

WATER PERMIT NO. 8677-3

Name of Applicant: Eldon Smit

Address: 28664 463rd Ave, Centerville SD 57014

Phone: 605 360-0386

Amount of Water Claimed: no add'l

Total Acres: 80 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Turner

Type of Waste Disposal System:

Location: 2 miles southeast of Davis SD

PRIORITY

Date Received: 11-17-22

Application/License Fee: \$950

Corrected Application Received:

Period of Annual Use: April 1 – October 31

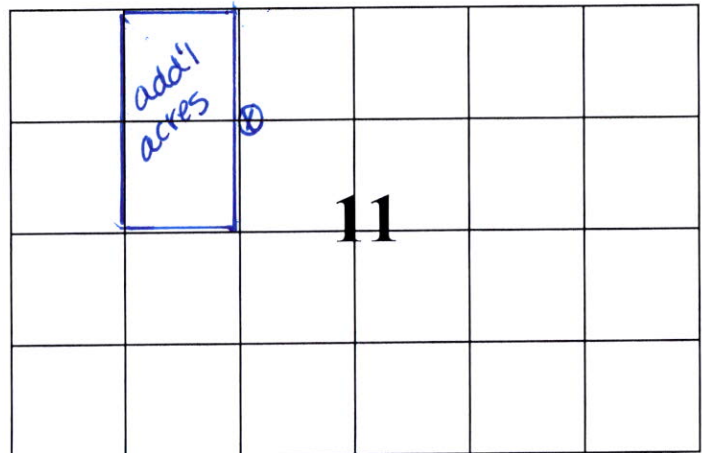
Remarks:

Utilizing the well authorized by Water Right No. 8677-3



Diversion Point: E 1/2 NW 1/4 Section 11-T97N-R52W

Land to be Irrigated: W 1/2 NW 1/4 Section 11-T97N-R52W



Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-17-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8677-3**

Date of first receipt of application November 17, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8677-3 to Eldon Smit, 28664 463rd Ave, Centerville SD 57014 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. 8677-3 authorizes irrigation of an additional 80 acres. Water Right No. 2220-3 authorizes 1.11 cubic feet of water per second (cfs) from one well completed into the Parker-Centerville Aquifer (47 feet deep) located in the E 1/2 NW 1/4 Section 11 to irrigate 80 acres located in the E 1/2 NW 1/4 Section 11; all in T97N-R52W. This permit authorizes irrigation of an additional 80 acres located in the W 1/2 NW 1/4 Section 11-T97N-R52W from the existing well. This permit and Water Right No. 2220-3 will authorize a total of 1.11 cfs for irrigation of 160 acres. This site is located approximately 2 miles southeast of Davis 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 – October 31.
3. The date from which applicant may claim right is November 17, 2022 (80 acres).
4. The date of approval of Permit No. 8677-3 is January 16, 2023.
5. One-fifth of the construction is to be completed on or before July 16, 2025.
6. All construction is to be completed on or before January 16, 2028.
7. Water is to be put to beneficial use on or before January 16, 2032.
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 Right No. 2220-3 and Water Permit No. 8677-3 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 17 2023
date



RECEIVED

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

NOV 17 2022

OFFICE OF
WATER

PAID

NOV 17 2022

Ck# 8686

Rec't#

Mail to:

SD DANR, Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182

ph. (605) 773-3352

No. 8677-3 Hydrologic Unit 10170102

Basin Vermillion River

Newspaper Turner County New Era

Argus Leader (office use only)

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 Eldon Smit

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

Mailing Address 28664 463rd Ave Centerville 50 57014

(Address)

(City)

(State)

(Zip Code)

Phone Mobile 605-360-0386 Email none

2. Amount of water claimed No add *CFS or (1.11) No add **GPM No add ***AF Total Acreage 80

(*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

4. Location of point of diversion E 1/2 NW 1/4 Section 11-T97N-R52W

(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Turner

5. County or counties where water will be used Turner

6. Annual period during which water is to be used April 1 to 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
1 1/2 of the W 1/2 of NW quarter of 11-92-52	40	1 1/2 of W 1/2 of NW quarter of 11-92-52	40

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

Eldon Smit owner of water Permit # 2220-3 irrigates an 80 and would like to irrigate the west 80 to make a full circle.

I, Eldon Smit

Name of Person

Title (if applicable)

, the applicant, certify under

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 Water Right
No. 2220-3

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

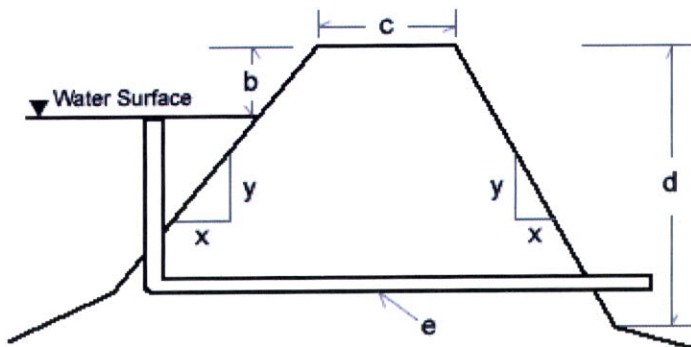
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



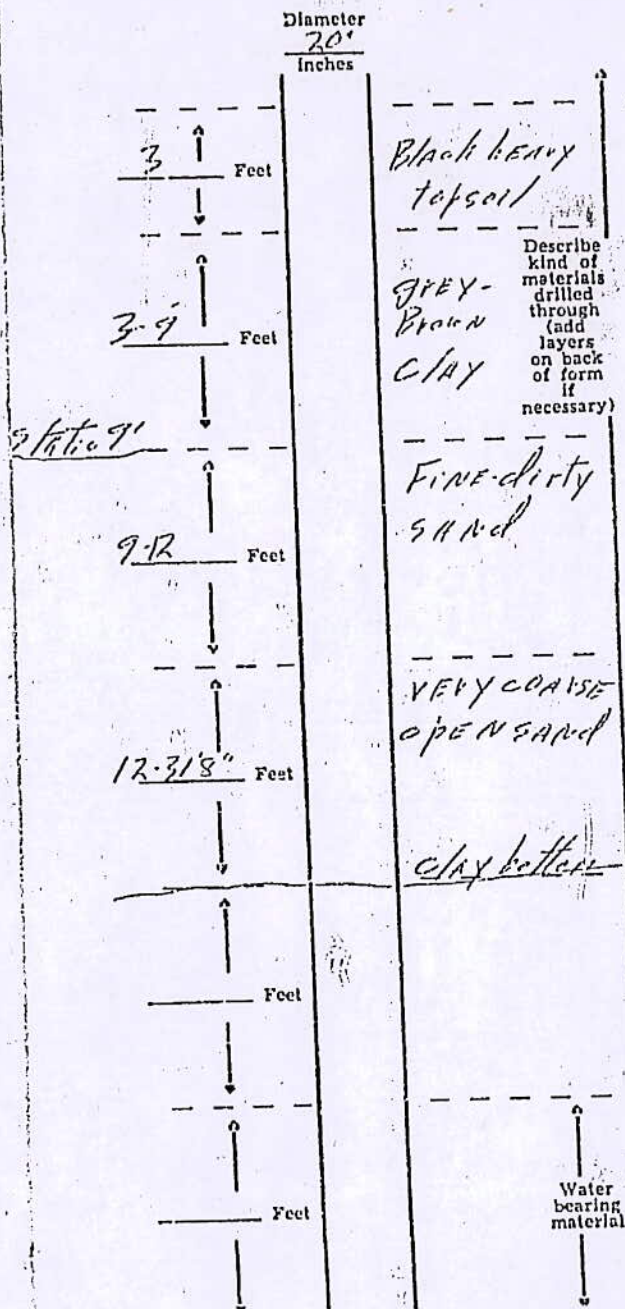
NOT TO SCALE



DRILLER'S LOG OF WELL

2220-3

Location of Well: SE 1/4, NW 1/4, Section 11, Township 97N, Range 52W
 Well to be drilled for: Russ Erickson, Sioux Falls, S.D.
 (Name) (Address)
 Owner of land (if other than above):
 (Name) (Address)
 Date well drilling started 5-13-75 finished 5-14-75
 Purpose of well Irrigation
 (domestic, irrigation, municipal, industrial, other)



Ground Surface Elevation: (If Available)

Kind and thickness of casing to be installed:

14" x 3/16" STEEL

Size of casing to be installed:

22'6" feet of 14 inches diameter

feet of inches diameter

feet of inches diameter

Type of seal between casing sizes:

WELDED JOINTS

Kind of perforated screen to be installed:

Material STEEL (steel, wood, concrete, etc.)

Size of screen:

Diameter 14 inches

Length 10 feet

Size openings 100 inches

Depth below ground surface to which water rises

In well 9 feet.

Well pumps @ 550 GPM w 10' drawdown

Jim Perry Driller

Eldon Smit owner of water permit #2220-3 would like a
water permit to water N1/2 of the W1/2 of NW of quarter
of 11-97-52 owned by Nicholas P. Hybertson

Eldon Smit

Eldon Smit

Nicholas P. Hybertson

Nicholas P. Hybertson

Eldon Smit owner of water permit #2220-3 would like a water permit to water S1/2 of W1/2 of NW of quarter of 11-97-52 owned by Warren Nelson.

Eldon Smit

Eldon Smit

Warren Nelson

Warren Nelson

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date November 17, 2022

RECEIVED OF Eldon Smit 28664 463rd Avenue Centerville SD 57014

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

Fee for Application for Permit No. <u>8677-3</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>8677-3</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
Ume



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 1, 2022

2220-3

Phil Smit
28648 463rd Ave
Centerville SD 57014

Dear Mr. Smit:

In response to your phone conversation with Genny McMath and your inquiry to irrigate the W 1/2 Section 11-T97N-R52W, enclosed are application forms and instructions. You have two options.

Option 1. The name to appear on the water permit will be the owner of the property. I understand there are two different owners, which will require two separate applications.

Option 2. Submit one application in your name as renter or operator. A statement signed by the landowner(s) that they agree with you submitting the application on their behalf is required.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes irrigation of land not authorized by the water right. Please take the necessary steps to ensure the system is functioning properly and irrigation is only occurring in the E 1/2 NW 1/4 Section 1-T97N-R52W as authorized by Water Right No. 2220-3

If you have any questions, please contact this office.

Sincerely,

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

enclosures



**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. 8677-3, Eldon Smit**

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. 8677-3, Eldon Smit, 28664 463rd Avenue, Centerville SD 57014.

