

WATER PERMIT NO. 8610-3

Name of Applicant: Five Star Cottages LLC

Address: 620 Colonial Ct, Vermillion SD 57069

Phone: 605 670-2972

Amount of Water Claimed: no add'l

Total Acres: 65 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: 2 miles northwest of Meckling

PRIORITY Date Received: 3-14-22

Application/License Fee: \$ 950

Corrected Application Received:

Period of Annual Use: May 1 – Oct 31

Remarks: Using irrigation well authorized by Water Permit No. 7447-3

Diversion Point: NW 1/4 NE 1/4 Sec 22-T93N-
R53W

Land to be Irrigated: S 1/2 SE 1/4 Sec 15-T93N-
R53W

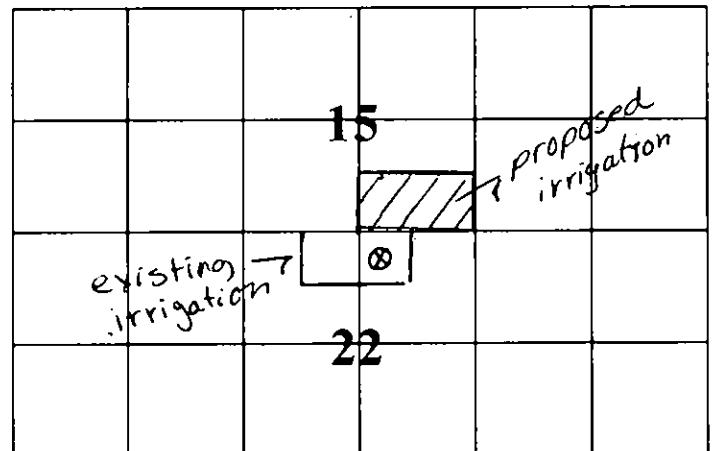
Depth of Well: 100 feet deep

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. 8610-3

Date of first receipt of application March 14, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8610-3 to Five Star Cottages LLC, c/o Kyle Hinseth, 620 Colonial Ct, Vermillion SD 57069 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. 8610-3 authorizes irrigation of 65 additional acres. Water Permit No. 7447-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW 1/4 NE 1/4 Section 22 for irrigation of 160 acres located in the S 1/2 SE 1/4 Section 15 and E 1/2 NW 1/4, W 1/2 NE 1/4 Section 22; all in T93N-R53W. The irrigation in Section 15 was never developed and the construction period has expired. This permit authorizes irrigation of 65 additional acres located in the S 1/2 SE 1/4 Section 15-T93N-R53W from the existing well. This permit and Water Permit No. 7447-3 will authorize a total of 1.78 cfs for irrigation of 160 acres. This site is located approximately 2 miles northwest of Meckling SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is March 14, 2022.
4. The date of approval of Permit No. 8610-3 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 Nos 7447-3 and 8610-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 28 2022

date



RECEIVED

MAR 14 2022

PAID

MAR 14 2022

Ck# 003090

Rec't#

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8610-3</u>	(office use only) Hydrologic Unit <u>10170102</u>	WATER RIGHTS PROGRAM
	Basin <u>Vermillion R.</u>		
	Newspaper <u>Plain Talk</u>		
	<u>Press & Dakotan</u>		

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7447-3
(Use predates Mar 2, 1955)

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

add additional acres to existing well / Permit1. Name to Appear on Irrigation Permit Five Star Cottages LLC

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

Mailing Address 620 Colonial Ct. Vermillion SD 57069
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-670-2972 Email khinseth.eyahoo.com

2. Amount of water claimed _____ *CFS or NO ADDITIONAL *GPM ***AF Total Acreage 65
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion 1-well NW 1/4 NE 1/4 22-93-53
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Clay5. County or counties where water will be used Clay6. Annual period during which water is to be used May - Oct

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>SE 1/4 SE 1/4 15-93-53</u>	<u>32.5</u>		
<u>SW 1/4 SE 1/4 15-93-53</u>	<u>32.5</u>		

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

add a new pivot and run pipe line from existing well in sec 22-93-53Five Star Cottages LLC1. Hyale Hinseth member

Name of Person

President

Title (if applicable)

, the applicant, certify under

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

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

For either Existing or Proposed Wells:

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

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

2. Wastewater Disposal System Information

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

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)

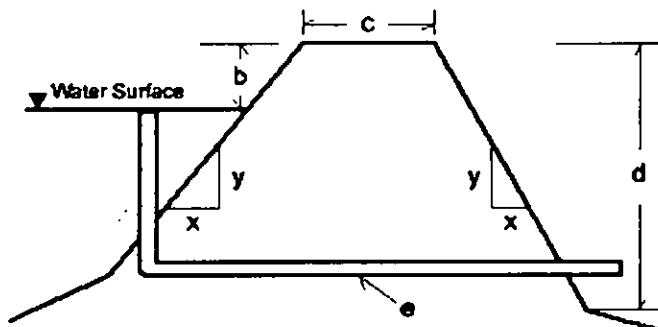
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

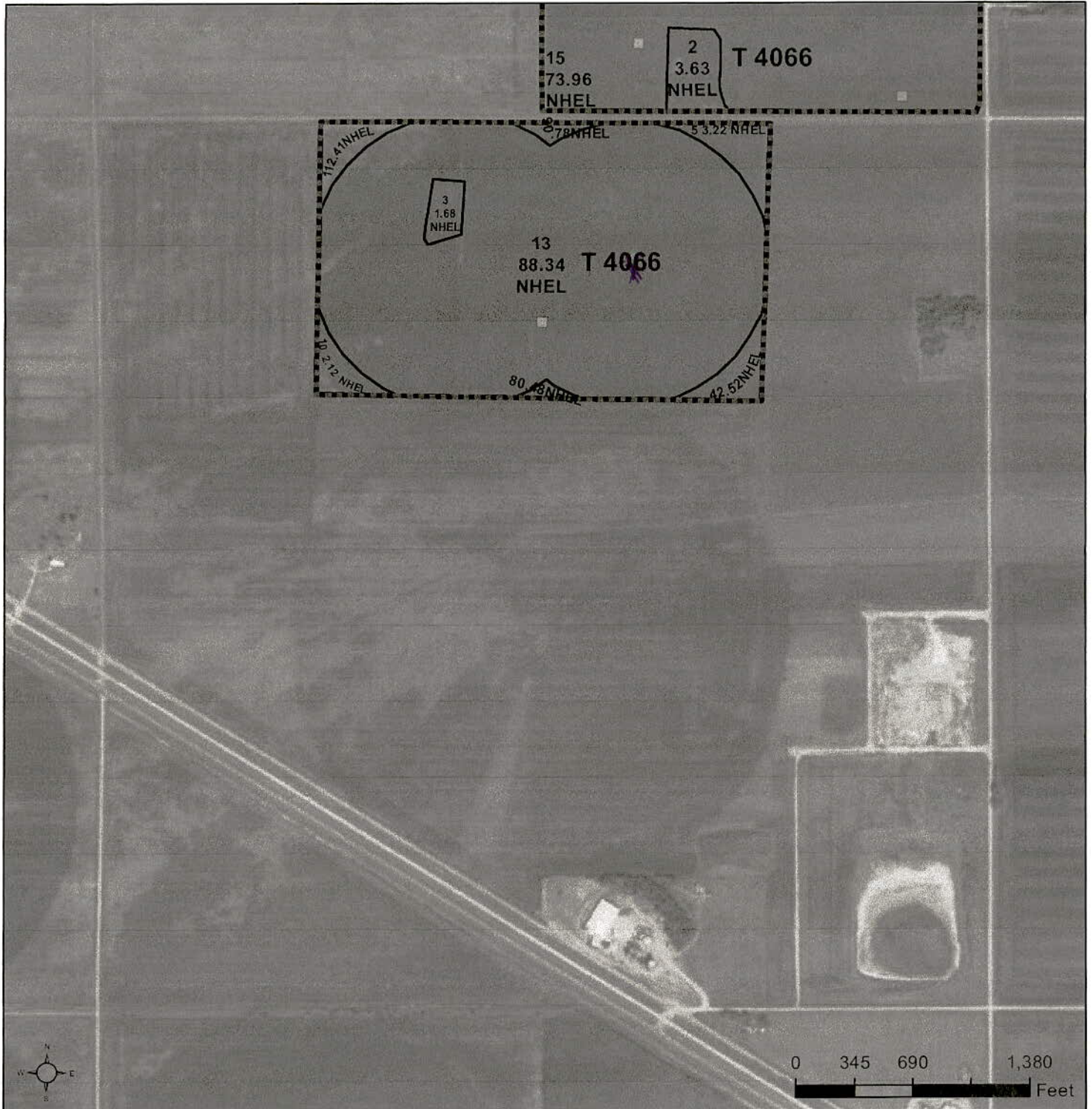
j) Drainage Area Above Dam _____ Acres





United States
Department of
Agriculture

Clay County, South Dakota



Common Land Unit

PLSS

- Cropland
- Tract Boundary

Wetland Determination

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

2022 Program Year

Map Created July 22, 2021

Farm **3184**

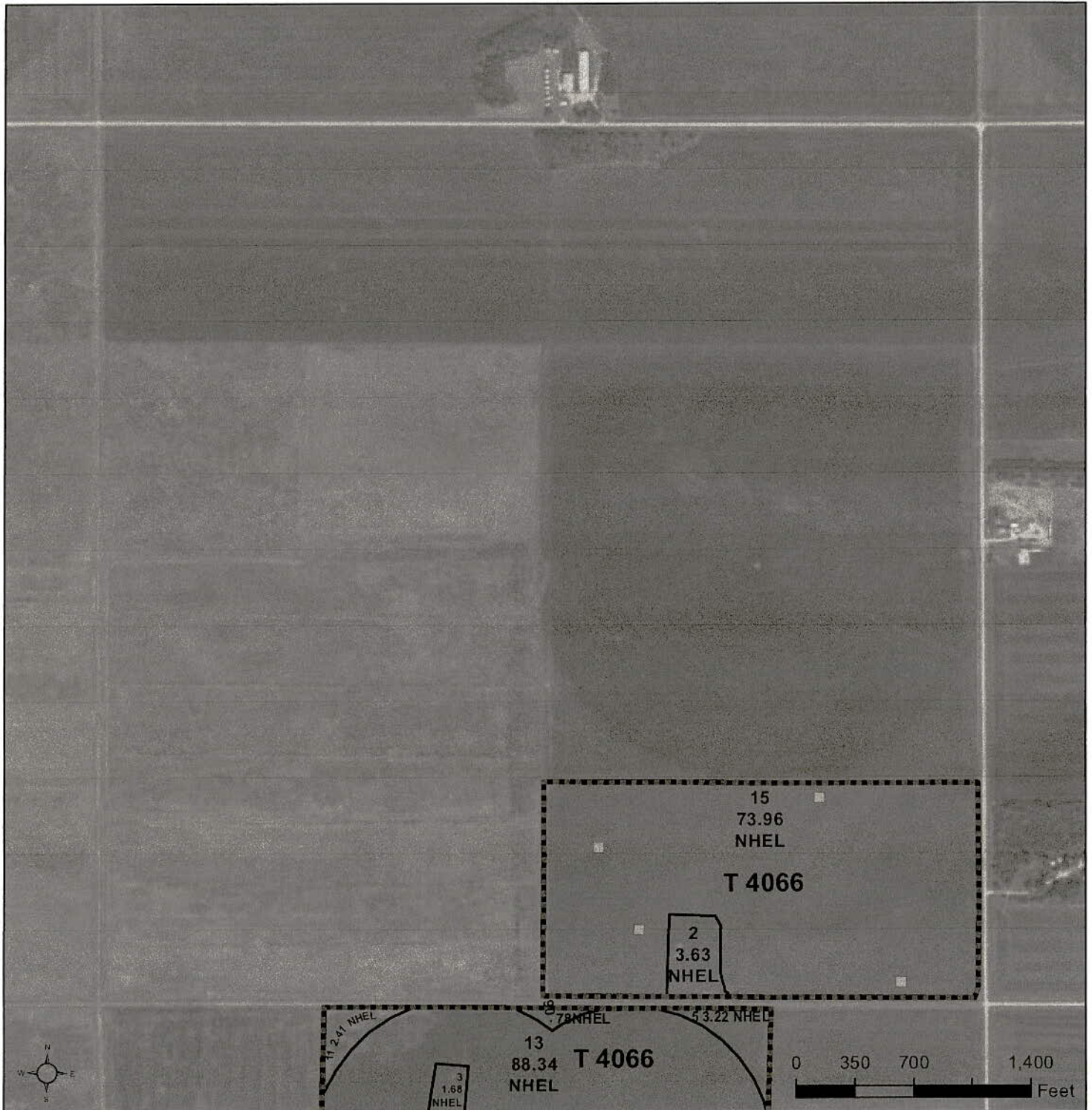
22-93N-53W-Clay

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).



United States
Department of
Agriculture

Clay County, South Dakota



Common Land Unit

PLSS

- Cropland
- Tract Boundary

Wetland Determination

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

2022 Program Year

Map Created July 22, 2021

Farm 3184

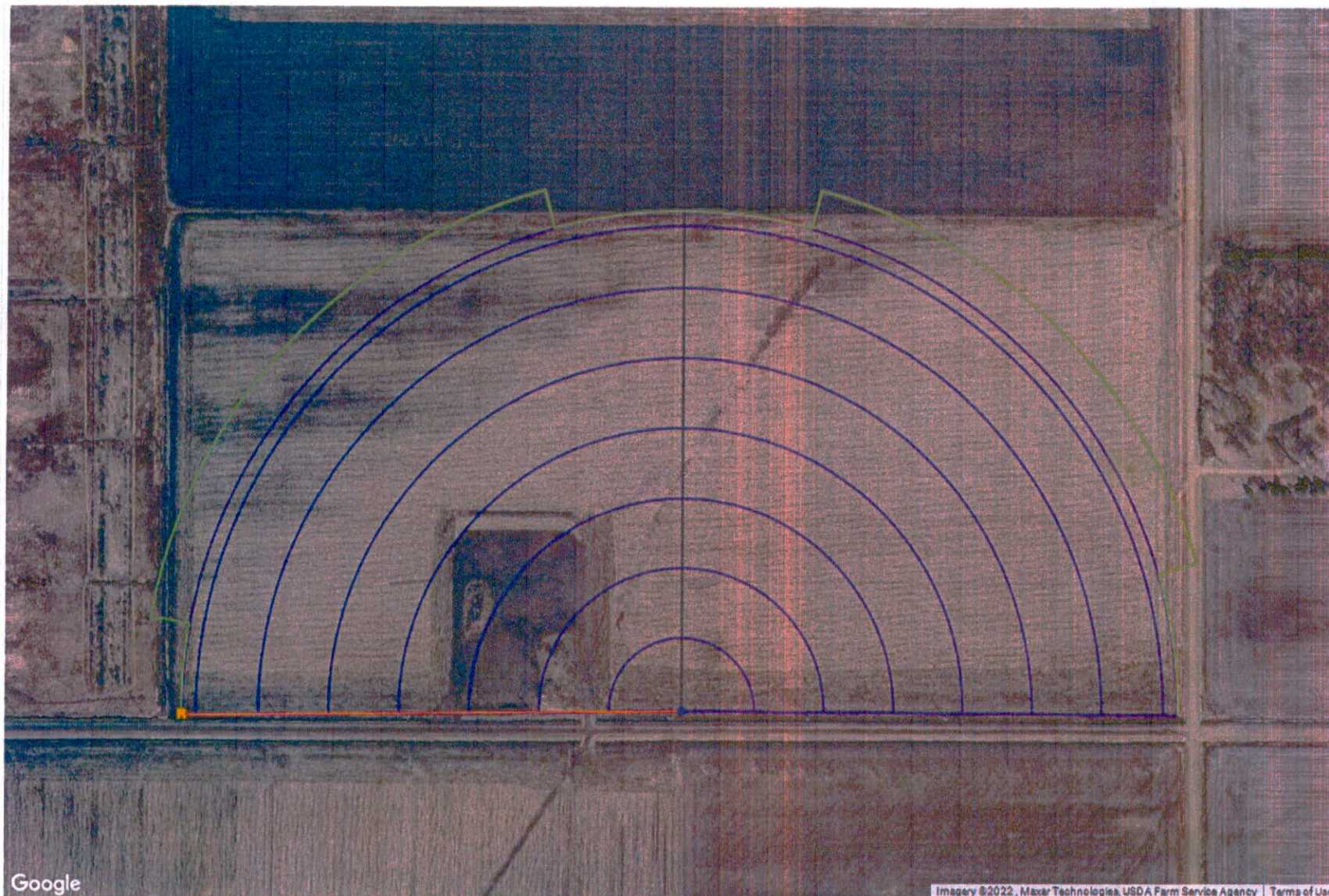
15-93N-53W-Clay

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).



Project Name - Nick Merrigan - 2022 WW
Proposal Name - Nick Merrigan - 2022 WW
Map Summary Report - Pivot_1_2212022153827573

Ref. No. CUS22048710
VALLEY



Google
— DRIVE UNITS — LARGEST POTENTIAL MACHINE — GUIDANCE PATH — END OF MACHINE — PRIMARY ENDGUN — SECONDARY ENDGUN — FIELD BOUNDARY

Imagery ©2022, Maxar Technologies, USDA Farm Service Agency | Terms of Use



531391477

ANNUAL REPORT

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

Domestic Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

2022
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:

DL016051
BUSINESS ID

FIVE STAR COTTAGES LLC
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

**620 COLONIAL CT.
VERMILLION, SD 57069-3208**

Mailing Address

**620 COLONIAL CT.
VERMILLION, SD 57069-3208**

4. The South Dakota Registered Agent's Name:

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

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

Name **KYLE A HINSETH**

Actual Street Address in this State

**620 COLONIAL CT
VERMILLION, SD 57069**

Mailing Address in this State

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24. If the LLC is member-managed, this section may be left blank.

6. 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 criminal penalty (SDCL 22-39-36).

01/20/2022

Dated

Email (Optional)

Kyle Allen Hinseth

Signature of an Authorized Person

Kyle Allen Hinseth

Printed Name

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 14, 2022

RECEIVED OF Five Star Cottages LLC 620 Colonial Ct. Vermillion SD 57069

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

Fee for Application for Permit No. <u>8610-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$750.00
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>8610-3</u>	\$200.00
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
	\$950.00

By Eric Bronlund
Chief Engineer
Em

Water Rights Program - File Documentation

NAME: Nick Merrigan – Five Star Cottages LLC

ADDRESS: Vermillion SD

DATE: 3-14-22

RE: Pending application

COMMENTS:

I had talked with Nick Merrigan last week about this application. I called him regarding the well they were proposing to use on this new application. The well is authorized by Water Permit No. 7447-3, Michael F Hauck. Mr. Merrigan stated he was the father-in-law of the applicant who is buying the property where the well is located (NE 1/4 NW 1/4 Section 22-T93N-R53W) as well as the property they are proposing to irrigate (S 1/2 SE 1/4 Section 15-T93N-R53). Told him I would be sending a Notice of Transfer form for 7447-3. - *sent 3/15/22*

The irrigation of the S 1/2 SE 1/4 Section 15 was never developed, and construction period was December 26, 2017.

I informed Mr. Merrigan that the permitting process, barring no petitions is usually a 3 month process.

Karen Schlaak

Karen Schlaak
Water Rights Program



**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. 8610-3, Five Star Cottages LLC**

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. 8610-3, Five Star Cottages LLC, c/o Kyle Hinseth, 620 Colonial Ct, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 8610-3 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 Nos 7447-3 and 8610-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
May 12, 2022

Report to the Chief Engineer
On Water Permit Application No. 8610-3
Five Star Cottages LLC
April 16, 2022

Water Permit Application No. 8610-3 proposes to irrigate 65 additional acres to what is authorized by Water Permit No. 7447-3. Water Permit No. 7447-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Missouri: Elk Point Aquifer (100 feet deep) located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22 for irrigation of 160 acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 15 and E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 22; all in T93N-R53W.

The irrigation in Section 15 was never developed and the construction period has expired. This application proposes to irrigate 65 additional acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 15-T93N-R53W from the existing well. This application, if approved, and Water Permit No. 7447-3 will authorize a total of 1.78 cfs for irrigation of 160 acres. This site is located in Clay County approximately 2 miles northwest of Meckling, 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. 8610-3. 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 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 50 to 115 feet below land surface, and static water levels at well completion varying from approximately 10 to 20 feet below land surface (SDGS, 2022; Water Rights, 2022b and 2022d). The Missouri: Elk Point aquifer is expected to be unconfined at the 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).

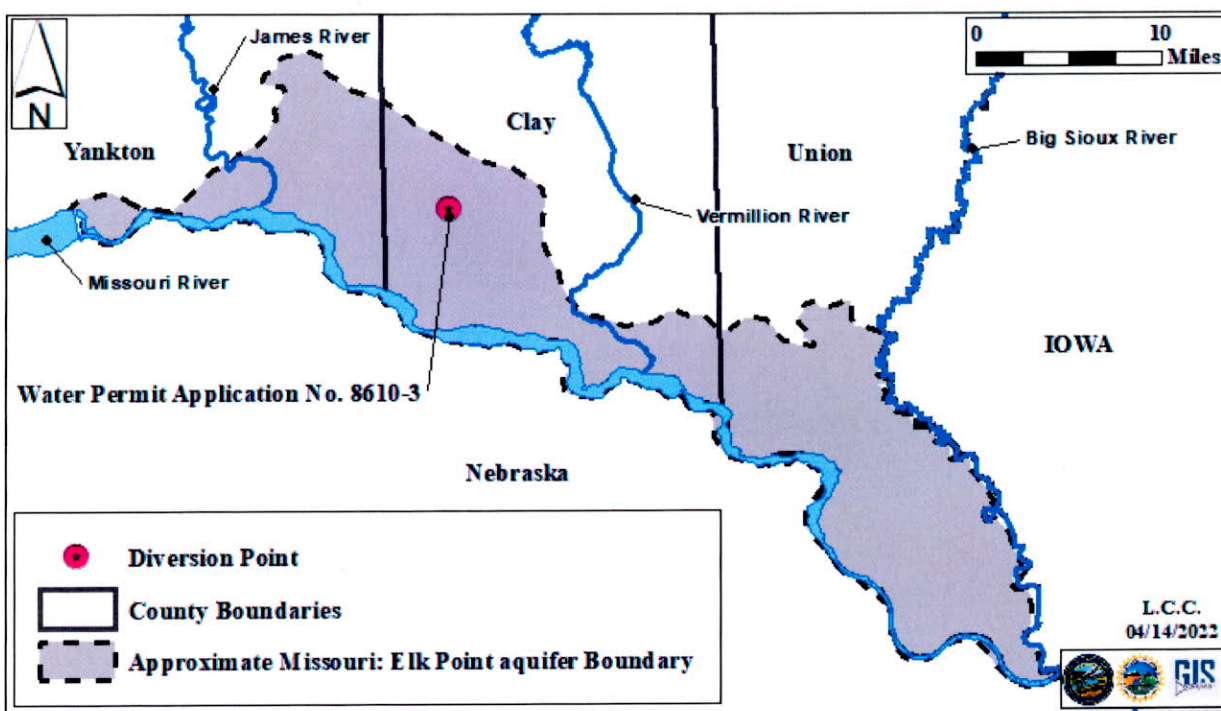


Figure 1: The approximate areal extent of the Missouri: Elk Point aquifer including the diversion point location of Water Permit Application No. 8610-3 (Hedges et al., 1982; Water Rights, 2022b and 2022c).

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Missouri: Elk Point aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8610-3 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.

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; Niehus, 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. 8609-3 and 8615-3 propose to irrigate 220 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 DNR-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: 75.4 ac-ft/yr; Water Permit Application No. 8609-3 (if approved) (assuming an application rate of 0.343 ft/ac):22.3 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 DNR-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 is one observation well within approximately two and one-half miles of the diversion point. The hydrograph for this observation well is displayed in Figure 2 (Water Rights, 2022b).

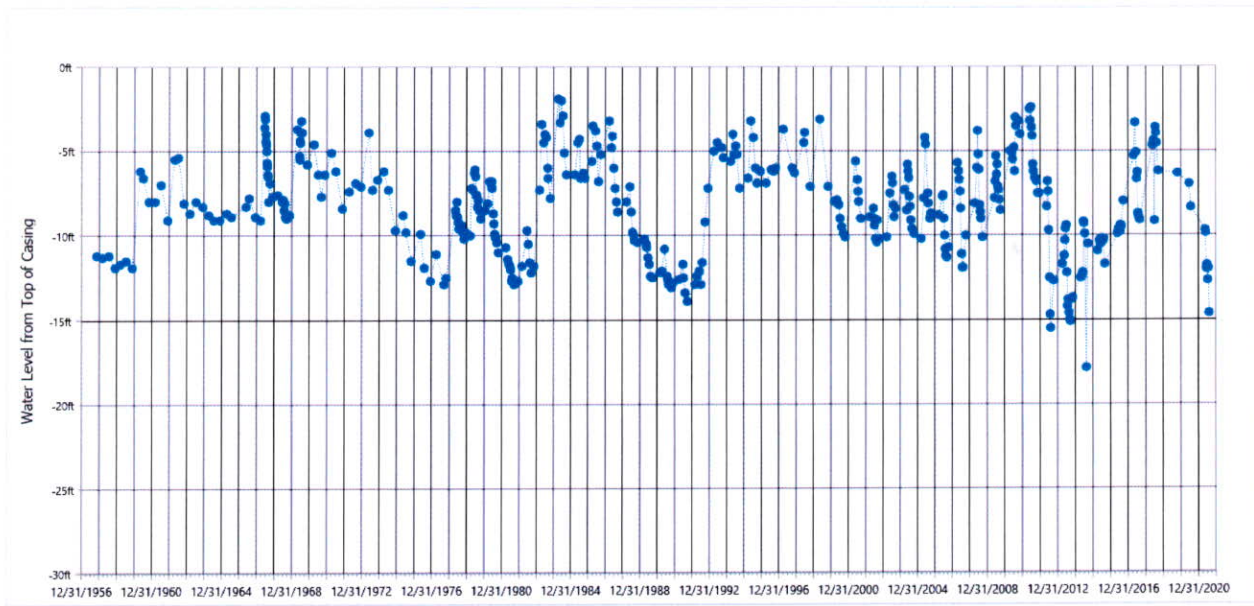


Figure 2: Hydrograph of the Missouri: Elk Point aquifer observation well CL-80A, located approximately 2.5 miles northeast of the diversion point (Water Rights, 2022b).

The hydrograph for the observation well displays stable water levels over their respective periods of record. The hydrograph 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 waters 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 records. 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 28 water rights/permits authorized to appropriate water from the

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 1.3 miles northwest of the diversion point (Water Rights, 2022d). There could potentially be other domestic wells completed into the Missouri: Elk Point aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

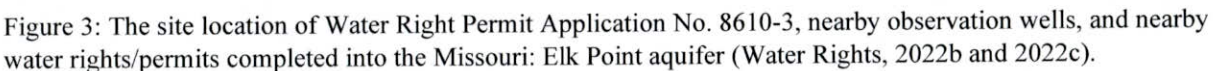


Table 2: Water rights/permits from the Missouri: Elk Point aquifer within approximately two miles of the diversion point (Water Rights, 2022c).

Permit No.	Name	Status	Use	Rate (cfs)	Acres
3475-3	D A Olson & Sons	LC	IRR	1.03	72
5289-3	D A Olson & Sons	LC	IRR	1.66	116
6554-3	Willard Schmidt	LC	IRR	1.56	132
6610-3	J Robert Wardin	LC	IRR	1.67	135
6641-3	Thomas Dreesen	LC	IRR	1.56	125
6645-3	Freeburg Limited Partnership	LC	IRR	1.78	148
6646-3	Freeburg Limited Partnership	LC	IRR	1.9	271.2
6647-3	Freeburg Limited Partnership	LC	IRR	1.56	138
6744-3	Judith I Grant	PE	DOM, COM	0.78	N/A
5658A-3	Marquardt Family LTD Partnership	PE	IRR	2	140
6966-3	Troy Walraven	LC	IRR	1.78	133
6978-3	Marquardt Farms	PE	IRR	1.78	133.5
6901B-3	Thomas Dreesen	PE	IRR	4.57	320
6901A-3	Jeff Dreesen	PE	IRR	2.29	160
7447-3	Michael F Hauck	PE	IRR	1.78	160
7474-3	Gwen Orr	LC	IRR	1.78	134
7494-3	Franklin Orr	LC	IRR	1.56	115
7661-3	Freeburg Limited Partnership	LC	IRR	5.44	402
7689-3	Nicholas W Olson	PE	IRR	1	70
7703-3	J Robert Wardin	LC	IRR	3.9	534
7800-3	Ralph Marquardt	PE	IRR	2.22	110
7801-3	Ralph Marquardt	PE	IRR	1.56	108
7802-3	Ralph Marquardt	PE	IRR	1.78	165
7898-3	James Orr	LC	IRR	1.56	132
7899-3	Justin Orr	LC	IRR	1.56	97
8022-3	Double Down Farm Gp	PE	IRR	1.91	134
8031-3	Dakota Protein Conversion Inc	PE	COM	0.22	N/A
8288-3	Franklin Orr	LC	IRR	1.78	97
IRR: Irrigation; COM: Commercial; DOM: Domestic					
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 Figure 2) 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 Clay County, there have been no complaints submitted to the DNR-Water Rights Program regarding

potential well interference for adequate wells completed into the Missouri: Elk Point aquifer (Water Rights, 2022c).

Within approximately one-half mile of the diversion point for this application, the Missouri: Elk Point aquifer has a saturated aquifer thickness ranging from approximately 55 to 130 feet, with the depth to the top of aquifer materials ranging from approximately 50 to 115 feet below land surface, and static water levels at well completion varying from approximately 10 to 20 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. 8610-3 proposes to irrigate 65 additional acres to what is authorized by Water Permit No. 7447-3.
2. Water Permit No. 7447-3 appropriates 1.78 cfs from one well completed into the Missouri: Elk Point aquifer for the irrigation of 160 acres. The irrigation in Section 15 was never developed and the construction period has expired. This application proposes to irrigate 65 additional acres.
3. This application, if approved, and Water Permit No. 7447-3 will authorize a total of 1.78 cfs for irrigation of 160 acres. This site is located in Clay County approximately 2 miles northwest of Meckling, SD.
4. 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.
5. There is a reasonable probability this diversion will not unlawfully impair adequate wells authorized by existing water rights or domestic use wells.

for 
Lindsey Cederberg

Natural Resources Engineer I
SD DANR - Water Rights Program



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

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Water Rights, 2022b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

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 7:29 AM
To: khinseth@yahoo.com
Subject: Water Permit Application No. 8610-3
Attachments: 3414.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

YANKTON DAILY PRESS AND DAKOTAN

FIVE STAR COTTAGES
620 COLONIAL CT
VERMILLION SD 57069

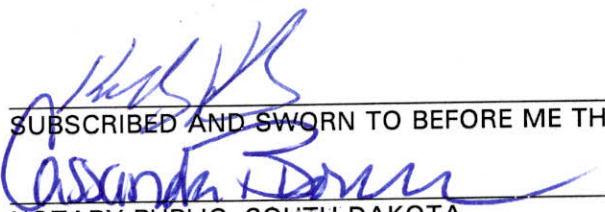
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

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 + 20 NOTICE OF APPLICATIO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 20th DAY OF May, 2022
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$43.68 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: 05/20/2022

FILED ON: 05/20/2022


SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF May, 2022

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

NOTICE OF APPLICATION NO. 8610-3 to Appropriate Water

Notice is given that Five Star Cottages LLC, c/o Kyle Hinseth, 620 Colonial Ct, Vermillion SD 57069 has filed an application for a water permit to irrigate 65 additional acres. Water Permit No. 7447-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Missouri/Elk Point Aquifer (100 feet deep) located in the NW 1/4 NE 1/4 Section 22 for irrigation of 160 acres located in the S 1/2 SE 1/4 Section 15 and E 1/2 NW 1/4, W 1/2 NE 1/4 Section 22; all in T93N-R53W. The irrigation in Section 15 was never developed and the construction period has expired. This application proposes to irrigate 65 additional acres located in the S 1/2 SE 1/4 Section 15-T93N-R53W from the existing well. This application, if approved, and Water Permit No. 7447-3 will authorize a total of 1.78 cfs for irrigation of 160 acres. This site is located approximately 2 miles northwest of Meckling SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8610-3 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.

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AFFIDAVIT OF PUBLICATION

PLAIN TALK

RECEIVED

MAY 23 2022

OFFICE OF
WATER

FIVE STAR COTTAGES
620 COLONIAL CT
VERMILLION SD 57069

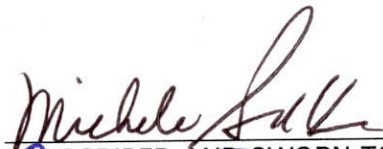
STATE OF SOUTH DAKOTA
COUNTY OF CLAY

MICHELE SCHIEVELBEIN, BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT (S)HE IS THE ADVERTISING DIRECTOR OF YANKTON MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED NOTICE OF APPLICATION NO.

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 20th DAY OF May, 2022
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$43.84 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 05/20/2022

FILED ON: 05/20/2022


SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF May, 2022


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

Ad text : NOTICE OF APPLICATION NO. 8610-3 to Appropriate Water

Notice is given that Five Star Cottages LLC, c/o Kyle Hinseth, 620 Colonial Ct, Vermillion SD 57069 has filed an application for a water permit to irrigate 65 additional acres. Water Permit No. 7447-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW 1/4 NE 1/4 Section 22 for irrigation of 160 acres located in the S 1/2 SE 1/4 Section 15 and E 1/2 NW 1/4, W 1/2 NE 1/4 Section 22; all in T93N-R53W. The irrigation in Section 15 was never developed and the construction period has expired. This application proposes to irrigate 65 additional acres located in the S 1/2 SE 1/4 Section 15-T93N-R53W from the existing well. This application, if approved, and Water Permit No. 7447-3 will authorize a total of 1.78 cfs for irrigation of 160 acres. This site is located approximately 2 miles northwest of Meckling SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8610-3 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 \$43.84 and can be viewed free of charge at www.sdpublicnotices.com

Published May 20, 2022.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, May 13, 2022 7:24 AM
To: Kelly Kronsizl
Subject: 8610-3, Five Star Cottages LLC
Attachments: 8610-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 20, 2022 in the Plain Talk and the Press & Dakotan.

Five Star Cottages LLC, c/o Kyle Hinseth, 620 Colonial Ct, Vermillion SD 57069 (605 670-2972) 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>





**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

Five Star Cottages LLC
c/o Kyle Hinseth
620 Colonial Ct
Vermillion SD 57069

Dear Mr. Hinseth:

Water Permit Application No. 8610-3 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 Plain Talk printed at Vermillion (Ph # 605 624-2695) and the Press & Dakota 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. 8610-3 to Appropriate Water

Notice is given that Five Star Cottages LLC, c/o Kyle Hinseth, 620 Colonial Ct, Vermillion SD 57069 has filed an application for a water permit to irrigate 65 additional acres. Water Permit No. 7447-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW 1/4 NE 1/4 Section 22 for irrigation of 160 acres located in the S 1/2 SE 1/4 Section 15 and E 1/2 NW 1/4, W 1/2 NE 1/4 Section 22; all in T93N-R53W. The irrigation in Section 15 was never developed and the construction period has expired. This application proposes to irrigate 65 additional acres located in the S 1/2 SE 1/4 Section 15-T93N-R53W from the existing well. This application, if approved, and Water Permit No. 7447-3 will authorize a total of 1.78 cfs for irrigation of 160 acres. This site is located approximately 2 miles northwest of Meckling SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8610-3 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.

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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

Five Star Cottages LLC
c/o Kyle Hinseth
620 Colonial Ct
Vermillion SD 57069

Dear Mr. Hinseth:

Enclosed is Water Permit No. 8610-3 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

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

Date 6/30/2022

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

FROM: Five Star Cottages LLC Kyle Hinseth member
(name)
620 Colonial Ct.
(address)
Vermillion SD 57069 605-670-2972
(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. 8610-3 states that the water use system is to be constructed by
5/31/2027 , and water is to be put to beneficial use by 5/31/2031 .
(date) (date)

The water use system was completed on 6/22/2022 .
(date)

Applying the water to beneficial use was completed on 6/22/2022 .
(date)

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

[Signature] member
(signature)
Five Star Cottages LLC

7-98

**RECEIVED**

JUL 05 2022

**OFFICE OF
WATER**



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 5, 2022

8610-3

Kyle Hinseth
Five Star Cottages LLC
620 Colonial Ct
Vermillion SD 57069

Dear Mr. Hinseth:

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.

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit Nos. 7447-3 and 8610-3

I have this day, September 13, 2022, made a thorough examination of the water use systems owned by Five Star Cottages LLC, c/o Kyle Hinseth, 620 Colonial Ct., Vermillion, SD 57069, holder of Permit Nos. 7447-3 and 8610-3, bearing the priority dates of October 3, 2012, and March 14, 2022, respectively. Permit No. 7447-3 authorizes the diversion of 1.78 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer). Together the permits authorize the irrigation of 160 acres located in Clay County.

Inspection contacts: Kyle Hinseth and Nick Merrigan

A. Works used to divert the water:

Well Information

- 1) Well Drilling Firm: Hammond Wetmore Drilling, LLC
- 2) No. of Wells: 1
- 3) Depth(s): 80 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: 12.9 feet

Pump:

- 1) Make: Unknown
- 2) Model: Unknown
- 3) Capacity: 700 GPM

Motor:

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

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

- | | | |
|-----------------------|-----------------------|--|
| 1) Type: <u>Steel</u> | Size: <u>8</u> inches | Length: <u>20 feet to the east pivot (WR No. 7447-3)</u> |
| 2) Type: <u>PVC</u> | Size: <u>8</u> inches | Length: <u>1,010 feet to the west pivot (WR No. 7447-3)</u> |
| 3) Type: <u>PVC</u> | Size: <u>8</u> inches | Length: <u>1,330 feet to the north pivot (WR No. 8610-3)</u> |

C. Works used to apply water to beneficial use:

West Center Pivot (WR No. 7447-3):

- 1) Make: Zimmatic
- 2) Overall length: 814 feet
- 3) Number of towers: 5
- 4) End gun: Yes
- 5) Capacity: 650 GPM

East Center Pivot (WR No. 7447-3):

- 1) Make: Valley
- 2) Overall length: 796 feet
- 3) Number of towers: 6
- 4) End gun: Yes
- 5) Capacity: 650 GPM

North Center Pivot (WR No. 8610-3):

- 1) Make: Reinke
- 2) Overall length: 1,271 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 650 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

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

E. Condition and Location:

- 1) The systems are in good condition with the point(s) of diversion located as follows:
The well is 2,130 feet west and 880 feet south of the northeast corner of Section 22-T93N-R53W (Latitude 42.86406, Longitude -97.09023– NW1/4 of the NE1/4).
 2) The works are capable of diverting and conveying to the places of use 1.56 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

<u>Section 22-T93N-R53W</u>		<u>Section 15-T93N-R53W</u>	
<u>NE1/4NW1/4</u>	<u>37 acres</u>	<u>SW1/4SE1/4</u>	<u>32 acres</u>
<u>SE1/4NW1/4</u>	<u>9 acres</u>	<u>SE1/4SE1/4</u>	<u>32 acres</u>
<u>NW1/4NE1/4</u>	<u>37 acres</u>		
<u>SW1/4NE1/4</u>	<u>9 acres</u>		

comprising a total of 156 acres of land and the license should be issued for 1.56 cfs.

- 3) All structures, wells and lands on map: Yes

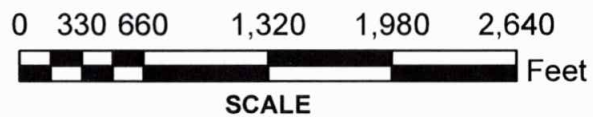
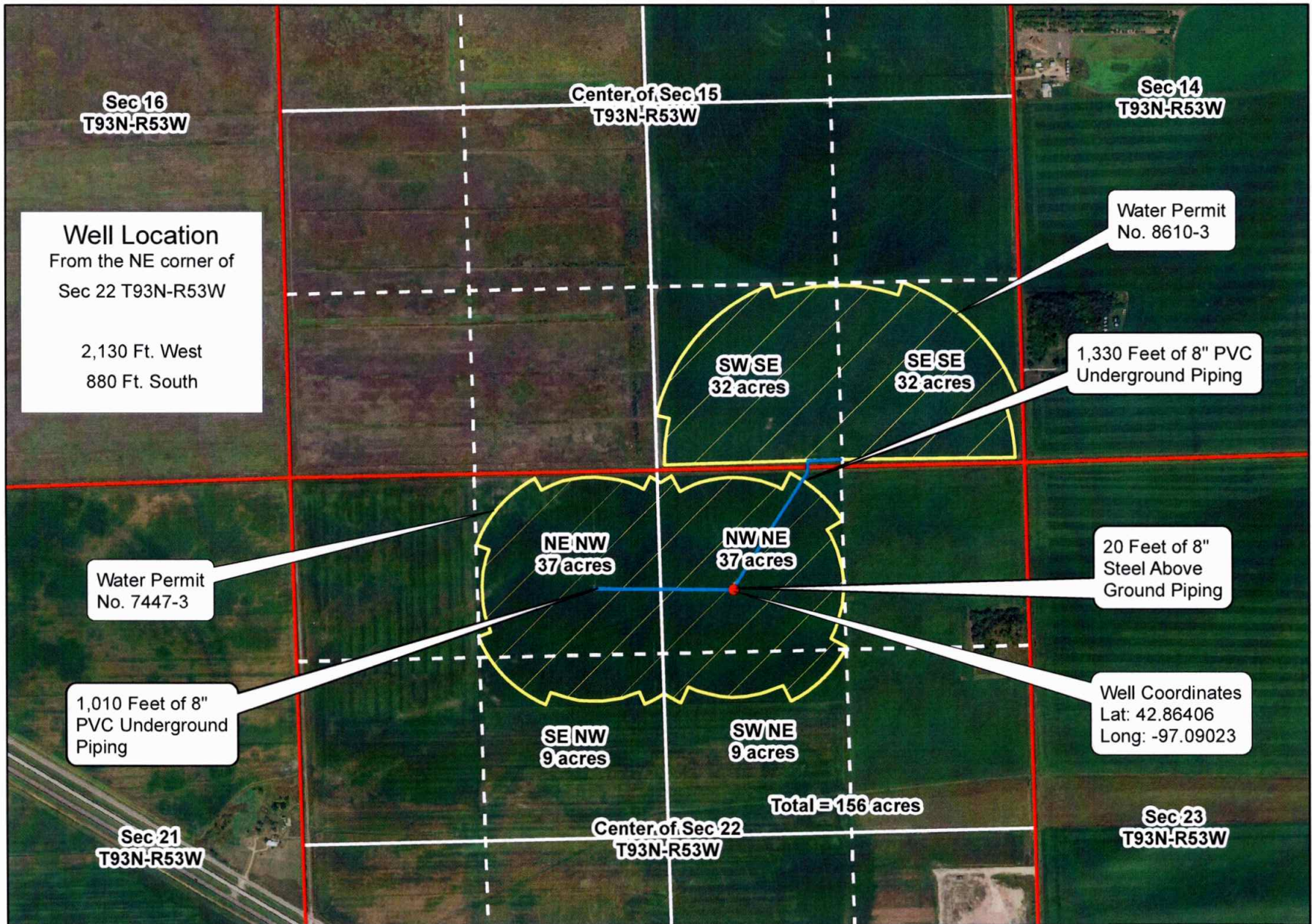
F. Comments or other permit(s) associated with the project: Each pivot is operated one at a time with water from the well. Since the two permits take water from the same well and have one owner, they could be combined into one license. The flow rate listed is the test pump rate from the well log. Neither the owner nor the well company had the pump and motor information. The pivot flow rate is based on what the nozzles of the southeast pivot were rated for.

Keith DeJong

Keith DeJong, PE Ret.
 Water Rights Inspector
 DANR, Water Rights Program

Date report completed: September 16, 2022

Water Permit Nos. 7447-3 and 8610-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
September 16, 2022



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

SEP 21 2022

7447-3
8610-3

Kyle Hinseth
Five Star Cottages LLC
620 Colonial Ct
Vermillion SD 57069

Dear Mr. Hinseth:

Enclosed is Water License No. 8610-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

Note: Upon licensing, the applicable portions of Water Permit No. 7447-3 were incorporated into Water License No. 8610-3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 8610-3

(1) Five Star Cottages LLC, 620 Colonial Ct., Vermillion SD 57069 made Application No. 8610-3, March 14, 2022, for a water permit to irrigate an additional 65 acres from an existing well (Missouri Elk Point Aquifer) authorized under Water Permit No. 7447-3, located in Clay County, South Dakota. Permit No. 8610-3, with a priority date of March 14, 2022, was approved May 31, 2022 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 31, 2027 and for the application to beneficial use of water on or before May 31, 2031.

The Permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" indicating the water use system was completed and the water placed to beneficial use on the additional acreage on June 22, 2022.

Water Permit No. 7447-3, with a priority date of October 3, 2012, authorizes diversion of 1.78 cubic feet of water per second (cfs) to irrigate acreage in the S ½ Section 15 and N ½ Section 22, T93N, R53W. The irrigation of the land in Section 15 was not developed within the time frame specified on the permit. Water Permit No. 8610-3 was obtained to allow development of the acreage in Section 15 to be irrigated from the existing well.

The applicable portions of Water Permit No. 7447-3 are incorporated into this Water License. Priority dates as they pertain to the acreage irrigated are described in (3) of this license.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,130' W and 880' S of the NE corner of Section 22, T93N, R53W (NW ¼ NE ¼)
Latitude 42.86406, Longitude -97.09023

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

Section 22, T93N, R53W		Section 15, T93N, R53W	
NE ¼ NW ¼	37 acres	SW ¼ SE ¼	32 acres
SE ¼ NW ¼	9 acres	SE ¼ SE ¼	32 acres
NW ¼ NE ¼	37 acres		
SW ¼ NE ¼	9 acres	Total	156 acres

Priority date: October 3, 2012, for land in Section 22, T93N, R53W (established under No. 7447-3)

Priority date: March 14, 2022, for land in Section 15, T93N, R53W (established under No. 8610-3)

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Five Star Cottages LLC, 620 Colonial Ct., Vermillion SD 57069 the holder and/or owner of Incorporated Water Right No. 8610-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with priority dates of October 3, 2012 (Section 22) and March 14, 2022 (Section 15) from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8610-3 and subject to the following qualifications:

- The well approved under Nos. 7447-3 and 8610-3 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.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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

SEP 21 2022

date

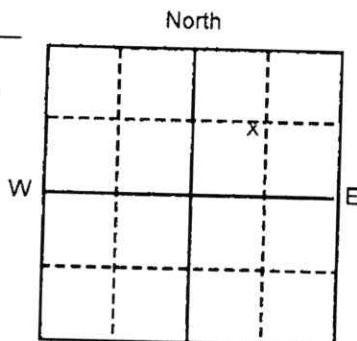


SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW ¼ NE ¼ Sec 22 Twp 93N Rg 53W

County Clay

Please mark well
location with an "X"

Well Completion Date

July 29, 2013

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
4,000.0 ft. from Septic Tank (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring wellMETHOD OF DRILLING:
bucket Method

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	40.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	20	9.5 Lb/gal	0.0 Ft	30.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16.00 Inches Length 40.0 Feet

Material PVC

Slot Size .050 Set From 40.0 Feet to 80.0 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?Lab to which water quality sample sent for analysis ☒ No, Why Not? Not Required

Well Owner: Michael Hauck

Business Name:

Address: 2719 Falcon Ct

City, State, Zip: Vermillion SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Clay	2	35
Clay Gravel Mix	35	37
Fine Sand & Gravel Dirty	37	40
Fine Gravel	40	80

STATIC WATER LEVEL 12.9 FEET

If flowing: closed in pressure 5/27/14 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:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

RECEIVED

OCT - 4 2013

WATER RIGHTS
PROGRAM

This well was drilled under license # 666 and this report is true and accurate.

Drilling firm: Hammond-Wetmore Drilling, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

9/28/13