

WATER PERMIT NO. 8177-3

Name of Applicant: **D A Olson & Sons**

Address: **31725 455th Ave, Meckling SD 57069**

Phone: **605 660-8990**

Amount of Water Claimed: 0.498 cfs

Total Acres: **62 (no add'l acres)**

Source of Water Supply: groundwater (1 existing well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: **7 miles west of Vermillion**

PRIORITY

Date Received: 7-2⁴~~2~~-15

Application/License Fee: **\$ 700**

Corrected Application Received:

Period of Annual Use: **May 1 – September 1**

Remarks: Add'l diversion rate to Permit No. 2826D-3

Diversion Point: **SE 1/4 SE 1/4 Sec 16-T92N-**

R53W

Land to be Irrigated: **S 1/2 SE 1/4 Sec 16-T92N-**

R53W

Depth of Well: **110 feet deep**

Well Driller:

Remarks:

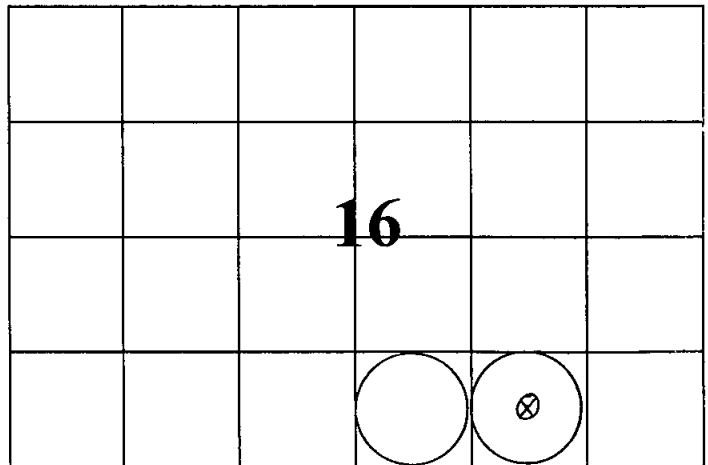
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 7-27-15

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



RECEIVED

JUL 24 2015

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8177-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Plain Talk - Vermillion</u>	<u>605-624-2695</u>
	<u>Prairie State, Yorkton</u>	<u>605-665-7811</u>

\$ 700

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 2826A
(Use predates Mar 2, 1955) Now # 2826D-3

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Upon updating this permit to our ownership, we noted that the well/pump/pivot, installed in the 1970's has been set up to apply more water than permitted. This application is intended to remedy that error.

1. Name to Appear on Irrigation Permit D. A. Olson & Sons

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)

Mailing Address 31725 455 Ave Meckling SD 57069-4423
(Address) (City) (State) (Zip Code)

Home Phone _____ Cell 605-660-8990 Email add 269 add gpm

2. Amount of water claimed 0.60 *CFS or Total 1550 **GPM ***AF Total Acreage 62
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 1 existing well (known as well#4 in permit 2826-a) approx. 110' deep

4. Location of point of diversion T92n R53w Section 16, SE 1/4, SE 1/4.
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Clay

5. County or counties where water will be used Clay

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

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
SE of SE of T92n R53w, Section 16	31		
SW of SE of T92n R53w, Section 16	31		

8. Give a description of the project. (Attach sheet if more space is needed)
Center pivot irrigation of the above listed cropland. We are requesting greater than the statutory limit of water diversions because of sandy soil types irrigated, AND method of application: there are 2 center pivots, one on each 31 acre plot. One well serves both plots and a lower diversion rate would be ineffective.

I, Dale Gene Olson, 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. 8177-3**

Date of first receipt of application July 24, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8177-3 to D A Olson & Sons, 31725 455 Ave, Meckling SD 57069 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. 8177-3 appropriates an additional 0.60 cubic feet of water per second (cfs) to what is currently authorized by Water Right No. 2826D-3. Water Right No. 2826D-3 authorizes 0.63 cfs from one well completed into the Missouri:Elk Point Aquifer (110 feet deep) located in the SE 1/4 SE 1/4 Section 16 for irrigation of 62 acres located in the S 1/2 SE 1/4 Section 16; all in T92N-R53W. This permit authorizes an additional 0.60 cfs from the existing well to irrigate the 62 acres listed above. This permit and Water Right No. 2826D-3 authorize a total diversion rate of 1.23 cfs (550 gallons per minute) for irrigation of 62 acres. The permit authorizes a diversion rate greater than the statutory limit of 1 cfs per 70 acres.
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 July 24, 2015.
4. The date of approval of Permit No. 8177-3 is August 31, 2015.
5. One-fifth of the construction is to be completed on or before March 1, 2018.
6. All construction is to be completed on or before August 31, 2020.
7. Water is to be put to beneficial use on or before August 31, 2024.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8177-3 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. Water Permit No. 8177-3 incorporates Water Right No. 2826D-3.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

SEP 21 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 1 Provide copy of log(s), if available. Drilled by Nichols well & pump, in 1976?
- c) Well Depth 110? Depth to Top of Water Bearing Material 60? Depth to Water from Surface 18
- d) Distance to nearest existing domestic well:

On applicant's property NA On property owned by others more than 1500'

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

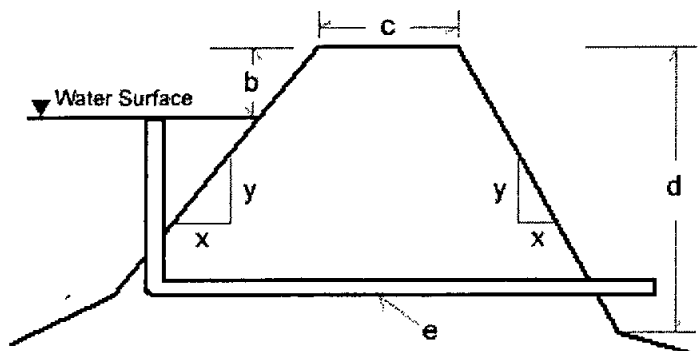
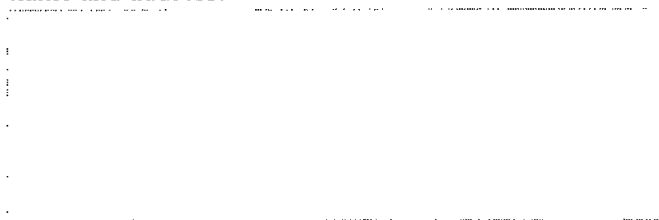
3. Dugout Information

- 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.

