

WATER PERMIT NO. 8505-3

Name of Applicant: Dakota Range III O & M

Address: 14505 455th Ave, Summit SD 57266

Phone: 605 705-4460

Amount of Water Claimed: 0.044 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial

County: Grant

Type of Waste Disposal System:

Location: approximately 4 miles southwest of Summit

PRIORITY

Date Received: 3-31-21

Application/License Fee: \$ 300

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: XX

Diversion Point: NE 1/4 NE 1/4 Sec 13-T121N-
R52W

Land to be Irrigated: NA

Depth of Well: 232

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-31-21

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

				X	
			13		

SOUTH DAKOTA
WATER PERMIT NO. 8505-3

Date of first receipt of application March 31, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8505-3 to Dakota Range III O&M, c/o Alexander Gilbert, 14605 455th Ave, Summit SD 57266 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. 8505-3 appropriates an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.044 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (approximately 230 feet deep) located in the NE 1/4 NE 1/4 Section 13-T121N-R52W for commercial use. This site is located approximately 4 miles southwest of Summit SD.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is March 31, 2021.
5. The date of approval of Permit No. 8505-3 is June 21, 2021.
6. One-fifth of the construction is to be completed on or before December 21, 2023.
7. All construction is to be completed on or before June 21, 2026.
8. Water is to be put to beneficial use on or before June 21, 2030.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Prairie Coteau aquifer.
3. Water Permit No. 8505-3 authorizes a total annual diversion not exceeding 1.0 acre-feet of water.

WATER MANAGEMENT BOARD

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

JUL 02 2021
date



RECEIVED

MAR 31 2021

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8505-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Grant Co. Review, Milbank</u>
	<u>Public Opinion</u>

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: (check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

Commercial office building occupied 5-6 days a week during business hours

1. Name to Appear on Water Permit Dakota Range III O&M

Mailing Address 14505 455th Ave Summit SD 57266
(Address) (City) (State) (Zip Code)

Phone +1 605-705-4460 Mobile 701-207-0384 Email alexander.gilbert@engie.com

2. Amount of water claimed 0.044 *CFS or 20 **GPM and >1 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Well drilled to 230 feet

4. Location of point of diversion 1 well in NE1/4NE1/4 section 13-T121N-R52W County Grant

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Grant

6. Annual period during which water is to be used all 12 months of the year

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Attached SD water well completion report
Attached SD map of well location

I, Alexander Gilbert

Name of Person

Balance of Plant Specialist, the applicant, certify under

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) 232 Depth to Top of Water Bearing Material _____ Depth to Water from Surface 96 Ft

d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) Septic Tank, Drain field

b) System Capacity (gallons) 1,600.00 Year Constructed 2020

c) Connected to the City of _____ Sanitary System

3. Dugout Information

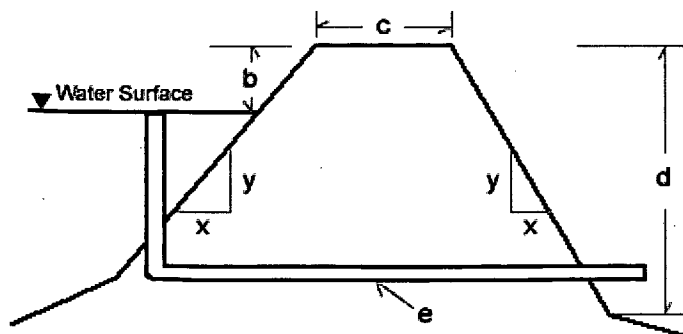
a) Surface Dimensions _____ Depth _____

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

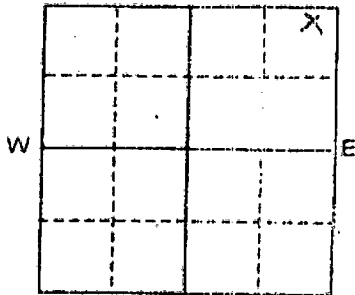
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ NE ¼ Sec 13 Twp 12 Rg 52

County Grant

North

Please mark well
location with an "X"

Well Completion Date

October 28, 2020

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe:

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
SDR 21 LB/FT	5.00 IN	0.0 FT	194.0 FT	8.75 N
DR 17 LB/FT	5.00 IN	194.0 FT	220.0 FT	8.75 N
LB/FT	IN	FT	FT	N

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	19	Lb/gal	0.0 Ft	218.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Piped

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 5.00 inches Length 10.0 Feet

Material Stainless Steel

Slot Size .015 Set From 220.0 Feet to 230.0 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? Chlorinated

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

Well Owner: DeBoer Construction

Business Name: DeBoer Construction

Address: 47492 SD- 22

City, State, Zip: Altamont SD 57226

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	3
Clay Brown	3	35
Clay Gray/ Brown	35	38
Clay Gray Soft	38	58
Clay Blue Soft	58	65
Clay Brown Soft Silty	65	83
Clay Brown Firm	83	96
Clay Gray	96	108
Clay Brown	108	136

STATIC WATER LEVEL 96.0 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: Airlifted

☐ Bailed

☒ Other

Pumping Level Below Land Surface

118.0 Ft. After 4.0 Hrs. pumped 25.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: 20.0 GPM

REMARKS

GPS: N 45 16.0680 W 97 6.2670

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: Thein Well Company, Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12-1-2020

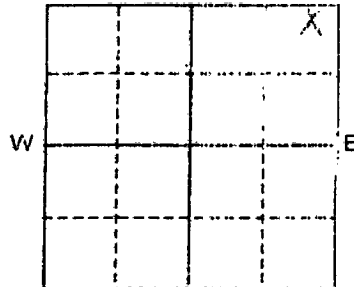
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ NE ¼ Sec 13 Twp 121 Rg 52

County Grant

North

Please mark well
location with an "X"

Well Completion Date

October 28, 2020

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

If other describe

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	5.00 IN	0.0 FT	194.0 FT	8.75 IN
LB/FT	5.00 IN	194.0 FT	220.0 FT	8.75 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	19	Lb/gal	0.0 Ft	218.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmie Piped

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 5.00 Inches Length 10.0 Feet

Material Stainless Steel

Slot Size .015 Set From 220.0 Feet to 230.0 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? Chlorinated

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

Well Owner:

Business Name: Deboer Construction

Address: 47492 SD-22

City, State, Zip: Altamont SD 57226

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay Brown Sandy	136	154
Clay Gray	154	174
Clay Blue	174	224
Gravel	224	230
Clay Gray	230	232

STATIC WATER LEVEL 96.0 FEET

If flowing: closed in pressure PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Airlifted

☐ Bailed

☐ Other

Pumping Level Below Land Surface

118.0 Ft. After 4.0 Hrs. pumped 25.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: 20.0 GPM

REMARKS

GPS N 45 16.0680 W 97 6.2670

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: Thein Well Company, Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

12-1-2020



100

IGE III

GE III O
ING
BEING A
F A
N

ALLEY

52W



121N 52W
Section: 11

121N 52W
Section: 12

121N 51W
Section: 07

121N 52W
Section: 14

121N 52W
Section: 13

121N 51W
Section: 18

121N 52W
Section: 23

121N 52W
Section: 24

121N 51W
Section: 19

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Environment and Natural Resources

Date March 31, 2021

RECEIVED OF Dakota Range III O&M 14505 455th Ave Summit SD 57266

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

Fee for Application for Permit No. <u>8505-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$100.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8505-3</u>	\$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	\$300.00

By Eric Gronlund
Chief Engineer
VM

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, June 1, 2021 11:50 AM
To: alexander.gilbert@engie.com
Subject: Water Permit Application No. 8505-3
Attachments: 1281.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. 8505-3, Dakota Range III O & M**

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. 8505-3, Dakota Range III O & M, 14505 455th Ave, Summit SD 57266.

The Chief Engineer is recommending APPROVAL of Application No. 8505-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Prairie Coteau aquifer.
3. Water Permit No. 8505-3 authorizes a total annual diversion not exceeding 1.0 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
June 1, 2021

REPORT ON WATER PERMIT APPLICATION NO. 8505-3

Dakota Range III O & M

May 27, 2021

Water Permit Application No. 8505-3 requests the appropriation of 1.0 acre-feet of water annually at a maximum instantaneous diversion rate of 0.044 cubic feet per second (cfs) (19.75 gallons per minute (gpm)) of water from one well completed into the Prairie Coteau aquifer (232 feet deep) located in the NE ¼ NE ¼ Section 13-T121N-R52W for commercial use in an office building. This site is located approximately 4 miles southwest of Summit, SD.

Aquifer: Prairie Coteau (PCO)

Hydrogeology

The DNR-Water Rights Program recognizes buried glacial outwash deposits that are not in contact with bedrock or surficial materials between the approximate altitudes of 1,600 and 1,800 feet on the Prairie des Coteau as the Prairie Coteau aquifer (Thompson, 2001; Water Rights, 2021a). The Prairie Coteau aquifer; however, is not continuous and is made up of many disconnected glacial outwash deposits of sand and gravel, of which the depth and thickness can vary widely.

The applicant's proposed well is completed into a portion of the Prairie Coteau aquifer mapped by Stonesifer (2013). Stonesifer (2013) determined that this portion of the Prairie Coteau aquifer extends through Roberts, Grant, Codington, Deuel, and Hamlin Counties and can generally be found in the 1,600 to 1,720 feet above sea level (msl) altitude interval with a thickness often ranging between 10 to 40 feet with an estimated areal extent of approximately 184,500 acres. This portion of the Prairie Coteau aquifer is overlain by the North management unit of the Big Sioux aquifer and is underlain by the Lonesome Lake and Altamont aquifers and is likely in hydraulic connection with these aquifers and other smaller outwash bodies (Stonesifer, 2013).

In the area of the proposed diversion point, the thickness of the Prairie Coteau aquifer is expected to range between 6 to 20 feet and is under confined conditions (South Dakota Geological Survey, 2021; Water Rights, 2021b; Water Rights, 2021c). The well completion report included with the application indicates depth to top of aquifer is 224 feet below grade and continues to 230 feet below grade. The static water level was reported to be 96 feet below grade at the time the well was constructed (October 2020).

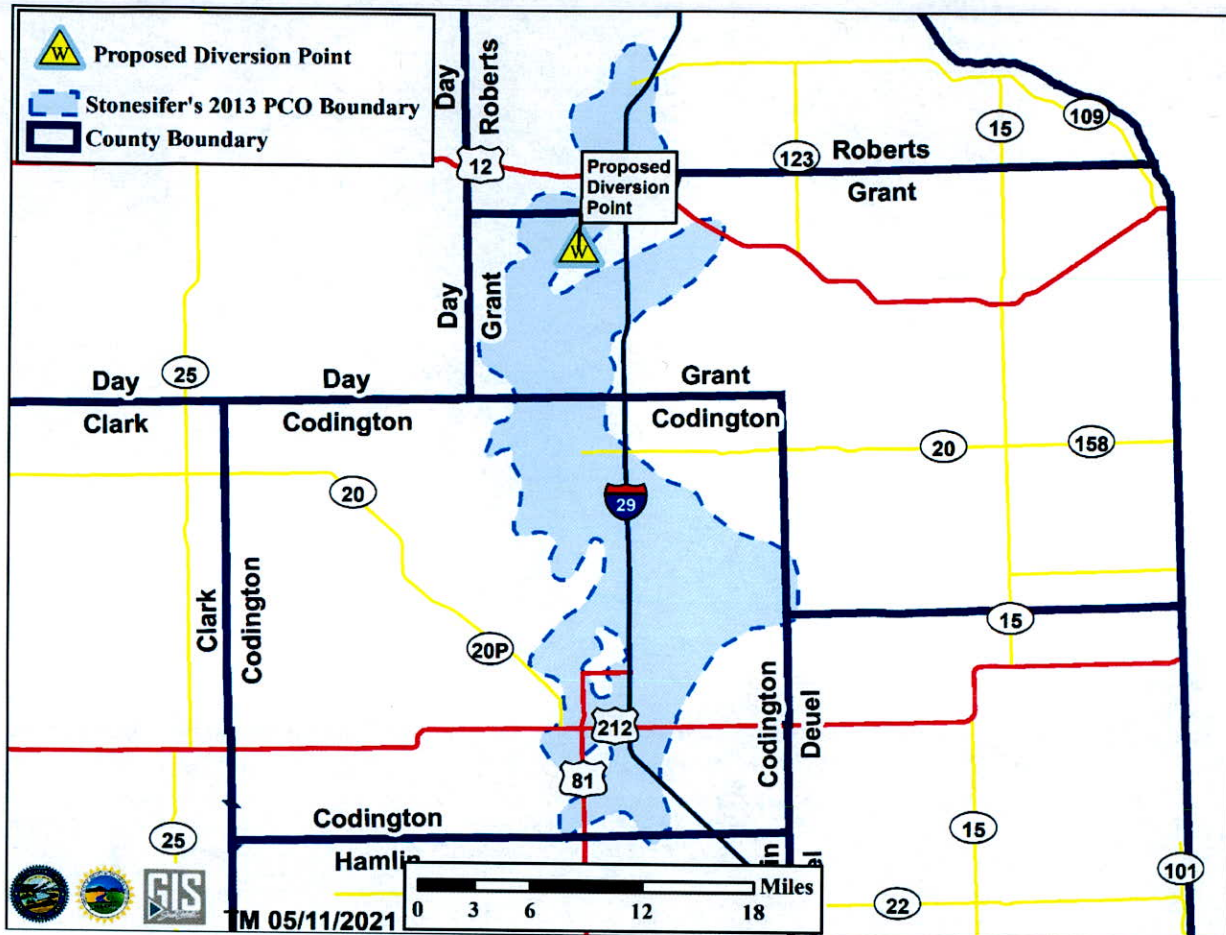


Figure 1: Estimated Prairie Coteau aquifer (PCO) boundary modified from Stonesifer (2013) and the proposed diversion point.

South Dakota Codified Law 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 the availability of unappropriated water and potential for unlawful impairment of existing water rights within this portion of the Prairie Coteau aquifer.

Water Availability

SDCL 46-6-3.1 is considered when evaluating the probability of unappropriated water from an aquifer and states, "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. An application may be approved, however, for

withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems." This portion of the Prairie Coteau aquifer is not older or lower than the Greenhorn Formation, and there is no water distribution system involved. Therefore, recharge and withdrawal rates must be considered.

Hydrologic Budget

Recharge

Recharge to this portion of the Prairie Coteau aquifer occurs through the infiltration of precipitation and snowmelt where permeable layers overlie the aquifer and where other aquifers overlie this portion of the Prairie Coteau aquifer and the materials separating the aquifer is permeable enough for the movement of water. Hedges, Allen, & Holly (1985) suggested an average annual recharge rate to confined aquifers of 0.15 to 0.60 inches per year for use by management and development programs. Due to this portion of the Prairie Coteau aquifer being confined, for the most part, the average annual recharge of 0.15 to 0.60 will be used. Given the estimated areal extent of this portion of the Prairie Coteau aquifer (184,500 acres) and using a range of 0.15 to 0.60 inches per year, the estimated average annual recharge for this portion of the Prairie Coteau aquifer ranges between approximately 2,300 to 9,200 acre-feet per year (ac-ft/yr).

Discharge

Currently, there are 37 water rights/permits appropriating water from this portion of the Prairie Coteau aquifer (Table 1) and one pending permit application (8499-3) (Water Rights, 2021a).

There are 5 water rights/permits authorized for commercial use completed into this portion of the Prairie Coteau aquifer (Water Rights, 2021a). The amount of water that can be expected to be withdrawn by non-irrigation water rights/permits not required to report usage can be estimated by assuming water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time and those limited by an annual volume will use the entire permitted volume annually. Water Permit Nos. 8194-3 and 8336-3 are required to report water usage annually; however, they have only been reporting water usage since 2016 and 2018, respectively; as such, the full permitted annual volumes will be assumed to be conservative (2.75 and 275 ac-ft/yr respectively), although actual use will likely be far less. Water Permit No. 8438-3 is limited by a permitted annual volume of 120 ac-ft/yr. Water Permit Nos. 6100-3 and 6533-3 are limited only by diversion rate and are estimated to use 193 and 24 ac-ft/yr, respectively. This results in an estimated average annual withdrawal by non-irrigation rights/permits of approximately 615 ac-ft/yr.

App No. 8505-3

Table 1: Summary of water rights/permits appropriating water from this portion of the Prairie Coteau aquifer (Water Rights, 2021a).

Permit No.	Name	Status	Use	Rate (cfs)	Acres
2715-3	Marvin Amdahl	LC	IRR	1.78	132
3229-3	Don Endres	LC	IRR	2.66	224
3503-3	Michael Or Nancy Johnson	LC	IRR	1.88	132
4184-3	Jabe Kahnke	LC	IRR	2.67	243
4417-3	Falk Farms Inc	LC	IRR	6	770
4588-3A	Don Endres	LC	IRR	1.77	170
4749-3	A M Farms Inc	LC	IRR	3.77	264
5165-3	Jeff L & Lynae Grabow	LC	IRR	1.77	132
5166A-3	John T Nordgaard	LC	IRR	1.87	131
5166B-3	Northern Con-Agg Inc	LC	IRR	0.84	59
5174-3	Donald L Endres	LC	IRR	1.77	130
5269-3	William & Lisa Bucklin	LC	IRR	0.86	60
5271B-3	Warren Falk	LC	IRR	1	132
5376-3	Donald L Endres	LC	IRR	1.11	83
5378-3	Janet Endres	LC	IRR	1	70
5807-3	Michael John Meyer	LC	IRR	1	95
6100-3	Blooming Valley Dairy LLC	LC	COM	0.267	N/A
6533-3	Bitter Sweet Lodge	LC	COM	0.033	N/A
6906-3	Tim J Grabow	PE	IRR	0	180
6907-3	Jeff L Grabow	PE	IRR	4	440
7028-3	Roger Amdahl	PE	IRR	2.77	223
7036-3	Wohlleber Enterprises LLC	LC	IRR	2	130
7065-3	James Amdahl	PE	IRR	3.78	264
7242-3	Morehouse Family Trust	LC	IRR	4	287
7305-3	Tim Grabow	PE	IRR	1.57	110
7328-3	Marvin Amdahl	PE	IRR	1.78	162
7351-3	Michael John Meyer	PE	IRR	0.68	N/A
7680-3	Falk Farms Inc	PE	IRR	2	140
7681-3	Michael Johnson	PE	IRR	1.56	133.7
7682-3	Michael Johnson	PE	IRR	1.33	137.2
7783-3	Marvin Amdahl	PE	IRR	1.78	132
7943-3	Marvin Amdahl	PE	IRR	0	38
8076-3	Tim Grabow	PE	IRR	0.52	33
8077-3	Jeff Grabow	PE	IRR	1.04	66
8194-3	Lakeside Dairy	PE	COM	0.446	N/A
8336-3	L.G. Everist Inc	PE	COM	0.044	N/A
8438-3	Blooming Valley Dairy LLC	PE	COM	0.289	N/A
LC = Water Right, IRR = Irrigation, PE = Water Permit, COM = Commercial					

There are a number of well completion reports on file with SD DANR Water Rights Program for domestic wells that appear to be completed into this portion of the Prairie Coteau aquifer. However, due to the low population density and rural water systems supplanting use from private domestic wells, their annual withdrawal is not a significant portion of the hydrologic budget for the aquifer (Water Rights, 2021b).

There are 32 water rights/permits for irrigation currently authorized to appropriate water from this portion of the Prairie Coteau aquifer. Pending Permit Application No. 8499-3 if approved, can use up to 320 ac-ft/yr, assuming full use of the proposed appropriation (2 ft/ac), although it will likely use far less since on average crop irrigation in South Dakota east of the Missouri River is typically less than one foot per acre. The historical irrigation pumpage for this portion of the Prairie Coteau aquifer is shown in Figure 2. The reported average annual pumpage over the period of record for the current water rights/permits authorized for irrigation in this portion of the Prairie Coteau aquifer is 1,043 ac-ft/yr.

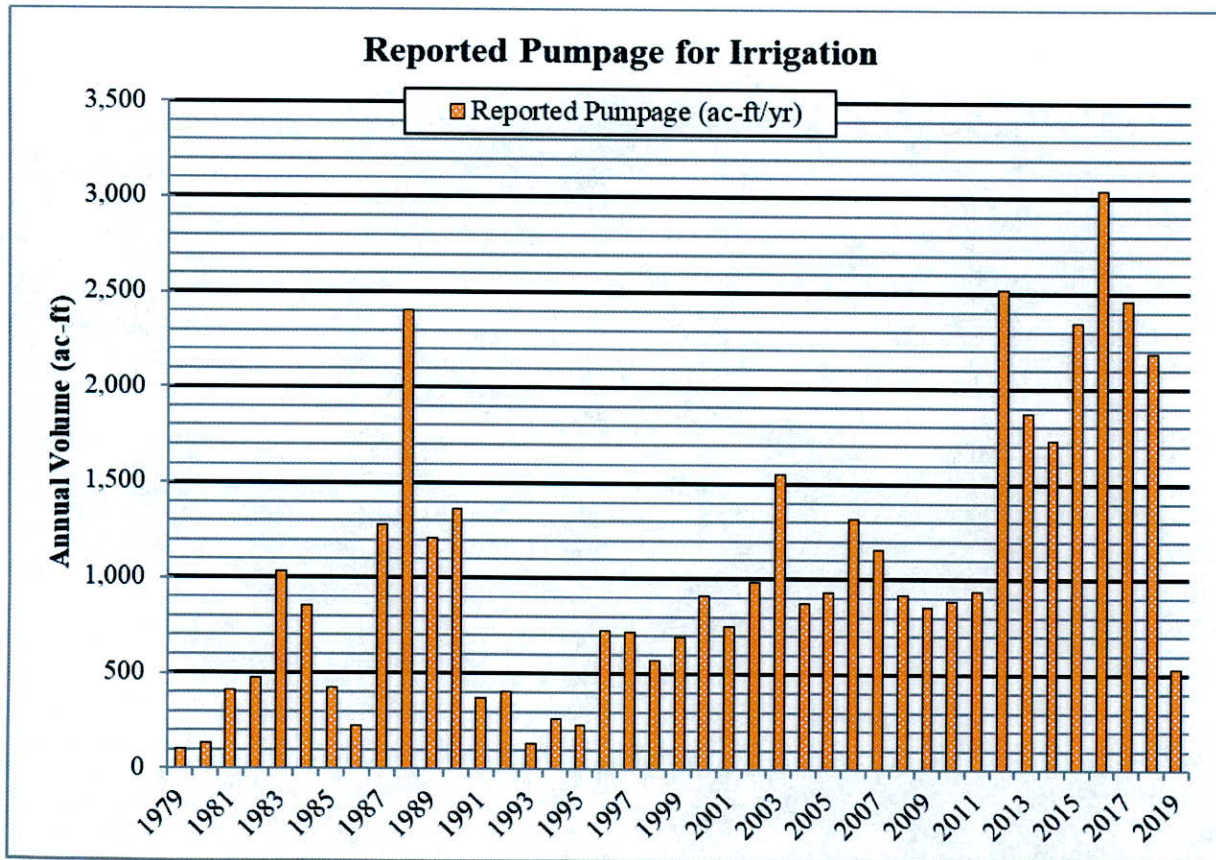


Figure 2: Historical irrigation questionnaire data for irrigation rights/permits currently authorized in this portion of the Prairie Coteau aquifer (Water Rights, 2021a; Water Rights, 2021d).

Hydrologic Budget Summary

The estimated average annual withdrawals from this portion of the Prairie Coteau aquifer are 615 ac-ft/yr from non-irrigation users and 1,043 ac-ft/yr from irrigation. Pending Permit Application No. 8499-3 if approved, will use 320 ac-ft/yr, assuming full use of the proposed appropriation (2 ft/ac), although it will likely use far less. If this application is approved it will use 1 ac-ft/yr assuming full use of the proposed appropriation. Therefore, the total estimated average annual withdrawal from this portion of the Prairie Coteau aquifer is 1,979 ac-ft/yr.

The estimated average annual recharge to this portion of the Prairie Coteau aquifer ranges between approximately 2,300 to 9,200 ac-ft/yr. Subtracting the estimated average annual withdrawals from the estimated average annual recharge results in 321 to 7,221 ac-ft/yr of unappropriated water. Therefore, there is a reasonable probability there is unappropriated water available from this portion of the Prairie Coteau aquifer for the proposed appropriation.

Observation Well Data

In determining the availability of unappropriated water for a permit application, Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to rely on 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 to the aquifer.

The DANR-Water Rights Program monitors 13 observation wells completed into this portion of the Prairie Coteau aquifer (Water Rights, 2021c). Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. There are 4 observation wells completed into the same portion of the Prairie Coteau aquifer as the proposed diversion that can be used for analysis. They are observation wells GT-79A (0.9 mi W), GT-77E (2.3 mi SE), GT-79B (3.1 mi SW) and GT-77C (3.5 mi SW) (Water Rights, 2021c). The hydrographs for these wells are shown in Figure 3.

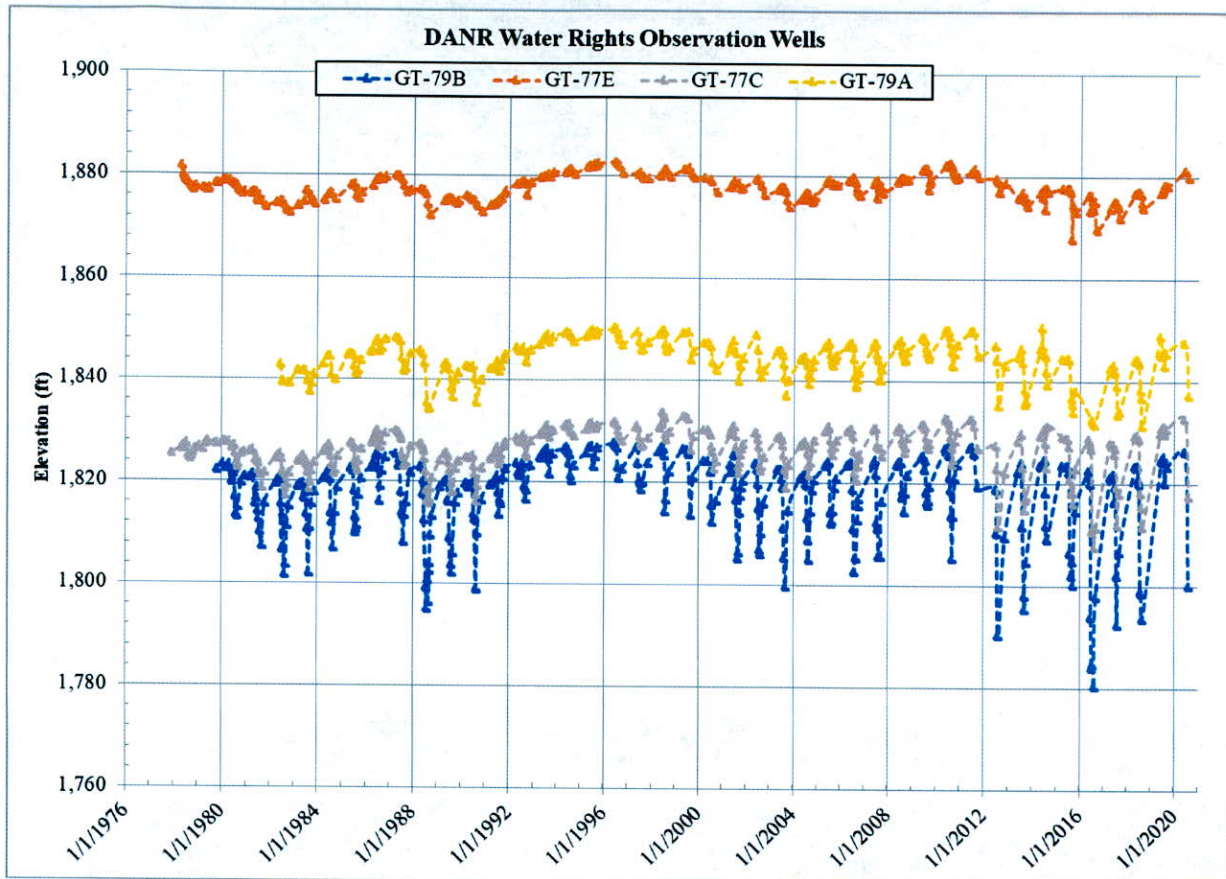


Figure 3: Hydrographs for Observation Wells GT-79A (0.9 mi W), GT-77E (2.3 mi SE), GT-79B (3.1 mi SW) and GT-77C (3.5 mi SW) (Water Rights, 2021c).

These observation well hydrographs are representative of this portion of the Prairie Coteau aquifer. The water levels in the observation wells show that the amount of recharge to and natural discharge from the aquifer exceeds pumping, with the aquifer returning to pre-pumping conditions after the irrigation season. Therefore, climatic conditions, and thus recharge to and natural discharge from the aquifer, govern the long-term changes in water level for the aquifer instead of pumping. Recognizing that recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs document there is a reasonable probability unappropriated water is available for this application.

Potential For Unlawful Impairment Of Existing Water Rights

Currently, there are 37 water rights/permits in this portion of the Prairie Coteau aquifer (Water Rights, 2021a). The nearest existing water right/permit from the proposed diversion point is Water Permit No. 8438-3 located approximately 2.4 miles to the west (Table 1 and Figure 4). There are a number of domestic wells on file with the SD DANR-Water Rights Program, which appear to be

Legend:

- Proposed Diversion Point
- PCO Pending Permit
- PCO Water Permits
- PCO Water Rights
- PCO Observation Wells
- County Boundary
- Township Boundary
- Stonesifer's 2013 PCO Boundary

Map Labels:

- Roberts
- Grant
- 143 ST
- 145 ST
- 147 ST
- 148 ST
- 149 ST
- 150 ST
- 151 ST
- 152 ST
- 153 ST
- 154 ST
- 155 ST
- 156 ST
- 157 ST
- 158 ST
- 159 ST
- 160 ST
- 161 ST
- 162 ST
- 163 ST
- 164 ST
- 165 ST
- 166 ST
- 167 ST
- 168 ST
- 169 ST
- 170 ST
- 171 ST
- 172 ST
- 173 ST
- 174 ST
- 175 ST
- 176 ST
- 177 ST
- 178 ST
- 179 ST
- 180 ST
- 181 ST
- 182 ST
- 183 ST
- 184 ST
- 185 ST
- 186 ST
- 187 ST
- 188 ST
- 189 ST
- 190 ST
- 191 ST
- 192 ST
- 193 ST
- 194 ST
- 195 ST
- 196 ST
- 197 ST
- 198 ST
- 199 ST
- 200 ST
- 201 ST
- 202 ST
- 203 ST
- 204 ST
- 205 ST
- 206 ST
- 207 ST
- 208 ST
- 209 ST
- 210 ST
- 211 ST
- 212 ST
- 213 ST
- 214 ST
- 215 ST
- 216 ST
- 217 ST
- 218 ST
- 219 ST
- 220 ST
- 221 ST
- 222 ST
- 223 ST
- 224 ST
- 225 ST
- 226 ST
- 227 ST
- 228 ST
- 229 ST
- 230 ST
- 231 ST
- 232 ST
- 233 ST
- 234 ST
- 235 ST
- 236 ST
- 237 ST
- 238 ST
- 239 ST
- 240 ST
- 241 ST
- 242 ST
- 243 ST
- 244 ST
- 245 ST
- 246 ST
- 247 ST
- 248 ST
- 249 ST
- 250 ST
- 251 ST
- 252 ST
- 253 ST
- 254 ST
- 255 ST
- 256 ST
- 257 ST
- 258 ST
- 259 ST
- 260 ST
- 261 ST
- 262 ST
- 263 ST
- 264 ST
- 265 ST
- 266 ST
- 267 ST
- 268 ST
- 269 ST
- 270 ST
- 271 ST
- 272 ST
- 273 ST
- 274 ST
- 275 ST
- 276 ST
- 277 ST
- 278 ST
- 279 ST
- 280 ST
- 281 ST
- 282 ST
- 283 ST
- 284 ST
- 285 ST
- 286 ST
- 287 ST
- 288 ST
- 289 ST
- 290 ST
- 291 ST
- 292 ST
- 293 ST
- 294 ST
- 295 ST
- 296 ST
- 297 ST
- 298 ST
- 299 ST
- 300 ST
- 301 ST
- 302 ST
- 303 ST
- 304 ST
- 305 ST
- 306 ST
- 307 ST
- 308 ST
- 309 ST
- 310 ST
- 311 ST
- 312 ST
- 313 ST
- 314 ST
- 315 ST
- 316 ST
- 317 ST
- 318 ST
- 319 ST
- 320 ST
- 321 ST
- 322 ST
- 323 ST
- 324 ST
- 325 ST
- 326 ST
- 327 ST
- 328 ST
- 329 ST
- 330 ST
- 331 ST
- 332 ST
- 333 ST
- 334 ST
- 335 ST
- 336 ST
- 337 ST
- 338 ST
- 339 ST
- 340 ST
- 341 ST
- 342 ST
- 343 ST
- 344 ST
- 345 ST
- 346 ST
- 347 ST
- 348 ST
- 349 ST
- 350 ST
- 351 ST
- 352 ST
- 353 ST
- 354 ST
- 355 ST
- 356 ST
- 357 ST
- 358 ST
- 359 ST
- 360 ST
- 361 ST
- 362 ST
- 363 ST
- 364 ST
- 365 ST
- 366 ST
- 367 ST
- 368 ST
- 369 ST
- 370 ST
- 371 ST
- 372 ST
- 373 ST
- 374 ST
- 375 ST
- 376 ST
- 377 ST
- 378 ST
- 379 ST
- 380 ST
- 381 ST
- 382 ST
- 383 ST
- 384 ST
- 385 ST
- 386 ST
- 387 ST
- 388 ST
- 389 ST
- 390 ST
- 391 ST
- 392 ST
- 393 ST
- 394 ST
- 395 ST
- 396 ST
- 397 ST
- 398 ST
- 399 ST
- 400 ST
- 401 ST
- 402 ST
- 403 ST
- 404 ST
- 405 ST
- 406 ST
- 407 ST
- 408 ST
- 409 ST
- 410 ST
- 411 ST
- 412 ST
- 413 ST
- 414 ST
- 415 ST
- 416 ST
- 417 ST
- 418 ST
- 419 ST
- 420 ST
- 421 ST
- 422 ST
- 423 ST
- 424 ST
- 425 ST
- 426 ST
- 427 ST
- 428 ST
- 429 ST
- 430 ST
- 431 ST
- 432 ST
- 433 ST
- 434 ST
- 435 ST
- 436 ST
- 437 ST
- 438 ST
- 439 ST
- 440 ST
- 441 ST
- 442 ST
- 443 ST
- 444 ST
- 445 ST
- 446 ST
- 447 ST
- 448 ST
- 449 ST
- 450 ST
- 451 ST
- 452 ST
- 453 ST
- 454 ST
- 455 ST
- 456 ST
- 457 ST
- 458 ST
- 459 ST
- 460 ST
- 461 ST
- 462 ST
- 463 ST
- 464 ST
- 465 ST
- 466 ST
- 467 ST
- 468 ST
- 469 ST
- 470 ST
- 471 ST
- 472 ST
- 473 ST
- 474 ST
- 475 ST
- 476 ST
- 477 ST
- 478 ST
- 479 ST
- 480 ST
- 481 ST
- 482 ST
- 483 ST
- 484 ST
- 485 ST
- 486 ST
- 487 ST
- 488 ST
- 489 ST
- 490 ST
- 491 ST
- 492 ST
- 493 ST
- 494 ST
- 495 ST
- 496 ST
- 497 ST
- 498 ST
- 499 ST
- 500 ST
- 501 ST
- 502 ST
- 503 ST
- 504 ST
- 505 ST
- 506 ST
- 507 ST
- 508 ST
- 509 ST
- 510 ST
- 511 ST
- 512 ST
- 513 ST
- 514 ST
- 515 ST
- 516 ST
- 517 ST
- 518 ST
- 519 ST</

Figure 4: Map showing the location of the proposed diversion point, nearby water rights/permits, pending permit applications, and nearby observation wells completed into the portion of the Prairie Coteau aquifer (PCO) defined by Stonesifer (2013) (Water Rights, 2021a; Water Rights, 2021c).

The thickness of the Prairie Coteau aquifer in the area of this application is expected to range from 6 to 20 feet (South Dakota Geological Survey, 2021; Water Rights, 2021a; Water Rights, 2021c). This portion of the Prairie Coteau aquifer is primarily confined, so drawdown from pumping could extend a significant distance from the proposed well site. The nearest observation well (GT-79A 0.9 miles W) has water levels that have varied by approximately 19 feet over the period of record (1982 to 2020), with the lowest recorded level taken on 08/23/2018 being approximately 89 feet below ground surface (top of aquifer is 180 feet below ground surface), leaving approximately 91 feet of artesian head pressure above the top of the aquifer (Water Rights, 2021c).

SDCL 46-6-6.1 does not necessarily protect artesian head pressure as a means of delivery, and in the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur (Water Rights, 1995). The Water Management

Board has also found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered an adverse impact, it would also be in conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to lower their pumps to accommodate deeper water levels.

There are no well interference complaints on file with the Water Rights Program in this portion of the Prairie Coteau aquifer in Grant County. There have been several complaints of well interference in Codington, one in Day, and one in Roberts County's (Water Rights, 2021e). These complaints were primarily due to several large-capacity wells pumping in a small area resulting in a cone of depression around the diversion points, creating a localized drawdown during times of pumping. However, investigations of these complaints by Water Rights staff concluded that there was no unlawful impairment of adequate wells (Water Rights, 2021e).

Considering the applicant's limited diversion rate (19.75 gpm), the artesian head pressure in the area (approximately 91 feet above the top of the aquifer), and the laws and rules governing water use and protection of adequate wells, drawdown from pumping this proposed diversion is not expected to adversely impact nearby adequate wells.

An adversely impacted well as defined in ARSD 74:02:04:20(7):

"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."

Therefore, there is a reasonable probability that any drawdown created by pumping for this proposed appropriation will not unlawfully impair existing water rights/permits and domestic users with adequate wells.

Conclusions

1. Water Permit Application No. 8505-3 requests the appropriation of 1.0 acre-foot of water annually at a maximum instantaneous diversion rate of 0.044 cubic feet per second (cfs) (19.75 gallons per minute (gpm)) of water from one well completed into the Prairie Coteau aquifer (232 feet deep) located in the NE ¼ NE ¼ Section 13-T121N-R52W for commercial use in an office building. This site is located approximately 4 miles southwest of Summit, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from this portion of the Prairie Coteau aquifer.

3. There is a reasonable probability that the diversion proposed by this application will not unlawfully impair adequate wells for existing water rights/permits and domestic users.


Timothy Magstadt

Natural Resources Engineer II

SD DANR – Water Rights Program

References

- 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*. Vermillion: Department of Water and Natural Resources.
- South Dakota Geological Survey. (2021). *Lithologic Logs Database*. Akeley-Lawrence Science Center, Vermillion, SD. SD DANR-Geological Survey.
- Stonesifer, J. R. (2013). *Report to the Chief Engineer on Water Permit Application No. 7629-3*. Joe Foss Bldg., Pierre, South Dakota: SD DANR Water Rights Program.
- Thompson, R. F. (2001). *Water Resources of the Lake Traverse Reservation, South and North; Water-Resource Investigation Report 01-4219*. U.S. Geological Survey.
- Water Rights. (1995). *Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills*. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. (2021a). *Water Right/Permit Files*. Joe Foss Bldg., Pierre, South Dakota.: SD DANR-Water Rights Program.
- Water Rights. (2021b). *Well Completion Report Files*. Joe Foss Bldg., Pierre, South Dakota.: SD DANR-Water Rights Program.
- Water Rights. (2021c). *Observation Well Database*. Joe Foss Bldg., Pierre, South Dakota.: SD DANR-Water Rights Program.
- Water Rights. (2021d). *Irrigation Questionnaire database*. Joe Foss Bldg., Pierre, South Dakota.: SD DANR-Water Rights Program.
- Water Rights. (2021e). *County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD*.

Printer's Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

JUN 14 2021

Ashlie Schweitzer

WATER RIGHTS
PROGRAM

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Bookkeeper of said newspaper, in

charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Application No. 8505-3 to Appropriate Water, Alexander Gilbert, Summit

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for One successive weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

<u>June 9</u>	<u>20 21</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>

That \$ 25.44, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Ashlie Schweitzer

Subscribed and sworn to before me this 9th day of June 2021

Debra Hemmer

Notary Public, Grant County, South Dakota



NOTICE OF APPLICATION NO. 8505-3 TO APPROPRIATE WATER

Notice is given that Dakota Range III O & M, c/o Alexander Gilbert, 14605 455th Ave, Summit SD 57266 has filed an application for a water permit to appropriate an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.044 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (approximately 230 feet deep) located in the NE 1/4 NE 1/4 Section 13-T121N-R52W for commercial use. This site is located approximately 4 miles southwest of Summit SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8505-3 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 21, 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 an approximate cost of \$25.44.

Publication Fee \$ 25.44
Notarial Fee \$ 25.44
Total \$ 25.44

RECEIVED

JUN 21 2021

WATER RIGHTS
PROGRAM

DAKOTA RANGE III O&M
14505 455TH AVE
SUMMIT, SD 57266

STATE OF SOUTH DAKOTA
COUNTY OF CODINGTON

Signature

Printed Name

I being duly sworn says: That Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; 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 attached, was published in said newspaper upon:

Published Dates:
06/09/21

that the full amount of the fee charged for publishing the same, including a \$5.00 affidavit fee, to-wit, the sum of \$47.99 insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

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

9/19/21

Ad ID 972579

VICKY FELTY
Notary Public
State of Wisconsin

Watertown Public Opinion AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION NO. 8505-3 to Appropriate Water

Notice is given that Dakota Range III O & M, c/o Alexander Gilbert, 14605 455th Ave, Summit SD 57266 has filed an application for a water permit to appropriate an amount not exceeding 1.0 acre-foot of water annually at a maximum pump rate of 0.044 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (approximately 230 feet deep) located in the NE 1/4 NE 1/4 Section 13-T121N-R52W for commercial use. This site is located approximately 4 miles southwest of Summit SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8505-3 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://dohr.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 21, 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 \$47.99

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, June 1, 2021 11:45 AM
To: 'legals@thepublicopinion.com'
Subject: 8505-3, Dakota Range III O&M
Attachments: 8505-3public.short.docx; FORM8.FRM.doc

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

Dakota Range III O&M, c/o Alexander Gilbert, 14505 455th Ave, Summit SD 57266 (605 705-4460 or 701 207-0384) 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: Tuesday, June 1, 2021 11:45 AM
To: Julie Madison, Grant County Review (gcreview@itcmilbank.com)
Subject: 8505-3, Dakota Range III O&M
Attachments: 8505-3public.short.docx; FORM8.FRM.doc

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

Dakota Range III O&M, c/o Alexander Gilbert, 14505 455th Ave, Summit SD 57266 (605 705-4460 or 701 207-0384) 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>





**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.**

June 1, 2021

Dakota Range III O&M
Alexander Gilbert
14505 455th Ave
Summit SD 57266

Dear Mr. Gilbert:

Water Permit Application No. 8505-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Grant County Review printed at Milbank SD (Ph # 605 432-4516) and the Public Opinion printed at Watertown SD (Ph # 605 886-6901). 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. 8505-3 to Appropriate Water

Notice is given that Dakota Range III O & M, c/o Alexander Gilbert, 14⁶505 455th Ave, Summit SD 57266 has filed an application for a water permit to appropriate an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.044 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (approximately 230 feet deep) located in the NE 1/4 NE 1/4 Section 13-T121N-R52W for commercial use. This site is located approximately 4 miles southwest of Summit SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8505-3 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 21, 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 _



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 02 2021

Dakota Range III
c/o Alexander Gilbert
14605 455th Ave
Summit SD 57266

Dear Mr. Gilbert:

Enclosed is Water Permit No. 8505-3 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
Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures