

WATER PERMIT NO. 8143-3

Name of Applicant: Jo's Family Farms

Address: 1911 W 57th St, Ste 102, Sioux Falls SD 57108

Phone: 507 822-9466

Amount of Water Claimed: 1.28 cfs

Total Acres: 178 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Brookings

Type of Waste Disposal System:

Location: 20 miles southeast of Brookings

PRIORITY

Date Received: 1-13-15

Application/License Fee: \$ 850

Corrected Application Received: 3-16-15

Period of Annual Use: May 1 – Sept 30

Remarks: Add'l well, diversion capacity and corrects the legal description of the acres authorized under Permit No. 7178-3

Diversion Point: SE 1/4 SE 1/4 Sec 33-T109N-R47W

Land to be Irrigated: (SD) SW 1/4, Lot 3 & 4 Sec 34-T109N-R34W; Lot 1-4, NE 1/4 SW 1/4 Sec 3-T108N-R47W and (MN) E 1/2 SE 1/4, Lot 2 Sec 36-T109N-R47W and Sec 2-T108N-R47W

Depth of Well: 58 feet deep

Well Driller: Lacey Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Ken Buhler

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

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to
PMB 220
DENR- Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 8143-3 (office use only)
Hydrologic Unit 10170203
Basin Sioux River
Newspaper Brookings Register

RECEIVED
JAN 13 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 Jo's Family Farms

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

(name and complete address if different than above name)

Mailing Address 1911 W 57th St. STE 102 Sioux Falls SD 57108
(Address) (City) (State) (Zip Code)

Home Phone 605.338.4642 Cell 507.822.9266 Email wiering@agrilandrealty.com (farm manager Jon Wiering)

2. Amount of water claimed 1.28 *CFS or ***GPM ***AF Total Acreage 178
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Big Sioux: Aurora aquifer

4. Location of point of diversion NW 1/4 SE 1/4 SE 1/4 Sec. 33, T109N-R47W

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

County Brookings

5. County or counties where water will be used Moody County, SD, Pipestone County MN, Lincoln County, MN

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

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

Land Description	Acres	Land Description	Acres
see Attachment A			

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

Inspection of Water Permit No. 7178-3 identified: 1) an additional well in use; 2) diversion capacity in excess of rate authorized and 3) irrigation occurring on unauthorized acreage.

This application is for additional diversion rate authority of 1.28 cfs, authority to irrigate an additional 178 acres, and to correct the legal description of the acres irrigated under this permit and No. 7178-3

Jo's Family Farms, agent

I, Jon Wiering, Farm Manager, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

ATTACHMENT A

In South Dakota

NW¼ SW¼ Sec. 34, T109N-R47W: 16.8 acres

NE¼ SW¼ Sec. 34, T109N-R47W: 36.1 acres

Gov. Lot 3 Sec. 34, T109N-R47W: 14.4 acres

SW¼ SW¼ Sec. 34, T109N-R47W: 26.8 acres

SE¼ SW¼ Sec. 34, T109N-R47W: 39.5 acres

Gov. Lot 4, Sec. 34, T109N-R47W: 17.3 acres

Gov. Lot 1, Sec. 3, T108N-R47W: 56.6 acres

Gov. Lot 2, Sec. 3, T108N-R47W: 55.6 acres

Gov. Lot 3, Sec. 3, T108N-R47W: 56.3 acres

Gov. Lot 4, Sec. 3, T108N-R47W: 36.7 acres

NE¼ SW¼ Sec. 3, T108N-R47W: 23.2 acres

In Minnesota

NE¼SE¼ Sec. 36, T109N-R47W: 32.0 acres

N½ Gov. Lot 2, Sec. 36, T109N-R47W: 22.5 acres

S½ Gov. Lot 2, Sec. 36, T109N-R47W: 22.4 acres

SE¼SE¼ Sec. 36, T109N-R47W: 32.6 acres

N½ Sec. 2, T108N-R47W: 56.8 acres

S½ Sec. 2, T108N-R47W: 32.1 acres

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 on Provide copy of log(s), if available. Drilled by Lacey Well Drilling

c) Well Depth 58 Depth to Top of Water Bearing Material 4 feet Depth to Water from Surface 14 feet

d) Distance to nearest existing domestic well:

On applicant's property unknown 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)

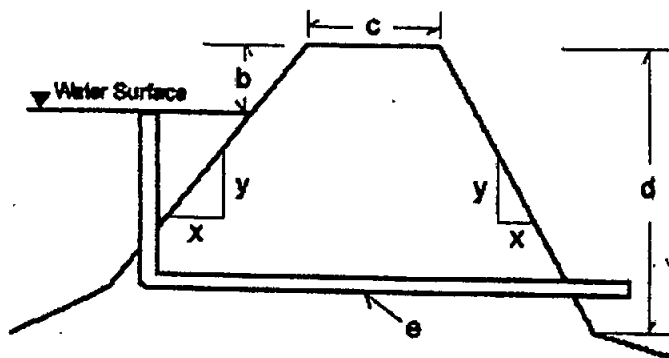
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



**SOUTH DAKOTA
WATER PERMIT NO. 8143-3**

Date of first receipt of application January 13, 2015.

Date of return to applicant for corrections, amendments or changes January 13, 2015.

Date of receipt of corrected application March 16, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8143-3 to Jo's Family Farms, c/o Jon Wiering, Farm Manager, 1911 W 57th St, Suite 102, Sioux Falls SD 57108 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. 8143-3 authorizes an additional well, increases the diversion rate authority by an additional 1.28 cubic feet of water per second (cfs), authorizes irrigation of 178 additional acres and corrects the legal description of the acres irrigated by Water Permit No. 7178-3. Water Permit No. 7178-3 appropriates 4.44 cfs from three wells completed into the Big Sioux:Aurora aquifer located in the S 1/2 Section 34-T109N-R47W to irrigate 400 acres. An inspection of Water Permit No. 7178-3 found an additional well completed into the Big Sioux:Aurora Aquifer located in the SE 1/4 SE 1/4 Section 33-T109N-R47W capable of diverting an additional 1.28 cfs. The 178 additional acres and the 400 acres authorized by Water Permit No. 7178-3 are located in the SW 1/4, Gov't Lots 3 and 4 Section 34-109N-R47W and Gov't Lots 1, 2, 3, 4 and NE 1/4 SW 1/4 Section 3-T108N-R47W (Brookings County) and E 1/2 SE 1/4, Gov't Lot 2 Section 36-T109N-R47W and portions of Section 2-T108N-R47W (Pipestone County-Minnesota). This permit and Water Permit No. 7178-3 will authorize a total diversion rate of 5.72 cfs for irrigation of 578 acres. The original three wells are located in the SE 1/4 SW 1/4, Gov't Lot 3 and Gov't Lot 4 of Section 34, T109N-R47W.
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 March 16, 2015 (1.28 cfs [Well No. 4] and 178 additional acres).
4. The date of approval of Permit No. 8143-3 is June 15, 2015.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under Water Permit Nos. 7178-3 and 8143-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

(continued)

3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. That Jo's Family Farms LLC, and any successor, assign, or transferee of this water permit, must install and maintain at its own cost, a timing device on each of its irrigation wells which records each time the pumps on the irrigation wells are turned on and off, and further, that date recorded by the timing device be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year.

WATER MANAGEMENT BOARD

By: _____

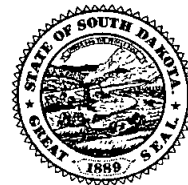
Jeanne Goodman
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUL 01 2016

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/18, 20 15

RECEIVED OF Jo's Family Farms LLC 1911 W 57th St # 102 Sioux Falls SD 57108

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

Fee for Application for Permit No. <u>8143-3</u> 7178-3 to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
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	850 00

No. 07325

By James Goodman
Chief Engineer

FILE #1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

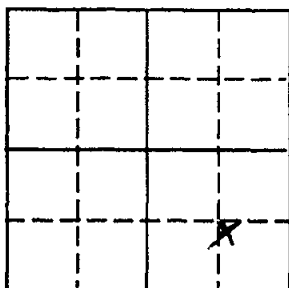
11-02

Location SE 1/4 SE 1/4 Sec 33 Twp 109-N Rg 47-W

County Brookings

North

Please mark well location with an "X"



Well completion Date

5-11-11

11.985 W 0960 28.200 1 Mile

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

1/4 m. left from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Bucket- False Casing

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50 LB/FT</u>	<u>12 IN</u>	<u>1 FT</u>	<u>44 FT</u>	<u>20 IN</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>		<u>Lb/gal</u>	<u>0 Ft</u>	<u>20 Ft</u>
		<u>Lb/gal</u>	<u>Ft</u>	<u>Ft</u>

Describe grouting procedure Tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 14' Feet

Material Stainless Steel

Slot Size 100 Set From 50 Feet to 58 Feet

Other information 0.012 44 50

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? Chlorine Pellets

☐ No, Why Not?

Lab sample sent to for water quality analysis

No - Ferg

Well Owner: Phillip Sonstegard

Business Name: Joe's Family Farm

Address1: 1911 W 57th St. Suite 102

Address2:

City, State, Zip: Sioux Falls, S.D. 57108

WELL LOG:

DEPTH

FORMATION	FROM	TO
Topsoil	0	1
Sandy Clay	1	4
Yellow Gravel	4	54
Grey Coarse Gravel	54	58

STATIC WATER LEVEL

14' 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: 6" 54b

☐ Bailed

☐ Other

Pumping Level Below Land Surface

49' Ft. After 3 Hrs. pumped 1000 GPM

41' Ft. After 1 Hrs. pumped 750 GPM

If pump installed, pump rate: GPM

REMARKS

RECEIVED

JUN 27 2011

WATER RIGHTS PROGRAM

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm: Lacey Well Drilling Inc.

Signature of License Representative:

Joan Redden

Signature of Well Owner or Equitable Property Holder:

Phillip Sonstegard

Date: X JUNE 22, 2011

523 E. Capitol Ave., Pierre SD 57501

Please return White Copy to DENR Water Rights

SOUTH DAKOTA WATER WELL COMPLETION REPORT

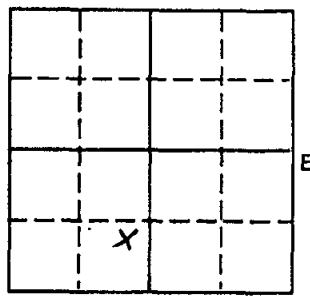
11-02

Location SE 1/4 SE 1/4 Sec 34 Twp 109.0 Rg 47.4

County Brookings

North

Please mark well location with an "X"



Well completion Date 5-19-11

0440 11.995 00960 27.545 1 Mile

Distances from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
3.14 miles from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Bucket - Face Casing

CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
50 LB/FT	12 IN	+1 FT	52 FT	20 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>Cement</u>		Lb/gal	0 FT	20 FT
		Lb/gal	FT	FT

Describe grouting procedure Tremie

SCREEN:

- ☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 12 Feet

Material Stainless Steel

Slot Size 100 Set From 52 Feet to 64 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? Chlorine Pellets

- ☐ No, Why Not?

Lab sample sent to for water quality analysis

No. 2 mg

Well Owner: Philip Sonstegard

Business Name: Joe's Family Farm

Address1: 1911 W 57th St. Suite 102

Address2:

City, State, Zip: Sioux Falls, S.D. 57108

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Gray Topsoil</u>	<u>0</u>	<u>5</u>
<u>Clay, Sand</u>	<u>5</u>	<u>15</u>
<u>Sand-wet</u>	<u>15</u>	<u>20</u>
<u>Clay lens</u>	<u>20</u>	<u>22</u>
<u>Brown Gravel</u>	<u>22</u>	<u>64</u>

STATIC WATER LEVEL

15.7" 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:

6" sub

- ☐ Bailed

- ☐ Other

Pumping Level Below Land Surface

57

FL After

1

Hrs. pumped

9.50

GPM

FL After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

RECEIVED

JUN 27 2011

WATER RIGHTS PROGRAM

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm:

Jean Reddenberry

Signature of License Representative:

Signature of Well Owner or Equitable Property holder:

X

Philip Sonstegard

Date:

X

June 27, 2011

523 E. Capitol Ave., Pierre SD 57501

Please return White Copy to DENR Water Rights

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: _____ 1/4 _____ 1/4 _____ Section 3 Township 108 Range 47

Well owner Arthur Schuiteman, Shiner Center, Iowa
(Name) (Address)

Date well drilling completed July 13, 1977 Purpose of well irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG Well was made near Elkton, So. Dak. in Brookings County.

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
<u>0' - 5'</u>	<u>top soil</u>	Depth to static water level _____ <u>30</u> ft.
<u>5' - 30'</u>	<u>gravel & clay</u>	Name of producing aquifer (if known) _____
<u>30' - 68'</u>	<u>gravel</u>	Total depth of drill hole _____ <u>70</u> ft.
<u>68' - 70'</u>	<u>blue clay</u>	Depth to bottom of casing _____ <u>50</u> ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

Stub, 16", .250 wall, 19 to 22 ft. lengths
50 ft. casing, plus screen

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

20 ft. #100 slot, 16" Johnson
irrigator wire wrap screen

If a flowing well, flow of completed well _____ no _____ G.P.M.

Attach sheet if more space is needed

No pump has been installed

Vant' Hul and Sons, Inc.
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP _____

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____



SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location <u>SW 1/4 SW 1/4</u> Sec <u>34</u> Twp <u>109-N</u> Rg <u>47-W</u>		Well Owner: <u>Phillip Sonstegard</u>	
County <u>Brookings</u>		Business Name: <u>Joe's Family Farm</u>	
North Please mark well location with an "X" W E		Address1: <u>1911 W 57th St - Suite 100</u>	
Well completion Date <u>5-6-11</u>		Address2: _____	
Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) <u>1/4 mile from Septic Tank</u> (Identify source)		City, State, Zip: <u>SIOUX FALLS, SD 57108</u>	
PROPOSED USE: ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes ☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well		WELL LOG:	
METHOD OF DRILLING: <u>Bucket - False Casing</u>		DEPTH	
CASING DATA: ☒ Steel ☐ Plastic ☐ Other		FORMATION	
If other describe _____		FROM TO	
PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER		Till	
<u>50 LB/FT</u> <u>12 IN</u> <u>+1 FT</u> <u>52 FT</u> <u>20 IN</u>		<u>0 2</u>	
LB/FT IN FT FT IN		Sandy Clay	
LB/FT IN FT FT IN		<u>2 3</u>	
LB/FT IN FT FT IN		Gravel	
LB/FT IN FT FT IN		<u>3 64</u>	
GROUTING DATA:			
Grout Type No. of Sacks Grout Weight From To			
<u>Cement</u> <u>12</u> <u>Lb/gal</u> <u>12 FT</u> <u>20 FT</u>			
Describe grouting procedure <u>Tacmi</u>			
SCREEN: ☐ Perforated pipe ☒ Manufactured			
Diameter <u>12</u> Inches Length <u>12</u> Feet			
Material <u>Stainless Steel</u>			
Slot Size <u>100</u> Set From <u>52</u> Feet to <u>64</u> Feet			
Other information _____			
WAS A PACKER OR SEAL USED? ☐ Yes ☒ No		STATIC WATER LEVEL <u>20</u> FEET	
If so, what material? _____		If flowing: closed in pressure _____ PSI	
Describe packer(s) and location _____		GPM flow _____ through _____ Inch pipe	
DISINFECTION: Was well disinfected upon completion?		Controlled by ☐ Valve ☐ Reducers ☐ Other _____	
☒ Yes, How? <u>Chlorine Pellets</u>		Reduced flow rate _____ GPM	
☐ No, Why Not? _____		Can well be completely shut in? _____	
Lab sample sent to for water quality analysis <u>No</u>		WELL TEST DATA:	
Please return White Copy to DENR Water Rights		☒ Pumped Describe: <u>6" sub</u>	
		☐ Bailed	
		☐ Other	
		Pumping Level Below Land Surface	
		<u>46</u> Ft. After <u>2</u> Hrs. pumped <u>1000</u> GPM	
		<u>42</u> Ft. After <u>1</u> Hrs. pumped <u>800</u> GPM	
		If pump installed, pump rate: _____ GPM	
		REMARKS	
		JUN 27 2011	
		WATER RIGHTS PROGRAM	
		This well was drilled under license # <u>111</u>	
		And this report is true and accurate.	
		Drilling firm: <u>Lacey Well Drilling Inc.</u>	
		Signature of License Representative: _____	
		Signature of Well Owner or Equitable Property Holder: _____	
		Date: <u>JUNE 22, 2011</u>	
		523 E. Capitol Ave., Pierre SD 57501	



Legend

- 7178-3 wells
- Buried 8-inch PIP
- System 5
- System 4
- System 3
- System 2



660 330 0 660 Feet

Schlaak, Karen

From: Gronlund, Eric
Sent: Wednesday, February 25, 2015 10:41 AM
To: Schlaak, Karen
Subject: FW: DENR Irrigation Permits for Jo's Family Farms

From: Jon Wiering [<mailto:jwiering@agrilandrealty.com>]
Sent: Wednesday, February 25, 2015 10:37 AM
To: Gronlund, Eric
Subject: RE: DENR Irrigation Permits for Jo's Family Farms

Ok thanks for the reminder Eric.

I will forward this onto the accountant to make sure this gets paid asap.

Jon Wiering

From: Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]
Sent: Wednesday, February 25, 2015 8:52 AM
To: 'Jon Wiering'
Cc: Schlaak, Karen
Subject: RE: DENR Irrigation Permits for Jo's Family Farms

Mr. Wiering:

DENR has not received payment of the application filing fees to the two water permit applications necessary to reflect the actual irrigation systems as developed.

Please have Jo's Family Farms submit payment of the \$1,600 combined total for both applications so the applications may be processed.

The check can be made payable to the Water Rights Program, DENR and sent to Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501

Please acknowledge receipt of this email. Thanks

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

From: Gronlund, Eric
Sent: Tuesday, January 13, 2015 4:25 PM
To: 'Jon Wiering'
Cc: Buhler, Ken; Schlaak, Karen
Subject: RE: DENR Irrigation Permits

Since these are new applications for additional acres, application filing fees as set forth in the January 7th letter will need to be submitted. A check may be sent made payable to Water Rights Program to 523 E Capitol Ave., Pierre SD 57501.

The fee for additional acres to Permit No. 7702-3 is \$750.

The fee for additional diversion rate authority, additional acres and an additional well to Permit No. 7178-3 is \$850.

One check for a total of \$1,600 may be submitted. DENR will receipt to correct amount to each application.

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

From: Jon Wiering [<mailto:jwiering@agrilandrealty.com>]
Sent: Tuesday, January 13, 2015 4:14 PM
To: Gronlund, Eric
Cc: Buhler, Ken
Subject: DENR Irrigation Permits

Here are the corrected permits with signatures. Let me know if you need anything else.

Jon Wiering
Farm Manager
Agriland Management & Realty
712 River Road
Windom, MN 56101
507-822-9266



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 10, 2015

Jon Wiering, Farm Manager
Jo's Family Farms
1911 W 57th St, Suite 102
Sioux Falls SD 57108

Dear Mr. Wiering:

On January 13, 2015, we received two *Applications for a Permit to Appropriate Water* for Jo's Family Farms. The applications were based on an on-site examination of the systems authorized by Water Permit Nos. 7702-3 and 7178-3. The applications are necessary to reflect the actual irrigation systems as developed.

As stated in previous correspondence, the filing fee for the two applications is \$1,600.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



**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. 8143-3, Jo's Family Farms**

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. 8143-3, Jo's Family Farms, c/o Jon Wiering, 1911 W 57th Street, Ste 102, Sioux Falls SD 57108.

The Chief Engineer is recommending APPROVAL of Application No. 8143-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under Water Permit Nos. 7178-3 and 8143-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. That Jo's Family Farms LLC, and any successor, assign, or transferee of this water permit, must install and maintain at its own cost, a timing device on each of its irrigation wells which records each time the pumps on the irrigation wells are turned on and off, and further, that date recorded by the timing device be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 26, 2015

REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NOS. 8143-3 and 8144-3
Jo's Family Farms
May 15, 2015

BACKGROUND:

Water Permit No. 7178-3 appropriates water from the Aurora Management Unit of the Big Sioux aquifer at a maximum diversion rate of 4.44 cubic feet per second (cfs) from three wells located in the S $\frac{1}{2}$ of Section 34, T109N-R47W. This water is to be used to irrigate 400 acres in Brookings County, South Dakota, and Pipestone County, Minnesota. An inspection of Water Permit No. 7178-3 found an additional 178 acres irrigated from a well constructed in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, T109N-R47W at 58 feet below ground surface and capable of diverting an additional 1.28 cfs. Water Permit Application No. 8143-3 is for this additional well, additional diversion rate authority, additional 178 irrigated acres, and to correct the legal description of the acres irrigated by Water Permit No 7178-3.

