

WATER PERMIT NO. 8582-3

Name of Applicant: **Nick Endres**

Address: **16148 455th Ave, Watertown SD 57201**

Phone: **605 880-8800**

Amount of Water Claimed: **2.0 cfs**

Total Acres: **153 acres**

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

Water to be used for: **irrigation**

County: **Codington**

Type of Waste Disposal System:

Location: **8 miles north of Watertown**

PRIORITY

Date Received: **1-14-22**

Application/License Fee: **\$ 1050**

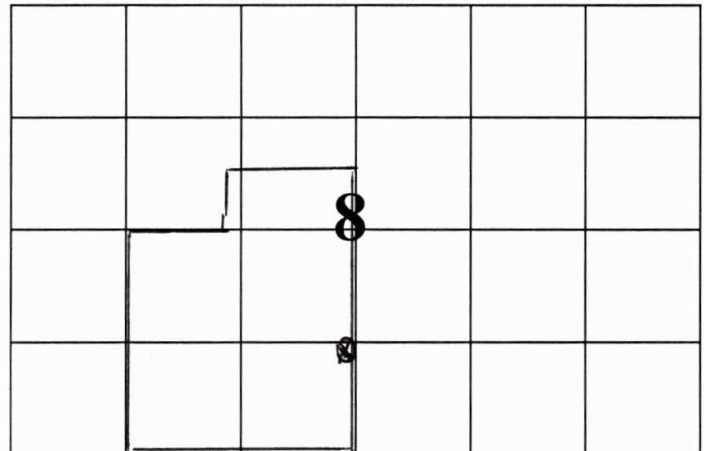
Corrected Application Received:

Period of Annual Use: **April 1 – September 30**

Remarks:

Diversion Point: **SE 1/4 SW 1/4 Sec 8-T118N-R52W**

Land to be Irrigated: **SW 1/4 S 1/2 NW 1/4 Sec 8-T118N-R52W**



Depth of Well: **255 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **1-19-22**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8582-3**

Date of first receipt of application January 14, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8582-3 to Nick Endres, 16148 455th Ave, Watertown SD 57201 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. 8582-3 appropriates 2.0 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (255 feet deep) located in the SE 1/4 SW 1/4 Section 8 for irrigation of 153 acres located in the SW 1/4, S 1/2 NW 1/4 Section 8; all in T118N-R52W (located outside the former boundaries of the Lake Traverse Reservation). This site is located approximately 8 miles north of Watertown SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is January 14, 2022.
4. The date of approval of Permit No. 8582-3 is March 21, 2022.
5. One-fifth of the construction is to be completed on or before September 21, 2024.
6. All construction is to be completed on or before March 21, 2027.
7. Water is to be put to beneficial use on or before March 21, 2031.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8582-3 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

MAR 30 2022
date



JAN 14 2022

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

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8582-3</u> (office use only)	Hydrologic Unit <u>10170202</u>
	Basin <u>Siguer</u>	
	Newspaper <u>Public Opinion</u>	

WATER RIGHTS
PROGRAM**PAID**

JAN 14 2022

Ck# 1006
Rec't# _____**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 NICK ENDRES

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

Mailing Address 16148 455TH AVE WATERTOWN SD 57201
(Address) (City) (State) (Zip Code)Phone 605-880-8800 Mobile 605-880-8800 Email endweld@yahoo.com2. Amount of water claimed 2.0 *CFS or 900 ~~1000~~ **GPM ***AF Total Acreage 153
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply WELL4. Location of point of diversion FROM CORNER OF 455TH AVE AND 161ST ST --- 2600' EAST AND 1300' N
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)SE 1/4 OF SW 1/4 SEC 8/118TWN/R52W County Codington5. County or counties where water will be used CODINGTON6. Annual period during which water is to be used APRIL - SEPTEMBER7. 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
SW 1/4 OF SW 1/4 SECTION 8/118/52W	32	NE 1/4 OF NE 1/4 SECTION 8/118/52W	25
SE 1/4 OF SW 1/4 SECTION 8/118/52W	32	S 1/2 NW 1/4	
NW 1/4 OF SW 1/4 SECTION 8/118/52W	32		
NW 1/4 OF SW 1/4 SECTION 8/118/52W	32		

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

INSTALLATION OF VALLEY IRRIGATION CENTER PIVOT FED BY WELL 1300' EAST OF CENTER OF PIVOT

I, Nicholas P Endres, 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.

(type or print)

(check one or both as applicable)

☐ Using existing well(s)

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) 255 Depth to Top of Water Bearing Material 234 Depth to Water from Surface 234

d) Distance to nearest domestic well on applicant's property	Property owned by others
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2. Wastewater Disposal System Information

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

b) System Capacity (gallons)	Year Constructed
1000	1960
2000	1965
3000	1970
4000	1975
5000	1980
6000	1985
7000	1990
8000	1995
9000	2000
10000	2005
11000	2010
12000	2015
13000	2020
14000	2025
15000	2030
16000	2035
17000	2040
18000	2045
19000	2050
20000	2055
21000	2060
22000	2065
23000	2070
24000	2075
25000	2080
26000	2085
27000	2090
28000	2095
29000	2100
30000	2105
31000	2110
32000	2115
33000	2120
34000	2125
35000	2130
36000	2135
37000	2140
38000	2145
39000	2150
40000	2155
41000	2160
42000	2165
43000	2170
44000	2175
45000	2180
46000	2185
47000	2190
48000	2195
49000	2200
50000	2205
51000	2210
52000	2215
53000	2220
54000	2225
55000	2230
56000	2235
57000	2240
58000	2245
59000	2250
60000	2255
61000	2260
62000	2265
63000	2270
64000	2275
65000	2280
66000	2285
67000	2290
68000	2295
69000	2300
70000	2305
71000	2310
72000	2315
73000	2320
74000	2325
75000	2330
76000	2335
77000	2340
78000	2345
79000	2350
80000	2355
81000	2360
82000	2365
83000	2370
84000	2375
85000	2380
86000	2385
87000	2390
88000	2395
89000	2400
90000	2405
91000	2410
92000	2415
93000	2420
94000	2425
95000	2430
96000	2435
97000	2440
98000	2445
99000	2450
100000	2455
101000	2460
102000	2465
103000	2470
104000	2475
105000	2480
106000	2485
107000	2490
108000	2495
109000	2500
110000	2505
111000	2510
112000	2515
113000	2520
114000	2525
115000	2530
116000	2535
117000	2540
118000	2545
119000	2550
120000	2555
121000	2560
122000	2565
123000	2570
124000	2575
125000	2580
126000	2585
127000	2590
128000	2595
129000	2600
130000	2605
131000	2610
132000	2615
133000	2620
134000	2625
135000	2630
136000	2635
137000	2640
138000	2645
139000	2650
140000	2655
141000	2660
142000	2665
143000	2670
144000	

c) Connected to the City of Sanitary System

3. Dugout Information

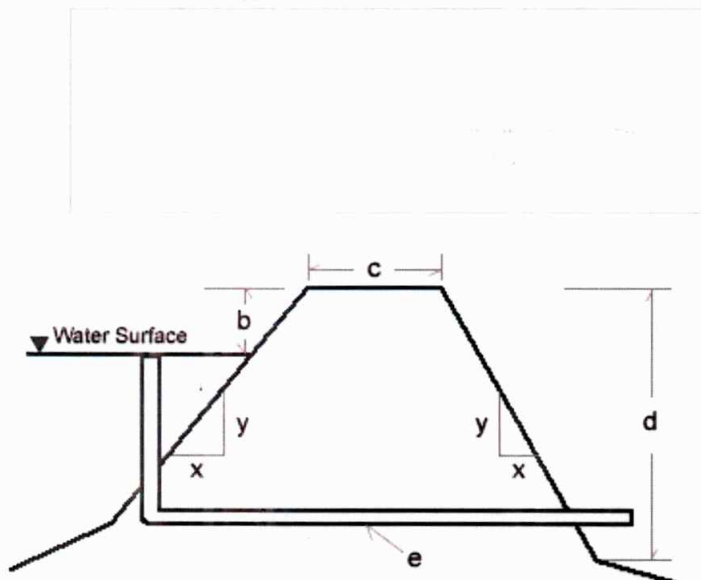
a) Surface Dimensions Depth

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

4. Water Storage Dams

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

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



b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity

If pipe, diameter

f) Secondary Spillway Capacity

Spillway Width

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

Upstream

Downstream

h) Surface Area of Impoundment

i) Storage	Acre Feet
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j) Drainage Area Above Dam	Acres
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Date:

Nick Endres- 255' 12" Irrigation Well

Sec 8 GPS N 45 2.333 W 97 5.775

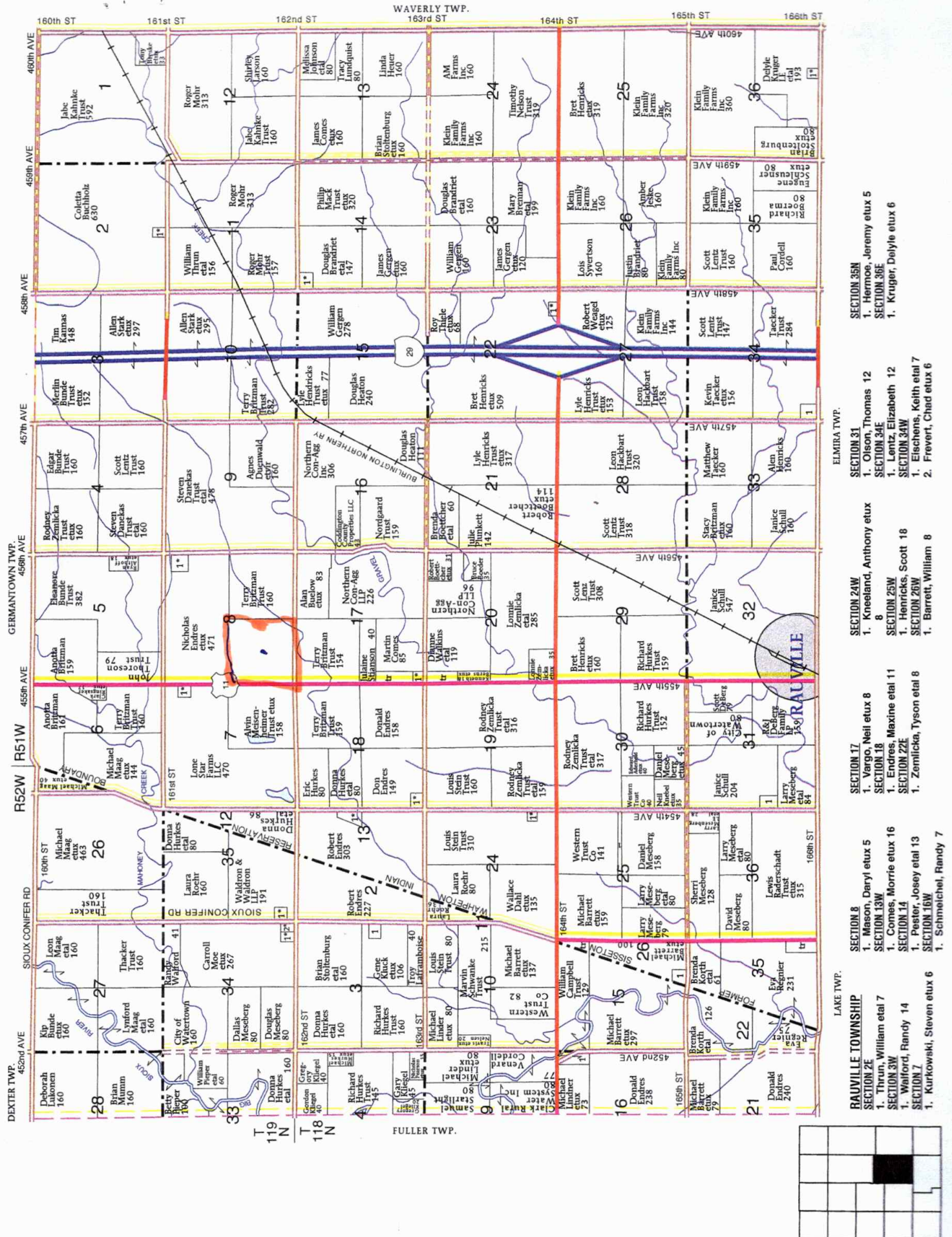
Formation Log	From	To
Top Soil	0	3
Clay – Yellow	3	4
Gravel – coarse	4	13
Clay – Yellow	13	21
Clay – Gray	21	27
Sand & gravel	27	38
Clay – Gray	38	165
Sand & gravel	165	171
Clay – Gray	171	234
Sand	234	251
Gravel	251	255
Clay- Gray	255	263

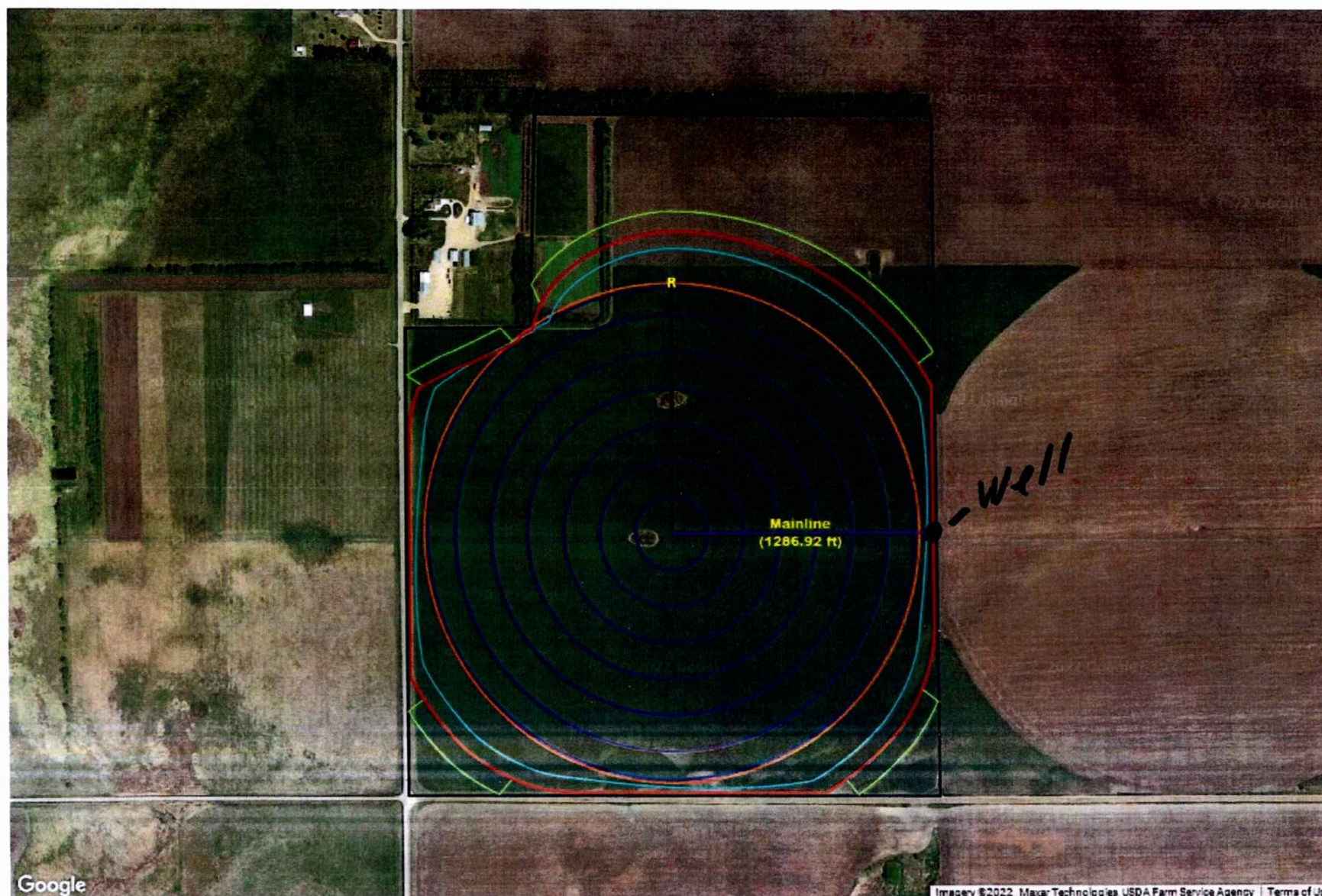
GPS

N 45° 2' 19.968"

W 97° 5' 46.5"

-NAS





Field Name	Design Name	Machine Category	Machine Area (ac)	No. of Towers	Total Machine Length (ft)	Total Irrigated Area (ac)
Pivot_1_162022134127986	endres corner 1	Large Field Precision Corner	111.09	7	1508.04	153.10

Total Project Irrigated Area (ac): 153.10

(endres corner 1)	Spans and Overhang	Corner	Endgun*	Bender / DropSpan	Polygon
Irrigated Area using (ac)	107.89	36.1	9.11	0	0.00

* Estimated

Total Span Length (ft) 1220.00

Corner Length (ft) 287.00

Flex/Transition/Other Lengths (ft) 1.04

S.No	Diameter	Length (ft)	Cable Size	Motor Options	Tire Size	Bender / DropSpan	Profile
1	6 5/8	180.00	8 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float Tubeless	None	Standard
2	6 5/8	180.00	8 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float Tubeless	None	Standard
3	6 5/8	180.00	10 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float Tubeless	None	Standard
4	6 5/8	180.00	10 ga cable / 11 cond shielded	68 RPM Baldor Helical	14.9 x 24 High Float Tubeless	None	Standard
5	6 5/8	180.00	10 ga cable / 11 cond shielded	68 RPM Baldor Helical	14.9 x 24 High Float Tubeless	None	Standard
6	6 5/8	180.00	10 ga cable / 11 cond shielded	68 RPM Baldor Helical	14.9 x 24 High Float Tubeless	None	Standard
7	6 5/8	140.00	10 ga cable / 11 cond shielded	34 RPM Nidec Helical Inverter	14.9 x 24 High Float Tubeless	None	Standard

