

WATER PERMIT NO. 8729-3

Name of Applicant: **Joe Brennan**

Address: **15130 454th Ave, Summit SD 57266**

Phone: **605-520-1513**

Amount of Water Claimed: **2.11 cfs**

Total Acres: **175**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Grant**

Type of Waste Disposal System:

Location: **22 miles west of Milbank**

north water town

PRIORITY Date Received: **1-13-2023**

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

Corrected Application Received: **02-22-2023**

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

Remarks:

Diversion Point: **S 1/2 SW 1/4 Sec 1 – T120R –
R52W**

Land to be Irrigated: **S 1/2 SW 1/4 Sec 1 – T120R
– R52W; NW 1/4 Sec 12 – T120R – R52W**

	12				

Depth of Well: **160**

Well Driller: **Wieber Well Drilling**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **3-8-2023**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8729-3**

Date of first receipt of application January 13, 2023.

Date of return to applicant for corrections, amendments or changes January 18, 2023.

Date of receipt of corrected application March 8, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8729-3 to Joe Brennan, 15130 454th Avenue, Summit SD 57266 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. 8729-3 appropriates 2.11 cubic feet of water per second from up to two wells to be completed into the Prairie Coteau Aquifer (approximately 160 feet deep) located in the S 1/2 SW 1/4 Sec 1 – T120N – R52W for irrigation of 175 acres located in the S 1/2 SW 1/4 Sec 1; NW 1/4 Sec 12; all in T120N – R52W within the former boundaries of the Lake Traverse Reservation. This site is located approximately 20 miles north of Watertown 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 13, 2023.
4. The date of approval of Permit No. 8729-3 is May 1, 2023.
5. One-fifth of the construction is to be completed on or before November 1, 2025.
6. All construction is to be completed on or before May 1, 2028.
7. Water is to be put to beneficial use on or before May 1, 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 wells approved under Water Permit No. 8729-3 are 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 wells authorized by Permit No. 8729-3 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



Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8729-3</u> Hydrologic Unit <u>10170202</u>
	Basin <u>Big Sioux River</u>
	Newspaper <u>Milbank Grant City Review</u> <u>432-4516</u> (Wed)
	<u>Watertown Public Opinion</u> (office use only)

PAID
MAR 8 2023
Ck# 6525
Rec't# _____

Application for Permit to Appropriate Water for Irrigation

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

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

1. Name to Appear on Irrigation Permit Joe Brennan

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

Mailing Address 15130 454th Ave Summit SD 57266
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605 520-1513 Email jbrennan022614@gmail.com

2. Amount of water claimed 2.11 *CFS or 950 **GPM 175 ***AF Total Acreage 175
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply groundwater (1 - 2 wells)

4. Location of point of diversion S 1/2 SW 1/4 Sec 1-T120N-R52W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Grant

5. County or counties where water will be used Grant

6. Annual period during which water is to be used May 1 - September 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
S 1/2 SW 1/4 Sec 1-T120N-R52W	55		
NW 1/4 Sec 12-T120N-R52W	120		

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

RECEIVED

MAR 08 2023

OFFICE OF
WATER

I, [Signature], 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.

RECEIVED

JAN 13 2023

OFFICE OF
WATER

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

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 JOE BRENNAN

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 15130 454th AVE Summit SD 57266
(Address) (City) (State) (Zip Code)

Home Phone _____ Cell 605-520-1513 Email jbrennan022614@gmail.com

2. Amount of water claimed _____ *CFS or 950 **GPM _____ ***AF Total Acreage 150 55
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply well field

4. Location of point of diversion 1-2 wells in The SE NW Sec 12
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

Twp 120 R 52 S 80 of SW quarter Sec 1 County Grant

5. County or counties where water will be used GRANT 1-120R-52R

6. Annual period during which water is to be used MAY - Sept

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
NW NW Sec 12	40	<u>S 80 of SW quarter Sec 1</u>	<u>55</u>
SW NW Sec 12	40		
NE NE Sec 12	40		
SE NE Sec 12	40		

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

Full quarter irrigation system with 150 AF



I, Joe Brennan, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

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 1-2 Have test holes been drilled ☒ Yes ☐ No Drilled by Wieber Well Drilling
(if yes, please provide copies of logs) ONE TEST HOLE
- b) If existing wells, how many Provide copy of log(s), if available. Drilled by
- c) Well Depth 160 Depth to Top of Water Bearing Material 110 Depth to Water from Surface 50 est
- d) Distance to nearest existing domestic well:
- On applicant's property 1/4 mile On property owned by others 1/4 mile

2. Wastewater Disposal System Information

NA

- 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

NA

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

4. Water Storage Dams

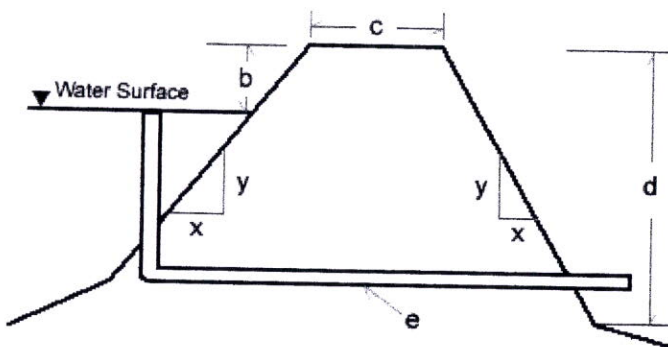
NA

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 Feetj) Drainage Area Above Dam Acres



United States
Department of
Agriculture

Grant County, South Dakota



Common Land Unit Tract Boundary

-  Non-Cropland
-  Cropland

Wetland Determination Identifiers

-  Restricted Use
-  Limited Restrictions
-  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 _____

2021 Program Year

Map Created May 07, 2021

Farm 5221

1-120R-52R-Grant

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).

