

WATER PERMIT NO. 8063-3

Name of Applicant: **Rollin J Morehouse**

Address: **8920 W 28th St, St. Louis Park MN 55426**

Phone: **952 270-9333**

Amount of Water Claimed: **2.28 cfs**

Total Acres: **160 acres**

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

Water to be used for: **irrigation**

County: **Roberts**

Type of Waste Disposal System:

Location: **6 miles northwest of Summit**

PRIORITY

Date Received: **11-19-14**

Application/License Fee: **\$ 1,050**

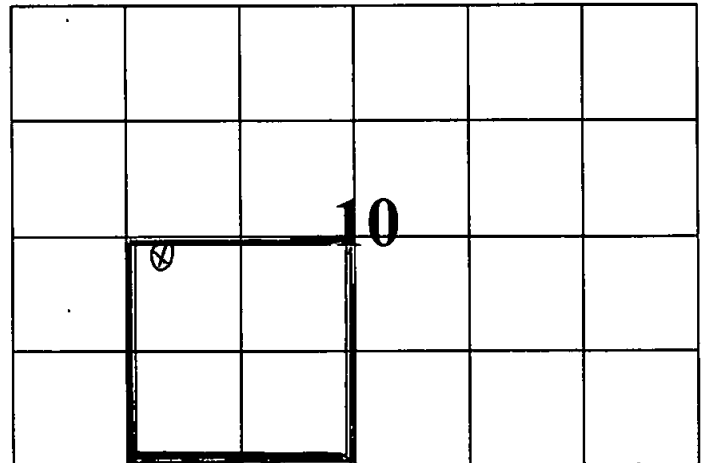
Corrected Application Received:

Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **NW 1/4 SW 1/4 Sec 10-T122N-R52W**

Land to be Irrigated: **SW 1/4 Sec 10-T122N-R52W**



Depth of Well: **94 feet deep**

Well Driller: **Steffl Drilling & Pump**

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **11-19-14**

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. <u>8063-3</u>	Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>	<u>605-698-7642</u>
	Newspaper <u>Sisseton Courier Box 169</u>	<u>57262</u> <u>605-586-</u> <u>6901</u>

Public Opinion, Box 10, Watertown 57201

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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 Rollin J. Morehouse

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

(name and complete address if different than above name)

Mailing Address 8920 West 28th Street St. Louis Park MN 55426
(Address) (City) (State) (Zip Code)

Home Phone (952) 546-1003 Cell (952) 270-9333 Email rollinmorehouse@gmail.com

2. Amount of water claimed 2.28 *CFS or 1,025 **GPM ***AF Total Acreage 160
(*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 2 wells in NW1/4 SW1/4 Section 10 - T122 North - R52West

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Roberts

5. County or counties where water will be used Roberts

6. Annual period during which water is to be used April to October 31

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

Land Description	Acres	Land Description	Acres
SW1/4 SW1/4 Section 10 - T122N - R52W	40		
SE1/4 SW1/4 Section 10 - T122N - R52W	40		
NW1/4 SW1/4 Section 10 - T122N - R52W	40		
NE1/4 SW1/4 Section 10 - T122N - R52W	40		

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

Installation of a permanent well, pump, motor, pipe, and electrical system to support 160-acre center pivot sprinkler irrigation system for use in growing agricultural crops, primarily corn, soybeans, and small grains in Ortley Township, Roberts County, South Dakota.

I, Rollin J. Morehouse, 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. 8063-3**

Date of first receipt of application November 19, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8063-3 to Rollin J Morehouse, 8920 W 28th St, St. Louis Park MN 55426 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. 8063-3 appropriates 2.28 cubic feet of water per second from two wells to be completed into the Coteau Lakes Aquifer (94 feet deep) located in the NW 1/4 SW 1/4 Section 10 for irrigation of 160 acres located in the SW 1/4 Section 10; all in T122N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is November 19, 2014.
4. The date of approval of Permit No. 8063-3 is February 6, 2015.
5. One-fifth of the construction is to be completed on or before August 6, 2017.
6. All construction is to be completed on or before February 6, 2020.
7. Water is to be put to beneficial use on or before February 6, 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8063-3 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 17 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 2 Have test holes been drilled ☒ Yes ☐ No Drilled by Steffl Well Drilling
(if yes, please provide copies of logs)

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

c) Well Depth 94 ft Depth to Top of Water Bearing Material Depth to Water from Surface

d) Distance to nearest existing domestic well:

On applicant's property On property owned by others 1,320 ft. north (estimate)

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)

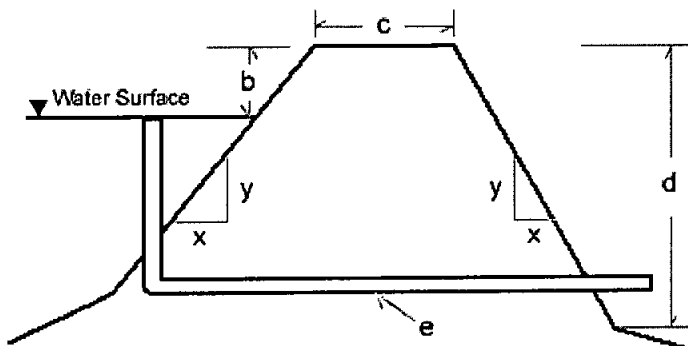
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



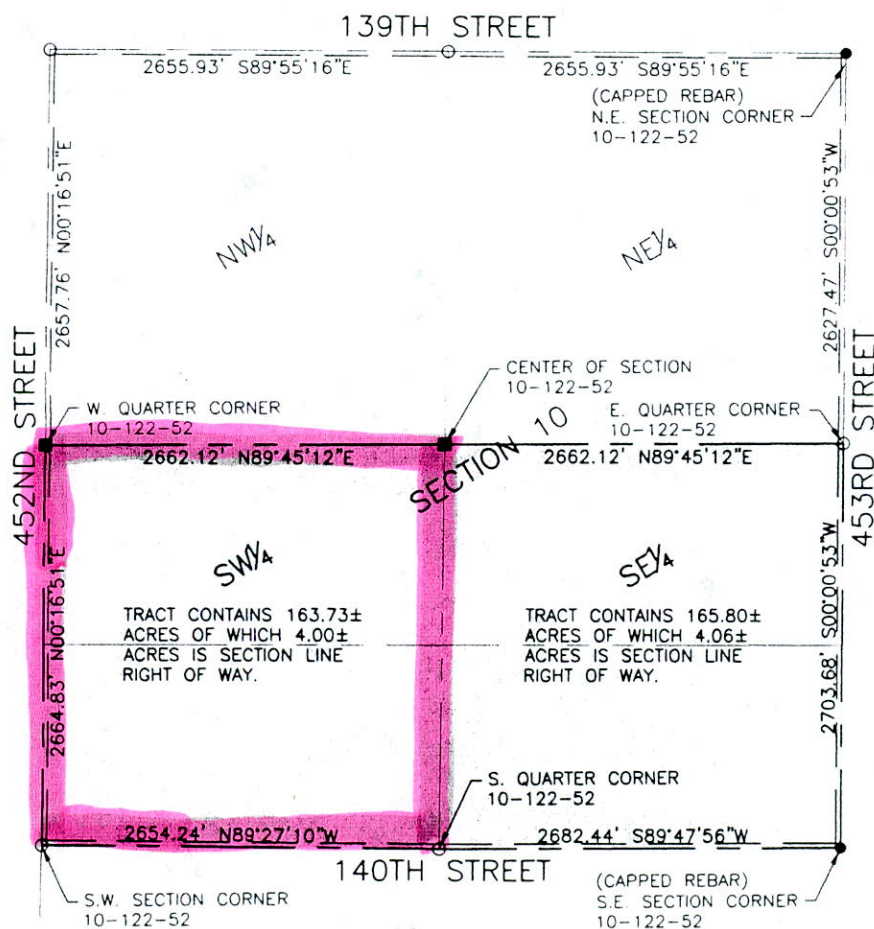
Survey of The North Line of the South Half of Section 10, Township 122 North, Range 52 West of the 5th P.M., Roberts County, South Dakota.

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- September 3, 2014
Scale: 1"=1000'
- Calculated Corner
 - Monument Recovered
 - ½"x18" Rebar w/ Plastic Cap
 - Stamped #11310 Set
 - Section Line
 - Quarter Line
 - Right of Way Line
 - Sixteenth Line

NOTE: Bearings are based on GPS observation.



SE ¼

165.80
- 4.06 ROW*
161.74 Tillable
162 (rounded)

SW ¼

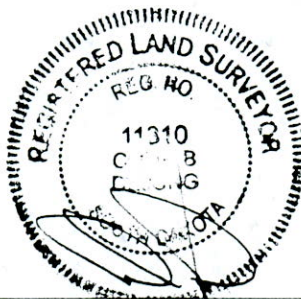
163.73
- 4.00 ROW
159.73 Tillable
160 (rounded)

* Right of Way
(ROW)



Prepared By
AASON ENGINEERING COMPANY, INC.

1022 6th St SE
Watertown, SD
Telephone 605-882-2371

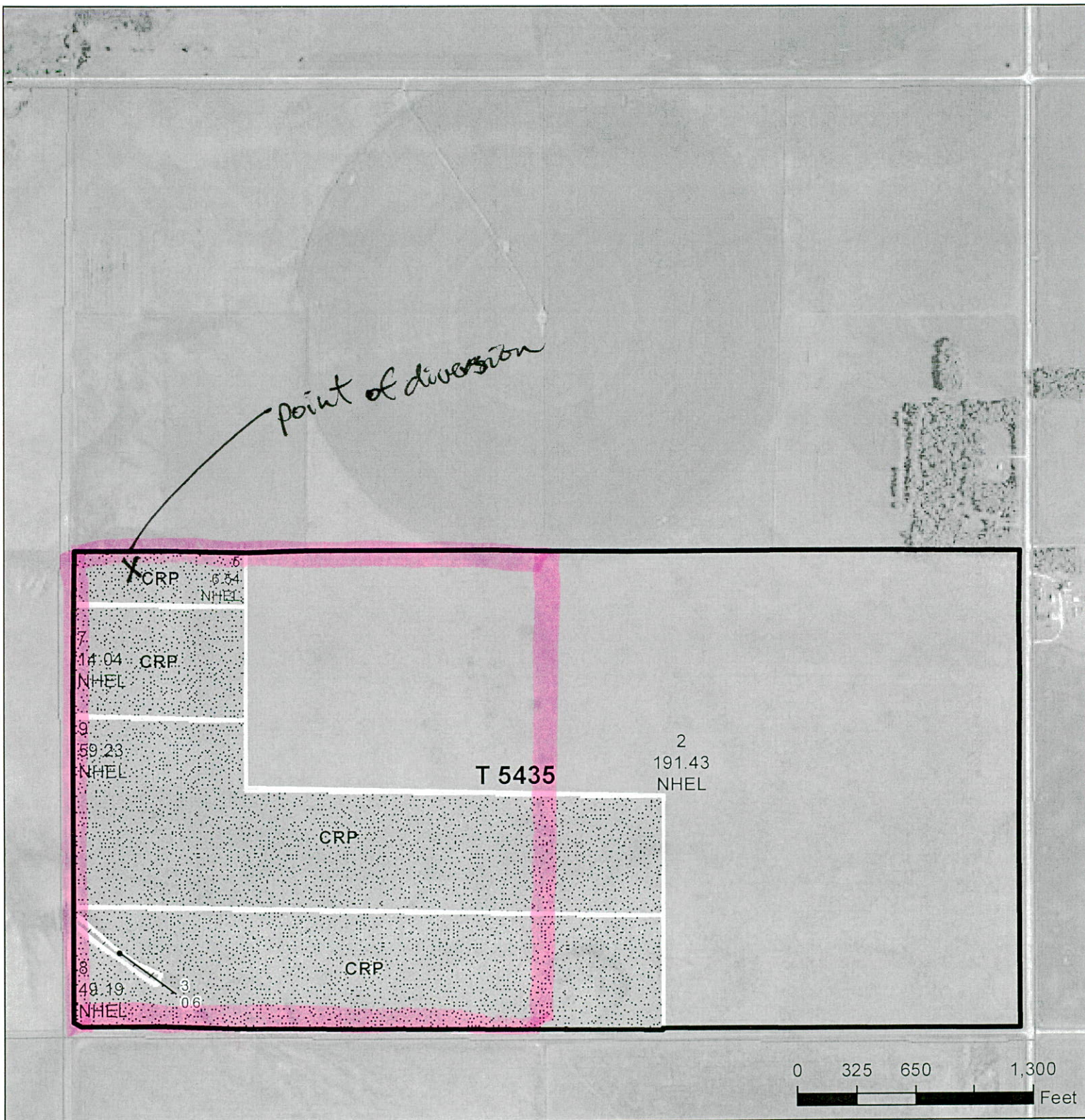


Registered Land Surveyor



United States
Department of
Agriculture

Roberts County, South Dakota



Common Land Unit
Cropland / / Non-cropland
Conservation Reserve Program

Wetland Determination Identifiers
● Restricted Use
▽ Limited Restrictions
□ Exempt from Conservation
Compliance Provisions

Tract Boundary Section Line



2012 Ortho-Photography - not to scale

2014 Program Year
RECEIVED Map Created December 30, 2013

NOV 19 2014

Farm 1842

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10 -122N -52W

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).

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Point of Diversion
(Test Hole Well)
600 ft. east of NW corner of SW 1/4



1870 - 1882 = Elevation change

Morehouse Ortley SW 1/4

Data use subject to license.

© DeLorme. XMap® 7.

www.delorme.com

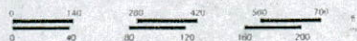
139.1 acres
under pivot

TN

MN (3.4"E)

(155 acres w/
corner system)

Scale 1 : 5,200



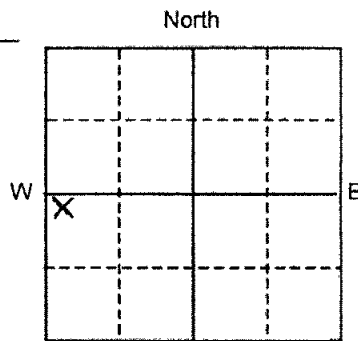
Data Zoom 15-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ SW ¼ Sec 10 Twp 122 Rg 52

County Roberts

Please mark well
location with an "X"

Well Completion Date

September 10, 2014

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe

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

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bentonite	5	Lb/gal	0.0 Ft	103.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Pressure Tremmie

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____

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

Well Owner: Rollin Morehouse

Business Name: _____

Address: 8920 W 28th St

City, State, Zip: St. Louis Park MN 55426

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
Top Soil	Brn	M	0	3
Sand/Gravel	Ylw	18-40slt	3	54
Clay	Blu	M	54	62
Sand/Gravel	Tan	20-100slt	62	93
Clay	Gry	M-H	93	103

STATIC WATER LEVEL

FEET

If flowing: closed in pressure

PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____

☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Test Hole #1

45 21 46.0N

97 09 46.1W

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This well was drilled under license # 463 and this report is true and accurate.

Drilling firm: Steffl Drilling & Pump Inc / Michael Gjerde

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/19, 20 14

RECEIVED OF Morehouse Farms 8920 W 28th St St Louis Park MN 55426

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

Fee for Application for Permit No. <u>8063-3</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>8063-3</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. **06986**

By *James Goodman*
Chief Engineer

Mr. Eric Gronlund
Department of Environment and Natural Resources
PMB 2020
Water Rights Program
523 East Capitol Avenue
Pierre, SD 57501-3182

November 17, 2014

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**WATER RIGHTS
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Dear Eric:

Enclosed is my application for a water permit to irrigate the SW ¼, Section 10, Township 122 North, Range 52 West in Roberts County, South Dakota. To support the application, I'm enclosing an FSA map and other maps as well as a Steffl Drilling & Pump Well Completion Report.

I've also enclosed a check for \$1,050.00 to pay for filing and licensing fees. Please let me know if I need to complete any other requirements at this time to begin and/or finalize the water permit process.

Thank you, in advance, for your time and assistance.

Kind regards,



Rollin J. Morehouse
8920 West 28th Street
St. Louis Park, MN 55426

(952) 546-1003 office
(952) 270-9333 cell

enclosures: DENR Permit Application: Form 2 and Form 2A
Steffl Drilling & Pump, Inc. Well Completion Report (test drilling)
2014 FSA Map
2014 Aason Engineering Survey Map
Farmer's Equipment & Irrigation DeLorme irrigation map
Morehouse Farms check #5201



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. 8063-3, Rollin J Morehouse**

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. 8063-3, Rollin J Morehouse, 8920 W 28th Street, St. Louis Park MN 55426.

The Chief Engineer is recommending APPROVAL of Application No. 8063-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8063-3 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 20, 2015

**REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NO. 8063-3**

Rollin J Morehouse

January 16, 2015

Water Permit Application No. 8063-3 proposes to divert water at a maximum rate of 2.28 cubic feet per second (cfs) from two wells completed into the Coteau Lakes aquifer (at approximately 94 feet deep), both located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, T122N-R52W in order to irrigate 160 acres in the SW $\frac{1}{4}$ of Section 10, T122N-R52W in Roberts County.

AQUIFER: Coteau Lakes aquifer (COL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

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

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

A test hole log submitted with this application shows an unconfined water bearing formation at this location comprised of sand and gravel at three to 93 feet below ground surface. This depth is consistent with known characteristics of the Coteau Lakes aquifer. Lithological records for the area (SDGS, 2015), observation well data (Water Rights, 2015a), and Thompson (2001) and Leap's (1972 and 1988) maps of the area suggest this portion of the aquifer underlies approximately 32,660 acres (Mathiowetz, 2014) between Day and Roberts Counties. Proximity of the formation to area lakes indicates that there may be a hydraulic connection between this portion of the aquifer and Hurricane Lake to the northeast and Blue Dog, Enemy Swim, and Bitter Lakes to the west, northwest, and southwest, respectively. A map of the area is shown in Figure 1. The proposed well location in Water Permit Application No. 8063-3 falls within the area of the formation shown in Figure 1 (modified from Leap, 1988; Leap, 1972; Thompson, 2001; Mathiowetz 2014).

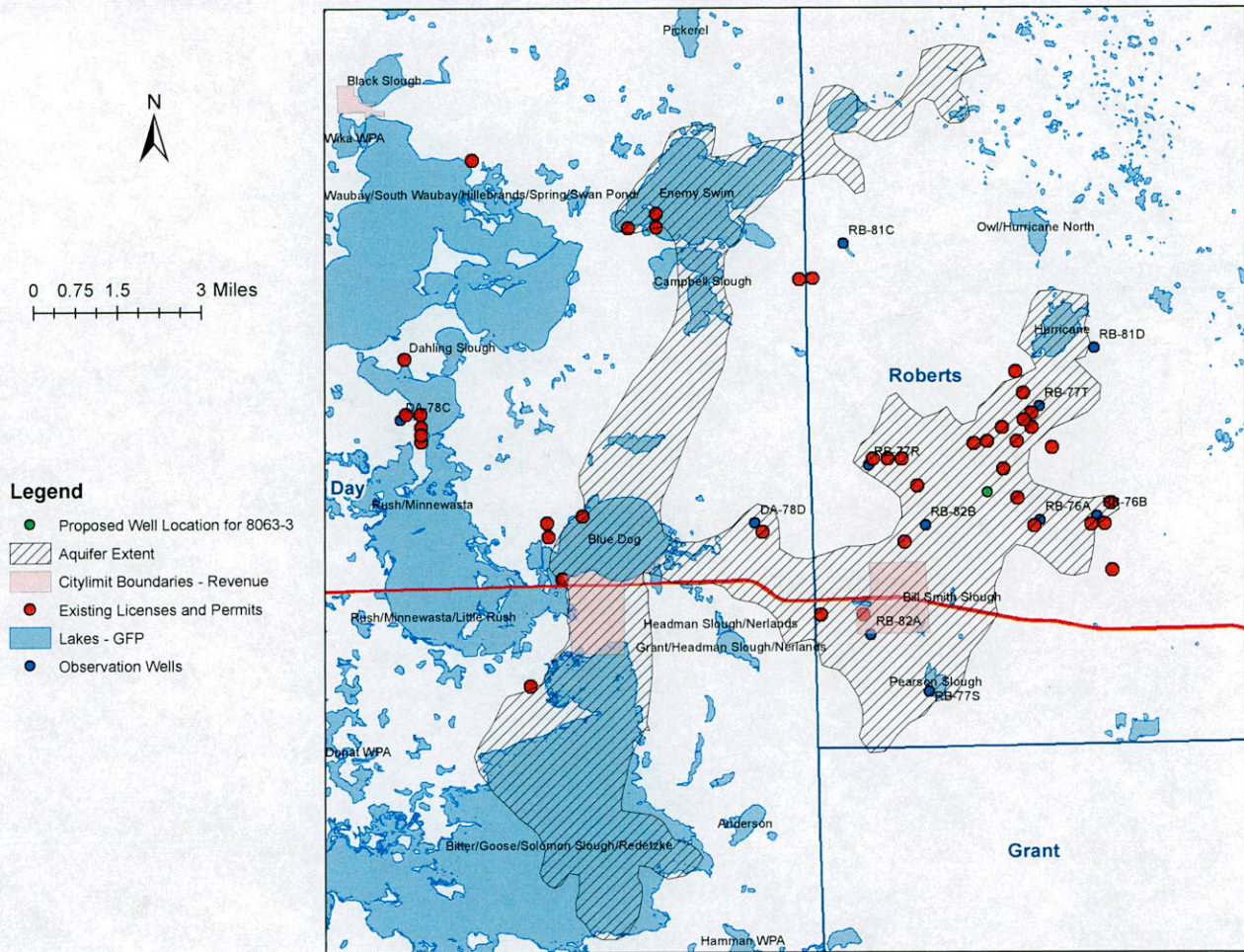


Figure 1: Map of the portion of the Coteau Lakes aquifer from which Water Permit Application No. 8063-3 proposes to divert (modified from Leap, 1988; Leap, 1972; Thompson, 2001; Mathiowetz 2014).

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

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

WATER AVAILABILITY:

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

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

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).

Hydrologic Budget:

Recharge:

Recharge to the Coteau Lakes aquifer is primarily through infiltration of precipitation and possibly adjacent lakes (Thompson, 2001). However, Blue Dog Lake, approximately 1.5 miles from Observation Well DA-78D, shows water levels that are consistently 15-20 feet lower than those observed in the observation well. The lowest water level ever measured in the observation well (1,816.7 feet above mean sea level, measured on September 1, 1982) is more than twelve feet above the highest water level ever measured in Blue Dog Lake (1,804.4 feet above mean sea level, measured on October 5, 2011). Consequently, recharge from Blue Dog Lake is unlikely. Water levels in Hurricane Lake are known only relative to local benchmarks and not mean sea level. Other lakes in the area (including Bitter Lake and Enemy Swim Lake) that may be hydraulically connected to the aquifer are not in close proximity to any observation wells, so their relationship with aquifer recharge and/or discharge is unknown.

Hedges and others (1985) estimated the average recharge to the aquifer using observation well analysis to be approximately 4.5 inches annually. Given the estimated aerial extent of this portion of the aquifer (32,660 acres), this rate would result in approximately 12,248 acre feet per year (ac-ft/yr) of recharge to this portion of the aquifer.

Discharge:

Discharge from the Coteau Lakes aquifer occurs through evapotranspiration, seepage to lakes, and well withdrawals. In addition to one pending water permit application for irrigation, there are currently 26 water rights/permits authorized to divert water from this portion of the Coteau Lakes aquifer with 21 being used for irrigation, four used for commercial purposes, and one used for institutional/recreational purposes. The non-irrigation water rights are assumed to pump water at their maximum allowable diversion rate 60 percent of the time. Given this assumption,

water use by these rights/permits is expected to be approximately 83.8 ac-ft/yr. Historic irrigation use from this portion of the aquifer is listed in Table 1 and averages 808 ac-ft/yr.

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

Table 1: Historic irrigation use in the portion of the Coteau Lakes aquifer that Water Permit Application No. 8063-3 proposes to divert from (Water Rights, 1980-2014).

