

WATER PERMIT NO. 8662-3

Name of Applicant: Thomas Lamb

Address: 18472 SD Hwy 25, Willow Lake SD 57278

Phone: 605 520-4143

Amount of Water Claimed: 1.78 cfs Total Acres: 120

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Clark

Type of Waste Disposal System:

Location: 8 miles south of Clark

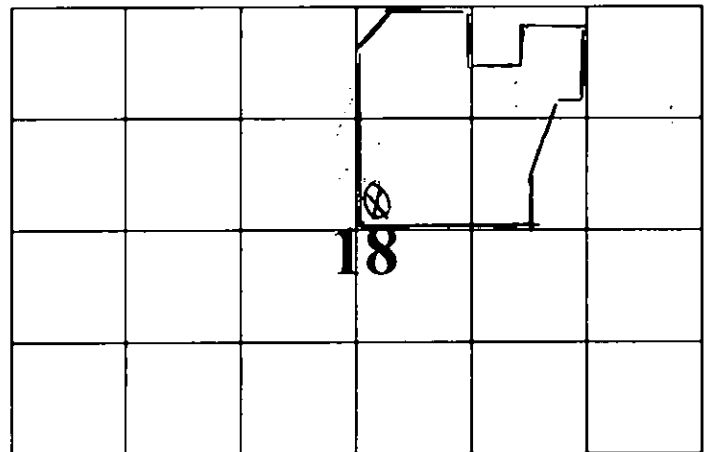
PRIORITY Date Received: 9-21-22 Application/License Fee: \$950

Corrected Application Received: Period of Annual Use: April 1- September 31

Remarks: Requesting a diversion rate greater than statutory limit

Diversion Point: SW 1/4 NE 1/4 Sec 18-T115N-
R57W

Land to be Irrigated: NE 1/4 Sec 18-T115N-R57W



Depth of Well: 60 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 9-21-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8662-3**

Date of first receipt of application September 21, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8662-3 to Thomas Lamb, 18472 SD Hwy 25, Willow Lake SD 57278 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. 8662-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Vermillion East Fork:Antelope Lake Aquifer (approximately 60 feet deep) located in the SW 1/4 NE 1/4 Section 18 for irrigation of 120 acres located in the NE 1/4 Section 18; all in T115N-R57W. This site is located approximately 8 miles south of Clark 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 – September 30.
3. The date from which applicant may claim right is September 21, 2022.
4. The date of approval of Permit No. 8662-3 is November 21, 2022.
5. One-fifth of the construction is to be completed on or before May 21, 2025.
6. All construction is to be completed on or before November 21, 2027.
7. Water is to be put to beneficial use on or before November 21, 2031.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8662-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8662-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8662-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

DEC 08 2022
date



FORM 2: Application for irrigation in South Dakota

(type or print)

PAID

SEP 21 2022

Ck# 3353

Rec't#

RECEIVED

SEP 21 2022

OFFICE OF
WATER

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8662-3</u> (office use only)
	Hydrologic Unit <u>10170201</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Clark County Courier</u>
<u>Watertown Public Opinion</u>	

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Thomas Lamb

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

Mailing Address 18472 SD HWY 25 Willow Lake SD 57278
(Address) (City) (State) (Zip Code)Phone _____ Mobile (605) 520-4143 Email tlamb@itdel.com2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable3. Source of water supply Ground Water Aquifer4. Location of point of diversion SW 1/4 of NE 1/4 18-115-57
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)County Clark5. County or counties where water will be used Clark6. Annual period during which water is to be used April 1 - September 317. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 of NE 1/4 18-115-57	40		
NW 1/4 of NE 1/4 18-115-57	38		
NE 1/4 of NE 1/4 18-115-57	21		
SE 1/4 of NE 1/4 18-115-57	21		

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

Drill Production Well to irrigate 120 acres of croplandRequesting diversion rate greater than statutory limit.I, Thomas Lamb, 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.

Thomas Lamb

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 Thein Well Co
(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:

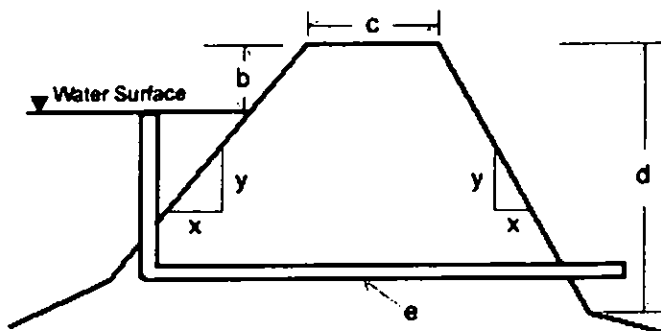
c) Well Depth (required) 60' Depth to Top of Water Bearing Material 10' Depth to Water from Surface 10'd) Distance to nearest domestic well on applicant's property N/A Property owned by others 6,000'**2. Wastewater Disposal System Information**a) Type of System (i.e. septic tank, drain field) b) System 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

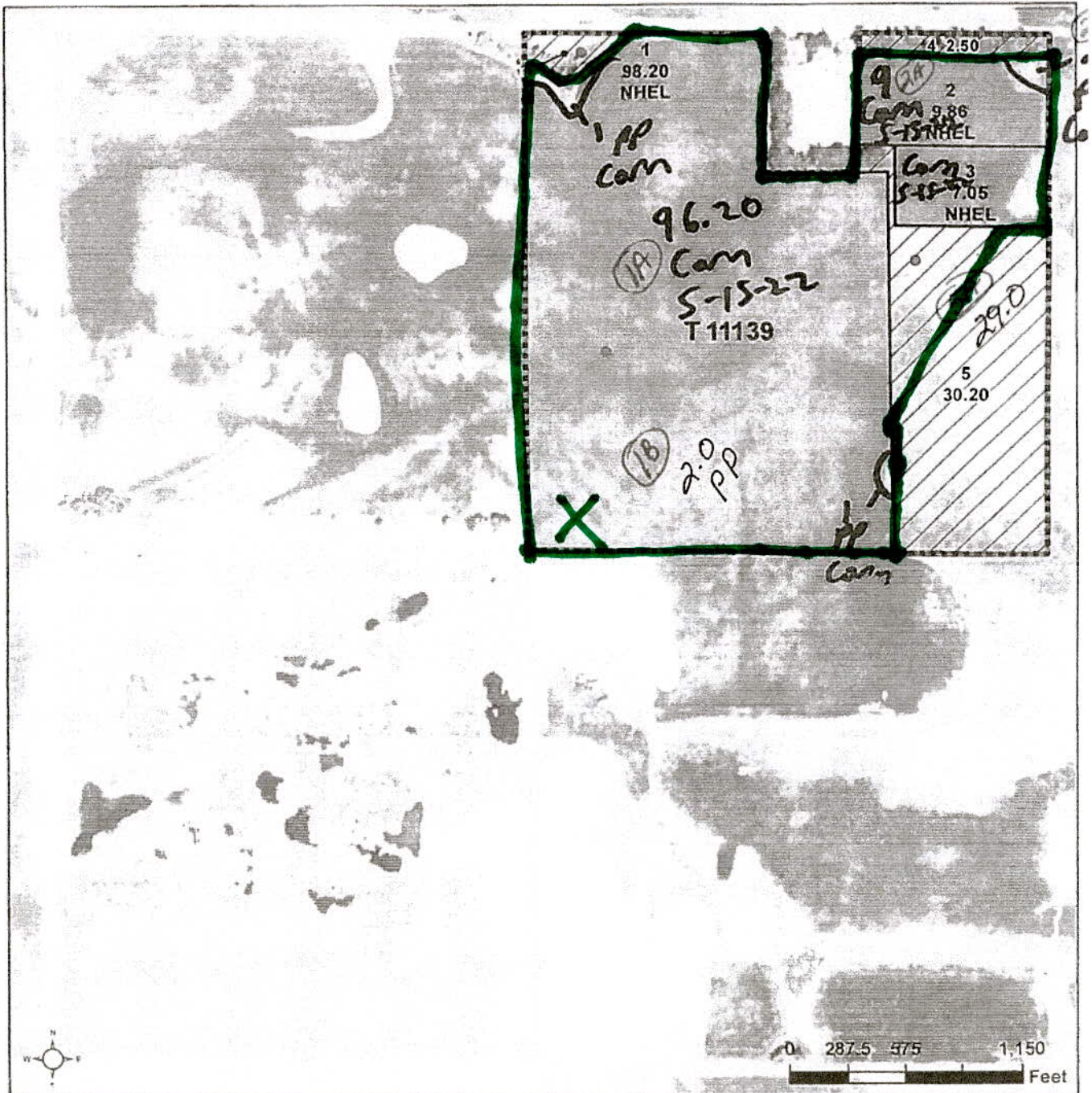
g) X & Y Slope (e.g. 3 to 1 is a typical slope)

Upstream Downstream h) Surface Area of Impoundment i) Storage Acre Feetj) Drainage Area Above Dam Acres



United States
Department of
Agriculture

Clark County, South Dakota



Common Land Unit  Tract Boundary
 Non-Cropland
 Cropland

Wetland Determination Identifiers

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

Unless otherwise noted,
crops listed below are:
Non-irrigated
Intended for Grain
Corn = Yellow
Soybeans = Common
Wheat = HRS or HRW
Sunflowers = Oil or Non-oil

Producer Initial _____
Date _____

2022 Program Year

Map Created April 18, 2022

Farm 4572

18-115N-57W-Clark

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).

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 21, 2022

RECEIVED OF Thomas Lamb 18472 SD Hwy 25 Willow Lake SD 27278

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

Fee for Application for Permit No. <u>8662-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8662-3</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>950.00</u>

By *Eric Gronlund*
Chief Engineer *vm*

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, November 3, 2022 11:18 AM
To: tlamb@itctel.com
Subject: Water Permit Application No. 8662-3
Attachments: 4357.pdf; RE_ _EXT_ 8018555 8662-3_ Thomas Lamb.msg

Mr. Lamb,

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. The second attachment has phone # and Order # for contacting the Watertown Public Opinion.

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. 8662-3, Thomas Lamb**

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. 8662-3, Thomas Lamb, 18472 SD Highway 25, Willow Lake SD 57278.

The Chief Engineer is recommending APPROVAL of Application No. 8662-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8662-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8662-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8662-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
November 1, 2022

Report to the Chief Engineer
On Water Permit Application No. 8662-3

Thomas Lamb

October 31st, 2022

Water Permit Application No. 8662-3 proposes to appropriate water at a maximum diversion rate of 1.78 cubic feet per second (cfs) from one well to be completed into the Vermillion East Fork: Antelope Lake aquifer (approximately 60 feet deep) located in the SW ¼ NE ¼ Section 18 for irrigation of 120 acres located in the NE ¼ Section 18; all in T115N-R57W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The site of interest is located approximately eight miles south of Clark, SD.

AQUIFER: Antelope Lake Management unit of the Vermillion East Fork (VEF:AL)

HYDROGEOLOGY:

The VEF (Vermillion East Fork): Antelope Lake (Management unit) aquifer is a glacial outwash that consists of gravel and fine to coarse sand (Christensen, 1987 and Hamilton, 1986). The depth of the top of the Vermillion East Fork aquifer ranges from the land surface to 300 feet below land surface (Hamilton, 1986). The VEF: AL aquifer is estimated to underlie approximately 34,400 acres in Clark County and contain approximately 77,400 acre-feet of recoverable water in storage (Hedges et al. 1982).

No water well completion report is on file for or was submitted with Water Permit Application No. 8662-3. The closest well completion report on file with the Water Rights Program is half a mile northwest of the proposed diversion point, the completion report was dated November 3rd, 2016, and is located in the NW ¼ of Section 18-T115N-R57W (Stretch's Well Service Inc., 2016; Water Rights 2022d). This water well is completed into the VEF: AL aquifer and has a saturated aquifer thickness of 42 feet, with the depth to the top of aquifer material of 2 feet below the ground surface, and static water level of 11.2 feet below the ground surface at the time of well completion (SDGS, 2022; Water Rights, 2022b and 2022d). Based on the water well completion report in the area of the proposed diversion point, the VEF: AL aquifer is expected to be unconfined (SDGS, 2022; Water Rights, 2022b and 2022d). This is consistent with the VEF: AL aquifer being predominantly under unconfined conditions.

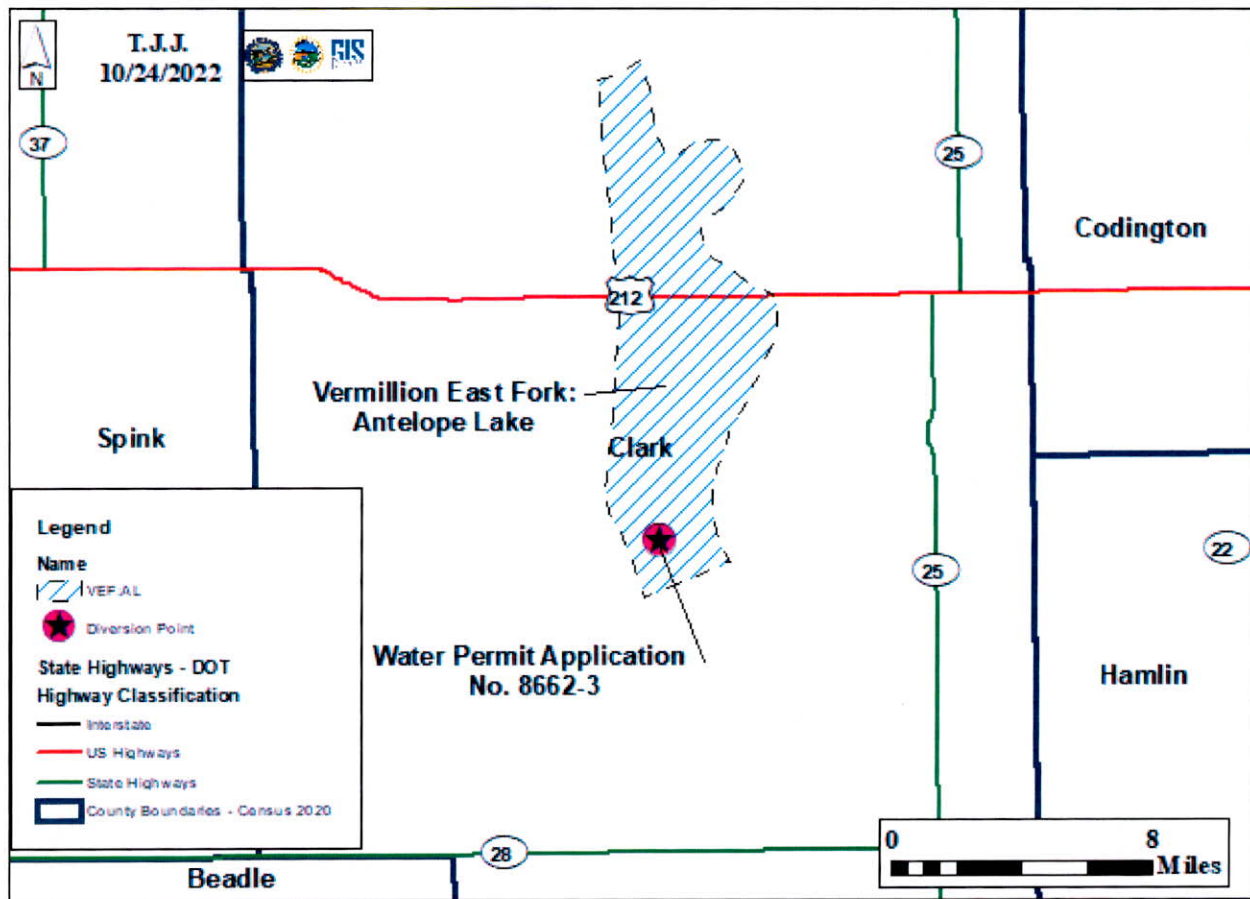


Figure 1. Map of the approximate VEF: AL aquifer boundary (modified from Hedges et al, 1982), and the location of proposed diversion point for Water Permit Application No. 8662-3.

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 VEF: AL aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8662-3 proposes to appropriate water from the VEF: AL aquifer for the purpose of irrigation. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater

source. 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 VEF: AL 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 VEF: AL aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the VEF: AL aquifer is mostly by infiltration of precipitation, and inflow from till adjacent to the aquifer, and inflow from the Vermillion East Fork: Reid Lake aquifer (Hamilton, 1986 and Hedges et al, 1982). Based on observation well analysis by Hedges et al (1985) a recharge rate of 3.0 inches per year was estimated for the VEF: AL aquifer. The VEF: AL aquifer has an estimated areal extent of approximately 34,400 acres (Hedges et al, 1982). Therefore, the average annual recharge rate (based on Hedges et al, 1982 and 1985) is approximately 8,600 acre-feet/year.

Discharge

Discharge from the VEF: AL aquifer primarily occurs through well withdrawals, groundwater outflow, and natural discharges into tills, marshes, and lakes (Hamilton, 1986).

Currently, there are 12 water rights/permits authorized to appropriate water from the VEF: AL aquifer (Water Rights, 2022c). There is one Future Use Permit No. 4927-3 reserving 221 ac-ft of water from the VEF: AL aquifer for rural water system use (Water Rights, 2022c).

Table 1 summarizes the 8 non-irrigation water rights/permits authorized to appropriate water from the VEF: AL aquifer with the estimated average annual use for each water right/permit as determined by their limiting diversion rate or annual volume limit. 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 estimated average annual withdrawal rate for the VEF: AL aquifer for non-irrigation water rights/permits is approximately 2,908 acre-feet/year (Table 1) (Water Rights, 2022c).

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

Permit No.	Name	Status	Uses	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
6663-3	CLARK COUNTY HWY DEPT	PE	GWR	0.033	N/A	14.34
4047A-3	CLARK	LC	MUN	0.11	N/A	47.78
4047B-3	CLARK	LC	MUN	1.22	N/A	529.97
5606-3	CLARK RWS INC	LC	RWS	0.49	260	260.00
5974-3	CLARK RWS INC	LC	RWS	1.56	675	675.00
5974A-3	CLARK RWS INC	LC	RWS	2.62	N/A	1138.13
6280-3	CLARK RWS INC	LC	RWS	0.51	243	243.00
8360-3	CLARK RWS INC	PE	RWS	0	N/A	0.00
LC Licensed Water Right, PE Water Permit, GWR Ground Water Remediation, MUN Municipal, RWS Rural Water System					TOTAL:	2,908

Currently, there are 4 irrigation water rights/permits appropriating water from the VEF: AL aquifer (Water Rights, 2022c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. To reflect on historical irrigation development, the average annual withdrawal rate for the VEF: AL aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2022) will be used, which is approximately 254 acre-feet per year (Table 2) (Water Rights, 2022a). The current development of irrigation water rights/permits, the average annual withdrawal rate for irrigation appropriations from 2012 to 2021 is approximately 160 acre-feet per year (Table 2) (Water Rights, 2022a). It should also be noted that no new water rights/permits were approved in 2022.

Table 2. Reported historic irrigation use from the VEF: AL aquifer (Water Rights, 2022a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	4	197.00
1980	4	663.00
1981	4	657.00
1982	2	290.98
1983	3	406.72
1984	4	368.00
1985	4	259.00
1986	4	166.00
1987	3	377.00
1988	3	572.30
1989	3	402.00
1990	3	308.00
1991	3	266.00
1992	3	82.00
1993	3	58.90
1994	3	201.69
1995	3	180.71
1996	3	346.80
1997	3	229.00
1998	3	267.31
1999	3	157.45
2000	3	199.25
2001	3	214.61
2002	3	317.30
2003	3	285.91
2004	2	225.44
2005	3	324.02
2006	3	356.03
2007	3	260.32
2008	3	232.46
2009	3	132.11
2010	3	164.17
2011	3	173.10
2012	3	307.42
2013	3	271.73
2014	3	154.81
2015	3	100.22
2016	3	118.92
2017	4	188.23
2018	4	186.48
2019	4	49.02
2020	4	82.82
2021	4	136.00
Max	4	572.30
Min	2	49.02
Avg (1979-2021)	3	254
Avg (2012-2021)	4	160

There are domestic wells completed into the VEF: AL 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 VEF: AL aquifer is present; 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 VEF: AL aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the VEF: AL aquifer totals to approximately 8,600 acre-feet/year (Hedges et al, 1982 and 1985). The average withdrawal rate from the VEF: AL aquifer totals to approximately 3,383 acre-feet/year; (non-irrigation: 2,908 acre-feet/year; irrigation (2012 to 2021): 254 acre-feet/year; future use reservation: 221 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the VEF: AL 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 DANR-Water Rights Program monitors 5 observation wells completed into the VEF: AL aquifer (Water Rights, 2022b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The 3 closest observation wells to the diversion point are CK-78R (approximately 0.5 miles northeast), CK-78Q (approximately 1.5 miles northeast), and CK-78P (approximately 2.4 miles north) (Water Rights, 2022b). The hydrographs for these observation wells are displayed in Figures 2 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 DANR Water Rights Observation Well on hydrographs. The data from Figure 2 shows a stable trend, Figure 3 shows a declining trend, and Figure 4 shows the same rising trend of the other observation wells in VEF: AL aquifer.

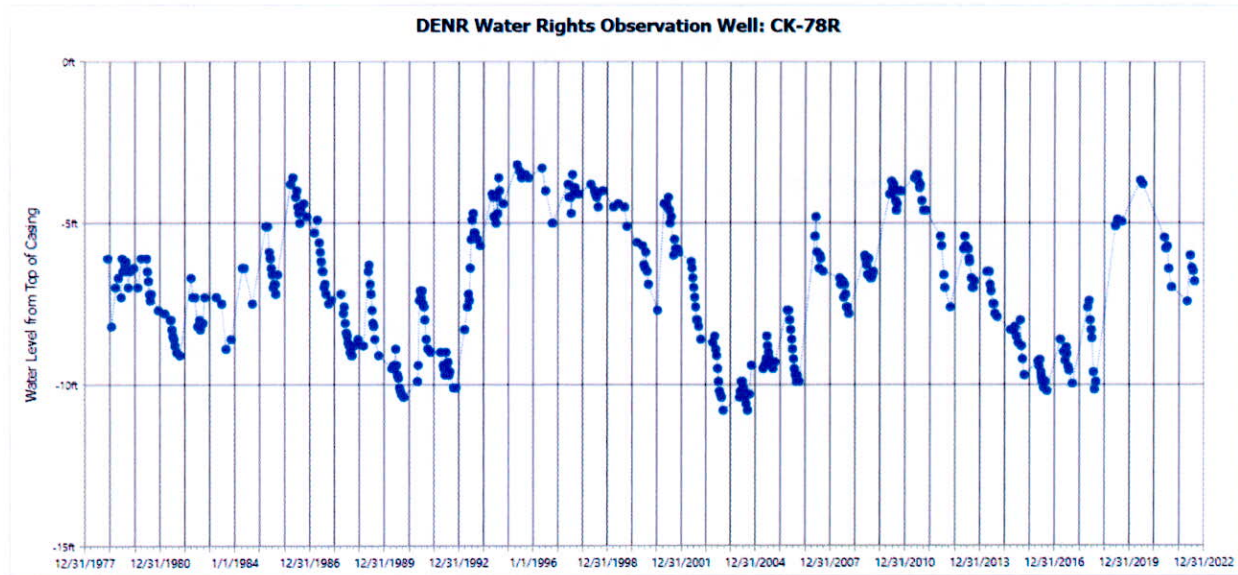


Figure 2. Hydrograph for observation well CK-78R (Water Rights, 2022b)

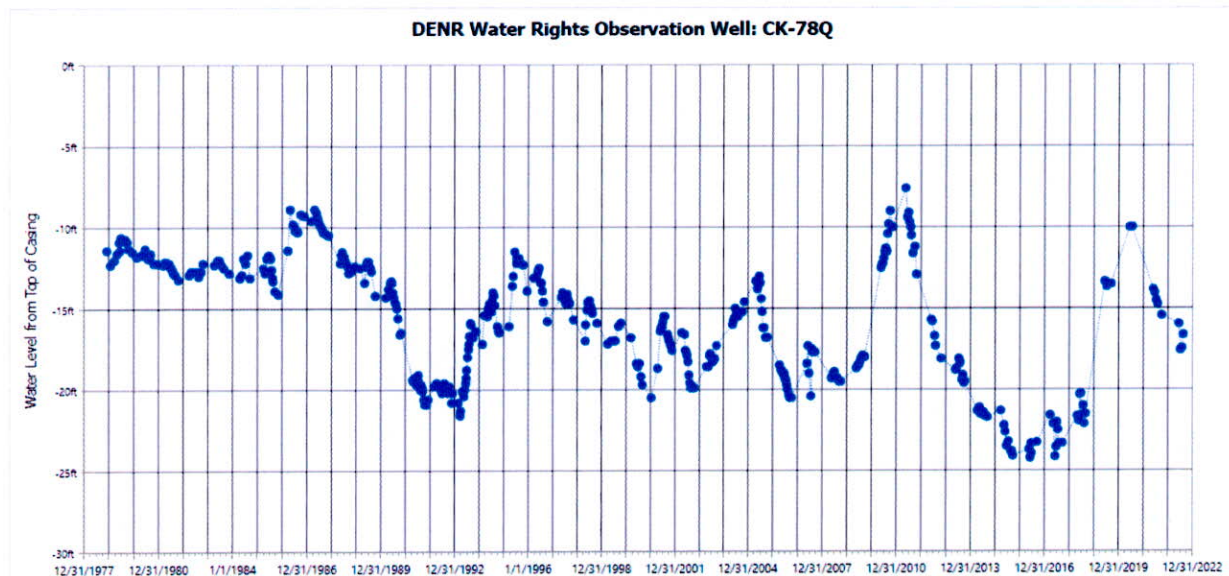


Figure 3. Hydrograph for observation well CK-78Q (Water Rights, 2022b)

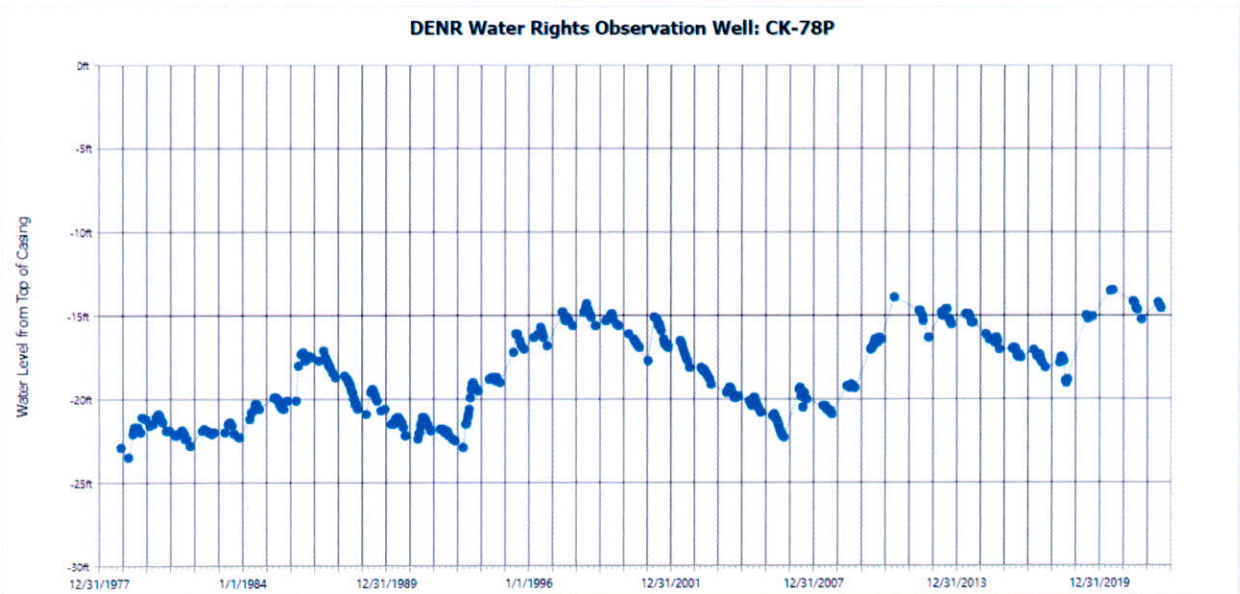


Figure 4. Hydrograph for observation well CK-78P (Water Rights, 2022b)

The hydrographs for the observation wells CK-78R and CK-78P display rising water levels over their respective periods of record. Observation well CK-78Q is within 0.5 miles of two wells operated by Clark RWS. Rural water system pumping is year-round and started nearby development in 1996 and again in 2001. After the initial drawdown in 1996 the water level was stable until 2009 when localized flooding and subsequent drought and flooding conditions dominated the changes in water level. In general, observation well CK-78Q is reflective of increased localized pumping and the changes in water level caused by climatic conditions.

The hydrographs for the VEF: AL 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 VEF: AL 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 12 water rights/permits authorized to appropriate water from the VEF: AL aquifer (Water Rights, 2022c). The closest water right/permit to diversion point is Water Right No. 5974A-3, shown on Figure 5, which is held by Clark Rural Water System Inc. The diversion point for Water Right No. 5974-3 is located approximately 0.7 miles northwest of the diversion point for this application (Water Rights, 2022c).

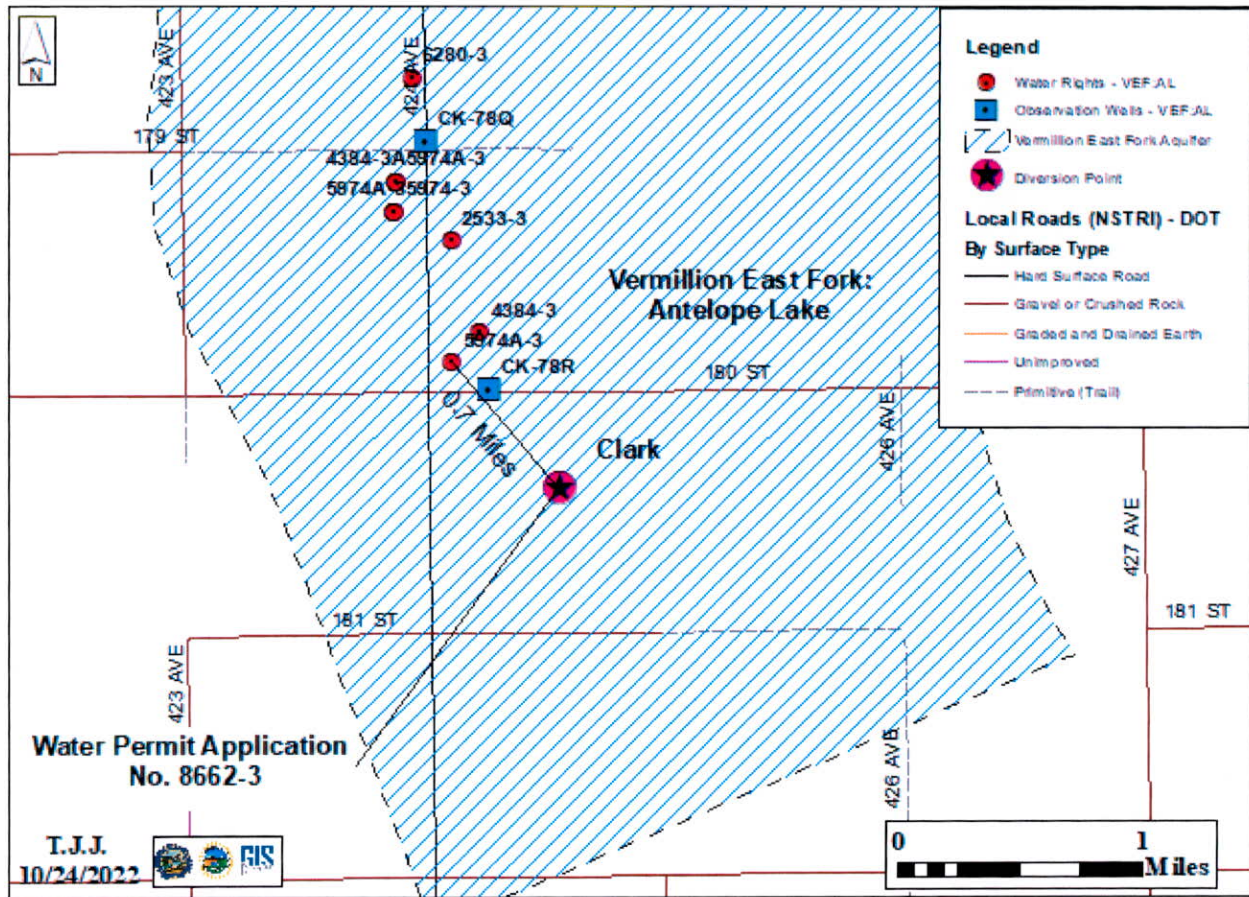


Figure 5. Map of the approximate VEF: AL aquifer boundary (modified from Hedges et al, 1982), the VEF: AL aquifer water rights/permits and observation wells (Water Rights, 2022b and 2022c), and the location of proposed diversion point for Water Permit Application No. 8662-3.

There are domestic wells on file with the DANR-Water Rights Program that are completed into the VEF: AL aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.4 miles northeast of the diversion point (Water Rights, 2022d). There could potentially be other domestic wells completed into the VEF: AL aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

The VEF: AL aquifer varies between confined to unconfined conditions but the well location is expected to be under unconfined conditions. In an unconfined aquifer, drawdown created by pumping does not extend far from the pumped 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 while still protecting domestic users. 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 ARSD 74:02:04:20(7), the saturated aquifer thickness near the diversion point and the lack of well interference complaints for adequate wells completed into the VEF: AL aquifer in Clark County, 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, 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.

SDCL 46-5-6 Diversion Rate Limit

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or "the equivalent thereof." The statute does provide that the Water Management Board may allow a greater diversion rate if the method of irrigation or soil types so require. Water Permit Application No. 8662-3 proposes to divert up to 1.78 cfs for the irrigation 120 acres or the equivalent of 1.04 cfs per 70 acres. The application indicates the area to be irrigated is irregularly shaped. If a center pivot will be used to irrigate a portion of the area, it may be incapable of making a full turn. Center pivots generally require a certain diversion rate for operation, so when center pivot irrigation system is not making a full turn or consists of a shorter span than a full quarter, the one cfs for every 70 acres rate is sometimes exceeded. This reason has historically been accepted as an allowed exceedance due to the method of irrigation.

CONCLUSIONS:

1. Water Permit Application No. 8662-3 proposes to appropriate 1.78 cfs from one well to be completed into the Vermillion East Fork: Antelope Lake aquifer (approximately 60 feet deep) for irrigation of 120 acres. The site of interest is located approximately eight miles south of Clark, SD.
2. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. A center pivot may be making a partial rotation for this irrigation project.
3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Vermillion East Fork: Antelope Lake aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the diversion by Water Permit Application No. 8662-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic users with adequate wells.



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



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

References

- Christensen, C.M., 1987. Geology and Water Resources of Clark County, South Dakota; Part I: Geology. South Dakota Geologic Survey Bulletin 29. Vermillion, SD.
- Hamilton, L.J., 1986. Geology and Water Resources of Clark County, South Dakota; Part II: Water Resources. South Dakota Geologic Survey Bulletin 29. Vermillion, SD.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3 Ground-Water Storage, Task 4: Computerized Data Base. United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- SDGS, 2022. South Dakota Geological Survey Lithologic Logs Database. Accessed October 11, 2022. <http://cf.sddanr.net/lithdb/>.
- Stretch's Well Service Inc., November 24, 2016. "South Dakota Well Completion Report". SD-DANR Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022a. "1979-2021 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2022b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Karen Schlaak
Thomas Lamb
18472 Sd Highway 25
Willow Lake SD 57278-5403

RECEIVED

NOV 21 2022

**OFFICE OF
WATER**

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

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

11/09/2022

and that the fees charged are legal.
Sworn to and subscribed before on 11/09/2022

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$51.48

Order No: 8018555

of Copies:

Customer No: 865162

1

PO #: App#8662-3

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

AMY KOKOTT
Notary Public
State of Wisconsin

**NOTICE OF
APPLICATION NO. 8662-3
to Appropriate Water**

Notice is given that Thomas Lamb, 18472 SD Hwy 25, Willow Lake SD 57278 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Vermilion East Fork Antelope Lake Aquifer (approximately 60 feet deep) located in the SW 1/4 NE 1/4 Section 18 for irrigation of 120 acres located in the NE 1/4 Section 18; all in T115N-R57W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 8 miles south of Clark SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8662-3 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 peti-

tion. A petition filed by either an interested person or the applicant must be filed by November 21, 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 21, 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 11/9/22 at the total approximate cost of \$51.48 and may be viewed free of charge at www.sdpublishnotices.com
8018555 11/9/22

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

NOTICE OF APPLICATION

Notice is given that Thomas Lamb, 18472 S.D. Hwy 25, Willow Lake S.D. 57278 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Vermillion East Fork Antelope Lake Aquifer (approximately 60 feet deep) located in the SW 1/4 NE 1/4 Section 18 for irrigation of 120 acres located in the NE 1/4 Section 18; all in T115N-R57W. The applicant is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres. This site is located approximately eight miles south of Clark S.D.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8662-3 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

Water Rights Program

a printed copy of which taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

One

successive week(s), on the day of each week on which said newspaper was regularly published, to wit:

November 9, 2022

that the full amount of the fees for the publication of the annexed notice is

\$42.41

William J. Krikac

Subscribed and sworn to before me this

RECEIVED

NOV 14 2022

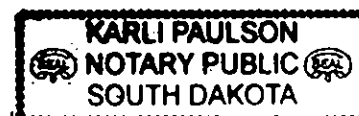
**OFFICE OF
WATER**

1st day of December, 2022

Karli Paulson

Notary Public
Clark County, South Dakota

My Commission expires: 02/09/2028



O. 8662-3 to Appropriate Water

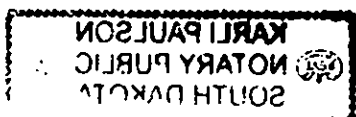
provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre S.D. 57501" or call (605) 773-3352. The applicant's mailing address is 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 21, 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 21, 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 and
can be viewed free of charge
at www.sdpublicnotices.com
11-9-1t



IO. 8662-3 to Appropriate Water

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 S.D. 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 21, 2022.

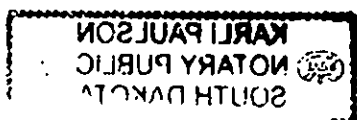
The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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 21, 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 and
can be viewed free of charge
at www.sdpublicnotices.com

11-9-1t



Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Water Rights Program

a printed copy of which taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

One

successive week(s), on the day of each week on which said newspaper was regularly published, to wit:

November 9, 2022

that the full amount of the fees for the publication of the annexed notice is

\$42.41

William J. Krikac

Subscribed and sworn to before me this

RECEIVED

NOV 14 2022

**OFFICE OF
WATER**

1st day of December, 2022

Karli Paulson

Notary Public
Clark County, South Dakota

My Commission expires: 02/09/2028



NOTICE OF APPLICATION

Notice is given that Thomas Lamb, 18472 S.D. Hwy 25, Willow Lake S.D. 57278 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Vermillion East Fork Antelope Lake Aquifer (approximately 60 feet deep) located in the SW 1/4 NE 1/4 Section 18 for irrigation of 120 acres located in the NE 1/4 Section 18; all in T115N-R57W. The applicant is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres. This site is located approximately eight miles south of Clark S.D.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8662-3 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

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, November 3, 2022 9:58 AM
To: 'legals@thepublicopinion.com'
Subject: 8662-3, Thomas Lamb
Attachments: 8662-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 9, 2022.

Thomas Lamb, 18472 SD Hwy 25, Willow Lake SD 57278 (605 520-4143) 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: Thursday, November 3, 2022 9:57 AM
To: 'courier@itctel.com'
Subject: 8662-3, Thomas Lamb
Attachments: 8662-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 9, 2022.

Thomas Lamb, 18472 SD Hwy 25, Willow Lake SD 57278 (605 520-4143) 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 NEWSPAPERS RIGHT AWAY.**

November 3, 2022

Thomas Lamb
18472 SD Hwy 25
Willow Lake SD 57278

Dear Mr. Lamb:

Water Permit Application No. 8662-3 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 Clark County Courier printed at Clark (Ph # 605 532-3654) and the Watertown Public Opinion (see attachment for contact number). 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. 8662-3 to Appropriate Water

Notice is given that Thomas Lamb, 18472 SD Hwy 25, Willow Lake SD 57278 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Vermillion East Fork:Antelope Lake Aquifer (approximately 60 feet deep) located in the SW 1/4 NE 1/4 Section 18 for irrigation of 120 acres located in the NE 1/4 Section 18; all in T115N-R57W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 8 miles south of Clark SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8662-3 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 21, 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 21, 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_



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

DEC 08 2022

Thomas Lamb
18472 SD Hwy 25
Willow Lake SD 57278

Dear Mr. Lamb:

Enclosed is Water Permit No. 8662-3 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.: 8662-3

Name of Applicant: Thomas Lamb

Date of Posting: 11/7/2022

Date of Removal: 12/8/2022



Ron Duvall, Water Rights Permitting Administrator

12/8/22

Date

Subscribed and sworn to before me, a notary public, this 8th day of Dec, 2022.



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

