

WATER PERMIT NO. 8000-3

Name of Applicant: Earl Althoff

Address: 44474 139A St, Waubay SD 57273 Phone: 605 947-4162

Amount of Water Claimed: 1.22 cfs Total Acres: 75 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Day

Type of Waste Disposal System:

Location: 1 1/2 miles northwest of Waubay

PRIORITY Date Received: 4-11-14 Application/License Fee: \$ 950

Corrected Application Received: Period of Annual Use: July 1 – August 31

Remarks: Utilizing well authorized by Water Right No. 2795-3

Diversion Point: NW 1/4 NW 1/4 Sec 13-T122N-
R53W

Land to be Irrigated: SE 1/4 Sec 11-T122N-R53W

Depth of Well: 30 feet deep

Well Driller:

Remarks:

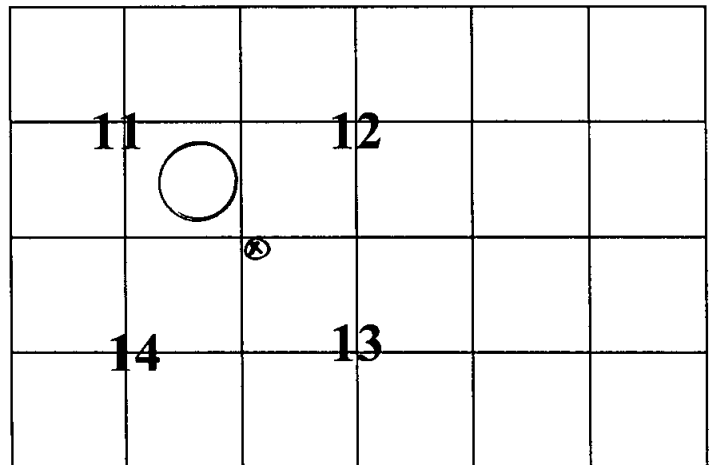
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 4-14-14

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>8000-3</u> (office use only) Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u> <u>605-345-3356</u>
	Newspaper <u>Reporter & Farmer, 516 Main, Webster</u> <u>605-886-6901</u> <u>57274</u>
	<u>Public Opinion Box 10 Watertown 57201</u>

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APR 11 2014
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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 2795-3
(Use predates Mar 2, 1955)

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

Diverting water NW to section 11

1. Name to Appear on Irrigation Permit Earl Althoff
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent (name and complete address if different than above name)

Mailing Address 444 74 139A St. Waubay SD 57273
(Address) (City) (State) (Zip Code)

Home Phone 605-947-4162 Cell 605-881-9154 Email _____

2. Amount of water claimed 1.22*CFS or 550**GPM ***AF Total Acreage 75
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 25 hp submersible pump out of 30ft. well

4. Location of point of diversion NW 1/4 of the NW 1/4 of section 13 T122 R53W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Day

5. County or counties where water will be used Day

6. Annual period during which water is to be used July and August

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

Land Description	Acres	Land Description	Acres
<u>SE 1/4 Sec 11 - T122N - R53W</u>	<u>75</u>		

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

We are irrigating 75 acres in the SE 1/4 of section 11
Requesting diversion rate greater than statutory limit

I, Earl Althoff, 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. 8000-3

Date of first receipt of application April 11, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8000-3 to Earl Althoff, 44474 139A St, Waubay SD 57273 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. 8000-3 appropriates 1.22 cubic feet of water per second (cfs) from one existing well completed into the Coteau Lakes Aquifer (30 feet deep) located in the NW 1/4 NW 1/4 Section 13 for irrigation of 75 acres located in the SE 1/4 Section 11; all in T122N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation.
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: July 1 – August 31.
3. The date from which applicant may claim right is April 11, 2014.
4. The date of approval of Permit No. 8000-3 is June 26, 2014.
5. One-fifth of the construction is to be completed on or before December 26, 2016.
6. All construction is to be completed on or before June 26, 2019.
7. Water is to be put to beneficial use on or before June 26, 2023.
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. 2795-3 and 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8000-3 authorizes a maximum diversion rate of 1.22 cfs for the irrigation of 75 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

JUL 24 2014

date



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 _____

c) Well Depth 30 feet Depth to Top of Water Bearing Material _____ Depth to Water from Surface 2 feet

d) Distance to nearest existing domestic well:

On applicant's property $\frac{3}{4}$ of a mile On property owned by others 1 mile

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) septic tank and drain field

b) System Capacity (gallons) 1,000 gallons Year Constructed 1952

c) Connected to the City of No 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)

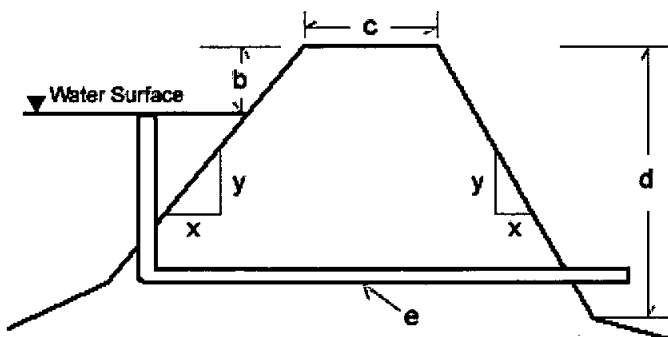
Upstream _____

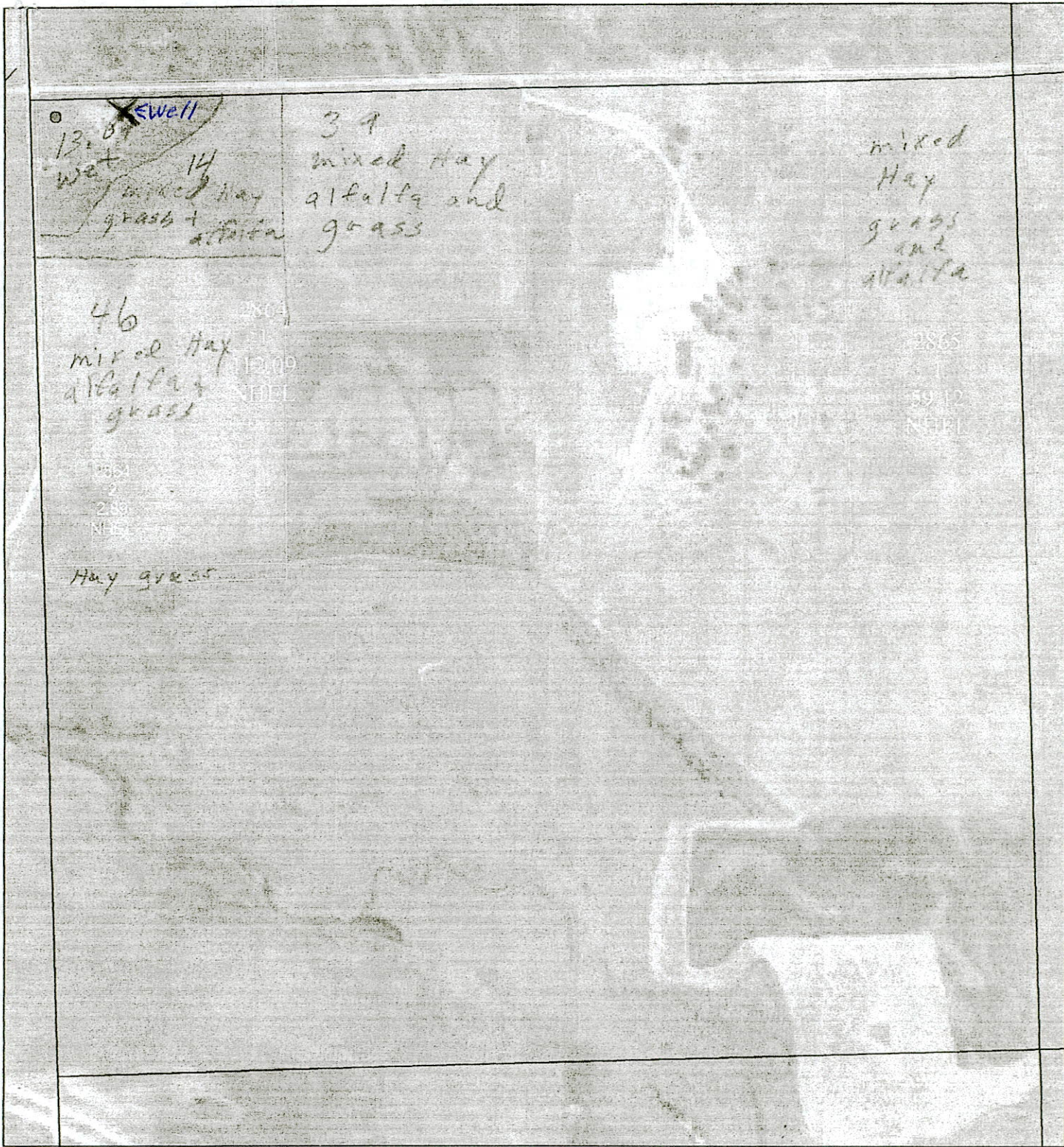
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





United States Department of Agriculture
Farm Service Agency

PLSS: 13_120N_53W
Farm: 4244

Day County
1:8,711

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May 09, 2011

Wetland Determination Identifiers
☒ Restricted Use
☐ Limited Restrictions
☐ Exempt from Conservation Compliance Provisions

Common Land Units

Non Cropland

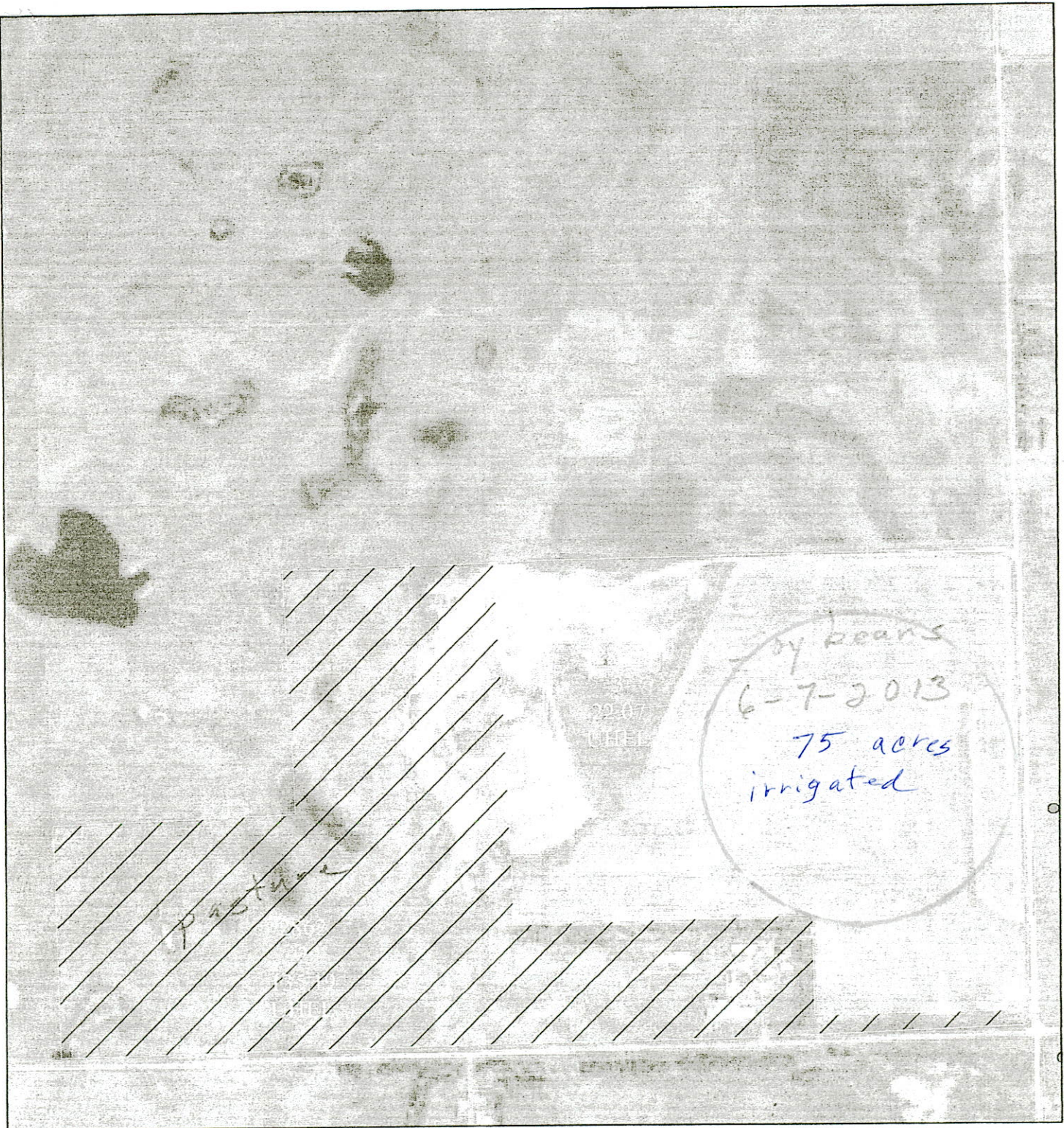
2013

nt the size, shape or specific determination of the area
CPA-026 and attached maps) for exact wetland
contact NRCS.

2010 Ortho-Photography - Not to Scale

Disc

122N



United States Department of Agriculture
Farm Service Agency

PLSS: 11_122N_53W
Farm: 4214

Day County

1:8,771

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APR 11 2011

WATER RIGHTS
PROGRAM



May 05, 2011

Wetland Determination Identifiers

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

Common Land Units

//// Non Cropland

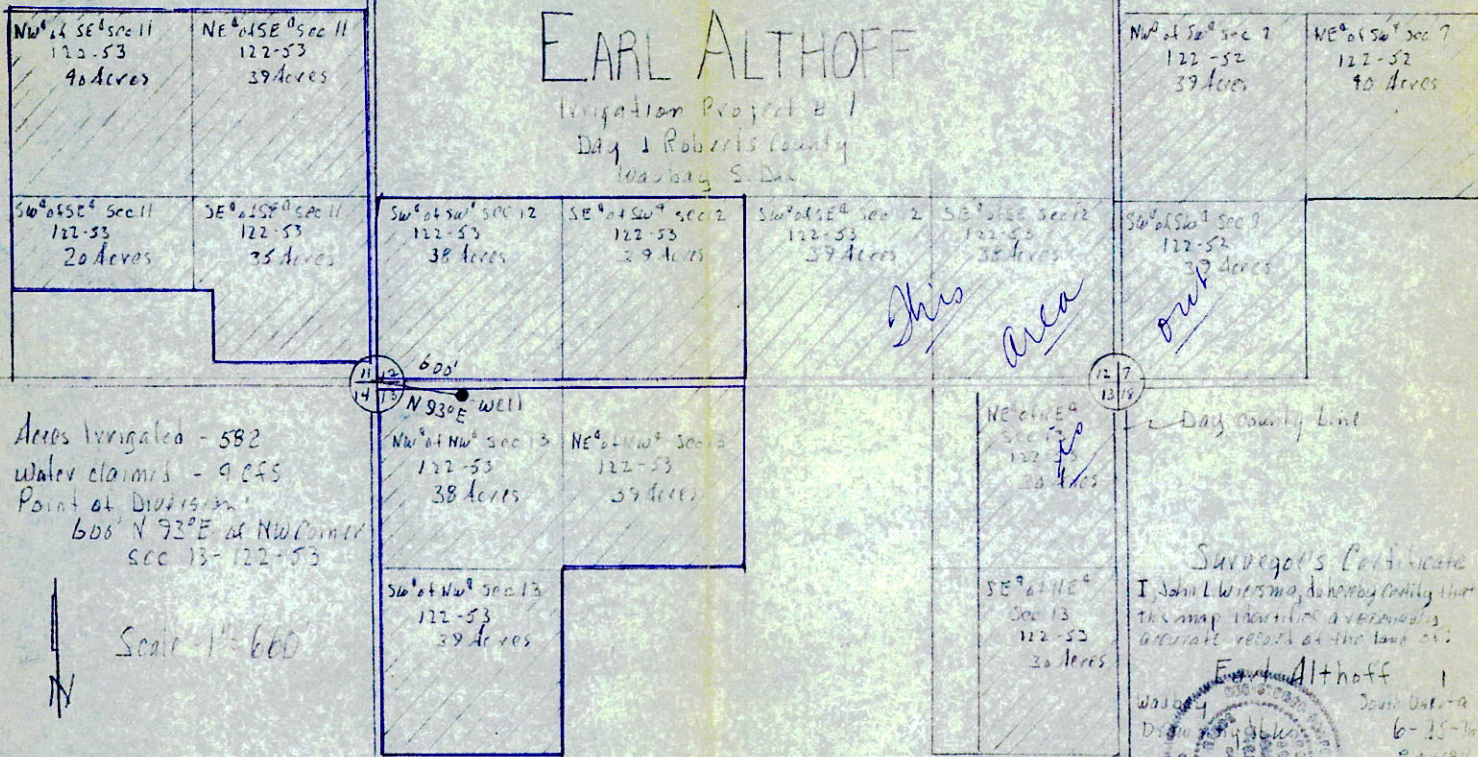
Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original dermination (CPA-026 and attached maps) for exact wetland
boundaries and determinations, or contact NRCS.

2010 Ortho-Photography - Not to Scale

2013

EARL ALTHOFF

Irrigation Project # 1
Day 1 Roberts County
Washington S. Dak.



MAP N° 2151-3 APR N° 2795-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/14, 20 14

RECEIVED OF Earl Althoff 4474 139A St Waubay SD 57273

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

Fee for Application for Permit No. <u>8000-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8000-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	950 00

No. **06828**

By J. Daniel Goodman
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



April 7, 2014

2795-3

Earl Althoff
44474 139A St
Waubay SD 57273 5707

Dear Mr. Althoff:

I am writing in follow-up to your 2013 irrigation questionnaire. On the form, you indicated you had put up a 5 tower center pivot in the SE ¼ Section 11, T122N, R53W. That particular piece of land does not have a water permit on it. We want to work with you to obtain permit coverage for this acreage.

Enclosed is a copy of your current Water Right No. 2795-3. This will give you an idea of what is currently authorized for irrigation. Also included is a set of application forms and the instruction sheet to file for a water permit for the acreage in Section 11.

If you have any questions and need assistance in completing the application, please contact Eric Gronlund with our program at (605) 773-3352.

Sincerely,

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

enclosures

2013 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 2, 2013**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352
or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 2795-3

EARL ALTHOFF
44474 139A ST
WAUBAY SD 57273 5707

1. Did you irrigate in 2013? *yes ☒ **no ☐

*If yes, number of acres irrigated? 75

**If no, check reason(s) for not irrigating acres covered by Permit No. 2795-3

sufficient moisture ☐ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☐, through what year? _____

other ☐, please explain in the Comment Box:

Comment Box

Any address/ownership corrections?

Email _____

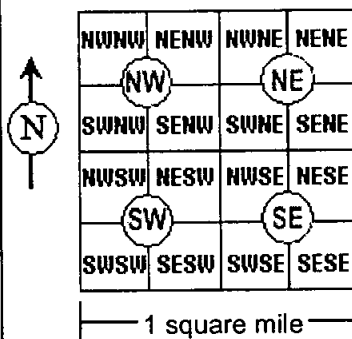
Phone _____

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2013? yes ☐ no ☒

4. If more than one water source is listed below, circle each source used. **A. GROUNDWATER**

5. Provide your water use on the back of this form.



Office use only

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NOV 27 2013

**WATER RIGHTS
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Acreage permitted for irrigation under No. 2795-3

sec 12-T122N-R53W, SW1/4SW1/4 - 38.00 acres
sec 12-T122N-R53W, SE1/4SW1/4 - 39.00 acres
sec 13-T122N-R53W, NW1/4NW1/4 - 38.00 acres
sec 13-T122N-R53W, NE1/4NW1/4 - 39.00 acres
sec 13-T122N-R53W, SW1/4NW1/4 - 39.00 acres

(see above section map for help reading legal descriptions)

*Sec 11-T122N R53W, SE 1/4 - 75 acres
location of 5 tower Zimatic
center pivot.*



**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. 8000-3, Earl Althoff**

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. 8000-3, Earl Althoff, 44474 139A St, Waubay SD 57273.

The Chief Engineer is recommending APPROVAL of Application No. 8000-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Water Right No. 2795-3 and 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8000-3 authorizes a maximum diversion rate of 1.22 cfs for the irrigation of 75 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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
June 9, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8000-3
EARL ALTHOFF
JUNE 9, 2014

Water Permit Application No. 8000-3 proposes to appropriate water at a maximum diversion rate of 1.22 cubic feet of water per second (cfs) from an existing well (30 feet deep) completed into the Coteau Lakes aquifer located in the NW ¼ NW ¼ Section 13; T122N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation. The well this application proposes to use is authorized by Water Right No. 2795-3. The water is to be used for irrigation of up to 75 acres located in the SE ¼ Section 11; T122N-R53W. The applicant is requesting a diversion rate greater than the statutory limit.

AQUIFER: Coteau Lakes (COL)

HYDROGEOLOGY:

This application proposes to use a well completed into an outwash body that has been mapped by several different geologists and called several different names. The shallow outwash in Day County is several discontinuous outwash bodies generally surrounding the area lakes. Leap (1988) separated the outwash deposits into several aquifers dependent on location and depth to aquifer material. However, Hedges and others (1982) lumped the outwash deposits under one name, the Coteau Lakes aquifer. This report will use the Hedges and others (1982) designation.

The Coteau Lakes aquifer as described by Hedges and others (1982) is a group of unconsolidated sand and gravel outwash deposits that are at or near ground surface in southeastern Marshall, eastern Day, and southwestern Roberts County. These deposits may or may not be hydraulically connected, but because of their similarities they have been considered collectively as the Coteau Lakes aquifer by Gilbertson (1996) or the Coteau Lakes aquifer system by Thompson (2001). These discontinuous outwash deposits are often connected through buried channels of outwash and fairly permeable till (Leap, 1988). Hedges and others (1982) estimated the areal extent and volume of recoverable water in storage for the Coteau Lakes aquifer. These estimates are shown in Table 1.

County	Areal Extent (ac)	Recoverable Water in Storage (ac-ft)
Day	58,200	130,910+
Marshall	32,000	120,000
Roberts	NA	NA
Total	90,200	250,910+
NA= Insufficient data available		

Table 1- Areal extent and recoverable water in storage in the Coteau Lakes aquifer by county (Hedges et. al, 1982)

Thompson (2001) reported the Coteau Lakes aquifer system underlies approximately 102.9 square miles (65,856 acres) in Roberts County but did not have an estimate for water in storage.

The Coteau Lakes aquifer in the area of this application is primarily composed of fine to coarse sand and gravel at or near ground surface to approximately 40 feet below grade (SDGS, 2014). The static water level is approximately six feet below ground surface in the area of the well (Water Rights, 2014a). The aquifer is under unconfined conditions in this area.

Historically, the Water Management Board has approved water permit applications to appropriate water from the Coteau Lakes aquifer. However, in interpreting 46-6-3.1, the First Judicial Circuit Court ruled in *Hanson County Dairy v. Bender* that evidence needs to show that water is available for the proposed appropriation. In other words, data must be presented to show that the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (Memorandum Decision April 11, 2012). This could be interpreted as necessitating the identification and quantification of recharge and discharge of an individual outwash deposit of the Coteau Lakes aquifer from which the applicant proposes to withdraw water.

The areal extent of this portion of the Coteau Lakes aquifer was identified by examining SD DENR-Geological Survey test hole logs (SDGS, 2014), Thompson's (2001) aquifer map, Leap's 1988 and 1972 aquifer maps, and SD DENR-Water Rights Program observation well records (2014a) and water well completion reports (2014c). This portion of the aquifer is generally found near land surface except for buried channels that connect the outwash around the various lakes to each other, such as from Blue Dog Lake to Campbell Slough and Enemy Swim Lake. This portion of the aquifer underlies approximately 32,660 acres in Day and Roberts Counties. Figure 1 shows the approximate areal extent of this portion of the Coteau Lakes aquifer as well as observation wells completed into and Water Rights/Permits authorized to withdraw water from this portion of the aquifer.

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 this applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Coteau Lakes aquifer. The probability of unappropriated water available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. In this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a public water system.

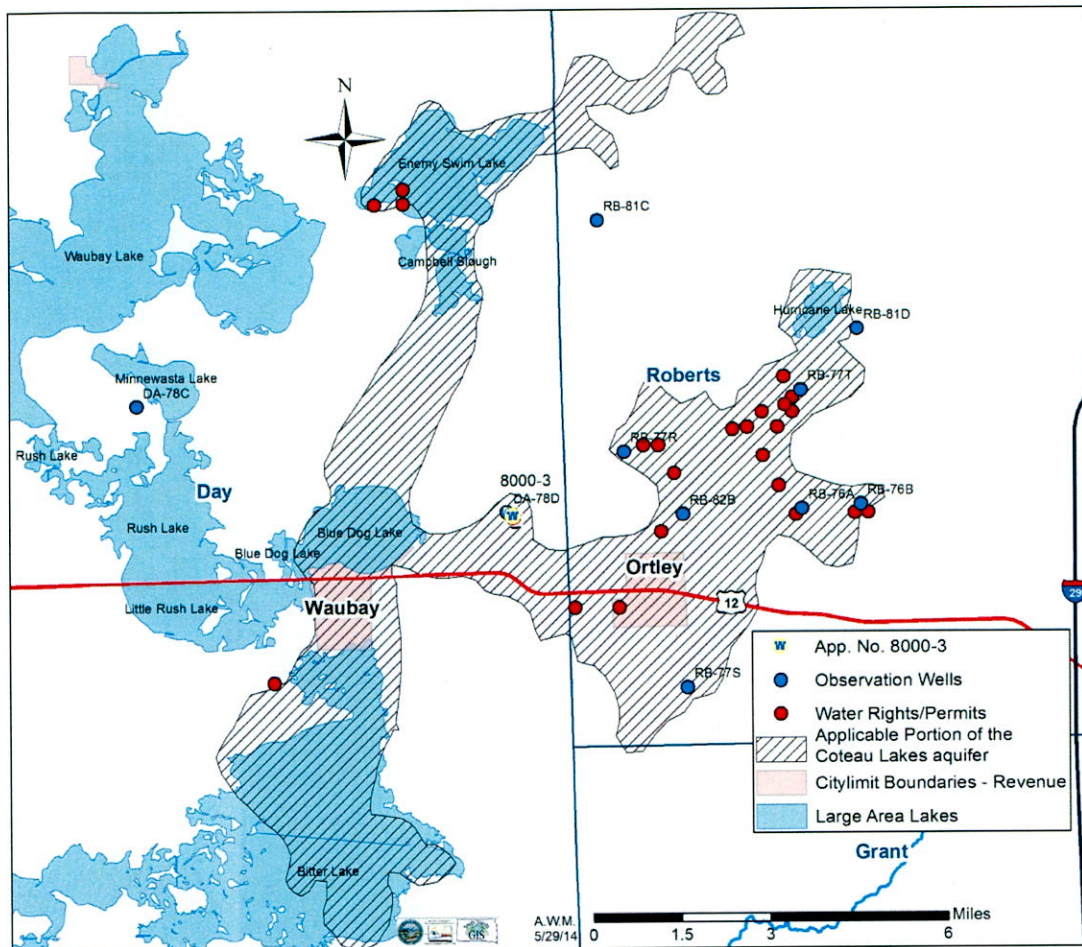


Figure 1- Map of the area of Permit Application No. 8000-3 (modified from: Leap, 1988; Leap, 1972; Thompson, 2001)

Hydrologic Budget:

Recharge:

Recharge to the Coteau Lakes aquifer is primarily by infiltration of rainfall and snowmelt, but at times it may be possible that adjacent lakes could recharge the aquifer (Thompson, 2001). Hedges and others (1985) estimated recharge to the Coteau Lakes aquifer to be 4.5 inches per year using observation well analysis. That equates to an approximate recharge of 12,248 ac-ft per year (ac-ft/yr) for the portion of the aquifer this application proposes to use.

Discharge:

Discharge from the Coteau Lakes aquifer occurs through evapotranspiration, seepage to lakes, and well withdrawals. Currently, there are 18 water rights/permits authorized for irrigation, four for commercial purposes, and one for institutional/recreational purposes. The non-irrigation water rights/permits are shown in Table 2. The estimated annual water use by non-irrigation water rights/permits is approximately 83.8 ac-ft/yr. This estimate is based on pumping at the maximum allowed diversion rate for 60 percent of the time. Historic irrigation water use from this portion of the Coteau Lakes aquifer is shown in Table 3. The average annual use for irrigation purposes from this particular portion of the aquifer, illustrated in Figure 1, is 796.5 ac-ft/yr.

Permit No.	Name	County	Status	Use	CFS	Estimated Use (ac-ft)
5570-3	Buds Resort	DA	LC	COM	0.021	9.1
5599-3	NE-SO-Dak Bible Camp	DA	LC	INS/REC	0.04	17.4
5648-3	Sandy Beach Resort	DA	LC	COM	0.088	38.2
6189-3	Bur-Oak Lodge	DA	LC	COM	0.017	7.4
6284-3	Buds Resort	DA	LC	COM	0.027	11.7
DA= Day County, LC= Water Right, COM= Commercial, INS/REC= Institutional/Recreational						

Table 2- Estimated non-irrigation water use from the same portion as App No. 8000-3 (Water Rights, 2014b)

Year	No. of Permits Reporting	Appropriation (ac-ft)	Pumpage (ac-ft)
2012	18	7294	1227.56
2011	18	7294	1265.88
2010	17	6974	696.7
2009	16	6764	861.53
2008	15	6045	950.56
2007	14	5725	814.71
2006	14	5725	1671.57
2005	12	5205	1357.73
2004	13	5783	1268.76
2003	13	5783	1299.54
2002	13	5783	1133.31
2001	13	5783	1459.68
2000	13	5783	1314.38
1999	14	6361	1227.8
1998	14	6361	1082.03
1997	13	6089	829
1996	12	5823	781.26
1995	12	5823	105.39
1994	11	5559	566.13
1993	9	4717	65
1992	9	4717	264
1991	10	6205	166
1990	10	6205	571
1989	10	6964	550.6
1988	9	6386	1054
1987	8	5096	741.6
1986	8	5096	52
1985	8	5096	497
1984	9	5912	644.5
1983	8	5096	479.29
1982	7	4826	725.39
1981	7	5993	537.66
1980	4	5391	699.56
1979	4	5391	119.32
Min	4	4717	52
Max	18	7294	1671.57
Avg.	11.3	5854.4	796.5

Table 3- Historic irrigation water usage from the same portion of the Coteau Lakes aquifer as App No. 8000-3 proposes to use (Water Rights, 1980-2013)

Hydrologic Budget:

The estimated average annual withdrawal from this portion of the Coteau Lakes aquifer is 980.3 ac-ft/yr. The estimated average annual recharge to this portion of the aquifer is 12,248 ac-ft/yr.

That is significantly more recharge than withdrawals. Therefore, there is a reasonable probability that there is unappropriated water available for this proposed appropriation.

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 to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 8 observation wells completed into this portion of the Coteau Lakes aquifer (Water Rights, 2014a). The nearest observation well, DA-78D, is approximately 0.15 miles northwest of the well this application proposes to use. The water level in the observation well shows good response to climatic conditions. The water level rises (recharge) during wet years and gradually declines during dry years. The observation well hydrograph shows minimal effects from pumping. The climatic effects on water level greatly mask the temporal impacts of well withdrawal. Therefore, recharge to and natural discharge from the Coteau Lakes aquifer significantly exceeds pumping. Recognizing that natural discharge can be captured for pumping, the hydrograph documents that unappropriated water is available for this proposed appropriation. The hydrograph for DA-78D is similar to the hydrographs for other observation wells in the aquifer and are representative of the aquifer. Figure 2 shows the hydrograph for DA-78D.

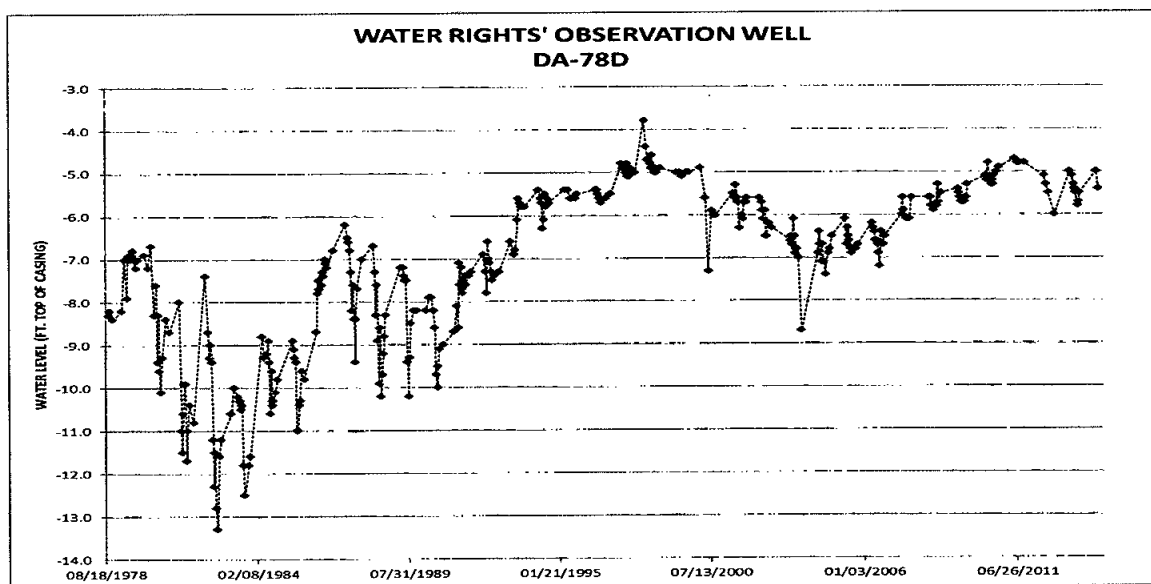


Figure 2- Hydrograph for observation well DA-78D (Water Rights, 2014a)

EXISTING WATER RIGHTS:

The nearest well authorized by a water right/permit, other than the well this application proposes to use, is approximately 1.8 miles southeast of the well site (Water Rights, 2014b). There are three domestic wells on file with the SD DENR-Water Rights Program within approximately 1.5 miles of the well this application proposes to use (Water Rights, 2014c). The nearest domestic well on file is approximately three-quarters of a mile north-northwest of the well (Water Rights, 2014a).

Since the Coteau Lakes aquifer is under unconfined conditions, drawdown created from pumping the well this application proposes to use is not likely to be significant far from the pumped well. Observation well DA-78D is much closer to the proposed well than either wells authorized by water rights/permits or domestic wells on file with DENR-Water Rights Program. The hydrograph for the observation well documents that there has been minimal effects from pumping the nearby well on the water level of the aquifer. Therefore due to the distance between wells and minimal drawdown created from pumping the well this application proposes to use (as illustrated in Figure 2), there is a reasonable probability that this proposed diversion can be made without adversely impacting existing appropriative or domestic users.

In the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. Since the aquifer is under unconfined conditions drawdown due to pumping would not be significant far from the well site. There has also been a history of large capacity wells in the area and from this aquifer. Therefore, nearby adequate wells are not expected to be adversely or unlawfully impaired by the proposed diversion.

This portion of the Coteau Lakes aquifer is a relatively thin aquifer with a limited amount of water in storage. While the average annual withdrawal would not exceed average annual recharge to the aquifer, conditions may occur when the withdrawal exceeds recharge. When this occurs, water will be removed from storage, consequently reducing the saturated thickness of the aquifer. If the saturated thickness is reduced to the extent that water rights/permits can no longer pump at their developed or "historically established" diversion rates, this may be considered an adverse impact. If approved, the water permit should include a qualification that the well owner should 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.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or "the equivalent thereof." The statute does provide that the Water Management Board may allow a greater diversion rate if the method of irrigation so requires. Water Permit Application No. 8000-3 proposed to divert 1.22 cfs from the Coteau Lakes aquifer for the irrigation of 75 acres, or the equivalent of 1.14 cfs per 70 acres. The applicant did not state a specific reason for the request on the application. Dave Gullickson, an irrigation equipment salesman, (Telephone Conversation, June 2, 2014) stated, ideally, a center pivot system the size the applicant proposes to use would be more effective with a pump in the 450 to 550 gallon per minute (1.0 to 1.22 cfs) range. The applicant has requested a diversion rate at the upper end of that range. Since the applicant proposes to use an existing well and a pump rate that should allow his system to operate more effectively, it is valid to allow the proposed diversion rate in excess of the statutory limit.

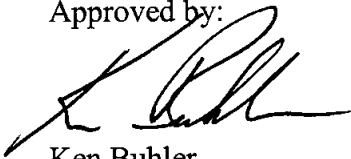
CONCLUSIONS:

1. This application proposes to appropriate 1.22 cfs from the Coteau Lakes aquifer for the irrigation of 75 acres in Day County.
2. The Coteau Lakes aquifer is a collective name of a group of disconnected outwash deposits surrounding the area lakes and lining shallow buried channels between the lakes.
3. There is a reasonable probability that unappropriated water is available from this portion of the Coteau Lakes aquifer for this proposed appropriation.
4. The Coteau Lakes aquifer is under unconfined conditions in this area, and drawdown from pumping is not expected to be significant very far from the production well.
5. There is a reasonable probability that the diversion proposed by this application will not adversely impact existing appropriative or domestic users.
6. The applicant is requesting a diversion rate greater than the statutory limit. The applicant did not state a reason for the request. Since the applicant is using an existing well and the higher diversion rate should allow the proposed system to operate more effectively, it is a valid reason to allow the proposed diversion rate in excess of the statutory limit.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Gilbertson, J.P. 1996. Investigation of Ground Water Resources in Portions of Roberts County, South Dakota. SD DENR-Geological Survey Open-File Report 81-UR. SD DENR-Geological Survey, Vermillion, South Dakota.
- Hedges, L.S., Allen, J., Holly D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in 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.
- In the Matter of Water Permit Application No. 7239-3, by Hanson County Dairy v. Robert Bender and Stace Nelson, South Dakota First Judicial Court Civ. No. 11-54 (Memorandum Decision, April 11, 2012)
- Leap, D.I. 1988. Geology and Hydrology of Day County, South Dakota. Bulletin 24. SD DENR-Geological Survey, Vermillion, South Dakota.
- Leap, D.I. 1972. Major Aquifers and Sand and Gravel Resources in Day County, South Dakota. SD DENR-Geological Survey Information Pamphlet No. 3. Vermillion, South Dakota.
- SDGS. Lithologic Logs Database Search. < <http://www.sddenr.net/publist/>>. Accessed: 29 May, 2014. SD DENR-Geological Survey. Vermillion, South Dakota.
- Thompson, R.F. 2001. Water Resources of Lake Traverse Reservations, South and North Dakota, Roberts County, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 01-4219
- Water Rights. 1980-2013. "1979-2012 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2014a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

AFFIDAVIT OF PUBLICATION

County of Day
State of South Dakota,

} SS.

RECEIVED

JUN 17 2014

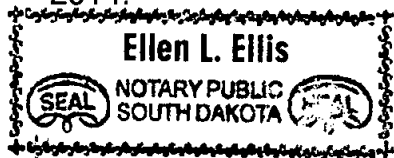
WATER RIGHTS
PROGRAM

John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, John Suhr, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed, Application to Appropriate Water, a printed copy of which is hereunto attached, was printed and published in the said newspaper successive and complete issues as follows:

First Publication	June 16;
Second Publication	;
Third Publication	;
Fourth Publication	;
Fifth Publication	;

That the full amount of fees for publication of the annexed notice is \$28.72 and inures solely to the Reporter & Farmer, published by The Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

Subscribed and sworn to before me this 16th day of June, 2014.



Ellen L. Ellis
Notary Public, Day County, South Dakota

16 June 16, 2014

Water application

NOTICE OF APPLICATION NO. 8000-3 TO APPROPRIATE WATER

Notice is given that Earl Althoff, 44474 139A St., Waubay, SD 57273 has filed an application for a water permit to appropriate 1.22 cubic feet of water per second from one existing well completed into the Coteau Lakes Aquifer (30 feet deep) located in the NW 1/4 NW 1/4 Section 13 for irrigation of 75 acres located in the SE 1/4 Section 11; all in T122N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8000-3 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 June 26, 2014.

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 \$28.72.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

June 16th, 2014

Cost of Printing \$57.29

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

June 16th, 2014

(Date Signed)

DENR

NOTICE OF APPLICATION
NO. 8000-3 to Appropriate
Water

Notice is given that Earl Althoff, 44474 139A St, Waubay SD 57273 has filed an application for a water permit to appropriate 1.22 cubic feet of water per second from one existing well completed into the Coteau Lakes Aquifer (30 feet deep) located in the NW 1/4 NW 1/4 Section 13 for irrigation of 75 acres located in the SE 1/4 Section 11; all in T122N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8000-3 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.

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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. Pirmer, Secretary, Department of Environment and Natural Resources.

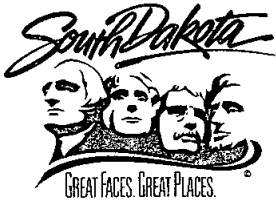
Published once at the approximate cost of \$55.19.
(June 16, 2014)

All legal notices in the Public Opinion and other South Dakota newspapers can be found at
www.sdpublicnotices.com

RECEIVED

JUN 23 2014

WATER RIGHTS
PROGRAM



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



June 9, 2014

Reporter & Farmer
516 Main Ave
Webster SD 57274

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8000-3 to Appropriate Water. Please publish the notice once on June 16, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Earl Althoff, 44474 139A St, Waubay SD 57273 (Ph # 605-947-4162).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 11, 2014 3:47 PM
To: 'news@reporterandfarmer.com'
Subject: Notice of Application No. 8000-3, Earl Althoff
Attachments: 8000-3public.short.docx

Attached is a Notice of Application No. 8000-3, Earl Althoff. Mr. Althoff has been notified to contact you to authorize publication and arrange for payment. The Notice is to be published June 16, 2014. You should or will be receiving the information in the mail. I will be out of the office Thursday and Friday, so if you have questions, please contact Eric Gronlund with this office.

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



June 9, 2014

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

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The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Earl Althoff, 44474 139A St, Waubay SD 57273 (Ph # 605-947-4162).

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



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.**

June 9, 2014

Earl Althoff
44474 139A St
Waubay SD 57273

Dear Mr. Althoff:

Water Permit Application No. 8000-3 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 Reporter & Farmer printed at Webster SD (Ph # 605-345-3356) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). 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.

Instruction to Newspaper - Publish the Notice on June 16, 2014. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 8000-3 to Appropriate Water

Notice is given that Earl Althoff, 44474 139A St, Waubay SD 57273 has filed an application for a water permit to appropriate 1.22 cubic feet of water per second from one existing well completed into the Coteau Lakes Aquifer (30 feet deep) located in the NW 1/4 NW 1/4 Section 13 for irrigation of 75 acres located in the SE 1/4 Section 11; all in T122N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8000-3 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 June 26, 2014.

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



JUL 24 2014

Earl Althoff
44474 139A St
Waubay SD 57273

Dear Mr. Althoff:

Enclosed is Water Permit No. 8000-3 authorizing construction of your 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

RECEIVED

NOV 03 2014

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 10-15-2014TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Earl Althoff
(name)
44474 139A St.
(address)
Waubay, SD 57273 605-947-4762
(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.

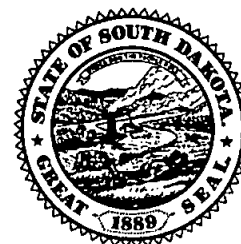
Water Permit No. 8000-3 states that the water use system is to be constructed by 7-1-2013, and water is to be put to beneficial use by 7-22-2013.
(date) (date)

The water use system was completed on 7-1-2013.
(date)

Applying the water to beneficial use was completed on 8-29-2013.
(date)

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

Earl Althoff
(signature)





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



November 3, 2014

8000-3

Earl Althoff
44474 139A St
Waubay SD 57273

Dear Mr. Althoff:

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 your irrigation system.

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

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

8000-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 5, 2022

8000-3

Earl Althoff
44474 139A St
Waubay SD 57273

Dear Mr. Althoff:

I am writing regarding one of your irrigation questionnaires you submitted back in November.

On the questionnaire for Water Permit No. 8000-3, you indicated 75 acres were irrigated in May, June, July & August. In doing the calculations for the amount of water pumped this past year, your questionnaire reflects approximately 128 acre feet of water was pumped. For the 75 acres you irrigated, you are still well within the authorized annual appropriation.

The purpose of my letter is to remind you that based on your application and subsequent permitting of No. 8000-3, you are only authorized to irrigate in July and August. If you feel you would like to extend the annual period of use to include more months, you could file an application to amend your permit.

Let us know what you decide. If you have any questions about the possibility of applying to amend the permit, please call Ron Duvall with our program at 605 773-3352.

Sincerely,

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

enclosure: copy of Water Permit No. 8000-3

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8000-3

I have this day, September 13, 2023, made a thorough examination of the water use system constructed by Earl Althoff, 44474 139A St, Waubay, SD 57273 of Permit No. 8000-3, bearing the priority of April 11, 2014 authorizing the diversion of 1.22 cu. ft. per second of the waters of Coteau Lakes Aquifer for irrigation purposes, in Day County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Wieber Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 30 feet
- 4) Well log is available N If no, explain in comments

Comments: Tried to call Wieber on Sept 22, 2023 but got no answer (701/538-4161)

Casing:

- 1) Diameter 16 inches
- 2) Length Unknown feet (at least 20 feet ???)
- 3) Type Fiberglas

Screen:

- 1) Type Unknown – probably Fiberglas
- 2) Length Unknown feet
- 3) Static water level 2 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 550 GPM

Motor:

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

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

- 1) Type Buried PVC pipe 2) Size 8 inches 3) Length 2550 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
2) Overall length 1000 feet
3) Number of towers 5
4) End gun Y
5) Capacity 550 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by N

If no, describe: **Pumping more than authorized by law (see Section E)**

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
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: **WELL LOCATION From the SE corner Sec 11 T122N R53W, 20 ft S & 625 ft E, Lat 45.35540 Long -97.24464 (NW ¼ NW ¼ Sec 13 T122N R53W).**
2. The works are capable of diverting and conveying to the place of use 1.22 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
- legal description/acreage**
All land in Sec 11 T112N R53W
NW SE – 19 acres
NE SE – 33 acres
SE SE – 16 acres
SW SE – 7 acres
- comprising a total of 75 acres of land and the license should be issued for 1.22 cfs.
3. All structures, wells and lands on map Y

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

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

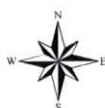
The mailing address and the telephone number should be changed to Mr. Dwight Althoff, 44768 140th Str, Waubay, SD 57273 (605/881-6983)

I talked to Mr. Dwight Althoff vis phone regarding the field inspection visit.

A handwritten signature in black ink, appearing to read 'Dw DeBoer', written in a cursive style.

Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **September 29, 2023**



0 0.075 0.15 0.3 0.45 0.6 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



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

OCT 03 2023

8000-3

Dwight & Earl Althoff
44768 140th St
Waubay SD 57273

Dear Sirs:

Enclosed is Water License No. 8000-3. 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 Permit No. 8000A-3 have been incorporated into Water Right No. 8000-3.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8000-3**

(1) Earl Althoff, 44474 139A St, Waubay SD 57273, made Application No. 8000-3, April 11, 2014, for a water permit to divert 1.22 cubic feet of water per second from ground water, one well (Coteau Lakes Aquifer), Day County, South Dakota for irrigation purposes. Permit No. 8000-3, with a priority date of April 11, 2014, was approved June 26, 2014, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 26, 2019, and for the application to beneficial use of water on or before June 16, 2023.

Water Permit No. 8000A-3 authorizes the lengthening of the annual use period, with no changes to the rate of diversion or the irrigated acres. The applicable portions of Water Permit No. 8000A-3 have been incorporated into this Water Right.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.22 cubic feet of water per second for beneficial use. The location of the diversion point is: *(within the former boundaries of the Sisseton Wahpeton Indian Reservation)*

- 20 ft S & 625 ft E of the NW corner of Section 13, T122N, R53W (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
(Latitude 45.33540 Longitude -97.24464)

(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 the following land:

Section 11, T122N, R53W
(within the former boundaries of the Sisseton Wahpeton Indian Reservation)
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 19 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ 16 acres
TOTAL: 75 acres

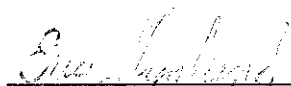
(5) Pursuant to South Dakota Water Law 46-5-30.1 Earl Althoff, the holder and/or owner of Water Right No. 8000-3 is issued a license to appropriate water, the right to use 1.22 cubic feet of water per second from groundwater, one well (Coteau Lake Aquifer), with a priority date of April 11, 2024, from 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. 8000-3 and subject to the following qualifications:

1. The well approved under Water Right No. 8000-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Water Right shall control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate of the method of irrigation, time constraints, of type of soil so requires, Water Right No. 8000-3 authorizes a maximum diversion rate of 1.22 cfs for the irrigation of 75 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.


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

OCT 03 2023
date

