

**WATER PERMIT NO. 8287-3**

Name of Applicant: **Dan Hanson and Scott Hanson**

Address: **47644 327<sup>th</sup> St, Elk Point SD 57025** Phone: **712 259-4917**

Amount of Water Claimed: **2.22 cfs** Total Acres: **170**

Source of Water Supply: **groundwater (1 existing well)**

Water to be used for: **irrigation** County: **Union**

Type of Waste Disposal System:

Location: **1/2 west of Elk Point**

**PRIORITY** Date Received: **5-18-17**

Application/License Fee: **\$ 1050**

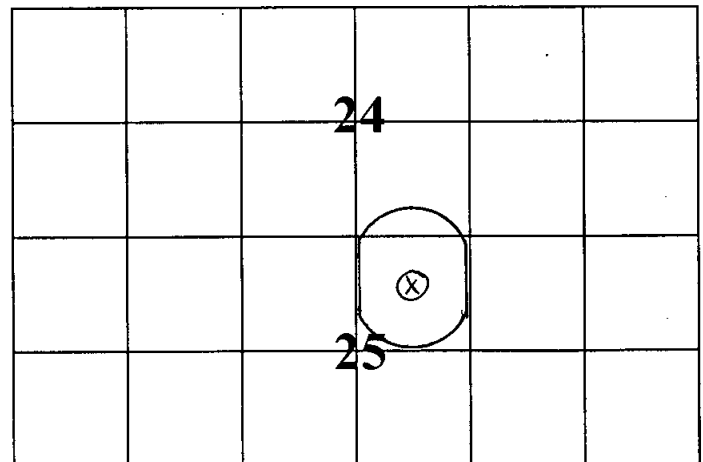
Corrected Application Received: **5-25-17**

Period of Annual Use: **May 1 – September 30**

Remarks: **existing system**

Diversion Point: **approximate center of NE 1/4 Sec**  
**25-T91N-R50W**

Land to be Irrigated: **NE 1/4 Sec 25 & S 1/2 SE 1/4**  
**Sec 24; all in T91N-R50W**



Depth of Well: **132 feet deep**

Well Driller: **Dakota Drilling & Backhoe, Inc.**

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **5-25-17**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_

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

|                                                                                                                    |                                            |                                                      |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------------------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. <u>8287-3</u>                          | (office use only)<br>Hydrologic Unit <u>10170101</u> |
|                                                                                                                    | Basin <u>Vermillion River</u>              |                                                      |
|                                                                                                                    | Newspaper <u>Leader-Courier, Elk Point</u> |                                                      |
|                                                                                                                    | <u>Press &amp; Dakotan, Yankton</u>        |                                                      |

RECEIVED

MAY 18 2017

WATER RIGHTS  
PROGRAM

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MAY 25 2017

Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant Dan Hanson + Scott Hanson Phone 712-259-4917  
(check one) ☒ Owner ☐ Tenant/lessee  
Mailing Address 47644 327th St. Elk Point State SD 57025  
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.22 \*CFS or 1000 \*\*GPM \*\*\*AF Total Acreage 170  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County UNION  
NE 1/4 Sect. 25 approximate center NE 1/4 Sec. 25 - T91N-R50W
- County or counties where water will be used UNION
- Annual period during which water is to be used MAY - SEPT 30
- 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 1/4 of NE 1/4 Sect. 25 | 35    | SE 1/4 of SE 1/4 Sect. 24 | 10    |
| SW 1/4 of NE 1/4 Sect. 25 | 35    | SU 1/4 of SE 1/4 Sect. 24 | 10    |
| NE 1/4 of NE 1/4 Sect. 25 | 40    |                           |       |
| NW 1/4 of NE 1/4 Sect. 25 | 40    | all in T91N-R50W          |       |

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

STATE OF SOUTH DAKOTA

SS

County of \_\_\_\_\_

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, \_\_\_\_\_, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

\* Applicant's signature Dan Hanson

Subscribed and sworn to before me this 24 day of May 20 07

not required

Notary Public signature

**SOUTH DAKOTA**  
**WATER PERMIT NO. 8287-3**

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Date of first receipt of application May 18, 2017.

Date of return to applicant for corrections, amendments or changes May 18, 2017.

Date of receipt of corrected application May 25, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8287-3 to Dan Hanson & Scott Hanson, 47644 327<sup>th</sup> St, Elk Point SD 57025 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. 8287-3 appropriates 2.22 cubic feet of water per second from one existing well completed into the Missouri:Elk Point Aquifer (132 feet deep) located in the approximate center of the NE 1/4 Section 25 for irrigation of 170 acres located in the NE 1/4 Section 25 and the S 1/2 SE 1/4 Section 24; all in T91N-R50W.
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 May 18, 2017.
4. The date of approval of Permit No. 8287-3 is August 7, 2017.
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 No. 8287-3 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 09 2017

date



# Supplemental Information

(type or print in ink)

## 1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16 1/2" Depth 132 ft.
- b) Casing Type PVC Diameter 12" Thickness 5/16"
- c) Screen Type PVC Diameter 12" Thickness "
- d) Gravel Pack fine gravel Length of Gravel Pack 102 ft.
- e) Depth to Top of Water Bearing Material 57 ft.
- f) Depth to Water (ground surface to water level) 19 ft.
- g) Distance to nearest existing domestic well:  
On applicants property 1/4 mi. On property owned by others 1/4 mi. or greater

## 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 \_\_\_\_\_

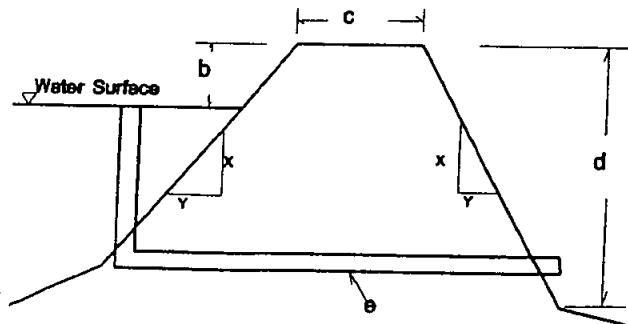
## 3. Dugout Information

- 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 \_\_\_\_\_  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_
- h) Surface Area of Impoundment \_\_\_\_\_
- i) Storage \_\_\_\_\_ Acre Feet
- j) Drainage Area Above Dam \_\_\_\_\_ Acres

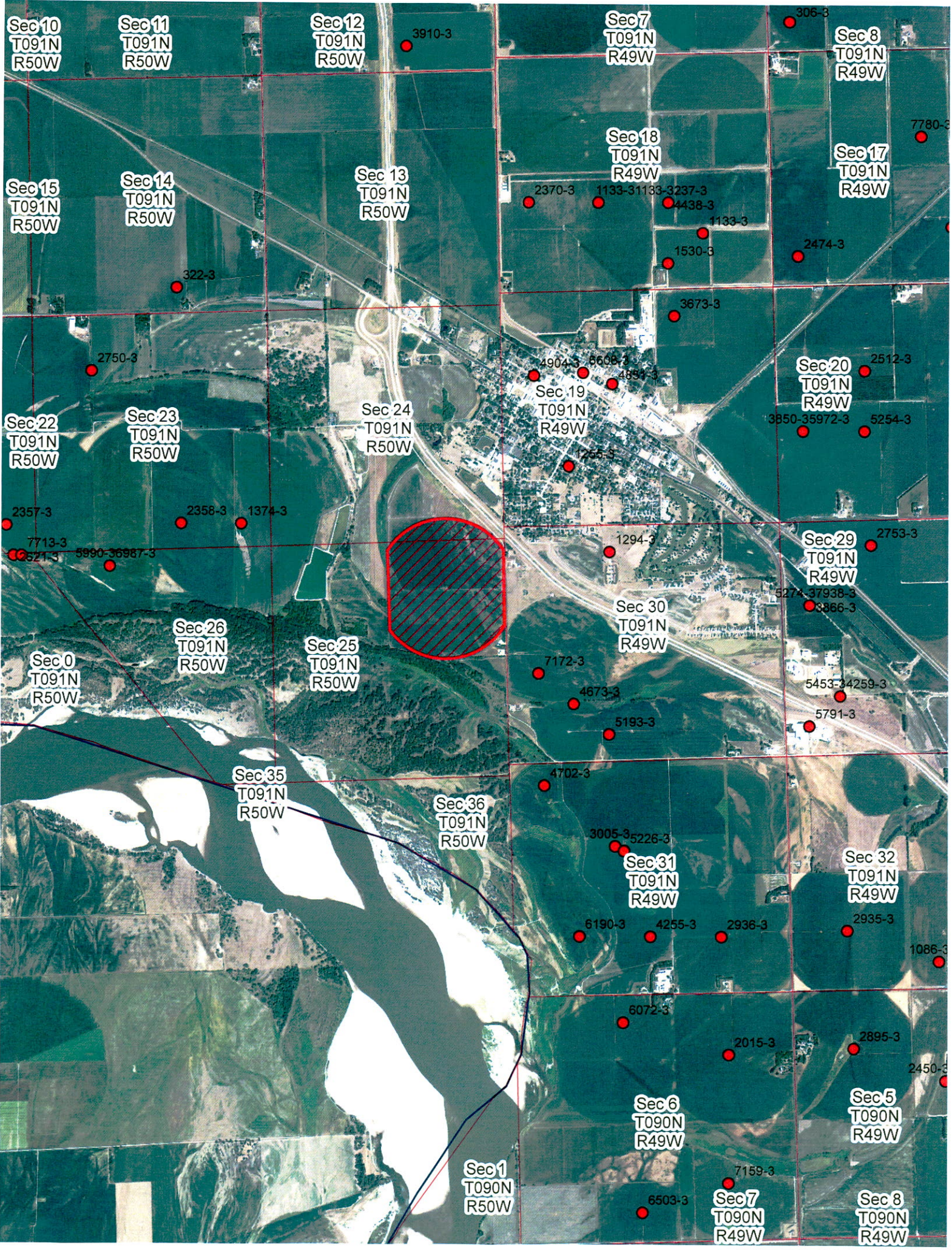


1,100 550 0 1,100 Feet



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MAY 18 2017  
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Sec 10  
T091N  
R50W

Sec 11  
T091N  
R50W

Sec 12  
T091N  
R50W

Sec 7  
T091N  
R49W

Sec 8  
T091N  
R49W

Sec 15  
T091N  
R50W

Sec 14  
T091N  
R50W

Sec 13  
T091N  
R50W

Sec 18  
T091N  
R49W

Sec 17  
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Sec 22  
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Sec 23  
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Sec 24  
T091N  
R50W

