

WATER PERMIT NO. 8332-3

Name of Applicant: Robert or Cody Geary

Address: 32750 480th Ave, Elk Point SD 57025

Phone: 712 540-1633

Amount of Water Claimed: no add'l

Total Acres: 40 acres

Source of Water Supply: groundwater (1 existing well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System:

Location: Five miles southwest of Elk Point

PRIORITY

Date Received: 1-16-18

Application/License Fee: \$ 500

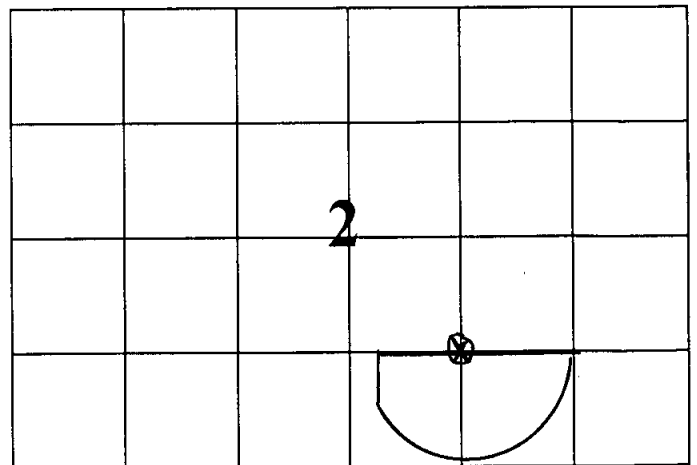
Corrected Application Received:

Period of Annual Use: March 1 – November 30

Remarks: Utilizing well authorized by Permit No. 7773-3. This will allow pivot to make a complete rotation.

Diversion Point: between NW 1/4 SE 1/4 and NE 1/4 SE 1/4 Sec 2-T90N-R49W

Land to be Irrigated: S 1/2 SE 1/4 Sec 2-T90N-R49W



Depth of Well: 120

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 2-13-18

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8332-3</u> (office use only)
	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Leader-Courier, Elk Point</u> <u>Press, Dakotian, Yankton</u>

RECEIVED
JAN 16 2018
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7773-3
(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Robert or Cody Geary

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

Mailing Address 32750 480th Ave Elk Point SD 57025
(Address) (City) (State) (Zip Code)

Phone 712-540-1633 Mobile (no addy) Email _____

2. Amount of water claimed 1.78 *CFS or 800 **GPM _____ ***AF Total Acreage 60
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 1 well (existing on 7773-3)

4. Location of point of diversion between NW 1/4 SE 1/4 and NE 1/4 SE 1/4 Sec 2 - T90N-R49W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used April - Sept March 1 - Nov 30

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

Land Description	Acres	Land Description	Acres
<u>South 1/2 of the Southeast 1/4</u>	<u>60</u>		
<u>Section 2 - T90N-R49W</u>			

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

use the well in the North 1/2 of the North east Quarter
South

I, Robert J Geary 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. 8332-3**

Date of first receipt of application January 16, 2018.

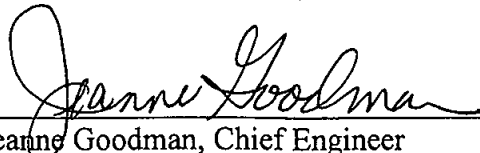
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8332-3 to Robert or Cody Geary, 32750 480th Ave, Elk Point SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8332-3 authorizes irrigation of 60 new acres. Water Permit No. 7773-3 appropriates 1.78 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the approximate center of the SE 1/4 Section 2 for irrigation of 70 acres located in the N 1/2 SE 1/4 Section 2; all in T90N-R49W. This permit authorizes irrigation of 60 new acres located in the S 1/2 SE 1/4 Section 2-T90N-R49W from the existing well. This site is located approximately 5 miles southeast of Elk Point SD. This permit does not authorize any increase in the developed diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 – November 30.
3. The date from which applicant may claim right is January 16, 2018.
4. The date of approval of Permit No. 8332-3 is April 9, 2018.
5. One-fifth of the construction is to be completed on or before October 9, 2020.
6. All construction is to be completed on or before April 9, 2023.
7. Water is to be put to beneficial use on or before April 9, 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 Nos. 7773-3 and 8332-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

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

APR 19 2018

date



Supplemental Information

(type or print)

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

For either Existing or Proposed Wells:

c) Well Depth (required) 20 Depth to Top of Water Bearing Material _____ Depth to Water from Surface 15d) Distance to nearest domestic well on applicant's property 1/2 mile Property owned by others Robert Cearny

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

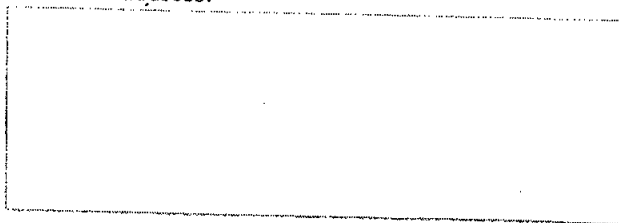
a) Surface Dimensions _____ Depth _____

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)

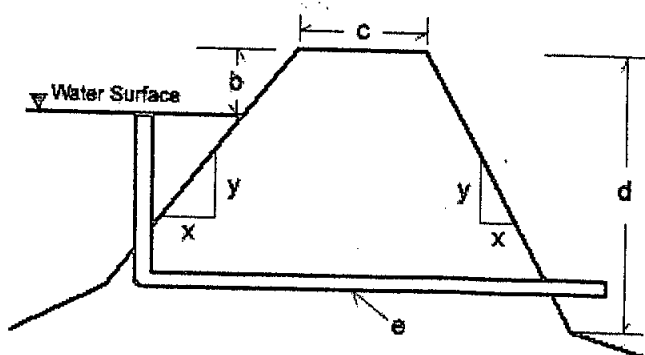
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





United States Department of Agriculture
Farm Service Agency

PLSS: 2_90N_49W
Farm: 5666

Union County

1:8,734

RECEIVED N

FEB 14 2013

WATER RIGHTS
PROGRAM

April 27, 2012

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

□ Common Land Units

▨ Non Cropland

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2010 Ortho-Photography - Not to Scale

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JAN 16 2018

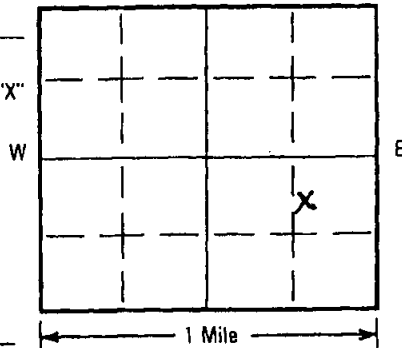
WATER RIGHTS
PROGRAM

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 SE 1/4 Sec 2 Twp 90N Rg 48W
 County Union

Please mark well location with an "X"