121N 52W
Section: 35

121N 52W
Section: 36

121N 51W
Section: 36

120N 52W
Section: 02

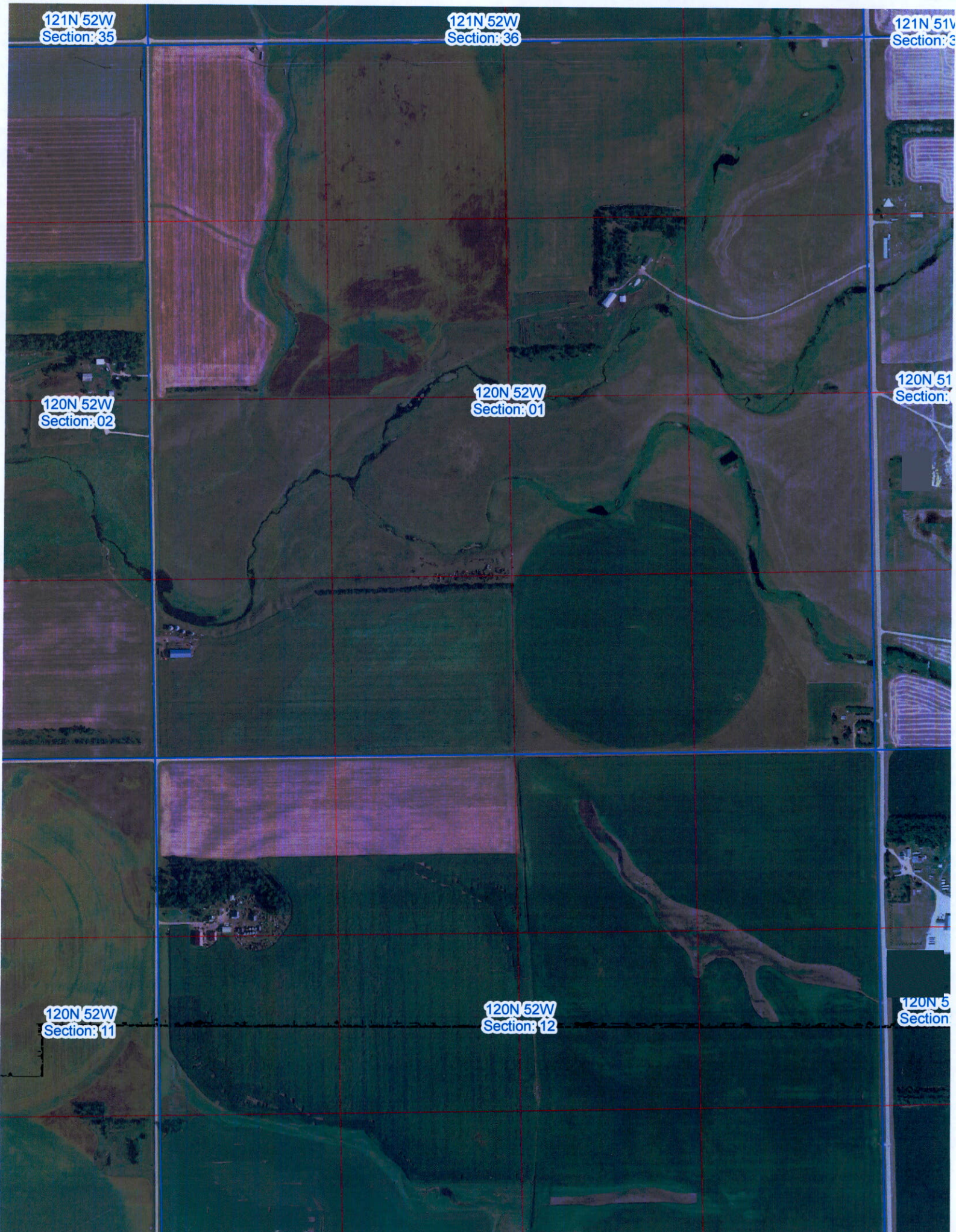
120N 52W
Section: 01

120N 51W
Section: 01

120N 52W
Section: 11

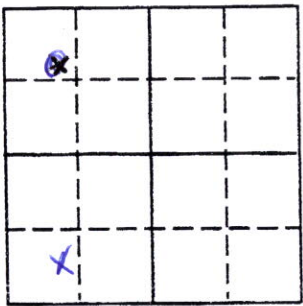
120N 52W
Section: 12

120N 51W
Section: 01



SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location <u>SE 1/4 NW 1/4</u> Sec <u>2</u> Twp <u>130</u> Rg <u>52</u> County <u>GRANT</u>  Please mark well location with an "X" Well completion Date <u>9-16-2013</u> Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) <u>0</u> ft from <u>IN Field</u> (identify source)		Well Owner: <u>JOE BRENNAN</u> Business Name: _____ Address1: <u>15130 454TH AVE</u> Address2: _____ City, State, Zip: <u>SUMMIT, S.D. 57266</u> WELL LOG: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">FORMATION</th> <th colspan="2">DEPTH</th> </tr> <tr> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr> <td><u>TOPSOIL</u></td> <td><u>1</u></td> <td><u>3</u></td> </tr> <tr> <td><u>COARSE GRAVEL W/ ROCKS</u></td> <td><u>3</u></td> <td><u>25</u></td> </tr> <tr> <td><u>YELLOW CLAY</u></td> <td><u>25</u></td> <td><u>45</u></td> </tr> <tr> <td><u>BLUE CLAY</u></td> <td><u>45</u></td> <td><u>100</u></td> </tr> <tr> <td><u>HARD CLAY</u></td> <td><u>100</u></td> <td><u>110</u></td> </tr> <tr> <td><u>NICE .075 YELLOW GRAVEL</u></td> <td><u>110</u></td> <td><u>160</u></td> </tr> <tr> <td><u>(GOOD SAND)</u></td> <td></td> <td></td> </tr> <tr> <td><u>END @ 160</u></td> <td></td> <td></td> </tr> </tbody> </table>		FORMATION	DEPTH		FROM	TO	<u>TOPSOIL</u>	<u>1</u>	<u>3</u>	<u>COARSE GRAVEL W/ ROCKS</u>	<u>3</u>	<u>25</u>	<u>YELLOW CLAY</u>	<u>25</u>	<u>45</u>	<u>BLUE CLAY</u>	<u>45</u>	<u>100</u>	<u>HARD CLAY</u>	<u>100</u>	<u>110</u>	<u>NICE .075 YELLOW GRAVEL</u>	<u>110</u>	<u>160</u>	<u>(GOOD SAND)</u>			<u>END @ 160</u>		
FORMATION	DEPTH																															
	FROM	TO																														
<u>TOPSOIL</u>	<u>1</u>	<u>3</u>																														
<u>COARSE GRAVEL W/ ROCKS</u>	<u>3</u>	<u>25</u>																														
<u>YELLOW CLAY</u>	<u>25</u>	<u>45</u>																														
<u>BLUE CLAY</u>	<u>45</u>	<u>100</u>																														
<u>HARD CLAY</u>	<u>100</u>	<u>110</u>																														
<u>NICE .075 YELLOW GRAVEL</u>	<u>110</u>	<u>160</u>																														
<u>(GOOD SAND)</u>																																
<u>END @ 160</u>																																
PROPOSED USE: ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes ☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well METHOD OF DRILLING: <u>ROTARY</u> CASING DATA: ☐ Steel ☐ Plastic ☐ Other If other describe <u>NA</u> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>PIPEWEIGHT</th> <th>DIAMETER</th> <th>FROM</th> <th>TO</th> <th>HOLE DIAMETER</th> </tr> </thead> <tbody> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER	LB/FT	IN	FT	FT	IN																STATIC WATER LEVEL <u>EST @ 50</u> FEET If flowing: closed in pressure <u>NOT Actual</u> PSI GPM flow _____ through _____ Inch pipe Controlled by ☐ Valve ☐ Reducers ☐ Other _____ Reduced flow rate _____ GPM Can well be completely shut in? _____					
PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER																												
LB/FT	IN	FT	FT	IN																												
GROUTING DATA: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Grout Type</th> <th>No. of Sacks</th> <th>Grout Weight</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>Lb/gal</td> <td>Ft</td> <td>Ft</td> </tr> <tr> <td></td> <td></td> <td>Lb/gal</td> <td>Ft</td> <td>Ft</td> </tr> </tbody> </table> Describe grouting procedure <u>filled with Bentonite</u>		Grout Type	No. of Sacks	Grout Weight	From	To			Lb/gal	Ft	Ft			Lb/gal	Ft	Ft	WELL TEST DATA: ☐ Pumped Describe: <u>NA</u> ☐ Bailed _____ ☐ Other _____ Pumping Level Below Land Surface <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Ft. After</th> <th>Hrs. pumped</th> <th>GPM</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> If pump installed, pump rate: _____ GPM		Ft. After	Hrs. pumped	GPM											
Grout Type	No. of Sacks	Grout Weight	From	To																												
		Lb/gal	Ft	Ft																												
		Lb/gal	Ft	Ft																												
Ft. After	Hrs. pumped	GPM																														
SCREEN: ☐ Perforated pipe ☐ Manufactured Diameter <u>NONE</u> Inches Length _____ Feet Material _____ Slot Size _____ Set From _____ Feet to _____ Feet Other information _____		REMARKS 																														
WAS A PACKER OR SEAL USED? ☐ Yes ☐ No If so, what material? _____ Describe packer(s) and location <u>NA</u>		This well was drilled under license # <u>480</u> And this report is true and accurate. Drilling firm: <u>Wieber Well Drilling</u> Signature of License Representative: <u>[Signature]</u> Signature of Well Owner or Equitable Property Holder: _____																														
DISINFECTION: Was well disinfected upon completion? ☐ Yes, How? _____ ☐ No, Why Not? <u>NA</u> Lab sample sent to for water quality analysis _____		Date: <u>9-16-2013</u> 523 E. Capitol Ave., Pierre SD 57501																														

Please return White Copy to DENR Water Rights

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 13, 2023

RECEIVED OF Joseph Brennan 15130 454th Ave. Summit SD 57266

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

Fee for Application for Permit No. <u>8729-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8729-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>700.00</u>

By Eric Gronlund
Chief Engineer
me

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 8, 2023

RECEIVED OF Joseph Brennan 15130 454th Ave., Summit SD 57266

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

Fee for Application for Permit No. <u>8729-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>350.00</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. _____	\$ _____
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>350.00</u>

By Eric Monlund
Chief Engineer
Em

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, February 22, 2023 2:43 PM
To: jbreannan022614@gmail.com
Subject: Pending Water Permit Application
Attachments: 0067.pdf

Mr. Brennan,

On January 12, 2023, you submitted a Water Permit Application. On January 18, 2023, I sent you a letter inquiring about the amount of water claimed and the need for the well location to be marked on the map. You called and said your irrigation salesman indicated you needed 950 gpm to operate the wind shield wipe system. We talked about the possibility of adding acres to the south. I sent you a partially completed application form for this purpose. I have not received anything back. My question is do you wish to proceed with the application you originally submitted for irrigation of 55 acres located in the S ½ Sec 1-T120R-R52W? If so, I still need you to mark the proposed location of the well on the attached map.

Please let us know how you wish to proceed. FYI – once the application is complete, we have 60 days to prepare a report and recommendation for the application. And then there is the public notice process. All of which takes time.

Karen Schlaak

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



Water Rights Program - File Documentation

NAME: Joe Brennan

ADDRESS: Summit SD

DATE: 2-9-23

RE: Pending application

COMMENTS:

Joe Brennan called regarding his pending water permit application. Joe stated his irrigation guy told him he would need the 950 gpm. Joe indicated that he might eventually develop irrigation to the south in Section 12 and use the existing well(s).

I explained that once a permit is approved, the permit holder is given 5 years to develop the project. If he wanted to amend his application and add the acres in Section 12 now would be the time to do it or he would have to go thru the whole process again.

Told Joe I would draft a partially completed application, send him a map to use and he could resubmit it.



Karen Schlaak
Water Rights Program

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, February 9, 2023 3:55 PM
To: jbreannan022614@gmail.com
Subject: Water Permit Application
Attachments: 4893.pdf

Joe,

Attached is the partially completed application form. You will need to complete the follows:

Item No. 2 Total Acreage (This will be the original 55 acres and the number of acres you are proposing to irrigate in the Section 12)

Item No. 7 Land Description & Acres (Add what you are proposing to irrigate in Section 12)

Item No. 8 Explain that you intend to develop irrigation in Sec 1 with the possibility of developing irrigation in Section 12 using the same well (or words to that affect- describe what you are proposing)

Sign the application.

On the aerial map - Outline the lands to be irrigated and mark the proposed location of the well(s).

The application/license fee is based on the number of acres to be irrigated. 0-60 acres is \$500 plus \$200 license fee (which you have already paid).

If the total is 61-120 acres, you will need to submit an additional \$250.

As I said, when a permit is approved, you are given 5 years to develop the project.

Give me a call if you have questions.

Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 18, 2023

Joe Brennan
15130 454th Ave
Summit SD 57266

Dear Mr. Brennan:

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

- Enclosed is the aerial photo map submitted with the application. On the map, please mark the proposed well locations with an "X".
- The application requests 950 gallons per minute (gpm). This pump rate is greater than the statutory limit of 1 cubic feet per second (cfs) per 70 acres. One cfs equals 450 gpm. It is possible to apply for a greater rate than 1 cfs per 70 acres especially when using a windshield wiper system. Usually, a typical low-pressure pivot can operate in the 700 to 800 gpm range. If the system you intend to install requires 950 gpm, please indicate so, then we will have a basis for proceeding with the higher amount.

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



**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. 8729-3, Joe Brennan**

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. 8729-3, Joe Brennan, 15130 454th Avenue, Summit SD 57266

The Chief Engineer is recommending APPROVAL of Application No. 8729-3 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 wells approved under Water Permit No. 8729-3 are 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 wells authorized by Permit No. 8729-3 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
April 12, 2023

Report to the Chief Engineer
On Water Permit Application No. 8729-3

Joe Brennan

April 12, 2023

Water Permit Application No. 8729-3 proposes to divert water at a maximum instantaneous diversion rate of 2.11 cubic feet per second (cfs) from up to two wells to be completed into the Prairie Coteau aquifer (approximately 160 feet deep) located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 1-T120N-R52W for the irrigation of 175 acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 1; NW $\frac{1}{4}$ of Section 12; all in T120N-R52W within the former boundaries of the Lake Traverse Reservation. The site of interest is located in Grant County approximately 20 miles north of Watertown, SD.

AQUIFER: Prairie Coteau (PCO)

HYDROGEOLOGY:

The DANR-Water Rights Program recognizes buried glacial outwash deposits that are not in contact with bedrock or surficial materials between the approximate altitudes of 1,550 to 1,800 feet on the Prairie des Coteau, as the Prairie Coteau aquifer (SDGS, 2023; Thompson, 2001; Water Rights, 2023b, 2023c and 2023d). Hanson (1994) delineated an approximate Prairie Coteau aquifer boundary in Grant and Codington Counties, and Thompson (2001) studied the aquifer in Roberts County and within the former boundaries of the Lake Traverse Reservation. Thompson (2001) concluded the Prairie Coteau aquifer is not a continuous aquifer but instead consists of many disconnected glacial outwash deposits of sand and gravel, of which the depth and thickness can vary widely (SDGS, 2023; Thompson, 2001; Water Rights, 2023d). These outwash deposits have been collectively known as an aquifer due to their similarities (SDGS, 2023; Thompson, 2001; Water Rights, 2023b, 2023c and 2023d).

In Codington and Grant Counties, the Prairie Coteau aquifer consists of brown to gray, coarse to very coarse, well-rounded sand and fine gravel (Hansen, 1990 and 1994; Thompson, 2001). The Prairie Coteau aquifer has a saturated aquifer thickness of approximately 21 feet on average, and a documented maximum thickness of 62 feet (Hansen, 1994).

A test hole completion report was submitted with Water Permit Application No. 8729-3 for a test hole located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1-T120N-R52W. The report lists, “top soil” from 1 to 3 feet below the ground surface, “coarse gravel w/ rocks” 3 to 25 feet, “yellow clay” from 25 to 45 feet, “blue clay” from 45 to 100 feet, “hard clay” from 100 to 110 feet, and “nice 0.75 yellow gravel (good sand)” from 110 to 160 feet. A static water level of approximately 50 feet was estimated at the time of test hole completion (September 16, 2013).

Based on the submitted test hole completion report, the well completion reports on file, and the lithologic logs on file for nearby observation wells, the Prairie Coteau aquifer is expected to be confined at the proposed diversion point(s) (SDGS, 2023; Water Rights, 2023b, 2023c and 2023d). The Prairie Coteau aquifer is generally under confined aquifer conditions (SDGS, 2023; Water Rights, 2023b, 2023c and 2023d).

The proposed diversion point(s) is expected to be completed into an outwash deposit of the Prairie Coteau aquifer delineated by Stonesifer (2013) that has been utilized by the DANR-Water Rights Program in the past for water availability analyses (Water Rights, 2023c). Stonesifer (2013) estimated this outwash deposit of the Prairie Coteau aquifer underlies approximately 184,500 acres in Roberts, Grant, Deuel, and Hamlin Counties, with this outwash deposit ranging from approximately 1,550 to 1,750 feet above mean sea level (NAD83) and varying from approximately 10 to 40 feet thick (SDGS, 2023; USGS, EROS, 1999; Water Rights, 2023b, 2023c, and 2023d). The potentiometric surface elevation in this outwash deposit generally ranges from flowing to 100 feet below the ground surface, with the potentiometric surface elevation higher in the northern portion of this outwash deposit and lower in the southern portion, with the direction of groundwater flow generally from the northeast to the south (Hanson, 1990; Water Rights, 2023b).

Steen (2022) investigated the delineation approximated by Stonesifer (2013) for this outwash deposit of the Prairie Coteau utilizing test hole and water well completion reports on file (Water Rights, 2023d), observation well logs (Water Rights, 2023b), historical lithologic logs from the South Dakota Geological Survey (SDGS) (SDGS, 2023), and elevation data (USGS, EROS, 1999). This information was used to modify the delineation approximated by Stonesifer (2013). The modified outwash deposit delineation has an estimated areal extent of approximately 167,500 acres (Steen, 2022). The areal extent of this outwash deposit of the Prairie Coteau aquifer is expected to range between Stonesifer (2013) and the modified outwash deposit approximations (Steen, 2022).

The Antelope Valley and Big Sioux: North aquifers have been identified near the proposed diversion point(s) (Hedges et al., 1982, Water Rights, 2023d). Both these aquifers are surficial in nature; whereas the aquifer materials indicated on the submitted test hole completion report for this application (near the proposed diversion point) are buried under approximately 25 feet of surficial aquifer material and approximately 75 of glacial till. However, there is a chance that this outwash deposit of the Prairie Coteau aquifer may be hydrologically connected to either the Antelope Valley or Big Sioux: North aquifers based on the elevations of the water-bearing material in those aquifers.

Figure 1 displays a map of the proposed diversion point(s) location, with the approximate areal extent of this outwash deposit of the Prairie Coteau aquifer delineated by Stonesifer (2013), and the modified areal extent of this outwash deposit of the Prairie Coteau aquifer delineated by Steen (2022) (SDGS, 2023; modified from Stonesifer, 2013, USGS, EROS, 1999; Water Rights, 2023d).

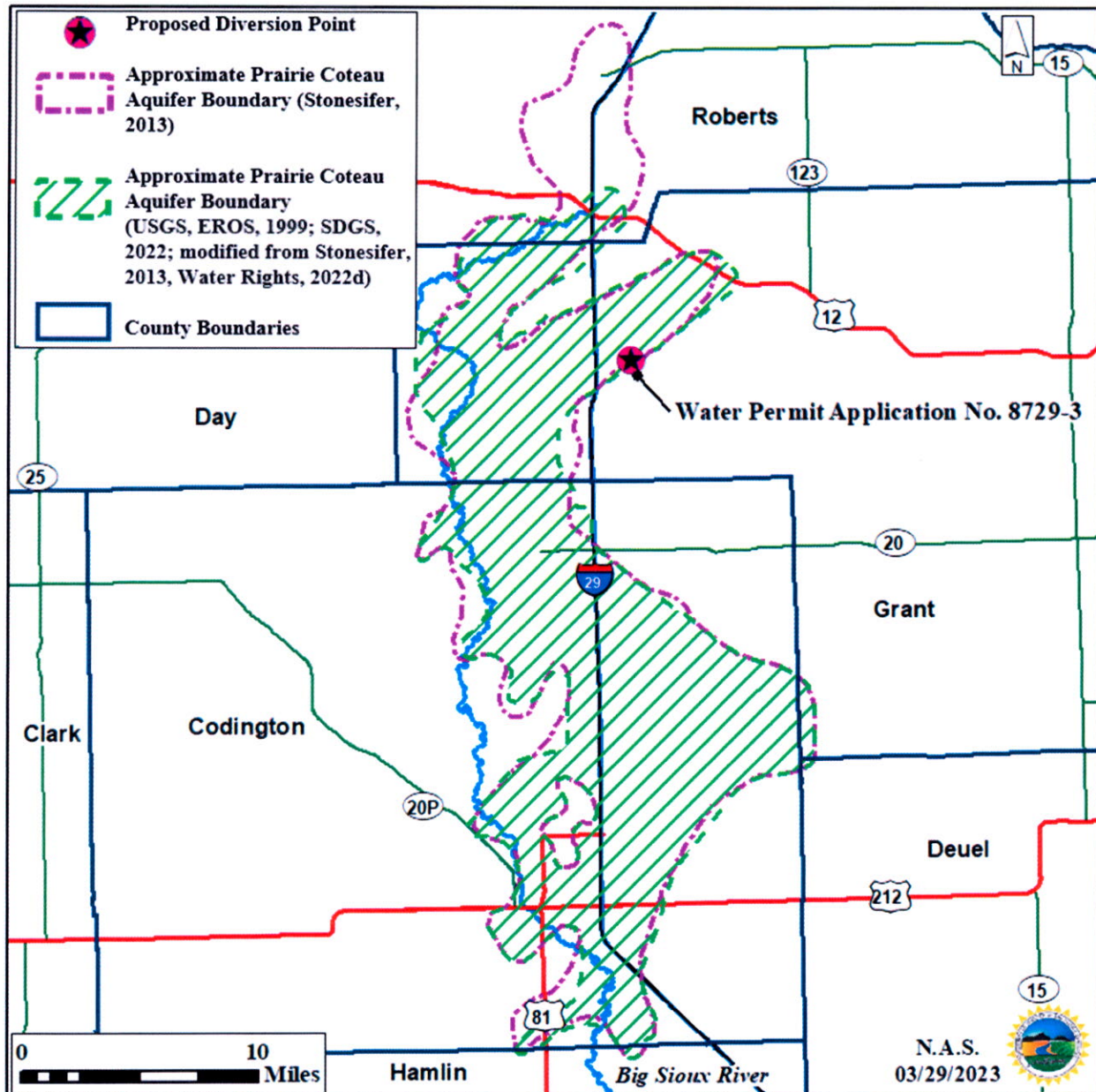


Figure 1. Location of the proposed diversion point(s) for Water Permit Application No. 8729-3, with the approximate areal extent of this outwash deposit of the Prairie Coteau aquifer delineated by Stonesifer (2013), and the modified areal extent of this outwash deposit of the Prairie Coteau aquifer (USGS, EROS, 1999; SDGS, 2023; modified from Stonesifer, 2013, Water Rights, 2023d)

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

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

availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Prairie Coteau aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8729-3 proposes to appropriate water from the Prairie Coteau 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 Prairie Coteau aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Prairie Coteau aquifer must be considered.

OBSERVATION WELL DATA:

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

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DNR-Water Rights Program monitors 64 observation wells completed into the discontinuous outwash deposits of the Prairie Coteau aquifer (Water Rights, 2023b). There are 13 observation wells completed into this outwash deposit of the Prairie Coteau aquifer (as shown in Figure 2) (Water Rights, 2023b). The three closest observation wells to the proposed diversion point(s) are GT-77E (approximately three miles northwest), GT-76C (approximately 4.5 miles southwest), and GT-79B (approximately five miles west) (as shown in Figure 2) (Water Rights, 2023b). The hydrographs for these observation wells are displayed in Figures 3 to 5 (Water Rights, 2023b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DNR Water Rights Observation Well on the hydrographs.

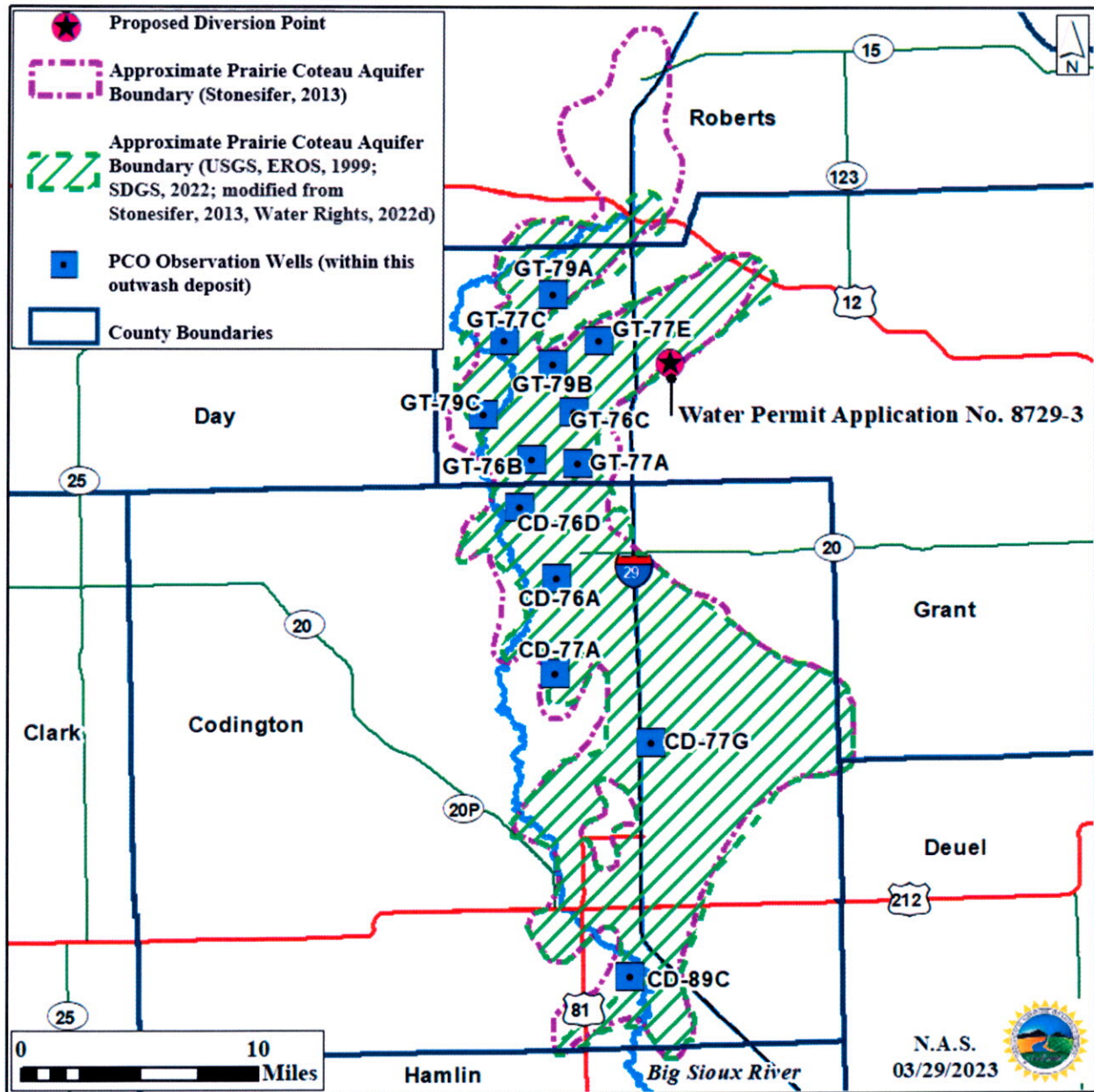


Figure 2. Location of the proposed diversion point(s) for Water Permit Application No. 8729-3 with the Prairie Coteau aquifer observation wells within this outwash deposit (Water Rights, 2023b)

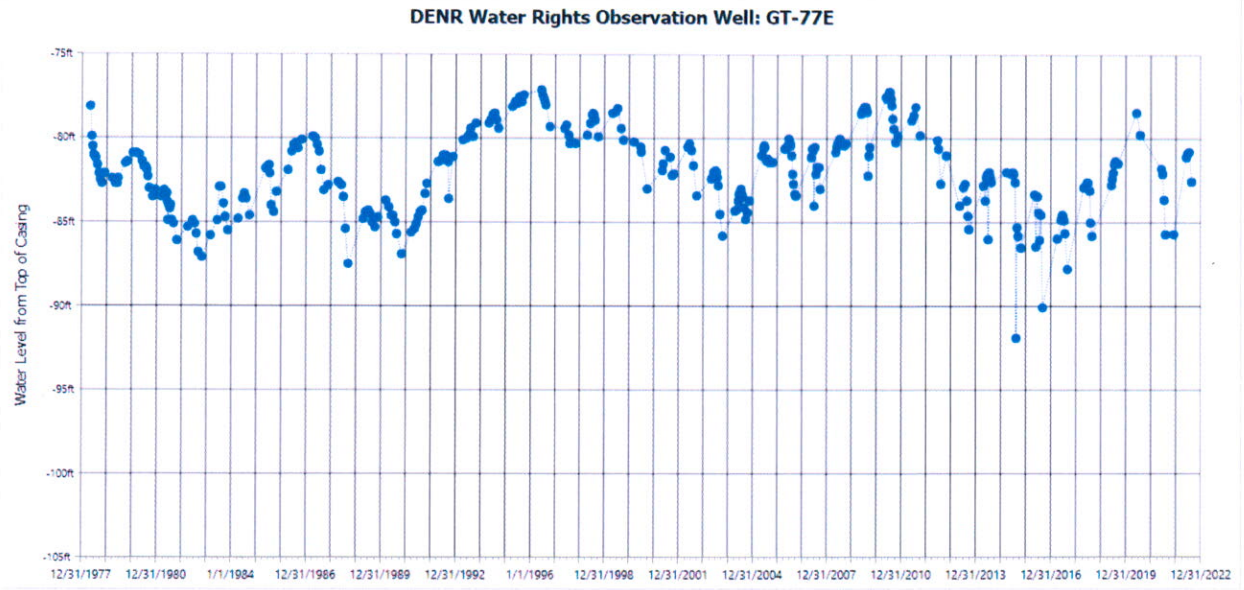


Figure 3. Hydrograph for observation well GT-77E (Water Rights, 2023b)

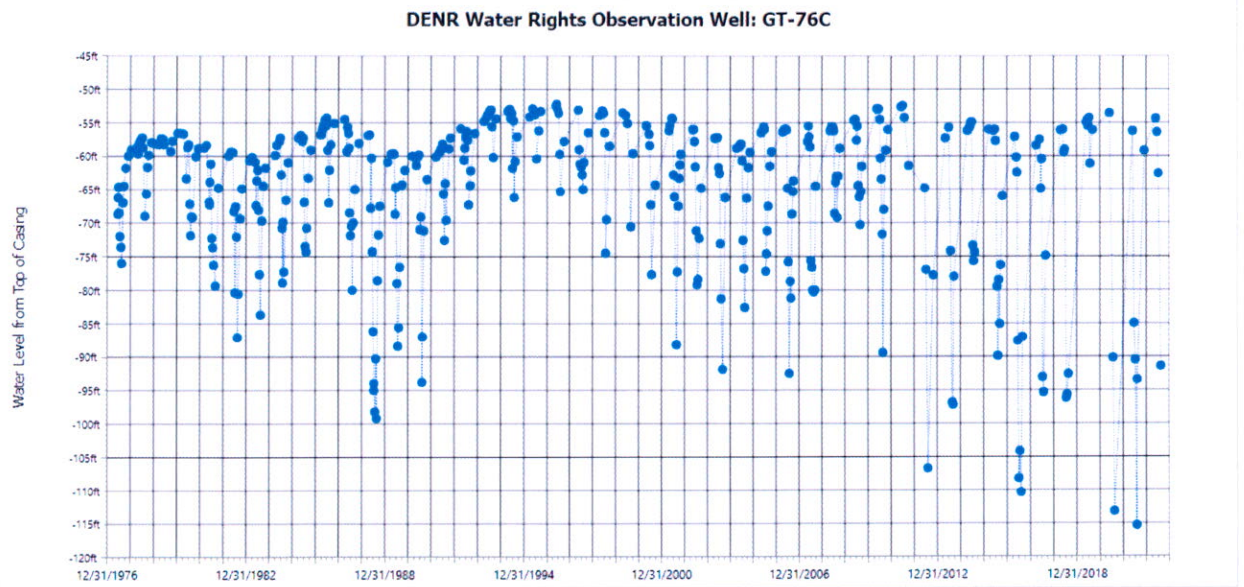


Figure 4. Hydrograph for observation well GT-76C (Water Rights, 2023b)

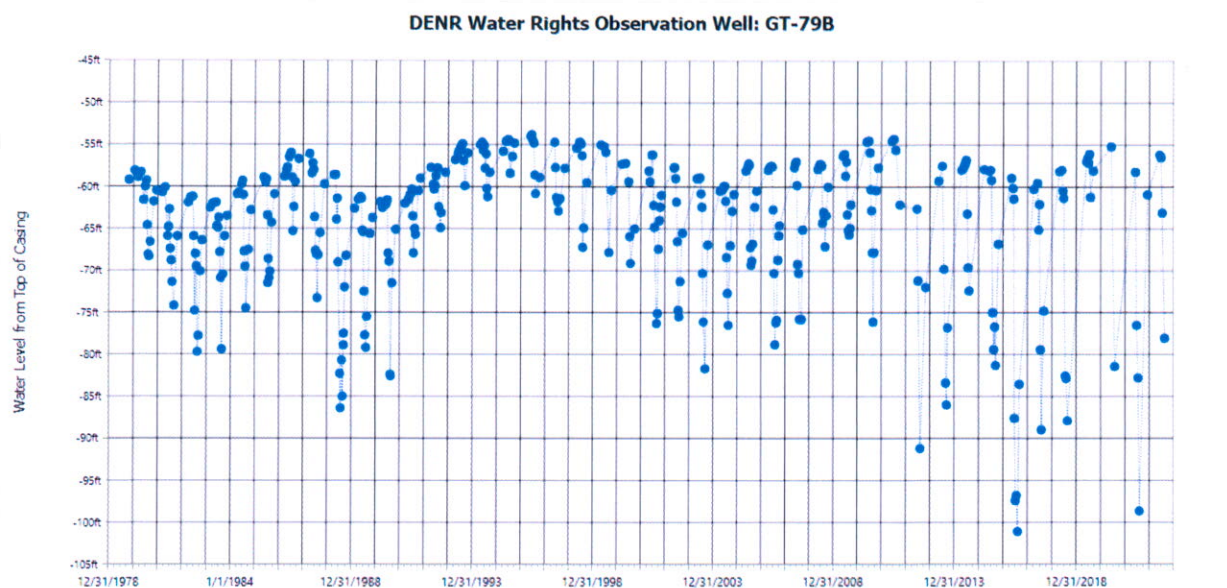


Figure 5. Hydrograph for observation well GT-79B (Water Rights, 2023b)

The hydrographs for the observation wells display relatively stable water levels over their respective periods of record. The hydrographs for these three observation wells were compared to the hydrographs for the other observation wells completed into this outwash deposit of the Prairie Coteau aquifer and each displayed a similar trend, including the seasonal effect of drawdown due to pumping, as shown on the hydrographs displayed in Figures 3 to 5 (Water Rights, 2023b). The hydrographs for the Prairie Coteau aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from this outwash deposit of the Prairie Coteau 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.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Prairie Coteau aquifer is primarily through direct infiltration of precipitation and subsequent percolation of rainfall and snowmelt where the aquifer is at or near the ground surface (Hansen, 1990). Additional recharge occurs through seepage from surface water features when the surface water elevation is higher than the potentiometric surface of the aquifer, and by groundwater inflow from adjacent aquifers when the potentiometric surface of those aquifers is higher than that of the Prairie Coteau aquifer (Hansen, 1990).

For confined aquifers, Hedges and others (1985) recommended recharge rates of 0.15 to 0.60 inches per year for use by management and development programs. Since the Prairie Coteau aquifer is primarily a confined aquifer, the recommended recharge range for confined aquifers will be used to assess the hydrologic budget of the Prairie Coteau aquifer. This outwash deposit delineated by Stonesifer (2013) estimated the areal extent of the aquifer to be approximately 184,500 acres. The modified outwash deposit delineation has an estimated areal extent of approximately 167,500 acres (Steen, 2022). While the areal extent of this outwash deposit of the Prairie Coteau aquifer is expected to range between Stonesifer (2013) and the modified outwash deposit approximations (Steen, 2022), the modified areal extent will be used to somewhat underestimate average annual recharge. Therefore, the estimated average annual recharge rate to this outwash deposit ranges between approximately 2,094 to 8,375 acre-feet per year. In general, it is prudent to assume the mid-range of the average annual recharge rate to an outwash deposit (5,235 acre-feet per year) when estimating recharge from a non-aquifer specific recharge rate range. Furthermore, there is not sufficient evidence available at this time to support using the lower or higher end of the recharge rate range.

Discharge

Discharge from the Prairie Coteau aquifer is primarily through well withdrawals (Water Rights, 2023c and 2023d), and possibly to hydrologically connected aquifers. Currently, there are 41 water rights/permits authorized to appropriate water from this outwash deposit of the Prairie Coteau aquifer (shown in Figure 6) (Water Rights, 2023c).

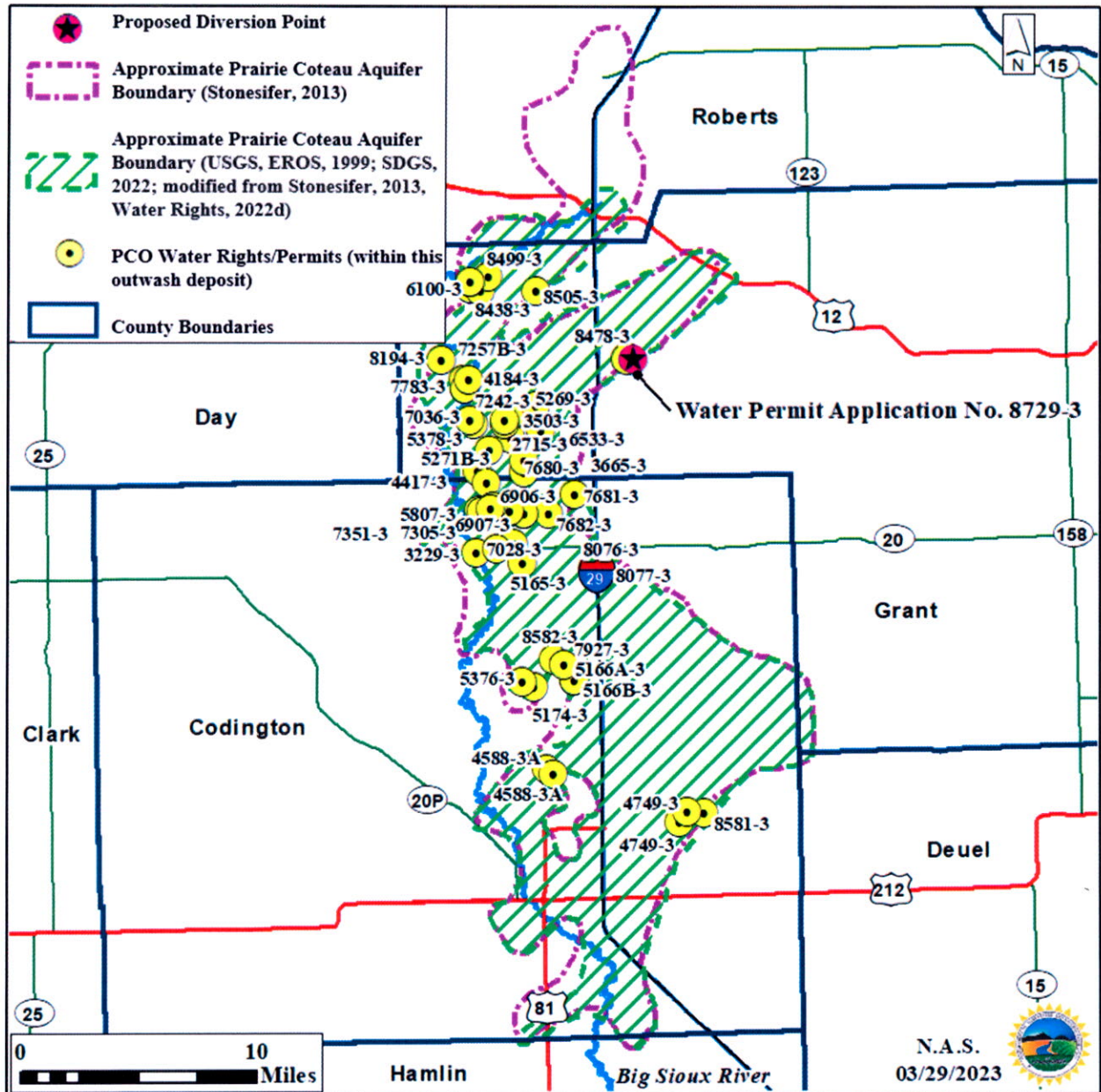


Figure 6. Location of the proposed diversion point(s) for Water Permit Application No. 8729-3 with the Prairie Coteau aquifer water rights/permits within this outwash deposit (Water Rights, 2023c)

Table 1 summarizes the six non-irrigation water rights/permits authorized to appropriate water from this outwash deposit of the Prairie Coteau aquifer with the estimated annual use for each water right/permit as determined by their permitted maximum diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2023c). Overall, the estimated average annual withdrawal rate from this

outwash deposit of the Prairie Coteau aquifer by the non-irrigation water rights/permits is approximately 527 acre-feet per year (Table 1) (Water Rights, 2023c).

Table 1. Non-irrigation water rights/permits authorized to divert water from this outwash deposit of the Prairie Coteau aquifer (Water Rights, 2023c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
6100-3	Blooming Valley Dairy LLC	LC	COM, LCO	0.267	n/a	116
6533-3	Bitter Sweet Lodge	LC	COM	0.033	n/a	14.3
8194-3	Lakeside Dairy	PE	COM, LCO	0.446	275	275
8438-3	Blooming Valley Dairy LLC	PE	COM, LCO	0.289	120	120
8478-3	Xcel Energy	PE	COM	0.022	0.22	0.22
8505-3	Dakota Range III O&M	PE	COM	0.044	1	1
LC: Licensed Water Right, PE: Water Permit; COM: Commercial; LCO: Livestock Confinement Operation					TOTAL:	527

Currently, there are 35 irrigation water rights/permits authorized to appropriate water from this outwash deposit of the Prairie Coteau aquifer (Water Rights, 2023c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for this outwash deposit of the Prairie Coteau aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2021) is approximately 1,356 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 2,262 acre-feet per year (Table 2) (Water Rights, 2023a).

Table 2 only lists 32 water rights/permits as reporting in 2021 as three permits (Nos. 8499-3, 8581-3, and 8582-3) were issued in 2021 or 2022 and are all within their five-year construction period (Water Rights, 2023c). Water Permit Nos. 8499-3, 8581-3, and 8582-3 collectively authorize the irrigation of 323 acres (Water Rights, 2023c). Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year (Water Rights, 2023a). However, to account for the 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 water permits. Therefore, the average annual withdrawal rate for these water permits is approximately 323 acre-feet per year. Collectively, the estimated annual withdrawal rate for this outwash deposit of the Prairie Coteau aquifer (average reported from 2012 to 2021 plus the estimated use for Water Permit Nos. 8499-3, 8581-3, and 8582-3) is approximately 2,585 acre-feet per year for irrigation use (Water Rights, 2023a and 2023c).

Table 2. Reported historic irrigation use from this outwash deposit of the Prairie Coteau aquifer (Water Rights, 2023a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	7	317.15
1980	7	1,009.57
1981	9	1,355.55
1982	10	484.03
1983	12	1,182.7
1984	11	1,533
1985	12	641
1986	12	305
1987	12	1,162
1988	15	3,379.40
1989	17	1,761
1990	18	2,280
1991	15	507.6
1992	14	557
1993	15	199
1994	16	341.82
1995	16	314.34
1996	16	963
1997	17	1,041
1998	17	746.62
1999	17	1,000.52
2000	17	1,324.51
2001	16	1,196.72
2002	16	1,340.9
2003	16	1,875.2
2004	16	1,280.76
2005	16	1,076.45
2006	16	1,617.5
2007	17	1,170.09
2008	20	1,003.32
2009	22	888
2010	22	886
2011	22	961.35
2012	25	2,458.56
2013	29	1,809.7
2014	31	1,716.3
2015	33	2,492.9
2016	33	3,213
2017	33	2,793.03
2018	32	2,447.7
2019	32	557.25
2020	32	2,497.63
2021	32	2,629.49
Min	7	199
Max	33	3,379.4
Avg	19	1,356
Avg (2012 to 2021)	31	2,262

There are domestic wells completed into the Prairie Coteau 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 generally not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Prairie Coteau 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 Prairie Coteau aquifer.

Hydrologic Budget Summary

The estimated average annual recharge rate to this outwash deposit of the Prairie Coteau aquifer ranges between approximately 2,094 to 8,375 acre-feet per year. The mid-range of the average annual recharge rate to this outwash deposit of the Prairie Coteau aquifer is approximately 5,235 acre-feet per year.

The estimated average annual withdrawal rate from this outwash deposit of the Prairie Coteau aquifer totals approximately 3,287 acre-feet per year (including the estimated use for Water Permit Application No. 8729-3, if approved) (listed in Table 3). The areal extent of this outwash deposit of the Prairie Coteau aquifer was approximated using many variables (SDGS, 2023; USGS, EROS, 1999; Water Rights, 2023b and 2023d), but it is still an approximation that may vary to an unknown degree.

Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from this outwash deposit of the Prairie Coteau aquifer for the proposed appropriation.

Table 3. Estimated use from this outwash deposit of the Prairie Coteau aquifer (Water Rights, 2023a and 2023c)

Type of Water Right/Permit	Estimated Use (acre-feet/year)
Non-Irrigation	527
Irrigation (avg reported from 2012 to 2021, plus estimated use for Permit Nos. 8499-3, 8581-3, and 8582)	2,585
Application No. 8729-3 (assuming one foot application rate per authorized acre)	175
TOTAL:	3,287

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 41 water rights/permits authorized to appropriate water from this outwash deposit of the Prairie Coteau aquifer (Water Rights, 2023c). The closest water right/permit to the proposed diversion point(s) is Water Permit No. 8478-3, which is held by Xcel Energy. The diversion point for Water Permit No. 8478-3 is located approximately 0.2 miles west of the proposed diversion point for this application (Table 4) (Figure 7) (Water Rights, 2023c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Prairie Coteau aquifer, with the closest domestic well on file (not held by the applicant) approximately 2.5 miles northeast of the proposed diversion point(s) based on the location provided by the well driller (Water Rights, 2023d). There could potentially be other domestic wells completed into the Prairie Coteau aquifer near the proposed diversion point(s) that are not on file with the DANR-Water Rights Program.

Table 4. Water rights/permits authorized to withdraw water from the Prairie Coteau aquifer within approximately six miles of the proposed diversion point(s), as shown in Figure 7 (Water Rights, 2023c)

Permit No.	Name	Status	Use	Acres if IRR	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)
2715-3	Marvin Amdahl	LC	IRR	132	1.78	
3503-3	Michael or Nancy Johnson	LC	IRR	132	1.88	
4184-3	Jabe Kahnke	LC	IRR	243	2.67	
5269-3	William & Lisa Bucklin	LC	IRR	60	0.86	
6533-3	Bitter Sweet Lodge	LC	COM		0.033	
7242-3	Morehouse Family Trust	LC	IRR	287	4	
8478-3	Xcel Energy	PE	COM		0.022	0.22
8505-3	Dakota Range III O&M	PE	COM		0.044	1
LC: Licensed Water Right, PE: Water Permit; COM: Commercial; IRR: Irrigation						

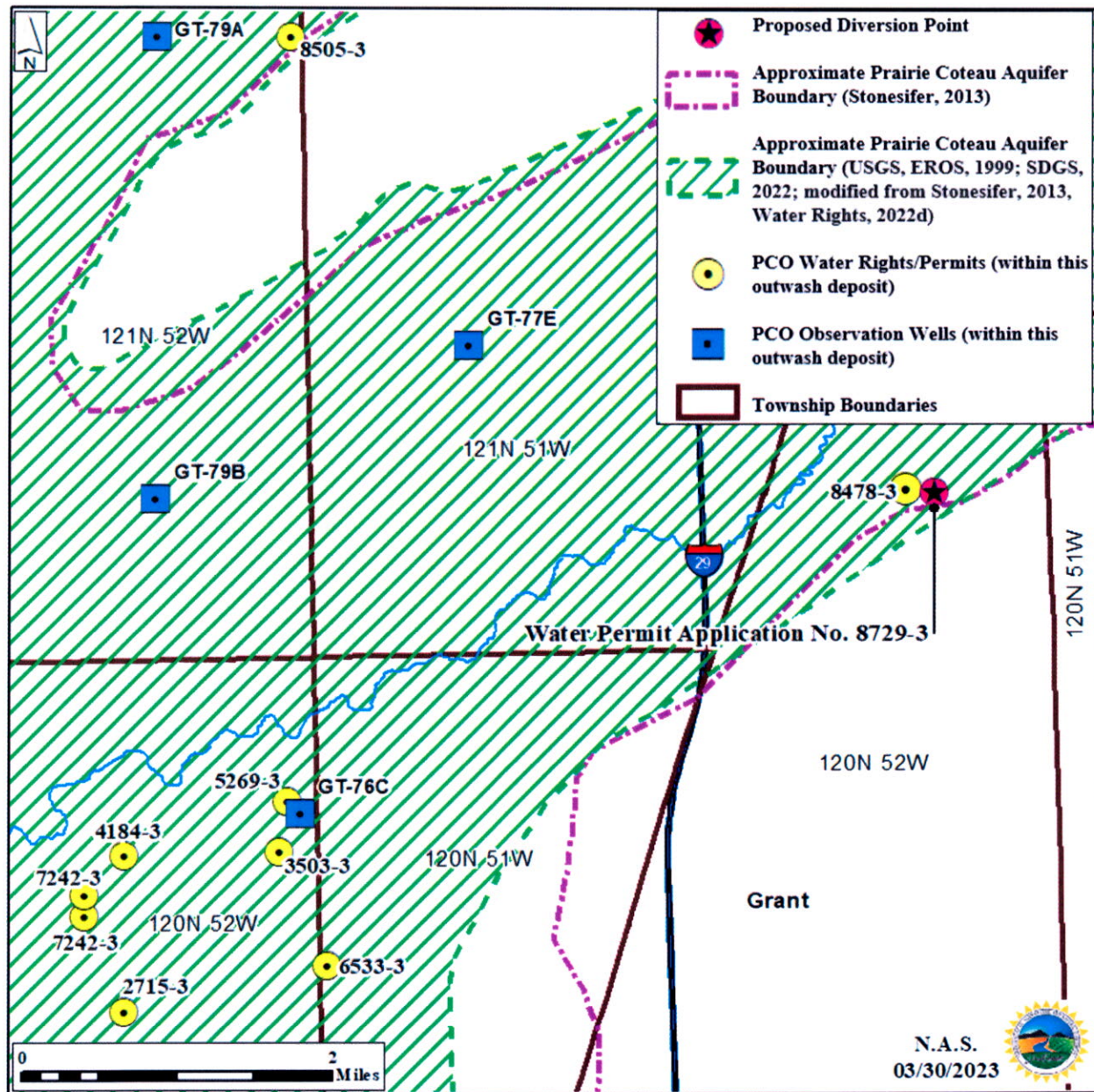


Figure 7. Location of the proposed diversion point(s) for Water Permit Application No. 8729-3 with the Prairie Coteau aquifer water rights/permits and observation wells within approximately six miles (Water Rights, 2023b and 2023c)

The Prairie Coteau aquifer is expected to be under confined conditions at the proposed diversion point(s) based on the submitted test hole completion report, and the water well and lithologic logs on file with the DANR-Water Rights Program (SDGS, 2023; Water Rights, 2023b and 2023d). Since the Prairie Coteau aquifer is expected to be confined near the proposed diversion point(s), drawdown can extend some distance but the exact drawdown behavior of a well cannot be known without an aquifer performance test. However, observation wells completed into this outwash deposit of the Prairie Coteau aquifer near permitted/licensed diversion points can provide some insight on how the aquifer responds to pumping.

Observation well GT-76C (approximately 4.5 miles southwest of the proposed diversion point(s)) has six high-yield wells (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) within approximately two miles of it (Water Rights, 2023b and 2023c). The lithologic log on file for GT-76C noted the well was drilled 185 feet deep below the ground surface, had a casing stick up height of approximately 2.2 feet above the ground surface, and the top of aquifer at approximately 144 feet below the ground surface (Water Rights, 2023b). The lowest recorded static water level on the hydrograph (displayed in Figure 4) is approximately 101 feet below the top of the well casing, which indicates there was still approximately 45 feet of artesian head pressure in GT-76C even during drier periods when high-yield wells are expected to be pumping more water and when water levels are generally naturally lower in response to drier conditions (Water Rights, 2023b).

Within a half mile of the proposed diversion point(s), the Prairie Coteau aquifer has a saturated aquifer thickness ranging from approximately 10 to 50 feet (Water Rights, 2023d). This would generally allow for enough thickness for a pump inlet to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate under ARSD 74:02:04:20(6). Any drawdown as a result of the proposed diversion is not expected to unlawfully impair nearby adequate wells. In Grant County, there have been no substantiated complaints submitted to the DANR-Water Rights Program regarding well interference for adequate wells completed into the Prairie Coteau aquifer (Water Rights, 2023e). There have been several complaints of potential well interference in Codington County, one in Day County, and one in Roberts County (Water Rights, 2023e). These complaints were primarily due to several large-capacity wells pumping in a small area resulting in a cone of depression around the diversion points, creating localized drawdown during times of pumping. However, investigations of these complaints by Water Rights staff engineers concluded only the artesian head pressure was impacted due to pumping and that there was no unlawful impairment of adequate wells (Water Rights, 2023e).

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 Prairie Coteau 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 estimated saturated thickness of the Prairie Coteau aquifer near the test hole location submitted by the applicant, the artesian head pressure in observation wells and appropriative user's wells completed into the Prairie Coteau aquifer near the proposed diversion point(s), and the lack of substantiated well interference complaints from the Prairie Coteau aquifer in the area, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8729-3 proposes to divert water at a maximum instantaneous diversion rate of 2.11 cfs from up to two wells to be completed into the Prairie Coteau aquifer (approximately 160 feet deep) for the irrigation of 175 acres within the former boundaries of the Lake Traverse Reservation. The site of interest is located in Grant County approximately 20 miles north of Watertown, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from this outwash deposit of the Prairie Coteau aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8729-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.



Nakaila Steen
Natural Resources Engineer II
SD DANR - Water Rights Program

Reviewed by:



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

References

- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR-Geological Survey, Vermillion, SD.
- Hansen, D.S., 1990. Water Resources in Codington and Grant Counties, South Dakota. Water-Resources Investigations Report 89-4147. SD DANR-Geological Survey, Vermillion, SD.
- Hansen, D.S., 1994. Major Aquifers in Codington and Grant Counties, South Dakota. Information Pamphlet No. 47. SD DANR-Geological Survey, Vermillion, SD.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A., 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- SDGS, 2023. South Dakota Geological Survey Lithologic Logs Database. Accessed March 30, 2023. <http://cf.sddanr.net/lithdb/>.
- Steen, N.A., 2022. Report to the Chief Engineer on Water Permit Application No. 8582-3, Nick Endres. SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD
- Stonesifer, J.R., 2013. Report to the Chief Engineer on Water Permit Application No. 7629-3, William Bucklin. SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD
- Thompson, R.F., 2001. Water Resources of the Lake Traverse Reservation, South and North Dakota, and Roberts County, South Dakota; Water-Resource Investigation Report 01-4219. US Geological Survey. Rapid City, SD.
- USGS, EROS, 1999. National Elevation Dataset. EROS Data Center. US Geological Survey, Sioux Falls, SD.
- Water Rights, 1995. Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.
- Water Rights, 2023a. "1979-2021 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- 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 13, 2023

Joe Brennan
15130 454th Ave
Summit SD 57266

Dear Mr. Brennan:

Water Permit Application No. 8729-3 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 Grant County Review printed at Milbank SD (Ph # 605 432-4516) 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. 8729-3 to Appropriate Water

Notice is given that Joe Brennan, 15130 454th Ave, Summit SD 57266 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second from up to two wells to be completed into the Prairie Coteau Aquifer (approximately 160 feet deep) located in the S 1/2 SW 1/4 Sec 1 – T120N – R52W for irrigation of 175 acres located in the S 1/2 SW 1/4 Sec 1; NW 1/4 Sec 12; all in T120N – R52W within the former boundaries of the Lake Traverse Reservation. This site is located approximately 20 miles north of Watertown SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8729-3 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 May 1, 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 May 1, 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: Thursday, April 13, 2023 9:58 AM
To: legals@thepublicopinion.com
Subject: 8729-3 Joe Brennan - Public Notice
Attachments: 8729-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 19, 2023.

Joe Brennan, 15130 454th Ave, Summit SD 57266, (605-520-1513) 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: Thursday, April 13, 2023 9:57 AM
To: gcreview@itcmilbank.com
Subject: 8729-3 Joe Brennan - Public Notice
Attachments: 8729-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 19, 2023.

Joe Brennan, 15130 454th Ave, Summit SD 57266, (605-520-1513) 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



Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Holli Seehafer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, _____ Owner _____ of said newspaper, in charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of

Application No. 8729 - To Appropriate
Water, Joe Brennan

_____ a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for one successive week(s), on the day of each week on which the said newspaper was regularly published, to-wit:

<u>April 19</u>	<u>20</u>	<u>23</u>	_____	<u>20</u>
_____	<u>20</u>	_____	_____	<u>20</u>
_____	<u>20</u>	_____	_____	<u>20</u>

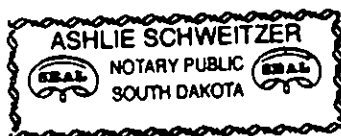
That \$ 40.70, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Holli Seehafer

Subscribed and sworn to before me this 19th day of Apr 2023

Ashlie Schweitzer
Notary Public, Grant County, South Dakota

My Commission Expires:
September 21, 2027



RECEIVED

APR 24 2023

OFFICE OF
WATER

Publication Fee	\$ <u>40.70</u>
Notarial Fee	\$ _____
Total	\$ <u>40.70</u>

NOTICE OF APPLICATION NO. 8729- TO APPROPRIATE WATER

Notice is given that Joe Brennan, 15130 454th Ave, Summit SD 57266 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second from up to two wells to be completed into the Prairie Coteau Aquifer (approximately 160 feet deep) located in the S 1/2 SW 1/4 Sec 1 - T120N - R52W for irrigation of 175 acres located in the S 1/2 SW 1/4 Sec 1; NW 1/4 Sec 12; all in T120N - R52W within the former boundaries of the Lake Traverse Reservation. This site is located approximately 20 miles north of Watertown SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8729-3 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

Printer's Affidavit of Publication

and Attorney's Affidavit Ex-Rel. Fees

In _____ Court

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

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 May 1, 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 May 1, 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 an approximate cost of \$40.70 and can be viewed free of charge at www.sdpublicnotices.com.

Filed in the office of _____

_____ on the

_____ day of _____, 20____

Attorney for _____

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

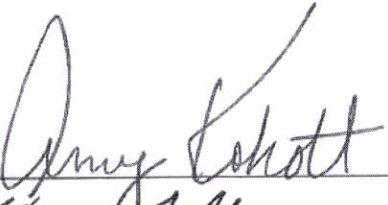
Water Rights Program
Brennan, Joe
15130 454th AVE
Summit SD 57266-5619

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

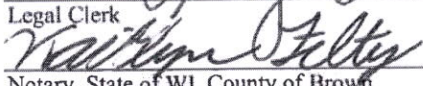
The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed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

04/19/2023

and that the fees charged are legal.
Sworn to and subscribed before on 04/19/2023



Legal Clerk



Notary, State of WI, County of Brown

3/7/27

My commission expires

Publication Cost: \$49.52

Order No: 8707099

of Copies:

Customer No: 926160

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KAITLYN FELTY
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8729-3
to Appropriate Water

Notice is given that Joe Brennan, 15130 454th Ave, Summit SD 57266 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second from up to two wells to be completed into the Prairie Coteau Aquifer (approximately 160 feet deep) located in the S 1/2 SW 1/4 Sec 1 - T120N - R52W for irrigation of 175 acres located in the S 1/2 SW 1/4 Sec 1; NW 1/4 Sec 12; all in T120N - R52W within the former boundaries of the Lake Traverse Reservation. This site is located approximately 20 miles north of Watertown SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8729-3 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 May 1, 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 May 1, 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 19, 2023, at the total approximate cost of \$49.25 and may be viewed free of charge at www.sdpublicnotices.com 8707099

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, April 13, 2023 10:39 AM
To: jbreannan022614@gmail.com
Subject: 8729-3 Joe Brennan - Public Notice
Attachments: 8729-3_rec.pdf; 8729-3 APPL2.docx; 8729-3 public.short_final.docx

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.

Following is the information for the Watertown Public Opinion newspaper which **requires prepayment**:

Your ad is set to run in: on 4/19/23 with a cost of \$49.52

The total cost includes an affidavit, which will be mailed to you after the ad publishes. **Please call 844-254-5287 by 9 am Friday, April 14, 2023 for PAYMENT of the ad in order to run. Anybody who answers can assist with payment. You may reference ad# 8707099.** You will be able to receive an affidavit 7-10 business days after the last day of printing.

Thank you,

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



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Thursday, April 13, 2023 10:22 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 8707099 NEED PAYMENT 8729-3 Joe Brennan - Public Notice
Attachments: 8707099.pdf

Please find attached your order confirmation and proof of the ad. **Please note that prepayment is required. I don't have Mr. Brennan's email to send this to. Please see that he gets it so the ad can publish.**

Your ad is set to run in: Public Opinion on 4/19/23 with a cost of \$49.52

The total cost includes an affidavit, which will be mailed to you after the ad publishes. **Please call 844-254-5287 by 9 am Friday, April 14, 2023 for PAYMENT of the ad in order to run. Anybody who answers can assist with payment.** You may reference ad# **8707099**.. You will be able to receive an affidavit 7-10 business days after the last day of printing.

Diana Tope
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, April 13, 2023 10:58 AM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 8707099 NEED PAYMENT 8729-3 Joe Brennan - Public Notice

Attached is a notice to be published on April 19, 2023.

Joe Brennan, 15130 454th Ave, Summit SD 57266, (605-520-1513) 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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 15 2023

Joe Brennan
15130 454th Ave.
Summit SD 57266

Dear Mr. Brennan:

Enclosed is Water Permit No. 8729-3 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.: 8729-3

Name of Applicant: Joe Brennan

Date of Posting: 4/17/2023

Date of Removal: 5/15/2023



Ron Duvall, Water Rights Permitting Administrator

5/24/23

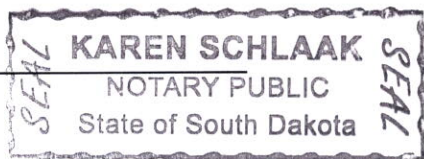
Date

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)





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

January 14, 2025

NOTICE

TO: JOE BRENNAN, 15130 454TH AVE, SUMMIT, SD 57266

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8729-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8729-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8729-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JNMYVC**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 19, 2025

8729-3

Joe Brennan
15130 454th Ave
Summit SD 57266

Dear Mr. Brennan:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 8729-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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