

WATER PERMIT NO. 8683-3

Name of Applicant: Tyler Ammann

Address: 13639 466th Ave, Wilmot SD 57279 Phone: 605 881-3719

Amount of Water Claimed: no add'l Total Acres: 24 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Roberts

Type of Waste Disposal System:

Location: 2 miles west of Wilmot

PRIORITY Date Received: 12-12-22 Application/License Fee: \$500

Corrected Application Received: Period of Annual Use: May 1 – September 30

Remarks: additional acres to Water Permit No. 7306-3

Diversion Point: center of NW 1/4 Sec 2-T122N-
R50W

Land to be Irrigated: NW 1/4 Sec 2-T122N-R50W

Depth of Well: 225 feet deep

Well Driller: Manikowski Well Drilling

Remarks:

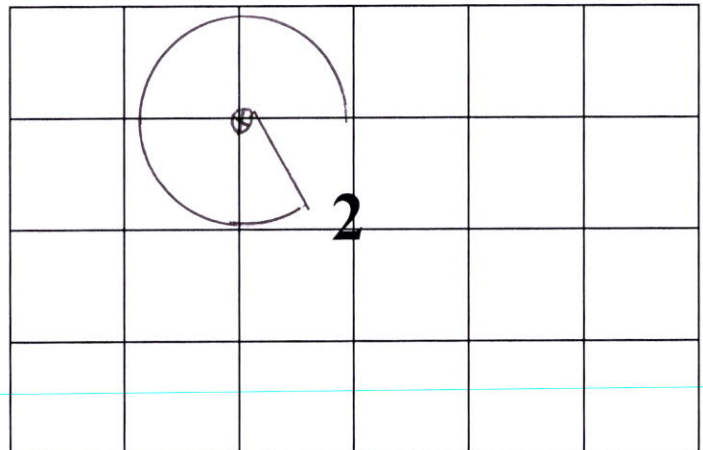
Type of Map: aerial

Prepared by: Darrell DeBoer

Reviewed and the Number Assigned on: 12-12-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 8683-3

Date of first receipt of application December 12, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8683-3 to Tyler Ammann, 13639 466th Ave, Wilmot SD 57279 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. 8683-3 authorizes irrigation of an additional 24 acres. Water Permit No. 7306-3 authorizes 2.22 cubic feet of water per second (cfs) from one well completed into the Reville Aquifer located in the center of the NW 1/4 Section 2 for irrigation of 91 acres located in the NW 1/4 Section 2; all in T122N-R50W. An investigation of the permit found the system capable of pumping 0.78 cfs and irrigating 24 additional acres located in the same area described above. This permit and Water Permit No. 7306-3, combined, will authorize a total of 0.78 cfs for irrigation of 115 acres. This site is located approximately 2 miles west of Wilmot.
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 – September 30.
3. The date from which applicant may claim right is December 12, 2022 (24 acres).
4. The date of approval of Permit No. 8683-3 is February 6, 2023.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

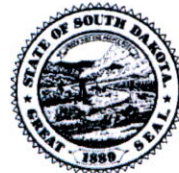
1. The well approved under Water Permit No. 7306-3 and Water Permit No. 8683-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate 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)

RECEIVED

DEC 12 2022

PAID

DEC 12 2022

Ck# 3620

Rec't#

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8683-3</u> Hydrologic Unit <u>07020001</u> Basin <u>Minnesota Whetstone</u> Newspaper <u>Wilmot Enterprise</u> <u>Public Opinion</u> (office use only)
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Application for Permit to Appropriate Water for Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7306-3
(Use predates Mar 2, 1955)

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

Irrigation of 24 additional acres beyond what was permitted.

1. Name to Appear on Irrigation Permit Tyler Ammann

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

Mailing Address 13639 466th Ave Wilmot SD 57279
(Address) (City) (State) (Zip Code)

Phone 605-938-4709 Mobile 605-881-3719 Email tylerammann@hotmail.com
(0.78)

2. Amount of water claimed No Add'l *CFS or 350 **GPM ***AF Total Acreage 115 (24 add'l)
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Groundwater, Renville Aquifer

4. Location of point of diversion Center of the NW 1/4 Sec 2 T122N-R50W (one existing well)

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Roberts

5. County or counties where water will be used Roberts

6. Annual period during which water is to be used May 1 - Sept 30

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
24 additional acres within:			
NW1/4 NW1/4 Sec 2-T122N-R50W	33	SE1/4 NW1/4 Sec 2-T122N-R50W	16
NE1/4 NW1/4 Sec 2-T122N-R50W	33	SW1/4 NW1/4 Sec 2-T122N-R50W	33

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

The irrigated acres developed were greater than the number authorized by Water Permit No. 7306-3

I, Tyler Ammann
Name of Person

Owner

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.

2021-08

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

Supplemental Information

(type or print)

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 1 Provide copy of log(s), if available. Drilled by Manikowski Well Drilling

For either existing or proposed wells:

- c) Well Depth (required) 225 Depth to Top of Water Bearing Material 145 Depth to Water from Surface 65
- 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

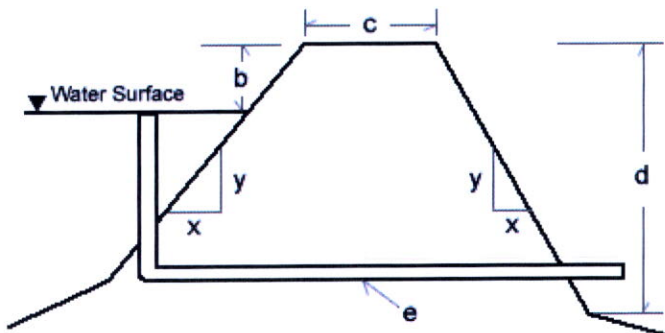
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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



SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

7306-3

Location NW 1/4 NW 1/4 Sec 2 Twp 123 Rg 50W
122
 County Roberts North

Please mark well location with an "X"

Well completion Date 7-30-12

1 Mile

Well Owner: Tyler Ammann
 Business Name: _____
 Address1: 13639 466th Ave
 Address2: _____
 City, State, Zip: Wilmot, SD 57279

WELL LOG:	DEPTH	
	FROM	TO
Top Soil	0	1
yellow clay	1	18
Blue clay Till	18	145
Fine Sand	145	195
Coarse Sand	195	225
Shale	225	210

STATIC WATER LEVEL 65 FEET
 If flowing: closed in pressure _____ PSI
 GPM flow _____ through _____ inch pipe
 Controlled by ☐ Valve ☐ Reducers ☐ Other _____
 Reduced flow rate _____ GPM
 Can well be completely shut in? _____

WELL TEST DATA:
☒ Pumped Describe: Submersible Pump
☐ Bailed
☐ Other _____
 Pumping Level Below Land Surface
220 Ft. After 24 Hrs. pumped 900 GPM
 _____ Ft. After _____ Hrs. pumped _____ GPM
 If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED
APR 15 2013
 WATER RIGHTS PROGRAM

This well was drilled under license # 285
 And this report is true and accurate.
 Drilling firm: Manikowski Well Drilling, Inc.
 Signature of License Representative: [Signature]
 Signature of Well Owner or Equitable Property Holder: _____
 Date: _____

PROPOSED USE:
☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:
Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
SDR21 LB/FT	12 IN	+1 FT	165 FT	19 1/2 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:
 Grout Type No. of Sacks Grout Weight From To
Bentonite Grout 29 9.5 Lb/gal 5 Ft 145 Ft
 _____ Lb/gal _____ Ft _____ Ft
 Describe grouting procedure Twice line pumped Bottom
TO TOP 5'
TOP 5' concrete

SCREEN: ☐ Perforated pipe ☒ Manufactured
 Diameter 12 Inches Length 60 Feet
 Material PVC
 Slot Size 1046 Set From 165 Feet to 205 Feet
 Other information 1050 205 225
Bottom 210-225 #50 slot Redfint
145-210 #40 slot Redfint

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No
 If so, what material? _____
 Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?
☒ Yes, How? chlorine
☐ No, Why Not? _____
 Lab sample sent to for water quality analysis AgVise

Please return White Copy to DENR Water Rights

523 E. Capitol Ave., Pierre SD 57501

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 12, 2022

RECEIVED OF Tyler/Debra Ammann 13639 466th Ave., Wilmot SD 57279

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

Fee for Application for Permit No. <u>8683-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>500.00</u>

By Eric Gronlund
Chief Engineer
vm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 1, 2022

Tyler Ammann
13639 466th Ave
Wilmot, SD 57279

Dear Mr. Ammann:

Recently one of our water right inspectors inspected your Water Permit No. 7306-3 authorizing the irrigation of 91 acres in the NW1/4 of Section 2 T122N-R50W. Based upon the inspection it was found you developed 115 acres. Since you developed 24 additional acres you need to file another application to amend your water permit to include those acres.

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

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

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

Sincerely,

Mark D. Rath
Natural Resources Engineer III
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 3, 2022

Tyler Ammann
13639 466th Ave
Wilmot SD 57279

Dear Mr. Ammann:

On August 1, 2022, you were sent an *Application for Permit to Appropriate Water Within the State of South Dakota* to increase the number of acres not covered under Permit No. 7306-3 based on an inspection of the permit. A copy of that letter and a partially completed application form are enclosed. To date, we have not received the completed application and required fee.

This is a reminder that obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, a water permit is required prior to using water.

If you have any questions, please contact Mark Rath or me. We want to work with you to get the necessary permitting in place.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352
karen.schlaak@state.sd.us

enclosures

Schlaak, Karen

From: Tyler Ammann <tylerammann@hotmail.com>
Sent: Tuesday, December 13, 2022 3:10 PM
To: Schlaak, Karen
Subject: Re: [EXT] water permit application

Karen,

The well driller originally had tested and certified the well to do 900 gallons a minute. We nozzled the pivot for that amount using high impact nozzles. We soon found that after 2 hours we were out of water and pumping air. The only solution was to go to low impact nozzles at 350 GPM. It works at that rate and not much can be done about it. If it was a full circle it wouldn't be so bad but it is a wiper.

Tyler Ammann

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Monday, December 12, 2022 1:42 PM
To: tylerammann@hotmail.com <tylerammann@hotmail.com>
Subject: water permit application

We received your water permit application for additional acres today. On the application you wrote in 350 gallons per minute. Is that the total amount needed to operate the system?

Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8683-3, Tyler Ammann**

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. 8683-3, Tyler Ammann, 13639 466th Avenue, Wilmot SD 57279.

The Chief Engineer is recommending APPROVAL of Application No. 8683-3 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. 7306-3 and Water Permit No. 8683-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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 18, 2023

Report to the Chief Engineer
On Water Permit Application No. 8683-3

Tyler Ammann

January 18, 2023

Water Permit Application No. 8683-3 proposes to irrigate 24 acres using a well authorized by Water Permit No. 7306-3. Water Permit No. 7306-3 authorizes a maximum instantaneous diversion rate of 2.22 cubic feet of water per second (cfs) from one well completed into the Revillo aquifer (225 feet deep) located in the center of the NW $\frac{1}{4}$ of Section 2 for the irrigation of 91 acres located in the NW $\frac{1}{4}$ of Section 2; all in T122N-R50W. An investigation of the permit found the system capable of irrigating 24 additional acres located in the same legal description described above. As developed, the existing well authorized by Water Permit No. 7306-3 only produces 0.78 cfs. If approved, Water Permit Application No. 8683-3 and Water Permit No. 7306-3 will collectively authorize a maximum instantaneous diversion rate of 0.78 cfs from one existing well for the irrigation of 115 acres. The site of interest is located in Roberts County approximately two miles west of Wilmot, SD.

AQUIFER: Revillo (REV)

HYDROGEOLOGY:

The Revillo aquifer is a glacial outwash deposit consisting of gray, fine to very coarse gravel, that generally occupies a buried, preglacial bedrock valley in southern Roberts County and extends through north central and into southeastern Grant County (Hansen, 1990; Thompson, 2001). The South Dakota Geological Survey (SDGS) is currently studying aquifers in Grant and Roberts Counties, including the Revillo aquifer, to refine delineations of the aquifers.

In Roberts County, Thompson (2001) estimated the Revillo aquifer to underly approximately 86.7 square miles, or 55,488 acres, and contain an estimated 315,200 acre-feet of recoverable water in storage. In Grant County, Hansen (1990) estimated the Revillo aquifer to underly approximately 190 square miles, or 121,600 acres, and contain an estimated 1,000,000 acre-feet of recoverable water in storage. The aquifer is generally under confined aquifer conditions and groundwater movement in the aquifer is generally from the north to the south (Hansen, 1990; Thompson, 2001). In Roberts County, the Revillo aquifer has an average saturated aquifer thickness of approximately 57 feet, and a documented maximum thickness of approximately 141 feet (Thompson, 2001). In Grant County, the Revillo aquifer has an average saturated aquifer thickness of approximately 63 feet, and a documented maximum thickness of approximately 150 feet (Hansen, 1990).

Figure 1 displays a map of the approximate Revillo aquifer boundaries in Grant and Roberts Counties (Hansen, 1990; Thompson, 2001), with the Revillo aquifer observation wells (Water Rights, 2023b), underlying bedrock formations and their elevation contour intervals (in feet above NGVD83) (Tomhave and Schulz, 2004), and the location of the existing well site for Water Permit Application No. 8683-3 (Water Rights, 2023c and 2023d).

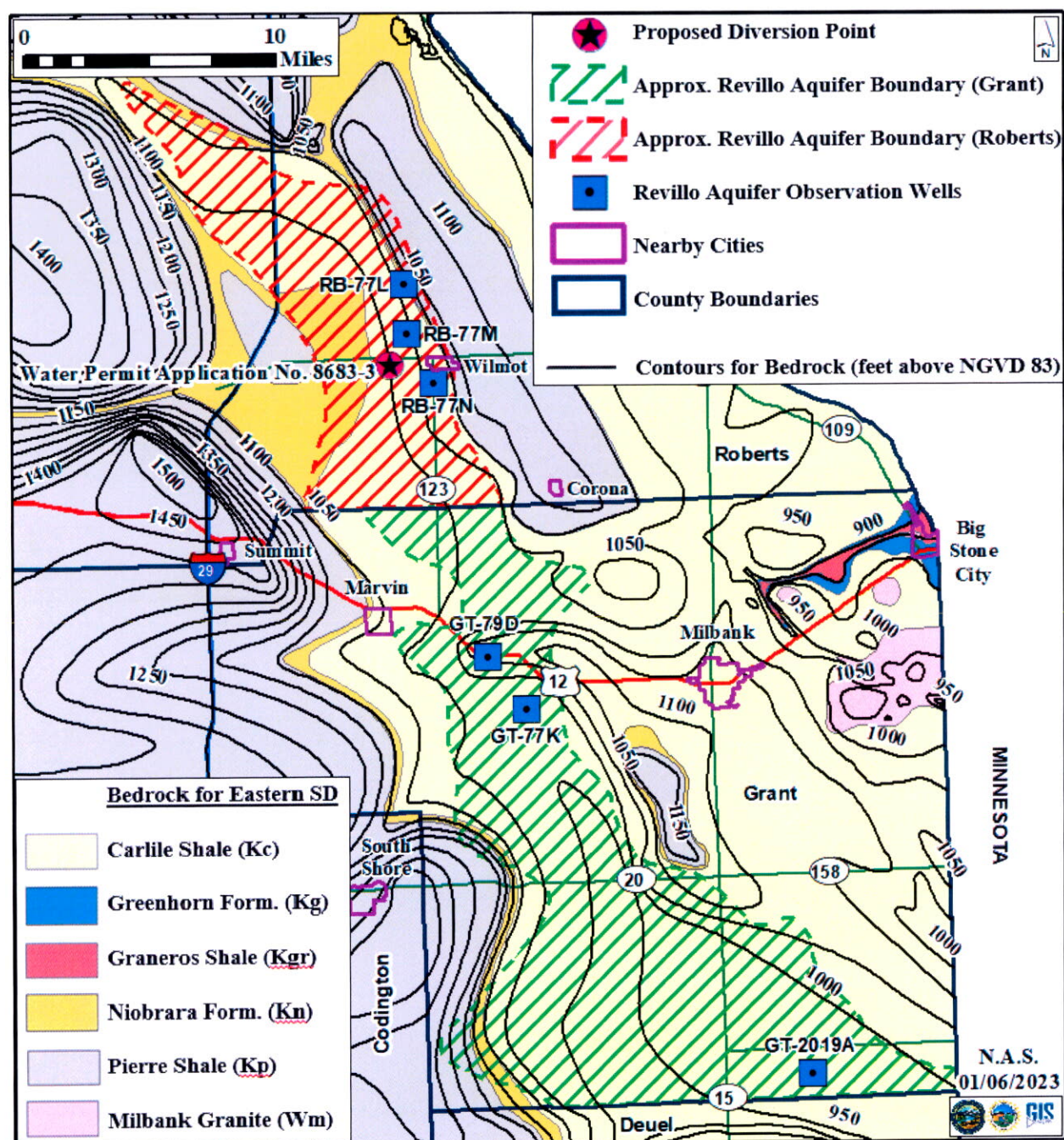


Figure 1. Approximate Renvillo aquifer boundary in Grant and Roberts Counties (Hansen, 1990; Thompson, 2001), with the Renvillo aquifer observation wells (Water Rights, 2023b), underlying bedrock formations and their elevation contour intervals (in feet above NGVD83) (Tomhave and Schulz, 2004), and the location of the existing well site for Water Permit Application No. 8683-3 (Water Rights, 2023c and 2023d)

There is a water well completion report on file for the existing well authorized by Water Permit No. 7306-3 and proposed to be used by Water Permit Application No. 8683-3 (Water Rights, 2023c and 2023d). The report lists, “topsoil” from 0 to 1 foot below the ground surface, “yellow clay” from 1 to 18 feet, “blue clay till” from 18 to 145 feet, “fine sand” from 145 to 195 feet, “coarse sand” from 195 to 225 feet, and “shale” at 225 feet (Water Rights, 2023c and 2023d).

The well was screened from 165 to 205 feet below the ground surface in “fine and coarse sand” and had a static water level of approximately 65 feet at the time of well completion (July 30, 2012) (Water Rights, 2023d). Based on the well completion report on file, the water well and test hole completion reports on file, and the lithologic logs on file for nearby observation wells, the Reville aquifer is confined at the existing well site.

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

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

WATER AVAILABILITY:

Water Permit Application No. 8683-3 proposes to appropriate water from the Reville 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 Reville aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Reville aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Reville aquifer is primarily through the infiltration of precipitation where the aquifer is at or near the ground surface, leakage from till, and possible inflow from overlying outwash lenses (Hansen, 1990; Thompson, 2001). An average annual recharge rate has not been calculated for the Reville aquifer. For buried, confined aquifers, Hedges and others (1985) recommended recharge rates of 0.15 to 0.60 inches per year for use by management and development programs. The areal extent of the Reville aquifer is approximately 177,088 acres when adding the estimates for Grant and Roberts Counties (Hansen, 1990; Thompson, 2001); therefore, the average annual recharge rate to Reville aquifer ranges between approximately 2,213 to 8,854 acre-feet per year.

Discharge

Discharge from the Reville aquifer is primarily through well withdrawals (Water Rights, 2023d), and possible outflow to hydrologically connected outwash lenses (Thompson, 2001). Currently, there are eleven water rights/permits authorized to appropriate water from the Reville aquifer, plus one pending permit – Water Permit Application No. 8679-3 requesting to irrigate 165 acres (Water Rights, 2023c).

Table 1 summarizes the four non-irrigation water rights/permits authorized to appropriate water from the Reville aquifer with the estimated annual use for each water right/permit as determined by their permitted maximum diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2023c). One municipal water right – Water Right No. 1764-3, held by the City of Wilmot - was identified as being connected to a rural water system, and the city likely maintains their wells for standby purposes only (Drinking Water Program, 2023; Water Rights, 2023c); as such, the average annual water use for Water Right No. 1764-3 has been estimated to be zero acre-feet per year on Table 1. Overall, the estimated average annual withdrawal rate from the Reville aquifer by the non-irrigation water rights/permits is approximately 1,447 acre-feet per year (Table 1) (Water Rights, 2023c).

Table 1. Estimated annual use for the non-irrigation water rights/permits authorized to divert water from the Reville aquifer (Water Rights, 2023c)

Permit No.	Name	County	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
1764-3	Town of Wilmot	RB	LC	MUN	0.39		0*
1769-3	City of Milbank	GT	LC	MUN	2.16		938.3
4785-3	City of Milbank	GT	LC	MUN	0.89		386.6
8617-3	Victory Farms	GT	LC	COM, LCO	0.67	122	122
LC: Licensed Water Right; GT: Grant; RB: Roberts; COM: Commercial;						TOTAL:	1,447
LCO: Livestock Confinement Operation; MUN: Municipal					*Identified as being connected to a rural water system		

Currently, there are seven irrigation water rights/permits authorized to appropriate water from the Reville aquifer (Water Rights, 2023c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for the Reville aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2021) is approximately 309 acre-feet per year (Table 2) (Water Rights, 2023a). To reflect the current development of irrigation water rights/permits more accurately due to the increase in water rights/permits, the average annual withdrawal rate for irrigation appropriations from 2013 to 2021 is approximately 484 acre-feet per year (Table 2) (Water Rights, 2023a).

Table 2 lists eight water rights/permits as reporting in 2021 (Water Rights, 2023a and 2023c). These eight water rights/permits include two water permits (Nos. 7568-3 and 7820-3) that were incorporated into a new irrigation water permit (No. 8564-3) in 2022 – thus, accounting for the difference in the seven currently active irrigation water rights/permits and the eight listed as reporting on Table 2 in 2021.

Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, to account for the fluctuation in wet and dry cycles from year to year, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for the pending permit - Water Permit Application No. 8679-3 requesting to irrigate 165 acres (Water Rights, 2023c). Therefore, the estimated average annual withdrawal rate for Water Permit Application No. 8679-3 is approximately 165 acre-feet per year. Collectively, the average annual withdrawal rate for the irrigation water rights/permits that have reported over the period of record (2013 to 2021) plus the estimated use for Water Permit Application No. 8679-3 is approximately 649 acre-feet per year.

There are domestic wells completed into the Reville 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 generally not considered to be a significant portion of the hydrologic budget. Since the introduction of rural water systems where the Reville aquifer may be present, many domestic wells are likely no longer in use or are not being used as primary water sources. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Reville aquifer.

Hydrologic Budget Summary

The estimated average annual recharge rate to the Reville aquifer ranges between approximately 2,213 to 8,854 acre-feet per year. The estimated average annual withdrawal rate from the Reville aquifer is approximately 2,120 acre-feet per year (non-irrigation: 1,447 acre-feet/year; irrigation (avg 2013 to 2021, plus the pending permit): 649 acre-feet/year; Water Permit Application No. 8683-3 (if approved, assuming one-foot application rate per authorized acre): 24 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Reville aquifer for the proposed appropriation.

Table 2. Reported historic irrigation use from Revillo aquifer (Water Rights, 2023a)

Year	No. of Water Rights/Permits Reporting	Reported Pumpage (acre-feet)
1979	3	95.16
1980	3	246.89
1981	3	129.91
1982	3	116.74
1983	3	169.8
1984	3	59
1985	5	160
1986	5	0
1987	5	126
1988	5	228.2
1989	5	200.2
1990	5	64
1991	5	0
1992	5	144
1993	5	23
1994	5	66.17
1995	5	0
1996	5	208.14
1997	5	284
1998	4	303.64
1999	4	194.89
2000	4	607.42
2001	4	557.87
2002	4	557.76
2003	4	1204.01
2004	4	943.8
2005	3	263.9
2006	3	481.47
2007	3	446.28
2008	3	131.69
2009	3	144.07
2010	4	210.3
2011	4	51.85
2012	6	525.73
2013	12	700.57
2014	12	416.5
2015	12	498.41
2016	12	413.86
2017	12	572.7
2018	12	350.83
2019	12	0
2020	12	691.78
2021	8	709.96
Min	3	0
Max	12	1,204
Avg	6	309
Avg (2013 to 2021)	12	484

OBSERVATION WELL DATA:

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

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors six observation wells completed into the Reville aquifer (Water Rights, 2023b). The three closest observation wells to the well the applicant proposes to use are RB-77M (approximately 1.4 miles northeast), RB-77N (approximately 1.9 miles southeast), and RB-77L (approximately 3.3 miles northeast) (as shown in Figures 1 and 5) (Water Rights, 2023b). The hydrographs for these observation wells are displayed in Figures 2 to 4 and are generally representative of the hydrographs for the other observation wells completed into the Reville aquifer (Water Rights, 2023b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DANR Water Rights Observation Well on the hydrographs.

The hydrographs for the observation wells display generally stable to increasing water levels over their respective periods of record. The hydrographs for the Reville aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods 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 Reville 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.

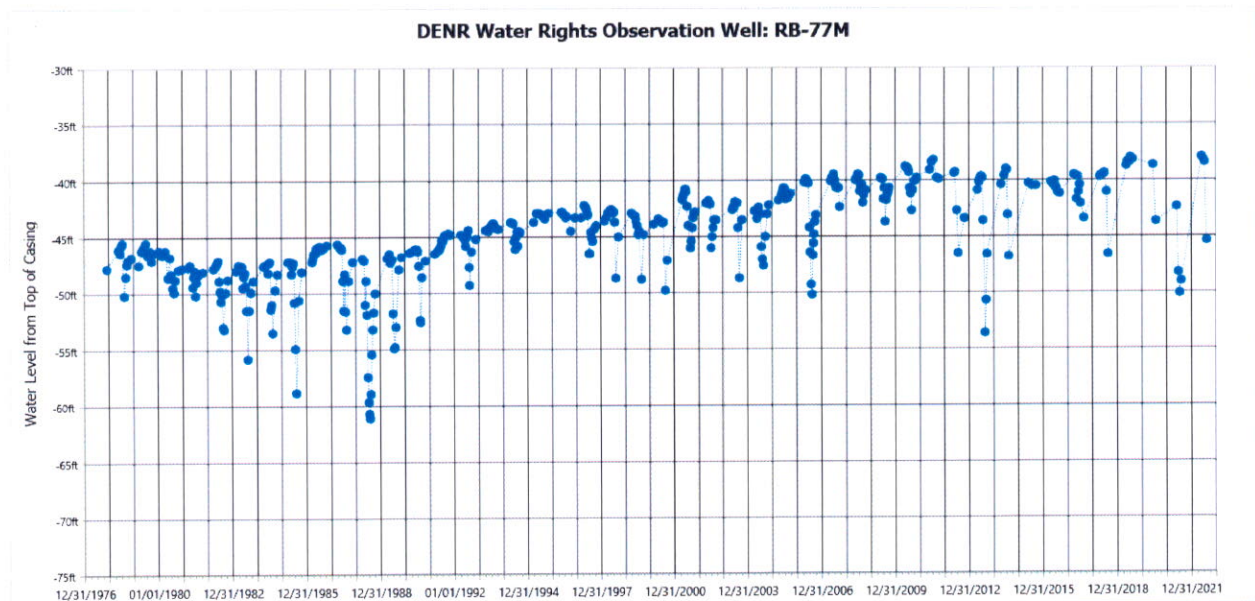


Figure 2. Hydrograph for observation well RB-77M (Water Rights, 2023b)

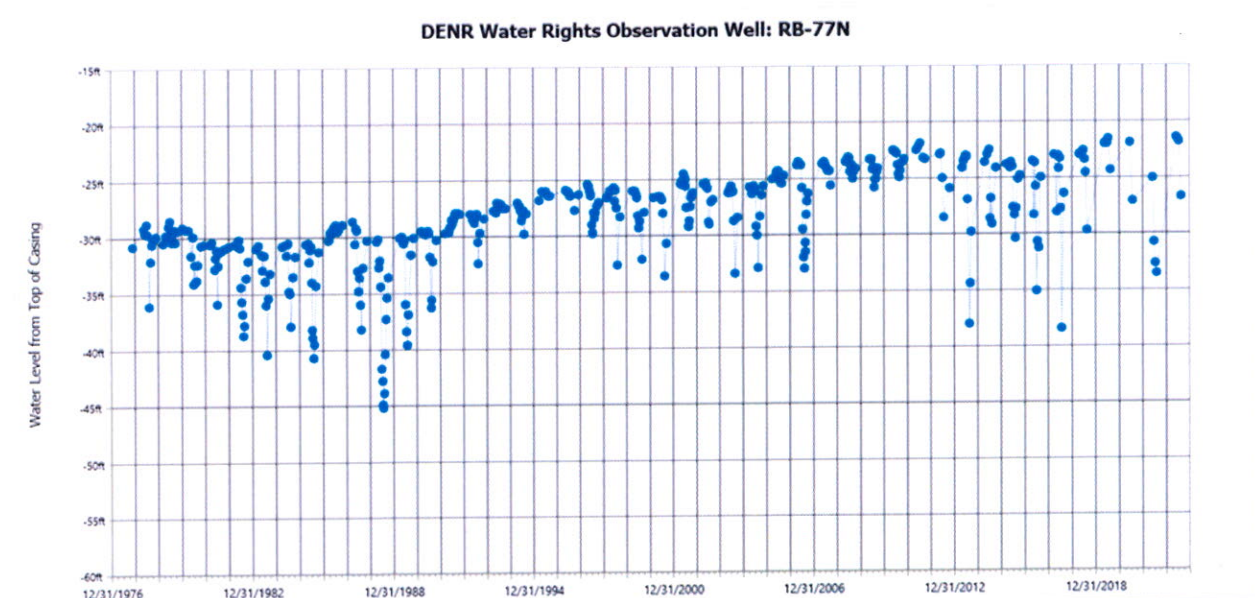


Figure 3. Hydrograph for observation well RB-77N (Water Rights, 2023b)

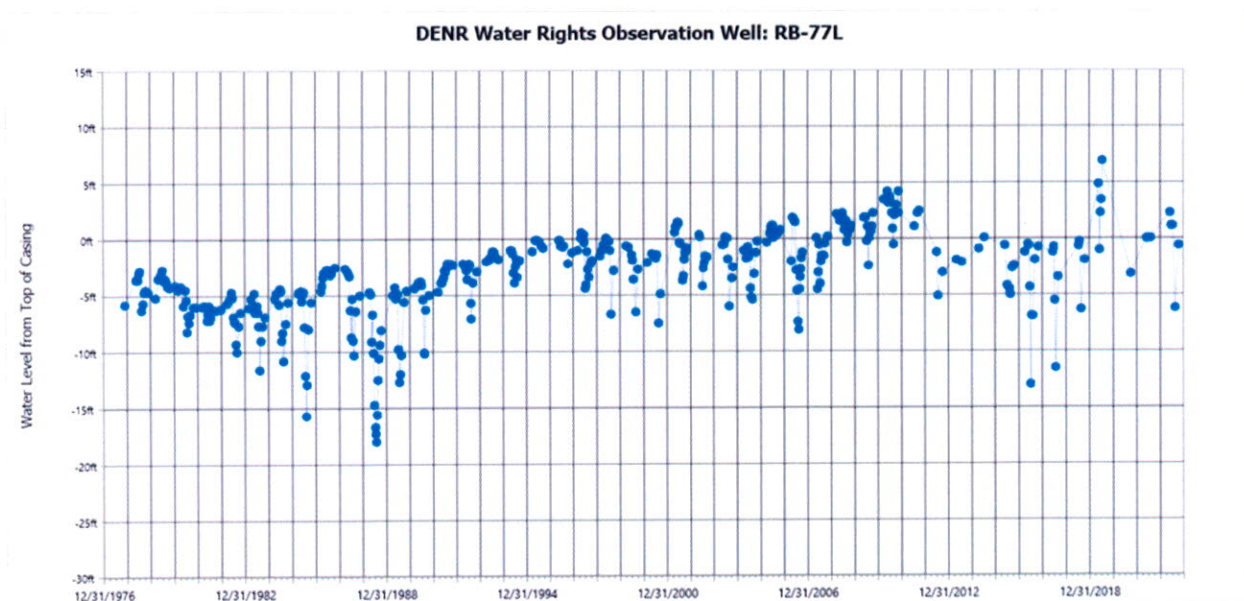


Figure 4. Hydrograph for observation well RB-77L (Water Rights, 2023b)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are eleven water rights/permits authorized to appropriate water from the Revillo aquifer, plus one pending permit – Water Permit Application No. 8679-3 (Water Rights, 2023c). The closest water right/permit to the existing well site is the pending permit application, Water Permit Application No. 8679-3, which is held by Wayne Sandbakken (Water Rights, 2023c). The diversion point for Water Permit No. Application 8679-3 is located approximately 0.6 miles northeast of the existing well site for this application (Figure 5) (Table 3) (Water Rights, 2023c). The next closest water right/permit (not held by the applicant) is Water Right No. 1764-3, which is held by Town of Wilmot (Water Rights, 2023c). The diversion point for Water Right No. 1764-3 is located approximately 0.6 miles northeast of the existing well site for this application (Figure 5) (Table 3) (Water Rights, 2023c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Revillo aquifer, with the closest domestic well on file (not held by the applicant) approximately one mile west of the existing well site (Water Rights, 2023d). There could potentially be other domestic wells completed into the Revillo aquifer near the well the applicant proposes to use that are not on file with the DANR-Water Rights Program.

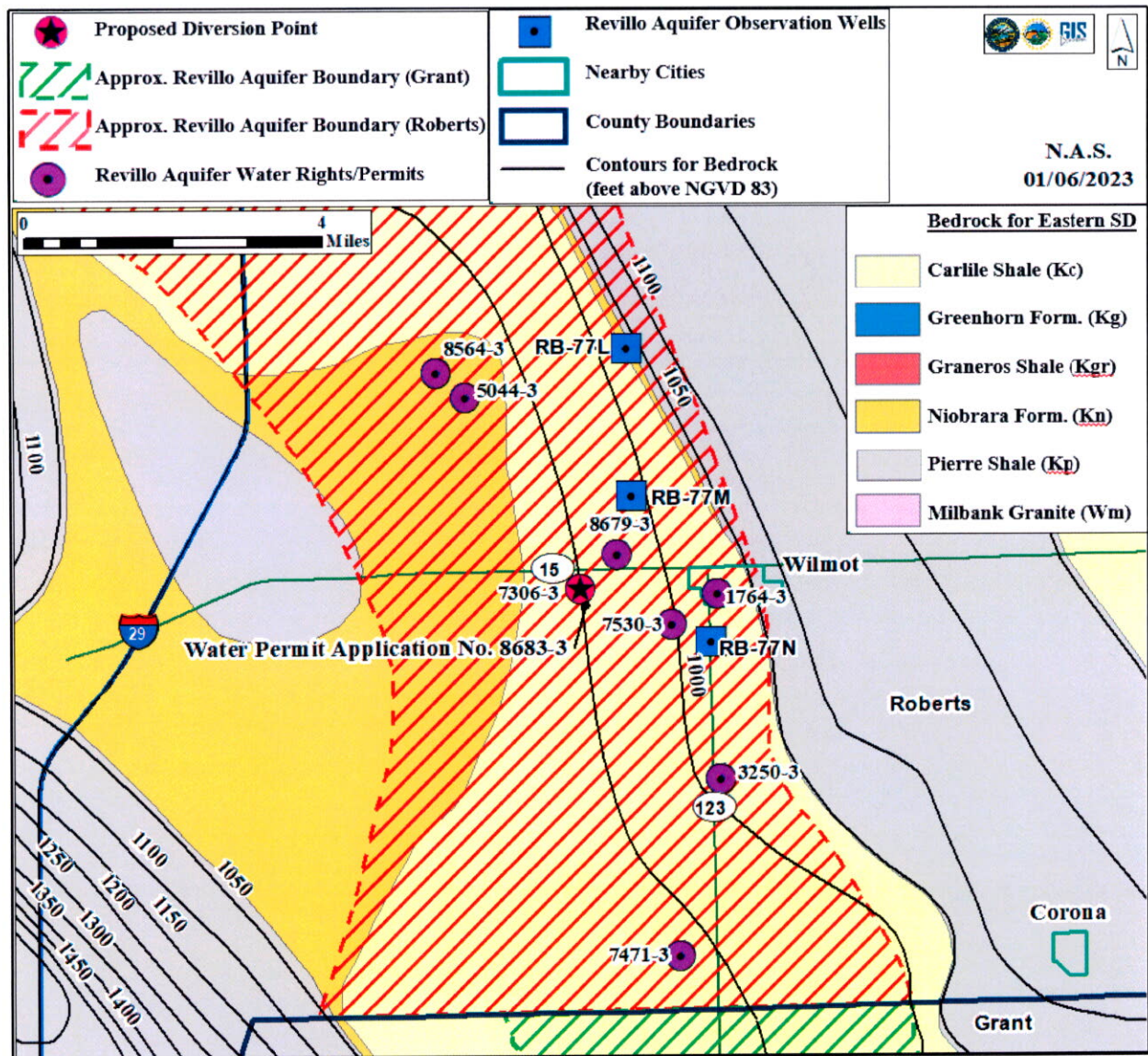


Figure 5. Location of the existing well site for Water Permit Application No. 8683-3 with the Renville aquifer water rights/permits and observation wells within approximately ten miles (Water Rights, 2023b, 2023c, and 2023d)

Table 3. Water rights/permits authorized to withdraw water from the Reville aquifer within approximately ten miles of the existing well site, as shown in Figure 5 (Water Rights, 2023c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Acres if IRR
1764-3	Town of Wilmot	LC	MUN	0.39	
3250-3	Delton L Strasser	LC	IRR	1.89	132
5044-3	Ray A & David R Hansen	LC	IRR	2.28	459
7306-3	Tyler Ammann	PE	IRR	2.22	91
7471-3	David Pierce	LC	IRR	2	280
7530-3	Tyler L Ammann	LC	IRR	2.9	349
8564-3	David R Hansen	LC	IRR	0.89	131
8679-3	Wayne Sandbakken	PE	IRR	2.33	165
LC: Licensed Water Right; PE: Water Permit; IRR: Irrigation; MUN: Municipal					

Observation well RB-77N (approximately 1.9 miles southeast of the existing well site) has five high-yield wells (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) within approximately two miles of it (as shown on Figure 5) (Water Rights, 2023b and 2023c). The lithologic log on file for RB-77N noted the well was drilled 200 feet deep below the ground surface, with the top of aquifer at approximately 143 feet below the ground surface, and had a casing stick up height of 2.3 feet (SDGS, 2023; Water Rights, 2023b). The lowest recorded static water level on the hydrograph (displayed in Figure 3) is approximately 45 feet below the top of casing, which indicates there was still approximately 100 feet of artesian head pressure in RB-77N even during drier periods when high-yield wells are expected to be pumping more water and when water levels are generally naturally lower in response to drier conditions (Water Rights, 2023b).

At the existing well site, the Reville aquifer has a saturated aquifer thickness of approximately 40 feet (Water Rights, 2023d). This would generally allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate under ARSD 74:02:04:20(6). Any drawdown as a result of the proposed diversion for this application is not expected to unlawfully impair nearby adequate wells. In Grant and Roberts Counties, there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Reville aquifer (Water Rights, 2023e).

Several complaints concerning the potential for drawdown in Reville aquifer wells were submitted in opposition to Water Permit No. 8284-3 (located approximately 34 miles southeast of the existing well site) which proposed to appropriate up to 39 acre-feet of water annually from the Reville aquifer for commercial use at a swine confinement facility (Water Rights, 2023c). Although Water Permit No. 8284-3 is now cancelled, the Chief Engineer did recommend approval of this water permit application because there was a reasonable probability unappropriated water from the Reville aquifer was available to supply the proposed appropriation, there was a reasonable probability that the proposed diversion would not unlawfully impair adequate wells for existing water rights/permits and domestic users, and the

Water Management Board determined the proposed use was a beneficial use and in the public interest (Water Rights, 2023c). A qualification requiring the applicant to control their water withdrawals, so there was not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights, was also included with the Chief Engineer's recommendation for approval (Water Rights, 2023c).

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 Renville aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated thickness of the Renville aquifer in Grant and Roberts Counties, the artesian head pressure in observation wells completed into the Renville aquifer near the existing well site, and the lack of well interference complaints from the Renville aquifer in the area, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Additionally, the well proposed to be used is an existing well that has been in place and is presumed to have been in use since roughly 2012 without any reported well interference complaints on file with the DANR-Water Rights Program (Water Rights, 2023c, 2023d, and 2023e). 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. 8683-3 proposes to irrigate 24 acres using a well authorized by Water Permit No. 7306-3. Water Permit No. 7306-3 authorizes a maximum instantaneous diversion rate of 2.22 cfs from one well completed into the Reville aquifer (225 feet deep) for the irrigation of 91 acres. An investigation of the permit found the system capable of irrigating 24 additional acres. As developed, the existing well authorized by Water Permit No. 7306-3 only produces 0.78 cfs.
2. If approved, Water Permit Application No. 8683-3 and Water Permit No. 7306-3 will collectively authorize a maximum instantaneous diversion rate of 0.78 cfs from one existing well for the irrigation of 115 acres. The site of interest is located in Roberts County approximately two miles west of Wilmot, SD.
3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Reville aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8683-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.

Nakaila Steen

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

Reviewed by:

Adam Mathiowetz

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

References

- Drinking Water Program. 2023. Drinking Water System Information. SD DANR – Drinking Water Program Online Database. Accessed January 9, 2023.
<<http://danr.sd.gov/des/dw/sysinfomap.aspx>>
- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR-Geological Survey, Vermillion, SD.
- Hansen, D.S., 1990. Water Resources of Codington and Grant Counties, South Dakota. U.S. Geological Survey Water-Supply. Paper 2254. 263 p.
- 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.
- SDGS, 2023. South Dakota Geological Survey Lithologic Logs Database. Accessed January 6, 2023. <http://cf.sddanr.net/lithdb/>.
- Thompson, R.F. 2001. Water Resources of Lake Traverse Reservations, South and North Dakota, Roberts County, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 01-4219.
- Tomhave, D.W., & Schulz, L.D., 2004. Bedrock Geologic Map showing configuration of the bedrock surface in South Dakota east of the Missouri River. General Map 9. SD DANR Geological Survey Program, Vermillion, SD.
- Water Rights, 1995. Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.
- 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.

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Ammann
Tyler Ammann
13639 466Th AVE
Wilmot SD 57279-8003

RECEIVED

FEB 07 2023

**OFFICE OF
WATER**

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

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

01/26/2023

and that the fees charged are legal.
Sworn to and subscribed before on 01/26/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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MARIAH VERHAGEN
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8683-3
to Appropriate Water

Notice is given that Tyler Ammann 13639 466th Ave, Wilmot SD 57279 has filed an application for a water permit to irrigate an additional 24 acres. Water Permit No. 7306-3 authorizes 2.22 cubic feet of water per second (cfs) from one well completed into the Renville Aquifer located in the center of the NW 1/4 Section 2 for irrigation of 91 acres located in the NW 1/4 Section 2; all in T122N-R50W. An investigation of the permit found the system capable of pumping 0.78 cfs and irrigating 24 additional acres located in the same area described above. This application, if approved and Water Permit No. 7306-3, combined, will authorize a total of 0.78 cfs for irrigation of 115 acres. This site is located approximately 2 miles west of Wilmot.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8683-3 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 February 6, 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 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 February 6, 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.

01-26/2023

Affidavit of Publication

RECEIVED

FEB 03 2023

OFFICE OF
WATER

STATE OF SOUTH DAKOTA }
County of Roberts } ss.

Terry O'Keefe of said county, being first
duly sworn, on oath says, that he is publisher of
THE WILMOT ENTERPRISE, a weekly newspaper printed and
published in Wilmot, in said county of Roberts, and has full
and personal knowledge of all the facts herein stated; that said
newspaper is a legal newspaper and has a bonafide circulation
of at least two hundred copies weekly, and has been published
within said county for 52 successive weeks next prior to the
publication of the notice herein mentioned, and was and is
printed wholly or in part in an office maintained at said place
of publication; that the Notice of Water Appropriation
Amendment, a printed
copy of which, taken from the paper in which the same was
published, is attached to this sheet, and is made a part of this
affidavit, was published in said newspaper at least once in each
week for 1 successive weeks, on the day of
each week on which said newspaper was regularly published,
to-wit:

1-26, 2023; _____;
_____, _____;
_____, _____;
_____, _____;
_____, _____;
_____, _____;

that the full amount of the fee is charged for publication of said
Notice insures to the benefit of the publisher of said newspa-
per; that no agreement or understanding for the division there
has been made with any other person, and that no part thereof
has been agreed to be paid to any person whomsoever and that
the fees charged for the publication there of are \$ 44.38

Terry O'Keefe

Subscribed and sworn to before me this 29 day of

JAN, A.D., 2023

Kathy O'Keefe

Notary Public, Roberts County, South Dakota

My commission expires Sept. 1, 2024

Public Notices...

NOTICE OF APPLICATION NO. 8683-3 to

Appropriate Water

Notice is given that Tyler Ammann 13639 466th Ave, Wilmot SD 57279 has filed an application for a water permit to irrigate an additional 24 acres. Water Permit No. 7306-3 authorizes 2.22 cubic feet of water per second (cfs) from one well completed into the Revillo Aquifer located in the center of the NW 1/4 Section 2 for irrigation of 91 acres located in the NW 1/4 Section 2; all in T122N-R50W. An investigation of the permit found the system capable of pumping 0.78 cfs and irrigating 24 additional acres located in the same area described above. This application, if approved and Water Permit No. 7306-3, combined, will authorize a total of 0.78 cfs for irrigation of 115 acres. This site is located approximately 2 miles west of Wilmot.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8683-3 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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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 February 6, 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 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 February 6, 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.

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(Jan. 26, 2023)

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 18, 2023 10:42 AM
To: Wilmot Enterprise (wilnews@tnics.com)
Subject: 8683-3, Tyler Ammann
Attachments: 8683-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on January 26, 2023.

Tyler Ammann, 13639 466th Ave, Wilmot SD 57279 (605 881-3719) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 18, 2023 10:43 AM
To: Watertown Public Opinon (legals@thepublicopinion.com)
Subject: 8683-3, Tyler Ammann
Attachments: 8683-3public.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**

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

January 18, 2023

Tyler Ammann
13639 466th Ave
Wilmot SD 57279

Dear Mr. Ammann:

Water Permit Application No. 8683-3 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 Wilmot Enterprise printed at Wilmot SD (Ph # 605 938-4651) and the Public Opinion printed at Watertown 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. 8683-3 to Appropriate Water

Notice is given that Tyler Ammann 13639 466th Ave, Wilmot SD 57279 has filed an application for a water permit to irrigate an additional 24 acres. Water Permit No. 7306-3 authorizes 2.22 cubic feet of water per second (cfs) from one well completed into the Reville Aquifer located in the center of the NW 1/4 Section 2 for irrigation of 91 acres located in the NW 1/4 Section 2; all in T122N-R50W. An investigation of the permit found the system capable of pumping 0.78 cfs and irrigating 24 additional acres located in the same area described above. This application, if approved and Water Permit No. 7306-3, combined, will authorize a total of 0.78 cfs for irrigation of 115 acres. This site is located approximately 2 miles west of Wilmot.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8683-3 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 February 6, 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 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 February 6, 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_

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 18, 2023 12:49 PM
To: Tyler Ammann
Subject: Water Permit Application No. 8683-3
Attachments: 4660.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>



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7306-3 (8683-3)

I have this day, August 13, 2021, made a thorough examination of the water use system constructed by Tyler Ammann, 13639 466th Ave, Wilmot, SD 57279 of Permit No. 7306-3, bearing the priority of January 13, 2012 authorizing the diversion of 2.22 cu. ft. per second of the waters of the Revilla Aquifer for irrigation purposes, in Roberts County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Manikowski Well Drilling, Inc
- 2) No. of Wells 1
- 3) Depth(s) 225 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 165 feet
- 3) Type Plastic

Screen:

- 1) Type slotted - Plastic
- 2) Length 60 feet
- 3) Static water level 65 feet

Pump:

- 1) Make NA
- 2) Model Submersible
- 3) Size NA
- 4) Capacity 350 GPM

Motor: unknown

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

- 1) Type buried

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T & L
- 2) Overall length 1270 feet
- 3) Number of towers 8
- 4) End gun Y
- 5) Capacity 350 GPM (based on email received 12-23-2022 from permit holder)

Chemigation Equipment:

- 1) Chemigation used: Y (Uses commercial equipment)

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
- 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 2 T122N R50W, 1320 ft S & 1320 ft W, Lat 45.40941 Long -96.89775 (center of NW ¼ Sec 2)
2. The works are capable of diverting and conveying to the place of use 0.78 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 in Section 2, T122N, R50W**
- | | |
|----------------------|----------------------|
| NW ¼ NW ¼ - 33 acres | SE ¼ NW ¼ - 16 acres |
| NE ¼ NW ¼ - 33 acres | SW ¼ NW ¼ - 33 acres |
- comprising a total of 115 acres of land and the license should be issued for 0.78 cfs
3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

The irrigated acreage was determined with the use of FSA maps and the ArcMAP software.

The address and phone number contained in the inspection materials are current.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: August 17, 2021

Note: Based on the acreage developed, a new permit was obtained for the additional 24 acres developed. Permit No. 8683-3 was approved on February 6, 2023 to cover the additional acres. A water license will be issued incorporating the applicable portions of 7306-3 into No. 8683-3.

Genny



0 700 1,400 2,800 4,200 5,600 Feet

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8683-3

(1) Tyler Ammann, 13639 466th Ave, Wilmot SD 57279 made Application No. 8683-3, December 12, 2022 for a water permit to irrigate an additional 24 acres to what is currently authorized by Water Permit No. 7306-3 from groundwater (Revilla Aquifer), Roberts County, South Dakota. Permit No. 8683-3, with a priority date of December 12, 2022 was approved February 6, 2023 and issued to the applicant for diversion of water with construction of the described water supply system and application to beneficial use completed.

Water Permit No. 7306-3, with a priority date of January 13, 2012 authorized 2.22 cubic feet of water per second from one well for irrigation of 91 acres. The applicable portions of No. 7306-3 are incorporated into this water license.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,320'S and 1,320'W from the NW corner of Section 2-T122N-R50W (center NW 1/4)
Latitude 45.40941 Longitude -96.89775

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

Section 2-T122N-R50W	NW 1/4 NW 1/4	33 acres	
	NE 1/4 NW 1/4	33 acres	
	SE 1/4 NW 1/4	16 acres	
	SW 1/4 NW 1/4	33 acres	Total 115 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Tyler Ammann, 13639 466th Ave, Wilmot SD 57279 the holder and/or owner of Incorporated Water Right No. 8683-3 is issued a license to appropriate water, the right to use 0.78 cubic feet of water per second from groundwater (Revilla Aquifer) with priority dates of January 13, 2012 (91 acres) and December 12, 2022 (24 acres) from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota State Law, any limitations or conditions listed in Incorporated Water Right No. 8683-3 and subject to the following qualifications:

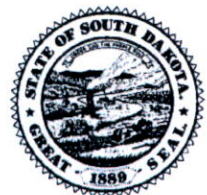
- The well approved under Water Permit No. 7306-3 and Water Permit No. 8683-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

FEB 21 2023

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

FEB 21 2023

Tyler Ammann
13639 466th Ave
Wilmot SD 57279

Dear Mr. Ammann:

Enclosed are Water Permit and Water License No. 8683-3. The water license is the final document completing your process of obtaining a Water Right. Also, included is a map prepared by the staff engineer who conducted the investigation.

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

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

Sincerely,

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

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.: 8683-3

Name of Applicant: Tyler Ammann

Date of Posting: 1/23/2023

Date of Removal: 2/21/2023



Ron Duvall, Water Rights Permitting Administrator

2/22/23

Date

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



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

