

WATER PERMIT NO. 8307-3

Name of Applicant: Rodney Ballinger

Address: 48056 332nd St, Jefferson SD 57038 Phone: 605 966-5289

Amount of Water Claimed: 2.0 cfs Total Acres: 231

Source of Water Supply: groundwater (1 existing well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 5 miles west of Jefferson

PRIORITY Date Received: 8-14-17

Application/License Fee: \$ 1150

Corrected Application Received: 8-21-17

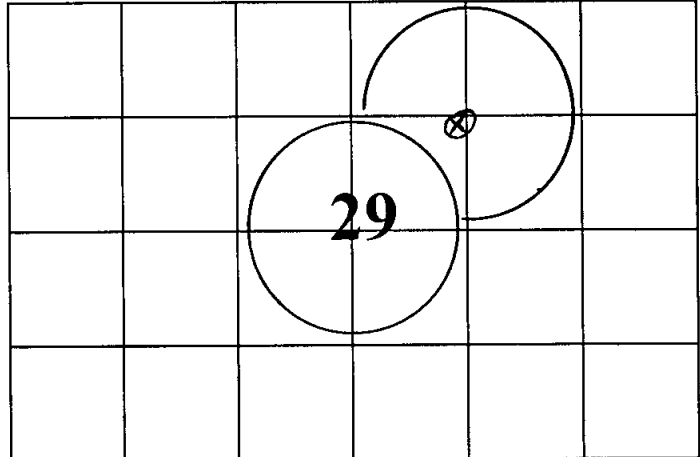
Period of Annual Use: May 1 – October 31

Remarks: Existing system

Diversion Point: approximate center of the NE 1/4

Sec 29-T90N-R49W

Land to be Irrigated: NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Sec 29-T90N-R49W



Depth of Well: 115 feet deep

Well Driller: Dakota Drilling

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 8-23-17

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

RECEIVED

AUG 14 2017

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8307-3</u> (office use only)
	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Leader-Courier, Elk Point SD</u> <u>Press & Dakotan, Yankton</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
_____1. Name to Appear on Irrigation Permit Rodney R Ballinger

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

Mailing Address 48056 332 st Jefferson S.D. 57038
(Address) (City) (State) (Zip Code)Phone 605-966-5289 Mobile 712-251-8798 Email Rodney Ballinger at yahoo.com2. Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 231
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Ground Water - well4. Location of point of diversion approximate center NE 1/4 Sec 29-T90N-R49W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)County Union5. County or counties where water will be used Union6. Annual period during which water is to be used May 1 - Sept Oct 317. 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
NE 1/4 NE 1/4 Sec 29 T90N-R49W	33	NE 1/4 NE 1/4 Sec 29 T90N-R49W	33
SE 1/4 NE 1/4 Sec 29 T90N-R49W	33	NE 1/4 SW 1/4 Sec 29 T90N-R49W	33
SW 1/4 NE 1/4 Sec 29 T90N-R49W	33	SE 1/4 SW 1/4 Sec 29 T90N-R49W	33
NW 1/4 NE 1/4 Sec 29 T90N-R49W	33	NE 1/4 SW 1/4 Sec 29 T90N-R49W	33
NE 1/4 NE 1/4 Sec 29 T90N-R49W	33	NE 1/4 SW 1/4 Sec 29 T90N-R49W	33
NE 1/4 NE 1/4 Sec 29 T90N-R49W	33	NE 1/4 SW 1/4 Sec 29 T90N-R49W	33
NE 1/4 NE 1/4 Sec 29 T90N-R49W	33	NE 1/4 SW 1/4 Sec 29 T90N-R49W	33

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

NW 1/4 NE 1/4 - NE 1/4 Sec 29-T90N-49W	33 acres	NW 1/4 SE 1/4 Sec 29 T90N-49W	33
NE 1/4 - SW 1/4	"	SE 1/4 NW 1/4 Sec 29 T90N-49W	33
SE 1/4 - NE 1/4	"	SW 1/4 NE 1/4 Sec 29 T90N-49W	33
NE 1/4 - NE 1/4	"		

I, Rodney R. Ballinger owner, the applicant, certify under
Name of Person Title (if applicable)

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

SOUTH DAKOTA
WATER PERMIT NO. 8307-3

Date of first receipt of application August 14, 2017.

Date of return to applicant for corrections, amendments or changes August 14, 2017.

Date of receipt of corrected application August 21, 2017.

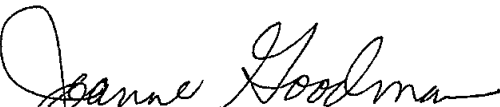
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8307-3 to Rodney R Ballinger, 48056 332st Jefferson SD 57038 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8307-3 appropriates 2.0 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the approximate center of the NE 1/4 Section 29 for irrigation of 231 acres located in the NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 29; all in T90N-R49W which is approximately 5 miles west of Jefferson SD.
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 – October 31.
3. The date from which applicant may claim right is August 14, 2017.
4. The date of approval of Permit No. 8307-3 is November 13, 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. 8307-3 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

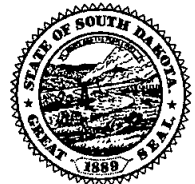
By: 

Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

NOV 15 2017

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by Dakota Drilling

For either Existing or Proposed Wells:

c) Well Depth (required) 115 ft Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____d) Distance to nearest domestic well on applicant's property 3/8 mile Property owned by others ____**2. Wastewater Disposal System Information**

a) Type of System (i.e. septic tank, drain field) ____

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions ____ Depth ____

b) Depth to water (ground surface to water level) ____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

*I have a Private agreement
with Steve Allard on
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 29 T90N-49W*

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

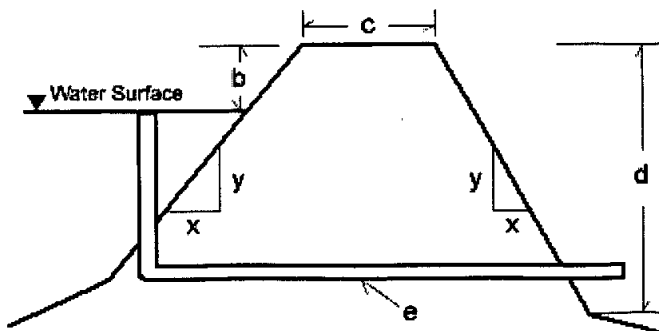
Upstream ____

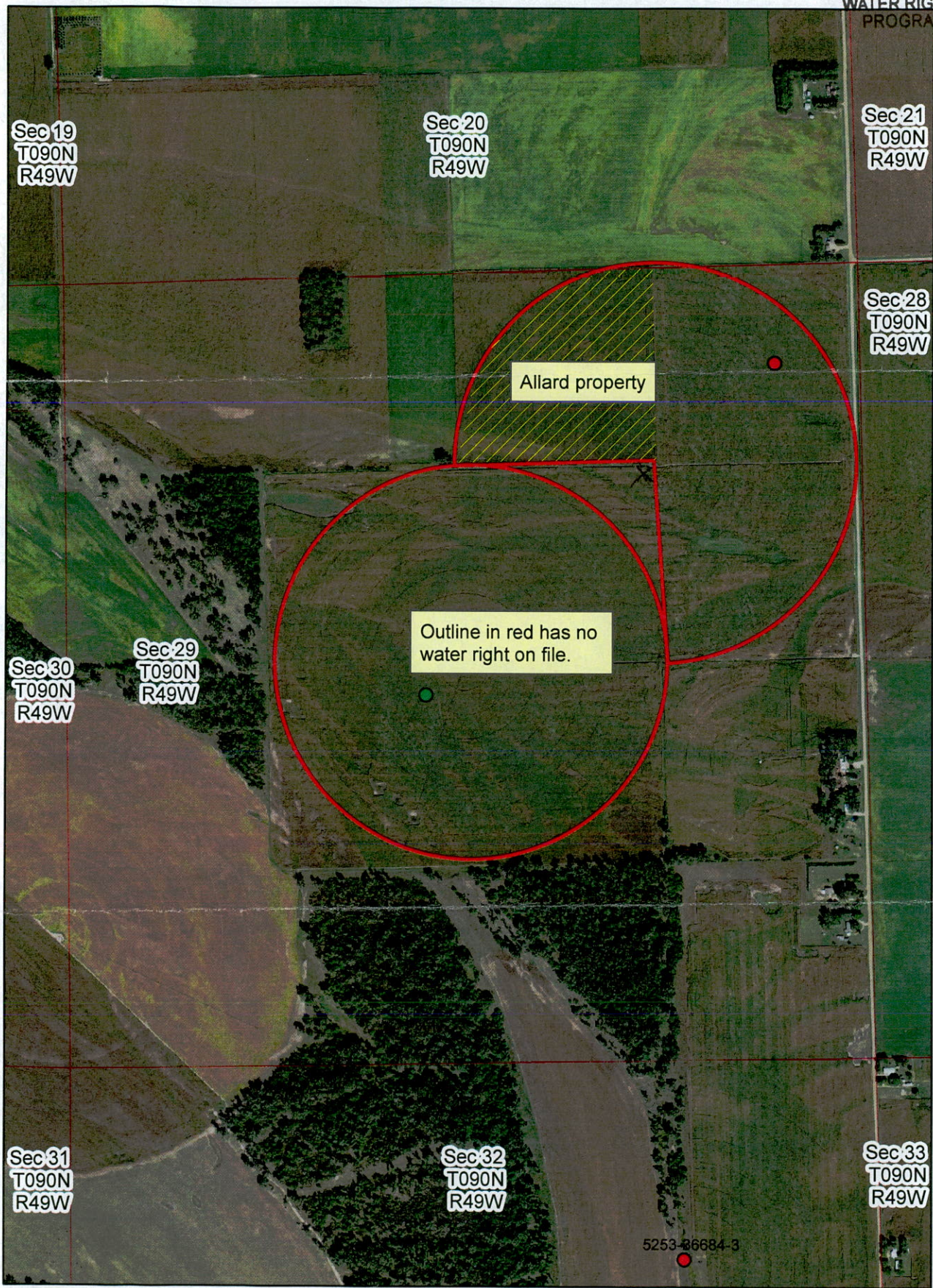
Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres





RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 14, 20 17

RECEIVED OF Rodney Ballinger 48056 332nd St. Jefferson, SD 57038

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

Fee for Application for Permit No. <u>8307-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	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>8307-3</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	1150 00

No. **08321**

By Jeanne Goodman *vm*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 20, 2017

Rodney Ballinger
48056 332nd St
Jefferson SD 57038

Dear Mr. Ballinger:

The Department of Environment and Natural Resources (DENR) received information alleging the irrigation system located in the NE 1/4 Section 29-T90N-R49W had end gun overspray occurring on the roadway. The Union County Register of Deeds indicates you are the owner of this parcel with the exception of the NW 1/4 NE 1/4 Section 29-T90N-R49W which is owned by Stephen & Jane Allard Living Trust. Enclosed is a general vicinity map.

Prior to contacting the Register of Deeds, the DENR database maintained for water permits was reviewed and we are unable to find that a water permit was obtained for irrigation of this property as well as 160 acres located in the center of Section 29-T90N-R49W. Google Map confirms that there are two irrigation systems in place in this section on your property. Water in South Dakota is property of the people of this state, and as such, the state water law requires a permit to use water anytime it is put to a beneficial use beyond typical domestic use.

A water permit must be obtained to have a continuing right to irrigate this land. Enclosed is an application form and instruction sheet to apply for a water permit for irrigation. The completed forms with the application fee and map are to be returned to the: Water Rights Program, 523 E Capitol, Pierre SD 57501. Please file the application as soon as possible but no later than September 1, 2017, to insure there is time to process and consider the application for a possible water right permit prior to your preparation for the 2018 irrigation season.

As Chief Engineer, if a water permit is not in place prior to the 2018 irrigation season I am prepared to issue an order pursuant to South Dakota Codified Law 46-2-18 to discontinue the use of water to which the user has no legal right. Refusal to comply with the order may result in DENR filing an action with a court of proper jurisdiction to issue a temporary restraining order or injunction to effectuate the provisions of the order.

For the remainder of the 2017 irrigation season and upon obtaining a water permit you must maintain the end gun stops to shut off the end guns when the pivot nears a road or neighboring property. Water users are not allowed to waste water or operate an irrigation system in violation of state water law, which includes end gun overspray upon lands, including roadways, not authorized by the water right. Application of water to a roadway or unauthorized lands is a waste and unreasonable use of water pursuant to SDCL 46-1-4.

If you believe you have an existing permit or if help is needed completing the application forms, please contact Eric Gronlund (605) 773-3352 or eric.gronlund@state.sd.us.

Sincerely,

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

Jeanne Goodman, Chief Engineer
Water Rights Program

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 14, 2017

Rodney R Ballinger
48056 332nd St
Jefferson SD 57038

Dear Mr. Ballinger:

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 aerial photo map for the location of the irrigation. On the map, please mark the well location with an "X".

A postage prepaid envelope is enclosed for returning the map. If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8307-3, Rodney R Ballinger**

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. 8307-3, Rodney R Ballinger, 48056 332nd Street, Jefferson SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 8307-3 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. 8307-3 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
October 23, 2017

NOTE: This irrigation system was developed prior to getting the required water right permit. DENR became aware of the irrigation as a result of a complaint alleging end gun overspray on to a road. Be mindful that water users are not allowed to waste water or operate an irrigation system in violation of state water law, which includes end gun overspray upon lands, including roadways, not authorized by the water right permit. Application of water to a roadway or unauthorized lands is a waste and unreasonable use of water pursuant to SDCL 46-1-4. The end gun stops must be maintained to shut off when the pivot nears a road or neighboring property.

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8307-3
RODNEY BALLINGER
AND
WATER PERMIT APPLICATION NO. 8308-3
TOM HUMMEL
OCTOBER 19, 2017

Water Permit Application No. 8307-3 proposes to authorize the irrigation of 231 acres located in the NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 T90N-R49W at a maximum diversion rate of 2.0 cubic feet of water per second (cfs) from an existing well 115 feet deep completed into the Missouri: Elk Point aquifer. The well is located in the approximate center of the NE $\frac{1}{4}$ Sec. 29 T90N-R49W all in Union County approximately 5 miles west of Jefferson, SD.

Water Permit Application No. 8308-3 proposes to authorize the irrigation of 40 acres located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 T90N-R49W at a maximum diversion rate of 1.11 cubic feet of water per second (cfs) from an existing well 100 feet deep completed into the Missouri: Elk Point aquifer. The well is located in the approximate center of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 T90N-R49W all in Union County approximately 5 miles west of Jefferson, SD. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The pivot extends into the neighboring property in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ that is included in Application No. 8307-3.

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 Application No. 8308-3 indicates the static water level at the time of completion, July 2012, was 22 feet below ground surface. Aquifer material was encountered from 7 feet to the total depth of the well and included fine and coarse sand, and

medium gravel. The bottom nine feet of the well were completed into claystone that indicates the top of the Dakota Formation.

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 the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

These applications propose 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 applicants are not water distribution systems.

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, 1994). 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. Water Right No. 8288-3 was originally issued as a permit for no additional diversion rate and to irrigate 13 acres using the well and diversion rate authorized by Water Right No. 7493-3. Water Right No. 7493-3 authorized the irrigation of 84 acres at a maximum diversion rate of 1.78 cfs. Water Right No. 7493-3 was subsequently incorporated into Water Right No. 8288-3, which is now licensed for a diversion rate of 1.78 cfs for the irrigation of 97 acres.

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 and the application listed in Table 1 have appropriated or proposed to appropriate two ac-ft per acre for a total of 8,579.38 ac-ft/yr. Applying the 13.8% to the appropriated volume of the irrigation permits shown in Table 1, the irrigation permits and application, if approved, are estimated to pump 1,184 ac-ft/yr. Using that methodology, Application No. 8307-3 is estimated to pump approximately 64 ac-ft/yr. and Application No. 8303-3 is estimated to pump approximately 11 ac-ft/yr. on average.

Table 1- Water permits approved or reinstated and current applications since the Stonesifer's (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	
8287-3	DAN & SCOTT HANSON	UN	PE	IRR	2.22	170	
8288-3***	FRANKLIN ORR	CL	LC***	IRR	no add'l	13	
8304-3	Don Schell Family LLP	CL	APP	IRR	no add'l	15	
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, ***= License incorporates Permit No. 7493-3 for 1.78 cfs and 84 acres							

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 (7,941 ac-ft/yr.) and the potential use by the two deferred applications (50 ac-ft/yr.) is approximately 89,099 ac-ft/yr. The difference between Stonesifer's (2013) estimated annual recharge and the estimated annual withdrawals is approximately 2,901 ac-ft/yr. These applications are expected to use approximately 75 ac-ft/yr. It should be noted that increased withdrawals from the Missouri: Elk Point aquifer, especially near the Missouri River, will induce more recharge to the aquifer from the river. 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 these applications propose to use that are completed into the Missouri: Elk Point aquifer. The locations of observation wells and the wells these applications propose to use are shown in Figure 1. Observation well UN-99A is within one-quarter of a mile, UN-770 is approximately 2.5 miles north, and UN-78B, UN-77P and UN-77R are approximately 3.0 miles from the well sites these applications propose to use (Water Rights, 2017a). Figures 2 through 6 show the hydrographs for these observation wells, respectively.

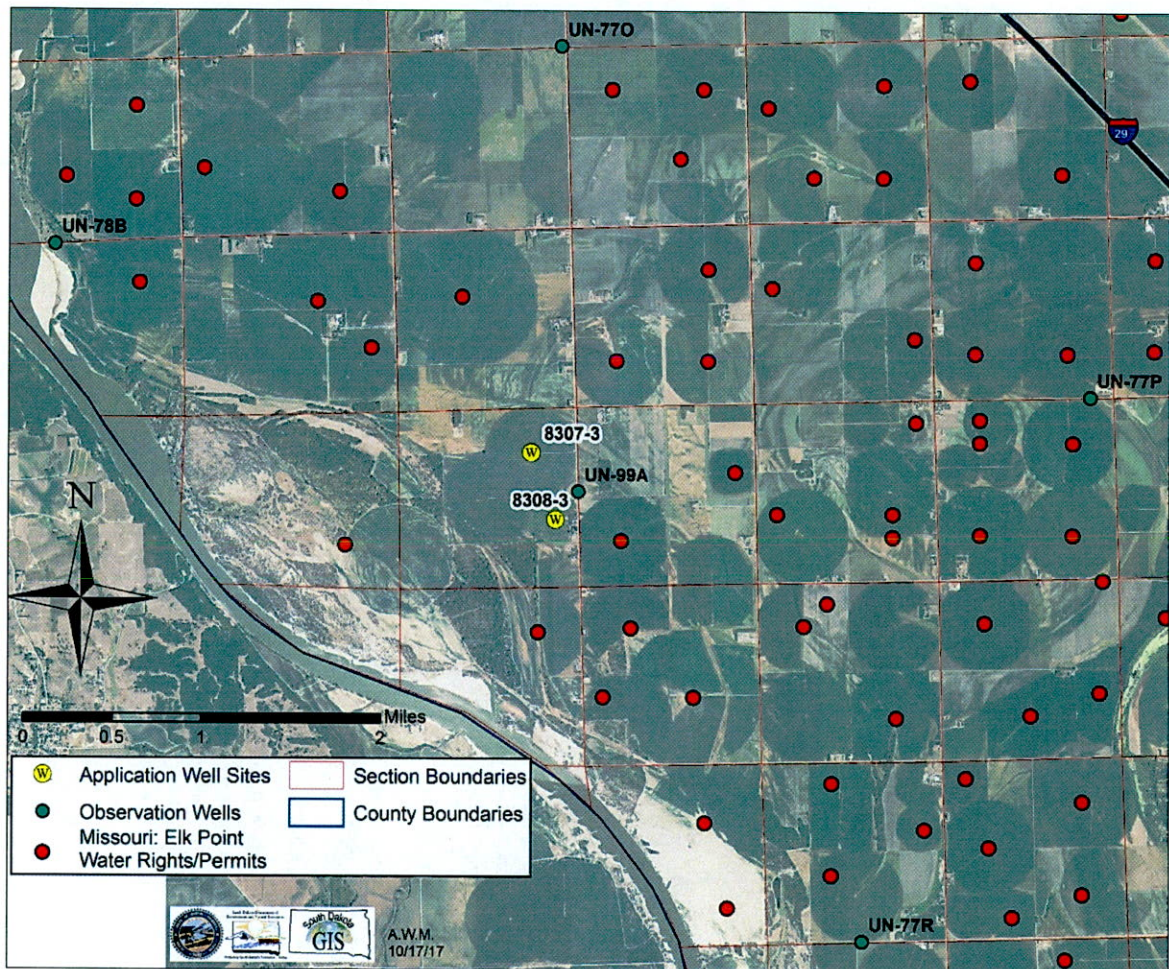


Figure 1- Map of the observation wells and water right/permit wells completed into the Missouri: Elk Point aquifer in the vicinity of the wells for Application Nos. 8307-3 and 8308-3 proposes to use (Water Rights, 2017a)

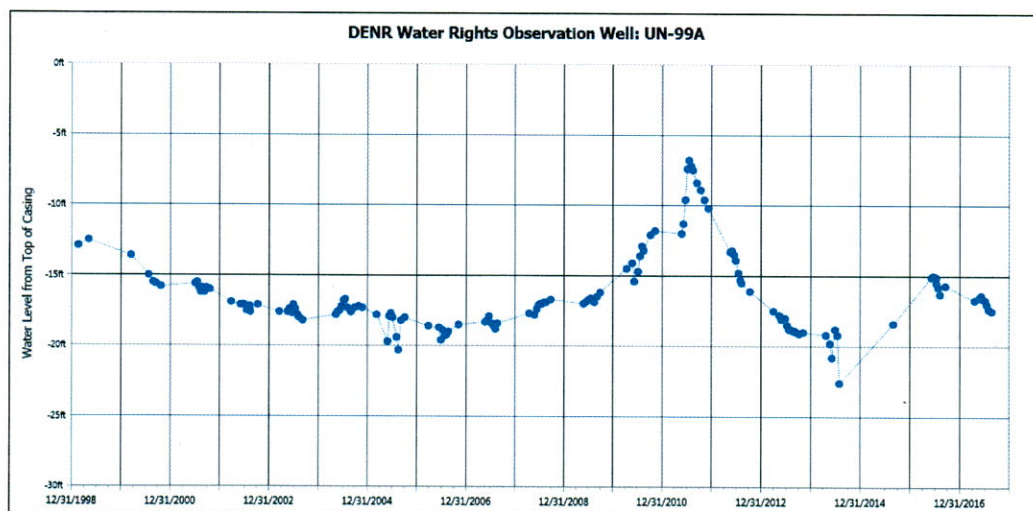


Figure 2- Hydrograph for observation well UN-99A (Water Rights, 2017a)

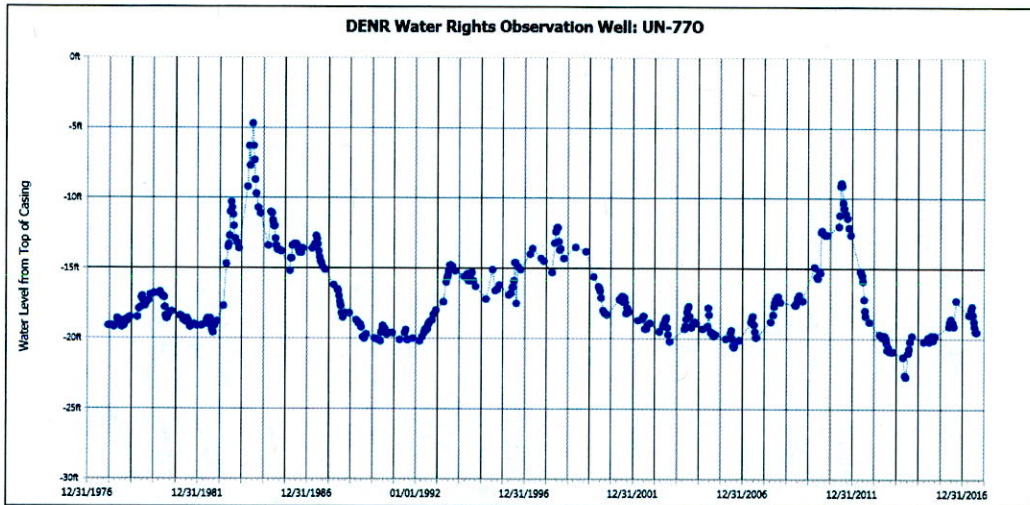


Figure 3- Hydrograph for observation well UN-77O (Water Rights, 2017a)

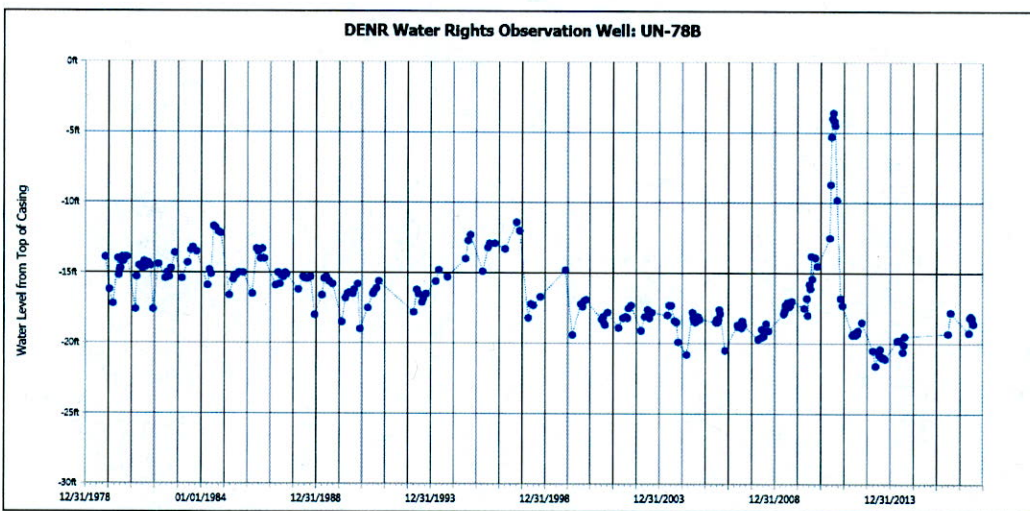


Figure 4- Hydrograph for observation well UN-78B (Water Rights, 2017a)

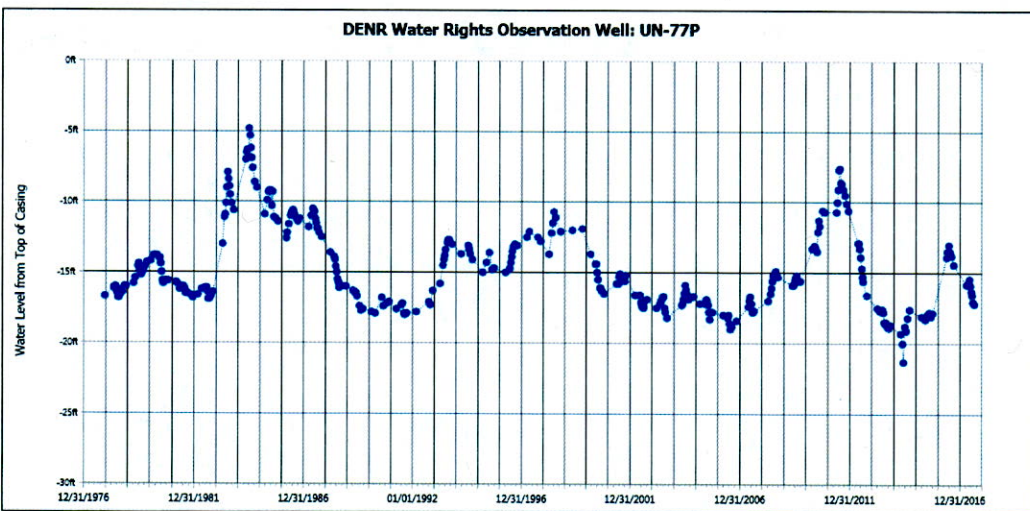


Figure 5- Hydrograph for observation well UN-77P (Water Rights, 2017a)

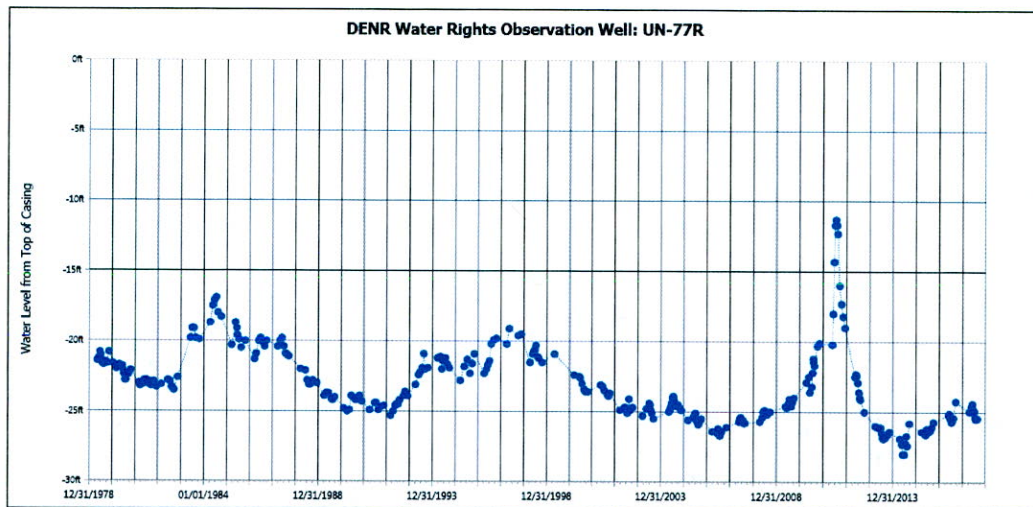


Figure 6- Hydrograph for observation well UN-77R (Water Rights, 2017a)

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, like the wells in proximity of these applications show the hydraulic connection between the management unit and the Missouri River. This is specifically shown by the large peak in the hydrographs in 2011 that occurred in the exact same timeframe and very similar magnitude as the flooding of the Missouri River that occurred at the same time. 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 609 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 the area these applications propose to irrigate are shown in Figure 7 and listed in Table 2.

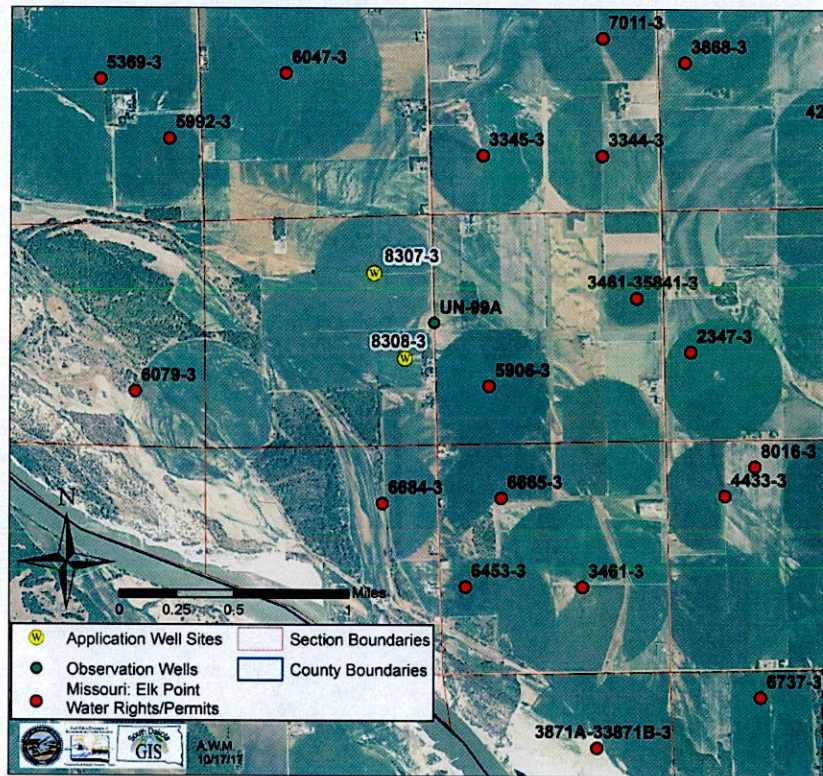


Figure 7- Map of the vicinity of Application Nos. 8307-3 and 8308-3 including Missouri: Elk Point aquifer water rights/permits (Water Rights, 2017b) and observation wells (Water Rights, 2017a)

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
2347-3	Merlyn Karpen	LC	IRR	1.8	126
3344-3	Robert Corio	LC	IRR	1.9	133
3345-3	Stanley N Donnelly	LC	IRR	1.85	130
3461-3	Roger Dailey	LC	IRR	5.55	433
3868-3	Carol Ann Hagen	LC	IRR	2.14	150
3871A-3	Dan & David Trudeau	LC	IRR	2.01	159
3871B-3	Lieber Land Holdings LLC	LC	IRR	1.54	122
4433-3	Roger Dailey	LC	IRR	1.89	133
5369-3	Alfred Allard	LC	IRR	3.79	320
5841-3	Michael & Mary Schmitz	LC	IRR	0.56	39
5906-3	Virgil Mollet Jr	LC	IRR	1.78	136
5992-3	Mike & Steve Allard	LC	IRR	1.23	86
6047-3	Mike & Steve Allard	LC	IRR	2.89	305
6079-3	Joseph & John Trudeau	LC	IRR	2.67	95
6453-3	Dan & David Trudeau	PE	IRR	0.89	37
6665-3	Eugene Mollet Sr	LC	IRR	1.63	91
6684-3	George Norton	LC	IRR	1.33	58
6737-3	Michael Schmitz	PE	IRR	1.33	120
7011-3	Mike & Steve Allard	PE	IRR	1.89	130
8016-3	Amelia Bertrand Trust	PE	IRR	1.67	66
LC= Water Rights, PE= Water Permit, IRR= Irrigation					

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 all of the hydrographs of observation wells completed into the Missouri: Elk Point aquifer show no signs of being significantly impacted by drawdown caused by pumping despite most of the observation wells being located within two miles of 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.

SDCL 46-5-6:

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or “the equivalent thereof.” The statute does provide that: “The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. However, no annual volume may be greater than three acre-feet per acre delivered to the land.” Water Permit Application No. 8308-3 proposes to divert water at a maximum rate of 1.11 cfs for the irrigation of 40 acres or at a rate of 1.94 cfs per 70 acres. The applicant did not provide a reason for the request. The pivot makes a partial or “windshield wipe” type of rotation. This type of center pivot orientation is known to often require a diversion rate in excess of the statutory limit. This reason has been accepted by the Water Management Board previously as reasonable for the request of diversion rate in excess of the statutory limit.

CONCLUSIONS:

1. Application No. 8307-3 proposes to divert water from the Missouri: Elk Point aquifer for the irrigation of 231 acres in Union County using an existing well at a maximum diversion rate of 2.0 cfs.
2. Application No. 8308-3 proposes to divert water from the Missouri: Elk Point aquifer for the irrigation of 40 acres in Union County using an existing well at a maximum diversion rate of 1.11 cfs. This diversion rate is in excess of the statutory limit of 1 cfs per 70 acres.

3. 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 these proposed appropriations.
4. There is a reasonable probability water can be pumped from these proposed appropriations without adversely or unlawfully impacting existing appropriative or domestic users.
5. Application No. 8308-3 has requested a diversion rate in excess of the statutory limit of one cfs per 70 acres. The orientation of the center pivot requires the requested diversion rate. This reason has been accepted by the Water Management Board in the past as reasonable for the request of diversion rate in excess of 1 cfs per 70 acres.



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.
- Goodman, J.A. 2007. Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Hedges, L.S., Allen, J. and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa. Task 7: Ground Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Iles, D.L. 1979. Ground-water Study for Southern Union County. Open File Report UR-28. SD DENR-Geological Survey. Vermillion, South Dakota.
- Kilts, W. 2016. Report to the Chief Engineer Water Permit Application No. 8202-3 Gerald Benjamin. February 20, 2015. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Niehus, C.A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 93-4195. U.S. Geological Survey. Rapid City, South Dakota.
- Stephens, J.C. 1967. Geology and Hydrogeology of Clay County, South Dakota, Part II: Water Resources. South Dakota DENR-Geological Survey Bulletin 19, 62 p. Vermillion, South Dakota.
- Stonesifer, J.R. 2013. Water Availability of the Missouri: Elk Point Aquifer. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2017a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- 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.



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.**

October 24, 2017

Rodney R Ballinger
48056 332nd St
Jefferson SD 57038

Dear Mr. Ballinger:

Water Permit Application No. 8307-3 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.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 26, 2017 7:47 AM
To: G5 (leader1@iw.net)
Subject: FW: 8307-3, Rodney R Ballinger
Attachments: 8307-3public.short.docx; FORM8.FRM.doc

Should be published on November 2, 2017.

From: Schlaak, Karen
Sent: Thursday, October 26, 2017 7:45 AM
To: G5 (leader1@iw.net)
Subject: 8307-3, Rodney R Ballinger

Attached is a notice to be published on November 2, 2019.

Rodney Ballinger, 48056 332nd St, Jefferson SD 57038 (605 966-5289 or c 712 251-8798) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 26, 2017 7:48 AM
To: 'Tera Schmidt'
Subject: FW: 8307-3, Rodney R Ballinger
Attachments: 8307-3public.short.docx; FORM8.FRM.doc

Should be published on November 2, 2017.

From: Schlaak, Karen
Sent: Thursday, October 26, 2017 7:45 AM
To: 'Tera Schmidt'
Subject: 8307-3, Rodney R Ballinger

Attached is a notice to be published on November 2, 2019.

Rodney Ballinger, 48056 332nd St, Jefferson SD 57038 (605 966-5289 or c 712 251-8798) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

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



NOTICE OF APPLICATION NO. 8307-3 to Appropriate Water

Notice is given that Rodney R Ballinger, 48056 332nd St, Jefferson SD 57038 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the approximate center of the NE 1/4 Section 29 for irrigation of 231 acres located in the NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 29; all in T90N-R49W which is approximately 5 miles west of Jefferson SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8307-3 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 November 13, 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 _____.

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

NOV 06 2017

WATER RIGHTS
PROGRAM

RODNEY BALLINGER
48056 332ND ST
YANKTON SD 57078

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
11+2 NOTICE OF APPLICATIO

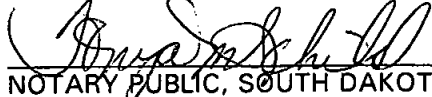
TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 2nd DAY OF November, 2017
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.63 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION 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: 11/02/2017

FILED ON: 11/02/2017



SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF November, 2017



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

NOTICE OF APPLICATION NO. 8307-3 to Appropriate Water

Notice is given that Rodney R Ballinger, 48056 332nd St, Jefferson SD 57038 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the approximate center of the NE 1/4 Section 29 for irrigation of 231 acres located in the NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 29; all in T90N-R49W which is approximately 5 miles west of Jefferson SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8307-3 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 November 13, 2017.

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

Published once at the total approximate cost of \$26.63.

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. 8307-3

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 2 day of November, 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

\$ 26.74, 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 2 day of November, 2017

My commission expires 7-12-23

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA

Notary Public

NOTICE OF APPLICATION NO. 8307-3 TO APPROPRIATE WATER

Notice is given that Rodney R Ballinger, 48056 332nd St, Jefferson SD 57038 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the approximate center of the NE 1/4 Section 29 for irrigation of 231 acres located in the NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 29; all in T90N-R49W which is approximately 5 miles west of Jefferson SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8307-3 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 November 13, 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.

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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 Nov. 2, 2017
Published once at the total approximate cost of \$26.74
44-2-87

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NOV 06 2017

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

October 24, 2017

Anna Faulk
33183 478th Avenue
Jefferson SD 57038

Dear Ms. Faulk:

Please find enclosed the staff report, recommendations and publication notice for water permit applications filed by Rodney Ballinger and Tom Hummel in Union County. Public notice is to be published in the Elk Point Leader-Courier and Yankton Press & Dakotan.

This information is being sent as you early in the year contacted DENR regarding overspray of the Ballinger irrigation system on to the roadway and overspray from the Hummel irrigation system on to your property.

Please let me know if you have questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352
Eric.gronlund@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

October 24, 2017

Steve Allard
33071 477th Avenue
Elk Point SD 57025

Dear Mr. Allard:

Please find enclosed the staff report, recommendation and publication notice for water permit application filed by Rodney Ballinger in Union County. Public notice is to be published in the Elk Point Leader-Courier and Yankton Press & Dakotan.

This information is being sent as you are owner of a quarter-quarter NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29-T90N-R49W that is covered by a portion of one of the center pivots. Mr. Ballinger indicates on his application that the two of you have a private agreement regarding this issue.

Please let me know if you have questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352
Eric.gronlund@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

8307-3

NOV 15 2017

Rodney R Ballinger
49056 332 St
Jefferson SD 57038

Dear Mr. Ballinger:

Enclosed is Water Permit No. 8307-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Sincerely,

A handwritten signature in black ink, reading "Jeanne Goodman". The signature is fluid and cursive.

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

enclosures

8309-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Otter Tail Power Company
Astoria Station
PO Box 496
Fergus Falls, MN 56538

8309-3

Dear Ms. Tostenson:

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 water use 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,

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

RECEIVED

JUN 02 2023

OFFICE OF
WATER**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date May 26, 2023

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

FROM: Otter Tail Power Company

(name)

PO Box 496

(address)

Fergus Falls, MN 56538

(city, state, zip)

218-739-8200

(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. 8309-3 states that the water use system is to be constructed by
December 11, 2022, and water is to be put to beneficial use by December 11, 2026.
(date) (date)

The water use system was completed on June 27, 2017.
(date)

Applying the water to beneficial use was completed on May 24, 2023.
(date)

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

Mark Shonka
(signature)



215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpc.com

RECEIVED

JUN 02 2023

OFFICE OF
WATER



May 26, 2023

Ms. Jeanne Goodman
Chief Engineer
South Dakota Department of Environment and Natural Resources
Water Rights Program
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501- 3182

SUBJECT: Otter Tail Power Company – Astoria Station
Notification of water applied to beneficial use

Dear Ms. Goodman:

Enclosed please find the completed *Notice of Completion of Works and Application of Water to Beneficial Use* Form 10 for Water Permit No. 8309-3 for Otter Tail Power Company's Astoria Station well.

The well was put to beneficial use on May 24, 2023. Please schedule an investigation to issue a water license for this site.

If you have any questions on this, please do not hesitate to contact me by phone at 218-739-8794 or by email at ktostenson@otpc.com.

Sincerely,

A handwritten signature in blue ink that reads "Kristi Tostenson". The signature is written in a cursive, flowing style.

Kristi Tostenson
Sr. Environmental Specialist

Enclosure