

WATER PERMIT NO. 8575-3

Name of Applicant: Ernest R Namminga

Address: 40786 310th St, Springfield SD 57062

Phone: 605 286-3873

Amount of Water Claimed: 1.78 cfs

Total Acres: 124 acres

Source of Water Supply: 1 well

Water to be used for: irrigation

County: Bon Homme

Type of Waste Disposal System:

Location: 7 miles northwest of Springfield

PRIORITY Date Received: 12-21-21

Application/License Fee: \$ 850

Corrected Application Received: 1-6-22

Period of Annual Use: May 1 – September 30

Remarks: Change of water source formation for No. 6373-3

Diversion Point: NW 1/4 SW 1/4 Sec 2-T93N-R61W

Land to be Irrigated: NW 1/4 Sec 3-T93N-R61W

Depth of Well: 220 feet deep

Well Driller:

Remarks:

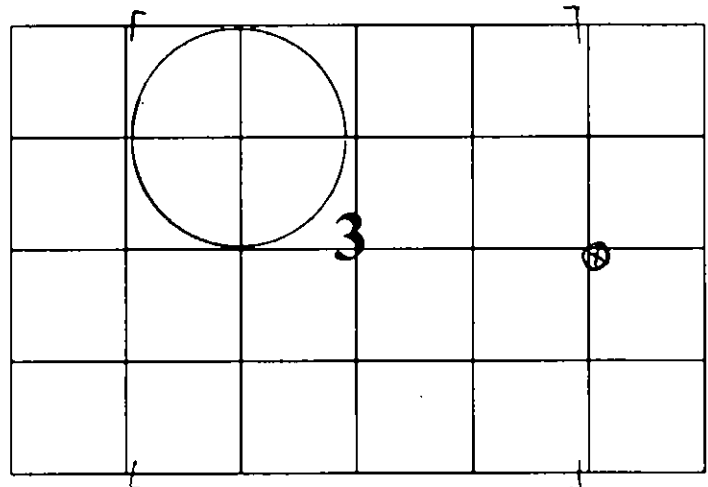
Type of Map: aerial

Prepared by: Keith DeJong

Reviewed and the Number Assigned on: 1-12-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8575-3**

Date of first receipt of application December 21, 2021.

Date of return to applicant for corrections, amendments or changes December 23, 2021.

Date of receipt of corrected application January 6, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8575-3 to Ernest R Namminga, 40786 310th St, Springfield SD 57062 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. 8575-3 appropriates 1.78 cubic feet of water per second from one existing well completed into the Choteau-West Aquifer (220 feet deep) located in the NW 1/4 SW 1/4 Section 2 for irrigation of 124 acres located in the NW 1/4 Section 3; all in T93N-R61W. Water Permit No. 6373-3 authorized irrigation of this same acreage but from a different water source which was not developed. This site is located approximately 7 miles northwest of Springfield SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is December 21, 2021.
4. The date of approval of Permit No. 8575-3 is March 21, 2022.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

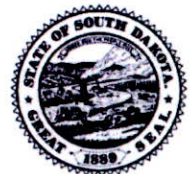
QUALIFICATIONS

1. The well approved under this Permit and Water Right No. 2320A-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. 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

JUN 01 2022
date



FORM 2: Application for irrigation in South Dakota
(type or print)

Read Me First!

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8575-3</u> (office use only)
	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Springfield Times</u> <u>Press & Dakotan</u>

PAID
DEC 21 2021
Ck# _____

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 23 20A-3
(Use predates Mar 2, 1955)

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

Change of water source formation for Permit No.6373-3

1. Name to Appear on Irrigation Permit Ernest R Namminga

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

Mailing Address 40786 310th St Springfield SD 57062
(Address) (City) (State) (Zip Code)

X Phone 605-286-3873 Mobile _____ Email Xernmore@goldenwest.net

2. Amount of water claimed 1.78 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 124
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply groundwater - 1 existing well (Choteau-West Aquifer)

4. Location of point of diversion NW 1/4 SW 1/4 Sec 2-T93N-R61W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Bon Homme

5. County or counties where water will be used Bon Homme

6. Annual period during which water is to be used May 1 - 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
NW 1/4 NW 1/4	29	All in Section 3- T93N-R61W	
NE 1/4 NW 1/4	31		
SW 1/4 NW 1/4	31		
SE 1/4 NW 1/4	33		

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

X I, Ernest R. Namminga, 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.

6373-3

Name Harold J. Homan
 Address Box 14
57315

AAA WELL CO.

Paul C. Worm 223-2241

PIERRE, SOUTH DAKOTA 57501

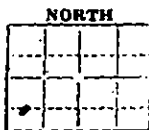
Bon Homme

No 1506

DATE 11/1

WELL LOCATION

Sketch map location must agree with written location.



County Beauregard
Box 14 / Sec. 3 Twp. 23 N. Rg. 1 W.

WELL CONSTRUCTION

Diameter of hole 1 1/2 inches. Depth 156 feet.Casing: ☒ Steel ☐ Plastic ☐ Concrete☐ Threaded ☐ Welded ☐ OtherIf other, specify open hole 156 feet

Pipe Weight: Diameter: From: To:

15.5 lb/ft 1 1/2 inches 1 feet 156 feetIf other, specify 1 1/2 inches 1 feet 156 feet

PROPOSED USE

☒ Domestic ☒ Irrigation ☐ Industrial
☐ Stock ☐ Municipal ☐ Test Hole

METHOD DRILLED

☐ Cable ☐ Reverse Rotary ☐ Bored
☒ Forward Rotary ☐ Jetted ☐ Other

If other, specify

WELL LOG

Formation	Depth (ft.)	
	From	To
<u>Test Well</u>		
<u>Top Soil</u>	<u>1</u>	<u>2</u>
<u>Yellow clay</u>	<u>2</u>	<u>15</u>
<u>Blue clay</u>	<u>25</u>	<u>156</u>
<u>Gravel</u>	<u>156</u>	<u>236</u>
<u>Proposed Well</u>		
<u>160' 15' Plaster</u>	<u>1200'</u>	
<u>160' 12' well</u>	<u>1000'</u>	
<u>70' 12' well</u>	<u>1400'</u>	
	<u>7320'</u>	
<u>5000 lb apply on</u>		

(Use separate sheet if necessary.)

WATER QUALITY

Was a water sample collected for chemical analysis?

☐ Yes ☒ No

PUMP INSTALLATION

Company name and size of pump

Type of pump Capacity G.P.M.

Depth of pump placement ft. Date pump installed

Depth to top of water producing aquifer

Depth to static water level

Name of producing aquifer (if known)

Was bottom left open end?

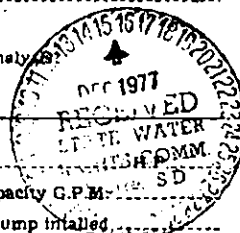
☐ Yes ☒ No

Was a well screen installed?

☐ Yes ☒ No

Material (Stainless steel, plastic, etc.) Diameter inches

Slot size set from feet to feet



2326-3

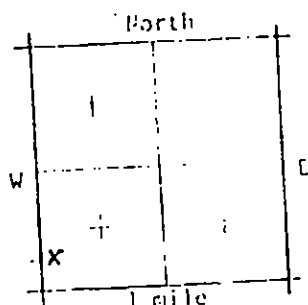
STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location 910 1/4 Sec 3 Twp 93N Rg 61W

County

Bon Homme

Please mark well location with an "X"

Well Completion Date June 24, 1987

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Rotary

WELL CONSTRUCTION:

Diameter of hole 20 inches Depth 180 feetCasing: ☐ Steel ☒ Plastic ☐ Other

Specify _____

Pipe Weight Diameter From To

15 lb/ft 15 inches 0 feet 180 feet15 lb/ft _____ inches _____ feet _____ feetWas a well screen used? ☒ Yes ☐ No

If Not Specify _____

Screen Type Plastic Slot Size 40Length 40 ft Diameter 15 in.Was Casing left open end? ☐ Yes ☒ NoWas a Packer or seal used? ☐ Yes ☒ No

If so what material? _____

Was well gravel packed? ☒ Yes ☐ NoWas well grouted? ☒ Yes ☐ NoDescribe grouting procedure Bentonite 80-40Cement 40-0To what depth? 170 FeetWhat was grouting material? CementIf cement, how many sacks? 22Location of packer(s) and screen or perforated pipe 180' to 280'WAS WELL PLUGGED OR ABANDONED? ☐ Yes ☒ No
If so how and with what material?

Well Owner:

Name Ernest R. NammingaAddress Rt. 1 - Box 171 - Springfield, S. Dak

Well Log:

Formation	From	To
<u>Top soil</u>	<u>0'</u>	<u>6'</u>
<u>Yellow clay</u>	<u>6'</u>	<u>50'</u>
<u>Blue clay</u>	<u>50'</u>	<u>140'</u>
<u>Limestone</u> (Niobrara)	<u>140'</u>	<u>280'</u> (290?)

Cased Driller 3/20/90 - 1100' HEDIDN'T GET ANY SAMPLES - TOO MUCH CHINA - USANIN - SOUNDS LIKE NIOBRARA HAS EVERSURROUNDING GEOLOGIC DATA WOULD INDICATESTHIS IS CHICAN WATER - BLOCK? JAGSTATIC WATER LEVEL 150 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? _____

WELL TEST DATA:

☐ Pumped☐ Bailed☐ OtherDescribe: Has not test
pumped

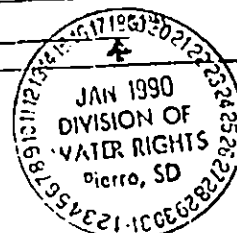
Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

Remarks:

This well was drilled under license # 366

and this report is true and accurate.

Signed by Went Hul & Son, Inc. - Gerald Went Hul

Drilling Firm

Date Dec 30, 1989

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 21, 2021

RECEIVED OF Ernmore Organics 40786 310th St. Springfield SD 57062

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

Fee for Application for Permit No. <u>8575-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>650.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>650.00</u>

By Eric Gronlund
Chief Engineer
Em

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date January 6, 2022

RECEIVED OF Ernmore Organics LLC 40786 310th St., Springfield SD 57062

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

Fee for Application for Permit No. <u>8575-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>200.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>200.00</u>

By Eric Gronlund
Chief Engineer
me



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 23, 2021

Ernest R Namminga
40786 310th St
Springfield SD 57062

Dear Mr. Namminga:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation that we sent to you.

As stated in our December 6th letter to you, the application fee for irrigation of 124 acres is \$850.00. We received your check for \$650.00. Please submit an additional \$200.00.

Sincerely,

Karen Schlaak

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 6, 2021

Ernest R Namminga
40786 310th St
Springfield SD 57062

Dear Mr. Namminga:

In 2018, Keith DeJong, staff engineer conducted an inspection of your water permits. It has come to our attention that Water Permit No. 6373-3 was not licensed at that time.

Our recent review found Water Permit No. 6373-3 authorizes 1.78 cubic feet of water per second from one well (Niobrara Formation) 249 feet deep located in the center of the NW 1/4 Section to irrigate 128 acres located in the NW 1/4 Section 3; all in T93N-R61W. The inspection found the Niobrara Formation well was never constructed. Instead, the irrigation system was connected to the existing well that was constructed for Water Right No. 2320A-3. The well authorized by Water Right No. 2320A-3 is in the Choteau-West Aquifer.

Water permits are issued by water source. Therefore, an application will need to be filed for irrigation of NW 1/4 Section 3-T93N-R61W authorizing a well located in the Choteau-West Aquifer.

Enclosed is a partially completed *Application for a Permit to Appropriate Water* and inspection map. Please review the form, sign, and return with an application fee of \$850. The license fee of \$200 submitted for Permit No. 6373-3 will be applied towards this application. You should be aware that you will be responsible for payment of the public notice once a staff report and the Chief Engineer's recommendation are complete. We will be in contact with you at that time.

If you have any questions or have changed operation of the system since the 2018 inspection, please contact me. We want to work with you to get the proper permitting in place.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
605 773-3352
eric.gronlund@state.sd.us

enclosures



**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. 8575-3, Ernest R Namminga**

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. 8575-3, Ernest R Namminga, 40786 310th St, Springfield SD 57062.

The Chief Engineer is recommending APPROVAL of Application No. 8575-3 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 this Permit and Water Right No. 2320A-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. 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
February 14, 2022

**REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NO. 8575-3
ERNEST R. NAMMINGA
JANUARY 28, 2022**

Water Permit Application No. 8575-3 proposes to appropriate water at a maximum instantaneous diversion rate of 1.78 cubic feet per second (cfs) of water from one existing well completed into the Choteau: West aquifer (220 feet-deep) located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2 for the irrigation of 124 acres located in the NW $\frac{1}{4}$ Section 3; all in T93N-R61W. The site is in Bon Homme County, approximately 7 miles northwest of Springfield, SD.

AQUIFER: Choteau: West (CH:W)

Aquifer Characteristics

The Choteau: West aquifer naming convention utilized in this report was established by Hedges et al., (1982). It was referred to as the Choteau aquifer by Jorgensen (1971) and Kume (1977). The Choteau: West aquifer is a glacial outwash deposit composed of sand and gravel (Jorgensen, 1971; Kume (1977). As shown in Figure 1, it underlies approximately 218,400 acres in Bon Homme, Charles Mix, and Douglas Counties and contains approximately 1,474,200 ac-ft of recoverable water in storage (Hedges et al., 1982). Hedges et al. (1985) includes the Choteau: West aquifer in its list of confined aquifers but, both Jorgensen (1971) and Kume (1977) imply the aquifer possess unconfined portions due to the hydrologic connection the aquifer has with the surface water sources (Choteau and Dry Choteau creeks).

The existing well to be utilized for this system was constructed under Water Right No. 2320-3 and incorporated into Water Right No. 2320A-3. DANR-Water Rights staff has noted a possible inaccurate material description on the well completion report associated with these permits. Additionally, the material description on the well completion report does not agree with surrounding well completion reports on file with the water DANR-Rights Program. Consequently, a review of well completion reports and lithographic logs within 1 mile of the proposed location established that there is an average of 213 feet of overburden atop the water bearing sand and gravel of the Choteau: West aquifer with an average depth to the groundwater level at 131 feet below the ground surface (Water Rights 2022a; Water Rights 2022b; SDGS, 2022). This indicates that, at the location of the well, the aquifer is under confined conditions with an average of 82 feet of artesian head pressure.

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

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

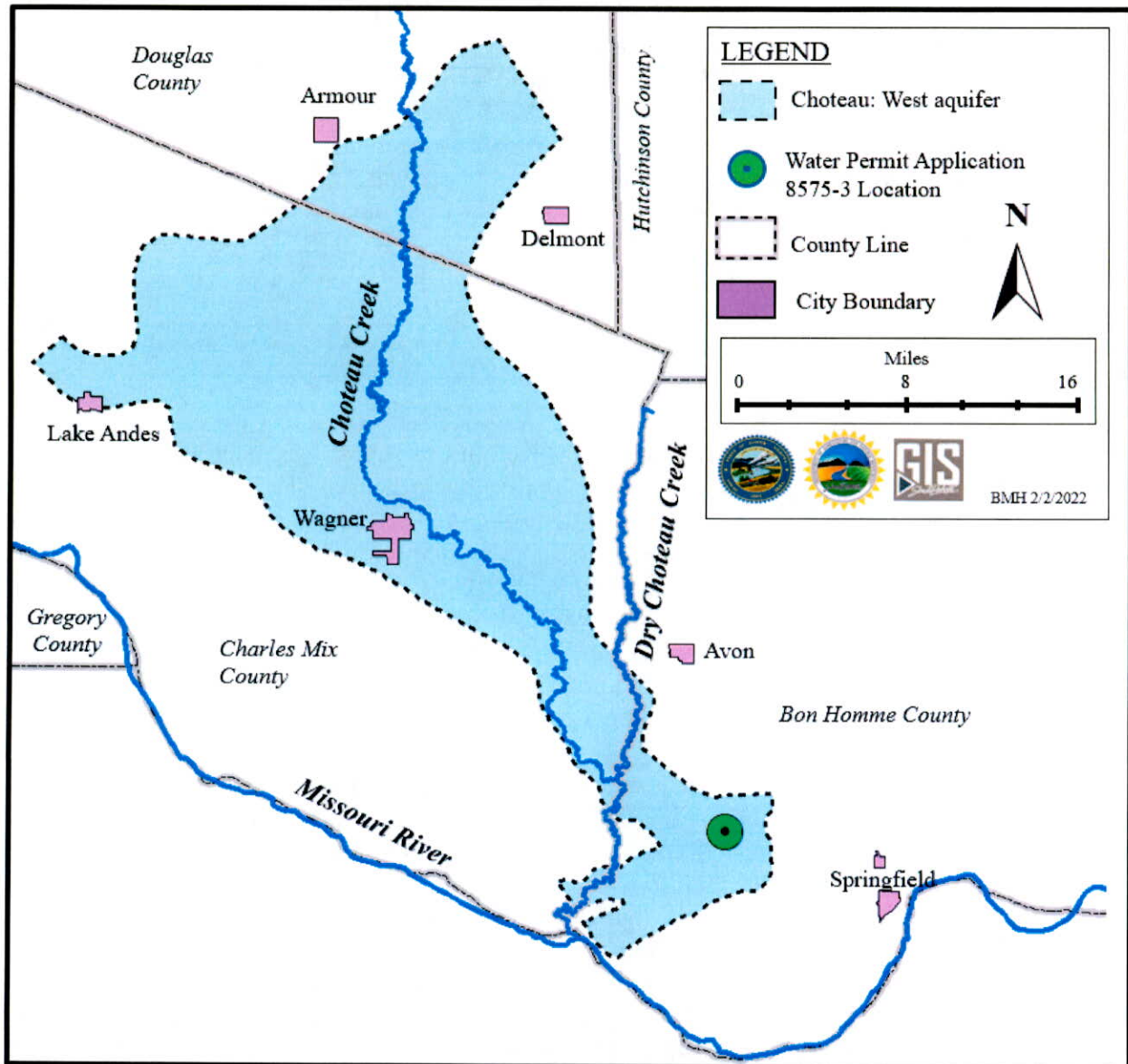


Figure 1. Water Permit Application No. 8575-3 shown within the boundary of the Choteau: West aquifer (Hedges et al., 1982).

WATER AVAILABILITY

Water Permit Application No. 8575-3 proposes to appropriate water from the Choteau: West aquifer. The probability of unappropriated water being available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source..." If the source of the water is older or lower than the Greenhorn Formation and a water distribution system as defined in SDCL 46-1-6(17) has applied for a permit, the Board need not consider the balance of recharge to and withdrawal from the aquifer. For this application, a water distribution system is not involved, and the aquifer is not older or lower than the Greenhorn Formation, therefore the balance of recharge and withdrawal must be considered.

Hydrologic Budget

Recharge:

Recharge to the Choteau: West aquifer is primarily through infiltration of precipitation where the aquifer is exposed at the surface, subsurface inflow from hydrologically connected bedrock aquifers, and seepage from the Choteau Creek and Dry Coteau Creek (Jorgenson, 1971; Kume, 1977). Hedges et al., (1985) utilized observation well data to estimate the recharge for unconfined portions of the Choteau: West aquifer at a rate of 4.1 in/yr. However, no areal extent was given for the unconfined portion of the aquifer and an accurate determination of annual recharge, using this recharge rate, is not available. Hedges et al., (1985) recommended a recharge rate of 0.15 to 0.6 in/yr for buried, confined aquifers to be used by management and development programs. When this range is applied to the areal extent of 218,400 acres, a recharge range for the Choteau: West is between 2,730 to 10,920 ac-ft/yr. It should be noted that locally, where the confined aquifer encounters unconfined conditions, the higher recharge rates for a non-buried surficial aquifer may be more applicable. The potential for a higher recharge rate than the minimum of 2,730 ac-ft/yr is supported by observation well data shown later in this report.

Discharge:

Discharge from the Choteau: West aquifer occurs through springs, subsurface outflow, losses to Choteau Creek and Dry Coteau Creek, and well withdrawals (Jorgensen, 1971; Kume, 1977). Currently, there are 52 water rights/permits (6 non-irrigation and 46 irrigation) appropriating water from the Choteau: West aquifer (Water Rights, 2022a). A summary of the non-irrigation water rights/permits are listed in Table 1. For non-irrigation uses, the total estimated volume of water withdrawn can be determined by assuming that water rights/permits limited by an annual volume will pump the entire appropriated volume annually or that water rights/permits not limited by annual volume will pump at the maximum permitted diversion rate 60 percent of the time. None of these permits are limited by an annual volume. There is one municipality, the City of Wagner with Water Right Nos. 569-3 and 1782-3, that purchase water from a rural water system and maintain their water rights for emergency purposes (Drinking Water, 2022). Therefore, they do not contribute to an annual total volume usage for the aquifer.

Table 1. Non-irrigation water rights/permits from the Choteau: West aquifer with permitted appropriation and estimated volume water use (Water Rights, 2022a, Drinking Water, 2022).

Permit Number	Name	County ^a	Use ^b	CFS	Estimated Volume ^c (acre-feet/year)	Status ^b
7276-3	RED & LORI SPARKS	DG/CM	COM	0.134	58.2	LC
7403-3	CRAIG VANDERLEI	BH	DOM	0.075	32.6	
1782-3	CITY OF WAGNER	CM	MUN	0.890	0*	
569-3	CITY OF WAGNER	CM	MUN	1.100	0*	
296-3	CHARLES H AHRENS	CM	REC/DOM	0.300	130.3	
297-3	CHARLES H AHRENS	CM	REC	0.300	130.3	
					351.40	Total
a- DG: Douglas; CM: Charles Mix; BH: Bon Homme						
b - COM: Commercial; DOM: Domestic; MUN: Municipal; REC: Recreational; LC: Licensed Water Right						
c - These permits are all assumed to pump at 60% of their volume except were denoted with an asterisk						
* - These permits purchase water from the Randall Community Water District and do not contribute to the annual usage volume for the aquifer (Drinking Water, 2022)						

Discharge from the Choteau: West aquifer also occurs through irrigation use with actual pumpage from the aquifer reported to the DANR-Water Rights Program through annual irrigation questionnaires. Currently, there are 46 irrigation water rights/permits in the Choteau: West aquifer (Water Rights, 2022a). Table 2 contains the historical average of annual reported irrigation withdrawal of the aquifer (Water Rights, 1979 - 2020).

Table 2. Reported historic irrigation use from the Choteau: West aquifer (Water Rights, 1979 - 2020).

Year	No. of Water Rights/Permits	Reported Pumpage (ac-ft/yr)	Year	No. of Water Rights/Permits	Reported Pumpage (ac-ft/yr)
1979	49	2,933	2002	33	3,224
1980	47	2,644	2003	33	2,526
1981	48	3,132	2004	34	2,819
1982	39	1,647	2005	36	2,897
1983	40	1,369	2006	36	3,599
1984	44	1,692	2007	34	3,364
1985	43	2,377	2008	34	2,444
1986	42	2,986	2009	35	1,162
1987	42	2,198	2010	35	615
1988	44	4,537	2011	35	1,873
1989	45	3,984	2012	33	6,043
1990	45	3,716	2013	43	4,141
1991	45	4,051	2014	45	3,966
1992	46	1,683	2015	46	4,307
1993	45	334	2016	44	2,801
1994	41	2,026	2017	47	3,223
1995	42	1,000	2018	45	122
1996	42	1,796	2019	46	285
1997	42	1,509	2020	46	1,566
1998	42	698	Avg	41	2,480
1999	40	2,225	Max	49	6,043
2000	33	3,009	Min	33	122
2001	33	1,625			

There are numerous domestic wells on file with the Water Rights Program within the Choteau: West aquifer (Water Rights 2022b). Domestic users are not required to report their annual water usage and, with their low diversion rates, are not considered a significant portion of the hydrologic budget. Additionally, some domestic wells may no longer be in use after transitioning to getting water from one of the rural water systems in the area.

Water Balance:

The estimated average annual withdrawal rate from the Choteau: West aquifer is 2,831 ac-ft/yr (non-irrigation: 351; irrigation: 2,480). The estimated range for annual recharge for the Choteau: West aquifer is 2,730 to 10,920 ac-ft/yr. The expected use of 124 ac-ft/yr (irrigating 124 acres with an application rate of 1 foot per acre) by this application results in a further exceedance of 225 ac-ft/yr over the minimum recharge rate compared to the annual withdrawal for the Choteau: West aquifer. However, the minimum recharge value to the Choteau: West aquifer is likely greater than 2,730 ac-ft/yr because the lower end of the recharge rate range is not supported by the observation well data and there are unconfined portions of the aquifer with a much higher

rate of recharge then the minimum suggested by Hedges. Therefore, there is a reasonable probability unappropriated water is available for these proposed appropriations.

Observation Well Data

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

The DNR-Water Rights Program monitors 25 observation wells completed into the Choteau: West aquifer (Water Rights, 2022c). Figures 2 through 4 are hydrographs for the three observation wells within 1.5 miles to the proposed application. The remaining 22 observation wells are located in the northwest portion of the aquifer with the closest at eleven miles northwest of the proposed application. The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing. The hydrographs show the water level of the aquifer is stable, or rising, over the period of record. They indicate that the aquifer responds well to climatic conditions with rising water levels during wet periods and declining water levels during drier periods. They also demonstrate that any drawdowns from pumping are temporary because the water levels typically recover to pre-pumping levels after the irrigation season. This recovery indicates that climatic conditions (the natural effects of recharge to and discharge from the aquifer) govern the long-term fluctuations of the water level rather than the impacts of pumping from the Choteau: West aquifer. Recognizing that recharge to and natural discharge from the aquifer can be captured for pumping, there is a reasonable probability that unappropriated water available in this aquifer. This also supports the notion that the aquifer is recharging at a rate larger than the minimum as estimated by Hedges et al. (1985).

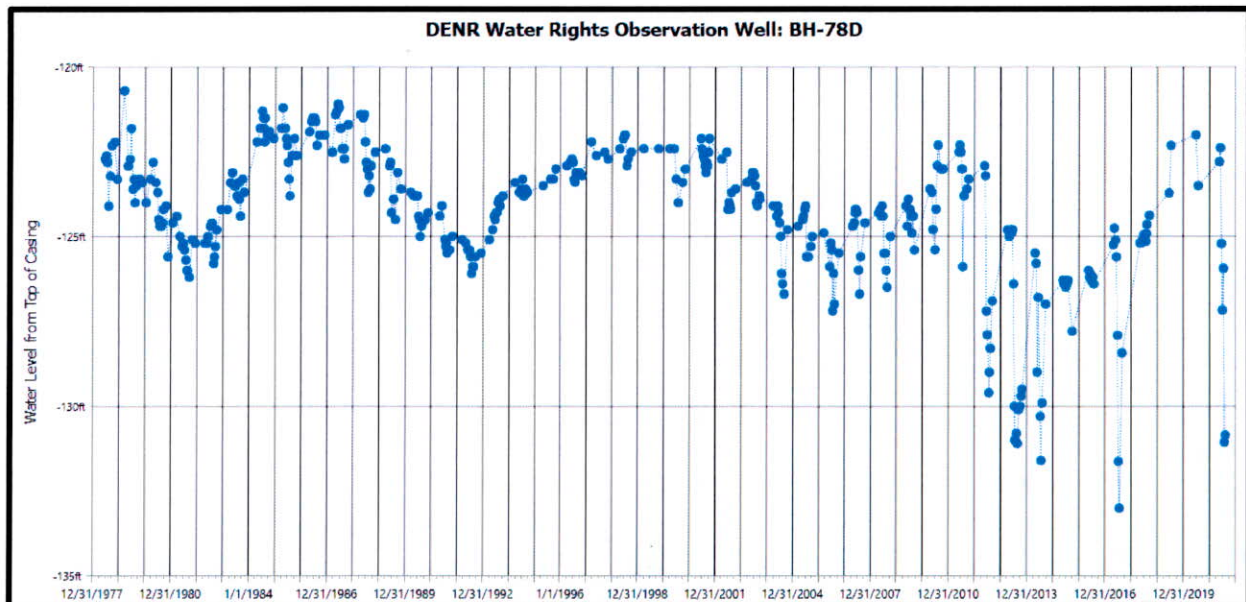


Figure 2. Hydrograph for observation well BH-78D. It is approximately 0.8 miles east of the proposed well location for Water Permit Application No. 8575-3 (Water Rights, 2022c).

