

WATER PERMIT NO. 8687-3

Name of Applicant: **Rus Farms Real Estate LLC**

Address: **3283 Dogwood Ave, Rock Valley IA 57036** ⁵¹²⁴⁷ Phone: **605 351-6026**

Amount of Water Claimed: **1.78 cfs** Total Acres: **160**

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

Water to be used for: **irrigation** County: **Lincoln**

Type of Waste Disposal System:

Location: **9 miles northwest of Beresford**

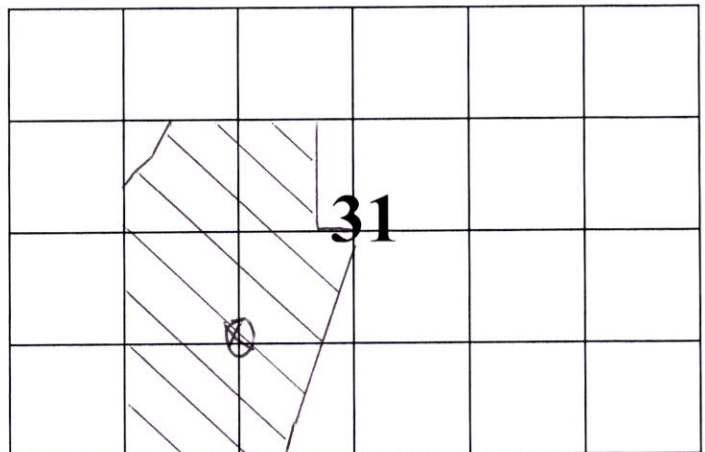
PRIORITY Date Received: **12-20-22** Application/License Fee: **\$2050**

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

Remarks:

Diversion Point: **approximate center of the SW 1/4**
Sec 31-T97N-R51W

Land to be Irrigated: **SW 1/4, S 1/2 NW 1/4 Sec**
31-T97N-R51W



Depth of Well: **50**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **12-21-22**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8687-3**

Date of first receipt of application December 20, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8687-3 to Rus Farms Real Estate LLC, Marion Rus, 3283 Dogwood Ave, Rock Valley IA 51247 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. 8687-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Parker-Centerville Aquifer (approximately 50 feet deep) located in the approximate center of the SW 1/4 Section 31 for irrigation of 160 acres located in the SW 1/4, S 1/2 NW 1/4 Section 31; all in T97N-R51W. This site is located approximately 9 miles northwest of Beresford 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. 8687-3 is March 20, 2023.
5. One-fifth of the construction is to be completed on or before September 20, 2025.
6. All construction is to be completed on or before March 20, 2028.
7. Water is to be put to beneficial use on or before March 20, 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. 8687-3 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. 8687-3 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.
4. The well shall be completed into the Parker Centerville aquifer and not the deeper glacial aquifer known as Upper Vermillion Missouri aquifer.

WATER MANAGEMENT BOARD

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

APR 19 2023
date



RECEIVED

DEC 20 2022

PAID

DEC 20 2022

Ck# 8428

Rec't#

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8687-3</u> Hydrologic Unit <u>10170102</u> Basin <u>Vermillion River</u> Newspaper <u>Sioux Valley News Canton</u> (Thurs) 764-2000 <u>Argus Leader</u> (office use only)
---	---

Application for Permit to Appropriate Water for Irrigation

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

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

1. Name to Appear on Irrigation Permit Rus Farms Real Estate LLC

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

Mailing Address 3283 Dogwood Ave Rock Valley IA 57036
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 6053516026 -Brett Petersen Email pbfarms@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 Parker-Centerville Aquifer

4. Location of point of diversion 1 Well in SW 1/4 of Section 31-T97N-R51W (approximate center)
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Lincoln

5. County or counties where water will be used Lincoln

6. Annual period during which water is to be used May-September 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
NW1/4 of SW1/4 31-T97N-R51W	<u>40</u>	NE1/4 of SW1/4 31-T97N-R51W	<u>40</u>
SW1/4 of of SW1/4 31-T97N-R51W	<u>40</u>	SE1/4 of SW1/4 31-T97N-R51W	<u>40</u>
<u>S1/2 NW1/4 Sec 31-T97N-R51W</u>	<u>60</u>		
<u>SW1/4 Sec 31-T97N-R51W</u>	<u>100</u>		

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

Drill a well in the center of SW1/4 31-T97N-R51W to irrigate 160 acres

I, Brett Petersen  Operator _____, 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) 50 Depth to Top of Water Bearing Material 20 Depth to Water from Surface 7
- d) Distance to nearest domestic well on applicant's property N/A Property owned by others 1.5 Miles

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

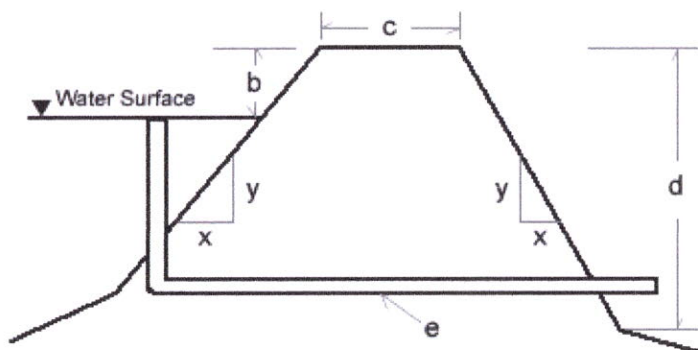
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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.

