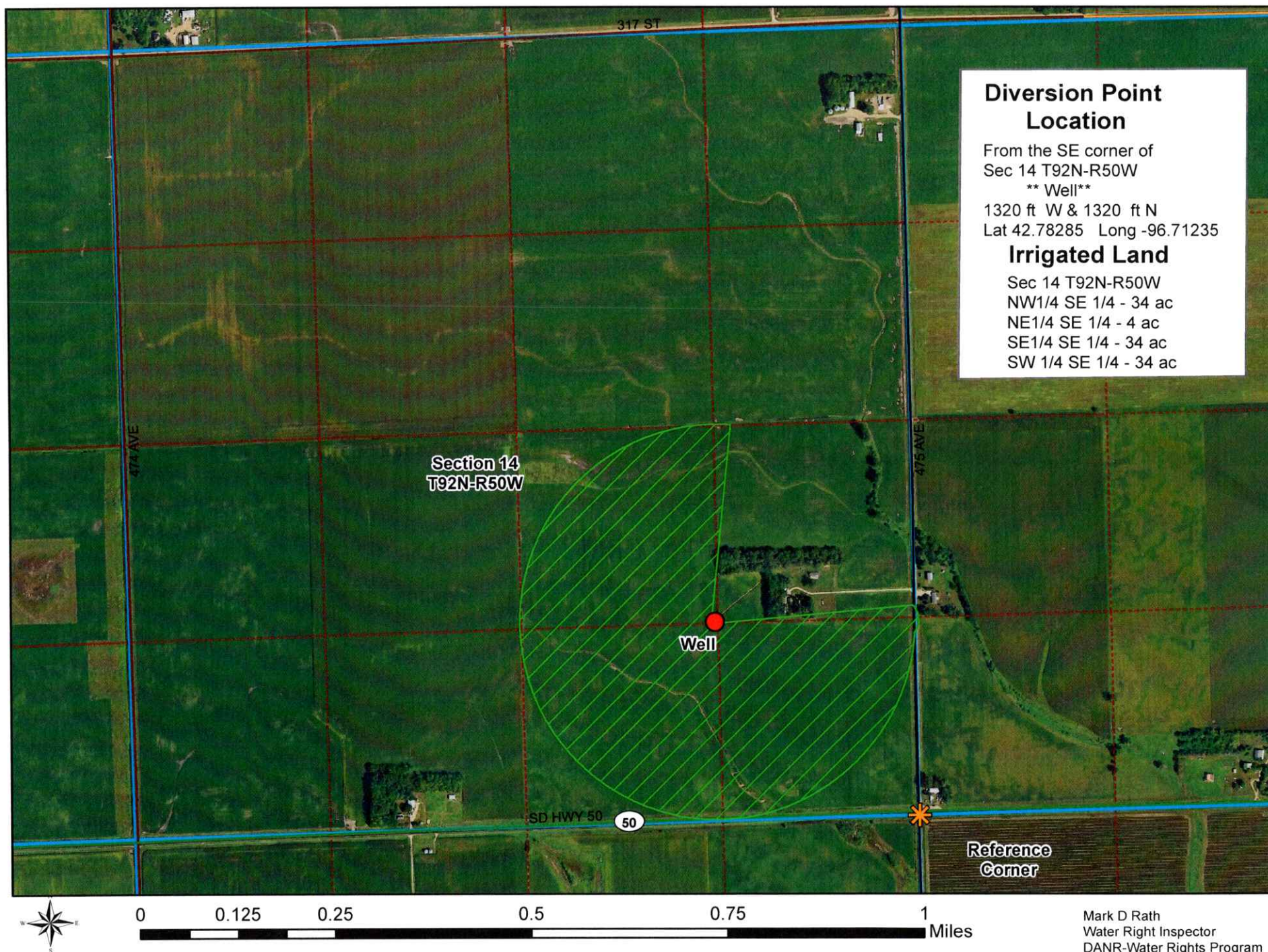
F. Comments or other permit(s) associated with the project:

none.



Mark D Rath
Water Right Inspector
DANR, Water Rights Program

Date report completed: May 12, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 06 2025

Allen Pace
32957 477th Ave
Elk Point, SD 57025

No. 7951-3

Dear Mr. Pace:

Enclosed is Water License No. 7951-3. 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,

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

Note: The inspection found your system for Water Right No. 7951-3 to be capable of diverting 1.78 cfs (approx. 800 gpm). Pursuant to SDCL 46-5-6 diversion of water under this license is limited to 1.51 cfs (approx. 678 gpm).

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7951-3**

(1) Allen Pace, 32957 477th Ave, Elk Point, SD 57025, made Application No. 7951-3, January 24, 2014, for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Missouri: Elk Point Aquifer), Union County, South Dakota for irrigation purposes. Permit No. 7951-3, 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.

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

- 1,320 feet W and 1,320 feet N from the SE corner of Section 14, T92N, R50W
(approx. center of SE $\frac{1}{4}$) (Latitude 42.78285 and Longitude -96.71235)

(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 14, T92N, R50W
NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 4 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 34 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 34 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 34 acres
Total – 106 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Allen Pace, the holder and/or owner of Water Right No. 7951-3 is issued a license to appropriate water, the right to use 1.51 cubic feet of water per second from groundwater, one well (Missouri: Elk Point 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. 7951-3 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.

2. The well authorized by Permit No. 7951-3 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

