

WATER PERMIT NO. 8549-3

Name of Applicant: **James Orris Living Trust**

Address: **41898 US Hwy 212, Clark SD 57225**

Phone: **605 233-0150**

Amount of Water Claimed: **3.78 cfs**

Total Acres: **350**

Source of Water Supply: **groundwater (3 wells)**

Water to be used for: **irrigation**

County: **Clark**

Type of Waste Disposal System:

Location: **8.5 miles southwest of Clark SD**

PRIORITY

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

Application/License Fee: **\$ 1350**

Corrected Application Received: **9-20-21**

Period of Annual Use: **May 1 – August 31**

Remarks:

Diversion Point: **W 1/2 Sec 1-T115N-R59W**

Land to be Irrigated: **W 1/2 Sec 1 and N 1/2 NW**
1/4 Sec 12; all in T115N-R59W

Depth of Well: **160 feet deep**

Well Driller:

Remarks:

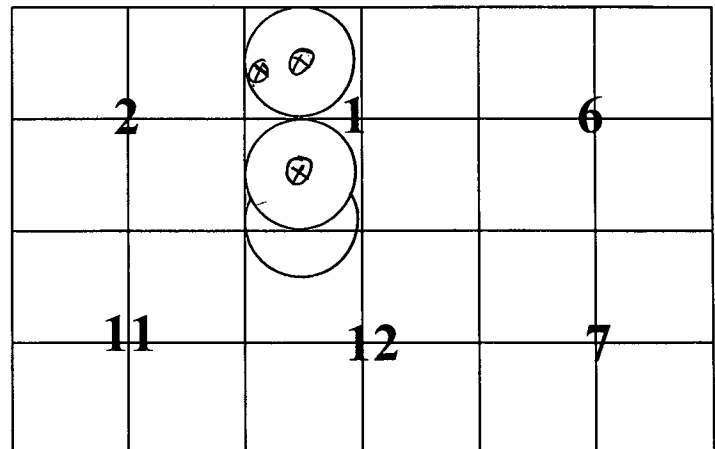
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **9-21-21**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8549-3**

Date of first receipt of application September 8, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8549-3 to James Orris Living Trust, c/o Jim Orris, 41898 US Hwy 212, Clark SD 57225 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. 8549-3 appropriates 3.78 cubic feet of water per second from three wells to be completed into the Altamont Aquifer (approximately 160 feet deep) located in the W 1/2 Section 1 for irrigation of 350 acres located in the W 1/2 Section 1 and the N 1/2 NW 1/4 Section 12; all in T115N-R59W. This site is located approximately 8.5 miles southwest of Clark SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – August 31.
3. The date from which applicant may claim right is September 8, 2021.
4. The date of approval of Permit No. 8549-3 is December 27, 2021.
5. One-fifth of the construction is to be completed on or before June 27, 2024.
6. All construction is to be completed on or before December 27, 2026.
7. Water is to be put to beneficial use on or before December 27, 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 wells approved under Water Permit No. 8549-3 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 wells authorized by Permit No. 8549-3 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

1/21/2022
date



RECEIVED

PAID

SEP 8 2021

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8549-3</u>	(office use only) Hydrologic Unit <u>10160006</u>	SEP 08 2021
	Basin <u>James River</u>	WATER RIGHTS PROGRAM	
	Newspaper <u>Clark County Courier</u>		
	<u>Public Opinion</u>		

Ck# 6353

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 James Orris Living Trust AKA

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

Mailing Address 41898 US Hwy 212 Clark SD 57225
(Address) (City) (State) (Zip Code)Phone 605-233-0150 Mobile same Email orrisfarms@yahoo.com2. Amount of water claimed 3.78 *CFS or 850 ¹⁷⁰⁰ **GPM ***AF Total Acreage 350
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Well (3 wells)4. Location of point of diversion W 1/2 1-115N-59W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)County Clark5. County or counties where water will be used Clark County6. Annual period during which water is to be used MAY - August7. 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>NW 1/4 1-115N-59W</u>	<u>130</u>	<u>SE 1/4 1-115N-59W</u>	<u>150</u>
<u>N 1/2 NW 1/4 12-115N-59W</u>	<u>70</u>	<u>SW</u>	

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

We want to dig test holes on W 1/2 1-115N-59W to find the water we need. At that point we will be able to make a map of the project.

I, Jim Orris 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.



First	60A	500
-------	-----	-----

2nd	60A	250
-----	-----	-----

	60A	100.
--	-----	------

	60A	100.
--	-----	------

	60A	100
--	-----	-----

	60A	100
--	-----	-----

360A

1150

inspection
fee

200

1350

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

b) If existing wells, how many 0 Provide copy of log(s), if available. Drilled by N/A

For either Existing or Proposed Wells:

c) Well Depth (required) 160 Depth to Top of Water Bearing Material N/A Depth to Water from Surface N/A

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

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)

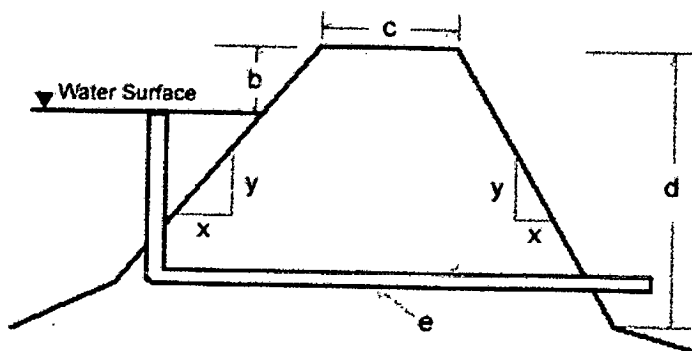
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

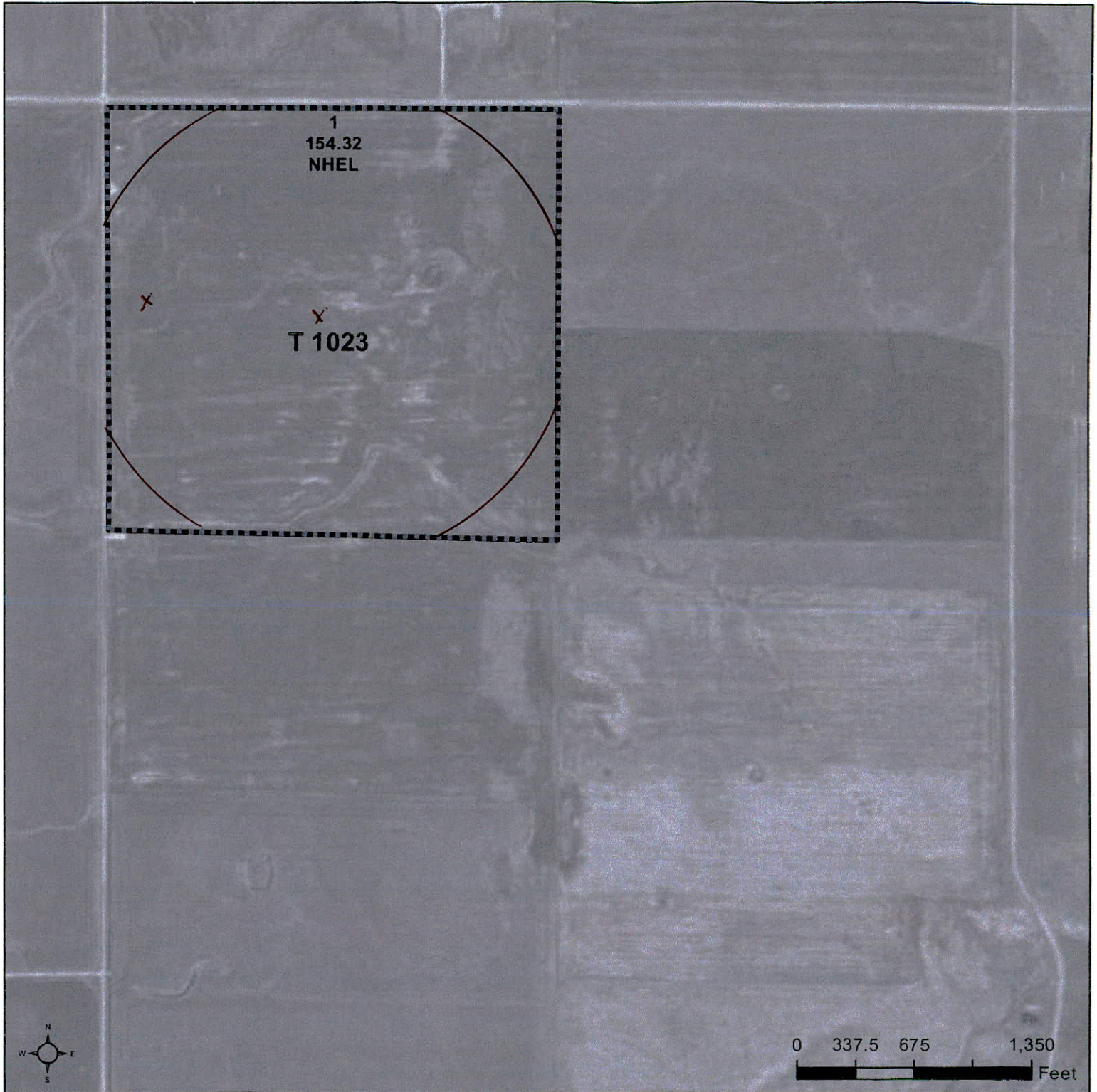
j) Drainage Area Above Dam _____ Acres





United States
Department of
Agriculture

Clark County, South Dakota



Common Land Unit

PLSS

- Cropland
- Tract Boundary

Wetland Determination Identifiers

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

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

UNLESS NOTED DIFFERENTLY
ALL CORN YEL; ALL SOYBEANS COM
ALL CROPS NON-IRRIGATED & INTENEDED USE GR
GRASS: CROPLAND-SMO BRO & NC=NAG

SHARES: _____
INITIAL & DATE: _____

2021 Program Year

Map Created April 06, 2021

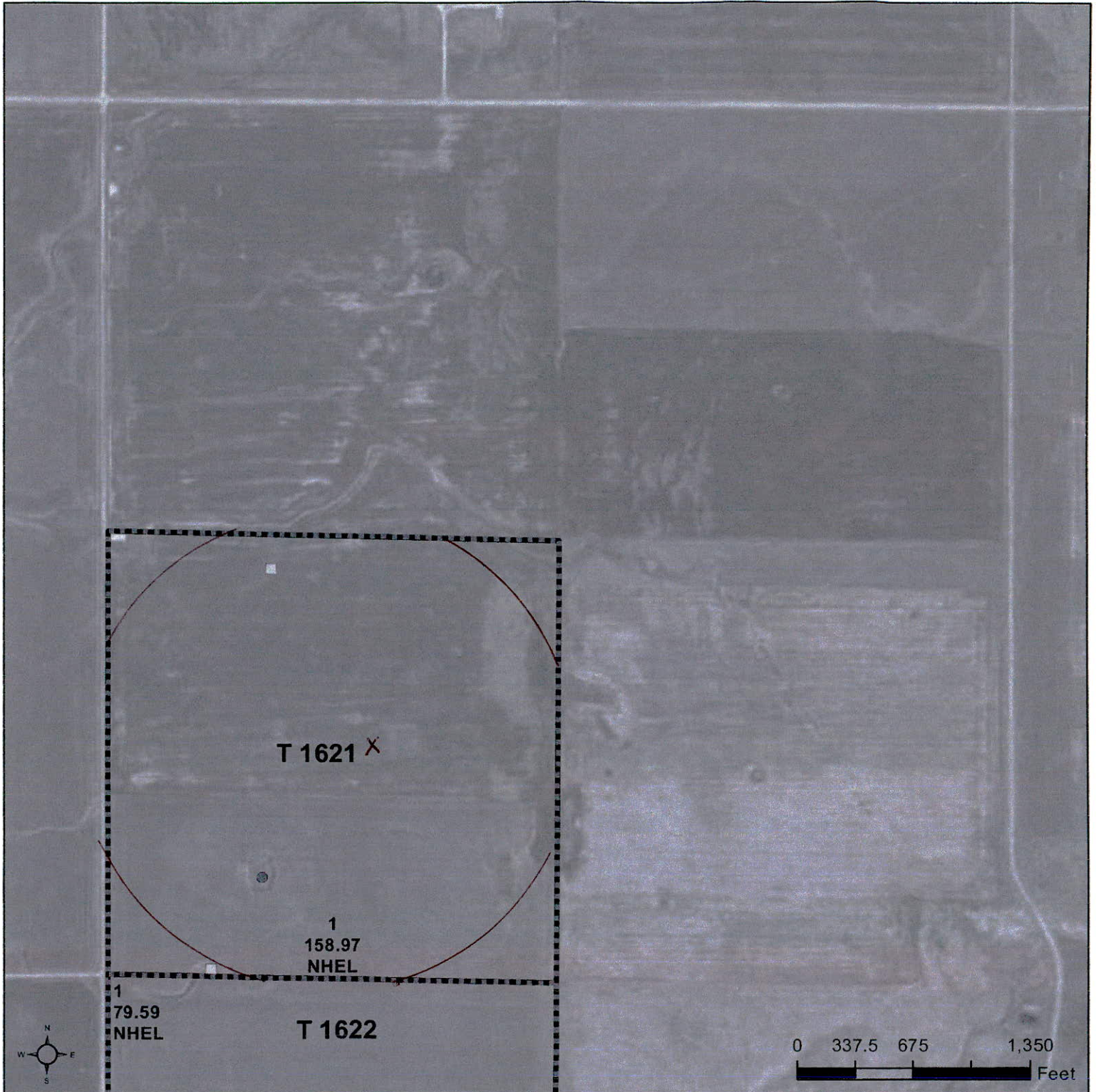
Farm 5117

1 -115N -59W



United States
Department of
Agriculture

Clark County, South Dakota



Common Land Unit

PLSS

- Cropland
- Tract Boundary

Wetland Determination Identifiers

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

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

UNLESS NOTED DIFFERENTLY
ALL CORN YEL; ALL SOYBEANS COM
ALL CROPS NON-IRRIGATED & INTENEDED USE GR
GRASS: CROPLAND-SMO BRO & NC=NAG

SHARES: _____
INITIAL & DATE: _____

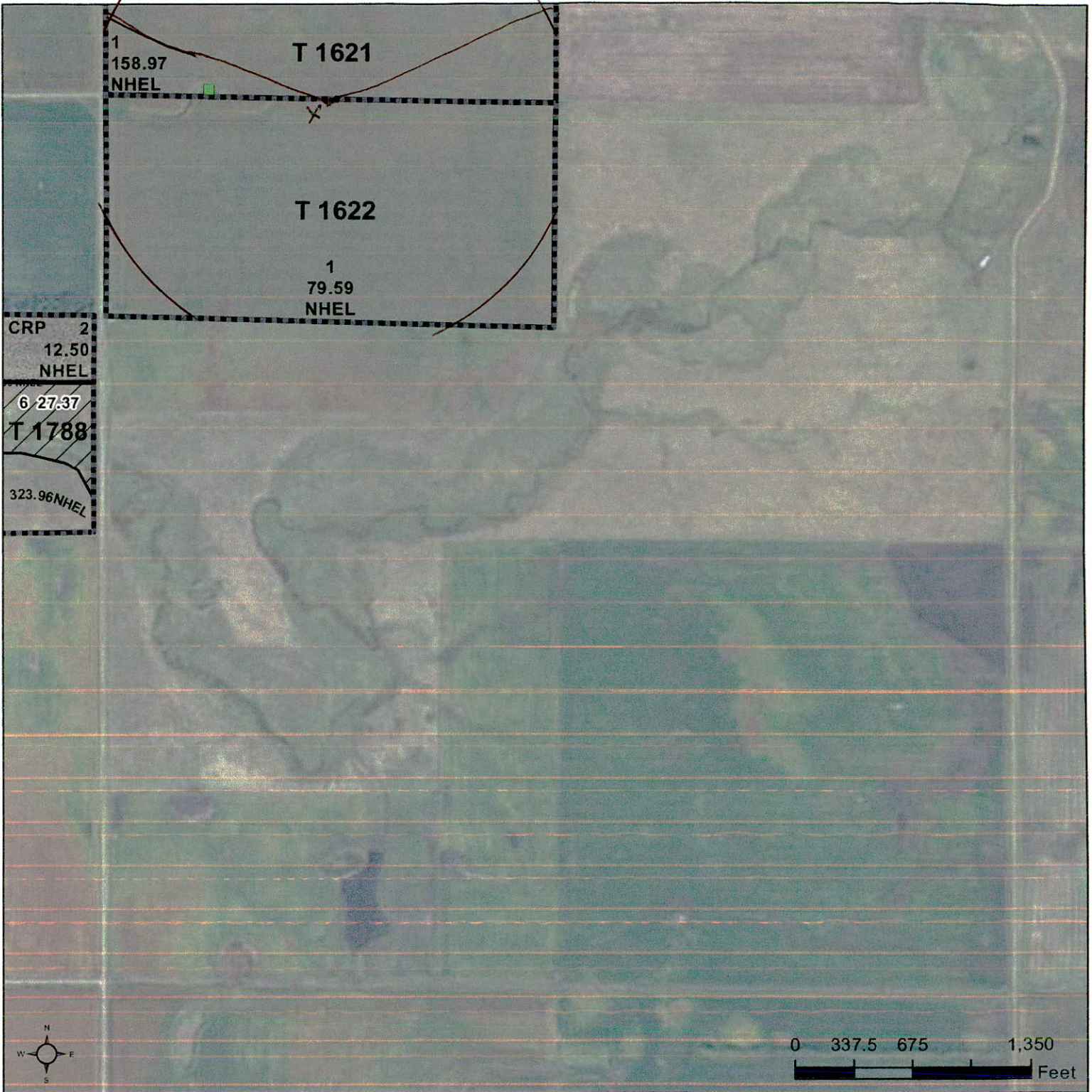
2021 Program Year

Map Created April 06, 2021

Farm **5762**

1 -115N -59W

Clark County, South Dakota



Common Land Unit

- Non-Cropland
- Cropland

- CRP
- Tract Boundary
- PLSS

Wetland Determination Identifiers

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

UNLESS NOTED DIFFERENTLY
ALL CORN YEL; ALL SOYBEANS COM
ALL CROPS NON-IRRIGATED & INTENEDED USE GR
GRASS: CROPLAND-SMO BRO & NC=NAG

SHARES: _____
INITIAL & DATE: _____

2021 Program Year

Map Created April 06, 2021

Farm 5762

12 -115N -59W

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 8, 2021

RECEIVED OF Orris Farms 41898 US Hwy 212 Clark SD 57225

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

Fee for Application for Permit No. <u>8549-3</u> to Appropriate Water, to construct and to put water to beneficial use	<u>\$1150.00</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>8549-3</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>\$1350.00</u>

By Eric Gronlund
Chief Engineer
me



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 8, 2021

James Orris Living Trust
c/o Jim Orris
41898 US Hwy 212
Clark SD 57225

Dear Mr. Orris:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Clark County. In order to complete the application, the following needs to be clarified.

- The application requests 850 gallons per minute (gpm). Are you requesting 850 gpm for each of the three pivots, or will you be using 850 gpm on a rotating basis?
- Form 2A indicates 3 wells are proposed. The maps show X's in 4 locations. We understand that test holes have not completed, so you are unsure of water availability or locations. In order to proceed with the application, a number of wells is required?

For purposes of the public notice, we would identify that the wells would be located in the W 1/2 Section 1 and the N 1/2 NW 1/4 Section 12; all in T115N-R59W. Do you agree?

If you have any questions, please contact me.

Sincerely,

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

Water Rights Program - File Documentation

NAME: Jim Orris – James Orris Living Trust

ADDRESS: Clark SD

DATE: 9-20-21

RE: Pending application

COMMENTS:

Jim Orris called regarding my letter dated September 8, 2021.

Mr. Orris indicated they would like to request 850 gpm for each of the two pivots that will make complete rotation (NW 1/4 and SW 1/4 Section 1). They will operate the windshield wipe pivot (N 1/2 NW 1/4 Section 12) on a rotating basis. They would request a total of 1700 gpm (3.78 cfs).

Mr. Orris said they are requesting 3 wells but are hopeful they will get enough water from 2 wells. They are having difficulty getting a well driller to do the test holes, but hopefully within the next couple of weeks. I indicated to Mr. Orris that once the test holes are drilled, to make sure copies are sent to us.

Regarding the location of the proposed wells, Mr. Orris said they would like to locate the wells as close as possible to the center of the NW 1/4 and the SW 1/4 Section 1 as marked on the maps. If a 3rd well was necessary, it would be located within the W 1/2 Section 1; all in T115N-R59W. The X marked on the map of Section 12 was just marking the location the center point of the proposed pivot.



Karen Schlaak
Water Rights Program

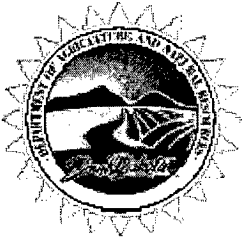
Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, November 18, 2021 9:12 AM
To: orrisfarms@yahoo.com
Subject: Water Permit Application No. 8549-3
Attachments: 2243.pdf

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

Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8549-3, James Orris Living Trust**

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. 8549-3, James Orris Living Trust, c/o Jim Orris, 41898 US Hwy 212, Clark SD 57225.

The Chief Engineer is recommending APPROVAL of Application No. 8549-3 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 wells approved under Water Permit No. 8549-3 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 wells authorized by Permit No. 8549-3 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
November 15, 2021

**REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NO. 8549-3
JAMES ORRIS LIVING TRUST
NOVEMBER 16, 2021**

Water Permit Application No. 8549-3 proposes to appropriate water at a maximum instantaneous diversion rate of 3.78 cubic feet per second (cfs) of water from the Altamont aquifer from up to three, approximately 160 feet-deep, wells to be located in the W ½ Section 1 for the irrigation of 350 acres located in the W ½ Section 1 and the N ½ NW ¼ Section 12; all in T115N-R59W. The site is in Clark County, approximately 8.5 miles southwest of Clark, SD.

AQUIFER: Altamont (A)

Aquifer Characteristics

Hedges et al., (1982) estimated that the Altamont aquifers collectively underlie over 1,672,800 acres in Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, and Spink counties and contains over 7,197,360 acre-feet of recoverable water in storage (Figure 1). In Clark County, the Altamont is estimated to underlie 537,200 acres and has an estimated 3,326,400 acre-feet of recoverable water in storage (Hedges et al., 1982). Hamilton (1986) identifies six major glacial aquifers in Clark County. Classified according to elevation, these consist of the upper elevation Prairie Coteau 1, 2, and 3 aquifers and the lower elevation Altamont 1, 2, and 3 aquifers. Based on the location and well depth information included in the application, for the well(s) for this application will be completed into the Altamont 2 aquifer.

Hamilton (1986) specifically estimates the Altamont 2 aquifer in Clark County at 630 square miles (403,200 acres) with 3.23 million acre-feet of recoverable water stored in the aquifer. The Altamont 2 aquifer consists of fine to very coarse sand and gravel and sandy silt deposited as glacial outwash (Hamilton, 1986). The Altamont 2 aquifer is hydraulically connected to the Altamont 1 aquifer in the center of Clark County and to the Altamont 3 aquifer in western Clark County (Hamilton, 1986). The Altamont aquifer has not been subdivided into management units by the DANR-Water Rights Program and the Water Management Board (Water Rights, 2021a). For water management purposes of new application, the entire Altamont aquifer is considered as contributing to water availability. However, more recent reviews of water availability have included analysis at a localized scale. This report will also include similar analysis specifically of the Altamont 2 aquifer in Clark County.

There are several water rights within the vicinity of the proposed application site. Water well completion reports show an average of 124 feet of silty, sandy clay (till) overlying sand with gravel (Water Rights, 2021b). On average, the Altamont 2 aquifer is 30 feet thick (Hamilton, 1986). With the static water level, during the time of drilling at an average of 47 feet below ground surface, this indicates that the proposed site is under confined conditions with an average of 77 feet of artesian head pressure near the proposed application (Water Rights, 2021b).

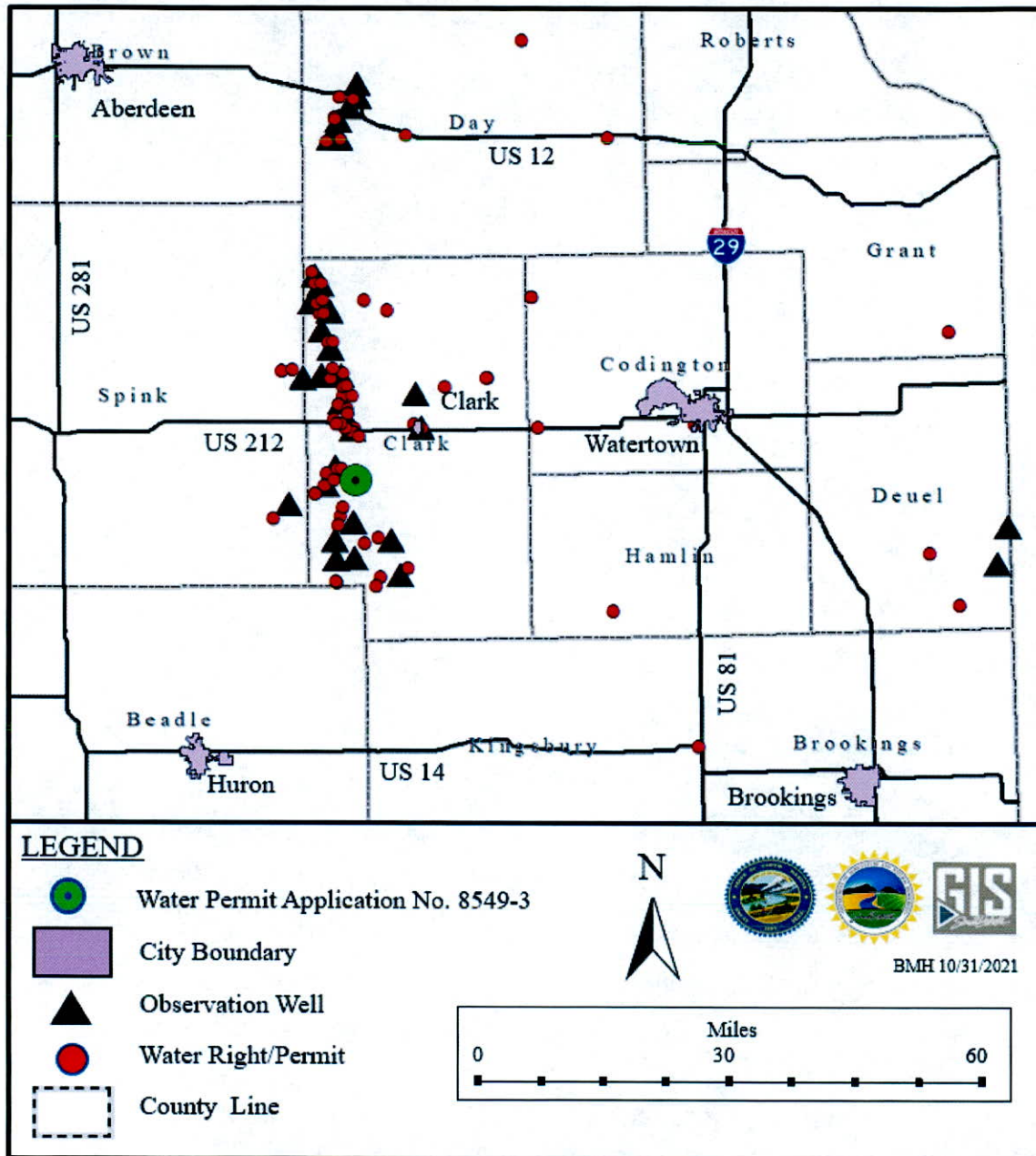


Figure 1. Water Permit Application No. 8549-3 shown in relation to other Altamont aquifer Water Right/Permits and Observation Wells (Water Rights, 2021a & 2021b).

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may only be issued if there is reasonable probability that unappropriated water is available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will address water availability and potential for unlawful impairment of existing water rights within the Altamont aquifer.

WATER AVAILABILITY

Water Permit Application No. 8549-3 proposes to appropriate water from the Altamont 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:

Recharge to the Altamont aquifer in Clark County is primarily through infiltration of precipitation and lateral groundwater inflow (Hamilton, 1986). The Altamont aquifer is primarily a confined aquifer (Water Rights, 2021c). Recharge rates have been estimated by several authors with the results presented in Table 1. For confined aquifers, Hedges, et al. (1985) recommended recharge rates of 0.15 to 0.60 inches per year (in/yr). Applying these rates to the entire area of the Altamont aquifer of 1,672,800 acres (Hedges et al., 1982) yields a recharge rate of 20,910 to 83,640 acre-feet per year (ac-ft/yr). Applying these rates to the areal extent of the Altamont aquifer in Clark County of 537,200 acres (Hedges et al., 1982) yields a recharge range of 6,715 to 26,860 ac-ft/yr. Hamilton (1986) estimated a recharge rate of 1.5 in/yr from the infiltration of precipitation to the Altamont 2 aquifer in Clark County. Applying this rate over the estimated area of the Altamont 2 aquifer in Clark County of 403,200 acres yields a recharge rate of 50,400 ac-ft/yr for the Altamont 2 aquifer. Lastly, applying the lowest recharge rate of 0.15 in/yr (Hedges et al., 1982) to the areal extent of 403,200 acres (Hamilton, 1986) for the Altamont 2 aquifer in Clark County yields 5,040 ac-ft/yr. This lowest value will be utilized in the water balance section as a minimum amount of water available for appropriation.

Table 1. Estimated recharge rates for the entire Altamont aquifer and for the Altamont 2 aquifer in Clark County (Hedges et al., 1982; Hamilton, 1986).

Source	Estimated Areal Extent of Altamont aquifer (acres)	Estimated Areal Extent in Clark County (acres)	Recharge Rate – confined aquifer (in/yr)	Annual Recharge Rate for Altamont aquifer (ac-ft/yr)	Average Recharge Rate for the Altamont aquifer in Clark County (ac-ft/yr)
Hedges et al. (1982): Altamont aquifer	1,672,800	537,200	0.15 – 0.6	20,910 - 83,640	6,715 - 26,860
Hamilton (1986): Altamont 2 aquifer in Clark County	N/A	403,200	1.5	N/A	50,400
Hedges et al. (1982) & Hamilton (1986)	N/A	403,200	0.15	N/A	5,040

Discharge:

Discharge from the Altamont aquifer occurs through intraflow from the aquifer in Clark County to the aquifer in adjacent counties and well withdrawals (Hamilton, 1986). Currently, there are a total of 81 water rights/permits, (53 irrigation, 26 non-irrigation, and 2 Future Use), appropriating water from the Altamont aquifer (Water Rights, 2021a). A summary of the non-irrigation water rights/permits are listed in Table 2. The total estimated volume of water to be withdrawn can be determined by assuming that water rights/permits limited by an annual volume will pump the entire volume appropriated annually or that water rights/permits limited by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.

Table 2. Non-irrigation permits with estimated annual volume usage (Drinking Water, 2021; Friedeman, 2021; Water Rights, 2021a).

Permit No.	Name	County ^a	Use ^b	Status ^b	Appropriation limited by Diversion Rate (cfs)	Appropriation limited by Annual Volume (ac-ft/yr)	Annual Estimated Volume (ac-ft/yr)
1490-3	TOWN OF REVILLO	GT	LC	MUN	0.41		0*
1651-3	TOWN OF ANDOVER	DA	LC	MUN	0.11		0*
1718A-3	RAY KASEL LLC	CK	LC	IND	0.77	81.00	81.0
1913-3	CITY OF ARLINGTON	KG	LC	MUN	1.13		0*
3101-3	CITY OF WAUBAY	DA	LC	MUN	0.56		243.3
4049-3	TOWN OF ROSLYN	DA	LC	MUN	0.26		0*
4054A-3	TOWN OF WALLACE	CD	LC	MUN	1.00		0*
4127-3	TOWN OF GARDEN CITY	CK	LC	MUN	0.10		43.4
4320-3	CITY OF BRISTOL	DA	LC	MUN	0.30		0*
4498-3	TOWN OF GARDEN CITY	CK	LC	MUN	0.06		26.1
451-3	CITY OF BRANDT	DU	LC	MUN	0.13		0*
4861-3	CITY OF CLARK	CK	LC	MUN	0.60		0*
5461-3	NORTHERN BORDER PIPELINE	CK	LC	IND	0.06		24.3
5483-3	CARPENTER CAFE	CK	LC	COM	0.01		4.3
5544-3	DUANE I PIETZ	CD	LC	COM	0.03		13.0
5626-3	OAK VALLEY FARMS INC	CD	LC	COM	1.56		677.7
6062-3	HILLCREST HTRN BRTH	CK	LC	COM	0.13		57.8
6741-3	ALLIANCE FAMILY FARMS LLC	CK	PE	COM	0.56		243.3
6998-3	RIVERVIEW LLP	CK	LC	COM	0.89		386.6
7099-3	DOUG LAMONT FEEDLOT	CK	PE	COM	0.06		26.9
8309-3	OTTER TAIL POWER COMPANY	DU	PE	IND	0.22	12.30	12.3
8318-3	FAWN LAMB	CK	PE	COM	0.02		9.6
8349-3	RIVERVIEW LLP	HM	PE	COM	1.33	399.00	399.0
8376-3	HUSKY FARMS LLC	CK	PE	COM	0.27	76.72	76.7
8414-3	GERONIMO ENERGY	CK	PE	COM	0.01	1.00	1.0
8504-3	REDSTONE FARMS RE LLC	CK	PE	COM	0.13	77.00	77.0
Total:							2,403
a - CD: Coddington; CK: Clark; DA: Day; DU: Deuel; GT: Grant; HM: Hamlin; KG: Kingsbury							
b - LC: Licensed Water Right; PE: Permitted Water Right; MUN: Municipal; IND: Industrial; COM: Commercial							
* - these permits purchase water from a rural water system and maintain their water right for a standby use (Drinking Water, 2021, Friedeman, 2021)							

There are eight municipalities that purchase water from a rural water system and maintain their water rights emergency purposes (Drinking Water, 2021, Friedeman, 2021). Therefore, they do not contribute to an annual total volume usage for the aquifer. For water balance purposes, withdrawals for nonirrigation purposes from the entire Altamont aquifer are approximately 2,403 ac-ft/yr and the withdrawals in Clark County are approximately 1,058 ac-ft/yr.

Well withdrawals from the Altamont aquifer are also for irrigation use with actual pumpage from the aquifer reported to the DANR-Water Rights Program through annual irrigation questionnaires. Currently, there are 53 irrigation water rights/permits in the entire boundary of the Altamont aquifer with 43 of those within Clark County (Water Rights, 2021a). Historically, the average annual reported pumping for the entire Altamont aquifer is approximately 2,417 ac-ft/yr and is approximately 1,786 ac-ft/yr for Clark County (Water Rights, 1979-2020). Figure 2 shows the historical usage for the entire Altamont aquifer in relation to the portion of the aquifer in Clark County.

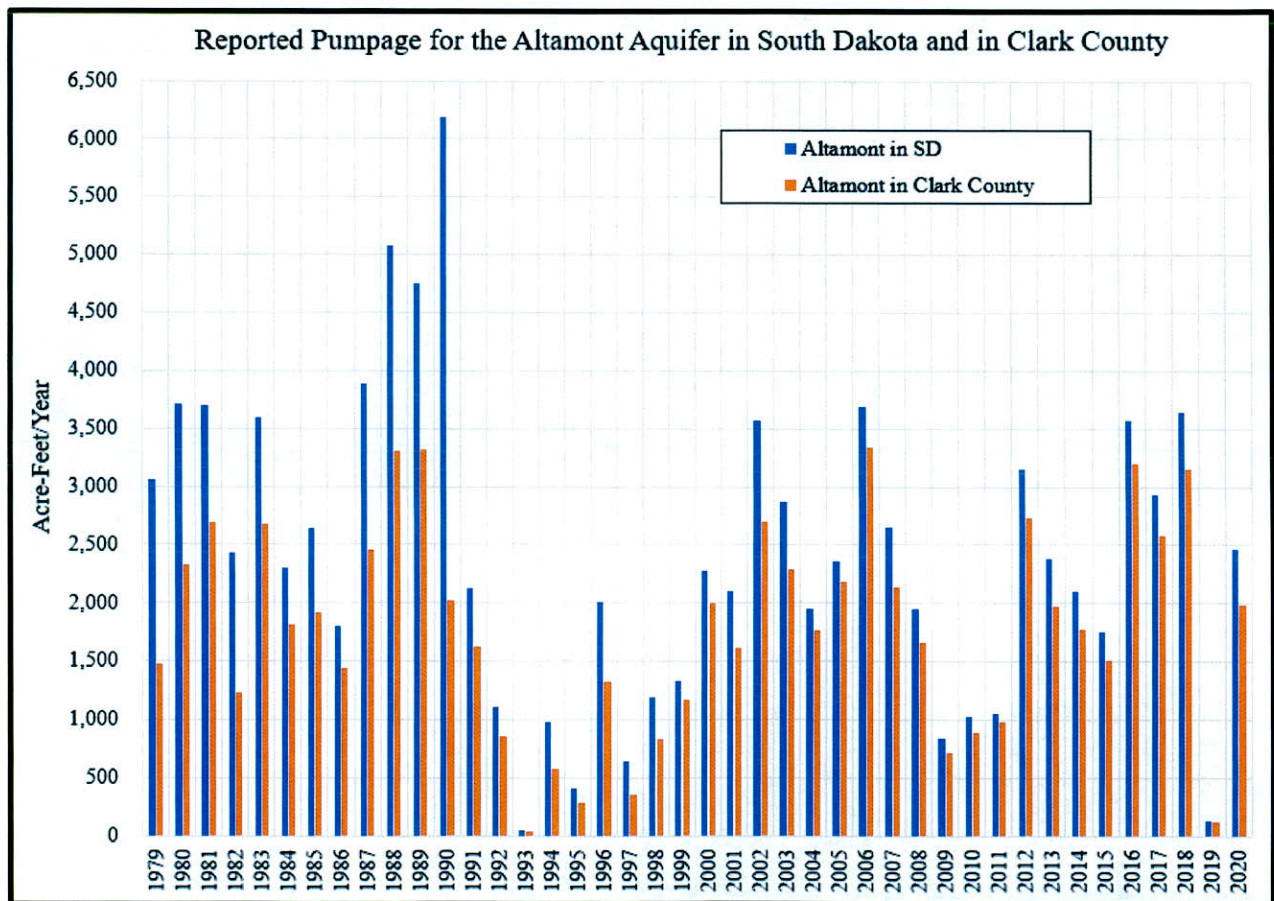


Figure 2. Reported irrigation pumpage for the Altamont aquifer in South Dakota and only in Clark County (Water Rights, 1979-2020).

There are two future use permits appropriating water from the Altamont aquifer. The future use areas are both in Codington County and held by the Town of Henry (Permit No. 4052-3) and the Town of Wallace (Permit No. 4054B-3). Both municipalities purchase water from the Clark Rural Water System (Drinking Water, 2021) so the volume permitted under these permits will

likely not be developed. However, to estimate annual withdrawals from the aquifer, their full combined permitted volume of 881 ac-ft/yr will be included in the water balance.

There are numerous domestic wells on file with the Water Rights Program within the Altamont 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:

The average annual withdrawal rate from the entire Altamont aquifer is 5,701 ac-ft/yr (non-irrigation: 2,403; irrigation: 2,417; future use: 881). The average annual withdrawal rate for the Altamont 2 aquifer in Clark County 2,884 ac-ft/yr (non-irrigation: 1,058; irrigation: 1,786). Specifically regarding recharge to the Altamont 2 aquifer in Clark County, the annual recharge rate was calculated to range from 5,040 – 50,400 ac-ft/yr. The expected use of 350 ac-ft/yr (irrigating 350 acres with an application rate of 1 foot per acre) by this application does not result in an exceedance of the minimum recharge rate compared to the annual withdrawal for the Altamont 2 aquifer in Clark County. Therefore, there is reasonable probability unappropriated water is available for this application.

Observation Well Data

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

The DANR-Water Rights Program monitors 31 observation wells completed into the Altamont aquifer (Water Rights, 2021c). Figures 3 through 6 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 the Altamont 2 aquifer. 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 Altamont aquifer. This indicates that there is a reasonable probability that unappropriated water available in this aquifer.

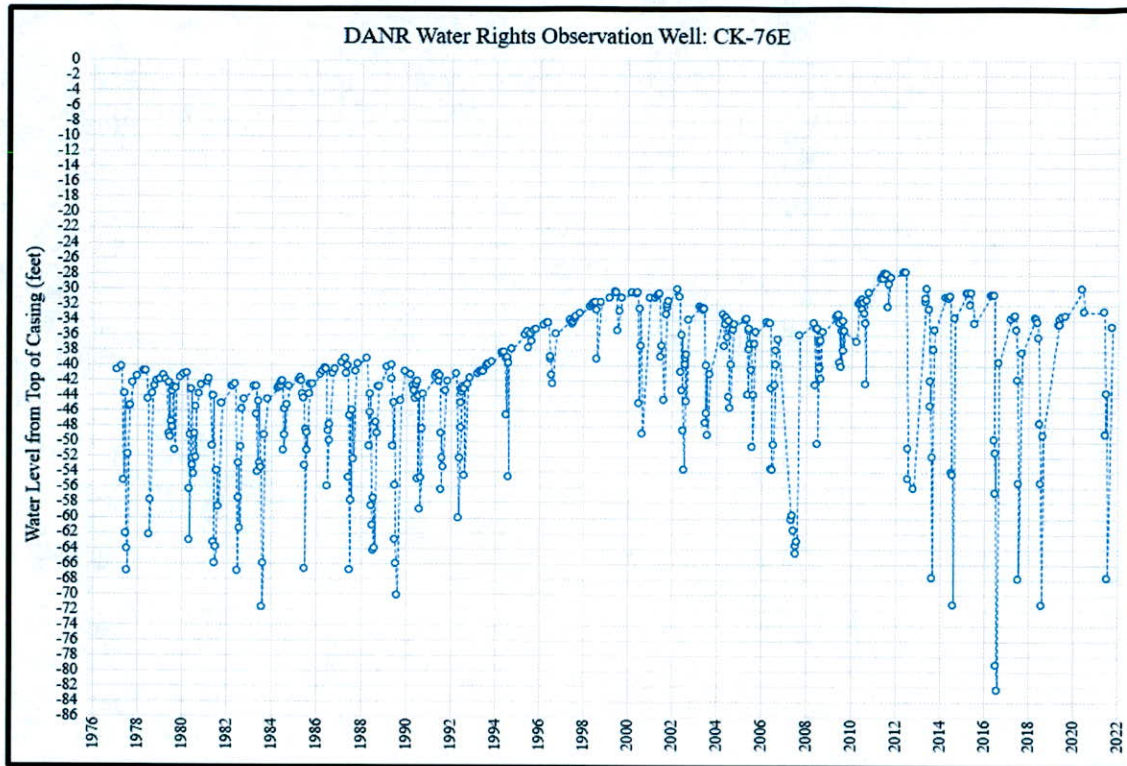


Figure 3. Hydrograph for observation well CK-76E. It is approximately 2.7 miles northwest of the proposed well location for Water Permit Application No. 8549-3 (Water Rights, 2021c).

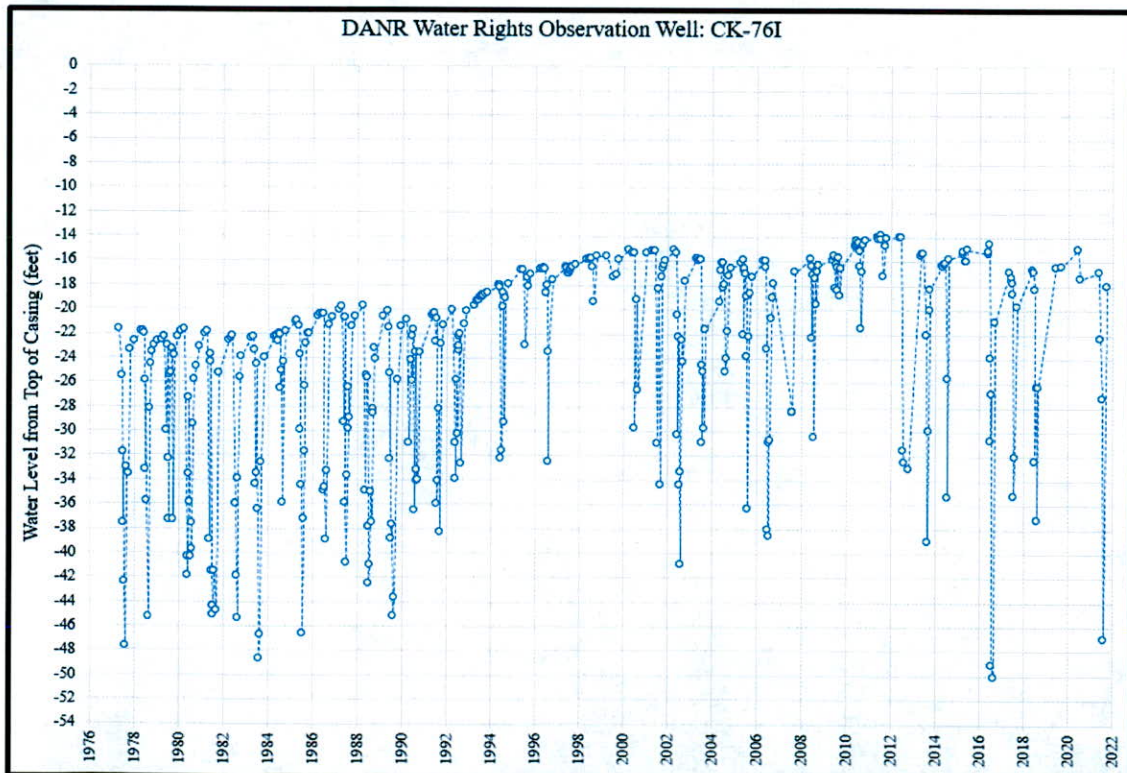


Figure 4. Hydrograph for observation well CK-76I. It is approximately 3.3 miles west of the proposed well location for Water Permit Application No. 8549-3 (Water Rights, 2021c).

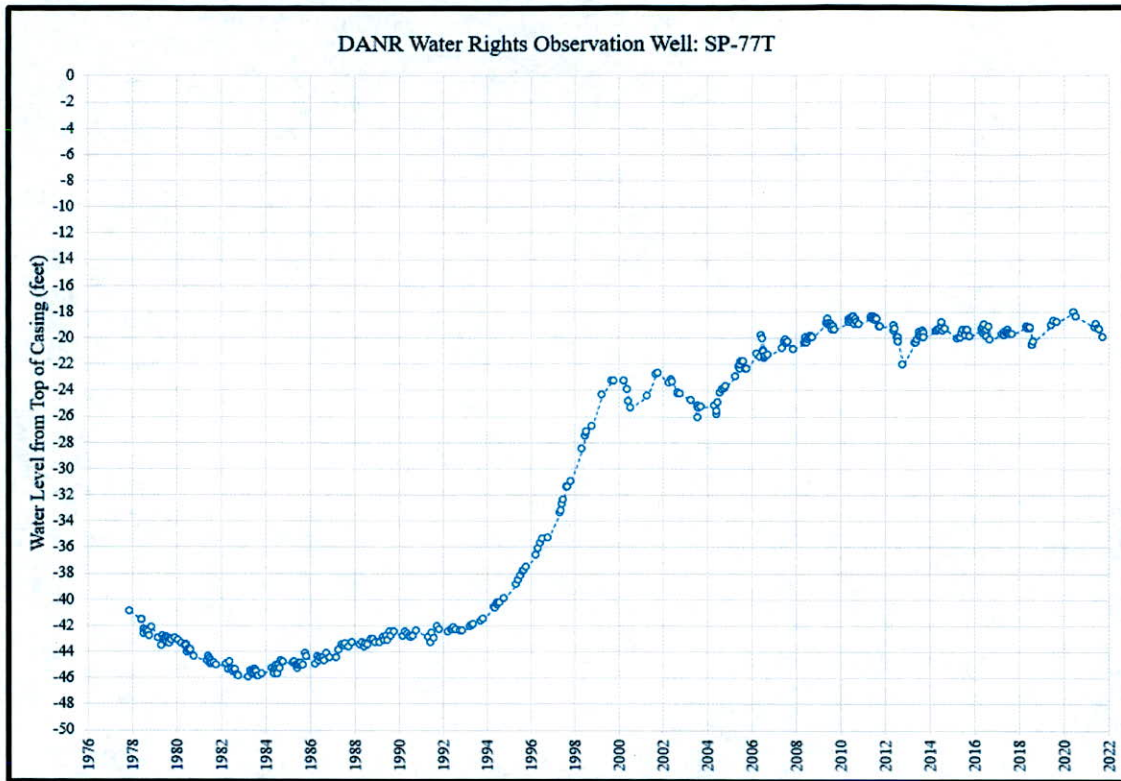


Figure 5. Hydrograph for observation well SP-77T. It is approximately 7.6 miles southwest of the proposed well location for Water Permit Application No. 8549-3 (Water Rights, 2021c).

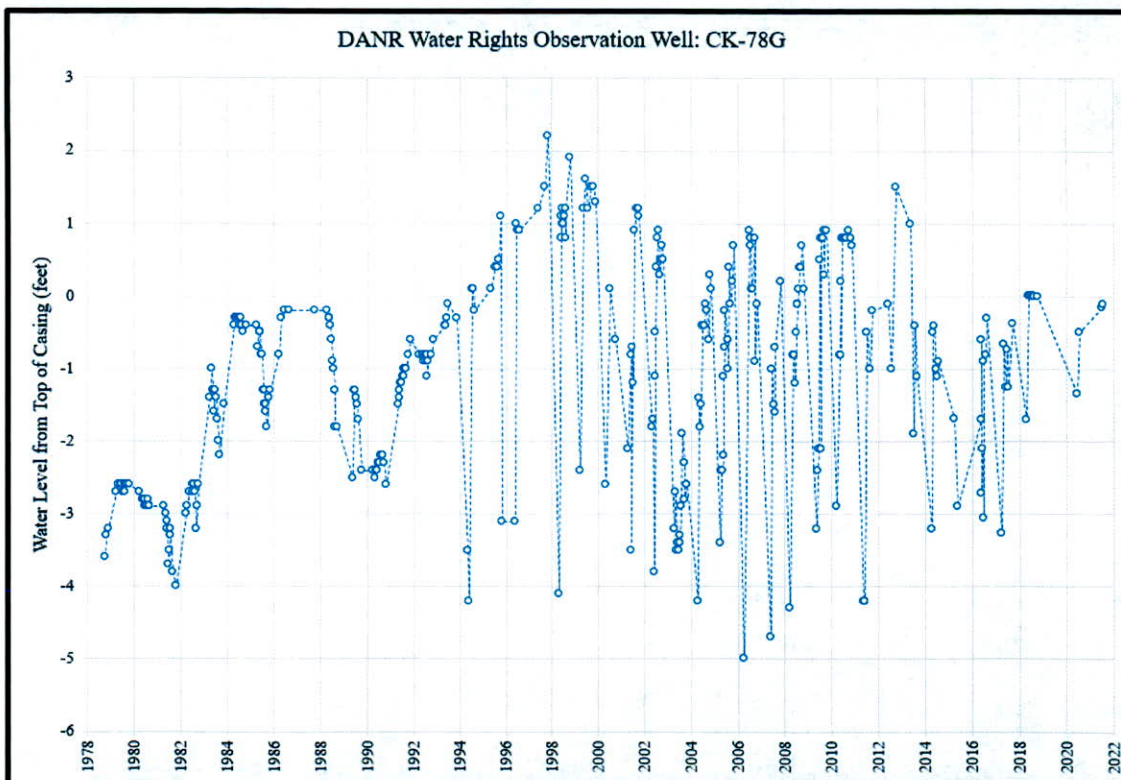


Figure 6. Hydrograph for observation well CK-78G. It is approximately 4.5 miles south of the proposed well location for Water Permit Application No. 8549-3 (Water Rights, 2021c).

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS

Currently, there are a total of 81 water rights/permits, (53 irrigation, 26 non-irrigation, and 2 future use), appropriating water from the Altamont aquifer (Water Rights, 2021a). The closest water right is No. 8376-3, a commercial permit held by Husky Farms, approximately 0.6 miles north of the proposed well location. Table 3 lists the water rights/permits shown in Figure 7 located within 5 miles of the proposed well location. Because this aquifer is under confined conditions, drawdown due to pumping is likely and will be greatest at the production well. Water Management Board has recognized that to place water to beneficial use, a certain amount of drawdown may occur. The exact drawdown cannot be determined without an aquifer performance test. However, nearby observation well data exhibits the aquifer response to pumping. At observation wells CK-76E (Figure 3) and CK-76I (Figure 4), there is an average of 43 feet and 24 feet of artesian head pressure, respectively. The hydrographs for both observation wells indicate a minimum of five feet of artesian head pressure above the top of the aquifer in relation to the lowest recorded water levels. Therefore, it is reasonable to conclude that drawdown from these proposed wells will not unlawfully impair existing users with adequate wells.

There are numerous domestic wells on file with the DANR-Water Rights Program with the closest being approximately 0.6 miles north of the proposed well site (Water Rights 2021b). There are also several domestic wells within approximately one mile of the well site proposed by this application that appear to be completed into the Altamont aquifer (Water Rights, 2018c). Additionally, there may be domestic wells completed into the Altamont aquifer that are not on file with the DANR-Water Rights Program.

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 Altamont 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).

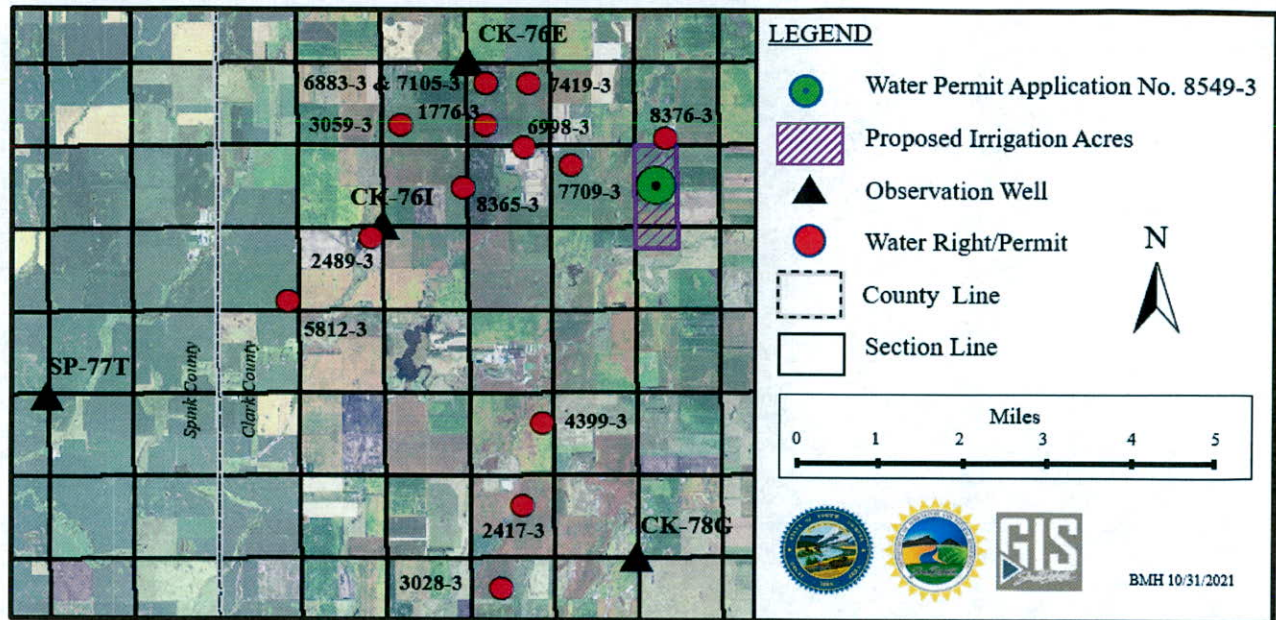


Figure 7. Existing Altamont aquifer water rights/permits in the vicinity of Water Permit Application No. 8549-3 (Water Rights 2021a, Water Rights 2021c).

Table 3. Water rights/permits shown in Figure 5 (Water Rights, 2021a).

Permit Number	Name	Rate (cfs)	Acres	Use ^a	Status ^a	County ^a
1776-3	RIVERVIEW LLP	1.93	135	IRR	LC	CK
2417-3	FORDHAM HTTRN BRTH	1.78	268	IRR		
2489-3	CLARK FARMERS COOP	1.78	264	IRR		
3028-3	FORDHAM HTTRN BRTH	1.78	132	IRR		
3059-3	DRM HOLDINGS LLC	2.01	269	IRR		
4399-3	FORDHAM HTTRN BRTH	1.78	270	IRR		
5812-3	CLARK FARMERS COOP	1.78	262	IRR		
6998-3	RIVERVIEW LLP	0.89	0	COM		
8376-3	HUSKY FARMS LLC	0.27	0	COM	PE	
6883-3	RIVERVIEW LLP	1.88	132	IRR		
7105-3	RIVERVIEW LLP	0.00	364	IRR		
7419-3	JAMES ORRIS	6.46	520	IRR		
7709-3	GARY DOPPENBERG	4.00	320	IRR		
8365-3	GARY DOPPENBERG	0.89	80	IRR		
a -IRR: Irrigation; COM: Commercial; LC: Licensed Water Right; PE: Permitted Water Right; CK: Clark County						

There have been numerous complaints concerning water pumped from the Altamont 2 aquifer and its adverse effects on nearby water users (Water Rights, 2021d). The majority concerned spring flows near well sites in Clark County. Buhler (2012) summarized these issues and identified that only one of the complaints, in 1975, verified that the cone of depression from a pump well was intercepting the water supply for a spring. For the remainder of the complaints, adverse effects on water users from pumping have been unsubstantiated. In 2004, the Water Management Board placed a qualification on the holder of Water Permit No. 6560-3 to control withdrawals so they do not reduce the flow of water to a fen that was utilized for domestic

purposes. Since that time, there have been no additional issues/complaints regarding the Altamont 2 aquifer.

Buhler (2012) further addressed spring flow occurring in the sloping terrain composing the border of the Coteau des Prairies and the James River Basin. In Clark County, springs are generally encountered where the terrain has incised the aquifer water table. A small fluctuation in water levels of the incised aquifer may influence the discharge from these springs. Nearby observation wells (Figures 3 through 6) are useful in describing what water is doing in the aquifer. The hydrographs show that variation in the static water level of the aquifer, before and after the irrigation season, are primarily dependent on the climatic conditions in the area. This means that the flow from these incised springs is primarily affected by climatic conditions. The proposed diversion point for this application is far enough west of the sloping terrain to not have adverse impact on springs emerging from the Coteau des Prairies.

When considering the large amount of artesian head pressure (77 feet), the hydrographs of nearby observation wells not showing detrimental impact of pumping and, the lack of well interference complaints due to pumping complaints in the area of the aquifer, there is reasonable probability that the proposed diversion can be developed without unlawfully impairing existing appropriative or domestic water users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8549-3 proposes to appropriate water at a maximum instantaneous diversion rate of 3.78 cubic feet per second (cfs) of water from the Altamont aquifer from three, approximately 160 feet-deep, wells to be located in the W $\frac{1}{2}$ Section 1 for the irrigation of 350 acres located in the W $\frac{1}{2}$ Section 1 and the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 12; all in T115N-R59W.
2. Based on the hydrologic budget specifically for the Altamont 2 aquifer in Clark County, 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.



Blaise Hansen
SD DANR – Water Rights Program

Reviewed By:



Adam Mathiowetz
SD DANR-Water Rights Program

REFERENCES:

- Buhler, K.A. 2012. *Report to the Chief Engineer on Water Permit Application No. 7419-3, James R. Orris, October 26, 2012*. SD DANR-Water Rights Program. Joe Foss Building, Pierre, SD.
- Drinking Water. 2021. *Drinking Water System Information*. SD DANR – Drinking Water Program Online Database. Accessed 10/31/2021. <<https://denr.sd.gov/des/dw/sysinfo.aspx>>.
- Friedeman, B. *Personal Communication*. November 4, 2021. SD DANR-Drinking Water Program Environmental Scientist.
- Hamilton, L.J., 1986, *Geology and Natural Resources of Clark County, South Dakota, Part II: Water Resources*. Bulletin 298. SD DANR-Geological Survey. Vermillion, SD.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. *Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report*. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J., Holly D.E., 1985, *Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge*. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Water Rights. (1979-2020). *"1979-2020 Irrigation Questionnaires"*. SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 1995. *Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills*. DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.
- Water Rights. 2021a. *Water Right/Permit Files*. SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2021b. *Well Completion Reports*. SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2021c. *Observation Well Files*. SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2021d. *Clark County Files*. SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.

NOTICE OF APPLICATION NO.

8549-3 to Appropriate Water

Notice is given that James Orris Living Trust, c/o Jim Orris, 41898 US Hwy 212, Clark, SD 57225 has filed an application for a water permit to appropriate 3.78 cubic feet of water per second from three wells to be completed into the Altamont Aquifer (approximately 160 feet deep) located in the W 1/2 Section 1 for irrigation of 350 acres located in the W 1/2 Section 1 and the N 1/2 NW 1/4 Section 12; all in T115N-R59W. This site is located approximately 8.5 miles southwest of Clark SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8549-3 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 December 6, 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 December 6, 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 \$35.05.

11-24-1t

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks 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 the

James Orris Living Trust

a printed copy of which taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

One

successive week(s), on the day of each week on which said newspaper was regularly published, to wit:

November 24, 2021

that the full amount of the fees for the publication of the annexed notice is

\$35.05

William J. Krikac

Subscribed and sworn to before me this

24th day of November, 2021

Ann Helke

Notary Public

Clark County, South Dakota

My Commission expires: 06/04/2025

RECEIVED

DEC - 1 2021

WATER RIGHTS
PROGRAM

LOCALiQ

Aberdeen News
Watertown Public Opinion

RECEIVED

DEC 27 2021

PO Box 630567 Cincinnati, OH 45263
WATER RIGHTS PROGRAM

PROOF OF PUBLICATION

Orris, Jim - Living Trust
41898 Us Highway 212
Clark SD 57225-6701

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

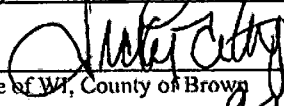
12/16/2021

and that the fees charged are legal.

Sworn to and subscribed before on 12/16/2021



Legal Clerk



Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$45.88

Order No: 6622323

of Copies:

Customer No: 650638

-1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

VICKY FELTY
Notary Public
State of Wisconsin

NOTICE OF APPLICATION NO. 8549-3 to Appropriate Water

Notice is given that James Orris Living Trust, c/o Jim Orris, 41898 US Hwy 212, Clark SD 57225 has filed an application for a water permit to appropriate 3.78 cubic feet of water per second from three wells to be completed into the Altamont Aquifer (approximately 160 feet deep) located in the W 1/2 Section 1 for irrigation of 350 acres located in the W 1/2 Section 1 and the N 1/2 NW 1/4 Section 12; all in T115N-R59W. This site is located approximately 9.5 miles southwest of Clark SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8549-3 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 December 27, 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 December 27, 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 \$46.44
6622323 Dec.16, 2021

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, November 18, 2021 9:07 AM
To: 'courier@itctel.com'
Subject: 8549-3, James Orris Living Trust
Attachments: 8549-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 24, 2021.

James Orris Living Trust, c/o Jim Orris, 41898 US Hwy 212, Clark SD 57225 (605 233-0150) 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: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, December 6, 2021 12:57 PM
To: Schlaak, Karen
Subject: RE: [EXT] 65556083 8549-3, James Orris Living Trust

The ad was not paid for so unfortunately it didn't publish.

From: Gannett Legals Public Notices <GanLegPubNotices@gannett.com>
Sent: Monday, December 6, 2021 12:44 PM
To: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Subject: FW: 65556083 8549-3, James Orris Living Trust

Ad # 6556083 was cancelled. Please provide me with the new ad number or contact the customer.

Sarah Bertelsen

Public Notice Representative – Affidavits Team
sbertelsen@gannett.com



LOCALiQ

*12/16/21
called Jim Orris
told him we are sending
notice to Watertown paper and
that he needed to make payment
prior to their publishing*

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Monday, December 6, 2021 11:01 AM
To: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Subject: RE: 65556083 8549-3, James Orris Living Trust

Please send me the affidavit for this publication.
Thank you

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Thursday, November 18, 2021 10:16 AM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: [EXT] 65556083 8549-3, James Orris Living Trust

Hi Karen,

Karen – without an email for Jim, I am sending you the reply – please reach out to him with the information I have provided to make sure prepayment gets taken care of ASAP so this date is still available.

Please find attached your order confirmation and proof of the ad. **Please note that prepayment is required.**

Your ad is set to run in:

• Watertown Public Opinion Legals November 24th as requested

The total cost is \$47.56 which includes an affidavit (I set up to have them send two affidavits – one to you and the other to Jim), which will be mailed to you after the ad publishes. **Please call 844-254-5287 ASAP due to holiday deadlines for PAYMENT of the ad in order to run. You may reference ad# 6556083.** You will be able to receive an affidavit 7-10 business days after the last day of printing.

Thanks,

Leanne Kaufenberg
Public Notice Representative



Office: 844-254-5287

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Thursday, November 18, 2021 9:08 AM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 65556083 8549-3, James Orris Living Trust

Attached is a notice to be published on November 24, 2021.

James Orris Living Trust, c/o Jim Orris, 41898 US Hwy 212, Clark SD 57225 (605 233-0150) 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: Monday, December 6, 2021 2:45 PM
To: 'legals@thepublicopinion.com'
Subject: 8549-3, James Orris Living Trust
Attachments: 8549-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 16, 2021.

James Orris Living Trust, c/o Jim Orris, 41898 US Hwy 212, Clark SD 57225 (605 233-0150) 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>



NOTICE OF APPLICATION NO. 8549-3 to Appropriate Water

Notice is given that James Orris Living Trust, c/o Jim Orris, 41898 US Hwy 212, Clark SD 57225 has filed an application for a water permit to appropriate 3.78 cubic feet of water per second from three wells to be completed into the Altamont Aquifer (approximately 160 feet deep) located in the W 1/2 Section 1 for irrigation of 350 acres located in the W 1/2 Section 1 and the N 1/2 NW 1/4 Section 12; all in T115N-R59W. This site is located approximately 8.5 miles southwest of Clark SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8549-3 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 December 27, 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 December 27, 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

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

November 18, 2021

James Orris Living Trust
c/o Jim Orris
41898 US Hwy 212
Clark SD 57225

Dear Mr. Orris:

Water Permit Application No. 8549-3 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 Clark County Courier printed at Clark (Ph # 532-3654) and the Public Opinion printed at Watertown (Ph # 886-6901). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on November 24, 2021. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8549-3 to Appropriate Water

Notice is given that James Orris Living Trust, c/o Jim Orris, 41898 US Hwy 212, Clark SD 57225 has filed an application for a water permit to appropriate 3.78 cubic feet of water per second from three wells to be completed into the Altamont Aquifer (approximately 160 feet deep) located in the W 1/2 Section 1 for irrigation of 350 acres located in the W 1/2 Section 1 and the N 1/2 NW 1/4 Section 12; all in T115N-R59W. This site is located approximately 8.5 miles southwest of Clark SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8549-3 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 December 6, 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 December 6, 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

January 21, 2022

James Orris Living Trust
c/o Jim Orris
41898 US Hwy 212
Clark SD 57225

Dear Mr. Orris:

Enclosed is Water Permit No. 8549-3 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



8549-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 31, 2023

8549-3

James Orris Living Trust
c/o Jim Orris
41898 US Hwy 212
Clark SD 57225

Dear Mr. Orris:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

JUL 31 2023

OFFICE OF
WATER

Date 7-25-23

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

FROM: James Orris
(name)
41898 US Hwy 212
(address)
Clark S.D. 57225 605 233 0150
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

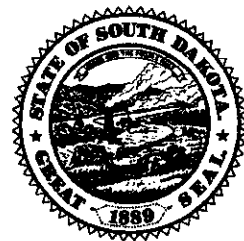
Water Permit No. 8549-3 states that the water use system is to be constructed by 6-1-2023, and water is to be put to beneficial use by 6-1-2023.
(date) (date)

The water use system was completed on 6-1-2023.
(date)

Applying the water to beneficial use was completed on 6-1-2023.
(date)

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

James Orris
(signature)



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8549-3

I have this day, October 14, 2024, made a thorough examination of the water use system constructed by James Orris Living Trust, 41898 US Hwy 212, Clark, SD 57225 of Permit No. 8549-3, bearing the priority of September 8, 2021 authorizing the diversion of 3.78 cu. ft. per second of the waters of the Altamont Aquifer for irrigation purposes, in Clark County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Manikowski Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) _____ feet
- 4) Well log is available N If no, explain in comments

Comments:

Casing:

- 1) Diameter 12 inches
- 2) Length _____ feet
- 3) Type PVC

Screen:

- 1) Type _____
- 2) Length _____ feet
- 3) Static water level _____ feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 850 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating _____ hp

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

- 1) Type PVC 2) Size 8 inches 3) Length 4400 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make 2 - Valleys
 2) Overall length 1300 feet
 3) Number of towers 7
 4) End gun Y
 5) Capacity 850 each GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in new condition with the point(s) of diversion located as follows: **WELL LOCATION**
From the NW corner Sec 1 T115N R59W, 50 ft S & 360 ft E, Lat 44.80483 Long -97.87512 (NW 1/4 NW 1/4).
 2. The works are capable of diverting and conveying to the place of use 1.89 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Land Description / Acreage	Land Description / Acreage
Section 1, T115N, R59W	Section 12, T115N, R59W
NW 1/4 NW 1/4 - 33 acres	NW 1/4 NW 1/4 - 4 acres
NE 1/4 NW 1/4 - 33 acres	NE 1/4 NW 1/4 - 4 acres
SE 1/4 NW 1/4 - 35 acres	
SW 1/4 NW 1/4 - 35 acres	
NW 1/4 SW 1/4 - 30 acres	
NE 1/4 SW 1/4 - 30 acres	
SE 1/4 SW 1/4 - 37 acres	
SW 1/4 SW 1/4 - 37 acres	

comprising a total of 278 acres of land and the license should be issued for 1.89 cfs

3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

FSA maps and the ArcGIS program were used to construct the attached well location and irrigated area map which was used to estimate irrigated acreage.

The flow rate reported on the 2023 Irrigation Questionnaire was used to establish the system flow capacity.

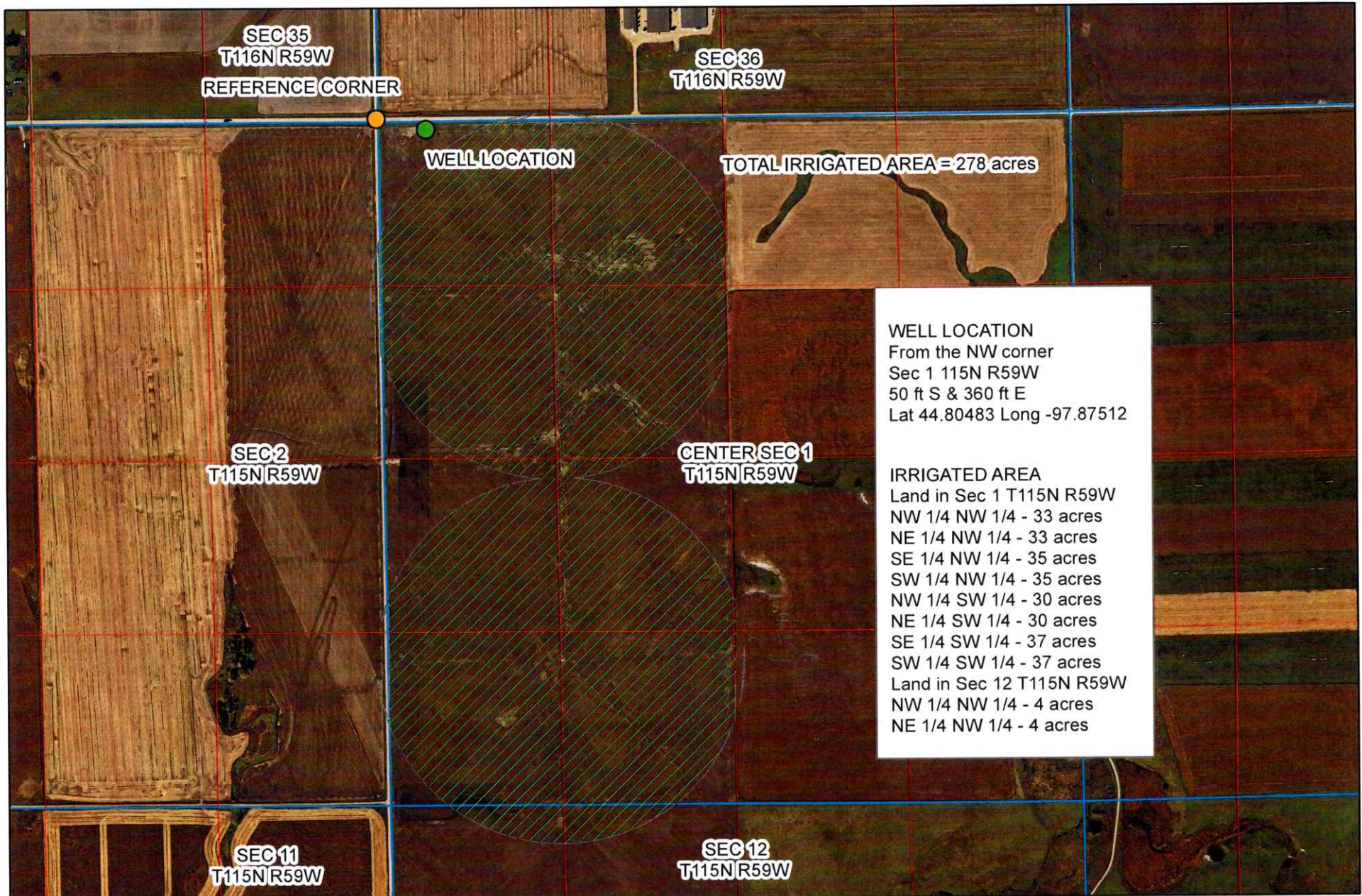
The address and phone number in the permit application are current.

I talked to Mr. James Orris on the phone regarding Permit details. He told me that Manikowski Well Drilling out of North Dakota constructed the well, but I could not find a record of a well log for the well. Manikowski (701/680-0524) was contacted by phone and seemed surprised that the well log was missing. Not sure what he plans to do to rectify the situation. Maybe a follow up call is in order.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: October 17, 2024



0 800 1,600 3,200 4,800 6,400 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

James Orris Living Trust
c/o Jim Orris
41898 US Hwy 212
Clark, SD 57225

No. 8549-3

Dear Mr. Orris:

Enclosed is Water License No. 8549-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8549-3

(1) James Orris Living Trust, c/o Jim Orris, 41898 US Hwy 212, Clark, SD 57225, made Application No. 8549-3, September 08, 2021, for a water permit to divert 3.78 cubic feet of water per second from groundwater, three wells (Altamont Aquifer), Clark County, South Dakota for irrigation purposes. Permit No. 8549-3, with a priority date of September 8, 2021, was approved December 27, 2021, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 27, 2026, and for the application to beneficial use of water on or before December 27, 2030.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on July 31, 2023. The Notice stated the diversion system was completed on June 1, 2023 and the water was placed to beneficial use on June 1, 2023.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 50 feet S and 360 feet E from the NW corner Section 1, T115N, R59W (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
(Latitude 44.80483 and Longitude -97.87512)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – August 31.

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

Section 1, T115N, R59W
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 35 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 35 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 30 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 30 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 37 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 37 acres

Section 12, T115N, R59W
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 4 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 4 acres

Total – 278 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 James Orris Living Trust, the holder and/or owner of Water Right No. 8549-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from groundwater, one well (Altamont Aquifer), with a priority date of September 8, 2021, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8549-3 and subject to the following qualifications:

continued

Qualifications

1. The wells approved under Water Permit No. 8549-3 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. (Only one well was drilled for this irrigation system.)
2. The wells authorized by Permit No. 8549-3 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.



Mark Mayer, PE
Director of Office of Water



date

