

WATER PERMIT NO. 8339-3

Name of Applicant: Scott or Donna Thompson Living Trust

Address: PO Box 76, Estelline SD 57234 Phone: 605 690-1005

Amount of Water Claimed: 1.78 cfs Total Acres: 140

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Hamlin

Type of Waste Disposal System:

Location: 1 miles south of Estelline

PRIORITY Date Received: 3-26-18 Application/License Fee: \$ 1050

Corrected Application Received: Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: center of NE 1/4 Sec 35-T113N-
R51W

Land to be Irrigated: NE 1/4 Sec 35-T113N-R51W

Depth of Well: 40 feet deep

Well Driller:

Remarks:

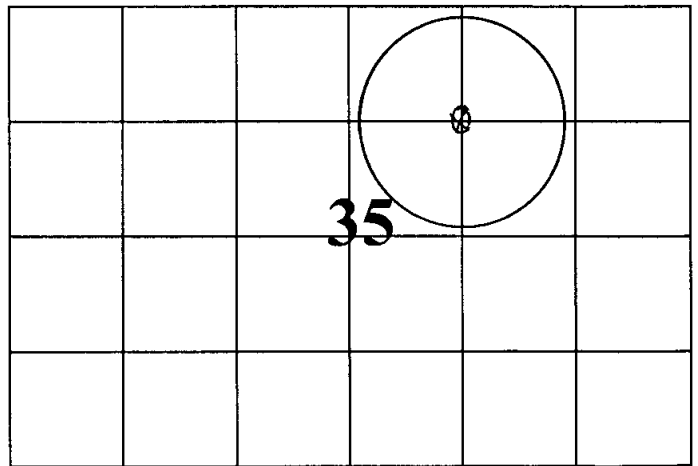
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-29-18

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 8339-3

Date of first receipt of application March 26, 2018.

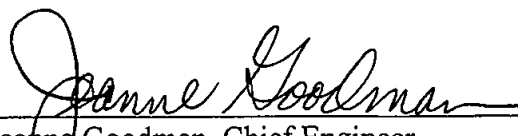
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8339-3 to Scott or Donna Thompson Living Trust, PO Box 76, Estelline SD 57234 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8339-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Big Sioux-Brookings Aquifer (40 feet deep) located in the approximate center of the NE 1/4 Section 35 for irrigation of 140 acres located in the NE 1/4 Section 35; all in T113N-R51W which is approximately one mile south of Estelline SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is March 26, 2018.
4. The date of approval of Permit No. 8339-3 is June 18, 2018.
5. One-fifth of the construction is to be completed on or before December 18, 2020.
6. All construction is to be completed on or before June 18, 2023.
7. Water is to be put to beneficial use on or before June 18, 2027.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Permit No. 8339-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8339-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUL 06 2018
date



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>8339-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Estelline Journal</u> <u>Brookings Register</u>

RECEIVED
MAR 26 2018
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Scott or Donna Thompson Living Trust

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

Mailing Address po box 76, 910 hill court Estelline SD 57234-0076
(Address) (City) (State) (Zip Code)

Phone 605-873-2132 Mobile 605-690-1005 Email agflyboy@yahoo.com

2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 140
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 14" Well

4. Location of point of diversion middle of ^{NE} 1/4, 35-113n-51w
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hamlin

5. County or counties where water will be used Hamlin

6. Annual period during which water is to be used April-September 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
ne 1/4, ne1/4 35-113-51	35		
nw 1/4, ne1/4 35-113-51	35		
sw 1/4, ne 1/4 35-113-51	35		
se 1/4, ne 1/4 35-113-51	35		

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

New well and center pivot to irrigate crop ground

I, Scott Thompson Scott Thompson, 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.

(type or print)

(check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) 40' Depth to Top of Water Bearing Material 9' Depth to Water from Surface 9'

d) Distance to nearest domestic well on applicant's property 1/4 mile NE Property owned by others yes

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of Sanitary System

a) Surface Dimensions Depth

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

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)

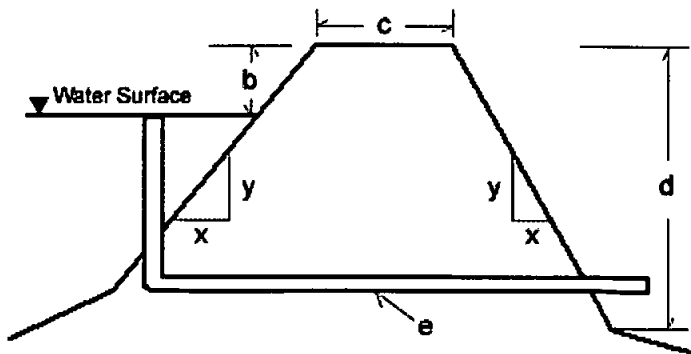
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage	Acre Feet
------------	-----------

j) Drainage Area Above Dam	Acres
----------------------------	-------



Scott Thompson

HamlinC Esteline T
NE Section 35
120 irrigated acres

Legend

- Endgun Path
- Endgun Watered Path
- Feature 1
- Path
- pivot
- Proposed well location

pivot Proposed well location

A

1st St

Google Earth

© 2018 Google

1000 ft



Sec 27
T113N
R51W

Sec 26
T113N
R51W

Sec 25
T113N
R51W

Sec 34
T113N
R51W

Sec 35
T113N
R51W

Sec 36
T113N
R51W

Sec 3
T112N
R51W

Sec 2
T112N
R51W

Sec 1
T112N
R51W

In Water Since 1946

Wells — Pumps
Dewatering Work
Test Drilling

LACEY WELL DRILLING, INC.

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

Down-Hole Camera
Water Specialists
Irrigation Supplies

Test hole
Scott Thompson

0-1 Topsoil

1-8 Sand

8-15 Medium Sand

15-40 Good Gravel

SWL-9'

Drilled by: Lacey Well Drilling

Driller: Joan Redden

1-12-18

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 29, 2018

RECEIVED OF Thompson Farm PO Box 76 Estelline, SD 57234

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

Fee for Application for Permit No. <u>8339-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8339-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) TOTAL	1050	00

No. **08638**

By

Jeanne Goodman
Chief Engineer
JMG



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. 8339-3, Scott or Donna Thompson Living Trust**

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. 8339-3, Scott or Donna Thompson Living Trust, c/o Scott Thompson, PO Box 76, Estelline SD 57234.

The Chief Engineer is recommending APPROVAL of Application No. 8339-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Permit No. 8339-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8339-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 24, 2018

REPORT ON WATER PERMIT APPLICATION NO. 8339-3

For Scott or Donna Thompson Living Trust, % Scott Thompson

May 21, 2018

Scott or Donna Thompson Living Trust, % Scott Thompson, has filed an application for a water permit to appropriate water at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux: Brookings aquifer (approximately 40 feet deep) located in the approximate center of the NE¼ Section 35 for irrigation of 140 acres located in the NE¼ Section 35; all in T113N-R51W which is approximately one mile south of the town of Estelline in Hamlin County, South Dakota.

AQUIFER – Brookings management unit of the Big Sioux aquifer (BS: B)

Aquifer Characteristics:

The Brookings management unit of the Big Sioux aquifer is a surficial aquifer composed of alluvium-mantled glacial outwash consisting of silt, sand and gravel (Koch, 1980). The aquifer generally lies below the Big Sioux River valley and its tributaries. Most of the water in this aquifer is under water table conditions. The Brookings management unit of the Big Sioux aquifer encompasses regions of Brookings, Deuel, Hamlin, Kingsbury and Moody Counties. A compilation of county water resource investigations by Stonesifer (2013) estimated the aerial extent of the Big Sioux: Brookings aquifer at about 323,000 acres.

The Big Sioux: Brookings underlies approximately 88,500 acres of Hamlin County alone and contains an estimated 331,880 acre-feet of recoverable water in storage in the county (Hedges and others, 1982). The aquifer is hydraulically connected to many surface waters, specifically the Big Sioux River, and water in the aquifer generally moves from north to south and locally towards the river (Hamilton, 1989). Withdrawals from wells completed into the Big Sioux: Brookings aquifer generally result in minimal drawdown (Hamilton, 1989). A test hole report submitted with this application indicates that the aquifer is under unconfined conditions at the well site. The report indicates aquifer materials from 1 to 40 feet below grade. At the time of well completion (01/12/2018) the static water level was 9 feet below grade. This results in a saturated thickness of 31 feet at the well location.

South Dakota Codified Law (SDCL) 46-2A-9

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

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 the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older or lower than the Greenhorn Formation and a public water supply has applied for a permit, the Board need not consider the recharge/withdrawal issue. The Big Sioux: Brookings aquifer is not stratigraphically lower than the Greenhorn Formation, and the use is not for a public water supply. Therefore, the recharge/withdrawal issue must be considered.

Recharge versus Discharge:

Recharge:

Recharge to the Big Sioux: Brookings occurs through infiltration and percolation of precipitation falling on the surface of the outwash. Since the aquifer is hydraulically connected to some area lakes and the Big Sioux River, recharge is also provided to the aquifer during times of high runoff when surface water levels are higher than groundwater levels (Koch, 1980). The specific recharge to the Brookings management unit of the Big Sioux aquifer was estimated by Hedges and others (1985) using observation well analysis as 4.0 inches per year. Given the area of the management unit of 323,000 acres, average annual recharge to the aquifer is estimated to be 107,000 acre-feet per year.

Discharge:

Currently, there are 261 water rights/permits authorizing the withdrawal of water from the Big Sioux: Brookings and 11 future use permits reserving water in the Big Sioux: Brookings aquifer (Water Rights, 2018b). There are a number of domestic wells on file that withdraw water from the Big Sioux: Brookings 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 a significant portion of the hydrologic budget of the 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 19,837 acre-feet per year.

The historic irrigation pumpage from the entire Big Sioux: Brookings aquifer from 1979 to 2017 was reviewed and analyzed. The average annual irrigation pumpage of the period of record for the entire aquifer is 8,871 acre-feet per year (Water Rights, 1979-2017).

Hydrologic Budget:

The average annual recharge to the Big Sioux: Brookings aquifer is estimated to be 107,000 acre-feet per year. The average annual withdrawal is expected to be approximately 28,708 acre-

feet per year. If the applicant applies water at the maximum application rate, withdrawal would equal 304 acre-feet per year. Therefore, unappropriated water is available from the Big Sioux: Brookings aquifer to support 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 estimated average annual withdrawals from the aquifer do not exceed the estimated average annual recharge to the aquifer.

The DENR-Water Rights Program monitors 79 observation wells completed into the Big Sioux: Brookings aquifer (Water Rights, 2018a). 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 HN-71A is located approximately ½ mile northeast, BG-75D is located approximately 1½ miles southeast, and HN-77A is located approximately 1½ miles southwest of the well this application proposes as a source. The hydrographs for the observation wells are representative of the aquifer and are shown in Figures 1, 2 and 3.

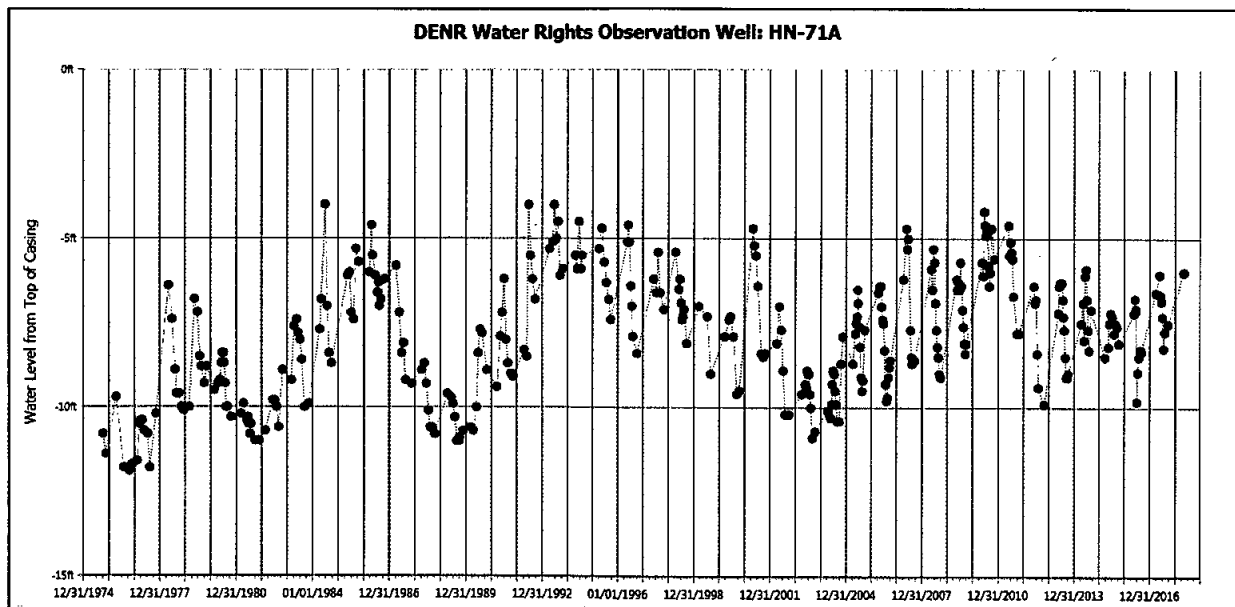


Figure 1: Hydrograph of observation well HN-71A located approximately ½ mile northeast of Water Permit Application No. 8339-3 (Water Rights, 2018a).

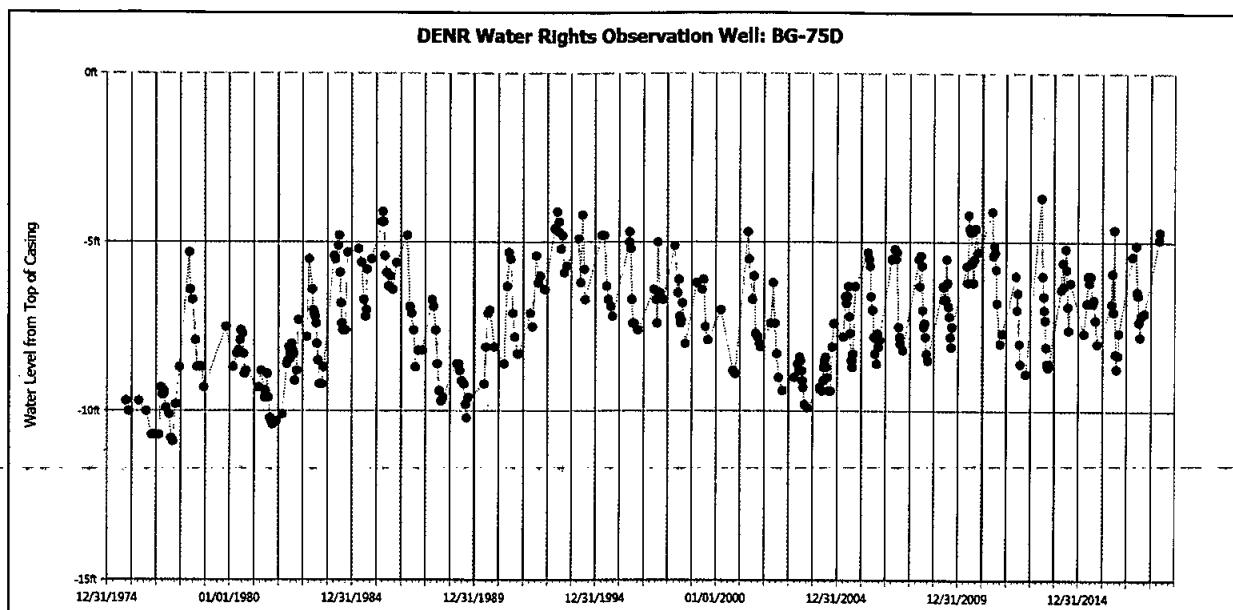


Figure 2: Hydrograph of observation well BG-75D located approximately 1½ mile southeast of Water Permit Application No. 8339-3 (Water Rights, 2018a).

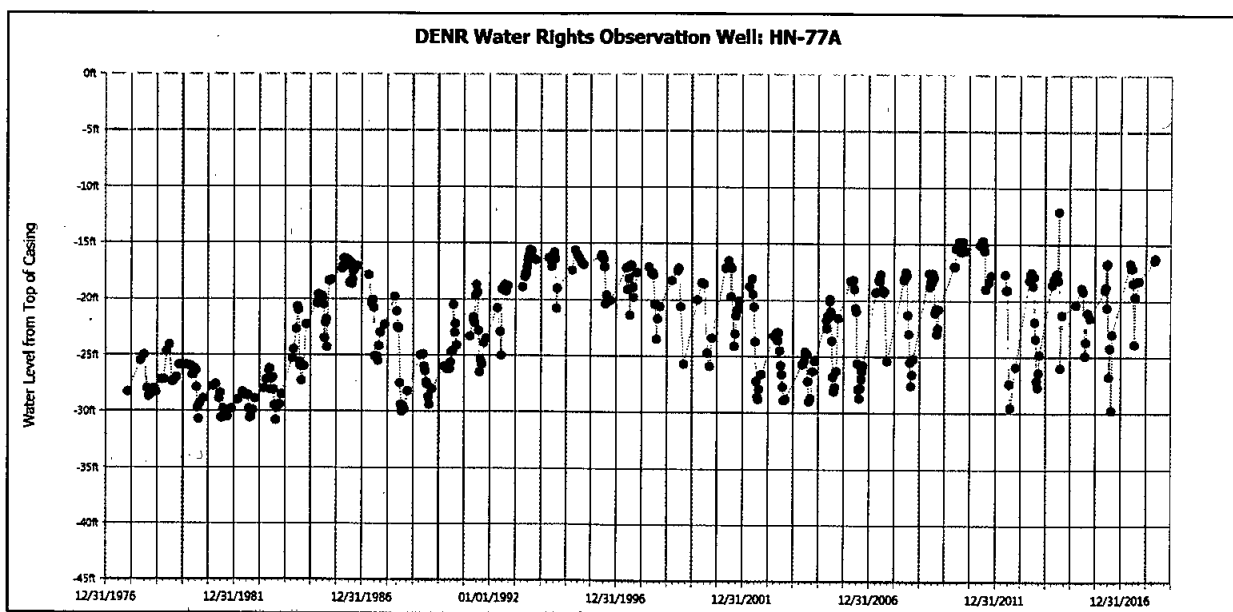


Figure 3: Hydrograph of observation well HN-77A located approximately 1½ mile southwest of Water Permit Application No. 8339-3 (Water Rights, 2018a).

The hydrographs document that the aquifer responds well to climatic conditions with rising water levels during wet years and declining water levels during dry years. Therefore, recharge to and natural discharge from the aquifer greatly exceeds well withdrawals, so water is available for capture from natural discharge. Therefore, the observation well data indicates there is a reasonable probability that unappropriated water is available from the Big Sioux: Brookings aquifer to support the proposed appropriation.

Existing Water Rights:

The water rights/permits in the vicinity of the acreage associated with this application are shown in Table 1 and Figure 4. 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 Big Sioux: Brookings aquifer located in the vicinity of Water Permit Application No. 8339-3.

Permit No.	Name	Status	Use	CFS	Acres
775-3	MACK	LC	IRR	2.19	153
1317-3	CITY OF ESTELLINE	LC	MUN	1.1	N/A
2150-3	FOSTER	LC	IRR	1.34	94
2157-3	GILLIGAN	LC	IRR	0.67	64
2412-3	PINE KNOLL INC	LC	IRR	1.55	129
2728A-3	SCHWARTZ	LC	IRR	1.78	130
2911-3	KALSBECK	LC	IRR	1.78	132
3374A-3	SANDERSON	LC	IRR	2	339
3565-3	SCHWARTZ	LC	IRR	1.78	127
4309A-3	KALSBECK	LC	IRR	1.78	126
4309B-3	GORDER	LC	IRR	1.45	128
4342-3	PINE KNOLL INC	LC	IRR	1.71	120
4993A-3	JONGELING	LC	IRR	1	130
5237A-3	ARTHUR	LC	IRR	1.67	132
5439-3	RITCHIE	LC	IRR	0.67	3.6
5443-3	PETERSON	LC	IRR	2.22	170
5574-3	PINE KNOLL INC	LC	IRR	1.5	105
5645-3	CITY OF ESTELLINE	LC	MUN	0.66	N/A
6384-3	FOSTER	LC	IRR	1.45	140
6652-3	VERHOEK	LC	IRR	1.56	81
7064-3	KALSBECK	LC	IRR	1.11	100
7124-3	TESCH	LC	IRR	0.89	70
7135-3	TESCH	LC	IRR	0.71	50
7238-3	VERHOEK	LC	IRR	0	104
7445-3	JOHNSON	LC	IRR	1.34	165
7550-3	ESTELLINE ALUMNI ASSOC	PE	IRR	0.1	3

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

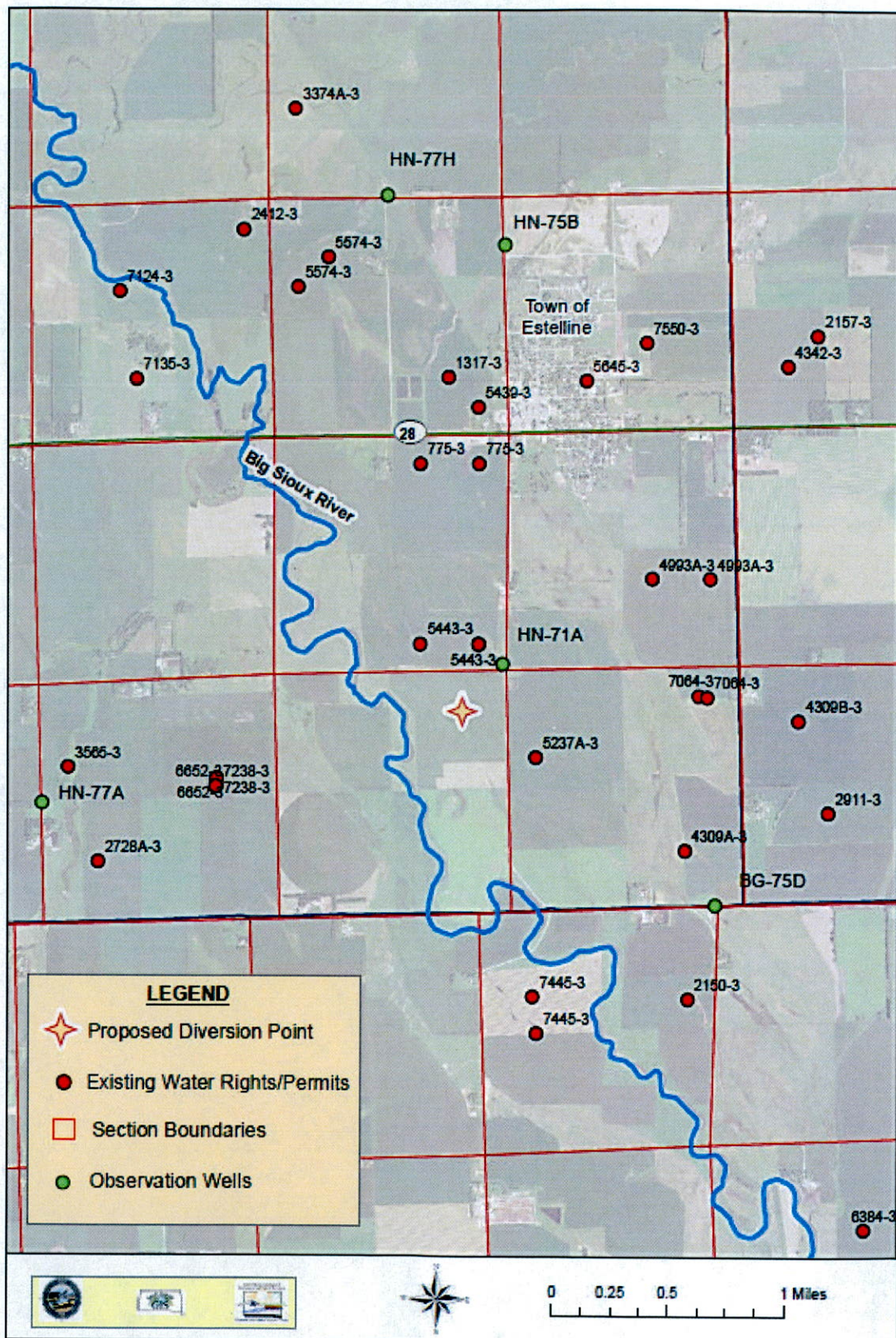


Figure 4. Approximate location of diversion points for water rights/permits appropriating water from the Big Sioux: Brookings aquifer in the vicinity of Water Permit Application No. 8339-3.

Drawdown from pumping wells completed into the Big Sioux: Brookings aquifer is typically not significant very far from the pumping well. Examination of the hydrographs of observation wells completed into the Big Sioux: Brookings 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, if this application is approved, it is not expected to adversely impact nearby adequate wells.

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

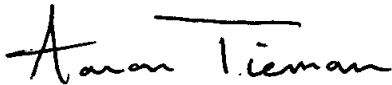
"a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near as possible to the bottom of 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 Big Sioux: Brookings 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.

Therefore there is a reasonable probability that this appropriation can be made without adversely impacting existing water rights or domestic use.

Conclusions:

1. Water Permit Application No. 8339-3 proposes water at a maximum diversion rate of 1.78 cfs from one well to be completed into the Big Sioux: Brookings aquifer for irrigation of 140 acres.
2. There is a reasonable probability that unappropriated water is available from this Big Sioux: Brookings aquifer to supply the proposed appropriation.
3. There is a reasonable probability that any possible interference due to the proposed appropriation will not adversely or unlawfully impair existing users, appropriative or domestic.



Aaron Tieman
SD DENR-Water Rights Program



References:

Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, Water Resources Investigative Report 88-4185, 82 p. USGS, Huron, SD.

Hedges, L.S., Burch, S. L., Iles, D. L., Barari, R. A., and Schoon, R. A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 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.

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.

Koch, N.C., 1980, Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota, Water Resources Investigative Report 80-100, USGS, Huron, SD

Stonesifer, J.R., 2013, Report on Water Permit Application No. 7854-3 David Ulvestad, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD, 57501.

Water Rights, 1979-2017, Irrigation Questionnaires 1979-2017, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501.

Water Rights, 2018a, Observation Well Data, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501.

Water Rights, 2018b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501.

Water Rights, 2018c, Water Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501.

RECEIVED

Affidavit of Publication

JUN 22 2018

State of South Dakota

SS

WATER RIGHTS
PROGRAM

Exhibit "A"

County of Brookings

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

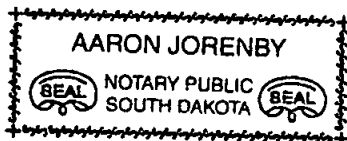
Leg#493 Application 8339-3

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

June 6, 2018

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

Twenty-Five Dollars and Sixteen Cents \$25.16



June

7 day of

2018

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

Legal 493, 1x, 6/1
NOTICE OF APPLICATION NO. 8339-3 to
Appropriate Water
Notice is given that Scott or Donna Thompson Living Trust, c/o Scott Thompson, PO Box 76, Estelline SD 57234 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Big Sioux:Brookings Aquifer (40 feet deep) located in the approximate center of the NE 1/4 Section 35 for irrigation of 140 acres located in the NE 1/4 Section 35; all in T113N-R51W which is approximately one mile south of Estelline SD. Pursuant to SDCL 46-2A-2, the Chief

Engineer recommends APPROVAL of Application No. 8339-3 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 June 18, 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 \$25.16.

RECEIVED

JUN 08 2018

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SSI, LeeAnne Dufek

certify that the attached printed Notice was taken

from the The Estelline Journalprinted and published in EstellineCounty of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

June 6, 2018Cost of Printing \$25.61LeeAnne Dufek
(Signature)Owner
(Title)6-6-2018
(Date Signed)NOTICE OF APPLICATION NO.
8339-3 TO APPROPRIATE WATER

Notice is given that Scott or Donna Thompson Living Trust, c/o Scott Thompson, PO Box 76, Estelline SD 57234 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Big Sioux-Brookings Aquifer (40 feet deep) located in the approximate center of the NE 1/4 Section 35 for irrigation of 140 acres located in the NE 1/4 Section 35; all in T113N-R51W which is approximately one mile south of Estelline SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8339-3 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

tion 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 June 18, 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. Pimer, Secretary,
Department of Environment and
Natural Resources.
Published June 6, 2018, at total
cost of \$25.61.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, May 24, 2018 11:38 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: 8339-3, Scott or Donna Thompson Living Trust
Attachments: 8339-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on June 6, 2018.

Scott or Donna Thompson Living Trust, c/o Scott Thompson, PO Box 76, Estelline SD 57234 (605 873-2132 or 605 690-1005) has been notified to contact you to authorize publication and arrange for payment.

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

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

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, May 24, 2018 11:37 AM
To: Hamlin County Publishing (hcp@itctel.com)
Subject: 8339-3, Scott or Donna Thompson Living Trust
Attachments: 8339-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on June 6, 2018 in the Estelline Journal.

Scott or Donna Thompson Living Trust, c/o Scott Thompson, PO Box 76, Estelline SD 57234 (605 873-2132 or 605 690-1005) 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





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.**

May 24, 2018

Scott or Donna Thompson Living Trust
c/o Scott Thompson
PO Box 76
Estelline SD 57234

Dear Mr. Thompson:

Water Permit Application No. 8339-3 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 Estelline Journal printed at Estelline SD (Ph # 605-873-2475) and the Brookings Register printed at Brookings SD (Ph # 605-692-6271). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8339-3 to Appropriate Water

Notice is given that Scott or Donna Thompson Living Trust, c/o Scott Thompson, PO Box 76, Estelline SD 57234 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Big Sioux:Brookings Aquifer (40 feet deep) located in the approximate center of the NE 1/4 Section 35 for irrigation of 140 acres located in the NE 1/4 Section 35; all in T113N-R51W which is approximately one mile south of Estelline SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8339-3 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 June 18, 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>

JUL 06 2018

Scott or Donna Thompson Living Trust
Scott Thompson, Trustee
PO Box 76
Estelline SD 57234

Dear Mr. Thompson:

Enclosed is Water Permit No. 8339-3 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,

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

December 15, 2023

8339-3

Scott or Donna Thompson Living Trust
c/o Donna Thompson
PO Box 76
Estelline SD 57234

Dear Ms. Thompson:

On November 2, 2023, program staff engineer, Darrel DeBoer, conducted a field investigation for the purpose of licensing the irrigation system held by The Scott or Donna Thompson Living Trust, located in the NE ¼ of Section 35 – T113N – R51W.

In the investigation report, Darrell references two wells; north and south. The northern well is larger, and a well completion report is on file. However, the southern well is much smaller in diameter and no well completion report can be found.

I am writing you today to ask if that smaller southern well is possibly the test hole drilled by Lacey Well Drilling in January 2018. The size of the well and location would suggest as much.

Also, we do not have any operating phone numbers or email address on file for you. Keeping contact with water users is vital. If you would please provide an updated phone number and an email address that would be of huge help.

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. 8339-3

I have this day, November 2, 2023, made a thorough examination of the water use system constructed by Scott or Donna Living Trust, PO Box 76, Estelline, SD 57234 of Permit No. 8339-3, bearing the priority of March 26, 2018 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Big Sioux: Brookings Aquifer for irrigation purposes, in Hamlin County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lacey Well (N WELL) (S WELL) No well completion report on file
- 2) No. of Wells 2
- 3) Depth(s) NORTH - 24 SOUTH - unknown feet
- 4) Well log is available Y If no, explain in comments

Comments: TEST HOLE DATA AVAILABLE

Casing: NORTH WELL

- 1) Diameter 15 inches
- 2) Length 17.5 feet
- 3) Type Plastic

Screen: NORTH WELL

- 1) Type Plastic
- 2) Length 6.5 feet
- 3) Static water level 1.6 feet

Pump: BOTH WELLS

- 1) Make Turbine (N) & Submersible (S)
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 400 total GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating Unknown hp

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

- 1) Type PVC
- 2) Size 6 & 8 inches
- 3) Length 750 & 100 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1300 feet
- 3) Number of towers 6
- 4) End gun Y
- 5) Capacity 400 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATIONS
From the NE corner Sec 35 T113N R51W "N" WELL: 605 ft S & 1305 ft W, Lat 44.55467 Long -
96.91079 "S" WELL: 1215 ft S & 1270 ft W, Lat 44.555693 Long -96.91108 (NE ¼ NE ¼)

2. The works are capable of diverting and conveying to the place of use 0.89 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage All land in Sec 35, T113N R51W

NW NE – 21 Acres

NE NE – 36 Acres

SE NE – 31 Acres

SW NE – 17 Acres

comprising a total of 105 acres of land and the license should be issued for 0.89 cfs

3. All structures, wells and lands on map Y

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

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

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

I could not find any specific details for the "South" Well but the depth, etc. should be similar to the "North" Well as the distance between the two is only 750 feet. I forgot to measure the casing diameter of the "South" Well, but if memory is to be trusted, estimate an 8 – 10 inch casing.

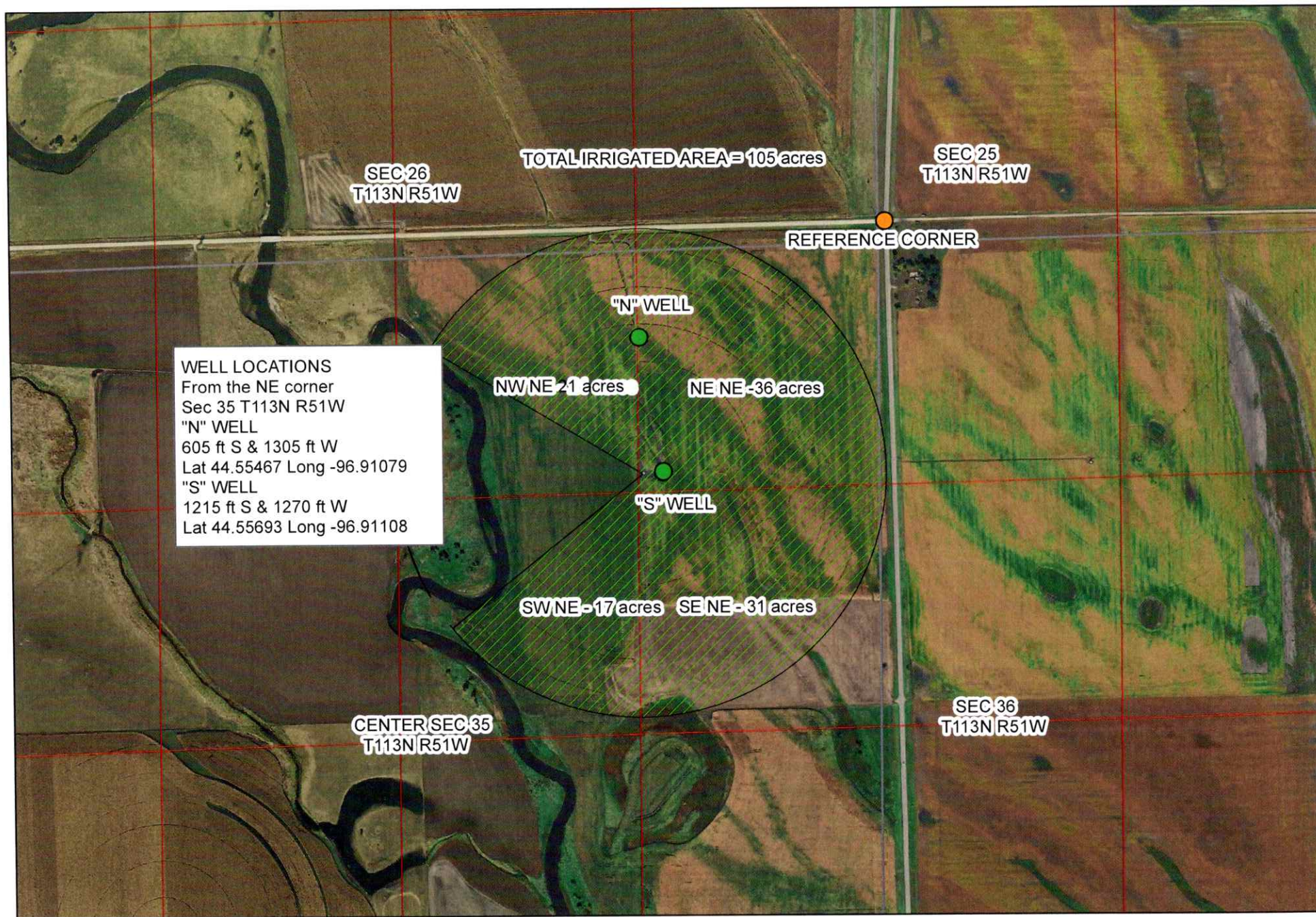
The mailing address PO Box 76 is current. The telephone number in the permit materials does not take calls. A web search indicated that Scott Thompson was killed in a road accident in 2020 and that the only way to make contact with Donna Thompson is through Facebook which I tried and failed to do. SO, I am assigning someone in the office to try and make contact with Mrs. Thompson and get a current phone number.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: November 10, 2023

**Amanda Dewell was able to make contact w/ Ms. Thompson (605)690-5988. Ms. Thompson said that the south well was also drilled by Lacey Well Drilling. Attempts were made to obtain well completion report for south well, to no avail. Proceeding with licensing w/o southern WCR.



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
 Water Right Inspector
 DANR-Water Rights Program

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Scott or Donna Thompson Living Trust

ADDRESS: PO BOX 76, Estelline SD 57234

DATE: April 18, 2024

COUNTY: Hamlin

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

Water Permit No. 8339-3, held in the Scott or Donna Thompson Living Trust, authorizes the diversion of 1.78 cfs from one well (BS:B) located in the approx. center NE ¼ Section 35 for the irrigation of 140 acres location in the NE ¼ Section 35; all in T113N, R51W, Hamlin County.

During a routine inspection, for the purpose of licensing, it was found that 2 wells were drilled. The South Well was drilled in the location authorized under Permit No. 8339-3, while the North Well was drilled approx. 715 ft north of the authorized location.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased.

- **Developed water source same as permitted source and no additional water appropriated**

The permit holder constructed the North and South wells in the NE ¼ NE ¼ Section 35, T113N, R51W, each of which are completed into the Big Sioux: Brookings Aquifer. The wells have a combined diversion rate of 0.89 cfs. The wells are in the same water source as permitted and no additional water is appropriated.

- **If irrigation, no new land is irrigated**

Permit No. 8339-3 authorized the irrigation of 140 acres in the NE ¼ Section 35, T113N, R51W. Only 105 acers were developed, all of which are located in the NE ¼ Section 35, T113N, R51W.

- **Review of Existing Diversions**

There are 19 existing water permits/rights within 2 miles of where the wells are located (see map on page 2), all but one of which are authorized from the same source (BS:B). It should be noted that all the existing water permits/rights were established prior to the issuance or development of Permit No. 8339-3. The review of the water permit application for Permit No. 8339-3 concluded there was reasonable probability any well interference due to pumping of the wells would not adversely or unlawfully impair existing rights held by other users. The same would be expected for the North Well, constructed in the NE ¼ NE ¼ Section 35, T113N, R51W, Hamlin County

The nearest Water Rights held by another user, for withdrawals from the Big Sioux: Brookings Aquifer, would be Water Right Nos. 5443-3 & 5237A-3, held by Jerald Peterson and James Arthur, respectively. The diversion points authorized under Water Right Nos. 5443-3 & 5237A-3 are each located approximately 0.4 miles from Permit No. 8339-3's well locations. The holders of Permit No. 8339-3 have reported irrigation since 2018 and no interference has been reported. Interference with other wells in the area is not expected.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be permitted as developed by the Scott and Donna Thompson Living Trust.

Amanda Dewell

Amanda Dewell, Permitting Administrator
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 29 2024

8339-3

Scott & Donna Thompson Living Trust
c/o Donna Thompson
PO Box 76
Estelline SD 57234

Dear Ms. Thompson:

Enclosed is Water License No. 8339-3. 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,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8339-3**

(1) The Scott or Donna Thompson Living Trust, PO Box 76, Estelline SD 57234, made Application No. 8339-3, March 26, 2018, for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Big Sioux: Brookings Aquifer), Hamlin County, South Dakota for irrigation purposes. Permit No. 8339-3, with a priority date of March 26, 2018, was approved June 18, 2018, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 18, 2023, and for the application to beneficial use of water on or before June 18, 2027.

An investigation conducted for licensing purposes found a second diversion point developed outside of the permitted area. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the additional diversion point, outside of the permitted location, did not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.89 cubic feet of water per second for beneficial use. The locations of the diversion point are:

- North Well: 605 ft S & 1,305 ft W of the NE corner Section 35, T113N, R51W (NE ¼ NE ¼)
(Latitude 44.55467 & Longitude -96.91079)
- South Well: 1,215 ft S & 1,270 ft W of the NE corner Section T113N, R51W (approx. center NE ¼)
(Latitude 44.55693 & Longitude -96.91108)

(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: April 1 – September 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 35, T113N, R51W	
NE ¼ NE ¼	36 acres
NW ¼ NE ¼	21 acres
SW ¼ NE ¼	17 acres
SE ¼ NE ¼	31 acres
TOTAL: 105 acres	

(5) Pursuant to South Dakota Water Law 46-5-30.1 the Scott or Donna Thompson Living Trust, the holder and/or owner of Water Right No. 8339-3 is issued a license to appropriate water, the right to use 0.89 cubic feet of water per second from groundwater, two wells (Big Sioux: Brookings Aquifer), with a priority date of March 26, 2018, from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8339-3 and subject to the following qualifications:

continued

QUALIFICATIONS

1. The wells approved under Water Right No. 8339-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Water Right shall control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Water Right No. 8339-3 shall be construction by a licensed well driller and construction of the wells and installation of the pumps shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *(The "north well" was drilled in 2018 by Lacey Well Drilling. A copy of the Well Completion Report is on file with the Water Rights Program. The "south well" was also drilled by Lacey Well Drilling, however, a Well Completion Report cannot be located.)*
3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

APR 29 2024

date

