

WATER PERMIT NO. 8198-3

Name of Applicant: Steven Beeson

Address: 39825 299th St, Wagner SD 57501

Phone: 605 491-3116

Amount of Water Claimed: 0.45 cfs (additional)

Total Acres: no additional

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Charles Mix

Type of Waste Disposal System:

Location: 5 miles southeast of Wagner

PRIORITY

Date Received: 2-3-16

Application/License Fee: \$ 500

Corrected Application Received:

Period of Annual Use: June 1 – September 30

Remarks: Increases the diversion rate authorized by Permit No. 7626-3

Diversion Point: Lot 1419 (SW 1/4 NW 1/4) Sec
18-T95N-R62W

Land to be Irrigated: Lots 1418, 1419, 1444 thru
1449 Sec 18-T95N-R62W

Depth of Well: 200 feet deep

Well Driller: Quality Well Service

Remarks:

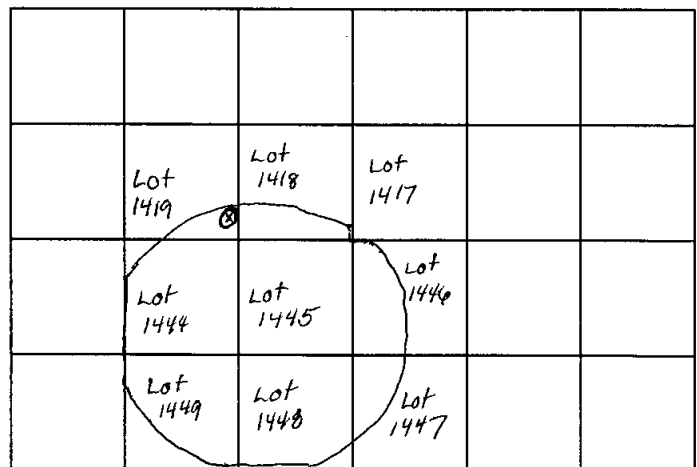
Type of Map: aerial

Prepared by: Adam Mathiowetz

Reviewed and the Number Assigned on: 2-3-16

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8198-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Wagner Post</u> <u>605-384-5616</u>
	<u>Pioneer Dakotan - Yankton</u> <u>605-665-7811</u>

RECEIVED
FEB 03 2016
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 7626-3
(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 Steven Beeson

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 39825 299th St Wagner SD 57501-380
(Address) (City) (State) (Zip Code)

Phone 605-491-3116 Mobile _____ Email _____

2. Amount of water claimed 0.45 *CFS or _____ **GPM _____ ***AF Total Acreage 194 no new
(*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 well - Choteau: West aquifer

4. Location of point of diversion Lot 1419 Sec18 T95N-R62W; Also known as: SW 1/4 NW 1/4 Sec18 T95N-R62W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Charles Mix

5. County or counties where water will be used Charles Mix

6. Annual period during which water is to be used June 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
Lots 1418, 1419, 1444-1446 Sec18 T95N-R62W	115.5		
Lots 1447-1449 Sec18 T95N-R62W	78.5		

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

This application is to authorize the difference between the developed diversion rate of Permit No. 7626-3 of 1,100 gpm and the permitted diversion rate of 900 gpm. The land to be irrigated is the land developed and authorized under Permit No. 7626-3. This application will also correct the location of the diversion point that was developed.

I, Steven Beeson, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

**SOUTH DAKOTA
WATER PERMIT NO. 8198-3**

Date of first receipt of application February 3, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8198-3 to Steven Beeson, 39825 299th St, Wagner SD 57380 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. 8198-3 appropriates an additional 0.45 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 7626-3. Water Permit No. 7626-3 appropriates 2.0 cfs from one well completed into the Choteau:West Aquifer (200 feet deep) to irrigate 280 acres. An investigation of the permit found the system was developed to irrigate 194 acres and capable of diverting an additional 0.45 cfs from the existing well. This permit also corrects and clarifies the location of well and acres irrigated by lot designations. The well is located in Lot 1419 Section 18 and the acres developed for irrigation are located in Lots 1418, 1419, 1444 thru 1449 Section 18; all in T95N-R62W. This permit and Water Permit No. 7626-3 authorize a total diversion of 2.45 cfs to irrigate 194 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: June 1 – September 30.
3. The dates from which applicant may claim right are February 3, 2016 (0.45 cfs) and December 31, 2012 (2.00 cfs).
4. The date of approval of Permit No. 8198-3 is April 18, 2016.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

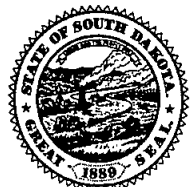
1. The well approved under Permit Nos. 7626-3 and 8198-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 12 2016

date



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 8198-3

(1) Steven Beeson, 39825 299th St, Wagner SD 57501 made Application No. 8198-3, February 3, 2016 for a water permit to divert an additional 0.45 cubic feet of water per second (cfs) from 1 well - Choteau:West Aquifer, Charles Mix County, South Dakota for irrigation purposes. Permit No. 8198-3, with a priority date of February 3, 2016 was approved April 18, 2016 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Permit No. 7626-3, with a priority date of December 31, 2012 authorized diversion of 2.0 cfs to irrigate 280 acres. The applicable portions of No. 7626-3 are incorporated into No. 8198-3.

