

WATER PERMIT NO. 7981-3

Name of Applicant: **Farron Pratt**

Address: **305 St Andrew Ct, Vermillion SD 57069** Phone: **605 202-0428**

Amount of Water Claimed: **0.58 cfs** Total Acres: **24**

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

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

Type of Waste Disposal System:

Location: **1 mile northwest of DeSmet**

PRIORITY Date Received: **3-6-14** Application/License Fee: **\$ 700**

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

Remarks: **Additional acres and diversion rate to Water Right No. 3478-3**

Diversion Point: **NE 1/4 SE 1/4 Sec 17-T111N-**
R56W

Land to be Irrigated: **SE 1/4 Sec 17-T111N-R56W**

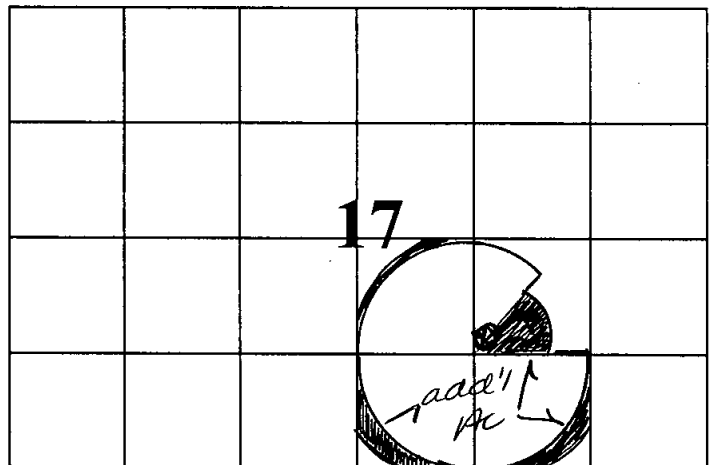
Depth of Well: **57 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:



Reviewed and the Number Assigned on: **3-6-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7981-3</u>	(office use only) Hydrologic Unit <u>10170103</u>
	Basin <u>Vermillion River</u>	<u>605-854-3331</u>
	Newspaper <u>De Smet News Box 69 57231</u>	<u>605-352-7401</u>
	<u>Plainsman Box 1278 Huron 57350</u>	

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MAR 06 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 Farron Pratt

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

(name and complete address if different than above name)

Mailing Address 305 Saint Andrews Court Vermillion SD 57069
 (Address) (City) (State) (Zip Code)

Home Phone _____ Cell 605-202-0428 Email fpratt@firstdakota.com

2. Amount of water claimed 0.58 *CFS or 260 add'l **GPM ***AF Total Acreage 24 add'l
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Groundwater (existing well under water permit 3478-3)

4. Location of point of diversion 1 well in NE1/4SE1/4 section 17-T111N-R56W

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Kingsbury

5. County or counties where water will be used Kingsbury County

6. Annual period during which water is to be used May 1 - September 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW1/4SE1/4	<u>4</u>	<u>all in Sec 17-T111N-R56W</u>	
NE1/4SE1/4	<u>6</u>		
SW1/4SE1/4	<u>7</u>		
SE1/4SE1/4	<u>7</u>		

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

Intend to irrigate additional acres and request additional diversion rate authority to permit 3478-3.

I, Farron Pratt, 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. 7981-3

Date of first receipt of application March 6, 2014.

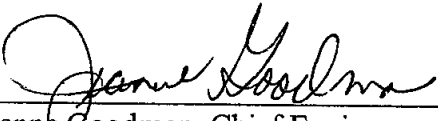
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7981-3 to Farron Pratt, 305 St Andrews Court, Vermillion SD 57069 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7981-3 appropriates an additional 0.58 cubic feet of water per second (cfs) and irrigation of 24 additional acres to what is currently authorized by Water Right No. 3478-3. Water Right No. 3478-3 authorizes 1.33 cfs from one well completed into the Vermillion East Fork Aquifer (57 feet deep) located in the NE 1/4 SE 1/4 Section 17 for irrigation of 110 acres located in the SE 1/4 Section 17; all in T111N-R56W. This permit authorizes an additional 0.58 cfs from the existing well to irrigate 24 additional acres located in the SE 1/4 Section 17-T111N-R56W. This permit and Water Right No. 3478-3 will authorize a total diversion rate of 1.91 cfs for irrigation of 134 acres.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is March 6, 2014.
4. The date of approval of Permit No. 7981-3 is May 27, 2014.
5. One-fifth of the construction is to be completed on or before November 27, 2016.
6. All construction is to be completed on or before May 27, 2019.
7. Water is to be put to beneficial use on or before May 27, 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 Water Right No. 3478-3 and 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. 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

JUN 18 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 ____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Kaiser Well Drilling under 3478-3
- c) Well Depth 62 Feet Depth to Top of Water Bearing Material 12 Feet Depth to Water from Surface 22 Feet
- d) Distance to nearest existing domestic well:

On applicant's property None On property owned by others 55 Rods

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

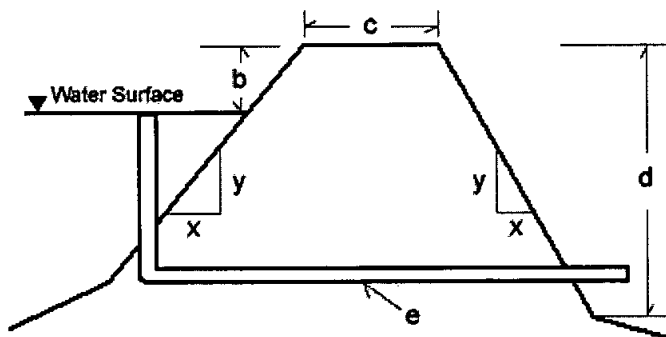
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

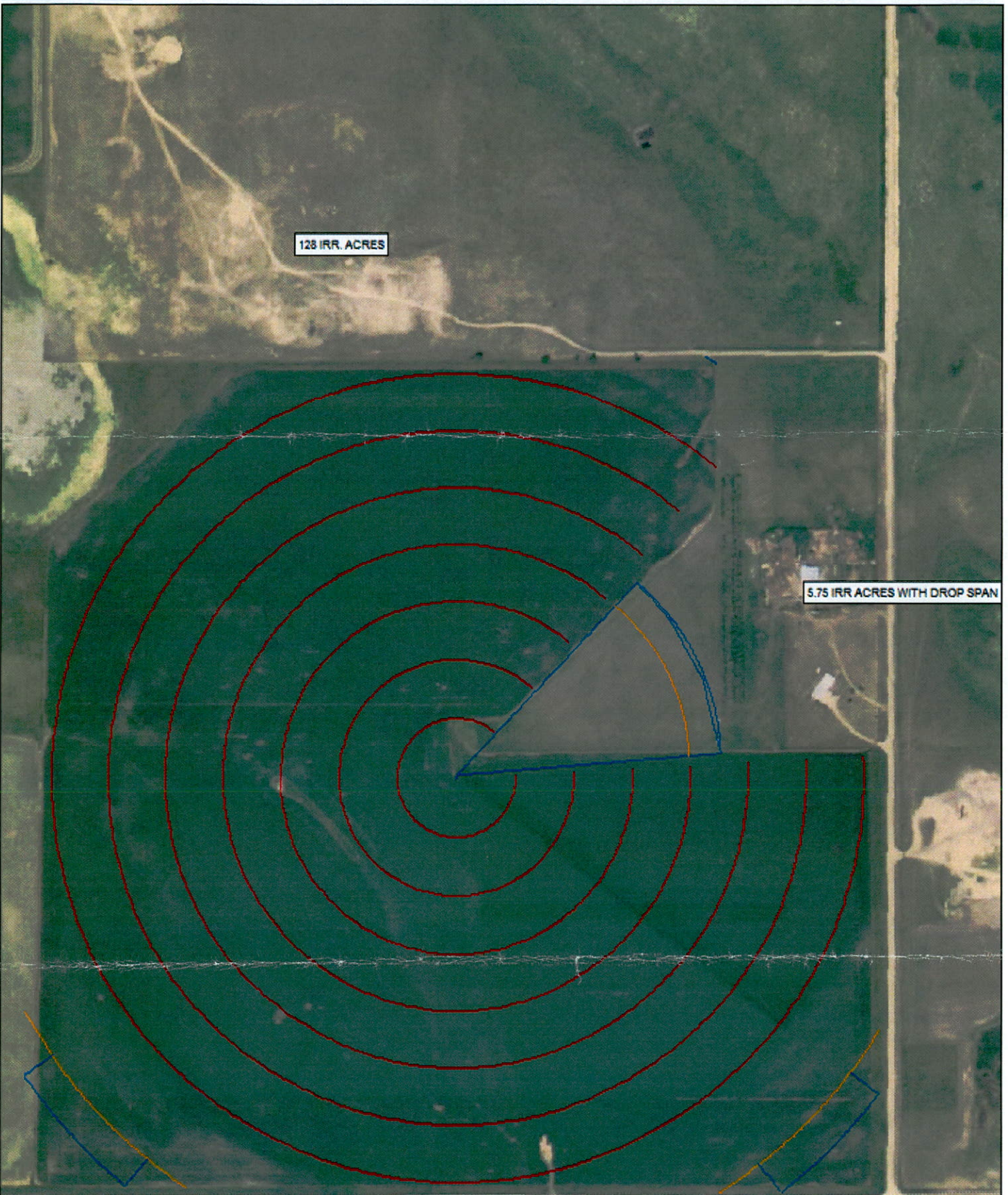
4. Water Storage Dams

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





Farmers
Implement and Irrigation
Brookings, SD

VALLEY 

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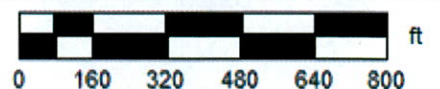
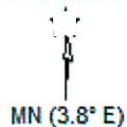
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MAR 06 2014

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NORTH WELL



Data Zoom 15-3

NOT TO SCALE



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/6, 20 14

RECEIVED OF Farron Pratt 305 St Andrew Ct Vermillion SD 57069

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

Fee for Application for Permit No. <u>7981-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7981-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	700 00

No. **06780**

By Jeanne Hoodman
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. 7981-3, Farron Pratt**

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. 7981-3, Farron Pratt, 305 St Andrews Court, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7981-3 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 Water Right No. 3478-3 and 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. 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
May 5, 2014

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 7981-3

Farron Pratt

April 28, 2014

Water Permit Application No. 7981-3 proposes to appropriate groundwater at an additional diversion rate of 0.58 cubic feet per second (cfs) from one existing well completed into the Vermillion East Fork aquifer authorized by Water Right No. 3478-3. Water Right No. 3478-3 appropriates groundwater at a maximum diversion rate of 1.33 cfs from one well located in the NE¼ SE¼ of Section 17, T111N-R56W in Kingsbury County. Water is currently used to irrigate 110 acres located in the SE¼ of Section 17, T111N-R56W. This application proposes to appropriate groundwater to irrigate an additional 24 acres located in the SE¼ of Section 17, T111N-R56W. This application, if approved, and Water Right No. 3478-3 will authorize a total maximum diversion rate of 1.91 cfs to irrigate 134 acres.

AQUIFER: Vermillion East Fork aquifer (VEF)

HYDROGEOLOGY:

The Reid Lake, Antelope Lake, Willow Lake, and Spirit Lake management units of the Vermillion East Fork aquifer were designated in Clark and Kingsbury Counties based on hydrogeologic features, including groundwater flow divides, aquifer constrictions, and surface water connections (Hedges and others, 1982). Due to the isolated nature of the aquifer along the East Fork of the Vermillion River, the Montrose management unit was identified as the source to a group of water rights authorized from the Vermillion East Fork aquifer in the area of the City of Montrose in central McCook County (Water Rights, 2014b). The Vermillion East Fork aquifer was further examined in Clark, Kingsbury, Lake, and Turner Counties (Hamilton, 1989; Hamilton, 1986; Hansen, 1986; Lindgren and Hansen, 1993). Because the Vermillion East Fork aquifer is generally a surficial outwash, first occurrence of aquifer materials maps completed in Clark, Kingsbury, Lake, and Miner Counties contribute to further identifying the Vermillion East Fork aquifer (Jensen, 2001; Jensen, 2002a; Jensen, 2002b; Schulz, 2007).

Due to the aquifer constriction in southern Kingsbury County and groundwater flow divides south of Mud Lake and south of Lake Thompson described by Hamilton (1989), this portion of the aquifer this well is completed into can be considered a separate management unit. For the purposes of this report, the aquifer located south of Township 112 North and north of the Miner and Kingsbury County line is referred to as a separate management unit.

This management unit of the Vermillion East Fork aquifer, shown in Figure 1, underlies approximately 42,500 acres located within central Kingsbury County. The Vermillion East Fork aquifer is a surficial outwash consisting of sand and gravel that is under water table conditions. The aquifer has a hydraulic connection to Lake Thompson. The aquifer is on average 20 feet thick, and the top of the aquifer ranges from ground surface to 120 feet below ground surface (Hamilton, 1989). Applying a storativity of 0.15, there is approximately 127,000 acre feet (ac-ft) of water in storage in this management unit.

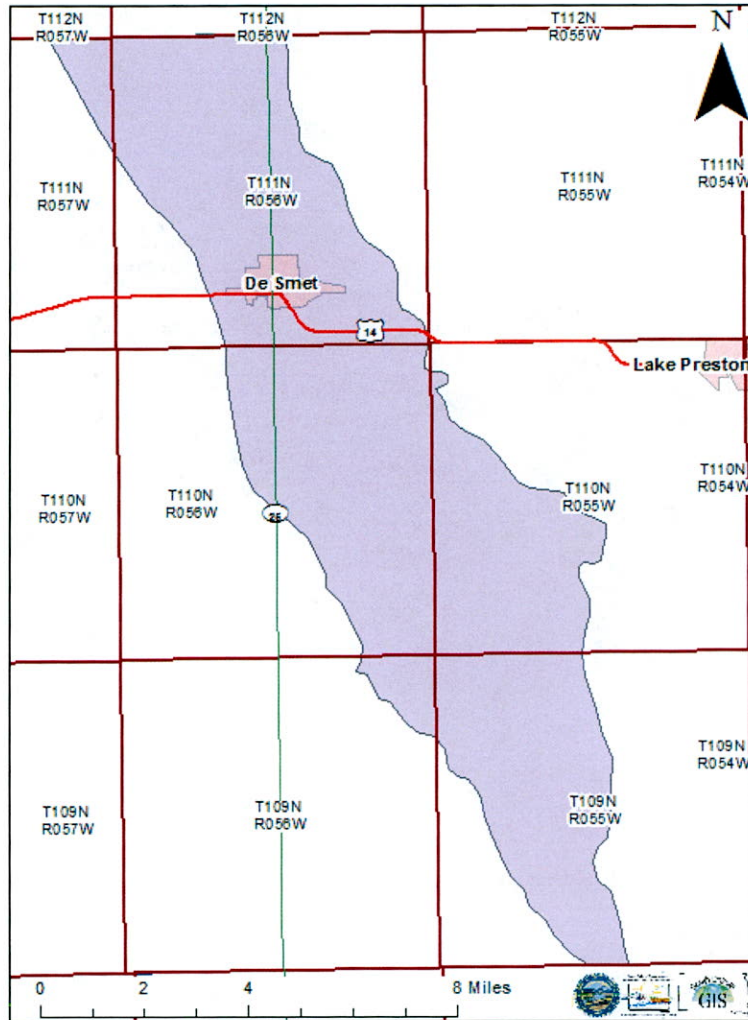


Figure 1: Management unit of the Vermillion East Fork aquifer delineation

In the area of the well, aquifer materials occur from ground surface to approximately 60 feet below ground surface (Water Rights, 2014c). Water levels in the aquifer in this area are approximately 15 feet below ground surface (Water Rights, 2014b).

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 that 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. If the source of the groundwater is older or lower than the Greenhorn formation and will be used for a public water system, recharge and withdrawal does not need to be considered.

Here, a public water system is not involved and the aquifer is above the Greenhorn formation. So, recharge and withdrawal must be considered. This will be considered by two methods: a hydrologic budget considering quantified values of recharge and withdrawal and an observation well analysis considering water levels.

Hydrologic Budget:

Recently, courts have ruled that if average annual recharge is considered, average annual withdrawals should also be considered to determine if unappropriated water is available. Also, data must be presented to show that it is probable that the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (Memorandum Decision, April 29, 2005; Memorandum Decision, April 11, 2012).

Recharge:

Recharge to the Vermillion East Fork aquifer occurs through infiltration of precipitation, leakage from adjacent and underlying till, and inflow from other management units (Hamilton, 1989). Recharge specifically to this management unit has not been quantified. However, Hedges and others (1985) estimated the recharge rate for various management units of the Vermillion East Fork aquifer through observation well analysis, shown in Figure 2. Considering the similar geography and aquifer characteristics, the recharge rate of this management unit is expected to be approximately equal to the Spirit Lake management unit recharge rate estimate of 4.0 in/yr. Applying the area to the expected recharge rate results in an estimated recharge of 14,100 acre-feet per year (ac-ft/yr).

Discharge:

Discharge from the Vermillion West Fork aquifer occurs through evapotranspiration, outflow to adjacent and underlying till, outflow to lakes, outflow to the aquifer south of the management unit, and well withdrawals (Hamilton, 1989). In addition to domestic wells withdrawals, there are 27 water rights/permits appropriating water and two future use permits reserving water from this management unit of the Vermillion East Fork aquifer (Water Rights, 2014b).

While there are many domestic wells on file, many are no longer used as primary sources since rural water systems have been introduced in the area. Considering this, and the relatively small withdrawal ability of a domestic well, the annual quantity of water withdrawn due to domestic wells is not significant to the hydrologic budget of the aquifer (Water Rights, 2014c).

The City of DeSmet has three water rights authorizing a total diversion rate of 4.334 cfs and one future use permit reserving 625 ac-ft/yr. The amount of water that can be expected to be withdrawn by non-irrigation use water rights/permits at the current appropriation amount that are limited by diversion rate can be estimated by assuming these water rights/permits pump at the maximum authorized diversion rate 60 percent of the time. This amounts to 1,883 ac-ft/yr (Water Rights, 2014b). The future use permit can be fully developed.

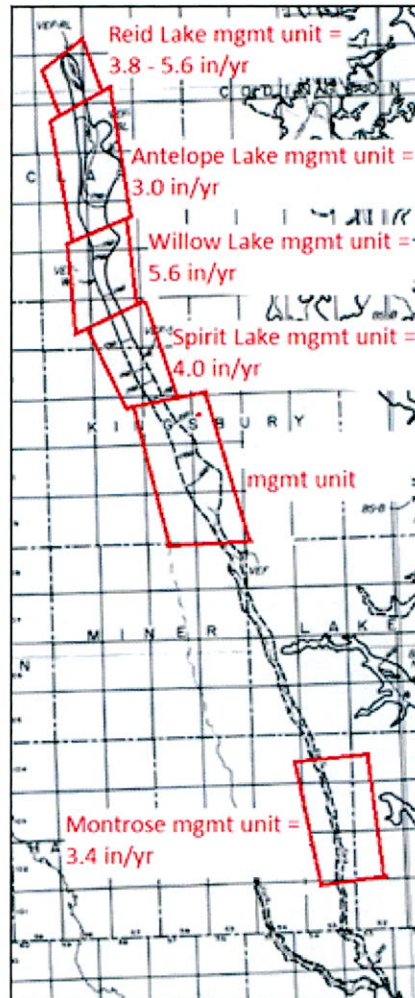


Figure 2: Recharge rates of various management units of the Vermillion East Fork aquifer (modified from Hedges and others, 1982; Hedges and others, 1985)

Kingbrook Rural Water System, Inc has four water rights authorizing a total diversion rate of 5.76 cfs and a total volume appropriation of 1,350 ac-ft/yr, and one future use permit reserving 1,100 ac-ft/yr (Water Rights, 2014b). Applying the 60% pumping estimation of the water rights limited by maximum diversion rate results in 2,502 ac-ft/yr. The future use permit can be fully developed.

Commercial Use Water Permit No. 5069-3, D & D RV Park, authorizes a maximum diversion rate of 0.1 cfs. Pumping 60% of the time results in an expected use of 44 ac-ft/yr.

As shown in Figure 3, the irrigation development of the Vermillion East Fork aquifer in this area has remained steady since 1991 while the annual withdrawal has fluctuated. Over the period of record, the average pumpage reported equals 870 ac-ft/yr but varies from 146 to 1,969 ac-ft/yr (Water Rights, 1980-2013). The expected use of irrigation water rights/permits is estimated to be the average pumpage reported over the entire period of record.

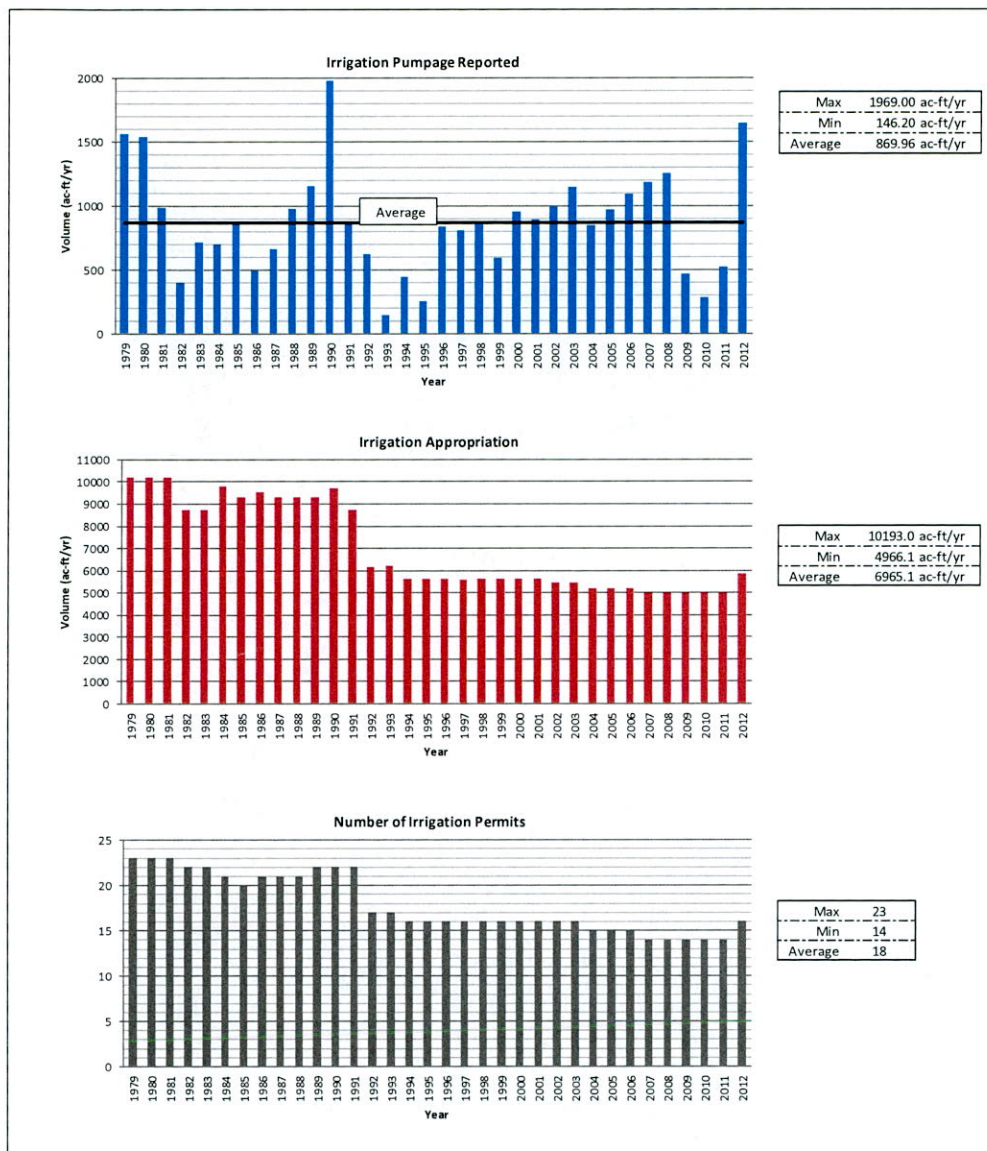


Figure 3: Historic irrigation water use from this unit Vermillion East Fork aquifer (Water Rights, 1980-2013)

Water Balance:

The annual average withdrawal from this management unit of the Vermillion East Fork aquifer is expected to be 8,374 ac-ft/yr, while average annual recharge is estimated to be 14,100 ac-ft/yr. Based on the expected annual withdrawal, the required recharge rate is 2.4 in/yr. This is much less than all other recharge rates estimated from managements units of this aquifer. Therefore, there is a reasonable probability that unappropriated water is available to support the proposed appropriation.

Observation Well Data:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 states the Board will rely on the record of observation well measurements to determine that the annual withdrawals from the aquifer does not exceed the estimated average annual recharge.

The Water Rights Program monitors nine observation wells completed in the Vermillion East Fork aquifer within this unit. All but one document increasing trending water levels. Observation well KG-88A is within the cone of influence of the Kingbrook Rural Water System well field. The water levels in this well have remained steady in recent years, indicating that water levels have equilibrated.

The nearest observation well to the Water Permit Application No. 7981-3 well is KG-88B, located approximately 1,500 feet south. The hydrograph of this observation well is shown in Figure 4 (Water Rights, 2014a). This hydrograph is typical of many observation wells recording water levels in the Vermillion East Fork aquifer. Water levels in these observation wells often display cyclic conditions, recharging during wet years and declining during dry years. The data documents that at the current level of development temporal well withdrawal is masked by climatic conditions. Recharge to and natural discharge from the aquifer greatly exceeds well withdrawal. And so, water is available for capture before natural discharge. Therefore, unappropriated water is available from the Vermillion East Fork aquifer to support the proposed appropriation.

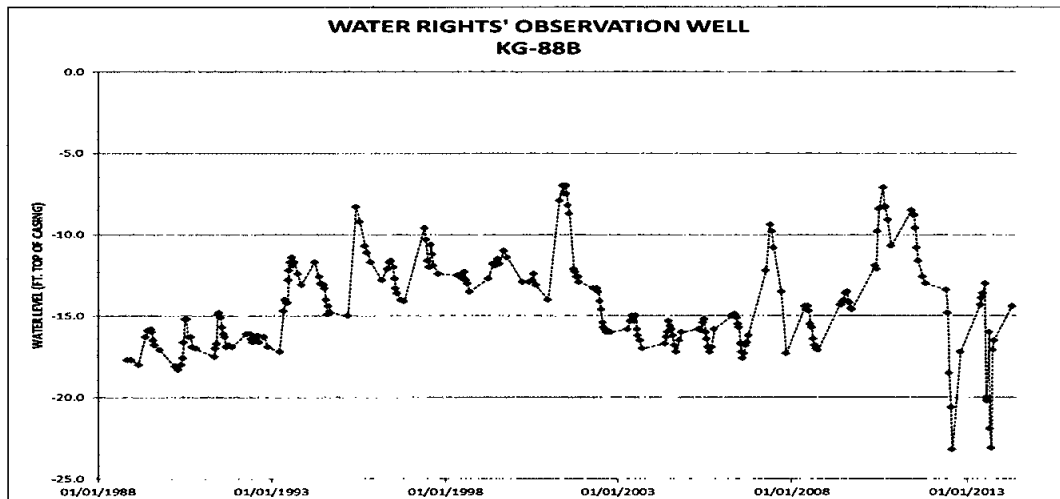


Figure 4: Hydrograph for observation well KG-88B (Water Rights, 2014a)

EXISTING WATER RIGHTS:

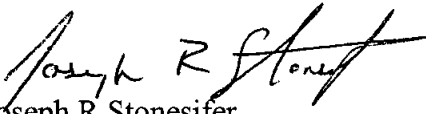
There are several wells completed into the Vermillion East Fork aquifer in the area of the well site. In addition to domestic wells, there are three water rights, excluding No. 3478-3, within one mile of the well. The nearest well is located approximately 2,000 feet north, authorized by Water Right No. 4137-3, Kingbrook Rural Water System, Inc.

The water table conditions of the aquifer in this area dictate that water level drawdown due to pumping will not extend far from the well. 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 impaired due to the additional diversion from the well.

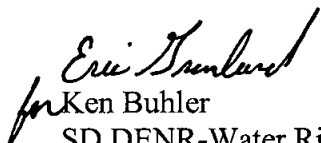
Conditions could occur where withdrawal exceeds the average annual recharge. When this occurs, the saturated thickness of the already thin aquifer could be reduced. If the saturated thickness is reduced to the extent that water rights/permits can no longer pump at their developed or "historically established" diversion rates, this may be considered an adverse impact.

CONCLUSIONS:

1. Water Permit Application No. 7981-3 proposes to appropriate an additional 0.58 cfs to irrigate 24 new acres from one existing well authorized by Water Right No. 3471-3.
2. Water Right No. 3471-3 appropriates 1.33 cfs from one well, 57 feet deep, completed into the Vermillion East Fork aquifer for the irrigation of 110 acres.
3. There is a reasonable probability that unappropriated water is available from this unit of the Vermillion East Fork aquifer to supply the proposed appropriation.
4. This proposed diversion is not expected to adversely impair existing nearby wells.
5. If the saturated thickness is reduced to the extent that water rights/permits can no longer pump at their developed diversion rates, this may be considered an adverse impact.


Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by


for Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hamilton, L.J. 1986. Geology and Water Resources of Clark County, South Dakota. Part II: Water Resources. SD DENR-Geological Survey- Bulletin 29. Vermillion, South Dakota
- Hamilton, L.J. 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota. Water-Resources Investigations Report 88-4185, 82 p. USGS, Huron, South Dakota.
- Hansen, D.S. 1986. Water Resources of Lake and Moody Counties, South Dakota. Water-Resources Investigations Report 84-4209, 57 p. USGS, Huron, 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.

Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.

In the Matter of Water Permit Application No. 7239-3, by Hanson County Dairy v. Robert Bender and Stace Nelson, South Dakota First Judicial Court Civ. No. 11-54 (Memorandum Decision, April 29, 2005)

In the Matter of Water Permit Application No. 6431-3, by Phillip W. Hines v. SD Department of Environment and Natural Resources, South Dakota Sixth Judicial Court Civ. No. HU04-37 (Memorandum Decision, April 11, 2012)

Jensen, A.R. 2001. First Occurrence of Aquifer Materials in Clark County, South Dakota. SD DENR-Geological Survey-Aquifer Materials Map 2. Vermillion, South Dakota.

Jensen, A.R. 2002a. First Occurrence of Aquifer Materials in Lake County, South Dakota. SD DENR-Geological Survey-Aquifer Materials Map 11. Vermillion, South Dakota.

Jensen, A.R. 2002b. First Occurrence of Aquifer Materials in Miner County, South Dakota. SD DENR-Geological Survey-Aquifer Materials Map 12. Vermillion, South Dakota.

Lindgren, R.J. and Hansen, D.S. 1993. Major Aquifers in Hutchinson and Turner Counties, South Dakota. SD DENR-Geological Survey- Information Pamphlet No. 45. Vermillion, South Dakota

Schulz, L.D. 2007. First Occurrence of Aquifer Materials in Kingsbury County, South Dakota. SD DENR-Geological Survey-Aquifer Materials Map 24. Vermillion, South Dakota.

Water Rights. 1995-2013. "Water Use Report Status": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 1980-2013. "Annual Irrigation Summary by 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

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STATE OF SOUTH DAKOTA,
County of Kingsbury.

MAY 21 2014

David Tritle

WATER RIGHTS
PROGRAM

county being first duly sworn on oath, says that he is the publisher of **THE DE SMET NEWS**, a weekly newspaper printed and published in De Smet in said County of Kingsbury and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Notice of Application No. 7981-3

to Appropriate Water, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least

once in each week for 1 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

<u>5-14</u>	<u>2014</u>	:	<u>20</u>
<u>20</u>	<u>20</u>	:	<u>20</u>
<u>20</u>	<u>20</u>	:	<u>20</u>
<u>20</u>	<u>20</u>	:	<u>20</u>

that the full amount of the fee charged for the publication of said notice accrues to the benefit of the publisher of 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 person whomsoever, and that the fees charged for the publication thereof are

\$ 30.50

Subscribed and sworn to before me this 17th

day of May A.D. 20 14

Margaret A. Wilde

Notary Public

Kingsbury County, South Dakota

My commission expires May 30, 2018

NOTICE OF APPLICATION NO.

7981-3 to Appropriate Water

Notice is given that Farron Pratt, 305 St. Andrews Court, Vermillion, SD 57069, has filed an application for a water permit to appropriate an additional 0.58 cubic feet of water per second (cfs) and irrigation of 24 additional acres to what is currently authorized by Water Right No. 3478-3. Water Right No. 3478-3 authorizes 1.33 cfs from one well completed into the Vermillion East Fork Aquifer (57 feet deep) located in the NE 1/4 SE 1/4 Section 17 for irrigation of 110 acres located in the SE 1/4 Section 17; all in T111N-R56W. This application proposes to appropriate an additional 0.58 cfs from the existing well to irrigate 24 additional acres located in the SE 1/4 Section 17-T111N-R56W. This application, if approved, and Water Right No. 3478-3 will authorize a total diversion rate of 1.91 cfs for irrigation of 134 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7981-3 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 27, 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.

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

RECEIVED

MAY 15 2014

WATER RIGHTS
PROGRAM

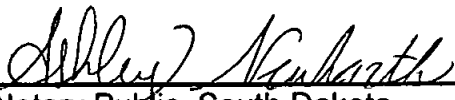
I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

SD ENVIRONMENTAL & NATURAL –
WATER RIGHTS – FARRON PRATT

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 14TH day MAY 2014. That the full amount of the fee charged for publishing is: THIRTY-NINE & 00/100 dollars insures to the benefit of the publisher of 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 person whom so ever.



Subscribed and sworn to me before this 14TH day of MAY 2014.



Notary Public, South Dakota

My term expires 10/25/2017
Legal #1281

F.P. 05-14-14

**NOTICE OF
APPLICATION NO.
7981-3**

to Appropriate Water

Notice is given that Farron Pratt, 305 St Andrews Court, Vermillion SD 57069 has filed an application for a water permit to appropriate an additional 0.58 cubic feet of water per second (cfs) and irrigation of 24 additional acres to what is currently authorized by Water Right No. 3478-3. Water Right No. 3478-3 authorizes 1.33 cfs from one well completed into the Vermillion East Fork Aquifer (57 feet deep) located in the NE 1/4 SE 1/4 Section 17 for irrigation of 110 acres located in the SE 1/4 Section 17; all in T111N-R56W. This application proposes to appropriate an additional 0.58 cfs from the existing well to irrigate 24 additional acres located in the SE 1/4 Section 17-T111N-R56W. This application, if approved, and Water Right No. 3478-3 will authorize a total diversion rate of 1.91 cfs for irrigation of 134 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7981-3 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 27, 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.
No. 1281 (adv.)

Published once at the
total approximate cost of
\$37.77.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 6, 2014

DeSmet News
PO Box 69
DeSmet SD 57231

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7981-3 to Appropriate Water. Please publish the notice once on May 14, 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 Farron Pratt, 305 Saint Andrews Court, Vermillion SD 57069 (Ph # 605-202-0428).

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



May 6, 2014

Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7981-3 to Appropriate Water. Please publish the notice once on May 14, 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 Farron Pratt, 305 Saint Andrews Court, Vermillion SD 57069 (Ph # 605-202-0428).

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 06, 2014 9:14 AM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: No. 7981-3, Farron Pratt
Attachments: 7981-3public.short.docx

Attached is Notice of Application No. 7981-3 to be published on May 14, 2014.

The applicant is Farron Pratt, 305 St Andrew Ct, Vermillion SD 57069 (605 202-0428). He has been notified to contact you to authorize publication and arrange for payment.

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



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

May 6, 2014

Farron Pratt
305 Saint Andrews Court
Vermillion SD 57069

Dear Mr. Pratt:

Water Permit Application No. 7981-3 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 DeSmet News printed at DeSmet SD (Ph # 605-854-3331) and the Plainsman printed at Huron SD (Ph # 605-353-7401). 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 May 14, 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. 7981-3 to Appropriate Water

Notice is given that Farron Pratt, 305 St Andrews Court, Vermillion SD 57069 has filed an application for a water permit to appropriate an additional 0.58 cubic feet of water per second (cfs) and irrigation of 24 additional acres to what is currently authorized by Water Right No. 3478-3. Water Right No. 3478-3 authorizes 1.33 cfs from one well completed into the Vermillion East Fork Aquifer (57 feet deep) located in the NE 1/4 SE 1/4 Section 17 for irrigation of 110 acres located in the SE 1/4 Section 17; all in T111N-R56W. This application proposes to appropriate an additional 0.58 cfs from the existing well to irrigate 24 additional acres located in the SE 1/4 Section 17-T111N-R56W. This application, if approved, and Water Right No. 3478-3 will authorize a total diversion rate of 1.91 cfs for irrigation of 134 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7981-3 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 27, 2014.

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

Published once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



JUN 18 2014

Farron Pratt
305 St Andrews Court
Vermillion SD 57069

Dear Mr. Pratt:

Enclosed is Water Permit No. 7981-3 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

McMath, Genny

From: Farron Pratt <fpratt@firstdakota.com>
Sent: Monday, October 20, 2014 1:55 PM
To: McMath, Genny
Subject: RE: 2014 Irrigation Questionnaire

Thanks for the reply Genny-

They should now both go to Kevin. He took over the lease from his father Wes.

Thank you!

Farron Pratt

First Dakota National Bank | President | Vermillion | 605-624-5842

From: McMath, Genny [<mailto:Genny.McMath@state.sd.us>]
Sent: Monday, October 20, 2014 1:45 PM
To: Farron Pratt
Subject: RE: 2014 Irrigation Questionnaire

Farron,

Sure – I can do that. I see that the other permit we have in your name goes to Wesley Toews. Do you have two separate people farming the land? I just want to make sure I get the form to the right "Toews".

Genny

From: Farron Pratt [<mailto:fpratt@firstdakota.com>]
Sent: Monday, October 20, 2014 1:42 PM
To: McMath, Genny
Subject: 2014 Irrigation Questionnaire

He Genny-

I received the 2014 Irrigation Questionnaire in the mail today. I own the water permit, but lease out the pivot and land to Kevin Toews.

Can you send this to him at the following address:

708 3rd St. SW
DeSmet, SD 57231

Also, can you update your records to reflect that those should be sent to him going forward instead of myself? I believe in the past this was always sent to him as well. This was probably due to the fact I applied for a new permit.

Thank you!

Farron Pratt

First Dakota National Bank | President | Vermillion | 605-624-5842

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication represents the originator's personal views



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



October 21, 2014

3478-3
7981-3

Kevin Toews
708 3rd St SW
DeSmet SD 57231

Dear Mr. Toews:

Enclosed are irrigation questionnaires for Water Right No. 3478-3 and Water Permit No. 7981-3. Farron Pratt contacted us and indicated both of the forms should be sent to your attention.

I have added your name to our records as that of "leaser" for both Nos. 3478-3 and 7981-3. Next year, the forms will be sent directly to your attention.

You will note from the enclosed forms that they had been directed to Mr. Pratt and also to Wesley Toews. If you already have the one we sent to Wesley, you may discard the additional form. I wasn't sure if you had received it so opted to include another one.

Both forms are due back in our office by December 1st. If you have any questions, please let me know.

Sincerely,

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

enclosures



7981-3
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 23, 2020

NOTICE

TO: KEVIN TOEWS, RENTER, 710 3RD ST SW, DESMET, SD 57231 2273

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3478-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 7981-3, 8168-3 & 8169-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 7981-3, 8168-3 & 8169-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3478-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: <https://denr.sd.gov/iq> using this password: GZHBSL**

c: FARRON PRATT, 1900 DAWSON RD, VERMILLION SD 57069

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

January 28, 2020

Kevin Toews
710 3rd St SW
De Smet SD 57231-2273

RE: Water Permit/Right Nos. 3478-3, 7981-3, 8168-3 & 8169-3

Dear Mr. Toews:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit/Right Nos. 3478-3, 7981-3, 8168-3 & 8169-3. 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, appearing to read "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

c: Farron Pratt



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

January 20, 2022

NOTICE

TO: CHAD DYLLA, RENTER, 20463 432ND AVE, DESMET, SD 27231

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7981-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 7981-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 7981-3 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 2, 2022** 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: <https://danr.sd.gov/iq> using this password: YQCEFP**

c: FARRON PRATT, 1900 DAWSON RD, VERMILLION SD 57069

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 AGRICULTURE
and NATURAL RESOURCES**

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

January 26, 2022

7981-3

Chad Dylla
20463 432nd Ave
DeSmet SD 57231

Dear Mr. Dylla:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit No. 7981-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

I'm not sure what happened with the first form, but we've taken care of it now. Thank you for calling. If you have any questions, please contact me.

Sincerely,

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

c: Farron Pratt, 1900 Dawson Rd, Vermillion SD 57069

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7981-3

I have this day, October 26, 2021, made a thorough examination of the water use system constructed by Farron Pratt, 1900 Dawson Rd, Vermillion, SD 57069 of Permit No. 7981-3, bearing the priority of March 6, 2014 authorizing the diversion of additional 0.58 cu. ft. per second to what is currently authorized by Water Permit No 3478-3 of the Vermillion East Fork Aquifer for irrigation purposes, in Kingsbury County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kaiser Well Drilling
- 2) No. of Wells 1
- 3) Depth 62 feet
- 4) Well log is available Y See Water Permit 3478-3 file for log

Casing:

- 1) Diameter 16 inches
- 2) Length 44 feet
- 3) Type steel

Screen:

- 1) Type Stainless steel
- 2) Length 18 feet
- 3) Static water level 22 feet

Pump:

- 1) Make NA
- 2) Model Submersible
- 3) Size NA
- 4) Capacity 800 GPM

Motor:

- 1) Make & Model No. unknown
- 2) Horsepower rating 40 hp

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

- 1) Type aluminum
- 2) Size 6 inches
- 3) Length 150 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate Y

Comments: Using commercially available injection equipment

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
- 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 Sec 17 T111N R56W, 1540 ft N & 1385 ft W, Lat 44.16335 Long -97.57726 (NW ¼ SE ¼ Sec 17)

 44.416335 RJD

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. Water has been put to beneficial use to the maximum extent as follows:

All land in Sec 17 T111N R56W

NW ¼ SE ¼ – 37 acres

NE ¼ SE ¼ – 24 acres

SE ¼ SE ¼ – 30 acres

SW ¼ SE ¼ – 33 acres

comprising a total of 124 acres of land and the license should be issued for 1.78 cfs

3. All structures, wells and lands on map Y

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

The irrigated acreage was determined with the aid of FSA imagery and ArcMAP software.

The total permit discharge is 1.91 cfs for the two permits (1.33 cfs Permit 3478-3 + 0.58 cfs Permit 7981-3)

Mr. Chad Dylla 605/860-8705 is the land operator.

The original pump associated with Water Right No. 3478-3 was rated at 600 gpm. The past Irrigation Questionnaire reports show an 800 gpm pumping rate for the center pivot even though water flows from the well to the pivot through a 6-inch pipe (small for the flow rate). The original pump was replaced with a submersible pump a few years ago according to Mr. Dylla but he did not know the new flow rate. Mr. John Kaiser from Kaiser Well & Pump verified via telephone that the flow rate for the current system is 800 gpm.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **October 27, 2021**

- The permit holder developed a total of 124 acres & 800 gpm. The applicable portions of Water Right No. 3478-3 will be incorporated into Water License No. 7981-3.
- The priority dates retained are
 - December 10, 1976, for 110 acres & 1.33 cfs;
 - March 6, 2014, for 14 acres & 0.45 cfs.

Genny McMath

Diversion Point Location

From the SE corner of
Sec 17 T111N-R56W

**** Well****

1540 ft N & 1385 ft W

Lat 44.16335 ← 44.16335 RJD

Long -97.57726

Irrigated Land

Sec 17 T111N-R56W

NE1/4 SE1/4 - 24ac

SE1/4 SE1/4 - 30 ac

NW1/4 SE1/4 - 37 ac

SW1/4 SE1/4 - 33 ac

Section 17
T111N-R56W

37 ac

24 ac

Well

33 ac

30 ac

Reference
Corner



0 625 1,250 2,500 3,750 5,000 Feet

7981-3

Kempsey

3478-3

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 5 1/4 C 1/4 Section 17 Township 1-11 Range 56
 Well owner: David Platt (Name) DES MET (Address)
 Date well drilling completed: 2-11-77 Purpose of well: irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in test	Description of layer	Depth to top of water producing aquifer	ft.
<u>0' - 2'</u>	<u>Top soil</u>	<u>2</u>	ft.
<u>2' - 57'</u>	<u>gravel</u>	<u>17</u>	ft.
		Name of producing aquifer (if known)	
		Total depth of drill hole	<u>57</u> ft.
		Depth to bottom of casing	<u>37</u> ft.
Casing information: in the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.			
<u>14 - 20 - STEEL</u>			
Screen information: in the space below show length of screen below bottom of casing, diameter, and kind of screen or casing perforations			
<u>30 - JOHNSON STAINLESS - 304 - Hi-g</u>			
If a flowing well, flow of completed well _____ G.P.M.			
Name of Drilling Contractor _____			

Attach sheet if more space is needed

(2) PUMP INSTALLATION

Company name and size of pump _____ HP _____
 Type of pump _____ Capacity of installed pump _____ G.P.M.
 Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.402 of Chapter 49.4, MINN. WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Name of Pump Installation Contractor _____

2-11-77
 FEB 1978

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Farron Pratt

ADDRESS: 1900 Dawson Rd, Vermillion SD

DATE: 3-15-2022

COUNTY: Kingsbury

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to construct a 57 foot deep well into the Vermillion East Fork Aquifer in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17 for irrigation of 124 acres in the SE $\frac{1}{4}$ of Section 17; all in T111N-R56W.

AUTHORITY:

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

- **Developed water source same as permitted source and no additional water appropriated**

The well into the Vermillion East Fork Aquifer is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 17 T111N-R56W in the adjacent quarter-quarter section to the west from the permitted location.

- **If irrigation, no new land is irrigated**

The permit holder developed only the land listed on Permit No 7981-3, there was no new irrigation developed.

- **Review of Existing Diversions**

There are four existing water permits/rights within a mile of where the this well was developed. Three of the four were existing permits/rights when this permit was issued, it was determined that there was reasonable probability any well interference due to pumping of this well would not adversely or unlawfully impair existing rights. The same would be expected for the well constructed in the new location.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mark D. Rath, Natural Resources Engineer
Water Rights Program

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

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



Eric Gronlund, Chief Engineer
Water Rights Program

7981-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAR 17 2022

3478-3
7981-3

Farron Pratt
1900 Dawson Rd
Vermillion SD 57069

Dear Mr. Pratt:

Enclosed is Water License No. 7981-3. 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

Note: Upon licensing, the applicable portions of Water Right No. 3478-3 were incorporated into Water License No. 7981-3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7981-3

(1) Farron Pratt, 1900 Dawson Rd., Vermillion SD 57069 made Application No. 7981-3, March 6, 2014 for a water permit to divert an additional 0.58 cubic feet of water per second from ground water, one existing well (Vermillion East Fork Aquifer), Kingsbury County, South Dakota for irrigation purposes. Permit No. 7981-3, with a priority date of March 6, 2014, was approved May 27, 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 27, 2019, and for the application to beneficial use of said water on or before May 27, 2023.

Water Permit No. 3478-3, with a priority date of December 10, 1976, authorizes diversion of 1.33 cfs to irrigate 110 acres in the SE ¼ Section 17, T111N, R56W. Water Permit No. 7981-3 was obtained to increase the diversion rate up to 1.91 cfs and add 24 acres to the existing system.

The well location was incorrectly described on Water License No. 3478-3 and on Water Permit No. 7981-3 as being in the NE ¼ SE ¼ Section 17, T111N, R56W. The well is in the NW ¼ SE ¼ Section 17. Pursuant to SDCL 46-5-13.1 and 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

The applicable portions of Water Right No. 3478-3 have been incorporated into Water License No. 7981-3. Priority dates are described in (3) of this license.

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

- 1,540'N & 1,385'W of the SE corner Section 17, T111N, R56W (NW ¼ SE ¼)
Latitude 44.16335 Longitude -97.57726

(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 17, T111N, R56W	NW ¼ SE ¼	37 acres
	NE ¼ SE ¼	24 acres
	SE ¼ SE ¼	30 acres
	SW ¼ SE ¼	33 acres
	Total	124 acres

Priority dates: **December 10, 1976, established under No. 3478-3 (110 acres and 1.33 cfs)**
 March 6, 2014, established under No. 7981-3 (14 acres and 0.45 cfs)

continued

Water License No. 7981-3

Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Farron Pratt, 1900 Dawson Rd, Vermillion SD 57069 the holder and/or owner of Incorporated Water Right No. 7981-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Vermillion East Fork Aquifer) with priority dates of December 10, 1976 (1.33 cfs & 110 acres) and March 6, 2014 (0.45 cfs and 14 acres) 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. 7981-3 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.
- 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

MAR 17 2022

date

