

WATER PERMIT NO. 8279-3

Name of Applicant: Myron Van Buskirk

Address: 5800 S Remington, Suite 100, Sioux Falls SD 57108

Phone: 605 361-8211

Amount of Water Claimed: no add'l

Total Acres: 40 acres

Source of Water Supply: one existing well

Water to be used for: irrigation

County: Jerauld

Type of Waste Disposal System:

Location: 12 miles west of Wessington Springs

PRIORITY

Date Received: 4-17-17

Application/License Fee: \$ 700

Corrected Application Received:

Period of Annual Use: May 1 – September 30

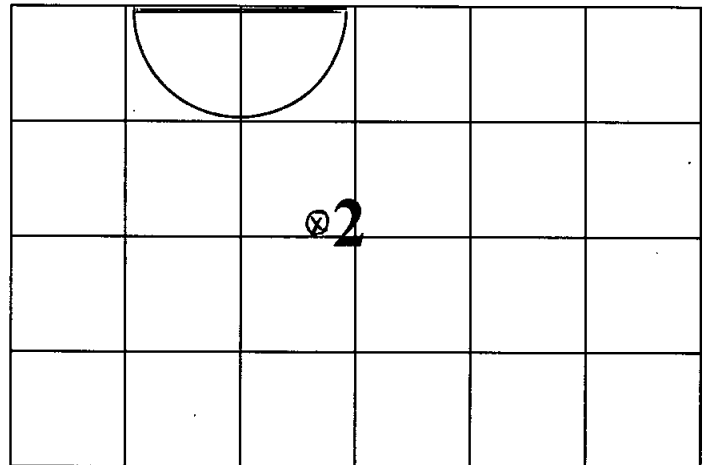
Remarks: use existing well authorized by Water Permit Nos. 7303-3 & 6827A-3

Diversion Point: SE 1/4 NW 1/4 Sec 2-T107N-

R67W

Land to be Irrigated: N 1/2 NW 1/4 Sec 2-T107N-

R67W



Depth of Well: 69 feet deep

Well Driller: Stretch's Well Service

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 4-17-17

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>8279-3</u> (office use only)
	Hydrologic Unit <u>10140105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>True Dakotan, Wessington Springs</u> <u>Plainsman, Huron</u>

RECEIVED
APR 17 2017
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Myron Van Buskirk

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

Mailing Address 5800 S Remington, Suite 100 Sioux Falls SD 57108
(Address) (City) (State) (Zip Code)

Phone 605 361-8211 Mobile _____ Email _____

2. Amount of water claimed no add'l *CFS or _____ **GPM _____ ***AF Total Acreage 40
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply use existing well authorized by Water Permit No. 7303-3

4. Location of point of diversion SE 1/4NW 1/4 Section 2, T107N, R67W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Jerauld

5. County or counties where water will be used Jerauld

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

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

Land Description	Acres	Land Description	Acres
NW1/4 NW 1/4 Section 2, T107N, R67W	20		
NE1/4 NW 1/4 Section 31, T113N, R63W	20		
<u>Section 2-T107N-R67W</u>			

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

Develop additional irrigation from the well authorized by Water Permit No. 7303-3. No increase in the diversion rate from the well is requested.

Matt Van Buskirk (350-5671) is a contact person for processing the permit application

I, Myron Van Buskirk Owner, 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.

10 Apr 2017

SOUTH DAKOTA
WATER PERMIT NO. 8279-3

Date of first receipt of application April 17, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8279-3 to Myron Van Buskirk, 5800 S Remington, Suite 100, Sioux Falls SD 57108 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8279-3 authorizes irrigation of 40 acres. Water Permit Nos. 7303-3 and 6827A-3, combined appropriate 4.21 cubic feet of water per second from one well completed into the Crow Creek Aquifer (65 feet deep) located in the SE 1/4 NW 1/4 Section 2 for irrigation of 300 acres located in the SE 1/4, S 1/2 NE 1/4 Section 3 and SW 1/4 NW 1/4, W 1/2 NE 1/4 and the E 1/2 NW 1/4 Section 2; all in T107N-R67W. This permit authorizes irrigation of 40 acres located in the N 1/2 NW 1/4 Section 2-T107N-R67W from the existing well. This permit does not authorize any increase in the authorized diversion rate.
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 April 17, 2017.
4. The date of approval of Permit No. 8279-3 is July 7, 2017.
5. One-fifth of the construction is to be completed on or before January 7, 2020.
6. All construction is to be completed on or before July 7, 2022.
7. Water is to be put to beneficial use on or before July 7, 2026.
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 Permit Nos. 6827A-3, 7303-3 and 8279-3 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