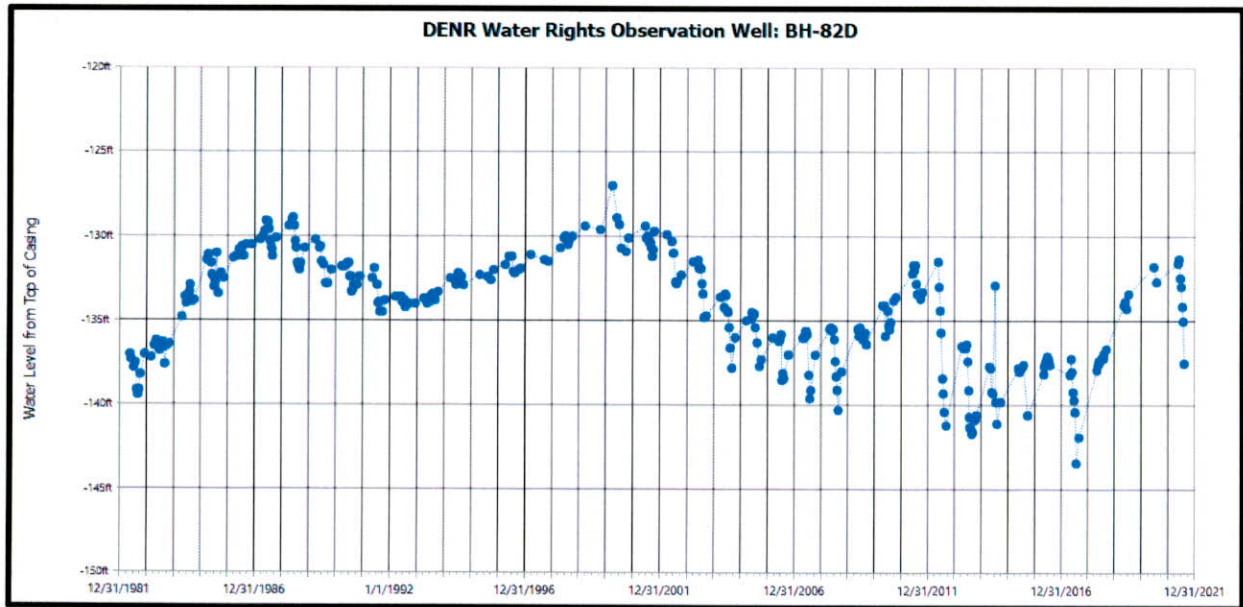


Figure 3. Hydrograph for observation well BH-82D. It is approximately 1.3 miles west of the proposed well location for Water Permit Application No. 8575-3 (Water Rights, 2022c).

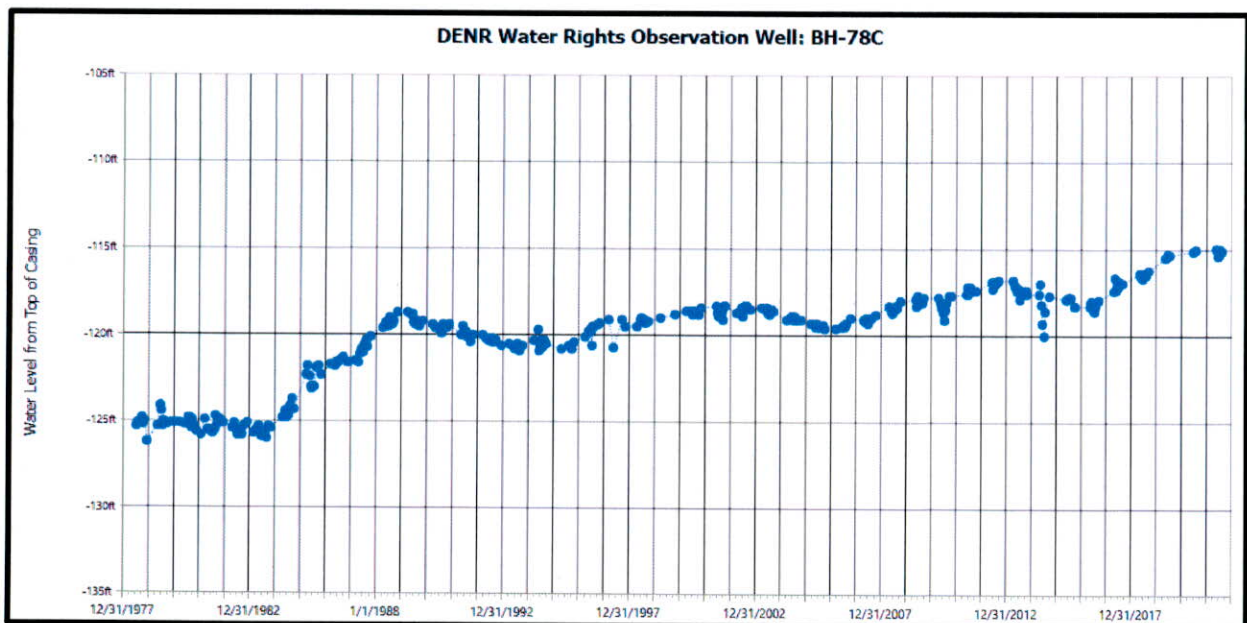


Figure 4. Hydrograph for observation well BH-78C. It is approximately 1.4 miles northwest of the proposed well location for Water Permit Application No. 8575-3 (Water Rights, 2022c).

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS

Currently, there are a total of 52 water rights/permits (6 non-irrigation and 46 irrigation) appropriating water from the Choteau: West aquifer (Water Rights, 2022a). The closest water rights that appropriate water from the Choteau: West aquifer is No. 2320A-3 and is held by the applicant. The well for this water right will be utilized to irrigate acres approximately 1.0 mile to the west of this well. The applicant also holds Water Right No. 6920-3, for irrigation use approximately 0.4 miles south of the proposed location. The closest water right not held by the

applicant is Water Right No. 8394-3 held by Craig Vanderlei. This is an irrigation use permit located approximately 0.7 miles southeast of the proposed location. Table 2 lists the water rights/permits shown in Figure 5 located within 3 miles of the well location.

Drawdown due to pumping is likely because this aquifer is under confined conditions. Even though it will be greatest at the production well, the exact drawdown cannot be determined without an aquifer performance test. The Water Management Board has recognized that to place water to beneficial use, a certain amount of drawdown may occur. Observation Well BH-82D, as per Figure 3, shows the greatest amount of drawdown due to pumping of the three observation wells near the proposed location. With the lowest recorded water level in this well at approximately 144 feet below the ground surface and with the top of aquifer material at a depth of 212 feet, there is still approximately 68 feet of artesian head pressure remaining above the top of the aquifer in relation to the lowest recorded water levels. Additionally, there are no complaints, including for the existing well included on this application, regarding well interference in the Choteau: West aquifer in Bon Homme County on file with the DANR-Water Rights Program (Water Rights, 2022d). Therefore, it is reasonable to conclude that drawdown from the existing well will not unlawfully impair existing users with adequate wells.

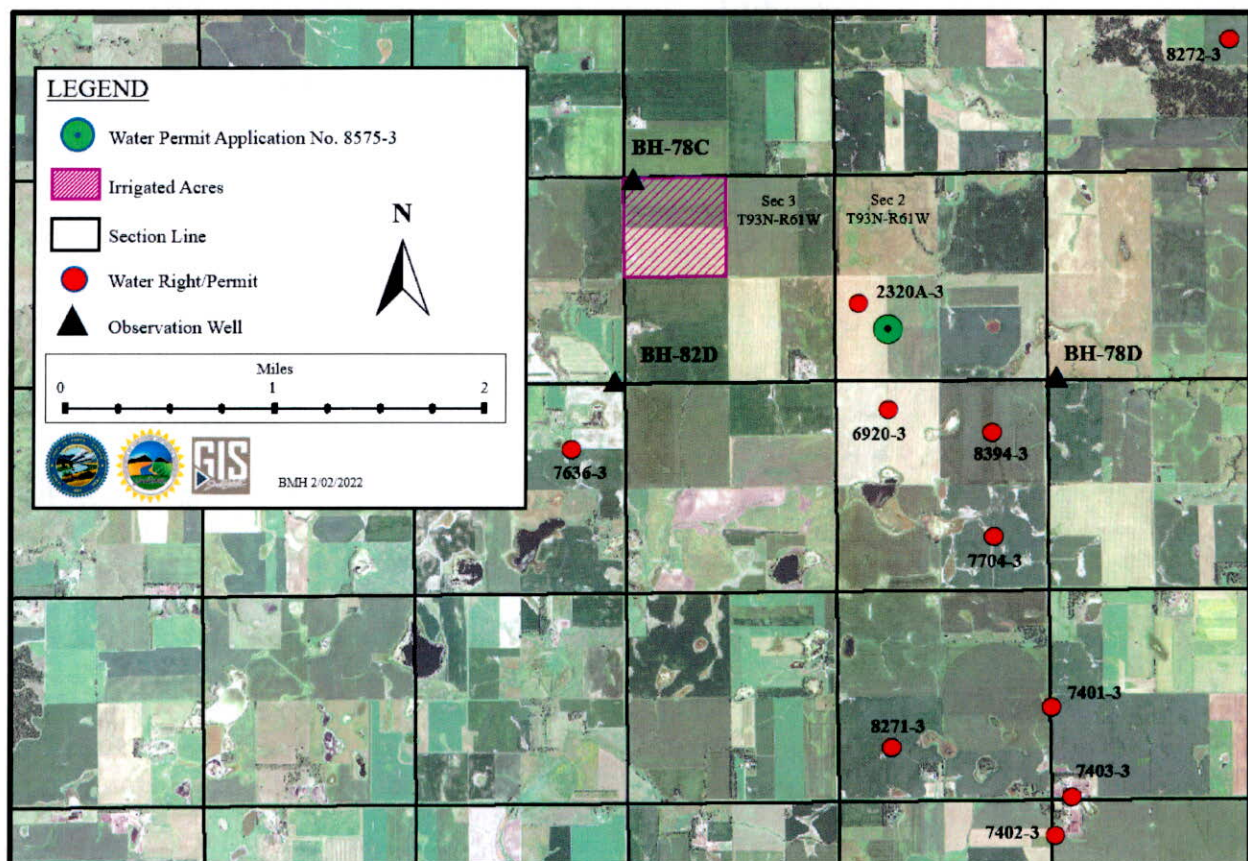


Figure 5. Existing water rights/permits and observation wells in the Chateau: West within three miles Water Permit Application No. 8575-3 (Water Rights 2022a, Water Rights 2022c).

Table 2. Water rights/permits shown in Figure 5 (Water Rights, 2022a).

Permit Number	Name	Rate (cfs)	Acres	Use ^a	Status ^a
7403-3	CRAIG VANDERLEI	0.08	0	DOM	LC
2320A-3	ERNEST R NAMMINGA	1.78	248	IRR	
6920-3	ERNEST R NAMMINGA	1.78	131		
7401-3	LEON VANDERLEI	2.00	190		
7402-3	CRAIG VANDERLEI	1.78	241		
7636-3	VERLYN JELSMA	0.58	69		
7704-3	IVAN JELSMA	1.78	133		
8271-3	LEON VANDERLEI	1.89	399		
8272-3	CRAIG VANDERLEI	1.11	68		
8394-3	CRAIG VANDERLEI	1.89	266		
a - DOM: Domestic; IRR: Irrigation; LC: Licensed Water Right					

There are several domestic wells on file with the DANR-Water Rights Program within 0.3 miles south and southwest of the proposed site that are maintained by the applicant. The closest domestic well not maintained by the applicant is approximately 0.5 miles west of the well site (Water Rights, 2022b). Additionally, there may be domestic wells completed into the Choteau West aquifer that are not on file with the DANR-Water Rights Program.

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

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

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

When considering the large amount of artesian head pressure (82 feet) at the proposed well location, the hydrographs of nearby observation wells not showing detrimental impact of pumping and, the lack of well interference complaints due to pumping from the aquifer in the

area, there is reasonable probability that the proposed diversion can be developed without unlawfully impairing existing appropriative or domestic water users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8575-3 proposes to appropriate water at a maximum instantaneous diversion rate of 1.78 cubic feet per second (cfs) of water from one existing well completed into the Choteau: West aquifer (220 feet-deep) located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2 for the irrigation of 124 acres located in the NW $\frac{1}{4}$ Section 3; all in T93N-R61W.
2. Based on the hydrologic budget for the Choteau: West aquifer, there is reasonable probability unappropriated water is available for this proposed water use.
3. There is a reasonable probability the diversion proposed by this application can be made without unlawfully impairing existing appropriative or domestic users with adequate wells.



Blaise Hansen
SD DANR – Water Rights Program

Reviewed By:



Adam Mathiowetz
SD DANR-Water Rights Program

REFERENCES:

Drinking Water. 2022. *Drinking Water System Information*. SD DANR – Drinking Water Program Online Database. Accessed 1/31/2022.
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Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon, 1982. *Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report*. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.

- Hedges, L.S., Allen, J., Holly D.E., 1985. *Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge*. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Kume, J., 1977. *Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota: Part II - Water Resources*, South Dakota Geological Survey, Vermillion, SD.
- Jorgensen, D. G., 1971: *Geology and Water Resources of Bon Homme County, South Dakota. Part II: Water Resources Bulletin 21*. South Dakota Geological Survey, Vermillion, SD.
- Water Rights, 1979-2020. *Irrigation Questionnaires*. SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- SDGS, 2022. *South Dakota Geological Survey Lithologic Logs Database*. Accessed February 2, 2022. <<http://cf.sddanr.net/lithdb/>>.
- Water Rights, 1995. *Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills*. DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.
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- Water Rights, 2022b. *Well Completion Reports*. SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2022c. *Observation Well Files*. SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2022d. *Bon Homme County Files*. SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, February 17, 2022 2:59 PM
To: ernmore@goldenwest.net
Subject: Water Permit Application No. 8575-3
Attachments: 2560.pdf

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

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

February 18, 2022

Ernest R Namminga
40786 310th St
Springfield SD 57062

Dear Mr. Namminga:

Water Permit Application No. 8575-3 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 Springfield Times printed at Springfield (Ph # 605 369-2441) and the Press & Dakotan printed at Yankton (Ph # 605 665-7811). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, February 17, 2022 2:55 PM
To: Springfield Springfield Times (times@gwtc.net)
Subject: 8575-3, Ernest R Namminga
Attachments: 8575-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on March 2, 2022.

Ernest R Namminga, 40786 310th St, Springfield SD 57062 (605 286-3873) 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: Thursday, February 17, 2022 2:56 PM
To: Sam Berres
Subject: 8575-3, Ernest R Namminga
Attachments: 8575-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on March 2, 2022 in Press & Dakotan.

Ernest R Namminga, 40786 310th St, Springfield SD 57062 (605 286-3873) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



NOTICE OF APPLICATION NO. 8575-3 to Appropriate Water

Notice is given that Ernest R Namminga, 40786 310th St, Springfield SD 57062 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one existing well completed into the Choteau-West Aquifer (220 feet deep) located in the NW 1/4 SW 1/4 Section 2 for irrigation of 124 acres located in the NW 1/4 Section 3; all in T93N-R61W. Water Permit No. 6373-3 authorized irrigation of this same acreage but from a different water source which was not developed. This site is located approximately 7 miles northwest of Springfield SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8575-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. 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 or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 14, 2011.

The petition may be informal but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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_

Affidavit of Publication

RECEIVED

State of South Dakota }
County of Bon Homme } SS

FEB 28 2022

WATER RIGHTS
PROGRAM

Rebecca Ly
Being first duly sworn says that the **Springfield Times** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Springfield, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Springfield, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notice of Application

8575-3 Appropriate Water

67@399

a printed copy of which is hereto attached, was printed and published in said newspaper for *One* successive weeks, upon the following dates:

<i>Feb. 23</i> 20 <i>22</i>	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication of said notice, \$ *26.73*, inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Rebecca Ly, publisher
Subscribed and sworn to before me this

23 day of *Feb.* 20 *22*

Peggy Schuck
Notary Public, South Dakota

my Commission expires 10-24-2027

NOTICE OF APPLICATION NO. 8575-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8575-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. 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 or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 14, 2011.

The petition may be informal but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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 \$26.73

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

MAR 04 2022

WATER RIGHTS
PROGRAM

ERNEST NAMMINGA
40786 310TH STREET
SPRINGFIELD SD 57062

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
3+2 NOTICE OF APPLICATION

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 2nd DAY OF March, 2022
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$27.04 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 03/02/2022

FILED ON: 03/02/2022



SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF March, 2022



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

Ad text : 3 + 2

NOTICE OF APPLICATION NO. 8575-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8575-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineers 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 or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 14, 2011.

The petition may be informal but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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 \$27.04.

Water Rights Program - File Documentation

NAME: Ernest R Namminga

ADDRESS: Springfield SD

DATE: 3-3-22

RE: Publication Notice

COMMENTS:

On February 17, 2022, I emailed publication notices to the Press & Dakotan and Springfield Times to be published on March 2, 2022 which both papers published. On March 3rd, I realized the wrong publication notice had been used.

I resent the papers the correct notice to be published on March 9th with instructions to bill us the cost of publication.



Karen Schlaak
Water Rights Program

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, March 3, 2022 11:26 AM
To: Springfield Springfield Times (times@gwtc.net)
Subject: 8573-3, Ernest Namminga
Attachments: 8575-3corrected.docx; FORM8.FRM.doc

Attached is a notice to be published on March 9, 2022.

Please bill the Water Rights Program is responsible 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: Thursday, March 3, 2022 11:27 AM
To: Sam Berres
Subject: FW: 8573-3, Ernest Namminga
Attachments: 8575-3corrected.docx; FORM8.FRM.doc

Attached is a notice to be published on March 9, 2022.

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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

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8575-3 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 March 21, 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 March 21, 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_

Affidavit of Publication

MAR 14 2022

WATER RIGHTS
PROGRAM

State of South Dakota }
County of Bon Homme } SS

Rebecca Ly Being first duly sworn
says that the **Springfield Times** is a legal weekly news-
paper for publication of legal and other official notices as
required by Chapter 298 of the Session Laws of South
Dakota, 1939; that it has bona fide paid circulation of
more than two hundred copies weekly; that it is pub-
lished in English language in the City of Springfield, Bon
Homme County, South Dakota, and has been admitted
to the United States mail under second class mailing
privilege for more than one year prior to the first publi-
cation of the notice herein mentioned, and that it is
printed in an office maintained at the place of publica-
tion at Springfield, South Dakota, and that deponent is
the publisher in charge of the advertising department of
said newspaper; that the advertisement headed

Notice of Appl. # 8575-3

to Approp. Water

108 @ 399

a printed copy of which is hereto attached, was printed
and published in said newspaper for the successive
weeks, upon the following dates:

<u>Mar 9</u> 20 <u>22</u>	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publica-
tion of said notice, \$ 43.09, inures to the benefit
of the publisher of said newspaper, that no agreement or
understanding for the division thereof has been made
with any other person, and that no part has been agreed
to be paid to any person whomsoever.

Rebecca Ly publisher
Subscribed and sworn to before me this

9 day of Mar 2022

Peggy Schenke
Notary Public, South Dakota

my Commission Expires 10-24-2027

NOTICE OF APPLICATION NO. 8575-3 to Appropriate Water

Notice is given that Ernest R Nammin-
ga, 40786 310th St, Springfield SD 57062
has filed an application for a water permit
to appropriate 1.78 cubic feet of water per
second from one existing well completed
into the Choteau-West Aquifer (220 feet
deep) located in the NW 1/4 SW 1/4 Sec-
tion 2 for irrigation of 124 acres located in
the NW 1/4 Section 3; all in T93N-R61W.
Water Permit No. 6373-3 authorized irri-
gation of this same acreage but from a dif-
ferent water source which was not devel-
oped. This site is located approximately
7 miles northwest of Springfield SD.

Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends APPROVAL of
Application No. 8575-3 with qualifica-
tions 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 per-
tains to matters within the regulatory au-
thority 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 pro-
vided below.

Any person interested in opposing this
application or recommendation shall al-
lege 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 con-
cern a matter either within the regula-
tory 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 con-
tested 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
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The applicant's mailing address is given
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interested person or the applicant must
be filed by March 21, 2022.

The petition shall include a statement
describing the unique injury upon ap-
proval of the application on the petiti-
on, the petitioner's reasons for opposing
the application, and the name and mail-
ing address of the petitioner or the peti-
tioner's legal counsel, if legal counsel is
obtained.

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Published once at the total approximate cost of \$43.09

March 23, 2022

PAYMENT REQUEST FORM

PAYEE: Springfield Times
PO Box 465
Springfield SD 57062

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Affidavit of Publication for permit #8575-3

AMOUNT: \$43.09

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eric Treeland 3/23/2022*

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.

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

MAR 14 2022

WATER RIGHTS
PROGRAM

DANR
523 E CAPITOL AVE
PIERRE SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

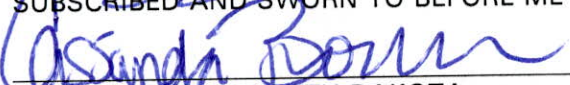
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
3 + 9 NOTICE OF APPLICATION

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 9th DAY OF March, 2022
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$39.84 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 03/09/2022

FILED ON: 03/09/2022


SUBSCRIBED AND SWORN TO BEFORE ME THIS 9th DAY OF March, 2022


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

NOTICE OF APPLICATION NO. 8575-3 to Appropriate Water

Notice is given that Ernest R Namminga, 40786 310th St, Springfield SD 57062 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one existing well completed into the Choteau-West Aquifer (220 feet deep) located in the NW 1/4 SW 1/4 Section 2 for irrigation of 124 acres located in the NW 1/4 Section 3; all in T93N-R61W. Water Permit No. 6373-3 authorized irrigation of this same acreage but from a different water source which was not developed. This site is located approximately 7 miles northwest of Springfield SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8575-3 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 Engineers 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 March 21, 2022.

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Published once at the total approximate cost of \$39.84.

March 23, 2022

PAYMENT REQUEST FORM

PAYEE: Press & Dakotan
319 Walnut
Yankton SD 57078

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Affidavit of Publication for permit #8575-3

AMOUNT: \$39.84

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eui Henderson* 3/23/2022

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.

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6373-3**

System to be licensed under No. 8575-3 (Choteau-West Aquifer)

I have this day, July 9, 2018, made a thorough examination of the water use system constructed by Ernest R. Namminga, 40786 310th St., Springfield, SD 57062, holder of Permit No. 6373-3, bearing the priority of December 23, 2002 authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater (Niobrara Aquifer) for irrigation purposes, in Bon Homme County.

Inspection contact: Ernest R. Namminga, Owner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Vant Hul and Sons, Inc.
- 2) No. of Wells 1
- 3) Depth(s) 220 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 15 inches
- 2) Length 180 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 150 feet

Pump:

- 1) Make National
- 2) Model N260
- 3) Capacity 800 GPM

Motor:

- 1) Make US Electric
- 2) Model No. ID# R-6347-02-997
- 3) Horsepower rating 80 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 3,600 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T&L
- 2) Overall length 1,250 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 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: 45 feet east and 1,390 feet north from the southwest corner of Section 2-T93N-R61W (Latitude 42.89851, Longitude - 98.03024 - NW1/4SW1/4).
2. 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 purposes. Water has been put to beneficial use to the maximum extent as follows: all in Section 3-T93N-R61W

<u>NW1/4NW1/4</u>	<u>29 acres</u>
<u>NE1/4NW1/4</u>	<u>31 acres</u>
<u>SW1/4NW1/4</u>	<u>31 acres</u>
<u>SE1/4NW1/4</u>	<u>33 acres</u>

comprising a total of 124 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map Yes

**** F. Comments or other permit(s) associated with the project:** The well proposed for Water Right No. 6373-3 in the application form was not constructed. Instead, the irrigation system was connected to the existing well that was constructed for Water Right No. 2320A-3. These two water rights are also connected to the well for Water Right No. 6920-3. The owner stated that this is just a backup system for a situation where a pump or motor fails. The well pump and motor information in this report are from the licensing report for Water Right No. 2320-3. When I was on site, the pump and motor had been removed from the well for replacement. A new pump and motor were not on site.

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

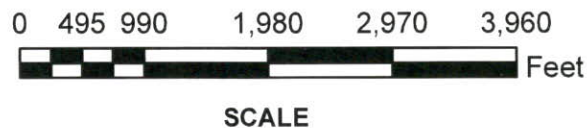
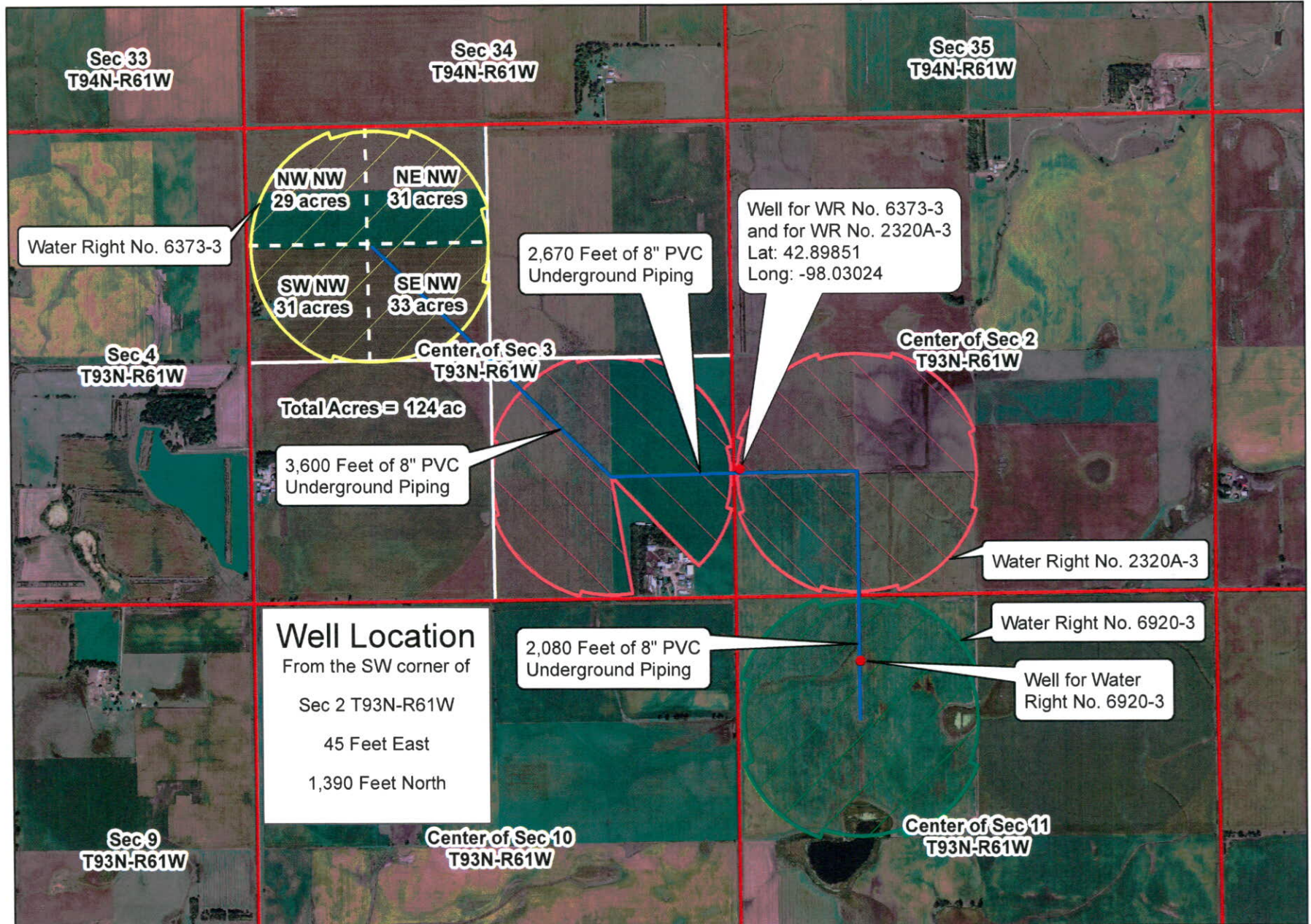
Date report completed: August 1, 2018

****Note:** The permit holder obtained Water Permit No. 8575-3 for the same project from the correct water source. Water Permit No. 8575-3 can be licensed based on the inspection for No. 6373-3. Permit No. 6373-3 will be scheduled for cancellation for non-construction.

Senay McMath

Water Right No. 6373-3

(Licensed under No. 8575-3)



Keith DeJong
Keith DeJong, PE
Staff Engineer
August 1, 2018

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8575-3**

(1) Ernest R Namminga, 40786 310th St., Springfield SD 57062 made Application No. 8575-3, December 21, 2021, for a water permit to divert 1.78 cubic feet of water per second from ground water, one existing well, (Choteau West Aquifer), Bon Homme County, South Dakota for irrigation purposes. Permit No. 8575-3, with a priority date of December 21, 2021, was approved March 21, 2022, and issued to the applicant for diversion of water with construction of the described water supply system and for the application of water to beneficial use completed.

(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:

- 45'E and 1,390'N of the SW corner of Section 2, T93N, R61W (NW ¼ SW ¼)
Latitude 42.89851, Longitude -98.03024

The above well is also used to irrigate land described in Water Right No. 2320A-3.

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

Section 3, T93N, R61W	NW ¼ NW ¼	29 acres
	NE ¼ NW ¼	31 acres
	SW ¼ NW ¼	31 acres
	SE ¼ NW ¼	33 acres
Total		124 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ernest R Namminga, 40786 310th St., Springfield SD 57062 the holder and/or owner of Water Right No. 8575-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Choteau West Aquifer) with a priority date of December 21, 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. 8575-3 and subject to the following qualifications:

- The well approved under this water right and Water Right No. 2320A-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right 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.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

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

JUN 01 2022
date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 01 2022

Ernest R Namminga
40786 310th St
Springfield SD 57062

Dear Mr. Namminga:

Enclosed are Water Permit and Water License No. 8575-3. These are the final water right documents completing your process of obtaining a Water Right.

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

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 15, 2024

8575-3

Ernest Namminga
c/o Tristan Namminga
40786 310th St
Springfield SD 57062

Dear Mr. Namminga:

I write to you today in response to the 2024 Irrigation Questionnaire information submitted online for Ernest Namminga's Water Right No. 8575-3.

Water Right No. 8575-3 (copy enclosed) authorized diversion of 1.78 cubic feet of water per second (800 gpm) from one well completed into the Choteau West Aquifer for irrigation of 124 acres located within the NW ¼ Section 3, T93N-R61W.

On this year's questionnaire you reported the irrigation of 160 acres. If an additional 36 acres have been developed for irrigation, additional permitting would be required.

Please contact me to either revise your 2024 Irrigation Questionnaire or discuss additional permitting.

Sincerely,

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

enclosure