

**WATER PERMIT NO. 8342-3**

Name of Applicant: Weeg Family Farms LLLP

Address: 4504 W 12<sup>th</sup> St, Sioux Falls SD 57107

Phone: 605 359-1612

Amount of Water Claimed: no additional

Total Acres: 5

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: 10 miles northwest of Vermillion

PRIORITY

Date Received: 3-29-18

Application/License Fee: \$100

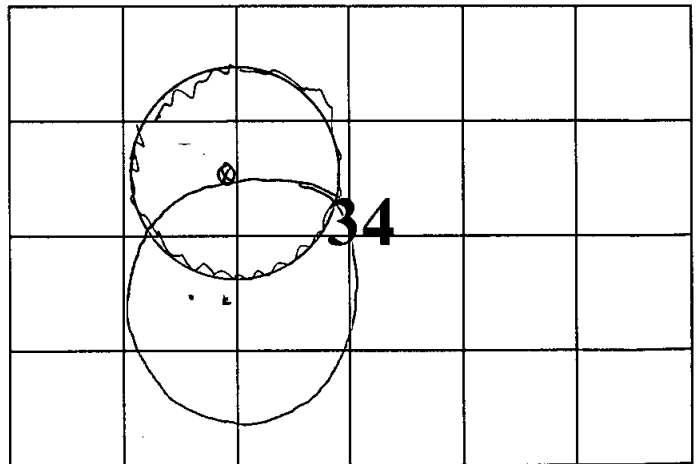
Corrected Application Received:

Period of Annual Use: May 1 – Aug 31

Remarks: Additional acres to Water Permit No. 6886-3

Diversion Point: NW 1/4 SW 1/4 Sec 34-T94N-  
R53W

Land to be Irrigated: S 1/2 NW 1/4, SW 1/4 Sec  
34-T94N-R53W



Depth of Well: 95 feet deep

Well Driller: Hammond-Wetmore Drilling

Remarks:

Type of Map: aerial

Prepared by: Harold Holoch

Reviewed and the Number Assigned on: 3-30-18

By: Karen Schlaak

Notice of Hearing - date to intervene: \_\_\_\_\_

RECEIVED

MAR 29 2018

WATER RIGHTS  
PROGRAM

|                                                                                                         |                                         |                                                      |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------|------------------------------------------------------|
| Mail to:<br><br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>8342-3</u>                       | (office use only)<br>Hydrologic Unit <u>10170102</u> |
|                                                                                                         | Basin <u>Vermillion River</u>           |                                                      |
|                                                                                                         | Newspaper <u>Plain Talk, Vermillion</u> |                                                      |
|                                                                                                         | <u>Press &amp; Dakotan, Yankton</u>     |                                                      |

## Application For Permit To Appropriate Water For Irrigation

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

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

Five additional acres to reflect the system developed under Water Permit No. 6886-31. Name to Appear on Irrigation Permit Weeg Family Farms LLLP

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

Mailing Address 4504 w 12th Street Sioux Falls SD 57107  
(Address) (City) (State) (Zip Code)

Phone 605-339-1249 Mobile 605 359-1612 Email PINEKNOLL INC C SID.MIDCO.NET

2. Amount of water claimed no addl \*CFS or \*\*\*GPM \*\*\*AF Total Acreage 5  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Lower James:Missouri aquifer

4. Location of point of diversion NW 1/4 SW 1/4 Section 34-T94N-R53W (authorized under WP No. 6886-3)  
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Clay5. County or counties where water will be used Clay6. Annual period during which water is to be used May 1 - August 31

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

| Land Description                                | Acres | Land Description                   | Acres |
|-------------------------------------------------|-------|------------------------------------|-------|
| all inclusive of WP 6886-3 and this application |       |                                    |       |
| SW 1/4 NW 1/4 Section 34-T94N-R53W              | 21    | SE 1/4 NW 1/4 Section 34-T94N-R53W | 17    |
| NW 1/4 SW 1/4 Section 34-T94N-R53W              | 40    | NE1/4 SW 1/4 Section 34-T94N-R53W  | 38    |
| SW 1/4 SW 1/4 Section 34-T94N-R53W              | 12    | SE 1/4 SW 1/4 Section 34-T94N-R53W | 11    |

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

Licensing inspection found an additional 5 acres were being irrigated than the 134 acres authorized by Permit No. 6886-3

I, Don Weeg, Don Weeg Partner Partner, 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. 8342-3**

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Date of first receipt of application March 29, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8342-3 to Weeg Family Farms LLLP, c/o Don Weeg, 4504 W 12<sup>th</sup> St, Sioux Falls SD 57107 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. 8342-3 authorizes irrigation of 5 additional acres. Water Permit No. 6886-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Lower James:Missouri Aquifer (95 feet deep) located in the NW 1/4 SW 1/4 Section 34 for irrigation of 134 acres located in the SW 1/4, S 1/2 NW 1/4 Section 34; all in T94N-R53W. An investigation of the permit found the system irrigating an additional 5 acres located within the area described above which is approximately 10 miles northwest of Vermillion SD. This permit and Water Permit No. 6886-3 will authorize a total of 1.78 cfs for irrigation of 139 acres.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – August 31.
3. The date from which applicant may claim right is March 29, 2018 (5 additional acres).
4. The date of approval of Permit No. 8342-3 is June 25, 2018.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. The well approved under Permit Nos. 6886-3 and 8342-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

By: *Jeanne Goodman*

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

JUL 06 2018  
date



**STATE OF SOUTH DAKOTA**  
**WATER LICENSE NO. 8342-3**

(1) Weeg Family Farms LLLP, c/o Don Weeg, 4504 W 12<sup>th</sup> St, Sioux Falls SD 57107 made Application No. 8342-3, March 29, 2018 for a water permit to irrigate 5 additional acres in Clay County, South Dakota. Permit No. 8342-3, with a priority date of March 29, 2018 was approved June 25, 2018 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Permit No. 6886-3, with a priority date of September 4, 2007, authorizes 1.78 cubic feet of water per second to irrigate 134 acres. The applicable portions of No. 6886-3 are incorporated into No. 8342-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 8342-3 is issued a license, bearing priority dates of September 4, 2007 (134 acres) and March 29, 2018 (5 acres) to appropriate 1.78 cubic feet of water per second from one well-Lower James:Missouri Aquifer to irrigate 139 acres.

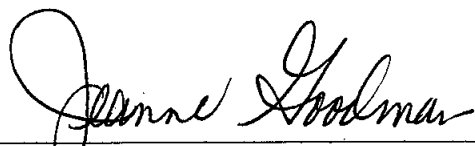
The diversion point is located: 1,280 feet east and 2,140 feet north from the SW corner of Section 34-T94N-R53W (NW 1/4 SW 1/4). The acres authorized for irrigation are as follows:

|                             |          |               |          |
|-----------------------------|----------|---------------|----------|
| <b>Section 34-T94N-R53W</b> |          | NW 1/4 SW 1/4 | 40 acres |
|                             |          | SW 1/4 SW 1/4 | 12 acres |
| SW 1/4 NW 1/4               | 21 acres | NE 1/4 SW 1/4 | 38 acres |
| SE 1/4 NW 1/4               | 17 acres | SE 1/4 SW 1/4 | 11 acres |

**Total 139 acres**

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 8342-3 including the following qualifications:

- The well approved under this permit 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.
- The well authorized by this permit 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. *The well was drilled by Hammond Wetmore Drilling, July 15, 2008. A copy of the log is on file with the Water Rights Program.*
- This permit is approved subject to the irrigation water use questionnaire being submitted each year.



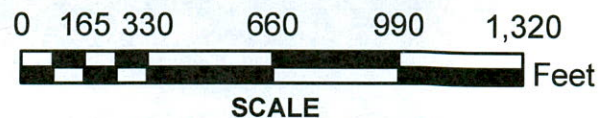
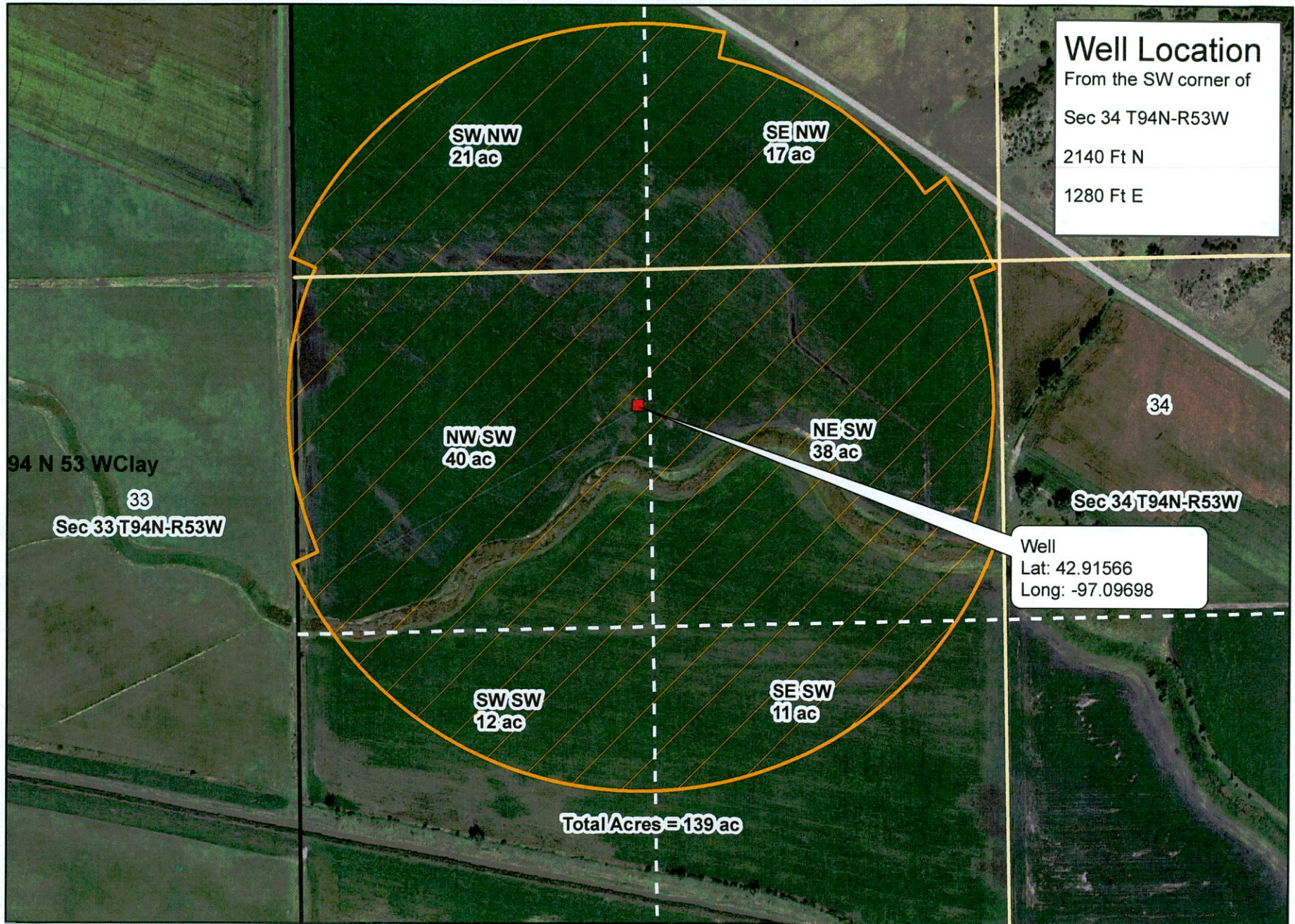
Jeanne Goodman, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

**JUL 06 2018**

date



6886-3



*Harold Holoch*  
Harold Holoch, PE  
Staff Engineer  
August 22, 2017

## **Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6886-3**

I have this day, November 5, 2016, made a thorough examination of the water use system constructed by Jerome Poeschl, 213 Katherine Way, Yankton SD 57078 of Permit No. 6886-3, bearing the priority of September 4, 2007 authorizing the diversion of 1.78 cu. ft. per second of the waters of Lower James:Missouri Aquifer for irrigation purposes, of 134 acres, in Clay County.

Inspection contact & relationship     **Jerome Poeschl, permit holder**  
to permit holder, if applicable:

### **A. Works used to divert the water:**

#### **Well Information:**

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells 1
- 3) Depth(s) 95 feet
- 4) Well log is available Yes

#### **Casing:**

- 1) Diameter 16 inches
- 2) Length 55 feet
- 3) Type PVC

#### **Screen:**

- 1) Type PVC Manufactured
- 2) Length 40 feet
- 3) Static water level 12 feet

#### **Pump:**

- 1) Make Grundfos Submersible
- 2) Model 800s400-2aa
- 3) Capacity 800 GPM

#### **Motor:**

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

**C. Works used to apply water to beneficial use:****Center pivot:**

- 1) Make Lindsay
- 2) Overall length 1323 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800 GPM

**Chemigation Equipment:**

- 1) Does chemigate No

**D. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2008.

List any extended period of nonuse: Did not use in 2010, 2011, and 2014 due to adequate rainfall or too wet to plant.

- 3) Exceptions to compliance are: Water Permit No. 6886-3 was issued to irrigate 134 acres in SW ¼, S ½ NW ¼ Sec 34-T94N-R53W, however 139 acres are actually irrigated.

**E. Condition and Location:**

1. The system is in good condition with the point(s) of diversion located as follows: East 1280', North 2140' from SW Corner of Sec 34-T94N-R53W; Lat 42.91566/Long -97.09698; NW ¼ SW ¼ Sec 34-T94N-R53W.

2. The works are capable of diverting and conveying to the place of use 1.78 cfs or 800 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 34-T94N-R53W.

SW ¼ NW ¼ - 21 ac

SE ¼ NW ¼ - 17 ac

NW ¼ SW ¼ - 40 ac

NE ¼ SW ¼ - 38 ac

SW ¼ SW ¼ - 12 ac

SE ¼ SW ¼ - 11 ac

comprising a total of 139 acres of land and the license should be issued for 1.78 cfs or 800 gpm.

3. All structures, wells and lands on map Yes

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

Provide detailed explanation when multiple permits are involved or any discrepancy between what the permit was issued for and what was developed.

- 4) Water Permit No. 6886-3 was issued to irrigate 134 acres in SW ¼, S ½ NW ¼ Sec 34-T94N-R53W, however 139 acres are actually irrigated.



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Harold Holoch, PE  
Staff Engineer  
DENR, Water Rights Program

Date report completed: December 22, 2017

**Note: In January, 2018, Permit No. 6886-3 was transferred to Weeg Family Farms LLLP**

8342-3

SD EForm - 1621 V1

6886-3

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location ne  $\frac{1}{4}$  sw  $\frac{1}{4}$  Sec 34 Twp 94n Rg 53w

County

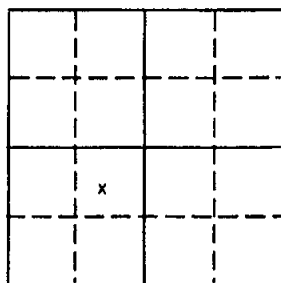
Clay

North

Please mark well  
location with an "X"

W

E



1 Mile

Well Completion Date

7/15/2008

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

? 2,100.0 ft. from septic tank (identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

Direct Rotary

## CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

| PIPEWEIGHT | DIAMETER | FROM | TO   | HOLE DIAMETER |
|------------|----------|------|------|---------------|
| LB/FT      | IN       | FT   | FT   | IN            |
|            | 16.00    | 0.0  | 55.0 | 22.00         |
|            |          |      |      |               |
|            |          |      |      |               |

## GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From   | To      |
|------------|--------------|--------------|--------|---------|
|            |              | Lb/gal       | 0.0 Ft | 50.0 Ft |
| bent grt   | 19           | 9.5          |        |         |
|            |              |              |        |         |

Describe grouting procedure  
tremie

## SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 40.0 FeetMaterial pvcSlot Size 0.080 Set From 55.0 Feet to 95.0 Feet

Other information

## WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

## DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? HTH tablets☐ No, Why Not?Lab sample sent to for  
water quality analysisWell Owner: Jerry Poeschl

Business Name:

Address: 213 Katherine WayCity, State, Zip: Yankton SD 57078

## WELL LOG:

DEPTH

| FORMATION                    | FROM | TO |
|------------------------------|------|----|
| Clay, brown silty            | 0    | 14 |
| Sand, brown fine, silty      | 14   | 47 |
| Clay, gray, silty,           | 47   | 52 |
| Gravel, med to coarse, sandy | 52   | 98 |
|                              |      |    |
|                              |      |    |
|                              |      |    |
|                              |      |    |
|                              |      |    |

STATIC WATER LEVEL 12.0 FEET

If flowing: closed in pressure \_\_\_\_\_ PSI

GPM flow \_\_\_\_\_ through \_\_\_\_\_ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate \_\_\_\_\_ GPM

Can well be completely shut in?

## WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

27.0 Ft After 1.0 Hrs. pumped 900.0 GPM

\_\_\_\_\_ Ft After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate: 800.0 GPM

## REMARKS

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WATER RIGHTS  
PROGRAM  
666

This well was drilled under license # \_\_\_\_\_

And this report is true and accurate.

Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12/10/08



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

March 23, 2018

denr.sd.gov

Don Weeg  
Weeg Family Farms LLLP  
4504 W 12<sup>th</sup> Street  
Sioux Falls SD 57107

Dear Mr. Weeg:

Weeg Family Farms LLLP holds Water Permit No. 6886-3 in Clay County. The water permit appropriates 1.78 cubic feet of water per second (800 gpm) from one well to irrigate 134 acres located in the SW ¼, S ½ NW ¼ Section 34-T94N-R53W. The permit was obtained by Jerome Poeschl. This last January you filed a notice of transfer of ownership to Weeg Family Farms.

The water right permitting process includes what is known as licensing. This consists of a water right inspector conducting an on-site visit as state verification that the system is constructed. A water license is then issued to reflect the extent of development and is the final step in perfecting your right to the use of water. The license can not be issued for a greater quantity than originally authorized. The inspection of Permit No. 6886-3 for the purpose of licensing occurred prior to your purchase of this land but formal issuance of the license had not yet occurred when the water permit was transferred to Weeg Family Farms.

The water permit authorizes irrigation of 134 acres. However, the on-site visit found 139 acres being irrigated which is five more acres than what is authorized. Enclosed is a map representing coverage by the irrigation system in place. DENR believes this can be handled in one of two ways:

1. The water license can be issued for 134 acres. Weeg Family Farms will have limit irrigation coverage to 134 acres presumable using stop to shut-off end gun operation.
2. Weeg Family Farms applies for the additional five acres at a fee of \$100 plus the public notice cost (likely another \$100). I have attached a partially completed application form if you choose to go this route

Please let us know how you would like to proceed. Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund  
Water Rights Program, DENR  
605 773-3352  
[eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us)

enclosure

RECEIVED

MAR 29 2018

3-27-18

WATER RIGHTS  
PROGRAM

ERIC,

Thank you for visiting with me today; enclosed is the check for the application fee. Will you please call me at 605-338-1249 or my cell when you need me to get ahold of the newspaper and pay them.

Thank you  
Don Boyd.

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 3

, 20 18

RECEIVED OF Weeg Family Farms LLLP 4504 W 12th St Sioux Falls, SD 57107

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

|                                                                                                                        |       |        |
|------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>8342-3</u> to Appropriate Water, to construct and to put water to beneficial use | 100   | 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 | 100 00 |

No. **08642**

By

Jeane Goodman  
Chief Engineer  
Zm



**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. 8342-3, Weeg Family Farms LLLP**

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. 8342-3, Weeg Family Farms LLLP, c/o Don Weeg, Partner, 4504 W 12<sup>th</sup> Street, Sioux Falls SD 57107.

The Chief Engineer is recommending APPROVAL of Application No. 8342-3 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. 6886-3 and 8342-3 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  
June 4, 2018

## **REPORT ON WATER PERMIT APPLICATION NO. 8342-3**

For Weeg Family Farms LLLP, % Don Weeg

May 29, 2018

Weeg Family Farms LLLP, % Don Weeg, has filed an application for a water permit to irrigate 5 additional acres to an existing water permit. Water Permit No. 6886-3 appropriates water at a peak diversion rate of 1.78 cubic feet of water per second (cfs) from one well completed into the Lower James Missouri aquifer (95 feet deep) located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 34 for irrigation of 134 acres located in the SW $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$  Section 34; all in T94N-R53W which is approximately 10 miles northwest of the town of Vermillion in Clay County, South Dakota. This water permit application is a result of a licensing inspection conducted for Water Permit No. 6886-3 pursuant to South Dakota Codified Law (SDCL) 46-5-30. The investigation found the system capable of irrigating 5 additional acres located within the area described above. This application does not authorize any increase to the diversion rate authorized by Water Permit No. 6886-3. This water permit application, if approved, combined with Water Permit No. 6886-3 will authorize a total of 1.78 cfs for irrigation of 139 total acres to reflect the system as developed.

### **AQUIFER – Lower James Missouri (LJM)**

#### **Aquifer Characteristics:**

The Lower James Missouri is a buried glacial outwash (sand and gravel) that underlies approximately 191,700 acres of Clay, Hutchinson and Yankton Counties and contains an estimated 2,785,400 acre-feet of recoverable water in storage (Hedges and others, 1982). In Clay County, the Lower James Missouri aquifer is estimated to underlie 5,400 acres and contains an estimated 81,000 acre-feet of recoverable water in storage (Hedges and others, 1982). The aquifer is hydraulically connected to the Choteau, Lower James Missouri: Scotland, and Niobrara aquifers, and the James and Missouri Rivers.

Bugliosi (1986) separated the Lower James Missouri into Northern and Southern areas on the “basis of different depositional episodes during the time of glacial deposition that resulted in different thickness of deposits in each area.” Bugliosi’s nomenclature for the aquifer (i.e. Northern and Southern areas) has not been adopted by the SD Department of Environment and Natural Resources or the SD Water Management Board. The DENR continues to use the aquifer boundaries and nomenclature presented by Hedges and others (1982).

The well completion report of the existing well authorized by Water Permit No. 6886-3 documents clay from ground surface to 14 feet below grade, fine sand from 14 feet to 47 feet below grade, clay from 47 to 52 feet below grade, and medium to course gravel from 52 feet to 98 feet below grade. At the time of well completion, the static water level within the well was 12 feet below grade indicating that the aquifer is under confined conditions (Water Rights, 2018c).

#### **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 Lower James Missouri 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:*

The Lower James Missouri aquifer is recharged from several sources including infiltration of precipitation in areas where the aquifer is at or near land surface in the James River flood plain, upward leakage from the bedrock aquifers, inflow from surface water, and inflow from the surrounding glacial aquifers (Hansen, 1983). Hedges and others (1985) estimated a recharge rate to the Lower James Missouri aquifer to be 1.5 inches per year. Using this recharge rate and the total areal extent of the aquifer, recharge to the Lower James Missouri aquifer is estimated to equal 23,963 acre-feet per year.

##### *Discharge:*

Discharge from the Lower James Missouri aquifer occurs due to evapotranspiration in areas where the aquifer is at or near land surface, seepage to the James River, and well withdrawals (Bugliosi, 1986). Currently, there are 138 water rights/permits authorizing the withdrawal of water from the Lower James Missouri aquifer. Six of the water rights/permits are authorized for commercial use, one for geothermal use, two for industrial use, and the remaining 129 are for irrigation use (Water Rights, 2018b). There are a number of domestic wells on file that appear to be completed into the Lower James Missouri aquifer, however annual quantity of water withdrawn for domestic uses is not a significant portion of the hydrologic budget of the aquifer (Water Rights, 2018c).

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 1,370 acre-feet per year.

Table 1 shows the historic pumpage from the entire Lower James Missouri aquifer for the period from 1979 to 2017 as reported to the DENR Water Rights Program through the annual irrigation

questionnaires. The average annual irrigation pumpage reported for the entire aquifer equals 2,835 acre-feet per year (Water Rights, 1979-2017).

Table 1. Historic irrigation pumpage from the Lower James Missouri aquifer (Water Rights, 1979-2017).

| <b>Year</b> | <b>Permits Reporting</b> | <b>Appropriation<br/>(acre-feet/year)</b> | <b>Pumpage Reported<br/>(acre-feet/year)</b> |
|-------------|--------------------------|-------------------------------------------|----------------------------------------------|
| 2016        | 126                      | 37607.24                                  | 5747.01                                      |
| 2015        | 127                      | 37695.24                                  | 4822.86                                      |
| 2014        | 125                      | 36286.10                                  | 3347.27                                      |
| 2013        | 118                      | 33664.10                                  | 7855.75                                      |
| 2012        | 93                       | 28626.70                                  | 13058.45                                     |
| 2011        | 89                       | 27367.10                                  | 4147.47                                      |
| 2010        | 85                       | 25731.10                                  | 665.37                                       |
| 2009        | 84                       | 25451.10                                  | 1463.27                                      |
| 2008        | 79                       | 23891.70                                  | 4494.03                                      |
| 2007        | 56                       | 17477.70                                  | 3425.91                                      |
| 2006        | 50                       | 15627.10                                  | 3630.92                                      |
| 2005        | 48                       | 14749.10                                  | 2866.63                                      |
| 2004        | 47                       | 14525.10                                  | 2886.65                                      |
| 2003        | 53                       | 17373.10                                  | 2843.15                                      |
| 2002        | 53                       | 17108.10                                  | 4061.52                                      |
| 2001        | 53                       | 17208.10                                  | 2940.09                                      |
| 2000        | 51                       | 17048.10                                  | 3751.08                                      |
| 1999        | 50                       | 15992.10                                  | 2102.15                                      |
| 1998        | 53                       | 16915.10                                  | 2787.03                                      |
| 1997        | 50                       | 17072.10                                  | 2320.00                                      |
| 1996        | 49                       | 17240.10                                  | 2102.99                                      |
| 1995        | 41                       | 15088.10                                  | 1483.32                                      |
| 1994        | 45                       | 17094.10                                  | 1918.17                                      |
| 1993        | 45                       | 16241.90                                  | 230.44                                       |
| 1992        | 45                       | 16791.90                                  | 1159.00                                      |
| 1991        | 42                       | 15497.90                                  | 2599.00                                      |
| 1990        | 35                       | 12673.10                                  | 2928.10                                      |
| 1989        | 31                       | 10909.10                                  | 2144.80                                      |
| 1988        | 31                       | 11769.50                                  | 2744.90                                      |
| 1987        | 30                       | 11613.50                                  | 1041.60                                      |
| 1986        | 30                       | 11613.50                                  | 989.60                                       |
| 1985        | 27                       | 10033.10                                  | 1483.00                                      |
| 1984        | 28                       | 12283.10                                  | 1360.00                                      |
| 1983        | 27                       | 9883.10                                   | 1306.54                                      |
| 1982        | 23                       | 9440.10                                   | 1301.25                                      |
| 1981        | 27                       | 13053.00                                  | 1835.00                                      |
| 1980        | 23                       | 11561.00                                  | 1299.00                                      |
| 1979        | 22                       | 11265.00                                  | 588.00                                       |
| <b>Max</b>  | <b>127</b>               | <b>37695.24</b>                           | <b>13058.45</b>                              |
| <b>Min</b>  | <b>22</b>                | <b>9440.10</b>                            | <b>230.44</b>                                |
| <b>Avg.</b> | <b>55</b>                | <b>18196.50</b>                           | <b>2835.03</b>                               |

### *Hydrologic Budget:*

The average annual recharge to the Lower James Missouri aquifer is estimated to be 29,963 acre-feet per year. The average annual withdrawals are expected to be approximately 4,705 acre-feet per year. The average annual withdrawal is much less than the estimated average annual recharge. This application, if approved, would not increase the peak diversion rate but the additional 5 acres would increase the estimated average annual use by approximately 5 acre-feet. Therefore, there is a reasonable probability that unappropriated water is available from the Lower James Missouri 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 estimated average annual withdrawals from the aquifer do not exceed the estimated average annual recharge to the aquifer.

The DENR Water Rights Program monitors 33 observation wells completed into the Lower James Missouri aquifer (Water Rights, 2018a). There are four observation wells completed into the Lower James Missouri aquifer located within approximately twelve miles of this application. Hydrographs for the observation wells are shown in Figures 1-4.

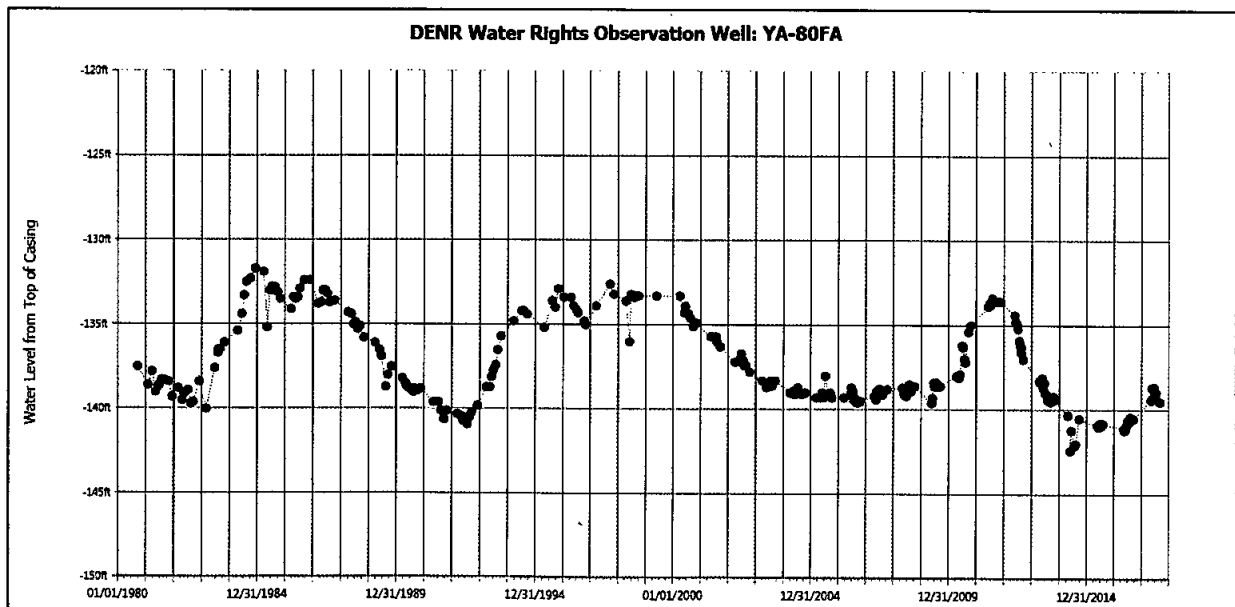


Figure 1. Hydrograph of observation well YA-80FA which is completed into the Lower James Missouri aquifer located approximately 11½ miles northwest of this application (Water Rights, 2018a).

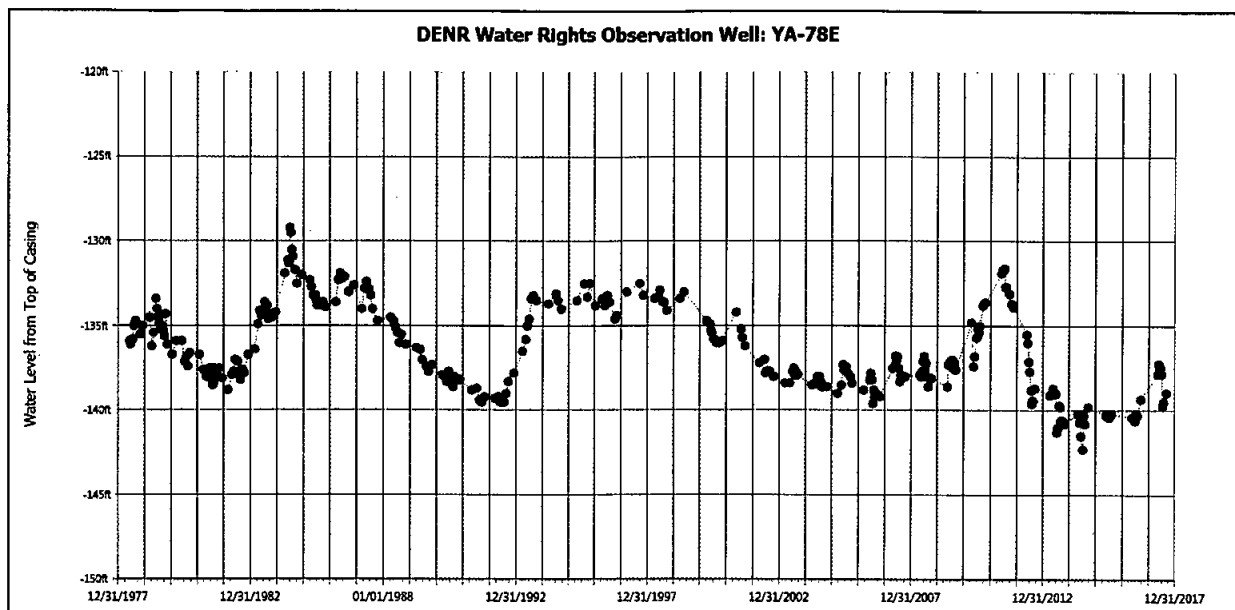


Figure 2. Hydrograph of observation well YA-78E which is completed into the Lower James Missouri aquifer located approximately 10¾ miles northwest of this application (Water Rights, 2018a).

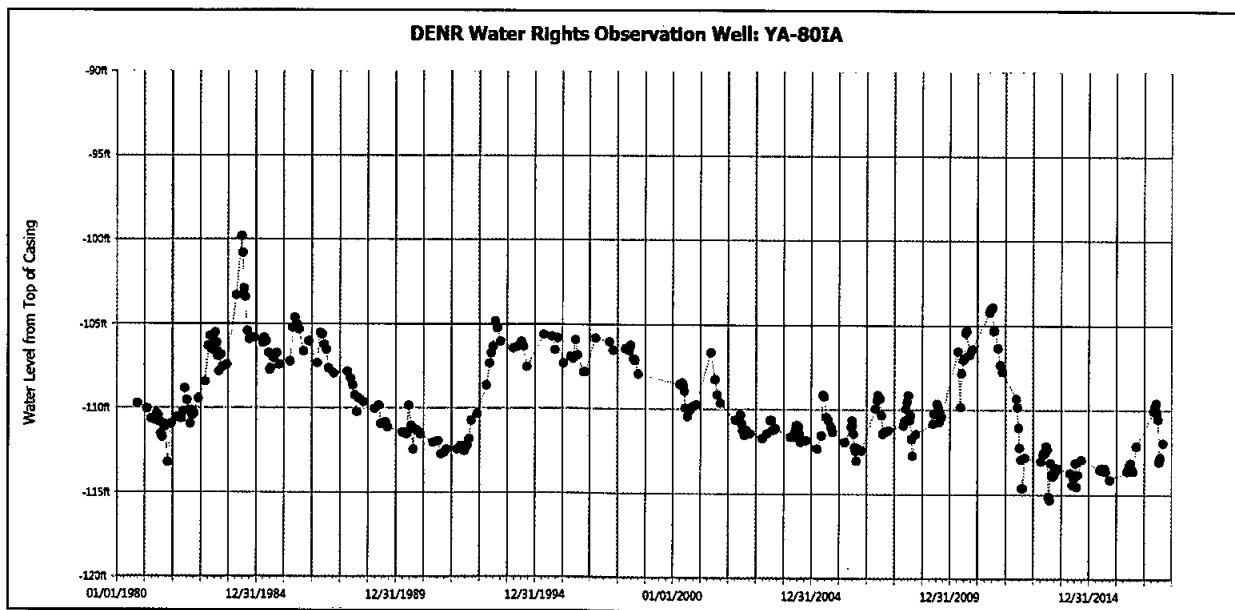


Figure 3. Hydrograph of observation well YA-801A which is completed into the Lower James Missouri aquifer located approximately 10 miles northwest of this application (Water Rights, 2018a).

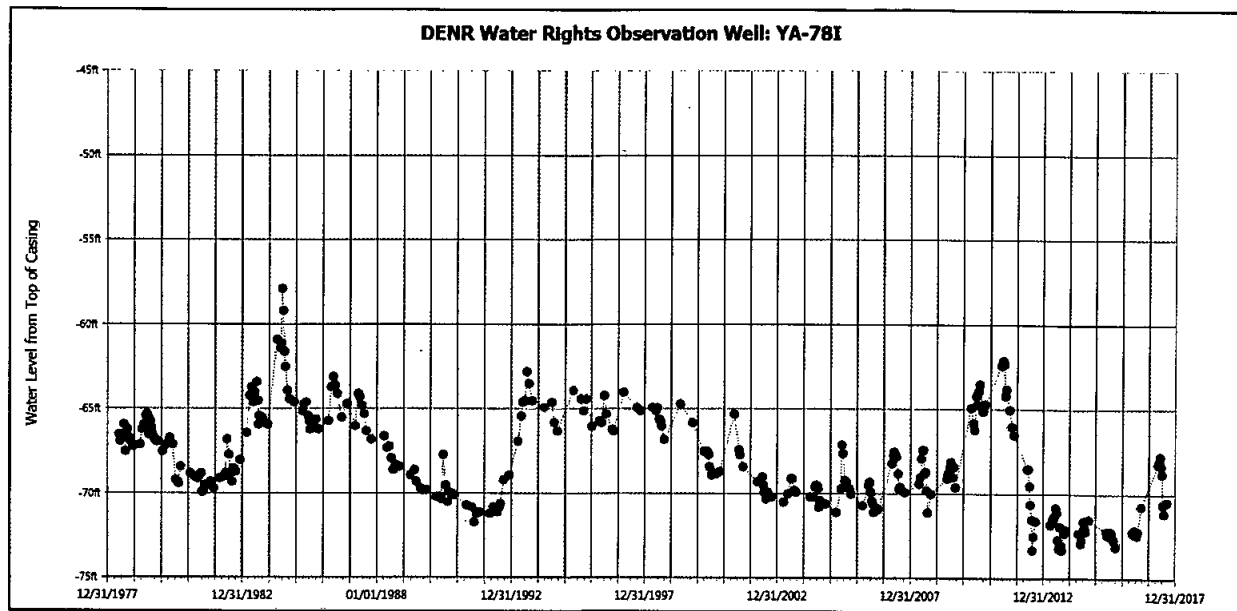


Figure 4. Hydrograph of observation well YA-78I which is completed into the Lower James Missouri aquifer located approximately 9½ miles northwest of this application (Water Rights, 2018a).

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. However, the hydrographs also show a declining water level trend line over the period of record. At this location, the Lower James Missouri aquifer has a significant hydraulic connection with the Missouri: Elk Point aquifer and the Missouri River. Therefore, the declining water levels in the observation wells can be attributed to the entrenchment of the Missouri River and are not due to withdrawals exceeding recharge to the aquifer. Overall, the observation well hydrographs indicate that unappropriated water is available from the Lower James Missouri aquifer to support the proposed appropriation (Water Rights, 2018a).

#### Existing Water Rights:

The water rights/permits located in the vicinity of this proposed application are listed in Table 2 and illustrated in Figure 5 (Water Rights, 2018b). 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 that appear to appropriate water from the Lower James Missouri aquifer (Water Rights, 2018c).

Table 2. Water rights/permits appropriating water from the Lower James Missouri aquifer located in the vicinity of Water Permit Application No. 8342-3 (Water Rights, 2018b).

| Permit No. | Name                         | Status | Use | CFS  | Acres |
|------------|------------------------------|--------|-----|------|-------|
| 4251-3     | NELSON                       | LC     | IRR | 1.56 | 152   |
| 4506-3     | SCHENK                       | LC     | IRR | 2.45 | 203   |
| 4551-3     | NELSON                       | LC     | IRR | 1.78 | 140   |
| 4827-3     | SMITH                        | LC     | IRR | 1.83 | 128   |
| 4855-3     | SCHENK                       | LC     | IRR | 1.78 | 206   |
| 4867-3     | SVENDSEN & SON               | LC     | IRR | 1.78 | 140   |
| 5449-3     | HEINE FARMS                  | LC     | IRR | 1.30 | 91    |
| 5524-3     | DRUIN                        | LC     | IRR | 2.12 | 254   |
| 5553-3     | STRATMAN                     | LC     | IRR | 2.00 | 211   |
| 5971-3     | FREEBURG LIMITED PARTNERSHIP | LC     | IRR | 1.88 | 238   |
| 6766-3     | SVENDSEN                     | LC     | IRR | 1.94 | 136   |
| 6838-3     | SCHENK                       | LC     | IRR | 2.00 | 120   |
| 6886-3     | WEEG FAMILY FARMS LLLP       | PE     | IRR | 1.78 | 134   |
| 6915-3     | SMITH                        | PE     | IRR | 1.78 | 70    |
| 6919-3     | SMITH                        | LC     | IRR | 2.00 | 327   |
| 6937A-3    | MORMAN                       | PE     | IRR | 1.78 | 135   |
| 6938-3     | MORMAN                       | PE     | IRR | 1.78 | 140   |
| 6942-3     | JOHNSON                      | PE     | IRR | 4.44 | 315   |
| 6948-3     | MOUNT                        | LC     | IRR | 1.45 | 85    |
| 6964-3     | ORR                          | LC     | IRR | 1.78 | 137   |
| 6974-3     | GUSTAD                       | PE     | IRR | 1.56 | 140   |
| 7008A-3    | HANSON                       | PE     | IRR | 1.78 | 160   |
| 7014-3     | SMITH                        | PE     | IRR | 2.00 | 76    |
| 7089-3     | ORR                          | PE     | IRR | 1.82 | 110   |
| 7091-3     | LOGUE PARTNERSHIP            | PE     | IRR | 1.78 | 138   |
| 7138-3     | NELSON FARMS INC             | PE     | IRR | 2.22 | 240   |
| 7330-3     | FREEBURG                     | LC     | IRR | 1.56 | 122   |
| 7510-3     | KATHOL                       | LC     | IRR | 1.34 | 198   |
| 7586-3     | THREE SISTERS FARMS          | PE     | IRR | 1.78 | 150   |
| 7819-3     | SCHENK                       | LC     | IRR | 1.78 | 70    |
| 7824-3     | SMITH                        | PE     | IRR | 0    | 55.9  |
| 7972-3     | NELSON AG HOLDINGS LLC       | PE     | IRR | 1.89 | 140   |
| 8021-3     | CUTTS                        | PE     | IRR | 1.78 | 96    |
| 8233-3     | SVENDSEN                     | PE     | IRR | 0    | 140   |

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



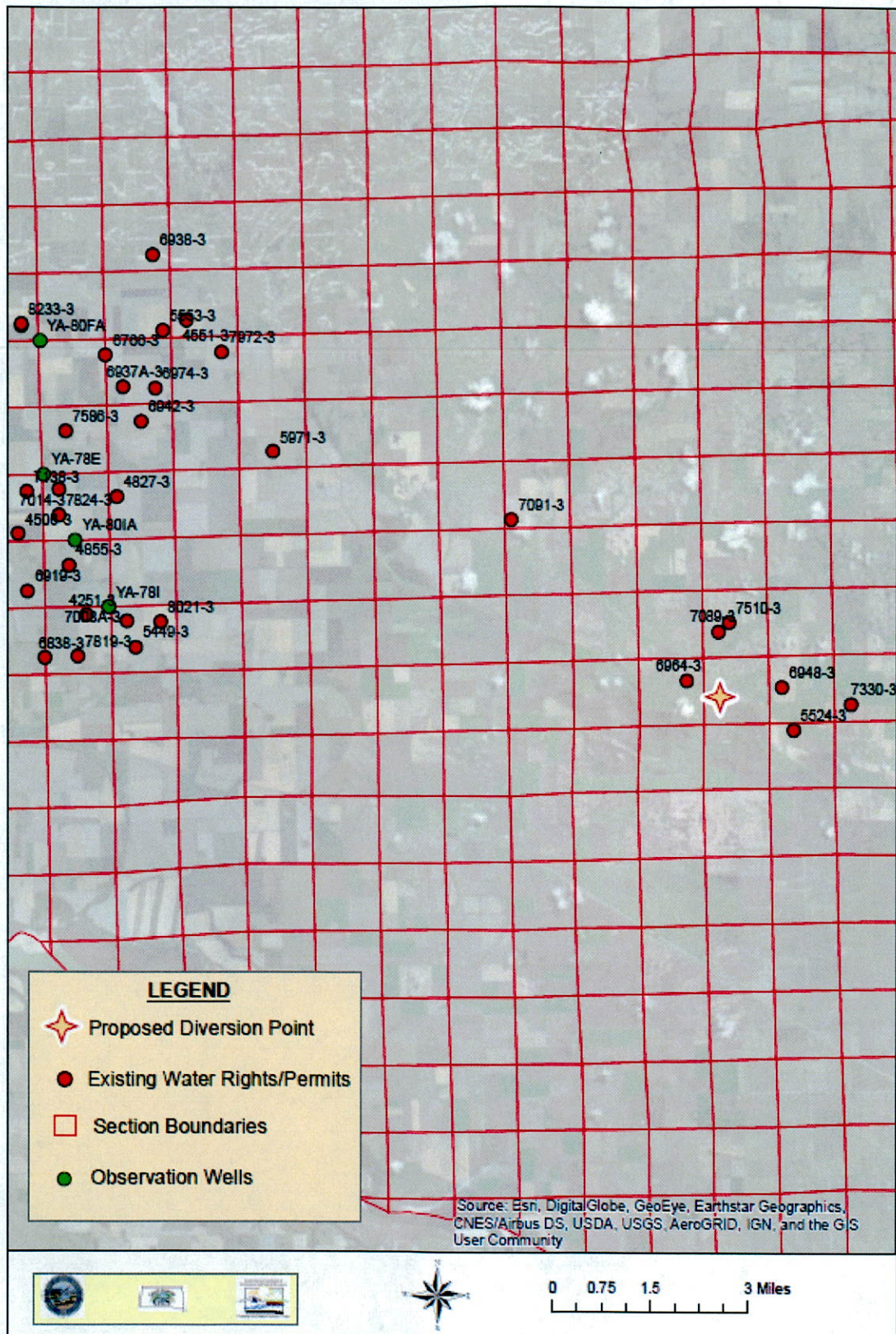


Figure 5. Approximate location of diversion points for water rights/permits appropriating water from the Lower James Missouri aquifer in the vicinity of Water Permit Application No. 8342-3 (Water Rights, 2018a&b).

Drawdown from pumping wells completed into the Lower James Missouri aquifer is typically not significant very far from the pumping well. Examination of the hydrographs of observation wells completed into the Lower James Missouri aquifer show no signs of being significantly impacted by drawdown. 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:

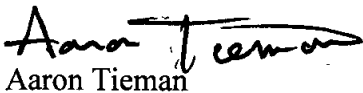
*"a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near as possible to the bottom of 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 Lower James Missouri 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. Additionally, this system has already been developed with no impacts being reported.

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. 8342-3, if approved, combined with Water Permit No. 6886-3 will authorize a total of 1.78 cfs from the Lower James Missouri aquifer for irrigation of 139 total acres to reflect the system as developed.
2. There is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer to supply the proposed appropriation.
3. The declining water levels in the observation wells can be attributed to the entrenchment of the Missouri River and are not due to withdrawals exceeding recharge to the aquifer.
4. 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:**

- Bugliosi, E. F. 1986. Water Resources of Yankton County, South Dakota. USGS Water-Resources Investigations Report 84-4241. USGS. Huron, SD.
- Hansen, D.S. 1983. Major Aquifers in Hansen and Davison Counties, South Dakota. Information Pamphlet No. 26. S.D. Geological Survey, Vermillion, South Dakota.
- 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.
- 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.

# AFFIDAVIT OF PUBLICATION

PLAIN TALK

RECEIVED

JUN 20 2018

WATER RIGHTS  
PROGRAM

WEEG FAMILY FARMS LLLP  
ATTN: DON WEEG  
4504 W 12TH ST  
SIOUX FALLS SD 57107

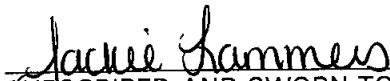
STATE OF SOUTH DAKOTA  
COUNTY OF CLAY

JACKIE LAMMERS, BEING FIRST DULY SWORN ON OATH DEPOSES  
AND SAYS THAT (S)HE IS THE CLASSIFIED MANAGER OF YANKTON  
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PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED  
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF  
THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN  
THIS AFFIDAVIT; THAT THE ANNEXED  
6 + 15 NOTICE OF APPLICATIO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE  
NEWSPAPER ON THE 15th DAY OF June, 2018  
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION  
OF SAID NOTICE TO WIT \$29.25 ENSURES TO THE  
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO  
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS  
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF  
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 06/15/2018

FILED ON: 06/15/2018



SUBSCRIBED AND SWORN TO BEFORE ME THIS 15th DAY OF June, 2018



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

Ad text : 6 + 15

NOTICE OF APPLICATION NO. 8342-3 to Appropriate Water

Notice is given that Weeg Family Farms LLLP, c/o Don Weeg, Partner, 4504 W 12th St, Sioux Falls SD 57107 has filed an application for a water permit to irrigate 5 additional acres. Water Permit No. 6886-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Lower James:Missouri Aquifer (95 feet deep) located in the NW 1/4 SW 1/4 Section 34 for irrigation of 134 acres located in the SW 1/4, S 1/2 NW 1/4 Section 34; all in T94N-R53W. An investigation of the permit found the system irrigating an additional 5 acres located within the area described above which is approximately 10 miles northwest of Vermillion SD. This application, if approved, and Water Permit No. 6886-3 will authorize a total of 1.78 cfs for irrigation of 139 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8342-3 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 June 25, 2018.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.  
Published once at the total approximate cost of \$29.25.

# AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

JUN 20 2018

WATER RIGHTS  
PROGRAM

WEEG FAMILY FARMS LLLP  
ATTN: DON WEEG  
4504 W 12TH ST  
SIOUX FALLS SD 57107

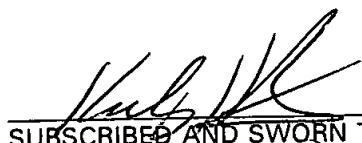
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COUNTY OF YANKTON

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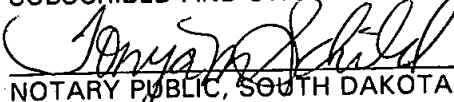
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Steven M. Pirner, Secretary, Department of Environment and Natural Resources.  
Published once at the total approximate cost of \$29.25.

## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Monday, June 04, 2018 1:17 PM  
**To:** 'Tera Schmidt'  
**Subject:** 8342-3, Weeg Family Farms LLLP  
**Attachments:** 8342-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on June 15, 2018.

Weeg Family Farms LLLP, c/o Don Weeg, 4504 W 12<sup>th</sup> St, Sioux Falls SD 57107 ( 605 338-1249 or 605 359-1612) has been notified to contact you to authorize publication and arrange for payment.

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

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

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



## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Monday, June 04, 2018 1:17 PM  
**To:** classifieds@plaintalk.net  
**Subject:** 8342-3, Weeg Family Farms LLLP  
**Attachments:** 8342-3public.short.docx; FORM8.FRM.doc

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*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](http://denr.sd.gov)

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

June 4, 2018

Weeg Family Farms LLLP  
c/o Don Weeg, Partner  
4504 W 12<sup>th</sup> St  
Sioux Falls SD 57107

Dear Mr. Weeg:

Water Permit Application No. 8342-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Plain Talk printed at Vermillion SD (Ph # 605-624-2695) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund  
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. 8342-3 to Appropriate Water

Notice is given that Weeg Family Farms LLLP, c/o Don Weeg, Partner, 4504 W 12<sup>th</sup> St, Sioux Falls SD 57107 has filed an application for a water permit to irrigate 5 additional acres. Water Permit No. 6886-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Lower James:Missouri Aquifer (95 feet deep) located in the NW 1/4 SW 1/4 Section 34 for irrigation of 134 acres located in the SW 1/4, S 1/2 NW 1/4 Section 34; all in T94N-R53W. An investigation of the permit found the system irrigating an additional 5 acres located within the area described above which is approximately 10 miles northwest of Vermillion SD. This application, if approved, and Water Permit No. 6886-3 will authorize a total of 1.78 cfs for irrigation of 139 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8342-3 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 25, 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

denr.sd.gov

JUL 06 2018

8342-3

Weeg Family Farms LLLP  
c/o Don Weeg  
4504 W 12<sup>th</sup> St  
Sioux Falls SD 57107

Dear Mr. Weeg:

Enclosed are Water Permit and License No. 8342-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with the license is a map prepared by the staff engineer who conducted the investigation.

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

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

Sincerely,

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

Note: The applicable portions of No. 6886-3 are incorporated into Water License No. 8342-3.

enclosures

8242-3



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

January 20, 2022

**NOTICE**

TO: BRAD DELANEY, RENTER, 30872 BLUFF RD, VOLIN, SD 57072

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8342-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8342-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 8342-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto: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: HAXYUZ**

c: DONALD WEEG, WEEG FAMILY FARMS LLLP, 4504 W 12th, SIOUX FALLS SD 57107

**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.

8342-3



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

February 10, 2022

8342-3

Brad Delaney  
30872 Bluff Rd  
Volin SD 57072

Dear Mr. Delaney:

I am writing to acknowledge receipt of the 2021 irrigation questionnaire for the water right listed under Weeg Family Farms LLLP.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 8342-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath  
Water Rights Program  
605 773-3352  
[Genny.mcmath@state.sd.us](mailto:Genny.mcmath@state.sd.us)

c: Donald Weeg, Weeg Family Farms LLLP, 4504 W 12<sup>th</sup>, Sioux Falls SD 57107