

WATER PERMIT NO. 8430-3

Name of Applicant: Laverne Neuharth

Address: 33567 109th St, Eureka SD 57437

Phone: 605 284-2844

Amount of Water Claimed: 0.89 cfs additional

Total Acres: 66 additional acres

Source of Water Supply: one existing well

Water to be used for: irrigation

County: McPherson

Type of Waste Disposal System:

Location: 10 miles northeast of Eureka

PRIORITY Date Received: 3-25-20

Application/License Fee: \$ 950

Corrected Application Received: 6-22-20

Period of Annual Use: May 1 – August 31

Remarks: Water Right No. 7323B-3 authorizes irrigation of the N 1/2 NE 1/4. Mark Morlock rents the S 1/2 NE 1/4 from Laverne Neuharth

Diversion Point: NE 1/4 NE 1/4 Sec 21-T127N-

R71W

Land to be Irrigated: S 1/2 NE 1/4 Sec 21-T127N-

R71W

Depth of Well: 95 feet

Well Driller: M & W Drilling Inc.

Remarks:

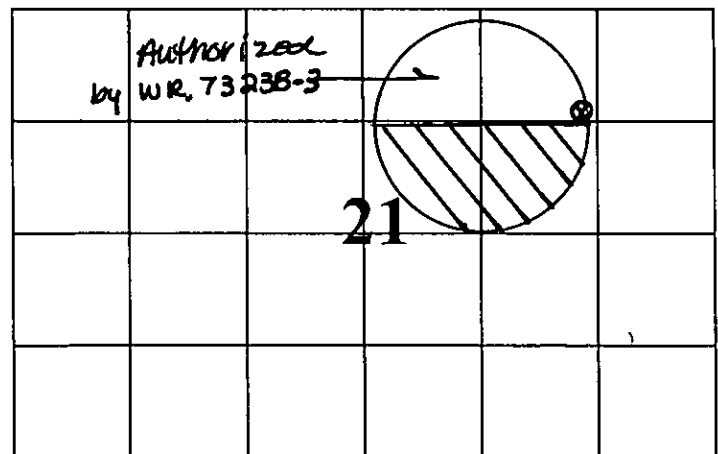
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 6-22-20

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



RECEIVED

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8430-3</u> (office use only) Hydrologic Unit <u>10130106</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Northwest Blade, Eureka</u> <u>American News Aberdeen</u>

MAY 13 2020

RECEIVED
WATER RIGHTS PROGRAM

MAR 25 2020

WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7323 B-3
(Use predates Mar 2, 1955)

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

irrigate 80 Acres adjacent to current 80 Acres
7323B-3 Authorizes 400 gpm - 66 acres

1. Name to Appear on Irrigation Permit Laverne Neuhaert

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

Mailing Address 33567 109th St. Eureka SD 57437
(Address) (City) (State) (Zip Code)

Phone 605-284-2844 Mobile _____ Email (requesting add'l 400 gpm)

2. Amount of water claimed 0.89 ^{add'l} *CFS or 800 ⁹⁰⁰ **GPM ***AF Total Acreage 66
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion NE 1/4 NE 1/4 section 21-127 N-71 W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County McPherson

5. County or counties where water will be used McPherson

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

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
<u>Map attached</u>			
<u>S1/2 NE1/4 Sec 21-T127N-R71W</u>	<u>66</u>		

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

Laverne Neuhaert land owner

I, Mark Morlock, the applicant, certify under
Name of Person Title (if applicable)

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

**SOUTH DAKOTA
WATER PERMIT NO. 8430-3**

Date of first receipt of application March 25, 2020.

Date of return to applicant for corrections, amendments or changes March 26, 2020.

Date of receipt of corrected application June 22, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8430-3 to Laverne Neuharth, 33567 109th St, Eureka SD 57437 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. 8430-3 appropriates an additional 0.89 cubic feet of water per second (cfs) and irrigates an additional 66 acres to what is currently authorized by Water Right No. 7323B-3 issued to Mark Morlock. Water Right No. 7323B-3 appropriates 0.89 cfs from one well completed into the Spring Creek – McPherson Aquifer (95 feet deep) located in the NE 1/4 NE 1/4 Section 21 for irrigation of 66 acres located in the N 1/2 NE 1/4 Section 21; all in T127N-R71W. This permit appropriates an additional 0.89 cfs from the existing well to irrigate 66 acres located in the S 1/2 NE 1/4 Section 21-T127N-R71W. This permit and Water Right No. 7323B-3 will authorize a total diversion rate of 1.78 cfs for irrigation of 132 acres, thus allowing the pivot to make a complete rotation. This site is located approximately 10 miles northeast of Eureka 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 – August 31.
3. The date from which applicant may claim right is June 22, 2020.
4. The date of approval of Permit No. 8430-3 is August 24, 2020.
5. One-fifth of the construction is to be completed on or before February 24, 2023.
6. All construction is to be completed on or before August 24, 2025.
7. Water is to be put to beneficial use on or before August 24, 2029.
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 Permit No. 8430-3 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: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 08 2020

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s) [#] 73238-3

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

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

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)

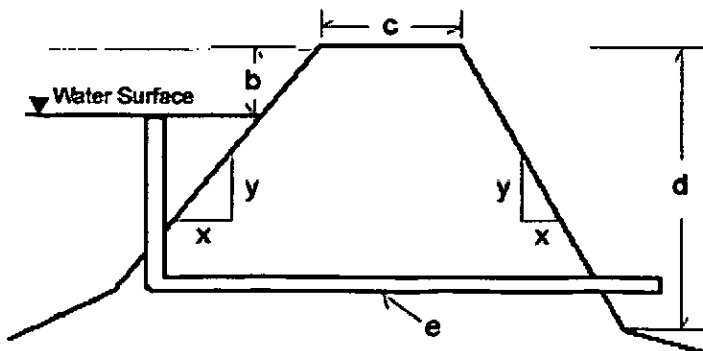
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Common Land Unit  Tract Boundary
 Non-Cropland
 Cropland
 PLSS

Wetland Determination Identifiers

-  Restricted Use
-  Limited Restrictions
-  Exempt from Conservation Compliance Provisions

Laverne Neuharth
33567 109th St.
Eureka, S.D.
57437

Tract Cropland Total: 131.20 acres

2019 Program Year

Map Created March 25, 2019

Farm 3847

Tract 1817

21 -127N -71W

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

7323-3
7323-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

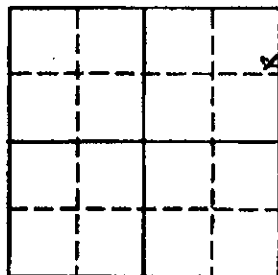
Location SE 1/4 NE 1/4 Sec 21 Twp 127 Rg 71

County Meade

Please mark well location with an "X"

Well completion Date 7-2-15

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
? ft. from _____ (Identify source)



Well Owner: Four Star Ag.

Business Name: Same

Address1: 1109 S. 7th St.

Address2: Oakes, N. D.

City, State, Zip: _____

FORMATION	DEPTH	
	FROM	TO
Topsoil	0	2
Br sand-gravel	2	15
Gr. clay-silt layers	15	37
Fine-some med. sand	37	43
Gravel-Coarse sand	47	95

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes

☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:
Forward

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe SR-21

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type Ben. gr. No. of Sacks 14 Grout Weight 14 From R To R

Describe grouting procedure tremied from top to screen

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 40 Feet

Material PVC

Slot Size .080 Set From 55 Feet to 95 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? Chlorinated

☒ No, Why Not? IPP. well

Lab sample sent to for water quality analysis _____

STATIC WATER LEVEL 10.2 GR. W. 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: R. 7.31.

