

WATER PERMIT NO. 7982-3

Name of Applicant: James Hommel

Address: 43493 143 St, Webster SD 57274 Phone: 605 881-3746

Amount of Water Claimed: 2.22 cfs Total Acres: 180 acres

Source of Water Supply: Antelope Lake

Water to be used for: irrigation County: Day

Type of Waste Disposal System:

Location: 1 mile south of Webster

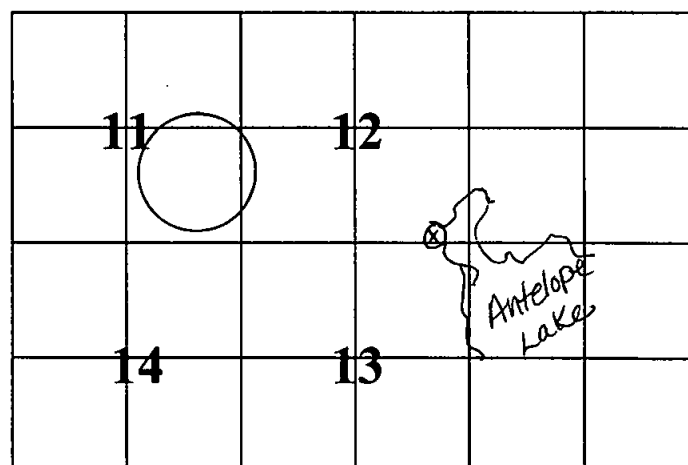
PRIORITY Date Received: 3-11-14 Application/License Fee: \$ 1050

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

Remarks:

Diversion Point: SE 1/4 SE 1/4 Sec 12-T121N-
R56W

Land to be Irrigated: W 1/2 SW 1/4 Sec 12, S 1/2
NE 1/4, SE 1/4 Sec 11-T121N-R56W



Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-11-14

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>7982-3</u>	(office use only) Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>	<u>605-345-3356</u>
	Newspaper <u>Reporter & Farmer, 516 Main, Webster</u>	<u>605-886-6901</u>
	<u>Public Opinion, Box 10, Watertown 57201</u>	

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

(name and complete address if different than above name)

Mailing Address 43493 1435T Webster SD 57274

(Address)

(City)

(State)

(Zip Code)

Home Phone 345-4554 Cell 881-3746 Email _____2. Amount of water claimed 2.22*CFS or 1000**GPM ***AF Total Acreage 180

(*Cubic Feet per Second)

(**Gallons per Minute)

(***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Antelope Lake4. Location of point of diversion SE 1/4 12 - 121 N 56 W - 149st end at Lake

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

County Day5. County or counties where water will be used Day6. 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
SW 1/4 of SW 1/4 12-121-56	17	NW 1/4 of SE 1/4 11-121-56	32
NW 1/4 of SW 1/4 12-121-56	3	SW 1/4 of SE 1/4 11-121-56	27
SE 1/4 of NE 1/4 11-121-56	17	NE 1/4 of SE 1/4 11-121-56	40
SW 1/4 of NE 1/4 11-121-56	17	SE 1/4 of SE 1/4 11-121-56	27

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

A center Pivot being 1492 ft Long with a end Con adding 100 ft total 1590 ft of irrigation 1 mile south of Webster SD on lighter soil the Center being on westerly side of NE 1/4 of SE 1/4 of 11-121-56

I, James Hommel, 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. 7982-3

Date of first receipt of application March 11, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7982-3 to James Hommel, 43493 143rd St, Webster SD 57274 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. 7982-3 appropriates 2.22 cubic feet of water per second from Antelope Lake located in the SE 1/4 SE 1/4 Section 12 for irrigation of 180 acres located in the S 1/2 NE 1/4, SE 1/4 Section 11 and W 1/2 SW 1/4 Section 12; all in T121N-R56W.
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 March 11, 2014.
4. The date of approval of Permit No. 7982-3 is November 20, 2014.
5. One-fifth of the construction is to be completed on or before May 20, 2017.
6. All construction is to be completed on or before November 20, 2019.
7. Water is to be put to beneficial use on or before November 20, 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 South Dakota Department of Game, Fish and Parks holds Recognized Vested Water Right Claim No. 625-3 for Antelope Lake in Day County. Diversion of water under Permit No. 7982-3 is subject to the following based on survey reference - NGVD 29 datum:
 - Irrigation is authorized for the next year's irrigation season when the lake elevation is at or above 1,810 feet mean sea level (fmsl) at the time of the DENR's annual fall lake elevation survey. If the 1,810 fmsl lake elevation is met in the fall, irrigation is authorized uninterrupted for the upcoming irrigation season in accordance with the water permit regardless of the lake elevation.
 - Irrigation is not authorized for the upcoming irrigation season if the lake elevation is below 1,810 fmsl at the time of DENR's annual fall lake elevation survey unless the spring run-off results in a lake elevation at or above 1,812 fmsl at the time of DENR's annual spring lake elevation survey.
 - If the lake level is at or above 1,812 fmsl when the spring lake elevation survey is conducted, irrigation is authorized uninterrupted for that calendar year's irrigation season.
2. Diversions under this permit shall be in accordance with written orders issued by the Chief Engineer.
3. 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

DEC 18 2014

date



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Bondell Rancher Aleck

703 W 14th Ave

Webster SD 57274

345-3861

Tract # T.2030 & T.2031



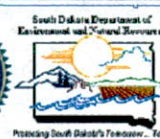
Legend

- Piping
- Irrigated Acres
- Section Boundaries - PLSS



0 0.1 0.2 0.4 Miles

Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program



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MAP

MAP NOT TO SCALE

THIS IS NOT AN OFFICIAL WETLAND

James Hommel 2856

MAP NOT TO SCALE

THIS IS NOT AN OFFICIAL WETLAND MAP

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USDA - Farm Service Agency

Day County, SD

12-121N-56W

1:8,635

January 09, 2009

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Pumping from
Here



USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/11, 20 14

RECEIVED OF James Hommel 43493 143rd St Webster SD 57274

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	950	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1150 00

No. **06782**

By


Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



October 2, 2014

James Hommel
43493 143rd Street
Webster SD 57274

Dear Mr. Hommel:

Enclosed is the staff report and recommendation on your water permit application for irrigation from Antelope Lake in Day County. I outlined the Chief Engineer's recommendation with you on the phone.

If you are in agreement with the recommendation, the application can proceed to public notice in a manner that if no one petitions to intervene the permit can be issued based on the recommendation. However, if you do not agree with the recommendation, the application will then be public noticed scheduling a hearing before the Water Management Board. The Board has authority based on the evidence presented at the hearing to decide whether to approve the application and establish appropriate conditions. Under either scenario, if a petition opposing the application is submitted in response to the public notice, a contested case will be conducted before the Board.

As you are aware, Mr. Gaikowski has a permit application filed prior to your application to also irrigate from Antelope Lake. If Mr. Gaikowski opposes the recommendation on his application and seeks to bring the matter before the Board, it would necessitate your application also being scheduled for a Board hearing.

Please review this material carefully and contact the Water Rights Program if you have questions. As soon as we hear from you, we can proceed to public notice.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

Enclosures

C: Senator Jason Frerichs, 13507 465th Avenue, Wilmot SD 57279



**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. 7982-3, James Hommel**

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. 7982-3, James Hommel, 43493 143rd Street, Webster SD 57274.

The Chief Engineer is recommending APPROVAL of Application No. 7982-3 with qualifications 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 South Dakota Department of Game, Fish and Parks holds Recognized Vested Water Right Claim No. 625-3 for Antelope Lake in Day County. Diversion of water under Permit No. 7982-3 is subject to the following based on survey reference - NGVD 29 datum:
 - Irrigation is authorized for the next year's irrigation season when the lake elevation is at or above 1,810 feet mean sea level (fmsl) at the time of the DENR's annual fall lake elevation survey. If the 1,810 fmsl lake elevation is met in the fall, irrigation is authorized uninterrupted for the upcoming irrigation season in accordance with the water permit regardless of the lake elevation.
 - Irrigation is not authorized for the upcoming irrigation season if the lake elevation is below 1,810 feet mean sea level at the time of DENR's annual fall lake elevation survey unless the spring run-off results in a lake elevation at or above 1,812 feet mean sea level at the time of DENR's annual spring lake elevation survey.
 - If the lake level is at or above 1,812 feet mean sea level when the spring lake elevation survey is conducted, irrigation is authorized uninterrupted for that calendar year's irrigation season.
2. Diversions under this permit shall be in accordance with written orders issued by the Chief Engineer.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

4. The irrigation intake in Antelope Lake for this project shall be constructed so that the intake velocities at the intake point do not exceed 0.25 feet per second and the intake is screened with ¼ inch diameter or 3/16 inch stainless steel or corrosion resistant screen to avoid entrainment and impinging fish.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "Jeanne Goodman", with a horizontal line extending from the end of the signature.

Jeanne Goodman, Chief Engineer
September 30, 2014

NOTE: DENR conducts annual lake elevation surveys each fall and spring on many South Dakota lakes. The fall survey is generally conducted in October while the spring survey is conducted in April to early May depending on weather conditions. Antelope Lake has been added as a lake to survey each fall and spring.

REPORT ON WATER PERMIT APPLICATION NO. 7982-3
JAMES HOMMEL
September 17, 2014

PURPOSE OF THE REPORT

Currently there are two applications to divert water from Antelope Lake for irrigation: Water Permit No. 7908-3 and Water Permit No. 7983-2. A revised report for Water Permit Application No. 7908-3 was prepared by Bracken Capen, Water Rights engineer. After review of the "Revised Report" applicants expressed concern in making the investment for irrigation without some guarantee that they could irrigate through the season. Water Rights staff visited the site and met with the applicants to discuss their concerns. As a result Water Rights staff agreed to investigate further the potential resulting Antelope Lake water levels if irrigation were to be approved.

