

WATER PERMIT NO. 8070-3

Name of Applicant: Hansen Irrigated Farms LLC

Address: PO Box B, Centerville SD 57014 Phone: 605 760-5690

Amount of Water Claimed: 1.56 Total Acres: 96

Source of Water Supply: ground water (one well)

Water to be used for: irrigation County: Clay

Type of Waste Disposal System:

Location: approximately 5 miles south of Centerville

PRIORITY Date Received: 01-07-15 Application/License Fee: \$ 950

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

Remarks: Requesting diversion rate greater than statutory limit

Diversion Point: NE 1/4 NE 1/4 Sec 35-T95N-
R52W

Land to be Irrigated: NE 1/4 Sec 35-T95N-R52W

Depth of Well: 170 feet deep

Well Driller:

Remarks:

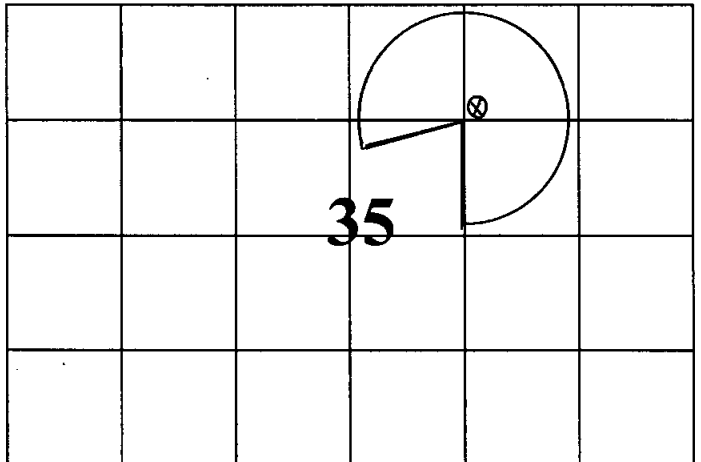
Type of Map: topo

Prepared by:

Reviewed and the Number Assigned on: 01-12-15

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Pivot
#44

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8070-3</u> (office use only)	Hydrologic Unit <u>10170201</u>
	Basin <u>Vermillion River</u>	<u>605-694-2695</u>
	Newspaper <u>Plain Talk, 201 W Cherry, Vermillion 57069</u>	<u>605-665-7811</u>
	<u>Press & Dakotan, 319 Walnut, Yankton 57078</u>	

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JAN 07 2015
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Hansen Irrigated Farms, LLC.

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

(name and complete address if different than above name)

Mailing Address P O Box B Centerville ☒ SD ☒ 57014

(Address)

(City)

(State)

(Zip Code)

Home Phone _____ Cell 605-760-5690 Email lewis@fireballd decals.com

2. Amount of water claimed 1.56 *CFS or 700 **GPM ***AF Total Acreage 96
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 1 well drilled to the Lower Vermillion-Missouri Aquifer

4. Location of point of diversion 1 well drilled in the ^{NE} 1/4, ne 1/4 of Section 35, T95n R52w
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County clay ☒

5. County or counties where water will be used Clay

6. Annual period during which water is to be used April-September 30

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

Land Description	Acres	Land Description	Acres
nw of ne section 35, t95n, r52w	30		
ne of ne, section 35, t95n, r52w.	30		
se of ne, section 35, t95n, r52w	30		
sw of ne, section 35, t95n, r52w	6		

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

Center pivot irrigation of the above parcels of land

Requesting diversion rate greater than statutory limit

I, HANSEN IRRIGATED FARMS, LLC.
Roger U. Hansen, organizer, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

2012-09

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

**SOUTH DAKOTA
WATER PERMIT NO. 8070-3**

Date of first receipt of application January 7, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8070-3 to Hansen Irrigated Farms, LLC c/o Roger Hansen, PO Box B, Centerville SD 57014 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. 8070-3 appropriates 1.56 cubic feet of water per second (cfs) from one well to be completed into the South Management Unit of Upper Vermillion Missouri Aquifer (170 feet deep) located in the NE 1/4 NE 1/4 Section 35 for irrigation of 96 acres located in the NE 1/4 Section 35; all in T95N-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 – September 30.
3. The date from which applicant may claim right is January 7, 2015.
4. The date of approval of Permit No. 8070-3 is March 23, 2015.
5. One-fifth of the construction is to be completed on or before September 23, 2017.
6. All construction is to be completed on or before March 23, 2020.
7. Water is to be put to beneficial use on or before March, 23, 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. 8070-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8070-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 96 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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

APR 13 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 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(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 170 Depth to Top of Water Bearing Material 100 Depth to Water from Surface 70

d) Distance to nearest existing domestic well:

On applicant's property NA On property owned by others > 1400'

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)

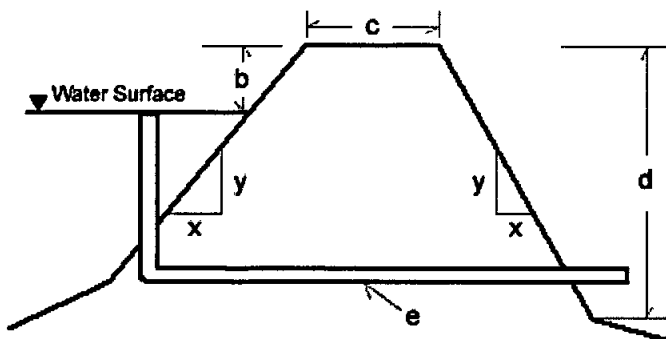
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Petersen Ag Systems, Inc.

