

WATER PERMIT NO. 8441-3

Name of Applicant: Smit Family Farms LLC

Address: 45536 283rd St, Hurley SD 57036 Phone: 605 310-0640

Amount of Water Claimed: 1.33 cfs Total Acres: 12 acres

Source of Water Supply: groundwater (1 well)

Water to be used for: irrigation County: Turner

Type of Waste Disposal System:

Location: 3 miles southeast of Hurley

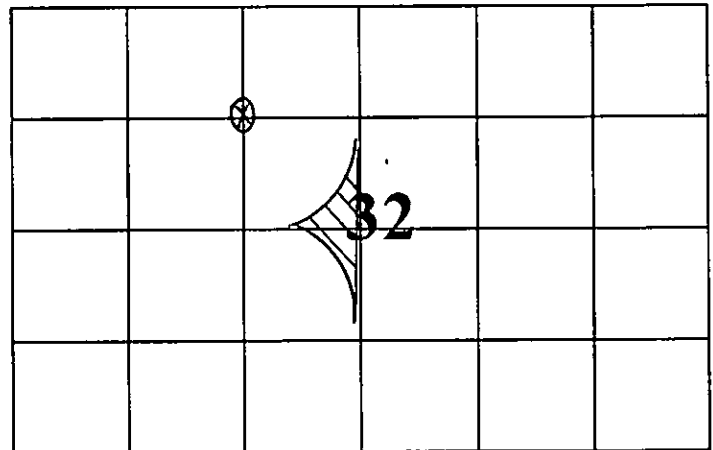
PRIORITY Date Received: 8-24-20 Application/License Fee: \$ 700

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

Remarks: Requesting diversion rate greater than statutory limit

Diversion Point: Center NW 1/4 Sec 32-T98N-R52W

Land to be Irrigated: SE 1/4 NW 1/4, NE 1/4 SW
1/4 Sec 32-T98N-R52W



Depth of Well: 40 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 8-25-20

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8441-3**

Date of first receipt of application August 24, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8441-3 to Smit Family Farms LLC, c/o David Smit, 45536 283rd St, Hurley SD 57036 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. 8441-3 appropriates 1.33 cubic feet of water per second (cfs) from one well to be completed into the Parker-Centerville Aquifer (40 feet deep) located in the center of the NW 1/4 Section 32 for irrigation of 12 acres located in the SE 1/4 NW 1/4, NE 1/4 SW 1/4 Section 32; all in T98N-R52W. This site is located approximately 3 miles southeast of Hurley SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is August 24, 2020.
4. The date of approval of Permit No. 8441-3 is November 9, 2020.
5. One-fifth of the construction is to be completed on or before May 9, 2023.
6. All construction is to be completed on or before November 9, 2025.
7. Water is to be put to beneficial use on or before November 9, 2029.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8441-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8441-3 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. 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. 8441-3 authorizes a maximum diversion rate of 1.33 cfs for the irrigation of 12 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 19 2021

date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8441-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>The New Era</u>	
	<u>Argus Leader</u>	

PAID

AUG 24 2020

Ck# 1029

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 Smit Family Farms, LLC

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

Mailing Address 45536 283rd St Hurley SD 57036
(Address) (City) (State) (Zip Code)Phone _____ Mobile 605-310-0640 Email cdsmit@vastbb.net2. Amount of water claimed 1.33 *CFS or 600 **GPM ***AF Total Acreage 12
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Well4. Location of point of diversion One well in NW 1/4 section 32-T98N-R52W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)County Turner5. County or counties where water will be used Turner6. Annual period during which water is to be used April through September7. 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
SE 1/4 of NW 1/4 of 32-98-52	6		
NE 1/4 of SW 1/4 of 32-98-52	6		

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

A 30-40 ft well to supply water to a 3 tower pivot to irrigate the dryland corners that aren't watered by the two large pivots on the west 1/2 of section 32-98-52. The well will be located in the center of the NW 1/4 of section 32-98-52 and the water will be piped to the dryland corners. I want to set up the sprinkler package for 600 gpm because the wells we've had in these fields in the past have pumped a lot of sand and when we've had the sprinkler packages set up at 400-500 gpm a lot of the nozzles get plugged with sand easily. The higher the gpm, the larger the nozzles will be to allow the sand to flow through rather than plug.

 I, David Smit, manages, the applicant, certify under
 Name of Person Title (if applicable)

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

2015-10

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

Requesting diversion rate greater than statutory limit.

RECEIVED

AUG 24 2020

WATER RIGHTS PROGRAM

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 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

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

For either Existing or Proposed Wells:

c) Well Depth (required) 40 ft Depth to Top of Water Bearing Material 2 ft Depth to Water from Surface 10 ft

d) Distance to nearest domestic well on applicant's property N/A Property owned by others 3650 ft

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

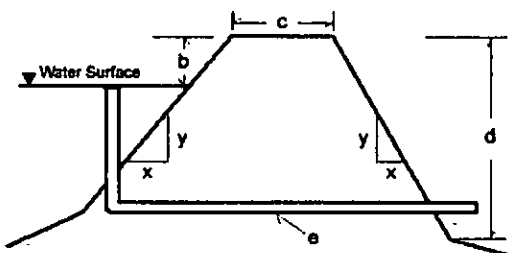
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





The red X is the location of the new well and the yellow highlighted area is the ground that will be irrigated by the pivot.

Water Rights Program - File Documentation

NAME: David Smit

ADDRESS: Hurley

DATE: 8-25-20

RE: Pending application

COMMENTS:

I called David Smit and questioned if the shallow well he was proposing to drill was for irrigation of the 12 new acres only.

Mr. Smit stated the new shallow well would be used only to irrigate the two corners (12 acres) highlighted on the map.



Karen Schlaak
Water Rights Program

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 24, 2020

RECEIVED OF Smit Family Farms, LLC 45536 283rd St Hurley SD 57036

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

Fee for Application for Permit No. <u>8441-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$500.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$200.00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8441-3</u>	\$
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$700.00

By Eric Gronlund
Chief Engineer
vm



530859747

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Domestic Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

2019
FILING YEAR

1. Business ID and Name:

DA029760
BUSINESS ID

SMIT FAMILY FARMS, LLC
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

**45536 283RD STREET
HURLEY, SD 57036**

Mailing Address

**45536 283RD STREET
HURLEY, SD 57036**

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **DAVID R. SMIT**

Actual Street Address in this State

**45536 283RD STREET
HURLEY, SD 57036-6021**

Mailing Address in this State

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24. If the LLC is member-managed, this section may be left blank.

Name

Address

DAVID R SMIT

45536 283RD ST, HURLEY, SD 57036

CATHY D SMIT

45536 283RD ST, HURLEY, SD 57036

6. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).



DENR
SOUTH DAKOTA

**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. 8441-3, Smit Family Farms LLC**

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. 8441-3, Smit Family Farms LLC, 45536 283rd St, Hurley SD 57036.

The Chief Engineer is recommending APPROVAL of Application No. 8441-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Water Permit No. 8441-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8441-3 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. 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. 8441-3 authorizes a maximum diversion rate of 1.33 cfs for the irrigation of 12 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 22, 2020

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8441-3
SMIT FAMILY FARMS, LLC
SEPTEMBER 29, 2020

Water Permit Application No. 8441-3 proposes to appropriate 1.33 cubic feet per second (cfs) from the Parker-Centerville aquifer. The applicant intends to divert water from a single, 40-foot deep, well located in the center of NW $\frac{1}{4}$, Section 32 for the irrigation of 12 acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32; all in T98N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The site is located approximately 3 miles southeast of Hurley, SD.

AQUIFER: Parker-Centerville (PAC)

Aquifer Characteristics

The Parker-Centerville aquifer is composed of unconsolidated sand and gravel glacial outwash deposited into a wide, flat depression on the north end then narrows into a valley train deposit confined by the narrow Vermillion River valley past the city of Davis on the south end (Tipton, 1957). Figure 1 shows the approximate aquifer boundary in Clay, Lincoln, and Turner Counties (Hedges, et al., 1982; Holmes and Filipovic, 2015; Mathiowetz, 2018) with an approximate areal extent of 40,270 acres. It is separated from the underlying Lower and Upper Vermillion-Missouri aquifers by a layer of till ranging from 7 to 97 feet (Lindgren and Hansen, 1990) although, it is in direct connection with some portions of the Upper Vermillion Missouri aquifer (Holmes and Filipovic, 2015), and eventually blends into the Lower Vermillion Missouri aquifer (Stephens, 1967; Holmes and Filipovic, 2015). The Parker-Centerville aquifer is also hydraulically connected to the Vermillion River, the Vermillion East Fork aquifer, and the Vermillion West Fork aquifer (Lindgren and Hansen, 1990; Holmes and Filipovic, 2015). The aquifer is primarily under unconfined conditions (Lindgren and Hansen, 1990; Niehus, C.A., 1993; Holmes and Filipovic, 2015) with the depth to the top of the aquifer ranging from land surface to 50 feet (Lindgren and Hansen, 1990). In Turner County, where the application is located, the average thickness of the PAC is 34 feet (Lindgren, R.J., and Hansen, D.S. 1990; Water Rights, 2020a). The movement of groundwater within the aquifer is generally from the northwest to the southeast, and towards the Vermillion River (Lindgren and Hansen, 1990).

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 reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights, and that the proposed use is a beneficial use and in the public interest. This report will address water availability and potential for unlawful impairment of existing water rights within the Parker-Centerville aquifer.

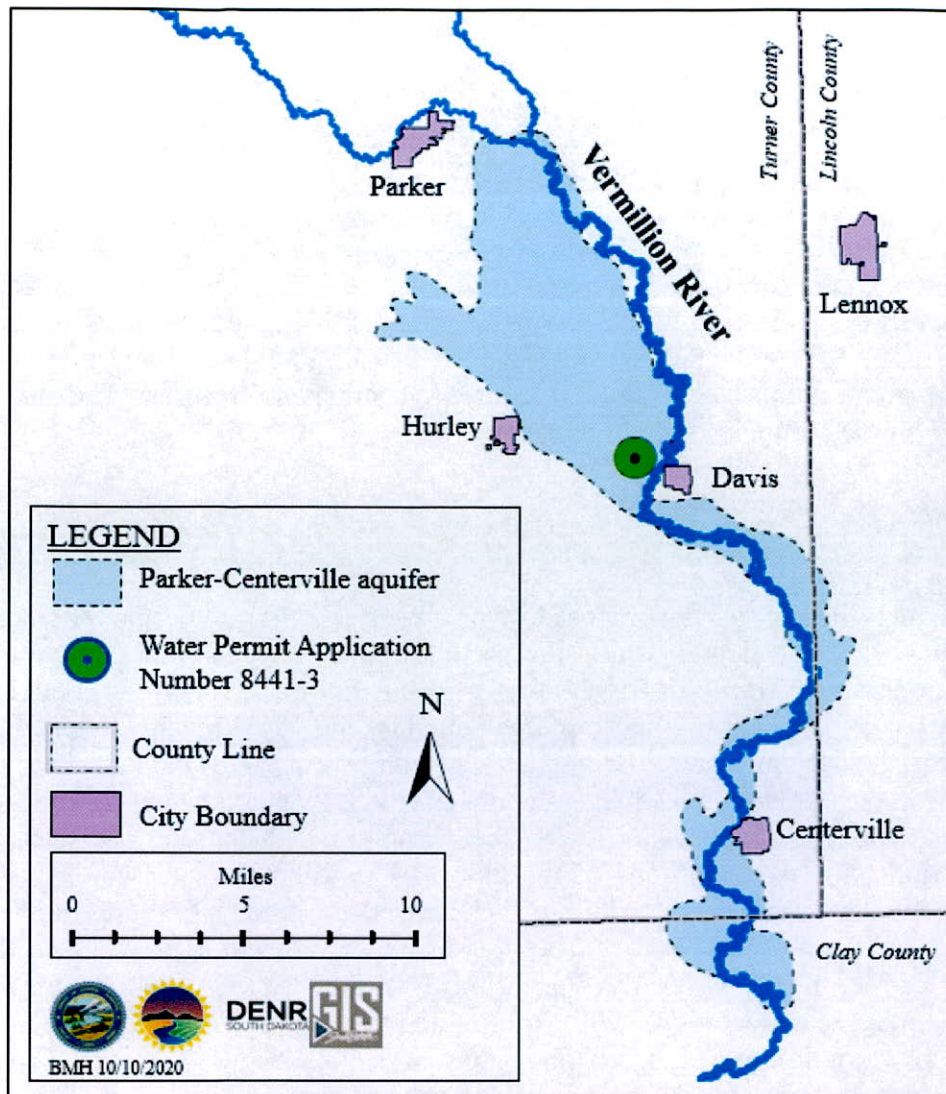


Figure 1. Water Permit Application No. 8441-3 shown within the approximate Parker-Centerville aquifer boundary (modified from: Hedges et al., 1982; Holmes and Filipovic, 2015; Mathiowetz, 2018).

WATER AVAILABILITY

Water Permit Application No. 8441-3 proposes to appropriate water from the Parker-Centerville aquifer. The probability of unappropriated water being available from an 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 balance of recharge to and withdrawal from the aquifer. For this application, a water distribution system is not involved, and the aquifer is not older or lower than the Greenhorn Formation, therefore the balance of recharge and withdrawal must be considered.

Hydrologic Budget

Recharge:

The Parker-Centerville aquifer is recharged by the infiltration of precipitation where the aquifer is at or near the land surface, seepage from the Vermillion River when the river stage is higher than the water table surface, and inflow from both the West and East Fork Vermillion aquifers (Lindgren, R.J., and Hansen, D.S. 1990). Recharge to the aquifer was estimated by Hedges et al. (1985) to be approximately 4.9 inches per year. With the aforementioned areal extent of the aquifer estimated at 40,270 acres, the annual recharge rate can be estimated at 16,444 acre-feet/year (ac-ft/yr).

Discharge:

Discharge from the Parker-Centerville aquifer occurs through well withdrawal, outflow to the Vermillion River, evapotranspiration when the potentiometric surface of the aquifer is at or near land surface, and leakage to the Lower Vermillion-Missouri and the Upper Vermillion-Missouri aquifers (Lindgren, R.J., and Hansen, D.S., 1990; Niehus, C.A., 1993; Holmes and Filipovic, 2015). Currently, there are a total of 141 water rights/permits, 3 non-irrigation and 138 irrigation, and 1 pending application, appropriating water from the Parker-Centerville aquifer (Water Rights, 2020b). The total estimated volume of water to be withdrawn for non-irrigation use can be estimated by assuming that water rights/permits limited by an annual volume will pump the entire volume appropriated annually or that water rights/permits limited by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.

The two municipal water rights (Water Right Nos. 517A-3 and 517B-3) are maintained by the City of Hurley for emergency purposes because the city purchases water from the TM Rural Water System (Drennon, 2020). Therefore, these two permits are assumed to pump a negligible amount of water and no volume will be included for these permits in this hydrologic budget.

The commercial water permit (Sonstegard Food Company, No. 8358-3) appropriates 222.2 ac-ft/yr and is required to report its annual withdrawal to the Water Rights Program. For the purposes of this hydrologic budget, since the permit was acquired in 2018, it is assumed they withdraw the full volume appropriated as authorized under their permit.

There is 1 pending application (No. 8428-3) to appropriate 795.46 ac-ft/yr for industrial use. It is to be located in Section 26-T99N-53W, approximately 7.8 miles to the northwest of the application.

Well withdrawals from the Parker-Centerville aquifer are primarily for irrigation use. Table 1 shows the historic irrigation water use from the aquifer as reported to the DENR-Water Rights Program through annual irrigation questionnaires. The average annual reported pumping is 9,921 ac-ft/yr (Water Rights, 1979-2019). However, due to increased pumping since the drought of 2012, this is not reflective of the increased pumpage from recent development. Drennon (2020) considered average irrigation per acreage, since 2012, to reflect recent development of the aquifer. At 12in/yr for permits approved since 2012, an additional 1,331 ac-ft/yr is likely being withdrawn from the aquifer and therefore, increases the withdrawal due to irrigation from 9,921 (as shown in Table 1) to 11,252 ac-ft/yr.

Report on Water Permit Application No. 8441-3

Table 1. Historic irrigation pumpage from the Parker-Centerville aquifer (Water Rights, 1979-2019).

Year	Number of Permits Reporting	Pumpage (acre-feet/year)
1979	114	7,481
1980	110	7,675
1981	121	9,321
1982	111	6,494
1983	110	5,523
1984	111	5,152
1985	112	6,515
1986	113	6,120
1987	111	8,620
1988	108	13,558
1989	110	13,959
1990	110	12,201
1991	110	11,186
1992	111	3,909
1993	110	1,919
1994	111	10,724
1995	108	9,664
1996	107	10,897
1997	110	11,585
1998	108	10,072
1999	112	11,027
2000	113	12,955
2001	113	12,238
2002	114	13,865
2003	116	12,471
2004	117	14,668
2005	119	13,450
2006	117	15,304
2007	120	11,995
2008	123	13,224
2009	125	7,260
2010	123	392
2011	123	11,315
2012	123	19,045
2013	134	15,083
2014	136	11,269
2015	137	9,606
2016	139	11,934
2017	139	11,430
2018	138	3,808
2019	138	1,842
Minimum:	107	392
Maximum:	139	19,045
Average:	117.9	9,920.9

There are no Future Use permits appropriating water from the Parker-Centerville aquifer.

There are numerous domestic wells on file with the Water Rights Program within a mile of the proposed application site (Water Rights 2020a). Domestic users are not required to report their annual water usage and are considered a negligible component in the overall hydrologic budget due to the availability of the rural water system and the limited diversion rate allowed for domestic users.

Water Balance:

The Parker-Centerville aquifer estimated average annual withdrawal rate is 12,270 ac-ft/yr (non-irrigation: 222.2 ac-ft/yr; irrigation: 11,252 ac-ft/yr; pending use: 795.5 ac-ft/yr). Estimated average annual recharge is 16,444 ac-ft/yr. The request for an appropriation of 24 ac-ft/yr for this application does result in an exceedance of the estimated average annual recharge of this aquifer. Due to the relatively small development of this large resource, the small requested appropriation, and the ability to induce recharge from nearby surface water bodies, there is a reasonable probability unappropriated water is available for this application.

Observation Well Data

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board 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.

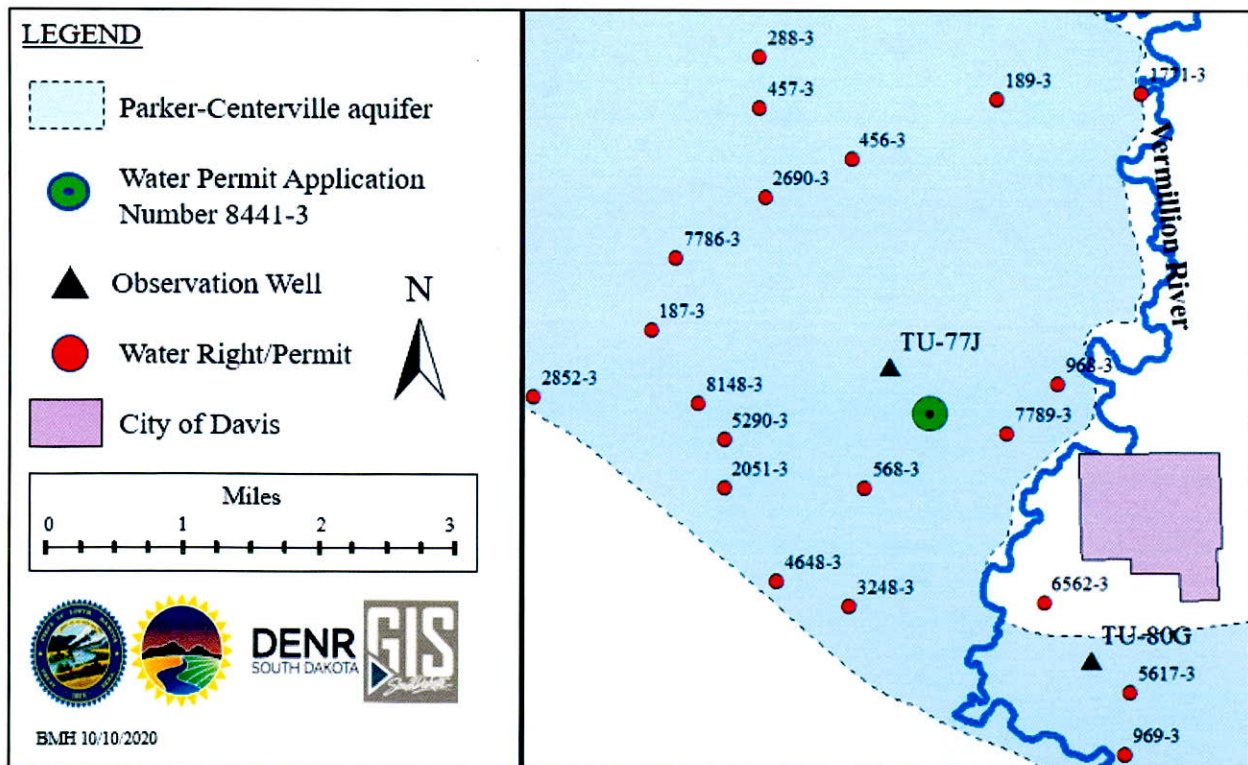


Figure 2. Existing Parker-Centerville aquifer observation wells and water rights/permits in the vicinity of Water Permit Application No. 8441-3 (modified from: Hedges et al.,1982; Holmes and Filipovic, 2015; Mathiowetz, 2018; Water Rights 2020b; Water Rights 2020c).

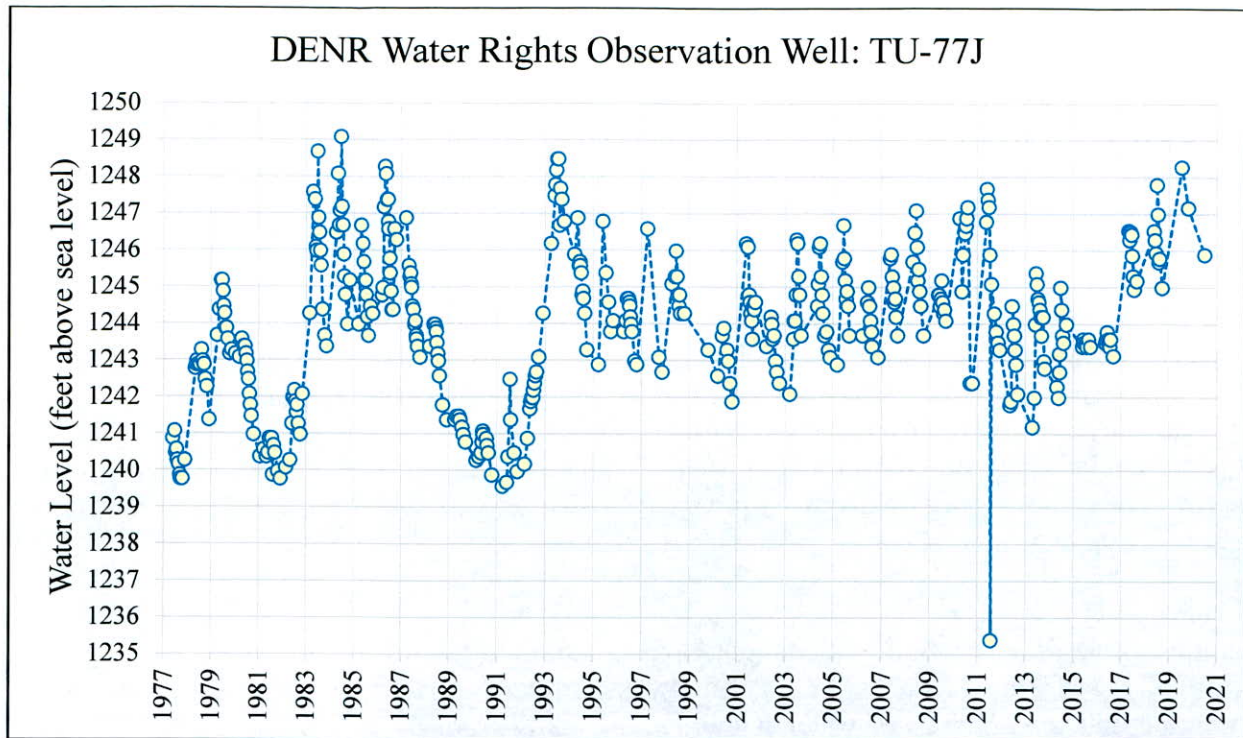


Figure 3. Hydrograph for observation well TU-77J. It is approximately 0.3 miles northwest of the proposed well location for Water Permit Application No. 8441-3 (Water Rights, 2020c).

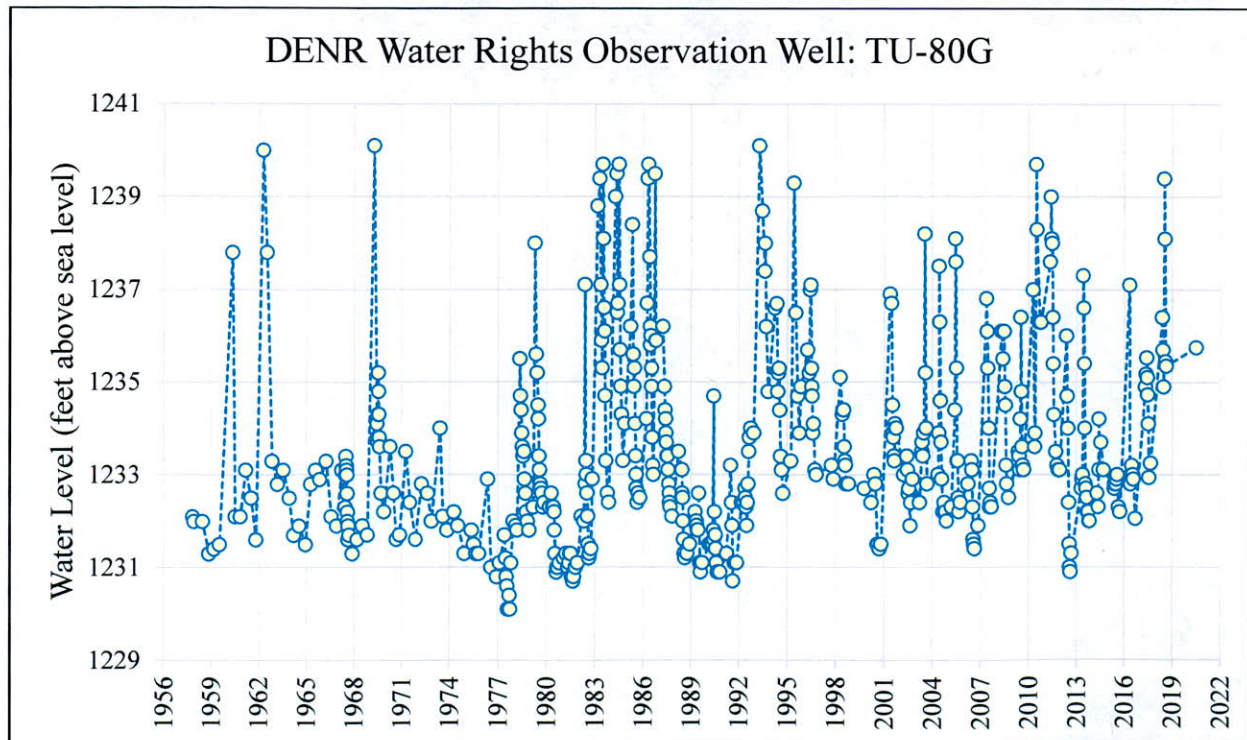


Figure 4. Hydrograph for observation well TU-80G. It is approximately 1.6 miles southeast of the proposed well location for Water Permit Application No. 8441-3 (Water Rights, 2020c).

The DENR-Water Rights Program monitors 22 observation wells completed into the Parker-Centerville aquifer (Water Rights, 2020c). Figure 2 contains observation wells within two miles of Water Permit Application No. 8441-3. Hydrographs for these wells, shown in Figures 3 and 4, are representative of the hydrographs for the other observation wells completed in the vicinity of the proposed application. The hydrographs show the water level of the aquifer is relatively stable over the period of record. They indicate that the aquifer responds well to climatic conditions with rising water levels during wet periods and declining water levels during drier periods. They also demonstrate that the drawdown from pumping is temporary because the water level typically recovers to pre-pumping levels after the irrigation season. Therefore, there is reasonable probability unappropriated water is available for this proposed application.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS

There are 141 active water rights/permits authorized to withdraw water from the Parker-Centerville aquifer and 1 pending application (Water Rights, 2020b). Table 2 lists the water rights/permits shown in Figure 2 within 2 miles of the proposed application site. The physics of pumping in an unconfined aquifer means drawdown created by pumping a well does not extend far past the pumped well. The aquifer is under unconfined conditions in the vicinity of the proposed application site so interference from pumping is not expected to be a concern with existing appropriative users.

Table 2. Water rights/permits shown in Figure 2 (Water Rights, 2020b)

PERMIT NO	NAME	STATUS ^a	USE ^a	CFS	ACRES
1771-3	KNOCK GARY	LC	IRR	1.330	160.00
187-3	SCHNEIDERMAN RUSSELL	LC	IRR	0.600	42.00
189-3	HAGENA LAROHN	LC	IRR	1.120	160.00
2051-3	L & L FEEDERS INC	LC	IRR	1.290	137.00
2690-3	SCHNEIDERMAN RUSSELL	LC	IRR	1.940	136.00
2852-3	PETERSEN PAUL	LC	IRR	2.000	210.00
288-3	IHNEN ROGER	LC	IRR	2.280	160.00
3248-3	BONDESEN JAMES D	LC	IRR	1.880	139.00
456-3	SAWYER BURNETTE C	LC	IRR	2.280	160.00
457-3	IHNEN ROGER	LC	IRR	1.140	80.00
4648-3	NICOLAI REUBEN & STEVEN	LC	IRR	3.670	305.00
5290-3	ANDERNACHT DELPHINE M	LC	IRR	1.220	117.00
5617-3	HAGENA ARLAN & JONATHAN	LC	IRR	1.660	124.00
568-3	JORGENSEN DEBORAH J	LC	IRR	1.670	132.00
6562-3	POPPINGA RICHARD L	LC	IRR	1.450	100.00
7786-3	SCHNEIDERMAN KURT	PE	IRR	1.110	60.00
7789-3	HULT JEROME	PE	IRR	3.680	150.00
8148-3	ANDERNACHT TROI D	PE	IRR	0.670	45.00
968-3	KNOCK GARY/RODNEY	LC	IRR	0.560	40.00
969-3	WEEG FAMILY FARMS LLLP	LC	IRR	3.960	284.00

a - LC: Licensed Water Right; PE: Water Permit; IRR: Irrigation

There are numerous domestic well reports on file with the Water Rights Program within a mile of the proposed application site (Water Rights 2020a). Many users in the vicinity of the proposed application are likely using water provided by a rural water system.

To protect domestic well users, 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”.

Nearby adequate wells are not expected to be adversely impacted as defined in ARSD 74:02:04:20(7). Nevertheless, if this application is approved, the water permit should include a qualification for the well owner to control their withdrawals so there is no unlawful impairment of adequate domestic wells or adequate wells having prior water rights.

Even though there are high capacity wells in the Parker-Centerville aquifer, there has not been a history of well interference complaints due to pumping (Water Rights, 2020d).

When considering that drawdown from pumping is not significant at distance from the pumping location in unconfined aquifers; the hydrographs of nearby observation wells do not show detrimental impacts of pumping; and the lack of well interference complaints due to pumping; there is reasonable probability that the proposed diversion can be developed without unlawfully impairing existing appropriative or domestic water users with adequate wells.

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, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. However, no annual volume may be greater than three acre-feet per acre delivered to the land.” Water Permit Application No. 8441-3 proposes to divert water at a maximum rate of 1.33 cfs for the irrigation of 12 acres or at a rate of 7.76 cfs per 70 acres. The applicant has indicated that that previous irrigation, with lower pump rates, has resulted in sand clogging the nozzles on his sprinkler system. He wants to use larger nozzles to allow the sand to flow through the system and will need a higher pump rate to accomplish this activity.

CONCLUSIONS:

1. Water Permit Application No. 8441-3 proposes to appropriate 1.33 cubic feet per sec of water, from a single, 40-foot deep well, annually from the Parker-Centerville aquifer.
2. Based on the hydrologic budget and observation well data, there is reasonable probability unappropriated water is available for this proposed application.

Report on Water Permit Application No. 8441-3

3. There is a reasonable probability the diversion proposed by this application can be made without unlawfully impairing existing appropriative or domestic users with adequate wells.
4. Application No. 8441-3 has requested a diversion rate in excess of the statutory limit of one cfs per 70 acres. This will be necessary to allow sand to pass through this irrigation system.



Blaise Hansen
SD DENR – Water Rights Program



Adam Mathiowetz
SD DENR-Water Rights Program

REFERENCES:

- Drennon, Kim. 2020. Report to the Chief Engineer Water Permit Application No. 8428-3. Knodel Contractors, LLC. June 29, 2020. SD DENR-Water Rights Program. Pierre, South Dakota.
- Holmes, S.L. and Filipovic, D. 2015. Hydrogeologic Investigations of the Upper-Vermillion-Missouri Aquifer. South Dakota Geological Survey Open-File Report 93-UR. SD DENR-Geological Survey. Vermillion, South Dakota.
- 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.

- 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.
- Lindgren, R.J., and Hansen, D.S. 1990. *Water Resources of Hutchinson and Turner Counties, South Dakota*. Water-Resources Investigations Report 90-4093, United State Geological Survey, Huron, South Dakota.
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- Niehus, C.A., 1994. *Water Resources of Lincoln and Union Counties, South Dakota*. USGS WRI Report 93-4195, United State Geological Survey, Rapid City, SD.
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- M. J. Tipton. 1957. *Geology and hydrology of the Parker-Centerville outwash*. Report of Investigations No. 82. SD DENR Geological Survey Program, Vermillion, SD.
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- Water Rights. 2020a. *Well Completion Reports*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2020a. *Water Right/Permit Files*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2020c. *Observation Well Files*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2020d. *Turner County Files*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 22, 2020 7:51 AM
To: 'cdsmit@vastbb.net'
Subject: Water Permit Application No. 8441-3
Attachments: 0097.pdf

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

Karen Schlaak

Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

RECEIVED

NOV 12 2020

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Turner) SSI, Julie Norvell

certify that the attached printed Notice was taken

from the The New
Eraprinted and published in The New EraCounty of Turner and

state of South Dakota. The notice was published

in the newspaper on the following date:

Oct. 29, 2020Cost of Printing \$ 33.93Julie Norvell
(Signature)Office Manager
(Title)Nov. 9, 2020
(Date Signed)

Notice of Application No. 8441-3 to Appropriate Water

Notice is given that Smit Family Farms LLC, c/o David Smit, 45536 283rd St, Hurley 57036 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second (cfs) from one well to be completed into the Parker-Centerville Aquifer (40 feet deep) located in the center of the NW 1/4 Section 32 for irrigation of 12 acres located in the SE 1/4 NW 1/4, NE 1/4 SW 1/4 Section 32; all in T98N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 3 miles southeast of Hurley.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8441-3

with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/> public or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

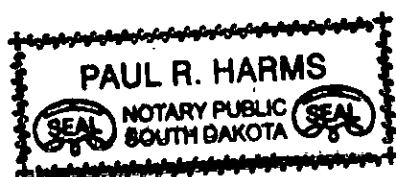
Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by Monday, Nov. 9.

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

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

Published once at the total approximate cost of \$33.93 (N1029-5)

Paul R Harms
11-9-20



Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

Account No: 6053100640SMIT

Ad No: 0004435122

PO #: 8441-3

Lines : 104

Ad Total \$68.91

This is not an invoice

of Affidavits: 1

SMIT FAMILY FARMS LLC
45536 283RD ST
HURLEY, SD 57036

Account No.: 6053100640SMIT

Ad No.: 0004435122

Argus Leader AFFIDAVIT OF PUBLICATION

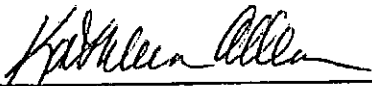
STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

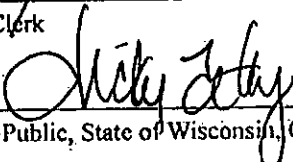
I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday, October 29, 2020

Sworn to and subscribed before me this 9 day of November, 2020.



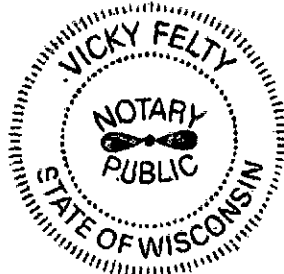
Legal Clerk



Notary Public, State of Wisconsin, County of Brown

9-19-21

My Commission expires



NOTICE OF APPLICATION NO. 8441-3 to Appropriate Water

Notice is given that Smit Family Farms LLC, c/o David Smit, 45536 263rd St, Hurley SD 57036 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second (cfs) from one well to be completed into the Parker-Centerville Aquifer (40 feet deep) located in the center of the NW 1/4 Section 32 for irrigation of 12 acres located in the SE 1/4 NW 1/4, NE 1/4 SW 1/4 Section 32; all in T96N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 3 miles southeast of Hurley SD.

Pursuant to SDCL 46-7A-2, the Chief Engineer recommends APPROVAL of Application No. 8441-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duval 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 November 9, 2020.

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

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the

Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition. Publish: 10/29/2020

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 22, 2020 7:46 AM
To: 'sebeling@ncppub.com'
Subject: 8441-3, Smit Family Farms LLC
Attachments: 8441-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on October 29, 2020.

Smit Family Farms LLC, c/o David Smit, 45536 283rd St, Hurley SD 57036 (605 310-0640) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 22, 2020 7:47 AM
To: 'legals@argusleader.com'
Subject: FW: 8441-3, Smit Family Farms LLC
Attachments: 8441-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on October 29, 2020.

Smit Family Farms LLC, c/o David Smit, 45536 283rd St, Hurley SD 57036 (605 310-0640) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

Water Rights Program
(605) 773-3352





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 22, 2020

Smit Family Farms LLC
c/o David Smit
45536 283rd St
Hurley SD 57036

Dear Mr. Smit:

Water Permit Application No. 8441-3 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 New Era printed at Parker SD (Ph # 605 297-4419) and the Argus Leader printed at Sioux Falls SD (Ph # 605 331-2200). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8441-3 to Appropriate Water

Notice is given that Smit Family Farms LLC, c/o David Smit, 45536 283rd St, Hurley SD 57036 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second (cfs) from one well to be completed into the Parker-Centerville Aquifer (40 feet deep) located in the center of the NW 1/4 Section 32 for irrigation of 12 acres located in the SE 1/4 NW 1/4, NE 1/4 SW 1/4 Section 32; all in T98N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 3 miles southeast of Hurley SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8441-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 9, 2020.

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DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 19 2001

Smit Family Farms LLC
c/o David Smit
45536 283rd St
Hurley SD 57036

Dear Mr. Smit:

Enclosed is Water Permit No. 8441-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

8441-3

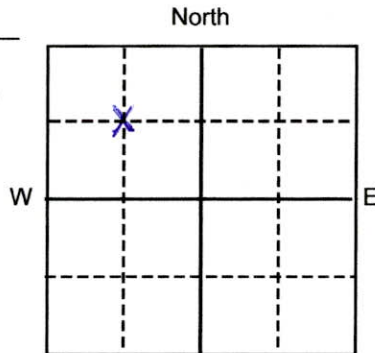
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 32 Twp 98N Rg 52WCounty Turner

Please mark well location with an "X"



Well Completion Date

Dec 15th 2020

1 Mile

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

3500 ft. from farmstead (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Boring Rig

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>18</u> IN	<u>0</u> FT	<u>10</u> FT	<u>30</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>10</u>	Lb/gal	<u>0</u> Ft	<u>5</u> Ft
<u>put driller</u>	<u>2/16/21</u>	Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☐ Manufactured
Diameter 18 Inches Length 20 FeetMaterial PlasticSlot Size .080 Set From 10 Feet to 30 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?

☒ No, Why Not?
 Lab to which water quality sample sent for analysis

Well Owner:

Business Name:

Address:

City, State, Zip:

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Topsoil</u>	<u>0</u>	<u>4</u>
<u>Brown Gravel</u>	<u>4</u>	<u>8</u>
<u>Grey sand + Gravel</u>	<u>8</u>	<u>28</u>
<u>Blue Clay</u>	<u>28</u>	<u>30</u>

STATIC WATER LEVEL

8 FEET

If flowing: closed in pressure

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

This well was drilled under license # 478 and this report is true and accurate.Drilling firm: Reiners Well Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

RECEIVED

JAN 21 2021

WATER RIGHTS PROGRAM

8441-3

RECEIVED

NOV 01 2023

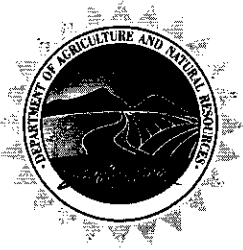
OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 10/28/2023TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: David Armit
Armit Family Farms
(name)45536 283rd St.
(address)Hurley, So. Dak. 57036
(city, state, zip)605-310-0640
(phone)

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. 8441-3 states that the water use system is to be constructed by11/9/2025, and water is to be put to beneficial use by 11/9/2029
(date) (date)The water use system was completed on 5/10/2022
(date)Applying the water to beneficial use was completed on 6/1/2022
(date)

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

David Armit
(signature)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 1, 2023

8441-3

Smit Family Farms LLC
c/o David Smit
45536 283rd St
Hurley SD 57036

Dear Mr. Smit:

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 water use 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,

Amanda Dewell
Water Rights Program
(605) 773-3352
email: Amanda.Dewell@state.sd.us

Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8441-3

I have this day, October 23, 2024, made a thorough examination of the water use system owned by Smit Family Farms LLC, 45536 283rd Street, Hurley, SD 57036, holders of Permit No. 8441-3, bearing the priority date of August 24, 2020. This permit authorizes the diversion of 1.33 cu. ft. per second of the waters of groundwater (Parker-Centerville Aquifer) authorizing the irrigation of 12 acres located in Turner County.

Inspection contacts: David Smit

A. Works used to divert the water:

Well Information

- 1) Well Drilling Firm: Reiners Well Drilling
- 2) No. of Wells: 1
- 3) Depth(s): 30 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 18 inches
- 2) Length: 10 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 18 inches
- 2) Length: 20 feet
- 3) Type: Plastic
- 4) Static water level: 8 feet

Pump:

- 1) Make: Fairbanks Morse Pumps
- 2) Model: 10M
- 3) Capacity: 550 gpm

Motor:

- 1) Make: US Motors
- 2) Model No.: 324UP
- 3) Horsepower rating: 25 hp

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

- 1) Type: PVC Size: 8 inches Length: 1,880 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Valley
- 2) Overall length: 546 feet
- 3) Number of towers: 3
- 4) End gun: Yes Range: 102 feet
- 5) Capacity: 550 gpm

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
3) Exceptions to compliance are: None

E. Condition and Location:

- 1) The system is in good condition with the point(s) of diversion located as follows:
The well is 1,400 feet south and 1,360 feet east of the northwest corner of Section 32-T98N-R52W. (Latitude 43.26833, Longitude -97.01882– approx. center of NW ¼).
2) The works are capable of diverting and conveying to the places of use 1.23 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in

<u>Section 32-T98N-R52W</u>	
<u>SE1/4NW1/4</u>	<u>6 acres</u>
<u>NE1/4SW1/4</u>	<u>6 acres</u>

comprising a total of 12 acres of land and the license should be issued for 1.23 cfs.

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

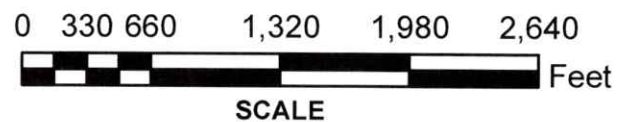
F. Comments or other permit(s) associated with the project: The well for this permit is about 20 feet from the well for Water Permit No. 6561-3, but the wells are drilled into different aquifers. Also, the pivot associated with Water Permit No. 8441-3 overlaps the irrigated areas of Water Permit No. 6561-3 and of Water Right No. 6301-3, that both come out of a different aquifer. Thus, I included the overlap acres in the acres noted above.



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

Date report completed: October 29, 2024

Water Permit No. 8441-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
October 23, 2024



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 10 2025

Smit Family Farms LLC
c/o David Smit
45536 283rd St
Hurley, SD 57036

No. 8441-3

Dear Mr. Smit:

Enclosed is Water License No. 8441-3. 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,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8441-3**

(1) Smit Family Farms LLC, 45536 283rd St, Hurley, SD 57036, made Application No. 8441-3, August 24, 2020, for a water permit to divert 1.33 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 8441-3, with a priority date of August 24, 2020, was approved November 9, 2020, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 9, 2025, and for the application to beneficial use of water on or before November 9, 2029.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on November 1, 2023. The Notice stated the diversion system was completed on May 10, 2022 and the water was placed to beneficial use on June 1, 2022.

(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 1.23 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,400 feet S and 1,360 feet E from the NW corner of Section 32, T98N. R52W
(approx. center of NW ¼) (Latitude 43.26833 and Longitude -97.01882)

(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: April 1 – September 30.

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

Section 32, T98N, R52W
SE ¼ NW ¼ - 6 acres
NE ¼ SW ¼ - 6 acres
Total – 12 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Smit Family Farms LLC, the holder and/or owner of Water Right No. 8441-3 is issued a license to appropriate water, the right to use 1.23 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), with a priority date of August 24, 2020, 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. 8441-3 and subject to the following qualifications:

1. The well approved under Water Permit No. 8441-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

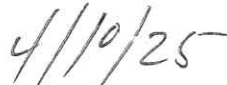
2. The well authorized by Permit No. 8441-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *(The well was drilled in 2020 by Reiners Well Drilling. A copy of the well completion report is on file with the Water Rights Program.)*

3. 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. 8441-3 authorizes a maximum diversion rate of 1.33 cfs for the irrigation of 12 acres with an annual volume not to exceed 2 acre feet of water per acre per year. *(The diversion rate was reduced from 1.33 cfs to 1.23 cfs, based on the system as constructed.)*

4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Mark Mayer, PE
Director of Office of Water



date