☐ Bailed

☐ Other Centrifugal

Pumping Level Below Land Surface 87.31

12.2 Ft. After 1 Hrs. pumped 87.31 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED
JUL 16 2015
WATER RIGHTS PROGRAM

This well was drilled under license # 434

And this report is true and accurate.

Drilling firm: M&W Drilling Inc

Signature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: [Signature]

Date: _____

Please return White Copy to DENR Water Rights

523 E. Capitol Ave., Pierre SD 57501

7-28-15

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 22, 2020

RECEIVED OF Mark Morlock (for Laverne Neuharth Application) 33820-112th Street Eureka SD 57437

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

Fee for Application for Permit No. <u>8430-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$750.00
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>8430-3</u>	\$200.00
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$950.00

By *Eric Gronlund*
Chief Engineer *vm*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 26, 2020

Laverne Neuharth
33567 109th St
Eureka SD 57437

Dear Mr. Neuharth:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in McPherson County. In order to complete the application, the following is required and/or needs to be clarified:

- The application will need to be signed by you (assuming you are the landowner) or a statement of authority that the person signing the application (Mark Morlock) has the authority to act on your behalf on all matters involving this water permit application. The map indicates the land is being rented from Brad Neuharth. Please clarify.
- Water Right No. 7323B-3 (Mark & Heidi Morlock) authorizes 0.89 cubic feet of water per second (cfs) or 387 gpm to irrigate 66 acres. This application is requesting 900 gpm. I am assuming 900 gpm is being requested to irrigate the entire 132 acres in the NE 1/4. Therefore, do you agree with changing this application to 613 gpm or 1.36 cfs for a total of 900 gpm?
- The application/license fee to irrigate 66 acres will be \$950.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

c: Mark Morlock, 33820 112th St, Eureka SD 57437

Water Rights Program - File Documentation

NAME: Mark Morlock

ADDRESS: Eureka SD Phone: 605 228-5914

DATE: 3-30-20

RE: Pending Application for Laverne Neuharth

COMMENTS:

I returned a call to Mark Morlock regarding my letter and the application for Laverne Neuharth. Mark indicated that he would get something typed up regarding the statement of authority for Mrs. Neuharth to sign. The map indicated the land was owned by Brad Neuharth. He is Laverne's son.

Mark also indicated they will be requesting 800 gpm, reduced from the original 900 gpm requested. He was in agreement with this application requesting 0.89 cfs or 400 gpm. The new application and existing permit combined should total 800 gpm.

They will send the fee with the statement of authority.



Karen Schlaak
Water Rights Program

May 11, 2020

I talked with Brad Neuharth. He said he would have his mother (Laverne) sign the application and decide who was going to pay the fee and get it submitted.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

May 21, 2020

Laverne Neuharth
33567 109th St
Eureka SD 57437

Dear Mrs. Neuharth:

We have received the properly signed *Application for a Permit to Appropriate Water* for irrigation in McPherson County. This is just a reminder that we have not received the required \$950.00 application/license fee.

Upon receipt of the fee, we will continue with processing the application. If you have any questions, please contact me.

Sincerely,

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

c: Mark Morlock, 33820 112th St, Eureka SD 57437

Schlaak, Karen

From: Mark Morlock <morlockangus@gmail.com>
Sent: Tuesday, June 16, 2020 8:45 AM
To: Schlaak, Karen
Subject: Re: [EXT] water permit info - 15-Jun-2020, 10:08
Attachments: image001.gif

I forgot to include the message. I sent that to verify the gallons per minute change on the permit. The check for 950.00 should go out in the mail today. Thank you. Mark Morlock.

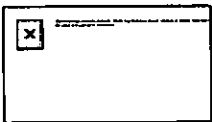
On Tue, Jun 16, 2020, 8:37 AM Schlaak, Karen <Karen.Schlaak@state.sd.us> wrote:

Not certain why you sent the attachment yesterday. We are still waiting for the \$950.00 fee to complete the application signed by Lavern Neuharth for irrigation of the S ½ NE ¼ Section 21-T127N-R71W.

Karen Schlaak

SD DENR, Water Rights Program

(605) 773-3352



From: Mark Morlock <morlockangus@gmail.com>
Sent: Monday, June 15, 2020 10:10 AM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: [EXT] water permit info - 15-Jun-2020, 10:08

Scanned by FastScanner app!

Acres: 80 +/-

Legal: N $\frac{1}{2}$ NE $\frac{1}{4}$ 21-127-71

Irrigated Cropland Acres: 66 +/-

Dry Cropland Acres: 12 +/-

Taxes (2017): \$615.12

Half Pivot, Zimmatic (mid-1980's refurbished) electric system, well permit #7323-3, 8 towers, #100 Nelson end gun, low-pressure drop nozzles, 3-phase electric pump, 85'-88' well depth, 800 gallons per minute, and system makes a half circle. Pivot installed in 2015 at an approximate cost of \$75,000.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, August 3, 2020 1:34 PM
To: Mark Morlock
Subject: Application No. 8430-3, Lavern Neuharth
Attachments: Application No. 8430-3.pdf

Mark,

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for the water permit application for Lavern Neuharth. As stated in the letter, someone needs to contact the two papers as soon as possible to authorize publication and arrange for payment. This information is being mailed to Lavern Neuharth and you today.

Karen Schlaak

Water Rights Program
(605) 773-3352



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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8430-3, Laverne Neuharth**

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. 8430-3, Laverne Neuharth, 33567 109th St, Eureka SD, 57437.

The Chief Engineer is recommending APPROVAL of Application No. 8430-3 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 Permit No. 8430-3 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.

Eric Gronlund
Eric Gronlund, Chief Engineer
July 29, 2020

Report to the Chief Engineer
On Water Permit Application No. 8430-3

Laverne Neuharth

July 28, 2020

Water Permit Application No. 8430-3 proposes to appropriate water at a maximum instantaneous diversion rate of 0.89 cubic feet of water per second (cfs) from one well (95 feet deep), authorized under Water Right No. 7323B-3, completed into the Spring Creek: McPherson aquifer and located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, for the irrigation of 66 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 21; all in T127N-R71W.

Water Right No. 7323B-3, held by Mark and Heidi Morlock, authorizes the appropriation of 0.89 cfs from one well (95 feet deep) completed into the Spring Creek: McPherson aquifer located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 to irrigate 66 acres located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 21; all in T127N-R71W. Water Right No. 7323B-3 has a priority date of February 15, 2012.

Water Permit Application No. 8430-3 (if approved), will be combined with Water Right No. 7323B-3, and will authorize a maximum instantaneous diversion rate of 1.78 cfs from one well for the irrigation of 132 acres located in the NE $\frac{1}{4}$ of Section 21-T127N-R71W. This will allow the pivot authorized under Water Right No. 7323B-3 to make a complete rotation. The area of interest is located in McPherson County, approximately 10 miles northeast of Eureka, South Dakota.

