

WATER PERMIT NO. 8688-3

Name of Applicant: **Nicholas P Hybertson**

Address: **28886 463rd Ave, Centerville SD 57014**

Phone: **605 957-5279**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **57 acres**

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

Water to be used for: **irrigation**

County: **Turner**

Type of Waste Disposal System:

Location: **6 miles north of Centerville**

PRIORITY

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

Application/License Fee: **\$700**

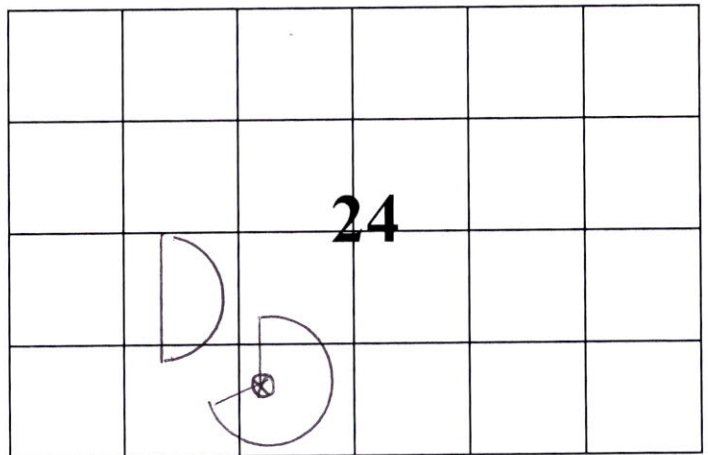
Corrected Application Received:

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

Remarks: **Requesting diversion rate greater than statutory limit**

Diversion Point: **SE 1/4 SW 1/4 Sec 24-T97N-R52W**

Land to be Irrigated: **SW 1/4 Sec 24-T97N-R52W**



Depth of Well: **50 feet deep**

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. 8688-3**

Date of first receipt of application December 12, 2022.

Date of return to applicant for corrections, amendments or changes December 19, 2022.

Date of receipt of corrected application December 21, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8688-3 to Nicholas P. Hybertson, 28886 463rd Avenue, Centerville SD 57014 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions, and qualifications:

1. Water Permit No. 8688-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Parker Centerville Aquifer (approximately 80 feet deep) located in the SE 1/4 SW 1/4 Section 24 for irrigation of 57 acres located in the SW 1/4 Section 24; all in T97N-R52W. This site is located approximately 6 miles north Centerville SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is December 12, 2022.
4. The date of approval of Permit No. 8688-3 is March 27, 2023.
5. One-fifth of the construction is to be completed on or before September 27, 2025.
6. All construction is to be completed on or before March 27, 2028.
7. Water is to be put to beneficial use on or before March 27, 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. 8688-3 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. 8688-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8688-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 57 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

5. 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

MAY 03 2023
date



RECEIVED

DEC 12 2022

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>8688-3</u> Hydrologic Unit <u>10170102</u>	OFFICE OF WATER
	Basin <u>Vermillion River</u>	
	Newspaper <u>Turner Co. New Era Parker 297-4419</u> (thurs)	
	<u>Argus Leader</u> (office use only)	

PAID

DEC 12 2022

Ck# 1760

Rec't# _____

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.)

- Name to Appear on Irrigation Permit Nicholas P. Hybertson
 Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
 Mailing Address 28886 463rd Ave Centerville SD 57014
 (Address) (City) (State) (Zip Code)
 Phone 605-957-5279 Mobile 957-5279 Email None
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 57 acres
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ground
- Location of point of diversion one well 24-097-52 (SE 1/4 SW 1/4)
 (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
 County Turner
- County or counties where water will be used Turner
- Annual period during which water is to be used April 1st - Oct 31st
- 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
NW 1/4 of 24-097-52	23	W 1/2 SW 1/4	
SE 1/4 of 24-097-52	34	E 1/2 SW 1/4	

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

To irrigate Top 23 acres and irrigate Bottom 34 acres
 Requesting diversion rate greater than statutory limit.

