

WATER PERMIT NO. 8323-3

Name of Applicant: **James H Jepsen**

Address: **48480 231st St, Flandreau SD 57028**

Phone: **605 530-2158**

Amount of Water Claimed: **1.56**

Total Acres: **138 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Moody**

Type of Waste Disposal System:

Location: **3 miles northwest of Flandreau**

PRIORITY

Date Received: **12-8-17**

Application/License Fee: **\$ 1050.00**

Corrected Application Received:

Period of Annual Use: **May 1 – August 31**

Remarks: **drip irrigation system**

Diversion Point: **SW 1/4 SE 1/4 Sec 5-T107N-**

R48W

Land to be Irrigated: **SE 1/4 Sec 5-T107N-R48W**

Depth of Well: **45 feet deep**

Well Driller: **Lacey Well Drilling Inc.**

Remarks:

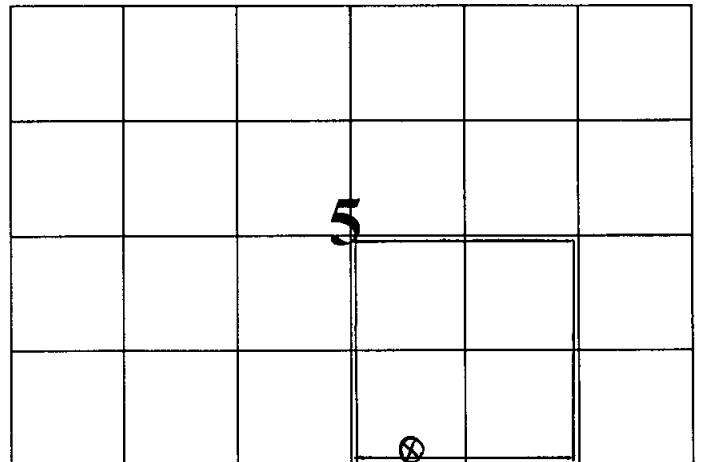
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **12-8-17**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 8323-3

Date of first receipt of application December 8, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8323-3 to James H Jepsen, 48480 231st St. Flandreau SD 57028 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. 8323-3 appropriates 1.56 cubic feet of water per second from one well to be completed into the Big Sioux:Moody Aquifer (approximately 45 feet deep) located in the SW 1/4 SE 1/4 Section 5 for irrigation of 138 acres located in the SE 1/4 Section 5; all in T107N-R48W which is approximately 3 miles northwest of Flandreau 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 – August 31.
3. The date from which applicant may claim right is December 8, 2017.
4. The date of approval of Permit No. 8323-3 is March 5, 2018.
5. One-fifth of the construction is to be completed on or before September 5, 2020.
6. All construction is to be completed on or before March 5, 2023.
7. Water is to be put to beneficial use on or before March 5, 2027.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Permit No. 8323-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8323-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

MAR 19 2018

date



RECEIVED

DEC 08 2017

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8323-3</u> (office use only)
	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Moody Co. Enterprise</u> <u>Brooking Register</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.)

- Name to Appear on Irrigation Permit James H. Jepsen
Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
Mailing Address 48480 231st St. Flandreau S Dakota 57028
(Address) (City) (State) (Zip Code)
Phone 605-997-3889 Mobile 605-530-2158 Email jepsen@mcisweb.com
- Amount of water claimed 1.56 *CFS or 700 **GPM ***AF Total Acreage 138
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 14" well 107
- Location of point of diversion 1-well SE⁴ SW⁴ SE⁴ section 5 107-11-48W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
County Moody
- County or counties where water will be used Moody
- Annual period during which water is to be used May - August 31
- 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
SW 1/4 SE 1/4 S 107 N 48 W	34.5		
NW 1/4 SE 1/4 S 107 N 48 W	34.5		
NE 1/4 SE 1/4 S 107 N 48 W	34.5		
SE 1/4 SE 1/4 S 107 N 48 W	34.5		

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

The well would supply water for a drip tape irrigation project on the family farm. Corn & Soybeans would be the primary crops.

- James H. Jepsen 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.

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 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Lacey Well Drilling
(if yes, please provide copies of logs)
- b) If existing wells, how many Provide copy of log(s), if available. Drilled by Joan Redder-Lacey
- For either Existing or Proposed Wells:
- c) Well Depth (required) 45' Depth to Top of Water Bearing Material 10' Depth to Water from Surface 10'
- d) Distance to nearest domestic well on applicant's property N/A Property owned by others N/A

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

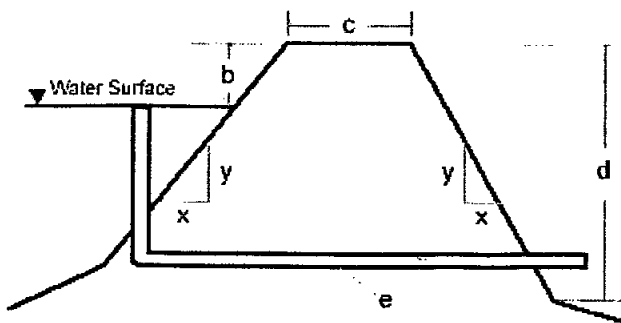
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