In addition to water rights/permits, there are also domestic wells completed in this portion of the Coteau Lakes aquifer. Domestic well withdrawal is assumed to be negligible compared to irrigation and other non-irrigation uses.

Hydrologic Budget:

The estimated average annual withdrawal from this portion of the Coteau Lakes aquifer is 891.5 ac-ft/yr. The estimated average annual recharge to this portion of the aquifer is 12,248 ac-ft/yr. Since recharge is greater than withdrawals unappropriated water is available for the proposed use.

Observation Well Data:

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

The Water Rights Program monitors eight observation wells in this portion of the Coteau Lakes aquifer (Water Rights, 2015a). The closest of these wells to the proposed diversion site (RB-76A) is located approximately 0.4 miles to the south. The water levels in RB-76A appear to be primarily climatically controlled, rising during wet years and declining during dry years. Natural recharge to and discharge from the aquifer eclipse the effects of pumping, therefore natural discharge is available for capture and for the proposed use in this application (see Figure 2).

Observation Well RB-82B, located approximately 0.6 miles to the southwest of the proposed well site shows much more stable water levels over the period of record with variation not exceeding three feet (see Figure 3). As is exemplified in Figures 2, 3, 4, and 5, trend lines for all eight observation wells have a positive slope over the period of record and steadily increasing water levels over time. Consequently, the amount of water in storage in the aquifer has been increasing on average since records began. This indicates average recharge exceeded average usage over this time period, and unappropriated water is available for the proposed use.

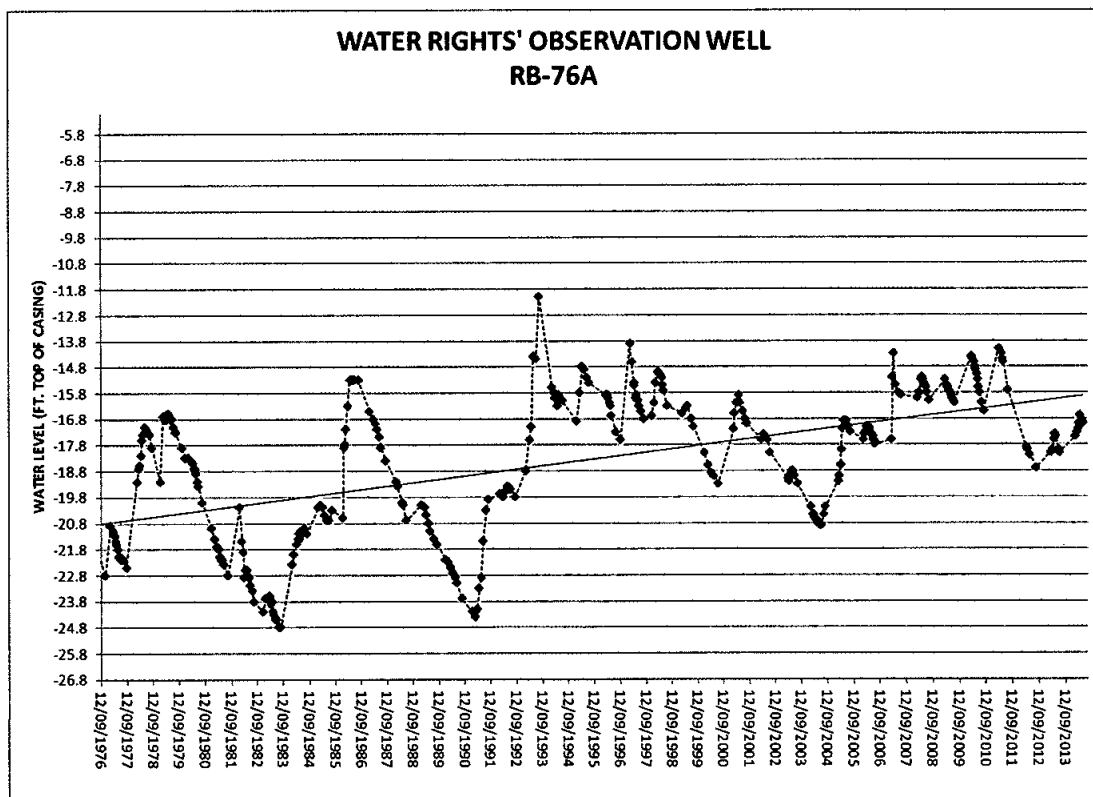


Figure 2: Historic water levels in Observation Well RB-76A (Water Rights, 2015a).

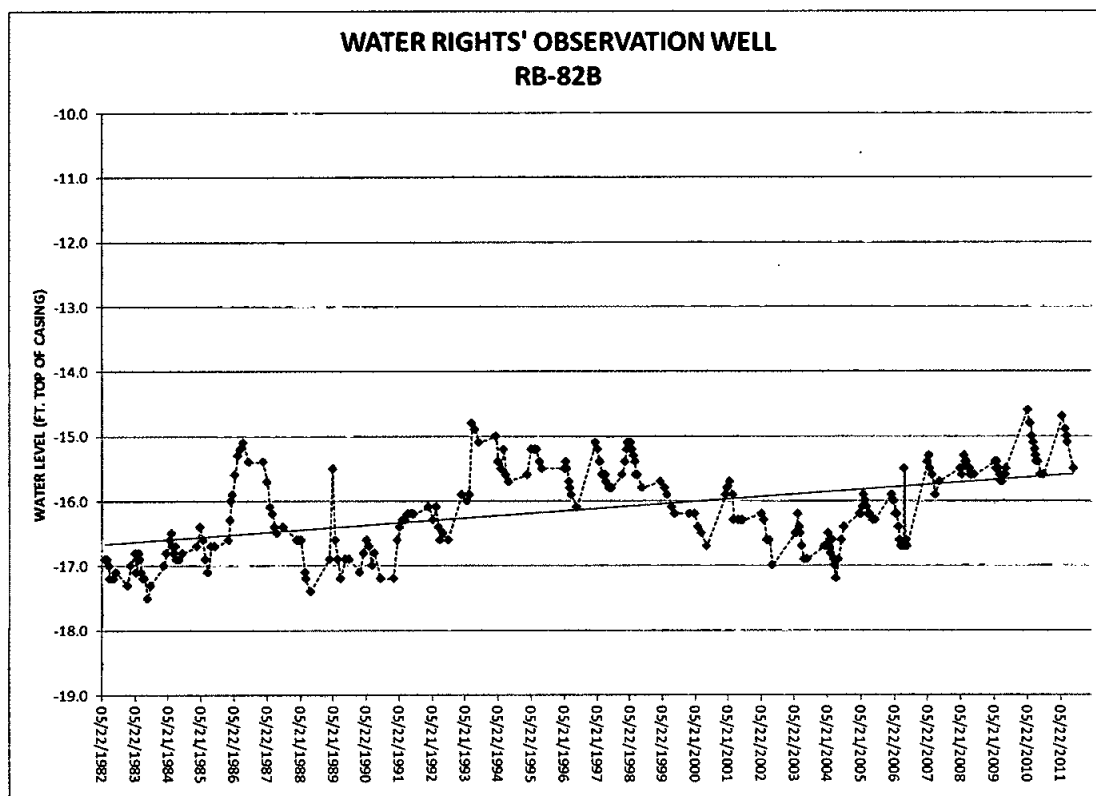


Figure 3: Historic water levels in Observation Well RB-82B (Water Rights, 2015a).

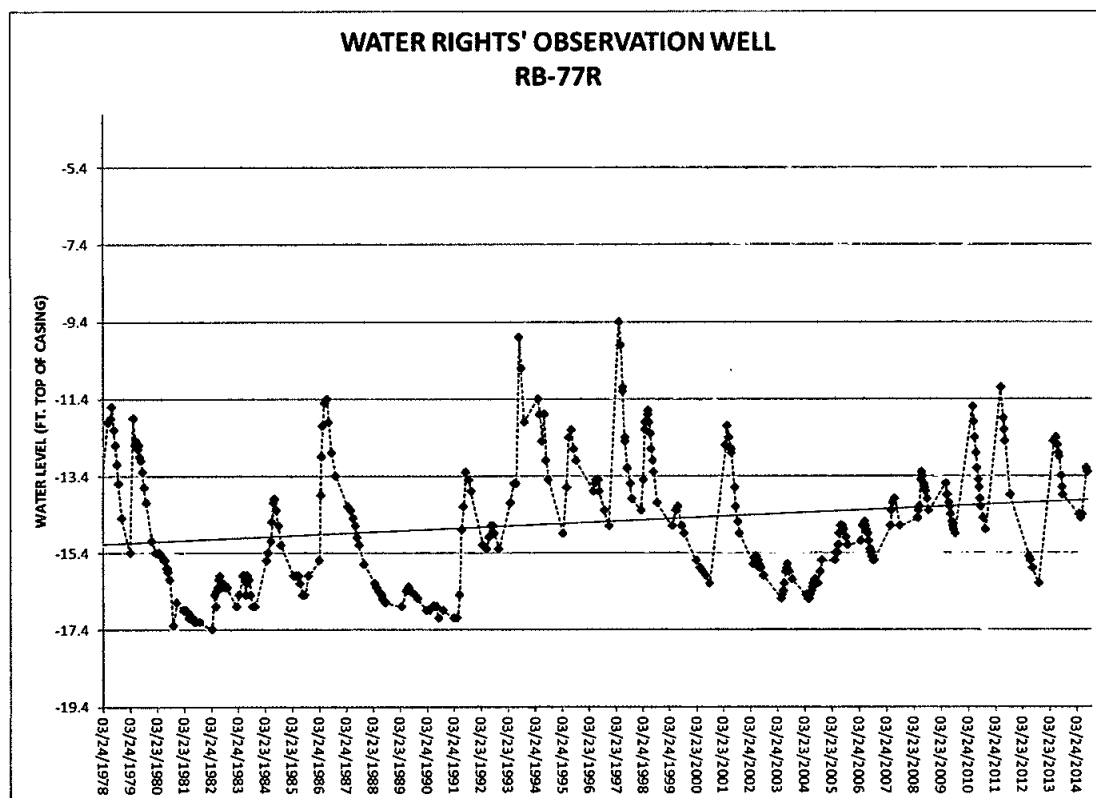


Figure 4: Historic water levels in Observation Well RB-77R (Water Rights, 2015a).

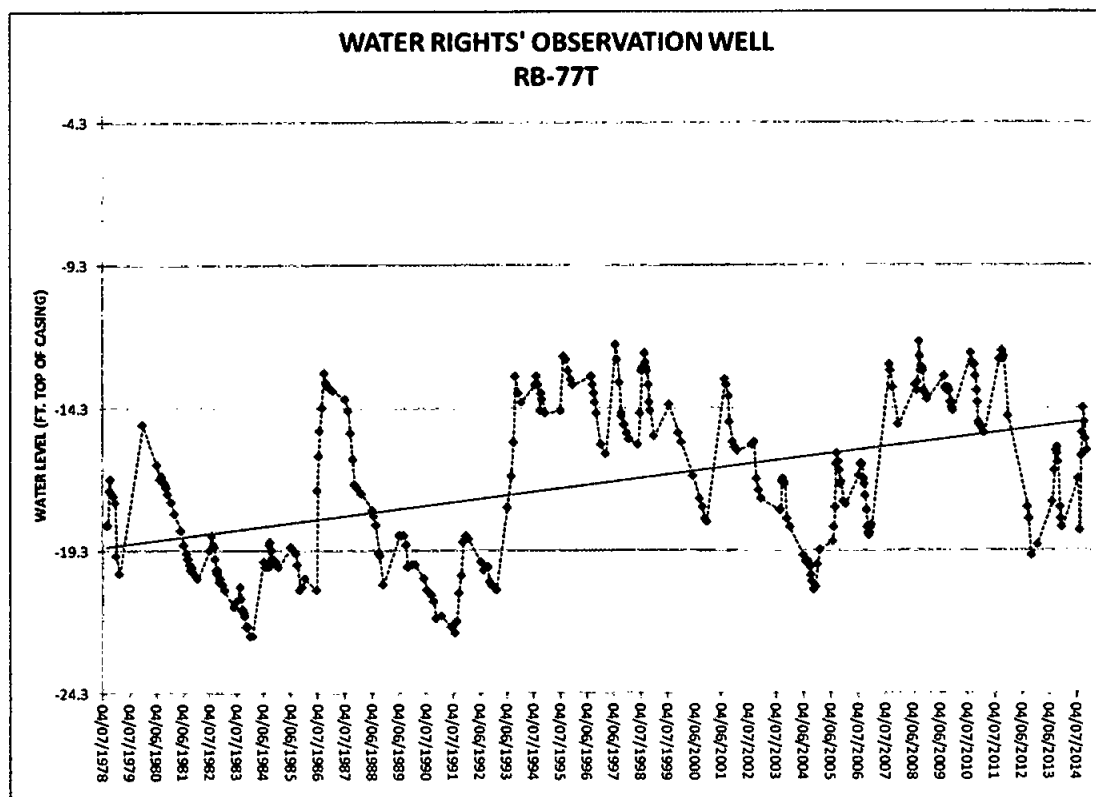


Figure 5: Historic water levels in Observation Well RB-77T (Water Rights, 2015a).

EXISTING WATER RIGHTS:

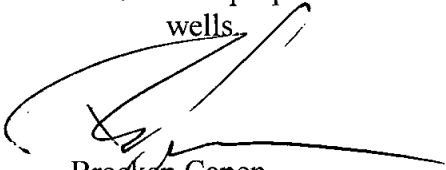
The nearest diversion point authorized by a water right/permit to the proposed diversion site (5723-3) is located approximately 2,500 feet to the east (Water Rights, 2015b) and is held by the Endres Family Trust. No static water level was reported in the test hole log submitted with this application. However, given the depth of the water bearing formation (from ground surface to 93 feet below grade, or approximately 1,790-1,880 feet above mean sea level) and the range of water table elevations measured in nearby observation wells (1,878-1,891 feet above mean sea level in Observation Well RB-76A to the east and 1,836-1,831 feet above mean sea level in Observation Well RB-82B to the west), it follows that there is at least 40 feet of saturated thickness in this area (Water Rights, 2015c). The closest well operated under Water Right No. 5723-3 was completed to a depth of 72 feet below ground surface or approximately 1,810 feet above mean sea level. This elevation is approximately 20 feet below the lowest water table elevations measured in the nearby observation wells. Theis equation calculations using aquifer properties obtained from a pump test performed on the well operated under Water Right No. 5723-3 show that drawdown at the distance between the well and the proposed well site in this application is not expected to exceed two feet. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown will occur. Adequate wells defined by ARSD 74:02:20(7) are not expected to be adversely impaired due to the additional diversion from the well.

Conditions could occur where withdrawal exceeds the average annual recharge. When this occurs, the saturated thickness of the already thin aquifer could be reduced. If the saturated

thickness is reduced to the extent that water rights/permits can no longer pump at their developed or "historically established" diversion rates, this may be considered an adverse impact.

CONCLUSIONS:

1. Water Permit Application No. 8063-3 proposes to construct two wells and to appropriate 2.28 cfs in order to irrigate 160 acres in the SW ¼ of Section 10, T122N-R52W.
2. There is a reasonable probability that unappropriated water is available from the Coteau Lakes aquifer to supply the proposed appropriation.
3. The proposed diversion is not expected to adversely impact existing nearby adequate wells.



Bracken Capen
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
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- Thompson, R.F. 2001. Water Resources of Lake Traverse Reservations, South and North Dakota, Roberts County, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 01-4219.
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- Water Rights. 2015a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2015b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
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RECEIVED

FEB 06 2015

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Roberts)

I, Sylvia Deutsch

certify that the attached printed Notice was
taken

from the Sisseton Courier

printed and published in Roberts

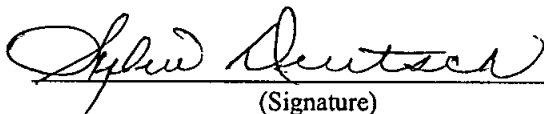
County of South Dakota and

state of South Dakota. The notice was
published

in the newspaper on the following date:

January 27, 2015

Cost of Printing \$21.43


(Signature)

President

(Title)

January 27, 2015

(Date Signed)

NOTICE OF APPLICATION

NO. 8063-3 TO

APPROPRIATE WATER

Notice is given that Rollin J. Morehouse, 8920 W 28th St, St. Louis Park MN 55426 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from two wells to be completed into the Coteau Lakes Aquifer (94 feet deep) located in the NW 1/4 SW 1/4 Section 10 for irrigation of 160 acres located in the SW 1/4 Section 10; all in T122N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8063-3 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 February 6, 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 \$21.43.

RECEIVED

FEB 04 2015

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

January 27th, 2015

Cost of Printing \$55.84

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

January 27th, 2015

(Date Signed)

DENR

Notice of Application No 8063-3 to Appropriate Water Notice is given that Rollir J. Morehouse, 8920 W 28th Street, St. Louis Park, MN, 55426, has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from two wells to be completed into the Coteau Lakes Aquifer (94 feet deep) located in the NW 1/4 SW 1/4 Section 10 for irrigation of 160 acres located in the SW 1/4 Section 10; all in T122N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8063-3 because 1) unappropriated water is unavailable, 2) existing rights will not be unlawfully impaired, 3) it is 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 hearing will be given to the applicant and any person filing a petition.

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Published once at the approximate cost of \$52.29. (January 27, 2015)

55.84
All legal notices in the Public Opinion and other South Dakota newspapers can be found at www.sdpublicnotices.com



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 20, 2015

Sisseton Courier
PO Box 169
Sisseton SD 57262

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8063-3 to Appropriate Water. Please publish the notice once on January 27, 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 Rollin J Morehouse, 8920 W 28th St, St. Louis Park MN 55426 (Ph # 952-546-1003).

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 20, 2015

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8063-3 to Appropriate Water. Please publish the notice once on January 27, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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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 20, 2015

Rollin J Morehouse
8920 W 28th St
St Louis Park MN 55426

Dear Mr. Morehouse:

Water Permit Application No. 8063-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Sisseton Courier printed at Sisseton SD (Ph # 605-698-7642) and the Public Opinion printed at Watertwon SD (Ph # 605-886-6901). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

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

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

Instruction to Newspaper - Publish the Notice on January 27, 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. 8063-3 to Appropriate Water

Notice is given that Rollin J Morehouse, 8920 W 28th St, St. Louis Park MN 55426 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from two wells to be completed into the Coteau Lakes Aquifer (94 feet deep) located in the NW 1/4 SW 1/4 Section 10 for irrigation of 160 acres located in the SW 1/4 Section 10; all in T122N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8063-3 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.

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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

FEB 17 2015

Rollin J Morehouse
8920 W 28th St
Saint Louis Park MN 55426

Dear Mr. Morehouse:

Enclosed is Water Permit No. 8063-3 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

8063-3
RECEIVED

JUN 29 2015

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate June 22, 2015TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Rollin J. Morehouse
(name)
8920 West 28th Street
(address)
St. Louis Park, MN (952) 270-9333
(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.

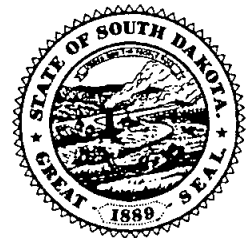
Water Permit No. 8063-3 states that the water use system is to be constructed by
February 6, 2020, and water is to be put to beneficial use by February 6, 2024.
(date) (date)

The water use system was completed on June 19, 2015.
(date)

Applying the water to beneficial use was completed on June 19, 2015.
(date)

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

Rollin J. Morehouse
(signature)





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 30, 2015

7242-3
7243-3
8063-3

Rollin J Morehouse
8920 W 28th St
St Louis Park MN 55426

Dear Mr. Morehouse:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in to let us know that you are completed with your irrigation systems authorized under Water Permit Nos. 7242-3, 7243-3 and 8063-3.

The systems are 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 the projects and the staff inspection has no bearing on your water permits.

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.

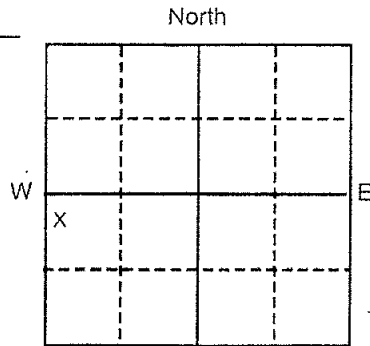
Sincerely,

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

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ SW ¼ Sec 10 Twp 122 Rg 52County RobertsPlease mark well
location with an "X"

Well Completion Date

April 29, 2015

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	79.0 FT	17.50 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Quick Grout	10	Lb/gal	0.0 Ft	68.0 Ft
Red Flint San	30	Lb/gal	68.0 Ft	94.0 Ft

Describe grouting procedure
Pressure Tremmie

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 17.00 Inches Length 15.0 Feet
Material Stainless SteelSlot Size 100 Set From 79.0 Feet to 94.0 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ Yes ☐ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

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

Business Name: _____

Address: 8920 W 28th StCity, State, Zip: St. Louis Park MN 55426

WELL LOG:

FORMATION			DEPTH	
			FROM	TO
Top Soil	Brn	M	0	3
Sand/Gravel	Ylw	18-40slt	3	54
Clay	Blu		54	62
Sand/Gravel	Tan	20-100slt	62	94

STATIC WATER LEVEL 18.6 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: submersible☐ Bailed☐ Other

Pumping Level Below Land Surface

66.4 Ft. After 6.0 Hrs. pumped 950.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Well #: Prod #145 21 46.0N97 09 46.1W

RECEIVED

SEP 30 2015

WATER RIGHTS
PROGRAMPCO 123This well was drilled under license # 463 and this
report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc / Kris Van Huveln

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 5/8/15

8063-3
RECEIVED

JUN 29 2015

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate June 22, 2015TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Rollin J. Morehouse
(name)
8920 West 28th Street
(address)
St. Louis Park, MN (952) 270-9333
(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.

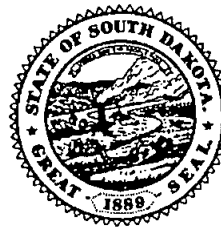
Water Permit No. 8063-3 states that the water use system is to be constructed by
February 6, 2020, and water is to be put to beneficial use by February 6, 2024.
(date) (date)

The water use system was completed on June 19, 2015
(date)

Applying the water to beneficial use was completed on June 19, 2015
(date)

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

Rollin J. Morehouse
(signature)



Permit No. 8063-3
James River - Water District

Contact Person & Address: **Rollin Morehouse, 8920 W 28th St, St Louis Park MN, 55426**

Report of Examination of Works

On, **August 29, 2016**, I made a thorough examination of the water use system constructed by **Rollin J. Morehouse** holder of Permit No. **8063-3**, bearing the priority of **November 19, 2014** authorizing the diversion of **2.28** cu. ft. per second of the waters of **ground water, Coteau Lake Aquifer** for **irrigation** purposes, in **Roberts** County.

The system is in the following condition **good**. The point of diversion is located **From SW corner of Sec 10 T122N-R52W(res); 645 ft E and 2635 ft N** with latitude of **45.36286** and a longitude of **- 97.16278** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **2.23** 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 is located in **Sec 10 T122N-R52W(res)**

NW ¼ SW ¼ - 36 ac NE ¼ SW ¼ - 36 ac SE ¼ SW ¼ - 36 ac SW ¼ SW ¼ - 36 ac

comprising a total of **144** acres of land and the license should be issued for **2.06** cfs.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**.
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

DIVERSION POINT INFORMATION:

Well Information:

- 1) Well Drilling Firm: **Steffl Drilling and Pump Inc** 2) No. of Wells **1** 3) Depth(s) **94** feet 4) Well log is available **yes**

Casing:

- 1) Diameter **12** inches 2) Length **79** feet 3) Type **PVC**

Screen:

- 1) Type **Stainless Steel** 2) Length **15** feet 3) Static water level **66** feet

Pump:

- 1) Make **Grundfos** 2) Model **submersible** 3) Size **NA** 4) Capacity **1000** GPM

Motor:

- 1) Make **Grundfos** 2) Model No. **submersible** 3) Horsepower rating **100** hp

DISTRIBUTION LINES OR CANALS:

- 1) Type **PVC** 2) Size **10** inches 3) Length **1500** feet

SYSTEM TYPE:

Center pivot:

- | | |
|------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1310</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>1000</u> GPM |

CHEMIGATION EQUIPMENT:

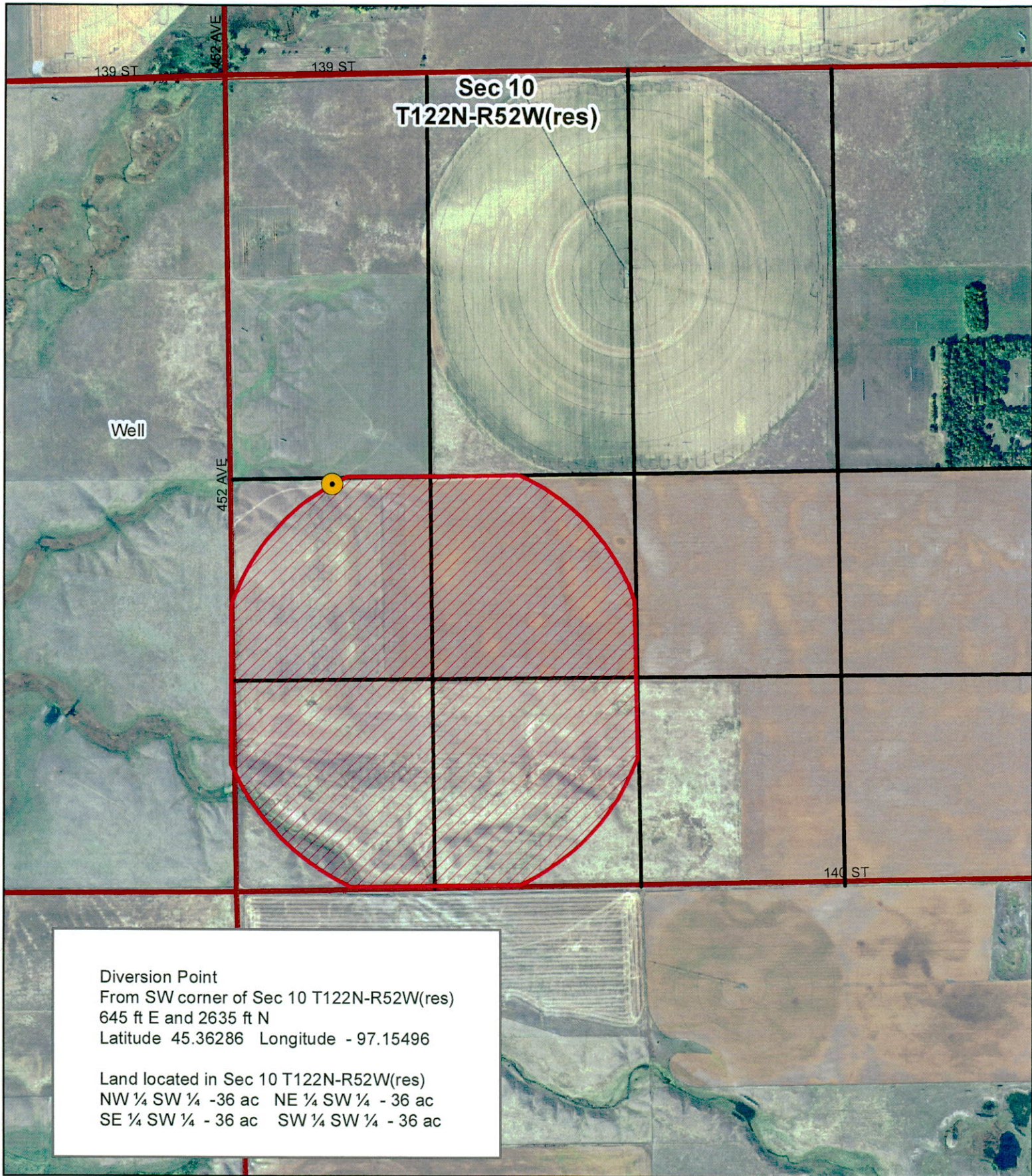
- 1) Does chemigate no)

Comments: none



Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program

November 30, 2016



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

Mark D Rath
Mark D Rath
Natural Resources Engineer
SD DENR - Water Rights
11-17-2016



8063-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

FEB 06 2017

7242-3
7243-3
8063-3

Rollin J Morehouse
8920 W 28th St
St Louis Park MN 55425

Dear Mr. Morehouse:

Enclosed are Water License Nos. 7242-3, 7243-3 and 8063-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your licenses are maps prepared by the staff engineer who conducted the investigations.

For your information SDCL 46-6-27 requires that if the owner of any existing wells, such as the wells authorized by Water Right Nos. 7242-3, 7243-3 and 8063-3, constructs replacement wells and does not plan to use the old wells, the old wells are considered abandoned and must be plugged. Also, any wells that are being used or are 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 Licenses, 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. 8063-3

(1) Rollin J Morehouse, 8920 W 28th St, St. Louis MN 55426 made Application No. 8063-3, November 19, 2014 for a water permit to divert 2.28 cubic feet of water per second from two wells – Coteau Lakes Aquifer, Roberts County, South Dakota for irrigation purposes. Permit No. 8063-3, with a priority date of November 19, 2014 was approved February 6, 2015 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 6, 2020 and for the application to beneficial use of water on or before February 6, 2024.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on June 29, 2015. The *Notice* stated the diversion system was completed on June 19, 2015 and the water placed to beneficial use on June 19, 2015.

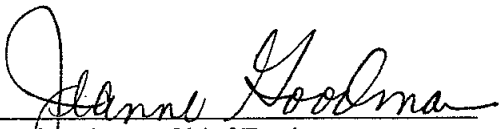
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 8063-3 is issued a license, bearing a priority date of November 19, 2014 to appropriate 2.06 cubic feet of water per second from one well – Coteau Lakes Aquifer to irrigate 144 acres.

The diversion point is located: 645 feet east and 2,635 feet north of the SW corner of Section 10-T122N-R52W (NW 1/4 SW 1/4) within the former boundaries of the Sisseton Wahpeton Indian Reservation. The acres authorized for irrigation are as follows:

Section 10-T122N-R52W	NW 1/4 SW 1/4	36 acres	
	NE 1/4 SW 1/4	36 acres	
	SE 1/4 SW 1/4	36 acres	
	SW 1/4 SW 1/4	36 acres	Total 144 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 8063-3 including 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. 8063-3 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. *The well was drilled by Steffl Drilling & Pump Inc. in April, 2015. A copy of the log 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

FEB 06 2017
date



8063-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 2017

7242-3
7243-3
8063-3

Rollin J Morehouse
327 Jack Nicklaus Dr
Austin TX 78738-1714

Dear Mr. Morehouse:

Enclosed is a "Notice" dated October 20, 2017 concerning the 2017 irrigation questionnaires.

The notice was originally mailed to 8920 W 28th St, St Louis Park, MN. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

8063-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date August 10, 2020RECEIVED OF Rollin J Morehouse/Morehouse Farms 327 Jack Nicklaus Drive Austin TX 78738

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>8063-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	TOTAL
	\$50.00

By Eric Gronlund
 Chief Engineer *vm*

PAID

AUG 10 2020

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

Ck# 5493

For assistance call (605) 773-3352

AUG 10 2020

Mail to: ~~PMB-2020~~

DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

WATER RIGHTS
PROGRAM

Water Right/Permit No. 8063-3

Date: August 6, 2020

I/We request that Water Right/Permit No. 8063-3 formerly owned by:

Rollin J. Morehouse

be transferred to:

New Owner Name:

Rollin Jay Morehouse & Maureen Brandes Morehouse

Co-Trustees of the Morehouse Family Trust

Address:

327 Jack Nicklaus Drive

City, State, Zip

Austin

TX

78738

Telephone No. (952) 270-9333

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

See attached Warranty Deed and Certificate of Trust

☒ I understand that the validity of Water Right/Permit No. 8063-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

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

Rollin Jay Morehouse, Trustee
(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.

Prepared by:
STEVEN J. BRITZMAN
Attorney at Law
521 Sixth Street, Suite 104
Brookings, South Dakota 57006
(605) 697-9058

133,962
State of South Dakota, County of Roberts
Filed this 6 Day of July 20 20 At 8:55
O'Clock 1 M. Book 104 Page 464
By Jay Tasa-Sue Anderson
Register of Deeds Deputy
Fees \$ 30.00

WARRANTY DEED

ROLLIN J. MOREHOUSE, a married person, Grantor, of the County of Travis, State of Texas, for and in consideration of One (\$1.00) Dollar and other consideration, grants, conveys and warrants to

ROLLIN J. MOREHOUSE, aka. Rollin Jay Morehouse, and MAUREEN B. MOREHOUSE, aka. Maureen Brandes Morehouse, Co-Trustees of the Morehouse Family Trust,

Grantee, of 327 Jack Nicklaus Drive, Austin, Texas 78738, the following described real estate in the County of Roberts, State of South Dakota:

The South One-half (S½) of Section Ten (10), Township One Hundred Twenty-two (122) North, Range Fifty-two (52) West of the 5th P.M., County of Roberts, State of South Dakota.

REMARKS: Grantor does hereby certify that the above-described real estate is not claimed, occupied or possessed as a homestead, nor has the same ever been claimed, occupied or possessed as a homestead by Grantor or by any member of Grantor's family.

Dated this 24 day of June, 2020.

Rollin J. Morehouse
Rollin J. Morehouse

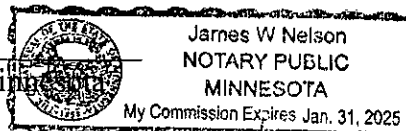
Exempt from Transfer Fee per SDCL 43-4-22 (18)

STATE OF MINNESOTA)
) ss
County of Crow Wing)

On this the 24 day of June, 2020, before me, James W. Nelson, the undersigned officer, personally appeared Rollin J. Morehouse, a married person, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

James W. Nelson
Notary Public, State of Minnesota
My Commission expires _____



CERTIFICATE OF TRUST

1. **Trust Name.** The following trust (referred to herein as the "Trust") is the subject of this Certificate: The "MOREHOUSE FAMILY TRUST" which was created by Agreement dated June 24, 2020 ("Trust Agreement").
2. **Legal Trust Name.** The full legal name of the Trust for purposes of transferring assets into the Trust, holding title of assets, and conducting business for and on behalf of the Trust, is as follows: Rollin Jay Morehouse and Maureen Brandes Morehouse, Co-Trustees of the MOREHOUSE FAMILY TRUST.
3. **Tax ID Number.** The tax ID number for the MOREHOUSE FAMILY TRUST is the social security number of a Settlor.
4. **Settlors.** The Settlers of this Trust are Rollin Jay Morehouse and Maureen Brandes Morehouse.
5. **Currently Acting Trustee.** The name and address of the current Co-Trustees of the MOREHOUSE FAMILY TRUST are as follows: Rollin Jay Morehouse, 327 Jack Nicklaus Drive, Austin, Texas 78738, and Maureen Brandes Morehouse, 327 Jack Nicklaus Drive, Austin, Texas 78738.
6. **Multiple Trustees.** If three or more trustees are serving the Trust, any vote or action requiring the affirmative consent of multiple trustees will be exercised by a majority of the co-trustees. If the Trust is served by two trustees, unanimous consent or affirmative action is required. Multiple trustees may delegate among themselves administrative and ministerial duties of the Trust such as signing tax returns or matters with regard to transactions with banking or brokerage accounts. If two or more trustees are serving the Trust, the remaining trustee or trustees will continue to serve the Trust if any trustee serving ceases to serve as trustee for any reason.
7. **Trust In Effect.** The Trust is currently in full force and effect. The Trust is revocable, the Trust has not been revoked, and the Trust Agreement has not been modified or amended in any manner that would cause the representations contained in this Certificate of Trust to be incorrect.
8. **Homestead Reservation.** The Settlers or beneficiaries of the Trust have the right to use and occupy real or personal property owned by the Trust as the Settlers' or beneficiary's principal residence, rent free and without charge for life or until the Trust is revoked or terminated, whichever occurs first. Further, any such property (or any interest therein) shall be acquired by an instrument of title that describes the property with sufficient certainty to identify it and the interest acquired, and the instrument shall be recorded in the real property records of the county in which the property is located. This provision shall be construed in accordance with the Settlers' intentions that all eligible real or personal property which is owned by the Trust qualify for the homestead exemption and the Trust which owns such property is a "qualifying trust" as defined and described in Section 11.13(j) of the Texas Tax Code, and if applicable, Section 41.0021 of the Texas Property Code.
9. **Powers of Trustee.** All powers of the Trustees are fully set forth as Exhibit A.
10. **Hold Harmless.** No person or entity paying money to or delivering property to any Trustee shall be required to see to its application. All persons relying on this Certificate of Trust regarding the Trustees and the Trustees' powers over the property of the Trust shall be held harmless for any resulting loss or liability from such reliance.
11. **Third Party Reliance.** Any third party to whom this Certificate of Trust is presented may rely upon an affidavit by the then serving Trustees stating that such Trustees are, in fact, the active Trustees for the Trust. No third party acting in reliance upon this Certificate of Trust or such affidavit shall be

liable for any losses, damages, or claims caused by compliance with any action requested by the Trustees.

12. **Validity of Copies of This Certificate.** A copy of this Certificate of Trust shall be just as valid as the original.

IN WITNESS WHEREOF, the Trustees have signed this Certificate of Trust, effective the day and year first above written and executed by the Trustees on the date set forth below.

Dated to be effective June 24, 2020.

Rollin Jay Morehouse, Trustee
Rollin Jay Morehouse, Co-Trustee

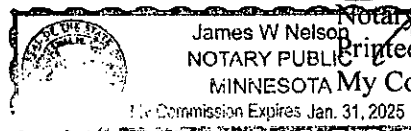
Maureen Brandes Morehouse, Trustee
Maureen Brandes Morehouse, Co-Trustee

State of Minnesota
County of Crow Wing

I HEREBY CERTIFY that on June 24, 2020, before me personally appeared Rollin Jay Morehouse, as Co-Trustee, and, being authorized to do so, acknowledged that the foregoing instrument was signed by Rollin Jay Morehouse, as Co-Trustees, for the purposes therein contained.

WITNESS my hand and notarial seal.

Dated: June 24, 2020.



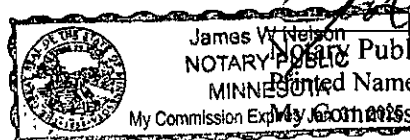
[Signature]
Notary Public, State of Minnesota

State of Minnesota
County of Crow Wing

I HEREBY CERTIFY that on June 24, 2020, before me personally appeared Maureen Brandes Morehouse, as Co-Trustee, and, being authorized to do so, acknowledged that the foregoing instrument was signed by Maureen Brandes Morehouse, as Co-Trustee, for the purposes therein contained.

WITNESS my hand and notarial seal.

Dated: June 24, 2020.



[Signature]
Notary Public, State of Minnesota



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 10, 2020

7242-3
7243-3
8063-3

Rollin J Morehouse
327 Jack Nicklaus Dr
Austin TX 78738

Dear Mr. Morehouse:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for Water Right Nos. 7242-3, 7243-3 and 8063-3.

The ownership changes have been completed. Nos. 7242-3, 7243-3 and 8063-3 formerly listed under Rollin J Morehouse are now listed as follows:

- **Rollin Jay Morehouse and Maureen Brandes Morehouse, Co-Trustees of the Morehouse Family Trust**

The receipts for the filing fees you paid are enclosed. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

8063-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 26, 2021

7242-3

7243-3

8063-3

Rollin & Maureen Morehouse
Morehouse Family Trust
PO Box 222
Deerwood MN 56444 0222

Dear Mr. & Mrs. Morehouse:

Enclosed is a "Notice" dated October 22, 2021 concerning the 2021 irrigation questionnaires.

The notice was originally mailed to 327 Jack Nicklaus Dr., Austin TX. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures