

**WATER PERMIT NO. 7971-3**

Name of Applicant: **Barry Van Osdel**

Address: **44732 Hwy 50, Mission Hill SD 57046** Phone: **605 661-4584**

Amount of Water Claimed: **1.11 cfs** Total Acres: **68 acres**

Source of Water Supply: **one well**

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

Type of Waste Disposal System:

Location: **1 mile east of Yankton**

**PRIORITY** Date Received: **2-20-14** Application/License Fee: **\$ 950**

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

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

Diversion Point: **W 1/2 NE 1/4 Sec 14-T93N-**  
**R55W**

Land to be Irrigated: **W 1/2 NE 1/4 Sec 14-T93N-**  
**R55W**

Depth of Well: **100 feet deep**

Well Driller:

Remarks:

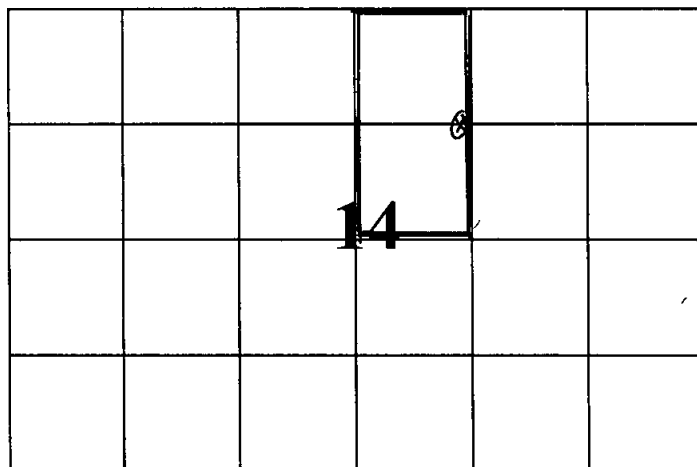
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **2-20-14**

By: **Karen Schlaak**

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



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

|                                                                                                                |                                                        |                                 |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------------------------|
| Mail to:<br>PMB 2020<br>DNR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>7971-3</u> (office use only)                    | Hydrologic Unit <u>10/70/01</u> |
|                                                                                                                | Basin <u>Missouri River</u>                            |                                 |
|                                                                                                                | Newspaper <u>Press &amp; Dakotan</u> <u>319 Walnut</u> |                                 |
|                                                                                                                | <u>Yankton 57078 - 605-665-7811</u>                    |                                 |

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FEB 20 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 Barry Van Osdel  
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent \_\_\_\_\_  
(name and complete address if different than above name)Mailing Address 44732 Hwy 50 Mission Hill SD 57046  
(Address) (City) (State) (Zip Code)Home Phone 605-267-4838 Cell 605-661-4584 Email vanboet.farm@yahoo.com2. Amount of water claimed 1.11 \*CFS or 500 \*\*GPM \*\*\*AF Total Acreage 68  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply groundwater4. Location of point of diversion 1 well in NW 1/4 NE 1/4 sec 14 - T93N - R55W  
(example - 3 wells in SW 1/4 NE 1/4 section 12 - T104N - R53W)County Yankton5. County or counties where water will be used Yankton6. Annual period during which water is to be used May 1 through September 307. 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 |
|------------------------------------|-------|------------------|-------|
| NW 1/4 NE 1/4 sec 14 - T93N - R55W | 34    |                  |       |
| SW 1/4 NE 1/4 sec 14 - T93N - R55W | 34    |                  |       |
|                                    |       |                  |       |
|                                    |       |                  |       |

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

Use of a well to provide additional water for growing crops through a center pivot irrigation system. Requesting diversion rate greater than statutory limit

I, Barry Van Osdel, 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. 7971-3**

