

WATER PERMIT NO. 8542-3

Name of Applicant: **Tyler Andersen**

Address: **400 Lincoln St, Centerville SD 57014**

Phone: **605 201-6525**

Amount of Water Claimed: **1.61 cfs**

Total Acres: **103 acres**

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

Water to be used for: **irrigation**

County: **Turner**

Type of Waste Disposal System:

Location: **1 mile south of Centerville**

PRIORITY

Date Received: **8-9-21**

Application/License Fee: **\$ 100**

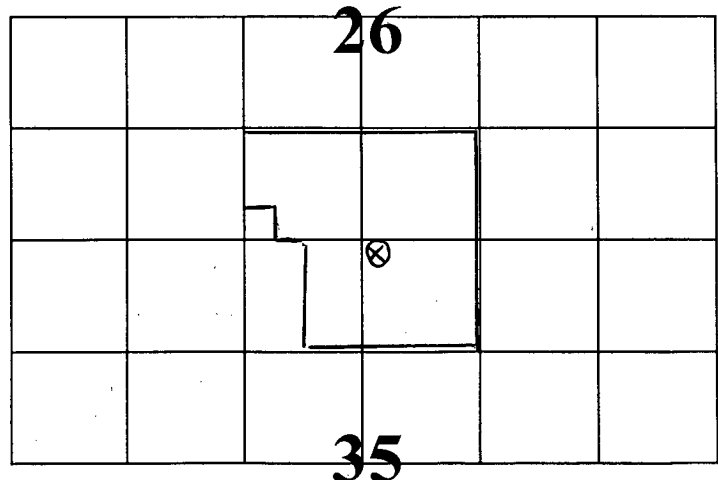
Corrected Application Received: **8-25-21**

Period of Annual Use: **April 1 – October 31**

Remarks: **Reinstatement of Permit^N No. 8037-3**

Diversion Point: **NW 1/4 SE 1/4 Sec 35-T96N-R52W**

Land to be Irrigated: **SW 1/4 SE 1/4, SE 1/4 SW 1/4 Sec 26 and NW 1/4 NE 1/4, NE 1/4NW 1/4 Sec 35; all in T96N-R52W**



Depth of Well: **105 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **8-25-21**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8542-3**

Date of first receipt of application August 9, 2021.

Date of return to applicant for corrections, amendments or changes August 11, 2021.

Date of receipt of corrected application August 25, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8542-3 to Tyler Andersen, 400 Lincoln St, Centerville SD 57014 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. 8542-3 reinstates Water Permit No. 8037-3. Permit No. 8037-3 appropriates 1.61 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri:South Aquifer (105 feet deep) located in the NW 1/4 NE 1/4 Section 35 for irrigation of 103 acres located in the SW 1/4 SE 1/4, SE 1/4 SW 1/4 Section 26 and the NW 1/4 NE 1/4, NE 1/4 NW 1/4 Section 35; all in T96N-R52W. The permit was approved September 22, 2014 and the project was to be completed September 22, 2019 with water being put to beneficial use by September 22, 2023. Application No. 8542-3 proposes to reinstate Permit No. 8037-3 since the project has not been completed. This site is located approximately 1 mile south of Centerville 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 – October 31.
3. The date from which applicant may claim right is August 9, 2021.
4. The date of approval of Permit No. 8542-3 is November 8, 2021.
5. One-fifth of the construction is to be completed on or before May 8, 2024.
6. All construction is to be completed on or before November 8, 2026.
7. Water is to be put to beneficial use on or before November 8, 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. 8542-3 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. 8542-3 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.

(continued)

Water Permit No. 8542-3

Tyler Andersen

Page 2

3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8542-3 authorizes a maximum diversion rate of 1.61 cfs for the irrigation of 103 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

NOV 30 2021
date



AUG 09 2021

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8542-3</u> (office use only) Hydrologic Unit <u>10170102</u> WATER RIGHTS PROGRAM
	Basin <u>Vermillion River</u>
	Newspaper <u>Centerville Journal</u>
	<u>Press & Dakotan</u>

PAID

AUG 9 2021

Ck# 2691

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 8037-3
(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Tyler Andersen

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

Mailing Address 400 Lincoln st Centerville SD 57014
(Address) (City) (State) (Zip Code)

Phone 605-201-6525 Mobile 605-201-6525 Email tyander40@yahoo.com

2. Amount of water claimed 1.61 *CFS or 725 **GPM ***AF Total Acreage 103
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply South Management unit of Upper Vermillion Missouri Aquifer4. Location of point of diversion NW 40 of NE1/4 of section 35 T96-R52

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

County Turner5. County or counties where water will be used Turner6. Annual period during which water is to be used April - October

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
SW1/4 SE1/4 26-96-52	33		
SE1/4 SW1/4 26-96-52	16		
NW1/4 NE1/4 35-96-52	34		
NE1/4 NW1/4 35-96-52	20		

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

Requesting diversion rate greater than statutory limit

I, Tyler Andersen, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

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

a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by SD Geological Survey
(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) 105 ft Depth to Top of Water Bearing Material Depth to Water from Surface

d) Distance to nearest domestic well on applicant's property Property owned by others >2500 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



