

WATER PERMIT NO. 8567-3

Name of Applicant: **Dustin Haase**

Address: **44881 SD Hwy 44, Parker SD 57053**

Phone: **605 360-3218**

Amount of Water Claimed: **2.22 cfs**

Total Acres: **280 acres**

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

Water to be used for: **irrigation**

County: **Turner**

Type of Waste Disposal System:

Location: **3 miles west of Parker SD**

PRIORITY

Date Received: **12-2-21**

Application/License Fee: **\$ 1250 (refund \$650)**

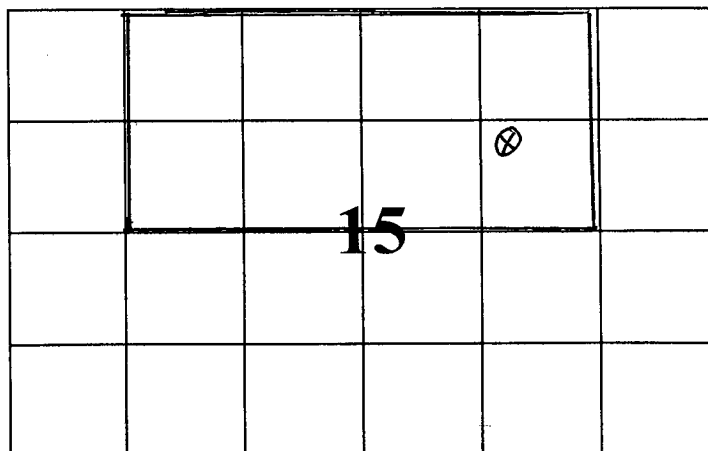
Corrected Application Received:

Period of Annual Use: **June 1 – Sept 30**

Remarks:

Diversion Point: **SE 1/4 NE 1/4 Section 15-T99N-R54W**

Land to be Irrigated: **N 1/2 Sec 15-T99N-R54W**



Depth of Well: **210 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **12-2-21**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8567-3**

Date of first receipt of application December 2, 2021.

The Water Management Board approved Water Permit No. 8567-3 on March 2, 2022 for Dustin Haase, 44881 SD Hwy 44, Parker SD 57053 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. 8567-3 appropriates 2.22 cubic feet of water per second from one well to be completed into the Pleistocene Series: Unknown Aquifer (approximately 210 feet deep) located in the S 1/2 NE 1/4 Section 15 to irrigate 226 acres located in the N 1/2 Section 15; all in T99N-R54W.
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 December 2, 2021.
4. One-fifth of the construction is to be completed on or before September 2, 2024.
5. All construction is to be completed on or before March 2, 2027.
6. Water is to be put to beneficial use on or before March 2, 2031.
7. 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. 8567-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals 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. 8567-3 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 30 2022
date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8567-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion R</u>
	Newspaper <u>New Era</u> <u>Argus Leader</u>

DEC - 2 2021
PAID
WATER RIGHTS
PROGRAM
DEC 02 2021
Ck# 7479

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 Dustin Haase

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

Mailing Address 44881 SD Hwy 44 Parker SD 57053
(Address) (City) (State) (Zip Code)

Phone 605-360-3218 Mobile 605-360-3218 Email Dustin.Haase@yahoo.com

2. Amount of water claimed 2.22 *CFS or 1000 **GPM ***AF Total Acreage 280.226
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ground

4. Location of point of diversion 1 well in SE 1/4 of NE 1/4 of 15-99-54
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Turner

5. County or counties where water will be used Turner

6. Annual period during which water is to be used June - September

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
NW 1/4 of NW 1/4 of 15-99-54 31	40	NW 1/4 of NE 1/4 of 15-99-54 34	40
NE 1/4 of NW 1/4 of 15-99-54 31	40	SE 1/4 of NE 1/4 of 15-99-54 34	40
SW 1/4 of NW 1/4 of 15-99-54 31	40	SW 1/4 of NE 1/4 of 15-99-54 34	40
SE 1/4 of NW 1/4 of 15-99-54 31	40		

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

drill well in NE 1/4 of 15-99-54 to irrigate 280 A in section 15-99-54
see map (test hole 4)

I, Dustin Haase [Signature] owner, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

1. Well Information

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

a) If new wells, how many _____ Have test holes been drilled ☒ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) 210 ^{see test hole #4 log.} Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

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

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions NA _____ 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 NA

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)

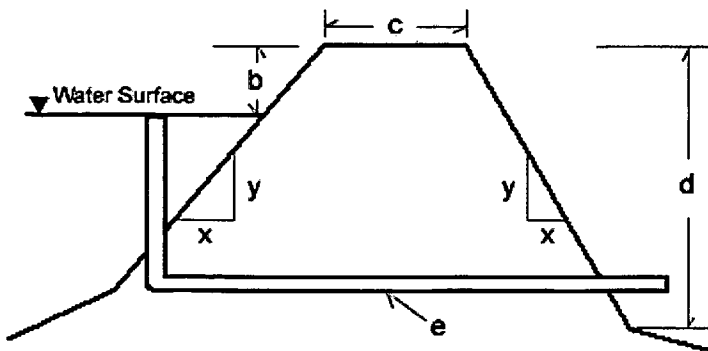
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Dustin Haase Test Hole # 4 210' Section # 15 Parker SD

Formation Log	From	To
Top Soil	0	3
Clay Brown	3	7
Sand	7	18
Clay Gray	18	103
Gravel	103	111
Sand	111	115
Clay W/ Sand Layers	115	129
Clay Gray with Gravel Layers – Very Mixed	129	135
Gravel Coarse	135	144
Clay Gary	144	146
Gravel Med Coarse	146	150
Clay	150	151
Gravel Coarse Rocky	151	181
Clay W/ Gravel Layers 1-2" layers of gravel w/ 1" layers of clay	181	189
Gravel	189	208
Rock Quartzite or Quartzite Boulder	208	210

714

Aerial Map



Map Center: 43° 23' 37.91, -97° 12' 40.43

0ft 832ft 1664ft

15-99N-54W
Turner County
South Dakota

Map provided by
surety
SOUTHERN SURETY COMPANY
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11/29/2021

Field borders provided by Farm Service Agency as of 5/21/2020

Legend

 Dustin Haase

275 st

44

Dustin Haase Test Hole # 5 236'

Dustin Haase TH # 4 210'

n 43 23.2320 w 97 12.1170  Dustin Haase TH # 3 210'

Google Earth

3000 ft



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 2, 2021

RECEIVED OF Bruce/Dustin Haase 44881 SD Hwy 44 Parker SD 57053

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

Fee for Application for Permit No. <u>8567-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1700.00</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>8567-3</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>1900.00</u>

By Eric Gronlund
Chief Engineer
EG

Steen, Nakaila

From: Steen, Nakaila
Sent: Friday, January 28, 2022 1:08 PM
To: dustinhaase@yahoo.com
Subject: Water Permit Application Nos. 8565-3, 8566-3, and 8567-3 - Dustin Haase

Mr. Haase,

Per the telephone conversation with Chief Engineer Eric Gronlund, myself, and you on January 28, 2022, you are requesting to amend Water Permit Application Nos. 8565-3 and 8567-3.

Water Permit Application No. 8565-3 originally requested 160 acres to be irrigated located in SE $\frac{1}{4}$ of Section 15-T99N-R54W. We discussed you amending this application to reduce the number of requested acres to be irrigated to 125 acres located in the SE $\frac{1}{4}$ of Section 15-T99N-R54W.

Water Permit Application No. 8567-3 originally requested 280 acres to be irrigated located in N $\frac{1}{2}$ of Section 15-T99N-R54W. We discussed your desire to reduce the number of requested acres to be irrigated to 225 acres located in the N $\frac{1}{2}$ of Section 15-T99N-R54W. You indicated there will be two standard quarter section center pivots in place in the N $\frac{1}{2}$ Section 15. However, the two pivots will overlap resulting in not more than 225 acres being irrigated.

Per Water Permit Application No. 8566-3, there is not a request to amend this permit application at this time. Chief Engineer Gronlund is planning to recommend deferral of Water Permit Application No. 8566-3 for at least two years to provide for more period of record of water levels in this aquifer from observation wells that were completed into the aquifer in 2016. This data will help assess whether unappropriated water is available.

As we spoke on the phone, based on the hydrologic budget (recharge versus withdrawal) and the best information currently available, it is believed that unappropriated water is available to currently recommend approval of 350 new acres of irrigation. If you choose to amend the two applications as set forth above, the irrigation that total will be 350 acres.

Please let me know if you concur with this summary of our conversation. If so, do you agree to amend Water Permit Application Nos. 8565-3 and 8567-3 as set forth above? If you have changes to what is described above, please let us know.

Further with your response, please provide a map outlining the acres requested to be irrigated as to be amended in Water Permit Application Nos. 8565-3 and 8567-3.

Sincerely,
Nakaila Steen
Natural Resources Engineer I
SD DANR-Water Rights Program
605-773-6707

Steen, Nakaila

From: Dustin Haase <dustinhaase@yahoo.com>
Sent: Friday, January 28, 2022 5:06 PM
To: Steen, Nakaila
Subject: [EXT] Well permit amendments

Good afternoon,

In regards to the email from Nakaila and the phone conversation with Eric, we reduced the irrigated acres to 350 total acres in Section 15. You will notice on the map the systems are a little shorter and end guns will be off because of highways to reduce the amount of acres. There are roughly 22-23 acres that the pivots overlap that we will use variable rate application; therefore, we feel we shouldn't have to count these acres twice. With this information, Nakaila, Eric, and myself decided we would amend the well permits for Section 15. At this time, Eric talked about amending the second well permit in Section 15 that would feed an irrigator in Section 16. Eric also mentioned holding off on the irrigator in Section 16 until more observation had been done. I am fine with the amendments in the email sent to me, but would like to move forward with the last well permit in Section 15 sometime in the near future. It would irrigate 132 acres in Section 16. Eric asked me to send a map with proposed acres. Please see the attached map. Disregard the first map I emailed that did not include acres.

Thank you for your time,
Dustin Haase



**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. 8565-3, Dustin Haase**

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. 8565-3, Dustin Haase, 44881 SD Highway 44, Parker SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 8565-3 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. 8565-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals 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. 8565-3 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
Eric Gronlund, Chief Engineer
February 1, 2022

Note: Based on your amendment to the application, if approved, you will be limited to development of 124 acres of irrigation in the SE 1/4 Section 15-T99N-R54W



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8566-3, Dustin Haase**

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. 8566-3, Dustin Haase, 44881 SD Highway 44, Parker SD 57053.

The Chief Engineer is recommending DEFERRAL of Application No. 8566-3 because at this time it is not possible to conclude that unappropriated water is available to support this application in addition to Water Permit Application Nos. 8565-3 and 8567-3. Three of the four observation wells completed into this portion of the aquifer were completed in 2016 and; therefore, the period of record is limited. Based the best information available, the hydrologic budget only supports enough unappropriated water available to recommend approval of Application Nos. 8565-3 and 8567-3.

The deferral of Application No. 8566-3 is for up to two years at which time the application will be brought back before the Water Management Board for consideration. At that time, the Board will reconsider the application based on the additional period of record. The applicant can request the application be brought before the Board prior to expiration of the two year deferral period if they can show unappropriated water is available.

See report on application for additional information.

Eric Gronlund, Chief Engineer
February 1, 2022



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8567-3, Dustin Haase**

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. 8567-3, Dustin Haase, 44881 SD Highway 44, Parker SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 8567-3 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. 8567-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals 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. 8567-3 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

Eric Gronlund, Chief Engineer
February 1, 2022

Note: Based on your amendment to the application, if approved, you will be limited to development of 226 acres of irrigation in the N 1/2 Section 15-T99N-R54W

Report to the Chief Engineer

On Water Permit Application Nos. 8565-3, 8566-3, and 8567-3

Dustin Haase

January 31, 2022

Water Permit Application No. 8565-3 proposes to appropriate 1.11 cubic feet of water per second (cfs) from one well to be completed into the Pleistocene Series: Unknown aquifer (approximately 210 feet deep) located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15 for the irrigation of 124 acres located in the SE $\frac{1}{4}$ of Section 15; all in T99N-R54W.

Water Permit Application No. 8566-3 proposes to appropriate 1.78 cfs from one well to be completed into the Pleistocene Series: Unknown aquifer (approximately 236 feet deep) located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15 for the irrigation of 132 acres located in the NW $\frac{1}{4}$ of Section 16; all in T99N-R54W.

Water Permit Application No. 8567-3 proposes to appropriate 2.22 cfs from one well to be completed into the Pleistocene Series: Unknown aquifer (approximately 210 feet deep) located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 15 for the irrigation of 226 acres located in the N $\frac{1}{2}$ of Section 15; all in T99N-R54W.

The site of the proposed diversion points is located in Turner County approximately three miles west of Parker, South Dakota.

AQUIFER: Pleistocene Series: Unknown (PS: U)

HYDROGEOLOGY:

The Pleistocene Series: Unknown is a generic name used by the DANR-Water Rights Program for a category of aquifer materials that were deposited by glacial movement during the Pleistocene geologic epoch that are not part of a previously mapped aquifer (Water Rights, 2022c). The glacial geology in the area of the proposed diversion points was deposited during the Late Wisconsin glaciation and is primarily composed of sand and gravel that are limited in areal extent (Schulz and Jarrett, 2009).

No water well completion reports were submitted with Water Permit Application Nos. 8565-3, 8566-3, and 8567-3. However, test hole completion reports were submitted with each water permit application. A reiteration of each test hole completion report is displayed in Tables 1 to 3.

Hydrologic Investigations (Lindgren and Hansen, 1990) did not identify a glacial outwash deposit of sufficient size to map at the location and depth of the proposed applications. Test hole and water well completion reports on file (Water Rights, 2022d), observation well logs (Water Rights, 2022b), lithologic logs from the South Dakota Geological Survey (SDGS) (SDGS, 2022), elevation data (USGS, EROS, 1999) and a bedrock topography map (Tomhave and Schultz, 2004) were utilized in this analysis to map the approximate areal extent of this glacial outwash deposit of the Pleistocene Series: Unknown aquifer and to determine the approximate elevation of this outwash near the proposed diversion points.

Report on Water Permit Application Nos. 8565-3, 8566-3, and 8567-3

Table 1. Test hole completion report submitted with Water Permit Application No. 8565-3

Formation Log	From	To
Top Soil	0	2
Clay Brown	2	27
Clay Gray	27	44
Sand & Coal	44	47
Clay Gray W/ Sand Layers	47	52
Clay Gray Pebbly	52	77
Gravel Med W/ Clay Layers	77	83
Clay Gray W/ some Sand Layers	83	114
Clay Gray Pebbly	114	174
Gravel Coarse - Rock @ 197, Coarser @ Bottom	174	198
Clay Gray	198	210

Table 2. Test hole completion report submitted with Water Permit Application No. 8566-3

Formation Log	From	To
Top Soil	0	2
Clay Brown	2	11
Gravel	11	12
Clay Brown Gravely	12	35
Gravel	35	38
Clay Brown	38	49
Clay Brown Gravely	49	51
Gravel	51	53
Clay Gray	53	95
Gravel Coarse Clay Layer @ 130	95	131
Gravel Medium	131	141
Clay Gray	141	149
Sand & Coal	149	155
Clay Gray Some Sand layers & Coal	155	193
Coarse	193	236
Quartzite	236	

Table 3. Test hole completion report submitted with Water Permit Application No. 8567-3

Formation Log	From	To
Top Soil	0	3
Clay Brown	3	7
Sand	7	18
Clay Gray	18	103
Gravel	103	111
Sand	111	115
Clay W/ Sand Layers	115	129
Clay Gray with Gravel Layers - Very Mixed	129	135
Gravel Coarse	135	144
Clay Gray	144	146
Gravel Med Coarse	146	150
Clay	150	151
Gravel Coarse Rocky	151	181
Clay W/ Gravel Layers (1-2" layers of gravel w/ 1" layers of clay)	181	189
Gravel	189	208
Rock Quartzite or Quartzite Boulder	208	210

Figure 1 displays a map of the proposed diversion points, with the approximate Pleistocene Series: Unknown aquifer boundary for this location, and the Pleistocene Series: Unknown aquifer observation wells and water rights/permits (Water Rights, 2022b and 2022c). The areal extent of this glacial outwash deposit of the Pleistocene Series: Unknown aquifer (as seen in Figure 1) is approximately 11,700 acres. The top of the glacial outwash deposit at the proposed diversion points ranges from approximately 1,272 to 1,262 feet above mean sea level (fmsl) and varies from approximately 19 to 43 feet thick. The depth to the top of this glacial outwash deposit ranges from approximately 174 to 193 feet below grade over the area this outwash. This deposit primarily lies in a channel incised into the bedrock (Niobrara Formation at this location) (as seen in Figure 1) (Tomhave and Schulz, 2004). Based on the test hole completion reports submitted with the water permit applications, and the well completion reports and lithologic logs on file with the DANR-Water Rights Program (SDGS, 2022; Water Rights, 2022b and 2022d), the Pleistocene Series: Unknown aquifer is expected to be confined at the proposed diversion points.

The water well completion report on file for Water Permit No. 7495-3 identified a water bearing sand and gravel material at approximately 1,270 fmsl (USGS, EROS, 1999; Water Rights, 2022d). The available information at that time implied a Niobrara aquifer water source, and the permit application was approved for diversion from the Niobrara aquifer. This water bearing sand and gravel material occurs at the same elevation as the water bearing sand and gravel material identified in the test hole logs for the proposed diversion points. For this analysis, the well authorized by Water Permit No. 7495-3 (located approximately 0.5 to 1 mile(s) southeast of the proposed diversion points) will be assumed to be completed into the same outwash deposit of the Pleistocene Series: Unknown aquifer as the proposed diversion points.

Near the proposed diversion points, there are several known and mapped aquifers. The best information currently available indicates that the nearest portion of the Upper Vermillion Missouri: West and Parker-Centerville aquifers are located approximately five miles southeast, and the Vermillion West Fork aquifer is approximately one mile northeast (Jarrett, 1986, Lindgren and Hansen, 1990; SDGS, 2022; Water Rights, 2022b, Water Rights, 2022d). The Niobrara aquifer likely underlies this glacial outwash deposit (Lindgren and Hansen, 1990). It is probable that this outwash is hydraulically connected to the Niobrara aquifer (Water Rights, 2022b, 2022c and 2022d). It is also possible that this outwash deposit is connected to a large outwash body, the Upper Vermillion Missouri: West aquifer (Water Rights, 2022b, 2022c and 2022d).

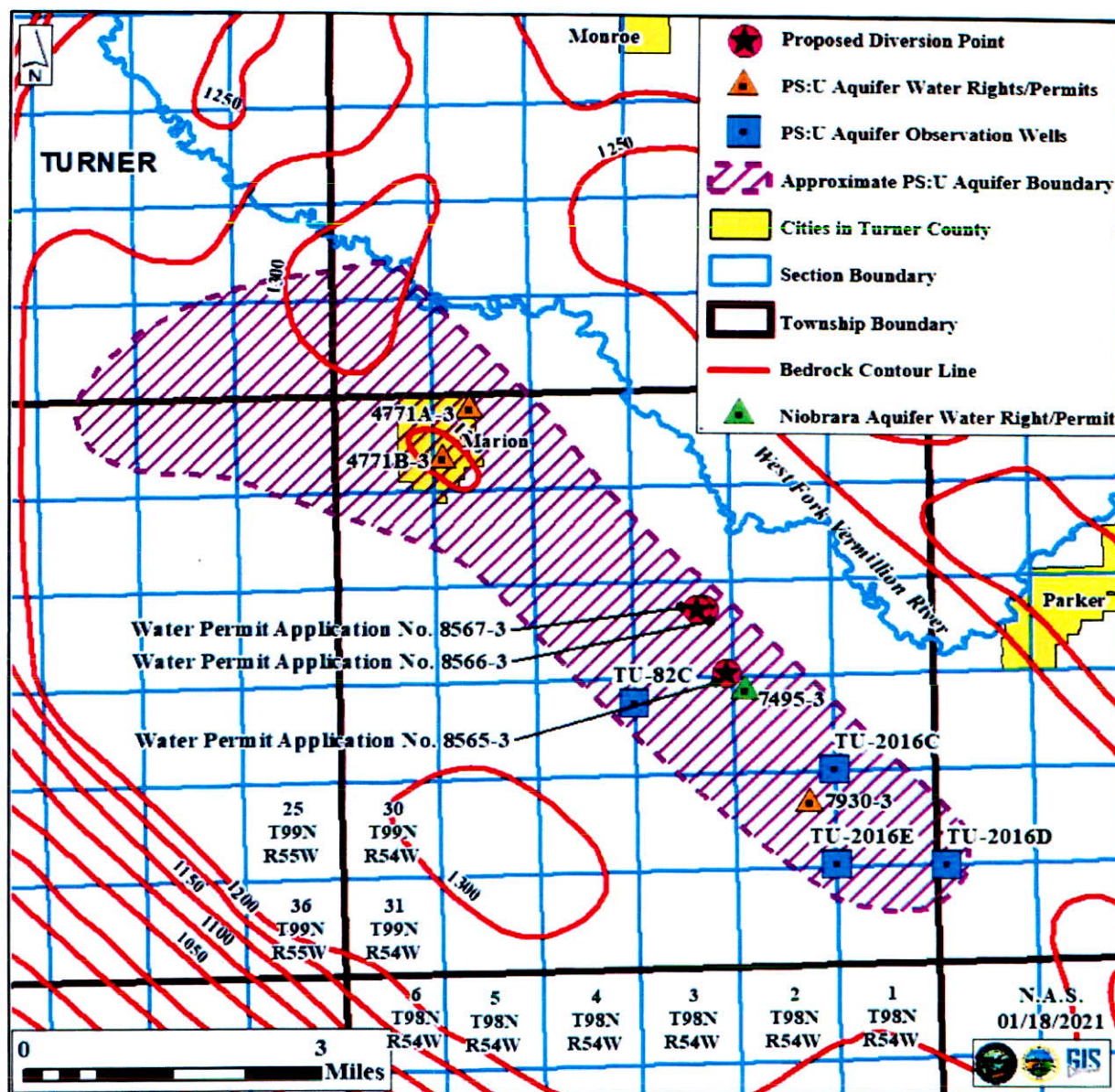


Figure 1. Location of the proposed diversion points for Water Permit Application Nos. 8565-3, 8566-3, and 8567-3 with the approximate areal extent of the Pleistocene Series: Unknown aquifer boundary, bedrock contour lines (Tomhave and Schultz, 2004), and the Pleistocene Series: Unknown aquifer observation wells and water rights/permits (Water Rights, 2022b and 2022c)

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 Pleistocene Series: Unknown aquifer.

WATER AVAILABILITY:

Water Permit Application Nos. 8565-3, 8566-3, and 8567-3 propose to appropriate water from the Pleistocene Series: Unknown aquifer. 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. An application may be approved, however, 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 for use by water distribution systems.” The Pleistocene Series: Unknown 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 Pleistocene Series: Unknown aquifer must be considered.

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.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DNR-Water Rights Program monitors 112 observation wells completed into the Pleistocene Series: Unknown aquifer (Water Rights, 2022b). There are 4 observation wells completed into this glacial outwash deposit of the Pleistocene Series: Unknown aquifer (Water Rights, 2022b). These observation wells are TU-82C (approximately one mile southwest), TU-2016C (approximately two miles southeast), TU-2016E (approximately three miles southeast), and TU-2016D (approximately 3.5 miles southeast) (as shown in Figure 1). The hydrographs for these observation wells are displayed in Figures 2 to 5 (Water Rights, 2022b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing.

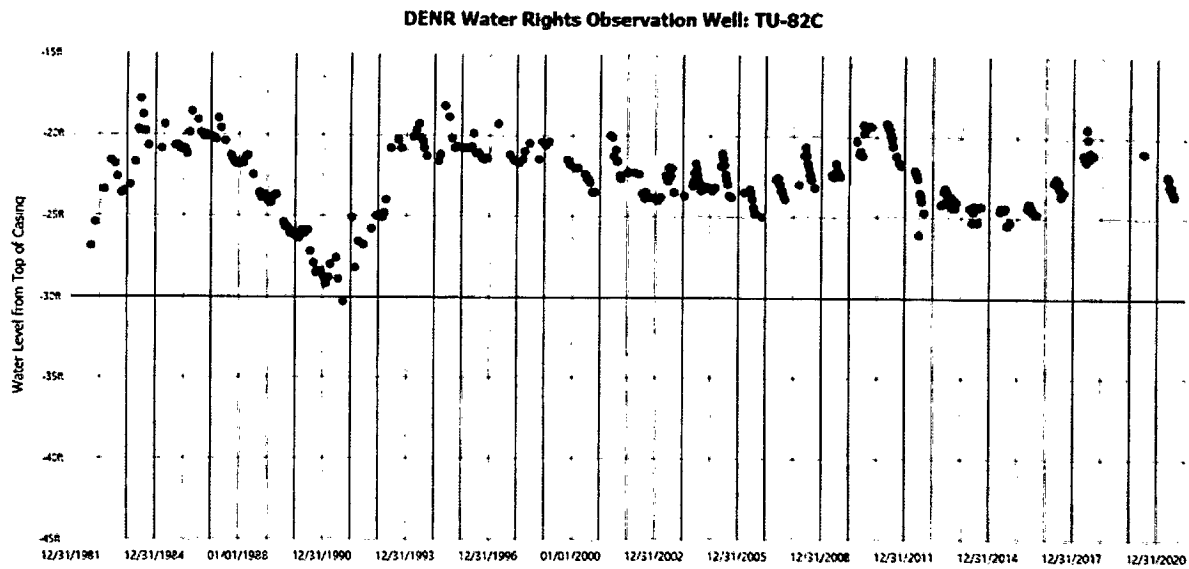


Figure 2. Hydrograph for observation well TU-82C (Water Rights, 2022b)

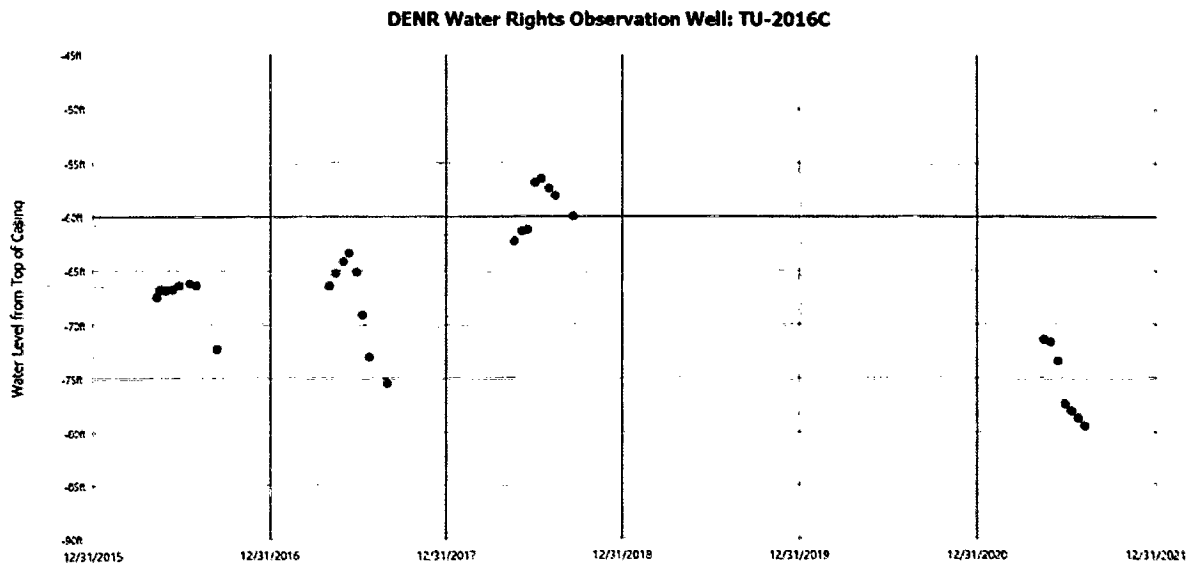
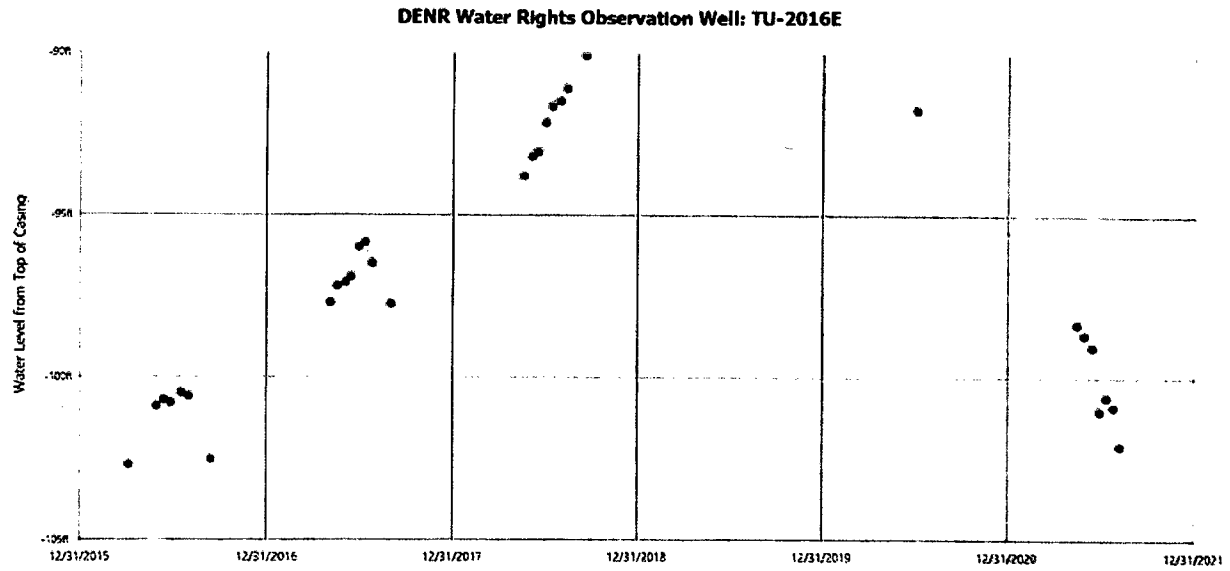


Figure 3. Hydrograph for observation well TU-2016C (Water Rights, 2022b)



Observation wells TU-2016C, TU-2016E, and TU-2016D were completed into the Pleistocene Series: Unknown aquifer in 2016 so the period of record of water level readings in these wells is limited (Water Rights, 2022b). Due to the extremely wet conditions in 2019 (NOAA, 2022), these observation wells could not be accessed; thus, no water level data for these observation wells was collected for that year. This was primarily due to Turner County enforcing a no non-essential travel on the gravel roads within the county for most of the summer (Kilts, 2022). Additional years of data collection are necessary to interpret the water levels in observation wells TU-2016C, TU-2016E, and TU-2016D. Therefore, an emphasis on observation well TU-82C will be used in this investigation of the Pleistocene Series: Unknown aquifer observation well hydrographs.

The hydrograph for the observation well TU-82C displays a generally stable water level over the respective period of record. However, from 1993 to 2020, the trend of the water levels on the hydrograph is slightly declining (Water Rights, 2022b). The cause of this slight decline is not known at this time. However, this glacial outwash deposit of the Pleistocene Series: Unknown aquifer may be attempting to equilibrate to new pumping from it, and from adjacent and hydrologically connected aquifers that were increasing development during that period. This is of concern due to the limited areal extent of the aquifer and the lack of other observation well data to show whether the water levels of TU-82C should be considered as stable or slightly declining. The hydrograph for observation well TU-82C indicates that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining during drier periods. Additionally, the water level in the observation well displays that the amount of recharge to and natural discharge from the aquifer exceeds pumping, with the aquifer recovering during the recharge season (late winter to early summer). Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of water levels in the aquifer rather than the impacts of pumping from the Pleistocene Series: Unknown aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the hydrograph for observation well TU-82C demonstrates some unappropriated water is available for the proposed appropriations. The amount of unappropriated water available in this outwash deposit of the Pleistocene Series: Unknown aquifer cannot be definitely determined based on this observation well data.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Pleistocene Series: Unknown aquifer is primarily through the infiltration of precipitation and by groundwater inflow from adjacent and hydrologically connected aquifers, which is possibly from the Niobrara aquifer at this location (Lindgren and Hansen, 1990; Water Rights, 2022b and 2022d). Due to the likely hydraulic connection with the Niobrara aquifer, any pumping from this outwash may induce recharge from the Niobrara aquifer.

An average annual recharge rate has not been calculated for the Pleistocene Series: Unknown aquifer. For confined aquifers, Hedges and others (1985) recommended recharge rates of 0.15 to

0.60 inches per year for use by management and development programs. The areal extent of this glacial outwash deposit of the Pleistocene Series: Unknown aquifer is approximately 11,700 acres; therefore, the average annual recharge rate to this outwash ranges between approximately 146 to 585 acre-feet per year. The average annual recharge rate may be greater than that range due to the possible hydrologic connection with the Niobrara aquifer. In general, it is prudent to assume the mid-range of the average annual recharge rate to a glacial outwash deposit (365.5 acre-feet per year) when estimating recharge from a non-aquifer specific recharge rate range. Furthermore, there is not sufficient evidence available at this time to support using the lower or higher end of the recharge rate range.

Discharge

Discharge from the Pleistocene Series: Unknown aquifer is primarily through well withdrawals and outflow to adjacent till (Water Rights, 2022c). Currently, there are four water rights/permits authorized to divert water from this glacial outwash deposit of the Pleistocene Series: Unknown aquifer, including Water Permit No. 7495-3 which is currently authorized to divert water from the Niobrara aquifer (Water Rights, 2022c).

Table 4 summarizes the two non-irrigation water rights/permits authorized to appropriate water from the Pleistocene Series: Unknown aquifer (Water Rights, 2022c). The City of Marion has been connected to TM Rural Water District since 2002 (Drinking Water Program, 2022; Friedeman, 2022), and it is likely they maintain the wells authorized by Water Permit Nos. 4771A-3 and 4771B-3 for standby purposes. Therefore, the average annual withdrawal rate for the non-irrigation water rights/permits within this outwash deposit of the Pleistocene Series: Unknown aquifer is zero acre-feet per year.

Table 4. Non-irrigation water rights/permits authorized to divert water from the Pleistocene Series: Unknown aquifer (Drinking Water Program, 2022; Friedeman, 2022; Water Rights, 2022c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Estimated Use (acre-feet/year)
4771A-3	City of Marion	LC	MUN	0.45	0*
4771B-3	City of Marion	LC	MUN	0.4	0*

LC: Licensed Water Right; MUN: Municipal

Currently, there are two irrigation water rights/permits authorized to appropriate water from the Pleistocene Series: Unknown aquifer (Water Rights, 2022c). These irrigation water rights/permits are Water Permit No. 7495-3 (priority date of November 1, 2012; 160 authorized acres) and Water Permit No. 7930-3 (priority date of December 2, 2013, 162 authorized acres) (Water Rights, 2022c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The reported annual withdrawal rate for these two irrigation water rights/permits is summarized on Table 5. The average annual withdrawal rate for the Pleistocene Series: Unknown aquifer irrigation water rights/permits that have reported over the period of record is approximately 70.4 acre-feet per year (Table 5) (Water Rights, 2022a).

Table 5. Average annual withdrawal rate based off reported withdrawal rates from the water rights/permits authorized to appropriate water from the Pleistocene Series: Unknown aquifer for irrigation use (Water Rights, 2022a)

Permit No.	7495-3	7930-3
	Reported Withdrawal (acre-feet)	Reported Withdrawal (acre-feet)
Year		
2020	29.92	83.52
2019	0	0
2018	8.84	18.71
2017	50.82	40.3
2016	38.94	81.31
2015	18.23	76.6
2014	16.2	n/a
2013	0	n/a
Average Withdrawal Rate (acre-feet/year)	20.37	50.07

There are domestic wells completed into the Pleistocene Series: Unknown aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2022d). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Pleistocene Series: Unknown 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 Pleistocene Series: Unknown aquifer.

Hydrologic Budget Summary

The average annual recharge rate to this glacial outwash deposit ranges between approximately 146 to 585 acre-feet per year. The mid-range of the average annual recharge rate to this outwash deposit is approximately 365.5 acre-feet per year. The average annual withdrawal rate is approximately 472.1 acre-feet per year based on the water rights/permits authorized to appropriate water from this glacial outwash deposit (approximately 70.4 acre-feet per year listed on Table 6), plus an additional 401.7 acre-feet of water per year assuming approval of these three applications and an average application rate of ten inches per year applied to each acre authorized to be irrigated. A ten-inch application rate used for irrigation is based on a historic average application rate for irrigators in more arid conditions in eastern South Dakota than expected in Turner County near the proposed diversion points (Water Rights, 2022c). If approved, it is likely that on an average annual basis, these three applications will apply less than 10 inches per acre (Water Rights, 2022a and 2022c). However, there is not a reliably accurate irrigation application rate estimated currently for this specific area using water withdrawals from a hydrologically similar aquifer with a large enough number of irrigators as to be statistically representative. Additional recharge may be induced from the underlying Niobrara aquifer. The

areal extent of this outwash deposit of the Pleistocene Series: Unknown aquifer was approximated using many variables (SDGS, 2022; Tomhave and Schultz, 2004; USGS, EROS, 1999; Water Rights, 2022b and 2022d), but it is still an approximation that may vary to an unknown degree. Based on the hydrologic budget and the previously mapped assumptions, there is a reasonable probability up to 295 acre-feet of unappropriated water is available from this glacial outwash deposit of the Pleistocene Series: Unknown aquifer for the proposed appropriations. Furthermore, this indicates there is a reasonable probability there is sufficient unappropriated water available to support 350 new irrigable acres proposed by Water Permit Application Nos. 8565-3, 8566-3, and 8567-3, but not the entire 482 acres requested by the three applications based on the current information available.

Table 6. Estimated use from this glacial outwash deposit of the Pleistocene Series: Unknown aquifer (Water Rights, 2022a and 2022c)

Type of Water Right/Permit	Estimated Use (acre-feet/year)
Non-Irrigation	0
Irrigation	70.4
Application Nos. 8565-3, 8566-3, and 8567-3 (assuming application rate of ten inches of water per authorized acre)	401.67
TOTAL:	472.1

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are four water rights/permits authorized to appropriate water from this outwash deposit of the Pleistocene Series: Unknown aquifer (Water Rights, 2022c). The closest water right/permit to proposed diversion points is Water Permit No. 7495-3 which is held by Dennis Herlyn. The diversion point for Water Permit No. 7495-3 is located approximately one mile southeast of the proposed diversion points for this application (Figure 1) (Water Rights, 2022c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Pleistocene Series: Unknown aquifer, with the closest domestic well on file (not held by the applicant) approximately two miles northwest of the proposed diversion points (Water Rights, 2022d). There could potentially be other domestic wells completed into the Pleistocene Series: Unknown aquifer near the proposed diversion points that are not on file with the DANR-Water Rights Program.

Observation well TU-82C (approximately one mile southwest of the proposed diversion points) has two high-yield wells (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) within approximately two miles of it (as shown on Figure 1) (Water Rights, 2022b and 2022c). The lithologic log on file for TU-82C noted the well was drilled 200 feet deep below the ground surface with the top of aquifer at approximately 121 feet below the ground surface (Water Rights, 2022b). The lowest recorded static water level on the hydrograph (displayed in Figure 2) is approximately 30 feet below the ground surface, which indicates there was still

approximately 90 feet of artesian head pressure in TU-82C even during drier periods when high-yield wells are expected to be pumping more water (Water Rights, 2022b).

The Pleistocene Series: Unknown aquifer is expected to be under confined conditions near the proposed diversion points based on the test hole completion reports submitted with the water permit applications, and the well completion reports and lithologic logs on file with the DANR-Water Rights Program (SDGS, 2022; Water Rights, 2022b and 2022d). Since this glacial outwash deposit of the Pleistocene Series: Unknown aquifer is expected to be confined near the proposed diversion points, drawdown can extend some distance but the exact drawdown behavior of a well cannot be known without an aquifer performance test.

Near the proposed diversion points, the Pleistocene Series: Unknown aquifer has a saturated aquifer thickness ranging from approximately 19 to 43 feet, with the depth to the top of aquifer materials ranging from approximately 174 to 193 feet below the ground surface (Water Rights, 2022b, 2022c and 2022d). This would allow for enough thickness for a pump inlet 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). Any drawdown as a result of the proposed diversions is not expected to unlawfully impair nearby adequate wells. In Turner County, there have been no substantiated complaints submitted to the DANR-Water Rights Program regarding well interference for adequate wells completed into the Pleistocene Series: Unknown aquifer (Water Rights, 2022e).

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 Pleistocene Series: Unknown 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 this glacial outwash deposit of the Pleistocene Series: Unknown aquifer near the proposed diversion points, the artesian head pressure in observation wells and appropriative user's wells completed into this glacial outwash deposit of the Pleistocene Series: Unknown aquifer near the proposed diversion points, and the lack of well interference complaints from the Pleistocene Series: Unknown aquifer in the area, any drawdown created from the proposed diversions 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 appropriations will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8565-3 proposes to appropriate 1.11 cfs from one well to be completed into the Pleistocene Series: Unknown aquifer (approximately 210 feet deep) for the irrigation of 124 acres.
2. Water Permit Application No. 8566-3 proposes to appropriate 1.78 cfs from one well to be completed into the Pleistocene Series: Unknown aquifer (approximately 236 feet deep) for the irrigation of 132 acres.
3. Water Permit Application No. 8567-3 proposes to appropriate 2.22 cfs from one well to be completed into the Pleistocene Series: Unknown aquifer (approximately 210 feet deep) for the irrigation of 226 acres.
4. Based solely on observation well data, the amount of unappropriated water available in this outwash deposit of the Pleistocene Series: Unknown aquifer cannot be definitely determined. Additional years of data are necessary to fully interpret the water levels in observation wells TU-2016C, TU-2016E, and TU-2016D.
5. Based on the hydrologic budget, there is a reasonable probability up to 295 acre-feet of unappropriated water is available from this glacial outwash deposit of the Pleistocene Series: Unknown aquifer for the proposed appropriations.
6. Based on the best information available, there is a reasonable probability there is sufficient unappropriated water available to support 350 new irrigable acres proposed by Water Permit Application Nos. 8565-3, 8566-3, and 8567-3, but not the entire 482 acres requested by the three applications based on the current information available.
7. There is a reasonable probability that the proposed diversions by Water Permit Application Nos. 8565-3, 8566-3, and 8567-3 for the irrigation of up to 350 acres will not unlawfully impair adequate wells for existing water rights/permits and domestic users.

Nakaila Steen

Nakaila Steen
Natural Resources Engineer I
SD DANR - Water Rights Program

Adam Mathiowetz

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

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Form 8

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WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Turner) SS

I, Melissa Schultz

certify that the attached printed Notice was taken
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County of Turner and

state of South Dakota. The notice was published

in the newspaper on the following date:

February 10th, 2022

Cost of Printing

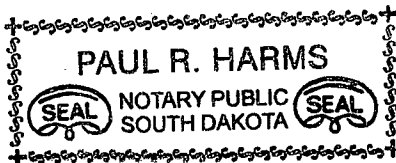
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Paul R. Harms

(Signature)

Office Manager
(Title)

February 10th, 2022
(Date Signed)



Aquifer (approximately 236 feet deep) located in the SW 1/4 NE 1/4 Section 15 to irrigate 132 acres located in the NW 1/4 Section 16; both in T99N-R54W.

Application No. 8567-3 proposes to appropriate 2.22 cfs from one well to be completed into the Pleistocene Series:Unknown Aquifer (approximately 210 feet deep) located in the S 1/2 NE 1/4 Section 15 to irrigate 226 acres located in the N 1/2 Section 15; all in T99N-R54W.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "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 Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that the applications present important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application Nos. 8565-3 and 8567-3 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Deferral of Application No. 8566-3 because at this time it is not possible to conclude that unappropriated water is available to support this application in addition to Water Permit Application Nos. 8565-3 and 8567-3. Three of the four observation wells completed into this portion of the aquifer were completed in 2016 and; therefore, the period of record is limited. Based on the best information available, the hydrologic budget only supports enough unappropriated water available to recommend approval of Application Nos. 8565-3 and 8567-3.

The Chief Engineer's recommendations with qualifications, the applications, 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.

The Water Management Board will consider these applications at 10:00 am (Central Time) on March 2, 2022 in the Matthew Training Center, Joe Foss Bldg., 523 E. Capitol Ave., Pierre, SD. The Chief

presented at the public hearing.

Any person who intends to participate in the hearing shall allege that the applications, 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 applications, or other matter concerning the applications 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 applications with BOTH the applicant and Chief Engineer. A petition opposing the applications 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 February 22, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The March 2, 2022, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by February 22, 2022. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

Any interested person may file a comment on the applications 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 pro-

February 22, 2022.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "If the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is February 22, 2022. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to the applications: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Published once at the total approximate cost of \$108.40 (N0210-1)

NOTICE OF HEARINGS TO APPROPRIATE WATER

Notice is given that Dustin Haase, 44881 SD Hwy 44, Parker, SD 57053 has filed the following applications for water permits. These sites are located approximately 3 miles west of Parker SD. Application No. 8565-3 proposes to appropriate 1.11 cubic feet of water per second (cfs) from one well to be completed into the Pleistocene Series:Unknown Aquifer (approximately 210 feet deep) located in the SE 1/4 SE 1/4 Section 15 for irrigation of 124 acres located in the SE 1/4 Section 15; all in T99N-R54W. Application No. 8566-3 proposes to appropriate 1.78 cfs from one well to be completed into the Pleistocene Series:Unknown

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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) :

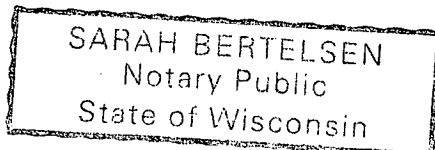
Thursday, February 10, 2022

Sworn to and subscribed before me this 10 day of February, 2022.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

My Commission expires



**NOTICE OF HEARINGS to
Appropriate Water**

Notice is given that Dustin Haase, 44881 SD Hwy 44, Parker SD 57053 has filed the following applications for water permits. These sites are located approximately 3 miles west of Parker SD.

Application No. 8565-3 proposes to appropriate 1.11 cubic feet of water per second (cfs) from one well to be completed into the Pleistocene Series: Unknown Aquifer (approximately 210 feet deep) located in the SE 1/4 SE 1/4 Section 15 for irrigation of 124 acres located in the SE 1/4 Section 15; all in T99N-R54W.

Application No. 8566-3 proposes to appropriate 1.78 cfs from one well to be completed into the Pleistocene Series: Unknown Aquifer (approximately 236 feet deep) located in the SW 1/4 NE 1/4 Section 15 to irrigate 132 acres located in the NW 1/4 Section 16; both in T99N-R54W.

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South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "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 Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that the applications present important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application Nos. 8565-3 and 8567-3 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer recom-

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The Chief Engineer's recommendations with qualifications, the applications, 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.

The Water Management Board will consider these applications at 10:00 am (Central Time) on March 2, 2022 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the applications based on the facts presented at the public hearing.

Any person who intends to participate in the hearing shall allege that the applications, 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 applications, or other matter concerning the applications 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 applications with BOTH the applicant and Chief Engineer. A petition opposing the applications 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 February 22, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The March 2, 2022, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by February 22, 2022. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

Any interested person may file a comment on the applications 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 February 22, 2022.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminat-

ed, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17."

This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is February 22, 2022. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to the applications: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:35.01.

Published once at an approximate cost of \$91.94.
5115182 Feb 10, 2022

RECEIVED
FEB 15 2022
WATER RIGHTS
PROGRAM



**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.**

February 1, 2022

Dustin Haase
44881 SD Hwy 44
Parker SD 57053

Dear Mr. Haase:

Water Permit Application Nos. 8565-3, 8566-3, 8567-3 use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the 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 recommendations of the Chief Engineer and report on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely, _____

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF HEARINGS to Appropriate Water

Notice is given that Dustin Haase, 44881 SD Hwy 44, Parker SD 57053 has filed the following applications for water permits. These sites are located approximately 3 miles west of Parker SD.

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Published once at an approximate cost of _____.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAR 30 2022

Dustin Haase
44881 SD Hwy 44
Parker SD 57053

Dear Mr. Haase:

Enclosed are Water Permit Nos. 8565-3 and 8567-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10s, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems 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 information 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

March 30, 2022

PAYMENT REQUEST FORM

PAYEE: Dustin Haase
44881 SD Hwy 44
Parker, SD 57053

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Over Payment Application/License Fee

AMOUNT: \$650.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eve Hunkeler* 3/30/2022

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct.
I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

8567-3

March 31, 2022

Dustin Haase
44881 SD Hwy 44
Parker SD 57053

Dear Mr. Haase:

An application/license filing fee of \$1,900.00 was submitted with the Water Permit No. 8567-3. The correct fee for this permit is \$1,250.00. \$650.00 will be refunded to you. The refund check should be received within the next couple of weeks.

If you have questions, please contact this office.

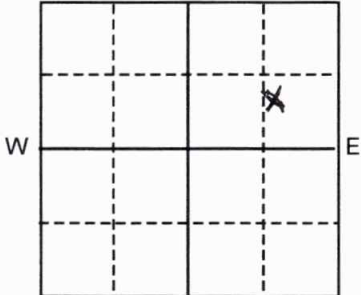
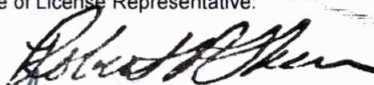
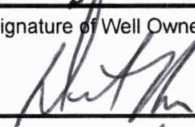
Sincerely,

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

8567-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location <u>SE 1/4 NE 1/4</u> Sec <u>15</u> Twp <u>99</u> Rg <u>54</u>		Well Owner: <u>Dustin Haase</u>																																				
County <u>Turner</u>		Business Name: _____																																				
North Please mark well location with an "X"  W E		Address: <u>27521 449th Ave</u>																																				
		City, State, Zip: <u>Parker</u> <u>SD</u> <u>57053</u>																																				
Well Completion Date <u>March 31, 2022</u>		WELL LOG: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">FORMATION</th> <th colspan="2">DEPTH</th> </tr> <tr> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr> <td>See attached</td> <td>0</td> <td>208</td> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		FORMATION	DEPTH		FROM	TO	See attached	0	208																											
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Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? <u>487.0</u> ft. from <u>Pond</u> (identify source)		STATIC WATER LEVEL <u>135.3</u> FEET If flowing: closed in pressure _____ PSI GPM flow _____ through _____ Inch pipe Controlled by ☐ Valve ☐ Reducers ☐ Other _____ Reduced flow rate _____ GPM Can well be completely shut in? _____																																				
PROPOSED USE: ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes ☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well		WELL TEST DATA: ☒ Pumped Describe: _____ ☐ Bailed ☐ Other Pumping Level Below Land Surface <u>147.0</u> Ft. After <u>2.0</u> Hrs. pumped <u>725.0</u> GPM _____ Ft. After _____ Hrs. pumped _____ GPM If pump installed, pump rate: _____ GPM																																				
METHOD OF DRILLING: Mud rotary		REMARKS <u>#4 North irrigation well</u> <u>GPS: N43 23.7600 W97 12.3990</u>																																				
CASING DATA: ☐ Steel ☒ Plastic ☐ Other If other describe _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>PIPEWEIGHT</th> <th>DIAMETER</th> <th>FROM</th> <th>TO</th> <th>HOLE DIAMETER</th> </tr> </thead> <tbody> <tr> <td>_____ LB/FT</td> <td><u>12.00</u> IN</td> <td><u>0.0</u> FT</td> <td><u>144.0</u> FT</td> <td><u>18.00</u> IN</td> </tr> <tr> <td>_____ LB/FT</td> <td>_____ IN</td> <td>_____ FT</td> <td>_____ FT</td> <td>_____ IN</td> </tr> <tr> <td>_____ LB/FT</td> <td>_____ IN</td> <td>_____ FT</td> <td>_____ FT</td> <td>_____ IN</td> </tr> </tbody> </table>		PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER	_____ LB/FT	<u>12.00</u> IN	<u>0.0</u> FT	<u>144.0</u> FT	<u>18.00</u> IN	_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN	_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN	GROUTING DATA: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Grout Type</th> <th>No. of Sacks</th> <th>Grout Weight</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>Bentonite</u></td> <td><u>40</u></td> <td><u>_____</u> Lb/gal</td> <td><u>0.0</u> Ft</td> <td><u>136.0</u> Ft</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____ Lb/gal</td> <td>_____ Ft</td> <td>_____ Ft</td> </tr> </tbody> </table> Describe grouting procedure <u>Tremie piped</u>		Grout Type	No. of Sacks	Grout Weight	From	To	<u>Bentonite</u>	<u>40</u>	<u>_____</u> Lb/gal	<u>0.0</u> Ft	<u>136.0</u> Ft	_____	_____	_____ Lb/gal	_____ Ft	_____ Ft
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_____	_____	_____ Lb/gal	_____ Ft	_____ Ft																																		
SCREEN: ☐ Perforated pipe ☒ Manufactured Diameter <u>12.00</u> Inches Length <u>20.0</u> Feet Material <u>Stainless steel</u> Slot Size <u>.080</u> Set From <u>186.0</u> Feet to <u>206.0</u> Feet Other information <u>42' of .050 12" PVC slotted set from 144' to 186'</u>		WAS A PACKER OR SEAL USED? ☐ Yes ☒ No If so, what material? _____ Describe packer(s) and location _____																																				
DISINFECTION: Was well disinfected upon completion? ☐ Yes, How? ☒ No, Why Not? <u>Irrigation only</u> Lab to which water quality sample sent for analysis 		This well was drilled under license # <u>475</u> and this report is true and accurate. Drilling firm: <u>THEIN WELL COMPANY, INCORPORATED</u> Signature of License Representative: _____  Signature of Well Owner or Equitable Property Holder: _____  Date: <u>6-13-2022</u>																																				

RECEIVED

JUL 01 2022

OFFICE OF
WATER

Dustin Haase - 206' North Irrigation Well - Sec# 15 Parker SD

Formation Log	From	To
Top Soil	0	3
Clay Brown	3	7
Sand	7	18
Clay Gray	18	103
Gravel	103	111
Sand	111	115
Clay W/ Sand Layers	115	129
Clay Gray with Gravel Layers – Very Mixed	129	135
Gravel Coarse	135	144
Clay Gray	144	146
Gravel Med Coarse	146	150
Clay	150	151
Gravel Coarse Rocky	151	181
Clay W/ Gravel Layers 1-2" layers of gravel w/ 1" layers of clay	181	189
Gravel	189	208

Dustin Haase

North Irrigation Well
Section 15

Legend

 Feature 1

275th St

44

450th Ave

450th Ave

 Dustin Haase - 206' North Irrigation Well



Google Earth

8567-3

RECEIVED

JAN 18 2023

OFFICE OF
WATER**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 8-1-22

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

FROM: Dustin Haase
(name)
44881 SD Hwy 44
(address)
Parker, SD 57053 605-360-3218
(city, state, zip) (phone)

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

Water Permit No. 8567-3 states that the water use system is to be constructed by 8-1-22, and water is to be put to beneficial use by 8-1-22.
(date) (date)

The water use system was completed on 6-1-22.
(date)

Applying the water to beneficial use was completed on 6-1-22.
(date)

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

[Signature]
(signature)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2023

8565-3

8567-3

Dustin Haase
44881 SD Hwy 44
Parker SD 57053

Dear Mr. Haase:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in to let us know that you are completed with your irrigation systems.

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

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

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8567-3

I have this day, October 18, 2024, made a thorough examination of the water use system constructed by Dustin Haase, 44881 SD Hwy 44, Parker, SD 57053 of Permit No. 8567-3, bearing the priority of December 2, 2021 authorizing the diversion of 2.22 cu. ft. per second of the waters of Pleistocene Series: Unknown Aquifer for irrigation purposes, in Turner County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Thein Well Co.
- 2) No. of Wells 1
- 3) Depth(s) 206 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 186 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level 135 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 800 GPM

Motor:

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

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

- 1) Type PVC
- 2) Size 10 & 8 inches
- 3) Length 800 & 2000 feet

Comments: 10 inch to first pivot: 2000 feet between pivots

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make 2 Valleys
- 2) Overall length 1300 feet
- 3) Number of towers 7 & 8
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION
3365 ft N & 1420 ft W from the SE corner Sec 15 T99N R54W, Lat 43.39601 long -97.20667
2. (SW 1/4 NE 1/4)
3. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
legal description/acreage
All land in Sec 15 T99N R54W
NW 1/4 NW 1/4 - 28 acres
NE 1/4 NW 1/4 - 30 acres
SE 1/4 NW 1/4 - 32 acres
SW 1/4 NW 1/4 - 34 acres
NW 1/4 NE 1/4 - 36 acres
NE 1/4 NE 1/4 - 10 acres
SE 1/4 NE 1/4 - 10 acres
SW 1/4 NE 1/4 - 33 acres

comprising a total of 213 acres of land and the license should be issued for 1.78 cfs

4. All structures, wells and lands on map Y

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

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

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

The pivot rolls through low/wet spots in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ where irrigation is not taking place, reducing the number of acres available for irrigation.

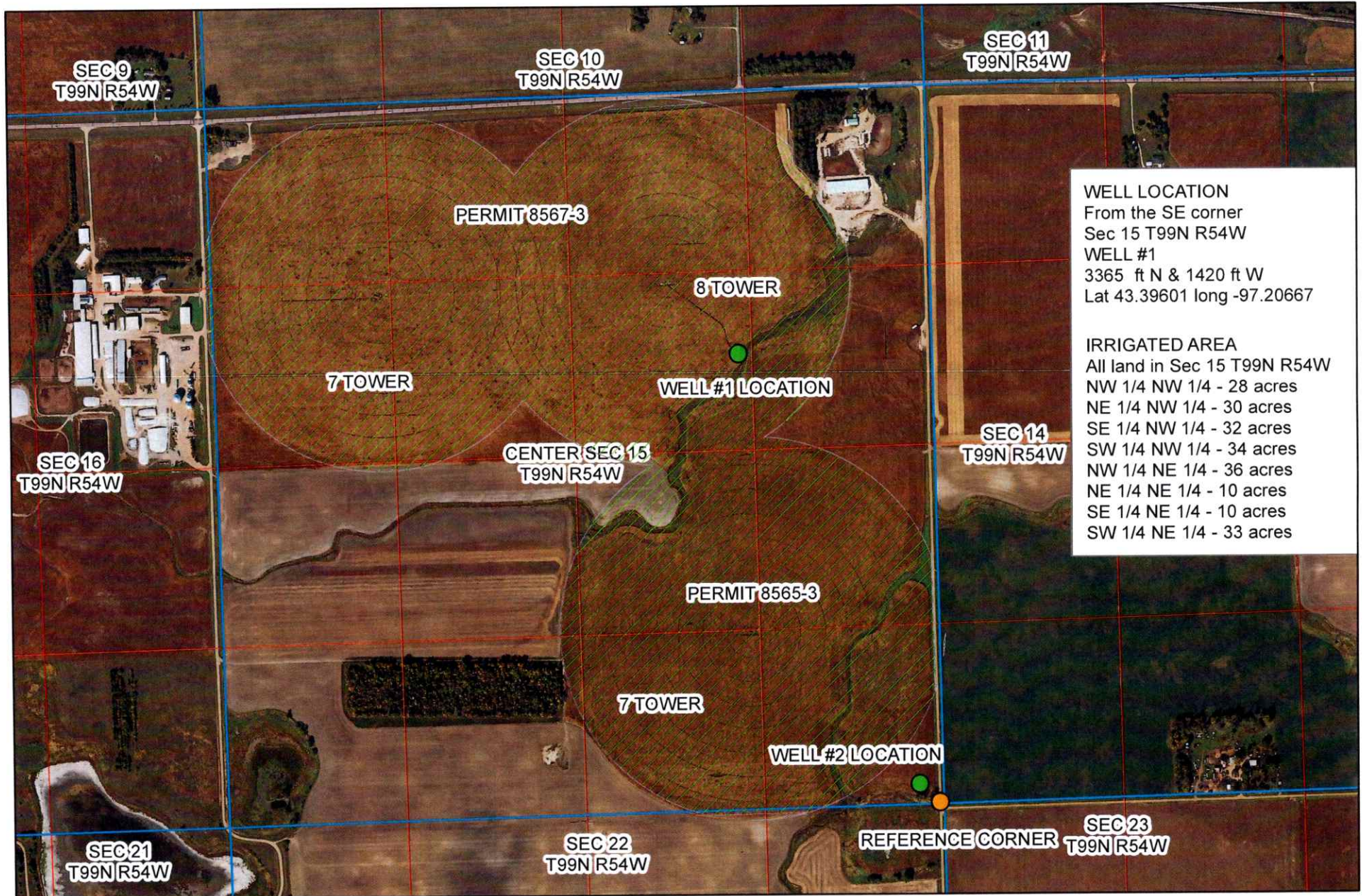
The address and phone number in the permit application are current.

I talked to Mr. Dustin Haase (605/360-3218) on the phone regarding Permit details.

A handwritten signature in black ink, appearing to read "Darrell DeBoer", written over a horizontal line.

Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: October 21, 2024



WELL LOCATION
 From the SE corner
 Sec 15 T99N R54W
WELL #1
 3365 ft N & 1420 ft W
 Lat 43.39601 long -97.20667

IRRIGATED AREA
 All land in Sec 15 T99N R54W
 NW 1/4 NW 1/4 - 28 acres
 NE 1/4 NW 1/4 - 30 acres
 SE 1/4 NW 1/4 - 32 acres
 SW 1/4 NW 1/4 - 34 acres
 NW 1/4 NE 1/4 - 36 acres
 NE 1/4 NE 1/4 - 10 acres
 SE 1/4 NE 1/4 - 10 acres
 SW 1/4 NE 1/4 - 33 acres



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

Darrell DeBoer
 Water Right Inspector
 DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
danr.sd.gov

MAR 18 2025

Dustin Haase
44881 SD Hwy 44
Parker, SD 57053

Nos. 8565-3 & 8567-3

Dear Mr. Hasse:

Enclosed are Water License Nos. 8565-3 & 8567-3. These are the final water right documents completing your process of obtaining the Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8567-3

(1) Dustin Haase, 44881 SD Hwy 44, Parker, SD 57053, made Application No. 8567-3, December 2, 2021, for a water permit to divert 2.22 cubic feet of water per second from groundwater, one well (Pleistocene Series: Unknown Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 8567-3, with a priority date of December 2, 2021, was approved March 2, 2022, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 2, 2027, and for the application to beneficial use of water on or before March 2, 2031.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on January 18, 2023. The Notice stated the diversion system was completed on June 1, 2022, and the water was placed to beneficial use on June 1, 2022.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 3,365 feet N & 1,420 feet W from the SE corner Section 15, T99N, R54W (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
(Latitude 43.39601 & Longitude -97.20667)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – September 30.

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

Section 15, T99N, R54W
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 30 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 28 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 34 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 32 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 10 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 36 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 10 acres
Total – 213 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Dustin Haase, the holder and/or owner of Water Right No. 8567-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Pleistocene Series: Unknown Aquifer), with a priority date of December 2, 2021, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8567-3 and subject to the following qualifications:

continued

Qualifications

1. The well approved under Water Permit No. 8567-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals 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. 8567-3 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. (The well was drilled in 2022 by Thein Well Co. Inc. A copy of the well completion report is on file with the Water Rights Program.)
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Mark Mayer

Mark Mayer, PE
Director of Office of Water

3/18/25

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 23rd, 2025

8567-3

Dustin Haase
44881 SD HWY 44
Parker, SD 57053

Dear Mr. Haase:

I write to you today in response to the 2025 Irrigation Questionnaire information submitted online for Shirley Allen Water Right No. 8567-3.

Water Right No. 8567-3 (copy enclosed) authorized diversion of 1.78 cubic feet of water per second (798.8 gpm) from ground water, one well (Pleistocene Series: Unknown Aquifer), for irrigation purposes of 213 acres located in Section 15, T99N, R54W.

On this year's questionnaire you reported the irrigation of 226 acres. If an additional 13 acres has been developed for irrigation, additional permitting would be required.

Please contact me to either revise your 2025 Irrigation Questionnaire or discuss additional permitting.

Sincerely,

Amanda Dewel
Water Rights Program
Amanda.dewell@state.sd.us
(605) 773-3352

enclosure