The Chief Engineer is recommending APPROVAL of Application No. 8677-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Right No. 2220-3 and Water Permit No. 8677-3 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
December 27, 2022

**Report to the Chief Engineer on
Water Permit Application No. 8677-3**

Eldon Smit

7 December 2022

Water Permit Application No. 8677-3 seeks to irrigate 80 additional acres to Water Right No. 2220-3. Water Right No. 2220-3 authorizes 1.11 cubic feet of water per second (cfs) from one well completed into the Parker-Centerville aquifer located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 11 to irrigate 80 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 11; all in T97N-R52W. This application proposes to irrigate an additional 80 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 11-T97N-R52W from the existing well, with no additional diversion rate authority. This application, if approved, and Water Right No. 2220-3, will authorize a total of 1.11 cfs for irrigation of 160 acres. This site is located approximately 2 miles southeast of Davis, South Dakota in Turner County.

Aquifer: Parker-Centerville (PAC)

Hydrogeologic Characteristics

The Parker-Centerville aquifer is a sand and gravel outwash that was deposited in an ancient riverbed during the Quaternary geologic period [1]. The aquifer can generally be encountered within 50 feet of ground surface, with water levels typically within 30 feet of ground surface [2]. Multiple estimates of the area and boundaries of the Parker-Centerville aquifer are available. The first report on the Parker-Centerville aquifer mainly interpreted aquifer boundaries by visual survey of the landscape [3]. That study is likely to be the source used by Hedges et al. [4], although they do not explicitly list sources for county-level aquifer information in their report. The boundary interpreted by Hedges et al. [4] was used by the Water Rights Program until 2015, when it was superseded by a boundary interpreted by Holmes and Filipovic [1]. Lindgren and Hansen [5] also published a county study including boundaries for the Parker-Centerville aquifer that do not agree with Hedges et al. [4] or Holmes and Filipovic [1]. Based on where water rights/permits are interpreted as belonging to the Parker-Centerville aquifer, it does not appear that the boundaries interpreted by Lindgren and Hansen [5] were consistently used by the Water Rights Program [6]. Other geological information available [7] [8] [9] indicates the boundaries of the Parker-Centerville aquifer may be wider than the area interpreted by Holmes and Filipovic [1]. For this report, the boundaries interpreted by Holmes and Filipovic [1] will be used, since they are the boundaries most recently accepted by the Water Management Board.

The Parker-Centerville aquifer primarily underlies the Vermillion River valley, with an approximate areal extent of 40,270 acres in Clay, Lincoln, and Turner Counties [1]. The northern boundary of the Parker-Centerville aquifer is in hydraulic connection to the Vermillion East Fork: Montrose and Vermillion West Fork aquifers, which are made of the same material at the same elevation as the Parker-Centerville aquifer [5] [7] [8]. The Parker-Centerville aquifer directly overlies portions of the Upper Vermillion-Missouri aquifer [1], and the two aquifers both blend into the Lower Vermillion-Missouri aquifer to the south [4] [8]. The Parker-Centerville aquifer also has some hydrologic connection to the Vermillion River [1] and possibly other surface water features. Generally, the direction of groundwater movement in the Parker-Centerville aquifer is from north to south [2].

The well completion report submitted with this application is the well for Water Right No. 2220-3, completed on May 14, 1975. The driller reported encountering fine dirty sand from 9 to 12 feet below grade and "very coarse open" sand from 12 feet to 31 feet 8 inches, after which the driller encountered a clay bottom. The driller placed 10 feet of screen at the bottom of the well. The driller did not report the static water level at the time the well was completed.

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will only assess the availability of water and possibility of developing this application without unlawful impairment of existing domestic water uses and water rights.

Pursuant to SDCL 46-6-3.1, 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 the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17) and the Parker-Centerville aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals in order to approve this application.

Availability of Water

Hydrologic Budget

Recharge

Recharge to the Parker-Centerville aquifer is mainly by infiltration of precipitation and from surface water features when the stage of the surface water features is higher than the water level in the aquifer [3]. Hedges, Allen, and Holly [10] used observation well analysis to estimate that average annual recharge to the Parker-Centerville aquifer is 4.9 inches per acre. Multiplying the Hedges, Allen, and Holly [10] estimate of recharge over the most recent estimate of aquifer area [1], the estimated average annual recharge to the aquifer is 16,444 acre-feet per year (ac-ft/yr).

Discharge

Discharge from the Parker-Centerville aquifer is by evapotranspiration, groundwater outflow to aquifers that are hydrologically connected to the Parker-Centerville aquifer when the hydraulic head of the Parker-Centerville aquifer is higher than the hydraulic head of connected aquifers, outflow to surface water features when the hydraulic head of the aquifer is higher than the stage of the surface water, and by domestic and appropriative withdrawals [1] [5]. Due to their relatively low pump rate and the presence of water distribution systems, domestic withdrawals from the Parker-Centerville aquifer are estimated as being negligible for this hydrologic budget.

There are 150 water rights/permits authorized to withdraw from the Parker-Centerville aquifer and one future use permit reserving water in the aquifer [6]. The future use permit is for the City of Parker and also reserves water from the Vermillion West Fork aquifer [6]. The total reservation for that future use permit is 340 ac-ft/yr [6]. Of the water rights/permits authorized to withdraw, 146 are for irrigation, two are for municipal use, one is for industrial use, and one is for commercial use [6]. Irrigation reported over the period of record (1979-2021) is shown in Figure 1 [11]. The average irrigation reported over the entire period of record is 10,011 ac-ft/yr [11]. Due to changes in irrigation practices and increased acreage and permits, the average over the entire period of record may not be reflective of average withdrawals in the future. The average over the last 10 years of record is 10,772 ac-ft/yr [11]. Two irrigation permits are new enough that they have never submitted an irrigation questionnaire [6] [11]. They are assumed to apply 10 inches of water per year over the total of 300 acres authorized by both permits, for an estimated withdrawal of 250 ac-ft/yr.

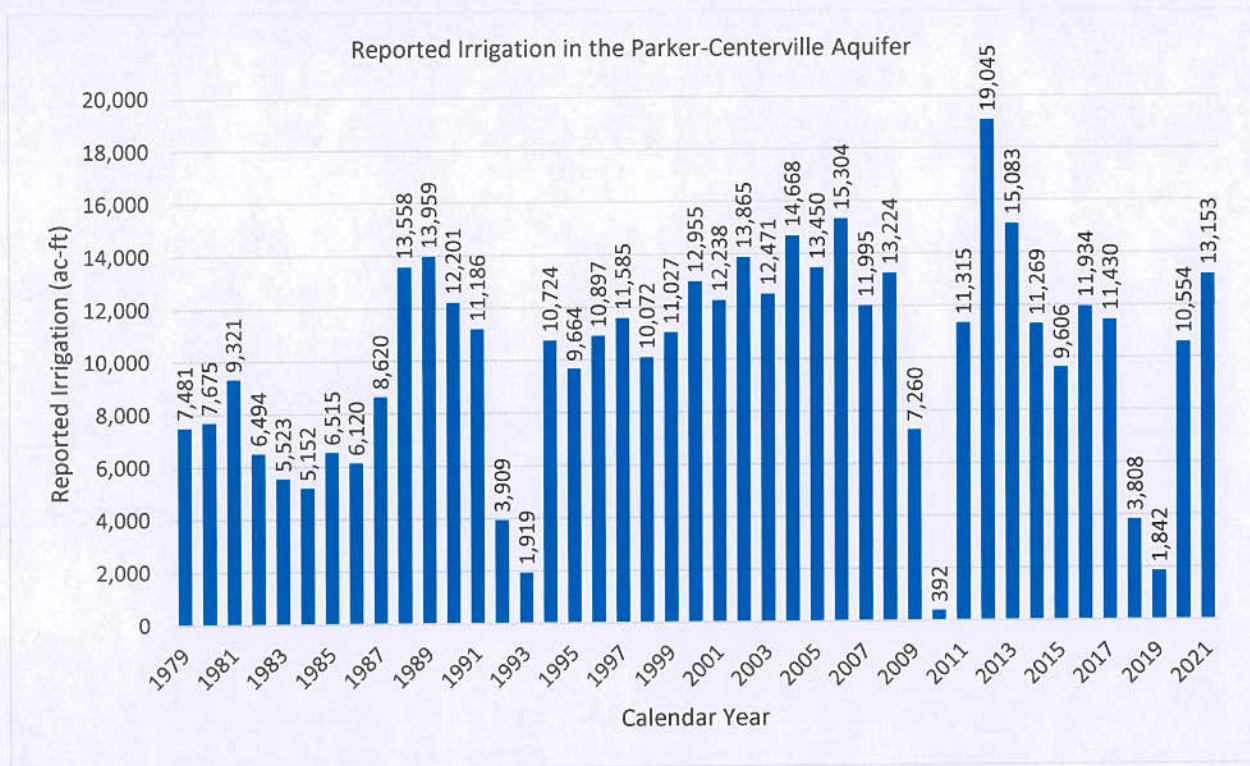


Figure 1: Irrigation reported in the Parker-Centerville aquifer from 1979 through 2021 [11]

Of the four non-irrigation permits authorized to withdraw from the Parker-Centerville aquifer, two belong to the Town of Hurley, which purchases its water from another distribution system [12]. The Town of Hurley retains its permits for emergency purposes and is assumed to withdraw a negligible amount of water for this hydrologic budget. The other two non-irrigation permits are required to report their annual withdrawals and are limited to a volume stated on their permits [6]. Permit No. 8358-3 is for a livestock feeding operation and has not reported any withdrawals in its four years reporting but may still place their water to beneficial use [13]. It is assumed to withdraw its permitted volume limit of 222 ac-ft/yr [6]. Permit No. 8428-3 is for dewatering a

gravel mining operation [6] and reported a withdrawal of 186 ac-ft in 2021 [13], which is its only year of record so far. Their annual volume limit is 795 ac-ft/yr [6]. In the area of the Parker-Centerville aquifer, 2021 was a period of drought [14], so the withdrawal reported for Permit No. 8428-3 that year may be low compared to their average in the future. Therefore, it will also be assumed to withdraw its entire volume limit as listed on the permit. As of the drafting of this report, there is also one application, No. 8663-3, pending public notice. That application seeks to appropriate 1.78 cfs for irrigation of 60 acres. If approved, Application No. 8663-3 could withdraw up to 120 ac-ft/yr, although it is unlikely to withdraw that amount on average. Assuming they apply 10 inches per acre per year, they would use an estimated 50 ac-ft/yr.

Summary of Hydrologic Budget

Recharge to the Parker-Centerville aquifer is estimated to be 16,444 ac-ft/yr [1] [10]. Table 1 summarizes estimated withdrawals and reservations for the Parker-Centerville aquifer. The total withdrawals and reservations estimated is 12,429 ac-ft/yr. If approved, this application may withdraw up to 160 ac-ft/yr, although based on Water Rights Staff experience, it is rare for irrigators to use their full volume limit. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 1: Estimated withdrawals and reservations in the Parker-Centerville aquifer

Estimation type	Count	Estimated Use (ac-ft/yr)
Irrigation, reporting	144	10,772
Irrigation, too new to report	2	250
Standby	2	0
Volume Limited, too new to average	2	1,017
<i>Subtotal, authorized to withdraw</i>	<i>150</i>	<i>12,039</i>
Future use	1	340
Pending	1	50
Grand total	152	12,429

Observation Wells

Administrative Rule of South Dakota 74:02:05:07 requires the Water Management Board to consider the record of observation wells in addition to other information to determine the availability of unappropriated groundwater. The Water Rights Program maintains 22 observation wells completed into the Parker-Centerville aquifer [2]. The nearest observation well to this application is TU-77K (Figure 2), located 0.6 miles northwest of the existing well [2]. Of the 22 observation wells, 21 tend to remain stable or increasing and one (TU-57D) has a declining trend [2]. Water levels in Observation Well TU-77K have shown a tendency to remain stable [2]. In general, water levels rise during periods of higher-than-average precipitation and decline during periods of less-than-average precipitation [2] [14], indicating natural discharge occurs in the aquifer on average. Natural discharge is available for capture. Therefore, based on observation well water levels, there is a reasonable probability unappropriated water is available for this application.

Observation Well TU-77K

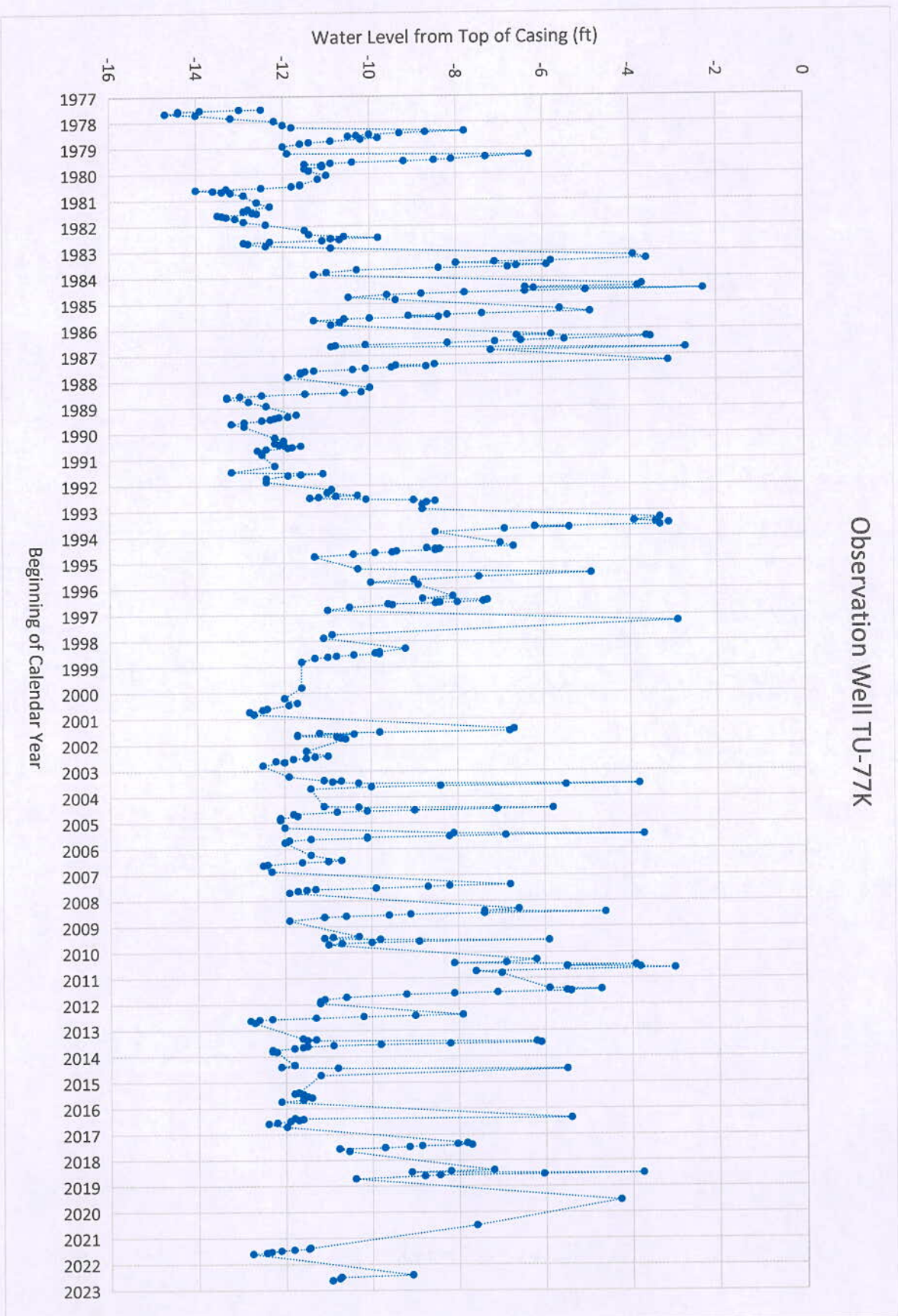


Figure 2: Water levels in Observation Well TU-77K [2]

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right/permits to this application are Water Right No. 6969-3 and Water Permit No. 8472-3, which are for one well located approximately 0.2 miles east of this application [6]. The nearest domestic well on file with the Water Rights Program to this application that is likely to be completed into the Parker-Centerville aquifer is located in the same section as this application, although more precise information is not available [8]. Nearby water rights/permits and observation wells are shown in Figure 3, with details of the water rights/permits shown in Table 2. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

...a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet

Precise drawdown due to this application cannot be known without an aquifer performance test. Since the Parker-Centerville aquifer is under unconfined conditions [2], drawdown would not extend as far from this application as it would in a confined aquifer. Although this application seeks no additional diversion rate authority, the additional acreage would result in a greater average annual withdrawal rate and drawdown due to this well would increase if this application is approved. There are no complaints on file with the Water Rights Program concerning potential well interference in adequate wells in the Parker-Centerville aquifer in Turner County [15]. Based on the lack of complaints and unconfined nature of the aquifer, there is reasonable probability this application can be developed without unlawful impairment of existing water rights.

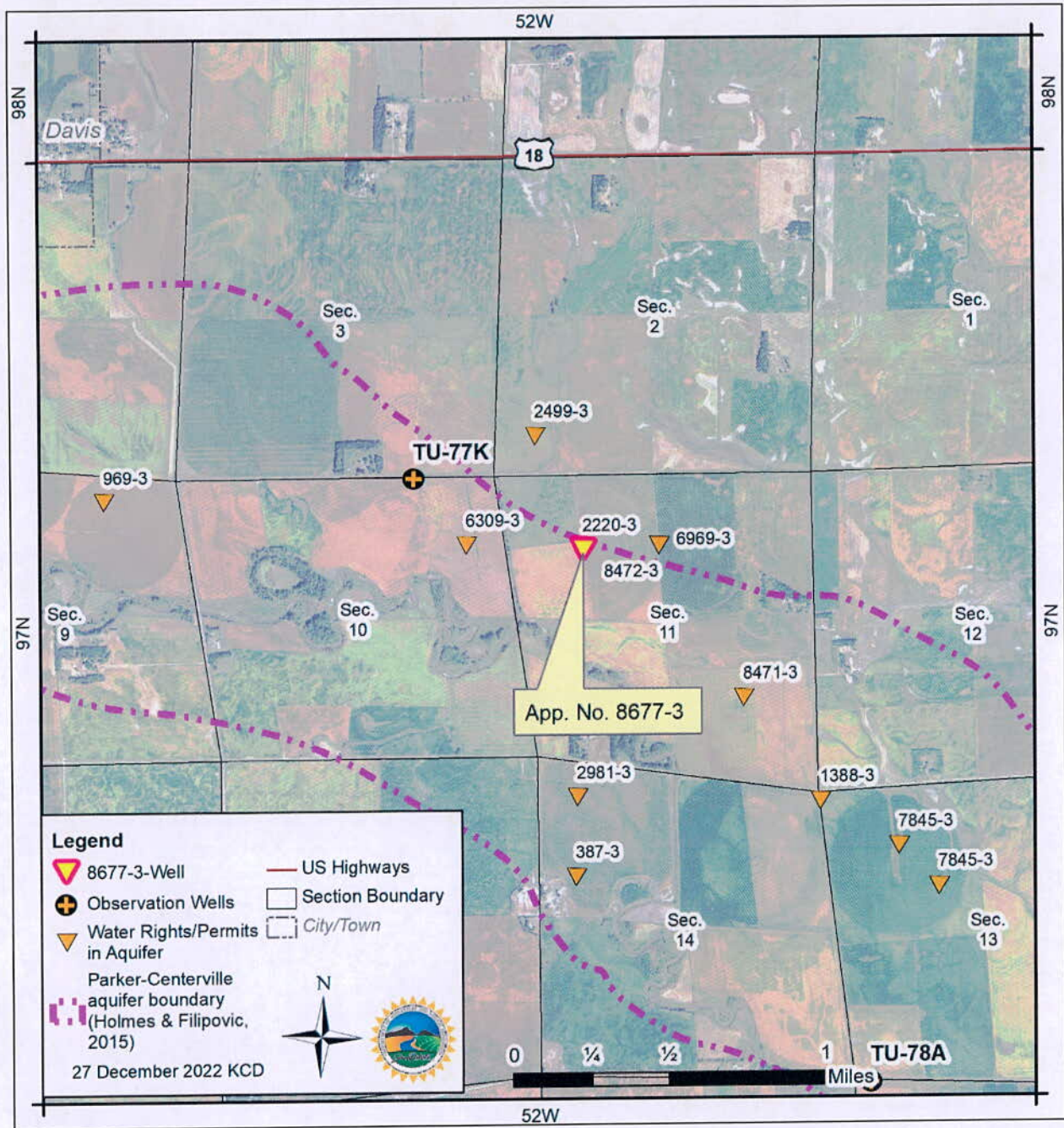


Figure 3: Water rights/permits and observation wells near this application [6] [2]

Table 2: Water rights/permits shown in Figure 3 [6]

Permit	Name/Business	Priority	Status	Use Type	Max. CFS	Irrigated Acres
387-3	Richard Vasgaard	1957-01-12	License	Irrigation	2.000	140
969-3	Weeg Family Farms LLLP	1956-10-13	License	Irrigation	3.960	284
1388-3	John L Vasgaard	1967-04-05	License	Irrigation	2.020	142
2220-3	Eldon Smit	1975-02-25	License	Irrigation	1.110	80
2499-3	Russell C Erickson	1975-12-24	License	Irrigation	1.110	140
2981-3	John L Vasgaard Jr	1976-08-26	License	Irrigation	4.000	460
6309-3	Alan W Shade	2002-03-06	License	Irrigation	1.330	49
6969-3	Roger Blake	2008-02-01	License	Irrigation	1.340	60
7845-3	Cleland Hagen Trust	2013-05-23	Permit	Irrigation	1.780	152
7845-3	Cleland Hagen Trust	2013-05-23	Permit	Irrigation	1.780	152
8471-3	Roger Blake	2020-12-16	Permit	Irrigation	1.780	160
8472-3	Roger Blake	2020-12-16	Permit	Irrigation	0.220	60

Conclusions

1. Water Permit Application No. 8677-3 seeks to irrigate 80 additional acres to Water Right No. 2220-3. This application proposes to irrigate an additional 80 acres located in the W ½ NW ¼ Section 11-T97N-R52W from the existing well, with no additional diversion rate authority.
2. Water Right No. 2220-3 authorizes 1.11 cfs from one well completed into the Parker-Centerville aquifer located in the E ½ NW ¼ Section 11 to irrigate 80 acres located in the E ½ NW ¼ Section 11; all in T97N-R52W.
3. This application, if approved, and Water Right No. 2220-3, will authorize a total of 1.11 cfs for irrigation of 160 acres.
4. Based on the hydrologic budget and observation well records, there is reasonable probability unappropriated water is available for this application.
5. There is reasonable probability this application can be developed without unlawful impairment of existing water rights or domestic uses.



Kimberly C. Drennon, E.I.
Engineer II – DANR Water Rights Program

References

- [1] S. L. Holmes and D. Filipovic, "Hydrogeologic investigation of the Upper-Vermillion-Missouri aquifer," SD DANR Geological Survey Program, Vermillion, South Dakota, 2015. Open-File Report 93-UR.
- [2] SD DANR Water Rights Program, "Observation wells," Pierre, South Dakota, 2022.

- [3] M. J. Tipton, "Geology and hydrology of the Parker-Centerville outwash," SD DENR Geological Survey Program, Vermillion, South Dakota, 1957. Report of Investigations No. 82.
- [4] L. S. Hedges, S. L. Burch, D. L. Iles, R. A. Barari and R. A. Schoon, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River, South Dakota and Iowa, Tasks 1-4," U.S. Army Corps of Engineers, Omaha, Nebraska, 1982.
- [5] R. J. Lindgren and D. S. Hansen, "Major aquifers in Hutchinson and Turner Counties, South Dakota," SD DENR Geological Survey Program, Vermillion, South Dakota, 1993. Information Pamphlet No. 45.
- [6] SD Water Rights, "Water Right/Permit Files," Joe Foss Bldg., Pierre, South Dakota, 2022.
- [7] SD Geological Survey, "Lithologic logs," Vermillion, South Dakota, 2020.
- [8] SD DANR Water Rights Program, "Well completion reports," Pierre, South Dakota, 2022.
- [9] A. Jensen, "First occurrence of aquifer materials in Turner County, South Dakota," SD DENR Geological Survey Program, Vermillion, South Dakota, 2015. Aquifer Materials Map 36.
- [10] L. S. Hedges, J. Allen and D. E. Holly, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River - South Dakota and Iowa: Task 7: Ground water recharge," U.S. Army Corps of Engineers, Omaha, Nebraska, 1985.
- [11] SD DANR Water Rights Program, "Irrigation questionnaire summaries," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, SD, 2021.
- [12] SD Drinking Water Program, "Town of Hurley Drinking Water Report," SD DENR Drinking Water Program, Joe Foss Bldg., Pierre, South Dakota, 2022.
- [13] SD DANR Water Rights Program, "Non-Irrigation Yearly Reports," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2022.
- [14] NOAA, "Climate at a Glance: Divisional Time Series, South Dakota Division 9. Southeast," National Oceanic and Atmospheric Administration, 1 November 2022. [Online]. Available: <https://www.ncdc.noaa.gov/cag/>. [Accessed 16 November 2022].
- [15] SD DANR Water Rights Program, "County files," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2022.

Argus Leader

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

- RECEIVED

JAN 18 2023

OFFICE OF
WATER

Account No.: 6053600386

Ad No.: 0005538287

PO #:

Lines : 157

Ad Total: \$50.71

ELDON SMIT
28664 463RD AVE
CENTERVILLE, SD 57014

This is not an invoice

of Affidavits: 1

Account No.: 6053600386

Ad No.: 0005538287

Argus Leader AFFIDAVIT OF PUBLICATION

State of Wisconsin

County of Brown

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

Friday, January 6, 2023

Sworn to and subscribed before me this 18 day of January, 2023.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

8-21-26
My Commission expires

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8677-3
to Appropriate Water

Notice is given that Eldon Smit, 28664 463rd Ave, Centerville SD 57014 has filed an application for a water permit to irrigate an additional 80 acres. Water Right No. 2220-3 authorizes 1.11 cubic feet of water per second (cfs) from one well completed into the Parker--Centerville Aquifer (47 feet deep) located in the E 1/2 NW 1/4 Section 11 to irrigate 80 acres located in the E 1/2 NW 1/4 Section 11; all in T97N-R52W. This application proposes to irrigate an additional 80 acres located in the W 1/2 NW 1/4 Section 11-T97N-R52W from the existing well. This application, if approved, and Water Right No. 2220-3 will authorize a total of 1.11 cfs for irrigation of 160 acres. This site is located approximately 2 miles southeast of Davis SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8677-3 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 16, 2023.

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 appli-

cation 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 16, 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 once at the total approximate cost of \$50.71
5538287 Jan 6, 2023

RECEIVED

JAN 12 2023

OFFICE OF
WATER

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

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

N0105-1-NOA -- 8677,3 Appropriate Water

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

On Thursday, the 5th day of January 2023

That \$51.30 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever,

Michelle C. Stewart

Subscribed and sworn to before me this

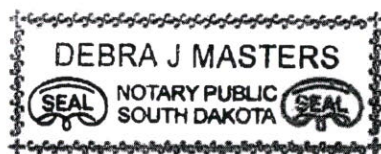
12th

Day of January

Debra J. Masters

Notary Public, Turner County, South Dakota

My Commission Expires: 8.6.2027



NOTICE OF APPLICATION
NO. 8677-3 TO APPROPRIATE
WATER

Notice is given that Eldon Smit, 28664 463rd Ave, Centerville S.D. 57014 has filed an application for a water permit to irrigate an additional 80 acres. Water Right No. 2220-3 authorizes 1.11 cubic feet of water per second (cfs) from one well completed into the Parker-Centerville Aquifer (47 feet deep) located in the E 1/2 NW 1/4 Section 11 to irrigate 80 acres located in the E 1/2 NW 1/4 Section 11; all in T97N-R52W. This application proposes to irrigate an additional 80 acres located in the W 1/2 NW 1/4 Section 11-T97N-R52W from the existing well. This application, if approved, and Water Right No. 2220-3 will authorize a total of 1.11 cfs for irrigation of 160 acres. This site is located approximately 2 miles southeast of Davis S.D.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8677-3 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

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Published once at the total approximate cost of \$51.30.
(N0105-1)

Publication Fee \$51.30
Notary Fees \$
Total \$51.30

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, December 27, 2022 2:28 PM
To: 'legals@argusleader.com'
Subject: 8677-3, Eldon Smit
Attachments: 8677-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on January 5, 2023.

Eldon Smit, 28664 463rd Ave, Centerville SD 57014 (605 360-0386) 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, December 27, 2022 2:28 PM
To: New Era
Subject: 8677-3, Eldon Smit
Attachments: 8677-3public.short_final.docx; FORM8.FRM.doc

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Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

December 28, 2022

Eldon Smit
28664 463rd Ave
Centerville SD 57014

Dear Mr. Smit:

Water Permit Application No. 8677-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Turner County New Era printed at Parker (Ph # 605 297-4419) and the Argus Leader (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. 8677-3 to Appropriate Water

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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

FEB 17 2023

Eldon Smit
28664 463rd Ave
Centerville SD 57014

Dear Mr. Smit:

Enclosed is Water Permit No. 8677-3 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.: 8677-3

Name of Applicant: Eldon Smit

Date of Posting: 1/4/2023

Date of Removal: 2/17/2023



Ron Duvall, Water Rights Permitting Administrator

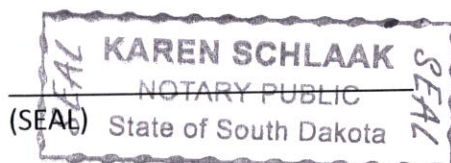
2/17/23

Date

Subscribed and sworn to before me, a notary public, this 17th day of February, 2023.



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



8677-3

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 4-25-23

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

FROM: Eldon Smit
(name)

28664 463 Ave
(address)

Centerville, SD 57014
(city, state, zip)

605-360-0386
(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. 8677-3 states that the water use system is to be constructed by
1992 , and water is to be put to beneficial use by Summer 2023 .
(date) (date)

The water use system was completed on 1992 .
(date)

Applying the water to beneficial use was completed on 2023 .
(date)

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

Eldon Smit
(signature)

7-98

**RECEIVED**

APR 28 2023

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 3, 2023

8677-3

Eldon Smit
28664 463rd Ave
Centerville SD 57014

Dear Mr. Smit:

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 irrigation 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,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

8677-3

RECEIVED

MAY 20 2025

PAID

MAY 19 2025

Ck#

9095

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP OF WATER

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 8677-3

Date: 5-14-25

I/We request that Water Right/Permit No. 8677-3 formerly owned by:
Eldon Smit

be transferred to:

New Owner Name: Philip Smit

Address: 28648 463rd Ave

mobile: 605-360-7661

City, State, Zip: Centerville, SD 57014

email: deere4240@gmail.com

Title to the following described land(s)/property has been transferred as described above:

Additional 80 acres (2220-3)
Section 11, T97N, R52W

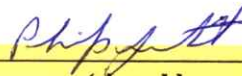
*EMAILED SHANNON 5.20.25

☐ I understand that the validity of Water Right/Permit No. 8677-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Philip Smit, the new owner, certify that the above information is true and correct.



(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three-year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date May 20th, 2025

RECEIVED OF Philip J Smit 28648 463rd Ave Centerville SD 57014

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form #8677-3	\$ <u>50.00</u>
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>50.00</u>

By Mark Meyer
Chief Engineer