1216 Monroe Avenue

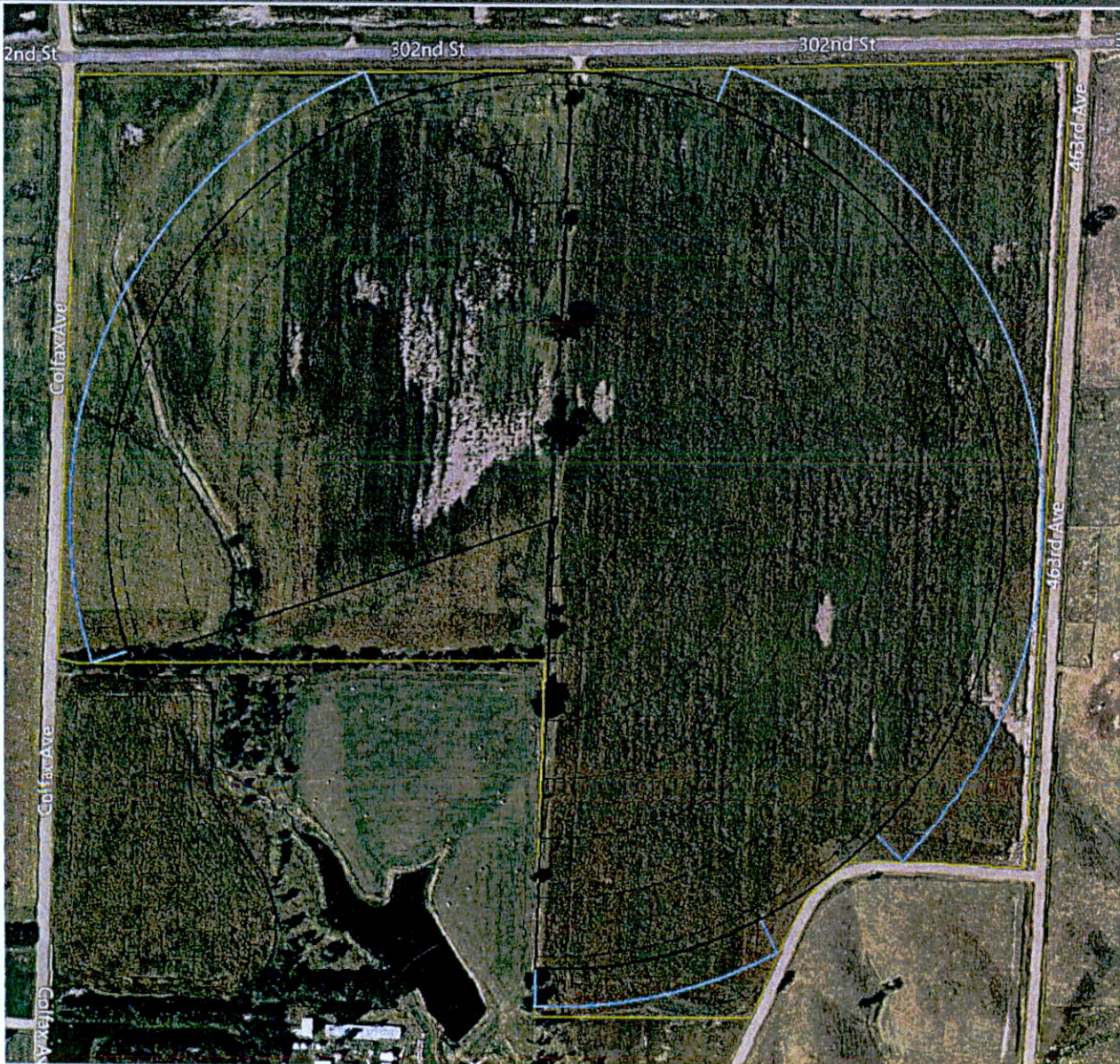
Norfolk, NE 68701

Office: 402-379-9849; Mobile: 402-992-1234

henry@petersenagsystems.com

Roger Hansen

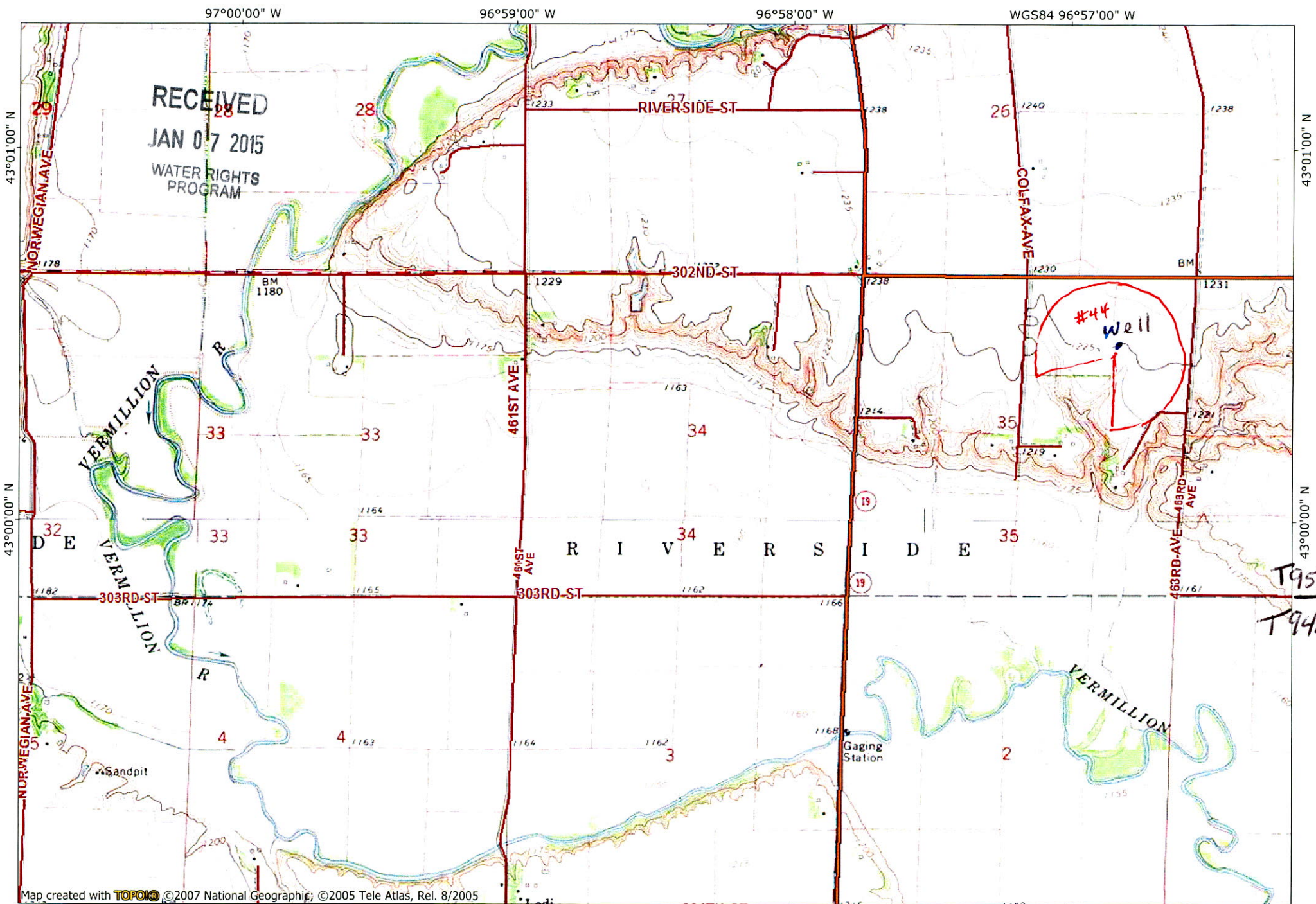
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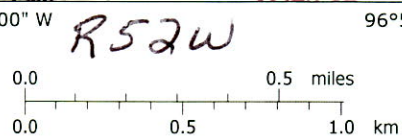
WATER RIGHTS
PROGRAM



Map created with **TOPOIC** ©2007 National Geographic; ©2005 Tele Atlas, Rel. 8/2005



R. H. Hammond
CP68272



TN
MN
3 1/2°
11/20/14

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/12, 20 15

RECEIVED OF Roger A Hansen 700 Braodway Box B Centerville SD 57014

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

Fee for Application for Permit No. <u>8070-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>8070-3</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	950 00

No. 07110

By *James Goodwin*
Chief Engineer

Entity Detail File Annual Report Statement of Change Forms

Name **Hansen Irrigated Farms, L.L.C. Obtain a Certificate of Good Standing**
Corporate ID **DA037758**
Incorporation/Qualification Date **3/10/2014**

Home State **SOUTH DAKOTA**
Status **Good Standing**
Last Annual Report **2014**
Corporation Type **Domestic LLC**
Stock Info

Registered Agent Documents Officers

Registered Agent Name & Address

ROGER A HANSEN
700 BROADWAY
CENTERVILLE, SD 57014

Mathiowetz, Adam (DENR)

From: Richard Hammond <rhhei@gmail.com>
Sent: Friday, January 16, 2015 10:48 AM
To: Mathiowetz, Adam (DENR)
Subject: Permits to drill for Hansen Irrigated Farms, LLC

Adam, I have been asked to drill test wells at three locations for Roger Hansen. I understand that water appropriation permit applications for each of these sites have been sent to your office in recent weeks; Eric Grundland confirmed that for me in a phone conversation this morning. Please consider issuing me a permit to drill a test well at the following locations:

The 3 sites are:

T95nR52w35 nw of the ne 1/4; expected well depth 170'
T95nR52w35 se of the se 1/4; expected well depth 100'
T94nR52w02 nw of the nw 1/4; expected well depth 100'

Each of these sites are just beyond the edge of the Wellhead protection area for Clay Rural Water's wellfield. I called Greg Merrigan (CRWS manager) as a courtesy to let him know of our planned wells; he did not have concerns based upon previous experience with Mr. Hansen and us.

Based upon earlier permits near the river, we have planned the well in Section 2 to be in the nw corner of the property to satisfy a possible 1,000 ft. setback requirement from the Vermillion River. Please call me if that plan would not be sufficient to satisfy any possible permit restrictions.

Thank you for helping us through this process. Please call me at the below number if you need more information!

Dick Hammond
605-670-2321



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 16, 2015

Richard Hammond
Heine Electric & Irrigation
31585 460th Ave
Vermillion, SD 57069

Dear Mr. Hammond:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Heine Electric & Irrigation is authorized to construct test wells for Hansen Irrigated Farms LLC c/o Roger Hansen. The test wells will be located in the NE ¼ Section 35 and the SE ¼ Section 35, T95N-R52W, and the NW ¼ Section 2, T94N-R52W. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Sincerely,


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

Cc: Roger Hansen
Hansen Irrigated Farms LLC
PO Box B
Centerville, SD 57014



**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. 8070-3, Hansen Irrigated Farms LLC**

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. 8070-3, Hansen Irrigated Farms LLC, c/o Roger Hansen, PO Box B, Centerville SD 57014.

The Chief Engineer is recommending APPROVAL of Application No. 8070-3 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. 8070-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8070-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 96 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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
March 2, 2015

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 8070-3, 8071-3, AND 8072-3
HANSEN IRRIGATED FARMS LLC
C/O ROGER HANSEN
FEBRUARY 27, 2015

Water Permit Application No. 8070-3 proposes to appropriate water at a maximum diversion rate of 1.56 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri: South aquifer. The well is expected to be 170 feet deep and is to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35 for the irrigation of 96 acres located in the NE $\frac{1}{4}$ Section 35; all in T95N-R52W in Clay County. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Water Permit Application No. 8071-3 proposes to appropriate water at a maximum diversion rate of 1.0 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri: South aquifer. The well is expected to be 120 feet deep and is to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35 for the irrigation of 51 acres located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35-T95N-R52W and the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 2-T94N-R52W; all in Clay County. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Water Permit Application No. 8072-3 proposes to appropriate water at a maximum diversion rate of 1.0 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri: South aquifer. The well is expected to be 100 feet deep and is to be located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2 for the irrigation of 40 acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 2; all in T94N-R52W in Clay County. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

AQUIFER: South management unit of the Upper Vermillion Missouri (UVM: S)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Upper Vermillion Missouri aquifer underlies portions of Clay, Hutchinson, Lincoln, Turner, and Yankton Counties (Buhler, 2014). Geologic and hydrologic conditions allow for the aquifer to be considered as three management units (i.e. North, South, and West). A description of the Upper Vermillion Missouri aquifer is available in "Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer, February 1, 2014" (Buhler, 2014). The diversion points requested by these applications are located in the South management unit of the Upper Vermillion Missouri aquifer. The latest aquifer delineation of the Upper Vermillion Missouri aquifer resulted in a change of location of the southern boundary of the aquifer further south to include the diversion points proposed by these applications (Buhler, 2014).

Figure 1 shows the location of these applications, water rights/permits authorized to withdraw water from the Upper Vermillion Missouri: South aquifer, and observation wells completed into the aquifer (Water Rights, 2015a and 2015b).

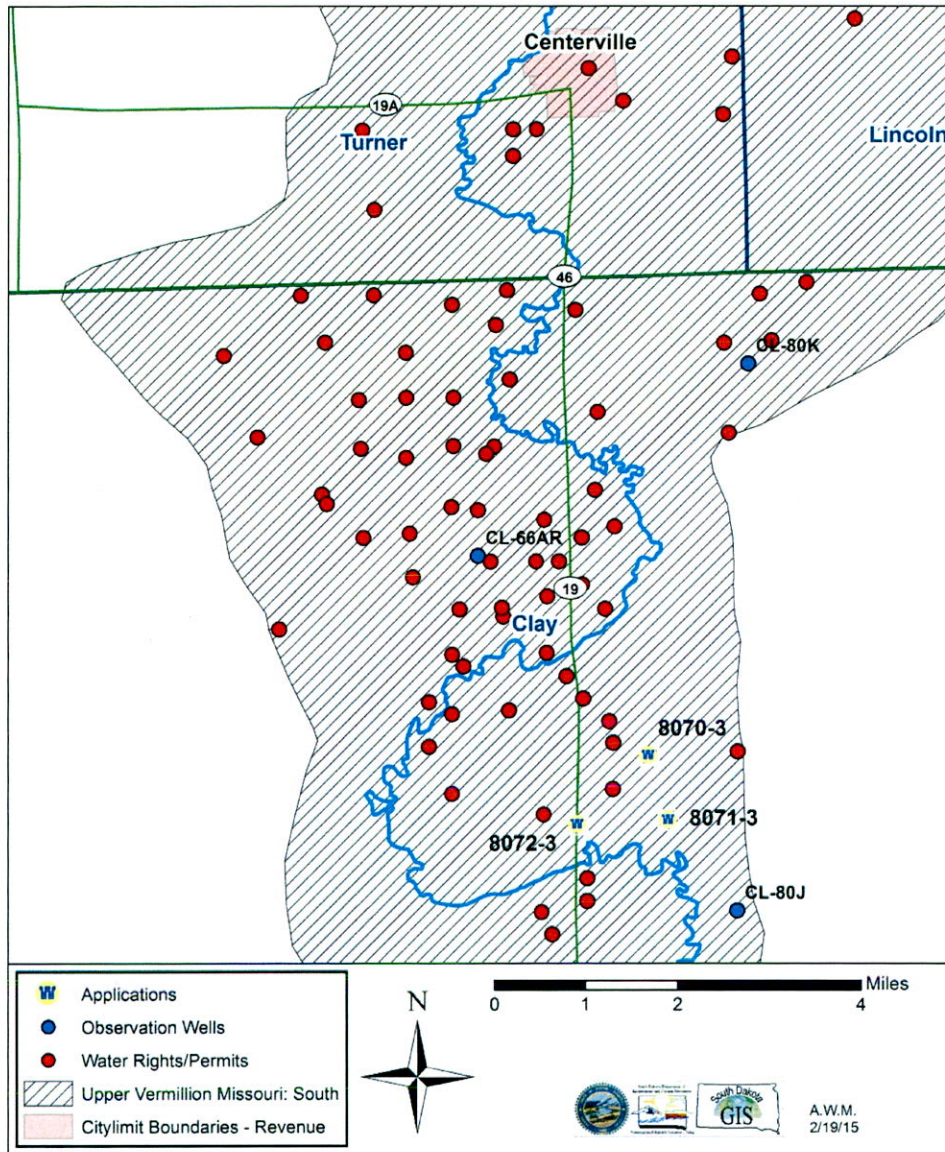


Figure 1- Map of the area of these applications

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 the application.

WATER AVAILABILITY:

These applications propose to appropriate water from the Upper Vermillion Missouri: South aquifer. These applications propose to irrigate 187 acres. Based on the *average application rate per permitted acreage* (Buhler, 2014) use is expected to be approximately 93.5 ac-ft/yr (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 ground water 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 stratigraphically lower than the Greenhorn Formation and a public water system has applied for a permit, the Water Management Board need not consider the recharge/withdrawal issue. In this case, the aquifer is not stratigraphically 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 ultimately stated that data must be present 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).

Observation Well Data:

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

The DENR-Water Rights Program monitors five observation wells completed into the South management unit of the Upper Vermillion Missouri aquifer and two observation wells (CL-66AR and CL-80J) that were originally identified as completed into the Lower Vermillion Missouri aquifer. However, observation wells CL-66AR and CL-80J will likely now be considered completed into the Upper Vermillion Missouri: South aquifer (Buhler, 2014; Mathiowetz, 2014). The hydrographs for the observation wells show upward trending water levels over their periods of record. The hydrographs document changes in climatic conditions as well as the temporal impacts of pumping. Since climatic conditions mask temporal impacts, well withdrawals from this management unit are not stressing the system to the extent where natural discharge is impacted. Recognizing natural discharge from the aquifer is available for capture, there is water available for appropriation from the aquifer. The observation wells closest to the well sites proposed by these applications are CL-66AR, CL-80J, and CL-80K, as shown in Figure 1. The hydrographs for CL-66AR, CL-80J, and CL-80K are shown in Figures 2, 3, and 4, respectively.

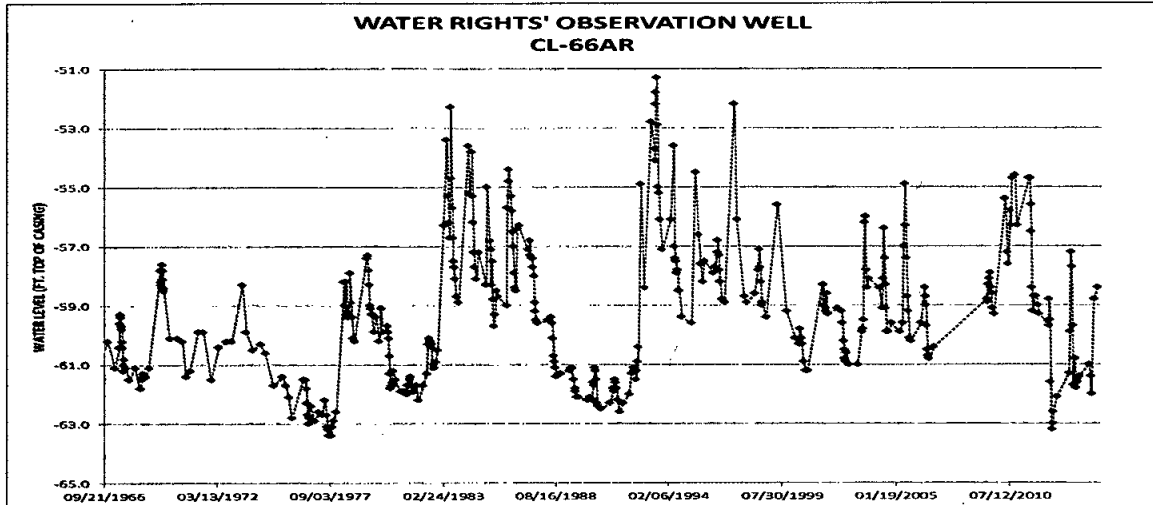


Figure 2- Hydrograph for observation well CL-66AR (Water Rights, 2015a)

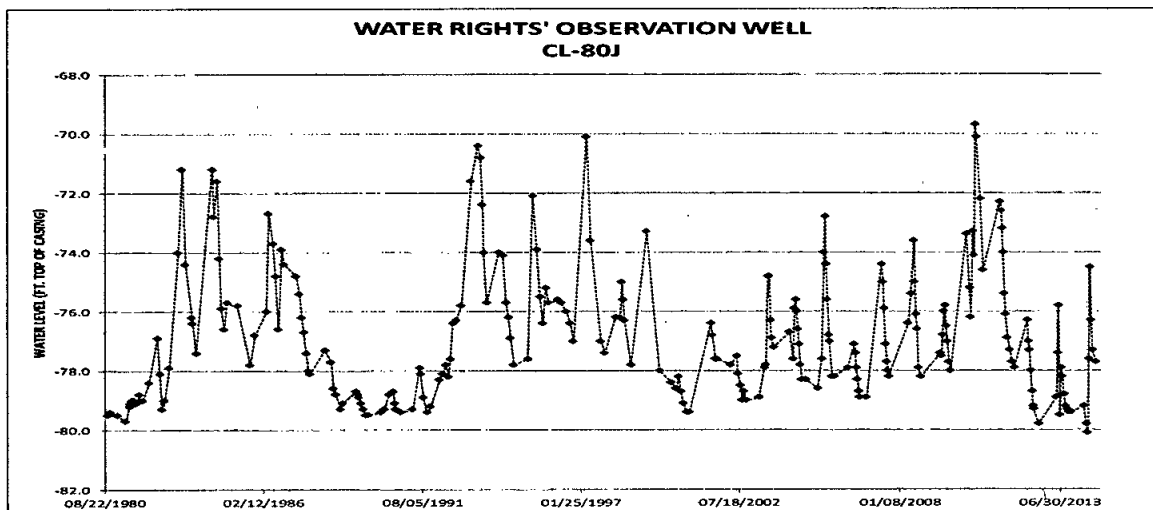


Figure 3- Hydrograph for observation well CL-80J (Water Rights, 2015a)

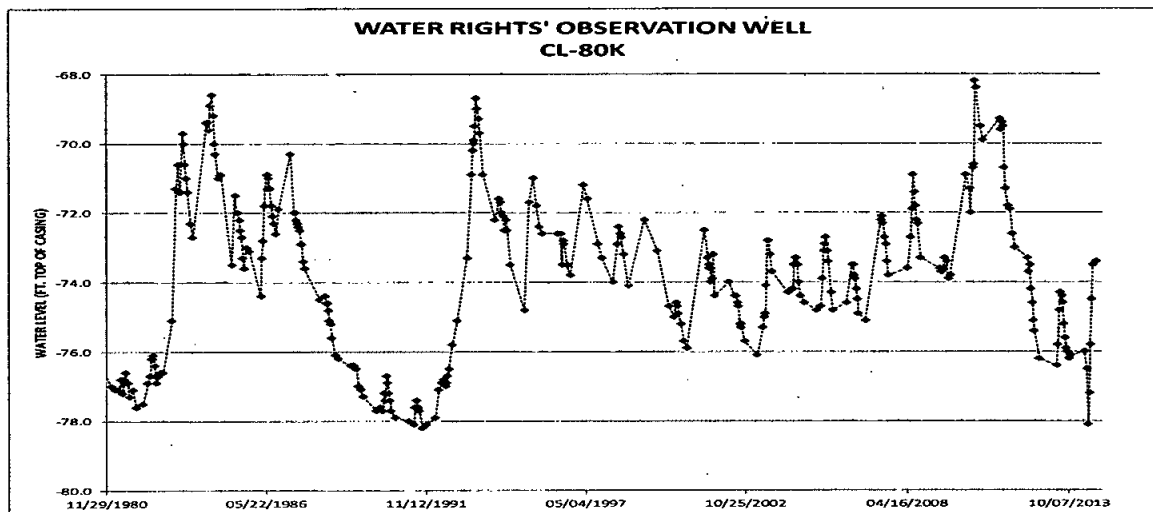


Figure 4- Hydrograph for observation well CL-80K (Water Rights, 2015a)

2014 Flow Net Analysis:

A recent analysis of the Upper Vermillion Missouri aquifer indicates that recharge exceeds withdrawal from the Upper Vermillion Missouri: South by an estimated 5,637 to 8,223 ac-ft/yr (Buhler, 2014). At its March 6, 2014, meeting, the Water Management Board approved 12 water permit applications (Nos. 7441-3, 7442-3, 7466-3, 7467-3, 7600-3, 7601-3, 7603-3, 7623-3, 7653-3, 7900-3, 7690-3, and 7919-3) authorizing the irrigation of 1,520.83 acres. The average annual withdrawal that is expected to be associated with these proposed appropriations was estimated, based on the *average application rate per permitted acreage* for the Upper Vermillion Missouri aquifer, to be 760.4 acre-feet per year (Buhler, 2014).

The Water Management Board has approved 13 more permit applications since the March 6, 2014, action. The 13 permits authorize the irrigation of 1,288.36 acres and are expected to use an average of 644.18 acre-feet per year. Therefore, there is a reasonable probability that unappropriated water is available to supply these proposed appropriations.

EXISTING WATER RIGHTS:

There are eight water rights/permits authorizing wells within approximately 8 miles of the proposed well sites (see Figure 5). The water rights/permits are listed in Table 1. The wells authorized by Water Permit Nos. 7948-3 and 7993-3 are approximately 0.4 miles west-northwest of the well sites proposed by Application Nos. 8070-3 and 8072-3, respectively. All other wells authorized by water rights/permits to withdraw water from the Upper Vermillion Missouri: South or the Lower Vermillion Missouri aquifers are approximately one-half mile or further away from the well sites proposed by these applications. There are domestic wells within approximately one mile of the proposed well sites.

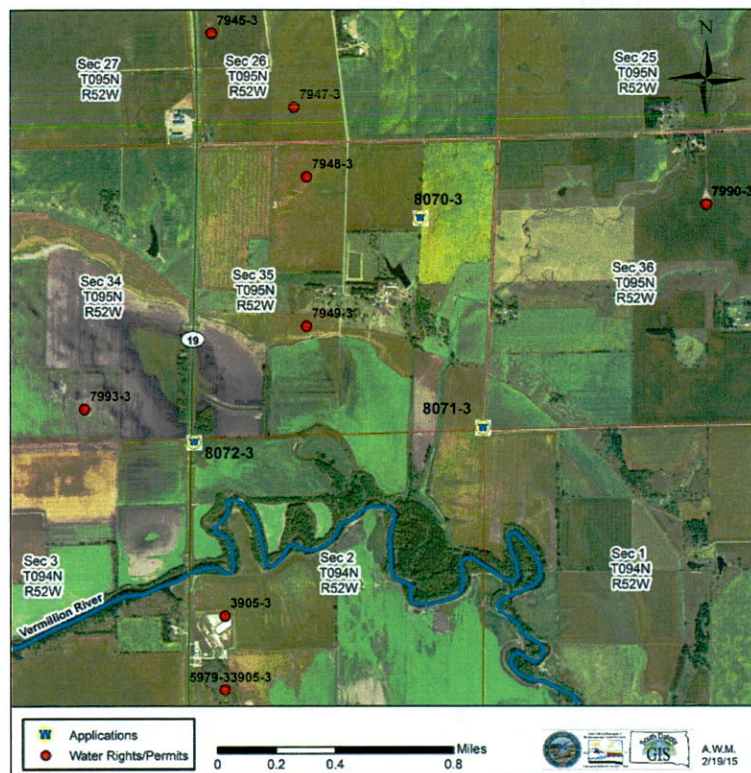


Figure 5- Map of Water Rights/Permits authorizing wells within approximately one mile of the well sites proposed by Application Nos. 8070-3, 8071-3, and 8072-3 (Water Rights, 2015b)

Permit No.	Name	Status	Aquifer	Use	CFS	Acres
3905-3	CLAY RURAL WATER SYSTEM INC	LC	LVM	RWS	2	
5979-3	CLAY RURAL WATER SYSTEM INC	LC	LVM	RWS	2	
7945-3	BRAD R OR LINDA R TRUDEAU	PE	UVM: S	IRR	1.78	60
7947-3	HANSEN PROPERTIES	PE	UVM: S	IRR	1.78	133.44
7948-3	HANSEN PROPERTIES	PE	UVM: S	IRR	1.78	55.02
7949-3	HANSEN PROPERTIES	PE	UVM: S	IRR	1.78	100.9
7990-3	ROBERT P WALSH	PE	UVM: S	IRR	2.44	240
7993-3	HANSEN PROPERTIES	PE	UVM: S	IRR	1.11	53
LC= Water Right, PE= Water Permit, RWS= Rural Water System, IRR= Irrigation						

Table 1- Water Rights/Permits authorizing wells within approximately one mile of the well sites proposed by Application Nos. 8070-3, 8071-3, and 8072-3 (Water Rights, 2015b)

Since the Upper Vermillion Missouri: South is under artesian conditions in some areas, drawdown may extend some distance from pumped wells. It is possible that drawdown from these proposed appropriations may be measurable in nearby domestic and appropriative right wells. Historically, there has been a proliferation of high capacity wells in this area, but there has not been a history of well interference issues. Therefore, the impact of drawdown is not expected to be significant due to the distance between wells and the number of high capacity wells in the aquifer without a history of well interference issues, especially in the area of these applications.

SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery, and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. In order to balance interests between irrigation use and delivery of water by artesian pressure, the Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

Depending on the specific characteristics of the Upper Vermillion Missouri: South aquifer at the well sites proposed by these applications, some existing well owners may need to lower their pumps to accommodate for deeper water levels. However, when considering the statute (SDCL 46-6-6.1) and rule (ARSD 74:02:04:20(7)), well interference from the proposed appropriation is not likely to cause a significant impact. Therefore, there is a reasonable probability that any interference will not be adverse.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or “the equivalent thereof.” The statute does provide that the Water Management Board may allow a greater diversion rate if the method of irrigation so requires. Water Permit Application No. 8070-3 proposes to divert up to 1.56 cfs for the irrigation of 96 acres, or the equivalent of 1.14 cfs per 70 acres. Water Permit Application No. 8071-3 proposes to divert up to 1.0 cfs for the irrigation of 51 acres, or the equivalent of 1.37 cfs per 70 acres. Water Permit Application No. 8072-3 proposes to divert up to 1.0 cfs for the irrigation of 40 acres, or the equivalent of 1.75 cfs per 70 acres. The applicant did not state a reason for the request. However, the maps submitted with the applications

show the center pivots to be used for these irrigation projects will only make partial rotations. In the past, it has been accepted that a center pivot only making a partial rotation often requires a diversion rate in excess of the statutory limit.

SPECIAL CONSIDERATIONS:

Some permits for irrigation in the area have been approved with a qualification that the well for the permit must be some distance away from the Vermillion River (see Table 2). The proposed well site for Application No. 8072-3 is approximately 1,200 feet away from the Vermillion River (see Figure 5).

Originally, the spacing from the Vermillion River was for Water Permit No. 3545-3 that proposed to withdraw water from the Parker-Centerville aquifer. The Parker-Centerville aquifer is a surficial aquifer in the area that is hydraulically connected to the Vermillion River. In February 1977, the Water Management Board, then known as the Water Rights Commission, approved a permit qualification requiring a spacing of 660 feet from the Vermillion River for Water Permit No. 3545-3. Then in December 2006, Goodman (2006) recommended including a qualification requiring a spacing of 1,320 feet from the Vermillion River in the report for Water Permit No. 6773-3. Water Permit No. 6773-3 proposed to withdraw water from the Parker-Centerville aquifer. Water Permit No. 6773-3 was approved by the Chief Engineer on May 10, 2007, pursuant to SDCL 46-1-16, which allows the Chief Engineer to approve permits if no petitions are filed in opposition to the permit. On June 15, 2007, the Chief Engineer approved nine more water permits with the 1,320 feet spacing requirement. However, those nine permits were from the Upper Vermillion Missouri and Lower Vermillion Missouri aquifers. The permits requiring spacing from the Vermillion River are shown in Table 2.

Permit No.	Approval Date	Aquifer	Spacing (ft)	Status	Owner
3545-3	02/24/77	PAC	660	CA	Burl Litzelman
6773-3	05/10/07	PAC	1,320	LC	JBS Hansen Farms
6810-3	06/15/07	UVM	1,320	LC	Roger Hansen, d.b.a. Hansen Properties
6811-3	06/15/07	UVM	1,320	CA	
6812-3	06/15/07	UVM	1,320	LC	
6817-3	06/15/07	LVM	1,320	PE	
6818-3	06/15/07	LVM	1,320	PE	
6819-3	06/15/07	LVM	1,320	LC	
6820-3	06/15/07	LVM	1,320	CA	
6821-3	06/15/07	LVM	1,320	LC	
6822-3	06/15/07	LVM	1,320	PE	
PAC= Parker-Centerville, UVM= Upper Vermillion Missouri, LVM= Lower Vermillion Missouri, CA= Cancelled, LC= Water Right, PE= Water Permit					

Table 2- Permits including a spacing qualification from the Vermillion River (Water Rights, 2015b)

Between the approval of Permit No. 3545-3 and 6773-3 there were 21 water permits approved that proposed well sites within approximately 1,320 feet of the Vermillion River. Then came the 10 permits listed after Permit No. 3545-3 in Table 1. Since the approval of Permit No. 6822-3, seven new water permits have been approved from the Upper Vermillion Missouri: South, Lower Vermillion Missouri, and Parker-Centerville aquifers without the spacing qualification and two existing permits from the Upper Vermillion Missouri: South aquifer have been amended to remove the spacing qualification, amongst other amendments, despite having proposed or existing well sites within approximately 1,320 feet of the Vermillion River.

