

WATER PERMIT NO. 8061-3

Name of Applicant: **Dougherty Family Associated**

Address: **c/o Northwestern Farm Mgmt, Randy Sook, 301 S O'Connell St, Marshall MN 56258**

Phone: **507 53205120**

Amount of Water Claimed: **0.32 add'l cfs**

Total Acres: **60 add'l acres**

Source of Water Supply: **groundwater (2 existing wells)**

Water to be used for: **irrigation**

County: **Brookings**

Type of Waste Disposal System:

Location: **12 miles northeast of Brookings**

PRIORITY

Date Received: **11-3-14**

Application/License Fee: **\$ 700**

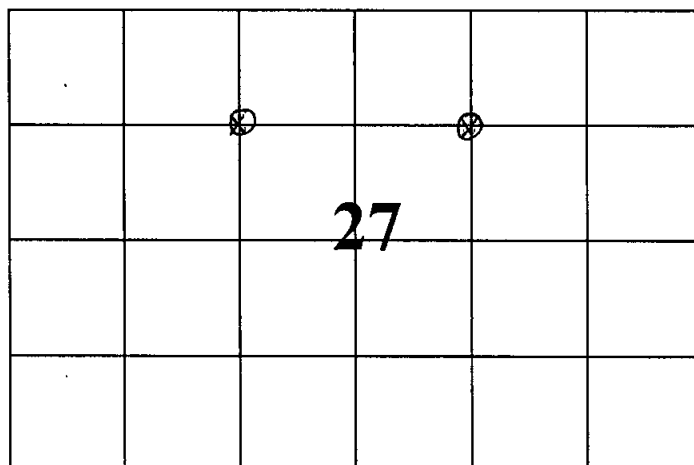
Corrected Application Received:

Period of Annual Use: **May 1 – September 30**

Remarks: **Increasing acres and diversion rate authorized by Water Right No. 3922-3**

Diversion Point: **approximate centers of NW 1/4
and NE 1/4 Sec 27-T112N-R49W**

Land to be Irrigated: **N 1/2 Sec 27-T112N-R49W**



Depth of Well: **52 and 104 feet deep**

Well Driller: **Grimshaw Drilling**

Remarks:

Type of Map: **aerial**

Prepared by:

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

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

(office use only)
No. 8061-3 Hydrologic Unit 10170202
Basin Sioux River
Newspaper Brookings Register
P.O. Box 177 57006 - 605-692-6271

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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 3922-3
(Use predates Mar 2, 1955) 7795-3

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

Additional acres to water, Right No. 3922-3 and reduce acres to water right 7795-3

1. Name to Appear on Irrigation Permit Dougherty Family Associated
(check one) ☒ Owner ☐ Tenant/lessee ☒ Owner's Legal Agent (Farm Manager)
(name and complete address if different than above name)
Mailing Address 90 Northwestern Farm Mgmt Co Marshall MN 56258
301 S. O'Connell St (Address) (City) (State) (Zip Code)
Home Phone 507-532-5120 Cell office Email randy@nfanco.com

2. Amount of water claimed 0.34 acres *CFS or **GPM ***AF Total Acreage 60 acres
(*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

4. Location of point of diversion 1 well in NW 1/4 supplies 800 GPM and well in NE 1/4 500 GPM
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

Sec 27 - T 112 N - R 49 W

County Brookings

5. County or counties where water will be used Brookings

6. Annual period during which water is to be used crop growing season May 1 - Sept. 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 NW 1/4	6	SE 1/4 NE 1/4	5
NE 1/4 NW 1/4	34	SW 1/4 NE 1/4	5
SW 1/4 NW 1/4	2	NW 1/4 NE 1/4	3
SE 1/4 NW 1/4	2	NE 1/4 NE 1/4	3

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

Sec 27 - T 112 N - R 49 W

Removed trees / old buildings to allow irrigation of NE 1/4 NW 1/4 Permit 3922-3
So added Acres and replaced both permits have added Acres;
and reduce Acres on for permit 7795-3 to 90

I, Dougherty Family Associated, NW Farm Mgmt Co, Agent by Randy Dork, 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. 8061-3**

Date of first receipt of application November 3, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8061-3 to Dougherty Family Associates, c/o Northwestern Farm Mgmt, Randy Sook, 301 S O'Connell St, Marshall MN 56258 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. 8061-3 authorizes an additional 0.34 cubic feet of water per second (cfs) and irrigation of 60 new acres to what is currently authorized by Water Right No. 3922-3. Water Right No. 3922-3 authorizes 2.56 cfs from two wells completed into the Unnamed Creek management unit of the Big Sioux Aquifer (105 and 43 feet deep) located in the centers of the NW 1/4 and the NE 1/4 Section 27 for irrigation of 220 acres located in the N 1/2 Section 27; all in T112N-R49W. This permit appropriates an additional 0.34 cfs from the two existing wells to irrigate 60 new acres located in the N 1/2 Section 27-T112N-R49W. This permit and Water Right No. 3922-3 authorize a total diversion rate of 2.90 cfs for irrigation of 280 acres.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is November 3, 2014.
4. The date of approval of Permit No. 8061-3 is December 29, 2014.
5. One-fifth of the construction is to be completed on or before July 29, 2017.
6. All construction is to be completed on or before December 29, 2019.
7. Water is to be put to beneficial use on or before December 29, 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 Water Right No. 3922-3 and 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. 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

JAN 22 2015

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 _____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by Grimshaw Drilling Co 1978
- c) Well Depth 52' West well, 104' East well Depth to Top of Water Bearing Material uk Depth to Water from Surface uk

d) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others X uk

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

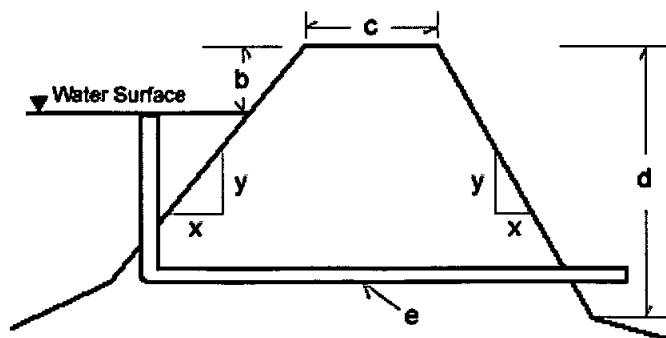
3. Dugout Information

- 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:

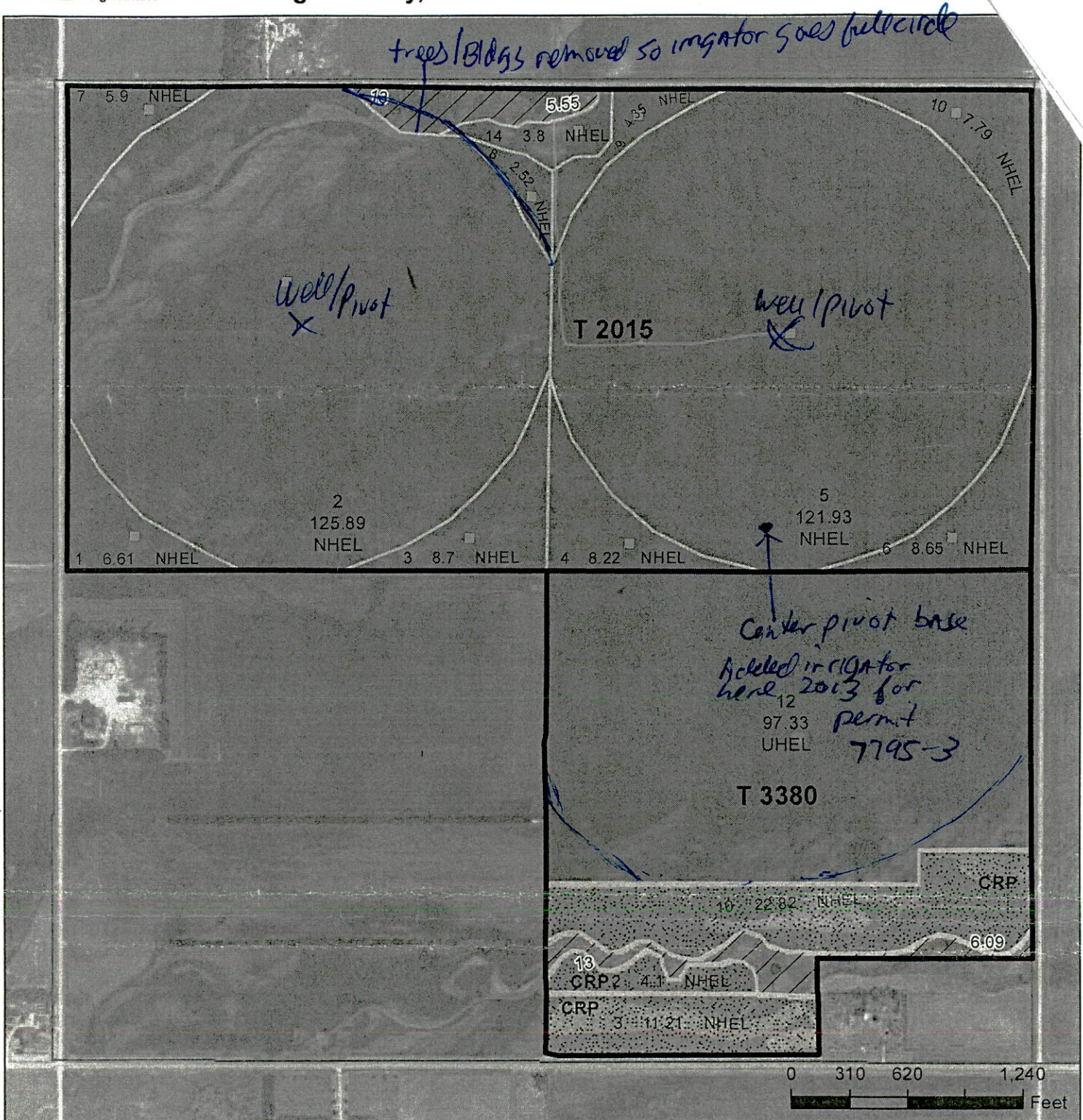


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of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



United States
Department of
Agriculture

Brookings 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

2014 Program Year

Map Created December 23, 2013

RECEIVED Farm 3294

NOV 03 2014

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PROGRAM

27-112-49

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

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/3, 20 14

RECEIVED OF Northwestern Farm Mngmnt Co 301 S O'Connell St Marshall MN 56258

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

Fee for Application for Permit No. <u>8061-3</u> to Appropriate Water, to construct and to put water to beneficial use	300	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>8061-3</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	700 00

No. **06977**

By J. James Goodwin Jr.
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8061-3, Dougherty Family Associated**

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. 8061-3, Dougherty Family Associated, c/o Northwestern Farm Mgmt, Randy Sook, 301 S O'Connell St, Marshall MN 56258.

The Chief Engineer is recommending APPROVAL of Application No. 8061-3 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 Water Right No. 3922-3 and 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. 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
December 10, 2014

Report to the Chief Engineer
Water Permit Application No. 8061-3
Dougherty Family Associated
November 14, 2014

Water Permit Application No. 8061-3 proposes to appropriate water from the Unnamed Creek management unit at a maximum diversion rate of 0.34 cubic feet per second (cfs). This permit if approved, when used in conjunction with Water Rights No. 3922-3, will allow a total appropriation of 2.90 cfs from two wells completed into Unnamed Creek management unit of the Big Sioux aquifer currently authorized by Water Right No. 3922-3. The wells are located in the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 27, T112N-R49W in Brookings County, and they are 43 and 105 feet deep. Water is to be used for irrigation of 60 acres in the N $\frac{1}{2}$ of Section 27; all in T112N-R49W.

AQUIFER: Unnamed Creek management unit of the Big Sioux Aquifer (BS: UC)

Aquifer Characteristics and Hydrogeology:

The Big Sioux aquifer is a shallow, glacial aquifer that underlays the Big Sioux River Valley and many of its tributaries (Koch, 1980). It is made up of very permeable, well-sorted glacial outwash sand (mostly medium to very coarse) and gravel (mostly very fine to medium) that overlies a relatively impermeable glacial till (Hamilton, 1989 and Koch, 1980). Near the Big Sioux River and major tributaries the aquifer is under unconfined conditions; elsewhere it can underlie glacial till and be under confined conditions (Hamilton, 1989). In the headwaters areas of the tributaries of the Big Sioux River depths to the aquifer can vary greatly over short distances since the aquifer, in these areas, can consist of small, lenticular outwash deposits at different altitudes (Hamilton, 1989). Variances in depth can also be the result of changes in the altitude of the surface of the land (Hamilton, 1989).

The Unnamed Creek management unit of the Big Sioux aquifer is located in north central Brookings County along an unnamed tributary to the Big Sioux River (Hamilton, 1989). The Big Sioux: Unnamed Creek aquifer is generally an unconfined aquifer; however confined portions occur within its extent (Hedges et al., 1985; Water Rights, 2014a; and Water Rights, 2014c). Groundwater in the management unit moves southwest toward the Big Sioux River (Hamilton, 1989). Thickness of the aquifer ranges from less than 10 feet to in excess of 50 feet in some locations (Mathiowetz, 2013). In Hedges, et al. (1982) the area of the Unnamed Creek management unit was approximated at 5,800 acres with an estimated 13,050 acre-feet of recoverable water (where recoverable water is water that could be extracted from the aquifer by pumping). Hedges, et al. (1982) also makes note of several areas in Brookings County where potential additional groundwater resources may be located that were not included in the investigation's reported aquifer areas due to data limitations. One of these areas is located such that it could be considered as part of the Unnamed Creek management area, and from Hamilton

(1989) and due to additional drilling the presence of groundwater resources in that area can be confirmed (Water Rights, 2014c).

Application No. 8061-3 proposes to utilize two wells currently authorized by Water Right No. 3922-3. Water Right No. 3922-3 authorizes 2.56 cfs for the irrigation of 220 acres. Also related to these wells is Water Permit No. 7795-3 for the irrigation of 110 acres (in addition to those authorized by Water Right 3922-3) with no increase in maximum diversion rate from the well in the NE ¼ of Section 27. Application No. 8061-3 proposes to appropriate an additional 0.34 cfs for the irrigation of 60 additional acres from both wells. The well in the NW ¼ of Section 27 is 43 feet deep and the well in the NE ¼ of Section 27 is 105 feet deep. In the area of this application the Big Sioux: Unnamed Creek aquifer has a saturated thickness of approximately 20 feet (SDGS, 2014; Water Rights, 2014a; and Water Rights, 2014c).

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 existing rights from the aquifer that are pertinent to this application.

Water Availability:

Water Permit Application No. 8061-3 proposes to appropriate water from the Big Sioux: Unnamed Creek aquifer. Approval of this application is likely to result in an additional average annual water use of less than 60 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 Big Sioux 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).

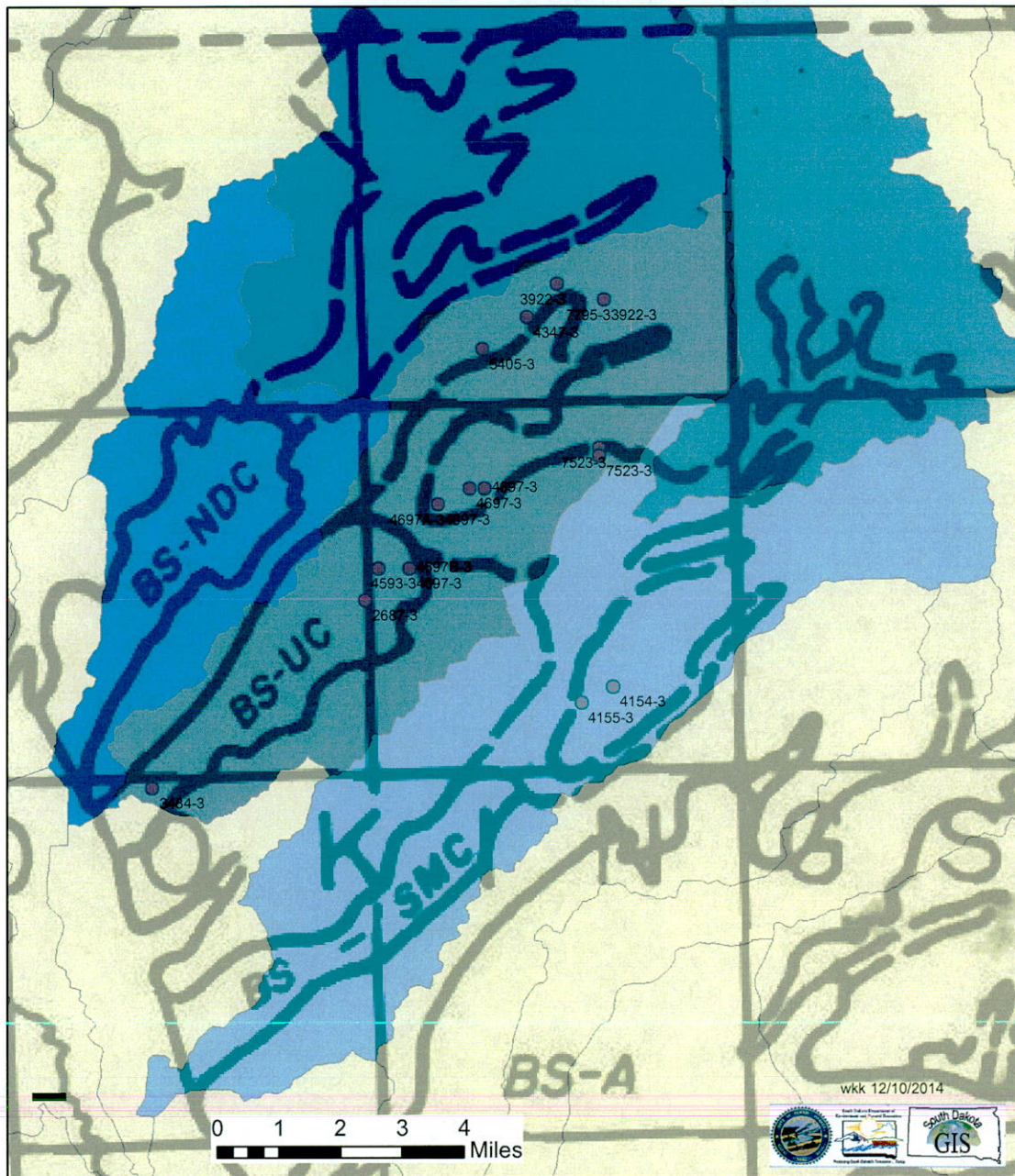
A 2012 First Judicial Circuit Court's rulings basically stated that data must be presented to show it is probable the average annual recharge exceeds the average annual discharge by at

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 in deciding 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 according 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).

Point of Note:

In the examination of water rights/permits completed in the Big Sioux: Unnamed Creek aquifer the locations of two of these water rights were notable. Water Rights 4154-3 and 4155-3 are identified in Water Rights' files as being completed into the Unnamed Creek management unit of the Big Sioux aquifer (Water Rights, 2014b). However, on examination of the Big Sioux aquifer management units as mapped by Hedges, et al. (1982) it is apparent that Water Right No. 4154-3 and Water Right No. 4155-3 are actually completed into the Six Mile Creek (SMC) management unit of the Big Sioux aquifer. The Water Rights appropriating from the Unnamed Creek management unit are shown in Figure 1, along with the underlying aquifer management units as mapped by Hedges, et al. (1982). Additionally included in Figure 1 are the Hydrologic Unit Code (HUC) 12 watersheds for the area in order to demonstrate the tributaries that the management units underlie. To reflect this observation Water Right No. 4154-3 and Water Right No. 4155-3 have been excluded from the analysis of the hydraulic budget and existing water rights/permits for the Unnamed Creek management unit.



Legend		Aquifer Management Units	
● Water Rights/Permits	■ Middle North Deer Creek	BS-NDC	Big Sioux:North Deer Creek
HUC 12 Watersheds	■ Unnamed Creek	BS-UC	Big Sioux:Unnamed Creek
■ Other HUC 12 Watersheds	■ Lower Six Mile Creek	BS-SMC	Big Sioux: Six Mile Creek
■ Upper North Deer Creek	■ Upper Six Mile Creek	BS-A	Big Sioux: Aurora

Figure 1: Water Rights/Permits Coded as Completed into the Big Sioux: Unnamed Creek Aquifer Shown in Relation to the Aquifer Maps of Hedges, et al. (1982) and Select Area HUC 12 Watersheds (Water Rights, 2014b and SD DENR, 2014)

Hydraulic Budget:

Recharge:

Recharge to the aquifer occurs primarily during the spring from infiltration of snowmelt and precipitation (Hamilton, 1989). In Hedges, et al. (1985) the calculated recharge rates for the management units of the Big Sioux aquifer range from 2.7 to 6.9 inches per year based on observation well analysis, base flow recession analysis, and computer model analysis. Hedges, et al. (1985) further addresses the Big Sioux: Unnamed Creek aquifer by estimating its recharge range as being toward the high end of 2 to 5.6 inches per year based on observation well analysis performed on data from unconfined eastern South Dakota aquifers included in the study which had sufficient observation well data for analysis. In considering these two ranges, the range for the management units of the Big Sioux aquifer is likely more reflective of the geohydrologic conditions present in the Big Sioux: Unnamed Creek aquifer. Therefore the recharge rate of 2.7 to 6.9 inches per year will be used in the examination of the hydraulic budget for Big Sioux: Unnamed Creek aquifer. Utilizing the area of approximately 5,800 acres for the Big Sioux: Unnamed Creek aquifer the average yearly recharge is estimated to be between 1,305 acre-feet per year and 3,335 acre-feet per year.

Withdrawals:

Withdrawals from the aquifer include evapotranspiration, seepage to surface water, and pumping (Hamilton, 1989). Withdrawals from domestic wells are not considered a significant portion of the hydraulic budget for the Big Sioux: Unnamed Creek aquifer. Withdrawals are for irrigation use (Water Rights, 2014b).

The number of water rights/permits for irrigation in the Big Sioux: Unnamed Creek aquifer has held relatively steady over the period of record with an average of 8, a maximum of 10, and a minimum of 4 (Water Rights, 1980-2014). Figure 2 shows the number of water rights/permits by year over the period of record. Using the reported pumping data the average annual withdrawal from the management unit due to irrigation can be estimated at 335 acre-feet per year (Water Rights, 1980-2014). The maximum amount withdrawn in a single year for the management unit during the period of record is 831 acre-feet, and the minimum is 0 acre feet (Water Rights, 1980-2014). The yearly use of groundwater for irrigation in the management unit over the period of record is shown in Figure 3. In examining Figures 2 and 3 it can be noted that the number of water rights/permits is not indicative of the amount of groundwater used for a given year. While the number of water rights/permits has remained relatively steady over the period of record, the amount of groundwater used for irrigation has fluctuated. This fluctuation is the result of unpredictable variations in yearly climate and economic conditions. However, in examining the years included in the period of record it is safe to note that the average withdrawal rate from the management unit reflects both wet and dry conditions as well as both high and low economic conditions.

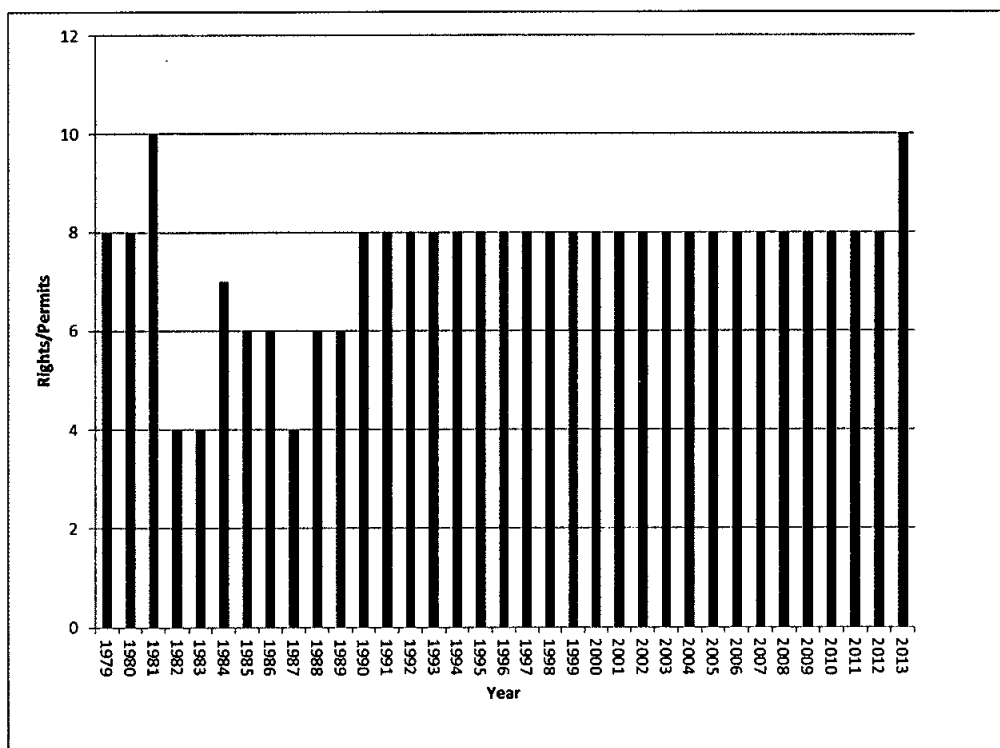


Figure 2: Number of Water Rights/Permits by Year over the Period of Record (Water Rights, 1980-2014)

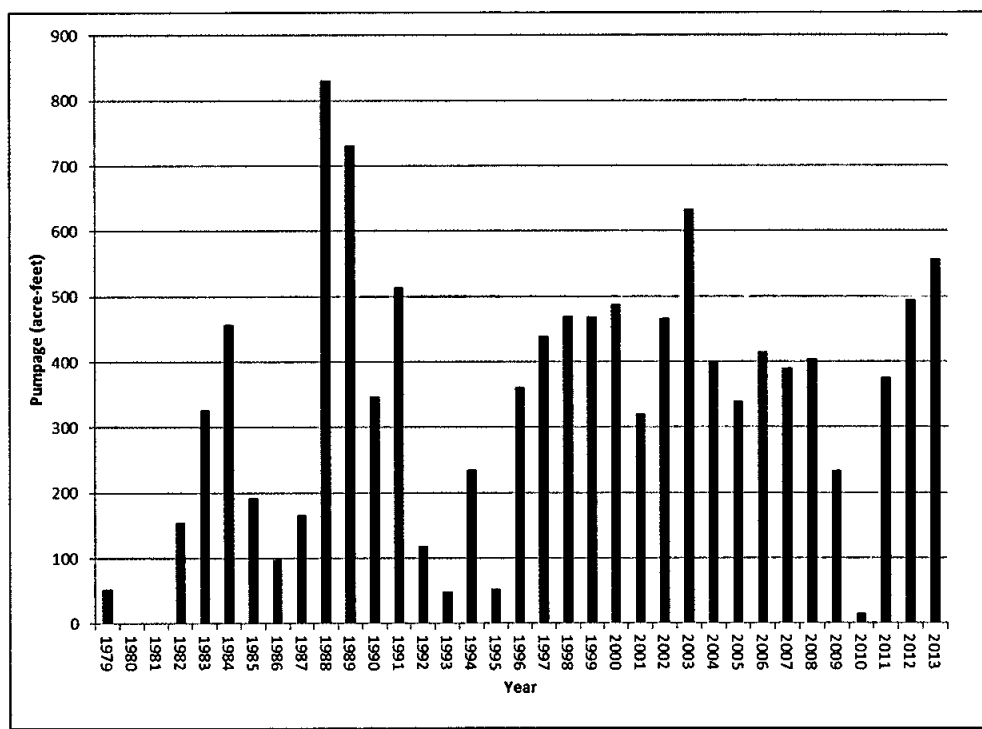


Figure 3: Groundwater Pumpage for Irrigation over the Period of Record (Water Rights, 1980-2014)

The estimated average withdrawals from the aquifer can be estimated at 335 acre-feet per year. Comparison of average yearly recharge to average yearly withdrawals results in a reasonable indication that there is recharge available for capture in the aquifer, with the estimated withdrawals from the aquifer at 335 acre-feet per year being less than even the minimum of the estimated average recharge to the aquifer of 1,305 acre-feet per year.

Observation Wells:

In determining the availability of unappropriated water for a permit application Administrative Rule 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated annual recharge. Observation wells offer a picture of conditions in the aquifer over the period of record. Observation well data is especially useful in examining local conditions in an aquifer.

The Water Rights Program monitors one observation well completed into the Big Sioux: Unnamed Creek aquifer. The hydrograph for this well (BG-63B) is shown in Figure 5. BG-63B is located about 9.5 miles southwest of the well locations for Application No. 8061-3.

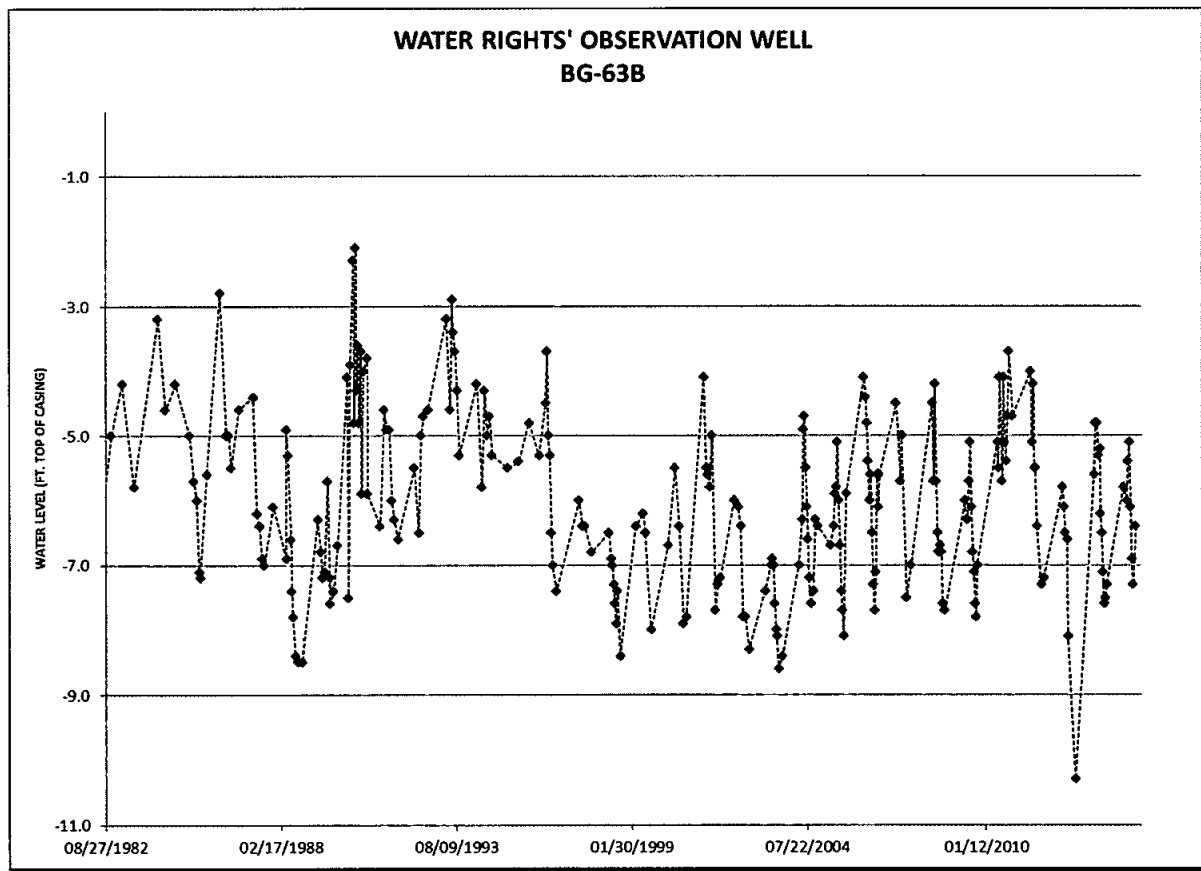


Figure 5: Hydrograph of Observation BG-63B (Water Rights, 2014a)

The observation well hydrographs show cyclic patterns based on the effect of climatic conditions on the aquifer. An increase in water levels occurs in the spring consistent with recharge from snowmelt and spring precipitation, and a decrease in water levels occurs during the rest of the year consistent with evapotranspiration and other withdrawals during the drier part of the year. These cyclic patterns mask any effects pumping may be having on these wells. Multiyear trends can also be observed as higher water levels during wetter periods and lower water levels during drier periods. Water levels in observation well BG-63B have remained relatively unchanged over time.

Existing Water Rights/Permits:

There are ten water rights/permits completed into the Big Sioux: Unnamed Creek aquifer, excluding the previously discussed Water Rights 4154-3 and 4155-3. These water rights/permits are shown in Table 1. A map of the area surrounding Application No. 8061-3 showing existing water rights/permits is shown in Figure 6. There two water rights/permits within one mile of Application No. 8061-3, one of which belongs to the applicant (7795-3). Water Right 4347-3 is approximately 0.7 miles from the well location of Application No. 8061-3. Although within a one mile radius there are no domestic wells on file with the DENR, based on the satellite imagery for the area there are several farm places within one mile of the proposed location, so the existence of domestic wells within one mile is possible. Since the wells for Application No. 8061-3 are existing wells authorized under Water Right 3922-3 with a history of use, an additional 0.34 cfs is not expected to adversely impact adequate wells in the area (Water Rights, 1980-2014). An adequate well as defined by South Dakota law is “a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

Table 1: Existing Water Rights/Permits in the BS: UC (Water Rights, 2014)

Permit No.	Name	Status	Use	Cfs	Acres
2687-3	Rodney/Loretta Foster	LC	IRR	1.88	264
3484-3	Charlotte Nichols	LC	IRR	1.49	104
3922-3	Richard Dougherty	LC	IRR	2.56	220
4347-3	Raymond Rennick	LC	IRR	1.11	77.5
4593-3	Ben Eberle	LC	IRR	1.33	130
4697A-3	Western Trust Company	LC	IRR	1.71	120
4697B-3	Workman Brothers	LC	IRR	1.56	125
5405-3	Larry Holler	LC	IRR	1.67	117
7523-3	Ben Culver	PE	IRR	2	152
7795-3	Richard Dougherty	PE	IRR	0	110

LC=license, PE=permit, IRR= irrigation

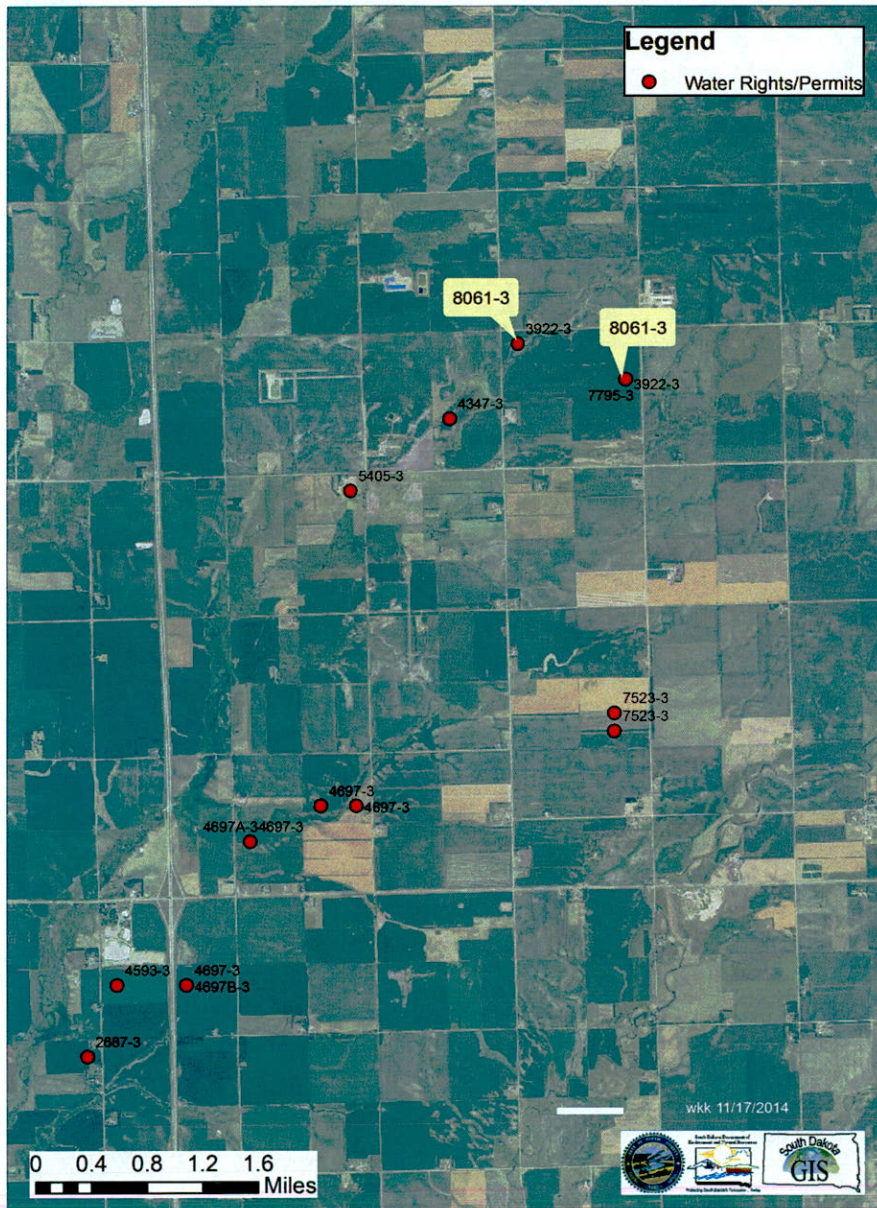


Figure 6: Map of Existing Water Rights/Permits Completed into the BS: UC in the Area Surrounding Application Number 8061-3 (water rights with a cancelled status not shown) (Water Rights, 2014b)

In the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. Since the aquifer is under unconfined conditions at this location drawdown due to pumping would not be significant far from the well site. Therefore nearby adequate wells are not expected to be adversely or unlawfully impacted by the proposed diversion.