I, Nicholas P. Hybertson, 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 _____ Have test holes been drilled? ☐ Yes ☒ No Drilled by _____
 (if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) 80 Depth to Top of Water Bearing Material 10' Depth to Water from Surface 9'
- d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

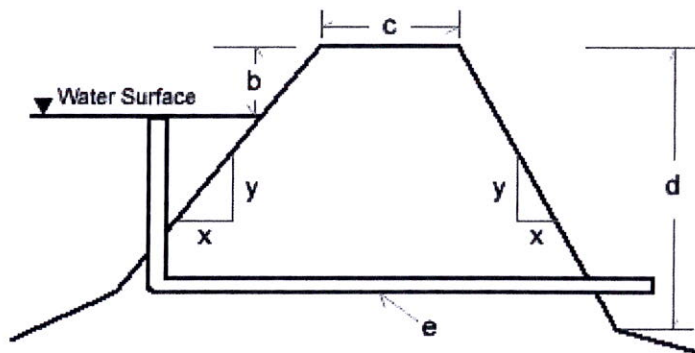
3. Dugout Information

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

4. Water Storage Dams

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

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



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

Ha

Lindsay Manufacturing Co.



2707 North 108th Street
Omaha, NE 68164
800 - 829 - 5300 office

4400 7

Tushe

1

Farm: Field1

Grower: Nick Hybertson

10/14/2022

Systems:	Length	Spans	Total area including endgun
● Pivot 1	766.92 ft	4 spans + 44 ft o.h.	22.93 acres
● Pivot 4	809.42 ft	4 spans + 44 ft o.h.	33.88 acres

Pipe and Wire:	Length / Size	Description
● Pipe 1	1673.55 ft / ??	



Nick Hybertson - Sec 24 Centerville 90' Test hole

Legend

Feature 1

ST OF FENCE

n 43 12.1450 w 96 56.2060 Nick Hybertson 90' TH # 1

Google Earth

2000 ft



97N 52W
Section: 14

97N 52W
Section: 13

97N 51W
Section: 18

97N 52W
Section: 23

97N 52W
Section: 24

97N 51W
Section: 19

97N 52W
Section: 26

97N 52W
Section: 25

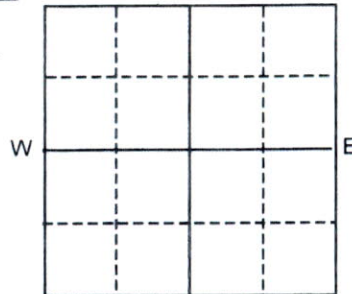
97N 51W
Section: 30

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ SW ¼ Sec 24 Twp 97 Rg 52County TURNER

North

Please mark well
location with an "X"

Well Completion Date

December 14, 2022

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

MUD ROTARY

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
BENTONITE	7	Lb/gal	0.0 Ft	80.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMIE PIPED

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ 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 analysis

TEST HOLE ONLY

Well Owner: NICK HYBERTSON

Business Name: _____

Address: 28886 463RD AVECity, State, Zip: CENTERVILLE SD 57014

WELL LOG:

DEPTH

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	2
CLAY BROWN	2	10
CLAY GRAY	10	13
GRAVEL	13	19
COARSE SAND AND GRAVEL	19	58
COARSE SAND / FINE GRAVEL	58	60
SAND	60	67
CLAY	67	77
SAND	77	80

STATIC WATER LEVEL

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

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

TH 1 GPS N 43 12.1450 W 96 56.2060

This 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: _____

Date: 1-20-23

RECEIVED

JAN 27 2023

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 12, 2022

RECEIVED OF Nicholas Hybertson 28886 463rd Ave., Centerville SD 57014

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

Fee for Application for Permit No. <u>8688-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8688-3</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>700.00</u>

By Eric Gronlund
Chief Engineer
vm

Water Rights Program - File Documentation

NAME: Nick P Hybertson

ADDRESS: Centerville SD

DATE: 12-21-22

RE: Pending applications for Nicholas Hybertson and Richard Hybertson

COMMENTS:

I talked with Nick Hybertson regarding my letters to him and his dad. Nick indicated he would be the operator for the systems on his dad's applications and also the contact person.

Regarding the well locations, Nick told me where to mark the well locations and indicated he was fine with me marking them.

On the application for Richard for 72 acres, we determined that Section 27 is odd sized. From the arc-map I printed it appeared that some of the acreage was in Section 26. Nick indicated none of the land was in Section 26. After viewing the plat map, the 72 acres to be irrigated are located in the E 1/2 SE 1/4 Section 27 with the well to be located in the NE 1/4 SE 1/4 Section 27; all in T96N-R52W.



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

December 19, 2022

Nicholas P Hybertson
28886 463rd Ave
Centerville SD 57014

Dear Mr. Hybertson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Turner County. In order to complete the application, the following is required.

- Enclosed is the aerial photo map you submitted with your application. On the map, please mark the proposed well location with an "X".

If you have any questions, please contact me.

Sincerely,

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

enclosure



**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. 8688-3, Nicholas P Hybertson**

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. 8688-3, Nicholas P Hybertson, 28886 463rd Avenue, Centerville SD 57014.

The Chief Engineer is recommending APPROVAL of Application No. 8688-3 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. 8688-3 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. 8688-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8688-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 57 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
5. 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 80 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. 8688-3**
Nicholas P Hybertson
23 February 2023

Water Permit Application No. 8688-3 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 80 feet deep) in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24 for irrigation of 57 acres located in the SW $\frac{1}{4}$ Section 24; all in T97N-R52W. This application is approximately 6 miles north of Centerville, 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 did not submit a test hole information, but a test hole is available on the Water Rights Program Well Completion Report database. For the test hole completed for the applicant on December 14, 2022, the driller reported encountering top soil from 0 to 2 feet below grade,

clay from 2 to 13 feet, sand and gravel from 13 to 67 feet, clay from 67 to 77 feet, and sand from 77 to 80 feet. 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.

Pursuant to SDCL 46-5-6 the amount of water diverted may not exceed 1 cfs per 70 acres irrigated, but also provides that the "Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires." The applicant is requesting to divert more than 1 cfs per 70 acres for this application. The method of irrigation are pivots that do not rotate in a full circle and requires the requested flow rate and associated pressure for the systems to function. In the past, the Water Management Board has approved applications that request a higher diversion rate than the statutory limit for similar reasons.

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 are two permits pending that are senior to this application. Water Permit Application No. 8681-3 seeks to irrigate 125.26 acres and Water Permit Application No. 8687-3 seeks to irrigate 160 acres. Applying 10 inches per acre per year, they are estimated to withdraw a combined total of 238 ac-ft/yr.

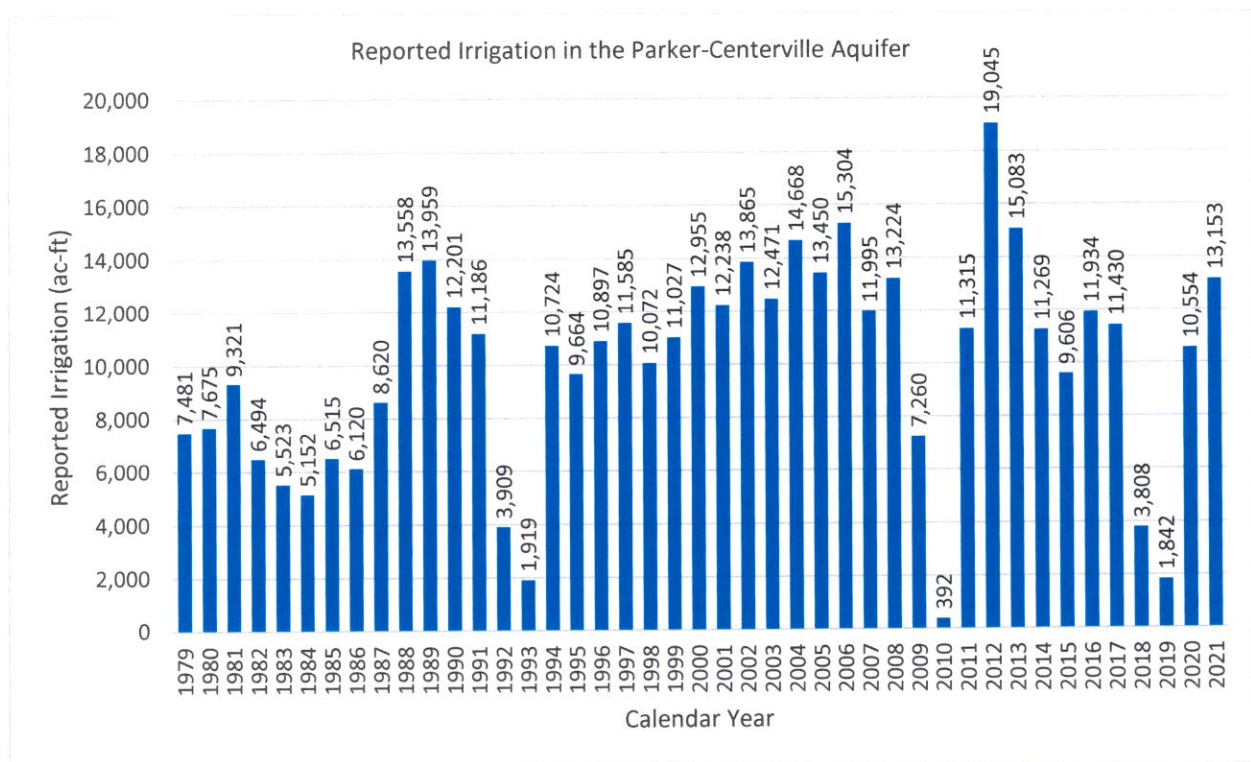


Figure 1: Irrigation reported in the Parker-Centerville aquifer from 1979 through 2021 [11]

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 12,734 ac-ft/yr. A more detailed summary of estimated withdrawals is shown in Table 1. This application may withdraw up to 114 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 74.5 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	2	238
Future use	1	340
Grand total	154	12,734

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 wells to this application are LN-78C located 0.7 miles southeast, LN-78A located 1.0 miles northeast, and TU-78A, located 0.9 miles northwest of the proposed well (Figure 2) [2]. Of the 22 observation wells, 21 tend to remain stable or increasing and one (TU-57D) has a declining trend [2]. Water levels in Observation Wells LN-78A, LN-78C and TU-78A 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.

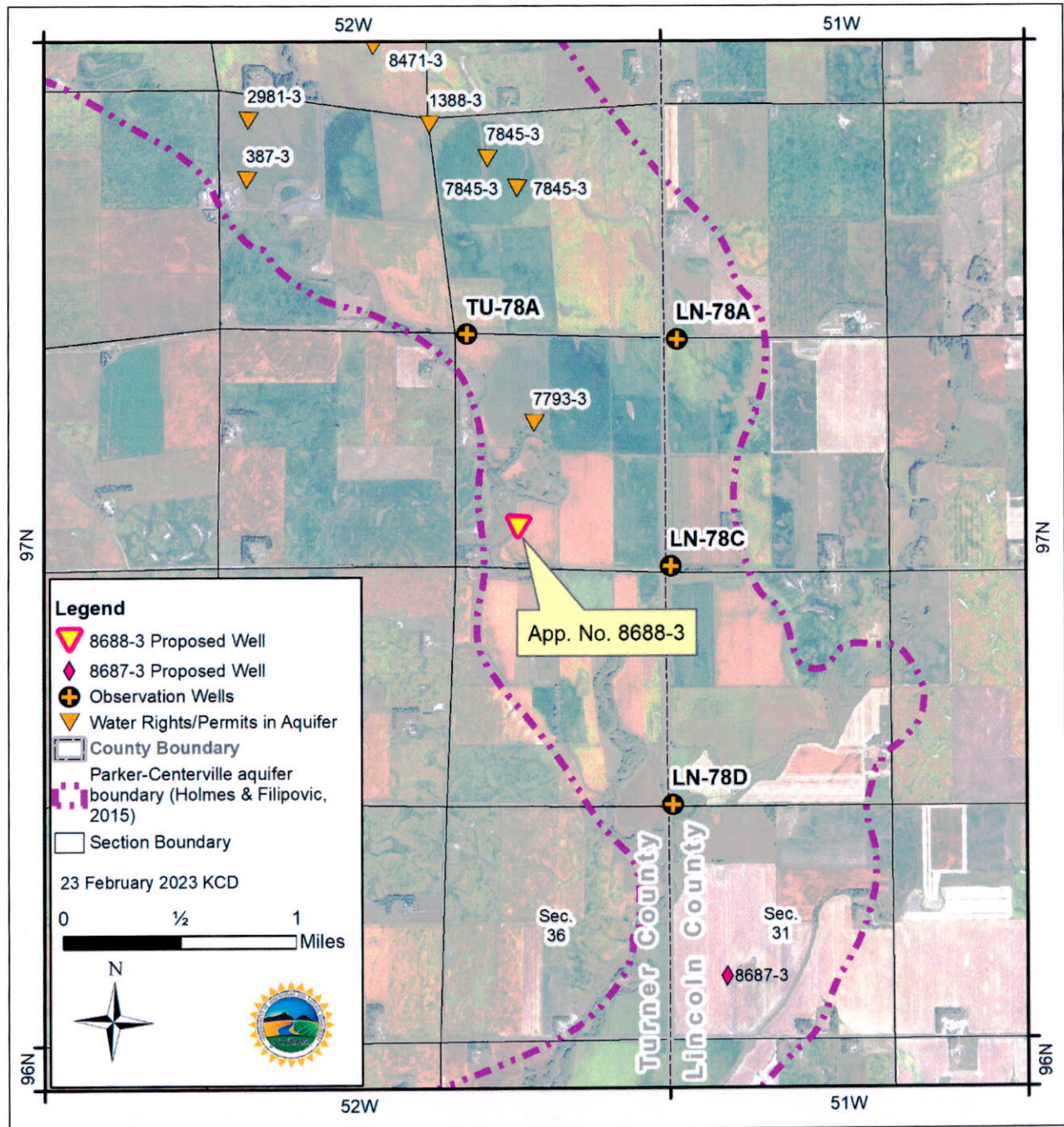


Figure 2: Water Rights observation wells [2] and water right permits near this application [6]

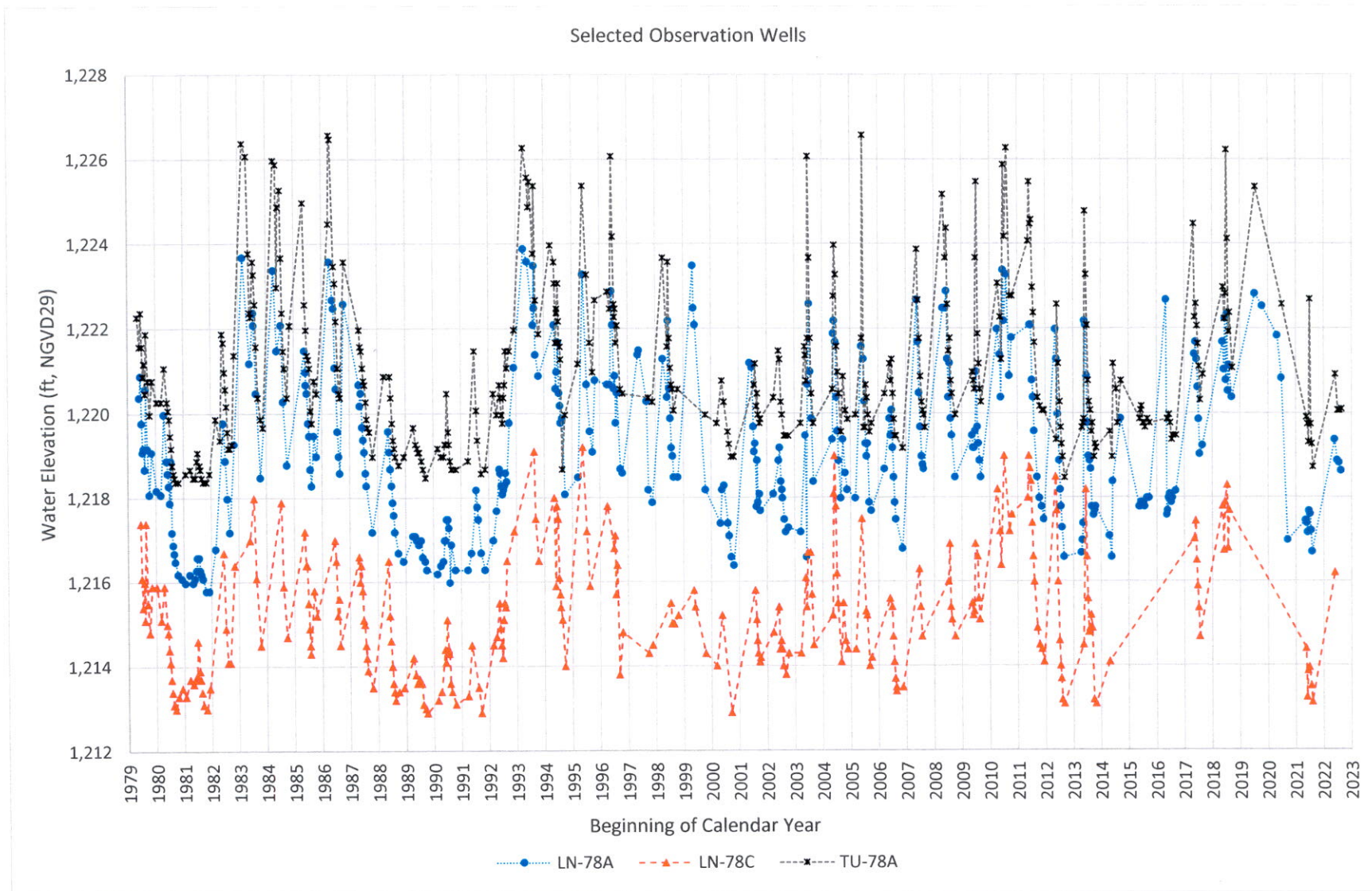


Figure 3: Observation well water elevations [2]

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 0.5 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 0.9 miles east 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. Conditions may occur where a deeper well in the same aquifer could withdraw while a shallower adequate well is unable to access water. In those conditions, an unlawful impairment of existing water rights may occur. Therefore, if this application is approved, the applicant should control withdrawals so that nearby adequate wells can still access needed water. 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 well completion report available indicates the bottom of the Parker-Centerville aquifer is approximately 80 feet below grade [7]. A qualification should be included in the permit that the well shall be screened no deeper than 80 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. 8688-3 seeks to appropriate up to 1.78 cfs from one well completed into the Parker-Centerville aquifer in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24 for irrigation of 57 acres located in the SW $\frac{1}{4}$ Section 24; all in T97N-R52W.
2. This application is requesting a greater diversion rate than the statutory limit of 1 cfs per 70 acres. The applicant is planning to irrigate with pivots that do not rotate in a full circle.

The Water Management Board has allowed an exception for reasons similar to this in the past.

3. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
4. There is reasonable probability this application can be developed without unlawful impairment of existing water rights.
5. 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 screen placed deeper than 80 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 8, 2023

Nicholas P. Hybertson
28886 463rd Ave
Centerville, SD 57014

Dear Mr. Hybertson:

Water Permit Application No. 8688-3 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 Turner County New Era printed at Parker, SD (Ph # 605 297 4419) 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. 8688-3 to Appropriate Water

Notice is given that Nicholas P Hybertson, 28886 463rd Ave, Centerville SD 57014 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Parker Centerville Aquifer (approximately 80 feet deep) located in the SE 1/4 SW 1/4 Section 24 for irrigation of 57 acres located in the SW 1/4 Section 24; all in T97N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 6 miles north Centerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8688-3 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 27, 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 27, 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, March 7, 2023 3:49 PM
To: legals@argusleader.com
Subject: 8688-3, Nicholas P Hybertson
Attachments: 8688-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 16, 2023.

Nicholas P Hybertson, 28886 463rd Ave, Centerville SD 57014 (605 857-5279) 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, March 7, 2023 3:49 PM
To: New Era
Subject: 8688-3, Nicholas P Hybertson
Attachments: 8688-3public.short_final.docx; FORM8.FRM.doc

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Karen Schlaak

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



RECEIVED

APR 12 2023

OFFICE OF
WATER

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

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

NO316-3-NOA-8688.3

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

On Thursday, the 16th day of March 2023

That \$33.60 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

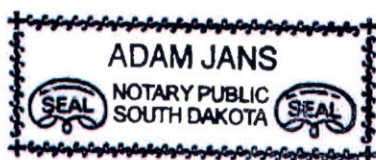
Jessica Kleinsasser

Subscribed and sworn to before me this 12th

Day of April, 2023

Adam Jans
Notary Public, Turner County, South Dakota

My Commission Expires: 5.22.27



NOTICE OF APPLICATION NO.

8688-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8688-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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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 S.D. 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 27, 2023.

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Published once at the total approximate cost of \$33.60

Publication Fee \$33.60
Notary Fees \$
Total \$33.60

(NO316-3)

Argus Leader ✓

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

RECEIVED

MAR 28 2023

OFFICE OF
WATER

Account No.: 6058575279NICH

Ad No.: 0005622931

PO #:

Lines : 158

Ad Total: \$50.97

NICHOLAS P HYBERTSON
28886 463RD AVE
CENTERVILLE, SD 57014

This is not an invoice

of Affidavits: 1

Account No.: 6058575279NICH

Ad No.: 0005622931

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 16, 2023

Sworn to and subscribed before me this 28 day of March, 2023.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

8-21-26
My Commission expires

NICOLE JACOBS
Notary Public
State of Wisconsin

**NOTICE OF
APPLICATION NO. 8688-3
to Appropriate Water**

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 03 2023

Nicholas P. Hybertson
28886 463rd Ave
Centerville SD 57014

Dear Mr. Hybertson:

Enclosed is Water Permit No. 8688-3 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.: 8688-3

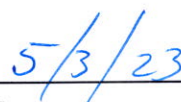
Name of Applicant: Nicholas P Hybertson

Date of Posting: 3/14/2023

Date of Removal: 5/3/2023



Ron Duvall, Water Rights Permitting Administrator



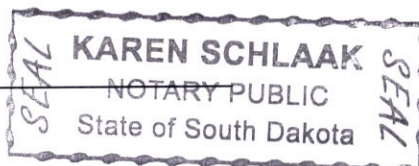
Date

Subscribed and sworn to before me, a notary public, this 3rd day of May, 2023.



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

(SEAL)



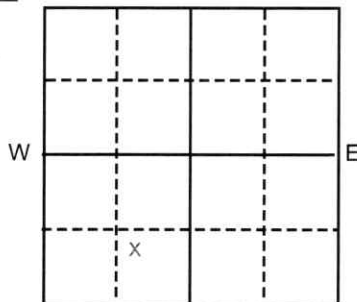
8688-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SW 1/4 Sec 24 Twp 97 Rg 52County TURNER

North

Please mark well
location with an "X"

Well Completion Date

July 24, 2023

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

800 ft. from septic (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

MUD ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>40</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>18</u>	Lb/gal	<u>0.0</u> Ft	<u>35</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
TREMIE PIPED

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12 InchesLength 20 FeetMaterial stainless steelSlot Size .070 Set From 40 Feet to 60 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 analysis

irrigation well

Well Owner: NICK HYBERTSON

Business Name:

Address: 28886 463RD AVECity, State, Zip: CENTERVILLE SD 57014

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	2
CLAY BROWN	2	10
CLAY GRAY	10	13
GRAVEL	13	19
COARSE SAND AND GRAVEL	19	58
COARSE SAND / FINE GRAVEL	58	60

STATIC WATER LEVEL

10 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 and jetted
☐ Bailed

☒ Other

Pumping Level Below Land Surface

42.4 Ft. After 6.0 Hrs. pumped 400 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

TH 1 GPS N 43 12.1450 W 96 56.2060

This 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

OCT 10 2023

OFFICE OF
WATER

Date:

Nick Hybertson Sec 24 Centerville

Legend

 Feature 1

Nick Hybertson 90' TH # 1  60' 12" well July 2023
n 43 12.1450 w 96 56.2060

463rd Ave

463rd Ave

289th St

289th St

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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: NICHOLAS P HYBERTSON, 28886 463RD AVE, CENTERVILLE, SD 57014

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) 8688-3. 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) 8688-3 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) 8688-3 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: QVABQY**

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

February 8, 2024

8688-3

Nicholas Hybertson
28886 463rd Ave
Centerville SD 57014

Dear Mr. Hybertson:

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). 8688-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has 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



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

January 14, 2025

NOTICE

TO: NICHOLAS P HYBERTSON, 28886 463RD AVE, CENTERVILLE, SD 57014

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8688-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 8688-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 8688-3 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 5, 2025**, 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: YQZIIP**

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

March 3, 2025

8688-3

Nicholas Hybertson
28886 463rd Ave
Centerville SD 57014

Dear Mr. Hybertson:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 8688-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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