The Upper Vermillion Missouri and Lower Vermillion Missouri aquifers, called the Vermillion-Missouri aquifer in Holmes and Filipovic's report (2015) has some hydraulic connection to the Vermillion River. The extent of that connection has yet to be quantified. Any groundwater/surface water exchange between the river and the aquifers is not at a one-to-one ratio (i.e. a well diverting near the Vermillion River will capture only a percentage of its total withdrawals from the river). Historically, there have been 72 permits for withdrawal and one future use permit reserving groundwater approved within approximately 1,320 feet of the Vermillion River. Barring a small number of exceptions (see Table 1), permits to appropriate groundwater have typically not been conditioned with any recognition of a connection between the river and the aquifer, and groundwater appropriations generally do not contain qualifications that protect prior surface water appropriations.

There has been little development of the Vermillion River as a surface water source. There have been 15 permits approved for use of the Vermillion River. Currently, there are three water rights and three water permits appropriating water from the Vermillion River. Two of the water rights/permits are more than 8.5 miles upstream of the proposed well site. There are three water rights/permits approximately 17 miles downstream of the proposed well site. Permit No. 119-3 for WE/W Jerald Hansen was filed to withdraw water from the Vermillion River approximately 5.5 miles north (upstream) of the proposed well site. However, it appears the system was never developed.

The Vermillion River and several of its tributaries have had Topeka Shiners observed in them since 1990. Near the well site proposed by Application 8072-3, Topeka Shiners were observed in the river between 1990 and 1999 but have not been observed since. However, Frog Creek which enters the Vermillion River approximately 2.5 miles upstream of the proposed well site has had Topeka Shiners observed between 2000 and 2011.

There are three USGS stream gages on the Vermillion River. One on the West Fork and one on the East Fork of the Vermillion River approximately five miles west-northwest and four miles north-northeast of Parker, respectively and one on the main river approximately one mile north of Vermillion. The monthly average flow rate of the river at the stream gages is shown in Figure 6. A map showing the stream gages, the proposed well site, and water rights/permits authorizing withdrawal of water from the Vermillion River are shown in Figure 7.

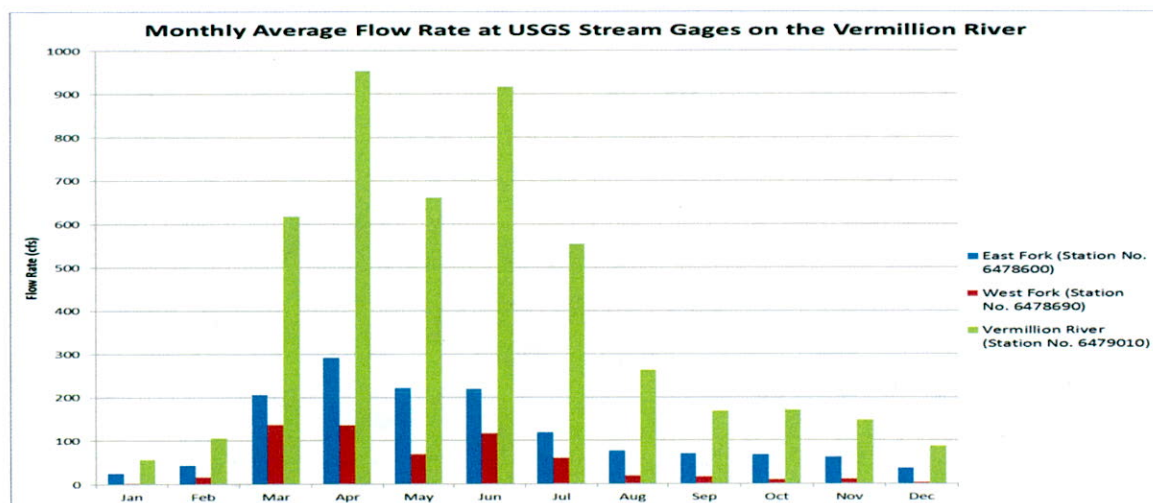


Figure 6- Monthly average flow rate at USGS stream gages on the Vermillion River (USGS, 2015)

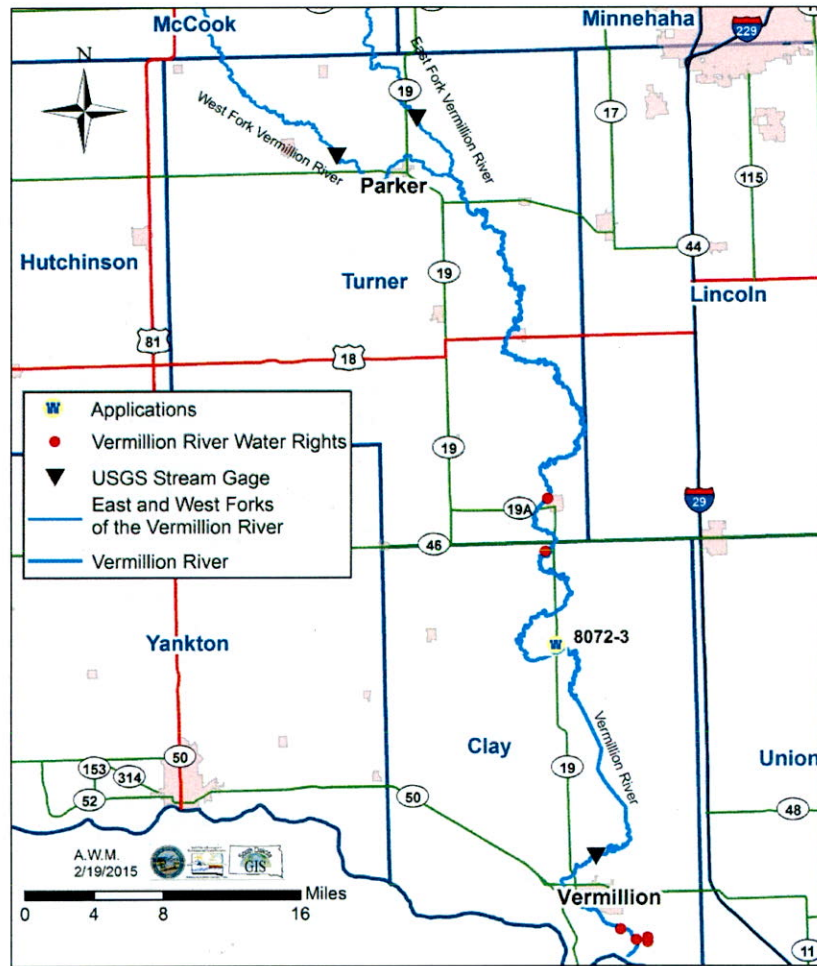


Figure 7- Map of USGS stream gages on the Vermillion River (USGS, 2015; Water Rights, 2015b)

At the flow rates shown in Figure 6, capture from any one well would be indiscernible. Also note, the monthly average flow rate at the West Fork and East Fork of the Vermillion River, when added together, is approximately half of the flow rate of the Vermillion River near Vermillion.

While there are surface water and groundwater appropriations along the length of the Vermillion River, there is more flow in the river downstream of the proposed well site than there is upstream of it. Furthermore, no individual well is likely creating a discernible impact on the river; the collective impact of the appropriations may have a measureable effect. However, there is clear evidence that the Vermillion River is, on monthly average, gaining twice the flow between the confluence of the West and East Forks of the Vermillion River to just a few miles north of the mouth of the river. There may be low or no-flow conditions in between the stream gages during dry years.

The nearest water right/permit that authorizes use of water from the Vermillion River that has been developed is at Centerville, approximately 8.5 miles north of the proposed well site, and is for the impoundment of water behind a small dam. At that distance, any influence this proposed application could make on the Vermillion River will be negligible. The three water rights/permits south of Vermillion that authorize the withdrawal of water from the river are for both the river and groundwater (Water Right Nos. 977A-3 and 977B-3) or, in the case of Water Permit No. 6057-3, authorize a

withdrawal less than the lowest monthly average flow rate at the stream gage north (upstream) of Vermillion which is also upstream from the diversion point (i.e. 1.33 cfs authorized for withdrawal versus 5.22 cfs at the stream gage).

Considering the limited development of the Vermillion River, the inconsistency of how the spacing qualification has been used, the monthly average flow rate doubles in the Vermillion River from the confluence of the West and East Forks to just north of the City of Vermillion, and there has been development within approximately 1,320 feet of the Vermillion River recently with no history of issues, there is no need to have the spacing qualification on Application No. 8072-3, if approved.

CONCLUSIONS:

1. Water Permit Application No. 8070-3 proposes to appropriate 1.56 cfs from the Upper Vermillion Missouri: South aquifer for the irrigation of 96 acres.
2. Water Permit Application No. 8071-3 proposes to appropriate 1.0 cfs from the Upper Vermillion Missouri: South aquifer for the irrigation of 51 acres.
3. Water Permit Application No. 8072-3 proposes to appropriate 1.0 cfs from the Upper Vermillion Missouri: South aquifer for the irrigation of 40 acres.
4. There is a reasonable probability that unappropriated water is available from the Upper Vermillion Missouri: South aquifer for these proposed appropriations.
5. There is a reasonable probability that these proposed diversions can be made without adversely impacting existing water rights/permits and domestic users.
6. The applicant is requesting a diversion rate greater than the statutory limit for Application Nos. 8070-3, 8071-3, and 8072-3. The applicant did not explicitly state a reason for the request. However, a map submitted with the application indicates the center pivots will only make a partial rotation. In the past, the Water Management Board has accepted that as a valid reason for the request.
7. The proposed well site for Application No. 8072-3 is approximately 1,200 feet from the Vermillion River. In the past, some permits have had a spacing qualification that requires the well to be at least 1,320 feet away from the river. However, there is not sufficient evidence that this spacing from the river is necessary.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved By:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Buhler, K.A. 2014. Report on 21 Water permits Application from the Upper Vermillion Missouri Aquifer. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
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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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MAR 18 2015

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

Hansen Irrigated Farms LLC
Roger Hansen
PO Box B
Centerville, SD 57014

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF THE
OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS
AFFIDAVIT; THAT THE ANNEXED
Notice of Application Nos. 8070-3, 8071-3 & 8072-3 to Appropriate Water

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 13 DAY OF March 2015
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$38.73 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: 3/13/2015

FILED ON: 3/12/2015

Tera A Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14 DAY OF

[Signature]
NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

recommendations. 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 March 23, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pimer, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$38.73. Publish: March 13, 2015.

NOTICE OF APPLICATION
NOS. 8070-3, 8071-3 and 8072-3
to Appropriate Water

Notice is given that Hansen Irrigated Farms LLC, PO Box B, Centerville SD 57014 has filed the following applications for a water permit.

Application No. 8070-3 proposes to appropriate 1.56 cubic feet of water per second (cfs) from one well to be completed into the South Management Unit of Upper Vermillion Missouri Aquifer (170 feet deep) located in the NE 1/4 NE 1/4 Section 35 for irrigation of 96 acres located in the NE 1/4 Section 35; all in T95N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 8071-3 proposes to appropriate 1.0 cfs from one well to be completed into the South Management Unit of Upper Vermillion Missouri Aquifer (120 feet deep) located in the SE 1/4 SE 1/4 Section 35-T95N-R52W for irrigation of 51 acres located in the SE 1/4 SE 1/4 Section 35-T95N-R52W and E 1/2 NE 1/4 Section 2-T94N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 8072-3 proposes to appropriate 1.0 cfs from one well to be completed into the South Management Unit of Upper Vermillion Missouri Aquifer (100 feet deep) located in the NW 1/4 NW 1/4 Section 2 for irrigation of 40 acres located in the N 1/2 NW 1/4 Section 2; all in T94N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8070-3, 8071-3 & 8072-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's

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WATER RIGHTS
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Department of Environment and Natural Resources
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Pierre, SD 57501-3182

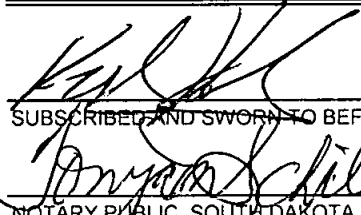
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

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Application Nos. 8070-3, 8071-3 & 8072-3

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HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 3/13/2015

FILED ON: 3/13/2015


SUBSCRIBED AND SWORN TO BEFORE ME THIS 13th DAY OF
March
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

A petition filed by either an interested person or the applicant must be filed by March 23, 2015.

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3+13
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Application No. 8072-3 proposes to appropriate 1.0 cfs from one well to be completed into the South Management Unit of Upper Vermillion Missouri Aquifer (100 feet deep) located in the NW 1/4 NW 1/4 Section 2 for irrigation of 40 acres located in the N 1/2 NW 1/4 Section 2; all in T94N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8070-3, 8071-3 & 8072-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 2, 2015

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 8070-3, 8071-3 & 8072-3 to Appropriate Water. Please publish the notice once on March 13, 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 Hansen Irrigated Farms LLC, c/o Roger Hansen, PO Box B, Centerville SD 57014 (Ph # 605-760-5690).

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

March 2, 2015

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

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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 DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

March 2, 2015

Hansen Irrigated Farms LLC
Roger Hansen
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

Water Permit Application Nos. 8070-3, 8071-3 & 8072-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Plain Talk printed at Vermillion SD (Ph # 605-624-2695) 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 recommendations of the Chief Engineer and reports on the applications 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(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
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 applications.

Instruction to Newspaper - Publish the Notice on March 13, 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 NOS. 8070-3, 8071-3 and 8072-3 to Appropriate Water

Notice is given that Hansen Irrigated Farms LLC, PO Box B, Centerville SD 57014 has filed the following applications for a water permit.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8070-3, 8071-3 & 8072-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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Published once at the total approximate cost of _____.

Water Rights Program File Documentation

NAME OF PERSON OR FILE: Hansen Irrigated Farms, LLC c/o Roger Hansen

DATE: 2/5/15 TELEPHONE: (605) 214-2655 – Sharon Deeb

RE: Sharon Deeb concerns about new well drilling for Mr. Hansen

COMMENTS:

In April 2014, Sharon Deeb sent a letter to the Water Rights Program expressing concern for the water supply to her farm after Water Permit Nos. 7948-3 and 7949-3 for Hansen Properties were public noticed. She did not oppose the permits, but just wanted to express her concern on the record (see the files for Permit Nos. 7948-3 and 7849-3).

Ms. Deeb called the Chief Engineer Goodman on February 5, 2015. Ms. Deeb stated that Roger Hansen was drilling new wells in her area. Mr. Hansen has water rights/permits under the name of Hansen Properties and permit applications under Hansen Irrigated Farms, LLC. Hansen Properties has two water permits, Permit Nos. 7948-3 and 7949-3, and there are three applications, Permit Application Nos. 8070-3, 8071-3 and 8072-3 for Hansen Irrigated Farms, LLC, within approximately one mile of Ms. Deeb's farm. On January 16, 2015, Richard Hammond of Heine Electric & Irrigation requested permission to drill test wells for Mr. Hansen under the name of Hansen Irrigated Farms, LLC for Permit Application Nos. 8070-3, 8071-3, and 8072-3. Permission to drill the test wells was granted the same day (see the files for Permit Application Nos. 8070-3, 8071-3, and 8072-3).

Mr. Hammond was contacted on February 5, 2015. He explained that the drilling Ms. Deeb had recently seen was the test well drilling authorized by the Water Rights Program on January 16, 2015. Two test wells were drilled and Mr. Hammond was finishing the well log paper work.

Ms. Deeb was contacted on February 5, 2015 as well. Ms. Deeb expressed concern about her well going dry and then not being able to water her livestock. I explained to her that domestic use takes precedence over appropriative use. She understood and was not opposed to Mr. Hansen's irrigation project. She just wanted to make sure the Water Rights Program knew she is concerned about her water supply. She asked that we send her copies of the report, recommendation, and the public notice for Application Nos. 8070-3, 8071-3, and 8072-3.



Adam Mathiowetz
Natural Resources Engineer
DENR-Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 2, 2015

Sharon Deeb
30248 Colfax Avenue
Centerville SD 57014

Dear Ms. Deeb:

A few months back you called the Department of Environment and Natural Resources (DENR) with concerns regarding potential irrigation proposed by Mr. Hansen near your farm. The primary concern was potential impact to the well you use for livestock.

Hansen Irrigated Farms LLC did file a water permit applications to irrigate in the area. I am sending you the staff report, recommendations and public notice for the three current applications pending. The notice will be published in the Plain Talk and Press & Dakotan. The date to petition to intervene is including in the notice.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosures

RECEIVED

MAR 23 2015

WATER RIGHTS
PROGRAM

Sharon E. Ifft
Golden Meadows Farm
30248 Colfax Avenue
Centerville, S.D. 57014
March 20, 2015

DEAR
Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre, S.D. 57501

Dear Jeanne Goodman

As per my letter dated last year, April 3, 2014, with regards to Water Permit Applications for Hansen Properties and my concerns for my farm's water well supply - it has come to my attention that there wells have been drilled in the vicinity of my farm. These new pivot irrigation wells however are for Hansen Irrigated Farms LLC. Same person, new title.

As I have previously stated and wish to re-iterate, I am not opposing Mr. Hansen's applications as long as my farm's water supply is not adversely affected. I trust your expertise and your staff's knowledge that this will not occur.

The two application numbers, 8070-3 and

8071-3 I believe are the newly built
and installed work in question.

Thank you again for the information
and advice from your staff.

Sincerely,

Theron E. Fab

copy to Mr. Hansen



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

APR 13 2015

Hansen Irrigated Farms LLC
Roger Hansen
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

Enclosed are Water Permit Nos. 8070-3, 8071-3 & 8072-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

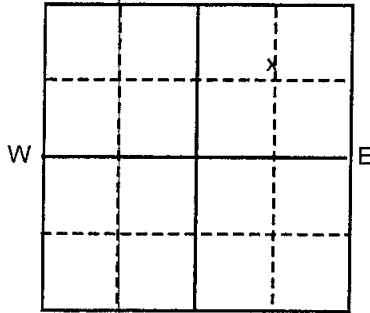
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location nw 1/4 ne 1/4 Sec 35 Twp 95n Rg 52WWell Owner: Roger Hansen 44County Clay

North

Please mark well
location with an "X"

Well Completion Date

Jan 28, 2015

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1,600.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16.00</u> IN	<u>0.0</u> FT	<u>113.0</u> FT	<u>22.00</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>bentonite</u>	<u>20</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>100.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 40.0 FeetMaterial pvcSlot Size .050 Set From 113.0 Feet to 153.0 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? hth granules
☐ No, Why Not?
 Lab to which water
 quality sample sent for analysis

Business Name:

Address: P.O.Box BCity, State, Zip: Centerville SD 57014

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
topsoil, black	0	2
Silt, yellow,	2	11
Sand, fine	11	12
Clay, brown, sandy, pebbly	12	15
Sand, fine-medium	15	20
Clay, brown, pebbly	20	70
Gravel, coarse, rocky	70	140

STATIC WATER LEVEL 69.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

101.0 Ft. After 2.0 Hrs. pumped 750.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

APR 15 2015

WATER RIGHTS
PROGRAMThis well was drilled under license # 810 and this report is true and accurate.Drilling firm: Heine Electric & Irrigation, Inc.

Signature of License Representative:

James C. Heine

Signature of Well Owner or Equitable Property Holder:

Date: 2-18-15



8070-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: HANSEN PROPERTIES, ROGER A HANSEN, PO BOX B, CENTERVILLE, SD 57014

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 973-3, 974-3 & 1813-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6820A-3, 6821-3, 6822-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3 & 7995-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6820A-3, 6821-3, 6822-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3 & 7995-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 973-3, 974-3 & 1813-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



8070-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 25, 2016

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

RE: Water Right or Permit Nos. 973-3, 974-3, 1813-3, 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6820A-3, 6821-3, 6822-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3 & 7995-3 for Hansen Properties and Water Permit Nos. 8070-3, 8071-3 & 8072-3 for Hanson Irrigated Farms LLC

Dear Mr. Hansen:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for the above listed water rights and water permits. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

8070-3



121 E. 5th St. / P.O. Box 1307 / Storm Lake, IA 50588
Phone: 712.732.4117 / Fax: 712.749.7502
www.metabank.com

March 6, 2019

RECEIVED

Member FDIC

MAR 11 2019

WATER RIGHTS
PROGRAM

PAID

MAR 11 2019

Ck# 66142870

Ms. Genny McMath
DENR – Water Rights Program
Joe Foss Building
523 E Capital
Pierre, South Dakota 57501

Dear Ms. McMath,

Please find enclosed the signed transfer agreements of the water rights previously owned by Hansen Properties. Also, please find enclosed a check in the amount of \$1,750 for the fees for the transfers. Please contact me at 712-749-7545 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron W. Wilcke".

Ron W. Wilcke
Market President

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

MAR 11 2019

Ck# 060142870

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

RECEIVED

MAR 11 2019

WATER RIGHTS
PROGRAMWater Right/Permit No. 8070-3Date: 2-21-19I/We request that Water Right/Permit No. 8070-3 formerly owned by:Hansen Properties

be transferred to:

New Owner Name: MetaBankAddress: 5501 Broadband LaneCity, State, Zip Sioux Falls SD 57108 Telephone No. 605-361-4347

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

Irrigate 96 acres located in the NE 1/4 Section 35-T95N-R52W

☒ I understand that the validity of Water Right/Permit No. 8070-3 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, Jon W. Wilcke, Market President, MetaBank, the new owner, certify that the above information is true and correct.

Jon W. Wilcke M.P.
(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 11, 20 19

RECEIVED OF MetaBank 5501 Broadband Lane Sioux Falls SD 57108

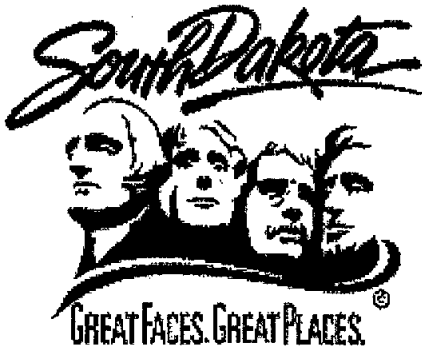
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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. _____		
Fee for Filing Transfer Form <u>8070-3</u>		
Fee for _____	50	00
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	50 00

No. **09089**

By

Jeannie Goodman
Chief Engineer
Jm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 2019

Jon W Wilcke
MetaBank
PO Box 1307
Storm Lake IA 50588

RE: Ownership changes for Hansen Properties – MetaBank transfers

Dear Mr. Wilcke:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted by MetaBank for transferring water permits/rights from Hansen Properties to MetaBank. The ownership changes have been completed.

Water Permit/Right Nos. 973-3, 974-3, 1813-3, 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6818-3 6819-3, 6820A-3, 6821-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3, 7995-3, 8070-3, 8071-3, 8072-3 once held by Hansen Properties are now listed under “MetaBank” 5501 Broadband Lane, Sioux Falls SD 57108.

Please keep in mind the annual irrigation questionnaires will be mailed out in October, 2019 and any water use will need to be reported. If the bank has the land managed by someone, please let them know to keep track of water use during the irrigation season.

If you have any questions, please contact me.

Sincerely,

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

enclosures: Receipts for the filing fees

File No. **8070-3**
8071-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Hansen Irrigated Farms, PO Box B, Centerville SD 57014

DATE: September 14, 2020

RE: ownership of land described in Permit Nos. 8070-3 and 8071-3

COMMENTS:

In 2019, MetaBank transferred water rights and water permits held by Roger Hansen, w/Hansen Irrigated Farms to their name. Most of the land was sold at auction and ownership changes filed to individual people in 2019.

As of today, 18 of the water rights and permits were still listed under MetaBank's name. Prior to mailing this year's irrigation questionnaires, I reached out to the bank to find out if the rest of the land had been sold. I was told all the land had sold and the new owners should have contacted us by now.

My inquiry was forwarded to John Reburn w/People's Company in Clive IA. Mr. Reburn sent me the name and address of the remaining owners. He also indicated that Water Permit Nos. 8070-3 and 8071-3 were transferred in error and the bank never actually owned the land.

Since the water permits were transferred in error, they will revert to Hansen. Mr. Hansen will not be required to file transfers or pay any fees. All records will be changed back to Hansen Irrigated Farms.

September 15, 2020

Spoke with Mr. Hansen, he indicated that he was in the process of selling that land and it may be held by Hansen Ventures LLC in the future. I discussed sending him transfer forms so if and when he sells the property, he will have the forms.



Genny McMath
Water Rights Program



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: HANSEN PROPERTIES, ROGER A HANSEN, PO BOX B, CENTERVILLE, SD 57014

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6822-3, 8070-3 & 8071-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6822-3, 8070-3 & 8071-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6822-3, 8070-3 & 8071-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/ig> using this password: TNQFSE**

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

8070-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2021

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER PERMITS

TO: Roger Hansen, Hansen Properties, PO Box B, Centerville SD 57014

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Permit Nos. 6822-3, 8070-3 & 8071-3

On March 3, 2021, the Water Management Board ordered:

Effective April 3, 2021, Water Permit Nos. 6822-3, 8070-3 & 8071-3 be suspended for the 2021 irrigation season for failure to submit the 2020 irrigation questionnaires.

If the 2020 irrigation questionnaires are received prior to April 3, 2021, the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2021 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2021 unless the 2020 irrigation questionnaires are submitted by April 3, 2021.

After April 3rd, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2020 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 5-6, 2021 in Pierre, SD. The letter should include your reasons for not completing the 2020 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

Certification

I hereby certify that on March 4, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 4, 2021 regarding Water Management Board action taken March 3, 2021 for Irrigation Questionnaire violations addressed as stated below:

Amendments:

No. 1994-3: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536
 No. 4332-3: Kash Van Dyke, 22071 486th Ave, Elkton SD 57026

One Year Suspensions:

No. 515-3: Bruce D Peterson, 3600 S Slaten Park Dr, Sioux Falls SD 57103
 Daniel Benson, 45586 US Hwy 18, Hurley SD 57036
 No. 577-1: Max & Brenda Bowen, 17600 Kentucky Pl, Mud Butte SD 57758
 No. 5524-3: Wade & Todd Druin, 30911 457th Ave, Volin SD 57072-6322
 No. 1554A-1: Franklin Dyck, 313 Pierre St, Vale SD 57788
 No. 1935-1: Brian Dyck, 313 Pierre St, Vale SD 57788
 No. 2675-3: Beau Gregg, 22289 Mint Rd, Harrold SD 57536
 Nos. 6822-3, 8070-3 & 8071-3: Roger Hansen, Hansen Properties, PO Box B, Centerville SD 57014
 No. 1150-2: O M Iwan & Sons, 24912 Rocky Ford Rd, Midland SD 57552
 Nos. 4678-3 & 6960-3: Craig Jepsen, Jepsen Farms, 505 Larson St SW, Hutchinson MN 55350-2108
 Nos. 5566-3, 7615-3 & 7616-3: Wayne Reiersen, 30048 Reiersen Pl, Pollock SD 57648
 No. 2350-3: Bill Boyer, River View Farms, PO Box 486, Alcester SD 57001-0486
 No. 2497-2: Marty Vanderploeg, 22958 293rd St., Martin SD 57551

Three Year Suspensions:

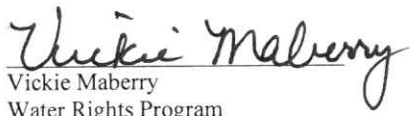
No. 4472-3: Darrel Biddle, 37461 287th St, Geddes SD 57342
 No. 7970-3: David Hoops, PO Box 462, Huron SD 57350-0462

Suspend/Amend

Nos. 6565-3, 6566-3, 6817-3, 6818-3, 6819-3, 7003-3, 7383-3, 7693-3, 7994-3, 974-3 & 1813-3:
 • Roger Hansen, Hansen Ventures LLC, 700 W Broadway, Centerville SD 57014

Nos. 4705-3, 7924-3, 3803-3 & 4448-3A

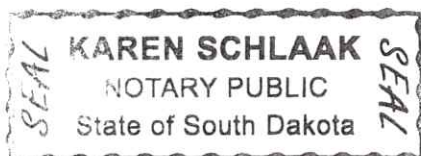
- Brandon Ritter, 30489 115th St, Mound City SD 57646
- Iverson Farms, A Ltd Partnership, 30856 119th St, Mound City SD 57646


 Vickie Maberry
 Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 4th day of March, 2021.


 Karen Schlaak
 Notary Public
 My Commission expires April 1, 2025





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 6, 2021

Roger Hansen
Hansen Ventures LLC
PO Box B
Centerville SD 57014

RE: Water Permit/Right Nos. 6565-3, 6566-3, 6817-3, 6818-3, 6819-3, 6822-3, 7003-3, 7383-3, 7693-3, 7994-3, 8070-3 and 8071-3

Dear Mr. Hansen:

On March 3, 2021, the Water Management Board ordered Water Permit/Right Nos. 6565-3, 6566-3, 6817-3, 6818-3, 6819-3, 6822-3, 7003-3, 7383-3, 7693-3, 7994-3, 8070-3 and 8071-3 suspended if the 2020 irrigation questionnaires were not received prior to April 3, 2021.

The questionnaire information for the above listed permits and rights was received on April 1st. Since the irrigation questionnaires are on file, no violations have occurred, and no suspensions will take place. You may irrigate during the 2021 irrigation season.

In the future, the Board may not grant the additional 30-day grace period after the hearing is held. I would caution you against waiting so long to get the forms in.

If you have any questions, please contact us.

Sincerely,

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

8070-3



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

January 20, 2022

NOTICE

TO: HANSEN PROPERTIES, ROGER A HANSEN, PO BOX B, CENTERVILLE, SD 57014

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6822-3, 8070-3 & 8071-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6822-3, 8070-3 & 8071-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6822-3, 8070-3 & 8071-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: RJZLFL**

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

8070-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 16, 2022

Roger A Hansen
700 Broadway
Centerville SD 57014

RE: Water Right/Permit Nos. 974-3, 1813-3, 6565-3, 6566-3, 6817-3, 6818-3, 6819-3, 6822-3
7003-3, 7383-3, 7693-3, 7994-3, 8070-3 & 8071-3

Dear Mr. Hansen:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires. The forms were all submitted online by PBP Farms.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for the above listed water permits or water rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Please do not forget to complete and return all the transfer forms sent to you. **The above are still listed under MetaBank, Hansen Irrigated Farms or Hansen Properties.** It is very important to keep ownership records up to date. If you have any questions, please contact me.

Sincerely,

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



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

January 19, 2024

NOTICE

TO: HANSEN PROPERTIES, ROGER A HANSEN, PO BOX B, CENTERVILLE, SD 57014

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8070-3 & 8071-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8070-3 & 8071-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8070-3 & 8071-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: NYGNLO**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 9, 2024

8070-3

8071-3

Hansen Irrigated Farms
c/o Roger Hansen
PO BOX B
Centerville SD 57014

Dear Mr. Hansen:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 8070-3 & 8071-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



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

January 14, 2025

NOTICE

TO: HANSEN PROPERTIES, ROGER A HANSEN, PO BOX B, CENTERVILLE, SD 57014

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6822-3, 8070-3 & 8071-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6822-3, 8070-3 & 8071-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6822-3, 8070-3 & 8071-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: FVCUDR**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 28, 2025

974-3, 1813-3, 6566-3, 6817-3
6818-3, 6819-3, 6822-3, 7003-3
7383-3, 7693-3, 7994-3, 8070-3 & 8071-3

Roger Hansen
700 Broadway St
Centerville SD 57014

Dear Mr. Hansen:

I am writing to acknowledge the receipt of one of your 2024 irrigation questionnaires, submitted by John Landeen.

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 8070-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

Reporting requirements have however not been met for Permit Nos. 974-3, 1813-3, 6566-3, 6817-3, 6818-3, 6819-3, 6822-3, 7003-3, 7383-3, 7693-3, 7994-3 & 8071-3, which are still scheduled to be reviewed by the Board.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8070-3**

I have this day, December 3, 2024, made a thorough examination of the water use system owned by Hansen Irrigated Farms LLC, PO Box B, Centerville, SD 57014, holder of Permit No. 8070-3, bearing the priority date of January 7, 2015. This permit authorizes the diversion of 1.56 cu. ft. per second total from two wells of the waters of groundwater (South Management Unit of Upper Vermillion Missouri Aquifer) authorizing the irrigation of 96 acres located in Clay County.

Inspection contacts: Roger Hansen and Brett Petersen

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Heine electric & Irrigation, Inc.
- 2) No. of Wells: 1
- 3) Depth(s): 153 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 113 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: 69 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 625S400-2
- 3) Capacity: 700 gpm

Motor:

- 1) Make: Grundfos
- 2) Model No.: Unknown
- 3) Horsepower rating: 40 hp

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

- 1) Type: Steel Size: 8 inches Length: 15 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 1217 feet
- 3) Number of towers: 7
- 4) End gun: Yes Range: 102 feet
- 5) Capacity: 700 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 1,260 feet south and 1,320 feet west of the northeast corner of Section 35-T95N-R52W (Latitude 43.00757, Longitude -96.94761– N1/2 of the NE1/4).

- 2) The works are capable of diverting and conveying to the places of use 1.56 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

Section 35-T95N-R52W

NW1/4NE1/4 32 acres

NE1/4NE1/4 30 acres

SW/4NE1/4 4 acres

SE1/4NE1/4 30 acres

comprising a total of 96 acres of land and the license should be issued for 1.56 cfs.

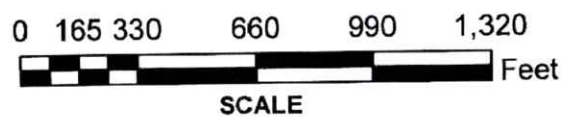
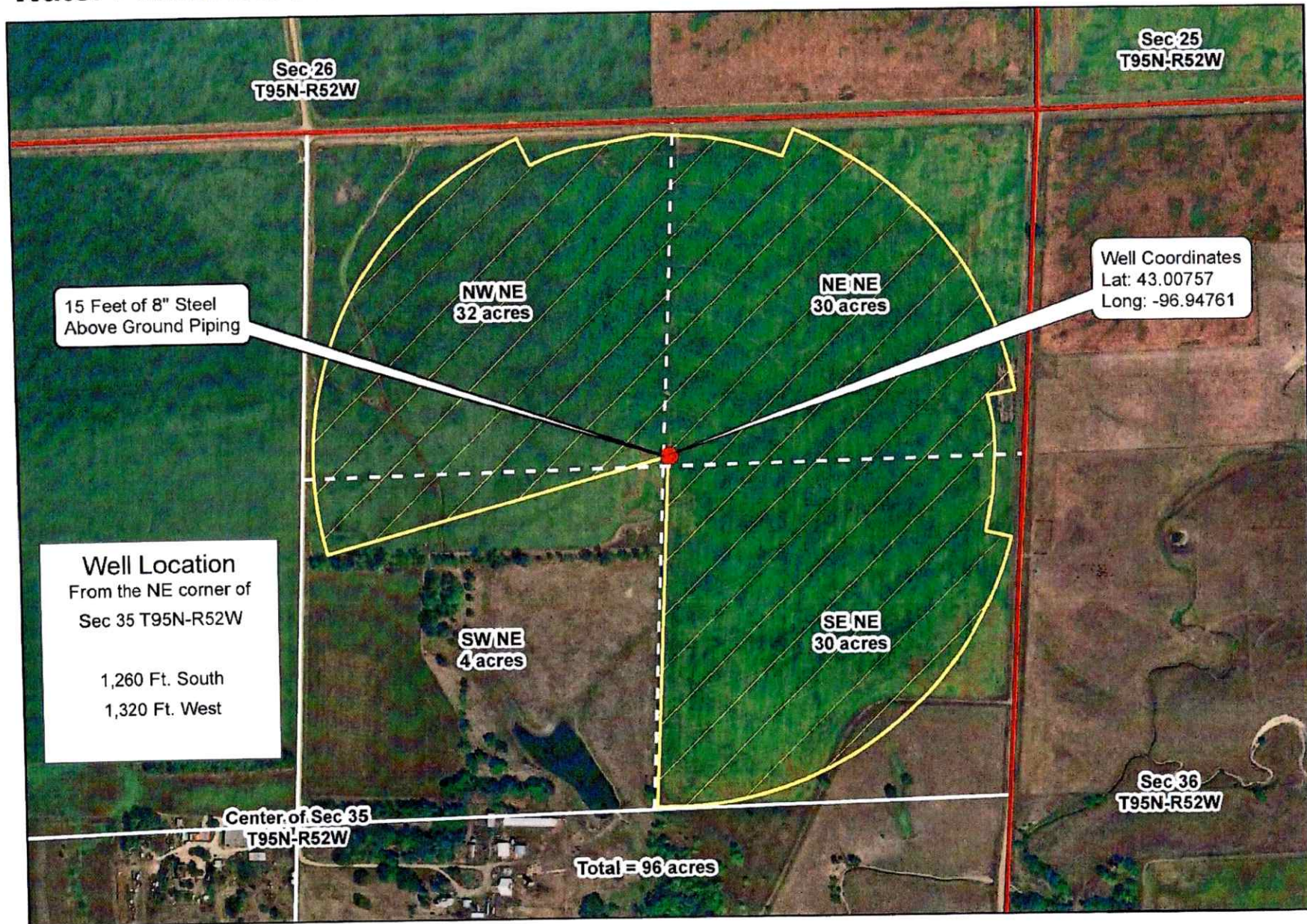
- 3) All structures, wells and lands on map: Yes

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

Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **December 9, 2024**

Water Permit No. 8070-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
December 3, 2024



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 02 2025

Hansen Irrigated Farms LLC
c/o Roger Hansen
PO Box B
Centerville, SD 57014

No. 8070-3

Dear Mr. Hansen:

Enclosed is Water License No. 8070-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8070-3**

(1) Hansen Irrigated Farms LLC, PO Box B, Centerville, SD 57014, made Application No. 8070-3, January 7, 2015, for a water permit to divert 1.56 cubic feet of water per second from groundwater, one well (South Management Unit of Upper Vermillion Missouri Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 8070-3, with a priority date of January 7, 2015, was approved March 23, 2015, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 23, 2020, and for the application to beneficial use of water on or before March 23, 2024.

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

- 1,230 feet South and 1,320 feet W of the NE corner of Section 35, T95N, R52W (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
(Latitude 43.00757 and Longitude -96.94761)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.

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

Section 35, T95N, R52W
NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 30 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 32 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 4 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 30 acres
Total – 96 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Hansen Irrigated Farms LLC, the holder and/or owner of Water Right No. 8070-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from groundwater, one well (South Management Unit of Upper Vermillion Missouri Aquifer), with a priority date of January 7, 2015, 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. 8070-3 and subject to the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8070-3 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 in 2015 by Heine Electric & Irrigation Inc. A copy of the well completion report is on file with the Water Rights Program.)*

continued

3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8070-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 96 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.

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

Mark S. Mayer

Mark Mayer, PE
Director of Office of Water

5/2/25

date

