

WATER PERMIT NO. 8630-3

Name of Applicant: Margaret A Dailey

Address: 1006 Wynstone Dr, Jefferson SD 57038

Phone: 605 427-1715

Amount of Water Claimed: 1.33 cfs

Total Acres: 54 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System:

Location: 2 miles west of Dakota Dunes

PRIORITY

Date Received: 4-6-22

Application/License Fee: \$ 700

Corrected Application Received: 4-14-22

Period of Annual Use: June 1 -

Remarks: Requesting a diversion rate greater than statutory limit

Diversion Point: Lots R-3 and R-4 Sec 35-T30N-
R7E (Nebraska Survey)

Land to be Irrigated: Lots R-3 and R-4 Sec 35 and
36-T30N-R7E (Nebraska Survey)

Depth of Well: 100 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 4-19-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8630-3**

Date of first receipt of application April 6, 2022.

Date of return to applicant for corrections, amendments or changes April 7, 2022.

Date of receipt of corrected application April 14, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8630-3 to Margaret A Dailey, 1006 Wynstone Dr., Jefferson SD 57038 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. 8630-3 appropriates 1.34 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in Lots R-3 & R-4 Section 35 (Nebraska Survey) for irrigation of 54 acres located in the Lots R-3 & R-4 Section 35 and Section 36; all in T30N-R7E (Nebraska Survey). This site is located approximately 3 miles west of North Sioux City 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 April 6, 2022.
4. The date of approval of Permit No. 8630-3 is July 25, 2022.
5. One-fifth of the construction is to be completed on or before January 25, 2025.
6. All construction is to be completed on or before July 25, 2027.
7. Water is to be put to beneficial use on or before July 25, 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. 8630-3 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. 8630-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8630-3 authorizes a maximum diversion rate of 1.34 cfs for the irrigation of 54 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

AUG 22 2022
date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8630-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Leader-Courier</u>	
	<u>Press & Dakotan</u>	

RECEIVED

APR 06 2022

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit MARGARET A. DAILEY

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

Mailing Address 1006 WYNSTONE DR JEFFERSON SD 57038
(Address) (City) (State) (Zip Code)

Phone (605) 772-1715 Mobile _____ Email _____

2. Amount of water claimed 1.34 *CFS or ~600 **GPM ***AF Total Acreage ~54
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acres - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply WELL

4. Location of point of diversion LOTS R-3 & R-4 ACC TO REC B33 P457 LESS 4100' OF N90D' S35T30R7
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

1 WELLCounty UNION5. County or counties where water will be used UNION6. Annual period during which water is to be used JUNE - AUG May 1 - October 31

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

Land Description	Acres	Land Description	Acres
<u>S35T30R7 Lots R-3 & R-4</u>	<u>~40</u>		
<u>S36T30R7</u>	<u>~14</u>		

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

WELL FOR 6 TOWER PIVOT - 1733' + END GUN (HALF CIRCLE)
Requesting diversion rate greater than statutory limit.

I, Margaret A. Dailey, 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) 100 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)

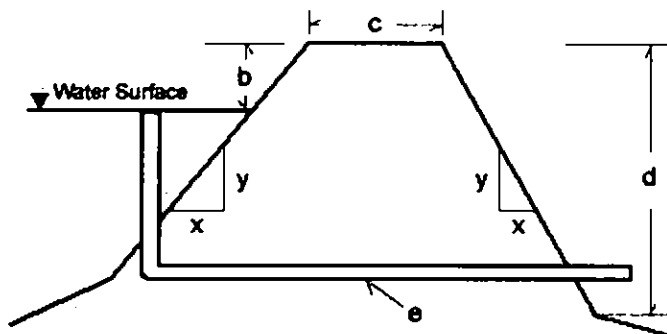
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



~54 ACRE
MARGARET
DAILEY

DAILEY
40A. 14A.
S35T30R7 S36T30R7



~ SECTION LINE

this pivot
2300-3 →
Michael Dailey

~ 40 ACRE
TAMERA ETAL

~20A
S1T29R7

~10A
S2T29R7

MARGARET
DAILEY

~10A
S2T29R7

WILLIAM + BRENDA
DAILEY



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 6, 2022

RECEIVED OF William/Richard Dailey for Margaret Dailey 1005 Wynstone Dr. Jefferson SD 57038

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

Fee for Application for Permit No. <u>8630-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8630-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>700.00</u>

By Eric Gronlund
Chief Engineer
Em



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 7, 2022

Margaret A Dailey
1006 Wynstone Dr.
Jefferson SD 57038

Dear Ms. Dailey:

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

- On Item No. 4, Location of point of diversion, several locations are listed. Please list if the well is to be located in Lot R3 or Lot R4 Section 35-T30N-R7E (Nebraska Survey).
- On Item No. 7, the same Lot information is required for the 40 acres located in Section 35 and the 14 acres in Section 36.
- On Form 2A, Supplemental Information. Please complete No. 1. Well Information. Item c) Well Depth is required.

If you have any questions, please contact Ron Duvall or me.

Sincerely,

Karen Schlaak

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: William Dailey

DATE: April 14, 2022

EMAIL: daileyacres@aol.com

RE: Regarding Water Permit Applications for Margaret Dailey and Tamera Norton Schrempp) ETAL

COMMENTS:

Mr. Dailey called concerning letters sent by Karen Schlaak with questions to complete two water permit applications. On the map submitted for both applications, the southern-most well is for the Norton (Schrempp) application and the northern-most well is for the Dailey application.

For each application Mr. Dailey indicated the provided legal descriptions were based on what was available in the county Beacon application. On the Norton (Schrempp) application, the legal description of the well is what was available and should remain as is with the same legal description also being used to describe the location of the acreage (20 acres) located in section 1-T29N-R7W. The remaining acres (20 acres) in section 2 could have Lots 2 and 3 added as part of the legal description. On the Dailey application, the legal description for the well location should remain as is and can also be used for the acreage (40 acres) in section 35-T30N-R7W. The remaining acreage (14 acres) did not have an anymore detailed description than section 36-T30N-R7W. For both applications, the approximate well depth is 100 feet deep.

Mr. Dailey also asked about getting the wells drilled. I told Mr. Dailey it is possible to request completion of "test wells" in advance of the getting the water permits. However, I noted there is risk involved in doing so without knowing the final outcome of the pending water permit applications.

Ron Duvall, Water Rights Permitting Administrator
SD DANR, Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 19, 2022

William Dailey
1006 Wynstone Dr
Jefferson, SD 57038

Dear Mr. Dailey:

As requested by email submitted on April 16, 2022, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to have a South Dakota licensed well driller construct two test wells, one at each location listed and approximately 100 feet deep completed into the Missouri: Elk Point aquifer, prior to approval of a water permit. The test wells will be located in Section 1-T29N-R7W and in Section 35 T30N-R7W, both using the Nebraska survey, located in Union County. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes or test wells that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used in excess of domestic use as defined by South Dakota Codified Law 46-1-6(7) or for uses other than domestic use. All test or permanent wells to be constructed under this test well permission must be constructed using the methods described in Administrative Rule of South Dakota (ARSD) 74:02:04:28. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit. If you have questions regarding permitting, please call Ron Duvall at (605) 773-3352.

Sincerely,

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

Schlaak, Karen

From: daileyacres@aol.com
Sent: Wednesday, April 20, 2022 12:13 PM
To: Schlaak, Karen
Subject: Re: [EXT] two water permit applications

Though I doubt there will be much occasion to use the well in those expanded months, I'm fine with changing it to allow it.
Thanks

-----Original Message-----

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
To: daileyacres@aol.com <daileyacres@aol.com>
Sent: Tue, Apr 19, 2022 2:28 pm
Subject: two water permit applications

William,

On the two water permit applications (Margaret Dailey and Tamera A Norton) regarding Item No. 6, Annual period during which water is to be used. Do you agree with changing June - August to May 1-October 31? This will give you more flexibility when operating the systems.

Let me know.

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8630-3, Margaret A Dailey**

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. 8630-3, Margaret A Dailey, 1006 Wynstone Drive, Jefferson SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 8630-3 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. 8630-3 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. 8630-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8630-3 authorizes a maximum diversion rate of 1.34 cfs for the irrigation of 54 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
June 13, 2022

Report to the Chief Engineer
On Water Permit Application No. 8630-3

Margaret A Dailey

June 8, 2022

Water Permit Application No. 8630-3 proposes to appropriate 1.34 cubic feet of water (cfs) from one well to be completed into the Missouri: Elk Point aquifer (approximately 100 feet deep) located in Lots R-3 & R-4 of Section 35 for irrigation of 54 acres located in the Lots R-3 & R-4 of Section 35 and Section 36; all in T30N-R7E (Nebraska Survey). The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The site is located in Union County approximately 3 miles west of North Sioux City, SD.

AQUIFER: Missouri: Elk Point (M: EP)

HYDROGEOLOGY:

The Missouri: Elk Point aquifer is a glacial deposit 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 contains 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. 8630-3. Well completion reports on file with the DNR-Water Rights Program for wells completed into the Missouri: Elk Point aquifer within approximately one mile of the proposed diversion point for this application have a saturated thickness ranging from approximately 75 and 110 feet, with aquifer materials typically starting within 10 feet of land surface, and static water levels at well completion varying from approximately 15 to 25 feet below land surface (SDGS, 2022; Water Rights, 2022b and 2022d). The Missouri: Elk Point aquifer is expected to be unconfined at the proposed diversion point based on lithologic logs on file for nearby observation wells and well completion reports for nearby wells (SDGS, 2022; Water Rights 2022b and 2022d).

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

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of 1 cfs for every 70 acres, or "the equivalent thereof." The statute does provide that: "The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires...." Water Permit Application No. 8630-3 proposes to divert water at a maximum rate of 1.34 cfs for the irrigation of 54 acres or at a rate of 1.74 cfs per 70 acres. The applicant is requesting a diversion

rate greater than the statutory limit due the irrigation method to be used. The center pivot would be making a partial rotation. A partial rotation center pivot system still requires the same diversion rate as a center pivot making a full rotation. The request by the applicant is reasonable and has been historically accepted as a valid reason for exceeding the statutory limitation by the Water Rights Program and the Water Management Board.

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

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

WATER AVAILABILITY:

Water Permit Application No. 8630-3 proposes to appropriate water from the Missouri: Elk Point aquifer for irrigation. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. However, an application may be approved for a water distribution system for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge." The Missouri: Elk Point aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al. 2010), and the applicant's proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Missouri: Elk Point aquifer must be considered.

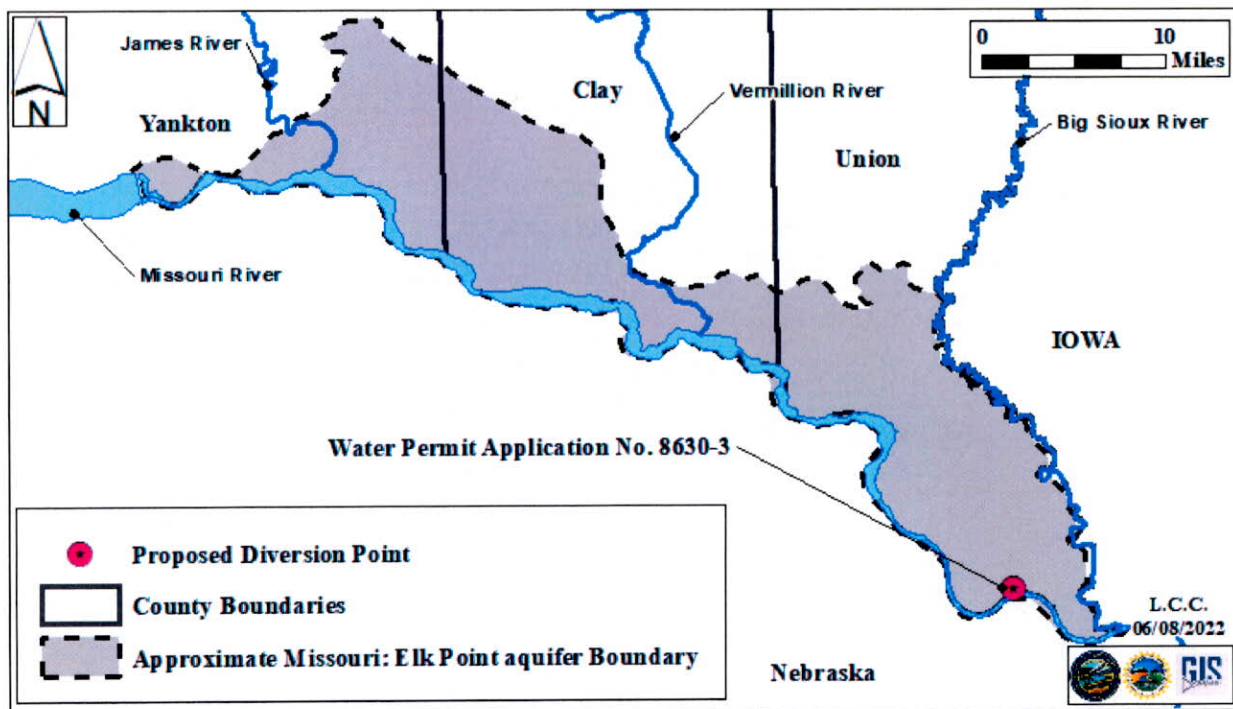


Figure 1: The approximate areal extent of the Missouri: Elk Point aquifer including the proposed diversion point location of Water Permit Application No. 8630-3 (Hedges et al., 1982; Water Rights, 2022b and 2022c).

HYDROLOGIC BUDGET:

Recharge

Recharge to the Missouri: Elk Point aquifer is primarily through infiltration of precipitation, seepage from the Big Sioux, James, Missouri, and Vermillion Rivers, and inflow of groundwater from the Lower James Missouri and Lower Vermillion Missouri aquifers (Bugliosi, 1986; Niehus, 1994). The recharge rate to the Missouri: Elk Point aquifer was estimated by Hedges and others (1985). The average annual recharge rate that was estimated for the Missouri: Elk Point aquifer was 3.8 inches per year (Hedges et al., 1985). The estimated areal extent of the Missouri: Elk Point aquifer is 219,100 acres (Hedges et al., 1985). Therefore, the estimated average annual recharge to the Missouri: Elk Point aquifer is approximately 69,382 ac-ft/yr. A more recent 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 increasing to approximately 92,000 ac-ft/yr. It should be noted that other wells (domestic and appropriative) that are in close vicinity to the Missouri River likely induce additional recharge from the river. However, this amount of induced recharge has yet to be estimated.

Discharge

Discharge from the Missouri: Elk Point aquifer is primarily through evapotranspiration where 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 626 water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer, plus three other pending applications - Water Permit Application Nos. 8625-3 and 8627-3, and 8631-3 propose the irrigation of 200 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) since compilation of the 2021 irrigation questionnaires is not yet completed. 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) upon refinement of previous work 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 587 irrigation water rights/permits for the Missouri: Elk Point aquifer and are currently authorized for the irrigation of 80,849.54 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 27,731 ac-ft/yr. The estimated annual turf irrigation for the Missouri: Elk Point aquifer is shown in Table 1. Average annual irrigation use from the Missouri: Elk Point aquifer is approximately 28,476 ac-ft/yr.

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 in areas where the Missouri: Elk Point

aquifer exists; 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 91,510 ac-ft/yr (crop irrigation: 27,731 ac-ft/yr; turf irrigation: 431.3 non-irrigation: 48,361 ac-ft/yr; future use: 14,900 ac-ft/yr; pending applications: 68.6 ac-ft/yr; Water Permit Application No. 8625-3 (if approved) (assuming an application rate of 0.343 ft/ac): 18.5 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 one mile of the proposed diversion point. The hydrograph for this observation well is displayed in Figure 2 (Water Rights, 2022b).

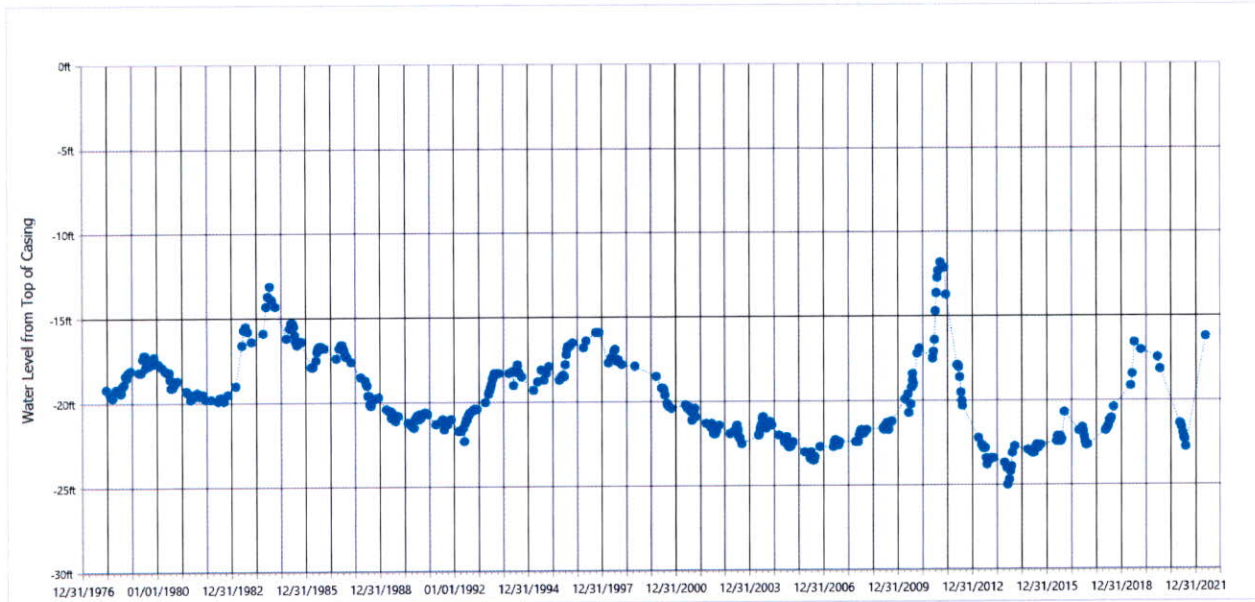


Figure 2: Hydrograph of the Missouri: Elk Point aquifer observation well UN-77Q, located approximately 1.3 miles northwest of the proposed diversion point (Water Rights, 2022b).

The hydrograph for the observation well displays generally stable water levels over its period 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 626 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 24 water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer within approximately two miles of the proposed diversion point (Water Rights, 2022c). The 24 water rights/permits are shown in Figure 3 and identified in Table 2. The nearest water right/permit (not held by the applicant) to the proposed diversion point completed into the Missouri: Elk Point aquifer is Water Right No. 5998A-3 located approximately 0.4 miles northeast of the proposed diversion point.

There are domestic wells on file with the DNR-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 1.2 miles north and 1.25 miles northeast of the proposed diversion point (Water Rights, 2022d). There could potentially be other domestic wells completed into the Missouri: Elk Point aquifer near the proposed diversion point that are not on file with the DNR-Water Rights Program.

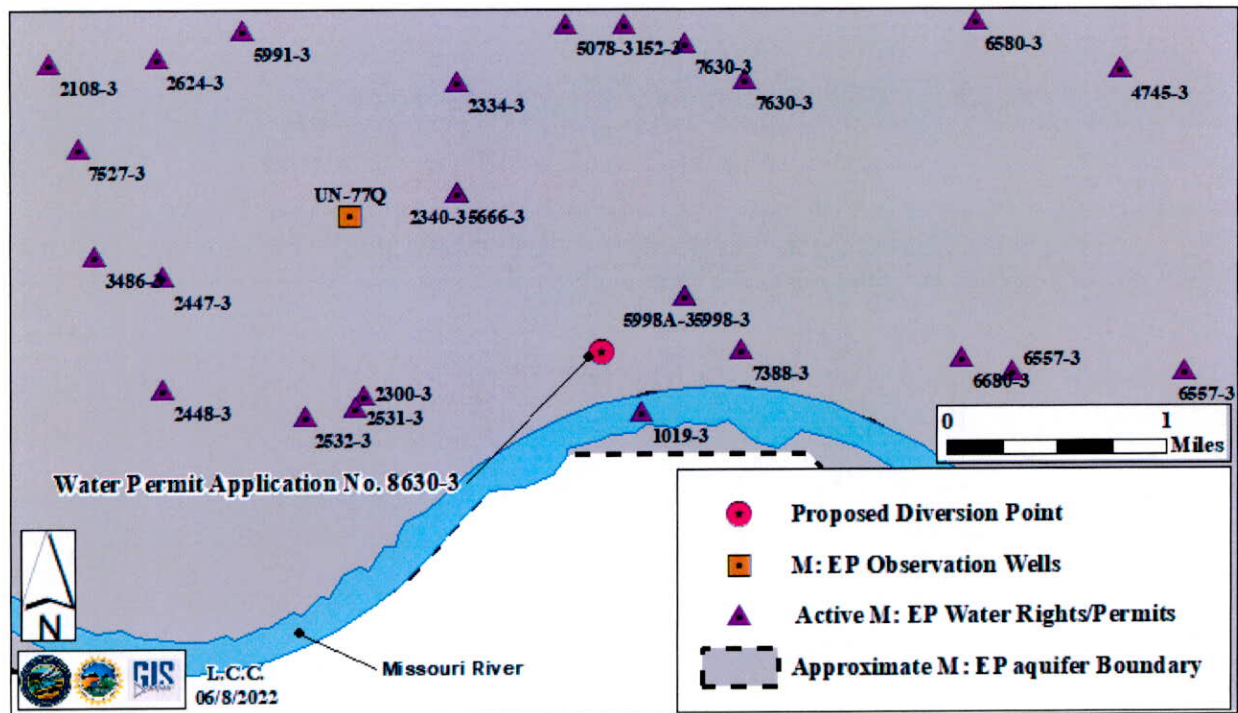


Figure 3: The site location of Water Right Permit Application No. 8630-3, nearby observation wells, and nearby water rights/permits completed into the Missouri: Elk Point aquifer (Water Rights, 2022b and 2022c).

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

Permit No.	Name	Status	Use	Rate (cfs)	Acres
1019-3	Leonard, Richard Dailey	LC	IRR	3.27	230
152-3	Stephen F Jones	LC	IRR	0.56	39
2108-3	Virgil Mollet Jr	LC	IRR	1.88	132
2300-3	Michael A Dailey	LC	IRR	1.78	125
2334-3	Bradley & Constance Beavers	LC	IRR	2.68	190
2340-3	Steve Heitman	LC	IRR	2.7	216
2447-3	Lavonne Corio Baker	LC	IRR	1.94	136
2448-3	Corio Farms Inc	LC	IRR	1.94	136
2531-3	Paul E Dailey	LC	IRR	2.7	255
2532-3	Paul E Dailey	LC	IRR	2.7	200
2624-3	Vincent Trudeau	LC	IRR	1.8	125
3486-3	Richard E Dailey	LC	IRR	2.57	180
4745-3	Mccook Lake Izaak Walton League	LC	IRR	3	211
5078-3	Bradley & Constance Beavers	LC	IRR	0.57	40
5666-3	Joe & John Trudeau	LC	IRR	1.56	203
5991-3	Donald G Jorgensen	LC	IRR	1.36	95
5998-3	Clay Rural Water System Inc	PE	IRR	2.22	300
5998A-3	Clay Rural Water System Inc	PE	IRR	0	0
6557-3	Mike Chicoine	PE	IRR	1.55	60
6580-3	West Shore Acres Llc	LC	COM	0.1	N/A
6680-3	SD Parks & Wildlife Foundation	LC	IRR	2.44	310
7388-3	Clay Rural Water System Inc	PE	DOM, IRR	2	0
7527-3	Virgil & Eugene Mollet	PE	IRR	1.11	117.5
7630-3	Mark A Nylén	PE	IRR	3.34	160

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 proposed diversion point. Therefore, pumping from the diversion point is not expected to significantly lower water levels within the aquifer. Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer. The exact drawdown behavior cannot be known without an aquifer performance test. In

Union County, there have been no complaints submitted to the DANR-Water Rights Program regarding potential well interference for adequate wells completed into the Missouri: Elk Point aquifer (Water Rights, 2022e).

Within approximately one mile of the proposed diversion point for this application, the Missouri: Elk Point aquifer has a saturated thickness ranging from approximately 75 and 110 feet, with aquifer materials typically starting within 10 feet of land surface, and static water levels at well completion varying from approximately 15 to 25 feet below land surface (SDGS, 2022; Water Rights, 2022b and 2022d). This would allow for sufficient saturated thickness for a pump to be placed 20 feet below the top of the aquifer; which is required for the well to be considered adequate under ARSD 74:02:04:20(6).

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

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

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

CONCLUSIONS:

1. Water Permit Application No. 8630-3 proposes to appropriate water at a maximum instantaneous diversion rate of 1.34 cfs from one well completed into the Missouri: Elk Point aquifer. The site is located in Union County approximately 3 miles west of North Sioux City, SD.
2. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The layout of the pivot requires a greater operational diversion rate. This reasoning has historically been accepted as valid.
3. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer for this proposed appropriation based on the hydrological budget and observation well data.
4. There is a reasonable probability this diversion will not unlawfully impair adequate wells authorized by existing water rights or domestic use wells.



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



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

References

- Bugliosi, E.F. 1986. Water Resources of Yankton County, South Dakota. Water Resources Investigations Report 84-4241. U.S. Geological Survey, Huron, SD.
- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR-Geological Survey, Vermillion, SD.
- Farmer, J. 2021. Report on Water Permit Application No. 8503-3: Sorensen Family Farm, LLC. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Friedeman, B., 2020. "Public Water Systems on Full-Time Basis List." Environmental Scientist DANR-Drinking Water Program, Joe Foss Bldg, Pierre, SD.
- Hansen, B.M. 2021. Report to the Chief Engineer on Water Permit Application No. 8530-3 National Field Archery Association Foundation. SD DANR-Water Rights Program. Pierre, SD.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A., 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- 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.

- Niehus, C.A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. Water-Resources Investigations Report 93-4195. U.S. Geological Survey. Rapid City, SD.
- SDGS, 2022. South Dakota Geological Survey Lithologic Logs Database. Accessed May 15, 2022. <http://cf.sddanr.net/lithdb/>.
- Water Rights, 2022a. "1979-2020 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- 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: Tuesday, June 14, 2022 9:41 AM
To: daileyacres@aol.com
Subject: Water Permit Application Nos. 8630-3 & 8631-3
Attachments: 3579.pdf; 3580.pdf

Mr. Dailey

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your two water permit applications.

As stated in the letters, please contact the two papers as soon as possible to authorize publication of each notice and arrange for payment. Both notices are scheduled be published in the Leader Courier and the Press & Dakotan next Thursday (June 23rd)

This information is being mailed to Margaret A Dailey and Tamera A Norton today.

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



AFFIDAVIT OF PUBLICATION

State of South Dakota)

:SS

County of Union)

Shannon L. Jost,

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

The Leader-Courier

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

Notice of Application to Appropriate Water

No. 8630-3

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

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

on Thursday, the 14 day of July, 2022

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

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

\$ 9.68, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Shannon L. Jost
Subscribed and sworn to before me

this 14 day of July, 2022

Attest

Expires: 8/21/2024

Notary Public

RECEIVED

AUG 02 2022

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 8630-3 TO APPROPRIATE WATER

Notice is given that Margaret A. Dailly, 1006 Wynstone Dr, Jefferson SD 57038 has filed an application for a water permit to appropriate 1.34 cubic feet of water per second (cfs) from one well to be completed into the Missouri/Elk Point Aquifer (approximately 100 feet deep) located in Lots R-3 & R-4 Section 36 (Nebraska Survey) for irrigation of 64 acres located in the Lots R-3 & R-4 Section 35 and Section 36; all in T30N-R7E (Nebraska Survey). The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 3 miles west of North Sioux City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8630-3 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 July 26, 2022.

The petition shall include a statement describing the unique injury upon approval of the appli-



cation 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://dair.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 July 25, 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 July 14, 2022

Published once at the total approximate cost of \$42.59 and may be viewed free of charge at www.sdpublicnotices.com
28-4-132

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

JUL 05 2022

OFFICE OF
WATER

MARGARET A DAILEY
1006 WYNSTONE DR
JEFFERSON SD 57058

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

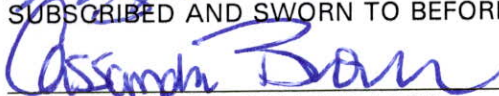
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
6 + 30 NOTICE OF APPLICATIO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 30th DAY OF June, 2022
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$40.80 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: 06/30/2022

FILED ON: 06/30/2022


SUBSCRIBED AND SWORN TO BEFORE ME THIS 30th DAY OF June, 2022


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

NOTICE OF APPLICATION NO. 8630-3 to Appropriate Water

Notice is given that Margaret A Dailey, 1006 Wynstone Dr, Jefferson SD 57038 has filed an application for a water permit to appropriate 1.34 cubic feet of water per second (cfs) from one well to be completed into the Missouri/Elk Point Aquifer (approximately 100 feet deep) located in Lots R-3 & R-4 Section 35 (Nebraska Survey) for irrigation of 54 acres located in the Lots R-3 & R-4 Section 35 and Section 36; all in T30N-R7E (Nebraska Survey). The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 3 miles west of North Sioux City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8630-3 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 Engineers 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 July 11, 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 July 11, 2022.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of \$40.80 and can be viewed free of charge at www.sdpublicnotices.com.



**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.**

June 14, 2022

Margaret A Dailey
1006 Wynstone Dr
Jefferson SD 57038

Dear Ms. Dailey:

Water Permit Application No. 8630-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Leader-Courier printed at Elk Point (Ph # 605 356-2632) and the Press & Dakotan printed at Yankton (Ph # 605 665-7811). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

Emailed to: William Dailey

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 13, 2022 4:23 PM
To: G5 (leader1@iw.net)
Subject: 8630-3, Margaret A Dailey
Attachments: 8630-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 23, 2022 in the Leader-Courier.

Margaret A Dailey, 1006 Wynstone Dr, Jefferson SD 57058 (605 422-1715) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 13, 2022 4:24 PM
To: Cassandra Brockmoller (cassandra@yankton.net)
Subject: 8630-3, Margaret A Dailey
Attachments: 8630-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 23, 2022.

Margaret A Dailey, 1006 Wynstone Dr, Jefferson SD 57058 (605 422-1715) 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>



NOTICE OF APPLICATION NO. 8630-3 to Appropriate Water

Notice is given that Margaret A Dailey, 1006 Wynstone Dr, Jefferson SD 57038 has filed an application for a water permit to appropriate 1.34 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in Lots R-3 & R-4 Section 35 (Nebraska Survey) for irrigation of 54 acres located in the Lots R-3 & R-4 Section 35 and Section 36; all in T30N-R7E (Nebraska Survey). The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 3 miles west of North Sioux City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8630-3 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 July 5, 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 July 5, 2022.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, July 6, 2022 9:06 AM
To: Leader-Courier
Subject: RE: [EXT] 8630-3, Margaret A Dailey
Attachments: 8630-3public.short_final.docx

Attached is a notice to be published on July 14, 2022.

William Dailey 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>



From: Leader-Courier <leader1@iw.net>
Sent: Tuesday, July 5, 2022 4:41 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: Re: [EXT] 8630-3, Margaret A Dailey

Hi Karen,

Upon looking up your affidavit request, it appears this legal did not run.

I apologize we recently purchased the papers and took over on July 1st.

Is it an option to run this legal in an upcoming Leader-Courier?

I did verify the other water rights you sent for Tamera A Norton did run.

Thank you,

Shannon Jost

Publisher

Dakota Dunes/North Sioux City Times &
Southern Union County Leader-Courier

Legacy Publishing, L.L.C.

Email: leader1@iw.net

Office: 605-356-2632

Cell: 712-541-1029

On Jun 13, 2022, at 4:23 PM, Schlaak, Karen <Karen.Schlaak@state.sd.us> wrote:

Attached is a notice to be published on June 23, 2022 in the Leader-Courier.

Margaret A Dailey, 1006 Wynstone Dr, Jefferson SD 57058 (605 422-1715) 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.

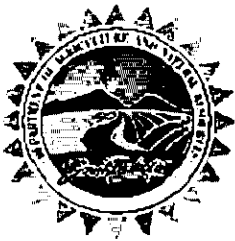
Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>



NOTICE OF APPLICATION NO. 8630-3 to Appropriate Water

Notice is given that Margaret A Dailey, 1006 Wynstone Dr, Jefferson SD 57038 has filed an application for a water permit to appropriate 1.34 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in Lots R-3 & R-4 Section 35 (Nebraska Survey) for irrigation of 54 acres located in the Lots R-3 & R-4 Section 35 and Section 36; all in T30N-R7E (Nebraska Survey). The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 3 miles west of North Sioux City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8630-3 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 July 25, 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 July 25, 2022.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 23, 2022 8:29 AM
To: Cassandra Brockmoller
Cc: daileyacres@aol.com
Subject: RE: [EXT] 8630-3, Margaret A Dailey
Attachments: 8630-3public.short_final.docx

Attached is a notice for Margaret Dailey to be published on June 30th. Please disregard the first notice sent on June 13th. There are time sensitive dates within the notice. I spoke with William Dailey (son) this morning and he will be contacting you to authorize publication and arrange for payment. His number is 712-253-3041.

If you have questions, please let me know.
Thanks,
Karen

From: Cassandra Brockmoller <cassandra@yankton.net>
Sent: Wednesday, June 22, 2022 12:47 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: [EXT] 8630-3, Margaret A Dailey
Importance: High

Karen,

I was unable to get payment before our noon deadline today for this legal notice. I called Margaret numerous times and left messages and this last time she informed me that her son was supposed to be taking care of all of this and she was going to have him call with payment. However, I have not received a call or any sort of response. So I will not be able to run this in tomorrow's P&D. Please let me know if this is needing rescheduled for a different date.

Thank you,

Cassandra Brockmoller

Classified Manager

Yankton Media Inc

PRESS&DAKOTAN

Missouri Valley Shopper

319 Walnut St | Yankton, SD 57078

p: 605.665.7811 ext 116 | f: 605.665.0288

www.yankton.net | cassandra@yankton.net

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Monday, June 13, 2022 4:24 PM
To: Cassandra Brockmoller <cassandra@yankton.net>
Subject: 8630-3, Margaret A Dailey

Attached is a notice to be published on June 23, 2022.

Margaret A Dailey, 1006 Wynstone Dr, Jefferson SD 57058 (605 422-1715) 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 Schwaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>



NOTICE OF APPLICATION NO. 8630-3 to Appropriate Water

Notice is given that Margaret A Dailey, 1006 Wynstone Dr, Jefferson SD 57038 has filed an application for a water permit to appropriate 1.34 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in Lots R-3 & R-4 Section 35 (Nebraska Survey) for irrigation of 54 acres located in the Lots R-3 & R-4 Section 35 and Section 36; all in T30N-R7E (Nebraska Survey). The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 3 miles west of North Sioux City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8630-3 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 July 11, 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 July 11, 2022.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, July 6, 2022 9:04 AM
To: daileyacres@aol.com
Subject: Water Permit Application No. 8630-3, Margaret A Dailey
Attachments: 8630-3public.short_final.docx

William,

Yesterday I contacted the Elk Point Leader Courier to get the affidavit for the above listed application. They indicated it was not published as we requested on June 23 (stating new ownership, etc).

I will be resending the notice to be published on July 14 in the Elk Point Leader Courier (copy attached). Please contact Shannon Jost at 605 356-2632 ASAP to make payment.

If you'll remember we had troubles with the Press and Dakotan on this notice, but the notice was published on June 30th and we have received the affidavit.

Also, we are in the process of issuing Permit No. 8631-3, Tamera A Norton (Schrempp).

Hopefully, we will get this published this time. Call me if you have questions.

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

AUG 22 2022

Margaret A Dailey
1006 Wynstone Dr.
Jefferson SD 57038

Dear Ms. Dailey:

Enclosed is Water Permit No. 8630-3 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

c: William Dailey (email)

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, August 22, 2022 8:06 AM
To: daileyacres@aol.com
Subject: Water Permit No. 8630-3
Attachments: 3916.pdf

FYI – Attached is a copy of Water Permit No. 8630-3, Margaret A Dailey.

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

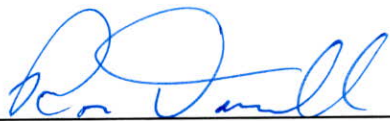
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8630-3

Name of Applicant: Margaret A Dailey

Date of Posting: 6/21/2022

Date of Removal: 8/22/2022



Ron Duvall, Water Rights Permitting Administrator

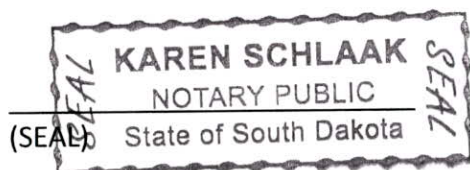
8/22/22

Date

Subscribed and sworn to before me, a notary public, this 22 day of August, 2022.



