

WATER PERMIT NO. 8720-3

Name of Applicant: **Reinschmidt Lands LLC**

Address: **46927 318th St, Burbank SD 57010**

Phone: **712-490-0849**

Amount of Water Claimed: **no add'l**

Total Acres: **130 acres**

Source of Water Supply: **existing well authorized by Water Right No. 3967-3**

Water to be used for: **irrigation**

County: **Charles Mix**

Type of Waste Disposal System:

Location: **10 miles northwest of Wagner SD**

PRIORITY

Date Received: **10-11-22**

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

Corrected Application Received: **2-3-23**

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

Remarks:

Diversion Point: **center of SE 1/4 Sec 13-T97N-R63W**

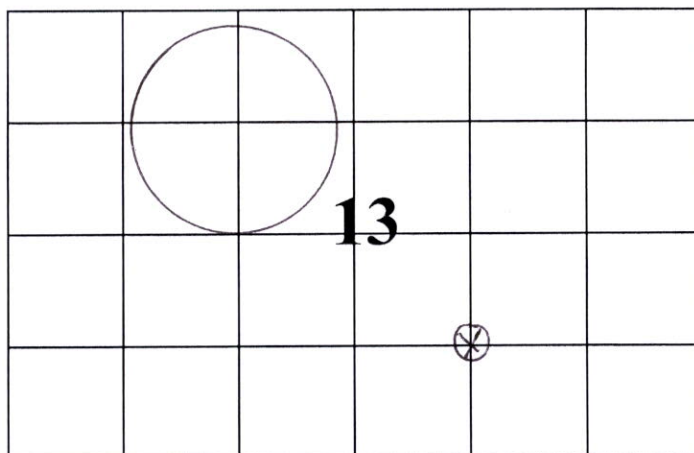
Land to be Irrigated: **NW 1/4 Sec 13-T97N-R63W**

Depth of Well: **195 feet deep**

Well Driller: **Huron Drilling**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **2-3-23**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8720-3**

Date of first receipt of application October 11, 2022.

Date of return to applicant for corrections, amendments, or changes October 11, 2022.

Date of receipt of corrected application February 2, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8720-3 to Reinschmidt Lands, LLC, c/o David L. Reinschmidt, 46927 318th Street, Burbank SD 57010 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. 8720-3 authorizes irrigation of an additional 130 acres located in the NW 1/4 Section 13-T97N-R63W from the existing well authorized by No. 3967-3. Water Right No. 3967-3 authorizes 1.77 cubic feet of water per second (cfs) from one well completed into the Choteau: West Aquifer (195 feet deep) located in the center of the SE 1/4 Section 13 for irrigation of 136 acres located in the SE 1/4 Section 13; all in T97N-R63W. This permit, and Water Right No. 3967-3 will authorize a combined total of 1.77 cfs for irrigation of 266 acres. This site is located approximately 10 miles northeast of Wagner 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 – October 31.
3. The date from which applicant may claim right is February 2, 2023.
4. The date of approval of Permit No. 8720-3 is April 24, 2023.
5. One-fifth of the construction is to be completed on or before October 24, 2025.
6. All construction is to be completed on or before April 24, 2028.
7. Water is to be put to beneficial use on or before April 24, 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. 8720-3 and Water Right No. 3967-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 15 2023
date



RECEIVED

OCT 11 2022

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

PAID

OCT 11 2022

Ck# 4020

Rec't#

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8720-3</u> Hydrologic Unit <u>10170101</u> Basin <u>Missouri River</u> Newspaper <u>Wagner Post</u> <u>384-5616 (Wed)</u> <u>Press & Dakotan</u> <u>605-7811</u> (office use only)
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Application for Permit to Appropriate Water for Irrigation

 Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
 (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 Reinschmidt Lands, LLC
 Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
 Mailing Address 46927 318th St. Burbank, SD 57010
 (Address) (City) (State) (Zip Code)
 Phone — Mobile 712-490-0849 Email dlr@mrldaw.net

 2. Amount of water claimed No add'l *CFS or 800 **GPM — ***AF Total Acreage 130
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

 3. Source of water supply 13-97-63 - existing permit # 2232B-3
 4. Location of point of diversion 13-97-63 - existing permit 3967-3
 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

approximate center SE1/4 Sec 13 - T97N - R63W County —

 5. County or counties where water will be used Charles Mix County, Kennedy Township

 6. Annual period during which water is to be used May - October 31

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

Land Description	Acres	Land Description	Acres
<u>13-97-63</u>	<u>32.5</u>		
<u>13-97-63</u>	<u>32.5</u>		
<u>13-97-63</u>	<u>32.5</u>		
<u>13-97-63</u>	<u>32.5</u>		

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

Existing well covered by Permit # 2232B-3
3967-3

 I, David L. Reinschmidt President, Reinschmidt Lands, LLC, 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.

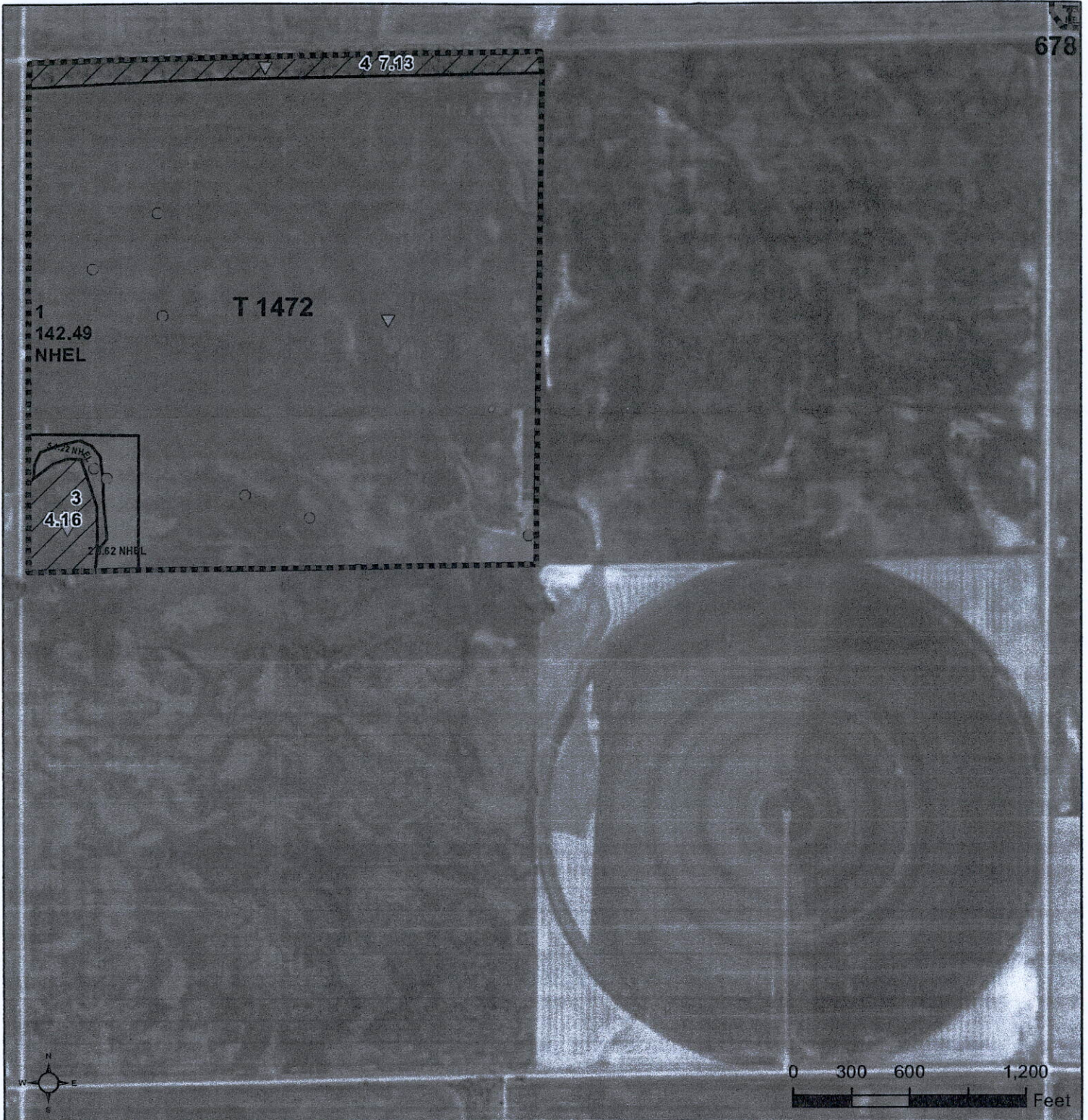
2021-08

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



United States
Department of
Agriculture

Charles Mix County, South Dakota



Common Land Unit Tract Boundary
 Non-Cropland
 Cropland

Wetland Determination

- Restricted
- Limited
- Exempt from Conservation
- Compliance Provisions

Unless otherwise noted,

crops listed below are:

Non-irrigated

Intended for Grain

Corn = Yellow

Soybeans = Common

Wheat - HRS or HRW

Sunflowers = Oil or Non-oil

Producer initial _____

Date _____

2022 Program Year

Map Created April 14, 2022

Farm 9608

13-97N-63W-Charles Mix

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

NOT TO SCALE

97-63

147.2 T1472

(N27)(3-L)

155.2 T1473



1/3

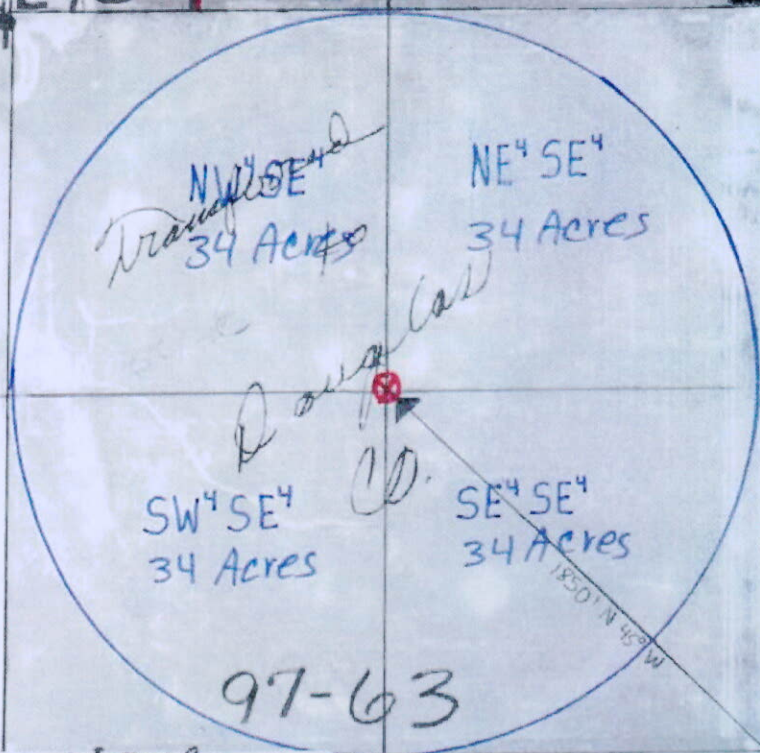
NC
48

73.0

T439

77.0

T669



Barry McLaury *Barry A. McLaury*
 Natural Resources Analyst
 Division of Water Rights
 Date December 3, 1993

3967-3

3967-3

HURON DRILLING INC. DRILLERS LOG

Delmont, SD

PAGE No 1 of 1

Greenwood Colony
JOB NAME

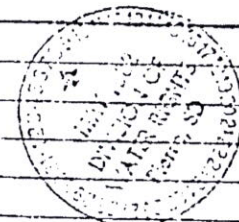
SEK-13-97-63-Charles Mix
LOCATION Co.

4/20/82
DATE

9
RIG NO.

Tom Rathjen
FOREMAN

JL No.	DEPTH	TIME	REMARKS
1	20		Yellow Clay
2	40		Blue Clay
3	60		
4	80		
5	100		
6	120		
7	140		Chalk @ 150'
8	150		17" Hole to 150' 12" Steel Pipe cemented -- Colony furnished 25 bags
9	160		
10	180		
	195	T.D.	Drilled 11 3/4 hole to 195
			Put in 40' - Johnson Screen 10"
			5' - 10" Steel above the screen
			Screen went to 190 and steel laps 5' into 12" Pipe with rubber seal
			Water Head 85'
			Pumped 120GPM
			Drew down to 90'



WELL REPORT

HURON
DRILLING CO.
Huron, S. D.

OWNER

DESCRIPTION

DATE

CASING LOG

Depth 189 ft.

Flows gpm

Pumps 120 gpm

Head 90 ft.

Perforations

Pressure

Drilling Time

Rig No.

Foreman

ft. 12" Steel Pipe pipe to 150 ft.

ft. 10" Johnson pipe to 189 ft.

ft. 10" Johnson pipe to 150 ft.

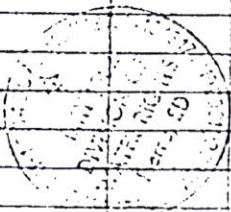
ft. 10" Johnson pipe to 150 ft.

ft. 10" Johnson pipe to 150 ft.

REMARKS

17" Hole to 150' w/12" Steel Pipe cemented

Colony furnished 25 bags of cement



WELL REPORT

WELL REPORT

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3967-3

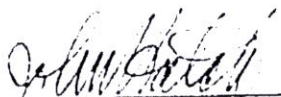
(1) Greenwood Farmers Coop., of Box 89, Delmont SD 57330 made Application No. 3967-3, May 2, 1977 for a water permit to appropriate 2.2 cubic feet of water per second from groundwater (one well), Charles Mix County, South Dakota for irrigation purposes. Permit No. 3967-3, with a priority date of May 2, 1977 was approved May 25, 1979 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 25, 1980 and for the application to beneficial use of said water on or before May 25, 1984.

(2) It is certified that the applicant 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 1.77 cubic feet of water per second for beneficial use. The location of the diversion point is 1850 feet N 45 degrees W from the SE corner of Section 13-T97N-R63W (SE 1/4 SE 1/4).

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

Section 13-T97N-R63W	NW 1/4 SE 1/4	34 acres
	NE 1/4 SE 1/4	34 acres
	SW 1/4 SE 1/4	34 acres
	SE 1/4 SE 1/4	34 acres
	Total	136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Greenwood Farmers Coop. of Box 89, Delmont SD 57330 the holders and owners of Water Permit No. 3967-3 is issued a license to appropriate water, the right to use 1.77 cubic feet of water per second from groundwater (one well) with a priority date of May 2, 1977 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 3967-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

DEC 28 1994

date

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date October 11, 2022

RECEIVED OF Reinschmidt Lands LLC 46927 318th St., Burbank SD 57010

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

Fee for Application for Permit No. <u>8720-3</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>8720-3</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
me



OFFICE OF THE SECRETARY OF STATE

STEVEN J. BARNETT, SECRETARY OF STATE

JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **REINSCHMIDT LANDS, L.L.C.**

General Information

SOS Business ID **DA001328**
Filing Type: Limited Liability Company - Domestic
 08/06/1997
Status: Good Standing
Duration Term: Perpetual
Business Type: Farm
Managed By: Manager-Managed

Registered Agent Address

DAVID L REINSCHMIDT
46927 318TH ST
BURBANK, SD 57010-7010

Principal Address

46927 318TH ST
BURBANK, SD 57010

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
06/02/2022	2022 Annual Report	B0222-4548
06/04/2021	2021 Annual Report	B0183-5557
06/02/2020	2020 Annual Report	B0143-0849
06/18/2019	2019 Annual Report	B0102-4516
06/14/2018	2018 Annual Report	B0063-9395
07/25/2017	2017 Annual Report	B0036-6371
07/25/2016	2016 Annual Report	
07/21/2015	2015 Annual Report	
07/22/2014	2014 Annual Report	
07/17/2013	2013 Annual Report	
08/01/2012	2012 Annual Report	
07/26/2011	2011 Annual Report	
08/01/2010	2010 Annual Report	
08/14/2009	2009 Annual Report	
08/01/2008	2008 Annual Report	
08/09/2007	2007 Annual Report	
08/01/2006	2006 Annual Report	

Filing Information

Name: **REINSCHMIDT LANDS, L.L.C.**

08/01/2005 2005 Annual Report

08/01/2004 2004 Annual Report

04/28/2004 2004 Annual Report

09/25/2002 2002 Annual Report

09/26/2001 2001 Annual Report

12/08/2000 2000 Annual Report

04/23/1999 Restated Formation Documents

01/04/1999 1999 Annual Report

04/13/1998 Farm Qualification

01/02/1998 1998 Annual Report

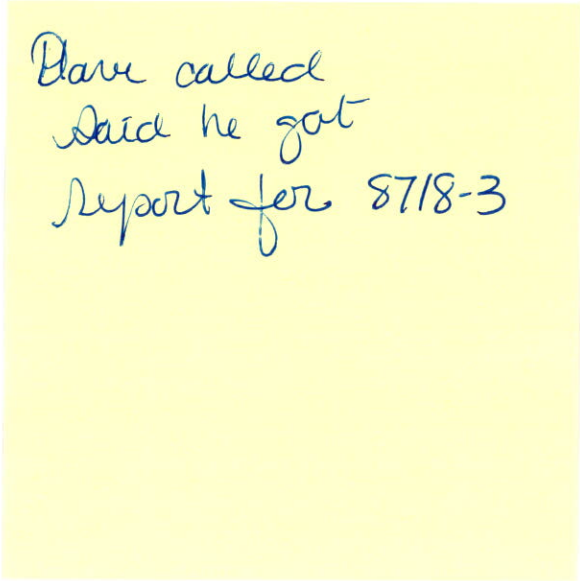
08/06/1997 Initial Filing

DA001328

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, April 11, 2023 9:23 AM
To: DLR
Subject: Recommendation and Report on Application No. 8720-3
Attachments: 0271.pdf

David,
Attached is the report for your water permit application. Sorry about the error.
Karen



Dave called
said he got
report for 8718-3

RECEIVED

FEB 02 2023

OFFICE OF
WATER

JEFFREY T. SVEN
JOSEPH P. BARNETT
REED RASMUSSEN
JULIE DVORAK**
RODRICK L. TOBIN*
JEREMY D. LUND
JASON A. ERICKSON
KIERA LEDDY
HARVEY C. JEWETT, *of Counsel*

*Also licensed in Minnesota
*Also licensed in Montana
*Also licensed in North Dakota



SIEGEL BARNETT & SCHUTZ LLP
ATTORNEYS AT LAW

CAPITOL BUILDING
415 S. MAIN STREET, SUITE 400
P.O. BOX 490
ABERDEEN, SOUTH DAKOTA 57402-0490

STAN SIEGEL (1928-1996)
JOSEPH H. BARNETT (1931-1985)
RAYMOND M. SCHUTZ (1929-2012)
TERENCE A. O'KEEFE (1938-1999)

TELEPHONE: (605) 225-5420
FACSIMILE: (605) 226-1911
WEB SITE: www.sbslaw.net

November 30, 2022

David Reinschmidt
600 4th St. Suite 703
Sioux City, IA 51102

RE: Letter of Intent for Irrigation Use in Charles Mix County

Dear Mr. Reinschmidt

I represent Greenwood Hutterian Brethren, Inc. ("Greenwood") and HB of South Dakota, LLC ("HB"). It is my understanding that you would like to irrigate cropland acres that you currently lease to Greenwood ("Leased Property"). HB and Greenwood are willing to enter an irrigation system - water use agreement with you for the Leased Property.

Greenwood operates an irrigation system on land it leases from HB using a water well that is on HB's property (SE 1/4 of Section 13, T-97-98-N, R-63-W). Greenwood is willing to allow its irrigation system and HB is willing to allow its water well to be used on the Leased Property (NW 1/4 of Section 13, T-97-98-N, R-63-W) for the remainder of its crop lease.

If the terms and conditions in this letter are acceptable to you, please sign this Letter of Intent, effective November 30, 2022. The parties may sign on separate pages. Please return the original to me and a fully signed copy will be provided to you. Upon signing this letter, you should obtain a water permit for irrigation on the Leased Property. Water use agreement negotiations will begin once the water permit has been secured.

If you have any questions, please do not hesitate to reach out.

Sincerely,

/s/ Kiera Leddy

Kiera Leddy
of SIEGEL, BARNETT & SCHUTZ, LLP
Attorney for Greenwood Hutterian
Brethren, Inc. and HB of South Dakota, LLC

Greenwood HBI and HB of South Dakota, LLC

Irrigation Letter of Intent

RECEIVED

FEB 02 2023

OFFICE OF
WATER

David Reinschmidt

Greenwood Hutterian Brethren, Inc.

12/5/22 Signature: David L. Reinschmidt
Name: David L. Reinschmidt

Signature: Jake P. Wurtz
Name: Jake Wurtz
Title: Secretary/Treasurer

HB of South Dakota, LLC

Signature: Ben Waldner
Name: Ben Waldner
Title: Member of HB South Dakota, LLC



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 22, 2022

Reinschmidt Lands LLC
c/o David L Reinschmidt
46927 318th St
Burbank SD 57010

Dear Mr. Reinschmidt:

On October 11, 2022, you submitted *an Application for Permit to Appropriate Water Within the State of South Dakota* for irrigation use. This is just a reminder that to proceed with the application we will need a signed statement of authority from Ben Waldner that he agrees with the use of the existing well authorized by No. 3967-3.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 11, 2022

Reinschmidt Lands LLC
c/o David L Reinschmidt
46927 318th St
Burbank SD 57010

Dear Mr. Reinschmidt:

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

- Enclosed is the aerial photo map submitted with the application. Please outline the 130 acres to be irrigated. The application does not list which quarter of Section 13 you intend to irrigate.
- The application also states the well to be used is authorized by Water Right No. 2232B-3. Water Right No. 2232B-3 is held by HC of South Dakota LLC. We will need a statement signed by HB of South Dakota LLC (Ben Waldner) that they agree with your use of the existing well.
- Also, Water Right No. 2232B-3 authorizes two wells. Which of the two wells are you proposing to pump 800 gallons per minute from?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

Water Rights Program - File Documentation

NAME: David Reinschmidt

ADDRESS: Burbank SD

DATE: 10-14-22

RE: Pending application

COMMENTS:

David Reinschmidt called regarding my October 11th letter. Mr. Reinschmidt indicated that he is proposing to irrigate the NW 1/4 Section 13-T97N-R63W.

Mr. Reinschmidt requested I change the application. The well he is proposing to use is located in the SE 1/4 Section 13-T97N-R63W authorized by Water Right No. 3967-3. This water right is held HC of South Dakota LLC.

Mr. Reinschmidt stated he would have Ben Waldner sign a statement of authority that he agrees with the use of the existing well authorized by No. 3967-3.

10-18-22

Mr. Reinschmidt called regarding the 800 gpm requested on this application. He talked to Jake Waldner who indicated they were proposing to pump on a 2 1/2 day rotation between this application and Permit No. 3967-3.



Karen Schlaak
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8720-3, Reinschmidt Lands, LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8720-3, Reinschmidt Lands, LLC, c/o David Reinschmidt, President, 46927 318th Street, Burbank SD 57010.

The Chief Engineer is recommending APPROVAL of Application No. 8720-3 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. 8720-3 and Water Right No. 3967-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
March 28, 2023

Report to the Chief Engineer
On Water Permit Application No. 8720-3
Reinschmidt Lands LLC

March 29th, 2023

Water Permit Application No. 8720-3 proposes to irrigate an additional 130 acres located in the NW ¼ Section 13-T97N-R63W from the existing well authorized by Water Right No. 3967-3. Water Right No. 3967-3 authorizes 1.77 cubic feet of water per second (cfs) from one well (195 feet deep) completed into the West management unit of the Choteau aquifer located in the center of the SE ¼ Section 13 for irrigation of 136 acres located in the SE ¼ Section 13; all in T97N-R63W. This application, if approved, and Water Right No. 3967-3 will authorize a combined total of 1.77 cfs for irrigation of 266 acres. The site of interest is located approximately 10 miles northeast of Wagner, SD in Charles Mix County.

AQUIFER: Choteau: West (CH:W)

HYDROGEOLOGY:

The West management unit of the Choteau aquifer was referred to as the Choteau aquifer by Christensen (1970), Jorgensen (1971), and Kume (1977). The Choteau: West aquifer naming convention will be used in this report as it was established by Hedges et al (1982) and accepted by the Water Management Board. The Choteau: West aquifer is a glacial outwash deposit composed of sand and gravel that underlies surface water sources and surficial till layer (Jorgensen, 1971; Kume, 1977). Hedges et al (1982) estimated that the Choteau: West aquifer underlies approximately 218,400 acres of Bon Homme, Charles Mix, and Douglas Counties and contains an estimated 1,474,200 ac-ft of recoverable water in storage. Hedges et al. (1985) states the Choteau: West aquifer is a confined aquifer but Jorgensen (1971) and Kume (1977) identify some unconfined portions occur in the aquifer near the hydrological connections to surface water sources (Choteau Creek and Dry Choteau Creek).

A well completion report is on file in the administrative record for Water Right No. 3967-3. At the time of construction in 1982, screen was set from 150 to 190 feet and the static water level was 85 feet. The saturated aquifer thickness was approximately 40 feet. Based on water well completion report and other nearby well completion reports near the diversion point, the Choteau: West aquifer is expected to be confined at the diversion point (SDGS, 2023; Water Rights, 2023b and 2023d).

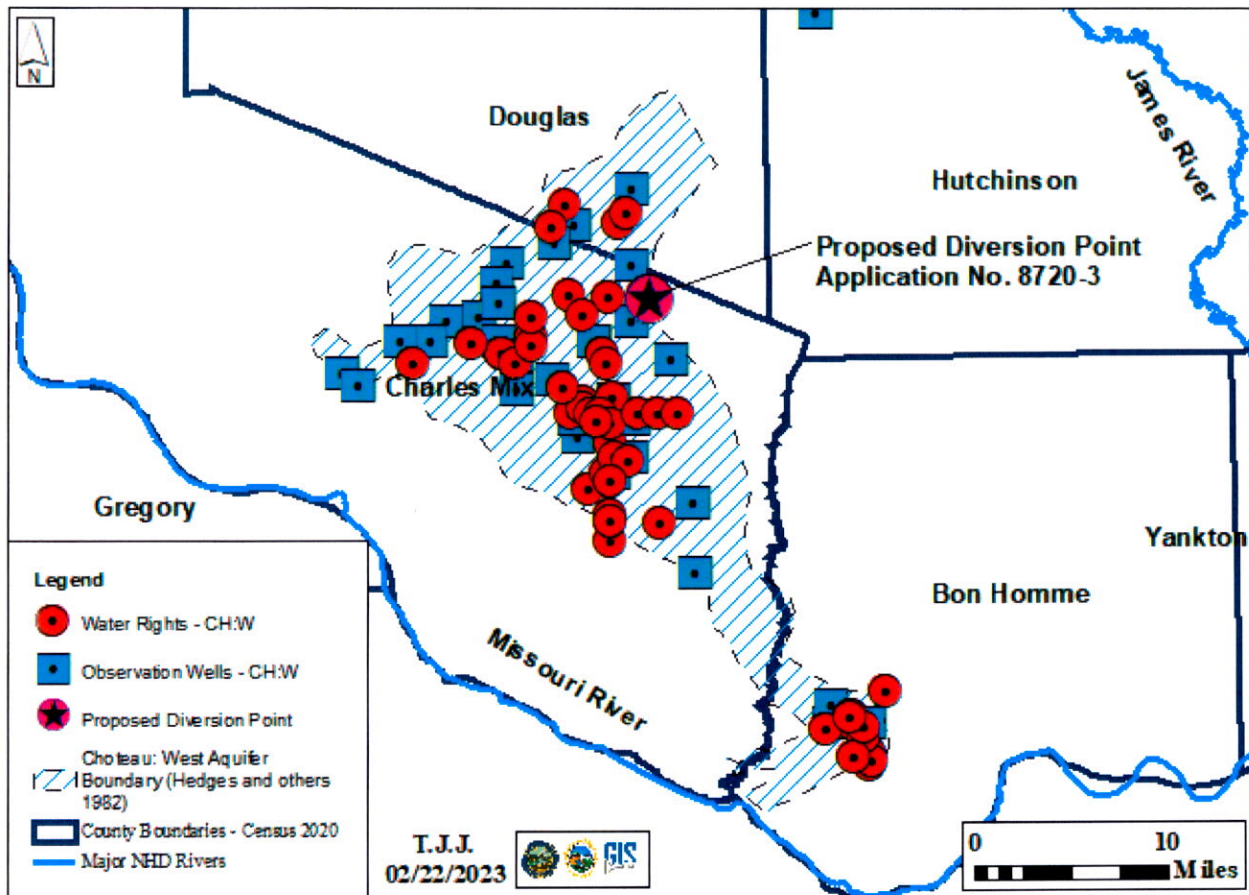


Figure 1. Map of the area Choteau: West aquifer's approximate boundary, water rights/permits, observation wells, and the location of the diversion point for Water Permit Application No. 8720-3 (Water Rights, 2023b and 2023c).

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

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

WATER AVAILABILITY:

Water Permit Application No. 8720-3 proposes to appropriate water from the Choteau: West aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An

application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Choteau: West aquifer is not older than or stratigraphically lower than the Greenhorn Formation, and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Choteau: West aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Choteau: West aquifer is received primarily through infiltration of precipitation where the aquifer is exposed at or near land surface, groundwater inflow from hydrologically connected bedrock aquifers, and seepage through till layers from Choteau Creek and Dry Choteau Creek (Jorgensen, 1971; Kume, 1977). Using observation well analysis, Hedges et al (1985) estimated a recharge rate of 4.1 inches per year for the unconfined portion of the Choteau: West aquifer. The unconfined area for this primarily confined aquifer has not been delineated. Therefore, the Choteau: West aquifer will be evaluated as a confined aquifer. Hedges et al (1985) recommend using a recharge rate of 0.15 in/yr to 0.6 in/yr for confined aquifers by management and development programs. The Choteau: West aquifer has an estimated areal extent of approximately 218,400 acres (Hedges et al, 1985). Therefore, the average annual recharge rate (based on Hedges et al, 1985) ranges from 2,730 acre-feet/year to 10,920 acre-feet/year.

Discharge

Discharge from the Choteau: West aquifer in South Dakota primarily occurs through well withdrawals, seepage to surface water features, and evapotranspiration in areas where the aquifer is at or near land surface. Currently, there are 54 water rights/permits authorized to appropriate water from the Choteau: West aquifer (Water Rights, 2023c). There are no future use permits reserving water from the Choteau: West aquifer (Water Rights, 2023c).

Table 1 summarizes the 6 non-irrigation water rights/permits authorized to appropriate water from the Choteau: West aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. The amount of water withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that the non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. This is a standard method used by the DANR-Water Rights Program for estimating average annual withdrawals by non-irrigation appropriations. Overall, the estimated average annual withdrawal rate for the Choteau: West aquifer non-irrigation water rights/permits is approximately 351 acre-feet/year (Table 1) (Water Rights, 2023c). The City of Wagner is connected to a rural water system and maintains Water Right Nos. 569-3 and 1782-3 for standby purposes (Drinking Water, 2023). Therefore, water use under these rights is estimated to be negligible.

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

Permit Number	Name	Use	Status	Diversion Rate (cubic feet/second)	Estimated Use (acre-feet/year)
7276-3	SPARKS	COM	LC	0.134	58.2
7403-3	VANDERLEI	DOM	LC	0.075	32.6
1782-3	CITY OF WAGNER	MUN	LC	0.890	0
569-3	CITY OF WAGNER	MUN	LC	1.100	0
296-3	AHRENS	REC, DOM	LC	0.300	130.3
297-3	AHRENS	REC	LC	0.300	130.3
LC License, COM Commercial, DOM Domestic, MUN Municipal, REC Recreation				TOTAL:	351.4

Currently, there are 48 irrigation water rights/permits appropriating water from the Choteau: West aquifer (Water Rights, 2023c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The average annual withdrawal rate for the Choteau: West aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2021) is approximately 2,489 acre-feet per year (Table 2) (Water Rights, 2023a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2012 to 2021 is approximately 3,029 acre-feet per year (Table 2) (Water Rights, 2023a).

Water Permit No. 8575-3 was approved in 2022 and Water Permit No. 8671-3 was approved in early 2023, both Water Permits are not accounted for in Table 2 (Water Right, 2023c). Water Permit Nos. 8575-3 and 8671-3 are authorized to irrigate 237 acres (Water Rights, 2023c). Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, to account for fluctuation in wet and dry cycles from year to year, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for these irrigation water permits. Therefore, the estimated average annual withdrawal rate for Water Permit Nos. 8575-3 and 8671-3 is approximately 237 acre-feet per year. Water Permit Application No. 8699-3 and this application are proposing to irrigate 240 acres, combined. By using the same one foot of water per acre per year estimate, Application Nos. 8677-3 and 8720-3 should withdraw approximately 240 acre-feet per year. Collectively, the estimated average annual withdrawal rate for the irrigation water permits approved in 2022 and 2023, and the pending applications (477 acre-feet/year) plus the average annual withdrawal rate for the irrigation appropriations from 2012 to 2021 (3,029 acre-feet/year), is approximately 3,506 acre-feet per year.

Table 2. Reported historic irrigation uses from the Choteau: West aquifer (Water Rights, 2023a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	49	2,933
1980	47	2,644
1981	48	3,132
1982	39	1,647.15
1983	40	1,368.89
1984	44	1,692
1985	43	2,377
1986	42	2,986
1987	42	2,198.00
1988	44	4,537.40
1989	45	3,984.10
1990	45	3,716.00
1991	45	4,057
1992	46	1,683
1993	45	334.2
1994	41	2,026.03
1995	42	999.46
1996	42	1,795.61
1997	42	1,509
1998	42	697.51
1999	40	1,248.07
2000	33	3,009.11
2001	33	1,625.24
2002	33	3,223.92
2003	33	2,526.26
2004	34	2,819.08
2005	36	2,896.82
2006	36	3,598.83
2007	34	3,363.59
2008	34	2,443.95
2009	35	1,163.81
2010	35	614.83
2011	35	1,872.77
2012	33	6,042.81
2013	43	4,141.10
2014	45	3,966.34
2015	46	4,306.86
2016	44	2,800.67
2017	47	3,323.18
2018	45	122.39
2019	46	285.39
2020	46	1,565.85
2021	46	3,739.86
Max	49	6,042.81
Min	33	122.39
Avg (1979-2021)	41	2,489
Avg (2012-2021)	44	3,029

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

Hydrologic Budget Summary

The average annual recharge rate to the Choteau: West aquifer has a range from 2,730 acre-feet/year to 10,920 acre-feet/year. The estimated average withdrawal rate from the Choteau: West aquifer totals to approximately 3,857 acre-feet/year; (non-irrigation: 351 acre-feet/year; irrigation (2012 to 2021, permits approved in 2022 and 2023, and pending applications): 3,506 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Choteau: West aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

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

The DANR-Water Rights Program monitors 25 observation wells completed into the Choteau: West aquifer, with observation wells in the area of this application shown on Figure 5, (Water Rights, 2023b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The 3 closest observation wells to the diversion point are CM-80A (approximately 1.5 miles southwest), CM-78D (approximately 3.3 miles southeast), and CM-80C (approximately 3.6 miles southwest) (Water Rights, 2023b). The hydrographs for these observation wells are displayed in Figures 2 to 4 respectively (Water Rights, 2023b). The data points utilized to construct the hydrographs are measurement of the static water level in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DANR Water Rights Observation Well on hydrographs. A majority of the observation wells in the Choteau: West aquifer have a stable trend in the water level. Although, there are a few observation wells that have been on a slight decline since 2010. This is most likely due to recent Development of water rights in close proximity to the observation wells reducing artesian head pressure until the water level equilibrates to the increased localized pumping. Despite the drop in artesian head pressure, the aquifer reaches a stable trend at a lower water level than previous years. The data shown on Figures 2 to 4 share a similar trend with most of the other observation wells in the Choteau: West aquifer.

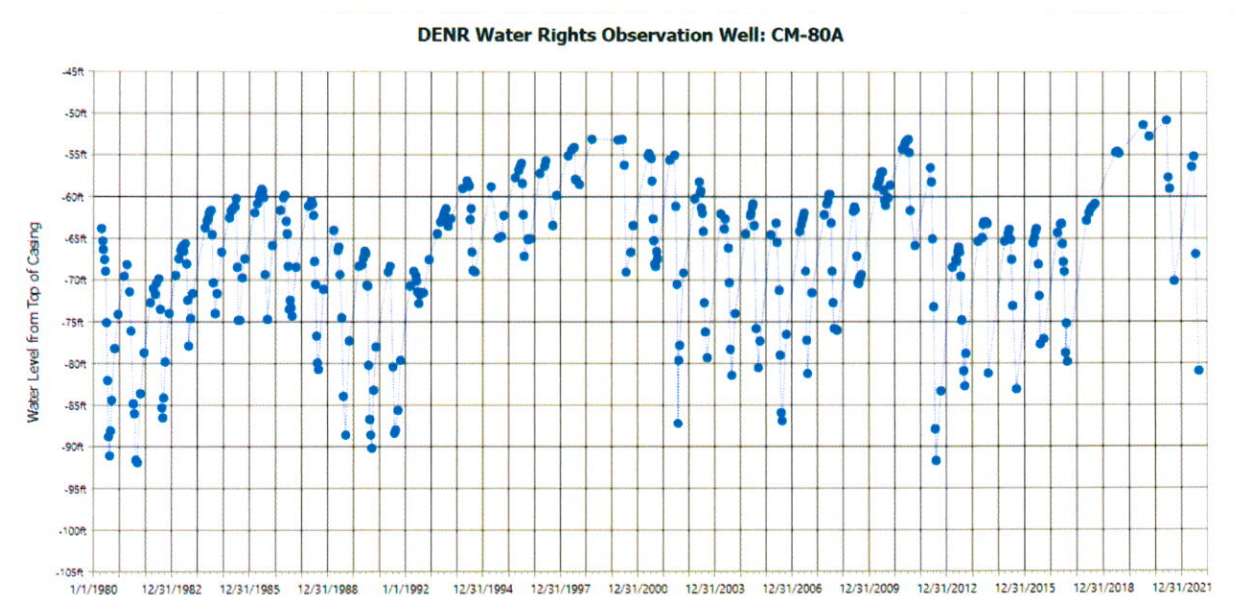


Figure 2. Hydrograph for observation well CM-80A (Water Rights, 2023b)

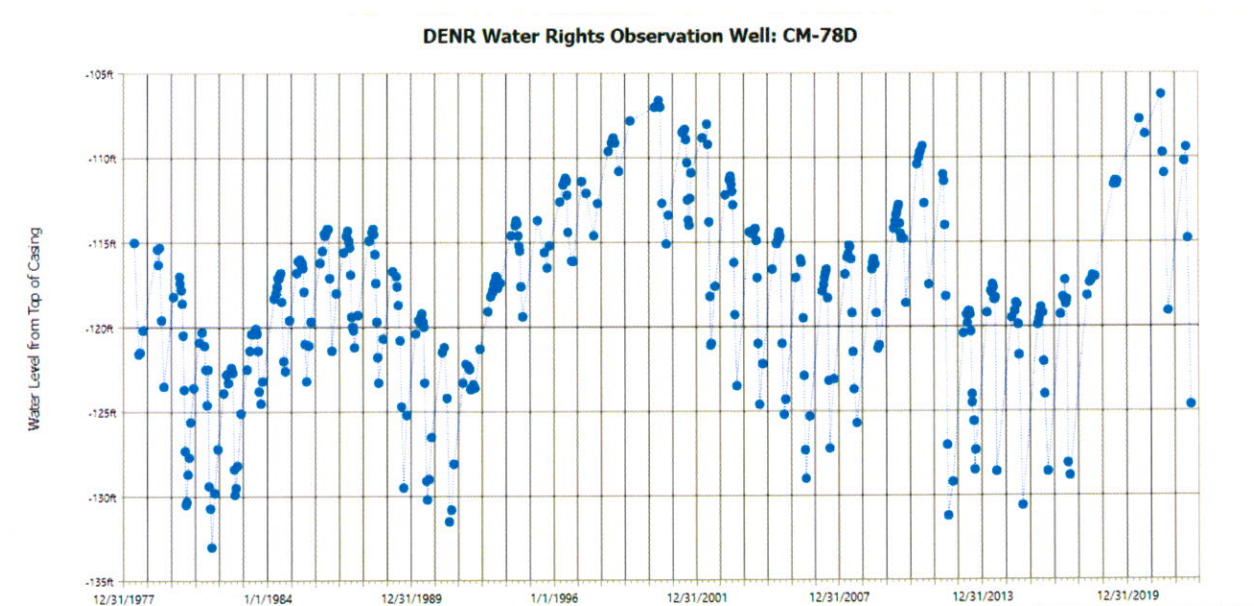


Figure 3. Hydrograph for observation well CM-78D (Water Rights, 2023b)

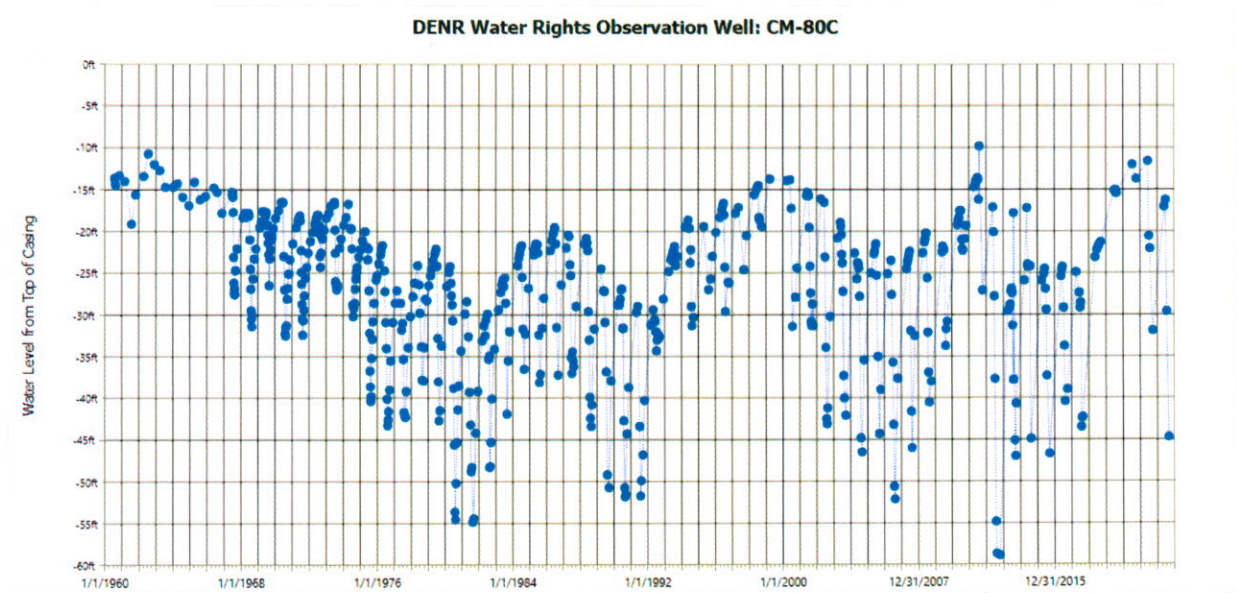


Figure 4. Hydrograph for observation well CM-80C (Water Rights, 2023b)

The hydrographs for the Choteau: West aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer water levels returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Choteau: West aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 54 water rights/permits, partially shown on Figure 5, authorized to appropriate water from the Choteau: West aquifer (Water Rights, 2023c). The closest water right/permit to the diversion point is Water Right No. 1884-3 which is held by Chet Eitemiller. The diversion point for Water Right No. 1884-3 is located approximately 2.1 miles west of the diversion point for this application (Water Rights, 2023c).

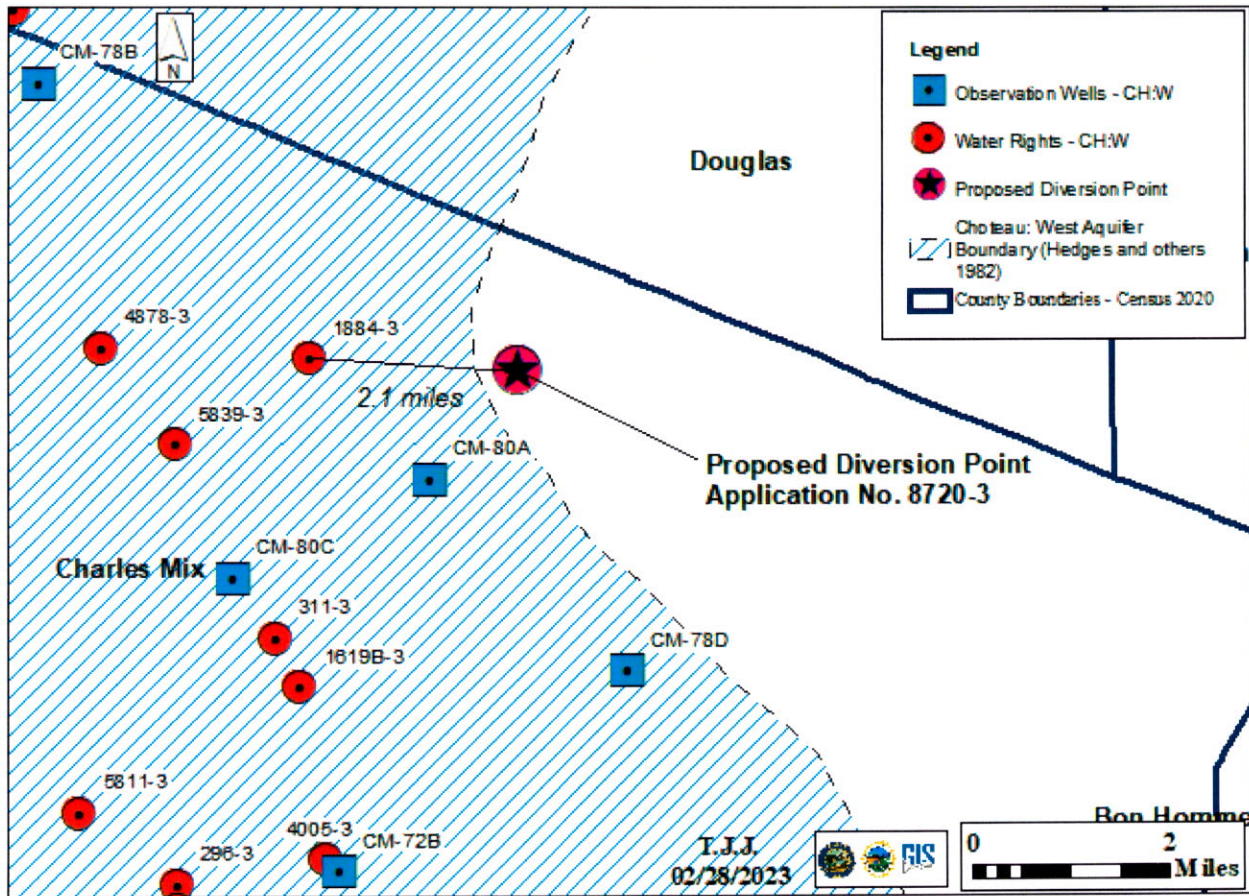


Figure 5. Map of the area Choteau: West aquifer, water rights/permits, and observation wells that are within 6 miles of the diversion point for Water Permit Application No. 8720-3 (Water Rights, 2023b and 2023c).

Table 4. List of water right/permits shown in Figure 5 (Water Rights, 2023c)

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
296-3	Charles H. Ahrens	06/01/1953	License	Recreation, Domestic	0.3	0
311-3	Paul/Margaret Wiechmann	10/06/1956	License	Irrigation	2.24	200
1619B-3	Gary Holzbauer	09/17/1956	License	Irrigation	4.08	364.6
1884-3	Chet Eitemiller	07/21/1971	License	Irrigation	1.9	130
4005-3	Roger Sieck	06/21/1977	License	Irrigation	1.94	136
4878-3	Roxann K Meyer	03/12/1982	License	Irrigation	2.22	252
5811-3	Eugene J & Barbara J Slaba	03/11/1994	License	Irrigation	1.89	176
5839-3	Mark Wiechmann	11/08/1994	License	Irrigation	1.77	398
7276-3	Red & Lori Sparks	10/14/2011	License	Commercial	0.134	0

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Choteau: West aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.2 miles northwest of the diversion point (Water Rights, 2023d). There could potentially be other domestic wells completed into the Choteau: West aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

The Choteau: West aquifer is primarily under confined conditions. In a confined aquifer, drawdown from a pumping well can extend some distance from the well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Choteau: West aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness near the diversion point, any drawdown created from the diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. There have also been some historical concerns with irrigation in the area causing the water level in the aquifer being low enough to cause issues with pumping, but these concerns have since been resolved and now addressed in SDCL 46-6-6.1 (Water Rights, 2023e). This existing well has been in use for a number of years without complaints. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

HISTORICAL CONCERNS:

There was concern in the 1950’s about impacts of irrigation development on artesian head pressure. Walker (1961) concluded that irrigation pumping had lowered the water level enough to cause some domestic wells in the area to stop flowing. The concerns have been dealt with and no further issues with groundwater pumping occurred in the next several years. Another complaint was filed in 1989 regarding a well no longer able to pump water likely due to the lower water level caused by the large amount of pumping withdrawals in the area. This issue was resolved by lowering the pump inlet in the affected well(s) (Water Rights, 2023e). Concerns over the impact of irrigation development on artesian head pressure, are now addressed in SDCL 46-

6-6.1 and the definition of an adversely impacted adequate well in which artesian head pressure is not necessarily protected as a means of groundwater delivery.

CONCLUSIONS:

1. Water Permit Application No. 8720-3 proposes to irrigate an additional 130 acres from one existing well completed into the Choteau: West aquifer. This application and Water Right No. 3967-3 propose to appropriate 1.77 cfs for the irrigation of 266 acres. The site of interest is located approximately 10 miles northeast of Wagner, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Choteau: West aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8720-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.



Tyler Jensen
Natural Resources Engineer I
SD DANR - Water Rights Program



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

References

- Christensen, C.M., 1970. Major Ground-Water Aquifers in Bon Homme County, South Dakota. Water Information Circular 4. SD DENR-Geological Survey, Vermillion, SD.
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- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bed rock Topography and Distribution, Task 2: Extent of Aquifers, Task 3 Ground-Water Storage, Task 4: Computerized Data Base. United States Army Corps of Engineers Contract DACW 45-80-C-0185.
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- Water Rights, 2023b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**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.**

April 3, 2023

Reinschmidt Lands, LLC
c/o David Reinschmidt
46927 318th Street
Burbank SD 57010

Dear Mr. Reinschmidt:

Water Permit Application No. 8720-3 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 Wagner Post printed at Charles Mix (Ph # 605 384-5616) and the Press and Dakotan printed at Yankton SD (Ph # 605 665-8711). 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. 8720-3

Notice is given that Reinschmidt Lands LLC, c/o David L Reinschmidt, 46927 318th St, Burbank SD 57010 has filed an application for a water permit to irrigate 130 acres. Water Right No. 3967-3 authorizes 1.77 cubic feet of water per second (cfs) from one well completed into the Choteau: West Aquifer (195 feet deep) located in the center of the SE 1/4 Section 13 for irrigation of 136 acres located in the SE 1/4 Section 13; all in T97N-R63W. The applicant proposes to irrigate an additional 130 acres located in the NW 1/4 Section 13-T97N-R63W from the existing well authorized by No.3967-3. This application, if approved, and Water Right No. 3967-3 will authorize a, combined total of 1.77 cfs for irrigation of 266 acres. This site is located approximately 10 miles northeast of Wagner SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8720-3 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 24, 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 24, 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_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, April 3, 2023 10:58 AM
To: cassandra@yankton.net
Subject: 8720-3 Reinschmidt Lands LLC - Public Notice
Attachments: 8720-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 12, 2023.

Reinschmidt Lands LLC., 46927 318th Street, Burbank SD 57010, c/o David Reinschmidt (712-490-0849) 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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, April 3, 2023 10:55 AM
To: 'announcer@hcinet.net'
Subject: 8720-3 Reinschmidt Lands LLC - Public Notice
Attachments: 8720-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 12, 2023.

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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



Affidavit of Publication^v

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF CHARLES MIX)

RECEIVED

MAY 08 2023

OFFICE OF
WATER

Barbra Pechous, of said County and State being first duly sworn on her oath says: That **The Wagner Post** is a legal newspaper of general circulation, printed and published in Wagner, in said County and State, by Barbra Pechous, and has been such newspaper during the time herein mentioned; and that I, Barbra Pechous, the undersigned, of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; a printed copy of which is hereunto 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.

1st publication made on 12 day of April, 2023

2nd publication made on _____ day of _____, 2023

3rd publication made on _____ day of _____, 2023

4th publication made on _____ day of _____, 2023

5th publication made on _____ day of _____, 2023

That said newspaper is a legal newspaper, and has a bonafide circulation of more than two hundred copies weekly, and has been published within the County of Charles Mix for more than fifty-two successive weeks prior to the first publication of said notice, and is printed in an office maintained in Wagner, South Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is

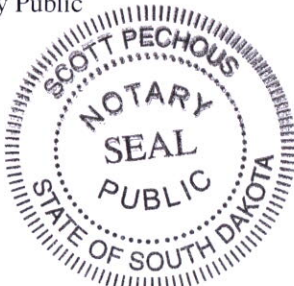
\$ 47.54.

Barbra Pechous

Subscribed and sworn before me this 19 day of April, 2023.

Scott Pechous

Notary Public



Exp: 07-27-2028

DANR

NOTICE OF APPLICATION

NOTICE OF APPLICATION NO. 8720-3

Notice is given that Reinschmidt Lands LLC, c/o David L Reinschmidt, 46927 318th St, Burbank SD 57010 has filed an application for a water permit to irrigate 130 acres. Water Right No. 3967-3 authorizes 1.77 cubic feet of water per second (cfs) from one well completed into the Choteau: West Aquifer (195 feet deep) located in the center of the SE 1/4 Section 13 for irrigation of 136 acres located in the SE 1/4 Section 13; all in T97N-R63W. The applicant proposes to irrigate an additional 130 acres located in the NW 1/4 Section 13-T97N-R63W from the existing well authorized by No. 3967-3. This application, if approved, and Water Right No. 3967-3 will authorize a combined, total of 1.77 cfs for irrigation of 266 acres. This site is located approximately 10 miles northeast of Wagner SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8720-3 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 24, 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 24, 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 April 12, 2023, at the total approximate cost of \$47.54 and may be viewed free of charge at www.sdpublicnotices.com.

Phone # 605-384-5616

Invoice #

63272

**OFFICE OF
WATER**

Please detach top portion and return with your payment.

\$47.54

AFFIDAVIT OF PUBLICATION✓

RECEIVED

APR 17 2023

OFFICE OF
WATER

YANKTON DAILY PRESS AND DAKOTAN

DAVID REINSCHMIDT
46927 318TH AVE
BURBANK SD 57010

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

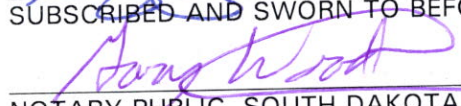
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND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

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 12th DAY OF April, 2023
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$42.56 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 04/12/2023

FILED ON: 04/12/2023


SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF April, 2023


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 03/06/2029

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Published once at the total approximate cost of \$42.24 and can be viewed free of charge at www.sdpublicnotices.com.

Published April 12, 2023.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, April 3, 2023 11:08 AM
To: dlr@mrdlaw.net
Subject: 8720-3 Reinschmidt Lands LLC - Public Notice
Attachments: 8720-3 APPL2.docx; 8720-3 public.short_final.docx; 8720-3_rec.pdf

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

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

Reinschmidt Lands, LLC.
c/o David L. Reinschmidt
46927 318th Street
Burbank SD 57010

Dear Mr. Reinschmidt:

Enclosed is Water Permit No. 8720-3 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.: 8720-3

Name of Applicant: Reinschmidt Lands LLC, David L Reinschmidt

Date of Posting: 4/11/2023

Date of Removal: 5/15/2023

Ron Duvall
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.

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