AQUIFER: Spring Creek: McPherson (SC:M)

HYDROGEOLOGY

The Spring Creek aquifer is a glacial outwash that ranges from a fine to coarse sand to a silty gravel with beds of silty sand or clay that was likely “deposited during the last episodes of melting of the continental ice sheet” (Hamilton, 1974 and 1982). Deposition was limited to channels between large blocks of ice and till thus the aquifer exists in narrow channels that are generally less than three miles wide (Hamilton, 1974). The McPherson management unit underlies approximately 101,200 acres (about 160 square miles) with an estimated 307,000 acre-feet of recoverable water in storage (Figure 1) (Hamilton, 1982; Hedges et al., 1982). A documented maximum aquifer thickness of 85 feet with an average thickness of approximately 30 feet has been estimated for the Spring Creek: McPherson aquifer (Hamilton, 1982).

A water well completion report was submitted with the application for Water Permit No. 7323B-3. The report indicated brown sand and gravel from 2 to 15 feet below the ground surface, gray clay and silt layers from 15 to 37 feet, fine to medium sand from 37 to 43 feet, and coarse gravel and sand from 47 to 95 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21-T127N-R71W (Water Rights, 2020d). The well was screened in coarse sand and gravel from 55 feet to 95 feet and the static water level at the time of completion (July 2, 2015) was reported at 10.2 feet below the ground surface (Water Rights, 2020d). The Spring Creek: McPherson aquifer is generally under unconfined aquifer conditions; however, the well completion report submitted with Water Permit No.

7323B-3 and the lithologic logs for nearby observation wells indicate the aquifer is expected to be locally confined at the proposed diversion point (Hedges et al., 1982 and 1985; SDGS, 2020; Water Rights, 2020b and 2020d).

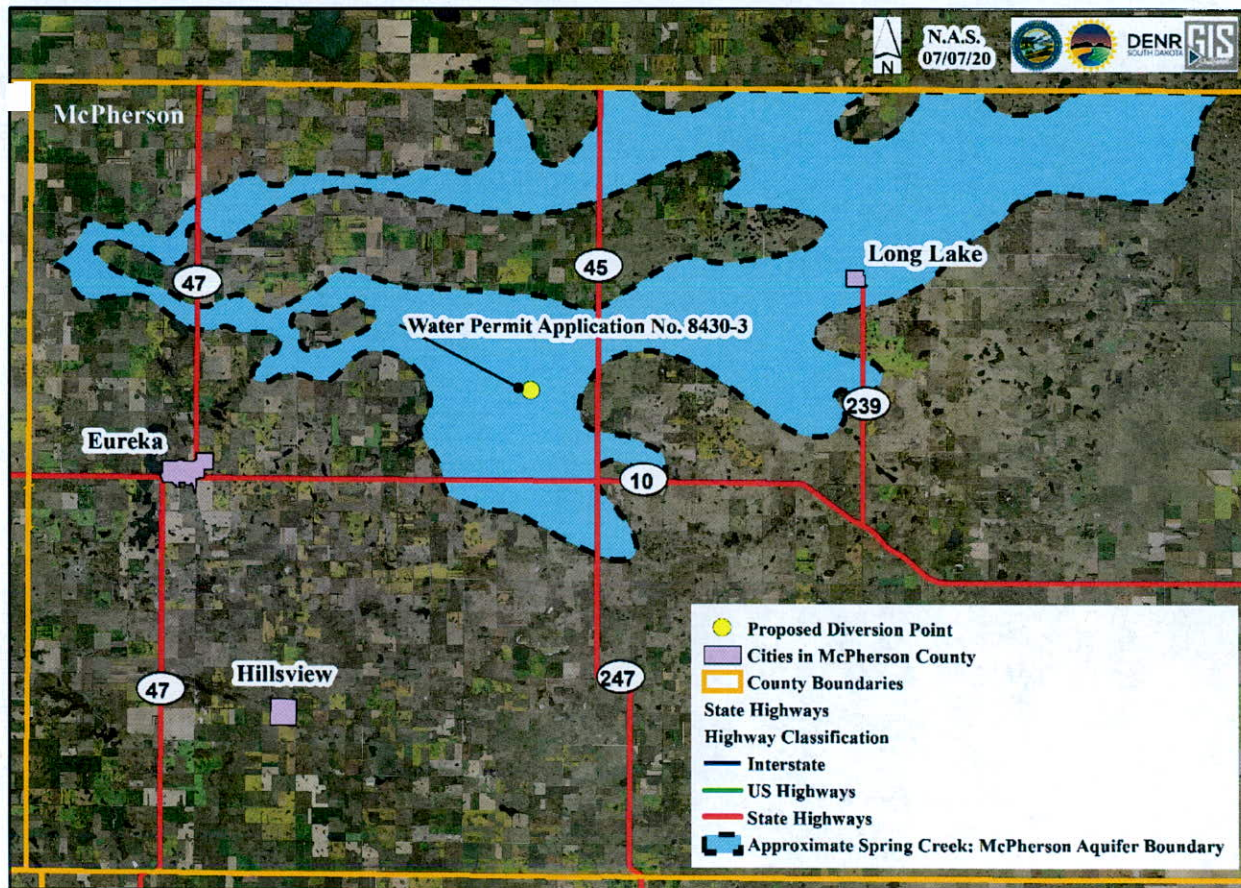


Figure 1. Map of the approximate Spring Creek: McPherson aquifer boundary with the proposed diversion point for Water Permit Application No. 8430-3 (modified from Hedges et al., 1982)

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, "A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the diversion point 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 potential for unlawful impairment of existing water rights within the Spring Creek: McPherson aquifer.

WATER AVAILABILITY

Water Permit Application No. 8430-3 proposes to appropriate water from the Spring Creek: McPherson aquifer. The probability of unappropriated water available from the 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. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Spring Creek: McPherson aquifer is not older than or stratigraphically lower than the Greenhorn Formation, and the proposed use is not for use in a water distribution system. Therefore, average annual recharge and average annual withdrawal must be considered.

HYDROLOGIC BUDGET

Recharge

Recharge to the Spring Creek: McPherson aquifer is through infiltration of precipitation by vertical permeation and lateral inflow from adjacent till (Hamilton, 1982). A recharge rate has not been quantified specifically for the Spring Creek: McPherson aquifer. Hedges and others (1982 and 1985) describe the Spring Creek: McPherson aquifer as a non-buried surface system aquifer. Other non-buried surface system aquifers in this vicinity include the Bowdle and Selby aquifers. Using observation well analysis, recharge rates for these aquifers were estimated to be 2.0 to 2.7 inches per year for the Bowdle aquifer’s management units and 2.0 inches per year for the Selby aquifer (Hedges et al., 1985). Based on the recharge rates for these similar aquifers, it is assumed the Spring Creek: McPherson aquifer has a recharge rate of 2.0 inches per year. The McPherson management unit is estimated to underly 101,200 acres (Hedges et al, 1982); therefore, the average annual recharge rate of the Spring Creek: McPherson aquifer is approximately 16,867 acre-feet per year.

Discharge

Discharge from the Spring Creek: McPherson aquifer is primarily through well withdrawals for irrigation, domestic and commercial use (Water Rights, 2020c). Hedges and others (1982) noted, “aquifers of the surface system may locally be hydrologically connected to aquifers of the Intermediate or Basal Systems.” Therefore, discharge to adjacent aquifers can occur in surface system aquifers when hydrologically connected. Additionally, evapotranspiration is expected when the water level of the Spring Creek: McPherson aquifer is near or at land surface. Currently, there are 11 water rights/permits authorized to appropriate water from the Spring Creek: McPherson aquifer (Table 1) (Water Rights, 2020c).

Table 1. Current water rights/permits authorized to appropriate water from the Spring Creek: McPherson aquifer (Water Rights, 2020c)

Permit No.	Name	Status	Use	Rate (cfs)	Acres
3012-3	Marvin and Mark Morlock	LC	IRR	2	21
3925A-3	Jeff Neuharth	LC	IRR	2.28	160
5706-3	Border Club	LC	COM	0.013	
6258A-3	Samuel and Samantha Braun	LC	IRR	7	490
6258B-3	Mark and Kim Hoffman	LC	IRR	1.89	132
7304-3	Michael C Neuharth	LC	IRR	1.78	136
7323A-3	Mark and Kim Hoffman	LC	IRR	2.67	198
7323B-3	Mark and Heidi Morlock	LC	IRR	0.89	66
7455-3	Dan Mettler	PE	IRR	1.78	160
8052-3	Dennis Wolff	PE	IRR	2.2	157
8232-3	Sharon Braun Family Farms LP	LC	IRR	5.79	380
LC: Licensed Water Right, PE: Water Permit, IRR: Irrigation, COM: Commercial					

Water Right No. 5706-3 is currently the only water right authorized to appropriate water from the Spring Creek: McPherson aquifer for non-irrigation use (Water Rights, 2020c). It is held by the Border Club and used commercially to provide water to a bar and café (Water Rights, 2020c). It is assumed that non-irrigation water rights/permits limited only by a diversion rate will pump at a maximum permitted diversion rate for 60 percent of the time. Therefore, the estimated water use under Water Right No. 5706-3 is approximately 5.65 acre-feet of water annually.

There are ten water rights/permits authorized to appropriate water from the Spring Creek: McPherson aquifer for irrigation use (Water Rights, 2020c). Generally, irrigation water rights/permits are required to report their annual water usage. The estimated average annual withdrawal rate for irrigation appropriations over the period of record (1979-2019) is 827.35 acre-feet per year (Table 2) (Water Rights, 2020a).

There are domestic wells completed into the Spring Creek: McPherson aquifer that do not require a water right/permit, so the withdrawal amount is unknown (Water Rights, 2020d). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Spring Creek: McPherson aquifer is the uppermost aquifer available, domestic users may have transitioned to rural water. Therefore, the annual quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget of the Spring Creek: McPherson aquifer.

Table 2. Reported historic irrigation use from the Spring Creek: McPherson aquifer (Water Rights, 2020a)

Year	No. of Permits	Annual Appropriation (ac-ft)	Reported Pumpage (ac-ft)
1979	6	3,459	380.67
1980	5	3,459	566.08
1981	6	3,779	308.18
1982	3	2,379	211.58
1983	3	2,379	256.15
1984	5	2,819	388
1985	4	2,699	410
1986	3	2,379	198
1987	3	2,379	350
1988	4	2,859	1,075.20
1989	4	2,859	838
1990	4	2,859	715
1991	4	2,859	456.1
1992	4	2,859	374.8
1993	4	2,859	21
1994	4	2,619	317.19
1995	4	2,619	120.64
1996	4	2,859	317
1997	4	2,859	285
1998	4	2,859	442.37
1999	4	2,859	340.49
2000	4	2,859	560.3
2001	4	2,859	611.4
2002	5	4,739	2,095.91
2003	5	4,739	1,904.35
2004	5	4,739	1,224.48
2005	5	4,739	1,415.80
2006	5	4,739	2,770.28
2007	4	4,133	1,545.84
2008	4	4,133	1,351.83
2009	4	4,133	606.04
2010	4	4,133	1,004.81
2011	4	4,133	890.36
2012	6	4,981	1,388.51
2013	7	5,253	1,768.36
2014	7	5,253	811.36
2015	8	5,567	1,357.74
2016	8	4,931	1,208.32
2017	8	4,551	1,811.98
2018	10	4,551	898.09
2019	10	4,551	324.03
Min	3	2,379	21
Max	10	5,567	2,770.28
Avg	4.95	3,640.85	827.35

Hydrologic Budget Summary

The average annual recharge of the Spring Creek: McPherson aquifer is approximately 16,867 acre-feet per year. The average annual discharge of the Spring Creek: McPherson aquifer is approximately 833 acre-feet per year (non-irrigation: 5.65 acre-feet/year, irrigation: 827.35 acre-feet/year) Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Spring Creek: McPherson aquifer for the proposed appropriation.

OBSERVATION WELL DATA

Administrative Rule of South Dakota (ARSD) Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors five observation wells completed into the Spring Creek: McPherson aquifer (Water Rights, 2020b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The observation wells and their approximate distances to the diversion point are MP-80D (0.78 miles northwest), MP-80E (1.04 miles east), MP-80C (3.0 miles northwest), MP-80B (6.1 miles northwest) and MP-71D (10.8 miles northeast) (Figure 2) (Water Rights, 2020b). Hydrographs were constructed with data points that are measurements of the static water level in the observation wells adjusted to be the elevation from the ground surface instead the measured depth below top of well casing.

The hydrographs for the observation wells display stable to increasing water levels over the respective period of record. The effects of climatic conditions are clear in the hydrographs because water levels are rising during wetter periods (early spring snowmelt and precipitation) and slowly declining to a stable water level during drier periods. Irrigation development has increased over the last twenty years appropriating water from the Spring Creek: McPherson aquifer and the effects of pumping can be seen in the hydrographs for observation wells MP-80D and MP-80E (Water Rights, 2020a and 2020b). The hydrographs show the aquifer consistently recovers after an irrigation season is finished and the stable to rising water levels in observation wells shows the aquifer is not being stressed by pumping. Aquifer recovery indicates that climatic conditions dominate changes in water level to the Spring Creek: McPherson aquifer rather than pumping. That means recharge to and natural discharge from the aquifer greatly exceeds withdrawals. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

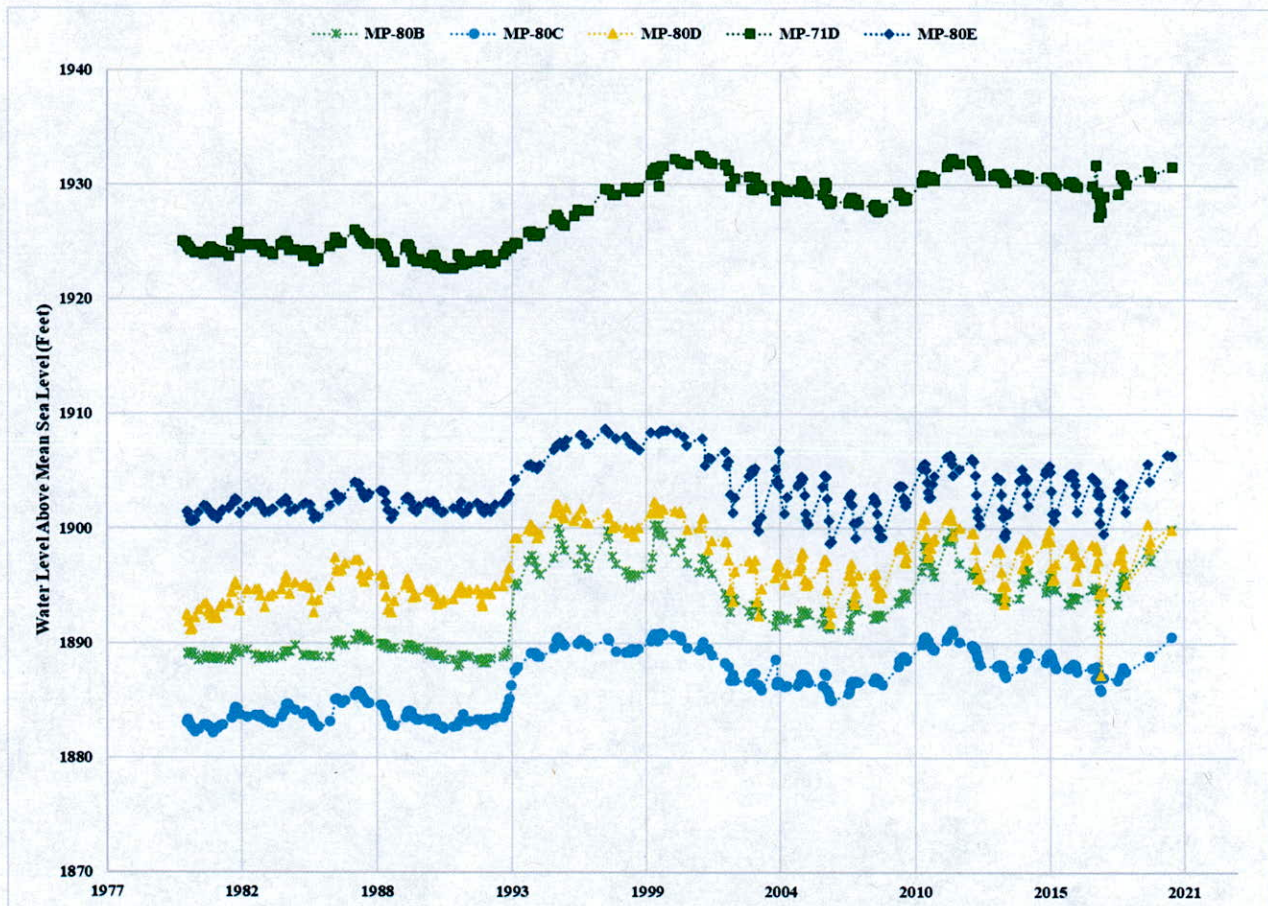


Figure 2. Hydrographs for observation wells MP-71D (ground surface elevation: 1,940 ft), MP-80E (ground surface elevation: 1,905 ft), MP-80D (ground surface elevation: 1,910 ft), MP-80C (ground surface elevation: 1,897 ft) and MP-80B (ground surface elevation: 1,931 ft) (SDGS, 2020; Water Rights, 2020b)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS

Currently, there are 11 water rights/permits authorized to appropriate water from the Spring Creek: McPherson aquifer (Figure 7) (Water Rights, 2020c). The closest water right/permit to the diversion point for this application is Water Right No. 8232-3, held by Sharon Braun Family Farms LP, and it is located approximately 0.25 miles east (Water Rights, 2020c).

There are domestic wells on file with the DENR-Water Rights Program that are completed into the Spring Creek: McPherson aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.85 miles northwest of the proposed diversion point (Water Rights, 2020d). There are likely other domestic wells completed into the Spring Creek: McPherson aquifer near the diversion point that are not on file with the DENR-Water Rights Program.

The Spring Creek: McPherson aquifer is generally under unconfined aquifer conditions; however, the well completion report submitted with Water Permit No. 7323B-3 and the lithologic logs for nearby observation wells indicate the aquifer is expected to be locally confined at the proposed diversion point (Hedges et al., 1982 and 1985; SDGS, 2020; Water Rights, 2020b and 2020d). Drawdown created by pumping a well generally does not extend far

from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the proposed diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test. Observation well MP-80D (approximately 0.78 miles northeast of proposed diversion point) has eight high-yield irrigation wells within two miles of it (Water Rights, 2020b and 2020c). The drawdown from pumping can be seen in the hydrograph for MP-80D, along with the aquifer returning to pre-pumping conditions between irrigation seasons (Figure 3) (Water Rights, 2020b). The lithologic log on file for MP-80D noted the well was drilled 70 feet deep and the top of aquifer is 50 feet below the ground surface (SDGS, 2020; Water Rights, 2020b). The lowest recorded static water level on the hydrograph is approximately 27 feet, which indicates there was still approximately 23 feet of artesian head pressure in MP-80D even during a drier period when high-yield irrigation wells are expected to be pumping more water (Water Rights, 2020b).

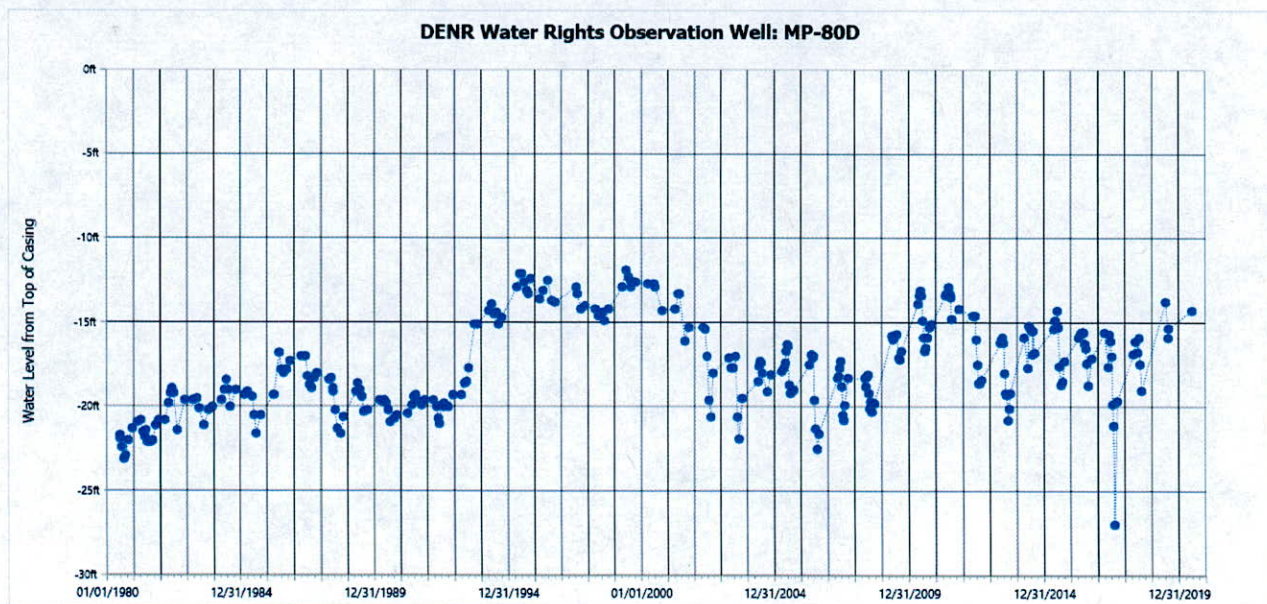


Figure 3. Hydrograph for observation well MP-80D (Water Rights, 2020b)

The Spring Creek: McPherson aquifer has an average thickness of approximately 30 feet with the depth to the top of aquifer materials around 47 feet below the ground surface (Hamilton, 1982, Water Rights, 2020d). This would allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate under ARSD 74:02:04:20 (6). Any drawdown as a result of the diversion for this application is not expected to unlawfully impair nearby adequate wells. In McPherson County, there has been one complaint filed with the DENR-Water Rights Program regarding well interference in glacial aquifers; however, after an investigation, the complaint was determined to be unsubstantiated (Water Rights, 2020e).

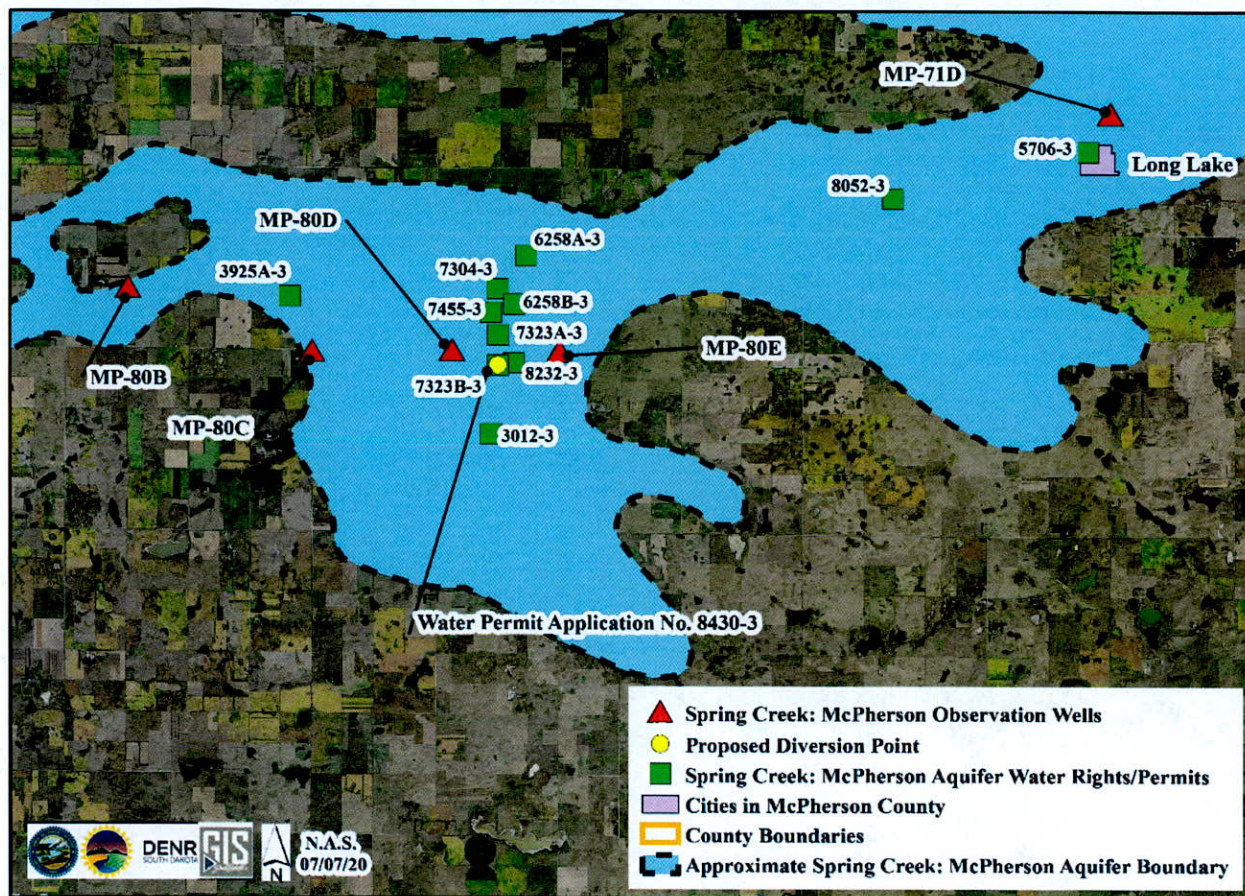


Figure 7. Spring Creek: McPherson water rights/permits, observation wells and the proposed diversion point for Water Permit Application No. 8430-3 (Water Rights, 2020a and 2020b)

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic 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 Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a

result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Spring Creek: McPherson aquifer at their location. In the unconfined portions of the Spring Creek: McPherson aquifer, drawdown due to pumping is not expected to be significant at a distance from the pumping well. Additionally, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), ARSD 74:02:04:20 (6) and (7), the thickness of the Spring Creek: McPherson aquifer in the applicant's location, and the lack of well interference complaints, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water rights/permits or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS

1. Water Permit Application No. 8430-3 proposes to appropriate water from the Spring Creek: McPherson aquifer at a maximum instantaneous diversion rate of 0.89 cfs from one well (95 feet deep), authorized under Water Right No. 7323B-3, located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 to irrigate 66 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 21; all in T127N-R71W in McPherson County approximately 10 miles northeast of Eureka, South Dakota.
2. Water Right No. 7323B-3 authorizes the appropriation of 0.89 cfs from one well (95 feet deep) completed into the Spring Creek: McPherson aquifer located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 to irrigate 66 acres located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 21; all in T127N-R71W.
3. If approved, Water Permit Application No. 8430-3 and Water Right No. 7323B-3 will have a combined maximum instantaneous diversion rate of 1.78 cfs to irrigate 132 acres located in the NE $\frac{1}{4}$ of Section 21-T127N-R71W.
4. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Spring Creek: McPherson aquifer to supply the proposed appropriation.
5. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8430-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.

Nakaila Steen

Nakaila Steen

Natural Resources Engineer I

SD DENR - Water Rights Program

Reviewed by:

Adam Mathiowetz

Adam Mathiowetz PE

Natural Resources Engineer III

SD DENR -Water Rights Program

References

Hamilton, L.J., 1974. Major Aquifers in McPherson, Edmunds, and Faulk Counties, South Dakota: SD Geological Survey Information Pamphlet No. 8, 12 p.

Hamilton, L.J., 1982, Major Aquifers in McPherson, Edmunds, and Faulk Counties, South Dakota, Part II: Water Resources: SD Geological Survey Bulletin 26, 60 p.

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982. Evaluation of Ground- Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task I: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.

Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185

SDGS, 2020. South Dakota Geological Survey Lithologic Logs Database. Accessed July 28, 2020.

Water Rights, 1995. Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. DENR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.

Water Rights, 2020a. "1979-2019 Irrigation Summaries by Aquifer", SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Water Rights, 2020b. Observation Well Data, SD-DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2020c. Water Right/Permit Files, SD-DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2020d. Well Completion Reports, SD-DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2020e. County Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

AFFIDAVIT OF PUBLICATION

The Northwest Blade
P.O. Box 797; Eureka, SD 57437
605-284-2631

RECEIVED
AUG 31 2020
WATER RIGHTS
PROGRAM

STATE OF South Dakota: COUNTY OF McPherson

I, Makena Vocu, am authorized by the publisher as agent to make this affidavit of publication.
Under oath, I state that the following is true and correct.

The Northwest Blade is a newspaper which is published weekly and is of general circulation and is in compliance with South Dakota Newspaper Association legalized Statutes.

The notice has been published in the newspaper listed above.

DATE(S) OF PUBLICATION

8/13 Neuhardt Water Permit

NAME OF THE CORPORATION/GOVERNMENT OFFICE: Water Rights Program

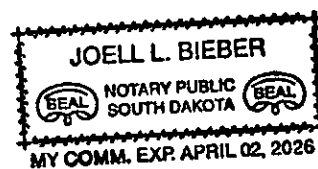
TYPE OF DOCUMENT: legal

AUTHORIZED SIGNATURE: Makena Vocu

SUBSCRIBED AND SWORN TO BEFORE ME ON THE

27th DAY OF August, 20 20.

NOTARY SIGNATURE: Joell L. Bieber



**NOTICE OF
APPLICATION NO. 8430-
3 to Appropriate Water**

Notice is given that Lavern Neuharth, 33567 109th St, Eureka SD 57437 has filed an application for a water permit to appropriate an additional 0.89 cubic feet of water per second (cfs) and irrigate an additional 66 acres to what is currently authorized by Water Right No. 7323B-3 issued to Mark Morlock. Water Right No. 7323B-3 appropriates 0.89 cfs from one well completed into the Spring Creek - McPherson Aquifer (95 feet deep) located in the NE 1/4 NE 1/4 Section 21 for irrigation of 66 acres located in the N 1/2 NE 1/4 Section 21; all in T127N-R71W. This application is proposing to appropriate an additional 0.89 cfs from the existing well to irrigate 66 acres located in the S 1/2 NE 1/4 Section 21-T127N-R71W. This application, if approved, and Water Right No. 7323B-3 will authorize a total diversion rate of 1.78 cfs for irrigation of 132 acres, thus allowing the pivot to make a complete rotation. This site is located approximately 10 miles northeast of Eureka SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8430-3 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 Ron Duvall 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.

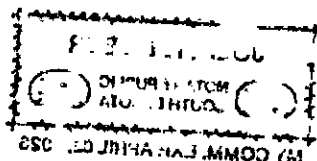
The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed

by either an interested person or the applicant must be filed by August 24, 2020.

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.

Published once at an approximate cost of \$34.56 @ .02 cents per reader.



RECEIVED

AUG 17 2020

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Carla Rorring being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Legal # 868904
Notice of Application No. 8430-3

a printed copy of which is hereto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

day for 1 successive day
The first publication being made on the 13th day of August, 2020.
The second publication being made on the _____ day of _____, 2020.
The third publication being made on the _____ day of _____, 2020.
The fourth publication being made on the _____ day of _____, 2020.
The fifth publication being made on the _____ day of _____, 2020.
The sixth publication being made on the _____ day of _____, 2020;

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 50.88, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Carla Rorring
Subscribed and sworn to before me this 13th day of August, 2020.

Daily Circulation 10,000

[Signature] Notary Public, Brown County, SD.

My commission expires March 20, 2025

NOTICE OF APPLICATION NO.
8430-3 to Appropriate Water

Notice is given that Lavern Neuharth, 33567 109th St, Eureka SD 57437 has filed an application for a water permit to appropriate an additional 0.89 cubic feet of water per second (cfs) and irrigate an additional 66 acres to what is currently authorized by Water Right No. 7323B-3 issued to Mark Morlock. Water Right No. 7323B-3 appropriates 0.89 cfs from one well completed into the Spring Creek - McPherson Aquifer (95 feet deep) located

in the NE 1/4 NE 1/4 Section 21 for irrigation of 66 acres located in the N 1/2 NE 1/4 Section 21; all in T127N-R71W. This application is proposing to appropriate an additional 0.89 cfs from the existing well to irrigate 66 acres located in the S 1/2 NE 1/4 Section 21-T127N-R71W. This application, if approved, and Water Right No. 7323B-3 will authorize a total diversion rate of 1.78 cfs for irrigation of 132 acres, thus allowing the pivot to make a complete rotation. This site is located approximately 10 miles northeast of Eureka SD.

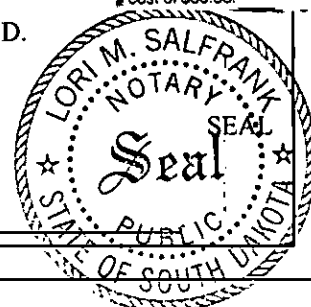
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8430-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duveall 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 August 24, 2020.

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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.

Published once at the total approximate cost of \$50.88.



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, August 3, 2020 1:24 PM
To: 'nwblade@valleytel.net'
Subject: 8430-3, Lavern Neuharth
Attachments: 8430-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 13, 2020.

Lavern Neuharth, 33567 109th St, Eureka SD 57437 (605 284-2844) 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
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, August 3, 2020 1:25 PM
To: Aberdeen News Legals (aan-legals@aberdeennews.com)
Subject: FW: 8430-3, Lavern Neuharth
Attachments: 8430-3public.short.docx; FORM8.FRM.doc

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Karen Schlaak
Water Rights Program
(605) 773-3352





DENR
SOUTH DAKOTA

**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.**

August 3, 2020

Lavern Neuharth
33567 109th St
Eureka SD 57437

Dear Mrs. Neuharth:

Water Permit Application No. 8430-3 for use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Northwest Blade printed at Eureka SD (Ph # 605 284-2631) and the American News printed at Aberdeen SD (Ph # 605 225-4100). 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 publishers have 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,

Karen Schlaak
Water Rights Program
(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.

c: Mark Morlock, 33820 112th St, Eureka SD 57437

NOTICE OF APPLICATION NO. 8430-3 to Appropriate Water

Notice is given that Lavern Neuharth, 33567 109th St, Eureka SD 57437 has filed an application for a water permit to appropriate an additional 0.89 cubic feet of water per second (cfs) and irrigate an additional 66 acres to what is currently authorized by Water Right No. 7323B-3 issued to Mark Morlock. Water Right No. 7323B-3 appropriates 0.89 cfs from one well completed into the Spring Creek – McPherson Aquifer (95 feet deep) located in the NE 1/4 NE 1/4 Section 21 for irrigation of 66 acres located in the N 1/2 NE 1/4 Section 21; all in T127N-R71W. This application is proposing to appropriate an additional 0.89 cfs from the existing well to irrigate 66 acres located in the S 1/2 NE 1/4 Section 21-T127N-R71W. This application, if approved, and Water Right No. 7323B-3 will authorize a total diversion rate of 1.78 cfs for irrigation of 132 acres, thus allowing the pivot to make a complete rotation. This site is located approximately 10 miles northeast of Eureka SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8430-3 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 Ron Duvall 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 August 24, 2020.

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.

Published once at the total approximate cost of_



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 08 2020



Lavern Neuharth
33567 109th St
Eureka SD 57437

Dear Mrs. Neuharth:

Enclosed is Water Permit No. 8430-3 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,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

c: Mark Morlock

8430-3

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

RECEIVED

OCT 30 2020

WATER RIGHTS
PROGRAMDate 10-15-2020

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Laverne Newkirth

(name)

33567 109th St

(address)

Sioux Falls SD 57437

(city, state, zip)

605-284-2844

(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. 8430-3 states that the water use system is to be constructed by

8-24-25

(date)

, and water is to be put to beneficial use by 8-24-29

(date)

The water use system was completed on Sept. 8, 2020

(date)

Applying the water to beneficial use was completed on Sept. 8, 2020

(date)

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

Laverne Newkirth

(signature)





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 7, 2020

8430-3

Laverne Neuharth
33567 109th St
Eureka SD 57437

Dear Mr. Neuharth:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in back in October to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. 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, with the first name "Genny" and last name "McMath" clearly visible.

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



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

January 20, 2023

NOTICE

TO: MARK MORLOCK, MGR, 33820 112TH ST, EUREKA, SD 57437 6005

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3012-3, 7323B-3 & 8430-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 3012-3, 7323B-3 & 8430-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3012-3, 7323B-3 & 8430-3 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 8, 2023** 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://danr.sd.gov/iq> using this password: RIECHO**

c: MARVIN MORLOCK, 11072 339TH AVE, EUREKA SD 57437 6003

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 30, 2023

3012-3
7323B-3
8430-3

Mark Morlock
33820 112th St
Eureka SD 57437-6005

Dear Mr. Morlock:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right or Permit Nos. 3012-3, 7323B-3 & 8430-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Marvin Morlock



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

January 14, 2025

NOTICE

TO: MARK & HEIDI MORLOCK, 33820 112TH ST, EUREKA SD 57437

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3012-3, 7323B-3 & 8430-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 3012-3, 7323B-3 & 8430-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3012-3, 7323B-3 & 8430-3 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 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: LWPMNZ**

cc: LAVERNE NEUHARTH, 33567 109TH ST, EUREKA SD 57437

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.



3012-3
8430-3
7323B-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: MARK MORLOCK, 33820 112TH ST, EUREKA, SD 57437 6005

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3012-3, 7323B-3 & 8430-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 3012-3, 7323B-3 & 8430-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3012-3, 7323B-3 & 8430-3 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 4, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: MFVTKX**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 6, 2026

**NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION
OF WATER PERMIT**

TO: Laverne Neuharth, 33567 109th St, Eureka SD 57437

FROM: Adam Mathiowetz, PE, Acting Chief Engineer
DANR - Water Rights Program

SUBJECT: One Year Suspension of Water Permit No. 8430-3

On March 4, 2026, the South Dakota Water Management Board ordered:

- Effective April 3, 2026, Water Permit No. 8430-3 be suspended for the 2026 irrigation season.

This action was taken by the Board for failure to return the 2025 irrigation questionnaire. If the 2025 irrigation questionnaire is received prior to April 3, 2026, the suspension will not take effect.

A one-year suspension of Water Permit No. 8430-3 means water may not be pumped during the 2026 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2026 unless the 2025 irrigation questionnaire is submitted prior to April 3, 2026.

After April 3, 2026, you may petition the Board to rescind the suspension. You will need to submit, to the Water Rights Program, the 2025 irrigation questionnaire and a letter including your reason for not completing the 2025 irrigation questionnaire within the allotted time and requesting time on the agenda for the next Water Management Board meeting. The next Water Management Board meeting is scheduled for May 6, 2026, in Pierre SD.

Decisions made by the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Amanda Dewell, Water Rights Permitting Administrator (605) 773-3352 with any questions.

NOTE: Water Rights staff will conduct unscheduled compliance checks of suspended water rights to ensure irrigation is not taking place.

Cc: Mark Morlock (renter/operator), 33820 112th St, Eureka SD 57437

7019 1120 0001 2910 4198

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☐ Adult Signature Restricted Delivery	\$

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Street

City

Laverne Neuharth
33567 109th St
Eureka, SD 57437

PS Form 3800, April 2015 PSN 7530-01-000-9000

See for Instructions

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF ONE- AND THREE-YEAR SUSPENSION OF WATER RIGHT dated March 6, 2026, via certified mail to the following parties.

Chance & Michelle Wientjes
PO Box 96
Mobridge, SD 57601

Vernon & Marlys Walkling
29832 267th Ave
Crookston, NE 69212

Vasgaard Properties
28746 462nd Ave
Centerville, SD 57014

Doug & Darla Van Gerpen
40930 305th St
Avon, SD 57315

John & Bryan Uecker
PO Box 573
Wagner, SD 57380

Twisted Land & Cattle Co.
C/O Brad Peterson
19030 391st Ave
Hitchcock, SD 57348

Tilton Ranch Inc.
C/O Janet Burback
2199 Skinner Rd
Belgrade, MT 59714

Dale Sprague
16221 Twilight Rd
Mud Butte, SD 57758

Greg & Evette Rihanek
814 E State St
Plankinton, SD 57368

Wayne Reiersen
30048 Reiersen Pl
Pollock, SD 57648

Charlotte or Phillip Nichols
7497 Rolling Meadow Dr
West Chester, OH 45069

Wilma Heien (Walter Heien)
PO Box 145
Blunt, SD 57522

David & Jerry Wieber
PO Box 238
Lidgerwood, ND 58053

Vintage Square Estates
PO Box 594
Ft Pierre, SD 57532

Valley View Farms Inc.
17716 458th Ave
Watertown, SD 57201

Kash & Trish Van Dyke
48549 219th St
Elkton, SD 57026

Oscar Inc.
C/O Floyd Peterson
209 27th St NW
Huron, SD 57350

Dan & David Trudeau
33927 478th Ave
Jefferson, SD 57038

Terrill Farms Inc.
C/O Tony Terrill
42099 176th St
Clark, SD 57225

Swan Creek Land Co. Inc
PO Box 435
Akaska, SD 57420

Six Mile Creek Golf Course
20307 483rd Ave
White, SD 57276

Robert Phelps Jr
16220 Spring Valley Rd
Piedmont, SD 57769

GW Evridge
20151 Saddle Ct
Whitewood, SD 57793

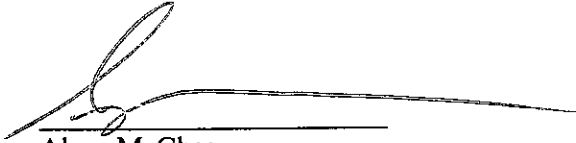
Mark & Melvin Morlock
33820 112th St
Eureka, SD 57437

Laverne Neuharth
33567 109th St
Eureka, SD 57437

Central Valley Golf Club
700 E Hwy 38
Hartford, SD 57033

Dale & Mary Helen Bisson
PO Box 844
Ft Pierre, SD 57532

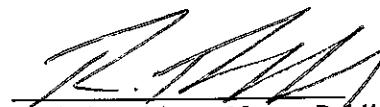
Ryan Edwards
25331 Yellow Eagle Rd
White River, SD 57579



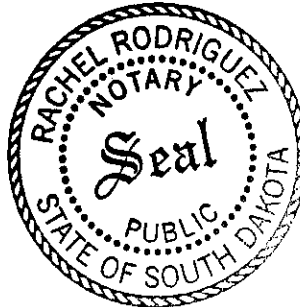
Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16 day of March, 2026.



Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Laverne Neuharth
33567 109th St
Eureka, SD 57437



9590 9402 6392 0303 3259 14

2. Article Number (Transfer from service label)

7019 1120 0001 2910 4198

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Brad Neuharth

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Brad Neuharth

C. Date of Delivery

3/11/26

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
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☐ Signature Confirmation™

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DANR WATER RIGHTS PROGRAM
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PIERRE SD 57501

RECEIVED

MAR 16 2026

OFFICE OF
WATER





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 9, 2026

3012-3, 7323B-3, 8430-3

Marvin & Mark Morlock
33820 112th St
Eureka, SD 57437

Dear Mr. Morlock,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us

CC: Laverne Neuharth, 33567 109th St, Eureka SD 57437