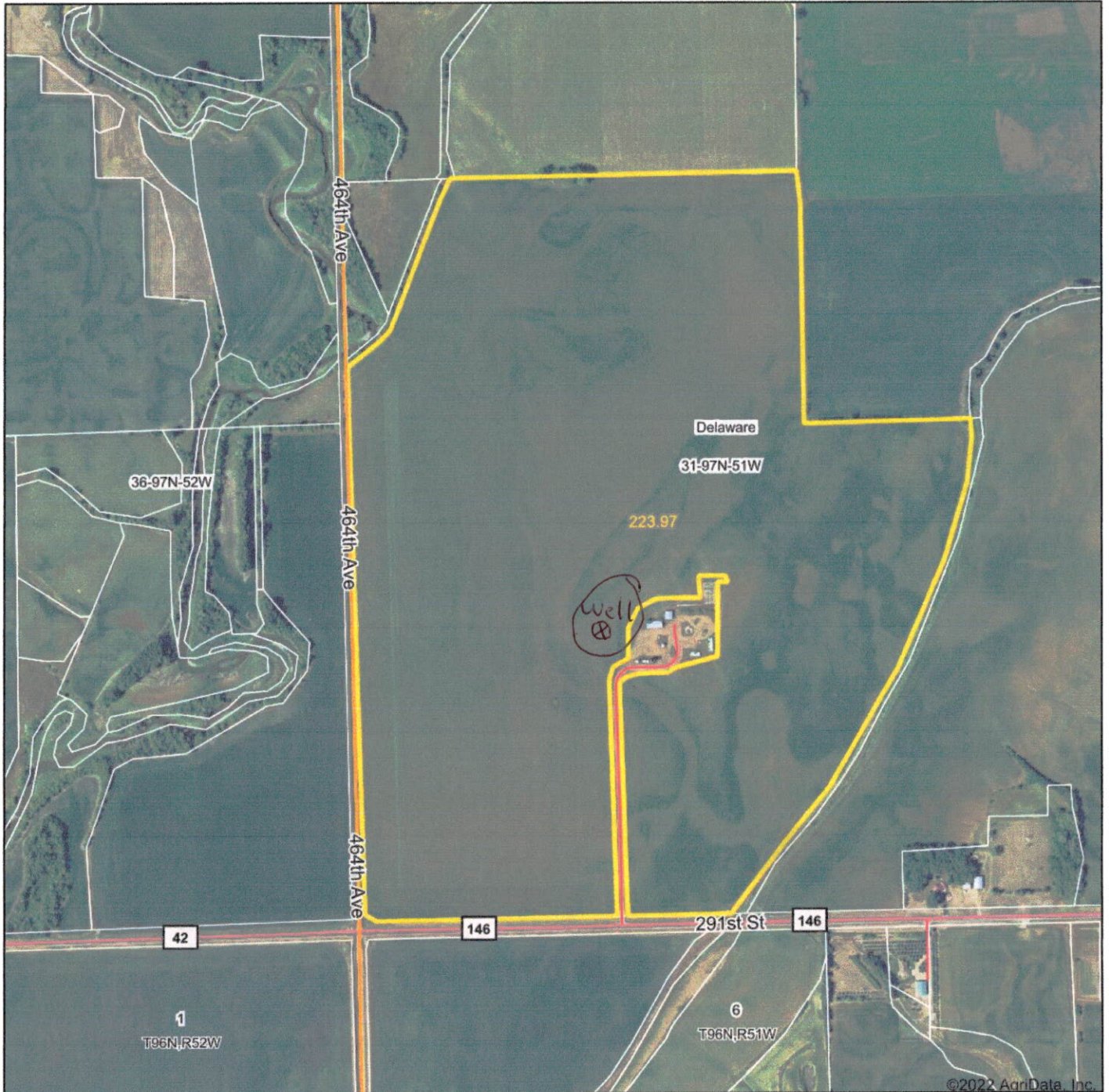
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____

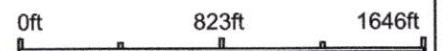


- If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Aerial Map



Map Center: 43° 10' 34.74, -96° 55' 11.85



31-97N-51W
Lincoln County
South Dakota



12/14/2022

Maps Provided By:
 **surety**
CUSTOMIZED ONLINE MAPPING
© AgriData, Inc. 2021 www.AgriDataInc.com

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

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 20, 2022

RECEIVED OF PBP Farms Partnership 45610 282nd St., Hurley SD 57036

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

Fee for Application for Permit No. <u>8687-3</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>8687-3</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 dm

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, December 20, 2022 2:32 PM
To: pbpfarms@gmail.com
Subject: Application for Rus Farms Real Estate
Attachments: 4520.pdf

Same question as with the Smit Family application.

The application requests 160 acres in the SW ¼ Section 31. The yellow outlined area on the map you submitted includes the S ½ NW ¼ Section 31. Do you want that acreage added to the application or will the 160 acres be located totally in the SW ¼ Section 31-T97N-R51W? 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 Rus Farms Real Estate LLC

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 the S 1/2 NW 1/4 Section 31. Brett indicated they intend to irrigate 160 acres located in the SW1/4 and the S 1/2 NW 1/4 Section 31. The S 1/2 NW 1/4 Section 31 should be added to the application. He indicated the structures located in the middle of the SW 1/4 have been removed.



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. 8687-3, Rus Farms Real Estate LLC**

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. 8687-3, Rus Farms Real Estate LLC, 3283 Dogwood Avenue, Rock valley IA 51247.

The Chief Engineer is recommending APPROVAL of Application No. 8687-3 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. 8687-3 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. 8687-3 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.
4. The well shall be completed into the Parker Centerville aquifer and not the deeper glacial aquifer known as Upper Vermillion Missouri aquifer.

See report on application for additional information.

Eric Gronlund, Chief Engineer
February 24, 2023

NOTE: This application is located above a deeper glacial aquifer known as the Upper Vermillion Missouri aquifer. To ensure the well for this application is complete into the Parker Centerville aquifer the screen should not be placed deeper than 65 feet below grade. If the well is developed into the deeper Upper Vermillion Missouri aquifer a new water permit will need to be obtained and Permit No. 8687-3 will likely be subject to cancellation.

Report to the Chief Engineer
on Water Permit Application No. 8687-3
Rus Farms Real Estate
21 February 2023

Water Permit Application No. 8687-3 seeks to appropriate up to 1.78 cubic feet of water per second (cfs) from one well to be completed into the Parker-Centerville aquifer (approximately 50 feet deep) in the approximate center of the SW $\frac{1}{4}$ Section 31 for irrigation of 160 acres located in the SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 31; all in T97N-R51W. This application is approximately 4.4 miles northeast of Centerville and 9 miles northwest of Beresford, South Dakota.

Aquifer: Parker-Centerville (PAC)

Hydrogeologic Characteristics

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

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

The applicant submitted geological information for a test hole but did not include any specific location information nor a date the test hole was drilled. The only indication of the location of the test hole was that it was “north of Centerville.” This application is approximately 4.4 miles

northeast of Centerville. While the test hole was drilled to a depth of 199 feet where quartzite was encountered, the application indicates the well depth will be 50 feet. The test hole indicated varying degrees of gravel and sand were encountered from 7 to 50 feet below ground surface. The nearest lithologic log from the Geological Survey Program's database is located 0.3 miles south of the proposed well location [7]. That lithologic log indicates the presence of silty topsoil from 0 to 1 foot below grade, various colors and sizes of sand and gravel from 8 to 60 feet, and pebbly clay from 60 to 63 feet [7]. These findings are consistent with descriptions of the Parker-Centerville aquifer in literature [1] [5].

Applicable South Dakota Codified Law (SDCL)

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

Pursuant to SDCL 46-6-3.1, no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17) and the Parker-Centerville aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, the Water Management Board needs to consider whether recharge to the aquifer exceeds withdrawals.

Availability of Water

Hydrologic Budget

Recharge

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

Discharge

Discharge from the Parker-Centerville aquifer is by evapotranspiration, groundwater outflow to aquifers that are hydrologically connected to the Parker-Centerville aquifer when the hydraulic head of the Parker-Centerville aquifer is higher than the hydraulic head of connected aquifers, outflow to surface water features when the hydraulic head of the aquifer is higher than the stage of the surface water, and by domestic and appropriative withdrawals [1] [5]. Due to their

relatively low pump rate and the presence of water distribution systems, domestic withdrawals from the Parker-Centerville aquifer are estimated as being negligible for this hydrologic budget.

There are 152 water rights/permits authorized to withdraw from the Parker-Centerville aquifer and one future use permit reserving water in the aquifer [6]. The future use permit is for the City of Parker and also reserves water from the Vermillion West Fork aquifer [6]. The total reservation for that future use permit is 340 ac-ft/yr [6]. Of the water rights/permits authorized to withdraw, 148 are for irrigation, two are for municipal use, one is for industrial use, and one is for commercial use [6]. Irrigation reported over the period of record (1979-2021) is shown in Figure 1 [11]. The average irrigation reported over the entire period of record is 10,011 ac-ft/yr [11]. Due to changes in irrigation practices and increased acreage and permits, the average over the entire period of record may not be reflective of average withdrawals in the future. The average over the last 10 years of record is 10,772 ac-ft/yr [11]. Four irrigation permits are new enough that they have never submitted an irrigation questionnaire [6] [11]. They are assumed to apply 10 inches of water per year over the total of 440 acres authorized by both permits, for an estimated withdrawal of 367 ac-ft/yr. There is also one application pending that is senior to this application. It requests to irrigate 125.26 acres. Using the same method as for other irrigation permits too new to report, it is estimated to use 104 ac-ft/yr.

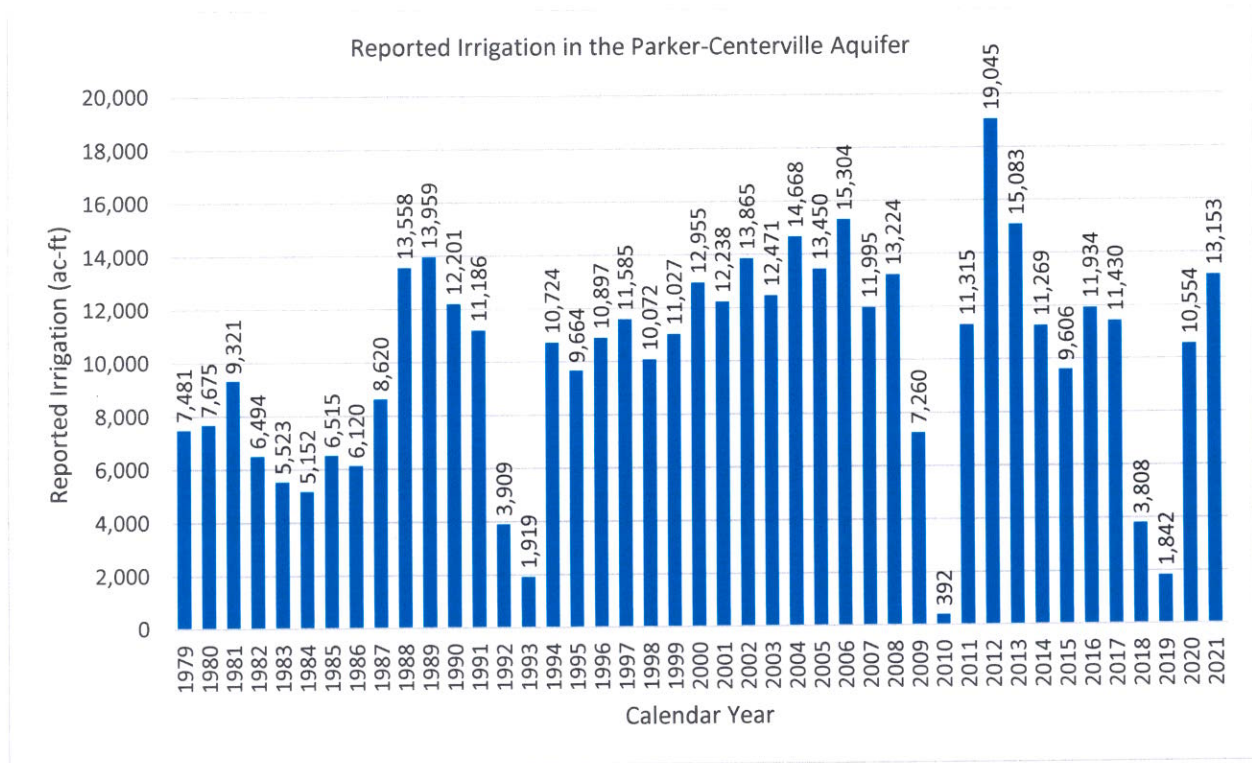


Figure 1: Irrigation reported in the Parker-Centerville aquifer from 1979 through 2021 [11]

Of the four non-irrigation permits authorized to withdraw from the Parker-Centerville aquifer, two belong to the Town of Hurley, which purchases its water from another water distribution system [12]. The Town of Hurley retains its permits for emergency purposes and is assumed to withdraw a negligible amount of water for this hydrologic budget. The other two non-irrigation

permits are required to report their annual withdrawals and are limited to a volume stated on their permits [6]. Permit No. 8358-3 is for a commercial livestock feeding operation and has not reported any withdrawals in its four years reporting but may still place their water to beneficial use [13]. It is assumed to withdraw its permitted volume limit of 222 ac-ft/yr [6]. Permit No. 8428-3 is for dewatering a gravel mining operation [6] and reported a withdrawal of 186 ac-ft in 2021 [13], which is its only year of record so far. Their annual volume limit is 795 ac-ft/yr [6]. In the area of the Parker-Centerville aquifer, 2021 was a period of drought [14], so the withdrawal reported for Permit No. 8428-3 that year may be low compared to their average in the future. Therefore, it will also be assumed to withdraw its entire volume limit as listed on the permit.

Summary of Hydrologic Budget

The estimated recharge to the Parker-Centerville aquifer is 16,444 ac-ft/yr. The total estimated withdrawal, including reservations for future use and estimated withdrawals of pending applications, is 12,600 ac-ft/yr. A more detailed summary of estimated withdrawals is shown in Table 1. This application may withdraw up to 320 ac-ft/yr but is likely to withdraw less on average. Assuming it withdraws 10 inches per acre per year as other irrigation permits have been estimated to withdraw, it would withdraw 133 ac-ft/yr. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 1: Summary of estimated withdrawals

Estimation Type	Count	Estimated Avg. Use (ac-ft/yr)
Irrigation, reporting	144	10,772
Irrigation, too new to report	4	367
Standby	2	0
Volume Limited, too new to average	2	1,017
Subtotal, authorized to withdraw	152	12,156
Pending	1	104
Future use	1	340
Grand total	154	12,600

Observation Wells

Administrative Rule of South Dakota 74:02:05:07 requires the Water Management Board to consider the record of observation wells in addition to other information to determine the availability of unappropriated groundwater. The Water Rights Program maintains 22 observation wells completed into the Parker-Centerville aquifer [2]. The nearest observation well to this application is LN-78D located 0.7 miles north of the existing well [2]. Of the 22 observation wells, 21 tend to remain stable or increasing and one (TU-57D) has a declining trend [2]. Observation Well LN-78D has had issues with the well casing being broken and inaccessibility for the past several years. The next nearest observation well completed into the Parker-Centerville aquifer is LN-78C, located approximately 1.8 miles north of this application (Figure 2). Water levels in Observation Wells LN-78C and LN-78D have shown a tendency to remain stable (Figure 3) [2]. In general, water levels rise during periods of higher-than-average precipitation and decline during periods of less-than-average precipitation [2] [14], indicating

natural discharge occurs in the aquifer on average. Natural discharge is available for capture. Therefore, based on observation well water levels, there is a reasonable probability unappropriated water is available for this application.

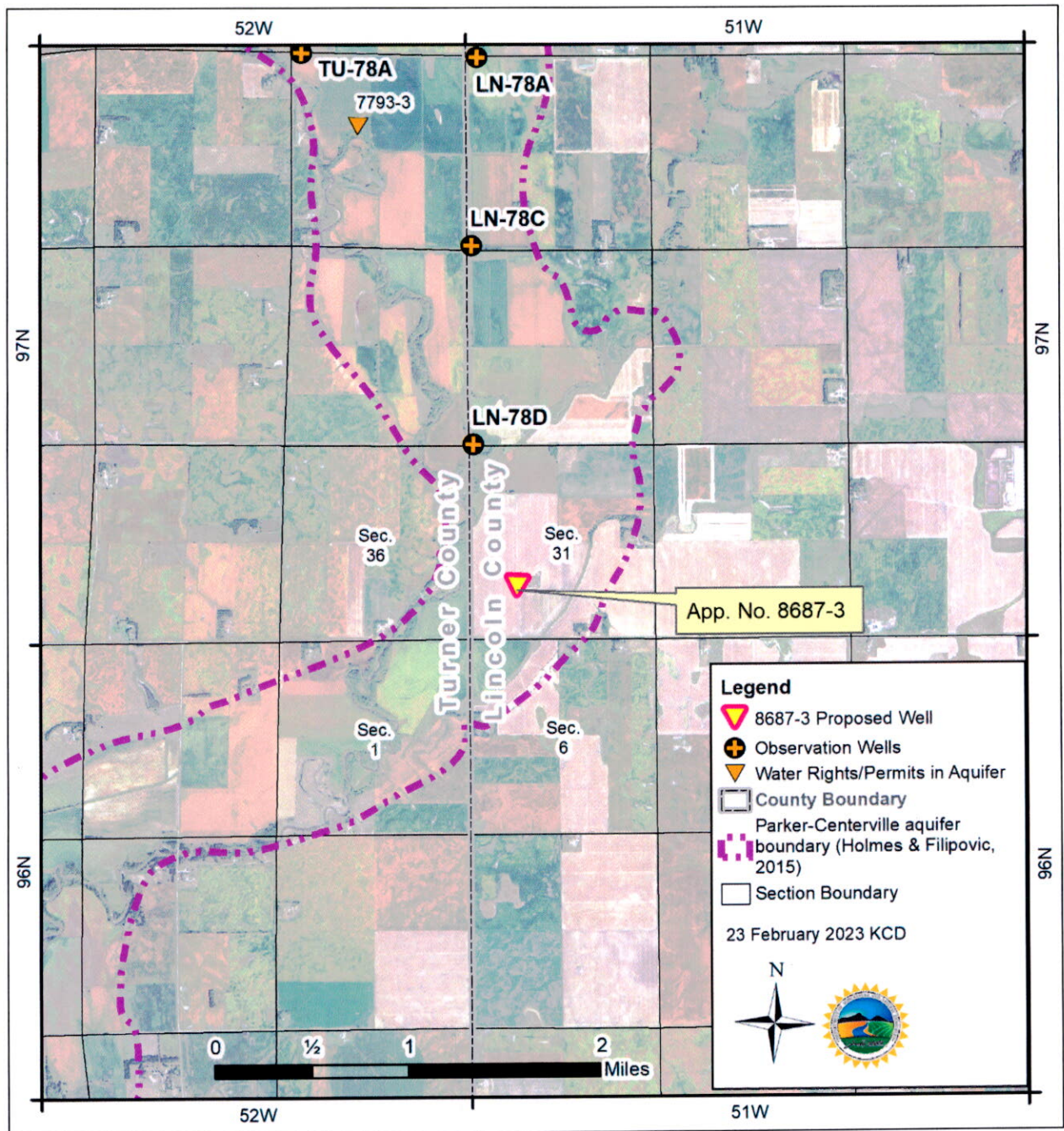


Figure 2: Water Rights observation wells [2] and water right permits near this application [6]

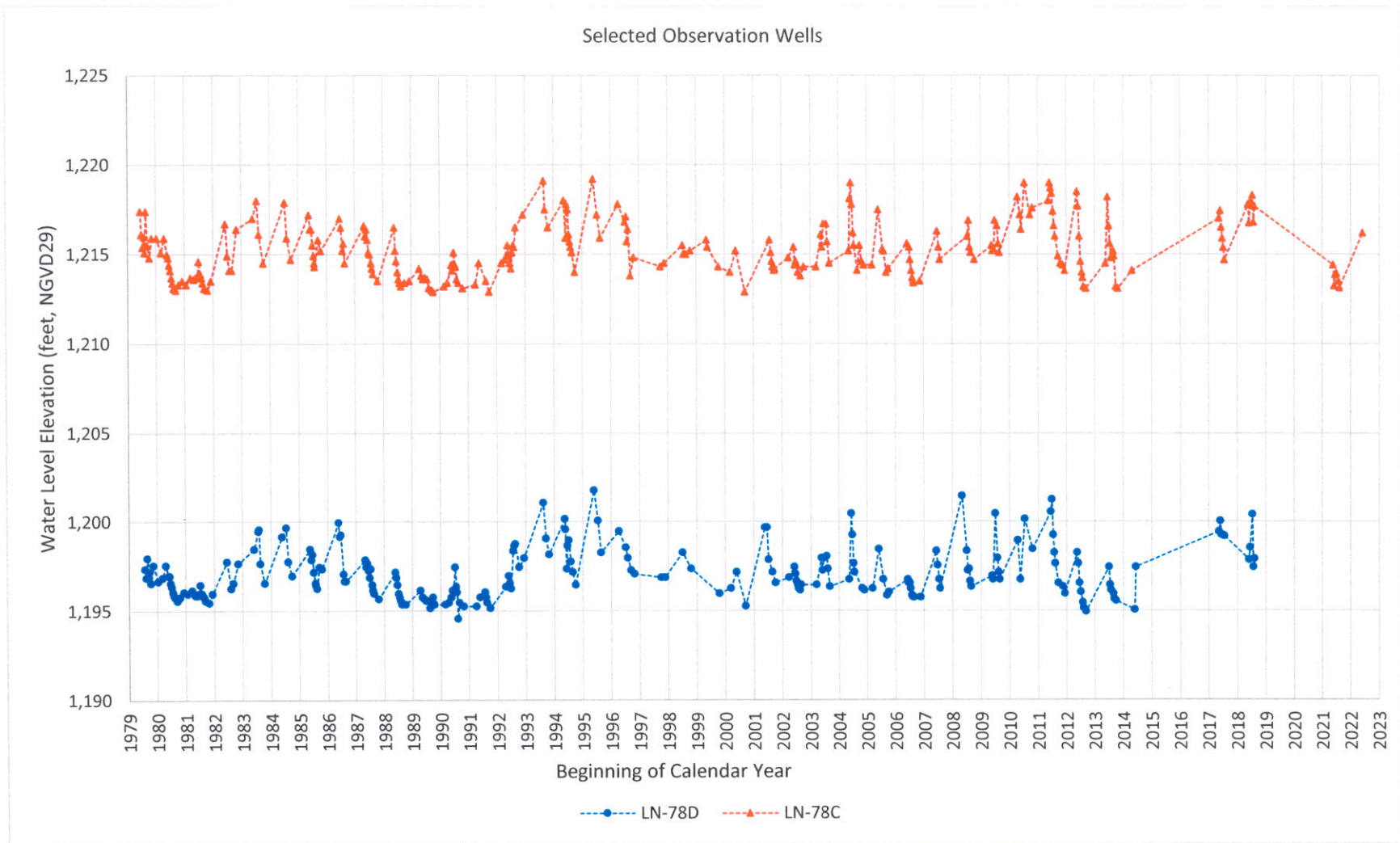


Figure 3: Observation well water elevations [2]

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right/permit to this application that is completed into the Parker-Centerville aquifer is located 2.5 miles north of the proposed well for this application [6]. The nearest domestic well on file with the Water Rights Program that is likely to be completed into the Parker-Centerville aquifer is located approximately 1.9 miles north of this application [8]. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

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

Precise drawdown due to this application cannot be known without an aquifer performance test. Since the Parker-Centerville aquifer is under unconfined conditions [2], drawdown would not extend as far from this application as it would in a confined aquifer. There are no complaints on file with the Water Rights Program concerning potential well interference in adequate wells in the Parker-Centerville aquifer in Lincoln or Turner Counties [15]. Based on the lack of complaints and unconfined nature of the aquifer, there is reasonable probability this application can be developed without unlawful impairment of existing water rights.

Special Consideration – Well Depth

In the location of this application, the only difference between a Parker-Centerville well and a Upper Vermillion-Missouri well is the depth. The nearest lithologic logs available indicate the bottom of the Parker-Centerville aquifer is approximately 60 to 65 feet below grade [7]. A qualification should be included in the permit that the well shall be screened no deeper than 65 feet below grade, or the applicant would be required to submit a new application with a new priority date for the correct aquifer.

Conclusions

1. Water Permit Application No. 8687-3 seeks to appropriate up to 1.78 cfs from one well completed into the Parker-Centerville aquifer in the approximate center of the SW $\frac{1}{4}$ Section 31 for irrigation of 160 acres located in the SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 31; all in T97N-R51W.
2. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
3. There is reasonable probability this application can be developed without unlawful impairment of existing water rights.

4. This application is located above a deeper glacial aquifer. To ensure the well for this application is completed into the aquifer requested, the well for this application should not have the screen placed deeper than 65 feet below grade.



Kimberly C. Drennon, E.I.

Natural Resources Engineer II – DANR Water Rights Program

References

- [1] S. L. Holmes and D. Filipovic, "Hydrogeologic investigation of the Upper-Vermillion-Missouri aquifer," SD DANR Geological Survey Program, Vermillion, South Dakota, 2015.
- [2] SD DANR Water Rights Program, "Observation wells," Pierre, South Dakota, 2023.
- [3] M. J. Tipton, "Geology and hydrology of the Parker-Centerville outwash," SD DENR Geological Survey Program, Vermillion, South Dakota, 1957.
- [4] L. S. Hedges, S. L. Burch, D. L. Iles, R. A. Barari and R. A. Schoon, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River, South Dakota and Iowa, Tasks 1-4," U.S. Army Corps of Engineers, Omaha, Nebraska, 1982.
- [5] R. J. Lindgren and D. S. Hansen, "Major aquifers in Hutchinson and Turner Counties, South Dakota," SD DENR Geological Survey Program, Vermillion, South Dakota, 1993.
- [6] SD Water Rights, "Water Right/Permit Files," Joe Foss Bldg., Pierre, South Dakota, 2023.
- [7] SD Geological Survey, "Lithologic logs," Vermillion, South Dakota, 2022.
- [8] SD DANR Water Rights Program, "Well completion reports," Pierre, South Dakota, 2023.
- [9] A. Jensen, "First occurrence of aquifer materials in Turner County, South Dakota," SD DENR Geological Survey Program, Vermillion, South Dakota, 2015.
- [10] L. S. Hedges, J. Allen and D. E. Holly, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River - South Dakota and Iowa: Task 7: Ground water recharge," U.S. Army Corps of Engineers, Omaha, Nebraska, 1985.
- [11] SD DANR Water Rights Program, "Irrigation questionnaire summaries," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, SD, 2022.

- [12] SD Drinking Water Program, "Town of Hurley Drinking Water Report," SD DENR Drinking Water Program, Joe Foss Bldg., Pierre, South Dakota, 2022.
- [13] SD DANR Water Rights Program, "Non-Irrigation Yearly Reports," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2022.
- [14] NOAA, "Climate at a Glance: Divisional Time Series, South Dakota Division 9. Southeast," National Oceanic and Atmospheric Administration, 1 November 2022. [Online]. Available: <https://www.ncdc.noaa.gov/cag/>. [Accessed 16 November 2022].
- [15] SD DANR Water Rights Program, "County files," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2023.



**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.**

March 2, 2023

Rus Farms Real Estate, LLC
3283 Dogwood Ave
Rock Valley, IA 51247

Dear Mr. Petersen:

Water Permit Application No. 8687-3 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 Sioux Valley News at Canton, SD (Ph # 605 764-2000) and the Argus Leader printed at Sioux Falls, 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

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. 8687-3 to Appropriate Water

Notice is given that Rus Farms Real Estate LLC, c/o Brett Petersen, 3283 Dogwood Ave, Rock Valley IA 51247 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 Parker-Centerville Aquifer (approximately 50 feet deep) located in the approximate center of the SW 1/4 Section 31 for irrigation of 160 acres located in the SW 1/4, S 1/2 NW 1/4 Section 31; all in T97N-R51W. This site is located approximately 9 miles northwest of Beresford SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8687-3 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 March 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 March 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: Thursday, March 2, 2023 9:35 AM
To: legals@argusleader.com
Subject: 8687-3, Rus Farm
Attachments: 8687-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 9, 2023.

Rus Farms Real Estate LLC, c/o Brett Petersen, 3283 Dogwood Ave, Rock Valley IA 51247 (605 351-6026) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, March 2, 2023 9:35 AM
To: Canton Sioux Valley News (svn@midconetwork.com)
Subject: 8687-3, Rus Farm
Attachments: 8687-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 9, 2023.

Rus Farms Real Estate LLC, c/o Brett Petersen, 3283 Dogwood Ave, Rock Valley IA 51247 (605 351-6026) 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

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA ZOMER

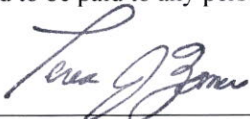
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of Application Rus Farms Real Estate

a printed copy of which is hereto attached, was printed and published in said newspaper for **ONE** successive week(s) upon the following dates, to-wit:

March 9, 2023

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$42.51** inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this **9th** day of
March, 2023.



Notary Public, South Dakota



My Commission Expires
January 12, 2024

RECEIVED

MAR 23 2023

OFFICE OF
WATER

Notice of Application

NOTICE OF APPLICATION NO. 8687-3 to Appropriate Water

Notice is given that Rus Farms Real Estate LLC, c/o Brett Petersen, 3283 Dogwood Ave, Rock Valley IA 51247 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 Parker-Centerville Aquifer (approximately 50 feet deep) located in the approximate center of the SW 1/4 Section 31 for irrigation of 160 acres located in the SW 1/4, S 1/2 NW 1/4 Section 31; all in T97N-R51W. This site is located approximately 9 miles northwest of Beresford SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8687-3 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 March 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 March 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 in the Sioux Valley News on March 9, 2023 at the total approximate cost of \$42.51 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

MAR 21 2023

OFFICE OF
WATER

Argus Leader

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

Account No.: 6053516026

Ad No.: 0005616486

PO #: 8687-3

Lines : 149

Ad Total: \$48.64

BRETT PETERSEN
45610 282ND ST
HURLEY, SD 57036

This is not an invoice

of Affidavits: 1

Account No.: 6053516026

Ad No.: 0005616486

Argus Leader AFFIDAVIT OF PUBLICATION

State of Wisconsin

County of Brown

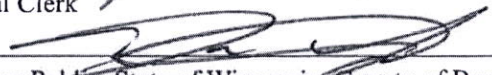
I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge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

Thursday, March 9, 2023

Sworn to and subscribed before me this 20 day of March, 2023.

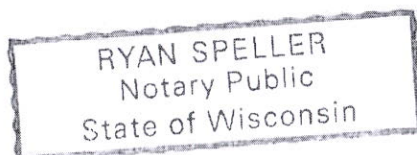


Legal Clerk



Notary Public, State of Wisconsin, County of Brown

10-25-26
My Commission expires



NOTICE OF
APPLICATION NO. 8687-3
to Appropriate Water

Notice is given that Rus Farms Real Estate LLC, c/o Brett Petersen, 3283 Dogwood Ave, Rock Valley IA 51247 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 Parker-Centerville Aquifer (approximately 50 feet deep) located in the approximate center of the SW 1/4 Section 31 for irrigation of 160 acres located in the SW 1/4, S 1/2 NW 1/4 Section 31; all in T97N-R51W. This site is located approximately 9 miles northwest of Beresford SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8687-3 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 March 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 March 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 \$48.64
5616486 March 9, 2023

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, March 2, 2023 10:57 AM
To: PBP Farms
Subject: Water Permit Application No. 8687-3
Attachments: 0107.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>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 19 2023

Rus Farms Real Estate LLC
Marion Rus
3283 Dogwood Ave
Rock Valley IA 51247

Dear Ms. Rus:

Enclosed is Water Permit No. 8687-3 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.: 8687-3

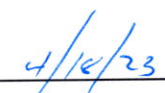
Name of Applicant: Rus Farms Real Estate LLC, Brett Petersen, Operator

Date of Posting: 3/6/2023

Date of Removal: 4/19/2023



Ron Duvall, Water Rights Permitting Administrator

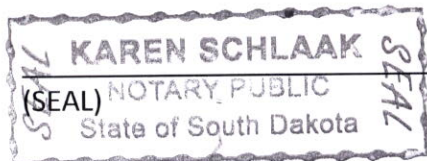


Date

Subscribed and sworn to before me, a notary public, this 18th day of April, 20 23.



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





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: RUS FARMS REAL ESTATE LLC, MARION J RUS, 3283 DOGWOOD AVE, ROCK VALLEY, IA 51247

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6565-3, 8672-3, 8687-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6565-3, 8672-3, 8687-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6565-3, 8672-3, 8687-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: UIMLNR**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 23, 2024

6565-3, 8672-3 & 8687-3

Rus Farms Real Estate LLC
c/o Marion Rus
3283 Dogwood Ave
Rock Valley IA 51247

Dear Mr. Rus:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 6565-3, 8672-3 & 8687-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit number have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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

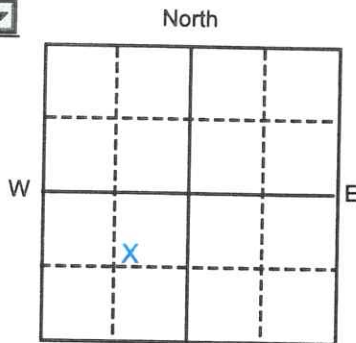
Cc: Brett Petersen; 45656 US HWY 18, Hurley SD 57036

8687-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 31 Twp 97 Rg 51County LINCOLN ☒Please mark well
location with an "X"

Well Completion Date

JUNE 23, 2023

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1600 ft. from WEST OF CREEK (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

MUD ROTARY

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>30</u> FT	<u>17.75</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>BENTONITE</u>	<u>8</u>	Lb/gal	<u>0</u> Ft	<u>25</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMIE PIPED

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12 Inches Length 20 Feet
Material STAINLESS STEEL
Slot Size .060 Set From 30 Feet to 50 Feet

Other information

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?☒ No, Why Not?Lab to which water
quality sample sent for analysisIRRIGATION WELLWell Owner: BRETT PETERSEN

Business Name:

Address: 45610 282ND STCity, State, Zip: HURLEY ☒ SD ☒ 57036

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	2
CLAY BPRWN	2	7
GRAVEL DIRTY	7	11
SAND LARGE	11	18
SAND GRAY W/ CLAY & COAL	18	20
FINE GRAVEL AND SAND	20	39
GRAVEL	39	50

STATIC WATER LEVEL 7 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: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

18 Ft. After 2 Hrs. pumped 750 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS 12" WELL N 43° 10.5150 W 96° 55.1180This well was drilled under license # 475 and this
report is true and accurate.Drilling firm: THEIN WELL COMPANY, INCORPORATED

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

Date: MAY 24 2024OFFICE OF
WATER

Brett Petersen / Marian Russ Sec 31 Centerville 12" well

Legend

N 43° 10.5150 W 96° 55.1180 Brett Petersen 12" Irr Well Sec 31 Centerville
Brett Petersen 199' test hole Sec 31

RECEIVED
MAY 24 2024
OFFICE OF
WATER



900 ft

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8687-3

I have this day, August 28, 2024, made a thorough examination of the water use system constructed by Rus Farms Real Estate LLC, 3283 Dogwood Ave, Rock Valley, IA 51247 of Permit No. 8687-3, bearing the priority of December 20, 2020 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Parker-Centerville Aquifer for irrigation purposes, in Lincon County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Thein Well Co
- 2) No. of Wells 1
- 3) Depth(s) 50 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 30 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level 7 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 800 GPM

Motor:

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

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

- 1) Type Steel
- 2) Size 8 inches
- 3) Length 20 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1400 feet
- 3) Number of towers 8
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 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: WELL LOCATION
From the SW corner Sec 31 T97N R51W, 1640 ft N & 1395 ft E, Lat 43.17521 Long -96.91858 (NE 1/4 SW 1/4).
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
legal description/acreage
All land in Sec 31 T97N R51W
SW 1/4 NW 1/4 - 7.5 acres
SE 1/4 NW 1/4 - 11.5 acres
NW 1/4 SW 1/4 - 34 acres
NW 1/4 SE 1/4 - 12 acres
NE 1/4 SW 1/4 - 35 acres
SE 1/4 SW 1/4 - 28.5 acres
SW 1/4 SW 1/4 - 29 acres
SW 1/4 SE 1/4 - 2.5 acres
comprising a total of 160 acres of land and the license should be issued for 1.78 cfs
3. All structures, wells and lands on map Y

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

FSA maps and the ArcGIS program were used to construct the attached well location and irrigated area map which was used to estimate irrigated acreage.

The reported system discharge in the 2023 Irrigation Questionnaire was used to establish the system capacity in this report.

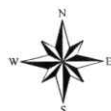
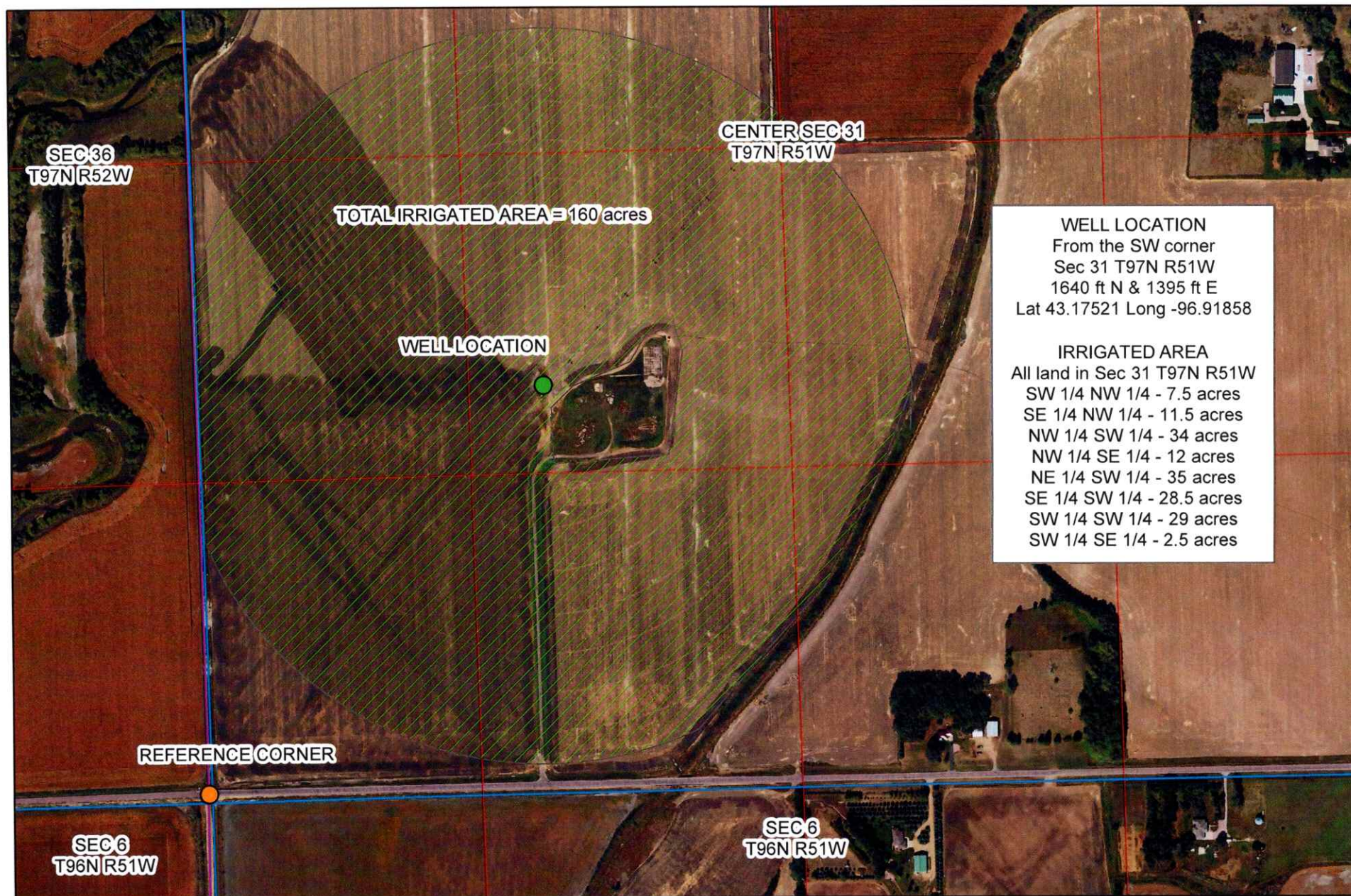
I talked to Mr. Brett Petersen (605/351-6026), farm operator, on the phone regarding Water Permit information.

The address and phone number in the permit application materials are current.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: September 4, 2024



0 460 920 1,840 2,760 3,680 Feet

Licensing of Acreage Outside of Permitted Area

NAME: Rus Farms Real Estate LLC

ADDRESS: 3283 Dogwood Ave, Rock Valley IA 51247

DATE: September 29, 2024 COUNTY: Lincoln

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is the full 160 acres as authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The permit holder relocated 14.5 acres into the W ½ SE ¼, contiguous to the authorized acres located in the SW ¼; all in Section 31, T98N-R48W.

- **Owned by Same Property Owner**

All the property involved is listed under Rus Farms Real Estate LLC, according to Regrid.

- **Developed Prior to Expiration of Construction Period**

The construction completion date was to be completed by March 20, 2028. According to annual irrigation questionnaire submissions, irrigation began in 2023.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 14.5 acre area be included in the water license.



Amanda M Dewell, Permitting Administrator
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

OCT 01 2024

8687-3

Rus Farms Real Estate LLC
c/o Brett Petersen
45656 US Hwy 18
Hurley SD 57036

Dear Mr. Petersen:

Enclosed is Water License No. 8687-3. This is the final water right document completing the process of obtaining a Water Right. Included with the 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 the water is used beneficially, as stated in the Water License, State Water Laws provide that there is 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

cc: Marion Rus, 3283 Dogwood Ave, Rock Valley IA 51247

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8687-3

(1) Rus Farms Real Estate LLC, 3283 Dogwood Ave, Rock Valley IA 51247, made Application No. 8687-3, December 20, 2022, for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Parker-Centerville Aquifer), Lincoln County, South Dakota for irrigation purposes. Permit No. 8687-3, with a priority date of December 20, 2022, was approved March 20, 2023, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 20, 2028, and for the application to beneficial use of water on or before March 20, 2032.

An investigation conducted for licensing purposes found acreage developed outside of the permitted area. Pursuant to SDCL 46-5-30.5 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in acreage did not impair existing water rights and the overall project, as developed, is consistent with the original application.

(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:

- 1,640 ft N & 1,395 ft E of the SW corner Section 31, T97N, R51W (NE ¼ SW ¼)
(Latitude 43.17521 & Longitude -96.91858)

(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 31, T97N, R51W					
SW ¼ NW ¼	7.5 acres	NE ¼ SW ¼	35 acres	NW ¼ SE ¼	12 acres
SE ¼ NW ¼	11.5 acres	NW ¼ SW ¼	34 acres	SW ¼ SE ¼	2.5 acres
		SW ¼ SW ¼	29 acres		
		SE ¼ SW ¼	28.5 acres		

TOTAL: 160 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Rus Farms Real Estate LLC, the holder and/or owner of Water Right No. 8687-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Parker-Centerville 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. 8687-3 and subject to the following qualifications:

1. The well approved under Water Permit No. 8687-3 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.

continued

2. The well authorized by Permit No. 8687-3 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 Thein Well Company Inc. 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.
4. The well casing shall be completed into the Parker-Centerville Aquifer and not the deeper glacial aquifer known as the Upper Vermillion Missouri Aquifer.

Eric Gronlund

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

OCT 01 2024
date

