

WATER PERMIT NO. 7985-3

Name of Applicant: William Chenoweth

Address: 30939 Niles School Rd, Springfield SD 57062

Phone: 605 351-5266

Amount of Water Claimed: 3.11 cfs

Total Acres: 233

Source of Water Supply: groundwater (two wells)

Water to be used for: irrigation

County: Bon Homme

Type of Waste Disposal System:

Location: 3 miles northwest of Springfield

PRIORITY

Date Received: 3-26-14

Application/License Fee: \$ 1150

Corrected Application Received:

Period of Annual Use: May 1 – October 31

Remarks: Water Permit No. 7469-3 authorizes irrigation of the same acreage from Codell Aquifer

Diversion Point: center NW 1/4 and E 1/2 NE 1/4

Sec 3-T93N-R60W

Land to be Irrigated: N 1/2 Sec 3 – T93N-R60W

Depth of Well: 137 feet deep

Well Driller:

Remarks:

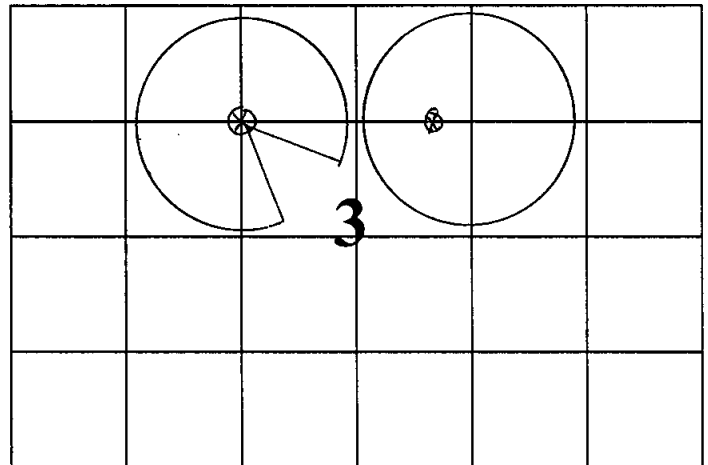
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-26-14

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



RECEIVED
MAR 26 2014
WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7985-3</u> (office use only) Hydrologic Unit <u>10120101</u>
	Basin <u>Missouri River</u> <u>605-369-2441</u>
	Newspaper <u>Springfield Times Box 465 57062</u> <u>605-665-7811</u>
	<u>Press & Dakotan 319 Walnut Yankton 57078</u>

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 William Chenoweth
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)
Mailing Address 30939 Niles School Rd Springfield SD 57062
(Address) (City) (State) (Zip Code)
Home Phone 605-369-2650 Cell 605-351-5266 Email jason@engravearock.com
2. Amount of water claimed 3.11 *CFS or 1400 **GPM ***AF Total Acreage 233
(*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 (2 Wells)
4. Location of point of diversion approximate Center NW 1/4 W 1/2 NE 1/4 Sec 3-T93N-
R 60W County _____
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
5. County or counties where water will be used Bon Homme
6. Annual period during which water is to be used May 1 - Oct. 31
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
NW 1/4 of NW 1/4 Sec 3 T-93N R-60W	25.75	NW 1/4 of NE 1/4 Sect 3 T-93N R 60W	32.5
NE 1/4 of NW 1/4 Sec 3 T-93N R-60W	25.75	NE 1/4 of NE 1/4 Sect 3 T-93N R 60W	32.5
SE 1/4 of NW 1/4 Sec 3 T-93N R-60W	25.75	SW 1/4 of NE 1/4 Sect 3 T-93N R 60W	32.5
SW 1/4 of NW 1/4 Sec 3 T-93N R 60W	25.75	SE 1/4 of NE 1/4 Sect 3 T-93N R 60W	32.5

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

To authorize existing Niobrara well and proposed Niobrara well to irrigate same acres as authorized by permit # 7469-3 - added 16 acres by tearing out trees on west quarter.

I, William Chenoweth, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

also want to request a diversion for well #3 on east quarter (see map) (see test hole well #3)

SOUTH DAKOTA
WATER PERMIT NO. 7985-3

Date of first receipt of application March 26, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7985-3 to William Chenoweth, 30939 Niles School Rd, Springfield SD 57062 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. 7985-3 appropriates 3.11 cubic feet of water per second from two wells to be completed into the Niobrara Aquifer (137 feet deep) located in the center of the NW 1/4 and the W 1/2 NE 1/4 Section 3 for irrigation of 233 acres located in the N 1/2 Section 3; all in T93N-R60W. Water Permit No. 7469-3 authorizes irrigation of the same acreage from a Codell Aquifer well with Permit No. 7985-3 including 16 additional 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: May 1 – October 31.
3. The date from which applicant may claim right is March 26, 2014.
4. The date of approval of Permit No. 7985-3 is June 16, 2014.
5. One-fifth of the construction is to be completed on or before December 16, 2016.
6. All construction is to be completed on or before June 16, 2019.
7. Water is to be put to beneficial use on or before June 16, 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7985-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Combinations of diversions authorized by Water Permit No. 7469-3 and Permit No. 7985-3 shall not exceed 1.0 cubic feet of water per second per 70 acres.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUL 07 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 2 Have test holes been drilled, ☒ Yes ☐ No Drilled by Hammond Well Drilling
(if yes, please provide copies of logs)
- b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by Hammond
- c) Well Depth 137 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest existing domestic well:
On applicant's property 1800' On property owned by others 1/2 mile

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

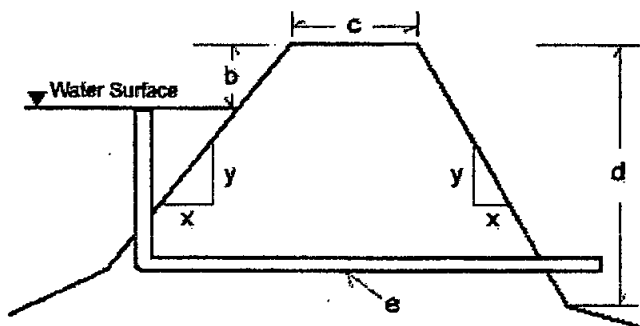
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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:

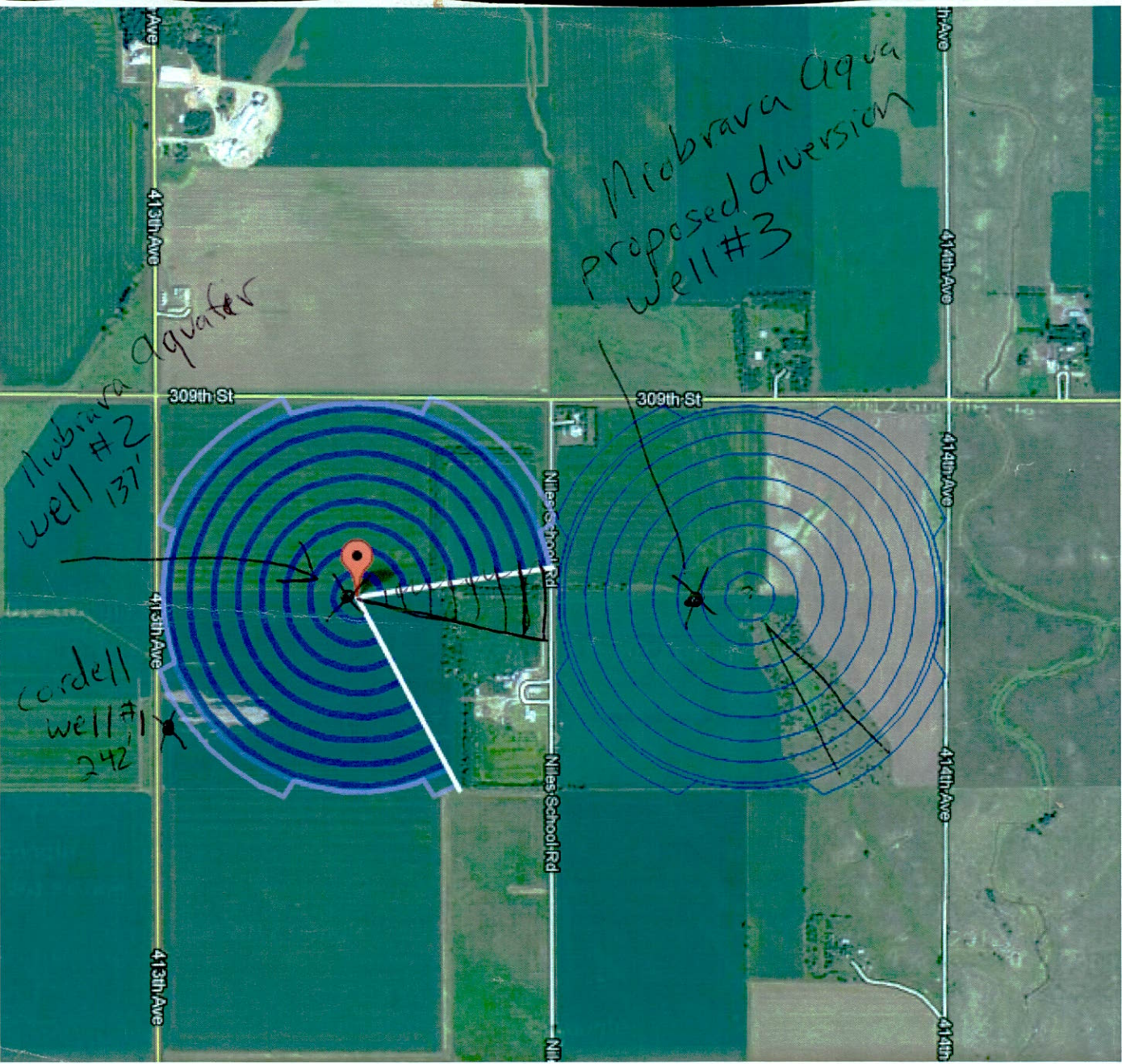
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of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



Niobrara Aqua
Proposed diversion
Well #3

Niobrara
Well #2
137'

Cordell
Well #1
242'



**Farm - Residential
Sales - Service**

**Farm - Residential
Sales - Service**

proposed well #3
on east of

MAR 26 2014

TEST HOLE WELL LOG SUPPLEMENT

City:

Jason Chenoweth

Phone Number:

State:

Zip:

_____ 1/4 of the _____ 1/4 of Section _____ Township _____ North
Range _____ East _____ West _____ County _____

Elevation

_____ feet from the {N ☐ S ☐} section line and _____ feet from the (E ☐ W ☐) section line.

Location

HIE/NE
ELECTRIC & REFRIG. INC.

**Farm - Residential
Sales - Service**

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/26, 20 14

RECEIVED OF William J Chenoweth 30939 Niles School Rd Springfield SD 57062

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

Fee for Application for Permit No. <u>7985-3</u> 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. <u>7985-3</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	1150 00

No. **06797**

By J. Ann Goodman
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 19, 2014

William Chenoweth
30939 Niles School Rd
Springfield SD 57062

Dear Mr. Chenoweth:

While evaluating water rights in your area, DENR reviewed your Water Permit No. 7469-3. Water Permit No. 7369-3 authorizes 3.11 cubic feet of water per second from one well to be completed into the Codell Aquifer (260 feet deep) located in the SW 1/4 NW 1/4 Section 3 for irrigation of 217 acres located in the N 1/2 Section 3; all in T93N-R60W (copy enclosed).

A well completion report filed by Hammond-Wetmore Drilling indicates they completed a 240 foot deep well (Codell Aquifer) on March 18, 2013. Another report filed by Hammond-Wetmore Drilling indicated they completed a 137 foot deep well (Niobrara Aquifer) on June 18, 2013.

Based on this depth information, staff determined the two wells are in different water formations. Since you developed an additional well and into a different water source than originally requested, a new permit will need to be obtained for the well completed into the Niobrara Aquifer.

Enclosed is an application form for this purpose. Please complete the application, sign and return. Also included is a map of Section 3. Please outline the land to be irrigated and mark the second well location with an "X". The application/license fee for the same 217 acres will be \$1,150.00. There will also be the cost of the public notice fees in a weekly and daily paper.

Please contact me if you have any questions.

Sincerely,

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

enclosures



**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. 7985-3, William Chenoweth**

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. 7985-3, William Chenoweth, 30939 Niles School Rd, Springfield SD, 57062.

The Chief Engineer is recommending APPROVAL of Application No. 7985-3 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7985-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Combinations of diversions authorized by Water Permit No. 7469-3 and Permit No. 7985-3 shall not exceed 1.0 cubic feet of water per second per 70 acres.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 27, 2014

REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NO. 7985-3
WILLIAM CHENOWETH
May 5, 2014

Water Permit Application No. 7985-3 proposes to appropriate water at a rate of 3.11 cubic feet per second (cfs) from two wells completed at a depth of approximately 137 feet below ground surface. The water will be used to irrigate 233 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ (25.75 acres), SE $\frac{1}{4}$ NW $\frac{1}{4}$ (25.75 acres), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (25.75 acres), NW $\frac{1}{4}$ NE $\frac{1}{4}$ (32.5 acres), SE $\frac{1}{4}$ NE $\frac{1}{4}$ (32.5 acres), NE $\frac{1}{4}$ NE $\frac{1}{4}$ (32.5 acres), and NW $\frac{1}{4}$ NE $\frac{1}{4}$ (32.5 acres), all in Section 3, T93N-R60W. The proposed wells are located in the center of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 3, T93N-R60W in Bon Homme County. The well located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 3 was constructed under Water Permit No. 7469-3 but was completed into the Niobrara aquifer rather than the permitted Codell aquifer. The second well, located in the NE $\frac{1}{4}$ of Section 3 has not yet been constructed but is expected to divert water from the Niobrara aquifer.

AQUIFER: Niobrara aquifer (NBRR).

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Niobrara aquifer is made up of nearly horizontal layers of calcareous shale, chalk, and chalky limestone (Jorgensen, 1971). In the upper portion of the aquifer where it underlies glacial drift, the Niobrara may have been eroded by sub-areal erosion and glacial activity (Hedges et al., 1982). The Niobrara aquifer directly underlies the glacial drift in the central, south-central, and southeastern part of South Dakota (Hedges et al., 1982). Fractures and solution cavities could control the water production from the Niobrara, which in turn could be controlled by flexures and faults (Hedges et al., 1982). The Niobrara aquifer directly underlies and is hydraulically connected to the Choteau-Tyndall aquifer at this location. In addition, the Niobrara is hydraulically connected to the Codell Sandstone aquifer and the "Tyndall-Scotland aquifer" as described by Jorgensen (1971) and Hedges et al. (1982). The Niobrara aquifer underlies approximately 29,079 square miles in South Dakota and approximately 470 square miles of Bon Homme County. However, there is currently no estimate for the amount of recoverable water in storage (Hedges et al., 1982).

The lithological record submitted with this application shows a static water level of 78 feet below ground surface in layers of chalk that start at 29 feet below ground surface and extend for approximately 108 feet to 137 feet below ground surface. The aquifer is unconfined in the area of this application (Water Rights, 2014c). The Niobrara aquifer extends over a major portion of South Dakota. According to Tomhave et al. (2004) the bedrock in the area of interest has completely incised to the Carlile Shale, separating a portion of the Niobrara aquifer from the rest of the formation. This disconnected portion of the Niobrara aquifer (shown in green in Figure 1) extends along the southern border of Bon Homme and Yankton Counties and is thought to be hydraulically disconnected from the rest of the Niobrara aquifer.