The Big Sioux: Unnamed Creek aquifer is relatively thin with a limited amount of water in storage. While the average annual withdrawals would not exceed average annual recharge to

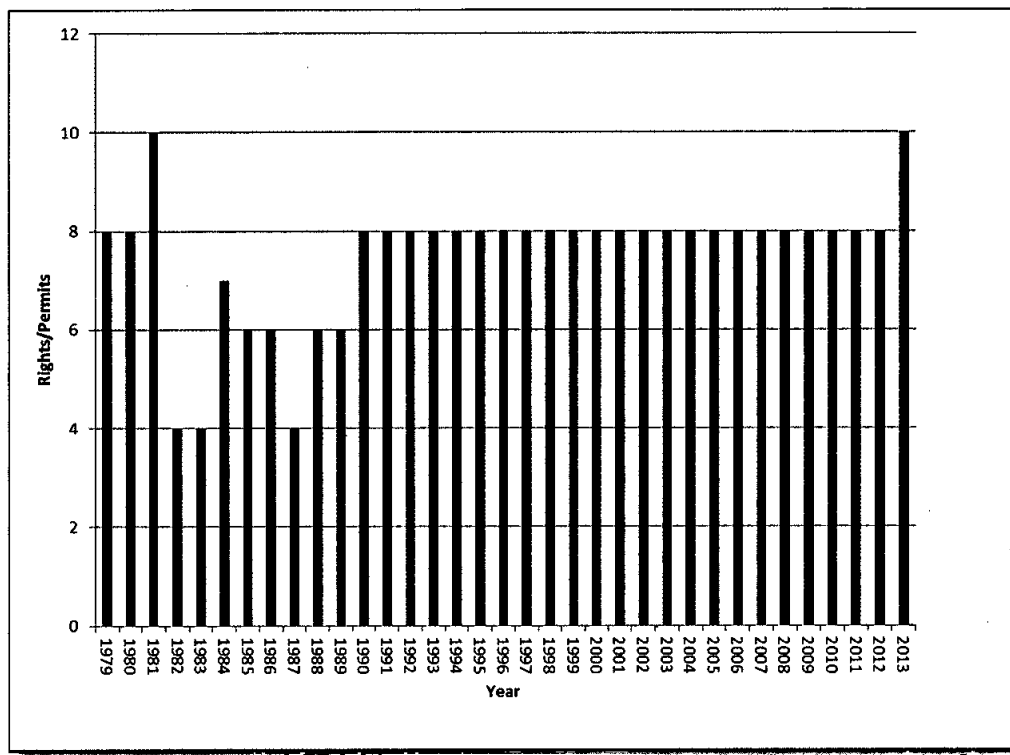


Figure 2: Number of Water Rights/Permits by Year over the Period of Record (Water Rights, 1980-2014)

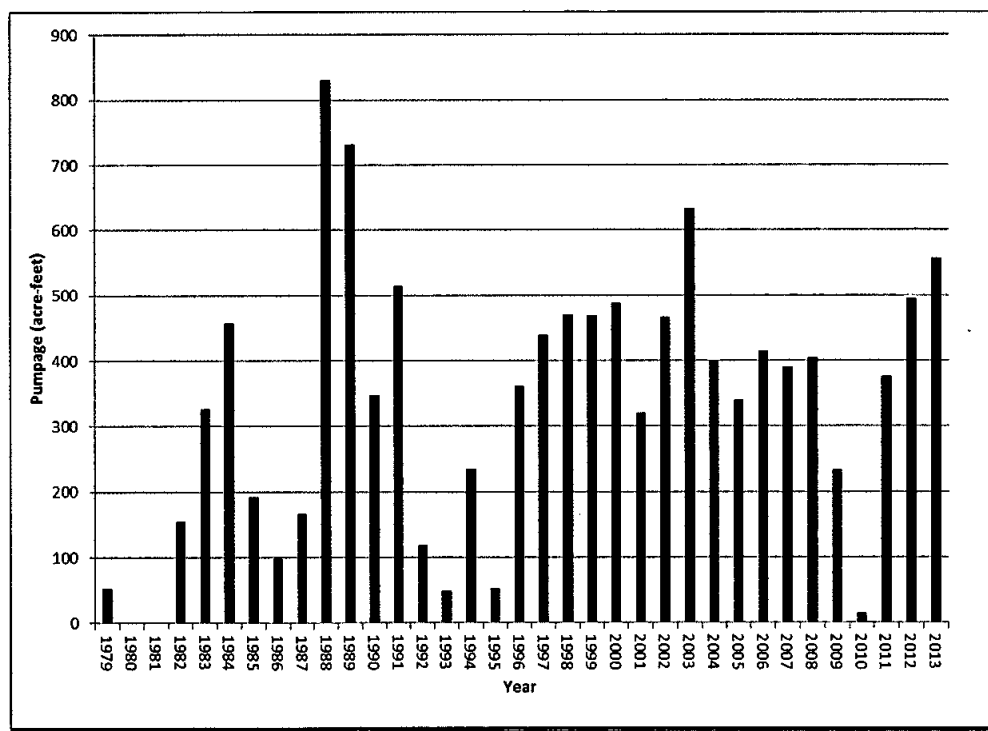


Figure 3: Groundwater Pumpage for Irrigation over the Period of Record (Water Rights, 1980-2014)

the aquifer, conditions may occur when the withdrawals exceeds recharge. When this occurs, water will be removed from storage, consequently reducing the saturated thickness of the aquifer. If the saturated thickness is reduced to the extent that water rights/permits can no longer pump at their developed or "historically established" rates, this may be considered an adverse impact.

Conclusions:

1. Water Permit Application No. 8061-3 proposes to appropriate an additional 0.34 cfs for the irrigation of an additional 60 acres from two wells completed into the Big Sioux: Unnamed Creek aquifer currently authorized by Water Right No. 3922-3, for a total diversion rate of 2.90 cfs for the irrigation of 280 acres.
2. There is a reasonable probability that water is available.
3. The additional 0.34 cfs from the wells is not expected to adversely impact adequate wells in the area.
4. If the saturated thickness is reduced in this relatively thin aquifer to the extent that water rights/permits can no longer pump at their developed diversion rates, this may be considered an adverse impact.
5. Water Rights No. 4154-3 and 4155-3 should be reassigned as being completed into the Six Mile Creek management unit of the Big Sioux aquifer.


Whitney Kilts

SD-DENR Water Rights Program

Approved by



Ken Buhler

SD-DENR Water Rights Program

References:

- Hamilton, L. 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota. USGS, Huron, SD.
- Hedges, L.S., Burch, S. L., Iles, D. L., Barari, R. A., and Schoon, R. A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 3: Ground-Water Storage. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J. and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Ground-Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- In the Matter of Water Permit Application No. 6431-3, by Phillip W. Hines v. SD Department of Environment and Natural Resources, South Dakota Sixth Judicial Court Civ. No. HU04-37 (Memorandum Decision, April 29, 2005)
- In the Matter of Water Permit Application No. 7239-3, by Hanson County Dairy v. Robert Bender and Stace Nelson, South Dakota First Judicial Court Civ. No. 11-54 (Memorandum Decision, April 11, 2012)
- In the Matter of Water Permit Application 7209-3, Longview Farms, LLP v. South Dakota Dept. of Environment and Natural Resources, South Dakota First Judicial Court Civ. No. 11-146 (Memorandum Decision, May 17, 2012)
- Koch, N. C. 1980. Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel and Hamlin Counties, South Dakota. USGS, Huron, SD.
- Mathiowetz, A. 2013. Water Permit No. 7795-3. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- SD Geological Survey. 2014. Lithological Logs Database, SD DENR-Geological Survey Program, Vermillion, SD.
- SD DENR. 2014. Water Resources Files, SD DENR, Joe Foss Bldg., Pierre, SD.
- i•calcul⁸. Theis Equation Calculator. Retrieved Nov 2014. <http://www.icalcul8.com/theis.php>
- Water Rights. 1980-2014. "1979-2013 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- 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, South Dakota.

Water Rights. 2014c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

JAN 02 2015

WATER RIGHTS PROGRAM

Affidavit of Publication

State of South Dakota

ss

County of Brookings

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

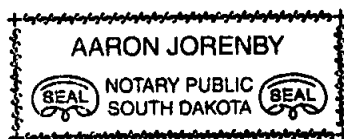
Leg#408 Notice of Application No 8061-3

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

December 18, 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 eight dollars and forty four cents \$28.44



19th day of

December

2014

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

Legal 408, 1x, 12/18
NOTICE OF APPLICATION NO. 8061-3 to
Appropriate Water
Notice is given that Dougherty Family Associates, c/o Northwestern Farm Mgmt Co, Randy Sook, 301 S O'Connell St, Marshall MN 56258 has filed an application for a water permit to appropriate an additional 0.34 cubic feet of water per second (cfs) and irrigate 60 new acres to what is currently authorized by Water Right No. 3922-3. Water Right No. 3922-3 authorizes 2.56 cfs from two wells completed into the Unnamed Creek management unit of the Big Sioux Aquifer (105 and 43 feet deep) located in the centers of the NW 1/4 and the NE 1/4 Section 27 for irrigation of 220 acres located in the N 1/2 Section 27; all in T112N-R49W. This application proposes to appropriate an additional 0.34 cfs from the two existing wells to irrigate 60 new acres located in the N 1/2 Section 27-T112N-R49W. This application, if approved, and Water Right No. 3922-3 will authorize a total diversion rate of 2.90 cfs for irrigation of 280 acres. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8061-3 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 29, 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 \$28.44.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



December 10, 2014

Brookings Register
PO Box 177
Brookings SD 57706

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8061-3 to Appropriate Water. Please publish the notice once on December 18, 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 Dougherty Family Associated, c/o Northwestern Farm Mgmt Co, Randy Sook, 301 S O'Connell St, Marshall MN 56258 (Ph # 507-532-5120).

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.**

December 10, 2014

Dougherty Family Associated
Northwestern Farm Mgmt Co
Randy Sook
301 S O'Connell St
Marshall MN 56258

Dear Mr. Sook:

Water Permit Application No. 8061-3 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

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 December 18, 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. 8061-3 to Appropriate Water

Notice is given that Dougherty Family Associated, c/o Northwestern Farm Mgmt Co, Randy Sook, 301 S O'Connell St, Marshall MN 56258 has filed an application for a water permit to appropriate an additional 0.34 cubic feet of water per second (cfs) and irrigate 60 new acres to what is currently authorized by Water Right No. 3922-3. Water Right No. 3922-3 authorizes 2.56 cfs from two wells completed into the Unnamed Creek management unit of the Big Sioux Aquifer (105 and 43 feet deep) located in the centers of the NW 1/4 and the NE 1/4 Section 27 for irrigation of 220 acres located in the N 1/2 Section 27; all in T112N-R49W. This application proposes to appropriate an additional 0.34 cfs from the two existing wells to irrigate 60 new acres located in the N 1/2 Section 27-T112N-R49W. This application, if approved, and Water Right No. 3922-3 will authorize a total diversion rate of 2.90 cfs for irrigation of 280 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8061-3 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 29, 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

JAN 22 2015

Dougherty Family Associates
Northwestern Farm Management
Randy Sook
301 S O'Connell St
Marshall MN 56258

Dear Mr. Sook:

Enclosed is Water Permit No. 8061-3 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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8061-3

I have this day, May 11, 2021, made a thorough examination of the water use system constructed by Dougherty Family Associates, c/o Northwestern Farm Management, 301 S O'Connell St, Marshall, MN 56258 of Permit No. 8061-3, bearing the priority of November 3, 2014 authorizing the diversion of 0.34 additional cu. ft. per second of the waters currently authorized by Water Right 3922-3 of Unnamed Creek management unit of the Big Sioux for irrigation purposes, in Brookings County.

A. Works used to divert the water:

Well Information: See Water Right 3922-3 for well and pivot (for N ½ Section 27) information. Well logs are included with the Permit documentation.

B. Pivot information for SE ¼ Section 27:

Center pivot:

Make Valley

Overall length 1,320 feet

Number of towers 7

End gun Y

Capacity 700 GPM (Source Farmers Implement & Irrigation)

Chemigation Equipment: None

C. Compliance with Permit Requirements:

- Permit qualifications being abided by Y
- Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

D. Condition and Location:

The system is in good condition with the points of diversion located as follows: From the NW corner of Sec 27, T112N-R49W (WEST WELL) 1320 ft S & 1320 ft E (NW ¼ Sec 27) Lat 44.48137 Long - 96.70158 (EAST WELL) 1320 ft S & 3960 ft E (NE ¼ Sec 27) Lat 44.48125 Long -96.69132 .

- E. The works are capable of diverting and conveying to the place of use 2.78 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:

All land in Sec 27-T112N-R49W

NW1/4 NW 1/4 - 33 ac	NW1/4 NE 1/4 - 33 ac	NW1/4 SE 1/4 - 38 ac
NE 1/4 NW 1/4 - 33 ac	NE 1/4 NE 1/4 - 33 ac	NE 1/4 SE 1/4 - 38 ac
SE 1/4 NW 1/4 - 33 ac	SE 1/4 NE 1/4 - 39 ac	SE 1/4 SE 1/4 - 8 ac
SW 1/4 NW 1/4 - 33 ac	SW 1/4 NE 1/4 - 39 ac	SW 1/4 SE 1/4 - 8 ac

comprising a total of 368 acres of land and the license should be issued for 2.78

All structures, wells and lands on map Y

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

The Permit is for an additional 60 acres to be irrigated in association with the previous Water Permits 3922-3 & 7795-3. The 2.78 cu ft per sec (1250 gpm) was developed from the center pivot design flow rates of 550 gpm (west pivot) and 700 gpm (east & south pivots) that were provided by the Brookings Implement & Irrigation dealership. There appears to be an issue with agreement between pivot design flows and stated well capacities (shown on Permit Application). The Permit Application form indicates an 800 gpm West well capacity but the design pivot flow for the NW ¼ is 550 gpm; while the East well capacity is shown to be 500 gpm but the design pivot flow is 700 gpm. There is a possibility that well capacities have been interchanged or the pivot designed flow rates have been switched.

However, the total 368 irrigated acres is very close to the total 390 acres authorized by the three (3) Permits.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

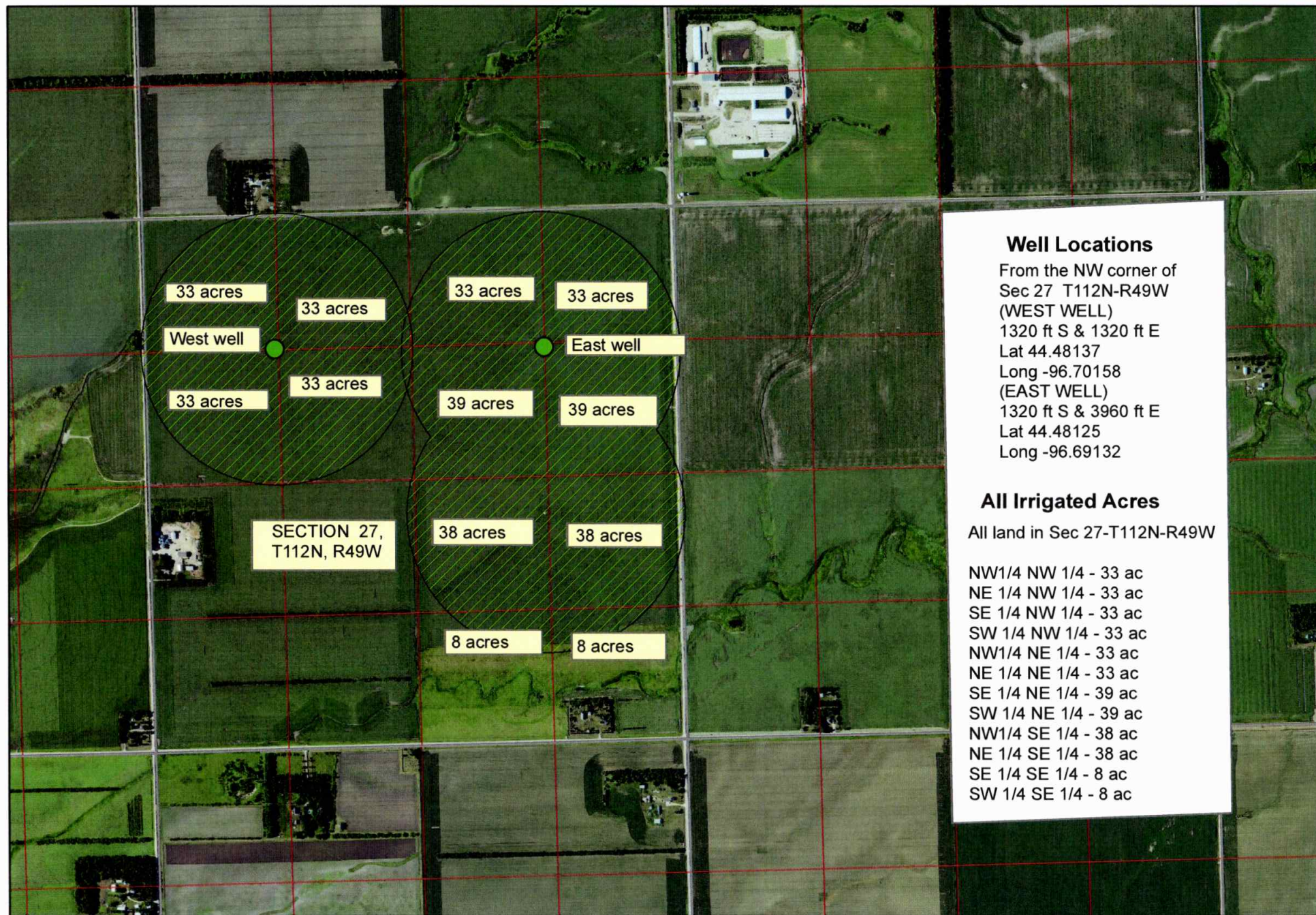
Date report completed: May 17, 2021

Notes: Water Right & Permits associated with this project:

Water Right No. 3922-3 (priority date of April 4, 1977)
Water Permit No. 7795-3 (priority date of March 18, 2013)
Water Permit No. 8061-3 (priority date of November 3, 2014)

Applicable portions of Nos. 3922-3 & 7795-3 will be incorporated into Water License No. 8061-3

Genny



0 0.175 0.35 0.7 1.05 1.4 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

8061-3

AUG 10 2021

Dougherty Family Associates
% Dallas Mahoney
Northwestern Farm Management
301 S O'Connell St
Marshall MN 56258

Dear Mr. Mahoney:

Enclosed is Water License No. 8061-3. This is the final water right document completing the process of obtaining a Water Right. Included with the 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

Note: Upon licensing, the applicable portions of Water Right No. 3922-3 and Water Permit No. 7795-3 were incorporated into No. 8061-3.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8061-3**

(1) Dougherty Family Associates, % Northwestern Farm Management, 301 S O'Connell St., Marshall MN 56258 made Application No. 8061-3, November 3, 2014 for a water permit to divert an additional 0.34 cubic feet of water per second from ground water, two existing wells (Unnamed Creek management unity of the Big Sioux Aquifer), Brookings County, South Dakota for irrigation purposes. Permit No. 8061-3, with a priority date of November 3, 2014 was approved December 29, 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 29, 2019 and for the application to beneficial use of said water on or before December 29, 2023.

Water Right No. 3922-3 and Water Permit Nos. 7795-3 and 8061-3 authorize the following:

- **No. 3922-3**, with a priority date of April 4, 1977, authorizes diversion of 2.56 cfs from two wells to irrigate 220 acres in the N ½ Section 27, T112N, R49W;
- **No. 7795-3**, with a priority date of March 18, 2013, authorizes the addition of 110 acres located in the SE ¼ Section 27, T112N, R49W to be irrigated from the existing two wells described in No. 3922-3.
- **No. 8061-3**, with a priority date of November 3, 2014, authorizes an additional 0.34 cfs to irrigate an additional 60 acres within the N ½ Section 27, T112N, R49W.

The applicable portions of Water Right No. 3922-3 and Water Permit No. 7795-3 are incorporated into this Water License No. 8061-3.

(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 2.78 cubic feet of water per second for beneficial use. The diversion points are located as follows:

- West well: 1,320'S and 1,320'E of the NW corner of Section 27, T112N, R49W (center of NW ¼)
Latitude 44.48137, Longitude -96.70158
- East well: 1,320'S and 3,960'E of the NW corner of Section 27, T112N, R49W (center of NE ¼)
Latitude 44.48125, Longitude -96.69132

(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:

Section 27, T112N, R49W					
NW ¼ NW ¼	33 acres	NW ¼ NE ¼	33 acres	NW ¼ SE ¼	38 acres
NE ¼ NW ¼	33 acres	NE ¼ NE ¼	33 acres	NE ¼ SE ¼	38 acres
SE ¼ NW ¼	33 acres	SE ¼ NE ¼	39 acres	SE ¼ SE ¼	8 acres
SW ¼ NW ¼	33 acres	SW ¼ NE ¼	39 acres	SW ¼ SE ¼	8 acres
Total acres irrigated 368					

Priority dates: April 4, 1977 (3922-3) – 220 acres in the N ½ Section 27; 2.56 cfs
March 18, 2013 (7795-3) – 92 acres in the SE ¼ Section 27
November 3, 2014 (8061-3) 56 acres in the N ½ Section 27; 0.22 cfs

continued

Water License No. 8061-3

Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dougherty Family Associates, % Northwestern Farm Management, 301 S O'Connell St., Marshall MN 56258 the holder and/or owner of Incorporated Water Right No. 8061-3 is issued a license to appropriate water, the right to use 2.78 cubic feet of water per second from ground water, two wells (Unnamed Creek management unit of the Big Sioux Aquifer) with priority dates of April 4, 1977, March 18, 2013 and November 3 2014 from the locations 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. 8061-3 and subject to the following qualifications:

- The wells approved under Nos. 3922-3, 7795-3 & 8061-3 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.
- 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

AUG 10 2021

date



8061-3

RECEIPT**WATER RIGHTS PROGRAM**
South Dakota Department of Agriculture and Natural ResourcesDate February 3, 2022RECEIVED OF DJ Farms, Inc. 20172 476th Ave., White SD 57276

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>8061-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
vm

PAID

FEB 3 2022

Ck# 3109

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

FEB 03 2022

WATER RIGHTS
PROGRAM

No. 8061-3

Date: 1-21-2022

I/We request that Water Right No. 8061-3

formerly owned by: Dougherty Family Associates

be transferred to: (name & address)

Doyle Moberg

26172 476th Ave

White, SD 57276

Telephone No. 605-695-8711

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

368 acres - N ½ and SE ¼ Section 27, T112N, R49W

I/We understand that the validity of Water Right No. 8061-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Doyle Moberg

(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.

8061-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 10, 2022

8061-3

Doyle Moberg
20172 476th Ave
White SD 57276

Dear Mr. Moberg:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 8061-3.

The ownership change has been completed. Water Right No. 8061-3 formerly held by Dougherty Family Associates is now listed in your name.

Enclosed is a receipt for the filing fee you paid. If you have any questions, please let me know.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2022

8061-3

Doyle & Jodi Moberg
20172 476th Ave
White SD 57276

Dear Mr. & Mrs. Moberg:

Thank you for visiting with me about the ownership change needed for Water Right No. 8061-3. Enclosed is a copy of the water right and map for your records.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please let me know.

Sincerely,

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