

WATER PERMIT NO. 8028-3

Name of Applicant: Wohlleber Bros.

Address: 1305 North Broadway, Watertown SD 57201

Phone: 605 881-3795

Amount of Water Claimed: 2.21 cfs

Total Acres: 155

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Roberts

Type of Waste Disposal System:

Location: 5 miles west of Summit

PRIORITY

Date Received: 6-5-14

Application/License Fee: \$ 1050

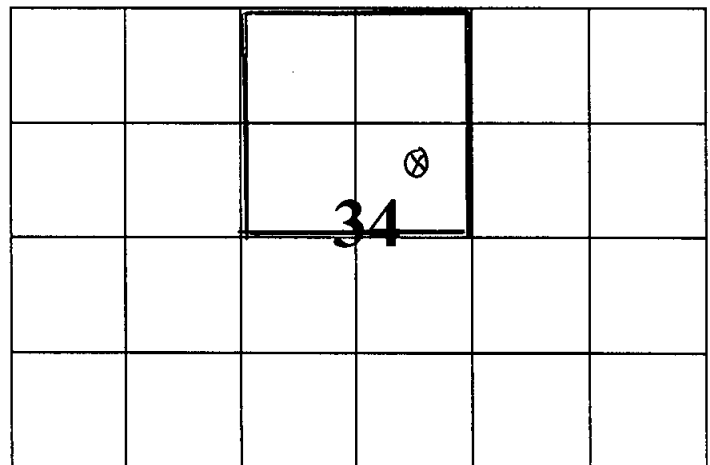
Corrected Application Received: 6-13-14

Period of Annual Use: April 1 - October

Remarks:

Diversion Point: SW 1/4 NE 1/4 Sec 34-T123N-
R52W

Land to be Irrigated: W 1/2 NE 1/4, E 1/2 NW 1/4
Sec 34-T123N-R52W



Depth of Well: 74 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 6-16-14

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

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Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8028-3</u>	(office use only) Hydrologic Unit <u>1016001D</u>
	Basin <u>James River</u>	<u>605-698-7642</u>
	Newspaper <u>Sisseton Courier</u>	<u>Box 169 57262</u>
	<u>605-886-6901</u>	<u>Public Opinion Box 10 Watertown 57201</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 Wohlheber Bros

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

(name and complete address if different than above name)

Mailing Address 1305 North Broadway Watertown SD 57201
(Address) (City) (State) (Zip Code)

Home Phone _____ Cell 605-881-3795 Email _____

2. Amount of water claimed 2.2 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 155
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well or wells

4. Location of point of diversion _____
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Roberts

5. County or counties where water will be used Roberts

6. Annual period during which water is to be used April - 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
<u>W 1/2 NE 1/4 E 1/2 NW 1/4</u>	<u>155</u>		
<u>all in Sec 34-T123N-R52W</u>			

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

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

2012-09

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

SOUTH DAKOTA
WATER PERMIT NO. 8028-3

Date of first receipt of application June 5, 2014.

Date of return to applicant for corrections, amendments or changes June 5, 2014.

Date of receipt of corrected application August 1, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8028-3 to Wohlleber Bros., 1305 North Broadway, Watertown SD 57201 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. 8028-3 appropriates 2.21 cubic feet of water per second from one well to be completed into the Coteau Lakes Aquifer (74 feet deep) located in the SW 1/4 NE 1/4 Section 34 for irrigation of 155 acres located in the W 1/2 NE 1/4 and the E1/2 NW 1/4 Section 34; all in T123N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is June 5, 2014.
4. The date of approval of Permit No. 8028-3 is September 2, 2014.
5. One-fifth of the construction is to be completed on or before March 2, 2017.
6. All construction is to be completed on or before September 2, 2019.
7. Water is to be put to beneficial use on or before September 2, 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. 8028-3 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

SEP 22 2014

date



Supplemental Information

(type or print)

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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 Wieber Well Drilling
(if yes, please provide copies of logs)

b) If existing wells, how many Provide copy of log(s), if available. Drilled by

* c) Well Depth 74 Depth to Top of Water Bearing Material Depth to Water from Surface

d) Distance to nearest existing domestic well: ?

On applicant's property On property owned by others

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)

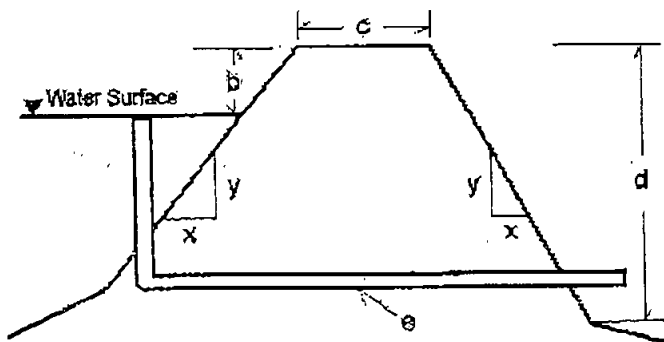
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



Aerial Map



Maps provided by:

©AgriData, Inc. 2011
www.AgriDataInc.com34-123N-52W
Roberts County
South Dakotamap center: 45° 23' 30.49, 97° 9' 17.3
scale: 10088

2/23/2011

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

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DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



June 5, 2014

Wohlleber Bros.
c/o James Wohlleber
1305 N Broadway
Watertown SD 57201

ATTN
Karen
Schlaak

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Dear Mr. Wohlleber:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Roberts County. In order to complete the application, the following is required.