Well-Completion Date

7-14-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1000 ft. from any (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>4 1/2 LB/FT</u>	<u>12 IN</u>	<u>0 FT</u>	<u>80 FT</u>	<u>18 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

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

Describe grouting procedure Pumped in with grout pump

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 12 IN Length 40 FEET

Material PVC

Slot Size 50 Set From 80 Feet to 120 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: _____

☒ NO, Why Not? _____

Irrigation

Laboratory sent to for water quality analysis

Well Owner: Bob Geary

Business Name: _____

Address: 32750 480th Ave
Elk Point, SD 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Heavy black gumbo	0	35
Silt	35	38
Clay	38	61
Med sand	61	72
Med gravel*	72	125
* Rock @ 105'		

STATIC WATER LEVEL 18 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

- ☒ Pumped Describe: Pumped with customer's permanent pump
☐ Bailed
☐ Other

Pumping Level Below Land Surface

31 ft. After 1 Hrs. pumped 900 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 650 GPM

REMARKS

RECEIVED
JAN 30 2008

This well was drilled under license # 667

WATER RIGHTS
PROGRAM

And this report is true and accurate.

Drilling firm Dakota Drilling & Backhoe, Inc.

Signature of License Representative:

Vernon E. Coker

Signature of Well Owner or Equitable Property Holder:

Date: _____

2-11-08

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 16, 2018

RECEIVED OF Robert Geary 32750 430th Ave Elk Point 57025-6838

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

Fee for Application for Permit No. <u>8332-3</u> to Appropriate Water, to construct and to put water to beneficial use	450	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	450 00

No. **08476**

By

Jeanne Hoodman
Chief Engineer
Jm

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 16, 20 18

RECEIVED OF Robertt Ceary 32750 480th Ave Elk Point 57025 6838

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

Fee for Application for Permit No. <u>8332-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	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 <u>1567-3</u>	50	00
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	50 00

No. **08474**

By Jeane Goodman
Chief Engineer vm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 5, 2018

No. 1567-3

Robert J Geary
32750 480th Ave
Elk Point SD 57025

Dear Mr. Geary:

Based on our phone conversation, enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1567-3. The water right is currently listed in the name of Casey Westergard. If I understood correctly, you bought the SW 1/4 Section 1-T90N-R49W. On the transfer form, cross-off the acres that you do not own. The water license will be reissued accordingly. Do you know if the N 1/2 SE 1/4 Section 1 has been irrigated recently and who the current owner is?

The transfer form should be completed, checked over for accuracy, and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$50.00.

Also enclosed are an application form, instructions, a copy of Water Permit No. 7773-3 and map. You indicated you bought the land in the S 1/2 SE 1/4 Section 2-T90N-R49W. I am assuming you intend to have the pivot authorized by No. 7773-3 make a complete rotation. You will need to make application for the additional acres.

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

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 16, 2018

Robert or Cody Geary
32750 480th Ave
Elk Point SD 57025

Dear Sirs:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation of an additional 60 acres located in the Union County. In order to complete the application, the following is required.

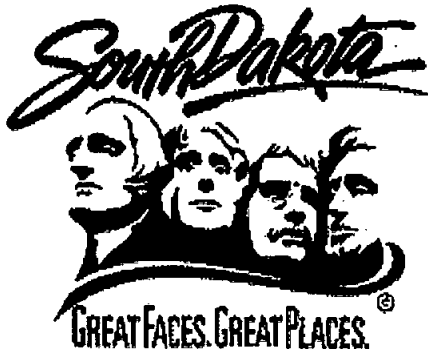
- You submitted a check for \$500.00. The fee for the Notice of Transfer of Ownership is \$50.00 and the application/license fee for the additional 60 acres is \$700.00 (\$750.00 total). Please submit an additional \$250.00.
- Also, in order to be consistent with Water Permit No. 7773-3, do you agree with my changing the annual period of water use to March 1 – November 30? You indicated April – September on the application.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 8, 2018

Robert or Cody Geary
32750 480th Ave
Elk Point SD 57025

Dear Sirs:

Water Right No. 1567-3 for Casey Westergard, authorizes irrigation 240 acres located in the SW ¼ and N ½ SE ¼ Section 1, T90N, R49W. The ownership change you filed for the land in the SW ¼ Section 1 described in the water right is being processed.

Recently we visited by phone concerning the portion of land in the N ½ SE ¼ Section 1. I went back and looked at the original application and it does look like it was filed for the SW ¼ Section 1 and the N ½ SE ¼ Section 2, T90N, R49W. In 1973, an inspection was done and a water license issued indicating the land was all in Section 1. This most likely was an error however what is done is done and we can't legally change it now.

We will need to divide the water right into and "A" and a "B" number with portion of the water right in the N ½ SE ¼ Section 1 eventually being scheduled for cancellation. This will not affect the portion of the water right you now own in the SW ¼ Section 1.

In January, 2018 you submitted a water permit application for authorization to irrigate the S ½ SE ¼ Section 2, T90N, R49W from a well located in the SE ¼ Section 2 authorized under Water Permit No. 7773-3. Before the application can be processed, a \$200 fee is still required. A check or money order for the fee can be made payable to the "Water Rights Program".

If you have any questions, please get in touch with us.

Sincerely,

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

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

Water Rights Program - File Documentation

NAME: Robert Geary

ADDRESS: Elk Point

DATE: 2-12-18 **COUNTY:** Union **TELEPHONE:** 712 540-1633

RE: Pending application

COMMENTS:

Robert Geary called and together we clarified that he had submitted what was needed for this application to irrigate 60 additional acres utilizing the well authorized by Permit No. 7773-3. This application will allow the pivot to make a full rotation.

On 1-16-18, Mr. Geary submitted a check for \$500. The fee was receipted as a portion of the application fee (\$450) and a transfer fee for 1567-3 (\$50).

Since that time, the transfer fee for 1567-3 has been submitted by another entity.

Since Permit No. 7773-3 and 8332-3 will be incorporated at time of licensing, an additional license fee will not be required. Therefore, the application fee for No. 8332-3 is \$500. The \$50 transfer fee submitted on 1-16-18 will be applied towards No. 8332-3.

Mr. Geary also agreed to change the period of annual use to March 1 – November 30.



Karen Schlaak
Water Rights Program

AFFIDAVIT OF PUBLICATION

State of South Dakota)
:ss
County of Union)

Bruce L. Odson,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

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

Notice of Application No. 8332-3

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

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

on Thursday, the 29 day of March, 2018

and that the succeeding publications were

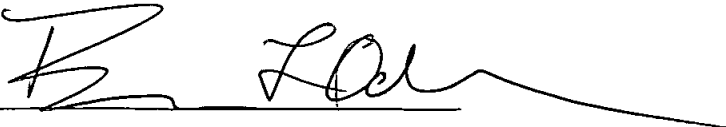
on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

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

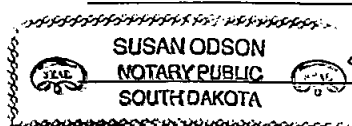
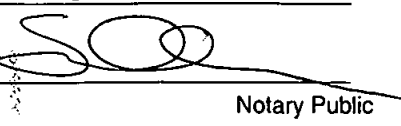
\$ 28.89, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me

this 29 day of March, 2018

My commission expires 7-12-23

 SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA
 Notary Public

NOTICE OF APPLICATION NO. 8332-3 TO APPROPRIATE WATER

Notice is given that Robert or Cody Geary, 32750 480th Ave, Elk Point SD 57025 have filed an application for a water permit to irrigate 60 new acres. Water Permit No. 7773-3 appropriates 1.78 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the approximate center of the SE 1/4 Section 2 for irrigation of 70 acres located in the N 1/2 SE 1/4 Section 2; all in T90N-R49W. This application proposes to irrigate 60 new acres located in the S 1/2 SE 1/4 Section 2-T90N-R49W from the existing well. This site is located approximately 5 miles southeast of Elk Point SD. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8332-3 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 9, 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. Publish March 29, 2018
Published once at the total approximate cost of \$28.89 13-3-94

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APR 03 2018

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED
APR 03 2018
WATER RIGHTS
PROGRAM

ROBERT/CODY GEARY
32750 480TH AVE
ELK POINT SD 57025

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
3 + 29 NOTICE OF APPLICATIO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 29th DAY OF March, 2018
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$28.67 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: 03/29/2018

FILED ON: 03/29/2018


SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF March, 2018


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

Ad text : 3 + 29

NOTICE OF APPLICATION NO. 8332-3 to Appropriate Water

Notice is given that Robert or Cody Geary, 32750 480th Ave, Elk Point SD 57025 have filed an application for a water permit to irrigate 60 new acres. Water Permit No. 7773-3 appropriates 1.78 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the approximate center of the SE 1/4 Section 2 for irrigation of 70 acres located in the N 1/2 SE 1/4 Section 2; all in T90N-R49W. This application proposes to irrigate 60 new acres located in the S 1/2 SE 1/4 Section 2-T90N-R49W from the existing well. This site is located approximately 5 miles southeast of Elk Point SD. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8332-3 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 9, 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 \$28.67.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, March 19, 2018 3:15 PM
To: 'Tera Schmidt'
Subject: 8332-3, Robert or Cody Geary
Attachments: 8332-3public.short.docx; FÖRM8.FRM.doc

Attached is a notice to be published on March 29, 2018.

Robert or Cody Geary, 32750 480th Ave, Elk Point SD 57025 (712 540-1633) have been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, March 19, 2018 3:14 PM
To: G5 (leader1@iw.net)
Subject: 8332-3, Robert or Cody Geary
Attachments: 8332-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on March 29, 2018.

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

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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

March 19, 2018

Robert or Cody Geary
32750 480th Ave
Elk Point SD 57025

Dear Sirs:

Water Permit Application No. 8332-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Leader-Courier printed at Elk Point SD (Ph # 605-356-2632) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8332-3 to Appropriate Water

Notice is given that Robert or Cody Geary, 32750 480th Ave, Elk Point SD 57025 have filed an application for a water permit to irrigate 60 new acres. Water Permit No. 7773-3 appropriates 1.78 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the approximate center of the SE 1/4 Section 2 for irrigation of 70 acres located in the N 1/2 SE 1/4 Section 2; all in T90N-R49W. This application proposes to irrigate 60 new acres located in the S 1/2 SE 1/4 Section 2-T90N-R49W from the existing well. This site is located approximately 5 miles southeast of Elk Point SD. This application, if approved, does not authorize any increase in the developed diversion rate.

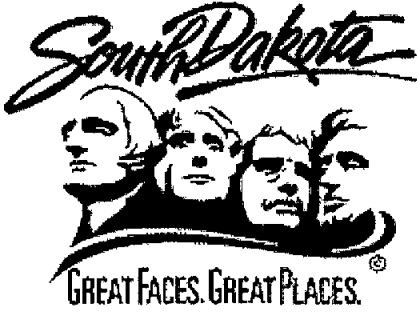
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8332-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's 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 9, 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 _____.



**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. 8332-3, Robert or Cody Geary**

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. 8332-3, Robert or Cody Geary, 32750 480th Avenue, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 8332-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Permit Nos. 7773-3 and 8332-3 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
March 19, 2018

REPORT ON PERMIT APPLICATION NO. 8332-3

For Robert or Cody Geary

March 14, 2018

Robert or Cody Geary has filed an application for a water permit to irrigate 60 new acres. Water Permit No. 7773-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Missouri: Elk Point aquifer (120 feet deep) located in the approximate center of the SE¼ Section 2 for irrigation of 70 acres located in the N½ SE¼ Section 2; all in T90N-R49W. This application proposes to irrigate 60 new acres located in the S½ SE¼ Section 2, T90N-R49W from the existing well. This site is located approximately 5 miles southeast of the town of Elk Point in Union County, South Dakota. This application, if approved, does not authorize any increase in the developed diversion rate of Water Permit No. 7773-3.

AQUIFER – MISSOURI: ELK POINT (M: EP)

The Missouri aquifer consists of unconsolidated glacial outwash deposits composed of fine sand to very coarse gravel. The Elk Point management unit of the Missouri aquifer underlies an estimated 219,100 acres of Yankton, Clay, and Union Counties, and contains an estimated 3,287,100 acre feet of recoverable water in storage (Hedges and others, 1982). The Missouri: Elk Point aquifer is generally restricted to the Missouri River floodplain. The outwash is often overlain by permeable alluvial deposits. The permeable alluvium and outwash form a single aquifer (Stephens, 1967). Near the edge of the floodplain, the Elk Point management unit is overlain by relatively impermeable glacial till (Niehus, 1994; Stephens, 1967). Hydrologically, the Elk Point management unit can be found under both confined and unconfined conditions (Stephens, 1967). The Elk Point management unit is hydraulically connected to the Lower-Vermillion-Missouri aquifer and the Lower James-Missouri aquifer, the Missouri River, the Vermillion River, and the Big Sioux River (Niehus, 1994; Stephens, 1967).

The general direction of water movement in the aquifer is to the southeast toward the Missouri River (Stephens, 1967). The South Dakota Water Well Completion Report on file for this irrigation well identifies 61 feet of top soil and clay overlying 64 feet of the sand and gravel of the Missouri: Elk Point aquifer (Water Rights, 2018c). At the time of well completion (July 14, 2007), the static water level was 18 feet below ground surface, which indicates that the aquifer is under confined conditions at this location. According to the report, the well was test pumped at a rate of 900 gallons per minute for one hour with 31 feet of drawdown.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is 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 from the aquifer.



WATER AVAILABILITY

The availability of unappropriated water from an aquifer can be evaluated by considering SDCL 46-6-3.1. This statute requires that an application to appropriate groundwater cannot 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 average estimated annual recharge. If the source of the water is older or lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. In this case, a water distribution system is not involved and the Missouri: Elk Point aquifer is not older or lower than the Greenhorn Formation. Therefore, withdrawal/recharge issue must be considered.

