

WATER PERMIT NO. 8078-3

Name of Applicant: Rusty Dimberg

Address: 41274 US Highway 75, Ortonville MN 56278 Phone: 320 305-1555

Amount of Water Claimed: no additional Total Acres: 7 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Grant

Type of Waste Disposal System:

Location: 1/2 miles southwest of Big Stone City

PRIORITY Date Received: 1-20-15 Application/License Fee: \$ 100

Corrected Application Received: Period of Annual Use: April 1 – October 31

Remarks: Utilizing diversion point authorized by Permit No. 7529-3

Diversion Point: NW 1/4 NE 1/4 Sec 19-T121N-R46W

Land to be Irrigated: NW 1/4 NE 1/4, NE 1/4 NW
1/4 Sec 19-T121N-R46W

Depth of Well: 100 feet deep

Well Driller:

Remarks:

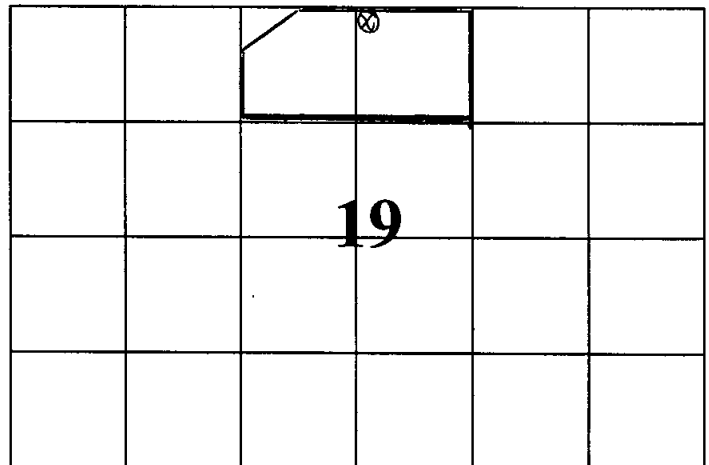
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-20-15

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8078-3</u> (office use only) Hydrologic Unit <u>07020001</u>
	Basin <u>Minnesota Whitestone</u> <u>605-432-4516</u>
	Newspaper <u>Grant Co. Review, Box 390 Millbrook 57252</u> <u>605-886-6901</u>
	<u>Public Opinion, Box 10, Watertown 57201</u>

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JAN 20 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.)
additional 7 acres to Water Permit No. 7529-3

1. Name to Appear on Irrigation Permit Rusty Dimberg

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

(name and complete address if different than above name)

Mailing Address 41274 US Highway 75 Ortonville MN 56278
(Address) (City) (State) (Zip Code)

Home Phone 32-839-3807 Cell 320 305-1555 Email _____

2. Amount of water claimed no addl *CFS or _____ **GPM _____ ***AF Total Acreage 7
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Veblen aquifer

4. Location of point of diversion NW 1/4 NE 1/4 Section 19, T121N, R46W

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

County Grant

5. County or counties where water will be used Grant

6. Annual period during which water is to be used April 1 - October 31

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

Land Description	Acres	Land Description	Acres
total acreage irrigated	43		
NW 1/4 NE 1/4 Section 19, T121N, R46W			
NE 1/4 NW 1/4 Section 19, T121N, R46W			

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

Water Permit No. 7529-3 authorized irrigation of 36 acres. Construction of the irrigation system allowed for an additional 7 acres to be irrigated.

Well information same as on Water Permit No. 7529-3.

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

**SOUTH DAKOTA
WATER PERMIT NO. 8078-3**

Date of first receipt of application January 20, 2015.

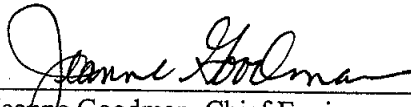
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8078-3 to Rusty Dimberg, 41274 US Hwy 75, Ortonville MN 56278 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8078-3 authorizes irrigation of 7 new acres. Water Permit No. 7529-3 appropriates 0.89 cubic feet of water per second (cfs) from one well completed into the Veblen Aquifer (100 feet deep) located in the NW 1/4 NE 1/4 Section 19 for irrigation of 36 acres located in the NW 1/4 NE 1/4, NE 1/4 NW 1/4 Section 19; all in T121N-R46W. This permit authorizes irrigation of 7 new acres located in the NE 1/4 NW 1/4 Section 19-T121N-R46W. This permit does not authorize any increase in the diversion rate. Water Permit No. 8078-3 incorporates Water Permit No. 7329-3 and authorizes 0.89 cfs to irrigate 43 acres described above.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is January 20, 2015 (additional 7 acres) and November 5, 2012 (0.89 cfs and 36 acres).
4. The date of approval of Permit No. 8078-3 is April 13, 2015.
5. One-fifth of the construction is to be completed on or before October 13, 2017.
6. All construction is to be completed on or before April 13, 2020.
7. Water is to be put to beneficial use on or before April 13, 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

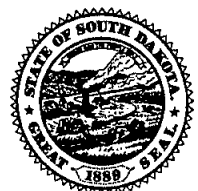
1. The well approved under this Permit Nos. 7529-3 and 8078-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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 Nos. 7529-3 and 8078-3, combined, authorize a maximum diversion rate of 0.89 cfs for the irrigation of 43 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Approval of Permit No. 8078-3 incorporates Permit No. 7529-3.

WATER MANAGEMENT BOARD

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

APR 23 2015

date



Lindsay Manufacturing Co.



2707 North 108th Street
Omaha, NE 68164
800 - 829 - 5300 office

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Farm: Field1

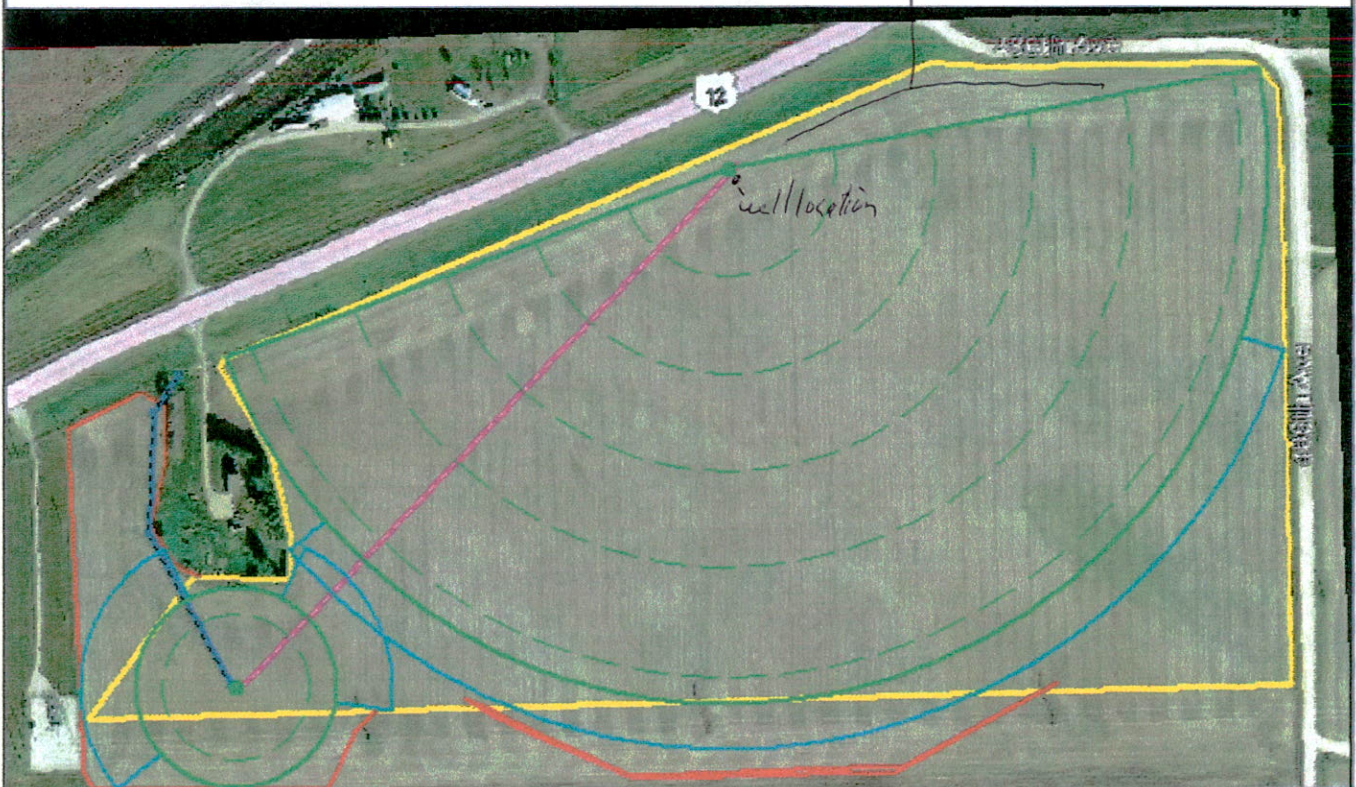
Grower: Rusty Dimberg

4/15/2014

Systems:	Length	Spans	Total area including endgun
● Pivot 1	988.17 ft	5 spans + 44 ft o.h.	37.25 acres
● Pivot 2	186.00 ft	1 spans + 44 ft o.h.	4.15 acres

Pipe and Wire:	Length / Size	Description
● Pipe 1	1315.95 ft / ??	
● Wire 1	625.70 ft / ??	

above ground stationary sprinkler system 1 acre app.



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JAN 20 2015

WATER RIGHTS



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/20, 20 15

RECEIVED OF Rusty Dimberg 41274 US Hwy 75 Ortonville MN 56278

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

Fee for Application for Permit No. <u>8078-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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 _____		
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	100	00

No. 07136

By James Goodner
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



No. 7529-3

November 21, 2014

Rusty Dimberg
41274 US Highway 75
Ortonville MN 56278

Dear Mr. Dimberg:

Thank you for returning your 2014 irrigation questionnaire. A notation was made on the questionnaire indicating "We made the irrigation pivot system bigger in 2014".

Water Permit No. 7529-3 authorizes 0.89 cubic feet of water per second from one well located in the NW 1/4 NE 1/4 Section 19 to irrigate 36 acres located in the NW 1/4 NE 1/4, NE 1/4 NW 1/4 Section 19; all in T121N-R46W (copy enclosed).

The questionnaire indicates you irrigated 44 acres. This increase in acres will require a new water permit application. Enclosed are the necessary forms. Please complete the forms and submit a map outlining the additional acres. The application fee will be \$500. You will not be required to submit another license fee.

Obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water. If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak
Water Rights Program, DENR
605 773-3352

enclosures

Permit No. 7529-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 7529-3, Rusty Dimberg

ADDRESS: COUNTY: Grant County

DATE: January 6, 2015 TELEPHONE: 320 305-1555

RE: Discussion on additional acres

In follow-up to Karen Schlaak's telephone conversation with Mr. Dimberg, I called to discuss the need for a permit to be obtained for the additional acres. The permit was originally obtained to irrigate 36 acres but on his 2014 irrigation questionnaire he reported 44 acres being irrigated. Mr. Dimberg stated that he wasn't using more water. After obtaining the permit, his irrigation supply person provided him a way to configure the system that would maximize acreage coverage above the 36 acres.

I explained that based on volume, if you irrigate more acres you will use more water on a volume basis. The discussion boiled down to Mr. Dimberg thinking having to get another permit was not right, especially in light of him having to pay the application filing fee of \$500. He inquired if there was any way to reduce the fee. I told him that I could not deviate from state law and tell him something that was not in accordance with the law. He asked if I could check into it further.

The fee for up to 60 acres of new irrigation is \$500. However, there is a fee of \$100 for use of less than 45 gpm. Water Rights has used that lesser fee for 7 acres or less as figuring that 7 acres equates to 45 gpm diversion rate authority.

I contacted Mr. Dimberg and told him that 7 acres or less is \$100 but that 8 additional acres is \$500. I reiterated that is how the fee structure is based in law. He said he could just apply for 7 acres. I told him that is fine as long as his irrigated acres does not exceed 43 acres. He said he would not.

I also told him that when we get to that point he'll also be responsible for the cost of the public notice but that will be between him and the newspapers.

NAME: Eric Humlund



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
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January 7, 2015

Rusty Dimberg
41274 US Highway 75
Ortonville MN 56278

Dear Mr. Dimberg:

We spoke on the phone regarding development of more acres for irrigation than were authorized by Water Permit No. 7529-3. You agreed to apply for 7 additional acres to bring the total number of acres authorized on your land in Section 19, T121N, R46W of Grant County to 43 acres.

Enclosed is a partially completed application to apply for the additional acres. Please review, make changes as you deem appropriate and sign the application. Also outline the acreage actually being irrigated and mark the well location on the enclosed map. Then submit the application, map and \$100 application filing fee in the self-addressed stamped envelope that is included.

Once the application is reviewed and a recommendation is made, the application will need to be public noticed. We will walk you through the process when we get to that point. The publication cost of the notice is your responsibility and will be directly between you and the newspapers.

Please contact me if you have any questions.

Sincerely,

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

enclosure



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. 8078-3, Rusty Dimberg**

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. 8078-3, 8078-3, Rusty Dimberg, 41274 US highway 75, Ortonville MN 56278.

The Chief Engineer is recommending APPROVAL of Application No. 8078-3 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 Nos. 7529-3 and 8078-3 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. 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 Nos. 7529-3 and 8078-3, combined, authorize a maximum diversion rate of 0.89 cfs for the irrigation of 43 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Approval of Permit No. 8078-3 incorporates Permit No. 7529-3

See report on application for additional information.

Jeanne Goodman, Chief Engineer
March 19, 2015

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8078-3
RUSTY DIMBERG
MARCH 18, 2015

Water Permit Application No. 8078-3 proposes to irrigate seven new acres in addition to the acreage authorized for irrigation by Permit No. 7529-3. Water Permit No. 7529-3 appropriates 0.89 cubic feet of water per second (cfs) from one well completed into the Veblen aquifer (100 feet deep) located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19 for the irrigation of 36 acres located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19; all in T121N-R46W in Grant County. This application is to irrigate seven new acres located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19; T121N-R46W. This application, if approved, does not authorize any increase in the diversion rate authorized by Permit No. 7529-3.

AQUIFER: Veblen aquifer (VEB)

GEOLOGY AND AQUIFER CHARACTERISTICS:

Historically, various glacial outwash deposits underlying portions of northeastern South Dakota have been considered the “Veblen aquifer” (Buhler, 2007). The Veblen aquifer is a group of buried basal outwash deposits underlying portions of Roberts, Grant and Deuel Counties, South Dakota and Big Stone, Swift and Lac Qui Parle Counties, Minnesota. In Grant County, the aquifer should generally be considered within the approximate interval of altitude defined by Hansen (1990). However, subsequent investigations suggest Hansen may have overestimated the areal extent of the aquifer (Barr Engineering, 2007). A map showing the three principle delineations of the Veblen aquifer is shown in Figure 1. The aquifer as delineated by Barr Engineering (2007), as shown in Figure 1, is considered the Veblen aquifer for water appropriation matters. Individual sand and gravel units of the Veblen aquifer are not continuous throughout the entire mapped extent however; interconnection between the outwash deposits is likely in places (Buhler, 2007). The Veblen aquifer primarily consists of medium to coarse sand and fine gravel that is generally under confined conditions. The aquifer slopes to the east at about 13 feet per mile, and the direction of water movement in the aquifer is generally from west to east (Hansen, 1990). Hansen (1990) reported a range of aquifer depth of one to 210 feet below ground surface and an average aquifer thickness of 28 feet. Test hole reports and well completion reports submitted with Water Permit No. 7529-3 identify sand from approximately 75 to 80 feet below grade to approximately 90 to 95 feet below ground surface. The static water level was between 50 and 60 feet below grade in early 2013.

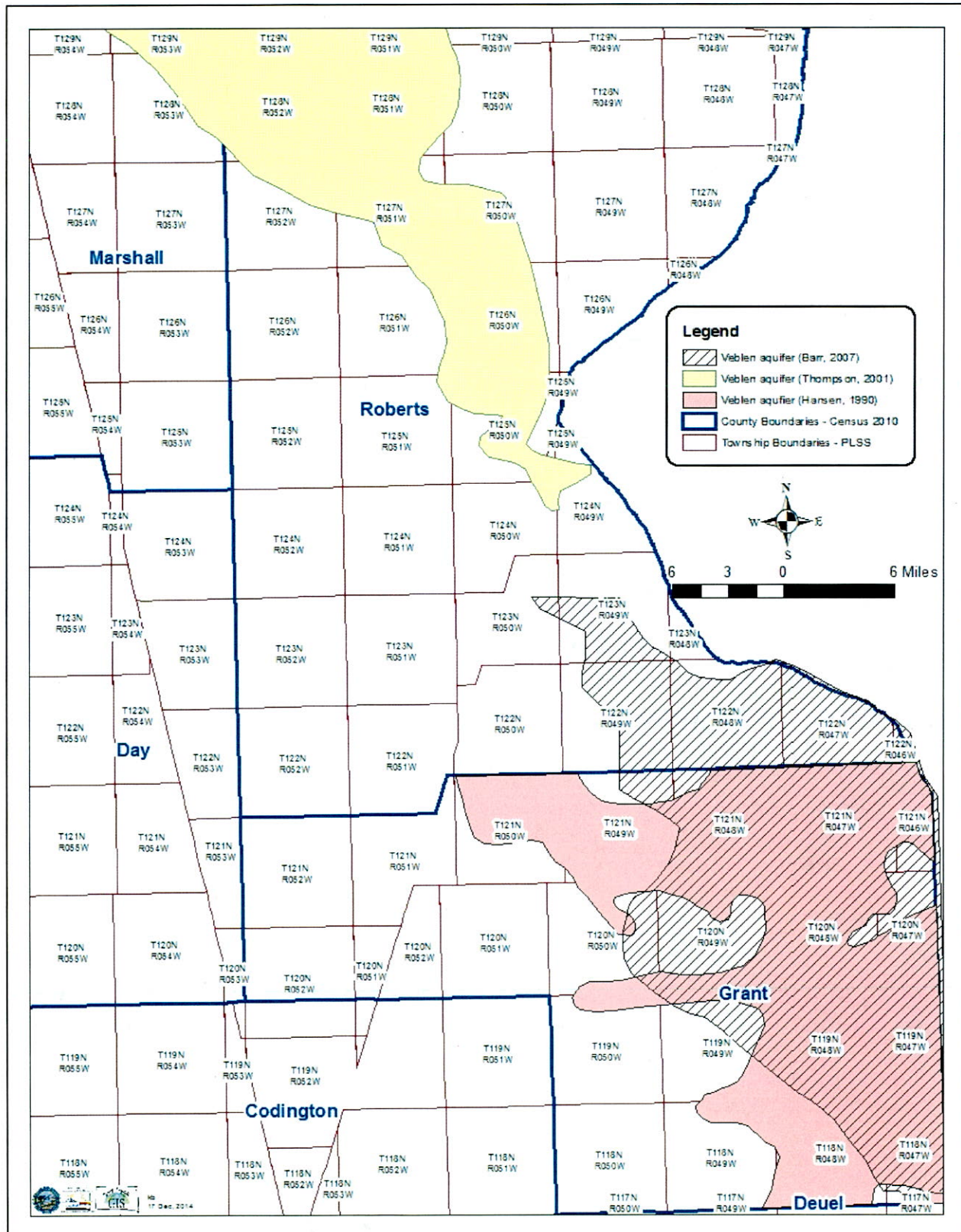


Figure 1. The areal extent of the Veblen aquifer in Grant and Roberts Counties, South Dakota (modified from Barr, 2007; Thompson, 2001; and Hansen, 1990)

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-9

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

WATER AVAILABILITY:

This application proposes to appropriate water from the Veblen aquifer to irrigate seven acres. If this application is approved, average annual water use will likely be less than seven acre-feet annually (ac-ft/yr). The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn Formation, therefore the withdrawal/recharge issue must be considered.

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

A 2012 First Judicial Circuit Court's rulings basically stated that data must be presented to show it is probable the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (*Hanson County Dairy v. Robert Bender and Stace Nelson*) (Memorandum Decision, April 11, 2012).

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

Hydrologic Budget:

Withdrawals:

Discharge from the Veblen aquifer potentially occurs through outflow to local lakes and rivers, and well withdrawals for commercial, municipal, institutional, industrial, irrigation and domestic use (Hansen, 1990; Water Rights, 2013b). There are currently 48 water rights/permits appropriating water from the Veblen aquifer.

Thompson's interpretation of the geohydrologic data for Roberts County resulted in the Veblen aquifer terminating to the south in T124N (Thompson, 2001). The study area for the Barr

Engineering investigation did not extend far enough north to corroborate or contradict Thompson, but did suggest a constriction in the outwash near the northern limit of their study area (Barr, 2007). The southern terminus of Thompson's outwash and the constriction at the northern edge of Barr's outwash, both appear to be associated with northwest-southeast trending bedrock high identified by Tomhave and Schulz (2004). This constriction and/or discontinuity in the outwash allows the Veblen aquifer south of T124N to be treated separately from the outwash deposits north of T124N for water management purposes. The 39 water rights permits appropriating water from the Veblen aquifer south of T124N are shown in Table 1.

Table 1. Water Rights/Permits appropriating water from the Veblen aquifer

PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
6161-3	LOU'S GREENHOUSE	12/28/1999	LC	COM	0.04	NA
6636-3	WESTERN CONSOLIDATED COOP	07/06/2005	LC	COM	0.022	NA
7931-3	GCC READY MIX	12/02/2013	PE	COM	0.11	NA
8015-3	VICTORY FARMS LLC	05/13/2014	PE	COM	0.33	NA
5918-3	VICTORY FARMS	03/19/1996	LC	COM/LCO	0.33	NA
6230-3	RIVERVIEW LLP	09/20/2000	LC	COM/LCO	0.39	NA
6358-3	MICHAEL & NANCY JOHNSON	08/06/2002	LC	COM/LCO	0.11	NA
6171-3	COLD SPRING GRANITE CO	01/18/2000	LC	IND	0.111	NA
7649-3	POET BIOREFING	01/09/2013	PE	IND	3.34	NA
1939-3	KATHLEEN A TRAPP	04/13/1972	LC	IRR	1	71
2759-3	LIEBE IRRIGATION	06/09/1976	LC	IRR	2.23	198
2808-3	DUANE TRAPP	06/29/1976	LC	IRR	2	140
2994-3	ANTHONY G FOLK	09/09/1976	LC	IRR	1.39	97
3133-3	DAVID KRUGER	10/12/1976	LC	IRR	2.01	260
3134-3	DAVID KRUGER	10/12/1976	LC	IRR	1.78	230
3234A-3	MICHAEL D JOHNSON	11/08/1976	LC	IRR	0	0
3234B-3	JOEL ADLER	11/08/1976	LC	IRR	0	0
3412A-3	DANA JOHNSON	12/10/1976	LC	IRR	0.64	72
3412B-3	MARK & NIKI RETHKE	12/10/1976	LC	IRR	0.69	77
3627-3	JAMES/TERESA GRORUD	02/07/1977	LC	IRR	1.94	136
3723-3	ROCKY MEADOWS INC	02/14/1977	LC	IRR	1.11	164
3954-3	ROGER MC CULLOUGH	05/05/1977	LC	IRR	2.11	176
4084A-3	RICHARD WILL	06/20/1977	LC	IRR	1	254
4502-3	ROCKY GARDENS	03/10/1980	LC	IRR	0.17	40
4735-3	MICHAEL D JOHNSON	04/02/1981	LC	IRR	1	74
4844-3	RICHARD PILLATZKI	12/28/1981	LC	IRR	2	167
4856-3	MICHAEL D JOHNSON	01/08/1982	LC	IRR	1	70
5469-3	MICHAEL JOHNSON	04/29/1976	LC	IRR	2	230
5525-3	MIELITZ BROS	03/07/1991	LC	IRR	1.78	140
6947-3	JOEL ADLER	01/10/2008	PE	IRR	1.71	0
7216-3	MIELITZ BROS	10/06/2010	PE	IRR	2.28	160
7394-3	RODNEY FENHAUS	08/08/2012	PE	IRR	3.33	235
7439-3	MIELITZ BROS	09/19/2012	PE	IRR	1.14	80
7446-3	DALE TUCHSCHERER	09/25/2012	PE	IRR	1.78	64
7498-3	DALE TUCHSCHERER	10/31/2012	PE	IRR	1.78	116
7529-3	RUSTY DIMBERG	11/05/2012	PE	IRR	0.89	36
2006-3	TOWN OF CORONA	08/16/1973	LC	MUN	0.245	NA
4050-3	CITY OF BIG STONE CITY	07/05/1977	LC	MUN	3.3	NA
548-3	CITY OF MILBANK	01/01/1924	LC	MUN	2.1	NA
LC= Water Right, PE= Water Permit, COM= Commercial, LCO= Large Confinement Operation, IND= Industrial, IRR= Irrigation, MUN= Municipal						

Water permits/rights appropriating water for non-irrigation purposes authorize a maximum diversion rate of 10.428 cfs. Assuming these non-irrigation appropriations will divert water at

the maximum authorized rate 60% of the time, their annual withdrawal from the southern portion of the Veblen aquifer is expected to be less than 4,530 ac-ft/yr. Irrigation use reported from the southern portion of the Veblen aquifer is shown in Table 2.

Table 2. Irrigation use reported from the southern portion of the Veblen aquifer

YEAR	NUMBER OF PERMITS/RIGHTS REPORTING	APPROPRIATION (AC-FT/YR)	REPORTED PUMPING (AC-FT/YR)
1979	28	13199	950.19
1980	28	13199	1087.08
1981	32	14837	1484.36
1982	23	10682.6	1111.75
1983	24	10422.6	1611.8
1984	28	12014.6	1718.0
1985	29	12905.8	903.1
1986	32	14495.8	726.70
1987	35	14015.8	1582.8
1988	34	12874.8	2670.3
1989	34	14974.8	1994.1
1990	31	14915.2	1550.60
1991	24	12051	195.80
1992	25	10739.0	748.80
1993	25	11209.0	220.10
1994	21	8913.0	677.83
1995	21	8913.0	537.08
1996	21	8913.0	869.36
1997	21	8913.0	794.0
1998	21	8913.0	945.2
1999	21	8913.0	899.14
2000	21	8913.0	1150.55
2001	20	8505.0	1365.09
2002	20	8505.0	1123.39
2003	20	8505.0	1456.83
2004	20	8505.0	1406.48
2005	19	8425.0	1370.83
2006	19	8425.0	1668.51
2007	18	8017.0	1404.83
2008	23	10186.0	1470.68
2009	20	8005.0	1067.84
2010	20	8005.0	1100.69
2011	21	8094.0	334.63
2012	22	8325.0	1265.45
2013	27	9387.0	1384.59
Max	35	14974.8	2670.3
Min	18	8005	195.8
Average	24.2	10451.89	1167.099

In addition to the appropriative rights from the Veblen aquifer, there are a number of water well completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Veblen aquifer (Water Rights, 2014c). The annual withdrawal due to domestic wells is not expected to be significant to the hydrologic budget of the Veblen aquifer.

The total average annual withdrawal from the southern portion of the Veblen aquifer due to well withdrawals is estimated to be less than 5,700 ac-ft/yr.

Recharge:

Recharge to the Veblen aquifer in Grant County occurs through direct infiltration of precipitation where the aquifer is at land surface and possibly through leakage from the till (Hansen, 1990). The average annual recharge rate to the Veblen aquifer has not been quantified. Hedges and others (1985) estimated a recharge rate for the confined portions of the Veblen aquifer as 0.24 inches per year (in/yr) and 5.2 in/yr for the unconfined portions of the aquifer. Recognizing that, “Locally, where the confined aquifers encounter unconfined conditions, the recharge rates may be within the range calculated for non-buried surficial aquifers.” (Hedges and others, 1985), an extremely conservative recharge estimate can be made by assuming the entire aquifer is under confined conditions. With an areal extent of the southern portion of the Veblen aquifer assumed to be 265,000 acres, and given a recharge rate of 0.24 inches per year, the average annual recharge to the southern portion of the Veblen aquifer equates to 5,300 acre-feet per year. Several portions of the Veblen aquifer are under unconfined conditions, as evidenced by the fact that 5 of the 16 observation wells maintained by the DENR-Water Rights Program are in unconfined portions of the aquifer. Since the recharge rate for the unconfined portions is estimated to be 5.2 in/yr, an average annual recharge rate of 5,300 acre-feet per year for the Veblen aquifer can be considered an overly conservative recharge estimate.

Assuming average annual withdrawals from the aquifer will equal the average proposed by this application plus the average of existing users (7 ac-ft/yr + 5,700 ac-ft/yr = 5,707 ac-ft/yr), an average annual recharge rate of only 0.26 inches per year would be necessary to balance withdrawals, assuming the areal extent of the southern portion of the Veblen aquifer to be 265,000 acres.

An annual recharge rate of 0.26 inches per year is within the range estimates for average annual recharge presented by Hedges and others, (1985) and in fact is on the conservative side. Therefore, there is a reasonable probability that unappropriated water is available in light of SDCL 46-6-3.1.

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 34 observation wells completed into the Veblen aquifer, with 16 of these observation wells located in the southern portion of the aquifer (Water Rights, 2015a). A map with the location of the observation wells and hydrographs for the wells are included in Appendix A.

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. Some of the hydrographs also show the effects of nearby pumping on the aquifer. Observation well data indicates that, at the current level of development, temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal. Therefore, unappropriated

water is available from this area of the Veblen aquifer to support this proposed appropriation of approximately 7 acre-feet annually.

EXISTING WATER RIGHTS:

The nearest well authorized by a water right/permit to the well this application proposes to use is approximately 0.8 miles northeast for Water Right No. 6161-3 Lou's Greenhouse (Water Right, 2015b). There are a number of domestic wells on file with the SD DENR-Water Rights Program for wells completed into the Veblen aquifer within approximately one mile of the well the applicant proposes to use (Water Rights, 2015c).

This application does not propose to increase the diversion rate authorized by Water Permit No. 7529-3. However, the added water used to irrigate the additional acreage will result in an increase of the average diversion rate of the well over the irrigation season. An application rate of 12 inches of water per acre for seven acres will result in an increase of the average annual diversion rate of approximately 0.01 cfs (4.5 gal/min). The drawdown that will result from this low rate increase will not be significant.

SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. The South Dakota Supreme Court has ruled SDCL 46-6-6.1 does not require regulation of irrigation "to absolutely protect artesian pressure for domestic use, reasonable domestic use must be assured before irrigation is allowed" (*Fraser et. al v. Water Rights Commission of the Department of Natural Resource Development*, 1980, 294 N.W.2d 784). To balance interests between high capacity well use and domestic use, 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 Veblen aquifer at the well site proposed by this application, some existing well owners may need to lower their pumps to accommodate for deeper water levels. The Water Management Board has considered this issue in the matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted findings of fact and conclusions of law that basically states if lowering a pump when there is artesian head pressure available below the current pump setting is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent possible. Therefore when considering the statutes (SDCL 46-6-6.1 and SDCL 46-1-4), rule (ARSD 74:02:04:20(7)), and the Water Management Boards' prior rulings, well interference from this proposed appropriation is not likely to cause a significant impact. Therefore, there is a reasonable probability that any interference will not be adverse.

CONCLUSIONS:

1. This application proposes to appropriate water from the Veblen aquifer for the irrigation of seven acres using the well and diversion rate authorized by Water Permit No. 7529-3.
2. Water Permit No. 7529-3 authorizes the diversion of water from the Veblen aquifer at a rate of 0.89 cfs for the irrigation of 36 acres in Grant County.
3. There is a reasonable probability that unappropriated water is available from the Veblen aquifer for this proposed appropriation.
4. There is a reasonable probability that the increase in average diversion rate from the additional pumping required to irrigate the proposed acreage can be made without adversely impacting existing appropriative or domestic users.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Barr Engineering. 2007. Groundwater Supply Evaluation, Big Stone II Project, Grant County, South Dakota: Prepared for Otter Tail Power Company.
- Buhler, K.A. 2007. Report on Water Permit Application No. 6846-3 for Otter Tail Corporation. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Circuit Court of South Dakota, First Judicial Circuit. 2012. May 17, 2012 Memorandum Decision re: Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources.
- Circuit Court of South Dakota, First Judicial Circuit. 2012. April 12, 2012 Memorandum Decision re: Hanson County Dairy v. Robert Bender and Stace Nelson.
- Circuit Court of South Dakota, Sixth Judicial Circuit. 2005. April 29, 2005 Memorandum Decision re: HU04-37 Hines v. SD Department of Environment and Natural Resources.
- Hansen, D.S. 1990. Water Resources of Codington and Grant Counties, South Dakota. Water-Resources Investigations Report 89-4147. U.S. Geological Survey. Huron, SD.
- Hedges, L.S., Allen, J., Holly D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task

3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.

Stonesifer, J.R. 2013. Report on Water Permit Application No. 7446-3, Dale Tuchscherer. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.

Thompson, R.F. 2001. Water Resources of the Lake Traverse Reservation, South and North Dakota, and Roberts County, South Dakota. Water-Resources Investigation Report 01-4219. U.S. Geological Survey. Rapid City, South Dakota.

Water Rights. 1980-2014. "1979-2013 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

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.

Water Rights. 2015c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 1995. Water Right No. 2313-2 Coca-Cola Bottling Company of the Black Hills file. SD DENR- Water Rights Program. Joe Foss Bldg., Pierre, South Dakota

APPENDIX A

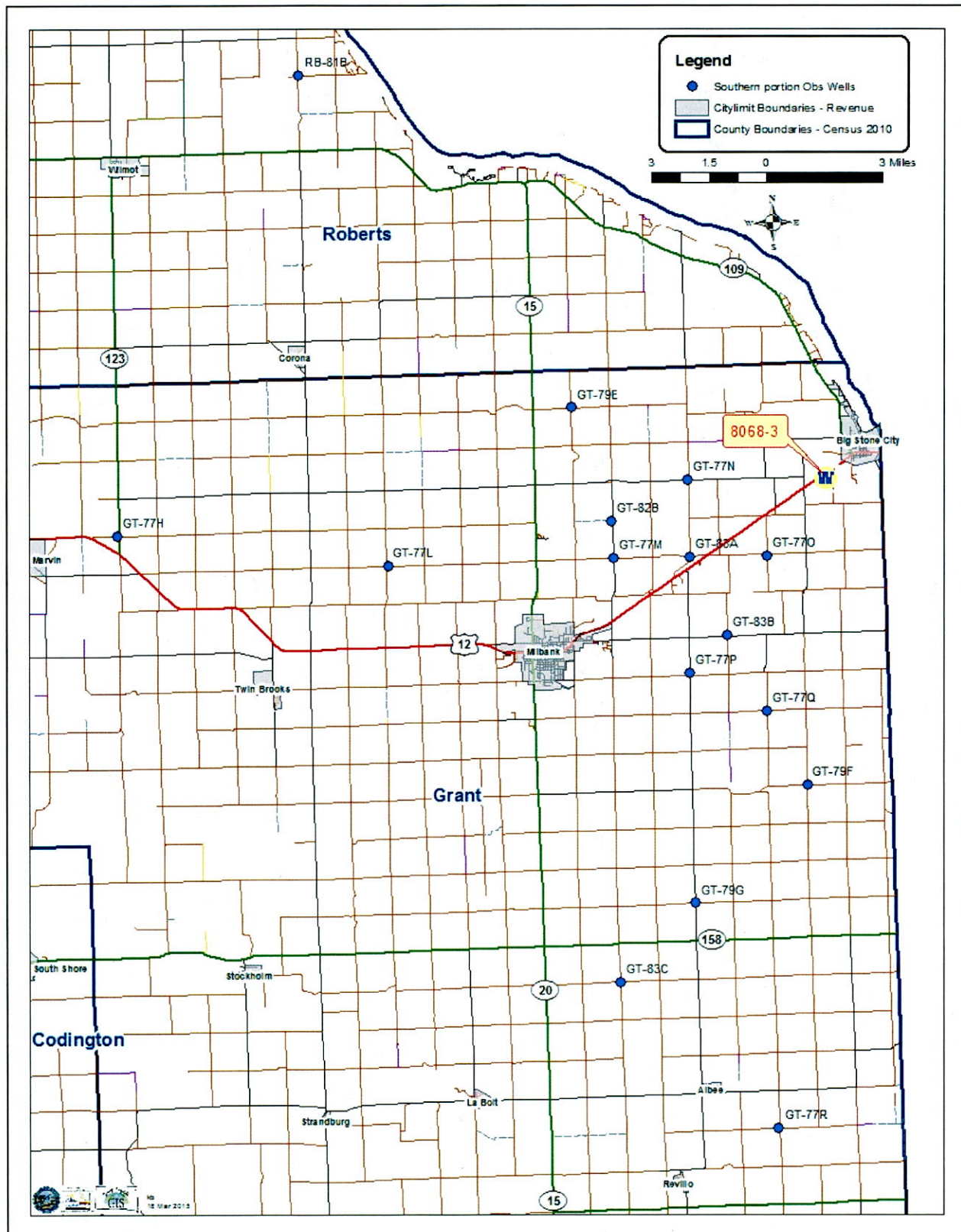


Figure A1. Map showing location of well sites proposed by Application No. 8078-3 and DENR-Water Rights' observation wells completed into the Veblen aquifer.

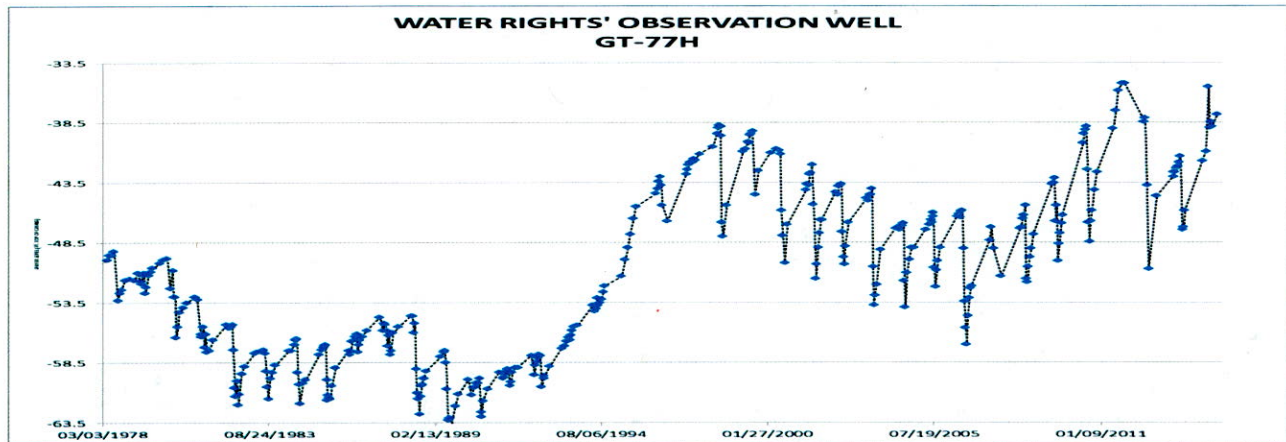


Figure A2. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

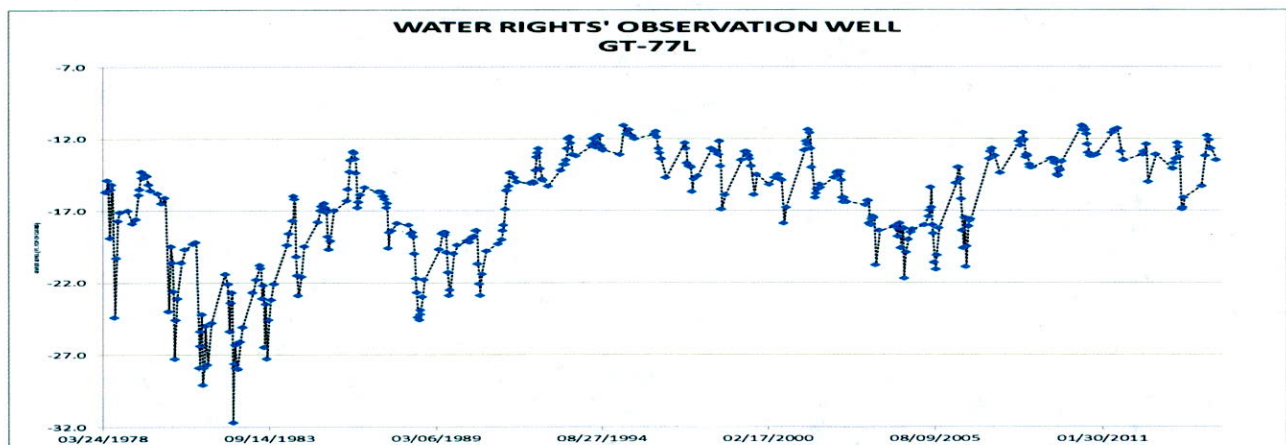


Figure A3. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

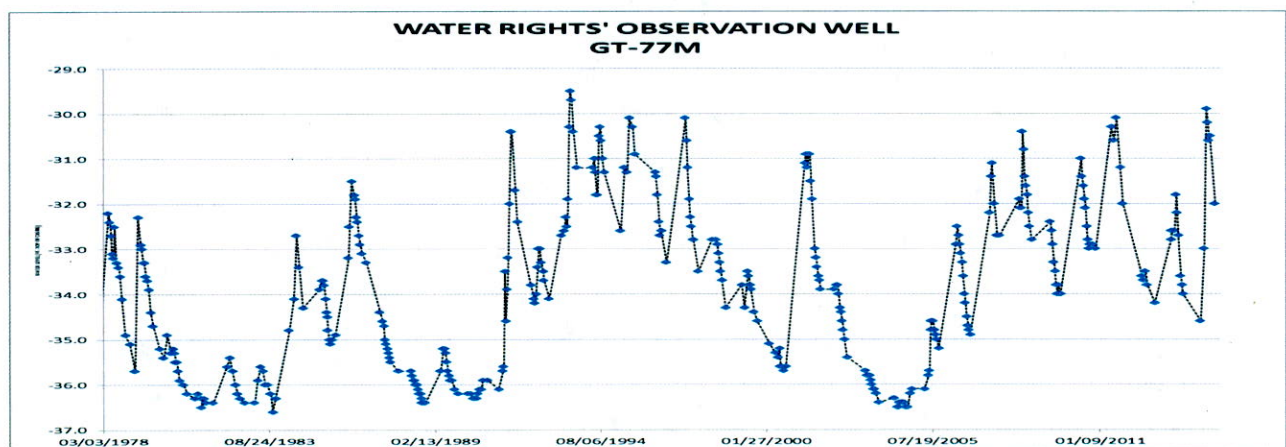


Figure A4. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

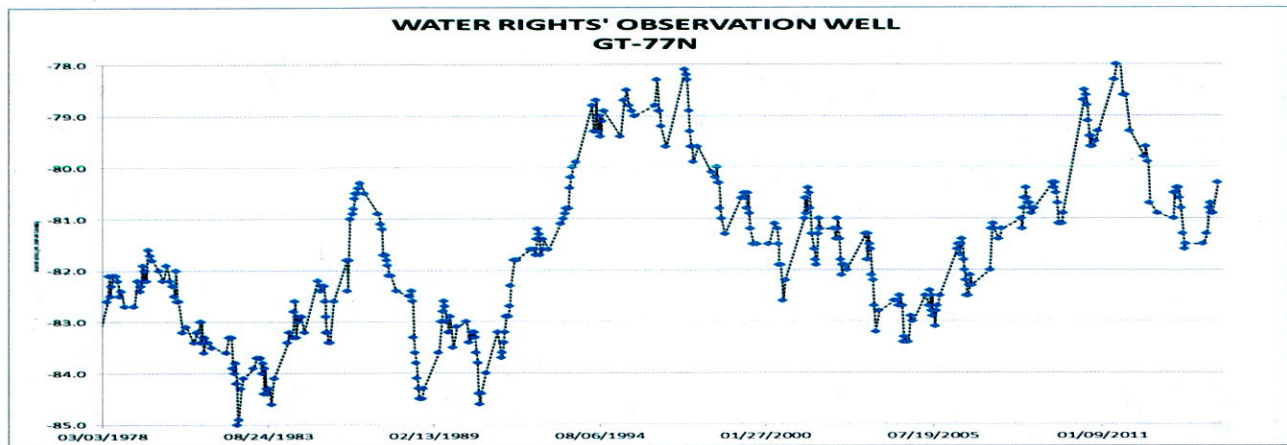


Figure A5. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

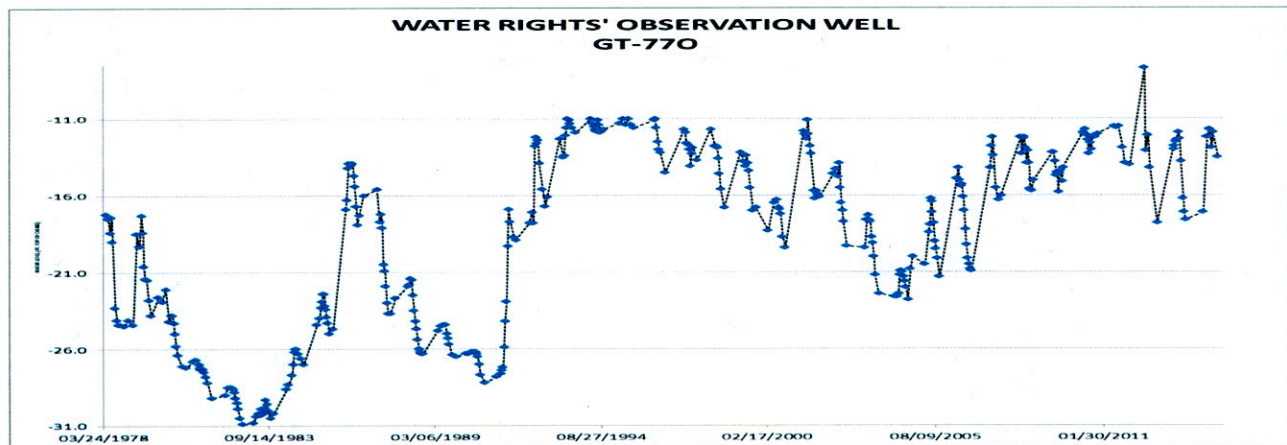


Figure A6. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

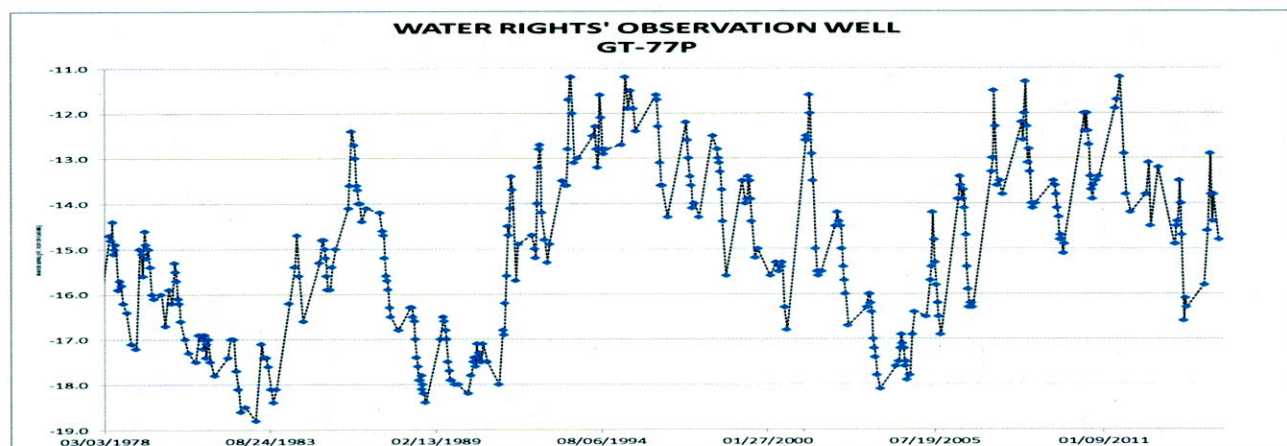


Figure A7. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

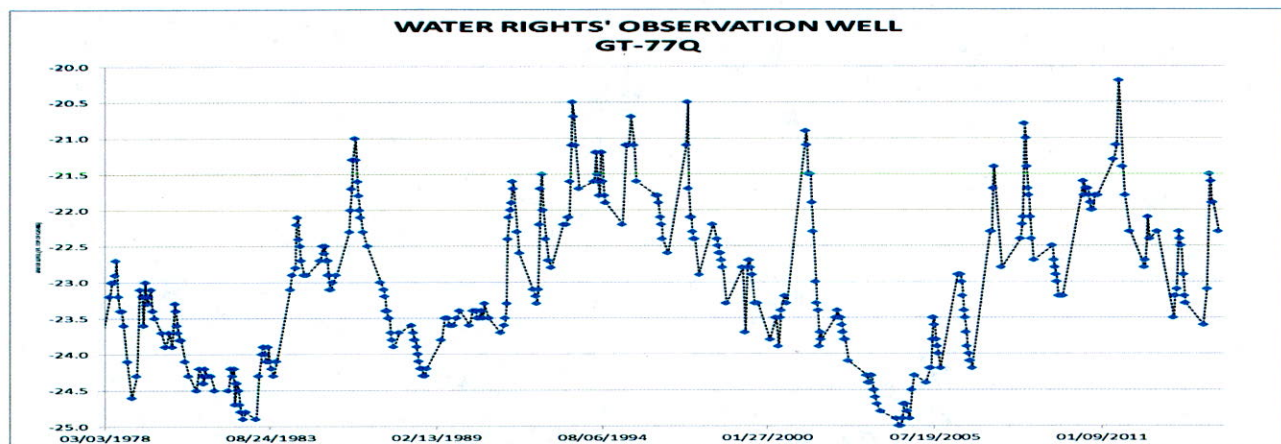


Figure A8. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

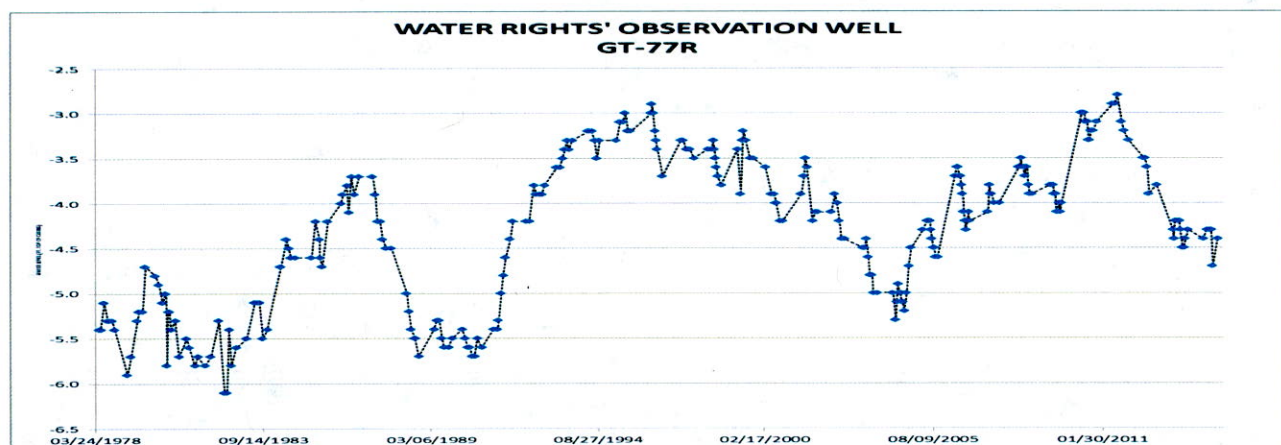


Figure A9. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

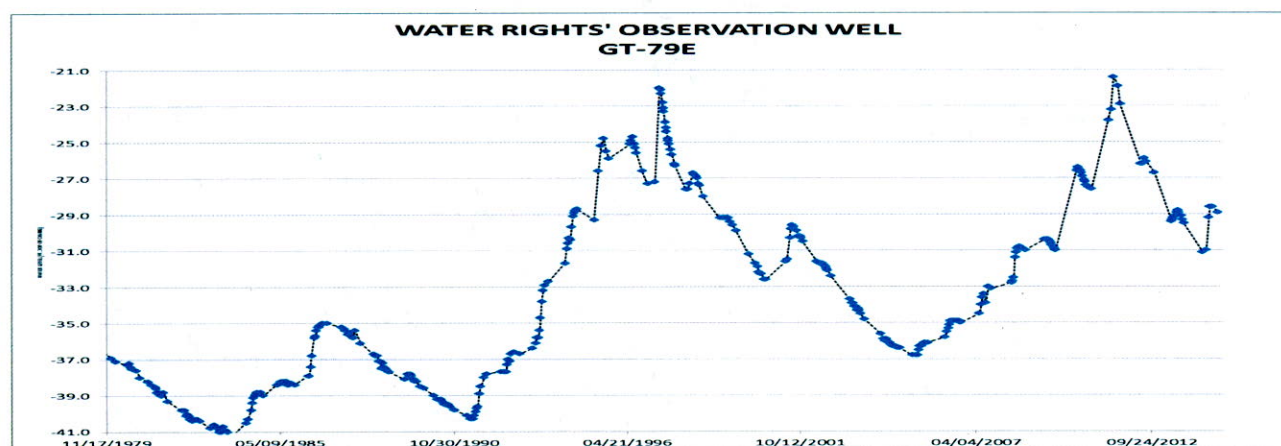


Figure A10. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

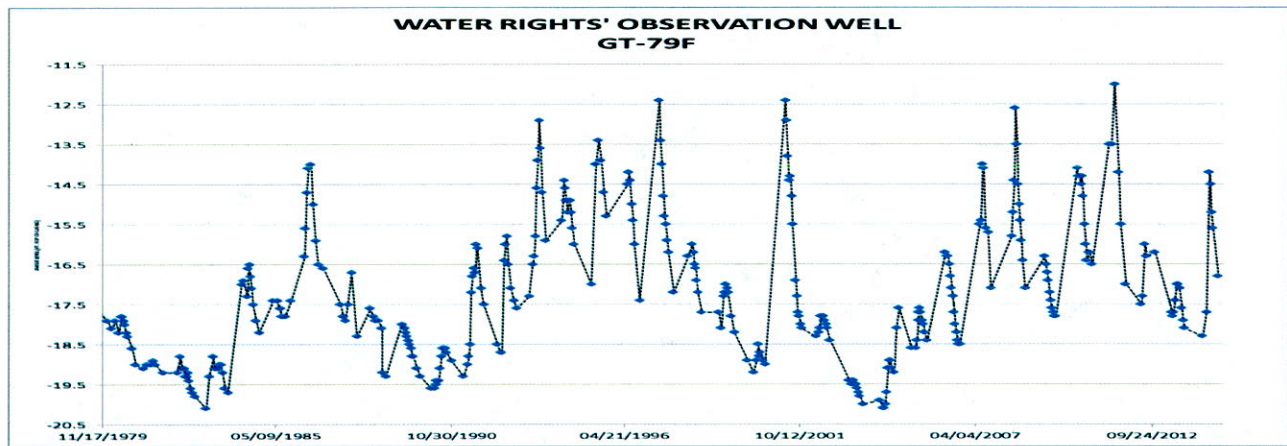


Figure A11. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

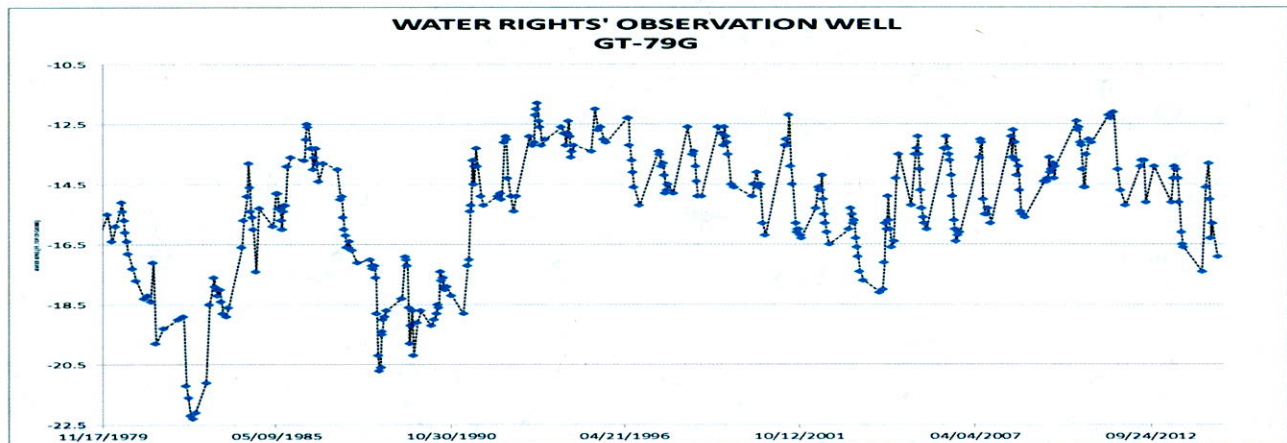


Figure A12. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

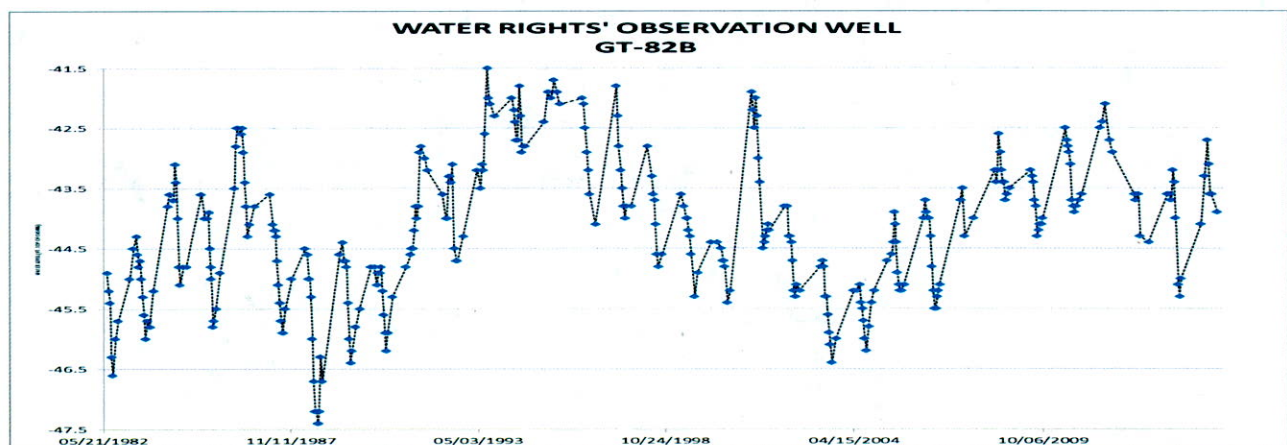


Figure A13. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

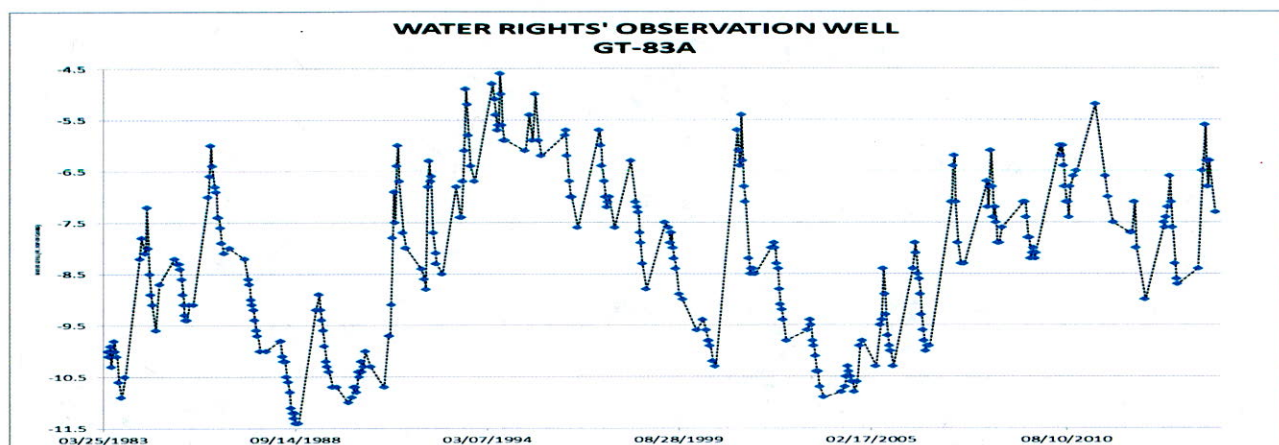


Figure A14. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

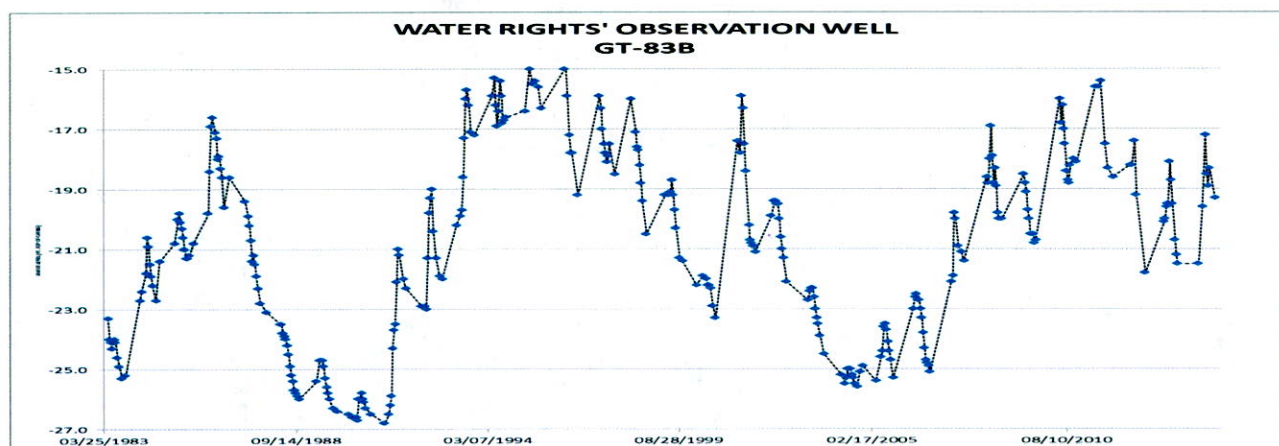


Figure A15. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

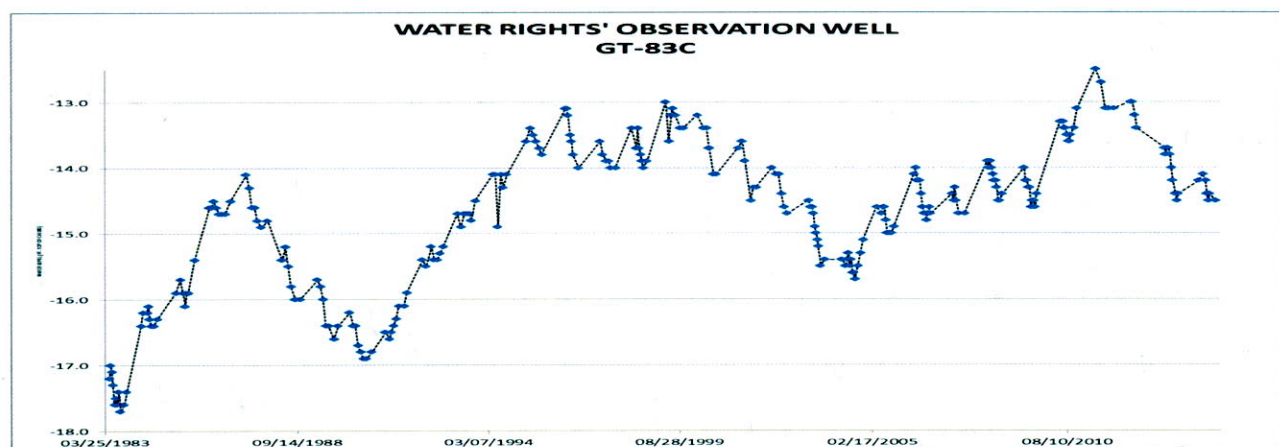


Figure A16. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.

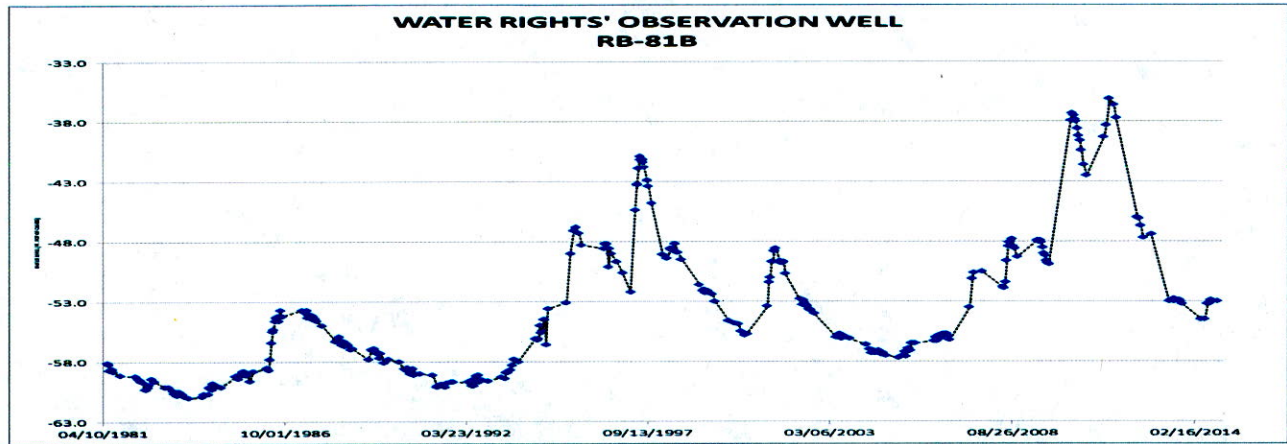


Figure A17. Hydrograph of DENR-Water Rights' observation well completed into the Veblen aquifer.
ater Rights Program. Joe Foss Bldg., Pierre, South Dakota.

Printer's Affidavit of Publication RECEIVED

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

APR - 6 2015

WATER RIGHTS
PROGRAM

Ashlie Bublitz

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Bookkeeper of said newspaper, in

charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of

Application No. 8078-3 to Appropriate Water
(Rusty Dimberg)

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for one successive week, on the day of each week on which the said newspaper was regularly published, to-wit:

<u>April 1</u>	<u>20 15</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>

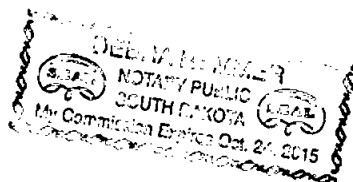
That \$ 24.93, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Ashlie Bublitz

Subscribed and sworn to before me this 15th day of April 20 15

Debra Hamner

Notary Public, Grant County, South Dakota



NOTICE OF APPLICATION NO. 8078-3 to Appropriate Water

Notice is given that Rusty Dimberg, 41274 US Highway 75, Ortonville, MN, 56278, has filed an application for a water permit to irrigate 7 new acres. Water Permit No. 7529-3 appropriates 0.89 cubic feet of water per second from one well completed into the Veblen Aquifer (100 feet deep) located in the NW 1/4 NE 1/4 Section 19 for irrigation of 36 acres located in the NW 1/4 NE 1/4, NE 1/4 NW 1/4 Section 19; all in T121N-R46W. This application is to irrigate 7 new acres located in the NE 1/4 NW 1/4 Section 19-T121N-R46W. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8078-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD, 57501, (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 13, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary,
Department of Environment
and Natural Resources

Published once at an approximate cost of \$24.93.

Publication Fee \$ 24.93
Notarial Fee \$ 0.00
Total \$ 24.93

RECEIVED

APR - 8 2015

WATER RIGHTS
PROGRAM

Form 8

**SOUTH
DAKOTA**

**NOTICE OF APPLICATION
NO. 8078-3 to Appropriate
Water**

Notice is given that Rusty Dimberg, 41274 US Highway 75, Ortonville MN 56278 has filed an application for a water permit to irrigate 7 new acres. Water Permit No. 7529-3 appropriates 0.89 cubic feet of water per second from one well completed into the Veblen Aquifer (100 feet deep) located in the NW 1/4 NE 1/4 Section 19 for irrigation of 36 acres located in the NW 1/4 NE 1/4, NE 1/4 NW 1/4 Section 19; all in T121N-R46W. This application is to irrigate 7 new acres located in the NE 1/4 NW 1/4 Section 19-T121N-R46W. This application, if approved, does not authorize any increase in the diversion rate.

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(April 1, 2015)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

April 1st 2015

Cost of Printing 61.65

Monica K. Saathoff
(Signature)

Bookkeeper
(Title)

April 1st, 2015
(Date Signed)

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

61.65



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 20, 2015

Grant County Review
PO Box 310
Milbank SD 57252

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8078-3 to Appropriate Water. Please publish the notice once on April 1, 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 Rusty Dimberg, 41274 US Hwy 75, Ortonville MN 56278 (Ph # 320-839-3807).

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 20, 2015

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8078-3 to Appropriate Water. Please publish the notice once on April 1, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

March 20, 2015

Rusty Dimberg
41274 US Hwy 75
Ortonville MN 56278

Dear Mr. Dimberg:

Water Permit Application No. 8078-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Grant County Review printed at Milbank SD (Ph # 605-432-4516) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on April 1, 2015. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 8078-3 to Appropriate Water

Notice is given that Rusty Dimberg, 41274 US Highway 75, Ortonville MN 56278 has filed an application for a water permit to irrigate 7 new acres. Water Permit No. 7529-3 appropriates 0.89 cubic feet of water per second from one well completed into the Veblen Aquifer (100 feet deep) located in the NW 1/4 NE 1/4 Section 19 for irrigation of 36 acres located in the NW 1/4 NE 1/4, NE 1/4 NW 1/4 Section 19; all in T121N-R46W. This application is to irrigate 7 new acres located in the NE 1/4 NW 1/4 Section 19-T121N-R46W. This application, if approved, does not authorize any increase in the diversion rate.

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Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

APR 23 2015

Rusty Dimberg
41274 US Hwy 75
Ortonville MN 56278

Dear Mr. Dimberg:

Enclosed is Water Permit No. 8078-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

8078-3
RECEIVED

MAY 11 2015

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 5-6-15TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Rusty Dimberg
(name)
41274 US Hwy 75
(address)
Ortonville Mn 56278 320-834-3807
(city, state, zip) (phone)

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

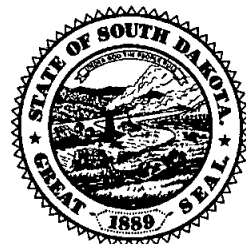
Water Permit No. 8073-3 states that the water use system is to be constructed by Apr 13 2020, and water is to be put to beneficial use by Apr 13 2024.
(date) (date)

The water use system was completed on Apr 16 2015.
(date)

Applying the water to beneficial use was completed on Apr 16 2015.
(date)

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

Rusty Dimberg
(signature)



7-98

The permit # stated above should be 8078-3, No. 8073-3 is held by someone else.
Genny



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 11, 2015

8078-3

Rusty Dimberg
41274 US Hwy 75
Ortonville MN 56278

Dear Mr. Dimberg:

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8078-3

I have this day, August 9, 2021, made a thorough examination of the water use system constructed by Rusty Dimberg, 41274 US Hwy 75, Ortonville, MN 56278 of Permit No. 8078-3, bearing the priority of April 13, 2015 authorizing the diversion of 0.89 cu. ft. per second of the waters of the Veblen Aquifer for irrigation purposes, in Grant County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling & Pump, Inc
- 2) No. of Wells 2 (about 200 feet between them)
- 3) Depth(s) Well #1 - 93 ft; Well #2 - 91 ft
- 4) Well logs are available Y (See Permit 8078-3 for details)

Casing:

- 1) Diameter 12 inches
- 2) Length Well #1 - 76 ft; Well #2 - 90 ft
- 3) Type Plastic

Screen:

- 1) Type Stainless steel slotted
- 2) Length Well #1 - 17 ft; Well #2 - 6 ft
- 3) Static water level Well #1 - 63 ft; Well #2 - 50 ft

Pump:

- 1) Make NA
- 2) Model Submersible
- 3) Size NA
- 4) Capacity 150 - 2 wells GPM

Motor: unknown

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

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make (2) Zimmatic
- 2) Overall length 1000 & 200 feet
- 3) Number of towers 5 & 1
- 4) End gun Y
- 5) Capacity 150 each GPM

Chemigation Equipment:

- 1) Does not chemigate

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
From NE corner Section 19 T121N R46W;
WELL #1: 160 ft S & 2,370 ft W, Lat 45.28288 Long -96.48271 (NW ¼ NE ¼ Sec 19)
WELL #2: 80 ft S & 2,180 ft W, Lat 45.28309 Long -96.48201 (NW¼ NE ¼ Sec 19).
2. The works are capable of diverting and conveying to the place of use 0.33 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land in Sec 19 T121N R46W

NE ¼ NW ¼ – 13 acres

NW ¼ NE ¼ – 30 acres

comprising a total of 43 acres of land and the license should be issued for 0.33 cfs

3. All structures, wells and lands on map Y

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

The irrigated acreage map was produced with the aid of FSA maps and ArcMAP software.

Note: A narrow strip of land that borders the highway ditch is also irrigated with an above ground line with sprinklers positioned on risers.

The address and telephone number found in the review materials are current.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: August 10, 2021

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Rusty Dimburg

ADDRESS: 41274 US Hwy 75, Ortonville MN 56278

DATE: August 11, 2021

COUNTY: Grant

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to appropriate 0.89 cfs from one well in the NW ¼ NE 1/4 of Section 19 T121N-R46W into the Veblen Aquifer for irrigation of 43 acres.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The permit holder developed 2 wells in the NW ¼ NE 1/4 of Section 19 T121N-R46W into the Veblen Aquifer at a total diversion rate of 0.33 cfs

- **If irrigation, no new land is irrigated**

The permit holder is irrigating 43 acres in the NE ¼ NW ¼, NW ¼ NE of Section 19 T121N-R46W

- **Review of Existing Diversions**

The additional well and existing well are both located in the NW ¼ NE 1/4 of Section 19 T121N-R46W, the nearest well in the same aquifer is a mile to the northeast, adverse effects on this existing well is not expected.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed._



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

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program

Diversion Point Locations

From the NE corner of
Sec 19 T121N-R46W
Well #1

160 ft S & 2370 ft W
Lat 45.28288

Long -96.48271

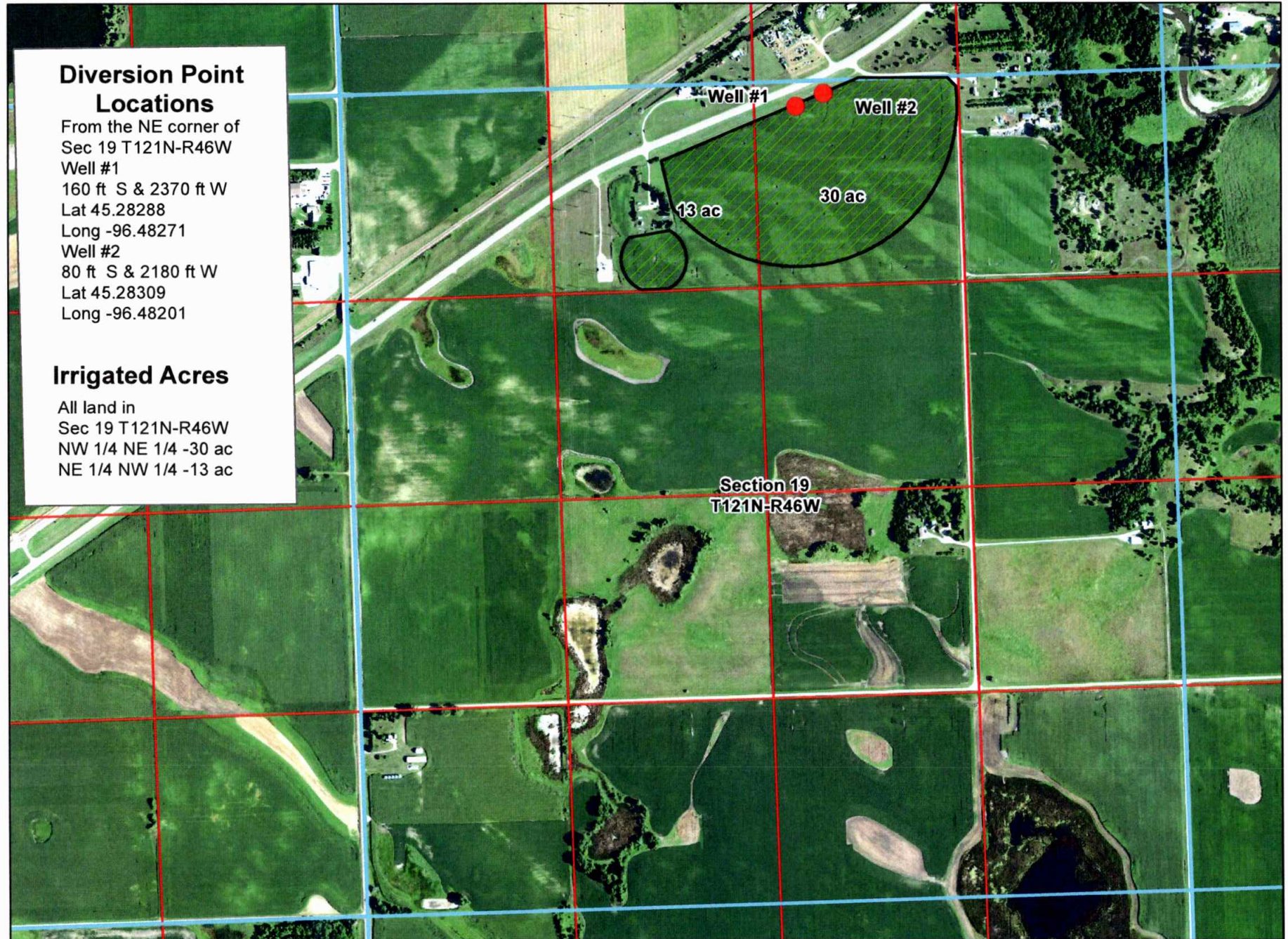
Well #2

80 ft S & 2180 ft W
Lat 45.28309

Long -96.48201

Irrigated Acres

All land in
Sec 19 T121N-R46W
NW 1/4 NE 1/4 -30 ac
NE 1/4 NW 1/4 -13 ac



0 625 1,250 2,500 3,750 5,000 Feet

8078-3

7529-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NE ¼ Sec 19 Twp 121N Rg 46W

County Grant

North

Please mark well location with an "X"

Amended 3 17 2014

W

E

Well Completion Date

Jan 15, 2013

K 1 Mile K

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	1.0 FT	76.0 FT	17.50 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Quick Grout	12	Lb/gal	0.0 Ft	66 Ft
Red Flint		Lb/gal	66.0 Ft	93.0 Ft

Describe grouting procedure
Tremmie

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12.00 inches Length 17.0 Feet
 Material stainless steel
 Slot Size 80 Set From 76.0 Feet to 93.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Rusty Dimberg

Business Name:

Address: 41274 US Hwy 75

City, State, Zip: Ortonville MN 56278

WELL LOG:

			DEPTH	
	FORMATION		FROM	TO
top soil	blk	S	0	1
gravel	rocks	M-H	1	17
clay	tan	M	17	23
clay	blue	M-H	23	65
sandy clay	blue	M	65	74
sand		M	74	93

STATIC WATER LEVEL 63.0 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

77.5 Ft. After 15.0 Hrs. pumped 150.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

Production Well #1

45 18 58.4

98 28 57.7

Elev 1038

RECEIVED

MAR 18 2014

WATER RIGHTS PROGRAM

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

Drilling firm: Steffi Drilling & Pump Inc/Kris VanHeuveln

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

2-25-13

8078-3

7529-3

SD EForm - 1621LD V1

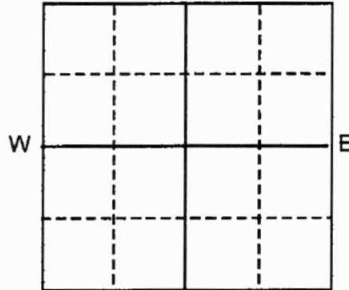
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NE ¼ Sec 19 Twp 121 Rg 46

County GRANT

North

Please mark well
location with an "X"

Well Completion Date

March 24, 2013

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

If other describe

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	85.0 FT	18.00 IN
LB/FT	12.00 IN	91.0 FT	96.0 FT	18.00 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
quick grout	28	Lb/gal	0.0 Ft	75.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
red flint#90

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 12.00 Inches Length 6.0 Feet

Material stainless steel

Slot Size 90 Set From 85.0 Feet to 91.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

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

Well Owner: Rusty Dimberg

Business Name:

Address: 41274 US Hwy 75

City, State, Zip: Ortonville MN 56278

WELL LOG:

		DEPTH	
FORMATION		FROM	TO
topsoil	black	0	2
gravel	boulders tan	2	13
clay	tan	13	24
clay	blue	24	55
sand/clay		55	60
clay	blue	60	79
sand	tan/blue	79	91
clay	blue	91	96

STATIC WATER LEVEL 50.0 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: Submersible☐ Bailed☐ Other

Pumping Level Below Land Surface

83' 11.5" Ft. After 5 Hrs. pumped 65 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

Prod #2

45 16 59.4N

96 28 53.4W

Kris VanHeuveln

RECEIVED

SEP 12 2013

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

Drilling firm: Steffi Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 4-12-13



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

AUG 12 2021

8078-3

Rusty Dimberg
41274 US Hwy 75
Ortonville MN 56278

Dear Mr. Dimberg:

Enclosed is Water License No. 8078-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 8078-3

(1) Rusty Dimberg, 41274 US Hwy 75, Ortonville MN 56278 made Application No. 8078-3, January 20, 2015 for a water permit to add acreage to an existing water use system authorized under Water Permit No. 7529-3. With the applicable portions of No. 7529-3 incorporated into No. 8078-3, the permit holder was authorized to pump at a rate of 0.89 cubic feet of water per second from ground water, one well (Veblen Aquifer), Grant County, South Dakota for irrigation of 43 acres. Permit No. 8078-3, with a priority dates of January 20, 2015 and November 5, 2012 was approved April 13, 2015 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 13, 2020 and for the application to beneficial use of said water on or before April 13, 2024.

The Permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on May 11, 2015. The "Notice" indicated the water use system was completed and the water placed to beneficial in April 2015.

The investigation of the water use system found two wells were being used to irrigate the acreage. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding the additional diversion point did not increase the potential for adverse effects to existing diversions.

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

- **WELL #1:** 160'S and 2,370' W of the NE corner of Section 19, T121N, R46W (NW ¼ NE ¼ Sec 19)
Latitude 45.28288 Longitude -96.48271
- **WELL #2:** 80'S and 2,180' W of the NE corner of Section 19, T121N, R46W (NW ¼ NE ¼ Sec 19)
Latitude 45.28309 Longitude -96.48201

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

Section 19, T121N, R46W	NE ¼ NW ¼	13 acres	(7 acres) January 20, 2015 priority date
			(6 acres) November 5, 2012 priority date
	NW ¼ NE ¼	30 acres	(30 acres) November 5, 2012 priority date
	Total	43 acres	

Priority dates: November 5, 2012 (0.33 cfs – 36 acres) established under 7529-3
January 20, 2015 (7 acres) established under No. 8078-3

(4) Pursuant to South Dakota Water Law 46-5-30.1 Rusty Dimberg, 41274 US Hwy 75, Ortonville MN 56278 the holder and/or owner of Water Right No. 8078-3 is issued a license to appropriate water, the right to use 0.33 cubic feet of water per second from ground water, two wells (Veblen Aquifer) with priority dates of January 20, 2015 from the locations specified in (2) of this license for irrigation purposes.

continued

Water License No. 8078-3
Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8078-3 and subject to the following qualifications:

- The well approved under this Water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- 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 Nos. 7529-3 and 8078-3, combined, authorize a maximum diversion rate of 0.89 cfs for the irrigation of 43 acres with an annual volume not to exceed 2 acre feet of water per acre per year. ***This qualification is no longer applicable. The two wells have a combined diversion capability of 0.33 cfs for irrigation of 43 acres.***
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.
- Approval of Permit No. 8078-3 incorporates Permit No. 7529-3. ***This qualification was applicable at the time permitting.***


Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

AUG 12 2021
date

