

WATER PERMIT NO. 8603-3

Name of Applicant: Mark McCloud

Address: 33670 183th St, Highmore SD 57345

Phone: 605 870-0581

Amount of Water Claimed: 1.78 cfs

Total Acres: 320 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Hyde

Type of Waste Disposal System:

Location: 17 miles north of Highmore

PRIORITY

Date Received: 2-28-22

Application/License Fee: \$1,350

Corrected Application Received:

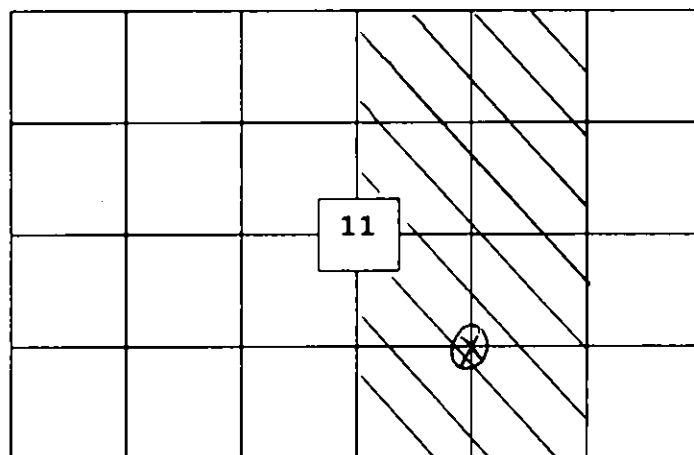
Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: approximate center of SE 1/4 Sec

11-T115N-R72W

Land to be Irrigated: E 1/2 Sec 11-T115N-R72W



Depth of Well: 150 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-2-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8603-3**

Date of first receipt of application February 28, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8603-3 to Mark McCloud, 33670 183rd St, Highmore SD 57345 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. 8603-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Tulare:Hyde Aquifer (approximately 150 feet deep) located in the center of the SE 1/4 Section 11 for irrigation of 320 acres located in the E 1/2 Section 11; all in T115N-R72W. This site is located approximately 17 miles north of Highmore SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is February 28, 2022.
4. The date of approval of Permit No. 8603-3 is May 2, 2022.
5. One-fifth of the construction is to be completed on or before November 2, 2024.
6. All construction is to be completed on or before May 2, 2027.
7. Water is to be put to beneficial use on or before May 2, 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. 8603-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8603-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 01 2022
date



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

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8603-3</u> (office use only) Hydrologic Unit <u>10140103</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Highmore Herald</u>
	<u>American News</u>

RECEIVED
FEB 28 2022
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit MARK MCCLLOUD

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

Mailing Address 33670 183rd Highmore SD 57345
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-870-0581 Email collettemccloud@gmail.com

2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 320
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply GROUND WATER

4. Location of point of diversion 1 well center south E 1/4 Sec 11 - 115N-72W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hyde

5. County or counties where water will be used Hyde

6. Annual period during which water is to be used APR - OCT 31

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
<u>E 1/2 115N-72W</u>	<u>320</u>		
<u>Sec 11-</u>			

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

I, MARK MCCLLOUD, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

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

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

For either Existing or Proposed Wells:

c) Well Depth (required) 150 Ft Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____d) Distance to nearest domestic well on applicant's property _____ Property owned by others 3/4 miles**2. Wastewater Disposal System Information**

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

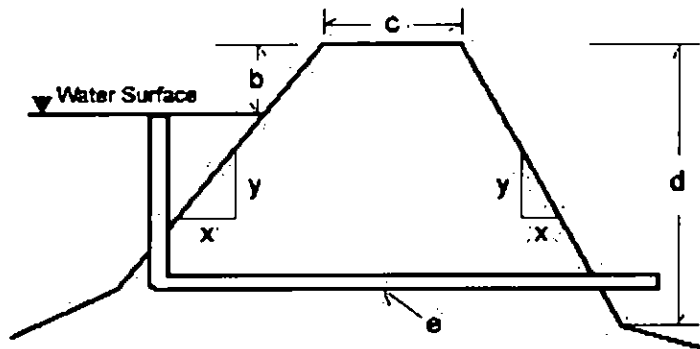
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

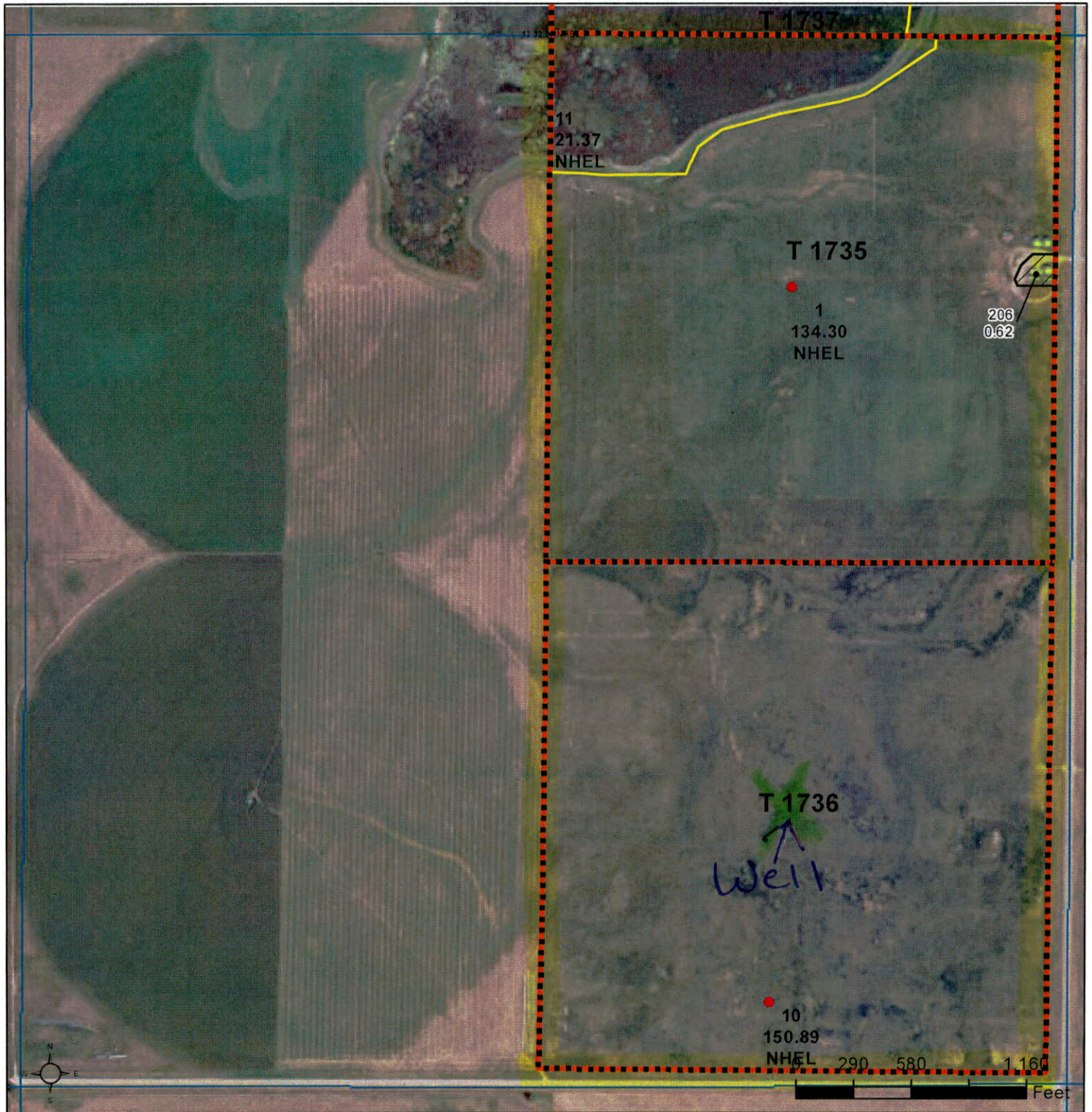
j) Drainage Area Above Dam _____ Acres





United States
Department of
Agriculture

Hyde County, South Dakota



Common Land Unit

	Tract Boundary
	PLSS
	Non-Cropland
	Cropland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

2022 Program Year
Map Created December 30, 2021

Farm 2550

11-115N-72W-Hyde

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 2, 2022

RECEIVED OF Mark/Colette McCloud 33670 183rd St., Highmore SD 57345

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

Fee for Application for Permit No. <u>8603-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1150.00</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>8603-3</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>1350.00</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. 8603-3, Mark McCloud**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8603-3, Mark McCloud, 33670 183rd Street, Highmore SD 57345.

The Chief Engineer is recommending APPROVAL of Application No. 8603-3 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. 8603-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8603-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
April 11, 2022

NOTE: Please note qualification No. 3 regarding annual submittal of the irrigation water use questionnaire. For existing Water Right No. 5735-3 you have significant history of not timely filing of the annual questionnaire. Please understand water permits/rights can be subject to forfeiture and ultimately cancellation for failure to submit the questionnaire.

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8603-3
APRIL 11, 2022

Water Permit Application No. 8603-3 proposes to irrigate up to 320 acres located in the E ½ Section 11 at a maximum instantaneous diversion rate of 1.78 cfs from one well (approximately 150 feet deep) to be completed into the Tulare: Hyde aquifer and located in the SE ¼ Section 11; all in T115N-R72W. This project site is located approximately 17 miles north of Highmore, SD.

AQUIFER: Tulare: Hyde (T:HY)

Aquifer Characteristics:

The Hyde management unit of the Tulare aquifer, called the Tulare: Hyde for the remainder of this report, is a complex system of interconnected sand and gravel layers which may be separated by till (Koch, 1980). The approximate areal extent has been mapped several times (Koch, 1980; Hedges et al, 1982; Rich, 2012). The general shape of the approximate areal extent has changed significantly as more information has become available. Based on Rich's (2012) first occurrence of aquifer materials the aquifer underlies approximately 27,300 acres where the sand and gravel is relatively continuous in north-central Hyde County. Furthermore, there is approximately 10,000 acres of additional aquifer materials of similar elevation that are shown as discontinuous that may be a portion of the aquifer extending east from the above mentioned continuous deposit and into northwestern Hand County (Rich, 2012). Further study would be required to determine with a high degree of certainty whether these discontinuous deposits are hydrologically connected enough to be a portion of the Tulare: Hyde aquifer. For the remainder of this report, the more certain approximate areal extent of 27,300 acres will be considered the Tulare: Hyde aquifer.

The well completion report information in the files for Water Right No. 5735-3 and Incorporated License No. 3334-3 in the W ½ Section 11 indicates gravel was encountered between 105 to 125 feet below grade and saturated blue clay from 125 to 170 feet below grade. The well was screened across the gravel and several feet into the blue clay. There was a static water level of approximately 45 feet below ground surface at the time of the submittal of application for Water Right No. 5735-3 in September 1992. This information is supported by lithologic logs (SDGS, 2022) and construction information for nearby observation wells (Water Rights, 2022c). The aquifer is expected to be confined at the site of the applicant's proposed well with artesian head pressure ranging from approximately 50 to 70 feet above the top of the aquifer.

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 from the Tulare: Hyde aquifer.

WATER AVAILABILITY:

This application proposes to appropriate water from the Tulare: Hyde aquifer. The probability of unappropriated water available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires the amount of water withdrawn annually to not exceed the average estimated recharge unless the aquifer is older or lower than the Greenhorn Formation and the applicant is a water distribution system. The Tulare: Hyde aquifer is not stratigraphically lower/older than the Greenhorn Formation (Fahrenbach et al, 2010), and the applicant is not a water distribution system as defined in SDCL 46-1-6(17). Therefore, a comparison of average annual recharge and average annual withdrawals from the Tulare: Hyde aquifer is required for this application.

Observation Well Data:

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

The Water Rights Program currently maintains 5 observation wells labeled as completed into the Tulare: Hyde aquifer (Water Rights, 2022c). Based on work done by Rich (2012), only three observation wells, HY-76A, HY-78A and HY-78B, are completed into the continuous deposit. The other two wells, HY-79A and HD-79B, are completed into discontinuous aquifer materials further east. The hydrographs for HY-76A, HY-78A and HY-78B are shown in Figures 1-3. The water level data shown on the hydrographs is reasonable and representative of the aquifer.

The hydrographs show generally stable to rising water levels in the aquifer over their respective periods of record. The hydrographs document the aquifer responds well to climatic conditions with rising water levels during wetter periods and declining to stable levels during drier periods. Furthermore, the water levels of the aquifer readily recover between irrigation pumping seasons. The water level responding to climatic conditions and recovery between irrigation seasons is indicative that climatic conditions and, therefore, recharge to and natural discharge from the aquifer govern the long term fluctuations in water levels in the aquifer instead of pumping. By recognizing both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs document there is a reasonable probability of unappropriated water being available for this proposed appropriation.

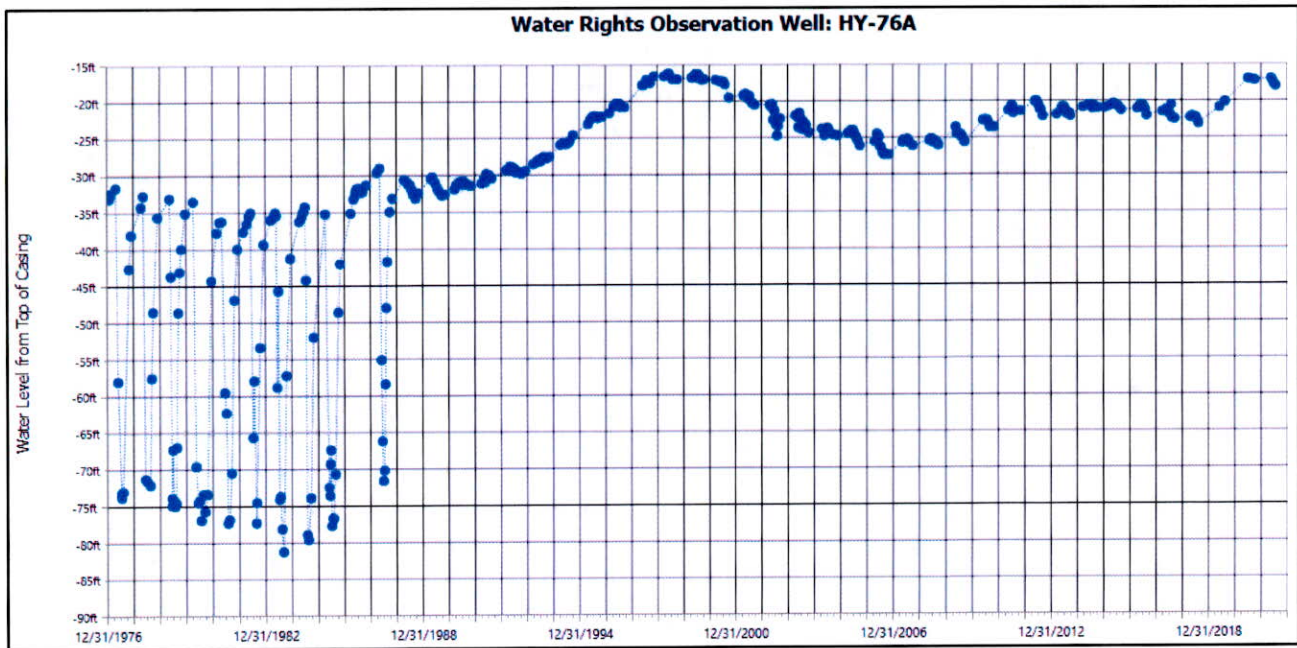


Figure 1- Hydrograph for observation well HY-76A approximately 1.7 miles north of proposed well site (Water Rights, 2022c)

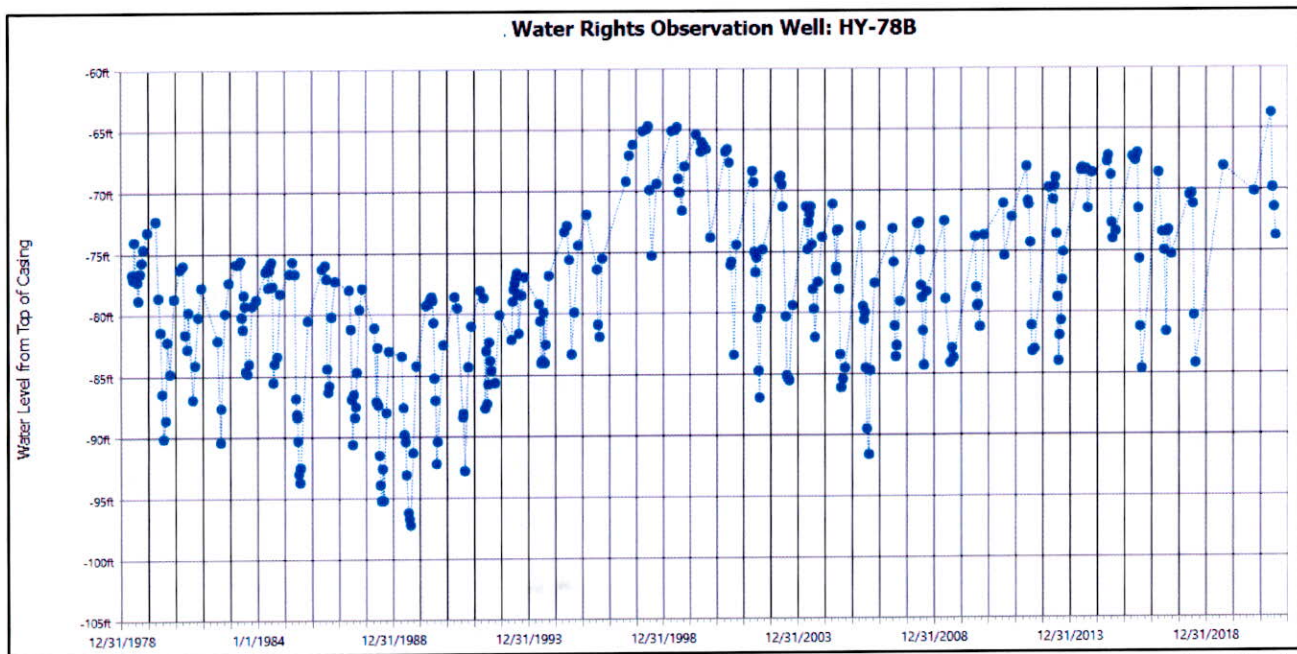


Figure 2- Hydrograph for observation well HY-78B approximately 1.8 miles west of proposed well site (Water Rights, 2022c)

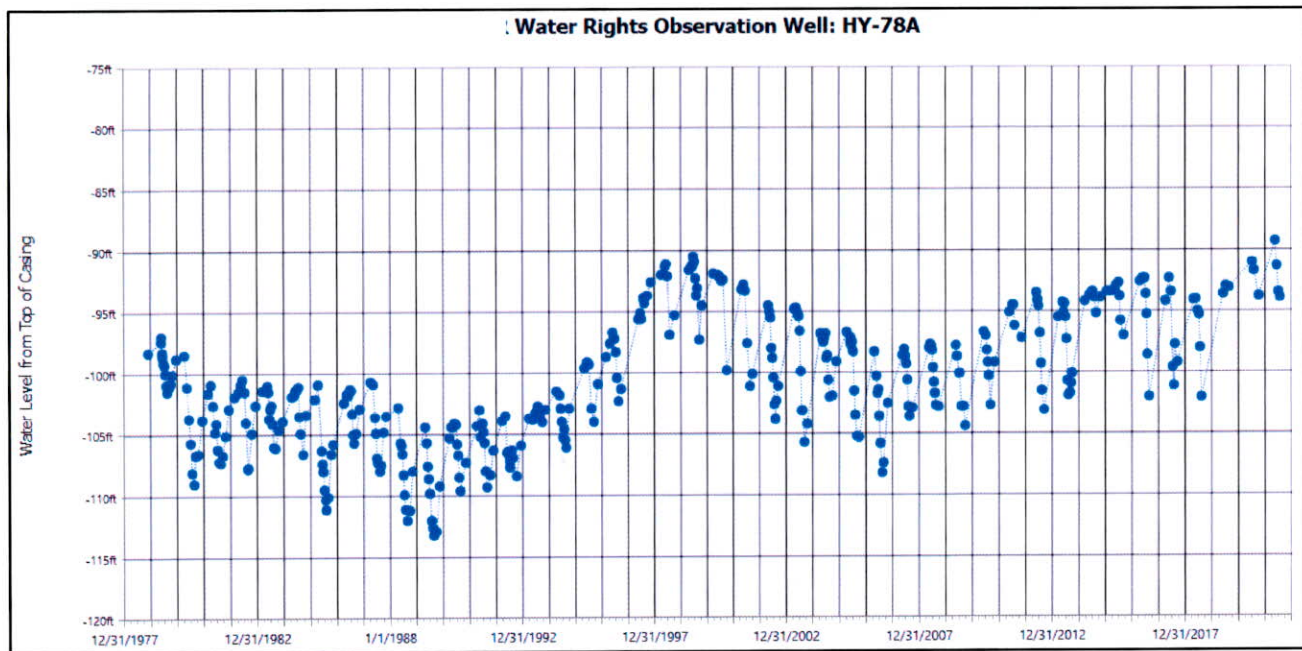


Figure 3- Hydrograph for observation well HY-78A approximately 3.8 miles north of proposed well site (Water Rights, 2022c)

Hydrologic Budget

Recharge

Recharge to the aquifer is from the infiltration of precipitation and snowmelt through overlying sediments and direct infiltration in areas where the aquifer is near land surface (Koch, 1980) as well as groundwater inflow from hydrologically connected aquifers and transmissive materials. There is no specific recharge rate available for the Tulare: Hyde aquifer. Hedges and others 1985) suggested a recharge rate range of 0.15 to 0.60 inches per year for buried-confined aquifers, such as the Tulare: Hyde. Using the 27,300 acres previously mentioned, that is an estimated average annual recharge ranging from 341 to 1,365 ac-ft/yr.

Discharge:

Discharge occurs through well withdrawals, possible evapotranspiration where the aquifer may be at surface and potentially outflow to hydrologically connected aquifers (Koch, 1980). Currently, only Water Right No. 5735-3 for the irrigation of 252 acres at 1.89 cfs authorizes appropriate withdrawal from the Tulare: Hyde aquifer (Water Rights, 2022d). This water right is held by the applicant. Historically, there were two other permits, Cancelled Permit No. 2720-3 and Incorporated License No. 3334-3, that were authorized to withdraw water from the Tulare: Hyde aquifer. Incorporated License No. 3334-3 is incorporated into Water Right No. 5735-3. The historic irrigation use from the aquifer by each of the permits is shown in Table 1. There are a number of domestic wells completed into the Tulare: Hyde aquifer. Due to the presence of rural water systems in the area of the aquifer, the low diversion rate allowed for reasonable domestic use, and the relatively low density of rural dwellings over the areal extent of the aquifer, domestic use is considered to be a negligible portion of the hydrologic budget.

Table 1- Historic reported irrigation use from the Tulare: Hyde aquifer (Water Rights, 2022b)

Year	2720-3	3334-3	5735-3	Annual Pumpage (ac-ft/yr)
1976	122.7			122.7
1977	198.9	156.5		355.4
1978	61.8	not submitted		61.8
1979	158.6	120.2		278.8
1980	143.6	308.0		451.6
1981	not submitted	not submitted		0.0
1982	71.6	183.0		254.5
1983	63.6	251.7		315.3
1984	95.5	259.2		354.6
1985	not submitted	417.0		417.0
1986	0	195.3		195.3
1987	0	262.9		262.9
1988	0	495.8		495.8
1989	0	409.4		409.4
1990	0	221.6		221.6
1991	0	447.0		447.0
1992	cancelled	364.4		364.4
1993		incorporated	326.8	326.8
1994			300.5	300.5
1995			202.8	202.8
1996			394.4	394.4
1997			22.5	22.5
1998			165.3	165.3
1999			139.0	139.0
2000			176.5	176.5
2001			169.0	169.0
2002			195.3	195.3
2003			255.4	255.4
2004			30.3	30.3
2005			319.3	319.3
2006			251.7	251.7
2007			345.6	345.6
2008			232.0	232.0
2009			266.7	266.7
2010			90.2	90.2
2011			112.7	112.7
2012			240.4	240.4
2013			281.7	281.7
2014			90.2	90.2
2015			75.1	75.1
2016			90.2	90.2
2017			112.7	112.7
2018			139.0	139.0
2019			26.3	26.3
2020			89.5	89.5
Average 1976-2020				225.5
Average 1993-2020				183.6

Balance of Hydrologic Budget

Estimated average annual recharge to the Tulare: Hyde aquifer ranges from 341 to 1,365 ac-ft/yr. The average annual use over the period of record (1976-2020) is 225.5 ac-ft/yr and the average since there has only been one permitted user (1993-2020) has been 183.6 ac-ft/yr. In general, irrigators in eastern South Dakota apply less than one foot of water per irrigated acre. That means on average this application, if approved, is estimated to use less than 320 ac-ft/yr. While that would exceed the lowest end of the recharge rate range, the observation well data shows that the recharge rate is likely greater than the bottom end of the range from Hedges and others (1985). Therefore, there is a reasonable probability unappropriated water is available for this proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

The Tulare: Hyde aquifer is under confined conditions. The nearest appropriative well is owned by the applicant in use for Water Right No. 5735-3 and is located approximately 0.65 miles to the west of the proposed well site (Water Rights, 2022d). There are two well completion reports on file with the Water Rights Program within approximately two miles of the proposed well site for domestic wells that appear to be completed into the Tulare: Hyde aquifer (Water Rights, 2022e). The nearest is approximately 1.6 miles west of the proposed well site. There may be other domestic wells not on file with the Water Rights Program near the applicant's proposed well site.

Observation well HY-76A is located within approximately 0.15 miles from the well authorized by Cancelled Permit No. 2720-3 which authorized a diversion rate of 1.85 cfs. The hydrograph for HY-76A is shown in Figure 1. When there was pumping in the nearby irrigation well, seasonal drawdown is readily evident. In general, the irrigation pumping lowered the artesian head pressure in the observation well approximately 40 to 45 feet. However at the lowest recorded water levels there was still approximately two feet of artesian head pressure. If the applicant intends to completely irrigate both proposed quarters and locate the well in the center of one of those quarters, that means any area domestic wells will be at least 0.25 miles away. Considering the further distance between the proposed wells and the likely location of other nearby wells and the fact this application is requesting a diversion rate less than what was authorized by Cancelled Permit No. 2720-3, any nearby wells would be expected to experience even less drawdown than observation well HY-76A.

In a confined aquifer, drawdown created by pumping a well can extend some distance from the well. The applicant's proposed well site will be under confined conditions. South Dakota Codified Law (SDCL) 46-6-6.1 does not necessarily protect artesian head pressure as a means of delivery, and the Water Management Board has recognized in the past to place water to maximum beneficial use, a certain amount of drawdown may occur. In order to balance interests between appropriative use and delivery of water by artesian head pressure, the Water Management Board defined an "adversely impacted domestic well" in Administrative Rule of South Dakota (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 of water issue for Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Water Management Board adopted Findings of Facts and

Conclusions of Law that noted 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 an adverse impact it would also be in conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to lower their pumps to accommodate for deeper water levels where the aquifer is locally confined. There are no well interference complaints on file for the Tulare: Hyde aquifer (Water Rights, 2022a). Based on the information available, there is a reasonable probability this application can be developed without unlawfully impairing existing adequate appropriative user wells or domestic users with adequate wells.

CONCLUSIONS:

1. Application No. 8603-3 proposes irrigating 320 acres at a maximum instantaneous diversion rate of 1.78 cfs from a well to be completed into the Tulare: Hyde aquifer in Hyde County.
2. Based on the observation well data and a hydrologic budget, there is a reasonable probability unappropriated water is available for this proposed appropriation.
3. There is a reasonable probability that pumping this proposed diversion will not unlawfully impair existing domestic water users and water rights with adequate wells.



Adam Mathiowetz, PE
SD DANR-Water Rights Program

REFERENCES:

- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, L.D., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigation 3. SD DANR-Geological Survey. Vermillion, South Dakota.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Tasks 1-4. Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185. SD DANR-Geological Survey. Vermillion, South Dakota.
- Hedges, L.S., Allen, J.C., and 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. SD DANR-Geological Survey. Vermillion, South Dakota.
- Koch, N.C. 1980. Geology and Water Resources of Hand and Hyde Counties, South Dakota Part II: Water Resources. Bulletin 28. SD DANR-Geological Survey. Vermillion, South Dakota.

- Rich, T. 2012. First Occurrence of Aquifer Materials in Hyde County, South Dakota. Aquifer Materials Map 33. SD DANR-Geological Survey. Vermillion, South Dakota.
- SDGS. 2022. *Lithologic Logs Database*. <<http://cf.sddenr.net/lithdb/index.cfm>>. Accessed April 1, 2022. SD DANR-Geological Survey Program. Vermillion, South Dakota.
- Water Rights. 2022a. County Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2022b. Irrigation Questionnaire Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2022c. Observation Well Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2022d. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2022e. Well Completion Reports. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- 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, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, April 11, 2022 9:07 AM
To: colettemccloud@gmail.com
Subject: Water Permit Application No. 8603-3
Attachments: 3263.pdf

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

Karen Schlaak

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



RECEIVED

MAY 05 2022

WATER RIGHTS
PROGRAM

PO Box 630567 Cincinnati, OH 45263-0567

LOCALiQ

Aberdeen News
Watertown Public Opinion

PROOF OF PUBLICATION

Karen Schlaak
Mark McCloud
33670 183Rd ST
Highmore SD 57345-5122

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the Issue dated:

04/21/2022

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 04/21/2022

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$47.00

Order No: 7163355

of Copies:

Customer No: 740829

1

PO #: Water app 8603-3

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KATHLEEN ALLEN
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8603-3
to Appropriate Water

Notice is given that Mark McCloud, 33670 183rd St, Highmore SD 57345 has filed an application for a water permit to appropriate 1.76 cubic feet of water per second from one well to be completed into the Tulare-Hyde Aquifer (approximately 150 feet deep) located in the center of the SE 1/4 Section 11 for Irrigation of 320 acres located in the E 1/2 Section 11; all in T115N-R72W. This site is located approximately 17 miles north of Highmore SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8603-3 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 May 2, 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 May 2, 2022.

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Published once at the total approximate cost of \$47.00.
Apr. 21, 2022 #7163355

RECEIVED

APR 25 2022

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF HYDE

)
)ss.
)

MARY ANN MORFORD

of said county and state, being duly sworn, on her oath says: THE HIGHMORE HERALD is a weekly newspaper of general circulation, printed and published in HIGHMORE in said county and state by Mary Ann Morford and has been such a newspaper during the times hereinafter mentioned; that the said HIGHMORE HERALD is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned, and has more than two hundred bona fide subscribers; that I the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit and that the advertisement entitled

Notice of Application

a printed copy of which is hereto attached, was printed and published in said newspaper for one (1) issue, the publication being made on April 21, 2022; and that \$ 41.67 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Mary Ann Morford
Mary Ann Morford, Publisher

Subscribed and sworn to before me this 21st
day of April 2022

Mary Chamhi
Notary Public, Hyde County, South Dakota

My Commission Expires July 8, 2022

NOTICE OF APPLICATION NO. 8603-3 TO APPROPRIATE WATER

Notice is given that Mark McCloud, 33670 183rd Street, Highmore South Dakota 57345, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Tulare:Hyde Aquifer (approximately 150 feet deep) located in the center of the SE 1/4 Section 11 for irrigation of 320 acres located in the E 1/2 Section 11; all in T115N-R72W. This site is located approximately 17 miles north of Highmore, South Dakota.

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FPNO 37 LPNO 37

Published once at the total approximate cost of \$41.67 and can be viewed free of charge at www.sdpublicnoticesd.com.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, April 11, 2022 8:54 AM
To: Aberdeen News Legals (aan-legals@aberdeennews.com)
Subject: 8603-3, Mark McCloud
Attachments: 8603-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 21, 2022.

Mark McCloud, 33670 183st, Highmore SD 57345 (605 870-0581) 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: Monday, April 11, 2022 8:53 AM
To: Highmore Herald (hiherald@venturecomm.net)
Subject: 8603-3, Mark McCloud
Attachments: 8603-3public.short_final.docx; FORM8.FRM.doc

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Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

April 11, 2022

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

Water Permit Application No. 8603-3 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 Highmore Herald printed at Highmore (Ph # 605 852-2927) and the American News printed at Aberdeen (Ph # 605 225-4100). 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.

NOTICE OF APPLICATION NO. 8603-3 to Appropriate Water

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Published once at the total approximate cost of



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 01 2022

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

Enclosed is Water Permit No. 8603-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures



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: MARK MCCLOUD, 33670 183RD ST, HIGHMORE, SD 57345

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) 5735-3 & 8603-3. 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) 5735-3 & 8603-3 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) 5735-3 & 8603-3 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: GHPLUC**

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 27, 2023

5735-3
8603-3

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

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

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 5735-3 and Water Permit No. 8603-3. 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

8603-3

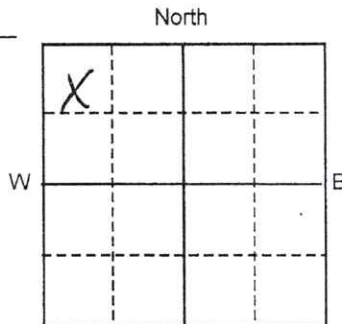
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 NW 1/4 Sec 11 Twp 115 Rg 72County Hyde

Please mark well location with an "X"



Well Completion Date

3-11-2024

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

None ft. from (Identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse Circulation

CASING DATA:

☐ Steel ☒ Plastic ☒ Other
 If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SDR26</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>110</u> FT	<u>26</u> IN
<u>S.S.</u> LB/FT	<u>16</u> IN	<u>110</u> FT	<u>160</u> FT	<u>26</u> IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>#20</u>	<u>80</u>	Lb/gal	<u>0</u> Ft	<u>105</u> Ft
<u>per AM 4/4/24</u>		Lb/gal		

Describe grouting procedure

Tremmie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16 Inches Length 50 Feet
Material Stainless SteelSlot Size .050 Set From 110 Feet to 160 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ NoIf so, what material? Enviro PlugDescribe packer(s) and location Above Screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not?
 Lab to which water quality sample sent for analysis
Well Owner: Mark McCloud

Business Name:

Address: 33670 183rd StCity, State, Zip: Highmore SD 57345

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>Yellow Clay</u>	<u>1</u>	<u>36</u>
<u>Blue Clay</u>	<u>36</u>	<u>86</u>
<u>Sand</u>	<u>86</u>	<u>160</u>

STATIC WATER LEVEL

58

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve☐ Reducers☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Air☐ Bailed☐ Other

Pumping Level Below Land Surface

120 Ft. After 5 Hrs. pumped 1500 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

This well was drilled under license # 722 and this report is true and accurate.Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Tom Guthrie

Signature of Well Owner or Equitable Property Holder:

Mark McCloudDate: 3/29/24

RECEIVED

APR 04 2024

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 8, 2024

8603-3

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

I am writing you today to follow up on our telephone conversation regarding the construction of a well in the NW ¼ NW ¼ Section 11, T115N-R72W, Hyde County.

Water Permit No. 8603-3 was issued to you on May 2, 2022, and authorizes the diversion of 1.78 cfs from 1 well located in the approximate center of the SE ¼ Section 11, T115N-R72W.

When we spoke on the phone, you indicated that the well was not completed into the SE ¼ Section 11, as advertised, due to the unavailability of water in that area. Our office will complete a review to determine whether the change in location may increase the potential for interference with other existing diversions.

Please complete the highlighted portions of the enclosed permit application and return it to our office with a "X" on the enclosed map marking the well location. A prepaid envelope has been provided for your convenience.

Do not remit a fee with the application and map. If the potential for interference is not increased, the well location can be changed without the need to process the application pursuant to South Dakota Codified Law 46-5-13.1.

Sincerely,

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

enclosures

8603-3

RECEIVED

APR 23 2024

OFFICE OF
WATER**FORM 2: Application for irrigation in South Dakota**
(type or print)

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____
	(office use only)

Application for Permit to Appropriate Water for Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 8603-3
(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Mark McCloud

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

Mailing Address 33670 183rd St Highmore SD 57345
(Address) (City) (State) (Zip Code)

Phone _____ Mobile _____ Email _____

2. Amount of water claimed N/A*CFS or N/A **GPM N/A ***AF Total Acreage N/A
(*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 well (T: HY)

4. Location of point of diversion NW 1/4 NW 1/4 Section 11-T115N-R72W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hyde

5. County or counties where water will be used Hyde

6. Annual period during which water is to be used April 1 - October 31

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
E 1/2 Sec 11 - T115N - R72W	320.0		

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

Well was originally advertised to be located in approx center SE 1/4 Sec 11, T115N, R72W.
No water was found in the authorized area.

Requesting authorization to move diversion point to NW 1/4 NW 1/4 Sec 11, T115N, R72W.
Water will be piped to irrigated acres with no increase in acres or rate of diversion.

I, Mark McCloud 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.

2021-08

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)

☐ Drilling new well(s) ☐ Using existing well(s)

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

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

For either existing or proposed wells: Stretch's Well Drilling submitted WCR April 4, 2024

c) Well Depth (required) 160 Depth to Top of Water Bearing Material _____ Depth to Water from Surface 58

d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____
3 wells within 3/4 of a mile. 2 of them are test wells. → 3/4 of a mile away from property owned by other. I have the water rights.

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

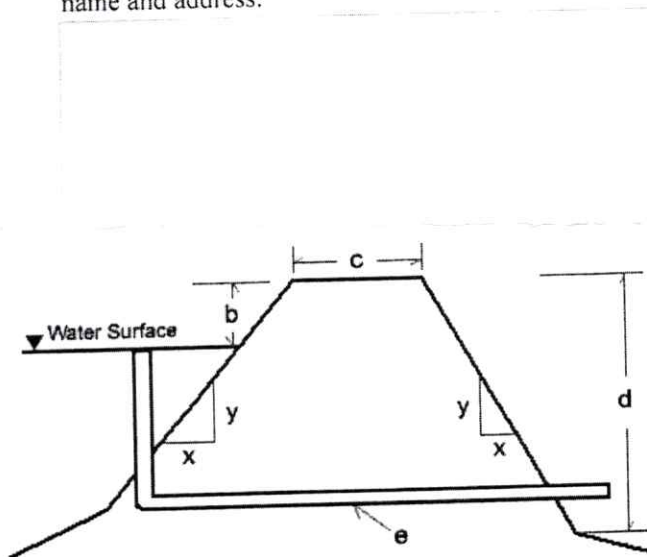
a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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



b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Approval of Location Change and/or Additional Diversion Point(s)NAME: Mark McCloudADDRESS: 33670 183rd St, Highmore SD 57345DATE: April 24, 2024COUNTY: Hyde**GENERAL DESCRIPTION OF AUTHORIZED PROJECT:**

Mr. McCloud holds Water Permit No. 8603-3. The permit holder was authorized to construct one well, for diversion of 1.78 cubic feet of water per second (cfs), into the Tulare: Hyde Aquifer in the approximate center of the SE ¼ Section 11 for the irrigation of 320 acres located in the E ½ Section 11; all in T115N-R72W, Hyde County.

Mr. McCloud has filed a request to change the location of the well to the NW ¼ NW ¼ Section 11, T115N-R72W, Hyde County. The well is completed into the Tulare: Hyde Aquifer.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased.

- **Developed water source same as permitted source and no additional water appropriated**

The permit holder constructed the irrigation well, with a diversion rate of 1.78 cfs, into the Tulare: Hyde Aquifer in the NW ¼ NW ¼ Section 11, T115N-R72W, Hyde County. Therefore, the well is in the same water source and no additional water is appropriated by this request.

- **If irrigation, no new land is irrigated**

Water Permit No. 8603-3 authorizes the irrigation of 320 acres within the E ½ Section 11, T115N-R72W. No additional acres are authorized by this request.

- **Review of Existing Diversions**

There are two existing water permits/rights and two domestic wells within 2 miles of where the new well has been developed. The nearest water right authorized for appropriation from the same source (T:HY) is Water Right No. 5735-3. It should be noted that Mr. McCloud is also the holder of Water Right No. 5735-3, located approximately ¾ miles S of the new well location for Permit No. 8603-3. All but one of the permitted/domestic wells, within 2 miles of the new well location, were developed prior to Permit No. 8603-3 being approved. The review of the Water Permit No. 8603-3 concluded there was reasonable probability any well interference due to pumping of the well would not adversely or unlawfully impair existing rights held by other users. The same would be expected for the well constructed in the NW ¼ NW ¼ Section 11, T115N-R72W, Hyde County. Interference is not expected.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be developed and permitted as requested by Mark McCloud.



Amanda Dewell, Permitting Administrator
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.

A handwritten signature in cursive script, appearing to read "Eric Gronlund", is written over a horizontal line.

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 24, 2024

8603-3

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

This letter is in regard to your request for the relocation of the irrigation well authorized by Permit No. 8603-3. Your request stated that the well would be located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T115N-R72W, Hyde County, and was made because the original well site did not produce water.

Water Permit No. 8603-3 authorized a diversion rate of 1.78 cfs from one well completed into the Tulare: Hyde Aquifer, for the irrigation of 320 acres located in the E $\frac{1}{2}$ Section 11, T115N-R72W. According to the Permit No. 8603-3, the well was to be located in the approximate center SE $\frac{1}{4}$ Sec 11, T115N-R72W.

Upon review of your request and pursuant to SDCL 46-5-13.1, the relocation of the irrigation well is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

No increase in the authorized diversion rate from the Tulare: Hyde Aquifer, or additional acres are authorized.

If you have any questions, please contact Amanda Dewell at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



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

January 14, 2025

NOTICE

TO: MARK MCCLOUD, 33670 183RD ST, HIGHMORE, SD 57345

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5735-3 & 8603-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5735-3 & 8603-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5735-3 & 8603-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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 24, 2025

5735-3
8603-3

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 5735-3 & 8603-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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