

WATER PERMIT NO. 8675-3

Name of Applicant: **Jared McCloud**

Address: **17840 337th Ave, Highmore SD 57345**

Phone: **605 870-1139**

Amount of Water Claimed: **2.0 cfs**

Total Acres: **140**

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

Water to be used for: **irrigation**

County: **Hyde**

Type of Waste Disposal System:

Location: **19 miles north of Highmore**

PRIORITY

Date Received: **11-14-22**

Application/License Fee: **\$1050**

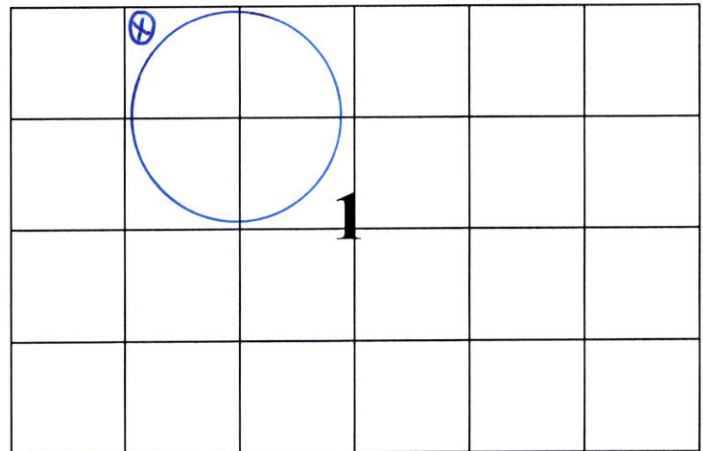
Corrected Application Received:

Period of Annual Use: **May 1 – October 31**

Remarks:

Diversion Point: **NW 1/4 NW 1/4 Sec 1-T115N-
R72W**

Land to be Irrigated: **NW 1/4 Sec 1 – T115N-
R72W**



Depth of Well: **107 feet deep**

Well Driller: **Empire Irrigation Drilling Co.**

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **11-14-22**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8675-3**

Date of first receipt of application November 14, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8675-3 to Jared McCloud, 17840 337th Ave, Highmore SD 57345 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. 8675-3 appropriates 2.0 cubic feet of water per second from one well completed into the Tulare:Hyde Aquifer (107 feet deep) located in the NW 1/4 NW 1/4 Section 1 for irrigation of 140 acres located in the NW 1/4 Section 1; all in T115N-R72W. This site is located approximately 19 miles north of Highmore SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is November 14, 2022.
4. The date of approval of Permit No. 8675-3 is January 30, 2023.
5. One-fifth of the construction is to be completed on or before July 30, 2025.
6. All construction is to be completed on or before January 30, 2028.
7. Water is to be put to beneficial use on or before January 30, 3032.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

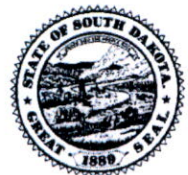
1. The well approved under Water Permit No. 8675-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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 Agriculture and Natural Resources

FEB 21 2023

date



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

PAID

NOV 14 2022

Ck# 1316/1790

Rec't#

RECEIVED

NOV 14 2022

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8675-3</u> (office use only)
	Hydrologic Unit <u>10140103</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Highmore Herald</u>
<u>American News</u>	

Application For Permit To Appropriate Water For Irrigation

OFFICE OF WATER

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 Jared McCloud

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

Mailing Address 17840 337th Ave Highmore SD 57345
(Address) (City) (State) (Zip Code)

Phone 605-870-1139 Mobile " " Email Jared-football-09@hotmail.com

2. Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 140
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply well (1 existing)

4. Location of point of diversion Northwest corner of Sec 1 115-72 (NW 1/4 NW 1/4)
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

Existing well once under cancelled WR 2720-3 County Hyde

5. County or counties where water will be used Hyde

6. Annual period during which water is to be used May 1 - Oct 31

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

Land Description	Acres	Land Description	Acres
<u>N/W 1/4 Sec 1 115-72</u>	<u>140</u>		

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

Use existing well to water a 1/4 section

I, Jared McCloud Self, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Supplemental Information

(type or print)

See existing well WR# 2720-3

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 ____
(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) ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest domestic well on applicant's property ____ Property owned by others ____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) ____

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions ____ Depth ____

b) Depth to water (ground surface to water level) ____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

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

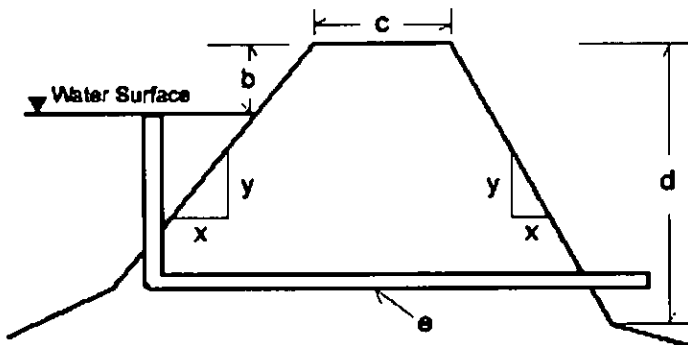
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



2720-3

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 114 Section 1 Township 115 Range 72
 Well owner: Harold R. Ruchart Highmore, S.D.
 (Name) (Address)
 Date well drilling completed: 6/22/76 Purpose of well: Irrigation
 (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer
0-2	top soil	67 ft.
2-25	yellow till	Depth to static water level 33 ft.
25-75	gray till	Name of producing aquifer (if known) sand & gravel
75-95	sand & gravel	Total depth of drill hole 107 ft.
95-107	sand, gravel, and shale, pebbles	Depth to bottom of casing 107 ft.
Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.		
		0-67 ft. 110" I.D. Fiberglass
Screen information: In the space below show length of screen below bottom of casing, diameter, and kind of screen or casing perforations.		
		67-107 ft. 110" I.D. Slotted Fiberglass
If a flowing well, flow of completed well		G.P.M.

Attach sheet if more space is needed

Empire Irrigation Drilling Co.
 Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump: Fairbanks-Morse 8" HP 75
 Type of pump: turbo Capacity of installed pump: 800 G.P.M.
 Depth of pump placement: 00 ft., Date of pump installation: 6/22/76

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed: _____ ft., tube diameter: _____, tube material: _____



Empire Irrigation Drilling Co.
 Name of Pump Installation Contractor

Well 144 3

3-2120

86.2

9.2

12.3

37.8

115-7V

153.9

NAEP N° 2074-3 APPL N° 2720-3

W. G. Faynt 3-2120
County Extension Agent
Highmore, S.D. 57346

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date November 14, 2022

RECEIVED OF Austin/Abbie McCloud 17877 337th Avenue Highmore SD 57345

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

Fee for Application for Permit No. <u>8675-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>425</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>8675-3</u>	\$ <u>100.00</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>525.00</u>

By Eric Gronlund
Chief Engineer
me

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date November 14, 2022

RECEIVED OF Jared R. McCloud 17851 337th Avenue Highmore SD 57345

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

Fee for Application for Permit No. <u>8675-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>425.00</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>8675-3</u>	\$ <u>100.00</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>525.00</u>

By Eric Gronlund
Chief Engineer
vm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8675-3, Jared McCloud**

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. 8675-3, Jared McCloud, 17840 337th Avenue, Highmore SD 57345.

The Chief Engineer is recommending APPROVAL of Application No. 8675-3 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. 8675-3 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. 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
January 10, 2023

Report to the Chief Engineer
On Water Permit Application No. 8675-3

Jared McCloud

December 30th, 2022

Water Permit Application No. 8675-3 proposes to appropriate 2.0 cubic feet of water per second (cfs) from one existing well (107 feet deep) completed into the Tulare: Hyde aquifer located in the NW ¼ NW ¼ Section 1 for irrigation of 140 acres located in the NW ¼ Section 1; all in T115N-R72W in Hyde County. The site of interest is located in Hyde County approximately 19 miles north of Highmore, SD.

AQUIFER: Tulare: Hyde (T:HY)

HYDROGEOLOGY:

The Hyde management unit of the Tulare aquifer will be referred to as the Tulare: Hyde aquifer for the remainder of this report. The Tulare: Hyde aquifer is a complex system of interconnected sand and gravel layers separated by a layer of till (Koch, 1980). An approximate areal extent has been mapped several times in the past by Koch (1980), Hedges et al (1982), and Rich (2012). Koch (1980) found the entire Tulare aquifer to have an areal extent of approximately 608,000 acres. By using the Rich (2012) map of first occurrence of aquifer materials in the Tulare: Hyde aquifer, an aquifer areal extent of approximately 27,300 acres is estimated. There is also another 10,000 acres of aquifer materials at a similar elevation, that are shown as discontinuous deposits, but could be hydrologically connected to the Tulare: Hyde aquifer (Rich, 2012). However, further study would be required to determine with a high certainty whether these discontinuous deposits are able to be considered hydrologically connected to the Tulare: Hyde aquifer (Mathiowetz, 2022). However, to maintain accuracy and consistency, only the 27,300 acres from Rich (2012) will be considered the Tulare: Hyde aquifer for this report.

The well completion report submitted in the file is from cancelled Water Right No. 2720-3, the well completed into the Tulare: Hyde aquifer has a saturated aquifer thickness of 32 feet, with the depth to the top of aquifer materials 75 feet below the ground surface, and static water level 33 feet below the ground surface at the time of well completion (Water Right, 2023e). Based on the water well and test hole completion reports near the diversion point, the Tulare: Hyde aquifer is expected to be confined near the diversion point.

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 Tulare: Hyde aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8675-3 proposes to appropriate water from the Tulare: Hyde 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 Tulare: Hyde 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 Tulare: Hyde aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Tulare: Hyde aquifer is received primarily through infiltration of precipitation and snowmelt which are received slowly through an overlaying till layer or rapidly through overlaying permeable sediments (Koch, 1980). Hedges et al (1985) concluded, for management and development programs, to use an estimated a minimum recharge rate of 0.15 inches per year and a maximum of 0.60 inches per year for a confined aquifer. The Tulare: Hyde aquifer has an estimated areal extent of approximately 27,300 acres (Rich, 2012). Therefore, the estimated average annual recharge rate (based on Hedges et al, 1985; Rich, 2012) is approximately 341 to 1,365 acre-feet/year.

Discharge

Discharge from the Tulare: Hyde aquifer in South Dakota primarily occurs through well withdrawals and possible evapotranspiration in areas where the aquifer is at or near land surface. Currently, there are two water rights/permits authorized to appropriate water from the Tulare: Hyde aquifer (Water Rights, 2023c). There are no future use permits or non-irrigation water rights/permits for the Tulare: Hyde aquifer (Water Rights, 2023c).

Water Right No. 5735-3 has reported annual usage on an irrigation questionnaire since 1993, and Water Permit No. 8603-3 which was approved at the start of 2022 and has yet to report any irrigation pumpage. The average annual withdrawal rate for the Tulare: Hyde aquifer irrigation water rights/permits that have reported over the period of record (1976 to 2021) is approximately 224 acre-feet per year (Table 1) (Water Rights, 2023a). To reflect the current development of

irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 1993 to 2021 is approximately 182 acre-feet per year (Table 1) (Water Rights, 2023a).

Table 1. Historical reported irrigation use from the Tulare: Hyde aquifer (Water Rights, 2023a)

Year	2720-3	3334-3	5735-3	Annual Pumpage (ac-ft/yr)
1976	122.7			122.7
1977	198.9	156.5		355.4
1978	61.8	No Submission		61.8
1979	158.6	120.2		278.8
1980	143.6	308.0		451.6
1981	No submission	No submission		0.0
1982	71.6	183.0		254.6
1983	63.6	251.7		315.3
1984	95.5	259.2		354.7
1985	No submission	417.0		417.0
1986	0	195.3		195.3
1987	0	262.9		262.9
1988	0	495.8		495.8
1989	0	409.4		409.4
1990	0	221.6		221.6
1991	0	447.0		447.0
1992	Cancelled	364.4		364.4
1993		Incorporated	326.8	326.8
1994			300.5	300.5
1995			202.8	202.8
1996			394.4	394.4
1997			22.5	22.5
1998			165.3	165.3
1999			139.0	139.0
2000			176.5	176.5
2001			169.0	169.0
2002			195.3	195.3
2003			255.4	255.4
2004			30.3	30.3
2005			319.3	319.3
2006			251.7	251.7
2007			345.6	345.6
2008			232.0	232.0
2009			266.7	266.7
2010			90.2	90.2
2011			112.7	112.7
2012			240.4	240.4
2013			281.7	281.7
2014			90.2	90.2
2015			75.1	75.1
2016			90.2	90.2
2017			112.7	112.7
2018			139.0	139.0
2019			26.3	26.3
2020			89.5	89.5
2021			137.1	137.1
Average 1976-2021				223.6
Average 1993-2021				182.0

Water Permit No. 8603-3 was approved in 2022, is not accounted for in Table 1, and is authorized to irrigate 320 acres (Water Rights, 2023c). 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 this irrigation water permit. Therefore, the estimated average annual withdrawal rate for Water Permit No. 8603-3 is approximately 320 acre-feet per year. Additionally, Water Permit Application No. 8675-3 proposes to irrigate 140 acres. Thus, estimated use under this application, if approved, is approximately 140 acre-feet per year. Collectively, the average annual withdrawal rate for the irrigation appropriations from 1993 to 2021 (182 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation Water Permit No. 8603-3 approved in 2022 and this application (460 acre-feet/year), is approximately 642 acre-feet per year.

There are domestic wells completed into the Tulare: Hyde aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2023d). 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 Tulare: Hyde 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 Tulare: Hyde aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Tulare: Hyde aquifer is a range estimated to be about 341 to 1,365 acre-feet/year (Hedges et al, 1985; Rich, 2012). The average withdrawal rate from the Tulare: Hyde aquifer totals to approximately 642 acre-feet/year; (average annual withdrawal rate for the irrigation appropriations from 1993 to 2021: 182 acre-feet/year; the water permit approved at the start of 2022 and this application: 460 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Tulare: Hyde 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, shown on Figure 5, completed into the Tulare: Hyde aquifer (Water Rights, 2023b). 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 HY-76A (approximately 0.2 miles northwest), HY-78B (approximately 2.8 miles southeast), HY-78A (approximately 4.6 miles southeast), and HY-79A (approximately 5.7 miles east) (Water Rights, 2023b). The hydrographs for these observation wells are displayed in Figures 1 to 4 respectively (Water Rights, 2023b). 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 majority of the observation wells in the Tulare: Hyde aquifer have a stable water level, with most observation wells in Hyde County showing a rise in recent years. The data shown on Figure 1 is important, since it has data from Water Right 2720-3, in the 1980's, is in a same location and had a slightly lower diversion rate than this application. The data from Figure 1 could give a good understanding of how the water level will react to pumping in the area, although there may have been other factors that could give a different result. Approximately 40 feet of drawdown in the artesian head pressure of the aquifer from irrigation pumping occurred but the static water level remained stable since the water level recovers at the end of each irrigation season. There was still 3 feet of artesian head pressure above the top of the aquifer in HY-76A during the lowest recorded water level (Water Rights, 2023b).

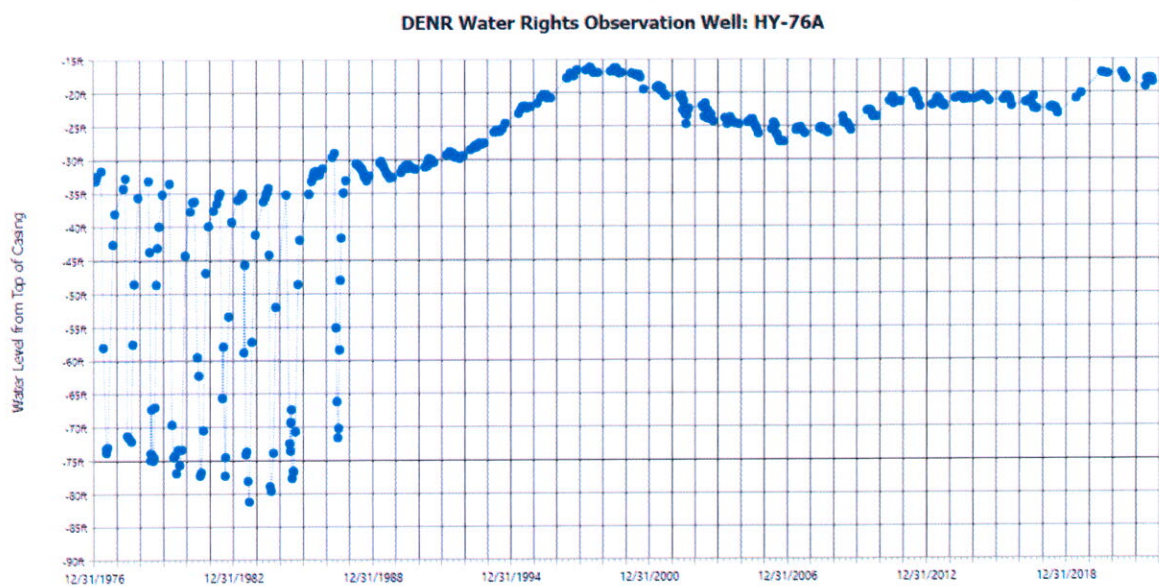


Figure 1. Hydrograph for observation well HY-76A (Water Rights, 2023b)

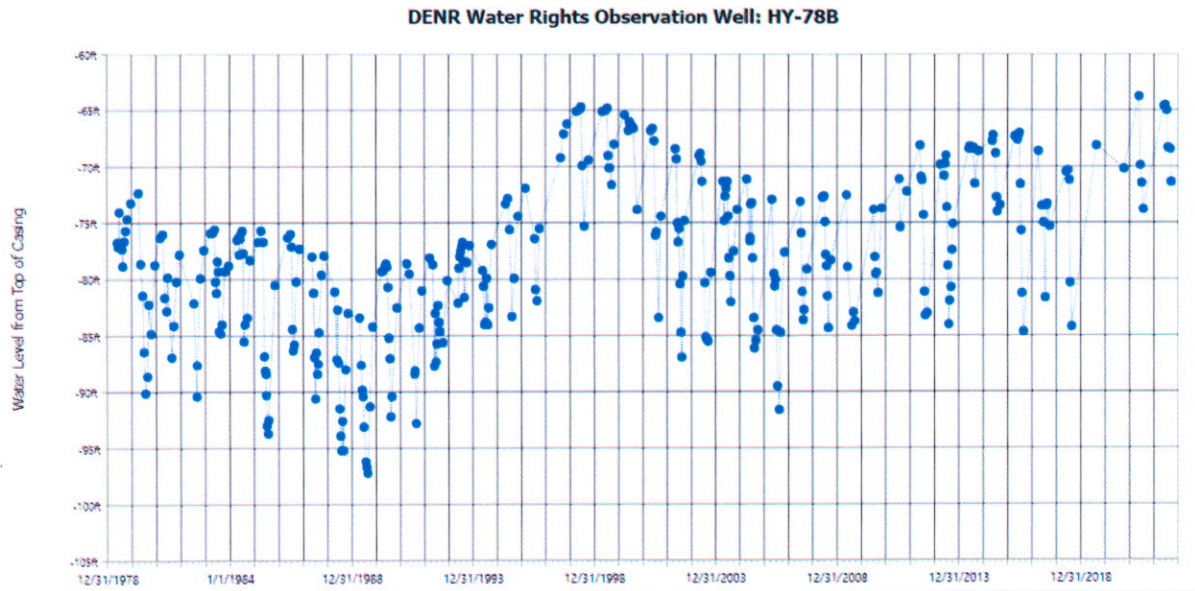


Figure 2. Hydrograph for observation well HY-78B (Water Rights, 2023b)

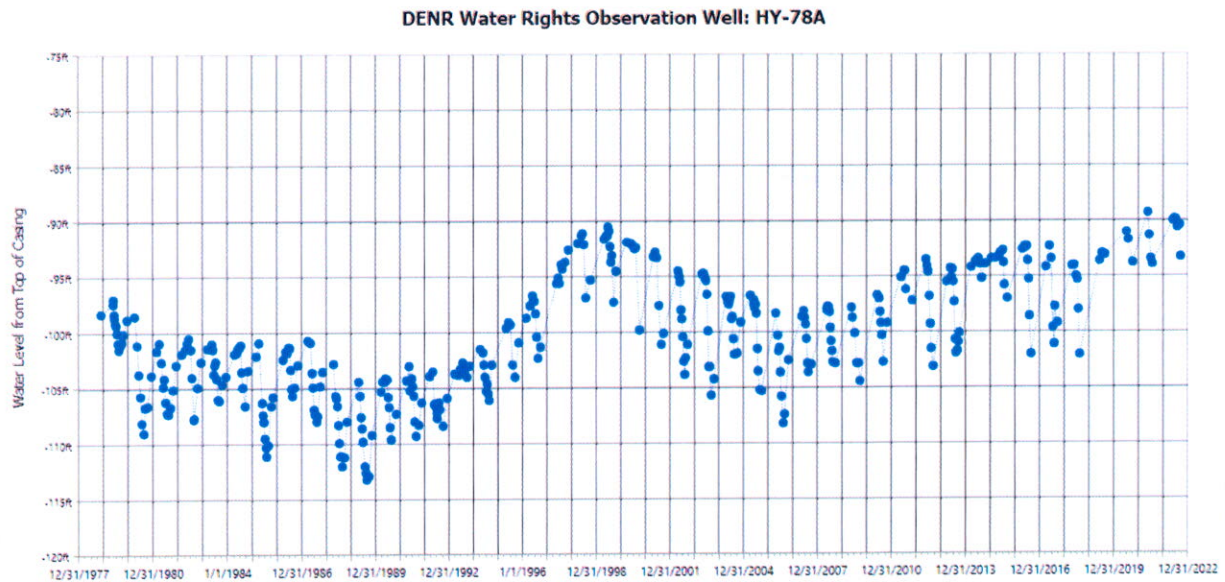


Figure 3. Hydrograph for observation well HY-78A (Water Rights, 2023b)

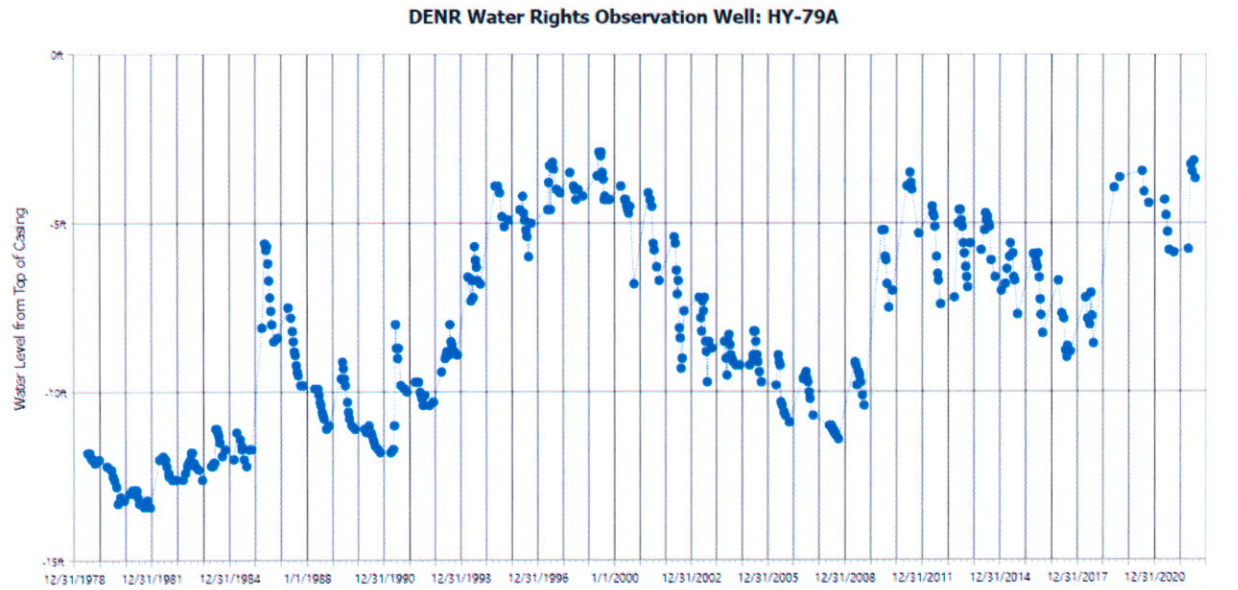


Figure 4. Hydrograph for observation well HY-79A (Water Rights, 2023b)

The hydrographs for the observation wells display generally stable to rising water levels. The hydrographs for the Tulare: Hyde 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 water levels in the aquifer rather than the impacts of pumping from the Tulare: Hyde 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 2 water rights/permits, shown on Figure 5, authorized to appropriate water from the Tulare: Hyde aquifer (Water Rights, 2023c). The closest water right/permit to the diversion point is Water Right No. 5735-3 which is held by Mark McCloud. The diversion point for Water Right No. 5735-3 is located approximately 1.8 miles southwest of the diversion point for this application (Water Rights, 2023c).

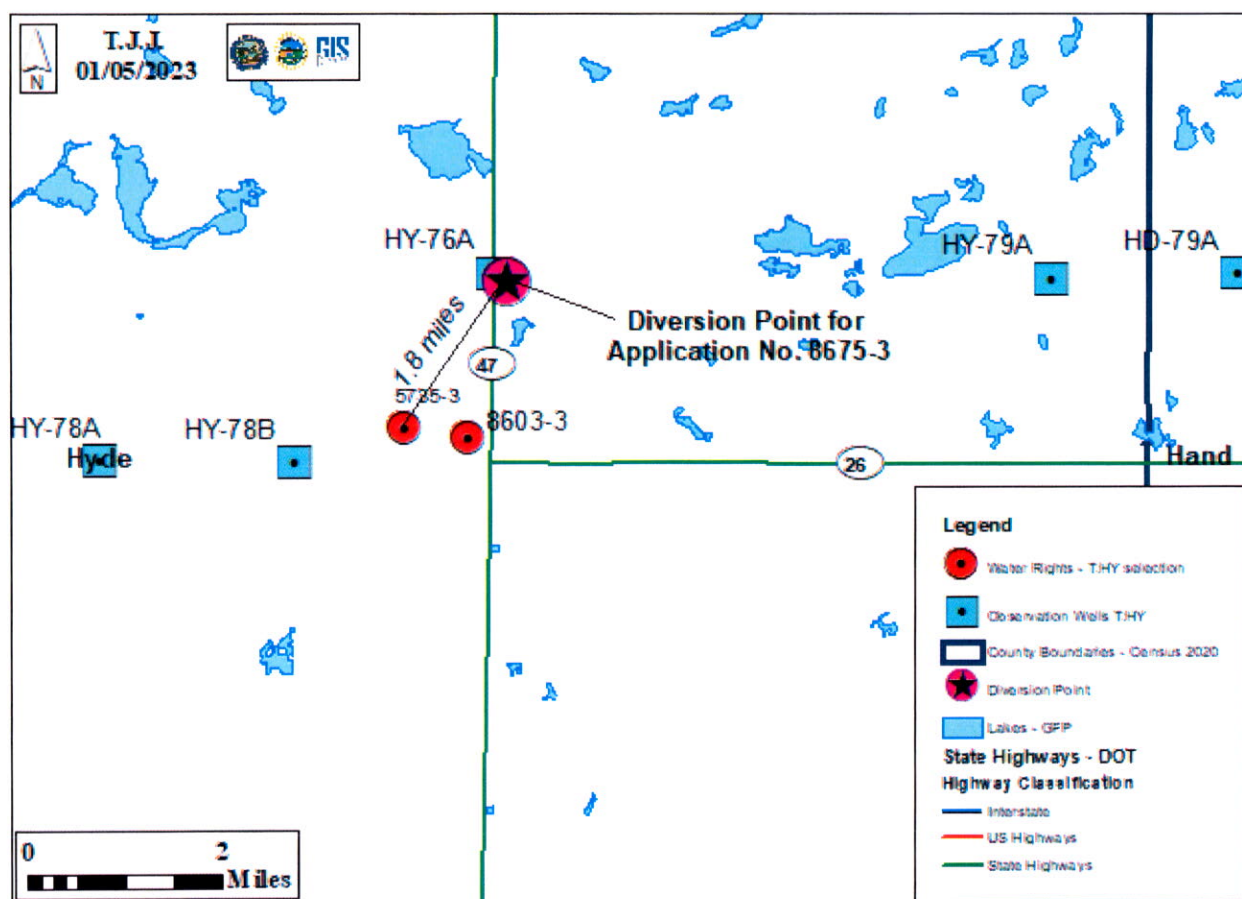


Figure 5. Map of the Tulare: Hyde aquifer water rights/permits, observation wells (Water Rights, 2023b and 2023c), and the location of diversion point for Water Permit Application No. 8675-3.

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Tulare: Hyde aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.14 miles southeast of the diversion point (Water Rights, 2023d). There could potentially be other domestic wells completed into the Tulare: Hyde aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

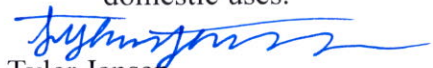
In an confined aquifer, drawdown created by pumping can extend some distance from the pumped well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial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

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Tulare: Hyde aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness near the diversion point, the lack of well interference complaints for adequate wells completed into the Tulare: Hyde aquifer in Hyde County (Water Rights, 2023e), and the well has been in used in the past for cancelled Water Right No. 2720-3 without any reported complaints, 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. Also Figure 1 shows a lot of draw down in the past for cancelled Water Right No. 2720-3; however, there was still 3 feet of artesian head pressure above the top of the aquifer in HY-76A during the lowest recorded water level (Water Rights, 2023b). 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. 8675-3 proposes to irrigate an additional 140 acres from one existing well completed into the Tulare: Hyde aquifer at a diversion rate of 2 cfs. The site of interest is located approximately 19 miles north of Highmore, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Tulare: Hyde aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8675-3 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

- 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: Bed rock 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.
- Koch, N.C. 1980. Geology and Water Resources of Hand and Hyde Counties, South Dakota Part II: Water Resources. Bulletin 28. SD DANR-Geological Survey. Vermillion, South Dakota.
- Mathiowetz, A.W. 2022. "Report to the Chief Engineer on Water Permit Application No. 8603-3". SD-DANR Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Rich, T. 2012. First Occurrence of Aquifer Material in Hyde County, South Dakota. Aquifer Materials Map 33. SD DANR-Geological Survey. Vermillion, South Dakota.
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- Water Rights, 2023a. "1979-2021 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2023b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, January 10, 2023 12:50 PM
To: jared_football_09@hotmail.com
Subject: FW: Water Permit Application No. 8675-3
Attachments: 4625.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(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

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



LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Karen Schlaak
Jarod McCloud
17840 337th AVE
Highmore SD 57345-5117

RECEIVED

JAN 31 2023

**OFFICE OF
WATER**

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

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

01/19/2023

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper. Sworn to and subscribed before on 01/19/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$47.84

Order No: 8310977

of Copies:

Customer No: 891823

1

PO #: App #8675-3

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KATHLEEN ALLEN
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8675-3

to Appropriate Water
Notice is given that Jared McCloud, 17840 337th Ave, Highmore SD 57345 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well completed into the Tulare-Hyde Aquifer (107 feet deep) located in the NW 1/4 NW 1/4 Section 1 for irrigation of 140 acres located in the NW 1/4 Section 1; all in T115N-R72W. This site is located approximately 19 miles north of Highmore SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8675-3 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 January 30, 2023.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the peti-

tioner'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 January 30, 2023.

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 1/19/23 at the total approximate cost of \$47.84 and may be viewed free of charge at www.sdpublicnotices.com

8310977

Affidavit of Publication

STATE OF SOUTH DAKOTA)

COUNTY OF HYDE)

MARY ANN MORFORD

of said county and state, being duly sworn, on her oath says: THE HIGHMORE HERALD is a weekly newspaper of general circulation, printed and published in HIGHMORE in said county and state by Mary Ann Morford and has been such a newspaper during the times hereinafter mentioned; that the said HIGHMORE HERALD is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned, and has more than two hundred bona fide subscribers; that I the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit and that the advertisement entitled

Notice of Application

a printed copy of which is hereto attached, was printed and published in said newspaper for one (1) issue, the publication being made on January 19, 2023; and that \$42.96 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Mary Ann Morford
Mary Ann Morford, Publisher

Subscribed and sworn to before me this 19th
day of January 2023
Mary E. Hamh
Notary Public, Hyde County, South Dakota
My Commission Expires July 8, 2028

NOTICE OF APPLICATION NO. 8675-3 TO APPROPRIATE WATER

Notice is given that Jared McCloud, 17840 337th Avenue, Highmore, South Dakota 57345 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well completed into the Tulare-Hyde Aquifer (107 feet deep) located in the NW 1/4 NW 1/4 Section 1 for irrigation of 140 acres located in the NW 1/4 Section 1; all in T116N-R72W. This site is located approximately 19 miles north of Highmore, South Dakota.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8675-3 with qualifications because: 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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JAN 23 2023

OFFICE OF
WATER

the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by January 30, 2023.

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FPNO 24 LPNO 24

Published once at the total approximate cost of \$42.96 and can be viewed free of charge at www.sdpublicnotices.com.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, January 10, 2023 11:26 AM
To: Aberdeen News Legals (aan-legals@aberdeennews.com)
Subject: 8675-3, Jarod McCloud
Attachments: 8675-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on January 19, 2023.

Jarod McCloud, 17840 337th Ave, Highmore SD 57345 (605 870-1139) 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: Tuesday, January 10, 2023 11:25 AM
To: Highmore Herald (hiherald@venturecomm.net)
Subject: 8675-3, Jarod McCloud
Attachments: 8675-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on January 19, 2023.

Jarod McCloud, 17840 337th Ave, Highmore SD 57345 (605 870-1139) has been notified to contact you to authorize publication and arrange for payment.

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

Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

January 10, 2023

Jared McCloud
17840 337th Ave
Highmore SD 57345

Dear Mr. McCloud:

Water Permit Application No. 8675-3 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 Highmore Herald printed at Highmore SD (Ph # 605 852-2927) and the American News printed at Aberdeen SD (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 publisher has 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
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. 8675-3 to Appropriate Water

Notice is given that Jared McCloud, 17840 337th Ave, Highmore SD 57345 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well completed into the Tulare:Hyde Aquifer (107 feet deep) located in the NW 1/4 NW 1/4 Section 1 for irrigation of 140 acres located in the NW 1/4 Section 1; all in T115N-R72W. This site is located approximately 19 miles north of Highmore SD.

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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 January 30, 2023.

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

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

FEB 21 2023

Jared McCloud
17840 337th Ave
Highmore SD 57345

Dear Mr. McCloud:

Enclosed is Water Permit No. 8675-3 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.: 8675-3

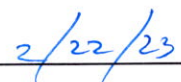
Name of Applicant: Jared McCloud

Date of Posting: 1/17/2023

Date of Removal: 2/21/2023



Ron Duvall, Water Rights Permitting Administrator

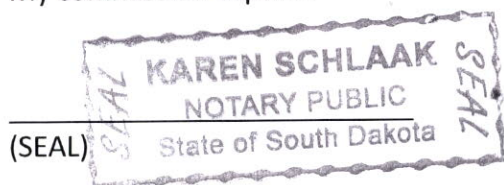


Date

Subscribed and sworn to before me, a notary public, this 22nd day of Feb, 2023.



Notary Public - South Dakota
My commission expires:



8675-3
RECEIVED

OCT 30 2023

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 10-26-2023TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: Jared McCloud
(name)
17840 337th Ave
(address)
Higmore, SD 57345 605-870-1139
(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. 8675-3 states that the water use system is to be constructed by 1-30-2028, and water is to be put to beneficial use by 1-30-3032.
(date) (date)

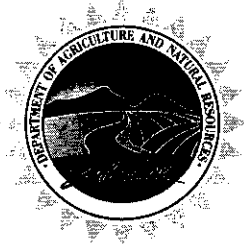
The water use system was completed on 5-15-2023.
(date)

Applying the water to beneficial use was completed on 6-1-2023.
(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

October 31, 2023

8675-3

Jared McCloud
17840 337th Ave
Highmore SD 57345

Dear Mr. McCloud:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8675-3

I have this day, July 24, 2024, made a thorough examination of the water use system constructed by Jared McCloud, of 17840 337th Ave, Highmore SD 57345 holder of Permit No. 8675-3, bearing the priority of November 14, 2022 authorizing the diversion of 2.0 cu. ft. per second of the waters of groundwater Tulare: Hyde Aquifer for irrigation purposes, in Hyde County.

Inspection contact & relationship Jared McCloud, owner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Empire Irrigation Drilling Co
- 2) No. of Wells 1
- 3) Depth(s) 107 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 67 feet
- 3) Type fiberglass

Screen:

- 1) Type fiberglass
- 2) Length 40 feet
- 3) Static water level 33 feet

Pump:

- 1) Make Grundfos
- 2) Model submersible
- 3) Capacity 600 GPM

Motor:

- 1) Make Grundfos
- 2) Model No. submersible
- 3) Horsepower rating 75 hp

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

- 1) Type PVC
 - 2) Size 8 inches
 - 3) Length 1530 feet
- Comments: #

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T-L
- 2) Overall length 1280 feet
- 3) Number of towers 8
- 4) End gun Y
- 5) Capacity 600 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
List any extended period of nonuse: none
3) Exceptions to compliance are: none

E. Condition and Location:

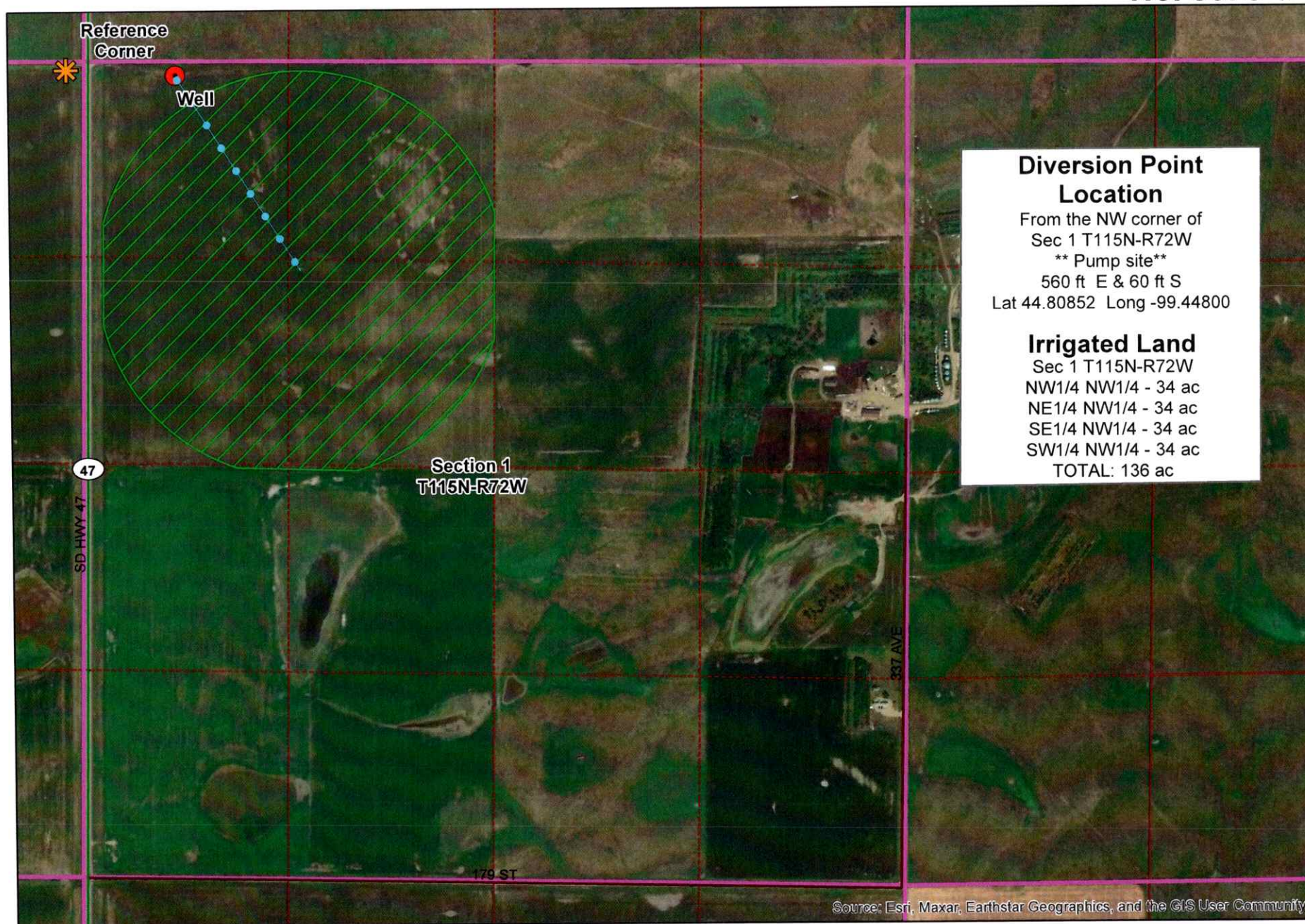
1. The system is in good condition with the point(s) of diversion located as follows: from the NW corner of Sec 1 T115N-R72W 560 ft E and 60 ft S, latitude of 44.80852 and longitude of -99.44800, NW ¼ NW ¼.
2. The works are capable of diverting and conveying to the place of use 1.34 cu. ft. per second of water of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: All land is located in Sec 1 T115N-R72W NW ¼ NW ¼ - 34 ac NE ¼ NW ¼ - 34 ac SE ¼ NW ¼ - 34 ac SW ¼ NW ¼ - 34 ac comprising a total of 136 acres of land and the license should be issued for 1.34 cfs.
3. All structures, wells and lands on map Y
If no, describe: none

F. Comments or other permit(s) associated with the project: none.



Mark D Rath
Water Right Inspector
DANR, Water Rights Program

Date report completed: 07/25/2024



0.5 0.25 0 0.5 Miles

Mark D Rath
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

AUG 12 2024

8675-3

Jared McCloud
17840 337th Ave
Highmore SD 57345

Dear Mr. McCloud:

Enclosed is Water License No. 8675-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old 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.

So long as you use the water beneficially, as stated in the Water License, 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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8675-3**

(1) Jared McCloud, 17840 337th Ave, Highmore SD 57345, made Application No. 8675-3, November 14, 2022, for a water permit to divert 2.0 cubic feet of water per second from groundwater, one well (Tulare: Hyde Aquifer), Hyde County, South Dakota for irrigation purposes. Permit No. 8675-3, with a priority date of November 14, 2022, was approved January 30, 2023, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 30, 2028, and for the application to beneficial use of water on or before January 30, 2032 (incorrectly listed as January 30, 3032 on Permit No. 8675-3).

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on October 26, 2023. The Notice stated the diversion system was completed on May 15, 2023, and the water was placed to beneficial use on June 1, 2023.

(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 1.34 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 560 ft E & 60 ft S of the NW corner Section 1, T115N, R72W (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
(Latitude 44.80852 & Longitude -99.44800)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.

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

Section 1, T115N, R72W			
NE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
TOTAL: 136 acres			

(5) Pursuant to South Dakota Water Law 46-5-30.1 Jared McCloud, the holder and/or owner of Water Right No. 8675-3 is issued a license to appropriate water, the right to use 1.34 cubic feet of water per second from groundwater, one well (Tulare: Hyde Aquifer), with a priority date of November 14, 2022, 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 Water Right No. 8675-3 and subject to the following qualifications:

1. The well approved under Water Permit No. 8675-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

AUG 12 2024

date