Recharge versus Discharge:

Recharge

Recharge to the Missouri: Elk Point aquifer is through infiltration of precipitation, groundwater inflow from other aquifers and streamflow losses from rivers and streams. Hedges and others (1985) estimated recharge to the aquifer at approximately 3.8 inches per year, based on observation well analysis. The areal extent of the Missouri: Elk Point aquifer is approximately 219,100 acres (Hedges et al, 1982), resulting in an estimated recharge to the aquifer of approximately 69,382 acre-feet per year. Stonesifer (2013) estimated the induced recharge to the aquifer due to the pumping of Lewis and Clark Rural Water System wells near the Missouri River to be approximately 22,582 acre-feet per year. This results in an estimated average annual recharge of approximately 91,964 acre-feet per year.

Discharge

Discharge from the aquifer is: (1) by well withdrawals; (2) evapotranspiration where the aquifer is near land surface; (3) to the Big Sioux and Missouri Rivers when the stage of the rivers are lower than the water table of the aquifer; and (4) to the Dakota aquifer when water levels of the Missouri: Elk Point aquifer are higher than the water levels of the Dakota aquifer (Niehus, 1997).

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, 2018c). The annual quantity of water withdrawn for domestic uses is considered to not be significant to the hydrologic budget of the aquifer.

There are 41 non-irrigation water rights/permits currently appropriating water from the Missouri: Elk Point aquifer. For non-irrigation water rights/permits, 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. Given these assumptions, the expected use from non-irrigation water rights/permits is 66,821.04 acre-feet per year. Farmer (2018) modified this number by using the average actual reported use from the City of Vermillion, instead of the appropriated amount, reduced the expected use from non-irrigation water rights/permits by 1,125 acre-feet per year resulting in an expected use from non-irrigation water rights/permits of 65,696.84 acre-feet per year.

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-feet of water in 2016, however the actual usage is much less. Stonesifer (2013) analyzed the irrigation data from 1979 to 2012, and determined that from 1979 to 2006, the appropriated amount of water in the Missouri: Elk Point aquifer remained steady. After 2006, the total appropriation increased due to a number of factors. Stonesifer developed a method to estimate the average annual use from irrigation even as the numbers of water rights/permits were increasing. Using the period of 1979 to 2006, and calculating the pumpage and the appropriations for each year, a ratio of pumpage to the appropriation was developed. This ratio showed that 13.7% of the appropriated amount of water for irrigation was the average annual usage for irrigation.

Farmer (2018) modified Stonesifer's method and developed an estimate of irrigation withdrawals using the permitted acreage instead of the appropriated volume. Farmer used all of the available years of irrigation questionnaires, 1979 to 2016, calculating an average application rate on permitted acres of 0.34 feet per year (Farmer, 2018). In 2016, there was a total of 80,279.54 acres permitted for irrigation. Between the 2016 irrigation season and January 2018, a total of 7 permits for irrigation have been approved with a total of 676 permitted acres. The total permitted acres for irrigation is 80,955.54 acres. Applying the average application rate of 0.34 feet on the permitted acres results in an estimated average annual use for irrigation purposes of 27,525 acre-feet per year (Water Rights, 2018d).

Hydrologic Budget

The estimated withdrawal from the Missouri: Elk Point aquifer is 65,696.84 acre-feet per year from non-irrigation users, and 27,525 acre-feet per year from irrigation use. Including an estimated 89.6 acre-feet per year from applications that are pending approval and an estimated 20.4 acre-feet per year from this application, the estimated average annual withdrawal from the Missouri: Elk Point aquifer is 93,331.84 acre-feet per year.

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. 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 91,964 acre-feet per year. 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

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 37 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2018b). Three of these observation wells were analyzed in order to get an idea of how the water table reacts to local pumping and regional climatic conditions. Observation well UN-77N is located approximately 1¼ miles northeast, UN-87E is located approximately ½ mile southeast and UN-87D is located approximately 1¾ miles southeast of the well this application proposes as a source. Hydrographs for the observation wells are shown in Figures 1, 2 and 3.

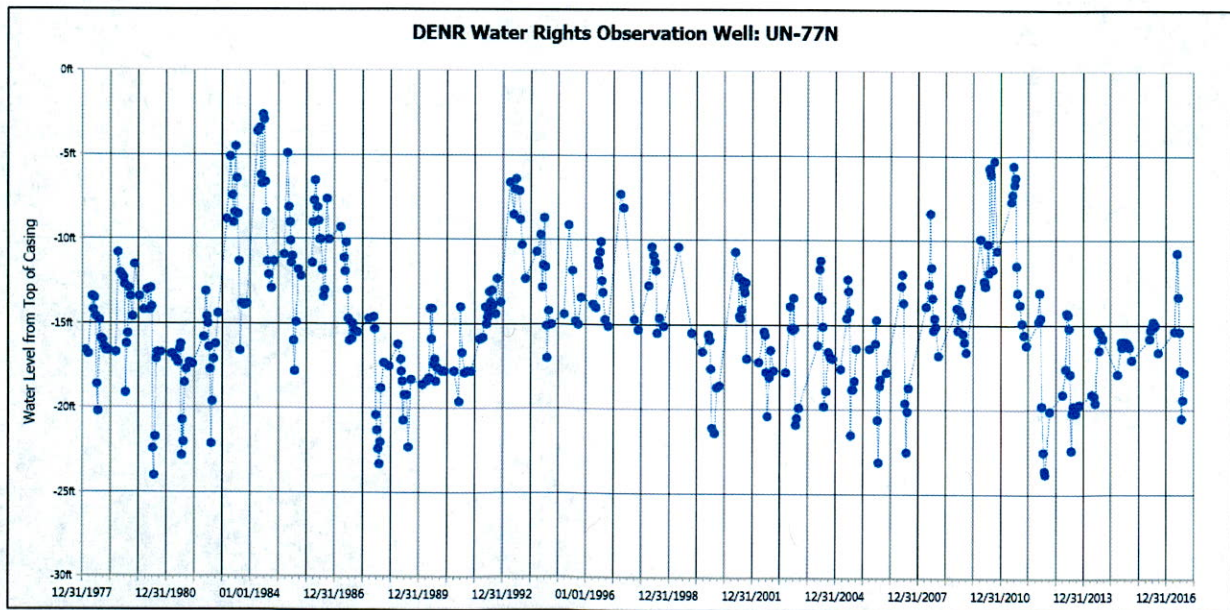


Figure 1: Hydrograph of observation well UN-77N located approximately 1¼ miles northeast of Water Permit Application No. 8332-3 (Water Rights, 2018b).

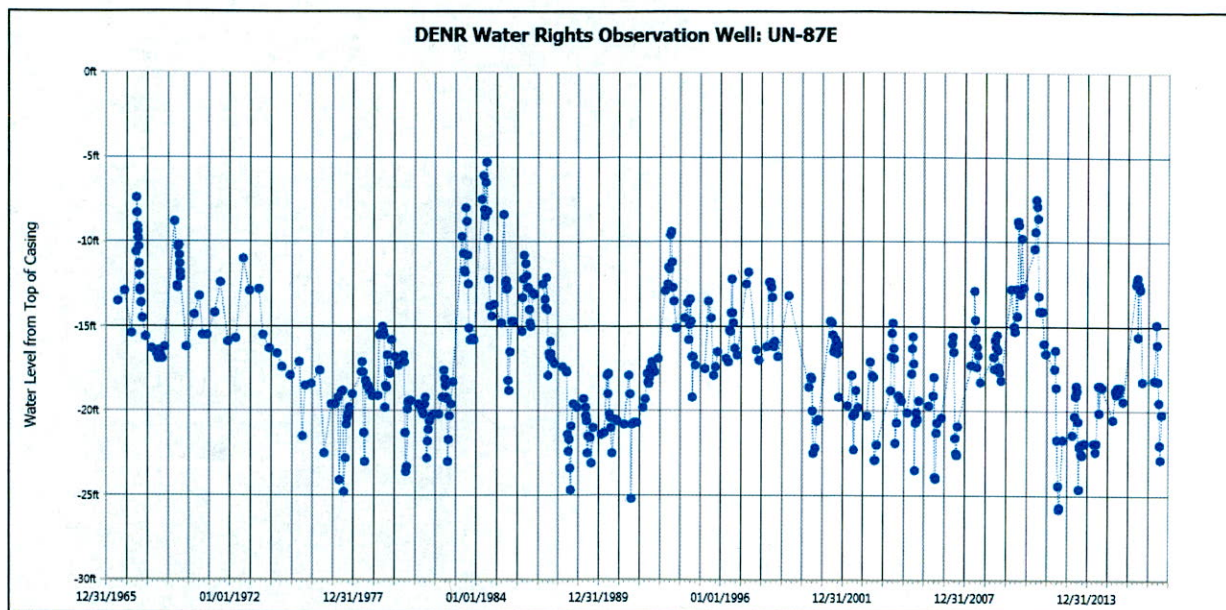


Figure 2: Hydrograph of observation well UN-87E located approximately ½ mile southeast of Water Permit Application No. 8332-3 (Water Rights, 2018b).

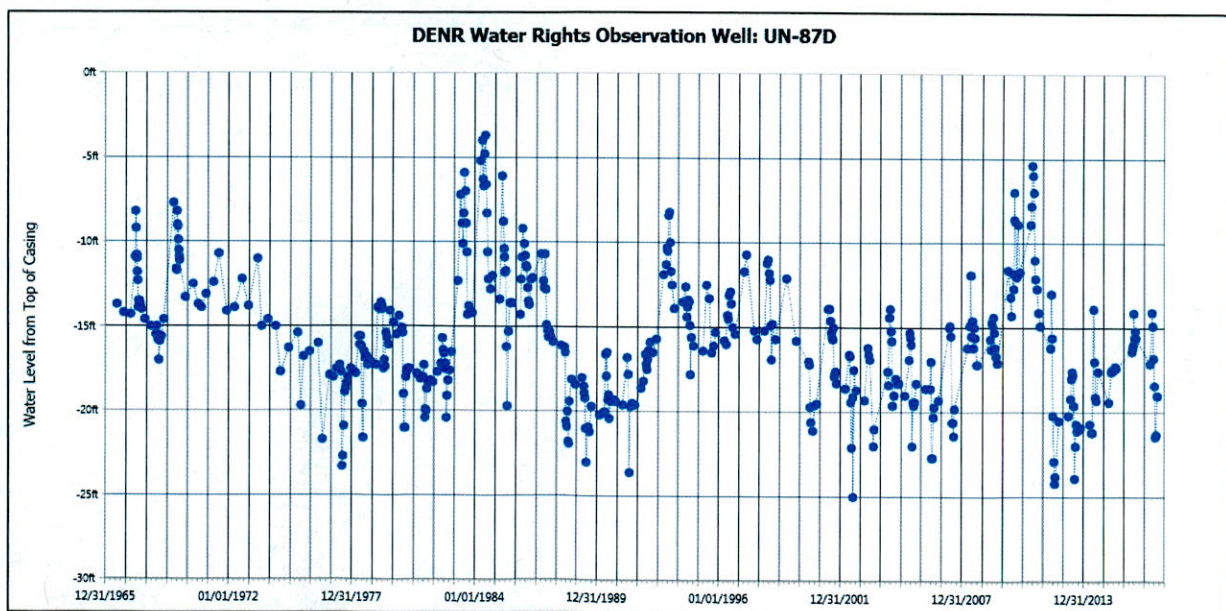


Figure 3: Hydrograph of observation well UN-87D located approximately 1¼ miles southeast of Water Permit Application No. 8332-3 (Water Rights, 2018b).

The hydrographs show a cyclic pattern of the water level fluctuation based on the effect of climatic conditions, recharging during wet years and declining during dry years. Water levels may also be influenced by the aquifer's connection to the Missouri River. Figures 2 and 3 show a slight decline of the aquifer's water table. This gradual decline has been attributed to entrenching of the Missouri River (Goodman, 2007). Pumping from the aquifer will induce recharge supplied

by the Missouri River or capture discharge before outflowing to the river (Stephens, 1967). The declining water table levels demonstrate the hydraulic connection between the aquifer and the Missouri River. Hydraulic connection between the aquifer and the river can also be observed on two nearby Missouri River hydrographs (Figures 4 and 5) that, in general, show the same peaks and declining periods as observed on the Missouri: Elk Point aquifer hydrographs (USGS, 2018).

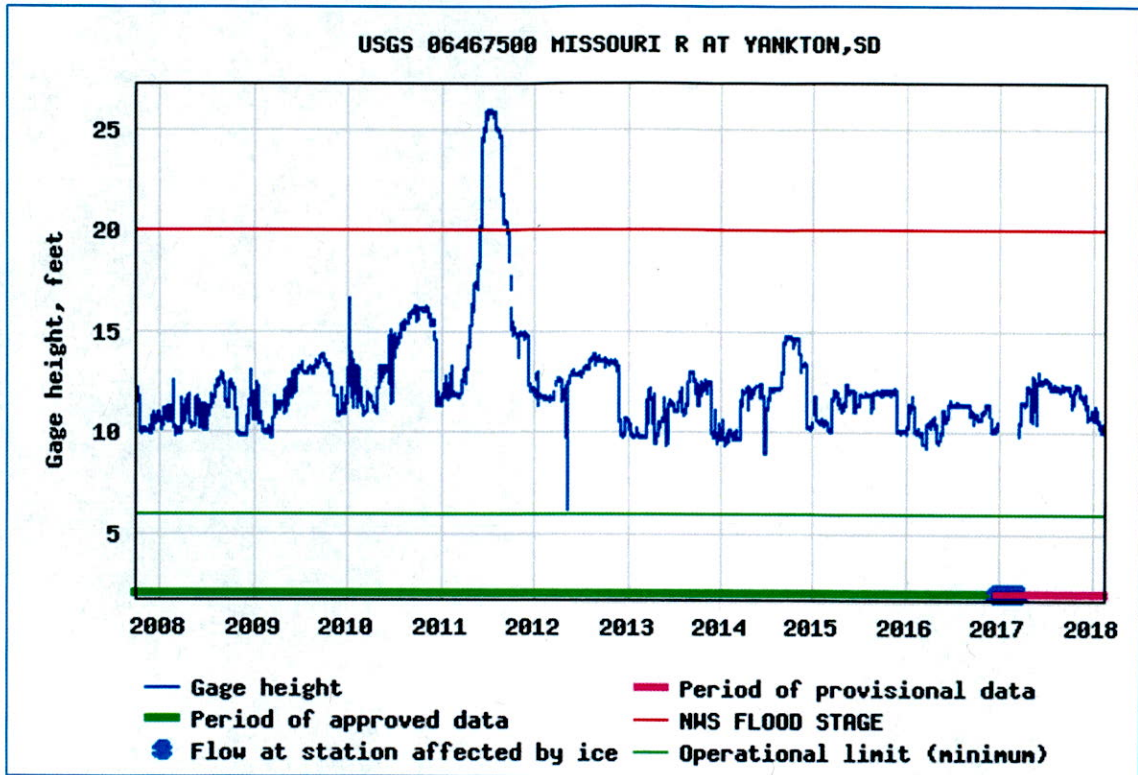


Figure 4: Hydrograph for USGS Stream Gage 06467500 Missouri River at Yankton, SD (USGS, 2018)

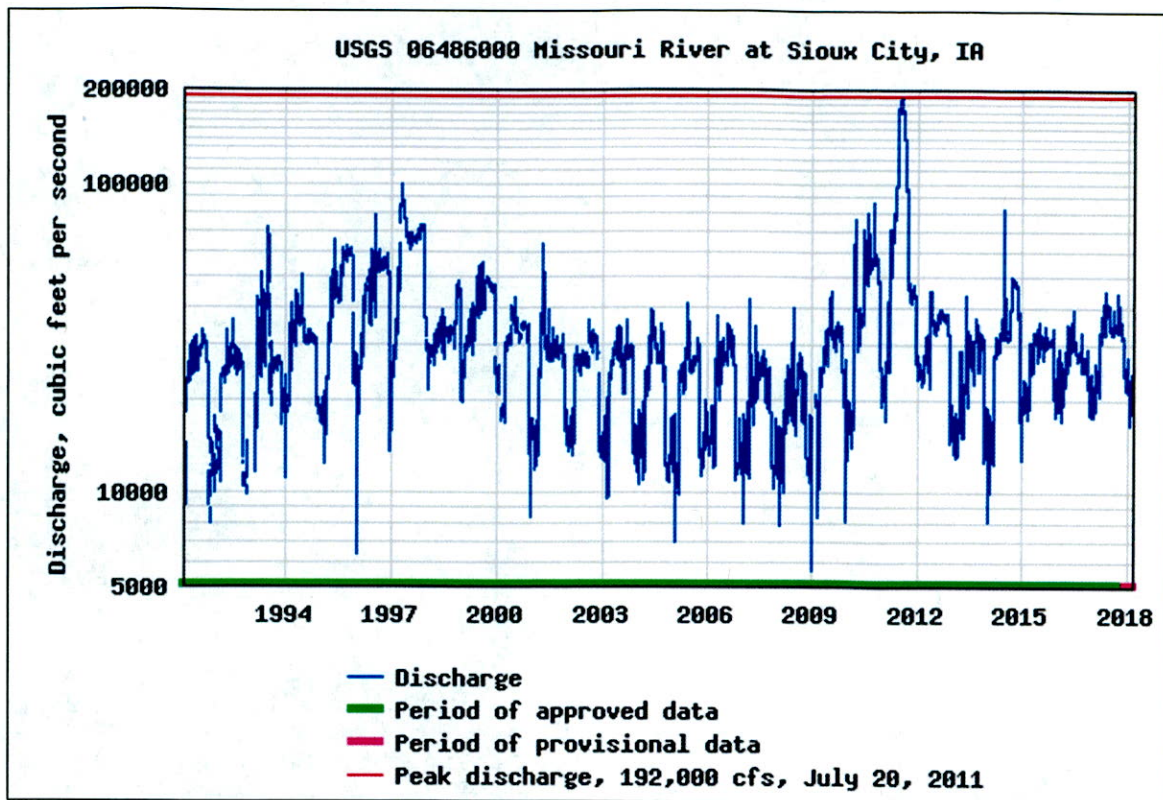


Figure 5: Hydrograph for USGS Stream Gage 06486000 Missouri River at Sioux City, IA (USGS, 2018).

At the current level of development, the temporal effects of well withdrawals from the aquifer are masked by the climatic conditions on the aquifer and effects of the hydraulic connection between the aquifer and the Missouri River. Since recharge to the management unit and natural discharge from the management unit dominate the system, water is available to capture for additional well withdrawals. Therefore there is a reasonable probability that unappropriated water is available for this appropriation.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

Currently, there are 608 water permits/rights appropriating water from the Missouri: Elk Point aquifer in addition to four pending applications and two deferred applications (Water Rights, 2018a). The water rights/permits in the vicinity of the acreage associated with this application are shown in Table 1 and Figure 6. In addition to wells supplying appropriative rights, there are a number of domestic use wells on file with the DENR-Water Rights Program in the vicinity of this proposed well site (Water Rights, 2018c).

Table 1. Water rights/permits appropriating water from the Missouri: Elk Point aquifer located in the vicinity of Water Permit Application No. 8332-3.

PERMIT NO.	NAME	STATUS	USE	CFS	ACRES
52-3	BOSSE	LC	IRR	2.07	145.0
54-3	BOSSE	LC	IRR	1.80	126.0
331-3	CHICOINE	LC	IRR	2.23	160.0
845-3	CHICOINE	LC	IRR	2.67	227.3
1096-3	CHICOINE	LC	IRR	1.11	78.0
1256-3	HECKATHORN	LC	IRR	2.50	180.0
1567-3	WESTERGARD	LC	IRR	3.00	240.0
2343-3	LAFLEUR	LC	IRR	1.43	100.0
2401-3	VONDRAK	LC	IRR	2.00	145.0
2868-3	BEERMANN	LC	IRR	1.94	136.0
3127-3	HONOMICHL	LC	IRR	2.58	180.6
3153-3	BEERMANN	LC	IRR	1.14	80.0
3249A-3	BOSSE	LC	IRR	1.17	82.0
3249B-3	BOSSE	LC	IRR	0.68	48.0
3313-3	CHICOINE	LC	IRR	2.70	309.0
3644-3	ROZELL	LC	IRR	0.90	63.0
3869-3	KNEEBONE	LC	IRR	2.00	144.0
4874-3	CHICOINE	LC	IRR	1.67	138.0
5184-3	BOSSE	LC	IRR	1.11	128.0
6076-3	CHICOINE	LC	IRR	1.11	81.0
6488-3	CHICOINE	PE	IRR	1.11	80.0
6584-3	SCHMITZ	LC	IRR	1.33	100.0
7218-3	CHICOINE	PE	IRR	2.01	141.0
7461-3	BOSSE	PE	IRR	1.10	32.0
7552-3	BOSSE	PE	IRR	0.61	49.0
7557-3	MASSEY	PE	IRR	1.78	112.0
7625-3	FORNIA	PE	IRR	1.67	120.0
7768-3	GEARY	PE	IRR	1.78	48.0
7769-3	GEARY	PE	IRR	1.78	48.0
7771-3	GEARY	PE	IRR	1.78	160.0
7772-3	GEARY	PE	IRR	1.78	120.0
7773-3	GEARY	PE	IRR	1.78	70.0
7775-3	GEARY	PE	IRR	1.78	41.0
7776-3	GEARY	PE	IRR	1.78	140.0
7817-3	CHICOINE	PE	IRR	1.11	45.0

(LC = license, PE = permit, IRR = irrigation)

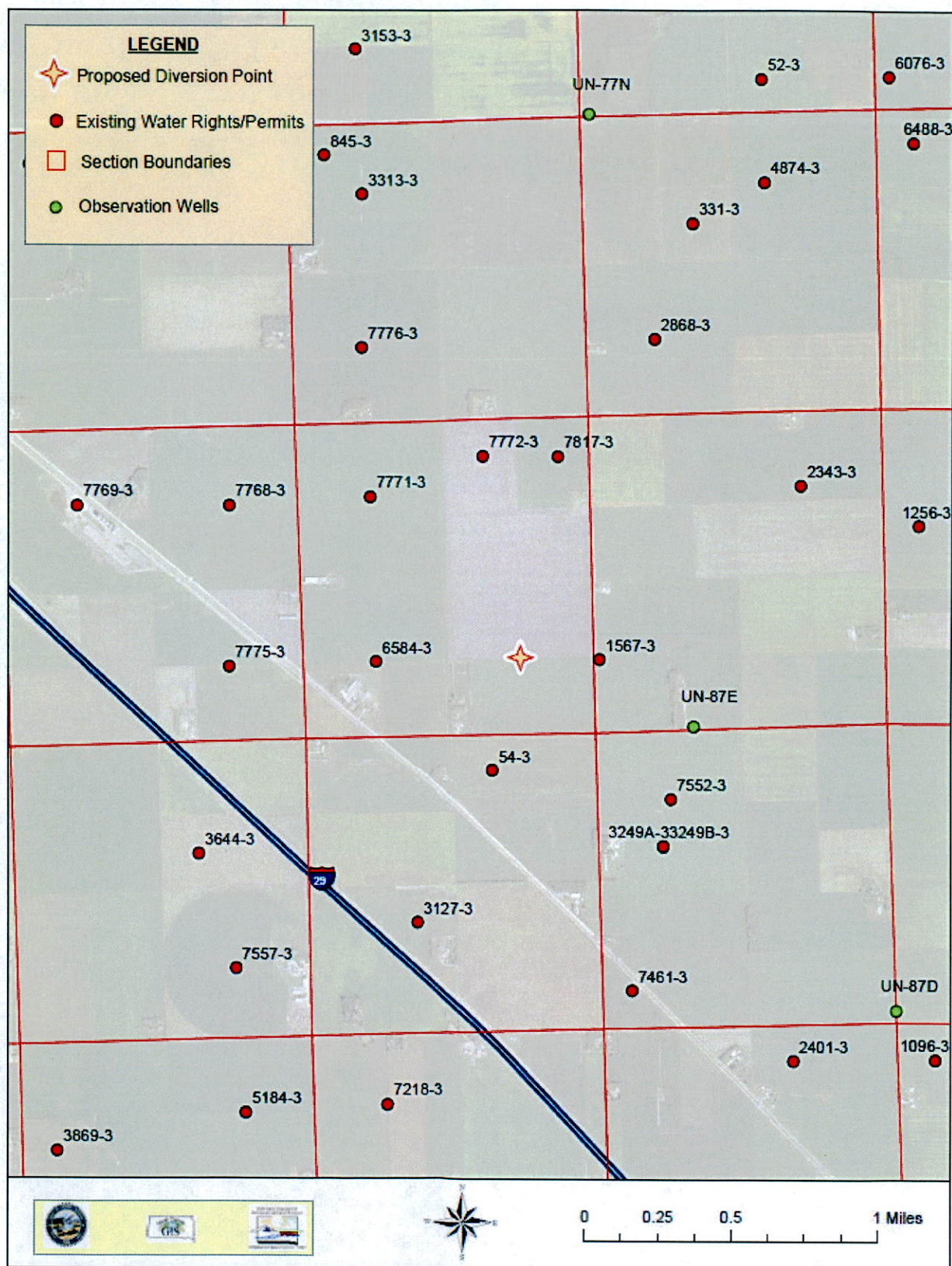


Figure 6. Approximate location of diversion points for water rights/permits appropriating water from the Missouri: Elk Point aquifer in the vicinity of Water Permit Application No. 8332-3.

Drawdown from pumping wells completed into the Missouri: Elk Point aquifer is typically not significant very far from the pumping well. Examination of the hydrographs of observation wells completed into the Missouri: Elk Point aquifer shows no signs of being significantly impacted by drawdown despite being located in the proximity of a number of irrigation wells. Although precise drawdown cannot be quantified without aquifer testing this application, if approved, is not expected to adversely impact nearby adequate wells.

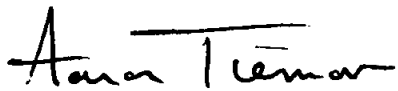
An adequate well is defined by South Dakota Administrative Rules as:

“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 as possible to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

There has not been a history of well interference issues with the Missouri: Elk Point aquifer. At the distances involved between this well site and wells of existing water rights/permits and domestic users with adequate wells, interference is not expected to be a concern.

CONCLUSIONS

1. Water Permit Application No. 8332-3 proposes to irrigate 60 additional acres from an existing well but does not authorize any increase in the diversion rate already authorized by Water Permit No. 7773-3.
2. Based on observation well data and hydrologic budget, there is a reasonable probability that unappropriated water is available for the application.
3. There is a reasonable probability that the diversion proposed by this application will not adversely impact existing water rights.



Aaron Tieman

SD DENR-Water Rights Program

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Water Rights, 2018c, Well Completion Report 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
<http://denr.sd.gov>

APR 19 2018

Robert or Cody Geary
32750 480th Ave
Elk Point SD 57025

Dear Sirs:

Enclosed is Water Permit No. 8332-3 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, which appears to read "Jeanne Goodman". The signature is fluid and cursive, with a long, sweeping underline.

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: ROBERT J GEARY, 32750 480TH AVE, ELK POINT, SD 57025
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 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) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires 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 questionnaires 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: AVHJEY**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



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

January 30, 2023

Robert Geary
32750 480th Ave
Elk Point SD 57025

RE: Water Right/Permit Nos. 1567A-3, 1786-3, 2109-3, 2345-3, 2346-3, 5870-3, 6044-3, 6072-3,
7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3

Dear Mr. Geary:

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

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for the above listed Water Rights and/or Water Permits. 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: ROBERT J GEARY, 32750 480TH AVE, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: FXZKPW**

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 23, 2024

1567A-3, 1786-3, 2109-3, 2345-3
2346-3, 5870-3, 6044-3, 6072-3
7768-3, 7769-3, 7770-3, 7771-3
7772-3, 7773-3, 7774-3, 7775-3
7776-3 & 8332-3

Robert & Theresa Geary
32750 480th Ave
Elk Point SD 57025

Dear Mr. & Ms. Geary:

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

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1567A-3, 1786-3, 2109-3, 2345-3, 2346-3, 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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

**Report of Examination of Works and/or Application of Water to
Beneficial Use
For Permit No. 8332-3**

I have this day, March 26, 2025, made a thorough examination of the water use system constructed by Robert and Theresa Geary of 32750 480th Ave, Elk Point SD 57025 holder of Permit No. 7773-3, bearing the priority of February 14, 2013 authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater, Missouri:Elk Point Aquifer for irrigation purposes, in Union County.

I have this day, March 26, 2025, made a thorough examination of the water use system constructed by Robert or Cody Geary of 32750 480th Ave, Elk Point SD 57025 holder of Permit No. 8332-3, bearing the priority of January 16, 2016 authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater, Missouri:Elk Point Aquifer for irrigation purposes, in Union County.

Inspection contact & relationship Robert Geary, owner

A. Works used to divert the water:

Well Information: Same well for both permits

- 1) Well Drilling Firm: Dakota Drilling and Backhoe Inc
- 2) No. of Wells 1
- 3) Depth(s) 120 feet
- 4) Well log is available Y If no, explain in comments
Comments: none

Casing:

- 1) Diameter 12 inches
- 2) Length 80 feet
- 3) Type plastic

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 18 feet

Pump:

- 1) Make Turbine
- 2) Model NA
- 3) Size NA inch
- 4) Capacity 800 GPM

Motor:

- 1) Make NA
- 2) Model No. NA

- 3) Horsepower rating 40 hp
- 4) Comments: none.

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

- 1) Type steel
- 2) Size 8 inches
- 3) Length 20 feet

C. Works used to apply water to beneficial use: Irrigation system has recently been damaged and will need to be replaced in the near future.

Center pivot:

- 1) Make Reinke
- 2) Overall length 1280 feet
- 3) Number of towers 10
- 4) End gun Y
- 5) Capacity 600 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
If no, describe: none
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
List any extended period of nonuse: none
- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: from the SE corner of Sec 2 T90N-R49W 1315 ft W and 1320 ft N, latitude of 42.63784 and longitude of -96.59152, approx. center of the SE ¼.
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation use. Water has been put to beneficial use to the maximum extent as follows: All land is located in

Sec 2 T90N-R49W

NE ¼ SE ¼ - 33 acres

NW ¼ SE ¼ - 33 acres

SW ¼ SE ¼ - 18 acres

SE ¼ SE ¼ - 33 acres

comprising a total of 117 acres of land and the license should be issued for 1.78 cfs.

All structures, wells and lands on map Y

If no, describe: none

F. Comments or other permit(s) associated with the project: The irrigation equipment was damaged in the 2024 flood and needs to be replaced or repaired. Since new irrigation equipment may be necessary, license for the well's pump rate of 800 gpm. This system is also used to irrigate the S ½ SE ¼ Sec 2 T 90N-R49W under Water Permit No. 8332-3 held by Robert or Cody Geary. Permit No. 7773-3 should be incorporated with Permit No. 8332-3 when licensed.



Mark D Rath
Water Right Inspector
DANR, Water Rights Program

Date report completed: May 13, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 11 2025

Robert and Theresa Geary and Cody Geary
32750 480th Ave
Elk Point, SD 57025

No. 8332-3

Dear Geary Family:

Enclosed is Water License No. 8332-3. 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.

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

Sincerely,

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

Note: The applicable portions of Water Permit No. 7773-3 have been incorporated into Water Right No. 8332-3.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8332-3**

(1) Robert and Theresa Geary, 32750 480th Ave, Elk Point, SD 57025, made Application No. 7773-3, February 14, 2013, for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Missouri: Elk Point Aquifer), Union County, South Dakota for irrigation purposes. Permit No. 7773-3, with a priority date of February 14, 2013, was approved May 20, 2013, and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before May 20, 2018, and for the application to beneficial use of water on or before May 20, 2022. The applicable portions of Water Permit No. 7773-3 are incorporated into this license and previously established priority dates will be retained.

Robert or Cody Geary, 32750 480th Ave, Elk Point, SD 57025, made Application No. 8332-3, January 16, 2018, for a water permit irrigate an additional 60 acres to what is already authorized by Water Permit No. 7773-3, with no additional diversion rate. Permit No. 8332-3, with a priority date of January 16, 2018, was approved April 9, 2018, and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before April 9, 2023, and for the application to beneficial use of water on or before April 9, 2027.

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

- 1,315 feet W and 1,320 feet N from the SE corner of Section 2, T90N, R49W
(approx. center of the SE ¼) (Latitude 42.63784 and Longitude -96.59152)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 – November 30.

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

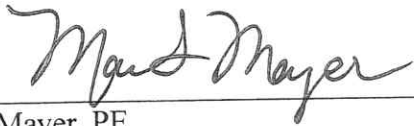
Section 2, T90N, R49W
NE ¼ SE ¼ - 33 acres
NW ¼ SE ¼ - 33 acres
SW ¼ SE ¼ - 18 acres
SE ¼ SE ¼ - 33 acres
Total – 117 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Robert and Theresa or Cody Geary, the holders and/or owners of Water Right No. 8332-3 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Missouri: Elk Point Aquifer), with priority dates of February 14, 2013 (1.78 cfs & 66 acres) and January 16, 2018 (51 acres), from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8332-3 and subject to the following qualifications:

1. The well approved under this Permit Nos. 7773-3 and 8332-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7773-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 70 acres with an annual volume not to exceed 2 acre-feet of water per acre per year. *(The total number of authorized acres has been increased to 117, with the incorporation of Permit No. 7773-3 into Water Right No. 8332-3. No increase to the rate of diversion is authorized.)*
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Mark Mayer, PE
Director of Office of Water



date

