

WATER PERMIT NO. 8142-3

Name of Applicant: Derrick Walter

Address: 43979 SD Hwy 44, Marion SD 57043

Phone: 605 670-8134

Amount of Water Claimed: 2.22 cfs

Total Acres: 257

Source of Water Supply: Wolf Creek

Water to be used for: irrigation

County: Hutchinson

Type of Waste Disposal System:

Location: 15 miles northwest of Freeman

PRIORITY

Date Received: 3-13-15

Application/License Fee: \$ 1250

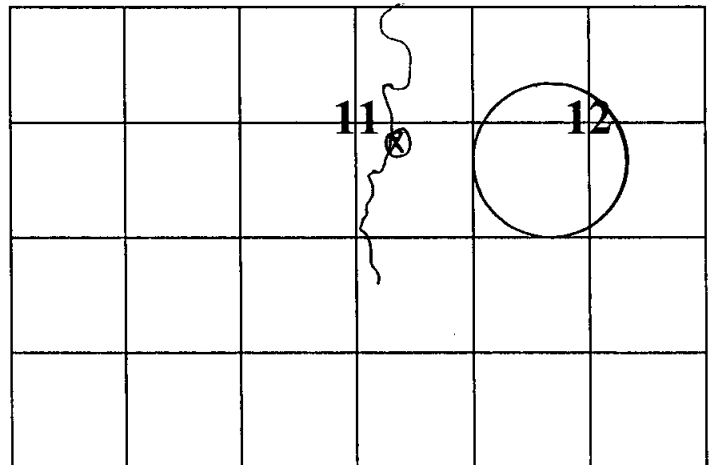
Corrected Application Received: 3-19-15

Period of Annual Use: June 1 – September 30

Remarks: Water Permit No. 7526-3 authorizes irrigation of the same acreage from a groundwater source

Diversion Point: NW 1/4 SE 1/4 Sec 11-T100N-R57W

Land to be Irrigated: SW 1/4, W 1/2 SE 1/4, Lots 2, 3, 4 Section 12-T100N-R57W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-24-15

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>8142-3</u>	(office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	<u>605-925-</u>
	Newspaper <u>Froon on Caring Box 950 57029</u>	<u>7033</u>
	<u>Daily Republic, Box 1288, Mitchell 57361</u>	<u>605-996-5514</u>

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MAR 13 2015

WATER RIGHTS
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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

Add a diversion point - pull water from wolf creek

1. Name to Appear on Irrigation Permit Derrick Walter
(check one) ☐ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)

Mailing Address 43979 SD Hwy 44 Marion SD 57043
(Address) (City) (State) (Zip Code)

Home Phone _____ Cell 605-670-8134 Email d3watter@hotmail.com

2. Amount of water claimed 222 *CFS or 1000 **GPM ***AF Total Acreage 257
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Wolf Creek

4. Location of point of diversion Section 11 of Pleasant Township
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

NW 1/4 SE 1/4 Sec 11 - T100N - R57W County Hutchinson

5. County or counties where water will be used Hutchinson

6. Annual period during which water is to be used Jan 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>SW 1/4 Sec 12 - T100N - R57W</u>	<u>150</u>	<u>Lot 2 Sec 12 - T100N - R57W</u>	<u>10</u>
<u>SW 1/4 SE 1/4</u>	<u>20</u>	<u>Lot 3</u>	<u>30</u>
<u>NW 1/4 SE 1/4</u>	<u>35</u>	<u>Lot 4</u>	<u>12</u>

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

See Attached

I, Derrick Walter, 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. 8142-3

Date of first receipt of application March 13, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8142-3 to Derrick Walter, 43979 SD Hwy 44, Marion SD 57043 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. 8142-3 appropriates 2.22 cubic feet of water per second from Wolf Creek located in the NW 1/4 SE 1/4 Section 11 for irrigation of 257 acres located in the SW 1/4, W 1/2 SE 1/4 and Lots 2, 3 and 4 Section 12; all in T100N-R57W. Water Permit No. 7526-3 authorizes irrigation of the same acreage from three Niobrara Aquifer wells.
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: June 1 – September 30.
3. The date from which applicant may claim right is March 13, 2015.
4. The date of approval of Permit No. 8142-3 is May 26, 2015.
5. One-fifth of the construction is to be completed on or before November 26, 2017.
6. All construction is to be completed on or before May 26, 2020.
7. Water is to be put to beneficial use on or before May 26, 2024.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. This permit does not authorize diversion of water any time Wolf Creek's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to downstream domestic use and written orders including shutoff orders issued by the Chief Engineer.
2. The irrigation intake in Wolf Creek for this irrigation project shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second and the intake is screened with ¼ inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment and impinging fish.
3. Issuance of this permit deals with the withdrawal of water only. It does not address other concerns or permitting issues, such as the Topeka Shiner, from other State or Federal entities. The source of water for this permit is listed as a known Topeka Shiner habitat. The permit holder is responsible for contacting the US Fish and Wildlife Service concerning certain restrictions on the method of withdrawal of water. The permit holder is responsible to obtain any other necessary permits.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

JUN 01 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 _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest existing domestic well:
On applicant's property _____ On property owned by others _____

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

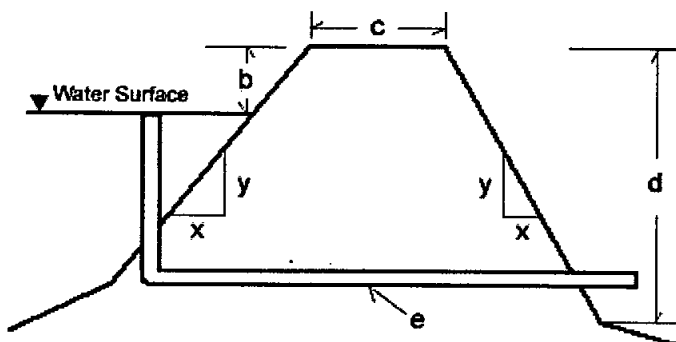
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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



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MAR 13 2015

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To whom it may concern:

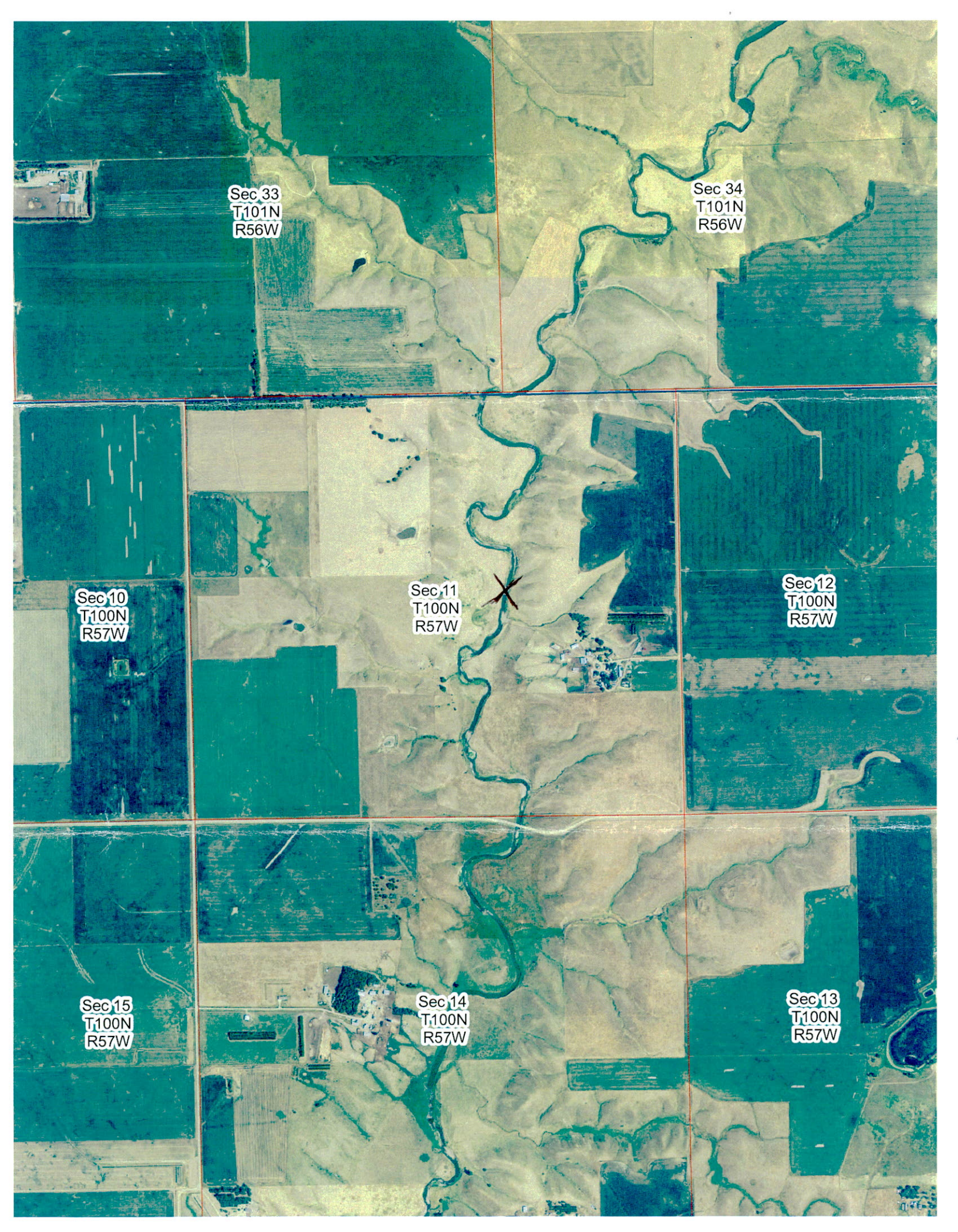
I am filling out a second application to add a diversion point into my current irrigation system. I am asking to pull 1000 gallons per minute from wolf creek to my existing irrigation system in section 12. Wolf creek carries great amounts of water from rains that fall north of Bridgewater and near Spencer, SD right through my father's pasture in section 11 of Pleasant Township in Hutchinson County. I am applying for 1000 gallons per minute due to the higher flows that wolf creek offers at different times during the year. I believe that this would help my system in the long run by letting the aquifer that I'm pulling from recover by not pumping it so hard. I am trying to utilize the resources that are just flowing through the backyard of my irrigation system. I am open to pumping from Wolf Creek as flow permits and then could switch it to my wells to finish out the season. I am also open to pull a lesser amount of water out of wolf creek 500-600 gallons and mix it with my current well water to operate my irrigation system at its fullest potential.

Sincerely

Derrick Walter
43979 SD Hwy 44
Marion, SD 57043

Cell 605-670-8134

Email d3walter@hotmail.com



This is an aerial photograph of a rural landscape, likely in the United States, showing a grid of land sections. The terrain is a mix of green fields and tan-colored areas, possibly due to different vegetation or soil types. A winding river or stream flows through the center of the map. Several sections are labeled with their respective township and range coordinates. A red 'X' is marked in the center of the map, specifically in Section 11. The labels are as follows:

Sec 33
T101N
R56W

Sec 34
T101N
R56W

Sec 10
T100N
R57W

Sec 11
T100N
R57W

Sec 12
T100N
R57W

Sec 15
T100N
R57W

Sec 14
T100N
R57W

Sec 13
T100N
R57W



VALLEY

The Leader in Precision Irrigation

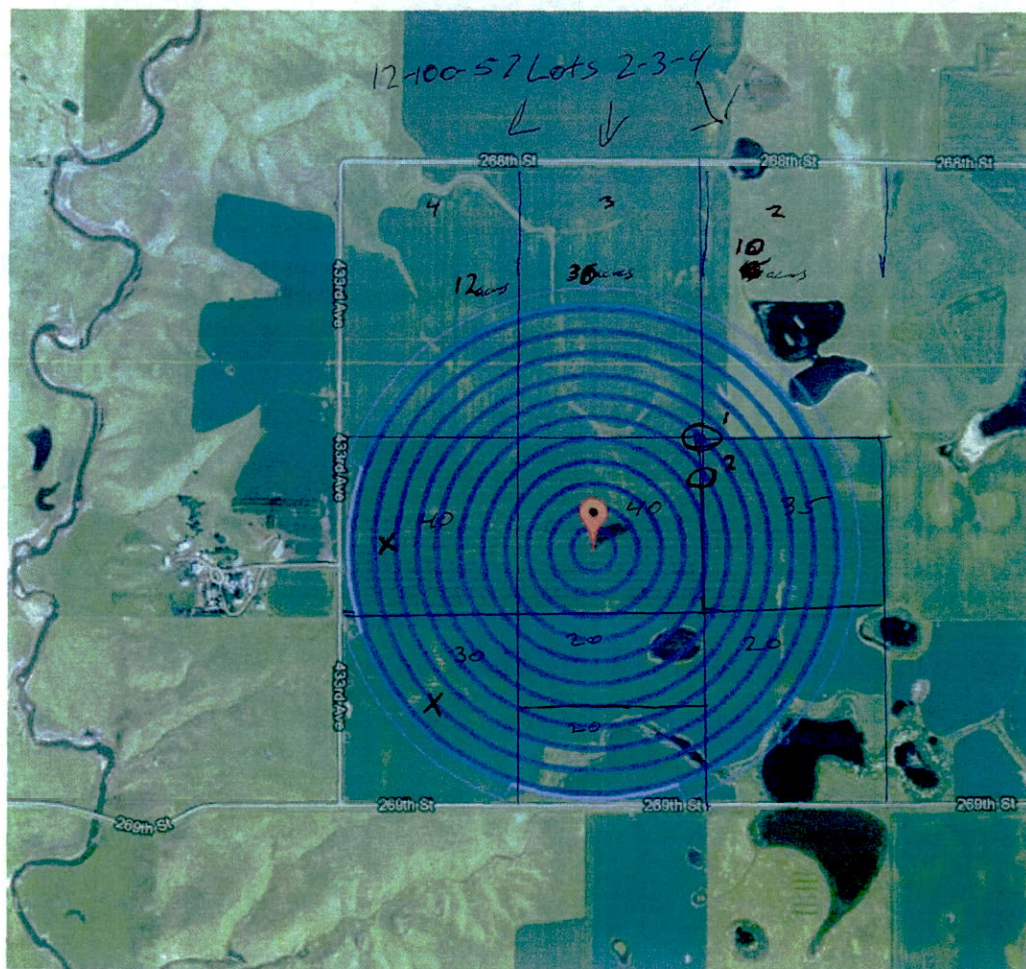
Prepared By: **Heine Electric and Irrigation, Inc.**

Questions or concerns? Please call us at 402-640-1999!

NOV 26 2012