- Regarding item No. 2, Amount of water claimed, the application states 1200 gpm. Is this the correct amount of water needed to operate your proposed system? State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 1.87 cfs or 832 gpm to irrigate 130 acres. Please clarify the amount of water you are claiming. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).
- Please complete Item No. 7 of the application. The area outlined on the map totals more than 130 acres. Do you want the 40 acres located in the NW 1/4 SW 1/4 Section 34 included on the application? Or are you applying for 130 acres located in the W 1/2 NW 1/4, E 1/2 NE 1/4 Section 34?
- Do you agree that the proposed well location as marked on the map is located in the SW 1/4 NE 1/4 Section 34?
- Enclosed is the Form 2A, Supplemental Information. On Item No. 1 regarding the Well Information, please complete c) Well Depth with the proposed well depth. Your well driller should be able to give you an estimate depth for your proposed well location.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

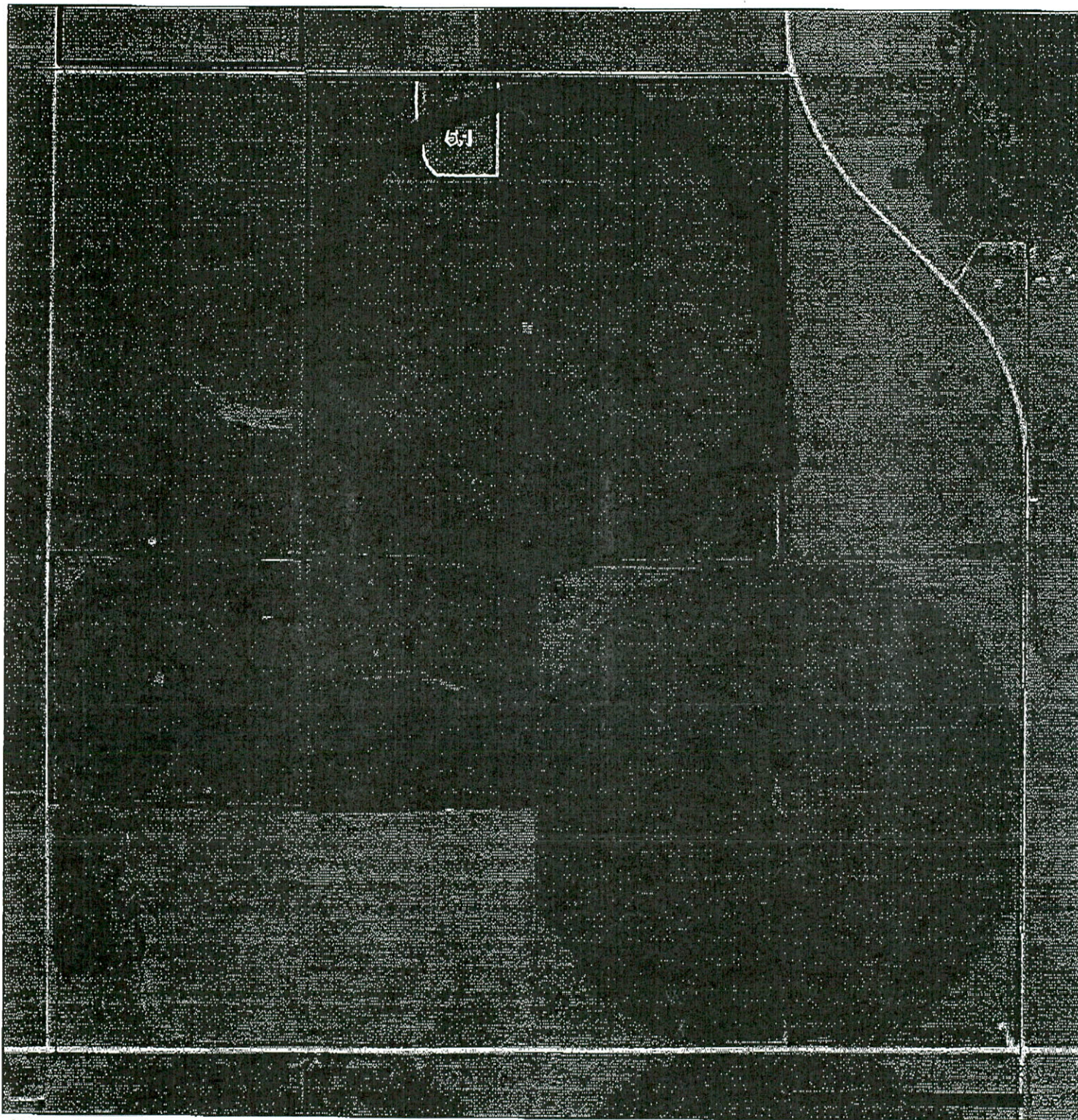
Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures



United States
Department of
Agriculture

Roberts County, South Dakota



Common Land Unit

- Cropland Non-cropland
 Conservation Reserve Program

Wetland Determination Identifiers

- Restricted Use
 Limited Restrictions
 Exempt from Conservation
Compliance Provisions

- Tract Boundary Section Line



2012 Ortho-Photography - not to scale

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2014 Program Year

Map Created December 19, 2013

Farm 9552

34-123-52

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

RECEIPT

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South Dakota Department of Environment and Natural Resources

Date 6/5, 20 14

RECEIVED OF Wohlleber Bros 1306 N Broadway Watertown SD 57201

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

Fee for Application for Permit No. <u>8028-3</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>8028-3</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. **06875**

By J. Anne Goodman
Chief Engineer

ROBERTS COUNTY TREASURER
411 2ND AVE E
SISSETON SD 57262
(605) 698-7245

06/13/2014

Parcel Information for Bill #: 2014- 1 - 10978

Record #: 5765

TAXPAYER: WOHLLEBER BROTHERS
2125 CEDAR DR
WATERTOWN SD 57201-

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Prop Addr: STR 34-123-52

Title:

Legal: 2-ALTO TOWNSHIP
W2NE4; E2NW4 SEC 34-123-52 ALTO TOWNSHIP

34 - 123 - 52 1 - 2

School: 18-3

Acres / Lots: 160.00

	Tax Amt.	Int Due	Adv/Cert	TOTAL DUE	Date Pd	Treas#
1st Half:	672.47	11.16	.00	683.63		0
2nd Half:	672.47	.00		672.47		0
Totals:	1,344.94			1,356.10		
				***** Interest *****		
				Thru: 06/13/2014		

Total	AG	NA-Z	OO	M-OO	NA	M
Valuation:	104065	0	0	0	0	0
Total Tax:	1344.94	.00	.00	.00	.00	.00

1st half paid by:
2nd half paid by:

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7-31-14

ATTN Karen,

We would like to change
our application to 155 Ac. We
would also like to change our water
to the maximum gals.

W2NE4 E2NW4 Section 34-123-52
Alto Township
Roberts County

James
Wohlbecker

See Attached map.

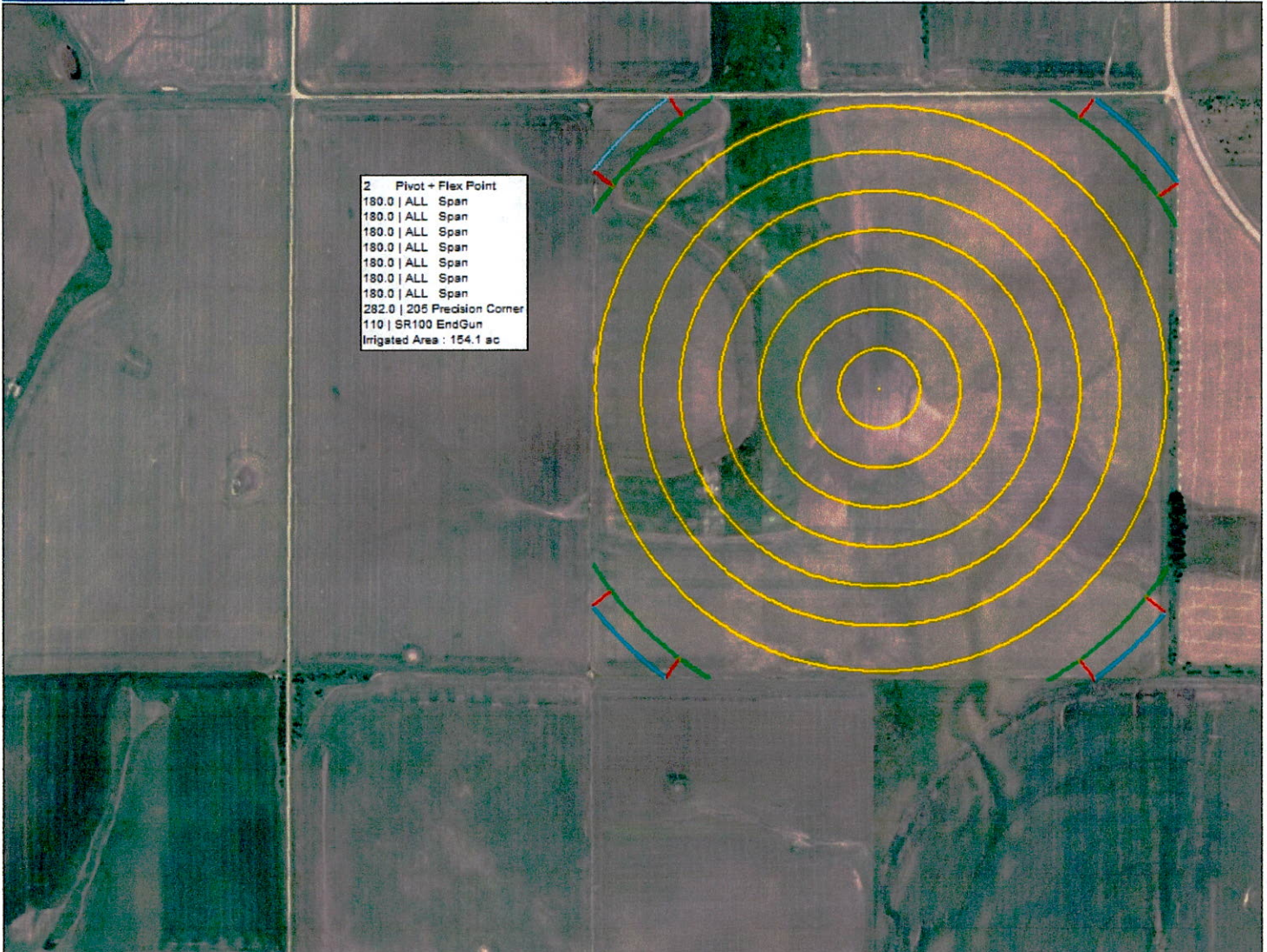
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DELORME

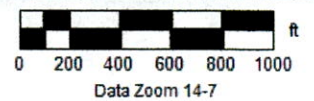
XMap® 7



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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8028-3, Wohlleber Bros.**

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. 8028-3, Wohlleber Bros., c/o James Wohlleber, 1305 North Broadway, Watertown SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 8028-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8028-3 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
August 13, 2014

**REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NO. 8028-3
WOHLLEBER BROTHERS
AUGUST 8, 2014**

Water Permit Application No. 8028-3 proposes to divert water at a maximum rate of 2.21 cubic feet per second (cfs) from a single well completed into the Coteau Lakes aquifer in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T123N-R52W at a depth of approximately 74 feet below ground surface. The water will be used to irrigate 155 acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$ (80 acres), E $\frac{1}{2}$ NW $\frac{1}{4}$ (75 acres) of the same section in Roberts County.

AQUIFER: Coteau Lakes aquifer (COL)

HYDROGEOLOGY:

This application proposes to divert water from what Hedges and others (1982) have described as the Coteau Lakes aquifer. This aquifer consists of a variety of discontinuous outwash bodies that are at or near ground surface and generally have hydraulic connections to local lakes. These outwash bodies consist of unconsolidated sand and gravel that are at or near ground surface in southeastern Marshall, eastern Day, and southwestern Roberts County. Although the interconnectedness of these varied deposits is unknown, the similarities between the deposits is the basis behind their grouping together as a single aquifer.

Hedges and others (1982) were unable to determine the areal extent and the amount of recoverable water in storage for the portions of the Coteau Lakes aquifer that are in Roberts County. However, the amount of recoverable water and the areal extent of the aquifer in Day and Marshall Counties was estimated to be 58,200 acres with at least 130,910 acre-feet and 32,000 acres with 120,000 acre-feet, respectively. Thompson (2001) reports the Coteau Lakes aquifer system underlies approximately 65,856 acres in Roberts County, but did not determine the amount of recoverable water in storage.

A test hole log was not submitted with this application. Given the depth of the proposed well (74 feet) and the lithological records for the area (SDGS, 2014), observation well data (Water Rights, 2014a), and Thompson (2001) and Leap's (1972 and 1988) maps of the area, it was estimated this portion of the aquifer underlies approximately 32,660 acres (Mathiowetz, 2014) between Day and Roberts Counties. Lithological records do not indicate that the formation extends significantly north of the proposed well site but is assumed to be connected to Hurricane Lake to the northeast and Blue Dog, Enemy Swim, and Bitter Lakes to the west, northwest, and southwest, respectively. A map of the area is shown in Figure 1.

The proposed well location in Water Permit Application No. 8028-3 falls outside of the area of the formation shown in Figure 1, as defined by Mathiowetz (2014). This is likely because the formation boundaries in Figure 1 were estimated using lithological logs for the area rather than direct observation (which would be impossible). The proposed depth and close proximity to the estimated formation boundary suggest this diversion site will be completed into the Coteau Lakes aquifer even if previous estimations of the formation's extent are not exactly consistent with the information submitted with Water Permit Application No. 8028-3.

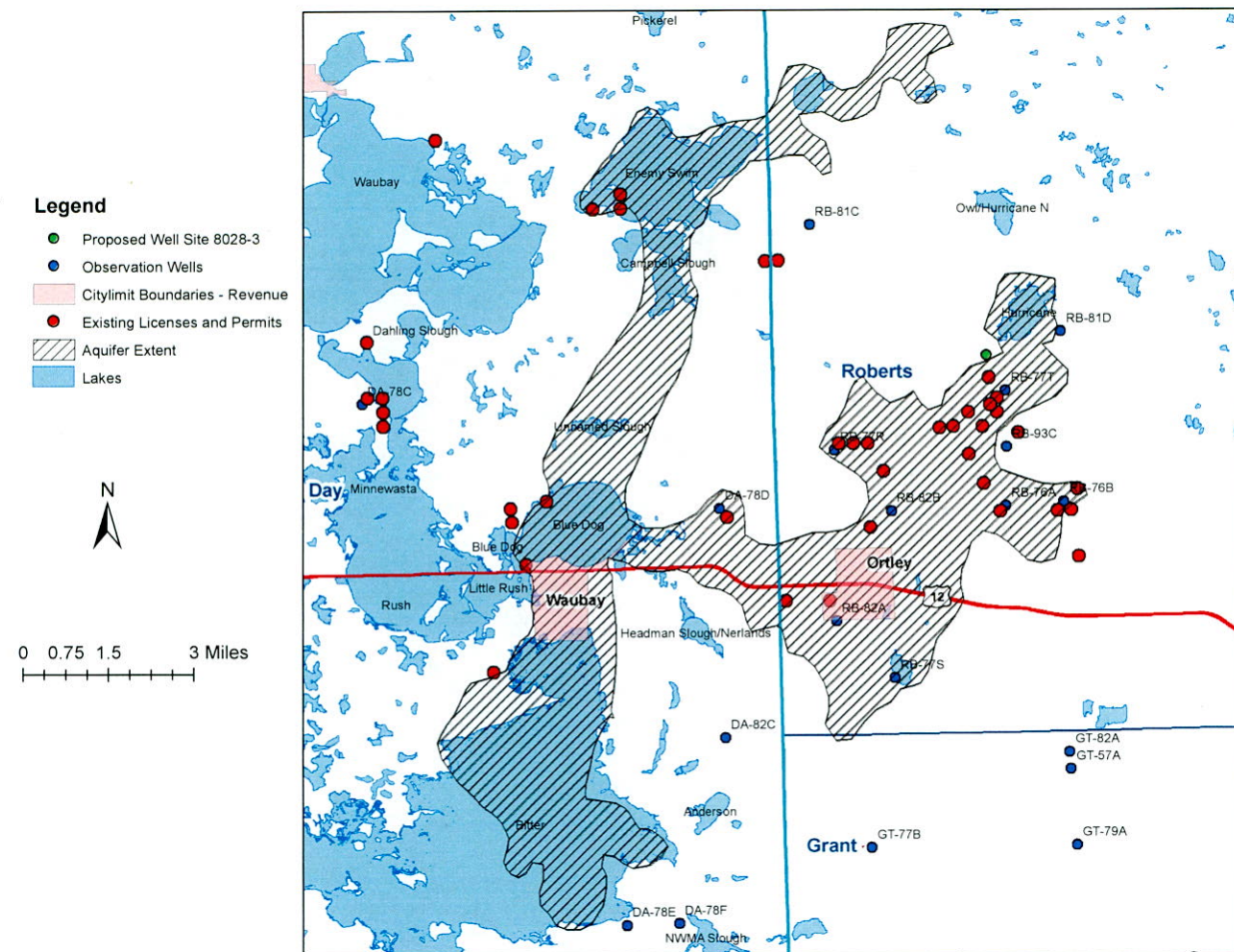


Figure 1: Map of the portion of the Coteau Lakes aquifer that Water Permit Application No. 8028-3 proposes to divert from (modified from Leap, 1988; Leap, 1972; Thompson, 2001; Mathiowetz 2014).

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 and the effects on existing water rights completed into this portion of the Coteau Lakes aquifer.

WATER AVAILABILITY:

This application proposes to appropriate water from the Coteau Lakes aquifer. The probability of unappropriated water available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not

consider the recharge/withdrawal issue. In this case, the aquifer is not older or lower than the Greenhorn Formation and the applicant is not a public water system.

Hydrologic Budget:

Recharge:

Recharge to the Coteau Lakes aquifer is primarily through infiltration of precipitation and possible adjacent lakes (Thompson, 2001). Hedges and others (1985) estimated the average recharge to the aquifer using observation well analysis to be approximately 4.5 inches annually. Given the estimated aerial extent of the aquifer (32,660 acres), this recharge rate would result in approximately 12,248 acre feet per year (ac-ft/yr) of recharge to this portion of the aquifer.

Discharge:

Discharge from the Coteau Lakes aquifer occurs through evapotranspiration, seepage to lakes, and well withdrawals. There are currently 24 water rights/permits authorized to divert water from this portion of the Coteau Lakes aquifer with 19 being used for irrigation, four used for commercial purposes, and one used for institutional/recreational purposes. The non-irrigation water rights are assumed to pump water at their maximum allowable diversion rate 60 percent of the time. Given this assumption, water use by these rights/permits is expected to be approximately 83.8 ac-ft/yr. Historic irrigation use from this portion of the aquifer is listed in Table 1 and averages 808 ac-ft/yr.

	No. of Permits	Appropriation (ac-ft/yr)	Pumpage (ac-ft/yr)
1979	4	5391	119.32
1980	4	5391	699.56
1981	7	5993	537.66
1982	7	4826	725.39
1983	8	5096	479.29
1984	9	5912	644.5
1985	8	5096	497
1986	8	5096	52
1987	8	5096	741.6
1988	9	6386	1054
1989	10	6964	550.6
1990	10	6205	571
1991	10	6205	166
1992	9	4717	264
1993	9	4717	65
1994	11	5559	566.13
1995	12	5823	105.39
1996	12	5823	781.26
1997	13	6089	829
1998	14	6361	1082.03
1999	14	6361	1227.8
2000	13	5783	1314.38
2001	13	5783	1459.68
2002	13	5783	1133.31
2003	13	5783	1299.54
2004	13	5783	1268.76
2005	12	5205	1357.73
2006	14	5725	1671.57
2007	14	5725	814.71
2008	15	6045	950.56
2009	16	6764	861.53
2010	17	6974	696.7
2011	18	7294	1265.88
2012	18	7294	1227.56
2013	21	7007	1187.58
Average	11.6	5887.29	807.66

Table 1: Historic irrigation use in the portion of the Coteau Lakes aquifer that Water Permit Application No. 8028-3 proposes to divert from. (Water Rights, 1980-2014)

Hydrologic Budget:

The estimated average annual withdrawal from this portion of the Coteau Lakes aquifer is 991.8 ac-ft/yr. The estimated average annual recharge to this portion of the aquifer is 12,248 ac-ft/yr. Since recharge is greater than withdrawals unappropriated water is available for the proposed use.

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 the annual withdrawals from the aquifer does not exceed the estimated average annual recharge.

The Water Rights Program monitors eight observation wells in this portion of the Coteau Lakes aquifer (Water Rights, 2014a). The closest of these wells to the proposed diversion site (RB-77T and RB-81D) are located approximately 0.8 miles to the southeast and 1.4 miles to the east, respectively. The water levels in RB-77T and RB-81D show some effects from seasonal pumping but are primarily climatically controlled. Water levels rise during wet years and decline during dry years. Natural recharge to and discharge from the aquifer eclipse the effects of pumping, therefore natural discharge is available for capture and for the proposed use in this application.

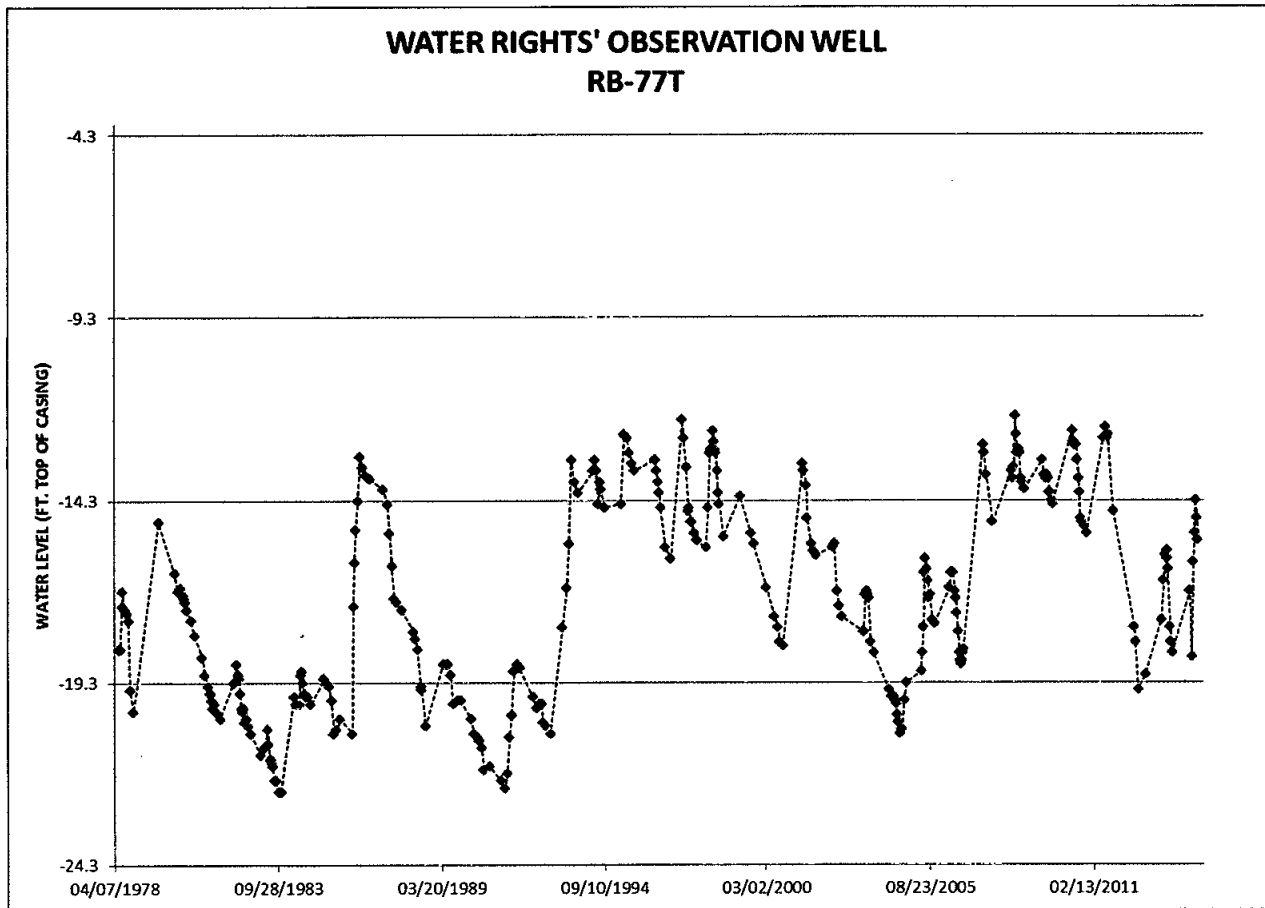


Figure 1: Historic water levels in Observation Well RB-77T (Water Rights, 2014a).

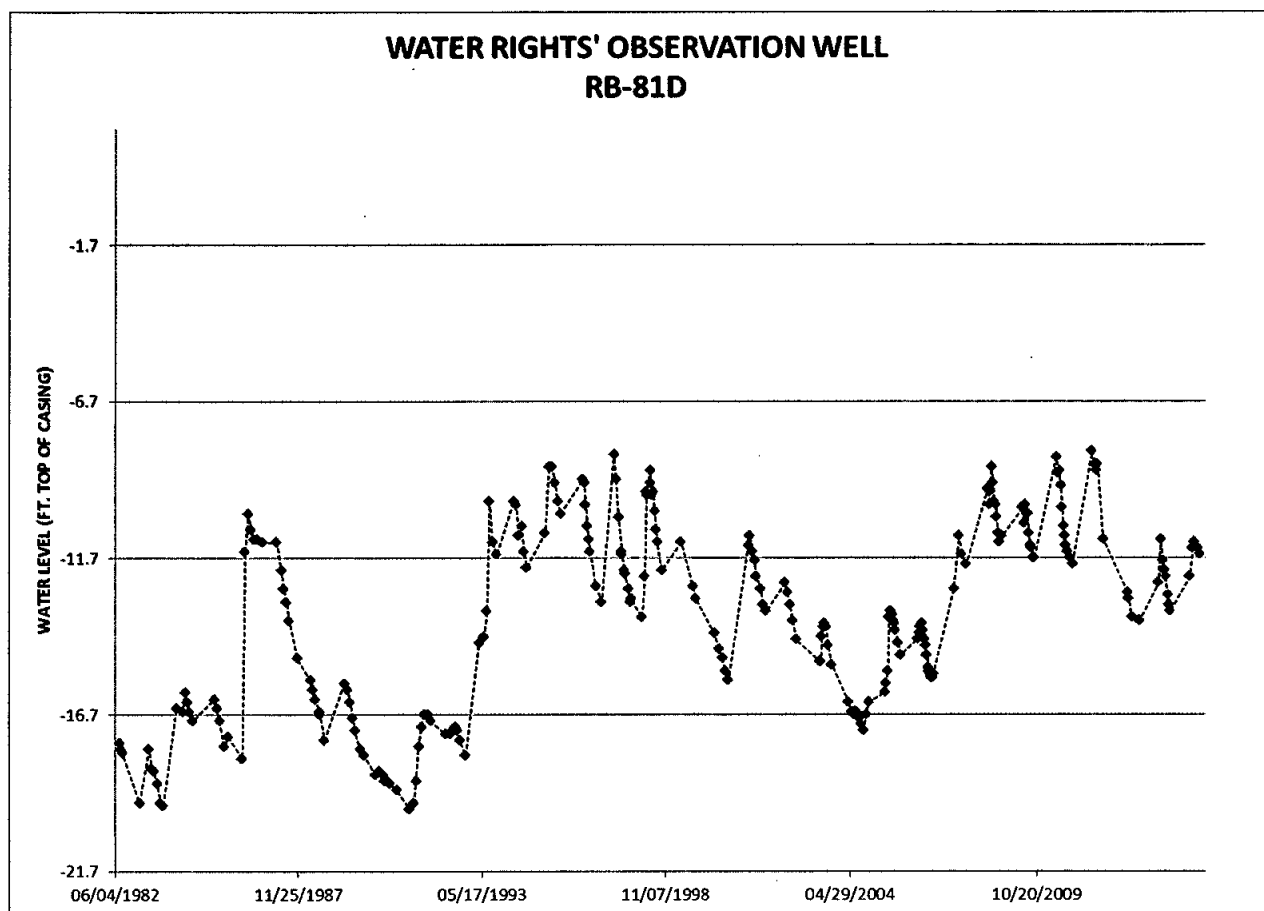


Figure 2: Historic water levels in Observation Well RB-81D (Water Rights, 2014a).

EXISTING WATER RIGHTS:

In evaluating this application, the water rights database was reviewed for the nearest water rights/permits and domestic wells on file. The nearest water rights/permit to the proposed diversion site (4604-3) is located approximately 3,000 feet to the southeast of the proposed well site (Water Rights, 2014b). Drawdown at this distance is not expected to be significant enough to cause impairment of the well associated with the water permit. In addition, pumping from the proposed well may induce recharge from nearby Hurricane Lake, minimizing any resultant drawdown. Therefore, approval of this application is not expected to result in unlawful impairment of nearby water rights/permits. The nearest domestic well on file with the Water Rights Program and completed into this portion of the Coteau Lakes aquifer is located approximately one mile to the southwest of the proposed well site (Water Rights, 2014c). Given this distance, unlawful interference is not expected to occur.

CONCLUSIONS:

1. Water Permit Application No. 8028-3 proposes to appropriate groundwater at a maximum diversion rate of 2.21 cfs from one well to be completed into the Coteau Lakes aquifer for the irrigation of 155 acres.
2. There is a reasonable probability that unappropriated water is available from the Coteau Lakes aquifer to supply the proposed appropriation.

3. The proposed diversion is not expected to adversely impact existing nearby adequate wells.



Bracken Capen
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- 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.
- Leap, D.I. 1988. Geology and Hydrology of Day County, South Dakota. Bulletin 24. SD DENR-Geological Survey, Vermillion, South Dakota.
- Leap, D.I. 1972. Major aquifers and Sand and Gravel Resources in Day County, South Dakota. SD DENR-Geological Survey Information Pamphlet No. 3. Vermillion, South Dakota.
- Mathiowetz, A. 2014. Report on Water Permit Application No. 8000-3, Earl Althoff. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- SDGS. Lithologic Logs Database Search. < <http://www.sddenr.net/publist/>>. Accessed: 5 August, 2014. SD DENR-Geological Survey. Vermillion, South Dakota.
- Thompson, R.F. 2001. Water Resources of Lake Traverse Reservations, South and North Dakota, Roberts County, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 01-4219.
- Water Rights, 1980-2013. "Irrigation Report Summaries." SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Affidavit of Publication

STATE OF SOUTH DAKOTA
County of Roberts

ss.

Kevin H. Deutsch of said county, being first duly sworn, on oath says, that he is Editor of THE SISSETON COURIER, a weekly newspaper printed and published in Sisseton, in said county of Roberts, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said county for 52 successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of Notice Of Application No. 8028-3 To Appropriate Water, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for one successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

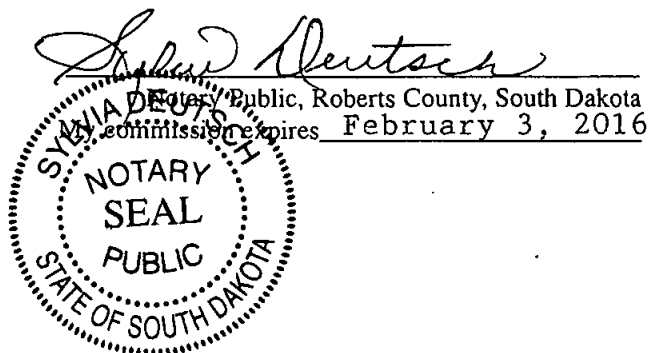
Aug. 19, 2014; _____;
_____, _____;
_____, _____;
_____, _____;
_____, _____;

that the full amount of the fee is charged for publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication there of are \$ 21.43

Kevin H. Deutsch

Subscribed and sworn to before me this 19th day of

August, A.D., 2014



RECEIVED

SEP 03 2014

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 8028-3 TO APPROPRIATE WATER

Notice is given that Wohlleber Bros., c/o James Wohlleber, 1305 North Broadway, Watertown, SD 57201 has filed an application for a water permit to appropriate 2.21 cubic feet of water per second from one well to be completed into the Coteau Lakes Aquifer (74 feet deep) located in the SW1/4 NE1/4 Section 34 for irrigation of 155 acres located in the W1/2NE1/4 and the E1/2NW1/4 Section 34; all in T123N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8028-3 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 September 2, 2014.

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

Steven M. Pimer, Secretary,
Department of Environment
and Natural Resources

Published once at the total approximate cost of \$21.43.

RECEIVED

AUG 26 2014

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

August 19th, 2014

Cost of Printing \$58.74

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

August 19th, 2014

(Date Signed)

DENR

NOTICE OF APPLICATION NO. 8028-3 to Appropriate Water

Notice is given that Wohlleb Bros., c/o James Wohlleb, 1305 North Broadway, Watertown SD 57201 has filed an application for a water permit to appropriate 2.21 cubic feet of water per second from one well to be completed into the Coteau Lakes Aquifer (74 feet deep) located in the SW 1/4 NE 1/4 Section 34 for irrigation of 155 acres located in the W 1/2 NE 1/4 and the E 1/2 NW 1/4 Section 34, all in T123N-R52W.

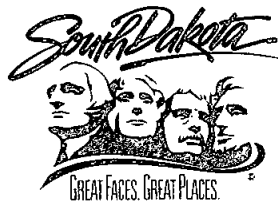
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Published once at the total approximate cost of \$53.74.

(August 19, 2014)

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



~~August 13, 2014~~

Sisseton Courier
PO Box 169
Sisseton SD 57262

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8028-3 to Appropriate Water. Please publish the notice once on August 19, 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 Wohlleber Bros., c/o James Wohlleber, 1305 North Broadway, Watertown SD 57201 (Ph # 605-881-3795).

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



August 13, 2014

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

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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.**

August 13, 2014

Wohlleber Bros
James Wohlleber
1305 North Broadway
Watertown SD 57201

Dear Sirs:

Water Permit Application No. 8028-3 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 Sisseton Courier printed at Sisseton SD (Ph # 605-698-7642) 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 August 19, 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. 8028-3 to Appropriate Water

Notice is given that Wohlleber Bros., c/o James Wohlleber, 1305 North Broadway, Watertown SD 57201 has filed an application for a water permit to appropriate 2.21 cubic feet of water per second from one well to be completed into the Coteau Lakes Aquifer (74 feet deep) located in the SW 1/4 NE 1/4 Section 34 for irrigation of 155 acres located in the W 1/2 NE 1/4 and the E1/2 NW 1/4 Section 34; all in T123N-R52W.

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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



SEP 22 2014

Wohlleber Bros
1305 N Broadway
Watertown SD 57201

Dear Sirs:

Enclosed is Water Permit No. 8028-3 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



8028-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 26, 2018

NOTICE

TO: WOHLLEBER BROS, JAMES WOHLLEBER, 45857 144TH ST, SUMMIT, SD 57266
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8028-3 & 8036-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8028-3 & 8036-3 qualification:

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

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

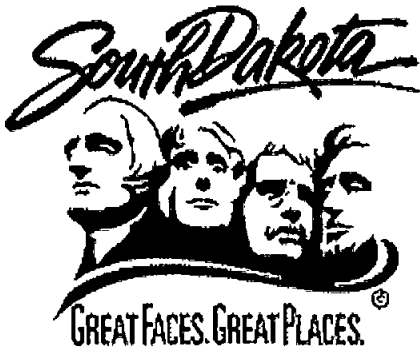
1. Suspend or cancel Permit No(s) 8028-3 & 8036-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

8028-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2018

James & Johnny Lee Wohlleber
1305 N Broadway
Watertown SD 57201

RE: Water Permit Nos. 7036-3, 7832-3, 8028-3 & 8036-3

Dear Sirs:

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit Nos. 7036-3, 7832-3, 8028-3 & 8036-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 26, 2020

8028-3

Jim Wohlleber
Wohlleber Brothers
1305 N Broadway
Watertown SD 57201

Dear Mr. Wohlleber:

I am writing in follow-up to our phone conversation concerning the irrigation system authorized under your Water Permit No. 8028-3.

It is my understanding from our conversation the irrigation well has been drilled, the pipeline installed, and electricity is hooked up to the site. Your question was whether you were still okay to put up a pivot and begin irrigating. I spoke with our permitting administrator concerning the issue and am told the answer is yes.

Water Right No. 8028-3 specifies a date for completion of works of September 2019. The well, pipeline and electricity to the site would be considered necessary construction. As stated in the permit, you have until September 2, 2023 to put the water to beneficial use.

Thanks again for calling and if you have any other questions, please let me know.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

FEB 25 2021

Ck# 20033

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

FEB 25 2021

WATER RIGHTS
PROGRAM

Water Right/Permit No. 8028-3

Date: 2-23-21

I/We request that Water Right/Permit No. 8028-3 formerly owned by:
Wohlleber Bros. be transferred to:

New Owner Name: Wohlleber Enterprises LLC
Address: 14959 461st Ave
City, State, Zip: South Shore SD 57263 Telephone No. 605-398-6173
605-881-8535

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

W 1/2 NE 1/4, E 1/2 NW 1/4 Sec 34-T123N-R52W

☒ I understand that the validity of Water Right/Permit No. 8028-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, James Wohlleber, the new owner, certify that the above information is true and correct.


(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.

8028-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date February 25, 2021RECEIVED OF Wohlleber Brothers Partnership 14959 461st Ave South Shore SD 57263

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>8028-3</u>	\$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
vm

8028-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 2021

James Wohlleber
Wohlleber Enterprises LLC
14959 461st Ave
South Shore SD 57263

RE: Water Permit/Right Nos. 4604-3, 5723-3, 6835A-3, 7036-3, 7832-3, 8028-3, 8036-3

Dear Mr. Wohlleber:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on the above listed water permits and water rights.

The ownership changes have been completed. The above listed water permits, and water rights are now listed under Wohlleber Enterprises LLC.

Enclosed are the receipts for the filing fees and stamped copies of the transfer forms for your records. If I can answer any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8028-3

I have this day, September 25, 2024, made a thorough examination of the water use system constructed by Wholleber Bros., 1305 North Broadway, Watertown, SD 57201 of Permit No. 8028-3, bearing the priority of June 5, 2024 authorizing the diversion of 2.21 cu. ft. per second of the waters of the Coteau Aquifer for irrigation purposes, in Roberts County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Wieber Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 74 feet
- 4) Well log is available N If no, explain in comments

Comments: Nothing in "Well Completion Reports" or with Permit Application materials

Casing:

- 1) Diameter 12 inches
- 2) Length _____ feet
- 3) Type PVC

Screen:

- 1) Type _____
- 2) Length _____ feet
- 3) Static water level _____ feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 700 GPM

Motor:

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

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

- 1) Type PVC 2) Size 8 inches 3) Length 1800 feet

Comments: xx

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

- 1) Make Zimmatic
 2) Overall length 1300 feet
 3) Number of towers 8
 4) End gun Y
 5) Capacity 700 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION
From the E ¼ corner Section 34, T123N, R52W, 1410 ft W & 65 ft N, Lat 45.39.183 Long -97.14983
(SW ¼ SE ¼)
2. The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>legal description/acreage</u>	<u>legal description/acreage</u>
<u>All land in Sec 34 T123N R52W</u>	
<u>NE 1/4 NW 1/4 - 37 acres</u>	
<u>NW 1/4 NE 1/4 - 37 acers</u>	
<u>SW 1/4 NE 1/4 - 33 acres</u>	
<u>SE 1/4 NW 1/4 - 33 acres</u>	

comprising a total of 140 acres of land and the license should be issued for 1.56 cfs
3. All structures, wells and lands on map Y

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

FSA maps and the ArcGIS program were used to construct the attached well location and irrigated area map which was used to estimate irrigated acreage.

The flow rate reported on the 2023 Irrigation Questionnaire was used to establish the system flow capacity.

The address and phone number in the permit application materials have been changed. Property now managed by Josh Wholleber (605/881-8535), Wholleber Enterprises, LLC, 14959 461st Ave, South Shore, SD 57263. Chase O'Farrell (605/881-0396) is the contact person for the Water Permit related activities.

I talked to Mr. Josh Wholleber on the phone regarding Permit details.

Note: No WCR on file but per Senior Groundwater Engineer Adam Mathiowetz, well in this area would remain consistent with Coteau Lakes Aquifer.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: **September 27, 2024**



0 385 770 1,540 2,310 3,080 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

AUG 04 2025

Wohlleber Enterprises LLC
c/o Josh Wohlleber
14959 461st Ave
South Shore, SD 57263

No. 8028-3

Dear Mr. Wohlleber:

Enclosed is Water License No. 8028-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

If you have any questions regarding the enclosed license, please contact Water Rights Permitting Administrator, Amanda Dewell at (605) 773-3352 or Amanda.Dewell@state.sd.us.

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8028-3**

(1) Wohlleber Bros., made Application No. 8028-3, June 5, 2014, for a water permit to divert 2.21 cubic feet of water per second from groundwater, one well (Coteau Lakes Aquifer), Roberts County, South Dakota for irrigation purposes. Permit No. 8028-3, with a priority date of June 5, 2014, was approved September 2, 2014, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 2, 2019, and for the application to beneficial use of water on or before September 2, 2023.

Ownership of Permit No. 8028-3 was transferred to Wohlleber Enterprises LLC, 14959 461st Ave, South Shore, SD 57263 February 25, 2021.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is: *(within former boundaries of the Sisseton Wahpeton Indian Reservation)*

- 1,410 feet W and 65 feet N from the E $\frac{1}{4}$ corner Section 34, T123N, R52W
(SW $\frac{1}{4}$ NE $\frac{1}{4}$) (Latitude 45.39183 and Longitude -97.14983)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land: *(within former boundaries of the Sisseton Wahpeton Indian Reservation)*

Section 34, T123N, R52W
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 37 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 37 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 acres
Total – 140 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Wohlleber Enterprises LLC, the holder and/or owner of Water Right No. 8028-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from groundwater, one well (Coteau Lakes Aquifer), with a priority date of June 5, 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. 8028-3 and subject to 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. 8028-3 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.



Mark Mayer, PE
Director of Office of Water

8/4/25

date

