

WATER PERMIT NO. 8054-3

Name of Applicant: Marcella Kroese

Address: 1792 2nd Ave SE, Sioux Center IA 51250 Phone: 712 441-5944

Amount of Water Claimed: 3.33 cfs Total Acres: 300

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation County: Brookings

Type of Waste Disposal System:

Location: 1/2 mile east of Elkton

PRIORITY Date Received: 9-25-14 Application/License Fee: \$ 1250

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

Remarks: located in both SD and MN

Diversion Point: Lot 1 NE 1/4 Sec 15-T109N-

R47W (Brookings County)

Land to be Irrigated: Lot 1 NE 1/4 Sec 15-T109N-
R47W (Brookings County) and NW 1/4 Section
12 and W 1/2 Section 13; T109N-R47W (Lincoln
County) Minnesota

Depth of Well: 167 and 141 feet deep

Well Driller: Steffl Drilling & Pump Inc.

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 9-25-14

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8054-3</u> (office use only)	Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Brookings Register</u>	
	<u>P.O. Box 177 57006 605-692-6271</u>	

RECEIVED
SEP 25 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 Marcella Kroese
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)

Mailing Address 1792 2nd Ave SE Sioux Center IA 51250
(Address) (City) (State) (Zip Code)

Home Phone _____ Cell 712 441 5944 Email _____

2. Amount of water claimed 3.33 *CFS or 1500 **GPM 300 ***AF Total Acreage 300
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 2 wells Lot 1

4. Location of point of diversion Well #1 - 100 ft south of the NE corner of the NE 1/4 of the NE 1/4 Sec 15
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) 109-47
Well #2 200 ft from south corner - same as above County Brookings

5. County or counties where water will be used Brookings Co. SD Lincoln Co. MN

6. Annual period during which water is to be used May - Sept

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>Lot 1 of the NE 1/4 Sec 15</u>	<u>20</u>	<u>SE 1/4 of the NW 1/4 Sec. 12 109-47</u>	<u>30</u>
<u>NW 1/4 of the NW 1/4 Sec. 15 109-47</u>	<u>28</u>		
<u>NE 1/4 of the NW 1/4 Sec 15 109-47</u>	<u>30</u>		
<u>SW 1/4 of the NW 1/4 Sec 12 109-47</u>	<u>32</u>		

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

1- SD
1- MN

I, Marcella Kroese by Dave C, 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. 8054-3**

Date of first receipt of application September 25, 2014.

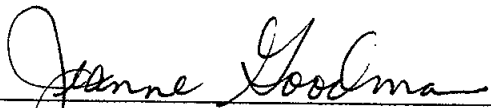
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8054-3 to Marcella Kroese, 1792 2nd Ave SE, Sioux Center IA 51250 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8054-3 appropriates 3.33 cubic feet of water per second from two wells to be completed into the Rutland Aquifer (167 and 181 feet deep) located in Lot 1 Section 15-T109N-R47W (Brookings County) for irrigation of 300 acres located in the Lot 1 Section 15-T109N-R47W (Brookings County) and portions of the E 1/2 SE 1/4, E 1/2 NE 1/4 and Lot 1 of Section 12-T109N-R47W and the NE 1/4 and Lot 1 of Section 13-T109N-R47W (Lincoln County – Minnesota).
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is September 25, 2014.
4. The date of approval of Permit No. 8054-3 is December 1, 2014.
5. One-fifth of the construction is to be completed on or before June 1, 2017.
6. All construction is to be completed on or before December 1, 2019.
7. Water is to be put to beneficial use on or before December 1, 2023.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8054-3 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, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 16 2014

date



Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

- a) If new wells, how many 2 Have test holes been drilled ☒ Yes ☐ No Drilled by Sto FF1 Drilling
(if yes, please provide copies of logs)
- b) If existing wells, how many #1 Provide copy of log(s), if available. Drilled by _____
- c) Well Depth 167 Depth to Top of Water Bearing Material 141 Depth to Water from Surface _____
- d) Distance to nearest existing domestic well: #2 well 181 Depth 170 ft Top W B M
On applicant's property 3000ft 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

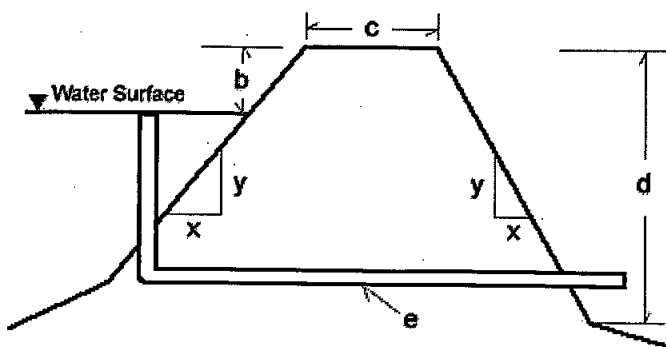
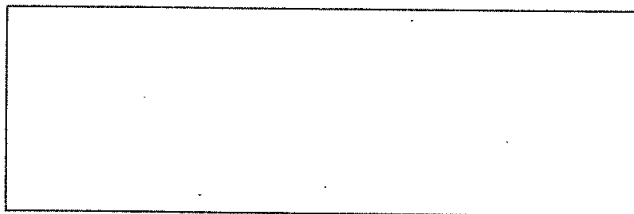
3. Dugout Information

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

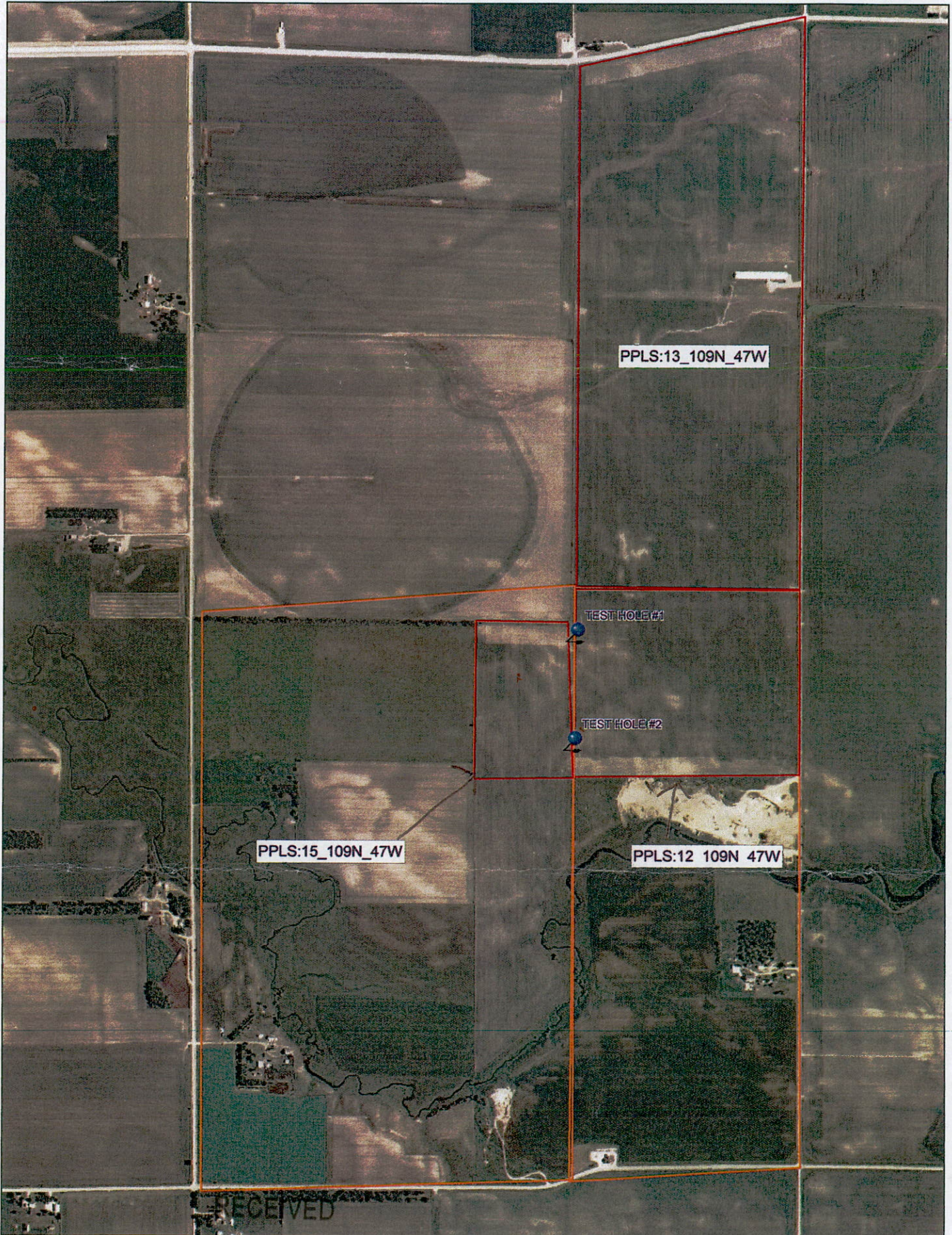
4. Water Storage Dams

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.

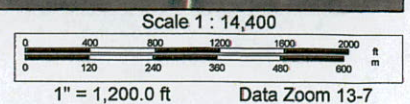
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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



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REED VON HULZEN

2 Pivot + Flex Point
 204.9 | 7K-8K Span
 204.9 | 7K-8K Span
 204.9 | 7K-8K Span
 184.8 | 7K-8K Span
 184.8 | 7K-8K Span
 36.2 | 7K-8K Overhang
 110 | SR100 EndGun
 Total : 1022.5 ft
 Total irrigated Area : 87.8 ac

2 Pivot + Flex Point
 180.0 | ALL Span
 180.0 | ALL Span
 180.0 | ALL Span
 180.0 | ALL Span
 160.0 | 7K-8K Span
 27.4 | 7K-8K Overhang
 110 | SR100 EndGun
 Total : 909.4 ft
 Total irrigated Area : 71.6 ac

2 Pivot + Flex Point
 204.9 | 7K-8K Span
 204.9 | 7K-8K Span
 204.9 | 7K-8K Span
 204.9 | 7K-8K Span
 204.9 | 7K-8K Span
 184.8 | 7K-8K Span
 180.0 | ALL Span
 36.2 | 7K-8K Overhang
 110 | SR100 EndGun
 Total : 1427.5 ft
 Total irrigated Area : 133.6 ac

Farmers
 Implement and Irrigation
 Brookings, SD

VALLEY

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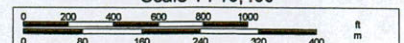
SEP 25 2014

WATER RIGHTS
 PROGRAM



[Handwritten signature]

Scale 1 : 10,400



1" = 866.7 ft

Data Zoom 14-3

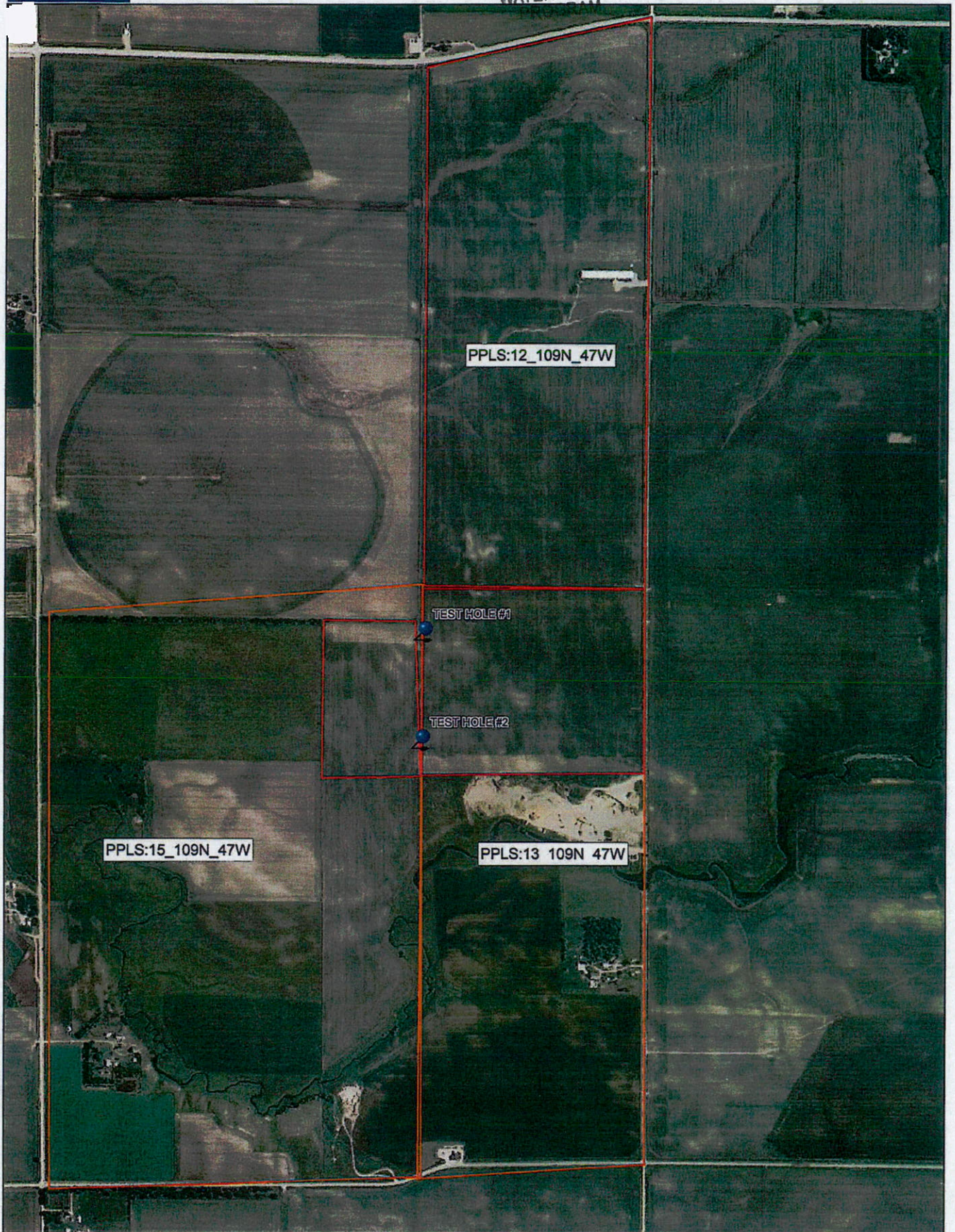
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WATER RIGHTS



XMap® 7



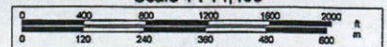
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Scale 1 : 14,400

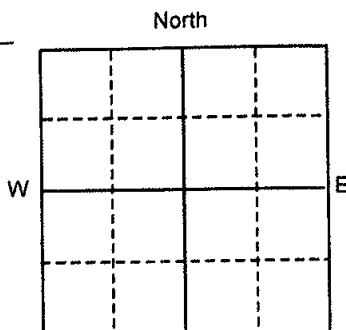


1" = 1,200.0 ft

Data Zoom 13-7

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NE 1/4 Sec 15 Twp 109 Rg 47County BrookingsPlease mark well
location with an "X"

Well Completion Date

September 9, 2014

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bentonite	8	Lb/gal	0.0 Ft	200.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmie/drill rod

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ Yes ☐ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____☐ No, Why Not? _____Lab to which water
quality sample sent for analysis _____Well Owner: Stan Kroese

Business Name: _____

Address: 1792 2nd AV SECity, State, Zip: Sioux Center IA 51250

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
topsoil	brn	M	0	1
clay	tan	M	1	4
sandy	ylw	18slt	4	15
clay/rocks	ylw	M-H	15	36
sand	tan	20-100slt	36	60
clay	blu	M	60	170
sand	blu	30slt	170	181
Clay	blu	M	181	200

STATIC WATER LEVEL

_____ FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

44 15 14.0N, 96 27 10.1WTest Hole #1

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SEP 25 2014

WATER RIGHTS
PROGRAMThis well was drilled under license # 463 and this
report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc / Mike Gjerde