Notary Public - South Dakota
My commission expires: 4-1-2025



8630-3

SD EForm - 1621LD V1

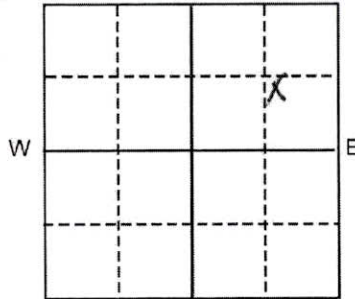
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 NE 1/4 Sec 13 Twp 89 Rg 49County Union

North

Please mark well location with an "X"



Well Completion Date

5-27-2022

1 Mile

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

1000 ft. from Septic System (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

If other describe

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

GROUTING DATA:

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

Describe grouting procedure

Pumped down w/ Pressure grouter

SCREEN:

☐ Perforated pipe
☒ Manufactured
 Diameter 16 Inches Length 40 Feet
 Material PVC
 Slot Size .085 Set From 50 Feet to 90 Feet
 Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

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

Business Name:

Address: 1005 Winston DrCity, State, Zip: Jefferson, SD 57038

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Silty Brown top Soil</u>	<u>0</u>	<u>2</u>
<u>Coarse Sand</u>	<u>2</u>	<u>25</u>
<u>Coarse Gravel</u>	<u>25</u>	<u>50</u>
<u>Gravel + Rocks</u>	<u>50</u>	<u>90</u>

STATIC WATER LEVEL 24' FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Pumped w/ turbine pump + Engine
☐ Bailed
☐ Other

Pumping Level Below Land Surface

36 Ft. After 1 Hrs. pumped 850 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 900 GPM

REMARKS

42°31'42.21" N
-96°34'2.49" W perd. 11/11
AM 9/9/22
This well was drilled under license # 4441 and this report is true and accurate.Drilling firm: Christensen Well & Irrigation

Signature of License Representative:

Cody Christensen

Signature of Well Owner or Equitable Property Holder:

RECEIVED

SEP 09 2022

Date: 9-6-22OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 12, 2024

8630-3

8631-3

William Dailey
1005 Wynstone Dr
Jefferson SD 57038

Dear Mr. Dailey:

I write to you today in response to the 2024 Irrigation Questionnaire information submitted for Water Permit Nos. 8630-3 & 8631-3.

On this year's questionnaire for Water Permit No. 8630-3, you reported the irrigation of 34 acres of soybeans for 805 hours in the month of July and 1,050 hours in the month of August (copy enclosed).

On the questionnaire for Water Permit No. 8631-3, you reported the irrigation of 40 acres of corn for 800 hours in the month of July and 905 hours in the month of August (copy enclosed).

July and August each only have 744 hours.

Please contact me to revise your 2024 Irrigation Questionnaire.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 13th, 2026

8630-3, 1019-3, 3486-3

Matt Schmitz
48020 County Rd 1B
Jefferson, SD 57038

Dear Mr. Schmitz:

We understand that the properties authorized under Water Right Nos. 1019-3 & 3486-3, and Water Permit no. 8630-3, have been sold to you. For your convenience, I have emailed these to partially completed "Transfer of Ownership" forms to Cari, for you to complete.

You may return the forms with a check for \$150.00 (\$50.00 each), made payable to "SD Water Rights Program" to cover the transfer fees, or you can pay by card, you may call our Fiscal Office at 605.773.5559.

These forms will still need to be returned even if you are submitting payment over the phone. You can email them back to me or mail, either way is fine.

If you have any questions or concerns, please give me a call. My direct number is 605.773.8204

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
523 E Capitol Ave
Pierre, SD 57501
605 773-3352
Shannon.konst@state.sd.us

enclosures

Sent by Email to: Cariann McDermott@yahoo.com

PAID

MAR 30 2026

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Ck# 3016

Rec't#

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 8630-3

Date: 3-24-26

RECEIVED

MAR 30 2026

I/We request that Water Right/Permit No. 8630-3 formerly owned by:

Margaret A Dailey

be transferred to: OFFICE OF WATER

New Owner Name:

Matt + Brian Schmitz

Address:

48020 County Rd 113

mobile: 712 281 0234

City, State, Zip

Jefferson, SD 57038

email: MattSchmitz79@hotmail

Title to the following described land(s)/property has been transferred as described above:

One well to be completed into the Missouri: Elk Point Aquifer (approximately 100 feet deep), for irrigation purposes of 54 acres located in Lots R-3 & R-4, Section 35 & Section 36; all in T30N-R7E.

All Construction is to be completed on or before July 25, 2027.

☒ I understand that the validity of Water Right/Permit No. 8630-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Matt Schmitz, the new owner, certify that the above information is true and correct.

Matt Schmitz
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three-year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

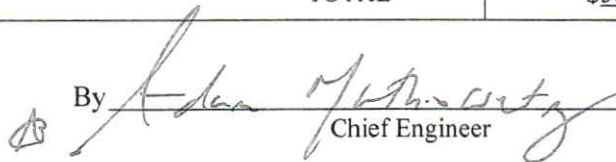
WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 30, 2026

RECEIVED OF Matt & Brian Schmitz 48020 County Rd 1B Jefferson, SD 57038

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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. _____	\$ _____
Fee for Filing Transfer Form #8630-3 _____	\$ <u>50.00</u>
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>50.00</u>

By  Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 31, 2026

1019-3, 3486-3, 8630-3

Matt & Brian Schmitz
48020 County RD 1B
Jefferson, SD 57038

Dear Matt & Brian:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" forms and the required fees you submitted for Water Right Nos. 1019-3, 3486-3 and Water Permit No. 8630-3. Enclosed are the receipts of payment for your records.

Water Right Nos. 1019-3, 3486-3 and Water Permit No. 8630-3, previously held by Margaret Dailey, Richard Dailey and Leonard & Richard Dailey, are now all listed under Matt & Brian Schmitz. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Permit/License (copy enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Permit/License will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Right Nos. 1019-3, 3486-3 & Water Permit No. 8630-3, has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures