

**WATER PERMIT NO. 7986-3**

Name of Applicant: **Brian R Meyer**

Address: **PO Box 633, South Shore SD 57263** Phone: **605 881-7568**

Amount of Water Claimed: **2.0 cfs** Total Acres: **135 acres**

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

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

Type of Waste Disposal System:

Location: **approximately 16 miles west of Milbank**

**PRIORITY** Date Received: **3-27-14** Application/License Fee: **\$ 1050**

Corrected Application Received: Period of Annual Use: **April 1 – November 1**

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

Diversion Point: **E 1/2 SE 1/4 Sec 20-T120N-R51W**

Land to be Irrigated: **SE 1/4 Sec 20-T120N-R51W**

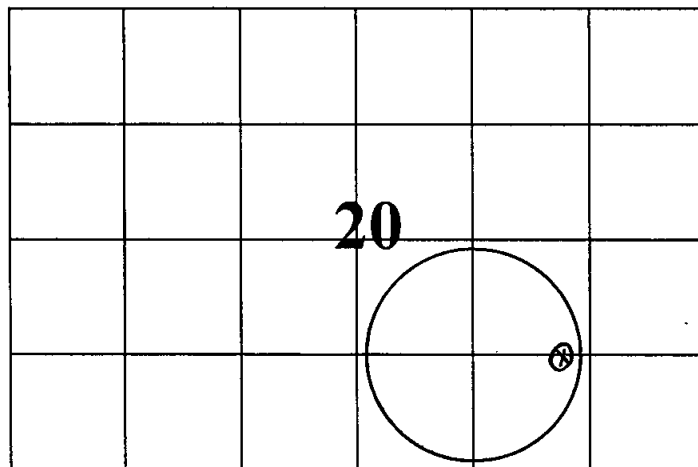
Depth of Well: **85-100 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:



Reviewed and the Number Assigned on: **3-27-14**

By: **Karen Schlaak**

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

## FORM 2: Application for irrigation in South Dakota

(type or print)

|                                                                                                                 |                                                         |                                |
|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|--------------------------------|
| Mail to:<br>PMB 2020<br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>2986-3</u> (office use only)                     | Hydrologic Unit <u>0702001</u> |
|                                                                                                                 | Basin <u>Minnesota Whitestone</u>                       | <u>605-432-4516</u>            |
|                                                                                                                 | Newspaper <u>Grant Co. Review Box 390 Melbush 57252</u> | <u>605-886-6901</u>            |
|                                                                                                                 | <u>Public Opinion Box 10 Watilton 57201</u>             |                                |

RECEIVED  
MAR 27 2014  
WATER RIGHTS  
PROGRAM

## Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. \_\_\_\_\_  
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Irrigation Permit Brian R Meyer  
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent \_\_\_\_\_  
(name and complete address if different than above name)

Mailing Address PO Box 633 South Shore S.D. 57363  
(Address) (City) (State) (Zip Code)

Home Phone 605-756-4256 Cell 881-7568 Email b.meyer8@hotmail.com

2. Amount of water claimed 2.0 \*CFS or 875-900 \*GPM \*\*\*AF Total Acreage 135  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ground well (Antelope Valley Aquifer)

4. Location of point of diversion E 1/2 - SE 1/4 section 20 T120N-R51W  
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County grant

5. County or counties where water will be used grant

6. Annual period during which water is to be used April 1st to Nov 1st

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 |
|---------------------------------------|--------------|------------------|-------|
| NE 1/4 of SE 1/4 of Sec 20-T120N-R51W | 33.75 Acres. |                  |       |
| SE 1/4 of SE 1/4 of Sec 20-T120N-R51W | 33.75 Acres. |                  |       |
| NW 1/4 of SE 1/4 of Sec 20-T120N-R51W | 33.75 Acres. |                  |       |
| SW 1/4 of SE 1/4 of Sec 20-T120N-R51W | 33.75 Acres. | Total Acres      | 135.  |

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

One center pivot on SE 1/4 section 20 T120N-R51W

One well on same section

Total Acres irrigation = 135 acres. Requesting diversion rate greater than statutory limit

I, Brian R Meyer, 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. 7986-3**

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Date of first receipt of application March 27, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7986-3 to Brian R Meyer, PO Box 633, South Shore SD 57263 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. 7986-3 appropriates 1.93 cubic feet of water per second from one well to be completed into the Antelope Valley aquifer (85-100 feet deep) located in the E 1/2 SE 1/4 Section 20 for irrigation of 135 acres located in the SE 1/4 Section 20; all in T120N-R51W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1- November 1.
3. The date from which applicant may claim right is March 27, 2014.
4. The date of approval of Permit No. 7986-3 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7986-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

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

**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 1 Have test holes been drilled ☐ Yes ☒ No Drilled by \_\_\_\_\_  
(if yes, please provide copies of logs)b) If existing wells, how many 0 Provide copy of log(s), if available. Drilled by \_\_\_\_\_c) Well Depth Approx 85-100 ft Depth to Top of Water Bearing Material \_\_\_\_\_ Depth to Water from Surface \_\_\_\_\_

d) Distance to nearest existing domestic well:

On applicant's property No wells On property owned by others 1 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 &amp; Y Slope (e.g. 3 to 1 is a typical slope)

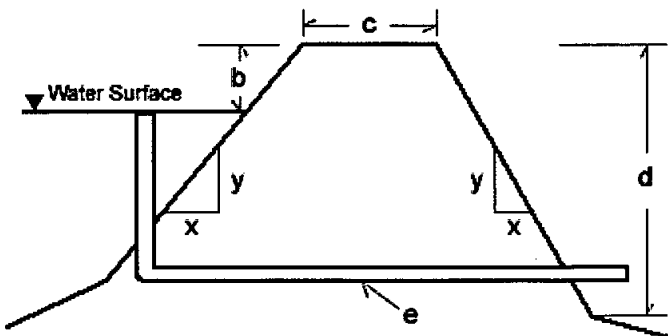
Upstream \_\_\_\_\_

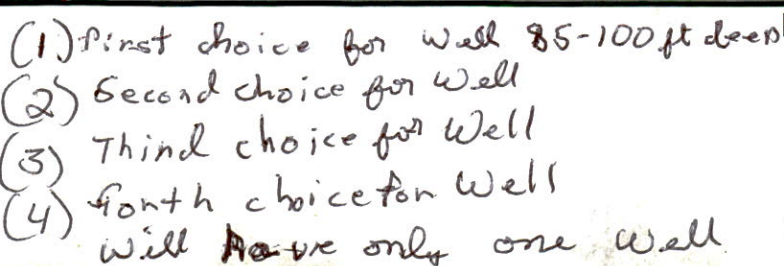
Downstream \_\_\_\_\_

h) Surface Area of Impoundment \_\_\_\_\_

i) Storage \_\_\_\_\_ Acre Feet

j) Drainage Area Above Dam \_\_\_\_\_ Acres





(605) 882-2261  
912 14TH ST SW  
P. O. BOX 1144  
WATERTOWN, SD 57201

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/27, 20 14

RECEIVED OF Brian Meyer PO Box 633 South Shore SD 57263

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

|                                                                                                                        |      |    |
|------------------------------------------------------------------------------------------------------------------------|------|----|
| Fee for Application for Permit No. <u>7986-3</u> to Appropriate Water, to construct and to put water to beneficial use | 850  | 00 |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                           |      |    |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                 |      |    |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7986-3</u>            | 200  | 00 |
| Fee for Filing Transfer Form _____                                                                                     |      |    |
| Fee for _____                                                                                                          |      |    |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                                    |      |    |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                                     |      |    |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                                 |      |    |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                              |      |    |
| (Any Other Work Provided by Law) TOTAL                                                                                 | 1050 | 00 |

No. **06799**

By *James Loder*  
Chief Engineer



**DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 7986-3, Brian R Meyer**

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. 7986-3, Brian R Meyer, PO Box 633, South Shore SD 57263.

The Chief Engineer is recommending APPROVAL of Application No. 7986-3 for the statutory limit of 1.93 cfs because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7986-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer  
May 28, 2014

# **REPORT TO THE CHIEF ENGINEER**

## **WATER PERMIT APPLICATION NO. 7986-3**

**Brian R Meyer**

**May 27, 2014**

Water Permit Application No. 7986-3 proposes to appropriate groundwater at a maximum diversion rate of 2.0 cubic feet of water per second (cfs) from one well to be completed into the Antelope Valley aquifer. The well is expected to be 85 to 100 feet deep and located in the E½ SE¼ of Section 20, T120N-R51W. Water will be used to irrigate 135 acres located in the SE¼ of Section 20, T120N-R51W. The applicant is requesting a diversion rate greater than the statutory limit.

### **AQUIFER: Antelope Valley aquifer (AV)**

#### **HYDROGEOLOGY:**

The Antelope Valley aquifer is a glacial outwash consisting of brown coarse sand and gravel that lies at or near ground surface and is generally under water table conditions. The aquifer lies in the drainage divide between the Big Sioux and Minnesota Rivers in western Grant, northeastern Codington, and a small portion of Deuel County. Groundwater movement in the aquifer is generally to the southeast and toward numerous hydraulically connected lakes and sloughs (Hansen, 1990). In total, the Antelope Valley aquifer is estimated to underlie 28,700 acres and contain 64,580 acre-feet (ac-ft) of recoverable water in storage (Hedges and others, 1982).

In Grant and Codington Counties, the depth to the top of the aquifer ranges from one to 57 feet below ground surface, and the thickness averages 34 feet (Hansen, 1990). In the area of the proposed well site, the aquifer is expected to occur from just below ground surface to a depth of 50 to 60 feet below ground surface (Water Rights, 2014c). The static water level in the aquifer is expected to be approximately 20 feet below ground surface (Water Rights, 2014a).

#### **South Dakota Codified Law (SDCL) 46-2A-9**

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

#### **WATER AVAILABILITY:**

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires that no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge. If the source of the groundwater is older or lower than the Greenhorn formation and will be used for a public water system, recharge and withdrawal does not need to be considered.

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

#### **HYDROLOGIC BUDGET:**

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

##### *Recharge:*

Recharge to the aquifer occurs through infiltration of precipitation in areas where the aquifer is at or near land surface (Hansen, 1990). Hedges and others (1985) estimated the recharge rate to be 2.3 inches per year (in/yr) from observation well data. Applying this rate to the area of the aquifer results in an estimated recharge of 5,500 ac-ft/yr.

##### *Discharge:*

Discharge from the aquifer occurs through evapotranspiration in areas where the aquifer is at or near land surface, outflow to area lakes and sloughs, and well withdrawals (Hansen, 1990). There are a total of 17 water rights/permits appropriating water and one future use permit reserving water from the aquifer.

The amount of water that can be expected to be withdrawn by non-irrigation use water rights/permits and future use permits at the current appropriation/reservation amount can be estimated by assuming:

- 1) water rights/permits limited by an annual volume will pump the entire volume appropriated annually,
- 2) water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time,
- 3) future use permits can be fully developed, and
- 4) the reported use of municipalities and rural water systems still expecting future growth is not reflective of expected average annual use; previous assumptions apply.

Considering these water use expectations, non-irrigation water appropriations/reservations are expected to withdraw approximately 1,909 ac-ft/yr (Water Rights, 2014b).

The average of the annual irrigation pumpage is currently 1,036 ac-ft/yr, varying from a minimum of 41 ac-ft/yr to a maximum of 2,164 ac-ft/yr (Water Rights, 1980-2013). The annual irrigation pumpage can be attributed to two major factors: climatic and economic conditions. While the relationship between these variables exists, these variables are difficult to predict.

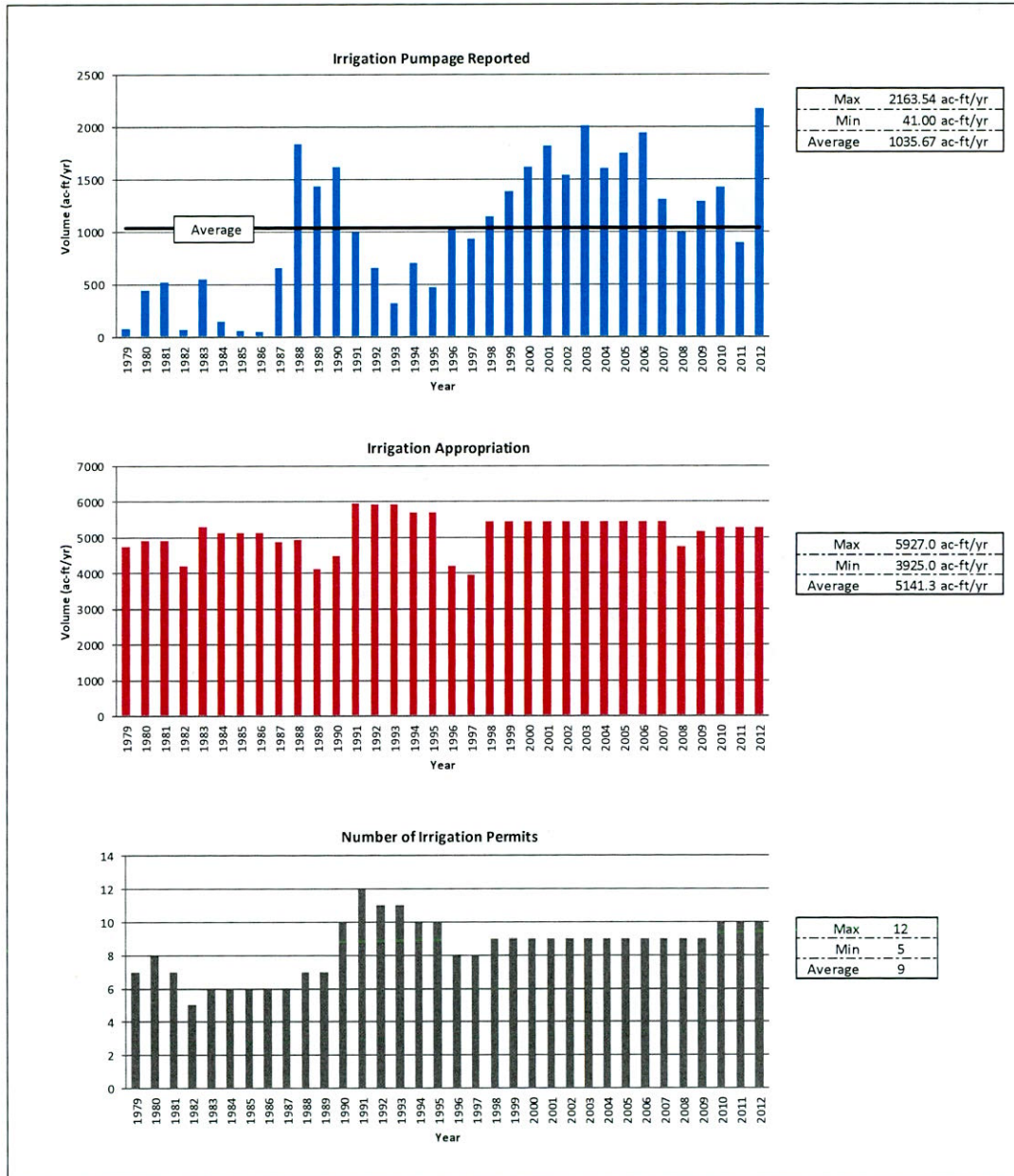


Figure 1: Historic irrigation use from the Antelope Valley aquifer (Water Rights, 1980-2013)

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

#### *Hydrologic Budget:*

The average annual recharge to the Antelope Valley aquifer is estimated to be 5,500 ac-ft/yr. The average annual withdrawal is expected to be less than 3,000 ac-ft/yr. Therefore, unappropriated water is available from the Antelope Valley aquifer to support the proposed appropriation.

### **OBSERVATION WELL DATA:**

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

The DENR-Water Rights Program currently monitors four observation wells completed into the Antelope Valley aquifer. The nearest, GT-76D, is located 3,000 feet southeast of the proposed well site.

