

WATER PERMIT NO. 8558-3

Name of Applicant: Allthatisleft LLC

Address: 8787 Locust Ave 14, Fontana CA 92335

Phone: 605 351-6026

Amount of Water Claimed: 1.78 cfs

Total Acres: 140 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Turner

Type of Waste Disposal System:

Location: 3 1/2 miles south of Parker

PRIORITY

Date Received: 11-4-21

Application/License Fee: \$ 1050

Corrected Application Received:

Period of Annual Use: June 1- September 30

Remarks:

Diversion Point: NW 1/4 SE 1/4 Sec 32-T99N-
R53W

Land to be Irrigated: SE 1/4 Sec 32-T99N-R53W

Depth of Well: 106 feet deep

Well Driller:

Remarks:

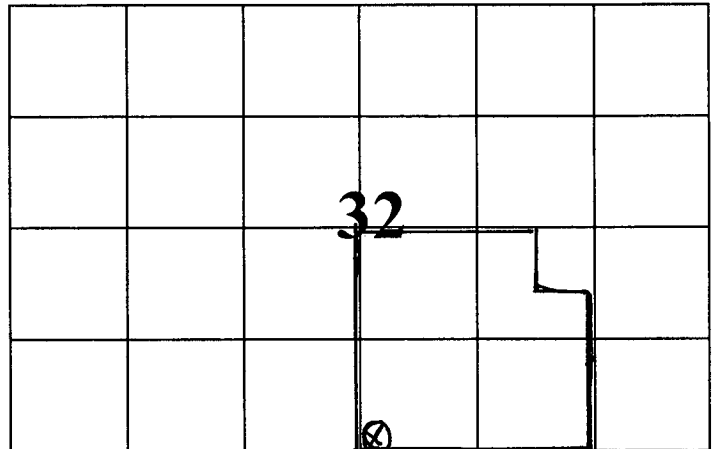
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-4-21

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8558-3**

Date of first receipt of application November 4, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8558-3 to Allthatisleft LLC, c/o Wesley Wilson, 8787 Locust Ave 14, Fontana CA 92335 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. 8558-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Parker Centerville Aquifer (approximately 106 feet deep) located in the SW 1/4 SE 1/4 Section 32 for irrigation of 140 acres located in the SE 1/4 Section 32; all in T99N-R53W. This site is located approximately three and one half miles south of Parker.
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: June 1 – September 30.
3. The date from which applicant may claim right is November 4, 2021.
4. The date of approval of Permit No. 8558-3 is January 24, 2022.
5. One-fifth of the construction is to be completed on or before July 24, 2024.
6. All construction is to be completed on or before January 24, 2027.
7. Water is to be put to beneficial use on or before January 24, 2031.
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. 8558-3 may be located near domestic wells. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8558-3 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

MAR 01 2022
date



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8558-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion R.</u>
	Newspaper <u>New Era, Parker</u>
	<u>Argus Leader</u>

RECEIVED

NOV - 4 2021

WATER RIGHTS
PROGRAM

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 Allthatisleft LLC

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

Mailing Address 8787 LOCUST AVE 14 Fontana ☒ CA ☒ 92335

(Address)

(City)

(State)

(Zip Code)

Phone _____ Mobile 605-351-6026 Email _____2. Amount of water claimed 1.78 *CFS or 800 **GPM _____ ***AF Total Acreage 140

(*Cubic Feet per Second)

(**Gallons per Minute)

(***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground4. Location of point of diversion 1 well in SW 1/4 of SE 1/4 of 32-99N-53W

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

County Turner ☒5. County or counties where water will be used Turner6. Annual period during which water is to be used June-September 30

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

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE1/4 of SE 1/4 of 32-99N-53W	20		
SE1/4 of SE1/4 of 32-99N-53W	40		
SW1/4 of SE1/4 of 32-99N-53W	40		
NW1/4 of SE1/4 of 32-99N-53W	40		

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

Drill a well in the SW 1/4 of SE 1/4 32-99N-53W to Irrigate 140 acres

I, Healy, Jr. for Healy, Jr. POA, 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 0 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 Steffl Well Drilling

For either Existing or Proposed Wells:

c) Well Depth (required) 106 Depth to Top of Water Bearing Material 33 Depth to Water from Surface _____

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

2. Wastewater Disposal System Information

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

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)

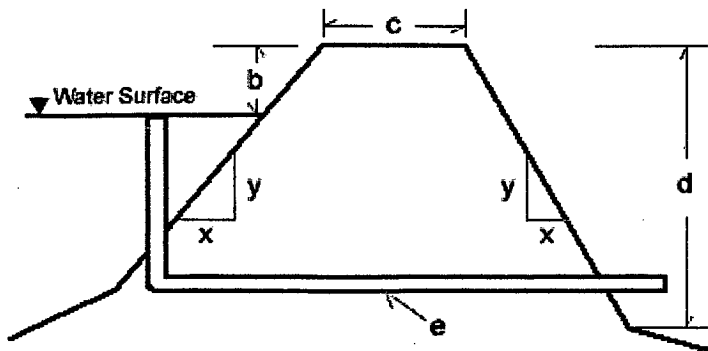
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

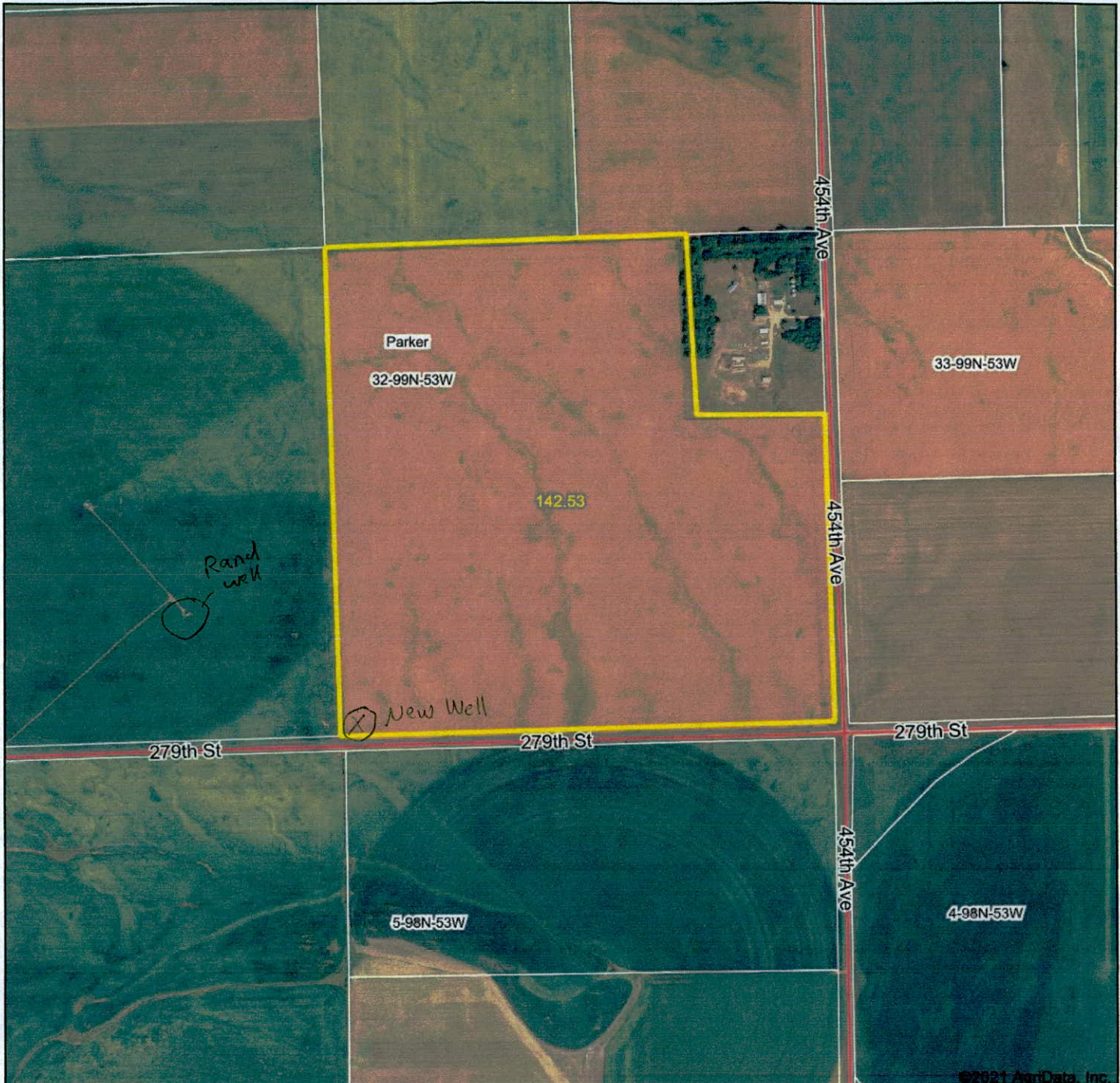
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Date: 5-18-13

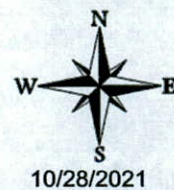
Aerial Map



Map Center: 43° 20' 48, -97° 7' 39.02

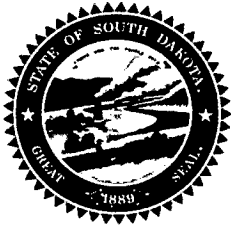
0ft 834ft 1668ft

32-99N-53W
Turner County
South Dakota



Maps Provided By:
surety
CUSTOMIZED ONLINE MAPPING
© AgriData, Inc. 2021 www.AgrDataInc.com

Field borders provided by Farm Service Agency as of 5/21/2008.



OFFICE OF THE SECRETARY OF STATE

STEVEN J. BARNETT, SECRETARY OF STATE

JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **ALLTHATISLEFT, LLC**

General Information

SOS Business ID **DL148383**
Filing Type: Limited Liability Company - Domestic
05/16/2018
Status: Good Standing
Duration Term: Perpetual
Managed By: Manager-Managed

Registered Agent Address

WESLEY WILSON
44220 271ST STREET
MARION, SD 57043-5002

Principal Address

8787 LOCUST AVENUE, #14
FONTANA, CA 92335

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

Date Filed	Filing Description	Image #
05/21/2021	2021 Annual Report	B0182-0806
08/24/2020	2020 Annual Report	B0148-3385
07/29/2019	2019 Annual Report	B0105-5661
05/16/2018	Initial Filing	B0062-3576

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date November 4, 2021

RECEIVED OF PBP Farms Partnership/Buzz Wilson 45610 282nd St. Hurley SD 57036

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

Fee for Application for Permit No. <u>8558-3</u> to Appropriate Water, to construct and to put water to beneficial use	<u>\$850.00</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>8558-3</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>\$1050.00</u>

By Eric Gronlund
Chief Engineer

EM

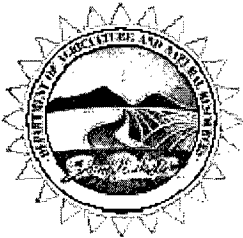
Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 5, 2022 12:39 PM
To: brett@petersen@gmail.com
Subject: Water Permit Application No. 8558-3
Attachments: 2387.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for the water permit application for Allthatisleft LLC. 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>



RECEIVED

JAN 26 2022

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Turner) SS

I, Melissa Schulte

certify that the attached printed Notice was taken

from the NEW Era
NEWSPAPER

printed and published in Parker

County of Turner and

state of South Dakota. The notice was published

in the newspaper on the following date:

January 13th, 2022

Cost of Printing \$50.47

Melissa Schulte
(Signature)

Office Manager
(Title)

January 25th, 2022
(Date Signed)

**NOTICE OF APPLICATION
NO. 8558-3 TO APPROPRIATE
WATER**

Notice is given that Allthat is left, c/o Wesley Wilson, 8787 Locust Ave 14, Fontana CA 92335 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Parker Centerville Aquifer (approximately 106 feet deep) located in the SW 1/4 SE 1/4 Section 32 for irrigation of 140 acres located in the SE 1/4 Section 32; all in T99N-R53W. This site is located approximately three and one half miles south of Parker.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8558-3 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 January 24, 2022.

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 January 24, 2022.

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 \$50.47 (N0113-2)

Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

RECEIVED

JAN 25 2022

WATER RIGHTS
PROGRAM

Account No.: 6053516026A

Ad No.: 0005075455

PO #:

Lines : 148

Ad Total: \$48.38

ALLTHATISLEFT LLC
8787 LOCUST AVE 14
FONTANA, CA 92335

This is not an invoice

of Affidavits: 1

Account No.: 6053516026A

Ad No.: 0005075455

Argus Leader AFFIDAVIT OF PUBLICATION

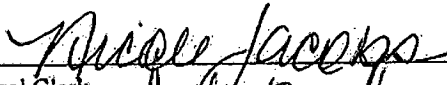
State of Wisconsin

County of Brown

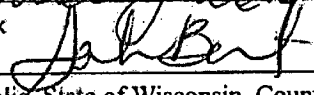
I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper issue(s) :

Thursday, January 13, 2022

Sworn to and subscribed before me this 25 day of January, 2022.



Legal Clerk



Notary Public, State of Wisconsin, County of Brown

7/27/25
My Commission expires

SARAH BERTELSEN
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8558-3
to Appropriate Water

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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 January 24, 2022.

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If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board.

If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition. Published once at the total approximate cost of \$48.38.

5075455 Jan 13, 2022

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 5, 2022 11:21 AM
To: 'legals@argusleader.com'
Subject: 8558-3, Allthatisleft LLC
Attachments: 8558-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on January 13, 2022.

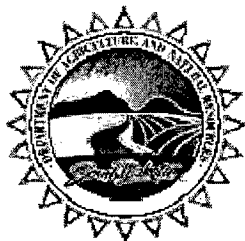
Allthatisleft LLC, c/o Wesley Wilson, 8787 Locust Ave 14, Fontana CA 92335 (605 351-6026) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 5, 2022 11:20 AM
To: New Era
Subject: 8558-3, Allthatisleft LLC
Attachments: 8558-3public.short_final.docx; FORM8.FRM.doc

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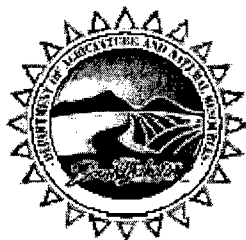
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DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**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.**

January 5, 2022

Allthatisleft LLC
c/o Wesley Wilson
8787 Locust Ave 14
Fontana CA 92335

Dear Mr. Wilson:

Water Permit Application No. 8558-3 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 New Era printed at Parker (Ph # 605 297-4419) and the Argus Leader printed at Sioux Falls (Ph # 605 331-2200). 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.

c: Brett Peterson, 45610 282nd St, Hurley SD 57036

NOTICE OF APPLICATION NO. 8558-3 to Appropriate Water

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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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8558-3, Allthatisleft LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8558-3, Allthatisleft LLC, 8787 Locust Avenue 14, Fontana, CL 92335.

The Chief Engineer is recommending APPROVAL of Application No. 8558-3 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. 8558-3 may be located near domestic wells. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8558-3 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
December 27, 2021

Report to the Chief Engineer

On Water Permit Application No. 8558-3

Allthatisleft LLC c/o Wesley Wilson

December 15, 2021

Water Permit Application No. 8558-3 proposes to appropriate water at a maximum instantaneous diversion rate of 1.78 cubic feet per second (cfs) from one well to be completed into the Parker-Centerville aquifer (approximately 106 feet deep) located in the SW ¼ SE ¼ of Section 32 for the irrigation of 140 acres located in the SE ¼ of Section 32; all in T99N-R53W. The site is located in Turner County approximately three and one-half miles south of Parker, SD.

AQUIFER: Parker-Centerville (PAC)

HYDROGEOLOGY:

The Parker-Centerville aquifer is a shallow outwash and alluvium aquifer composed of fine sand to coarse-pebble gravel deposits as well as some cobble gravel deposits (Holmes and Filipovic, 2015; Lindgren and Hansen, 1990). The Parker-Centerville aquifer can be overlain by till but is typically not buried (Niehus, 1994). The Upper Vermillion Missouri aquifer underlies the Parker-Centerville aquifer, and the two aquifers can be separated by till that ranges in thickness from 7 to 97 feet (Lindgren and Hansen, 1990; Niehus, 1994). The Parker-Centerville aquifer is generally under water table conditions with the depth to the top of the aquifer ranging from land surface to 50 feet below land surface (Lindgren and Hansen, 1990). The Parker-Centerville aquifer is in hydraulic connection with the East and West Fork Vermillion and Upper Vermillion Missouri aquifers (Lindgren and Hansen, 1993). The average thickness of the Parker-Centerville aquifer is 34 feet and the maximum, documented, thickness is 74 feet (Lindgren and Hansen, 1993).

Hedges and others (1982) estimated that The Parker-Centerville aquifer underlies approximately 44,200 acres in Clay, Lincoln, and Turner Counties and contains approximately 132,900 acre-feet (ac-ft) of recoverable water in storage. The extent of the Parker-Centerville aquifer has been revised several times since the first delineation. The most recent approximate boundary of the Parker-Centerville aquifer was updated by Mathiowetz (2018) based off mapping completed by Holmes and Filipovic (2015). The Parker-Centerville aquifer is currently estimated to underlie 40,270 acres (Mathiowetz, 2018). It should be noted that the amount of recoverable water in storage could vary as a result of the updated boundary of the aquifer. The direction of groundwater movement in the Parker-Centerville aquifer is commonly to the south and towards the Vermillion River (Lindgren and Hansen, 1990). The approximate areal extent of the Parker-Centerville aquifer is displayed in Figure 1 along with the location of the proposed diversion point.

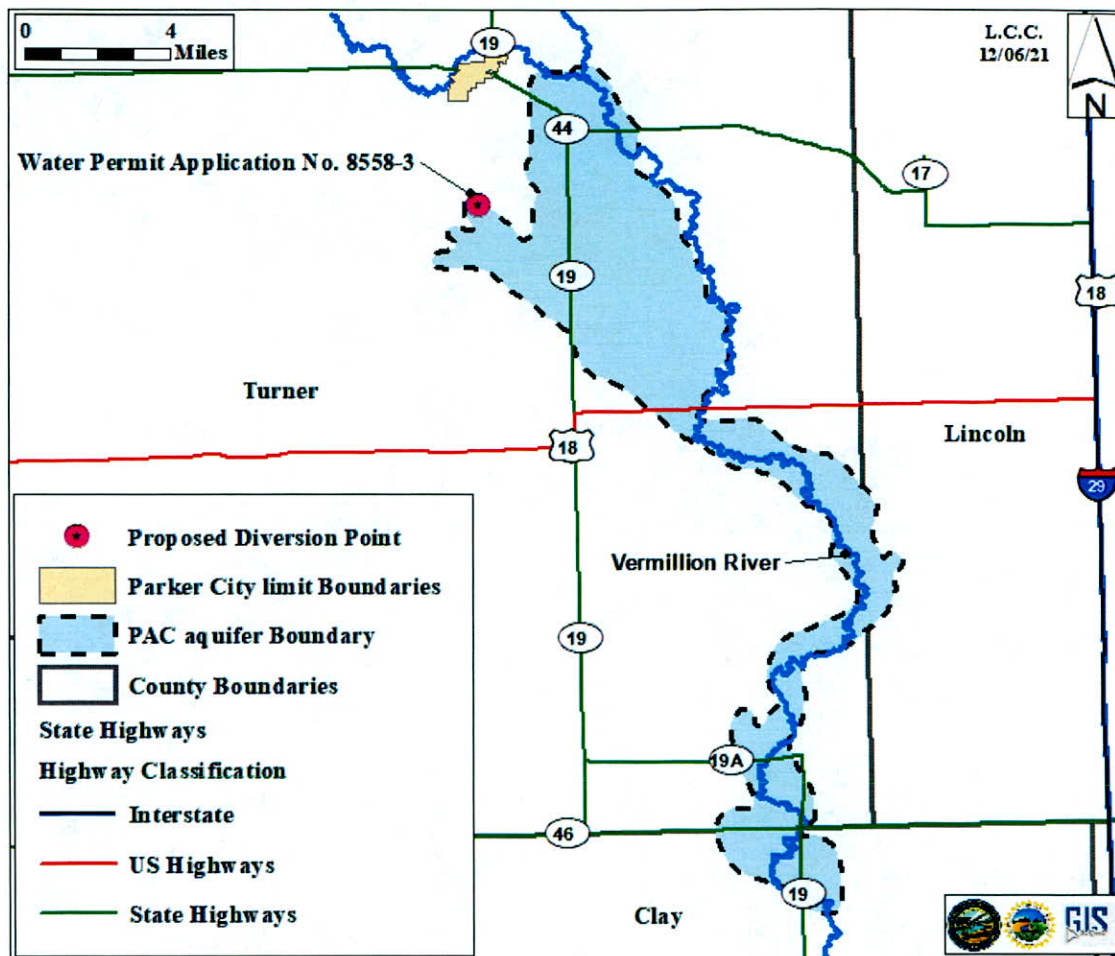


Figure 1: Map of the approximate areal extent of the Parker-Centerville aquifer including the proposed diversion point location of Water Permit Application No. 8558-3 (Hedges et al., 1982; Water Rights, 2021b and 2021c).

The proposed diversion point for this water permit application lies within a finger of the Parker-Centerville aquifer boundary as mapped by Mathiowetz in 2018. Water Permit Nos. 8466-3 and 8467-3 were approved in March of 2021 to appropriate water from the Parker-Centerville aquifer. However, both locations for Water Permits Nos. 8466-3 and 8467-3 lie outside of the current and any previously mapped boundary of the Parker-Centerville aquifer approximately 1.7 miles and 1.1 miles, respectively, northwest of the applicants proposed diversion point (Water Rights, 2021c). The report written by Farmer (2021) for Water Permit Nos. 8466-3 and 8467-3 proposes that this current finger of the aquifer could possibly extend further west than where the current boundary ends. Water Permit Nos. 8466-3 and 8467-3 are approximately one and one-half miles of the current approximate Parker-Centerville aquifer boundary (Water Rights, 2021c). The test hole logs that were submitted with the applications for Water Permit Nos. 8466-3 and 8467-3 state there is sand and gravel at similar elevations of the Parker-Centerville aquifer (Water Rights, 2021c). The proposed extension of this finger was estimated by Farmer (2021) to be approximately less than a mile wide and four miles long. The proposed extension of this finger as shown in Figure 2 was determined from lithologic logs in the surrounding area by Farmer (2021) as well as the test hole logs submitted by the applicant of Water Permit Nos.

8466-3 and 8467-3. It should also be noted that this extension of the boundary of the Parker-Centerville aquifer was completed by Farmer (2021) based on mapping of the aquifer completed by Holmes and Filipovic (2015) and not the current aquifer boundary as mapped by Mathiowetz (2018). The boundary of this proposed extension could be subject to future change since additional drilling is likely to be completed in this area (Mathiowetz, 2021).

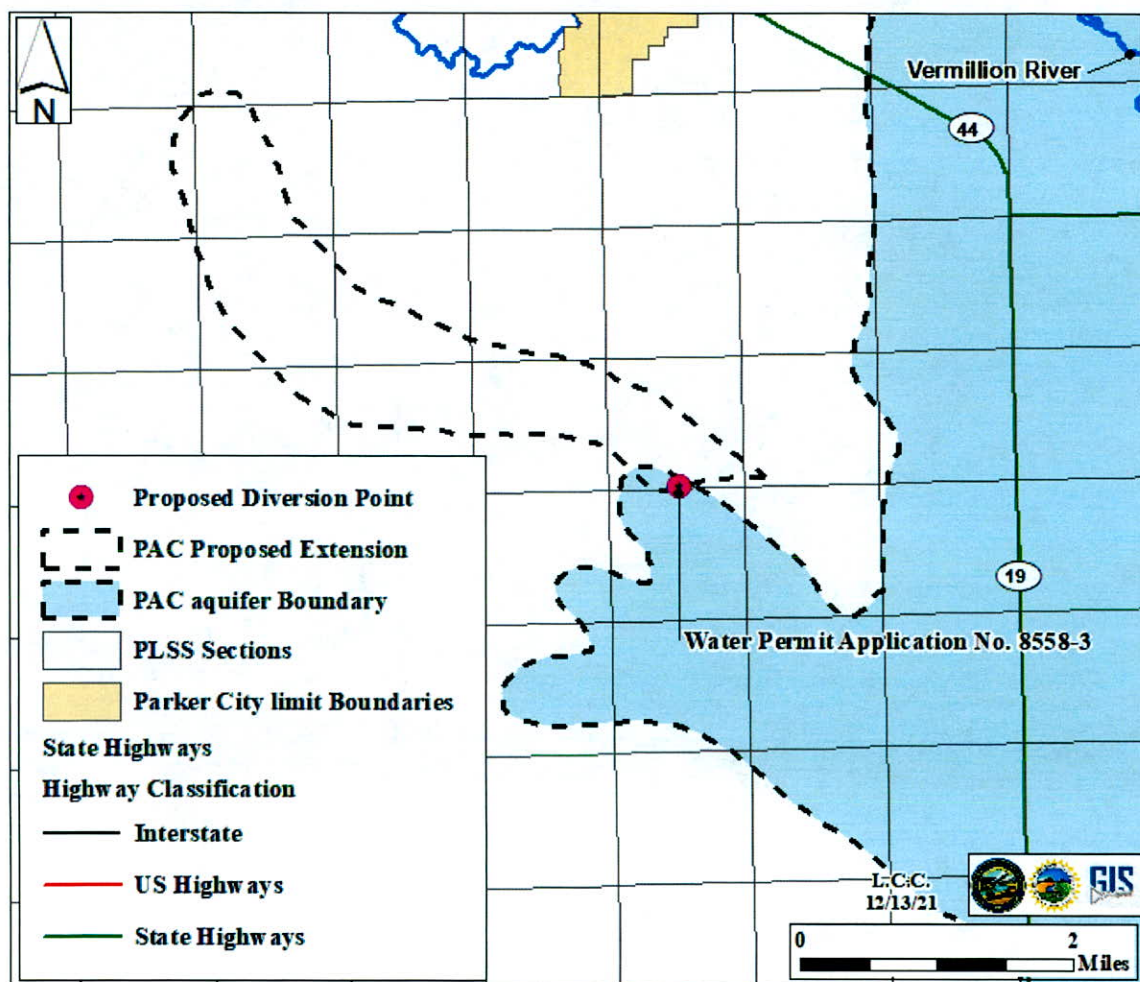


Figure 2: Map of the approximate areal extent of the proposed extension of the Parker-Centerville aquifer including the proposed diversion point location of Water Permit Application No. 8558-3 (Hedges et al., 1982; Holmes and Filipovic, 2015; Farmer, 2021; Water Rights, 2021b and 2021c).

A well completion report was submitted with Water Permit Application No. 8558-3. The well completion report that was submitted with Water Permit Application No. 8558-3 was for an irrigation well located approximately 1,142 feet northwest of the proposed diversion point. The report lists “topsoil” from 0 to 1 foot below land surface, “clay tan” from 1 to 33 feet, and “sand” from 33 to 106 feet. The static water level recorded was 30 feet below land surface at the time of well completion (April 2013). The Parker-Centerville aquifer is expected to be unconfined at the diversion point based on the submitted well completion report, water levels, and lithologic logs on file for nearby observation wells (SDGS, 2021; Water Rights, 2021b and 2021d).

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 Parker-Centerville aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8558-3 proposes to appropriate water from the Parker-Centerville aquifer for irrigation. 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 Parker-Centerville 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 Parker-Centerville aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Parker-Centerville aquifer is primarily through direct infiltration of precipitation where the aquifer is at or near land surface, seepage from the Vermillion River when river stage is higher than the water-table surface in the aquifer, and leakage from the West Fork and East Fork Vermillion aquifers (Lindgren and Hansen, 1990). The average annual recharge rate to the Parker-Centerville aquifer was estimated by Hedges and others in 1985. The estimated average annual recharge rate for the Parker-Centerville aquifer is approximately 4.9 inches per year (Hedges and others, 1985). When applying the estimated annual recharge rate to the estimated areal extent of the Parker-Centerville aquifer, the average annual recharge to the aquifer is approximately 16,444 acre-feet/year (ac-ft/yr).

Discharge

Discharge from the Parker-Centerville aquifer is primarily through evapotranspiration where the aquifer is at or near land surface, by seepage to the Vermillion River when river stage is lower than the water table in the aquifer, leakage to the underlying Upper Vermillion Missouri aquifer, and well withdrawals (Lindgren and Hansen, 1990). Currently, there are 148 water rights/permits

authorized to appropriate water from the Parker-Centerville aquifer, plus one pending application – Water Permit Application No. 8557-3 is estimated to use 160 ac-ft/yr on average (Water Rights, 2021c). There is one future use permit (Permit No. 4798-3) held by the City of Parker reserving 340 ac-ft of water from the Parker-Centerville aquifer. To estimate the average annual withdrawal rate from an aquifer, future use permits are assumed to be fully developable for their authorized appropriation. However, it is highly unlikely that Permit No. 4798-3 will be developed as a result of the City of Parker being a member of the Lewis and Clark Regional Water System (Water Rights, 2021c).

Table 1 summarizes the four non-irrigation water rights/permits authorized to appropriate water from the Parker-Centerville 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. Two municipal water rights (Water Right Nos. 517A-3 and 517B-3) held by the City of Hurley 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 0 ac-ft per year in Table 1. Overall, the average annual withdrawal rate for the Parker-Centerville aquifer for non-irrigation water rights/permits is approximately 1,018 ac-ft/yr (Table 1) (Water Rights, 2021c).

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

Permit No.	Name	Satus	Use	Diversion Rate (cfs)	Permitted Volume (ac-ft/yr)	Estimated Use (ac-ft/yr)
517A-3	City of Hurley	LC	MUN	0.400	N/A	0*
517B-3	City of Hurley	LC	MUN	0.380	N/A	0*
8358-3	Sonstegard Food Company	PE	COM	1.110	222.20	222.20
8428-3	Knodel Contractors LLC	PE	IND	3.340	795.46	795.46
COM: Commercial; MUN: Municipal; IND: Industrial					TOTAL:	1,018
LC: Licensed Water Permit; PE: Permitted Water Permit						
*Identified as being connected to a Rural Water System						

Currently, there are 139 irrigation water rights/permits appropriating water from the Parker-Centerville aquifer (Water Rights, 2021c). The reported annual irrigation withdrawals from the Parker-Centerville aquifer are shown in Table 2. It is worth noting that Table 2 only lists 138 water rights/permits as reporting in 2020. Water Permit No. 8441-3 was approved in 2020 and has yet to report an annual withdrawal from the Parker-Centerville aquifer (Water Rights, 2021c). The average annual withdrawal rate for the Parker-Centerville aquifer irrigation water rights/permits that have reported over the period of record is approximately 9,936 ac-ft/yr (Table 2) (Water Rights, 2021a).

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

Year	No. of Permits Reporting	Reported Pumpage (ac-ft/yr)
1979	114	7,481
1980	110	7,675
1981	121	9,321
1982	111	6,493.92
1983	110	5,523.29
1984	111	5,152
1985	112	6,514.50
1986	113	6,120
1987	111	8,619.90
1988	108	13,558.25
1989	110	13,958.80
1990	110	12,200.50
1991	110	11,186.30
1992	111	3,909.40
1993	110	1,918.50
1994	111	10,724.11
1995	108	9,664
1996	107	10,896.58
1997	110	11,585
1998	108	10,072.16
1999	112	11,027.27
2000	113	12,955.37
2001	113	12,238.24
2002	114	13,865.24
2003	116	12,471.27
2004	117	14,668.26
2005	119	13,450.04
2006	117	15,303.90
2007	120	11,995.27
2008	123	13,223.74
2009	125	7,259.88
2010	123	391.54
2011	123	11,315.29
2012	123	19,045.28
2013	134	15,082.67
2014	136	11,269.16
2015	137	9,605.81
2016	139	11,934.04
2017	139	11,430.32
2018	138	3,807.73
2019	138	1,841.62
2020	138	10,553.84
MIN	107	392
MAX	139	19,045
AVG	118	9,936

There are domestic wells completed into the Parker-Centerville 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 Parker-Centerville 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 Parker-Centerville aquifer.

Hydrologic Budget Summary

The average annual withdrawal rate from the Parker-Centerville aquifer totals approximately 11,594 ac-ft/yr (irrigation: 9,936 ac-ft/yr; non-irrigation: 1,018 ac-ft/yr; future use: 340 ac-ft/yr; pending applications: 160 ac-ft/yr; Water Permit Application No. 8558-3 (if approved) (assuming an application rate of 1 ft/ac): 140 ac-ft/yr) (Water Rights 2021a and 2021c). The estimated average annual recharge rate to the Parker-Centerville aquifer is approximately 16,444 ac-ft/yr. Overall, the estimated average annual recharge to the Parker-Centerville aquifer is greater than the estimated average annual withdrawal rate from 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 Parker-Centerville aquifer (Water Rights, 2021b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. There are three observation wells within approximately two miles of the proposed diversion point. The closest observation well to the proposed diversion point is observation well TU-79C (approximately 1 mile southwest). The hydrographs for these three observation wells are displayed in Figures 3 through 5 (Water Rights, 2021b).

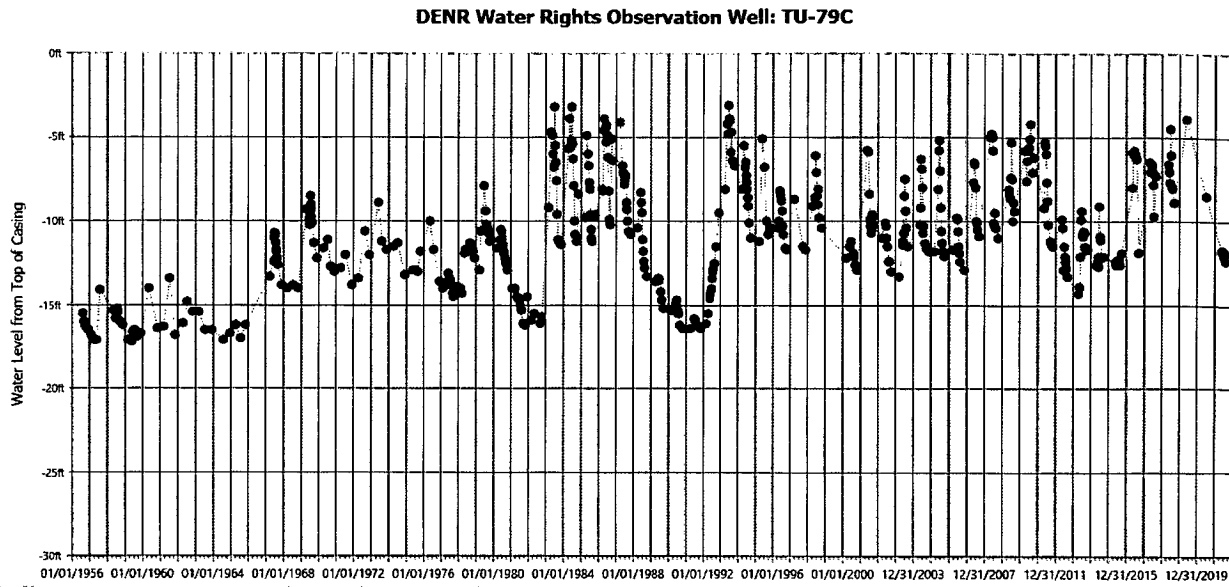


Figure 3: Hydrograph of the Parker-Centerville aquifer observation well TU-79C, located approximately 1 mile southwest of the diversion point (Water Rights, 2021b).

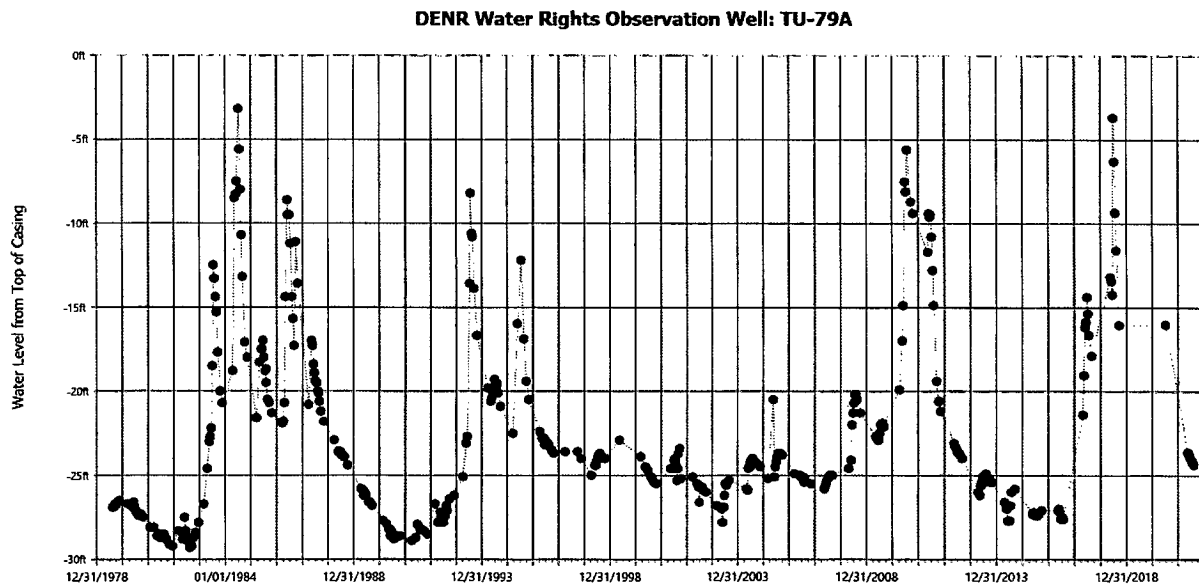


Figure 4: Hydrograph of the Parker-Centerville aquifer observation well TU-79A, located approximately 1.8 miles northeast of the diversion point (Water Rights, 2021b).

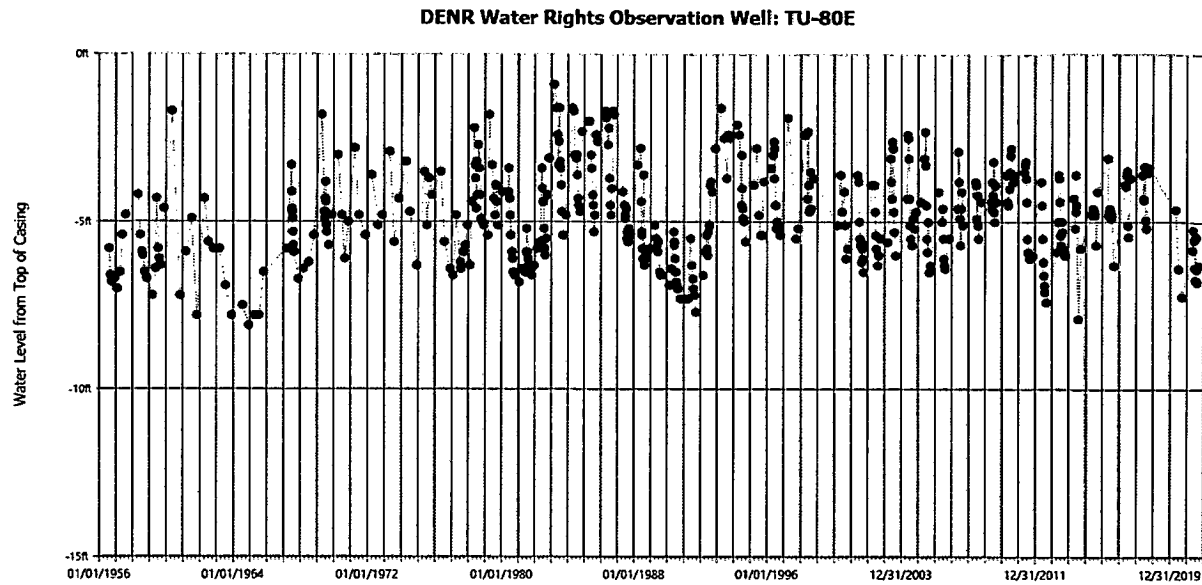


Figure 5: Hydrograph of the Parker-Centerville aquifer observation well TU-80E, located approximately 1.8 miles southeast of the diversion point (Water Rights, 2021b).

The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. The hydrographs for the Parker-Centerville 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. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. This recovery of the aquifer indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Parker-Centerville aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 148 water rights/permits authorized to appropriate water from the Parker-Centerville aquifer, including one future use permit appropriating water from the Parker-Centerville aquifer, and one pending application – Water Permit Application No. 8557-3 (Water Rights, 2021c). There are thirteen water rights/permits authorized to appropriate water from the Parker-Centerville aquifer within approximately two miles of the diversion point (Water Rights, 2021c). The thirteen water rights/permits are shown in Figure 6 and identified in Table 3. The nearest water right/permits (not held by the applicant) to the diversion point completed into the Parker-Centerville aquifer are Water Right Nos. 3955-3 and 5024-3 located approximately 1,900 feet southeast of the diversion point.

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Parker-Centerville aquifer, with the closest domestic well on file (not held by the applicant)

approximately 0.8 miles southeast of the proposed diversion point (Water Rights, 2021d). There could potentially be other domestic wells completed into the Parker-Centerville aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program.

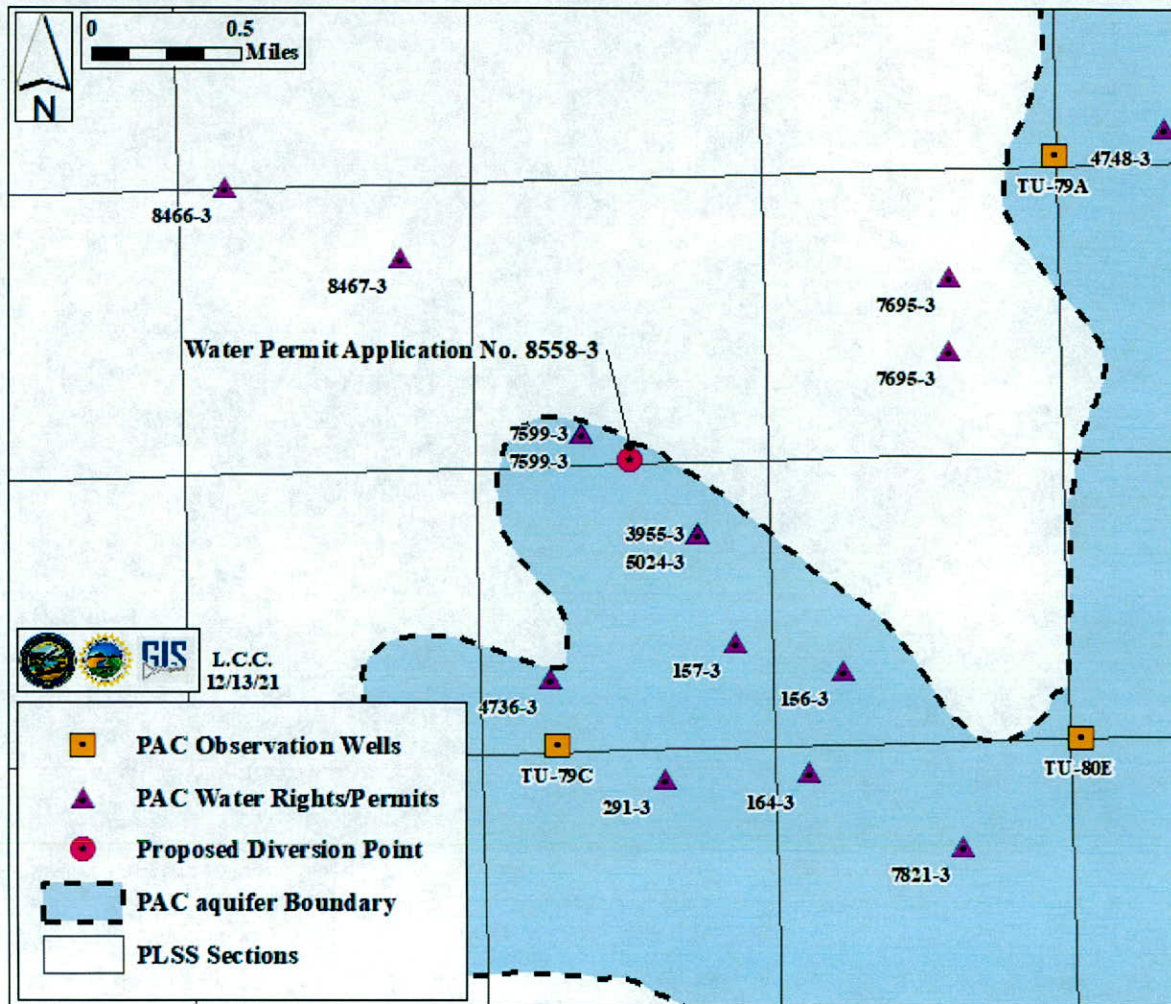


Figure 6: Map of the site location of Water Right Permit Application No. 8558-3, nearby observation wells, and nearby water rights/permits completed into the Parker-Centerville aquifer (Water Rights, 2021b and 2021c).

Table 3: Water rights/permits from the Parker-Centerville aquifer within approximately two miles of the diversion point (Water Rights, 2021c).

Permit No.	Name	Use	Status	Rate (cfs)	Acres
156-3	Craig Flyger	IRR	LC	1.64	115
157-3	Craig Flyger	IRR	LC	0.77	54
164-3	Debra L Hansen	IRR	LC	1.12	80
291-3	Craig Flyger	IRR	LC	1.01	71
3955-3	Bonnie L Wirt	IRR	LC	0.87	61
4736-3	James J Davis	IRR	LC	2.22	233
4748-3	Kent & Vickie Plucker	IRR	LC	1.44	155
5024-3	Randy Wirt	IRR	LC	0.87	61
7599-3	James M Rand	IRR	PE	2.22	155
7695-3	Three J Farm Partnership	IRR	PE	1.78	198
7821-3	Leber Bros LLC	IRR	PE	1.78	160
8466-3	Leber Bros LLC	IRR	PE	1.78	120
8467-3	Leber Bros LLC	IRR	PE	1.78	140
LC: Licensed Water Permit; PE: Permitted Water Permit; IRR: Irrigation					

The Parker-Centerville aquifer is generally under unconfined conditions in Turner County (SDGS, 2021). The proposed diversion point is expected to be under unconfined conditions based on the submitted well completion report, 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 diversion point. Therefore, pumping from the 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. The exact drawdown behavior cannot be known without an aquifer performance test. In Turner County, there have been no complaints submitted to the DANR-Water Rights Program regarding potential well interference for adequate wells completed into the Parker-Centerville aquifer (Water Rights, 2021e).

Within approximately five miles of the diversion point for this application, the Parker-Centerville aquifer has saturated aquifer thickness ranging from approximately 9 to 60 feet, with the depth to the top of aquifer materials ranging from approximately 0 to 55 feet below land surface, and static water levels at well completion varying from approximately 7 to 27 feet below land surface (SDGS, 2021; Water Rights 2021b and 2021d). The Water Management Board recognizes that the saturated thickness of an aquifer may be less than optimal for the placement of the pump intake. The Water Management Board defined an “adequate well” in ARSD 74:02:04:20(6) as:

“A well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet”

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."

Any drawdown created from pumping this diversion point is not expected to cause unlawful impairment on existing water right/permit holders or domestic users with adequate wells considering the location of the diversion point, the saturated thickness, and the lack of complaints for adequate wells completed into the Parker-Centerville aquifer. 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. 8558-3 proposes to appropriate water at a maximum instantaneous diversion rate of 1.78 cubic feet per second cfs from one well to be completed into the Parker-Centerville aquifer. The site is located in Turner County approximately three and one-half miles south of Parker.
2. There is a reasonable probability that unappropriated water is available from the Parker-Centerville aquifer for this proposed appropriation based on the hydrological budget and observation well data.
3. There is a reasonable probability this diversion will not unlawfully impair adequate wells authorized by existing water rights or 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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAR 01 2022

Allthatisleft LLC
c/o Wesley Wilson
8787 Locust Ave 14
Fontana CA 92335

Dear Mr. Wilson:

Enclosed is Water Permit No. 8558-3 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,

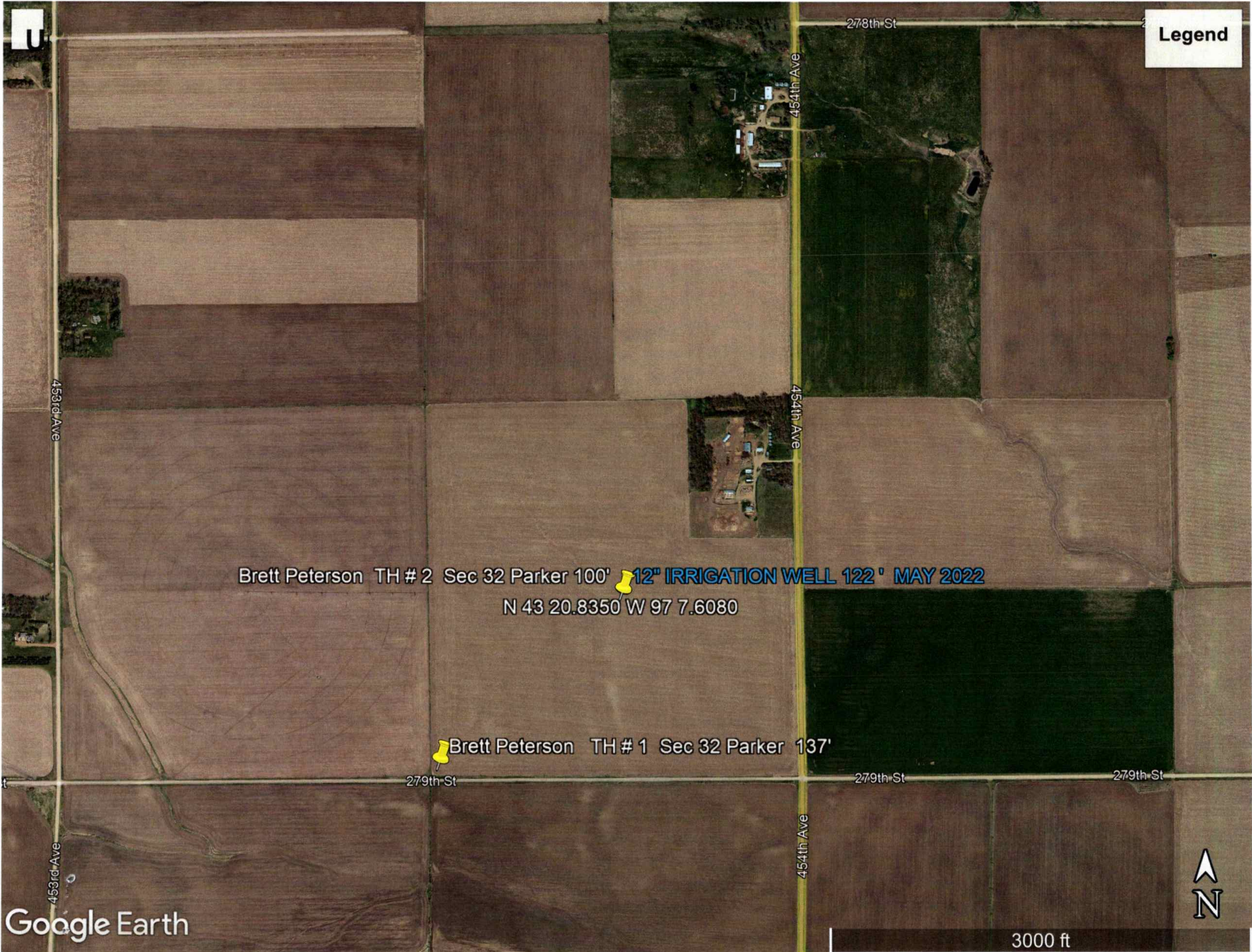
Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

c: Brett Petersen

Brett Petersen 12" Well Sec 32 Parker SD Formation Log

<i>Formation Log</i>	<i>From</i>	<i>To</i>
Top Soil	0	4
Clay Dark Brown	4	11
Clay Brown/ Tan	11	29
Clay Tan W/ Gravel	29	33
Gravel	33	59
Gravel Med Sand	59	96
Clay Gray	96	97
Gravel w/ Fine Sand	97	122
Clay Blue	122	137
Quartzite	137	



Legend

Brett Peterson TH # 2 Sec 32 Parker 100' 12" IRRIGATION WELL 122' MAY 2022
N 43 20.8350 W 97 7.6080

Brett Peterson TH # 1 Sec 32 Parker 137'
279th St





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

January 14, 2025

NOTICE

TO: PBP FARMS, BRETT PETERSEN, 45610 282ND ST, HURLEY SD 57036

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3, 7001-3, 8557-3 & 8558-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3, 7001-3, 8557-3 & 8558-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3, 7001-3, 8557-3 & 8558-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

**cc: RUS FARMS REAL ESTATE LLC, 3283 DOGWOOD AVE, ROCK VALLEY IA 51247
BUZZ WILSON LLC, 44220 271ST ST, MARION SD 57043
ALLTHATISLEFT LLC, 8787 LOCUST AVE 14, FONTANA CA 92336**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
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January 17, 2025

4737-3, 6563-3, 6571-3, 6813-3,
6815A-3, 7001-3, 8557-3, 8558-3

PBP Farms
c/o Brett Peterson
45610 282nd St
Hurley SD 57036

Dear Mr. Peterson:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3, 7001-3, 8557-3 & 8558-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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

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