

WATER PERMIT NO. 8343-3

Name of Applicant: Logue Partnership

Address: 30565 455th Ave, Volin SD 57072

Phone: 605 661-2493

Amount of Water Claimed: no additional

Total Acres: 18

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: 1 mile east of Volin

PRIORITY

Date Received: 3-29-18

Application/License Fee: \$ 500

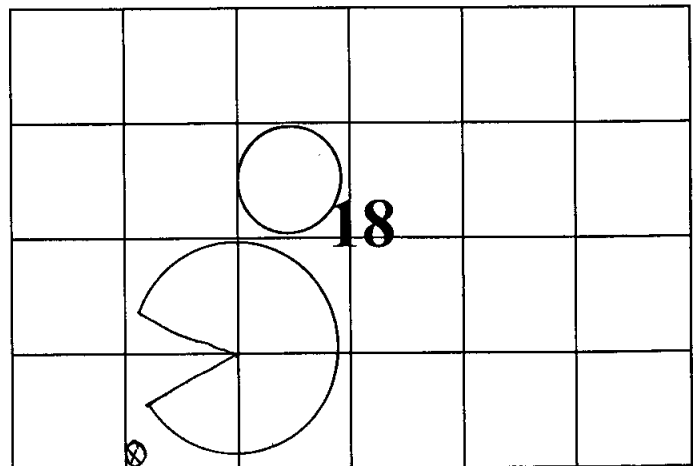
Corrected Application Received:

Period of Annual Use: May 1 – September 1

Remarks: Additional acres to Water Permit No. 7091-3

Diversion Point: SW 1/4 SW 1/4 Sec 18-T94N-
R53W

Land to be Irrigated: SW 1/4, SE 1/4 NW 1/4 Sec
18-T94N-R53W



Depth of Well: 128 feet

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: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

RECEIVED

MAR 29 2018

**WATER RIGHTS
PROGRAM**

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8343-3</u>	(office use only) Hydrologic Unit <u>18170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Plain Talk, Vermillion</u>	
	<u>Press & Dakotan, Yankton</u>	

Application For Permit To Appropriate Water For Irrigation

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

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

additional 18 acres of irrigation to reflect the development of the irrigation system under Water Permit
No. 7091-3

1. Name to Appear on Irrigation Permit Logue Partnership c/o Thomas Logue

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

Mailing Address 30565 455th Avenue Volin SD 57072
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605 661 2493 Email aklogue@yahoo.com

2. Amount of water claimed no addl *CFS or 800 **GPM ***AF Total Acreage 18
(*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 SW 1/4 SW 1/4 Section 18-T94N-R53W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
County Clay

5. County or counties where water will be used Clay

6. Annual period during which water is to be used May 1- September 1

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
inclusive of WP No. 7091-3 and this application			
NW 1/4 SW 1/4 Sec 18-T94N-R53W	25	NE 1/4 SW 1/4 Sec 18-T94N-R53W	34
SW 1/4 SW 1/4 Sec 18-T94N-R53W	27	SE 1/4 SW 1/4 Sec 18-T94N-R53W	33
SE 1/4 NW 1/4 Sec 18-T94N-R53W	37		

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

Water Permit No. 7092-3 authorizing irrigation of 138 acres. A licensing investigation found the system as developed capable of irrigating 156 acres. This necessitates this application for the additional 18 acres being irrigated.

I, Thomas Logue Logue Partnership by Tom Logue 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. 8343-3**

Date of first receipt of application March 29, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8343-3 to Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin SD 57072 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. 8343-3 authorizes irrigation of 18 additional acres. Water Permit No. 7091-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Lower James:Missouri Aquifer (158 feet deep) located in the SW 1/4 SW 1/4 Section 18 for irrigation of 138 acres located in the SW 1/4, SE 1/4 NW 1/4 Section 18; all in T94N-R53W. An investigation of the permit found the system irrigating an additional 18 acres located within the area described above which is located approximately 1 mile east of Volin SD. This permit and Water Permit No. 7091-3 will authorize a total of 1.61 cfs for irrigation of 156 acres to reflect the system as developed.
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 – September 1.
3. The date from which applicant may claim right is March 29, 2018 (18 additional acres).
4. The date of approval of Permit No. 8343-3 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. 7091-3 and 8343-3 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 10 2018
date



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8343-3

(1) Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin SD 57072 made Application No. 8343-3, March 29, 2018 for a water permit to irrigate 18 additional acres in Clay County, South Dakota. Permit No. 8343-3, 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. 7091-3, with a priority date of January 16, 2009, authorizes 1.78 cubic feet of water per second to irrigate 138 acres. The applicable portions of No. 7091-3 are incorporated into No. 8343-3.