Primary Endgun

Endgun Angles (endres corner 1)	Endgun 1	Endgun 2	Endgun 3	Endgun 4
Start Angle	128.00 deg	220.50 deg	308.25 deg	342.50 deg
End Angle	148.00 deg	240.00 deg	333.50 deg	59.25 deg

Field Name	Latitude	Longitude	Pivot Road Angle	Pivot Road Offset	Start Angle	End Angle
Pivot_1_162022134127986	45.038855202273	-97.10132089151	-	-	0 deg	360 deg



Project Name - Nick Endres corner
Version Name - Nick Endres corner_Version
Map Point Summary



Point(s)		Latitude	Longitude
	Well	45.038856694844206	-97.09624918133109
Line(s)		Latitude	Longitude
	Mainline (1286.92 ft)	45.03887185741407	-97.10131319195548

Field Name	Design Name	Machine Category	Machine Area (ac)	No.of Towers	Total Machine Length (ft)	Total Irrigated Area (ac)
Pivot_1_162022134127986	endres corner 1	Large Field Precision Corner	111.09	7	1508.04	153.1

Total Project Irrigated Area (ac): 153.1

(endres corner 1)	Spans and Overhang	Corner	Endgun*	Bender / DropSpan	Polygon
Irrigated Area using (ac)	107.89	36.1	9.11	0	0.00

* Estimated

Total Span Length (ft) 1220.00

Corner Length (ft) 287.00

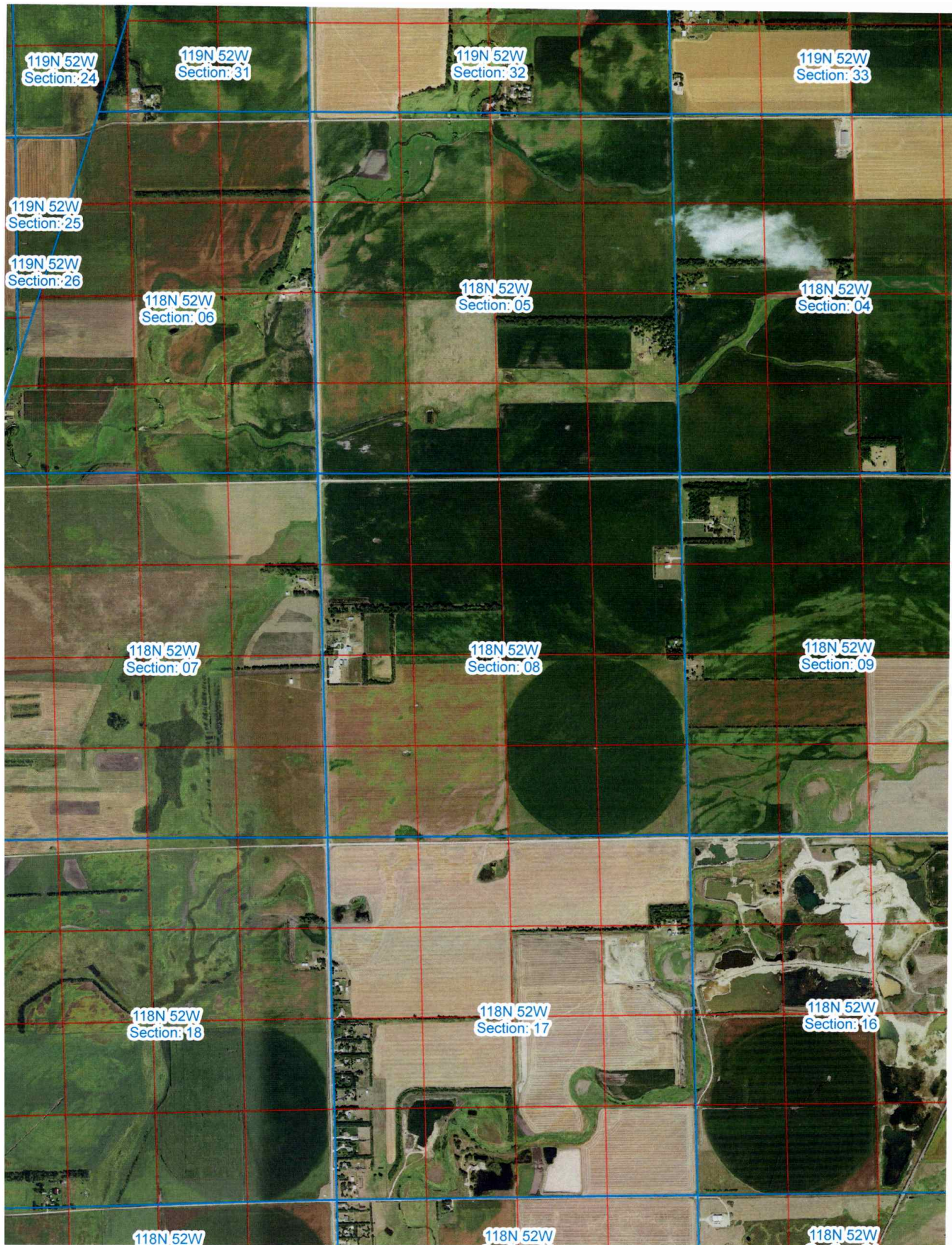
Flex/Transition/Other Lengths (ft) 1.04

S.No	Diameter	Length (ft)	Cable Size	Motor Options	Tire Size	Bender / DropSpan	Profile
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4	6 5/8	180.00	10 ga cable / 11 cond shielded	68 RPM Baldor Helical	14.9 x 24 High Float Tubeless	None	Standard
5	6 5/8	180.00	10 ga cable / 11 cond shielded	68 RPM Baldor Helical	14.9 x 24 High Float Tubeless	None	Standard
6	6 5/8	180.00	10 ga cable / 11 cond shielded	68 RPM Baldor Helical	14.9 x 24 High Float Tubeless	None	Standard
7	6 5/8	140.00	10 ga cable / 11 cond shielded	34 RPM Nidec Helical Inverter	14.9 x 24 High Float Tubeless	None	Standard

Primary Endgun

Endgun Angles (endres corner 1)	Endgun 1	Endgun 2	Endgun 3	Endgun 4
Start Angle	128 deg	220.5 deg	308.25 deg	342.5 deg
End Angle	148 deg	240 deg	333.5 deg	59.25 deg

Field Name	Latitude	Longitude	Pivot Road Angle	Pivot Road Offset	Start Angle	End Angle
Pivot_1_162022134127986	45.038855202273	-97.10132089151	-	-	0 deg	360 deg



119N 52W
Section: 24

119N 52W
Section: 31

119N 52W
Section: 32

119N 52W
Section: 33

119N 52W
Section: 25

119N 52W
Section: 26

118N 52W
Section: 06

118N 52W
Section: 05

118N 52W
Section: 04

118N 52W
Section: 07

118N 52W
Section: 08

118N 52W
Section: 09

118N 52W
Section: 18

118N 52W
Section: 17

118N 52W
Section: 16

118N 52W

118N 52W

118N 52W

Water Rights Program - File Documentation

NAME: Tom Pierce, Farmers Implement & Irrigation – Nick Endres Application

ADDRESS: Brookings SD

DATE: 1-18-22

RE: Pending application

COMMENTS:

I called Tom Pierce regarding the application for Nick Endres.

I explained that the 1000 gpm was more than the statutory limit and Mr. Pierce agreed that 900 gpm would be sufficient to operate the pivot.

He also agreed that the 25 acres would be located in the S 1/2 NW 1/4 Section 8-T118N-R52W.



Karen Schlaak
Water Rights Program

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 14, 2022

RECEIVED OF Nicholas Paul Endres 16148 455th Ave Watertown SD 57201

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

Fee for Application for Permit No. <u>8582-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8582-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>1050.00</u>

By Eric Gronlund
Chief Engineer
vm



**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. 8582-3, Nick Endres**

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. 8582-3, Nick Endres, 16148 455th Avenue, Watertown SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 8582-3 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. 8582-3 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 23, 2022

Report to the Chief Engineer
On Water Permit Application No. 8582-3

Nick Endres

February 23, 2022

Water Permit Application No. 8582-3 proposes to divert water at a maximum instantaneous diversion rate of 2.0 cubic feet of water per second (cfs) from one well completed into the Prairie Coteau aquifer (255 feet deep) in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8 for the irrigation of 153 acres located in the SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 8; all in T118N-R52W. This site is located outside the former boundaries of the Lake Traverse Reservation, in Codington County, approximately eight miles north of Watertown, SD.

AQUIFER: Prairie Coteau (PCO)

HYDROGEOLOGY:

The DNR-Water Rights Program recognizes buried glacial outwash deposits that are not in contact with bedrock or surficial materials between the approximate altitudes of 1,550 to 1,800 feet on the Prairie des Coteau, as the Prairie Coteau aquifer (Thompson, 2001; Water Rights, 2020b, 2022c and 2022d). Hanson (1994) delineated an approximate Prairie Coteau aquifer boundary in Grant and Codington Counties, and Thompson (2001) studied the aquifer in Roberts County and within the former boundaries of the Lake Traverse Reservation. Thompson (2001) concluded the Prairie Coteau aquifer is not a continuous aquifer but instead consists of many disconnected glacial outwash deposits of sand and gravel, of which the depth and thickness can vary widely (SDGS, 2022; Thompson, 2001; Water Rights, 2022d). These outwash deposits have been collectively known as an aquifer due to their similarities (Thompson, 2001; Water Rights, 2020b, 2022c and 2022d).

In Codington and Grant Counties, the Prairie Coteau aquifer consists of brown to gray, coarse to very coarse, well-rounded sand and fine gravel (Hansen, 1990 and 1994; Thompson, 2001). The top of the Prairie Coteau aquifer materials range from approximately 21 feet below the ground surface in northwestern Codington County, to approximately 380 feet below the ground surface in eastern Codington County (Hansen, 1994). The Prairie Coteau aquifer has a saturated aquifer thickness of approximately 21 feet on average, and a documented maximum thickness of 62 feet (Hansen, 1994).

A water well completion report was submitted with Water Permit Application No. 8582-3 for the well the applicant proposes to use. A reiteration of the water well completion report is summarized on Table 1. The well was screened in sand and gravel from 235 to 255 feet below the ground surface and had a static water level in the well of 5.5 feet below the ground surface at the time of well completion (December 21, 2021). This indicates there was approximately 230 feet of artesian head pressure in the well proposed to be used at the time of completion. The elevation of the existing well is approximately 1,797.3 feet above mean sea level (fmsl) and the top of this outwash deposit is at approximately 1,563.3 fmsl (USGS, EROS, 1999).

Table 1. Water well completion report submitted with Water Permit Application No. 8582-3

Formation Log	From	To
Top Soil	0	3
Clay - Yellow	3	4
Gravel - coarse	4	13
Clay - Yellow	13	21
Clay - Gray	21	27
Sand & Gravel	27	38
Clay - Gray	38	165
Sand & Gravel	165	171
Clay - Gray	171	234
Sand	234	251
Gravel	251	255
Clay - Gray	255	263

Based on the submitted well completion report, the well completion reports on file for nearby water rights/permits, and the lithologic logs on file for nearby observation wells, the Prairie Coteau aquifer is confined at the existing well location (SDGS, 2022; Water Rights, 2022b, 2022c and 2022d). The Prairie Coteau aquifer is generally under confined aquifer conditions (SDGS, 2022; Water Rights, 2022b, 2022c and 2022d).

The existing well the applicant proposes to use is completed into an outwash deposit of the Prairie Coteau aquifer delineated by Stonesifer (2013) that has been utilized by the DANR-Water Rights Program in the past for water availability analyses (Water Rights, 2022c). Stonesifer (2013) estimated this outwash deposit of the Prairie Coteau aquifer underlies approximately 184,500 acres in Roberts, Grant, Deuel, and Hamlin Counties, with this outwash deposit ranging from approximately 1,550 to 1,750 fmsl and varying from approximately 10 to 40 feet thick (SDGS, 2022; USGS, EROS, 1999; Water Rights, 2022b, 2022c, and 2022d). The potentiometric surface elevation in this outwash deposit generally ranges from flowing to 100 feet below the ground surface, with the potentiometric surface elevation higher in the northern portion of this outwash deposit and lower in the southern portion, with the direction of groundwater flow generally from the northeast to the southeast (Hanson, 1990; Water Rights, 2022b).

The delineation approximated by Stonesifer (2013) for this outwash deposit of the Prairie Coteau aquifer was investigated in this analysis utilizing test hole and water well completion reports on file (Water Rights, 2022d), observation well logs (Water Rights, 2022b), historical lithologic logs from the South Dakota Geological Survey (SDGS) (SDGS, 2022), and elevation data (USGS, EROS, 1999). This information was used to modify the delineation approximated by Stonesifer (2013). The modified outwash deposit delineation has an estimated areal extent of approximately 167,500 acres. The areal extent of this outwash deposit of the Prairie Coteau aquifer is expected to range between Stonesifer (2013) and the modified outwash deposit approximations.

Near the existing well site, this outwash deposit of the Prairie Coteau aquifer is overlain by the North management unit of the Big Sioux aquifer and is underlain by the Altamont aquifer (Hanson, 1990; Hedges et al., 1982; Water Rights, 2022b, 2022c, and 2022d). Other small outwash deposits lie above, below, and adjacent to this outwash deposit of the Prairie Coteau aquifer (Hanson, 1990). This outwash deposit may be in hydraulic connection with these aquifers and outwashes, among others (Hanson, 1990 and 1994).

Figure 1 displays a map of the existing well location, with the approximate areal extent of this outwash deposit of the Prairie Coteau aquifer delineated by Stonesifer (2013), and the modified areal extent of this outwash deposit of the Prairie Coteau aquifer (SDGS, 2022; modified from Stonesifer, 2013, USGS, EROS, 1999; Water Rights, 2022d)

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 Prairie Coteau aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8582-3 proposes to appropriate water from the Prairie Coteau 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 Prairie Coteau 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 Prairie Coteau aquifer must be considered.

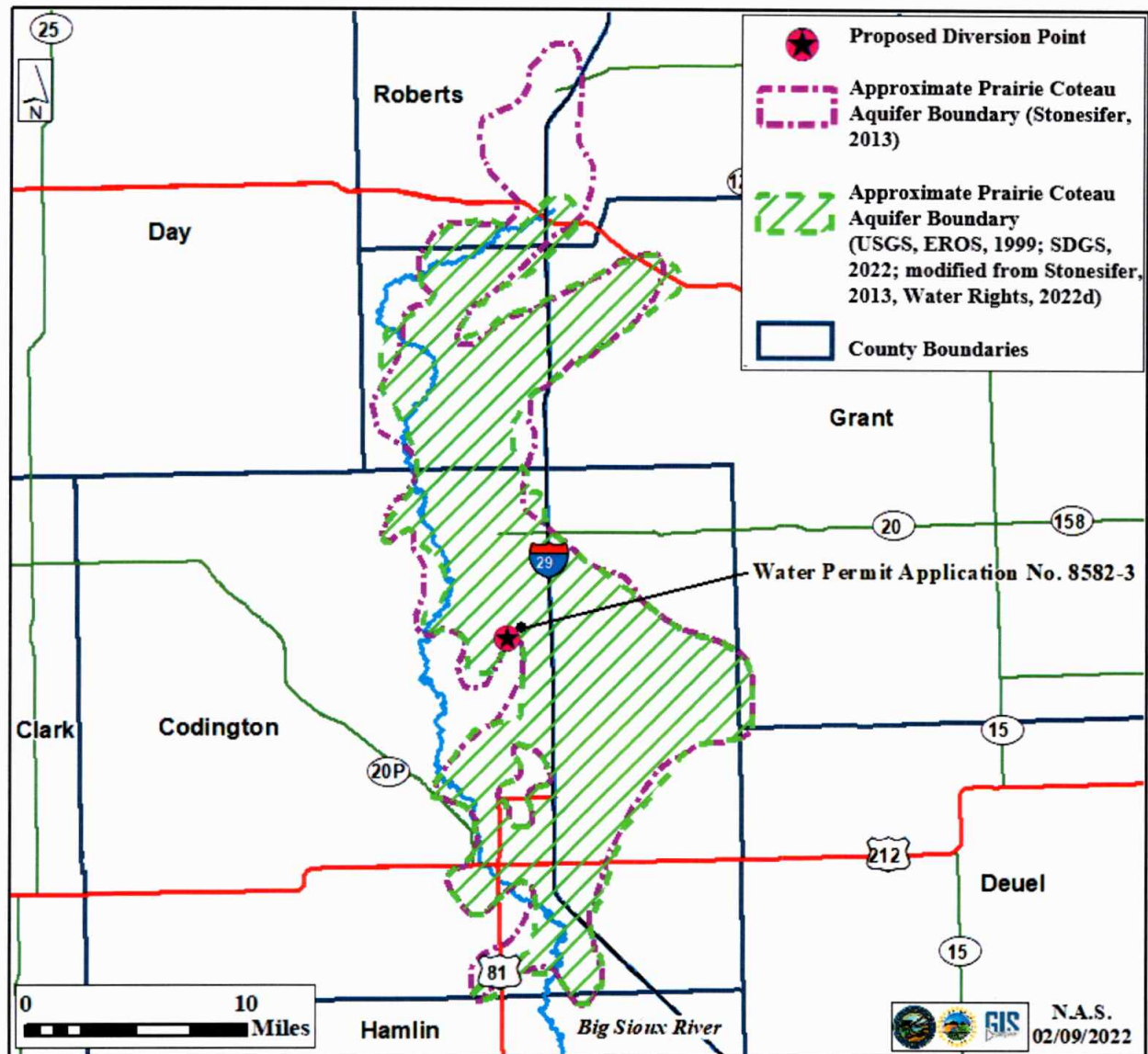


Figure 1. Location of the existing well proposed to be used by Water Permit Application No. 8582-3, with the approximate areal extent of this outwash deposit of the Prairie Coteau aquifer delineated by Stonesifer (2013), and the modified areal extent of this outwash deposit of the Prairie Coteau aquifer (USGS, EROS, 1999; SDGS, 2022; modified from Stonesifer, 2013, Water Rights, 2022d)

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 DANR-Water Rights Program monitors 60 observation wells completed into the discontinuous outwash deposits of the Prairie Coteau aquifer (Water Rights, 2022b). There are 13 observation wells completed into this outwash deposit of the Prairie Coteau aquifer (as

shown in Figure 2) (Water Rights, 2022b). The three closest observation wells to the existing well location are CD-77A (approximately 1.5 miles southwest), CD-76A (approximately 4 miles northwest), and CD-77G (approximately 4.2 miles southeast) (as shown in Figure 2). The hydrographs for these observation wells are displayed in Figures 3 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.

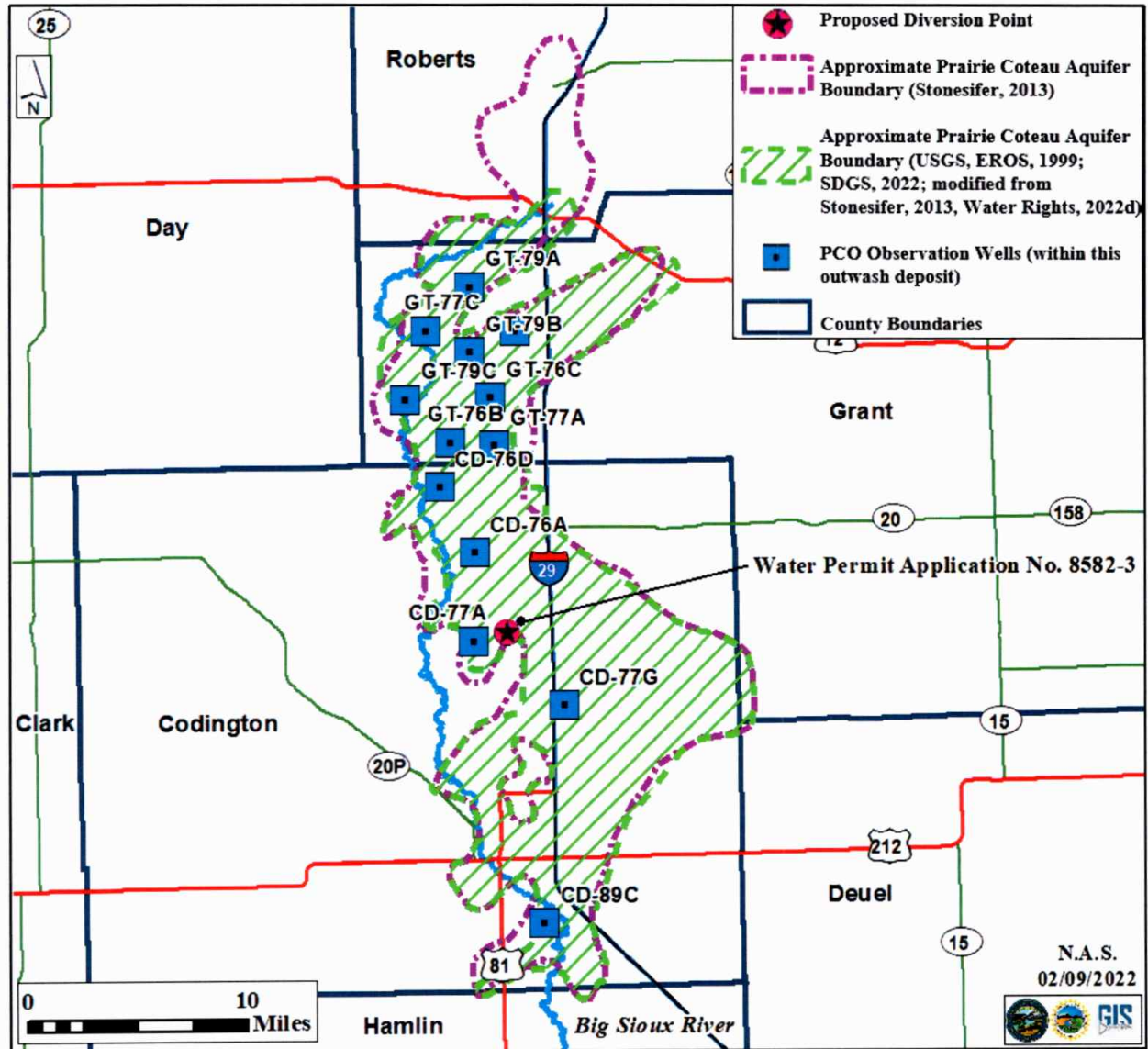


Figure 2. Location of the existing well proposed to be used by Water Permit Application No. 8562-3 with the Prairie Coteau aquifer observation wells within this outwash deposit (Water Rights, 2022b)

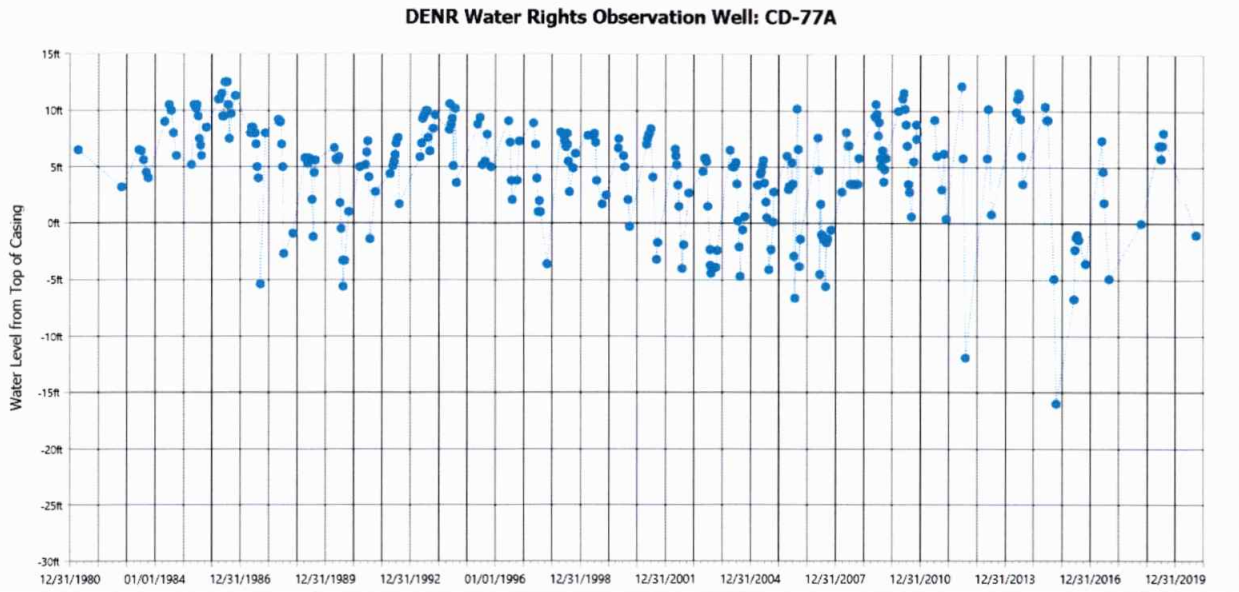


Figure 3. Hydrograph for observation well CD-77A (Water Rights, 2022b)

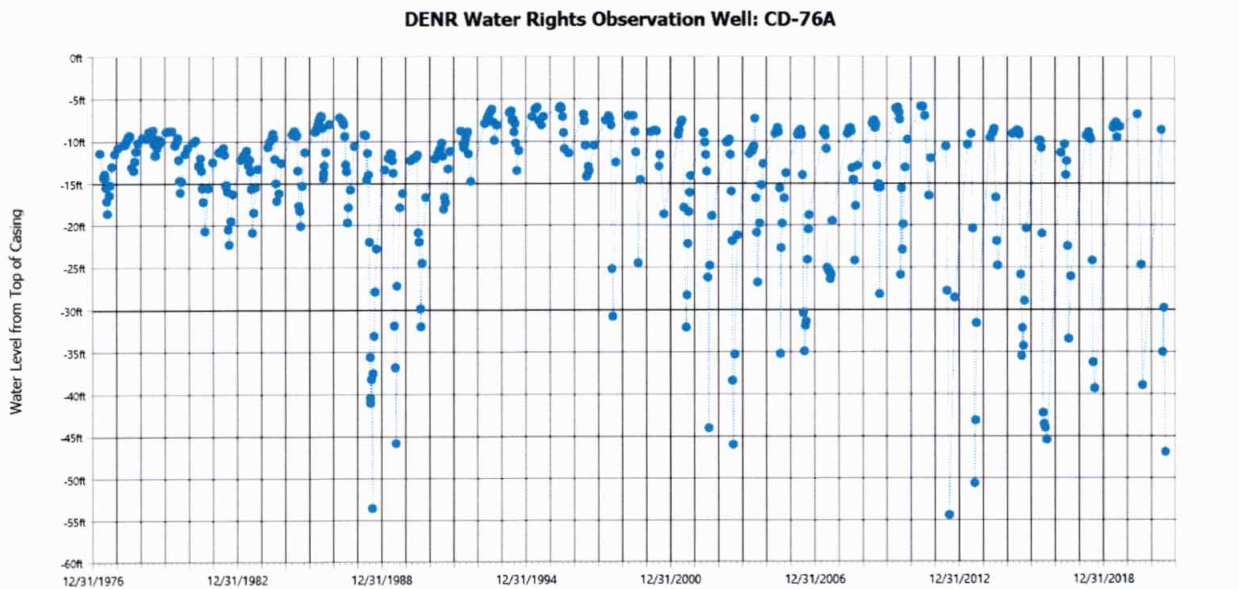


Figure 4. Hydrograph for observation well CD-76A (Water Rights, 2022b)

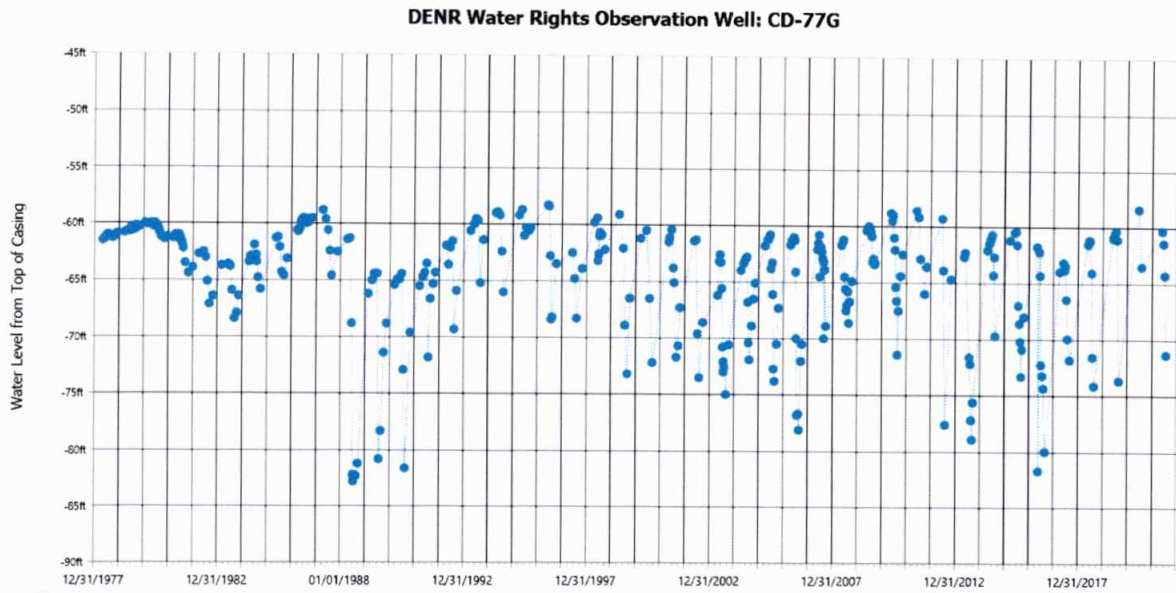


Figure 5. Hydrograph for observation well CD-77G (Water Rights, 2022b)

The hydrographs for the observation wells display relatively stable water levels over their respective periods of record. The hydrographs for these three observation wells were compared to the hydrographs for the other observations wells completed into this outwash deposit of the Prairie Coteau aquifer and each displayed a similar trend, including the seasonal effect of drawdown due to pumping, as shown on the hydrographs displayed in Figures 3 to 5 (Water Rights, 2022b). The hydrographs for the Prairie Coteau aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. 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 waters levels in the aquifer rather than the impacts of pumping from this outwash deposit of the Prairie Coteau aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Prairie Coteau aquifer is primarily through direct infiltration of precipitation and subsequent percolation of rainfall and snowmelt where the aquifer is at or near the ground surface (Hansen, 1990). Additional recharge may occur by leakage through the overlying till and the North management unit of the Big Sioux aquifer or other overlying smaller glacial aquifers (Hansen, 1990).

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. Since the Prairie Coteau aquifer is primarily a confined aquifer, the recommended recharge range for confined aquifers will be used to assess the hydrologic budget of the Prairie Coteau aquifer. This outwash deposit delineated by Stonesifer (2013) estimated the areal extent of the aquifer to be approximately 184,500 acres. The modified outwash deposit delineation has an estimated areal extent of approximately 167,500 acres. Therefore, the estimated average annual recharge rate to this outwash deposit ranges between approximately 2,094 to 9,225 acre-feet per year, using the smaller estimated areal extent for the minimum value and the larger estimated areal extent for the maximum value. In general, it is prudent to assume the mid-range of the average annual recharge rate to an outwash deposit (5,660 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 Prairie Coteau aquifer is primarily through well withdrawals (Water Rights, 2022c and 2022d), and possibly to hydrologically connected aquifers. Currently, there are 39 water rights/permits authorized to appropriate water from this outwash deposit of the Prairie Coteau aquifer (shown in Figure 6), plus one pending permit application - Water Permit Application No. 8581-3 requesting to irrigate 10 acres in southeast Codington County (Water Rights, 2022c). The estimated average annual withdrawal rate for this pending permit is included with the irrigation permit analysis in this report.

Table 2 summarizes the six non-irrigation water rights/permits authorized to appropriate water from this outwash deposit of the Prairie Coteau aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2022c). Overall, the average annual withdrawal rate for the non-irrigation water rights/permits within this outwash deposit of the Prairie Coteau aquifer is approximately 527 acre-feet per year (Table 2) (Water Rights, 2022c).

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Table 2. Non-irrigation water rights/permits authorized to divert water from this outwash deposit of the Prairie Coteau aquifer (Water Rights, 2022c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
6100-3	Blooming Valley Dairy LLC	LC	COM, LCO	0.267		116
6533-3	Bitter Sweet Lodge	LC	COM	0.033		14.3
8194-3	Lakeside Dairy	PE	COM, LCO	0.446	275	275
8438-3	Blooming Valley Dairy LLC	PE	COM, LCO	0.289	120	120
8478-3	Xcel Energy	PE	COM	0.022	0.22	0.22
8505-3	Dakota Range III O&M	PE	COM	0.044	1	1
LC: Licensed Water Right, PE: Water Permit; COM: Commercial; LCO: Livestock Confinement Operation					TOTAL:	527

Currently, there are 33 irrigation water rights/permits authorized to appropriate water from this outwash deposit of the Prairie Coteau aquifer, plus one pending water permit application - Water Permit Application No. 8581-3 requesting to irrigate 10 acres in southeast Codington County (Water Rights, 2022c). Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, to account for the fluctuation in wet and dry cycles from year to year, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for Water Permit Application No. 8581-3. Therefore, the estimated average annual withdrawal rate for Water Permit Application No. 8581-3 is approximately 10 acre-feet per year (Water Rights, 2022c).

Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. Table 3 only lists 32 irrigation water rights/permits, as Water Permit No. 8499-3 was approved in 2021. Water Permit No. 8499-3 is authorized to irrigate 160 acres; therefore, the estimated average annual withdrawal rate for Water Permit Application No. 8499-3 is approximately 160 acre-feet per year (Water Rights, 2022c).

The average annual withdrawal rate for the irrigation water rights/permits within this outwash deposit of the Prairie Coteau aquifer that have reported over the period of record is approximately 1,326 acre-feet per year (Table 3) (Water Rights, 2022a). To give a better representation of the current development of this outwash deposit of the Prairie Coteau aquifer, the average annual withdrawal rate for the irrigation water rights/permits that have reported over the last ten years was estimated. On average, the last ten years of this outwash deposit of the Prairie Coteau aquifer irrigation water rights/permits withdrew approximately 2,095 acre-feet per year (Table 3) (Water Rights, 2022a). By combining the estimated use for Water Permit Application No. 8581-3 (10 acre-feet/year), the estimated use for Water Permit No. 8499-3 (160 acre-feet/year), and the average annual withdrawal rate for irrigation water rights/permits that have reported over the last ten years (2,095 acre-feet/year), the estimated average annual withdrawal rate for irrigation water rights/permits within this outwash deposit of the Prairie Coteau aquifer is approximately 2,265 acre-feet per year.

Table 3. Reported historic irrigation use from this outwash deposit of the Prairie Coteau aquifer (Water Rights, 2022a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	7	317.15
1980	7	1,009.57
1981	9	1,355.55
1982	10	484.03
1983	12	1,182.7
1984	11	1,533
1985	12	641
1986	12	305
1987	12	1,162
1988	15	3,379.40
1989	17	1,761
1990	18	2,280
1991	15	507.6
1992	14	557
1993	15	199
1994	16	341.82
1995	16	314.34
1996	16	963
1997	17	1,041
1998	17	746.62
1999	17	1,000.52
2000	17	1,324.51
2001	16	1,196.72
2002	16	1,340.9
2003	16	1,875.2
2004	16	1,280.76
2005	16	1,076.45
2006	16	1,617.5
2007	17	1,170.09
2008	20	1,003.32
2009	22	888
2010	22	886
2011	22	961.35
2012	25	2,458.56
2013	29	1,809.7
2014	31	1,716.3
2015	33	2,492.9
2016	33	3,213
2017	33	2,793.03
2018	32	2,447.7
2019	32	557.25
2020	32	2,497.63
Min	7	199
Max	33	3,379.4
Avg	19	1,326
Avg (2011 to 2020)	30	2,095

There are domestic wells completed into the Prairie Coteau aquifer that do not require a water right/permit, so the withdrawal amount for domestic use is unknown (Water Rights, 2022d). Since the introduction of rural water systems, many domestic wells are likely no longer in use or are not being used as primary water sources. Due to their relatively low diversion rates and the availability of rural water, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget for the Prairie Coteau aquifer.

Hydrologic Budget Summary

The estimated average annual recharge rate to this outwash deposit of the Prairie Coteau aquifer ranges between approximately 2,094 to 9,225 acre-feet per year. The mid-range of the average annual recharge rate to this outwash deposit of the Prairie Coteau aquifer is approximately 5,660 acre-feet per year.

Based on the water rights/permits currently authorized to appropriate water from this outwash deposit, the estimated average annual withdrawal rate from this outwash deposit of the Prairie Coteau aquifer is approximately 2,792 acre-feet per year (listed on Table 4). If Water Permit Application No. 8582-3 is approved, and assuming an average application rate of one foot per year applied to each acre authorized to be irrigated, the estimated average annual withdrawal rate for Application No. 8582-3 is approximately 153 acre-feet per year (listed on Table 4). If Water Permit Application No. 8582-3 is approved, the total estimated average annual withdrawal rate from this outwash deposit of the Prairie Coteau aquifer would be approximately 2,945 acre-feet per year (listed on Table 4). The areal extent of this outwash deposit of the Prairie Coteau aquifer was approximated using many variables (SDGS, 2022; 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, there is a reasonable probability unappropriated water is available from this outwash deposit of the Prairie Coteau aquifer for the proposed appropriation.

Table 4. Estimated use from this outwash deposit of the Prairie Coteau aquifer (Water Rights, 2022a and 2022c)

Type of Water Right/Permit	Estimated Use (acre-feet/year)
Non-Irrigation	527
Irrigation (avg reported from 2011 to 2020, plus Permit No. 8499-3, and Pending Permit Application No. 8581-3)	2,265
Application No. 8582-3 (assuming one foot application rate per authorized acre)	153
TOTAL:	2,945

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 39 water rights/permits authorized to appropriate water from this outwash deposit of the Prairie Coteau aquifer, plus one pending water permit application (Water Rights, 2022c). The closest water right/permit to the existing well is Water Permit No. 7927-3, which is held by Terry Britzman. The diversion point for Water Permit No. 7927-3 is located approximately 0.5 miles southeast of the existing well proposed to be used for this application (Table 5) (Figure 7) (Water Rights, 2022c).

There are domestic wells on file with the DNR-Water Rights Program that are completed into the Prairie Coteau aquifer, with the closest domestic well on file (not held by the applicant) approximately 1.5 miles southeast of the existing well location (Water Rights, 2022d). There could potentially be other domestic wells completed into this outwash deposit of the Prairie Coteau aquifer near the existing well location that are not on file with the DNR-Water Rights Program.

Table 5. Water rights/permits authorized to withdraw water from the Prairie Coteau aquifer within approximately three miles of the existing well, as shown in Figure 7 (Water Rights, 2022c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)
5166A-3	John T Nordgaard	LC	IRR	1.87
5166B-3	Northern Con-Agg Inc	LC	IRR	0.84
5174-3	Donald L Endres	LC	IRR	1.77
5376-3	Donald L Endres	LC	IRR	1.11
7927-3	Terry Britzman	PE	IRR	1.78
LC: Licensed Water Right, PE: Water Permit; IRR: Irrigation				

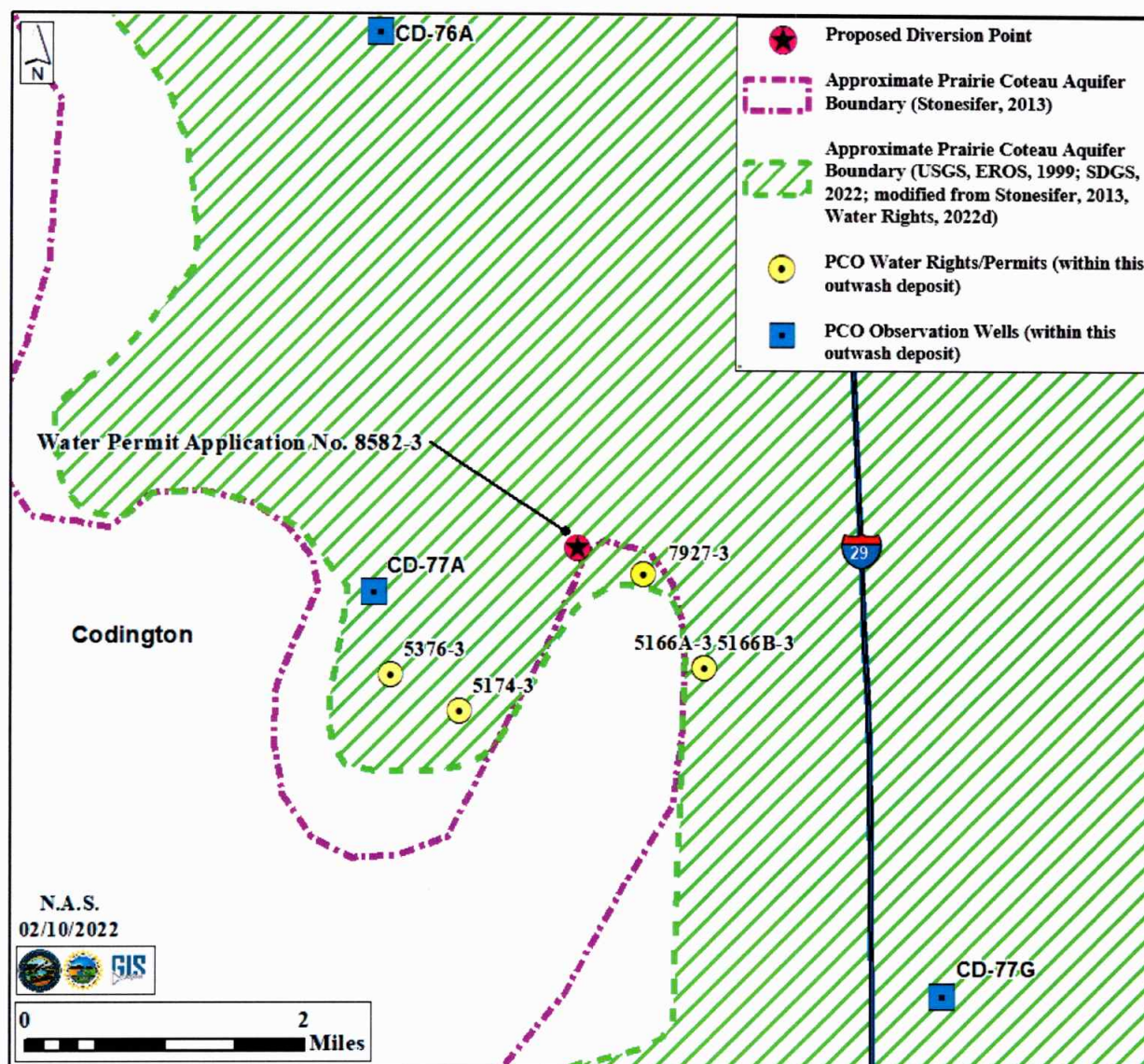


Figure 7. Location of the existing well proposed to be used by Water Permit Application No. 8582-3 with the Prairie Coteau aquifer water rights/permits and observation wells within approximately three miles (Water Rights, 2022b and 2022c)

Observation well GT-76B (approximately 7.5 miles northwest of the existing well) has five high-yield wells (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) within approximately one mile of it (Water Rights, 2022b and 2022c). The lithologic log on file for GT-76B noted the well was drilled 140 feet deep below the ground surface with the top of aquifer at approximately 106 feet below the ground surface (Water Rights, 2022b). The lowest recorded static water level on the hydrograph (displayed in Figure 8) is approximately 85 feet below the ground surface, which indicates there was still approximately 20 feet of artesian head pressure in GT-76B even during drier periods when high-yield wells are expected to be pumping more water (Water Rights, 2022b).

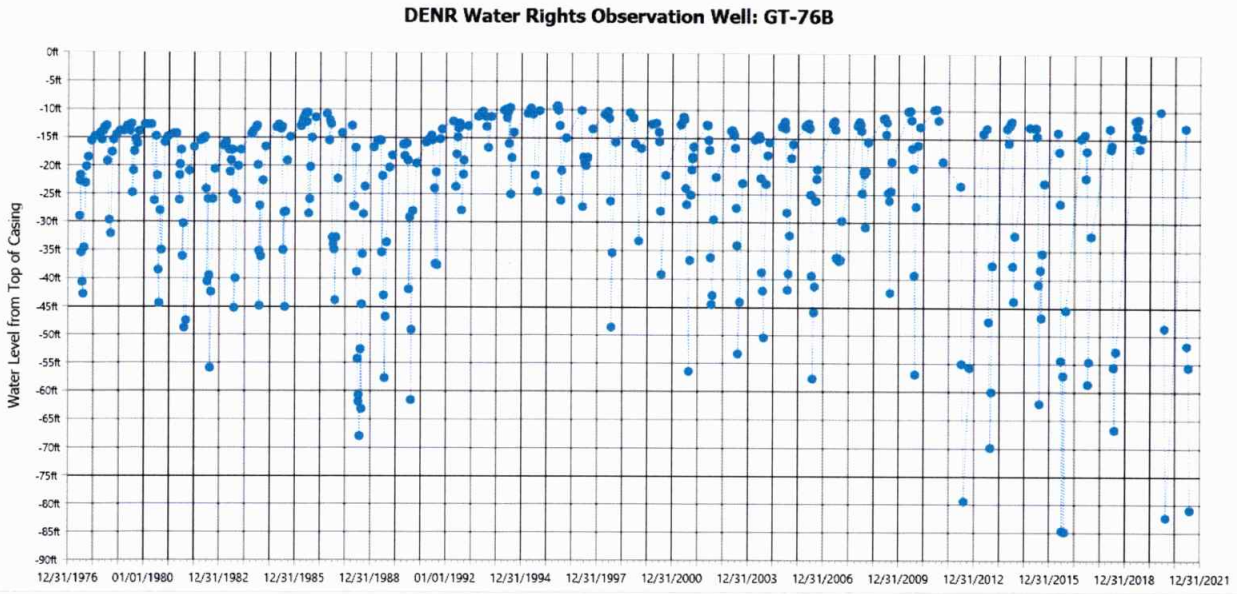


Figure 8. Hydrograph for observation well GT-76B (Water Rights, 2022b)

The Prairie Coteau aquifer is under confined conditions at the existing well location based on the well completion reports and lithologic logs on file with the DANR-Water Rights Program (SDGS, 2022; Water Rights, 2022b and 2022d). Since the Prairie Coteau aquifer is confined near the existing well location, drawdown can extend some distance but the exact drawdown behavior of a well cannot be known without an aquifer performance test.

Within three miles of the existing well location, the Prairie Coteau aquifer has a saturated aquifer thickness ranging from approximately 20 to 25 feet (Water Rights, 2022d). This would generally 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 diversion is not expected to unlawfully impair nearby adequate wells. In Grant County, there have been no substantiated complaints submitted to the DANR-Water Rights Program regarding well interference for adequate wells completed into the Prairie Coteau aquifer (Water Rights, 2022e). There have been several complaints of potential well interference in Codington County, one in Day County, and one in Roberts County (Water Rights, 2022e). These complaints were primarily due to several large-capacity wells pumping in a small area resulting in a cone of depression around the diversion points, creating localized drawdown during times of pumping. However, investigations of these complaints by Water Rights staff engineers concluded that there was no unlawful impairment of adequate wells (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 Prairie Coteau aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated thickness of the Prairie Coteau aquifer near the existing well location, the artesian head pressure in observation wells and appropriative user’s wells completed into the Prairie Coteau aquifer near the existing well location, and the lack of substantiated well interference complaints from the Prairie Coteau aquifer in the area, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8582-3 proposes to divert water at a maximum instantaneous diversion rate of 2.0 cfs from one well completed into the Prairie Coteau aquifer (255 feet deep) for the irrigation of 153 acres. This site is located outside the former boundaries of the Lake Traverse Reservation, in Codington County, approximately eight miles north of Watertown, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from this outwash deposit of the Prairie Coteau aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8582-3 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

Reviewed by:


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

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Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, February 23, 2022 3:40 PM
To: endweld@yahoo.com
Cc: Tom Pierce
Subject: Water Permit Application No. 8582-3
Attachments: 2575.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 as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
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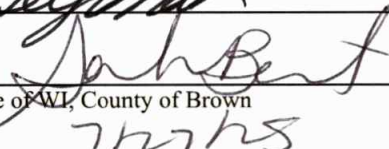
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**NOTICE OF APPLICATION NO. 8582-3
to Appropriate Water**

Notice is given that Nick Endres, 16148 455th Ave, Watertown SD 57201 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (255 feet deep) located in the SE 1/4 SW 1/4 Section 8 for irrigation of 153 acres located in the SW 1/4, S 1/2 NW 1/4 Section 8; all in T118N-R52W (located outside the former boundaries of the Lake Traverse Reservation). This site is located approximately 8 miles north of Watertown SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8582-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duval at <https://danr.sd.gov/public> 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 \$45.32
March 9, 2022 #7002480



**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 NEWSPAPER RIGHT AWAY.**

February 23, 2022

Nick Endres
16148 455th Ave
Watertown SD 57201

Dear Mr. Endres:

Water Permit Application No. 8582-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Public Opinion printed at Watertown SD (Ph # 605 886-6901). You will need to contact the newspaper 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 newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on March 3, 2022. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8582-3 to Appropriate Water

Notice is given that Nick Endres, 16148 455th Ave, Watertown SD 57201 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (255 feet deep) located in the SE 1/4 SW 1/4 Section 8 for irrigation of 153 acres located in the SW 1/4, S 1/2 NW 1/4 Section 8; all in T118N-R52W (located outside the former boundaries of the Lake Traverse Reservation). This site is located approximately 8 miles north of Watertown SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8582-3 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, 2022.

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_

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, February 23, 2022 1:15 PM
To: 'legals@thepublicopinion.com'
Subject: 8582-3, Nick Endres
Attachments: 8582-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on March 3, 2022.

Nick Endres, 16148 455th Ave, Watertown SD 57201 (605 880-8800) 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>



Water Rights Program - File Documentation

NAME: Nick Endres

ADDRESS: Watertown SD

DATE: 3-3-22

RE: Publication Notice

COMMENTS:

On February 23, 2022, I emailed publication notice to the Public Opinion to be published on March 3, 2022. No affidavit was received. On March 4th, I realized the wrong publication notice had been used.

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



Karen Schlaak
Water Rights Program

NOTICE OF APPLICATION NO. 8582-3 to Appropriate Water

Notice is given that Nick Endres, 16148 455th Ave, Watertown SD 57201 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (255 feet deep) located in the SE 1/4 SW 1/4 Section 8 for irrigation of 153 acres located in the SW 1/4, S 1/2 NW 1/4 Section 8; all in T118N-R52W (located outside the former boundaries of the Lake Traverse Reservation). This site is located approximately 8 miles north of Watertown SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8582-3 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_

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, March 3, 2022 11:44 AM
To: Watertown Public Opinon (legals@thepublicopinion.com)
Subject: 8582-3, Endres
Attachments: 8582-3corrected.docx; FORM8.FRM.doc

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

Please bill the Water Rights Program.

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>



April 19, 2022

PAYMENT REQUEST FORM

PAYEE: GateHouse Media South Dakota Holding, Inc.
PO Box 630567
Cincinnati, OH 45263-0567

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Account #561450
Invoice #0004497936
Notice of Application 8582-3

AMOUNT: \$45.32

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eui Henderson* 4/19/2022

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

MAR 30 2022

Nick Endres
16148 455th Ave
Watertown SD 57201

Dear Mr. Endres:

Enclosed is Water Permit No. 8582-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An 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

8582-3



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

January 20, 2023

NOTICE

TO: NICK ENDRES, 16148 455TH AVE, WATERTOWN, SD 57201

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8582-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8582-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8582-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: AGZMMM**

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



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

February 1, 2023

8582-3

Nick Endres
16148 455th Ave
Watertown SD 57201

Dear Mr. Endres:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit No. 8582-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 29, 2024

8582-3

Nick Endres
16148 455th Ave
Watertown SD 57201

Dear Mr. Endres:

I am writing in regard to Water Permit No. 8582-3 authorizing the irrigation of 153 acres located within the SW $\frac{1}{4}$ & S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8, T118N, R52W, Codington County.

On July 30, 2024, a staff engineer from the Water Rights Program made a site visit to conduct an inspection of the water use systems authorized under Permit Nos. 8582-3, for the purpose of licensing the irrigation system.

With the inspections having been conducted and the reports completed, we are ready to proceed with the licensing of your water use systems. However, as stated in Permit No. 8582-3, you have until March 21, 2017, to complete the construction of your water use system and until March 21, 2031, to put that water to beneficial use.

If you have finished the construction and are satisfied with your water use system, please complete the highlighted portions of the enclosed "Notice of Completion of Works" form and return it in the postage paid envelope. Once we have the completed form back from you, we will proceed with the licensing of your system.

Sincerely,

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

enclosure