Sec 19  
T091N  
R49W

Sec 20  
T091N  
R49W

Sec 0  
T091N  
R50W

Sec 26  
T091N  
R50W

Sec 25  
T091N  
R50W

Sec 30  
T091N  
R49W

Sec 29  
T091N  
R49W

Sec 35  
T091N  
R50W

Sec 36  
T091N  
R50W

Sec 31  
T091N  
R49W

Sec 32  
T091N  
R49W

Sec 1  
T090N  
R50W

Sec 6  
T090N  
R49W

Sec 7  
T090N  
R49W

Sec 5  
T090N  
R49W

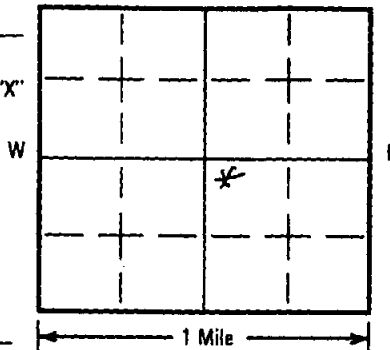
Sec 8  
T090N  
R49W

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 SE 1/4 Sec 25 Twp 91N Rg 50W  
 County Union North

Please mark well location with an "X"



Well Completion Date

7-9-03

## LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 100 ft. from any source (identify source).

## PROPOSED USE:

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

## METHOD OF DRILLING:

RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe \_\_\_\_\_

| PIPEWEIGHT       | DIAMETER     | FROM        | TO            | HOLE DIAMETER |
|------------------|--------------|-------------|---------------|---------------|
| <u>200 LB/FT</u> | <u>12 IN</u> | <u>0 FT</u> | <u>132 FT</u> | <u>17 IN</u>  |
| _____ LB/FT      | _____ IN     | _____ FT    | _____ FT      | _____ IN      |
| _____ LB/FT      | _____ IN     | _____ FT    | _____ FT      | _____ IN      |

## GROUTING DATA

| Grout Type      | No. of Sacks | Grout Weight  | From          | To            |
|-----------------|--------------|---------------|---------------|---------------|
| <u>Concrete</u> | _____        | _____ lb./gal | <u>30 ft.</u> | <u>10 ft.</u> |
| _____           | _____        | _____ lb./gal | _____ ft.     | _____ ft.     |

Describe grouting procedure Pumped from bottom  
to top

SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 12 IN Length 40 FEETMaterial PVCSlot Size 50 Set From 92 Feet to 132 Feet

Other information \_\_\_\_\_

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? \_\_\_\_\_

Describe packer(s) and location? \_\_\_\_\_

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: \_\_\_\_\_☐ NO, Why Not? \_\_\_\_\_

Laboratory sent to for water quality analysis \_\_\_\_\_

Well Owner: Dan Hanson

Business Name: \_\_\_\_\_

Address: 47640 327 St.  
EIK Point, SD 57025

## WELL LOG:

| FORMATION            | DEPTH     |            |
|----------------------|-----------|------------|
|                      | FROM      | TO         |
| <u>Gumbo</u>         | <u>0</u>  | <u>3</u>   |
| <u>Fine sand</u>     | <u>3</u>  | <u>18</u>  |
| <u>Sandy clay</u>    | <u>18</u> | <u>27</u>  |
| <u>Sand</u>          | <u>27</u> | <u>57</u>  |
| <u>Medium gravel</u> | <u>57</u> | <u>67</u>  |
| <u>Rock</u>          | <u>67</u> | <u>68</u>  |
| <u>Gravel</u>        | <u>68</u> | <u>160</u> |
|                      |           |            |
|                      |           |            |

STATIC WATER LEVEL 19 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:

☐ PumpedDescribe: Air 1:1 Steel @ 350 GPM☐ Bailed☒ Other

Pumping Level Below Land Surface

70 ft. After 4 Hrs. pumped 1000 GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate 950 GPM

## REMARKS:

RECEIVED

JAN 23 2004

WATER RESOURCES  
PROGRAMThis well was drilled under license # 667

And this report is true and accurate.

Drilling firm Dakota Drilling & Backhoe, Inc.

Signature of License Representative: \_\_\_\_\_

Signature of Well Owner or Equitable Property Holder: Dan HansonDate: January 26, 2004

1-29-04

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/18, 20 17

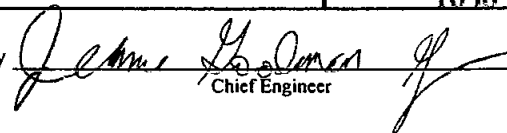
RECEIVED OF Scott J Hanson 47674 327th St Elk Point SD 57025

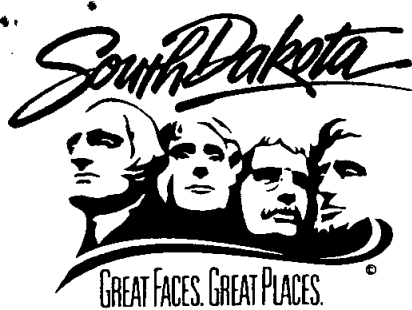
The following amount in fees for services rendered as provided for by law:

|                                                                                                                        |       |         |
|------------------------------------------------------------------------------------------------------------------------|-------|---------|
| Fee for Application for Permit No. <u>8287-3</u> to Appropriate Water, to construct and to put water to beneficial use | 850   | 00      |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                           |       |         |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                 |       |         |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8287-3</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 | 1050 00 |

No. **08252**

By

  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 9, 2004

Dan Hanson  
47640 327 St  
Elk Point SD 57025

Dear Mr. Hanson

I am writing in regard to a well driller's report filed by Dakota Drilling & Backhoe, Inc. The report shows a new well was completed for irrigation July 9, 2003. A review of our files indicates you have several water rights in the area but not for a well located in Section 25-T91N-R50W.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Mr. Hanson, is this a replacement well, an additional well for the existing irrigation or a new well to irrigate new acreage? If this is a replacement well or additional well, we will need to know if the well exceeds the peak diversion rate authorized by the permit.

Enclosed are application forms and an instruction sheet to be completed if this is a new irrigation project. If you have any questions, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak  
Water Rights Program  
605 773-3352

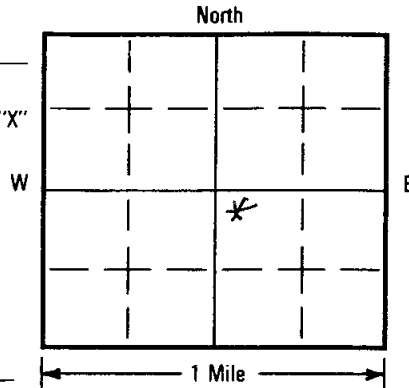
enclosures

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 SE 1/4 Sec 25 Twp 91N Rg 50WCounty Union

Please mark well location with an "X"



Well Completion Date

7-9-03

## LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 100 ft. from any source (identify source).

## PROPOSED USE:

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

## METHOD OF DRILLING:

RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe \_\_\_\_\_

| PIPEWEIGHT       | DIAMETER     | FROM        | TO            | HOLE DIAMETER |
|------------------|--------------|-------------|---------------|---------------|
| <u>200</u> LB/FT | <u>12</u> IN | <u>0</u> FT | <u>132</u> FT | <u>17</u> IN  |
| _____ LB/FT      | _____ IN     | _____ FT    | _____ FT      | _____ IN      |
| _____ LB/FT      | _____ IN     | _____ FT    | _____ FT      | _____ IN      |

## GROUTING DATA

| Grout Type      | No. of Sacks | Grout Weight  | From         | To           |
|-----------------|--------------|---------------|--------------|--------------|
| <u>Concrete</u> | _____        | _____ lb./gal | <u>30</u> ft | <u>10</u> ft |
| _____           | _____        | _____ lb./gal | _____ ft     | _____ ft     |

Describe grouting procedure Pumped from bottom to topSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 12 IN Length 40 FEETMaterial PVCSlot Size 50 Set From 92 Feet to 132 Feet

Other information \_\_\_\_\_

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? \_\_\_\_\_

Describe packer(s) and location? \_\_\_\_\_

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: \_\_\_\_\_☐ NO, Why Not? \_\_\_\_\_

Laboratory sent to for water quality analysis \_\_\_\_\_

Well Owner: Dan Nanson

Business Name: \_\_\_\_\_

Address: 47640 327 St.  
EIK Point, SD 57025

## WELL LOG:

| FORMATION            | DEPTH     |            |
|----------------------|-----------|------------|
|                      | FROM      | TO         |
| <u>Gumbo</u>         | <u>0</u>  | <u>3</u>   |
| <u>Fine sand</u>     | <u>3</u>  | <u>18</u>  |
| <u>Sandy clay</u>    | <u>18</u> | <u>27</u>  |
| <u>Sand</u>          | <u>27</u> | <u>57</u>  |
| <u>Medium gravel</u> | <u>57</u> | <u>67</u>  |
| <u>Rock</u>          | <u>67</u> | <u>68</u>  |
| <u>Gravel</u>        | <u>68</u> | <u>160</u> |
|                      |           |            |
|                      |           |            |

STATIC WATER LEVEL 19 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: Air lifted @ 350 GPM  
☐ Bailed \_\_\_\_\_  
☒ Other \_\_\_\_\_

Pumping Level Below Land Surface

70 ft. After 4 Hrs. pumped 1000 GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate 950 GPM

## REMARKS

RECEIVED

JAN 23 2004

WATER RESOURCES  
PROGRAMThis well was drilled under license # 667

And this report is true and accurate.

Drilling firm Dakota Drilling & Backhoe, Inc

Signature of License Representative: \_\_\_\_\_

Dan Nanson

Signature of Well Owner or Equitable Property Holder: \_\_\_\_\_

Dan NansonDate: January 26, 2004

**Schlaak, Karen**

---

**From:** Gronlund, Eric  
**Sent:** Wednesday, September 02, 2009 10:48 AM  
**To:** Schlaak, Karen  
**Subject:** Scott Hanson called in response the attached letter to his dad

He will be filing the necessary application. He also explained that he needed to apply for another parcel in Sect. 25, T91N, R50W and Section 30, T91N, R49W. I could not find a well completion report for either of these wells. He was going to talk with the driller. I'd expect him to file the application which we do have a well completion report on right away.

**Eric Gronlund**  
**Water Rights Program, DENR**  
**Phone:** (605) 773-3352  
**Fax:** (605) 773-4068  
**Email:** [eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us)  
**Web:** [www.denr.sd.gov](http://www.denr.sd.gov)

Appl # 7172-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

August 3, 2016

Dan and Scott Hanson  
47644 327<sup>th</sup> Street  
Elk Point SD 57025

Gentlemen:

I am writing in follow up to my July 25, 2016, letter regarding irrigation overspray and water right permitting for a center pivot system in Union County just southwest of Elk Point.