(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. 8343-3 is issued a license, bearing priority dates of January 16, 2009 (138 acres) and March 29, 2018 (18 acres) to appropriate 1.61 cubic feet of water per second from one well-Lower James:Missouri Aquifer to irrigate 156 acres.

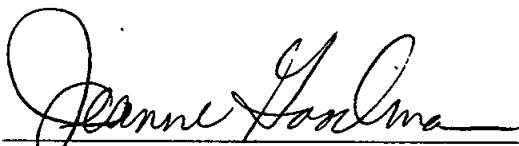
The diversion point is located: 120 feet east and 60 feet north from the SW corner of Section 18-T94N-R53W (SW 1/4 SW 1/4). The acres authorized for irrigation are as follows:

Section 18-T94N-R53W	NW 1/4 SW 1/4	25 acres
	SW 1/4 SW 1/4	27 acres
	NE 1/4 SW 1/4	34 acres
SE 1/4 NW 1/4	SE 1/4 SW 1/4	33 acres
37 acres		

Total 156 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 8343-3 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, June 22, 2009. 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 10 2018
date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7091-3

I have this day, November 5, 2016, made a thorough examination of the water use system constructed by Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin, SD 57072 of Permit No. 7091-3, bearing the priority of January 16, 2009 authorizing the diversion of 1.78 cu. ft. per second of the waters of Lower James:Missouri Aquifer for irrigation purposes, of 138 acres, in Clay County.

Inspection contact & relationship to permit holder, if applicable: **Thomas & Donny Logue, Logue Partnership, permit holder**

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) 158 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 128 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 30 feet
- 3) Static water level 107 feet

Pump:

- 1) Make Grundfos
- 2) Model 625S 400-2a
- 3) Capacity 725 GPM

Motor:

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

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

- 1) Type PVC 2) Size 8 inches 3) Length 3830 feet

Comments: See map for approximate location.

C. Works used to apply water to beneficial use:

Center pivot (SW ¼ Sec 18-T94N-R53W):

- 1) Make Valley 8000
2) Overall length 1298 feet
3) Number of towers 7
4) End gun Yes
5) Capacity 725 GPM

Center pivot (SE ¼ NW ¼ Sec 18-T94N-R53W):

- 1) Make Valley 7000
2) Overall length 678 feet
3) Number of towers 4
4) End gun Yes
5) Capacity 450 GPM

Comments: System is set up so that only one center pivot can be operated at a time.
Water Permit 7091-3 appropriated 1.78 cfs or 800 gpm, however only 1.61 cfs or 725 gpm was developed.

Chemigation Equipment:

- 1) Does chemigate Yes
2) Main line check valve Yes
3) Inspection port/air relief Yes
4) Low pressure drain Yes
5) Discharge is 20' from source Yes
6) Interlock type electrical
7) Injection pump type piston
8) Injection check valve Yes
9) Injection line check valve or positive displacement pump Yes

Comments: Permit holder was not chemigating at time of inspection, but provided the above answers to questions asked. Permit holder indicated he uses chemigation primarily to apply liquid nitrogen to corn crop. A copy of the chemigation rules and Appendix A were reviewed and provided to the permit holder.

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 2009.
- 3) Exceptions to compliance are: Water Permit No. 7091-3 was issued to irrigate 138 acres in SW ¼ & SE ¼ NW ¼ Sec 18-T94N-R53W, however 156 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 120', North 60' from SW Corner of Sec 18-T94N-R53W; Lat 42.95322/Long -97.16031; SW ¼ SW ¼ Sec 18-T94N-R53W.
2. The works are capable of diverting and conveying to the place of use 1.61 cfs or 725 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 18-T94N-R53W.

<u>NW ¼ SW ¼ - 25 ac</u>	<u>NE ¼ SW ¼ - 34 ac</u>
<u>SW ¼ SW ¼ - 27 ac</u>	<u>SE ¼ SW ¼ - 33 ac</u>
<u>SE ¼ NW ¼ - 37 ac</u>	

comprising a total of 156 acres of land and the license should be issued for 1.61 cfs or 725 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.

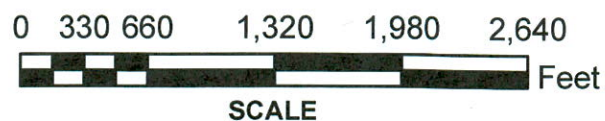
Water Permit No. 7091-3 was issued to irrigate 138 acres in SW ¼ & SE ¼ NW ¼ Sec 18-T94N-R53W, however 156 acres are actually irrigated.

Harold Holoch

Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: December 4, 2017

7091-3



Harold Holoch
Harold Holoch, PE
Staff Engineer
June 21, 2017

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 3, 20 18

RECEIVED OF Thomas or Angela Logue 30565 455th Ave Volin, SD 57072

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

Fee for Application for Permit No. <u>8343-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	500 00

No. **08641**

By

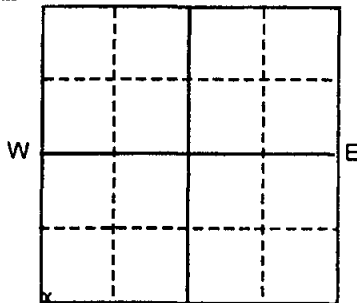
Jeanne Goodman
Chief Engineer
JMG

7091-3
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location sw ¼ sw ¼ Sec 18 Twp 94n Rg 53wCounty clay

North

Please mark well
location with an "X"

Well Completion Date

6/22/09

1 Mile

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

1,400.0 ft. from septic tank

(Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	128.0 FT	22.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bent grt	30	9.5 Lb/gal	0.0 Ft	122.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 16.00 Inches Length 30.0 FeetMaterial pvcSlot Size .060 Set From 128.0 Feet to 158.0 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? hth tablets☐ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: Don LogueBusiness Name: Logue PartnershipAddress: 30674 Bluff RoadCity, State, Zip: Volin SD 57072

WELL LOG:

DEPTH

FORMATION	FROM	TO
Clay, brown, silty, pebbly, till	0	16
Clay, gray, silty, pebbly, till	16	128
gravel, medium, w/ coarse sand	128	160
Shale, dk gray	160	163

STATIC WATER LEVEL 107.0 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: air lift development☒ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JAN 29 2010

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 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:



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 11, 2018

Thomas Logue
Logue Partnership
30565 455th Avenue
Volin SD 57072

Dear Mr. Logue:

Logue Partnership holds Water Permit No. 7091-3 authorizing diversion from a well completed into the Lower James:Missouri aquifer to irrigate 138 acres in the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18-T94N-R53W in Clay County. The standard on-site investigation conducted to determine the level of development found 156 acres being irrigated. That is 18 acres more than authorized by the water permit issued in June 2009. This will require obtaining a water permit for the additional acres. Attached is a partially completed water permit application.

Based on the original application submitted in 2009, the acreage breakdown reflected only 27 acres being irrigated in each quarter-quarter section in the SW $\frac{1}{4}$ and 30 acres to be irrigated in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of this section. More acres are being irrigated in all these areas except the W $\frac{1}{2}$ SW $\frac{1}{4}$ where the pivot cannot make full rotation due to the farm place. See attached the original application and the map prepared that represent the irrigation coverage as developed.

Please review the partially completed application and if in agreement sign and submit along with the \$500 application filing fee in the self-addressed stamped envelope. Also included is a blank application if you believe changes are necessary. Once the application is received, it will be reviewed and will need to be public noticed. DENR will walk you through the public notice process once a recommendation is made on the application.

If you have any questions or do not believe the map showing the system's configuration accurately reflects what is in the field, please do not hesitate to contact me.

Sincerely

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 14, 2018

Thomas Logue
Logue Partnership
30565 455th Ave
Volin SD 57072

Dear Mr. Logue:

On January 11, 2018, you were sent applications forms for a permit to appropriate water based on an investigation of Water Permit No. 7091-3, by Harold Holoch, an engineer with this office. Enclosed is a copy of that letter. The investigation showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response regarding this application.

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

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

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

Sincerely,

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

enclosures



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. 8343-3, Logue Partnership**

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. 8343-3, Logue Partnership, c/o Thomas Logue, 30565 455th Avenue, Volin SD 57072.

The Chief Engineer is recommending APPROVAL of Application No. 8343-3 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. 7091-3 and 8343-3 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. 8343-3

For Logue Partnership, % Thomas Logue

May 29, 2018

Logue Partnership, % Thomas Logue, has filed an application for a water permit to irrigate 18 additional acres to an existing water permit. Water Permit No. 7091-3 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 (163 feet deep) located in the SW¼ SW¼ Section 18 for irrigation of 138 acres located in the SW¼, SE¼ NW¼ Section 18; all in T94N-R53W which is approximately one mile east of the town of Volin in Clay County, South Dakota. This water permit application is a result of a licensing inspection conducted for Water Permit No. 7091-3 pursuant to South Dakota Codified Law (SDCL) 46-5-30. The investigation found the system capable of irrigating 18 additional acres located within the area described above. This application does not authorize any increase to the diversion rate authorized by Water Permit No. 7091-3. This water permit application, if approved, combined with Water Permit No. 7091-3 will authorize a total of 1.78 cfs for irrigation of 156 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. 7091-3 documents clay from ground surface to 128 feet below grade, coarse sand and gravel from 128 feet to 160 feet below grade and shale from 160 feet to 163 feet below grade. At the time of well completion, the static water level within the well was 107 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).

Year	Permits Reporting	Appropriation (acre-feet/year)	Pumpage Reported (acre-feet/year)
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
Max	127	37695.24	13058.45
Min	22	9440.10	230.44
Avg.	55	18196.50	2835.03

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 18 acres would increase the estimated average annual use by approximately 15 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 eight miles of this application. Hydrographs for the observation wells are shown in Figures 1-4.

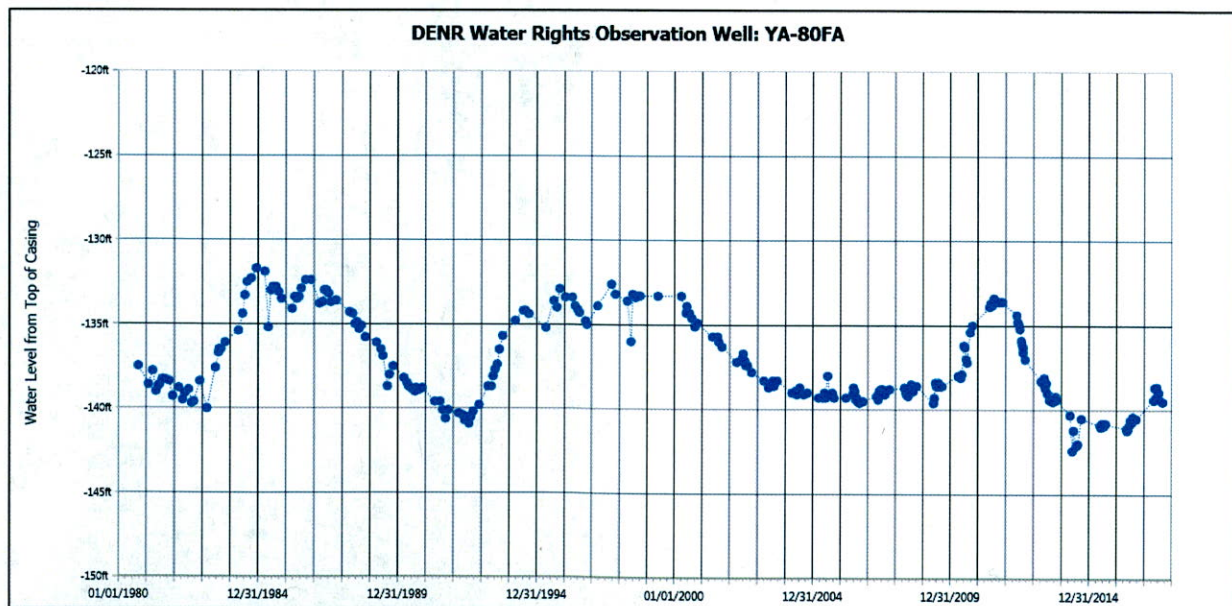


Figure 1. Hydrograph of observation well YA-80FA which is completed into the Lower James Missouri aquifer located approximately 7½ miles northwest of this application (Water Rights, 2018a).

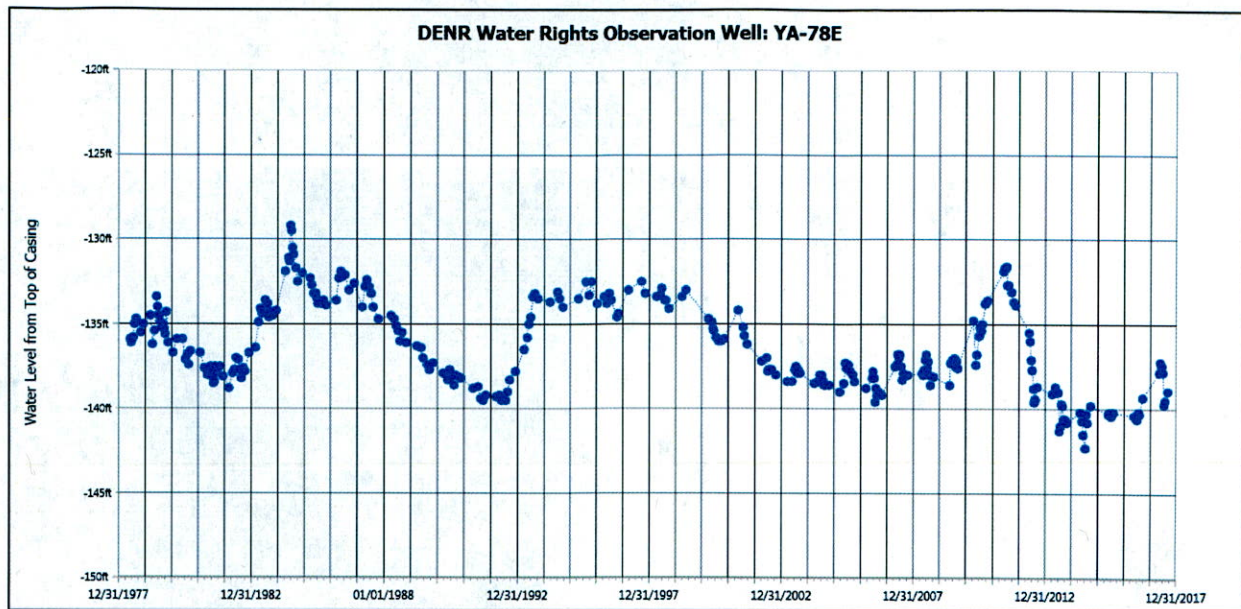


Figure 2. Hydrograph of observation well YA-78E which is completed into the Lower James Missouri aquifer located approximately 7 miles northwest of this application (Water Rights, 2018a).

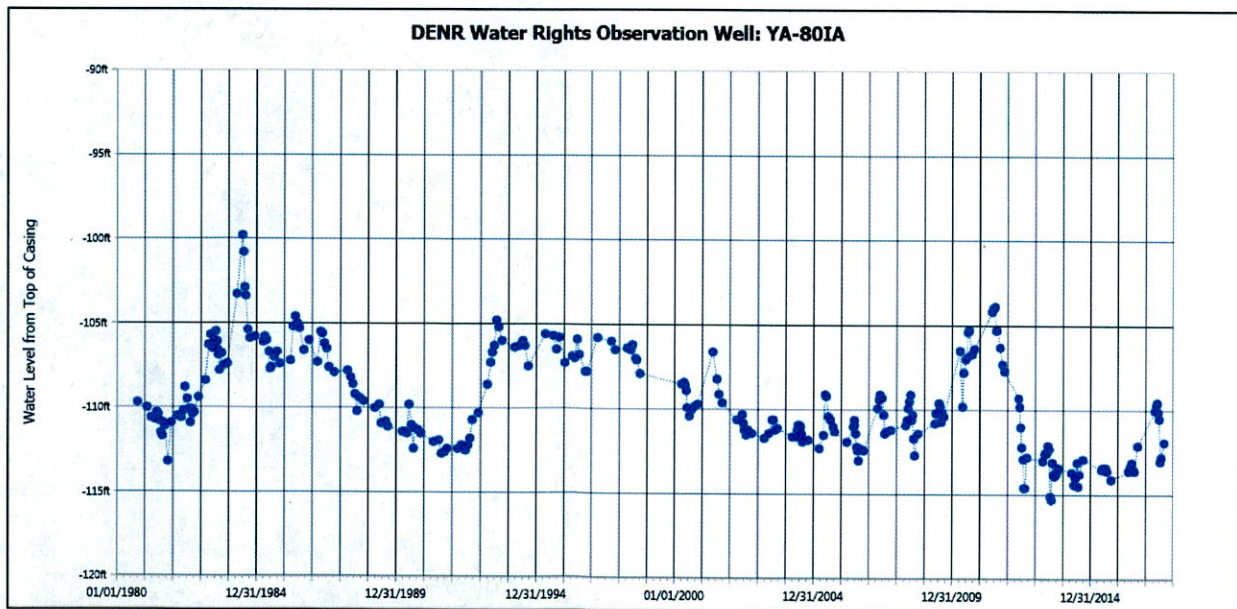


Figure 3. Hydrograph of observation well YA-801A which is completed into the Lower James Missouri aquifer located approximately 6½ mile west of this application (Water Rights, 2018a).

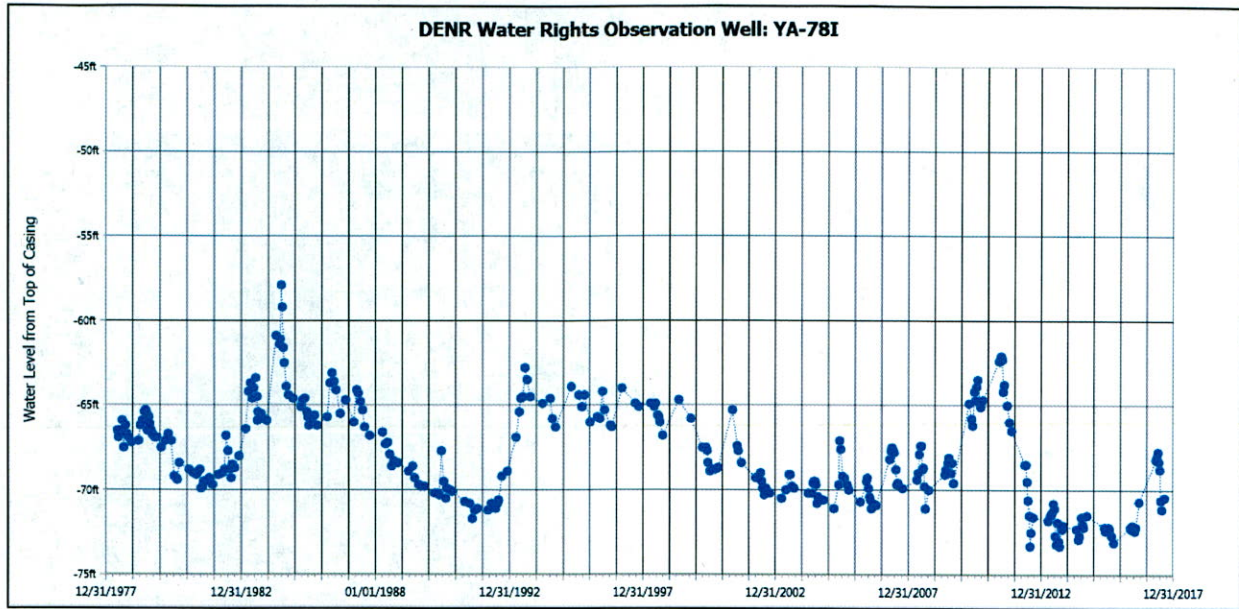


Figure 4. Hydrograph of observation well YA-78I which is completed into the Lower James Missouri aquifer located approximately 6 miles southwest of this application (Water Rights, 2018a).

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. 8343-3 (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
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
6915-3	SMITH	PE	IRR	1.78	70
6919-3	SMITH	LC	IRR	2.00	327
6937A-3	MORMAN	PE	IRR	1.78	135
6942-3	JOHNSON	PE	IRR	4.44	315
6974-3	GUSTAD	PE	IRR	1.56	140
7008A-3	HANSON	PE	IRR	1.78	160
7014-3	SMITH	PE	IRR	2.00	76
7138-3	NELSON FARMS INC	PE	IRR	2.22	240
7586-3	THREE SISTERS FARMS	PE	IRR	1.78	150
7819-3	SCHENK	LC	IRR	1.78	70
7824-3	SMITH	PE	IRR	0.00	56
7972-3	NELSON AG HOLDINGS LLC	PE	IRR	1.89	140
8021-3	CUTTS	PE	IRR	1.78	96
8233-3	SVENDSEN	PE	IRR	0.00	140

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

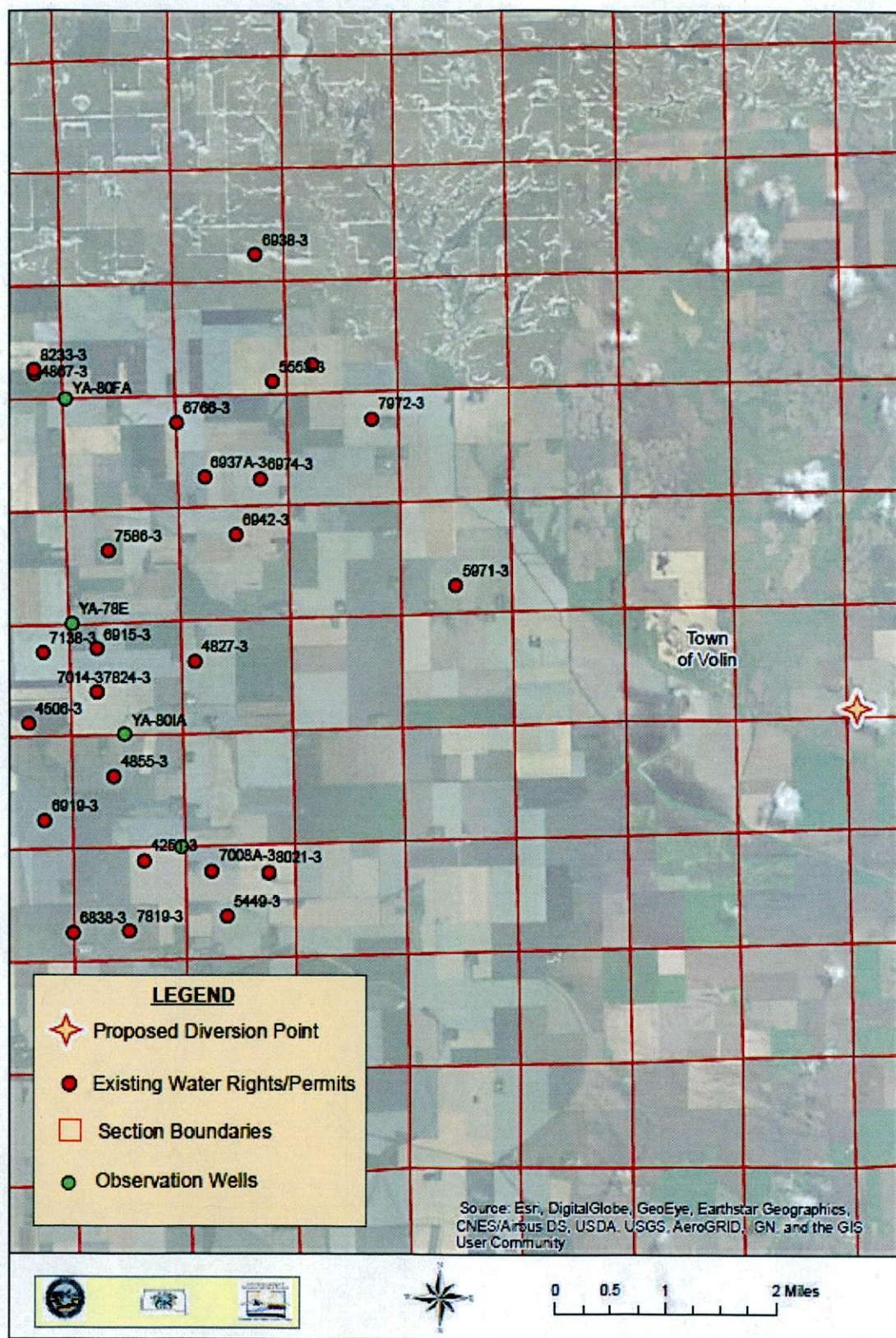


Figure 5. Approximate location of diversion points for water rights/permits appropriating water from the Lower James Missouri aquifer in the vicinity of Water Permit Application No. 8343-3 (Water Rights, 2018a&b).

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:

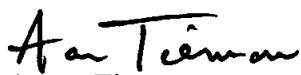
"a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near as possible to the bottom of 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. 8343-3, if approved, combined with Water Permit No. 7091-3 will authorize a total of 1.78 cfs from the Lower James Missouri aquifer for irrigation of 156 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.

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YANKTON DAILY PRESS AND DAKOTAN

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JUN 20 2018

WATER RIGHTS
PROGRAM

LOGUE PARTNERSHIP
30565 455TH AVE
VOLIN SD 57072

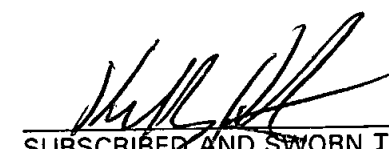
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

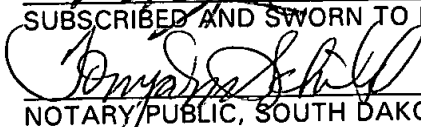
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
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PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
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. 8343-3 to Appropriate Water

Notice is given that Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin SD 57072 has filed an application for a water permit to irrigate 18 additional acres. Water Permit No. 7091-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Lower James:Missouri Aquifer (128 feet deep) located in the SW 1/4 SW 1/4 Section 18 for irrigation of 138 acres located in the SW 1/4, SE 1/4 NW 1/4 Section 18; all in T94N-R53W. An investigation of the permit found the system irrigating an additional 18 acres located within the area described above which is located approximately 1 mile east of Volin SD. This application, if approved, and Water Permit No. 7091-3 will authorize a total of 1.61 cfs for irrigation of 156 acres to reflect the system as developed.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8343-3 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.

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PLAIN TALK

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JUN 20 2018
WATER RIGHTS
PROGRAM

LOGUE PARTNERSHIP
30565 455TH AVE
VOLIN SD 57072

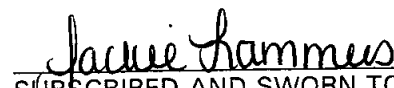
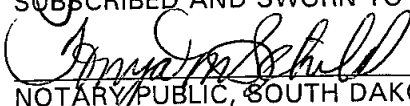
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Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of \$29.25.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 04, 2018 1:13 PM
To: 'Tera Schmidt'
Subject: 8343-3, Logue Partnership
Attachments: 8343-3public.short.docx; FORM8.FRM.doc

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

Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin SD 57072 (605 661-2493) 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

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Sent: Monday, June 04, 2018 1:13 PM
To: classifieds@plaintalk.net
Subject: 8343-3, Logue Partnership
Attachments: 8343-3public.short.docx; FORM8.FRM.doc

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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.**

June 4, 2018

Logue Partnership
c/o Thomas Logue
30565 455th Ave
Volin SD 57072

Dear Mr. Logue:

Water Permit Application No. 8343-3 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. 8343-3 to Appropriate Water

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182

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JUL 10 2018

8343-3
7091-3

Logue Partnership
c/o Thomas Logue
30565 455th Ave
Volin SD 57072

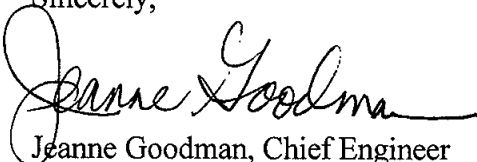
Dear Mr. Logue:

Enclosed are Water Permit and License No. 8343-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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

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

Sincerely,


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

Note: The applicable portions of No. 7091-3 are incorporated into Water License No. 8343-3.

enclosures



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

January 19, 2024

NOTICE

TO: LOGUE PARTNERSHIP, DON LOGUE, 30674 BLUFF RD, VOLIN, SD 57072

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7374-3, 7634-3, 8343-3 & 8627-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 7374-3, 7634-3, 8343-3 & 8627-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 7374-3, 7634-3, 8343-3 & 8627-3 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 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QDZUNR**

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.