If approved, Water Permit No. 7178-3 and 8143-3 will authorize the diversion of 5.72 cfs for the irrigation of 578 acres as follows: 16.8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, 36.1 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, 26.8 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, 39.5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, 14.4 acres in Gov. Lot 3 of Section 34, 17.3 acres in Gov. Lot 4 of Section 34, 22.5 acres in the N $\frac{1}{2}$ of Gov. Lot 2 of Section 36, 22.4 acres in the S $\frac{1}{2}$ of Gov. Lot 2 of Section 36, 32 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, 32.6 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, all in T109N-R47W. 56.6 acres in Gov. Lot 1 of Section 3, 55.6 acres in Gov. Lot 2 of Section 3, 23.2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, 56.3 acres in Gov. Lot 3 of Section 3, 36.7 acres in Gov. Lot 4 of Section 3, 56.8 acres in the N $\frac{1}{2}$ of Section 2, 32.1 acres in the S $\frac{1}{2}$ of Section 2, all in T108N-R47W. The original three wells are located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Gov. Lot 3 of Section 34, Gov. Lot 4 of Section 34, all in T109N-R47W.

Water Permit No. 7702-3 appropriates water from the Aurora Management Unit of the Big Sioux aquifer at a maximum diversion rate of 3.56 cubic feet per second (cfs) from two wells completed to a depth of approximately 68 feet below ground surface. The wells are located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 33, T109N-R47W and are to be used to irrigate 324 acres. During an inspection of Water Permit No. 7702-3 it was found that an additional 83 acres were being irrigated with water from these wells. Water Permit Application No. 8144-3 is intended to address the additional acres and to correct the legal description of lands irrigated under Water Permit No. 7702-3.

If approved, Water Permit Nos. 8144-3 and 7702-3 will appropriate 3.56 cfs for the irrigation of a total of 407 acres as follows: 34.2 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, 34.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, 34.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, 34.7 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, 21 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, 38.8 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, 36.7 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, 36 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, 35.8 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, 34.3 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, 31.8 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, 34.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, all in T108N-R46W.

AQUIFER: Aurora Management Unit of the Big Sioux aquifer.

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Big Sioux aquifer is an alluvium mantled outwash consisting of silt and fine to coarse sand and gravel that is generally under unconfined conditions near the Big Sioux River but can be confined elsewhere. The aquifer is hydraulically connected to the Big Sioux River and water in the aquifer generally moves from north to south and locally towards the Big Sioux River (Hamilton, 1989). The Aurora Management Unit of the Big Sioux aquifer underlies approximately 83,000 acres in Brookings and Moody Counties in South Dakota and Lincoln and Pipestone Counties in Minnesota. In the center of T109N-R47W, groundwater flow in the aquifer divides: flowing west-northwest in the northern portion and flowing southwest in the southern portion, essentially creating subunits of the Aurora management unit. The southern subunit, where this application proposes to divert water, underlies approximately 20,000 acres in Brookings County, South Dakota, and Pipestone County, Minnesota (Buhler, 2012).

In Brookings and Kingsbury Counties the Big Sioux aquifer has an average thickness of 30 feet and, where present, is encountered at depths ranging from ground surface to 212 feet with the depth to water ranging from zero to 120 feet below ground surface (Hamilton, 1989). The wells completed under Water Permit Nos. 7178-3 and 7702-3 as well as the additional well to be authorized by Water Permit Application No. 8143-3 are completed to depths ranging from 58 to 79 feet below ground surface with static water levels of 14 to 23.3 feet below ground surface. This is consistent with the known depth and water levels of the Aurora Management Unit of the Big Sioux aquifer (Water Rights, 2015a).

WATER AVAILABILITY:

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 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. 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).

Hydrologic Budget:

Recharge:

Recharge to the Big Sioux: Aurora aquifer occurs through infiltration of precipitation in areas where the aquifer is at or near land surface, seepage through till, lake deposits, and underlying aquifers, and inflow from the Big Sioux River at times of relative high stage (Hamilton, 1989).

Hedges and others (1985) determined the average recharge to the entire Big Sioux aquifer system by base flow analysis to be 6.5 inches per year (in/yr). Koch (1980) estimated average recharge to the Big Sioux aquifer in Brookings, Deuel, and Hamlin Counties by modeling to be 6.57 in/yr in the unconfined portions. Hansen (1988) estimated recharge to the Big Sioux aquifer in Moody County by modeling to be on average 4.85 in/yr. Hedges and others (1985) estimated recharge specifically of the Aurora management unit by observation well analysis to be 5.0 in/yr. For the purpose of this report the last recharge estimate of 5.0 in/yr (Hedges et al., 1985) will be used because of its focus on the Aurora Management Unit. However, it is possible that increased pumping could induce recharge from the Big Sioux River (Koch, 1980).

Given a recharge rate of 5.0 in/yr for the Aurora Management Unit (Hedges et al., 1985) and an area of 20,000 acres for the Southern Subunit, recharge to this subunit was calculated to be 8,333 ac-ft/yr.

Discharge:

Discharge from the Big Sioux: Aurora aquifer occurs through evapotranspiration in areas where the aquifer is at or near land surface, outflow to streams during dry years, and well withdrawals. There are 20 water rights and permits appropriating water for irrigation use, one for rural water, one for municipal use, and one future use permit reserving water from the Southern Subunit of the Big Sioux: Aurora aquifer (Water Rights, 2015b). Of these, the municipal water right is maintained by the City of Elkton for backup and emergency use only. The City of Elkton is currently supplied by the Brookings-Deuel Rural Water System (Drinking Water, 2015). Although Lincoln-Pipestone Rural Water reports annual use under Water Permit No. 7392-3, the permit has only been in place since November 2012. Consequently, an insufficient amount of time has passed for a meaningful average use calculation to be made. For the purpose of this report, it is assumed that Water Permit No. 7392-3 will pump at the maximum annual rate of 614 ac-ft/yr. However, this estimate is likely high as Lincoln-Pipestone RWS reported a withdrawal of 11.5 ac-ft in 2013 and zero ac-ft in 2014. Future Use Permit No. 7393-3 reserves an additional 614 ac-ft/yr for Lincoln-Pipestone RWS.

Historic withdrawals for irrigation from the Southern Subunit of the Big Sioux: Aurora aquifer during the period of record are shown below in Table 1. Average water use over this time period is 657 ac-ft/yr with a minimum of 132 ac-ft/yr and a maximum of 1,611 ac-ft/yr. This wide range of annual use can be attributed primarily to varying climatic conditions. Expected use is

assumed to be equal to average use as the number of permits/rights appropriating water from the Big Sioux: Aurora aquifer has remained relatively constant over the period of record.