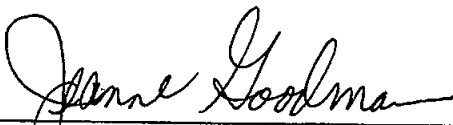
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holders and/or owners of Incorporated Water Right No. 8198-3 is issued a license, bearing priority dates of December 31, 2012 (2.0 cfs) and February 3, 2016 (0.45 cfs) to appropriate 2.45 cfs from 1 well - Choteau:West Aquifer to irrigate 194 acres.

The diversion point is located: 1,275 feet east and 3,090 feet north of the SW corner of Section 18-T95N-R62W (Lot 1419). The acres authorized for irrigation are as follows:

Sec. 18 T95N-R62W									
Lot No.	1418	1419	1444	1445	1446	1447	1448	1449	Total
Acres	14.5	8	38.5	40	14.5	8	38.5	32	194

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 8198-3 including the following now applicable qualifications:

- The well approved under Permit Nos. 7626-3 and 8198-3 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.



Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

MAY 12 2016

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 Quality Well Service

For either Existing or Proposed Wells:

c) Well Depth (required) 200 Depth to Top of Water Bearing Material 80 Depth to Water from Surface 71

d) Distance to nearest domestic well on applicant's property _____ 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)

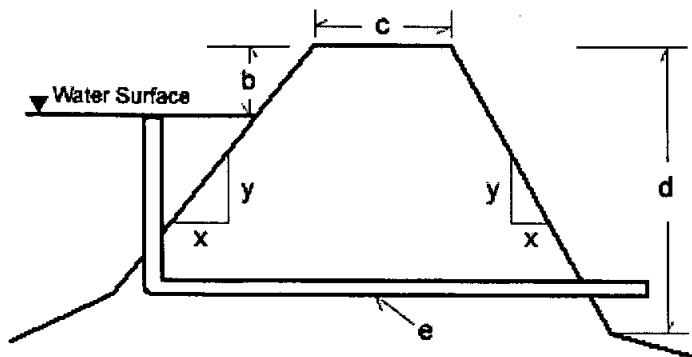
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, December 1, 2015, made a thorough examination of the water use system constructed by Steven Beeson of 39825 299th St Wagner, SD holder of Permit No. 7626-3, bearing the priority of December 31, 2012 authorizing the diversion of 2.0 cu. ft. per second of the waters of the Choteau: West aquifer for irrigation purposes, in Charles Mix County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

- US Electric Highthrust 100 hp motor powering a Hydroflo 8 inch pump set to 1,100 gpm

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

- 1,525 ft of underground 8 in. PVC pipe connects the well to the pivot point.

C. Works used to apply water to beneficial use:

- Reinke 10 tower center pivot, 1,538 feet length with an end gun. The pivot is capable of 1,100 gpm at 50 psi. The center point of the pivot is at 43.0419°, -98.2204°

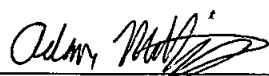
The system is in the following condition: good. The point of diversion is located: Lot 1419 of the Survey of the Yankton Reservation in Charles Mix County (Lot 1419 of Sec. 18-T95N-R62W); 1,275 ft. east and 3,090 ft. north of the SW corner Sec. 18-T95N-R62W; 43.04609° , -98.22163°. The works are capable of diverting and conveying to the place of use 2.45 cu. ft. per second of water which is used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

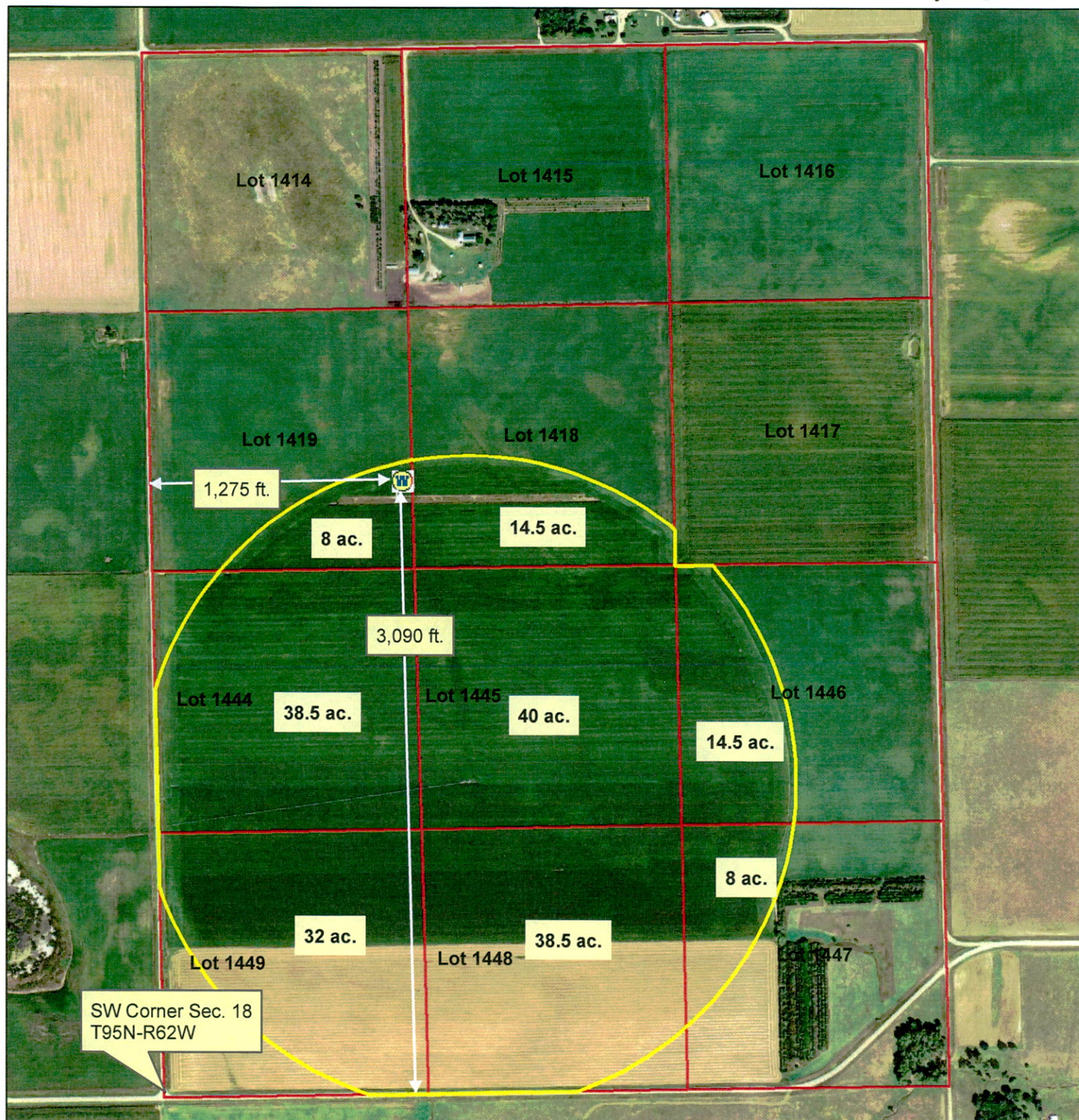
Sec. 18 T95N-R62W									
Lot No.	1418	1419	1444	1445	1446	1447	1448	1449	Total
Acres	14.5	8	38.5	40	14.5	8	38.5	32	194

comprising a total of 194 acres of land and the license should be issued for 2.45 cu. ft. sec. Applicable permit qualifications have been complied with: Yes. Exceptions to compliance are: None.

Comments: The applicant has developed a greater diversion rate than authorized by Permit No.7626-3. A partially completed application to cover this additional diversion rate, 0.45 cfs, was sent to Mr. Beeson on January 21, 2016. He completed and returned the application February 28, 2016. The application was assigned No. 8198-3.

Date: February 3, 2016


Adam Mathiowetz
Natural Resources Engineer
DENR-Water Rights Program



0 0.1 0.2 0.4 Miles

Legal Description of acres:
Lots 1418, 1419, 1444, 1445, 1446, 1447,
1448, and 1449 of the Survey of the
Yankton Reservation in Charles Mix County,

Alternately known as Lots 1418, 1419, 1444,
1445, 1446, 1447, 1448, and 1449 in
Sec. 18 T95N-R62W



Adam Mathiowetz

Adam Mathiowetz
Natural Resources Engineer
DENR-Water Rights Program



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/3, 20 16

RECEIVED OF Steven Beeson 39825 299th St Wagner SD 57380

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

Fee for Application for Permit No. <u>8198-3</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. _____		
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	500 00

No. 07746

By J. Anne Lockman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

Steven Beeson
39825 299th St
Wagner, SD 57380

January 21, 2016

Dear Mr. Beeson,

This letter is in regards to our January 21, 2016, telephone conversation concerning the results of my December 1, 2015, water permit inspection.

As I explained during the call, your irrigation system covered by Water Permit No. 7626-3 authorizes the irrigation of 280 acres with an authorized diversion rate of 2.0 cfs (900 gpm). You have developed a pump and system capacity of 2.45 cfs (1,100 gpm). As we discussed over the telephone you will need to file a new permit application to obtain diversion rate authority for the difference of 0.45 cfs (200 gpm) to bring you water permit into compliance.

I'm enclosing a map showing what is currently developed, water permit application forms, and an instruction sheet. Please complete the application and submit it along with the appropriate fee. The application filing fee for just the additional diversion rate authority is \$500.

If you have any questions, please contact Eric Gronlund or myself at (605) 773-3352.

Sincerely,

Adam Mathiowetz
Natural Resources Engineer
DENR-Water Rights Program

enclosures



**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. 8198-3, Steven Beeson**

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. 8198-3, Steven Beeson, 39825 299th Street, Wagner SD 57380.

The Chief Engineer is recommending APPROVAL of Application No. 8198-3 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 Permit Nos. 7626-3 and 8198-3 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.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
March 29, 2016

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8198-3
STEVEN BEESON
MARCH 30, 2016

Water Permit Application No. 8194-3 proposes to appropriate 0.45 cubic feet of water per second (cfs) to irrigate lands currently authorized for irrigation by Water Permit No. 7626-3. Water Permit No. 7626-3 appropriates 2.0 cfs from one well (200 feet deep) completed into the Choteau: West aquifer to irrigate 280 acres. An investigation of Water Permit No. 7626-3 found the system developed to irrigate 194 acres and capable of diverting water at a maximum rate of 2.45 cfs. This application also serves to correct and clarify the location of the well and acres irrigated by lot designations. The well is located in Lot 1419 Section 18 and the acres developed for irrigation are located in Lots 1418, 1419, 1444 thru 1449 Section 18; all in T95N-R62W in Charles Mix County. This application, if approved and Water Permit No. 7626-3 combined will authorize a total diversion of 2.45 cfs for the irrigation of 194 acres.

AQUIFER: West management unit of the Choteau aquifer (CH:W)

Aquifer Characteristics:

The Choteau: West aquifer is comprised of buried outwash and western-origin stream deposits primarily found under confined conditions (Kume, 1977). These aquifer materials lie in the Choteau bedrock valley in eastern Charles Mix and Douglas Counties (Kume, 1977). The aquifer can be comprised of more than one layer (Kume, 1977). The aquifer thickness can range from 89 feet to less than 25 feet in Charles Mix and Douglas Counties (Kume, 1977). The static water level generally ranges from 49 feet to 126 feet below grade and averages 100 ft (Kume, 1977).

The Choteau: West aquifer underlies approximately 169,600 acres of Charles Mix County, 28,300 acres of Douglas County, and 20,500 acres of Bon Homme County (Hedges and others, 1982). The aquifer also contains an estimated 1,225,370 acre-feet (ac-ft), 127,350 ac-ft, and 121,480 ac-ft of recoverable water in storage in each of those counties, respectively (Hedges and others, 1982).

The well completion report on file for the well this application proposes to use shows “med sand” was encountered from 160 to 200 feet below ground surface (Water Rights, 2016c). That sand is the Choteau: West aquifer. The static water level was 71 feet below grade in June 2013. The aquifer is under confined conditions at the well site. Figure 1 shows a map of the area of the application including nearby observation wells and water rights/permits authorizing wells completed into the Choteau: West aquifer and local roads. Table 1 is a list of the water rights/permits shown in Figure 1.

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

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for this 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 effects on existing rights from the aquifer that are pertinent to this application.

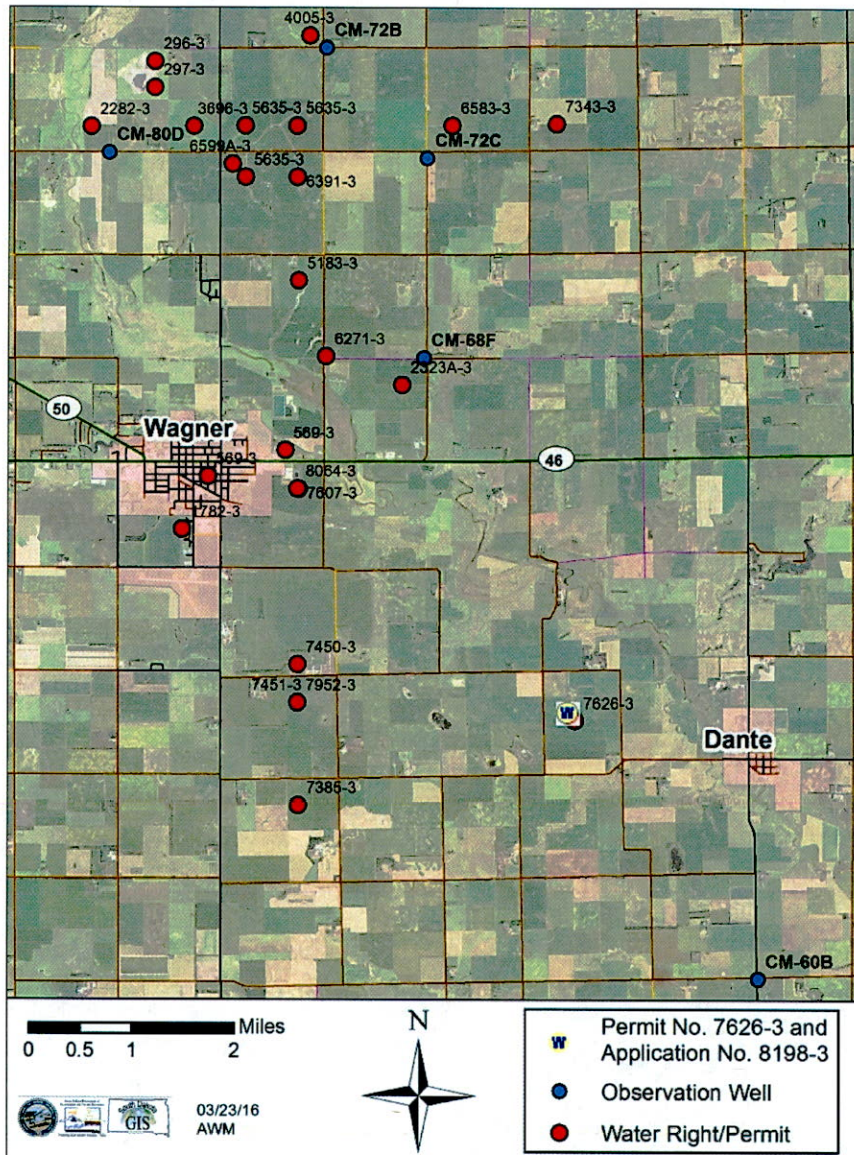


Figure 1- Map of the area of Application No. 8198-3 including water rights/permits authorized to withdraw water from and observation wells completed into the Choteau: West aquifer and local roads (Water Rights, 2016a and 2016b)

Permit No.	Name	Status	Use	CFS	Acres
296-3	Charles H Ahrens	LC	REC/DOM	0.3	0
297-3	Charles H Ahrens	LC	REC	0.3	0
569-3	City of Wagner	LC	MUN	1.1	0
1782-3	City of Wagner	LC	MUN	0.89	0
2282-3	John/Bryan Uecker	LC	IRR	2	160
2323A-3	Samuel D & Angel M Fousek	LC	IRR	2.44	204.44
3696-3	Eugene J & Barbara J Slaba	LC	IRR	1.78	136
4005-3	Richard/Julie Jongewaard	LC	IRR	1.94	136
5183-3	Arlo Miller	LC	IRR	3.55	311
5635-3	Roger W & Maureen A Evans	LC	IRR	9.23	646
6271-3	Sandra Eitemiller	LC	IRR	1.78	132
6391-3	Roger W & Maureen A Evans	LC	IRR	1.78	266
6583-3	Gary Holzbauer	LC	IRR	2	264
6599A-3	Circle H Enterprise	PE	IRR	0.57	40
7343-3	Stanley Peters	PE	IRR	2	248
7385-3	Sam Fousek	PE	IRR	3.33	180
7450-3	Fischer Farms	PE	IRR	3.56	450
7451-3	Seth Fischer	PE	IRR	1.89	105
7607-3	Ken Swatek	PE	IRR	1.78	111
7626-3	Steven Beeson	PE	IRR	2	280
7952-3	Fischer Farms	PE	IRR	0	135.12
8064-3	Ken Swatek	PE	IRR	0	25
LC= Water Rights, PE= Water Permit, REC= Recreational, DOM= Domestic, MUN= Municipal, IRR= Irrigation					

Table 1- List of Water Rights/Permits shown in Figure 1 (Water Rights, 2016b)

WATER AVAILABILITY:

This application proposes to increase the diversion rate of an existing well but does not propose to increase the total number of acres irrigated. The annual appropriation will not change. The well this application proposes to use serves only one center pivot irrigation system. This increase of diversion rate will allow for faster application of water. Thus, approval of this application will not affect the availability of unappropriated water from this aquifer. Therefore, there is a reasonable probability that unappropriated water is available from the Choteau: West aquifer for approval of this application.

EXISTING WATER RIGHTS:

The nearest water rights/permits authorizing wells to withdraw water from the Choteau: West aquifer are approximately 2.6 miles west of the well this application proposes to use (Water Rights, 2016b). There are a number of domestic wells on file with the DENR-Water Rights Program within two miles of the well site that appear to be completed into the Choteau: West aquifer (Water Rights, 2016c). Figures 2 and 3 show the hydrographs for observation wells CM-60B and CM-68F, respectively. Observation wells CM-60B and CM-68F are representative of the other observation wells completed into the Choteau: West aquifer and are thus representative of the aquifer.

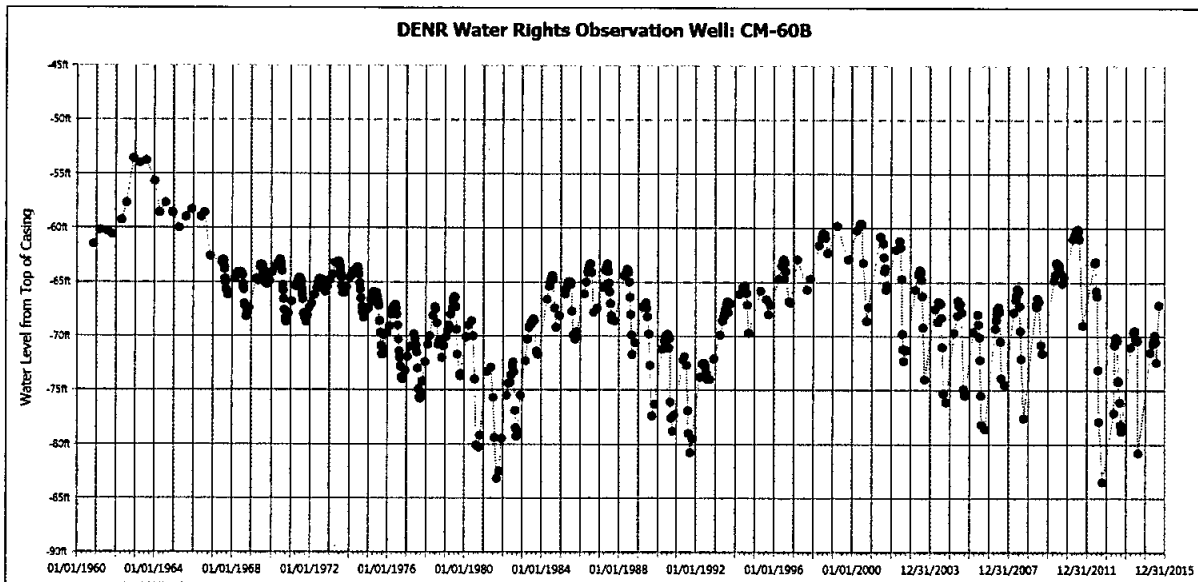


Figure 2- Observation well CM-60B hydrograph (Water Rights, 2016a)

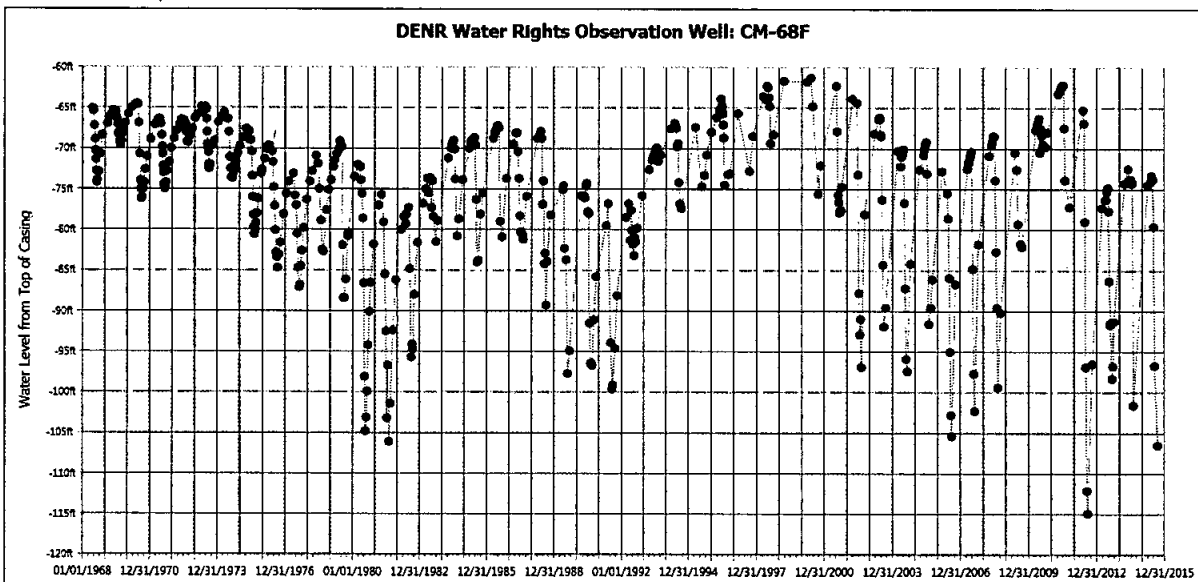


Figure 3- Observation well CM-68F hydrograph (Water Rights, 2016a)

The hydrographs show that the water levels in the Choteau: West aquifer are cyclical following the changes in climate. The hydrographs for the observation wells completed into the aquifer show the temporal impacts of pumping on water level. However, the water levels in the observation wells are still dominated by climate. During periods of the low water levels in CM-60B and CM-68F there was still 53 and 48 feet of artesian head pressure below the lowest recorded water level in each observation well. The water levels in the observation wells have always recovered after the end of the irrigation pumping season.

Observation well CM-68F is within one mile of two high capacity wells (Water Rights, 2016a and 2016b). While the water levels in CM-68F have shown drawdown during the irrigation season, climatic conditions still dominate the water level. A domestic well in the area of the well

this application intends to use is not expected to be adversely impacted as defined in ARSD 74:02:04:20(7). The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs”

In the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. Since the aquifer is under confined conditions, drawdown due to pumping may be experienced some distance from the well site. Due to the distance between wells and the low diversion rate proposed by this application, pumping by this proposed appropriation is not expected to cause adverse impacts to existing appropriative or domestic users. However depending on the specific characteristics of the Choteau: West aquifer at their well sites, some existing well owners may need to lower their pumps to accommodate for deeper water levels. When considering the statute (SDCL 46-6-6.1) and the rule (ARSD 74:02:04:20(7)), well interference from this proposed diversion rate is not likely to cause a significant impact. Therefore, there is a reasonable probability that any interference will not be adverse.

AREA CONTROVERSY:

Irrigation development from the 1950’s through the 1970’s in this area was very controversial. Irrigation pumping caused changes in the water levels in domestic wells that resulted in wells that no longer were free flowing at the surface and caused other wells to need to have pumps lowered. The early controversies were resolved and there have not been issues in this area for several years. A change in SD Water Law was made so that artesian head pressure is no longer protected as a means of water delivery. The early controversies would not have been issues with the change in water law.

CONCLUSIONS:

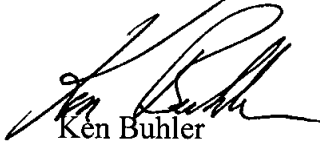
1. During an inspection of Water Permit No. 7626-3, it was determined the system could divert more water than was authorized by the permit. Water Permit Application No. 8198-3 proposes to increase the diversion rate authorized by Water Permit No. 7626-3 by 0.45 cfs to match the system as constructed, and to correct and clarify the location of the well and the acres irrigated by lot designations.
2. Water Permit No. 7626-3 authorizes the irrigation of 280 acres at a diversion rate of 2.0 cfs from the Choteau: West aquifer in Charles Mix County.
3. Water Permit No. 7626-3 and this application, if approved, combined would authorize the irrigation of 194 acres at a diversion rate of 2.45 cfs from the Choteau: West aquifer in Charles Mix County.

4. This application, if approved, does not authorize any increase in the total volume of water appropriated. However, an increase in diversion rate will allow water to be applied faster.
5. There is a reasonable probability that the diversion proposed by this application can be made without adversely impacting existing appropriative or domestic users.
6. There was controversy regarding artesian head pressure and the effects irrigation development had on it in the area. Changes to SD Water Law were made to no longer protect artesian head pressure as a means of water delivery. There have not been issues since the law change.



Adam Mathiowetz, PE
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Kume, J. 1977. Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota; Part II: Water Resources. S.D. Geological Survey Bulletin 22. SD DENR-Geological Survey, Vermillion, South Dakota.
- Water Rights. 2016a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2016b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2016c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Affidavit of Publication

RECEIVED

The Wagner Post

STATE OF SOUTH DAKOTA)

APR 21 2016

)SS

COUNTY OF CHARLES MIX)

WATER RIGHTS
PROGRAM

Public

Notice of Appl

NOTICE OF APPLICATION NO. 8198-3 TO APPROPRIATE WATER

Notice is given that Steven Beeson, 39825 299th St, Wagner SD 57380 has filed an application for a water permit to appropriate an additional 0.45 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 7626-3. Water Permit No. 7626-3 appropriates 2.0 cfs from one well completed into the Choteau West Aquifer (200 feet deep) to irrigate 280 acres. An investigation of the permit found the system was developed to irrigate 194 acres and capable of diverting an additional 0.45 cfs from the existing well. This application also serves to correct and clarify the location of well and acres irrigated by lot designations. The well is located in Lot 1419 Section 18 and the acres developed for irrigation are located in Lots 1418, 1419, 1444 thru 1449 Section 18; all in T95N-R62W. This application, if approved and Water Permit No. 7626-3 will authorize a total diversion of 2.45 cfs to irrigate 194 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends

Danielle Weisser, of said County and State being first duly sworn on her oath says: That **The Wagner Post** is a legal newspaper of general circulation, printed and published in Wagner, in said County and State, by Danielle Weisser, and has been such newspaper during the time herein mentioned; and that I, Danielle Weisser, the undersigned, of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for 1 successive weeks.

1st publication made on 6th day of April, 2016
2nd publication made on _____ day of _____, 2016
3rd publication made on _____ day of _____, 2016
4th publication made on _____ day of _____, 2016
5th publication made on _____ day of _____, 2016

That said newspaper is a legal newspaper, and has a bonafide circulation of more than two hundred copies weekly, and has been published within the County of Charles Mix for more than fifty-two successive weeks prior to the first publication of said notice, and is printed in an office maintained in Wagner, South Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is

\$ 30.62

Danielle Weisser

Subscribed and sworn before me this 19
April, 2016.

Bruna Rupp

Notary Public

My commission expires 10/22/16

APPROVAL of Application No. 8198-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 18, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

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

Published once at the total approximate cost of \$30.62.

Pub: April 6, 2016

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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APR 11 2016

WATER RIGHTS
PROGRAM

STEVEN BEESON
39825 299TH ST
WAGNER SD 57380

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

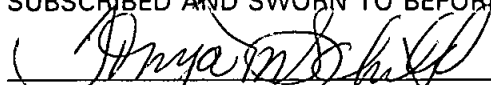
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTIC OF APP. NO. 8198-3
4+6 NOTICE OF APPLICATIO
TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 6th DAY OF April, 2016
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$30.60 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: 04/06/2016

FILED ON: 04/06/2016



SUBSCRIBED AND SWORN TO BEFORE ME THIS 6th DAY OF April, 2016



NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 08/19/2021

Ad text : 4 + 6

NOTICE OF APPLICATION NO. 8198-3 to Appropriate
Water

Notice is given that Steven Beeson, 39825 299th St, Wagner SD 57380 has filed an application for a water permit to appropriate an additional 0.45 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 7626-3. Water Permit No. 7626-3 appropriates 2.0 cfs from one well completed into the Choteau:West Aquifer (200 feet deep) to irrigate 280 acres. An investigation of the permit found the system was developed to irrigate 194 acres and capable of diverting an additional 0.45 cfs from the existing well. This application also serves to correct and clarify the location of well and acres irrigated by lot designations. The well is located in Lot 1419 Section 18 and the acres developed for irrigation are located in Lots 1418, 1419, 1444 thru 1449 Section 18; all in T95N-R62W. This application, if approved and Water Permit No. 7626-3 will authorize a total diversion of 2.45 cfs to irrigate 194 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8198-3 with qualifications 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. The Chief Engineers recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of \$30.60.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, March 31, 2016 7:37 AM
To: Wagner (announcer@hcinet.net)
Subject: 8198-3, Steve Beeson
Attachments: 8198-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on April 6, 2016.

Steven Beeson, 39825 299th St, Wagner SD 57380 (605 491-3116) has 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, March 31, 2016 7:38 AM
To: 'Tera Schmidt'
Subject: 8198-3, Steve Beeson
Attachments: 8198-3publicnov2015.short1.docx; FORM8.FRM.doc

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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.**

March 30, 2016

Steven Beeson
39825 299th St
Wagner SD 57380

Dear Mr. Beeson:

Water Permit Application No. 8198-3 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 Wagner Post printed at Wagner SD (Ph # 605-384-5616) 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. 8198-3 to Appropriate Water

Notice is given that Steven Beeson, 39825 299th St, Wagner SD 57380 has filed an application for a water permit to appropriate an additional 0.45 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 7626-3. Water Permit No. 7626-3 appropriates 2.0 cfs from one well completed into the Choteau:West Aquifer (200 feet deep) to irrigate 280 acres. An investigation of the permit found the system was developed to irrigate 194 acres and capable of diverting an additional 0.45 cfs from the existing well. This application also serves to correct and clarify the location of well and acres irrigated by lot designations. The well is located in Lot 1419 Section 18 and the acres developed for irrigation are located in Lots 1418, 1419, 1444 thru 1449 Section 18; all in T95N-R62W. This application, if approved and Water Permit No. 7626-3 will authorize a total diversion of 2.45 cfs to irrigate 194 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8198-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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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

8198-3
7626-3

MAY 12 2016

Steven Beeson
39825 299th St
Wagner SD 57380

Dear Mr. Beeson:

Enclosed are Water Permit and Water License No. 8198-3. These are the final water right documents completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 8198-3, 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 License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

Note: The applicable portions of No. 7626-3 are incorporated into Water License No. 8198-3.

enclosures



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: STEVEN BEESON, 39825 299TH ST, WAGNER, SD 57380

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8198-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8198-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8198-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ADXPQM**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 7, 2023

8198-3

Steven Beeson
39825 299th St
Wagner SD 57380

Dear Mr. Beeson:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 8198-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us