

WATER PERMIT NO. 8351-3

Name of Applicant: Boyd Reimnitz

Address: 407 N Main St, Mitchell SD 57301

Phone: 605 999-5636

Amount of Water Claimed: 1.5 cfs

Total Acres: 65

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System:

Location: 1/2 mile northwest of Elk Point

PRIORITY

Date Received: 4-19-18

Application/License Fee: \$ 950

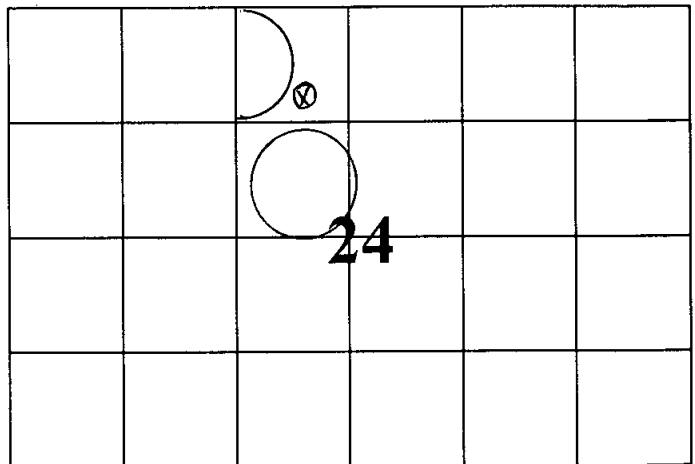
Corrected Application Received: 4-26-18

Period of Annual Use: April 1 – October 31

Remarks: Requesting diversion rate greater than statutory limit

Diversion Point: NE 1/4 NW 1/4 Sec 24-T91N-
R50W

Land to be Irrigated: E 1/2 NW 1/4, SW 1/4 NE
1/4 Sec 24-T91N-R50W



Depth of Well: 150 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 4-26-18

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8351-3**

Date of first receipt of application April 19, 2018.

Date of return to applicant for corrections, amendments or changes April 20, 2018.

Date of receipt of corrected application April 26, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8351-3 to Boyd Reimnitz, 407 N Main St, Mitchell SD 57301 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. 8351-3 appropriates 1.5 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 150 feet deep) located in the NE 1/4 NW 1/4 Section 24 for irrigation of 65 acres located in the E 1/2 NW 1/4, SW 1/4 NE 1/4 Section 24; all in T91N-R50W which is approximately 1/2 mile northwest of Elk Point SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is April 19, 2018.
4. The date of approval of Permit No. 8351-3 is July 16, 2018.
5. One-fifth of the construction is to be completed on or before January 16, 2021.
6. All construction is to be completed on or before July 16, 2023.
7. Water is to be put to beneficial use on or before July 16, 2027.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Permit No. 8351-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8351-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8351-3 authorizes a maximum diversion rate of 1.5 cfs for the irrigation of 65 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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 20 2018

date



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APR 26 2018

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APR 19 2018

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Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8351-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Leader-Courier, Elk Point</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.)

1. Name to Appear on Irrigation Permit Boyd Reimnitz

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

Mailing Address 723 E Ash Ave Mitchell SD 57301
(Address) (City) (State) (Zip Code)

Phone _____ Mobile (605)999-5636 Email bareimnitz@hotmail.com

2. Amount of water claimed 1.5 *CFS or 675 **GPM ***AF Total Acreage 65
(*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 Vermillion-Missouri; Elkpoint Unit

4. Location of point of diversion One well in NE 1/4 NW 1/4 Section 24 T-91-N R-50-W

(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used April 1st through October 31st

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

Land Description	Acres	Land Description	Acres
NE 1/4 NW 1/4 Section 24 T-91-N R-50-W	25		
SE 1/4 NW 1/4 Section 24 T-91-N R-50-W	38		
SW 1/4 NE 1/4 Section 24 T-91-N R-50-W	2		

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

Request diversion rate at above statutory limit because soil type and windshield wipe center pivot.

I, Boyd Reimnitz OWNER, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Supplemental Information

(type or print)

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

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

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

For either Existing or Proposed Wells:

c) Well Depth (**required**) 150 Depth to Top of Water Bearing Material 70 Depth to Water from Surface 20

d) Distance to nearest domestic well on applicant's property n/a Property owned by others 2000 feet

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

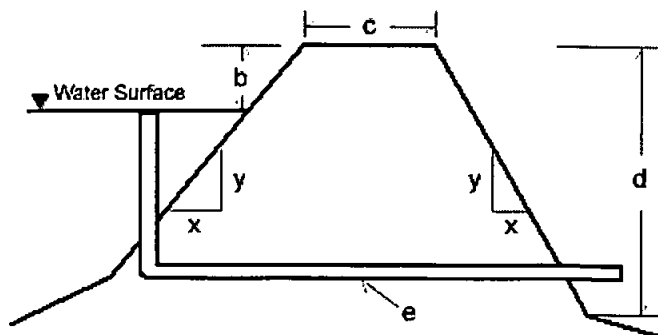
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

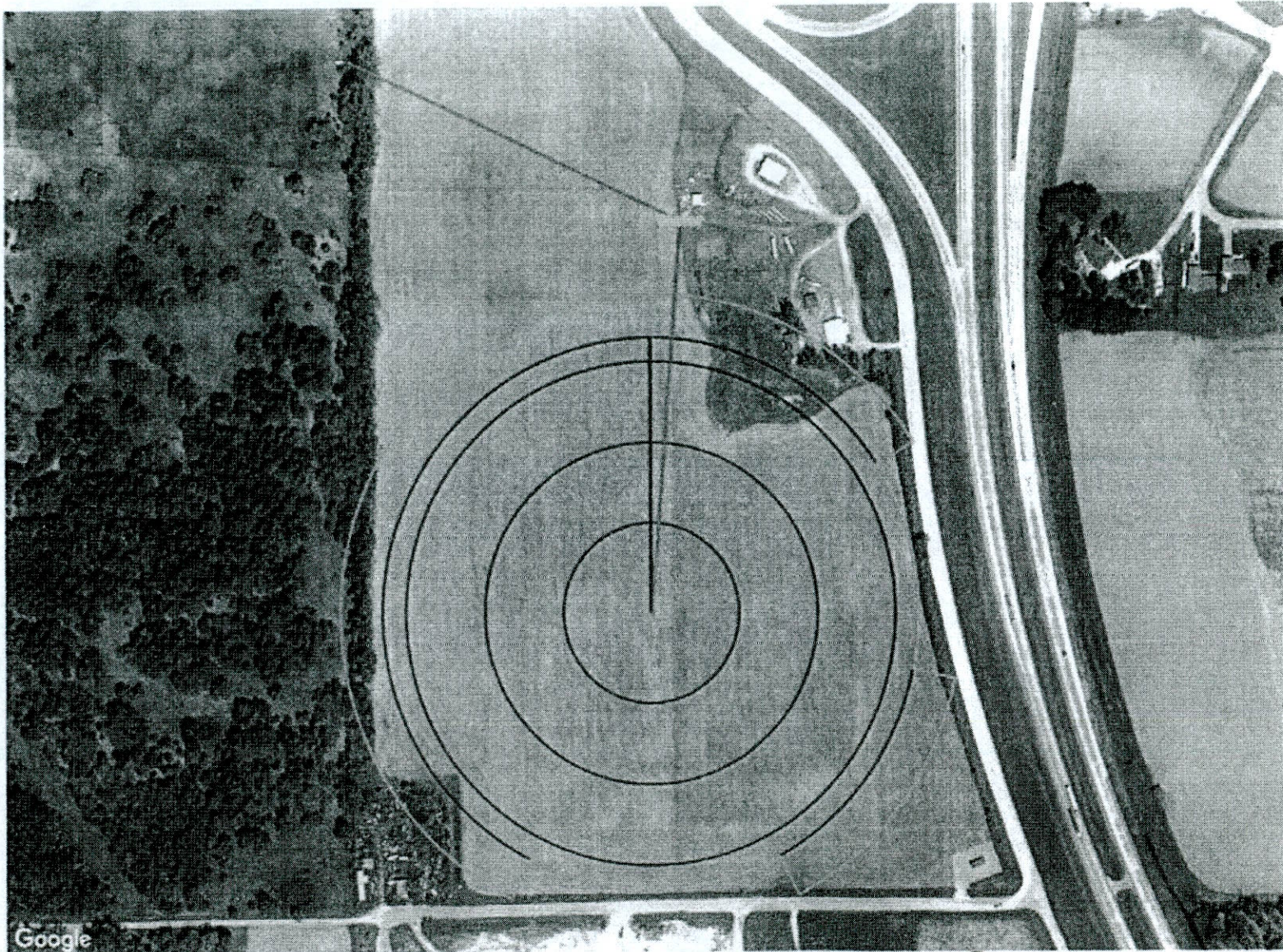
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



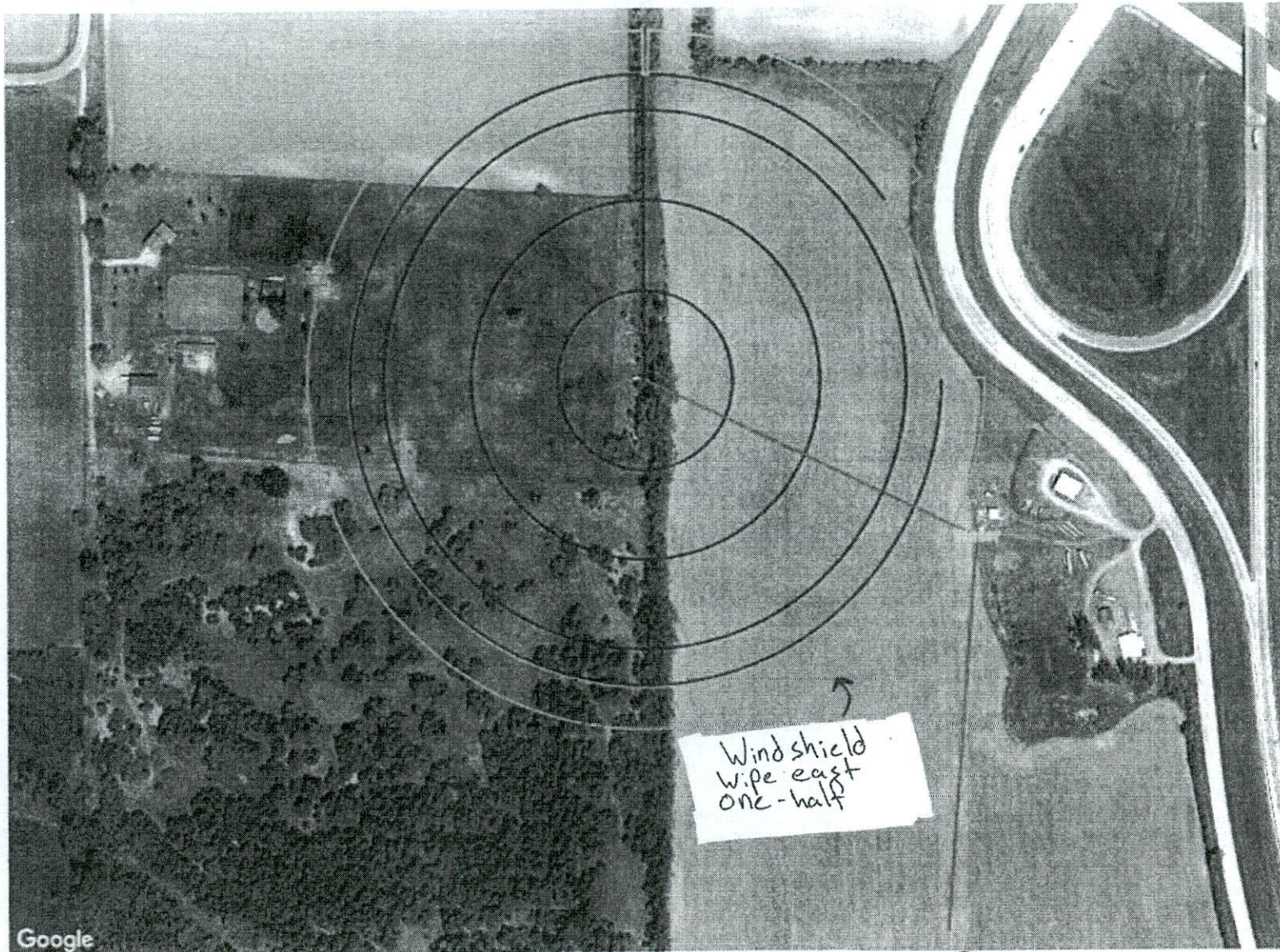


Boyd Palmer - Boyd Palmer - 2000
Vacant Home - Boyd Palmer - Neighbors' Version
Map Summary Report - Boyd Palmer - South EP



Rick Hammered CP68272

Heine Electric & Irrigation - 307 S Robinson Ave, Hartington, NE, 68739, UNITED STATES



Rickel Channel CP6 8272

Boyd Reimnitz

Legend

-  Diversion Point
-  Elk Point
-  Pivot Track
-  Section 24 T91N R50W

Diversion Point

24

Elk Point

Google Earth

© 2018 Google

Richard H. Hammond
CPG 8272

2000 ft



Boyd Reimnitz

Legend

- 📌 Diversion Point
- Elk Point
- ⋈ Pivot Track
- ▭ Section 24 T91N R50W

Diversion Point

Google Earth

© 2006 Google

24,1000 ft



Public & Domestic CPG 827-11

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fax 515-573-1717

▲ mason city
iowa 50401

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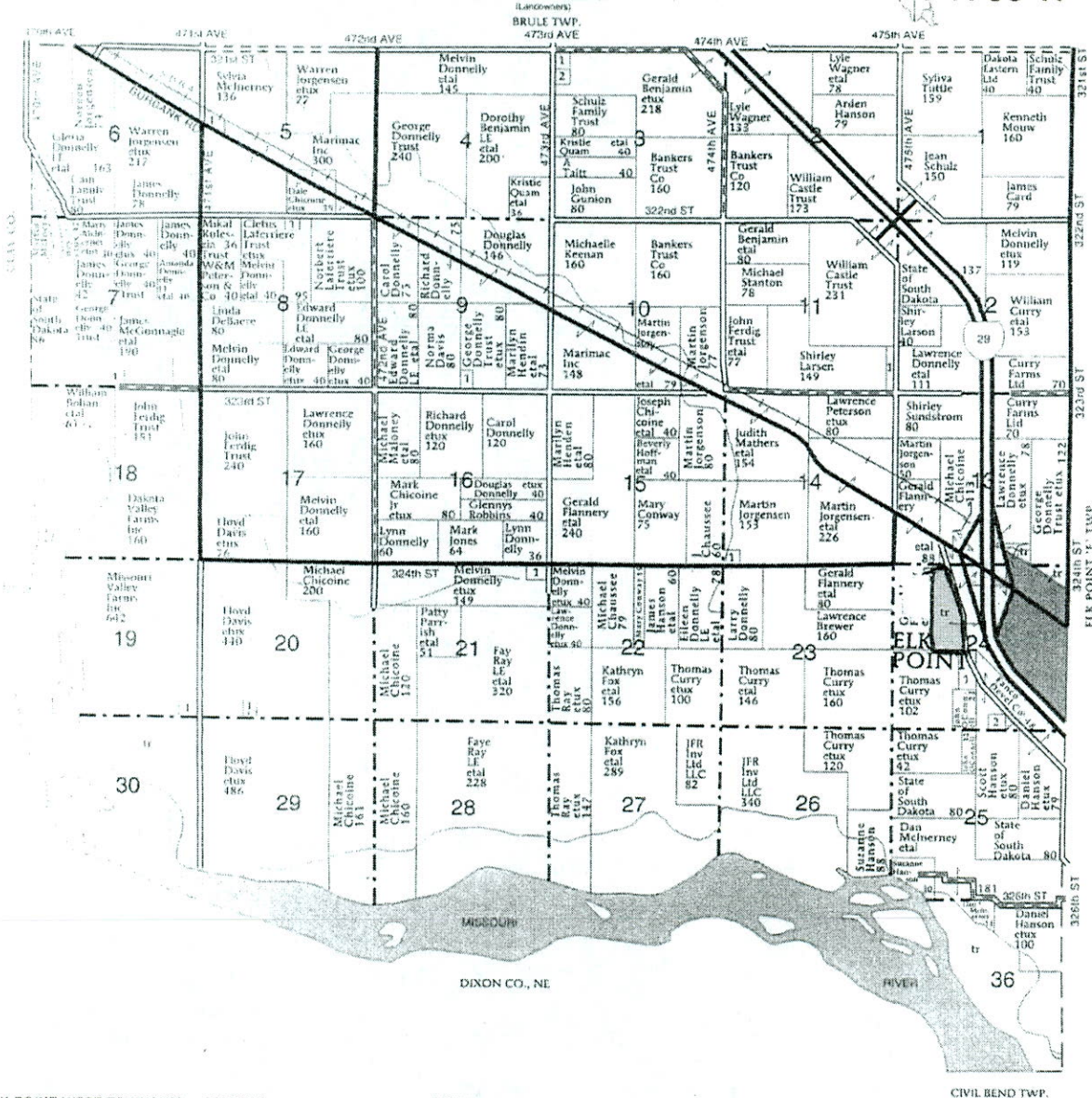
▲ webster city
iowa 50595

633 2nd st.
515-832-1744 • 800-728-1744
fax 515-832-2118

T-91-N

ELK POINT WEST PLAT

R-50-W



ELK POINT WEST TOWNSHIP

SECTION 3
Labruene, John S
Daniel Trust, Amy S
SECTION 5
McInerney, Craig 10

SECTION 7

1. McGonnagle, Robert 10

SECTION 8

1. Kiose, Joseph 5

SECTION 9

1. Johnson, Ryan 5

SECTION 11

1. Geary, Shawn 7

SECTION 14

1. Donnelly, Larry B

SECTION 19

1. Turner, Merton 6

SECTION 20

1. Curry, William 5

SECTION 21

1. Donnelly, Melvin 11

SECTION 24

1. Curry, Thomas 15

2. Hanson, Daniel 15

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

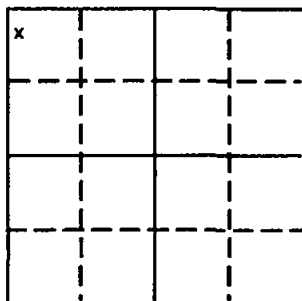
Location nw $\frac{1}{4}$ nw $\frac{1}{4}$ Sec 24 Twp 91n Rg 50wCounty
Union

North

Please mark well
location with an "X"

W

E



Well Completion Date

6/12/2008

1 Mile

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

? 105.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct rotary (heat loops)

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	0.75 IN	6.0 FT	185.0 FT	4.50 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
portland cement grout	8	9.5 Lb/gal	6.0 Ft	185.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material NA

Slot Size _____ Set From _____ Feet to _____ Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____☐ No, Why Not? _____Lab sample sent to for
water quality analysisWell Owner: Suzanne Steinbrecher

Business Name:

Address: P.O. box 89City, State, Zip: Elk Point SD 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, brown, sandy	0	5
Sand, fine, silty	5	67
Gravel, fine, sandy	67	144
Shale, gray	144	185

STATIC WATER LEVEL

_____ 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? NA

WELL TEST DATA:

☐ Pumped Describe: NA☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

4 heat loops

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This 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:

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APR 19 2018

Date: 12/04/08WATER RIGHTS
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2-2-09

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 26, 20 18

RECEIVED OF Reimnitz Rentals 407 N Main St Mitchell, SD 57301

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

Fee for Application for Permit No. <u>8351-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8351-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) TOTAL	950	00

No. 08660

By

Jeanne Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 20, 2018

Boyd Reimnitz
407 N Main St
Mitchell SD 57301

Dear Mr. Reimnitz:

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

- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please outline the acres to be irrigated and mark the proposed well location with an "X".
- Item No. 2 on the application states total acres as 93. The acres listed on Item No. 7 total 65. Please make the necessary changes. The acreage amount needs to coincide with what you outline on the aerial map.
- The application/license filing fee to irrigate 60 – 120 acres is \$950.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
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>

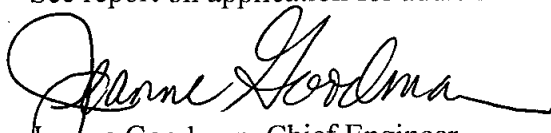
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8351-3, Boyd Reimnitz**

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. 8351-3, Boyd Reimnitz, 407 N Main Street, Mitchell SD 57301.

The Chief Engineer is recommending APPROVAL of Application No 8351-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Permit No. 8351-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8351-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8351-3 authorizes a maximum diversion rate of 1.5 cfs for the irrigation of 65 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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 27, 2018

REPORT TO THE CHIEF ENGINEER

Water Permit Application No. 8351-3

Boyd Reimnitz

June 21, 2018

Water Permit Application No. 8351-3 proposes to appropriate water for irrigation of 65 acres at a maximum diversion rate of 1.5 cubic feet per second (cfs) from one well. The proposed well is to be completed into the Missouri: Elk Point aquifer with an approximate depth of 150 feet and located in NE ¼ NW ¼ Section 24 T91N-R50W. The acres to be irrigated are located in the E ½ NW ¼, SW ¼ NE ¼ Section 24 T91N-R50W. This application is located approximately ½ mile northwest of Elk Point, SD in Union County. The applicant is requesting a diversion rate greater than the statutory limit.

AQUIFER: Missouri: Elk Point (M:EP)

HYDROGEOLOGY

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

Hydrologically, the Elk Point management unit can be found under both confined and unconfined conditions. Near the edge of the floodplain, the Missouri: Elk Point is overlain by relatively impermeable glacial till (Niehus, 1994; Stephens, 1967). A nearby test hole shows that the aquifer at this location is comprised of gravel from approximately 70 to 145 feet below ground surface, overlain with layers of fine and silty sand to silt (Water Rights, 2018b). The static water level in this test hole was not recorded; however the applicant states the depth to water being approximately 20 feet. The glacial outwash deposits in this area are variable, so the area surrounding a well may be technically confined by being overlain by a layer of clay, however the clay deposit may not be laterally extensive and the aquifer generally behaves as an unconfined aquifer.

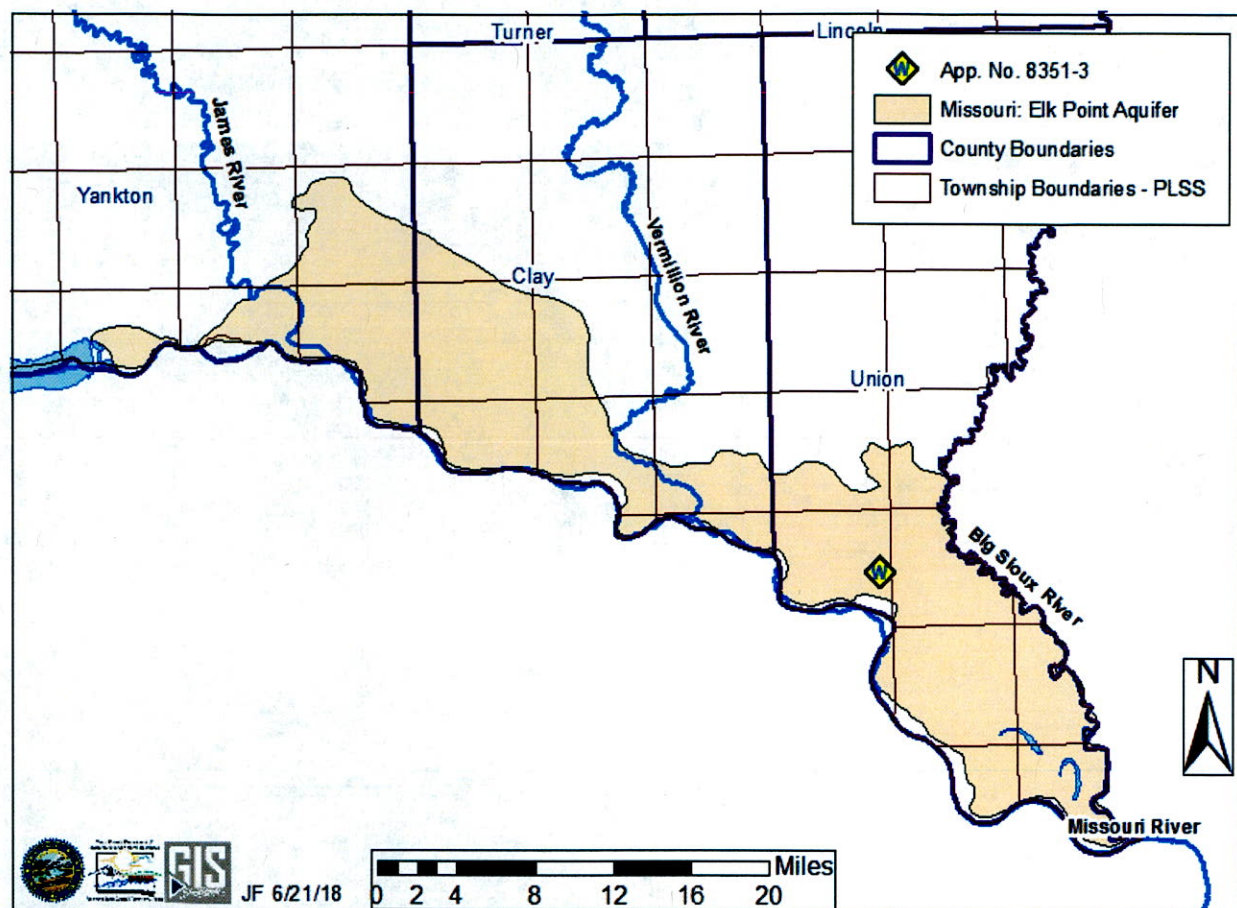


Figure 1. Map showing the location of the proposed diversion and Missouri: Elk Point aquifer boundaries as shown from Hedges et al. (1982).

South Dakota Codified Law 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights within the Missouri: Elk Point aquifer.

WATER AVAILABILITY

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older than or stratigraphically lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not take into consideration the balance of aquifer recharge and withdrawal. Here, the water source is not older or lower than the Greenhorn Formation and a water distribution system is not involved. Therefore, the balance of withdrawal and recharge must be considered.

Hydrologic Budget

Recharge

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

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

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

Discharge

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

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

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

Several of the non-irrigation water rights/permits are required to report their annual water use from the Missouri: Elk Point aquifer. Two of these are recent permits and their systems are considered to be in development. The remaining water rights/permits and their reported water usage from 2006 to 2017 are shown in Table 2.

Table 2: Reported annual water use in acre-feet from non-irrigation water rights/permits for the years 2006 to 2017 (Water Rights, 2018a)

	Clay RWS	Lewis & Clark RWS	City of Vermillion
	5998A-3, 7388-3	6736-3, 7207-3	147-3, 6236-3
2006	170		1,252
2007	217		1,344
2008	213		1,199
2009	215		1,140
2010	183		1,071
2011	137	92	1,127
2012	525	3,836	1,317
2013	301	9,368	1,183
2014	307	11,532	1,121
2015	278	15,591	1,161
2016	231	17,091	1,175
2017	276	18,051	1,215
Max	525	18,051	1,344
Min	137	92	1,071
Average	254.4	10,794.4	1,192

The reported usage for these non-irrigation permits shows that the usage for the City of Vermillion has remained steady over these years. Water Right No. 147-3 has a diversion rate of 2.66 cfs and Water Right No. 6236-3 is limited to an annual volume of 1,161 ac-ft. Combined, these two water rights are estimated to use 2,315 ac-ft/yr, however the average actual reported usage is 1,192 ac-ft/yr. The Clay RWS added Water Permit No. 7388-3 to their system in 2012, so the expected usage from their permits is greater than the average shown. The Lewis & Clark RWS is still under development and the usage will continue to grow. Using the average actual reported use from the City of Vermillion, instead of the appropriated amount, reduces the expected use from non-irrigation water rights/permits by 1,123 ac-ft/yr to 65,698.84 ac-ft/yr.

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

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

In 2016, there was a total of 80,279.54 acres permitted for irrigation. Between the 2016 irrigation season and June 2018, a total of 12 permits for irrigation have been approved with a total of 979 permitted acres. The total permitted acres for irrigation is 81,358.54 acres. Applying the average application rate of 0.35 ft on the permitted acres results in an estimated average annual use for irrigation purposes of 28,475 acre-feet per year.

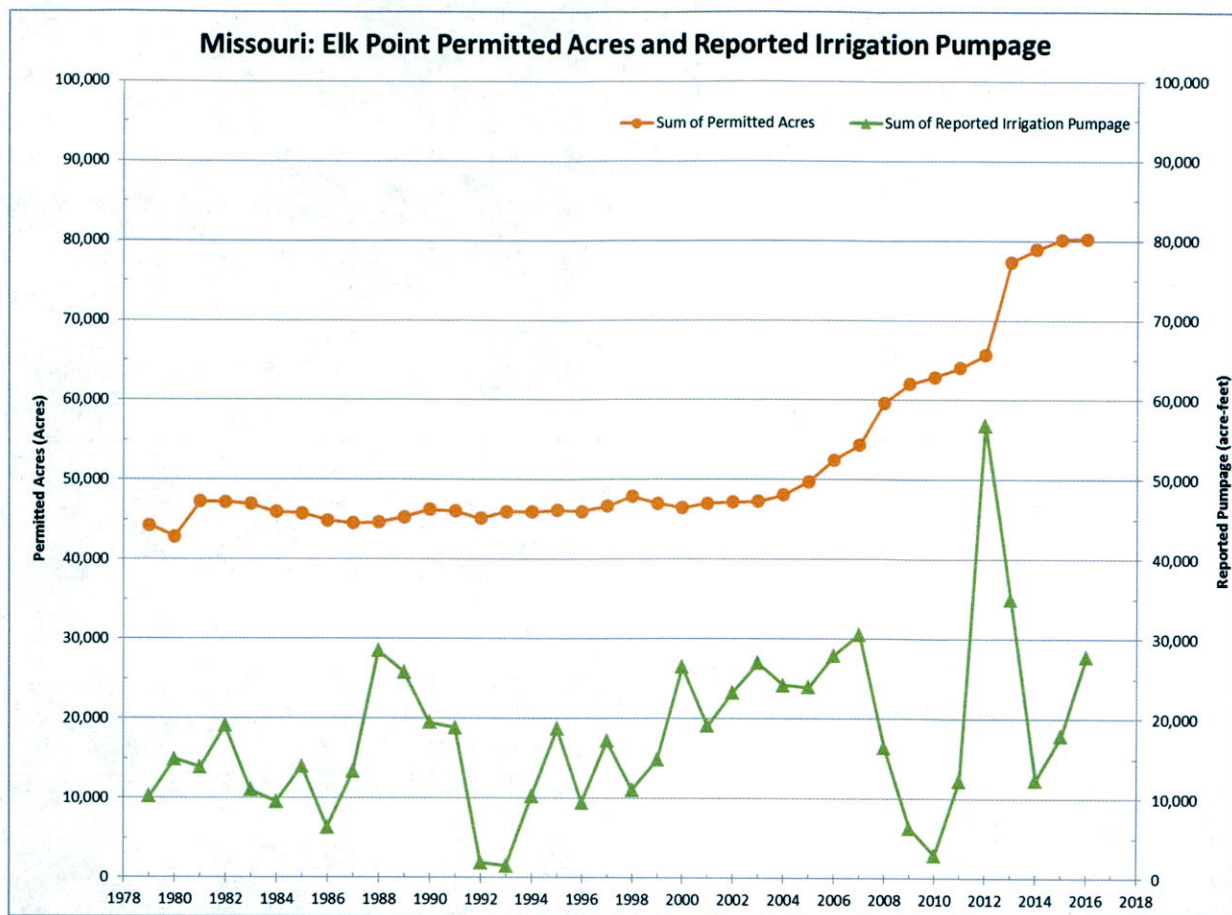


Figure 2: Acres permitted for irrigation and reported irrigation pumpage (taken from Farmer, 2018)

Hydrologic Budget

The estimated withdrawals from the Missouri: Elk Point aquifer are 65,698.84 ac-ft/yr from non-irrigation users, and 28,475 ac-ft/yr from irrigation. Including an an estimated 22.75 ac-ft/yr from this application, the estimated average annual withdrawal from the Missouri: Elk Point aquifer is 94,196.59 ac-ft/yr.

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

Observation Well Data

In determining the availability of unappropriated water for a permit application Administrative Rule 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated annual recharge.

The Water Rights Program monitors 37 observation wells completed in the Missouri: Elk Point aquifer (Water Rights, 2018c). The nearest observation well is UN-78A, located approximately 1.7 miles south-southeast of the proposed well location. As shown in Figure 3, the location of this application is within a reasonable distance of several other observation wells. By using these other observation wells in this analysis, an idea of how the water table reacts to local pumping and regional climatic conditions can be obtained. The other nearby observation wells that were analyzed include UN-77M (2.0 miles), UN-87G (2.2 miles), UN-77L (2.4 miles), and UN-87H (2.9 miles).

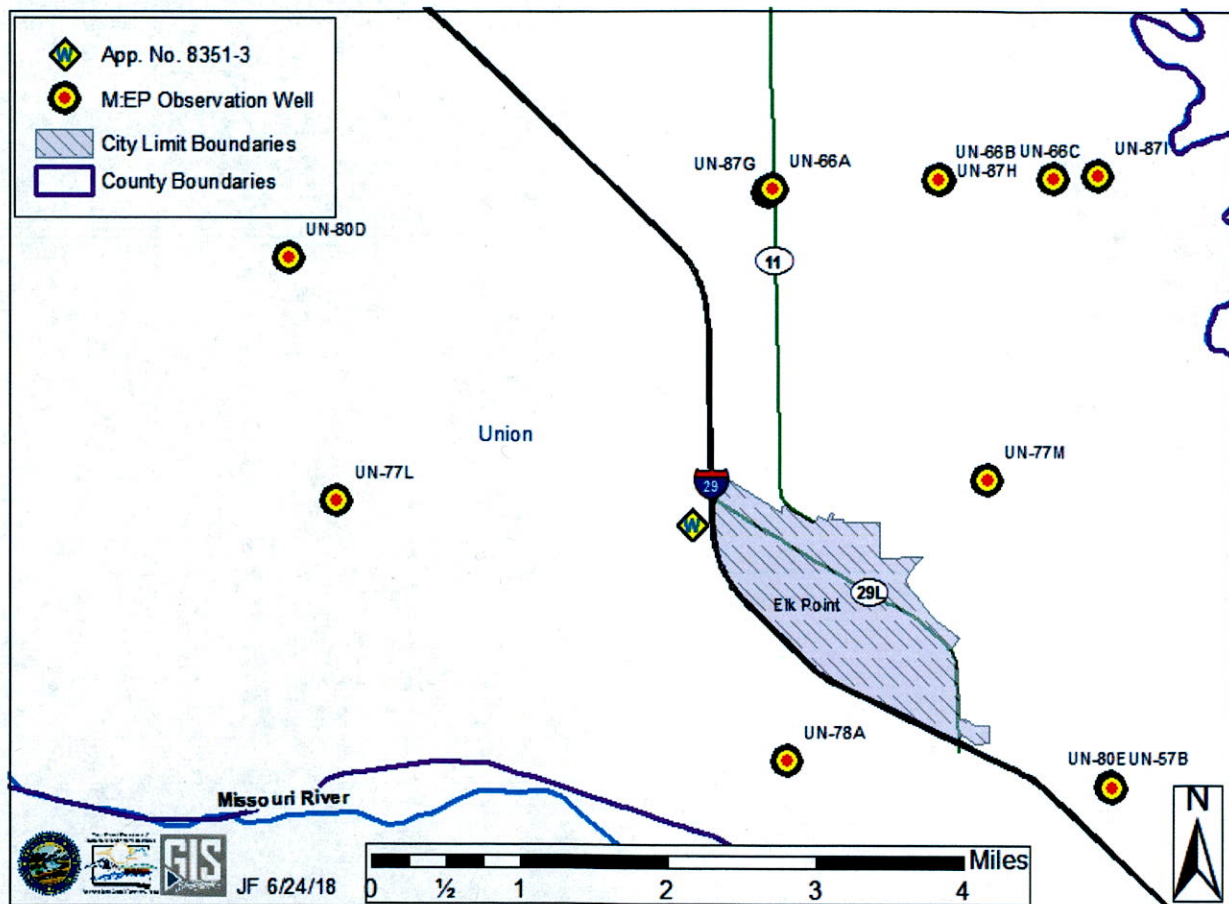


Figure 3. Map showing the location of nearby observation wells in the Missouri: Elk Point aquifer (Water Rights, 2018a; Water Rights, 2018c)