Year	Number of Irrigation Permits/Rights	Total Irrigation Appropriation (ac-ft/yr)	Usage From South Subunit (ac-ft/yr)
1979	6	2001.07	281.83
1980	6	2001.07	228.12
1981	9	2923.07	404.10
1982	10	3153.07	421.88
1983	11	3264.07	686.73
1984	11	3264.07	487.10
1985	11	3264.07	515.70
1986	11	3264.07	163.60
1987	11	3264.07	437.60
1988	11	3264.07	1025.30
1989	11	3264.07	739.90
1990	11	3264.07	607.00
1991	12	3536.07	605.00
1992	12	3536.07	167.86
1993	12	3504.07	131.90
1994	13	3620.07	461.07
1995	13	3620.07	153.13
1996	13	3756.07	398.00
1997	13	3994.07	862.00
1998	11	3296.00	1322.40
1999	10	3240.00	545.55
2000	10	3240.00	796.12
2001	10	3240.00	1161.53
2002	10	3240.00	1078.25
2003	10	3240.00	1193.30
2004	10	3240.00	813.01
2005	10	3240.00	347.88
2006	10	3240.00	835.11
2007	10	3240.00	946.59
2008	10	3240.00	1040.27
2009	10	3240.00	549.27
2010	10	3240.00	165.28
2011	14	4590.00	569.70
2012	14	4590.00	1610.98
2013	19	6722.60	1249.93
2014	19	6722.60	1111.38
MIN	6	2001.07	131.90
MAX	19	6722.60	1610.98
AVE	11	3515.51	669.84

Table 1: Historic irrigation use in the South Subunit of the Big Sioux: Aurora aquifer (Water Rights, 1980-2015).

Although there are numerous domestic wells on file, their relatively small withdrawals compared to water rights/permits in the area renders them an insignificant part of the overall water budget, and they are not taken into consideration when estimating overall usage.

Hydrologic Budget:

The sum of the average or expected use from all water permits/rights appropriating water from the Southern Subunit Big Sioux: Aurora aquifer is estimated to be 1,885 ac-ft/yr. This rate assumes full development of Future Use Permit No. 7393-3. Comparing this rate to the estimated annual recharge of 8,333 ac-ft/yr shows unappropriated water is available from the Southern Subunit of the Big Sioux: Aurora aquifer for the proposed uses.

Observation Well Data:

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

The DENR-Water Rights Program monitors 15 observation wells in the Aurora Management Unit of the Big Sioux aquifer, one of which is in the Southern Subunit. Observation Well BG-78H is located approximately 1,500 feet to the southwest of the unauthorized well site addressed in Water Permit Application No. 8143-3. The hydrograph for Observation Well BG-78H shows up to eight feet of variation over the period of record. Water levels appear to be primarily climatically controlled with very little visible affect from pumping. Ultimately, water levels in the Southern Subunit appear to be controlled by climatic conditions, indicating recharge and natural discharge exceed anthropogenic discharge in the aquifer and that unappropriated water is available for the proposed use.

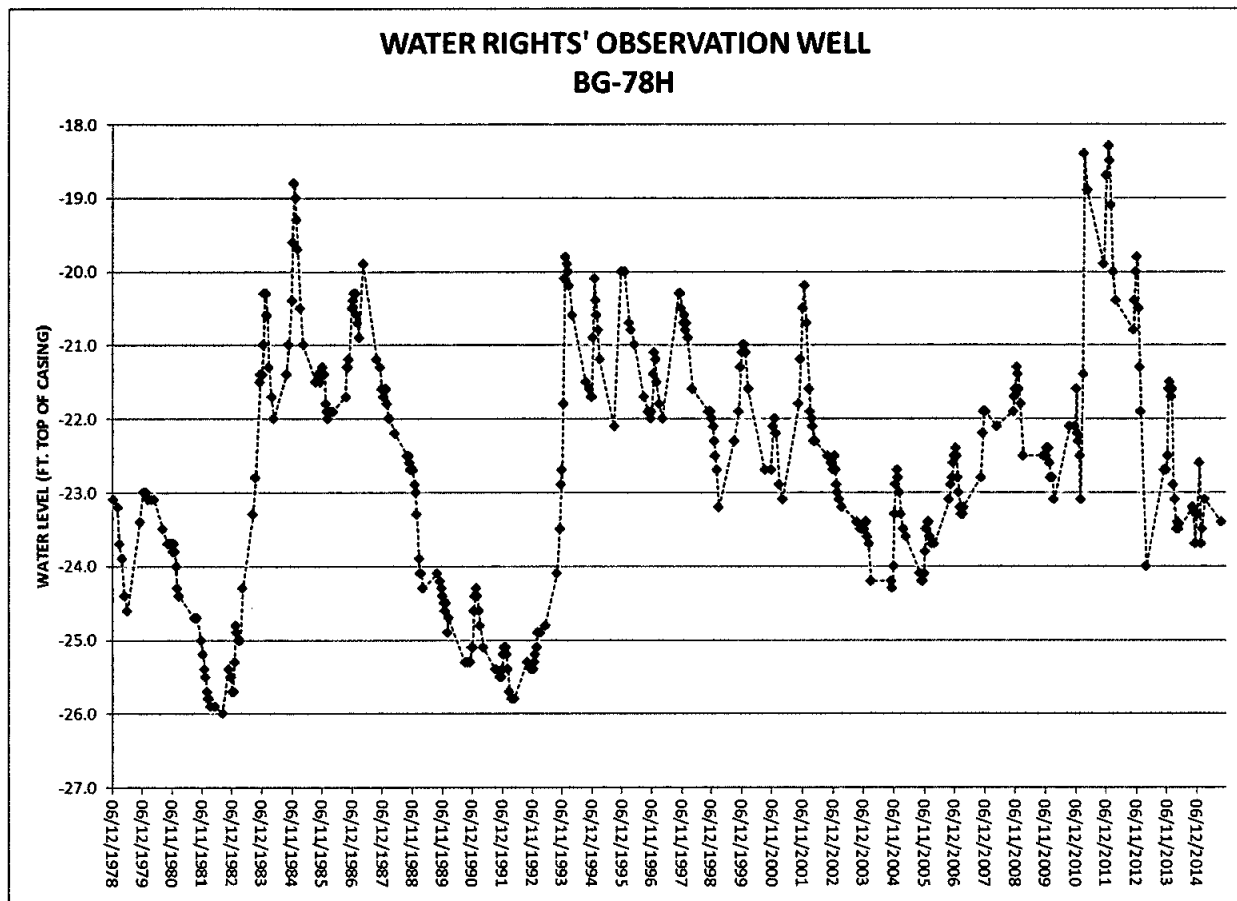


Figure 1: Historic water levels in Observation Well BG-78H (Water Rights, 2015a).

EXISTING WATER RIGHTS:

Currently, there are currently 21 water permits/rights appropriating water from the Southern Subunit of the Big Sioux: Aurora aquifer (Water Rights, 2015b) in addition to one future use permit held by the Lincoln-Pipestone RWS. Of these, the closest is Water Right No. 658-3, located approximately 2,500 feet to the south of the unauthorized well site addressed in Water Permit Application No. 8143-3. Assuming the applicant will apply approximately 178 ac-ft/yr on the 178 additional acres authorized under Water Permit Application No. 8143-3, it can be deduced that this usage is the equivalent of diverting 0.5 cfs continually over the 180 day irrigation season. With unconfined conditions in the area, a transmissivity of 52,000 to 100,000 gallons per day per foot (calculated from well logs obtained for Water Permit Nos. 7702-3, 7705-3, and 7678-3) and an assumed storativity value of 0.075, the drawdown at 2,500 feet from the existing well (the distance to the nearest well) as a result of pumping at 0.5 cfs continuously for 180 days was calculated to be less than one foot for all calculated transmissivities. Assuming adequate construction of nearby wells, this level of drawdown is not expected to impair existing water rights or domestic wells.

Water Permit Application No. 8144-3 does not propose to increase the maximum diversion rate authorized under Water Permit No. 7702-3. The proposed addition of 83 acres is expected to increase the rate of use by approximately 83 ac-ft/yr. This is the equivalent of pumping at 0.23 cfs for the entire 180 day irrigation season. Divided between the two existing wells authorized

by Water Permit No. 7702-3 and given the level of drawdown calculated for the single existing well in Water Permit Application No. 8143-3, this increase in diversion rate is not expected to impair any existing adequately constructed nearby wells.

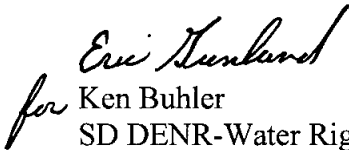
CONCLUSIONS:

1. Water Permit Application No. 8143-3 proposes to withdraw groundwater at a maximum rate of 1.28 cfs from one existing well completed into the Big Sioux: Aurora aquifer in the SE ¼ SE ¼ Section 33, T109N-R47W for the irrigation of 178 acres.
2. Water Permit Application No. 8144-3 proposes to irrigate 83 acres from wells authorized under Water Permit No. 7702-3 but does not propose to increase the maximum diversion rate authorized by Water Permit No. 7702-3.
3. There is a reasonable probability that unappropriated water is available from the Big Sioux: Aurora aquifer to supply the proposed appropriations.
4. The diversion rate is not expected to adversely impair nearby adequate wells.



Bracken Capen
SD DENR-Water Rights Program

Approved by,


for Ken Buhler

SD DENR-Water Rights Program

REFERENCES:

- Buhler, K. 2012. Report on Water Permit Application Nos. 7392-3 and 7393-3 for Lincoln Pipestone Rural Water: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Drinking Water. 2015. Municipal Water Records, SD DENR-Drinking Water Program, Joe Foss Bldg., Pierre, South Dakota.
- Hamilton, L.J. 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota. Water-Resources Investigations Report 88-4185, 82 p. USGS, Huron, South Dakota.
- Hansen, H.S. 1988. Appraisal of the Water Resources of the Big Sioux Aquifer, Moody County, South Dakota. Water-Resources Investigations Report 87-4057. USGS, Huron, South Dakota.
- 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.
- Koch, N.C., 1980, Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations 80-100, 46 p.
- In the Matter of Water Permit Application No. 7209-3, Longview Farms, LLP v. South Dakota DENR, South Dakota First Judicial Court Civ. No. 11-146 (Memorandum Decision, May 17, 2012).
- In the Matter of Water Permit Application No. 7239-3, 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 No. 6431-3, Phillip W. Hines v. South Dakota DENR, South Dakota Sixth Judicial Court Civ. No. HU04-37 (Memorandum Decision, April 11, 2012).
- Water Rights. 1990-2015. "Annual Irrigation Summary 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, South Dakota.
- Water Rights. 2015b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2015c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 26, 2015

Brookings Register
PO Box 177
Brookings SD 57006

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 8143-3 and 8144-3 to Appropriate Water. Please publish the notice once on June 3, 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 Jo's Family Farms, c/o Jon Wiering, 1911 W 57th St, Ste. 102, Sioux Falls SD 57108 (Ph # 605-338-4642).

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 DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

May 26, 2015

Jo's Family Farms
Jon Wiering
1911 W 57th St, Ste 102
Sioux Falls SD 57108

Dear Mr. Wiering:

Water Permit Application Nos. 8143-3 and 8144-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Brookings Register printed at Brookings SD (Ph # 605-692-6271). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

RECEIVED

JUN 19 2015

Affidavit of Publication

State of South Dakota

ss

WATER RIGHTS PROGRAM

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

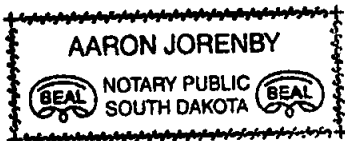
Leg#798 Applications 8143-3 and 8144-3

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

June 3, 2015

said Exhibit "A" inures to the sole benefit for the publishers of 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 person whomsoever; that the fees charged for the publication thereof are:

Forty-one dollars and eight cents \$41.08



June

4th day of

2015

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

Legal 798, 1x, 6/3
NOTICE OF APPLICATION NOS. 8143-3 and 8144-3 to Appropriate Water

Notice is given that Jo's Family Farms, c/o Jon Wiering, 1911 57th St, Ste. 102, Sioux Falls SD 57108 has filed the following applications for a water permit.

Application 8143-3 proposes an additional well, increase the diversion rate authority by an additional 1.28 cubic feet of water per second (cfs), irrigate 178 additional acres and correct the legal description of the acres irrigated by Water Permit No. 7178-3. Water Permit No. 7178-3 appropriates 4.44 cfs from three wells completed into the Big Sioux: Aurora aquifer located in the S 1/2 Section 34-T109N-R47W to irrigate 400 acres. An inspection of Water Permit 7178-3 found an additional well completed into the Big

Sioux: Aurora Aquifer located in the SE 1/4 SE 14 Section 33-T109N-R47W capable of diverting an additional 1.28 cfs. The 178 additional acres and the 400 acres authorized by Water Permit No. 7178-3 are located in the SW 1/4, Gov't Lots 3 and 4 Section 34-T109N-R47W and Gov't Lots 1, 2, 3, 4 and NE 1/4 SW 1/4 Section 3-T108N-R47W (Brookings County) and E 1/2 SE 1/4, Gov't Lot 2 Section 36-T109N-R47W and portions of Section 2-T108N-R47W (Pipestone County-Minnesota). This application, if approved and Water Permit 7178-3 will authorize a total diversion rate of 5.72 cfs for irrigation of 578 acres. The original three wells are located in the SE 1/4 SE SW 1/4, Gov't Lot 3 and Gov't Lot 4 of Section 34, T109N-R47W.

Application No. 8144-3 proposes to irrigate 83 additional acres and correct the legal description of the acres authorized by Water Permit 7702-3. Water Permit 7702-3 appropriates 3.56 cfs from two wells completed into the Big Sioux: Aurora aquifer located in the S 1/2 SE 1/4 Section 33-T109N-R47W (Brookings County) to irrigate 324 acres. An inspection of Water Permit 7702-3 found the additional 83 acres being irrigated. The location of the 83 new acres and the acres authorized by Water Permit 7702-3 are located in the W 1/2, SE 1/4 Section 12-T108N-R46W (Pipestone County-Minnesota). This application, if approved and Water Permit No. 7702-3 will authorize a diversion rate of 3.56 cfs for irrigation of 407 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8143-3 and 8144-3 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 June 15, 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 \$41.08.

Instruction to Newspaper - Publish the Notice on June 3, 2015. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 8143-3 and 8144-3 to Appropriate Water

Notice is given that Jo's Family Farms, c/o Jon Wiering, 1911 W 57th St, Ste. 102, Sioux Falls SD 57108 has filed the following applications for a water permit.

Application No. 8143-3 proposes an additional well, increase the diversion rate authority by an additional 1.28 cubic feet of water per second (cfs), irrigate 178 additional acres and correct the legal description of the acres irrigated by Water Permit No. 7178-3. Water Permit No. 7178-3 appropriates 4.44 cfs from three wells completed into the Big Sioux:Aurora aquifer located in the S 1/2 Section 34-T109N-R47W to irrigate 400 acres. An inspection of Water Permit No. 7178-3 found an additional well completed into the Big Sioux:Aurora Aquifer located in the SE 1/4 SE 1/4 Section 33-T109N-R47W capable of diverting an additional 1.28 cfs. The 178 additional acres and the 400 acres authorized by Water Permit No. 7178-3 are located in the SW 1/4, Gov't Lots 3 and 4 Section 34-109N-R47W and Gov't Lots 1, 2, 3, 4 and NE 1/4 SW 1/4 Section 3-T108N-R47W (Brookings County) and E 1/2 SE 1/4, Gov't Lot 2 Section 36-T109N-R47W and portions of Section 2-T108N-R47W (Pipestone County-Minnesota). This application, if approved and Water Permit No. 7178-3 will authorize a total diversion rate of 5.72 cfs for irrigation of 578 acres. The original three wells are located in the SE 1/4 SW 1/4, Gov't Lot 3 and Gov't Lot 4 of Section 34, T109N-R47W.

Application No. 8144-3 proposes to irrigate 83 additional acres and correct the legal description of the acres authorized by Water Permit No. 7702-3. Water Permit No. 7702-3 appropriates 3.56 cfs from two wells completed into the Big Sioux:Aurora aquifer located in the S 1/2 SE 1/4 Section 33-T109N-R47W (Brookings County) to irrigate 324 acres. An inspection of Water Permit No. 7702-3 found the additional 83 acres being irrigated. The location of the 83 new acres and the acres authorized by No. 7702-3 are located in the W 1/2, SE 1/4 Section 12-T108N-R46W (Pipestone County-Minnesota). This application, if approved and Water Permit No. 7702-3 will authorize a diversion rate of 3.56 cfs for irrigation of 407 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8143-3 and 8144-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 15, 2015.

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

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

Date 1/8/2015

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Jo's Family Farm

(name)

1911 W 57th St.

(address)

Sioux Falls SD 57108

(city, state, zip)

(507) 822-9266

(phone)

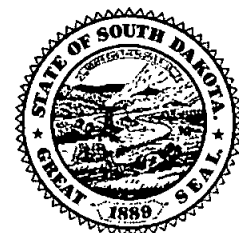
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7178-3 states that the water use system is to be constructed by
6/20/2016 , and water is to be put to beneficial use by 6/20/2011
(date) (date)

The water use system was completed on 6/20/2011
(date)

Applying the water to beneficial use was completed on 6/20/2011
(date)

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



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7178-3

I have this day, 30 October 2014, made a thorough examination of the water use system constructed by Jo's Family Farms, 1911 W 57th St. STE 102, Sioux Falls, SD 57108 holder of Permit No. 7178-3, bearing the priority of 13 January 2010 authorizing the diversion of 4.44 cu. ft. per second of the waters of the Big Sioux: Aurora aquifer for irrigation purposes, in Brookings and Moody Counties, South Dakota; and Lincoln and Pipestone Counties, Minnesota.

Inspection contact & relationship to permit holder, if applicable: **Jon Wiering, Farm Manager**

A. Works used to divert the water:

Well₁ Information:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 58 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 20 feet
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 14 feet
- 3) Static water level 14 feet (11 May 2011)

Pump:

- 1) Make Grundfos
- 2) Model 625S400-2-1
- 3) Size 25 HP
- 4) Capacity 750 GPM

Well₂ Information:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 64 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 52 feet
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 12 feet
- 3) Static water level 15'7" (19 May 2011)

Pump:

- 1) Make Goulds
- 2) Model 5 stage 10DHLO
- 3) Size 40 HP
- 4) Capacity 750 GPM

Well₃ Information:

- 1) Well Drilling Firm: Vant Hul and Sons,
- 2) No. of Wells 1
- 3) Depth(s) 70 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 50 feet
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 20 feet
- 3) Static water level 27 feet (13 July 1977)

Pump:

- 1) Make hAie
- 2) Model 8M hd
- 3) Size 40 HP
- 4) Capacity 800 GPM

Well₅ Information:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 64 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 52 feet
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 12 feet
- 3) Static water level 20 feet (6 May 2011)

Pump:

- 1) Make Western Land Roller
- 2) Model 9THC-6
- 3) Size 40 HP
- 4) Capacity 740 GPM

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

- I. 1) Type PIP 2) Size 8 inches 3) Length 25 feet
Comments: From Well No. 2 to Pivot No. 2
- II. 1) Type PIP 2) Size 8 inches 3) Length 1,200 feet
Comments: From Well No. 3 to Pivot No. 3
- III. 1) Type PIP 2) Size 8 inches 3) Length 2,600 feet
Comments: From Well No. 1 to Pivot No. 4
- IV. 1) Type PIP 2) Size 8 inches 3) Length 2,800 feet
Comments: From Well No. 5 to Pivot No. 5

C. Works used to apply water to beneficial use:

Center pivot₂ (Lat/Lon: 44.19995/-96.45902):

- 1) Make Valley
- 2) Overall length 1336 w/corner feet
- 3) Number of towers 6 plus corner
- 4) End gun Yes
- 5) Capacity 700 GPM

Center pivot₄ (Lat/Lon: 44.19389/-96.46411):

- 1) Make Valley
- 2) Overall length 1080 feet
- 3) Number of towers 5
- 4) End gun Yes
- 5) Capacity 450 GPM

Chemigation Equipment:

- 1) Does not chemigate

Center pivot₃ (Lat/Lon: 44.20058/-96.44986):

- 1) Make Valley
- 2) Overall length 1298 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 700 GPM

Center pivot₅ (Lat/Lon: 44.19219/-96.45439):

- 1) Make Valley
- 2) Overall length 1611 w/corner feet
- 3) Number of towers 8 plus corner
- 4) End gun Yes
- 5) Capacity 700 GPM

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes

If no, describe: na

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

List any extended period of nonuse: na

- 3) Exceptions to compliance are: na

E. Condition and Location:

- The system is in good condition with the point(s) of diversion located as follows:
Well No. 1: 1130 feet north and 1150 feet west of the SE corner of Sec. 33, T109N-R47W, Lat/Lon: 44.19973/-96.4699, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33, T109N-R47W)
Well No. 2: 1145 feet north and 1620 feet west of the SE corner of Sec. 34, T109N-R47W, Lat/Lon: 44.199995/-96.45904, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, T109N-R47W)
Well No. 3: 1740 feet north and 430 feet west of the SE corner of Sec. 34, T109N-R47W, Lat/Lon: 44.20170/-96.45447, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ (Govt Lot 3)Sec. 34, T109N-R47W,
Well No. 4: 1050 feet north and 270 feet west of the SE corner of Sec. 34, T109N-R47W, Lat/Lon: 44.19977/ -96.45386, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Govt Lot 4)Sec. 34, T109N-R47W,

- The works are capable of diverting and conveying to the place of use 5.68 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

In South Dakota

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, T109N-R47W: 16.8 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, T109N-R47W: 36.1 acres
Gov. Lot 3 Sec. 34, T109N-R47W: 14.4 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, T109N-R47W: 26.8 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, T109N-R47W: 39.5 acres
Gov. Lot 4, Sec. 34, T109N-R47W: 17.3 acres
Gov. Lot 1, Sec. 3, T108N-R47W: 56.6 acres
Gov. Lot 2, Sec. 3, T108N-R47W: 55.6 acres
Gov. Lot 3, Sec. 3, T108N-R47W: 56.3 acres
Gov. Lot 4, Sec. 3, T108N-R47W: 36.7 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, T108N-R47W: 23.2 acres

In Minnesota

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T109N-R47W: 32.0 acres
N $\frac{1}{2}$ Gov. Lot 2, Sec. 36, T109N-R47W: 22.5 acres
S $\frac{1}{2}$ Gov. Lot 2, Sec. 36, T109N-R47W: 22.4 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T109N-R47W: 32.6 acres
N $\frac{1}{2}$ Sec. 2, T108N-R47W: 56.8 acres
S $\frac{1}{2}$ Sec. 2, T108N-R47W: 32.1 acres

comprising a total of 577.7 acres of land and the license should be issued for 5.68 cfs.

- All structures, wells and lands on map Yes

If no, describe: na

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

Water Permit No. 8143.3 approved 6-15-15 authorized an additional well, increased diversion rate, additional acres and corrected legal description of acres irrigated by No. 7178-3.

Report of Examination of Works

Permit No. 7178-3

A handwritten signature in black ink, appearing to read 'Ken Buhler', is written over a horizontal line.

Ken Buhler
DENR, Water Rights Program

Date report completed: **29 December 2014**

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 8143-3

(1) Jo's Family Farms, c/o Jon Wiering, Farm Manager, 1911 W 57th St, Ste 102, Sioux Falls SD 57108 made Application No. 8143-3, January 13, 2015 for a water permit to divert 1.28 cubic feet of water per second (cfs) from 1 well (Big Sioux:Aurora Aquifer), Brookings County, South Dakota for irrigation purposes. Permit No. 8143-3, with a priority date of January 13, 2015 was approved June 15, 2015 and issued to the applicants for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Permit No. 7178-3, with a priority date of January 13, 2010 authorized diversion of 4.44 cfs from three wells to irrigate 400 acres. The applicable portions of No. 7178-3 are incorporated into No. 8143-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the permit holder of Incorporated Water Right No. 8143-3 is issued a license, bearing priority dates of January 13, 2010 (4.40 cfs) and January 13, 2015 (1.28 cfs) to appropriate 5.68 cfs from 4 wells (Big Sioux:Aurora Aquifer) to irrigate 577.7 acres.

The diversion points are located as follows: all in T109N-R47W

Well No. 1: 1,130 feet north and 1,150 feet west of the SE corner of Section 33 (SE 1/4 SE 1/4)

Well No. 2: 1,145 feet north and 1,620 feet west of the SE corner of Section 34 (SE 1/4 SW 1/4)

Well No. 3: 1,740 feet north and 430 feet west of the SE corner of Section 34 (Govt Lot 3)

Well No. 4: 1,050 feet north and 270 feet west of the SE corner of Section 34 (Govt Lot 4).

Well Nos. 1, 2 and 3 (January 13, 2010 priority date) and Well No. 4 (January 13, 2015 priority date)

The acres authorized for irrigation are as follows:

In South Dakota

Sec 34-T109N-R47W	NW 1/4 SW 1/4	16.8 ac
	NE 1/4 SW 1/4	36.1 ac
	Govt Lot 3	14.4 ac
	SW 1/4 SW 1/4	26.8 ac
	SE 1/4 SW 1/4	39.5 ac
	Govt Lot 4	17.3 ac
Sec 3-T108N-R47W	Govt Lot 1	56.6 ac
	Govt Lot 2	55.5 ac
	Govt Lot 3	56.3 ac
	Govt Lot 4	36.7 ac
	NE 1/4 SW 1/4	23.2 ac

In Minnesota

Sec 36-T109N-R47W	NE 1/4 SE 1/4	32.0 ac
	N 1/2 Govt Lot 2	22.5 ac
	S 1/2 Govt Lot 2	22.4 ac
	SE 1/4 SE 1/4	32.6 ac
Sec 2-T108N-R47W	N 1/2	56.8 ac
	S 1/2	32.1 ac

Total 577.7 acres

(continued)

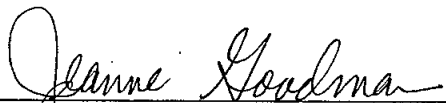
Water License No. 8143-3

Jo's Family Farms

Page 2

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 8143-3 including the following qualifications:

- The wells approved under Nos. 7178-3 and 8143-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This permit is approved subject to the irrigation water use questionnaire being submitted each year.
- That Jo's Family Farms LLC, and any successor, assign, or transferee of this water permit, must install and maintain at its own cost, a timing device on each of its irrigation wells which records each time the pumps on the irrigation wells are turned on and off, and further, that date recorded by the timing device be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year.



Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUL 01 2016

date



8143-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUL 01 2016

7178-3
7702-3
8143-3
8144-3

Jo's Family Farms
c/o Jon Wiering, Farm Manager
1911 W 57th St
Suite 102
Sioux Falls SD 57108

Dear Mr. Wiering:

Enclosed are Water License Nos. 8143-3 and 8144-3. These are the final water right documents completing the process of obtaining a Water Right. Also, included with the licenses are maps prepared by the staff engineer who conducted the investigations.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 8143-3 and 8144-3, 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 Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

Note: The applicable portions of No. 7178-3 are incorporated into Water License No. 8143-3.
The applicable portions of No. 7702-3 are incorporated into Water License No. 8144-3.

enclosures