

WATER PERMIT NO. 8079-3

Name of Applicant: Melvin & Larry Donnelly

Address: PO Box 966, Elk Point SD 57025 Phone: 712-389-0090

Amount of Water Claimed: 1.78 cfs Total Acres: 160 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 5 miles west of Elk Point

PRIORITY Date Received: 1-20-15 Application/License Fee: \$ 1050

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

Remarks:

Diversion Point: approximate center of the SE 1/4
Sec 17-T91N-R50W

Land to be Irrigated: SE 1/4 Sec 17-T91N-R50W

Depth of Well: 100-112 feet deep

Well Driller:

Remarks:

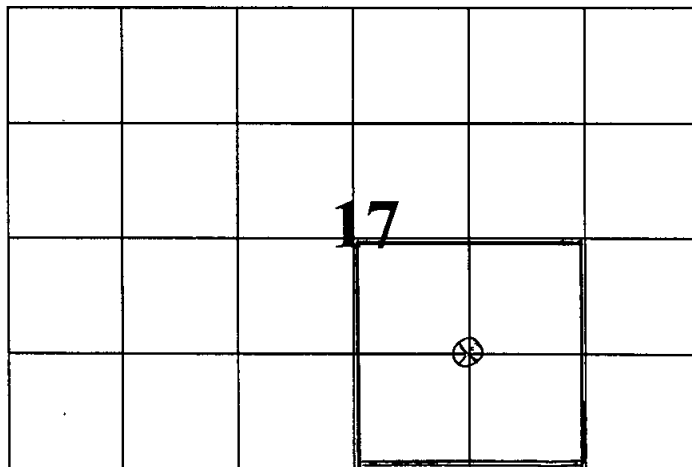
Type of Map: aerial photo

Prepared by:

Reviewed and the Number Assigned on: 2-22-15

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. 8080-3 (office use only)
Hydrologic Unit 10170101
Basin Vermillion River 605-356-2632
Newspaper Leader / Courier, Box 710, Elliptical Point 57025
605-665-7811
Press of Dakotan, 319 Walnut Yorkton 57078

RECEIVED

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.)

1. Name to Appear on Irrigation Permit Melvin & Harry Donnelly
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)

Mailing Address P.O. Box 966 Elliptical Point SD 57025
(Address) (City) (State) (Zip Code)

Home Phone _____ Cell 712-389-0090 Email Melvin Donnelly @Hotmail.com

2. Amount of water claimed 1.78*CFS or 800**GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply well (approximate center NE 1/4)

4. Location of point of diversion 1 well SE 1/4 Sec 17 township 91 North
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

range 50, west of the 5th P.M. Union County SD County Union

5. County or counties where water will be used Union

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

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

Land Description	Acres	Land Description	Acres
<u>SE 1/4 Sec 17 91-N-50</u>	<u>160</u>		
<u>Approx 135 Acres w. 71 be covered by Pivot</u>			

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

Irrigation of farmland by center Pivot

I, Larry Donnelly, 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. 8079-3**

Date of first receipt of application January 20, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8079-3 to Melvin & Larry Donnelly, PO Box 966, Elk Point SD 57025 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. 8079-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100-112 feet deep) located in the approximate center of the SE 1/4 Section 17 for irrigation of 160 acres located in the SE 1/4 Section 17; all in T91N-R50W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is January 20, 2015.
4. The date of approval of Permit No. 8079-3 is April 6, 2015.
5. One-fifth of the construction is to be completed on or before October 6, 2017.
6. All construction is to be completed on or before April 6, 2020.
7. Water is to be put to beneficial use on or before April 6, 2024.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The 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. 8079-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

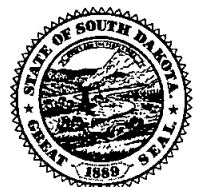
WATER MANAGEMENT BOARD

By: Jeanne Goodman

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

APR 23 2015

date



Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable)

☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☒ No Drilled by ____
(if yes, please provide copies of logs)

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

c) Well Depth 100-112 Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest existing domestic well: 1/2 mile to west

On applicant's property yes On property owned by others ____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) ____

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions ____ Depth ____

b) Depth to water (ground surface to water level) ____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

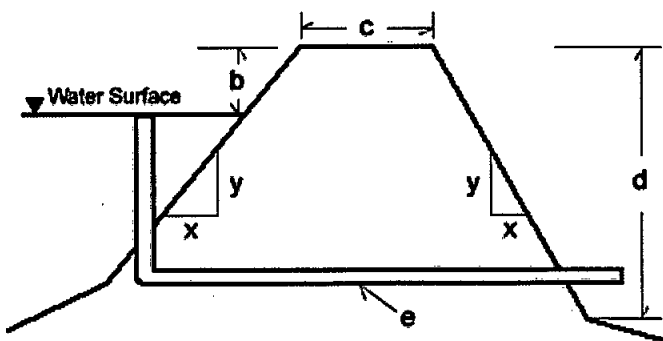
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

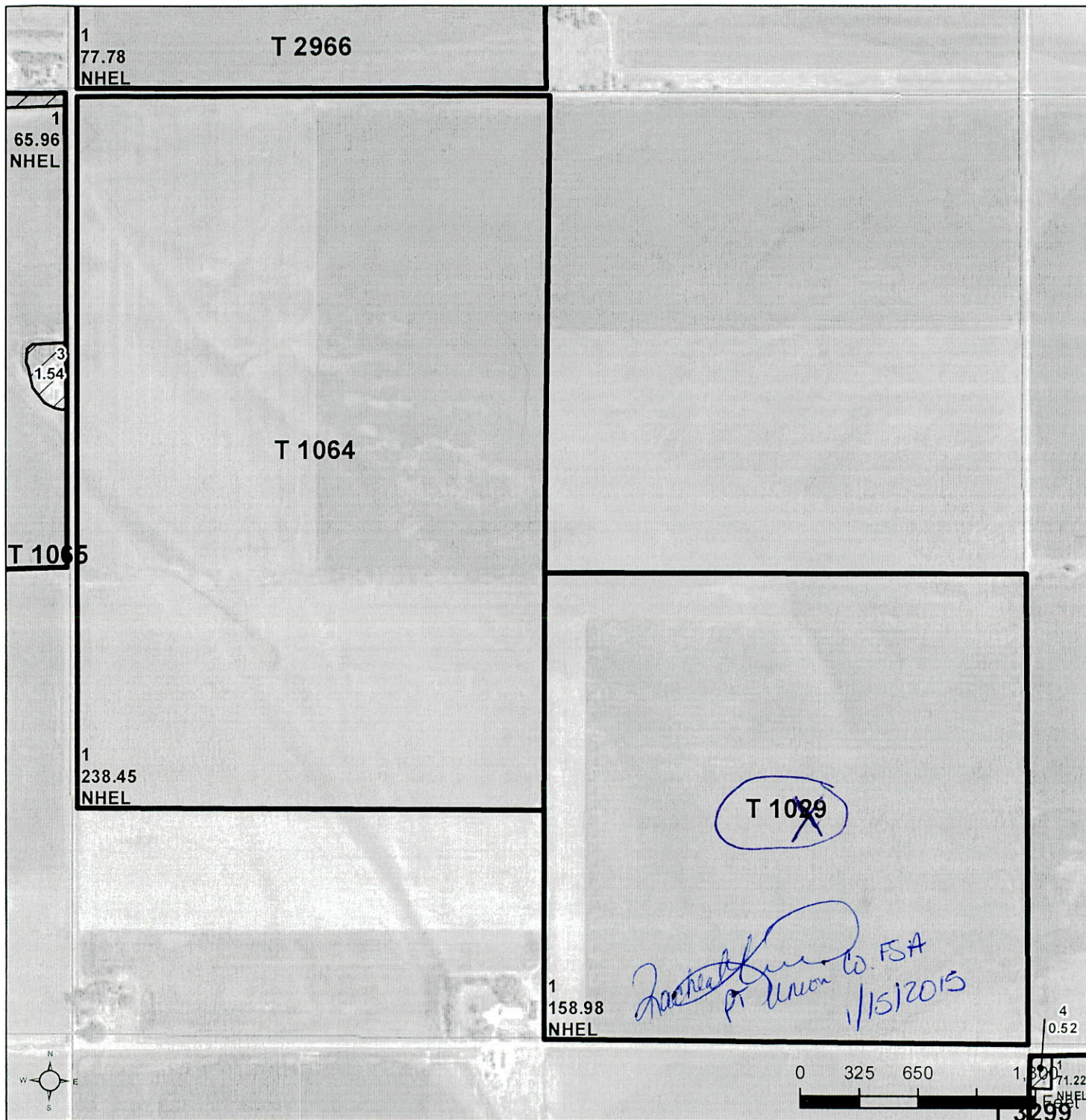
j) Drainage Area Above Dam ____ Acres





United States
Department of
Agriculture

Union County, South Dakota



Common Land Unit ☐ PLSS

☐ Cropland

☐ Tract Boundary

Wetland Determination Identifiers

- ☐ Restricted Use
- ☐ Limited Restrictions
- ☐ Exempt from Conservation
- ☐ Compliance Provisions

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

RECEIVED

JAN 20 2015

WATER RIGHTS
PROGRAM

2014 Program Year

Map Created September 29, 2014

Farm 6357

17 -91N -50W

Aerial Map



Crop Production Services 

Maps Provided By:

 **surety**
CUSTOMIZED ONLINE MAPPING
© AgriData, Inc. 2014 www.AgrDataInc.com

17-91N-50W
Union County
South Dakota

RECEIVED
JAN 20 2015
WATER RIGHTS
PROGRAM

map center: 42° 41' 57.86, 96° 46' 35.57

scale: 9519



1/15/2015

Aerial Map



**Crop
Production
Services**



Maps Provided By:

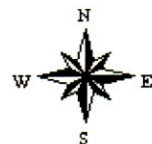
surety
CUSTOMIZED ONLINE MAPPING
© AgriData, Inc. 2014 www.AgriDataInc.com

17-91N-50W
Union County
South Dakota

RECEIVED
JAN 20 2015
WATER RIGHTS
PROGRAM

map center: 42° 41' 44.89, 96° 46' 18.08

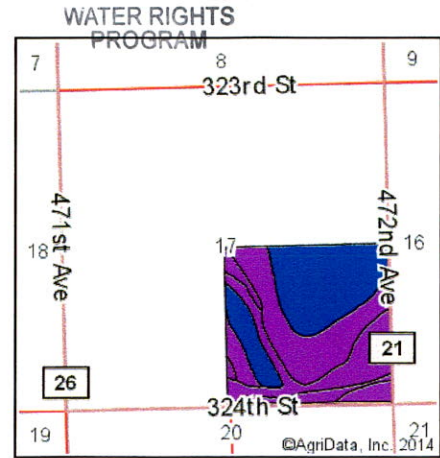
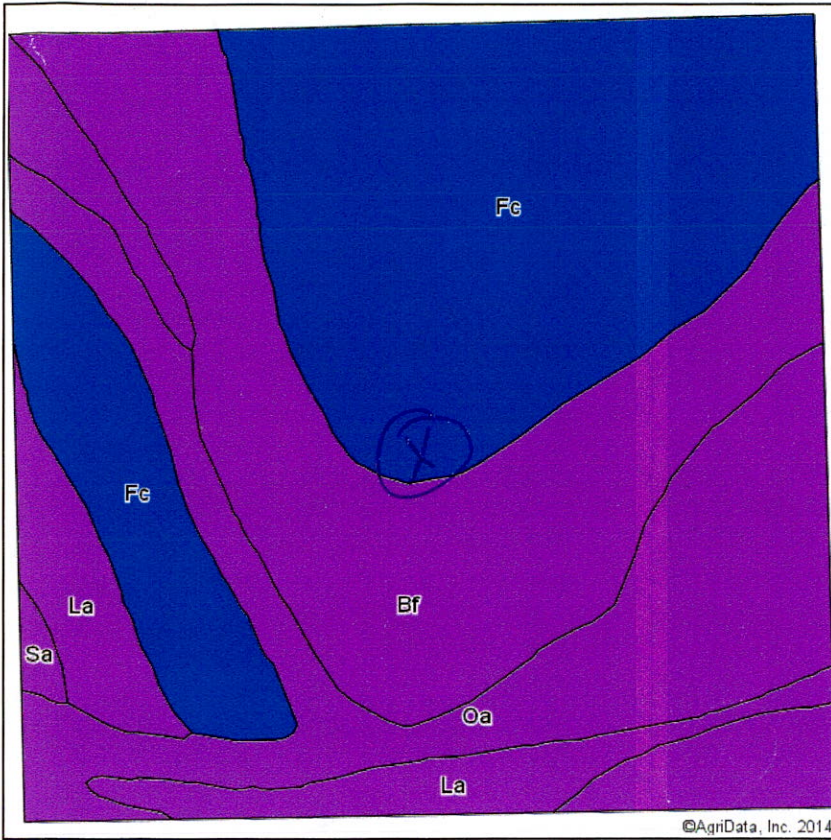
scale: 4960



1/15/2015

JAN 20 2015

Soil Map



State: **South Dakota**
 County: **Union**
 Location: **17-91N-50W**
 Township: **Elk Point**
 Acres: **158.98**
 Date: **1/15/2015**



Crop Production Services 

Maps Provided By:  **surety**
 CUSTOMIZED ONLINE MAPPING
 © AgriData, Inc. 2014 www.AgriDataInc.com

Area Symbol: SD127, Soil Area Version: 18

Code	Soil Description	Acres	Percent of field	PI Legend	Water Table	Non-Irr Class	Irr Class	Productivity Index	State Productivity Index	Alfalfa hay	Corn	Corn Irrigated	Soybeans	Soybeans Irrigated	
Fc	Forney silty clay	63.56	40.0%		2ft.	IIw		67	67	3.5	85		30		
Bf	Blencoe silty clay	41.82	26.3%		3ft.	IIw		91	91	3.6	98		35		
Oa	Omadi silt loam	36.27	22.8%		> 6.5ft.	I		98	98	4.4	105		40		
La	Lakeport silty clay loam	16.50	10.4%		3.5ft.	I		97	97		138		46		
Sa	Salix silty clay loam	0.83	0.5%		5ft.	I	I	98	98		112	150	40	50	
Weighted Average									83.7	83.7	3.4	98.6	0.8	35.3	0.3

Area Symbol: SD127, Soil Area Version: 18

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/20, 20 15

RECEIVED OF Melvin Donnelly PO Box 966 Elk Point SD 57025

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

Fee for Application for Permit No. <u>8079-3</u> to Appropriate Water, to construct and to put water to beneficial use	425	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>8079-3</u>	100	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	525 00

No. 07130

By Jeannie Goodman
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/20, 20 15

RECEIVED OF Larry Donnelly 47423 324th St Elk Point SD 57025

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

Fee for Application for Permit No. <u>8079-3</u> to Appropriate Water, to construct and to put water to beneficial use	425	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>8079-3</u>	100	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	525	00

No. 07137

By Jeanne Goodman
Chief Engineer

Water Rights Program - File Documentation

NAME: Larry Donnelly

ADDRESS: Elk Point

DATE: 1-22-15 **COUNTY:** UN **TELEPHONE:** 712 899-8465

RE: Pending applications for Larry & Melvin Donnelly

COMMENTS:

I called Larry Donnelly and he stated the proposed well depth for each of the Donnelly applications should be 100-112 feet deep.



Karen Schlaak
Water Rights Program



**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. 8079-3, Melvin and Larry Donnelly**

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. 8079-3, Melvin and Larry Donnelly, PO Box 966, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 8079-3 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. 8079-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
March 18, 2015

Report to the Chief Engineer

Water Permit Application Nos. 8079-3 and 8080-3

Melvin & Larry Donnelly

February 20, 2015

Water Permit Application Number 8079-3 proposes to appropriate water from the Elk Point management unit of the Missouri aquifer at a maximum diversion rate of 1.78 cubic feet of water per second (cfs). Water is to be used for the irrigation of 160 acres located in the SE ¼ Section 17-T91N-R50W. The proposed well location is in the approximate center of the SE ¼ Section 17-T91N-R50W with an estimated well depth of 100 to 112 feet.

Water Permit Application Number 8080-3 proposes to appropriate water from the Elk Point management unit of the Missouri aquifer at a maximum diversion rate of 1.78 cubic feet of water per second (cfs). Water is to be used for the irrigation of 160 acres located in the NE ¼ Section 17-T91N-R50W. The proposed well location is in the approximate center of the NE ¼ Section 17-T91N-R50W with an estimated well depth of 100 to 112 feet.

AQUIFER: Elk Point management unit of the Missouri aquifer (M:EP)

Aquifer Characteristics and Hydrogeology

The Missouri: Elk Point aquifer underlies portions of Clay, Union, and Yankton counties (Hedges et al., 1982 and 1985). It is comprised primarily of glacial outwash consisting of fine sand to coarse gravel underlying alluvium on the floodplains of the Missouri River. Much of the floodplain alluvium is permeable and forms a single aquifer where the outwash underlies the floodplain (Stephens, 1967). Elsewhere the aquifer underlies glacial till (Niehus, 1994; Bugliosi, 1986; and Stephens, 1967). The aquifer can be found under both water table and artesian conditions (Stephens, 1967). The aquifer has an area of about 219,100 acres and contains about 3,287,100 acre-feet of recoverable water (Hedges, 1982). The Missouri: Elk Point aquifer is hydraulically connected to the Missouri River along its southern boundary, the Lower-Vermillion-Missouri aquifer, the Big Sioux River, the Vermillion River, and the Lower James-Missouri aquifer (Niehus, 1994; Bugliosi, 1986; and Stephens, 1967). Groundwater movement is generally southeast toward the Missouri River (Stephens, 1967).

The applicant estimates well depths in the range of 100 to 112 feet for both applications. In examining well completion reports for this area of the Missouri: Elk Point well depths within and slightly deeper than the applicant's predictions are on record. About 0.5 miles east of the location of these applications Water Right No. 2466-3 has two 120-foot deep wells, and about 0.5 miles to the south the well for Water Permit No. 7711-3 is 143 feet deep (Water Rights, 2015b). About a mile to the north of these applications there are several wells in the 100 to 109 feet depth (Water Rights, 2015b). In the area of these proposed well sites the aquifer is under

water table conditions (Water Rights, 2015a, Water Rights, 2015b, and Water Rights, 2015b). These proposed well sites are located about 2.5 miles from the Missouri River.

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

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

Water Availability

Water Permit Application No. 8079-3 and No. 8080-3 propose to appropriate water from the Missouri: Elk Point aquifer. Approval of these applications is likely to result in an average annual water use of less than 320 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 Missouri: Elk Point aquifer is not older or lower than the Greenhorn Formation, therefore the withdrawal/recharge issue must be considered.

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

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

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

Hydraulic Budget

Recharge to the Missouri: Elk Point occurs by infiltration of precipitation, seepage from rivers/streams, and leakage from other aquifers (Bugliosi, 1986). Hedges et al. (1985) estimated that recharge to the aquifer was approximately 3.8 inches per year, based on observation well data. Utilizing this information and the area of the aquifer, average annual natural recharge can be estimated at 69,382 acre-feet. Stonesifer (2013) estimated induced recharge to the aquifer from the Missouri River due to the operation of the Lewis and Clark Water Treatment System to be 22,582 acre-feet per year. This results in an estimated average annual recharge of 91,964 acre-feet per year. Additionally, Stonesifer (2013) notes the further potential for induced recharge to the aquifer from the Missouri, Vermillion, James, and Big Sioux Rivers.

Withdrawals from the Missouri: Elk Point aquifer includes well withdrawals, outflow to the Missouri and Big Sioux Rivers, and evaporation in locations where the aquifer is near the land's surface (Niehus, 1994; Bugliosi, 1986; and Stephens, 1967). Withdrawals from the Missouri: Elk Point as of June 24, 2013, were extensively examined in Stonesifer (2013), which estimated average annual withdrawals at 81,108 acre-feet per year. Therefore Stonesifer (2013) estimated annual recharge exceeded average annual withdrawal by 10,856 acre-feet.

The water availability for this application can be evaluated considering the water permits issued since June 24, 2013, in conjunction with the water availability analysis of Stonesifer (2013). There have been 24 water permits and two reinstated permits (7074A-3 and 7009A-3) in the aquifer since Stonesifer (2013). There are also two deferred applications for the aquifer and one pending application. These water permits/applications are summarized in Table 1, along with the amount of water appropriated for each permit in the case of irrigation permits.

For new irrigation permits the average annual pumping can be estimated in a similar manner as Stonesifer (2013), where the average ratio of pumpage to appropriation from developed appropriations was applied to new appropriations, and developed appropriations were considered to be permits authorized prior to 2006. In Stonesifer (2013) this percentage was 13.7%. In updating the pumpage to appropriations ratio, developed appropriations were considered to be those past their five year construction period in the same manner as Mathiowetz (2014). With the inclusion of the irrigation data from 2013 the updated percentage of pumpage to appropriation for developed appropriations is 14.0%. By applying this percentage of pumpage to appropriation to the irrigation permits issued since June 24, 2013, the average annual withdrawal from these appropriations can be estimated to be about 823 acre-feet. The inclusion of Application No. 8079-3 and No. 8080-3 in this estimate results in an estimated average annual withdrawal for new permits and pending applications of 868 acre-feet.

Table 1: Water Permits Issued/Reinstated Since Stonesifer (2013) (Water Rights, 2015b)

Irrigation						
Permit No.	Name	Status	Use	Rate (cfs)	Acres	Appropriation (ac-ft/yr)
7848-3	Missouri Valley Farms Inc.	PE	IRR	3.04	213	426
7856-3	Mike & Steve Allard	PE	IRR	1.78	129.3	258.6
7895-3	Todd Hanson	PE	IRR	1.89	180	360
7898-3	James Orr	PE	IRR	1.56	132	264
7899-3	Justin Orr	PE	IRR	1.56	97	194
7904-3	Craig S. Mcinerney	PE	IRR	1.78	160	320
7933-3	Douglas G. Bye	PE	IRR	0.89	90	180
7936-3	Donald Johnson	PE	IRR	1.39	83	166
7938-3	Russell M. Hall	PE	IRR	0	53	106
7074A-3	Calvin Hanson	PE	IRR	1.78	162	324
7941-3	Joseph F. Chicoine	PE	IRR	1	37.69	75.38
7951-3	Allen Pace	PE	IRR	1.78	150	300
7955-3	Karl M. Schenk	PE	IRR	1.78	140	280
7971-3	Barry Van Osdel	PE	IRR	1.11	68	136
7980-3	Francis Heine	PE	IRR	0	5	10
7987-3	Francis M. Armstrong Living Trust	PE	IRR	1.78	102	204
8010-3	Ryan Rusher	PE	IRR	0.1	2.5	5
8016-3	Amelia Bertrand Trust	PE	IRR	1.67	66	132
8022-3	Redwood South Dakota Holdings LLP	PE	IRR	1.91	134	268
8023-3	Redwood South Dakota Holdings LLP	PE	IRR	4.14	290	580
8024-3	Redwood South Dakota Holdings LLP	PE	IRR	3.36	235.2	470.4
8025-3	Redwood South Dakota Holdings LLP	PE	IRR	3.82	267.2	534.4
8029-3	Dakota Dunes Comm. Improvement District	PE	IRR	0.78	17.8	35.6
8040-3	Heine Electric & Irrigation Inc.	PE	IRR	0.33	3	6
7009A-3	Roger D. Hanson	PE	IRR	1.78	120	240
					Total	5875
Non-Irrigation						
8031-3	Dakota Protein Conversion Inc.	PE	COM	0.22	0	
5749-3	Stockmen's Livestock Market Inc.	DF	COM	0.03	0	
5750-3	Stockmen's Livestock Market Inc.	DF	COM	0.09	0	
8069-3	Cimpl's LLC	AP	COM	0.44	0	

*PE=permit, IRR=irrigation, COM= commercial, DF=deferred, AP=pending application

For non-irrigation use, average annual use can be estimated by assuming that pumping will occur at the maximum diversion rate 60% of the time for water rights/permits limited by rate only. For water rights/permits limited to an annual volume, full use of that volume is assumed for estimation of average annual withdrawal. The pending application for Cimpl's LLC would limit their Water Right No. 5616-3 and Water Permit No. 8069-3 (if approved) to a total annual diversion of 452 acre-feet. The hydraulic budget for the Missouri: Elk Point aquifer prepared by Stonesifer (2013) considered the appropriation associated with Water Right No. 5616-3 to be 191 acre-feet per year. This would result in an additional appropriation from the aquifer of 261 acre-feet per year. Therefore the annual withdrawal for new, deferred, and pending non-irrigation appropriations can be estimated at 409 acre-feet.

In considering new permits, deferred applications, and pending applications since June 24, 2013, the average annual withdrawal for irrigation and non-irrigation use is estimated to be 1,277 acre-feet. When examining new permits in conjunction with the water availability analysis in Stonesifer (2013) average annual recharge to the Missouri: Elk Point aquifer exceeds average

annual withdrawals by about 9,579 acre-feet. Therefore there is a reasonable probability that water is available to meet the needs of this application.

Observation Well Data

In determining the availability of unappropriated water for a permit application Administrative Rule 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that average annual withdrawals from the aquifer do not exceed the estimated annual recharge. Observation well data offers a picture of conditions in the aquifer over the period of record.

The Water Rights Program monitors 37 observation wells in the Missouri: Elk Point aquifer. The nearest of these is observation well UN-77L, which is located about 1.26 miles east southeast of the location of Application No. 8079-3 and 1.68 miles northeast of the location of Application No. 8080-3. The hydrographs for this well are shown in Figure 1.

The observation well hydrograph shows cyclic patterns based on the effect of climatic conditions on the aquifer. Increases in water levels occur during wetter periods (recharge), and decreases in water levels occur during drier periods. Stephens (1967) notes the close relation of the water table under the floodplain to Missouri River water levels and the lowering of the water table in response to the closure of Gavins Point Dam. Additionally, Iles (1979) notes that the ongoing entrenchment of the Missouri River is also tied to lowering water table levels in the aquifer, and this has been linked by Goodman (2007) to the declining water levels in observation wells in this aquifer near the Missouri River. The hydrograph for the Missouri River at the USGS gaging station near Yankton, SD, is shown in Figure 1. By examining Figure 1, the relation between trends in the Missouri River water levels and trends in the water levels in the observation well can be observed. At the current level of development the temporal effects of pumping are masked by the strong hydraulic connection between the aquifer and the Missouri River and climatic conditions. This shows that the hydrographs are dominated by natural conditions, and water is available for capture. Therefore, there is a reasonable probability that there is water available to support this application.

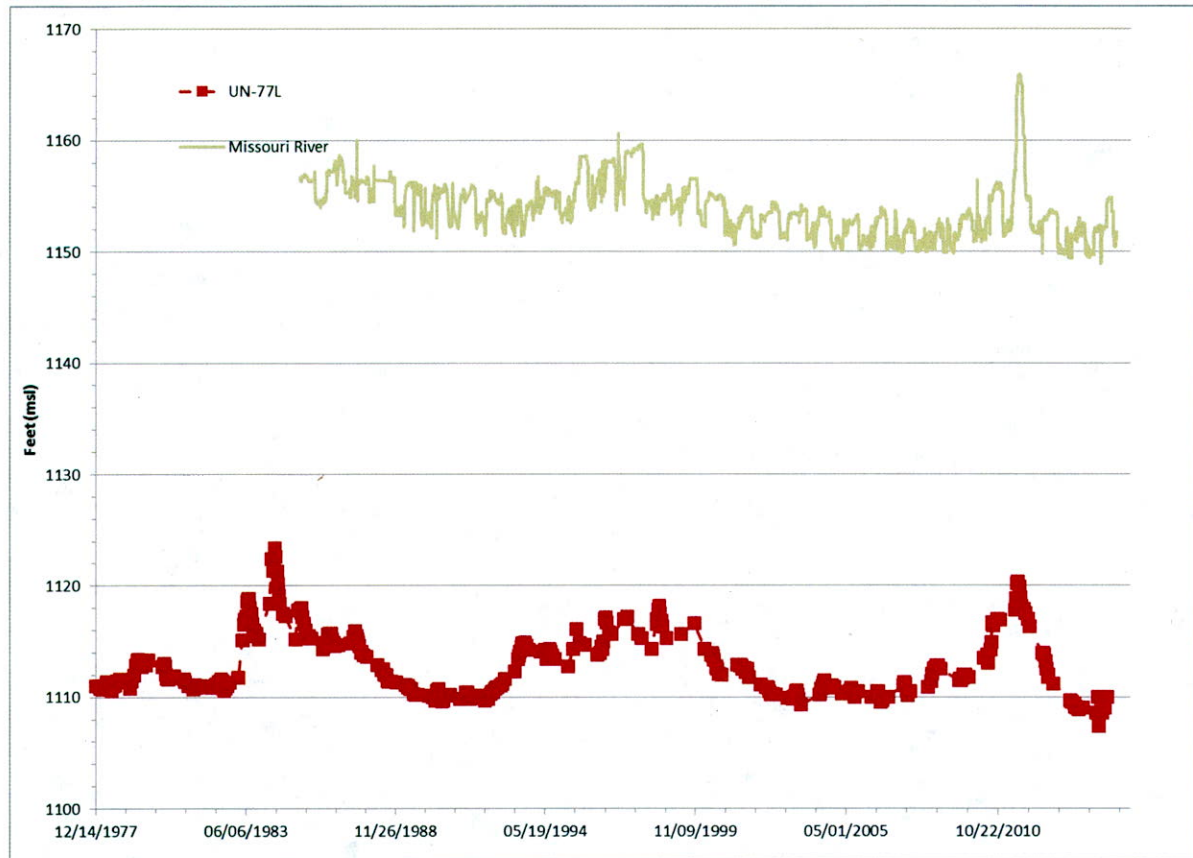


Figure 1: Hydrographs of Observation Well UN-77L, and the Missouri River Near Yankton, SD (USGS, 2015 and Water Rights, 2015b)

Existing Water Rights/Permits

There are 17 water rights/permits within two miles of the locations for Application No. 8079-3 and No. 8080-3. These Water Rights/Permits are summarized in Table 2, and locations are shown in Figure 2. The nearest Water Right/Permit to Application No. 8079-3 is Water Permit 7711-3 located about 0.5 miles away. The nearest Water Right/Permit to Application No. 8080-3 is Water Right No. 2466-3 located about 0.5 miles away. There are several domestic wells on file with the SDDENR-Water Rights Program within two miles of this application that could be completed into the Missouri: Elk Point aquifer.

Table 2: Water Rights/Permits Located within Two Miles of Application No. 8079-3 and No. 8080-3
(Water Rights, 2015b)

Permit No.	Name	Status	Use	Rate (cfs)	Acres
314-3	James Donnelly	LC	IRR	2.67	280
324-3	Calvin L. Chaussee	LC	IRR	2.28	160
2141-3	Calvin L. Chaussee	LC	IRR	2.28	160
2466-3	Carol A. Donnelly	LC	IRR	3.88	272
3549-3	Marcella Flannery Estate	LC	IRR	1.89	132
4032-3	Dawn & Gary Glover	LC	IRR	0.57	40
4045-3*	Floyd Davis	LC	IRR	9.61	673
4421-3	Missouri Valley Farms Inc.	LC	IRR	3.41	239
6179-3	Timber8 LLC	LC	IRR	4.29	300
6180-3	Timber8 LLC	LC	IRR	4.44	326
6181-3	Timber8 LLC	LC	IRR	2	142
7221-3	Mike Chicoine	PE	IRR	2.01	141
7222-3	Mike Chicoine	PE	IRR	2.01	141
7223-3	Mike Chicoine	PE	IRR	2.01	141
7711-3	Mike Chicoine	PE	IRR	1.67	115
7712-3	James Chicoine	PE	IRR	1.78	74.54
7848-3	Missouri Valley Farms Inc.	PE	IRR	3.04	213

*Uses both ground and surface water

LC=license. PE=permit, IRR=irrigation

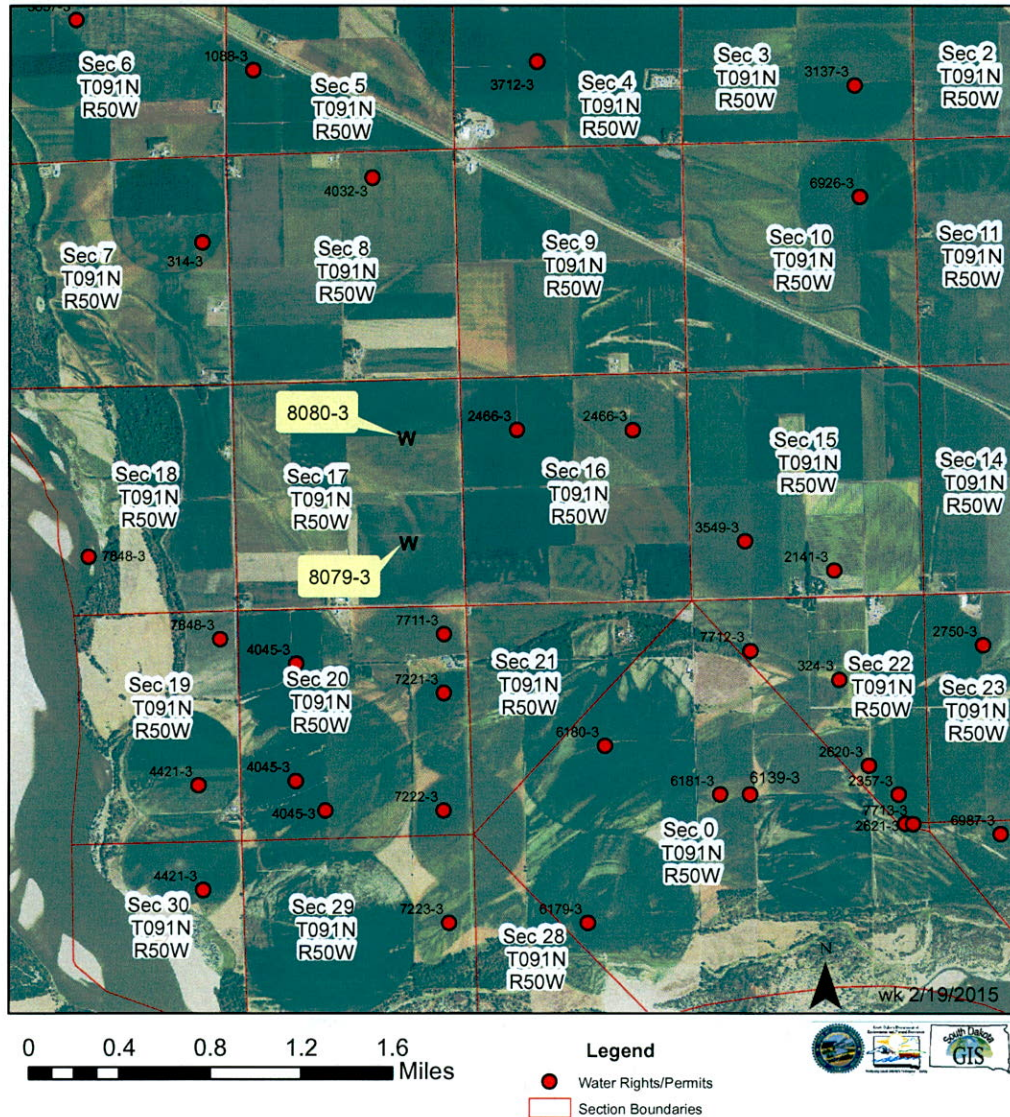


Figure 2: Approximate Location of Water Rights/Permits Diversion Points in the Missouri: Elk Point Aquifer in the Area of Application No. 8079-3 and No. 8080-3 (cancelled water rights not shown) (Water Rights, 2015b)

Since the aquifer is unconfined and relatively thick in the area of these applications drawdown is not expected to extend far from the pumping well. Additionally examination of the hydrograph of observation well UN-77L in Figure 1 shows no signs of being significantly impacted by drawdown despite being located within 0.5 miles from three irrigation wells. Although precise drawdown cannot be quantified without aquifer testing these applications, if approved, are not expected to adversely impact nearby adequate wells. An adequate well as defined by South Dakota Administrative Rules is “a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near as possible to the bottom of the aquifer as is practical if the aquifer

thickness is less than 20 feet.” In the past the Water Management Board has recognized that to place water to maximum beneficial use a certain amount of drawdown may occur.

Conclusions

1. Water Permit Application No. 8079-3 and No. 8080-3 propose to appropriate water from the Elk Point management unit of the Missouri aquifer with both applications requesting a maximum diversion rate of 1.78 cubic feet of water per second (cfs) both for the irrigation of 160 acres.
2. There is a reasonable probability that water is available to meet the needs of this application.
3. There is a reasonable probability that this application will not adversely impact nearby adequate wells.

Whitney Kilts

Whitney Kilts

SDDENR-Water Rights Program

Approved by

Ken Buhler

Ken Buhler

SDDENR-Water Rights Program

References

- Bugliosi, E. F. 1986. Water Resources of Yankton County, South Dakota. USGS Water-Resources Investigations Report 84-4241. USGS. Huron, SD.
- Goodman, J. A. 2007. Report on Water Permit Application No. 6869-3: For Lewis and Clark RWS. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Hedges, L.S., Burch, S. L., Iles, D. L., Barari, R. A., and Schoon, R. A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 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.
- Hedges, L.S., Allen, J. and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Ground-Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- i•calcul⁸. Theis Equation Calculator. Retrieved Jan 2015. <http://www.icalcul8.com/theis.php>.
- Iles, D. L. 1979. Ground-water Study for Southern Union County. UR-28. SDGS. Vermillion, SD.
- In the Matter of Water Permit Application No. 6431-3, by Phillip W. Hines v. SD Department of Environment and Natural Resources, South Dakota Sixth Judicial Court Civ. No. HU04-37 (Memorandum Decision, April 29, 2005)
- In the Matter of Water Permit Application No. 7239-3, by Hanson County Dairy v. Robert Bender and Stace Nelson, South Dakota First Judicial Court Civ. No. 11-54 (Memorandum Decision, April 11, 2012)
- In the Matter of Water Permit Application 7209-3, Longview Farms, LLP v. South Dakota Dept. of Environment and Natural Resources, South Dakota First Judicial Court Civ. No. 11-146 (Memorandum Decision, May 17, 2012)
- Mathiowetz, A. 2014. Report on Water Permit Application No. 8040-3: Heine Electric & Irrigation Inc. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Niehus, C. A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. USGS Water Resources Investigations Report 93-4195. USGS. Rapid City, SD.
- SD Geological Survey. 2014. Lithological Logs Database, SD DENR-Geological Survey Program, Vermillion, SD.

- Stephans, J. C. 1967. Geology and Water Resources of Clay County, South Dakota. Part II Water Resources. SDGS. Vermillion, SD.
- Stonesifer, J. R. 2013. Water Availability of the Missouri: Elk Point Aquifer. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- USGS. 2015. National Water Information System: Web Interface. USGS 06467500 Missouri River at Yankton, SD. Retrieved Jan 2015.
http://waterdata.usgs.gov/sd/nwis/uv/?site_no=06467500&PARAMeter_cd=00065,00060,00010
- Water Rights. 1980-2014. "1979-2013 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2015a Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- 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.

AFFIDAVIT OF PUBLICATION

RECEIVED

State of South Dakota)

MAR 30 2015

County of Union)

:ss

WATER RIGHTS PROGRAM
the publisher, **Bruce L. Odson**,
of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 8079-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 26 day of March, 2015

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 23.78, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me

this 26 day of March, 2015

My commission expires 6-21-17

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA

Notary Public

NOTICE OF APPLICATION NO. 8079-3 TO APPROPRIATE WATER

Notice is given that Melvin & Larry Donnelly, PO Box 966, Elk Point SD 57025 have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100-112 feet deep) located in the approximate center of the SE 1/4 Section 17 for irrigation of 160 acres located in the SE 1/4 Section 17; all in T91N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8079-3 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 6, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application; and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Publish March 26, 2015

Published once at the total approximate cost of \$23.78
13-14-79

RECEIVED
MAR 30 2015
WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

3+26
NOTICE OF APPLICATION NO.
8079-3 to Appropriate Water

Notice is given that Melvin & Larry Donnelly, PO Box 966, Elk Point SD 57025 have an filed application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100-112 feet deep) located in the approximate center of the SE 1/4 Section 17 for irrigation of 160 acres located in the SE 1/4 Section 17; all in T91N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8079-3 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 6, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of \$26.81.

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED Application No. 8079-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 26th DAY OF March 2015 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$26.81 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: 3/26/2015

FILED ON: 3/26/2015

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26th DAY OF March 2015

[Signature]
NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 18, 2015

Leader Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8079-3 to Appropriate Water. Please publish the notice once on March 26, 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 Melvin and Larry Donnelly, PO Box 966, Elk Point SD 57025 (Ph # 712-389-0090).

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 18, 2015

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8079-3 to Appropriate Water. Please publish the notice once on March 26, 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 Melvin and Larry Donnelly, PO Box 966, Elk Point SD 57025 (Ph # 712-389-0090).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

March 18, 2015

Melvin and Larry Donnelly
PO Box 966
Elk Point SD 57025

Dear Sirs:

Water Permit Application No. 8079-3 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 Leader Courier printed at Elk Point SD (Ph # 605-356-2632) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on March 26, 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. 8079-3 to Appropriate Water

Notice is given that Melvin & Larry Donnelly, PO Box 966, Elk Point SD 57025 have an filed application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100-112 feet deep) located in the approximate center of the SE 1/4 Section 17 for irrigation of 160 acres located in the SE 1/4 Section 17; all in T91N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8079-3 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 6, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

APR 23 2015

Melvin & Larry Donnelly
PO Box 966
Elk Point SD 57025

Dear Sirs:

Enclosed is Water Permit No. 8079-3 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

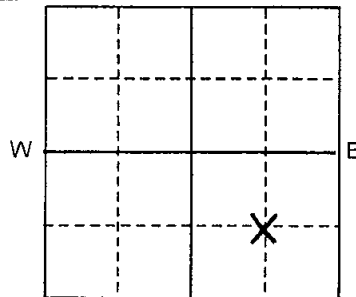
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location cont'd 1/4 SE 1/4 Sec 17 Twp 91N Rg 50WWell Owner: Melvin DonnellyCounty Union

North

Please mark well location with an "X"



Well Completion Date

11-6-15

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:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>sch 40</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>85</u> FT	<u>28</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>	_____	Lb/gal	_____ Ft	_____ Ft
		Lb/gal	_____ Ft	_____ Ft

Describe grouting procedure

Pressure Grouted

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16 Inches Length _____ Feet
 Material PVC
 Slot Size .080" Set From 85 Feet to 115 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 Tabs
☐ No, Why Not?
 Lab to which water quality sample sent for analysis

Business Name:

Address:

City, State, Zip: Elk Point, S.D. 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Gumbo Clay</u>	<u>0</u>	<u>8</u>
<u>Sand w/ clay layers</u>	<u>8</u>	<u>50</u>
<u>Sand + gravel</u>	<u>50</u>	<u>90</u>
<u>coal layer</u>	<u>90</u>	<u>93</u>
<u>Sand + Gravel</u>	<u>93</u>	<u>98</u>
<u>coal layer</u>	<u>98</u>	<u>100</u>
<u>Sand + Gravel</u>	<u>100</u>	<u>115</u>

STATIC WATER LEVEL

16 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

34 Ft. After 1 Hrs. pumped 1000 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 800 GPM

REMARKS

Permit # 8079-3MISSOURI: Elk PointThis well was drilled under license # 763 and this report is true and accurate.Drilling firm: Salmon Well Co.

Signature of License Representative:

Scott Salmon

Signature of Well Owner or Equitable Property Holder:

Melvin DonnellyDate: 11-17-15

RECEIVED

DEC - 7 2015

WATER RIGHTS PROGRAM



8079-3
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: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025 0966

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) 3531-3 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) 5423-3, 6975-3, 7808-3 & 8079-3 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) 5423-3, 6975-3, 7808-3 & 8079-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3531-3 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.



8079-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 1, 2016

Melvin Donnelly
PO Box 966
Elk Point SD 57025 0966

RE: Water Permit or Right Nos. 2750-3, 3531-3, 3920, 5423-3, 6975-3, 7808-3 & 8079-3

Dear Mr. Donnelly:

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

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for the water permits and water rights described above. 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

8079-3

SD EForm - 1311LD V1

Form 10

NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

MAIL TO: PMB 2020

Date 10-19-16

DENR - Water Rights Program

523 E Capitol Ave

Pierre, SD 57501-3182

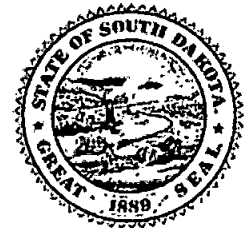
ph. (605) 773-3352

FROM: Melvin Donnell
(name)Box 966
(address)E/K Point S.D. 57025
(city) (state) (zip)712-389-0090
(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. 8079-3 states that the water use system is to be constructed byApril 6, 2020, and water is to be put to beneficial use by April 6, 2024
(date) (date)The water use system was completed on 3-15-15
(date)Applying the water to beneficial use was completed on 7-1-15
(date)

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



Licensing of Acreage Outside of Permitted Area

NAME: Melvin and Larry Donnelly

ADDRESS: PO Box 966, Elk Point SD 57025

DATE: May 31, 2017

COUNTY: Union

TELEPHONE: 712.389.0090

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 134 acres as compared to 160 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Yes, one acre located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17-T91N-R50W.

- **Owned by Same Property Owner**

Yes

- **Developed Prior to Expiration of Construction Period**

Yes

RECOMMENDED ACTION

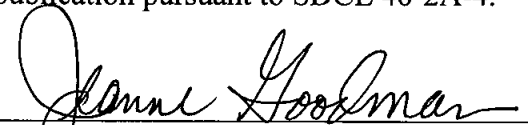
Based on the above criteria, it is recommended that the 1 acre area be included in the water license.



Lynn Beck, Natural Resources Engineer III
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer
Water Rights Program

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8079-3

I have this day, October 19, 2016, made a thorough examination of the water use system constructed by Melvin & Larry Donnelly, PO Box 966, Elk Point SD 57025 of Permit No. 8079-3, bearing the priority of January 20, 2015 authorizing the diversion of 1.78 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, of 160 acres, in Union County.

Inspection contact & relationship **Melvin & Larry Donnelly, permit holders**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Salmon Well Co.
- 2) No. of Wells 1
- 3) Depth(s) 115 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 85 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 30 feet
- 3) Static water level 16 feet

Pump:

- 1) Make Grundfos Submersible
- 2) Model Unknown
- 3) Capacity 800 GPM

Motor:

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

C. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make Lindsay
- 2) Overall length 1301 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800 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, began irrigating in 2015.
List any extended period of nonuse: None
- 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: West 1340', North 1340' from SE Corner of Sec 17-T91N-R50W; Lat 42.69588/Long -96.77178; approximate center of SE ¼ Sec 17-T91N-R50W.
2. The works are capable of diverting and conveying to the place of use 1.78 cfs or 800 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
All land is located in Sec 17-T91N-R50W.

<u>NW ¼ SE ¼ - 35 ac</u>	<u>NE ¼ SE ¼ - 34 ac</u>
<u>SW ¼ SE ¼ - 33 ac</u>	<u>SE ¼ SE ¼ - 32 ac</u>
<u>NE ¼ SW ¼ - 1 ac</u>	

comprising a total of 135 acres of land and the license should be issued for 1.78 cfs or 800 gpm.

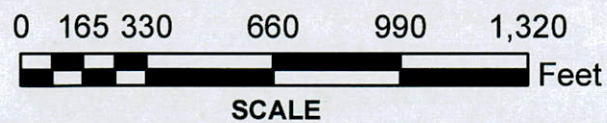
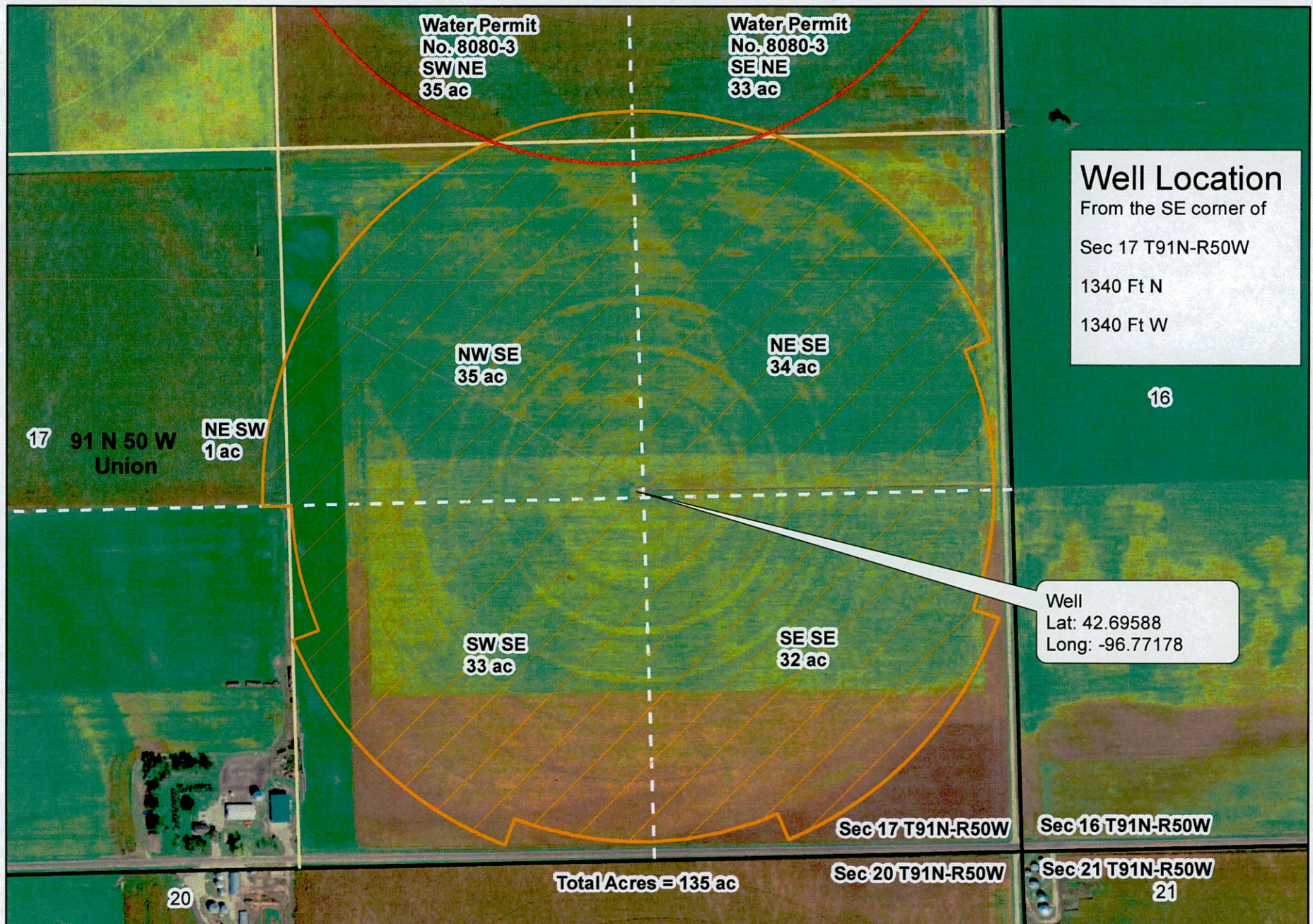
All structures, wells and lands on map Yes



Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: May 30, 2017

8079-3



Harold Holoch
Harold Holoch, PE
Staff Engineer
May 24, 2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 10 2017

8079-3

Melvin & Larry Donnelly
PO Box 966
Elk Point SD 57025-0966

Dear Sirs:

Enclosed is Water License No. 8079-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8079-3

(1) Melvin & Larry Donnelly, PO Box 966, Elk Point SD 57025-0966 made Application No. 8079-3, January 20, 2015 for a water permit to divert 1.78 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Union County, South Dakota for irrigation purposes. Water Permit No. 8079-3, with a priority date of January 20, 2015 was approved April 6, 2015 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before April 6, 2020 and for the application to beneficial use of said water on or before April 6, 2024.

An investigation conducted for licensing purposes found acreage developed for irrigation slightly outside of the area described in the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,340'W and 1,340'N of the SE corner of Section 17, T91N, R50W (approximate center of the SE ¼), Lat 42.69588, Long – 96.77178.

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

Section 17, T91N, R50W			
NW ¼ SE ¼	35 acres	NE ¼ SW ¼	1 acre
SW ¼ SE ¼	33 acres		
NE ¼ SE ¼	34 acres	Total	135 acres
SE ¼ SE ¼	32 acres		

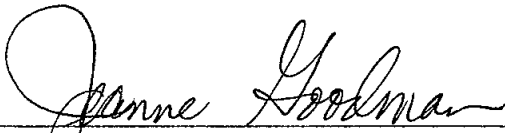
(4) Pursuant to South Dakota Water Law 46-5-30.1 Melvin & Larry Donnelly, PO Box 966, Elk Point SD 57025-0966 the holders and/or owners of Water Right No. 8079-3 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of January 20, 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. 8079-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

- The well authorized by Permit No. 8079-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in November, 2015 by Salmon Well Company. A copy of the well completion report is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

OCT 10 2017
date



8079-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 4, 2019

5423-3
7808-3
8079-3

Melvin Donnelly
PO Box 966
Elk Point SD 57025-0966

Dear Mr. Donnelly:

We have received your irrigation questionnaires for 2019. Thank you for letting us know that ownership changes were needed for Water Right Nos. 5423-3 (Melvin & Eileen), 7808-3 and 8079-3 (Melvin & Larry).

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$150.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions concerning completion of the forms, please give me a call. Thank you in advance for updating the water rights.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID

DEC 16 2019

Ck# 9063

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

RECEIVED

DEC 16 2019

WATER RIGHTS
PROGRAM

No. 8079-3

Date: 12-11-19

I/We request that Water Right No. 8079-3

formerly owned by: Melvin & Larry Donnelly

be transferred to: (name & address) Melvin Donnelly, PO Box 966, Elk Point SD 57025-0966

Telephone No. 712-389-0090

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

135 acres – SE ¼ and NE ¼ SW ¼ Section 17, T91N, R50W

I/We understand that the validity of Water Right No. 8079-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

Q We Melvin Donnelly, the new owner, certify that the above information is true and correct.

Melvin Donnelly

(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 December 16, 20 19

RECEIVED OF Mr. or Mrs. Melvin Donnelly PO Box 966 Elk Point SD 57025

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>8079-3</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. **09283**

By Jeanne Goodman
Chief Engineer
Jm



8079-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 17, 2019

5423-3
7808-3
8079-3

Melvin Donnelly
PO Box 966
Elk Point SD 57025-0966

Dear Mr. Donnelly:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 5423-3, 7808-3 and 8079-3.

The ownership changes have been completed. The above listed water rights are now listed solely in your name.

Enclosed for your records are Receipt Nos. 09282, 09283 and 09284 in the amount of \$50 each.

Thank you for updating the water rights. If you have any questions, please let me know.

Sincerely,

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

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

enclosures