The hydrographs for these observation wells are shown in Figure 4. These observation well hydrographs are representative of the Missouri: Elk Point aquifer. The hydrographs show that the aquifer responds well to hydrologic conditions, recharging during wetter periods and declining during drier periods. The hydrographs of the Missouri River (Figure 5 and 6) generally

show the same peaks, rising periods, and declining periods as the hydrographs of the Missouri: Elk Point aquifer, indicating that the aquifer is hydraulically connected to the Missouri River. Observation wells UN-77M, UN-87G, UN-87H are under locally confined conditions, and the two others shown are under water table conditions. Figure 5 is the hydrograph of the Missouri River at Sioux City, Iowa, approximately 40 miles downstream from the USGS stream gage Missouri River near Maskell, Nebraska (Figure 6), located across the Missouri River from Vermillion, SD. There are slight differences between these hydrographs as the confluences of the Vermillion and Big Sioux Rivers are located between these gages. Due to the availability of information, Figure 5 shows discharge, whereas Figure 6 shows gage height. The peaks on these hydrographs generally do not correspond with local precipitation events, as in the case of the peak in 2011, which was generated from the effects of snowmelt and rainfall far upstream and the controlled release of water from upstream dams. The observation well measurements show that the effects from pumping are temporal, and that the aquifer generally returns to pre-pumping conditions. There is a downward trend in these observation wells due to the construction of the Gavins Point Dam in Yankton, SD, the Missouri River is entrenching below the dam, lowering the water surface elevation of the river (Goodman, 2007; Iles, 1979). Entrenchment of the Missouri River does not reflect the availability of water and the downward trend does not show that the Missouri: Elk Point aquifer is over appropriated. The observation well data indicates that there is a reasonable probability that there is unappropriated water available from the Missouri: Elk Point aquifer.

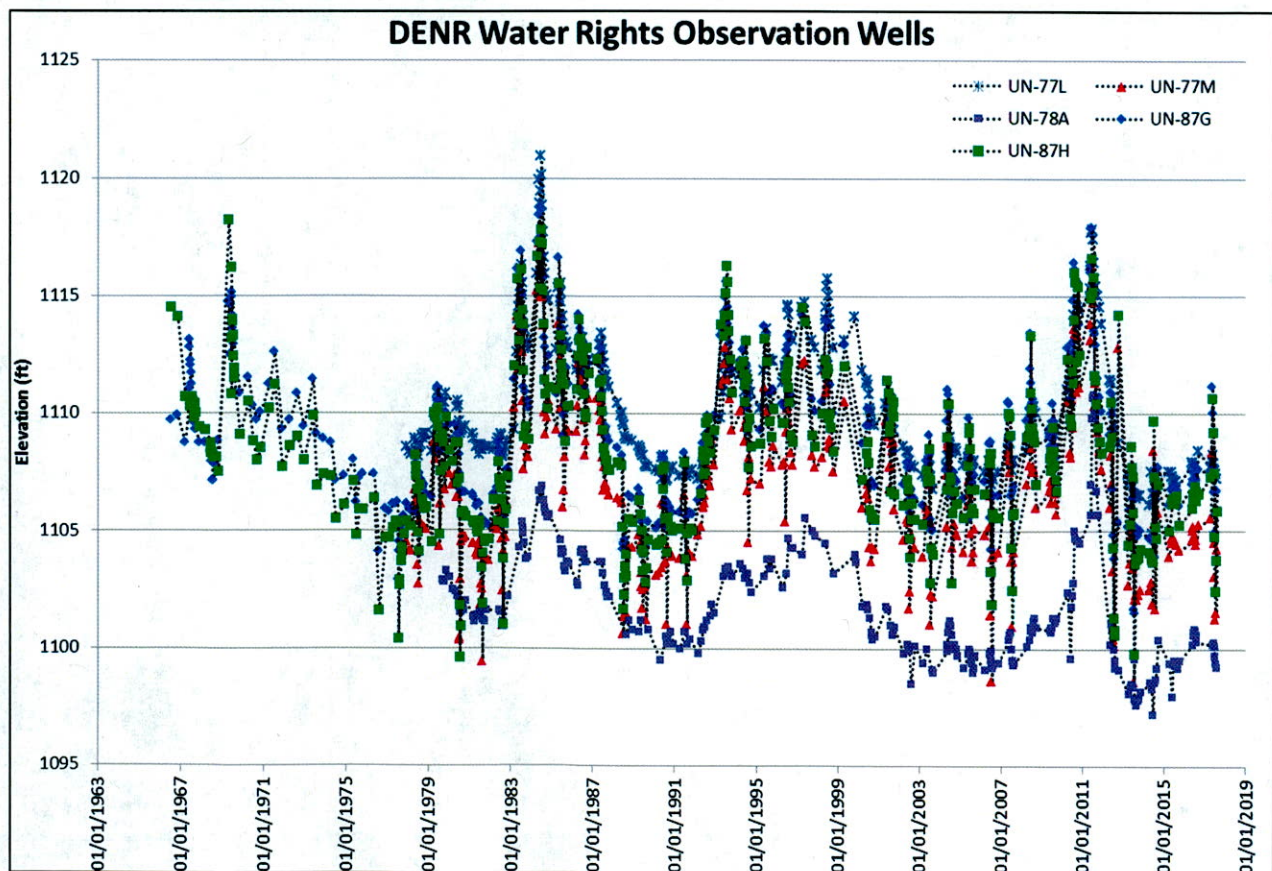


Figure 4: Hydrographs for Observation Wells UN-77L, UN-77M, UN-78A, UN-87G, and UN-87H (Water Rights, 2018c)

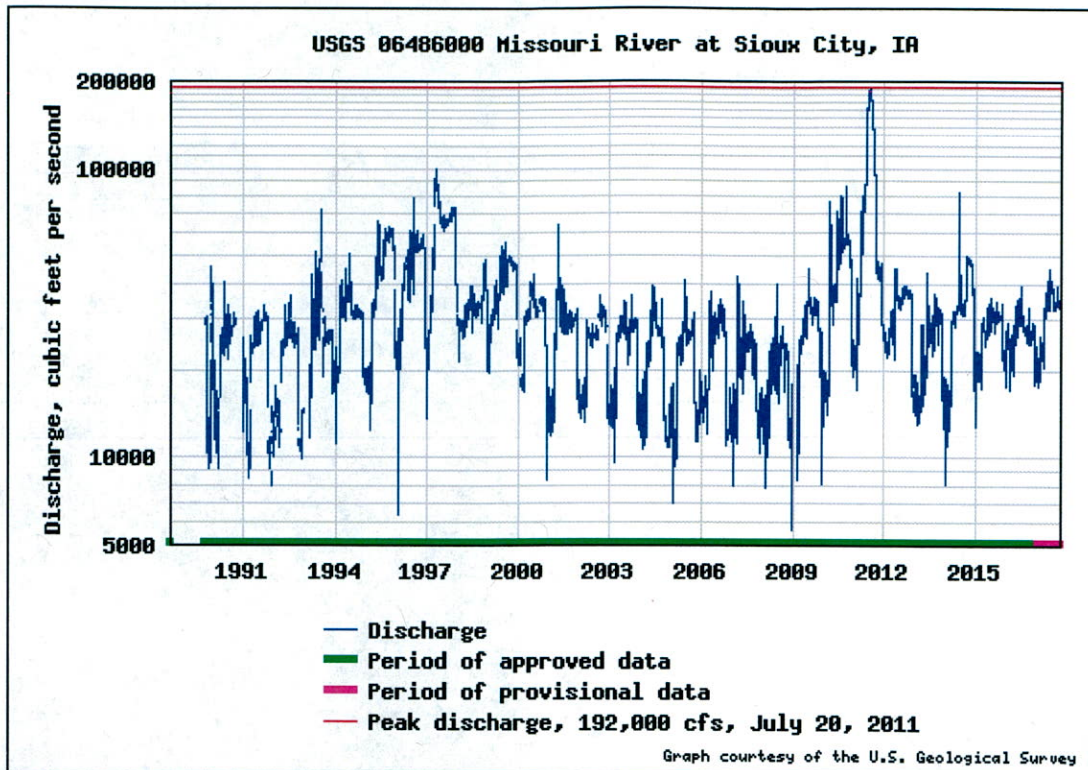


Figure 5: Hydrograph for USGS Stream Gage 06486000 Missouri River at Sioux City, IA (USGS, 2017)

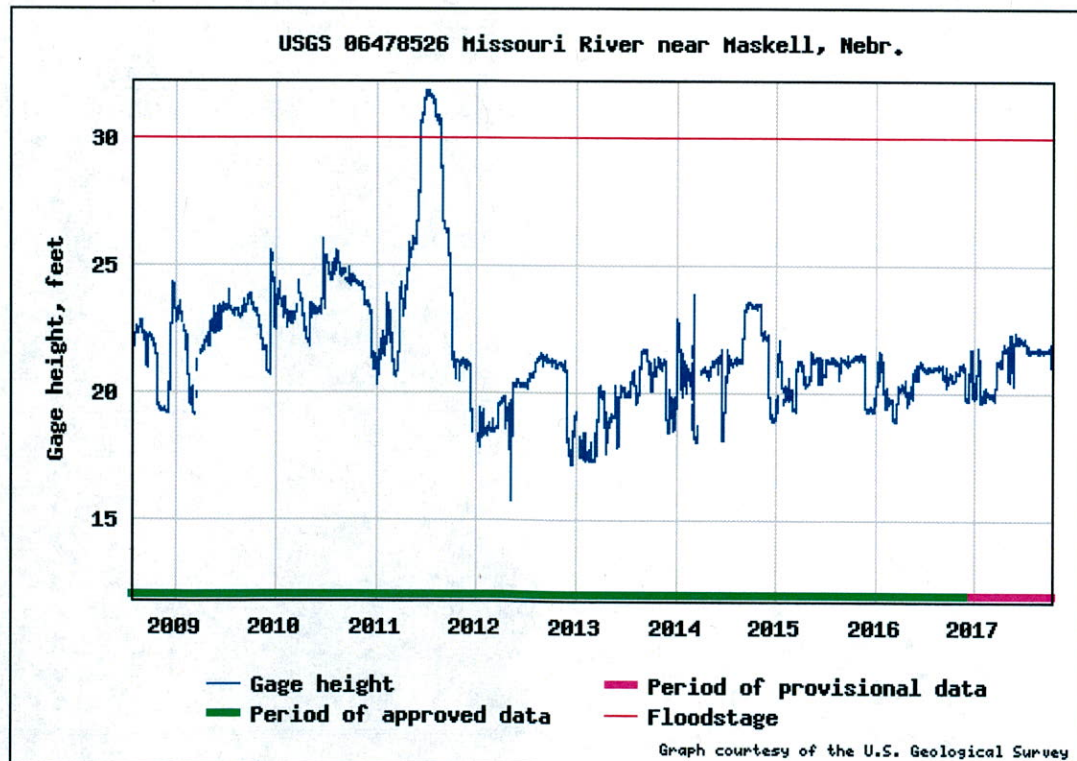


Figure 6: Hydrograph for USGS Stream Gage 06478526 Missouri River near Maskell, NE (USGS, 2017)

EXISTING WATER RIGHTS

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

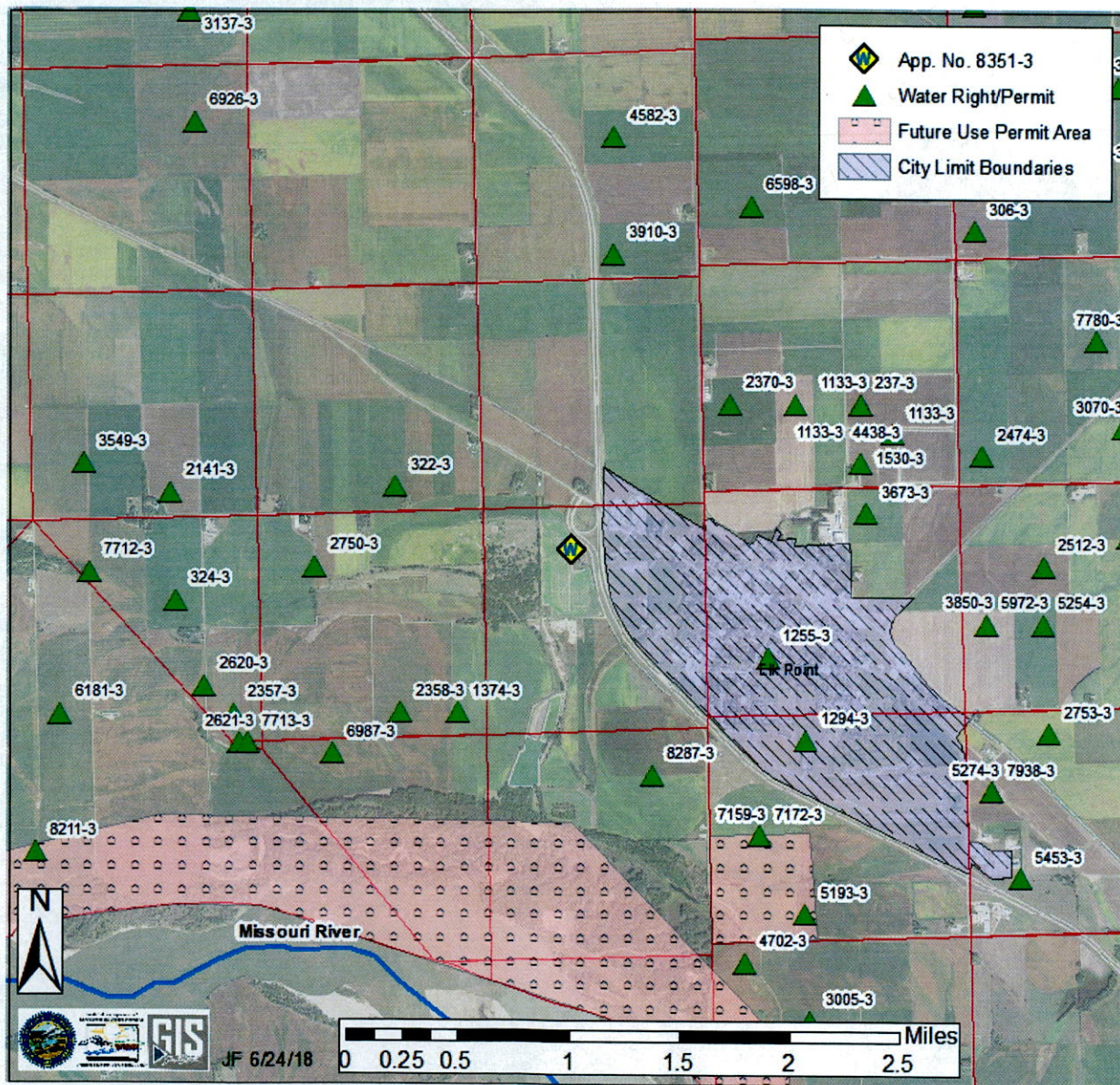


Figure 7: Map of the vicinity of Application No. 8351-3 including Missouri: Elk Point aquifer water rights/permits and future use areas (Water Rights, 2018a)

Drawdown from well withdrawals within the Missouri: Elk Point aquifer is generally not significant at distances far from the pumping well. Examination of the hydrographs of observation wells completed into the Missouri: Elk Point aquifer show no signs of being

significantly impacted by drawdown caused by pumping, despite usually being located within a mile of several irrigation wells. Even though there are a large number of high capacity wells in the Missouri: Elk Point aquifer, there has not been a history of well interference. This application, if approved, is not expected to adversely impact nearby adequate wells.

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

“a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet”.

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

CONCLUSIONS

1. Water Permit Application No. 8351-3 proposes to irrigate 65 acres with a maximum diversion rate of 1.5 cfs from one well to be completed into the Missouri: Elk Point aquifer in Clay County.
2. This application is seeking a diversion rate that exceeds the statutory limit of 1 cfs for every 70 acres. This application is seeking an equivalent rate of 1.62 cfs per 70 acres due to the operational requirements of the irrigation pivots.
3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer.
4. There is a reasonable probability that the diversion proposed by this application will not adversely impact adequate wells for existing water rights and domestic uses.



for John Farmer
SD DENR – Water Rights Program

REFERENCES

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- Water Rights. 2018d. Irrigation Questionnaire Database. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

JUL 09 2018

WATER RIGHTS
PROGRAM

BOYD REIMNITZ
407 N MAIN ST
MITCHELL SD 57301

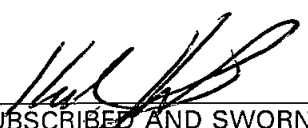
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

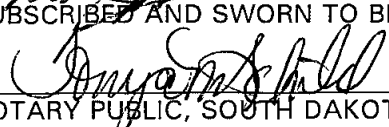
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
7 +5 NOTICE OF APPLICATION

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 5th DAY OF July, 2018
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$27.21 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: 07/05/2018

FILED ON: 07/05/2018


SUBSCRIBED AND SWORN TO BEFORE ME THIS 5th DAY OF July, 2018


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

Ad text : 7+5

NOTICE OF APPLICATION NO. 8351-3 to Appropriate Water

Notice is given that Boyd Reimnitz, 407 N Main St, Mitchell SD 57301 has filed an application for a water permit to appropriate 1.5 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 150 feet deep) located in the NE 1/4 NW 1/4 Section 24 for irrigation of 65 acres located in the E 1/2 NW 1/4, SW 1/4 NE 1/4 Section 24; all in T91N-R50W which is approximately 1/2 mile northwest of Elk Point SD. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8351-3 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 July 16, 2018.

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

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

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of \$27.21.

AFFIDAVIT OF PUBLICATION

State of South Dakota)
:ss
County of Union)

Bruce L. Odson,
the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

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

Water Application No. 8351-3

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

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

on Thursday, the 5 day of July, 2018

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

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

\$ 27.35, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me

this 5 day of July, 2018

My commission expires 7-12-23

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA



Notary Public

NOTICE OF APPLICATION NO. 8351-3 TO APPROPRIATE WATER

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Publish July 5, 2018
Published once at the total approximate cost of \$27.35
27-1-89

RECEIVED

JUL 09 2018

WATER RIGHTS
PROGRAM

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 28, 2018 1:33 PM
To: Jackie Lammers (jackie.lammers@yankton.net)
Subject: 8351-3, Boyd Reimnitz
Attachments: 8351-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 5, 2018.

Boyd Reimnitz, 407 N Main St, Mitchell SD 57301 (605 999-5636) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 28, 2018 1:32 PM
To: G5 (leader1@iw.net)
Subject: 8351-3, Boyd Reimnitz
Attachments: 8351-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 5, 2018.

Boyd Reimnitz, 407 N Main St, Mitchell SD 57301 (605 999-5636) has been notified to contact you to authorize publication and arrange for payment.

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

Karen Schlaak

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

June 28, 2018

Boyd Reimnitz
407 N Main St
Mitchell SD 57301

Dear Mr. Reimnitz:

Water Permit Application No. 8351-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Leader-Courier printed at Elk Point SD (Ph # 605 356-2632) and the Press & Dakotan printed at Yankton SD (Ph # 605 665-7811). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers 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. 8351-3 to Appropriate Water

Notice is given that Boyd Reimnitz, 407 N Main St, Mitchell SD 57301 has filed an application for a water permit to appropriate 1.5 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 150 feet deep) located in the NE 1/4 NW 1/4 Section 24 for irrigation of 65 acres located in the E 1/2 NW 1/4, SW 1/4 NE 1/4 Section 24; all in T91N-R50W which is approximately 1/2 mile northwest of Elk Point SD. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8351-3 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.

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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

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUL 20 2018

Boyd Reimnitz
407 N Main St.
Mitchell SD 57301

Dear Mr. Reimnitz:

Enclosed is Water Permit No. 8351-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

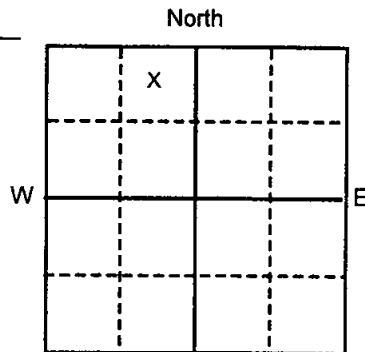
enclosures

8351-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ NW ¼ Sec 24 Twp 91N Rg 50WCounty UNIONPlease mark well
location with an "X"

Well Completion Date

July 25, 2018

1 Mile

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

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well
METHOD OF DRILLING:
BUCKET RIG

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	16.0 FT	30.00 IN
LB/FT	16.00 IN	16.0 FT	72.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
BETONITE	53	9.5 Lb/gal	0.0 Ft	70.0 Ft
		Lb/gal	Ft	per driller Ft

Describe grouting procedure
TREMIE METHOD

AM 11/20/18

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 20.0 FeetMaterial PVCSlot Size .050 Set From 72.0 Feet to 92.0 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 PELLETS
☐ No, Why Not? _____
Lab to which water
quality sample sent for analysisWell Owner: BOYD REIMNITZ

Business Name: _____

Address: 407 N MAIN STCity, State, Zip: MITCHELL SD 57301

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	2
FINE SAND	2	32
STICKY SANDY CLAY/ GRAY	32	39
FINE SAND	39	48
GRAVEL - CLAY MIX	48	50
FINE SAND	50	65
GRAY CLAY	65	69
SAND	69	71
GRAVEL - COARSE SAND	71	92

STATIC WATER LEVEL 5.0 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

60.0 Ft. After 1.0 Hrs. pumped 800.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

ELEVATION: 1120'LONG: 42° 41' 22.75" NLAT: -96° 41' 59.99" WThis well was drilled under license # 810 and this
report is true and accurate.Drilling firm: HEINE ELECTRIC & IRRIGATION, INC.

Signature of License Representative: _____

10-17-18

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

OCT 22 2018

Date: _____

WATER RIGHTS
PROGRAM



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: BOYD REIMNITZ, 407 N MAIN ST, MITCHELL, SD 57301

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8351-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8351-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 8351-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: QIOSIG**

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.



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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 2, 2021

8351-3

Brent J Denker
5 Evergreen Lane
McCook Lake SD 57049

Dear Mr. Denker:

Thank you for visiting with me about Mr. Reimnitz's water permit. Enclosed as we discussed is the 2020 irrigation questionnaire that needs to be completed and returned to us.

I have also included a copy of the permit, so you know what is covered. Going forward, Mr. Reimnitz requested I send the annual questionnaire to you. These forms are mailed to irrigators in October every year and are due back by the first week in December.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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

enclosures

8351-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 2021

8351-3

Boyd Reimnitz
817 N Sanborn
Mitchell SD 57301

Dear Mr. Reimnitz:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire. We received the form from Mr. Denker in today's mail.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Permit No. 8351-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

As you requested, the irrigation questionnaire will be sent directly to Mr. Denker in October each year until you tell us differently. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive.

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

c: Brent J Denker, 5 Evergreen Ln, McCook Lake SD 57049