

WATER PERMIT NO. 8330-3

Name of Applicant: **Scott and Jeanne Jepsen**

Address: **31676 455th Ave, Meckling SD 57069**

Phone: **605 638-0602**

Amount of Water Claimed: **no additional**

Total Acres: **27 acres**

Source of Water Supply: **groundwater (2 existing wells)**

Water to be used for: **irrigation**

County: **Clay**

Type of Waste Disposal System:

Location: **8 miles west of Vermillion**

PRIORITY

Date Received: **2-7-18**

Application/License Fee: **\$ 500**

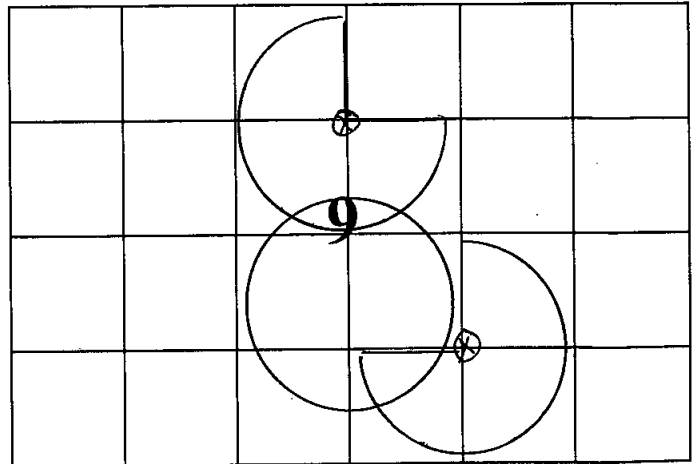
Corrected Application Received:

Period of Annual Use: **April 1 – October 31**

Remarks: **Additional acres irrigated on Permit No. 7675-3**

Diversion Point: **center point between E 1/2 NW 1/4 & W 1/2 NE 1/4 and center of SE 1/4 Sec 9-T92N-R53W**

Land to be Irrigated: **SE 1/4 NW 1/4, E 1/2 SW 1/4, SW 1/4 NE 1/4, E1/2 SE 1/4 Sec 9-T92N-R53W**



Depth of Well: **110 feet deep**

Well Driller: **Hammond-Wetmore Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Harold Holoch**

Reviewed and the Number Assigned on: **2-7-18**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

RECEIVED
FEB 07 2018
WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8330-3</u> (office use only)	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Plain Talk, Vermillion</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.)

additional 27 irrigated acres to Water Permit No. 7675-31. Name to Appear on Irrigation Permit Scott and Jeanne 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 31676 455th Avenue Meckling SD 57069
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605 638-0602 Email _____

2. Amount of water claimed no addl *CFS or _____ **GPM _____ ***AF Total Acreage 27 addl
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri Elk Point aquifer

4. Location of point of diversion center point between E 1/2 NW 1/4 & W 1/2 NE 1/4 and approximate center of
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

SE 1/4 Section 9-T92N-R53W County Clay

5. County or counties where water will be used Clay6. Annual period during which water is to be used April 1 - October 31

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

Land Description	Acres	Land Description	Acres
SE 1/4 NW 1/4 Section 9-T92N-R53W	2	NE 1/4 SE 1/4 Section 9-T92N-R53W	7
NE 1/4 SW 1/4 Section 9-T92N-R53W	4	SE 1/4 SE 1/4 Section 9-T92N-R53W	4
SE 1/4 SW 1/4 Section 9-T92N-R53W	9		
SW 1/4 NE 1/4 Section 9-T92N-R53W	1		

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

Water Permit No. 7675-3 appropriates 3.56 cfs for irrigation of 260 acres. A licensing investigation of the water permit found 287 acres being irrigated. The additional 27 acres being irrigated can be attributed to the changes made to the system's configuration between the time that application was filed and when it was completed.

The map and well information is on file with the Water Rights Program.

I, Scott E Jepsen & Jeanne M 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.

SOUTH DAKOTA
WATER PERMIT NO. 8330-3

Date of first receipt of application February 7, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8330-3 to Scott and Jeanne Jepsen, 31675 455th Ave, Meckling SD 57069 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. 8330-3 authorizes irrigation of 27 additional acres. Water Permit No. 7675-3 appropriates 3.56 cubic feet of water per second (cfs) from two wells completed into the Missouri:Elk Point Aquifer (110 feet deep) located at the center of the N 1/2 and the center of SE 1/4 Section 9 for irrigation of 260 acres located in the E 1/2 NW 1/4, E 1/2 SW 1/4, SW 1/4 NE 1/4, SE 1/4 Section 9; all in T92N-R53W. An investigation of the permit found the system irrigating an additional 27 acres in the area described above which is approximately 8 miles west of Vermillion SD. This permit and Water Permit No. 7675-3 will authorize a diversion rate of 3.56 cfs for irrigation of 287 acres.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is February 7, 2018 (27 acres).
4. The date of approval of Permit No. 8330-3 is April 30, 2018.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

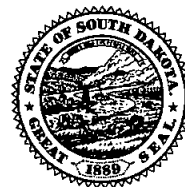
QUALIFICATIONS

1. The wells approved under Permit Nos. 7675-3 and 8330-3 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

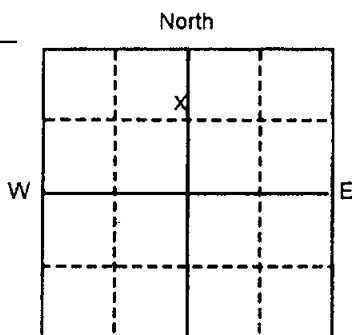
By: Jeanne Goodman
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 08 2018
date



SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NW 1/4 Sec 9 Twp 92N Rg 53WCounty ClayPlease mark well
location with an "X"

Well Completion Date

August 3, 2013

1 Mile

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

1,750.0 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

bucket method

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	80.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	25	9.5 Lb/gal	0.0 Ft	70.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 30.0 FeetMaterial PVCSlot Size .085 Set From 80.0 Feet to 100.0 Feet

Other information Slot Size .050 Set from 100.0 ft to 110.0 ft

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

☒ No, Why Not? Not Required
Lab to which water
quality sample sent for analysisWell Owner: Scott & Jeanne Jepsen

Business Name:

Address: 31675 455th AveCity, State, Zip: Meckling SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Silty Clay	2	6
Sand	6	45
Silty Clay	45	52
Silty Sand	52	54
Silty Clay	54	78
Gravel	78	110

STATIC WATER LEVEL 15.8 FEETIf flowing: closed in pressure 5/27/14 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

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

OCT - 4 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this report is true and accurate.Drilling firm: Hammond-Wetmore Drilling, LLC

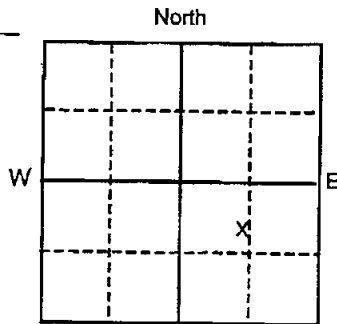
Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

9/28/13

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location NE 1/4 SE 1/4 Sec 9 Twp 92N Rg 53WCounty ClayPlease mark well
location with an "X"

Well Completion Date

February 15, 2014

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1,000.0 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Bucket Method

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	80.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	20	9.5 Lb/gal	0.0 Ft	80.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 InchesLength 30.0 FeetMaterial PVCSlot Size .050 Set From 80.0 Feet to 110.0 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? hth tablets

☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: Scott & Jeanne Jepsen

Business Name:

Address: 31675 455th AveCity, State, Zip: Meckling SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Silty Clay	2	14
Gray Silty Clay	14	20
Gray Silty Sand	20	28
Sand, Pebbly, Dirty	28	61
Silty Sand	61	80
Fine Gravel - Sandy	80	110

STATIC WATER LEVEL 15.1 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

30.0 Ft After 1.0 Hrs. pumped 920.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 750.0 GPM

REMARKS

RECEIVED

MAR 13 2014

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this
report is true and accurate.Drilling firm: Hammond-Wetmore Drilling, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 2/7/2014

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 7, 20 18

RECEIVED OF Scott Jepsen 31675 455th Ave Meckling, SD 57069

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

Fee for Application for Permit No. <u>8330-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	500 00

No. 08590

By

Jeanne Goodman
Chief Engineer zlm

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7675-3

I have this day, April 12, 2016, made a thorough examination of the water use system constructed by Scott & Jeanne Jepsen, 31675 455th Ave, Meckling SD 57069 of Permit No. 7675-3, bearing the priority of January 24, 2013 authorizing the diversion of 3.56 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, of 260 acres, in Clay County.