The purpose of this report is to investigate water budgets for Antelope Lake given differing climatic conditions and formulate an operation plan for irrigation that will protect existing water rights and give some assurance to irrigation through the season.

Upon further investigation of the project and Antelope Lake, this report was prepared to address what effect the irrigation project proposed by Water Permit Application No. 7982-3 would have on Antelope Lake levels in regard to protecting existing water rights.

It is important to note that all elevations in this report are in NGVD 29 datum.

EXISTING WATER RIGHTS

There is one existing water right and one water permit application pending on Antelope Lake. Recognized Vested Water Right No. 625-3 is held by the South Dakota Dept. of Game, Fish, and Parks. It should be noted the Water Management Board has not validated Recognized Vested Water Right No. 625-3. At the time that Vested Water Right No. 625-3 was claimed, the lake was estimated at approximately 320 acres in area and expected to lose approximately three feet of water annually to evaporation (960 acre-ft lost per year). Recognized Vested Water Right No. 625-3 claims an amount of water equal to annual evaporation or as required to fill the lake to the outlet located in the center of the NE¼ Section 19 T121N-R55W. Recognized Vested Water Right No. 625-3 has a priority date which corresponds to the statehood of South Dakota.

Water Permit Application 7908-3 proposed by Terry E. Gaikowski, is for 2.71 cubic feet of water per second from Antelope Lake in Day County. The Chief Engineer is recommending approval with conditions.

GENERAL INFORMATION

Antelope Lake is a meandered lake located three miles southeast of Webster, SD. Lake levels in the area have risen dramatically since the early 1990's, and Antelope Lake is no exception. Average annual precipitation over the last 20 years has increased by four inches bringing it to 26 inches. Annual evaporation, looking at nearby weather stations that measure evaporation, is 34 inches. With increases in precipitation and larger precipitation events, runoff values have also increased.

The lake outlet, located in the NE¼ of Section 19-T121N-RR55W, is a low-lying rock structure which has been inundated much of the time over the last several years. Two separate surveys conducted by Water Rights staff have found the lake overflow elevation to be 1812.1 fmsl. The outlet flows to other

smaller basins but does not leave the larger basin until the water reaches a farmstead area about 1.4 miles to the east. The basin outlet elevation is not known, however, aerial photos show that the Antelope Lake outlet is inundated before water flows out of the basin. Once water flows out of the basin it goes to Solomon Slough which is now part of Bitter Lake.

Aerial photos of the area have been studied. Photos viewed for the years 1958, 1971, 1984, and 1991 show Antelope Lake water levels well below the lake overflow elevation. Lakes in Day County began to fill in the 1990's. Aerial photos and water level measurements over the last 17 years show Antelope Lake water levels over the lake outlet in all years except 2004, when the water level was at the outlet elevation and 2006, when the water level was below the outlet elevation. See Table 1.

Table 1 – Date of Aerial Photo or Lake Measurement, Outlet Condition and Lake Surface Area

PHOTO OR SURVEY DATE	WATER LEVEL IN RELATION TO LAKE OUTLET	WATER ELEVATION IF KNOWN Fmsl NGVD 29 datum	LAKE SURFACE AREA Antelope + sm basins acres
8-9-1958	Well below outlet		
7-15-71	Well below outlet		
End of June 1984	Well below outlet		
Aug 1991	Well below outlet		271
1998	Over outlet, spilled out of basin		666 + 438 = 1104
2003	Over outlet		610 + 358 = 968
2004	at outlet	Apprx. 1812	555
2005	Just over outlet		555
2006	below outlet		551
2007	Over outlet		
2008	Over outlet		567 + 10 = 577
6-10-2009	Over outlet	1814.1	
2010	Over outlet		652 + 383 = 1035
7-21-2011	Over outlet	1815.9	
6-30-2012	Over outlet		634 + 358 = 992
7-9-2013	Over outlet		
11-14-2013	Over outlet	1814.1	
4-19-14	Over outlet		
6-23-2014	Over outlet	1814.9	

WATER AVAILABILITY

Water budgets for Antelope Lake, for differing climate conditions, were calculated in order to address water availability and the effect the proposed project would have on lake levels. Water budget calculations take into account gains through direct precipitation on the lake and watershed runoff, and losses through lake evaporation and proposed irrigation pumping. Other losses are taken into account in the runoff calculations. The runoff values were calculated using the U.S. Soil Conservation Service runoff equation which takes into account losses due to interception, infiltration, surface storage, and evaporation. Irrigation pumping values were calculated by applying one foot of water to the acres to be irrigated over the irrigation season. State water law allows for a maximum of 2 feet per acre per year,

however, the average amount applied in a season is 8 to 9 inches. The surface area of the lake is taken into account when calculating gains and losses.

Calculations were made for drought condition years, average years, and high precipitation years. Spring runoff, direct precipitation, and evaporation values were applied to a beginning fall lake level in order to calculate a following spring lake level. Runoff values due to precipitation events, direct precipitation, evaporation, and irrigation pumping were applied to the spring lake level to get a lake level at the end of the irrigation season.

A starting elevation in the fall of 1810 fmsl was used. This elevation represents the wetland delineation contour for Antelope Lake on the United States Geologic Survey Topographic map published in 1970. See the results in Table 2.

Table 2 – Water Budget for Antelope Lake for Different Hydrologic Conditions.

CONDITION	FALL ELEV FMSL	SPR RUNOFF WINTER PREC WINTER EVAP FT	SPR ELEV FMSL	SEASON RUNOFF SEASON PREC SEASON EVAP PENDING IRR FT	LAKE AREA ACRES	IRR 7982-3 FT	FALL ELEV FT
Drought	1810	+0.4	1810.4	-1.0	428	-0.4	1809.0
Drt values next Spring	1809.0	+0.4	1809.4				
Avg values next Spring	1809.0	+2.0	1811.0				
High values next Spring	1809.0	+4.9	1813.9				
Average	1810	+2.0	1812	-0.2	555	-0.3	1811.5
Drt values next Spring	1811.5	+0.3	1811.8				
Avg values next Spring	1811.5	+1.7	1813.2				
High values next Spring	1811.5	+2.8	1814.3				
Freshet	1810	+4.9	1814.9	+0.6	1034	-0.2	1815.3
Drt values next Spring	1815.3	+0.3	1815.6				
Avg values next Spring	1815.3	+1.6	1816.9				
High values next Spring	1815.3	+4.2	1819.5				

Antelope Lake water levels are most affected by climatic conditions. The effect of irrigation pumping proposed by this application increases during times of persistent drought and when Antelope Lake's water level is below 1810 fmsl. The following operation plan is proposed to address this and to protect existing water rights.

OPERATION PLAN

In order to develop an operation plan that protects existing water rights, a beginning fall lake elevation of 1810 fmsl is used to trigger whether or not irrigation will be allowed the following irrigation season. If Antelope Lake water level is at or above 1810 fmsl in the fall there is a reasonable probability that the next spring runoff will result in a lake level near or above the lake overflow elevation of 1812.1 fmsl. A fall lake level of 1810 fmsl or above will allow for the applicant to plan for the upcoming planting and irrigation season. A fall lake level below 1810 fmsl will not allow pumping for the next irrigation season unless the spring runoff results in a lake level at or above 1812 fmsl. In this case pumping can occur over the irrigation season, though the convenience of planning ahead is lost. If the criteria to allow pumping is met, irrigation will be allowed for the entire season.

Antelope Lake water levels are most affected by climatic conditions. If approved, with qualifications, Water Permit Application No. 7982-3 will not have a significant effect on the water levels in Antelope Lake.

CONCLUSIONS

- 1) Application No. 7982-3 proposes to appropriate 2.22 cfs of water from Antelope Lake from a point located in the SE¼ SE¼ Section 12 T121N-R56W in Day County to irrigate 180 acres of land.
- 2) During dry periods, Antelope Lake cannot be considered a reliable source of water.
- 3) There is one existing water right on Antelope Lake, recognized Vested Water Right No. 625-3 held by the South Dakota Dept. of Game, Fish, and Parks. This water right claims an amount of water equal to annual evaporation or as required to fill the lake to the outlet located in the center of the NE¼ Section 19 T121N-R55W. If approved Water Permit No. 7982-3 should include the following qualification:

Pumping can take place the next irrigation season when the previous fall elevation is 1810 fmsl at the end of October. No pumping can take place if the end of October elevation is below 1810 fmsl unless the following end of spring runoff elevation is at or above 1812 fmsl. If the criteria to allow pumping is met, irrigation will be allowed April 1 through October 31.

- 4) Issuance of this permit does not preclude the permit holder from the responsibility of obtaining any other state or federal permits nor gives the permit holder any implied ability to disregard any other federal or state requirements.



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program

RESOURCES

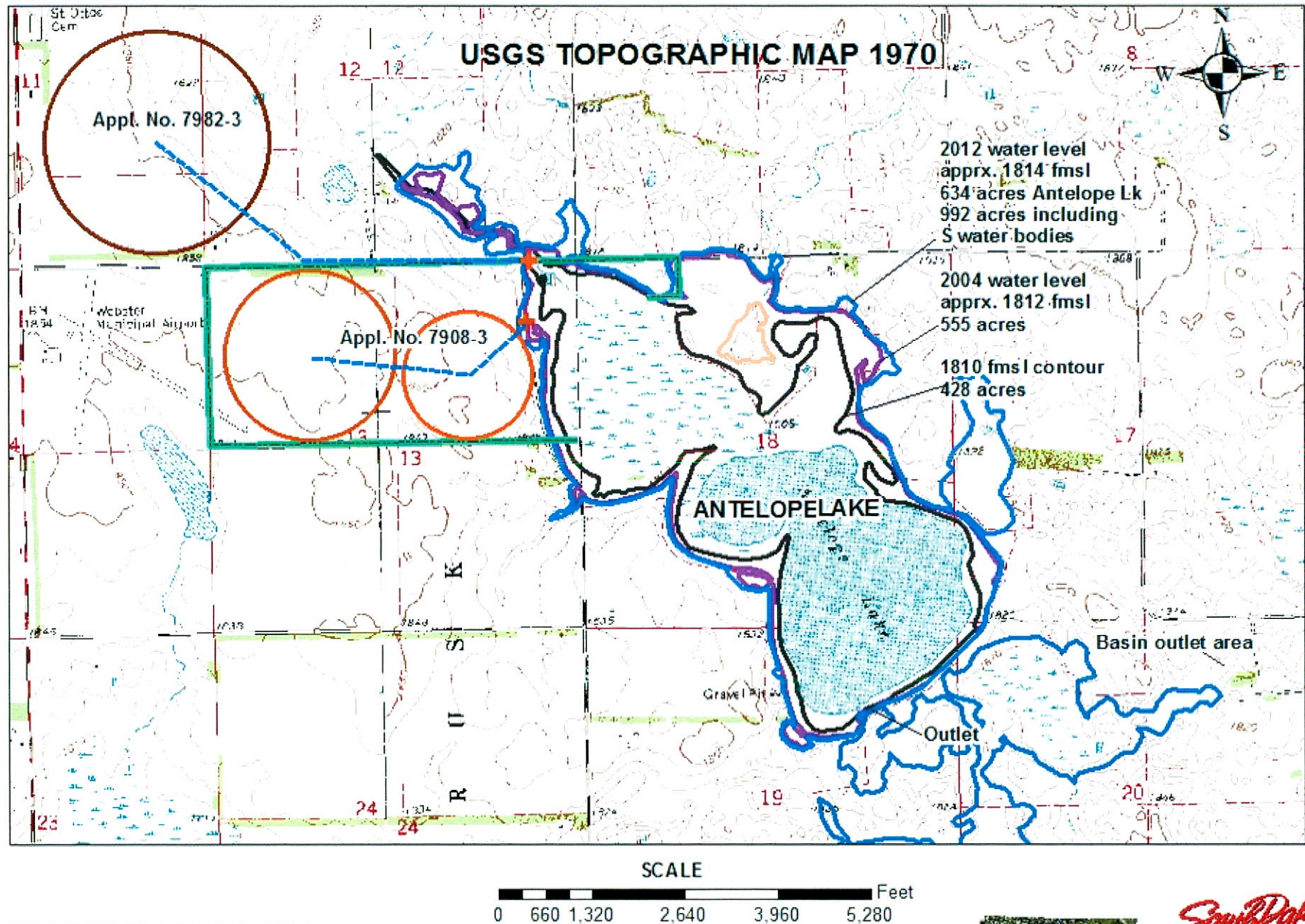
Revised Report to the Chief Engineer Water Permit Application No. 7908-3 Terry Gaikowski, February 14, 2013, Bracken Capen.

A Guide to Hydrologic Analysis Using SCS Methods, Richard H. McCuen, University of Maryland, 1982.

South Dakota Department of Environment and Natural Resources, Water Rights Program Records.

Climatology records, South Dakota State University Climate and Weather Website,
http://climate.sdstate.edu/climate_site/climate.htm

WATER PERMIT APPLICATION NO. 7982-3

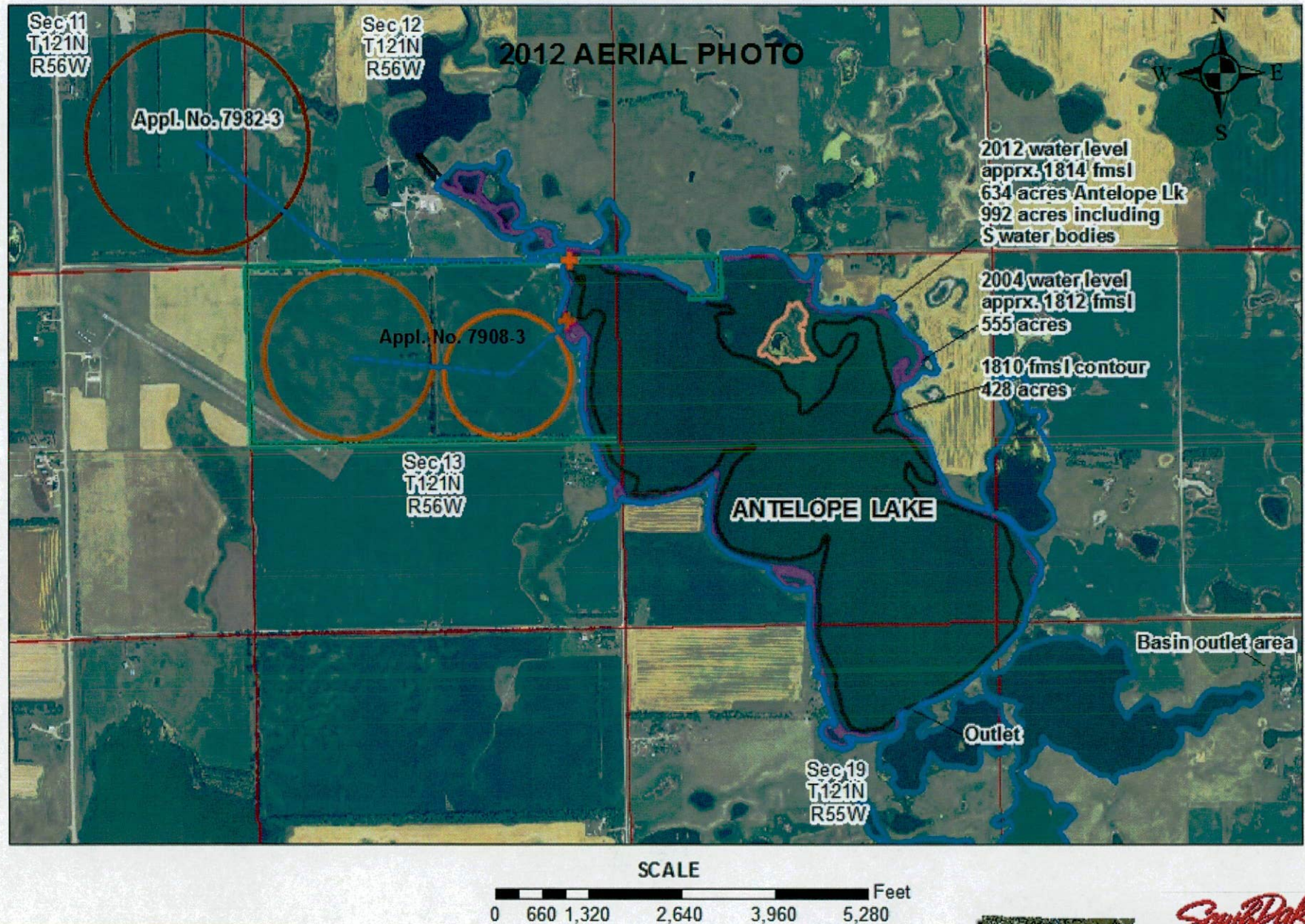


Lynn Beck
Natural Resources Engineer III
SD - DENR, Water Rights Program



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today

WATER PERMIT APPLICATION NO. 7982-3



Lynn Beck
Natural Resources Engineer III
SD - DENR, Water Rights Program



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County of Day
State of South Dakota,

} ss.

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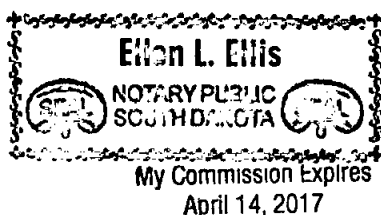
WATER RIGHTS
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John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, John Suhr, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed, Water Permit - Hommel, a printed copy of which is hereunto attached, was printed and published in the said newspaper successive and complete issues as follows:

First Publication	November 10;
Second Publication	;
Third Publication	;
Fourth Publication	;
Fifth Publication	;

That the full amount of fees for publication of the annexed notice is \$27.28 and inures solely to the Reporter & Farmer, published by The Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

Subscribed and sworn to before me this 10th day of November, 2014.



Ellen L. Ellis

Notary Public, Day County, South Dakota

Water p

NOTICE OF APPLICATION NO. 7982-3 TO APPROPRIATE WATER

Notice is given that James Hommel, 43493 143rd St., Webster, SD 57274 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from Antelope Lake located in the SE1/4SE1/4 Section 12 for irrigation of 180 acres located in the S1/2NE1/4, SE1/4 Section 11 and W1/2SW1/4 Section 12; all in T121N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7982-3 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 applica-

ermit application

tion 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 November 20, 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. Information concerning this application is available at <http://denr.sd.gov/public>. 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 \$27.28.

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Form 8

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

November 10th, 2014

Cost of Printing \$57.29

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

November 10th, 2014

(Date Signed)

DENR

NOTICE OF APPLICATION NO. 7982-3 to Appropriate Water

Notice is given that James Hommel, 43493 143 St, Webster SD 57274 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from Antelope Lake located in the SE ¼ SE ¼ Section 12 for irrigation of 180 acres located in the S ½ NE ¼, SE ¼ Section 11 and W ½ SW ¼ Section 12; all in T121N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7982-3 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 November 20, 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. Information concerning this application is available at <http://denr.sd.gov/public>. 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 \$53.74. (November 10, 2014)

5739
All legal notices in the Public Opinion and other South Dakota newspapers can be found at www.sdpublicnotices.com



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



November 4, 2014

Reporter & Farmer
516 Main Ave
Webster SD 57274

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7982-3 to Appropriate Water. Please publish the notice once on November 10, 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 James Hommel, 43493 143 St, Webster SD 57274 (Ph # 605-345-4554).

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



November 4, 2014

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7982-3 to Appropriate Water. Please publish the notice once on November 10, 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 James Hommel, 43493 143 St, Webster SD 57274 (Ph # 605-345-4554).

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.**

November 4, 2014

James Hommel
43493 143 St
Webster SD 57274

Dear Mr. Hommel:

Water Permit Application No. 7982-3 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 Reporter & Farmer printed at Webster SD (Ph # 605-345-3356) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspaper(s) and authorize publication of this notice.

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 November 10, 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. 7982-3 to Appropriate Water

Notice is given that James Hommel, 43493 143 St, Webster SD 57274 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from Antelope Lake located in the SE 1/4 SE 1/4 Section 12 for irrigation of 180 acres located in the S 1/2 NE 1/4, SE 1/4 Section 11 and W 1/2 SW 1/4 Section 12; all in T121N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7982-3 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 November 20, 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. Information concerning this application is available at <http://denr.sd.gov/public>. 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_____.

PAYMENT REQUEST FORM

PAYEE: James Hommel
43493 143rd St
Webster SD 57274

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

refund on Water Permit No. 7982-3 - overpayment

AMOUNT: \$100.00

FUNDING SOURCE:

GENERAL:

FEDERAL:

OTHER: Water Right Fees

COMMENTS:

AUTHORIZATION: 

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



DEC 18 2014

James Hommel
43493 143rd St
Webster SD 57274

Dear Mr. Hommel:

Enclosed is Water Permit No. 7982-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

This application was submitted with a \$1,150.00 fee. The correct fee is \$1,050.00. Therefore, \$100.00 will be refunded to you. The refund check will be received within the next couple of weeks.

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



7982-3
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 15, 2016

NOTICE

TO: JAMES HOMMEL, 43493 143RD ST, WEBSTER, SD 57274

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7982-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 7982-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7982-3 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, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. 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

denr.sd.gov

February 3, 2016

7982-3

James Hommel
434 143rd St
Webster SD 57274

Dear Mr. Hommel:

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

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit No. 7982-3. 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

7972-3

RECEIVED

SEP 22 2016

WATER RIGHTS
PROGRAM

SD EForm - 1311 V1

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 9-19-16

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: James Hommel
(name)
43493 143rd Street
(address)
Webster SD 57274
(city, state, zip) (phone)

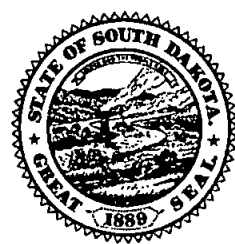
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7982-3 states that the water use system is to be constructed by 11/20/2019, and water is to be put to beneficial use by 11/20/2023.
(date) (date)

The water use system was completed on 8-4-16.
(date)

Applying the water to beneficial use was completed on 8-5-16.
(date)

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

September 29, 2016

7982-3

James Hommel
43493 143rd St
Webster SD 57274

Dear Mr. Hommel:

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



7982-3
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 26, 2018

NOTICE

TO: JAMES HOMMEL, 43493 143RD ST, WEBSTER, SD 57274

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7982-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7982-3 qualification:

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

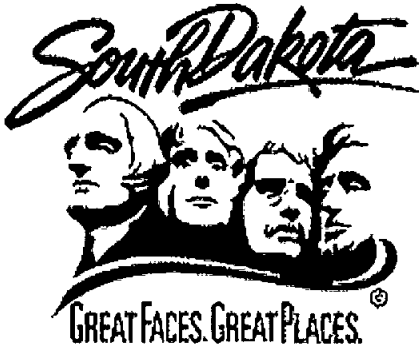
The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant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

1. Suspend or cancel Permit No(s) 7982-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 1, 2018

7982-3

James Hommel
43493 143rd St
Webster SD 57274

Dear Mr. Hommel:

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit No. 7982-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

7982-3



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: JAMES HOMMEL, 43493 143RD ST, WEBSTER, SD 57274

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) 7982-3. 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) 7982-3 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:

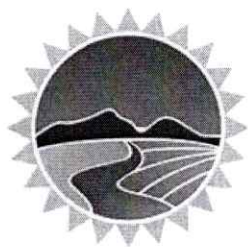
1. Suspend or cancel Permit No(s) 7982-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: KJQBKS**

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.

7982-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2021

7982-3

James Hommel
43493 143rd St
Webster SD 57274

Dear Mr. Hommel:

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. 7982-3. 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 cursive script that reads "Genny McMath".

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. 7982-3

I have this day, September 19, 2023, made a thorough examination of the water use system constructed by James Hommel, 43493 143 st, Webster, SD 57274 of Permit No. 7982-3, bearing the priority of March 11, 2014 authorizing the diversion of 2.22 cu. ft. per second of the waters of Antelope Lake for irrigation purposes, in Day County.

A. Works used to divert the water:

Pumping plant Information:

Pump:

- 1) Make Cornell
- 2) Model 4RBF16
- 3) Size 12.75
- 4) Capacity 800 GPM

Engine:

- 1) Make John Deere
- 2) Model No. C23 238 02 (5 cyl)
- 3) Horsepower rating 100 hp

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

- 1) Type Buried PVC pipe
- 2) Size 10 inches
- 3) Length 7900 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T & L
- 2) Overall length 1480 feet
- 3) Number of towers 8
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 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: PUMPING PLANT LOCATION From the SW corner Sec 12 T121N R56W, 26 ft N & 4580 ft E, Lat 45.29751 Long - 97.491909 (SE ¼ SE ¼)
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

All land in Sec 11 T121N R56W

SW NE – 7 acres

SE NE – 17 acres

NW SE – 33 acres

NE SE – 40 acres

SE SE – 33 acres

SW SE – 21 acres

legal description/acreage

All land in Sec 12 T121N R56W

SW NW – 1 acre

NW SW – 19 acres

SW SW – 9 acres

comprising a total of 180 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 estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The mailing address and the telephone number in the permit materials are current.

I talked to Jame Hommel on the phone regarding the field inspection visit.



PUMPING PLANT AT ANTELOPE LAKE

A handwritten signature in black ink, reading "Darrell W DeBoer".

Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: October 4, 2023



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

Licensing of Acreage Outside of Permitted Area

NAME: James Hommel

ADDRESS: 42493 143 St, Webster SD 5274

DATE: October 11, 2023 COUNTY: Day

AUTHORITY

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

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 180 acres.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The relocated 1 acre is in the SW1/4 NW1/4 immediately adjacent to permitted acres in the SW1/4 - all in Section 12 T121N-R56W

- **Owned by Same Property Owner**

All the property involved is listed under the James L Hommel

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

The construction completion date was to be completed by November 20, 2019. Irrigation was reported being performed in 2016

RECOMMENDED ACTION

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



Mark D Rath, Natural Resources Engineer
Water Rights Program

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

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



Eric Gronlund, Chief Engineer
Water Rights Program

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7982-3

(1) James Hommel; 43493 143rd St, Waubay SD 57274, made Application No. 7982-3, March 11, 2014, for a water permit to divert 2.22 cubic feet of water per second from Antelope Lake, Day County, South Dakota for irrigation purposes. Permit No. 7982-3, with a priority date of March 11, 2014, was approved November 20, 2014, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 20, 2019, and for the application to beneficial use of water on or before November 20, 2023.

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

(2) It is certified that the permit 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:

- 26 ft N & 4,580 ft E of the SW corner of Section 12, T121N, R56W (SE ¼ SE ¼)
(Latitude 45.29751 & Longitude -97.491909)

(3) The amount of appropriation may not exceed 2.0 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.

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

Section 11, T121N, R56W
SW ¼ NE ¼ 7 acres
SE ¼ NE ¼ 17 acres
NE ¼ SE ¼ 33 acres
NW ¼ SE ¼ 40 acres
SW ¼ SE ¼ 33 acres
SE ¼ SE ¼ 21 acres

Section 12, T121N, R56W
SW ¼ NW ¼ 1 acre
NW ¼ SW ¼ 19 acres
SW ¼ SW ¼ 9 acres

TOTAL: 180 acres

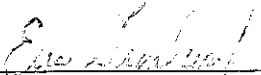
(5) Pursuant to South Dakota Water Law 46-5-30.1 James Hommel, the holder and/or owner of Water Right No. 7982-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from Antelope Lake, with a priority date of March 11, 2014, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7982-3 and subject to the following qualifications:

continued

Qualifications

1. The South Dakota Department of Game, Fish, and Parks holds Recognized Vested Water Right Claim No. 625-3 for Antelope Lake in Day County. Diversion of water under Water Right No. 7982-3 is subject to the following based on survey reference – NGVD 29 datum:
 - Irrigation is authorized for the next year's irrigation season when the lake elevation is at or above 1,810 ft mean sea level (fmsl) at the time of the DANR's annual fall lake elevation survey. If the 1,810 fmsl lake elevation is met in the fall, irrigation is authorized uninterrupted for the upcoming irrigation season in accordance with the Water Rights regardless of the lake elevation.
 - Irrigation is not authorized for the upcoming irrigation season if the lake elevation is below 1,810 fmsl at the time of DANR's annual fall lake elevation survey unless the spring run-off results in a lake elevation at or above 1,812 fmsl at the time of DANR's annual spring elevation survey.
 - If the lake level is at or above 1,812 fmsl when the spring lake elevation survey is conducted, irrigation is authorized uninterrupted for that calendar year's irrigation season.
2. Diversions under this Water Right shall be in accordance with the written orders issued by the Chief Engineer.
3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.


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

OCT 16 2023
date





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

OCT 16 2023

7982-3

James Hommel
43493 143rd St
Waubay SD 57274

Dear Mr. Hommel:

Enclosed is Water License No. 7982-3. 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.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures