

WATER PERMIT NO. 8712-3

Name of Applicant: Allen Fugere

Address: 700 Main St N, Estelline SD 57234

Phone: 605 873-2496

Amount of Water Claimed: 2.0 cfs

Total Acres: 138 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Hamlin

Type of Waste Disposal System:

Location: 7 miles northwest of Estelline

PRIORITY

Date Received: 1-11-23

Application/License Fee: \$1,050

Corrected Application Received:

Period of Annual Use: May 1 – Sept 30

Remarks: Request diversion rate greater than statutory limit

Diversion Point: SW 1/4 ^E NW 1/4 Section 30-
T114N-R51W

Land to be Irrigated: NW 1/4, W 1/2 NE 1/4 Sec
30-T114N-R51W

Depth of Well: 78 feet deep

Well Driller:

Remarks:

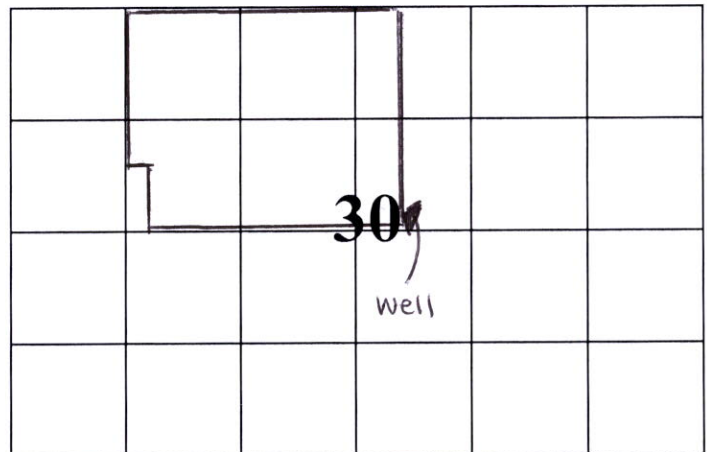
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-11-23

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8712-3**

Date of first receipt of application January 11, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8712-3 to Allen Fugere, 700 Main St N, Estelline SD 57234 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. 8712-3 appropriates 1.89 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux: Brookings Aquifer (approximately 68 feet deep) located in the SW 1/4 NE 1/4 Section 30 for irrigation of 138 acres located in the NW 1/4, W 1/2 NE 1/4 Section 30; all in T114N-R51W. This site is located approximately 7 miles northwest of Estelline 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 January 11, 2023.
4. The date of approval of Permit No. 8712-3 is April 17, 2023.
5. One-fifth of the construction is to be completed on or before October 17, 2025.
6. All construction is to be completed on or before April 17, 2028.
7. Water is to be put to beneficial use on or before April 17, 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. 8712-3 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. 8712-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 15 2023

date



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

JAN 11 2023

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8712-3</u> (office use only) Hydrologic Unit <u>10170202</u>	OFFICE OF WATER PAID JAN 11 2023 Ck# <u>10145</u> Rec't# _____
	Basin <u>Big Sioux River</u>	
	Newspaper <u>Estelline Journal</u> <u>873-2475</u> (Wed)	
	<u>Public Opinion</u> <u>886-6901</u>	

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 Allen Fugere

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

Mailing Address 700 Main St N (Address) Estelline (City) SD (State) 57234 (Zip Code)Phone 605-873-2496 Mobile 605-881-4221 Email _____2. Amount of water claimed 1.89 *CFS or 850 **GPM 900 ***AF Total Acreage 138
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply NEW WELL4. Location of point of diversion 1 well in the SW 1/4 of the NE 1/4 of Sec 30T 114N R51W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)County Hamlin5. County or counties where water will be used HAMLIN6. Annual period during which water is to be used May 1 - Sept 307. 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 the NW 1/4 of sec 30T114N R51W	32	NW 1/4 of the NE 1/4 of Sec 30T 114N R51W	5
NE 1/4 OF THE NW 1/4	32	SW 1/4 of the NE 1/4	5
SW 1/4 OF THE NW1/4	32		
SE 1/4 OF THE NW 1/4	32		

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

Will be using a new well located in the SW 1/4 of the NE 1/4 of Sec 30T 114N R51W. Water will be pipe approximately 2,200 ft to the NW to an irrigation center pivot.

Requesting diversion rate greater than statutory limit.I, Allen Fugere, 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 Steffel Well drilling
(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) 78 Depth to Top of Water Bearing Material 11 Depth to Water from Surface 9.4

d) Distance to nearest domestic well on applicant's property none Property owned by others 2,100ft

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)

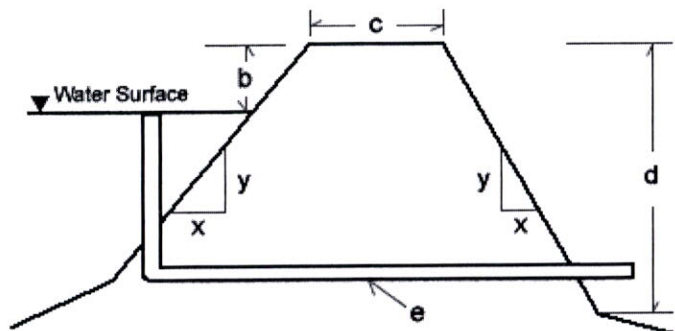
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



Legend

-  NEW WELL
-  Polygon Measure

PP_SS_30_T114_51W

NEW WELL 



1000 ft

114N 52W
Section: 24

114N 51W
Section: 19

114N
Section

114N 52W
Section: 25

114N 51W
Section: 30

114N
Sectic

114N 52W
Section: 36

114N 51W
Section: 31

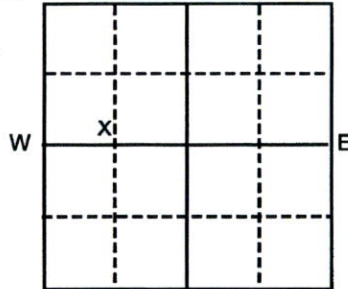
114N
Sectic

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 30 Twp 114 Rg 51County Hamlin ☒

North

Please mark well
location with an "X"

Well Completion Date

11/3/2022

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:

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
H.S.BENT	4	Lb/gal	0.0 Ft	78 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmy

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 analysisSIFT CLAY 45'-47'Well Owner: Allen Fugere

Business Name: _____

Address: 700 No Main StCity, State, Zip: Estelline ☒ SD ☒ 58234

WELL LOG:

DEPTH

FORMATION			FROM	TO
TOPSOIL	BLACK	M	0	1
CLAY	BROWN	M	1	11
SAND/GRAVEL	VERY COARSE		11	68
CLAY	BLUE	GUMMY	68	78

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#2

GPS: 44 39 8.70N, 96 59 39.70W

Soft clay 45' - 47'

This well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

11/15/22

Date: _____

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 11, 2023

RECEIVED OF Fugere Farm/Allen/Cindy/Corey Fugere 700 Main St. N., Estelline SD 57234

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

Fee for Application for Permit No. <u>8712-3</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>8712-3</u>	<u>\$200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$1050.00</u>

By Eric Gronlund
Chief Engineer
vm

File: 8712-3

Water Rights Program - DANR File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 8712-3, Fugere

ADDRESS: 700 Main St North, Estelline SD 57234 COUNTY: Hamlin

DATE: March 23, 2023 TELEPHONE:

Cody Dritz who is the irrigation consultant working with Mr. Fugere called. He indicated he spoke with Mr. Fugere who directed him to call me regarding the question on the application.

Mr. Dritz stated the irrigation will be nozzled for 850 gpm so the application should be amended accordingly.

I indicated that once the permit is in place that the permit holder has 5 years for construct works. If it is their intention to install a cornering system within the 5 years that will irrigate 15 additional acres may be to their benefit to include it on this application. Mr. Dritz indicated that Fugere are new to irrigation so they really do not know if they'll put on a cornering system.

Mr. Dritz stated to leave the number of acres to be irrigated at 138 acres. He recognized in the future that if a cornering system is installed, the Fugere's will have to go through the entire permitting process again to add the 15 acres.

Mr. Dritz stated that Allen Fugere's cell phone number is 605 881-4221.

NAME: _____

Eric Hamland



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 9, 2023

Allen Fugere
700 Main Street North
Estelline SD 57234

Dear Mr. Fugere:

You filed a water permit application for irrigation in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 30-T114N-R51W. The application seeks a pump rate of 900 gallons per minute for irrigation of 138 acres. This pump rate is slightly over the statutory limit allowed for the irrigation of 138 acres. We contacted your irrigation consultant that worked with you to file the application. Mr. Dritz indicated that you were hoping to add a cornering system in the future and the system was designed with that in mind for 900 gpm. The cornering system would enable the irrigation of either 15 or 50 additional acres.

The reason for this letter is to inquire about your plans for expansion of the irrigation system and exactly how many additional acres that may entail. Upon receiving a water permit you will have five years to complete construction of the irrigation system. If you may put the cornering system on within that five-year window it may be to your advantage to apply for those acres now instead of having to go through the entire permitting process again if you decide to put the cornering system in. There would be no additional filing fee for 15 more acres to your current application and \$100 if 50 acres were to be requested.

Staff Engineer Kim Drennon and I attempted unsuccessfully to call you to discuss and the phone did not go to an answering machine. Let us know if there is a better way to reach you if questions arise. Please contact me at your earliest convenience to discuss so that processing of your application may continue.

Sincerely,

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



**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. 8712-3, Allen Fugere**

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. 8712-3, Allen Fugere, 700 Main Street N, Estelline SD 57234.

The Chief Engineer is recommending APPROVAL of Application No. 8712-3 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. 8712-3 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. 8712-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
March 24, 2023

**Report to the Chief Engineer on
Water Permit Application No. 8712-3**

Allen Fugere
8 March 2023

Water Permit Application No. 8712-3 seeks to appropriate up to 1.89 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux: Brookings aquifer management unit (approximately 68 feet deep) located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30 for irrigation of 138 acres located in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 30; all in T114N-R51W. This site is located approximately 7 miles northwest of Estelline, South Dakota, and 5 miles south of Castlewood, South Dakota.

Water Source: Big Sioux: Brookings (BS:B) aquifer

Hydrogeologic Characteristics

The Big Sioux aquifer is a shallow, Quaternary-aged sand and gravel outwash that lies directly under the Big Sioux River and its floodplains. The Brookings management unit of the Big Sioux aquifer underlies the Big Sioux River and its floodplains between the United States Geological Survey stream gauges as shown in Figure 1 [1] [2] [3]. The Big Sioux: Brookings aquifer management unit underlies approximately 323,000 acres in Brookings, Deuel, Hamlin, Kingsbury, and Moody Counties and stores approximately 1,453,500 acre-feet of recoverable water [4]. The Big Sioux Aquifer is generally unconfined, although there are some locations where clay lenses and overlying till occur that create locally confined conditions.

The applicant submitted a test hole log for this application located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30 T114N-R51W completed on November 3, 2022. The driller indicated encountering black topsoil from 0 to 1 foot below grade, brown clay from 1 to 11 feet, “very coarse” sand and gravel from 11 to 68 feet, with a lens of soft clay from 45 to 47 feet, and gummy blue clay from 68 to 78 feet. The driller did not include a static water level because the test hole was not cased. The test hole is located approximately 160 feet west of the Big Sioux River.

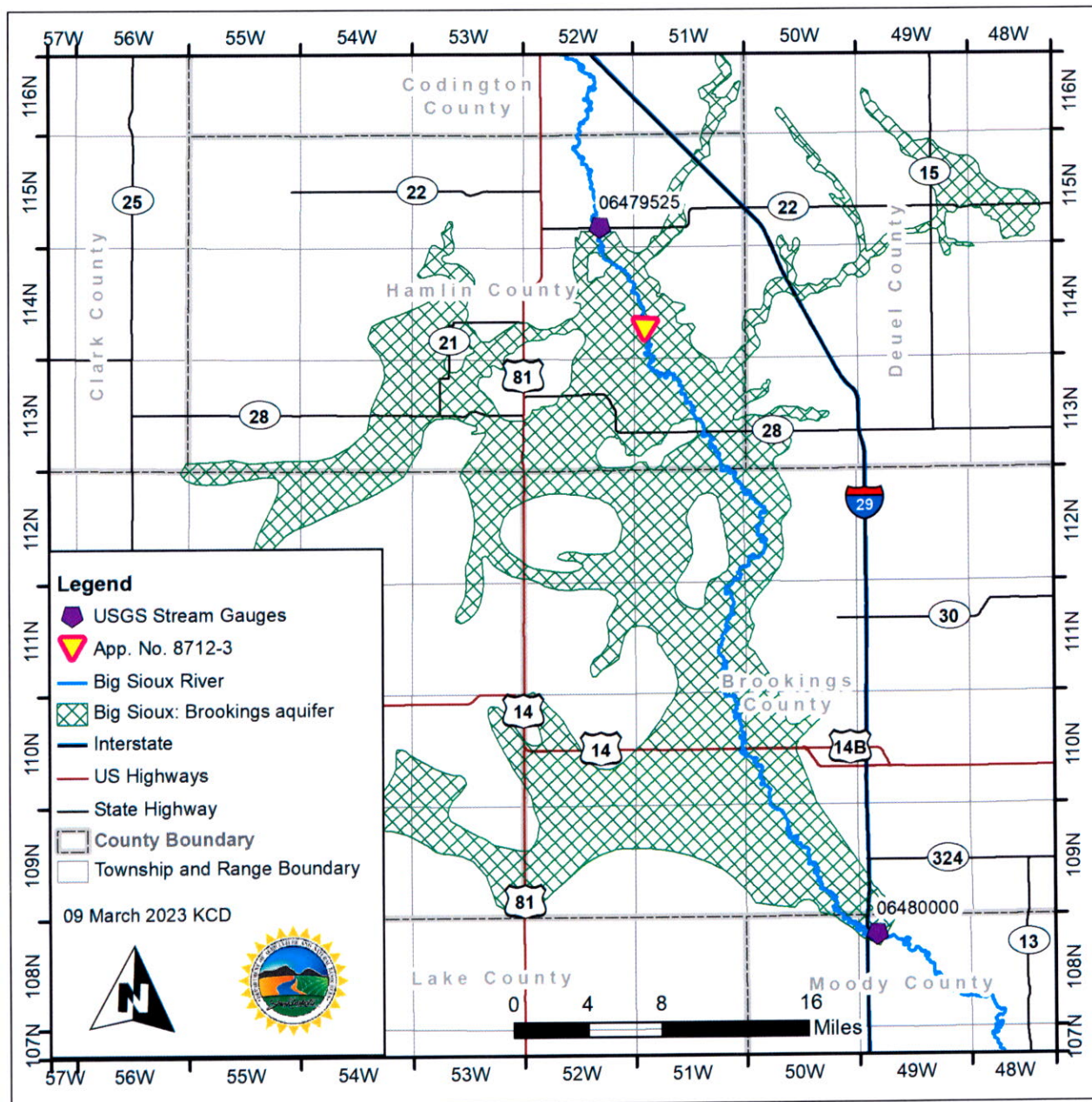


Figure 1: Big Sioux: Brookings aquifer management unit, USGS gauging stations at upstream and downstream extents, and this application [1] [2] [3]

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). The Big Sioux: Brookings aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, the Water Management Board must consider recharge to and withdrawals from the aquifer to approve this application.

Availability of Water

Hydrologic Budget

Recharge

Recharge to the Big Sioux: Brookings aquifer is by infiltration of precipitation and seepage from surface water features when the stage of the surface water features is higher than the hydraulic head of the aquifer. Hedges, Allen, and Holly [5] used observation well data to estimate that the recharge to the aquifer is 4.0 inches per year. Applied over the area of the aquifer [4], recharge to the Big Sioux: Brookings aquifer is approximately 107,700 ac-ft/yr.

Discharge

Discharge from the Big Sioux: Brookings aquifer is by seepage to surface water features when the hydraulic head of the aquifer is higher than the stage of the surface water features, evapotranspiration, and domestic and appropriative withdrawals. Given the prevalence of water distribution systems in the area of the aquifer, domestic withdrawals are estimated to be a negligible portion of the hydrologic budget. There are 261 water rights/permits authorized to withdraw from the Big Sioux: Brookings aquifer. Of those, 214 are for irrigation use, 35 for various kinds of water distribution systems, 9 for commercial use, 2 for industrial use, and 1 for geothermal use. Figure 2 shows irrigation reported in the aquifer over the entire period of record (1979 – 2021) [6]. Average irrigation over the entire period of record was 8,900 ac-ft/yr. Irrigation practices have likely changed over that period and the number of permits reporting increased by 21 permits in 2013 following the drought of 2012, so irrigation over the entire period of record may not reliably predict future average annual withdrawals. Average irrigation reported over the last 10 years of record (2012 – 2021) was 10,951 ac-ft/yr. There are 12 irrigation permits that did not report withdrawals in the 2021 irrigation questionnaire, either because they are too new or because they do not have a qualification in their permits requiring reports [7]. They are estimated to withdraw 10 inches per year per permitted acre. The permitted acreage totals 1,681 acres for an estimated withdrawal of 1,401 ac-ft/yr.

Four non-irrigation water rights/permits (Water Right Nos. 534A-3, 617-3, 3117-3, 5071-3) are water distribution systems which purchase their water from another system [8], so are estimated to withdraw no water on average and retain their water rights/permits on standby for emergency use. Fourteen non-irrigation water rights/permits are required to report their annual withdrawals [7]. The sum of the average reported use for each entity required to report withdrawals is 2,733

ac-ft/yr [9]. Two non-irrigation permits are not required to report their withdrawals but have an annual volume limit stated in their permit [7]. They are assumed to withdraw their entire appropriation on their permit, for a combined total of 498 ac-ft/yr. The 27 remaining water rights/permits are estimated to withdraw at their maximum licensed/permitted rate 60% of the time, for a total withdrawal of 7,202 ac-ft/yr [7]. Based on Water Rights Staff experience, that estimate is likely to be higher than the true value for average annual withdrawals. There are 11 future use permits reserving a combined total of 6,041 ac-ft/yr [7].

Summary of Hydrologic Budget

Recharge to the Big Sioux: Brookings aquifer is estimated to be 107,700 ac-ft/yr [5] [4].

Withdrawals and future use appropriations from the aquifer are summarized in Table 1 **Error! Reference source not found..** The total estimated withdrawals and reservations for future use from the Big Sioux: Brookings aquifer is 28,827 ac-ft/yr. This application, if approved, may withdraw up to 276 ac-ft/yr, but is likely to withdraw approximately 115 ac-ft/yr using the same method as in the Discharge section for other new irrigation permits. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 1: Summary of estimated withdrawals and reservations for future use

Estimation Type	Count	Estimated Use (ac-ft/yr)
Irrigation, reporting	202	10,951
Irrigation, not reporting	12	1,401
Standby	4	0
Volume Limit	2	498
Non-Irrigation Reporting	14	2,733
60% Estimate	27	7,202
<i>Subtotal, authorized to withdraw</i>	<i>261</i>	<i>22,786</i>
Future Use	11	6,041
Grand Total	272	28,827

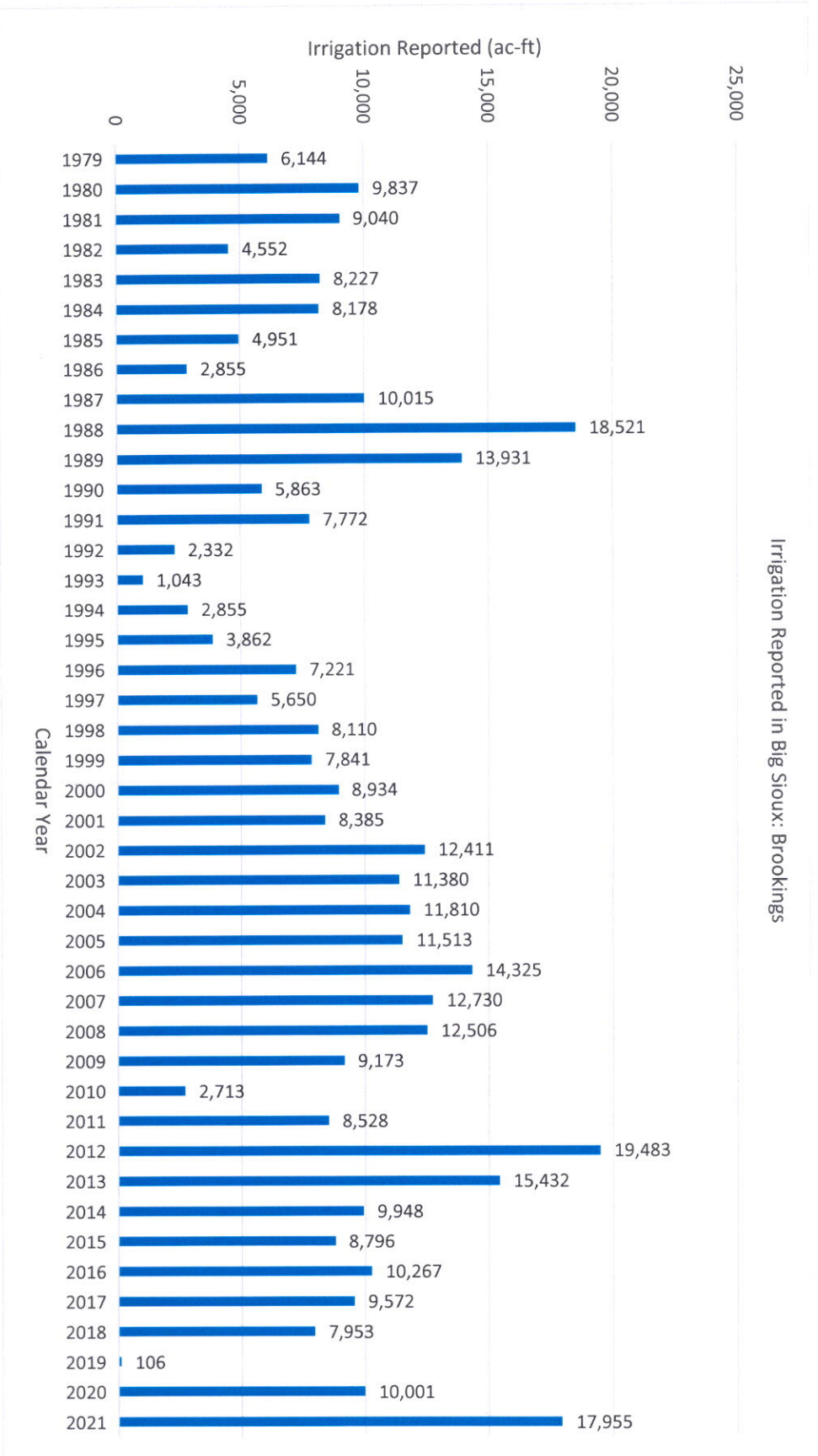


Figure 2: Irrigation reported in the Big Sioux: Brookings aquifer management unit from 1979 through 2021 [6]

Observation Wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board rely upon the record of observation well data, in addition to other information, to determine whether average annual recharge exceeds average annual withdrawals. The Water Rights Program maintains 77 observation wells completed into the Big Sioux: Brookings aquifer [10]. The nearest one to this application is Observation Well HN-57B, located approximately 1.6 miles south of the proposed well for this application [10]. This observation well may have problems with its construction meaning it is not directly measuring the aquifer. The well construction information indicates that the well was drilled to 65 feet below grade, but only 24 feet of casing was installed. The driller indicated the presence of sandy black loam from 6 to 37 feet below grade. Observation point work sheets as early as May of 1983 indicate the depth of the well was 26.5 feet below the top of the casing, indicating the well has collapsed below the casing since its construction. The next nearest observation well completed into the same aquifer is Observation Well HN-77F, located approximately 2.4 miles east of the proposed well for this application, which is representative of the general behavior of the aquifer [10]. Figure 3 shows water elevations in Observation Well HN-57B and HN-77F [10]. In general, water levels rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation [11]. There are also seasonal declines due to higher demand during the summer. Water levels in the aquifer return to static conditions following the spring recharge period. Because water levels in the aquifer are overwhelmingly dominated by natural conditions, natural discharge is occurring in the aquifer. The Water Management Board has historically interpreted natural discharge to be available for capture. Therefore, based on observation well analysis, there is reasonable probability unappropriated water is available for this application.

Water Rights Observation Wells Near Application

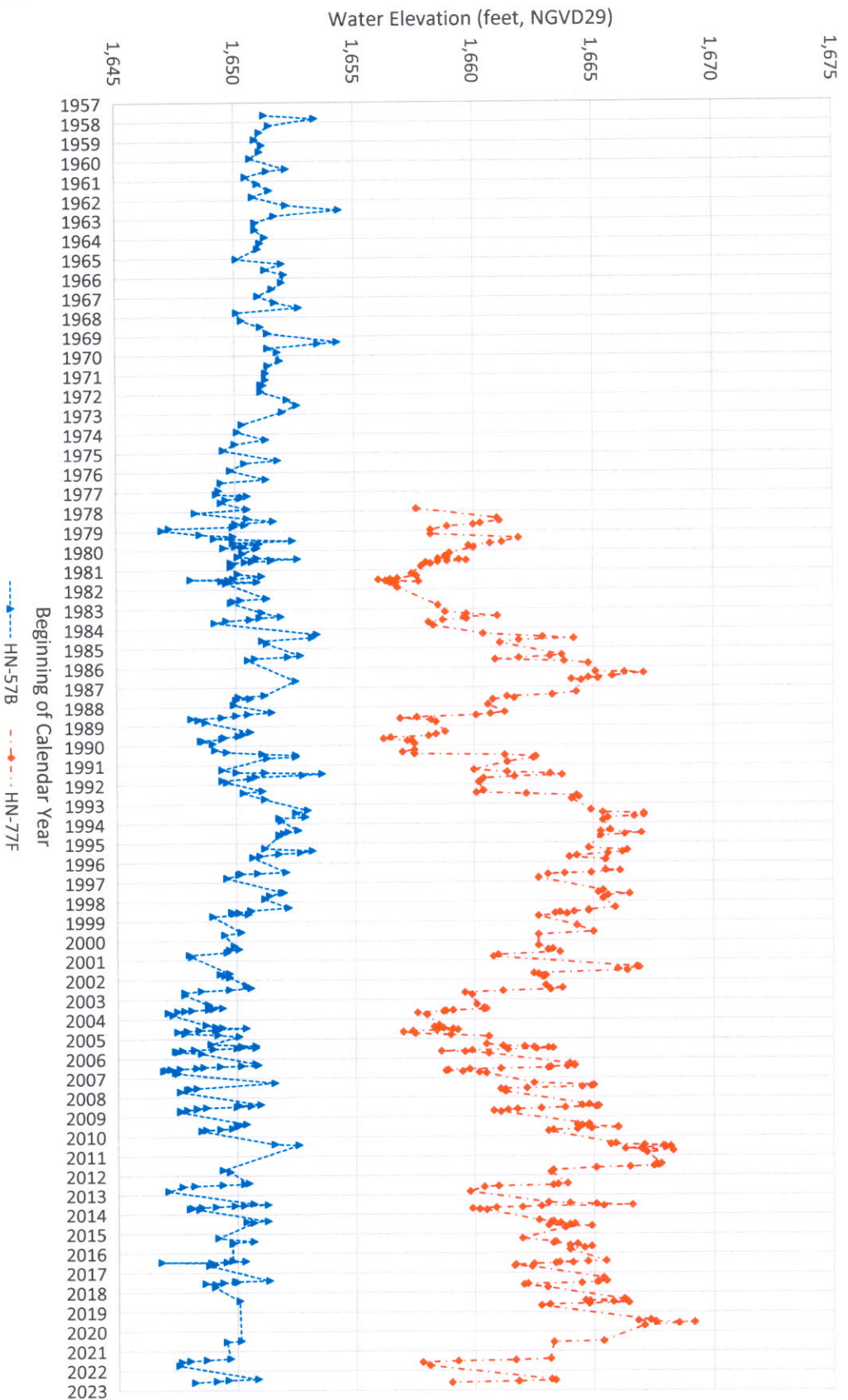


Figure 3: Observation well water elevations near this application [10]

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right/permit to this application is Water Right No. 5025-3, held by Darrel Jongeling, and is located approximately 0.3 miles southwest of the proposed well [7]. The nearest domestic well on file that is completed into the same aquifer is located approximately 0.5 miles west of the proposed well for this application [12]. 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

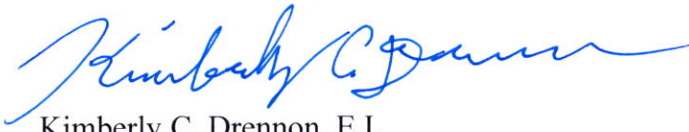
Precise drawdown in an aquifer cannot be known without an aquifer performance test. Drawdown in the aquifer is likely to occur. While the best information available indicates that there is reasonable probability average annual recharge exceeds average annual withdrawals in the aquifer, conditions can occur where withdrawals in the aquifer exceed recharge for a period of time. Situations may occur where a well pumping a thicker part of an unconfined aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Under such conditions an unlawful impairment of senior water rights/permits or domestic wells may occur. Therefore, the applicant should control their withdrawals so that nearby adequate domestic wells and senior water rights/permits are able to access needed water. There are no complaints on file with the Water Rights Program documenting unlawful impairment of existing water rights or adequate domestic wells in the Big Sioux: Brookings aquifer in Hamlin County [13]. Given that the aquifer is unconfined, drawdown from the applicant's proposed well is not likely to extend as far from the well as it would in a confined aquifer and there is reasonable probability this application can be developed without unlawful impairment of existing water rights or domestic water uses.

Special Consideration – Proximity to the Big Sioux River

The test hole for this application was approximately 160 feet from the Big Sioux River and it is the location the applicant intends to drill the working well. The proximity of the well for this application means it may induce flow from the Big Sioux River. Previous applications at similar distance to the Big Sioux River have included a qualification that the Chief Engineer may issue orders to shut off or reduce pumping should river flow diminish to an extent which causes impairment to existing water right holders [14].

Conclusions

1. Water Permit Application No. 8712-3 seeks to appropriate up to 1.89 cfs from one well to be completed into the Big Sioux: Brookings aquifer located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30 for irrigation of 138 acres located in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 30; all in T114N-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/permits.
4. Given the proximity of the well for this application to the Big Sioux River, this application may be subject to a qualification allowing the Chief Engineer to issue an order to shut off or reduce pumping from the well to prevent unlawful impairment of senior Big Sioux River water rights.



Kimberly C. Drennon, E.I.

Natural Resources Engineer II – DANR Water Rights Program

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- [2] USGS, "BIG SIOUX R NEAR CASTLEWOOD,SD," United States Department of Interior - Geological Survey, 19 May 2022. [Online]. Available: https://waterdata.usgs.gov/nwis/uv?site_no=06479525. [Accessed 19 May 2022].
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**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 27, 2023

Allen Fugere
700 Main St N
Estelline SD 57234

Dear Mr. Fugere:

Water Permit Application No. 8712-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Estelline Journal printed at Estelline SD (Ph # 605 873-2475) and the Public Opinion printed at Watertown SD (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
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. 8712-3 to Appropriate Water

Notice is given that Allen Fugere, 700 Main St N, Estelline SD 57234 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux: Brookings Aquifer (approximately 68 feet deep) located in the SW 1/4 NE 1/4 Section 30 for irrigation of 138 acres located in the NW 1/4, W 1/2 NE 1/4 Section 30; all in T114N-R51W. This site is located approximately 7 miles northwest of Estelline SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8712-3 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 April 17, 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 April 17, 2023.

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Published once at the total approximate cost of_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 27, 2023 11:57 AM
To: 'legals@thepublicopinion.com'
Subject: 8712-3 Allen Fugere
Attachments: 8712-3 public.short_final.docx; FORM8.FRM.doc

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

Allen Fugere, 700 Main St N, Estelline SD 57234, 605-873-2496 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.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Estelline

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 27, 2023 11:54 AM
To: hcp@itctel.com
Subject: 8712-3 Allen Fugere
Attachments: 8712-3 public.short_final.docx; FORM8.FRM.doc

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Affidavit of Publication

STATE OF SOUTH DAKOTA, County of Hamlin, ss

LeeAnne Dufek of said County and State being first duly sworn, on her oath says: that The Estelline Journal is a weekly newspaper of general circulation, printed and published in Estelline in said County and State by LeeAnne Dufek, that the said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said for fifty consecutive weeks prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; and has been such newspaper during the time hereinafter mentioned; and that I, LeeAnne Dufek, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof and have personal knowledge of all facts stated in this affidavit and that the advertisement headed:

Water Application - Fugere

A printed copy of which is hereto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for 1 successive weeks, the first publication made on the 5th day of April, 2023, and the last publication on the 5th day of April, 2023.

The 1st publication made on the 5th day of April 2023

The 2nd publication made on the day of 2023.

The 3rd publication made on the day of 2023.

The 4th publication made on the day of 2023.

The 5th publication made on the day of 2023.

The 6th publication made on the day of 2023.

The 7th publication made on the day of 2023.

The full amount of the fees for the publication of the annexed notice is \$ 38.94 and insures solely to the benefit of said publisher; that no agreement or understanding for division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomsoever.

LeeAnne Dufek

Subscribed and sworn before me this 26th day of Apr, 2023.

Jeanette Ruderbusch

Notary Public

My Commission Expires
January 14, 2029



RECEIVED

MAY 15 2023

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 8712-3 TO APPROPRIATE WATER

Notice is given that Allen Fugere, 700 Main St N, Estelline SD 57234 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux: Brookings Aquifer (approximately 68 feet deep) located in the SW 1/4 NE 1/4 Section 30 for irrigation of 138 acres located in the NW 1/4, W 1/2 NE 1/4 Section 30; all in T114N-R51W. This site is located approximately 7 miles northwest of Estelline SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8712-3 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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STATE OF SOUTH DAKOTA)

County of Hamlin) SSI, Lee Anne Dutch

certify that the attached printed Notice was taken

from the Estelline Journalprinted and published in EstellineCounty of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

April 5, 2023

Cost of Printing _____

Lee Anne Dutch
(Signature)Owner
(Title)4-17-2023
(Date Signed)**NOTICE OF APPLICATION NO.
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Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Water Rights Program
Fugere, Allen
700 Main ST N
Estelline SD 57234-2012

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MAY 15 2023

OFFICE OF
WATER

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

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

04/12/2023

and that the fees charged are legal.

Sworn to and subscribed before on 04/12/2023

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OFFICE OF
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Published April 11, 2023, at the total approximate cost of \$48.68 and may be viewed free of charge at www.sdpublicnotices.com
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Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Water Rights Program
Fugere, Allen
700 Main ST N
Estelline SD 57234-2012

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

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Legal Clerk

Notary, State of WI, County of Brown

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Order No: 8686459

Customer No: 921672

PO #:

of Copies:

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KAITLYN FELTY
Notary Public
State of Wisconsin

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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 27, 2023 1:39 PM
To: dritzirrigation@gmail.com
Subject: 8712-3 water permit application
Attachments: 8712-3 Email.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for the water permit 8712-3 application. As stated in the letter, please contact the newspaper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to Allen Fugere today.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 15 2023

Allen Fugere
700 Main St. N
Estelline SD 57234

Dear Mr. Fugere:

Enclosed is Water Permit No. 8712-3 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.: 8712-3

Name of Applicant: Allen Fugere

Date of Posting: 4/3/2023

Date of Removal: 5/15/2023



Ron Duvall, Water Rights Permitting Administrator

5/24/23

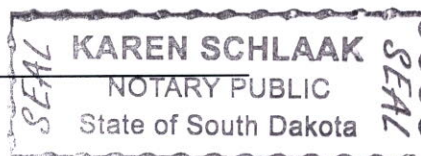
Date

Subscribed and sworn to before me, a notary public, this 24 day of May, 2023.



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

(SEAL)



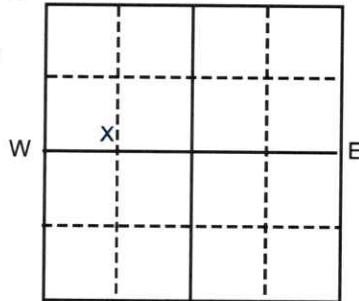
8712-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 30 Twp 114 Rg 51County Hamlin

North

Please mark well
location with an "X"

Well Completion Date

12/15/2022

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12 IN	0 FT	48 FT	17 1/2 IN
LB/FT	12 IN	68 FT	78 FT	17 1/2 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bentonite	6	Lb/gal	0.0 Ft	20 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmy

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12 Inches Length 20 Feet
 Material Stainless Steel
 Slot Size .100 Set From 48 Feet to 68 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? Chlorine☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: Allen Fugere

Business Name:

Address: 700 No Main StCity, State, Zip: Estelline SD 58234

WELL LOG:

FORMATION		DEPTH	
		FROM	TO
Topsoil	Black	0	1
Clay	Brown/Red	1	11
Sand/Gravel		11	68
Clay	Blue Med	68	78

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:☐ Bailed☐ Other

Pumping Level Below Land Surface

38 Ft. After 24 Hrs. pumped 1018 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

IRR Well - TH#2

GPS:

44 39 08.70N

96 59 39.70W

This well was drilled under license # 463 and this
report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder

RECEIVED

DEC 20 2023

Date:

OFFICE OF
WATER

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8712-3

I have this day, October 4, 2024, made a thorough examination of the water use system constructed by Allen Fugere, 700 Main St N, Estelline, SD 57234 of Permit No. 8712-3, bearing the priority of January 11, 2023 authorizing the diversion of 1.89 cu. ft. per second of the waters of the Big Sioux:Brookings Aquifer for irrigation purposes, in Hamlin County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling & Pump
- 2) No. of Wells 1
- 3) Depth(s) 68 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 48 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level 10 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 850 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 PVC
- 2) Size 8 inches
- 3) Length 2100 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 850 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 NW corner Sec 30 T114N R51W, 2660 ft S & 3200 ft E, Lat 44.65241 Long -96.99429 (SW
1/4 NE 1/4).
2. The works are capable of diverting and conveying to the place of use 1.89 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 30 T114N R51W
NW 1/4 NW 1/4 - 28 acres
NE 1/4 NW 1/4 - 39 acres
SE 1/4 NW 1/4 - 31 acres
SW 1/4 NW 1/4 - 26 acres
NW 1/4 NE 1/4 - 7 acres
SW 1/4 NE 1/4 - 7 acres

legal description/acreage

comprising a total of 138 acres of land and the license should be issued for 1.89 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 flow rate reported on the 2023 Irrigation Questionnaire was used to establish the system flow capacity.

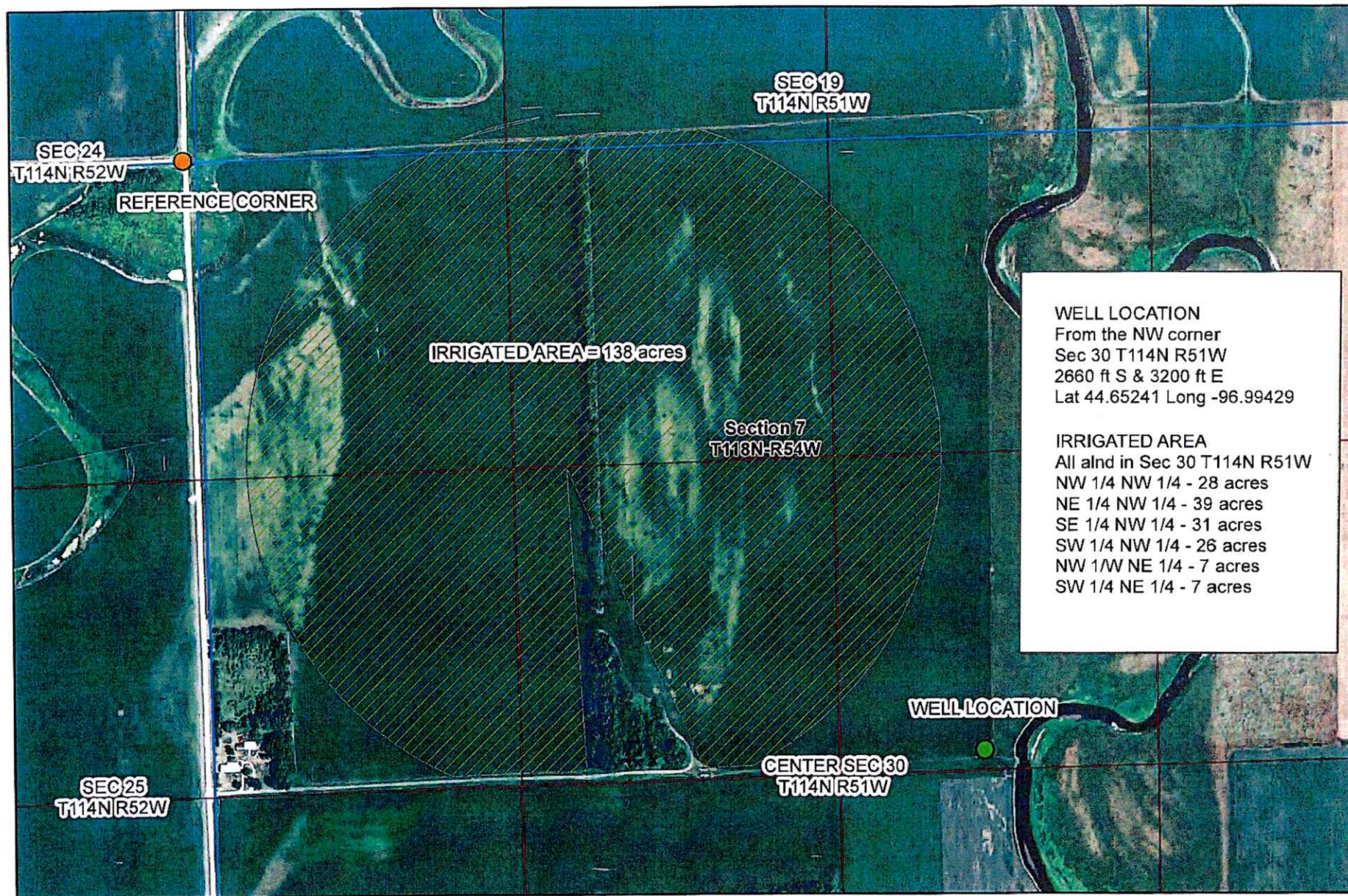
The address and phone number in the permit application are current.

I talked to Mr. Allen Fugere on the phone regarding Permit details.

A handwritten signature in black ink, appearing to read "Darrell DeBoer", written in a cursive style.

Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: October 8, 2024



WELL LOCATION
 From the NW corner
 Sec 30 T114N R51W
 2660 ft S & 3200 ft E
 Lat 44.65241 Long -96.99429

IRRIGATED AREA
 All alnd in Sec 30 T114N R51W
 NW 1/4 NW 1/4 - 28 acres
 NE 1/4 NW 1/4 - 39 acres
 SE 1/4 NW 1/4 - 31 acres
 SW 1/4 NW 1/4 - 26 acres
 NW 1/4 NE 1/4 - 7 acres
 SW 1/4 NE 1/4 - 7 acres



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

Darrell DeBoer
 Water Right Inspector
 DANR-Water Rights Program

RECEIVED

MAR 27 2025

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date

3-25-25

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

FROM:

allen fugere

(name)

700 N Main

(address)

Estelline SD 57234

(city, state, zip)

1605-881-4221

(phone)

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

Water Permit No. 8712-3 states that the water use system is to be constructed by

April 17, 2028

(date)

, and water is to be put to beneficial use by April 17, 2032

(date)

The water use system was completed on

6-15-24

(date)

Applying the water to beneficial use was completed on

7-10-24

(date)

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

allen fugere

(signature)





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

APR 07 2025

Allen Fugere
700 N Main St
Estelline, SD 57234

No. 8712-3

Dear Mr. Fugere:

Enclosed is Water License No. 8712-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8712-3**

(1) Allen Fugere, 700 Main St N, Estelline, SD 57234, made Application No. 8712-3, January 11, 2023, for a water permit to divert 1.89 cubic feet of water per second from groundwater, one well (Big Sioux: Brookings Aquifer), Hamlin County, South Dakota for irrigation purposes. Permit No. 8712-3, with a priority date of January 11, 2023, was approved April 17, 2023, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 17, 2028, and for the application to beneficial use of water on or before April 17, 2032.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on March 27, 2025. The Notice stated the diversion system was completed on June 15, 2024, and the water was placed to beneficial use on July 10, 2024.

(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 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,660 feet S & 3,200 feet E from the NW corner Section 30, T114N, R51W (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
(Latitude 44.65241 & Longitude -96.99429)

(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 30, T114N, R51W
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 39 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 28 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 26 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 31 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 7 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 7 acres
Total – 138 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Allen Fugere, the holder and/or owner of Water Right No. 8712-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from groundwater, one well (Big Sioux: Brookings Aquifer), with a priority date of January 11, 2023, 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. 8712-3 and subject to the following qualifications:

Qualifications

1. The well approved under Water Permit No. 8712-3 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. 8712-3 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 2022 by Steffi Drilling & Pump Inc. A copy of the well completion report is on file with the Water Rights Program.)*
3. The Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Mark Mayer, PE
Director of Office of Water


date

