

WATER PERMIT NO. 8062-3

Name of Applicant: **Kenneth & Carol Guenther Revocable Trust**

Address: **31151 434th Ave, Yankton SD 57078** Phone: **605 760-5049**

Amount of Water Claimed: **1.67 cfs** Total Acres: **133**

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

Water to be used for: **irrigation** County: **Bon Homme**

Type of Waste Disposal System:

Location: **7 miles west of Springfield**

PRIORITY Date Received: **11-6-14** Application/License Fee: **\$1050**

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

Remarks:

Diversion Point: **Approximate center of NE 1/4**
Sec 28-T93N-R61W

Land to be Irrigated: **NE 1/4 Sec 28-T93N-R61W**

Depth of Well: **240 feet deep**

Well Driller: **Christensen Well & Irrigation, Inc.**

Remarks:

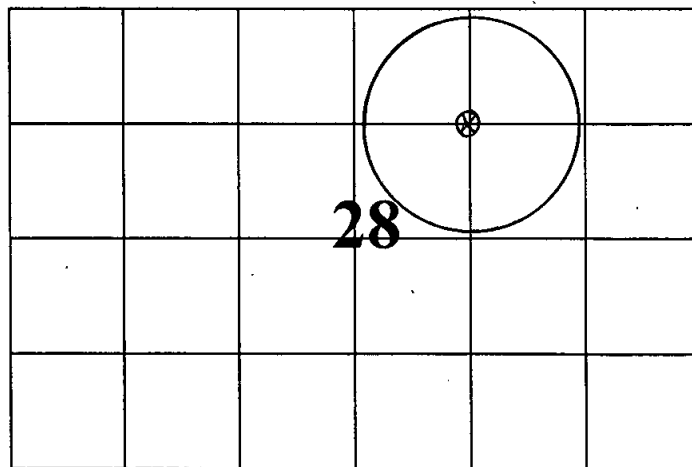
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **11-6-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



NOV 06 2014

WATER RIGHTS
PROGRAM

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

(office use only)
No. 8062-3 Hydrologic Unit 10170101
Basin Missouri River 605-369-2441
Newspaper Springfield Times, Box 465 57062

Press: Dabstan, 319 Walnut Yankton 57078-605-665-7811

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 Kenneth & Carol Guenther Revocable Trust
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)

Mailing Address 31151 434th Ave. Yankton SD 57078
(Address) 605-661-4540 (City) (State) (Zip Code)

Home Phone _____ Cell 605-760-5049 Email ckg@ryn.midco.net

2. Amount of water claimed 1.67*CFS or 750 **GPM ***AF Total Acreage 133
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply well

4. Location of point of diversion NENE S28-T93N-R61W (approximate Center - NE 1/4)
(example - 3 wells in SW1/4 NE1/4 Section 12-T104N-R53W)

County Bon Homme

5. County or counties where water will be used Bon Homme

6. Annual period during which water is to be used MAY - 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
<u>NENE S28 T93N R61W</u>	<u>33 1/4</u>		
<u>SENE S28 T93N R61W</u>	<u>33 1/4</u>		
<u>SWNE S28 T93N R61W</u>	<u>33 1/4</u>		
<u>NWNE S28 T93N R61W</u>	<u>33 1/4</u>		

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

Drill irrigation well & install a center pivot.

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

Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable)



Drilling new well(s)



Using existing well(s)

- a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Christensen Well Co. #444
(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 240 Depth to Top of Water Bearing Material 151 Depth to Water from Surface 151
- d) Distance to nearest existing domestic well: 1500'

On applicant's property _____

On property owned by others X

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)

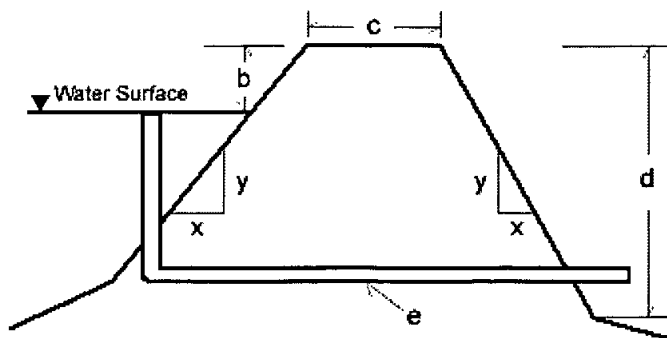
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



**SOUTH DAKOTA
WATER PERMIT NO. 8062-3**

Date of first receipt of application November 6, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8062-3 to Kenneth & Carol Guenther Revocable Trust, 31151 434th Ave, Yankton SD 57078 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. 8062-3 appropriates 1.67 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (240 feet deep) located in the approximate center of the NE 1/4 Section 28 for irrigation of 133 acres located in the NE 1/4 Section 28; all in T93N-R61W.
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 6, 2014.
4. The date of approval of Permit No. 8062-3 is January 26, 2015.
5. One-fifth of the construction is to be completed on or before July 26, 2017.
6. All construction is to be completed on or before January 26, 2020.
7. Water is to be put to beneficial use on or before January 26, 2024.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8062-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Jeanne Goodman

Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

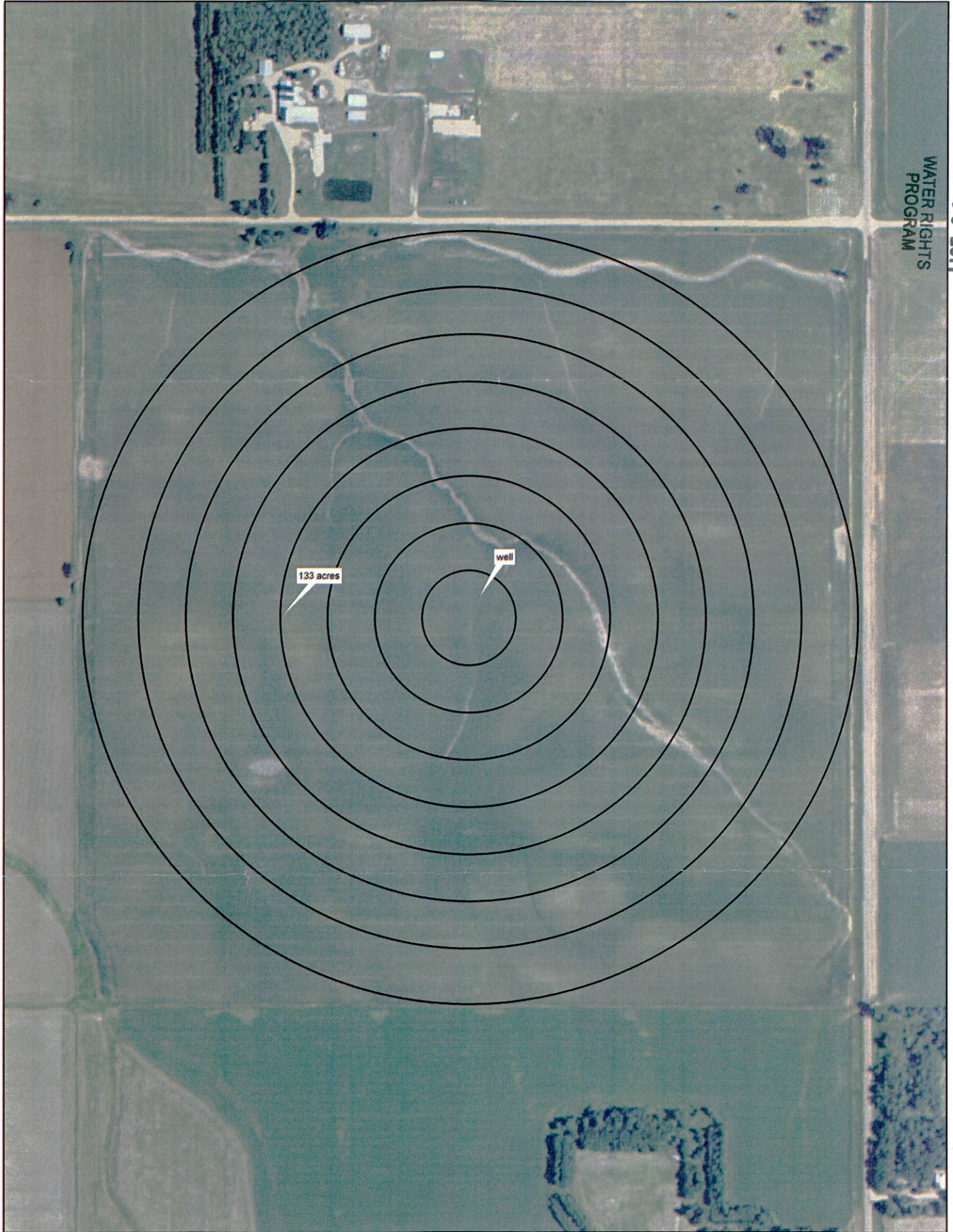
FEB 09 2015

date



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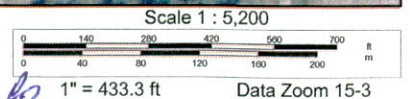
Data use subject to license.

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www.delorme.com

NE 1/4
Section 28
Township 93N
Range 61W Ben Homme Co
SD

TN
MN (4.1°E)



Sec 17
T093N
R61W

Sec 16
T093N
R61W

Sec 15
T093N
R61W

Sec 20
T093N
R61W

Sec 21
T093N
R61W

Sec 22
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Sec 34
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R61W



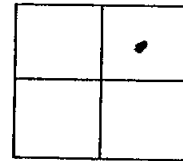
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NOV 06 2014

WATER RIGHTS
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Christensen Well & Irrigation, Inc.

88005 Hwy. 57
Hartington, NE 68739
Office 402-254-6809



OWNER Kenneth Guenther
ADDRESS 31151 434th Ave Yorkton
STATE SD DATE 10-30 20 14

Quarter NE
Section 28
Township 93 N
Range 61 W
County Ben Lone

TEST HOLE ☐ FARM WELL ☐ IRRIGATION ☒

FT	FT	
0	8	Brown top Soil
8	23	Brown clay & Gravel
23	31	Rocks
31	55	Blue clay
55	56	Rocks
56	148	Chalk into shale
148	150	Lost Water in shale
150	240	Gray Shale
		150' SDR 26 16" pvc Casing

STATIC WATER LEVEL	151'
PUMPING WATER LEVEL 1000gpm @	154'
SCREEN LENGTH 150' 16" PVC	
SLOT SIZE	
TOTAL DEPTH	240

GPS:

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/6, 20 14

RECEIVED OF Kenneth J Guenther 31151 434th Ave Yankton SD 57078

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

Fee for Application for Permit No. <u>8062-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8062-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. **06980**

By *Jeanne Goodman*
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. 8062-3, Kenneth & Carol Guenther Revocable Trust**

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. 8062-3, Kenneth & Carol Guenther Revocable Trust, 31151 434th Avenue, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 8062-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8062-3 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
January 5, 2015

Report to the Chief Engineer

Water Permit Application No. 8062-3 Kenneth & Carol Guenther Revocable Trust November 26, 2014

Water Permit Application No. 8062-3 proposes to appropriate groundwater at a maximum diversion rate of 1.67 cubic feet per second (cfs) from one well completed into the Niobrara aquifer. The well is located in the NE ¼ of Section 28, T93N-R61W in Bon Homme County and is 240 feet deep. Water is to be used for the irrigation of 133 acres located in the NE ¼ Section 28, T93N-61W.

Aquifer: Niobrara

Aquifer Characteristics and Hydrogeology:

The Niobrara formation is a Cretaceous aged marl that underlies a large portion of South Dakota (Allen et al., 1985 and Hedges et al., 1982). It consists of layers of chalky limestone, chalk, and calcareous shale (Jorgensen, 1971). The Niobrara aquifer exists within the porous, permeable portions of the Niobrara formation and is a bedrock aquifer (Hedges et al., 1982). The Niobrara aquifer directly underlies the glacial till in the southeast, south central and central portions of the state (Hedges et al., 1982). For much of this area the basal aquifer system is in contact with the Niobrara aquifer, which allows for areas of subsurface flow between the aquifers (Hedges et al., 1982). Various fractures, solution cavities, weathering, and glacial activity features occur throughout the aquifer and can impact water production from the Niobrara aquifer (Hedges et al., 1982).

In Bon Homme County, the Niobrara formation ranges in thickness from being absent due to glacial erosion to 200 feet thick in the northwestern area of the county (Jorgensen, 1971). In Bon Homme County the Niobrara can be subdivided into an upper section of medium to dark gray calcareous marl and a lower section of gray-chalky limestone (Christensen, 1974). In some locations a dark to medium gray marl occurs under the limestone (Christensen, 1974). The Niobrara formation underlies approximately 470 acres of Bon Homme County (Hedges et al., 1982). The Niobrara aquifer is generally under artesian conditions (Hedges et al., 1982), however in Bon Homme County the aquifer can be under water table conditions in some areas (Jorgensen, 1971). There is currently no estimate for the amount of recoverable water (where recoverable water is water that could be extracted from the aquifer by pumping) available from the Niobrara aquifer in Bon Homme County (Hedges et al., 1982). Groundwater flow in the Niobrara aquifer for the county is primarily southward toward the Missouri River Valley, which is a major discharge area for the aquifer (Jorgensen, 1971). Hedges et al. (1982) notes that Niobrara formation has been eroded from the deeper bedrock channels leaving the older

Cretaceous formations exposed. This has left an area of the Niobrara formation isolated from the rest of the formation (Tomhave and Schulz, 2004). Water Permit Application Number 8062-3 is located in this isolated area. This isolated area is shown (outlined in red) in Figure 1. Since this portion of the Niobrara aquifer is isolated from the rest of the aquifer, the analysis of water availability will primarily focus on just this isolated portion of the aquifer.

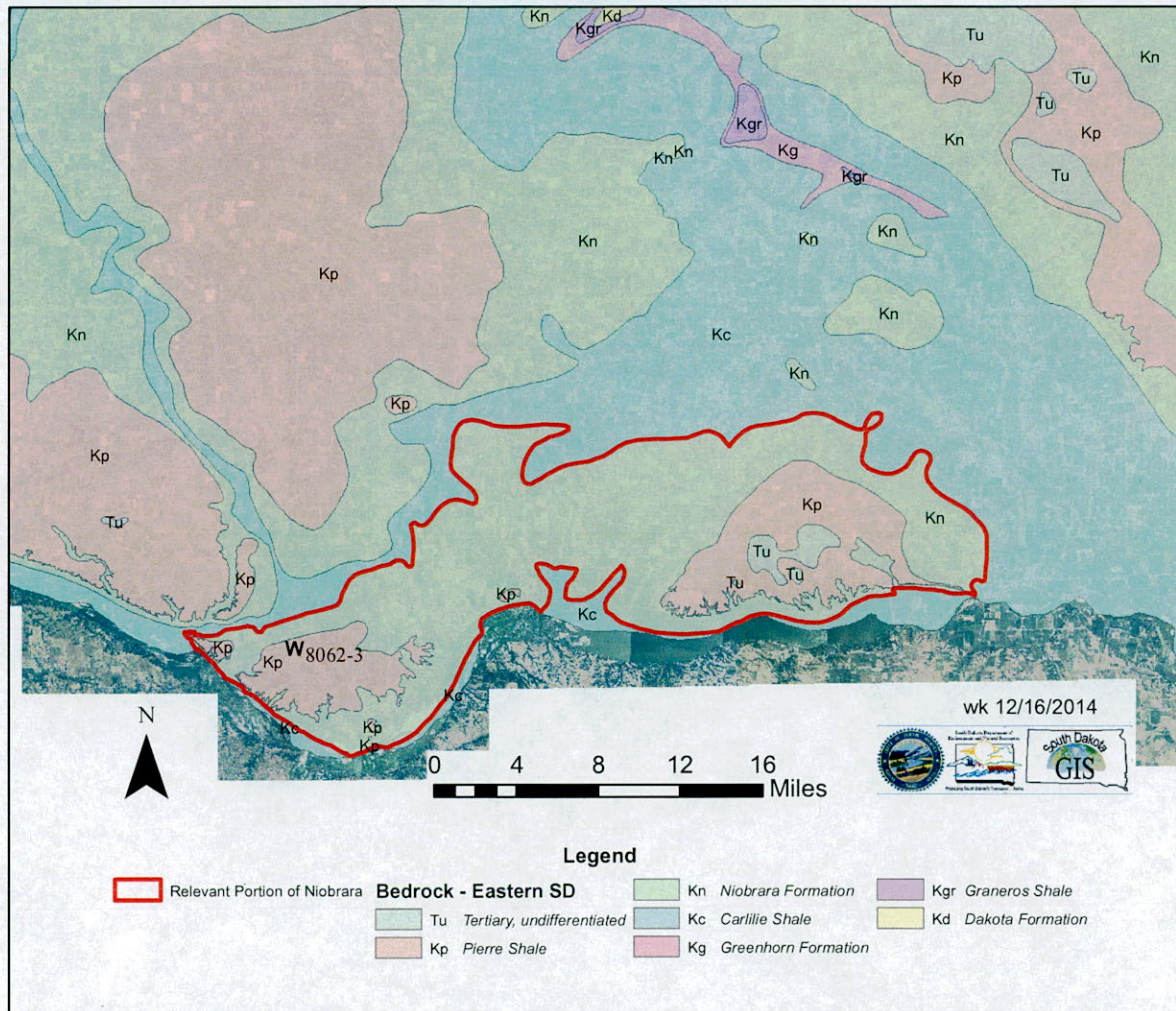


Figure 1: Map Shown Isolated Portion of Niobrara Formation in Relation to Water Permit Application No. 8062-3 (Tomhave and Schulz, 2004)

Based on the well log submitted by the applicant, the well is 240 feet deep. The top of the water bearing material is at a depth of 150 feet, and the static water level is at 151 feet below grade. This yields approximately 89 feet of saturated thickness. The aquifer is under water table conditions at this location.

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. 8062-3 proposes to appropriate water from the Niobrara aquifer. Approval of this application is likely to result in an average annual water use of less than 133 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 Niobrara 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).

Hydraulic Budget:**Recharge:**

Data is not available to estimate average annual recharge to the Niobrara aquifer or this portion of it. Therefore the importance of utilizing the observation well data in considering water availability for this application is emphasized. In Bon Homme County, recharge to the Niobrara

aquifer is primarily by subsurface inflow and by percolation through the outwash, till, and shale deposits (Jorgensen, 1971).

Withdrawals:

Withdrawals from the aquifer include subsurface flow, pumping, and outflow to the Missouri River Valley (Jorgensen, 1971). Withdrawals from domestic wells are not considered a significant portion of the hydraulic budget for the aquifer. The remainder of withdrawals can be split into irrigation and non-irrigation uses.

Although water quality in the Niobrara aquifer typically requires special management for irrigation use to prevent undesirable effects on the soil, there are water rights/permits for irrigation from the Niobrara aquifer (Jorgensen, 1971 and Water Rights, 2014b). The number of water rights/permits for irrigation in this portion the Niobrara aquifer has slightly increased over the period of record with an average of five, a maximum of eight, and a minimum of three (Water Rights, 1980-2014). Figure 2 shows the number of water rights/permits by year over the period of record. Using the reported groundwater pumping data the average annual withdrawal from the aquifer due to irrigation is about 330 acre-feet per year (Water Rights, 1980-2014). The maximum reported pumping rate for the aquifer during the period of record is about 1,365 acre-feet, and the minimum is about 100 acre feet (excluding the years with no irrigation water rights/permits in this area of the aquifer) (Water Rights, 1980-2014). The yearly use of groundwater for irrigation over the period of record is shown in Figure 3. In early 2014, an additional permit was issued for this area of the Niobrara; this permit is likely to result in an average annual water use of less than 233 acre-feet per year (Capen, 2014).

