

WATER PERMIT NO. 8541-3

Name of Applicant: **Townsend Family Farms LLC**

Address: **41258 138th St, Andover SD 57422** Phone: **605 380-6852**

Amount of Water Claimed: **1.78 cfs** Total Acres: **90 acres**

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

Water to be used for: **irrigation** County: **Day**

Type of Waste Disposal System:

Location: **12 miles southwest of Andover**

PRIORITY Date Received: **8-4-21**

Application/License Fee: **\$ 950**

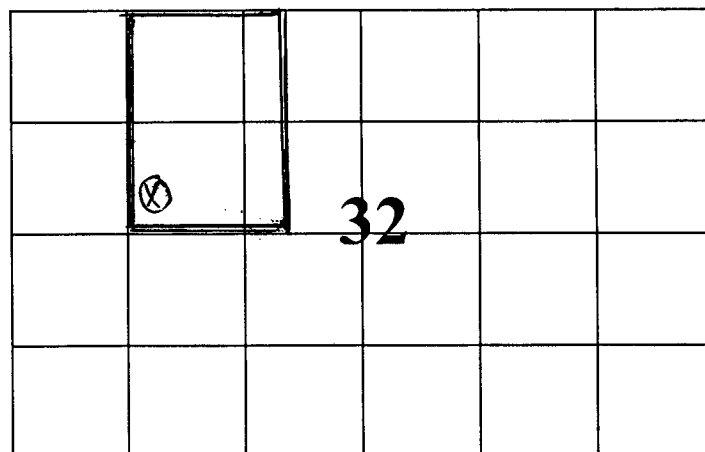
Corrected Application Received: **8-20-21**

Period of Annual Use: **April 1 – September 30**

Remarks: **Requesting diversion rate greater than statutory limit**

Diversion Point: **SW 1/4 NW 1/4 Sec 32-T121N-R59W**

Land to be Irrigated: **NW 1/4 Sec 32-T121N-R59W**



Depth of Well: **65 feet**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **8-20-21**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8541-3

Date of first receipt of application August 4, 2021.

Date of return to applicant for corrections, amendments or changes August 10, 2021.

Date of receipt of corrected application August 20, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8541-3 to Townsend Family Farms LLC, c/o Zachary Townsend, 41258 138th St, Andover SD 57422 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. 8541-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Altamont Aquifer (65 feet deep) located in the SW 1/4 NW 1/4 Section 32 for irrigation of 90 acres located in the NW 1/4 Section 32; all in T121N-R59W. This site is located approximately 11 miles southwest of Andover SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is August 4, 2021.
4. The date of approval of Permit No. 8541-3 is November 4, 2021.
5. One-fifth of the construction is to be completed on or before May 4, 2024.
6. All construction is to be completed on or before November 4, 2026.
7. Water is to be put to beneficial use on or before November 4, 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. 8541-3 may be located near domestic wells. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells.
2. The well authorized by Permit No. 8541-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

NOV 30 2021

date



RECEIVED

AUG 04 2021

PAID

AUG 4 2021

Ck# 2720

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8541-3</u>	(office use only) Hydrologic Unit <u>10160006</u>	WATER RIGHTS PROGRAM
	Basin <u>James River</u>		
	Newspaper <u>Reporter & Farmer,</u>		
	<u>American News</u>		

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Townsend Family Farms, LLC

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

Mailing Address 41258 138th St Andover SD 57422

(Address)

(City)

(State)

(Zip Code)

Phone 605-380-6852 Mobile _____ Email Townsend@nvc.net2. Amount of water claimed 1.78 *CFS or 800 **GPM 90 ***AF Total Acreage 90

(*Cubic Feet per Second)

(**Gallons per Minute)

(***)Acre Feet

(Total Acreage - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well4. Location of point of diversion 1 well SW corner

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

SW1/4 NW1/4 Sec 32-T121N-R59W County Day5. County or counties where water will be used Day6. Annual period during which water is to be used April 1 to Sept 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NW1/4 Sec 32-T121N-R59W</u>	<u>90</u>		

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

Drill a well pipe water under ground to pivot
Requesting diversion rate greater than statutory limit.

I, Zachary Townsend 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 ____ 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:

X c) Well Depth (required) 65 ft Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____X d) Distance to nearest domestic well on applicant's property 1500 ft Property owned by others ____to
2000 ft**2. Wastewater Disposal System Information**

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

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions ____ Depth ____

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

4. Water Storage Dams

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

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

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

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

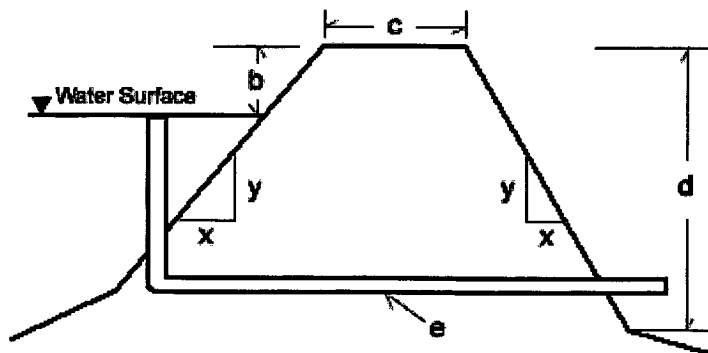
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



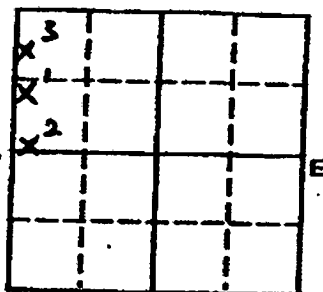
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location 1/4 NW 1/4 Sec 32 Twp 121 Rg 59

County Day

Please mark well location with an "X"



Well completion Date

2-3-16

1 Mile

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

500 ft from Feedlot (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe

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

GROUTING DATA:

Grout Type Bestwhite No. of Sacks 8 Grout Weight 96 Lbs/ft From R To R
Lbs/ft R

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

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

Well Owner:

Zachary Townsend

Business Name:

Address1:

Address2:

City, State, Zip:

WELL LOG:

#	FORMATION	DEPTH	
		FROM	TO
#1	Yellow clay	2	5
	Sand & Gravel	5	15
	Blue clay	15	23
	Fine formation Sand	23	63
	Blue clay	63	65
	Fine formation Sand	65	67
	Shale	67	80

#2 & 3 separate sheet

STATIC WATER LEVEL

FEET

If flowing, closed in pressure

PSI

GPM flow

through

inch pipe

Controlled by

☐ Valve

☐ Reducers

☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

FL After

Hrs. pumped

GPM

FL After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

This well was drilled under license #

#285

And this report is true and accurate.

Drilling firm:

Marikowski Well Drilling Inc

Signature of Licensee/Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

Date:

2-4-16

523 E. Capitol Ave., Pierre SD 57501

RECEIVED

DEC - 5 2016

WATER RIGHTS PROGRAM

Please return White Copy to DENR Water Rights

Manikowski Well Drilling

316 Main Street

Geneseo, ND 58053

Phone: (701) 538-4566 • Fax: (701) 538-4565

Hole #2 NW 1/4 121-59 sec 32

Topsoil	0 - 1
Sand	1 - 5
Yellow clay	5 - 13
Oxidized Sand	13 - 17
Fine to Medium Sand	17 - 29
Fine to medium Sand with clay layers	29 - 46
Shale	46 - 60

Hole #3 NW 1/4 121-59 sec 32
600' North of hole #1

Yellow Clay	0 - 4
Oxidized sand	4 - 10
Fine to medium Gray Sand	10 - 16
Blue Clay	16 - 19
Shale	19 - 30

BETTER HEALTH THROUGH BETTER PLUMBING & HEATING

EASYmapping Acreage & Production Book

Multiple Peril Crop Insurance

Created By: C_LSYCHAMPANAKHONE

Created: 05/17/2021

Changes on map. 0

26



Policy #: SD-942-3057745-21
ZACHARY TOWNSEND

State: 46-SD
County: 037 - DAY
Legal: 121N059W-0032

0032

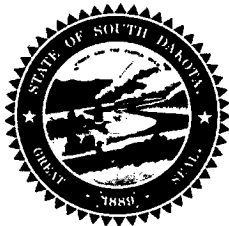
Agency/Agent Information: 405025
GREAT WESTERN BANK

Available units for map view:

Unit	Crop	Pract/Type	APH Yld
0002-0000 BU	OATS	NON IRR/S	67.0
Sub 001	0.3330 ALAN TOWNSEND		
0001-0003 BU	CORN	NON IRR/GSG	165.0
Sub 005	0.3330 ALAN TOWNSEND		
	5471		
0001-0009 BU	CORN	NON IRR/GSG	160.0
Sub 000	0.3330 ALAN TOWNSEND		
	5471		
0001-0003 BU	SOYBEA	NON IRR/COMM	45.0
Sub 000	0.3333 ALAN TOWNSEND		

Area Classification	Processor #/Name	# Trees or Vines	Insurability
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Field	Crop	Practice/Type/T-Yield Map Area/ Other Characteristics	Unit	Plant Acres	Plant Date	PP Acres	Uninsured Acres	Acreage Type	Other
f70	Sorghum's Add C/P/ T/V ☐	☐ LL/TN	Field Location Identification F5667-T1816-1	107.91	5-2-21				
	Int% - Share Name	☐ LL/TN	Field Location Identification	(CY) Total Production	Yield & Desc.			Production Rec. Type	
	Add C/P/ T/V ☐	☐ LL/TN	Field Location Identification	(CY) Total Production	Yield & Desc.			Production Rec. Type	
	Int% - Share Name	☐ LL/TN	Field Location Identification	(CY) Total Production	Yield & Desc.			Production Rec. Type	
	Add C/P/ T/V ☐	☐ LL/TN	Field Location Identification	(CY) Total Production	Yield & Desc.			Production Rec. Type	
	Int% - Share Name	☐ LL/TN	Field Location Identification	(CY) Total Production	Yield & Desc.			Production Rec. Type	
	Add C/P/ T/V ☐	☐ LL/TN	Field Location Identification	(CY) Total Production	Yield & Desc.			Production Rec. Type	
	Int% - Share Name	☐ LL/TN	Field Location Identification	(CY) Total Production	Yield & Desc.			Production Rec. Type	



OFFICE OF THE SECRETARY OF STATE

STEVEN J. BARNETT, SECRETARY OF STATE

JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **Townsend Family Farms, LLC**

General Information

SOS Business ID **DL198493**
Filing Type: Limited Liability Company - Domestic
 03/12/2021
Status: Good Standing
Duration Term: Perpetual
Managed By: Member-Managed

Registered Agent Address

Zachary Townsend
41258 138TH STREET
ANDOVER, SD 57422

Principal Address

41258 138TH STREET
ANDOVER, SD 57422

The following document(s) was/were filed in this office on the date(s) indicated below:

<u>Date Filed</u>	<u>Filing Description</u>	<u>Image #</u>
03/12/2021	Initial Filing	B0172-8019

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date August 4, 2021

RECEIVED OF Townsend Farms 14757 413th Ave., Conde SD 57434

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

Fee for Application for Permit No. <u>8541-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</u>
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>8541-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>950.00</u>

By Eric Gronlund
Chief Engineer

EG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 10, 2021

RECEIVED

AUG 20 2021

**WATER RIGHTS
PROGRAM**

Townsend Family Farms LLC
c/o ~~Austin~~ Townsend *Zachary*
41258 138th St
Andover SD 57422

Dear Mr. Townsend:

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

- Enclosed is the Form 2A, Supplemental Information. On Item No. 1 regarding the Well Information, please complete c) Well Depth. The three test hole logs all indicated different depths and I was not certain which depth to use. Also, please list the approximate distance to the nearest domestic well.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures



**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. 8541-3, Townsend Family Farms, LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8541-3, Townsend Family Farms LLC, 41258 138th St, Andover SD 57422.