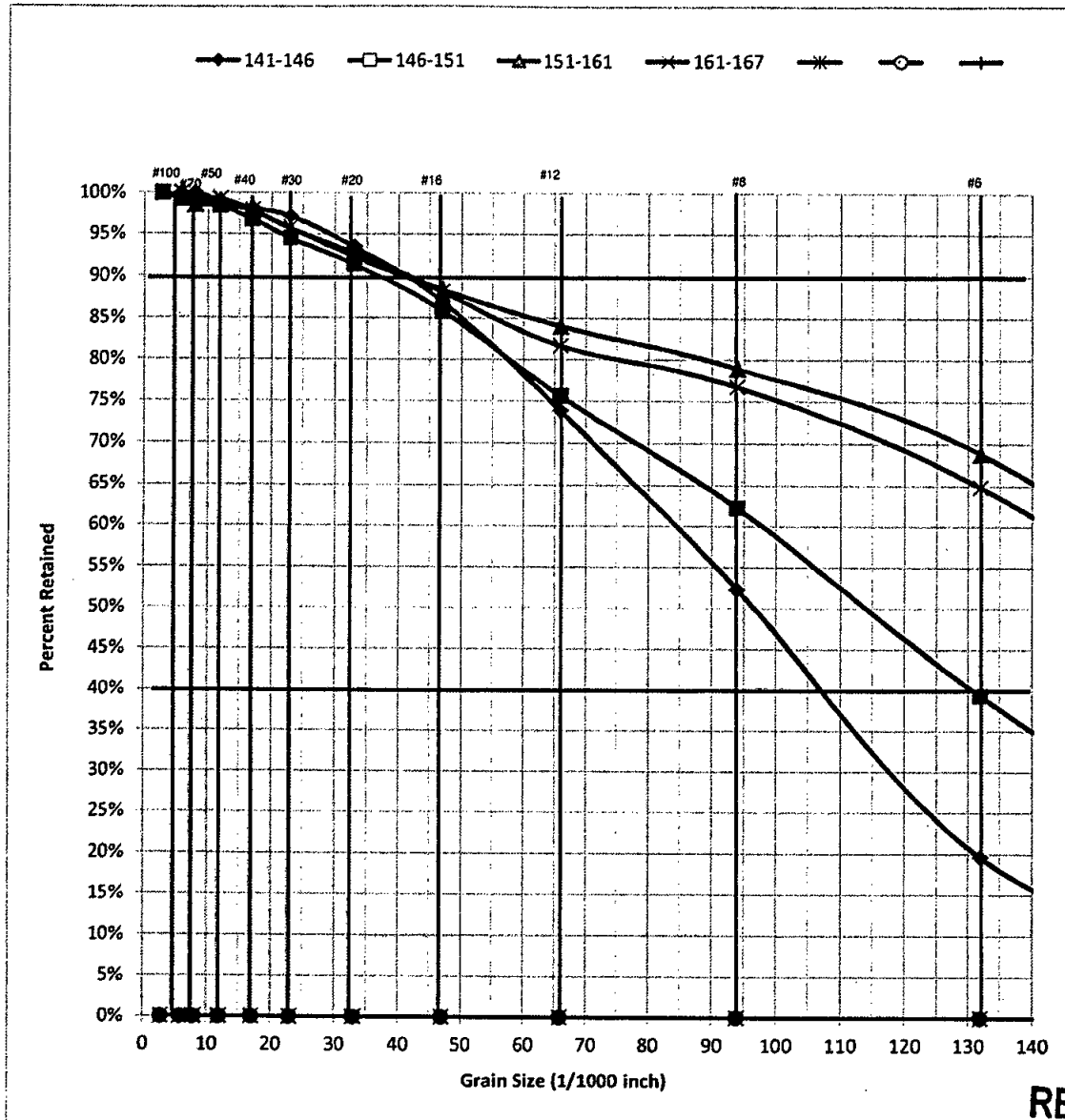
Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

Johnson Screens
651-636-3900

SAND ANALYSIS



RECEIVED

Job Name R. Van Huzlin TH 2
Location Elkton, SD
Driller Steffl Drilling

Sample ID 091614-3
Analyzed by: Al Smith, 651-638-3160
Date: 9/16/2014

SEP 25 2014
WATER RIGHTS
PROGRAM

Casing ϕ 12"
Screen ϕ 12" Pipe Size

Yield 1000 GPM
SWL (ft)

Recommended Slot Size 100 Slot 142' - 167'
Recommended Gravel Pack #120 Well Slot Red Flint

E-MAILE
1103AM MJS

9/18/14

Based exclusively on the samples provided by the contractor, a sieve analysis graph and suggested screen slot size is provided as requested. Since numerous construction considerations and site circumstances influence successful well completion, Johnson Screens assumes no responsibility for final well performance nor awareness of local regulations pertaining to well installations.

Prepared by: Smith, Albert J

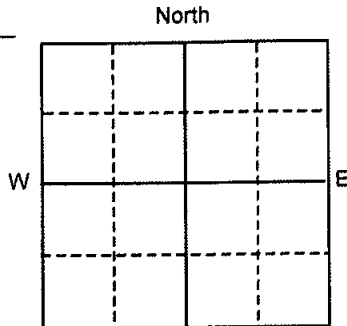
Send Samples to 1950 Old Highway 8, New Brighton, MN 55112

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ NE ¼ Sec 15 Twp 109 Rg 47

County Brookings

Please mark well
location with an "X"

Well Completion Date

September 9, 2014

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bentonite	8	Lb/gal	0.0 Ft	180.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmie/drill rod

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ Yes ☐ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____☐ No, Why Not? _____Lab to which water
quality sample sent for analysis

Well Owner: Stan Kroese

Business Name: _____

Address: 1792 2nd AV SE

City, State, Zip: Sioux Center IA 51250

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
topsoil	brn	M	0	3
gravel/rocks	ylw	coarse	3	21
clay/rocks	tan	M-H	21	40
clay	gry	M	40	141
sand	tan/blu	18-50slt	141	167
clay	blu/gry	M	167	180

STATIC WATER LEVEL

_____ FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

44 15 04.1N, 96 27 10.3W

Test Hole #2

RECEIVED

SEP 25 2014

WATER RIGHTS
PROGRAMThis well was drilled under license # 463 and this
report is true and accurate.

Drilling firm: Steffi Drilling & Pump Inc / Mike Gjerde

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

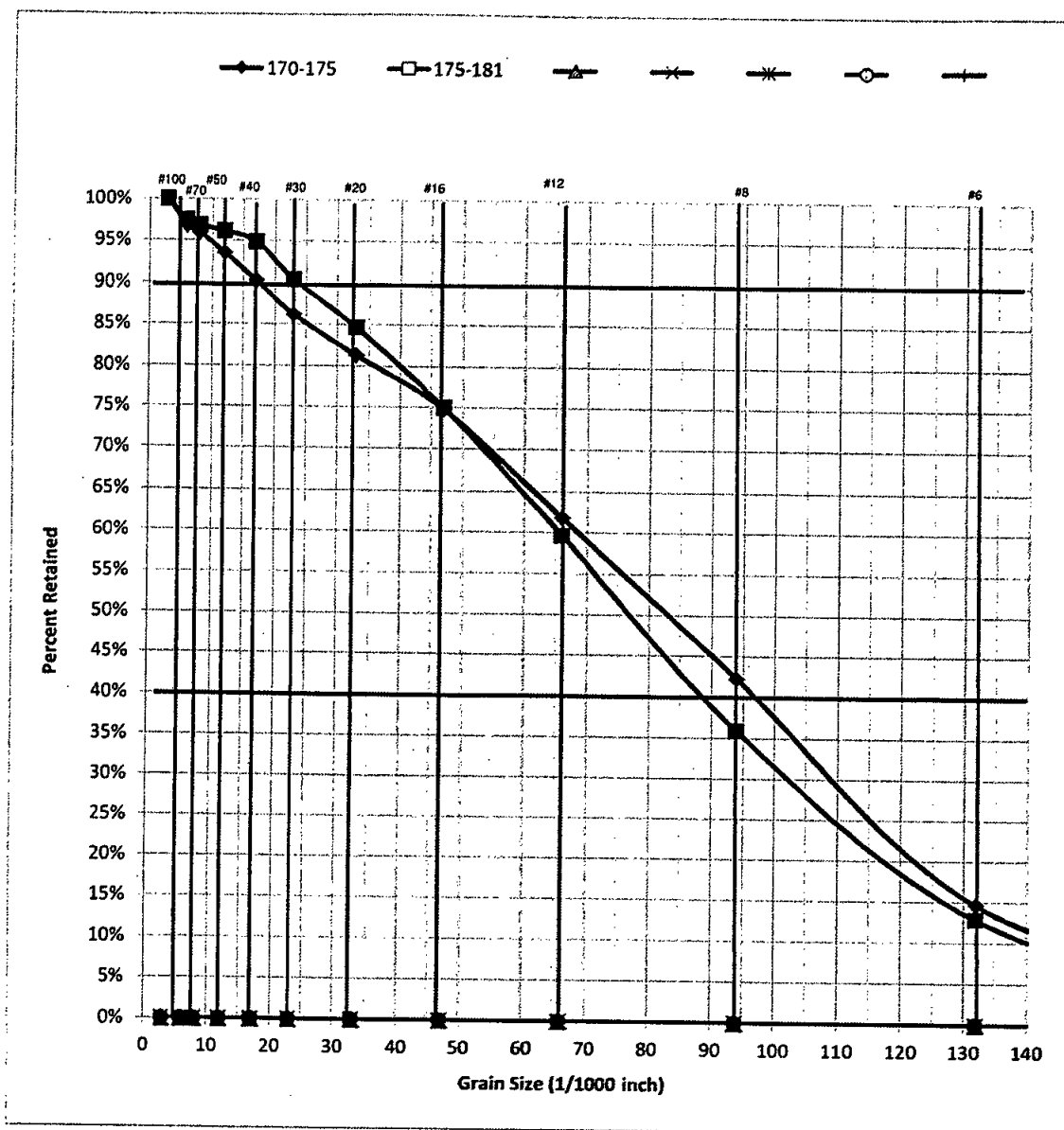
Johnson Screens
651-636-3900

E-MAILED

9-18-14

243 AM MGT

SAND ANALYSIS



Job Name R. Van Huzlin TH 1
Location Elkton, SD
Driller Steffi Drilling

Sample ID 091614-6
Analyzed by: Al Smith, 651-638-3160
Date: 9/16/2014

Casing ϕ 12"
Screen ϕ 12" Pipe Size

Yield 500 GPM
SWL (ft)

Recommended Slot Size 100 Slot 170' - 181'
Recommended Gravel Pack #120 Well Slot Red Flint

RECEIVED

SEP 25 2014

WATER RIGHTS
PROGRAM

Based exclusively on the samples provided by the contractor, a sieve analysis graph and suggested screen slot size is provided as requested. Since numerous construction considerations and site circumstances influence successful well completion, Johnson Screens assumes no responsibility for final well performance nor awareness of local regulations pertaining to well installations.

Prepared by: Smith, Albert J

Send Samples to 1950 Old Highway 8, New Brighton, MN 55112

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

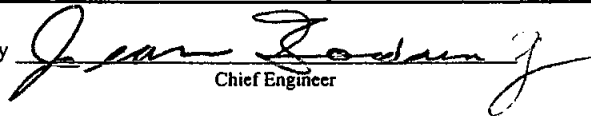
Date 9/25, 20 14

RECEIVED OF Stanley D Kroese 1792 2nd Ave SE Sioux Center IA 51250

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

Fee for Application for Permit No. <u>8054-3</u> to Appropriate Water, to construct and to put water to beneficial use	1050	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>8054-3</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	1250 00

No. **06958**

By 
Chief Engineer

Water Rights Program - File Documentation

NAME: Marcella Kroese

ADDRESS: 1792 2nd Ave SE, Sioux Center IA 51250

DATE: 9-25-14 **COUNTY:** Brookings **TELEPHONE:**

RE: Pending Application

COMMENTS:

I called Dave Gullickson regarding the application he submitted on behalf of Marcella Kroese.

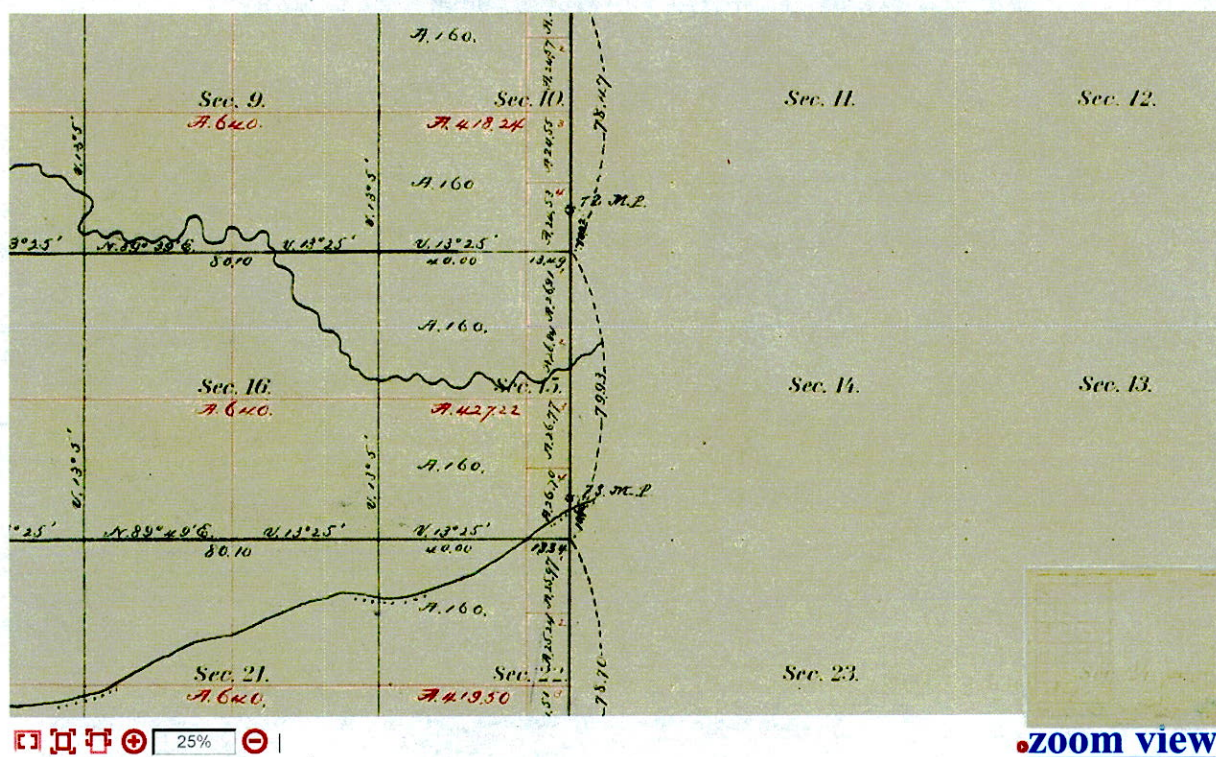
Dave agreed that the legal description of the lands to be irrigated and the two wells which are located in South Dakota should be identified as Lot 1 NE 1/4 Section 15-T109N-R47W in Brookings County. This is based on plat map found on the BLM web site.

The acreage to be irrigated in Lincoln County, Minnesota will be identified as being located in portions of the W 1/2 of Section 12 and the W 1/2 of Section 13; all in T109N-R47W.

Dave stated that both he and Reed Von Hulzen should receive copies of the information regarding the public notice.



Karen Schlaak
Water Rights Program



U.S. DEPARTMENT OF THE INTERIOR		PRIVATE CLAIMS		BLM																																																																
BUREAU OF LAND MANAGEMENT		General Land Office Records																																																																		
	Search Documents	Reference Center	Support	Shopping Cart																																																																
Search Documents ▶ Patent Details																																																																				
Accession Nr: SDMTAA 069657 Document Type: Serial Patent State: South Dakota Issue Date: 5/20/1882 Cancelled: No																																																																				
Note: This record has not been checked against the legal land patent. We do not have an electronic image for this document.																																																																				
Patent Details		Patent Image		Related Documents																																																																
Printer Friendly																																																																				
Names On Document SCHOOLCRAFT, HANNAH		Miscellaneous Information <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Land Office:</td><td>Montana State Office</td></tr> <tr><td>US Reservations:</td><td>No</td></tr> <tr><td>Mineral Reservations:</td><td>No</td></tr> <tr><td>Tribe:</td><td>---</td></tr> <tr><td>Militia:</td><td>---</td></tr> <tr><td>State In Favor Of:</td><td>---</td></tr> <tr><td>Authority:</td><td>April 24, 1820: Sale-Cash Entry (3 Stat. 566)</td></tr> <tr><td>General Remarks:</td><td>---</td></tr> </table>				Land Office:	Montana State Office	US Reservations:	No	Mineral Reservations:	No	Tribe:	---	Militia:	---	State In Favor Of:	---	Authority:	April 24, 1820: Sale-Cash Entry (3 Stat. 566)	General Remarks:	---																																															
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Document Numbers <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Document Nr:</td><td>3158</td></tr> <tr><td>Misc. Doc. Nr:</td><td>---</td></tr> <tr><td>BLM Serial Nr:</td><td>SDMTAA 069657</td></tr> <tr><td>Indian Allot. Nr:</td><td>---</td></tr> <tr><td>Coal Entry. Nr:</td><td>---</td></tr> </table>		Document Nr:	3158	Misc. Doc. Nr:	---	BLM Serial Nr:	SDMTAA 069657	Indian Allot. Nr:	---	Coal Entry. Nr:	---	Survey Information <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Total Acres:</td><td>107.22</td></tr> <tr><td>Survey Date:</td><td>---</td></tr> <tr><td>Geographic Name:</td><td>---</td></tr> <tr><td>Metes/Bounds:</td><td>No</td></tr> </table>				Total Acres:	107.22	Survey Date:	---	Geographic Name:	---	Metes/Bounds:	No																																													
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Land Descriptions <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>State</th> <th>Meridian</th> <th>Twp - Rng</th> <th>Aliquots</th> <th>Section</th> <th>Survey #</th> <th>County</th> </tr> </thead> <tbody> <tr> <td>SD</td> <td>5th PM</td> <td>109N - 047W</td> <td>Lot/Trct 1</td> <td>15</td> <td></td> <td>Brookings</td> </tr> <tr> <td colspan="7">REMARKS: LOT 1 OR NWNE QUARTER</td> </tr> <tr> <td>SD</td> <td>5th PM</td> <td>109N - 047W</td> <td>Lot/Trct 2</td> <td>15</td> <td></td> <td>Brookings</td> </tr> <tr> <td colspan="7">REMARKS: LOT 2 OR SWNE QUARTER</td> </tr> <tr> <td>SD</td> <td>5th PM</td> <td>109N - 047W</td> <td>Lot/Trct 3</td> <td>15</td> <td></td> <td>Brookings</td> </tr> <tr> <td colspan="7">REMARKS: LOT 3 OR NWSE QUARTER</td> </tr> <tr> <td>SD</td> <td>5th PM</td> <td>109N - 047W</td> <td>Lot/Trct 4</td> <td>15</td> <td></td> <td>Brookings</td> </tr> <tr> <td colspan="7">REMARKS: LOT 4 OR SWSE QUARTER</td> </tr> </tbody> </table>						State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County	SD	5th PM	109N - 047W	Lot/Trct 1	15		Brookings	REMARKS: LOT 1 OR NWNE QUARTER							SD	5th PM	109N - 047W	Lot/Trct 2	15		Brookings	REMARKS: LOT 2 OR SWNE QUARTER							SD	5th PM	109N - 047W	Lot/Trct 3	15		Brookings	REMARKS: LOT 3 OR NWSE QUARTER							SD	5th PM	109N - 047W	Lot/Trct 4	15		Brookings	REMARKS: LOT 4 OR SWSE QUARTER						
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BUREAU OF LAND MANAGEMENT

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DM ID: 116303 **Survey Type:** Original Survey **State:** Minnesota

[Survey Plat Details](#)
[Plat Image](#)
[Related Documents](#)

Below are documents matching the following **land description** from the current document: MN 5th PM Township 109.0N Range 047.0W

Patents

Surveys

LSR

CDI

Image	Accession	Names	Date	Doc #	State	Meridian	Twp - Rng	Aliquots	Sec. #	County
	MN1400...220	MAREK, JOSEPH	5/12/1888	5852	MN	5th PM	109N - 047W	E 1/2 SE 1/4	12	Lincoln
							109N - 047W	Lot/Trct 2	12	Lincoln
	MN1260...407	MARREN, MARY	4/20/1883	7940	MN	5th PM	109N - 047W	E 1/2 NE 1/4	12	Lincoln
							109N - 047W	Lot/Trct 1	12	Lincoln
	MN1390...482	PLOCKER, AURA	1/9/1886	5499	MN	5th PM	109N - 047W	Lot/Trct 1	24	Lincoln
							109N - 047W	Lot/Trct 2	24	Lincoln
	MN1270...042	SCULLIN, AMOROAN D	6/5/1888	8079	MN	5th PM	109N - 047W	E 1/2 NE 1/4	24	Lincoln
							109N - 047W	E 1/2 SE 1/4	24	Lincoln

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This Agreement, Made this 8th day of August, 2013
 by and between Marcella Kroese Revocable Trust,
 party of the first part, Lessor, and Van Hulzen Farms Keith & Ross & Reed Vanhulzen,
 of the Township of Verdi, County of Lincoln
 and State Minnesota, party of the second part, Lessee.

WITNESSETH, That the said party of the first part, in consideration of the rents and covenants hereinafter mentioned, does hereby Remise, Lease and Let unto the said party of the second part, and the said party of the second part does hereby hire and take from the said party of the first part, the following described premises situated in the County of Lincoln MN Brookings SD and State of Minn. So Dakota, viz:

E. 1/2 of SE 1/4 and Lot @ of Sec 12 T-109 N47 Lincoln County Minnesota containing 126.5 Acres more or less and E 1/2 or NE 1/4 and Lot 1 in Section 12 T-109-N47W Lincoln County, Minn Containing 117.0 Acres less 5.01 acres sold to Hog confinement, Minn That Part of the East Half of the Northeast Quarter and a part of government Lot One(1) All in Section Thirteen (13) Township One Hundred Nine(109) North Range Forty Seven(47) West of the Fifth Principle Meridian, Lincoln County, Minnesota Containing 82.66 Acres more or less.
 In South Dakota Government Lot One(1) and the North One Hundred feet(100) Government Lot two(2) in Section Fifteen(15) Township One Hundred Nine(109) North Range Forty Seven(47) West of the 5th Principle Meridian, County Of Brookings State of South Dakota Containing 29.2 Acres more or less

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NOV 13 2014

WATER RIGHTS
PROGRAM



**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. 8054-3, Marcella Kroese**

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. 8054-3, Marcella Kroese, 1792 2nd Avenue SE, Sioux Center IA 51250.

The Chief Engineer is recommending APPROVAL of Application No. 8054-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8054-3 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
November 13, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8054-3
MARCELLA KROESE
NOVEMBER 6, 2014

Water Permit Application No. 8054-3 proposes to appropriate water from the Rutland aquifer using two wells. The wells are expected to be 167 and 181 feet deep respectively, and are to be located in Lot 1 of Section 15, T109N-R47W in Brookings County, SD. Water is to be diverted from the wells at a maximum diversion rate of 3.33 cubic feet of water per second (cfs) for the irrigation of 300 acres located in Lot 1 of Section 15, T109N-R47W (Brookings County, SD) and portions of the E ½ SE ¼, E ½ NE ¼ and Lot 1 Section 12, T109N-R47W and the NE ¼ and Lot 1 Section 13, T109N-R47W (Lincoln County, Minnesota).

AQUIFER: Rutland (RUT)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The test hole reports submitted with this application identify a shallow sand and gravel deposit from 36-60 feet below grade in test hole #1 and from 3-21 feet below grade in test hole #2. This outwash material likely represents a portion of the Aurora management unit of the Big Sioux aquifer. The test hole reports identify a deeper outwash deposit from 170-181 feet below grade in test hole #1 and from 141-167 feet below grade in test hole #2. The deeper outwash appears to be part of the Rutland aquifer. The Rutland aquifer is an “intermediate” (i.e. neither basal nor surficial) glacial outwash aquifer, composed mostly of fine to coarse sand and very fine to medium gravel. The Rutland aquifer occupies subsurface channels that occur roughly from 1400-1690 feet above mean sea level elevation, and water is under confined (artesian) conditions. The Rutland aquifer underlies approximately 240 square miles of Brookings County (Hamilton, 1989), and extends to parts of Deuel County to the north, Moody County to the south, and Lincoln County (MN) to the east. The thickness of the Rutland aquifer varies up to an excess of 40 feet, and the average thickness of the aquifer in Brookings County is estimated to be 15 feet (Hamilton, 1989).

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 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 existing rights from the aquifer.

WATER AVAILABILITY:

This application proposes to appropriate water from the Rutland aquifer. If this application is approved, average annual water use will likely be less than 300 acre-feet annually (ac-ft/yr). The probability of unappropriated water available from an 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. Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn Formation, therefore the withdrawal/recharge issue must be considered.

In applying SDCL 46-6-3.1, the Sixth Judicial Circuit Court ruled in 2005 that if the Water Management Board uses average annual recharge, then it should also use average annual withdrawals to determine if unappropriated water is available from the aquifer (*Hines v. South Dakota Dept. of Environ. and Nat'l. Resources, Hughes County 04-37*) (Memorandum Decision, April 29, 2005).

A 2012 First Judicial Circuit Court’s rulings basically stated that data must be presented to show 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 (*Hanson County Dairy v. Robert Bender and Stace Nelson*) (Memorandum Decision, April 11, 2012).

Later in 2012, the First Judicial Circuit Court stated that the determination whether or not it is probable that the quantity of water withdrawn will exceed the quantity of the average estimated annual recharge is to be based on to the best information reasonably available, and that nothing in South Dakota law requires a recharge study (*Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources*), (Memorandum Decision, May 17, 2012).

Recharge:

Recharge to the Rutland aquifer likely occurs by leakage of precipitation through glacial till, and groundwater movement is generally from the northeast to the southwest. Hamilton (1989) states that “additional studies would be necessary to delineate areas and quantities of recharge.” However, Hamilton estimates the amount of subsurface outflow through the Rutland aquifer south into Moody County to be about 6,000 acre-ft/yr. Since recharge to Brookings County must at least be equal to outflow from the county, 6,000 ac-ft/yr can be considered a minimum average recharge value.

Discharge:

Discharge from the Rutland aquifer in Brookings County is through subsurface outflow and well withdrawals. There have been a number of domestic wells completed into the Rutland aquifer (Water Rights, 2014c) although the annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer. The use of the Rutland aquifer for appropriative uses has increased over the period of record but remains small. There have been 21 applications submitted for appropriations from the Rutland aquifer (Water Rights, 2014b). The status of the applications is shown in table 1.

STATUS	NUMBER
Cancelled	1
Incorporated	1
Licensed	15
Permitted	4
Withdrawn	1

Table 1. Status of Water Permit applications from the Rutland aquifer.

Currently the appropriations from the Rutland aquifer include: two commercial water rights (dairies); three domestic Water Rights (Hutterite Colonies); and fourteen irrigation water rights/permits (Water Rights, 2014b). The history of irrigation development is shown in Table 2.

YEAR	NO. OF PERMITS	ACRES	REPORTED PUMPAGE (ac-ft/yr)
1989	1	160	0
1990	1	160	26
1991	1	160	6
1992	1	160	12
1993	4	2342	19
1994	5	2738	266.87
1995	5	2738	1.77
1996	5	2738	160.86
1997	5	2738	311
1998	5	2738	596.69
1999	5	2738	296.36
2000	5	2738	600.47
2001	4	2434	367.68
2002	4	2434	317.68
2003	4	2434	464.46
2004	6	3034	281.43
2005	9	4428	190.9
2006	9	4428	498.36
2007	9	4860	901.93
2008	9	4860	1141.48
2009	11	5880	875
2010	11	5880	153.2
2011	11	5406	485.76
2012	11	5406	1183.3
2013	13	6486	781.5
<i>min</i>	<i>0</i>	<i>160</i>	<i>0</i>
<i>max</i>	<i>13</i>	<i>6486</i>	<i>1183.3</i>
<i>avg</i>	<i>6.2</i>	<i>3204.7</i>	<i>397.6</i>

Table 2. Irrigation from the Rutland Aquifer (Water Rights, 1980-2014)

The annual combined pumping from the Rutland aquifer is estimated to average less than 1,000 ac-ft/yr. It is probable that this average annual withdrawal rate is less than the average annual recharge for the Rutland aquifer, and unappropriated water is available for this appropriation.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer.”

The DENR-Water Rights Program monitors four observation wells completed into the Rutland aquifer, all located within approximately 12 miles of the well sites proposed by Application No. 8054-3. Hydrographs for the observation wells are shown in Figures 1-4.

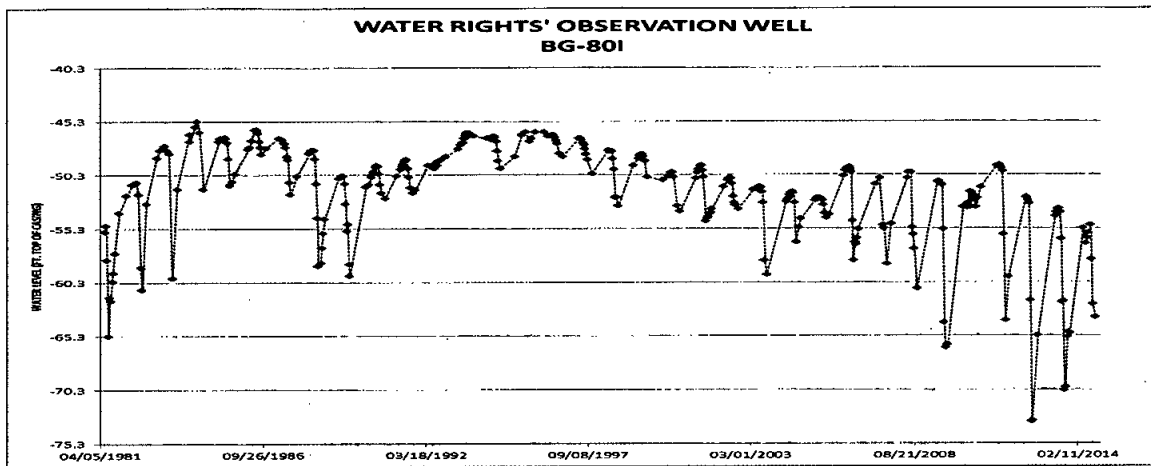


Figure 1. DENR-Water Rights' Observation Well located approximately 7.5 miles northwest of the well sites proposed by Application No.8054-3.

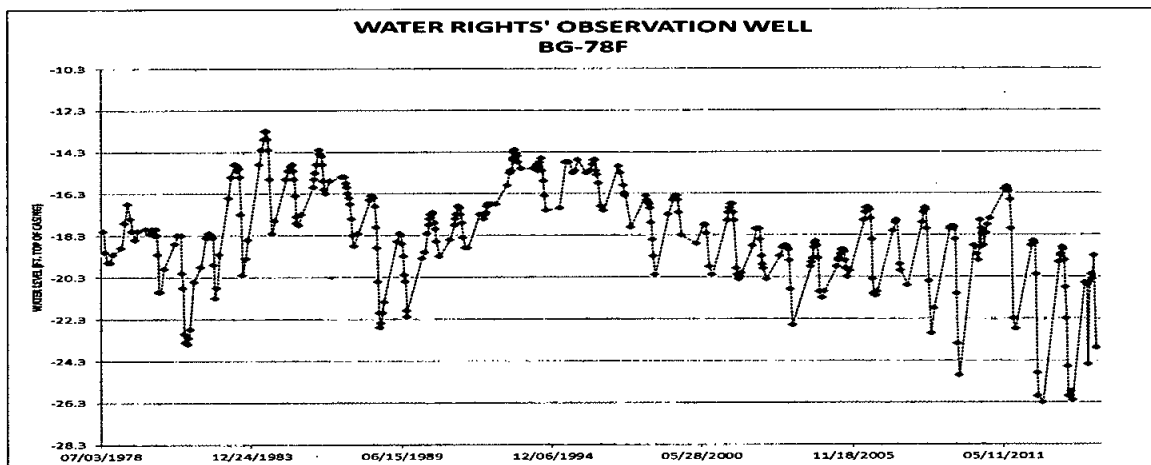


Figure 2. DENR-Water Rights' Observation Well located approximately 5.3 miles northwest of the well sites proposed by Application No.8054-3.

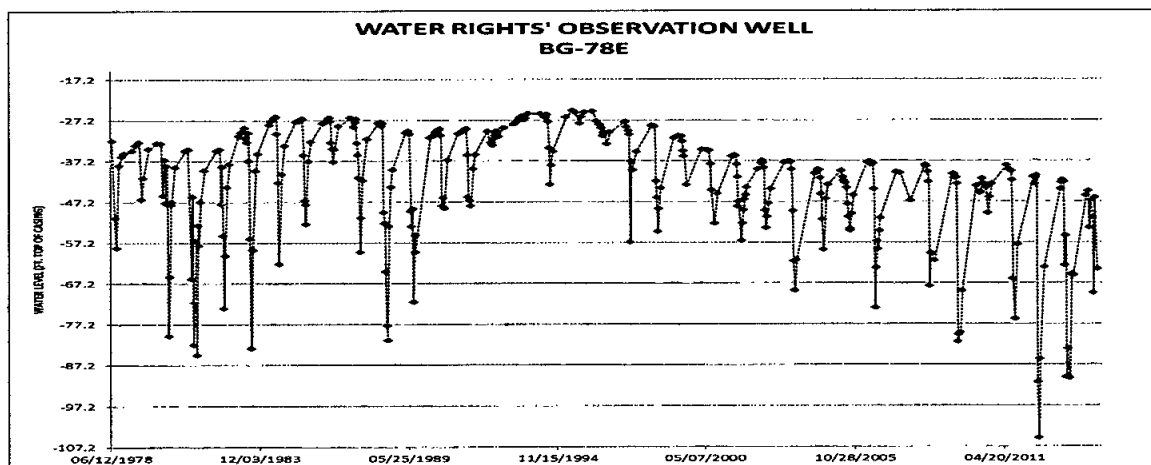


Figure 3. DENR-Water Rights' Observation Well located approximately 4 miles southeast of the well sites proposed by Application No.8054-3.

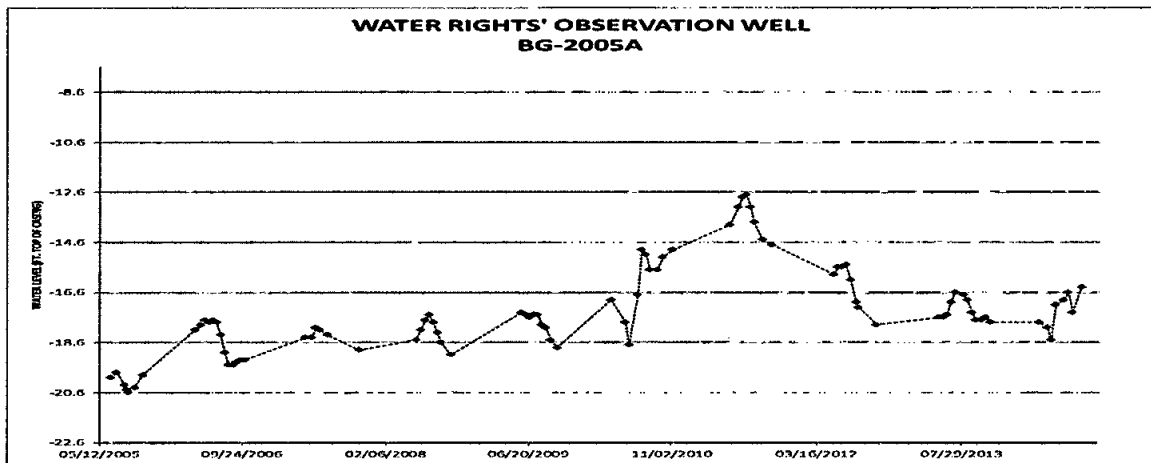


Figure 4. DENR-Water Rights' Observation Well located approximately 12 miles west-northwest of the well sites proposed by Application No.8054-3.

The water levels measured in the observation wells document seasonal and climatic fluctuations reflecting recharge during wet times and decreasing amounts of water in storage during dry times. The hydrographs document that although there have been short term periods with decreasing water levels, the amount of water in storage in the Rutland aquifer has remained essentially unchanged as the aquifer has been developed. The hydrographs also show some effects of nearby pumping. The effect of pumping is most obvious in the hydrograph for Observation Well BG-78E (see Figure 3) which is located within approximately 2,000 feet of two irrigation wells capable of 900 gpm each. The observation well data shows that at the current level of development, temporal well withdrawal is masked by climatic conditions. Therefore, recharge to and natural discharge from the aquifer greatly exceeds well withdrawals. Recognizing that natural discharge from the aquifer can be captured for more well withdrawals, the observation well data verifies that unappropriated water is available in the Rutland aquifer.

EXISTING WATER RIGHTS:

As stated earlier, there are a total of 19 water rights/permits appropriating water from the Rutland aquifer. Water rights/permits appropriating groundwater from the Rutland aquifer that are located in the vicinity of the well site proposed by this application are shown in Figure 5.

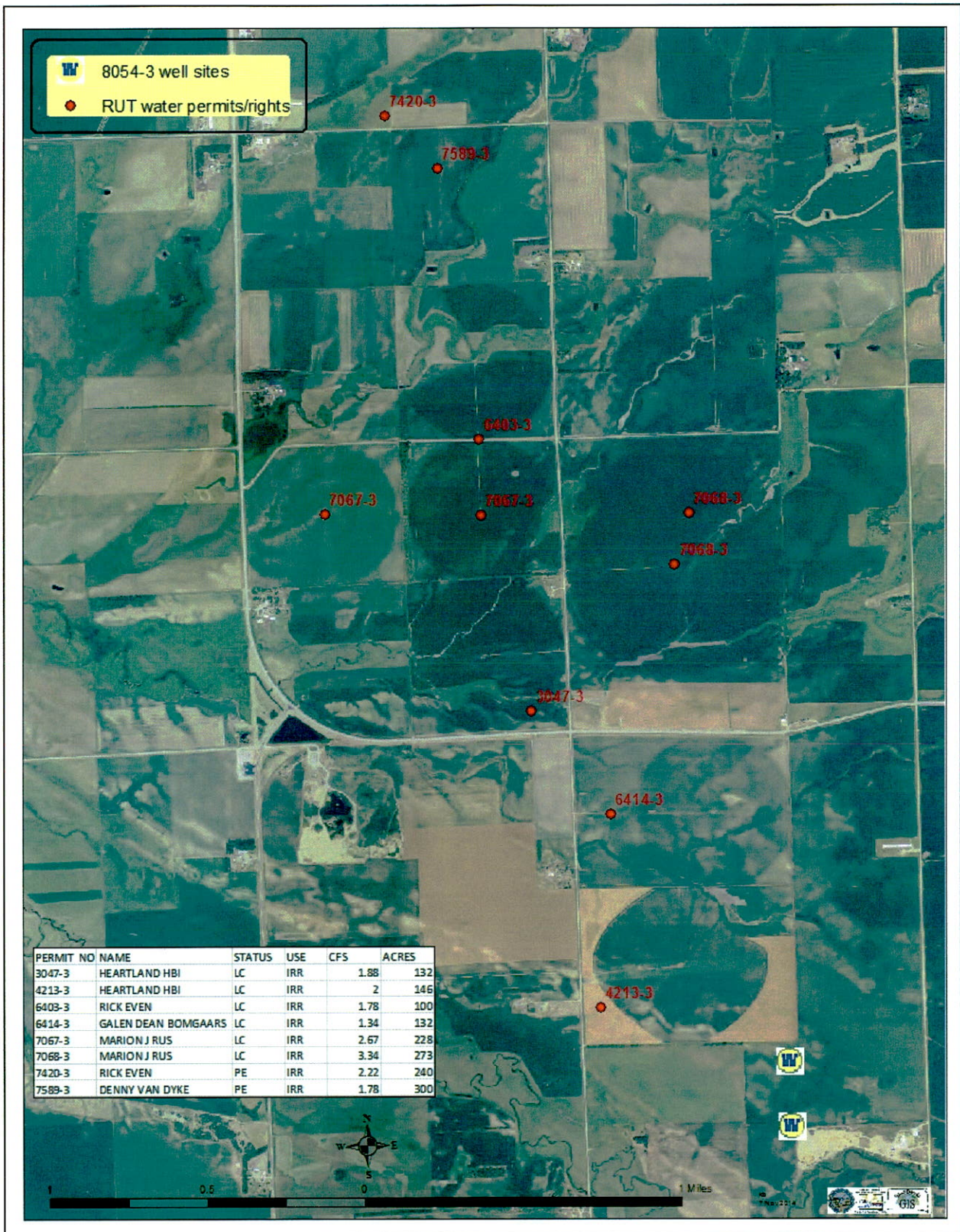


Figure 5. Location of the well sites proposed by Water Permit Application No. 8054-3 and existing water rights/permit appropriating water from the Rutland aquifer in the vicinity.

Water rights/permits appropriating water from the Big Sioux: Aurora aquifer are not expected to be affected by pumping from the Rutland aquifer since there does not appear to be a hydraulic connection between the two aquifers in this area.

Since the Rutland aquifer is under confined conditions in this area, drawdown from pumping affects the water level (i.e. artesian pressure) of the aquifer over a fairly large area. Hydrographs for DENR-Water Rights' observation wells document water level fluctuations in the Rutland aquifer of 10-20 feet due to climatic conditions (see Figures 1-4). The hydrograph for observation well BG-78E (Figure 4) shows over 50 feet of drawdown resulting from pumping of two nearby irrigation wells.

In the area of the proposed well site, there is likely approximately 100 feet of artesian head pressure in the aquifer. South Dakota Codified Law (SDCL) 46-6-6.1 does not protect artesian head pressure as a means of delivery, and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. The South Dakota Supreme Court ruled that although SDCL 46-6-6.1 does not require irrigation to be regulated to absolutely protect artesian pressure for domestic uses, reasonable domestic use must be assured (*Fraser v. Water Rights Commission of Dept. of Natural Resource Development*, 1980,294 N.W.2d 784). In order to balance interests between irrigation use and delivery of water by artesian pressure the Water Management Board defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

"a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs"

There are two existing water rights within approximately one mile of the well sites proposed by this application. The well that supplies Water Right No. 4213-3, Heartland HBI, is located approximately 0.6 miles to the west-northwest, and the well that supplies Water Right 6414-3, Galen Dean Bomgaars is located approximately one mile to the northwest (see Figure 5). Drawdown created by pumping will overlap and interference will occur. This may require the necessity of lowering pumps in some wells in order to maintain the amount of water needed. An increase in operating expenses that may result from interference between wells is not necessarily an adverse impact. The Water Management Board considered this situation in the matter of Water Permit Application 2313-2, Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted findings of fact and conclusions of law that essentially state that if the increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable.

CONCLUSIONS:

1. Application No. 8054-3 proposes to appropriate water from the Rutland aquifer for the irrigation of 300 acres at a maximum diversion rate of 3.33 cubic feet of water per second.

2. There is reasonable probability that unappropriated water is available for the applicant's proposed use.
3. The Rutland aquifer is under confined conditions, and the drawdown resulting from approval of this application could be fairly significant near the production well.
4. Although well interference may occur if this application is approved, existing rights (appropriative and domestic) should not be adversely impacted.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Circuit Court of South Dakota, Sixth Judicial Circuit, 2005, April 29, 2005 Memorandum Decision
re: HU04-37 Hines v. SD Department of Environment and Natural Resources

Circuit Court of South Dakota, First Judicial Circuit, 2012, April 12, 2012 Memorandum Decision
re: Hanson County Dairy v. Robert Bender and Stace Nelson

Circuit Court of South Dakota, First Judicial Circuit, 2012, May 17, 2012 Memorandum Decision
re: Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources

Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota:
U.S. Geological Survey Water-Resources Investigations Report 88-4185, 87 p.

Water Rights, 1995, Water Right No. 2313-2, Coca-Cola Bottling Company of the Black Hills:
SD DENR-Water Rights Program 2313-2 file

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 Report Files, SD DENR-Water Rights Program,
Joe Foss Bldg, Pierre, SD.

Affidavit of Publication
State of South Dakota
County of Brookings

ss

Katherine Ishol, of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

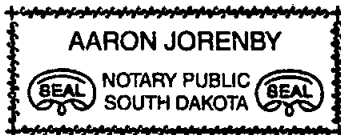
Leg#354 Notice of Application No 8054-3

same was published, is hereto attached marked Exhibit "A" said newspaper for _____ 1 times, to-wit:

November 21, 2014

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Twenty-six dollars and seven cents \$26.07



November

22nd day of

2014

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

22-Nov
RECEIVED
DEC 11 2014
WATER RIGHTS PROGRAM

E: Legal 354, 1x, 11/21
NOTICE OF APPLICATION NO 8054-3 TO APPROPRIATE WATER

Notice is given that Marcella Kroese, 1792 2nd Ave SE, Sioux Center IA 51250 has filed an application for a water permit to appropriate 3.33 cubic feet of water per second from two wells to be completed into the Rutland Aquifer (167 and 181 feet deep) located in Lot 1 Section 15-T109N-R47W (Brookings County) for irrigation of 300 acres located in the Lot 1 of Section 15-T109N-R47W (Brookings County) and portions of the E 1/2 SE 1/4, E 1/2 NE 1/4 and Lot 1 of Section 12-T109N-R47W and the NE 1/4 and Lot 1 of Section 13-T109-R47W (Lincoln County-Minnesota). Pursuant to SDCL 46-2A-2, the Chief Engineer recommends A P P R O V A L of Application No. 8054-3 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 applicants mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 1, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric Gronlund at the above Water Rights Program address to request

copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$24.65.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



November 13, 2014

Brookings Register
PO Box 177
Brookings SD 57006

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8054-3 to Appropriate Water. Please publish the notice once on November 21, 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 Marcella Kroese, 1792 2nd Ave SE, Sioux Center IA 51250 (Ph # 712-441-5944).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



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

November 13, 2014

Marcella Kroese
1792 2nd Ave SE
Sioux Center IA 51250

Dear Ms. Kroese:

Water Permit Application No. 8054-3 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 Brookings Register printed at Brookings SD (Ph # 605-692-6271). 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

cc's: Dave Gullickson, PO Box 29, Brookings SD 57006
Reed Von Hulzen. 1890 241st St. Edgerton MN 56128

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

Instruction to Newspaper - Publish the Notice on November 21, 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. 8054-3 to Appropriate Water

Notice is given that Marcella Kroese, 1792 2nd Ave SE, Sioux Center IA 51250 has filed an application for a water permit to appropriate 3.33 cubic feet of water per second from two wells to be completed into the Rutland Aquifer (167 and 181 feet deep) located in Lot 1 Section 15-T109N-R47W (Brookings County) for irrigation of 300 acres located in the Lot 1 Section 15-T109N-R47W (Brookings County) and portions of the E 1/2 SE 1/4, E 1/2 NE 1/4 and Lot 1 of Section 12-T109N-R47W and the NE 1/4 and Lot 1 of Section 13-T109N-R47W (Lincoln County – Minnesota).

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8054-3 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 December 1, 2014.

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

Published once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



DEC 16 2014

Marcella Kroese
1792 2nd Ave SE
Sioux Center IA 51250

Dear Ms. Kroese:

Enclosed is Water Permit No. 8054-3 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,

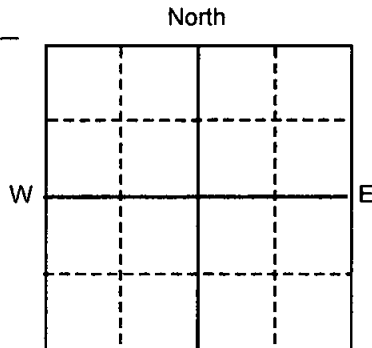
Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

cc: Reed Van Hulzen, 1890 241st St, Edgerton MN 56128
Dave Gullickson, Farmer's Implement, PO Box 29, Brookings SD 57006

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NE 1/4 Sec 15 Twp 109 Rg 47County BrookingsPlease mark well
location with an "X"

Well Completion Date

January 3, 2015

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	139.0 FT	17.50 IN
LB/FT	12.00 IN	164.0 FT	174.0 FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bentonite	28	Lb/gal	0.0 Ft	129.0 Ft
Red Flint		Lb/gal	129.0 Ft	174.0 Ft

Describe grouting procedure
Tremmie/drill rod

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 Inches Length 25.0 FeetMaterial stainless steelSlot Size 100 Set From 139.0 Feet to 164.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? granular
☐ No, Why Not? _____
Lab to which water
quality sample sent for analysis _____Well Owner: Stan Kroese *Marcella Kroese*

Business Name: _____

Address: 1792 2nd AV SECity, State, Zip: Sioux Center IA 51250

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
topsoil	brn	M	0	3
gravel/rocks	ylw	coarse	3	21
clay/rocks	tan	M-H	21	40
clay	gry	M	40	141
sand	tan/blu	18-50slt	141	167
clay	blu/gry	M	167	174

STATIC WATER LEVEL 56.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

87.1 Ft. After 6.0 Hrs. pumped 925.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

44 15 04.1N, 96 27 10.3WProduction Well #1

RECEIVED

SEP 30 2015

WATER RIGHTS
PROGRAM*Rutland*This well was drilled under license # 463 and this
report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc / Mike Gjerde

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

*Marcella Kroese*Date: 2/19/15

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8054-3

I have this day, May 20, 2021, made a thorough examination of the water use system constructed by Marcella Kroese, 1792 2nd Ave SE, Sioux Center, IA 51250 of Permit No. 8054-3, bearing the priority of September 25, 2014 authorizing the diversion of 3.33 cu. ft. per second of the waters of the Rutland Aquifer for irrigation purposes, in Brookings County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling & Pump Inc
- 2) No. of Wells 1
- 3) Depth(s) 164 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 149 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 25 feet
- 3) Static water level 56 feet

Pump:

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

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

- 1) Type NA
- 2) Size inches
- 3) Length feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1600 feet
- 3) Number of towers 8
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: From the NW corner of Sec 15 T109N-R47W 1200 ft S & 3500 ft E Lat 44.25109 Long -96.45295 (NW ¼ NE ¼ Sec 15).

2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

SD land in Sec 15-T109N-R47W

SOUTH DAKOTA

NW1/4 NE 1/4 - 21 ac

MINNESOTA

277 ac

comprising a total of 298 acres of land and the license should be issued for 1.78 cfs

3. All structures, wells and lands on map Y

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

This a 298-acre irrigation project which straddles the South Dakota (21 acres) and Minnesota (277 acres) border where the irrigation water is coming from the South Dakota side of the border. There is only one well being used for the project. Irrigated acreage values were determined by using FSA photos and ArcMAP software.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **May 25, 2021**



Well Location

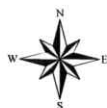
From the NW corner of
Sec 15 T109N-R47W
1200 ft S & 3500 ft E
Lat 44.25109
Long -96.45295

Irrigated Acres

SD land in Sec 15-T109N-R47W

SOUTH DAKOTA
NW1/4 NE 1/4 - 21 ac

MINNESOTA
277 ac



0 0.275 0.55 1.1 1.65 2.2 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



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

MAY 27 2021

8054-3

Marcella Kroese
1792 2nd Ave SE
Sioux Center IA 51250

Dear Ms. Kroese:

Enclosed is Water License No. 8054-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 8054-3

(1) Marcella Kroese, 1792 2nd Ave SE, Sioux Center IA 51250 made Application No. 8054-3, September 25, 2014 for a water permit to divert 3.33 cubic feet of water per second from ground water, two wells (Rutland Aquifer), Brookings County, South Dakota for irrigation purposes in South Dakota and Minnesota. Permit No. 8054-3, with a priority date of September 25, 2014 was approved December 1, 2014 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 1, 2019 and for the application to beneficial use of water on or before December 1, 2023.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The investigation of the water use system found one well was developed. The location of the diversion point is as follows:

- 1,200'S & 3,500'E of the NW corner of Section 15, T109N, R47W (NW ¼ NE ¼ Section 15)
Latitude: 44.25109, Longitude -96.45295

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

- **SD Land:** 21 acres located in the NW ¼ NE ¼ Section 15, T109N, R47W
- **MN Land:** 277 acres located in portions of Section 12 & 13, T109N, R47W

(4) Pursuant to South Dakota Water Law 46-5-30.1 Marcella Kroese, 1792 2nd Ave SE, Sioux Center IA 51250 the holder and/or owner of Water Right No. 8054-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Rutland Aquifer) with a priority date of September 25, 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. 8054-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 8054-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in January, 2015 by Steffl Drilling & Pump Inc. A copy of the well completion report is on file with the Water Rights Program.*

continued

- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer

Water Rights Program

Department of Agriculture and Natural Resources

MAY 27 2021

date

