

WATER PERMIT NO. 8659-3

Name of Applicant: **Dahlerup Family Trust**

Address: **1637 Somerset Dr, Aberdeen SD 5701**

Phone: **605 380-2079**

Amount of Water Claimed: **0.23 cfs add'l**

Total Acres: **28 add'l acres**

Source of Water Supply: **groundwater (1 existing well)**

Water to be used for: **irrigation**

County: **Yankton**

Type of Waste Disposal System:

Location: **6 miles northeast of Yankton**

PRIORITY

Date Received: **8-24-22**

Application/License Fee: **\$500**

Corrected Application Received:

Period of Annual Use: **April 1 – September 30**

Remarks: **Additional diversion rate and acres to what is authorized by Water Permit No. 8434-3 based on inspection**

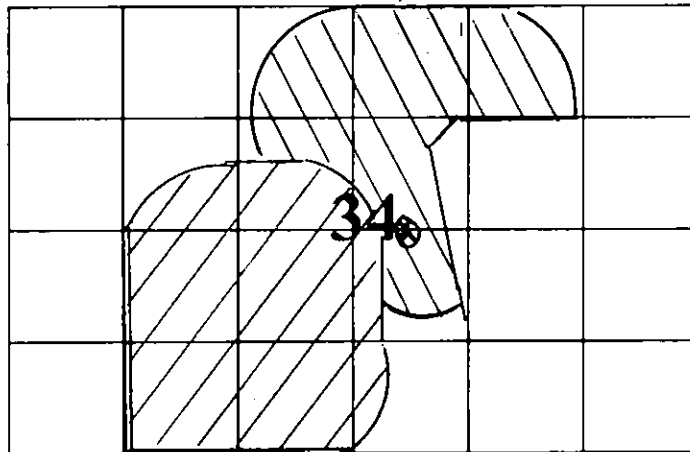
Diversion Point: **on half mile line between SW 1/4**

NE 1/4 & NW 1/4 SE 1/4 Sec 34-T95N-R5W

Land to be Irrigated: **E 1/2 NW 1/4, N 1/2 NE 1/4,**

SW 1/4 NE 1/4, NW 1/4 SE 1/4 Sec 34; all in

T95N-R55W



Depth of Well: **300 feet**

Well Driller: **Heine Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Keith DeJong**

Reviewed and the Number Assigned on: **8-24-22**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8659-3

Date of first receipt of application August 24, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8659-3 to Dahlerup Family Trust, c/o Gary Dahlerup, 1637 Somerset Dr, Aberdeen SD 57401 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. 8659-3 appropriates an additional 0.23 cubic feet of water per second (cfs) and authorizes irrigation of an additional 28 acres to what is currently authorized by Water Permit No. 8434-3 and Water Right No. 7977-3. Water Permit No. 8434-3 and Water Right No. 7977-3, combined, authorize 2.89 cfs from one well completed into the Lower James Missouri Aquifer (300 feet deep) located on the half mile line between the SW 1/4 NE 1/4 and NW 1/4 SE 1/4 Section 34 for irrigation of 340 acres located in the W 1/2 SE 1/4, SW 1/4, S 1/2 NW 1/4, NE 1/4 NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 34; all in T95N-R55W. An investigation of the permits found the system capable of diverting an additional 0.23 cfs from the existing well and irrigating an additional 28 acres in the area described above. This permit and Nos. 8434-3 and 7977-3, combined will authorize a total of 3.12 cfs for irrigation of 368 acres. This site is located approximately 6 miles northeast of Yankton SD.
2. The water appropriated shall be used for the purpose of irrigation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: April 1 – September 30.
4. The date of approval of Permit No. 8659-3 is November 7, 2022.
5. The date from which applicant may claim right is August 24, 2022 (0.23 cfs and 28 acres).
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Right No. 7977-3, Water Permit No. 8434-3 and this Permit is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JAN 19 2023

date



FORM 2: Application for irrigation in South Dakota
(type or print)

PAID

AUG 24 2022

Ck# 1125

Rec't#

RECEIVED

AUG 24 2022

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8659-3</u> Hydrologic Unit <u>10170102</u> Basin <u>Vermillion R</u> Newspaper <u>Press & Dakotan</u> (office use only)
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Application for Permit to Appropriate Water for Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 8434-3
(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 Dahlerup Family Trust

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

Mailing Address 1637 Somerset Dr Aberdeen SD 57401
(Address) (City) (State) (Zip Code)

Phone 605-380-2079 Mobile 605-380-2079 Email dahlerup.g@gmail.com

2. Amount of water claimed 0.23 add CFS or **GPM ***AF Total Acreage 157
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply groundwater (Lower James Missouri Aquifer)

4. Location of point of diversion On the half mile line between the SW 1/4 NE 1/4 & Nw 1/4 SE 1/4 of Section 34
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

T95N-R55W County Yankton

5. County or counties where water will be used Yankton

6. Annual period during which water is to be used April - September

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
28 additional acres within:			
NE 1/4 NW1/4 Sec 34 T95N-R55W		NE 1/4 NE1/4 Sec 34 T95N-R55W	
SE 1/4 NW1/4 Sec 34 T95N-R55W		SW 1/4 NE1/4 Sec 34 T95N-R55W	
NW1/4 NE1/4 Sec 34 T95N-R55W		NW 1/4 SE1/4 Sec 34 T95N-R55W	

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

I, GARY DAHLERUP J. Dahlerup 8-23-2022, 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.

2021-08

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

Supplemental Information

(type or print)

8-22-2022

1. Well Information (check one or both as applicable)

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

- a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by Sam Heine Well Co, LLC
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) 300 Depth to Top of Water Bearing Material 172 Depth to Water from Surface 172
- d) Distance to nearest domestic well on applicant's property 1,700 Ft Property owned by others NO

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

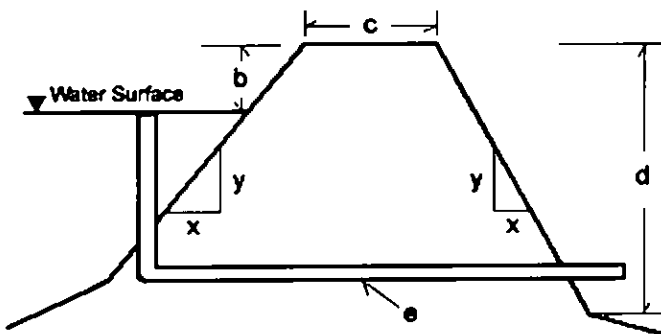
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

7977-3

SD EForm - 1621LD V1

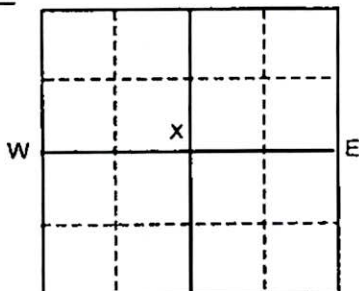
(8659-3)

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 NW 1/4 Sec 34 Twp 95N Rg 55WCounty YANKTON

North

Please mark well
location with an "X"

Well Completion Date

4-25-2014

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1,700.0 ft. from SEPTIC TANK (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well
METHOD OF DRILLING:
REVERSE ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
160.0 LB/FT	16.00 IN	0.0 FT	180.0 FT	28.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
BENTONITE	75	9.5 Lb/gal	0.0 Ft	180.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMIE PIPE AND GROUT PUMP

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 120.0 FeetMaterial PVCSlot Size .085 Set From 180.0 Feet to 300.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? CHLORINE TABLETS
☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: DAHLERUP FAMILY TRUST

Business Name:

Address: 2209 BURLEIGH STCity, State, Zip: YANKTON SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	2
CLAY	2	42
SAND/ GRAVEL	42	300

STATIC WATER LEVEL 172.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: TURBINE PUMP AND MOTOR
☐ Bailed
☐ Other

Pumping Level Below Land Surface

176.0 Ft. After 2.0 Hrs. pumped 880.0 GPM179.0 Ft. After 2.0 Hrs. pumped 1,550.0 GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JUN 15 2015

WATER RIGHTS

PROGRAM

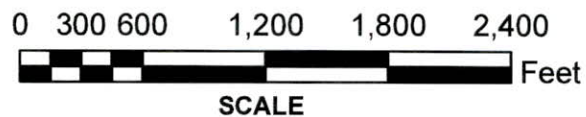
This well was drilled under license # 805
report is true and accurate.Drilling firm: SAM HEINE WELL CO., LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 4-25-14

Water Right No. 8434-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
October 12, 2021

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 24, 2022

RECEIVED OF Gary E Dahlerup 1637 Somerset Dr., Aberdeen SD 57401

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

Fee for Application for Permit No. 8434-3 <u>8659-3</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. _____	\$ _____
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>500.00</u>

By Eric Bronlund
Chief Engineer
VB

8434-3

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate Oct 12-2021

MAIL TO: PMB 2020
DANR - Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3182

Ph: (605) 773-3352

FROM: Dahlerup Family Trust
(name)1637 Somerset Dr.
(address)

<u>Aberdeen</u>	<u>SD</u>	<u>57401</u>	<u>605-380-2079</u>
(city)	(state)	(zip)	(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

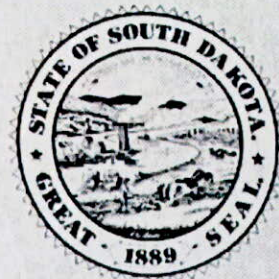
Water Permit No. 8434-3 states that the water use system is to be constructed by
September 14, 2025, and water is to be put to beneficial use by September 14, 2029.
(date) (date)

The water use system was completed on April 2021.
(date)

Applying the water to beneficial use was completed on April 2021.
(date)

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

[Signature]
(signature)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 17, 2022

Dahlerup Family Trust
1637 Somerset Dr.
Aberdeen SD 57401

Dear Mr. Dahlerup:

Recently one of our water right inspectors inspected your Water Permit No. 8334-3 authorizing the irrigation of 129 acres in Section 2 T95N-R55W. Based upon the inspection it was found you developed 157 acres 3.11 cfs. Since you developed 28 additional acres and 0.23 cfs beyond what was authorized you need to file another application to amend your water permit to include those acres and diversion rate.

Enclosed is a partially completed application form, well log, map, and instruction sheet. Please finish completing the application, sign, and submit along with a \$500 application fee to obtain a permit for the additional acres.

Obtaining a water permit that accurately reflects actual water use ultimately benefits you by protecting your right to use water. If you want more information regarding the permitting process, please go to our website at danr.sd.gov/OfficeOfWater/WaterRights/default.aspx.

If you have any additional questions, please contact me at phone (605) 773-3352.

Sincerely,

Mark D. Rath
Natural Resources Engineer III
Water Rights Program

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8434-3 (8659-3)**

I have this day, September 28, 2021, made a thorough examination of the water use system constructed by Dahlerup Family Trust, 1637 Somerset Dr., Aberdeen, SD 57401, holder of Permit No. 8434-3, bearing the priority of June 25, 2020, authorizing the diversion of 0.00 cu. ft. per second of the waters of groundwater (Lower James Missouri Aquifer) for the irrigation of 129 acres located in Yankton County.

Inspection contacts: Jason Dahlerup

A. Works used to divert the water:

Well Information: (from Licensed Water Right No. 7977-3)

- 1) Well Drilling Firm: Sam Heine Well Company, LLC
- 2) No. of Wells: 1
- 3) Depth(s): 300 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 180 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 120 feet
- 3) Type: PVC
- 4) Static water level: 172 feet

Pump:

- 1) Make: American Marsh
- 2) Model: 13MC
- 3) Capacity: 1,400 GPM

Motor:

- 1) Make: General Electric
- 2) Model No.: 5KE444DTT6013A
- 3) Horsepower rating: 150 hp

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

- 1) Type: PVC
- 2) Size: 8 inches
- 3) Length: 1,120 feet

C. Works used to apply water to beneficial use: (2 pivots)

Center pivot: (from 8434-3)

- 1) Make: Reinke
- 2) Overall length: 1893 feet
- 3) Number of towers: 11
- 4) End gun: Yes
- 5) Capacity: 1,400 GPM

Center pivot: (from 7977-3)

- 1) Make: Reinke
- 2) Overall length: 1743 feet
- 3) Number of towers: 10
- 4) End gun: Yes
- 5) Capacity: 1,400 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: No
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes

3) Exceptions to compliance: **additional 28 acres and 0.23 cfs over and above authorization for Water Right No. 7977-3 and 8434-3**

E. Condition and Location:

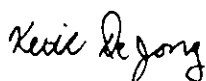
1. The system is in **good** condition with the point(s) of diversion located as follows:
The well is 2,300 feet west and 2,640 feet south of the northeast corner of Section 34-T95N-R55W (Latitude 43.00319, Longitude -97.32723 – SW1/4 of the NE1/4).
2. The works are capable of diverting and conveying to the place of use **3.12** cu. ft. per second of water which is to be used for **irrigation purposes**. Water has been put to beneficial use to the maximum extent as follows: (the acreage below is a combination of acres covered under 7977-3, 8434-3 and the additional 28 acres authorized by Water Permit No. 8659-3). All land is located in **Section 34, T95N, R55W**

NE 1/4 NW 1/4	27 acres	NW 1/4 SW 1/4	37 acres
SE 1/4 NW 1/4	39 acres	NE 1/4 SW 1/4	40 acres
SW 1/4 NW 1/4	13 acres	SE 1/4 SW 1/4	39 acres
NW 1/4 NE 1/4	38 acres	SW 1/4 SW 1/4	37 acres
NE 1/4 NE 1/4	31 acres	NW 1/4 SE 1/4	23 acres
SW 1/4 NE 1/4	31 acres	SW 1/4 SE 1/4	13 acres

comprising a total of **368** acres of land and the license should be issued for **3.12** cfs.

3. All structures, wells and lands on map: **Yes**

F. Comments or other permit(s) associated with the project: The number is acres being irrigated under No. 8434-3 is 157 acres which is more than the 129 acres authorized by the water right. The additional acres are owned by the Trust and are adjacent to the permitted acres. The irrigated land adds 157 acres to the number of acres being irrigated by the well authorized by Water Right No. 7977-3. This water right could be combined with Water Right No. 7977-3.



Keith DeJong
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **October 12, 2021**

Upon licensing, the applicable portions of Water Right No. 7977-3 and Water Permit No. 8434-3 will be incorporated into No. 8659-3.

Priority dates: February 12, 2014 for 211 acres & 2.89 cfs (established under No. 7977-3)
June 25, 2020 for 129 acres (established under No. 8434-3)
August 24, 2022 for 28 acres and 0.23 cfs (established under No. 8659-3)



**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. 8659-3, Dahlerup Family Trust**

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. 8659-3, Dahlerup Family Trust, 1637 Somerset Drive, Aberdeen SD 57401.

The Chief Engineer is recommending APPROVAL of Application No. 8659-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Right No. 7977-3, Water Permit No. 8434-3 and this Permit is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 13, 2022

Report to the Chief Engineer
On Water Permit Application No. 8659-3

Dahlerup Family Trust

C/O Gary Dahlerup

October 7th, 2022

Water Permit Application No. 8659-3 proposes to appropriate an additional 0.23 cubic feet per second (cfs) and irrigation of additional 28 acres to what is currently authorized by Water Permit No. 8434-3 and Water Right No. 7977-3. Water Permit No. 8434-3 and Water Right No. 7977-3, combined, authorize 2.89 cfs from one well completed into the Lower James Missouri aquifer (300 feet deep) located on the half mile line between SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34 for irrigation of 340 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34; all in T95N-R55W. This application, if approved, and Water Permit No. 8434-3 and Water Right No. 7977-3 will authorize a combined total of 3.12 cfs for irrigation of 368 acres. The site of interest is located approximately six miles northeast of Yankton, SD.

AQUIFER: Lower James Missouri (LJM)

HYDROGEOLOGY:

The Lower James Missouri aquifer is a glacial outwash that consists of fine sand to cobble gravel that is intermixed in some expanses with discontinuous layers of till up to 25 feet thick (Lindgren and Hansen, 1990 and 1993). The depth of the top of the Lower James Missouri aquifer ranges from the land surface in the James River floodplain to 245 feet below land surface (Lindgren and Hansen, 1990 and 1993). In Clay, Hutchinson, and Yankton counties, the Lower James Missouri aquifer is estimated to underly approximately 191,700 acres and contain approximately 2,795,400 acre-feet of recoverable water in storage (Hedges et al, 1982; see Table 1). The Lower James Missouri aquifer is hydrologically connected to Lower Vermillion Missouri aquifer, Choteau: Tyndall aquifer, Niobrara aquifer, and Lower James Missouri: Scotland aquifer, adjacent bedrock aquifers, and surface water features (Hedges et al, 1982; Bugliosi, 1986; Lindgren and Hansen, 1990 and 1993; Water Rights, 2022b).

Table 1. Estimated areal extent and amount of recoverable water stored in the Lower James Missouri aquifer (Hedges et al, 1982)

Counties	Clay	Hutchinson	Yankton	Total:
Areal Extent (acres)	5,400	93,800	92,500	191,700
Recoverable Water in Storage (acre-feet)	81,000	633,150	2,081,250	2,795,400

The water well completion report is in the file for Water Permit Application No. 8659-3. The well was completed on April 25th 2014. The well is completed into the Lower James Missouri aquifer and has a saturated aquifer thickness of 128 feet, with the depth to the top of aquifer material of 42 feet below the ground surface, and static water level of 172 feet below the ground surface at the time of well completion (SDGS, 2022; Water Rights, 2022b and 2022d). Based on

the water well completion reports near the diversion point and the well completion report for the existing well, the Lower James Missouri aquifer is expected to be unconfined at the diversion point (SDGS, 2022; Water Rights, 2022b and 2022d). However, the Lower James Missouri aquifer is predominantly under confined conditions.