United States Department of Agriculture
Farm Service Agency

January 11, 2011

Lincoln County, SD

PLSS: 35_96N_52W
Farm: 6393

1:8,000

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS. January 11, 2011

RECEIVED

JUL 24 2014

WATER RIGHTS PROGRAM

2010 Ortho-Photography - Not to Scale

Common Land Units

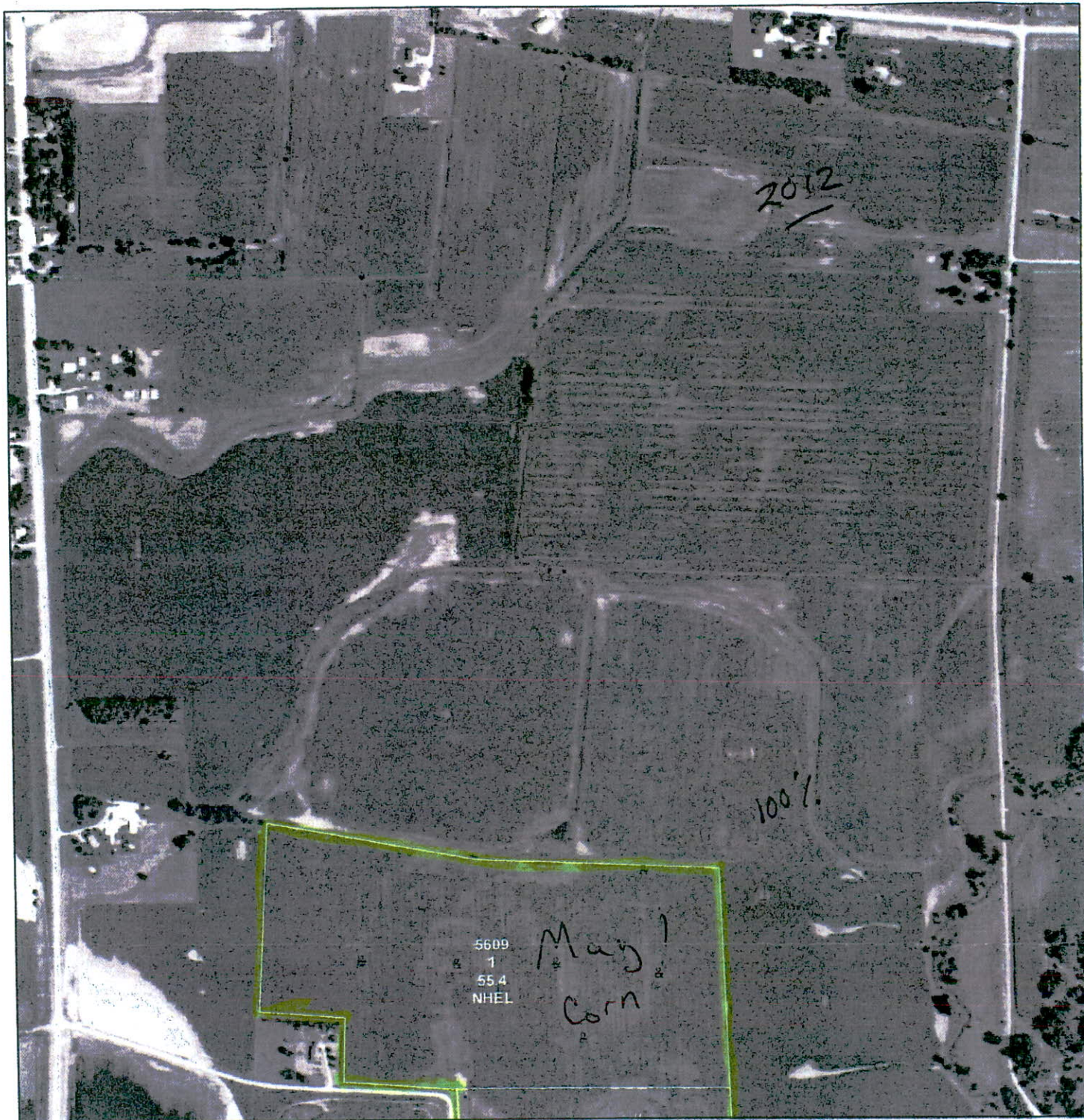
Wetland Determination Identifiers

- & Restricted Use
- * Limited Restrictions
-) Exempt from Conservation Compliance Provisions

RECEIVED

JUN 10 2014

WATER RIGHTS PROGRAM



United States Department of Agriculture
Farm Service Agency

January 11, 2011

Lincoln County, SD

PLSS: 26_96N_52W
Farm: 6393

RECEIVED

JUL 24 2014

WATER RIGHTS PROGRAM

1:7,800

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.
January 11, 2011

2010 Ortho-Photography - Not to Scale

Common Land Units

Wetland Determination Identifiers

& Restricted Use

* Limited Restrictions

) Excluded from Conservation Compliance Provisions

RECEIVED

JUN 10 2014

WATER RIGHTS PROGRAM

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 25, 2021

RECEIVED OF Tyler Andersen 400 Lincoln St., Centerville SD 57014

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

Fee for Application for Permit No. <u>8542-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>50.00</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. _____	\$ _____
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>50.00</u>

By Eric Gronlund
Chief Engineer
me

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 9, 2021

RECEIVED OF Tyler Anderson 400 Lincoln St. Centerville SD 57014

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

Fee for Application for Permit No. <u>8542-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>50.00</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. _____	\$ _____
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>50.00</u>

By Eric Gronlund
Chief Engineer
EM



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 11, 2021

Tyler Andersen
400 Lincoln St
Centerville SD 57014

Dear Mr. Andersen:

Thank you for submitting the *Application for a Permit to Appropriate Water* for reinstatement of Water Permit No. 8037-3. In order to complete the application, the following is required.

- We received your check for \$50.00. The fee for filing a reinstatement is \$100.00. Please submit an additional \$50.00.

You should be aware that you will be responsible for the cost of publication of the public notice. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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



**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. 8542-3, Tyler Andersen**

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. 8542-3, Tyler Andersen, 400 Lincoln St, Centerville SD 57014.

The Chief Engineer is recommending APPROVAL of Application No. 8542-3 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. 8542-3 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. 8542-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8542-3 authorizes a maximum diversion rate of 1.61 cfs for the irrigation of 103 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 19, 2021

**REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NO. 8542-3
TYLER ANDERSON
OCTOBER 11, 2021**

Water Permit Application No. 8542-3 proposes to reinstate Water Permit No. 8037-3. Permit No. 8037-3 appropriates 1.61 cubic feet per second (cfs) of water from the Upper Vermillion Missouri: South aquifer from a single, approximately 105 feet-deep, well to be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35 for irrigation of 103 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35; all in T96N-R52W. The site is in Turner County, approximately 1 mile southeast of Centerville, SD. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

AQUIFER: Upper Vermillion Missouri: South (UVM: S)

Aquifer Characteristics

The current Upper Vermillion Missouri: South aquifer boundary contains portions of the original boundaries from both the Upper and Lower Vermillion Missouri aquifers, as defined by Hedges, et al. (1982). The location of this proposed application is within the boundary previously designated as the Upper Vermillion Missouri aquifer. In Turner County, this portion of the aquifer is composed of fine sand and medium-pebble gravel deposited in a northwest-southeast trending, pre-glacial bedrock channel (Lindgren and Hansen, 1990).

Between 2013 - 2014, the SD DENR Water Rights and Geological Survey Programs (now a part of SD DANR) conducted a study to define more accurate aquifer boundaries and to provide more accurate information regarding the allocation of water from these aquifer management units. This extensive test hole drilling and well completion report study resulted in a clarification of the aquifer boundary between the Upper Vermillion Missouri and Lower Vermillion Missouri aquifer as well as defining management units in the Upper Vermillion Missouri aquifer. Buhler (2014) utilized geologic and hydrologic conditions (i.e. bedrock topography, outwash lithology, and aquifer potentiometric surface data) to change the boundary between the Upper and Lower Vermillion Missouri aquifers and to divide the Upper Vermillion Missouri into the North, South, and West management units. These divisions were adopted by the Water Management Board at the March 6, 2014 meeting (Water Rights, 2014). The Upper Vermillion Missouri: South aquifer encompasses approximately 78,820 acres underlying portions of Clay, Lincoln, and Turner Counties (Buhler, 2014). The Holmes and Filipovic (2015) publication was also produced from the study. The authors asserted that there was no scientific justification to support separate management units therefore, they removed the distinction between the Upper and Lower units and named the entire deposit the Vermillion Missouri aquifer. While this description is not utilized by the Water Rights Program or the Water Management Board as noted above, the Holmes and Filipovic (2015) report did change the boundaries of the overlying Parker-Centerville aquifer. Figure 1 shows the current delineation of the Upper Vermillion Missouri aquifer management units and the hydraulic connection with the overlying Parker-Centerville aquifer.

The Upper Vermillion Missouri: South is generally under confined conditions (Buhler, 2014) except around the Clay-Turner County line where it is in hydraulic connection with the overlying Parker-Centerville aquifer (Lindgren and Hansen, 1990; Holmes and Filipovic, 2015). Holmes and Filipovic (2015) is the most recent source to describe the direction of ground water movement as moving from the north to the south and into Clay County, where the Upper and Lower Vermillion Missouri aquifers blend.

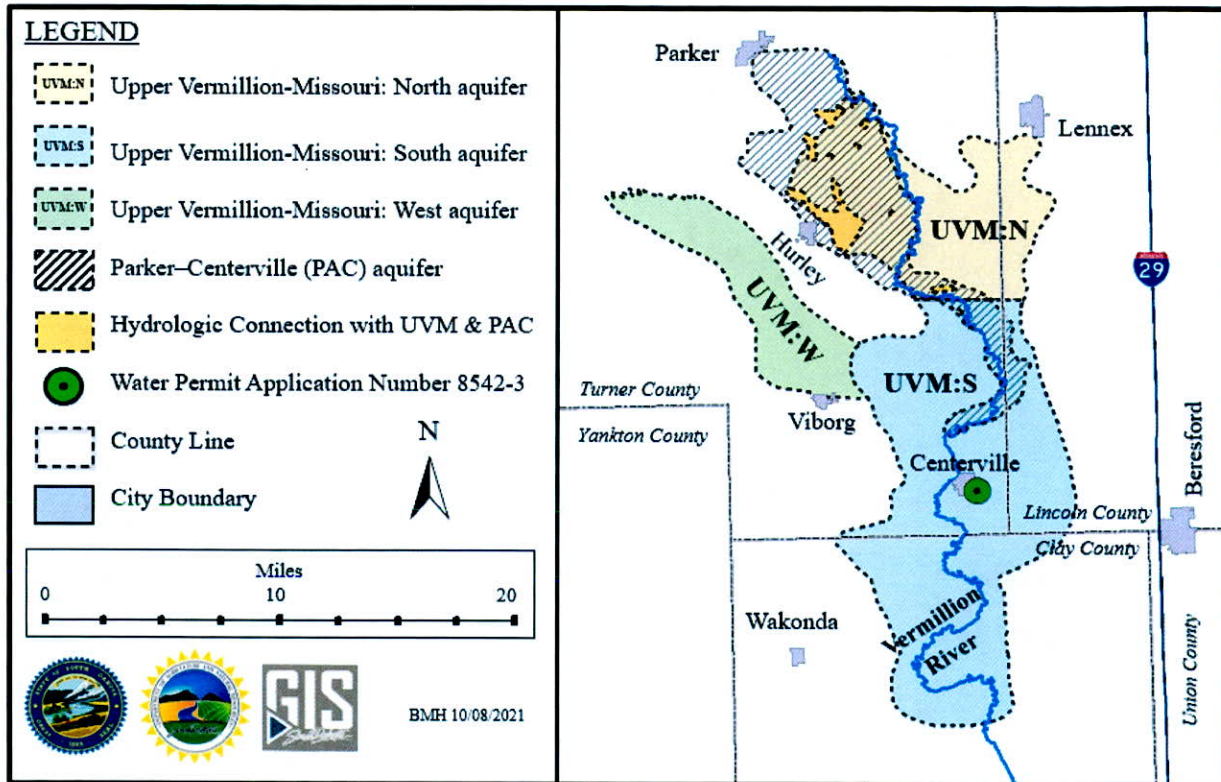


Figure 1. Water Permit Application No. 8542-3 shown within the Upper Vermillion Missouri: South aquifer boundary (modified from: Buhler (2014) and Holmes and Filipovic (2015)).

There are several water rights within the vicinity of the proposed application site. Water well completion reports show an average of 95 feet of silty, sandy clay (till) overlying sand with gravel (Water Rights, 2021a). With the static water level, during the time of drilling at an average of 60 feet below ground surface, this indicates that the proposed site is under confined conditions with an average of 35 feet of artesian head pressure near the proposed application (Water Rights, 2021a).

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-8.1

Pursuant to SDCL 46-2A-8.1, the Water Management Board may reinstate any water permit, with a priority date after March 31, 1977, if unappropriated water is available and construction to put water to beneficial use was not completed pursuant to SDCL 46-2A-8 or 46-5-26. The application for reinstatement must also be within three years of the expiration of the original construction date. The priority date will be the date the application was filed for reinstatement. Because this application is within the three-year time frame, this report will address water availability and potential for unlawful impairment of existing water rights within the Upper Vermillion Missouri: South aquifer.

WATER AVAILABILITY

Water Permit Application No. 8542-3 proposes to appropriate water from the Upper Vermillion Missouri: South aquifer. The probability of unappropriated water being available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source..." If the source of the water is older or lower than the Greenhorn Formation and a water distribution system as defined in SDCL 46-1-6(17) has applied for a permit, the Board need not consider the balance of recharge to and withdrawal from the aquifer. For this application, a water distribution system is not involved, and the aquifer is not older or lower than the Greenhorn Formation, therefore the balance of recharge and withdrawal must be considered.

Hydrologic Budget

Recharge:

The current delineation of the Upper Vermillion Missouri: South aquifer consists of an area that was previously defined as containing portions of both the Upper Vermillion Missouri and Lower Vermillion Missouri aquifers. Recharge to the Upper Vermillion Missouri aquifer occurs primarily through the infiltration of precipitation where the aquifer is at or near the ground surface and drainage to the Upper Vermillion Missouri aquifer where it is in direct contact with the overlying Parker-Centerville aquifer (Holmes and Filipovic, 2015). Lindgren and Hansen (1990) also noted that recharge is possible by leakage from the Niobrara and Sioux Quartzite bedrock formations. However, Holmes and Filipovic (2015) note that water-level data and water quality analyses do not indicate that ground water from the Niobrara Formation has a significant influence on the Upper Vermillion Missouri or Parker-Centerville aquifers

There has been no recharge rate established specifically for the Upper Vermillion Missouri: South aquifer. Hedges, et al. (1985) did estimated a recharge rate of 0.25 inches per year (approximately 0.021 feet per year) using a regional flow-net analysis for the entire Upper Vermillion Missouri as delineated at that time. Applying this recharge rate to the current the Upper Vermillion Missouri: South aquifer areal extent (78,890 acres) yields an estimated recharge rate of 1,657 ac-ft/yr. for this aquifer. Additional study and observation well data have shown that this value is not representative of the existing conditions in the aquifer nor is it supported by the observation well data.

Buhler (2014) utilized estimated groundwater outflow information to complete a flow net analysis of the Upper Vermillion Missouri aquifer. Analysis included all previously defined Upper and Lower Vermillion Missouri aquifer water rights/permits that were active at the time of the study and were identified as withdrawing water from the Upper Vermillion Missouri: South aquifer. While a specific recharge rate was not determined, results indicate that recharge exceeded withdrawals from the Upper Vermillion Missouri: South aquifer by an estimated 5,637 to 8,223 ac-ft/yr at that time.

Discharge:

Discharge from the Upper Vermillion Missouri: South aquifer occurs through evapotranspiration in areas where the aquifer is near land surface, well withdrawals, and subsurface flow into Clay

County where it blends with the Lower Vermillion Missouri aquifer (Lindgren and Hansen, 1990). Currently, there are a total of 86 water rights/permits, (82 irrigation and 4 non-irrigation), appropriating water from the Upper Vermillion Missouri: South aquifer (Water Rights, 2021a).

Buhler (2014) utilized irrigation summaries, from 1979-2013, to determine that an average annual application rate of six inches (0.5 feet) per permitted acre is appropriate for this aquifer. Since the conclusion of this analysis, there are 30 additional active permits and 4 pending applications (Table 1) to irrigate approximately 3,508 acres from the Upper Vermillion Missouri: South. Utilizing the 0.5 feet application rate, this indicates that approximately 1,754 ac-ft/yr needs to be accounted for as withdrawal against the minimum exceedance recharge of 5,637 ac-ft/yr established by Buhler (2014). The rising or stable water levels in observation well data supports Buhler's (2014) conclusion.

Table 1. Approved and Pending Irrigation Permits not included in the Buhler (2014) report (Water Rights, 2021a).

Permit No.	Name	Priority Date	Permitted Acres	Estimated Use (ac-ft/yr)	Status
6811A-3	Jesse & Tanya Vandestroet	04/10/2014	115	57.5	Permitted Water Right
6820A-3	Jesse & Tanya Vandestroet	01/23/2014	43	21.5	
7383-3	Metabank	07/20/2012	25	12.5	
7384-3	Nicholas & Courtney Blake	07/20/2021	80	40	
7441-3	Jason or Alicia Knutson	09/26/2012	140	70	
7442-3	Leah Johnson	09/26/2012	40	20	
7466-3	Bethel Hagen Trust	10/18/2012	152	76	
7467-3	Cleland Hagen Trust	10/18/2012	152	76	
7600-3	Michael D Stevens	12/28/2012	180	90	
7601-3	Michael D Stevens	12/28/2012	132	66	
7603-3	Michael D Stevens	12/28/2012	120	60	
7690-3	Timor Dave Ostrem	12/20/2013	160	80	
7693-3	Metabank	02/06/2013	27.7	13.85	
7900-3	Leon Thompson	09/11/2013	136	68	
7919-3	Larry & Marlene Erickson	10/23/2013	83.83	41.92	
7945-3	Brad or Linda Trudeau	01/17/2014	60	30	
7947-3	Leon, Holly & Jordan Rozeboom	01/23/2014	133.44	66.72	
7948-3	Liberty Land & Livestock, LLC	01/23/2014	55.02	27.51	
7949-3	Jesse & Tanya Vandestroet	01/23/2014	100.9	50.45	
7964-3	Paul, Mike & John Shubeck	02/12/2014	128	64	
7976-3	Vasgaard Properties	02/27/2014	160	80	
7990-3	Robert P. Walsh	04/02/2014	240	120	
7993-3	Jesse & Tanya Vandestroet	04/10/2013	53	26.5	
7994-3	Metabank	04/10/2014	72	36	
7995-3	Jesse & Tanya Vandestroet	04/10/2014	25	12.5	
8007-3	Louis Latendresse	04/18/2014	150	75	
8037-3	Tyler Andersen	06/10/2014	103	51.5	
8070-3	Hansen Irrigated Farms. LLC	01/07/2015	96	48	
8071-3	Hansen Irrigated Farms. LLC	01/07/2015	51	25.5	
8072-3	Jesse & Tanya Vandestroet	01/07/2015	40	20	
8469-3	Double A Farms, LLC	03/15/2021	114	57	
8492-3	Tim or Kari Ostrem	02/19/2021	180	90	
8542-3	Nicholas Blake	03/22/2021	160	80	
8542-3	Tyler Anderson	reinstates 8037-3 quantities			Pending
			3508	1754	Total

There are four non-irrigation permits that appropriate water from the Upper Vermillion Missouri: South aquifer. The City of Centerville holds two municipal use permits, No. 4204-3 (0.22 cfs) and No. 5898-3 (0.89 cfs) that are licensed to withdraw a combined total of approximately 483 ac-ft-yr, assuming a 60 percent pumping rate. However, Centerville purchases water from the Lewis and Clark Regional Water System and maintain their water permits for emergency purposes (Drinking Water, 2021; Water Rights, 2021a). Therefore, these permits are assumed to pump a negligible amount of water. The Clay Rural Water System has two permits, No. 3905-3 (2.00 cfs) and No. 5979-3 (2.00 cfs), which are each authorized to withdraw an estimated 870 ac-ft-yr or an estimated combined total of 1,740 ac-ft/yr, assuming a 60 percent pumping rate. The appropriation from these permits was accounted for in the Buhler (2014) analysis and are mentioned in this report for administrative purposes. There are numerous domestic wells on file with the Water Rights Program within the Upper Vermillion Missouri: South aquifer (Water Rights 2021b). Domestic users are not required to report their annual water usage and, with their low diversion rates, are not considered a significant portion of the hydrologic budget. Additionally, some domestic wells may no longer be in use after transitioning to getting water from one of the rural water systems in the area.

Water Balance:

Buhler (2014) established that there is a minimum exceedance of 5,637 ac-ft/yr of recharge over withdrawal occurring for the Upper Vermillion Missouri: South aquifer. Since the completion of Buhler's (2014) report, there is approximately 1,754 ac-ft/yr of additional water being appropriated (active new, post 2014, irrigation permits and pending application) that draws from the exceedance recharge amount. This indicates that there is a reasonable probability recharge potential exists in this aquifer to meet the total current estimated appropriation and the withdrawal proposed by this application.

Observation Well Data

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DANR-Water Rights Program monitors nine observation wells completed into the Upper Vermillion Missouri: South aquifer (Water Rights, 2021c). Figures 2 through 4 are hydrographs for the observation wells within five miles to the proposed application. The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing. They are representative of the hydrographs for the other observation wells completed into this aquifer management unit. The hydrographs show the water level of the aquifer is stable or rising over the period of record. They indicate that the aquifer responds well to climatic conditions with rising water levels during wet periods and declining water levels during drier periods. They also demonstrate that any drawdowns from pumping are temporary because the water levels typically recover to pre-pumping levels after the irrigation season. This recovery indicates that climatic conditions (the natural effects of recharge to and discharge from the aquifer) govern the long-term fluctuations of the water level rather than the impacts of pumping from the Upper Vermillion Missouri: South aquifer. This indicates that there is a reasonable probability that unappropriated water available in this aquifer management unit.