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Date of first receipt of application February 20, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7971-3 to Barry Van Osdel, 44732 Hwy 50, Mission Hill SD 57046 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. 7971-3 appropriates 1.11 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the W 1/2 NE 1/4 Section 14 for irrigation of 68 acres located in the W 1/2 NE 1/4 Section 14; all in T93N-R55W.
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 February 20, 2014.
4. The date of approval of Permit No. 7971-3 is May 5, 2014.
5. One-fifth of the construction is to be completed on or before November 5, 2016.
6. All construction is to be completed on or before May 5, 2019.
7. Water is to be put to beneficial use on or before May 5, 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. 7971-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7971-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 68 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

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

MAY 22 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 100 ft. Depth to Top of Water Bearing Material 20 ft. Depth to Water from Surface 20 ft.
- d) Distance to nearest existing domestic well:

On applicant's property 0 On property owned by others 2,500 ft.

**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

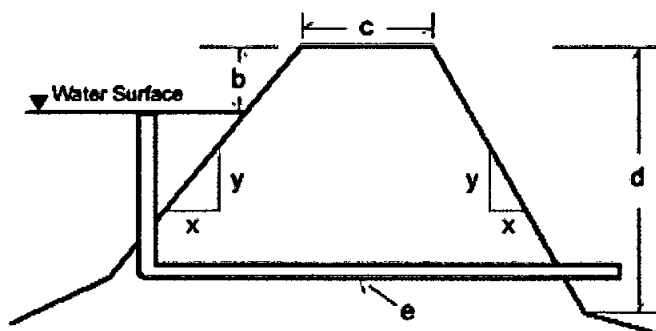
**3. Dugout Information**

- 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

February 11, 2011

PLSS: 14\_93\_55  
Farm: 1224

**Yankton County, SD**  
1:8,289



**Wetland Determination Identifiers**  
 ● Restricted Use  
 ▽ Limited Restrictions  
 ■ Exempt from Conservation Compliance Provisions

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

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**FEB 20 2014**  
**WATER RIGHTS PROGRAM**

Common Land Units

**2014**

\* other owner listed  
Judy Van Osdel

2010 Ortho-Photography - Not to Scale

6444 Wilryan Ave. Edina, MN 55439

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/20, 20 14

RECEIVED OF Barry Van Osdel 44732 SD Hwy 50 Mission Hill SD 57046

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

|                                                                                                                        |       |        |
|------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>7971-3</u> to Appropriate Water, to construct and to put water to beneficial use | 750   | 00     |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                           |       |        |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                 |       |        |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7971-3</u>            | 200   | 00     |
| Fee for Filing Transfer Form _____                                                                                     |       |        |
| Fee for _____                                                                                                          |       |        |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                                    |       |        |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                                     |       |        |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                                 |       |        |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                              |       |        |
| (Any Other Work Provided by Law)                                                                                       | TOTAL | 950 00 |

No. **06754**

By Jeanne 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. 7971-3, Barry Van Osdel**

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. 7971-3, Barry Van Osdel, 44732 Hwy 50, Mission Hill SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 7971-3 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. 7971-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7971-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 68 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer  
April 16, 2014

REPORT TO THE CHIEF ENGINEER  
ON  
WATER PERMIT APPLICATION NO. 7971-3  
BARRY VAN OSDEL  
APRIL 15, 2014

Water Permit Application No. 7971-3 proposes to divert groundwater at a maximum rate of 1.11 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 approximately 100 feet deep and located in the W ½ NE ¼ Section 14 (approximately 1,430 feet west and 1,330 feet south of the NE corner) for the irrigation of 68 acres located in the W ½ NE ¼ Section 14; all in T93N-R55W in Yankton County. The applicant is requesting a diversion rate greater than the statutory limit.

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

**GEOLOGY AND AQUIFER CHARACTERISTICS:**

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 et al, 1982). The aquifer connects to the Lower Vermillion Missouri and Lower James Missouri aquifers to the north, overlies and is often hydrologically connected to 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). The Missouri: Elk Point aquifer is predominantly under water table conditions.

A test well log was not submitted with this application. A nearby SD DENR-Geological Survey test hole log indicates sand and gravel from ground surface to 123 feet below grade (SDGS, 2014). The static water level of wells in the area and a DENR-Water Rights Program observation well (YA-57D) ranges from 10 to 23 feet below ground surface (Water Rights, 2014a and 2014c). The well site is approximately 2,700 feet away from the Missouri River.