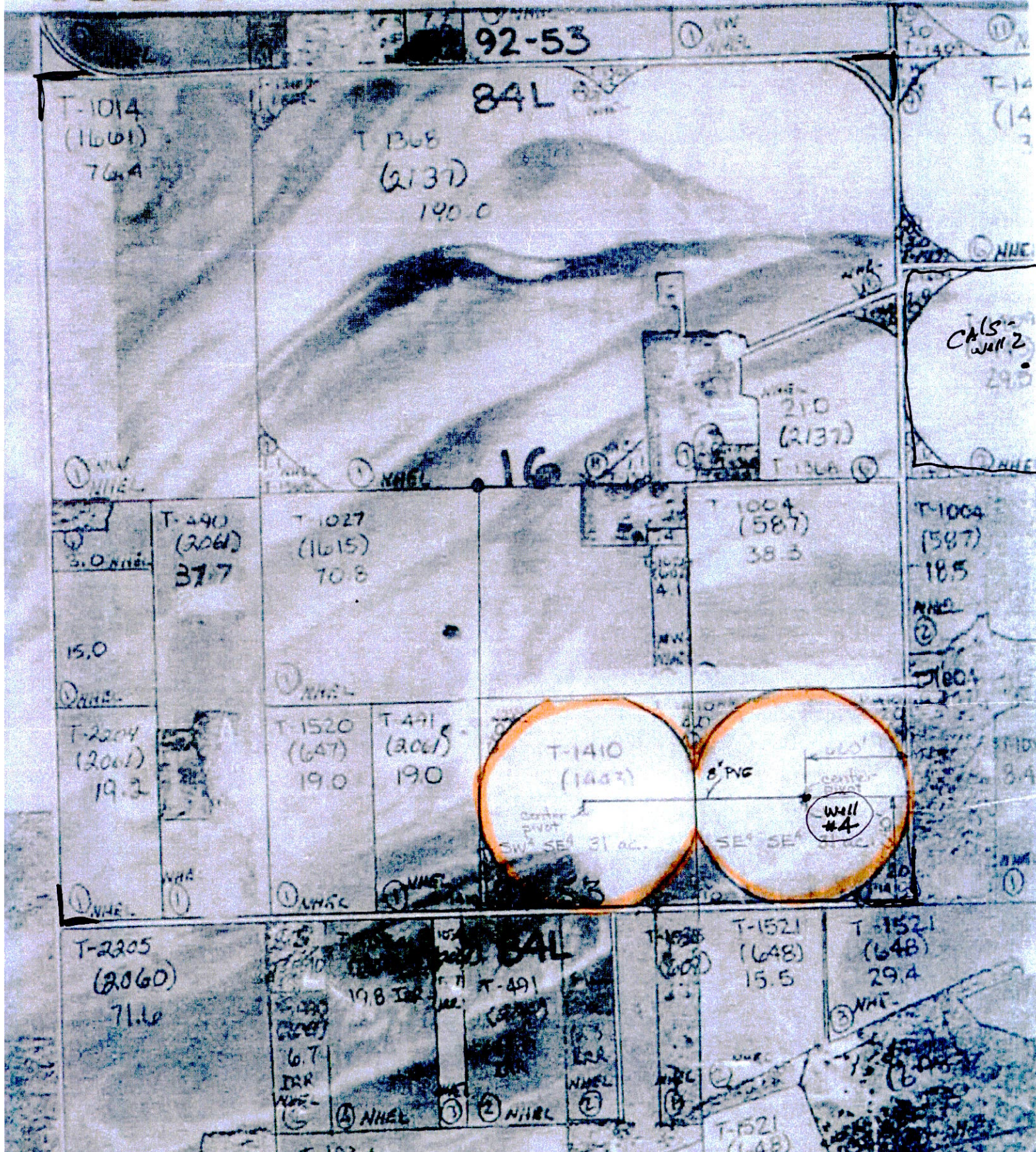
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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

T 92N, R 53W, Section 46

NOT TO SCALE



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/24, 20 15

RECEIVED OF D A Olson Sons LLC 31725 455th Ave Meckling SD 57069

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

Fee for Application for Permit No. <u>8177-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>8177-3</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	700 00

No. 07450

By Jeanne Goodman
Chief Engineer

Entity Detail	File Annual Report	Statement of Change	Forms
Name		D.A. OLSON & SONS, L.L.C.	Obtain a Certificate of Good Standing
Corporate ID		DL010422	
Incorporation/Qualification Date		12/29/2005	
Home State		SOUTH DAKOTA	
Status		Good Standing	
Last Annual Report		2014	
Corporation Type		Domestic LLC	
Stock Info			

Registered Agent	Documents	Officers
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Registered Agent Name & Address

DALE OLSON
31729 455TH AVENUE
MECKLING, SD 57069-4423



**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. 8177-3, D A Olson & Sons**

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. 8177-3, D A Olson & Sons, 31725 455th Avenue, Meckling SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 8177-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Water Permit No. 8177-3 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. Water Permit No. 8177-3 incorporates Water Right No. 2826D-3.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
August 13, 2015



**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. 8176-3, Calvin and Mary Hanson**

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. 8176-3, Calvin and Mary Hanson, 31524 452nd Avenue, Meckling SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 8176-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Water Permit No. 8176-3 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. Water Permit No. 8176-3 incorporates Water Right No. 2826C-3.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
August 13, 2015

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8176-3
CALVIN & MARY HANSON
AND
WATER PERMIT APPLICATION NO. 8177-3
D A OLSON & SONS
AUGUST 7, 2015**

Water Permit No. 2826-3, approved July 22, 1976, authorized the diversion of groundwater from the Missouri: Elk Point aquifer at a maximum rate of 4.0 cubic feet of water per second (cfs). The permit authorized the irrigation of 264 acres located in Sec.10, T92N-R53W (140 acres); Sec. 15, T92N-R53W (62 acres); and Sec.16, T92N-R53W (62 acres). Water Right No. 2826-3 was issued on September 8, 1998, based on a June 30, 1993, inspection. The water right authorizes a maximum diversion rate of 2.67 cfs from four wells for the irrigation of 264 acres. The "Report of Examination of Works And/Or Application of Water to Beneficial Use" for Water Right No. 2826-3 reported the pumps installed in the four wells were capable of diverting at a combined rate of 5.79 cfs. However, the three center pivots that were used to apply water only had a combined capacity of 2.67 cfs.

