

WATER PERMIT NO. 8609-3

Name of Applicant: Cloverleaf Farms Inc.

Address: 609 N Walnut, Elk Point SD 57025

Phone: 712 251-8581

Amount of Water Claimed: 2.0 cfs

Total Acres: 60

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System:

Location: 4 miles south of Elk Point

PRIORITY

Date Received: 3-7-22

Application/License Fee: \$ 700

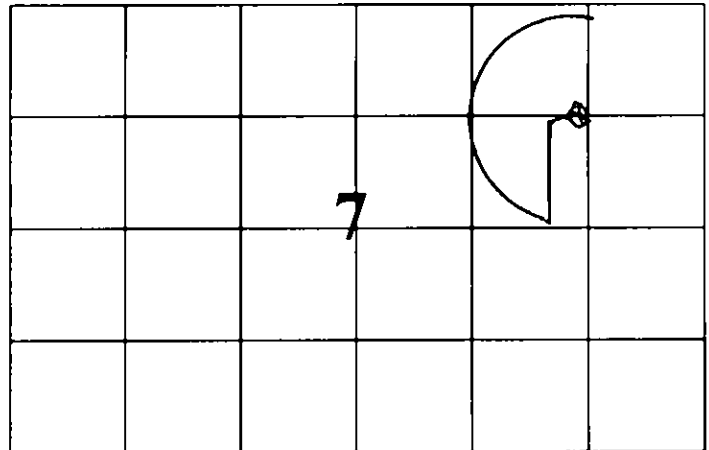
Corrected Application Received: 3-14-22

Period of Annual Use: May 1 – Aug 31

Remarks: Requesting diversion rate greater than statutory limit

Diversion Point: E 1/2 NE 1/4 Sec 7-T90N-R49W

Land to be Irrigated: E 1/2 NE 1/4 Sec 7-T90N-R49W



Depth of Well: 100 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-14-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8609-3**

Date of first receipt of application March 7, 2022.

Date of return to applicant for corrections, amendments or changes March 8, 2022.

Date of receipt of corrected application March 25, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8609-3 to Cloverleaf Farms Inc., c/o William J Curry, 609 N Walnut, Elk Point SD 57025 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. 8609-3 appropriates 2.0 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in the E 1/2 NE 1/4 Section 7 for irrigation of 60 acres located in the E 1/2 NE 1/4 Section 7; all in T90N-R49W. This site is located approximately 4 miles south of Elk Point 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 March 7, 2022.
4. The date of approval of Permit No. 8609-3 is May 31, 2022.
5. One-fifth of the construction is to be completed on or before December 1, 2024.
6. All construction is to be completed on or before May 31, 2027.
7. Water is to be put to beneficial use on or before May 31, 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. 8609-3 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. 8609-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8609-3 authorizes a maximum diversion rate of 2.0 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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 28 2022
date



RECEIVED

MAR 07 2022

PAID

MAR 7 2022

Ck# 16686

Rec't#

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8609-3</u>	(office use only) Hydrologic Unit <u>10170101</u>	WATER RIGHTS PROGRAM
	Basin <u>Vermillion River</u>		
	Newspaper <u>Leader-Courier</u> <u>Press & Dakotan</u>		

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 Cloverleaf Farms, Inc

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

Mailing Address 609 N. Walnut Elk Point SD 57025
(Address) (City) (State) (Zip Code)

Phone 605-356-3370 Mobile 712-251-9581 Email Sodak4004@yahoo.com

2. Amount of water claimed N/A ^{2.0} *CFS or 900 **GPM N/A ***AF Total Acreage N/A 60
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Underground Elk Point Aquifer

4. Location of point of diversion one well in E 1/2 NE 1/4 Section 7
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

T90N R49W County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used May, June, July and August April 1 - Sept 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 NE 1/4 7 T90N R49W	36		
SE 1/4 NE 1/4 7 T90N R49W	24		

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

Pivot Irrigation of farmland - Requesting diversion rate greater than statutory limit.

I, William J. Curry President, 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)

*Existing geologic information should be available at this location

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

location

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 N/A Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) 100' Depth to Top of Water Bearing Material 30' Depth to Water from Surface 18'

d) Distance to nearest domestic well on applicant's property N/A Property owned by others 300'

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) N/A Year Constructed _____

c) Connected to the City of N/A Sanitary System

3. Dugout Information

a) Surface Dimensions N/A Depth N/A

b) Depth to water (ground surface to water level) N/A

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:

N/A

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)

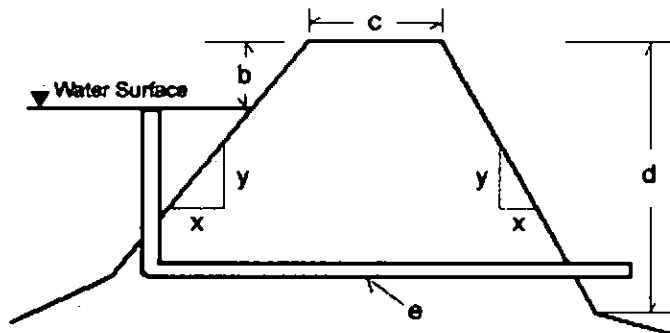
Upstream _____

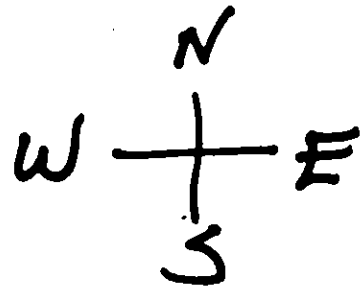
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





$E\frac{1}{2}$ NE $\frac{1}{4}$, 7, T90N R49W

Proposed
Well
location



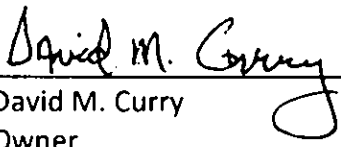
Frank Minor
32750 478th
Elk Point, SD
57025



March 4, 2022

To Whom it May Concern,

I have authorized, Cloverleaf Farms, Inc, through my brother, William J. Curry to act on my behalf to represent me to apply for an irrigation permit to irrigate the E ½, NE ¼, 7, T90NR49W in Union County, SD.



David M. Curry
Owner

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date March 7, 2022

RECEIVED OF Cloverleaf Farms, Inc. 609 Walnut Elk Point SD 57025

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

Fee for Application for Permit No. <u>8609-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</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>8609-3</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>700.00</u>

By Eric Gronlund
Chief Engineer
Em



531275501

ANNUAL REPORT

Domestic Business Corporation
SDCL 59-11-24, 24.1

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

2021
FILING YEAR

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DF009800
BUSINESS ID

CLOVERLEAF FARMS, INC.
BUSINESS NAME

2. The jurisdiction under whose law it is formed SOUTH DAKOTA

3. The address of the principal executive office (business address):

Actual Street Address

609 N. WALNUT ST
ELK POINT, SD 57025

Mailing Address

609 N. WALNUT ST
ELK POINT, SD 57025

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Brian M Curry**

Actual Street Address in this State

609 N WALNUT ST
ELK POINT, SD 57025

Mailing Address in this State

609 N WALNUT ST
ELK POINT, SD 57025

5. The names and business addresses of its principal officers.

Title	Name	Address
Vice President	BRIAN M CURRY	47732 - 328TH STREET ELK POINT, SD 57025
President	WILLIAM J CURRY	502 N ELM STREET, ELK POINT, SD, 57025

6. The names and business addresses of its directors (governors).

Name	Address
------	---------

7. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 47-1A-129; 22-39-36).



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 8, 2022

Cloverleaf Farms Inc.
c/o William J Curry
609 N Walnut
Elk Point SD 57025

Dear Mr. Curry:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Union County. In order to complete the application, the following is required.

- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please outline the 60 acres to be irrigated and mark the proposed well location with an "X".

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

Schlaak, Karen

From: Michelle Fejfar <michelle@cloverleafsd.com>
Sent: Friday, March 11, 2022 8:35 AM
To: Schlaak, Karen
Cc: Bill Curry (sodak4004@yahoo.com)
Subject: [EXT] attached requested information
Attachments: 0794_001.pdf

Good Morning Karen,

I have attached the additional information you requested for the application for a permit to appropriate Water for irrigation in Union County.

If any other additional information is needed, please let me know.

Thank you

*Michelle Fejfar
Office Administrator
Cloverleaf Farms, Inc
609 N. Walnut St.
Elk Point, SD 57025
605-356-3370*



**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. 8609-3, Cloverleaf Farms, Inc.**

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. 8609-3, Cloverleaf Farms, Inc., c/o William J Curry, 609 N Walnut, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 8609-3 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. 8609-3 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. 8609-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8609-3 authorizes a maximum diversion rate of 2.0 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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
May 11, 2022

Report to the Chief Engineer
On Water Permit Application No. 8609-3
Cloverleaf Farms Inc.

April 4, 2022

Water Permit Application No. 8609-3 proposes to appropriate water at a maximum instantaneous diversion rate of 2.0 cubic feet per second (cfs) from one well to be completed into the Missouri: Elk Point aquifer (approximately 100 feet deep) located in the E ½ NE ¼ of Section 7 for irrigation of 60 acres located in the E ½ NE ¼ of Section 7; all in T90N-R49W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The site is located in Union County approximately four miles south of Elk Point, SD.

AQUIFER: Missouri: Elk Point (M: EP)

HYDROGEOLOGY:

The Missouri: Elk Point aquifer is a glacial deposit of comprised of unconsolidated materials that consist of fine sand to very coarse gravel (Niehus, 1994; Stephens, 1967). The Missouri: Elk Point aquifer underlies Clay, Union, and Yankton counties in South Dakota (Hedges et al., 1982). The Missouri: Elk Point aquifer underlies approximately 219,000 acres and contained approximately 3,287,100 acre-feet (ac-ft) of recoverable water in storage (Hedges et al., 1982). The approximate areal extent of the Missouri: Elk Point aquifer is displayed in Figure 1 along with the location of the diversion point. The Missouri: Elk Point aquifer is hydraulically connected to the Lower James Missouri and the Lower Vermillion Missouri aquifers, as well as the Big Sioux, Missouri, James, and Vermillion Rivers (Niehus, 1994, Stephens, 1967).

No well completion report or test hole log was submitted with Water Permit Application No. 8609-3. Well completion reports on file with the DANR-Water Rights Program for wells completed into the Missouri: Elk Point aquifer within approximately one and one-half miles of the proposed diversion point for this application have a saturated thickness ranging from approximately 55 to 130 feet, with the depth to the top of aquifer materials ranging from approximately 10 to 70 feet below land surface, and static water levels at well completion varying from approximately 15 to 25 feet below land surface (SDGS, 2022; Water Rights, 2022b and 2022d). The Missouri: Elk Point aquifer is expected to be unconfined at the proposed diversion point based on lithologic logs on file for nearby observation wells and well completion reports for nearby wells (SDGS, 2022; Water Rights 2022b and 2022d). It should be noted that the Missouri: Elk Point aquifer is overlain by clay in the area of the proposed diversion point; however, the clay has been noted to be sandy or silty and does not act as a confining layer as a result (Water Rights, 2022d).

South Dakota Codified Law (SDCL) 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of 1 cfs for every 70 acres, or “the equivalent thereof.” The statute does provide that: “The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of

irrigation, any time constraints on diversion of water, or the type of soil so requires....” Water Permit Application No. 8609-3 proposes to divert water at a maximum rate of 2.0 cfs for the irrigation of 60 acres or at a rate of 2.3 cfs per 70 acres. The applicant is requesting a diversion rate greater than the statutory limit due to system parameters. The pivot is only making a half turn and not a full rotation but still requires the same diversion rate in order to operate properly as a pivot making a full rotation, which results in the exceedance. The request by the applicant is reasonable and has been historically accepted as a valid reason for exceeding the statutory limitation by the Water Rights Program and the Water Management Board.

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 Missouri: Elk Point aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8609-3 proposes to appropriate water from the Missouri: Elk Point aquifer for irrigation. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. However, an application may be approved for a water distribution system for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge.” The Missouri: Elk Point 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 Missouri: Elk Point aquifer must be considered.

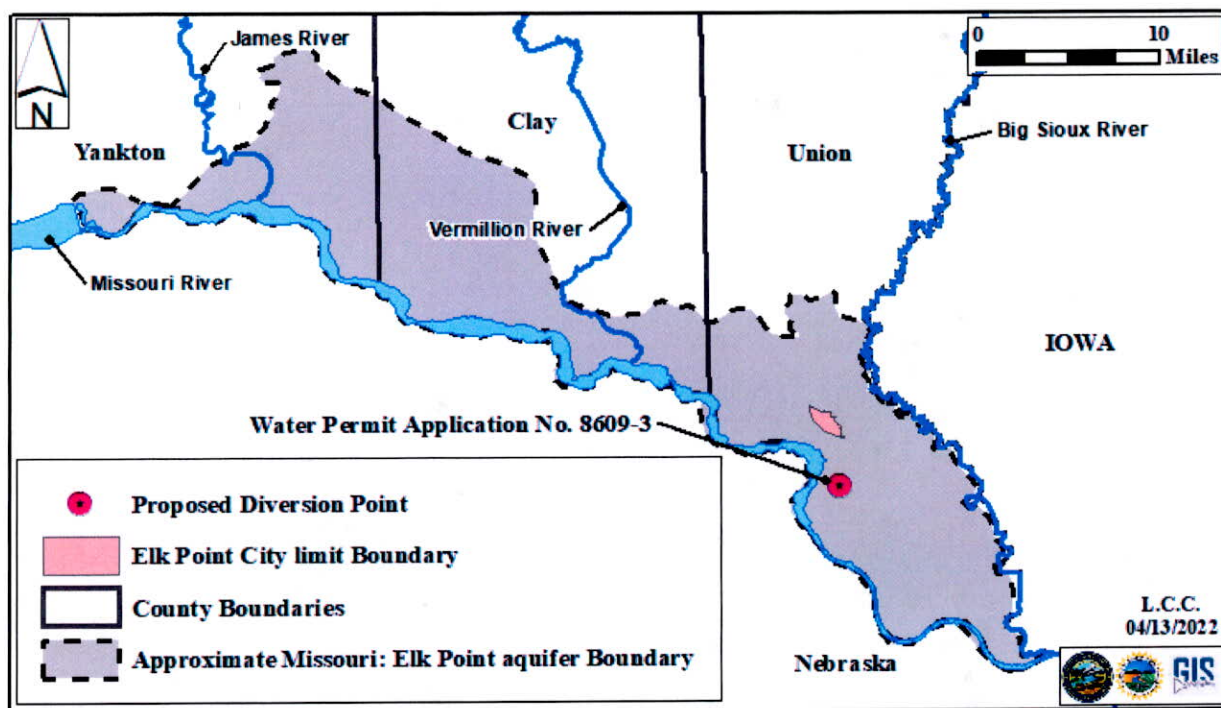


Figure 1: The approximate areal extent of the Missouri: Elk point aquifer including the diversion point location of Water Permit Application No. 8609-3 (Hedges et al., 1982; Water Rights, 2022b and 2022c).

HYDROLOGIC BUDGET:

Recharge

Recharge to the Missouri: Elk Point aquifer is primarily through infiltration of precipitation, seepage from the Big Sioux, James, Missouri, and Vermillion Rivers, and inflow of groundwater from the Lower James Missouri and Lower Vermillion Missouri aquifers (Bugliosi, 1986; Niehus, 1994). The recharge rate to the Missouri: Elk Point aquifer was estimated by Hedges and others (1985). The average annual recharge rate that was estimated for the Missouri: Elk Point aquifer was 3.8 inches per year (Hedges et al., 1985). The estimated areal extent of the Missouri: Elk Point aquifer is 219,100 acres (Hedges et al., 1985). Therefore, the estimated average annual recharge to the Missouri: Elk Point aquifer is approximately 69,382 ac-ft/yr. A more recent study of the Missouri: Elk Point aquifer noted that withdrawals from the aquifer will bring an influx of recharge from the Missouri River (Stephens, 1967). Stonesifer (2013) estimated that the Missouri River contributed approximately 22,582 ac-ft/yr as a result of pumping from the Lewis and Clark RWS. This additional recharge to the aquifer results in the total estimated annual recharge of the Missouri: Elk Point aquifer to approximately 92,000 ac-ft/yr. It should be noted that other wells (domestic and appropriative) in close vicinity to the Missouri River can induce recharge from the river, the amount of induced recharge has yet to be estimated.

Discharge

Discharge from the Missouri: Elk Point aquifer is primarily through evapotranspiration where the aquifer is at or near land surface, leakage to the Dakota aquifer, outflow to the Big Sioux, James,

Missouri, and Vermillion Rivers, and well withdrawals (Bugliosi, 1986; Nichus, 1994). Currently, there are 623 water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer, including two pending applications - Water Permit Application Nos. 8610-3 and 8615-3 propose the irrigation of 225 acres combined (Water Rights, 2022c). There are five future use permits reserving water from the Missouri: Elk Point aquifer presently and the amount of future use permits has not changed since the report by Hansen (2021) was completed. For the purpose of estimating the average annual withdrawal rate from the Missouri: Elk Point aquifer, the five future use permits are assumed to be fully developable for a total of 14,900 ac-ft/yr (Water Rights, 2022c).

The estimated average annual use for non-irrigation water rights/permits within the Missouri: Elk Point aquifer was estimated by Hansen (2021) to be approximately 48,361 ac-ft/yr. It should be noted that Water Permit Nos. 5998A-3 and 7388-3, held by Clay Rural Water System Inc., are included in this average annual use estimate as a result 5998A-3 being authorized for turf, domestic, irrigation, and domestic use and 7388-3 being authorized for rural water system use (Hansen, 2021).

The estimated average annual use for irrigation water rights/permits from the Missouri: Elk Point aquifer from 1979 to 2020 is approximately 19,031 ac-ft/yr (Hansen, 2021). There has been no additional data compiled for the Missouri: Elk Point aquifer since what was analyzed by Hansen (2021) as a result of the 2021 irrigation questionnaire has yet to be reported. It should be noted that this estimate for irrigation use for the Missouri: Elk Point aquifer may not be fully representative of the of the current development of the aquifer as a result of an increase in the number of permits and permitted acreage that began in 2006.

The current average annual irrigation use for the Missouri: Elk Point aquifer was estimated by Hansen (2021) as developed by Farmer (2021). The application rate for the Missouri: Elk Point aquifer was estimated to be approximately 0.343 ft/yr for crop irrigation and 0.97 ft/yr for turf irrigation per permitted acre (Farmer, 2021). These application rates for the Missouri: Elk Point aquifer were based on previous irrigation questionnaire data submitted to the SD DANR-Water Rights Program (Water Rights, 2022a). There are currently 584 irrigation water rights/permits for the Missouri: Elk Point aquifer authorized for the irrigation of 80,564.54 crop acres and 744.6 turf acres (Water Rights, 2022c). Applying the crop and turf application rates estimated by Farmer (2021), the average annual irrigation use for the Missouri: Elk Point aquifer is approximately 27,634 ac-ft/yr. The estimated annual turf irrigation for the Missouri: Elk Point aquifer is shown in Table 1.

There are domestic wells completed into the Missouri: Elk Point aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2022d). Withdrawals from domestic wells on an average annual basis are not considered to be a significant portion of the hydrologic budget due to their relatively low diversion rates. Additionally, with the development of rural water systems it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Missouri: Elk Point aquifer.

Table 1: Estimated annual water use for turf irrigation within the Missouri: Elk Point aquifer (Farmer, 2021; Water Rights, 2022c).

Permit No.	Name	Status	County	Acres	Estimated Use (ac-ft/yr)
1294-3	Recreation Dev Assn Inc	LC	Union	102	98.9
2011-3	TR Golf LLC	LC	Union	95	92.2
5786-3	Dakota Dunes Golf Course	LC	Union	173	167.8
5935-3	Ted Waitt	LC	Union	1	1
5936-3	Applied Engineering Inc	LC	Yankton	1.8	1.7
5998A-3	Clay Rural Water System Inc	PE	Union	300	N/A*
8010-3	Ryan Rusher	LC	Yankton	2.5	2.4
8029-3	Dakota Dunes Comm Improvement District	PE	Union	17.8	17.3
8040-3	Heine Electric & Irrigation Inc	LC	Clay	1	1
8354-3	TR Golf LLC	PE	Union	30	29.1
8407-3	Gayville-Volin School District 63-1	LC	Yankton	4.5	4.4
8530-3	National Field Archery Association Foundation	LC	Yankton	16	15.5
LC: Licensed Water Right; PE: Permitted Water Right;			TOTAL:	744.6	431.3
* Accounted for within non-irrigation section					

Hydrologic Budget Summary

The average annual withdrawal rate from the Missouri: Elk Point aquifer totals approximately 91,424.1 ac-ft/yr (crop irrigation: 27,634 ac-ft/yr; turf irrigation: 431.3 non-irrigation: 48,361 ac-ft/yr; future use: 14,900 ac-ft/yr; pending applications: 77.2 ac-ft/yr; Water Permit Application No. 8609-3 (if approved) (assuming an application rate of 0.343 ft/ac): 20.6 ac-ft/yr) (Water Rights 2022a and 2022c). The estimated average annual recharge rate to the Missouri: Elk Point aquifer is approximately 92,000 ac-ft/yr. Overall, the estimated average annual recharge to the Missouri: Elk Point aquifer is greater than the estimated average annual withdrawal rate from the aquifer. Therefore, there is a reasonable probability that unappropriated water is available for the appropriation proposed by this permit application.

OBSERVATION WELL DATA:

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

The DANR-Water Rights Program monitors 36 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2022b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. There are three observation wells within approximately two- and one-half miles of the proposed diversion point. The closest observation well to the diversion point is observation well UN-77O (approximately 1.2 miles southeast). The hydrographs for these three observation wells are displayed in Figures 2 through 4 (Water Rights, 2022b).

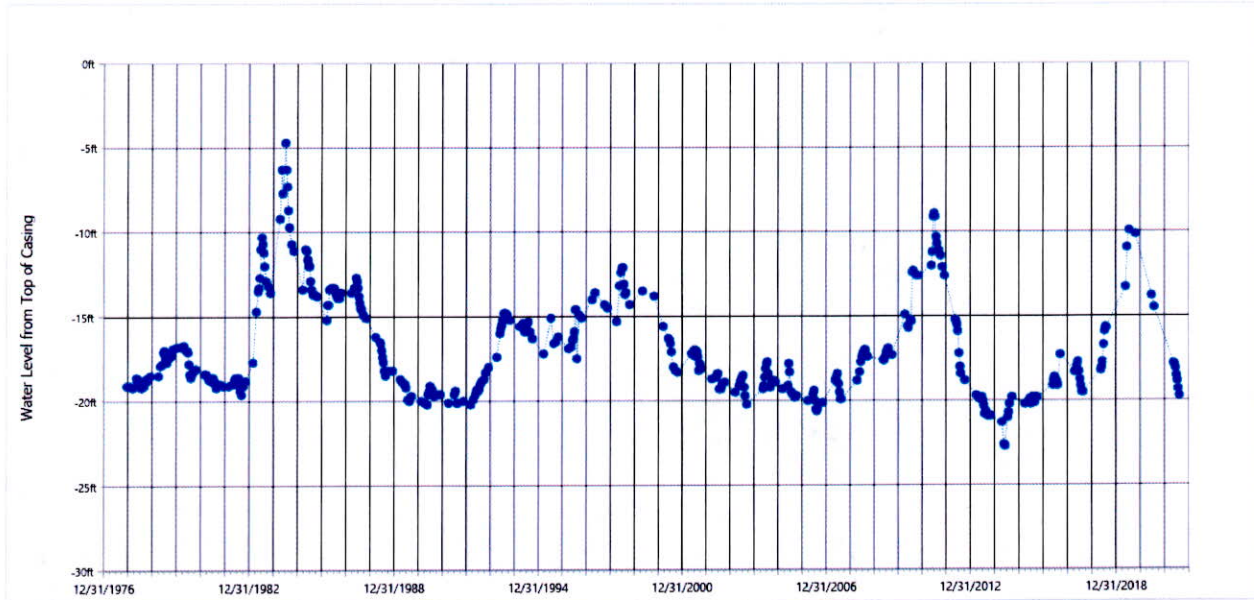


Figure 2: Hydrograph of the Missouri: Elk Point aquifer observation well UN-77O, located approximately 1.2 miles southeast of the proposed diversion point (Water Rights, 2022b).

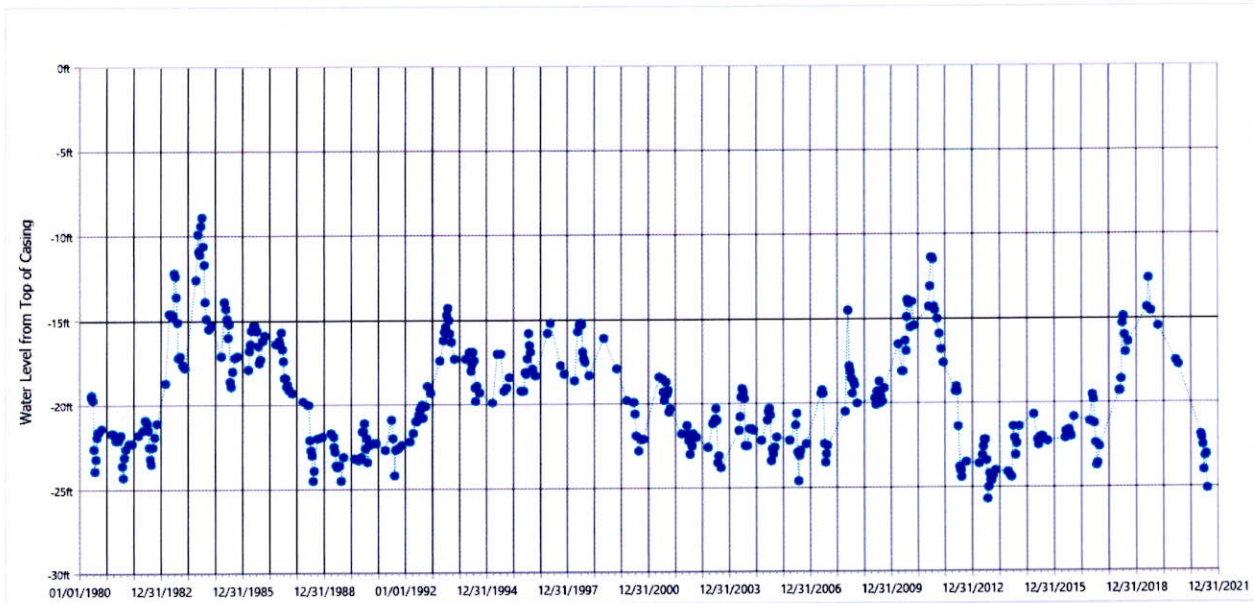


Figure 3: Hydrograph of the Missouri: Elk Point aquifer observation well UN-80E, located approximately 2.5 miles northeast of the proposed diversion point (Water Rights, 2022b).

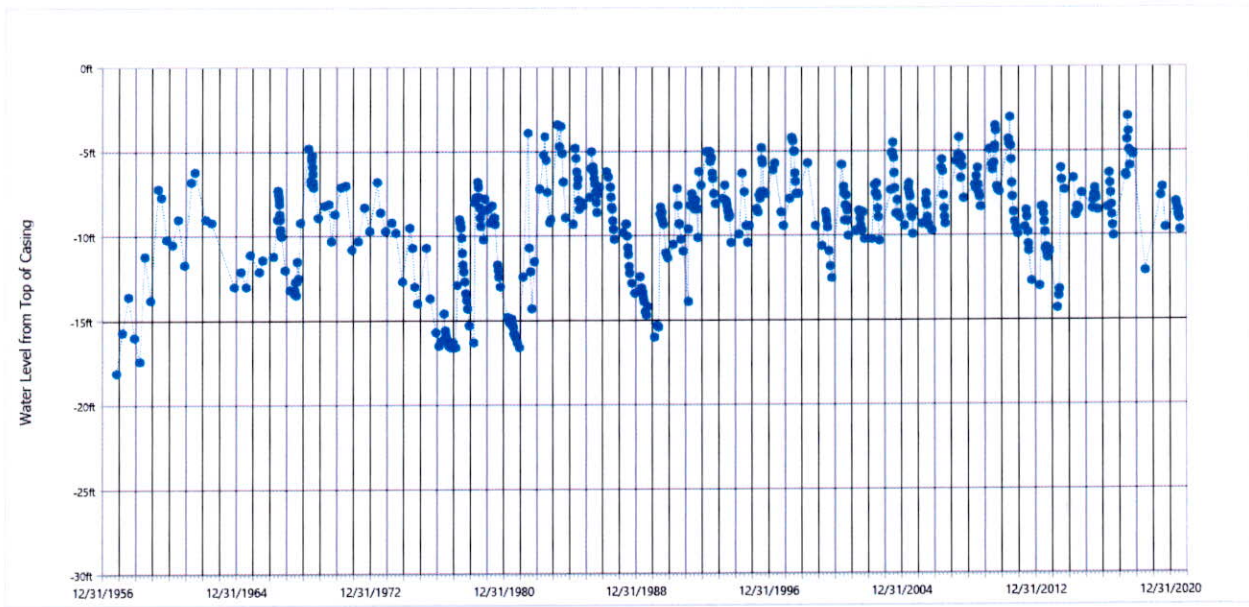


Figure 4: Hydrograph of the Missouri: Elk Point aquifer observation well UN-57B, located approximately 2.5 miles northeast of the proposed diversion point (Water Rights, 2022b).

The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. The hydrographs for the Missouri: Elk Point aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. This recovery of the aquifer indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of water levels in the aquifer rather than the impacts of pumping from the Missouri: Elk Point aquifer. Some Missouri: Elk Point aquifer wells show a declining trend in water level over their respective periods of record. Generally, these wells are in close proximity to the Missouri River. This downward trend is due to the entrenchment of the Missouri River channel below Gavins Point Dam in Yankton. This entrenchment has lowered the water level of the river and thus of the hydrologically connected aquifer and is easily noticed in the observation wells near the river (Goodman, 2007). However, this lowering of the water level in the aquifer is not a sign of over appropriation of the aquifer. The observation well data and how it reacts to climatic conditions does not show any long-term effects from pumping. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 623 water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer, including 5 future use permits appropriating water from the aquifer (Water Rights, 2022c). There are 40 water rights/permits authorized to appropriate water from the

Missouri: Elk Point aquifer within approximately three miles of the diversion point (Water Rights, 2022c). The 40 water rights/permits are shown in Figure 5 and identified in Table 2. The nearest water right/permit (not held by the applicant) to the proposed diversion point completed into the Missouri: Elk Point aquifer is Water Right No. 7676-3 located approximately 1,000 feet northeast of the proposed diversion point.

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Missouri: Elk Point aquifer, with the closest domestic well on file (not held by the applicant) approximately 1.5 miles southwest of the proposed diversion point (Water Rights, 2022d). There could potentially be other domestic wells completed into the Missouri: Elk Point aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program.

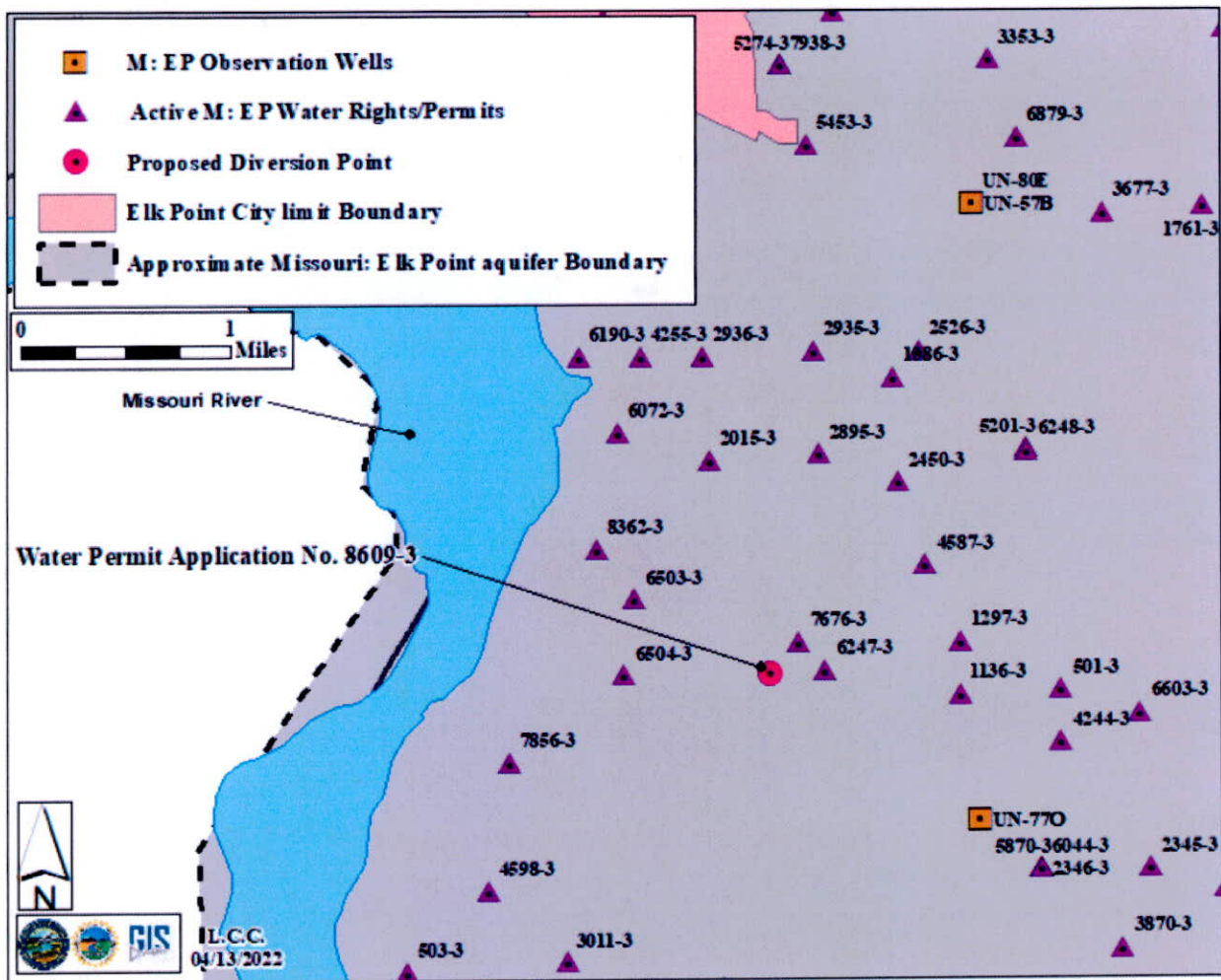


Figure 5: The site location of Water Right Permit Application No. 8609-3, nearby observation wells, and nearby water rights/permits completed into the Missouri: Elk Point aquifer (Water Rights, 2022b and 2022c).

Table 2: Water rights/permits from the Missouri: Elk Point aquifer within approximately three miles of the proposed diversion point (Water Rights, 2022c).

Permit No.	Name	Status	Use	Rate (cfs)	Acres
501-3	Denis Chicoine	LC	IRR	2.66	260
503-3	Steven R Ballinger	LC	IRR	2.22	220
1086-3	JJ Curry & Sons	LC	IRR	2.25	157.5
1136-3	Rose Chicoine Moret	LC	IRR	1.11	80
1297-3	Rose J Moret	LC	IRR	1.11	160
1761-3	Mary Eby Trust	LC	IRR	1.1	80
2015-3	Michael & Joanne Rozell	LC	IRR	2	144
2345-3	Robert J Geary	LC	IRR	1.8	126
2346-3	Robert J Geary	LC	IRR	0.94	66
2450-3	Mary Margaret Brown	LC	IRR	1.86	130
2526-3	Michael & Joanne Rozell	LC	IRR	1.03	72
2753-3	Russell M Hall	LC	IRR	1.5	106
2895-3	Kelly George	LC	IRR	2.06	144
2935-3	Kelly George	LC	IRR	1	70
2936-3	Kelly George	LC	IRR	1	70
3011-3	Bruce Ballinger	LC	IRR	3.01	233
3353-3	D V Schmitz	LC	IRR	1.29	90
3677-3	Mary Eby Trust	LC	IRR	1.47	103
3870-3	Carol Ann Hagen	LC	IRR	1.94	136
4244-3	Baker	LC	IRR	1.88	136
4255-3	Dan Hanson	LC	IRR	1.71	120
4587-3	Bruce Rubida	LC	IRR	1.86	130
4598-3	Wm Connolly Sr	LC	IRR	1.88	132
5201-3	Edmund I. Curry	LC	IRR	0.94	66
5274-3	Russell M Hall	LC	IRR	1.34	112
5453-3	Aaladin Industries Inc	LC	IND	0.05	N/A
5870-3	Robert J Geary	LC	IRR	0.96	67
6044-3	Robert J Geary	LC	IRR	0.93	65
6072-3	Robert J Geary	LC	IRR	2	74
6190-3	Dan Hanson	LC	IRR	1.22	100
6247-3	Curry Seed Company	LC	IRR	1.78	64
6248-3	Curry Seed Company	LC	IRR	0.84	72
6503-3	Michael J Rozell	LC	IRR	1	72
6504-3	Michael J Rozell	LC	IRR	2	250
6603-3	Chicoine Legacy Farm LLC	LC	IRR	1.45	136
6879-3	Jerry Duhaime	LC	IRR	1.78	124
7676-3	Cloverleaf Farms	PE	IRR	2	157.1
7856-3	Mike & Steve Allard	PE	IRR	1.78	129.3
7938-3	Russell M Hall	PE	IRR	0	53
8362-3	Chicoine Legacy Farm LLC	PE	IRR	1.33	85
IRR: Irrigation; IND: Industrial					
LC: Licensed Water Permit; PE: Permitted Water Permit					

The Missouri: Elk Point aquifer is generally under unconfined conditions in Union County (SDGS, 2022; Water Rights, 2022d). The diversion point is expected to be under unconfined conditions based on water levels and lithologic logs on file for the nearby observation wells (Water Rights, 2022d). Observation well data (see Figures 2 through 4) documents minimal drawdown from withdrawals of existing wells near the diversion point. Therefore, pumping from the diversion point is not expected to significantly lower water levels within the aquifer. Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer. The exact drawdown behavior cannot be known without an aquifer performance test. In Union County, there have been no complaints submitted to the DANR-Water Rights Program regarding potential well interference for adequate wells completed into the Missouri: Elk Point aquifer (Water Rights, 2022e).

Within approximately one and one-half miles of the proposed diversion point for this application, the aquifer has a saturated thickness ranging from approximately 55 to 130 feet, with the depth to the top of aquifer materials ranging from approximately 10 to 70 feet below land surface, and static water levels at well completion varying from approximately 15 to 25 feet below land surface (SDGS, 2022; Water Rights, 2022b and 2022d). This would allow for sufficient saturated thickness for a pump 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).

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

Any drawdown created from pumping this diversion point is not expected to cause unlawful impairment on existing water right/permit holders or domestic users with adequate wells considering the location of the diversion point, the saturated thickness, and the lack of complaints for adequate wells completed into the Missouri: Elk Point aquifer. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8609-3 proposes to appropriate water at a maximum instantaneous diversion rate of 2.0 cfs from one well to be completed into the Missouri: Elk Point aquifer for the irrigation of 60 acres. The site is located in Union County approximately four miles south of Elk Point, SD.

2. The applicant is requesting a diversion rate at the equivalent of 2.3 cfs per 70 acres . This is because the pivot will be making a partial rotation yet needs the full rotation cfs to properly operate. This reason is reasonable and acceptable.
3. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer for this proposed appropriation based on the hydrological budget and observation well data.
4. There is a reasonable probability this diversion will not unlawfully impair adequate wells authorized by existing water rights or domestic use wells.



 Lindsey Cederberg
Natural Resources Engineer I
SD DANR - Water Rights Program



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

References

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- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
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- Water Rights, 2022c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, May 13, 2022 7:37 AM
To: Bill Curry (sodak4004@yahoo.com)
Subject: Water Permit Application No. 8609-3
Attachments: 3415.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>



AFFIDAVIT OF PUBLICATION

State of South Dakota)

:SS

County of Union)

Bruce L. Odson,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 8609-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 19 day of May, 2022

and that the succeeding publications were

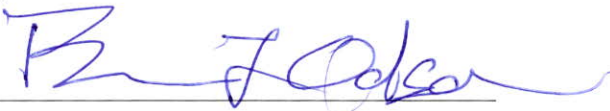
on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 40.98, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me

this 19 day of May, 2022

My commission expires 7-12-23



Notary Public

RECEIVED

MAY 23 2022

OFFICE OF
WATER

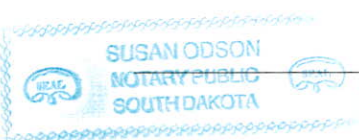
NOTICE OF APPLICATION NO. 8609-3 TO APPROPRIATE WATER

Notice is given that Cloverleaf Farms Inc., c/o William J Curry, 609 N Walnut, Elk Point SD 57025 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in the E 1/2 NE 1/4 Section 7 for irrigation of 60 acres located in the E 1/2 NE 1/4 Section 7; all in T90N-R49W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 4 miles south of Elk Point SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8609-3 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 31, 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 31, 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.

Publish May 19, 2022

Published once at the total approximate cost of \$40.98
20-10-127

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

MAY 23 2022

OFFICE OF
WATER

CLOVERLEAF FARMS
609 WALNUT ST
ELK POINT SD 57025

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

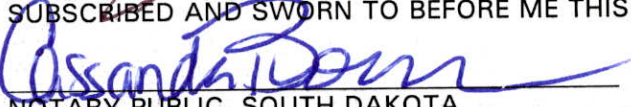
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
5 + 19 NOTICE OF APPLICATIO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 19th DAY OF May, 2022
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$40.48 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 05/19/2022

FILED ON: 05/19/2022


SUBSCRIBED AND SWORN TO BEFORE ME THIS 19th DAY OF May, 2022


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

NOTICE OF APPLICATION NO. 8609-3 to Appropriate Water

Notice is given that Cloverleaf Farms Inc., c/o William J Curry, 609 N Walnut, Elk Point SD 57025 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in the E 1/2 NE 1/4 Section 7 for irrigation of 60 acres located in the E 1/2 NE 1/4 Section 7; all in T90N-R49W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 4 miles south of Elk Point SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8609-3 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 Duvali 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 31, 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 31, 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 \$40.48 and can be viewed free of charge at www.sdpublicnotices.com

RECEIVED

MAY 23 2022

OFFICE OF
WATER

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, May 13, 2022 7:34 AM
To: G5 (leader1@iw.net)
Subject: 8609-3, Cloverleaf Farms Inc.
Attachments: 8609-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 19, 2022.

Cloverleaf Farms Inc., c/o William J Curry, 609 N Walnut, Elk Point SD 57025 (712 251-8581) 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: Friday, May 13, 2022 7:33 AM
To: Kelly Kronaizl
Subject: 8609-3, Cloverleaf Farms Inc.
Attachments: 8609-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 19, 2022 in the Press & Dakotan.

Cloverleaf Farms Inc., c/o William J Curry, 609 N Walnut, Elk Point SD 57025 (712 251-8581) has been notified to contact you to authorize publication and arrange for payment.

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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>





**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.**

May 13, 2022

Cloverleaf Farms Inc
c/o William J Curry
609 N Walnut
Elk Point SD 57025

Dear Mr. Curry:

Water Permit Application No. 8609-3 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 Leader-Courier printed at Elk Point (Ph # 605 356-2632) and the Press & Dakotan printed at Yankton (Ph # 605 665-7811). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8609-3 to Appropriate Water

Notice is given that Cloverleaf Farms Inc., c/o William J Curry, 609 N Walnut, Elk Point SD 57025 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in the E 1/2 NE 1/4 Section 7 for irrigation of 60 acres located in the E 1/2 NE 1/4 Section 7; all in T90N-R49W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 4 miles south of Elk Point SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8609-3 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 31, 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 31, 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_



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 28 2022

Cloverleaf Farms Inc
c/o William J Curry
609 N Walnut
Elk Point SD 57025

Dear Mr. Curry:

Enclosed is Water Permit No. 8609-3 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

8609-3

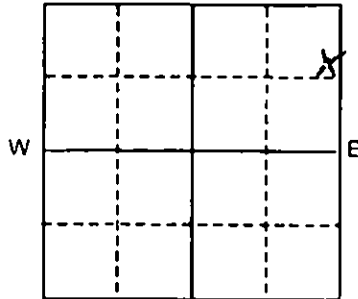
SD EForm - 1621LD V1

11-02

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Section NE 1/4 NE 1/4 Sec 7 Twp 89N Rng 49W
 County Union North per AM 09/06/2022

Please mark well location with an "X"



Well Completion Date

6-2-2022

1 Mile

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

500 ft. from Septic System (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
160 LB/FT 16 IN 0 FT 50 FT 28 IN
 LB/FT IN FT FT IN
 LB/FT IN FT FT IN

GROUTING DATA:

Grout Type No. of Sacks Grout Weight From To
Cement 120 Lb/gal 0 Ft 50 Ft
 Lb/gal Ft Ft

Describe grouting procedure

Pumped down with pressure grouter

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16 Inches Length 40 FeetMaterial PVCSlot Size .085 Set From 50 Feet to 90 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine

Lab to which water quality sample sent for analysis

Well Owner:

Business Name: Bill Curry
Cloverleaf Farms, Inc.Address: 609 N Walnut STCity, State, Zip: Elkpoint, SD 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Brown Gumbo top soil</u>	<u>0</u>	<u>6</u>
<u>Gray clay</u>	<u>6</u>	<u>38</u>
<u>Coarse Gravel</u>	<u>38</u>	<u>60</u>
<u>Gravel + Rocks</u>	<u>60</u>	<u>90</u>

STATIC WATER LEVEL

28' FEET

If flowing: closed in pressure

GPM flow through

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:Pumped with Turbine test pump with Engine

Pumping Level Below Land Surface

49 Ft. After 2 Hrs. pumped 900 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: 900 GPM

REMARKS

RECEIVED

SEP 06 2022

OFFICE OF
WATERThis well was drilled under license # 444 and this report is true and accurate.Drilling firm: Christensen Well & Irrigation

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Only CO-OPDate: 9/6/22

mailed
to state
FSD
9-6-22

RECEIVED

8609-3

SEP 06 2022

Form 10

OFFICE OF
WATER

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date

July 14, 2022

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

FROM:

Cloverleaf Farms, Inc
(name)
609 W. Walnut Street
(address)
Elk Point, SD 57025 605/356-3370
(city, state, zip) (phone)

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

Water Permit No. 8609-3 states that the water use system is to be constructed by

May 31, 2027. and water is to be put to beneficial use by May 31, 2031.
(date) (date)

The water use system was completed on

6-8-22
(date)

Applying the water to beneficial use was completed on

6-8-22
(date)

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

William Curry
(signature)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 14, 2022

8609-3

William J Curry
Cloverleaf Farms Inc
609 N Walnut St
Elk Point SD 57025

Dear Mr. Curry:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system in the E ½ NE ¼ Section 7, T90N, R49W.

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

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

Sincerely,

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