Richard Fennel called regarding the overspray issue stating that it was his system along the east-west road in the SW ¼ SE ¼ of Section 30, T91N, R49W that caused the overspray and not the system in Section 25, T91N, R50W. Mr. Fennel stated he would work to correct the overspray issue. I apologize for our error in believing it was your irrigation system causing the overspray.

The other issue in my July 25<sup>th</sup> letter regarded whether a water right permit is in place for the irrigation system primarily in the NE ¼ of Section 25, T91N, R50W. The 2011 plat map indicates you own the majority of the acres irrigated by this pivot that I am unable to find being authorized under a water right for irrigation. If this land is owned or operated by you, please contact me at your convenience to discuss permitting requirements for irrigation of this property.

If you have any questions about filing a permit application, please contact me at (605) 773-3352 or by email at [eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us).

Sincerely,

Eric Gronlund  
Water Rights Program, DENR  
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

[denr.sd.gov](http://denr.sd.gov)

May 18, 2017

Dan Hanson & Scott Hanson  
47644 327<sup>th</sup> St  
Elk Point SD 57025

Dear Sirs:

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

- Enclosed is the application form which needs to be signed by one of you. The need for the application to be signed by a notary public is now longer required. A postage prepaid envelope is included.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak  
Water Rights Program  
605 773-3352  
[karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

enclosure

## **Kilts, Whitney (DENR)**

---

**From:** Buscher, Kelli  
**Sent:** Tuesday, July 19, 2016 2:11 PM  
**To:** Kilts, Whitney (DENR); Buhler, Ken  
**Cc:** Spangler, Albert; McFarling, Tina  
**Subject:** Elk Point

Whitney – I looked at Elk Point's permit and file. We do not have any information indicating the city is land applying wastewater. If you find out that field is irrigating with city wastewater, please let us know and we will follow up with the city. We would have additional requirements for the city's permit if they land apply wastewater.

Thanks for checking with us (good catch!).



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

July 25, 2016

denr.sd.gov

Dan and Scott Hanson  
47644 327<sup>th</sup> Street  
Elk Point SD 57025

Gentlemen:

On July 12, 2016, a staff member from the Department of Environment and Natural Resources (DENR) observed overspray (picture attached) from an irrigation system located primarily in the NE  $\frac{1}{4}$  Section 25, T91N, R50W just southwest of Elk Point. The 2011 Union County plat map indicates that Daniel Hanson and Scott & Angie Hanson own the majority of the acreage involved. In reviewing our database, DENR is unable to find a water permit in place authorizing irrigation of these acres. Please find attached a map showing where the irrigation system is located.

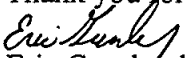
Back in 2004, DENR received a well completion report from the driller on a well in the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 25, T91N, R50W. A letter was sent in February 2004 regarding the need to obtain a water permit for the use of the well for irrigation. In 2009, I spoke with Scott who indicated he needed to apply for other irrigation in Section 25, T91N, R50W and in Section 30, T91N, R49W. This resulted in you applying for and obtaining Water Permit No. 7172-2 which is for land in the W  $\frac{1}{2}$  of Section 30. An application was not filed for the land in the NE  $\frac{1}{4}$  Section 25.

Please contact DENR if you believe a water permit is in place for these acres or if this is not land you own. If a permit is not in place and this is your land, please complete the attached application form for a permit to irrigate.

As far as the overspray issue, it is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road. The picture shows the endgun is not operating but appears water is still discharging from the end of the span on to the road.

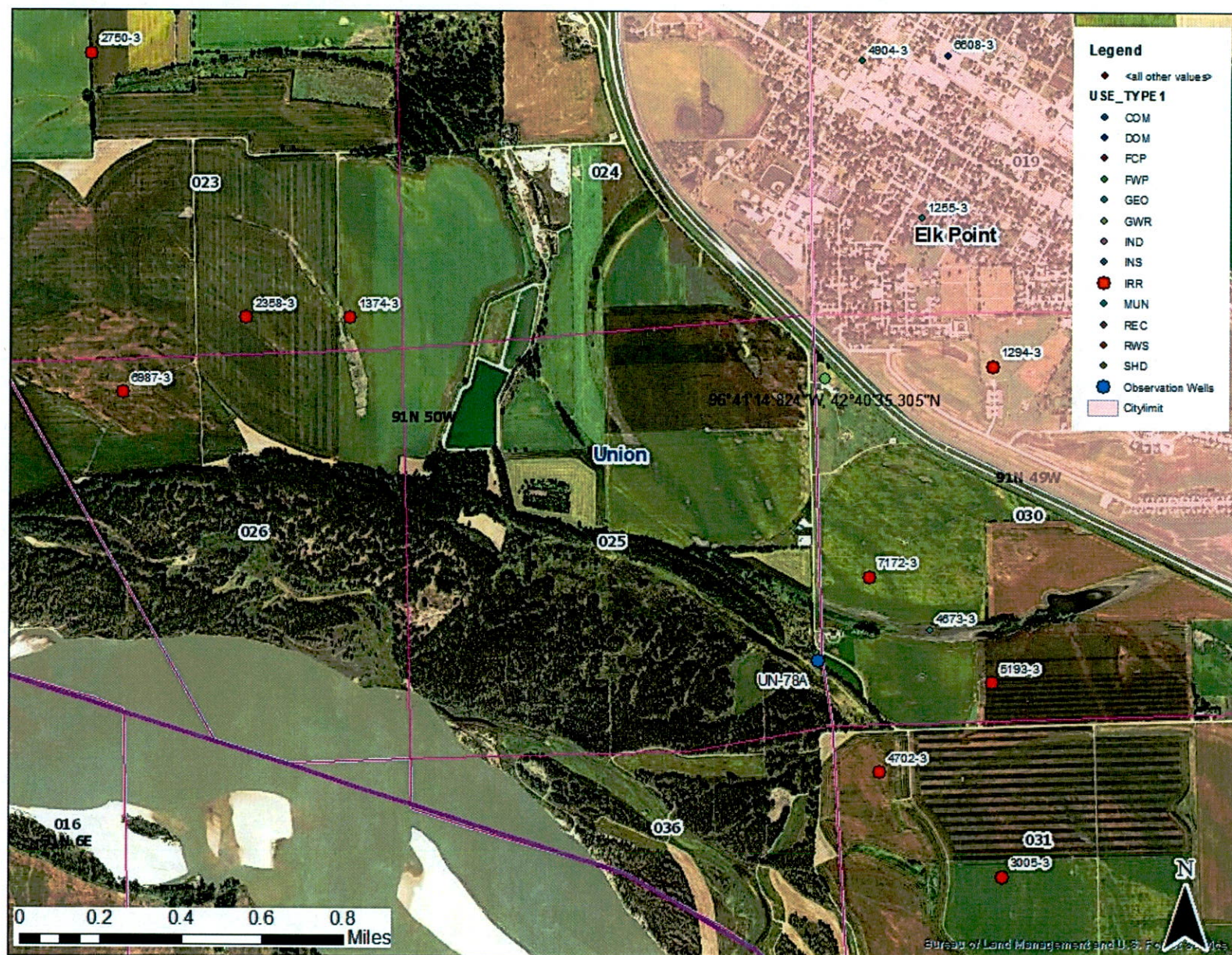
An irrigation system is not allowed to operate in a manner that it violates state water law, which includes end gun overspray upon land not authorized by the water right.

If you don't believe this irrigation system is causing the overspray, or if you have any questions about filing a permit application, please contact me at (605) 773-3352 or by email at [eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us). I was unable to contact you by phone to discuss this matter so have sent this letter.

Thank you for your cooperation,  
  
Eric Gronlund  
Water Rights Program, DENR  
605 773-3352

enclosures







**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

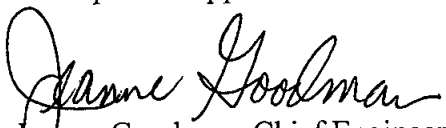
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 8287-3, Dan Hanson and Scott Hanson**

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. 8287-3, Dan Hanson and Scott Hanson, 47644 327<sup>th</sup> Street, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 8287-3 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 No. 8287-3 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  
July 20, 2017

REPORT TO THE CHIEF ENGINEER  
ON  
WATER PERMIT APPLICATION NO. 8287-3  
DAN HANSON & SCOTT HANSON  
JULY 19, 2017

Water Permit Application No. 8287-3 proposes to authorize the irrigation of 170 acres located in the NE ¼ Sec. 25 and S ½ SE ¼ Sec. 24 T91N-R50W at a maximum diversion rate of 2.22 cubic feet of water per second (cfs) from an existing well 160 feet deep completed into the Missouri: Elk Point aquifer. The well is located in the approximate center of the NE ¼ Sec. 25 T91N-R50W all in Union County.

**AQUIFER: Missouri: Elk Point (M: EP)**

**Aquifer Characteristics:**

The Elk Point management unit of the Missouri aquifer is an alluvium mantled outwash aquifer with materials ranging from fine sand to very coarse gravel (Niehus, 1994; Stephens, 1967). The Missouri: Elk Point aquifer primarily underlies the flood plain of the Missouri River in Clay, Union, and Yankton Counties. There are locations where the aquifer can be overlain by till primarily near the edge of the flood plain (Niehus, 1994; Bugliosi, 1986; Stephens, 1967). The aquifer underlies approximately 219,100 acres and contains an estimated 3,287,100 acre-feet (ac-ft) of recoverable water in storage (Hedges et. al, 1982). The groundwater movement in the aquifer is generally southeast and towards the Missouri River (Stephens, 1967). The Missouri: Elk Point aquifer is hydraulically connected to the Lower James Missouri and the Lower Vermillion Missouri aquifers along its northern edge, portions of the aquifer overlie and can be hydraulically connected to the Dakota aquifer, and the aquifer is hydraulically connected to the Vermillion, Big Sioux, and Missouri Rivers (Niehus, 1994; Bugliosi, 1986; Stephens, 1967). The Missouri: Elk Point aquifer is predominantly under unconfined conditions (Water Rights, 2017a and 2017c).

The well completion report on file for the well this application proposes to use indicates aquifer material starts within three feet of ground surface and extends down to at least the bottom of the well at 160 feet below grade. At the time of construction in July 2003, the static water level was 19 feet below ground surface.

**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.

**WATER AVAILABILITY:**

This application proposes to appropriate water from the Missouri: Elk Point aquifer. The probability of unappropriated water being available from the 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 that 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. In this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a water distribution system.

### **Recharge and Discharge:**

The Missouri: Elk Point aquifer is recharged through infiltration of precipitation, groundwater inflow from other aquifers, and streamflow losses from rivers and streams (Bugliosi, 1986). Hedges and others (1985) estimated a recharge rate to the aquifer of approximately 3.8 inches per year based on observation well analysis. Stonesifer (2013) estimated an additional 22,600 ac-ft/yr. recharge to the aquifer was induced by pumping. Hedges and other’s (1985) and Stonesifer’s (2013) recharge volumes combined is approximately 92,000 ac-ft/yr.

Discharge from the aquifer occurs through well withdrawals, outflow to the Missouri and Big Sioux Rivers when the stage of the rivers is lower than the water table of the aquifer, evapotranspiration where the aquifer is near land surface, and in areas where the Missouri: Elk Point directly overlies and is hydraulically connected to the Dakota aquifer, there is discharge to the Dakota aquifer when the water table of the Missouri: Elk Point aquifer is higher than the water level of the Dakota aquifer (Niehus, 1997). Stonesifer’s (2013) hydrologic budget stated there was an average annual pumpage of approximately 81,108 ac-ft/yr. from the Missouri: Elk Point aquifer at that time. Therefore, there was approximately 10,856 ac-ft/yr. of unappropriated water available for development (Stonesifer, 2013). Stonesifer (2013) also stated it is likely more recharge could be induced to the Missouri: Elk Point aquifer from the Missouri, James, and Vermillion Rivers.

The probability of unappropriated water being available for this proposed appropriation can be evaluated by considering water permits that have been issued since June 24, 2013, along with the analysis of water availability of Stonesifer (2013). The water permits that have been approved or reinstated since Stonesifer’s (2013) analysis of water availability was concluded are listed in Table 1. There are also two deferred applications (Nos. 5749-3 and 5750-3) seeking to withdraw water from the Missouri: Elk Point aquifer (Water Rights, 2017b). Water Right No. 8237-3 was originally issued as a permit for no additional diversion rate and to irrigate 51 acres using the well and diversion rate authorized by Water Right No. 7075-3. Water Right No. 7075-3 authorized the irrigation of 232 acres at a maximum diversion rate of 1.78 cfs. Water Right No. 7075-3 was subsequently incorporated into Water Right No. 8237-3, which is now licensed for a diversion rate of 1.78 cfs for the irrigation of 283 acres.

Table 1- Water permits approved or reinstated since the Stonesifer (2013) water availability analysis for the Missouri: Elk Point aquifer (Water Rights, 2017b)

| PERMIT NO.                                                                                                                     | NAME                                   | COUNTY | STATUS | USE     | CFS      | ACRES | AC-FT |
|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------|--------|---------|----------|-------|-------|
| 7848-3                                                                                                                         | MISSOURI VALLEY FARMS INC              | UN     | PE     | IRR     | 3.04     | 213   |       |
| 7856-3                                                                                                                         | MIKE & STEVE ALLARD                    | UN     | PE     | IRR     | 1.78     | 129.3 |       |
| 7895-3                                                                                                                         | TODD HANSON                            | UN     | PE     | IRR     | 1.89     | 180   |       |
| 7898-3                                                                                                                         | JAMES ORR                              | CL     | LC     | IRR     | 1.56     | 132   |       |
| 7899-3                                                                                                                         | JUSTIN ORR                             | CL     | LC     | IRR     | 1.56     | 97    |       |
| 7904-3                                                                                                                         | CRAIG S MCINERNEY                      | UN     | PE     | IRR     | 1.78     | 160   |       |
| 7933-3                                                                                                                         | DOUGLAS G BYE                          | CL     | PE     | IRR     | 0.89     | 90    |       |
| 7936-3                                                                                                                         | DONALD JOHNSON                         | YA     | PE     | IRR     | 1.39     | 83    |       |
| 7938-3                                                                                                                         | RUSSELL M HALL                         | UN     | PE     | IRR     | 0        | 53    |       |
| 7941-3                                                                                                                         | JOSEPH F CHICOINE                      | UN     | PE     | IRR     | 1        | 37.69 |       |
| 7074A-3**                                                                                                                      | CALVIN HANSON                          | CL     | PE     | IRR     | 1.78     | 162   |       |
| 7951-3                                                                                                                         | ALLEN PACE                             | UN     | PE     | IRR     | 1.78     | 150   |       |
| 7955-3                                                                                                                         | KARL M SCHENK                          | YA     | PE     | IRR     | 1.78     | 140   |       |
| 7971-3                                                                                                                         | BARRY VAN OSDEL                        | YA     | PE     | IRR     | 1.11     | 68    |       |
| 7980-3                                                                                                                         | FRANCIS HEINE                          | CL     | PE     | IRR     | 0        | 5     |       |
| 7987-3                                                                                                                         | FRANCIS M ARMSTRONG LIVING TRUST       | CL     | PE     | IRR     | 1.78     | 102   |       |
| 8010-3                                                                                                                         | RYAN RUSHER                            | YA     | PE     | IRR     | 0.1      | 2.5   |       |
| 8016-3                                                                                                                         | AMELIA BERTRAND TRUST                  | UN     | PE     | IRR     | 1.67     | 66    |       |
| 8022-3                                                                                                                         | REDWOOD SOUTH DAKOTA HOLDINGS LLP      | CL     | PE     | IRR     | 1.91     | 134   |       |
| 8023-3                                                                                                                         | REDWOOD SOUTH DAKOTA HOLDINGS LLP      | CL     | PE     | IRR     | 4.14     | 290   |       |
| 8024-3                                                                                                                         | REDWOOD SOUTH DAKOTA HOLDINGS LLP      | CL     | PE     | IRR     | 3.36     | 235.2 |       |
| 8025-3                                                                                                                         | REDWOOD SOUTH DAKOTA HOLDINGS LLP      | CL     | PE     | IRR     | 3.82     | 267.2 |       |
| 8029-3                                                                                                                         | DAKOTA DUNES COMM IMPROVEMENT DISTRICT | UN     | PE     | IRR     | 0.78     | 17.8  |       |
| 8031-3                                                                                                                         | DAKOTA PROTEIN CONVERSION INC          | CL     | PE     | COM     | 0.22     |       |       |
| 8040-3                                                                                                                         | HEINE ELECTRIC & IRRIGATION INC        | CL     | PE     | IRR/COM | 0.33     | 3     |       |
| 8069-3                                                                                                                         | CIMPLS LLC                             | YA     | PE     | COM     | 0.44     |       | 452   |
| 7009A-3**                                                                                                                      | ROGER D HANSON                         | YA     | PE     | IRR     | 1.78     | 120   |       |
| 8079-3                                                                                                                         | MELVIN & LARRY DONNELLY                | UN     | PE     | IRR     | 1.78     | 160   |       |
| 8080-3                                                                                                                         | LARRY & MELVIN DONNELLY                | UN     | PE     | IRR     | 1.78     | 160   |       |
| 8147-3                                                                                                                         | DOUG LAFLEUR                           | UN     | PE     | COM/LCO | 1        |       | 160   |
| 8175-3                                                                                                                         | GAYVILLE-VOLIN SCHOOL DISTRICT 63-1    | YA     | PE     | IRR     | 0.058    | 4     |       |
| 8176-3                                                                                                                         | CALVIN & MARY HANSON                   | CL     | LC     | IRR     | 1.113    | 31    |       |
| 8177-3                                                                                                                         | D A OLSON & SONS                       | CL     | LC     | IRR     | 1.23     | 62    |       |
| 8181-3                                                                                                                         | MARC T BERNARD                         | UN     | PE     | IRR     | 0.89     | 40    |       |
| 8192-3                                                                                                                         | STOP DROP LOCK INC                     | YA     | PE     | IRR     | 2.22     | 152   |       |
| 8202-3                                                                                                                         | GERALD BENJAMIN                        | UN     | PE     | IRR     | 1.89     | 132   |       |
| 8204-3                                                                                                                         | DOUGLAS BYE                            | CL     | PE     | IRR     | 0.89     | 70    |       |
| 8211-3                                                                                                                         | TIMBER8 LLC                            | UN     | PE     | IRR     | 1.78     | 96    |       |
| 8212-3                                                                                                                         | CITY OF YANKTON                        | YA     | PE     | MUN     | 20.12    |       | 6,050 |
| 8237-3*                                                                                                                        | CALVIN HANSON                          | CL     | LC*    | IRR     | no add'l | 51    |       |
| 8248-3                                                                                                                         | LARRY DONNELLY                         | UN     | PE     | IRR     | 0        | 133   |       |
| 8250-3                                                                                                                         | STEVE SCHMIDT                          | YA     | PE     | IRR     | 0        | 63    |       |
| IRR= Irrigation, COM= Commercial, MUN= Municipal, LCO= Livestock Confinement Operation                                         |                                        |        |        |         |          |       |       |
| CL= Clay, UN= Union, YA= Yankton, *= License incorporates Permit No. 7075-3 for 1.78 cfs and 232 acres, **= reinstated permits |                                        |        |        |         |          |       |       |

The estimated average annual use by the irrigation permits listed in Table 1 can be calculated using a method described by Stonesifer (2013). Stonesifer (2013) calculated the average ratio of pumpage to appropriation for developed appropriations (13.7%) and applied that to the new

appropriations. Kilts (2016) updated the calculations and determined the average ratio of pumpage to appropriation for developed permits is 13.8%. All of the irrigation permits listed in Table 1 have appropriated two ac-ft per acre for a total of 8,183.38 ac-ft/yr. Applying the 13.8% to the appropriated volume of the irrigation permits shown in Table 1, the irrigation permits are estimated to pump 1,129 ac-ft/yr. Using that methodology, this application is estimated to pump approximately 47 ac-ft/yr. on average.

Historically, non-irrigation use has been estimated by assuming pumping for 60% of the time for permits limited by only diversion rate and full volume pumping for permits limited by volume. Therefore, Water Permit No. 8031-3 is expected to pump approximately 95 ac-ft. Water Permit Nos. 8069-3 and 8147-3 are limited by qualifications on their respective permits to pump at maximum a combined volume 612 ac-ft/yr. Water Permit No. 8212-3 was approved June 21, 2016, with a qualification on the permit requiring annual reporting to the Chief Engineer of the volume of water pumped from the Missouri: Elk Point aquifer (Water Rights, 2017b). Since the permit is relatively new and no pumpage volume report has been filed, it is most appropriate to assume pumping under Water Permit No. 8212-3 is the full appropriated volume of 6,050 ac-ft/yr. If the deferred applications were approved, the estimated volume of pumpage under those applications would be approximately 50 ac-ft/yr.

The total estimated water use, considering the pre-2013 analysis water use (81,108 ac-ft/yr.), plus post-2013 analysis expected water use (7,886 ac-ft/yr.) and the potential use by the two deferred applications (50 ac-ft/yr.) is approximately 89,044 ac-ft/yr. The difference between Stonesifer's (2013) estimated annual recharge and the estimated annual withdrawals is approximately 2,956 ac-ft/yr. This application is expected to use approximately 47 ac-ft/yr. Therefore, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

#### **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 DENR-Water Rights Program monitors 37 observation wells completed into the Elk Point management unit of the Missouri aquifer (Water Rights, 2017a). There are five observation wells within approximately three miles of the well this application proposes to use that are completed into the Missouri: Elk Point aquifer. The locations of observation wells and the well this application proposes to use are shown in Figure 1. Observation well UN-78A is 0.6 miles south-southeast, UN-77M is approximately 2.1 miles northeast, UN-57B and UN-80E are approximately 2.6 miles southeast, and UN-77L is approximately 3.0 miles northwest of the well this application proposes to use (Water Rights, 2017a). Figures 2 through 6 show the hydrographs for these observation wells, respectively.

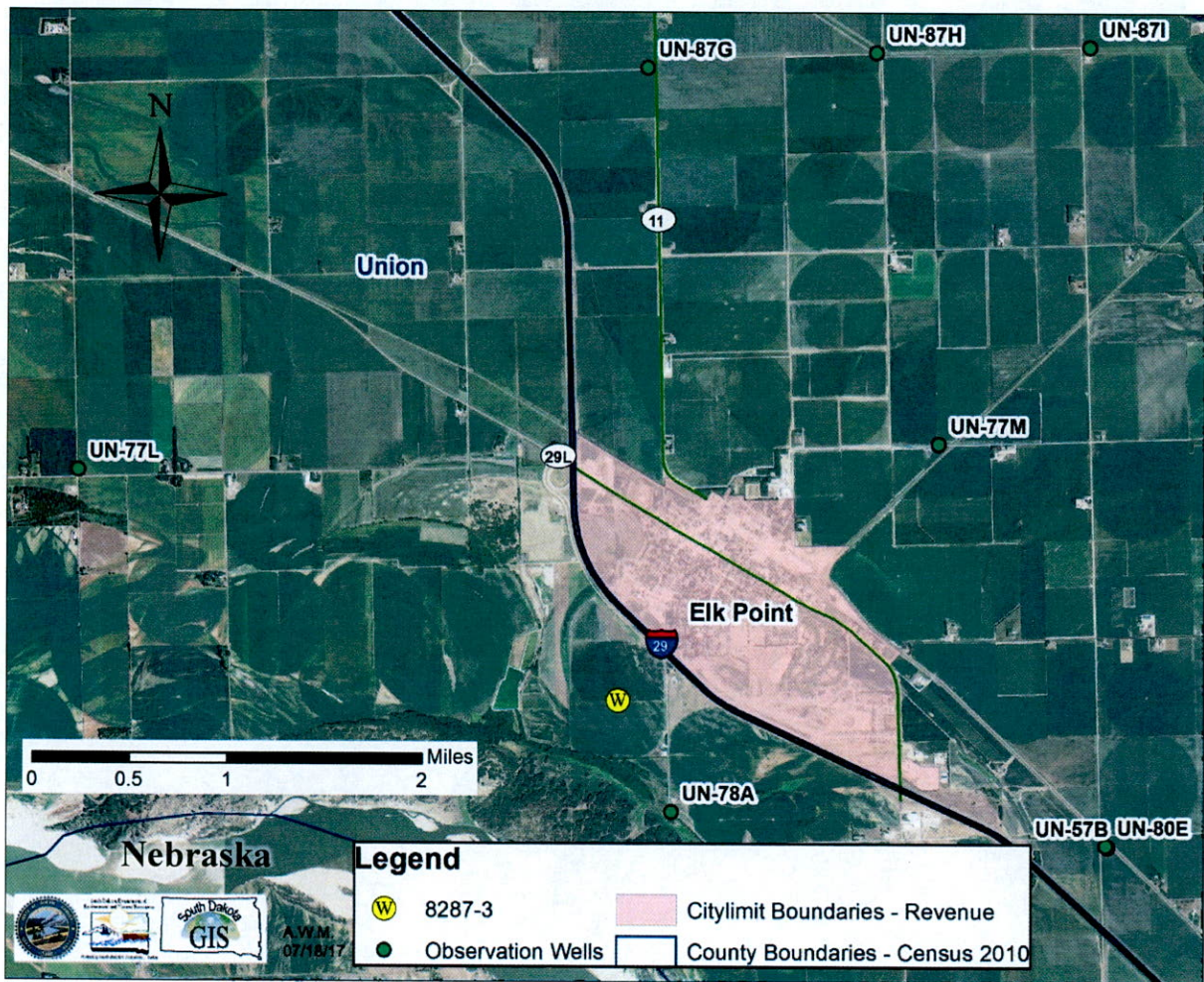


Figure 1- Map of the observation wells completed into the Missouri: Elk Point aquifer in the vicinity of the well Application No. 8287-3 proposes to use (Water Rights, 2017a)

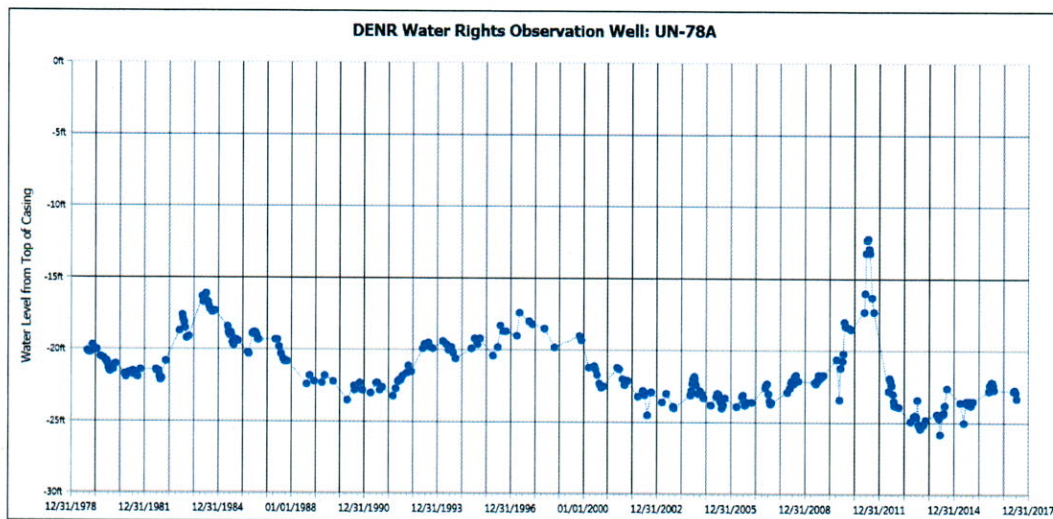


Figure 2- Hydrograph for observation well UN-78A (Water Rights, 2017a)

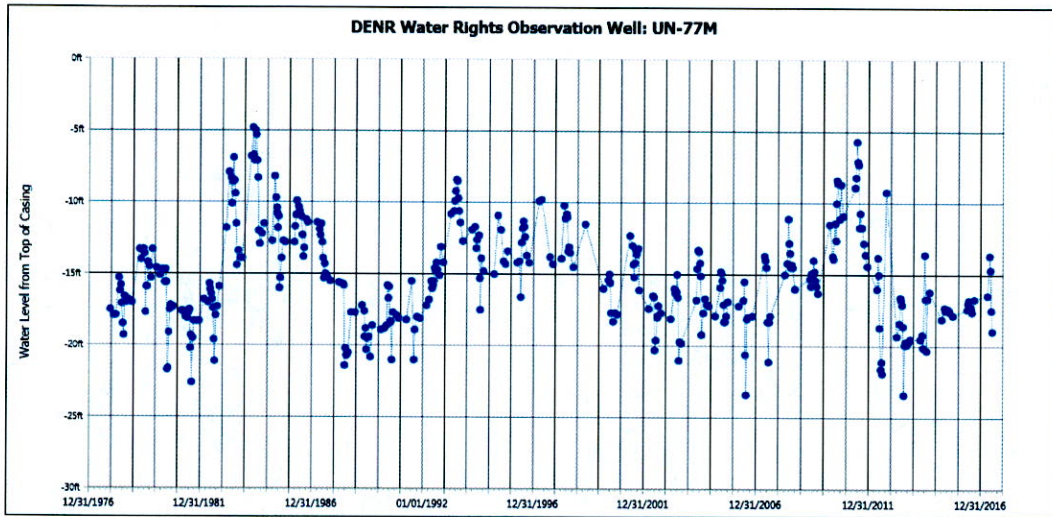


Figure 3- Hydrograph for observation well UN-77M (Water Rights, 2017a)

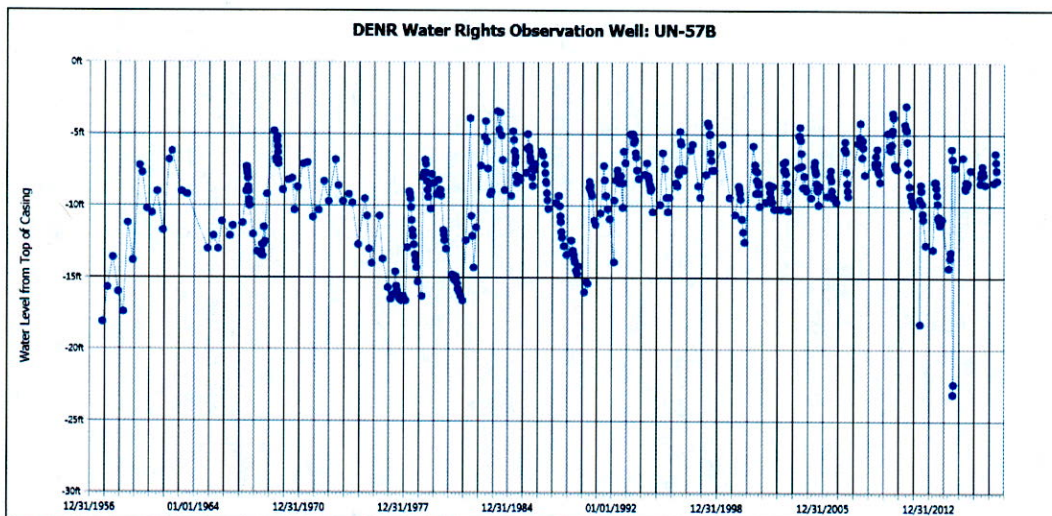


Figure 4- Hydrograph for observation well UN-57B (Water Rights, 2017a)

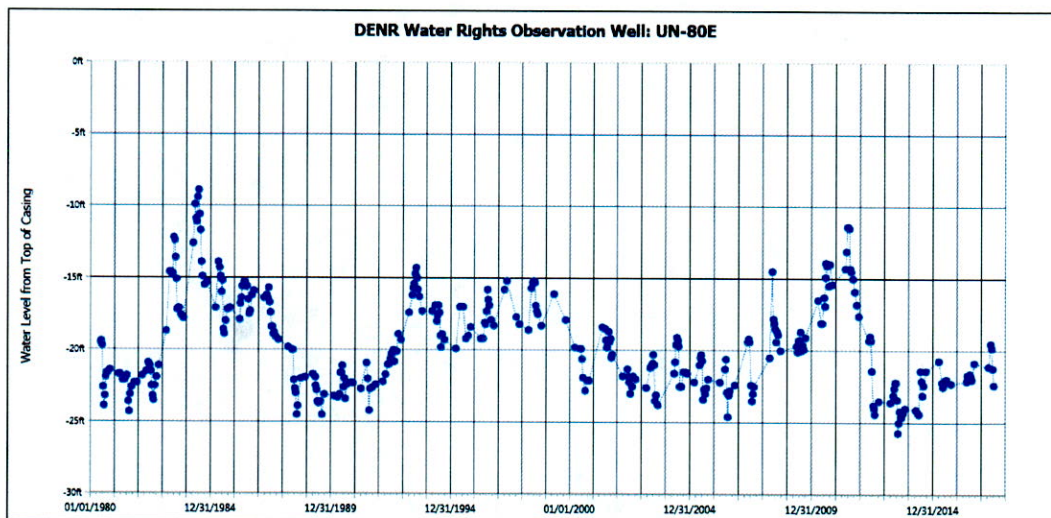


Figure 5- Hydrograph for observation well UN-80E (Water Rights, 2017a)

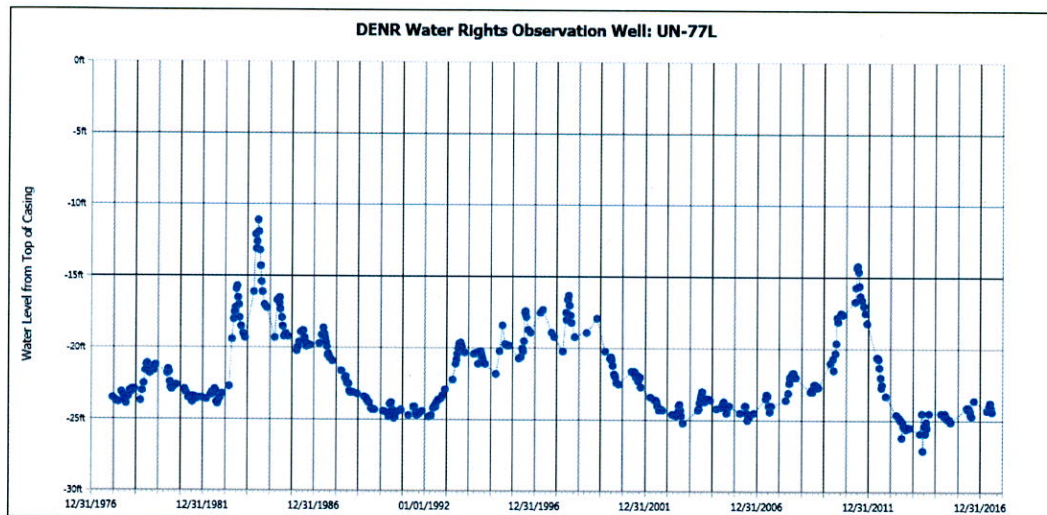


Figure 6- Hydrograph for observation well UN-77L (Water Rights, 2017a)

The hydrographs shown in Figures 2 through 6 are representative of the hydrographs for the other observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2017a). These hydrographs show the Missouri: Elk Point aquifer is responsive to climatic conditions with rising water levels during wetter periods when recharge exceeds discharge plus withdrawals and declining water levels during drier periods when discharge plus withdrawals exceeds recharge. The observation wells completed into the Missouri: Elk Point aquifer, especially those in close proximity to the river, show the hydraulic connection between the management unit and the Missouri River. The observation wells that have a long enough period of record document the lowering of the water table in the aquifer in response to decreased flooding that resulted from the completion of the Gavins Point Dam (Stephens, 1967). The hydrographs of the observation wells also document the entrenchment of the Missouri River below the Gavins Point Dam (Goodman, 2007; Iles, 1979).

The impacts of well withdrawals on the water level are masked by climatic effects and by the effects of the hydraulic connection between the aquifer and the Missouri River. Thus, recharge to and natural discharge from the aquifer still dominate the system. Recognizing natural discharge can be captured for pumping, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

#### **EXISTING WATER RIGHTS:**

There are 608 water rights/permits appropriating water and five future use permits reserving water from the Missouri: Elk Point aquifer along with two deferred applications (Water Rights, 2017b). The water rights/permits authorized to withdraw water from the Missouri: Elk Point aquifer in the vicinity of area this application proposes to irrigate are shown in Figure 7 and listed in Table 2.

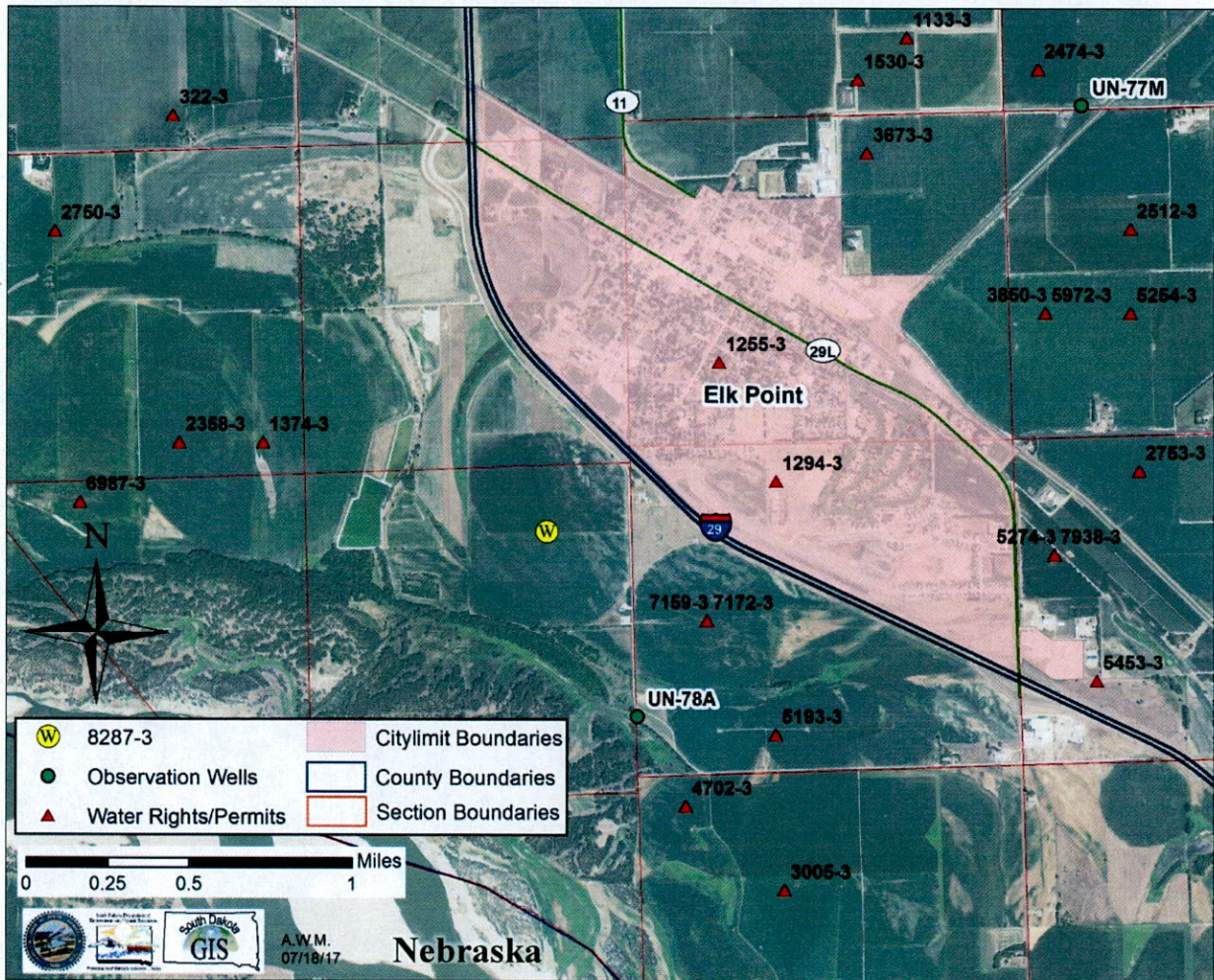


Figure 7- Map of the vicinity of Application No. 8287-3 including Missouri: Elk Point aquifer water rights/permits (Water Rights, 2017b) and observation wells (Water Rights, 2017a)

Table 2- Water rights/permits in the vicinity of the well authorized by Water Permit No. 8287-3 as shown in Figure 4

| PERMIT NO.                                                                                             | NAME                    | STATUS | USE     | CFS      | ACRES |
|--------------------------------------------------------------------------------------------------------|-------------------------|--------|---------|----------|-------|
| 1133-3                                                                                                 | JJ CURRY & SONS         | LC     | IRR     | 1.86     | 130   |
| 1255-3                                                                                                 | CITY OF ELK POINT       | LC     | MUN     | 1.13     |       |
| 1294-3                                                                                                 | RECREATION DEV ASSN INC | LC     | IRR/REC | 1.34     | 102   |
| 1374-3                                                                                                 | TOM CURRY               | LC     | IRR     | 2.66     | 295   |
| 1530-3                                                                                                 | EDMUND L CURRY          | LC     | IRR     | 3.33     | 275   |
| 2358-3                                                                                                 | JOHN CURRY              | LC     | IRR     | 1.94     | 136   |
| 2474-3                                                                                                 | MARIMAC INC             | LC     | IRR     | 1.9      | 132   |
| 2512-3                                                                                                 | RICHARD FENNEL          | LC     | IRR     | 1.7      | 122   |
| 2750-3                                                                                                 | LAWRENCE DONNELLY       | LC     | IRR     | 1.8      | 128   |
| 2753-3                                                                                                 | RUSSELL M HALL          | LC     | IRR     | 1.5      | 106   |
| 3005-3                                                                                                 | DAN HANSON              | LC     | IRR     | 2.7      | 200   |
| 322-3                                                                                                  | JORGENSEN & SON         | LC     | IRR     | 1.98     | 138.6 |
| 3673-3                                                                                                 | CLOVERLEAF FARMS INC    | LC     | IRR     | 0.57     | 40    |
| 3850-3                                                                                                 | JOHN CURRY              | LC     | IRR     | 0.86     | 60    |
| 4702-3                                                                                                 | DAN HANSON              | LC     | IRR     | 0.86     | 60    |
| 5193-3                                                                                                 | RICHARD FENNEL          | LC     | IRR     | 1.33     | 96    |
| 5254-3                                                                                                 | CURRY SEED COMPANY      | LC     | IRR     | 1.01     | 71    |
| 5274-3                                                                                                 | RUSSELL M HALL          | LC     | IRR     | 1.34     | 112   |
| 5453-3                                                                                                 | AALADIN INDUSTRIES INC  | LC     | IND     | 0.05     |       |
| 5972-3                                                                                                 | CURRY SEED COMPANY      | LC     | IRR     | 2        | 145   |
| 6987-3                                                                                                 | JFR-INV-LTD LLC         | LC     | IRR     | 1.67     | 86    |
| 7159-3                                                                                                 | DAN & SCOTT HANSON      | LC     | IRR     | 1.67     | 84    |
| 7172-3                                                                                                 | DAN & SCOTT HANSON      | LC     | IRR     | 1.78     | 105   |
| 7938-3                                                                                                 | RUSSELL M HALL          | PE     | IRR     | no add'l | 53    |
| LC= Water Right, PE= Water Permit, IRR= Irrigation, MUN= Municipal, REC= Recreational, IND= Industrial |                         |        |         |          |       |

Drawdown from pumping wells completed into the Missouri: Elk Point aquifer is typically not significant very far from the pumping well. This is due to the large saturated thickness and hydraulic conductivity of the aquifer. In many places within the Missouri: Elk Point aquifer there is in excess of 100 feet of saturated aquifer thickness (Water Rights, 2017a and 2017c). Examination of the hydrographs of observation wells completed into the Missouri: Elk Point aquifer, particularly UN77M and UN-78A (see Figures 2 and 3), show no signs of being significantly impacted by drawdown caused by pumping despite being located near several irrigation wells. Precise drawdown cannot be quantified without aquifer testing. However, pumping under this application, if approved, is not expected to adversely impact nearby adequate wells.

An adequate well has been defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) as:

“a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet”

In the past the Water Management Board has recognized to place water to maximum beneficial use, a certain amount of drawdown may occur. Furthermore, there is no history of well interference complaints from the Missouri: Elk Point aquifer. When all of that is considered, adequate wells as defined in ARSD 74:02:20(6) are not expected to be adversely or unlawfully impaired if this proposed appropriation is approved.

**CONCLUSIONS:**

1. Application No. 8287-3 proposes to divert water from the Missouri: Elk Point aquifer for the irrigation of 170 acres in Union County using an existing well at a maximum diversion rate of 2.22 cfs.
2. Based on the observation well data and a comparison of recharge to and discharge from the aquifer, there is a reasonable probability unappropriated water is available for this proposed appropriation.
3. There is a reasonable probability water can be pumped for this proposed appropriation without adversely or unlawfully impacting existing appropriative or domestic users.



Adam Mathiowetz, PE  
SD DENR-Water Rights Program

## REFERENCES:

- Bugliosi, E.F. 1986. Water Resources of Yankton County, South Dakota. Water-Resources Investigations Report 84-4241. U.S. Geological Survey. Huron, South Dakota.
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- Water Rights. 2017b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2017c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

# AFFIDAVIT OF PUBLICATION

State of South Dakota )  
:ss  
County of Union )

Bruce L. Odson,  
the publisher of the Leader-Courier, deposes and says that

## The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

### Notice of Application No. 8287-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 27 day of July, 2017

and that the succeeding publications were

on Thursday, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

on Thursday, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

on Thursday, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

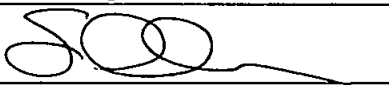
\$ 26.12, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me

this 27 day of July, 2017

My commission expires 7-12-23



Notary Public

## NOTICE OF APPLICATION NO. 8287-3 TO APPROPRIATE WATER

Notice is given that Dan Hanson and Scott Hanson, 47644 327th St, Elk Point SD 57025 have filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one existing well completed into the Missouri:Elk Point Aquifer (132 feet deep) located in the approximate center of the NE 1/4 Section 25 for irrigation of 170 acres located in the NE 1/4 Section 25 and the S 1/2 SE 1/4 Section 24; all in T91N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8287-3 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 August 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. Publish July 27, 2017  
Published once at the total approximate cost of \$26.12  
30-4-85

RECEIVED

AUG 02 2017

WATER RIGHTS  
PROGRAM

# AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED  
JUL 31 2017  
WATER RIGHTS  
PROGRAM

DAN / SCOTT HANSON  
47644 327TH ST  
ELK POINT SD 57025

STATE OF SOUTH DAKOTA  
COUNTY OF YANKTON

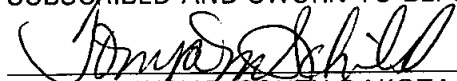
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES  
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON  
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE  
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER  
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY  
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID  
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED  
7 + 27 NOTICE OF APPLICATIO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE  
NEWSPAPER ON THE 27th DAY OF July, 2017  
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION  
OF SAID NOTICE TO WIT \$26.05 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: 07/27/2017

FILED ON: 07/27/2017

  
SUBSCRIBED AND SWORN TO BEFORE ME THIS 27th DAY OF July, 2017

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

Ad text : 7 + 27

NOTICE OF APPLICATION NO. 8287-3 to Appropriate Water

RECEIVED  
JUL 31 2017  
WATER RIGHTS  
PROGRAM

Notice is given that Dan Hanson and Scott Hanson, 47644 327th St, Elk Point SD 57025 have filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one existing well completed into the Missouri:Elk Point Aquifer (132 feet deep) located in the approximate center of the NE 1/4 Section 25 for irrigation of 170 acres located in the NE 1/4 Section 25 and the S 1/2 SE 1/4 Section 24; all in T91N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8287-3 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.

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 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 \$26.05.

## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Thursday, July 20, 2017 9:56 AM  
**To:** 'Tera Schmidt'  
**Subject:** 8287-3, Dan Hanson and Scott Hanson  
**Attachments:** 8287-3public.short.docx; FORM8.FRM.doc

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

Dan Hanson and Scott Hanson, 47644 327<sup>th</sup> St, Elk Point SD 57025 (712 259-4917) 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 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:** Thursday, July 20, 2017 9:55 AM  
**To:** G5 (leader1@iw.net)  
**Subject:** 8287-3, Dan Hanson and Scott Hanson  
**Attachments:** 8287-3public.short.docx; FORM8.FRM.doc

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

Dan Hanson and Scott Hanson, 47644 327<sup>th</sup> St, Elk Point SD 57025 (712 259-4917) 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 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



NOTICE OF APPLICATION NO. 8287-3 to Appropriate Water

Notice is given that Dan Hanson and Scott Hanson, 47644 327<sup>th</sup> St, Elk Point SD 57025 have filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one existing well completed into the Missouri:Elk Point Aquifer (132 feet deep) located in the approximate center of the NE 1/4 Section 25 for irrigation of 170 acres located in the NE 1/4 Section 25 and the S 1/2 SE 1/4 Section 24; all in T91N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8287-3 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 August 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

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

July 20, 2017

Dan Hanson and Scott Hanson  
47644 327<sup>th</sup> St  
Elk Point SD 57025

Dear Sirs:

Water Permit Application No. 8287-3 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 Leader-Courier printed at Elk Point SD (Ph # 605-356-2632) 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*  
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.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

**AUG 09 2017**

Dan Hanson & Scott Hanson  
47644 327<sup>th</sup> St  
Elk Point SD 57025

Dear Sirs:

Enclosed is Water Permit No. 8287-3 authorizing 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

NOTICE OF COMPLETION OF WORKS AND  
APPLICATION OF WATER TO BENEFICIAL USEDate 9-27-17TO: Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181

FROM:

Scott Hanson

(name)

47674 327<sup>th</sup> St

(address)

Elk Point, SD 57025

(city, state, zip)

605-231-1392

(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. 8287-3 states that the water use system is to be constructed by8-9-17

(date)

, and water is to be put to beneficial use by 8-12-17

(date)

The water use system was completed on

8/9/17

(date)

Applying the water to beneficial use was completed on

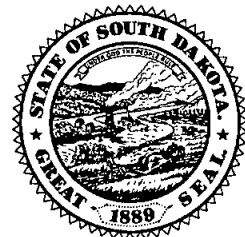
8/12/17

(date)

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

Scott J. Hanson

(signature)





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

October 11, 2017

8287-3

Scott Hanson  
47674 327<sup>th</sup> St  
Elk Point SD 57025

Dear Mr. Hanson:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)



82 87-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 26, 2018

NOTICE

TO: DAN HANSON, 47644 327th St, ELK POINT, SD 57025  
FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2895-3, 2935-3, 2936-3, 3005-3, 4255-3, 4702-3, 6190-3, 7159-3, 7172-3 & 8287-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 2895-3, 2935-3, 2936-3, 3005-3, 4255-3, 4702-3, 6190-3, 7159-3, 7172-3 & 8287-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 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) 2895-3, 2935-3, 2936-3, 3005-3, 4255-3, 4702-3, 6190-3, 7159-3, 7172-3 & 8287-3 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 7, 2018** 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](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

**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 ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

March 2, 2018

Dan Hanson  
47644 327<sup>th</sup> St  
Elk Point SD 57025

RE: Water Permit/Right Nos. 2895-3, 2935-3, 2936-3, 3005-3, 4255-3, 4702-3, 6190-3, 7159-3, 7172-3 & 8287-3

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit/Right Nos. 2895-3, 2935-3, 2936-3, 3005-3, 4255-3, 4702-3, 6190-3, 7159-3, 7172-3 & 8287-3. 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  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)



8287-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 25, 2019

NOTICE

TO: DAN HANSON, 47644 327th St, ELK POINT, SD 57025

FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2895-3, 2935-3, 2936-3, 3005-3, 4255-3, 4702-3, 6190-3, 7159-3, 7172-3 & 8287-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 2895-3, 2935-3, 2936-3, 3005-3, 4255-3, 4702-3, 6190-3, 7159-3, 7172-3 & 8287-3 qualification:

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

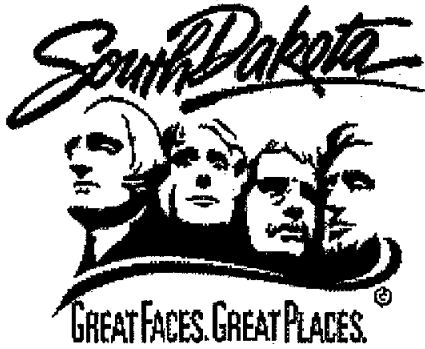
The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 2895-3, 2935-3, 2936-3, 3005-3, 4255-3, 4702-3, 6190-3, 7159-3, 7172-3 & 8287-3 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 6, 2019** 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](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

**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 ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

February 7, 2019

Dan Hanson  
47644 327<sup>th</sup> St  
Elk Point SD 57025

RE: Water Permit/Right Nos. 2895-3, 2935-3, 2936-3, 3005-3, 4255-3, 4702-3, 6190-3,  
7159-3, 7172-3 & 8287-3

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2895-3, 2935-3, 2936-3, 3005-3, 4255-3, 4702-3, 6190-3, 7159-3, 7172-3 & 8287-3. 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,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

Genny McMath  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)



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

January 19, 2024

### NOTICE

TO: DAN HANSON, 47644 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2895-3, 2935-3, 2936-3, 3005-3, 4255-3, 4702-3, 6190-3, 7159-3, 7172-3 & 8287-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 2895-3, 2935-3, 2936-3, 3005-3, 4255-3, 4702-3, 6190-3, 7159-3, 7172-3 & 8287-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 2895-3, 2935-3, 2936-3, 3005-3, 4255-3, 4702-3, 6190-3, 7159-3, 7172-3 & 8287-3 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 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at [amanda.dewell@state.sd.us](mailto:amanda.dewell@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: EYZKZF**

**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

January 30, 2024

2935-3, 2936-3, 2895-3,  
3005-3, 4255-3, 4702-3,  
6190-3, 7159-3, 7172-3 & 8287-3

Scott Hanson, Op  
47674 327<sup>th</sup> St  
Elk Point SD 57025

Dear Mr. Hanson:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 2935-3, 2936-3, 2895-3, 3005-3, 4702-3, 4255-3, 6190-3, 7159-3, 7172-3 & 8287-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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

cc: DAN HANSON, 47644 327<sup>TH</sup> ST, ELK POINT SD 57025  
KELLY GEORGE, 32722 477<sup>TH</sup> AVE, ELK POINT SD 57025

**Report of Examination of Works and/or Application of Water to  
Beneficial Use**

**For Permit No. 8287-3**

I have this day, March 25, 2025, made a thorough examination of the water use system constructed by Dan and Scott Hanson of 47644 327<sup>th</sup> St, Elk Point SD 57025 holder of Permit No. 8287-3, bearing the priority of May 18, 2017 authorizing the diversion of 2.22 cu. ft. per second of the waters of groundwater, Missouri:Elk Point Aquifer for irrigation purposes, in Union County.

Inspection contact & relationship Scott Hanson, owner

**A. Works used to divert the water:**

**Well Information:**

- 1) Well Drilling Firm: Dakota Drilling and Backhoe Inc
- 2) No. of Wells 1
- 3) Depth(s) 160 feet
- 4) Well log is available Y

**Casing:**

- 1) Diameter 12 inches
- 2) Length 92 feet
- 3) Type plastic

**Screen:**

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 19 feet

**Pump:**

- 1) Make Berkeley
- 2) Model Turbine
- 3) Size 8
- 4) Capacity 800 GPM

**Motor:**

- 1) Make US Electrical
- 2) Model No. HO40P
- 3) Horsepower rating 40 hp

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

- 1) Type steel
- 2) Size 10 inches
- 3) Length 20 feet

**C. Works used to apply water to beneficial use:**

**Center pivot:**

- 1) Make Valley
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 800 GPM

**Chemigation Equipment:**

- 1) Does chemigate N

**D. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by Y  
If no, describe: none
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y  
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: from the NEcorner of Sec 25 T91N-R50W 1350 ft W and 1015 ft S, latitude of 42.67476 and longitude of -96.69319 , NW¼ NE ¼ .
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation use. Water has been put to beneficial use to the maximum extent as follows: Land is located in Sec 24 T91N-R50W  
SE ¼ SE ¼ - 10 ac SW ¼ SE ¼ - 10ac
3. Land is located in Sec 25 T91N-R50W  
NW ¼ NE ¼ - 40 ac NE ¼ NE ¼ - 40 ac SE ¼ NE ¼ - 35 ac SW ¼ NE ¼ - 35 ac  
comprising a total of 170 acres of land and the license should be issued for 1.78 cfs.
4. All structures, wells and lands on map Y/N  
If no, describe: none

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

**Copies of the license should be sent to:**

**Scott Hanson**

**Dan Hanson**

**47674 327<sup>th</sup> St.**

**47644 327<sup>th</sup> St.**

**Elk Point SD 57025.**

**Elk Point SD 57025**



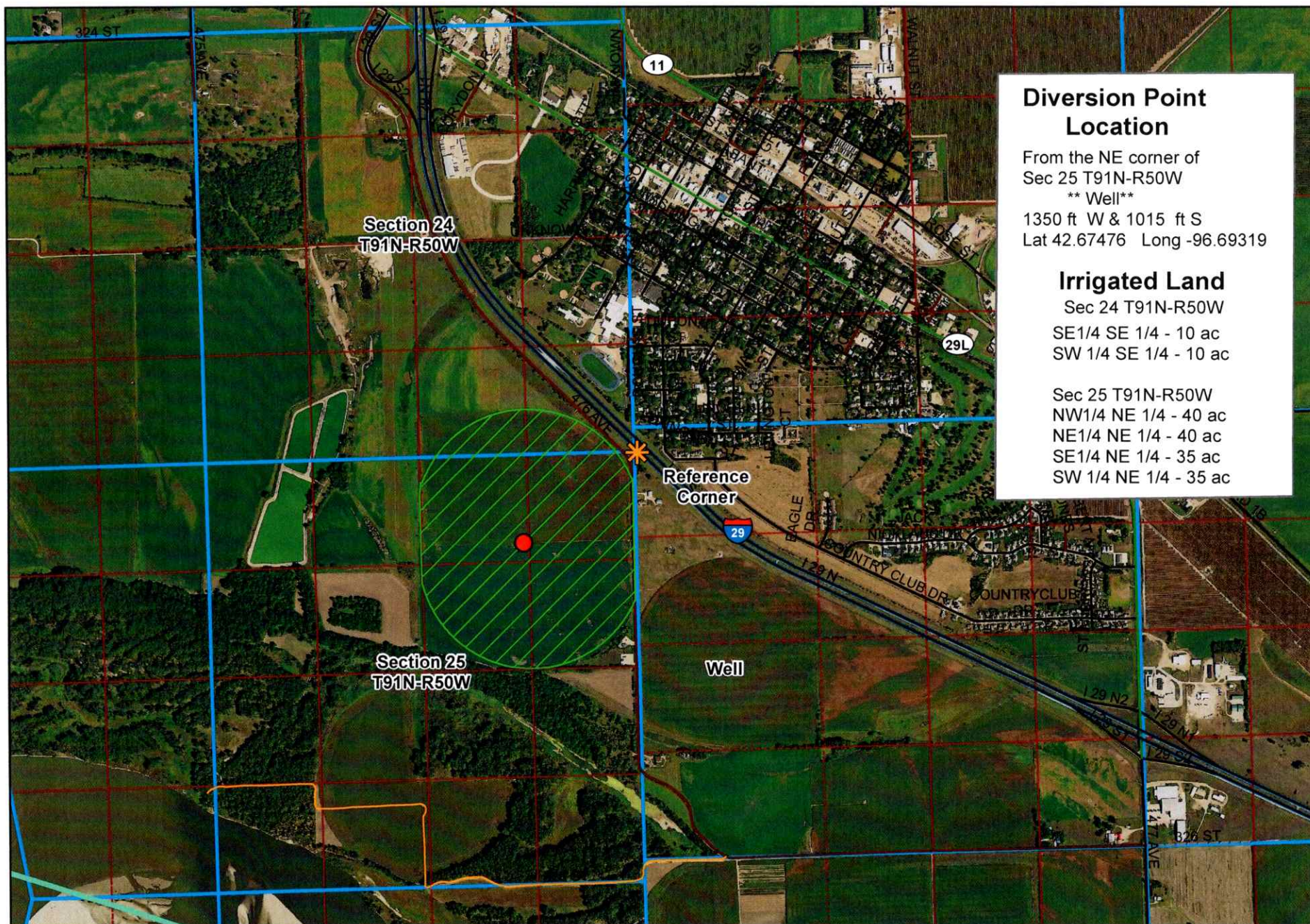
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Mark D Rath

Water Right Inspector

DANR, Water Rights Program

Date report completed: **May 12, 2025**



0 0.25 0.5 1 1.5 2 Miles



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**JUN 06 2025**

Dan Hanson & Scott Hanson  
47644 327<sup>th</sup> St  
Elk Point, SD 57025

No. 8287-3 & 8364-3

Dear Mr. Hanson:

Enclosed is Water License No. 8287-3 & 8364-3. These are the final water right documents completing your process of obtaining a Water Right. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

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Sincerely,

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Mark Mayer, PE  
Director of Office of Water  
(605) 773-3352

**Note:** (The maximum diversion rate authorized for irrigation under Water Right No. 8287-3 has been reduced to 1.78 cfs (800 gpm), based on the system as constructed.)

enclosures

**STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 8287-3**

(1) Dan Hanson & Scott Hanson, 47644 327<sup>th</sup> St, Elk Point, SD 57025, made Application No. 8287-3, May 18, 2017, for a water permit to divert 2.22 cubic feet of water per second from groundwater, one well (Missouri: Elk Point Aquifer), Union County, South Dakota for irrigation purposes. Permit No. 8287-3, with a priority date of May 18, 2017, was approved August 7, 2017, and issued to the applicant for diversion of water.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,350 feet W and 1,015 feet S from the NE corner of Section 25, T91N, R50W  
(approx. center of NE  $\frac{1}{4}$ ) (Latitude 42.67476 and Longitude -96.69319)

(3) The amount of 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.

(4) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

Section 24, T91N, R50W  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  - 10 acres  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  - 10 acres

Section 25, T91N, R50W  
NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  - 40 acres  
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  - 40 acres  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  - 35 acres  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  - 35 acres

Total – 170 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Dan Hanson & Scott Hanson, the holders and/or owners of Water Right No. 8287-3 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Missouri: Elk Point Aquifer), with a priority date of May 18, 2017, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8287-3 and subject to the following qualifications:

1. The well approved under Permit No. 8287-3 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.

*Mark Mayer*

Mark Mayer, PE  
Director of Office of Water

*6/6/25*

date