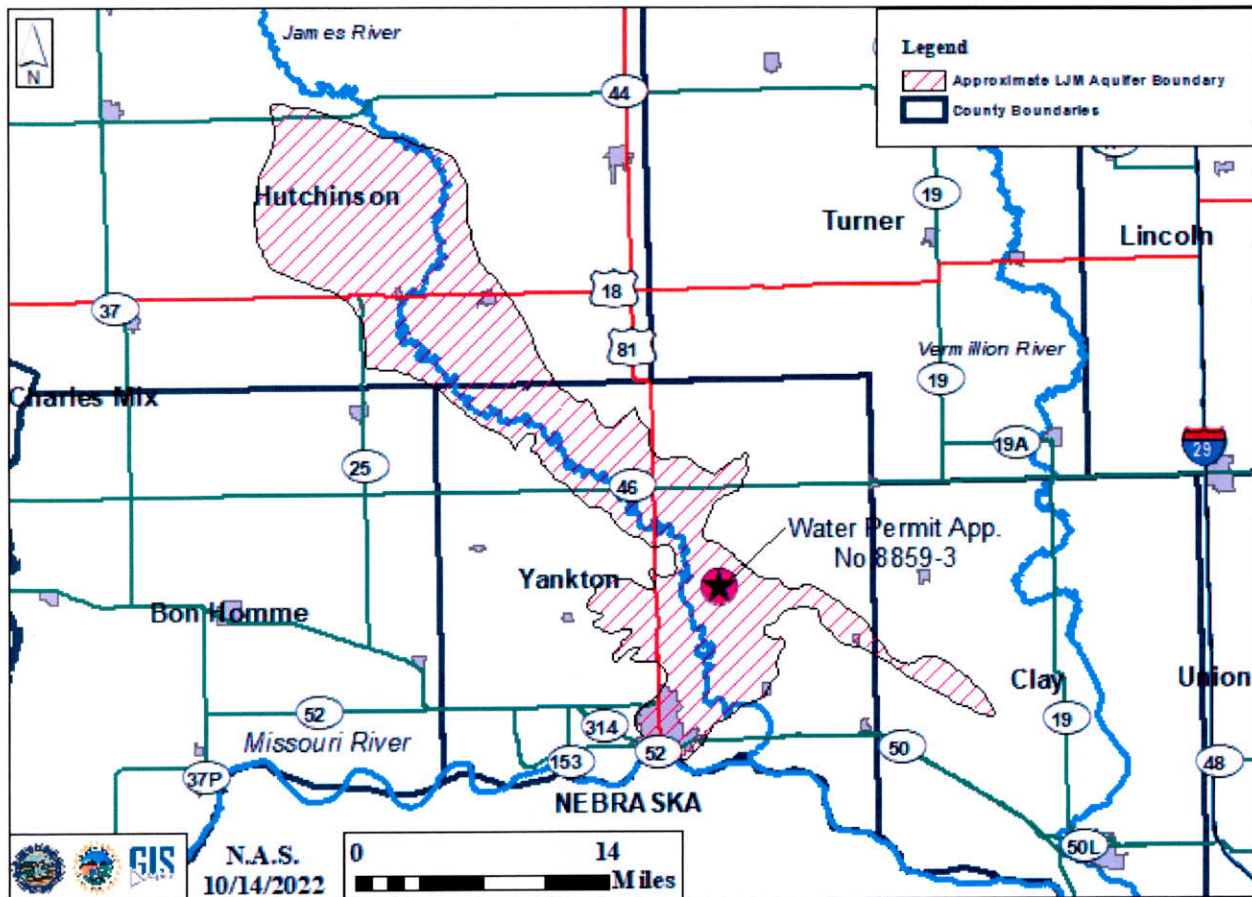


Figure 1. Map of the approximate Lower James Missouri aquifer boundary (modified from Hedges et al, 1982), and the location of proposed diversion point for Water Permit Application No. 8859-3.

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 unappropriated water is available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by §§ 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 uses and water rights within the Lower James Missouri aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8659-3 proposes to appropriate water from the Lower James Missouri 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 Lower James Missouri aquifer is not older than or stratigraphically lower than the Greenhorn Formation, 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 Lower James Missouri aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Lower James Missouri aquifer is received mostly by seepage from streams/surface water features, infiltration of precipitation, and inflow from nearby glacial aquifers when they have a higher hydraulic head than the Lower James Missouri aquifer (Bugliosi, 1986). Most of the recharge occurs in the spring and early summer months, and the short-term infiltration rates in the floodplain soil combined with rapid evapotranspiration rates causes most of the rainfall in the southern area of the aquifer to either be evaporated or transpired; because of this reason most of the recharge enters in the northern area of the Lower James Missouri aquifer (Bugliosi, 1986).

Using flow-net analysis Hedges et al (1985) estimated a recharge rate of 1.5 inches per year for the Lower James Missouri aquifer. The Lower James Missouri aquifer has an estimated areal extent of approximately 191,700 acres (Hedges et al, 1982). Therefore, the average annual recharge rate (based on Hedges et al, 1982 and 1985) is approximately 23,963 acre-feet/year.

Using observation well analysis, Hedges et al (1985) estimated a recharge rate of 3.9 inches per year for the unconfined portions of the Lower James Missouri aquifer. Stonesifer’s report (2014) estimated the unconfined portion of the aquifer to be 82,200 acres. The average annual recharge rate for unconfined portions of the Lower James Missouri aquifer based on Hedges et al (1985) estimated recharge rate of 3.9 inches per year and Stonesifer’s (2014) unconfined portion, is estimated to be 26,715 acre-feet/year, which should also be considered a likely maximum recharge rate for the Lower James Missouri aquifer. From this data, the average annual recharge rate to the Lower James Missouri aquifer has a range between 23,963 to 26,715 acre-feet/year (Hedges et al, 1982 and 1985; Stonesifer, 2014).

Discharge

Discharge from the Lower James Missouri aquifer in South Dakota primarily occurs through well withdrawals, leakage to the James River, and evapotranspiration in areas where the aquifer is at or near land surface (Bugliosi, 1986; Lindgren and Hansen, 1990).

Currently, there are 130 water rights/permits authorized to appropriate water from the Lower James Missouri aquifer (Water Rights, 2022c). There are no future use permits reserving water from the Lower James Missouri aquifer (Water Rights, 2022c).

Table 2 summarizes the 8 non-irrigation water rights/permits authorized to appropriate water from the Lower James Missouri aquifer with 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 their entire appropriated volume every year. It is estimated that the non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. This is a standard method used by the DANR-Water Rights Program for estimating average annual withdrawals by non-irrigation appropriations. Overall, the average annual withdrawal rate for the Lower James Missouri aquifer non-irrigation water rights/permits is approximately 1,595 acre-feet/year (Table 2) (Water Rights, 2022c).

Table 2. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Lower James Missouri aquifer (Water Rights, 2022c)

Permit No.	Name	Status	Uses	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
4556-3	KNIFE RIVER	LC	COM	0.440	N/A	191.14
840-3	STUELPNAGELS INC	LC	COM	1.110	N/A	482.18
6264-3	YANKTON LAND & CATTLE CO	LC	COM, LCO	0.560	N/A	243.26
6320-3	WOLF CREEK HTTRN BRTH	LC	COM, DOM	0.080	N/A	34.75
6925-3	TSCHEITTER COLONY	LC	COM, LCO	0.070	N/A	30.41
7827-3	MAXWELL COLONY	PE	COM, LCO	0.330	N/A	143.35
1288-3	NATIONAL FOOD STORES INC	LC	IND	0.160	N/A	69.5
8412-3	KNIFE RIVER	LC	IND	7.800	400	400
COM Commercial, IND Industrial, LC Licensed Water Right, PE Water Permit, LCO Livestock Confinement Operation, DOM Domestic					TOTAL:	1,595

Currently, there are 122 irrigation water rights/permits appropriating water from the Lower James Missouri aquifer (Water Rights, 2022c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The average annual withdrawal rate for the Lower James Missouri aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2022) is approximately 2,951 acre-feet per year (Table 3) (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 5,398 acre-feet per year (Table 3) (Water Rights, 2022a).

There are two water permits approved in 2022, that are not accounted for in Table 3, Water Permit Nos. 8606-3 and 8634-3 (Water Right, 2022c). Water Permit Nos. 8606-3 and 8634-3, combined, are authorized to irrigate 240 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 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 rights/permits. Therefore, the estimated average annual withdrawal rate for Water Permit Nos. 8606-3 and 8634-3 is approximately 240 acre-feet per year. Collectively, the average annual withdrawal rate for the irrigation appropriations from 2012 to 2021 (5,398 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water rights/permits approved in 2022 (240 acre-feet/year), is approximately 5,638 acre-feet per year.

Table 3. Reported historic irrigation use from the Lower James Missouri aquifer (Water Rights, 2022a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	22	588
1980	23	1,299
1981	27	1,835
1982	23	1,301.25
1983	27	1,306.54
1984	28	1,360
1985	27	1,483
1986	30	989.6
1987	30	1,041.60
1988	31	2,744.90
1989	31	2,144.80
1990	35	2,928.10
1991	42	2,599
1992	45	1,159
1993	45	230.44
1994	45	1,918.17
1995	41	1,483.32
1996	49	2,102.99
1997	50	2,320
1998	53	2,787.30
1999	50	2,102.15
2000	51	3,751.08
2001	53	2,940.09
2002	53	4,061.52
2003	53	2,843.15
2004	47	2,886.65
2005	48	2,866.63
2006	50	3,630.92
2007	56	3,425.91
2008	79	4,494.03
2009	84	1,463.27
2010	85	665.37
2011	89	4,147.47
2012	93	13,058.45
2013	118	7,855.75
2014	125	3,347.27
2015	127	4,822.86
2016	126	5,747.01
2017	126	5,727.12
2018	126	1,035.87
2019	127	328.01
2020	121	3,864.53
2021	120	8,195.56
Max	127	13,058.5
Min	22	230.4
Avg (1979-2021)	63	2,951
Avg (2012-2021)	121	5,398

There are domestic wells completed into the Lower James Missouri 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 Lower James Missouri 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 Lower James Missouri aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Lower James Missouri aquifer has a range between 23,963 to 26,715 acre-feet/year (Hedges et al, 1982 and 1985; Stonesifer, 2014). The average withdrawal rate from the Lower James Missouri aquifer totals to approximately 7,233 acre-feet/year; (non-irrigation: 1,595 acre-feet/year; irrigation (2012 to 2021 plus the water rights/permits approved between 2021 and 2022): 5,638 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Lower James Missouri aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

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

The DNR-Water Rights Program monitors 33 observation wells completed into the Lower James Missouri aquifer (Water Rights, 2022b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The 4 closest observation wells to the diversion point are YA-80FA (approximately 1.5 miles southeast), YA-80HA (approximately 1.6 miles southwest), YA-80DA (approximately 1.9 miles southwest), and YA-80M (approximately 2.4 miles northwest) (Water Rights, 2022b). The hydrographs for these observation wells are displayed in figures 1 to 4 (Water Rights, 2022b). The data points utilized to construct the hydrographs are measurement 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 hydrographs. The data shown on figures 1 to 4 share a similar trend with most of the other observation wells in the Lower James Missouri aquifer. However, there are a few observation wells that seem to have their hydraulic head strongly impacted by other sources, such as the James River (Water Rights, 2022b).

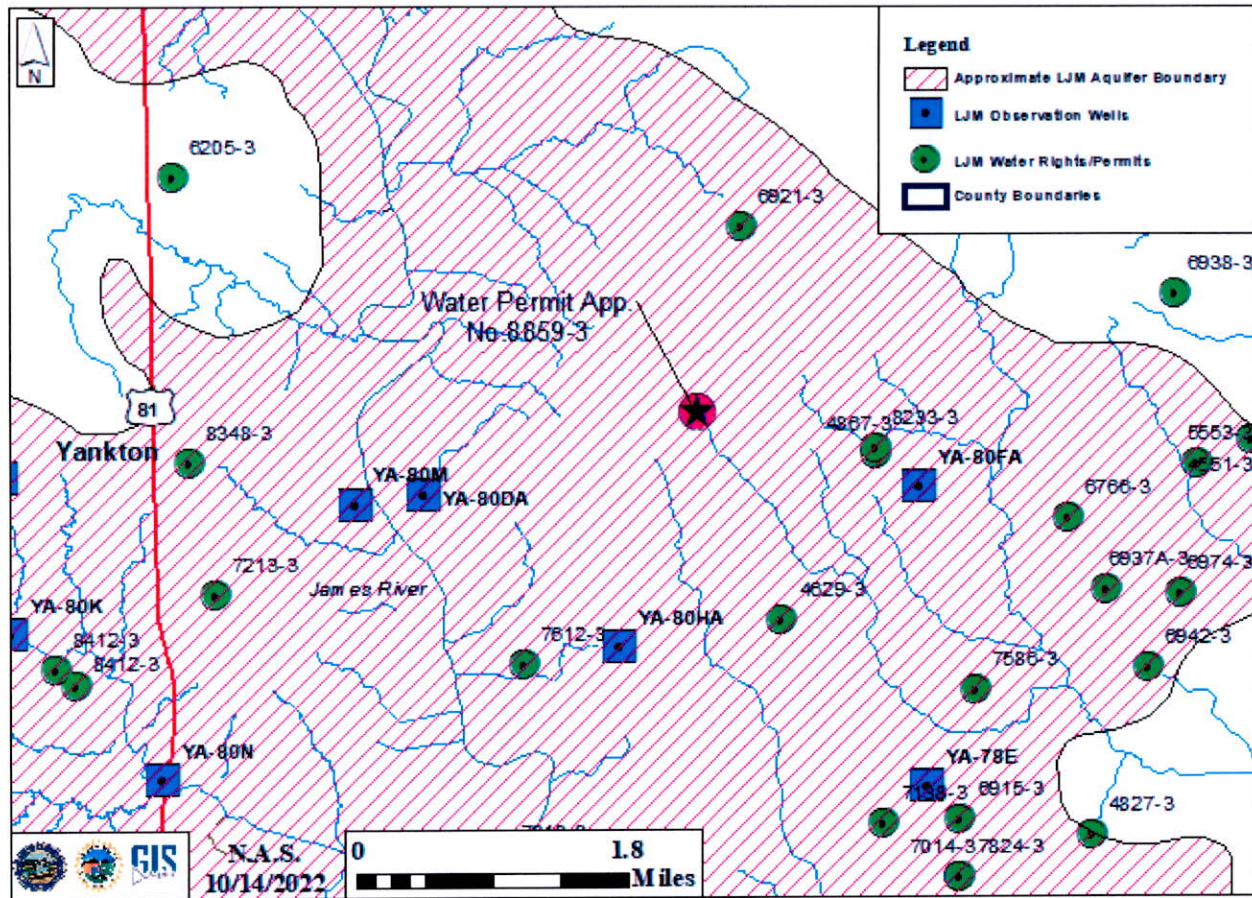


Figure 2. Map of the approximate Lower James Missouri aquifer boundary (modified from Hedges et al, 1982), the Lower James Missouri aquifer water rights/permits and observation wells (Water Rights, 2022b and 2022c), and the location of proposed diversion point for Water Permit Application No. 8859-3.

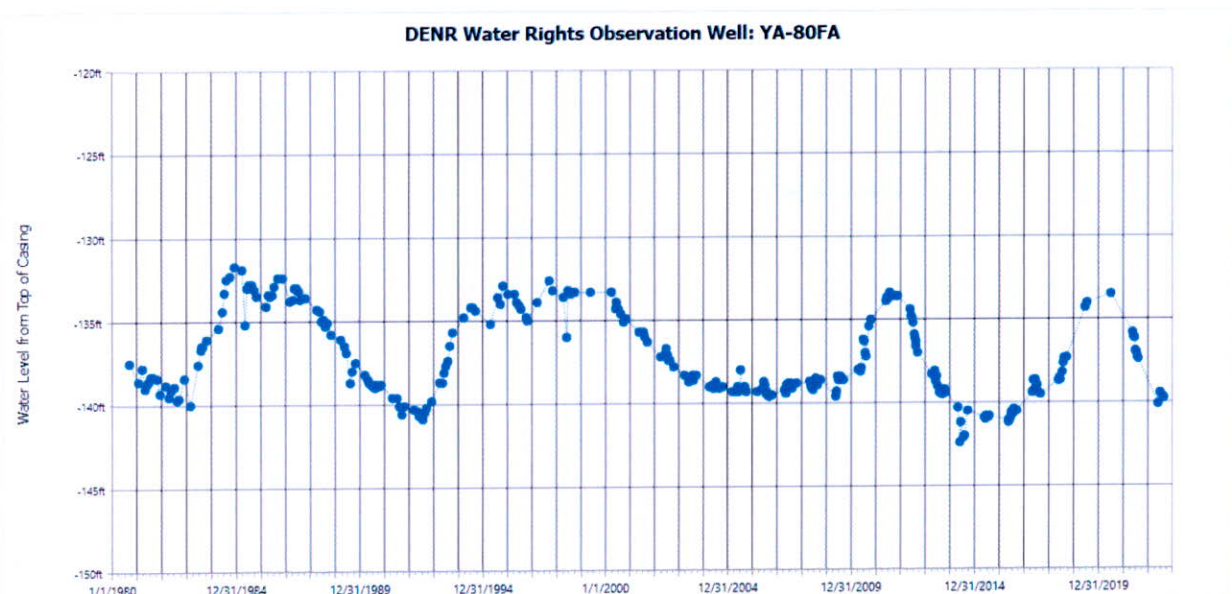


Figure 3. Hydrograph for observation well YA-80FA (Water Rights, 2022b)

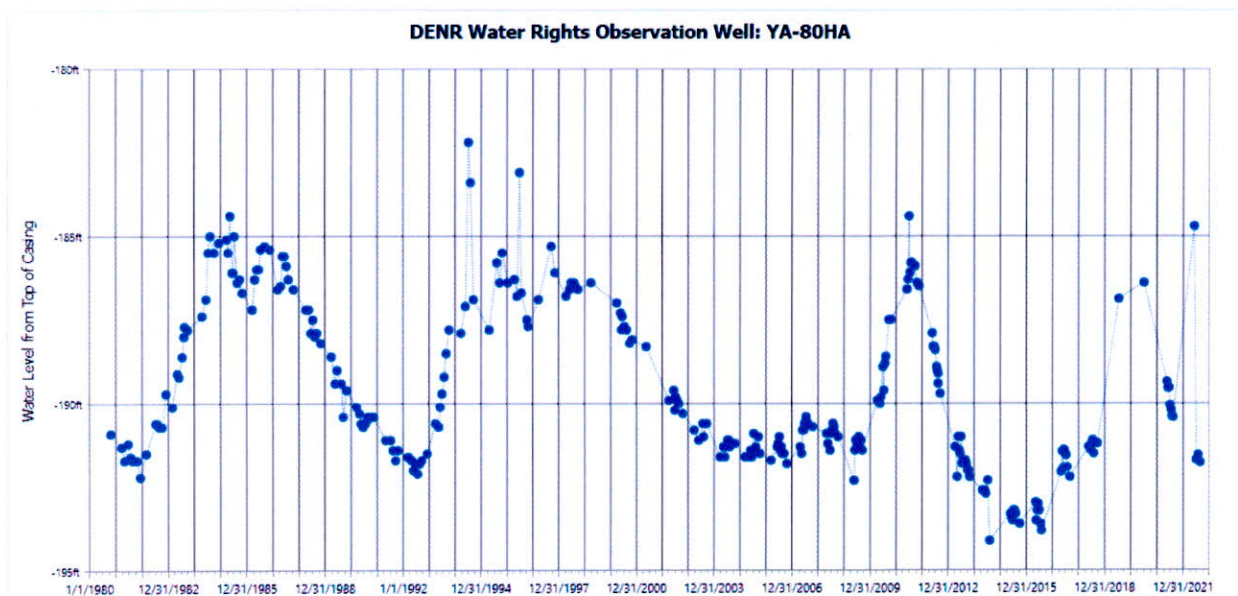


Figure 4. Hydrograph for observation well YA-80HA (Water Rights, 2022b)

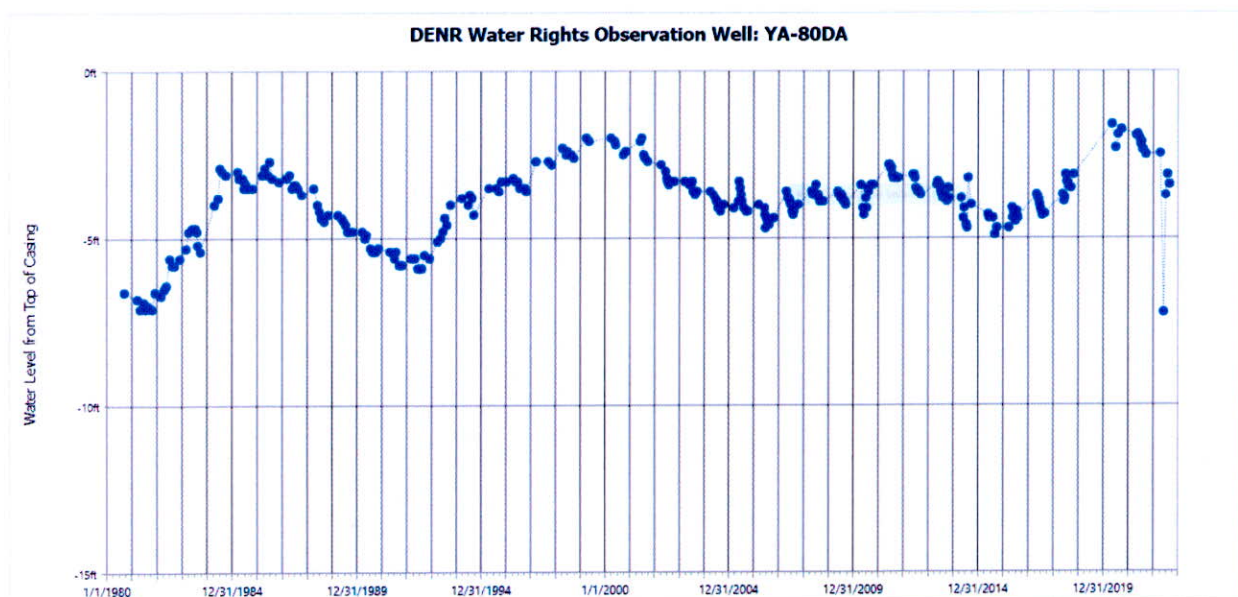


Figure 5. Hydrograph for observation well YA-80DA (Water Rights, 2022b)

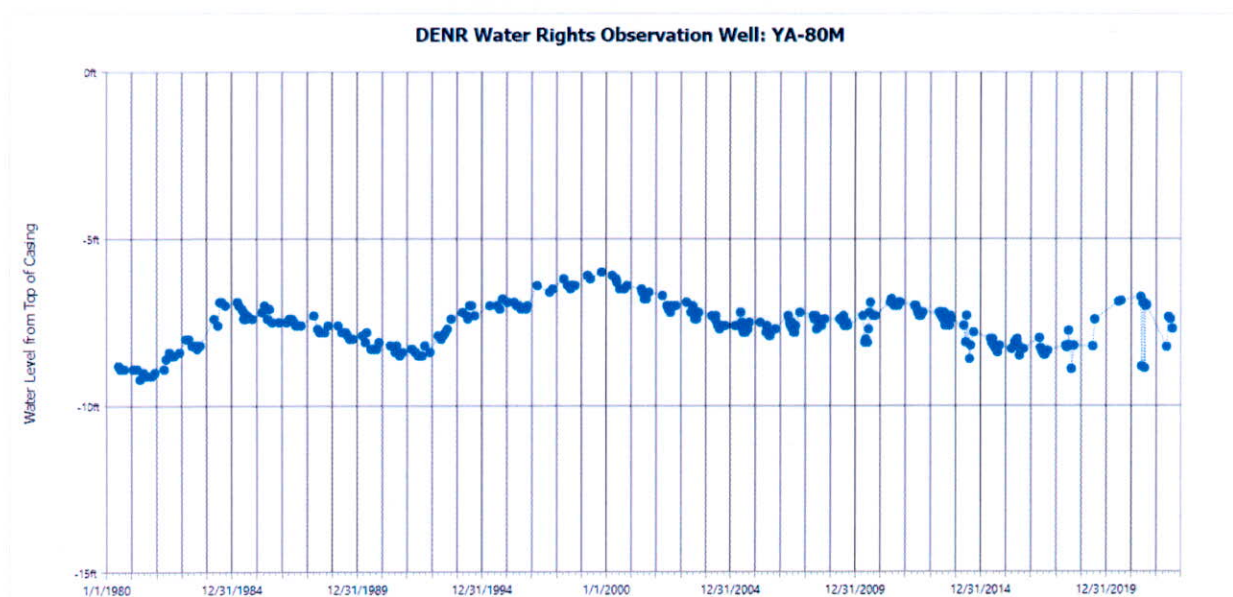


Figure 6. Hydrograph for observation well YA-80M (Water Rights, 2022b)

The hydrographs for the observation wells display stable water levels over their respective periods of record. The hydrographs for the Lower James Missouri aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Lower James Missouri 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 130 water rights/permits authorized to appropriate water from the Lower James Missouri aquifer (Water Rights, 2022c). The closest water right/permit to the diversion point is Water Permit No. 8233-3 which is held by Svendsen & Sons. The diversion point for Water Permit No. 8233-3 is located approximately 2.2 miles southeast of the diversion point for this application (Water Rights, 2022c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Lower James Missouri aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.9 miles southwest of the diversion point (Water Rights, 2022d). There could potentially be other domestic wells completed into the Lower James Missouri aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

While the Lower James Missouri aquifer is primarily under confined conditions, locally and primarily along the James River, the aquifer can be found under unconfined conditions. In an unconfined aquifer, drawdown created by pumping does not extend far from the pumped well. However in a confined aquifer, drawdown from a pumping well can extend some distance from the well. 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.”

When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness near the diversion point, the lack of well interference complaints for adequate wells completed into the Lower James Missouri aquifer in Yankton County, and the well has been in use for some time without reported issue, any drawdown created from the diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells (Water Rights, 2022e). 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. 8659-3 proposes to appropriate an additional 0.23 cfs from one existing well completed into the Lower James Missouri aquifer (approximately 300 feet deep) for irrigation of 28 acres to what is currently authorized by Water Permit No. 8434-3 and Water Right No. 7977-3. The site of interest is located approximately six miles northeast of Yankton, SD.
2. This application, if approved, with Water Permit No. 8434-3 and Water Right No. 7977-3 will authorize a combined total of 3.12 cfs for irrigation of 368 acres.
3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the diversion by Water Permit Application No. 8659-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.



Tyler Jensen
Natural Resources Engineer I
SD DANR - Water Rights Program



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

References

- Bugliosi., E.F., 1986. Water Resources of Yankton County, South Dakota. USGS Water-Resources Investigations Report 84-4241. USGS. Huron, SD.
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Water Rights, 2022b. Observation Well Data, SD DNR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2022c. Water Right/Permit Files, SD DNR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2022d. Well Completion Reports, SD DNR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2022e. County Files, SD DNR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 18, 2022 9:33 AM
To: 'dahlerup.g@gmail.com'
Subject: Water Permit Application No. 8659-3
Attachments: 4234.pdf

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

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



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

OCT 31 2022

OFFICE OF
WATER

DAHLERUP FAMILY TRUST
1637 SOMERSET DR
ABERDEEN SD 57401

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

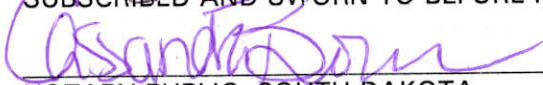
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 26th DAY OF October, 2022
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$45.76 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 10/26/2022

FILED ON: 10/26/2022


SUBSCRIBED AND SWORN TO BEFORE ME THIS 26th DAY OF October, 2022


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

Notice is given that Dahlerup Family Trust, c/o Gary Dahlerup, 1637 Somerset Dr, Aberdeen SD 57401 has filed an application for a water permit to appropriate an additional 0.23 cubic feet of water per second (cfs) and irrigation of an additional 28 acres to what is currently authorized by Water Permit No. 8434-3 and Water Right No. 7977-3. Water Permit No. 8434-3 and Water Right No. 7977-3, combined, authorize 2.89 cfs from one well completed into the Lower James Missouri Aquifer (300 feet deep) located on the half mile line between the SW 1/4 NE 1/4 and NW 1/4 SE 1/4 Section 34 for irrigation of 340 acres located in the W 1/2 SE 1/4, SW 1/4, S 1/2 NW 1/4, NE 1/4 NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 34; all in T95N-R55W. An investigation of the permits found the system capable of diverting an additional 0.23 cfs from the existing well and irrigating an additional 28 acres in the area described above. This application, if approved, and Nos. 8434-3 and 7977-3 will authorize a, combined, total of 3.12 cfs for irrigation of 368 acres. This site is located approximately 6 miles northeast of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8659-3 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 November 7, 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 November 7, 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 \$45.76 and can be viewed free of charge at www.sdpublicnotices.com

Published October 26, 2022.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 18, 2022 9:30 AM
To: Cassandra Brockmoller (cassandra@yankton.net)
Subject: 8659-3. Dahlerup Family Trust
Attachments: 8659-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 26, 2022.

Dahlerup Family Trust, c/o Gary Dahlerup, 1637 Somerset Dr, Aberdeen SD 57401 (605 380-2079) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

October 18, 2022

Dahlerup Family Trust
c/o Gary Dahlerup
1637 Somerset Dr
Aberdeen SD 57401

Dear Mr. Dahlerup:

Water Permit Application No. 8659-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Press & Dakota printed at Yankton SD (Ph # 605 665-7811). You will need to contact the newspaper 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 newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has 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. 8659-3 to Appropriate Water

Notice is given that Dahlerup Family Trust, c/o Gary Dahlerup, 1637 Somerset Dr, Aberdeen SD 57401 has filed an application for a water permit to appropriate an additional 0.23 cubic feet of water per second (cfs) and irrigation of an additional 28 acres to what is currently authorized by Water Permit No. 8434-3 and Water Right No. 7977-3. Water Permit No. 8434-3 and Water Right No. 7977-3, combined, authorize 2.89 cfs from one well completed into the Lower James Missouri Aquifer (300 feet deep) located on the half mile line between the SW 1/4 NE 1/4 and NW 1/4 SE 1/4 Section 34 for irrigation of 340 acres located in the W 1/2 SE 1/4, SW 1/4, S 1/2 NW 1/4, NE 1/4 NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 34; all in T95N-R55W. An investigation of the permits found the system capable of diverting an additional 0.23 cfs from the existing well and irrigating an additional 28 acres in the area described above. This application, if approved, and Nos. 8434-3 and 7977-3 will authorize a, combined, total of 3.12 cfs for irrigation of 368 acres. This site is located approximately 6 miles northeast of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8659-3 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 November 7, 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 November 7, 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.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8659-3

(1) Dahlerup Family Trust, c/o Gary Dahlerup, 1637 Somerset Dr, Aberdeen SD 57401 made Application No. 8659-3, August 24, 2022 for a water permit to divert an additional 0.23 cubic feet of water per second (cfs) and irrigate an additional 28 acres to what is currently authorized by Water Permit No. 8434-3 and Water Right No. 7977-3 from groundwater (Lower James Missouri Aquifer), Yankton County, South Dakota. Permit No. 8659-3, with a priority date of August 24, 2022 was approved November 7, 2022 and issued to the applicant for diversion of water with construction of the described water supply system and application to beneficial use completed.

Water Right No. 7977-3, with a priority date of February 14, 2014 authorized 2.89 cfs from one well for irrigation 211 acres. Water Permit No. 8434-3, with a priority date of June 25, 2020 authorized irrigation of an additional 129 acres. The applicable portions of Nos. 7977-3 and 8434-3 are incorporated into this water license.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.12 cubic feet of water per second for beneficial use. The location of the diversion point is: 2,300'W and 2,640'S of the NE corner of Section 34-T95N-R55W (SW 1/4 NE 1/4) Latitude 43.00319 Longitude -97.32723

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

Section 34-T95N-R55W	NE 1/4 NW 1/4	27 acres	NW 1/4 SW 1/4	37 acres
	SE 1/4 NW 1/4	39 acres	NE 1/4 SW 1/4	40 acres
	SW 1/4 NW 1/4	13 acres	SE 1/4 SW 1/4	39 acres
	NW 1/4 NE 1/4	38 acres	SW 1/4 SW 1/4	37 acres
	NE 1/4 NE 1/4	31 acres	NW 1/4 SE 1/4	23 acres
	SW 1/4 NE 1/4	31 acres	SW 1/4 SE 1/4	13 acres
Total 368 acres				

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dahlerup Family Trust, 1637 Somerset Dr, Aberdeen SD 57401 the holder and/or owner of Incorporated Water Right No. 8659-3 is issued a license to appropriate water, the right to use 3.12 cfs from groundwater (Lower James Missouri Aquifer) with priority dates of February 12, 2014 (211 acres and 2.89 cfs), June 25, 2020 (129 acres), and August 24, 2022 (28 acres and 0.23 cfs) from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 8659-3 and subject to the following qualifications:

- The well approved under Water Right No. 7977-3 and 8434-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This permit is approved subject to the irrigation water use questionnaire being submitted each year.

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

JAN 19 2023
date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JAN 19 2023

7977-3
8434-3
8659-3

Dahlerup Family Trust
c/o Gary Dahlerup
1637 Somerset Dr
Aberdeen SD 57401

Dear Mr. Dahlerup:

Enclosed are Water Permit and Water License No. 8659-3. The water license is the final document completing your process of obtaining a Water Right. Also, included is a map prepared by the staff engineer who conducted the investigation.

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

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

Sincerely,

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

Note: The applicable portions of Nos. 7977-3 and 8434-3 are incorporated into Water License No. 8659-3.

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.: 8659-3

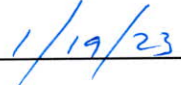
Name of Applicant: Dahlerup Family Trust, Gary Dahlerup

Date of Posting: 10/25/2022

Date of Removal: 1/19/2023



Ron Duvall, Water Rights Permitting Administrator

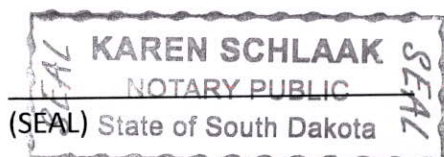


Date

Subscribed and sworn to before me, a notary public, this 19th day of Jan, 2023.



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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 30, 2024

8659-3

Dahlerup Family Trust
c/o Gary Dahlerup
4711 E Main St
Vermillion SD 57069

Dear Mr. Dahlerup:

Enclosed is a "Notice" dated October 23, 2024, concerning the 2024 Irrigation Questionnaire.

The notice was originally mailed to 1637 Somerset Dr, Aberdeen SD 57401. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaire or submit your report online at <https://danr.sd.gov/iq/> using this password *OUERXJ*.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

553 NFE 1141524C0010/28/24
RETURN TO SENDER
DAHLERUP
4711 E MAIN ST
VERMILION SD 57069-7050
RETURN TO SENDER
|||