

WATER PERMIT NO. 6950A-3

Name of Applicant: Todd Cowan

Address: PO Box 455, Highmore SD 57345 Phone: 605 852-2073

Amount of Water Claimed: 3.56 cfs Total Acres: 260 acres

Source of Water Supply: groundwater (4 wells)

Water to be used for: irrigation County: Hyde

Type of Waste Disposal System:

Location: 1 mile south of Highmore

PRIORITY Date Received: 6-22-15 Application/License Fee: \$100

Corrected Application Received: Period of Annual Use: May 1 – September 30

Remarks: Reinstatement

Diversion Point: S 1/2 SE 1/4 and S 1/2 SW 1/4 Sec
24-T112N-R72W

Land to be Irrigated: SE 1/4, N 1/2 SW 1/4, S 1/2
SW 1/4, S 1/2 NW 1/4 Sec 24-T112N-R72W

Depth of Well: 60 feet

Well Driller:

Remarks:

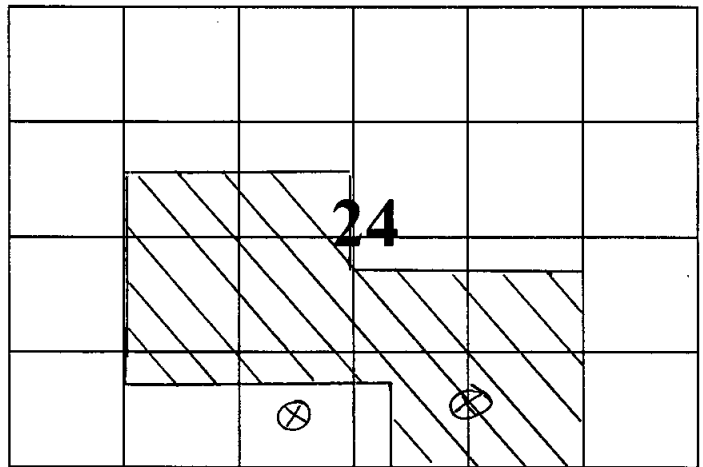
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 6-23-15

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>6950A-3</u>	(office use only) Hydrologic Unit <u>1040103</u>
	Basin <u>Missouri River</u>	<u>605-852-2927</u>
	Newspaper <u>Highmore Herald, Box 435</u>	<u>57345</u>
	<u>Capital Journal, Box 878, Pierre</u>	<u>57501 7301</u>

RECEIVED
JUN 22 2015
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Todd Cowan

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address PO Box 455 Highmore SD 57345
(Address) (City) (State) (Zip Code)

Home Phone (605) 852-2073 Cell _____ Email _____

2. Amount of water claimed 3.56 *CFS or _____ **GPM _____ ***AF Total Acreage 260
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground water - wells

4. Location of point of diversion 4 wells located in the S1/2 SE1/4 and S1/2 SW1/4 section 24-T112N-R72W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hyde

5. County or counties where water will be used Hyde

6. Annual period during which water is to be used May 1 - September 30

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
SE1/4 sec 24-112N-72W	130		
N1/2 SW1/4 sec 24-112N-72W	80		
S1/2 SW1/4 sec 24-112N-72W	20		
S1/2 NW1/4 sec 24-112N-72W	30		

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

This application qualifies as a reinstatement of Water Permit No. 6950-3 provided this application is submitted by March 24, 2016.

I, [Signature], the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 6950A-3**

Date of first receipt of application June 22, 2015.

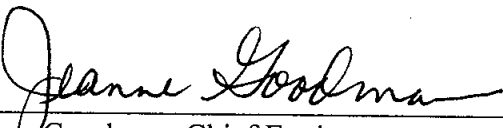
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6950A-3 to Todd Cowan, PO Box 455, Highmore SD 57345 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6950A-3 reinstates Permit No. 6950-3. Permit No. 6950-3 appropriates 3.56 cubic feet of water per second from up to four wells to be completed into the Highmore:Blunt Aquifer (approximately 60 feet deep) located in the S 1/2 SE 1/4 and S 1/2 SW 1/4 Section 24 to irrigate 260 acres located in the S 1/2, S 1/2 NW 1/4 Section 24; all in T112N-R72W. Permit No. 6950A-3 reinstates Water Permit No. 6950-3 since the project was not completed by March 24, 2013.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is June 22, 2015.
4. The date of approval of Permit No. 6950A-3 is September 8, 2015.
5. One-fifth of the construction is to be completed on or before March 8, 2018.
6. All construction is to be completed on or before September 8, 2020.
7. Water is to be put to beneficial use on or before September 8, 2024.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

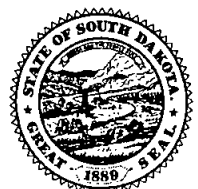
QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 6950A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 21 2015
date



X Wells



United States Department of Agriculture
Farm Service Agency

24-112N-72W

Hyde County, SD

1:8,554



Legend

trct_dislv_a_sd069

clu.SDE.clu_a_sd069

April 23, 2007

*Kathy Zilverberg
Hyde CO FSA*

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/23, 20 15

RECEIVED OF Cowan Ranch Partnership PO Box 455 Highmore SD 57345

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	100	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. _____		
Fee for Filing Transfer Form _____		
Fee for Re-Instatement of 6950-3		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100 00

No. **07435**

By

John J. Holman Jr.
Chief Engineer

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Todd Cowan

ADDRESS: PO Box 455, Highmore SD 57345

DATE: May 19, 2015

TELEPHONE: (605) 852-2073

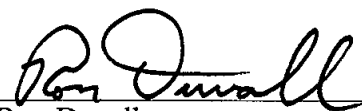
RE: Status of Water Permit No. 6950-3

COMMENTS:

On March 30, 2015, I conducted an inspection of Water Permit No. 6950-3 for irrigation of 260 acres located in the S1/2, S1/2 NW1/4 section 24-T112N-R72W. In visiting with Mr. Cowan, it was determined that the irrigation system had not been completed. The date to complete construction of works ended on March 24, 2013. Mr. Cowan indicated that some test holes had been drilled but more test holes are needed to determine whether suitable sites can be found for wells. I informed Mr. Cowan the irrigation permit is subject to cancellation since the construction period had expired but that it is possible to apply for reinstatement of the permit. According to SDCL 46-2A-8.1, it is possible to apply for reinstatement within three years of the expiration of the original construction period.

RECOMMENDED ACTION:

Water Permit No. 6950-3 needs to be scheduled for cancellation consideration due to nonconstruction. According to ARSD 74:02:01:37, a water permit is invalid if the necessary works are not constructed with the time limits as provided by statute. The construction period expired March 24, 2013. Reinstatement of the permit is possible if an application to reinstate is filed no later than March 24, 2016.



Ron Duvall
Water Rights Permitting Administrator
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6950A-3, Todd Cowan**

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. 6950A-3, Todd Cowan, PO Box 455, Highmore SD 57345.

The Chief Engineer is recommending APPROVAL of Application No. 6950A-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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 6950A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
August 17, 2015

**REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NO. 6950A-3**

**Todd Cowan
August 5, 2015**

Water Permit Application No. 6950A-3 is for a reinstatement of Water Permit Application No. 6950-3 which passed the five year construction period on March 24, 2013, without completing the irrigation system and has subsequently been cancelled. The application proposes to appropriate water at a maximum rate of 3.56 cubic feet per second (cfs) from four wells completed into the Highmore-Blunt aquifer in the S $\frac{1}{2}$ SE $\frac{1}{4}$ and the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 24, T112N-R72W in order to irrigate 260 acres in Section 24, T112N-R72W in Hyde County as follows: 130 acres in the SE $\frac{1}{4}$ of Section 24, 80 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 24, 20 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 24, and 30 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 24, all in T112N-R72W.

AQUIFER: Highmore-Blunt aquifer (HB)

GEOLOGY AND AQUIFER CHARACTERISTICS

The Highmore-Blunt consists primarily of sand and gravel deposited as glacial outwash and alluvium. The aquifer underlies an estimated 73,400 acres in Hand, Hughes, Hyde, and Sully Counties and contains an estimated 154,830 acre feet (ac-ft) of recoverable water in storage (Hedges and others, 1982). Aquifer thickness averages approximately 20 feet and ranges from two to 45 feet (Hamilton, 1986). Observation well data indicates water in the aquifer flows from the northeast to the southwest (Water Rights, 2015a).

Highmore-Blunt aquifer is typically found under unconfined conditions (Hamilton, 1986). Test hole logs submitted with the original application, combined with observation well data (Water Rights, 2015a) indicate the aquifer is under unconfined conditions when present in Section 24 and occurs between zero and 30 feet below ground surface. However, lithological records for wells constructed in the SW $\frac{1}{4}$ of Section 24 for the City of Highmore in 1948 indicate the aquifer occurs approximately 100 and 150 feet below ground surface (Water Rights, 2015c) and is under confined conditions. The reason for the inconsistency in aquifer depths is unknown, but it is worth noting that only one test hole log submitted with the original application indicates the presence of water bearing material (in the SE $\frac{1}{4}$ of Section 24).

Given the data available for Section 24, it is expected that the proposed wells will be completed into the Highmore-Blunt aquifer and that the depths will be more consistent with the Highmore wells.

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 proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

The probability of unappropriated being water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires that no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge. If the source of the groundwater is older or lower than the Greenhorn Formation and will be used for a water distribution system, recharge and withdrawal does not need to be considered. Here, a water distribution system is not involved and the aquifer is above the Greenhorn Formation. So, recharge and withdrawal must be considered. This will be considered by two methods: a hydrologic budget considering quantified values of recharge and withdrawal as well as an observation well analysis considering water levels.

Recharge:

Recharge to the Highmore-Blunt aquifer occurs through infiltration of precipitation and through inflow from Medicine Knoll Creek when the stage of the creek is higher than that of the aquifer. Hamilton (1986) used flow calculations from the spring of 1981 to estimate an average recharge rate of 0.4 inches per year (in/yr). Applying Hamilton's recharge rate to the aquifer area of 73,400 acres as delineated by Hedges and others (1982) produces an annual recharge of 2,446 ac-ft/yr.

Discharge:

Discharge from the Highmore-Blunt aquifer occurs through evapotranspiration, discharge into Medicine Knoll Creek when the stage of the creek is lower than that of the aquifer, and well withdrawals. While there are many domestic wells on file (Water Rights, 2015c), many are no longer used as primary sources since rural water systems have been introduced in the area. Considering this, and the relatively small withdrawals of domestic wells, the annual quantity of water withdrawn by domestic wells is not considered significant to the hydrologic budget of the aquifer. There are currently 19 water rights/permits authorized to divert water from the Highmore-Blunt aquifer. Of these, one is for commercial purposes, two are for industrial use, four are for municipal water supplies in the Cities of Harrold, Blunt, and Highmore, and 12 are for irrigation.

Harrold, Blunt, and Highmore are all currently served by rural water systems and maintain their wells and water rights solely for backup purposes (Holan, 2015). Therefore, it can be assumed that their annual water use under their respective water rights is zero. Use by other non-irrigation water permits/rights is estimated by assuming those that are limited by annual volume will pump that entire volume each year. Those that are limited by a maximum diversion rate are assumed to pump at that diversion rate 60 percent of the time. Using these assumptions, withdrawals from the one commercial water right and two industrial water rights/permits is expected to equal approximately 190 ac-ft/yr.

Historic irrigation use from the Highmore-Blunt aquifer is shown in Table 1 and averages approximately 696 ac-ft/yr with a maximum withdrawal of 1,481 ac-ft in 1986 and a minimum of 210 ac-ft in 2011.

Water Balance:

The annual average withdrawal from the Highmore-Blunt aquifer is expected to be 886 ac-ft/yr, compared to the estimated average annual recharge of 2,446 ac-ft/yr. Assuming an average application rate of one acre-foot per acre per year, approval of this application is expected to increase the total rate of water diverted from the Highmore-Blunt aquifer by 260 ac-ft/yr, bringing the total to 1,146 ac-ft/yr. Therefore, there is a reasonable probability that unappropriated water is available to support the proposed appropriation.

Year	Number of Permits/Rights	Appropriation (ac-ft/yr)	Reported Use (ac-ft/yr)
1979	25	16680.0	989.0
1980	25	16680.0	900.0
1981	25	16680.0	872.0
1982	19	11146.5	478.9
1983	20	12214.5	1094.4
1984	24	17965.5	760.0
1985	17	12600.9	877.0
1986	18	13110.9	1481.0
1987	17	11289.9	1083.0
1988	16	10689.9	1460.5
1989	14	5649.9	738.0
1990	14	5649.9	1002.0
1991	13	5515.6	876.0
1992	11	4345.6	694.0
1993	11	3556.6	464.0
1994	12	3958.6	917.2
1995	11	3916.6	811.8
1996	11	3916.6	900.2
1997	11	3916.6	304.0
1998	11	3916.6	947.0
1999	11	3916.6	496.3
2000	9	2731.6	326.1
2001	9	2731.6	298.3
2002	9	2731.6	620.8
2003	7	2262.1	543.6
2004	8	2382.1	624.0
2005	8	2382.1	464.9
2006	8	2382.1	439.9
2007	8	2382.1	403.0
2008	10	3442.1	404.9
2009	10	3442.1	468.9
2010	10	3442.1	291.7
2011	10	3442.1	209.9
2012	12	4572.1	498.6
2013	12	4272.1	556.8
2014	12	4272.1	743.8
Minimum	7	2262.1	209.9
Maximum	25	17965.5	1481.0
Average	13	6505.2	695.6

Table 1: Historic irrigation use from the Highmore-Blunt aquifer (Water Rights, 1980-2015).

Observation Well Data:

Administrative Rule of South Dakota 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 Water Rights Program currently monitors 10 observation wells completed into the Highmore-Blunt aquifer. The closest of these to the proposed well sites is Observation Well HY-74A, located approximately 0.4 miles to southwest of the western most well site. The hydrograph for this observation well is shown in Figure 1 (Water Rights, 2015a). This hydrograph is typical of observation wells recording water levels in the Highmore-Blunt aquifer. Water levels in these observation wells often display cyclic conditions, recharging during wet years and declining during dry years. The data shows that at the current level of development temporal well withdrawal is masked by climatic conditions, indicating recharge to and natural discharge from the aquifer greatly exceed well withdrawal. Therefore, natural discharge is available for capture and unappropriated water is available from the Highmore-Blunt aquifer to support the proposed appropriations.

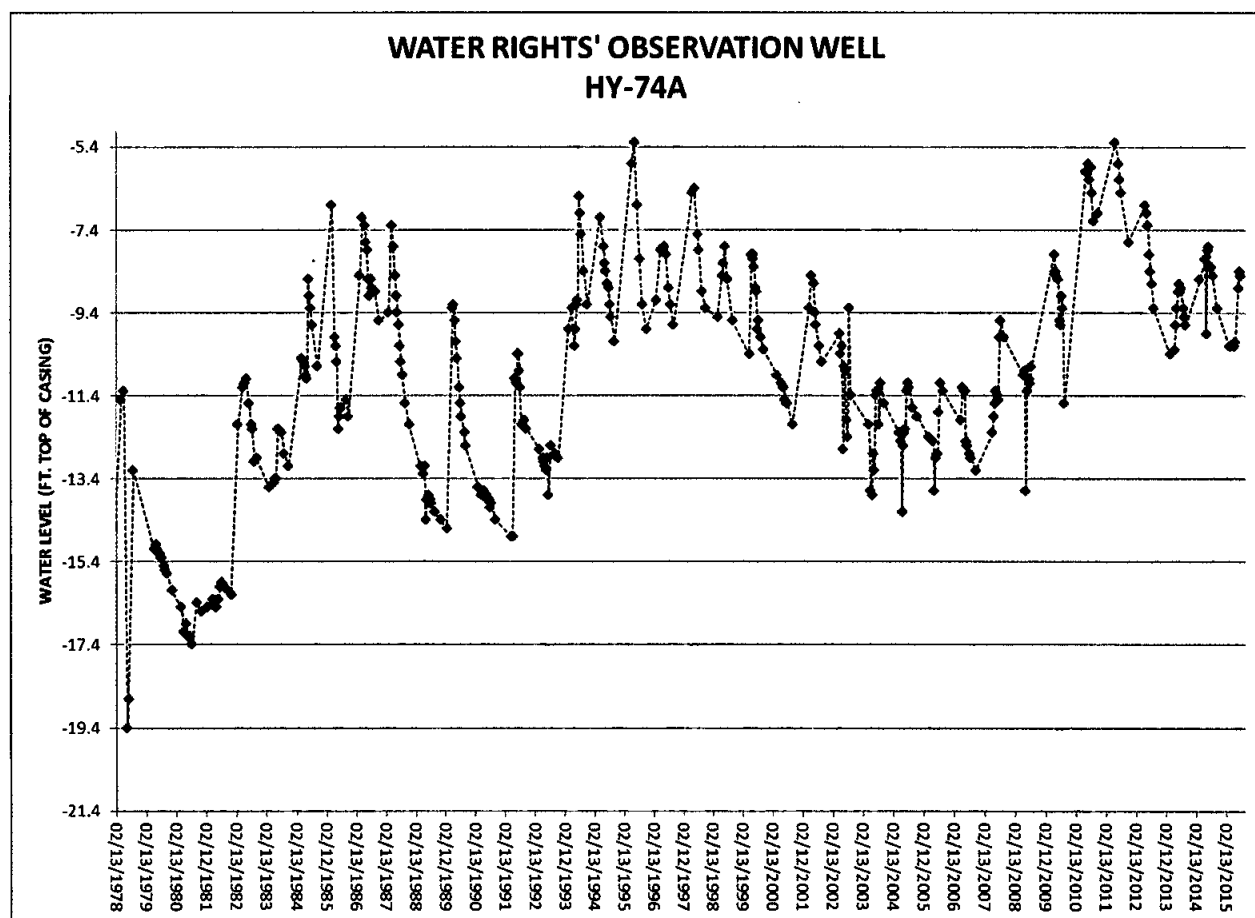


Figure 1: Historic water levels in Observation Well HY-74A (Water Rights, 2015a)

EXISTING WATER RIGHTS:

The nearest existing well to the proposed well sites (authorized under Water Right No. 744-3) that is not operated by the applicant is located approximately 0.25 miles to the north of the well site proposed for the S ½ SW ¼ of Section 24 (Water Rights, 2015b). Interference with wells in the area operated by the applicant is seen by the Water Rights Program as a management issue to be addressed by the operator. Given a hydraulic conductivity of 200 feet per day (Hamilton, 1986) and an average aquifer thickness of 20 feet, it follows that the transmissivity of the Highmore-Blunt aquifer is 4,000 feet squared per day (ft²/day) or 30,000 gallons per foot per day (gal/ft/day). Approval of this application is expected to result in the diversion of approximately 260 ac-ft/yr or 0.73 cfs pumped continuously over the irrigation season. Assuming a storativity of 0.1 and a worst case scenario of 0.73 cfs being pumped entirely from the proposed well in closest proximity to the existing well held under Water Right No. 744-3, this diversion rate was calculated to result in a drawdown of approximately 2.5 feet ("Theis Equation Calculator") over the course of the irrigation season. Assuming adequate construction, this is not expected to impair existing water rights. However, without aquifer testing, exact resultant drawdown is difficult to calculate.

In addition, the City of Highmore has not relied on Water Right No. 744-3 since its transfer to rural water. The wells authorized by Water Right No. 744-3 are not in regular use and are therefore not of primary concern for interference.

CONCLUSIONS:

1. Water Permit Application No. 6950A-3 proposes to appropriate 3.56 cfs in order irrigate 260 acres from four wells located in the S ½ SE ¼ and the S ½ SW ¼ of Section 24, T112N-R72W.
2. The proposed wells are to be completed into the Highmore-Blunt aquifer.
3. There is a reasonable probability that unappropriated water is available from the Highmore-Blunt aquifer to supply the proposed appropriations.
4. This proposed diversion is not expected to adversely impair existing nearby wells.



Bracken Capen
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hamilton, L.J. 1986. Water Resources Hughes County, South Dakota. U.S Geological Survey Water-Resources Investigations Report 84-4195, 60 p.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: 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.
- Holan, J. 2015. SD DENR-Drinking Water Program, Joe Foss Bldg., Pierre, South Dakota. Personal Communication. August 4, 2015
- “Theis Equation Calculator.” I-calcul8 Calculators and Tools. 16 April 2013
< <http://www.icalcul8.com/theis.php>>
- Water Rights. 1980-2015. “Annual Irrigation Summary by Aquifer”: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2015a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2015b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2015c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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SEP 01 2015

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA)

)ss.

COUNTY OF HYDE)

MARY ANN MORFORD

of said county and state, being duly sworn, on her oath says: THE HIGHMORE HERALD is a weekly newspaper of general circulation, printed and published in HIGHMORE in said county and state by Mary Ann Morford and has been such a newspaper during the times hereinafter mentioned; that the said HIGHMORE HERALD is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned, and has more than two hundred bona fide subscribers; that I the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit and that the advertisement entitled

*Notice of
Application*

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive issues, the first publication being made on August 27, 2015 and the last publication on August 27, 2015; that \$ 31.17 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Mary Ann Morford
Mary Ann Morford, Publisher

Subscribed and sworn to before me this 28th

day of August, 2015

Mary E Hamlin
Notary Public, Hyde County, South Dakota

My Commission Expires July 8, 2016

NOTICE OF APPLICATION NO. 6950A- 3 TO REINSTATE WATER PERMIT NO. 6950-3

Notice is given that Todd Cowan, PO Box 455, Highmore South Dakota 57345, has filed an application for a water permit to reinstate Permit No. 6950-3. Permit No. 6950-3 appropriates 3.56 cubic feet of water per second from up to four wells to be completed into the Highmore:Blunt Aquifer (approximately 60 feet deep) located in the S 1/2 SE 1/4 and S 1/2 SW 1/4 Section 24 to irrigate 260 acres located in the S 1/2, S 1/2 NW 1/4 Section 24; all in T112N-R72W. The permit was approved March 24, 2008, and the project was to be completed March 24, 2013, with water being put to beneficial use by March 24, 2017. Application No. 6950A-3 proposes to reinstate Water Permit No. 6950-3 since the project has not been completed.

Application No. 6950A-3 to reinstate cancelled Permit No. 6950-3 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available, when construction necessary to put water to beneficial use is not completed within five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6950A-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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.

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 South Dakota 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 September 8, 2015.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner

Secretary

Department of Environment
and Natural Resources.

FPNO 02

LPNO 02

Published once at the total
approximate cost of \$31.17.

RECEIVED

SEP 08 2015

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, Marilyn Baker

certify that the attached printed Notice was taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following date:

August 27, 2015

Cost of Printing \$ 37.11

Marilyn Baker
(Signature)

Bookkeeper
(Title)

9-2-15
(Date Signed)

Thursday, August 27, 2015

NOTICE

dated in the S 1/2, S 1/2 NW 1/4 Section 24; all in T112N-R72W. The permit was approved March 24, 2008, and the project was to be completed March 24, 2013, with water being put to beneficial use by March 24, 2017. Application No. 6950A-3 proposes to reinstate Water Permit No. 6950-3 since the project has not been completed.

Application No. 6950A-3 to reinstate cancelled Permit No. 6950-3 is made pursuant to SDCL 48-2A-8.1 which allows, for reinstatement with a new priority date, if unappropriated water is available, when construction necessary to put water to beneficial use is not completed within five years of approval of the permit.

Pursuant to SDCL 48-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6950A-3 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. In accordance with SDCL 48-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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.

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 September 8, 2015.

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 57345 has filed an application for a water permit to reinstate Permit No. 6950-3, the above Water Rights Program address to request copies of information pertaining to this application. four wells to be Steven M. Pinner, completed into the Secretary, Department of Environment and Natural Resources. Published once at the S 1/2 SE 1/4 and S 1/2 SW 1/4 Section 24 to intimate cost of gate 260 acres to \$37.11.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 18, 2015 9:08 AM
To: Highmore Herald (hiherald@venturecomm.net)
Subject: 6950A-3, Todd Cowan
Attachments: 6950A-3public.short.docx; FORM8 FRM.doc

Attached is a notice to be published on August 27, 2015.

Todd Cowan, PO Box 455, Highmore SD 57345 (605 852-2073) 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.

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

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 18, 2015 9:07 AM
To: legals@capjournal.com
Subject: 6950A-3, Todd Cowan
Attachments: 6950A-3public.short.docx; FORM8 FRM.doc

Attached is a notice to be published on August 27, 2015.

Todd Cowan, PO Box 455, Highmore SD 57345 (605 852-2073) 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.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

August 18, 2015

Todd Cowan
PO Box 455
Highmore SD 57345

Dear Mr. Cowan:

Water Permit Application No. 6950A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Highmore Herald printed at Highmore SD (Ph # 605-852-2927) and the Capital Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 6950A-3 to Reinstate Water Permit No. 6950-3

Notice is given that Todd Cowan, PO Box 455, Highmore SD 57345 has filed an application for a water permit to reinstate Permit No. 6950-3. Permit No. 6950-3 appropriates 3.56 cubic feet of water per second from up to four wells to be completed into the Highmore:Blunt Aquifer (approximately 60 feet deep) located in the S 1/2 SE 1/4 and S 1/2 SW 1/4 Section 24 to irrigate 260 acres located in the S 1/2, S 1/2 NW 1/4 Section 24; all in T112N-R72W. The permit was approved March 24, 2008, and the project was to be completed March 24, 2013, with water being put to beneficial use by March 24, 2017. Application No. 6950A-3 proposes to reinstate Water Permit No. 6950-3 since the project has not been completed.

Application No. 6950A-3 to reinstate cancelled Permit No. 6950-3 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available, when construction necessary to put water to beneficial use is not completed within five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6950A-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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.

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 September 8, 2015.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of_____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

SEP 21 2015

Todd Cowan
PO Box 455
Highmore SD 57345

Dear Mr. Cowan:

Enclosed is Water Permit No. 6950A-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

69504-3

SD EForm - 1621LD V1

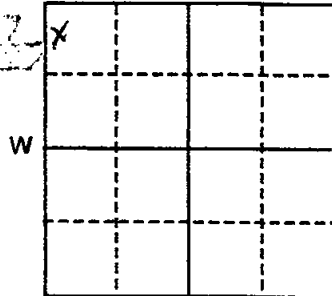
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location: 1/4 NW 1/4 (Sec 724) Twp 72N Rg 72WWell Owner: Todd CowenCounty: Hyde

North

(Please mark well location with an "X")



Business Name:

Address: PO Box 455City, State, Zip: Highmore SD 57345

WELL LOG:

DEPTH

FORMATION	FROM	TO
Yellow Clay	0	25
Blue Clay	25	90
Coarse Sand	90	110
Sandy Gravel	110	125

Well Completion Date

9/6/2017

1 Mile

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

None ft. from (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Circulation

CASING DATA:

☐ Steel ☒ Plastic ☒ Other
 If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
SDR26 LB/FT	16 IN	0 FT	95 FT	26 IN
SS LB/FT	16 IN	95 FT	125 FT	26 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
#20	15	Lb/gal	0 Ft	95 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16 Inches Length 30 Feet
Material Stainless SteelSlot Size .050 Set From 95 Feet to 125 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? Enviro Plug

Describe packer(s) and location

Above Screen

DISINFECTION:

Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not?
 Lab to which water quality sample sent for analysis

STATIC WATER LEVEL

73

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: Submersible☐ Bailed☐ Other

Pumping Level Below Land Surface

95 Ft. After 5 Hrs. pumped 800 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

Highmore Blunt WRThis well was drilled under license # 722 and this report is true and accurate.

RECEIVED

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

DEC 29 2017

WATER RIGHTS PROGRAM

Signature of Well Owner or Equitable Property Holder:

Date: 10-15-17



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: TODD COWAN, PO BOX 455, HIGHMORE, SD 57345 0455

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6949-3 & 6950A-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6949-3 & 6950A-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6949-3 & 6950A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2021

6949-3
6950A-3

Todd Cowan
PO Box 455
Highmore SD 57345-0455

Dear Mr. Cowan:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 6949-3 and Water Permit No. 6950A-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,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6950A-3 & License No. 6949-3**

I have this day, July 24, 2024, made a thorough examination of the water use system constructed by Todd Cowan of PO Box 455, Highmore SD 57345 holder of License No. 6949-3, bearing the priority of January 16, 2008 authorizing the diversion of 1.78 cu. ft. per second and Permit No. 6950A-3, bearing the priority of July 22, 2015 authorizing the diversion of 3.56 cu. ft. per second of the waters of groundwater Highmore: Blunt Aquifer for irrigation purposes, in Hyde County.

Inspection contact & relationship Todd Cowan, owner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Stretch's Well Service Inc
- 2) No. of Wells 1
- 3) Depth(s) 125 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 95 feet
- 3) Type plastic

Screen:

- 1) Type stainless steel
- 2) Length 30 feet
- 3) Static water level 73 feet

Pump:

- 1) Make Grundfos
- 2) Model submersible
- 3) Capacity 800 GPM

Motor:

- 1) Make Grundfos
- 2) Model No. submersible
- 3) Horsepower rating 75 hp

Pump from Dugout Information:

Pump:

- 4) Make Cornel
- 5) Model 4HH-CC
- 6) Capacity 800 GPM

Motor:

- 4) Make Baldor Reliance
- 5) Model No. A20962F-55
- 6) Horsepower rating 60 hp

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

- 1) Type PVC 2) Size 16 inches 3) Length 6650 feet

Comments: none

C. Works used to apply water to beneficial use:

Center pivot: NW ¼ Sec 24 T112N-R72W

- 1) Make Reinke
2) Overall length 1230 feet
3) Number of towers 8
4) End gun Y
5) Capacity 800 GPM

Center pivot: SE ¼ Sec 24 T112N-R72W

- 6) Make Reinke
7) Overall length 1230 feet
8) Number of towers 8
9) End gun Y
10) Capacity 800 GPM

Center pivot: E 1/2 Sec 25 T112N-R72W

- 11) Make Reinke
12) Overall length 1290 feet
13) Number of towers 8
14) End gun Y
15) Capacity 800 GPM

Chemigation Equipment:

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

Comments: none

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
If no, describe: none
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
List any extended period of nonuse: Irrigation not reported until after the construction period had expired but prior to the beneficial use date expiration.
- 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: from the SW corner of Sec 24 T112N-R72W; Well - 140 ft E and 3700 ft N, latitude of 44.49432 and longitude of -99.44110, SW ¼ NW¼ Sec 24 T112N-R72W; Dugout - 2270 ft E and 100 ft N, latitude of 44.48438 and longitude of -99.43323, SE ¼ SW¼ Sec 24 T112N-R72W.
2. The works are capable of diverting and conveying to the place of use 3.57 cu. ft. per second of water which is to be used for irrigation use. Water has been put to beneficial use to the maximum extent as follows:
Land is located in Sec 24 T112N-R72W

SE ¼ NW ¼ - 17 ac SW ¼ NW ¼ - 16 ac

NW ¼ SW ¼ - 33 ac NE ¼ SW ¼ - 36 ac SE ¼ SW ¼ - 4.5 ac SW ¼ SW ¼ - 3.5 ac

NW ¼ SE ¼ - 31 ac NE ¼ SE ¼ - 21.5 ac SE ¼ SE ¼ - 22 ac SW ¼ SE ¼ - 15.5 ac

Land is located in Sec 25 T112N-R72W

NW ¼ NE ¼ - 6 ac NE ¼ NE ¼ - 4 ac SE ¼ NE ¼ - 35 ac SW ¼ NE ¼ - 40 ac

NW ¼ SE ¼ - 20 ac NE ¼ SE ¼ - 15 ac

comprising a total of 320 acres of land and the license should be issued for 3.57 cfs.

3. All structures, wells and lands on map Y

If no, describe: none

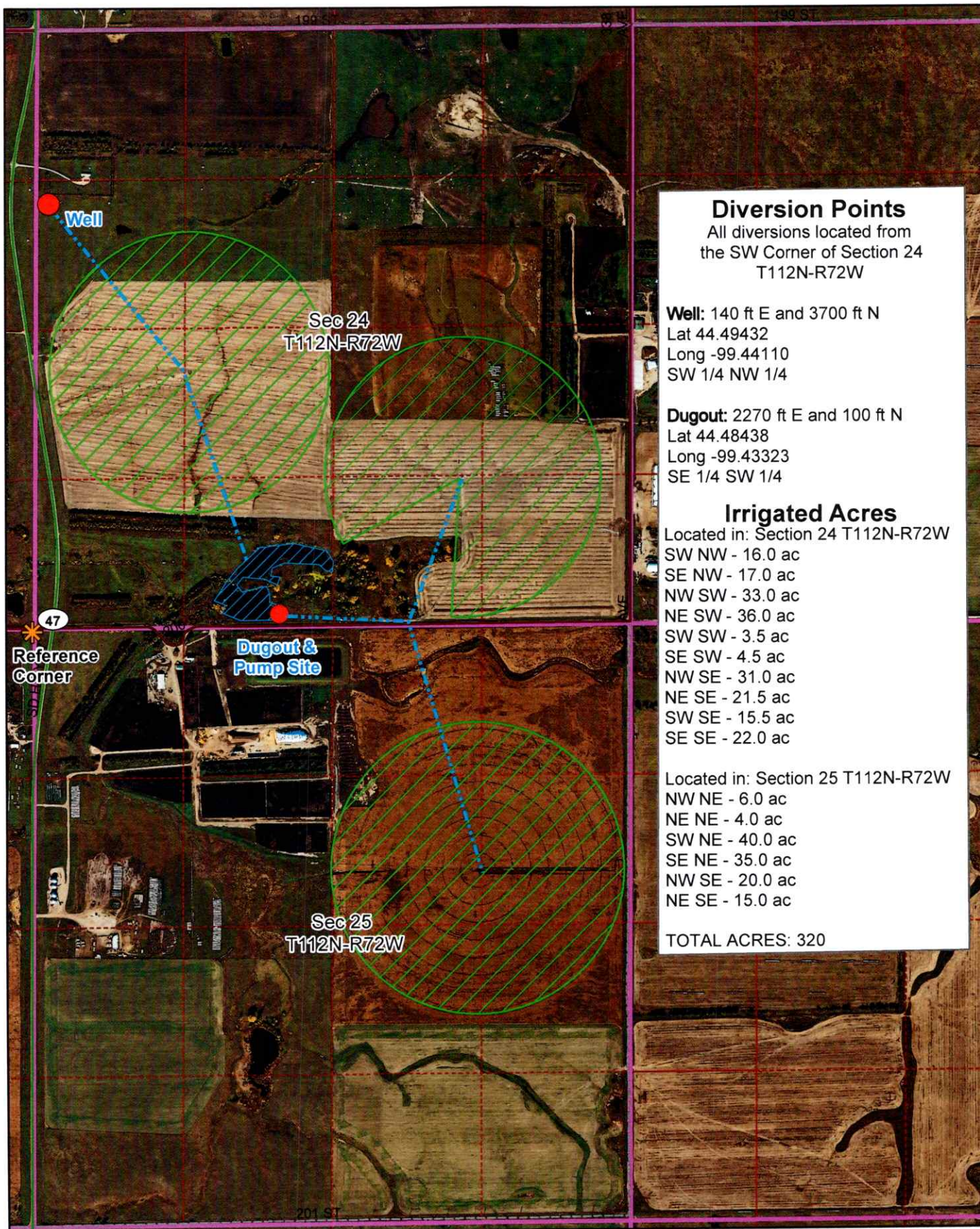
F. Comments or other permit(s) associated with the project:

The well was a constructed in a different location than was permitted. The dugout was not authorized under Water Permit No. 6950A-3 but is authorized by Water License No 6949-3. The water source for both the well and dugout are from Highmore: Blunt Aquifer.



Mark D Rath
Water Right Inspector
DANR, Water Rights Program

Date report completed: December 4, 2024



Diversion Points

All diversions located from the SW Corner of Section 24 T112N-R72W

Well: 140 ft E and 3700 ft N
Lat 44.49432
Long -99.44110
SW 1/4 NW 1/4

Dugout: 2270 ft E and 100 ft N
Lat 44.48438
Long -99.43323
SE 1/4 SW 1/4

Irrigated Acres

Located in: Section 24 T112N-R72W

SW NW - 16.0 ac
SE NW - 17.0 ac
NW SW - 33.0 ac
NE SW - 36.0 ac
SW SW - 3.5 ac
SE SW - 4.5 ac
NW SE - 31.0 ac
NE SE - 21.5 ac
SW SE - 15.5 ac
SE SE - 22.0 ac

Located in: Section 25 T112N-R72W

NW NE - 6.0 ac
NE NE - 4.0 ac
SW NE - 40.0 ac
SE NE - 35.0 ac
NW SE - 20.0 ac
NE SE - 15.0 ac

TOTAL ACRES: 320



0 0.25 0.5 1 Miles

Approval of Location Change and/or Additional Diversion Point(s)**Name/Address:** Todd Cowan, PO Box 455, Highmore SD 57345**County:** Hyde**Date:** August 28, 2025**General Description of Authorized Project:**

Water Permit No. 6950A-3 authorizes diversion of 3.56 cfs from up to four wells completed into the Highmore: Blunt Aquifer, to be located in the S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 24 to irrigate 260 acres located in the S $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 24; all in T112N, R72W.

Authority:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed and/or additional diversion points may be added, provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- 1) **The developed water source is the same as permitted and no additional water is appropriated.** Only one well was completed for this project. The well was completed into the correct aquifer; however, it was drilled in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T112N, R72W. The water use system authorized under 6950A-3 is also utilizing the dugout licensed under WR No. 6949-3, which incises the Highmore: Blunt Aquifer. The developed diversion rate is 1.79 cfs, which is less than the originally permitted amount. WR No. 6949-3 (which will be incorporated into 6950A-3) and WP No. 6950A-3 have a combined developed diversion rate of 3.57 cfs.
- 2) **If the use is for irrigation, no new lands are irrigated.** Only 200 of the originally permitted 260 acres were developed. All irrigated acres were developed within the permitted area.

Review of Existing Diversions:

There are three other existing water permits/rights located within a two-mile radius of where the diversion point was developed for WP No. 6950A-3, that also authorize appropriations from the Highmore: Blunt Aquifer; the nearest of which is approx. 0.27 miles northwest of the well in question (744-3 held by the City of Highmore). The next nearest permit/right is approx. 0.78 miles southeast (6949-3 held by Todd Cowan).

The well has been in place since 2017, with irrigation occurring since 2022 (within the time frame for placement of water to beneficial use). No reports of interference have been received.

It has been determined that there is reasonable probability that interference due to pumping from the developed location will not adversely or unlawfully impair existing permits/rights.

The closest domestic well (completed into the Highmore: Blunt Aquifer), is approx. 3.5 miles southeast, located in the approx. center Section 21, T112N, R71W, on property owned by Gadd Ranch Inc., according to Regrid.com. The location of domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the Well Completion Report.

Recommended Action:

Based on the above criteria, it is recommended that the change in diversion point, and additional diversion point be approved.

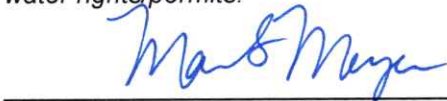


Amanda Dewell, Permitting Administrator
DANR, Water Rights Program

8/28/25
date

The acting Chief Engineer makes a finding, pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing water rights/permits.



Mark Mayer, PE
DANR, Director of the Office of Water

9/2/25
date



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 02 2025

6949-3
6950A-3

Todd Cowan
PO Box 455
Highmore SD 57345

Dear Mr. Cowan:

Enclosed is Water License No. 6950A-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 Amanda Dewell, Water Rights Permitting Administrator (605) 773-3352.

Sincerely,

Mark Mayer, PE
Director of the Office of Water
(605) 773-3352

NOTE: The applicable portions of Water Right No. 6949-3 have been incorporated into Water Right No. 6950A-3.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6950A-3

(1) Water Right No. 6949-3, bearing a priority date of January 16, 2008, is held by Todd Cowan, PO Box 455, Highmore SD 57345, and authorizes the diversion of 1.78 cubic feet of water per second (cfs) from a dugout (incising the Highmore: Blunt Aquifer), for irrigation of 120 acres in Hyde County, South Dakota.

The applicable portions of Water Right No. 6949-3 have been incorporated into this license.

Todd Cowan made Application No. 6950A-3, June 22, 2015, for a water permit to reinstate Permit No. 6950-3, which authorized the diversion of 3.56 cfs from groundwater, up to 4 wells (Highmore: Blunt Aquifer), Hyde County, South Dakota for irrigation purposes. Permit No. 6950A-3, with a priority date of June 22, 2015, was approved September 8, 2015, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 8, 2020, and for the application to beneficial use of water on or before September 8, 2024.

An investigation conducted for licensing purposes found the diversion point developed outside of the permitted area and an additional diversion point being utilized. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in the diversion point location and additional diversion point did not increase the potential for adverse effects to existing diversions.

(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 3.57 cfs for beneficial use. The locations of the diversion points are:

- Well: 140 ft E & 3,700 ft N of the SW corner Section 24, T112N, R72W (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
(Latitude 44.49432 & Longitude -99.44110)
- Dugout: 2,270 ft E & 100 ft N of the SW corner Section 24, T112N, R72W (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
(Latitude 44.48438 & Longitude -99.43323)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.

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

Section 24, T112N, R72W					
SW $\frac{1}{4}$ NW $\frac{1}{4}$	16 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	21.5 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	17 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	31 acres
		SW $\frac{1}{4}$ SW $\frac{1}{4}$	3.5 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	15.5 acres
		SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.5 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	22 acres

Section 25, T112N, R72W			
NE $\frac{1}{4}$ NE $\frac{1}{4}$	4 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	15 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	6 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	20 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	35 acres		

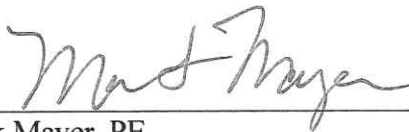
TOTAL: 320 acres

continued

(5) Pursuant to South Dakota Water Law 46-5-30.1 Todd Cowan, the holder and/or owner of Water Right No. 6950A-3 is issued a license to appropriate water, the right to use 3.57 cfs from groundwater, one well (Highmore: Blunt Aquifer) & a dugout (incising the Highmore: Blunt Aquifer), with priority dates of January 16, 2008 (1.78 cfs & 120 acres) and June 22, 2015 (1.79 cfs & 200 acres), from the locations 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. 6950A-3 and subject to the following qualifications:

1. The wells approved under this Permit 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. *(The same qualification pertains to diversion of water from the dugout.)*
2. The wells authorized by Permit No. 6950A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *(The well was drilled in 2017 by Stretch's Well Service Inc. A copy of the Well Completion Report is on file with the Water Rights Program.)*
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Mark Mayer, PE
Director of the Office of Water
Department of Agriculture and Natural Resources

date

