

WATER PERMIT NO. 8686-3

Name of Applicant: **Smit Family Trust**

Address: **45536 283rd St, Hurley SD 57036**

Phone: **605 310-0640**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **160 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Clay**

Type of Waste Disposal System:

Location: **14 miles northwest of Vermillion**

PRIORITY

Date Received: **12-20-22**

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

Corrected Application Received:

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

Remarks:

Diversion Point: **center of SW 1/4 Sec 5-T94N-R52W**

Land to be Irrigated: **SW 1/4 Sec 5-T94N-R52W**

Depth of Well: **205 feet deep**

Well Driller: **Thein Well Drilling**

Remarks:

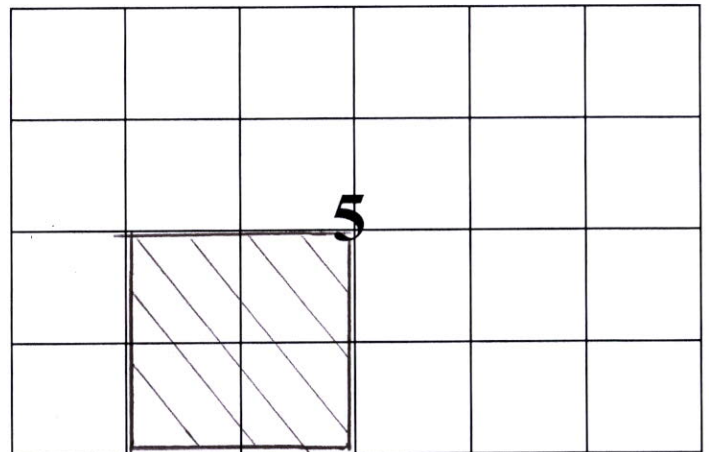
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **12-20-22**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 8686-3

Date of first receipt of application December 20, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8686-3 to Smit Family Trust, 45536 283rd St, Hurley SD 57036 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. 8686-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri:South Aquifer (205 feet deep) located in the approximate center of the SW 1/4 Section 5 for irrigation of 160 acres located in the SW 1/4 Section 5; all in T94N-R52W. This site is located approximately 14 miles northwest of Vermillion SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is December 20, 2022.
4. The date of approval of Permit No. 8686-3 is February 21, 2023.
5. One-fifth of the construction is to be completed on or before August 21, 2025.
6. All construction is to be completed on or before February 21, 2028.
7. Water is to be put to beneficial use on or before February 21, 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 Permit No. 8686-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8686-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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

MAR 27 2023
date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8686-3</u> Hydrologic Unit <u>10170102</u> Basin <u>Vermillion River</u> Newspaper <u>Plain Talk</u> <u>624-2695</u> <u>Press & Dakotan</u> <u>605-7811</u> (office use only)
---	--

PAID
DEC 20 2022
Ck# 7030
Rec't# RECEIVED
DEC 20 2022
OFFICE OF
WATER

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 Smit Family Trust

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

Mailing Address 45536 283rd St Hurley SD 57036
(Address) (City) (State) (Zip Code)
Phone 6053100640 Dave Mobile 6053516026 -Brett Email pbpfarms@gmail.com

2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Lower Vermillion Aquifer

4. Location of point of diversion 1 well in SW 1/4 of Section 05-T94N-R52W

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

County Clay

5. County or counties where water will be used Clay

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

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

Land Description	Acres	Land Description	Acres
NW1/4 of SW1/4 05-T94N-R52W	40	NE1/4 of SW1/4 of SW1/4 05-T94N-R52W	40
SW1/4 of SW1/4 05-T94N-R52W	40	SE1/4 of SW1/4 of SW1/4 05-T94N-R52W	40

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

Drill well in the center of the SW1/4 05-T94N-R52W to irrigate 160 acres.

I, David Smit David Smit owner, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

- 1. Well Information** (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)
- a) If new wells, how many 1 Have test holes been drilled? ☒ Yes ☐ No Drilled by Thein Well Company
(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) 205 Depth to Top of Water Bearing Material 105 Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property ~~4000ft~~ NA Property owned by others ~~1300ft~~ 4000ft

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

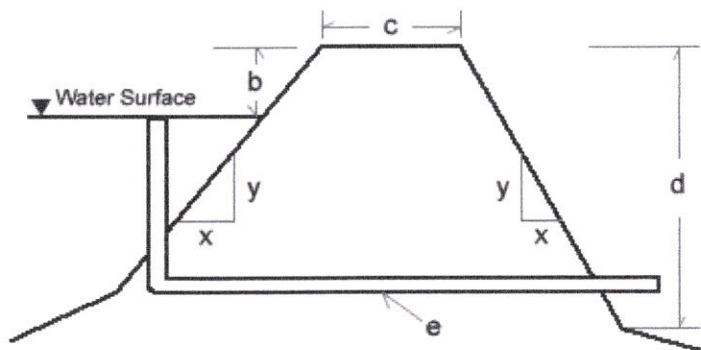
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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.

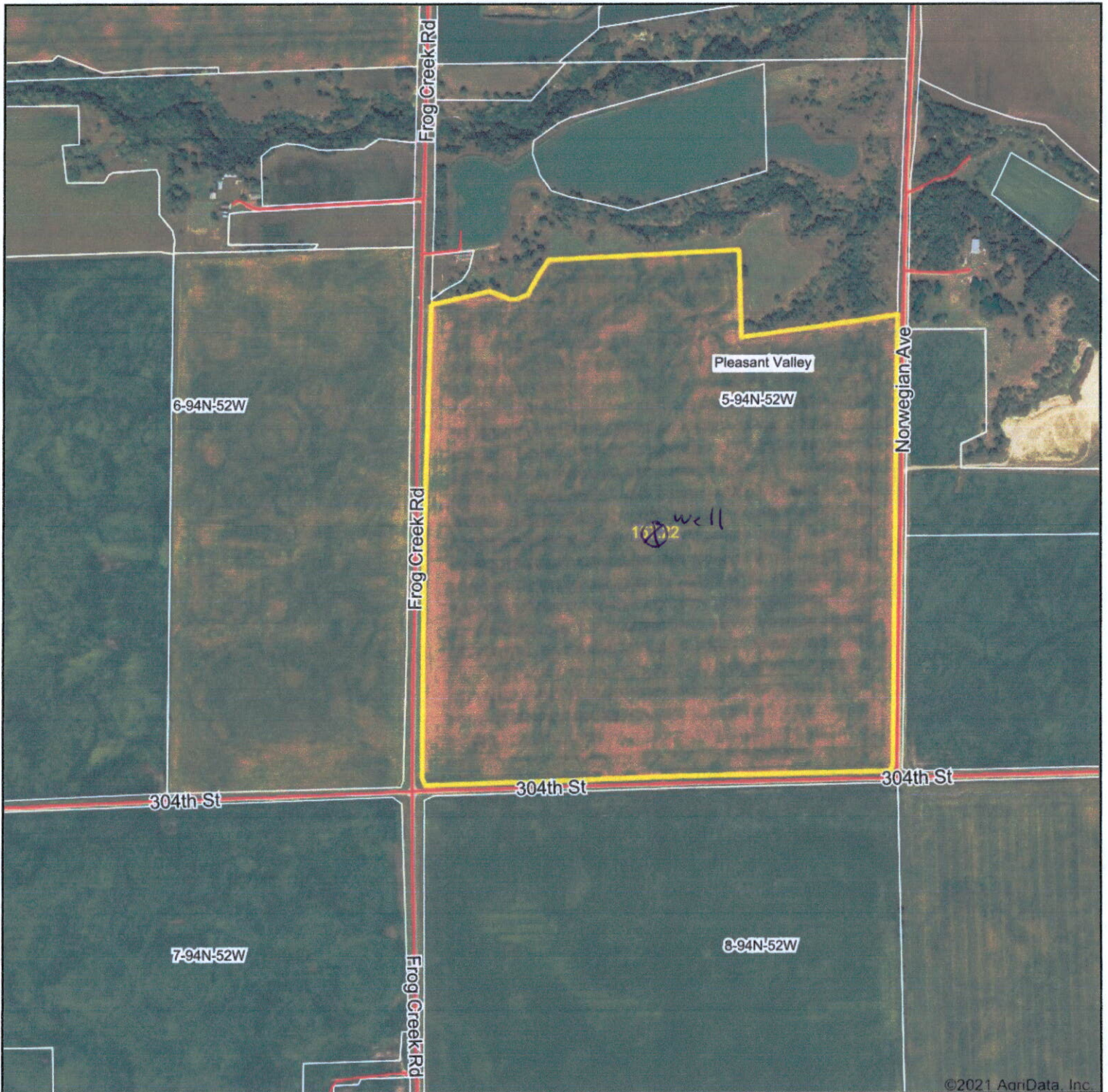
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

- 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

Aerial Map



Map Center: 42° 59' 9.9, -97° 1' 13.49

0ft 851ft 1702ft

5-94N-52W
Clay County
South Dakota



8/2/2021

Maps Provided By:



© AgriData, Inc. 2021

www.AgriDataInc.com

Field borders provided by Farm Service Agency as of 5/21/2008.

95N 52W
Section: 31

95N 52W
Section: 32

95N 52W
Section: 33

94N 52W
Section: 06

94N 52W
Section: 05

94N 52W
Section: 04

94N 52W
Section: 07

94N 52W
Section: 08

94N 52W
Section: 09

Legend

Feature 1

Brett Petersen SW Qtr Sec 5
n 42 59.1580 w 97 1.0930

Dave Smith Test Hole 205' 12/8/2022



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date December 20, 2022

RECEIVED OF Smit Family Trust 45536 283rd St., Hurley SD 57036

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

Fee for Application for Permit No. <u>8686-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</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>8686-3</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>1050.00</u>

By Eric Gronlund
Chief Engineer
vm

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, December 20, 2022 2:06 PM
To: pbpfarms@gmail.com
Subject: Application for Smit Family Trust
Attachments: 4518.pdf

We received the application and fee for Smit Family Trust today. The application requests 160 acres in the SW ¼ Section 5. The yellow outlined area on the map you submitted includes a small portion of the S ½ NW ¼ Section 5. Do you want that acreage added to the application or will the 160 acres be located totally in the SW ¼ Section 5-T94N-R52W? Please let me know.

Karen Schlaak

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



Water Rights Program - File Documentation

NAME: Brett Petersen

ADDRESS: Hurley SD

DATE: 12-20-22

RE: Pending application for Smit Family Trust

COMMENTS:

Regarding my email, talked with Brett Petersen, the operator, regarding the location of the 160 acres requested on the application. The area outlined on the map includes a small portion of the S 1/2 NW 1/4 Section 5. Brett indicated the pivot will probably cover 140 acres all located in the SW 1/4 Section 5. The land located in the S 1/2 NW 1/4 does not need to be included on the application because the pivot will not reach those acres.



Karen Schlaak
Water Rights Program



**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. 8686-3, Smit Family Trust**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8686-3, Smit Family Trust, 45536 283rd Street, Hurley SD 57036.

The Chief Engineer is recommending APPROVAL of Application No. 8686-3 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. 8686-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8686-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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 30, 2023

Report to the Chief Engineer
On Water Permit Application No. 8686-3

Smit Family Trust

c/o David Smit

January 30, 2023

Water Permit Application No. 8686-3 proposes to divert water at a maximum instantaneous diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri: South aquifer (approximately 205 feet deep) located in the approximate center of the SW $\frac{1}{4}$ of Section 5 for the irrigation of 160 acres located in the SW $\frac{1}{4}$ of Section 5; all in T94N-R52W. The site of interest is located in Clay County approximately 14 miles northwest of Vermillion, SD.

AQUIFER: Upper Vermillion Missouri: South (UVM: S)

HYDROGEOLOGY:

The Upper Vermillion Missouri aquifer is a glacial outwash that is composed of fine sand to medium-pebble gravel (Lindgren and Hansen, 1990; Niehus, 1997). The aquifer generally lays in a bedrock valley that trends northwest to southeast with the direction of groundwater movement generally to the south/southeast (Lindgren and Hansen, 1990; Holmes and Filipovic, 2015). Most of the Upper Vermillion Missouri aquifer is overlain by till that can be up to 160 feet thick but in some localized areas, the aquifer can be encountered near the ground surface (Holmes and Filipovic, 2015). From 2013 to 2014, the SD DENR-Geological Survey completed a study to further understand the geologic and hydrologic conditions of the Upper Vermillion Missouri aquifer (Holmes and Filipovic, 2015). As a result, the aquifer is now divided into three management units (North, South, and West) that were adopted by the Water Management Board at the March 6, 2014, meeting (Water Rights, 2014). It is worth noting that of the south boundary of the Upper Vermillion Missouri aquifer Buhler (2014) states, "Although the southern boundary has not been delineated at this time, data shows that it extends south several miles from the original border as it merges with or transitions into the Lower Vermillion Missouri aquifer." Although described as not yet delineated, the mapping and areas presented in Buhler (2014) reflected a southern boundary for the Upper Vermillion Missouri aquifer extending several miles south from the original border and includes sufficient information to allow for the examination of water availability in the South management unit of the Upper Vermillion Missouri aquifer.

The proposed diversion point is located in the South management unit of the Upper Vermillion Missouri aquifer. The areal extent of the Upper Vermillion Missouri: South aquifer is approximately 78,820 acres in Clay, Lincoln, and Turner Counties (Figure 1) (Buhler, 2014). The Upper Vermillion Missouri: South aquifer is generally under confined conditions except near the Clay-Turner County line where the aquifer is in hydrologic connection with the overlying Parker-Centerville aquifer (Holmes and Filipovic, 2015; Lindgren and Hansen, 1990; Niehus, 1997).

No water well or test hole completion report was submitted with Water Permit Application No. 8686-3. Water well completion reports on file with the DNR-Water Rights Program for wells completed into the Upper Vermillion Missouri: South aquifer within approximately three miles of the proposed diversion point have saturated aquifer thicknesses ranging from approximately 30 to 60 feet, with the depth to the top of aquifer materials ranging from approximately 40 to 85 feet below the ground surface, and static water levels at well completion varying from approximately 10 to 75 feet below the ground surface (Water Rights, 2023b and 2023c). The Upper Vermillion Missouri: South aquifer is expected to be unconfined at the proposed diversion point based on the well completion reports on file for nearby wells completed into the aquifer (Water Rights, 2023b and 2023c).

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 Upper Vermillion Missouri: South aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8686-3 proposes to appropriate water from the Upper Vermillion Missouri: South 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 Upper Vermillion Missouri: South 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 Upper Vermillion Missouri: South aquifer must be considered.

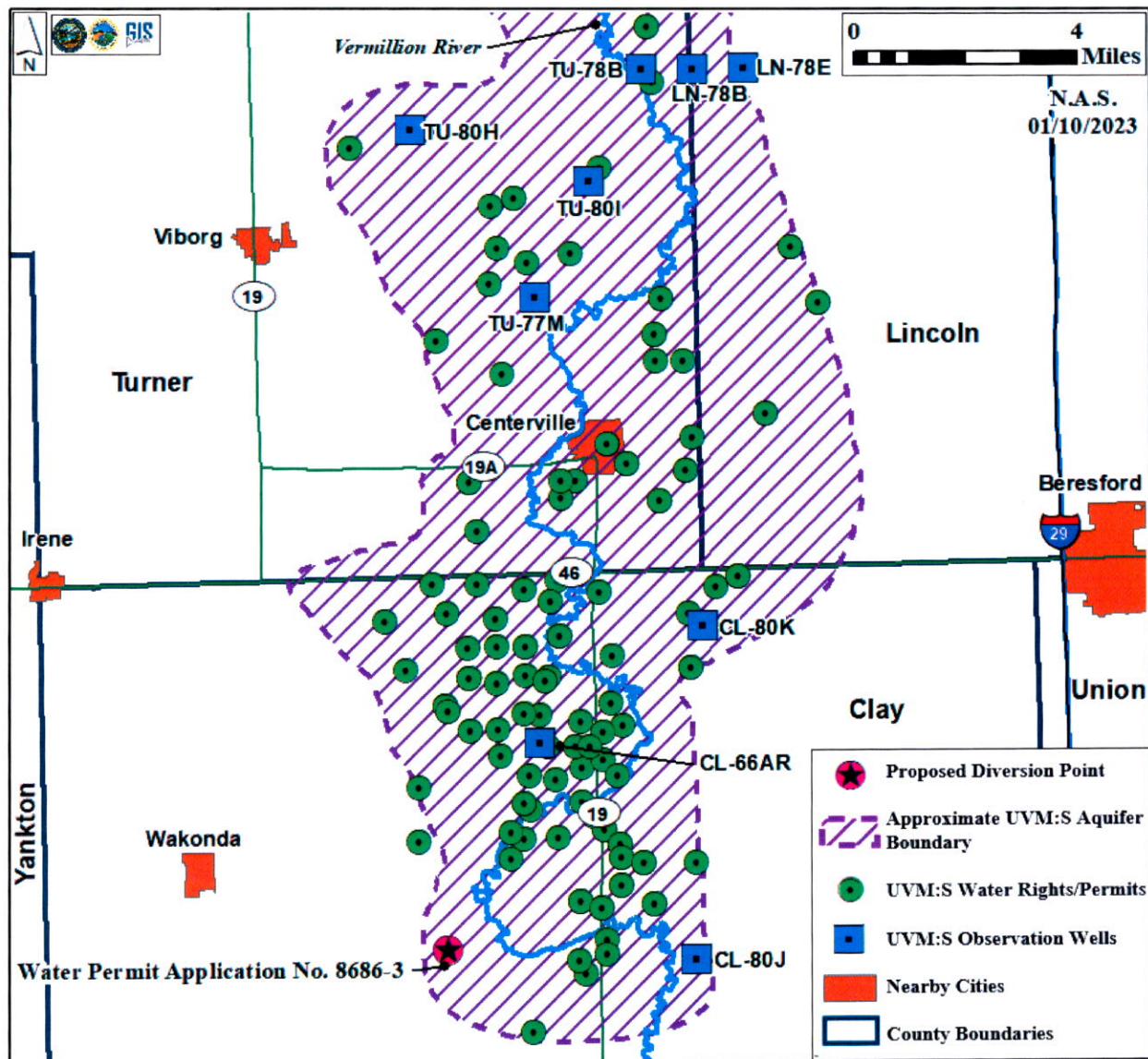


Figure 1. Map of the approximate Upper Vermillion Missouri: South aquifer delineated from Buhler (2014), the location of the proposed diversion point for Water Permit Application No. 8686-3, and the Upper Vermillion Missouri: South aquifer water rights/permits and observation wells (Water Rights, 2023a and 2023b)

HYDROLOGIC BUDGET:

Recharge

Recharge to the Upper Vermillion Missouri aquifer occurs primarily through the infiltration of precipitation where the aquifer is at or near the ground surface. Additional recharge occurs where the Upper Vermillion Missouri aquifer is in direct contact with the Parker-Centerville aquifer (Holmes and Filipovic, 2015; Lindgren and Hansen, 1990; Niehus, 1997). There has been no quantification of the specific recharge rate to the Upper Vermillion Missouri: South aquifer. However, Hedges and others (1985) estimated a recharge rate of 0.25 inches per year using a regional flow net analysis for the entire Upper Vermillion Missouri as delineated at that time. The Upper Vermillion Missouri aquifer as delineated by Hedges and others (1982) had the

North, South, and West management units as one singular aquifer. Applying the 0.25 inches per year recharge rate over the current areal extent of the Upper Vermillion Missouri: South aquifer leads to an estimated recharge rate of 1,642 acre-feet per year for the Upper Vermillion Missouri: South aquifer. This recharge rate is lower than what the observation well data shows and Buhler's (2014) flow net analysis estimate.

2014 Flow Net Analysis

Buhler (2014) completed an analysis of the Upper Vermillion Missouri aquifer that indicates recharge exceeded withdrawals from the Upper Vermillion Missouri: South aquifer by an estimated 5,637 to 8,223 acre-feet per year at that time based on estimated groundwater outflow from the Upper Vermillion Missouri: South aquifer. Buhler's (2014) analysis included all previously defined Upper Vermillion Missouri and Lower Vermillion Missouri aquifer water rights/permits that are now identified as withdrawing water from the South management unit of the Upper Vermillion Missouri aquifer. On the March 6, 2014, Water Management Board meeting, the Board approved twelve water permit applications: Nos. 7441-3, 7442-3, 7466-3, 7467-3, 7600-3, 7601-3, 7603-3, 7623-3, 7653-3, 7690-3, 7900-3, and 7919-3 (Water Rights, 2014 and 2023b). However, Water Permit Nos. 7623-3 and 7653-3 were cancelled in 2018 (Water Rights, 2023b). The remaining ten water permits authorize the irrigation of approximately 1,295.83 acres (Water Rights, 2023b). Buhler (2014) calculated an average annual application rate per permitted acre from the Upper Vermillion Missouri aquifer of six inches per permitted acre. Using Buhler's (2014) *average application rate per permitted acreage* for the Upper Vermillion Missouri aquifer, the average annual withdrawal rate that is expected from these ten Upper Vermillion Missouri: South aquifer water permits is approximately 648 acre-feet per year.

The Water Management Board has approved 26 additional water permit applications for wells completed into the Upper Vermillion Missouri: South aquifer since the March 6, 2014, Board meeting and the use type for each permit is irrigation (Water Rights, 2023b). These 26 water permits authorize the irrigation of approximately 2,689.6 acres (Water Rights, 2023b). Using Buhler's (2014) *average application rate per permitted acreage* for the Upper Vermillion Missouri aquifer, the average annual withdrawal rate that is expected from these Upper Vermillion Missouri: South aquifer water permits is approximately 1,345 acre-feet per year.

Discharge

Discharge from the Upper Vermillion Missouri aquifer is primarily through evapotranspiration where the aquifer is near the ground surface, subsurface outflow to other glacial aquifers, and through well withdrawals (Lindgren and Hansen, 1990; Water Rights, 2023b and 2023c).

Currently, there are 91 water rights/permits authorized to appropriate water from the Upper Vermillion Missouri: South aquifer, plus two pending permits – Water Permit Application Nos. 8685-3 and 8695-3 (Water Rights, 2023b).

Table 1 summarizes the 36 Upper Vermillion Missouri: South aquifer water rights/permits, and their estimated use based on Buhler's (2014) *average application rate per permitted acreage* for the Upper Vermillion Missouri aquifer. The average annual withdrawal rate for the 36 Upper Vermillion Missouri: South aquifer water rights/permits (approved after the March 6, 2014, Water Management Board meeting) is approximately 1,993 acre-feet per year (Table 1).

Collectively, Water Permit Application Nos. 8685-3 and 8695-3 are proposing to irrigate 192.03 acres (Water Rights, 2023b). Using Buhler's (2014) *average application rate per permitted acreage* for the Upper Vermillion Missouri aquifer, the estimated use for these two permits is approximately 96 acre-feet per year.

There are domestic wells completed into the Upper Vermillion Missouri: South aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2023c). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the withdrawal rate from the Upper Vermillion Missouri: South aquifer. Additionally, with the development of rural water systems in areas where the Upper Vermillion Missouri: South aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the withdrawal rate for the Upper Vermillion Missouri: South aquifer.

Hydrologic Budget Summary

Buhler's (2014) analysis of the Upper Vermillion Missouri aquifer indicates recharge exceeded withdrawals from the Upper Vermillion Missouri: South aquifer by an estimated 5,637 to 8,223 acre-feet per year at that time. That analysis included all previously defined Upper Vermillion Missouri and Lower Vermillion Missouri aquifer water rights/permits that are now identified as withdrawing water from the South management unit of the Upper Vermillion Missouri aquifer (Buhler, 2014).

The average annual withdrawal rate for the Upper Vermillion Missouri: South aquifer water rights/permits, approved after the March 6, 2014, Water Management Board meeting, (plus two pending permits) is approximately 2,089 acre-feet per year. If Water Permit Application No. 8686-3 is approved, assuming Buhler's (2014) *average application rate per permitted acreage* for the Upper Vermillion Missouri aquifer, the estimated average annual withdrawal rate is approximately 80 acre-feet per year. Therefore, there is a reasonable probability that unappropriated water is available to supply the proposed appropriation.

Table 1. The average annual withdrawal rate for the Upper Vermillion Missouri: South aquifer water rights/permits that were approved after the March 6, 2014, Water Management Board meeting (Water Rights, 2023b)

Permit No.	Name	Priority Date	Status	Use	Acres	Estimated Use (acre-feet/year)
6811A-3	Jesse & Tanya Vandestroet	04/10/2014	PE	IRR	115	57.5
6820A-3	Jesse & Tanya Vandestroet	01/23/2014	PE	IRR	43	21.5
7383-3	Metabank	07/20/2012	PE	IRR	25	12.5
7384-3	Nicholas & Courtney Blake	07/20/2012	PE	IRR	80	40
7441-3	Jason or Alicia Knutson	09/26/2012	PE	IRR	140	70
7442-3	Leah Johnson	09/26/2012	PE	IRR	40	20
7466-3	Bethel Hagen Trust	10/18/2012	PE	IRR	152	76
7467-3	Cleland Hagen Trust	10/18/2012	PE	IRR	152	76
7600-3	Michael D Stevens	12/28/2012	PE	IRR	180	90
7601-3	Michael D Stevens	12/28/2012	PE	IRR	132	66
7603-3	Michael D Stevens	12/28/2012	PE	IRR	120	60
7690-3	Tim or Dave Ostrem	12/20/2013	PE	IRR	160	80
7693-3	Metabank	02/06/2013	PE	IRR	27.7	13.85
7900-3	Leon Thompson	09/11/2013	PE	IRR	136	68
7919-3	Larry & Marlene Erickson	10/23/2013	PE	IRR	83.83	41.92
7945-3	Brad R or Linda R Trudeau	01/17/2014	PE	IRR	60	30
7947-3	Leon, Holly and Jordan Rozeboom	01/23/2014	PE	IRR	133.44	66.72
7948-3	Majestic Farms LLP	01/23/2014	PE	IRR	55.02	27.51
7949-3	Jesse & Tanya Vandestroet	01/23/2014	PE	IRR	100.9	50.45
7964-3	Paul, Mike & John Shubeck	02/12/2014	PE	IRR	128	64
7976-3	Vasgaard Properties	02/27/2014	PE	IRR	160	80
7990-3	Robert P Walsh	04/02/2014	PE	IRR	240	120
7993-3	Jesse & Tanya Vandestroet	04/10/2013	PE	IRR	53	26.5
7994-3	Metabank	04/10/2014	PE	IRR	72	36
7995-3	Jesse & Tanya Vandestroet	04/10/2014	PE	IRR	25	12.5
8007-3	Louis Latendresse	04/18/2014	PE	IRR	150	75
8070-3	Hansen Irrigated Farms LLC	01/07/2015	PE	IRR	96	48
8071-3	Hansen Irrigated Farms LLC	01/07/2015	PE	IRR	51	25.5
8072-3	Jesse & Tanya Vandestroet	01/07/2015	PE	IRR	40	20
8469-3	Double A Farms LLC	03/15/2021	PE	IRR	114	57
8470-3	Nicholas Blake	03/22/2021	PE	IRR	160	80
8492-3	Tim or Kari Ostrem	02/19/2021	PE	IRR	180	90
8542-3	Tyler Anderson	08/09/2021	PE	IRR	103	51.5
8588-3	T & D Farms	02/03/2022	PE	IRR	160	80
8599-3	Farron Pratt and Michelle Pratt	02/24/2022	PE	IRR	17.5	8.75
8619-3	Tim or Kari Ostrem	03/09/2022	PE	IRR	300	150
PE: Water Permit, IRR: Irrigation				TOTAL:	3,985	1,993

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 nine observation wells completed into the Upper Vermillion Missouri: South aquifer (Water Rights, 2023a). The three closest observation wells to the proposed diversion point are CL-66AR (approximately 4.1 miles northeast), CL-80J (approximately 4.5 miles east), and CL-80K (approximately 7.5 miles northeast) (as shown in Figure 1) (Water Rights, 2023a). The hydrographs for these observation wells are displayed in Figures 2 to 4 (Water Rights, 2023a). 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 stable to increasing water levels over their respective periods of record. The hydrographs for these three observation wells were compared to the hydrographs for the other observations wells completed into the Upper Vermillion Missouri: South aquifer and each displayed a similar trend as shown on the hydrographs displayed in Figures 2 to 4 (Water Rights, 2023a). The hydrographs for the Upper Vermillion Missouri: South aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of water levels in the aquifer rather than the impacts of pumping from the Upper Vermillion Missouri: South 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.

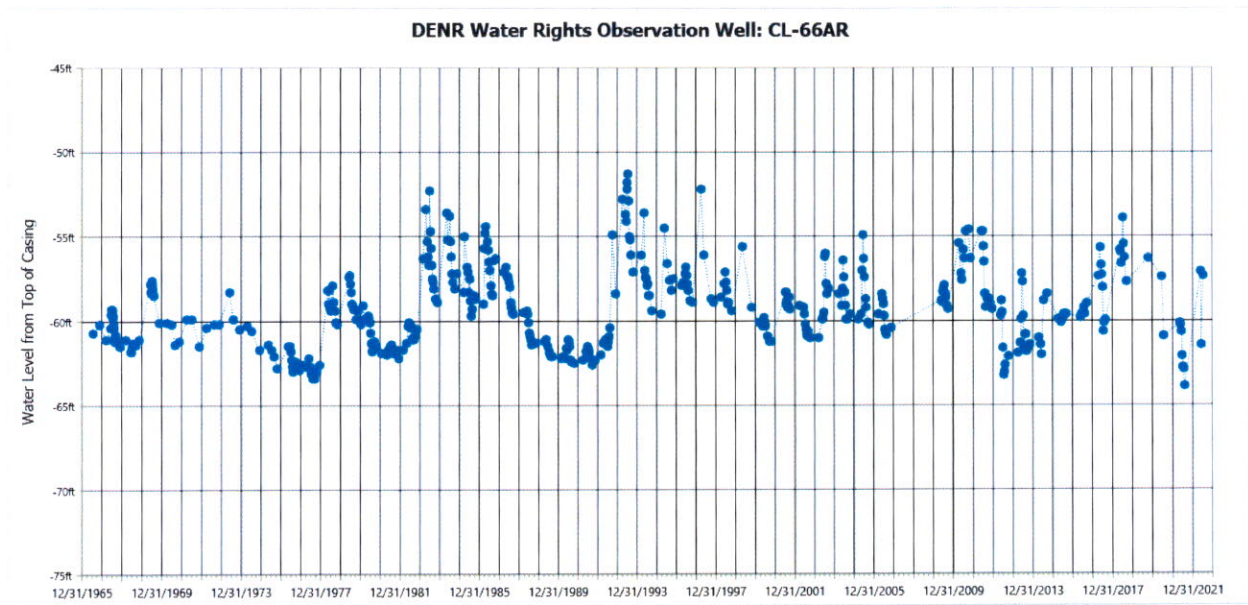


Figure 2. Hydrograph for observation well CL-66AR (Water Rights, 2023a)

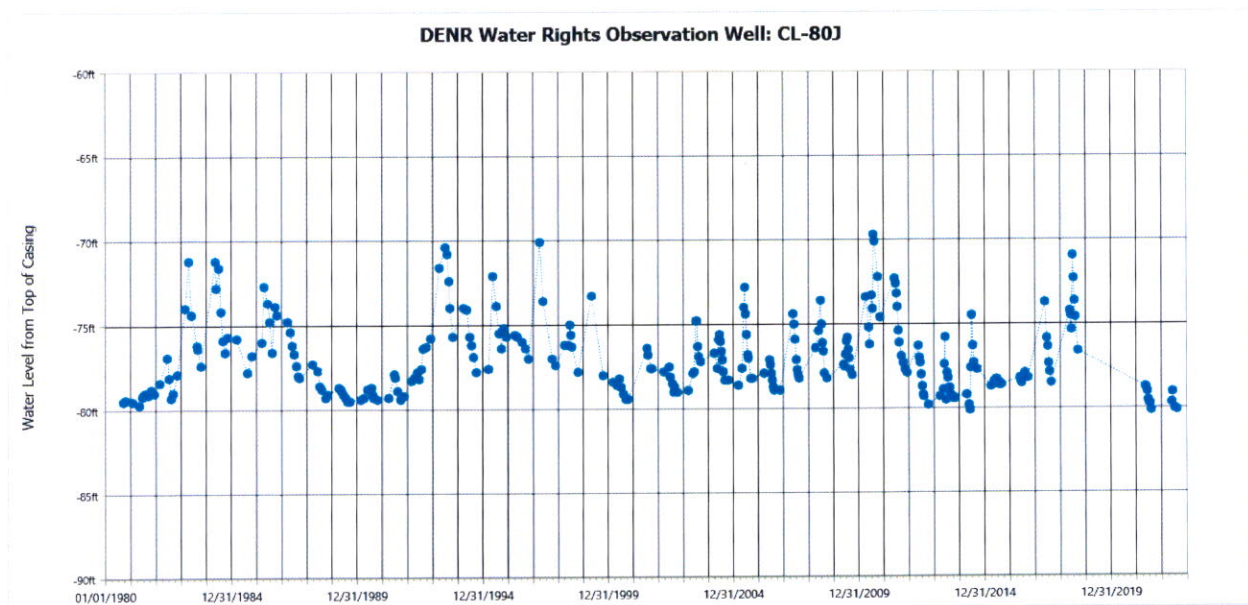


Figure 3. Hydrograph for observation well CL-80J (Water Rights, 2023a)

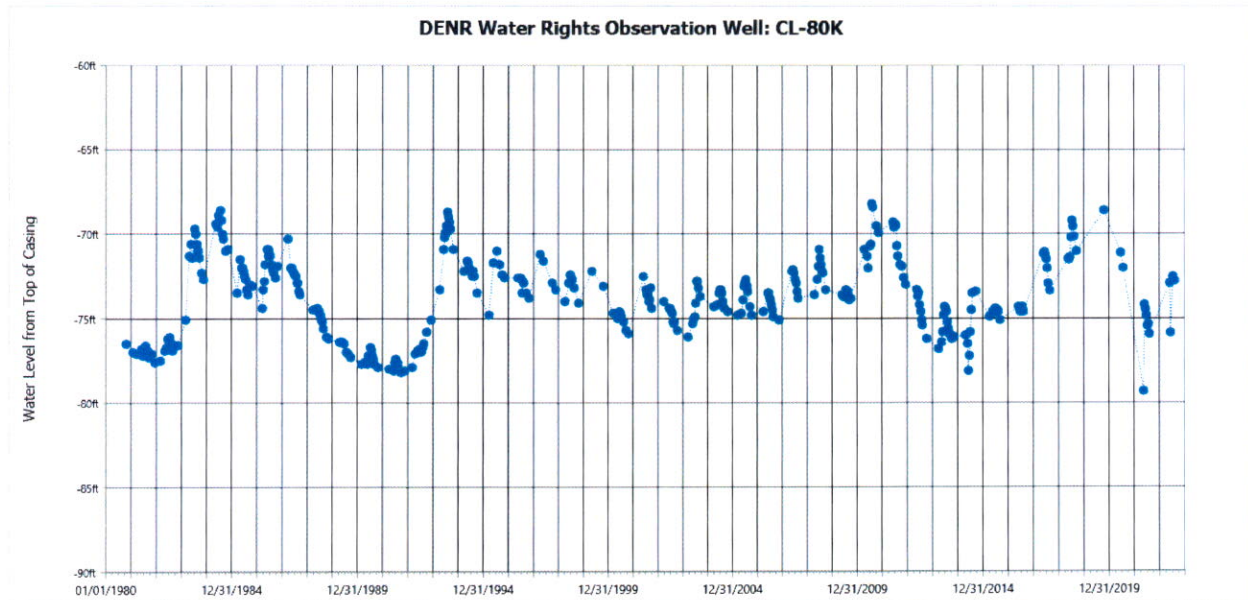


Figure 4. Hydrograph for observation well CL-80K (Water Rights, 2023a)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 91 water rights/permits authorized to appropriate water from the Upper Vermillion Missouri: South aquifer, plus two pending permits – Water Permit Application Nos. 8685-3 and 8695-3 (Water Rights, 2023b). The closest water right/permit to the proposed diversion point is Water Permit No. 8619-3, which is held by Tim or Kari Ostrem. The diversion point for Water Permit No. 8619-3 is located approximately two miles northwest of the proposed diversion point for this application (Table 2) (Figure 5) (Water Rights, 2023c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Upper Vermillion Missouri: South aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.4 miles northeast of the proposed diversion point (Water Rights, 2023d). There could potentially be other domestic wells completed into the Upper Vermillion Missouri: South aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program.

Table 2. Upper Vermillion Missouri: South aquifer water rights/permits within approximately five miles of the proposed diversion point, as shown in Figure 5 (Water Rights, 2023b)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Acres if IRR
973-3	Nicholas & Courtney Blake	LC	IRR	1.78		131
974-3	Metabank	LC	IRR	1.67		140
1813-3	Metabank	LC	IRR	2.06		144
1916-3	Troy & Sheila Gust	LC	IRR	1.33		169
3905-3	Clay Rural Water System Inc	LC	RWS	2		
4731-3	Richard/Gayle Johnson	LC	IRR	2		140
5979-3	Clay Rural Water System Inc	LC	RWS	2	307	
6563-3	Rus Farms Real Estate LLC	LC	IRR	1.78		242.5
6565-3	Metabank	LC	IRR	1.78		130
6569-3	Smit Revocable Trust	PE	IRR	1.11		42
6571-3	Rus Farms Real Estate LLC	LC	IRR	1.78		229.5
6572-3	Trudeau Living Trust	PE	IRR	1.33		78
6808-3	Lovejoy Family Trust	LC	IRR	1.45		135
6813-3	Rus Farms Real Estate LLC	LC	IRR	1.78		187
6815A-3	Rus Farms Real Estate LLC	LC	IRR	1.78		264.5
6816-3	Farron & Michelle Pratt	LC	IRR	1.39		47.5
6817-3	Metabank	PE	IRR	2		130
6818-3	Metabank	PE	IRR	1.55		117
6819-3	Metabank	LC	IRR	1.39		102
6820A-3	Jesse & Tanya Vandestroet	PE	IRR	1.56		43
6821-3	Tim Gregoire	LC	IRR	1.78		83
6822-3	Hansen Properties	PE	IRR	1.11		36
7001-3	Rus Farms Real Estate LLC	LC	IRR	1.78		170
7003-3	Metabank	LC	IRR	0.67		31
7111-3	Kari Ostrem	LC	IRR	1.78		130
7150-3	Tim Ostrem	PE	IRR	1.78		300
7383-3	Metabank	PE	IRR	0.56		25
7442-3	Leah Johnson	PE	IRR	0		40
7693-3	Metabank	PE	IRR	0.67		27.7
7945-3	Brad R or Linda R Trudeau	PE	IRR	1.78		60
7947-3	Leon, Holly, Jordan, & Madeline Rozeboom	PE	IRR	1.78		133.44
7948-3	Leon, Holly, Jordan, & Madeline Rozeboom	PE	IRR	1.78		55.02
7949-3	Jesse & Tanya Vandestroet	PE	IRR	1.78		100.9
7990-3	Robert P Walsh	PE	IRR	2.44		240
7993-3	Jesse & Tanya Vandestroet	PE	IRR	1.11		53
7994-3	Metabank	PE	IRR	0		72
8007-3	Louis Latendresse	PE	IRR	1.67		150
8070-3	Hansen Irrigated Farms LLC	PE	IRR	1.56		96
8071-3	Hansen Irrigated Farms LLC	PE	IRR	1		51
8072-3	Jesse & Tanya Vandestroet	PE	IRR	1		40
8492-3	Tim or Kari Ostrem	PE	IRR	0		180
8599-3	Farron & Michelle Pratt	PE	IRR	0.17		17.5
8619-3	Tim or Kari Ostrem	PE	IRR	1.78		300

LC: Licensed Water Right; PE: Water Permit, IRR: Irrigation; RWS: Rural Water System

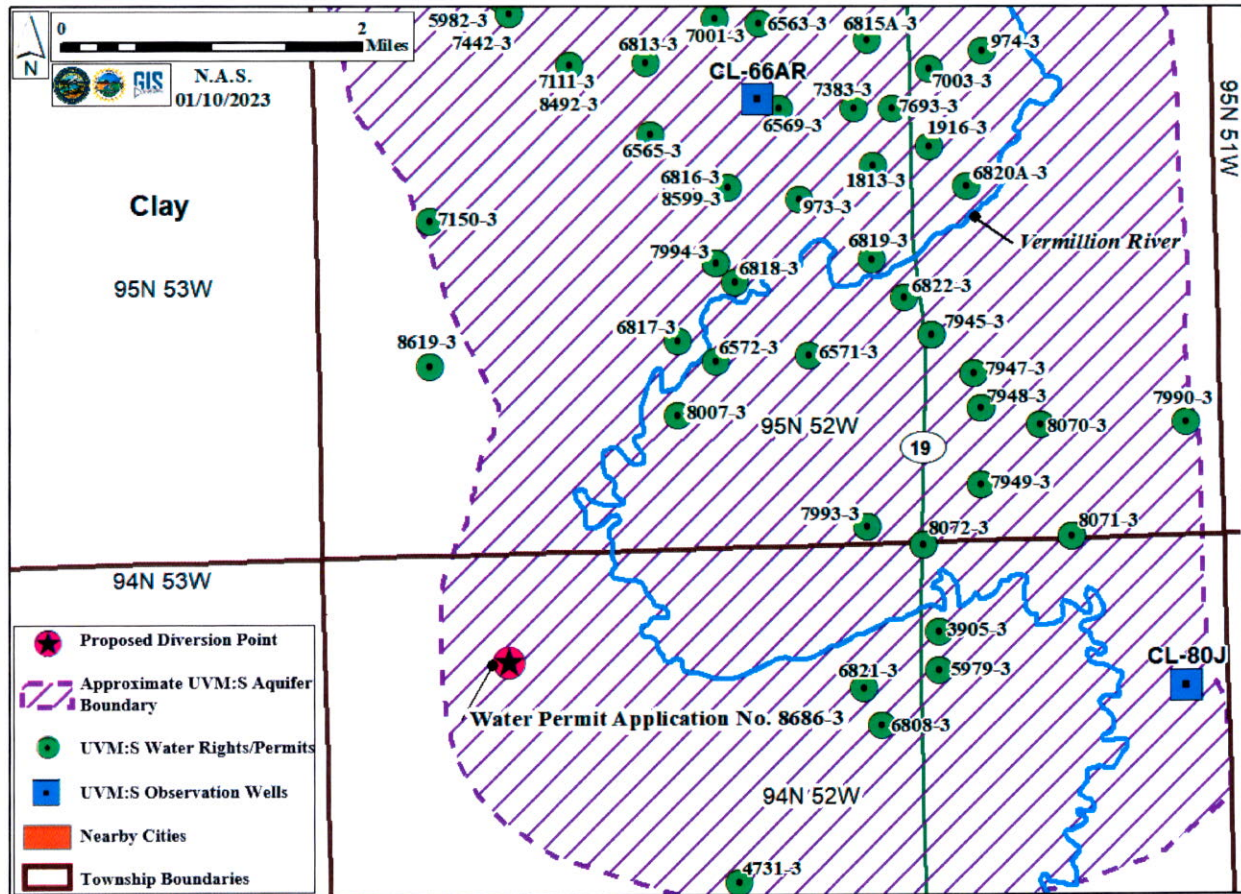


Figure 5. Location of the proposed diversion point for Water Permit Application No. 8686-3 with the Upper Vermillion Missouri: South aquifer water rights/permits and observation wells within approximately five miles (Water Rights, 2023a and 2023b)

The Upper Vermillion Missouri: South aquifer is generally under confined conditions except near the Clay-Turner County line where the aquifer is in hydrologic connection with the overlying Parker-Centerville aquifer (Holmes and Filipovic, 2015; Lindgren and Hansen, 1990; Niehus, 1997). The Upper Vermillion Missouri: South aquifer is expected to be unconfined at the proposed diversion point based on the well completion reports on file for nearby wells completed into the aquifer (Water Rights, 2023b and 2023c). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test. However, observation wells completed into the Upper Vermillion Missouri: South aquifer near permitted/licensed diversion points can provide some insight on how the aquifer responds to pumping.

Observation well CL-80J (approximately 4.5 miles east of the proposed diversion point) has eight high-yield (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) wells within approximately two miles of it (as shown in Figure 5) (Water Rights, 2023a and 2023b). The lithologic log on file for CL-80J noted the well was drilled 155 feet below the

ground surface, with a casing stick up height of 2.7 feet, and the top of aquifer approximately 83 feet below the ground surface (SDGS, 2023). The lowest recorded static water level on the hydrograph (shown in Figure 3) is approximately 80 feet from the top of the well casing, which indicates there was still approximately six feet of artesian head pressure in CL-80J 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, 2023a).

Within approximately three miles of the proposed diversion point, water well completion reports on file for appropriative water users have saturated aquifer thicknesses ranging from approximately 30 to 60 feet (Water Rights, 2023a, 2023b, and 2023c). 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 is not expected to unlawfully impair nearby adequate wells. In Clay, Lincoln, and Turner Counties, there are no complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Upper Vermillion Missouri: South aquifer (Water Rights, 2023d).

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 Upper Vermillion Missouri: South aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness near the proposed diversion point, the artesian head pressure in observation wells and appropriative user’s wells completed into the aquifer near the proposed diversion point, and the lack of well interference complaints for adequate wells completed into the Upper Vermillion Missouri: South aquifer, 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. 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. 8686-3 proposes to divert water at a maximum instantaneous diversion rate of 1.78 cfs from one well to be completed into the Upper Vermillion Missouri: South aquifer (approximately 205 feet deep) for the irrigation of 160 acres. The site of interest is located in Clay County approximately 14 miles northwest of Vermillion, SD.
1. Based on Buhler's (2014) Flow Net Analysis and the observation well data, there is a reasonable probability that unappropriated water is available from the Upper Vermillion Missouri: South aquifer to supply the proposed appropriation.
2. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8686-3 will not unlawfully impair adequate wells for existing water right/permit holders 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

- Buhler, K.A., 2014. Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer. SD DENR – Water Rights Program, Joe Foss Bldg., Pierre, SD.
- 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.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.

- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A., 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Holmes, S.L. and Filipovic, D., 2015. Hydrogeologic Investigation of the Upper Vermillion Missouri Aquifer. Open-File Report 93-UR. SD DENR-Geological Survey. Vermillion, SD.
- Lindgren, R.J., and Hansen, D.S., 1990. Water Resources of Hutchinson and Turner Counties, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 90-4093, 100p.
- Niehus, C.A., 1997. Major Aquifers in Lincoln and Union Counties, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 93-4195. U.S. Geological Survey. Vermillion, SD.
- SDGS, 2023. South Dakota Geological Survey Lithologic Logs Database. Accessed January 11, 2023. <http://cf.sddanr.net/lithdb/>.
- 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, 2014. Final Order. DENR-Water Rights Program File for Water Right No. 7466-3, Pages 152 to 156. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights, 2023a. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023b. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023c. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023d. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

January 31, 2023

Smit Family Trust
c/o David Smit
45536 283rd St
Hurley SD 57036

Dear Mr. Smit:

Water Permit Application No. 8686-3 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 Plain Talk printed at Vermillion SD (Ph # 605 624-2695) and the Press & Dakotan printed at Yankton SD (Ph # 605 665-7811). 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

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.

emailed: Brett Petersen

NOTICE OF APPLICATION NO. 8686-3 to Appropriate Water

Notice is given that Smit Family Trust, c/o David Smit, 45536 283rd St, Hurley SD 57036 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri:South Aquifer (205 feet deep) located in the approximate center of the SW 1/4 Section 5 for irrigation of 160 acres located in the SW 1/4 Section 5; all in T94N-R52W. This site is located approximately 14 miles northwest of Vermillion SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8686-3 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 20, 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 20, 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: Tuesday, January 31, 2023 8:15 AM
To: Kelly Kronaizl
Subject: 8686-3, Smit Family Trust
Attachments: 8686-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on February 10, 2023.

Smit Family Trust, c/o David Smit, 45536 283rd St, Hurley SD 57036 (605 310-0640) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, January 31, 2023 8:16 AM
To: Cassandra Brockmoller
Subject: 8686-3, Smit Family Trust
Attachments: 8686-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on February 10, 2023.

Smit Family Trust, c/o David Smit, 45536 283rd St, Hurley SD 57036 (605 310-0640) 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>



AFFIDAVIT OF PUBLICATION

PLAIN TALK

DAVID SMIT
45536 283RD ST
HURLEY SD 57036

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

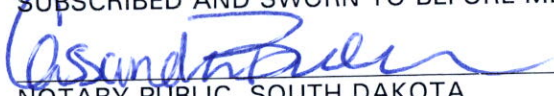
BETH RYE, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE ADVERTISING DIRECTOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF
THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN
THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 10th DAY OF February, 2023
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$40.00 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 02/10/2023

FILED ON: 02/10/2023


SUBSCRIBED AND SWORN TO BEFORE ME THIS 10th DAY OF February, 2023


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

RECEIVED

FEB 17 2023

OFFICE OF
WATER

Notice is given that Smit Family Trust, c/o David Smit, 45536 283rd St, Hurley SD 57036 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri:South Aquifer (205 feet deep) located in the approximate center of the SW 1/4 Section 5 for irrigation of 160 acres located in the SW 1/4 Section 5; all in T94N-R52W. This site is located approximately 14 miles northwest of Vermillion SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8686-3 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 21, 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 21, 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 \$40.00 and can be viewed free of charge at www.sdpublicnotices.com

Published February 10, 2023.

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

SMIT FAMILY TRUST C/O DAVID SMIT
45536 283RD ST
HURLEY SD 57036

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

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

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 10th DAY OF February, 2023
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$40.00 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 02/10/2023

FILED ON: 02/10/2023


SUBSCRIBED AND SWORN TO BEFORE ME THIS 10th DAY OF February, 2023


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

RECEIVED

FEB 17 2023

OFFICE OF
WATER

Ad text : NOTICE OF APPLICATION
NO. 8686-3 to Appropriate Water

Notice is given that Smit Family Trust, c/o David Smit, 45536 283rd St, Hurley SD 57036 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri:South Aquifer (205 feet deep) located in the approximate center of the SW 1/4 Section 5 for irrigation of 160 acres located in the SW 1/4 Section 5; all in T94N-R52W. This site is located approximately 14 miles northwest of Vermillion SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8686-3 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 Engineers 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 21, 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 21, 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 \$40.00 and can be viewed free of charge at www.sdpublicnotices.com.

Published February 10, 2023.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, January 31, 2023 8:21 AM
To: PBP Farms
Subject: Water Permit Application No 8686-3, Smit Family Trust
Attachments: 4793.pdf

Brett

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for Smit Family Trust water permit application. As stated in the letter, someone (either you or David Smit – I only have your email address) should contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to David Smit today.

Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAR 27 2023

Smit Family Trust
c/o David Smit
45536 283rd Street
Hurley SD 57036

Dear Mr. Smit:

Enclosed is Water Permit No. 8686-3 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.: 8686-3

Name of Applicant: Smit Family Trust, David Smit

Date of Posting: 2/7/2023

Date of Removal: 3/27/2023

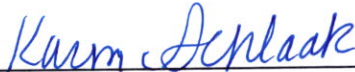


Ron Duvall, Water Rights Permitting Administrator

3/27/23

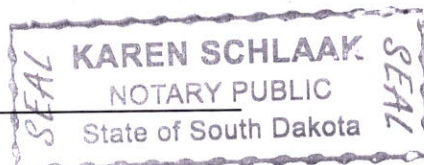
Date

Subscribed and sworn to before me, a notary public, this 27th day of March, 20 23.



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

(SEAL)



Dave Smit - Centerville Test Hole 205' 12/8/2022

Formation	From	To
Top Soil	0	3
Clay dark brown	3	5
Clay brown	5	26
Clay blue	26	45
Sand coarse w/ fine gravel	45	51
Clay blue w/ gravel layers	51	54
Clay blue	54	57
Clay and sand mixed	57	94
Sand coarse some clay	94	102
Sand coarse, some thin clay layers, lots of coal	102	128
Sand and fine gravel more clay layers	128	132
Sand coarse lots of coal	132	196
Gravel fine- med	196	205
Shale	205	206



Legend

 Dave Smit Test Hole 206' 12/8/2022

Dave Smit Test Hole 206' 12/8/2022 



8686-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

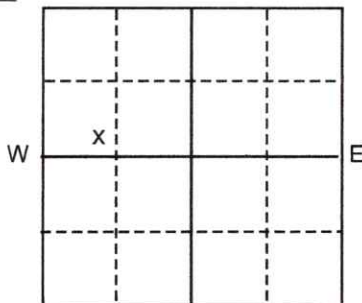
11-02

Location NW ¼ SW ¼ Sec 5 Twp 94N Rg 52W

County Clay County

North

Please mark well location with an "X"

42.986706
-97.018686

Well Completion Date

5/12/2023

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.):

NA ft. from Well drilled in Middle of Field (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe SDR 17

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
146 LB/FT	12 IN	145 FT	+1 FT	173/4 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
BH20	21	50 Lb/gal	0 Ft	70 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☒ Perforated pipe ☐ Manufactured
 Diameter 12 Inches Length 60 Feet

Material SS screen

Slot Size .060 Set From 205 Feet to 145 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material? #3 Gravel Packed 150 Bags

Describe packer(s) and location

70' - 205'

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

☐ No, Why Not?
 Lab to which water quality sample sent for analysis

Well Owner: Dave Smit

Business Name:

Address: 45536 283rd St

City, State, Zip: Hurley, SD 57036

WELL LOG:

DEPTH

FORMATION	FROM	TO
Top Soil	0	3
Brown Sandy Clay	3	45
Sand/Gravel	45	51
Sandy Clay	51	94
Medium Sand & Clay	94	205

STATIC WATER LEVEL 77 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: Air Lifted & Jetted

☐ Bailed

☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

RECEIVED

JUN 02 2023

OFFICE OF
WATER

This well was drilled under license # 270 and this report is true and accurate.

Drilling firm: Alton Well Company

Signature of License Representative:

Larry Vande Brake

Signature of Well Owner or Equitable Property Holder:

Dave Smit Family Trust

Date: 5/30/2023



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 8, 2024

6569-3
8686-3

Smit Family Trust
c/o David Smit, MGR
45536 283rd St
Hurley SD 57036

Dear Mr. Smit:

I have received your "Notice of Transfer of Ownership" form and the required fees for Permit No. 6569-3. Enclosed is a receipt of payment for your records. Water Permit No. 6569-3 previously owned by the David & Cathy Smit Revocable Trust is now listed under the Smit Family Trust.

As a reminder, so long as you use the water beneficially, as stated in the Water Permit, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the permit will be subject to cancellation.

Our office is also in receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system authorized under Permit No. 8686-3.

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

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you.

If you have any questions, please contact me.

Sincerely,

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

enclosure

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

Date 2/1/2024

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

FROM: Smit Family Trust (David Smit manager)
(name)
45536 283rd St.
(address)
Hurley, So. Dak. 57036 605-310-0640
(city, state, zip) (phone)

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

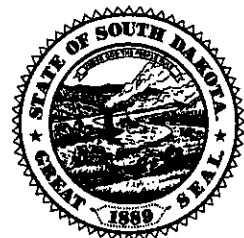
Water Permit No. 8686-3 states that the water use system is to be constructed by 2/21/2028, and water is to be put to beneficial use by 2/21/2032.
(date) (date)

The water use system was completed on 7/1/2023.
(date)

Applying the water to beneficial use was completed on 7/3/2023.
(date)

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

David Smit
(signature)



Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8686-3

I have this day, October 23, 2024, made a thorough examination of the water use systems owned by Smit Family Trust, 45536 283rd Street, Hurley, SD 57036, holders of Permit No. 8686-3, bearing the priority date of December 20, 2022. This permit authorizes the diversion of 1.78 cu. ft. per second of the waters of groundwater (Upper Vermillion Missouri: South Aquifer) authorizing the irrigation of 160 acres located in Clay County.

Inspection contacts: David Smit

A. Works used to divert the water:

Well Information

- 1) Well Drilling Firm: Alton Well Company
- 2) No. of Wells: 1
- 3) Depth(s): 205 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 12 inches
- 2) Length: 145 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 12 inches
- 2) Length: 60 feet
- 3) Type: SS
- 4) Static water level: 77 feet

Pump:

- 1) Make: Borer Wholesale
- 2) Model: Unknown
- 3) Capacity: 800 gpm

Motor:

- 1) Make: Karlington
- 2) Model No.: Unknown
- 3) Horsepower rating: 50 hp

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

- 1) Type: Aluminum Size: 8 inches Length: 30 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 1253 feet
- 3) Number of towers: 7
- 4) End gun: Yes Range: 109 feet
- 5) Capacity: 800 gpm

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
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:
The well is 1,290 feet north and 1,360 feet east of the southwest corner of Section 5-T94N-R52W. (Latitude 42.98606, Longitude -97.01806– approx. center of the SW1/4).
2) The works are capable of diverting and conveying to the places of use 1.78 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in

Section 5-T94N-R52W

<u>NW1/4SW1/4</u>	<u>32 acres</u>
<u>NE1/4SW1/4</u>	<u>32 acres</u>
<u>SW1/4SW1/4</u>	<u>32 acres</u>
<u>SE1/4SW1/4</u>	<u>32 acres</u>

comprising a total of 128 acres of land and the license should be issued for 1.78 cfs.

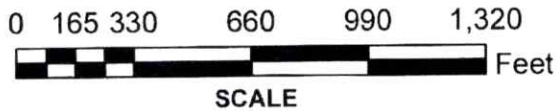
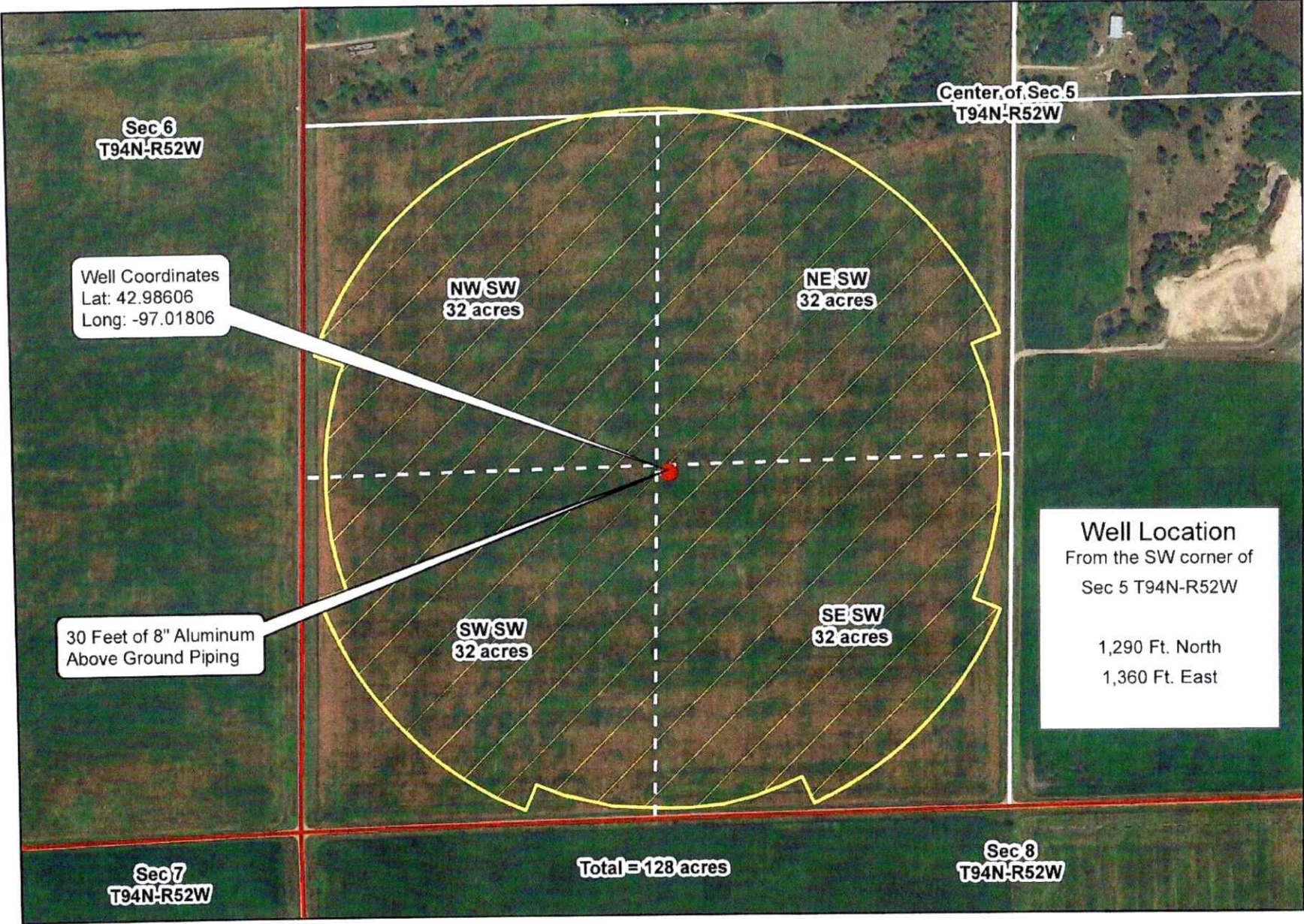
- 3) All structures, wells and lands on map: Yes

F. Comments or other permit(s) associated with the project: The pump and motor information was obtained from Reiners Well Drilling.

Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: November 6, 2024

Water Permit No. 8686-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
October 23, 2024



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 02 2025

Smit Family Trust
c/o David Smit
45536 283rd St
Hurley, SD 57036

No. 8686-3

Dear Mr. Smit:

Enclosed is Water License No. 8686-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8686-3**

(1) Smit Family Trust, 45536 283rd St, Hurley, SD 57036, made Application No. 8686-3, December 20, 2022, for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Upper Vermillion Missouri: South Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 8686-3, with a priority date of December 20, 2022, was approved February 21, 2023, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 21, 2028, and for the application to beneficial use of water on or before February 21, 2032.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on February 1, 2024. The Notice stated the diversion system was completed on July 1, 2023 and the water was placed to beneficial use on July 3, 2023.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,290 feet N and 1,360 feet E from the SW corner of Section 5, T94N, R52W
(approx. center of the SW $\frac{1}{4}$) (Latitude 42.98606 and Longitude -97.01806)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.

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

Section 5, T94N, R52W
NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 32 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 32 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 32 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 32 acres
Total – 128 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Smit Family Trust, the holder and/or owner of Water Right No. 8686-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Upper Vermillion Missouri: South Aquifer), with a priority date of December 20, 2022, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8686-3 and subject to the following qualifications:

1. The well approved under Water Permit No. 8686-3 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 wells having prior water rights.
2. The well approved by Permit No. 8686-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *(The well was drilled in 2023 by Alton Well Company. A copy of the well completion report is on file with the Water Rights Program.)*
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


Mark Mayer, PE
Director of Office of Water

6/2/25
date