**South Dakota Codified Law (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:**

This application proposes to appropriate water from the Missouri: Elk Point aquifer. Actual water use, if this application is approved, will likely be less than 136 acre-feet annually (ac-ft/yr). 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. Therefore, approximately 10,856 ac-ft/yr of unappropriated water was available at that stage of development (Stonesifer, in progress).

Since June 10, 2013, eight water permits have been approved and three are pending, Application Nos. 7941-3, 7951-3, and 7955-3. The nine water permits and three pending permits are for irrigation use and 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 appropriations and the pending appropriation, estimated expected use is 399 ac-ft/yr. Consequently, there is approximately 10,457 ac-ft/yr of recharge in excess of average annual withdrawal. Therefore there is a reasonable probability that unappropriated water is available for this proposed appropriation.

| Permit No. | Name                       | County  | Priority Date | Permit CFS | Permit Acres | Permit Appropriation (ac-ft) |
|------------|----------------------------|---------|---------------|------------|--------------|------------------------------|
| 7848-3     | Missouri Valley Farms Inc. | Union   | 05/31/2013    | 3.04       | 213          | 426                          |
| 7856-3     | Mike & Steve Allard        | Union   | 07/01/2013    | 1.78       | 129.3        | 258.6                        |
| 7895-3     | Todd Hansen                | Union   | 09/09/2013    | 1.89       | 180          | 360                          |
| 7898-3     | James Orr                  | Clay    | 09/12/2013    | 1.56       | 132          | 264                          |
| 7899-3     | Justin Orr                 | Clay    | 09/12/2013    | 1.56       | 97           | 194                          |
| 7904-3     | Craig S. McInerney         | Union   | 09/23/2013    | 1.78       | 160          | 320                          |
| 7933-3     | Doug Bye                   | Clay    | 12/12/2013    | 0.89       | 80           | 160                          |
| 7936-3     | Donald Johnson             | Yankton | 12/17/2013    | 1.39       | 83           | 166                          |
| 7938-3     | Russell M. Hall            | Union   | 01/02/2014    | n/a        | 53           | 106                          |
| 7941-3     | Joseph F. Chicoine         | Union   | Pending       | 1          | 37.69        | 75.8                         |
| 7951-3     | Allen Pace                 | Union   | Pending       | 1.78       | 150          | 300                          |
| 7955-3     | Karl M. Schenk             | Yankton | Pending       | 1.78       | 140          | 280                          |

Table 1- Approved and pending water permits from the Missouri Elk: Point aquifer since June 10, 2013 (Water Rights, 2014b)

### 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 (Water Rights, 2014a). The nearest of these wells, YA-57D, is located approximately 1.4 miles northeast of the proposed well site. The hydrograph of this observation well is shown in Figure 1. 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 or lack thereof of nearby pumping on the aquifer. Observation well data indicates that at the current level of development temporal well withdrawal is greatly masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal.

In general, hydrographs of observation wells completed into the Missouri: Elk Point aquifer show a slight decline in the water table. This has been attributed to entrenching of the Missouri River and a strong hydraulic connection between the river and the aquifer (Goodman, 2007; Stephens, 1967). The Missouri River stage near the City of Yankton has decreased approximately ten feet since the Gavin's Point Dam was completed, as shown in Figure 2. Since the drought in 2012, water levels in many observation wells completed into the Missouri: Elk Point aquifer have not yet returned to previous elevations. Also shown in the hydrograph is Missouri River water levels near the City of Yankton, approximately 7.5 miles west of the observation well. The trends in water levels between groundwater and surface water are very similar. This indicates that a strong hydraulic connection exists, where groundwater levels are to some extent dependent on the Missouri River stage. Therefore, water levels in the aquifer are not decreasing due to well withdrawal, and unappropriated water is available.

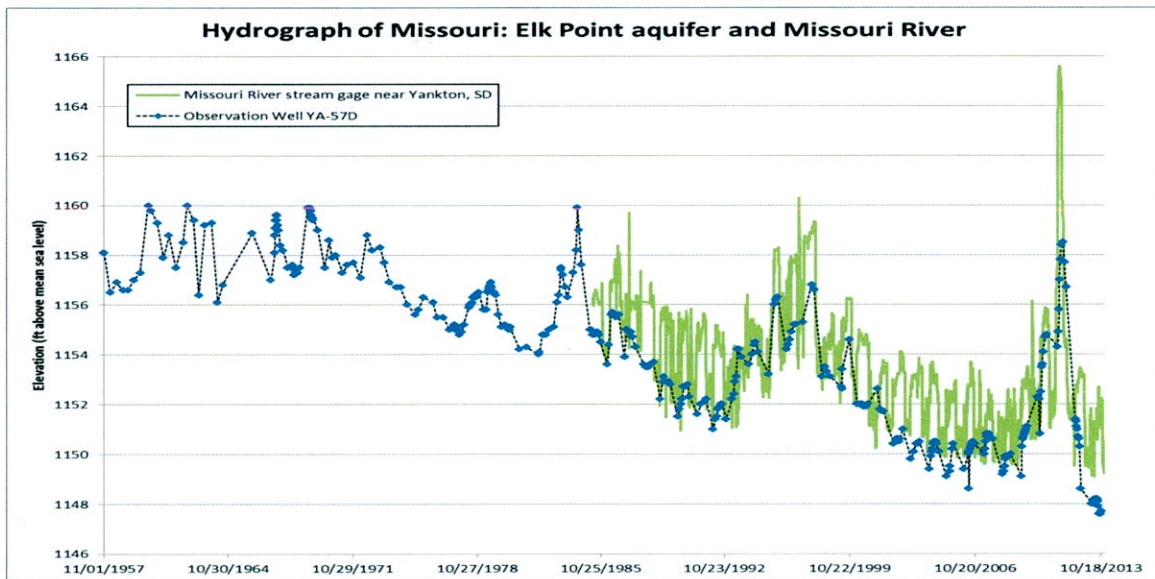


Figure 1- Hydrograph for observation well YA-57D and Missouri River stream gage near the City of Yankton (USGS, 2014; Water Rights, 2014a)

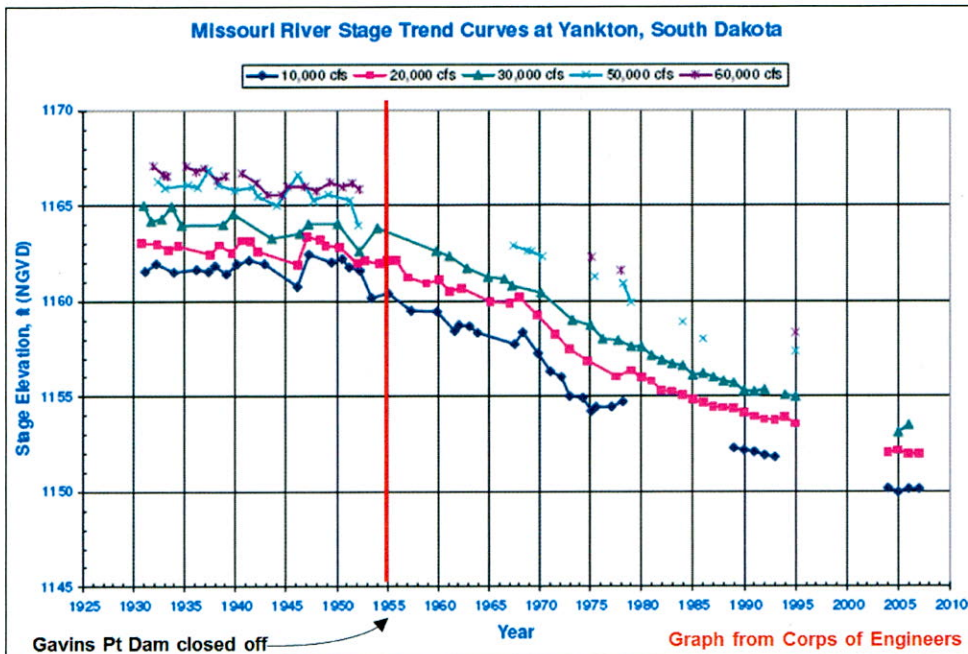


Figure 2- Missouri River Stage Trend Curves at Yankton, South Dakota (Cowman, 2014)

### EXISTING WATER RIGHTS:

There are three water rights/permits authorizing wells completed into the Missouri: Elk Point aquifer within approximately one-half mile of the proposed well site (Water Rights, 2014b). The nearest well authorized by an appropriate right is approximately 0.4 miles northwest of the proposed well site. There are five domestic wells on file with the SD DENR-Water Rights Program within approximately one-half mile of the proposed well site (Water Rights, 2014c). The nearest domestic well on file is approximately one-quarter miles northeast of the proposed well site.

The relatively large saturated thickness and areal extent, and the water table conditions of the Missouri: Elk Point aquifer indicates that the effects of drawdown due to pumpage would 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 proposed wells.

### SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or “the equivalent thereof.” The statute does provide that the Water Management Board may allow a greater diversion rate if the method of irrigation so requires. Water Permit Application No. 7971-3 proposes to divert 1.11 cfs from the Missouri: Elk Point aquifer for the irrigation of 68 acres, or the equivalent of 1.14 cfs per 70 acres. The applicant did not state a specific reason for the request. The applicant did indicate they intended to use a center pivot. Based on the map submitted with the application, it appears that a center pivot irrigation system would be unable to make a full rotation. In the past, it has been accepted that to run a center pivot that only makes a partial rotation a diversion rate greater than the statutory limit is often required.

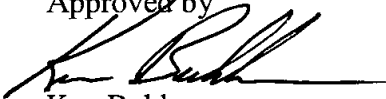
## CONCLUSIONS:

1. The water permit application proposes to withdraw groundwater at a maximum diversion rate of 1.11 cfs from one well to be completed into the Missouri: Elk Point aquifer for the irrigation of 68 acres in Yankton County.
2. Unappropriated water is available from the Missouri: Elk Point aquifer to supply the proposed appropriation.
3. This proposed diversion is not expected to adversely or unlawfully impair existing appropriative or domestic users.
4. The applicant is requesting a diversion rate greater than the statutory limit. The applicant did not state a specific reason for the request. However, the applicant did state they intended to use a center pivot irrigation system and the map submitted with the application indicated that a center pivot would not likely be capable of making a full rotation. In the past the Water Management Board has accepted that a diversion rate in excess of the statutory limit to operate a partial rotation center pivot is a valid reason for the request.



Adam Mathiowetz  
SD DENR-Water Rights Program

Approved by



Ken Buhler  
SD DENR-Water Rights Program

**REFERENCES:**

- Cowman, Tim. 2014. "Bed Degradation." Message to Ken Buhler. 20 February, 2014. E-mail.
- Goodman, J.A. 2007. Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- 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.
- SDGS. Lithologic Logs Database Search. <<http://sddenr.net/lithdb/>>. Accessed: 19 March, 2014. SD 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. 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.
- USGS. 2014. Surface Water Data for South Dakota: USGS Surface-Water Annual Statistics: USGS 06467500 Missouri River at Yankton, 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.

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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  
Application No. 7971-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE  
NEWSPAPER ON THE 25th DAY OF April 2014  
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION  
OF SAID NOTICE TO WIT \$26.15 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: 4/25/2014

FILED ON: 4/25/2014

SUBSCRIBED AND SWORN TO BEFORE ME THIS 25th DAY OF April 2014

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

Notice is given that Barry Van Osdel, 44732 Hwy 50, Mission Hill SD 57046 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the W 1/2 NE 1/4 Section 14 for irrigation of 68 acres located in the W 1/2 NE 1/4 Section 14; all in T93N-R55W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7971-3 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 May 5, 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. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$26.15.



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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



April 16, 2014

Press & Dakotan  
319 Walnut  
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7971-3 to Appropriate Water. Please publish the notice once on April 25, 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 Barry Van Osdel, 44732 Hwy 50, Mission Hill SD 57046 (Ph # 605-267-4838).

**Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.**

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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



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

April 16, 2014

Barry Van Osdel  
44732 Hwy 50  
Mission Hill SD 57046

Dear Mr. Van Osdel:

Water Permit Application No. 7971-3 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 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

cc: Judy Van Osdel, 6444 Wilryan Ave, Edina MN 55439

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 April 25, 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. 7971-3 to Appropriate Water

Notice is given that Barry Van Osdel, 44732 Hwy 50, Mission Hill SD 57046 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the W 1/2 NE 1/4 Section 14 for irrigation of 68 acres located in the W 1/2 NE 1/4 Section 14; all in T93N-R55W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7971-3 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 May 5, 2014.

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

Published once at the total approximate cost of\_\_\_\_\_.



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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



MAY 22 2014

Barry Van Osdel  
44732 Hwy 50  
Mission Hills SD 57046

Dear Mr. Van Osdel:

Enclosed is Water Permit No. 7971-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer  
Water Rights Program  
(605) 773-3352

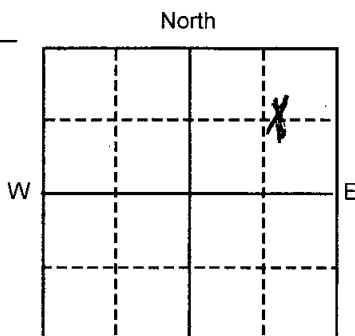
enclosures

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NE 1/4 Sec 14 Twp 93N Rg 55WCounty Handon

Please mark well location with an "X"



Well Completion Date

6-5-14

1 Mile

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

2000 ft. from septic tank (identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

Reverse Rotary

## CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

| PIPEWEIGHT       | DIAMETER     | FROM        | TO           | HOLE DIAMETER |
|------------------|--------------|-------------|--------------|---------------|
| <u>160</u> LB/FT | <u>16</u> IN | <u>0</u> FT | <u>60</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>concrete</u> | <u>40</u>    | Lb/gal       | <u>0</u> Ft | <u>60</u> Ft |
|                 |              | Lb/gal       | Ft          | Ft           |

Describe grouting procedure

pumped down w/ pressure grout

## SCREEN:

☒ Perforated pipe ☐ Manufactured  
 Diameter 16 Inches Length 60 Feet  
 Material PVC
Slot Size .085 Set From 60 Feet to 120 Feet

Other information

## WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

## DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? chlorine
☐ No, Why Not?  
 Lab to which water quality sample sent for analysis

Well Owner:

Barry Van Osdel

Business Name:

Address:

City, State, Zip:

44732 Hwy 50  
Mission Hill, ND 57046

## WELL LOG:

| FORMATION               | DEPTH     |            |
|-------------------------|-----------|------------|
|                         | FROM      | TO         |
| <u>top + brown clay</u> | <u>0</u>  | <u>15</u>  |
| <u>blue clay</u>        | <u>15</u> | <u>23</u>  |
| <u>course sand</u>      | <u>23</u> | <u>50</u>  |
| <u>gray clay</u>        | <u>50</u> | <u>60</u>  |
| <u>coarse gravel</u>    | <u>60</u> | <u>120</u> |
|                         |           |            |
|                         |           |            |
|                         |           |            |

## STATIC WATER LEVEL

23

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: pumped w/ turbine pump + engine  
☐ Bailed  
☐ Other

Pumping Level Below Land Surface

|                                          |                 |
|------------------------------------------|-----------------|
| <u>41</u> Ft. After <u>1</u> Hrs. pumped | <u>800</u> GPM  |
| <u>47</u> Ft. After <u>2</u> Hrs. pumped | <u>1050</u> GPM |

If pump installed, pump rate:

GPM

## REMARKS

This well was drilled under license #

444

and this report is true and accurate

Drilling firm:

Cheterson Wells & Engineers

Signature of License Representative:

Cody W. Cheterson

Signature of Well Owner or Equitable Property Holder:

RECEIVED

JAN 02 2015

Date:

12-15-14

WATER RIGHTS PROGRAM

1-16-14

RECEIVED

DEC 16 2014

WATER RIGHTS  
PROGRAMNOTICE OF COMPLETION OF WORKS AND  
APPLICATION OF WATER TO BENEFICIAL USEDate 12/11/14TO: Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181FROM: Barry Van Osdel  
(name)  
44732 SD Hwy 50  
(address)  
Mission Hill, SD 57046 605-267-4838  
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

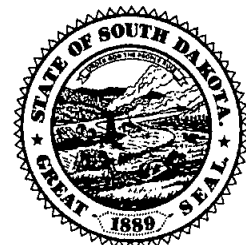
Water Permit No. 7971-3 states that the water use system is to be constructed by 5/5/2019, and water is to be put to beneficial use by 5/5/2023.  
(date) (date)

The water use system was completed on 7/20/14.  
(date)

Applying the water to beneficial use was completed on 8/5/14.  
(date)

You may schedule an investigation so that the water license may be issued.

Barry Van Osdel  
(signature)





**DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES**

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



December 17, 2014

7971-3

Barry Van Osdel  
44732 SD Hwy 50  
Mission Hill SD 57046

Dear Mr. Van Osdel:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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



7971-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: BARRY VAN OSDEL, 44732 HWY 50, MISSION HILL, SD 57046  
FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7971-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7971-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7971-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



7971-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

February 8, 2017

7971-3

Barry Van Osdel  
44732 Hwy 50  
Mission Hill SD 57046

Dear Mr. Van Osdel:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit No. 7971-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



7971-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: BARRY VAN OSDEL, 44732 HWY 50, MISSION HILL, SD 57046  
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) 7971-3. 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) 7971-3 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) 7971-3 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](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

February 7, 2019

7971-3

Barry Van Osdel  
44732 Hwy 50  
Mission Hill SD 57046

Dear Mr. Van Osdel:

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. 7971-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

7971-3



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 22, 2021

**NOTICE**

TO: BARRY VAN OSDEL, 44732 HWY 50, MISSION HILL, SD 57046  
FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7971-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 7971-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7971-3 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 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: OHVZRX**

**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.

7971-3



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov

February 2, 2021

7971-3

Barry Van Osdel  
44732 Hwy 50  
Mission Hill SD 57046

Dear Mr. Van Osdel:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Permit No. 7971-3. 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 blue ink that reads "Genny McMath". The signature is written in a cursive style.

Genny McMath  
Water Rights Program  
605 773-3352  
Genny.mcmath@state.sd.us

**Report of Examination of Works and/or Application of Water to Beneficial Use  
For Permit No. 7971-3**

I have this day, July 1, 2021 made a thorough examination of the water use system owned by Barry Van Osdel, 44732 Hwy. 50, Mission Hill, SD 57046, holder of Permit No. 7971-3, bearing the priority date of February 20, 2014, authorizing the diversion of 1.11 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of 68 acres, located in Yankton County.

Inspection contact: Barry Van Osdel

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

**Well Information:**

- 1) Well Drilling Firm: Christensen Well & Irrigation
- 2) No. of Wells: 1
- 3) Depth(s): 120 feet
- 4) Well log is available: Yes

**Casing:**

- 1) Diameter: 16 inches
- 2) Length: 60 feet
- 3) Type: Plastic

**Screen:**

- 1) Diameter: 16 inches
- 2) Length: 60 feet
- 3) Type: PVC
- 4) Static water level: 23 feet

**Pump:**

- 1) Make: Gould
- 2) Model: 8RJLC
- 3) Capacity: 500 gpm

**Motor:**

- 1) Make: Franklin
- 2) Model No.: Unknown
- 3) Horsepower rating: 40 hp

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

- 1) Type: Galvanized
- 2) Size: 6 inches
- 3) Length: 10 feet

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

- 1) Make: Reinke
- 2) Overall length: 1,274 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 500 gpm

**Chemigation Equipment:**

- 1) Does chemigate: No

**D. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by: Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: None

**E. Condition and Location:**

1. The system is in good condition with the point(s) of diversion located as follows:  
The well is 1,350 feet west and 1,370 feet south of the northeast corner of Section 14-T93N-R55W (Latitude 42.87624, Longitude -97.30376 – SW1/4 of the NE1/4).
- 2) The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 14-T93N-R55W

|                   |                 |
|-------------------|-----------------|
| <u>NW1/4NE1/4</u> | <u>31 acres</u> |
| <u>SW1/4NE1/4</u> | <u>33 acres</u> |

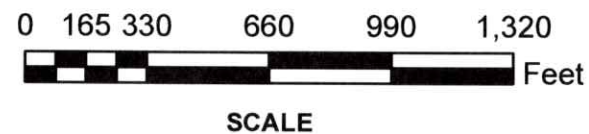
comprising a total of 64 acres of land and the license should be issued for 1.11 cfs.
- 3) All structures, wells and lands on map Yes

**F. Comments or other permit(s) associated with the project: None.**

Keith DeJong  
Water Rights Inspector  
DENR, Water Rights Program

Date report completed: July 1, 2021

# Water Right No. 7971-3



*Keith DeJong*  
Keith DeJong, PE  
Staff Engineer  
July 1, 2021



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

**JUL 08 2021**

7971-3

Barry Van Osdel  
44732 Hwy 50  
Mission Hill SD 57046

Dear Mr. Van Osdel:

Enclosed is Water License No. 7971-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 7971-3**

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(1) Barry Van Osdel, 44732 Hwy 50, Mission Hill SD 57046 made Application No. 7971-3, February 20, 2014 for a water permit to divert 1.11 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7971-3, with a priority date of February 20, 2014 was approved May 4, 2014 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 5, 2019 and for the application to beneficial use of water on or before May 5, 2023.

The Permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" indicating the water use system was completed and the water placed to beneficial use in 2014.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.11 cubic feet of water per second for beneficial use. The well is located as follows:

- 1,350' W and 1,370' S of the NE corner of Section 14, T93N, R55W (SW ¼ NE ¼)  
Latitude 42.87624, Longitude -97.30376

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

|                        |           |          |
|------------------------|-----------|----------|
| Section 14, T93N, R55W | NW ¼ NE ¼ | 31 acres |
|                        | SW ¼ NE ¼ | 33 acres |
|                        | Total     | 64 acres |

(4) Pursuant to South Dakota Water Law 46-5-30.1 Barry Van Osdel, 44732 Hwy 50, Mission Hill SD 57046 the holder and/or owner of Water Right No. 7971-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of February 20, 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. 7971-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7971-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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 June, 2014 by Christensen Well & Irrigation. A copy of the well completion report is on file with the Water Rights Program.*

continued

- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Water Right No. 7971-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 64 acres with an annual volume not to exceed 2 acre feet of water per acre per year. *The number of acres was reduced based on the project as developed.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

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

JUL 08 2021

date



7971-3, 8765-3



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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January 20, 2026

**NOTICE**

TO: BARRY VAN OSDEL, 44732 SD HWY 50, MISSION HILL, SD 57046  
FROM: Ron Duvall, Engineer III  
for Adam Mathiowetz, PE, Acting Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7971-3 & 8765-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7971-3 & 8765-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7971-3 & 8765-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

**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.



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February 27, 2026

8765-3, 7971-3

Barry Van Osdel  
44732 SD HWY 50  
Mission Hill, SD 57046

Dear Mr. Van Osdel,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

*Shannon Konst*

Shannon Konst  
Water Rights Program  
605 773-8204  
[Shannon.konst@state.sd.us](mailto:Shannon.konst@state.sd.us)