

WATER PERMIT NO. 8394-3

Name of Applicant: **Craig Vanderlei**

Address: **40908 312th St, Springfield SD 57062**

Phone: **605 661-2618**

Amount of Water Claimed: **no additional**

Total Acres: **34 acres**

Source of Water Supply: **groundwater (one existing well)**

Water to be used for: **irrigation**

County: **Bon Homme**

Type of Waste Disposal System:

Location: **6 miles northwest of Springfield**

PRIORITY

Date Received: **3-8-19**

Application/License Fee: **\$ 700**

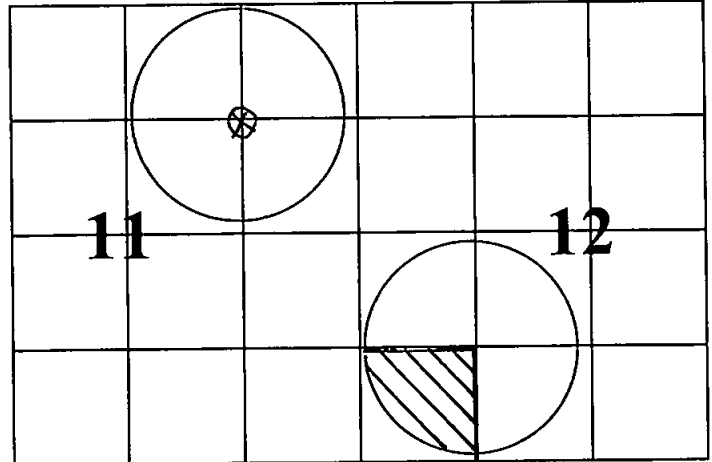
Corrected Application Received:

Period of Annual Use: **May 1 – Sept 30**

Remarks: **Using well authorized by Water Right No. 7195-3**

Diversion Point: **center of NE 1/4 Section 11-
T93N-R61W**

Land to be Irrigated: **SW 1/4 SW 1/4 Sec 12-
T93N-R61W**



Depth of Well: **235 feet deep**

Well Driller: **Christensen Well & Irrigation**

Remarks:

Type of Map: **aerial**

Prepared by: **Keith DeJong**

Reviewed and the Number Assigned on: **3-8-19**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8394-3

Date of first receipt of application March 8, 2019.

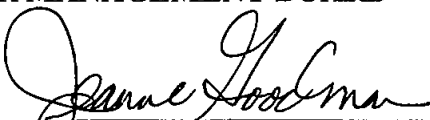
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8394-3 to Craig Vanderlei, 40908 312th St, Springfield SD 57062 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8394-3 authorizes irrigation of 34 new acres. Water Right No. 7195-3 appropriates 1.89 cubic feet of water per second from one well completed into the Choteau:West Aquifer (235 feet deep) located in the center of the NE 1/4 Section 11 for irrigation of 232 acres located in the NE 1/4 Section 11 and the N 1/2 SW 1/4, SE 1/4 SW 1/4 Section 12; all in T93N-R61W. This permit authorizes irrigation of 34 additional acres located in the SW 1/4 SW 1/4 Section 12-T93N-R61W from the existing well. This permit does not authorize any increase in the developed diversion rate. This site is located approximately 6 miles northwest of Springfield 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: May 1 – September 30.
3. The date from which applicant may claim right is March 8, 2019 (34 additional acres).
4. The date of approval of Permit No. 8394-3 is May 13, 2019.
5. One-fifth of the construction is to be completed on or before November 13, 2021.
6. All construction is to be completed on or before May 13, 2024.
7. Water is to be put to beneficial use on or before May 13, 2028.
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 Water Right No. 7195-3 and Permit No. 8394-3 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, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 16 2019

date



RECEIVED

MAR 08 2019

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8394-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Tyndall Tribune & Register</u> <u>Press & Dakotan</u>

PAID
MAR 08 2019
Ck# 9040

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.)

- Name to Appear on Irrigation Permit Craig Vanderlei
Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
Mailing Address 40908 312th St Springfield SD 57062
(Address) (City) (State) (Zip Code)
Phone 605-369-2609 Mobile 605-641-2618 Email CraigVanderlei@gmail.com
no add
- Amount of water claimed 2.00 *CFS or **GPM ***AF Total Acreage
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply existing well
- Location of point of diversion 1310'S and 1320'W of NE corner of section 11
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
T93N R6W center of NE 1/4 County Ben Homme
- County or counties where water will be used Ben Homme
- Annual period during which water is to be used Apr - Sept May 1 - Sept 30
- 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
<u>SW 1/4 SW 1/4</u>	<u>34</u>		
<u>Sec 12-T93N-R6W</u>			

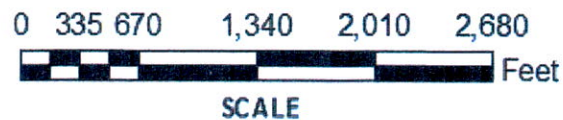
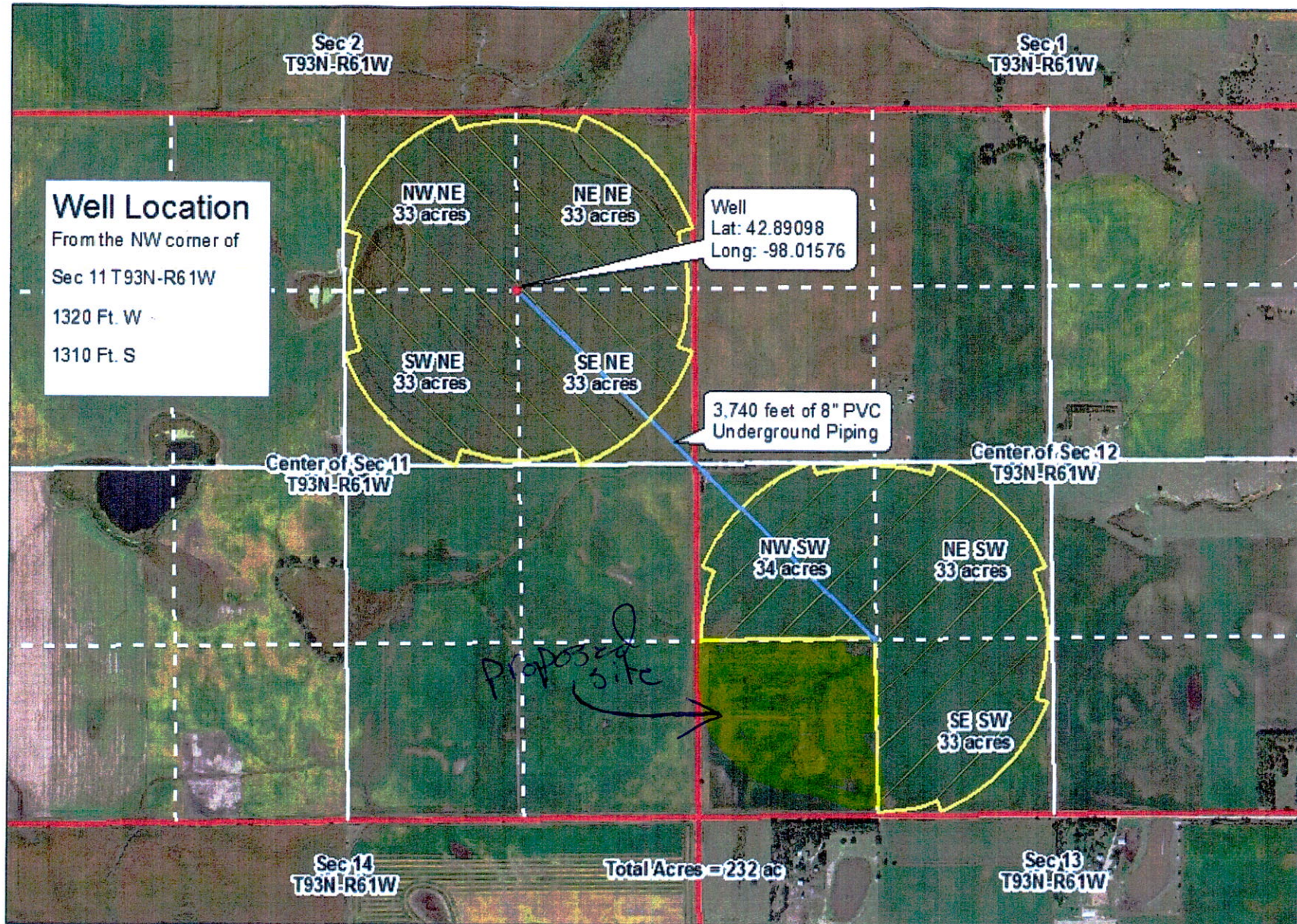
8. Give a description of the project. (Attach sheet if more space is needed)

bought SW 1/4 of SW 1/4 of section 12 and need permit to make full circle attached map available

I, Craig Vanderlei, 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 Right No. 7195-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
March 27, 2018

8394-3

7195-3
07-92

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location SE 1/4 NE 1/4 Sec 11 Twp 93 Rg 61W
County Ben Homme

Please mark well location with an "X"

Well-Completion Date 5-20-10

1 Mile

Well Owner: Oraig Nanderlei
Business Name: 40902 312
Address: Springfield, SD 57062

WELL LOG:	FORMATION	DEPTH	
		FROM	TO
	top of brown clay / SMALL ROCKS	0	30
	flue clay / SMALL ROCKS	30	135
	sand-gravel - ROCKS	135	145
	blue clay	145	200
	flue clay w/ shalesand	200	217
	med sand & gravel - ROCKS	217	231
	course gravel - ROCKS	231	239
	shale	239	240

LOCATION:
Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 7000 ft. from feedlot (identify source).

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

METHOD OF DRILLING:
Reverse Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other
If other describe _____
PIPEWEIGHT 110 LB/FT DIAMETER 16 IN FROM 0 FT TO 195 FT HOLE DIAMETER 28 IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN

GROUTING DATA
Grout Type portland cement No. of Sacks 65 Grout Weight 12 lb./gal From 20 ft To 135 ft
12 lb./gal 0 ft 20 ft
Describe grouting procedure pressure grouter

SCREEN: ☐ Perforated pipe ☒ Manufactured
Diameter 16 IN Length 40 FEET
Material PVC
Slot Size 0.05 Set From 195 Feet to 135 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: chlorine
____ NO, Why Not? _____
Laboratory sent to for water quality analysis _____

STATIC WATER LEVEL 133 Feet
If flowing: closed in pressure _____ PSI
GPM flow _____ through _____ inch pipe
Controlled by ☐ Valve ☐ Reducers ☐ Other _____
Reduced Flowrate _____ GPM
Can well be completely shut in? _____

WELL TEST DATA:
☒ Pumped Describe: turbine pump w/ engine
☐ Bailed
☐ Other
Pumping Level Below Land Surface
179 ft. After 2 Hrs. pumped 900 GPM
165 ft. After 2 Hrs. pumped 700 GPM
If pump installed, pump rate 850 GPM

REMARKS
RECEIVED
SEP 17 2010
WATER RIGHTS PROGRAM
This well was drilled under license # 444
And this report is true and accurate
Drilling firm Christensen Well & Drilling
Signature of License Representative: Cody H. Christensen
Signature of Well Owner or Equitable Property Holder: _____
Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 8, 2019

RECEIVED OF Craig Vanderlei 40908 312th St. Springfield SD 57062

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

Fee for Application for Permit No. <u>8394-3</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. <u>8394-3</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	700 00

No. **09053**

By Jeanne Goodman
Chief Engineer *vm*

Water Rights Program - File Documentation

NAME: Craig Vanderlei

ADDRESS: Springfield

DATE: 3-8-19 **COUNTY:** BH **TELEPHONE:** 605 661-2618

RE: Pending application

COMMENTS:

I called Craig Vanderlei to clarify the amount of water claimed. He said he is just requesting to irrigate the additional 34 acres with no increase in the amount of water authorized on Water Right No. 7195-3. We discussed that No. 7195-3 was licensed for 1.89 cfs (850 gpm). He said that amount would not be increased.