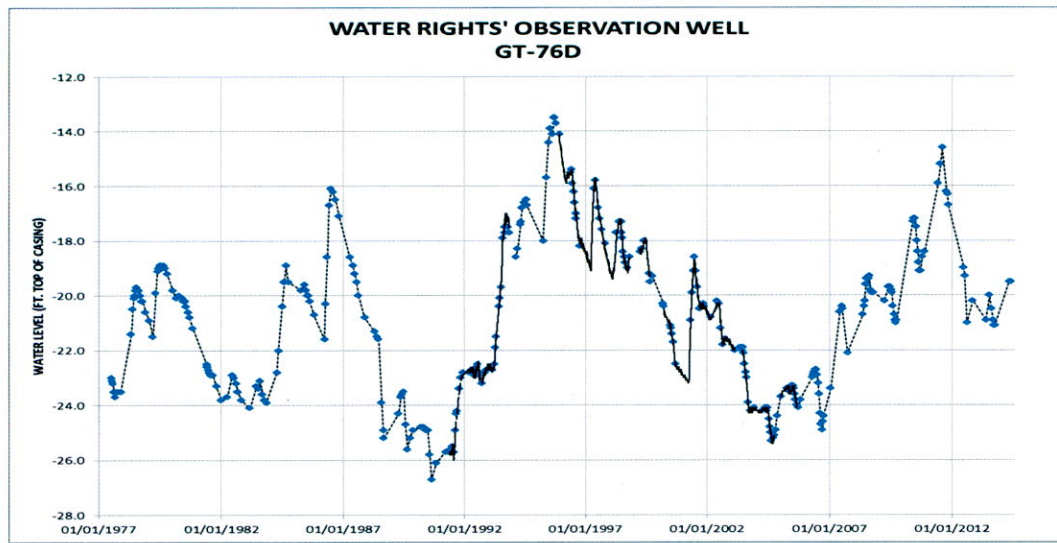


Figure 2: Observation Well GT-76D (Water Rights, 2014a)

These wells record steady or increasing water levels in the aquifer over the period of record. Water levels in these observation wells often display cyclic conditions, recharging during wet years and declining during dry years. Pumpage is generally masked by climatic conditions, indicating that water is available for capture. Therefore, observation wells indicate that withdrawals have not exceeded recharge, and unappropriated water is available from the Antelope Valley aquifer to support the proposed appropriation.

### **EXISTING WATER RIGHTS:**

There are several wells in the area of the proposed well site. Within one mile there are five water rights/permits authorizing withdrawals from the Antelope Valley aquifer. These are all authorized to Willow Run Farms FLP. There are no domestic wells on file completed into this aquifer within one mile of the proposed well site. (Water Rights, 2014b; Water Rights, 2014c).

The water table conditions of the aquifer in this area dictate that water level drawdown due to pumping will not extend far from the proposed well. However, precise drawdown cannot be quantified without aquifer testing. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. Therefore, nearby adequate wells defined by ARSD 74:02:20(7) are not expected to be adversely impaired due to the proposed diversion.

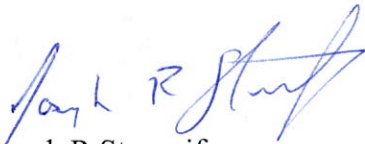
**SDCL 46-5-6**

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cubic foot of water per second for every seventy acres or the equivalent. The statute provides that the Water Management Board may allow a greater diversion if the method of irrigation so requires.

This water permit application proposes to divert at a rate of 2.0 cfs per 135 acres, equating to 1.04 cfs per 70 acres. No justification was provided, but it could be an operational requirement of an irrigation pivot system.

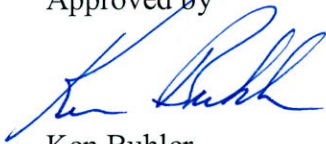
**CONCLUSIONS:**

1. This application proposes to divert groundwater at a maximum rate of 2.0 cfs from one well to be completed into the Antelope Valley aquifer to irrigate 135 acres.
2. Unappropriated water is available from the Antelope Valley aquifer to supply the proposed appropriation.
3. This proposed diversion is not expected to adversely impair nearby adequate wells.
4. The application has requested an addition diversion rate in excess of one cfs per 70 acres.



Joseph R Stonesifer  
SD DENR-Water Rights Program

Approved by



Ken Buhler  
SD DENR-Water Rights Program

**REFERENCES:**

Hansen, D.S. 1990. Water Resources of Codington and Grant Counties, South Dakota: U.S. Geological Survey Water-supply Paper 2254, 263 p. Vermillion, SD

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

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

In the Matter of Water Permit Application No. 6431-3, by Phillip W. Hines v. SD Department of Environment and Natural Resources, South Dakota Sixth Judicial Court Civ. No. HU04-37 (Memorandum Decision, April 29, 2005)

In the Matter of Water Permit Application No. 7239-3, by Hanson County Dairy v. Robert Bender and Stace Nelson, South Dakota First Judicial Court Civ. No. 11-54 (Memorandum Decision, April 11, 2012)

Water Rights. 1980-2013. "Annual Irrigation Summary by Aquifer": 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. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

# Printer's Affidavit of Publication

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STATE OF SOUTH DAKOTA  
COUNTY OF GRANT

} ss.

JUN - 5 2014

WATER RIGHTS  
PROGRAM

Ann Tuchscherer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Bookkeeper of said newspaper, in charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of

Application No. 7986-3 to Appropriate Water

a printed copy of which, taken from the  
paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for one  
~~successive~~ weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

|               |             |           |
|---------------|-------------|-----------|
| <u>June 4</u> | <u>2014</u> | <u>20</u> |
| <u>20</u>     |             | <u>20</u> |
| <u>20</u>     |             | <u>20</u> |

That \$ 23.54, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Ann Tuchscherer

Subscribed and sworn to before me this 4th day of June 20 14

Debra Hemmer  
Notary Public, Grant County, South Dakota



## NOTICE OF APPLICATION NO. 7986-3 to Appropriate Water

Notice is given that Brian R. Meyer, PO Box 633, South Shore, SD 57263 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Antelope Valley aquifer (85-100 feet deep) located in the E 1/2 SE 1/4 Section 20 for irrigation of 135 acres located in the SE 1/4 Section 20; all in T120N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7986-3 for the statutory limit of 1.93 cfs 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 an approximate cost of \$23.54.

Publication Fee \$ 23.54  
Notarial Fee 0

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JUN 12 2014

Form 8

WATER RIGHTS  
PROGRAM

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 ) SS  
County of Codington )

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:

June 4th, 2014

Cost of Printing 55.84

Monica K. Saathoff  
(Signature)

Bookkeeper

(Title)

June 4th, 2014

(Date Signed)

### DENR

#### NOTICE OF APPLICATION NO. 7986-3 to Appropriate Water

Notice is given that Brian R Meyer, PO Box 633, South Shore, SD 57263 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Antelope Valley aquifer (85-100 feet deep) located in the E½ SE¼ Section 20 for irrigation of 135 acres located in the SE¼ Section 20; all in T120N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7986-3 for the statutory limit of 1.93 cfs 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 \$53.74.  
(June 4, 2014)

All legal notices in the Public Opinion and other South Dakota newspapers can be found at  
[www.sdpublishnotices.com](http://www.sdpublishnotices.com)



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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



May 28, 2014

Grant County Review  
Po Box 390  
Milbank SD 57252

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7986-3 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 Brian R Meyer, PO Box 633, South Shore SD 57263 (Ph # 605-756-4256).

**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 28, 2014

Public Opinion  
PO Box 10  
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7986-3 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 Brian R Meyer, PO Box 633, South Shore SD 57263 (Ph # 605-756-4256).

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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.**

May 28, 2014

Brian R Meyer  
PO Box 633  
South Shore SD 57263

Dear Mr. Meyer:

Water Permit Application No. 7986-3 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 Grant County Review printed at Milbank SD (Ph # 605-432-4516) 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. 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.

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NOTICE OF APPLICATION NO. 7986-3 to Appropriate Water

Notice is given that Brian R Meyer, PO Box 633, South Shore SD 57263 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Antelope Valley aquifer (85-100 feet deep) located in the E 1/2 SE 1/4 Section 20 for irrigation of 135 acres located in the SE 1/4 Section 20; all in T120N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7986-3 for the statutory limit of 1.93 cfs 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 \_\_\_\_\_.



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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



JUL 07 2014

Brian R Meyer  
PO Box 633  
South Shore SD 57263

Dear Mr. Meyer:

Enclosed is Water Permit No. 7986-3 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

7986-3

PAID

OCT 12 2021

Ck# 6084

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer  
Water Rights Program, DANR  
523 E. Capitol  
Pierre, SD 57501-3181

RECEIVED

OCT 12 2021

WATER RIGHTS  
PROGRAM

No.

7986-3

Date:

10-4-2021

I/We request that portions of Water Permit No. 7986-3

formerly owned by: Brian Meyer

be transferred to: (name & address)

Paul Fehr  
9 Riverview Dr Morris, MN 56267

Telephone No. 320-760-9234

Title to the following described land(s)/property has been transferred as described above:

East 90 acres of the SE 1/4 Section 20, T120N, R51W

I/We understand that the validity of Water Permit No. 7986A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

**A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We Paul Fehr, the new owner, certify that the above information is true and correct.

Paul Fehr

(Signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

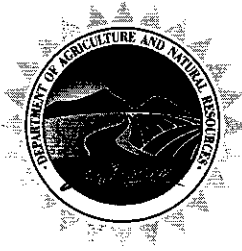
Date October 12, 2021

RECEIVED OF Paul/Pamela Fehr 9 Riverview Dr. Morris, MN 56267

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 | \$ _____       |
| 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. _____            | \$ _____       |
| Fee for Filing Transfer Form <u>7986-3</u>                                                                     | <u>\$50.00</u> |
| Fee for _____                                                                                                  | \$ _____       |
| Fee for Issuing New Well Driller's License No. _____                                                           | \$ _____       |
| Fee for Renewal of Well Driller's License No. _____                                                            | \$ _____       |
| Fee for Issuing Well Pump Installer's License No. _____                                                        | \$ _____       |
| Fee for Renewal of Well Pump Installer's License No. _____                                                     | \$ _____       |
| (Any Other Work Provided by Law)                                                                               | TOTAL          |
|                                                                                                                | <u>\$50.00</u> |

By Eric Gronlund  
Chief Engineer  
me



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

September 7, 2023

7986-3

Paul Fehr  
9 Riverview Dr  
Morris MN 56267

Dear Mr. Fehr:

We have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Permit No. 7986-3 previously owned by Brian Meyer is now listed under Paul Rehr. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Permit, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Permit will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell  
Water Rights Program  
605 773-3352  
Amanda.Dewell@state.sd.us

**NOTE:** Our office is currently in the process of licensing Permit No. 7986-3. No action is needed on your part.

*enclosure*

7986-3

September 20, 2023

PAYMENT REQUEST FORM

PAYEE: Paul Fehr  
9 Riverview Dr  
Morris MN 56267

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Over payment of Transfer Fee #7986-3

AMOUNT: \$50.00

FUNDING SOURCE: WR Fees

GENERAL:

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eric Hunsland 9/20/2023*

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 AGRICULTURE  
and NATURAL RESOURCES**

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

September 20, 2023

Paul Fehr  
9 Riverview Dr  
Morris MN 56267

Dear Mr. Fehr:

I am following up on our telephone conversation where we discussed the duplicate payment for the Ownership Transfer of Water Permit No. 7986-3.

A refund in the amount of \$50.00 will be provided to you by the State of South Dakota. Please allow up to two (2) weeks for the processing of that refund.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Amanda Dewell  
Water Rights Program  
605 773-3352  
Amanda.Dewell@state.sd.us

# RECEIPT

## WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date October 12, 2021

RECEIVED OF Paul/Pamela Fehr 9 Riverview Dr. Morris, MN 56267

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

|                                                                                                                |          |
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| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | \$ _____ |
| 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. _____            | \$ _____ |
| Fee for Filing Transfer Form 7986-3                                                                            | \$50.00  |
| Fee for _____                                                                                                  | \$ _____ |
| Fee for Issuing New Well Driller's License No. _____                                                           | \$ _____ |
| Fee for Renewal of Well Driller's License No. _____                                                            | \$ _____ |
| Fee for Issuing Well Pump Installer's License No. _____                                                        | \$ _____ |
| Fee for Renewal of Well Pump Installer's License No. _____                                                     | \$ _____ |
| (Any Other Work Provided by Law)                                                                               |          |
| TOTAL                                                                                                          | \$50.00  |

By Eric Gronlund  
Chief Engineer

*Eric*

**PAID**

SEP 18 2023

Ck# 9831

Rec't# 9118123

\* Please refund. Paul had already paid this fee in Oct 2021

**Dewell, Amanda**

---

**From:** DANRnoreply <DANRnoreply@state.sd.us>  
**Sent:** Monday, September 18, 2023 1:59 PM  
**To:** Maberry, Vickie; Duvall, Ron; Rodriguez, Rachel; Dewell, Amanda  
**Subject:** [EXT] Check Arrival - Transfer of Ownership Fee

**Please use caution in opening any attachments or clicking on any links.**

This message was received from an external mail system, but has been made to appear as though originating from an internal State email address. If you are not expecting this message or are concerned about its content, please forward it to the [reportspam@state.sd.us](mailto:reportspam@state.sd.us) mailbox.

---

**FROM:** Paul Fehr, JR. Pamela Fehr  
**AMOUNT:** \$50.00  
**FOR:** Transfer of Ownership Fee  
**CK DATE:** 9/15/2023  
**CK RECD:** 9/18/2023  
**CK NUM:** 6837.00

**COMMENTS (if any):**

DANR Check Registry