

WATER PERMIT NO. 8382-3

Name of Applicant: **Mark E Venner Sr**

Address: **28127 200th St, Pierre SD 57501**

Phone: **605 222-0469**

Amount of Water Claimed: **3.33 cfs**

Total Acres: **320 acres**

Source of Water Supply: **Missouri River**

Water to be used for: **irrigation**

County: **Hughes**

Type of Waste Disposal System:

Location: **6 miles northwest of Oahe Dam**

PRIORITY Date Received: **11-27-18**

Application/License Fee: **\$ 1350**

Corrected Application Received:

Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **SW 1/4 NEW 1/4 Sec 30-T112N-R80W**

Land to be Irrigated: **S 1/2 Sec 19-T112N-R80W**

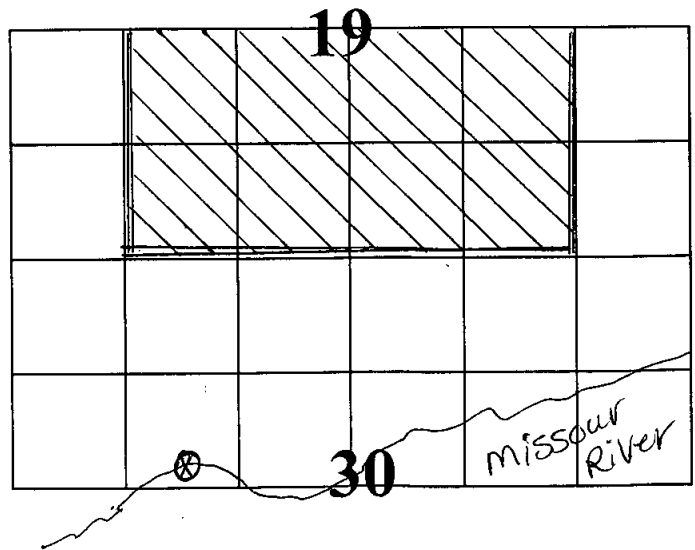
Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**



Reviewed and the Number Assigned on: **11-27-18**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8382-3**

Date of first receipt of application November 27, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8382-3 to Mark E Venner Sr, 28127 200th St, Pierre SD 57501 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. 8382-3 appropriates 3.34 cubic feet of water per second from the Missouri River with the existing diversion point located in the SW 1/4 NW 1/4 Section 30 for irrigation of 320 acres located in the S 1/2 Section 19; all in T112N-R80W. This site is located approximately 6 miles northwest of the Oahe Dam.
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 November 27, 2018.
4. The date of approval of Permit No. 8382-3 is January 14, 2019.
5. One-fifth of the construction is to be completed on or before July 14, 2021.
6. All construction is to be completed on or before January 14, 2023.
7. Water is to be put to beneficial use on or before January 14, 2027.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

JAN 31 2019
date



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

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8382-3</u> (office use only) Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Capital Journal</u>

RECEIVED
NOV 27 2018
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Mark E Venner Sr

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

Mailing Address 28127 200th Street Pierre SD 57501
(Address) (City) (State) (Zip Code)

Phone 605 224-5755 Mobile 605 222-0469 Email VennerFarm@gmail.com

2. Amount of water claimed 3.34 *CFS or 1500 **GPM ***AF Total Acreage 320
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri River - Lake Oahe

4. Location of point of diversion Pump station SW 1/4 NW 1/4 Section 30-T112N-R80W

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hughes

5. County or counties where water will be used Hughes

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

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

Land Description	Acres	Land Description	Acres
NW 1/4 SW 1/4 Section 19-T112N-R80W	40	NW 1/4 SE 1/4 Section 19-T112N-R80W	40
NE 1/4 SW 1/4 Section 19-T112N-R80W	40	NE 1/4 SE 1/4 Section 19-T112N-R80W	40
SW 1/4 SW 1/4 Section 19-T112N-R80W	40	SW 1/4 SE 1/4 Section 19-T112N-R80W	40
SE 1/4 SW 1/4 Section 19-T112N-R80W	40	SE 1/4 SE 1/4 Section 19-T112N-R80W	40

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

I, [Signature], the applicant, certify under
Name of Person Title (if applicable)

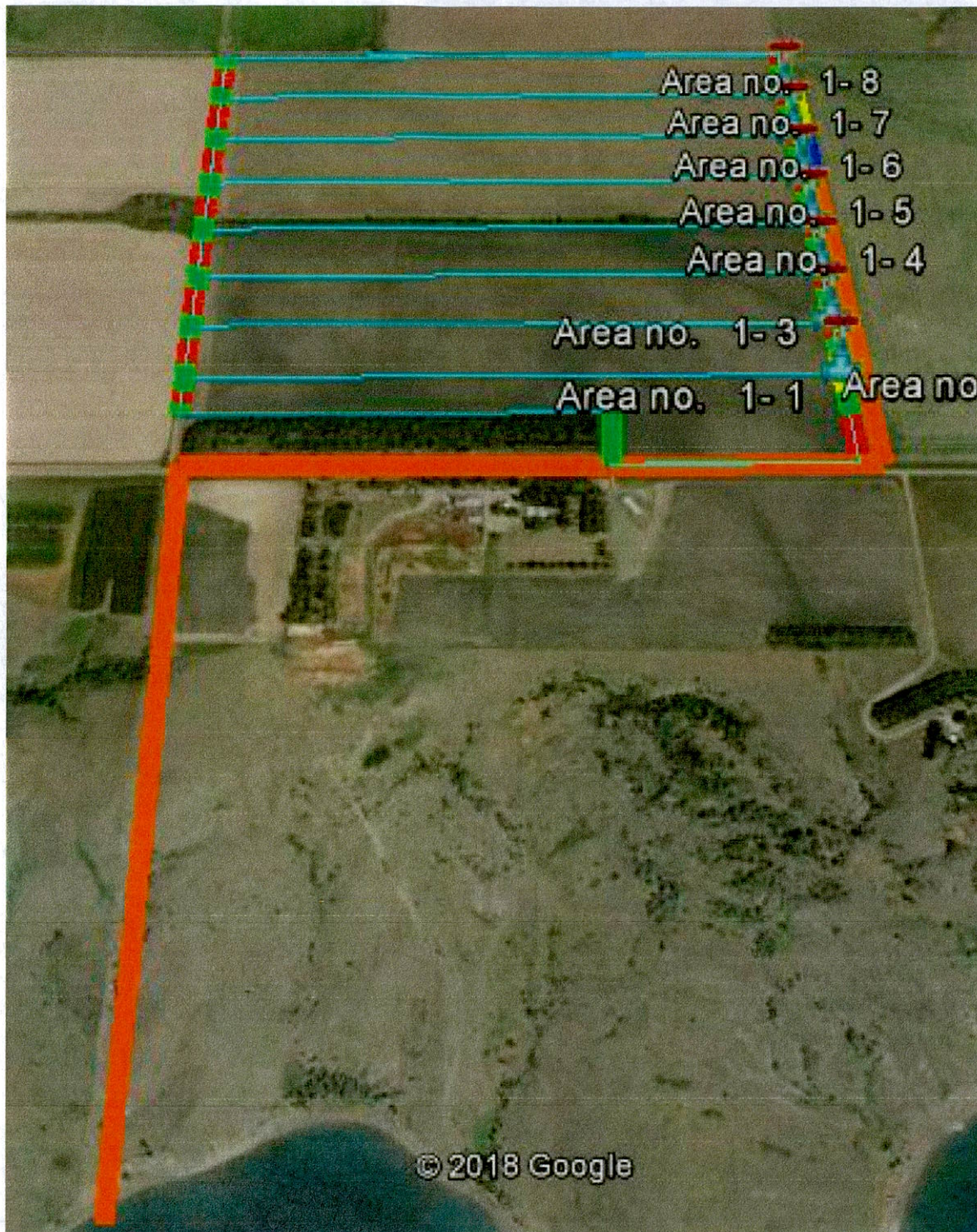
penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Water Permit Application for Mark Venner Sr



Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
March 1, 2018



Area no. 1-8

Area no. 1-7

Area no. 1-6

Area no. 1-5

Area no. 1-4

Area no. 1-3

Area no. 1-1

Area no

2020
28
67.5
64.5
70
25
5
76
74.5
80
40

\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **November 28**, 20 **18**

Venner Farm Mark Venner 28127-200th Street Pierre SD 57501

RECEIVED OF _____

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

Fee for Application for Permit No. <u>8382-3</u> to Appropriate Water, to construct and to put water to beneficial use	1150	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>8382-3</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	1350 00

No. **08820**

By

Jeanne Goodman
Chief Engineer *JGM*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 15, 2018

Mark E Venner Sr
28127 200th St
Pierre SD 57501

Dear Mr. Venner:

On March 1st you submitted an Application for Permit to Appropriate Water for Irrigation of 320 acres. This is just a reminder that we cannot proceed with the application until the application/license filing fee of \$1,350.00 is submitted.

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

Sincerely,

Karen Schlaak

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

3-20-18

Venner called
he said to hold
for now. If he gets
the bank okay, he'll
get back with us.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 13, 2018

Mark E Venner Sr
28127 200th St
Pierre SD 57501

Dear Mr. Venner:

On March 1, 2018, you submitted *an Application for Permit to Appropriate Water Within the State of South Dakota* (copy enclosed). On March 15, 2018, a letter was sent notifying you the application/license filing fee of \$1,350 was required.

Is it your intent to pursue this application?

If the application is withdrawn, this action does not prohibit you from refileing an application in the future.

If you have any questions, please contact me.

Sincerely,

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

enclosure

Venner Farm

RECEIVED

AUG 20 2018

WATER RIGHTS
PROGRAM

15 August 2018

Attention: Karen Schlaak
DENR
Joe Foss Building
523 East Capitol
Pierre, SD

Dear Ms. Schlaak,

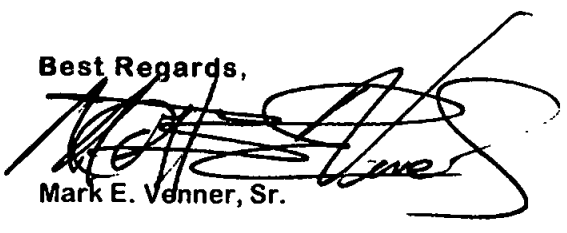
I am in receipt of your letter dated, 13 August 2018. You have good questions and I apologize for our slow progress.

We do intend to pursue the application you refer to in your letter. The subsurface drip irrigation project we are undertaking is turning out to be a very large investment. Various entities continue reviewing our plan. When it came time to stop planning and start farming for this year, we pressed pause. Our initial hope was to have the system installed for this year's crop. It was not to be. Nevertheless, we feel last year's due diligence was not in vain and puts us ahead of the power curve for the 2019 crop year.

As soon as we know for certain this project is a go I will be sending the \$1350 along with the completed application still sitting here on top of my desk.

I also welcome any questions you may have. My cell is 605-222-0469.

Best Regards,



Mark E. Venner, Sr.

PHONE

FAX

WEB

(Street Address) (City) (State) (Postal Code)

(Voice Phone)

(Cell Phone)

(Web Address)



**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. 8382-3, Mark Venner Sr**

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. 8382-3, Mark Venner Sr, 28127 200th Street, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 8382-3 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 qualification:

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
December 19, 2018

REPORT ON WATER PERMIT APPLICATION NO. 8382-3

Mark E. Venner Sr.

December 17, 2018

Application No. 8382-3 proposes to appropriate 3.33 cubic feet of water per second from the Missouri River with the existing diversion point located in the SW 1/4 NW 1/4 Section 30 for irrigation of 320 acres located in the S 1/2 Section 19; all in T112N-R80W. The proposed project is located approximately 6 miles northwest of the Oahe Dam in Hughes County.

Review of the Water Source

The water source for this application is from the natural flows of the Missouri River in the area upstream of Oahe Dam. The U.S. Army Corps of Engineers (USACE) constructed Oahe Dam in the 1950's and 1960's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams, Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point, are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included. Specifically Oahe Reservoir can impound up to 23.4 million acre-feet of water (MAF) when full. Natural flow in an in-stream reservoir system like the Missouri River mainstem system is the volume of water moving past a point along a river that is not augmented by artificial releases from the storage. When there is an excess of natural flow the excess can be used to fill empty storage space in the instream reservoir and typically occurs during spring run-off. The natural flow of the Missouri River is available for appropriation without the need for releases from storage in the reservoirs to augment the natural flow.