**WATER RIGHTS
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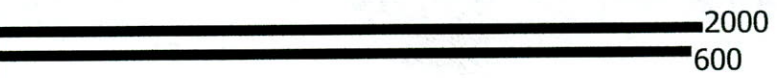
- 1 160 ff. Total: 160 ff.
Acreage: 1.85. Total: 1.85 acres.
- 2 160 ff. Total: 320 ff.
Acreage: 5.55. Total: 7.4 acres.
- 3 160 ff. Total: 480 ff.
Acreage: 9.25. Total: 16.65 acres.
- 4 160 ff. Total: 640 ff.
Acreage: 12.95. Total: 29.6 acres.
- 5 160 ff. Total: 800 ff.
Acreage: 16.65. Total: 46.25 acres.
- 6 160 ff. Total: 960 ff.
Acreage: 20.35. Total: 66.61 acres.
- 7 160 ff. Total: 1120 ff.
Acreage: 24.05. Total: 90.66 acres.
- 8 140 ff. Total: 1260 ff.
Acreage: 24.08. Total: 114.74 acres.
- 9 160 ff. Total: 1420 ff.
Acreage: 30.99. Total: 145.74 acres.
- 10 160 ff. Total: 1580 ff.
Acreage: 34.69. Total: 180.43 acres.
- 11 160 ff. Total: 1740 ff.
Acreage: 38.39. Total: 218.82 acres.
- Overhang** 36 ff. Total: 1776 ff.
Acreage: 9.14. Total: 227.97 acres.
- Spray** 120 ff. Total: 1896 ff.
Acreage: 24.83. Total: **252.81** acres.





Google earth

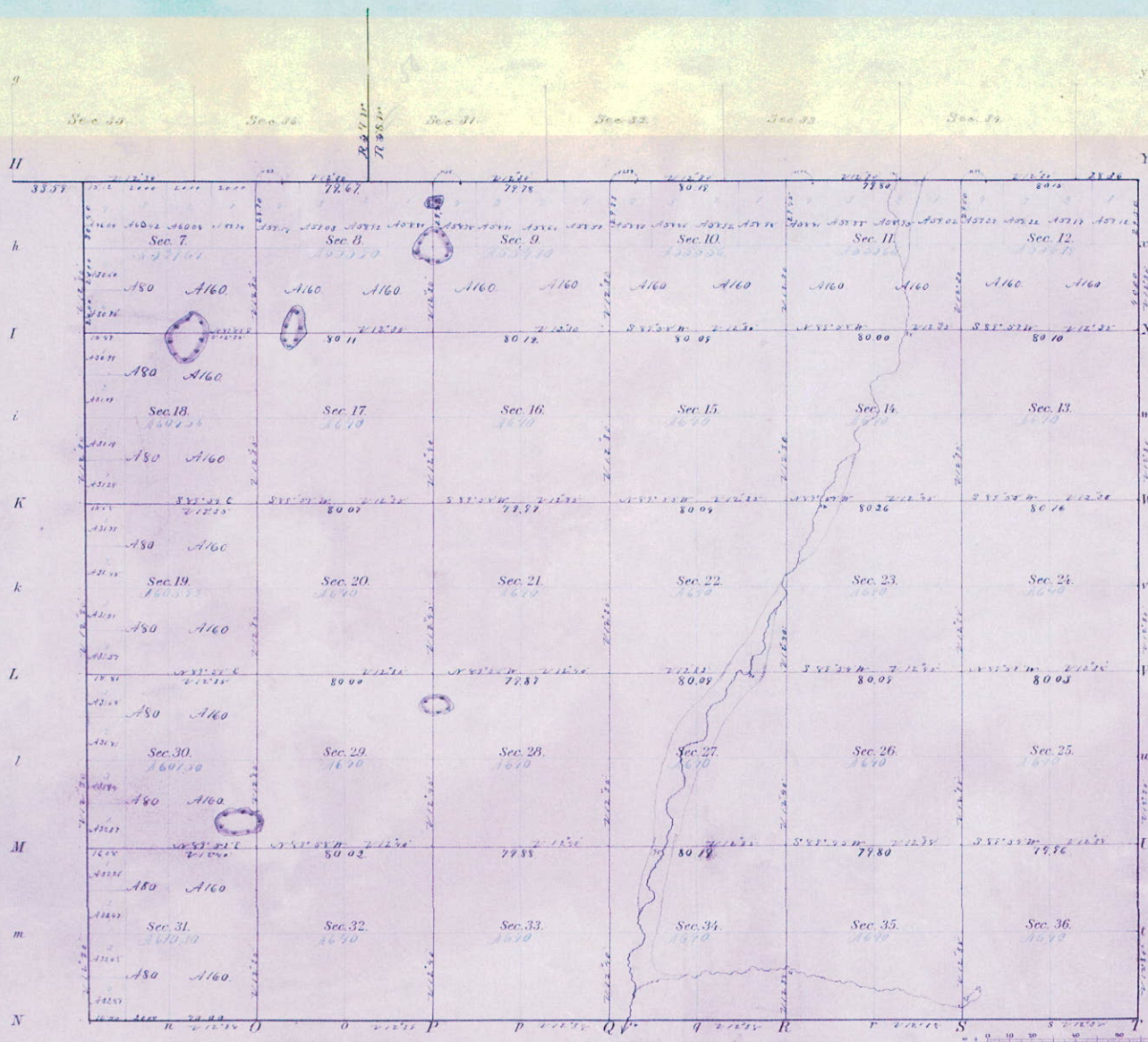
feet
meters



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TOWNSHIP N° 100 NORTH RANGE N° 54 WEST 5th PRINCIPAL MERIDIAN

SOUTH DAKOTA



Survey Designated	By Whom Surveyed	Date of Contract	Amount of Survey	When Surveyed
Township lines	Isaacson & Co.	January 22, 1866	36 05 16	April 15, 66
Subdivisions	Isaacson & Co.	October 14, 1866	69 38	Nov 1-5

The above Map of Township N° 100 North of Range N° 54 West of the 5th Principal Meridian, Dakota Territory, is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

Surveyor General's Office
 January 22, Dec 22, 1866
 William D. Snodgrass
 Surveyor General

Duplicate plat filed in local office
 Jan 7, 1867
 110316
 88 m. L. m.

Entered in T.B. Oct 24
 1866

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/13, 20 15

RECEIVED OF Derrick Walter 43979 SD Hwy 44 Marion SD 57043

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

Fee for Application for Permit No. <u>8142-3</u> to Appropriate Water, to construct and to put water to beneficial use	1050	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>8142-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1250 00

No. 07522

By

J. Scott Henderson Jr.
Chief Engineer



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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 13, 2015

Derrick Walter
43979 SD Hwy 44
Marion SD 57043

Dear Mr. Walter:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Hutchinson County. In order to complete the application, the following is required.

- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please mark the Wolf Creek diversion point with an "X".
- From the map you submitted, it appears the location of the diversion point will be located in the NW 1/4 SE 1/4 Section 11-T100N-R57W. Do you agree? *yes*

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@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. 8142-3, Derrick Walter**

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. 8142-3, Derrick Walter, 43979 SD Hwy 44, Marion SD 57043.

The Chief Engineer is recommending APPROVAL of Application No. 8142-3 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. This permit does not authorize diversion of water any time Wolf Creek's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to downstream domestic use and written orders including shutoff orders issued by the Chief Engineer.
2. The irrigation intake in Wolf Creek for this irrigation project shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second and the intake is screened with ¼ inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment and impinging fish.
3. Issuance of this permit deals with the withdrawal of water only. It does not address other concerns or permitting issues, such as the Topeka Shiner, from other State or Federal entities. The source of water for this permit is listed as a known Topeka Shiner habitat. The permit holder is responsible for contacting the US Fish and Wildlife Service concerning certain restrictions on the method of withdrawal of water. The permit holder is responsible to obtain any other necessary permits.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 5, 2015

NOTE: DENR encourages you to read the staff report carefully. Wolf Creek may not be a reliable source of water. The anticipated annual yield in a normal year may not supply the needed application rates for irrigation. This will need to be a consideration in your decision making regarding if the project is feasible. DENR understands that this land can also be irrigated with wells authorized by Permit No. 7526-3 during periods when water is not available from Wolf Creek.

REPORT ON WATER PERMIT APPLICATION NO. 8142-3

Derrick Walter

April 27, 2015

Application No. 8142-3, proposes to appropriate 2.22 cubic feet of water per second from Wolf Creek located in the NW 1/4 SE 1/4 Section 11 for irrigation of 257 acres located in the SW 1/4, W 1/2 SE 1/4 and Lots 2, 3 and 4 Section 12; all in T100N-R57W. Water Permit No. 7526-3 authorizes irrigation of the same acreage from three Niobrara Aquifer wells. The proposed project is located approximately 15 miles northwest of Freeman in Hutchinson County.

Review of Existing Water Rights

There are no existing water rights/permits appropriating water from Wolf Creek. There are two flood control permits along Wolf Creek located approximately 18 miles upstream of the project. Both of these permits authorized Wolf Creek channel modification around the Spencer Quarries.

Two dewatering permits were issued to Spencer Quarries for pumping ground water from the quarry. Most of the water is pumped into a holding pond and reused in the rock mining process. Excess water can be discharged into Wolf Creek.

Review of the Proposed Water Source

The source of water for this application is Wolf Creek that drains approximately 400 square miles of Miner, McCook, Hanson and Hutchinson Counties. Wolf Creek discharges into the James River in east-central Hutchinson County approximately 8 miles north of the town of Menno. The USGS maintained a stream gaging station on the creek approximately 12 miles downstream of the proposed project, USGS 06478390 Wolf Creek near Clayton SD, from 1975 to 1988 (Table 1). For the 13 year period this stream gage was active, the average annual precipitation measured at the National Weather Service weather station at Menno SD, 9 miles south of the stream gage, was 23.79 inches. This amount was slightly less than the 50 year (1961-2010) average of 24.18 inches for this same location.

Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90%	0.0	0.1	2.7	2.6	0.7	0.1	0.0	0.0	0.0	0.1	0.2	0.3
75%	0.6	1.0	8.2	5.7	2.1	1.7	0.3	0.3	0.5	0.4	0.9	1.4
50%	2.2	7.3	35.7	37.0	11.7	6.8	3.4	4.1	3.8	2.8	4.8	3.7

Table1, USGS Gaging Station; Wolf Creek near Clayton - 13 years of record (1975-10-01 to 1988-09-30).

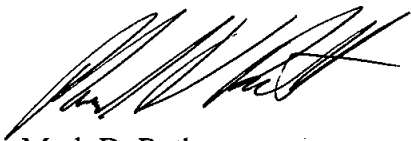
The historical data from 1975 to 1988 for the Clayton, SD stream flow gage indicate there is a 50-percent probability the average monthly flows could range from 3.4 to 6.8 cfs for any given June through September annual period, the annual use period requested by the applicant. There is a 75-percent probability monthly median flows could be 0.3 to 1.7-cfs or greater during the same period.

USGS historical stream flow data for the Clayton, SD site indicate non-appropriated water is available from Wolf Creek during normal to wetter climatic conditions for the June through September annual period. During drier climatic conditions, Wolf Creek cannot be considered a reliable source of water.

The US Fish and Wildlife Service has listed a small minnow known as the Topeka Shiner as an endangered species. Wolf Creek is in an area where the endangered Topeka Shiner is known to exist. The applicant needs to be aware it is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat.

Conclusions

1. This application proposes to appropriate 2.22 cubic feet of water per second from Wolf Creek for irrigation of 257 acres for irrigation purposes.
2. There are no existing water permits/rights authorized to appropriate water from Wolf Creek.
3. Historical stream flow data indicate non-appropriated water is available from Wolf Creek during normal to wetter climatic conditions. During drier climatic conditions, the creek cannot be considered a reliable source of water.
4. Wolf Creek is in an area where the endangered Topeka Shiner is known to exist and it is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species.



Mark D. Rath
Natural Resources Engineer III

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MAY 15 2015

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hutchinson) SSI, Tim L. Waldnercertify that the attached printed Notice was
takenfrom the Freeman Courierprinted and published in AmourCounty of Hutchinson andstate of South Dakota. The notice was
published

in the newspaper on the following date:

May 13, 2015Cost of Printing \$23.81P. L. Waldner
(Signature)Publisher
(Title)5-13-15
(Date Signed)NOTICE OF APPLICATION NO. 8142-3
to Appropriate Water

Notice is given that Derrick Walter, 43979 SD Hwy 44, Marion, SD 57043 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from Wolf Creek located in the NW 1/4 SE 1/4 Section 11 for irrigation of 257 acres located in the SW 1/4, W 1/2 SE 1/4 and Lots 2, 3 and 4 Section 12; all in T100N-R57W. Water Permit No. 7526-3 authorizes irrigation of the same acreage from three Niobrara Aquifer wells.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8142-3 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 May 26, 2015.

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

Published once at the total
approximate cost of \$23.81

1-06FC

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MAY 15 2015

WATER RIGHTS
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AFFIDAVIT OF PUBLICATION

NOTICE OF
APPLICATION
NO. 8142-3
to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8142-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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Steven M. Pirner,
Secretary, Department
of Environment and
Natural Resources.
Published once at the total approximate cost of \$61.01

STATE OF SOUTH DAKOTA)
COUNTY OF DAVISON) SS

Penny Hohbach of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 issue(s), to wit:

Wednesday, May 13, 2015

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; 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 person whomsoever, that the fees charged for the publication thereof are: \$61.01

Signed: Penny Hohbach

Subscribed and sworn to before me this 13th day of May, 2015.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 09-21-18

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515

DEB TOWNSEND
Notary Public
SEAL
South Dakota



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 5, 2015

Freeman Courier
PO Box 950
Freeman SD 57029

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8142-3 to Appropriate Water. Please publish the notice once on May 13, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Derrick Walter, 43979 SD Hwy 44, Marion SD 57043 (Ph # 605-670-8134).

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

May 5, 2015

Daily Republic
PO Box 1288
Mitchell SD 57301

ATTENTION: Legal Public Notice

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

May 5, 2015

Derrick Walter
43979 SD Hwy 44
Marion SD 57043

Dear Mr. Walter:

Water Permit Application No. 8142-3 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 Freeman Courier printed at Freeman SD (Ph # 605-925-7033) and the Daily Republic printed at Mitchell SD (Ph # 605-996-5514). 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 May 13, 2015. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 8142-3 to Appropriate Water

Notice is given that Derrick Walter, 43979 SD Hwy 44, Marion SD 57043 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from Wolf Creek located in the NW 1/4 SE 1/4 Section 11 for irrigation of 257 acres located in the SW 1/4, W 1/2 SE 1/4 and Lots 2, 3 and 4 Section 12; all in T100N-R57W. Water Permit No. 7526-3 authorizes irrigation of the same acreage from three Niobrara Aquifer wells.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8142-3 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 May 26, 2015.

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

Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUN 01 2015

Derrick Walter
43979 SD Hwy 44
Marion SD 57043

Dear Mr. Walter:

Enclosed is Water Permit No. 8142-3 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

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