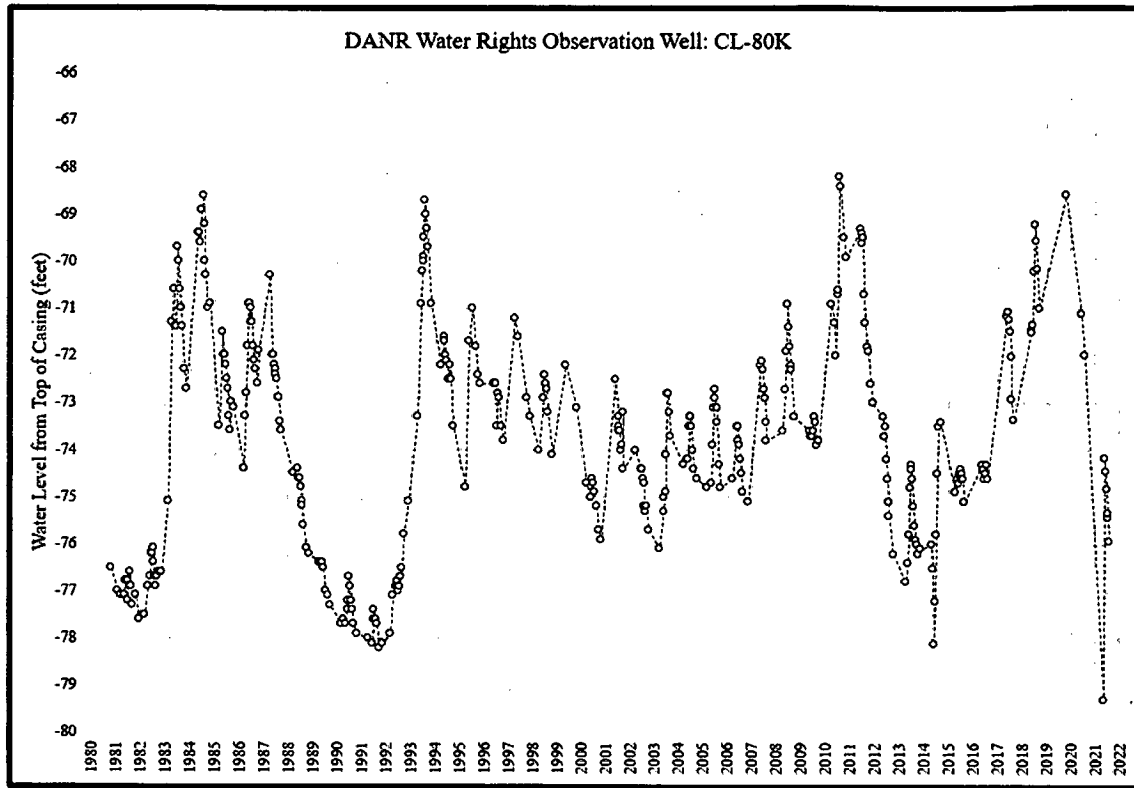


Figure 2. Hydrograph for observation well CL-80K. It is approximately 3.2 miles southeast of the proposed well location for Water Permit Application No. 8542-3 (Water Rights, 2021c).

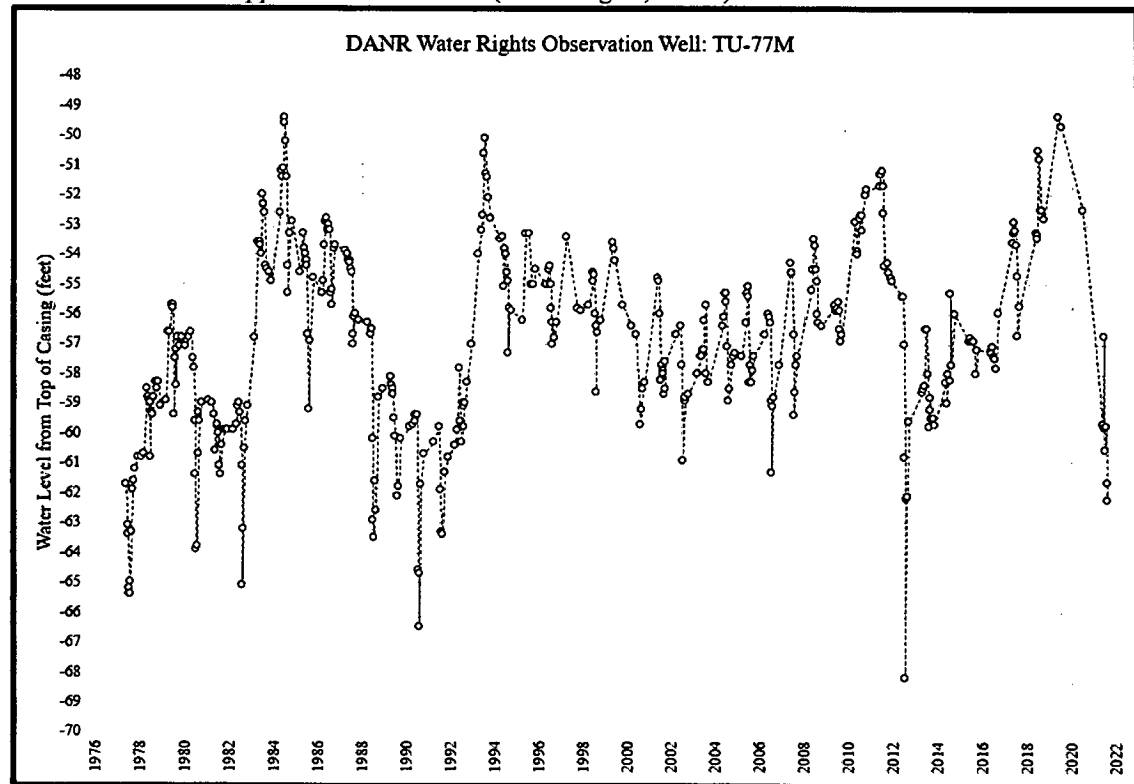


Figure 3. Hydrograph for observation well TU-77M. It is approximately 3.4 miles northwest of the proposed well location for Water Permit Application No. 8542-3 (Water Rights, 2021c).

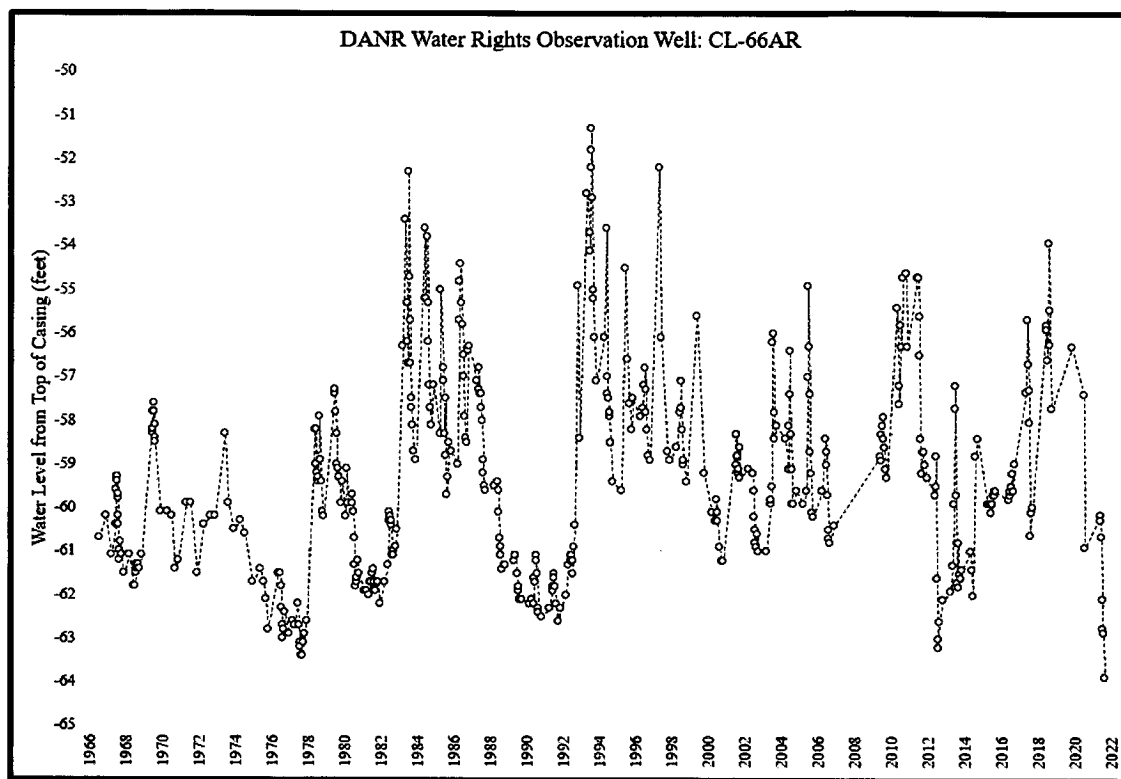


Figure 4. Hydrograph for observation well CL-66AR. It is approximately 5.2 miles southwest of the proposed well location for Water Permit Application No. 8542-3 (Water Rights, 2021c).

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS

Currently, there are a total of 86 water rights/permits, 82 irrigation and 4 non-irrigation, appropriating water from the Upper Vermillion Missouri: South aquifer (Water Rights, 2021a). Table 2 lists the water rights/permits shown in Figure 5 located within 5 miles of the proposed well location. Because this aquifer is under confined conditions, drawdown due to pumping may be very large at the production well. Buhler (2014) noted that measured drawdown in the pumping well, from the development of the 24 irrigation wells, ranged from 6 – 92 feet (with an average of 23 feet) and, as distance from a pumping well increases, the amount of drawdown decreases. Buhler (2015) did discuss distance and drawdown in a hypothetical situation applying to the similarly geologically deposited Upper Vermillion Missouri: North aquifer unit. His results showed that drawdown from a production well (pumping for 90 days at a rate of 1.78 cfs) was estimated to be 7.51 feet at a distance of 500 feet, 4.55 feet at a distance of 1 mile, and 1.69 feet at a distance of 10 miles. As noted above, wells near the proposed production well for this application have an average of 35 feet of artesian head pressure. Therefore, it is reasonable to conclude that drawdown from this proposed well will not unlawfully impair existing users with adequate wells.

A possible hydraulic connection between the Vermillion River and the Upper Vermillion Missouri aquifer was first noted in Stephens (1967) and further addressed by Holmes and Filipovic (2015). Mathiowetz (2015) gave special consideration to this connection in regard to the possible adverse effect to existing water rights from drawdown by pumping. In summary, some (but not all) irrigation permits contained a qualification that the well for the permit must be setback, commonly 1320 feet per 1 cfs of diversion rate, from the Vermillion River. As this proposed application is approximately 1.5 miles away from the river, it will not be necessary to place a setback distance as a qualification.

Page 8 | 13

Table 2. Water rights/permits shown in Figure 5 (Water Rights, 2021a).

Permit Number	Name	Rate (cfs)	Acres	County ^a	Use ^b	Status ^b	
4204-3	CITY OF CENTERVILLE	0.22	0	TU	MUN	LC	
5898-3	CITY OF CENTERVILLE	0.89	0				
2269-3	TRAVIS WIESE	2.44	188				
2941-3	RUSSELL D AUSTIN	1.11	140				
3507-3	W JERALD HANSEN	0.99	69				
3918-3	JBS HANSEN FARMS	2.66	295.3				
5352-3	LINDA HENDRICKSON	2.15	151				
5425-3	JOHNKE LAND TRUST	1.88	132				
6968-3	ROGER BLAKE	1.47	103				
117-3A	GLYNDON KNUTSON	0.95	66				
2268-3	WILLIAM KNUTSON	2.00	206	CL	IRR		
2372-3	LARRY ERICKSON	1.76	123				
2950-3	TERRY & ALBERTA SURPRENANT	1.57	110				
3328-3	TOM AUSTIN	1.33	121				
5319-3	LARRY ERICKSON	1.89	132				
974-3	METABANK	1.67	140				
5886-3	TIM OSTREM	1.78	134				
5899-3	TIM OSTREM	1.78	134				
5982-3	LEAH JOHNSON	1.64	115				
6563-3	RUS FARMS REAL ESTATE LLC	1.78	242.5				
6566-3	METABANK	0.97	68				
6810-3	JESSE & TANYA VANDESTROET	1.56	65				
6812-3	JESSE & TANYA VANDESTROET	1.78	66				
6813-3	RUS FARMS REAL ESTATE LLC	1.78	187				
6922-3	PAUL SHUBECK	1.78	122				
6815A-3	RUS FARMS REAL ESTATE LLC	1.78	264.5				
7001-3	RUS FARMS REAL ESTATE LLC	1.78	170				
7002-3	JESSE & TANYA VANDESTROET	1.39	123				
7003-3	METABANK	0.67	31				
7111-3	KARI OSTREM	1.78	130				
7191-3	ROGER BLAKE	1.56	255				
6569-3	DAVID & CATHY SMIT REVOCABLE TRUST	1.11	42				
7383-3	METABANK	0.56	25				
7384-3	NICHOLAS & COURTNEY BLAKE	1.67	80				
7693-3	METABANK	0.67	27.7				
7442-3	LEAH JOHNSON	0.00	40				
7441-3	JASON OR ALICIA KNUTSON	1.78	140				
7900-3	LEON THOMPSON	1.89	136				
7919-3	LARRY & MARLENE ERICKSON	1.83	83.83				
7964-3	PAUL, MIKE & JOHN SHUBECK	1.78	128				
7995-3	JESSE & TANYA VANDESTROET	0.00	25				
6811A-3	JESSE & TANYA VANDESTROET	1.78	115				
7976-3	VASGAARD PROPERTIES	1.78	160	LN		PE	
6754-3	JBS HANSEN FARMS	0.00	35	TU			
7128-3	PAUL SHUBECK	1.78	207				
7600-3	MICHAEL D STEVENS	3.56	180				
7690-3	TIM OR DAVE OSTREM	1.78	160				
8037-3	TYLER ANDERSEN	1.61	103				
a - TU: Turner County; CL: Clay County; LN: Lincoln County							
b - MUN: Municipal; IRR: Irrigation; LC: Licensed Water Right; PE: Permitted Water Right							

To protect domestic well users, the Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water is inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is considered as an unlawful impairment, it conflicts with SDCL 46-1-4 (Water Rights, 1995). Consequently, some existing well owners may need to lower their pumps due to deeper water levels depending on the specific characteristics of the Upper Vermillion Missouri: South aquifer at their location; particularly since the aquifer is under confined conditions near the proposed diversion point for this application. Nearby adequate wells are not expected to be adversely impacted as defined in ARSD 74:02:04:20(7).

When considering the large amount of artesian head pressure (35 feet), the hydrographs of nearby observation wells not showing detrimental impact of pumping and, the lack of well interference complaints due to pumping from this aquifer, there is reasonable probability that the proposed diversion can be developed without unlawfully impairing existing appropriative or domestic water users with adequate wells.

SDCL 46-5-6:

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or “the equivalent thereof.” The statute does provide that: “The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. However, no annual volume may be greater than three acre-feet per acre delivered to the land.” Water Permit Application No. 8542-3 proposes to divert water at a maximum instantaneous diversion rate of 1.61 cfs for the irrigation of 103 acres or at a rate of 1.09 cfs per 70 acres. No reason was provided however, it appears from map included with the application that a partial pivot swing may be necessary to completely irrigate the proposed acres. This type of reason has been accepted by the Water Management Board in past.

CONCLUSIONS:

1. Water Permit Application No. 8542-3 proposes to reinstate Water Permit No. 8037-3. Permit No. 8037-3 appropriates 1.61 cubic feet per second (cfs) of water from the Upper Vermillion Missouri: South aquifer from a single, approximately 105 feet-deep, well to be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35 for irrigation of 103 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35; all in T96N-R52W.
2. Based on the hydrologic budget with the minimum recharge exceedance value taken from the Buhler (2014) report, there is reasonable probability unappropriated water is available for this proposed water use.
3. There is a reasonable probability the diversion proposed by this application can be made without unlawfully impairing existing appropriative or domestic users with adequate wells.
4. Application No. 8542-3 has requested a diversion rate in excess of the statutory limit of one cfs per 70 acres. No reason was provided however, it appears from map included with the application that a partial pivot swing may be necessary to completely irrigate the proposed acres. This type of reason has been accepted by the Water Management Board in past.



Blaise Hansen
SD DANR – Water Rights Program

Reviewed By:



Adam Mathiowetz
SD DANR-Water Rights Program

REFERENCES:

- Buhler, K.A., 2014. *Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer*. SD DANR – Water Rights Program, Joe Foss Building, Pierre, SD
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Water Rights. 2021c. *Observation Well Files*. SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.

Water Rights. 2021d. *Turner County Files*. SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, October 20, 2021 10:16 AM
To: tyander40@yahoo.com
Subject: Water Permit Application No. 8542-3
Attachments: 2077.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>



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NOV 12 2021

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

SS

COUNTY OF TURNER)

Allyson M. Hill, being first duly sworn, on oath says the CENTERVILLE JOURNAL is a WEEKLY newspaper published in CENTERVILLE in said county of TURNER, State of South Dakota; and that she is authorized to and does make this affidavit on behalf of said CENTERVILLE JOURNAL; that affiant has personal knowledge of all facts stated in this affidavit; that said newspaper is a legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4 inclusive as amended, has a bona fide circulation of at least two hundred copies WEEKLY, has been published in the English language within said county and has been admitted to the United States mail under the second class mailing privilege, for at last one year continuously next prior to the publication of the notice herein mentioned and was and is printed wholly or in part in an office maintained at said place of publication; that said notice, a printed copy of which taken from the paper in which the same was published is hereto attached and is made part of this affidavit, was published in said newspaper

1 time(s) as follows: that the first publication of said

notice in said newspaper aforesaid was on Thursday

the 28 day of October, 2021,

and that the succeeding publications were severally

on Thursday, the ___ day of ___, 2021;

on Thursday, the ___ day of ___, 2021;

on Thursday, the ___ day of ___, 2021;

on Thursday, the ___ day of ___, 2021;

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charged for the publication thereof are:

DOLLARS (\$ 40.37)

(x) Allyson M. Hill Allyson M. Hill

Subscribed and sworn to before me this 10th day of

November, 2021

Renee Goltz
Notary Public

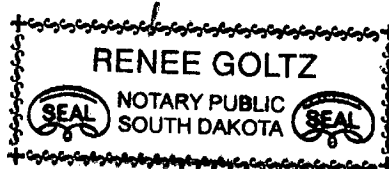
My commission expires 03/12/2025 10-10-23

NOTICE OF APPLICATION NO. 8542-3 to Reinstatement Water Permit No. 8037-3

Notice is given that Tyler Andersen, 400 S Lincoln St, Centerville SD 57014 has filed an application to reinstate Water Permit No. 8037-3. Permit No. 8037-3 appropriates 1.61 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri-South Aquifer (105 feet deep) located in the NW 1/4 NE 1/4 Section 35 for irrigation of 103 acres located in the SW 1/4 SE 1/4, SE 1/4 SW 1/4 Section 26 and the NW 1/4 NE 1/4, NE 1/4 NW 1/4 Section 35; all in T96N-R52W. The permit was approved September 22, 2014 and the project was to be completed September 22, 2019 with water being put to beneficial use by September 22, 2023. Application No. 8542-3 proposes to reinstate Permit No. 8037-3 since the project has not been completed. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 1 mile south of Centerville SD.

Application No. 8542-3 to reinstate Permit No. 8037-3 is made pursuant to SDCL 46-2A-8.1 which allows reinstatement of a permit with a new priority date provided unappropriated water is available and the construction necessary to put water to beneficial use was not completed within the five years of approval of the original permit.

Pursuant to SDCL 46-2A-2,



the Chief Engineer recommends APPROVAL of Application No. 8542-3 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 8, 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 8, 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 \$40.37

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WATER RIGHTS
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TYLER ANDERSEN
400 S LINCOLN STREET
CENTERVILLE SD 57014

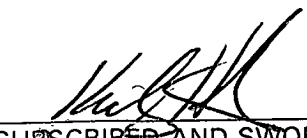
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

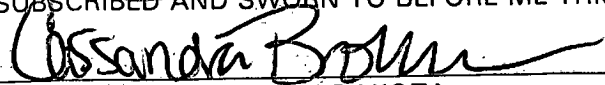
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
10 + 29 NOTICE OF APPLICATI

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 29th DAY OF October, 2021
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$43.07 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 10/29/2021

FILED ON: 10/29/2021


SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF October, 2021


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/04/2026

NOTICE OF APPLICATION NO. 8542-3 to Reinstate Water Permit No. 8037-3

Notice is given that Tyler Andersen, 400 S Lincoln St, Centerville SD 57014 has filed an application to reinstate Water Permit No. 8037-3. Permit No. 8037-3 appropriates 1.61 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri: South Aquifer (105 feet deep) located in the NW 1/4 NE 1/4 Section 35 for irrigation of 103 acres located in the SW 1/4 SE 1/4, SE 1/4 SW 1/4 Section 26 and the NW 1/4 NE 1/4, NE 1/4 NW 1/4 Section 35; all in T96N-R52W. The permit was approved September 22, 2014 and the project was to be completed September 22, 2019 with water being put to beneficial use by September 22, 2023. Application No. 8542-3 proposes to reinstate Permit No. 8037-3 since the project has not been completed. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 1 mile south of Centerville SD.

Application No. 8542-3 to reinstate Permit No. 8037-3 is made pursuant to SDCL 46-2A-8.1 which allows reinstatement of a permit with a new priority date provided unappropriated water is available and the construction necessary to put water to beneficial use was not completed within the five years of approval of the original permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8542-3 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 8, 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 8, 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 \$43.07.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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danr.sd.gov

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

October 20, 2021

Tyler Andersen
400 Lincoln St
Centerville SD 57014

Dear Mr. Andersen:

Water Permit Application No. 8542-3 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 Centerville Journal printed at Centerville (Ph # 605 563-2351) and the Press & Dakotan printed at Yankton (Ph # 605 665-7811). 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.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, October 20, 2021 10:12 AM
To: 'Sam Berres'
Subject: FW: 8542-3, Tyler Andersen
Attachments: 8542-3public.short_final.docx; FORM8.FRM.doc

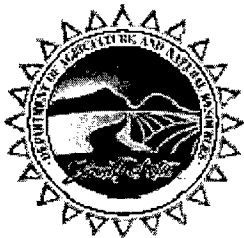
Attached is a notice to be published on October 28, 2021 in the Press and Dakotan.

Tyler Andersen, 400 S Lincoln St, Centerville SD 57014 (605 201-6525) has been notified to contact you to authorize publication and arrange for payment.

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

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

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, October 20, 2021 10:11 AM
To: 'journal@iw.net'
Subject: 8542-3, Tyler Andersen
Attachments: 8542-3public.short_final.docx; FORM8.FRM.doc

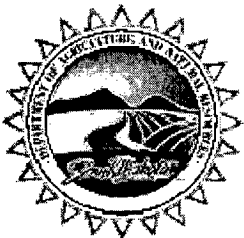
Attached is a notice to be published on October 28, 2021 in the Centerville Journal.

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Karen Schlaak
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(605) 773-3352
Website: <https://danr.sd.gov>



NOTICE OF APPLICATION NO. 8542-3 to Reinstate Water Permit No. 8037-3

Notice is given that Tyler Andersen, 400 S Lincoln St, Centerville SD 57014 has filed an application to reinstate Water Permit No. 8037-3. Permit No. 8037-3 appropriates 1.61 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri:South Aquifer (105 feet deep) located in the NW 1/4 NE 1/4 Section 35 for irrigation of 103 acres located in the SW 1/4 SE 1/4, SE 1/4 SW 1/4 Section 26 and the NW 1/4 NE 1/4, NE 1/4 NW 1/4 Section 35; all in T96N-R52W. The permit was approved September 22, 2014 and the project was to be completed September 22, 2019 with water being put to beneficial use by September 22, 2023. Application No. 8542-3 proposes to reinstate Permit No. 8037-3 since the project has not been completed. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 1 mile south of Centerville SD.

Application No. 8542-3 to reinstate Permit No. 8037-3 is made pursuant to SDCL 46-2A-8.1 which allows reinstatement of a permit with a new priority date provided unappropriated water is available and the construction necessary to put water to beneficial use was not completed within the five years of approval of the original permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8542-3 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 8, 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 8, 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 3 0 2021

Tyler Andersen
400 Lincoln St
Centerville SD 57014

Dear Mr. Andersen:

Enclosed is Water Permit No. 8542-3 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



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

January 14, 2025

NOTICE

TO: TYLER ANDERSEN, 400 LINCOLN ST, CENTERVILLE, SD 57014

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8542-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8542-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 8542-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 4, 2025

8542-3

Tyler Andersen
400 Lincoln St
Centerville SD 57014

Dear Mr. Andersen:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 8542-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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

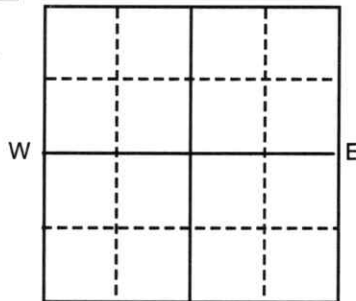
8542-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 36 Twp 96 Rg 52County TURNER ☒ North

Please mark well location with an "X"



Well Completion Date

August 2024

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
700 ft. from SE of 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
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>144</u> FT	<u>18.75</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>BENTONITE</u>	<u>41</u>	Lb/gal	<u>0</u> Ft	<u>140</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

tremie piped

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12 Inches Length 20 FeetMaterial Stainless SteelSlot Size .050 Set From 144 Feet to 164 FeetOther information 12" 40' PVC .050 slot from 164 to 204

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

☒ No, Why Not?

Lab to which water quality sample sent for analysis

Irrigation wellWell Owner: TYLER ANDERSON

Business Name:

Address: 400 LINCOLN STCity, State, Zip: CENTERVILLE ☒ SD ☒ 57014

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	3
clay brown/ tan/ brown	3	22
clay gray w/ sand / small gravel	22	85
Medium gravel	85	103
Coarse sand	103	111
Fine Gravel w/ clay	111	130
Fine gravel	130	163
Coarse gravel	163	177
Fine gravel	177	204

STATIC WATER LEVEL 42 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

51 Ft. After 3 Hrs. pumped 800 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS N 43° 5.9280 W 96° 57.2130 12" Irr wellThis well was drilled under license # 475 and this report is true and accurate.Drilling firm: THEIN WELL COMPANY, INCORPORATED

Signature of License Representative:

Michael Thein

Signature of Well Owner or Equitable Property Holder:

RECEIVED

Date: OCT 21 2024OFFICE OF
WATER

Tyler Anderson Sec 35 Centerville

Legend

16

16

16

N 43 5.9280 W 96 57.2130 12" Irr Well 204' Depth Aug 2024

Tyler Anderson TH # 1 207' 1/2/2024

296th St

Prairie Ave

463rd Ave

RECEIVED

OCT 21 2024

OFFICE OF
WATER

Google Earth



2000 ft