The Chief Engineer is recommending APPROVAL of Application No. 8541-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8541-3 may be located near domestic wells. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells.
2. The well authorized by Permit No. 8541-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 13, 2021

**Report to the Chief Engineer on
Water Permit Application No. 8541-3**

Townsend Family Farms, LLC
2021 September 13

Water Permit Application No. 8541-3 seeks to appropriate 1.78 cubic feet of water per second (cfs), or 800 gallons per minute (cfs), from one well to be completed into the Altamont aquifer (65 feet deep) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32 for irrigation of 90 acres located in the NW $\frac{1}{4}$ Section 32; all in T121N-R59W, 5th Principal Meridian. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 11 miles southwest of Andover, South Dakota in Day County.

Aquifer: Altamont (A)

Hydrogeologic Characteristics

The Altamont aquifer is composed of a discontinuous collection of Quaternary Period sand and gravel outwashes generally in contact with the bedrock in northeastern South Dakota. Hedges, et al. [1] mapped an area of more than 1,672,800 acres of Altamont aquifer in Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, and Spink counties. In Day County, the Altamont aquifer underlies approximately 565,100 acres and contains an estimated 847,970 acre-feet of recoverable water [1]. Leap [2] mapped the basal aquifer in Day County at a scale of approximately 1:200,000. The Leap [2] map shows that the area where this applicant seeks to appropriate water is an isolated area of approximately 36,000 acres. Much of the outwash in this portion of the Altamont aquifer is below the Prairie Coteau, which means most of it is buried under several hundred feet of glacial deposits [2]. The section of land in which this application proposes to complete wells is outside or on the edge of the Prairie Coteau, so the Altamont aquifer is much closer to land surface.

The applicant submitted lithologic information from three test holes located in Section 32 T121N-R59W completed on February 3, 2016. For the first hole, located near the boundary between the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 32, the driller reported fine to medium sand from 23 to 63 feet below grade, blue clay from 63 to 65 feet below grade, and fine to medium sand from 65 to 67 feet below grade. For the second hole, located near the boundary of the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 32, the driller reported oxidized sand from 13 to 17 feet below grade, fine to medium sand from 17 to 29 feet, and fine to medium sand with clay lenses from 29 to 46 feet below grade. For the third hole, located 600 feet north of the first hole, the driller reported finding oxidized sand from 4 to 10 feet below grade and fine to medium grey (unoxidized) sand from 10 to 16 feet below grade. These elevations and materials are consistent with the Altamont aquifer in the area of this application [3] [4] [5] [6]. Since the test holes were not completed into wells with casing, water level data is not available. Based on the depth to materials, the third test hole is likely to be under unconfined conditions. Static water levels would need to be determined in the other test holes to conclude if the aquifer is confined or unconfined at their locations, and in fact, the confined or unconfined status of a well may change depending on the potentiometric surface of the aquifer at the time.

In the next section south (Section 5 T120N-R59W) of the area this application proposes to irrigate, there are 17 test hole and well completion reports completed for the holder of cancelled

Water Right No. 4371-3, which diverted 1.0 cfs (approximately 450 gpm) to irrigate 206 acres in that section [5] [6]. In the well completion report completed on October 15, 1975 for that water right, the driller reported yellow sand from 10 to 50 feet below grade, gray sand from 50 to 80 feet below grade, and coarse white sand from 80 to 110 feet below grade [5]. The driller reported a static water level of 33 feet below grade at the time that well was completed [5]. In the well completion report completed on April 22, 1977 for that water right, the driller indicated sand and clay from 3 to 22 feet below grade, sand from 22 to 55 feet below grade [5]. The static water level at the time of completion was 20 feet below grade [5]. The one other well completion report that includes casing information on file with the Water Rights Program that is associated with that water right was completed on May 22, 1979 [5]. The well driller reported fine gray sand from 8 to 12 feet below grade, brown sand from 12 to 27 feet below grade, sandy clay from 27 to 28 feet below grade, and gray sand from 28 to 32 feet below grade. The well driller did not report the water level at the time of completion for that well. In the administrative file for cancelled Water Right No. 4371-3, there a document dated May 20, 2008 indicating the person holding that water right found it “cost prohibitive to get only about 450 gpm from the 4 wells” authorized by that water right. Based on this information, it is likely that the water level in this area may vary at least 13 feet, which is a significant amount given that some of the aquifer materials encountered in the applicant’s section are only 12 feet thick.

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 domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will only assess the availability of water and possibility of developing this application without unlawful impairment of existing domestic water uses and water rights.

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 to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17) and the Altamont aquifer is not older and stratigraphically lower than the Greenhorn Formation. Therefore, it is necessary to find that recharge exceeds withdrawals to approve this application.

