

WATER PERMIT NO. 8636-3

Name of Applicant: Arnie Beisch

Address: 44877 142nd St, Waubay SD 57273

Phone: 605 881-4128

Amount of Water Claimed: no add'l

Total Acres: 15 acres

Source of Water Supply: groundwater (two existing wells)

Water to be used for: irrigation

County: Roberts

Type of Waste Disposal System:

Location: 1/2 mile west of Ortley SD

PRIORITY

Date Received: 5-31-22

Application/License Fee: \$ 700

Corrected Application Received:

Period of Annual Use: May 1 – Sept 30

Remarks: Going to use the well authorized by Water Right No. 7874-3

Diversion Point: NE 1/4 SE 1/4 Sec 19-T122N-
R52W (Res)

Land to be Irrigated: SE 1/4 SE 1/4 Sec 19-
T122N-R52W (Res)

Depth of Well: 40 feet

Well Driller:

Remarks:

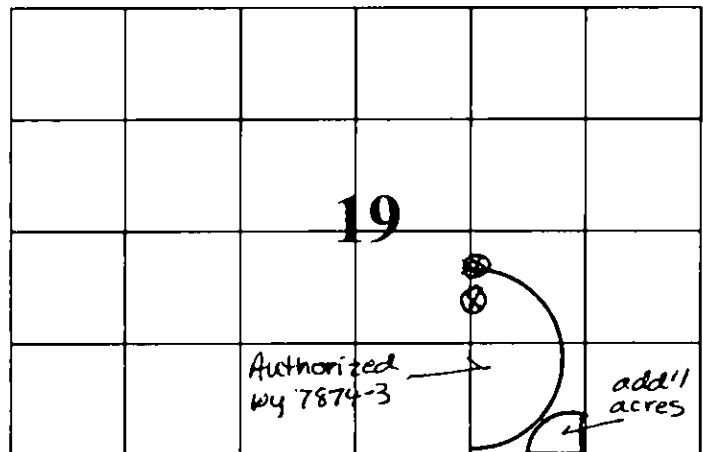
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 5-31-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 8636-3

Date of first receipt of application May 31, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8636-3 to Arnie Beisch, 44877 142nd St, Waubay SD 57273 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. 8636-3 authorizes irrigation of 15 new acres. Water Right No. 7874-3 authorizes 0.89 cubic feet of water per second (cfs) from two wells completed into the Coteau Lakes Aquifer (40 feet deep) located in the NE 1/4 SE 1/4 Section 19 to irrigate 48 acres located in the E 1/2 SE 1/4 Section 19; all in T122N-R52W. The permit holder is authorized to irrigate an additional 15 acres located in the SE 1/4 SE 1/4 Section 19-T122N-R52W from the two existing wells. This permit, and Water Right No. 7874-3 will authorize a combined, total diversion rate of 0.89 cfs for irrigation of 63 acres. This site is located approximately one-half mile west of Ortley 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 – September 30.
3. The date from which applicant may claim right is May 31, 2022.
4. The date of approval of Permit No. 8636-3 is September 6, 2022.
5. One-fifth of the construction is to be completed on or before March 6, 2025.
6. All construction is to be completed on or before September 6, 2027.
7. Water is to be put to beneficial use on or before September 6, 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 wells approved under Water Right No. 7874-3 and Water Permit No. 8636-3 are 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. Water Right No. 7874-3 and Water Permit No. 8636-3, combined, authorize a diversion rate of 0.89 cubic feet of water per second for irrigation of 63 acres.
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 Environment and Natural Resources

SEP 26 2022
date



MAY 31 2022

OFFICE OF
WATER

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8636-3</u> (office use only) Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>
	Newspaper <u>Sisseton Courier</u>
	<u>Public Opinion</u>

PAID

MAY 31 2022

Ck# 1848

Rec't# _____

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.)

Add additional acres to Water Right No. 7874-31. Name to Appear on Irrigation Permit Arnie Beisch

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

Mailing Address 44877 142nd Street Waubay SD 57273
(Address) (City) (State) (Zip Code)

Phone 605 881 - 4128 Mobile _____ Email arniebeisch@yahoo.com

2. Amount of water claimed no addl *CFS or _____ **GPM _____ ***AF _____ Total Acreage 25
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Coteau Lakes aquifer (existing two wells under Water Right No. 7874-3)

4. Location of point of diversion NE 1/4 SE 1/4 Section 19-T122N-R52W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Roberts5. County or counties where water will be used Roberts6. Annual period during which water is to be used May 1 - September 30

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

Land Description	Acres	Land Description	Acres
NE 1/4 SE 1/4 Section 9-T122N-R52W	15		
<u>SE</u>	<u>15</u>		

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

Current pivot irrigation system authorized by Water Right No. 7874-3 was toppled by the wind storm. Intend to install a new pivot. Plan to use usable portion of old pivot to irrigate additional acres from the existing wells under No. 7874-3. No increase in diversion rate but will be an increase in acres.

I, Arnie Beisch, 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.

From the SE corner of Sec 19 T122N(res)-R52W

Diversion Point 1

2307 ft North and 1317 ft West

Latitude 45.33294 Longitude - 97.21129

Diversion Point 2

2107 ft North and 1317 ft West

Latitude 45.33232 Longitude - 97.21130

Irrigation in Sec 19 T122N(res)-R52W

NE 1/4 SE 1/4 - 18 acres

SE 1/4 SE 1/4 - 30 acres

**Sec 19
T122N(res)-R52W**



0 460 920 1,840 2,760 3,680 Feet

Mark D Rath
Mark D Rath
Natural Resources Engineer
SD DENR - Water Rights
09-07-2016

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 31, 2022

RECEIVED OF Arnic/Paula Beisch 44877 142nd Street Waubay SD 57273

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

Fee for Application for Permit No. <u>8636-3</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>8636-3</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
vm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8636-3, Arnie Beisch**

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. 8636-3, Arnie Beisch, 44877 142nd Street, Waubay SD 57273.

The Chief Engineer is recommending APPROVAL of Application No. 8636-3 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 wells approved under Water Right No. 7874-3 and Water Permit No. 8636-3 are 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. Water Right No. 7874-3 and Water Permit No. 8636-3, combined, authorize a diversion rate of 0.89 cubic feet of water per second for irrigation of 63 acres.
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
July 18, 2022

Report to the Chief Engineer
On Water Permit Application No. 8636-3

Arnie Beisch

July 25, 2022

Water Permit Application No. 8636-3 proposes to irrigate 15 acres located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19-T122N-R52W from two existing wells authorized by Water Right No. 7874-3. Water Right No. 7874-3 authorizes a maximum instantaneous diversion rate of 0.89 cubic feet per second (cfs) from two existing wells completed into the Coteau Lakes aquifer (40 feet deep) located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19 for the irrigation of 48 acres located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 19; all in T122N-R52W.

If approved, Water Permit Application No. 8636-3 and Water Right No. 7874-3 will collectively authorize a maximum instantaneous diversion rate of 0.89 cfs for the irrigation of 63 acres. The site of interest is located in Roberts County approximately one-half mile west of Ortle, SD.

AQUIFER: Coteau Lakes (COL)

HYDROGEOLOGY:

The Coteau Lakes aquifer as described by Hedges and others (1982) is a group of unconsolidated sand and gravel outwash deposits that are at or near the ground surface in southeastern Marshall, eastern Day, and southwestern Roberts Counties. These deposits were likely deposited by meltwater during the final stages of the last glaciation (Gilbertson, 1996). These deposits may or may not be in hydrologic connection, but because of their similarities they have been collectively considered as the Coteau Lakes aquifer by Gilbertson (1996), the Coteau Lakes aquifer system by Thompson (2001), and the Eastern Lakes Subsystem by Leap (1972 and 1988). For this report, the aquifer will be referred to as the Coteau Lakes aquifer.

These discontinuous outwash deposits are often connected through buried channels of outwash and consist of fairly permeable till (Leap, 1988). Hedges and others (1982) estimated the Coteau Lakes aquifer to underly approximately 90,200 acres and contain approximately 250,910 acre-feet of recoverable water in storage; however, the areal extent and amount of recoverable water stored in the Coteau Lakes aquifer for Roberts County specifically has not been estimated by Hedges and others (1982).

More recent studies completed by Thompson (2001) estimated the Coteau Lakes aquifer to underly approximately 102.9 square miles, or 65,856 acres, in Roberts County, but did not have an estimate for the amount of recoverable water stored in the aquifer. In Roberts County, the Coteau Lakes aquifer has an average thickness of approximately 25.4 feet, and a documented maximum thickness of approximately 65 feet (Thompson, 2001). Groundwater flow in the Coteau Lakes aquifer is generally from the northeast to the southwest (Gilbertson, 1996; Water Rights, 2022b).

Leap (1988) constructed a map of “Vertical variability map of drift aquifer materials in Day County, South Dakota” for the elevation interval (1800-1700 feet above mean sea level (fmsl)). The outwash shown in the well completion report for the well authorized by Water Right No. 7874-3 is slightly above and within that interval (Water Rights, 2022c and 2022d). That interval was determined for the drift aquifer materials in Day County while the existing well site is located in neighboring Roberts County, approximately 0.7 miles east of the Day County, county line.

The elevation of the ground surface at the location of the two existing wells authorized by Water Right No. 7874-3 and proposed to be used by Water Permit Application No. 8636-3 is approximately 1,830 fmsl (USGS, EROS, 1999). A water well completion report is on file with Water Right No. 7874-3 (Water Rights, 2022c). The report lists, “top soil” from 0 to 2 feet below the ground surface, “yellow clay” from 2 to 14 feet, “coarse gravel yellow” from 14 to 20 feet, “gray medium sand” from 20 to 38 feet, and “blue clay” from 38 to 40 feet (Water Rights, 2022d). The sand and gravel deposits identified in the report exist at approximately 1,816 to 1,792 fmsl (Water Rights, 2022d). The well was screened in “coarse gravel yellow” and “gray medium sand” from 18 to 38 feet below the ground surface and has a static water level of approximately seven feet at the time of well completion (November 8, 2013) (Water Rights, 2022d). Based on the well completion report on file for Water Right No. 7874-3, the Coteau Lakes aquifer is unconfined at the existing well sites. The Coteau Lakes aquifer is primarily unconfined, with confined conditions encountered as distance increases from the nearby surface water sources (Gilbertson, 1996; Leap, 1972; Thompson, 2001; Water Rights, 2022b and 2022d).

Mathiowetz (2014) delineated the areal extent of a portion of the Coteau Lakes aquifer in Day and Roberts Counties by examining previous studies including Thompson (2001), Leap (1972 and 1988), SD DANR-Geological Survey (SDGS) test hole logs, SD-DANR Water Rights Program observation well records (Water Rights, 2022b), and water well and test hole completion reports on file with the SD-DANR Water Rights Program (Water Rights, 2022d). Mathiowetz (2014) estimated that this portion of the Coteau Lakes aquifer underlies approximately 32,660 acres of Day and Roberts Counties (as shown in Figure 1).

Review of hydrogeologic data for the area, including SD-DANR Geological Survey test hole logs, SD-DANR Water Rights Program observation well records (Water Rights, 2022b), and water well and test hole completion reports on file with the SD-DANR Water Rights Program (Water Rights, 2022d) suggests that the areal extent of this portion of the Coteau Lake aquifer as delineated by Mathiowetz (2014) is appropriate and may be conservative, with additional aquifer material likely occurring west of Ortley, SD. Therefore, the best information available indicates the wells this application proposes to use are included in the aquifer delineated by Mathiowetz (2014) (Water Rights, 2022d).

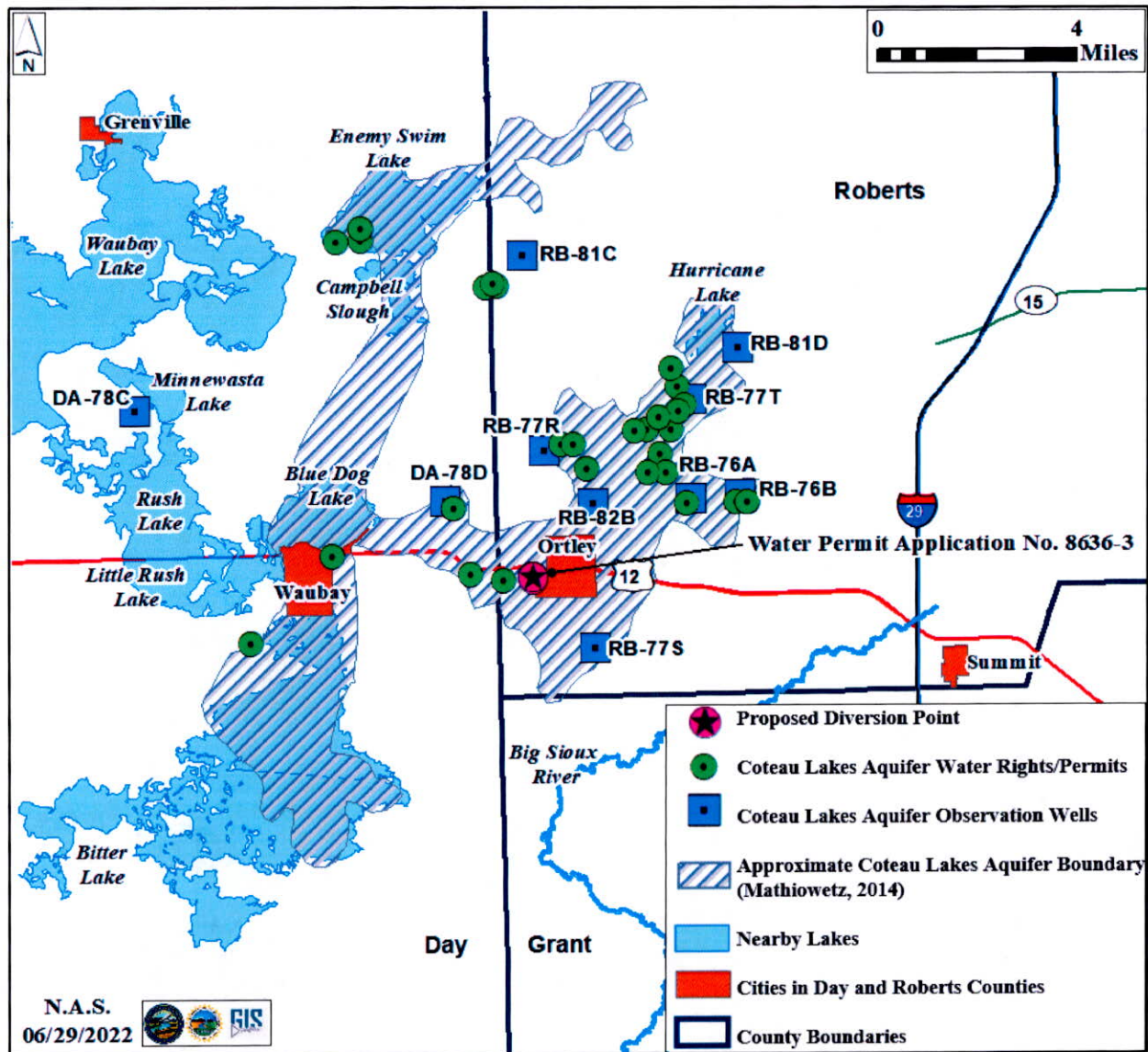


Figure 1. Location of existing wells proposed to be used by Water Permit Application No. 8636-3, with the approximate Coteau Lakes aquifer delineated by Mathiowetz (2014), and the Coteau Lakes water rights/permits and observation wells (Water Rights, 2022c and 2022d)

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 Coteau Lakes aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8636-3 proposes to appropriate water from the Coteau Lakes 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 Coteau Lakes 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 Coteau Lakes aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Coteau Lakes aquifer is primarily through the infiltration of precipitation where the aquifer material is at or near the ground surface (Leap, 1988). There is also recharge to the aquifer when hydrologically connected glacial outwashes and bodies of surface water have higher water levels than the aquifer (Leap, 1988; Thompson, 2001). Utilizing observation well analysis, Hedges and others (1985) estimated the average annual recharge rate to the Coteau Lakes aquifer system to be approximately 4.5 inches per year. By multiplying the average annual recharge rate estimated by Hedges and others (1985) by the approximate areal extent estimated by Mathiowetz (2014) (32,660 acres), the estimated average annual recharge rate to the Coteau Lakes aquifer is approximately 12,248 acre-feet per year.

Discharge

Discharge from the Coteau Lakes aquifer is primarily through evapotranspiration where the aquifer material is at or near the ground surface, seepage to glacial outwashes (such as the Big Sioux aquifer) and lakes when water levels in the aquifer are higher than in hydrologically connected aquifers and bodies of surface water, and through well withdrawals (Leap, 1988; Thompson, 2001; Water Rights, 2022d).

Currently there are 31 water rights/permits authorized to appropriate water from the Coteau Lakes aquifer, within the delineation from Mathiowetz (2014) (Water Rights, 2022c). Only the water rights/permits authorized to appropriate water from the Coteau Lakes aquifer within the delineation from Mathiowetz (2014) will be analyzed in this hydrologic budget.

Table 1 summarizes the seven non-irrigation water rights/permits authorized to appropriate water from the Coteau Lakes aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2022c). Overall, the estimated average annual withdrawal rate for the Coteau Lakes aquifer non-irrigation water rights/permits is approximately 286 acre-feet per year (Table 1) (Water Rights, 2022c).

Table 1. Estimated annual use for the non-irrigation water rights/permits authorized to divert water from the Coteau Lakes aquifer (Water Rights, 2022c)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
5570-3	Buds Resort	LC	COM	0.021		9.1
5648-3	Sandy Beach Resort	LC	COM	0.088		38.2
6189-3	Bur-Oak Lodge	LC	COM	0.017		7.4
6284-3	Buds Resort	LC	COM	0.027		11.7
8075-3	Labolt Farmers Grain Co	PE	COM	0.022		9.6
8188-3	Jensen Rock & Sand Inc	LC	IND	0.33	193	193
5599-3	NE-SO-DAK Bible Camp	LC	INS, REC	0.04		17.4
					TOTAL:	286
LC: Licensed Water Right, PE: Water Permit, COM: Commercial						
IND: Industrial; INS: Institutional; REC: Recreation						

Currently, there are 24 irrigation water rights/permits authorized to appropriate water from the Coteau Lakes aquifer (Water Rights, 2022c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. Table 2 only lists 21 water rights/permits as reporting and currently authorized for irrigation use from the Coteau Lakes aquifer, within the delineation of the aquifer estimated by Mathiowetz (2014) (Water Rights, 2022a and 2022c). This is because Water Permit Nos. 7832-3 and 8036-3 reported their respective irrigation systems have not been constructed at this time on their 2021 irrigation questionnaires (Water Rights, 2022a). Additionally, Water Permit No. 8000A-3 has irrigation for an authorized use type, while it is the authorization for an extension of time for the annual use period for Water Permit No. 8000-3 (Water Rights, 2022c). Water Permit Nos. 7832-3 and 8036-3 are authorized to irrigate approximately 147.3 acres (Water Rights, 2022c). Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, to account for the fluctuation in wet and dry cycles from year to year, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for these irrigation water permits. Therefore, the estimated average annual withdrawal rate for Water Permit Nos. 7832-3 and 8036-3 is approximately 147.3 acre-feet per year (Water Rights, 2022c).

Overall, the estimated average annual withdrawal rate for the Coteau Lakes aquifer irrigation water rights/permits that have reported over the period of record is approximately 857 acre-feet per year (Table 2) (Water Rights, 2022a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2012 to 2021 is approximately 1,160 acre-feet per year (Table 2) (Water Rights, 2022a). Collectively, the average annual withdrawal rate for Water Permit Nos. 7832-3 and 8036-3 (147.3 acre-feet/year), plus the average annual withdrawal rate for irrigation appropriations that reported from 2012 to 2021 (1,160 acre-feet/year), the average annual withdrawal rate for water rights/permits authorized for irrigation use from the Coteau Lakes aquifer is approximately 1,308 acre-feet per year (Water Rights, 2022a and 2022c).

There are domestic wells completed into the Coteau Lakes aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2022d). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Coteau Lakes 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 hydrologic budget for the Coteau Lakes aquifer.

Hydrologic Budget Summary

The estimated average annual recharge rate to the Coteau Lakes aquifer is approximately 12,248 acre-feet per year. The estimated average annual withdrawal rate from the Coteau Lakes aquifer is approximately 1,609 acre-feet per year (non-irrigation: 286 acre-feet/year; irrigation (average 2012 to 2021 plus Water Permit Nos. 7832-3 and 8036-3): 1,308 acre-feet/year; Water Permit Application No. 8636-3 (if approved, assuming one foot per authorized acre): 15 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Coteau Lakes aquifer for the proposed appropriation.

Table 2. Reported historic irrigation use from the Coteau Lakes aquifer, not including the water rights/permits outside the delineation of the aquifer estimated by Mathiowetz (2014) (Water Rights, 2022a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	4	119.32
1980	4	699.56
1981	7	537.66
1982	7	725.39
1983	9	490.72
1984	9	711.5
1985	9	497
1986	9	52
1987	9	741.6
1988	10	1,054
1989	11	550.6
1990	10	571
1991	10	166
1992	9	264
1993	9	65
1994	12	566.13
1995	12	116
1996	12	781.26
1997	13	829
1998	14	1,082.03
1999	14	1,227.8
2000	13	1,314.38
2001	13	1,459.68
2002	13	1,133.31
2003	13	1,299.54
2004	13	1,268.76
2005	12	1,357.73
2006	12	1,671.57
2007	14	814.71
2008	15	950.56
2009	16	861.53
2010	16	670.18
2011	17	615.20
2012	17	1,179.83
2013	17	1,187.58
2014	18	861.09
2015	20	1,208.91
2016	20	1,365.65
2017	21	1,363.75
2018	21	1,205.01
2019	21	508.33
2020	22	1,143.41
2021	21	1,574.42
Min	4	52
Max	22	1,671.6
Avg (1979-2021)	13.2	857
Avg (2012-2021)	19.8	1,160

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 DNR-Water Rights Program monitors eleven observation wells completed into the Coteau Lakes aquifer (Water Rights, 2022b). The four closest observation wells to the wells the applicant proposes to use are RB-77S (approximately 1.9 miles southeast), RB-82B (approximately 1.9 miles northeast), DA-78D (approximately 2.3 miles northwest), and RB-77R (approximately 2.6 miles north) (as shown in Figure 1) (Water Rights, 2022b). The hydrographs for these observation wells are displayed in Figures 2 to 5 (Water Rights, 2022b). 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 DNR Water Rights Observation Well on the hydrographs.

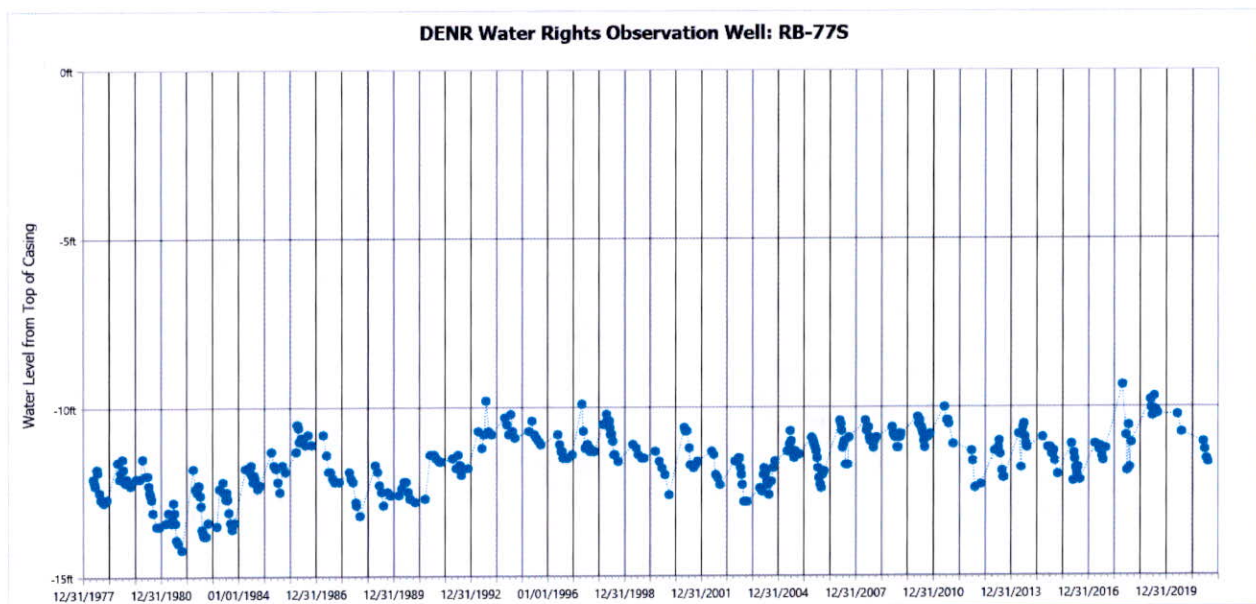


Figure 2. Hydrograph for observation well RB-77S (Water Rights, 2022b)

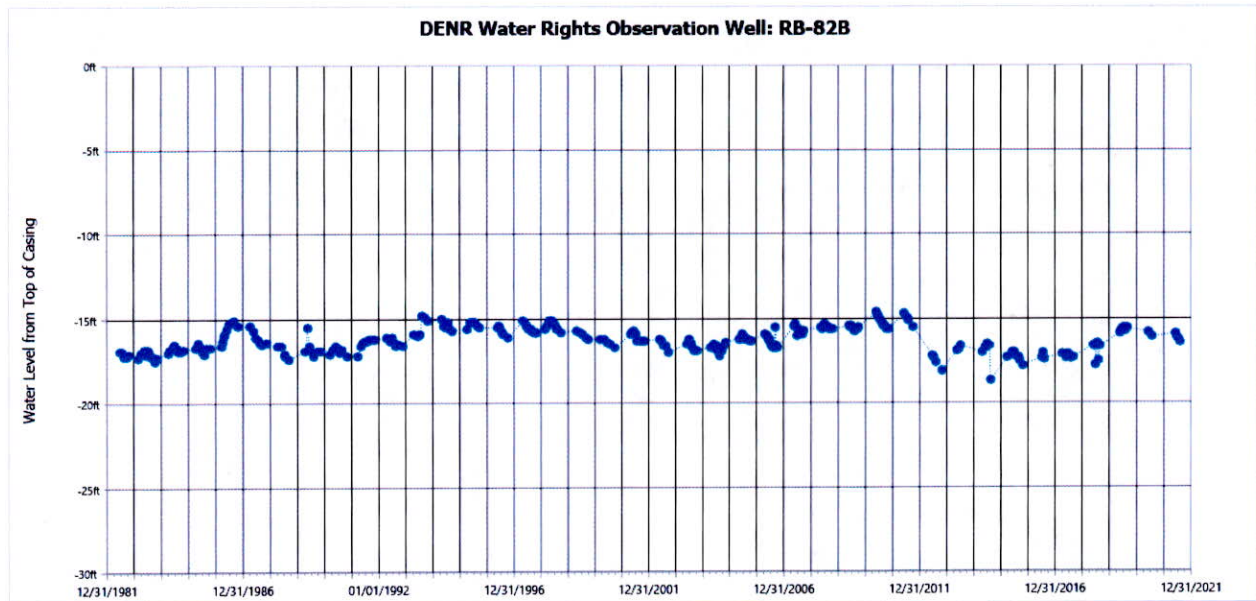


Figure 3. Hydrograph for observation well RB-82B (Water Rights, 2022b)

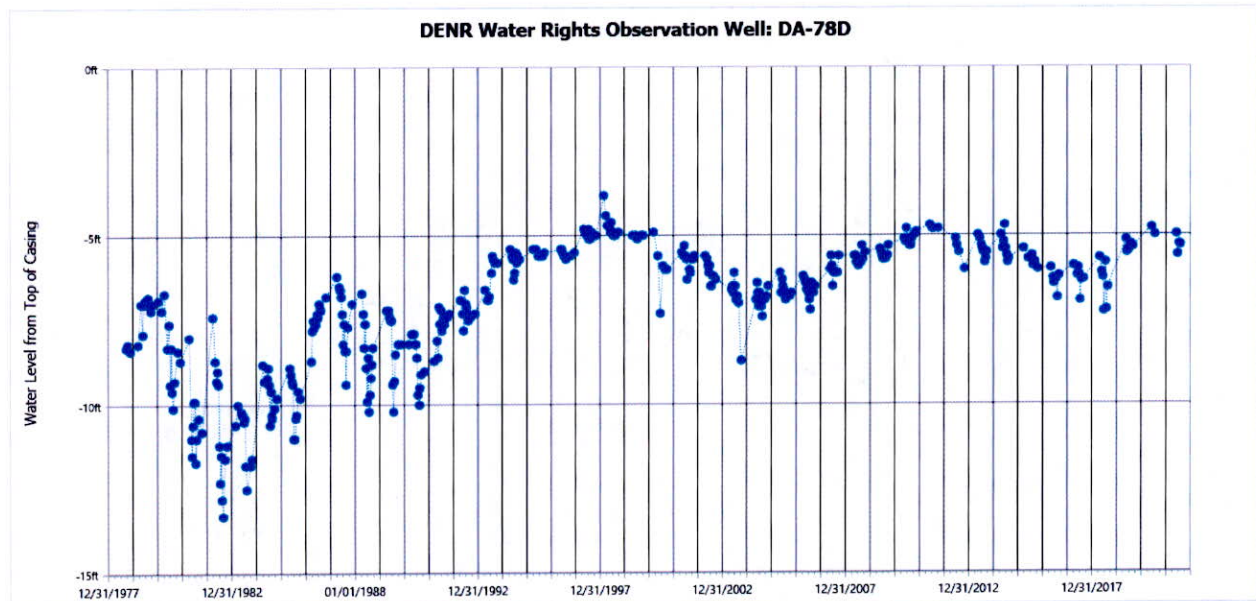


Figure 4. Hydrograph for observation well DA-78D (Water Rights, 2022b)

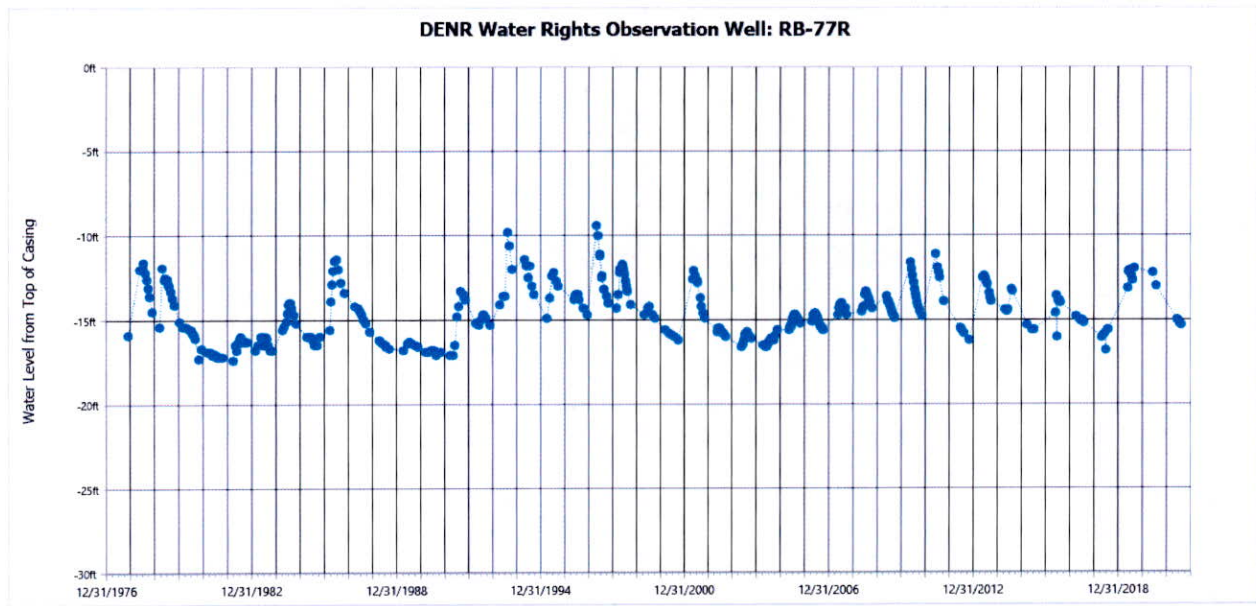


Figure 5. Hydrograph for observation well RB-77R (Water Rights, 2022b)

The hydrographs for the observation wells display stable water levels over their respective periods of record. The hydrographs for the Coteau Lakes aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods 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 Coteau Lakes 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.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 31 water rights/permits authorized to appropriate water from the Coteau Lakes aquifer, within the delineation from Mathiowetz (2014) (Water Rights, 2022c). The closest water right/permit to the existing wells is Water Right No. 3931-3, which is held by Maurice S Dorsett. The diversion point for Water Right No. 3931-3 is located approximately 0.6 miles west of the existing wells proposed to be used for this application (Water Rights, 2022c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Coteau Lakes aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.7 miles east of the existing wells (Water Rights, 2022d). There could potentially be other domestic wells completed into the Coteau Lakes aquifer near the wells the applicant proposes to use that are not on file with the DANR-Water Rights Program.

The Coteau Lakes aquifer is primarily unconfined, with confined conditions encountered as distance increases from the nearby surface water sources (Gilbertson, 1996; Leap, 1972; Water Rights, 2022b and 2022d). Based on the well completion report on file for the wells proposed to be used, the Coteau Lakes aquifer is unconfined at the existing well sites (Water Rights, 2022d). 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.

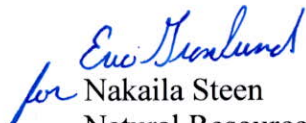
In Roberts County, the Coteau Lakes aquifer had a documented maximum thickness of approximately 65 feet (Thompson, 2001). Based on the well completion report on file for the wells proposed to be used, the Coteau Lakes aquifer is approximately 24 feet thick at the existing well sites (Water Rights, 2022d). 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 Day and Roberts Counties, there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Coteau Lakes aquifer (Water Rights, 2022c).

Examination of the hydrographs for observation wells completed into the Coteau Lakes aquifer show minimal to no signs of being significantly impacted by drawdown caused by pumping, despite usually being located within a few miles of high-yield wells (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) (Water Rights, 2022b and 2022c). When considering the saturated aquifer thickness of the aquifer at the existing well sites, the unconfined nature of the aquifer, the lack of drawdown in the Coteau Lakes observation wells shown on the hydrographs, and the lack of well interference complaints for adequate wells completed into the Coteau Lakes aquifer in Day and Roberts Counties, 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. Additionally, the two wells proposed to be used have been existing and are presumed to have been in use since roughly 2013/2014 with no reported well interference complaints (Water Rights, 2022c). Therefore, there is a reasonable probability that any interference from the proposed diversion by Water Permit Application No. 8636-3 will not impose unlawful impairments on existing users with adequate wells.

If this application is approved, a qualification requiring the applicant to control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights, should be included.

CONCLUSIONS:

1. Water Permit Application No. 8636-3 proposes to irrigate 15 acres from two existing wells authorized by Water Right No. 7874-3. Water Right No. 7874-3 authorizes a maximum instantaneous diversion rate of 0.89 cfs from two existing wells completed into the Coteau Lakes aquifer (40 feet deep) for the irrigation of 48 acres.
2. If approved, Water Permit Application No. 8636-3 and Water Right No. 7874-3 will collectively authorize a maximum instantaneous diversion rate of 0.89 cfs for the irrigation of 63 acres. The site of interest is located in Roberts County approximately one-half mile west of Ortley, SD.
3. Based on the observation well data and hydrologic budget, there is a reasonable probability that unappropriated water is available from the Coteau Lakes aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8636-3 will not unlawfully impair adequate wells for existing water right/permit holders and domestic users.
5. If this application is approved, a qualification requiring the applicant to control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights, should be included.


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

Reviewed by:


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

References

- 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.
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- Water Rights, 2022c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Affidavit of Publication

STATE OF SOUTH DAKOTA }
County of Roberts } ss.

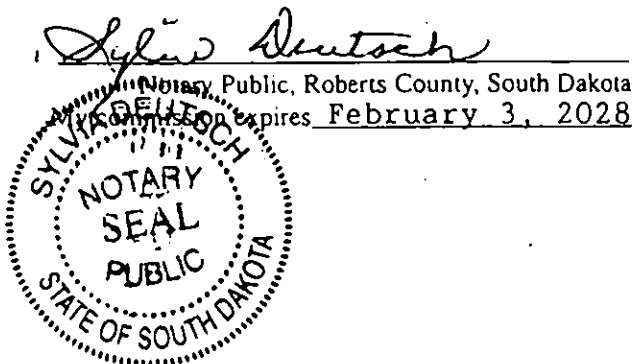
Kevin H. Deutsch of said county, being first duly sworn, on oath says, that he is Editor of THE SISSETON COURIER, a weekly newspaper printed and published in Sisseton, in said county of Roberts, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said county for 52 successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of Notice Of Application No 8636-3 To Appropriate Water a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for one successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

Aug. 2, 2022; _____

that the full amount of the fee is charged for publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication there of are \$39.51

Kevin H. Deutsch
Subscribed and sworn to before me this 2nd day of

August, A.D., 2022



RECEIVED

AUG 09 2022

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 8636-3 TO APPROPRIATE WATER

Notice is given that Arnie Beisch, 44877 142nd St, Waubay SD 57273 has filed an application for a water permit to irrigate 15 new acres. Water Right No. 7874-3 authorizes 0.89 cubic feet of water per second (cfs) from two wells completed into the Coteau Lakes Aquifer (40 feet deep) located in the NE 1/4 SE 1/4 Section 19 to irrigate 48 acres located in the E 1/2 SE 1/4 Section 19; all in T122N-R52W. The applicant is requesting to irrigate an additional 15 acres located in the SE 1/4 SE 1/4 Section 19-T122N-R52W from the two existing wells. This application, if approved, and Water Right No. 7874-3 will authorize a combined, total diversion rate of 0.89 cfs for irrigation of 63 acres. This site is located approximately one-half mile west of Ortle SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8636-3 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

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 August 15, 2022.

The petition shall include a Duvall for this information, or 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 August 15, 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 \$39.51 and may be viewed free of charge at www.sdpublicnotices.com.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, July 25, 2022 2:47 PM
To: Watertown Public Opinon (legals@thepublicopinion.com)
Subject: 8636-3, Arnie Beisch
Attachments: 8636-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 2, 2022.

Arnie Beisch, 44877 142nd St, Waubay SD 57273 (605 881-4128) 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, July 25, 2022 2:47 PM
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Attachments: 8636-3public.short_final.docx; FORM8.FRM.doc

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Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

July 26, 2022

Arnie Beisch
44877 142nd St
Waubay SD 57273

Dear Mr. Beisch:

Water Permit Application No. 8636-3 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 Sisseton Courier printed at Sisseton (Ph # 605 698-7642) and the Public Opinion printed at Watertown (Ph # 605 886-6901). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8636-3 to Appropriate Water

Notice is given that Arnie Beisch, 44877 142nd St, Waubay SD 57273 has filed an application for a water permit to irrigate 15 new acres. Water Right No. 7874-3 authorizes 0.89 cubic feet of water per second (cfs) from two wells completed into the Coteau Lakes Aquifer (40 feet deep) located in the NE 1/4 SE 1/4 Section 19 to irrigate 48 acres located in the E 1/2 SE 1/4 Section 19; all in T122N-R52W. The applicant is requesting to irrigate an additional 15 acres located in the SE 1/4 SE 1/4 Section 19-T122N-R52W from the two existing wells. This application, if approved, and Water Right No. 7874-3 will authorize a, combined, total diversion rate of 0.89 cfs for irrigation of 63 acres. This site is located approximately one-half mile west of Ortley SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8636-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by August 15, 2022.

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Published once at the total approximate cost of_

Water Rights Program - File Documentation

NAME: Arnie Beisch - 605 265-0798

ADDRESS: Waubay SD

DATE: 8-17-22

RE: Publication Notices

COMMENTS:

The Notice of Application was originally scheduled to be published in the Watertown Public Opinion (WPO) on August 2nd. Email from WPO indicated they did not receive payment from Beisch.

I re-emailed WPO with the notice to be published on August 5th. Received Confirmation Order with incorrect customer name: Blumegard Colony. Informed them and they corrected the Order. I forwarded the info to Paula Beisch who paid for the publication.

What I didn't notice on the Confirmation Order was paper listed was the American News instead of WPO. Paula Beisch sent me a copy of the affidavit of the notice published on August 4th in American News.

Since the nearest daily paper for the location requested by application is the WPO, the Notice is being resent to the WPO to be published August 24th with date for petitions being September 6th.

Because of the mix-up with the papers the Water Rights Program will pay for the cost of the August 24th publication in the WPO.

The notice was correctly published on August 2nd in the Sisseton Courier. Affidavit received.



Karen Schlaak
Water Rights Program

RECEIVED

AUG 17 2022

OFFICE OF
WATER

email from Paula Beisch
LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-05

PROOF OF PUBLICATION

Karen Schlaak
Arnie Beisch
44877 142Nd ST
Waubay SD 57273-5742

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

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

08/04/2022

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper. Sworn to and subscribed before on 08/04/2022

[Signature]
Legal Clerk

[Signature]
Notary, State of WI County of Brown

7/27/25

My commission expires

Publication Cost: \$48.68

Order No: 7604296

Customer No: 807765

PO #:

of Copies:
1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

SARAH BERTELSEN
Notary Public
State of Wisconsin

NOTICE OF APPLICATION NO. 8636-3 to Appropriate Water

Notice is given that Arnie Beisch, 44877 142nd St, Waubay SD 57273 has filed an application for a water permit to irrigate 15 new acres. Water Right No. 7874-3 authorizes 0.89 cubic feet of water per second (cfs) from two wells completed into the Coteau Lakes Aquifer (40 feet deep) located in the NE 1/4 SE 1/4 Section 19, to irrigate 48 acres located in the E 1/2 SE 1/4 Section 19, all in T122N-R52W. The applicant is requesting to irrigate an additional 15 acres located in the SE 1/4 SE 1/4 Section 19-T122N-R52W from the two existing wells. This application, if approved, and Water Right No. 7874-3 will authorize a combined, total diversion rate of 0.89 cfs for irrigation of 63 acres. This site is located approximately one-half mile west of Ortleby SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8636-3 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 August 15, 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.

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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 Aug. 4, 2022, at the total approximate cost of \$48.68 and may be viewed free of charge at www.sdpublishnotice.com

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, August 17, 2022 8:37 AM
To: Watertown Public Opinion (legals@thepublicopinion.com)
Subject: 8636-3, Arnie Beisch
Attachments: 8636-3public.short_final.docx

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

Please bill the **Water Rights Program, 523 E Capitol, Pierre SD 57501** for the cost of publication.

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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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.

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Published once at the total approximate cost of_

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Sd Dept Of Environment & Natur
Sd Dept Of Environment & Natur
523 E Capitol Ave
DENR-DRINKING WATER
Pierre SD 57501

RECEIVED

SEP 12 2022

**OFFICE OF
WATER**

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

08/23/2022

and that the fees charged are legal.
Sworn to and subscribed before on 08/23/2022

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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AMY KOKOTT
Notary Public
State of Wisconsin

**NOTICE OF
APPLICATION NO. 8636-3
to Appropriate Water**

Notice is given that Arnie Belsch, 44877 142nd St, Waubay SD 57273 has filed an application for a water permit to irrigate 15 new acres. Water Right No. 7874-3 authorizes 0.89 cubic feet of water per second (cfs) from two wells completed into the Coteau Lakes Aquifer (40 feet deep) located in the NE 1/4 SE 1/4 Section 19 to irrigate 48 acres located in the E 1/2 SE 1/4 Section 19; all in T122N-R52W. The applicant is requesting to irrigate an additional 15 acres located in the SE 1/4 SE 1/4 Section 19-T122N-R52W from the two existing wells. This application, if approved, and Water Right No. 7874-3 will authorize a combined total diversion rate of 0.89 cfs for irrigation of 63 acres. This site is located approximately one-half mile west of Ortley SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8636-3 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 September 6, 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 September 6, 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 \$50.92 and may be viewed free of charge at www.sdpublicnotices.com.

September 19, 2022

PAYMENT REQUEST FORM

PAYEE: Argus Leader
PO Box 677349
Dallas, TX 75267-7349

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Application 8636-3 Arnie Beisch

AMOUNT: \$50.92

FUNDING SOURCE: WR General

GENERAL:

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eve Greenland 9/19/2022*

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 26 2022

Arnie Beisch
44877 142nd St
Waubay SD 57273

Dear Mr. Beisch:

Enclosed is Water Permit No. 8636-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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.: 8636-3

Name of Applicant: Arnie Beisch

Date of Posting: 8/1/2022

Date of Removal: 9/26/2022



Ron Duvall, Water Rights Permitting Administrator

9/26/22

Date

Subscribed and sworn to before me, a notary public, this 26th day of Sept, 2022.



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

