

WATER PERMIT NO. 8619-3

Name of Applicant: Tim or Kari Ostrem

Address: 45924 300 St, Centerville SD 57014

Phone: 605 530-1505

Amount of Water Claimed: 1.78 cfs

Total Acres: 260 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: 8 miles southwest of Centerville

PRIORITY

Date Received: 3-9-22

Application/License Fee: \$ 1250

Corrected Application Received: 3-24-22

Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: center of SE 1/4 Sec 30-T95N-R52W

Land to be Irrigated: S 1/2 Sec 30-T95N-R52W

Depth of Well: 165 feet deep

Well Driller:

Remarks:

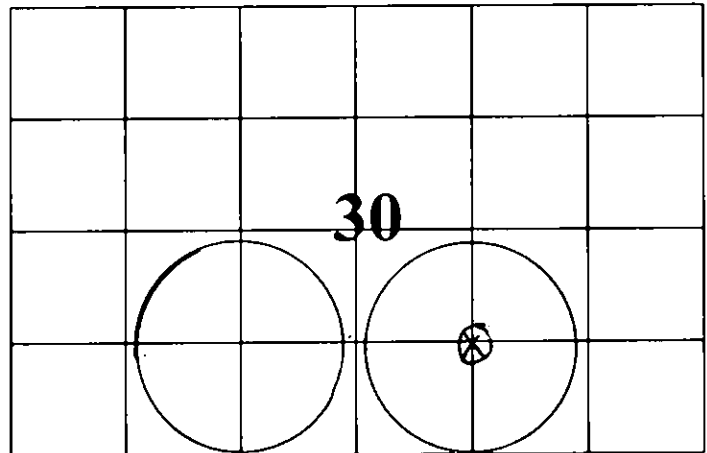
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-25-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8619-3**

Date of first receipt of application March 9, 2022.

Date of return to applicant for corrections, amendments or changes March 10, 2022.

Date of receipt of corrected application March 24, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8619-3 to Tim or Kari Ostrem, 45924 300th St, Centerville SD 57014 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. 8619-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri South Aquifer (approximately 165 feet deep) located in the center of the SE 1/4 Section 30 for irrigation of 300 acres located in the S 1/2 Section 30; all in T95N-R52W. This site is located approximately 8 miles southwest of Centerville 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 9, 2022.
4. The date of approval of Permit No. 8619-3 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. 8619-3 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. 8619-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 28 2022
date



RECEIVED

MAR 09 2022

PAID

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8619-3</u> Basin <u>Vermillion R.</u> Newspaper <u>Plain Talk</u> <u>Press & Dakotan</u>	(office use only) Hydrologic Unit <u>10170102</u>	WATER RIGHTS PROGRAM MAR 9 2022 Ck# <u>7053/9372</u> Rec't# _____
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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 Tim or Kari Ostrom

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

Mailing Address 45924 300st Centerville S.D. 57014
(Address) (City) (State) (Zip Code)Phone 605 530 1505 Mobile _____ Email tkostrom@gmail.com2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 300
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam, dugout or annual use if applicable)3. Source of water supply well4. Location of point of diversion SE 1/4 95 52 30 (approximate center)
(example - 3 wells in SW 1/4 NE 1/4 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 1 - Oct 317. 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
SE 1/4 SE 1/4 95 52 30	37	SE 1/4 SW 1/4 95 52 30	40
NE 1/4 SE 1/4 95 52 30	37	NE 1/4 SW 1/4 95 52 30	40
NW 1/4 SE 1/4 95 52 30	40	NW 1/4 NW 1/4 SW 1/4 95 52 30	33
SW 1/4 SE 1/4 95 52 30	40	SW 1/4 SW 1/4 SW 1/4 95 52 30	33

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

2 pivots - one shared well on SE 1/4 95 52 30

I, Tim Ostrom, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable)

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

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

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

For either Existing or Proposed Wells:

c) Well Depth (required) 165 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)

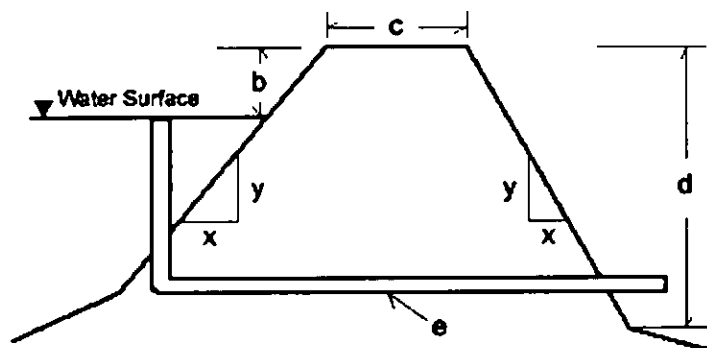
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



**SCHEDULE OF INSURANCE**Acreage Report & Production Report
Multiple Peril Crop InsuranceCreated By: KPROSSER
Created: 07/24/2018Changes on map. ☐Policy #: SD-942-5081393-18
TIM OSTREMState: 46-SD
County: 027 - CLAY
Legal: 0030-095N052W**0030**Agency/Agent Information: 408178
THOMSON AGENCY INC

Available Units for map view:

Unit	Crop	Pract/Type	APH Yld
0002-0014 OU	SOYBEA	NON IRR/COMM	56.0
Sub000		0.5000 DAVID OSTREM	
		901 DOSE	

2 pivots
well in
center of
pivot #1

Insurability				Processor #/Name			# of Trees or Vines								
Line# Unit#	Crop Plan	Practice/Type/ T-Yield Map/Other		Acres Plant	Approved Yield	Acre Guarantee	Guarantee or Amt. of Cov.	Price	Int	Liability	Area Class	Gross Premium	Premium Subsidy	Insured Premium	
88 0002-0014 Sub 000 OU 027	SOYBEAN S RP	NON IRR-COMM		150.54 6/1/2018	56.0	42 \$426.72	6,323 \$64,238.43	\$10.16	0.5000	\$32,119 \$213/Acre		\$4,058	\$2,232	\$1,826	
					Rate Yield	Tenant/ Landlord		Other person(s) sharing in crop: DAVID OSTREM						Acreage Type	
	Opt(s): OUTAYAYCYE				47	Other:		Farm Name:						☐ 2nd Crop	
	Yld Limit: 9-YA - 60% TYield Adjusted								DOSE						
	Field Location Identification: f17 F5695-T1386-3 150.54A											2018 Total Prod		Yield	Prod Type

Automatic Irrigation Inc.

1111 Railway St.

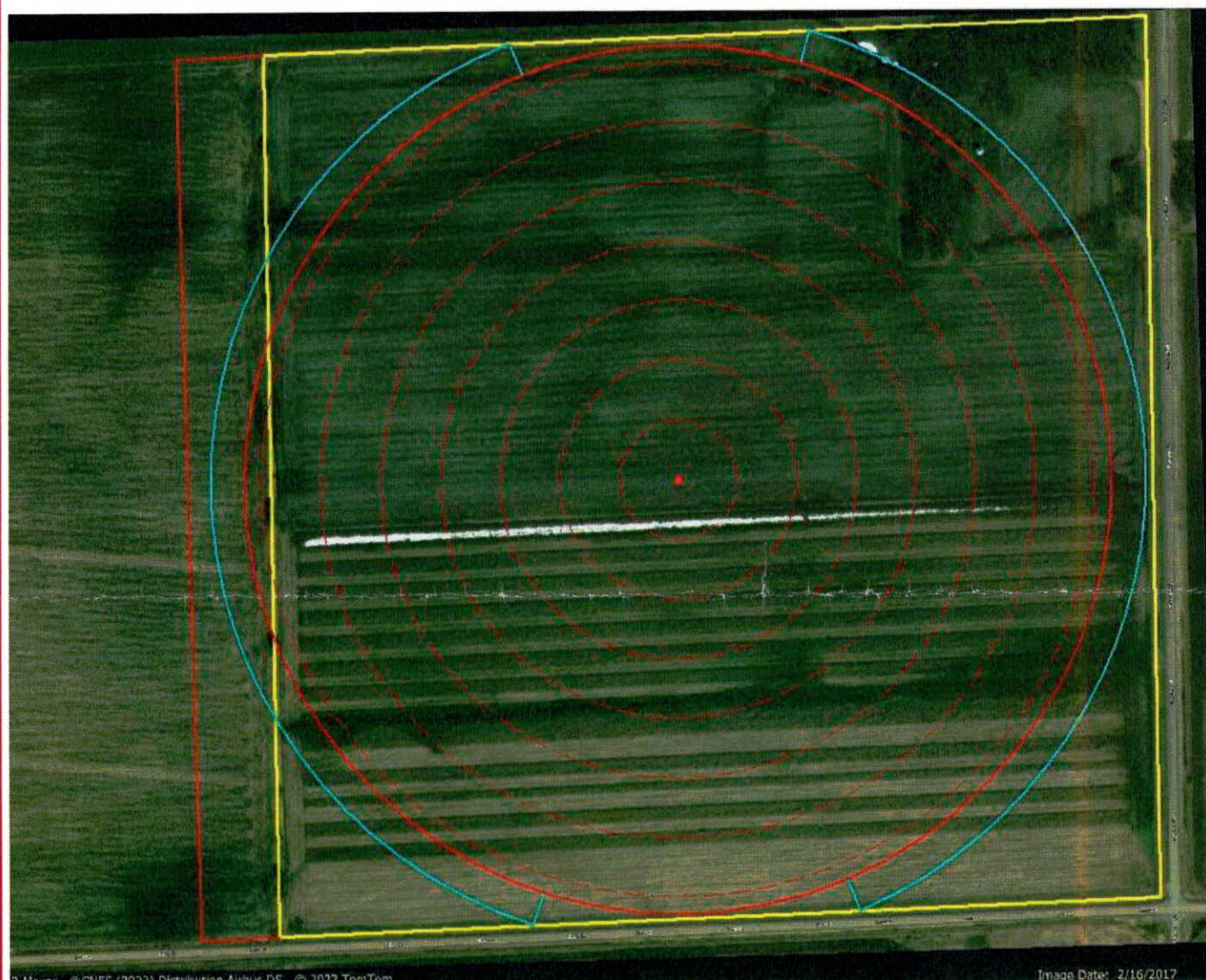
Centerville, SD 57014

Office: (605) 563-2649; Fax: (605) 563-2144

automatic@hcinet.net

Tim Ostrem

New Design (1)



2 Maxar ©CNES (2022) Distribution Airbus DS © 2022 TomTom

Image Date: 2/16/2017

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date March 9, 2022

RECEIVED OF Tim/Kari Ostrem 45924 300 St., Centerville SD 57014

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

Fee for Application for Permit No. <u>8619-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1050.00</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>8619-3</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>1250.00</u>

By Eric Gronlund
Chief Engineer
ERG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 10, 2022

Tim or Kari Ostrem
45924 300 St
Centerville SD 57014

Dear Mr. & Mrs. Ostrem:

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

- Enclosed is a Form 2A, Supplemental Information. Please complete No. 1. Well Information. Item c) Well Depth is required.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

Water Rights Program - File Documentation

NAME: Tim Ostrem

ADDRESS: Centerville SD

DATE: 3-24-22

RE: Pending application

COMMENTS:

Tim Ostrem called regarding my March 10th letter and indicated the proposed well depth would be approximately 165 feet deep.

He indicated he had a permit located 1 mile north (7150-3). I checked and that well is 181 feet deep.



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. 8619-3, Tim or Kari Ostrem**

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. 8619-3, Tim or Kari Ostrem, 45924 300th Street, Centerville SD 57014.

The Chief Engineer is recommending APPROVAL of Application No. 8619-3 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. 8619-3 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. 8619-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
May 10, 2022

Report to the Chief Engineer
On Water Permit Application No. 8619-3

Tim or Kari Ostrem

May 10, 2022

Water Permit Application No. 8619-3 proposes to divert water at a maximum instantaneous diversion rate of 1.78 cubic feet per second (cfs) from one well to be completed into the Upper Vermillion Missouri: South aquifer (approximately 165 feet deep) located in the center of the SE $\frac{1}{4}$ of Section 30 for the irrigation of 300 acres located in the S $\frac{1}{2}$ of Section 30; all in T95N-R52W. The site of interest is located in Clay County approximately eight miles southwest of Centerville, SD.

AQUIFER: Upper Vermillion Missouri: South (UVM: S)

HYDROGEOLOGY:

The Upper Vermillion Missouri aquifer is a glacial outwash that is composed of fine sand to medium-pebble gravel (Lindgren and Hansen, 1990; Niehus, 1997). The aquifer generally lays in a bedrock valley that trends northwest to southeast with the direction of groundwater movement generally to the south/southeast (Lindgren and Hansen, 1990; Holmes and Filipovic, 2015). Most of the Upper Vermillion Missouri aquifer is overlain by till that can be up to 160 feet thick but in some localized areas, the aquifer can be encountered near the ground surface (Holmes and Filipovic, 2015). From 2013 to 2014, the SD DENR-Geological Survey completed a study to further understand the geologic and hydrologic conditions of the Upper Vermillion Missouri aquifer (Holmes and Filipovic, 2015). As a result, the aquifer is now divided into three management units (North, South, and West) that were adopted by the Water Management Board at the March 6, 2014 meeting (Water Rights, 2014). It is worth noting that of the south boundary of the Upper Vermillion Missouri aquifer Buhler (2014) states, "Although the southern boundary has not been delineated at this time, data shows that it extends south several miles from the original border as it merges with or transitions into the Lower Vermillion Missouri aquifer." Although described as not yet delineated, the mapping and areas presented in Buhler (2014) reflected a southern boundary for the Upper Vermillion Missouri aquifer extending several miles south from the original border and includes sufficient information to allow for the examination of water availability in the South management unit of the Upper Vermillion Missouri aquifer.

The proposed diversion point is located in the South management unit of the Upper Vermillion Missouri aquifer. The areal extent of the Upper Vermillion Missouri: South aquifer is approximately 78,820 acres in Clay, Lincoln, and Turner Counties (Figure 1) (Buhler, 2014). The Upper Vermillion Missouri: South aquifer is generally under confined conditions except near the Clay-Turner County line where the aquifer is in hydrologic connection with the overlying Parker-Centerville aquifer (Holmes and Filipovic, 2015; Lindgren and Hansen, 1990; Niehus, 1997).

No water well or test hole completion report was submitted with Water Permit Application No. 8619-3. Water well completion reports on file with the DANR-Water Rights Program for appropriative water users within approximately two miles of the proposed diversion point have saturated aquifer thicknesses ranging from approximately 40 to 60 feet, with the depth to the top of aquifer materials ranging from approximately 5.5 to 150 feet below the ground surface, and static water levels at well completion varying from approximately 5.5 to 70 feet below the ground surface (Water Rights, 2022b and 2022c). Although the Upper Vermillion Missouri: South aquifer varies between confined and unconfined aquifer conditions near the proposed diversion point, the Upper Vermillion Missouri: South aquifer is expected to be confined at the proposed diversion point based on the well completion reports for nearby wells (Water Rights, 2022b and 2022c). The proposed diversion point for Water Permit Application No. 8619-3 plots approximately 0.3 miles west outside of the Upper Vermillion Missouri: South aquifer boundary as aquifer boundaries are approximate.

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 Upper Vermillion Missouri: South aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8619-3 proposes to appropriate water from the Upper Vermillion Missouri: South aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Upper Vermillion Missouri: South 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 Upper Vermillion Missouri: South aquifer must be considered.

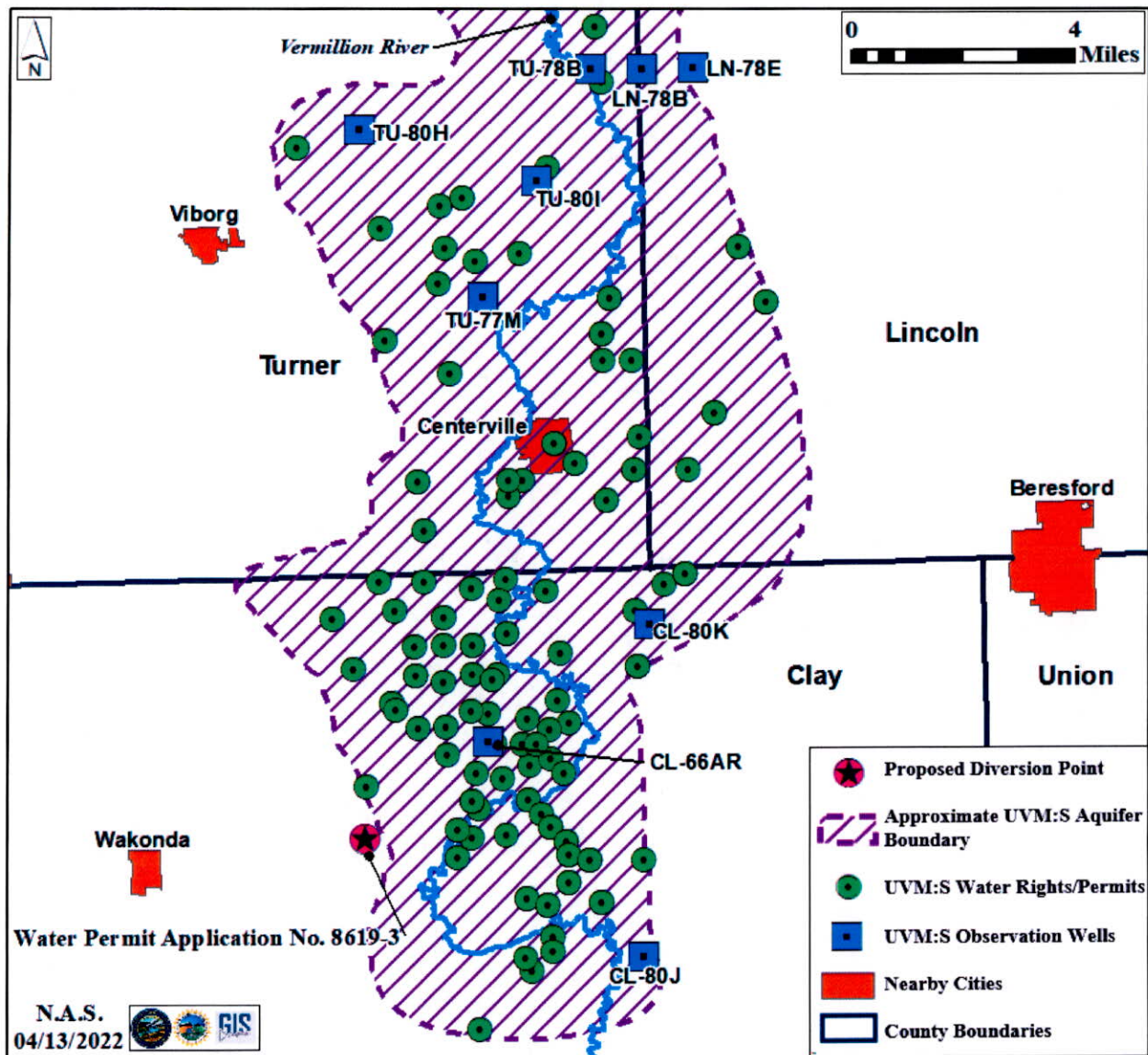


Figure 1. Map of the approximate Upper Vermillion Missouri: South aquifer delineated from Buhler (2014), the location of the proposed diversion point for Water Permit Application No. 8619-3, and the Upper Vermillion Missouri: South aquifer water rights/permits and observation wells (Water Rights, 2022a and 2022b)

HYDROLOGIC BUDGET:

Recharge

Recharge to the Upper Vermillion Missouri aquifer occurs primarily through the infiltration of precipitation where the aquifer is at or near the ground surface. Additional recharge occurs where the Upper Vermillion Missouri aquifer is in direct contact with the Parker-Centerville aquifer (Holmes and Filipovic, 2015; Lindgren and Hansen, 1990; Niehus, 1997). There has been no quantification of the specific recharge rate to the Upper Vermillion Missouri: South aquifer. However, Hedges and others (1985) estimated a recharge rate of 0.25 inches per year using a regional flow net analysis for the entire Upper Vermillion Missouri as delineated at that time. The Upper Vermillion Missouri aquifer as delineated by Hedges and others (1982) had the North, South, and West management units as one singular aquifer. Applying the 0.25 inches per year recharge rate over the current areal extent of the Upper Vermillion Missouri: South aquifer leads to an estimated recharge rate of 1,642 acre-feet per year for the Upper Vermillion Missouri: South aquifer. This recharge rate is lower than what the observation well data shows and Buhler's (2014) flow net analysis estimate.

2014 Flow Net Analysis

Buhler (2014) completed an analysis of the Upper Vermillion Missouri aquifer that indicates recharge exceeded withdrawals from the Upper Vermillion Missouri: South aquifer by an estimated 5,637 to 8,223 acre-feet per year at that time based on estimated groundwater outflow from the Upper Vermillion Missouri: South aquifer. Buhler's (2014) analysis included all previously defined Upper Vermillion Missouri and Lower Vermillion Missouri aquifer water rights/permits that are now identified as withdrawing water from the South management unit of the Upper Vermillion Missouri aquifer. On the March 6, 2014, Water Management Board meeting, the Board approved twelve water permit applications: Nos. 7441-3, 7442-3, 7466-3, 7467-3, 7600-3, 7601-3, 7603-3, 7623-3, 7653-3, 7690-3, 7900-3, and 7919-3 (Water Rights, 2014 and 2022b). However, Water Permit Nos. 7623-3 and 7653-3 were cancelled in 2018 (Water Rights, 2022b). The remaining ten water permits authorize the irrigation of approximately 1,295.83 acres (Water Rights, 2022b). Buhler (2014) calculated an average annual application rate per permitted acre from the Upper Vermillion Missouri aquifer of six inches per permitted acre. Using Buhler's (2014) *average application rate per permitted acreage* for the Upper Vermillion Missouri aquifer, the average annual withdrawal rate that is expected from these ten Upper Vermillion Missouri: South aquifer water permits is approximately 648 acre-feet per year.

The Water Management Board has approved 26 additional water permit applications for wells completed into the Upper Vermillion Missouri: South aquifer since the March 6, 2014, Board meeting and the use type for each permit is irrigation (Water Rights, 2022b). These 26 water permits authorize the irrigation of approximately 2,492.56 acres (Water Rights, 2022b). Using Buhler's (2014) *average application rate per permitted acreage* for the Upper Vermillion Missouri aquifer, the average annual withdrawal rate that is expected from these Upper Vermillion Missouri: South aquifer water permits is approximately 1,246 acre-feet per year.

Discharge

Discharge from the Upper Vermillion Missouri aquifer is primarily through evapotranspiration where the aquifer is near the ground surface, subsurface outflow to other glacial aquifers, and through well withdrawals (Lindgren and Hansen, 1990; Water Rights, 2022b and 2022c).

Currently, there are 91 water rights/permits authorized to appropriate water from the Upper Vermillion Missouri: South aquifer (Water Rights, 2022b). The average annual withdrawal rate for the Upper Vermillion Missouri: South aquifer water rights/permits (approved after the March 6, 2014, Water Management Board meeting) is approximately 1,894 acre-feet per year.

Table 1 summarizes these 36 Upper Vermillion Missouri: South aquifer water rights/permits, and their estimated use based on Buhler's (2014) *average application rate per permitted acreage* for the Upper Vermillion Missouri aquifer. Collectively, the average annual withdrawal rate for the Upper Vermillion Missouri: South aquifer water rights/permits (approved after the March 6, 2014, Water Management Board meeting) is approximately 1,894 acre-feet per year (Table 1).

There are domestic wells completed into the Upper Vermillion Missouri: South aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2022c). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the withdrawal rate from the Upper Vermillion Missouri: South aquifer. Additionally, with the development of rural water systems in areas where the Upper Vermillion Missouri: South aquifer is the uppermost aquifer available; 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 withdrawal rate for the Upper Vermillion Missouri: South aquifer.

Hydrologic Budget Summary

Buhler's (2014) analysis of the Upper Vermillion Missouri aquifer indicates recharge exceeded withdrawals from the Upper Vermillion Missouri: South aquifer by an estimated 5,637 to 8,223 acre-feet per year at that time. That analysis included all previously defined Upper Vermillion Missouri and Lower Vermillion Missouri aquifer water rights/permits that are now identified as withdrawing water from the South management unit of the Upper Vermillion Missouri aquifer (Buhler, 2014). The average annual withdrawal rate for the Upper Vermillion Missouri: South aquifer water rights/permits, approved after the March 6, 2014, Water Management Board meeting, is approximately 1,894 acre-feet per year. If Water Permit Application No. 8619-3 is approved, assuming Buhler's (2014) *average application rate per permitted acreage* for the Upper Vermillion Missouri aquifer, the estimated average annual withdrawal rate is approximately 150 acre-feet per year. Therefore, there is a reasonable probability that unappropriated water is available to supply this proposed appropriation.

Report on Water Permit Application No. 8619-3

Table 1. The average annual withdrawal rate for the Upper Vermillion Missouri: South aquifer water rights/permits that were approved after the March 6, 2014, Water Management Board meeting (Water Rights, 2022b)

Permit No.	Name	Priority Date	Status	Use	Acres	Estimated Use (acre-feet/year)
6811A-3	Jesse & Tanya Vandestroet	04/10/2014	PE	IRR	115	57.5
6820A-3	Jesse & Tanya Vandestroet	01/23/2014	PE	IRR	43	21.5
7383-3	Metabank	07/20/2012	PE	IRR	25	12.5
7384-3	Nicholas & Courtney Blake	07/20/2012	PE	IRR	80	40
7441-3	Jason or Alicia Knutson	09/26/2012	PE	IRR	140	70
7442-3	Leah Johnson	09/26/2012	PE	IRR	40	20
7466-3	Bethel Hagen Trust	10/18/2012	PE	IRR	152	76
7467-3	Cleland Hagen Trust	10/18/2012	PE	IRR	152	76
7600-3	Michael D Stevens	12/28/2012	PE	IRR	180	90
7601-3	Michael D Stevens	12/28/2012	PE	IRR	132	66
7603-3	Michael D Stevens	12/28/2012	PE	IRR	120	60
7690-3	Tim or Dave Ostrem	12/20/2013	PE	IRR	160	80
7693-3	Metabank	02/06/2013	PE	IRR	27.7	13.85
7900-3	Leon Thompson	09/11/2013	PE	IRR	136	68
7919-3	Larry & Marlene Erickson	10/23/2013	PE	IRR	83.83	41.92
7945-3	Brad R or Linda R Trudeau	01/17/2014	PE	IRR	60	30
7947-3	Leon, Holly and Jordan Rozeboom	01/23/2014	PE	IRR	133.44	66.72
7948-3	Majestic Farms LLP	01/23/2014	PE	IRR	55.02	27.51
7949-3	Jesse & Tanya Vandestroet	01/23/2014	PE	IRR	100.9	50.45
7964-3	Paul, Mike & John Shubeck	02/12/2014	PE	IRR	128	64
7976-3	Vasgaard Properties	02/27/2014	PE	IRR	160	80
7990-3	Robert P Walsh	04/02/2014	PE	IRR	240	120
7993-3	Jesse & Tanya Vandestroet	04/10/2013	PE	IRR	53	26.5
7994-3	Metabank	04/10/2014	PE	IRR	72	36
7995-3	Jesse & Tanya Vandestroet	04/10/2014	PE	IRR	25	12.5
8007-3	Louis Latendresse	04/18/2014	PE	IRR	150	75
8037-3	Tyler Anderson	06/10/2014	PE	IRR	103	51.5
8070-3	Hansen Irrigated Farms LLC	01/07/2015	PE	IRR	96	48
8071-3	Hansen Irrigated Farms LLC	01/07/2015	PE	IRR	51	25.5
8072-3	Jesse & Tanya Vandestroet	01/07/2015	PE	IRR	40	20
8469-3	Double A Farms LLC	03/15/2021	PE	IRR	114	57
8470-3	Nicholas Blake	03/22/2021	PE	IRR	160	80
8492-3	Tim or Kari Ostrem	02/19/2021	PE	IRR	180	90
8542-3	Tyler Anderson	08/09/2021	PE	IRR	103	51.5
8588-3	T & D Farms	02/03/2022	PE	IRR	160	80
8599-3	Farron Pratt and Michelle Pratt	02/24/2022	PE	IRR	17.5	8.75
PE: Water Permit, IRR: Irrigation				TOTAL:	3,788	1,894

OBSERVATION WELL DATA:

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

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors nine observation wells completed into the Upper Vermillion Missouri: South aquifer (Water Rights, 2022a). The three closest observation wells to the proposed diversion point are CL-66AR (approximately 2.8 miles northeast), CL-80K (approximately 5.5 miles southeast), and CL-80J (approximately 6.5 miles northeast) (as shown in Figure 1). The hydrographs for these observation wells are displayed in Figures 2 to 4 (Water Rights, 2022a). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DANR Water Rights Observation Well on the hydrographs.

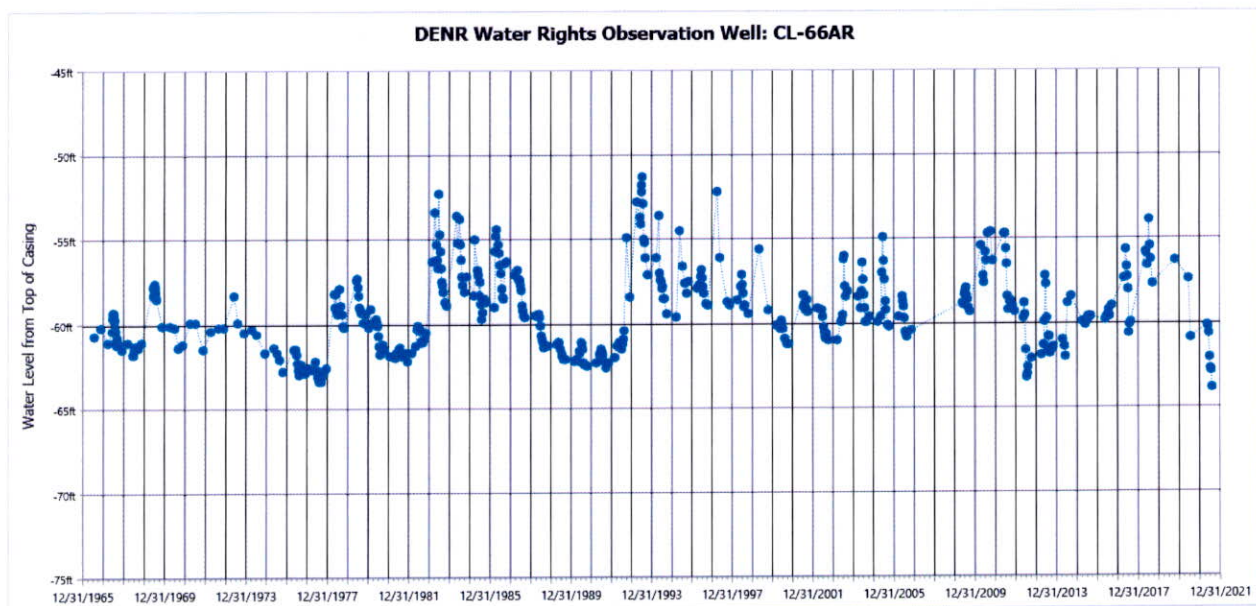


Figure 2. Hydrograph for observation well CL-66AR (Water Rights, 2022a)

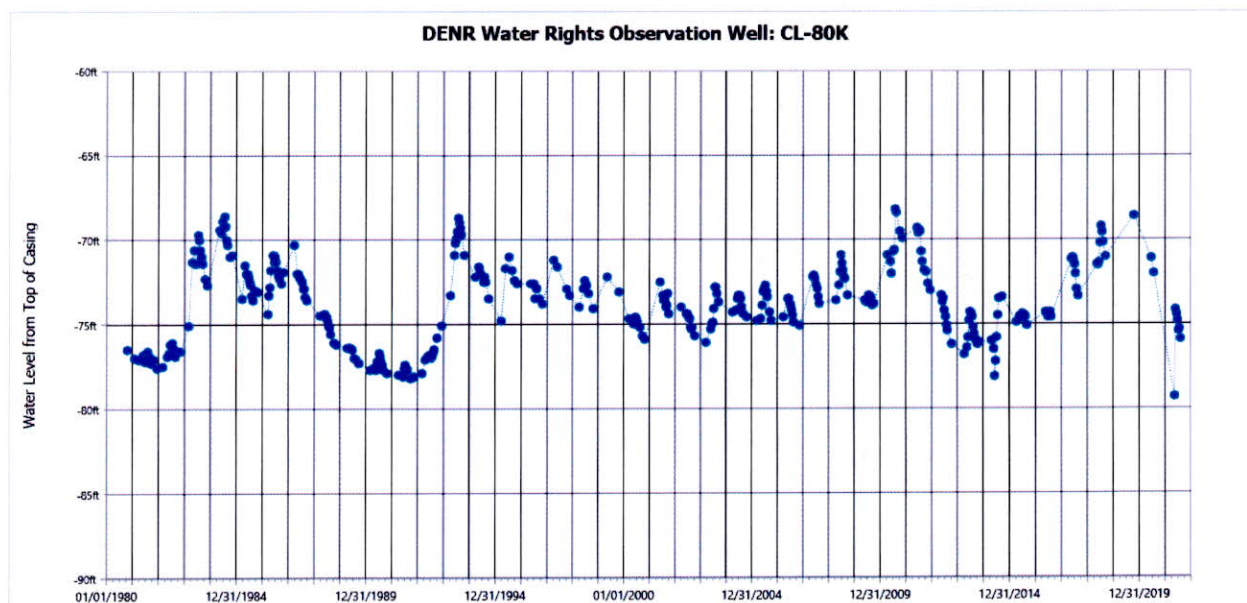


Figure 3. Hydrograph for observation well CL-80K (Water Rights, 2022a)

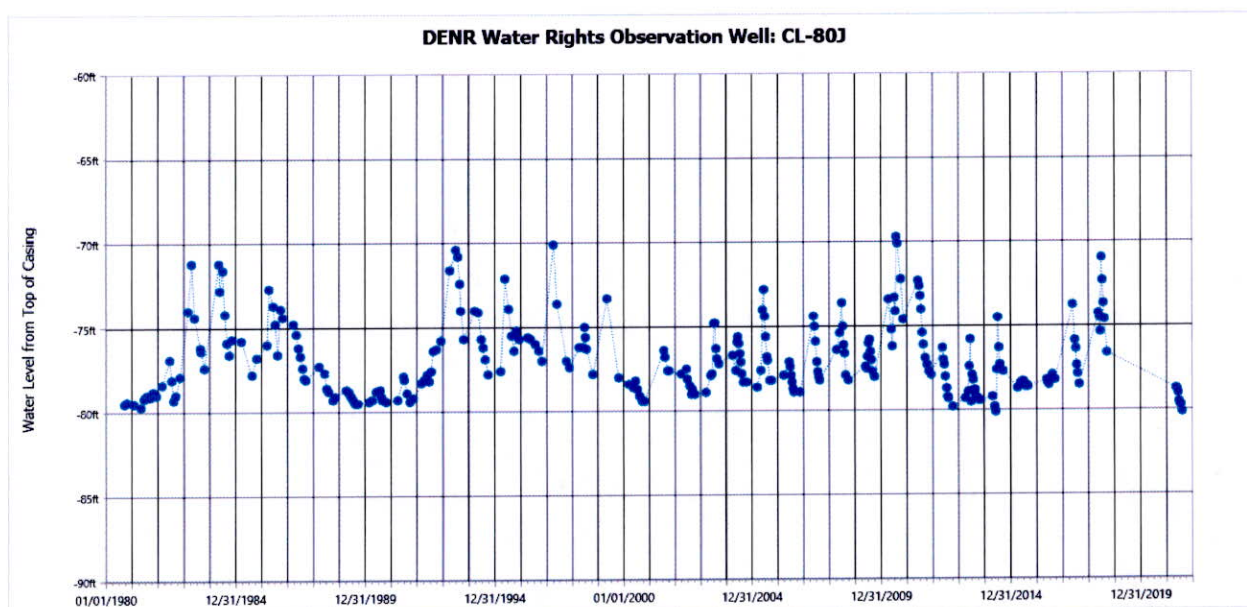


Figure 4. Hydrograph for observation well CL-80J (Water Rights, 2022a)

The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. The hydrographs for these three observation wells were compared to the hydrographs for the other observations wells completed into the Upper Vermillion Missouri: South aquifer and each displayed a similar trend as shown on the hydrographs displayed in Figures 2 to 4 (Water Rights, 2022a). The hydrographs for the Upper Vermillion Missouri: South 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. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Upper Vermillion Missouri: South aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation. It is worth noting the most recent water level readings for the Upper Vermillion Missouri: South aquifer observation wells are approximately the lowest readings on the hydrographs displayed in Figures 2 to 4. These water level readings are not of concern at this time as they were measured during the middle of the irrigation season in 2021 (Water Rights, 2022a).

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 91 water rights/permits authorized to appropriate water from the Upper Vermillion Missouri: South aquifer (Water Rights, 2022b). The closest water rights/permits to the proposed diversion point (not held by the applicant) are Water Permit Nos. 6572-3, 6817-3, and 8007-3. The diversion points authorized by Water Permit Nos. 6572-3, 6817-3, and 8007-3 are located within approximately two miles of the proposed diversion point for this application (Figure 5) (Table 2) (Water Rights, 2022b).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Upper Vermillion Missouri: South aquifer, with the closest domestic well on file (not held by the applicant) approximately 1.7 miles east of the proposed diversion point (Water Rights, 2022c). There could potentially be other domestic wells completed into the Upper Vermillion Missouri: South aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program.

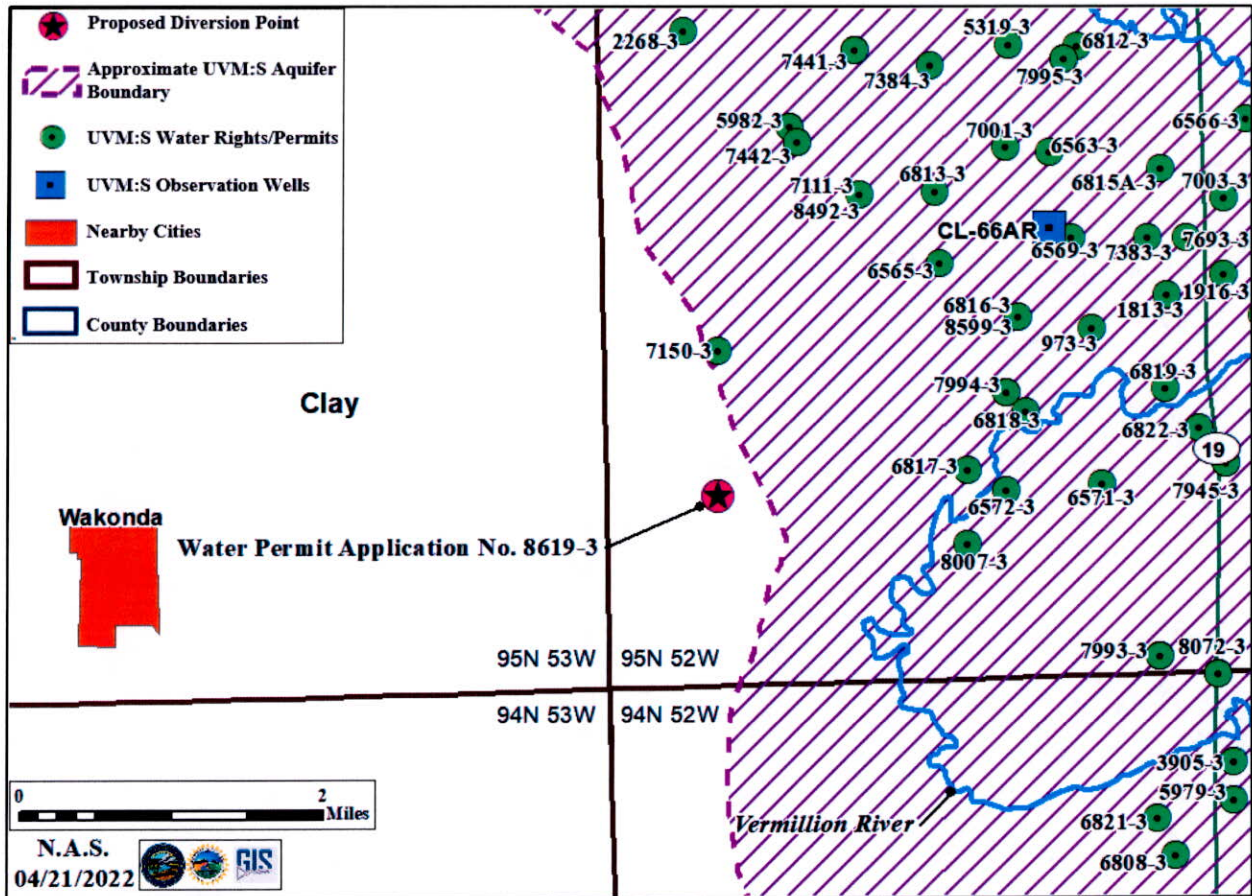


Figure 5. Location of the proposed diversion point for Water Permit Application No. 8619-3 with the Upper Vermillion Missouri: South aquifer water rights/permits and observation well within approximately three miles (Water Rights, 2022a and 2022b)

Table 2. Upper Vermillion Missouri: South aquifer water rights/permits within approximately three miles of the proposed diversion point, as shown in Figure 5 (Water Rights, 2022b)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Acres in IRR
973-3	Nicholas & Courtney Blake	LC	IRR	1.78		131
1813-3	Metabank	LC	IRR	2.06		144
1916-3	Troy & Sheila Gust	LC	IRR	1.33		169
2268-3	William Knutson	LC	IRR	2		206
3905-3	Clay Rural Water System Inc	LC	RWS	2		
5319-3	Larry Erickson	LC	IRR	1.89		132
5979-3	Clay Rural Water System Inc	LC	RWS	2	307	
5982-3	Leah Johnson	LC	IRR	1.64		115
6563-3	Rus Farms Real Estate LLC	LC	IRR	1.78		242.5
6565-3	Metabank	LC	IRR	1.78		130
6566-3	Metabank	LC	IRR	0.97		68
6569-3	Smit Revocable Trust	PE	IRR	1.11		42
6571-3	Rus Farms Real Estate LLC	LC	IRR	1.78		229.5
6572-3	Trudeau Living Trust	PE	IRR	1.33		78
6808-3	Lovejoy Family Trust	LC	IRR	1.45		135
6812-3	Jesse & Tanya Vandestroet	LC	IRR	1.78		66
6813-3	Rus Farms Real Estate LLC	LC	IRR	1.78		187
6815A-3	Rus Farms Real Estate LLC	LC	IRR	1.78		264.5
6816-3	Farron & Michelle Pratt	LC	IRR	1.39		47.5
6817-3	Metabank	PE	IRR	2		130
6818-3	Metabank	PE	IRR	1.55		117
6819-3	Metabank	LC	IRR	1.39		102
6821-3	Tim Gregoire	LC	IRR	1.78		83
6822-3	Hansen Properties	PE	IRR	1.11		36
7001-3	Rus Farms Real Estate LLC	LC	IRR	1.78		170
7003-3	Metabank	LC	IRR	0.67		31
7111-3	Kari Ostrem	LC	IRR	1.78		130
7150-3	Tim Ostrem	PE	IRR	1.78		300
7383-3	Metabank	PE	IRR	0.56		25
7384-3	Nicholas & Courtney Blake	PE	IRR	1.67		80
7441-3	Jason or Alicia Knutson	PE	IRR	1.78		140
7442-3	Leah Johnson	PE	IRR	0		40
7693-3	Metabank	PE	IRR	0.67		27.7
7945-3	Brad R or Linda R Trudeau	PE	IRR	1.78		60
7993-3	Jesse & Tanya Vandestroet	PE	IRR	1.11		53
7994-3	Metabank	PE	IRR	0		72
7995-3	Jesse & Tanya Vandestroet	PE	IRR	0		25
8007-3	Louis Latendresse	PE	IRR	1.67		150
8072-3	Jesse & Tanya Vandestroet	PE	IRR	1		40
8492-3	Tim or Kari Ostrem	PE	IRR	0		180
8599-3	Farron & Michelle Pratt	PE	IRR	0.17		17.5
LC: Licensed Water Right, PE: Water Permit, IRR: Irrigation, RWS: Rural Water System						

The Upper Vermillion Missouri: South aquifer is generally under confined conditions except near the Clay-Turner County line where the aquifer is in hydrologic connection with the overlying Parker-Centerville aquifer (Holmes and Filipovic, 2015; Lindgren and Hansen, 1990; Niehus, 1997). The Upper Vermillion Missouri: South aquifer is confined at the proposed diversion point based on the water well completion reports on file for nearby water rights/permits (Water Rights, 2022b and 2022c). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test. However, observation wells completed into the Upper Vermillion Missouri: South aquifer near permitted/licensed diversion points can provide some insight on how the aquifer responds to pumping.

Observation well TU-77M (approximately ten miles northeast of the proposed diversion point) has five high-yield (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) irrigation wells within approximately two miles of it (Water Rights, 2022a and 2022b). The lithologic log on file for TU-77M noted the well was drilled 185 feet below the ground surface, with a casing stick up height of 2.1 feet, and the top of aquifer approximately 108 feet below the top of the well casing (SDGS, 2022). The lowest recorded static water level on the hydrograph (shown in Figure 6) is approximately 68 feet from the top of the well casing, which indicates there was still approximately 40 feet of artesian head pressure in TU-77M even during drier periods when high-yield irrigation wells are expected to be pumping more water (Water Rights, 2022a).

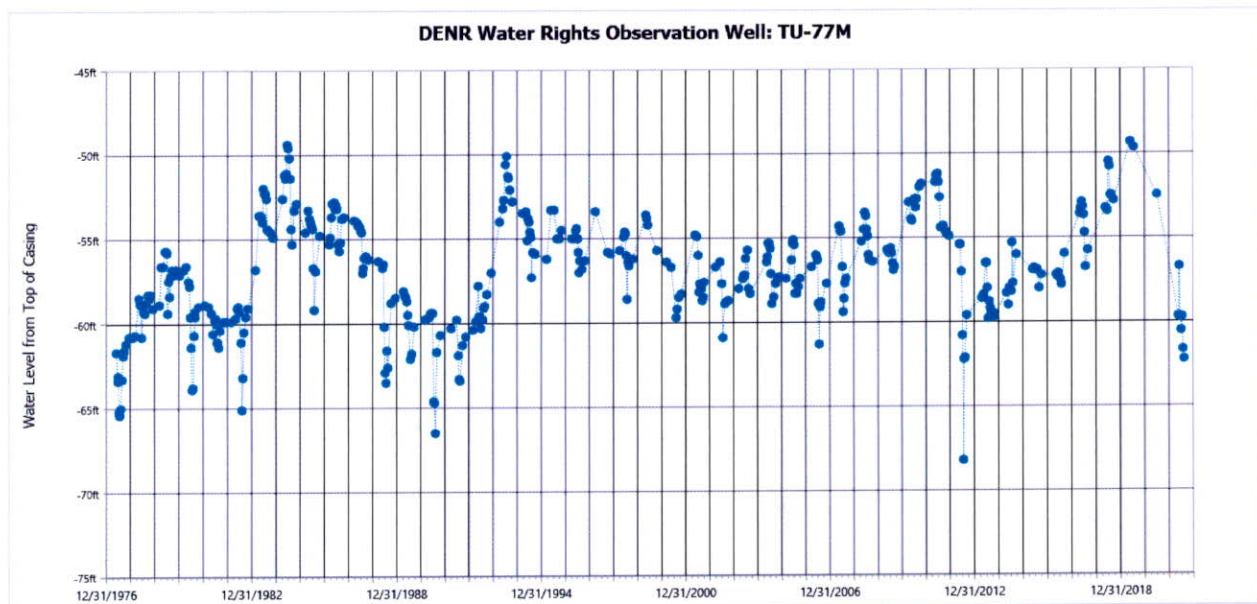


Figure 6. Hydrograph for observation well TU-77M (Water Rights, 2022a)

Within approximately two miles of the proposed diversion point, water well completion reports on file for appropriative water users have saturated aquifer thicknesses ranging from approximately 40 to 60 feet (Water Rights, 2022b and 2022c). This would generally allow for enough 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). Any drawdown as a result of the proposed diversion is not expected to unlawfully impair nearby adequate wells. In Clay, Lincoln, and Turner Counties, there are no complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Upper Vermillion Missouri: South aquifer (Water Rights, 2022d).

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

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Upper Vermillion Missouri: South aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness near the proposed diversion point, the artesian head pressure in observation wells and appropriative user’s wells completed into the aquifer near the proposed diversion point, and the lack of well interference complaints for adequate wells completed into the Upper Vermillion Missouri: South aquifer, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8619-3 proposes to divert water at a maximum instantaneous diversion rate of 1.78 cfs from one well to be completed into the Upper Vermillion Missouri: South aquifer (approximately 165 feet deep) for the irrigation of 300 acres. The site of interest is located in Clay County approximately eight miles southwest of Centerville, SD.
2. Based on Buhler's (2014) Flow Net Analysis and the observation well data, there is a reasonable probability that unappropriated water is available from the Upper Vermillion Missouri: South aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8619-3 will not unlawfully impair adequate wells for existing water right/permit holders and domestic users.



Nakaila Steen
Natural Resources Engineer II
SD DANR - Water Rights Program

Reviewed by:



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

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- Buhler, K.A., 2014. Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer. SD DENR – Water Rights Program, Joe Foss Bldg., Pierre, SD.
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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, 2022d. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, May 11, 2022 9:36 AM
To: Kari Ostrem (tkostrem@gmail.com)
Subject: Water Permit Application No. 8619-3
Attachments: 3403.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

RECEIVED

MAY 23 2022

OFFICE OF
WATER

TIM OSTREM
45924 300TH ST
CENTERVILLE SD 57014

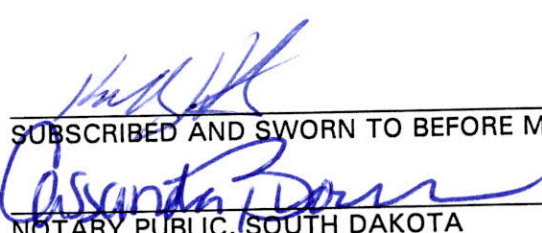
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

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 \$39.52 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. 8619-3 to Appropriate Water

Notice is given that Tim or Kari Ostrem, 45924 300 St, Centerville SD 57014 have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri South Aquifer (approximately 165 feet deep) located in the center of the SE 1/4 Section 30 for irrigation of 300 acres located in the S 1/2 Section 30; all in T95N-R52W. This site is located approximately 8 miles southwest of Centerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8619-3 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 \$39.52 and can be viewed free of charge at www.sdpublicnotices.com

AFFIDAVIT OF PUBLICATION

PLAIN TALK

TIM OR KARI OSTREM
45924 300 STREET
CENTERVILLE SD 57014

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 \$39.36 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. 8619-3 to Appropriate Water

Notice is given that Tim or Kari Ostrem, 45924 300 St, Centerville SD 57014 have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri South Aquifer (approximately 165 feet deep) located in the center of the SE 1/4 Section 30 for irrigation of 300 acres located in the S 1/2 Section 30; all in T95N-R52W. This site is located approximately 8 miles southwest of Centerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8619-3 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.

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Published once at the total approximate cost of \$39.68 and can be viewed free of charge at www.sdpublicnotices.com

Published May 20, 2022.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, May 11, 2022 9:32 AM
To: Kelly Kronaizl
Subject: 8619-3, Tim or Kari Ostrem
Attachments: 8619-3public.short_final.docx; FORM8.FRM.doc

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

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>



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Notice is given that Tim or Kari Ostrem, 45924 300 St, Centerville SD 57014 have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri South Aquifer (approximately 165 feet deep) located in the center of the SE 1/4 Section 30 for irrigation of 300 acres located in the S 1/2 Section 30; all in T95N-R52W. This site is located approximately 8 miles southwest of Centerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8619-3 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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**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 11, 2022

Tim or Kari Ostrem
45924 300 St
Centerville SD 57014

Dear Mr. & Mrs. Ostrem:

Water Permit Application No. 8619-3 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 & 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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
danr.sd.gov

JUN 28 2022

Tim or Kari Ostrem
45924 300th St
Centerville SD 57014

Dear Mr. & Mrs. Ostrem:

Enclosed is Water Permit No. 8619-3 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