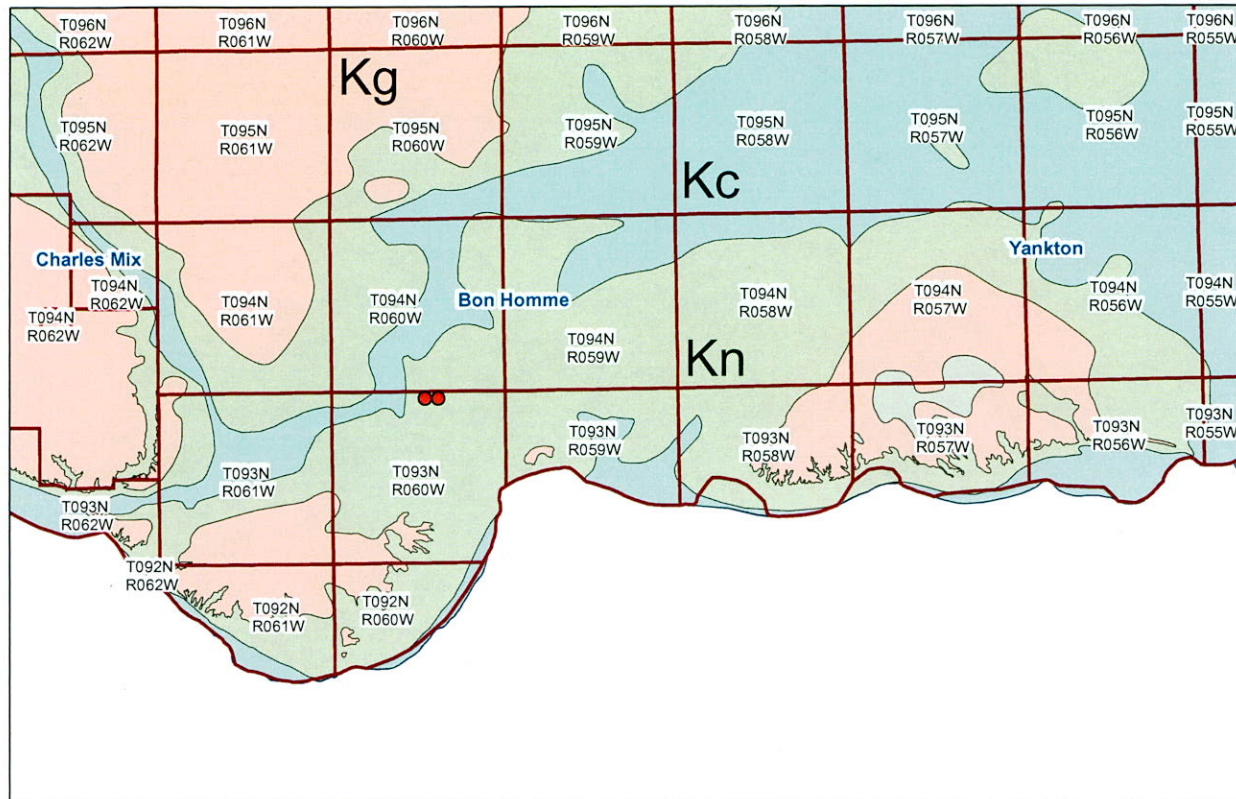


Figure 1: Aerial extent of disconnected portion of Niobrara aquifer (Tomhave et al., 2004)

SDCL 46-2A-9:

In accordance with SDCL 46-2A-9, a permit may be issued to appropriate water only if there is 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 review the availability of unappropriated water from the Niobrara aquifer to supply the amount needed for Water Permit Application No. 7985-3.

WATER AVAILABILITY:

This application proposes to appropriate water from the Niobrara aquifer at a rate of 3.11 cfs to irrigate 233 acres. If approved, it is not expected that actual water use will exceed 233 acre feet per year (ac-ft/yr). The probability of unappropriated water being available from the aquifer can be evaluated using SDCL 46-6-3.1 which stipulates "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from the groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Discharge:

Discharge from the Niobrara aquifer is by evapotranspiration where the aquifer is close to the ground surface, flow to the springs in the Missouri River Valley, and well withdrawals. Within the disconnected area of the Niobrara aquifer shown in Figure 1, there are currently 11 water rights/permits appropriating water (Water Rights, 2014c). These water rights/permits consist of one municipal water right, one water permit used for geothermal and nine water rights/permits used for irrigation. The municipal water right is held by the City of Tabor and is not in regular use as Tabor purchases water from a regional rural water system.

In 2012, dry climatic conditions resulted in above average pumping from this portion of the Niobrara. Using irrigation questionnaire data from the region and assuming the geothermal water permit limited by diversion rate is pumped at that diversion rate continuously, the total amount pumped from this portion of the Niobrara aquifer in 2012 was 1615.5 ac-ft (Water Rights, 2013).

Recharge:

Recharge to the Niobrara aquifer occurs through subsurface inflow and by percolation through the overlying till, outwash, and shale deposits (Jorgensen, 1971). Given that the area of this portion of the aquifer is approximately 275 square miles (176,000 acres), recharge to the aquifer would have to equal approximately 0.1 inches per year to exceed withdrawals in 2012 along with the use proposed in this application. To date, the actual rate of recharge to this portion of the aquifer and to the aquifer as a whole has not been calculated. However, this recharge rate falls below the range of rates experienced in the region of 0.15 to 0.60 inches per year estimated by Hedges et al. (1982) and is likely less than actual recharge.

OBSERVATION WELL DATA:

The DENR Water Rights Program monitors three observation wells completed into this portion of the Niobrara aquifer. The closest of these wells (BH-82C) is located approximately 1.7 miles to the northeast of the proposed well sites (Water Rights, 2014a). Observation well BH-82C shows water levels that reflect seasonal withdrawals but are primarily controlled by climatic conditions (see Figure 2). Because water levels are controlled primarily by climatic conditions, natural discharge is occurring and is available for capture in the form of unappropriated water. Therefore, unappropriated water is available for the proposed use.

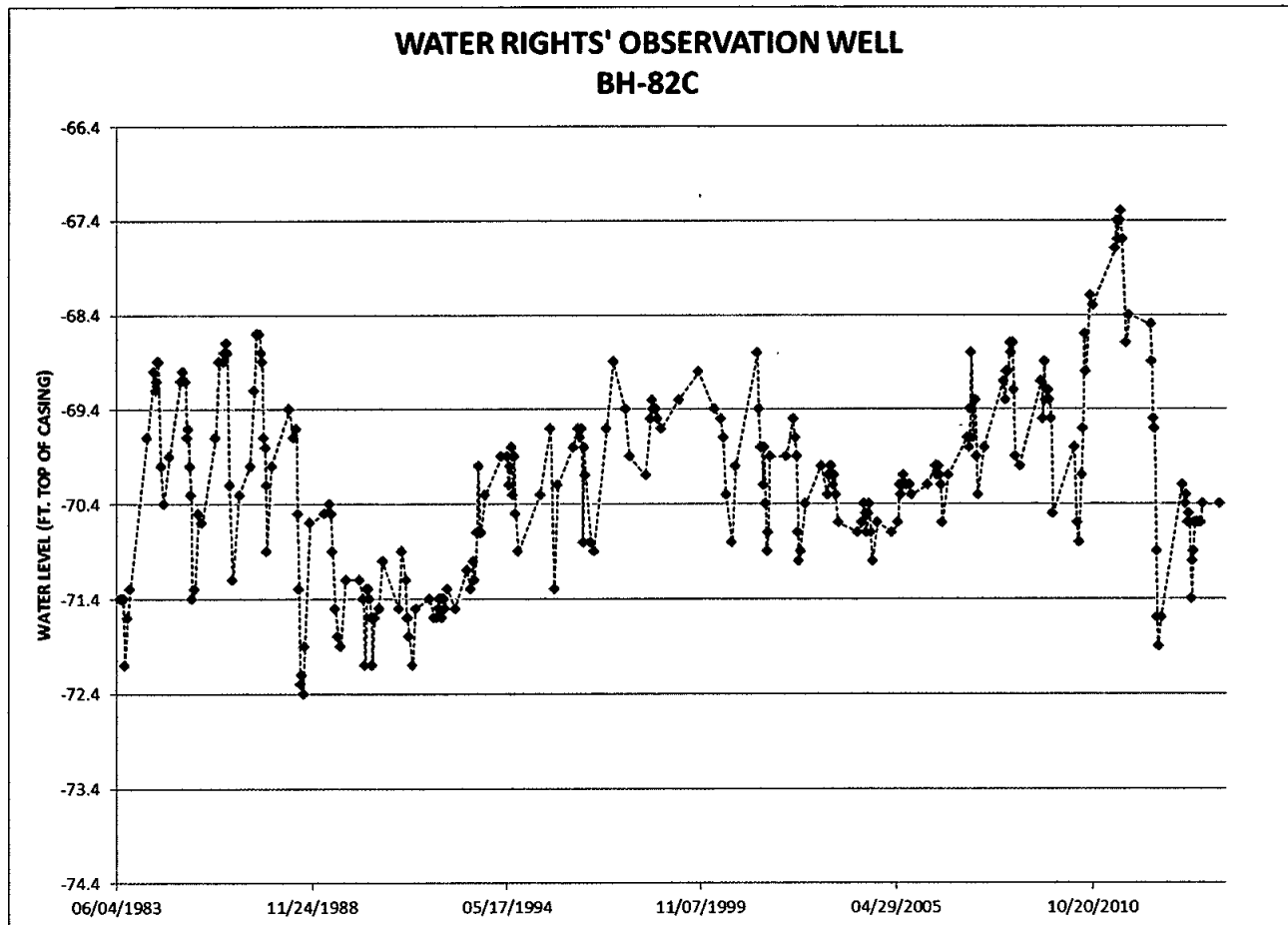


Figure 2: Historic water levels in observation well BH-82C (Water Rights, 2014a).

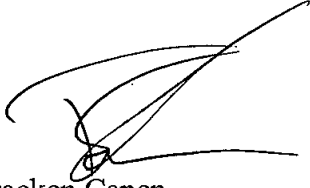
EXISTING WATER RIGHTS:

The DENR water rights database was reviewed for the nearest existing water rights/permits and domestic wells on file. The closest water right/permit to the proposed well site that is completed into this portion of the Niobrara aquifer is Water Permit No. 7269-3 (Water Rights, 2014b). The closest well associated with Water Permit No. 7269-3 is located approximately 1.2 miles southwest of the proposed new well site and one mile south of the existing well. Given this distance, impairment of Water Permit No. 7296-3 or any other water rights/permits in the region is not expected to occur. There are no domestic wells completed into the Niobrara aquifer within two miles of the existing or proposed well site. Therefore, it is not expected that any domestic wells in the area will be affected by the approval of this application.

CONCLUSIONS:

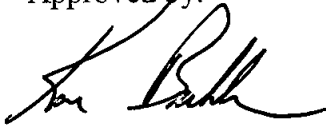
1. Water Permit Application No. 7985-3 proposes to appropriate water at a maximum diversion rate of 3.11 cfs for the irrigation of 233 acres from one existing well and one new well completed into the Niobrara aquifer.
2. There is a reasonable probability that unappropriated water is available from the Niobrara aquifer to supply this proposed diversion.

3. There is a reasonable probability that the diversion rate requested by this application can be made without adversely impacting existing water rights/permits and domestic users.



Bracken Capen
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in 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.
- Jorgensen, D. G., 1971, Geology and Water Resources of Bon Homme County, South Dakota, Bulletin 21, Part II: Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.
- Tomhave, D.W., Shultz, L.D., 2004, Bedrock Geology Map Showing Configuration of the Bedrock Surface in South Dakota east of the Missouri River. SD DENR, SDGS, Vermillion, SD 57069.
- Water Rights. 2013. "2012 Irrigation Summaries by Aquifer and County": SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014a. Observation Well Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014b. Water Right/Permit Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014c. Well Completion Reports. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

Affidavit of Publication

RECEIVED

State of South Dakota }
County of Bon Homme } SS

JUN - 6 2014

WATER RIGHTS PROGRAM

Rebecca Dy Being first duly sworn says that the **Springfield Times** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Springfield, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Springfield, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

No.

Chenoweth Notice of Application 7985-3

77 @ 37.2

a printed copy of which is hereto attached, was printed and published in said newspaper for *one* successive weeks, upon the following dates:

<i>June 4</i> 2014	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication of said notice, \$....., inures 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 has been agreed to be paid to any person whomsoever.

Rebecca Dy Publisher
Subscribed and sworn to before me this
4 day of *June* 2014
Peggy G. Schelske
Notary Public, South Dakota
my commission expires Oct 24, 2015

NOTICE OF APPLICATION

NO. 7985-3 to Appropriate Water

Notice is given that William Chenoweth, 30939 Niles School Rd, Springfield SD 57062 has filed an application for a water permit to appropriate 3.11 cubic feet of water per second from two wells to be completed into the Niobrara Aquifer (137 feet deep) located in the center of the NW 1/4 and the W 1/2 NE 1/4 Section 3 for irrigation of 233 acres located in the N 1/2 Section 3; all in T93N-R60W. Water Permit No. 7469-3 authorizes irrigation of the same acreage from a Codell Aquifer well as well as 16 additional acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7985-3 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 June 16, 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 \$28.64.

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AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Application No. 7985-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 4th DAY OF June 2014
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.81 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 6/4/2014

FILED ON: 6/4/2014

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF June 2014

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

Notice is given that William Chenoweth, 30939 Niles School Rd, Springfield SD 57062 has filed an application for a water permit to appropriate 3.11 cubic feet of water per second from two wells to be completed into the Niobrara Aquifer (137 feet deep) located in the center of the NW 1/4 and the W 1/2 NE 1/4 Section 3 for irrigation of 233 acres located in the N 1/2 Section 3; all in T93N-R60W. Water Permit No. 7469-3 authorizes irrigation of the same acreage from a Codell Aquifer well as well as 16 additional acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7985-3 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 June 16, 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 \$26.81.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov



May 27, 2014

Springfield Times
PO Box 465
Springfield SD 57062

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7985-3 to Appropriate Water. Please publish the notice once on June 4, 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 William Chenoweth, 30939 Niles School Rd, Springfield SD 57062 (Ph # 605-369-2650).

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 27, 2014

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



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

May 27, 2014

William Chenoweth
30939 Niles School Rd
Springfield SD 57062

Dear Mr. Chenoweth:

Water Permit Application No. 7985-3 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 Springfield Times printed at Springfield SD (Ph # 605-369-2441) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

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

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

Instruction to Newspaper - Publish the Notice on June 4, 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. 7985-3 to Appropriate Water

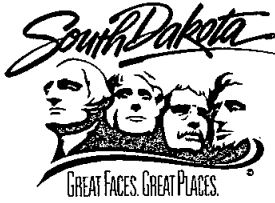
Notice is given that William Chenoweth, 30939 Niles School Rd, Springfield SD 57062 has filed an application for a water permit to appropriate 3.11 cubic feet of water per second from two wells to be completed into the Niobrara Aquifer (137 feet deep) located in the center of the NW 1/4 and the W 1/2 NE 1/4 Section 3 for irrigation of 233 acres located in the N 1/2 Section 3; all in T93N-R60W. Water Permit No. 7469-3 authorizes irrigation of the same acreage from a Codell Aquifer well as well as 16 additional acres.

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Published once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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denr.sd.gov



JUL 07 2014

William Chenoweth
30939 Niles School Rd
Springfield SD 57062

Dear Mr. Chenoweth:

Enclosed is Water Permit No. 7985-3 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



7985-3
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 20, 2017

NOTICE

TO: WILLIAM CHENOWETH, 30939 NILES SCHOOL RD, SPRINGFIELD, SD 57062
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7469-3 & 7985-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7469-3 & 7985-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 7469-3 & 7985-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. 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.



7985-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 8, 2017

7469-3
7985-3

Jason Chenoweth
44742 287th St
Hurley SD 57036

Dear Mr. Chenoweth:

I am writing to acknowledge receipt of the 2016 irrigation questionnaires for permits held by William Chenoweth. As requested, I will list you as the operator to enable the annual forms to go directly to you.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos 7469-3 and 7985-3. 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

7985-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 28, 2019

7469-3
7985-3

Jason Chenoweth
PO Box 457
Yankton SD 57078-0457

Dear Mr. Chenoweth:

Enclosed is a "Notice" dated October 18, 2019 concerning the 2019 irrigation questionnaires for water permits listed in the name of William Chenoweth.

The notice was originally mailed to you at 44742 287th St, Hurley SD. The post office notified us that your address has changed and I will update our records accordingly.

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
email: genny.mcmath@state.sd.us

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

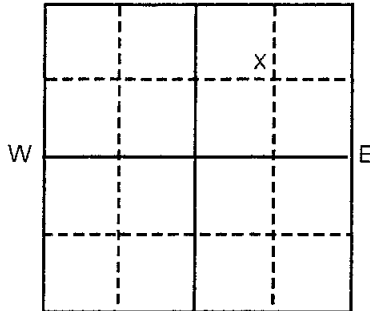
11-02

Location SW 1/4 XXXX 1/4 Sec 3 Twp 93 Rg 60W

NW 1/4

County Bon Homme

North

Please mark well
location with an "X"

Well Completion Date

June 18, 2013

← 1 Mile →

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1,500.0 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	77.0 FT	22.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	30	9.5 Lb/gal	0.0 Ft	77.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Method

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information Open borehole from 77'-137'

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

☒ No, Why Not? Not Required
 Lab to which water quality sample sent for analysis
Well Owner: Jason Chenoweth

Business Name: _____

Address: 44742 287th St.City, State, Zip: Hurley SD 57036

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
Brown Glacial Till	1	15
Gray Glacial Till	15	29
Gray Clay w/ White Chalk Pockets	29	51
White Chalk	51	59
Gray Chalk	59	137

STATIC WATER LEVEL 78.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

SEP 30 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this report is true and accurate.Drilling firm: Hammond-Wetmore Drilling, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

9/13/13

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7985-3**

I have this day, November 21, 2019, made a thorough examination of the water use system constructed by William Chenoweth, 30939 Niles School Rd., Springfield, SD 57062, holder of Permit No. 7985-3, bearing the priority of March 26, 2014 authorizing the diversion of 3.11 cu. ft. per second of the waters of groundwater (Niobrara Aquifer) for irrigating 233 acres, in Bon Homme County.

Inspection contact: William Chenoweth and Jason Chenoweth

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells 1
- 3) Depth(s) 137 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 77 feet
- 3) Type PVC

Screen:

- 1) Diameter Open Hole
- 2) Static water level 78 feet

Pump:

- 1) Make Grundfos
- 2) Model 475SS500-6A
- 3) Capacity 425 GPM

Motor:

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

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 4,340 feet

C. Works used to apply water to beneficial use:

Center pivot:

West Pivot

- 1) Make Valley
- 2) Overall length 1,298 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 700 GPM

Chemigation Equipment:

- 1) Does chemigate No

East Pivot

- 1) Make Valley
- 2) Overall length 1,280 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 700 GPM

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:

The well is 1,330 feet east and 1,340 feet south of the northwest corner of Section 3-T93N-R60W (Latitude 42.90494, Longitude -97.92626 – SE1/4 of the NW1/4).

2. The works are capable of diverting and conveying to the place of use 0.95 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 3-T93N-R60W:

<u>NW1/4NW1/4</u>	<u>32 acres</u>
<u>NE1/4NW1/4</u>	<u>32 acres</u>
<u>SW1/4NW1/4</u>	<u>33 acres</u>
<u>SE1/4NW1/4</u>	<u>16 acres</u>

<u>NW1/4NE1/4</u>	<u>32 acres</u>
<u>NE1/4NE1/4</u>	<u>32 acres</u>
<u>SW1/4NE1/4</u>	<u>33 acres</u>
<u>SE1/4NE1/4</u>	<u>20 acres</u>

comprising a total of 230 acres of land and the license should be issued for 0.95 cfs.

3. All structures, wells and lands on map Yes

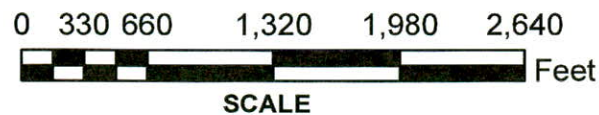
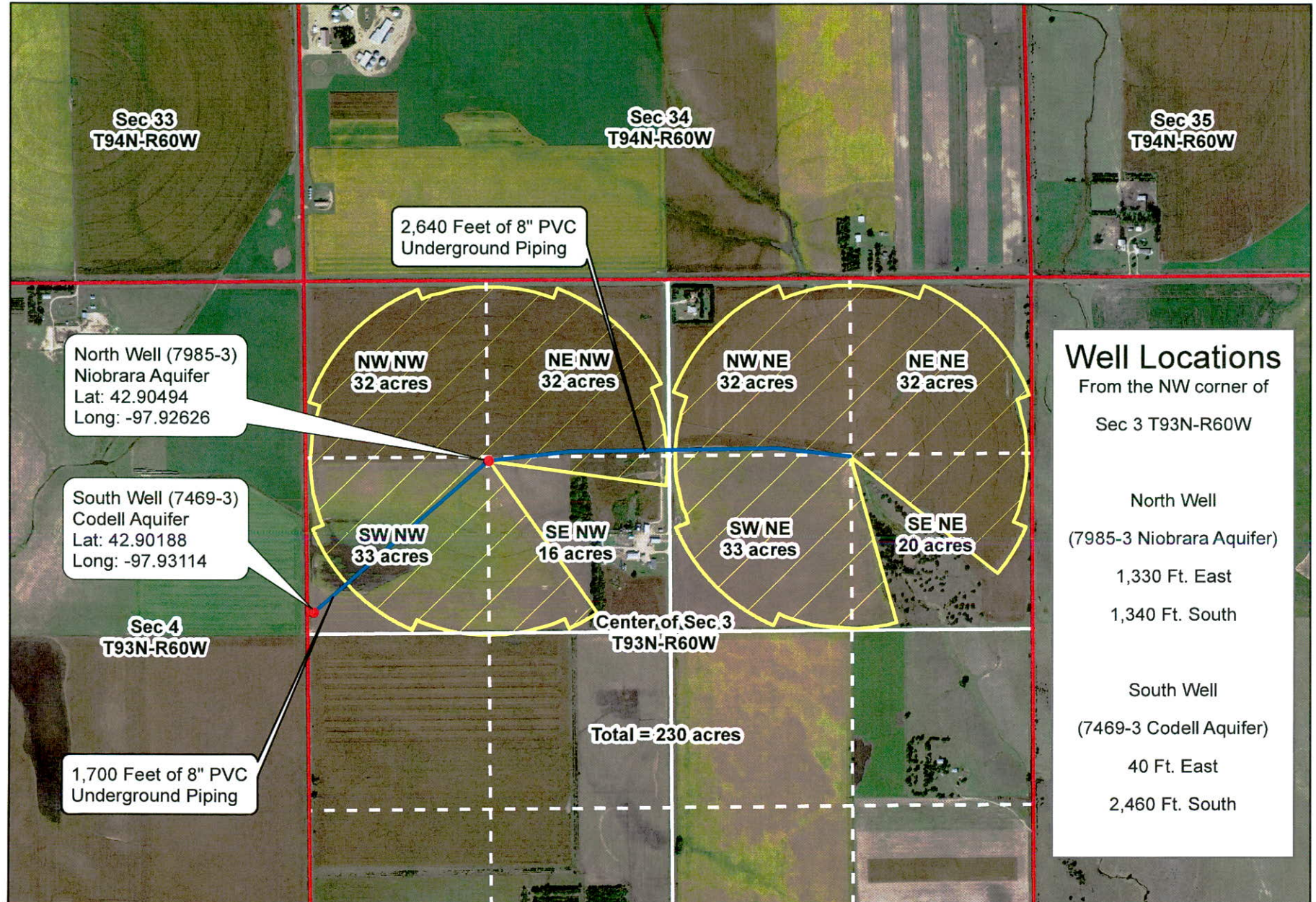
F. Comments or other permit(s) associated with the project: A test hole for a well in the NE1/4 of Section 3 was completed, as authorized by this permit. However, this hole did not produce very much water and was never developed into a production well. Permit No. 7469-3 authorizes the irrigation of 217 acres of the same property irrigated by Permit No. 7985-3. The total acreage irrigated between the two pivots is the 230 acres noted at the above listed locations. The two permits need to be licensed separately since the wells are in two different aquifers.



Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: November 22, 2019

Water Right Nos. 7469-3 and 7985-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
November 22, 2019

7985-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 20 2020

7985-3
7469-3

William Chenoweth
30939 Niles School Rd
Springfield SD 57062

Dear Mr. Chenoweth:

Enclosed are Water License Nos. 7469-3 and 7985-3. They are the final water right documents completing your process of obtaining Water Rights. A map prepared by the staff engineer who conducted the field investigation is also included.

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 Licenses, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7985-3

(1) William Chenoweth, 30939 Niles School Rd, Springfield SD 57062 made Application No. 7985-3, March 26, 2014 for a water permit to divert 3.11 cubic feet of water per second from ground water, two wells (Niobrara Aquifer), Bon Homme County, South Dakota for irrigation purposes. Permit No. 7985-3, with a priority date of March 26, 2014 was approved June 16, 2014 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 16, 2019 and for the application to beneficial use of said water on or before June 16, 2023.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.95 cubic feet of water per second for beneficial use. Only one of the authorized wells was drilled. The location of the diversion point is:

- 1,330'E and 1,340'S of the NW corner of Section 3, T93N, R60W (approximate center of the NW ¼)
Latitude 42,90494, Longitude -97.92626

(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:

T93N, R60W Section 3	NW ¼ NW ¼	32 acres	NW ¼ NE ¼	32 acres
	NE ¼ NW ¼	32 acres	NE ¼ NE ¼	32 acres
	SW ¼ NW ¼	33 acres	SW ¼ NE ¼	33 acres
	SE ¼ NW ¼	16 acres	SE ¼ NE ¼	20 acres

Total 230 acres*

***The above acreage is also irrigated from a well authorized under Water Right No. 7469-3 drilled into the Codell Aquifer.**

(4) Pursuant to South Dakota Water Law 46-5-30.1 William Chenoweth, 30939 Niles School Rd, Springfield SD 57062 the holder and/or owner of Water Right No. 7985-3 is issued a license to appropriate water, the right to use 0.95 cubic feet of water per second from ground water, one well (Niobrara Aquifer) with a priority date of March 16, 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. 7985-3 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.

continued

- The well authorized by Permit No. 7985-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in June, 2013 by Hammond-Wetmore Drilling LLC. A copy of the well completion report is on file with the Water Rights Program.*
- Combinations of diversions authorized by Water Permit No. 7469-3 and Water Permit No. 7985-3 shall not exceed 1.0 cubic feet of water per second per 70 acres. *This qualification is no longer applicable. The combined capacity developed under the two permits is less than 1 cfs per 70 acres.*
- 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 Environment and Natural Resources

OCT 20 2020

date