The flow hydrograph of the Missouri River in South Dakota has been altered in the past 60 to 70 years due to the presence of the Missouri River mainstem reservoir system, with excess natural flow going into storage and stored water released to supplement flows. The USGS, in a 2001 research study, made an estimation of the Missouri River natural flows at a location approximately 6 miles downstream of this project (Jacobson et. al. 2001). A percentile hydrograph, displaying the daily 50, 25 and 10 percentile flows corresponding to drier climatic conditions, can be derived from this study (Figure 1). A percentile is a measure used in statistics to indicate the value below which a given percentage of observations in a group of observations fall, in this case daily flow. The Missouri River natural flow percentile hydrograph shows a double peak for the three percentile levels shown. The first March-April peak corresponds to the snowpack and spring rains runoff from plains of Montana, Wyoming, North Dakota and South Dakota. The second June peak corresponds to snow run off from the mountains in Wyoming and Montana and from upstream summer thunderstorms. Considering the 10th percentile hydrograph, corresponding to the daily flow values at or below this level on average one out of ten years, demonstrates there is ample natural flow available, if this project is approved, during the

irrigation season of April through November. Water availability is not a concern when using the natural flows of the Missouri River as a source.

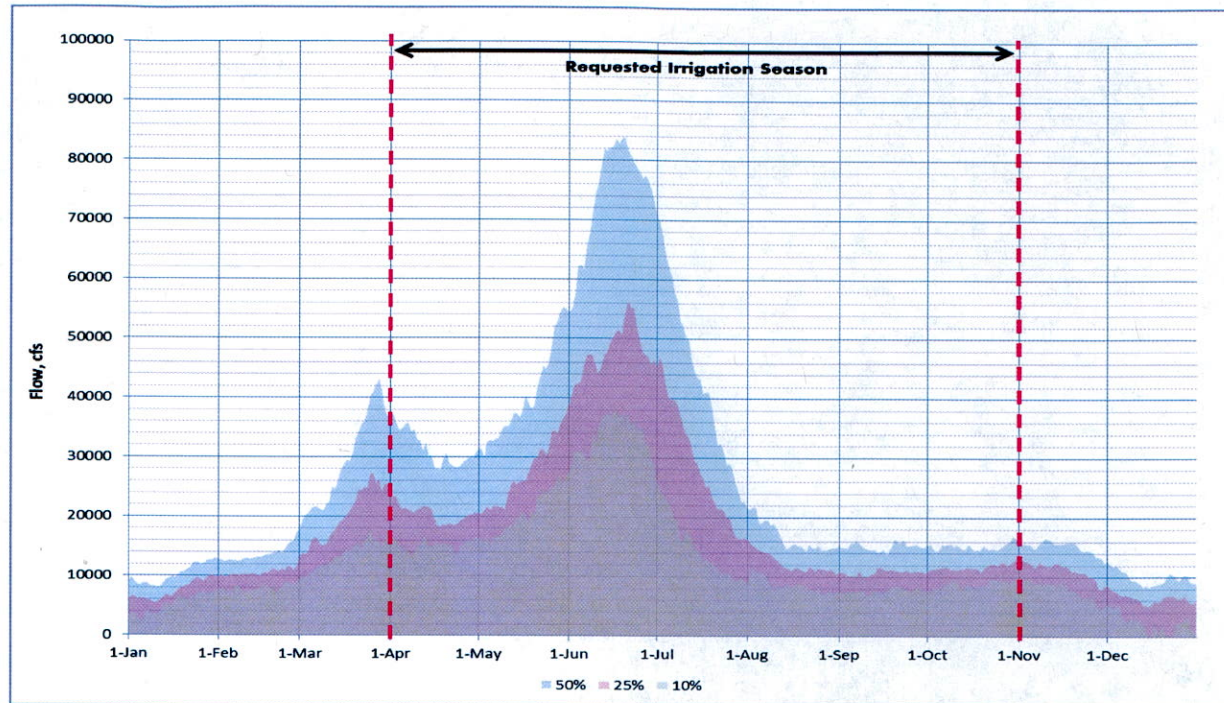


Figure 1. Natural Flow Percentile Hydrograph for the Missouri River at Oahe Dam; Robert B. Jacobson and Jeanne Heuser, U.S. Geological Survey, Columbia, MO. 2001.

Review of the Proposed Project and Existing Water Rights

There are 251 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1237.79 cfs (Water Rights, 2018). Since water availability is not an issue, approval of this permit would not adversely affect these existing water rights.

Conclusions

1. This application proposes to irrigate 320 acres at a diversion rate of 3.33 cfs.
2. The water source for this project is from the natural flow of the Missouri River in the reservoir reach of Lake Oahe approximately 6 miles upstream from Oahe Dam in Hughes County.
3. There is water available for the application. There will be no unlawful impairment to other users.

Mark D. Rath

Natural Resources Engineering III

References

Jacobson R.B. and Heuser J. 2001. Visualization of Flow Alternatives, Lower Missouri River
U.S. Geological Survey Open-file Report OF02-122. U.S. Geological Survey.

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

Form 8

RECEIVED

JAN 17 2019

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, Marylin Baker

certify that the attached printed Notice was taken
from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following date:

1-14-19

Cost of Printing \$ 33.60

Marylin Baker
(Signature)

Business Manager
(Title)

1-15-19

(Date Signed)

CLASS

Legal Notice	Legal Notice
SNAXLP 1683G 1101 1/4 NOTICE OF APPLICATION NO. 6382-3 to Appropriate Water Notice is given that Mark E Verner, Sr. 28127 200th St. Pierre SD 57501 has filed an application for a water permit to appropriate 3.34 cubic foot of water per second from the Missouri River with the existing di- version point located in the SW 1/4 NW 1/4 Section 3C located in the S 1/2 Section 18; all in T112N-R90W. This site is located approx- imately 6 miles northwest of the Oahe Dam. Pursuant to SDCL 46-2A- 2, the Chief Engineer rec- ommends APPROVAL of Application No. 6382-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unreasonably im- paired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recom- mendation, with qualifica- tions, the application, and staff report are available at http://dws.sd.gov/public or contact Eric Grunkard for this information, or other in- formation, at the Water Rights Program address provided below. Any person interested in opposing or supporting this application or recommen- dation must file a written petition with BOTH the ap- plicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recom- mendation. The Chief Engi- neer's address is "Water Rights Program, Foss Building, 523 E. Capitol Pierre SD 57501 (805 773- 3352)" and the applicant's mailing address is given above. A petition filed by ei- ther an interested person or the applicant must be filed by January 14, 2019. The petition may be infor- mal, 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 mail- ing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the applicant does not contest the recommenda- tion 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- out a hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition. Steven M. Pimer, Secretary Department of Environment and Natural Resources Published once at the total approximate cost of \$33.00

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, December 20, 2018 10:15 AM
To: legals@capjournal.com
Subject: 8382-3, Mark E Venner Sr
Attachments: 8382-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on January 4, 2019.

Mark E Venner Sr, 28127 200th St, Pierre SD 57501 (605 224-5755 or 605 222-0469) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

December 19, 2018

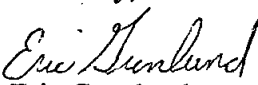
Mark E Venner, Sr
28127 200th St
Pierre SD 57501

Dear Mr. Venner:

Water Permit Application No. 8382-3 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 Capitol Journal printed at Pierre SD (Ph # 605 224-7301). You will need to contact the newspaper 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 to authorize publication of your Notice and to arrange for payment. Early contact with the paper 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. 8382-3 to Appropriate Water

Notice is given that Mark E Venner, Sr, 28127 200th St, Pierre SD 57501 has filed an application for a water permit to appropriate 3.34 cubic feet of water per second from the Missouri River with the existing diversion point located in the SW 1/4 NW 1/4 Section 30 for irrigation of 320 acres located in the S 1/2 Section 19; all in T112N-R80W. This site is located approximately 6 miles northwest of the Oahe Dam.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8382-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 14, 2019.

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAN 3 1 2019

Mark E Venner Sr
28127 200th St
Pierre SD 57501

Dear Mr. Venner:

Enclosed is Water Permit No. 8382-3 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