

3
WATER PERMIT NO. 8679-3

Name of Applicant: James D Bondesen

Address: 28468 SD Hwy 19, Hurley SD 57036 Phone: 605 310-3331

Amount of Water Claimed: 2.0 cfs Total Acres: no add'l

Source of Water Supply: groundwater (one add'l well)

Water to be used for: irrigation County: Turner

Type of Waste Disposal System:

Location: 1 mile southwest of Hurley

PRIORITY Date Received: 4-27-22

Application/License Fee: \$ 300

Corrected Application Received: 6-14-22

Period of Annual Use: April 1 – November 30

Remarks: Additional well and diversion authority to Water Permit No. 4614-3. Will allow the two pivots to operate simultaneously

Diversion Point: N 1/2 NE 1/4 Sec 35-T98N-R53W

Land to be Irrigated: SW 1/4, NE 1/4 Sec 35-T98N-R53W

Depth of Well: 60 feet

Well Driller:

Remarks:

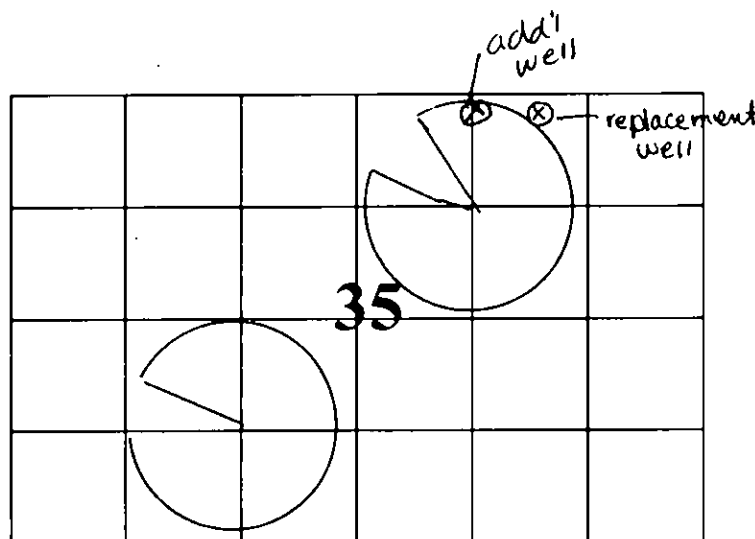
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 6-14-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8639-3**

Date of first receipt of application April 27, 2022.

Date of return to applicant for corrections, amendments or changes May 2, 2022.

Date of receipt of corrected application June 14, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8639-3 to James D Bondesen, 28468 SD Hwy 19, Volga SD 57036 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. 8639-3 authorizes a replacement well, adds a well, and appropriates an additional 2.0 cubic feet of water per second (cfs) to irrigate 257 acres covered by Water Right No. 4647-3. Water Right No. 4647-3 authorizes 2.0 cfs from one well completed into the Upper Vermillion Missouri Aquifer for irrigation of 257 acres located in the SW 1/4 and the NE 1/4 Section 35-T98N-R53W. The replacement well and the additional well are to be completed into the Upper Vermillion Missouri North Aquifer (approximately 60 feet deep) located in the N 1/2 NE 1/4 Section 35-T98N-R53W. The permit also appropriates an additional 2.0 cfs from the wells to allow the two center pivots to operate simultaneously. This permit and Water Right No. 4647-3, combined, will authorize 4.0 cfs from two wells to irrigate 257 acres. This site is located approximately 1 mile southwest of Hurley SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – November 30.
3. The date from which applicant may claim right is April 27, 2022.
4. The date of approval of Permit No. 8639-3 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. 4647-3 and Water Permit No. 8639-3 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. The wells authorized by Water Right No. 4647-3 and this Permit shall be constructed by a licensed well driller and construction of the wells and installation of the pumps shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casings pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

(continued)

Water Permit No. 8639-3
James D Bondesen
Page 2

3. Water Right No. 4647-3 and this Permit, combined, authorize a diversion rate of 4.0 cubic feet of water per second for irrigation of 257 acres.
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

SEP 26 2022
date



APR 27 2022

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8639-3</u>	(office use only) Hydrologic Unit <u>10170102</u>	WATER RIGHTS PROGRAM
	Basin <u>Vermillion River</u>		
	Newspaper <u>New Era, Parker</u>		
	<u>Argus Leader</u>		

PAID

APR 27 2022
Ck# 5699
Rec't# _____

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 46413
(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 James D. Borden
Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
- Mailing Address 28465 Rd 74, 19 Hurley S.D. 57036
(Address) (City) (State) (Zip Code)
- Phone _____ Mobile 605 3103331 Email no add'l
2. Amount of water claimed 2.0 *CFS or 900 **GPM _____ ***AF Total Acreage 46413
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Wells
4. Location of point of diversion 2 Wells N¹/₂ NE ¹/₄ Sec 35-T98N-R53W
(example - 3 wells in SW¹/₄ NE¹/₄ section 12-T104N-R53W)
- County Turner
5. County or counties where water will be used Turner Co. April 1 - November 30
6. Annual period during which water is to be used Same as permit 46413
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>Same as permit 46413</u>			
<u>SW¹/₄ Sec 35-T98N-R53W</u>	<u>138</u>		
<u>NE¹/₄ "</u>	<u>119</u>		

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

I, James D. Borden, 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 Lacey Drilling
(if yes, please provide copies of logs)b) If existing wells, how many Provide copy of log(s), if available. Drilled by from Lacey
Dell Rapids S. Dak.

For either Existing or Proposed Wells:

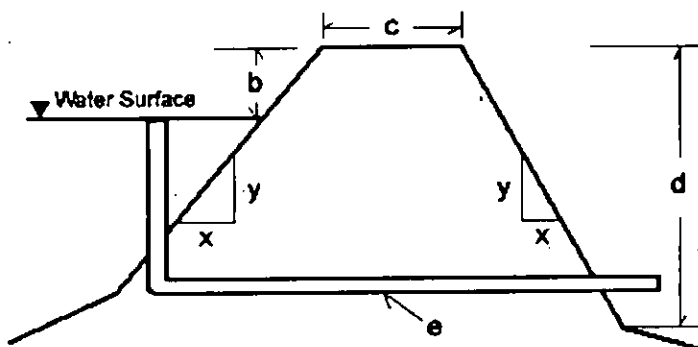
c) Well Depth (required) 60' Depth to Top of Water Bearing Material 7' Depth to Water from Surface 8'd) Distance to nearest domestic well on applicant's property none Property owned by others 1/2 mile**2. Wastewater Disposal System Information**a) Type of System (i.e. septic tank, drain field) b) System 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 Feetj) Drainage Area Above Dam Acres



United States
Department of
Agriculture

Turner County, South Dakota

well no 2 well no 1



Common Land Unit

- Tract Boundary
- PLSS
- Non-Cropland
- Cropland

Wetland Determination Identifiers

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

2022 Program Year

Map Created February 09, 2022

Farm 10093

35-98N-53W-Turner

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

Schlaak, Karen

From: Gronlund, Eric
Sent: Friday, April 22, 2022 10:34 AM
To: Schlaak, Karen
Cc: Mathiowetz, Adam (DENR)
Subject: RE: Jim Bondensen - Hurley

Talked to Jim Bondensen again.

This is in regards to WR 4647-3. Replace existing well, drill an additional well, authorize additional pump rate while not increasing acres. Want the two pivots to be able to run independent of one another.

I made it clear the existing water right is for the UVM. The wells can not be drilled into the PAC without further permitting. He understood.

From: Gronlund, Eric
Sent: Wednesday, March 23, 2022 10:45 AM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Cc: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Subject: Jim Bondensen - Hurley

Mr. Bondesen called – has a water rights (don't know numbers) where one well serves two pivots. He is replacing the well. While he's at it wants to have driller put a second well in so pivots can run independently instead of alternating. Will be an increase in diversion rate authority without an increase in acres.

Believe he may request to drill a test well prior to getting a permit for the second well if he can get the driller there.



RECEIVED

JUN 14 2022

OFFICE OF
WATER

DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

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

May 2, 2022

James D Bondesen
28468 US Hwy 19
Hurley SD 57036

PAID

JUN 14 2022
Ck# 5718
Rec't# _____

Dear Mr. Bondesen:

Thank you for submitting the *Application for a Permit to Appropriate Water* to concerning acreage covered by Water Right No. 4647-3 located in Turner County.

Eric Gronlund indicated he talked with you about this application. It is my understanding that one well will be a replacement well, the second well will be an additional well. In the location of the proposed wells, the Upper Vermillion Missouri aquifer and the Parker Centerville aquifer are both present. Based on nearby observation well logs and lithologic logs, if your proposed wells are screened below 50 feet deep, the current designation of the Upper Vermillion Missouri aquifer can be retained as identified on your existing Water Right No. 4647-3.

To complete the application you submitted, please provide the following:

- You indicated you would like the pivots to operate independent to one another which may be possible by having two wells. Your existing water right is licensed for 900 gallons per minute. Please identify the additional number of gallons per minute needed to enable both pivots to run at the same time.
- We received your check for \$200.00 which covers the licensing fee. Please remit an additional \$100.00 which is the application fee required to irrigate the existing 257 acres with an additional well.

If you have any questions, please contact me.

Sincerely,

Ron Duvall
Water Rights Program
605 773-3352
ron.duvall@state.sd.us

Water Rights Program - File Documentation

NAME: James Bondensen

ADDRESS: Hurley SD

DATE: 6-14-22

RE: Pending application

COMMENTS:

Called Mr. Bondensen to clarify the amount of water he is requesting from the new well which will enable both pivots to run at that same time. Mr. Bondensen stated 900 gpm which is probably more than he will need, but that way he is for sure covered.



Karen Schlaak
Water Rights Program

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date June 14, 2022

RECEIVED OF James D. Bondesen 28468 US Hwy 19 Hurley SD 57036

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

Fee for Application for Permit No. <u>8639-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</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. _____	\$ _____
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>100.00</u>

By Eric Gronlund
Chief Engineer
EM

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 27, 2022

RECEIVED OF James Bondesen 28468 SD Hwy 19 Hurley SD 57036

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. <u>8639-3</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>200.00</u>

By *Eric Gronlund*
Chief Engineer
Em

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, July 27, 2022 10:40 AM
To: kbondesen@msn.com
Subject: Water Permit Application
Attachments: 3755.pdf

daughter's email

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

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





**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. 8639-3, James D. Bondesen**

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. 8639-3, James D. Bondesen, 28468 SD Highway 19, Hurley SD 57036.

The Chief Engineer is recommending APPROVAL of Application No. 8639-3 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. 4647-3 and Water Permit No. 8639-3 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. The wells authorized by Water Right No. 4647-3 and this Permit shall be constructed by a licensed well driller and construction of the wells and installation of the pumps shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casings pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Water Right No. 4647-3 and this Permit, combined, authorize a diversion rate of 4.0 cubic feet of water per second for irrigation of 257 acres.
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
July 27, 2022

Report to the Chief Engineer
On Water Permit Application No. 8639-3

James D Bondesen

July 26, 2022

Water Permit Application No. 8639-3 proposes to drill a replacement well, add a well, and appropriate an additional 2.0 cubic feet of water per second (cfs) to irrigate 257 acres authorized by Water Right No. 4647-3. Water Right No. 4647-3 authorizes a maximum instantaneous diversion rate of 2.0 cfs from one well completed into the Upper Vermillion Missouri aquifer for the irrigation of 257 acres located in the SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 35-T98N-R53W. The replacement and additional well proposed by this application are to be completed into the Upper Vermillion Missouri: North aquifer (approximately 60 feet deep) located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 35-T98N-R53W. The applicant is proposing to appropriate an additional 2.0 cfs from the replacement and additional well. This will allow the two center pivots to operate simultaneously.

The well authorized by Water Right No. 4647-3 is coded as withdrawing from the Upper Vermillion Missouri aquifer since the water permit application for this water right were processed preceding work completed by the South Dakota Geological Survey (SDGS) and Buhler (2014) analyzing the approximate Upper Vermillion Missouri: North aquifer boundary. The work completed by the SDGS and Buhler (2014) indicates the existing well requested to be replaced (60 feet deep) and the proposed well, both to be located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 35-T98N-R53W, will be completed into the Upper Vermillion Missouri: North aquifer.

If approved, Water Permit Application No. 8639-3 and Water Right No. 4647-3 would collectively authorize a maximum instantaneous diversion rate of 4.0 cfs from two wells for the irrigation of 257 acres. The site of interest is located in Turner County approximately one mile southwest of Hurley, SD.

AQUIFER: Upper Vermillion Missouri: North (UVM: N)

HYDROGEOLOGY:

The Upper Vermillion Missouri aquifer is a glacial outwash that is composed of fine sand to medium-pebble gravel (Lindgren and Hansen, 1990). The aquifer generally lays in a bedrock valley that trends north to south and underlies portions of Clay, Lincoln, and Turner Counties (Holmes and Filipovic, 2015). From 2013 to 2014, the SD DANR-Geological Survey completed a study to further understand the geologic and hydrologic conditions of the Upper Vermillion Missouri aquifer (Holmes and Filipovic, 2015). As a result, the aquifer is now considered as three management units (i.e., North, South, and West) that were adopted by the Water Management Board at the March 6, 2014 meeting (Buhler, 2015; Holmes and Filipovic, 2015).

The replacement well and new well for this application are located in the North management unit of the Upper Vermillion Missouri aquifer. The areal extent of the Upper Vermillion Missouri: North aquifer is approximately 38,100 acres (Buhler, 2014). The Upper Vermillion Missouri:

North aquifer is generally buried and confined but can be locally unconfined in locations where the Parker-Centerville aquifer directly overlies it and is in hydrological connection with it (Holmes and Filipovic, 2015).

A more thorough discussion of the Upper Vermillion Missouri: North aquifer is detailed in the hydrogeology section within the report for Water Permit No. 8461-3 (Water Rights, 2022c).

A water well completion report was submitted with Water Permit Application No. 8639-3 for the for the existing well requested to be replaced and authorized by Water Right No. 4647-3. The report lists “top soil” from 0 to 4 feet below the ground surface, “yellow clay” from 4 to 39 feet, and “sand and gravel” from 39 to 60 feet below the ground surface (Water Rights, 2022d). The well was screened in “sand and gravel” from 40 to 60 feet (Water Rights, 2022d). Based on the submitted water well completion report for the existing well to be replaced, and water well completion reports and lithologic logs on file for nearby water rights/permits and observation wells, the Upper Vermillion Missouri: North aquifer is expected to be unconfined at the location of the replacement well and new well (SDGS, 2022; Water Rights, 2022a, 2022b and 2022c).

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

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

WATER AVAILABILITY:

Water Permit Application No. 8639-3 proposes to appropriate water from the Upper Vermillion Missouri: North aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Upper Vermillion Missouri: North aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Upper Vermillion Missouri: North aquifer must be considered.

OBSERVATION WELL DATA:

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

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors ten observation wells completed into the Upper Vermillion Missouri: North aquifer (Water Rights, 2022b). These observation wells and their respective distances from the replacement well and new well are TU-2016A (approximately 0.5 miles north), TU-77I (approximately two miles east), TU-77H (approximately two miles east), TU-77G (approximately three miles northeast), TU-77F (approximately three miles northeast), TU-77D (approximately 3.2 miles northwest), TU-77Y (approximately five miles east), TU-77W (approximately 5.5 miles northeast), TU-77B (approximately 6.2 miles northeast), and TU-77L (approximately 6.3 miles southeast) (Water Rights, 2022b). The hydrographs for these observation wells are displayed in Figures 1 to 10 (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 DANR Water Rights Observation Well on the hydrographs.

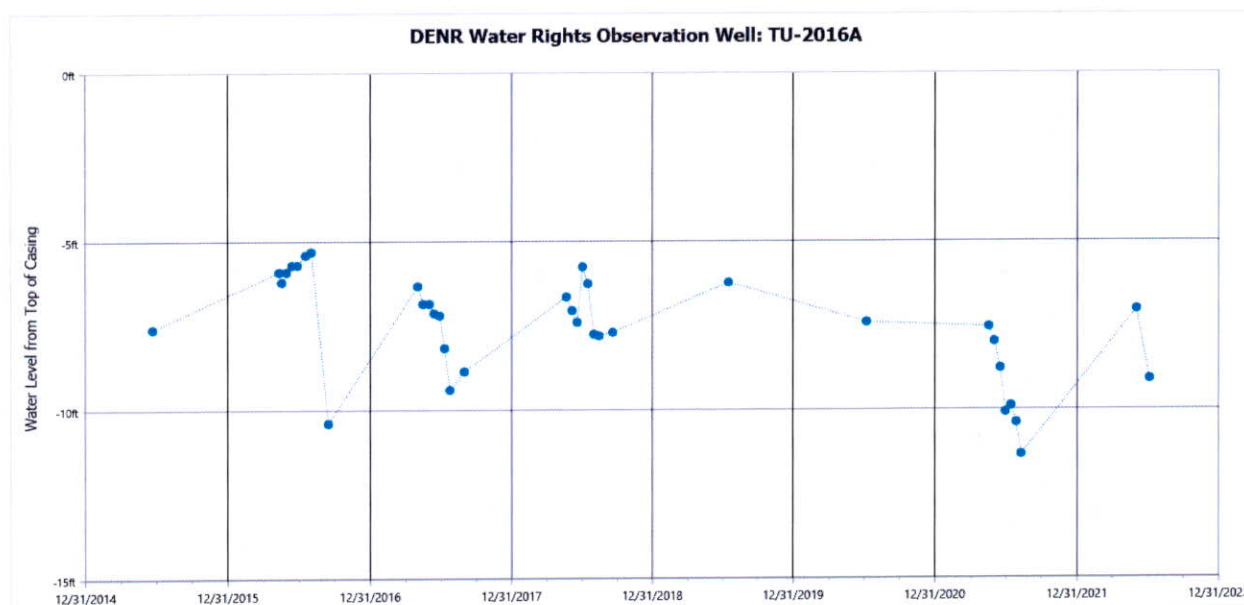


Figure 1. Hydrograph for observation well TU-2016A (Water Rights, 2022b)

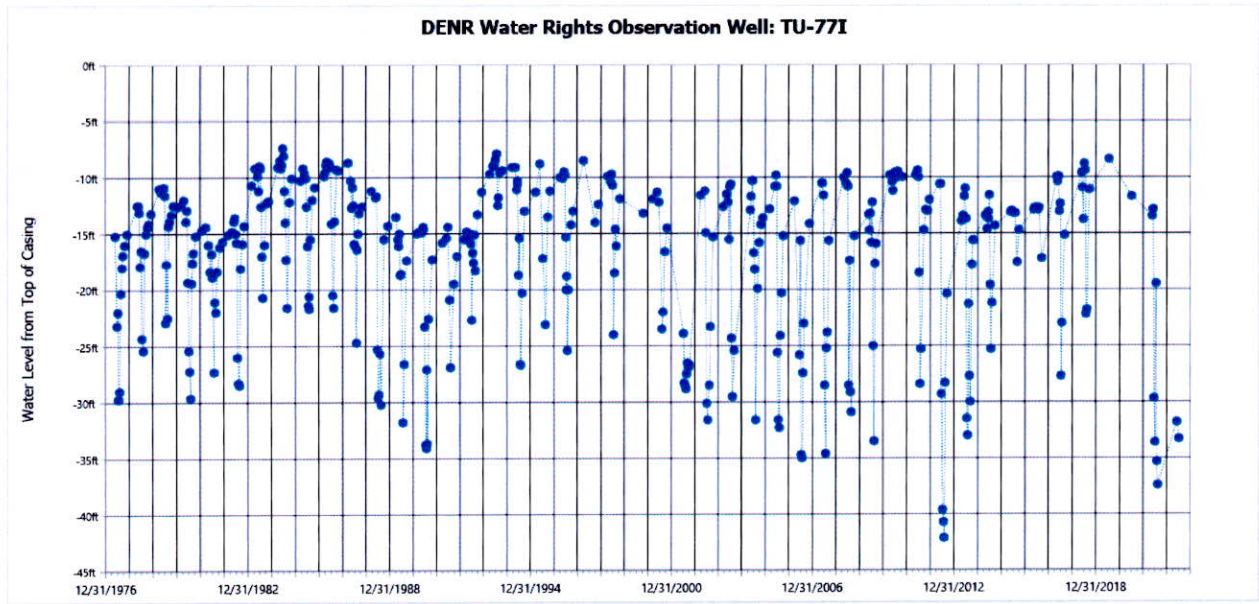


Figure 2. Hydrograph for observation well TU-77I (Water Rights, 2022b)

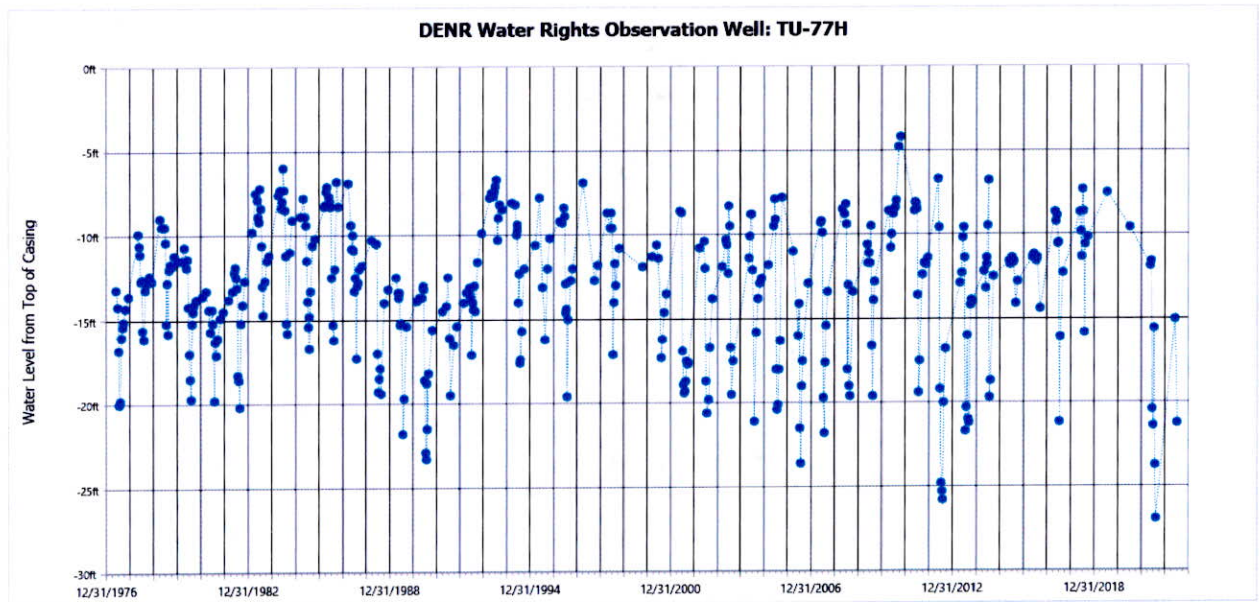


Figure 3. Hydrograph for observation well TU-77H (Water Rights, 2022b)

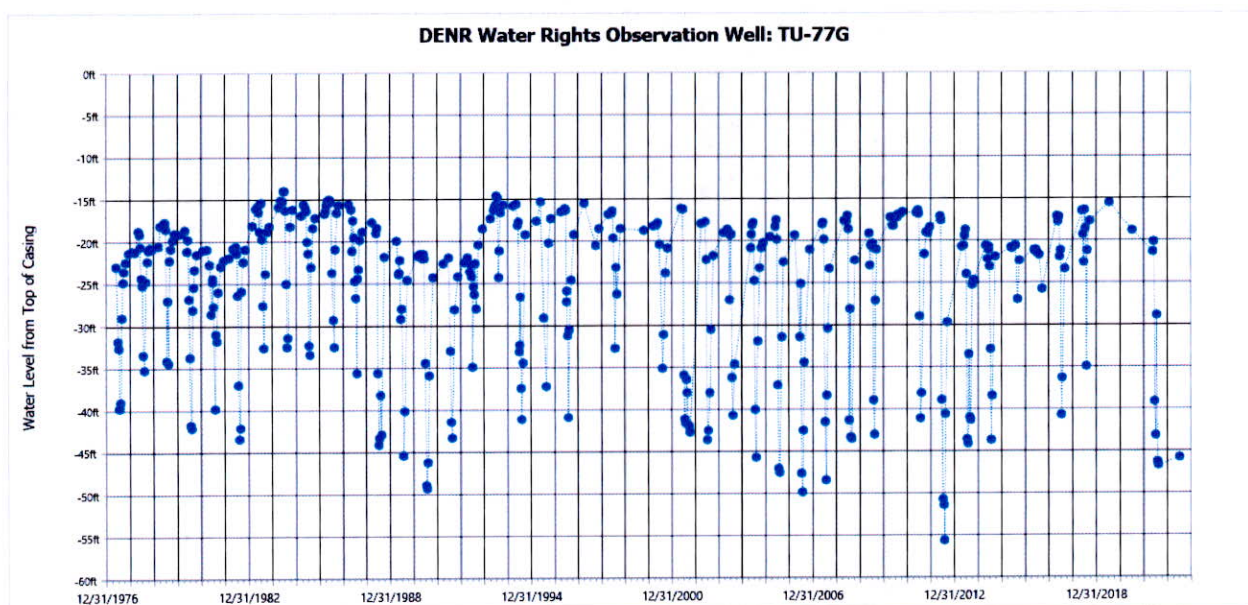


Figure 4. Hydrograph for observation well TU-77G (Water Rights, 2022b)

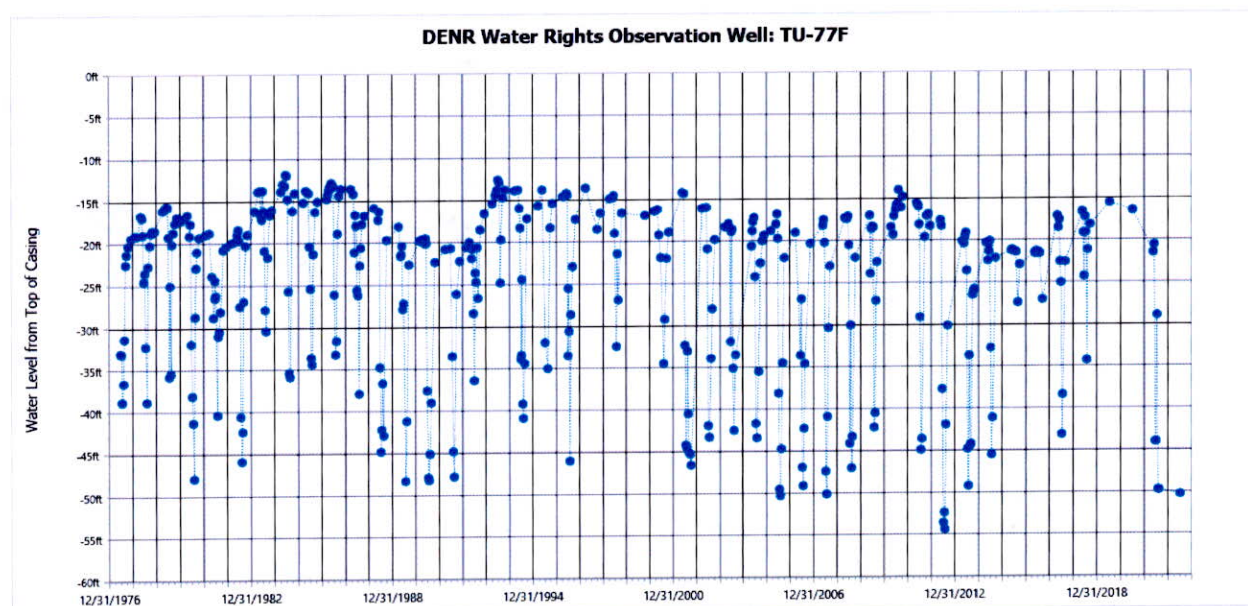


Figure 5. Hydrograph for observation well TU-77F (Water Rights, 2022b)

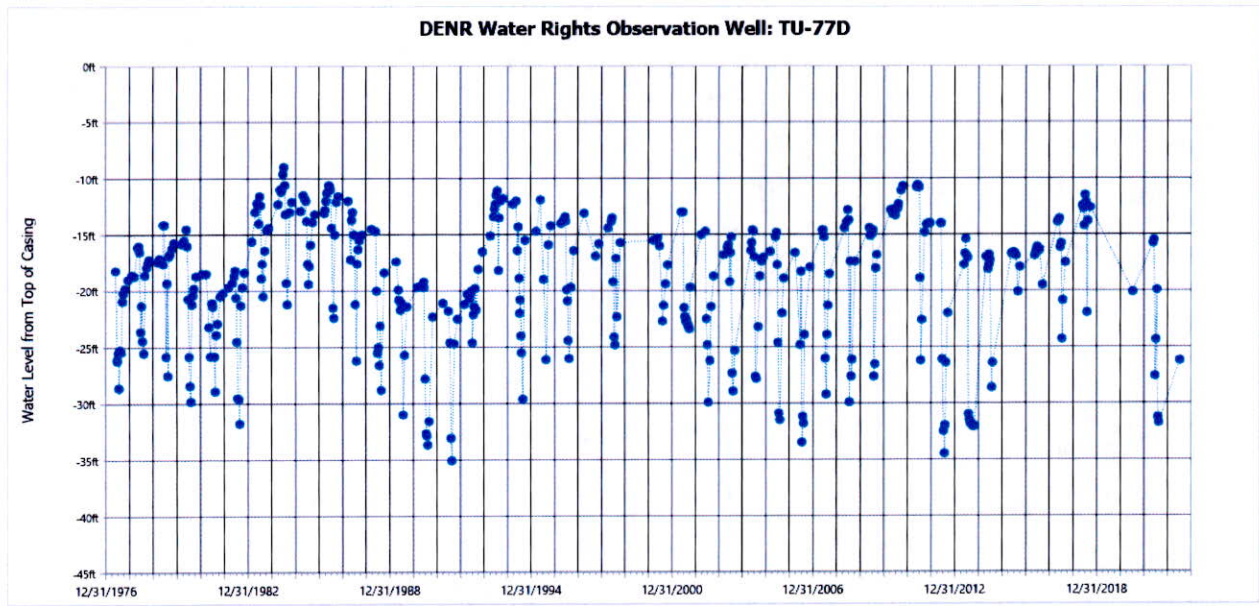


Figure 6. Hydrograph for observation well TU-77D (Water Rights, 2022b)

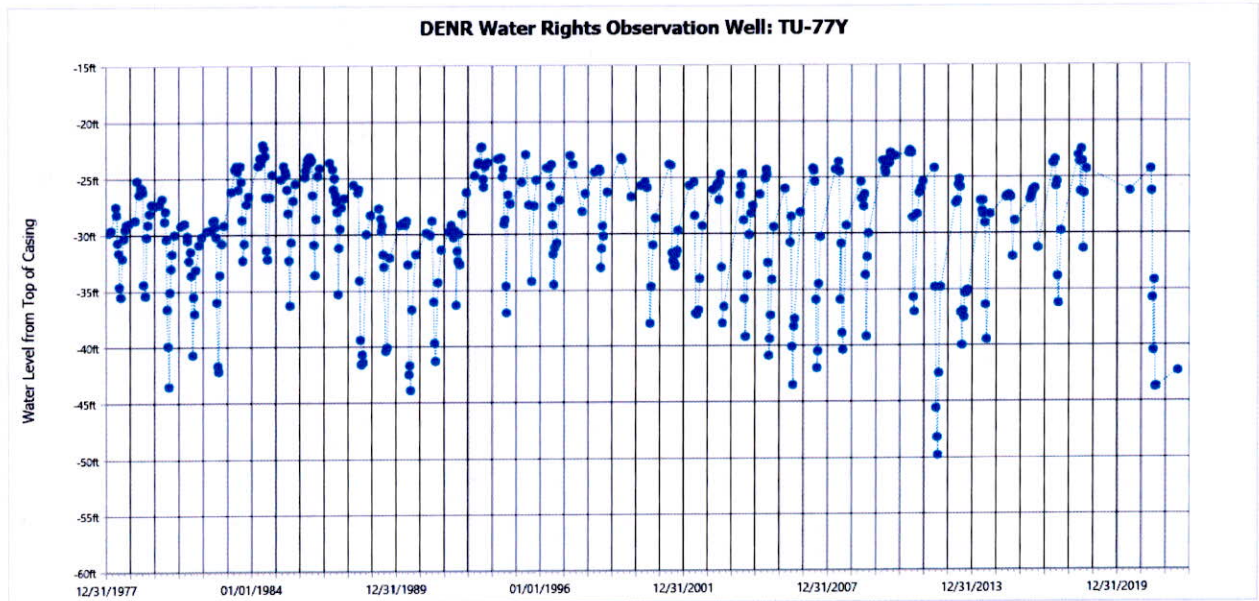


Figure 7. Hydrograph for observation well TU-77Y (Water Rights, 2022b)

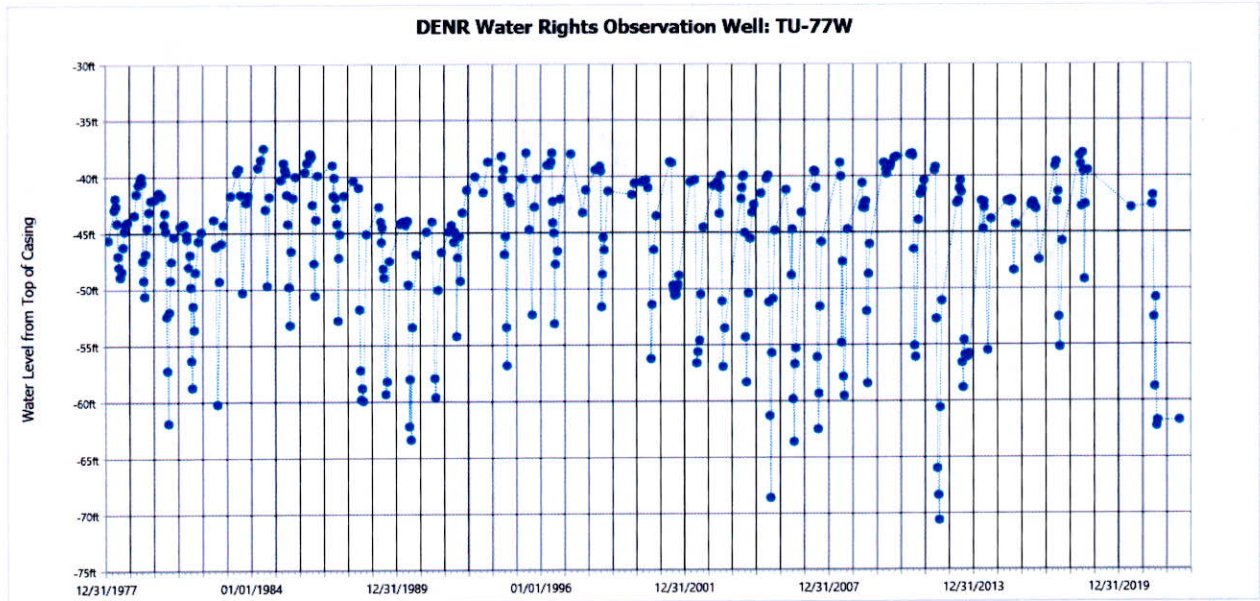


Figure 8. Hydrograph for observation well TU-77W (Water Rights, 2022b)

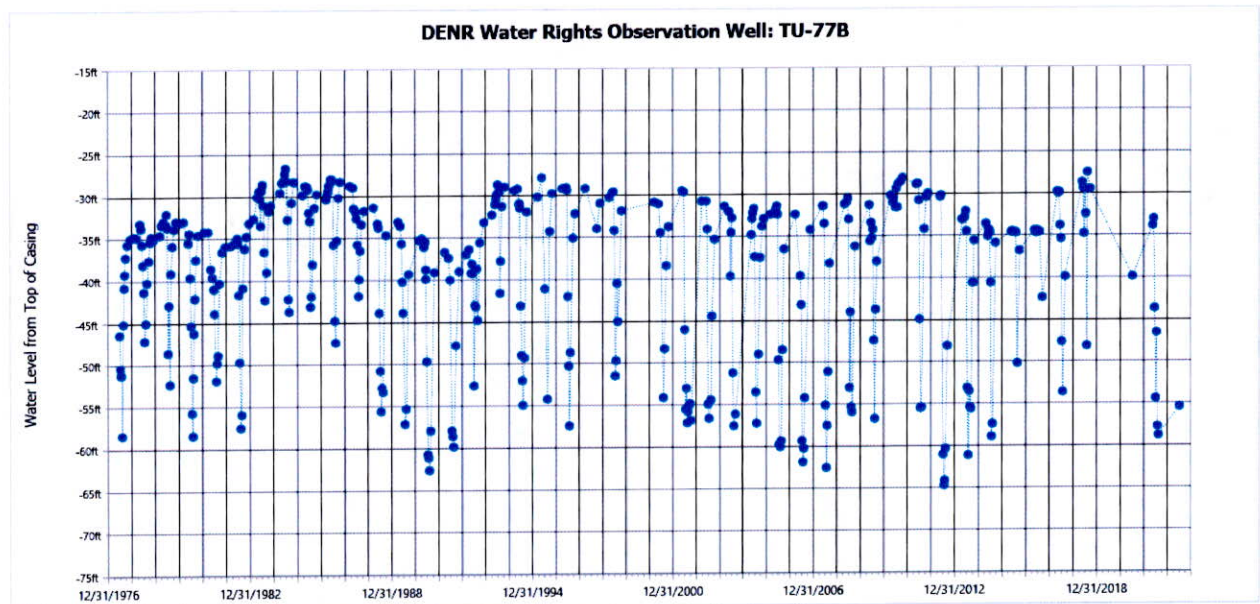


Figure 9. Hydrograph for observation well TU-77B (Water Rights, 2022b)

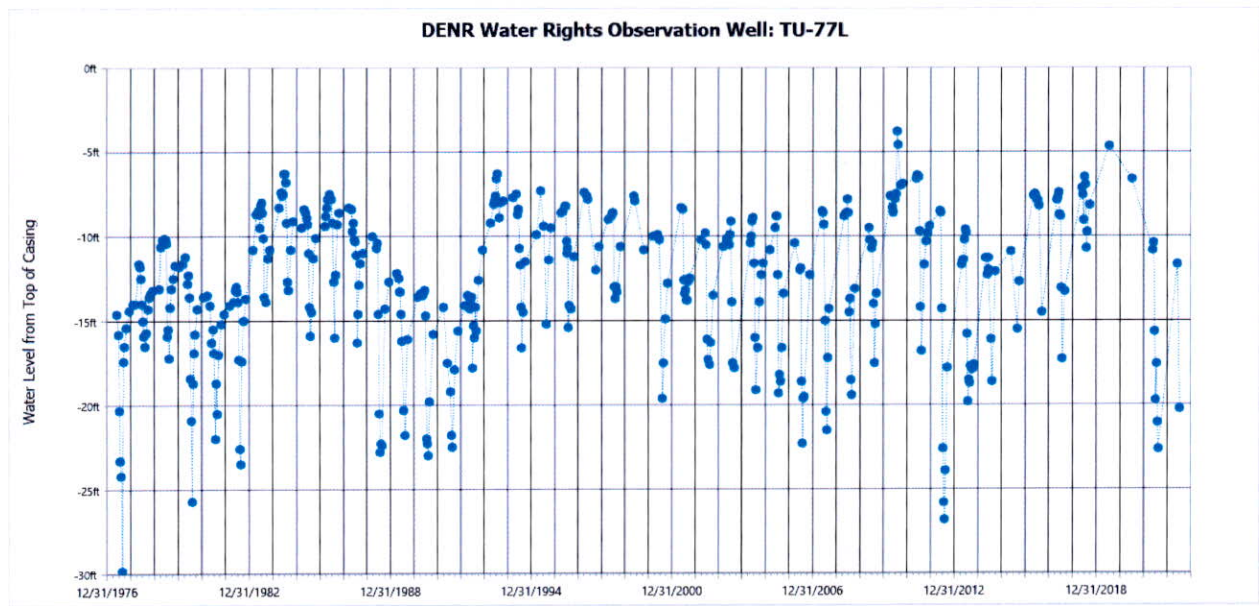


Figure 10. Hydrograph for observation well TU-77L (Water Rights, 2022b)

The water levels measured in the observation wells show that the potentiometric surface of the Upper Vermillion Missouri: North aquifer is typically less than 70 feet below the ground surface (Water Rights, 2022b). The hydrographs for observation wells completed into the Upper Vermillion Missouri: North aquifer generally display upward to stable trends over their respective period of record. The Upper Vermillion Missouri: North aquifer is generally under confined conditions, and the potentiometric surface in a confined aquifer is very responsive to pumping as a small change of water stored in the aquifer results in a fairly large change in the artesian head pressure in a well (Buhler, 2015; Holmes and Filipovic, 2015). Additionally, the water levels in the observation wells are typically measured during the same time of the year irrigation pumping is occurring (Water Rights, 2022b). Generally, observation wells being measured when irrigation is occurring can lead towards a bias towards representing lower water levels due to decreased artesian head pressure. However, the hydrographs for the observation wells completed into the Upper Vermillion Missouri: North aquifer document the aquifer returning to pre-pumping conditions preceding each irrigation season over the respective period of record. This means the trend is not fully representative of the “static” conditions of the aquifer, but rather the trend shows the seasonal effects of pumping. This is worth noting in an extensively developed aquifer such as the Upper Vermillion Missouri: North aquifer.

Buhler (2015) created hydrographs using the earliest water level measured by the DANR-Water Rights Program in May of each year to account for any bias in the hydrograph trends being introduced by most of the readings being measured when water levels were at the lowest during the irrigation season. Buhler (2015) noted that there is generally no irrigation pumping occurring from November through April and limited recharge to the aquifer occurs during that same time frame which allows the early May water level measurements to be considered representative of nearly “static” conditions of the aquifer. When generating the hydrographs based off “static” readings, the earliest May reading was used when possible; if no May reading was available for the respective year, the reading closest to May 1 was used if it was within 45 days. Figures 11 to

19 show the water level measurements that are most representative of the “static” conditions of the aquifer.

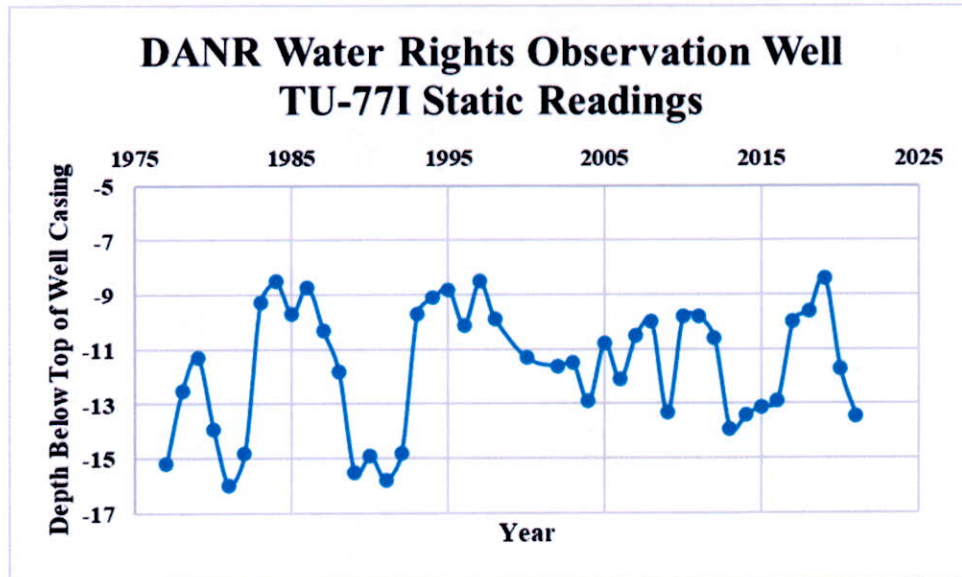


Figure 11. Hydrograph for static water level in observation well TU-77I (Water Rights, 2022b)

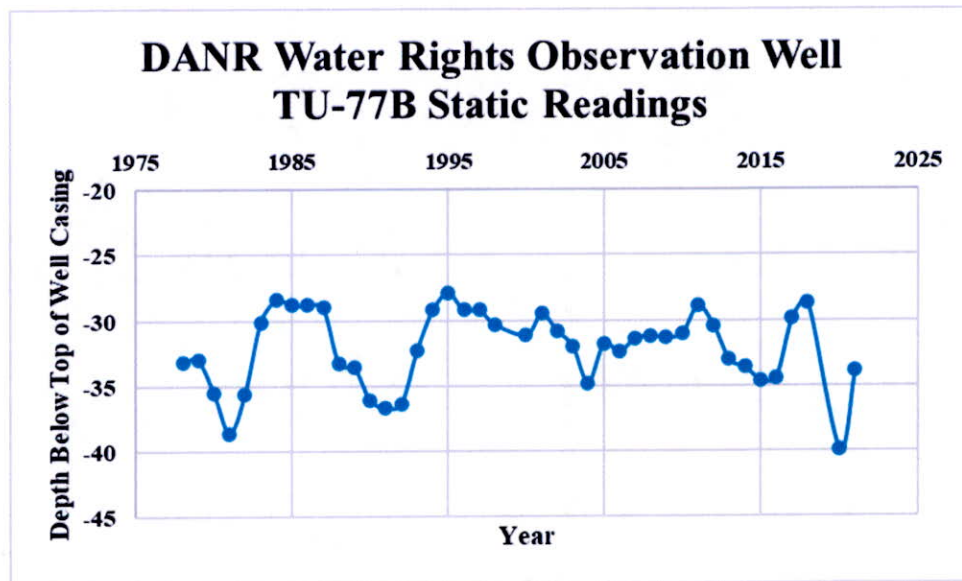


Figure 12. Hydrograph for static water level in observation well TU-77B (Water Rights, 2022b)

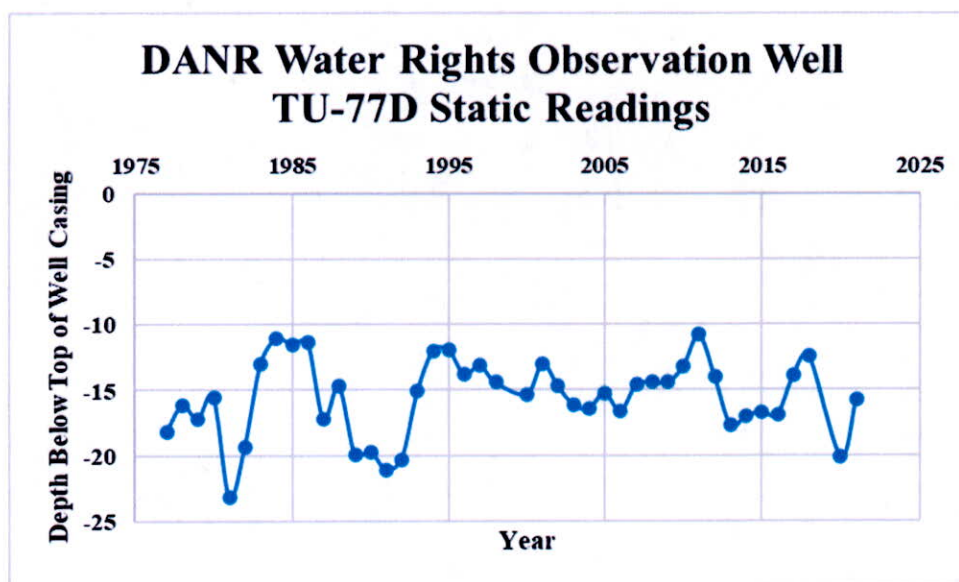


Figure 13. Hydrograph for static water level in observation well TU-77D (Water Rights, 2022b)

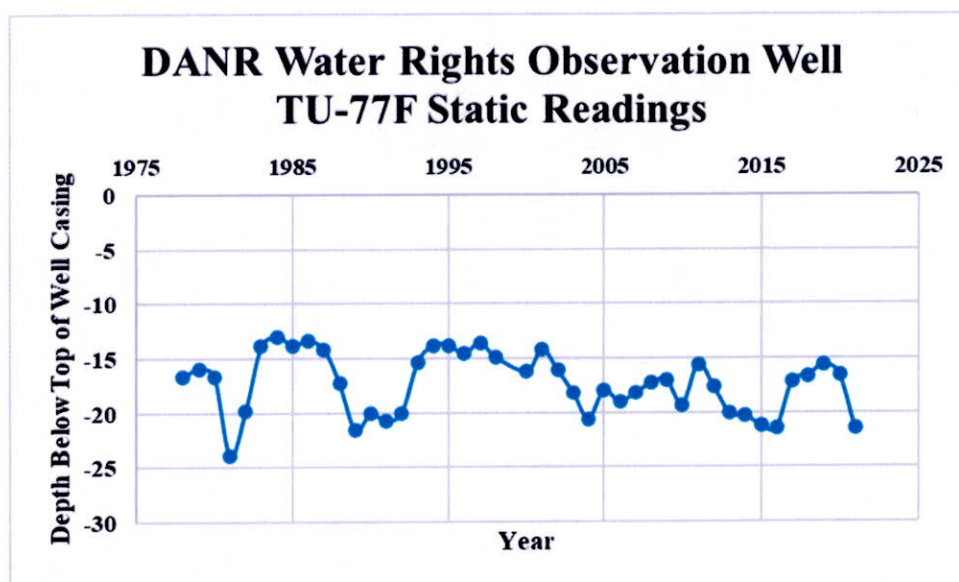


Figure 14. Hydrograph for static water level in observation well TU-77F (Water Rights, 2022b)

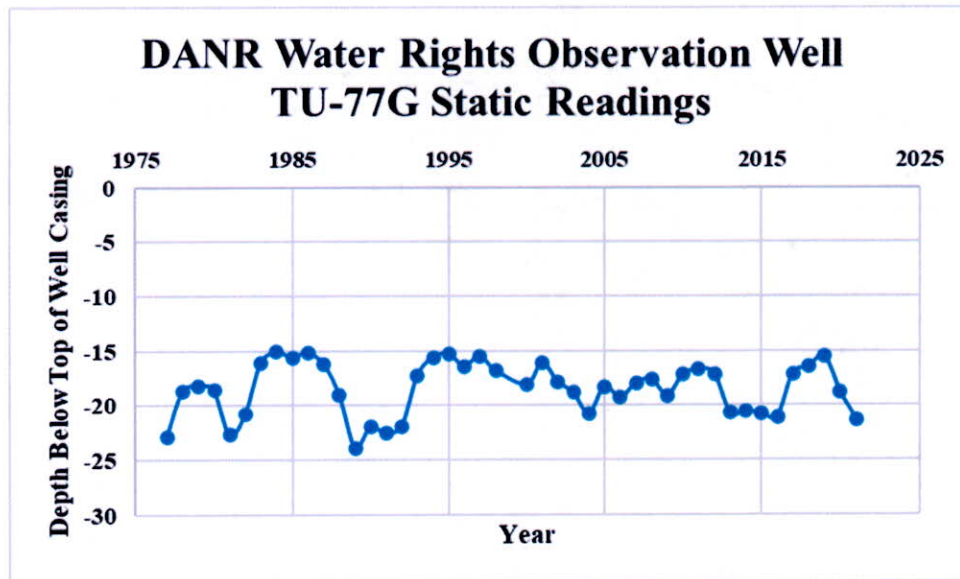


Figure 15. Hydrograph for static water level in observation well TU-77G (Water Rights, 2022b)

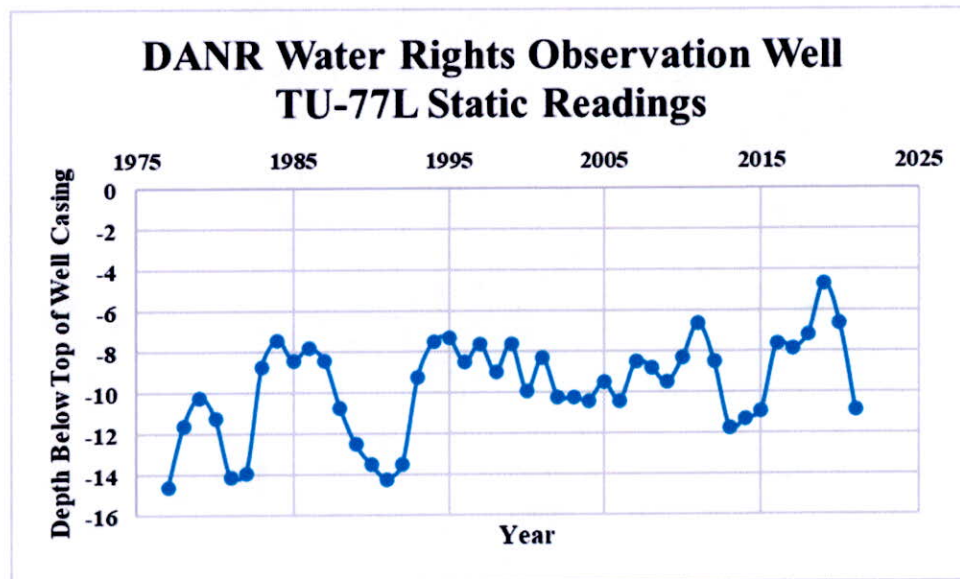


Figure 16. Hydrograph for static water level in observation well TU-77L (Water Rights, 2022b)

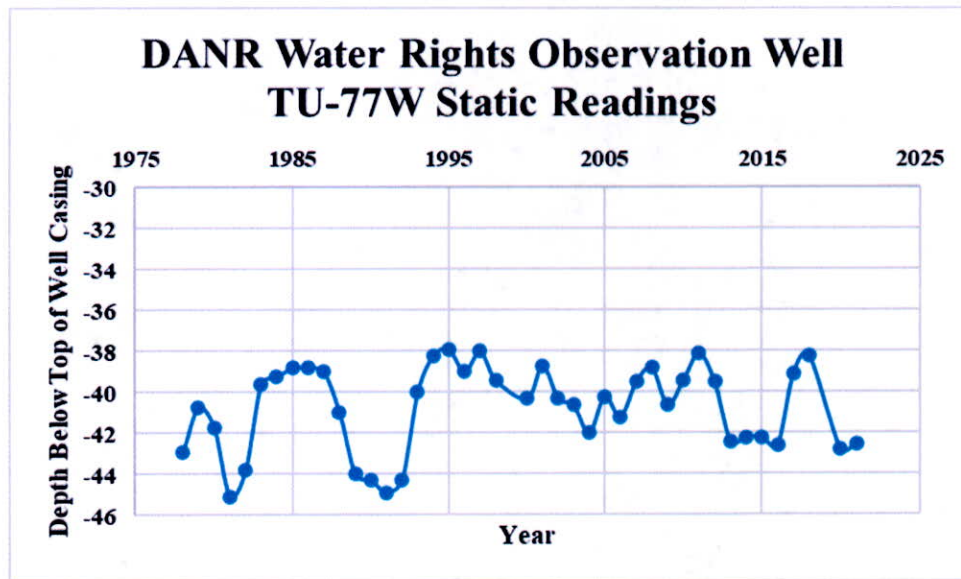


Figure 17. Hydrograph for static water level in observation well TU-77W (Water Rights, 2022b)

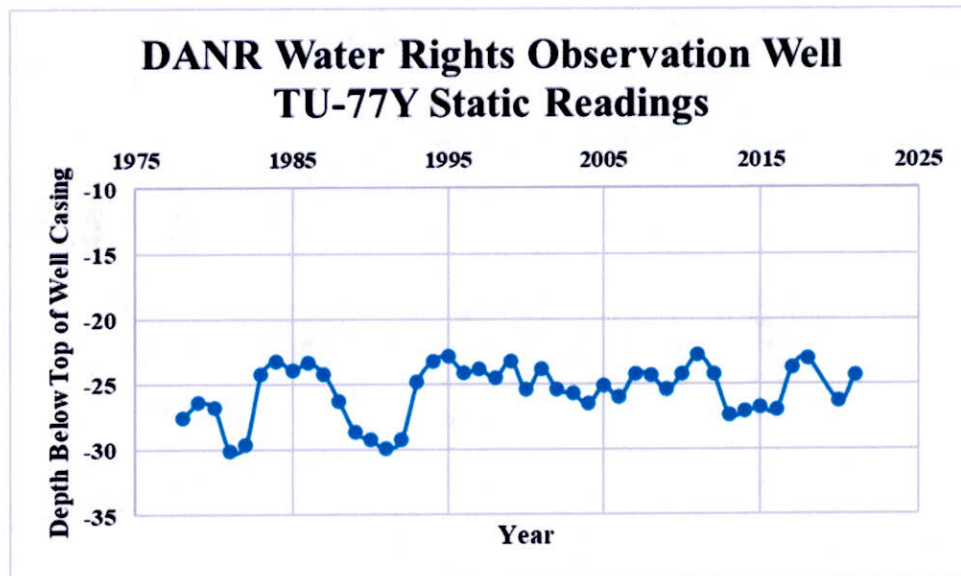


Figure 18. Hydrograph for static water level in observation well TU-77Y (Water Rights, 2022b)

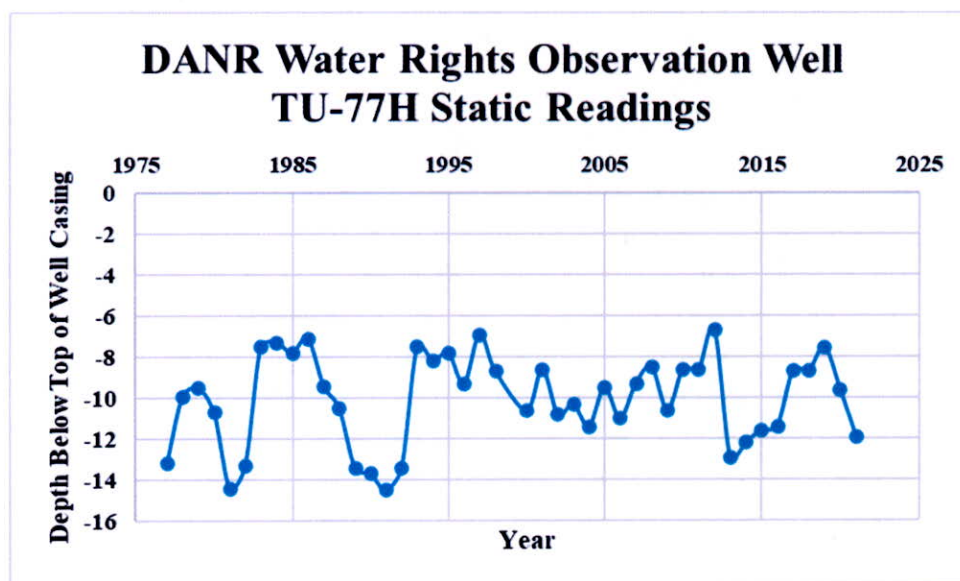


Figure 19. Hydrograph for static water level in observation well TU-77H (Water Rights, 2022b)

The hydrographs for the “static” conditions of the Upper Vermillion Missouri: North aquifer (as shown in Figures 11 to 19) all display stable to increasing water levels throughout the respective period of record, except for the hydrograph with the “static” condition readings for observation well TU-77F (Figure 14). The downward trend on the hydrograph with the “static” condition readings for observation well TU-77F is likely caused by the observation well having not reached equilibrium due to the increased development of South Lincoln Rural Water System (shown in Table 2) (Buhler, 2015). The “static” condition water levels have maintained an upward or stable trend despite increased well withdrawals for irrigation (shown in Table 3). The effects of recharge to and natural discharges from the aquifer governs the long-term fluctuations in water level of the aquifer rather than the impacts of pumping from the Upper Vermillion Missouri: North 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.

The Parker-Centerville aquifer overlies and is hydraulically connected to portions of the Upper Vermillion Missouri: North aquifer (Holmes and Filipovic, 2015). Recharge to the Upper Vermillion Missouri: North aquifer occurs through leakage from the overlying Parker-Centerville aquifer where the two aquifers are in direct contact (Buhler, 2015; Holmes and Filipovic, 2015). The “static” condition water levels of the Upper Vermillion Missouri: North aquifer have remained stable to increasing throughout the respective period of record (shown in Figures 11 to 19) despite the increase in average annual pumping (shown in Tables 1, 2 and 3). Induced recharge from the Parker-Centerville aquifer has likely increased (Water Rights, 2022b). Therefore, since additional recharge to the Upper Vermillion Missouri: North aquifer can be induced, additional water is available for this proposed appropriation.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Upper Vermillion Missouri aquifer occurs primarily through the infiltration of precipitation. Additional recharge occurs through leakage from the overlying Parker-Centerville aquifer where the two aquifers are in direct contact (Holmes and Filipovic, 2015).

The Upper Vermillion Missouri: North aquifer is generally buried and confined but can be locally unconfined in locations where the Parker-Centerville aquifer directly overlies it (Holmes and Filipovic, 2015). For confined aquifers, Hedges and others (1985) recommended a recharge rate range of 0.15 to 0.60 inches per year for use by management and development programs. The areal extent of the Upper Vermillion Missouri: North aquifer is approximately 38,100 acres (Buhler, 2014); therefore, the average annual recharge rate to the Upper Vermillion Missouri: North aquifer ranges between approximately 476 to 1,905 acre-feet per year. The upper end of that range is a probable minimum average annual recharge rate to the Upper Vermillion Missouri: North aquifer and there is likely additional recharge (such as, where the aquifer is unconfined) that occurs to the aquifer. The observation well data shows the generalized recharge rate range estimated Hedges and others (1985) is likely lower than the actual average annual recharge rate to the Upper Vermillion Missouri: North aquifer (Water Rights, 2022b).

Buhler (2014) indicated there is not a reliable average annual recharge estimate relating directly to the North management unit of the Upper Vermillion Missouri aquifer. Therefore, comparison of the average annual recharge to the average annual withdrawal through a hydrologic budget specific to the North management unit of the Upper Vermillion Missouri aquifer is not feasible.

Discharge

Discharge from the Upper Vermillion Missouri aquifer occurs primarily through well withdrawals (Lindgren and Hansen, 1990; Water Rights, 2022c). Currently, there are 51 water rights/permits authorized to appropriate water from the Upper Vermillion Missouri: North aquifer (Water Rights, 2022c).

Table 1 summarizes the four non-irrigation water rights/permits authorized to appropriate water from the Upper Vermillion Missouri: North aquifer and the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw the entire appropriated volume every year. It is estimated that the non-irrigation water rights/permits limited only by a diversion rate will pump at a maximum permitted diversion rate for 60 percent of the time. The Town of Davis was identified as being connected to TM Rural Water District and likely maintain the well for standby purposes (Drinking Water Program, 2022); as such, the average annual water use for this water right has been estimated to be zero acre-feet per year on Table 1.

Table 1. Estimated average annual water use from the non-irrigation water rights authorized to appropriate water from the Upper Vermillion Missouri: North aquifer (Water Rights, 2022c)

Permit No.	Name	Use	Status	Authorized Diversion Rate (cfs)	Authorized Annual Limit (acre-feet)	Estimated Use (acre-feet/year)
525-3	Town of Davis	MUN	LC	0.45		0*
5833-3	Advanced Prescription	COM	LC	0.11		47.8
6435-3	South Lincoln RWS	RWS	LC		900	900
6727-3	South Lincoln RWS	RWS	LC		900	900
* Identified as being connected to RWS					TOTAL:	1,848
LC: Licensed Water Right; MUN: Municipal; COM: Commercial; RWS: Rural Water System						

Table 2 shows the average annual water use from the Upper Vermillion Missouri: North aquifer for South Lincoln Rural Water System as reported to the SD-DANR (Water Rights, 2022f). The reported withdrawals by South Lincoln Rural Water System listed on Table 2 show historically the average annual use has been less than the appropriated volume that is estimated on Table 1 (Water Rights, 2022c and 2022f). The estimated use for South Lincoln Rural Water System calculated on Table 2 will be used in the analysis.

Table 2. Non-irrigation rural water system water rights/permits required to report their respective annual use from the Upper Vermillion Missouri: North aquifer (Water Rights, 2022c and 2022f)

Water Right Nos. 6435-3 and 6727-3	
Year	Reported Annual Use (acre-feet)
2003	354
2004	583
2005	611
2006	599
2007	607
2008	779
2009	987
2010	1095
2011	1108
2012	673
2013	702
2014	763
2015	810
2016	776
2017	849
2018	808
2019	664
2020	326
Avg	727

Currently, there are 47 irrigation water rights/permits authorized to appropriate water from the Upper Vermillion Missouri: North aquifer (Water Rights, 2022c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for the Upper Vermillion Missouri: North aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2021) is approximately 4,492 acre-feet per year (Table 3) (Water Rights, 2022a). Table 3 only lists 46 water/rights permits as reporting in 2021; as Water Permit No. 8461-3 did not submit an irrigation questionnaire in 2021 (Water Rights, 2022a), as it was approved in 2020 and is still within its respective construction period (Water Rights, 2022c). Water Permit No. 8461-3 is authorized to irrigate 140 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 No. 8461-3 is approximately 140 acre-feet per year.

Overall, the collective estimated average annual withdrawal rate for the irrigation appropriations that have reported over the period of record (1979 to 2021) (4,511 acre-feet/year) (Table 3), plus the estimated average annual withdrawal rate for Water Permit No. 8461-3 (140 acre-feet/year), is approximately 4,651 acre-feet per year (Water Rights, 2022a and 2022c).

There are domestic wells completed into the Upper Vermillion Missouri: North aquifer that do not require a water right/permit, so the withdrawal amount is unknown (Water Rights, 2022d). Due to their relatively low diversion rates, withdrawals from domestic wells are generally not considered to be a significant portion of the average annual withdrawal rate from the Upper Vermillion Missouri: North aquifer. Additionally, there are rural water systems in the area and the Parker-Centerville aquifer overlies portions of the Upper Vermillion Missouri: North aquifer; it is likely some domestic users may have transitioned to rural water or are using the Parker-Centerville aquifer. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the average annual withdrawal rate for the Upper Vermillion Missouri: North aquifer.

Table 3. Reported historic irrigation use from the Upper Vermillion Missouri: North aquifer (Water Rights, 2022a)

Year	No. of Permits	Reported Pumpage (acre-feet)
1979	31	2,585
1980	31	4,058.1
1981	33	3,674.9
1982	33	3,106.9
1983	32	2,563.4
1984	32	2,503
1985	32	2,097
1986	33	3,169
1987	33	2,908
1988	33	5,110
1989	33	4,419.6
1990	38	5,126.8
1991	37	4,876
1992	39	1,598.2
1993	38	473.5
1994	36	3,805.5
1995	36	3,488.1
1996	37	4,165.2
1997	37	4,677
1998	38	4,745.2
1999	37	4,157.2
2000	37	4,871.7
2001	37	4,819.7
2002	39	5,629.5
2003	39	4,984.5
2004	39	5,873.3
2005	38	5,630.3
2006	38	6,387.7
2007	39	5,174.9
2008	41	8,111
2009	40	3,625.2
2010	41	150.2
2011	41	4,496
2012	41	9,208
2013	41	7,006.7
2014	41	4,614.3
2015	41	5,233.6
2016	43	7,658.2
2017	44	7,812.9
2018	44	4,242.1
2019	44	2,469.5
2020	44	7,160.1
2021	46	5,508
Min	31	150.2
Max	46	9,208
Avg	38	4,511

Hydrologic Budget Summary

Overall, there is not a reliable average annual recharge estimate for the North management unit of the Upper Vermillion Missouri aquifer. For confined aquifers, Hedges and others (1985) recommended a recharge rate range of 0.15 to 0.60 inches per year for use by management and development programs. The areal extent of the Upper Vermillion Missouri: North aquifer is approximately 38,100 acres (Buhler, 2014); therefore, the average annual recharge rate to the Upper Vermillion Missouri: North aquifer ranges between approximately 476 to 1,905 acre-feet per year. The upper end of that range is a probable minimum average annual recharge rate to the Upper Vermillion Missouri: North aquifer and there is likely additional recharge (such as, where the aquifer is unconfined) that occurs to the aquifer. The observation well data shows the generalized recharge rate range estimated Hedges and others (1985) is likely lower than the actual average annual recharge rate to the Upper Vermillion Missouri: North aquifer (Water Rights, 2022b).

The estimated average annual withdrawal rate from the Upper Vermillion Missouri: North aquifer is approximately 5,426 acre-feet per year (non-irrigation: 774.8 acre-feet/year; irrigation: 4,651 acre-feet/year; Water Permit Application No. 8639-3 (if approved, acres requested to be irrigated authorized under Water Right No. 4647-3): requests additional diversion rate authority with no increase in acres to what is currently authorized).

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 51 water rights/permits authorized to appropriate water from the Upper Vermillion Missouri: North aquifer (Water Rights, 2022c). The closest water right/permit to the location of the replacement well and new well is Water Permit No. 6868-3, which is held by Joe Hummel. The diversion point for Water Permit No. 6868-3 is located approximately 1.4 miles northeast of the location of the replacement well and new well for this application (Water Rights, 2022c).

There are domestic wells on file with the DNR-Water Rights Program that are completed into the Upper Vermillion Missouri: North aquifer, with the closest domestic well on file (not held by the applicant) approximately 1.5 miles northeast of the location of the replacement well and new well (Water Rights, 2022d). There could potentially be other domestic wells completed into the Upper Vermillion Missouri: North aquifer near the location of the replacement well and new well that are not on file with the DNR-Water Rights Program.

The Upper Vermillion Missouri: North aquifer is generally buried and confined but can be locally unconfined in locations where the Parker-Centerville aquifer directly overlies it (Holmes and Filipovic, 2015). The Upper Vermillion Missouri: North aquifer is expected to be unconfined at the location of the replacement well and new well based on the submitted well completion report for the existing well to be replaced, well and test hole completion reports for nearby wells, and lithologic logs on file for nearby observation wells (SDGS, 2022; Water Rights, 2022b and 2022d). The drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior

of a well cannot be known without an aquifer performance test. However, observation wells completed into the Upper Vermillion Missouri: North aquifer near permitted/licensed diversion points can provide some insight on how the aquifer responds to pumping.

Observation well TU-77H (approximately two miles east of the location of the replacement well and new well) has ten high-yield irrigation wells within approximately one mile of it (Water Rights, 2022b and 2022c). The drawdown from pumping can be seen on the hydrograph for TU-77H, along with the aquifer returning to pre-pumping conditions between irrigation seasons (Figure 3) (Water Rights, 2022b). The lithologic log on file for TU-77H noted the well was drilled 110 feet deep with the top of aquifer is expected to be approximately 63 feet below the ground surface (SDGS, 2022). The lowest recorded static water level on the hydrograph is approximately 26 feet, which indicates there was still about 37 feet of artesian head pressure in TU-77H even during drier periods when high-yield irrigation wells are expected to be pumping more water (Water Rights, 2022b).

Well completion reports on file with the DANR-Water Rights Program for wells completed into the Upper Vermillion Missouri: North aquifer within approximately two miles of the location of the replacement well and new well for this application have a saturated aquifer thickness ranging from approximately 20 to 60 feet (SDGS, 2022; 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 Turner County, there are no complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Upper Vermillion Missouri: North aquifer (Water Rights, 2022e).

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

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a

result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Upper Vermillion Missouri: North aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated thickness of the Upper Vermillion Missouri: North aquifer near the applicant's location, the locally unconfined nature of the aquifer, and the lack of well interference complaints for adequate wells completed into the aquifer in Turner County, 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 well proposed to be replaced has been existing and is presumed to have been in use since roughly 1996 with no reported well interference complaints (Water Rights, 2022c). 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. 8639-3 proposes to drill a replacement well, add a well, and appropriate an additional 2.0 cfs to irrigate 257 acres authorized by Water Right No. 4647-3. Water Right No. 4647-3 authorizes a maximum instantaneous diversion rate of 2.0 cfs from one well completed into the Upper Vermillion Missouri aquifer for the irrigation of 257 acres. The replacement and additional well proposed by this application are to be completed into the Upper Vermillion Missouri: North aquifer (approximately 60 feet deep). The applicant is proposing to appropriate an additional 2.0 cfs from the replacement and additional well. This will allow the two center pivots to operate simultaneously.
2. The well authorized by Water Right No. 4647-3 is coded as withdrawing from the Upper Vermillion Missouri aquifer since the water permit application for this water right were processed preceding work completed by the South Dakota Geological Survey (SDGS) and Buhler (2014) analyzing the approximate Upper Vermillion Missouri: North aquifer boundary. The work completed by the SDGS and Buhler (2014) indicates the existing well requested to be replaced (60 feet deep) and the proposed well, will be completed into the Upper Vermillion Missouri: North aquifer.
3. If approved, Water Permit Application No. 8639-3 and Water Right No. 4647-3 would collectively authorize a maximum instantaneous diversion rate of 4.0 cfs from two wells for the irrigation of 257 acres. The site of interest is located in Turner County approximately one mile southwest of Hurley, SD.
4. Based on the observation well data, there is a reasonable probability that unappropriated water is available from the Upper Vermillion Missouri: North aquifer to supply the proposed appropriation.

5. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8639-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.

Nakaila Steen

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

Reviewed by:

Adam Mathiowetz

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

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I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper issue(s) :

Thursday, August 4, 2022

Sworn to and subscribed before me this 16 day of August, 2022.

Nicole Jacobs
Legal Clerk

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7/27/25
My Commission expires

SARAH BERTELSEN
Notary Public
State of Wisconsin

**NOTICE OF
APPLICATION NO. 8639-3
to Appropriate Water and
Amond Water
Right No. 4647-3**

Notice is given that James O. Bondesen, 28468 SD Hwy 19, Hurley SD 57036 has filed an application for a water permit to drill a replacement well, add a well, and appropriate an additional 2.0 cubic feet of water per second (cfs) to irrigate 257 acres covered by Water Right No. 4647-3. Water Right No. 4647-3 authorizes 2.0 cfs from one well completed into the Upper Vermillion Missouri Aquifer for irrigation of 257 acres located in the SW 1/4 and the NE 1/4 Section 35-T98N-R53W. The replacement well and the additional well proposed by this application are to be completed into the Upper Vermillion Missouri North Aquifer (approximately 60 feet deep) located in the N 1/2 NE 1/4 Section 35-T98N-R52W. The application also appropriates an additional 2.0 cfs from the wells to allow the two center pivots to operate simultaneously. This application and Water Right No. 4647-3, combined, will authorize 4.0 cfs from two wells to irrigate 257 acres. This site is located approximately 1 mile southwest of Hurley SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8639-3 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 at the total approximate cost of \$54.86 and may be viewed free of charge at www.sdpublishnotices.com

5354880

Aug 4, 2022

RECEIVED

AUG 11 2022

OFFICE OF
WATER

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

I, Michelle Stewart, of the City of Parker, County of Turner, State of South Dakota being first duly sworn on oath, deposes and says: The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, New Century Press, publishers, and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Manager of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

N0804-7-8639-3 - Bondesen

once printed copy of hereto attached, is printed and published in the said newspaper for one successive week, one each week and on the same day of the week, on the following dates, to wit:

On Thursday, the 4th day of August 2022

That \$54.61 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a 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.

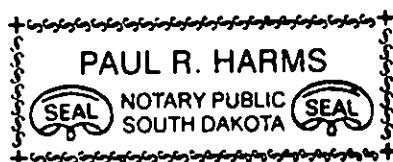
Michelle C Stewart
9th

Subscribed and sworn to before me this

Day of August 2022

Paul R. Harms
Notary Public, Turner County, South Dakota

My Commission Expires: April 24, 2024



NOTICE OF APPLICATION NO.
8639-3 to Appropriate Water
and Amend Water Right No.
4647-3

Notice is given that James D Bondesen, 28468 SD Hwy 19, Hurley SD 57036 has filed an application for a water permit to drill a replacement well, add a well, and appropriate an additional 2.0 cubic feet of water per second (cfs) to irrigate 257 acres covered by Water Right No. 4647-3. Water Right No. 4647-3 authorizes 2.0 cfs from one well completed into the Upper Vermillion Missouri Aquifer for irrigation of 257 acres located in the SW 1/4 and the NE 1/4 Section 35-T98N-R53W. The replacement well and the additional well proposed by this application are to be completed into the Upper Vermillion Missouri North Aquifer (approximately 60 feet deep) located in the N 1/2 NE 1/4 Section 35-T98N-R52W. The application also appropriates an additional 2.0 cfs from the wells to allow the two center pivots to operate simultaneously. This application and Water Right No. 4647-3, combined, will authorize 4.0 cfs from two wells to irrigate 257 acres. This site is located approximately 1 mile southwest of Hurley SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8639-3 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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Published once at the total approximate cost of \$54.61.
(N0804-7)

Publication Fee \$54.61
Notary Fees \$
Total \$54.61

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, July 27, 2022 8:54 AM
To: 'legals@argusleader.com'
Subject: 8639-3, James Bondesen
Attachments: 8639-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 4, 2022.

James Bondesen, 28468 SD Hwy 19, Hurley SD 57036 (605 310-3331) 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: Wednesday, July 27, 2022 8:53 AM
To: NCPPUB
Subject: 8639-3, James Bondesen
Attachments: 8639-3public.short_final.docx; FORM8.FRM.doc

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

Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

July 27, 2022

James D Bondesen
28468 SD Hwy 19
Hurley SD 57036

Dear Mr. Bondesen:

Water Permit Application No. 8639-3 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 Turner County New Era printed at Parker (Ph # 605 297-4419) and the Argus Leader printed at Sioux Falls (Ph # 605 331-2200). 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. 8639-3 to Appropriate Water
and Amend Water Right No. 4647-3

Notice is given that James D Bondesen, 28468 SD Hwy 19, Hurley SD 57036 has filed an application for a water permit to drill a replacement well, add a well, and appropriate an additional 2.0 cubic feet of water per second (cfs) to irrigate 257 acres covered by Water Right No. 4647-3. Water Right No. 4647-3 authorizes 2.0 cfs from one well completed into the Upper Vermillion Missouri Aquifer for irrigation of 257 acres located in the SW 1/4 and the NE 1/4 Section 35-T98N-R53W. The replacement well and the additional well proposed by this application are to be completed into the Upper Vermillion Missouri North Aquifer (approximately 60 feet deep) located in the N 1/2 NE 1/4 Section 35-T98N-R52W. The application also appropriates an additional 2.0 cfs from the wells to allow the two center pivots to operate simultaneously. This application and Water Right No. 4647-3, combined, will authorize 4.0 cfs from two wells to irrigate 257 acres. This site is located approximately 1 mile southwest of Hurley SD.

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Published once at the total approximate cost of

Water Rights Program - File Documentation

NAME: James Bondesen

ADDRESS: Hurley SD

DATE: 8-22-22

RE: Publication notice

COMMENTS:

When writing up the Permit No. 8639-3 it was noted that the legal description in the public notice as incorrect for the location of the replacement well and the additional well. The correct legal description in R53W not R52W.

I resent the notice to the New Era and Argus Leader to be published on August 25, 2022, with the correct legal description.

I called James Bondesen and told him what had happened and that the notice would be published again at Water Right Program's expense.



Karen Schlaak
Water Rights Program

Instruction to Newspaper - Publish the Notice on August 25, 2022.
Please bill the Water Rights Program for the publication.

NOTICE OF APPLICATION NO. 8639-3 to Appropriate Water
and Amend Water Right No. 4647-3

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Published once at the total approximate cost of _

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, August 22, 2022 11:32 AM
To: New Era
Subject: 8639-3. James Bondeson
Attachments: 8639-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 25, 2022.

Please bill and 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, August 22, 2022 11:33 AM
To: 'legals@argusleader.com'
Subject: FW: 8639-3. James Bondeson
Attachments: 8639-3public.short_final.docx; FORM8.FRM.doc

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



Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

RECEIVED

SEP 12 2022

OFFICE OF
WATER

Account No.: SFA-078306

Ad No.: 0005386404

PO #: 4647-3

Lines : 173

Ad Total: \$54.86

WATER RIGHTS PROGRAM
523 E CAPITOL JOE FOSS BLDG
PIERRE, SD 57501

This is not an invoice

of Affidavits: 1

Account No.: SFA-078306

Ad No.: 0005386404

Argus Leader AFFIDAVIT OF PUBLICATION

State of Wisconsin

County of Brown

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper issue(s):

Thursday, August 25, 2022

Sworn to and subscribed before me this 9 day of September, 2022.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

My Commission expires

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8639-3
to Appropriate Water
and Amend Water Right
No. 4647-3

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5386404 August 25, 2022

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 8639-3 James Bondesen

AMOUNT: \$54.86

FUNDING SOURCE: WR General

GENERAL:

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eve Hunkeler* 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.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

I, Michelle Stewart, of the City of Parker, County of Turner, State of South Dakota being first duly sworn on oath, deposes and says: The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, New Century Press, publishers, and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Manager of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

N0825-7-NOA - Bondesen

once printed copy of hereto attached, is printed and published in the said newspaper for one successive week, one each week and on the same day of the week, on the following dates, to wit:

On Thursday, the 25th day of August 2022

That \$58.75 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a 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.

Michelle C Stewart

Subscribed and sworn to before me this

30th

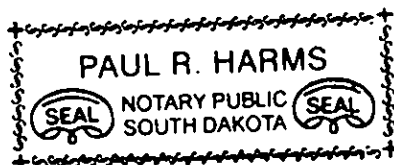
Day of

August 2022

Notary Public, Turner County, South Dakota

Paul R Harms

My Commission Expires: April 24, 2024



RECEIVED

SEP 06 2022

OFFICE OF
WATER

**NOTICE OF APPLICATION NO.
8639-3 to Appropriate Water
and Amend Water Right No.
4647-3**

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8639-3 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 rec-

ommendation 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 \$58.75. (N0825-7)

Invoice / Statement

New Century Press

1/1

Box 28
Rock Rapids, IA 51246

RECEIVED

Phone: 712-472-2525

AUG 29 2022

Fax: 712-472-3414

OFFICE OF
WATER

URL: <http://www.ncppub.com>

WATER RIGHTS PROGRAM
523 E CAPITOL
PIERRE, SD 57501

Acct #: 00008154
Phone: (605)773-3352
Date: 08/31/2022
Due Date: 09/10/2022

Date	Trans #	Type	Description	Inches	Amount	Balance
07/31/2022			Balance Forward			0.00
08/25/2022	300529305	INV	00203269 N0825-7 - NOA-Bondesen			58.75
08/25/2022		INS	D The New Era	18.00	58.75	

Remarks

Thank you for your business.

Total Due \$ 58.75

0 - 0	1 - 30	31 - 60	61 - 90	91 - 120	Over 120
\$ 58.75	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

September 7, 2022

PAYMENT REQUEST FORM

PAYEE: New Century Press
PO Box 28
Rock Rapids IA 51246

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice for James Bondesen
Invoice #300529305

AMOUNT: \$58.75

FUNDING SOURCE: WR General

GENERAL:

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eve Krenlund 9/7/2022*

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

James D Bondesen
28468 SD Hwy 19
Volga SD 57036

Dear Mr. Bondesen:

Enclosed is Water Permit No. 8639-3 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.: 8639-3

Name of Applicant: James Bondesen

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

