

WATER PERMIT NO. 8553-3

Name of Applicant: **Lake Platte Golf Course**

Address: **PO Box 953, Platte SD 57369** Phone: **605 680-3374**

Amount of Water Claimed: **0.33 cfs** Total Acres: **40**

Source of Water Supply: **groundwater (1 well)**

Water to be used for: **irrigation** County: **Charles Mix**

Type of Waste Disposal System:

Location: **2 miles west of Platte**

PRIORITY Date Received: **9-7-21** Application/License Fee: **\$ 700**

Corrected Application Received: **10-20-21** Period of Annual Use: **April 1 – October 31**

Remarks: **Water Right No. 1957-³~~4~~ authorizes irrigation from Lake Platte but because of problems with the dam there is not enough water available for watering the course.**

Diversion Point: **NW 1/4 SE 1/4 Sec 16-T99N-R68W**

Land to be Irrigated: **W 1/2 SE 1/4, NE 1/4 SE 1/4 Sec 16-T99N-R68W**

Depth of Well: **370**

Well Driller:

Remarks:

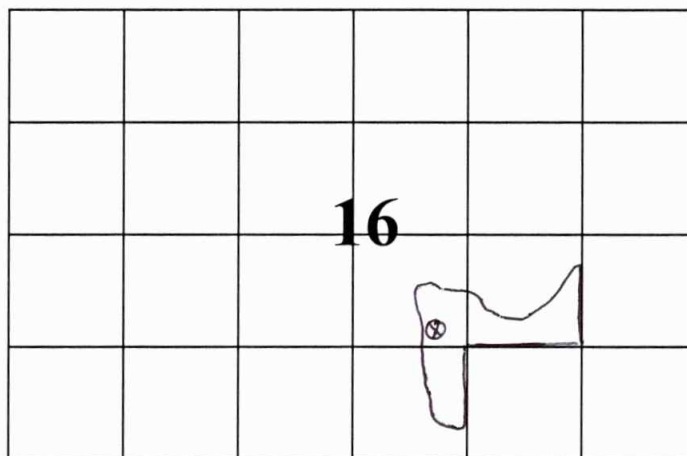
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **10-20-21**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8553-3**

Date of first receipt of application September 7, 2021.

Date of return to applicant for corrections, amendments or changes September 8, 2021.

Date of receipt of corrected application October 15, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8553-3 to Lake Platte Golf Course, 27574 Golf Course Rd, Platte SD 57369 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. 8553-3 appropriates 0.33 cubic feet of water per second (cfs) from one well to be completed into the Codell Aquifer (370 feet deep) located in the W 1/2 SE 1/4 Section 16 for irrigation of 40 acres located in the W 1/2 SE 1/4, NE 1/4 SE 1/4 Section 16; all in T99N-R68W. The permit holder will divert water from the well at a rate of 0.33 cfs to an existing holding pond. Water will be diverted from the holding pond and applied to the golf course at a rate of 0.78 cfs. This site is located 1 1/2 miles west of Platte 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 September 7, 2021.
4. The date of approval of Permit No. 8553-3 is December 13, 2021.
5. One-fifth of the construction is to be completed on or before June 13, 2024.
6. All construction is to be completed on or before December 13, 2026.
7. Water is to be put to beneficial use on or before December 13, 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. 8553-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8553-3 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)

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. 8553-3 authorizes a maximum diversion rate of 0.78 cfs from the holding pond for the irrigation of 40 acres with an annual volume not to exceed 3 acre feet of water per acre per year.
4. Water Right No. 1957-3 (0.50 cfs / Platte Lake), Water Permit No. 8423-3 (0.33 cfs / Dakota aquifer and 0.78 cfs / application rate from holding pond) and Water Permit No. 8553-3 (0.33 cfs / Codell aquifer and 0.78 cfs / application rate from holding pond), may not provide more than a combined diversion rate of 0.78 cfs and 3 acre feet per acre annually applied to the authorized 40 acres.
5. 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

1/13/2022
date



RECEIVED

SEP 07 2021

PAID

SEP 7 2021

Ck# 29024

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8553-3</u> (office use only) Hydrologic Unit <u>10140101</u>	SEP 07 2021 WATER RIGHTS PROGRAM
	Basin <u>Missouri River</u>	
	Newspaper <u>Platte Enterprise</u> <u>Plainsman</u>	

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Lake Platte Golf Course

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

Mailing Address 27574 Golf Course Rd Platte SD 57369
P.O. Box 953 (Address) (City) (State) (Zip Code)Phone 605-337-3300 Mobile 605-680-3374 Email pharmco.of.platte@plattionarr.co2. Amount of water claimed 0.33 *CFS or 150 **GPM ***AF Total Acreage 40
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Codell Sandstone4. Location of point of diversion 1 well in NW 1/4, SE 1/4 section 16-T-99-N R-68-
43.389555 - 98.886534 County _____
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)5. County or counties where water will be used Charles Mix6. Annual period during which water is to be used Year Round April 1 - October 317. 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>Lake Platte Golf Course</u>	<u>40</u>		
<u>W 1/2 SE 1/4</u>			
<u>NE 1/4 SE 1/4</u>			
<u>all in Sec 16-T99N-R68W</u>			

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

I, Chris Nelson President, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☒ No Drilled by ____
(if yes, please provide copies of logs)b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Priller #22

For either Existing or Proposed Wells:

c) Well Depth (required) 370 Depth to Top of Water Bearing Material 300 Depth to Water from Surface 70d) Distance to nearest domestic well on applicant's property 150 ft Property owned by others 1.75 miles**2. Wastewater Disposal System Information**

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

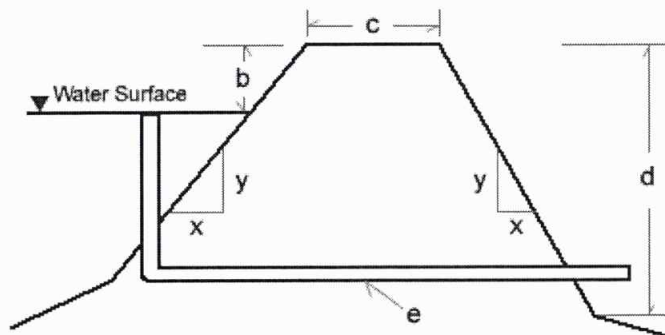
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



99N 68W
Section: 08

99N 68W
Section: 09

99N 68W
Section: 10

99N 68W
Section: 17

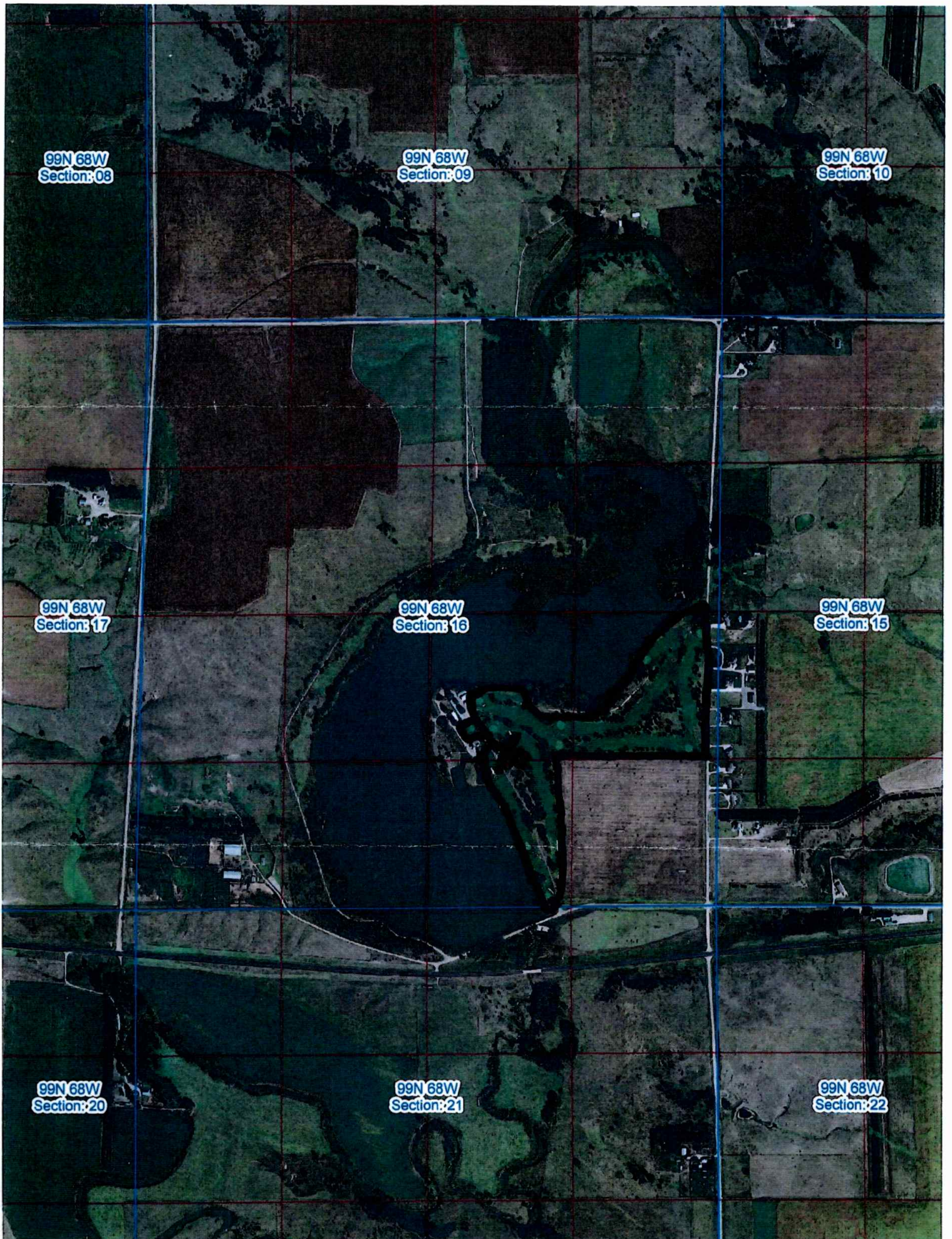
99N 68W
Section: 16

99N 68W
Section: 15

99N 68W
Section: 20

99N 68W
Section: 21

99N 68W
Section: 22



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 7, 2021

RECEIVED OF Lake Platte Golf Club 27574 Golf Course Rd. Platte SD 57369

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

Fee for Application for Permit No. <u>8553-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</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>8553-3</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>700.00</u>

By Eric Gronlund
Chief Engineer
EG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 8, 2021

Lake Platte Golf Course
c/o Chris Nelson, President
PO Box 953
Platte SD 57369

Dear Mr. Nelson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation of the golf course. In order to complete the application, the following is required.

- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please outline the acres to be irrigated and mark the proposed well location with an "X".
- Do you agree that the 40 acres to be irrigated will be in the W 1/2 SE 1/4, NE 1/4 SE 1/4 Section 16-T99N-R68W?
- Water Right No. 1957-3 authorizes irrigation of the golf course from Lake Platte. Will you continue to use water from Lake Platte?
- Also, you indicate the annual period during which water is to be used as year around. Generally, irrigation permits are issued for April 1 – October 31. What is the golf courses irrigation season?

If you have any questions, please contact me.

Sincerely,

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

enclosures

Schlaak, Karen

From: Pharmco of Platte <pharmco.of.platte@plantpioneer.com>
Sent: Wednesday, October 13, 2021 9:12 AM
To: Schlaak, Karen
Subject: Fw: [EXT] [EXTERNAL] Message from "PharmcoIndustriesInc"
Attachments: 20210915201724495.pdf

From: Pharmco of Platte <pharmco.of.platte@plantpioneer.com>
Sent: Thursday, September 16, 2021 8:23 AM
To: karen.schlaak@state.sd.us <karen.schlaak@state.sd.us>
Subject: Fw: [EXTERNAL] Message from "PharmcoIndustriesInc"

Karen,

- we do agree with your description of the 40 acres to be irrigated.
- if someday our lake has water in it, we will irrigate out of lake Platte also
- we do only irrigate from April 1-October 31, that is fine with us.

thank you for being so prompt.

Chris Nelson

From: copier@pharmcosd.com <copier@pharmcosd.com>
Sent: Wednesday, September 15, 2021 8:17 PM
To: Pharmco of Platte <pharmco.of.platte@plantpioneer.com>
Subject: [EXTERNAL] Message from "PharmcoIndustriesInc"

This E-mail was sent from "PharmcoIndustriesInc" (MP 2555).

Scan Date: 09.15.2021 20:17:24 (-0500)
Queries to: copier@pharmcosd.com

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WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Lake Platte Golf Course, c/o Chris Nelson

ADDRESS: 27574 Golf Course Rd, Platte SD 57369

DATE: October 15, 2021

RE: Water Permit Application No. 8553-3

COMMENTS:

I spoke via phone with Chris Nelson concerning this application and an existing permit granted to the City of Platte for irrigating the golf course. Mr. Nelson indicated that the city's application was for a deeper ground water formation and it would be significantly more expensive to complete a water supply well into the deeper formation. Consequently, Application No. 8553-3 is for a less deep aquifer and will be significantly less expensive. Mr. Nelson indicated they have been in contact with Stretch concerning construction of the well and getting cost estimates.

Regarding the number of irrigated acres, Mr. Nelson indicated the total golf course area exceeds 40 acres but the actual area irrigated area does not exceed 40 acres. The proposed well site is very near the quarter-quarter line so it was decided to describe the well location as the W1/2 SE1/4. Also, water from the well will be diverted to a storage pond as indicated under No. 8423-3 with diversion from the pond to the irrigated area at the rate described in No. 8423-3.



Ron Duvall
Natural Resources Engineer
Water Rights Program

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, November 23, 2021 9:03 AM
To: pharmco.of.platte@plantpioneer.com
Subject: Water Permit Application No. 8553-3, Lake Platte Golf Course
Attachments: 2264.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. 8553-3, Lake Platte Golf Course**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8553-3, Lake Platte Golf Course, c/o Chris Nelson, 27574 Golf Course Road, Platte SD 57369.

The Chief Engineer is recommending APPROVAL of Application No. 8553-3 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. 8553-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8553-3 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. 8553-3 authorizes a maximum diversion rate of 0.78 cfs from the holding pond for the irrigation of 40 acres with an annual volume not to exceed 3 acre feet of water per acre per year.
4. Water Right No. 1957-3 (0.50 cfs / Platte Lake), Water Permit No. 8423-3 (0.33 cfs / Dakota aquifer and 0.78 cfs / application rate from holding pond) and Water Permit No. 8553-3 (0.33 cfs / Codell aquifer and 0.78 cfs / application rate from holding pond), may not provide a combined diversion rate of 0.78 cfs and 3 acre feet per acre annually applied to the authorized 40 acres.

5. 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 22, 2021

Report to the Chief Engineer
On Water Permit Application No. 8553-3
Lake Platte Golf Course

October 25, 2021

Water Permit Application No. 8553-3 proposes to appropriate water at a maximum instantaneous diversion rate of 0.33 cubic feet per second (cfs) from one well to be completed into the Codell aquifer (approximately 370 feet deep) located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 16 for the irrigation of 40 acres for a golf course located in the W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16; all in T99N-R68W. The applicant is proposing to divert water from the proposed well at a rate of 0.33 cfs to an existing holding pond. Water will be diverted from the holding pond and applied to the golf course at a rate of 0.78 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The golf course was originally irrigated under Water Right No. 1957-3 and Water Permit No. 8423-3; however, there is not enough water for the irrigation of the golf course as a result of ongoing issues with the Platte Lake dam and a well completed into the Dakota aquifer has been determined to be too costly. The site is located in Charles Mix County approximately one and one-half miles west of Platte, SD.

AQUIFER: Codell (CDLL)

HYDROGEOLOGY:

The Codell aquifer lies within the Codell Sandstone Member of the Upper Cretaceous aged Carlile Shale Formation (Kume, 1977). The Codell aquifer is a bedrock aquifer that is composed of sandstone intermixed with gray shale and thin limestone layers (Christensen, 1989; Kume, 1977; Hedges, 1982). The sandstone of the Codell aquifer is multicolored, fine to medium grained, and can be either friable or indurated. The Codell Sandstone is also generally fossiliferous and glauconitic (Christensen, 1989). The Codell Sandstone Member of the Carlile Shale Formation has been documented only in the eastern counties of South Dakota while the Carlile Shale Formation extends west of the Missouri River where it is only absent in the region of the Black Hills (Allen et al., 1985). The Codell aquifer underlies approximately 4,960,000 acres in eastern South Dakota and contains approximately 9,895,700 acre-feet (ac-ft) of recoverable water in storage (Hedges et al., 1982). There are water rights/permits outside the estimated boundary of the Codell aquifer that Hedges and others delineated in 1982. Water rights/permits outside of this delineated boundary implies that the Codell aquifer may have more water in storage and a greater areal extent than what was estimated by Hedges and others (1982).

The Codell aquifer is generally under confined conditions and is commonly overlain by either shale or marl of the Carlile Shale or Niobrara Formations, respectively, in Charles Mix and Douglas Counties (Kume, 1997; Hedges, 1982; Water Rights, 2021b and 2021d). The depth to the top of the Codell aquifer can range from approximately 80 to 125 feet in the Missouri bedrock valley and from approximately 300 and 400 feet in the Corsica and Choteau bedrock valleys (Kume, 1977). The direction of groundwater movement of the Codell aquifer in Charles Mix and Douglas Counties is commonly to the south towards the Missouri River or to the east

toward Choteau channel (Kume, 1977). The Codell aquifer underlies approximately 725,760 acres and contains approximately 1,451,500 ac-ft of recoverable water in Charles Mix County (Hedges, 1982). The approximate areal extent of the Codell aquifer is displayed in Figure 1 along with the location of the proposed diversion point.

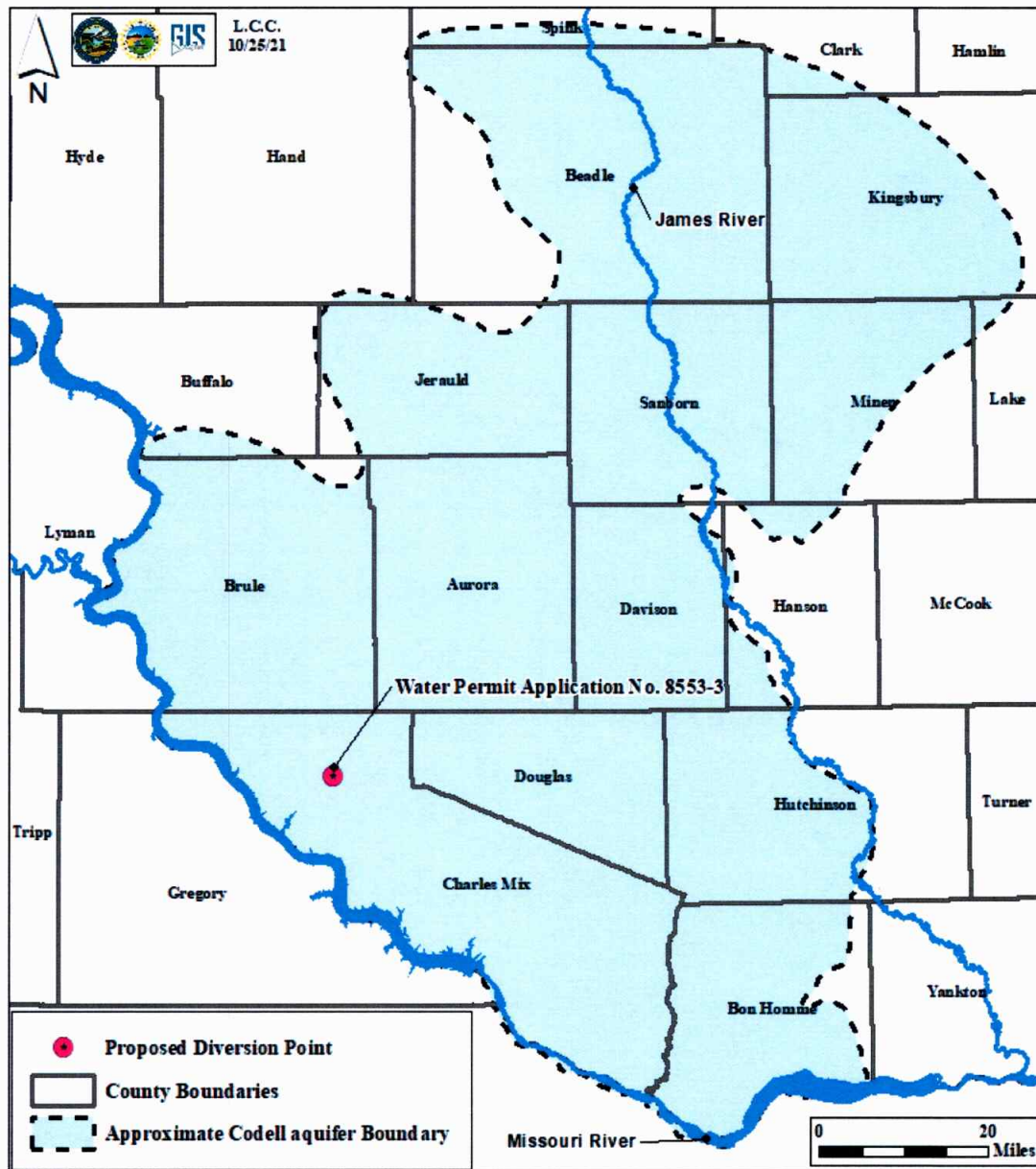


Figure 1: Map of the approximate areal extent of the Codell aquifer including the proposed diversion point location of Water Permit Application No. 8553-3 (Hedges et al., 1982, Water Rights, 2021b and 2021c).

No well completion report or test hole log was submitted with Water Permit Application No. 8553-3. In well completion reports on file with the DANR-Water Rights Program for wells completed into the Codell aquifer within approximately 25 miles of the proposed diversion point for this application, the Codell aquifer has saturated aquifer thickness ranging from approximately 20 to 75 feet, with the depth to the top of aquifer materials ranging from

approximately 209 to 397 feet below land surface, and static water levels at well completion varying from approximately 116 to 240 feet below land surface (SDGS, 2021; Water Rights 2021b and 2021d). The Codell aquifer is expected to be confined at the proposed diversion point based on lithologic logs on file for nearby observation wells and well completion reports for nearby wells (SDGS, 2021; Water Rights 2021b and 2021d).

South Dakota Codified Law (SDCL) 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of 1 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....” Water Permit Application No. 8553-3 proposes to divert water at a maximum rate of 0.78 cfs for the irrigation of 40 acres or at a rate of 1.37 cfs per 70 acres. The applicant is requesting a diversion rate greater than the statutory limit due to method of irrigation, time interval restrictions, and high-volume requirements of turf irrigation. Water Right No. 1957-3, Water Permit No. 8423-3 and Water Permit No. 8553-3 may not provide a combined diversion rate of 0.78 cfs and 3-acre feet per acre annually applied to the authorized 40 acres. The request by the applicant is reasonable and has been historically accepted as a valid reason for exceeding the statutory limitation by the Water Rights Program and the Water Management Board.

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Codell aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8553-3 proposes to appropriate water from the Codell aquifer for irrigation of a golf course. The probability of unappropriated water being available from the 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. However, an application may be approved for a water distribution system for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge.” The Codell aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al, 2010), and the applicant’s proposed use is not for use in a water distribution

system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Codell aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

The primary source of recharge to the Codell aquifer occurs from leakage from the overlying Niobrara aquifer or underlying Sioux Quartzite (Hansen, 1983). In Charles Mix County, the majority of recharge to the aquifer comes from the north or from minor local recharge where the Codell Sandstone Member is in contact with the overlying outwash (Kume, 1977).

The average annual recharge rate to the Codell aquifer has yet to be calculated or published; however, Hedges and others (1985) have stated that the Codell Sandstone has a high storage and a low use that it is unlikely that the withdrawals are exceeding recharge. Furthermore, there is no evidence of significant decrease in artesian head pressure for wells completed into the Codell aquifer (Hedges et al., 1985; Water Rights 2021b).

Discharge

Discharge from the Codell aquifer in Charles Mix County is primarily through well withdrawals and leakage to the south towards the Missouri River or to the east towards the Choteau channel (Kume, 1977). Currently, there are 46 water rights/permits authorized to appropriate water from the Codell aquifer (Water Rights, 2021c). Table 1 summarizes the 42 non-irrigation water rights/permits authorized to appropriate water from the Codell aquifer with the estimated annual use for each water right/permit as determined by their maximum permitted diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that the non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. Twelve municipal water rights were identified as being connected to a rural water system and maintain their wells for standby purposes (Friedeman, 2020; Water Rights, 2021c); as such, the average annual water use for these water rights has been estimated to be zero ac-ft per year in Table 1. Overall, the average annual withdrawal rate for the Codell aquifer for non-irrigation water rights/permits is approximately 2,393 ac-ft/yr (Table 1) (Water Rights, 2021c).

Report on Water Permit Application No. 8553-3

Table 1: Estimated annual water use for non-irrigation water rights/permits authorized to appropriate water within the Codell aquifer (Water Rights, 2021c).

Permit No.	Name	Status	Use	County	Diversion Rate (cfs)	Estimated Volume (ac-ft/yr)
551-3	State Training School	LC	INS	AU	0.17	73.8
555-3	City of Armour	LC	MUN	DG	0.5	0*
687-3	City of Lake Andes	LC	MUN	CM	0.73	0*
1676-3	Town of Nunda	LC	MUN	LK	0.1	43.4
1694-3	Town of Stickney	LC	MUN	AU	0.11	0*
1892-3	City of Wakonda	LC	MUN	CL	0.33	0*
1966-3	City of Geddes	LC	MUN	CM	0.38	0*
4120-3	City of Plankinton	LC	MUN	AU	0.36	0*
4279A-3	City of Delmont	LC	MUN	DG	0	0*
4279-3	City of Delmont	LC	MUN	DG	0.3	0*
4383-3	Douglas County Cheese Co	LC	IND	DG	0.07	30.4
4402-3	City of Tripp	LC	MUN	HT	0.64	278
4836-3	City of Corsica	LC	MUN	DG	0.13	0*
4977-3	City of Menno	LC	MUN	HT	0.5	0*
5330-3	City of Avon	LC	MUN	BH	0.33	0*
5477-3	Artesian-Letcher School Dist 55-5	LC	INS	SA	0.05	21.7
5480-3	Cortrust Bank Na	LC	COM	SA	0.04	17.4
5549-3	National Foods Corp	LC	COM	AU	0.26	112.9
5598-3	Storla Sunset Home	LC	INS	AU	0.08	0*
5731-3	St Charles Catholic Church	LC	INS	SA	0.033	14.3
5756-3	Town of Ravinia	LC	MUN	CM	0.07	0*
5823-3	DNA Production LLC	LC	COM	DG	0.22	95.6
5978-3	Norfeld Hutterian Brethren Inc	LC	COM	BG	0.111	48.2
5995-3	Bernard L Van Vuuren	LC	COM	DG	0.177	76.9
6018-3	National Foods Corp	LC	COM	AU	0.27	117.3
6232-3	Rockport Htrtn Brth	LC	DOM	HS	0.222	96.4
6323-3	New Elm Springs Colony	LC	DOM	HT	0.09	39.1
6041A-3	Calvin Berwald	LC	COM	AU	0.08	34.8
6544-3	Armour	LC	REC, FWP	DG	1.381	599.9
6539-3	Clearfield Colony	LC	DOM	CM	0.2	86.9
6762-3	Van Winkle Dairy LP	LC	COM	MC	0.27	117.3
7359-3	James C Kokes	LC	COM	BH	0.067	29.1
7206-3	Long View Farms LLP	PE	COM	CM	0.067	29.1
7851-3	Alan Armstrong	LC	DOM	BH	0.067	29.1
8252-3	Michael J Slama	LC	COM	BH	0.09	45**
8291-3	Jackrabbit Family Farms	PE	COM	DN	0.085	50**
8303-3	Frank Pravecek	LC	COM	BH	0.12	51**
8314-3	Cody Schelling	PE	COM	DG	0.07	29**
8331-3	Rosedale Htrtn Brth	PE	COM	HS	0.11	72.6**
8444-3	Rosedale Htrtn Brth	PE	COM	HS	0.056	38**
8456-3	Shannon Klumb	PE	COM	DN	0.133	63**
8464-3	Lakeview Htrtn Bthrn	PE	COM, DOM	CM	0.3	52.5**
LC: Licensed Water Right; PE: Permitted Water Right					TOTAL:	2,393
MUN: Municipal; COM: Commercial; RWS: Rural Water System; IND: Industrial; REC: Recreation;						
DOM: Domestic; FWP: Fish and Wildlife Propagation						
AU: Aurora; BG: Brookings; BH: Bon Homme; CL: Clay; CM: Charles Mix; DN: Davison; DG: Douglas; HS: Hanson;						
HT: Hutchinson; LK: Lake; SA: Sanborn; MC: McCook						
*Identified as being connected to a Rural Water System				**Limited to an Annual Volume		

Report on Water Permit Application No. 8553-3

Currently, there are four irrigation water rights/permits appropriating water from the Codell aquifer (Water Rights, 2021c). The reported annual irrigation withdrawals from the Codell aquifer are shown in Table 2. The average annual withdrawal rate for the Codell aquifer irrigation water rights/permits that have reported over the period of record is approximately 40.6 ac-ft/yr (Table 2) (Water Rights, 2021a).

Since the number of irrigation water rights/permits has continued to increase over the period of record, the estimated average annual withdrawal rate for irrigation appropriations for the entire period of record may not accurately reflect the current level of development. The average annual withdrawal rate for irrigation appropriations from 2013 to 2020 better represents the current level of irrigation developments in the Codell aquifer. The average annual withdrawal rate for the Codell aquifer from 2013 to 2020 is approximately 107.8 ac-ft/yr (Table 2) (Water Rights, 2021a).

Table 2: Reported historic irrigation use from the Codell aquifer (Water Rights, 2021a).

Year	No. of Permits	Reported Pumpage (ac-ft)
1979	3	210
1980	3	92
1981	3	185
1982	2	0
1983	2	0
1984	2	124.2
1985	2	0
1986	2	152
1987-2003	0	0
2004	1	26.5
2005	1	26.5
2006	1	11.1
2007	1	0
2008	1	6.5
2009	1	2.7
2010	1	2.6
2011	1	3.4
2012	1	0
2013	4	23.6
2014	4	161.7
2015	4	191.2
2016	4	220.4
2017	4	213.6
2018	4	9.9
2019	4	9.3
2020	4	32.8
MIN	0	0
MAX	4	220.4
AVG	1	40.6
AVG (2013-2020)	4	107.8

There are domestic wells completed into the Codell aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2021d). Withdrawals from domestic wells on an average annual basis are not considered to be a significant portion of the hydrologic budget due to their relatively low diversion rates. Additionally, with the development of rural water systems in areas where the Codell aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Codell aquifer.

Hydrologic Budget Summary

The average annual withdrawal rate from the Codell aquifer totals approximately 2,620.8 ac-ft/yr (irrigation: 107.8 ac-ft/yr; non-irrigation: 2,393 ac-ft/yr; Water Permit Application No. 8553-3 (if approved) (assuming an application rate of 3 ft/ac): 120 ac-ft/yr) (Water Rights 2021a and 2021c). Although the average annual recharge for the Codell aquifer has yet to be quantified, it has been noted by Hedges and others (1982) that Codell aquifer is expected to have 10 million acre-feet of recoverable water in storage. Currently, there is no evidence of any significant decrease in artesian head pressure for wells completed into the Codell aquifer (Hedges et al., 1985; Water Rights 2021b). It is unlikely that the withdrawals from the Codell aquifer is exceeding the recharge to the aquifer. Therefore, there is a reasonable probability that unappropriated water is available for the appropriation proposed by this permit application.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall 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 22 observation wells completed into the Codell aquifer (Water Rights, 2021b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The South Dakota DANR-Water Rights Program does not monitor any observation wells completed into the Codell aquifer in Charles Mix County. There are three observation wells within approximately 40 miles of the proposed diversion point. The closest observation well to the proposed diversion point is observation well DG-80F (approximately 30 miles east). The hydrographs for these three observation wells are representative of the behavior of the Codell aquifer (Water Rights, 2021b). The hydrographs for these three observation wells are displayed in Figures 2 through 4 (Water Rights, 2021b).

Report on Water Permit Application No. 8553-3

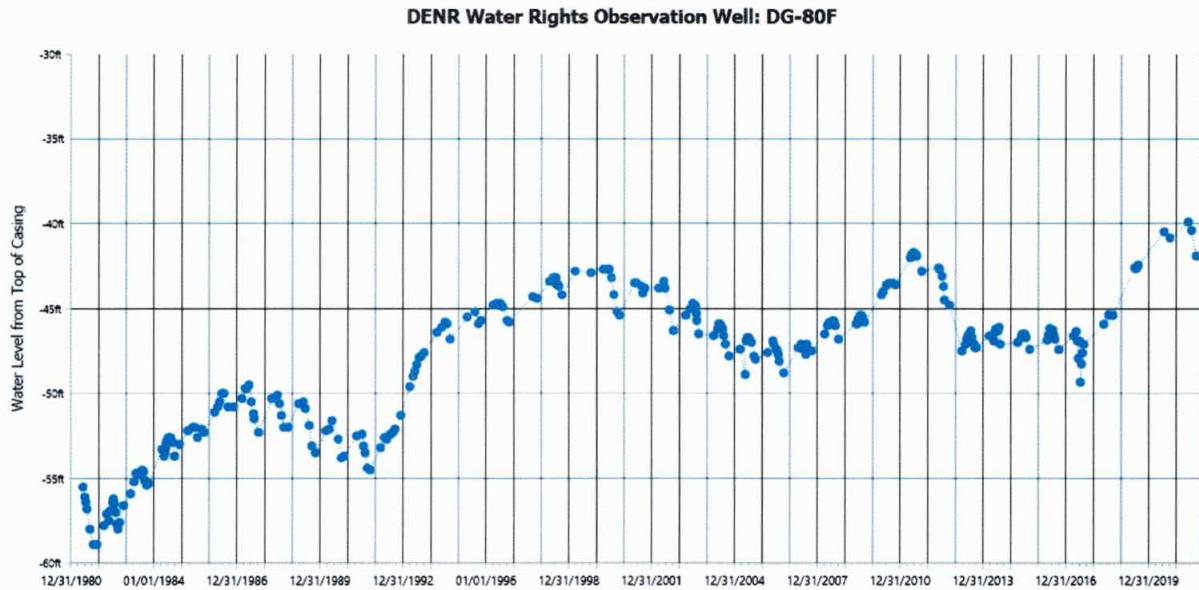


Figure 2: Hydrograph of the Codell aquifer observation well DG-80F, located approximately 30 miles east of the proposed diversion point (Water Rights, 2021b).

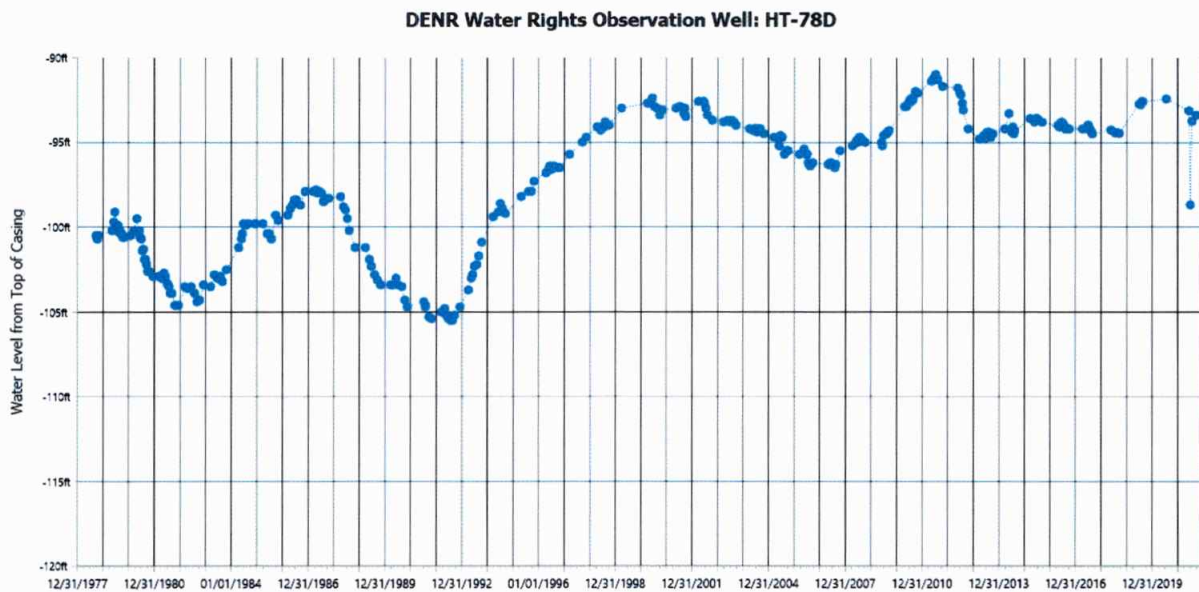


Figure 3: Hydrograph of the Codell aquifer observation well HT-78D, located approximately 40 miles northeast of the proposed diversion point (Water Rights, 2021b).

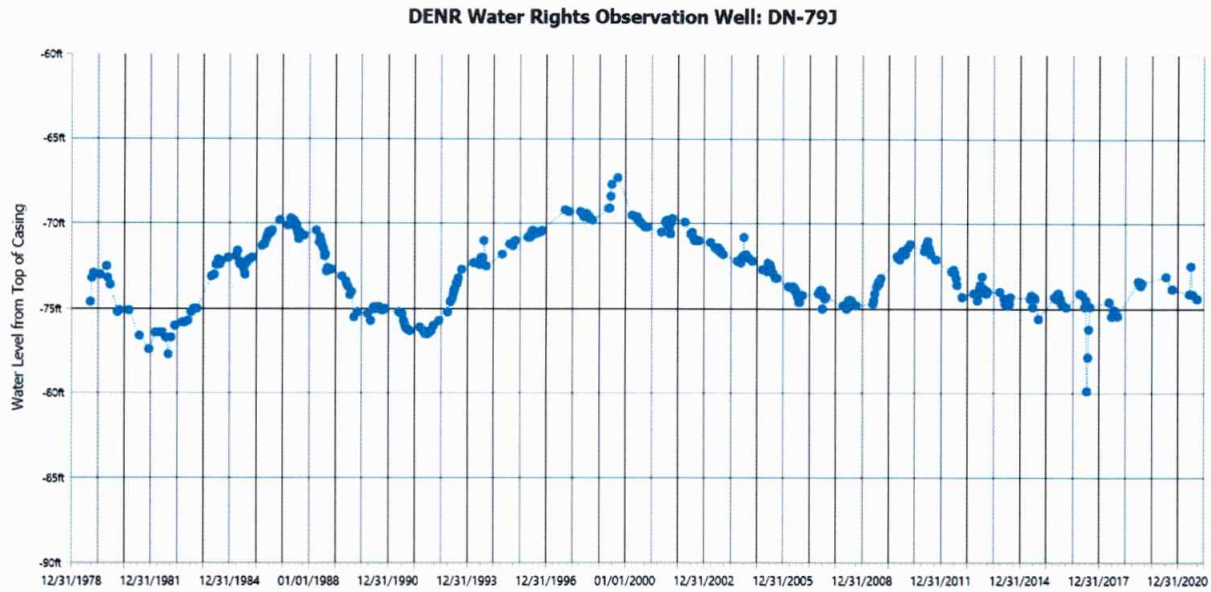


Figure 4: Hydrograph of the Codell aquifer observation well DN-79J, located approximately 40 miles northeast of the proposed diversion point (Water Rights, 2021b).

The hydrographs for the Codell aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. There is minimal evidence of the effects of pumping, even temporarily, on the water levels of the Codell aquifer as shown in the hydrographs. Additionally, the hydrographs for the observation wells display stable to increasing water levels over their respective periods of record, indicating no evidence of a significant decrease in artesian head pressure for observation wells completed into the Codell aquifer (Water Rights, 2021b). This relatively stable to rising water level in the Codell aquifer supports Hedges and others (1985) conclusion that it is unlikely that withdrawals are approaching or exceeding recharge from the aquifer. Therefore, it is reasonable that there is unappropriated water from the Codell aquifer available for Water Permit Application No. 8553-3.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 46 water rights/permits authorized to appropriate water from the Codell aquifer (Water Rights, 2021c). There are 18 water rights/permits authorized to appropriate water from the Codell aquifer within approximately 41 miles of the proposed diversion point (Water Rights, 2021c). The 18 water rights/permits are shown in Figure 5 and identified in Table 3. The nearest water right/permit (not held by the applicant) to the proposed diversion point completed into the Codell aquifer is Water Right No. 1966-3 located approximately 13 miles southeast of the proposed diversion point.

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Codell aquifer, with the closest domestic well on file (not held by the applicant) approximately 2.3 miles northeast of the proposed diversion point (Water Rights, 2021d). There

could potentially be other domestic wells completed into the Codell aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program.

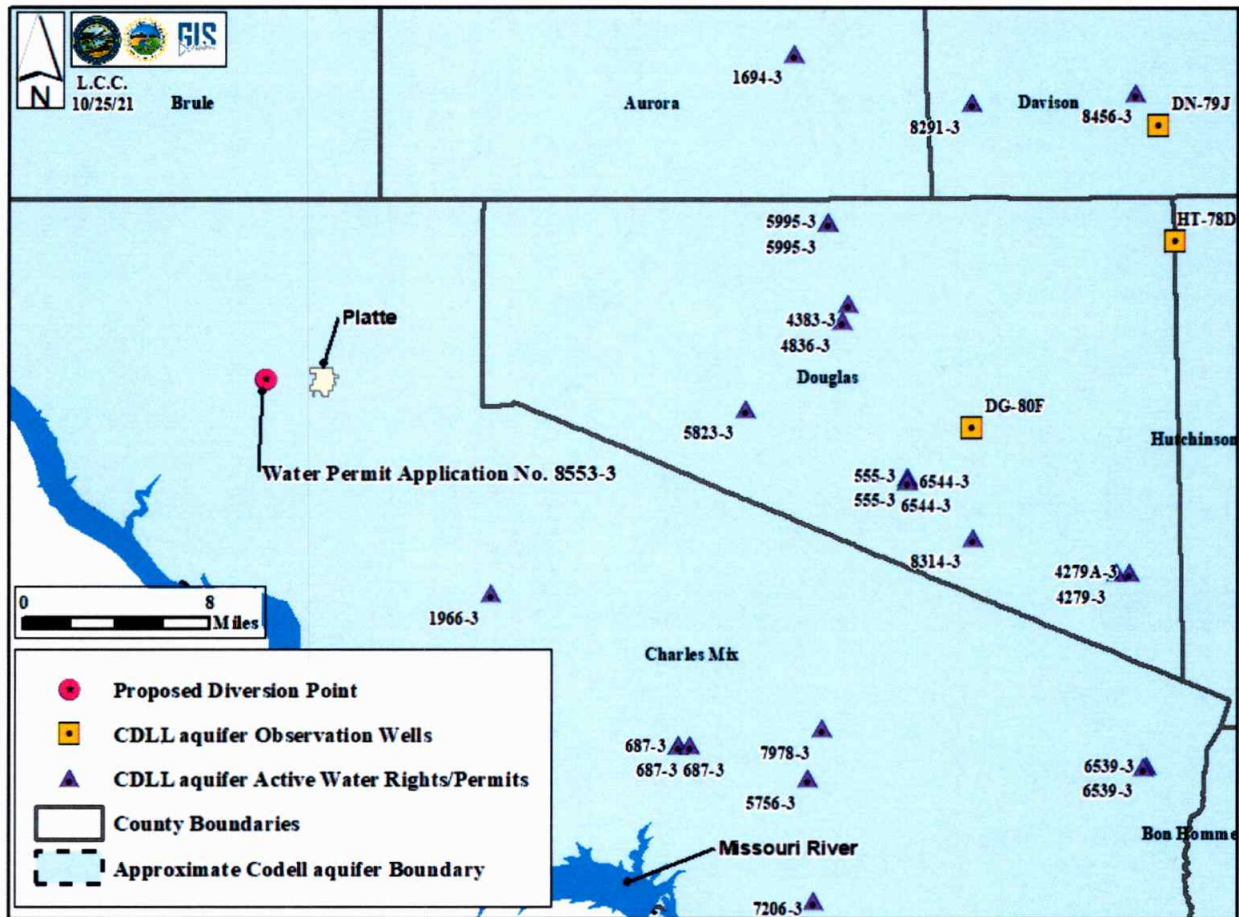


Figure 5: Map of the site location of Water Right Permit Application No. 8553-3, nearby observation wells, and nearby water rights/permits completed into the Codell aquifer (Water Rights, 2021b and 2021c).

Report on Water Permit Application No. 8553-3

Table 3: Water rights/permits from the Codell aquifer within approximately 41 miles of the proposed diversion point (Water Rights, 2021c).

Permit No.	Name	Use	Status	Rate (cfs)	Acres
555-3	City of Armour	MUN	LC	0.5	N/A
687-3	City of Lake Andes	MUN	LC	0.73	N/A
1694-3	Town of Stickney	MUN	LC	0.11	N/A
1966-3	City of Geddes	MUN	LC	0.38	N/A
4279A-3	City of Delmont	MUN	LC	0	N/A
4279-3	City of Delmont	MUN	LC	0.3	N/A
4383-3	Douglas County Cheese Co	IND	LC	0.07	N/A
4836-3	City of Corsica	MUN	LC	0.13	N/A
5756-3	Town of Ravinia	MUN	LC	0.07	N/A
5823-3	DNA Production LLC	COM	LC	0.22	N/A
5995-3	Bernard L Van Vuuren	COM	LC	0.177	N/A
6544-3	City of Armour	REC, FWP	LC	1.381	N/A
6539-3	Clearfield Colony	DOM	LC	0.2	N/A
7206-3	Long View Farms LLP	COM	PE	0.067	N/A
7978-3	Chad or Rita Svatos	IRR	LC	1.78	140
8291-3	Jackrabbit Family Farms	COM	PE	0.085	N/A
8314-3	Cody Schelling	COM	PE	0.07	N/A
8456-3	Shannon Klumb	COM	PE	0.133	N/A
LC: Licensed Water Right; PE: Permitted Water Right					
MUN: Municipal; COM: Commercial; IND: Industrial; REC: Recreation;					
DOM: Domestic; FWP: Fish and Wildlife Propagation					

The Codell aquifer is generally under confined conditions in Charles Mix County (SDGS, 2021; Water Rights, 2021c and 2021d). The proposed diversion point is expected to be under confined conditions based on water levels and lithologic logs on file for the nearby observation wells (Water Rights, 2021d). Observation well data (see Figures 2 through 4) documents minimal drawdown from withdrawals of existing wells near the observation wells. Therefore, pumping from the proposed diversion point is not expected to significantly lower water levels within the aquifer. Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer, however, in a confined aquifer, drawdown from pumping could extend a distance from the proposed diversion point. The exact drawdown behavior cannot be known without an aquifer performance test. In Charles Mix County, there have been no complaints submitted to the DANR-Water Rights Program regarding potential well interference for wells completed into the Codell aquifer (Water Rights, 2021e).

Within approximately 25 miles of the proposed diversion point for this application, the Codell aquifer has saturated aquifer thickness ranging from approximately 20 to 75 feet, with the depth to the top of aquifer materials ranging from approximately 209 to 397 feet below land surface, and static water levels at well completion varying from approximately 116 to 240 feet below land surface (SDGS, 2021; Water Rights 2021b and 2021d). This would allow for sufficient saturated thickness for a pump to be placed 20 feet below the top of the aquifer; which is required for the well to be considered adequate under ARSD 74:02:04:20(6).

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

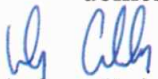
“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer 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 the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be 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 to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Codell aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated thickness of the aquifer, the distance between the proposed well location and known adequate domestic and appropriative wells, the amount of artesian head pressure in observation wells, and appropriative user’s wells completed into the Codell aquifer, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8553-3 proposes to divert water to a holding pond from one well to be completed into the Codell aquifer at a maximum instantaneous diversion rate of 0.33 cfs. The site is located in Charles Mix County approximately one and one-half miles west of Platte, SD.
2. Water Permit Application No. 8553-3 proposes to use the stored water in a holding pond to irrigate 40 acres on a golf course at a maximum instantaneous diversion rate of 0.78 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.
3. The golf course was originally irrigated under Water Right No. 1957-3 and Water Permit No. 8423-3; however, there is not enough water for the irrigation of the golf course as a result of ongoing issues with the Platte Lake dam.

4. There is a reasonable probability that unappropriated water is available from the Codell aquifer for this proposed appropriation based on the hydrological budget and observation well data.
5. There is a reasonable probability the diversion by Water Permit Application No. 8553-3 will not unlawfully impair adequate wells authorized by existing water rights or adequate domestic use wells.


Lindsey Cederberg
Natural Resources Engineer I
SD DANR - Water Rights Program

Reviewed by:


Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

References

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Report on Water Permit Application No. 8553-3

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- Water Rights, 2021d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2021e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Proof Of Publication

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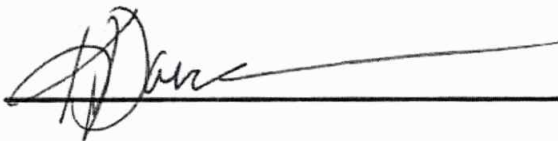
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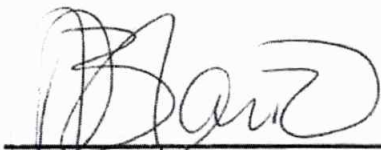
WATER RIGHTS
PROGRAM

Legal Notice Number: 1120

I, Kim Davis, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: PLATTE GOLF WATER, was published for one day, in said newspaper and not in any supplement of the said newspaper, the publication was on - 12/3/21. That the full amount of the fee charged for the publishing \$ 43.54 insures to the benefit of the publisher of said newspaper; that no agreement or 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 whom so ever.



Subscribed and sworn to me before this date 12/13/21.



Notary Public, South Dakota

My Term Expires 03/11/2022

**NOTICE OF
APPLICATION
NO. 8553-3 to
Appropriate Water**

Notice is given that Lake Platte Golf Course, c/o Chris Nelson, 27574 Golf Course Rd, Platte SD 57369 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second (cfs) from one well to be completed into the Codell Aquifer (370 feet deep) located in the W 1/2 SE 1/4 Section 16 for irrigation of 40 acres located in the W 1/2 SE 1/4, NE 1/4 SE 1/4 Section 16; all in T99N-R68W. The applicant is proposing to divert water from the well at a rate of 0.33 cfs to an existing holding pond. Water will be diverted from the holding pond and applied to the golf course at a rate of 0.78 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located 1 1/2 miles west of Platte SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8553-3 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 Duval 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 13, 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 13, 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.

No. 1120 (adv.) Published one time at the total approximate cost of \$43.54.

The Platte Enterprise

Platte, SD 57369

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

) SS.

COUNTY OF CHARLES MIX)

Sharon Huizenga, being duly sworn, deposes and says: That she is a resident of Charles Mix County, and State of South Dakota; that the Platte Enterprise is a weekly newspaper of general circulation, printed and published in the City of Platte, is said County and State, published once a week, printed in the English language, and has a bona fide circulation of 200 copies weekly, has been admitted to the United State mail under the second class mailing privilege for at least one year prior to the publication of the annexed notice and said newspaper is printed either in whole or in part in the office maintained at the above place of publications, that the newspaper has been published as aforesaid continuously for more than one year last preceding the publication of said noticed, and is a legal newspaper.

That the affiant is the publisher of said newspaper, in charge of advertising department thereof and has personal knowledge of all the facts slated in this affidavit, and that the notice and advertisement headed

Notice of Application No. 8553-3 To appropriate water

a printed copy of which is hereunto attached, was printed and published in the Platte Enterprise for one

issue/s, the first publication being made on Thursday, the 2nd day of Dec,

A.D., 20 21 and succeeding publications were made severally on

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

and the last publication being made on Thursday, the _____ of _____ A.D., 20 _____

That the publication fee for publishing said notice is the sum of \$ 37.62

Sharon Huizenga

Subscribed and sworn to before me this 8th day of December, A.D., 2021

Donna S. Kelly

Notary Public for Charles Mix County, SD

My Commission Expires on 7-20-23

LEGAL NOTICE

NOTICE OF APPLICATION NO. 8553-3 TO APPROPRIATE WATER

Notice is given that Lake Platte Golf Course, c/o Chris Nelson, 27574 Golf Course Rd, Platte SD 57369 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second (cfs) from one well to be completed into the Codell Aquifer (370 feet deep) located in the W 1/2 SE 1/4 Section 16 for irrigation of 40 acres located in the W 1/2 SE 1/4, NE 1/4 SE 1/4 Section 16; all in T99N-R68W.

The applicant is proposing to divert water from the well at a rate of 0.33 cfs to an existing holding pond. Water will be diverted from the holding pond and applied to the golf course at a rate of 0.78 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located 1 1/2 miles west of Platte SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8553-3 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 13, 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 13, 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 \$37.62.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, November 23, 2021 8:58 AM
To: 'rcrandall@plainsman.com'
Subject: 8553-3, Lake Platte Golf Course
Attachments: 8553-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 2, 2021.

Lake Platte Golf Course, c/o Chris Nelson, 27574 Golf Course Rd, Platte SD 57369 (605 680-3374) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, November 23, 2021 8:58 AM
To: 'eprise@midstatesd.net'
Subject: 8553-3, Lake Platte Golf Course
Attachments: 8553-3public.short_final.docx; FORM8.FRM.doc

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Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

November 23, 2021

Lake Platte Golf Course
c/o Chris Nelson
27574 Golf Course Rd
Platte SD 57369

Dear Mr. Nelson:

Water Permit Application No. 8553-3 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 Platte Enterprise printed at Platte (Ph # 337-3101) and the Plainsman printed at Huron (Ph # 353-7414). 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
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8553-3 to Appropriate Water

Notice is given that Lake Platte Golf Course, c/o Chris Nelson, 27574 Golf Course Rd, Platte SD 57369 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second from one well to be completed into the Codell Aquifer (370 feet deep) located in the W 1/2 SE 1/4 Section 16 for irrigation of 40 acres located in the W 1/2 SE 1/4, NE 1/4 SE 1/4 Section 16; all in T99N-R68W. The applicant is proposing to divert water from the well at a rate of 0.33 cfs to an existing holding pond. Water will be diverted from the holding pond and applied to the golf course at a rate of 0.78 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located 1 1/2 miles west of Platte SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8553-3 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 13, 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.

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 13, 2022

Lake Platte Golf Course
c/o Chris Nelson
27574 Golf Course Rd
Platte SD 57369

Dear Mr. Nelson:

Enclosed is Water Permit No. 8553-3 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