A portion of the land approved for irrigation and two of the wells authorized by Water Right No. 2826-3 were sold, and on April 27, 2010, the water right was split proportionately to land ownership and reissued as Water Right No. 2826A-3 and 2826B-3.

Water Right No. 2826A-3 was transferred in its entirety to Calvin and Mary Hanson on November 19, 2014. On July 9, 2015, a transfer of ownership was filed for a portion of Water Right No. 2826A-3. Based on the ownership change, Water Right No. 2826A-3 was divided and reissued to reflect separate ownership as follows:

Water Right No. 2826C-3, Calvin & Mary Hanson, authorizing a maximum diversion rate of 0.313 cfs from one well located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, T92N-R53W, to irrigate 31 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T92N-R53W.

Water Right No. 2826D-3, D A Olson & Sons, authorizing a maximum diversion rate of 0.627 cfs from one well located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, T92N-R53W, to irrigate 62 acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, T92N-R53W.

Water Permit Application No. 8176-3 indicates "Upon splitting this permit into two new ownerships, we noted that this irrigation unit, installed in the 1970's are using more water than permitted. This application is intended to remedy that error." This application proposes to authorize an additional diversion rate of 0.80 cfs from the well authorized by Water Right No. 2826C-3. The water will be used in conjunction with the diversion authorized by Water Right No. 2826C-3 to irrigate the 31 acres currently authorized by that water right. Water Permit No. 8176-3 (if approved) and Water Right No. 2826C-3, combined will authorize a total maximum diversion rate of 1.113 cfs for the irrigation of 31 acres. The total diversion rate authorized by the two permits will exceed the statutory limit of one cfs per 70 acres. The applicant indicates

“We are requesting greater than the statutory limit of water diversion because of sandy soil types irrigated, AND method of application. This is a short span irrigation system and lower diversion rates would be impractical.”

Water Permit Application No. 8177-3 indicates “Upon updating this permit to our ownership, we noted that the well/pump/pivot, installed in the 1970’s has been set up to apply more water than permitted. This application is intended to remedy that error.” This permit application proposes to authorize an additional diversion rate of 0.60 cfs from the well authorized by Water Right No. 2826D-3. The water will be used in conjunction with the diversion authorized by Water Right No. 2826D-3 to irrigate the 62 acres currently authorized by that water right. Water Permit No. 8177-3 (if approved) and Water Right No. 2826D-3 combined will authorize a total maximum diversion rate of 1.23 cfs for the irrigation of 62 acres. The total diversion rate authorized by the two permits will exceed the statutory limit of one cfs per 70 acres. The applicant indicates “We are requesting greater than the statutory limit of water diversion because of sandy soil types irrigated, AND method of application: there are 2 center pivots, one on each 31 acre plot. One well serves both plots and a lower diversion rate would be ineffective.”

AQUIFER: ELK POINT MANAGEMENT UNIT OF THE MISSOURI AQUIFER (M:EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Missouri aquifer consists of unconsolidated glacial outwash deposits composed of fine sand to very coarse gravel. The Elk Point management unit of the Missouri aquifer underlies an estimated 210,100 acres of Yankton, Clay, and Union Counties, and contains an estimated 3,287,100 acre feet (ac-ft) of recoverable water in storage (Hedges and others, 1982). The aquifer is hydraulically connected to the Lower Vermillion Missouri and Lower James Missouri aquifers to the north, and often directly overlies the Dakota aquifer. Analyses of water-level measurements and chemical analyses indicate a hydraulic connection between the Dakota and Missouri: Elk Point aquifers (Niehus, 1994). Lower specific conductance shown in water analysis of wells in the southern part of the aquifer probably are the result of good hydraulic connection with the Missouri River (Niehus, 1994). The Missouri: Elk Point aquifer is also hydraulically connected to the Vermillion and the Big Sioux Rivers. Water in the aquifer generally moves from the northwest to the southeast and towards the Missouri River (Stephens, 1967). The Missouri: Elk Point aquifer is predominately under water table conditions (Water Rights, 2015a), although confined conditions occur where the outwash is buried (Stephens, 1967). The Missouri: Elk Point aquifer is under unconfined conditions in the area of the wells that Application Nos. 8176-3 and 8177-3 propose to use; there is at least 77 feet of saturated thickness in the area based on the logs for the existing wells.

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

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

WATER AVAILABILITY:

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 water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a water distribution system is not involved and the Missouri: Elk Point aquifer is not older or lower than the Greenhorn Formation therefore withdrawal/recharge issue must be considered.

Water Permit Application Nos. 8176-3 and 8177-3 are not requesting authorization for the irrigation of additional acreage, and therefore approval of these permits will not result in any additional appropriation from the Missouri: Elk Point aquifer. However, at the time of the licensing inspection (June 30, 1993), there were two towable center pivot systems in use to irrigate three parcels of land, and the well and pump capacities greatly exceeded the two center pivots’ capacities. The volume of water that could be placed to beneficial use may have been limited by the center pivot systems. Irrigating the same acreage with three center pivots instead of two may increase the volume of water that can be applied. It is not possible to quantify the impact using three stationary center pivots versus two towable center pivots will have on the application rate and/or the average annual use on these irrigated acres.

The water permit applications indicate the diversion rates of both Water Right Nos. 2826C-3 and 2826D-3 are currently exceeding their permitted rates. Based on a review of Google Earth photography, it appears that three pivots have been in use on this irrigated acreage since at least August 2004. It is unlikely that these applications will result in additional water use over what has been used since 2004. Although ultraconservative, for the purpose of evaluating the availability of unappropriated water from the aquifer, the diversions proposed by Water Permit Application Nos. 8176-3 and 8177-3 will be considered 93 ac-ft/yr.

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 in addition to 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 SD DENR-Water Rights Program monitors 37 observation wells completed into the Missouri: Elk Point aquifer. Observation well CL-80B is located in the immediate vicinity of the irrigation projects involved in these applications/permits (see Figure 2). A hydrograph for this observation well, which is representative of the aquifer, is shown in Figure 1. The observation well data documents the climatic influence on the aquifer. Water levels in the aquifer rise during wet periods where recharge to the aquifer exceeds withdrawal, and water levels decline during dry periods when withdrawals from the aquifer exceed recharge. The influence of the stage of the Missouri River is evident in the hydrograph. The 2011 flooding of the Missouri River is particularly evident in the hydrograph. In general, hydrographs of observation wells completed into the Missouri: Elk Point aquifer show a slight decline in the water table over the period of

record. This has been attributed to entrenching of the Missouri River and a strong hydraulic connection between the aquifer and the river (Goodman, 2007). At the current level of development, the temporal effects of pumping are masked by climatic conditions and the strong hydraulic connection between the aquifer and the Missouri River and climatic conditions. This shows that the hydrographs are dominated by natural conditions, and water is available for capture. Therefore, there is a reasonable probability that there is water available to support this application.

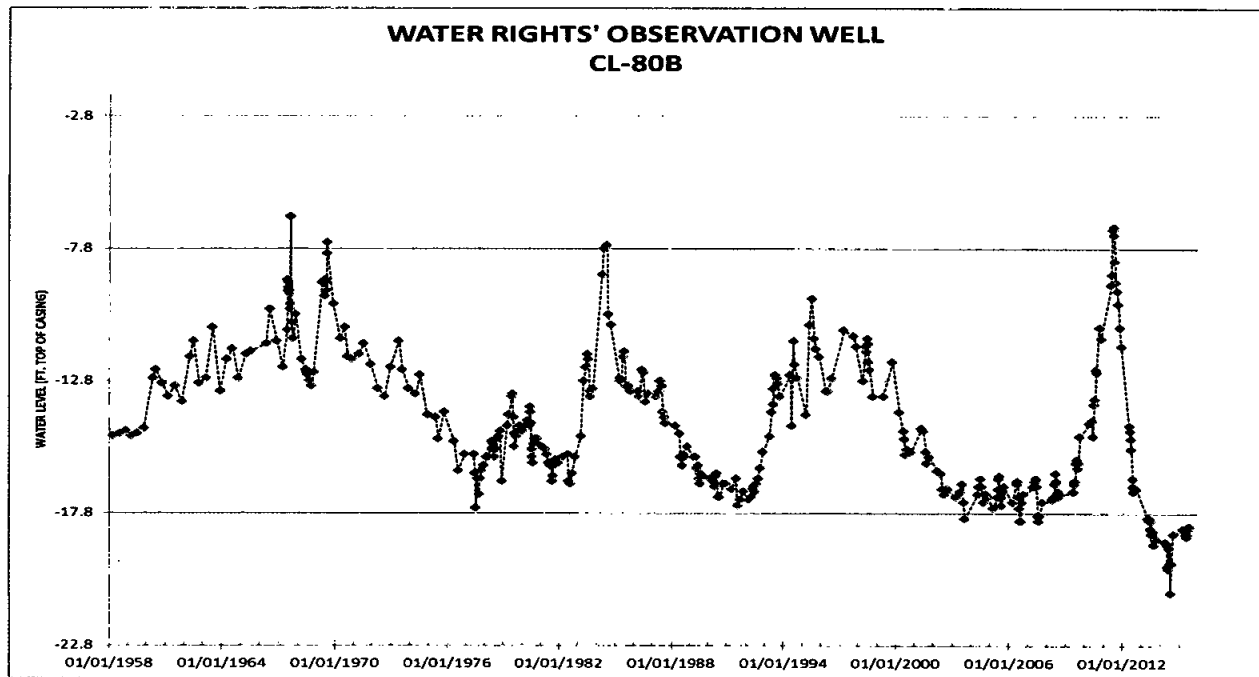


Figure 1. Hydrograph of DENR-Water Rights' Observation Well CL-80B which is completed into the Missouri Elk Point aquifer.

Recharge versus Discharge:

Recharge to the Missouri: Elk Point aquifer occurs through infiltration of precipitation, streamflow losses, and groundwater inflow from other aquifers (Bugliosi, 1986). Withdrawals from the aquifer are through well withdrawals, outflow to the Missouri, the Vermillion and the Big Sioux Rivers when the aquifer water table is higher than the river stage, and evapotranspiration where the aquifer is at or near the ground surface (Niehus, 1994; Bugliosi, 1986; and Stephens, 1967). A hydrologic budget for the Missouri: Elk Point aquifer was developed based on the appropriations from the aquifer as of June 24, 2013 (Stonesifer, 2013). Water rights/permits and future use permits at the time account for an expected withdrawal of 81,108 ac-ft/yr, which includes expected use of new irrigation water permits. Recharge to the aquifer is estimated to be at least 91,964 ac-ft/yr, which considers induced recharge. Therefore, approximately 10,856 ac-ft/yr of unappropriated water was available at that stage of development (Stonesifer, 2013).

Since June 24, 2013, there have been 26 new water permits issued and two water permits (Nos. 7074A-3 and 7009A-3) reinstated, appropriating water from the Missouri: Elk Point aquifer. There is one Water Permit Application (No. 8175-3) pending from the aquifer. Two water

permit applications remain deferred from the aquifer. Applying the historic average pumpage to appropriation ratio for developed water rights/permits, (approximately 14%), to irrigation permits pending and issued since June 24, 2013, results in an expected average annual pumpage of an estimated 869 acre-feet annually (Kilts, 2015). Appropriations approved since June 24, 2014, for other uses are expected to result in an average annual withdrawal of approximately 440 acre-feet annually. Considering permits approved or reinstated since June 24, 2013, and applications remaining in deferred status, the average annual withdrawal that can be expected from the Missouri: Elk Point aquifer at the current level of appropriation is estimated to be approximately 1,438 acre-feet per year greater than the June 24, 2013, estimate. Therefore, average annual withdrawals can be expected to be approximately 9,419 acre-feet per year less than the potential average annual recharge to the aquifer, and there is a reasonable probability that unappropriated water is available to supply this proposed appropriation (<93 acre-feet annually).

EXISTING WATER RIGHTS:

Currently, there are 601 water permits/rights appropriating water from the Missouri: Elk Point aquifer in addition to five future use permits, one pending application and two deferred applications (Water Rights, 2015b). The water rights/permits in the vicinity of the acreage associated with Water Permit Application Nos. 8176-3 and 8177-3 are shown in Figure 2 and Table 1. In addition to wells supplying appropriative rights, there are a number of domestic use wells on file with the DENR-Water Rights Program in the vicinity of this proposed well site.

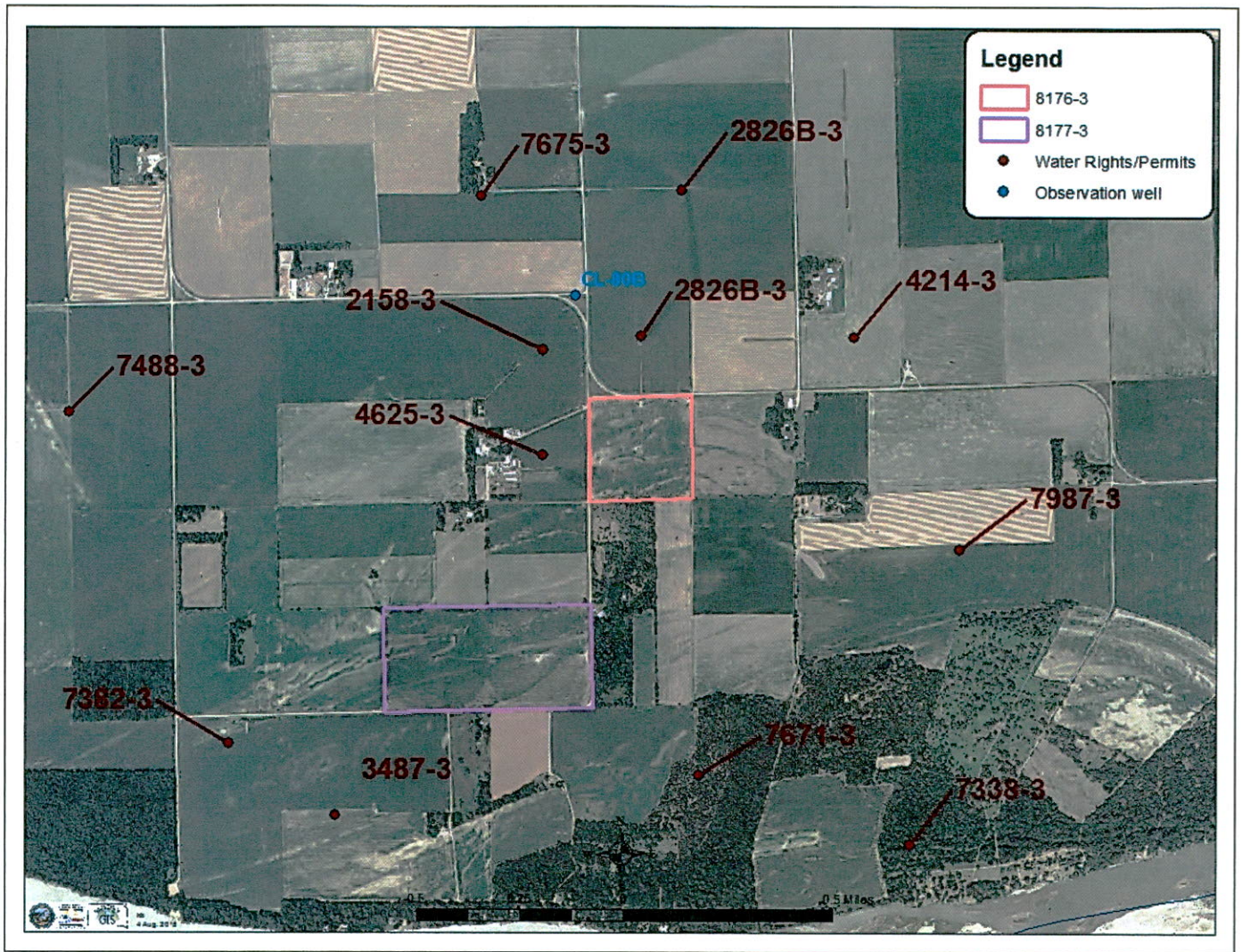


Figure 2. Water Rights/Permits and DENR-Water Rights' Observation wells in the vicinity of the lands to be irrigated using diversions proposed by Water Permit Application Nos. 8176-3 and 8177-3.

Table 1. Water Rights/Permits in the vicinity of the lands to be irrigated using diversions proposed by Water Permit Application Nos. 8176-3 and 8177-3.

PERMIT NO	NAME	STATUS	CFS	ACRES
2158-3	D A OLSON & SONS	LC	2.67	187
2826B-3	BROOK BYE	LC	1.73	171
3487-3	DAVE HANSON	LC	1.11	88
4214-3	D A OLSON & SONS	LC	1.67	169
4625-3	D A OLSON & SONS	LC	0.36	25
7338-3	FRANCIS M ARMSTRONG LIVING TRUST	PE	0.6	47.7
7382-3	MICHAEL F HAUCK	PE	1.11	77
7488-3	BOTTOLFSOHN BROS	LC	1.56	209
7671-3	JASON MILLER	PE	1.55	92.25
7675-3	SCOTT & JEANNE JEPSEN	PE	3.56	260
7987-3	FRANCIS M ARMSTRONG LIVING TRUST	PE	1.78	102

Since the Missouri: Elk Point aquifer is under unconfined conditions and is relatively thick in this area, drawdown is not expected to extend far from the pumping well. The hydrograph shown in Figure 1 documents only minimal well interference at the observation well from a number of irrigation wells in the proximity. Although the precise amount that drawdown will increase if Water Permit Nos. 8176-3 and 8177-3 are approved cannot be quantified, based on observation well data and a history of no well interference issues in the Missouri: Elk Point, there is a reasonable probability nearby adequate wells will not be adversely impacted. It should be noted that the diversions proposed have likely been occurring for a number of years without issue.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or “the equivalent thereof.” The statute does provide that the Water Management Board may allow a greater diversion rate if the method of irrigation so requires. Water Permit No. 8176-3 (if approved) and Water Right No. 2826C-3, combined will authorize a total maximum diversion rate of 1.113 cfs for the irrigation of 31 acres, or the equivalent of 2.51 cfs per 70 acres. Water Permit No. 8177-3 (if approved) and Water Right No. 2826D-3 combined will authorize a total maximum diversion rate of 1.23 cfs for the irrigation of 62 acres, or the equivalent of 1.38 cfs per 70 acres. Water Permit Application Nos. 8176-3 and 8177-3 indicate “We are requesting greater than the statutory limit of water diversions because of sandy soil types irrigated, AND method of application”. On Application No. 8176-3, the applicant indicates “this is a short span irrigation system and lower diversion rates would be impractical”. On Application No. 8177-3, the applicant indicates “there are 2 center pivots, one on each 31 acre plot. One well serves both plots and a lower diversion rate would be ineffective.”

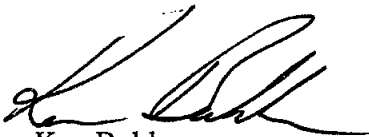
ADDITIONAL CONSIDERATION:

Report of Examination of Works and/or Application of Water to Beneficial Use, and Water Right No. 2826-3 describe the well (well #2) that supplies Water Right No. 2826C-3 and is to be used to supply Water Permit No. 8176-3 (if approved) as located 635 feet east and 1650 feet south of the NW corner of Sec. 15, T92N-R53W. The map that was completed as part of the licensing inspection identifies the well approximately 635 feet east and 1,950 feet south of the NW corner of Sec. 15, T92N-R53W. Review of March 13, 2015, aerial imagery of the area through Google earth, suggests that the map accurately reflects the well location.

CONCLUSIONS:

1. Water Permit Application No. 8176-3 proposes to authorize an additional diversion rate of 0.80 cfs from the well authorized by Water Right No. 2826C-3.
2. Water Permit Application No. 8177-3 proposes to authorize an additional diversion rate of 0.60 cfs from the well authorized by Water Right No. 2826D-3.
3. Both water permit applications indicate the existing systems are diverting at a rate in excess of the permitted rate and the applications are “intended to remedy that error”.
4. Approval of Water Permit Application No. 8176-3 and Water Permit Application No. 8177-3 will not increase the total appropriation from the Missouri: Elk Point aquifer.

5. Approval of Water Permit Application No. 8176-3 and Water Permit Application No. 8177-3 will likely authorize additional annual diversions from the Missouri: Elk Point aquifer.
6. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to support the proposed increased diversions.
7. There is a reasonable probability that nearby adequate wells will not be adversely impaired if Water Permit Application No. 8176-3 and Water Permit Application No. 8177-3.
8. There is a discrepancy between the location of the well that is to be used to supply Water Permit Application No. 8176-3 as described in Water License No. 2826-3, and where the well is depicted on the licensing inspection map.
9. It appears the map prepared from the licensing inspection of Water Right No. 2826-3, correctly identifies the location of well #2, but incorrectly labels the distance the well is from the NW corner of Sec. 15, T92N-R53W.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES

- Bugliosi, E. F., 1986,. Water Resources of Yankton County, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4241, 41 p.
- Goodman, J. A., 2007, Report on Water Permit Application No. 6869-3: For Lewis and Clark RWS: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
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Stonesifer, J. R., 2013, Water Availability of the Missouri: Elk Point Aquifer: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights, 2015a Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights, 2015b, Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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

RECEIVED
AUG 26 2015
WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

D A Olson & Sons
31725 455th Ave.
Meckling, SD 57069

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF THE
OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS
AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 8177-3 to Appropriate Water

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 21 DAY OF August 2015
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.89 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 8/21/2015

FILED ON: 8/20/2015

Tera A Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS

24

DAY OF

August

2015

[Signature]

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

08/19/2021

NOTICE OF APPLICATION NO.
8177-3 to Appropriate Water

Notice is given that D A Olson & Sons, 31725 455th Ave, Meckling SD 57069 has filed an application for a water permit to appropriate an additional 0.60 cubic feet of water per second (cfs) to what is currently authorized by Water Right No. 2826D-3. Water Right No. 2826D-3 authorizes 0.63 cfs from one well completed into the Missouri: Elk Point Aquifer (110 feet deep) located in the SE 1/4 SE 1/4 Section 16 for irrigation of 62 acres located in the S 1/2 SE 1/4 Section 16; all in T92N-R53W. This application proposes to appropriate an additional 0.60 cfs from the existing well to irrigate the 62 acres listed above. This application, if approved and Water Right No. 2826D-3 will authorize a total diversion rate of 1.23 cfs (550 gallons per minute) for irrigation of 62 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8177-3 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 August 31, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$26.89. Publish: August 21, 2015.

RECEIVED

AUG 26 2015

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
Water Rights Program
523 E Capitol Ave
Pierre, SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No 8177-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 21st DAY OF August 2015
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$27.03 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 8/21/2015

FILED ON: 8/21/2015

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF August 2015

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2021

Notice is given that D A Olson & Sons, 31725 455th Ave, Meckling SD 57069 has filed an application for a water permit to appropriate an additional 0.60 cubic feet of water per second (cfs) to what is currently authorized by Water Right No. 2826D-3. Water Right No. 2826D-3 authorizes 0.63 cfs from one well completed into the Missouri:Elk Point Aquifer (110 feet deep) located in the SE 1/4 SE 1/4 Section 16 for irrigation of 62 acres located in the S 1/2 SE 1/4 Section 16; all in T92N-R53W. This application proposes to appropriate an additional 0.60 cfs from the existing well to irrigate the 62 acres listed above. This application, if approved and Water Right No. 2826D-3 will authorize a total diversion rate of 1.23 cfs (550 gallons per minute) for irrigation of 62 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8177-3 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 August 31, 2015.

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

Published once at the total approximate cost of \$27.03.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, August 13, 2015 2:15 PM
To: classifieds@plaintalk.net
Subject: 8177-3, D A Olson & Sons
Attachments: 8177-3public.short.docx; FORM8 FRM.doc

Attached is a notice to be published on August 21, 2015.

D A Olson & Sons, 31725 455th Ave, Meckling SD 57069 (605 660-8990) have been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, August 13, 2015 2:14 PM
To: 'Tera Schmidt'
Subject: 8177-3, D A Olson & Sons
Attachments: 8177-3public.short.docx; FORM8 FRM.doc

Attached is a notice to be published on August 21, 2015.

D A Olson & Sons, 31725 455th Ave, Meckling SD 57069 (605 660-8990) have been notified to contact you to authorize publication and arrange for payment.

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Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

August 13, 2015

D A Olson & Sons
31725 455th Ave
Meckling SD 57069

Dear Sir:

Water Permit Application No. 8177-3 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 Plain Talk printed at Vermillion SD (Ph # 605-624-2695) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the 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.

NOTICE OF APPLICATION NO. 8177-3 to Appropriate Water

Notice is given that D A Olson & Sons, 31725 455th Ave, Meckling SD 57069 has filed an application for a water permit to appropriate an additional 0.60 cubic feet of water per second (cfs) to what is currently authorized by Water Right No. 2826D-3. Water Right No. 2826D-3 authorizes 0.63 cfs from one well completed into the Missouri:Elk Point Aquifer (110 feet deep) located in the SE 1/4 SE 1/4 Section 16 for irrigation of 62 acres located in the S 1/2 SE 1/4 Section 16; all in T92N-R53W. This application proposes to appropriate an additional 0.60 cfs from the existing well to irrigate the 62 acres listed above. This application, if approved and Water Right No. 2826D-3 will authorize a total diversion rate of 1.23 cfs (550 gallons per minute) for irrigation of 62 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8177-3 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 August 31, 2015.

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

Published once at 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

SEP 21 2015

D.A. Olson & Sons
31725 455th Ave
Meckling SD 57069

Dear Mr. Olson:

Enclosed is Water Permit No. 8177-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8177-3

I have this day, November 6, 2015, made a thorough examination of the water use system constructed by D A Olson & Sons, 31725 455th Ave, Meckling, SD 57069 of Permit No. 8177-3, bearing the priority of July 24, 2015 authorizing the diversion of an additional 0.60 cu. ft. per second to what is currently authorized by Water Right No. 2826D-3. Water Right No. 2826D-3 authorizes 0.63 cfs from one well completed into the Missouri:Elk Point Aquifer for irrigation purposes, in Clay County.

Inspection contact & relationship to permit holder, if applicable: **Dale Olson-son, D A Olson & Sons-permit holder**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Nichols Well & Pump Co.
- 2) No. of Wells 1 existing well
- 3) Depth(s) 109 feet
- 4) Well log is available Yes

Comments: Existing well was completed in 1976. Information from well log, Water Right 2826-3, and this inspection.

Casing:

- 1) Diameter 16 inches
- 2) Length 91 feet
- 3) Type Transite

Screen:

- 1) Type Transite Slotted
- 2) Length 18 feet
- 3) Static water level 13 feet

Pump:

- 1) Make Turbine
- 2) Model In-Line Shaft
- 3) Capacity 550 GPM

Motor:

- 1) Make US Electrical High Thrust
- 2) Model No. _____
- 3) Horsepower rating 50 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1320 feet

Comments: Information from Water Right 2826-3.

C. Works used to apply water to beneficial use:

Center pivot (SE ¼ SE ¼ Sec 16-T92N-R53W):

- 1) Make Lindsay
- 2) Overall length 610 feet
- 3) Number of towers 3
- 4) End gun Yes
- 5) Capacity 550 GPM

Center pivot (SW ¼ SE ¼ Sec 16-T92N-R53W):

- 1) Make Lindsay
- 2) Overall length 630 feet
- 3) Number of towers 3
- 4) End gun Yes
- 5) Capacity 550 GPM

Comments: Center Pivot in SE ¼ SE ¼ Sec 16-T92N-R53W was recently replaced and does not match the one shown on map. System water capacity is such that only one center pivot can be operated at a time.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, after ownership change, Water Permit No. 8177-3 was issued to increase the total diversion rate to 1.23 cfs or 550 gpm to meet actual application rate. Water Right No. 2826D-3 authorized 0.63 cfs.

List any extended period of nonuse: None

- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: West 680', ^{north} South 680' from SE Corner of Sec 16-T92N-R53W; Lat 42.78088/Long -97.10391; SE ¼ SE ¼ Sec 16-T92N-R53W.
2. The works are capable of diverting and conveying to the place of use 1.23 cfs or 550 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
All land is located in Sec 16-T92N-R53W.
SW ¼ SE ¼ - 31 ac SE ¼ SE ¼ - 31 ac
comprising a total of 62 acres of land and the license should be issued for 1.23 cfs or 550 gpm.
3. All structures, wells and lands on map Yes

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

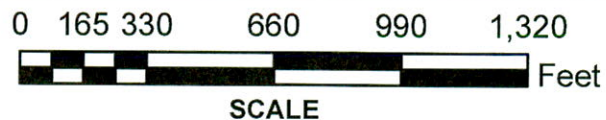
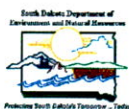
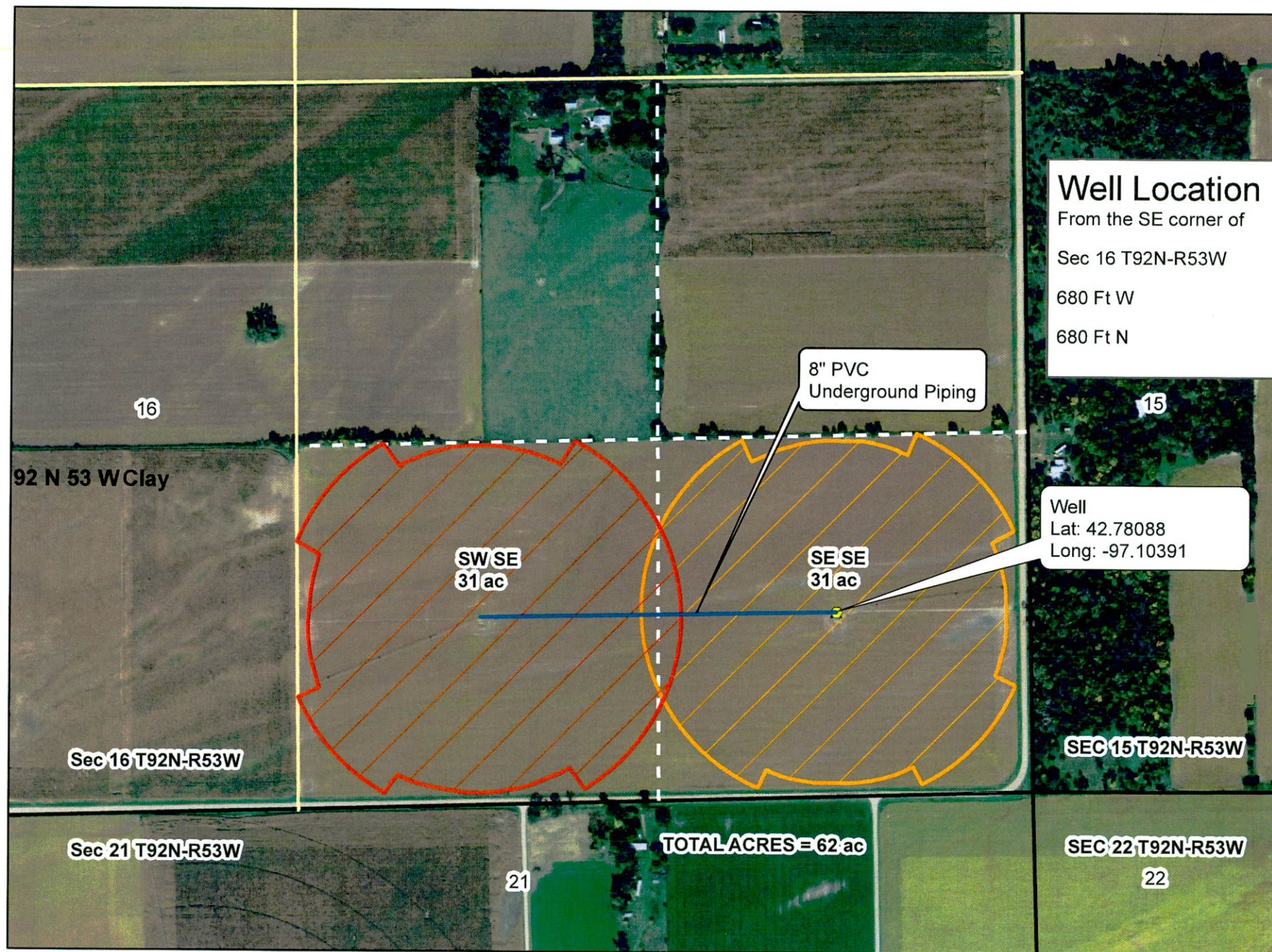
- 1) After ownership change, new permit holder was issued Water Permit No. 8177-3 to increase the total diversion rate to 1.23 cfs or 550 gpm to meet actual application rate. Water Right No. 2826D-3 authorized 0.63 cfs.

Harold Holoch

Harold Holoch, PE
Engineer Water Rights Inspector
DENR, Water Rights Program

Date report completed: March 11, 2016

8177-3



Harold Holoch
Harold Holoch, PE
Water Rights Inspector
December 22, 2015

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

MAIL TO: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

Date 11-6-15

FROM: DA Olson & Son
(name)
31725 455th Ave
(address)
Meckling SD 57069 605-660-8990
(city) (state) (zip) (phone)

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

Water Permit No. 8177-3 states that the water use system is to be constructed by
8-31-2020, and water is to be put to beneficial use by 8-31-2024
(date) (date)

The water use system was completed on Increase Diversion rate
(date)

Applying the water to beneficial use was completed on _____
(date)

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



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8177-3

(1) D A Olson & Sons, 31725 455th Ave, Meckling SD 57069 made Application No. 8177-3, July 24, 2015 for a water permit to divert an additional 0.60 cubic feet of water per second (cfs) from one existing well – Missouri:Elk Point Aquifer, Clay County, South Dakota for irrigation purposes. Permit No. 8177-3, with a priority date of July 24, 2015 was approved August 31, 2015 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 31, 2020 and for the application to beneficial use of water on or before August 31, 2024.

Water Right No. 2826D-3 with a priority date of June 23, 1976 authorized 0.63 cfs from one well to irrigate 62 acres. The applicable portions of No. 2826D-3 were incorporated into Water Permit No. 8177-3.

(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 holder and/or owner of Water Right No. 8177-3 is issued a license, bearing priority dates of June 23, 1976 (0.63 cfs) and July 24, 2015 (0.60 cfs) to appropriate 1.23 cubic feet of water per second from one well – Missouri:Elk Point Aquifer to irrigate 62 acres.

The diversion point is located: 680 feet west and 680 feet north from the SE corner of Section 16-T92N-R53W (SE 1/4 SE 1/4). The acres authorized for irrigation are as follows:

Section 16-T92N-R53W	SW 1/4 SE 1/4	31 acres
	SE 1/4 SE 1/4	<u>31 acres</u>
		62 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 8177-3 including the following qualifications:

1. The well approved under Water Permit No. 8177-3 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. Water Permit No. 8177-3 incorporates Water Right No. 2826D-3.



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

JUL 01 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

7231-3
7464-3
8177-3

JUL 01 2016

D A Olson & Sons
31725 455th Ave
Meckling SD 57069

Dear Mr. Olson:

Enclosed are Water License Nos. 7231-3, 7464-3 and 8177-3. These are the final water right documents completing your 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 these water rights, 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

enclosures