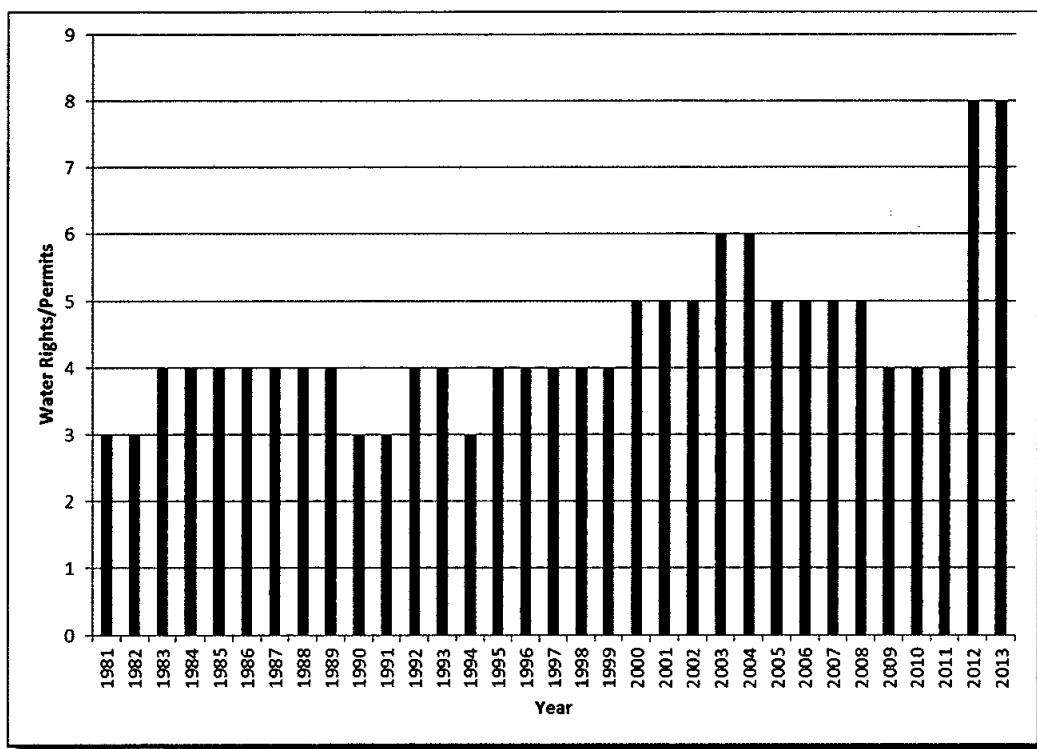


Figure 2: Number of Irrigation Rights/Permits for this Portion of the Niobrara Aquifer by Year (Water Rights, 1980-2014)

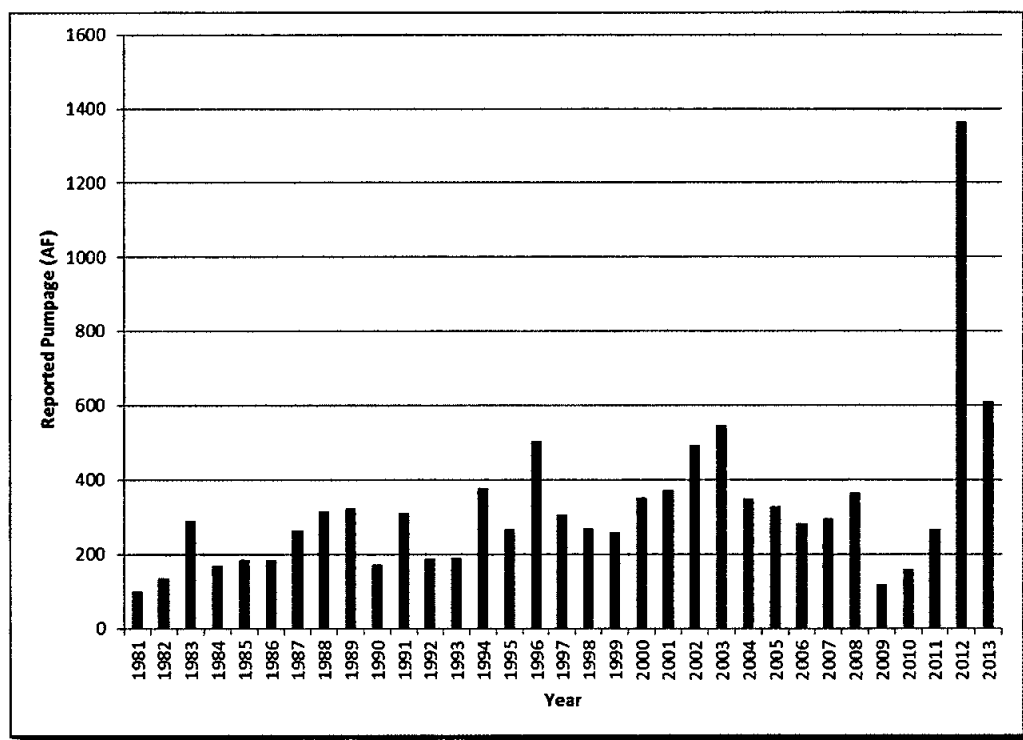


Figure 3: Reported Groundwater Pumpage for Irrigation from Rights/Permits for this Portion of the Niobrara Aquifer by Year (Water Rights, 1980-2014)

Non-irrigation water rights/permits uses of this isolated portion of the Niobrara aquifer include one municipal user (Town of Tabor), and one geothermal user (Yankton School District 63-3) (Water Rights, 2014b). Average annual non-irrigation use can be estimated by assuming that pumping will occur at the maximum diversion rate 60% of the time for water rights/permits limited by rate only. For water rights/permits limited to an annual volume full use of that volume is assumed for estimation of average annual withdrawal. The municipality of Tabor has connected to a rural water system and maintains their wells for standby/emergency use purposes only (i.e. fire protection) (Friedeman, 2014); therefore the average annual withdrawal for the Town of Tabor can be estimated as zero. This results in a total estimated non-irrigation water use of approximately 50 acre-feet per year for this portion of the Niobrara aquifer.

This results in a total estimated average yearly withdrawal of approximately 380 acre-feet. Inclusion of an average annual water use of less than 233 acre-feet per year for the early 2014 permit, results in an estimated average yearly withdrawal of less than 613 acre-feet per year but greater than 380 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 average annual withdrawals from the aquifer do not exceed the estimated annual recharge. The Water Rights Program monitors 58 observation wells in the Niobrara aquifer. Of these three are located in this isolated area of the Niobrara aquifer. Observation well data offers 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, especially in aquifers with large areal extents like the Niobrara aquifer.

Observation well BH-82E is located approximately 1.8 miles west southwest of the proposed well location for Application No. 8062-3. Observation well BH-82C is located approximately 9.8 miles to the northeast. The third is YA-80L, which located about 32 miles to the east. The hydrographs for these observation wells are shown in Figures 4, 5, and 6.

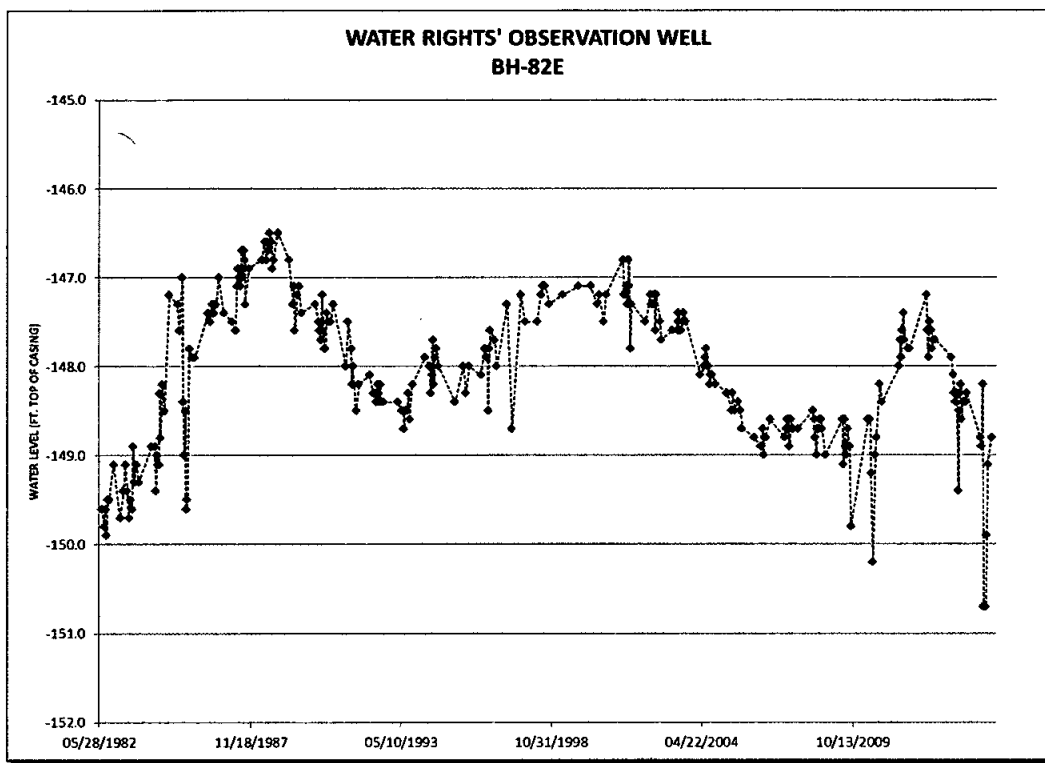


Figure 4: Hydrograph of Observation Well BH-82E (Water Rights, 2014a)

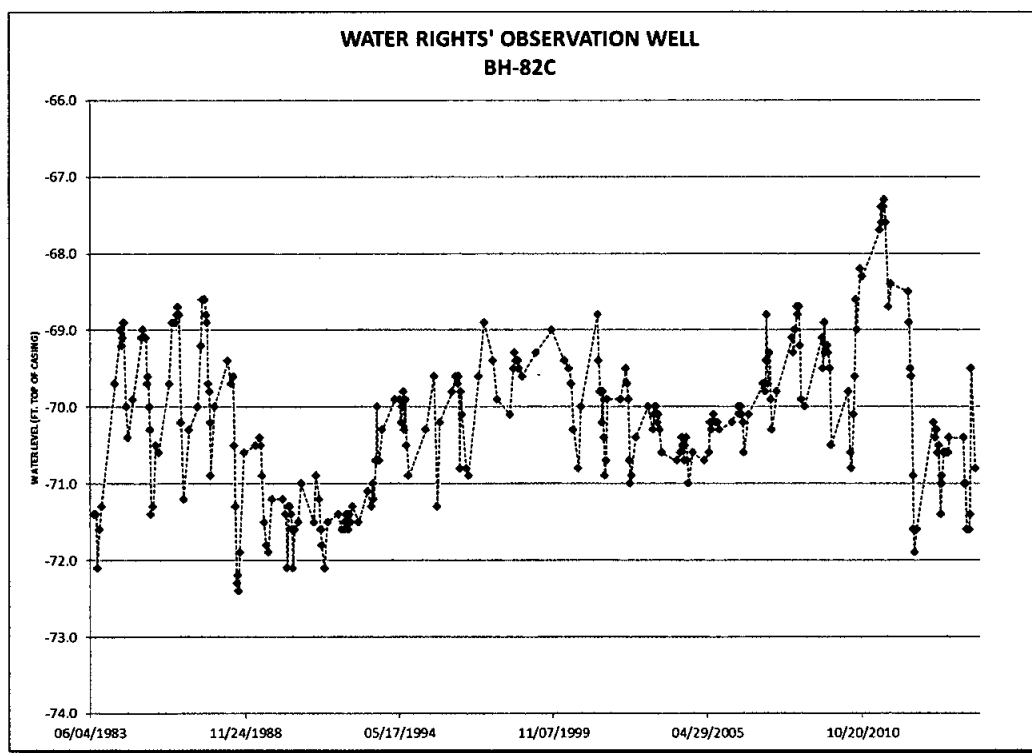


Figure 5: Hydrograph of Observation Well BH-82C (Water Rights, 2014a)

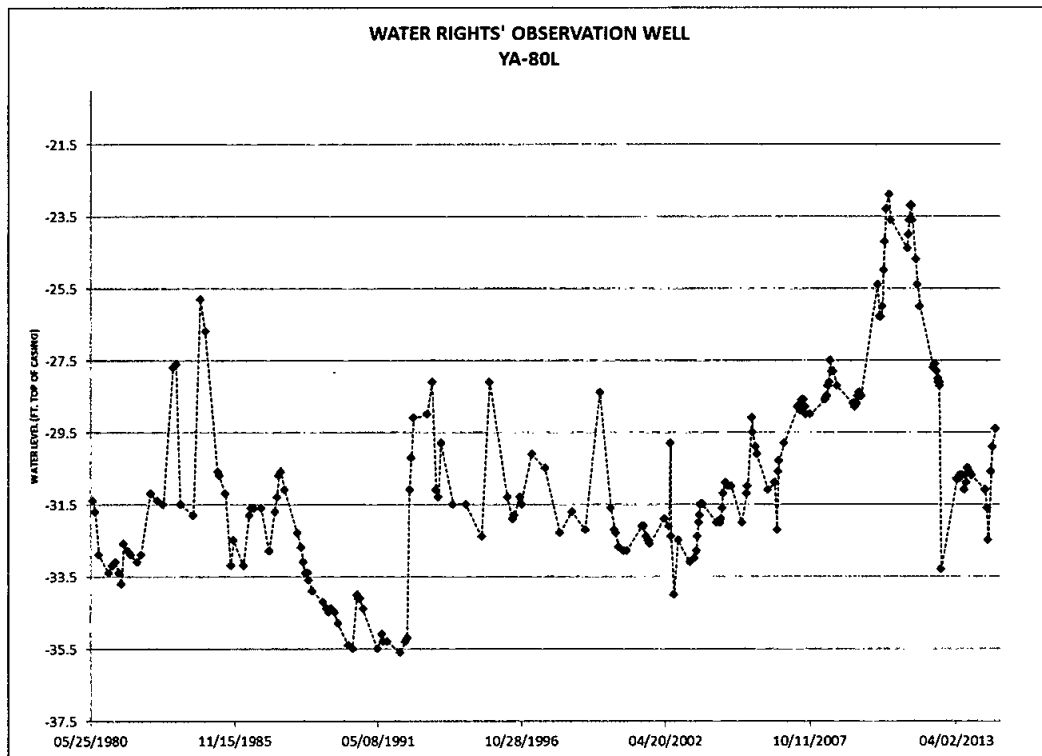


Figure 6: Hydrograph of Observation Well YA-80L (Water Rights, 2014a)

The observation wells all show more water in storage now than at the beginning of the period of record. The increased water in storage indicates that there is a reasonable probability withdrawals are not exceeding recharge. The observation well hydrographs show cyclic patterns based on the effect of climatic conditions on the aquifer. Increases in water levels occur during wetter periods (recharge), and decreases in water levels occur during drier periods. This response to climatic conditions is masking any temporal effects due to pumping. This shows that the hydrographs are dominated by natural conditions and water is available for capture. Based on this there is a reasonable probability that water is available for this appropriation.

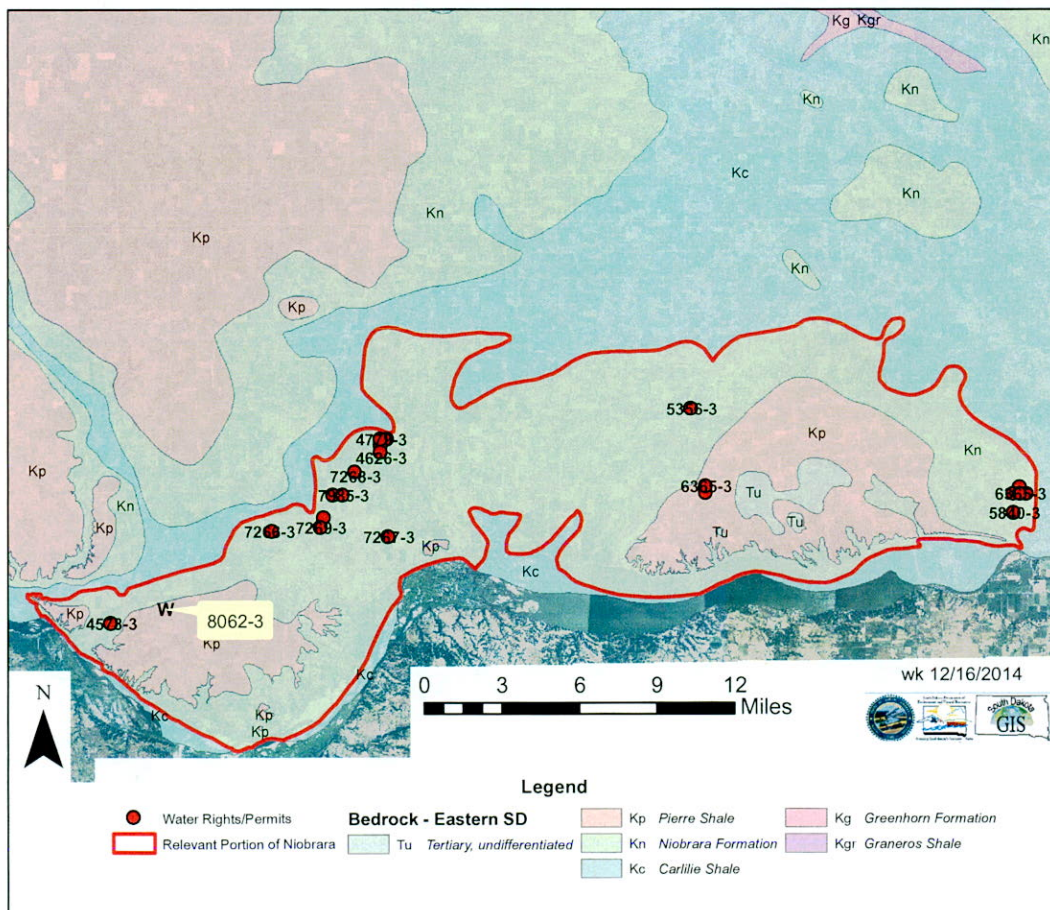
Existing Water Rights/Permits:

The water rights/permits completed in this portion of the Niobrara aquifer are summarized in Table 1, and their locations are shown on the map in Figure 7. The nearest of these is Water Right No. 4578-3, which is about 2.3 miles from the location of Application No. 8062-3 (Water Rights, 2014b). The well proposed by Application No. 8062-3 is not expected to adversely affect Water Right No. 8062-3 due to the distance between their locations, or any other rights/permits in this portion of the Niobrara aquifer.

**Table 1: Existing Water Rights/Permits in this Area of the Niobrara Aquifer
(cancelled water rights not shown) (Water Rights, 2014b)**

Permit No.	Name	Use	Status	CFS	Acres
4578-3	Darlene Nagel Revocable Trust	IRR	LC	1.04	73
4779-3	Terry Balvin	IRR	LC	3.9	287
5356-3	Town of Tabor	MUN	LC	0.4	n/a
5840-3	City of Yankton	IRR	LC	0.43	30
6365-3	City of Yankton	IRR	LC	2.23	99.6
7176-3	Yankton School District 63-3	GEO	PE	0.11	n/a
7266-3	Verlyn & Jeremie Jelsma	IRR	PE	1.33	109
7267-3	Verlyn & Jeremie Jelsma	IRR	PE	1.78	171
7268-3	Verlyn Jelsma	IRR	PE	1.78	146
7269-3	Verlyn Jelsma	IRR	PE	1.67	162
7985-3	William Chenoweth	IRR	PE	3.11	233

IRR=irrigation, LC=license, PE=permit, MUN=municipal, GEO=geothermal



**Figure 7: Water Rights/Permits in the Isolated Portion of the Niobrara Aquifer
(Water Rights, 2014b)**

The Water Rights Program has domestic wells on file within one mile of the proposed well location for Application No. 8062-3 (Water Rights, 2014c). In the Niobrara aquifer at this location, the proposed well is not expected to adversely impact adequate wells far from the proposed well site. However the variable subsurface features of the Niobrara aquifer make the prediction of aquifer characteristics at any one location difficult (Hedges et al, 1982). An adequate well as defined by South Dakota Administrative Rules 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 as possible to the bottom of the aquifer as is practical if the aquifer thickness is 20 feet.” In the past the Water Management Board has recognized that to place water to maximum beneficial, use a certain amount of drawdown may occur. Depending on the characteristics of the Niobrara aquifer at this location, some of the existing nearby domestic well owners could experience some drawdown as a result of the well proposed by Application No. 8062-3, but this is not expected to be to the extent that adequate wells are adversely impacted.

Conclusions

1. Water Permit Application No. 8062-3 proposes to appropriate 1.67 cfs of water from one well completed into the Niobrara aquifer for the irrigation of 133 acres.
2. There is a reasonable probability that there is unappropriated water is available to fulfill the needs of this application.
3. The well proposed by Application No. 8062-3 is not expected to adversely impact adequate wells in the area.



Whitney Kilts

SDDENR-Water Rights Program

Approved by



Ken Buhler

SDDENR-Water Rights Program

References:

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- 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)
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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.

Affidavit of Publication

RECEIVED

State of South Dakota }
County of Bon Homme } SS

JAN 20 2015

WATER RIGHTS PROGRAM

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

Guenther Trust Not. of App. No. 8062-3

63 @ 37.2

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

Jan. 14.....20*15*.....20.....
.....20.....20.....
.....20.....20.....
.....20.....20.....

That the full amount of the fee charged for the publica-
tion of said notice, \$ *23.44*....., inures to the benefit
of the publisher of said newspaper, that no agreement or
understanding for the division thereof has been made
with any other person, and that no part has been agreed
to be paid to any person whomsoever.

Rebecca Dyck, publisher

Subscribed and sworn to before me this

14 day of *Jan.* 20*15*

Leggy Schelske
Notary Public, South Dakota

My Comm. Expires Oct 24, 2015

NOTICE OF APPLICATION

NO. 8062-3 to Appropriate Water

Notice is given that Kenneth & Carol
Guenther Revocable Trust, 31151 434th
Ave, Yankton SD 57078 have filed an
application for a water permit to appro-
priate 1.67 cubic feet of water per second
from one well to be completed into the
Niobrara Aquifer (240 feet deep) located
in the approximate center of the NE 1/4
Section 28 for irrigation of 133 acres locat-
ed in the NE 1/4 Section 28; all in T93N-
R61W.

Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends APPROVAL of
Application No. 8062-3 because 1) unap-
propriated 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 recom-
mended, unless a petition is filed oppos-
ing the application or the applicant files
a petition contesting the Chief Engineer's
recommendation. If a petition opposing
the application or contesting the recom-
mendation is filed, then a hearing will be
scheduled and the Water Management
Board will consider this application. No-
tice of the hearing will be given to the ap-
plicant and any person filing a petition.

Any person interested in opposing or
supporting this application or recom-
mendation must file a written petition
with BOTH the applicant and Chief En-
gineer. The applicant must file a petition
if contesting the Chief Engineer's recom-
mendation. 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 ad-
dress is given above. A petition filed by
either an interested person or the appli-
cant must be filed by January 26, 2015.

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 sup-
porting the application, and the signature
and mailing address of the petitioner
or the petitioner's legal counsel, if legal
counsel is obtained. Information concern-
ing this application is available at <http://denr.sd.gov/public>. Contact Eric Gron-
lund at the above Water Rights Program
address to request copies of information
pertaining to this application. Steven M.
Pirner, Secretary, Department of Environ-
ment and Natural Resources.

Published once at the total approximate
cost of \$23.44

(Jan. 14, 2015)

RECEIVED

JAN 22 2015

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Application No 8062-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 14th DAY OF January 2015
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$27.31 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 1/14/2015

FILED ON: 1/16/2015

SUBSCRIBED AND SWORN TO BEFORE ME THIS 16th DAY OF January

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

1+14
NOTICE OF APPLICATION NO.
8062-3 to Appropriate Water

Notice is given that Kenneth & Carol Guenther Revocable Trust, 31151 434th Ave, Yankton SD 57078 have filed an application for a water permit to appropriate 1.67 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (240 feet deep) located in the approximate center of the NE 1/4 Section 28 for irrigation of 133 acres located in the NE 1/4 Section 28; all in T93N-R61W.

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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 January 26, 2015.

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 \$27.31.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



January 5, 2015

Springfield Times
PO Box 465
Springfield SD 57062

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8062-3 to Appropriate Water. Please publish the notice once January 14, 2015. 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 Kenneth & Carol Guenther Revocable Trust, 31151 434th Ave, Yankton SD 57078 (Ph # 605-661-4540).

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



January 5, 2015

Press & Dakotan
319 Walnut
Yankton SD 57078

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



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

January 5, 2015

Kenneth & Carol Guenther Revocable Trust
31151 434th Ave
Yankton SD 57078

Dear Sir:

Water Permit Application No. 8062-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Springfield Times printed at Springfield SD (Ph # 605-369-2441) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

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

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

Instruction to Newspaper - Publish the Notice on January 14, 2015. 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. 8062-3 to Appropriate Water

Notice is given that Kenneth & Carol Guenther Revocable Trust, 31151 434th Ave, Yankton SD 57078 have filed an application for a water permit to appropriate 1.67 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (240 feet deep) located in the approximate center of the NE 1/4 Section 28 for irrigation of 133 acres located in the NE 1/4 Section 28; all in T93N-R61W.

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Published once at the total approximate cost of_____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

FEB 09 2015

Kenneth & Carol Guenther Revocable Trust
31151 434th Ave
Yankton SD 57078

Dear Sir:

Enclosed is Water Permit No. 8062-3 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

8062-3
RECEIVED

MAY 22 2015

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 5/18/2015TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Kenneth & Carol Guenther Rev Trust
(name)
31151 434th Ave
(address)
Yankton SD 57078 605-661-4540
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

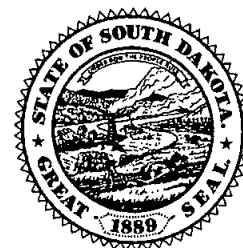
Water Permit No. 8062-3 states that the water use system is to be constructed by
April 15 - 2015 and water is to be put to beneficial use by May 1st 2015
(date) (date)

The water use system was completed on April 15 - 2015
(date)

Applying the water to beneficial use was completed on May 1st 2015
(date)

You may schedule an investigation so that the water license may be issued.

Kenneth Guenther
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 22, 2015

8062-3

Kenneth & Carol Guenther Revocable Trust
31151 434th Ave
Yankton SD 57078

Dear Mr. & Mrs. Guenther:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8062-3**

I have this day, January 23, 2019, made a thorough examination of the water use system constructed by Kenneth & Carol Guenther Revocable Trust, 31151 434th Ave, Yankton, SD 57078, holder of Permit No. 8062-3, bearing the priority of November 6, 2014 authorizing the diversion of 1.67 cu. ft. per second of the waters of groundwater (Niobrara Aquifer) for the irrigation of 133 acres in Bon Homme County.

Inspection contact: Kenneth Guenther

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Christensen Well & Irrigation, Inc.
- 2) No. of Wells 1
- 3) Depth(s) 240 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 150 feet
- 3) Type PVC

Screen:

- 1) Type Open Hole
- 2) Static water level 151 feet

Pump:

- 1) Make Goulds
- 2) Model 10RH0-VL
- 3) Capacity 750 GPM

Motor:

- 1) Make US Motors
- 2) Model No. BF64A
- 3) Horsepower rating 75 hp

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

- 1) Type Galvanized
- 2) Size 8 inches
- 3) Length 75 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T&L
- 2) Overall length 1,290 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 750 GPM

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

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

E. Condition and Location:

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

The well is 1,320 feet west and 1,260 feet south of the northeast corner of Section 28-T93N-R61W (Latitude 42.847660, Longitude -98.05508 – N1/2 of the NE1/4).

2. The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 28-T93N-R61W:

<u>NW1/4NE1/4</u>	<u>33 acres</u>
<u>NE1/4NE1/4</u>	<u>32 acres</u>
<u>SW1/4NE1/4</u>	<u>34 acres</u>
<u>SE1/4NE1/4</u>	<u>32 acres</u>

comprising a total of 131 acres of land and the license should be issued for 1.67cfs.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: None.

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: February 15, 2019

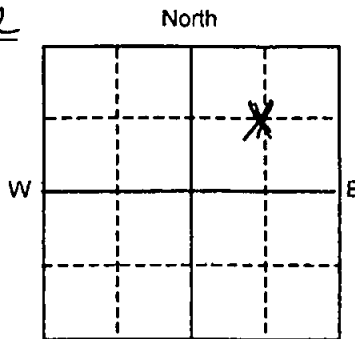
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NE 1/4 Sec 28 Twp 93N Rd 6W

County Bon Homme

Please mark well location with an "X"



Well Completion Date

10-30-14

1 Mile

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

3000 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1100</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>150</u> FT	<u>28</u> IN
<u>EN HOLE</u> LB/FT	IN	<u>150</u> FT	<u>240</u> FT	<u>14</u> IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>115</u>	Lb/gal	<u>0</u> Ft	<u>150</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

pumped down w/ pressure grout

SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter 16 Inches Length 10 Feet

Material 16

Slot Size 16 Set From 16 Feet to 16 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?

chlorine

Lab to which water quality sample sent for analysis ☐ No, Why Not?

Well Owner:

Kenney Guenther

Business Name:

Address:

3151 434 Ave

City, State, Zip:

Yankton, SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>top soil brown</u>	<u>0</u>	<u>8</u>
<u>brown clay & gravel</u>	<u>8</u>	<u>23</u>
<u>ROCKS</u>	<u>23</u>	<u>31</u>
<u>blue clay</u>	<u>31</u>	<u>55</u>
<u>ROCKS</u>	<u>55</u>	<u>56</u>
<u>blue clay</u>	<u>56</u>	<u>75</u>
<u>silty sand blue clay</u>	<u>75</u>	<u>142</u>
<u>dirty red sand</u>	<u>142</u>	<u>148</u>
<u>yellow clay into shale</u>	<u>148</u>	<u>240</u>

STATIC WATER LEVEL

151

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:

☐ Balled

☐ Other

Pumping Level Below Land Surface

151 Ft. After 1 Hrs. pumped 151 GPM

151 Ft. After 1 Hrs. pumped 151 GPM

If pump installed, pump rate: 151 GPM

REMARKS

lost water in shale @ 154'

This well was drilled under license #

444

and this

report is true and accurate.

Drilling firm:

Cheterson Well & Irrigation

Signature of License Representative:

Cody W. Cheterson

Signature of Well Owner or Equitable Property Holder:

RECEIVED

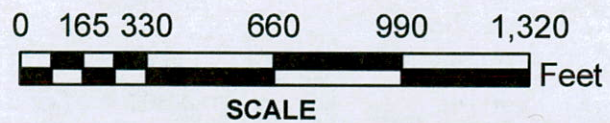
Date:

12-15-14

IAN 02 2015

WATER RIGHTS PROGRAM

Water Right No. 8062-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
February 6, 2019



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 22 2019

8062-3

Kenneth & Carol Guenther Revocable Trust
31151 434th Ave
Yankton SD 57078

Dear Mr. & Mrs. Guenther:

Enclosed is Water License No. 8062-3. 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, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8062-3**

(1) Kenneth & Carol Guenther Revocable Trust, 31151 434th Ave., Yankton SD 57078 made Application No. 8062-3, November 6, 2014 for a water permit to divert 1.67 cubic feet of water per second from ground water, one well (Niobrara Aquifer), Bon Homme County, South Dakota for irrigation purposes. Permit No. 8062-3, with a priority date of November 6, 2014 was approved January 26, 2015 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before January 26, 2020 and for the application to beneficial use of water on or before January 26, 2024.

A "Notice of Completion of Works and Application of Water to Beneficial Use" was submitted on May 22, 2015. The "Notice" stated the water use system was completed on April 15, 2015 and the water placed to beneficial use on May 1, 2015.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 1.67 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,320'W and 1,260'S of the NE corner of Section 28, T93N, R61W (approximate center of NE ¼)
Latitude 42.847660, Longitude -98.05508

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

T93N, R61W Section 28	NW ¼ NE ¼	33 acres
	NE ¼ NE ¼	32 acres
	SW ¼ NE ¼	34 acres
	SE ¼ NE ¼	32 acres
	Total	131 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Kenneth & Carol Guenther Revocable Trust, 31151 434th Ave., Yankton SD 57078 the holders and/or owners of Water Right No. 8062-3 are issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from ground water, one well (Niobrara Aquifer) with a priority date of November 6, 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. 8062-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 8062-3 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 October, 2014 by Christensen Well & Irrigation. A copy of the well completion report is on file with the Water Rights Program.*

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



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

MAY 22 2019

date