Pursuant to SDCL 46-5-6 the amount of water diverted may not exceed 1 cfs per 70 acres irrigated, but also provides that the “Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires.” The applicant is requesting to divert more than 1 cfs per 70 acres for Application No. 8541-3. The method of irrigation is a center pivot that does not rotate in a full circle and requires that flow rate and associated pressure for the system to function. In the past, the Water Management Board has approved applications that request a higher diversion rate than the statutory limit for similar reasons.

Availability of Water

Hydrologic Budget

While the Altamont aquifer technically is a set of discontinuous outwashes, the Water Management Board has historically considered it to be a single aquifer, for water management purposes. However, when performing the technical analysis of a water permit application, Water Rights Program engineers have considered applications on a local scale in addition to considering them with respect to the statewide set of Altamont outwashes. Therefore, a statewide and a local hydrologic budget are presented.

Statewide Recharge

Recharge to the Altamont aquifer in the area of this application is likely by infiltration of precipitation where the aquifer is at or near land surface and by groundwater inflow from glacial till when the hydraulic head of the glacial till is higher than the hydraulic head of the Altamont aquifer. There is not a recharge estimate available for the whole Altamont aquifer. Hamilton [7] indicates the recharge rate of the Altamont aquifer in Clark County is approximately 1.5 to 1.6 inches per year. Hedges, Allen, and Holly [8] used observation well levels to calculate recharge to unconfined portions of mostly confined aquifers and estimated that the recharge rate to unconfined portions of the Altamont aquifer was 2.2 inches per year, but they did not delineate the area they considered to be unconfined. For buried and confined aquifers, Hedges, Allen, and Holly [8] recommend using a recharge rate ranging between 0.15 and 0.6 inches per year, for water management purposes. Most of the Altamont aquifer is under buried, confined conditions, so without additional information, the Hedges, Allen, and Holly recharge rates are appropriate to use as a more conservative estimate of recharge in the aquifer. Table 1 shows estimated total recharge for the various recharge rates mentioned. The minimum recharge to the entire Altamont aquifer is approximately 7,100 ac-ft/yr and the maximum recharge estimate to the entire Altamont aquifer is approximately 75,000 ac-ft/yr.

Table 1: Recharge estimates for the entire Altamont aquifer [1] [7] [8]

Reference	Recharge Rate (in/yr)	Altamont Area (acres)	Estimated Total Recharge (ac-ft/yr)
Hamilton [7]	1.50	565,100	70,638
Hamilton [7]	1.60	565,100	75,347
Hedges, Allen, and Holly [8]	0.15	565,100	7,064
Hedges, Allen, and Holly [8]	0.60	565,100	28,255

Statewide Discharge

Discharge from the Altamont aquifer is likely by seepage to surface water features in contact with the aquifer, when the hydraulic head of the Altamont aquifer is higher than the stage of the surface water features, discharge to higher aquifers when the hydraulic head of the Altamont aquifer is higher than the aquifers it contacts, and by domestic and appropriate well withdrawals. Due to the prevalence of water distribution systems and presence of stratigraphically higher aquifers over most of its areal extent, domestic well withdrawals are estimated to be a negligible amount of the hydrologic budget. There are 79 water rights/permits currently authorized to withdraw from the Altamont aquifer and two future use permits reserving

water from the Altamont aquifer. Future Use Permit No. 4052-3 reserves 869 ac-ft/yr for the Town of Henry and Future Use Permit No. 4045B-3 reserves 12 ac-ft/yr for the Town of Wallace. Both towns purchase their water from another water distribution system [9] [6], but as long as they hold their future use permits, they must be considered in the hydrologic budget.

Of the 79 water rights/permits authorized to withdraw, 53 are for irrigation, 12 are for commercial use, 11 are for municipal use, and 3 are for industrial use. All irrigation water rights/permits in the Altamont aquifer are required to report their withdrawals annually [6]. The average annual reported irrigation use over the period of record from 1979 to 2020 is 2,332 ac-ft/yr [10]. Figure 1 shows a graph of reported irrigation in the Altamont aquifer over the period of record [10].

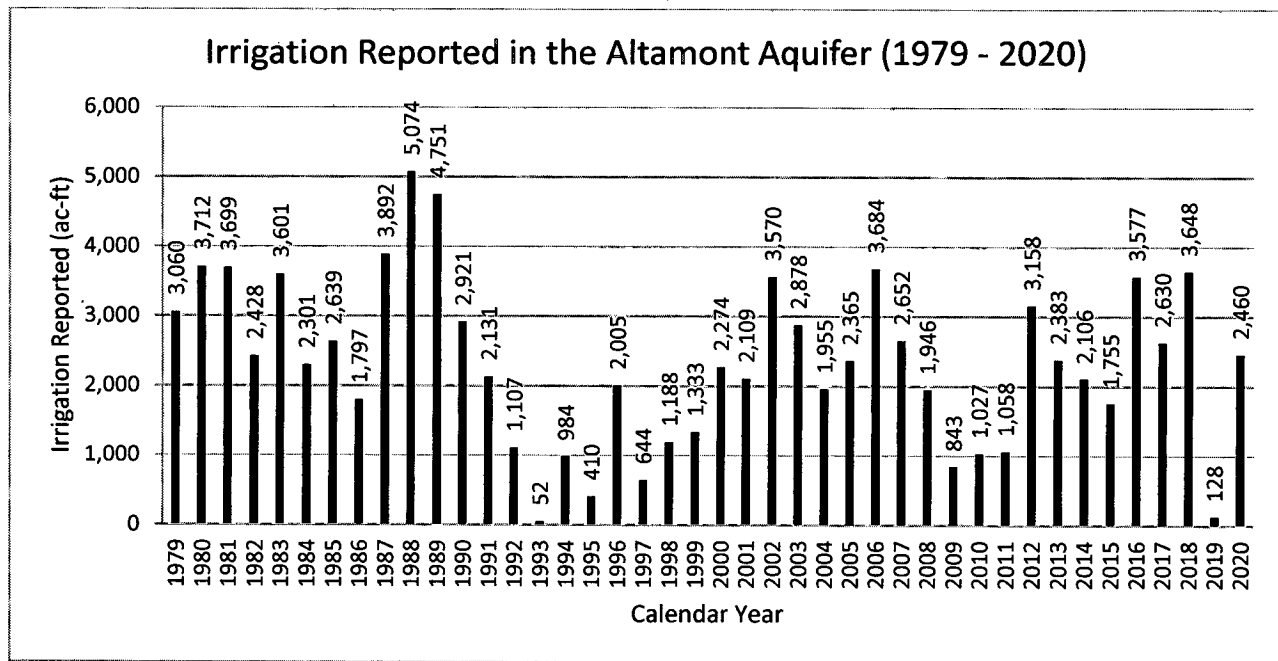


Figure 1: Irrigation reported in the Altamont aquifer [10]

Of the non-irrigation water rights/permits, Water Right Nos. 451-3, 1490-3, 1651-3, 1913-3, 4049-3, 4054A-3, 4320-3, 4861-3 are municipal water rights/permits that purchase their water from another water distribution system, and are assumed to withdraw a negligible amount of water [9]. There are 5 non-irrigation water rights/permits that are required to report their annual withdrawals [6]. All of them are new enough that they may not have fully developed their permits [11], so they are assumed to appropriate the full amount listed on their permit for a total withdrawal of 566 ac-ft/yr. Table 2 shows non-irrigation water rights/permits required to report and their reported withdrawal for each year of record [11].

Table 2: Non-irrigation water rights/permits required to report [6] [11]

Permit No.	8309-3	8349-3	8376-3	8414-3	8504-3	Total
Name	Otter Tail Power Company	Riverview, LLP	Husky Farms, LLC	Geronimo Energy	Redstone Farms, RE LLC	
Priority Date	09/18/2017	04/16/2018	09/17/2018	11/12/2019	03/25/2021	
Annual Appropriation (ac-ft)	12.0	399.0	77.0	1.0	77.0	566.0
Max. CFS	0.220	1.330	0.267	0.011	0.133	1.961
Year	Annual Report (ac-ft)					
2017	0.0	N/A	N/A	N/A	N/A	0.0
2018	0.0	0.0	N/A	N/A	N/A	0.0
2019	0.0	0.0	9.3	N/A	N/A	9.3
2020	0.0	11.3	44.1	0.2	N/A	55.6

There is one water right, Water Right No. 1718A-3, which has an annual volume limit of 81 ac-ft/yr listed on its permit, but no requirement to report its annual withdrawals. It is assumed to withdraw the full appropriation on its permit. There are 12 other non-irrigation water rights/permits authorized to withdraw that are not on standby, not required to report their withdrawals, and do not have an annual volume limit listed in their permit. They appropriate a total of 4.043 cfs and are assumed to pump at their maximum licensed/permitted withdrawal rate 60% of the time, for an estimated annual withdrawal of 1,757 ac-ft/yr.

Balance of Statewide Hydrologic Budget

Estimates of recharge to the Altamont aquifer in all of South Dakota range from approximately 7,100 ac-ft/yr to 75,000 ac-ft/yr. Table 3 shows a summary of appropriations discussed in the Discharge section. The estimated average annual withdrawal of all water rights/permits currently authorized to withdraw is 4,736 ac-ft/yr [6] [10] [11]. There are two future use permits reserving a total of 881 ac-ft/yr, for a total annual appropriation of 5,617 ac-ft/yr [6]. This application may withdraw up to 180 ac-ft/yr but is likely to withdraw 90 ac-ft/yr or less on average. Therefore, based on the statewide hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 3: Summary of withdrawals/appropriations in the Altamont aquifer [6] [10] [11]

Type	Number	Est. Avg. Use (ac-ft/yr)
Irrigation	53	2,332
Standby	8	0
Non-Irrigation, reporting	5	566
Non-irrigation, non-reporting, volume limited by permit	1	81
All others authorized to withdraw	12	1,757
Subtotal, authorized to withdraw	79	4,736
Future Use	2	881
Total	81	5,617

Local Hydrologic Budget

Recharge and discharge to the Altamont aquifer within the 36,000-acre area in Day County delineated by Leap [2] likely occur by the same methods as in the Statewide Recharge and Statewide Discharge sections. Using the same recharge rates as described in the Statewide Recharge section, recharge to the area delineated by Leap [2] could range between 450 and 4,800 ac-ft/yr [8] [7].

There are no other water rights/permits authorized to withdraw within the area delineated by Leap [2] [6]. It is likely there are domestic residential and stock wells withdrawing from this portion of the Altamont aquifer, but their withdrawal is negligible for this hydrologic budget. This application may withdraw at most 180 ac-ft/yr. However, it is likely to withdraw 90-ac-ft/yr or less on average. Therefore, based on the local hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Observation Wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to rely upon the record of observation well water levels, in addition to other information, in order to determine that recharge exceeds withdrawals. The Water Rights Program maintains 31 observation wells completed into the Altamont aquifer, but none are completed into the portion of the Altamont aquifer from which this application seeks to appropriate water [12] [2]. The nearest observation wells completed into the Altamont aquifer to this application are DA-78B, located approximately 6.6 miles northeast of this application, DA-77C, located approximately 6.8 miles northeast of this application, and CK-80A, located approximately 8.6 miles south of this application [12]. Figure 2 shows the water level elevations in those three observation wells [12]. In general, observation well water levels rise during wet periods and decline during dry periods, indicating natural discharge is occurring in the aquifer and is available for capture. Water levels in these observation wells might not represent the exact behavior of the Altamont aquifer near this application, but it is likely to be reflective of the amount of variation in water levels possible. Based on observation well readings, there is reasonable probability unappropriated water is available for this application.

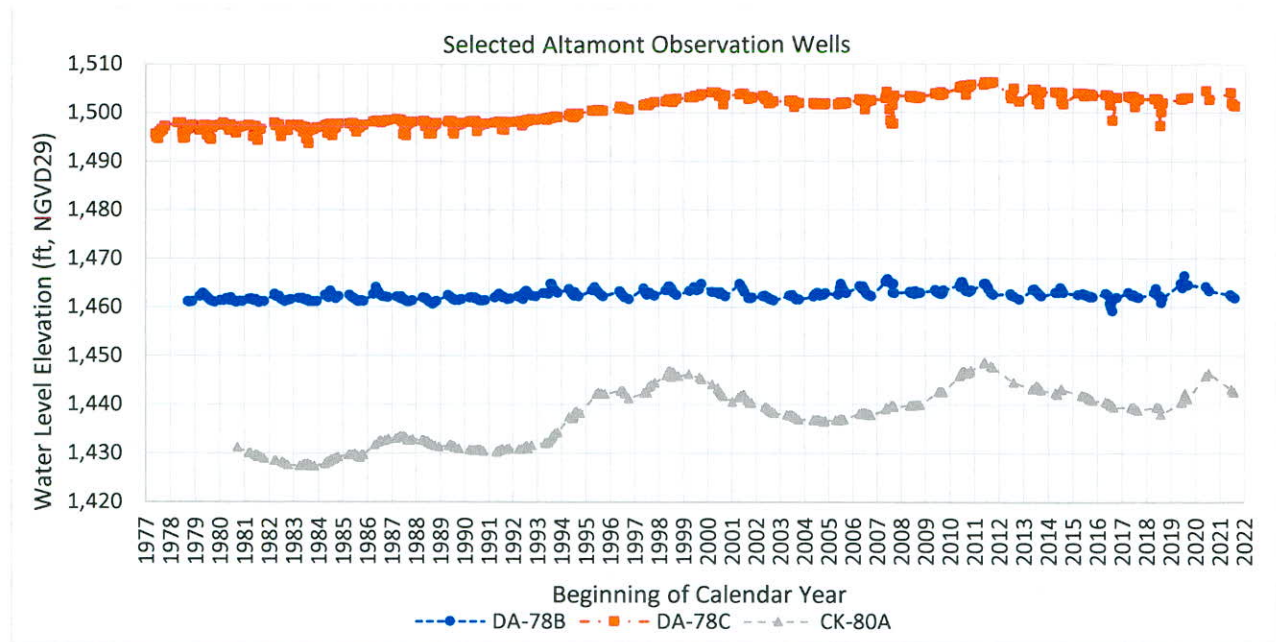


Figure 2: Nearby Altamont aquifer observation well water levels [12]

Potential for Unlawful Impairment of Existing Water Rights

The nearest domestic well on file with the Water Rights Program that is likely to be completed into the Altamont aquifer is located approximately 2 miles north of the section in which the applicant proposes to complete their well. There are currently no water rights/permits authorized to withdraw from this portion of the Altamont aquifer. The nearest water right/permit completed into the Altamont aquifer is Water Right No. 5565-3, located approximately 6 miles north of the section in which this application proposes to complete their well, but it is likely there is not a direct hydrologic connection between the portions of the Altamont aquifer this application proposes to use and Water Right No. 5565-3 is authorized to use [2]. Figure 3 shows the local aquifer area [2], the proposed well for this application, and nearby water rights and observation wells. 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 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

There are no complaints on file with the Water Rights Program regarding unavailability of water in adequate wells completed into the Altamont aquifer in Day County [16]. It is possible that the applicant could draw down the aquifer to such a point that an adequate well in a thinner part of the aquifer could become incapable of withdrawing needed water for reasonable domestic use. If

that occurs, that would probably be considered an unlawful impairment of the adequate domestic well. The applicant should control their withdrawals so that nearby water users with adequate wells completed into the Altamont aquifer can withdraw the water they need for reasonable domestic use. Despite the relatively thin nature of the aquifer, the distance from this application to the nearest domestic well on file with the Water Rights Program (2 miles) is such that there is reasonable probability the applicant can develop their well without unlawful impairment of existing water rights or domestic users with adequate wells.

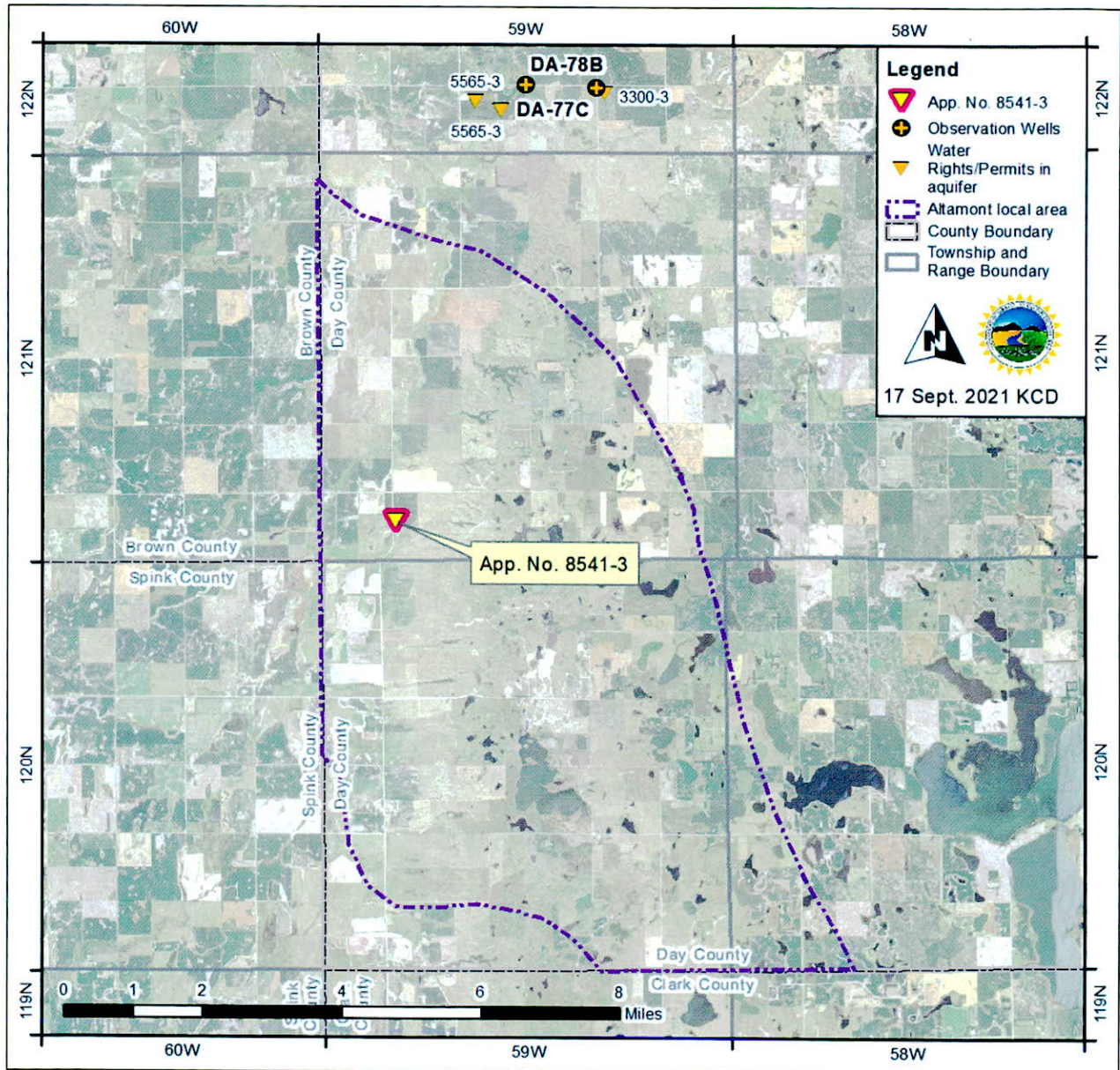


Figure 3: This application, local Altamont aquifer area [2], and nearest water rights [6] and observation wells [13]

Special Consideration – Well Yield Not Guaranteed

Information in the Water Right Permit File Database indicates a previous water right in the Altamont aquifer in the mile section south of this application has been cancelled because it was not cost effective to irrigate at a rate of 1.0 cfs [6]. Even though there is reasonable probability unappropriated water is available for this application and there is reasonable probability the applicant can develop this application without unlawful impairment of existing water rights or adequate domestic wells, approval of this application is not a guarantee that the applicant can achieve the yield requested at that location in the aquifer, especially with one well, nor is approval of this application a guarantee that it will be cost-effective to irrigate at the rate requested. If the applicant needs additional wells to meet their requested diversion rate, South Dakota Codified Law and Administrative Rule of South Dakota provide procedure and limitations by which they may add wells to this application to achieve the requested diversion rate.

Conclusions

1. Water Permit Application No. 8541-3 seeks to appropriate 1.78 cfs from one well to irrigate 90 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32 for irrigation of 90 acres located in the NW $\frac{1}{4}$ Section 32; all in T121N-R59W, 5th Principal Meridian.
2. This application seeks to withdraw at a rate exceeding 1 cfs per 70 acres. The applicant seeks to irrigate from a center pivot that does not complete a full circle, which has been a valid reason to allow a higher withdrawal rate than 1 cfs per 70 acres in the past.
3. Based on the statewide and local hydrologic budgets and observation well water levels, there is reasonable probability unappropriated water is available for this application.
4. There is reasonable probability this application can be developed without unlawful impairment of existing water rights/permits or adequate domestic wells.



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

References

- [1] L. S. Hedges, S. L. Burch, D. L. Iles, R. A. Barari and R. A. Schoon, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River, South Dakota and Iowa, Tasks 1-4," U.S. Army Corps of Engineers, Omaha, Nebraska, 1982.
- [2] D. I. Leap, "Geology and hydrology of Day County, South Dakota," SD DANR Geological Survey Program, Vermillion, South Dakota, 1988.
- [3] J. Condley, Interviewee, *Environmental Scientist I - SD DANR Geological Survey Program*. [Interview]. 9 September 2021.

- [4] SD Geological Survey, "Lithologic logs," Vermillion, South Dakota, 2020.
- [5] SD DANR Water Rights Program, "Well completion reports," Pierre, South Dakota, 2021.
- [6] SD DANR Water Rights Program, "Water right permit file database," SD DANR Water Rights Program, Pierre, South Dakota, 2021.
- [7] L. J. Hamilton, "Geology and water resources of Clark County, South Dakota part II: water resources," SD DANR Geological Survey Program, Vermillion, SD, 1986.
- [8] L. S. Hedges, J. Allen and D. E. Holly, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River - South Dakota and Iowa: Task 7: Ground water recharge," U.S. Army Corps of Engineers, Omaha, Nebraska, 1985.
- [9] Drinking Water Program, "Your Water System Information," SD DENR Drinking Water Program, 9 February 2021. [Online]. Available: <https://denr.sd.gov/des/dw/sysinfo.aspx>. [Accessed 9 February 2021].
- [10] SD DANR Water Rights Program, "Irrigation questionnaire summaries," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, SD, 2021.
- [11] SD DANR Water Rights Program, "Non-Irrigation Yearly Reports," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2021.
- [12] FSA, "Day County photomosaic," USDA FSA, Salt Lake City, Utah, 2019.
- [13] A. Mathiowetz, Interviewee, *Natural Resources Engineer IV - SD DANR Water Rights Program*. [Interview]. 25 August 2021.
- [14] J. M. Carter and K. M. Nietzert, "Estimated Use of Water in South Dakota, 2005," United States Geological Survey, Rapid City, South Dakota, 2008.
- [15] SD DANR Livestock Services Program, "Animal Table," SD DANR Livestock Services Program, Joe Foss Bldg., Pierre, South Dakota. Unpublished, 2021.
- [16] SD DANR Water Rights Program, "County Files," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2021.

Schlaak, Karen

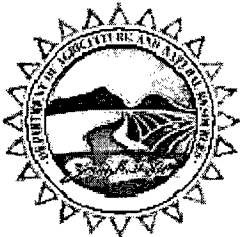
From: Schlaak, Karen
Sent: Thursday, October 14, 2021 1:24 PM
To: townsend@nvc.net
Subject: Water Permit Application No. 8541-3
Attachments: 2049.pdf

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.

I am also forwarding an email from the Aberdeen American News with some contact information regarding your notice.

Karen Schlaak

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



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NOV - 9 2021

WATER RIGHTS
PROGRAM

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Zachary Townsend
Townsend Family Farms LLC
Zachary Townsend
41258 138th ST
Andover SD 57422-5430

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

10/25/2021

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.
Sworn to and subscribed before on 10/25/2021

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$48.40

Order No: 6419795

of Copies:

Customer No: 629738

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

AMY KOKOTT
Notary Public
State of Wisconsin

NOTICE OF APPLICATION NO. 8541-3 to Appropriate Water

Notice is given that Townsend Family Farms, LLC, Zachary Townsend, 41258 138th St, Andover SD 57422 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Altamont Aquifer (65 feet deep) located in the SW 1/4 NW 1/4 Section 32 for irrigation of 90 acres located in the NW 1/4 Section 32; all in T121N-R59W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 11 miles southwest of Andover SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8541-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) It is a beneficial use of water, and 4) It is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at

<https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person

or the applicant must be filed by November 4, 2021.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at

<https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 4, 2021.

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 \$48.40

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OCT 27 2021

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

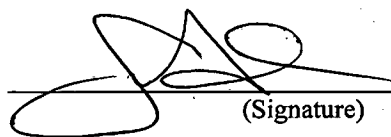
County of Day) SSI, TOWNS FARM

certify that the attached printed Notice was taken

from the Reporter &
Farmerprinted and published in WebsiteCounty of Day and

state of South Dakota. The notice was published

in the newspaper on the following date:

OCT 25, 2021Cost of Printing 4487
(Signature)Publisher
(Title)10/25/21
(Date Signed)

Townsend Farms files water application

NOTICE OF APPLICATION
NO. 8541-3 TO
APPROPRIATE WATER

Notice is given that Townsend Family Farms, LLC, Zachary Townsend, 41258 138th St., Andover SD 57422 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Altamont Aquifer (65 feet deep) located in the SW 1/4 NW 1/4 Section 32 for irrigation of 90 acres located in the NW 1/4 Section 32; all in T121N-R59W. The applicant is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres. This site is located approximately 11 miles southwest of Andover, SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8541-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 4, 2021.

The petition shall include a statement describing the unique injury upon approval of the application on the

petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 4, 2021.

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 \$44.87.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 14, 2021 11:16 AM
To: Aberdeen News Legals (aan-legals@aberdeennews.com)
Subject: 8541-3, Townsend Family Farms LLC
Attachments: 8541-3public.short_final.docx; FORM8.FRM.doc

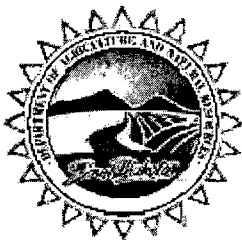
Attached is a notice to be published on October 25, 2021.

Townsend Family Farms LLC, c.o Zachary Townsend, 41258 138th St, Andover SD 57422 (605 380-6852) 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: Thursday, October 14, 2021 11:15 AM
To: 'news@reporterandfarmer.com'
Subject: 8541-3, Townsend Family Farms LLC
Attachments: 8541-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 25, 2021.-

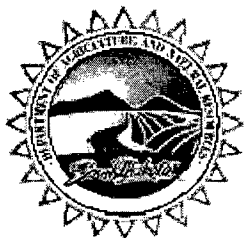
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Let me know if you have questions. Please acknowledge receipt of this email.

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.**

October 21, 2021

Townsend Family Farms LLC
c/o Zachary Townsend
41258 138th St
Andover SD 57422

Dear Mr. Townsend:

Water Permit Application No. 8541-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Reporter & Farmer printed at Webster (Ph # 345-3356) and the American News printed at Aberdeen (Ph # 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.

NOTICE OF APPLICATION NO. 8541-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8541-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 4, 2021.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 4, 2021.

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

NOV 30 2021

Townsend Family Farms LLC
c/o Zachary Townsend
41258 138th St
Andover SD 57422

Dear Mr. Townsend:

Enclosed is Water Permit No. 8541-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures