

WATER PERMIT NO. 8455-3

Name of Applicant: **Rob Waltman**

Address: **36924 115th St, Wetonka SD 57481**

Phone: **605 380-6790**

Amount of Water Claimed: **1.1 cfs**

Total Acres: **60 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **McPherson**

Type of Waste Disposal System:

Location: **6 miles east of Leola**

PRIORITY

Date Received: **2-22-21**

Application/License Fee: **\$ 700**

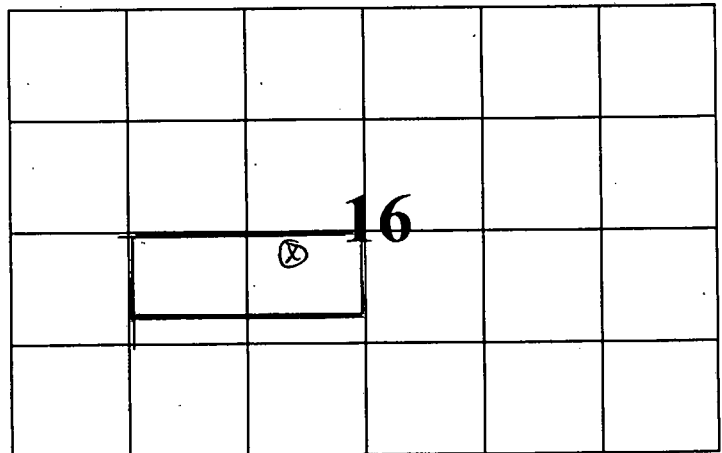
Corrected Application Received:

Period of Annual Use: **May 1 – Sept 30**

Remarks:

Diversion Point: **NE 1/4 SW 1/4 Sec 16-T126N-
R66W**

Land to be Irrigated: **N 1/2 SW 1/4 Sec 16-T126N-
R66W**



Depth of Well:

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **2-22-21**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8455-3

Date of first receipt of application February 22, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8455-3 to Rob Waltman and Jodi Waltman, 36924 115th St, Wetonka SD 57481 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. 8455-3 appropriates 1.1 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (approximately 1,500 feet deep) located in the NE 1/4 SW 1/4 Section 16 to irrigate 60 acres located in the N 1/2 SW 1/4 Section 16; all in T126N-R66W. This site is located approximately 6 miles east of Leola 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 February 22, 2021.
4. The date of approval of Permit No. 8455-3 is June 21, 2021.
5. One-fifth of the construction is to be completed on or before December 21, 2023.
6. All construction is to be completed on or before June 21, 2026.
7. Water is to be put to beneficial use on or before June 21, 2030.
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. 8455-3 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. 8455-3 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. 8455-3 authorizes a maximum diversion rate of 1.10 cfs for the irrigation of 60 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 Agriculture and Natural Resources

JUL 06 2021

date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8455-3</u> (office use only) Hydrologic Unit <u>10160004</u>
	Basin <u>James River</u>
	Newspaper <u>McPherson County Herald</u>
	<u>American News</u>

RECEIVED

FEB 22 2021

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

This Amendment is to withdraw Application on Crompton Lake
I to use fees paid for IRRIGATION App on Rob WALTMAN Home Quarter - 16-126N-66W
in McPherson Co.

1. Name to Appear on Irrigation Permit Rob WALTMAN & Jodi WALTMAN

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

Mailing Address 36924 115th Street Wetanka SD 57481
(Address) (City) (State) (Zip Code)

Phone 605-439-3201 Mobile 605-380-6790 Email Wally@valleytel.net

2. Amount of water claimed 1.1 *CFS or 500 **GPM ***AF Total Acreage 60
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well (NE 1/4 SW 1/4)

4. Location of point of diversion 1 well in Section 16 on NE side of Qt. of 16-126N-66W McPherson County
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County McPherson5. County or counties where water will be used McPherson6. Annual period during which water is to be used May - Sep. 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
<u>NORTH 60 ACRES of sec. 16</u>	<u>60</u>		
<u>N 1/2 SW 1/4 Sec 16 - T126N-R66W</u>			

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

SUBSURFACE IRRIGATION for 60 Acres - using Inyan Kara Aquifer "Sundance" flow
using 1 well with 4 to 6" pipe to reach desired gallons per minute,
whatever size to get GPM needed. Requesting diversion rate greater
than statutory limit.

I, Jodi Waltman Jodi Waltman owner, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 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) 1500' Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property _____ Property owned by others 1 1/2 miles ?

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)

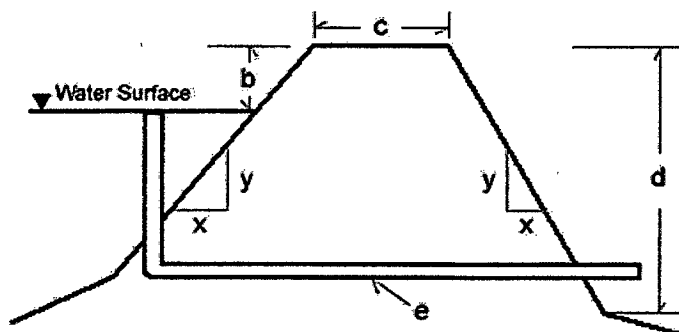
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



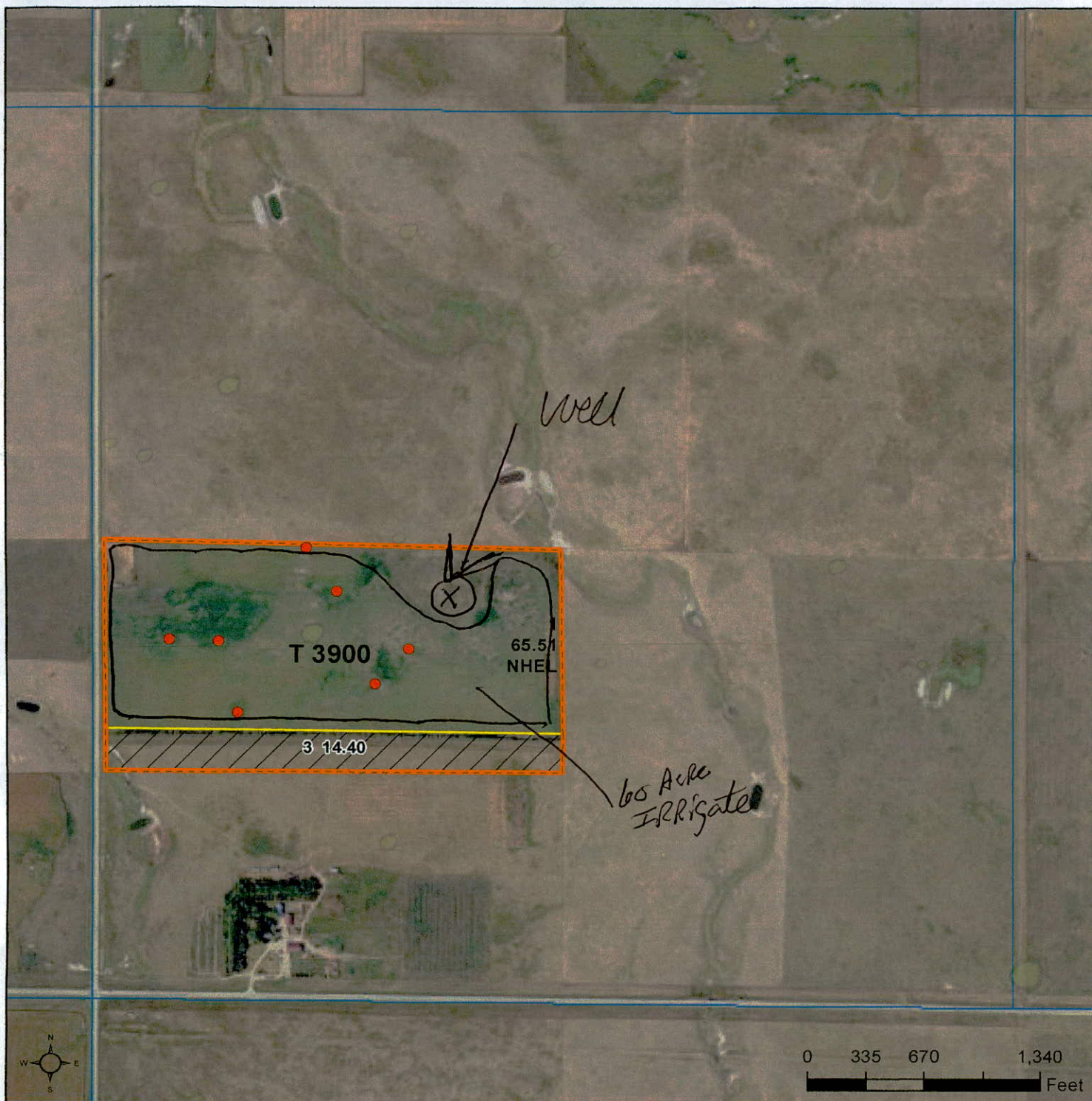


United States
Department of
Agriculture

McPherson County, South Dakota

Producer: ROB WALTMAN

Initial _____ Date _____
Shares _____



Common Land Unit

- Non-Cropland
- Cropland

- Tract Boundary
- PLSS

Wetland Determination Identifiers

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

Wheat HRS Gr Corn Yel Gr
Sunflowers Oil Gr Soybeans Com Gr
Barley Spring Gr Oats Spring GR
All crops as listed above
unless otherwise noted on map and
all are NI unless noted on map

2020 Program Year

Map Created January 15, 2020

Farm 3246

16-126N-66W

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).

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 2, 2020

RECEIVED OF Robert/Jodi Waltman 36924 115th St Wetonka SD 57481

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$1050.00 \$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. _____	\$200.00
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	\$1050.00

By Eric Gronlund
Chief Engineer *vm*

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, May 12, 2021 7:45 AM
To: tnuhsbaumer@hotmail.com
Subject: Water Permit Application No. 8450-3
Attachments: 1210.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 paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8455-3, Rob Waltman**

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. 8455-3, Rob Waltman, 36924 115th St, Wetonka SD 57481.

The Chief Engineer is recommending APPROVAL of Application No. 8455-3 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. 8455-3 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. 8455-3 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. 8455-3 authorizes a maximum diversion rate of 1.10 cfs for the irrigation of 60 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
May11, 2021

**Report to the Chief Engineer on
Water Permit Application No. 8455-3**

Rob Waltman
15 April 2021

Water Permit Application No. 8455-3 seeks to appropriate 1.10 cubic feet of water per second (cfs) from one well (1,500 feet deep) completed into the Inyan Kara aquifer located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16 to irrigate 60 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 16, all in T126N-R66W. This site is located approximately 6 miles east of Leola, South Dakota.

Aquifer: Inyan Kara (INKR)

Hydrogeological characteristics

The Inyan Kara aquifer is an early Cretaceous period bedrock aquifer composed of the saturated and sufficiently permeable portions of the Inyan Kara Group that yield water to wells. The two formations within the Inyan Kara Group in the area of this application are the Fall River and Lakota Formations. The Fall River Formation is a "Variegated brown, red, and gray to purple, calcareous, well-sorted, fine-grained sandstone, siltstone, and shale containing mica [1]" and the Lakota Formation is a "Yellow, brown, red-brown, and gray to black claystone, silty pebble conglomerate, and massive to thin-bedded, cross-bedded sandstone" [1]. The Inyan Kara aquifer is sometimes locally called the Sundance aquifer. However, it should not be confused with the Sundance aquifer as defined by the Water Rights Program, which is from a Jurassic period sandstone that does not extend into the portion of McPherson County in which this application proposes to develop [2].

In South Dakota, the Inyan Kara aquifer is under water table conditions where it outcrops around the Black Hills, but is otherwise under confined conditions [3] [4]. Most of the Inyan Kara aquifer is overlain by the Skull Creek Shale, which serves as a relatively impermeable barrier between the Inyan Kara aquifer and the Dakota aquifer [5]. Where the Skull Creek Shale is not present, the Inyan Kara aquifer discharges into the Dakota aquifer [5]. Below most of the Inyan Kara aquifer, the Morrison Shale acts as an impermeable barrier between the Inyan Kara aquifer and the aquifers below it [5].

The applicant submitted a well completion report for a well located approximately 1.4 miles southwest of his proposed well completed on 8 September 2016 that reported the Dakota Formation from 990 to 1,430 ft below grade and the "Sundance" formation from 1,430 to 1,530 feet below grade. The well was flowing at that location with a closed in pressure of 93 psi (215 feet of water) at ground level. The Sundance formation does not exist in the eastern portion of McPherson County near the applicant's proposed well site [2], so it is likely the formation the driller reported as the Sundance formation was actually the Inyan Kara Group.

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued 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 assess the availability

of water and possibility of developing this application without unlawful impairment of existing rights only.

Pursuant to SDCL 46-6-3.1, 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 the water to the groundwater source. An exception allows water distribution systems as defined by SDCL 46-1-6(17) to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The Inyan Kara aquifer is stratigraphically lower than the Greenhorn Formation, but the applicant is not a water distribution system. Therefore, it is necessary to find that recharge exceeds withdrawals to approve this application.

Availability of water

Hydrologic budget

Recharge

Recharge to the Inyan Kara aquifer in South Dakota is by infiltration from precipitation in the outcrops around the Black Hills and groundwater inflow from bedrock aquifers below the Inyan Kara aquifer [6] [7]. There is no estimate of the total recharge to the Inyan Kara aquifer available from a single report. Driscoll and Carter [6] estimated that the recharge to the Inyan Kara outcrop is 11,600 ac-ft/yr. Bredehoeft, Neuzil, and Milly [7] attempted to model flows between the Madison Group, Inyan Kara aquifer, Dakota/Newcastle sandstone, and confining shale units, but the model is based on dated information when newer information is available that could change the results. Their model estimated that approximately 16,000 ac-ft/yr, flows from the Madison Group to the Inyan Kara aquifer [7], which is the only estimate of recharge to the Inyan Kara aquifer from lower aquifers available.

Discharge

Natural discharge from the Inyan Kara aquifer is by groundwater outflow to the Dakota aquifer [7] and by evapotranspiration where the water table of the unconfined portion of the aquifer is at or near land surface [6]. Artificial discharges also occur by uncontrolled flowing wells, domestic use, and appropriative withdrawals [8] [4]. The Water Rights Program considers the outflow from uncontrolled flowing wells and the outflow from natural discharge to be available for appropriation.

There are 203 water rights/permits approved to withdraw from the Inyan Kara aquifer and one application, Water Permit Application No. 2686-2, that is held in abeyance until federal permits are approved [8]. Water Permit Application No. 2686-2 would withdraw up to 274.2 ac-ft/yr if approved. There is also one future use permit, No. 1780-2, which reserves 142 ac-ft/yr [8]. Of the 203 active water rights/permits, 54 are for commercial use, 41 for suburban housing developments, 30 for municipal use, 22 for rural water systems, 18 for domestic use, 17 for irrigation, 10 for industrial use, 5 for fish and wildlife propagation, 3 for geothermal, 2 for recreation, and 1 for institutional use [8].

Ten of the 17 irrigation water rights/permits are required to report their withdrawals and are old enough to have reported their withdrawals in an irrigation questionnaire [8]. Average irrigation

reported over the period of record (1982 – 2019) was approximately 79 ac-ft/yr [9]. However, irrigation practices have changed, so an average over the period of record may not be an accurate method to predict future withdrawals. The average irrigation over the last ten years of record (2010 – 2019) was approximately 133 ac-ft/yr [9]. There are seven irrigation permits, accounting for 570 acres, where the permit either does not require an annual report or the permit is too new to have reported irrigation. Assuming they irrigate 10 inches per acre per year, those permits are estimated to withdraw a total of 475 ac-ft/yr. The total estimated withdrawal for irrigation is 608 ac-ft/yr using the 2010 to 2019 average withdrawal rate.

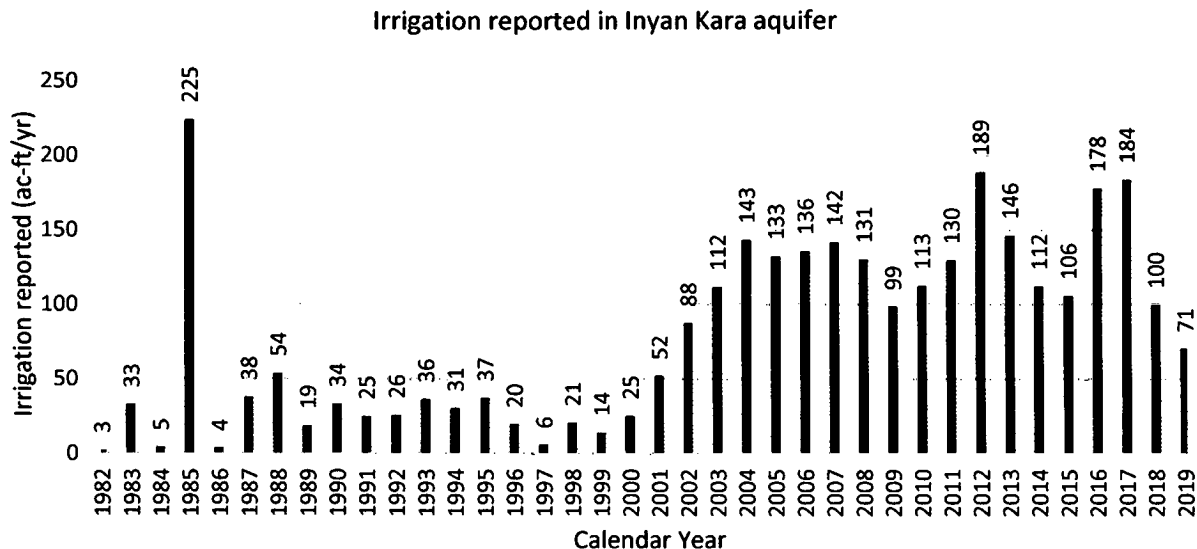


Figure 1: Irrigation reported in the Inyan Kara aquifer [9]

Of the non-irrigation withdrawals, 11 municipal water rights/permits are only maintained for emergency use and are therefore assumed to withdraw a negligible amount of water [8] [10] [11]. There are 33 non-irrigation water rights/permits required to report, although some are new enough that their average reported use continues to increase with each new year of reports, which means they are still developing the full use of their permit [8] [12]. For water rights/permits that are still developing their permit, if there is a maximum volume of withdrawal specified in their permit, that volume is assumed to be their estimated annual withdrawal. If those permits do not have a volume specified on their permit, their withdrawal is assumed to be 60% of their maximum instantaneous pump rate. For non-irrigation permits required to report that have fully developed their permit, the estimated withdrawal is their average annually reported withdrawal rate. One water right permit holder, Wink Cattle Company, reported withdrawals of 24 ac-ft in 2018 and 276.7 ac-ft in 2019. They hold other water rights/permits from other water sources, but their Inyan Kara water rights/permits can only deliver 113.0 ac-ft/yr if they withdraw at their maximum instantaneous withdrawal rate continually, so they are assumed to withdraw that volume of water from the Inyan Kara aquifer. Table 1 (see page 4) shows the non-irrigation water rights/permits required to report their withdrawals [8] [12]. The total estimated withdrawal for non-irrigation water rights/permits required to report is 3,202 ac-ft/yr [8] [12]. There are five non-irrigation water rights/permits not required to report that have a volume limit specified in their permit [8]. Those water rights/permits are assumed to withdraw their full specified volume, for a total withdrawal of 193 ac-ft/yr [8]. Concentrated animal feeding operations (CAFOs) large enough to require a *General Water Pollution Control Permit for Concentrated Animal Feeding*

Report on Water Permit App. No. 8455-3

Operations (General Permit) that do not report their annual withdrawals are estimated to withdraw water based on the number of animals permitted to those facilities [13].

Table 1: Non-irrigation water rights/permits required to report [8] [12]

Permit No:	Status:	Name/Business:	County:	Type of use:	Priority Date:	Max. CFS	Est. Use (ac-ft/yr)
8299-3	Permit	Aberdeen Energy LLC	EDMUNDS	IND	09/28/2018	1.330	968.0 ^V
8197-3	Permit	Aberdeen Farm LLC	BROWN	COM	01/29/2016	0.160	72.1 ^V
1903-1	License	Castle Rock Group	BUTTE	DOM	05/19/2009	0.110	15.5 ^A
1906-1	License	City of Sturgis	MEADE	MUN	08/21/2009	0.222	2.1 ^A
1958-1	License	City of Sturgis	MEADE	MUN	04/11/2016	0.088	
2596-2	License	City of Wall	PENNINGTON	MUN	07/24/2006	0.600	142.4 ^A
1983-1	Permit	Continental Resources	HARDING	IND	07/10/2018	0.500	360.0 ^V
1846-1	License	Dennis or Anna Mae Beckham	MEADE	SHD, DOM	05/26/2005	0.100	2.9 ^A
1996-1	Permit	Dylan Gingras	MEADE	SHD	04/14/2020	0.133	48 ^V
1920-1	License	Elk Valley Ranchettes Homeowners Assn	MEADE	SHD	01/24/2011	0.100	8.9 ^A
2635-2	License	Fall River Water Users District	FALL RIVER	SHD, DOM	07/17/2008	0.100	2.6 ^A
1826-1	License	Golden Valley Water Company LLC	MEADE	SHD	09/01/2004	0.267	16.9 ^A
2601-2	License	Grandview Land LLC	PENNINGTON	SHD	09/01/2006	0.330	206.0 ^V
1837-1	License	Guy Mann	MEADE	SHD	02/28/2005	0.220	1.2 ^A
1645-2	License	Hermosa Water Users Assn	CUSTER	RWS	08/17/1978	0.600	158.0 ^A
2538-2	Permit	JKRK Properties LLC	PENNINGTON	SHD	08/30/2004	0.244	11.7 ^A
1989-1	Permit	Luff Exploration Company	HARDING	IND	04/09/2019	0.100	58.8 ^V
2622-2	License	Owanka Rural Water Association Inc	PENNINGTON	RWS	10/09/2007	0.390	20.6 ^A
1999-1	Permit	Rafter Properties LLC	MEADE	SHD	07/23/2020	0.170	74.0 ^V
2543-2	License	Southern Black Hills Water System	PENNINGTON	SHD	09/30/2004	0.190	82.6 ^E
2752-2	Permit	Southern Black Hills Water System	CUSTER	RWS	04/25/2016	0.330	170.0 ^V
2550-2	License	Town of Hermosa	CUSTER	MUN	01/25/2005	0.220	48.0 ^A
1968-1	Permit	Venekamps LLC	MEADE	SHD	04/27/2017	0.110	29.0 ^V
1874-1	License	Viewfield Rural Water Assoc Inc	MEADE	RWS	01/03/2007	0.212	36.6 ^A
1898-1	License	Viewfield Rural Water Assoc Inc	MEADE	RWS	11/14/2007	0.394	
8420-3	Permit	Vogel Farms PTR	FAULK	GEO	01/28/2020	0.120	88.7 ^V
2464-2	License	West River Lyman Jones	PENNINGTON	RWS	07/26/2001	0.760	433.8 ^A
2465-2	License	West River Lyman Jones	PENNINGTON	RWS	07/26/2001	1.000	
2797-2	Permit	West River Lyman Jones RWS	PENNINGTON	RWS	04/01/2019	1.000	31.0 ^V
2778-2	Permit	Western Construction Inc	PENNINGTON	COM, IND	11/13/2017	0.170	
1855-1	License	Wink Cattle Co	MEADE	COM, DOM	01/26/2006	0.087	113.0 ^M
1975-1	Permit	Wink Cattle Co	MEADE	COM, DOM	02/20/2018	0.069	
1975A-1	Permit	Wink Cattle Co	MEADE	COM, DOM	12/03/2018	0.000	
Total							3,202.3
COM - Commercial, DOM - Domestic, GEO - Geothermal, IND - Industrial, MUN - Municipal, RWS - Rural Water System, SHD - Suburban Housing Development							
^A - Average report, ^E - 60% of max. withdrawal, ^M - Max. withdrawal possible at permitted rate, ^V - Volume specified in permit							

There are 14 CAFOs that are large enough to require General Permit that are not required to report their withdrawals under their water right permit [8] [14]. In the cases where the estimated animal water requirements are greater than the amount of water allowed by the water right/permit, the water rights/permits are assumed to withdraw the maximum amount of water licensed/permitted. Table 2 (see page 5) shows the estimated withdrawals for CAFOs not required to report. The total estimated withdrawal for CAFO water rights/permits not required to

report their withdrawals is 1,089 ac-ft/yr. Finally, there are 123 non-irrigation water rights/permits that do not match any of the descriptions above [8]. They are conservatively assumed to withdraw at 60% of their maximum instantaneous withdrawal rate permitted, for a total withdrawal of 8,966 ac-ft/yr [8].

Table 2: Withdrawals estimated for CAFOs not required to report [8] [14]

Permit No:	Status:	Name/Business:	Use Type	County:	Priority Date:	Max. CFS	Ann. Limit (ac-ft/yr)	Livestock needs (ac-ft/yr)	Est. Use (ac-ft/yr)
6091-3	Permit	Brentwood Colony	COM	FA	07/13/1998	0.100	72	34	34
4965-3	License	Dakota Feeding Company LLC	COM	SU	06/21/1983	0.330	239	168	168
6128-3	License	Deerfield Httrn Brethren	DOM, COM	ED	03/03/1999	0.270	196	45	45
5890-3	License	Evergreen Colony	DOM	FA	11/14/1995	0.140	101	28	28
2178-2	License	Fall River Feed Yard LLC	COM	FR	05/14/1991	0.620	449	280	280
6376-3	License	LDL Cattle Company	COM	ED	12/26/2002	0.220	159	112	112
6377-3	License	LDL Cattle Company	COM	ED	12/26/2002	0.270	196		
7098-3	License	Mike & Jessie Fuller	DOM, COM	SU	02/19/2009	0.040	29	54	29
6619-3	Permit	P J Werdell & Sons	COM	HD	03/14/2005	0.330	239	112	112
7209-3	License	Paul Oberlitner	COM	PT	10/19/2010	0.040	29	62	29
6011-3	License	Plainview Colony Httm	COM	ED	07/07/1997	0.220	159	30	30
6257-3	Permit	Thunderbird Colony	DOM	FA	04/05/2001	0.200	145	77	77
6851-3	License	Todd Cowan	COM	HY	04/25/2007	0.150	109	99	99
7034-3	License	Vogel & Sautner Farms	COM	PT	05/19/2008	0.123	89	45	45
Total							2,212	1,147	1,089
COM – Commercial, DOM – Domestic									
ED – Edmunds, FA – Faulk, FR – Fall River, HD – Hand, HY – Hyde, PT – Potter, SU – Sully									

Summary of hydrologic budget

The estimated recharge to the Inyan Kara aquifer is approximately 27,600 ac-ft/yr. Table 3 (see page 6) summarizes the withdrawals discussed in the Discharge section of this report. The total estimated withdrawals including one application held in abeyance and one future use permit is 14,474 ac-ft/yr. This application may withdraw up to 120 ac-ft/yr, but at the rate estimated for other new water rights/permits not required or able to report, they are likely to use approximately 50 ac-ft/yr. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 3: Withdrawals discussed in the Discharge section of this report

Type	No. Permits	Est. Withdrawal (ac-ft/yr)
Irrigation, reporting	10	133
Irrigation, not reporting	7	475
Standby	11	0
Non-irrigation, reporting	33	3,202
Non-Irrigation, not reporting, volume limit on permit	5	193
CAFO, non-reporting	14	1,089
All others, limited by max. diversion rate	123	8,966
Subtotal (currently permitted to withdraw)	203	14,058
Held in Abeyance	1	274
Future Use	1	142
Grand Total	205	14,474

Observation wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to rely upon the record of observation wells, in addition to other information, to determine the availability of unappropriated water. The Water Rights Program maintains 9 observation wells completed into the Inyan Kara aquifer [3]. The nearest one to this application is Observation Well ED-85B, located approximately 21 miles south of the proposed well [3]. Figure 2 (see page 7) shows the water levels measured in the Inyan Kara aquifer at Observation Well ED-85B [3]. In general water levels slowly decline during periods of low or average precipitation in the Black Hills and remain level during periods of high precipitation in the Black Hills [15].

The declines in water level in ED-85B between 2009 and 2013 were caused by withdrawals from Cancelled Water Right No. 6953-3, held by Aberdeen Energy, LLC, for 1.33 cfs from an Inyan Kara well located approximately 2.5 miles west of Observation Well ED-85B [16] [8]. After Aberdeen Energy, LLC stopped withdrawing water, the water levels in Observation Well ED-85B continued the same trend as before [3].

A decline in water levels in a confined aquifer does not indicate a significant decrease in water stored in the aquifer, as water level above the top of the aquifer formation is an expression of the hydraulic head, or water pressure, inside the aquifer, and water is essentially incompressible. It is possible that in the future, flows out of the Inyan Kara aquifer will reach a static equilibrium. Since the Inyan Kara aquifer has numerous uncontrolled flowing wells and wells that may have failed below ground surface, hydraulic head in the aquifer is likely to decline until the head in the aquifer is equal to the hydraulic head of the lowest-pressure aquifer it leaks into. The Water Management Board has determined in the past that it is better to place the water from the Dakota aquifer to beneficial use than it is to allow it to flow to waste or save it for some unknown purpose [17]. That conclusion is likely to apply to the Inyan Kara aquifer as well. Therefore, based on observation well data and previous Water Management Board decisions, there is reasonable probability unappropriated water is available for this application.

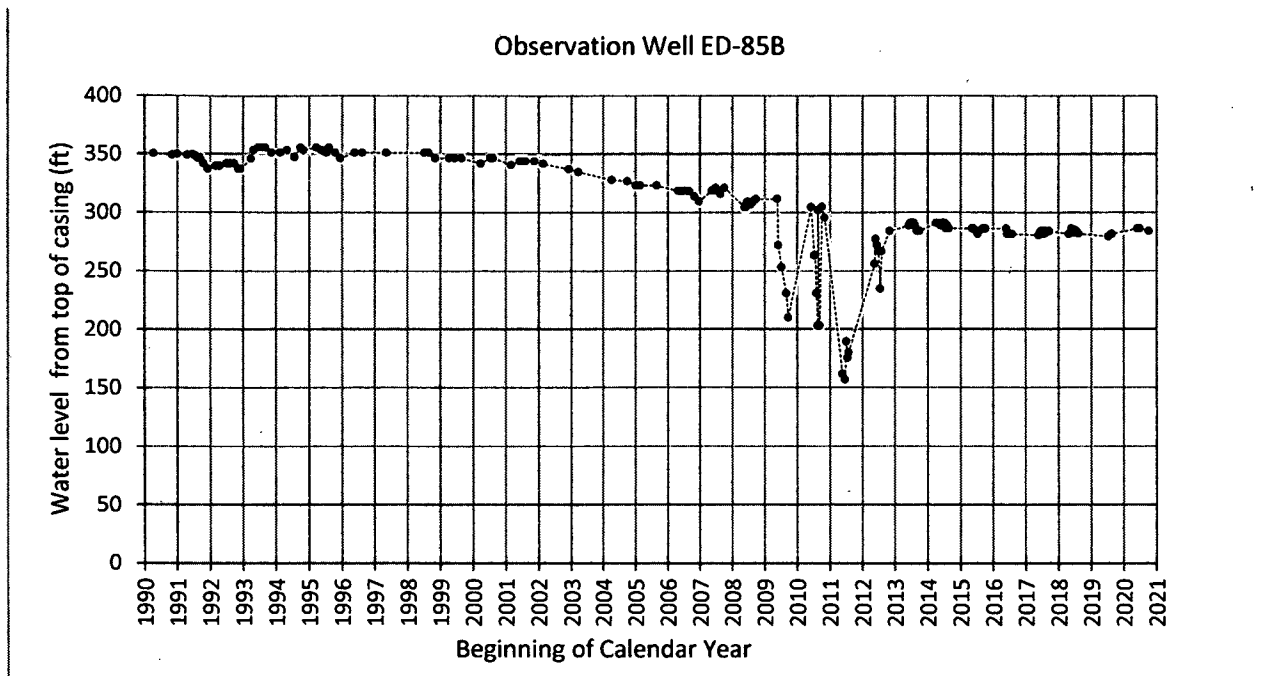


Figure 2: Water levels in Observation Well ED-85B [3]

Potential for unlawful impairment of existing water rights/permits.

The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, the junior water right/permit causes the adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

...a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet

Development of this application will cause a reduction of hydraulic head in the aquifer near the proposed well. To place the waters of the state to maximum beneficial use, SDCL 46-6-6.1 does not protect hydraulic head in aquifers as a means of water delivery. Nearby well owners and this applicant may be required to lower pumps in their wells if the hydraulic head of the Inyan Kara aquifer declines below land surface. Figure 3 (see page 8) shows the Inyan Kara water rights/permits near this application. The nearest Inyan Kara water right/permit to this application is Water Right No. 5211-3, located approximately 2.3 miles north of the proposed well for this application and appropriates up to 0.10 cfs for domestic use [8]. The next nearest water right/permit to this application, approximately 6.4 miles west, is Water Right No. 741-3 and appropriates up to 0.17 cfs for recreational use [8]. The nearest domestic well to this application on file with the Water Rights Program that is completed into the Inyan Kara aquifer is the well completion report submitted as geological information for this application, located

approximately 1.4 miles southwest of the proposed well [4]. There is no record of complaints regarding Inyan Kara aquifer wells in McPherson county [18]. Based on the well completion report submitted with this application, there is approximately 1,600 feet of hydraulic head in the Inyan Kara aquifer above the elevation of the formation. Given the lack of complaints in this aquifer in McPherson county and the fact that there is approximately 1,600 feet of hydraulic head above the formation at this location, there is reasonable probability this application can be developed without unlawful impairment of existing water rights/permits.

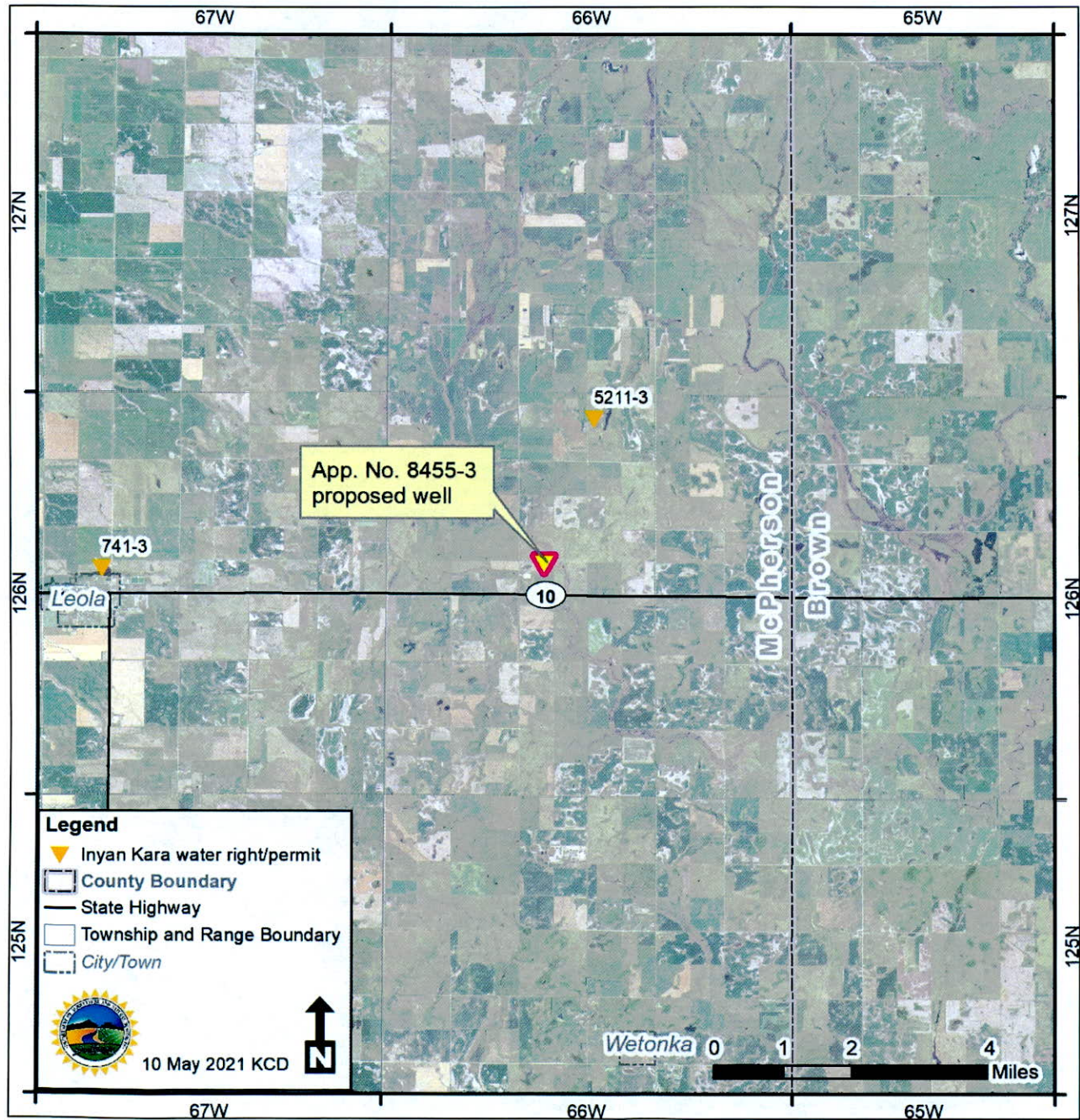


Figure 3: Water rights/permits near this application [8].

Special Considerations

Administrative Rule of South Dakota (ARSD) 74:02:04:36 provides alternative well construction standards for certain Inyan Kara wells that will be used for "private and reasonable domestic use and for noncommercial livestock watering". Wells constructed according to those standards do not meet the ARSD 74:02:04:20(6) definition of an adequate well because a pump cannot be placed in the formation using that construction method. This application is not for private reasonable domestic use or noncommercial livestock watering, so the applicant must have an adequate well drilled to develop this application and may not use the alternative well construction method previously mentioned.

Conclusions

1. Water Permit Application No. 8455-3 seeks to appropriate up to 1.33 cfs from one well completed into the Inyan Kara aquifer located in the SE ¼ SW ¼ Section 32 to irrigate 110 acres in the W ½ Section 32, all in T126N-R66W.
2. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
3. There is reasonable probability this application can be developed without unlawful impairment of existing water rights/permits.



Kimberly C. Drennon, E.I., Natural Resources Engineer II
DANR Water Rights Program

References

- [1] J. E. Martin, J. F. Sawyer, M. D. Fahrenbach, D. W. Tomhave and L. D. Schulz, "Geologic Map of South Dakota," SD DANR Geological Survey Program, Vermillion, South Dakota, 2004.
- [2] M. D. Fahrenbach, F. V. Steece, J. F. Sawyer, K. A. McCormick, G. L. McGillivray, L. D. Schulz and J. A. Redden, "South Dakota Stratigraphic Correlation Chart," SD DANR Geological Survey Program, Vermillion, South Dakota, 2010.
- [3] SD DANR Water Rights Program, "Observation wells," Pierre, South Dakota, 2021.
- [4] SD DANR Water Rights Program, "Well completion report database," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, 2021.
- [5] R. A. Schoon, "Geology and Hydrology of the Dakota Formation in South Dakota," SD DANR Geological Survey Program, Vermillion, South Dakota, 1971.
- [6] D. G. Driscoll and J. M. Carter, "Hydrologic Conditions and Budgets for the Black Hills of South Dakota, through Water Year 1998," United States Geological Survey, Rapid City, South Dakota, 2001.

- [7] J. D. Bredehoeft, C. E. Neuzil and P. C. D. Milly, "Regional Flow in the Dakota Aquifer: a Study of the Role of Confining Layers," United States Geological Survey, Alexandria, Virginia, 1983.
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- [9] SD DANR Water Rights Program, "Irrigation questionnaire summaries," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, SD, 2020.
- [10] SD DANR Drinking Water Program, "Your water system information," SD DANR Drinking Water Program, Joe Foss Bldg., Pierre, South Dakota, 2020.
- [11] B. Friedeman, Interviewee, *Environmental Scientist II, SD DANR Drinking Water Program*. [Interview]. 6 February 2020.
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- [13] Ag-Info Centre, "Farm water supply requirements," Government of Alberta - Agriculture and Forestry, Edmonton, Alberta, Canada, 2009.
- [14] SD DANR Livestock Services Program, "Animal Table," SD DANR Livestock Services Program, Joe Foss Bldg., Pierre, South Dakota. Unpublished, 2021.
- [15] NOAA, "Climate at a Glance - Divisional Time Series for South Dakota Region 4," NOAA, 1 April 2021. [Online]. Available: <https://www.ncdc.noaa.gov/cag/divisional/time-series>. [Accessed 30 April 2021].
- [16] E. Gronlund, Interviewee, *Chief Engineer, DANR Water Rights Program*. [Interview]. 6 May 2021.
- [17] SD Water Management Board, "Findings of facts, conclusions of law, and final decision in the matter of Water Permit Application No. 2313-2," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 1995.
- [18] SD DANR Water Rights Program, "County Files," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2021.

Affidavit of Publication

STATE OF SOUTH DAKOTA)

County of McPherson)

_____, of said county and State, being first duly sworn, on oath says: That the McPherson County Herald is a weekly newspaper of general circulation, and a legal newspaper as defined by Section 7070, 1919 Revised Code printed and published in Leola in said County

and State by _____ and has been such newspaper during the time hereinafter mentioned, and that

I, _____, the undersigned am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit, and that the advertisement headed:

Notice of Application

a printed copy of which is hereto attached was printed and published in the said newspaper for 1 successive issues, to-wit: The first publication being made on

May 20, 2021

the second on _____

the third on _____

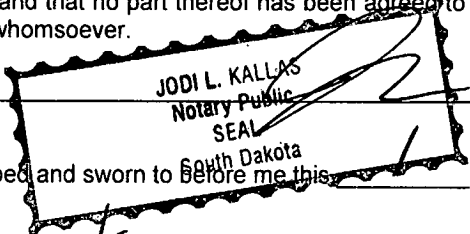
the fourth on _____

the fifth on _____

the sixth on _____

That the full amount of the fees charged for publishing the same,

to-wit: the sum of \$ 24.54 inures solely to the benefit of the publisher of the McPherson County Herald. That no agreement or understanding of any division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this _____ day of

June, 2021

Jodi L. Kallas

Notary Public

My commission expires 8.25, 2026

NOTICE OF APPLICATION

NO. 8455-3

to Appropriate Water

Notice is given that Rob and Jodi Waltman, 36924 115th St, Wetonka SD 57481 have filed an application for a water permit to appropriate 1.1 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (approximately 1,500 feet deep) located in the NE 1/4 SW 1/4 Section 16 to irrigate 60 acres located in the N 1/2

SW 1/4 Section 16; all in T126N-R66W. This site is located approximately 6 miles east of Leola SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8455-3 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 June 1, 2021.

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 \$24.54.

RECEIVED

JUN 03 2021

WATER RIGHTS
PROGRAM

RECEIVED

JUN 21 2021

WATER RIGHTS
PROGRAM

ROB WALTMAN
36924 115TH ST
WETONKA, SD 57481

STATE OF WISCONSIN

County of Brown

Signature

Printed Name

being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit.

Published Dates:
06/09/21

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$65.88, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 21st
day of
June,
A.D.
2021

Signed:

NOTARY PUBLIC
State of Wisconsin
County of Brown

My commission expires

VICKY FELTY
Notary Public
State of Wisconsin

Ad ID 973277

AFFIDAVIT OF PUBLICATION

(No. 973277)
(June 9, 2021)
NOTICE OF APPLICATION NO.
8455-3 to Appropriate Water

Notice is given that Rob and Jodi Waltman, 36924 115th St, Wetonka SD 57481 have filed an application for a water permit to appropriate 1.1 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (approximately 1,500 feet deep) located in the NE 1/4 SW 1/4 Section 16 to irrigate 60 acres located in the N 1/2 SW 1/4 Section 16; all in T126N-R66W. This site is located approximately 6 miles east of Leola SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8455-3 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.

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

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 \$65.88

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 3, 2021 10:51 AM
To: Aberdeen News Legals (aan-legals@aberdeennews.com)
Subject: 8455-3, Rob and Jodi Waltman
Attachments: 8455-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2021.

Rob Waltman, 36924 115th St, Wetonka SD 57481 (605 380-6790) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Instruction to Newspaper - Publish the Notice on June 9, 2021. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8455-3 to Appropriate Water

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Published once at the total approximate cost of_

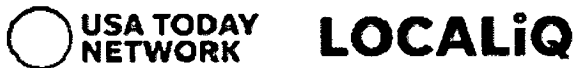
Schlaak, Karen

From: Gannett Legals Public Notices 5 <ganlegpubnotices5@gannett.com>
Sent: Wednesday, June 2, 2021 5:21 PM
To: Schlaak, Karen
Subject: RE: [EXT] 966594 8455-3, Rob and Jodi Waltman

A stated in the original order confirmation and ad proof email sent below, prepayment of the ad was required for the ad to run. Since that was never made, the ad never ran.

Thanks,

Dylan Abeyta
Public Notice Representative



Office: 844-678-3462

From: Gannett Legals Public Notices <GanLegPubNotices@gannett.com>
Sent: Wednesday, June 2, 2021 12:17 PM
To: Gannett Legals Public Notices 5 <ganlegpubnotices5@gannett.com>
Cc: Hamm, Tara <thamm@gannett.com>
Subject: FW: 966594 8455-3, Rob and Jodi Waltman

Attn: Orange team – this ad did not run.

Thank you,

Vicky Felty

Public Notice Representative – Affidavits Team
vfelty@localiq.com



From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Tuesday, June 1, 2021 4:17 PM
To: Gannett Legals Public Notices 5 <ganlegpubnotices5@gannett.com>
Subject: RE: 966594 8455-3, Rob and Jodi Waltman

Please send me the affidavit for this publication.
Thanks,
Karen

From: Gannett Legals Public Notices 5 <ganlegpubnotices5@gannett.com>
Sent: Wednesday, May 12, 2021 10:09 AM

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, May 12, 2021 8:16 AM
To: Aberdeen News Legals (aan-legals@aberdeennews.com)
Subject: 8455-3, Rob and Jodi Waltman
Attachments: 8455-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on May 19, 2021.

Rob and Jodi Waltman, 36924 115th St, Wetonka SD 57481 (605 380-6790) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, May 12, 2021 8:16 AM
To: McPherson County Herald (herald@valleytel.net)
Subject: 8455-3, Rob and Jodi Waltman
Attachments: 8455-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on May 19, 2021.

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

Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

May 12, 2021

Rob and Jodi Waltman
36924 115th St
Wetonka SD 57481

Dear Mr. & Mrs. Waltman:

Water Permit Application No. 8455-3 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 McPherson County Herald printed at Leola SD (Ph # 605 439-3131) and the American News printed at Aberdeen SD (Ph # 605 225-4100). 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.

Instruction to Newspaper - Publish the Notice on May 19, 2021. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8455-3 to Appropriate Water

Notice is given that Rob and Jodi Waltman, 36924 115th St, Wetonka SD 57481 have filed an application for a water permit to appropriate 1.1 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (approximately 1,500 feet deep) located in the NE 1/4 SW 1/4 Section 16 to irrigate 60 acres located in the N 1/2 SW 1/4 Section 16; all in T126N-R66W. This site is located approximately 6 miles east of Leola SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8455-3 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.

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Published once at the total approximate cost of _

June 30, 2021

PAYMENT REQUEST FORM

PAYEE: Rob and Jodi Waltman
36924 115th St
Wetonka SD 57481

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Over Payment of Application/License Fee

AMOUNT: \$350.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eric Brenlund* 7/6/2021

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 06 2021

Rob and Jodi Waltman
36924 115th St
Wetonka SD 57481

Dear Mr. & Mrs. Waltman:

Enclosed is Water Permit No. 8455-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An application/license filing fee of \$1,050.00 was submitted with the application. Based on the number of acres irrigated, the fee for this permit should be \$700.00. \$350.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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



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

January 14, 2025

NOTICE

TO: ROB & JODI WALTMAN, 36924 115TH ST, WETONKA, SD 57481

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8455-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 8455-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8455-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: **SOBZVT****

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2025

8455-3

Rob & Jodi Waltman
36924 115th St
Wetonka SD 57481

Dear Mr.& Ms. Waltman:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 8455-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us