Karen Schlaak
Water Rights Program

Affidavit of Publication

RECEIVED

State of South Dakota }
County of Bon Homme } SS

MAY 03 2019

WATER RIGHTS
PROGRAM

Rebecca Tyz Being first duly sworn
says that the **Tyndall Tribune & Register** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notice of Application #8394-3

to appropriate water

80 @ 38 + 8070 x 1

a printed copy of which is hereto attached, was printed and published in said newspaper for ~~T.W.D.~~ successive weeks, upon the following dates:

.....May 1.....2019.....	20.....
.....May 8.....2019.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication of said notice, ~~\$30.40~~, inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Rebecca Tyz, Publisher

Subscribed and sworn to before me this

4 day of *May* 2019.

Peggy Schuchman
Notary Public, South Dakota

My Commission Expires: 10-24-2021

NOTICE OF APPLICATION

NO. 8394-3 to Appropriate Water

Notice is given that Craig Vanderlei, 40908 312th St, Springfield SD 57062 has filed an application for a water permit to irrigate 34 new acres. Water Right No. 7195-3 appropriates 1.89 cubic feet of water per second from one well completed into the Choteau:West Aquifer (235 feet deep) located in the center of the NE 1/4 Section 11 for irrigation of 232 acres located in the NE 1/4 Section 11 and the N 1/2 SW 1/4, SE 1/4 SW 1/4 Section 12; all in T93N-R61W. This application proposes to irrigate 34 additional acres located in the SW 1/4 SW 1/4 Section 12-T93N-R61W from the existing well. This application, if approved, does not authorize any increase in the developed diversion rate. This site is located approximately 6 miles northwest of Springfield SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8394-3 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 May 13, 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 one time at an approximate cost of \$30.40

(May 1)

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

CRAIG VANDERLEI
40908 312TH ST
SPRINGFIELD SD 57062

RECEIVED

MAY 03 2019

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

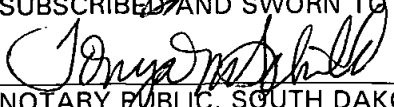
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
5 + 1 NOTICE OF APPLICATION

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 1st DAY OF May, 2019
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$28.96 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: 05/01/2019

FILED ON: 05/01/2019


SUBSCRIBED AND SWORN TO BEFORE ME THIS 1st DAY OF May, 2019


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

Ad text : 5 + 1

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Steven M. Pirner, Secretary,
Department of Environment and Natural Resources.
Published once at the total approximate cost of \$28.96

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, April 18, 2019 9:54 AM
To: Jackie Lammers (jackie.lammers@yankton.net)
Subject: 8394-3, Craig Vanderlei
Attachments: 8394-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on May 1, 2019.

Craig Vanderlei, 40908 312th St, Springfield SD 57062 (605 661-2618) 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, April 18, 2019 9:53 AM
To: tyndalltribune@gmail.com
Subject: 8394-3, Craig Vanderlei
Attachments: 8394-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on May 1, 2019.

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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

April 18, 2019

Craig Vanderlei
40908 312th St.
Springfield SD 57062

Dear Mr. Vanderlei:

Water Permit Application No. 8394-3 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 Tyndall Tribune & Register printed at Tyndall SD (Ph # 605 589-3242) 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 newspapers have 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 /ks

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. 8394-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8394-3 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>

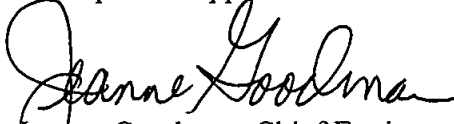
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8394-3, Craig Vanderlei**

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. 8394-3, Craig Vanderlei, 40908 312th Street, Springfield SD 57062.

The Chief Engineer is recommending APPROVAL of Application No. 8394-3 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 Water Right No. 7195-3 and Permit No. 8394-3 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
April 17, 2019

**Report to the Chief Engineer
Water Permit Application No. 8394-3**

Craig Vanderlei
40908 312th St. Springfield, SD 57062

March 29, 2019

Water Permit Application No. 8394-3 proposes to irrigate an additional 34 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12-T93N-R61W using the well for Water Right No. 7195-3. Water Right No. 7195-3 appropriates 1.89 cubic feet of water per second (cfs) from one well completed into the Choteau: West Aquifer (235 feet deep) located in the center of the NE $\frac{1}{4}$ Section 11 for irrigation of 232 acres located in the NE $\frac{1}{4}$ Section 11 and the N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, all in T93N-R61W. If this application is approved, it will not increase the maximum instantaneous diversion rate. This site is located approximately 6 miles northwest of Springfield, SD.

Aquifer: Choteau: West (CH:W)

Hydrogeologic Characteristics

The Choteau: West aquifer management unit is comprised of Quaternary Period glacial outwash (sand and gravel) that overlies a bedrock valley, underlies alluvium along Choteau Creek, and extends under the surficial till in Bon Homme, Charles Mix, and Douglas Counties (Jorgensen, 1971). Jorgensen (1971) and Kume (1977) called it the Choteau aquifer, but Hedges et al. (1982) renamed it the Choteau: West aquifer management unit. Hedges et al. (1982) delineated a total areal extent of 218,400 acres in the management unit. The management unit is almost exclusively under confined conditions except near Dry Choteau Creek (hole locations NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19 all in T94N R61W) where the outwash extends from the Niobrara Formation to the surface (SDGS, 2019). Groundwater flow is generally to the south (Kume, 1977).

The well for this application was completed on May 20, 2010 for Water Right No. 7195-3. The well driller reported top soil, brown clay, and small rocks from 0 to 30 feet, blue clay and small rocks from 30 to 135 feet, sand, gravel and rocks from 135 to 145, blue clay from 145 to 200 feet, blue clay with gravel from 200 to 217 feet, medium sand and gravel and rocks from 217 to 231 feet, coarse gravel and rocks from 231 to 239 feet, and shale from 239 to 240 feet below land surface. The static water level was 133 feet at the time of drilling. The driller grouted down to 195 feet below land surface and placed 40 feet of screen below that, making the effective depth of the well 235 feet.

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may only be issued if there is reasonable probability unappropriated water is 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 the possibility of developing this application without impairing existing rights only.

Pursuant to SDCL 46-6-3.1, an application to appropriate groundwater may only be approved if a hydrologic budget concludes that annual withdrawals do not exceed estimated average annual recharge from an aquifer. An exception may allow water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation without completing a hydrologic budget, but this application is not a water distribution system and the groundwater source is newer and stratigraphically higher than the Greenhorn Formation. Therefore a favorable hydrologic budget is necessary to approve this application.

Water Availability

Observation Wells

Administrative Rule of South Dakota Section 74:02:05:07 requires the Water Management Board to rely upon the record of observation well measurements in addition to other data to determine the availability of unappropriated water. The DENR Water Rights Program maintains 25 observation wells completed into the Choteau: West aquifer management unit, although Observation Wells BH-78C and CM-72B appear to be not functioning properly and therefore not representative based on their hydrograph trends and results on maintenance worksheets (SD Water Rights, 2019a). Of the 23 properly functioning observation wells in the management unit, 7 appear to have stable water level trends, 6 show slightly increasing water level trends, and 10 show slightly decreasing water level trends. The trends are changes in artesian head pressure, not actual volume of water in the aquifer. The nearest observation well maintained by the Water Rights Program is Observation Well BH-78D, located 0.4 miles northeast of the well for this application. The hydrograph for Observation Well BH-78D is representative of the aquifer in how it rises and falls with climate data (Figure 1).

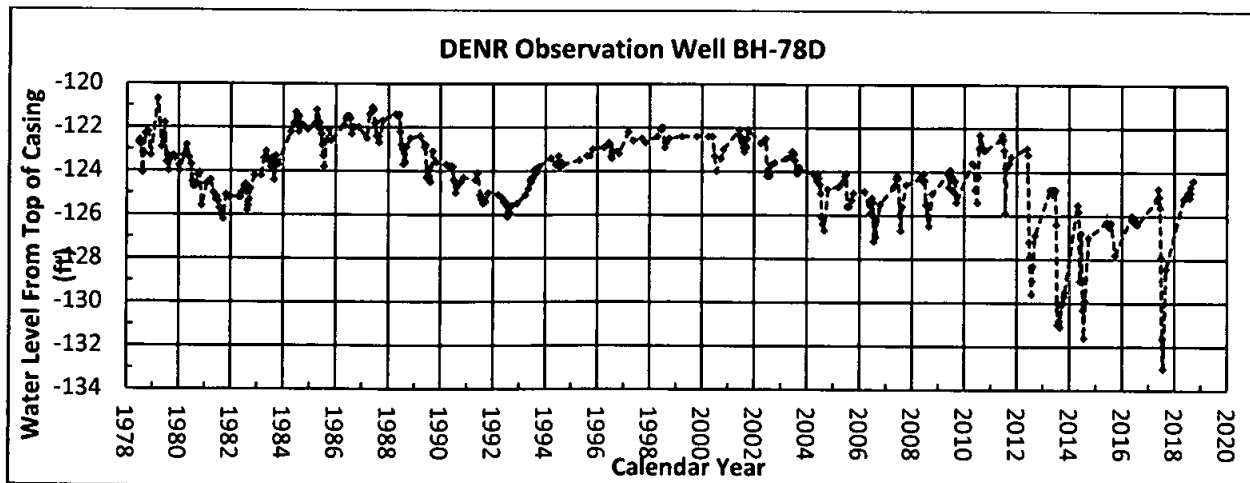


Figure 1: Hydrograph for DENR Observation Well BH-78D. The top of the aquifer is approximately 133 feet below the top of the casing in that location (SD Water Rights, 2019a).

Figure 1 shows an approximately 2 foot drop in artesian head pressure between May 2012 and April 2013. In 2012, a dry year (NOAA, 2019), irrigators in the aquifer pumped the highest amount on record for one year (SD Water Rights, 2018). Subsequent years of hydrograph data show the springtime water levels returning to more normal conditions, indicating the aquifer may be reaching a new equilibrium as development increases. This means natural discharges from the aquifer may be decreasing as human-made withdrawals increase. Because natural discharge from an aquifer can be captured for pumping, observation well data indicate there is reasonable probability unappropriated water is available for this application.

Hydrologic Budget

Recharge

Recharge to the aquifer comes from subsurface inflow, overlying outwash lenses, and possibly the Niobrara aquifer in Charles Mix and Douglas Counties (Kume, 1977). In Bon Homme County, recharge to the aquifer is by subsurface inflow, infiltration from precipitation, and seepage from Choteau Creek and Dry Choteau Creek (Jorgensen, 1971). For water management purposes, Hedges et al. (1985) noted that the unconfined portion of the Choteau: West aquifer has a recharge rate of 4.1 in/yr but did not give an area over which that unconfined portion applied. For aquifers under confined conditions, Hedges et al. (1985) recommends using a recharge rate between 0.15 and 0.60 inches per year. Applied over the 218,400 acres delineated by Hedges et al. (1982), that recharge rate equates to an average annual recharge between 2,730 and 10,920 acre-feet per year (ac-ft/yr). Because the Choteau: West aquifer has some unconfined portions, the actual recharge is likely to be higher than the minimum possible value suggested for management purposes. Hedges et al. (1985) estimated the average rate of withdrawal rate circa 1985 was approximately 5,000 ac-ft/yr and found based on observation well analysis that withdrawals did not exceed recharge at that rate, although the method for withdrawal rate estimation was not reported.

Discharge

Natural discharge from the aquifer is by subsurface outflow, evapotranspiration, and loss to Choteau Creek and Dry Choteau Creek in Bon Homme County (Jorgensen, 1971). In Charles Mix and Douglas Counties, natural discharge is by subsurface outflow and springs (Kume, 1977). Human-caused withdrawals from the aquifer are by wells for irrigation, domestic use, and other uses. Due to the prevalence of rural water systems, the presence of shallower aquifer materials, and low population density, domestic wells are not a significant user in the aquifer. Therefore, only appropriative users will be considered in the hydrologic budget.

There are 54 active water rights or permits within the Choteau: West aquifer, including 48 irrigation water rights or permits. The remaining permits are for municipal, domestic, commercial, or recreational use and are not required to report their usage. Water right/permit holders with irrigation permits are required to report their use each year. Pumping for irrigation in the aquifer over the period of record is shown in Figure 2. The average rate of pumping is

2,598 ac-ft/yr with a sample standard deviation of 1,241 ac-ft/yr. The large variation in water use is caused by varying need for water due to weather, crop prices, and other factors. Since April of 2012, there have been 18 new water permits approved (SD Water Rights, 2019c). The average withdrawal from the management unit between 2012 and 2017 inclusive was 4,097 ac-ft/yr with a sample standard deviation of 1,107 ac-ft/yr (SD Water Rights, 2018).

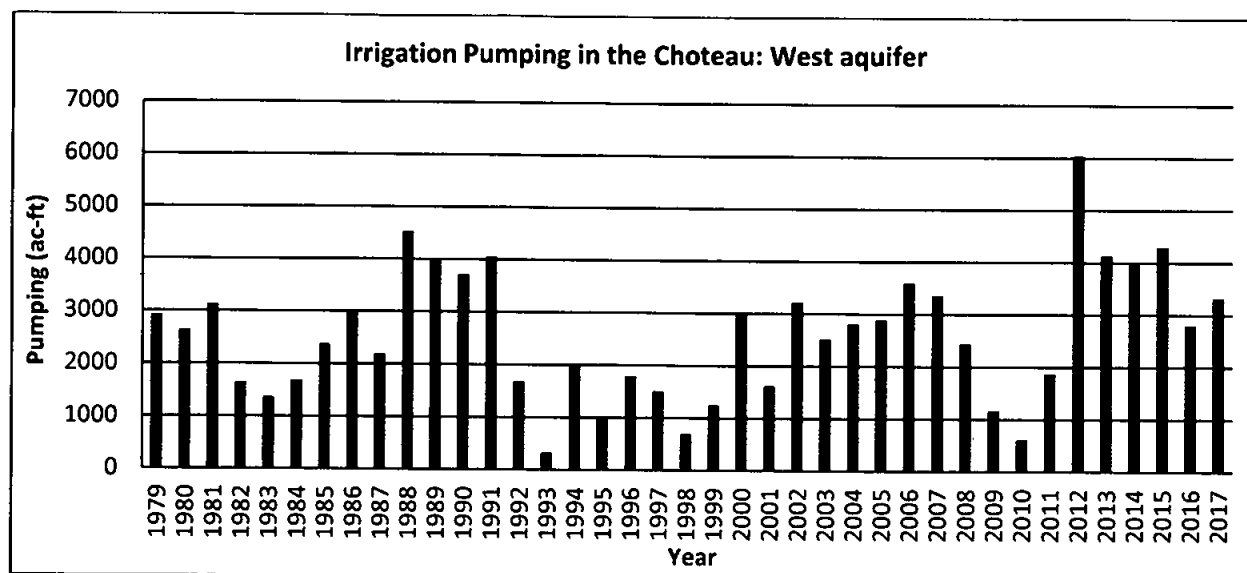


Figure 2: Irrigation pumping in the Choteau: West aquifer (SD Water Rights, 2018)

The 6 non-irrigation permits in the aquifer are shown in Table 1. Because they are not required to report their use, their average annual use is conservatively estimated by assuming they pump at the maximum permitted or licensed rate 60% of the time. The City of Wagner, Water Right Nos. 569-3 and 1782-3, is connected to Randall Community Water District and uses the rural water system as their primary water source (SD Drinking Water Program, 2018). Therefore it is assumed they do not use their water rights to an extent that would make a significant difference in this context.

Table 1: Non-irrigation water rights/permits in Choteau: West (SD Water Rights, 2019c)

Permit No:	Name/Business:	Type of use:	Priority:	Pump Rate (cfs):	Estimated Use (ac-ft/yr)
296-3	Charles H Ahrens	REC, DOM	06/01/1953	0.300	130
297-3	Charles H Ahrens	REC	06/01/1953	0.300	130
1782-3	City of Wagner	MUN	10/19/1970	0.890	0
569-3	City of Wagner	MUN	01/01/1951	1.100	0
7403-3	Craig Vanderlei	DOM	08/20/2012	0.075	33
7276-3	Red & Lori Sparks	COM	10/14/2011	0.134	58
Total					351
LC - License, COM - Commercial, DOM - Domestic, MUN - Municipal, REC - Recreation					

Balance of Hydrologic Budget

The total estimated recharge to the Choteau: West aquifer is between 2,730 and 10,920 ac-ft/yr, although those two values represent a generalized range of possible conditions for confined

aquifers. It is likely that the actual recharge rate of the aquifer is higher than the minimum value recommended by Hedges et al. (1985) because of the unconfined portions present in the aquifer. The total average estimated withdrawals from the aquifer are 2,949 ac-ft/yr if the irrigation average over the period of record is used or 4,448 ac-ft/yr if the average since 2012 is used. If Water Permit Application No. 8394-3 is approved, the maximum possible (although unlikely) use allowed by that permit is 2 acre-feet per acre per year, or a total of 68 ac-ft/yr of additional withdrawals from the aquifer. Therefore, based on the hydrologic budget, there is reasonable probability that unappropriated water is available for this application.

Existing Users

The two nearest appropriative users to the well for this application are Water Right No. 7704-3, located 0.5 miles south, and Water Right No. 6920-3, located 0.5 miles west (SD Water Rights, 2019c). The nearest domestic well on file with the DENR that is likely to be in the same aquifer is located approximately 1.2 miles south (SD Water Rights, 2019b). Figure 3 shows nearby active water rights and permits, nearby observation wells, and highlights the existing acres permitted by Water Right No. 7195-3 and the acres to be added by this application. Because this application seeks to maintain the same maximum instantaneous pump rate, it is unlikely this application will cause a significant change in drawdown behavior in the aquifer and therefore is not likely to unlawfully affect prior rights or domestic water users.

Concerns have been expressed in Bon Homme and Charles Mix Counties regarding the lower artesian head pressure that occurs in the aquifer during irrigation season (SD Water Rights, 2019d). Walker (1961) concluded that the seasonal lower artesian head pressure in the aquifer is in fact caused by pumping for irrigation. However, pursuant to SDCL 46-6-6.1 and SDCL 46-1-4, artesian head pressure is not protected as a means of water delivery as the general welfare of the state requires water resources to be put to beneficial use to the fullest extent of which they are capable. To protect domestic well owners, the Water Management Board defined an adversely impacted adequate well in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs.”

The only complaints on file with the DENR Water Rights program regarding wells in Bon Homme and Charles Mix Counties are concerning loss of artesian head pressure and uncontrolled flowing wells. The most recent complaint regarding loss of artesian head pressure in those counties is from 1980 and the most recent complaint regarding uncontrolled flowing wells is from 1994 (SD Water Rights, 2019d). There are no complaints concerning wells in Douglas County (SD Water Rights, 2019d). Therefore it is likely approval of this application will not unlawfully impact existing domestic and appropriative rights.

References

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- Hedges, L. S. et al., 1982. *Evaluation of ground-water resources: eastern South Dakota and upper Big Sioux River - South Dakota and Iowa Tasks 1-4*, Omaha, Nebraska: U.S. Army Corps of Engineers.
- Jorgensen, D. G., 1971. *Geology and Water Resources of Bon Homme County, South Dakota Part II: Water Resources*, Vermillion, South Dakota: South Dakota Geological Survey.
- Kume, J., 1977. *Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota: Part II - Water Resources*, Vermillion, South Dakota: South Dakota Geological Survey.
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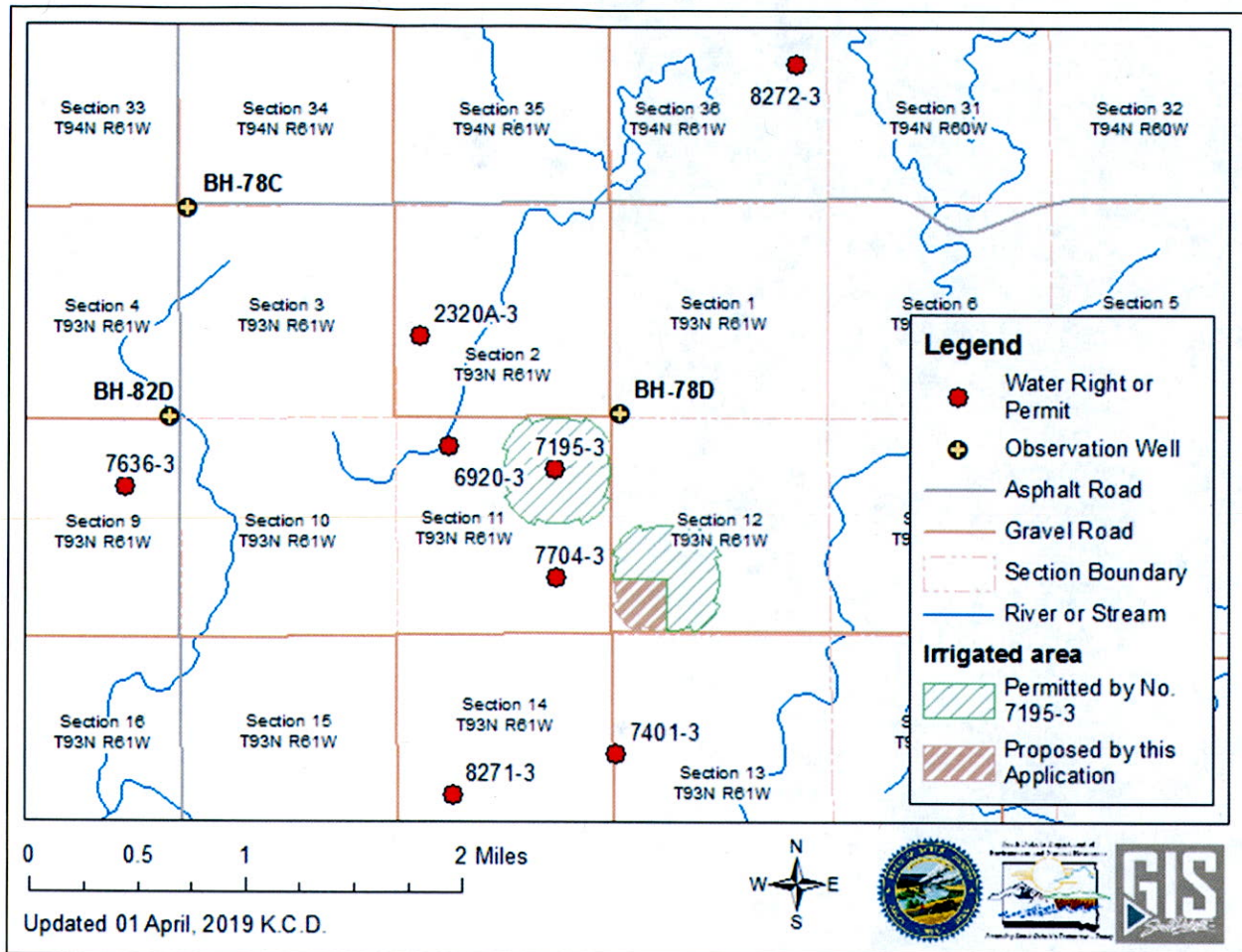


Figure 3: Nearby active water rights and permits withdrawing from the Choteau: West aquifer, observation wells, and location of land proposed to be irrigated (SD Water Rights, 2019a, 2019c)

Conclusions

1. This application seeks to irrigate 34 additional acres and withdraw from the same well as Water Right No. 7195-3 without increasing the maximum instantaneous withdrawal rate.
2. Water Right No. 7195-3 withdraws water from the Choteau: West aquifer at a maximum instantaneous rate of 1.89 cfs to irrigate 232 acres.
3. Based on observation well data and a hydrologic budget, there is reasonable probability unappropriated water is available for this application.
4. There is reasonable probability this application will not unlawfully impact existing domestic wells or appropriative rights.

Kimberly C. Drennon

Kimberly C. Drennon
Natural Resources Engineer I



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 16 2019

Craig Vanderlei
40908 312th St
Springfield SD 57062

Dear Mr. Vanderlei:

Enclosed is Water Permit No. 8394-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A 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 information 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

MAY 24 2019

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 5-21-19TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

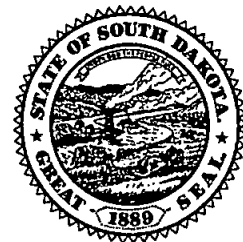
FROM:

Craig Vanderlei
(name)40908 31st St
(address)Springfield SD 57062
(city, state, zip)605-661-2618
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8394-3 states that the water use system is to be constructed by5-13-2024, and water is to be put to beneficial use by 5-13-2028
(date) (date)The water use system was completed on 5-21-19
(date)Applying the water to beneficial use was completed on 5-21-19
(date)

You may schedule an investigation so that the water license may be issued.

Craig Vanderlei
(signature)

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8394-3

I have this day, May 28, 2019, made a thorough re-examination of the water use system constructed by Craig Vanderlei, 40908 312 St., Springfield, SD 57062 of Permit No. 7195-3, bearing the priority of April 8, 2010 authorizing the diversion of 2.0 cu. ft. per second of the waters of ground water (Choteau: West Aquifer) for irrigation purposes, in Bon Homme County. The re-examination is for the purpose of adding a 34 acre parcel to the existing irrigation system as allowed by Permit No. 8394-3.

Inspection contact: Craig Vanderlei, Owner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Christensen Well & Irrigation, Inc.

- 2) No. of Wells 1
- 3) Depth 235 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 195 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 133 feet

Pump:

- 1) Make Goulds
- 2) Model 11CHC
- 3) Capacity 850 gpm

Motor:

- 1) Make US
- 2) Model No. VHS
- 3) Horsepower rating 100 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 3,740 feet

C. Works used to apply water to beneficial use:

Center Pivot (NE1/4 Sec 11):

- 1) Make T & L
- 2) Overall length 1294 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 850 gpm

Center Pivot (SW1/4 Sec 12):

- 1) Make T & L
- 2) Overall length 1294 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 850 gpm

Chemigation Equipment:

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

Chemigation Equipment:

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

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
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows: Well: 1,310 feet south and 1320 feet west of the NE corner of Section 11-T93N-R61W (Latitude 42.89098, Longitude -98.01576), near the center of the NE1/4 of Sec 11.
2. The works are capable of diverting and conveying to the place of use 1.89 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

**Center Pivot in the
NE1/4 of Sec. 11, T93N, R61W**

NE1/4 NE1/4	33 acres
NW1/4 NE1/4	33 acres
SW1/4 NE1/4	33 acres
SE1/4 NE1/4	33 acres

**Center Pivot in the
SW1/4 of Sec. 12, T93N, R61W**

NE1/4 SW1/4	33 acres
NW1/4 SW1/4	34 acres
SE1/4 SW1/4	33 acres
SW1/4 SW1/4	34 acres

comprising a total of 266 acres of land and the license should be issued for 1.89 cfs.

3. All structures, wells and lands on map Yes

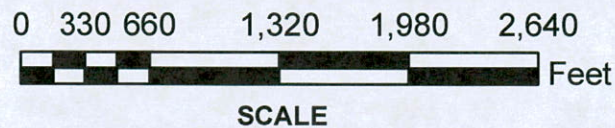
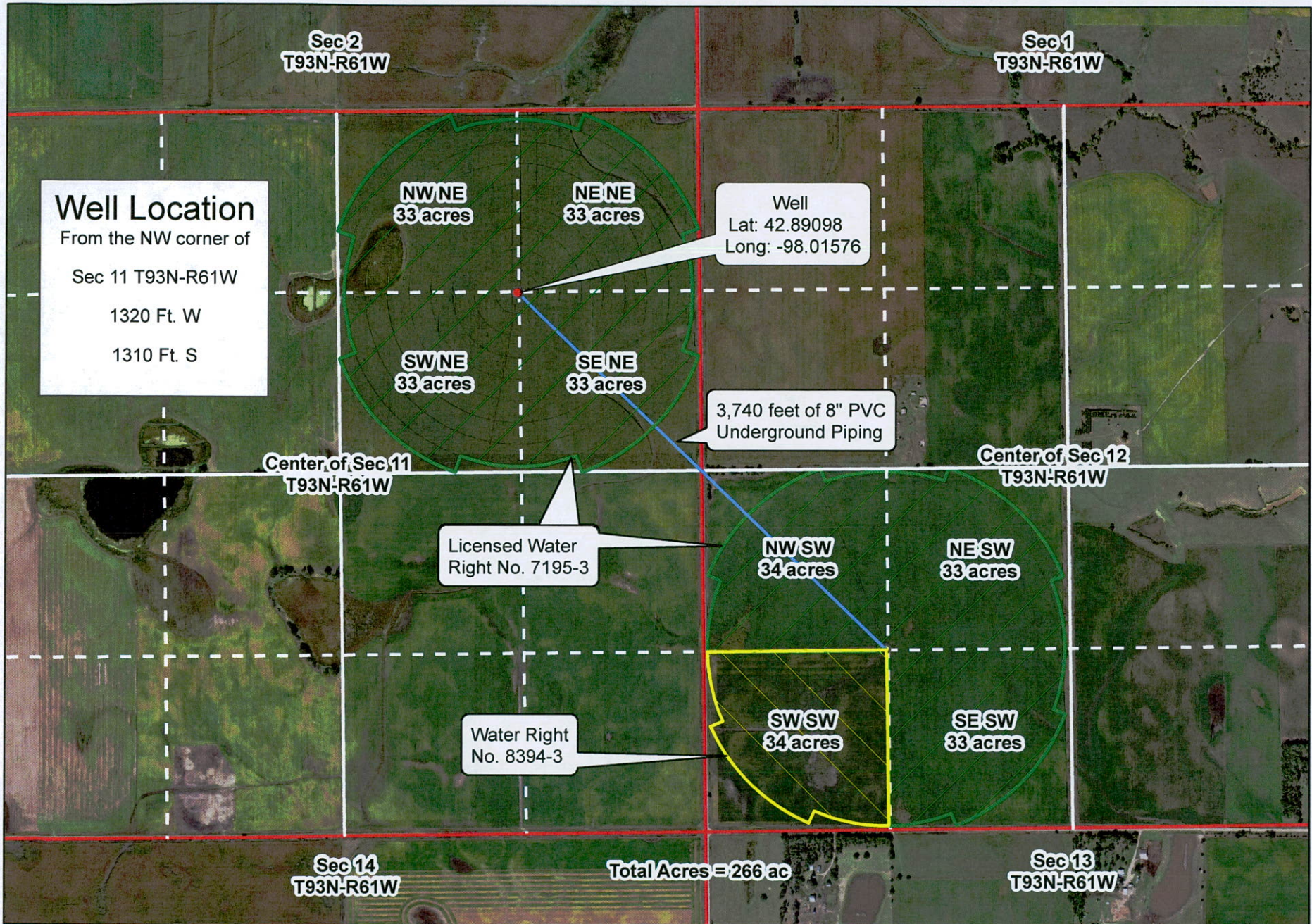
F. Comments or other permit(s) associated with the project: Mr. Vanderlei is now able to irrigate 34 acres of the SW/14 of the SW1/4 of Section 12, T93N, R61W. Water Permit No. 8394-3 could be incorporated into Licensed Water Permit No. 7195-3 since it is now a part of that irrigation system. This examination was completed without a field inspection since the field information was available from the inspection of Water Permit 7195-3.



Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: May 28, 2019

Water Right No. 8394-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
May 29, 2019

8394-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 03 2019

8394-3
7195-3

Craig Vanderlei
40908 312th St
Springfield SD 57062

Dear Mr. Vanderlei:

Enclosed is Water License No. 8394-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 7195-3 were incorporated into Water License No. 8394-3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 8394-3

(1) Craig Vanderlei, 40908 312th St, Springfield SD 57062 made Application No. 8394-3, March 8, 2019 for a water permit to add 34 acres to an existing irrigation system with no increase in the developed diversion rate from ground water, one well (Choteau: West Aquifer), Bon Homme County, South Dakota. Permit No. 8394-3, with a priority date of March 8, 2019 was approved May 13, 2019 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 13, 2024 and for the application to beneficial use of water on or before May 13, 2028.

Water Right No. 7195-3, with a priority date of April 8, 2010, authorizes diversion of 1.89 cubic feet of water per second from one well to irrigate 266 acres located in the NE ¼ Section 11 and SW ¼ Section 12, T93N, R61W. Water Permit No. 8394-3 added 34 acres in the SW ¼ SW ¼ Section 12 allowing the existing pivot in the SW ¼ Section 12 to make a full rotation.

On May 24, 2019, the permit holder submitted a completion of works form indicating the system was completed. The applicable portions of Water Right No. 7195-3 are incorporated into this water license.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,310'S and 1320'W of the NE corner of Section 11, T93N, R61W (near center of the NE ¼ of Sec 11)
Latitude 42.89098, Longitude -98.01576

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 11, T93N, R61W	*Section 12, T93N, R61W
NE ¼ NE ¼ 33 acres	NE ¼ SW ¼ 33 acres
NW ¼ NE ¼ 33 acres	NW ¼ SW ¼ 34 acres
SW ¼ NE ¼ 33 acres	SE ¼ SW ¼ 33 acres
SE ¼ NE ¼ 33 acres	SW ¼ SW ¼ 34 acres

Total 266 acres

Priority dates: **March 8, 2019 (SW ¼ SW ¼ Section 12)**
 April 8, 2010 (NE ¼ Section 11 and N ½ SW ¼, SE ¼ SW ¼ Section 12)

**The land in the SW ¼ Section 12 was incorrectly described in Water License No. 7195-3 and has been corrected through issuance of Water License No. 8394-3.*

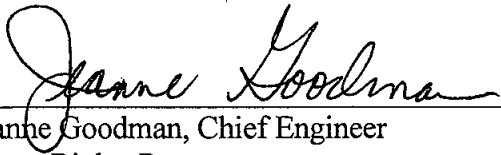
(4) Pursuant to South Dakota Water Law 46-5-30.1 Craig Vanderlei, 40908 312th St, Springfield SD 57062 the holder and/or owner of Incorporated Water Right No. 8394-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from ground water, one well (Choteau: West Aquifer) with priority dates of April 8, 2010 and March 8, 2019 from the location specified in (2) of this license for irrigation purposes.

continued

Water License No. 8394-3

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8394-3 and subject to the following qualifications:

- The well approved under Nos. 7195-3 and 8394-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this incorporated water right 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.
- 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

JUN 03 2019
date