Inspection contact & relationship to permit holder, if applicable: **Scott Jepsen, permit holder**

A. Works used to divert the water:

Well #1 Information (N ½ Sec 9-T92N-R53W):

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells 1
- 3) Depth(s) 110 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 80 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 30 feet
- 3) Static water level Unknown feet

Pump:

- 1) Make Grundfos Submersible
- 2) Model 800S400-2aa
- 3) Capacity 800 GPM

Motor:

- 1) Make Grundfos
- 2) Model No. Submersible
- 3) Horsepower rating 40 hp

Well #2 Information (SE ¼ Sec 9-T92N-R53W):

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells 1
- 3) Depth(s) 110 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 80 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 30 feet
- 3) Static water level 15 feet

Pump:

- 1) Make Grundfos Submersible
- 2) Model 800S400-2aa
- 3) Capacity 800 GPM

Motor:

- 1) Make Grundfos
- 2) Model No. Submersible
- 3) Horsepower rating 40 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 2080 feet

Comments: See map for approximate location.

C. Works used to apply water to beneficial use:

Center pivot #1 (N ½ Sec 9-T92N-R53W):

- 1) Make Lindsay
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800

Center pivot #2 (S ½ Sec 9-T92N-R53W):

- 1) Make Lindsay
- 2) Overall length 1200 feet
- 3) Number of towers 6
- 4) End gun Yes
- 5) Capacity 800

Center pivot #3 (SE ¼ Sec 9-T92N-R53W):

- 1) Make Lindsay
- 2) Overall length 1270 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800

Comments: Center Pivot's #1 & #2 fed from Well #1 are set up so that only one center pivot can be operated at a time.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2013.

List any extended period of nonuse: None

- 3) Exceptions to compliance are: Water Permit No. 7675-3 was issued to irrigate 260 acres in Sec 9-T92N-R53W, however 287 acres are actually irrigated.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: Well #1-East 2640', South 1320' from NW Corner of Sec 9-T92N-R53W; Lat 42.80454/Long -97.11146; approximate center of N ½ Sec 9-T92N-R53W;
Well #2-West 1320', North 1320' from SE Corner of Sec 9-T92N-R53W; Lat 42.79721/Long -97.10617; approximate center of SE ¼ Sec 9-T92N-R53W.

2. The works are capable of diverting and conveying to the place of use 3.56 cfs or 1600 gpm of water from two wells which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 9-T92N-R53W.

NE ¼ NW ¼ - 33 ac

SE ¼ NW ¼ - 36 ac

NE ¼ SW ¼ - 39 ac

NE ¼ SE ¼ - 28 ac

SW ¼ SE ¼ - 34 ac

SW ¼ NE ¼ - 35 ac

NW ¼ SE ¼ - 34 ac

SE ¼ SW ¼ - 16 ac

SE ¼ SE ¼ - 32 ac

comprising a total of 287 acres of land and the license should be issued for 3.56 cfs or 1600 gpm from two wells.

3. All structures, wells and lands on map Yes

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

Water Permit No. 7675-3 was issued to irrigate 260 acres in Sec 9-T92N-R53W, however 287 acres are actually irrigated.

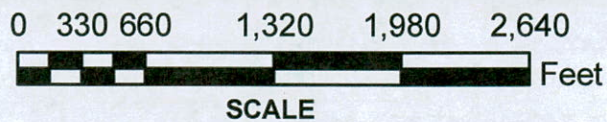
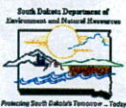
Sixteen acres are overlapped by Center Pivot's #1 & #2 and 12 acres are overlapped by Center Pivot's #2 & #3.



Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: October 30, 2017

7675-3



Harold Holoch
 Harold Holoch, PE
 Water Rights Inspector
 August 23, 2016

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8330-3

(1) Scott and Jeanne Jepsen, 31675 455th Ave, Meckling SD 57069 made Application No. 8330-3, February 7, 2018 for a water permit to irrigate 27 additional acres in Clay County, South Dakota. Permit No. 8330-3, with a priority date of February 7, 2018 was approved April 30, 2018 and issued to the applicants for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Permit No. 7675-3, with a priority date of January 24, 2013, authorizes 3.56 cubic feet of water per second to irrigate 260 acres. The applicable portions of No. 7675-3 are incorporated into No. 8330-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holders and/or owners of Incorporated Water Right No. 8330-3 are issued a license, bearing priority dates of January 24, 2013 (260 acre) and February 7, 2018 (27 acres) to appropriate 3.56 cubic feet of water per second from two wells – Missouri:Elk Point Aquifer to irrigate 287 acres.

The diversion points are located: Well #1 – 2,640 feet east and 1,320 feet south of NW corner Section 9-T92N-R53W (center of N 1/2) and Well #2 – 1,320 feet west and 1,320 feet north of SE corner Section 9-T92N-R53W (center of SE 1/4). The acres authorized for irrigation are as follows:

Section 9-T92N-R53W

NE 1/4 NW 1/4	33 acres	SW 1/4 NE 1/4	35 acres
SE 1/4 NW 1/4	36 acres	NW 1/4 SE 1/4	34 acres
NE 1/4 SW 1/4	39 acres	SE 1/4 SW 1/4	16 acres
NE 1/4 SE 1/4	28 acres	SE 1/4 SE 1/4	32 acres
SW 1/4 SE 1/4	34 acres	Total	287 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 8330-3 including the following qualifications:

- The wells approved under Permit Nos. 7675-3 and 8330-3 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. *Copies of the logs are on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

MAY 08 2018

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 25, 2018

Scott and Jeanne Jepsen
31675 455th Ave
Meckling SD 57069

Dear Mr. & Mrs. Jepsen:

On November 1, 2017, you were sent applications forms for a permit to appropriate water based on an investigation of Water Permit No. 7675-3, by Harold Holoch, an engineer with this office. Enclosed is a copy of that letter. The investigation showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use.

To date, we have not received a response regarding this application.

Obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

A handwritten signature in cursive script that reads 'Karen Schlaak'.

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

enclosure

Schlaak, Karen

From: Gronlund, Eric
Sent: Monday, February 05, 2018 2:31 PM
To: Schlaak, Karen; McMath, Genny; 'Holoch, Harold N'
Subject: RE: 7675-3, Jepsen

Spoke with Mr. Jepsen. He will just be applying for the additional 27 acres that Harold found.

Brooke Bye approached the owners of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and they did not want the land covered for irrigation.

From: Gronlund, Eric
Sent: Monday, January 08, 2018 9:12 AM
To: Schlaak, Karen; McMath, Genny; 'Holoch, Harold N'
Subject: 7675-3, Jepsen

I sent Mr. Jepsen a letter regarding the additional 27 acres irrigated under No. 7675-3 based on Harold's licensing inspection. He agreed that the system was constructed to irrigate more acres than originally envisioned. In December 2016 I had a conversation with Mr. Jepsen regarding allowing the north most pivot doing full rotation and irrigating the neighbors ground in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9. He is planning to include that quarter-quarter in the application so combined the application will be for 60 acres (27 + 33).

Genny – he also said he was working to get his IQ submitted. I told him nasty grams will be going out soon so to get the IQ in ASAP.



Diversified Crop Insurance Services

Eric :

Brook By's hand lords said
No so we are done with
that. To bad they couldn't
see the advantage for him.

Sorry this has taken so
long, try to be nice to the
neighbors.

Thanks

Scott & Jeanne



**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. 8330-3, Scott and Jeanne 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. 8330-3, Scott and Jeanne Jepsen, 31676 455th Avenue, Meckling SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 8330-3 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 wells approved under Permit Nos. 7675-3 and 8330-3 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
April 9, 2018

REPORT TO THE CHIEF ENGINEER

Water Permit Application No. 8330-3

Scott and Jeanne Jepsen

March 27, 2018

Water Permit Application No. 8330-3 proposes to appropriate water for irrigation of 27 additional acres with no increase in the diversion rate. This application is a result of a licensing inspection that found 287 acres being irrigated when Water Permit No. 7675-3 was permitted for the irrigation of 260 acres. These additional 27 acres will be supplied using water from the existing irrigation wells (each 110 feet deep) located in the approximate center of the N ½ and the center of SE ¼ Section 9 T92N-R53W. These wells are currently authorized under Water Right No. 7675-3 and are completed into the Elk Point management unit of the Missouri aquifer. Water Permit No. 7675-3 appropriates water at a maximum diversion rate of 3.56 cubic feet per second (cfs) for the irrigation of 260 acres in E ½ NW ¼, E ½ SW ¼, SW ¼ NE ¼, SE ¼ Section 9 T92N-R53W. While there is no increase in the maximum diversion rate, additional acres will increase the total pumpage from these wells. This application is seeking to irrigate 27 additional acres in Clay County, SD, approximately 8 miles west of Vermillion, SD, with no increase in the maximum diversion rate.

AQUIFER: Missouri: Elk Point (M:EP)

HYDROGEOLOGY

The Elk Point management unit of the Missouri aquifer consists of unconsolidated glacial outwash deposits composed of materials ranging from fine sand to very coarse gravel (Niehus, 1994; Stephens, 1967). The Missouri: Elk Point aquifer in South Dakota is located in Yankton, Clay, and Union Counties, underlying the flood plains of the Missouri and Big Sioux Rivers. Hedges et al. (1982) estimated the areal extent of the aquifer to be 219,100 acres, with 3,287,100 acre-feet of recoverable water in storage. The movement of groundwater within the aquifer is generally from the northwest to the southeast, and towards the Missouri River (Stephens, 1967). The Missouri: Elk Point aquifer is hydraulically connected to the Lower Vermillion Missouri and Lower James Missouri aquifers, and the Missouri, Vermillion, and Big Sioux Rivers (Niehus, 1994; Stephens, 1967).

Hydrologically, the Elk Point management unit can be found under both confined and unconfined conditions. Near the edge of the floodplain, the Missouri: Elk Point is overlain by relatively impermeable glacial till (Niehus, 1994; Stephens, 1967). The well logs show that the aquifer at this location is comprised of gravel from 80 to 110 feet below ground surface, overlain with alternating layers of sand, silty sand and silty clay (Water Rights, 2018b). In February and May of 2014, the water level was 15.1 and 15.8 feet below ground surface. The glacial outwash deposits in this area are variable, so the area surrounding a well may be technically confined by being overlain by a layer of clay, however the clay deposit may not be laterally extensive and the aquifer generally behaves as an unconfined aquifer.

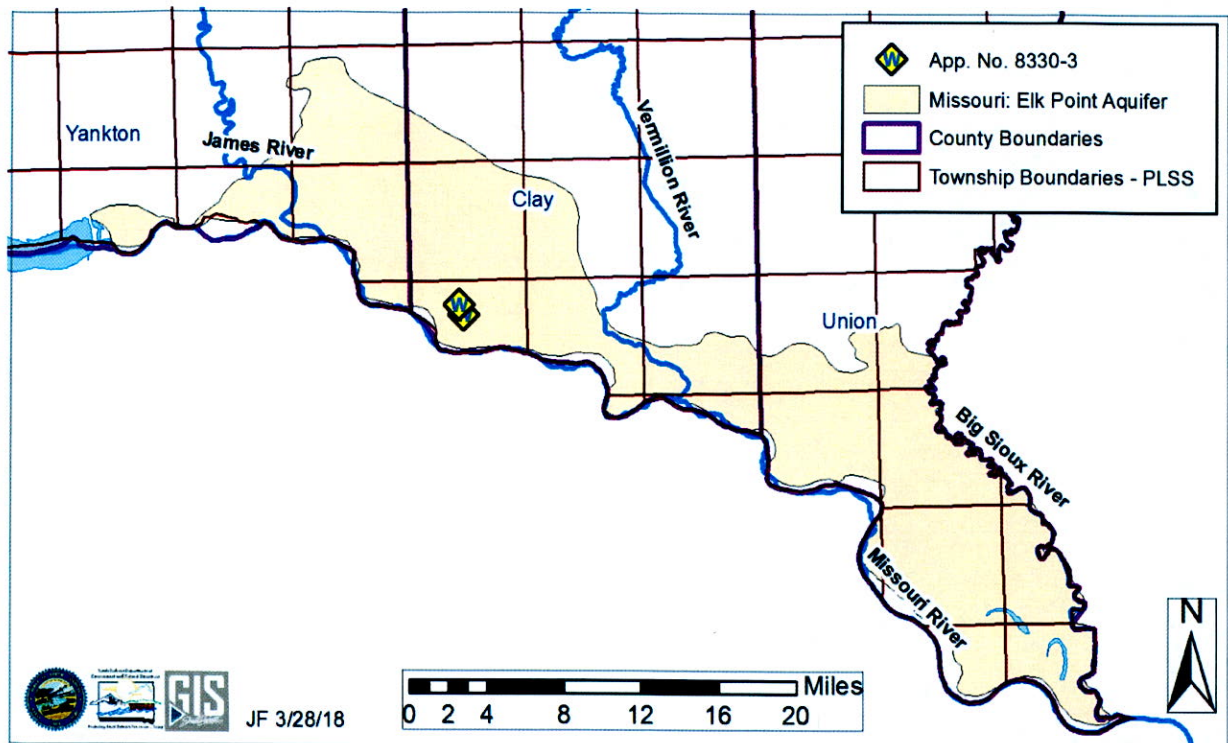


Figure 1. Map showing the location of the proposed diversion and Missouri: Elk Point aquifer boundaries as shown from Hedges et al. (1982).

South Dakota Codified Law 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 existing rights within the Missouri: Elk Point aquifer.

WATER AVAILABILITY

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 than or stratigraphically lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not take into consideration the balance of aquifer recharge and withdrawal. Here, the water source is not older or lower than the Greenhorn Formation and a water distribution system is not involved. Therefore, the balance of withdrawal and recharge must be considered.

Hydrologic Budget

Recharge

Recharge to the Missouri: Elk Point aquifer occurs through infiltration of precipitation, inflow from the Lower Vermillion-Missouri aquifer, leakage from the Dakota aquifer, and inflow from

surface water (Bugliosi, 1986; Niehus, 1994; Stephens, 1967). From analysis of data from 20 observation wells, Hedges et al. (1985) estimated the recharge to the unconfined portions of the Missouri: Elk Point aquifer to be 3.8 inches per year. The areal extent of the Missouri: Elk Point aquifer is 219,100 acres (Hedges et al, 1982), resulting in an estimated recharge to the aquifer of approximately 69,382 ac-ft/yr. By using observation well data, the data represents both withdrawals from and recharge to the aquifer, as they occur simultaneously. When the recharge is greater than discharge, this method produces a lower than actual recharge rate. The same holds true when discharge is greater than recharge, the calculated discharge rate is lower than the actual discharge rate.

The wells for the Lewis and Clark Rural Water System induce recharge from the Missouri River, and Stonesifer (2013) estimated that this amount is at least 50% of their total pumpage. Assuming all of their wells are similar in location with regards to the Missouri River, and the Lewis and Clark RWS uses their full appropriation (current permits and reserved future uses), the Missouri: Elk Point aquifer would gain at least 22,582 ac-ft/yr through induced recharge. Other water rights/permits within the Missouri: Elk Point aquifer may also induce recharge from the Missouri, Vermillion, James, or Big Sioux Rivers, although this amount has not been quantified.

Combining the estimated recharge of Hedges et al (1985), and the induced recharge for the current appropriations of the Lewis and Clark Rural Water System, the estimated average annual recharge to the Missouri: Elk Point aquifer is approximately 92,000 ac-ft/yr.

Discharge

Discharge from the Missouri: Elk Point aquifer occurs through well withdrawals, evapotranspiration from areas where the aquifer is near the land surface, and outflow to the Missouri and Big Sioux Rivers (Bugliosi, 1986; Niehus, 1994; Stephens, 1967). Currently, there are 617 Water Rights/Permits appropriating water from the Missouri: Elk Point aquifer (Water Rights, 2018a). Table 1 shows a summary of non-irrigation Water Rights/Permits with their appropriation and estimated annual expected use. The amount of water that can be expected to be withdrawn can be estimated by assuming water rights/permits limited by an annual volume will pump the entire volume appropriated annually, water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time, and future use permits will be fully developed.

Table 1: Summary and expected use of non-irrigation water rights/permits including future use permits (Water Rights, 2018a)

Use Type	No. of Water Rights/Permits	Appropriation (ac-ft)	Appropriation (cfs)	Expected Use (ac-ft)
RWS	4	45,165		45,165.00
SHD	2		0.199	86.50
REC	1	393.3		393.30
COM	10	637	1.539	1,305.96
DOM	2		2.780	1,208.38
IRR*	1	2		2
FWP	4		9.430	4,098.94
IND	5		0.878	381.64
MUN	12	9,111	11.662	14,180.12
Total	41	55,308	26.49	66,821.04
RWS = Rural Water Supply, SHD = Suburban Housing Development, REC = Recreation, COM = Commercial, DOM = Domestic, IRR*=Irrigation (not required to submit irrigation questionnaire), FWP = Fish & Wildlife Propagation, IND = Industrial, MUN =Municipal				

Several of the non-irrigation water rights/permits are required to report their annual water use from the Missouri: Elk Point aquifer. Two of these are recent permits and their systems are considered to be in development. The remaining water rights/permits and their reported water usage from 2006 to 2016 are shown in Table 2.

Table 2: Reported annual water use in acre-feet from non-irrigation water rights/permits for the years 2006 to 2016 (Water Rights, 2018a)

	Clay RWS	Lewis & Clark RWS	City of Vermillion
	5998A-3, 7388-3	6736-3, 7207-3	147-3, 6236-3
2006	170		1,252
2007	217		1,344
2008	213		1,199
2009	215		1,140
2010	183		1,071
2011	137	92	1,127
2012	525	3,836	1,317
2013	301	9,368	1,183
2014	307	11,532	1,121
2015	278	15,591	1,161
2016	231	17,091	1,175
Max	525	17,091	1,344
Min	137	92	1,071
Average	252.5	9,585	1,190

The reported usage for these non-irrigation permits shows that the usage for the City of Vermillion has remained steady over these years. Water Right No. 147-3 has a diversion rate of 2.66 cfs and Water Right No. 6236-3 is limited to an annual volume of 1,161 ac-ft. Combined, these two water rights are estimated to use 2,315 ac-ft/yr, however the average actual reported usage is 1,190 ac-ft/yr. The Clay RWS added Water Permit No. 7388-3 to their system in 2012, so the expected usage from their permits is greater than the average shown. The Lewis & Clark RWS is still under development and the usage will continue to grow. Using the average actual reported use from the City of Vermillion, instead of the appropriated amount, reduces the expected use from non-irrigation water rights/permits by 1,125 ac-ft/yr to 65,696.84 ac-ft/yr.

There are a number of domestic wells on file that withdraw water from the Missouri: Elk Point aquifer, however the magnitude of their withdrawals is small, and since the introduction of rural water systems, many of these wells may no longer be in use (Water Rights, 2018b). The annual quantity of water withdrawn for domestic uses is considered to be negligible to the hydrologic budget of the aquifer.

Irrigation data from 2016 shows that there were 566 water rights/permits that were permitted for irrigation (Water Rights, 2018d). These water rights/permits appropriated 190,934.28 acre-ft of water in 2016, however the actual usage is much less. Farmer (2018) analyzed the irrigation data from 1979 to 2016, and determined that from 1979 to 2005, the number of acres permitted for irrigation in the Missouri: Elk Point aquifer remained steady. Figure 2 shows the acres permitted for irrigation from 1979 to 2016 and the yearly total reported pumpage for the irrigation permits. After 2006, for a number of reasons, there was an increase in the number of applications for permits, and that increase in permits also adjusted the long term ratio of constructed to unbuilt irrigation systems. For estimating usage from irrigation water rights/permits, the usage from 1979 to 2005 was used. Farmer (2018) calculated that the average application rate on all acres permitted for irrigation is 0.35 ft (a little less than 4.2 inches) from 1979 to 2005.

In 2016, there was a total of 80,279.54 acres permitted for irrigation. Between the 2016 irrigation season and March 2018, a total of 10 permits for irrigation have been approved with a total of 892 permitted acres. The total permitted acres for irrigation is 81,171.54 acres. Applying the average application rate of 0.35 ft on the permitted acres results in an estimated average annual use for irrigation purposes of 28,410 acre-feet per year.

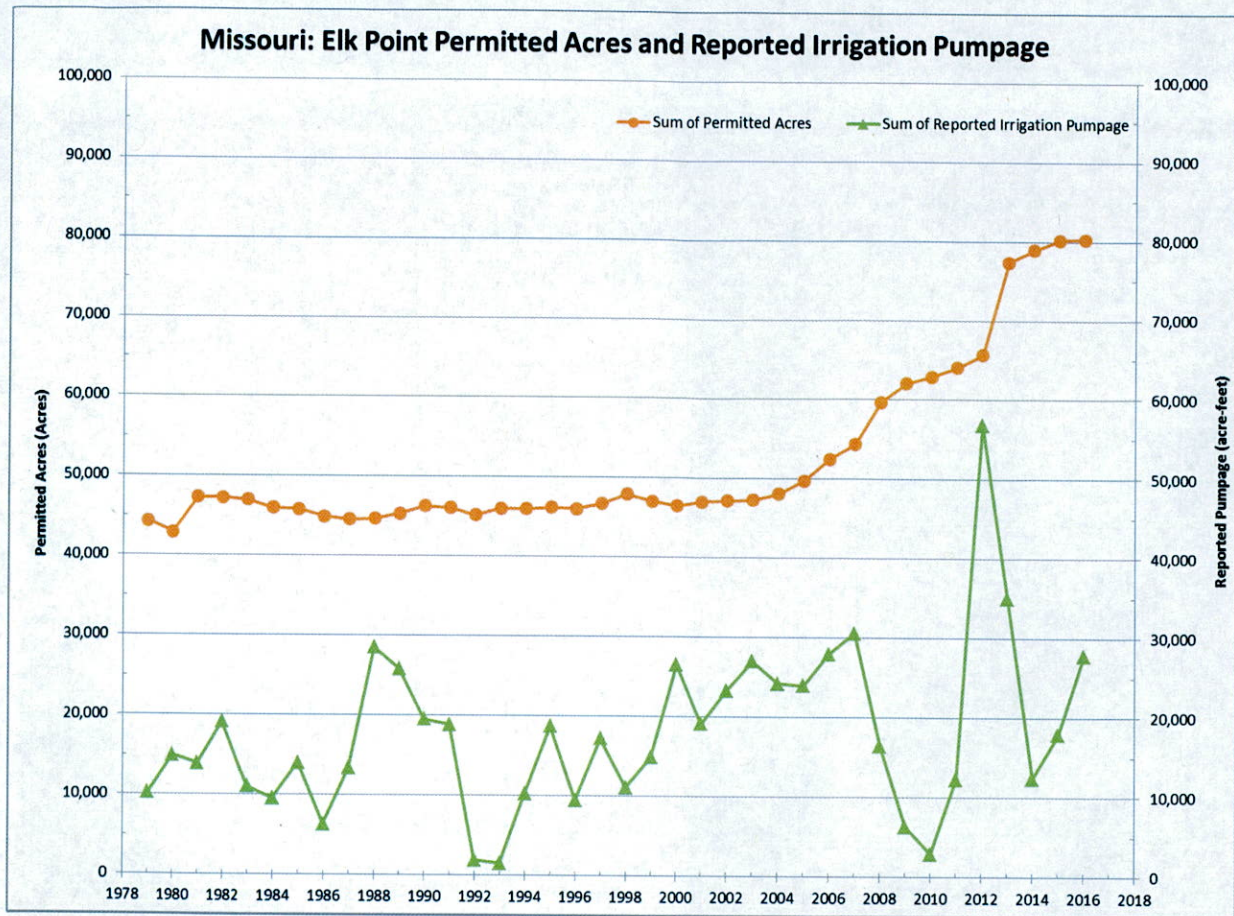


Figure 2: Acres permitted for irrigation and reported irrigation pumpage (taken from Farmer, 2018)

Hydrologic Budget

The estimated withdrawals from the Missouri: Elk Point aquifer are 65,696.84 ac-ft/yr from non-irrigation users, and 28,410 ac-ft/yr from irrigation. Including an estimated 21 ac-ft/yr from an application that is pending approval and an estimated 9.45 ac-ft/yr from this application, the estimated average annual withdrawal from the Missouri: Elk Point aquifer is 94,136.29 ac-ft/yr.

The estimated annual recharge to the Missouri: Elk Point aquifer is approximately 92,000 ac-ft/yr. This estimated annual recharge does not include the recharge induced by well withdrawals aside from Lewis and Clark RWS, the actual recharge is likely to be greater than 92,000 ac-ft/yr. The estimated annual withdrawals equate to roughly three percent of the available water in storage. Due to the relatively small development of this large resource and the ability to induce recharge to the aquifer from nearby bodies of surface water, there is a reasonable probability there is unappropriated water available from the Missouri: Elk Point aquifer for the proposed appropriation.

Observation Well Data

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 annual recharge.

The Water Rights Program monitors 37 observation wells completed in the Missouri: Elk Point aquifer (Water Rights, 2018c). The nearest observation well is CL-80B, located approximately one third mile southeast of the nearest well location. As shown in Figure 3, the location of this application is within a reasonable distance of several other observation wells. By using these other observation wells in this analysis, an idea of how the water table reacts to local pumping and regional climatic conditions can be obtained. The other nearby observation wells that were analyzed include YA-80KA (4.1 miles), CL-80A (6.3 miles), YA-78J (9.1 miles), CL-80C (9.7 miles), and CL-80D (12.6 miles).

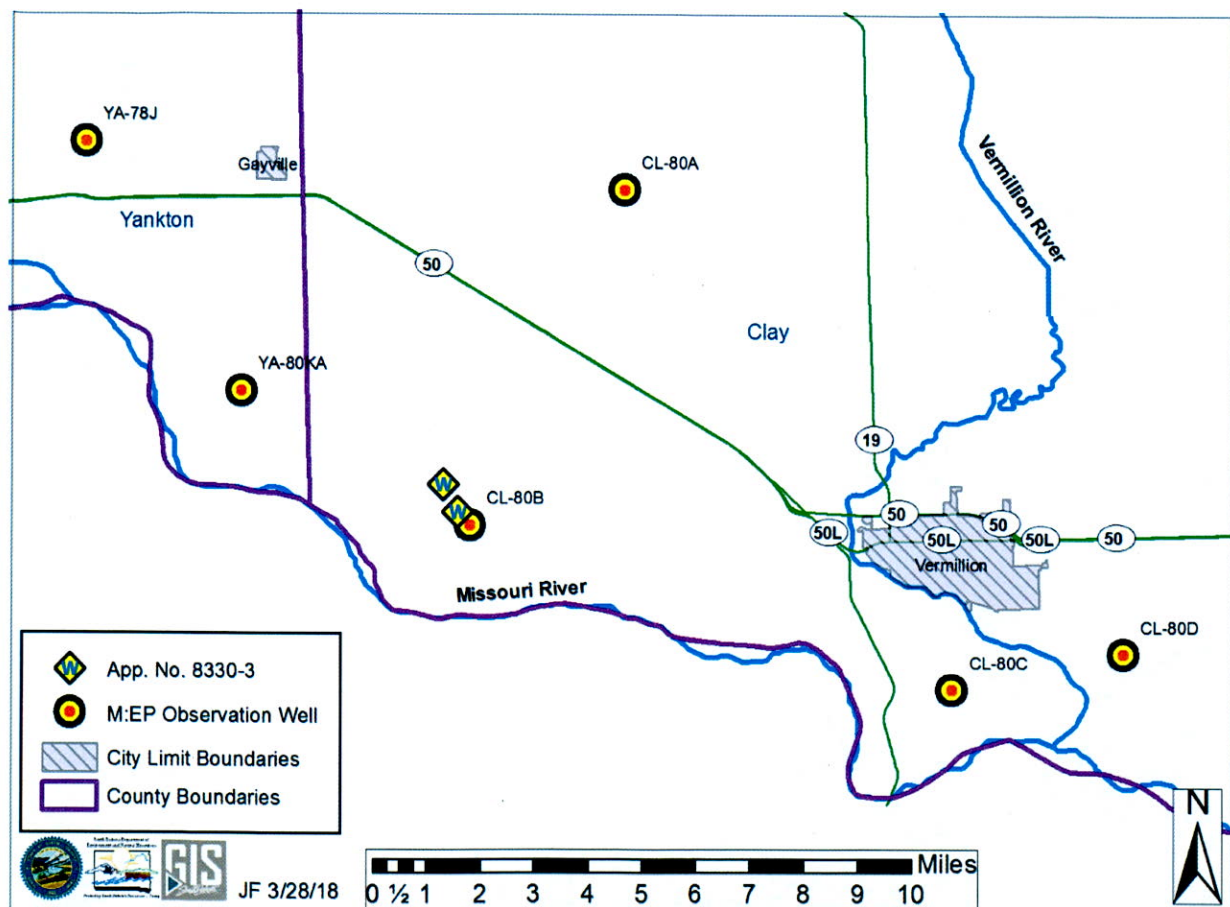


Figure 3. Map showing the location of nearby observation wells in the Missouri: Elk Point aquifer (Water Rights, 2018a; Water Rights, 2018c)

The hydrographs for the observation wells in Figure 3 are shown in Figure 4. These observation well hydrographs are representative of the Missouri: Elk Point aquifer. The hydrographs show that the aquifer responds well to hydrologic conditions, recharging during wetter periods and

declining during drier periods. The hydrographs of the Missouri River (Figure 5 and 6) generally show the same peaks, rising periods, and declining periods as the hydrographs of the Missouri: Elk Point aquifer, indicating that the aquifer is hydraulically connected to the Missouri River. Observation well CL-80A is under confined conditions, and the four others shown are under water table conditions. Figure 5 is the hydrograph of the Missouri River at Sioux City, Iowa, approximately 40 miles downstream from the USGS stream gage Missouri River near Maskell, Nebraska (Figure 6), located across the Missouri River from Vermillion, SD. There are slight differences between these hydrographs as the confluences of the Vermillion and Big Sioux Rivers are located between these gages. Due to the availability of information, Figure 5 shows discharge, whereas Figure 6 shows gage height. The peaks on these hydrographs generally do not correspond with local precipitation events, as in the case of the peak in 2011, which was generated from the effects of snowmelt and rainfall far upstream and the controlled release of water from upstream dams. The observation well measurements show that the effects from pumping are temporal, and that the aquifer generally returns to pre-pumping conditions. There is a downward trend in these observation wells due to the construction of the Gavins Point Dam in Yankton, SD, the Missouri River is entrenching below the dam, lowering the water surface elevation of the river (Goodman, 2007; Iles, 1979). Entrenchment of the Missouri River does not reflect the availability of water and the downward trend does not show that the Missouri: Elk Point aquifer is over appropriated. The observation well data indicates that there is a reasonable probability that there is unappropriated water available from the Missouri: Elk Point aquifer.

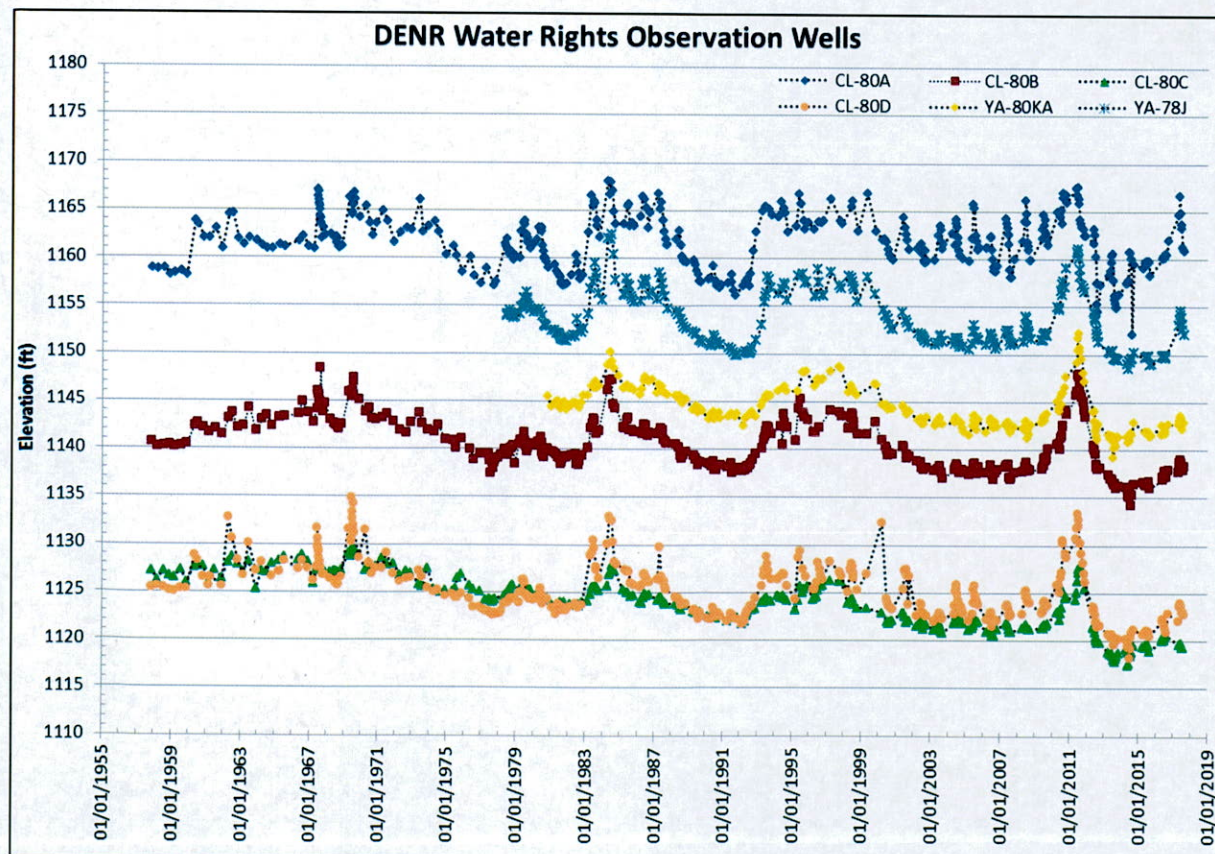


Figure 4: Hydrographs for Observation Wells CL-80A, CL-80B, CL-80C, CL-80D, and YA-80KA (Water Rights, 2018c)

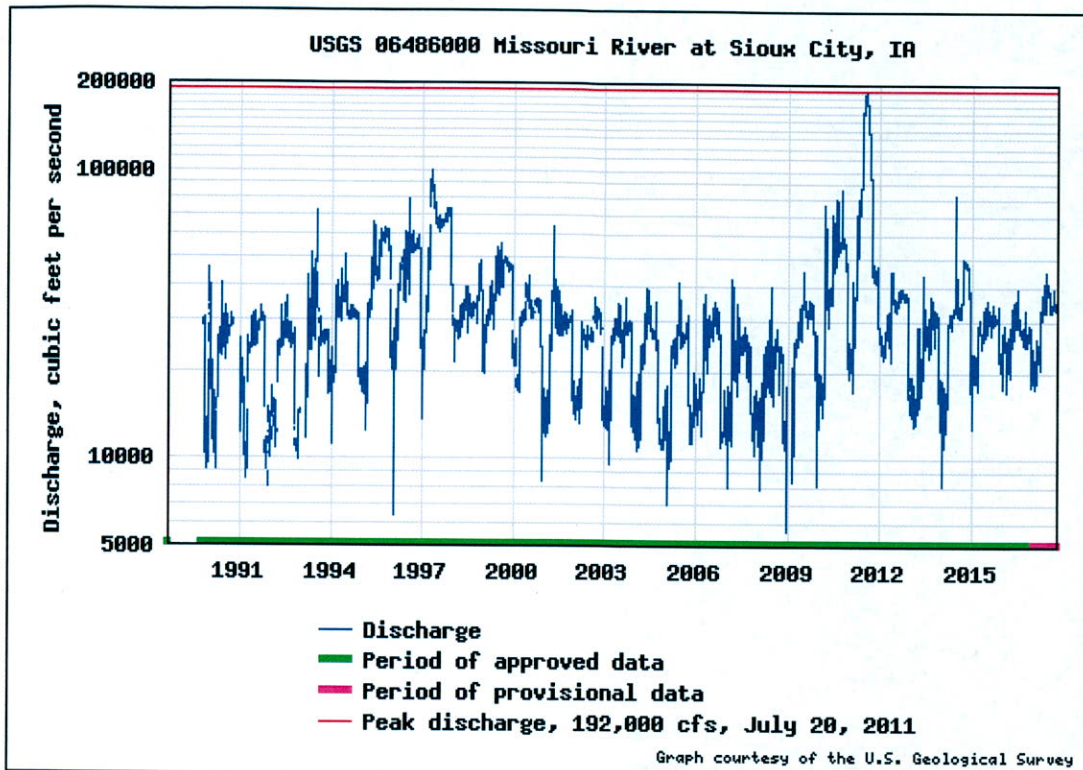


Figure 5: Hydrograph for USGS Stream Gage 06486000 Missouri River at Sioux City, IA (USGS, 2017)

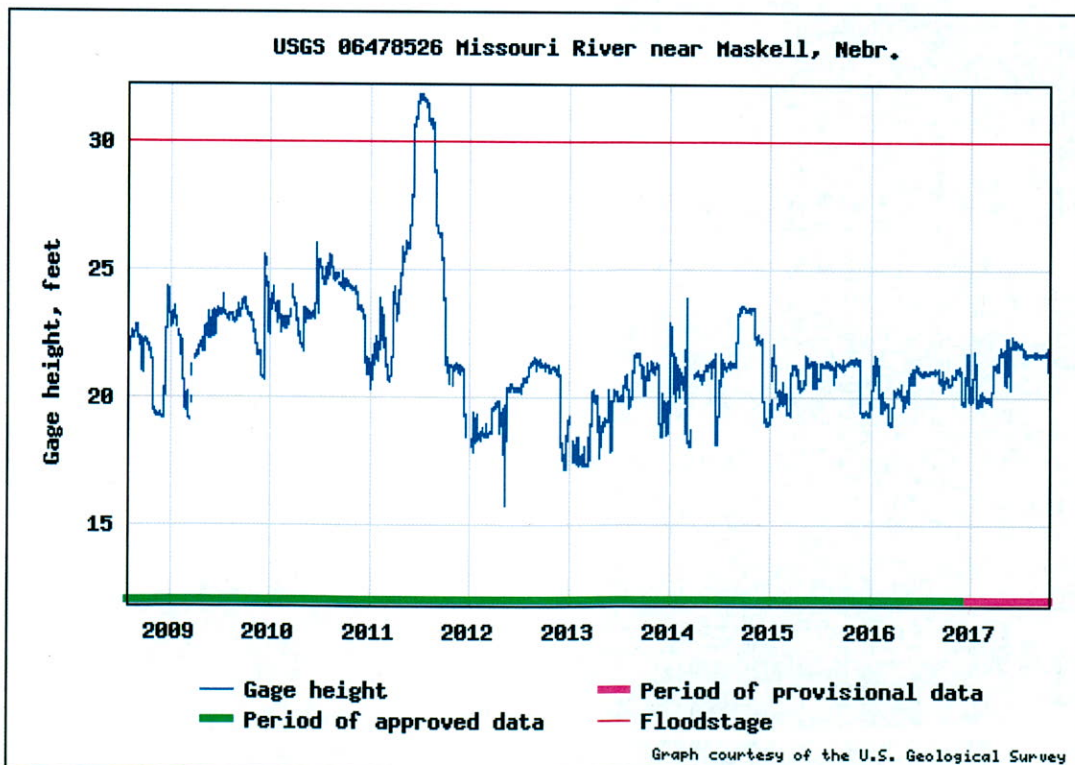


Figure 6: Hydrograph for USGS Stream Gage 06478526 Missouri River near Maskell, NE (USGS, 2017)

EXISTING WATER RIGHTS

There are 613 water rights/permits appropriating water and 4 future use permits reserving water from the Missouri: Elk Point area along with 2 deferred applications and 1 pending application (Water Rights, 2018a). The location of the diversion points for water rights/permits authorized to withdraw water from the Missouri: Elk Point aquifer in the vicinity of this application are shown in Figure 7. The areas reserved for the future use permits within the map boundaries are also shown.

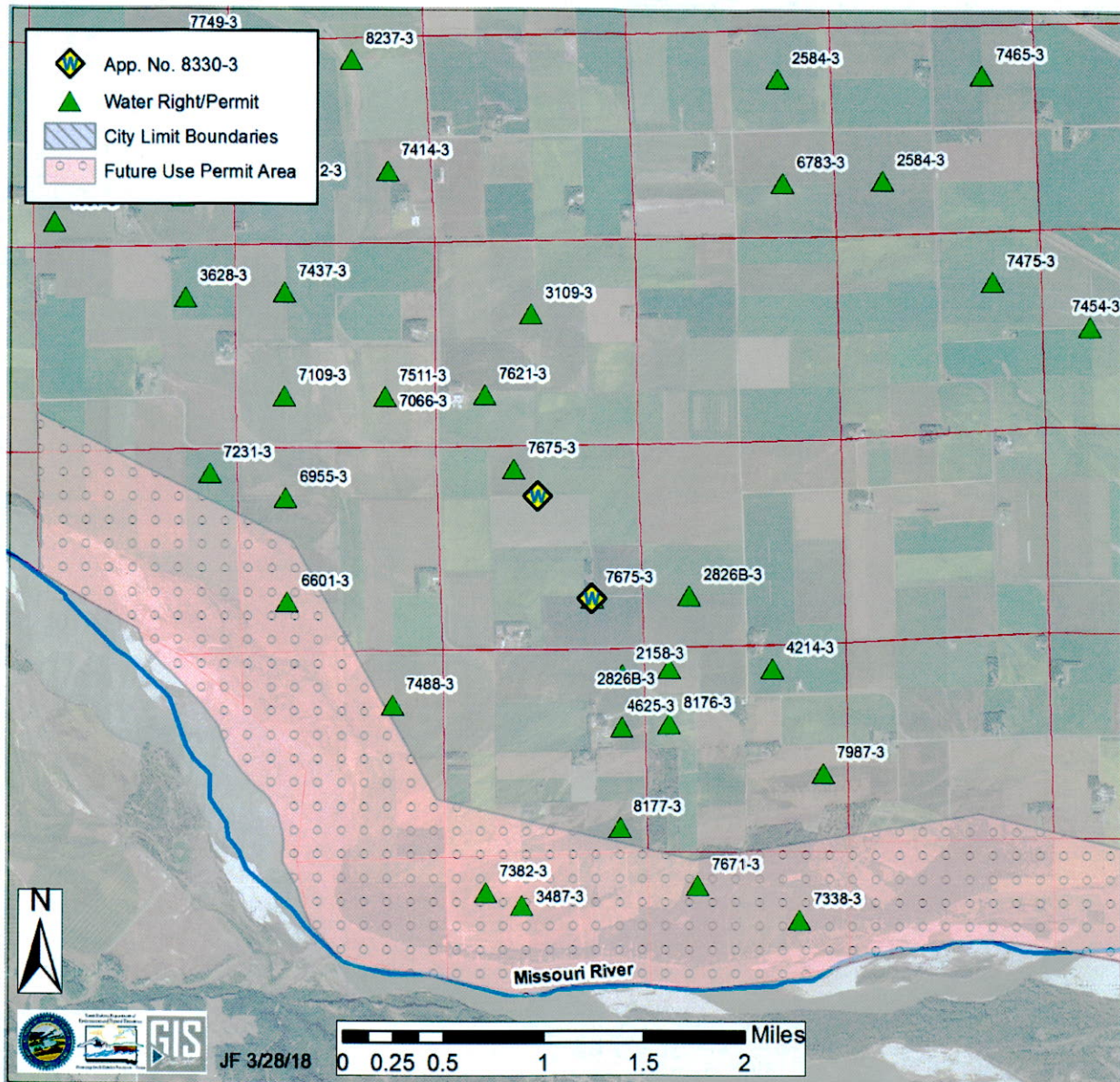


Figure 7: Map of the vicinity of Application No. 8330-3 including Missouri: Elk Point aquifer water rights/permits and future use areas (Water Rights, 2018a)

Drawdown from well withdrawals within the Missouri: Elk Point aquifer is generally not significant at distances far from the pumping well. Examination 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 usually being located within a mile of several irrigation wells. Even though there are a large number of high capacity wells in the Missouri: Elk Point aquifer, there has not been a history of well interference. This application, if approved, is not expected to adversely impact nearby adequate wells.

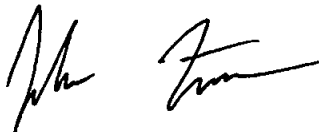
An adequate well has been defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) as:

“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 that to place water to the maximum beneficial use, a certain amount of drawdown may occur. With no history of well interference complaints from users in the Missouri: Elk Point aquifer, adequate wells are not expected to be adversely impacted if this proposed appropriation is approved.

CONCLUSIONS

1. Water Permit Application No. 8330-3 proposes to irrigate 27 acres with no increase of the maximum diversion rate of 3.56 cfs from the wells approved by Water Right No. 7675-3 and completed into the Missouri: Elk Point aquifer in Clay County.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer.
3. There is a reasonable probability that the diversion proposed by this application will not adversely impact adequate wells for existing water rights and domestic uses.



John Farmer
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. 41 p.

- Farmer, J.R., 2018. Report on Water Permit Application No. 8322-3 for Shaun Guthmiller. SD DENR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Goodman, J.A., 2007. Report on Water Permit Application No. 6869-3 for Lewis & 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., 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 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 No. UR-28. SD DENR-Geological Survey. Vermillion, South Dakota.
- Niehus, C. A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. USGS Water Resources Investigations Report 93-4195. USGS. Rapid City, SD.
- Stephens, J. C. 1967. Geology and Water Resources of Clay County, South Dakota. Bulletin 19 Part II Water Resources. SDGS. Vermillion, SD.
- Stonesifer, J.R. 2013. Water Availability of the Missouri: Elk Point Aquifer. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- USGS. 2017. USGS Water data for the Nation. <https://waterdata.usgs.gov/nwis> accessed 10/12/2017.
- Water Rights. 2018a. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018b. Well Completion Report Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018c, "Observation Well Database", SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018d. Irrigation Questionnaire Database. 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.**

April 10, 2018

Scott and Jeanne Jepsen
31676 455th Ave
Meckling SD 57069

Dear Mr. & Mrs. Jepsen:

Water Permit Application No. 8330-3 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 Plain Talk printed at Vermillion SD (Ph # 605-624-2695) 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.

NOTICE OF APPLICATION NO. 8330-3 to Appropriate Water

Notice is given that Scott and Jeanne Jepsen, 31676 455th Ave, Meckling SD 57069 have filed an application for a water permit to irrigate 27 additional acres. Water Permit No. 7675-2 appropriates 3.56 cubic feet of water per second (cfs) from two wells completed into the Missouri:Elk Point Aquifer (110 feet deep) located at the center of the N 1/2 and the center of SE 1/4 Section 9 for irrigation of 260 acres located in the E 1/2 NW 1/4, E 1/2 SW 1/4, SW 1/4 NE 1/4, SE 1/4 Section 9; all in T92N-R53W. An investigation of the permit found the system irrigating an additional 27 acres in the area described above which is approximately 8 miles west of Vermillion SD. This application, if approved, and Water Permit No. 7675-3 will authorize a diversion rate of 3.56 cfs for irrigation of 287 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8330-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 30, 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: Tuesday, April 10, 2018 9:02 AM
To: 'Tera Schmidt'
Subject: 8330-3, Scott and Jeanne Jepsen
Attachments: 8330-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on April 20, 2018.

Scott and Jeanne Jepsen, 31676 455th Ave, Meckling SD 57069 (605 638-0602) 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: Tuesday, April 10, 2018 9:01 AM
To: classifieds@plaintalk.net
Subject: 8330-3, Scott and Jeanne Jepsen
Attachments: 8330-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on April 20, 2018.

Scott and Jeanne Jepsen, 31676 455th Ave, Meckling SD 57069 (605 638-0602) 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



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

APR 26 2018

WATER RIGHTS
PROGRAM

SCOTT JEPSEN
31676 445TH
MECKLING SD 57069

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
4 + 20 NOTICE OF APPLICATIO

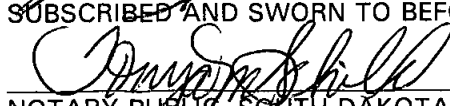
TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 20th DAY OF April, 2018
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$29.25 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 04/20/2018

FILED ON: 04/20/2018



SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF April, 2018



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

Ad text : 4 + 20

NOTICE OF APPLICATION NO. 8330-3 to Appropriate Water

Notice is given that Scott and Jeanne Jepsen, 31676 455th Ave, Meckling SD 57069 have filed an application for a water permit to irrigate 27 additional acres. Water Permit No. 7675-2 appropriates 3.56 cubic feet of water per second (cfs) from two wells completed into the Missouri:Elk Point Aquifer (110 feet deep) located at the center of the N 1/2 and the center of SE 1/4 Section 9 for irrigation of 260 acres located in the E 1/2 NW 1/4, E 1/2 SW 1/4, SW 1/4 NE 1/4, SE 1/4 Section 9; all in T92N-R53W. An investigation of the permit found the system irrigating an additional 27 acres in the area described above which is approximately 8 miles west of Vermillion SD. This application, if approved, and Water Permit No. 7675-3 will authorize a diversion rate of 3.56 cfs for irrigation of 287 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8330-3 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 April 30, 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 \$29.25.

AFFIDAVIT OF PUBLICATION

PLAIN TALK

RECEIVED

APR 23 2018

WATER RIGHTS
PROGRAM

SCOTT & JEANNE JEPSEN
31675 455TH AVE
MECKLLING SD 57069

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

TERA SCHMIDT, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF
THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN
THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 20th DAY OF April, 2018
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$27.35 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 04/20/2018

FILED ON: 04/20/2018

Tera A Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF April, 2018

Conyarn Shill

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 08/19/2021

Ad text : NOTICE OF APPLICATION NO. 8330-3 to Appropriate Water

Notice is given that Scott and Jeanne Jepsen, 31676 455th Ave, Meckling SD 57069 have filed an application for a water permit to irrigate 27 additional acres. Water Permit No. 7675-2 appropriates 3.56 cubic feet of water per second (cfs) from two wells completed into the Missouri:Elk Point Aquifer (110 feet deep) located at the center of the N 1/2 and the center of SE 1/4 Section 9 for irrigation of 260 acres located in the E 1/2 NW 1/4, E 1/2 SW 1/4, SW 1/4 NE 1/4, SE 1/4 Section 9; all in T92N-R53W. An investigation of the permit found the system irrigating an additional 27 acres in the area described above which is approximately 8 miles west of Vermillion SD. This application, if approved, and Water Permit No. 7675-3 will authorize a diversion rate of 3.56 cfs for irrigation of 287 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8330-3 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 April 30, 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 \$27.35.

Publish: April 20, 2018

RECEIVED

APR 23 2018

**WATER RIGHTS
PROGRAM**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

May 8, 2018

8330-3
7675-3

Scott and Jeanne Jepsen
31675 455th Ave
Meckling SD 57069

Dear Mr. & Mrs. Jepsen:

Enclosed are Water Permit and License No. 8330-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if in the future the owner drills a replacement well and has no plan to use the old existing well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

Note: The applicable portions of No. 7675-3 are incorporated into Water License No. 8330-3.

enclosures

8330-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: SCOTT AND JEANNE JEPSEN, 31675 455TH AVE, MECKLING, SD 57069

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8330-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 8330-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8330-3 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 3, 2021** 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://denr.sd.gov/iq> using this password: FWBOIY**

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2021

8330-3

Scott & Jeanne Jepsen
31675 455th Ave
Meckling SD 57069

Dear Mr. Jepsen:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 8330-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Genny McMath".

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