

WATER PERMIT NO. 8627-3

Name of Applicant: Richard L Logue

Address: 2001 Stardust Drive, Colorado Springs CO 80905

Phone: 719-635-7733

Amount of Water Claimed: no add'l Total Acres: 60

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Clay

Type of Waste Disposal System:

Location: 14 miles northwest of Vermillion

PRIORITY Date Received: 3-28-22

Application/License Fee: \$ 700

Corrected Application Received: 4-7-22

Period of Annual Use: April 1 – October 1

Remarks: Utilizing the well authorized by Water Right No. 7635-3

Diversion Point: NW 1/4 NW 1/4 Sec 29-T94N-R53W

Land to be Irrigated: W 1/2 NW 1/4 Sec 29 and SW 1/4 SW 1/4 Sec 20; all in T94N-R53W

Depth of Well: 100 feet deep

Well Driller:

Remarks:

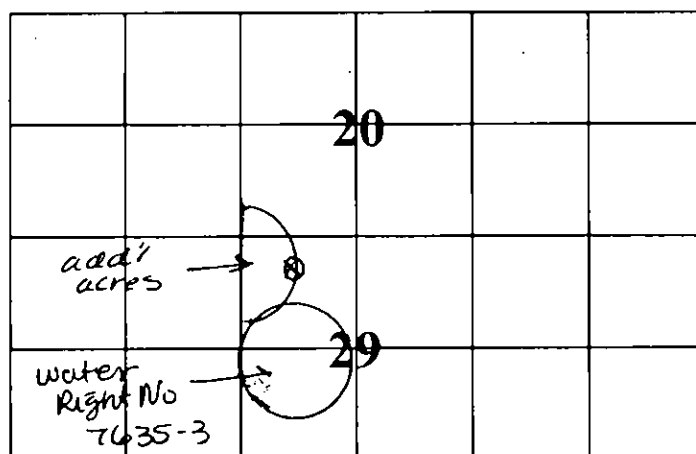
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 4-7-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8627-3**

Date of first receipt of application March 28, 2022.

Date of return to applicant for corrections, amendments or changes March 29, 2022.

Date of receipt of corrected application April 7, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8627-3 to Richard L Logue, 2001 Stardust Drive, Colorado Springs CO 80905 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. 8627-3 authorizes irrigation of an additional 60 acres. Water Right No. 7635-3 authorizes 2.0 cubic feet of water per second (cfs) from one well completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW 1/4 NW 1/4 Section 29 for irrigation of 140 acres located in the S 1/2 NW 1/4, SW 1/4 Section 29; all in T94N-R53W. This permit authorizes irrigation of an additional 60 acres located in the W 1/2 NW 1/4 Section 29 and SW 1/4 SW 1/4 Section 20; all in T94N-R53W from the existing well. This permit and Water Right No. 7635-3 will authorize a total of 2.0 cfs for irrigation of 200 acres. This site is located approximately 14 miles northwest of Vermillion SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 1.
3. The date from which applicant may claim right is March 28, 2022.
4. The date of approval of Permit No. 8627-3 is June 27, 2022.
5. One-fifth of the construction is to be completed on or before December 27, 2024.
6. All construction is to be completed on or before June 27, 2027.
7. Water is to be put to beneficial use on or before June 27, 2031.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

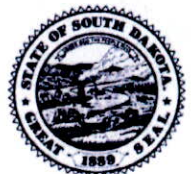
QUALIFICATIONS

1. The well approved under Water Right No. 7635-3 and Water Permit No. 8627-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled 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 Agriculture and Natural Resources

JUL 26 2022
date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8627-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Plain Talk</u>	
	<u>Press & Dakotan</u>	

MAR 28 2022
PAID
WATER RIGHTS
PROGRAM
MAR 28 2022
Ck# 10560
Rec't# _____

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7635-3
(Use predates Mar 2, 1955)

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

Adding additional center pivot to existing well

1. Name to Appear on Irrigation Permit Richard L Logue

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

Mailing Address 2001 Stardust Drive Colorado Springs CO 80905
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 719-635-7753 mail _____

2. Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 60
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam dugout or annual use if applicable)

3. Source of water supply Existing well

4. Location of point of diversion 1 well NW 1/4 NW 1/4 Sec 29 T94N-R53W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Clay

5. County or counties where water will be used Clay

6. Annual period during which water is to be used, 4/1 - 10/1

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

Land Description	Acres	Land Description	Acres
NW 1/4 NW 1/4 Sec 29	40		
SW 1/4 NW 1/4 Sec 29	7		
SW 1/4 SW 1/4 Sec 20	13		
all in T94N-R53W			

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

project on attached map

Richard L Logue

605 660-5494

I, Richard L Logue (70674 Bluff Rd, Vol 12, SD 57012), the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)a) If new wells, how many ____ 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 Hammann/Walshmore

For either Existing or Proposed Wells:

c) Well Depth (required) 102' Depth to Top of Water Bearing Material 48' Depth to Water from Surface 39'd) Distance to nearest domestic well on applicant's property 1/2 mile Property owned by others 1/2 mile**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

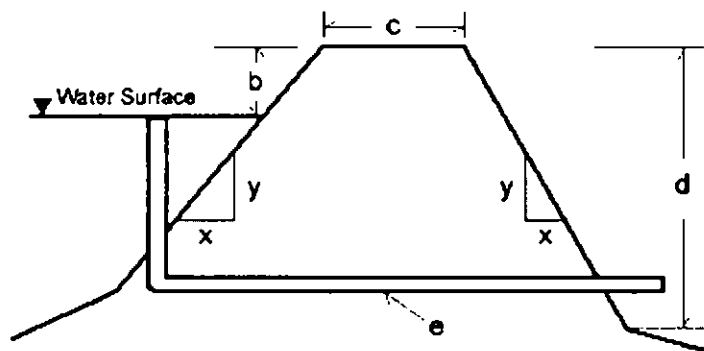
a) Surface Dimensions _____ Depth _____

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 _____

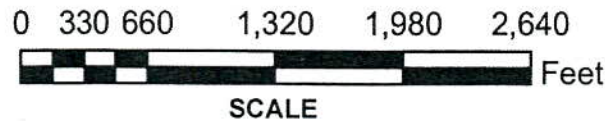
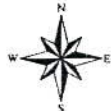
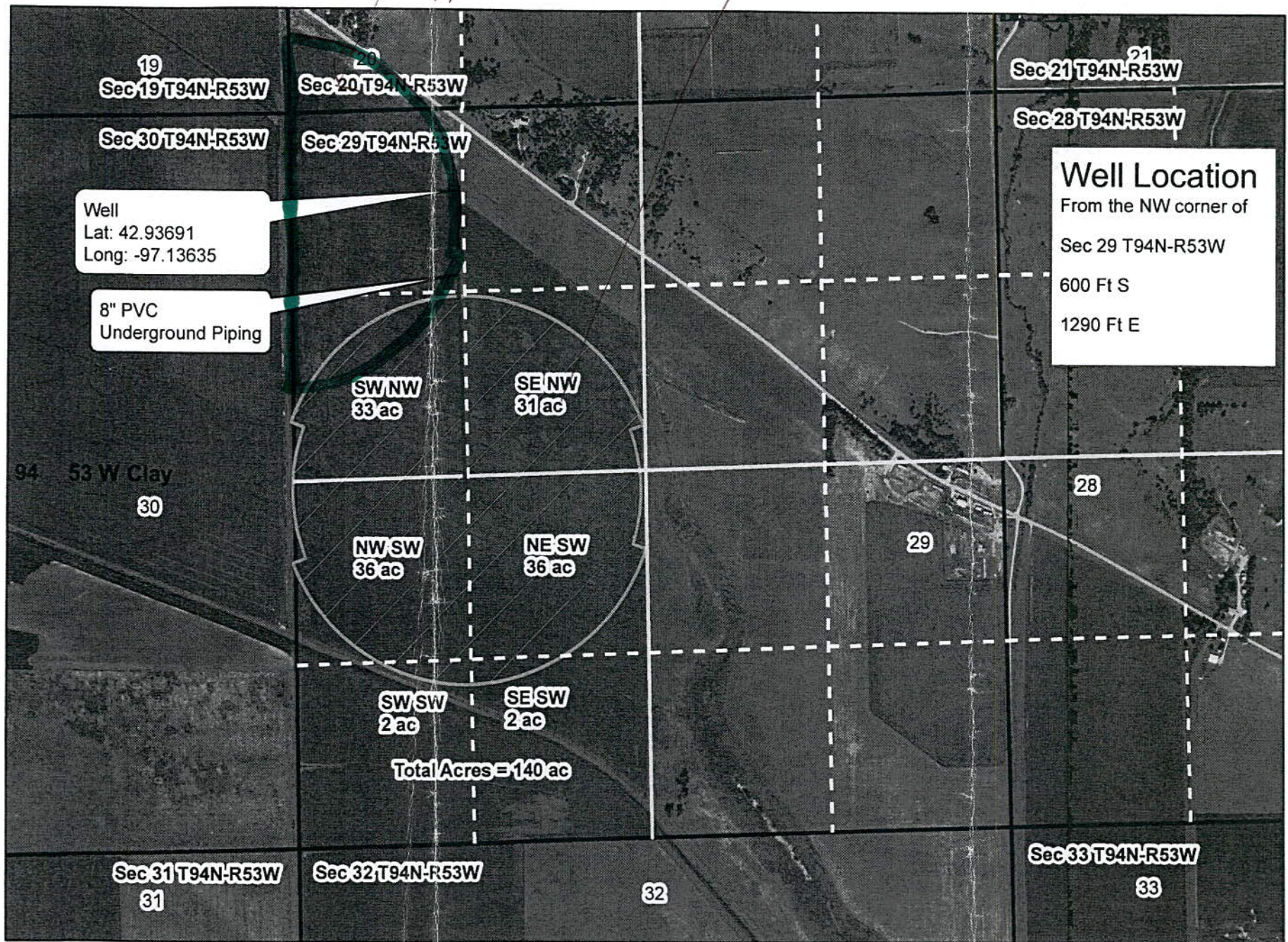
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

7635-3

proposed application

existing permit



Harold Holoch
Harold Holoch, PE
Staff Engineer
June 22, 2017

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date March 28, 2022

RECEIVED OF Logue Partnership 2001 Stardust Drive Colorado Springs, CO 80905

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

Fee for Application for Permit No. <u>8627-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
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>8627-3</u>	\$ <u>200.00</u>
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	\$ <u>700.00</u>

By *Eric Moncland*
Chief Engineer

EM

Water Rights Program - File Documentation

NAME: Don Logue

ADDRESS: Volga SD

DATE: 3-29-22

RE: Pending application

COMMENTS:

I called Don Logue regarding the water permit application for Richard L Logue. We decided I would send the application to Richard for his signature.

Don indicated they are proposing to use the well authorized by Water Right No. 7635-3 to irrigate 60 additional acres. They are not requesting any additional diversion rate. The well will be used on a rotating basis from pivot to pivot.

Don also indicated all correspondence could be sent to him instead of his brother Tom. Don takes care of irrigation portion of their partnership.



Karen Schlaak
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

RECEIVED

APR 07 2022

**WATER RIGHTS
PROGRAM**

March 29, 2022

Richard L Logue
2001 Stardust Drive
Colorado Springs CO 80905

Dear Mr. Logue:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Clay County. To complete the application, the following needs is required.

Since you are the owner of the land, you are required to sign the application. Please sign your name down at the bottom of the page, above the signature of Don Logue and return to us.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

*Hi KAREN,
PLS FIND SIGNED FORM
ATTACHED*

Don Logue

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 13, 2022 11:50 AM
To: loguedonald@yahoo.com
Subject: Water Permit Application No. 8627-3
Attachments: 3575.pdf

Don,

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. The Plain Talk has a publication deadline of tomorrow (Tuesday) at noon. Please contact them prior to that time.

This information is being mailed to you and Richard L Logue today.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8627-3, Richard L Logue**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8627-3, Richard L Logue, 2001 Stardust Drive, Colorado Springs CO 80905.

The Chief Engineer is recommending APPROVAL of Application No. 8627-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Right No. 7635-3 and Water Permit No. 8627-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled 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, Chief Engineer
June 8, 2022

Report to the Chief Engineer
On Water Permit Application No. 8627-3

Richard L. Logue

June 10, 2022

Water Permit Application No. 8627-3 proposes to irrigate 60 additional acres to what is authorized by Water Right No. 7635-3. Water Right 7635-3 authorizes 2.0 cubic feet of water per second (cfs) from one well completed into the Missouri: Elk Point aquifer (100 feet deep) located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29 for the irrigation of 140 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 29; all in T94N-R53W. This application proposes to irrigate an additional 60 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 29 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20; all in T94N-R53W from the existing well. This application, if approved, and Water Right No. 7635-3 will authorize a total of 2.0 cfs for the irrigation of 200 acres. The site is located in Clay County approximately 14 miles northwest of Vermillion, SD.

AQUIFER: Missouri: Elk Point (M: EP)

HYDROGEOLOGY:

The Missouri: Elk Point aquifer is a glacial deposit of comprised of unconsolidated materials that consist of fine sand to very coarse gravel (Niehus, 1994; Stephens, 1967). The Missouri: Elk Point aquifer underlies Clay, Union, and Yankton counties in South Dakota (Hedges et al., 1982). The Missouri: Elk Point aquifer underlies approximately 219,000 acres and contains approximately 3,287,100 acre-feet (ac-ft) of recoverable water in storage (Hedges et al., 1982). The approximate areal extent of the Missouri: Elk Point aquifer is displayed in Figure 1 along with the location of the diversion point. The Missouri: Elk Point aquifer is hydraulically connected to the Lower James Missouri and the Lower Vermillion Missouri aquifers, as well as the Big Sioux, Missouri, James, and Vermillion Rivers (Nichus, 1994, Stephens, 1967).

A well completion report was submitted with Water Right No. 7635-3. The report lists "top soil" from 0 to 5 feet below land surface, "brown clay" from 5 to 16 feet, "gray clay" from 16 to 32 feet, "sand-little gravel" from 32 to 59 feet, and "sandy gravel" from 69 to 95 feet. The static water level in the well was 9.4 feet below land surface at the time of well completion (April 4, 2013)). The Missouri: Elk Point aquifer is unconfined at the diversion point based on the submitted well completion report, water levels, and lithologic logs on file for nearby observation wells (SDGS, 2022; Water Rights, 2022b and 2022d).

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 domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11." This report will address the

HYDROLOGIC BUDGET:

Recharge

Recharge to the Missouri: Elk Point aquifer is primarily through infiltration of precipitation, seepage from the Big Sioux, James, Missouri, and Vermillion Rivers, and inflow of groundwater from the Lower James Missouri and Lower Vermillion Missouri aquifers (Bugliosi, 1986; Niehus, 1994). The recharge rate to the Missouri: Elk Point aquifer was estimated by Hedges and others (1985). The average annual recharge rate that was estimated for the Missouri: Elk Point aquifer was 3.8 inches per year (Hedges et al., 1985). The estimated areal extent of the Missouri: Elk Point aquifer is 219,100 acres (Hedges et al., 1985). Therefore, the estimated average annual recharge to the Missouri: Elk Point aquifer is approximately 69,382 ac-ft/yr. A more recent study of the Missouri: Elk Point aquifer noted that withdrawals from the aquifer will bring an influx of recharge from the Missouri River (Stephens, 1967). Stonesifer (2013) estimated that the Missouri River contributed approximately 22,582 ac-ft/yr as a result of pumping from the Lewis and Clark Regional Water System. This additional recharge to the aquifer results in the total estimated annual recharge of the Missouri: Elk Point aquifer increasing to approximately 92,000 ac-ft/yr. It should be noted that other wells (domestic and appropriative) that are in close vicinity to the Missouri River can induce recharge from the river, the amount of induced recharge has yet to be estimated.

Discharge

Discharge from the Missouri: Elk Point aquifer is primarily through evapotranspiration where aquifer is at or near land surface, leakage to the Dakota aquifer, outflow to the Big Sioux, James, Missouri, and Vermillion Rivers, and well withdrawals (Bugliosi, 1986; Niehus, 1994). Currently, there are 623 water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer, including three pending applications - Water Permit Application Nos. 8625-3 and 8630-3, and 8631-3 propose the irrigation of 194 acres, combined (Water Rights, 2022c). There are five future use permits reserving water from the Missouri: Elk Point aquifer presently and the amount of future use permits has not changed since the report by Hansen (2021) was completed. For the purpose of estimating the average annual withdrawal rate from the Missouri: Elk Point aquifer, the five future use permits are assumed to be fully developable for a total of 14,900 ac-ft/yr (Water Rights, 2022c).

The estimated average annual use for non-irrigation water rights/permits within the Missouri: Elk Point aquifer was estimated by Hansen (2021) to be approximately 48,361 ac-ft/yr. It should be noted that Water Permit Nos. 5998A-3 and 7388-3, held by Clay Rural Water System Inc., are included in this average annual use estimate as a result 5998A-3 being authorized for turf, domestic, irrigation, and domestic use and 7388-3 being authorized for rural water system use (Hansen, 2021).

The estimated average annual use for irrigation water rights/permits from the Missouri: Elk Point aquifer from 1979 to 2020 is approximately 19,031 ac-ft/yr (Hansen, 2021). There has been no additional irrigation questionnaire data compiled for the Missouri: Elk Point aquifer since what was analyzed by Hansen (2021) since compilation of the 2021 irrigation questionnaires is not yet

availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Missouri: Elk Point aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8627-3 proposes to appropriate water from the Missouri: Elk Point aquifer for irrigation. The probability of unappropriated water being 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. However, an application may be approved for a water distribution system 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.” The Missouri: Elk Point aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al, 2010), and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Missouri: Elk Point aquifer must be considered.

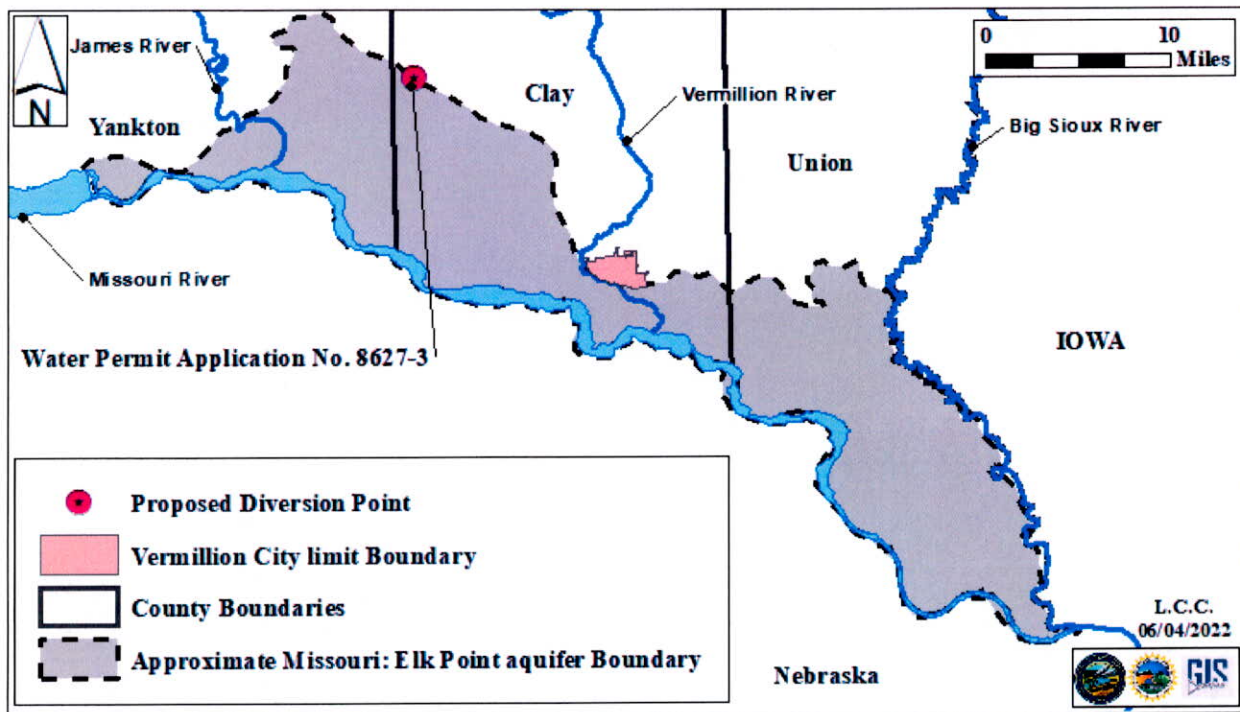


Figure 1: The approximate areal extent of the Missouri: Elk Point aquifer including the diversion point location of Water Permit Application No. 8627-3 (Hedges et al., 1982; Water Rights, 2022b and 2022c).

completed. It should be noted that this estimate for irrigation use for the Missouri: Elk Point aquifer may not be fully representative of the of the current development of the aquifer as a result of an increase in the number of permits and permitted acreage that began in 2006.

The current average annual irrigation use for the Missouri: Elk Point aquifer was estimated by Hansen (2021) that was developed by Farmer (2021). The application rate for the Missouri: Elk Point aquifer was estimated to be approximately 0.343 ft/yr for crop irrigation and 0.97 ft/yr for turf irrigation per permitted acre (Farmer, 2021). These application rates for the Missouri: Elk Point aquifer were based on previous irrigation questionnaire data submitted to the SD DANR-Water Rights Program (Water Rights, 2022a). There are currently 587 irrigation water rights/permits for the Missouri: Elk Point aquifer and are currently authorized for the irrigation of 80,849.54 crop acres and 744.6 turf acres (Water Rights, 2022c). Applying the crop and turf application rates estimated by Farmer (2021), the average annual irrigation use for the Missouri: Elk Point aquifer is approximately 27,731 ac-ft/yr. The estimated annual turf irrigation for the Missouri: Elk Point aquifer is shown in Table 1. Average annual irrigation use from the Missouri: Elk Point aquifer is approximately 28,476 ac-ft/yr.

There are domestic wells completed into the Missouri: Elk Point aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2022d). Withdrawals from domestic wells on an average annual basis are not considered to be a significant portion of the hydrologic budget due to their relatively low diversion rates. Additionally, with the development of rural water systems in areas where the Missouri: Elk Point aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Missouri: Elk Point aquifer.

Table 1: Estimated annual water use for turf irrigation within the Missouri: Elk Point aquifer (Farmer, 2021; Water Rights, 2022c).

Permit No.	Name	Status	County	Acres	Estimated Use (ac-ft/yr)
1294-3	Recreation Dev Assn Inc	LC	Union	102	98.9
2011-3	TR Golf LLC	LC	Union	95	92.2
5786-3	Dakota Dunes Golf Course	LC	Union	173	167.8
5935-3	Ted Waitt	LC	Union	1	1
5936-3	Applied Engineering Inc	LC	Yankton	1.8	1.7
5998A-3	Clay Rural Water System Inc	PE	Union	300	N/A*
8010-3	Ryan Rusher	LC	Yankton	2.5	2.4
8029-3	Dakota Dunes Comm Improvement District	PE	Union	17.8	17.3
8040-3	Heine Electric & Irrigation Inc	LC	Clay	1	1
8354-3	TR Golf LLC	PE	Union	30	29.1
8407-3	Gayville-Volin School District 63-1	LC	Yankton	4.5	4.4
8530-3	National Field Archery Association Foundation	LC	Yankton	16	15.5
LC: Licensed Water Right; PE: Permitted Water Right;			TOTAL:	744.6	431.3
*Accounted for within non-irrigation section					

the observation wells near the river (Goodman, 2007). However, this lowering of the water level in the aquifer is not a sign of over appropriation of the aquifer. The observation well data and how it reacts to climatic conditions does not show any long-term effects from pumping. 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.

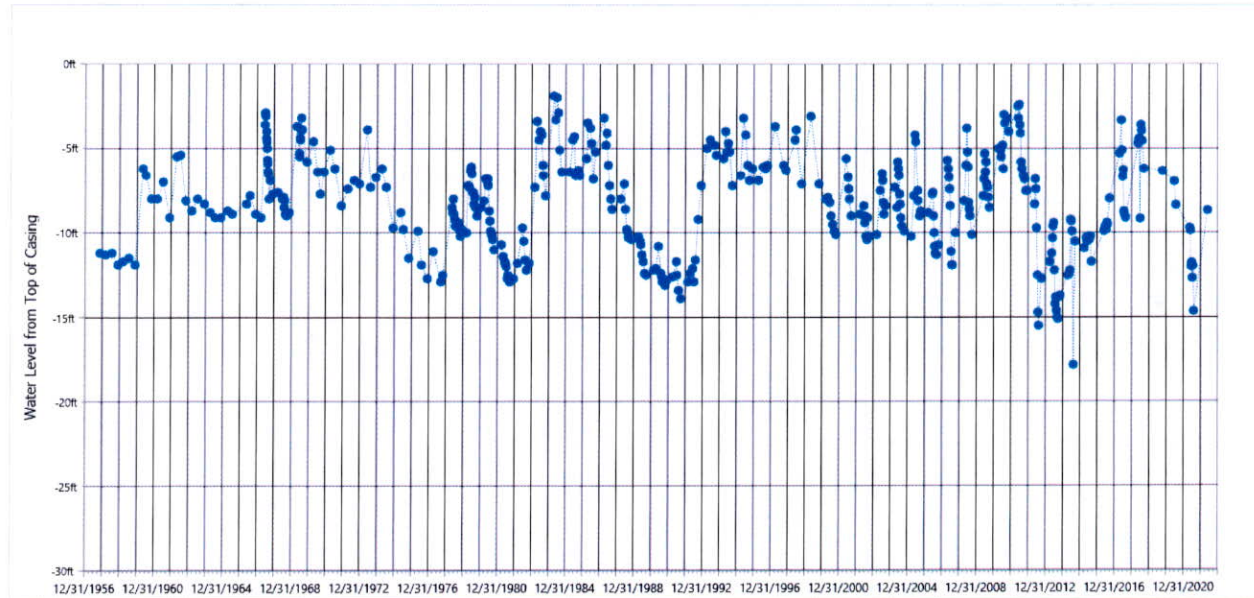


Figure 2: Hydrograph of the Missouri: Elk Point aquifer observation well CL-80A, located approximately 6.2 miles southeast of the diversion point (Water Rights, 2022b).

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 626 water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer, including 5 future use permits appropriating water from the aquifer (Water Rights, 2022c). There are 24 water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer within approximately six miles of the diversion point (Water Rights, 2022c). The 24 water rights/permits are shown in Figure 3 and identified in Table 2. The nearest water right/permit (not held by the applicant) to the diversion point completed into the Missouri: Elk Point aquifer is Water Right No. 7634-3-3 located approximately 0.6 miles northwest of the diversion point.

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Missouri: Elk Point aquifer, with the closest domestic well on file (not held by the applicant) approximately 864 feet northeast of the diversion point (Water Rights, 2022d). There could potentially be other domestic wells completed into the Missouri: Elk Point aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

Hydrologic Budget Summary

The average annual withdrawal rate from the Missouri: Elk Point aquifer totals approximately 91,510 ac-ft/yr (crop irrigation: 27,731 ac-ft/yr; turf irrigation: 431.3 non-irrigation: 48,361 ac-ft/yr; future use: 14,900 ac-ft/yr; pending applications: 66.5 ac-ft/yr; Water Permit Application No. 8625-3 (if approved) (assuming an application rate of 0.343 ft/ac): 20.6 ac-ft/yr) (Water Rights 2022a and 2022c). There is another pending application, Application No. 8614-3 for Lewis & Clark Regional Water System, that proposes to appropriate 6,882 ac-ft/yr. The application is currently deferred pending completion of a study by the SD DNR-Geological Survey regarding the induced recharge from the Missouri River pertaining specifically concerning development of the Lewis & Clark Regional Water System project. The study is expected to be completed in fall 2022. The estimated average annual recharge rate to the Missouri: Elk Point aquifer is approximately 92,000 ac-ft/yr. Overall, the estimated average annual recharge to the Missouri: Elk Point aquifer is greater than the estimated average annual withdrawal rate from the aquifer. Therefore, there is a reasonable probability that unappropriated water is available for the appropriation proposed by this permit application.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 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 DNR-Water Rights Program monitors 36 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2022b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. There is one observation well (CL-80A) within approximately six miles of the diversion point. The hydrograph for this observation well is displayed in Figure 2 (Water Rights, 2022b).

The hydrograph for the observation well displays stable to increasing water levels over the period of record. The hydrograph for the Missouri: Elk Point aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. This recovery of the aquifer indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Missouri: Elk Point aquifer. Some Missouri: Elk Point aquifer wells show a declining trend in water level over their respective periods of records. Generally, these wells are in close proximity to the Missouri River. This downward trend is due to the entrenchment of the Missouri River channel below Gavins Point Dam in Yankton. This entrenchment has lowered the water level of the river and thus of the hydrologically connected aquifer and is easily noticed in

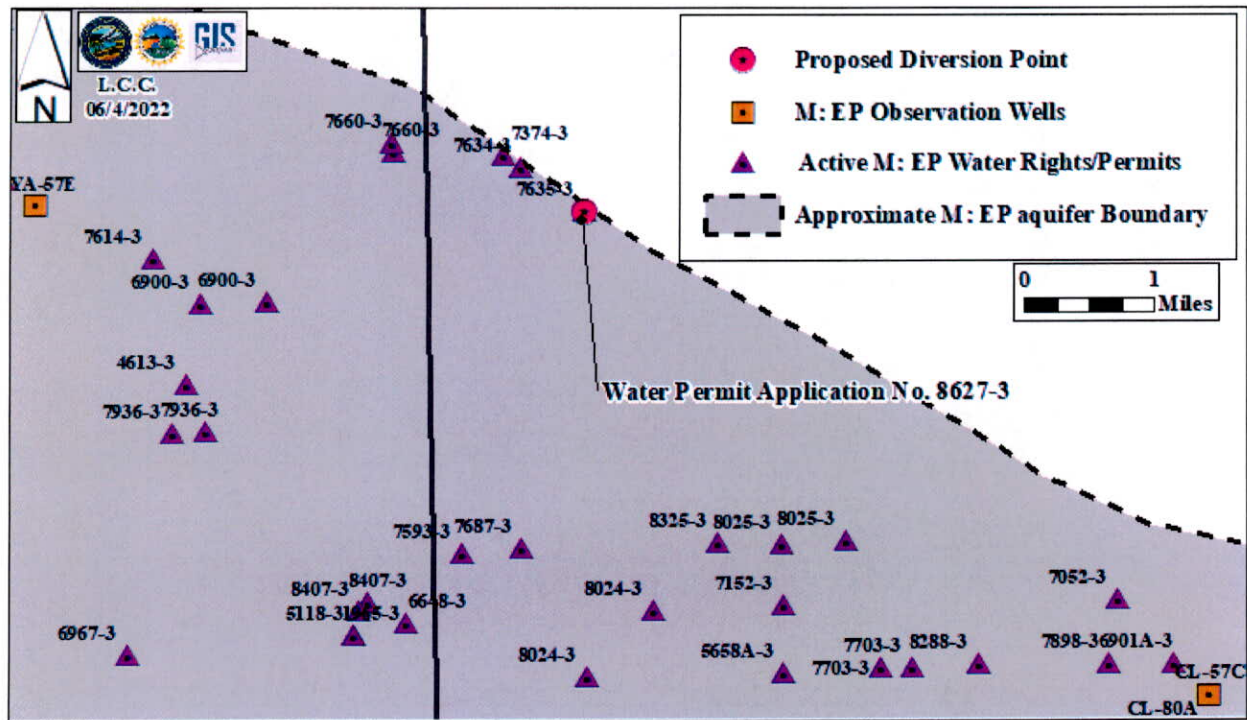


Figure 3: The site location of Water Right Permit Application No. 8627-3, nearby observation wells, and nearby water rights/permits completed into the Missouri: Elk Point aquifer (Water Rights, 2022b and 2022c).

The Missouri: Elk Point aquifer is generally under unconfined conditions in Clay County (SDGS, 2022; Water Rights, 2022d). The diversion point is expected to be under unconfined conditions based on water levels and lithologic logs on file for the nearby observation wells (Water Rights, 2022d). Observation well data (see Figure 2) documents minimal drawdown from withdrawals of existing wells near the diversion point. Therefore, pumping from the diversion point is not expected to significantly lower water levels within the aquifer. Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer. The exact drawdown behavior cannot be known without an aquifer performance test. In Clay County, there have been no complaints submitted to the DANR-Water Rights Program regarding potential well interference for adequate wells completed into the Missouri: Elk Point aquifer (Water Rights, 2022e).

Table 2: Water rights/permits from the Missouri: Elk Point aquifer within approximately 6 miles of the diversion point (Water Rights, 2022c).

Permit No.	Name	Status	Use	Rate (cfs)	Acres
1965-3	Town of Gayville	LC	MUN	0.37	N/A
4613-3	D A Olson & Sons	LC	IRR	2	148
5118-3	Town of Gayville	LC	MUN	0.33	N/A
6648-3	Freeburg Limited Partnership	LC	IRR	1.56	117
5658A-3	Marquardt Family LTD Partnership	PE	IRR	2	140
6900-3	Wade A Larson	LC	IRR	3.12	265
6967-3	Erickson Bye Farms	LC	IRR	2	253
7052-3	Robert J Wardin	LC	IRR	1.56	216
7152-3	Marquardt Family LTD Partnership	PE	IRR	2	145
7374-3	Logue Partnership	LC	IRR	1.44	268
6901A-3	Jeff Dreesen	PE	IRR	2.29	160
7593-3	Ricky Bye	LC	IRR	1.5	105
7614-3	Paul & Dean Gustad	PE	IRR	1.67	140
7635-3	Richard Logue	LC	IRR	2	140
7660-3	Freeburg Limited Partnership	LC	IRR	3.34	250
7687-3	Nicholas W Olson	LC	IRR	1	67
7703-3	Robert J Wardin	LC	IRR	3.9	534
7634-3	Logue Partnership	LC	IRR	2	212
7898-3	James Orr	LC	IRR	1.56	132
7936-3	Donald Johnson	LC	IRR	2.95	308
8024-3	Double Down Farm GP	PE	IRR	3.36	235.2
8025-3	Double Down Farm GP	PE	IRR	3.82	267.2
8288-3	Franklin Orr	LC	IRR	1.78	97
8325-3	Double Down Farm GP	PE	IRR	1.67	146
8407-3	Gayville-Volin School District 63-1	LC	IRR	0.114	4.5
IRR: Irrigation; MUN: Municipal LC: Licensed Water Permit; PE: Permitted Water Permit					

Within approximately three miles of the diversion point for this application, the Missouri: Elk Point aquifer has a saturated aquifer thickness ranging from approximately 21 to 63 feet, with the depth to the top of aquifer materials ranging from approximately 14 to 75 feet below land surface, and static water levels at well completion varying from approximately 8 to 27 feet below land surface (SDGS, 2022; Water Rights 2022b and 2022d). This would allow for sufficient saturated 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).

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."

Any drawdown created from pumping this diversion point is not expected to cause unlawful impairment on existing water right/permit holders or domestic users with adequate wells considering the location of the diversion point, the saturated thickness, no increase in the authorized diversion rate for Water Right No. 7635-3 and the lack of complaints for adequate wells completed into the Missouri: Elk Point aquifer. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairment on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8627-3 proposes to irrigate 60 additional acres to what is authorized by Water Right No. 7635-3.
2. Water Right 7635-3 authorizes 2.0 cfs from one well completed into the Missouri: Elk Point aquifer for the irrigation of 140 acres.
3. This application, if approved, and Water Right No. 7635-3 will authorize a total of 2.0 cfs for the irrigation of 200 acres. The site is located in Clay County approximately 14 miles northwest of Vermillion, SD.
4. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer for this proposed appropriation based on the hydrological budget and observation well data.
5. There is a reasonable probability this diversion will not unlawfully impair adequate wells authorized by existing water rights or domestic use wells.



Lindsey Cederberg
Natural Resources Engineer I
SD DANR - Water Rights Program



Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

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AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

JUN 21 2022

OFFICE OF
WATER

DON LOGUE
30674 BLUFF RD
VOLIN SD 57072

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

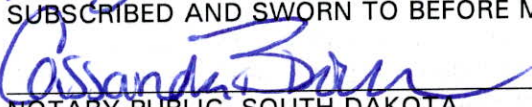
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
6+17 NOTICE OF APPLICATIO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 17th DAY OF June, 2022
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$42.72 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 06/17/2022

FILED ON: 06/17/2022


SUBSCRIBED AND SWORN TO BEFORE ME THIS 17th DAY OF June, 2022


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/04/2026

NOTICE OF APPLICATION NO. 8627-3 to Appropriate Water

Notice is given that Richard L Logue, 2001 Stardust Drive, Colorado Springs CO 80905 has filed an application for a water permit to irrigate an additional 60 acres. Water Right No. 7635-3 authorizes 2.0 cubic feet of water per second (cfs) from one well completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW 1/4 NW 1/4 Section 29 for irrigation of 140 acres located in the S 1/2 NW 1/4, SW 1/4 Section 29; all in T94N-R53W. This application proposes to irrigate an additional 60 acres located in the W 1/2 NW 1/4 Section 29 and SW 1/4 SW 1/4 Section 20; all in T94N-R53W from the existing well. This application, if approved, and Water Right No. 7635-3 will authorize a total of 2.0 cfs for irrigation of 200 acres. This site is located approximately 14 miles northwest of Vermillion SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8627-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineers recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2 11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by June 27, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 27, 2022.

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 \$42.72 and can be viewed free of charge at www.sdpublicnotices.com.

AFFIDAVIT OF PUBLICATION

PLAIN TALK

RECEIVED

JUN 21 2022

OFFICE OF
WATER

DON LOGUE
30674 BLUFF RD
VOLIN SD 57072

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

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THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

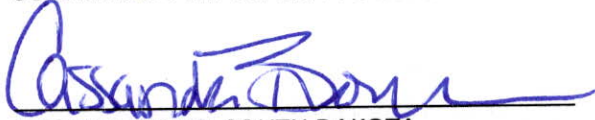
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PUBLISHED ON: 06/17/2022

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SUBSCRIBED AND SWORN TO BEFORE ME THIS 17TH DAY OF JUNE, 2022



NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/04/2026

Ad text : NOTICE OF APPLICATION NO. 8627-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8627-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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Published once at the total approximate cost of \$42.88 and can be viewed free of charge at www.sdpublicnotices.com.

Published June 17, 2022.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 13, 2022 11:45 AM
To: Cassandra Brockmoller (cassandra@yankton.net)
Subject: 8627-3, Richard L Logue
Attachments: 8627-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 17, 2022.

Don Logue, 30674 Bluff Rd, Volin SD 57072 (605 660-5494) 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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 13, 2022 11:45 AM
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Karen Schlaak

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(605) 773-3352
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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

June 13, 2022

Don Logue
30674 Bluff Rd
Volin SD 57072

Dear Mr. Logue:

Water Permit Application No. 8627-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Plain Talk printed at Vermillion (Ph # 605 624-2695) and the Press & Dakotan printed at Yankton (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 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

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: Richard L Logue

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Published once at the total approximate cost of_



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 26 2022

Richard L Logue
2001 Stardust Drive
Colorado Springs CO 80905

Dear Mr. Logue:

Enclosed is Water Permit No. 8627-3 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: Donald Logue, 30674 Bluff Rd, Volga SD 57072

8627-3
RECEIVED

AUG 17 2022

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date

8/11/22

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

FROM:

Don Logue
(name)30674 Bluff Rd
(address)Volin, SD 57072 (605) 660-5494
(city, state, zip) (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. 8627-3 states that the water use system is to be constructed by6/27/27, and water is to be put to beneficial use by 6/27/31
(date) (date)

The water use system was completed on

5/11/22
(date)

Applying the water to beneficial use was completed on

8/11/22
(date)

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

Don Logue
(signature)



8627-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 17, 2022

8627-3

Don Logue
30674 Bluff Rd
Volin SD 57072

Dear Mr. Logue:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with the irrigation system covered under Permit No. 8627-3 held by Richard Logue.

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,

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

8627-3

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8627-3**

I have this day, August 1, 2023, made a thorough examination of the water use systems owned by Richard Logue, 2001 Stardust Drive, Colorado Springs, CO 80905, holder of Permit No. 8627-3, bearing the priority date of March 28, 2022. This permit authorizes the diversion of 0.0 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) authorizing the irrigation of 60 acres located in Clay County.

Inspection contacts: Richard and Don Logue

A. Works used to divert the water:

Well Information (from Water Right No. 7635-3)

- 1) Well Drilling Firm: Hammond Wetmore Drilling LLC
- 2) No. of Wells: 1
- 3) Depth(s): 95 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 55 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: 9.4 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 625S400-2A
- 3) Capacity: 900 GPM

Motor:

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

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

- 1) Type: PVC Size: 8 inches Length: 1,310 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Valley
- 2) Overall length: 1,298 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 900 GPM

Chemigation Equipment:

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

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: Began irrigating in 2022.
- 3) Exceptions to compliance are: None

E. Condition and Location:

- 1) The system is in good condition with the point(s) of diversion located as follows:
The well for Water Right No. 7635-3 is 1,290 feet east and 600 feet south of the northwest corner of Section 29-T94N-R53W (Latitude 42.93691, Longitude -97.13635– NW1/4 of the NW1/4).
- 2) The works are capable of diverting and conveying to the places of use 2.0 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

Section 20-T94N-R53W
SW ¼ SW ¼ 7 acres

Section 29-T94N-R53W
NW ¼ NW ¼ 38 acres
SW ¼ NW ¼ 11 acres
NE ¼ NW ¼ 2 acres
SE ¼ NW ¼ 36 acres
NE ¼ SW ¼ 36 acres
NW ¼ SW ¼ 36 acres
SW ¼ SW ¼ 2 acres
SE ¼ SW ¼ 2 acres

comprising a total of 199 acres of land and the license should be issued for 2.0 cfs.

- 3) All structures, wells and lands on map: Yes

F. Comments or other permit(s) associated with the project: This irrigation system gets water from the well associated with Water Right No. 7635-3. Mr. Logue owns all of the land and the irrigated properties adjoin each other. Thus, this water permit could be combined with Water Right No. 7635-3 into one water right. The well, pump and motor information came directly from the inspection report for Water Right No. 7635-3. The area where the two pivots overlap each other is not included in the acreage shown for Water Permit No. 8627-3.

Keith DeJong

Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: August 2, 2023

File No. 8627-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Don Logue; 30674 Bluff Rd, Volin SD 57072

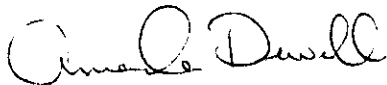
DATE: 08/08/2023

TELEPHONE: 605.660.5494

RE: Ownership and how to license

COMMENTS:

I was able to make contact with Don Logue (phone numbers on file for Richard Logue have changed). My question was, with Right No. 7635-3 being issues to Richard & Thomas, and Permit No. 8627-3 being issued to solely Richard, and the license now ready to be incorporated, how should the owners be listed? Don identified himself as a partner and said that all the property was actually owned by Richard Logue and that his name should be the only name on the new license.



Amanda Dewell
Water Rights Program

Licensing of Acreage Outside of Permitted Area

NAME: Richard L. Logue

ADDRESS: 2001 Stardust Drive, Colorado Springs CO 80905

DATE: August 14, 2023 COUNTY: Clay

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 199 acres as compared to 200 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Water Permit No. 8627-3 & Water Right No. 7635-3, combined, authorize the irrigation of 200 acres in S ½ NW ¼, SW ¼, W ½ NW ¼ Section 29 and SW ¼ SW ¼ Section 20; all in T94N-R53W. The 2.0 acres are contiguous to the existing acres and are located in the NE ¼ NW ¼ - Section 29 T94N-R53W.

- **Owned by Same Property Owner**

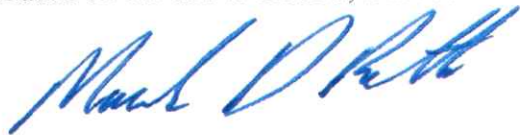
The permit holder owns all the property irrigated

- **Developed Prior to Expiration of Construction Period**

The construction period expires on June 27, 2027, the Form 10-Completion of Works, was submitted August 17, 2022.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 2.0 acre area be included in the water license.



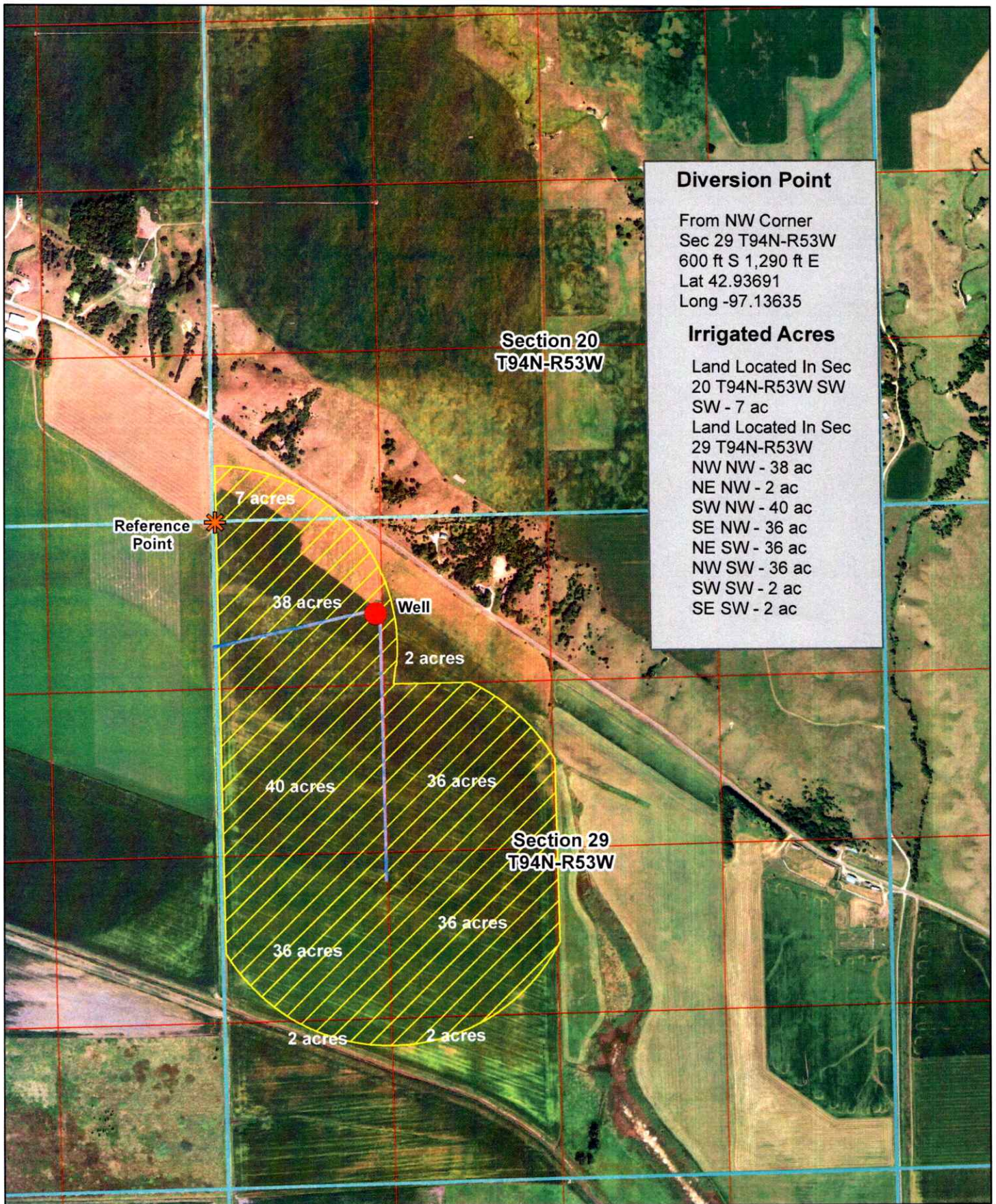
Mark D Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Eric Gronlund, Chief Engineer
Water Rights Program



Diversion Point

From NW Corner
Sec 29 T94N-R53W
600 ft S 1,290 ft E
Lat 42.93691
Long -97.13635

Irrigated Acres

Land Located In Sec
20 T94N-R53W
SW - 7 ac
Land Located In Sec
29 T94N-R53W
NW NW - 38 ac
NE NW - 2 ac
SW NW - 40 ac
SE NW - 36 ac
NE SW - 36 ac
NW SW - 36 ac
SW SW - 2 ac
SE SW - 2 ac



0 0.1 0.2 0.4 0.6 0.8 1 Miles

Keith DeSang
Water Rights Inspector
August 09, 2023



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

AUG 22 2023

Richard L Logue
2001 Stardust Dr
Colorado Springs CO 80905

8627-3

Dear Mr. Logue:

Enclosed is Water License No. 8627-3. 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.

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

Sincerely,

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

NOTE: The applicable portions of Water Right No. 7635-3 have been incorporated into Water Right No. 8627-3.

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 8627-3

(1) Richard L Logue; 2001 Stardust Drive, Colorado Springs CO 80905, made Application No. 8627-3, March 28, 2022, for a water permit for 60 additional acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 29 and the SW $\frac{1}{4}$ Section 20, all in T94N-R53W, Clay County, South Dakota for irrigation purposes. Permit No. 8627-3, with a priority date of March 28, 2022, was approved June 27, 2022, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 27, 2027, and for the application to beneficial use of water on or before June 27, 2031.

An investigation conducted for licensing purposes found acreage developed outside of the permitted area. Pursuant to SDCL 46-5-30.5 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in acreage did not impair existing water rights and the overall project, as developed, is consistent with the original application.

Mr. Don Logue submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on August 11, 2022. The *Notice* stated that the water use system was completed in May 2022 and water was placed to beneficial use in August 2022.

Water Right No. 7635-3 authorizes the diversion of 2.0 cubic feet of water per second (cfs), from groundwater, one well (Missouri Elk Point Aquifer), for the irrigation of 140.0 acres within the SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 29 T94N-R53W. The applicable portions of Water Right No. 7635-3 are now incorporated into this 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 2.0 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,290 ft E & 600 ft S of the NW corner of Section 29, T 94N, R53W (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
(Latitude 42.93691 Longitude -97.13635)

(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 20, T94N, R53W			
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 7 acres			
Section 29, T94N, R53W			
NE $\frac{1}{4}$ NW $\frac{1}{4}$	2 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	38 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	36 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$	2 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	36 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	2 acres

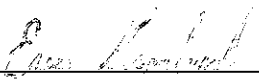
TOTAL: 199 acres

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Richard Logue, the holder and/or owner of Water Right No. 8627-3 is issued a license to appropriate water, the right to use 2.0 cubic feet of water per second from groundwater, one well (Missouri Elk Point Aquifer), with priority dates of December 21, 2012 (established under Water Right No. 7635-3) for 2.0 cfs and 140 acres and March 28, 2022 (established under Permit No. 8627-3) for 59 acres, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8627-3 and subject to the following qualifications:

1. The well approved under Water Right Nos. 7635-3 & 8627-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Water Right is subject to the irrigation water use questionnaire being submitted each year.



Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

AUG 22 2023

date





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

January 19, 2024

NOTICE

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

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7374-3, 7634-3, 8343-3 & 8627-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7374-3, 7634-3, 8343-3 & 8627-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 7374-3, 7634-3, 8343-3 & 8627-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.