AUG 08 2017
date

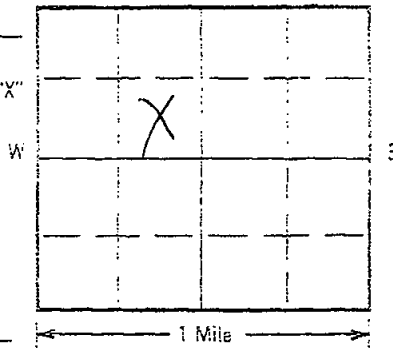


SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NW 1/4 Sec 2 Twp 107 Rg 67
 County Serauld

Please mark well location with an "X"



Well-Completion Date

2-3-12

Well Owner: Myron VanBuskirk
 Business Name: Whiskey Creek
 Address: P.O. Box 89634
Sioux Falls SD 57109

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>6</u>
<u>Blue Clay</u>	<u>6</u>	<u>17</u>
<u>Sand Streaks & Clay</u>	<u>17</u>	<u>25</u>
<u>Good Sand</u>	<u>25</u>	<u>35</u>
<u>Course Sand</u>	<u>35</u>	<u>65</u>

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): NONE from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☒ Other

If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>9.5 LB/FT</u>	<u>12 IN</u>	<u>25 FT</u>	<u>65 FT</u>	<u>17 1/2 IN</u>
<u>PVC LB/FT</u>	<u>12 IN</u>	<u>0 FT</u>	<u>25 FT</u>	<u>17 1/2 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Envirol Plug</u>	<u>5</u>	_____ lb./gal	<u>15</u> ft	<u>20</u> ft
<u>Portland</u>	_____	_____ lb./gal	<u>0</u> ft	<u>10</u> ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 40 FEETMaterial Stainless SteelSlot Size .50 Set From 25 Feet to 65 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? Envirol PlugDescribe packer(s) and location? above Screen

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____

Laboratory sent to for water quality analysis

☐ NO, Why Not? _____Flushed with ChlorineSTATIC WATER LEVEL 10' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

12.8' ft. After 5 Hrs. pumped 400 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

FEB - 8 2012

WATER RIGHTS PROGRAM

This well was drilled under license # 722

And this report is true and accurate.

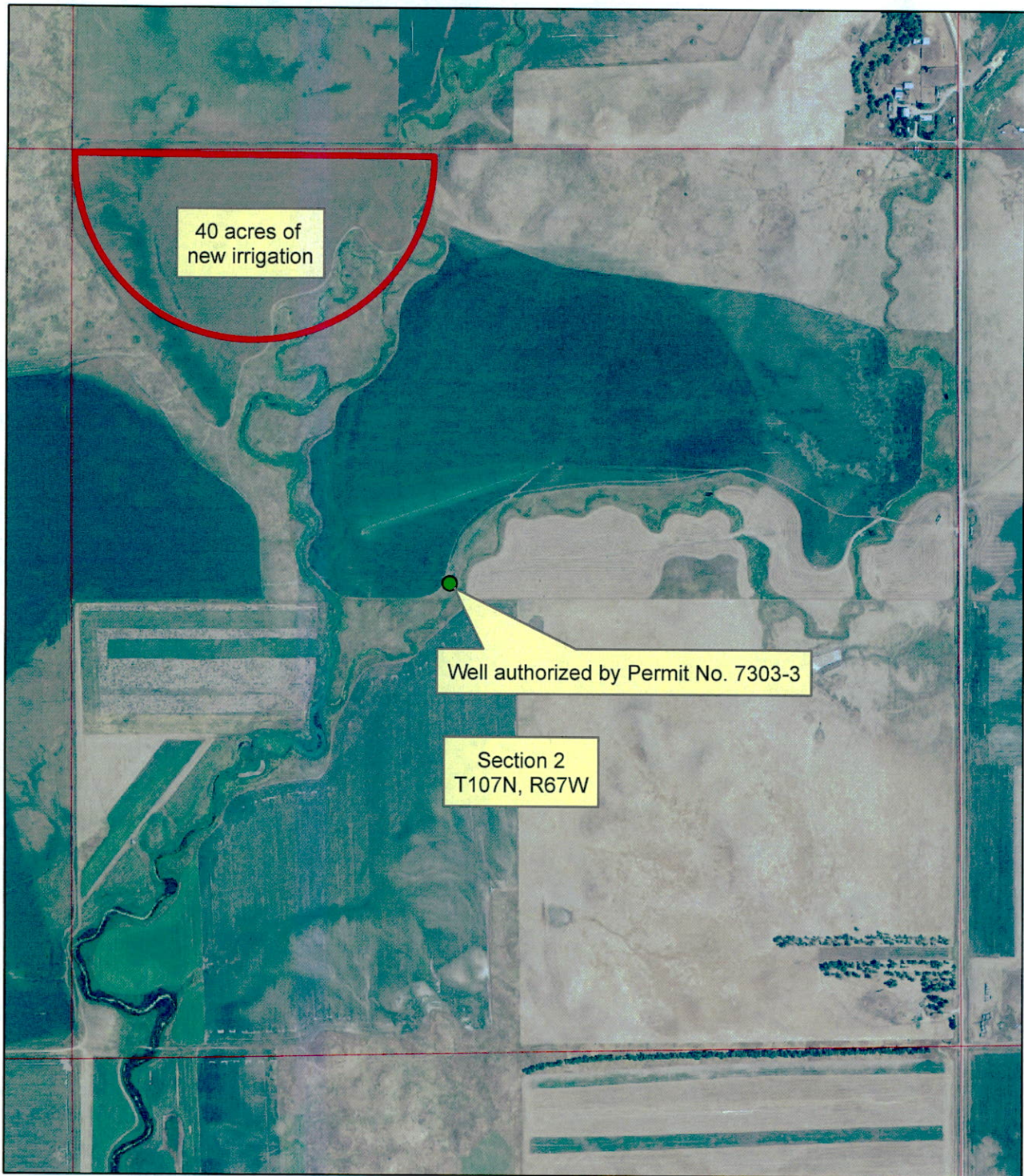
Drilling firm Stetzel's Well Service Inc.

Signature of License Representative: _____

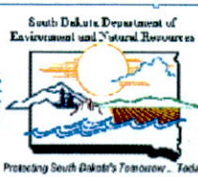
Signature of Well Owner or Equitable Property Holder: _____

Date: _____

Myron Van Buskirk Water Permit Application



1,000 500 0 1,000 Feet



Eric Gronlund

Eric Gronlund
Water Rights Program
based on representation by
Matt Van Buskirk on March 28, 2017

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date

April 17, 20 17

RECEIVED OF Whiskey Creek LLP, for Myron Van Buskirk, 5800 S Remington, Sioux Falls SD

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

Fee for Application for Permit No. <u>8279-3</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>8279-3</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. 08228

By Janne Goodman
Chief Engineer KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8279-3, Myron Van Buskirk**

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. 8279-3, Myron Van Buskirk, 5800 S Remington, Suite 100, Sioux Falls SD 57108.

The Chief Engineer is recommending APPROVAL of Application No. 8279-3 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. 6827A-3, 7303-3 and 8279-3 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. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Niobrara aquifer.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is written in a cursive, flowing style.

Jeanne Goodman, Chief Engineer
June 19, 2017

REPORT ON APPLICATION NO. 8279-3

For Myron Van Buskirk

June 15, 2017

Water Permit Application No. 8279-3 has filed an application for a water permit to irrigate 40 acres. Water Permit Nos. 7303-3 and 6827A-3 combined, appropriate 4.21 cubic feet of water per second (cfs) from one well completed in to the Crow Creek Aquifer (approximately 65 feet deep) located approximately 12 miles west of Wessington Springs, South Dakota. The well is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2 for irrigation of 300 acres located in the SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3 and SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 2, all in T107N-R67W in Jerauld County. This application, if approved proposes to irrigate 40 additional acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 2, T107N-R67W from the existing well but does not authorize any increase in the diversion rate already authorized by Water Permit Nos. 7303-3 and 6827A-3.

AQUIFER – CROW CREEK (CC)

The Crow Creek Aquifer is composed of glacial outwash deposits ranging from medium to very coarse sand and gravel. The aquifer is under predominantly water table conditions in this area but at this site is under slight artesian conditions. The aquifer underlies 15,700 acres and contains an estimated 270,000 acre feet of water in storage in Jerauld County (Hamilton, 1985). Hamilton also estimated a recharge rate of approximately 2.4 inches per year; and therefore approximately 9,000 acre-feet of recharge per year. The aquifer extends into Hand County to the north and into Buffalo and Brule Counties to the south and west. Groundwater movement is from northeast to southwest across the area of this application (Hamilton, 1985).

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 Water Rights Program monitors a total of nine observation wells completed into the Crow Creek Aquifer, with the closest well (JE-77E) located approximately 2 miles southwest of this site (Water Rights, 2017). The hydrographs for all the observation wells show increasing water levels over the period of record. Water levels also show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. Thus, recharge to and natural discharge from the aquifer significantly exceeds pumping. A hydrograph for observation well JE-77 is included and labeled as Figure 1.



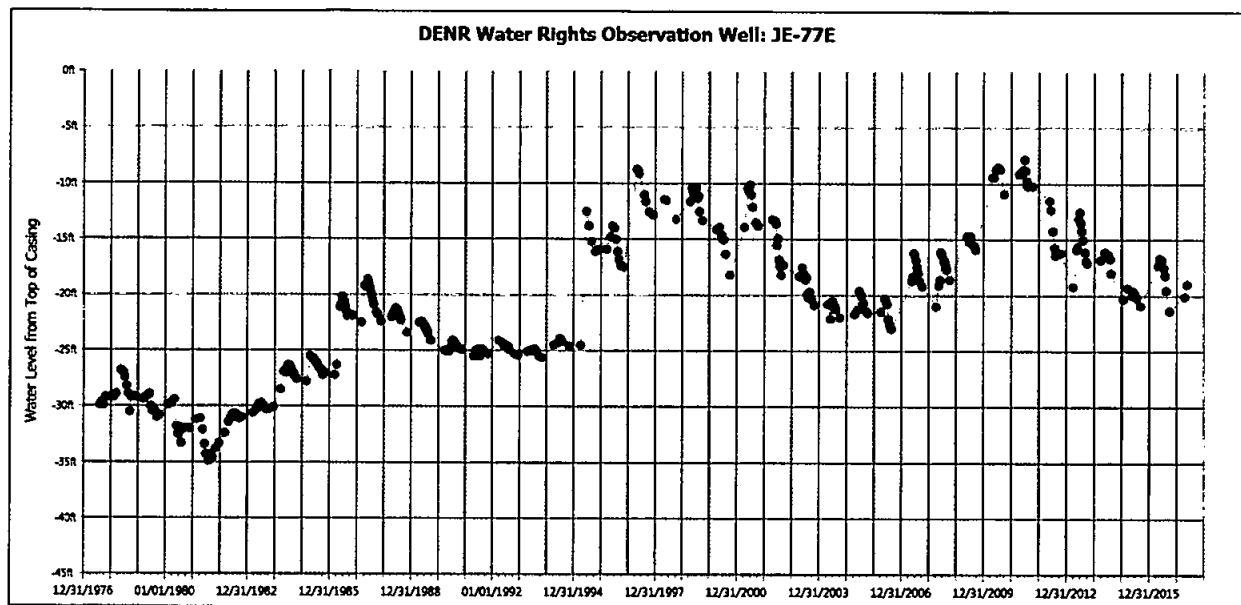


Figure 1. Hydrograph of observation well JE-77E.

This application, if approved, would not increase the diversion rate, but the additional 40 acres would increase the total annual volume of water appropriated by approximately 33 acre-feet. A review of annual irrigation questionnaires found the average historic irrigation pumpage from the Crow Creek aquifer for 1979 to 2016 is 1,614 acre-feet per year. The estimated average annual recharge rate is approximately 2.4 inches per year or approximately 9,000 acre-feet of recharge per year.

Therefore, based on observation well records and review of irrigation questionnaires, there is a reasonable probability that unappropriated water is available for the application.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water right appropriating from the Crow Creek Aquifer that is not owned by the applicant is Water Permit No. 6991-3 located approximately 3 miles to the southwest (permitted 0.33 cfs for irrigation). Interference is not expected to be a problem due to distance from existing wells. Existing water permits appropriating ground water located within a one mile radius of this application are shown in Table 1 and Figure 2.

PERMIT NO	LAST NAME	AQUIFER	USE	CFS
6827A-3	Van Buskirk	CC	IRR	3.21
7303-3	Van Buskirk	CC	IRR	1.00

Table 1. Water permits within a one mile radius of the application showing the permitted diversion rate.



Figure 2. Approximate location of diversion points for water rights/permits appropriating water from the Crow Creek Aquifer within a one mile radius of Application No 8279-3.

CONCLUSIONS

1. Water Permit Application No. 8279-3 proposes to irrigate 40 additional acres from an existing well but does not authorize any increase in the diversion rate already authorized by Water Permit Nos. 7303-3 and 6827A-3.
2. This is an existing well and diversions from the site proposed by this application are not expected to adversely impact existing water rights.
3. Although there would be an increase in water use of approximately 33 acre-feet, there is a reasonable probability that unappropriated water is available for the application.
4. Based on observation well records and review of irrigation questionnaires, there is a reasonable probability that unappropriated water is available for the application.



Aaron Tieman
SD DENR-Water Rights Program

BIBLIOGRAPHY

Hamilton, L.J., 1985, Water Resources of Aurora and Jerauld Counties, South Dakota,
Water Resources Investigations Report 84-4030, USGS, Huron, SD 57350.

Water Right, 2017, Unpublished Observation Well Data for Jerauld County, SD DENR,
SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**Myron VanBuskirk- #3121 Water Rights-
VanBuskirk**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 27TH Day JUNE 2017. That the full amount of the fee charged for publishing Forty-Two & 26/100 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.

Subscribed and sworn to me before this 1st Day of AUGUST 2017.


Notary Public, South Dakota

My term expires 03/11/2022
Legal #3121

2000 - Legals

F.P. 06-27-17

**NOTICE OF
APPLICATION
NO. 8279-3**

to Appropriate Water

Notice is given that Myron Van Buskirk, 5800 S Remington, Suite 100, Sioux Falls SD 57108 has filed an application for a water permit to irrigate 40 acres. Water Permit Nos. 7303-3 and 6827A-3, combined appropriate 4.21 cubic feet of water per second from one well completed into the Crow Creek Aquifer (65 feet deep) located in the SE 1/4 NW 1/4 Section 2 for irrigation of 300 acres located in the SE 1/4, S 1/2 NE 1/4 Section 3 and SW 1/4 NW 1/4, W 1/2 NE 1/4 and the E 1/2 NW 1/4 Section 2; all in T107N-R67W. This application proposes to irrigate 40 acres located in the N 1/2 NW 1/4 Section 2-T107N-R67W from the existing well. This application, if approved does not authorize any increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8279-3 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 July 7, 2017.

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
No. 3121 (adv.)
Published once at the
total approximate cost of
\$42.46.

RECEIVED
AUG 04 2017
**WATER RIGHTS
PROGRAM**

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Jerauld) SSI, Kristi Hinecertify that the attached printed Notice was
takenfrom the True Dakotanprinted and published in Wessington Springs
County of Jerauld andstate of South Dakota. The notice was
published

in the newspaper on the following date:

June 27, 2017Cost of Printing 32.43Kristi Hine
(Signature)Owner/Publisher
(Title)6/28/17
(Date Signed)NOTICE OF APPLICATION
NO. 8279-3 to Appropriate Water

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$32.43.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 19, 2017 2:17 PM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: 8279-3, Myron Van Buskirk
Attachments: 8279-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on June 27, 2017.

Myron Van Buskirk, 5800 S Remington, Suite 100, Sioux Falls SD 57108 (605 361-8211) 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 to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 19, 2017 2:16 PM
To: truedakotan@venturecomm.net
Subject: 8279-3, Myron Van Buskirk
Attachments: 8279-3public.short.docx; FORM8.FRM.doc

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Karen Schlaak

SD DENR, Water Rights Program
(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.**

June 19, 2017

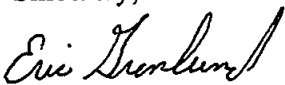
Myron Van Buskirk
5800 S Remington, Suite 100
Sioux Falls SD 57108

Dear Mr. Van Buskirk:

Water Permit Application No. 8279-3 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 True Dakotan printed at Wessington Springs SD (Ph # 605 539-1281) and the Plainsman printed at Huron SD (Ph # 605 353-7414). 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.

*# 6-20-17
Sent report, rec
and notice stuff
to Matt VanBuskirk*

NOTICE OF APPLICATION NO. 8279-3 to Appropriate Water

Notice is given that Myron Van Buskirk, 5800 S Remington, Suite 100, Sioux Falls SD 57108 has filed an application for a water permit to irrigate 40 acres. Water Permit Nos. 7303-3 and 6827A-3, combined appropriate 4.21 cubic feet of water per second from one well completed into the Crow Creek Aquifer (65 feet deep) located in the SE 1/4 NW 1/4 Section 2 for irrigation of 300 acres located in the SE 1/4, S 1/2 NE 1/4 Section 3 and SW 1/4 NW 1/4, W 1/2 NE 1/4 and the E 1/2 NW 1/4 Section 2; all in T107N-R67W. This application proposes to irrigate 40 acres located in the N 1/2 NW 1/4 Section 2-T107N-R67W from the existing well. This application, if approved does not authorize any increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8279-3 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 July 7, 2017.

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 _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

AUG 08 2017

Myron Van Buskirk
5800 S Remington
Suite 100
Sioux Falls SD 57108

Dear Mr. Van Buskirk:

Enclosed is Water Permit No. 8279-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A 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 information 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 4, 2025

6827A-3

7303-3

8279-3

Steve & Brian Roduner
22360 362nd Ave
Miller SD 57362

Dear Mr. Roduner:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters. I write to you today in response to the 2024 Irrigation Questionnaire information submitted for Water Permit Nos. 6827A-3, 7303-3, and 8279-3.

We've received your report that property authorized for irrigation under the above listed permits, previously owned by Myron Van Buskirk, had been sold to you. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for Permit Nos. 6827A-3 & 7303-3 for you to complete and return in the pre-paid envelope.

Please return the forms with a check for \$100.00 (\$50.00/transfer) made payable to "SD Water Rights Program" to cover the transfer fees. If you would prefer to pay by card, you may call our Fiscal Office at 605.773.5559. These forms will still need to be returned even if you are submitting payment over the phone.

Permit No. 8279-3 authorized the irrigation of an additional 40 acres, to be located in the N ½ NW ¼ Section 2-T107N-R67W, to what was already authorized by Permit Nos. 6827A-3 & 7303-3. Permit No. 8148-3 was approved on April 17, 2017, with all construction to be completed by July 7, 2022.

On this year's report, all previous reports, the selection of "System Not Constructed" was made. Unfortunately, with the date for construction completion having passed, this permit should be considered for cancellation due to non-construction.

Please contact me to discuss cancellation of this permit.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

8279-3

PAID

MAY 21 2025

Ck# 1730

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. PE 8279-3

Date: 5-14-2025

I/We request that Water Right/Permit No. 8279-3 formerly owned by:
Myron Van Buskirk be transferred to:

New Owner Name: Steve/Brian Roduner
Address: 22360 ~~362~~ ~~360~~ ~~362~~ 362nd Ave mobile: 6053500314
City, State, Zip Miller, SD 57362 email: Rodunerfarms@gmail.com

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

An additional 40 acres located in N 1/2 NW 1/4 Section 2, T107N, R67W
to what is authorized by Water Permit Nos. 7303-3 & 6827A-3.
No increase in the diversion rate.

RECEIVED

MAY 21 2025

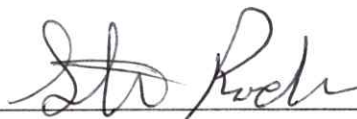
OFFICE OF
WATER

☒ I understand that the validity of Water Right/Permit No. 8279-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Steve Roduner, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three-year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 21st, 2025

RECEIVED OF Brian Roduner and Steve Roduner 22360 362nd Ave Miller SD 57362

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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 #6827A-3, #7303-3, #8279-3	\$150.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$150.00

By

Mark Maerz
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 7, 2026

8279-3

Steve & Brian Roduner
22360 362nd Ave
Miller SD 57362

Dear Mr. Roduner:

I write to you today in response to the 2025 Irrigation Questionnaire information submitted for Water Permit No. 8279-3, authorizing irrigation of 40 acres located in the N ½ NW ¼ Section 2-T107N-R67W, Jerauld County, South Dakota.

Permit No. 82779-3 was approved on July 7, 2017, with construction to be completed by July 7, 2022.

On this year's report, all previous reports, the selection of "System Not Constructed" was made. Unfortunately, with the date for construction completion having passed, this permit should be considered for cancellation.

Please contact me via email or by calling my direct line (605) 910-5187 to discuss potential cancellation of Water Permit No. 8279-3.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
Amanda.Dewell@state.sd.us
(605) 773-3352