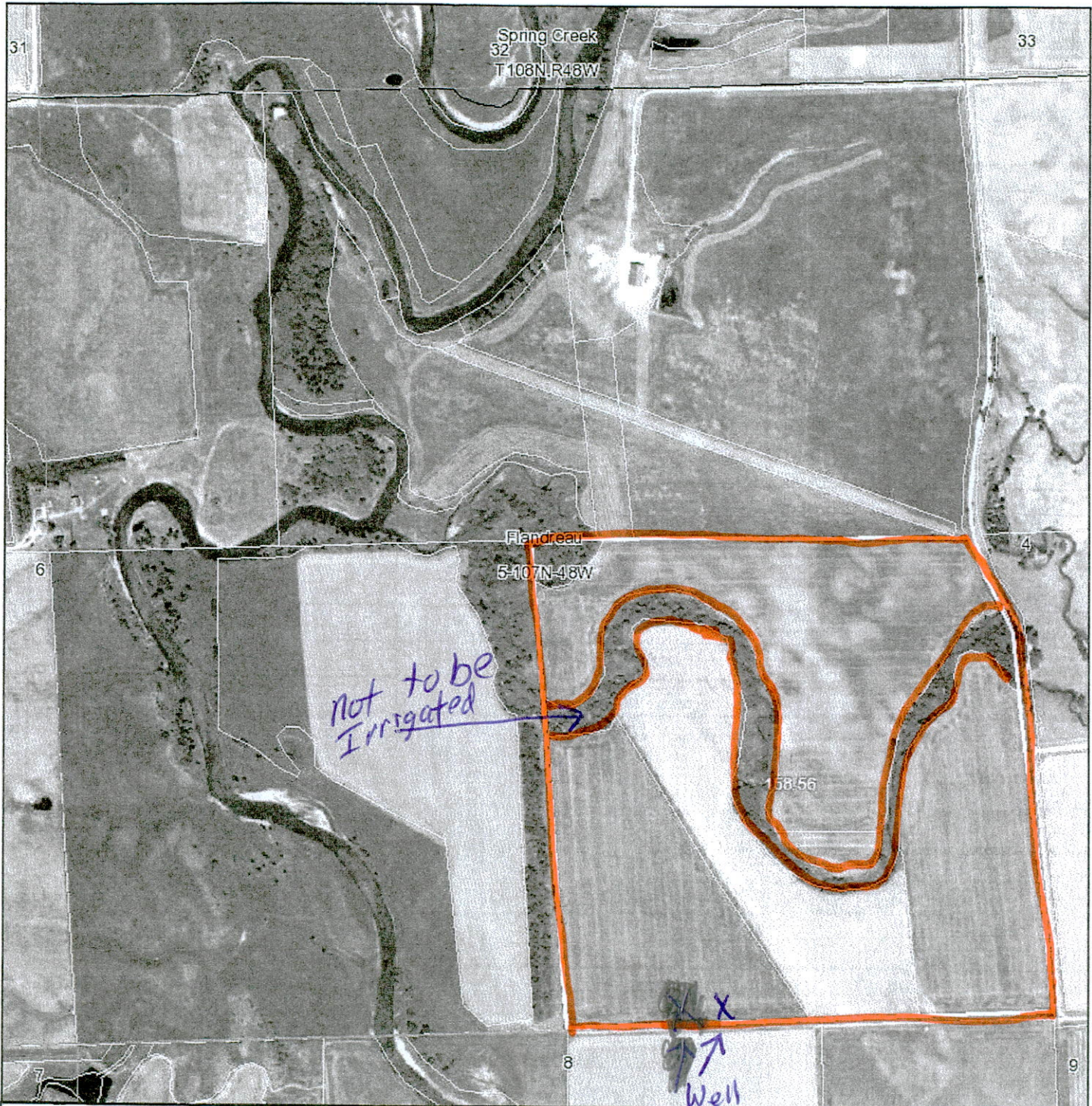


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

James H. Jepsen
48480 231st St
Flandreau SD 57028-6631

605-997-3889
605-530-2158
Aerial Map

Erickson's



CENTROL
A CROP CONSULTING COOPERATIVE

Maps provided by:

surety
CUSTOMIZED ONLINE MAPPING

©AgriData, Inc. 2010
www.AgriDataInc.com

S 1/4 **5-107N-48W**
Moody County
South Dakota

map center: 44° 6' 7.16, 96° 37' 4.52
scale: 10453



4/21/2010

Field borders provided by Farm Service Agency as of 5/23/2008. Aerial photography provided by Aerial Photography Field Office.

In Water Since 1946

Wells — Pumps
Dewatering Work
Test Drilling

LACEY WELL DRILLING, INC.

47582 - 240th St.
Dell Rapids, South Dakota 57022
Telephone (605) 428-5979

Down-Hole Camera
Water Specialists
Irrigation Supplies

James Jepsen

4848D 231st St.

Flan & Reay, S.Dak. 57028

Test hole

0-3 Topsoil

3-15 Brown Sand

15-45 Coarse Grey Gravel

SWL- 10'

Drilled by: Joan Redder-Lacey

L n H : 111

Date : 11-27-17

Signed :

Joan Redder-Lacey

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 8, 20 17

RECEIVED OF James Jepsen 48480 231st St Flandreau 57028-6631

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

Fee for Application for Permit No. <u>8323-3</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>8323-3</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. 08387

By Jeanne Goodman
Chief Engineer

(KS)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8323-3, James H Jepsen**

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. 8323-3, James H Jepsen, 48480 231st Street, Flandreau SD 57028.

The Chief Engineer is recommending APPROVAL of Application No 8323-3 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. 8323-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8323-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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
February 9, 2018

Report to the Chief Engineer
Water Permit Application No. 8323-3
James H. Jepsen

Water Permit Application No. 8323-3 proposes to appropriate water at a maximum diversion rate of 1.56 cubic feet per second (cfs) from the Moody management unit of the Big Sioux aquifer for the irrigation of 138 acres located in the SE ¼ Section 5 in T107N-R48W. The proposed diversion point is one well to be located in the SW ¼ SE ¼ Section 5 in T107N-R48W in Moody County located about three miles northwest of Flandreau, SD.

Aquifer: Moody management unit of the Big Sioux aquifer

Hydrogeologic Information and Aquifer Characteristics

The Big Sioux aquifer is a shallow aquifer made up of glacial outwash ranging from fine to medium sand to medium gravel that is well to poorly sorted (Hanson, 1986). The aquifer primarily underlies the flood plain of the Big Sioux River and its tributaries (Hansen, 1986). The outwash can also be mantled by alluvium (Jensen, 2002). The Big Sioux aquifer is considered to be primarily an unconfined aquifer, however it can be found under locally confined conditions (Hedges et al., 1982; Hanson, 1986).

The Moody management unit of the Big Sioux aquifer (Big Sioux: Moody) underlies an estimated 35,500 acres of Minnehaha and Moody Counties extending south from about the Moody-Brookings County line to Dell Rapids. The Big Sioux: Moody aquifer contains an estimate 133,130 acre-feet of water in storage. The Big Sioux: Moody aquifer is hydraulically connected to the Big Sioux River and the Brookings management unit of the Big Sioux aquifer.

The testhole information submitted with this application identified “brown sand” from 3 to 15 feet below grade and “coarse gray gravel” from 15 to 45 feet below grade. The testhole information indicated a static water level of ten feet below grade at the time of drilling (November 27, 2017). Based on the area geologic information, the glacial till underlying the aquifer was likely encountered at 45 feet below grade (SDGS, 2018; Water Rights, 2018a). This results in an approximate saturated thickness of 35 feet at the time of drilling.

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

Water Availability

Water Permit Application No. 8323-3 proposes to appropriate water from the Big Sioux: Moody aquifer for irrigation use. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable 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. Here, a water distribution system is not involved and the Big Sioux: Moody aquifer is not older or lower than the Greenhorn Formation. Therefore, the withdrawal/recharge issue must be considered.

Hydrologic Budget

Recharge

Recharge to the aquifer is from infiltration of precipitation and seepage from lakes, ponds, streams, and rivers when water levels are higher than the aquifer water levels (Hanson, 1986). Several studies have estimated recharge rates to the Big Sioux aquifer. Hedges et al. (1985) estimated recharge rates to the various management units of the Big Sioux aquifer ranging from 2.7 to 6.9 inches per year, not including the estimates from flow net analysis. By observation well analysis Hedges et al. (1985) estimated a recharge rate of 4.9 inches per year for just the Moody management unit of the aquifer. In examining the portion of the aquifer in Moody County, Hanson (1988) used observation well data to estimate recharge rates ranging from 3.6 to 9.36 inches per year with an average of 6.5 inches per year, using a specific yield of 0.20. Using a specific yield of 0.15, Hanson (1988) estimated recharge rates ranging from 2.7 to 7.02 inches per year with an average of 4.86 inches per year. Then using the range of rates (2.7 to 9.36) from Hanson (1988) and the aquifer area of Hedges et al. (1982), average annual recharge to the Big Sioux: Moody aquifer is estimated to range from 7,990 acre-feet per year to 27,690 acre-feet per year.

Discharge

Discharge from the aquifer is by withdrawals from wells, seepage to hydrologically connected surface water, groundwater outflow, and evapotranspiration where the aquifer is at or near land's surface (Hansen, 1986). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Therefore, only appropriative water usage is being considered as part of the hydraulic budget. There are 39 water rights/permit currently authorized to appropriate water from the Big Sioux: Moody aquifer and three future use permits.

The three future use permits for the Big Sioux: Moody are assumed to be fully developable and reserve a total of 1,719 acre-feet of water. Water Right Nos. 2054-3, 5720B-3,

5662-3, 5663-3, and 6223-3 are all held by Big Sioux Community Water. Historical reported water usage by Big Sioux Community Water from the Big Sioux: Moody from 2003 to 2016 is shown in Table 1. Average water use by Big Sioux Community Water from the Big Sioux: Moody is estimated at 1,475 acre-feet per year. The City of Flandreau and the Town of Trent purchase their drinking water from Big Sioux Community Water (Drinking Water, 2016). The remaining six non-irrigation water rights are limited by diversion rate. Historically, average water use by non-irrigation appropriations limited by instantaneous diversion rate has been less than 60% of full time pumping at the permitted diversion rate. The average annual estimated withdrawal associated with these water rights is 980 acre-feet per year. This results in a total estimated average annual non-irrigation usage of 4,174 acre-feet per year.

Table 1: Water Usage from the Big Sioux Moody by Big Sioux Community Water (Water Rights, 2004-2017)

Year	Reported Usage (acre-feet)
2016	1439
2015	1512
2014	1687
2013	1540
2012	1552
2011	1420
2010	1364
2009	1429
2008	1542
2007	1538
2006	1456
2005	1419
2004	1368
2003	1387
Average	1475

There are currently 26 water rights/permits for irrigation currently authorized to appropriate water from the Big Sioux: Moody aquifer. Reported irrigation usage over the period of record from the Big Sioux: Moody is shown in Figure 1. Average reported pumpage over the period of record shown in Figure 1 is 868 acre feet per year. The maximum reported pumpage occurred in 2012 and was 2094.4 acre-feet and the minimum was 7 acre-feet which occurred in 1993. Irrigation usage has been relatively stable in the Bix Sioux: Moody over the period of record. Therefore, average annual irrigation usage from the Big Sioux: Moody aquifer is estimated at 870 acre-feet per year.

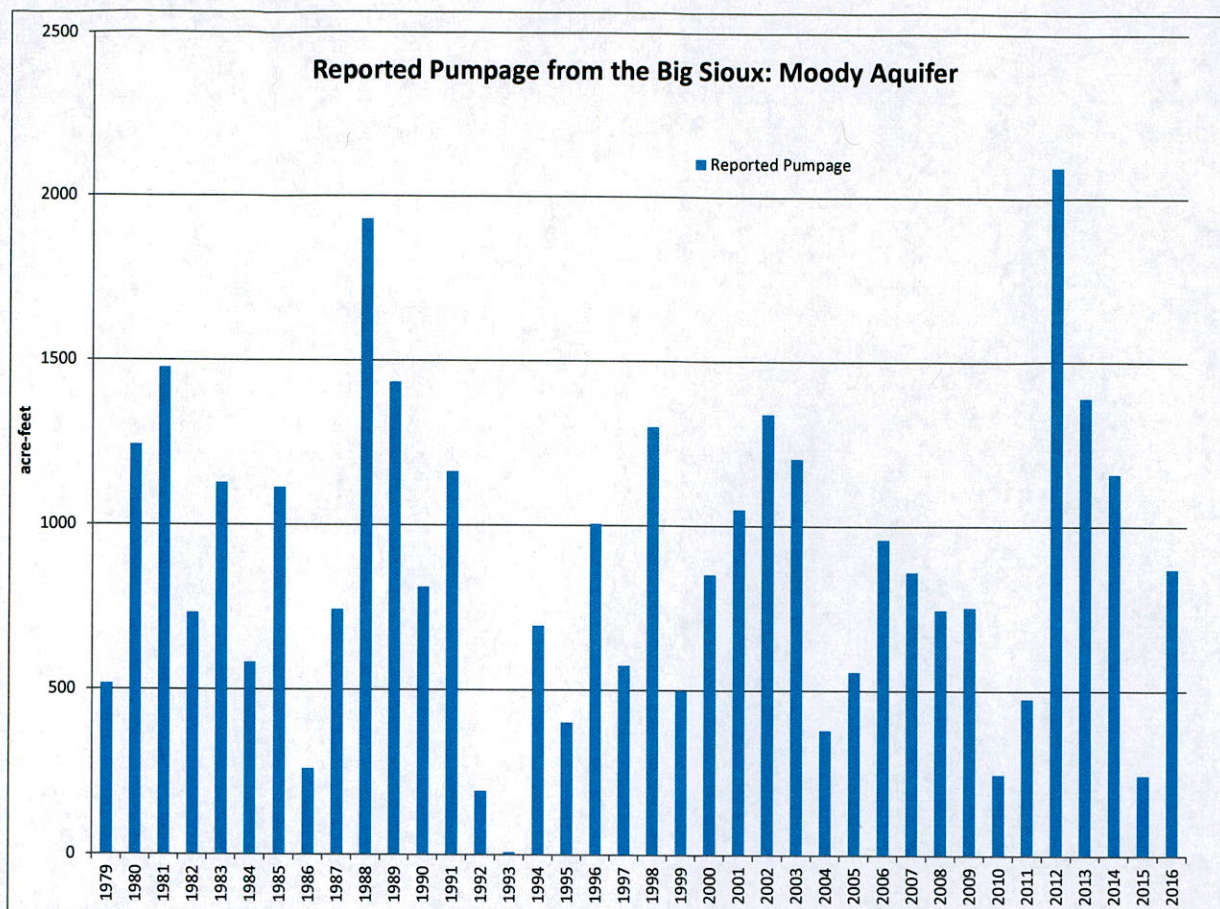


Figure 1: Reported irrigation pumpage over the period of record from the Big Sioux: Moody aquifer (Water Rights, 1980-2017)

Balance

The estimated average annual recharge to the Big Sioux: Moody aquifer ranges from 7,990 to 27,690 acre-feet per year. Estimated average annual appropriative water use is estimated at 5,044 acre-feet per year. Estimated average annual appropriative water usage is less than even the minimum estimated average annual recharge range to the aquifer. Therefore based on a review of the hydraulic budget for the aquifer, there is a reasonable probability that there is unappropriated water is available in the Big Sioux: North aquifer for the applicant's proposed use.

Observation Wells

In determining the availability of unappropriated water for a permit application Administrative Rule 74:02:05:07 requires the Water Management Board to rely on 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.

The Water Rights Program monitors 22 observation wells completed into the Big Sioux: Moody aquifer. In general, the observation wells in the Big Sioux: Moody aquifer document

relatively stable water levels throughout the aquifer. One observation well does differ from this trend. Observation well MY-82F shows some decrease over its period of record, likely due to localized conditions due to the well's close proximity to the wells for Big Sioux Community Water. The nearest observation well monitored by the Water Rights Program to the proposed wellsite for this application is observation well MY-61A located about 200 to 300 feet west. Additionally, observation well MY-82C is located approximately 0.3 miles to the east of the proposed well site for this application. The hydrographs for observation wells MY-61A and MY-82C are shown in Figures 2 and 3. Both observation wells are under water table conditions.

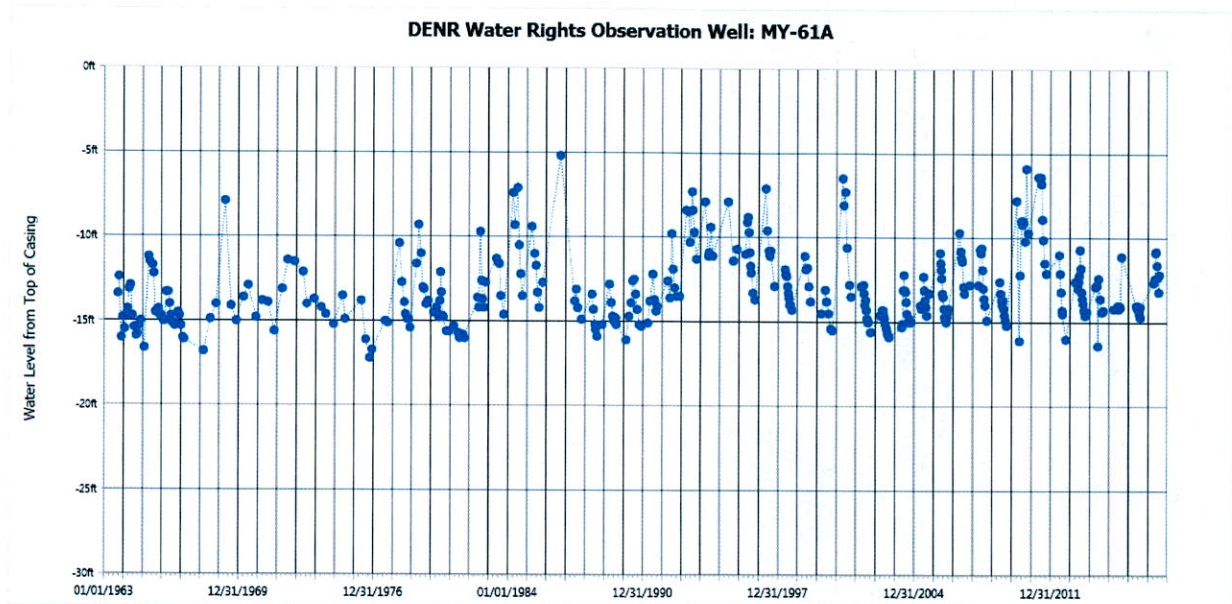


Figure 2: Hydrograph for observation well MY-61A (Water Rights, 2018a)

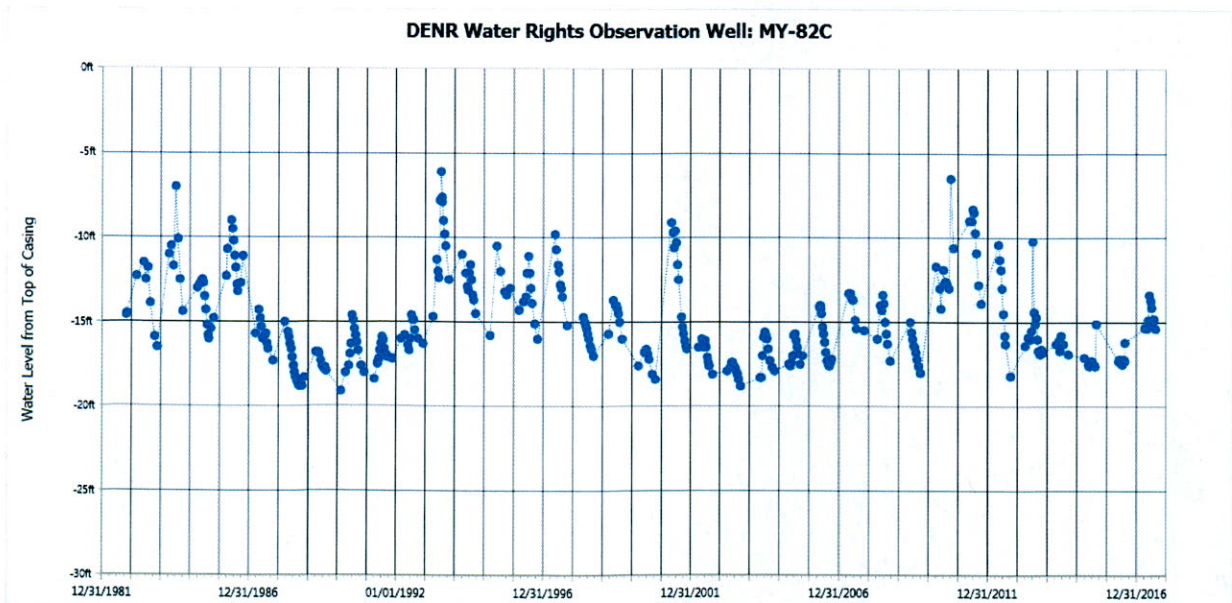
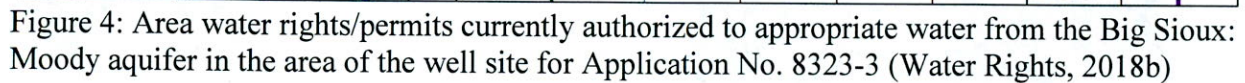


Figure 3: Hydrograph for observation well MY-82C (Water Rights, 2018a)

The hydrographs for these observation wells document relatively stable water levels over the period of record, which is in general representative of the aquifer. Water levels in the observation wells increase during wet periods and gradually decrease during dry periods; this is in general typical of other observation wells in the aquifer. Observation wells in the Big Sioux: Moody aquifer demonstrate that the aquifer responds well to climatic conditions, with the response of the aquifer to climatic conditions masking the effects of well withdrawals. This indicates natural conditions dominate the aquifer, and recharge to and natural discharge from the aquifer exceeds pumping. Since recharge to and natural discharge from an aquifer can be captured for pumping, there is a reasonable probability that unappropriated water is available.

Existing Water Rights

Area water rights/permits currently authorized to appropriate water from the Big Sioux: Moody aquifer in the area of the well site are shown in Figure 4 and summarized in Table 2. The nearest water permit/right currently authorized to appropriate water from the Big Sioux: Moody is Water Right No. 2026-3 for irrigation located about 0.6 miles to the east southeast of the proposed well site for this application. There are well completion reports on file for domestic wells with the Water Rights Program within a mile of the wellsite for this application that are likely completed into the Big Sioux: Moody aquifer (Water Rights, 2018c).



Permit No.	Name	Use	Status	Rate	Acres
1155-3	WAYNE HEADRICK	IRR	LC	1.11	132.5
1182-3	CITY OF FLANDREAU	MUN	LC	3.42	n/a
1340-3	INOR INC	IRR	LC	1.36	95
2026-3	CLAYTON SCHIPPER	IRR	LC	1.33	132
2952-3	WAYNE HEADRICK	IRR	LC	1.11	130
2955-3A	NANCY RAMSDELL CUTSHALL	IRR	LC	2	140
2956-3	CRAIG SEVERTSON	IRR	LC	1.23	90
5086-3	SCOTT J DUNCAN	IRR	LC	1.11	85
6026-3	PLEASANT VALLEY COLONY	COM&DOM	LC	0.27	n/a
6291-3	FLANDREAU PARK GOLF CLUB	IRR	LC	0.86	26
6317-3	DAKOTA LAYERS LLP	COM	LC	0.39	n/a
6495-3	WILLIAM SUTTON	IRR	LC	1.56	132
6549-3	BEN PEARSON	COM	LC	0.167	n/a
6632-3	GOLDEN DAKOTA FARMS LLC	COM	LC	1.34	n/a
7033-3	FLANDREAU PUBLIC SCHOOLS	IRR	LC	0.09	6.5
7154-3	ROBERT ULLOM	IRR	LC	1.56	98.8
7692-3	ADAM J WIESE	IRR	PE	2.22	220

7

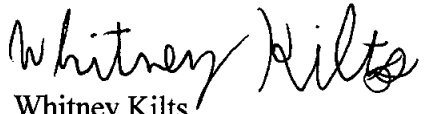
In the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. Administrative Rule of South Dakota (ARSD) 74:02:04:20(7) defines an adversely impacted domestic well as “a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs.” Since the aquifer is under unconfined conditions, drawdown due to pumping is not expected to be significant far from the well site. Additionally, observation wells MY-82C and MY-61A are both within a mile of two high capacity irrigation wells (Water Right Nos. 2026-3 and 1155-3), and the hydrographs for these observation well show very limited to no impacts from pumping. Since the aquifer is under unconfined conditions and given the observation well data for the area, drawdown due to pumping is not be expected to be significant far from the well site.

The Big Sioux: Moody aquifer is a relatively thin aquifer with a limited amount of water in storage. While the best available information indicates that long term average annual withdrawals would not exceed average annual recharge to the aquifer, short term conditions may occur when withdrawals exceed recharge. When this occurs, water will be removed from storage and consequently reduce the saturated thickness of the aquifer. If the saturated thickness is reduced to the extent that existing water rights/permits can no longer pump at their developed or “historically established” rates, this may be considered an adverse impact. Therefore as a precaution, this water permit, if approved, should include a qualification that the well owner shall control their withdrawals so there is not a reduction of needed water supplies for adequate domestic wells or for adequate wells having prior water rights. However when all of the above is considered, nearby adequate wells as defined by ARSD 74:02:04:20(6) are not expected to be adversely impacted by the appropriation proposed by this application.

Conclusions

1. Water Permit Application No. 8323-3 proposes to appropriate water at a maximum diversion rate of 1.56 cfs from the Big Sioux: Moody aquifer for the irrigation of 138 acres located in the SE ¼ Section 5 in T107N-R48W from one proposed well to be located in the SW ¼ SE ¼ Section 5 in T107N-R48W in Moody County.
2. Based on a review of the hydraulic budget for the Big Sioux: Moody aquifer and the observation well information for the aquifer, there is a reasonable probability that water is available in the Big Sioux: Moody aquifer for the applicant's proposed diversion as required by SDCL 46-2A-9.

3. There is a reasonable probability that pumping under this permit, if approved, will not adversely impact existing water rights/permits with adequate wells or adequate domestic wells as defined by ARSD 74:02:04:20(6).

A handwritten signature in black ink, reading "Whitney Kilts". The signature is written in a cursive, flowing style.

Whitney Kilts

SDDENR Water Rights Program

References

- Drinking Water Program. 2016. Drinking Water System Information. SD DENR-Drinking Water Program Online Database. Accessed February 2, 2018.
<<http://denr.sd.gov/des/dw/sysinfomap.aspx>>.
- Hansen, D. S. 1986. Water Resources of Lake and Moody Counties, South Dakota. Water Resources Investigations Report 84-4209. United State Geological Survey, Huron, SD.
- Hansen, D. S. 1988. Appraisal of the Water Resources of the Big Sioux Aquifer, Moody County, South Dakota. Water-Resources Investigations Report 87-4057. United State Geological Survey, Huron, SD.
- Hedges, L.S., Burch, S. L., Iles, D. L., Barari, R. A., and Schoon, R. A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 3: Ground-Water Storage. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- 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.
- Jensen, A. R. 2002. First Occurrence of Aquifer Materials in Moody County, South Dakota. Aquifer Materials Map 10. South Dakota Geological Survey, Vermillion, SD.
- SDGS. 2018. South Dakota Geological Survey Lithologic Logs Database. Accessed February 2018. <<http://cf.sddenr.net/lithdb/>>.
- Water Rights. 1980-2017. 1979-2016 Irrigation Questionnaire Data: SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights. 2004-2017. 2003-2016. Non-irrigation Water Use Summaries. SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights. 2018a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2018b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018c. 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.**

February 12, 2018

James H Jepsen
48480 231st St
Flandreau SD 57028

Dear Mr. Jepsen:

Water Permit Application No. 8323-3 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 Moody County Enterprise printed at Flandreau SD (Ph # 605-997-3725) and the Brookings Register printed at Brookings SD (Ph # 605-692-6271). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 8323-3 to Appropriate Water

Notice is given that James H Jepsen, 48480 231st St., Flandreau SD 57028 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Big Sioux:Moody Aquifer (approximately 45 feet deep) located in the SW 1/4 SE 1/4 Section 5 for irrigation of 138 acres located in the SE 1/4 Section 5; all in T107N-R48W which is approximately 3 miles northwest of Flandreau SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8323-3 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 March 5, 2018.

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_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, February 12, 2018 1:08 PM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: 8323-3, James H Jepsen
Attachments: 8323-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on February 21, 2018.

James H Jepsen, 48480 231st St, Flandreau SD 57028 (605 530-2185) has been notified to contact you to authorize publication and arrange for payment.

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

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

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, February 12, 2018 1:07 PM
To: mce6@mcisweb.com
Subject: 8323-3, James H Jepsen
Attachments: 8323-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on February 21, 2018.

James H Jepsen, 48480 231st St, Flandreau SD 57028 (605 530-2185) 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



RECEIVED

MAR 07 2018

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

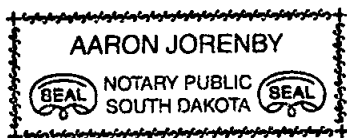
Leg#181 Notice of Application

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

February 21, 2018

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Twenty-Five Dollars and Fifteen Cents \$25.15



February

27 day of

2018

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

Legal 180, 1x, 2/21
NOTICE OF APPLICATION NO. 8323-3 to
Appropriate Water
Notice is given that James H Jepsen, 48480 231st St., Flandreau SD 57028 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Big Sioux:Moody Aquifer (approximately 45 feet deep) located in the SW 1/4 SE 1/4 Section 5 for irrigation of 138 acres located in the SE 1/4 Section 5; all in T107N-R48W which is approximately 3 miles northwest of Flandreau SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8323-3 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 March 5, 2018.

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 contest-

ing 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 \$25.15.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

Notice to

Appropriate Water.

a printed copy of which, taken from the newspaper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

2-21-18

that the full amount of the fee charged for the publication of said Notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are

\$ 26.60

M. Headrick bookkeeper
Subscribed and sworn to before me this

22nd day of February AD 2018

Roger W. Janssen

Notary Public, County of Moody, South Dakota

ROGER W JANSSEN

NOTARY PUBLIC
SOUTH DAKOTA



My commission expires 2/16/24

RECEIVED
FEB 26 2018
WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 8323-3 to Appropriate Water

Notice is given that James H Jepsen, 48480 231st St., Flandreau SD 57028 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Big Sioux: Moody Aquifer (approximately 45 feet deep) located in the SW 1/4 SE 1/4 Section 5 for irrigation of 138 acres located in the SE 1/4 Section 5; all in T107N-R48W which is approximately 3 miles northwest of Flandreau SD.

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

Published once at approximate cost of \$26.60



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 19 2018

James H Jepsen
48480 231st St
Flandreau SD 57028

Dear Mr. Jepsen:

Enclosed is Water Permit No. 8323-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is written in a cursive, flowing style.

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

8323-3

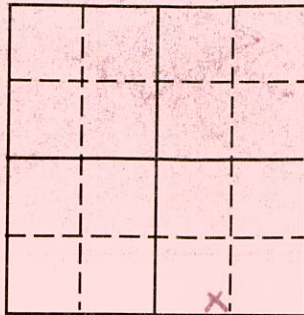
11-02

Location SW 1/4 SE 1/4 Sec 5 Twp 107-N Rg 48-W

County Moody

North

Please mark well location with an "X"



Well completion Date 6-27-18

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? Moody River ft. from Moody River (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

False Casing - Bucket

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>20</u> LB/FT	<u>14</u> IN	<u>0</u> FT	<u>35</u> FT	<u>20</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>Cement</u>	<u>3 per sack</u>	Lb/gal	<u>0</u> Ft	<u>5</u> Ft
	<u>10/19/18 4m</u>	Lb/gal	Ft	Ft

Describe grouting procedure _____

SCREEN:

- ☐ Perforated pipe ☒ Manufactured

Diameter 14 Inches Length 10 Feet

Material PVC 160 ps

Slot Size 100 Set From 35 Feet to 45 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? Chlorine in pack

- ☐ No, Why Not? _____

Lab sample sent to for water quality analysis _____

Irish

Well Owner: Jim Jensen

Business Name: _____

Address: 48480 231st St.

City, State, Zip: Flanagan, S.D. 57028

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Black Topsoil</u>	<u>0</u>	<u>5</u>
<u>Dirty Sand / Gravel</u>	<u>5</u>	<u>10</u>
<u>Coarse Sharp Gravel</u>	<u>10</u>	<u>34</u>
<u>Coarse Uniform Brown Gravel</u>	<u>34</u>	<u>45</u>

STATIC WATER LEVEL

6 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

23 Ft. After 1 Hrs. pumped 1000 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Really - Really Good Well

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm: Lacey Well Drilling Inc.

Signature of License Representative: _____

Joan Redden Lacey

Signature of Well Owner or Equitable Property Holder: _____

James Jensen

Date: 8-10-2018

RECEIVED

AUG 30 2018

WATER RIGHTS PROGRAM

Please return **WHITE COPY** to: DENR Water Rights

523 E Capitol Ave. Pierre SD 57501



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

January 20, 2023

NOTICE

TO: JAMES H JEPSEN, 48480 231ST ST, FLANDREAU, SD 57028

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8323-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8323-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 8323-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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 26, 2023

8323-3

James H Jepsen
48480 231st St
Flandreau SD 57028

Dear Mr. Jepsen:

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

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit No. 8323-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8323-3

I have this day, April 11, 2023, made a thorough examination of the water use system constructed by James H. Jepsen; 48480 231st St, Flandreau, SD 57028 of Permit No. 8323-3, bearing the priority of December 8, 2017 authorizing the diversion of 1.56 cu. ft. per second of the waters of Big Sioux-Moody Aquifer for irrigation purposes, in Moody County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lacey Well Drilling, Inc
- 2) No. of Wells 1
- 3) Depth 45 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 14 inches
- 2) Length 35 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 10 feet
- 3) Static water level 6 feet

Pump:

- 1) Make Western Land Roller
- 2) Model Turbine
- 3) Size Unknown
- 4) Capacity 500 GPM

Motor:

- 1) Make US Electric Motor
- 2) Model No. Unknown
- 3) Horsepower rating 30 hp

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

- 1) Type Plastic
- 2) Size and Length Unknown

C. Works used to apply water to beneficial use:

Buried Drip Irrigation System: Drip lines are 12 inches deep and spaced 72 inches apart

Chemigation Equipment:

- 1) Does chemigate Y

Comments: A commercially available chemigation system is used.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 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 SE corner
2. Sec 5 T107N R48W, 90 ft N & 1525 ft W, Lat 44.09515 Long -96.61322 (SW ¼ SE ¼).
3. The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
- Sec 5 T107N R48W
NW ¼ SE ¼ - 19.5 acres
NE ¼ SE ¼ - 33.2 acres
SE ¼ SE ¼ - 33.8 acres
SW ¼ SE ¼ - 37.5 acres
comprising a total of 134 acres of land and the license should be issued for 1.11 cfs.
4. All structures, wells and lands on map Y

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

The irrigated acreage was determined with the aid of FSA imagery and ArcMAP software.

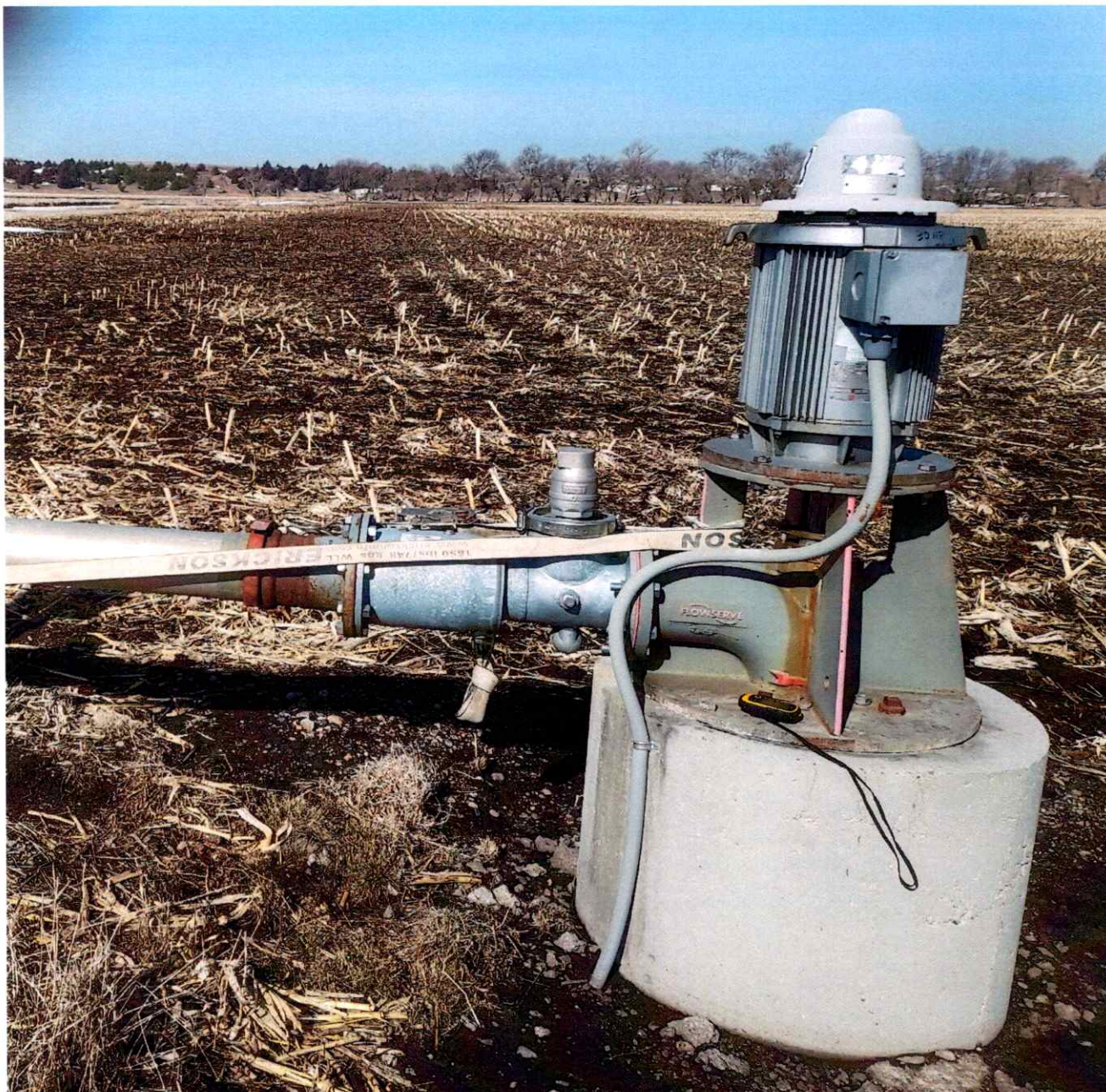
The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The mailing address and the telephone number in the permit materials are current for Mr. Jepsen.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: April 13, 2023



An example of a turbine pumping unit where the electric motor and the pump head are above ground.



0 0.05 0.1 0.2 0.3 0.4 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



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

APR 17 2023

8323-3

James H Jepsen
48480 231st St
Flandreau SD 57028

Dear Mr. Jepsen:

Enclosed is Water License No. 8323-3. This is the final water right document completing your process of obtaining a Water Right. Included with your 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.

As 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.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 8323-3

(1) James H Jepsen, 48480 231st St., Flandreau SD 57028 made Application No. 8323-3, December 8, 2017, for a water permit to divert 1.56 cubic feet of water per second from ground water, one well (Big Sioux Moody Aquifer), Moody County, South Dakota for irrigation purposes. Permit No. 8323-3, with a priority date of December 8, 2017, was approved March 5, 2018, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 5, 2023, and for the application to beneficial use of water on or before March 5, 2027.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is:

90'N & 1,525'W of the SE corner of Section 5, T107N, R48W (SW ¼ SE ¼)
Latitude 44.09515, Longitude -96.61322

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T107N, R48W Section 5	NW ¼ SE ¼	19.5 acres
	NE ¼ SE ¼	33.2 acres
	SE ¼ SE ¼	33.8 acres
	SW ¼ SE ¼	37.5 acres
Total		134.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 James H Jepsen, 48480 231st St., Flandreau SD 57028 the holder and/or owner of Water Right No. 8323-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from ground water, one well (Big Sioux Moody Aquifer) with a priority date of December 8, 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. 8323-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right 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.
- The well authorized by Permit No. 8323-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. ***The well was drilled in June 2018 by Lacey Well Drilling Inc. A copy of the well completion report is on file with the Water Rights Program.***

continued

- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

APR 17 2023

date



8323-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 24, 2023

8323-3

James H Jepsen
48448 230th St
Flandreau SD 57028-6629

Dear Mr. Jepsen:

Enclosed is the correspondence we sent to you last week with Water License No. 8323-3.

The notice was originally mailed to 48480 231st St., Flandreau SD. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures