

WATER PERMIT NO. 8312-3

Name of Applicant: Ronald Olson

Address: 44228 150th St, Waubay SD 57273 Phone: 605 880-0756

Amount of Water Claimed: 1.78 cfs Total Acres: 130

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Day

Type of Waste Disposal System:

Location: 6 miles south of Waubay

PRIORITY Date Received: 9-5-17 Application/License Fee: \$ 1050

Corrected Application Received: 10-2-17 Period of Annual Use: May 1 – Sept 30

Remarks:

Diversion Point: approximate center of SE 1/4 Sec
34-T121N-R54W

Land to be Irrigated: SE 1/4 Sec 34-T121N-R54W

Depth of Well: 100 feet deep

Well Driller:

Remarks:

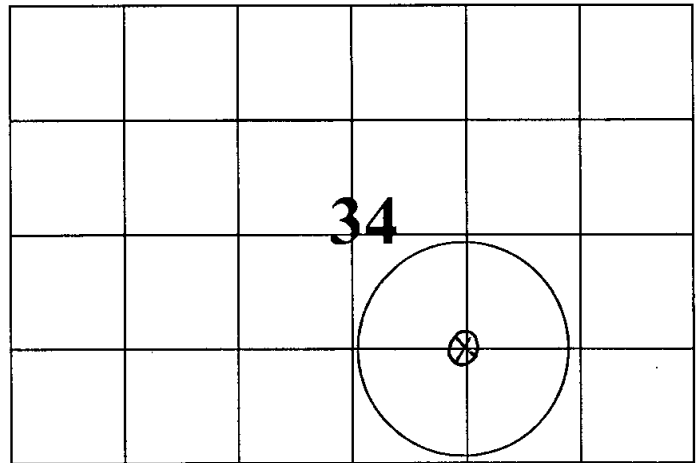
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 10-2-17

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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OCT 02 2017

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SEP 05 2017

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Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 8312-3 (office use only)
Hydrologic Unit 10160010
Basin James River
Newspaper Reporter & Farmer, Webster
Public Opinion, Watertown

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 ROBERT OLSON

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

(name and complete address if different than above name)

Mailing Address 44228 156th St WAUBAY SD 57273
(Address) (City) (State) (Zip Code)

Home Phone 947-4439 Cell 605-800-0756 Email rolson@itctel.com

2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 130
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply _____

4. Location of point of diversion SE 1/4 34-12N-54W (approximate center)
(example - 3 wells in SW1/4 NE1/4 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 MAY - SEPT 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
SW 40 SE 1/4 34-12N-54W	32.5		
NW 40 SE 1/4 34-12N-54W	32.5		
NE 40 SE 1/4 34-12N-54W	32.5		
NW 40 SE 1/4 34-12N-54W	32.5		

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

WELL FOR 130 AC center pivot

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. 8312-3

Date of first receipt of application September 5, 2017.

Date of return to applicant for corrections, amendments or changes September 11, 2017.

Date of receipt of corrected application October 2, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8312-3 to Ronald Olson, 44228 150th 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. 8312-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (100 feet deep) located in the approximate center of the SE 1/4 Section 34 for irrigation of 130 acres located in the SE 1/4 Section 34; all in T121N-R54W which is approximately six miles south of Waubay SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is September 5, 2017.
4. The date of approval of Permit No. 8312-3 is December 21, 2017.
5. One-fifth of the construction is to be completed on or before June 21, 2020.
6. All construction is to be completed on or before December 21, 2022.
7. Water is to be put to beneficial use on or before December 21, 2026.
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 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 well authorized by Permit No. 8312-3 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*

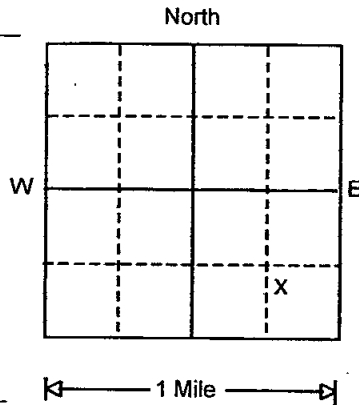
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 29 2017
date



SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 34 Twp 121 Rg 54County DayPlease mark well
location with an "X"

Well Completion Date

March 22, 2017

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

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

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bentonite	5	Lb/gal	0.0 Ft	116.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Pressure Tremie, Drill Rod

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____
Lab to which water ☐ No, Why Not? _____
quality sample sent for analysisWell Owner: Ron Olson

Business Name: _____

Address: 44228 150th StCity, State, Zip: Waubay SD 57273

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
Top Soil	Blk	M	0	1
Clay	Tan	M	1	5
Gravel	Ylw	Coarse	5	8
Clay	Blu	M	8	39
Clay	Tan	M	39	69
Sand	Tan	12-30slt	69	91
Clay	Blu	M	91	116

STATIC WATER LEVEL

_____ 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: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____

_____ GPM

REMARKS

Test Hole #1

45 14 34.8N, 97 17 20.6W

This well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc 3/22/2017

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

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United States
Department of
Agriculture

Day County, South Dakota

SE 1/4 34 - 12 N - 54 W



Common Land Unit  Tract Boundary
Common Land Unit  PLSS
 Cropland

Wetland Determination Identifiers

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



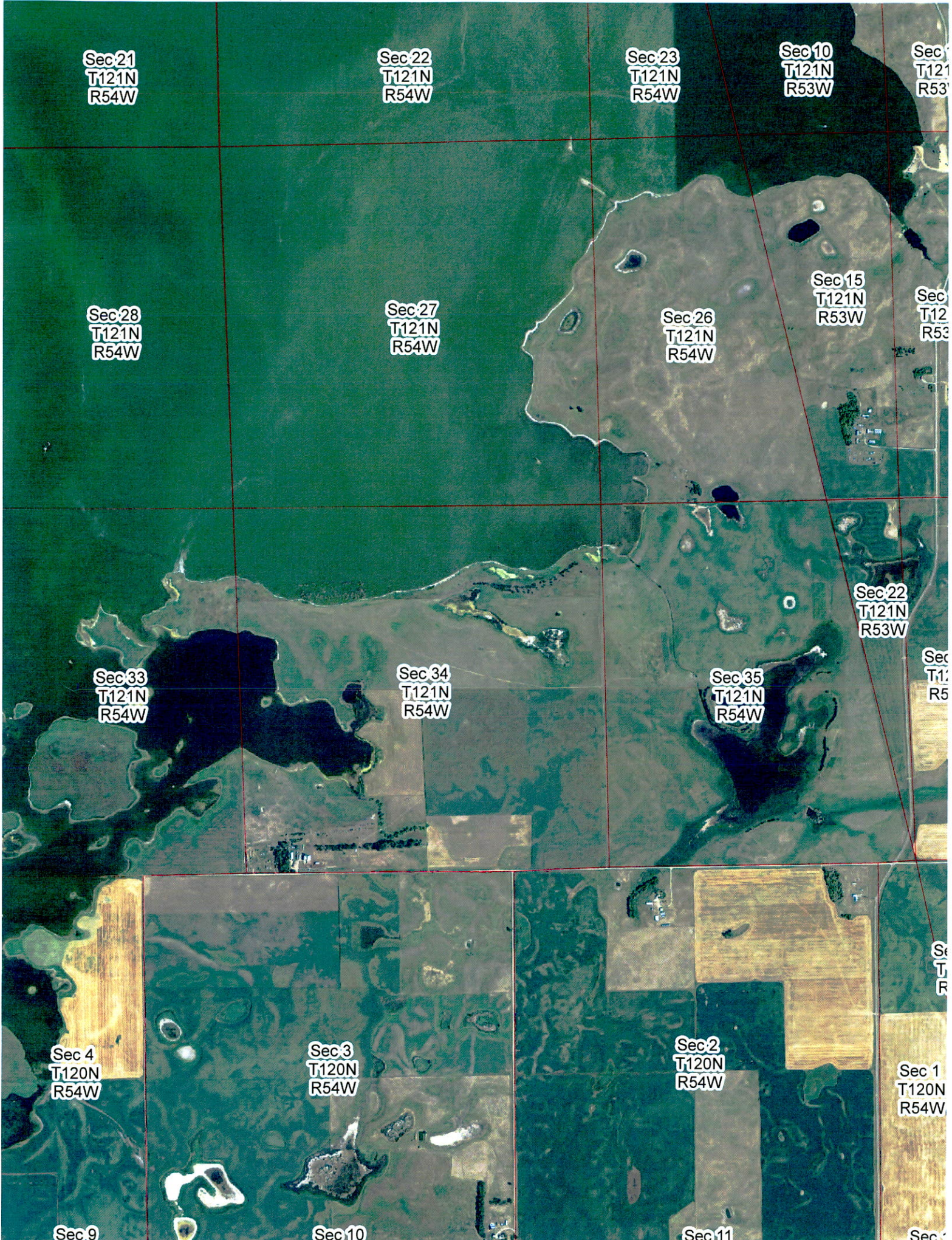
2016 Program Year

Map Created February 01, 2016

Farm 5632

34-12N-54W

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



Sec 21
T121N
R54W

Sec 22
T121N
R54W

Sec 23
T121N
R54W

Sec 10
T121N
R53W

Sec 11
T121N
R53W

Sec 28
T121N
R54W

Sec 27
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Sec 26
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Sec 35
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Sec 22
T121N
R53W

Sec 13
T121N
R53W

Sec 4
T120N
R54W

Sec 3
T120N
R54W

Sec 2
T120N
R54W

Sec 1
T120N
R54W

Sec 9

Sec 10

Sec 11

Sec 12

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 5, 20 17

RECEIVED OF ROC Farms 44228 150th St Waubay, SD 57273-6114

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

Fee for Application for Permit No. <u>8312-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>8312-3</u>		
Fee for Filing Transfer Form _____		
Fee for License _____	200	00
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	1050	00

No. **08328**

By

Jeanne Goodman
Chief Engineer

22m



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

September 11, 2017

Ronald Olson
44228 150th St
Waubay SD 57273

Dear Mr. Olson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Day County. In order to complete the application, the following is required.

- Please sign the bottom of the application where indicated and return in the enclosed postage prepaid envelope.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

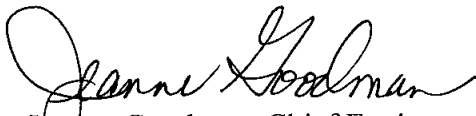
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8312-3, Ronald Olson**

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. 8312-3, Ronald Olson, 44228 150th Street, Waubay SD 57273.

The Chief Engineer is recommending APPROVAL of Application No. 8312-3 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 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 well authorized by Permit No. 8312-3 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
November 30, 2017

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8312-3
RONALD OLSON
NOVEBER 29, 2017

Water Permit Application No. 8312-3 proposes to appropriate water for the irrigation of up to 130 acres located in the SE ¼ Section 34 at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Prairie Coteau aquifer located in the SE ¼ SE ¼ Section 34; all in T121N-R54W in Day County. The proposed irrigation project is located approximately six miles south of Waubay.

AQUIFER: Prairie Coteau (PCO)

Aquifer Characteristics:

The applicant proposes to withdraw water from aquifer materials at an elevation range of approximately 1,720 to 1,750 feet above mean sea level (fmsl). At this depth and within a couple of miles of this location, aquifer materials have been mapped by Leap (1988; 1972). Leap called the aquifer the Eastern Lakes Subsystem (1988) and the Eastern Lakes aquifer (1972) in his two reports on Day County. However, the DENR-Water Rights Program recognizes the deeper and buried portions of Leap's aquifers as the Prairie Coteau aquifer, and that is the name used in the remainder of this report. The test hole log submitted with this application indicated sand was encountered from 69 to 91 feet below grade. Based on other well logs completed into this portion of the Prairie Coteau aquifer, the aquifer is under confined conditions. Figure 1 is a map of the area around the proposed well sites including existing water rights/permits and observation wells. Table 1 is a list of the water rights/permits shown in Figure 1.

Permit No.	Name	County	Status	Aquifer	Use	CFS	Acres
2717-3A	Kristopher Bronson	GT	LC	BS:N	IRR	1.66	231
2733-3	Cheryl Berger	GT	LC	PCO	IRR	2.8	196
5968-3	Don Endres	GT	LC	BS:N	IRR	2.11	132
6030-3	Endres Family Trust	GT	LC	BS:N	IRR	2.12	132
6098-3	Cheryl Berger	GT	LC	BS:N	IRR	2	110
6099-3	Endres Family Trust	GT	LC	BS:N	IRR	2.11	132
6707-3**	Prairie Coteau Restoration	DA	LC	PCO	FWP/DOM	1.11	
7453-3	Berger Farms	GT	PE	BS:N	IRR	2	140
7516-3	David Zubke	GT	PE	BS:N	IRR	2.22	170
7969-3	Bronson Custom Farms Inc	GT	PE	BS:N	COM/LCO	0.67	
8157-3	David C Zubke	DA	PE	BS:N	IRR	1.55	60
8158-3	David C Zubke	DA	PE	BS:N	IRR	2.22	355
8194-3	Lakeside Dairy	GT	PE	PCO	COM/LCO	0.446	
8201-3**	Kerry Holscher	DA	PE	PCO	IRR	2.22	240
8254-3**	David Zubke	DA	PE	PCO	IRR	4.46	420
**= Completed into the same portion of the Prairie Coteau aquifer as App. No. 8312-3							
GT= Grant County, DA= Day County, LC= Water Right, PE= Water Permit, BS:N= Big Sioux: North, PCO= Prairie Coteau, IRR= Irrigation, FWP= Fish and Wildlife Propagation, DOM= Domestic, COM= Commercial, LCO= Livestock Confinement Operation							

Table 1- Water rights/permits shown in Figure 1 (Water Rights, 2017b)

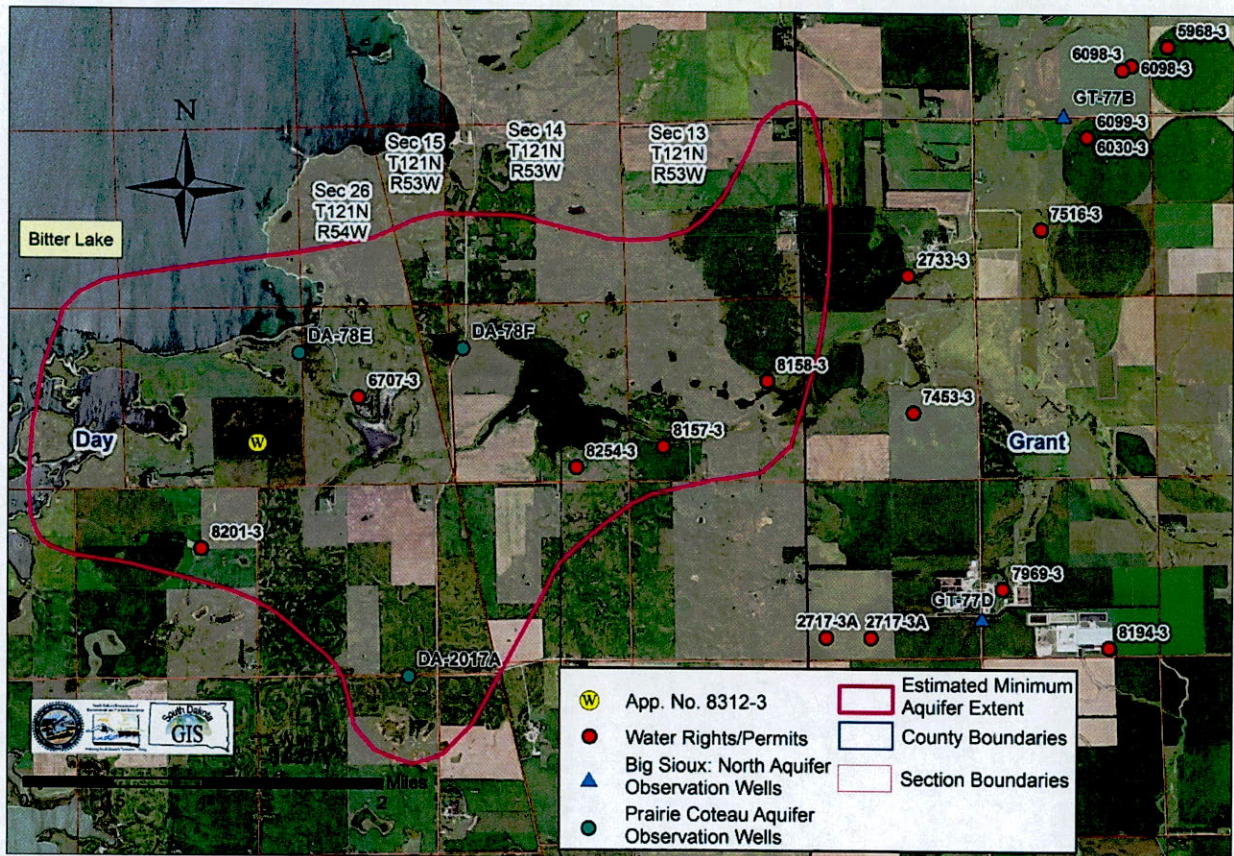


Figure 1- Map of the project area including appropriative wells, observation wells, and proposed well site

The Prairie Coteau aquifer is a general name for disconnected deposits of generally buried outwash on the Coteau Des Prairies. Hedges and others (1982) estimated the Prairie Coteau aquifer underlies approximately 500,000 acres and contains approximately 675,000 or greater acre-feet (ac-ft) of recoverable water in storage. However, the aquifer is not contiguous. Leap created aquifer and geological maps of Day County, including maps of vertical variability of the outwash deposits (1988). Leap's (1988; 1972) reports show various deposits of aquifer materials between 1,700 and 1,800 fmsl throughout Day County including two deposits within a couple of miles of the proposed well site. Since completion of Leap's reports, several DENR-Geological Survey lithologic borings (SDGS, 2017), appropriative use wells (Water Rights, 2017b), and domestic wells/test holes (Water Rights, 2017c) have been completed into or through this portion of the Prairie Coteau aquifer and the surrounding area. This portion of the Prairie Coteau aquifer is likely in hydraulic connection with the Coteau Lakes aquifer underlying Bitter and Blue Dog Lakes along with Bitter Lake and the North management unit of the Big Sioux aquifer (Jensen, 2004; SDGS, 2017; Water Rights, 2017a, 2017b, and 2017c).

An approximate minimum areal extent of this portion of Prairie Coteau aquifer was previously mapped by Mathiowetz (2016) and then later refined when more geologic data became available (Mathiowetz, 2017). At the time of completion of Mathiowetz's (2017) report, the estimated minimum areal extent of this portion of the Prairie Coteau aquifer was 5,600 acres. Since then, observation well DA-2017A installed by the DENR-Geological Survey and the test hole drilled

for this application are the only new geologic data available for this portion of the Prairie Coteau aquifer. This new information supports the current aquifer minimum areal extent of 5,600 acres.

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 Prairie Coteau 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 water distribution 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 water distribution system.

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 DENR-Water Rights Program monitors 57 observation wells completed into the Prairie Coteau aquifer with three observation wells, DA-78E, DA-78F, and DA-2017A, completed into the portion of the aquifer this application proposes to use (Water Rights, 2017a). The hydrographs for DA-78E and DA-78F observation wells are shown in Figures 2 and 3, respectively (Water Rights, 2017a). There is no hydrograph for DA-2017A yet as there has only been one water level measurement taken. The hydrographs show over the period of record the water levels have risen approximately 10 to 15 feet. This rise in water level coincides with the rise of water level in nearby Bitter Lake further supporting there is some hydraulic connection between Bitter Lake, the portion of the Coteau Lakes aquifer that directly underlies the lake, and this portion of the Prairie Coteau aquifer that is adjacent to and likely underlies at least a portion of the lake.

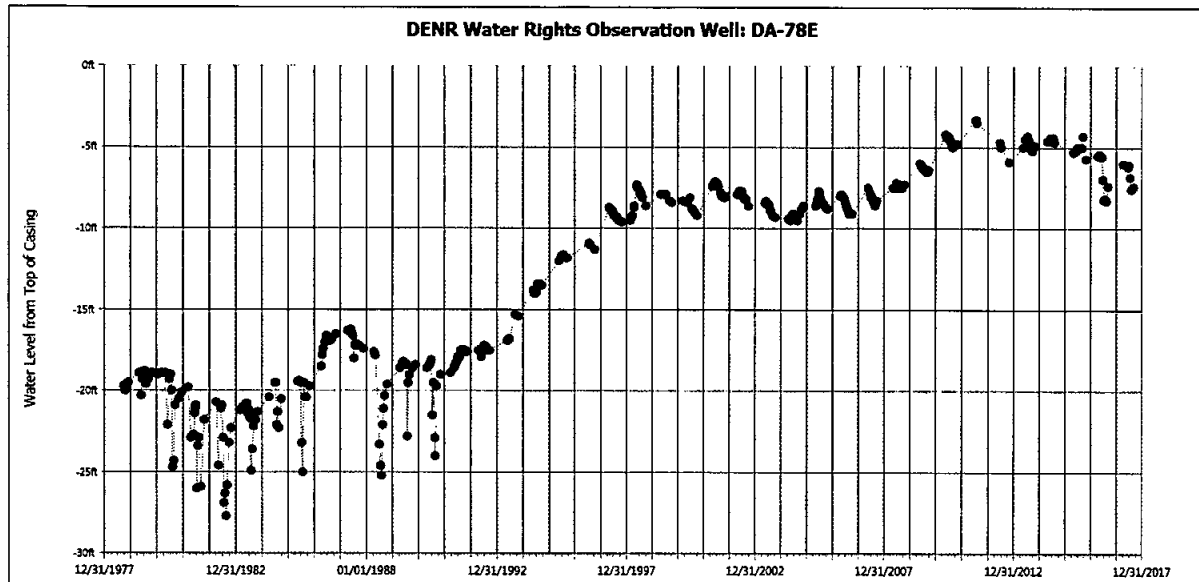


Figure 2- Hydrograph for DA-78E, approximately 0.5 miles north-northeast of proposed well site (Water Rights, 2017a)

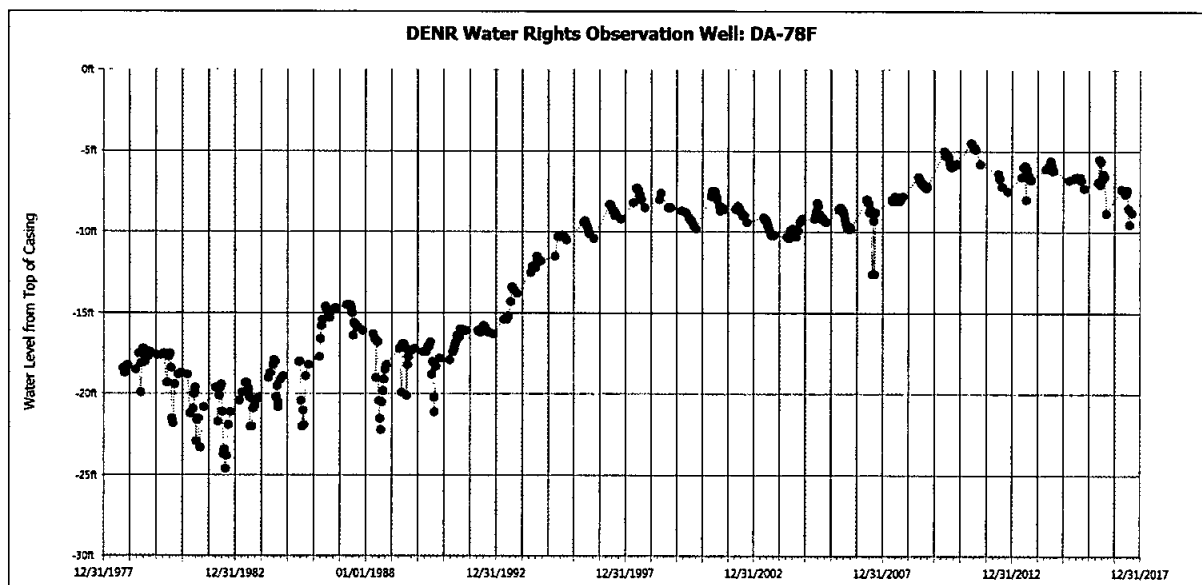


Figure 3- Hydrograph for DA-78F, approximately 1.25 miles northeast of proposed well site (Water Rights, 2017a)

The water levels in both hydrographs show the effects of pumping on water level pre-1990. The effects of pumping on the water level were minimal. However, during that time and since then the effects of climate on the water level have been dominant. When climate dominates water levels, it means recharge to and natural discharge from an aquifer significantly exceeds pumping. Natural discharge from an aquifer can be captured for pumping. Recognizing natural discharge from an aquifer can be captured, the hydrographs document there is unappropriated water available in this portion of the Prairie Coteau aquifer.

Recharge and Discharge:

This portion of the Prairie Coteau aquifer discharges through well withdrawals and outflow to hydraulically connected outwash deposits that may include other portions of the Prairie Coteau aquifer, the Coteau Lakes aquifer that underlies and surrounds Bitter Lake, and the Big Sioux: North aquifer that is immediately east of the proposed well sites. Water Right No. 6707-3 and Water Permit Nos. 8201-3 and 8254-3 are authorized to withdraw water from the same portion of the Prairie Coteau aquifer as this application (Water Rights, 2017b). The three water rights/permits are listed in Table 2. There are also several domestic wells on file that are completed into the portion of the Prairie Coteau aquifer this application proposes to use (Water Rights, 2017c).

Permit No.	Name	Status	Use	CFS	Acres	Storage
6707-3	Prairie Coteau Restoration	LC	FWP/DOM	1.11		199.8 ac-ft
8201-3	Kerry Holscher	PE	IRR	2.22	240	
8254-3	David Zubke	PE	IRR	4.46	420	
DA= Day, LC= Water Right, PE= Water Permit, PCO= Prairie Coteau						
IRR= Irrigation, DOM= Domestic, FWP= Fish and Wildlife Propagation						

Table 2- Water rights/permits withdraw water from the same portion of the Prairie Coteau aquifer as Application No. 8312-3 (Water Rights, 2017b)

The contact for Water Right No. 6707-3, Kurt Forman stated in February 2017, since Water Permit No. 6707-3 was approved in 2006 and for several years before then they had not pumped any water into the 100 ac-ft ring dike authorized or the 99.8 ac-ft wetland authorized by Water Right No. 6707-3 (Forman, 2017). Mr. Forman (2017) also said that pumping had been limited to a few hundred gallons of water to fill all-terrain vehicle mounted sprayer tanks for weed control purposes. Mr. Forman estimated they would likely only pump enough water to fill the ring dike, if needed. Generally, non-irrigation water use is estimated by assuming pumping at the maximum permitted diversion for 60 percent of the time. Using that method Water Right No. 6707-3 would pump approximately 482 ac-ft/yr. However, based on the conversation with Mr. Forman (2017), it is likely they would not pump more than 100 ac-ft/yr. at maximum and have so far only pumped a few hundred gallons of water per year. Mr. Forman also stated they may wish to supply water to a couple of cattle tanks for approximately 90 head in May and June in the future. The maximum estimated water use for that purpose is 0.3 ac-ft/yr. (Lardy et. al, 2008).

The potential domestic use from this portion of the Prairie Coteau aquifer is likely less than 3.4 ac-ft/yr. This estimate is based on water use values from Carter and Neitzert (2008) for livestock in Day County and a weighted average per capita use for the counties listed in the report, because there is no estimate for Day County. This assumes all of the livestock water use and domestic use within the approximate boundary of this portion of the Prairie Coteau aquifer (see Figure 1) is from the portion of the Prairie Coteau aquifer this application proposes to use. It is more likely that there are multiple aquifers being used in this area and some rural housing units are connected to rural water, which would reduce the domestic water use in this area.

Water Permit No. 8201-3 was approved in May 2016 and Water Permit No. 8254-3 was approved in April 2017. Table 3 shows the historic water use under each permit included permitted acres, reported irrigated acres, pumped volume, and irrigation application rate. The

application rate of irrigation has been calculated for several other aquifers in South Dakota. They are shown in Table 4. The three aquifers listed in Table 4 range from approximately 50 to 75 miles southwest of the proposed well site. The application rate for the “Waubay area, within 15 miles of 8238-3” shown in Table 4 was calculated by Buhler (2016). The well sites for Water Permit No. 8238-3 are approximately 6.8 miles north of the well site proposed by this application. Buhler (2016) calculated the irrigation application rate for every groundwater irrigation water right/permit within approximately 15 miles of a proposed well site for Water Permit No. 8238-3 for the years 2006 through 2015. The average across that time period is 6.61 in/yr.

Permit No.	Year	Permitted Acres	Reported Irrigated Acres	Volume Pumped (ac-ft)	App. Rate (in/ac)
8201-3	2016	240	170	68.9	4.87
	2017	240	163	57.54	4.23
8254-3	2017	420	285	35.96	1.51

Table 3- Historic irrigation water use under Water Permit Nos. 8201-3 and 8254-3 (Water Rights, 1979-2017)

Aquifer or Area	Application Rate (in/ac)
Tulare: East James ¹	7.68
Floyd: Pearl Creek ²	7.61
Tulare: Western Spink/Hitchcock ³	9.39
Waubay Area, within 15 miles of 8238-3 ⁴	6.61
Average	7.82
¹ = Buhler, 2012; ² = Buhler, 2013; ³ = Buhler, 2014; ⁴ = Buhler, 2016	

Table 4- Calculated irrigation application rates for aquifers in South Dakota

The average application rate for Water Permit No. 8201-3 was 4.55 in/yr. and the rate for 8254-3 is 1.51 in/yr. Both are less than any of the calculated application rates shown in Table 4. It would be more appropriate to estimate average annual pumping in a range of 6.61 to 9.39 in/yr. for Water Permit Nos. 8201-3 and 8254-3 and this application, if it is approved. Water Permit Nos. 8201-3 and 8254-3 authorize the irrigation of 240 and 420 acres, respectively, and neither permit has been fully developed. Assuming full development and an irrigation application rate within the range shown in Table 4, the average annual volume of water pumped from this portion of the Prairie Coteau is estimated to be between 363 to 517 ac-ft/yr. Following the same methodology, Application No. 8312-3 is estimated to pump somewhere in the range of 71 to 102 ac-ft/yr. once fully developed.

Melting snow and infiltration of rain and runoff on hydraulically connected surface deposits of outwash likely recharges this portion of the Prairie Coteau aquifer (Leap, 1972). There is no estimated recharge rate for the Prairie Coteau aquifer. Hedges and others (1985) stated for management and development programs a range of 0.15 in/yr. to 0.6 in/yr. would be reasonable recharge rates to buried, confined aquifers. Using Hedges and others (1985) recharge rate estimate and the estimated minimum areal extent of this portion of the Prairie Coteau aquifer (5,600 acres), the annual recharge rate would be 70 to 280 ac-ft/yr. The observation well data shows there is likely more recharge to this portion of the Prairie Coteau aquifer than estimated by Hedges and others (1985).

If this application is approved, a total of 790 acres of irrigation will be authorized using water from this portion of the Prairie Coteau aquifer. Using the above mentioned irrigation application rate that is a range of 434 to 619 ac-ft/yr. pumped for irrigation. Adding a domestic use of approximately 3.4 ac-ft/yr. and an estimated use under of 0.3 ac-ft/yr. under Water Right No. 6707-3, the total estimated average annual pumpage from this portion of the Prairie Coteau aquifer ranges from 437.7 to 622.7 ac-ft/yr. The required range of recharge rates to support the estimated average annual withdrawals from this portion of the Prairie Coteau aquifer is 0.94 to 1.33 in/yr.

The observation well hydrograph data do not reflect the recharge rates estimated by Hedges and others (1985). The hydrographs show there is likely more recharge to this portion of the Prairie Coteau aquifer than the range from Hedges and others (1985). While the range of recharge rates required to support the estimated average annual use is greater than the range shown in Hedges and others (1985), the required recharge rate range is still reasonable. The likely hydraulic connection between this portion of the Prairie Coteau aquifer and Bitter Lake and its underlying portion of the Coteau Lakes aquifer means that increased pumping should induce more recharge from the Coteau Lakes aquifer and Bitter Lake.

EXISTING WATER RIGHTS:

The wells authorized by Water Right No. 6707-3 and Water Permit Nos. 8201-3 and 8254-3 are approximately 0.6 miles northeast, 0.7 miles southwest, and 1.8 miles east of the well site proposed by this application respectively (see Figure 1) (Water Rights, 2017b). There are also a number of domestic wells completed into the same portion of the Prairie Coteau aquifer this application proposes to use within approximately 1.5 miles of the proposed well sites (Water Rights, 2017c).

The hydrographs for observation wells DA-78E and DA-78F, shown in Figures 2 and 3 respectively, are representative of this portion of the Prairie Coteau aquifer. Both hydrographs show the effects of pumping on water levels prior to cessation of irrigation pumping by Incorporated License Nos. 3834-3 and 4191-3 after 1989. In November 1994, Permit No. 3834-3 was incorporated into Water Right No. 4191-3 and Water Right No. 4191-3 was incorporated into Water Right No. 6707-3 in April 2017. The authorization for irrigation was removed from Water Right No. 4191-3 in May 2006 after the permit holder indicated irrigation use had been discontinued. At the end of 1989, the water rights/permits authorized to withdraw water from this portion of the Prairie Coteau aquifer were authorized for the irrigation of 472 acres and pumped at a much greater diversion rate (3.6 cfs) than now. In the case of both observation wells, there was at least 36 feet of artesian head pressure below the lowest recorded water levels. Since the lowest recorded water levels, both observation wells have seen a rise in water levels ranging from approximately 10 to 15 feet.

At the well site proposed by this application, there is estimated to be more than 40 feet of artesian head pressure above the top of the aquifer. The test hole log submitted with this application shows the aquifer is 22 feet thick at the proposed well site. Consequently at the wells authorized by Water Right No. 6707-3 and Water Permit Nos. 8201-3 and 8254-3, there will be significantly less drawdown due to their distance from the proposed well site, 0.6, 0.7, and 1.8

miles respectively. At the well for Water Right No. 6707-3 and Water Permit Nos. 8201-3 and 8254-3 there is approximately 25 feet, 64 feet, and 28 feet of artesian head pressure, respectively. Considering the artesian head pressure at the existing appropriative wells completed into this portion of the Prairie Coteau aquifer and the distance between wells, pumping this proposed diversion is not expected to have adverse effects on other appropriative wells completed into this portion of the Prairie Coteau aquifer.

The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

In the past, the Water Management Board has recognized to place water to maximum beneficial use, a certain amount of drawdown may occur. Since the aquifer is under confined conditions at the well site, drawdown due to pumping may extend some distance from the well site even though it is not expected to do so. The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use of water issued for Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Water Management Board adopted Findings of Facts and Conclusions of Law that noted reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered an adverse impact it would also be in conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to lower their pumps to accommodate for deeper water levels depending on the specific characteristics of this particular portion of the Prairie Coteau aquifer. However, when considering the statute (SDCL 46-6-6.1), rule (ARSD 74:02:04:20(7)), and the artesian head pressure, well interference from this proposed diversion is not expected to cause an adverse impact. Therefore, there is a reasonable probability that any interference created by pumping for this proposed appropriation will not be adverse.

CONCLUSIONS:

1. Application No. 8312-3 proposes to irrigate 130 acres in Day County at a maximum diversion rate of 1.78 cfs withdrawing water from a portion of the Prairie Coteau aquifer.
2. Based on the observation well data, unappropriated water is available from the portion of the Prairie Coteau aquifer this application proposes to use.
3. The required recharge rates to support the estimated average annual withdrawal from this portion of the Prairie Coteau aquifer are reasonable values though they are greater than those from Hedges and others (1985).

4. Based on the likely hydraulic connection between this portion of the Prairie Coteau aquifer and the Coteau Lakes aquifer that underlies and surrounds Bitter Lake and Bitter Lake, there is a reasonable probability increased pumping from this portion of the Prairie Coteau aquifer should induce more recharge from the Coteau Lakes aquifer and Bitter Lake.
5. There is a reasonable probability the diversion proposed by this application can be made without adversely impacting existing appropriative or domestic users.



Adam Mathiowetz, PE
SD DENR-Water Rights Program

REFERENCES:

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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.**

November 30, 2017

Ronald Olson
44228 150th St
Waubay SD 57273

Dear Mr. Olson:

Water Permit Application No. 8312-3 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.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, November 30, 2017 9:01 AM
To: legals@thepublicopinion.com
Subject: 8312-3, Ronald Olson
Attachments: 8312-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on December 11, 2017.

Ronald Olson, 44228 150th St, Waubay SD 57273 (605 947-4439 or c 605 880-0756) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, November 30, 2017 9:01 AM
To: news@reporterandfarmer.com
Subject: 8312-3, Ronald Olson
Attachments: 8312-3public.short.docx; FORM8.FRM.doc

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

Karen Schlaak

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



Instruction to Newspaper - Publish the Notice on December 11, 2017. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8312-3 to Appropriate Water

Notice is given that Ronald Olson, 44228 150th St, Waubay SD 57273 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (100 feet deep) located in the approximate center of the SE 1/4 Section 34 for irrigation of 130 acres located in the SE 1/4 Section 34; all in T121N-R54W which is approximately six miles south of Waubay SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8312-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 21, 2017.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Codington) SS

I, Jackie Wettestad

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:

December 11, 2017

Cost of Printing \$58.37

Jackie Wettestad
(Signature)

Accounting Clerk
(Title)

12/21/17
(Date Signed)

RECEIVED

DEC 22 2017

**WATER RIGHTS
PROGRAM**

**DEPARTMENT
OF
ENVIRONMENT
AND NATURAL
RESOURCES**

NOTICE OF APPLICATION NO.

8312-3 to Appropriate Water
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Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at an approximate cost of \$53.37. (December 11, 2016)

RECEIVED

DEC 14 2017

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

County of Day
State of South Dakota,

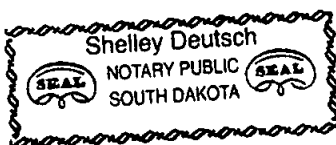
ss.

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, Water Rights Program-Ronald Olson a printed copy of which is hereunto attached, was printed and published in the said newspaper one successive and complete issue as follows:

First Publication	December 11;
Third Publication	;
Fourth Publication	;
Fifth Publication	;

That the full amount of fees for publication of the annexed notice is \$30.24 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 11th day of December, 2017.



Shelley Deutsch
Notary Public, Day County, South Dakota

My Commission Expires
October 21 2022

NOTICE OF APPLICATION
NO. 8312-3 TO
APPROPRIATE WATER

Notice is given that Ronald Olson, 44228 150th St., Waubay, SD 57273 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (100 feet deep) located in the approximate center of the SE 1/4 Section 34 for irrigation of 130 acres located in the SE 1/4 Section 34; all in T121N-R54W which is approximately six miles south of Waubay, SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8312-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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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 December 21, 2017.

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.

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Steven M. Pirner,
Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$30.24.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

DEC 29 2017

Ronald Olson
4428 150th St
Waubay SD 57273

Dear Mr. Olson:

Enclosed is Water Permit No. 8312-3 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,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is written in a cursive, flowing style.

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

enclosures



8312-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2020

NOTICE

TO: RONALD OLSON, 44228 150TH ST, WAUBAY, SD 57273

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8312-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 8312-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8312-3 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 **February 26, 2020** 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/ig> using this password: HWHUSG**

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.

8312-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 24, 2020

8312-3

Ronald Olson
44228 150th St
Waubay SD 57273

Dear Mr. Olson:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit No. 8312-3. 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 black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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

8312-3

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8312-3**

I have this day, November 21, 2024, I talked to Renee Olson 44228 150th St, Waubay, SD 57273 on the phone (612/880-0757) regarding the status of Permit No. 8312-3, bearing the priority of September 5, 2017 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Prairie Coteau Aquifer for irrigation purposes, in Day County.

Ms. Olson advised me that Mr. Olson died in 2020 and she has been managing the property and submitting the Irrigation Questionnaire. She has not been thinking about the future of the permit and is not sure about forthcoming irrigation development.

She was informed to expect a communication from the DNR regarding the matter.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: November 21, 2024